

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
OCTOBER 17, 2019
6:00 P.M.**

Roll Call.

Approval of Minutes: September 19, 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.
- (2) **BZA-1019-26** Benjamin & Emily Byrd are requesting a **Variance for the Location of a Fence** for the property located at **1293 Branchwater Lane**. The purpose of this request is to build a fence in the front setback to allow for adequate backyard space. The property is owned by Benjamin & Emily Byrd and is zoned Vestavia Hills R-1.
- (3) **BZA-1019-27** Watts & Jennifer Ueltschey are requesting a **Front Setback Variance** for the property located at **1548 Panorama Drive**. The purpose of this request is to reduce the setback to 36' in lieu of the required 50'. The property is owned by Watts & Jennifer Ueltschey and is zoned Vestavia Hills R-2.
- (4) **BZA-1019-28** Edwin & Blair Moss are requesting a **Side Setback Variance** for the property located at **2341 Morningstar Drive**. The purpose of this request is to reduce the setback to 9' in lieu of the required 17'. The property is owned by Edwin & Blair Moss and is zoned Vestavia Hills R-1.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

SEPTEMBER 19, 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
George Ponder
Jim Griffo
Robert Gower

MEMBERS ABSENT: Tony Renta, Alt
Loring Jones, III

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of August 15, 2019 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of August 15, 2019 was made by Mr. Griffo and 2nd was by Mr. Ponder. Motion as carried on a voice vote as follows:

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

REAR SETBACK VARIANCE

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.

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.

Lester & Ashley Mason were present to explain the request and their hardship.

Debate ensued regarding where the diverted water will flow. Would it cause a hardship for another property owner?

The Board insisted that the as-built survey drawing was not adequate enough to show the flow of the diverted water. The Board asked for a more detailed drawing,

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.

The applicants and Board agreed that the most appropriate step is to postpone the case until the next month.

Jack Wakefield
Planner/GIS

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

Date: **OCTOBER 17, 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. Based on the past weeks BZA meeting, the applicants have sent in a new drawing that shows the direction of the diverted water flow. Christopher Brady, City Engineer, sent a memo detailing his opinion on the work that is being done on 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.

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

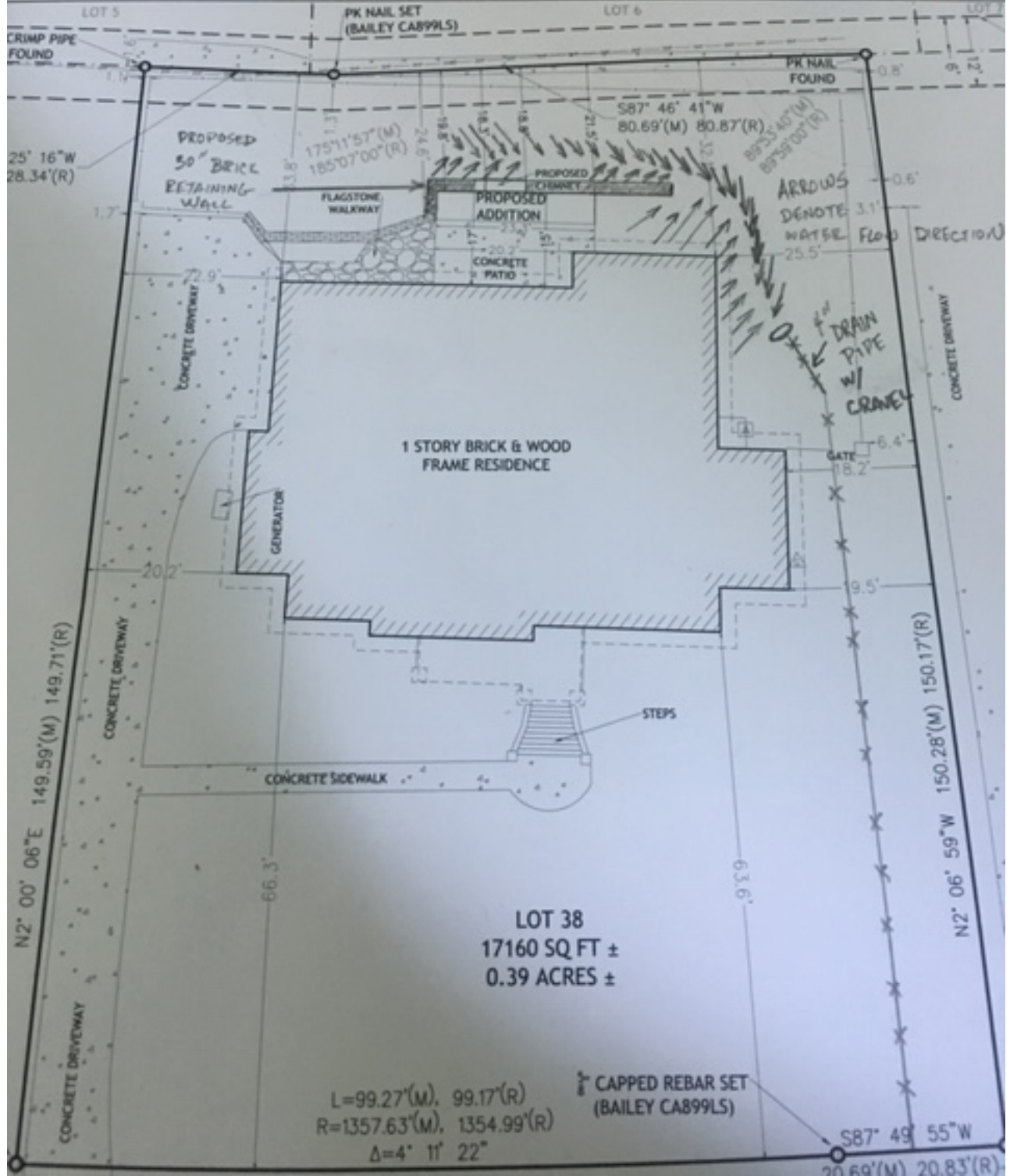
Representing Agent (if any) date

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.



CITY OF VESTAVIA HILLS
DEPARTMENT OF PUBLIC SERVICES
OFFICE OF CITY ENGINEER
INTER-DEPARTMENT MEMO

October 10, 2019

To: Jack Wakefield, Planner/GIS

CC: Lori Beth Kearley, Assistant City Engineer

From: Christopher Brady, City Engineer

RE: drainage review, Variance Request for 2116 Vestavia Lake Drive

I have provided review and comments to Mr. and Mrs. Mason regarding their request for a rear setback variance for improvements that extend into their backyard area. Per my site review, the submitted and attached sketch, and our discussions, the intent is for the improvements to include a grass swale that will divert drainage water around the corner of the home to an existing under drain system. As improvements are constructed this under drain system will be reviewed to determine if adequate to route the water to the street. There is potential, as Mr. Mason has acknowledged, that this under drain may need some maintenance or potential replacement. The underdrain will be extended to collect water from the drainage swale.


I have recommended that the proposed improvements, in conjunction with typical building permit issuance, also seek an Engineering Land Disturbance Permit that would allow and engage engineering review of the improvements and routing of the drainage waters.

I have also provided an initial review of the drainage from the easement area near the rear property line that is shared with the Mason's and neighboring property owners. The concrete flume appears to be failing and allowing water to escape through voids and gaps in the concrete. The City of Vestavia Hills does not maintain this easement area, and is owned by the property owners. While Alabama Power appears to have easement rights, I understand Alabama Power will only maintain vegetation and other impacts to their utility facilities within the easement. It is my recommendation for the property owners, including Mr. and Mrs. Mason, to consider some level of improvements to the concrete flume area to limit the washing of the water from the flume during heavy rains. It is my intent to provide further recommendation to the Mason's and their contractor during the course of this work.

I hope this provides favorable input to allow further considerations for granting the request. If I can provide additional information, please let me know.

Sincerely,
-Christopher





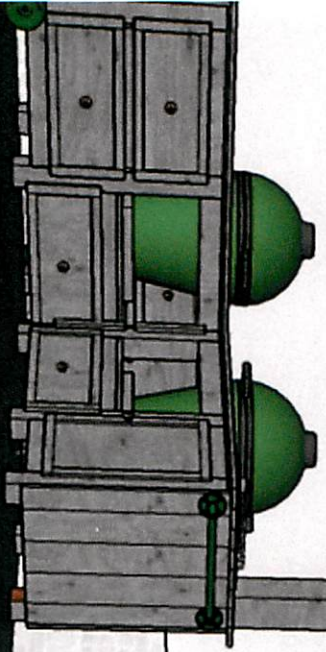
BZA0919-25//2800301003022.000
2116 Vestavia Lake Drive
Rear Setback Variance
Lester & Ashley Mason
R2

BZA0919-25//2800301003022.000
2116 Vestavia Lake Drive
Rear Setback Variance
Lester & Ashley Mason
R2





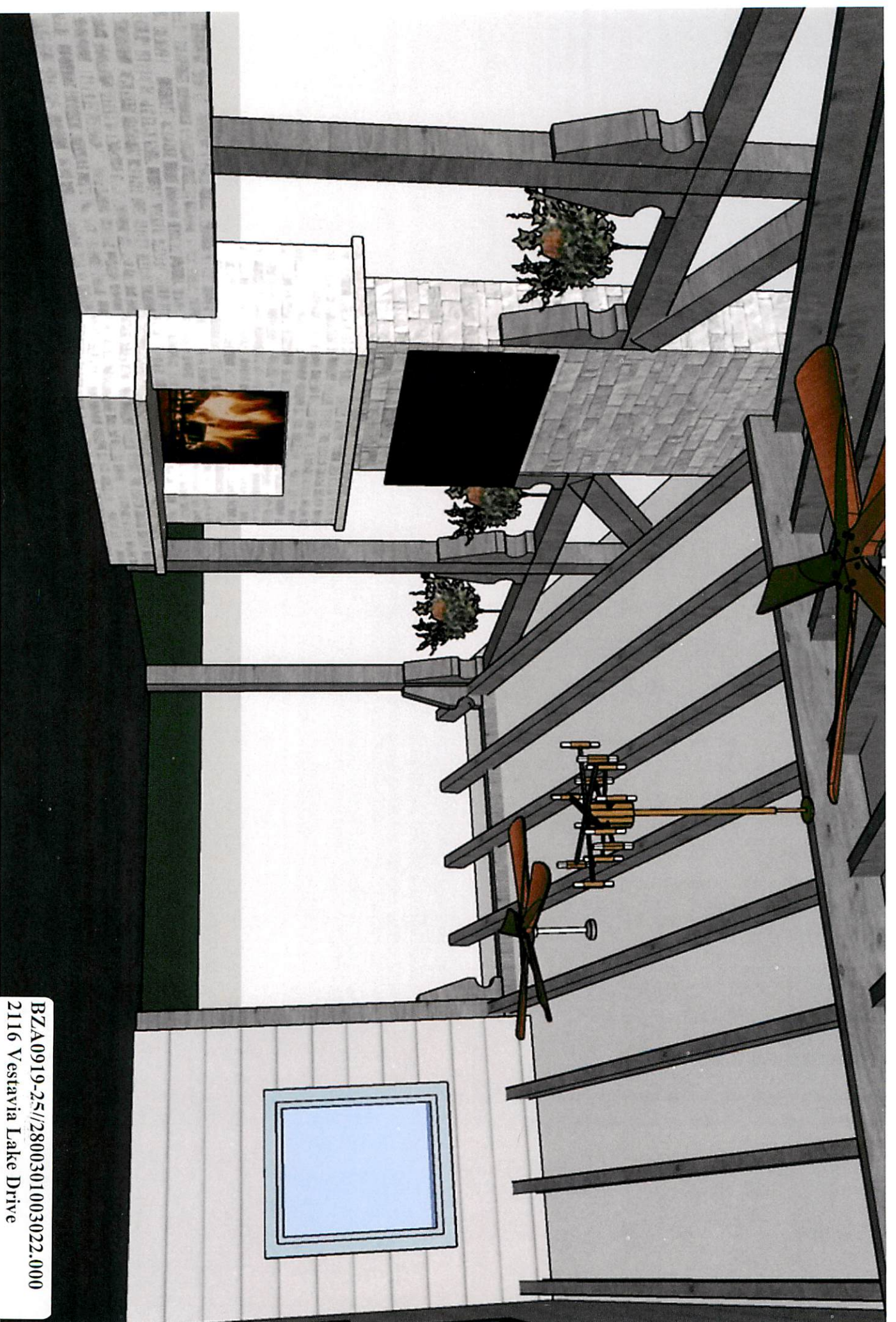
BZA0919-25//2800301003022.000
2116 Vestavia Lake Drive
Rear Setback Variance
Lester & Ashley Mason
R2



BZA0919-25//2800301003022.000
2116 Vestavia Lake Drive
Rear Setback Variance
Lester & Ashley Mason
R2



BZA0919-25//2800301003022.000
2116 Vestavia Lake Drive
Rear Setback Variance
Lester & Ashley Mason
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

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

Date: **OCTOBER 17, 2019**

- **CASE: BZA-1019-26**
- **REQUESTED ACTION: Variance For Front Yard Fence**
- **ADDRESS/LOCATION: 1293 Branchwater Lane**
- **APPLICANT/OWNER: Benjamin & Emily Byrd**
- **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. If the fence were built according to the setback requirement, there would not be much room in the backyard. 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.

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

The owner of the property understands that variances are granted based on the zoning code. Variances are not granted on any kind of covenants. Covenants are between property owners.

EXAMPLE: If you are asking for a variance from a building setback line and the building setback line is recorded on the plat and matches the Zoning Code, then the Board of Zoning Adjustment would only hear the case based on the Zoning Code requirements, not what is on the recorded plat. The recorded plat is a covenant between property owners of the subdivision. You must have signatures of every property owner on the recorded plat map to change the covenant portion of the setback. The letter of signatures approving the amendment of the covenants must be filed with the Office of the Probate Court. Again, we can only give a variance based on the Zoning Code and that is the only portion of the building setback changes that the Board of Zoning Adjustment will vote on. Once filed with the Office of the Probate, please bring a copy of the recorded amendment to the Office of the City Clerk and we will place it in the file.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Benjamin Carter Byrd and Emily Byrd

Address: 1293 Branchwater Lane, Vestavia Hills, Alabama 35216

Phone #: (205) 565-6154 Other #: (205) 213-4977

E-Mail: emily@corporaterealty1.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2019 SEP 12 A 11:00

II. DESCRIPTION OF PROPERTY:

LOCATION: 1293 Branchwater Lane, Vestavia Hills, AL 35216
Street Address

Tanglewood, Lot 24 Blk 10 Tanglewood Park 3rd Sec 1st Add
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.
~~40~~ ²⁰ ' front/side/rear (circle one) setback variance to reduce the setback to _____' in lieu of the required ~~40~~ _____'.
 _____' 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 _____).

Front yard fence.

IV. ZONING

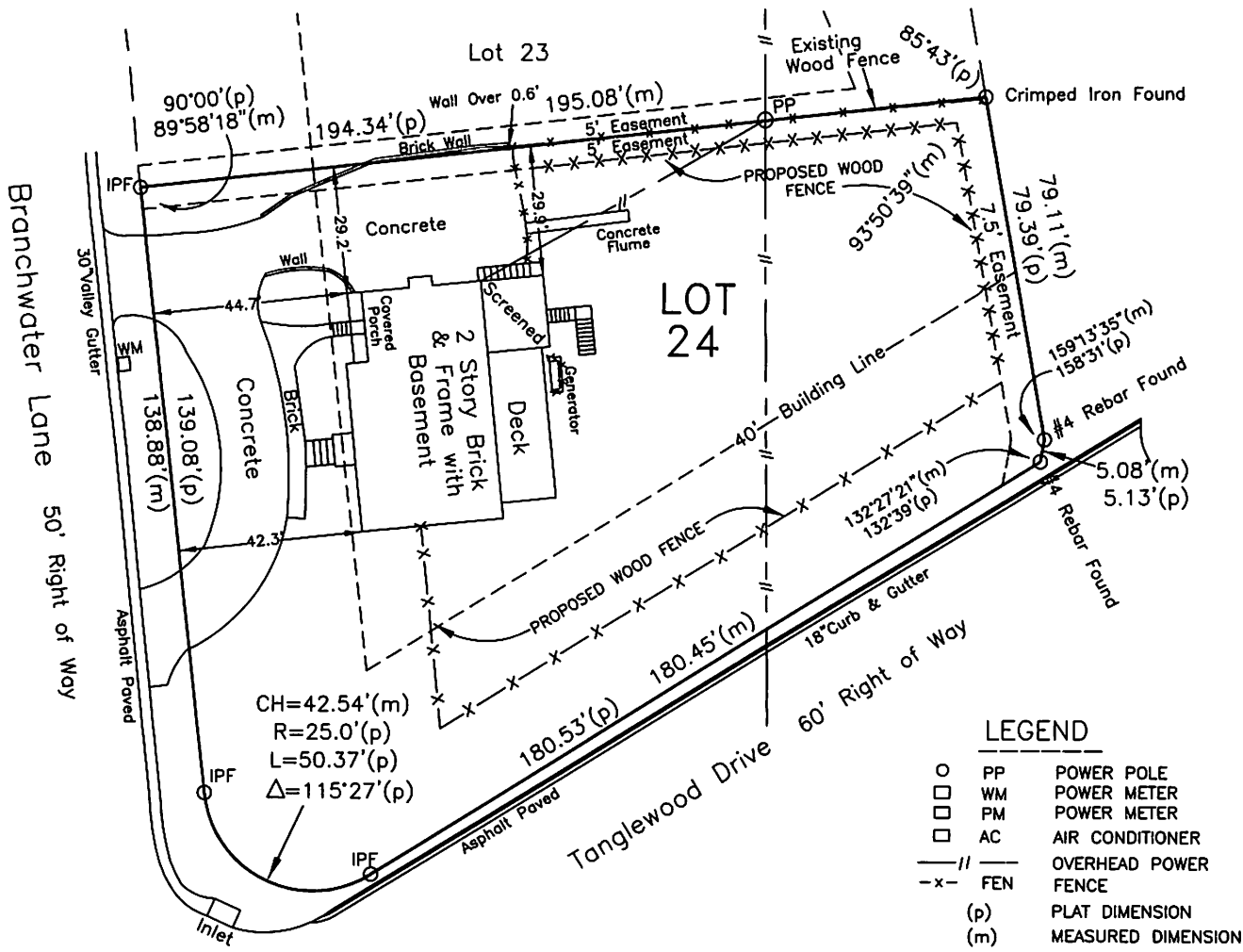
Vestavia Hills Zoning for the subject property is R1.

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 lot is a corner lot. Constructing the fence within the 40' Building Line would reduce the size of the backyard significantly.~~

VI. OWNER AFFIDAVIT:



STATE OF ALABAMA
JEFFERSON COUNTY

NOTE: proposed fence location shown
is per client's instruction;

I, Rowland Jackins, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief for the following described property:

Lot 24 in Block 10, according to the plat of Tanglewood Park 3rd Sector, 1st Addition, as recorded in Map Book 107, Page 17, in the Probate Office of Jefferson County, Alabama;

I further state that there are no rights of ways, easements or joint driveways over or across said land visible on the surface except as shown, that there are no electric or telephone wires (excluding those which serve the premises only) or structures or supports thereof, including poles, anchor or guy wires on or over said property except as shown, that there are no encroachments except as shown; that the improvements are located as shown above. No underground utilities were located.

According to my field survey of August 29, 2019;



Rowland Jackins, PLS, Alabama Reg.No.18399
Jackins, Butler & Adams, Inc.
3430 Independence Drive, Suite 30
Birmingham, Alabama 35209
(205) 870-3390

Scale: 1 inch = 40 feet File: S-1538/19-C

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

Date: **OCTOBER 17, 2019**

- **CASE:** BZA-1019-27
- **REQUESTED ACTION:** 14' front setback variance to reduce the setback to 36' in lieu of the required 50'.
- **ADDRESS/LOCATION:** 1548 Panorama Drive
- **APPLICANT/OWNER:** Watts & Jennifer Ueltschey
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicants are seeking a front setback variance to build a garage addition over the existing driveway. The applicants contend there is a hardship because the lot is oddly-shaped. The lot sits on a sweeping curve of Panorama Drive, in essence making it act as a corner lot since the sweeping curve creates two front yards. Along with that, the rear of the property has a steep ravine which severely limits the buildable space. There was a 40' recorded front setback on the applicant's plat. Subsequently, the applicants had surrounding property owners sign a waiver for that covenant requirement and was recorded with Jefferson County. 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 BOARD OF ZONING ADJUSTMENT APPLICATION

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I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Jennifer H Ueltschey & Watts C Ueltschey Jr

Address: 1548 Panorama Dr

Vestavia, AL 35216

Phone #: 205-860-5406 Other #: _____

E-Mail: wueltschey@gmail.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2019 SEP 17 AM 11:36

1548 Panorama Dr.

Front Setback Variance for an addition

Watts & Jennifer Ueltschey

II. DESCRIPTION OF PROPERTY:

LOCATION: 1548 Panorama Dr
Street Address

Vestridge Fourth Sector, Lot 11, Block 9
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.
~~20~~ ¹⁴, front side/rear (circle one) setback variance to reduce the setback to 36 ~~20~~ in lieu of the required 50'.
~~20~~ ²⁰ front/side/rear (circle one) setback variance to reduce the setback to ~~30~~ in lieu of the required ~~50~~'.
 _____' front/side/rear (circle one) setback variance to reduce the setback to _____' in lieu of the required _____'.
2. A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Sign Code Variance (See Section _____).
6. Other - Explain (See Section _____).

IV. ZONING

Vestavia Hills Zoning for the subject property is R-2.

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 desire to build a 20'x26' addition over the existing driveway; it will retain parking underneath. Our property is situated in a sweeping curve of Panorama Drive, which effectively makes it a corner lot with dual 50 foot setbacks to the east and south. Backyard (north side) consists of a steep ravine which is unusable for the required addition. There is no room on the west side for an addition. We have a waiver from the owners of our plat to release us from the 40' setback filed in Jefferson county map book 75, page 86.

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.

Jennifer Ueltschey 9/16/19
[Signature] 9/16/19

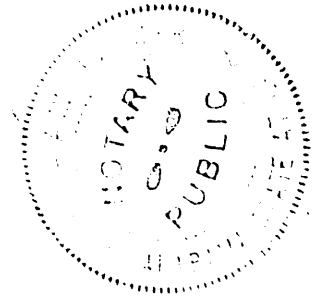
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 16 day of September, 20 19.

Patricia Ann Chandler
Notary Public

My commission expires 09/18/2022
day of September, 2022.





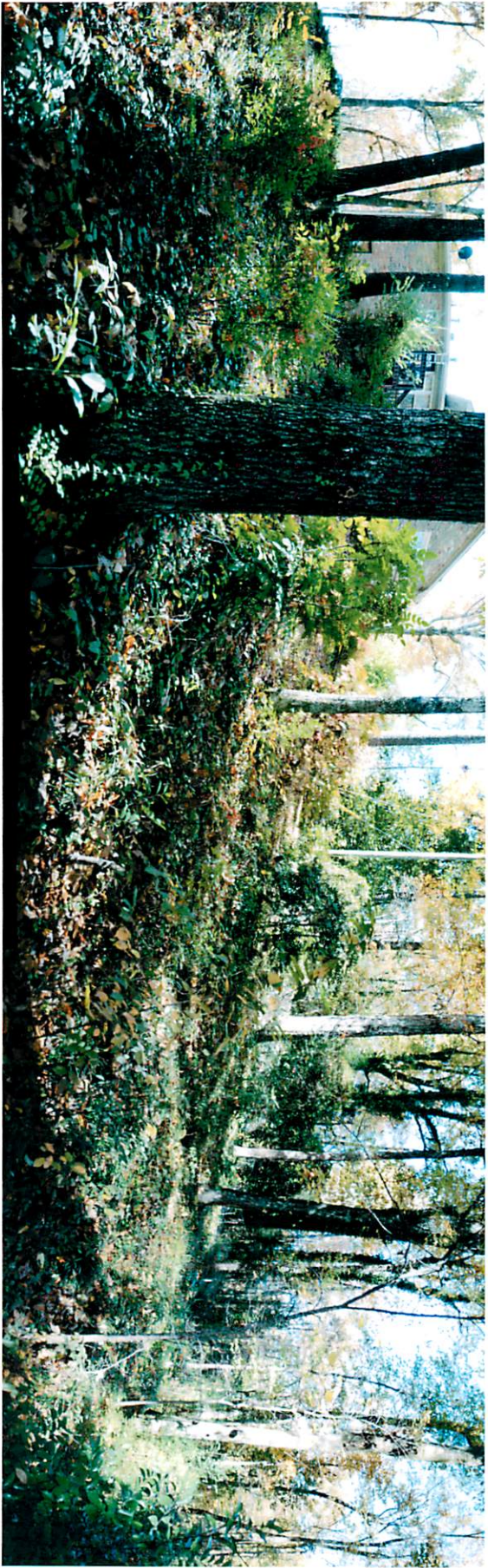
Topography showing 50' elevation change from front of lot to back

BZA1019-27//2800314003.015.000

1548 Panorama Dr.

Front Setback Variance for an addition

Watts & Jennifer Ueltschey



BZA1019-27//2800314003.015.000
1548 Panorama Dr.
Front Setback Variance for an
addition
Watts & Jennifer Ueltschey

STATE OF ALABAMA)

Clerk: MORRISL

JEFFERSON COUNTY)

WAIVER OF SETBACK REQUIREMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the restrictive covenants of Vestridge Fourth Sector, Vestavia Hills, Alabama include a setback requirement of 40 feet for all structures located on any lot in said Vestridge Fourth Sector; and,

WHEREAS, the 40-foot setback requirement may be waived or amended by approval of the residents of Vestridge Fourth Sector; and,

WHEREAS, the undersigned Watts Casper Ueltschey, Jr. and Jennifer Hart Ueltschey reside at Lot 11, Block 9 of Vestridge Fourth Sector as depicted in Map Book 75, page 86 recorded in the office of the Probate Judge of Jefferson County, Alabama, which said residence is located at 1548 Panorama Drive, Vestavia Hills, Alabama; and,


WHEREAS, Mr. and Mrs. Ueltschey desire to make an addition to their home, however, the proposed addition will extend beyond the 40-foot setback requirement; and,

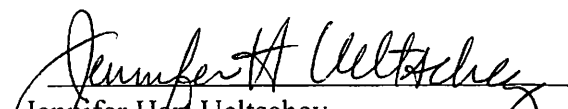
WHEREAS, Mr. and Mrs. Ueltschey have petitioned the residents of Vestridge Fourth Sector to allow them to make the proposed addition to their home and to waive the setback requirement as to that addition; and,

WHEREAS, attached hereto and made a part hereof of are the signatures of the residents of Vestridge Fourth Sector agreeing to the request for a waiver of the setback requirement as the same applies to said Lot 11, Block 9, Vestridge Fourth Sector.

NOW, THEREFORE, in consideration of the premises, the undersigned submit this notice of Waiver of Setback Requirement and signatures approving said waiver for recordation among the records of the Probate Judge of Jefferson County, Alabama.

WITNESS our signatures, this 25th day of September 2019.


Watts Casper Ueltschey, Jr.

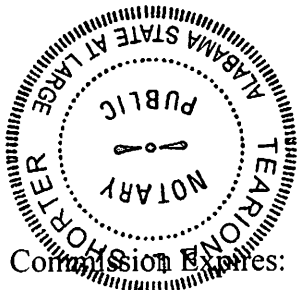

Jennifer Hart Ueltschey

STATE OF ALABAMA)

JEFFERSON COUNTY)


I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Watts Casper Ueltschey, Jr. and Jennifer Hart Ueltschey, husband and wife, whose names are signed to the foregoing, and who are known to me, acknowledged before me on this day that, being informed of the contents of the foregoing, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 25th day of September 2019.



My Commission Expires:

12/7/2019


Notary Public

I, an owner in VESTRIDGE FOURTH SECTOR, agree to grant relief from and waive the forty foot setback for Lot 11, Block 9, VESTRIDGE FOURTH SECTOR.

Rebecca Strism

Chris Strism

Bryan Bray

Cynthia Pogwizd

BETH MALLETT

Janelle Fritz

Johnathan Fritz

Marg Russell

Janna Harper

Lucy Gilmore

GENE GILMORE

JONATHAN BURCH

Vicki Vickers

Fields Greer

Franklin Bates

DAVE PARADISE

Eric Witherington

TIMOTHY C DUNSTON

Rebecca McBride

Kyle Clark

Henry B Hortox

ROBERT L. BABANATS

Grace Collins Small

Rebecca Strism

Chris Strism

Bryan Bray

Cynthia Pogwizd

BETH MALLETT

Janelle Fritz

Johnathan Fritz

Marg Russell

Janna E Harper

Lucy Gilmore

GENE GILMORE

JONATHAN BURCH

Vicki Vickers

Fields Greer

Franklin Bates

DAVE PARADISE

Eric Witherington

TIMOTHY C DUNSTON

Rebecca McBride

Kyle Clark

Henry B Hortox

ROBERT L. BABANATS

Grace Collins Small

I, an owner in VESTRIDGE FOURTH SECTOR, agree to grant relief from and waive the forty foot setback for Lot 11, Block 9, VESTRIDGE FOURTH SECTOR.

John M. Douglass Jr.

Margaret F. Miller

Watts C. Ueltschey Jr.

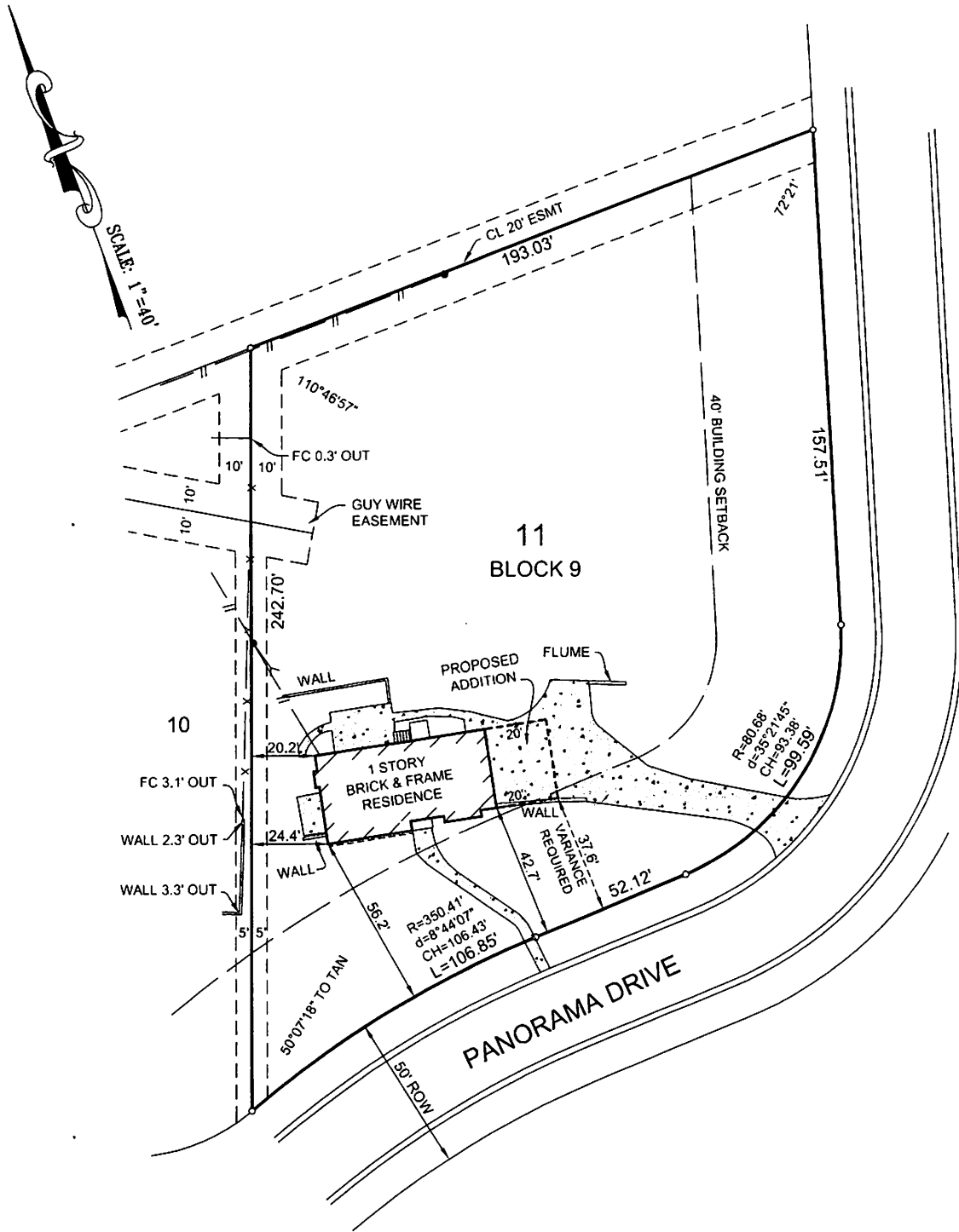
Jennifer H. Ueltschey

John M. Douglass Jr.

Margaret F. Miller

Watts C. Ueltschey Jr.

Jennifer H. Ueltschey



SITE PLAN
 (THIS IS NOT A SURVEY)
 LOT 11, BLOCK 9
 VESTRIDGE FOURTH SECTOR

PREPARED BY: SURVEYING SOLUTIONS, INC.
 2232 CAHABA VALLEY DRIVE SUITE M
 BIRMINGHAM, AL 35242
 (205) 991-8965

PREPARED FOR: WATTS UELTSCHHEY
 1548 PANORAMA DRIVE
 VESTAVIA HILLS, AL 35216
 (205) 864-5406

SCALE: 1" = 40' JOB NO. 171421 DATE: 9-3-2019

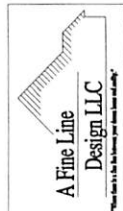
ACADISUBDIVISIONJEFFERSON COUNTYVESTRIDGELOT11 BLK 9 VESTRIDGE 4TH ADD SP

General Notes

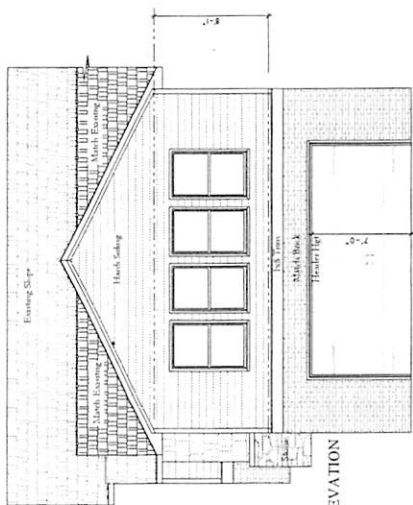
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Main Added
480 sq. ft.

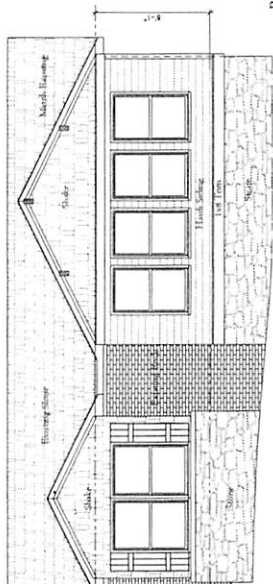
Ueltishey Res
Vestavia, AL



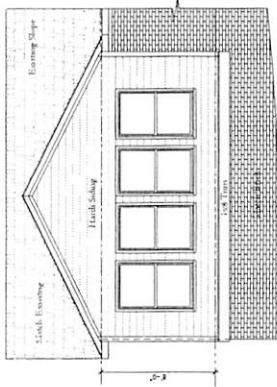
Project No.	
Date	
Scale	1/4" = 1'-0"
Sheet	A1



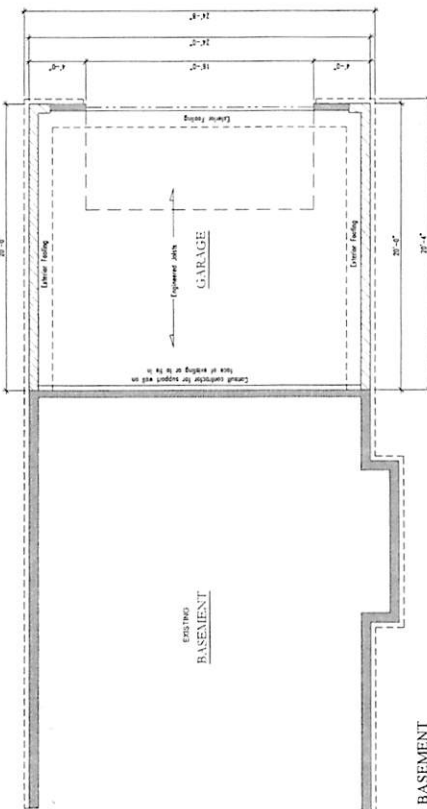
FRONT ELEVATION



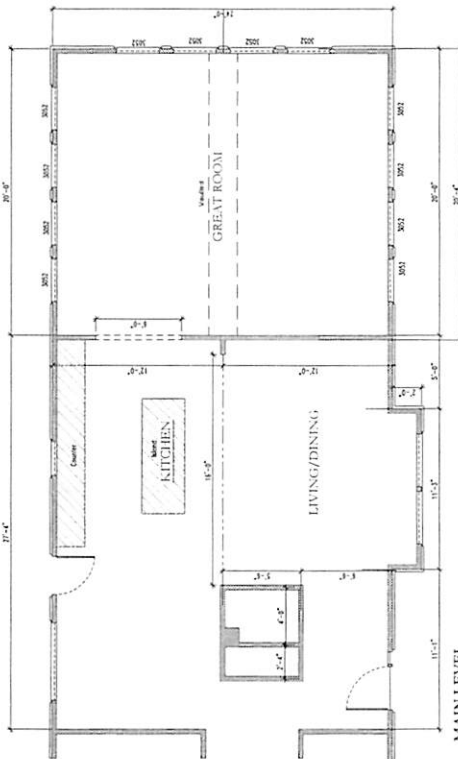
RIGHT ELEVATION



REAR ELEVATION



BASEMENT



MAIN LEVEL

DESIGNER AUTHORIZATION -

TO THE BEST OF HIS KNOWLEDGE, THE DESIGNER HAS PREPARED THESE PLANS TO COMPLY WITH THE CLIENT'S SPECIFICATIONS AND REQUIREMENTS. THE DESIGNER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT AND HAS FOUND IT TO BE SUFFICIENT FOR THE DESIGN OF THE PROJECT. THE DESIGNER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT AND HAS FOUND IT TO BE SUFFICIENT FOR THE DESIGN OF THE PROJECT. THE DESIGNER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT AND HAS FOUND IT TO BE SUFFICIENT FOR THE DESIGN OF THE PROJECT.

General Notes

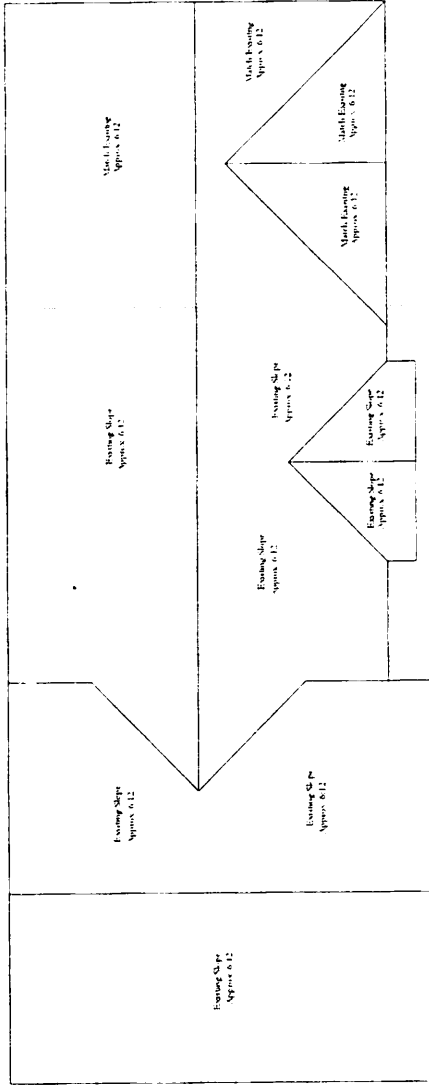
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480 sq ft.

Main Added
480 sq ft.

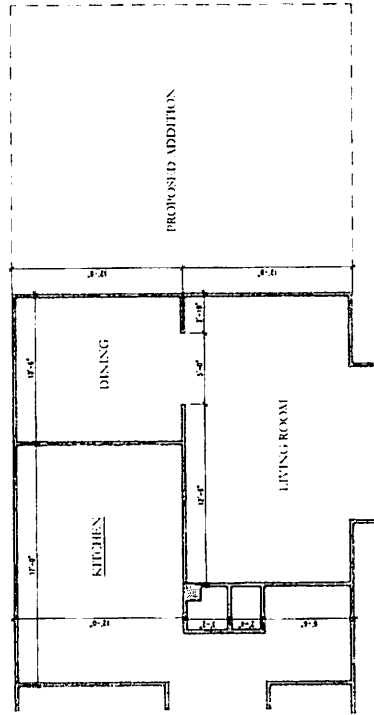
Uelschey Res
Vestavia, AL



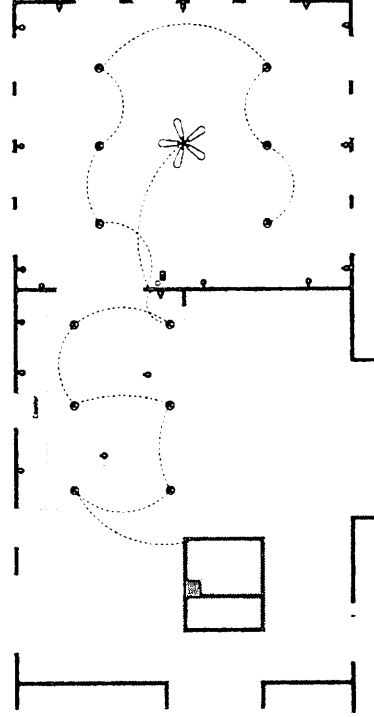
Sheet No.	A2
Scale	1/4" = 1'-0"



ROOF VIEW



EXISTING FLOOR PLAN



GENERAL ELECTRICAL

DESIGNER AUTHORIZATION -

TO THE BEST OF HIS KNOWLEDGE, THE DESIGNER HAS PREPARED THESE PLANS TO COMPLY WITH THE CLIENT'S NEEDS, CITY AND LOCAL BUILDING CODES IN EFFECT AT THE TIME. ALTHOUGH EVERY REASONABLE EFFORT HAS BEEN MADE TO AVOID ERRORS, OMISSIONS AND MISTAKES, THE CONTRACTOR AND CLIENT SHALL VERIFY ALL CONDITIONS, DIMENSIONS, DETAILS AND SPECIFICATIONS. THE DESIGNER WILL NOT BE LIABLE FOR HUMAN ERROR OR FOR CONSTRUCTION DEFECTS.

Vestridge - Fourth Sector

Block	Lot	Address	Owner
8	3	2201 GAY WAY	Janelle and Johnathan Fritz ✓
8	4	2205 GAY WAY	Mary Russell ✓
8	5	2209 GAY WAY	Rebecca McBride ✓
8	6	2213 GAY WAY	John Douglass Jr. and Margaret F. Millen ✓
8	7	2217 GAY WAY	Robert L. Babanats ✓
8	8	2221 GAY WAY	Janna Harper ✓
8	9	1560 PANORAMA DR	Henry B. Horton ✓
9	2	151 BLIND BROOK LN	Franklin Bates ✓
9	3	2204 GAY WAY	Kyle Clark ✓
9	4	2208 GAY WAY	Beth Mallette ✓
9	5	2212 GAY WAY	Cynthia Pogwizd ✓
9	6	2216 GAY WAY	Timothy C. Dunston ✓
9	7	2220 GAY WAY	Bryan Bray ✓
9	8	2224 GAY WAY	Fields Green ✓
9	9	2228 GAY WAY	Dell Paradise ✓
9	10	2232 GAY WAY	Grace Collins Small ✓
9	11	1548 PANORAMA DR	Watts and Jennifer Ueltschey ✓
10	2	1557 PANORAMA DR	Jonathan Burch ✓
10	3	1553 PANORAMA DR	Rebecca and Chris Stinson ✓
10	4	1549 PANORAMA DR	Vicki Vickers ✓
10	5	1545 PANORAMA DR	Lucy and Gene Gilmore ✓
10	6	2201 LIME ROCK RD	Eric Witherington ✓



Judges Alan L. King & Sherri C. Friday
 Judge of Probate
 Jefferson County Courthouse
 716 Richard Arrington Jr. Blvd. North
 Birmingham, AL 35203
 (205) 325-5300

CUSTOMER INFORMATION

WATTS CASPER UELTSCHHEY JR

TRANSACTION INFORMATION

Transaction #:	8222749	Source Code:	Over the Counter
Receipt #:	1065137	Return Code:	Over the Counter
Cashier Date:	09/25/2019	Comments:	
Print Date:	09/25/2019		
Cashier By:	MORRISL		

NOTICE

Instrument.: 2019100731

From: UELTSCHHEY WATTS CASPER To:

RECORDING FEE \$23.00

ARCHIVAL FEE \$11.00

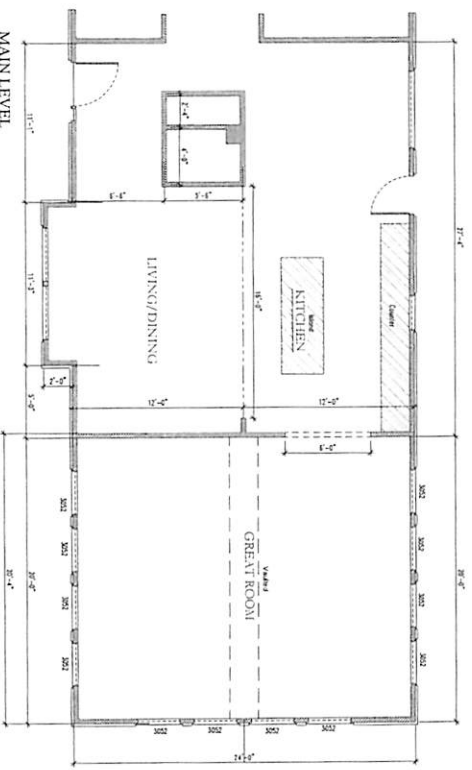
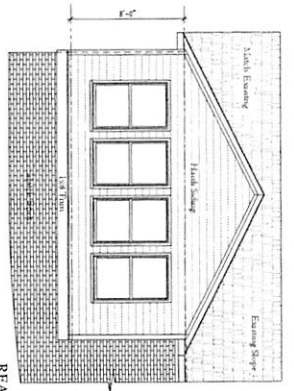
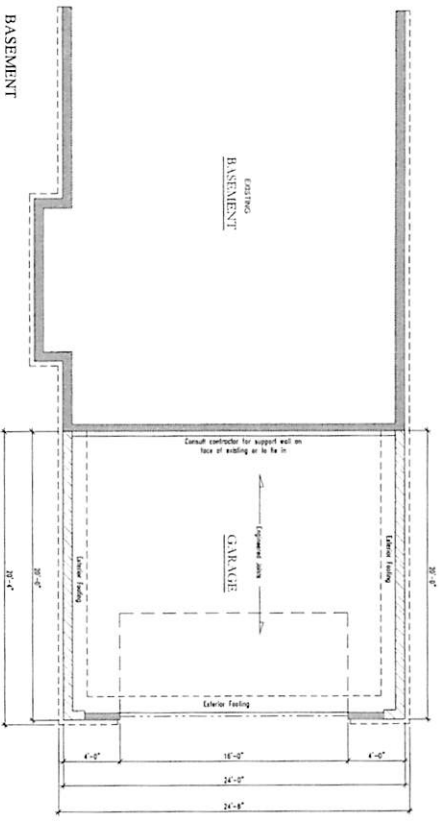
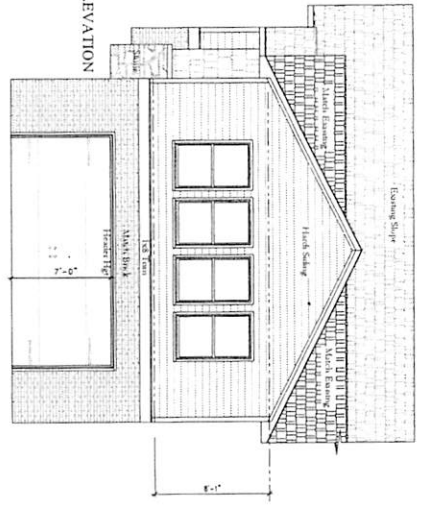
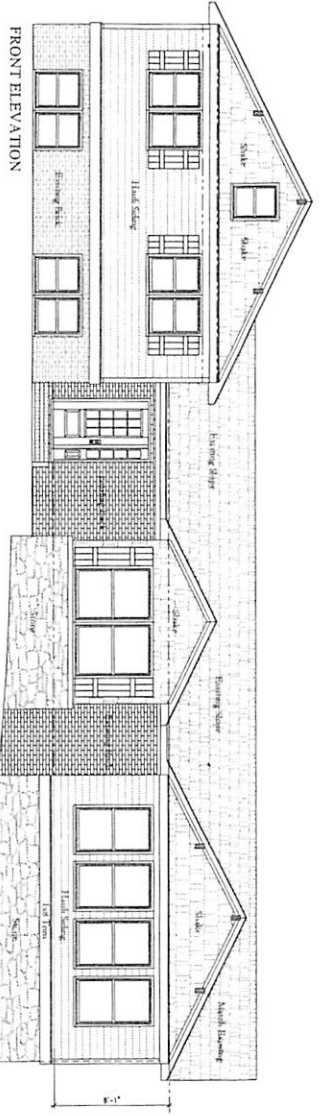
Document Total: \$34.00

PAYMENT: CC IPASS	975d0f1e	AMOUNT:	\$34.00	Credit Card Fee:	\$1.19
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Void / Revised Reason:

Credit Card Amount	\$0.00	Credit Card Fee	\$1.19
Signature	_____	Authorization	975d0f1e

Total Payments:	\$ 34.00	Total Fees:	\$ 34.00	Shortage:	\$ 0.00
Overage:	\$ 0.00	Total Change Returned:	\$ 0.00		



DESIGNER AUTHORIZATION -
 TO THE BEST OF MY KNOWLEDGE, THE DESIGNER HAS PREPARED THESE PLANS TO COMPLY WITH THE CLIENTS SPECIFIC
 CODES AND LOCAL BUILDING CODES IN EFFECT AT THE TIME. ALTHOUGH EVERY REASONABLE EFFORT HAS BEEN MADE
 TO AVOID ERRORS, OMISSIONS AND INACCURACIES, THE CONTRACTOR AND/OR CLIENT SHALL VERIFY ALL CONDITIONS, DIMENSIONS,
 DETAILS AND SPECIFICATIONS. THE DESIGNER WILL NOT BE LIABLE FOR HUMAN ERROR AFTER CONSTRUCTION BEGINS.

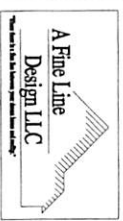
FOR CREATING WITH PAPER ARCHITECTURE SOFTWARE: ARCHICAD

Overall Mass

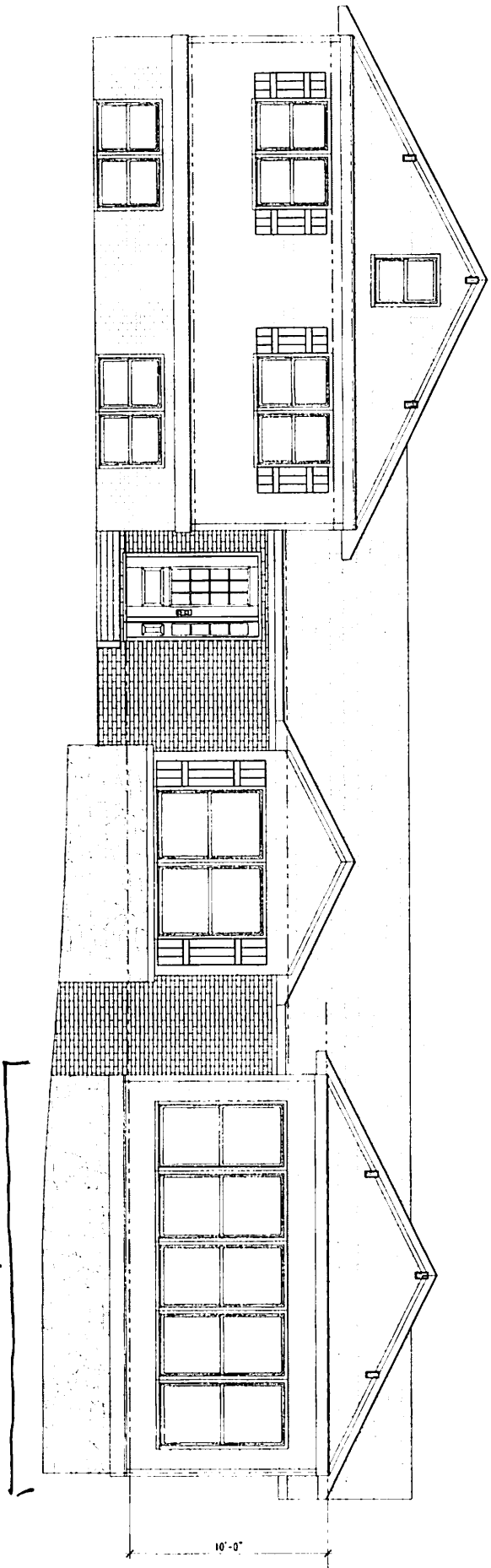
Basement Added
 480 sq ft.

Main Added
 480 sq ft.

Ueltschey Res
 Vestavia, AL



Project Name: _____
 Date: _____
 Scale: 1/4" = 1'-0"
 Sheet: **A1**



Proposed
Addition

BZA1019-27//2800314003.015.000
1548 Panorama Dr.
Front Setback Variance for an
addition
Watts & Jennifer Ueltschey

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

Date: **OCTOBER 17, 2019**

- **CASE: BZA-1019-28**
- **REQUESTED ACTION:** 8' side setback variance to reduce the setback to 9' in lieu of the required 17'.
- **ADDRESS/LOCATION:** 2341 Morningstar Drive
- **APPLICANT/OWNER:** Edwin & Blair Moss
- **REPRESENTING AGENT:** Amy Lawson
- **GENERAL DISCUSSION:** Applicants are seeking a side setback variance to build a carport addition. The applicants contend the odd-shaped lot creates a hardship. The home also sits on the narrow portion of the lot towards the front. The applicants note that the most economical way to build covered parking, without adding foundation, is to build the carport on the side of the house where the driveway comes to. The applicant's property is zoned Vestavia Hills 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.

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

The owner of the property understands that variances are granted based on the zoning code. Variances are not granted on any kind of covenants. Covenants are between property owners.

EXAMPLE: If you are asking for a variance from a building setback line and the building setback line is recorded on the plat and matches the Zoning Code, then the Board of Zoning Adjustment would only hear the case based on the Zoning Code requirements, not what is on the recorded plat. The recorded plat is a covenant between property owners of the subdivision. You must have signatures of every property owner on the recorded plat map to change the covenant portion of the setback. The letter of signatures approving the amendment of the covenants must be filed with the Office of the Probate Court. Again, we can only give a variance based on the Zoning Code and that is the only portion of the building setback changes that the Board of Zoning Adjustment will vote on. Once filed with the Office of the Probate, please bring a copy of the recorded amendment to the Office of the City Clerk and we will place it in the file.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Edwin and Blair Moss

Address: 2341 Morningstar Drive

Vestavia Hills, AL 35216

Phone #: 205-529-1310 Other #: 205-222-5628

E-Mail: emosse@jhbory.com / blairmoss@gmail.com

Representing Attorney/Other Agent

Name: Amy Lawson

Address: 1508 Woodridge Place

Vestavia Hills, AL 35216

Phone #: 205-215-0284 Other #: _____

E-Mail: amylaw5@bellsouth.net

II. DESCRIPTION OF PROPERTY:

LOCATION: 2341 Morningstar Drive, Vestavia Hills, AL 35216
Street Address

Lot 9, Block 1, Tanglewood Park 4th Sector 1st ADD 114/43
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.
8 ' front side rear (circle one) setback variance to reduce the setback to 9 ' in lieu of the required 17 ' .
_____ ' 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 R-1 .

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).

Irregular shaped lot that is pie shaped. The narrow portion of lot is toward the front of lot where house sits.
The only economical solution to add covered parking without adding foundation is to add carport to the side of the house.

VI. OWNER AFFIDAVIT:

BZA1019-28//2800293001064.004
2341 Morningstar Drive
Side Setback Variance for a carport
Edwin & Blair Moss

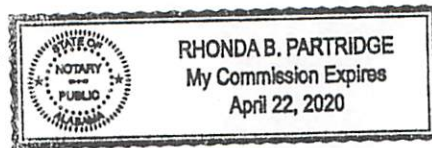
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.

Edwin W. Moss 09/16/19
Blair Moss 9/16/2019
Owner Signature/Date

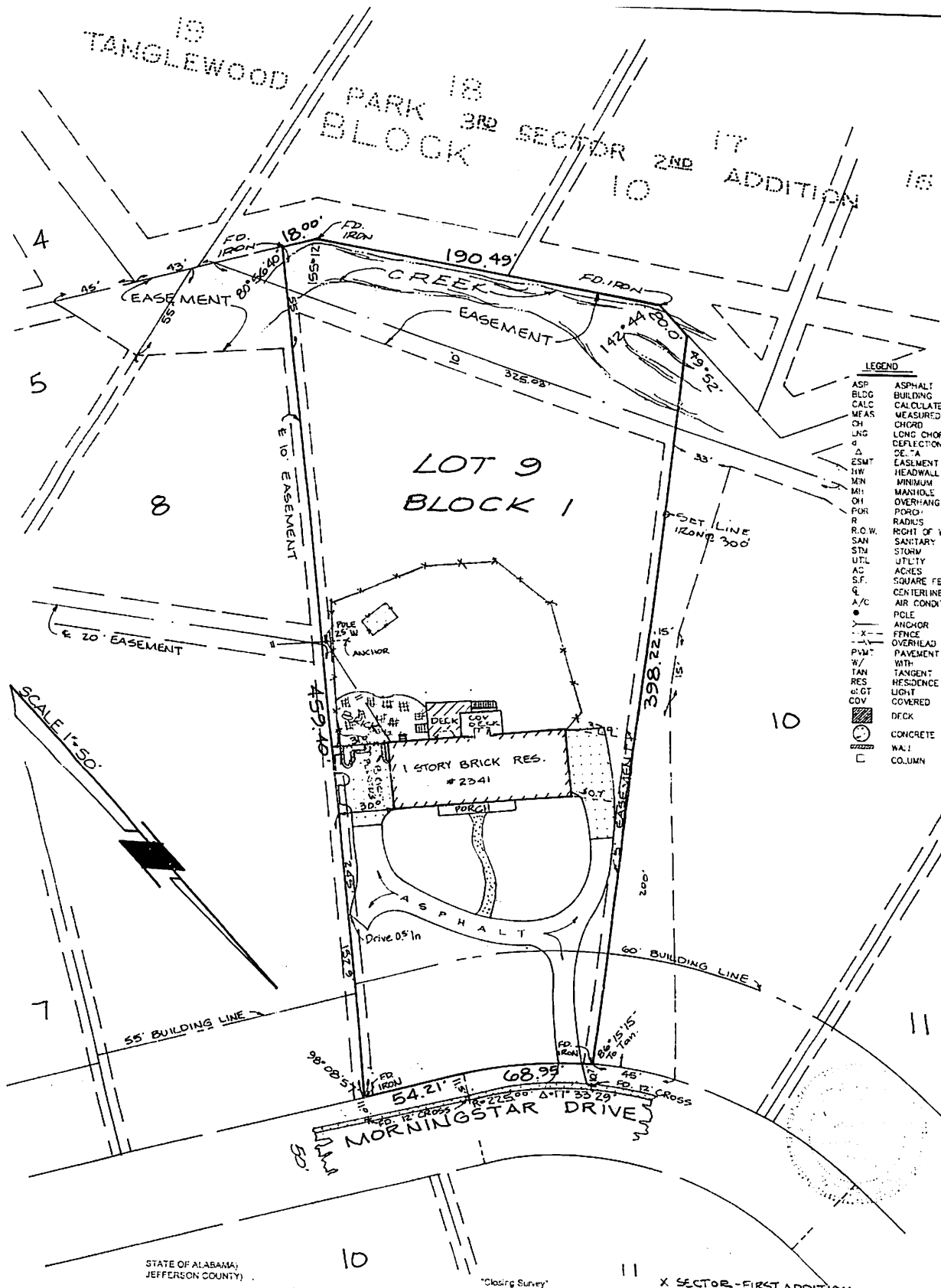
[Signature] 09/17/19
Representing Agent (if any)/date

Given under my hand and seal
this 17th day of Sept., 2019.

Rhonda B Partridge
Notary Public
My commission expires _____
day of _____, 20____.



BZA1019-28//2800293001064.004
2341 Morningstar Drive
Side Setback Variance for a carport
Edwin & Blair Moss



LEGEND

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
d	DEFLECTION
CE	CE. TA
ESMT	EASEMENT
HW	HEADWALL
MIN	MINIMUM
MH	MANHOLE
OH	OVERHANG
FOR	FOR
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTL	UTILITY
AC	ACHES
S.F.	SQUARE FEET
Q	CENTERLINE
A/C	AIR CONDITIONING
PCLE	POLE
ANCH	ANCHOR
-X-	FENCE
-O-	OVERHEAD U
P.V.M.	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
LT	LIGHT
COV	COVERED
DFCK	DECK
CONCRETE	CONCRETE
WA:!	WALL
CO.UMN	COLUMN

STATE OF ALABAMA
JEFFERSON COUNTY

"Closing Survey"

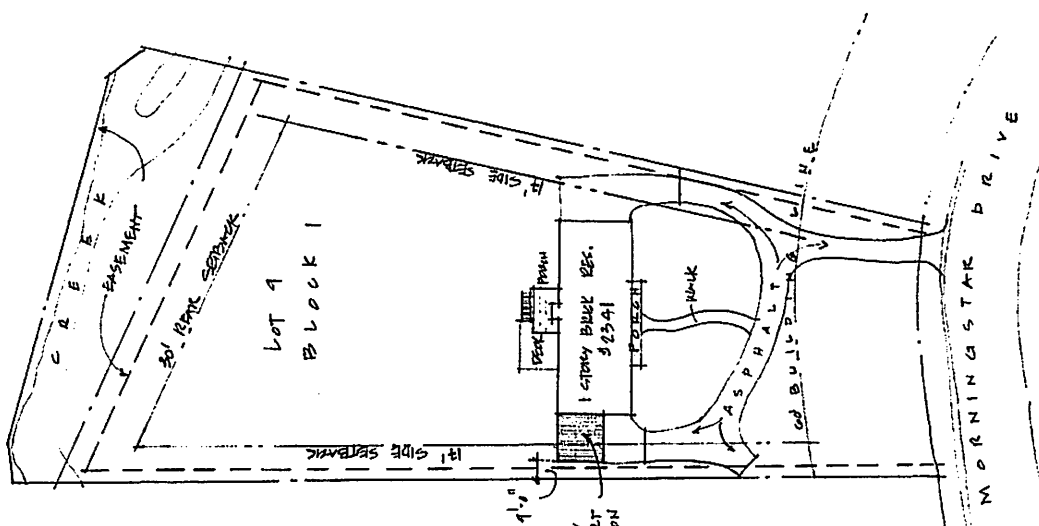
X SECTOR - FIRST ADDITION

1, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 9, Block 1, Tanglewood Park 3rd Sector 2nd Addition, as recorded in Map Volume 114, Page 43 in the Office of the Judge of Probate, Jefferson County, Alabama, that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. 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 MARCH 6, 2010. Survey invalid if not sealed in red.

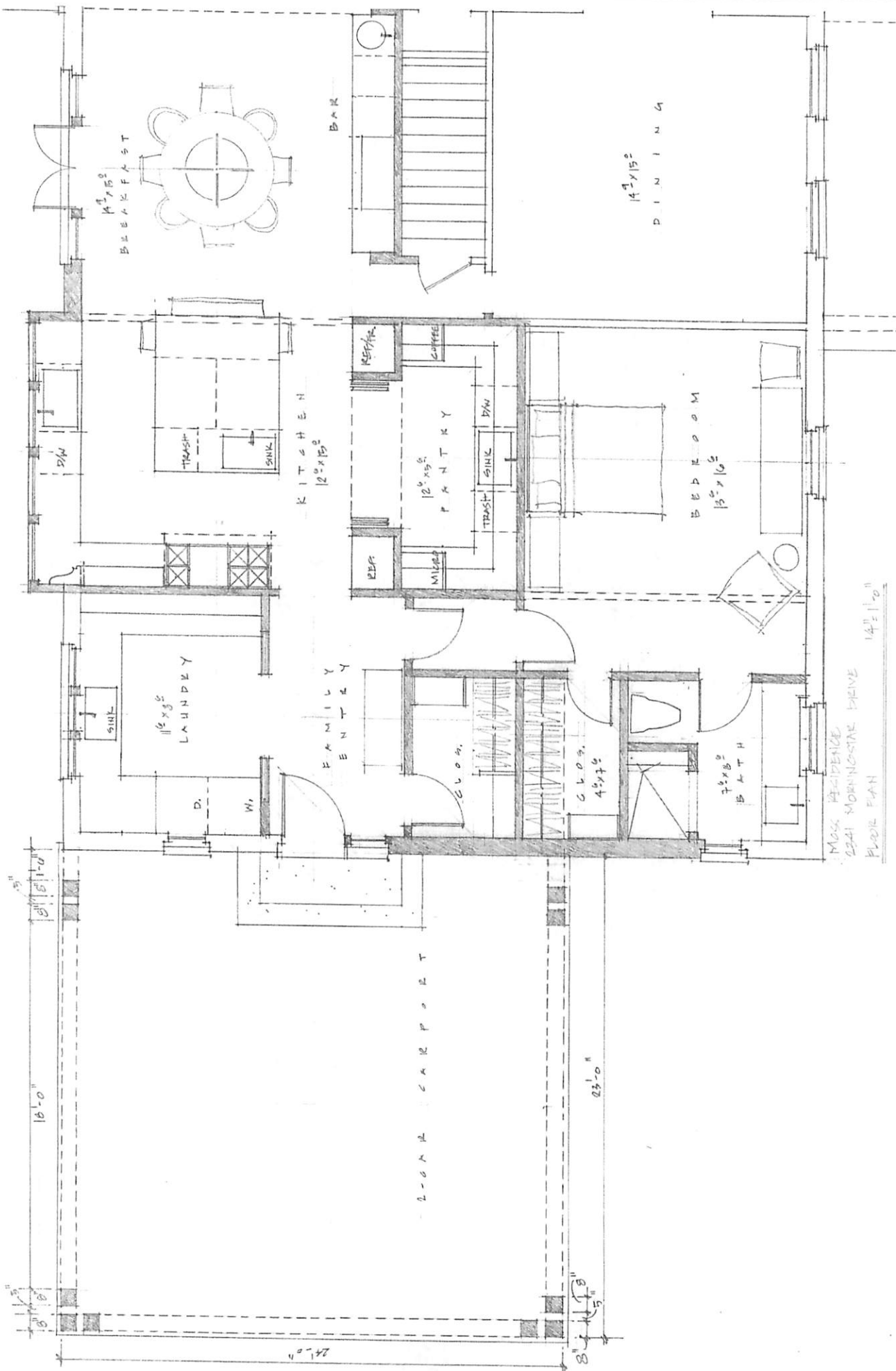
Order No: 58030
Purchaser: MOSS
Address: 2341 MORNINGSTAR DRIVE

Ray Weygand, Reg. L.S. #24973
165 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©

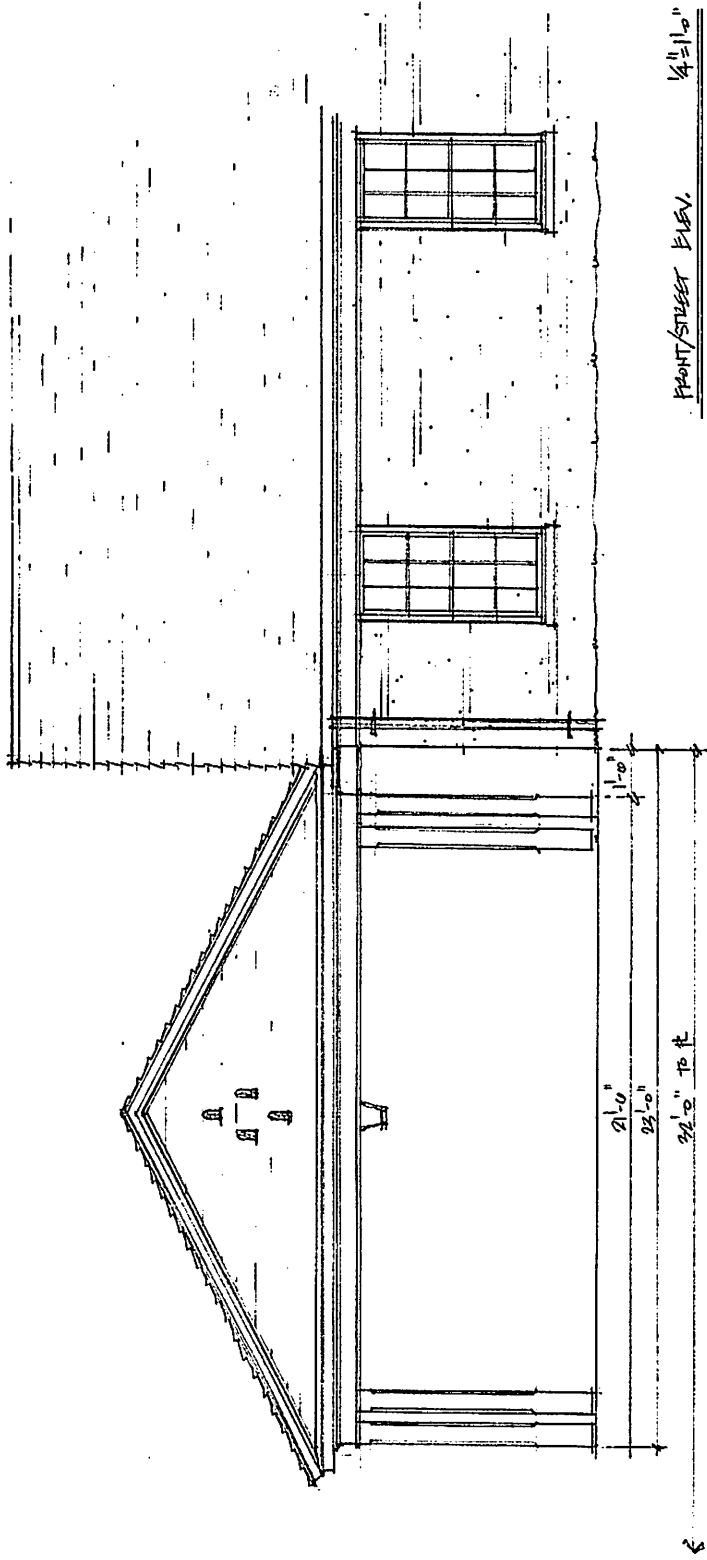
Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles are as recorded map and actual unless otherwise noted. (c) Underlying portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or fire manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person(s) that pays for it at time of survey. (f) Easements not shown on record map are not shown above.



SITE PLAN
 2341 MORNINGSTAR PRNE
 MOSS RESIDENCE
 1" = 60'-0"



MOORE RESIDENCE
 2241 MORNINGSTAR DRIVE
 FLOOR PLAN 1/4" = 1'-0"

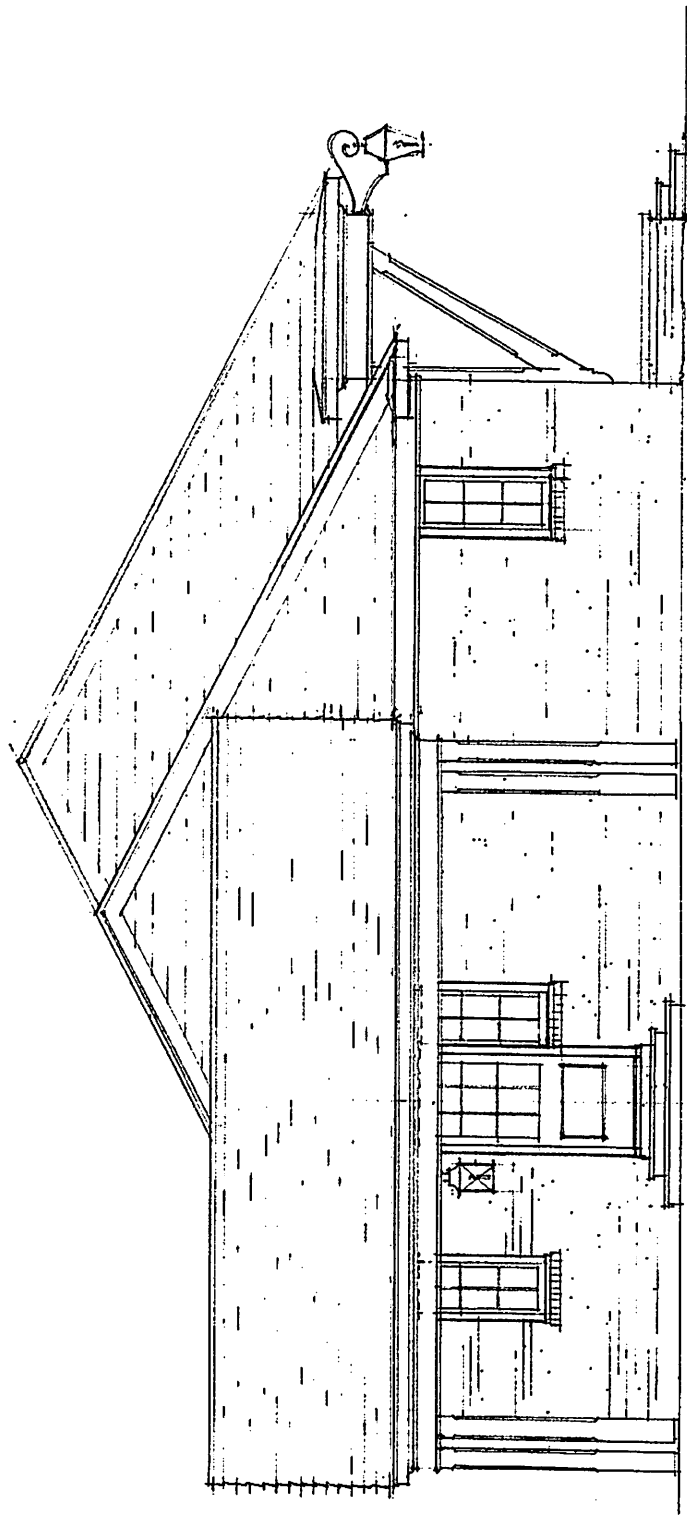


FRONT STREET ELEV. 4'-11 1/2"

MOSS RESIDENCE
2341 MORNINGSTAR DRIVE

21'-0"
22'-0"
22'-0" TO FT





SIDE ELEV. 1/4" = 1'-0"

MOSS RESIDENCE
2241 MORNINGSTAR DRIVE

EXTERIOR PHOTOS OF HOUSE – 2341 Morningstar Drive

View of front of house:



View of house from street:



View of side of house where carport addition to be located:

