

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
SEPTEMBER 19, 2019
6:00 P.M.**

Roll Call.

Approval of Minutes: August 15, 2019.

- (1) **BZA-0919-25** Lester & Ashley Mason are requesting a **Rear Setback Variance** for the property located at **2116 Vestavia Lake Drive**. The purpose of this request is to reduce the setback to 17' in lieu of the required 30'. The property is owned by Lester & Ashley Mason and is zoned Vestavia Hills R-2.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

AUGUST 15, 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
David Holley, Alt
Tony Renta, Alt
Loring Jones, III
George Ponder
Jim Griffo
- MEMBERS ABSENT:** Robert Gower
- OTHER OFFICIALS PRESENT:** Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of July 18, 2019 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of June 20, 2019 was made by Mr. Jones and 2nd was by Mr. Ponder. Motion as carried on a voice vote as follows:

Mr. Renta - yes Mr. Ponder - yes
Mr. Holley - yes Mr. Griffo - yes
Mr. Jones - yes Mr. Rice – yes
Motion carried.

FRONT SETBACK VARIANCE

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.

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.

Howard Neely was present to explain the request and stated that the corner lot caused a hardship.

Debate ensued on whether the lot was indeed a corner lot.

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 41’ front setback variance to reduce the setback to 9’ in lieu of the required 50’ for the property located at 901 Granbury Road was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

Mr. Renta - yes	Mr. Ponder - yes
Mr. Holley - yes	Mr. Griffo - yes
Mr. Jones - yes	Mr. Rice – yes

Motion carried.

TWO FRONT SETBACK VARIANCES

BZA-0819-23

Adam Sosnowchik & Britany Kirkes are requesting **Two Front Setback 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.

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.

Britany Kirkes 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 two front setback variances for the property located at 1729 Shades Crest Road was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

Mr. Renta - yes	Mr. Ponder - yes
Mr. Holley - yes	Mr. Griffo - yes
Mr. Jones - yes	Mr. Rice – yes

Motion carried.

FRONT & REAR SETBACK VARIANCE

BZA-0719-21

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.

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.

Sammy Smoke 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 setback & a rear setback variance for the property located at 2496 Altadena Road was made by Mr. Jones and 2nd was by Mr. Griffio. Motion was carried on a roll call vote as follows:

Mr. Renta - yes	Mr. Ponder - yes
Mr. Holley - yes	Mr. Griffio - yes
Mr. Jones - 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: SEPTEMBER 19, 2019

- **CASE: BZA-0919-25**
- **REQUESTED ACTION:** 13' rear setback variance to reduce the setback to 17' in lieu of the required 30'.
- **ADDRESS/LOCATION:** 2116 Vestavia Lake Drive
- **APPLICANT/OWNER:** Lester & Ashley Mason
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicants are seeking a rear setback variance to build a retaining wall and a covered porch. The applicants contend that the easement at the back of the property causes a hardship. The drainage easement is in disrepair and causes the backyard and underneath the house to overflow with rain water. The retaining wall is needed to divert the water from the home and disperse it evenly on the property to prevent pooling. The applicants would then like to extend a covered porch up to the retaining wall. The applicant's property is zoned Vestavia Hills R-2.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

CITY OF VESTAVIA HILLS
2019 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: LESTER : Ashley MASON

Address: 2116 VESTAVIA LAKE DRIVE

Phone #: 334-740-3528 Other #: 334-524-4158

E-Mail: lester.mason@pattersondental.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2019 AUG 20 A 8:19

II. DESCRIPTION OF PROPERTY:

LOCATION: 2116 VESTAVIA LAKE DRIVE, VESTAVIA HILLS, AL 35216
Street Address
VESTAVIA LAKE Lot # 38
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.
~~130~~ 175 ~~10 Feet~~ 24 Feet front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required 30 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 _____ ' .
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 R2 .

V. HARDSHIP

Describe those things which you feel justify the action requested. List, when necessary, the specific sections of the City Code(s) which have a bearing on your request. (Use additional space on separate page if necessary).

The existing concrete storm sewer at the back of our property is in disrepair causing water to overflow into our backyard and underneath our house. In order to alleviate this issue, a retaining wall needs to be constructed ~~17~~ feet from our rear property line to allow water to flow naturally around our house and properly disperse the water. Since this investment would be significant, we would like to extend a covered patio out to the retaining wall.

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.

Ashley Mason
Owner Signature Date


Representing Agent (if any) date

Given under my hand and seal
this 20 day of AUGUST, 20 19.

W. Scott Dr.

Notary Public

My commission expires 20th
day of MARCH, 20 22.



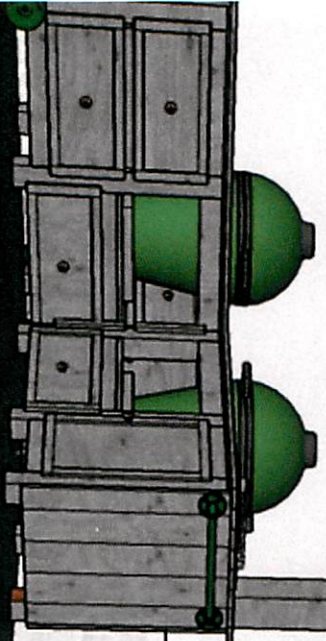
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R2

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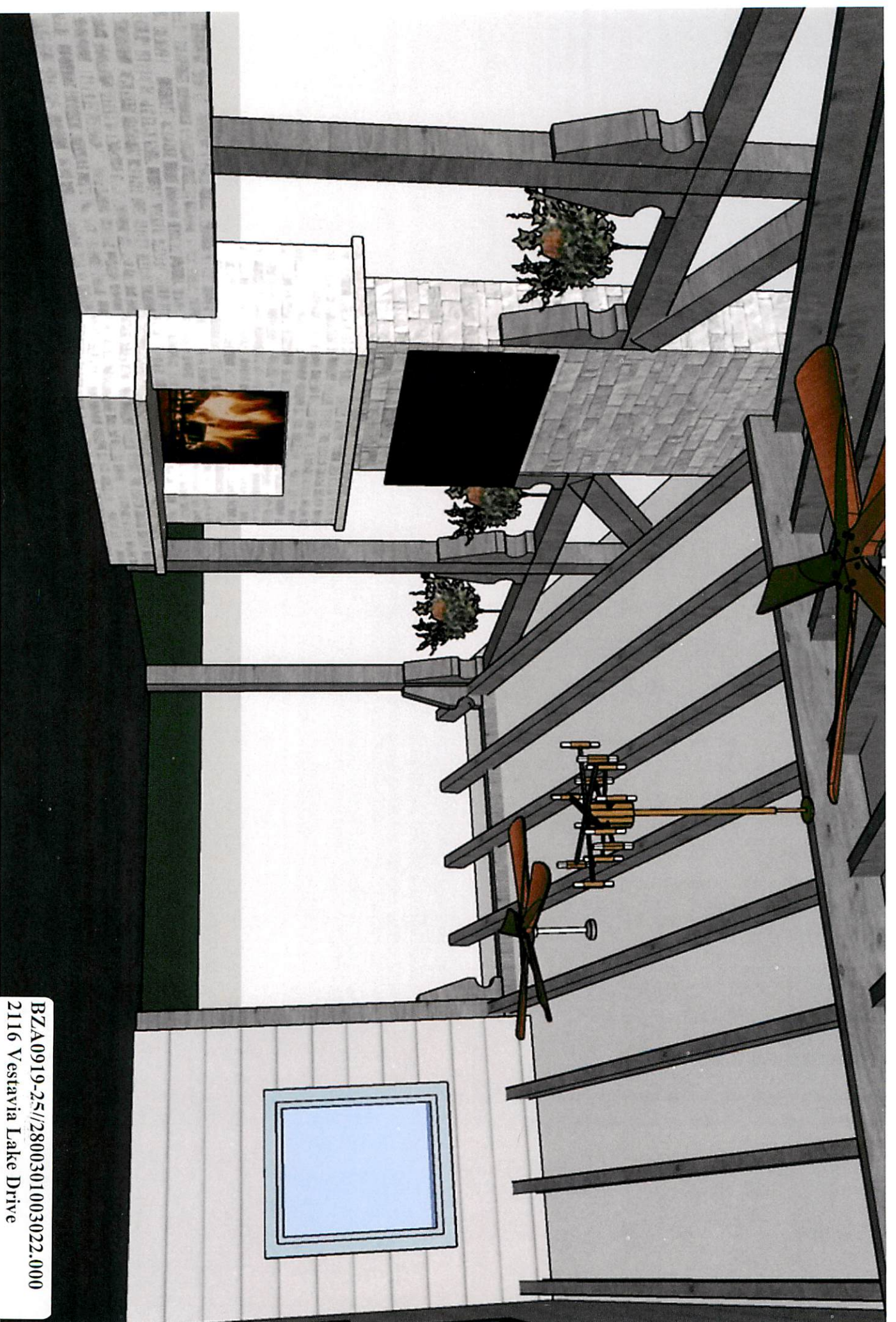


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2116 Vestavia Lake Drive

Rear Setback Variance
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R2



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R2



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2116 Vestavia Lake Drive

Rear Setback Variance

Lester & Ashley Mason

R2



BZA0919-25//2800301003022.000

2116 Vestavia Lake Drive

Rear Setback Variance

Lester & Ashley Mason

R2