

**CITY OF VESTAVIA HILLS  
BOARD OF ZONING ADJUSTMENT  
AGENDA  
JANUARY 16, 2020  
6:00 P.M.**

Roll Call.

Approval of Minutes: December 19, 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-0120-01** Kathryn O'Quinn is requesting a **Side & Rear Setback Variance** for the property located at **4224 White Oak Drive**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 15' & to reduce the side setback to 2' in lieu of the required 10'. The reason for this request is to build a detached garage. The property is owned by Kathryn O'Quinn and is zoned Vestavia Hills R-4.
  
- (3) **BZA-0120-02** Jeanne Clayton is requesting a **Rear Setback Variance** for the property located at **3028 La Haven Circle**. The purpose of this request is to reduce the setback to 15' in lieu of the required 25', to build a playroom. The property is owned by Jeanne Clayton and is zoned Vestavia Hills R-4.

Time of Adjournment.

**CITY OF VESTAVIA HILLS**  
**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**December 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:** Loring Jones, III, Acting Chairman  
Tony Renta, Alt  
David Holley, Alt  
Jim Griffo  
George Ponder  
Robert Gower

**MEMBERS ABSENT:** Rick Rice, Chairman

**OTHER OFFICIALS PRESENT:** Jack Wakefield, Planner/GIS

**VARIANCE FOR THE LOCATION OF A FENCE**

**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.

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.

Cooper Smith spoke briefly on his need for the fence and stated that the corner lot created a hardship

Mr. Ponder had concerns regarding sight distance. He stated that has been a problem in the past at that intersection.

Mr. Smith stated that he has discussed this with the City Engineer, Christopher Brady, and that Mr. Brady stated that there “appears” to be not sight distance issues.

Mr. Jones opened the floor for a public hearing. There being no one present in regard to the request, Mr. Jones closed the public hearing and opened the floor for a motion.

Because Mr. Brady was not definitive that there wouldn't be any sight distance issues, the Board offered to postpone the case until next month so that the fence location can be staked to get a definitive answer regarding sight distance.

Mr. Smith agreed to the offer from the Board to postpone the case until the January 2020 meeting date.

Case is postponed until January 16, 2020.

**FRONT SETBACK VARIANCE**

**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.

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.

Justin Bohorfoush, of State Barganier Building, was present to speak on the case for the applicant.

Mr. Bohorfoush stated that they have drafted a covenants waiver, signed by all required neighbors, and recorded it with Jefferson County.

Mr. Jones opened the floor for a public hearing. There being no one present in regard to the request, Mr. Jones closed the public hearing and opened the floor for a motion.

**MOTION** Motion to approve an 18' front setback variance for the property located at 3408 Hollingswood Circle was made by Mr. Griffo and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

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

Motion carried.

**REAR AND SIDE SETBACK VARIANCE**

**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.

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.

Martin Evans spoke on the case. He stated that if he were to build the garage by code it would not be able to be accessed by a full-sized vehicle.

Mr. Jones opened the floor for a public hearing.

Thomas Armstrong, of 2100 Vestavia Lake Drive, had concerns regarding a new impermeable structure/surface (garage and driveway) addition and what would happen to the rain water.

Mr. Jones stated the applicant cannot legally divert the natural flow of water.

Mr. Wakefield followed up and stated that when the applicant goes for a land disturbance permit with the engineering team, that applicant would have to abide by the storm water management regulations pertaining to that permit.

Mr. Wakefield offered to give Mr. Armstrong City Engineer Christopher Brady's contact information so they can discuss the storm water management requirements pertaining to that permit.

Mr. Evans responded that he would be conscious to make sure the natural flow of water is not disturbed

Mr. Wakefield stated that there will be inspections, by the engineering team, of the work being done on the property.

Mr. Jones closed the public hearing and opened the floor for a motion.

**MOTION** Motion to approve a 9' rear setback variance & a 9' side setback variance for the property located at 2105 Mountain View Drive was made by Mr. Griffo and 2nd was by Mr. Ponder. Motion was carried on a roll call vote as follows:

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

Mr. Wakefield stated that the minutes were had not been discussed and directed Mr. Jones to bring forth the minutes.

**APPROVAL OF MINUTES**

The minutes of November 21, 2019 were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of November 21, 2019 was made by Mr. Griffo and 2<sup>nd</sup> was by Mr. Gower. Motion as carried on a voice vote as follows:

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

At 6:37 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:37 PM.

Jack Wakefield,  
Planner/GIS

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

Date: **JANUARY 16, 2020**

- **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: Applicant is seeking a variance for a fence in the front yard. Applicant contends there is a hardship because the property is a corner lot. City Engineer, Christopher Brady, has inspected the property with the applicant regarding sight distance issues and fence placement. 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:**



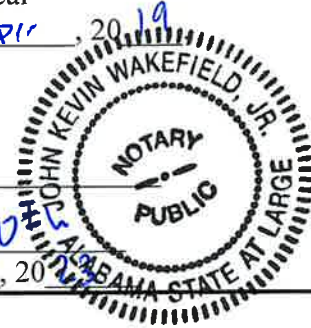
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.

C. Smith 11/18/19  
Owner Signature/Date  
Representing Agent (if any)/date

Given under my hand and seal  
this 18th day of November, 2019

[Signature]  
Notary Public

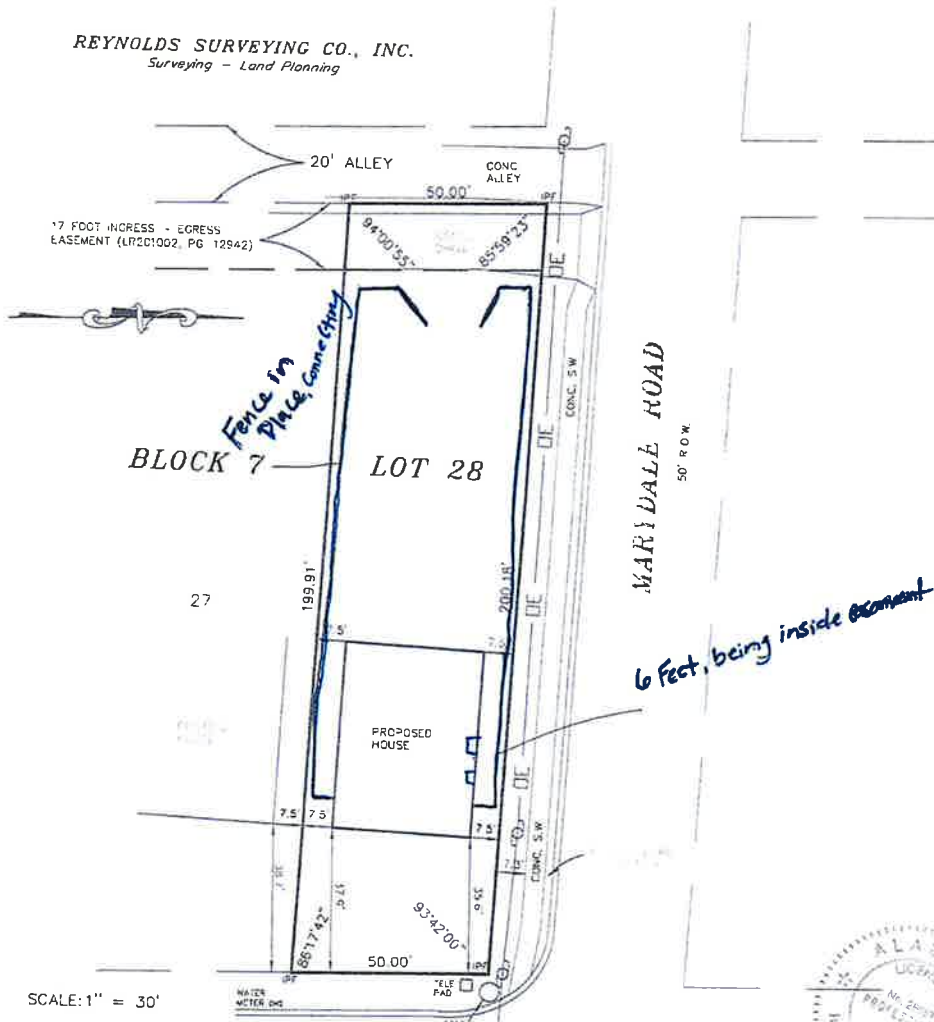
My commission expires 30  
day of October, 2020



V. Hardship

Safety is my biggest concern. To date, we've had multiple windows broken from off of the street. When someone is walking on the sidewalk they are seven feet away from our window, which is at street level. The new park will create more traffic on the street and I would like the ability to create more privacy from anyone walking or driving by the house.

REYNOLDS SURVEYING CO., INC.  
 Surveying - Land Planning



SCALE: 1" = 30'

- LEGEND
- UTILITY POLE
  - CITY WATER
  - RETAINING WALL
  - CONCRETE
  - FENCE
  - OVERHEAD ELECTRICAL
  - IRON PIN FOUND
  - IRON PIN SET

VESTAVIA PLACE

STATE OF ALABAMA  
 JEFFERSON COUNTY

"LOT SURVEY"



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 28 Block of WALDRIDGE TERRACE as recorded in Map Book 16 Page 68 in the Office of the Judge of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 9th of August 2015

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

Owner: Corretti  
 Address: 1200 Vestavia Place

*Robert Reynolds*  
 Reg. No. 25657

B115/21

## Jack Wakefield

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**From:** Christopher Brady  
**Sent:** Monday, January 13, 2020 2:05 PM  
**To:** Cooper Smith; Jack Wakefield  
**Cc:** Lori Beth Kearley  
**Subject:** RE: 1200 Vestavia Place  
**Attachments:** VestaviaPlace\_1200\_survey.pdf

Based on review of the survey markers, if the fence is placed approximately 6 feet from the house, or approximately 1 foot inside of your property line, there will remain adequate sight distance along MerryVale Road based on posted speed limit (line of sight will continue to exceed 250 LF). Engineering provides a favorable recommendation for approval of your variance request.

If variance is granted, please copy me with any permit request to the City's Building Safety Dept for future construction of the fence.

Sincerely,



**Christopher Brady, City Engineer**  
Department of Public Services  
P 205 978 0150 | [vhal.org](http://vhal.org)  
City of Vestavia Hills



[WWW.ALIFEABOVE.ORG](http://WWW.ALIFEABOVE.ORG)

**From:** Cooper Smith <[cooper.smith@SRSRE.com](mailto:cooper.smith@SRSRE.com)>  
**Sent:** Monday, January 13, 2020 1:51 PM  
**To:** Christopher Brady <[CBrady@vhal.org](mailto:CBrady@vhal.org)>; Jack Wakefield <[jwakefield@vhal.org](mailto:jwakefield@vhal.org)>  
**Cc:** Lori Beth Kearley <[lbkearley@vhal.org](mailto:lbkearley@vhal.org)>  
**Subject:** RE: 1200 Vestavia Place

Christopher,

I appreciate you stopping by Friday to look at the staked fence line. I look forward to receiving your email regarding the site visit for the upcoming meeting.

Jack – I've attached a few pictures of the staked fence line. Can you please insert these in the packet given to the Planning and Zoning Board for our meeting on Thursday.

Thank you both for all of the help during the variance.

Best,

















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

Date: **JANUARY 16, 2020**

- **CASE: BZA-0120-01**
- **REQUESTED ACTION:** 8' side setback variance to reduce the setback to 2' in lieu of the required 10' & a 5' rear setback variance to reduce the setback to 10 in lieu of the required 15'.
- **ADDRESS/LOCATION:** 4224 White Oak Drive
- **APPLICANT/OWNER:** Kathryn O'Quinn
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a side and rear setback variance to build a detached garage addition. The applicant contends there is a hardship because the lot is narrow and undersized. There is not enough space on the lot and the street to park their three cars. This placement is the best for access to the detached garage. After discussion with the Fire Marshall, he has no issue with the placement of the garage being 2' off the property line. The applicant's property is zoned Vestavia Hills R-4.
- **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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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.

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## I. APPLICANT INFORMATION:

### Owner of Property (This Section Must Be Completed)

Name: Kathryn O'Quinn

Address: 4224 White Oak Dr.

Vestavia, AL 35243

Phone #: (205) 209-0388 Other #: (205) 209-0348

E-Mail: kateoq@gmail.com

### Representing Attorney/Other Agent

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Other #: \_\_\_\_\_

2019 DEC 10 A 9:48

Z0120-01/2800221017012.000

4224 White Oak Drive

Side Setback for a detached garage

Kathryn O'Quinn

R4

**II. DESCRIPTION OF PROPERTY:**

LOCATION: 4224 WHITE OAK DRIVE  
Street Address

SE CORNER SE 1/4- NE 1/4- SECTION 22- TOWNSHIP 19 S, RANGE 2 W-  
Subdivision name, Lot #, Block #, etc.

JEFFERSON  
COUNTY,  
AL

**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.  
~~2.58~~ 2' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_' in lieu of the required 10'.  
5' front/side/rear (circle one) setback variance to reduce the setback to 10' in lieu of the required 15'. Accessory Structure Code  
 \_\_\_\_\_' 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-4.

**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 EXISTING LOT IS ONLY 50' WIDE BUT THE OWNERS WOULD LIKE TO CONSTRUCT A DETACHED GARAGE FOR THEIR 3 CARS. STREET PARKING IS EXTREMELY LIMITED. IN ORDER TO ACCOMMODATE THE GARAGE AND SPACE TO TURN AROUND, THE OWNERS ARE SEEKING A REDUCED SIDE SETBACK OF 2.5' ON THE LEFT SIDE OF THEIR LOT.

**VI. OWNER AFFIDAVIT:**

Z0120-01//2800221017012.000  
4224 White Oak Drive  
Side Setback for a detached garage  
Kathryn O'Quinn R4

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 2 day of December, 2019.

  
\_\_\_\_\_  
Notary Public

My commission expires 7<sup>th</sup>  
day of January, 2022.

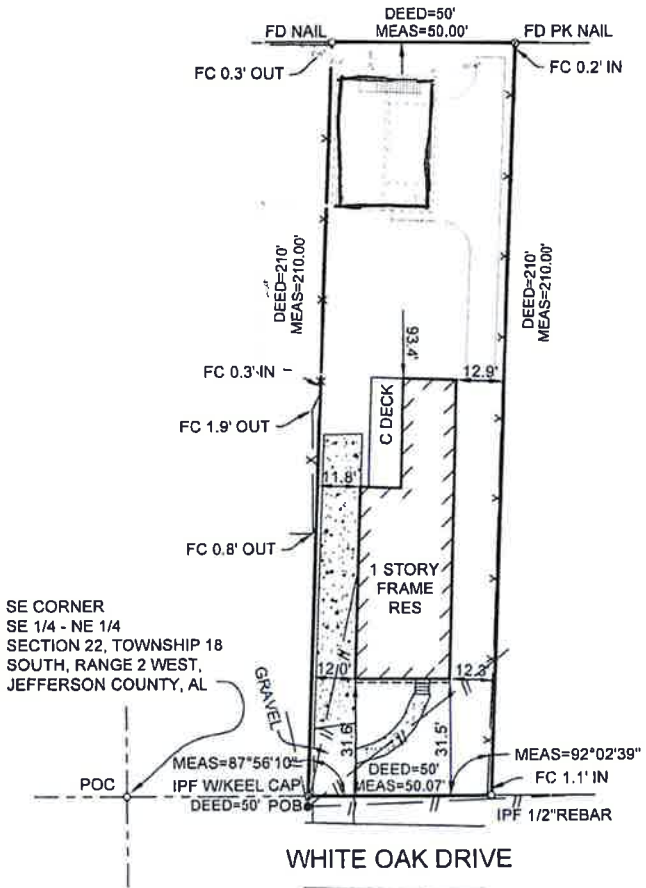
**My Commission Expires 01/07/2022**

**Z0120-01//2800221017012.000**  
**4224 White Oak Drive**  
Side Setback for a detached garage  
Kathryn O'Quinn R4

SCALE: 1"=40'

**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/KBW 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
- " = bearings or angles
- " = seconds, in
- " = bearings or angles
- ' = feet, in distance
- AC = acres
- ± = more or less, or plus or minus



**Z0120-01//2800221017012.000**  
**4224 White Oak Drive**  
 Side Setback for a detached garage  
 Kathryn O'Quinn R4

STATE OF ALABAMA  
 SHELBY COUNTY

I, David B. Entrekin, a registered Land Surveyor, certify that I have surveyed:

That part of the S.E. ¼ of the N.E. ¼ of Section 22, Township 18 South, Range 2 West situated in Jefferson County, Alabama more particularly described as follows: Begin at the S.E. corner of said ¼ - ¼ Section and run thence Northwardly along the E line thereof for a distance of 50' to the point of beginning of parcel here described from a point of beginning thus obtained continue Northwardly along said East line for a distance of 50'; Run thence Westerly and parallel with the South line of said ¼ - ¼ Section for a distance of 210'; Run thence Southwardly and parallel with the E line of said ¼ - ¼ Section for a distance of 50'; Run thence Eastwardly and parallel from the South line of said ¼ - ¼ Section for a distance of 210' to the point of beginning.

I furthermore 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 correct address is as follows: 4224 White Oak Drive according to my survey of January 3, 2019. Survey is not valid unless it is sealed with embossed seal or stamped in red.

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

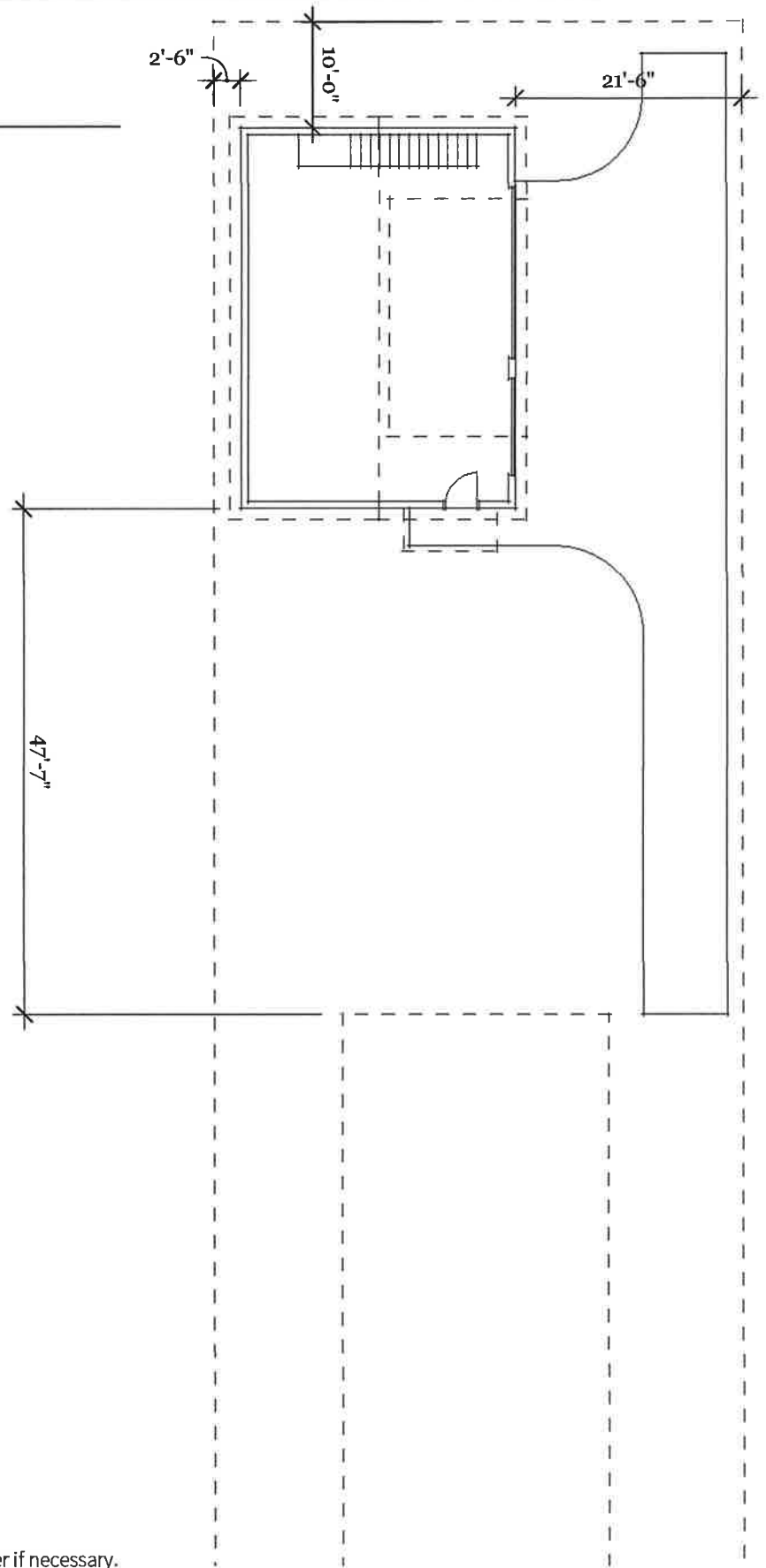
*David B. Entrekin*  
 David B. Entrekin, Reg. L.S. #30345  
1-8-2019  
 Date of Signature



Order No. 212866  
 Purchaser: Prominence Homes  
 Type of Survey: Foundation

# SITE PLAN

SCALE: 1/16" = 1'0"



**PLAN NOTES:**

- All dimensions to be Field Verified by Builder
- All Structural elements to be inspected by Structural Engineer if necessary.
- For Design & Estimating Purposes.

JESSICA CONNER  
DESIGN & INTERIORS

**O'QUINN GARAGE PLANS**  
4224 WHITE OAK DRIVE VESTAVIA, AL 35243

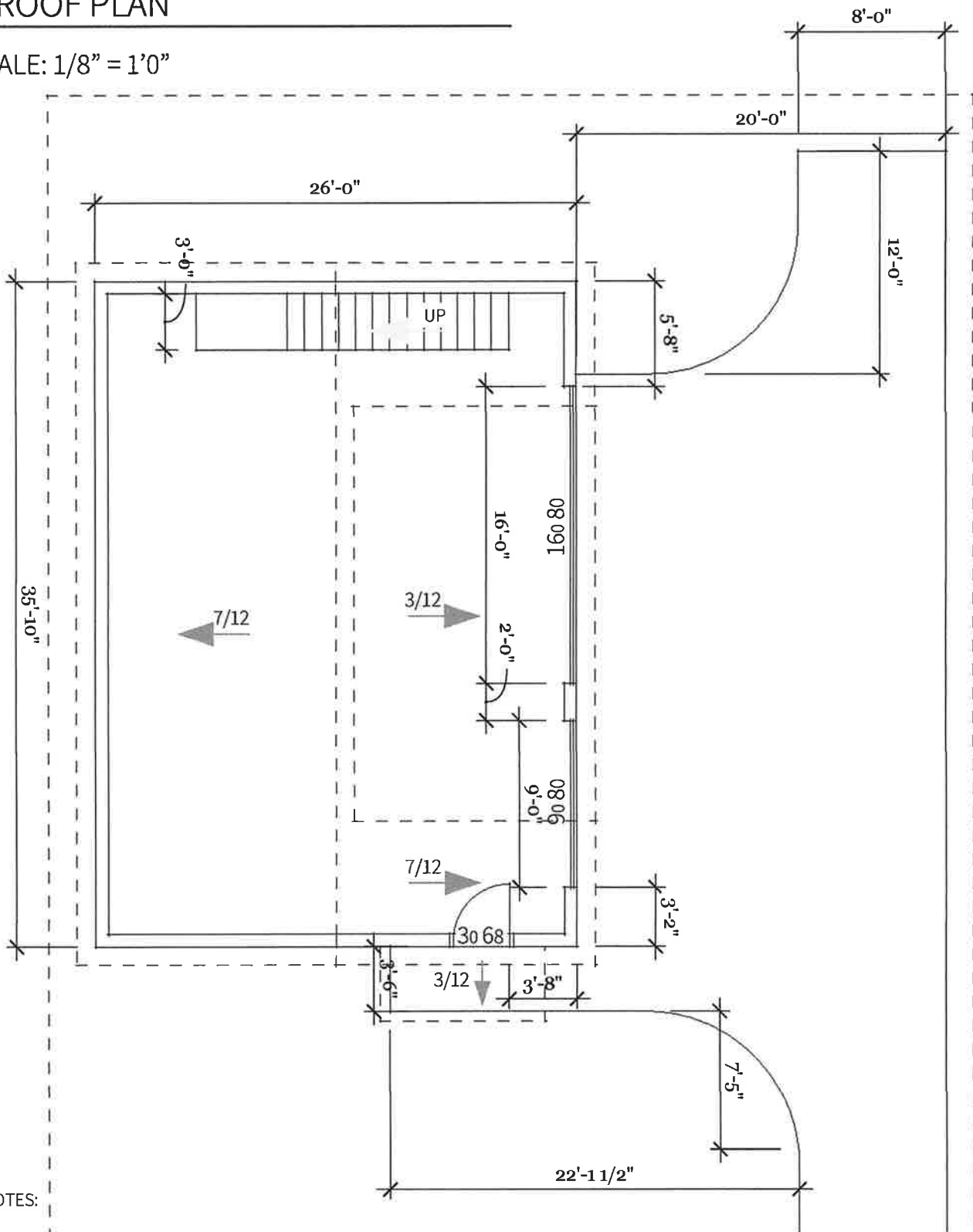
TIME		
HOURS		REMARKS
1	10	FIRST ROUND
2	2.5	SECOND ROUND - EDITS
3		
4	2	MEETINGS
	14.5	TOTAL

10.07.19

Pg. 01

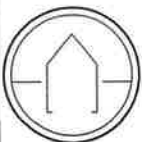
# GARAGE PLAN & ROOF PLAN

SCALE: 1/8" = 1'0"



PLAN NOTES:

- All dimensions to be Field Verified by Builder
- All Structural elements to be inspected by Structural Engineer if necessary.
- For Design & Estimating Purposes.



JESSICA CONNER  
DESIGN & INTERIORS

O'QUINN GARAGE PLANS  
4224 WHITE OAK DRIVE VESTAVIA, AL 35243

		TIME		10.07.19
	HOURS	REMARKS		
1	10	FIRST ROUND		Pg. 02
2	2.5	SECOND ROUND - EDITS		
3				
4	2	MEETINGS		
		14.5	TOTAL	

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

Date: **JANUARY 16, 2020**

- **CASE: BZA-0120-02**
- **REQUESTED ACTION:** 10' rear setback variance to reduce the setback to 15' in lieu of the required 25.
- **ADDRESS/LOCATION:** 3028 La Haven Circle
- **APPLICANT/OWNER:** Jeanne Clayton
- **REPRESENTING AGENT:** James Clayton
- **GENERAL DISCUSSION:** Applicant is seeking a rear setback variance to build an addition. The applicant contends there is a hardship because the lot is oddly shaped and there are two easements behind the structure that limits buildable space. One of the easements is a large drainage easement that serves as a creek, and runs through the back of the property. This addition will not encroach into any easement on the property. According to the Building Official, confirmed that this is the rear setback and not the side. The applicant's property is zoned Vestavia Hills R-4.
- **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.

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### I. APPLICANT INFORMATION:

**Owner of Property (This Section Must Be Completed)**

Name: JEANNE CLAYTON  
Address: 3028 LA HAVEN CIRCLE  
VESTAVIA, AL, 35243  
Phone #: 205-492-7047 Other #: 205-445-7294  
E-Mail: Jeamedc@mac.com

**Representing Attorney/Other Agent**

Name: JAMES CLAYTON  
Address: 3028 LA HAVEN CIRCLE  
Vestavia, AL, 35243  
Phone #: 205-492-7047 Other #: \_\_\_\_\_  
E-Mail: ABODE.JC@GMAIL.COM

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3028 La Haven Circle  
Rear Setback for an addition  
James & Jeanne Clayton  
R4



**II. DESCRIPTION OF PROPERTY:**

LOCATION: 3028 LA HAVEN CIRCLE  
Street Address

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.  
10 ' front/side/rear (circle one) setback variance to reduce the setback to 15 ' in lieu of the required 25 ' .  
\_\_\_\_\_ ' 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 B-2 R-4

**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 AND EXTREMELY CHALLENGING LOT. ABOUT 30% IS EASEMENT OR CREEK. SOME PROPERTY IS ACTUALLY ON THE OTHER SIDE OF THE CREEK. PICTURE ENCLOSED TO SHOW AREA DIRECTLY BEHIND ADDITION. 50' +/- BETWEEN MY PROPERTY LINE AND THE OTHER SIDE OF THE CREEK/ NEIGHBORS BACK YARD.

**VI. OWNER AFFIDAVIT:**

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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.

Jeanne D Clayton 12.16.19      [Signature] 12/16/2019  
Owner Signature/Date      Representing Agent (if any)/date

Given under my hand and seal  
this 16<sup>th</sup> day of December, 2019.

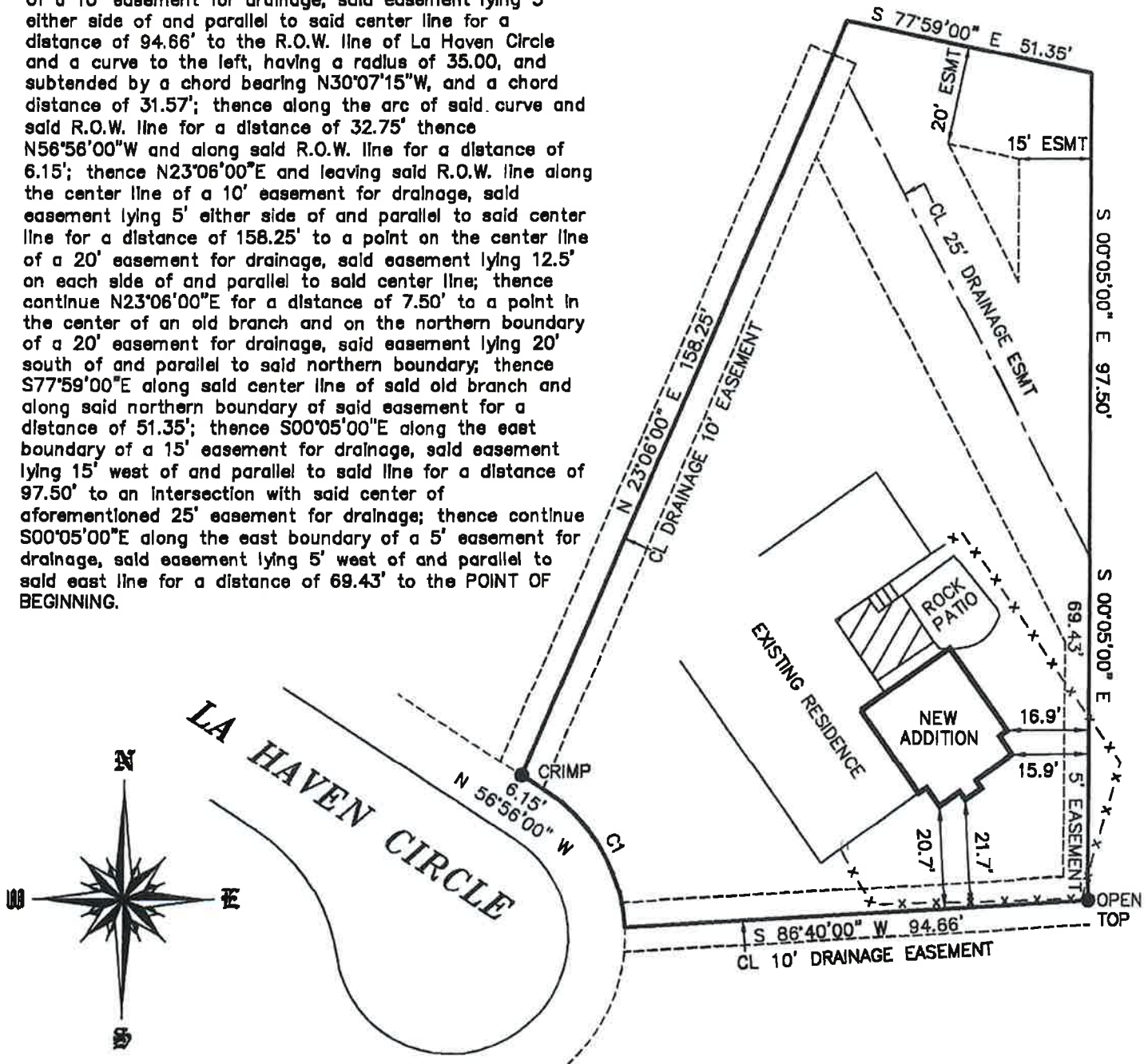
[Signature]  
Notary Public      MY COMMISSION EXPIRES AUGUST 12, 2022  
My commission expires \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

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CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	32.75'	35.00'	53°37'10"	N 30°07'15" W	31.57'

Commence at the NW Corner of the NE ¼ of the NW ¼ of Section 22, Township 18 South, Range 2 West, Jefferson County, Alabama; thence S00°00'00"E for a distance of 913.16'; thence S73°37'00"E for a distance of 704.38'; thence N00°05'00"W for a distance of 305.33' to the POINT OF BEGINNING; thence S86°40'00"W along the center line of a 10' easement for drainage, said easement lying 5' either side of and parallel to said center line for a distance of 94.66' to the R.O.W. line of La Haven Circle and a curve to the left, having a radius of 35.00, and subtended by a chord bearing N30°07'15"W, and a chord distance of 31.57'; thence along the arc of said curve and said R.O.W. line for a distance of 32.75' thence N56°56'00"W and along said R.O.W. line for a distance of 6.15'; thence N23°06'00"E and leaving said R.O.W. line along the center line of a 10' easement for drainage, said easement lying 5' either side of and parallel to said center line for a distance of 158.25' to a point on the center line of a 20' easement for drainage, said easement lying 12.5' on each side of and parallel to said center line; thence continue N23°06'00"E for a distance of 7.50' to a point in the center of an old branch and on the northern boundary of a 20' easement for drainage, said easement lying 20' south of and parallel to said northern boundary; thence S77°59'00"E along said center line of said old branch and along said northern boundary of said easement for a distance of 51.35'; thence S00°05'00"E along the east boundary of a 15' easement for drainage, said easement lying 15' west of and parallel to said line for a distance of 97.50' to an intersection with said center of aforementioned 25' easement for drainage; thence continue S00°05'00"E along the east boundary of a 5' easement for drainage, said easement lying 5' west of and parallel to said east line for a distance of 69.43' to the POINT OF BEGINNING.

ALL EASEMENTS ARE FOR DRAINAGE



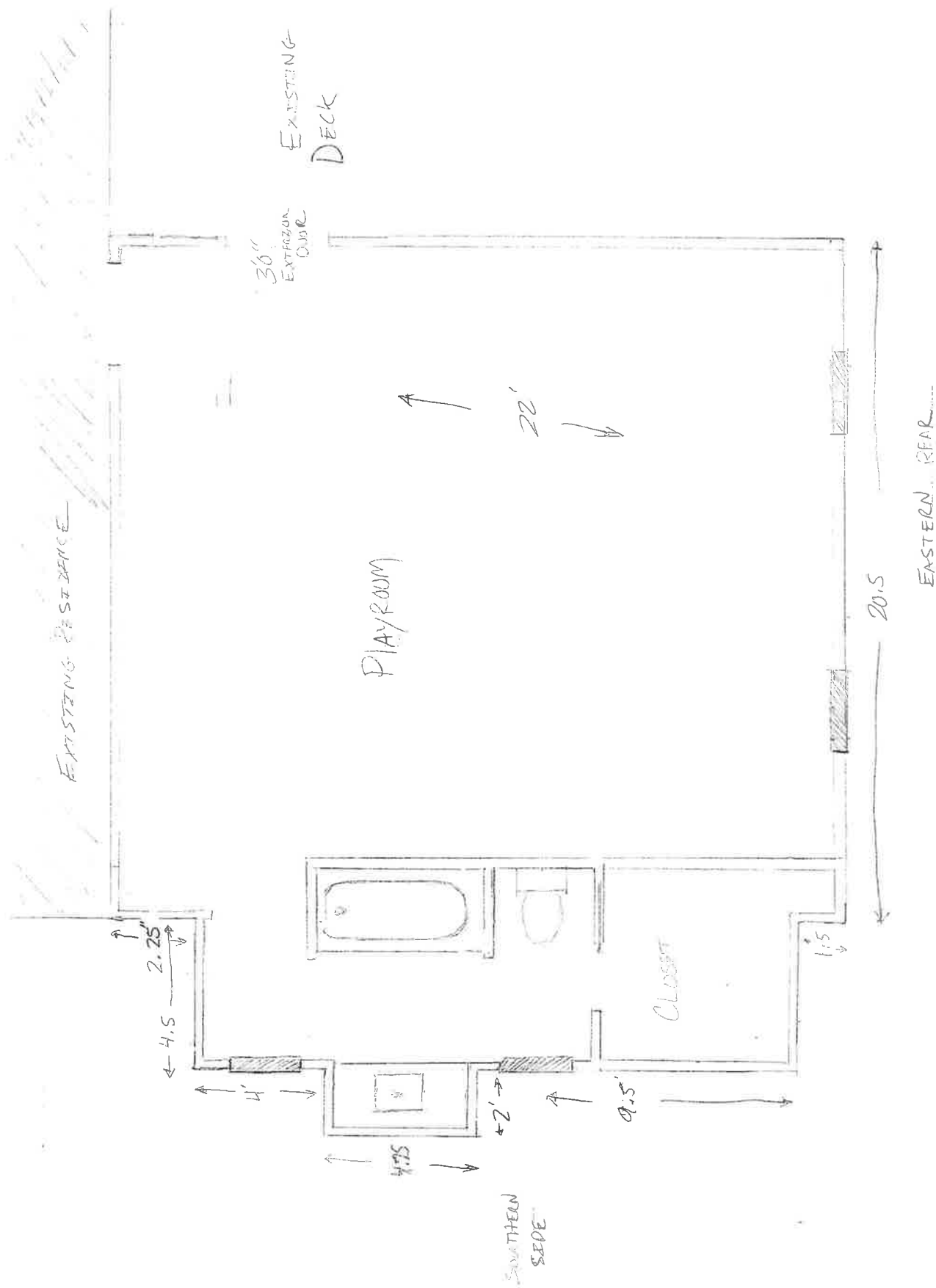
**LEGEND**

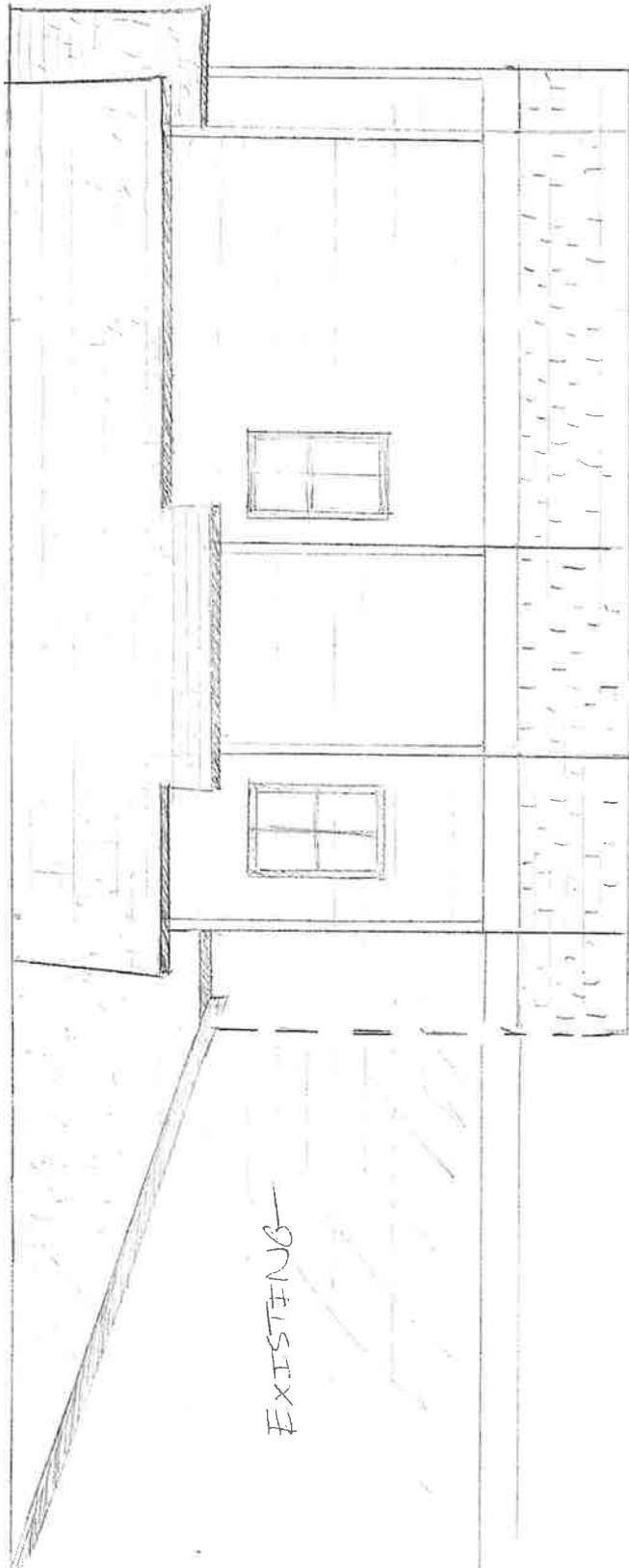
- 1/2" REBAR SET
- IRON PIN FOUND
- R.O.W. RIGHT-OF-WAY
- NOT TO SCALE
- ⊕ UTILITY POLE
- E OVERHEAD UTILITIES
- (M) FIELD MEASURED
- (P) PLAT / RECORDED MAP
- ▨ COVERED DECK/PORCH
- ▩ DECK/PORCH

JOB NO. 19862  
 DATE 12/12/19 DATE OF FIELD SURVEY 12/9/19  
 ADDRESS 3028 La Haven Circle SCALE 1" = 30'  
 DRAWN BY H. LETTS CHECK BY R.Y.S.

**RODNEY SHIFLETT SURVEYING**

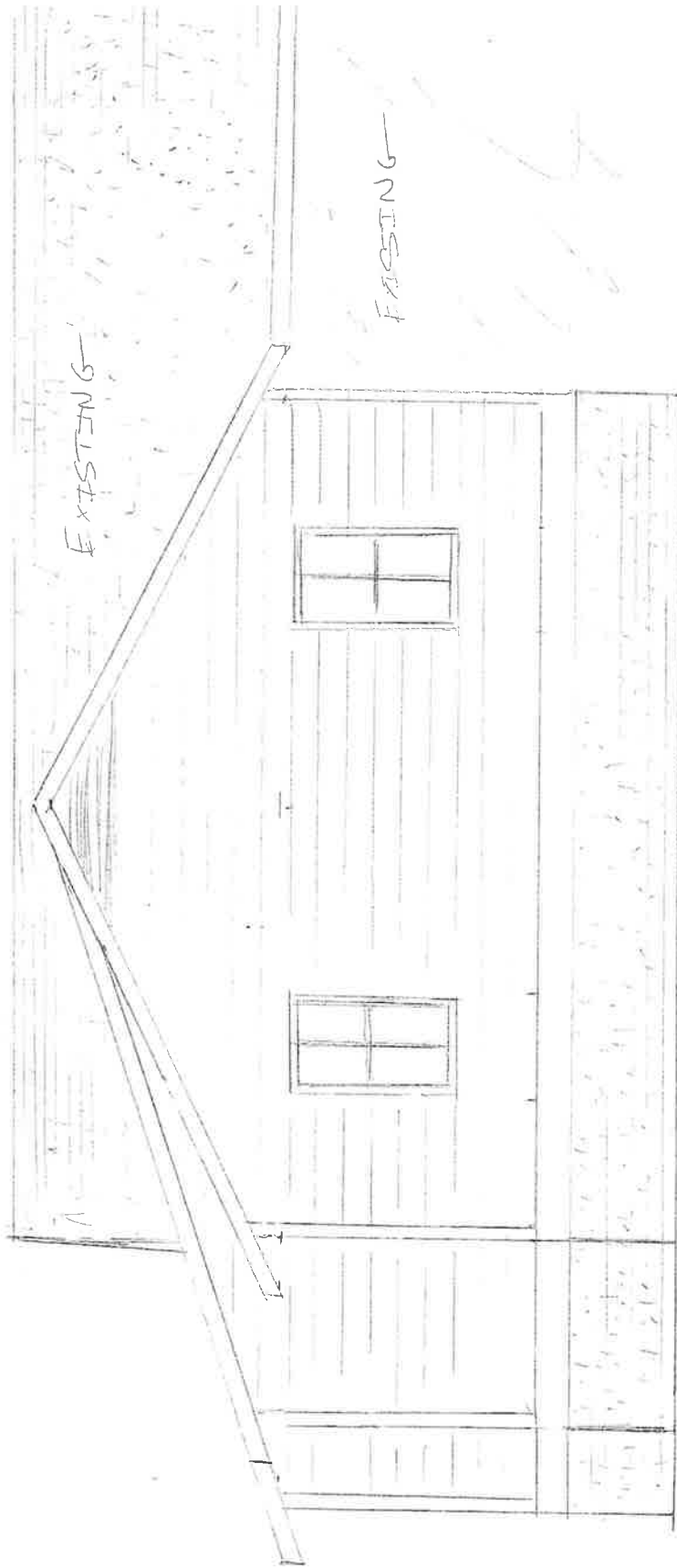
P.O. BOX 204  
 COLUMBIANA, ALABAMA 35051  
 TEL. 205-669-1205 FAX. 205-669-1298





SOUTHERN  
SIDE ELEVATION

EXISTING



EASTERN  
REAR ELEVATION



