

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

Roll Call.

Approval of Minutes: November 21, 2019.

- (1) **BZA-1219-30** Cooper Smith is requesting a **Variance for the Location of a Fence** for the property located at **1200 Vestavia Place**. The purpose of this request is to build a fence in the front setback to allow for privacy. The property is owned Cooper Smith and is zoned Vestavia Hills R-9.

- (2) **BZA-1219-31** Jacob Polson is requesting a **Front Setback Variance** for the property located at **3408 Hollingswood Circle**. The purpose of this request is to reduce the setback to 32' in lieu of the required 50'. The property is owned by Jacob Polson and is zoned Vestavia Hills R-2.

- (3) **BZA-1219-32** Martin Evans are requesting a **Rear & Side Setback Variance** for the property located at **2105 Mountain View Drive**. The purpose of this request is to reduce the rear setback and side setback to 6' in lieu of the required 15'. The property is owned by Martin Evan and is zoned Vestavia Hills R-2.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

November 21, 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
Jim Griffo
George Ponder

MEMBERS ABSENT: Tony Renta, Alt
Donald Holley Alt
Robert Gower

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of October 14, 2019 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of October 17, 2019 was made by Mr. Jones and 2nd was by Mr. Griffo. Motion as carried on a voice vote as follows:

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

SIDE SETBACK VARIANCE

BZA-1119-29 Sid & Elizabeth Lowman are requesting a **Side Setback Variance** for the property located at **2336 Wexford Lane**. The purpose of this request is to reduce the setback to 10' in lieu of the required 15' to build a bathroom addition. The property is owned by Sid & Elizabeth Lowman 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.

Sid Lowman stated that they wanted to add a master bathroom to the master bedroom and that his hardship was an odd shaped 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 5' rear setback variance to reduce the setback to 10' in lieu of the required 15' for the property located at 2336 Wexford Lane, was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

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

At 6:06 PM, Mr. Rice made a motion to adjourn. The meeting adjourned at 6:06 PM.

Jack Wakefield,
Planner/GIS

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

Date: **DECEMBER 19, 2019**

- **CASE: BZA-1219-30**
- **REQUESTED ACTION: Variance For Front Yard Fence**
- **ADDRESS/LOCATION: 1200 Vestavia Place**
- **APPLICANT/OWNER: Cooper Smith**
- **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. City Engineer, Christopher Brady, has stated his opinion on the placement of the fence and regarding sight distance issues (attached). The property is currently zoned R-9.**
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** Attached
 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: Cooper Smith

Address: 1200 Vestavia Place Vestavia Hills, AL 35216 or 1831 28th Ave. S. #400 Homewood, AL 35229

Phone #: 205.706.0404 Other #: 205.558.6161

E-Mail: Cooper.Smith@SRSRE.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2019 NOV 18 A 8:10

II. DESCRIPTION OF PROPERTY:

LOCATION: 1200 Vestavia Place Vestavia Hills, AL 35216
Street Address

Lot 28
Subdivision name, Lot #, Block #, etc.

III. REASONS FOR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS):

1. A request to vary:
 - _____ ' variance to reduce the lot width to _____ ' in lieu of the required _____ '.
 - _____ square foot variance to reduce the lot area to _____ square feet in lieu of the required _____ square feet.
 - _____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ '.
 - _____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ '.
 - _____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ '.
2. A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Sign Code Variance (See Section _____).
6. Other - Explain (See Section _____).

Fence -

IV. ZONING

Vestavia Hills Zoning for the subject property is R9.

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).

Added to the property to the side of the house the safety
Corner lot

VI. OWNER AFFIDAVIT:

From: [Christopher Brady](#)
To: [Cooper Smith](#); [Lori Beth Kearley](#)
Cc: [Jack Wakefield](#); [Keith Blanton](#)
Subject: RE: 1200 Vestavia Place
Date: Tuesday, November 26, 2019 11:53:13 AM
Attachments: [image004.png](#)
[VestaviaPlace_1200_survey.pdf](#)
[VestaviaPlace_1200_pics.pdf](#)

Cooper,

I have reviewed your preliminary information regarding request for variance to place a fence. See attached and below comments:

- I have reviewed potential sight distance concerns with the fence placement. As represented, it appears the line of sight will exceed 250 lf from the current stop bar placement.
- The survey states the edge of right-of-way as approximately 7.5' from the home, however the fence layout suggests approximately 8'. You will need to insure at time of permitting the fence construction that the fence will not encroach within the roadway right-of-way. We recommend offsetting approximately 6" to the inside of your property line. Please coordinate with a surveyor to stakeout the line prior to proceeding with construction of the fence.
- To improve your sight distance when pulling from your driveway to the private common shared drive at the rear of your lot, please consider revising to "angled" corners instead of the represented "90 degree" corners.

Assuming your variance is approved and your proceed with fence construction, please stake out the corners and request an additional engineering review from my office as a condition of your permit issuance.

Please let me know if any questions,



Christopher Brady, City Engineer
Department of Public Services
P 205 978 0150 | vhal.org
City of Vestavia Hills

  WWW.ALIFEABOVE.ORG

From: Cooper Smith <cooper.smith@SRSRE.com>

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

Date: **DECEMBER 19, 2019**

- **CASE: BZA-1219-31**
- **REQUESTED ACTION:** 18' front setback variance to reduce the setback to 32' in lieu of the required 50.
- **ADDRESS/LOCATION:** 3408 Hollingswood Circle
- **APPLICANT/OWNER:** Jacob Polson
- **REPRESENTING AGENT:** Slate Barganier Building
- **GENERAL DISCUSSION:** Applicant is seeking a front setback variance to cover the front stoop of his house. The applicant contends there is a hardship because this lot is a non-conforming lot and that it is oddly shaped. When the house was built, the original front setback was 35', it fell out of compliance through the annexation of Cahaba Heights. The applicant plans to build an addition in the rear of the property, which would abide by the code. Through these additions, the applicant intended to cover the front stoop as rain water gathers on that spot. The roof would divert the water to the side of the front stoop. The variance is needed to build a small roof over the front stoop. A covenants waiver was drafted and signed by all parties and recorded with Jefferson County for the recorded front setback 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 HILL
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: JACOB POLSON

Address: 3408 HOLLINGSWOOD CIRCLE
VESTAVIA, AL 35243

Phone #: (205) 567 6671 Other #: _____

E-Mail: jacobpolson@yahoo.com

Representing Attorney/Other Agent

Name: SLATE BARGANIER BUILDING

Address: 3121 BLUE LAKE DRIVE, STE 201
VESTAVIA, AL 35243

Phone #: (205) 637 3373 Other #: _____

E-Mail: cameron@slatebarganier.com

II. DESCRIPTION OF PROPERTY:

LOCATION: 3408 HOLLINGSWOOD CIRCLE
Street Address

ESTES ADDITION TO FARRINGTON WOOD, (CAHABA HEIGHTS), LOT 2
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.
2.518 ' front (circle one) setback variance to reduce the setback to 32.8 ' in lieu of the required 38.50 ' .
_____ ' 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-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).

~~THE HOUSE WAS BUILT BEFORE CAHABA HEIGHTS WAS ANNEXED INTO VESTAVIA~~
~~FRONT SETBACK WAS ORIGINALLY 35'; FRONT STOOP WAS BUILT OVER THE 35' SETBACK WITHOUT A ROOF COVERING~~
~~IRREGULAR SHAPED LOT~~

Water issue


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

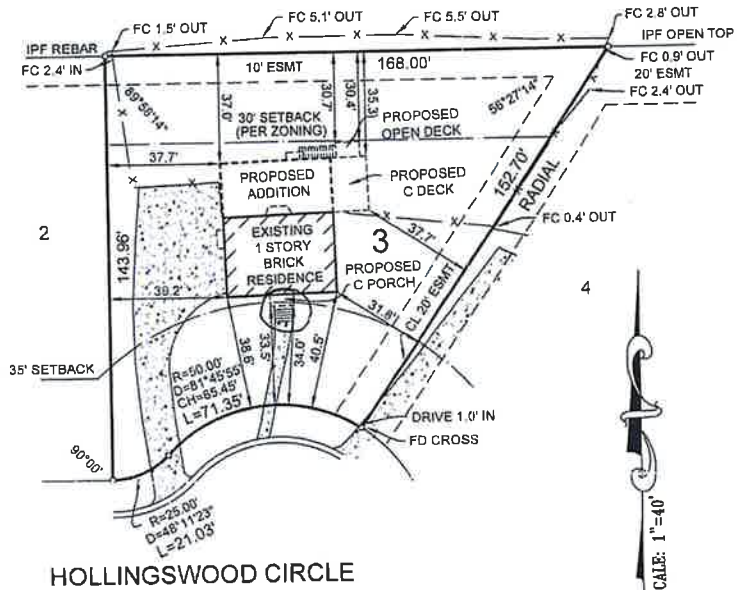

Representing Agent (if any)/date

Given under my hand and seal,
this 19 day of November, 2019.


Notary Public
My commission expires March
day of 20, 2022.

LEGEND:

- ASPH = asphalt
- BRG = bearing
- BLDG = building
- CALC = calculated
- CAP = capped iron
- CL = centerline
- CH = chord
- CONC = concrete
- C = covered
- d = deflection
- D = curve delta angle
- E = east
- ESMT = easement
- FC = fence
- FD = found
- HW = headwall
- IPF = iron pin found
- IPF* = iron pin found w/KGW cap
- IPS = iron pin set w/SSI cap
- L = length
- MEAS = measured
- MIN = minimum
- MH = manhole
- N = north
- OH = overhang
- P = porch
- PC = point of curve
- POB = point of beginning
- POC = point of commencement
- PT = point of tangent
- PVMT = pavement
- R = radius
- REC = recorded
- RES = residence
- ROW = right of way
- S = south
- SAN = sanitary
- STM = storm
- SWR = sewer
- SYN = synthetic
- UTIL = utility
- U = uncovered
- W = west
- YI = yard inlet
- ° = degrees
- ' = minutes, in
- " = seconds, in
- ° = bearings or angles
- ' = feet, in distance
- AC = acres
- ± = more or less, or plus or minus



STATE OF ALABAMA
SHELBY COUNTY

I, David B. Entekin, a registered Land Surveyor, certify that I have surveyed Lot 3, ESTES ADDITION TO FARRINGTON WOOD as recorded in Map Book 138, Page 70 in the Office of the Judge of Probate, Jefferson County, Alabama; 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; that the correct address is as follows: 3408 Hollingswood Circle according to my survey of November 5, 2019. Survey is not valid unless it is sealed with embossed seal or stamped in red. Revise addition November 18, 2019.

SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE SUITE M
BIRMINGHAM, AL 35242
PHONE: 205-991-8965

David B. Entekin
David B. Entekin, Reg. L.S. #30345

11-18-2019
Date of Signature



Order No. 332032
Purchaser: Slate Barganier
Type of Survey: Special Purpose to
Show Proposed Addition

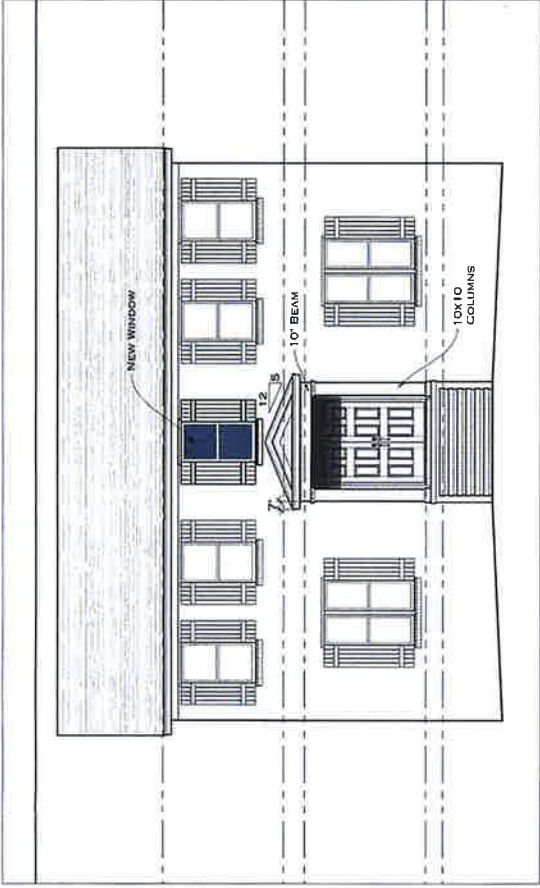
VACADISUBDIVISIONJEFFERSON COUNTYIESTES ADD TO FARRINGTON WOODLOT3 ESTES ADD TO FARRINGTON WOOD

PLAN INFORMATION
 PROJECT NAME:
 CUSTOM DESIGN
 COMMUNITY:
 LOT NUMBER:
 CLIENT NAME:
 PDF CREATION DATE:
 11/14/19 - 7:53AM
 SHELZER DESIGN
 205 S. HARRIS AVE.
 DAVENPORT, IA 52801
 DANNY@SHELZERDESIGN.COM
 DANNY: 205.225.3636
 DANNY: 205.296.1216

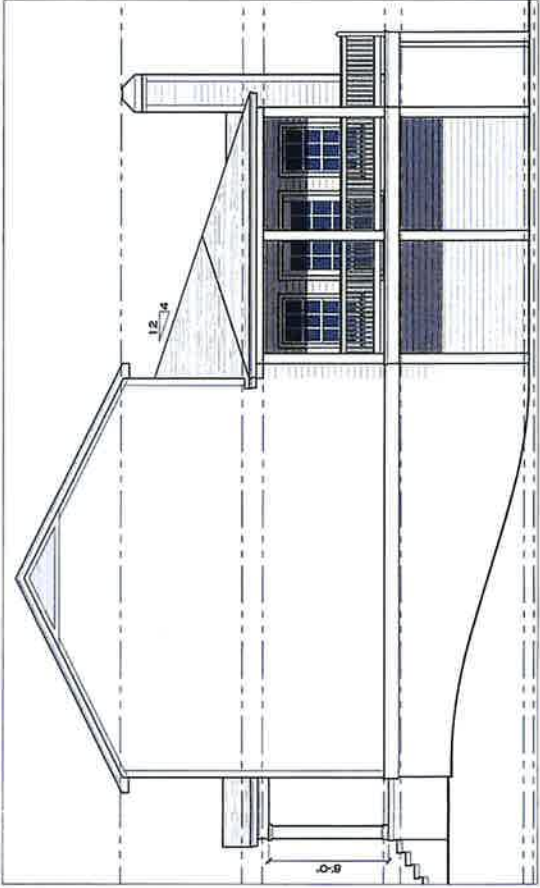


#	NAME
A0	TITLE SHEET
A1	SITE PLAN
A2	FLOOR PLANS
A2.1	1ST FLOOR PLAN
A2.2	2ND FLOOR PLAN
A2.3	ROOF PLAN
A2.4	EXTERIOR ELEVATIONS
A2.5	EXTERIOR ELEVATIONS
A2.6	EXTERIOR ELEVATIONS
A4.1	DETAIL SHEET
E1.1	ELECTRICAL SHEET
E1.2	ELECTRICAL SHEET
TOTAL SHEETS: 13	

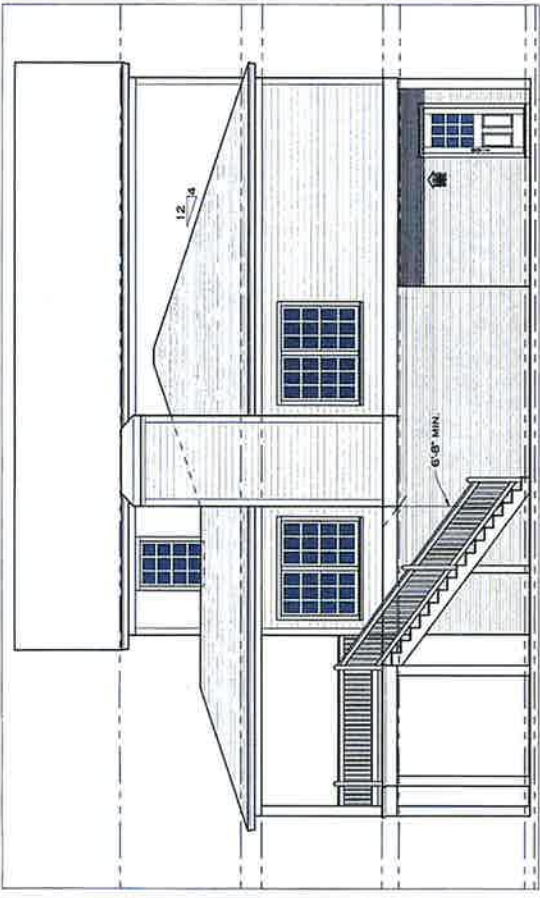
SHEET INFORMATION
 A3.1



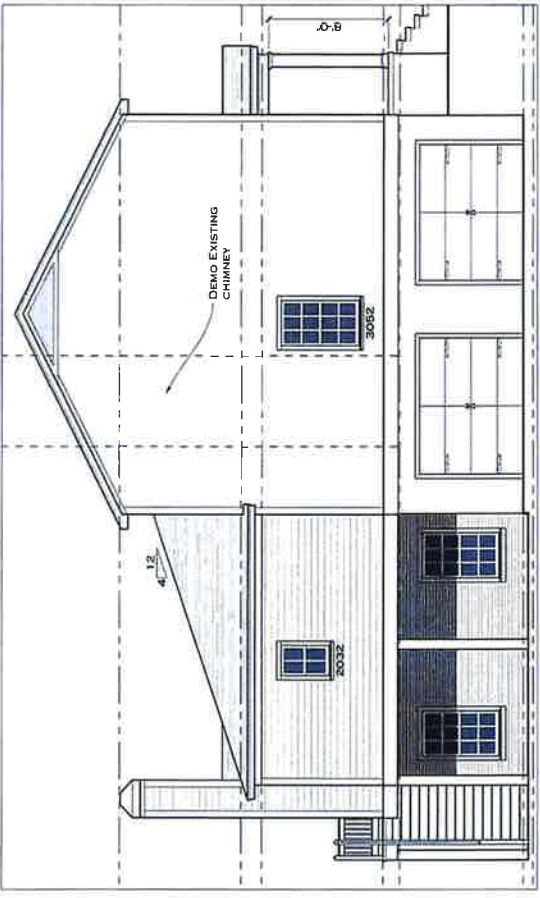
2 Front Elevation
 A3.1 1/8" = 1'-0"



4 Right Elevation



1 Rear Elevation
 A3.1 1/8" = 1'-0"



3 Left Elevation

BZA1219-31//2800143003031.002
3408 Hollingswood Circle
Front setback variance for a roof
over a stoop
Jacob Polson R2

County Division Code: AL040
Inst. # 2019122500 Pages: 1 of 2
I certify this instrument filed on
11/22/2019 1:06 PM Doc: NOTICE
Alan L. King, Judge of Probate
Jefferson County, AL. Rec: \$19.00

Clerk: NICOLE

We respectfully petition to reduce the current Front Setback requirements from (35') to (30')

for the subdivision : ESTES ADDITION TO FARRINGTON WOOD [Hollingswood Circle, Cahaba Heights] Jefferson
County, Alabama

"I Jan Williams, Owner of Lot 3 of Subdivision ESTES ADDITION TO FARRINGTON
WOOD, Recorded on date 11/20/19 agree to reduce the (35') Setback for LOT 3.

X Jan Williams

Printed Name: Jan Williams

Date: 11/20/19

"I Jan Williams, Owner of Lot 4 of Subdivision ESTES ADDITION TO FARRINGTON WOOD, Recorded
on date 11/20/19 agree to reduce the (35') Setback for LOT 3.

X Jan Williams

Printed Name: Jan Williams

Date: 11/20/19

"I John Welsh, Owner of Lot 7 of Subdivision ESTES ADDITION TO FARRINGTON WOOD, Recorded
on date 11/20/19 agree to reduce the (35') Setback for LOT 3.

X John Welsh

Printed Name: John Fuller Welsh

Date: 11/20/19

"I Karen A. Moore, Owner of Lot 1 of Subdivision ESTES ADDITION TO FARRINGTON WOOD, Recorded
on date 11-20-19 agree to reduce the (35') Setback for LOT 3.

X Karen A. Moore

Printed Name: KAREN A Moore

Date: 11-20-19

"I DAVE MORRIS, Owner of Lot 6 of Subdivision ESTES ADDITION TO FARRINGTON WOOD, Recorded
on date 11-20-19 agree to reduce the (35') Setback for LOT 3.

X DAVE MORRIS

Printed Name: DAVE MORRIS

Date: 11-20-19

"I JACOB CUCH, Owner of Lot 5 of Subdivision ESTES ADDITION TO FARRINGTON WOOD, Recorded on date 11/24/19 agree to reduce the (35') Setback for LOT 3.

X *Jacob Cuch*

Printed Name: JACOB CUCH

Date: 11/24/19

"I Bradley Moncrief, Owner of Lot 2 of Subdivision ESTES ADDITION TO FARRINGTON WOOD, Recorded on date 11-20-19 agree to reduce the (35') Setback for LOT 3.

X *Bradley Moncrief*

Printed Name: Bradley Moncrief

Date: 11-20-19

"I Tracy Diamond, Owner of Lot 8 of Subdivision ESTES ADDITION TO FARRINGTON WOOD, Recorded on date _____ agree to reduce the (35') Setback for LOT 3.

X *Tracy Diamond*

Printed Name: Tracy Diamond

Date: 11/26/19

"I _____, Owner of Lot _____ of Subdivision ESTES ADDITION TO FARRINGTON WOOD, Recorded on date _____ agree to reduce the (35') Setback for LOT 3.

X _____

Printed Name: _____

Date: _____

"I _____, Owner of Lot _____ of Subdivision ESTES ADDITION TO FARRINGTON WOOD, Recorded on date _____ agree to reduce the (35') Setback for LOT 3.

X _____

Printed Name: _____

Date: _____

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

Date: DECEMBER 19, 2019

- **CASE: BZA-1219-32**
- **REQUESTED ACTION:** 9' rear setback variance to reduce the setback to 6' in lieu of the required 15' & 9' side setback variance to reduce the setback to 6' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 2105 Mountain View Drive
- **APPLICANT/OWNER:** Martin Evans
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a rear and side setback variance to build a garage addition. The rear setback requirement is related to the requirement for accessory structures (Code of this section is attached). Building Official, Keith Blanton, stated that a detached garage fits the definition of an accessory structure. The applicant contends that the sewer lines in the rear of the property limits the buildable space in the rear. Also, if the structure was built according to code, it would not be accessible to a full-sized vehicle. This property is already a non-conforming lot and this action would bring the entire lot into compliance. 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:** Detached garage fits definition of an accessory structure.

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: Martin W. Evans
Address: 2105 Mountain View Drive
Vestavia Hills, AL 35216
Phone #: 205-259-3282 Other #: _____
E-Mail: me@eefirm.com

Representing Attorney/Other Agent

Name: _____
Address: _____
Phone #: _____ Other #: _____
E-Mail: _____

2019 NOV 19 A 9:24

II. DESCRIPTION OF PROPERTY:

LOCATION: 2105 Mountain View Drive
Street Address

Lot 2, Block 2, Vestavia Lake Addition (B40-P47)
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.
9' front/~~side~~/~~rear~~ (circle one) setback variance to reduce the setback to 6' in lieu of the required 15'. *for detached garage.*
 _____' 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-2.

V. HARSHIP

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 layout and distances between existing improvements and septic field lines limit the area within which a detached garage may be constructed in strict compliance with the zoning ordinance. A conforming detached structure/garage would impede the basic use of the garage and not be accessible by a full size family vehicle.

VI. OWNER AFFIDAVIT:

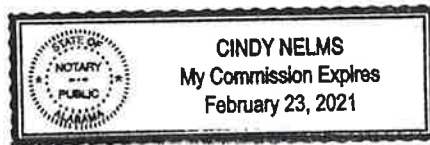
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.

[Signature] 11-19-19
Owner Signature/Date

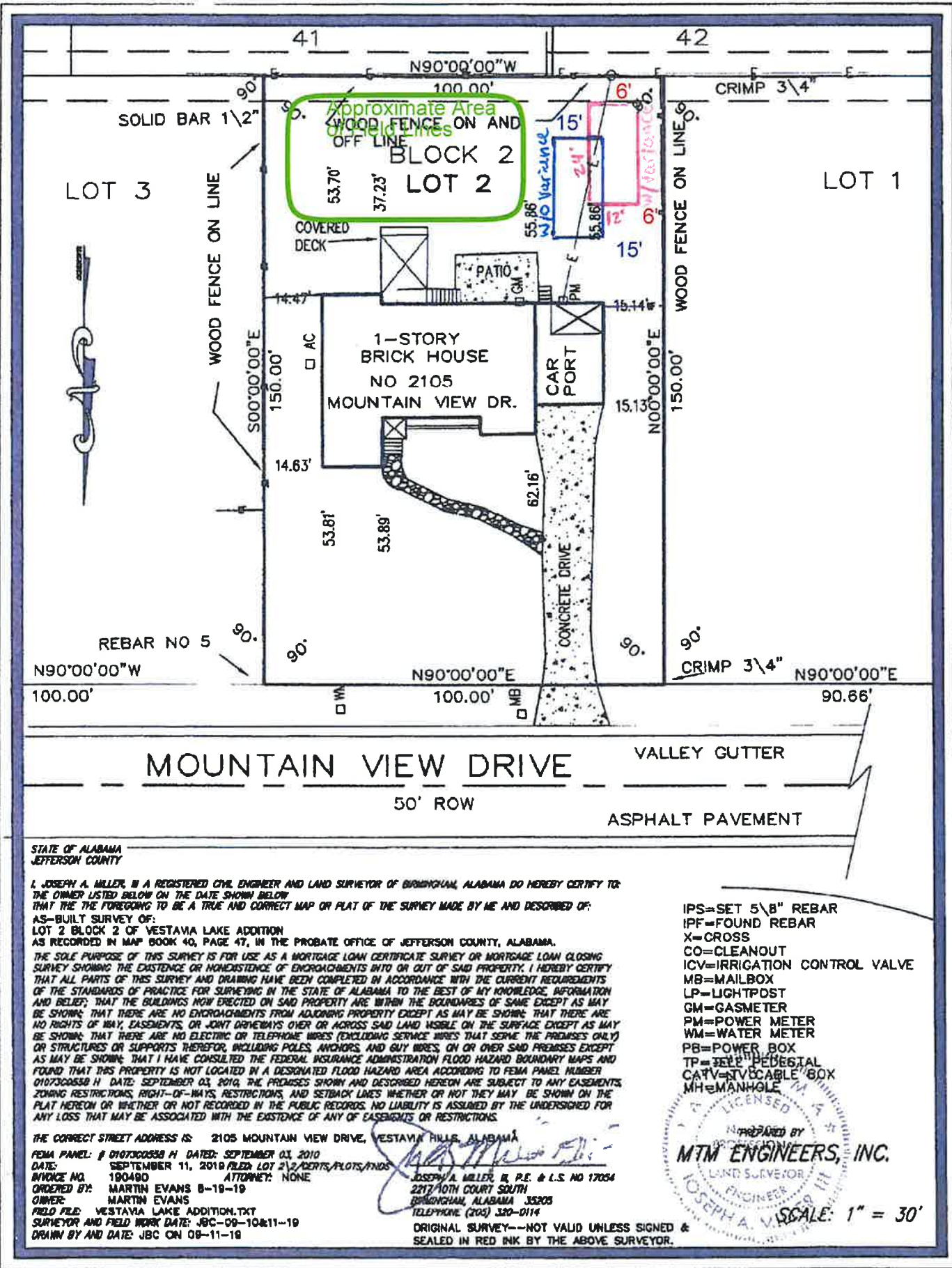
Representing Agent (if any)/date

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

[Signature]
Notary Public



My commission expires 23
day of Feb., 20 21.



STATE OF ALABAMA
JEFFERSON COUNTY

I, JOSEPH A. MILLER, II, A REGISTERED CIVIL ENGINEER AND LAND SURVEYOR OF BIRMINGHAM, ALABAMA DO HEREBY CERTIFY TO THE OWNER LISTED BELOW ON THE DATE SHOWN BELOW THAT THE FOREGOING TO BE A TRUE AND CORRECT MAP OR PLAT OF THE SURVEY MADE BY ME AND DESCRIBED OF:

AS-BUILT SURVEY OF:
LOT 2 BLOCK 2 OF VESTAVIA LAKE ADDITION
AS RECORDED IN MAP BOOK 40, PAGE 47, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

THE SOLE PURPOSE OF THIS SURVEY IS FOR USE AS A MORTGAGE LOAN CERTIFICATE SURVEY OR MORTGAGE LOAN CLOSING SURVEY SHOWING THE EXISTENCE OR NONEXISTENCE OF ENCROACHMENTS INTO OR OUT OF SAID PROPERTY. I 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 SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF; THAT THE BUILDINGS NOW ERRECTED ON SAID PROPERTY ARE WITHIN THE BOUNDARIES OF SAME EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ENCROACHMENTS FROM ADJOINING PROPERTY EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO RIGHTS OF WAY, EASEMENTS, OR JOINT DRIVEWAYS OVER OR ACROSS SAID LAND VISIBLE ON THE SURFACE EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ELECTRIC OR TELEPHONE WIRES (EXCLUDING SERVICE WIRES THAT SERVE THE PREMISES ONLY) OR STRUCTURES OR SUPPORTS THEREFOR, INCLUDING POLES, ANCHORS, AND GUY WIRES, ON OR OVER SAID PREMISES EXCEPT AS MAY BE SHOWN; THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AND FOUND THAT THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA ACCORDING TO FEMA PANEL NUMBER 0107300530 H DATE: SEPTEMBER 03, 2010; THE PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY EASEMENTS, ZONING RESTRICTIONS, RIGHT-OF-WAYS, RESTRICTIONS, AND SETBACK LINES WHETHER OR NOT THEY MAY BE SHOWN ON THE PLAT HEREON OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY OF EASEMENTS OR RESTRICTIONS.

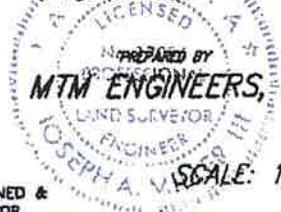
THE CORRECT STREET ADDRESS IS: 2105 MOUNTAIN VIEW DRIVE, VESTAVIA HILLS, ALABAMA

FEMA PANEL: # 0107300530 H DATED: SEPTEMBER 03, 2010
DATE: SEPTEMBER 11, 2018 / FILED: LOT 2 / 2 CERTS./PLOTS/PNDS
INVOICE NO. 190480 ATTORNEY: NONE
ORDERED BY: MARTIN EVANS 8-19-19
OWNER: MARTIN EVANS
FIELD FILE: VESTAVIA LAKE ADDITION.TXT
SURVEYOR AND FIELD WORK DATE: JBC-09-10&11-19
DRAWN BY AND DATE: JBC ON 09-11-19

JOSEPH A. MILLER, II, P.E. & L.S. NO 17054
2217 10TH COURT SOUTH
BIRMINGHAM, ALABAMA 35205
TELEPHONE: (205) 320-0114

ORIGINAL SURVEY--NOT VALID UNLESS SIGNED & SEALED IN RED INK BY THE ABOVE SURVEYOR.

- IPS=SET 5\8" REBAR
- IPF=FOUND REBAR
- X=CROSS
- CO=CLEANOUT
- ICV=IRRIGATION CONTROL VALVE
- MB=MAILBOX
- LP=LIGHTPOST
- GM=GASMETER
- PM=POWER METER
- WM=WATER METER
- PB=POWER BOX
- TP=3" PEDESTAL
- CATV=TV CABLE 'BOX
- MH=MANHOLE



PREPARED BY
MTM ENGINEERS, INC.
LAND SURVEYOR

SCALE: 1" = 30'

2. no sign, nameplate, display or advertising device of any kind shall be inscribed upon or attached to any such structure or otherwise erected so as to extend above the roof of the principal structure.

4.3.8. Sight Distance Requirements. No planting, fence, building, wall, sign or other structure shall be placed or maintained so as to obstruct the vision of motorists within a clear sight triangle determined by the City Engineer in accordance with the City Public Works and Engineering Standards.

§4.4. Accessory Structures

4.4.1. Time of Construction. No accessory building shall be constructed until the construction of the principal building, to which it is accessory, has been commenced, and no accessory building shall be used unless the principal building is also being used

4.4.2. Location

1. Accessory structures shall be located only in the rear yard and shall not be located nearer than ten (10) feet from the principal dwelling.
2. Side yard setback. The side yard setback shall be that required of principal structures in the applicable district.
3. Rear yard setback. Accessory structures shall not be located nearer than fifteen (15) feet from the rear lot line.

4.4.3. Height. Accessory structures shall not exceed one (1) story in height nor sixteen (16) feet. Greater height may be permitted only by a Special Exception upon request to the BZA in accordance with the provision of [§12.3 Special Exceptions](#).

4.4.4. Building Materials. If the accessory structure is a detached minor building consisting of masonry or frame walls and

roof, then in such event said minor building shall be constructed with building materials of the same type and kind as used for the construction of the principal structure on the premises.

4.4.5. Miscellaneous

1. The term “accessory structure” shall not include:
 - a. Any use not on the same lot to which it is accessory unless authorized by the Board of Zoning Adjustment.
 - b. Any use not customarily incidental to a permitted use.
 - c. Any use detrimental to a residential neighborhood, if located within a residential area or if abutting residential uses.
 - d. An accessory dwelling except where specifically permitted by this Ordinance.

§4.5. Fences.

4.5.1. Visibility. No fence or wall shall be permitted between the building line and the front lot line. Fences shall not be placed within the clear sight triangle as determined by the City Engineer.

4.5.2. No fence shall be erected, installed, constructed or otherwise structurally altered in the City except in strict compliance with the terms and provisions of this ordinance.

4.5.3. Any person, firm, corporation, partnerships or other entity desiring to build a fence on any property located within the City shall follow the procedure and comply with the following requirements:

1. Unless it has been approved as part of a valid Building Permit, no fence shall be erected, installed, constructed or otherwise structurally altered on any