CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT AGENDA AUGUST 15, 2019 6:00 P.M.

Roll Call.

Approval of Minutes: July 18, 2019.

- (1) **BZA-0819-22** Howard Neely is requesting a **Front Setback Variance** for the property located at **901 Granbury Road.** The purpose of this request is to reduce the setback to 9' in lieu of the required 50'. The property is owned by Howard Neely and is zoned Vestavia Hills R-3.
- (2) BZA-0819-23 Adam Sosnowchik & Britany Kirkes are requesting Two Front Yard Fence Variances for the property located at 1729 Shades Crest Road. The purpose of this request is to reduce both of the front setbacks to 10' in lieu of the required 50'. The property is owned by Adam Sosnowchik & Britany Kirkes and is zoned Vestavia Hills R-2.
- (3) **BZA-0819-24** Sammy & Dawn Smoke are requesting a **Front & Rear Setback Variance** for the property located at **2496 Altadena Road.** The purpose of this request is to reduce the front setback to 35' in lieu of the required 50' & to reduce the rear setback to 9' in lieu of the required 30'. The property is owned by Sammy & Dawn Smoke and is zoned Vestavia Hills R-1.

Time of Adjournment.

CITY OF VESTAVIA HILLS

BOARD OF ZONING ADJUSTMENT

MINUTES

JULY 18, 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 Robert Gower

MEMBERS ABSENT: Tony Renta, Alt

David Holley, Alt

Jim Griffo

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

Conrad Garrison, City Planner

APPROVAL OF MINUTES

The minutes of June 20, 2019 were presented for approval.

Motion to dispense with the reading of the minutes of June 20, 2019 was made by Mr. Jones and 2nd was by Mr. Gower. Motion as carried on a

voice vote as follows:

MOTION

Mr. Jones - yes Mr. Gower - yes Mr. Rice - yes

Motion carried.

REAR SETBACK VARIANCE

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 15' in lieu of the required 30'. The property is owned by Alan and Debbie Coshatt 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.

Tommy Coggin was present to explain the request and stated that the corner lot caused a hardship.

Upon discussion the request was amended to a 15' variance from the 12' variance request.

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 15' rear setback variance to reduce the setback to 15' in lieu of the required 30' for the property located at 3401 Charter Road 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. Gower - yes
Mr. Rice - yes
Motion carried.

FRONT YARD FENCE VARIANCE

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.

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.

Robert Laswell 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 located at 3429 Oakdale 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. Gower - yes
Mr. Rice - yes
Motion carried.

REAR SETBACK VARIANCE

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 10' in lieu of the required 30'. The property is owned by Joe Ellis 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 to explain the request and stated that the corner lot caused a hardship.

Upon discussion the request was amended from a 17' rear setback variance to 20'.

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 20' rear setback variance to reduce the setback to 10' in lieu of the required 30' for the property located at 1625 Linda Vista Lane was made by Mr. Jones and 2nd was by Mr. Ponder. Motion was carried on a roll call vote as follows:

Mr. Jones - yes
Mr. Ponder - yes
Mr. Rice - yes
Motion carried.

Jack Wakefield Planner/GIS

CITY OF VESTAVIA HILLS

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

Date: **AUGUST 15, 2019**

• <u>CASE</u>: BZA-0819-22

- **REQUESTED ACTION:** 41' front setback variance to reduce the setback to 9' in lieu of the required 50'.
- ADDRESS/LOCATION: 901Granbury Road
- **APPLICANT/OWNER:** Howard Neely
- **REPRESENTING AGENT**: N/A
- GENERAL DISCUSSION: Applicant is seeking a front 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. The house was built in a location on the property that would not leave enough room under the current zoning to accommodate a garage large enough to house a modern-day full-sized vehicle. 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.

BZA0819-22//2800301009001.000 901 Granbury Rd. Front Setback for an addition Howard Neely

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.

3. 1	Howard Neely	
Name:	Tioward receip	
Address:	901 Granbury Road	· · · · · · · · · · · · · · · · · · ·
		2019
Phone #:	205-757-2005 Other #:	(-
E-Mail:	Ward.Neely@rePropertyPartners.com	52
Representing	g Attorney/Other Agent	٥
Name:	n/a	U
A J J		بب
Address:		2
Phone #:	Other #:	

BZA0819-22//2800301009001.000

901 Granbury Rd.
Front Setback for an addition
Howard Neely

ication 5, 2016 Page 4

II. DESCRIPTION OF PROPERTY:

VI.

OWNER AFFIDAVIT:

	LOCA	TION:	901 Granbury Road
			Street Address
	South Bham Hghts, Lots 21thru 23 blk 3 South Bham Heights Land co		
			Subdivision name, Lot #, Block #, etc.
III.			OR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS):
	1.		A request to vary:
			' variance to reduce the lot width to' in lieu of the required
		lieu of	square foot variance to reduce the lot area to square feet in the required square feet.
		9	'(front/side/rear (circle one) setback variance to reduce the setback to 'in lieu of the required 1550.
			' 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).
		en e	
IV.	ZONI Vesta		Zoning for the subject property is R3
V.	THE RESERVE OF THE PERSON NAMED IN	DSHIP	
	neces	sary, the	se things which you feel justify the action requested. List, when specific sections of the City Code(s) which have a bearing on your request. al space on separate page if necessary).
			in the middle of the lot without the room necessary to accommodate a to house modern day full sized vehicles.
	Oor	ner	0+

901 Granbury Rd.
Front Setback for an addition
Howard Neely

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.

Lug W 6/19/19		
Owner Signature/Date	Representing Agent (if any)/date	
Given under my hand and seal this $\frac{19+4}{9}$ day of $\frac{19+6}{9}$.		
this $\frac{19+4}{19}$ day of $\frac{19}{19}$.		
Dury William Juply		
/ Notary Public		
Notary Public My commission expires 3/30/20		
day of, 20		

Granbury Rd BZA0819-22//2800301009001.000 901 Granbury Rd. Front Setback for an addition Howard Neely

ADDITION & RENOVATION

THE NEELY FAMILY

SHEET INDEX

- COVER PAGE & GENERAL INFORMATION
 - FOUNDATION & BASEMENT PLAN A2
 - **OVERALL PLANS** A3
- FLOOR PLAN PART 'A' **A4**
- FLOOR PLAN PART 'B' A5
- **EXTERIOR ELEVATIONS A6**
- LIGHTING & POWER PLAN

BZA0819-22//2800301009001.000

901 Granbury Rd.

Front Setback for an addition Howard Neely

Joffarson County
Parcel ID: 28 to 30 1 009 001,000
Map Book 7
Page 41

735 Addition - Unconditioned 740/46/1910 PBSP OR CONTRACTOR: Srus Square Footage: 1,860 Addition - Conditioned 735 Addition - Unconditioned

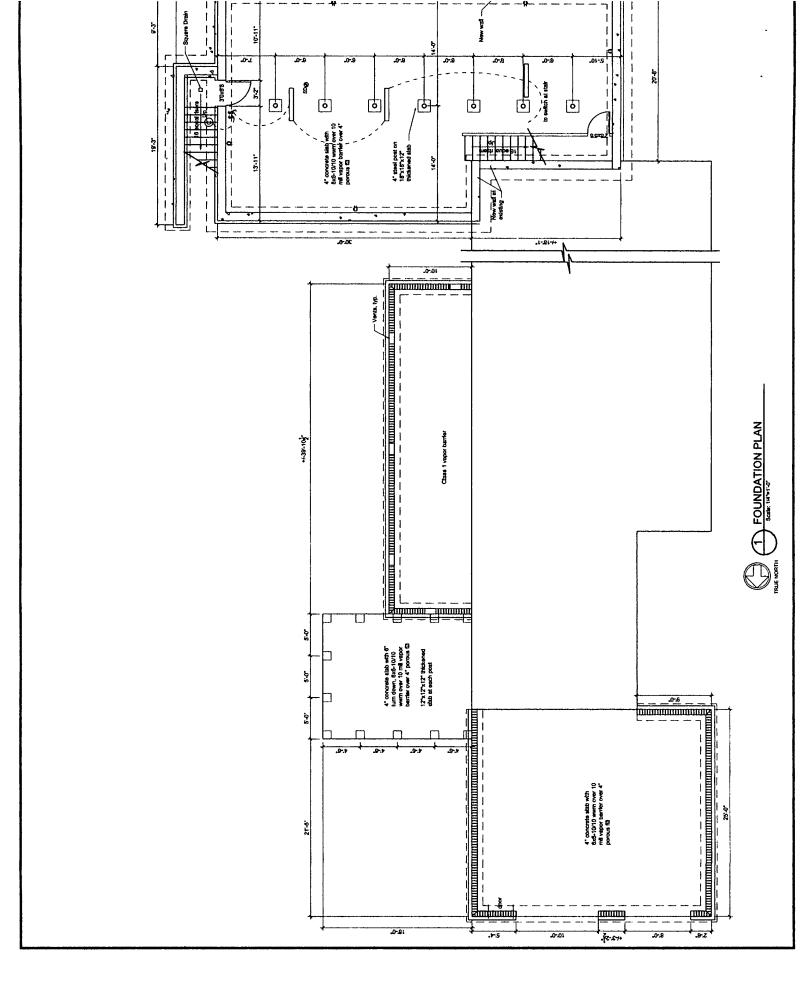
- A FOLLOW REQUIREMENTS OF LOCAL CODES, COMTRACTOR SHALL ALSO COORDINATE ANY REQUIRED NSPECTIONS WITH THE MUNICIPALITY AND OBTAIN ALL PERMITTING.
 - B, FIELD VERIFY SITE CONDITIONS AND EXISTING SEPTIC TANK LOCATION PRIOR TO LAYING OUT WORK.
 - C, PROVIDE WOOD BLOCKING FOR ALL MILLWORK AND ANY WALL HUNG CONSTRUCTION.

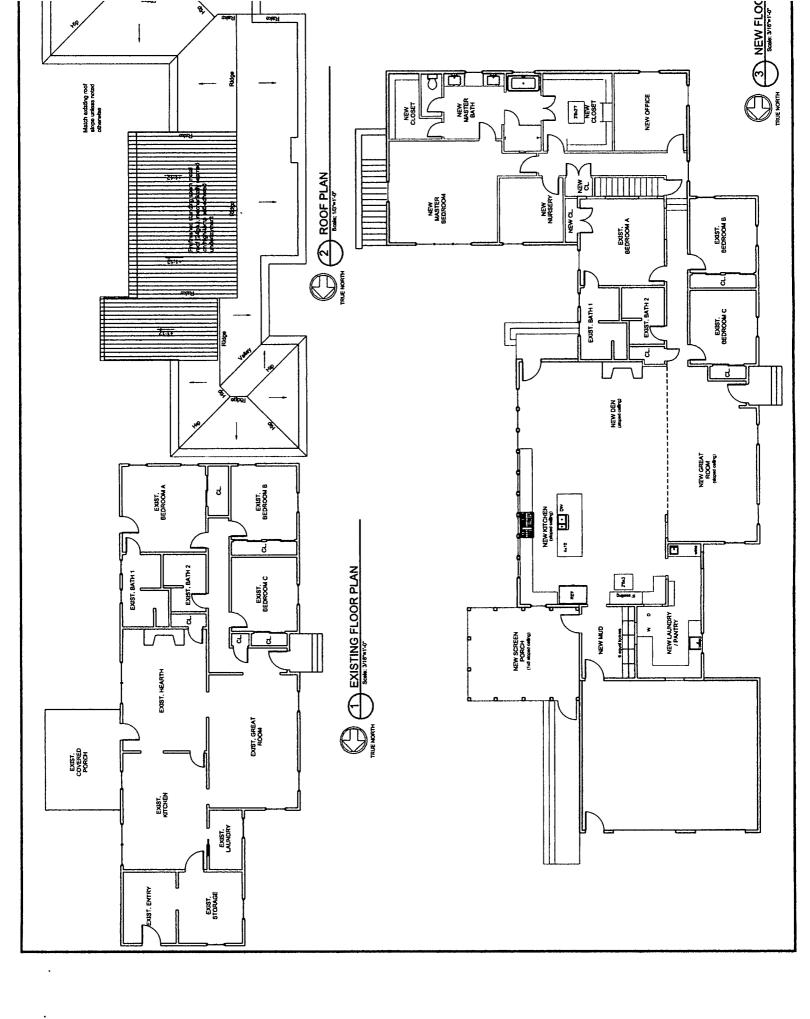
D. FINISH WORK SHALL BE ABRASION FREE AND SMOOTH.

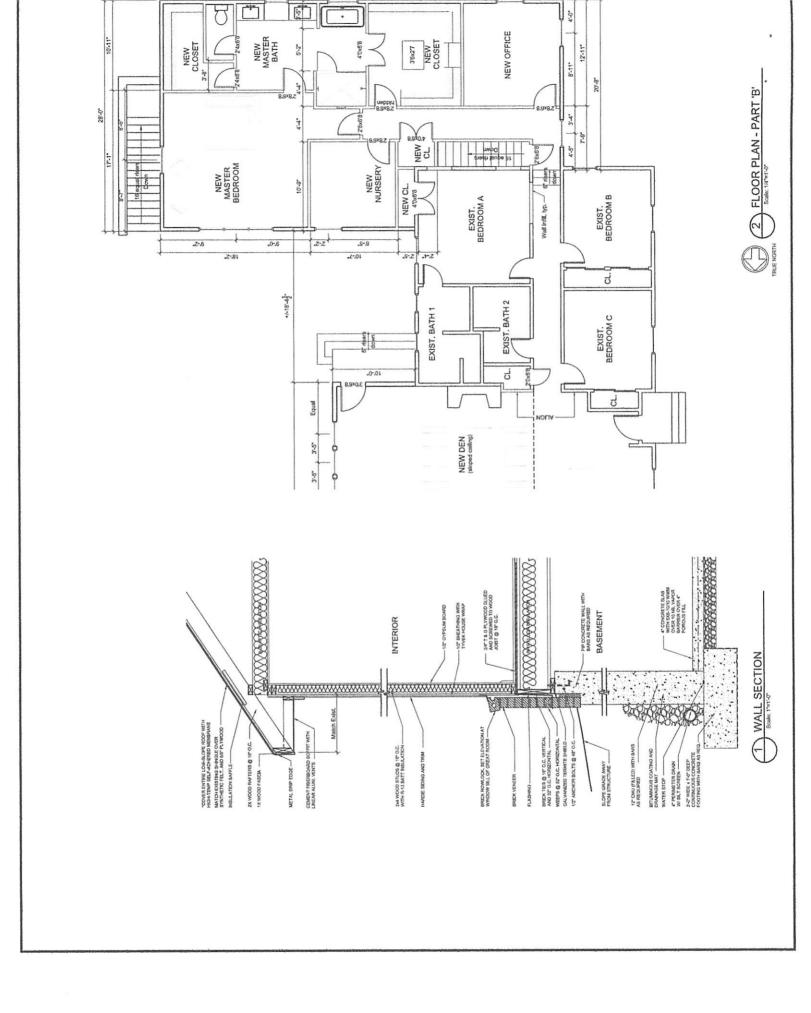
- E, PROVIDE ALL REQUIRED ENGINEERING. WOOD JOIST , LYLA AND RAFTERS MAY BE SIZED BY SUPPLIER ! WANNEACTURER.
- : INSTALL ROOF VENTING AS RECUIRED TO VENTILATE RAFTERS AND MAINTAIN ASPHALT SHINGLE. WARGANTY.
 - G. PREFINISHED GUTTERS AND DOWNSPOUTS (NOT SHOWN ON ELEVATIONS).
- H. INSTALL CRICKETS FOR POSITIVE DRAINIGE. INSTALL SELFADHERED MEMBRANE AT CRICKETS, VALLEYS, HPS AND OVERHANDS (24' MRI.)
- J. PREP AND PAINT VENT STACKS TO MATCH ROOF COLOR.
- K. PROVIDE HOSE BIB AT REAR WITH FREEZE PROTECTION
- L, ADJUST EXTERIOR NUMBER OF RISERS BASED ON CRAWLSPACE AND FINISH GRADE
 - FOUNDATION / FRANCHIG NOTES:
- 1, FOOTINGS SHALL REST ON COMPACTED BOIL CAPABLE OF SUPPORTING 2,500 P.S.I.
- 2, FOOTING EXCAVATION MIJST BE KEPT DRY, BOIL MIST BE DRY AND COMPACTED BEFORE POURING FOOTING.
- 3. FOOTINGS SHALL HAVE A MENDADIM 28 DAY COMPRESSIVE STREMGTH OF 3,000 P.S.L. 4. MINIMUM COVERAGE OF CONCRETE REINFORCEMENT SHALL BE JT.
- 5. ALL REBAR SPLICES AND CORNERS SHALL BE LAPPED A MINIMUM OF 24".
- G. THE BURFACE ATEA ACLACENT TO THE FOUNDATION SHALL BE PROVIDED WITH ADEQUATE DRAINAGE AND GRADE! SURFACE WATER AWAY FROM THE FOUNDATION WALLS.
- 7. ALL CONCEALED FRAMING SHALL BE SOUTHERN YELLOW PINE A2 OR BETTER. SPLICED WOOD STUDS ARE NOT ALL!

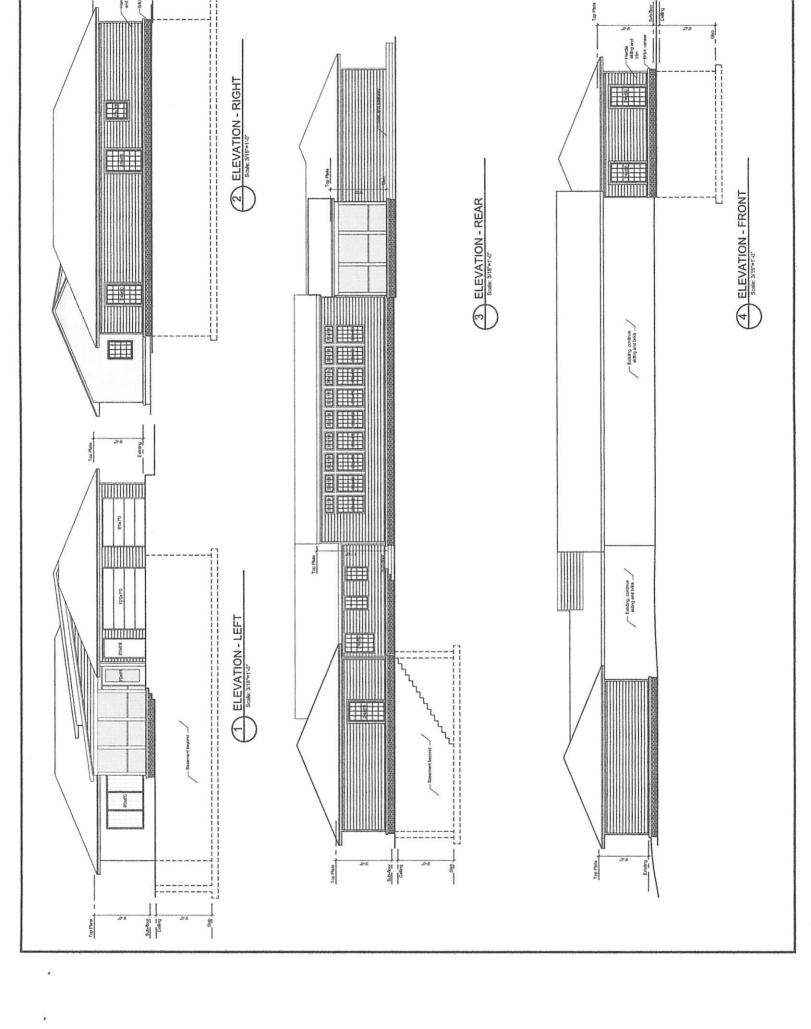
·96'6# Add. Renovation Add. Add. 96'61

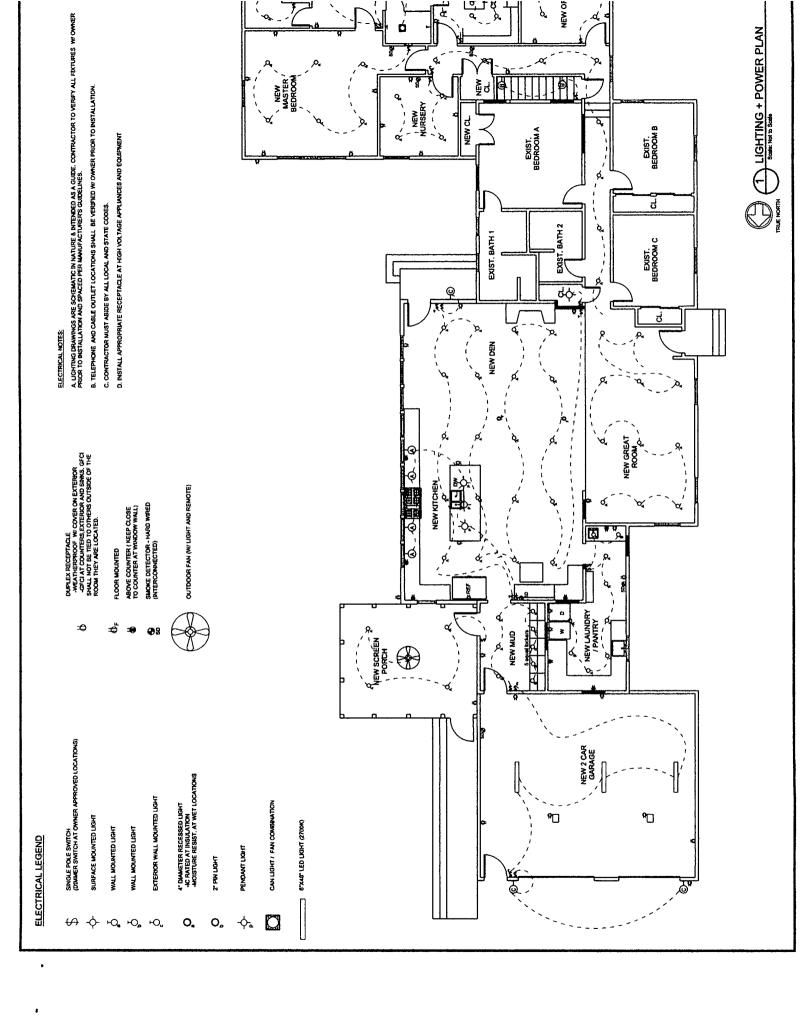
Granbury Road SITE PLAN











CITY OF VESTAVIA HILLS

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

Date: **AUGUST 15, 2019**

• <u>CASE</u>: BZA-0819-23

- **REQUESTED ACTION:** 10' front setback variance to reduce the setback to 40' in lieu of the required 50' & 10' front setback variance to reduce the setback to 40' in lieu of the required 50'.
- ADDRESS/LOCATION: 1729 Shades Crest Road
- APPLICANT/OWNER: Adam Sosnowchik & Britany Kirkes
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicants are seeking two front setback variances to build a house. The applicants contend that there is a hardship because of the property is a corner lot. Because it is a corner lot if it were built according to the zoning of the property, there would not be enough room for an adequate backyard for the applicants' children. The property fronts a busy street and the applicants want a big enough yard for their children to play safety away from the street. 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.

BZA0819-23//2900252009008.000 1729 Shades Crest Rd. 2 Front Setbacks for a new home Sosnowchik & Kirkes

BZA Application Revised May 5, 2016 Page 3

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

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APPLICAN	<u> TT INFORMATION:</u>	
Owner of Pr	operty (This Section Must Be Completed)	
Name:	Adam Solnowchik : Britary his	keJ
Address:	2437 Ridgement Drive	
	Dirmingham, AL 15244	701
Phone #:	205) 4/2 345 Y Other #:	9
E-Mail:	Sritneholza (Mailican	
Representin	g Attorney/Other Agent	>
Name:		
Address:		26
	N W	<u></u>
Phone #:	Other #:	
E-Mail:		

BZA0819-23//2900252009008.000 1729 Shades Crest Rd.

2 Front Setbacks for a new home Sosnowchik & Kirkes BZA Application sed May 5, 2016 Page 4

II. DESCRIPTION OF PROPERTY:

	LOCATION: 1729 Shades Crust Road Ucstavia Hills, AL 152, Street Address	16
	Corner Lot on Shades Crest Mond & Erwin Circle Subdivision name, Lot #, Block #, etc.	
III.	REASONS FOR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS):	
111.	1. (A request to vary:	
	y 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.	
	10 'front/side/rear (circle one) setback variance to reduce the setback to YO 'in lieu of the required 50 '. (Shales Crest Ral) 10 'front/side/rear (circle one) setback variance to reduce the setback to YO 'in lieu of the required 50 '. (Erw.h Crest)	
	' front/side/rear (circle one) setback variance to reduce the setback to' in lieu of the required'.	
	 A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance. An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section	
IV.	ZONING Vestavia Hills Zoning for the subject property is residential (R-2)	
<u>۷.</u> <u>الما: ال</u> الماد	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). his is a corner lot and the required setting on each side action is in partially, so (brokyard have a functional space) and the first your is an about street so really need shown as a support of the first your is an about street so really need shown as a support of the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future this does not consider the first your child future the first your child future this does not consider the first your child future the first y	

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 15

day of Jul

, 20 *f*

Notary Public

My commission expires \

day of

, 20 0

Donna Ann Fox Notary Public, Alabama State At Large My Commission Expires 06/14/2020

BZA0819-23//2900252009008.000 1729 Shades Crest Rd.

2 Front Setbacks for a new home Sosnowchik & Kirkes

A HUSC Plot With proposed 40 sustacks

† offset cross

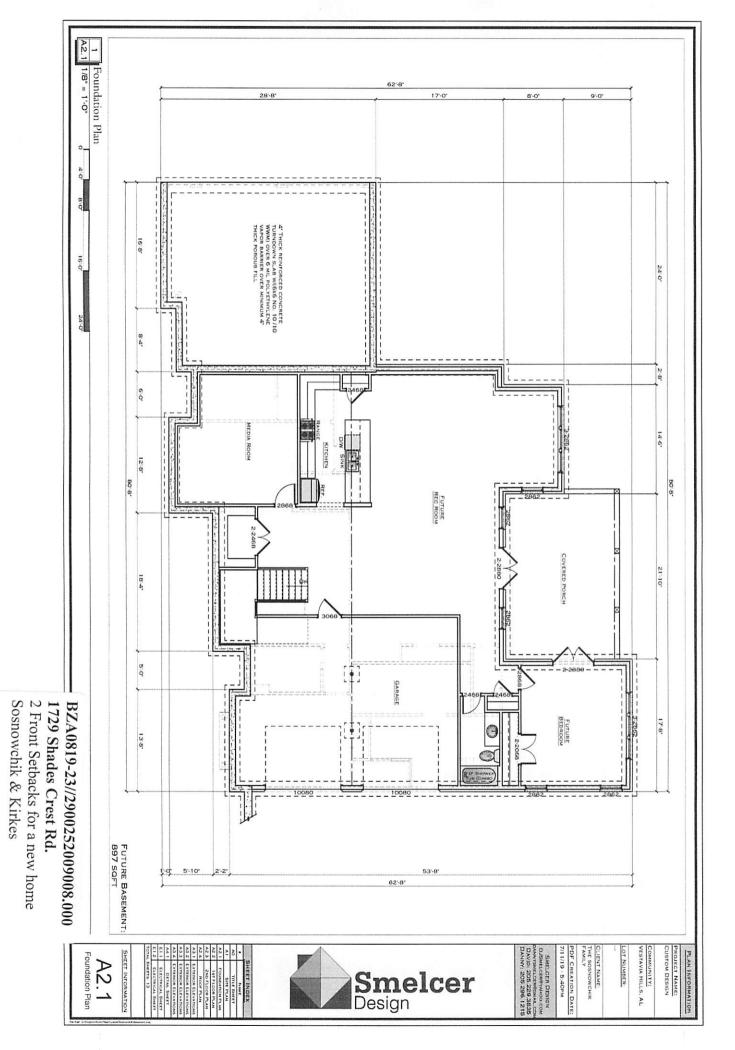
commencing point Santan manhole
Sign
(P) platted dim. 417.25 NE comer SE 1/4 NW 1/4 Section 25 T. 18 S. R. 3 W. Legend Wweter line wire fence
- wood fence
center fire 25 Sermon and 17507 of Drain Manhole (Total Manhole --- chain link fence iran boundary marker open pipe frd.
 power box
 capped pipe frd.
 water valve
 max smaller M) messured dim My water meter B power meter - Gus - gas line guy anchor N 89-53-63-W 99.92 Scale 1* = 40 feet
SOUTHEASTERN SURVEYORS, INC.
Steven H. Gilbert, P.L.S.
Alabama Reg, Land Surveyor No. 17507
5160 Scenic Vlew Drive
Birmingham, Alabama 35210
(205) 956-7125 Fax(205) 956-7146 Lpt 11 Project No. 20190312
As buth Survey
Ordered by Brandon Bridgmon
for Adam Sosnowchick
1729 Shades Crest Road
Vestavia Hills Adaema
March 14, 2019 S/B rebox N 0°48'53" W 587.92 157.69 Sosnowchik & Kirkes S 89°53'53" E 83.58 Ld 12 further carify that the buildings of on such property are within the boundaries of same accept as may be shown, that there are no encondenses from excepting boses that there are no Expirace of the state of the surely and then it are not the state of the state of the state of the surely and then it are not the state of the state of the surely and the surely and the surely and the state of the surely and surely and the surely and surel Commencing at the NE come of the SE 14 of the NW 14 of Section 25. Towaship 19 South, Ranges 3 What, Jeffston County, Abbarns, theme S CF4537 E along the east live 417.25 to the NE come of the Section 25. Towards of the Section 25. Towar LODITIONS OR DELETIONS TO SURVEY DRAWINGS BY ANY OTHER PERSON(S) THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES This survey was performed with conventional equipment and techniques. Horizortal and vertical control was established by GPS observations using NAVID 1988 vertical and NADB3 horizortal datum and bearings are based on laboran State Plane Coordinates, West Zone. Connections were obtained from the ALDOT CORS network. Steven H. Gibert, a Phofessional Land Surveyor in the State of Alabama, heriby certify to the parties lated below that the thibowing is a true and contect copy of a map or plat of a survey made by me of the following described property. ام 5 88.00 1=50.64 P.O.B. 1/2 crimped Iron 131.35' (m) 130.62' (d) ps Gabert 1307 50.00 13,32 N 89,5353.W 0.62 acres 27,139 sq ft No Structures on Site Erwin Circle S 89*46*15* W 172.68 N 26°52'01" E Deor Isalo sabells eference LR 201006-11154 LR 2017047580 Core Mon This survey is invelid unless sealed in red ink. STATE OF ALABAMA
JEFFERSON COUNTY

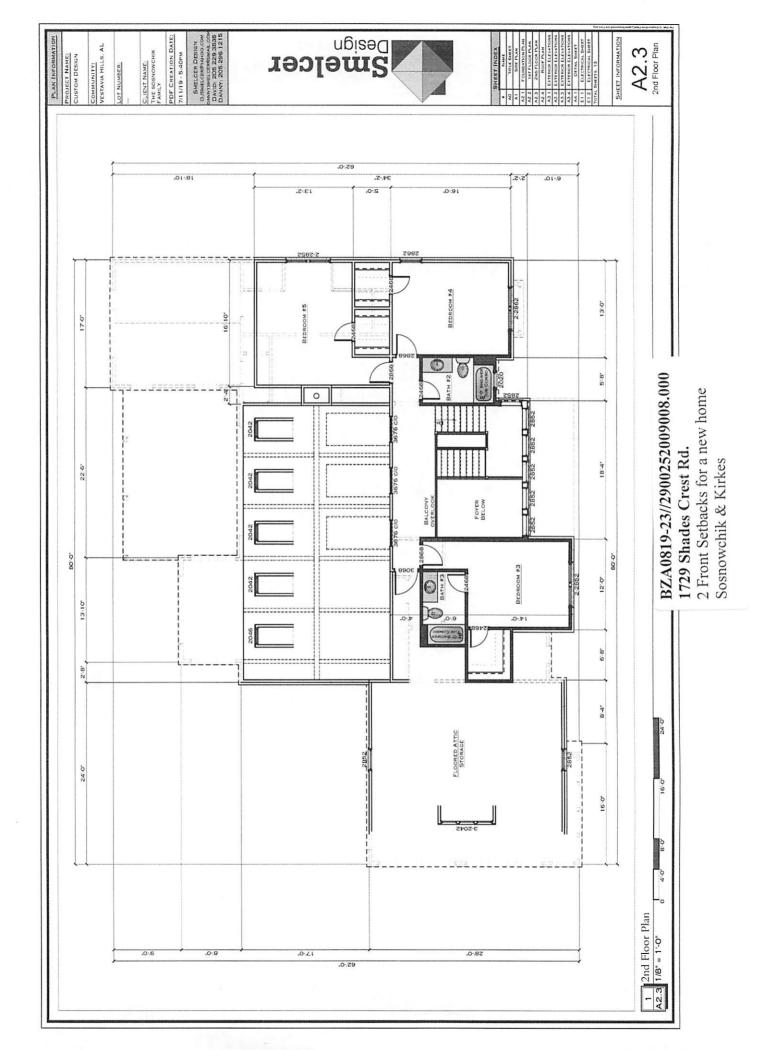
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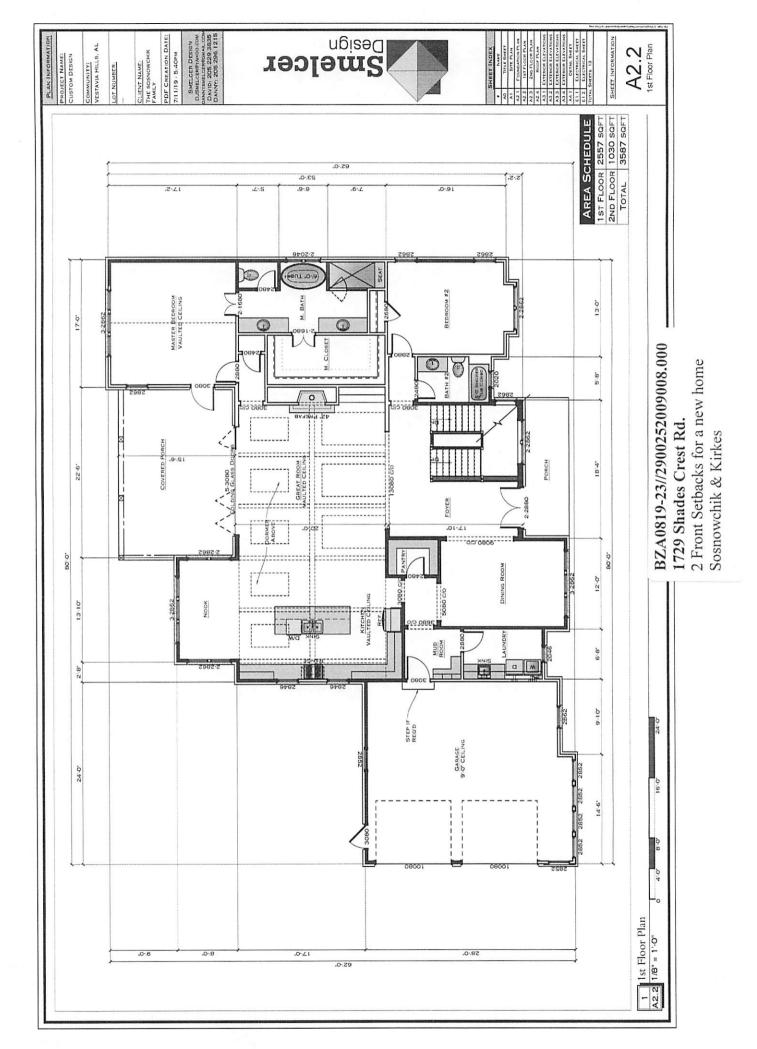
1729 Shades Crest Rd.

Survey of 10+

2 Front Setbacks for a new home







CITY OF VESTAVIA HILLS

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

Date: **AUGUST 15, 2019**

• <u>CASE</u>: BZA-0819-24

- **REQUESTED ACTION:** 15' front setback variance to reduce the setback to 35' in lieu of the required 50' & 21' rear setback variance to reduce the setback to 9' in lieu of the required 30'.
- ADDRESS/LOCATION: 2496 Altadena Road
- APPLICANT/OWNER: Sammy & Dawn Smoke
- **REPRESENTING AGENT:** Adams Gerndt Design Group
- **GENERAL DISCUSSION:** Applicants are seeking two front setback variances for additions on a house in Altadena Forest Estates. Applicants say that the house was built in compliance with the covenants of the subdivision (50' front setback), but has since lost compliance with the City's current zoning of the property. Applicants contend there is a hardship because the property is a corner lot. A petition of surrounding property owners was compiled and is in accordance with stated stipulations in the covenants. This request does not violate the covenants. The property is currently zoned R-1.

• 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.

BZA0819-24//2900324001057.000 2496 Altadena Rd.

Front & Rear Variance for an addition to the home Samuel Smoke R1

BZA Application Revised May 5, 2016 Page 3

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>l</u>	APPLICAN	INFORMATION:
	Owner of Proj	perty (This Section Must Be Completed)
	Name:	Samuel & Dawn Smake
	Address:	2496 Altadera Road
		Birminham, AL 35243
	Phone #:	965-6570 (Sung) Other #: 229-4801 (Dawn)
	E-Mail:	smake Dstrickland trading com I dawns smake of mail con
	Representing A	Attorney/Other Agent
	Name:	Adam Gerndt / Alex James 2, Adams Gerndt Design Group
	Address:	1916 28th Ave. South
		Homeward AL 35209
	Phone #:	539 - 1113 Other #:
	E-Mail:	alex o adams-seradt. com

II.	DESCRIPTION OF PROPERTY:
	LOCATION: 2496 Altadera Road, Bhan, AL 30743 Street Address
	Altadera Forest Estates Lot 31 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.
	'tront/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
 IV.	ZONING
	Vestavia Hills Zoning for the subject property is
<u>V.</u>	HARDSHIP
Co	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). existing have was brilt in compliance with the coverent, but has since but impliance with the coverent but has since but impliance with the coverent stills. The lot is also covered by the front setbacks resulting in a smaller but and less
	om fer any modistions. According to the coverant that reverse this lot #3 represted variance should be allowed for this lot 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 July, 2019.	and the second s
My commission expires 03/11/2023 day of 20	

0H06685P589

Protective Covenants relating to ALTADEMA FOREST ESTATES, recorded In Map Book 63, Page 26, in the office of the Judge of Probate of Jefferson County, Alabama.

STATE OF A! NBAHA)

The undersigned, J. B. Owens Realty Company, Inc., the owner of lots 1, 2, 3, 4, 27, 28, 29, 30, 31, 32, 33, 34, 35, 44, 45, 46, according to the map of Altadena Forest Estates, as recorded in Map Book 63, on page 26, in the office of the Judge of Probate of Jefferson County, Alabama, being desirous of establishing protective covenants for the benefit of all of the lots listed above, do hereby covenant and declare as follows:

All of the lots listed above, shall be subject to the following conditions, limitations and restrictions, which are to run with the land and shall be binding on all parties and all persons claiming under them until 1st Movember 1986, at which time said covenants shall be automatically extended for successive periods of 10 years unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part, which agreement must be filed in the office of the Judge of Probate of Jefferson County, Alabama, on or before 31st October 1986.

If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein it shall be lawful for any other persons or person, owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

- (a) All lots listed above, shall be known and described as residential lots. No structures shall be erected, altered, placed, or permitted to remain on any residential building plot other than one single family duelling not to exceed two stories in height and a private garage for not more than 2 cars and 2 servants rooms and one barn and chicken house. The garage and servants rooms, if detached from the residential building, must be erected on the rear of the lot. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 900 square feet in the case of a one-story structure.
- (b) No building shall be crected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan showing the location of such building have been approved in writing as to conformicy and harmony of external design and existing structures in the subdivision, and as to location of the building with respect to topography and finised ground elevation, by a committee composed of either J. B. Ovens or J. B. Ovens, Jr., and D. P. Anderson or J. B. Davis of the firm of Bonner 6 Davis. In the event of death or resignation of any member of the said committee, the remaining member or members shall have full authority to approve or disapprove such design and location, or to designate a representative with like authority. In 'be event said committee, or its designated representative with like authority. In 'be event said committee, or its designated representative which like authority. In 'be event said committee, or its designated representative, shall see an approve or disapprove such design and location within 30 days after said plans and specifications have been submitted to it or, in any event, if no suit to enjoin the erection of such building or the making of such alterations have been commenced prior to the completion thereof, such approval will not be required and this covenant will be deemed to have been fully complied with. Neither themsebers of such committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. The powers and duties of such committee, and of its designated representative, shall cease on and after November 1, 1986. Theresefter the approval described in this covenant shall not be required unless, prior to said date and effective thereon, a written instrument shall be executed by the than record owners of a majority of the lots listed above, and duly appointing a representative, or representative, who shall thereafter exercise the same powers previously
- (c) No building shall be located nearer to the front lot line or nearer to the side street line than the building setback lines shown on the recorded plat. In any event, no building, not counting open porches, terraces or steps, shall be located on any residential building plot nearer than 50 feet to the front lot line, nor nearer than 30 feet to eny side street line. No building eracted on a single lot shall be

located nearer than 20 feet to any side lot line except a detached garage or other outbuilding located 100 feet or more from the front lot line, however, a slight violation of this provision may be approved by the committee sat up in Section B. In the event the owner of two lots adjacent to one another desires to erect a residence partly on one lot and partly on the other, he may do so, however, no other residence may be erected upon said lots so long as said residence stands. No residence or attached appurtenances shall be erected on any lot farther than 100 feet from the front lot line. A detached garage or other outbuilding shall not be located nearer than five feet to any lot line.

- (d) No individual water supply system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the requirements, standards and recommendations of both state and local public health authorities. Approval of such system as installed shall be obtained from such authority.
- (e) No individual sevage-disposal system shall be permitted on any lot unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of both state and local public health authorities. Approval of such system as installed shall be obtained from such authority.
- (f) No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
- (g) No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall be at any time used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.
- (h) The easements reserved on the record map are for draining purposes, sanitary and storm sewers and for all utilities.
- (i) The adoption of the above mentioned record map shall not be construed as obligating the undersigned owner to dedicate, or as having dedicated, the Drives and Roads shown on said map except those Drives and Roads upon which the lots listed above front or abut thereon.

IN WITNESS WHEREOF, the J. B. Ovens Realty Company, Inc., has caused these presents to be executed by J. B. Ovens, its President, who is duly authorized thereto, this day of November 1961.

J. B. OHENS REALTY COMPANY, INC.

J. B. Owens, President

STATE OF ALABAHA)

JEFFERSON COUNTY)

I, M. Cuchen Mighton was Notary Public in and for said County, in said State, bereby certify that J. B. Ovens, whose name as President of J. B. Ovens Realty Company, Inc., a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me, on this day, that, being informed of the contents of such instrument, he, as such officer and with full suthority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 27 day of November 1961.

Mor 2 2 - (1 6)

Notary Public

101787 VILLOW

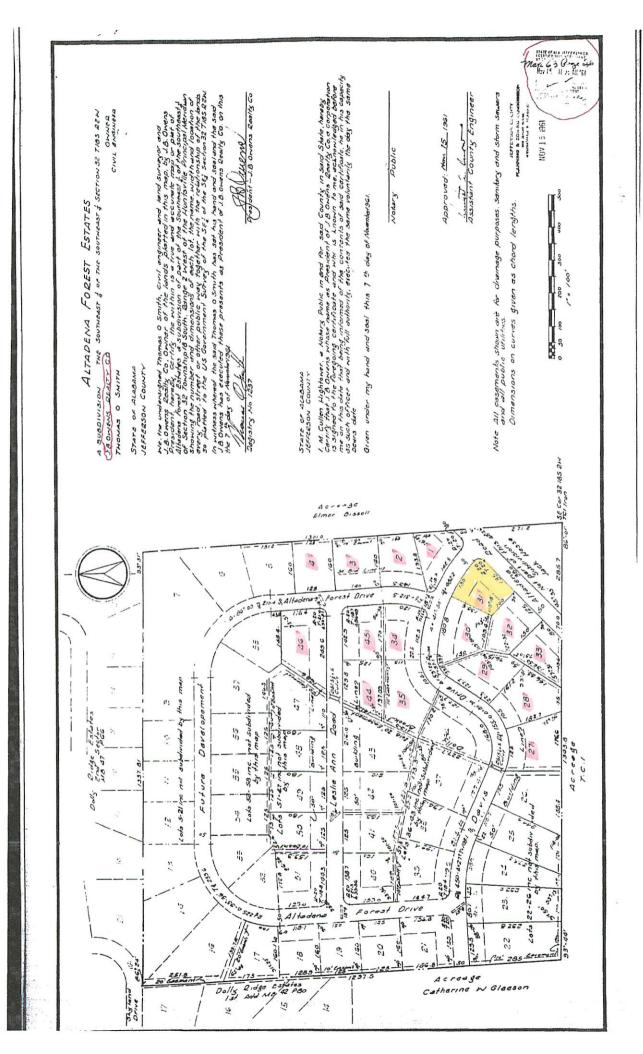
Variance Request Waiver

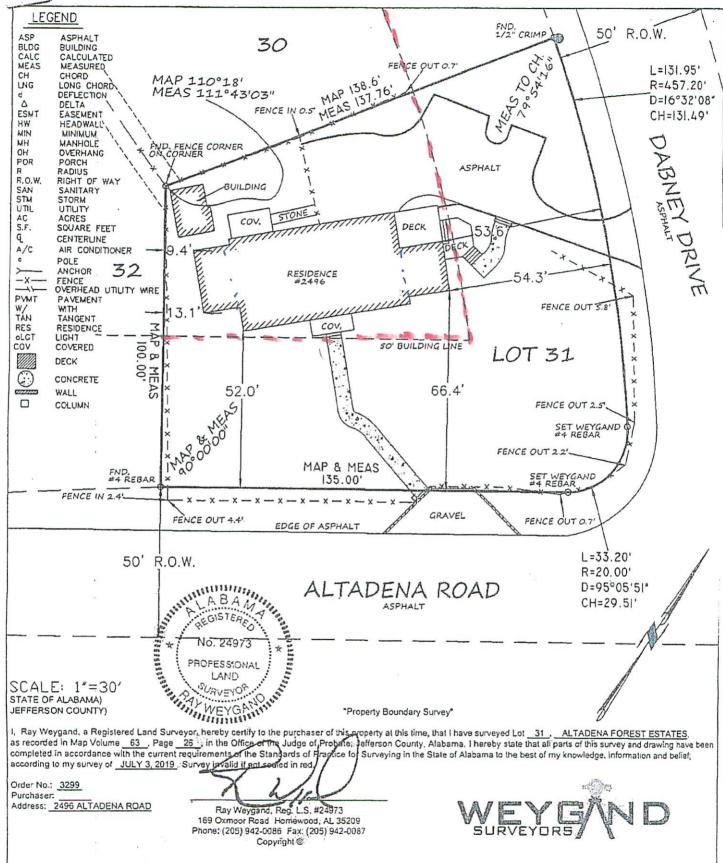
Petition to remove or reduce the current front setback requirements (50') and the current rear setback requirements (30') for the Altadena Forest Estates neighborhood.

1. "I Sauvel L. Smoke owner of lot 31 of subdivision Altadena Forest Estates
recorded on agree to remove the 50' front setback and 30' rear setback for lot 31.
x_ Stermy
Printed name: Smoke Date: 7/13/19
O .
2. "I Patrick withausen owner of lot 32 of subdivision Altadena Forest Estates
recorded on agree to remove the 50' front setback and 30' rear setback for lot 31.
x_III
Printed name: Patrick Williamson Date: 7/14/19
3. "I Da F Ten Lapuing owner of lot 33 of subdivision Altadena Forest Estates
recorded on agree to remove the 50' front setback and 30' rear setback for lot 31.
x Jerri Rapurus
x Jerri Rapurna Printed name: Terri Lapuing Date: 7-14-19

4.	"I Trad and Tacy Holladay owner of lot of subdivision Altadena Forest Estates
	corded on agree to remove the 50' front setback and 30' rear setback for lot 31.
X_	71 + Try Hollary II
Pr	inted name: Fred + Troop Holladay Date: 7-14-19
5.	"I Emily Roakmann Kinner of lot of subdivision Altadena Forest Estates
red	corded onagree to remove the 50' front setback and 30' rear setback for lot 31.
x_	YMKILL
Pri	nted name: Emily Kinnell Date: 7-14-19
6.	"I Tacy Smt owner of lot #2 of subdivision Altadena Forest Estates
rec	corded on 7-14-19 agree to remove the 50' front setback and 30' rear setback for lot 31.
X_	
Pri	nted name: TRACY SMITH Date: 7-14-19
7. "	1 Dan Crockett owner of lot 3 of subdivision Altadena Forest Estates
rec	orded on agree to remove the 50' front setback and 30' rear setback for lot 31.
x_	DON CROCKETT
Prii	nted name: DON CROCKET Date:

8. "I <u>For Goodman</u> owner of lot <u>45</u> of subdivision Altadena Forest Estates
recorded on agree to remove the 50' front setback and 30' rear setback for lot 31.
x di Sobla
Printed name: Frin Goodman Date: 7/14/19
9. "I <u>Marc</u> Werdarf owner of lot 3th of subdivision Altadena Forest Estates
recorded on agree to remove the 50' front setback and 30' rear setback for lot 31.
x2/1/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2
Printed name: MARC WENDER Date: 7/14/19





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 dead/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 dead/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.

