

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

AGENDA

APRIL 16, 2020

6:00 P.M.

SPECIAL NOTICE: Pursuant to “Stay at Home” orders from the Governor of the State of Alabama due to COVID-19 Pandemic, the Board of Zoning Adjustment meeting of April 16, 2020 will be video-conferenced and teleconferenced. Anyone may participate via phone/computer. Participation via videoconferencing through Zoom.com may be viewed by clicking the following link: <https://us04web.zoom.us/j/7970217974>
To attend via teleconference, please dial 312.626.6799 and enter the meeting ID of 797 021 7974

Roll Call.

Approval of Minutes: March 19, 2020.

- (1) **BZA-0420-06** Anna C. Cook is requesting a **Variance for the Location of a Fence** for the property located at **528 Eastwood Place**. The purpose of this request is to allow for the construction of a fence in the front setback. The property is owned Anna C. Cook and is zoned Vestavia Hills R-2.

- (2) **BZA-0420-07** Lee Higginbotham is requesting a **Front & Rear Setback Variance** for the property located at **1016 Southridge Drive**. The purpose of this request is to reduce the front setback to 30’ in lieu of the required 50’ & to reduce the rear setback to 20’ in lieu of the required 30’ to build a garage. The property is owned by Lee Higginbotham and is zoned Vestavia Hills R-3.

- (3) **BZA-0420-08** Carlton Smith is requesting a **Side Setback Variance** for the property located at **1236 Branchwater Lane**. The purpose of this request is to reduce the side setback to 14’ in lieu of the required 17’ to build a laundry room addition. The property is owned by Carlton Smith and is zoned Vestavia Hills R-2.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

MINUTES

March 19, 2020

The Board of Zoning Adjustment of the City of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to orders from the Jefferson County Health Department Official requiring social distancing along with limits of attendees, this meeting was held with a portion of the Board of Zoning Adjustment digitally attending the meeting via conference call. Staff and general public/audience members also were invited to attend the conference call following publication pursuant to Alabama law. Chairman Rice called the meeting to order and the Planner called the roll with the following:

MEMBERS PRESENT:

Rick Rice, Chairman
Loring Jones, III
Jim Griffo *
George Ponder *
Tony Renta, Alt
Robert Gower *
Donald Holley Alt *

* - attended via teleconference

MEMBERS ABSENT:

None

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS
Rebecca Leavings, City Clerk

APPROVAL OF MINUTES

The minutes of January 16, 2020 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of January 16, 2020 was made by Mr. Jones and 2nd was by Mr. Renta. Motion as carried on a voice vote as follows:

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

Mr. Renta – yes Mr. Gower – yes
Mr. Holley - yes
Motion carried.

FRONT SETBACK VARIANCE

BZA-0320-03 John Michael & Myra Price Grund are requesting a **Front Setback Variance** for the property located at **2013 Vesthaven Way**. The purpose of this request is to reduce the front setback to 34’ in lieu of the required 50’ to build an addition to the current home. The property is owned John Michael & Myra Price Grund 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.

John Michael Grund stated that his hardship is a corner and this location is the most economical spot on his property.

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 16’ rear setback variance to reduce the setback to 34’ in lieu of the required 50’ for the property located at 2013 Vesthaven Way, was made by Mr. Jones and 2nd was by Mr. Ponder Motion was carried on a roll call vote as follows:

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

FRONT SETBACK VARIANCE

BZA-0320-04 Anna Reynolds is requesting a **Front Setback Variance** for the property located at **4117 North Cahaba Drive**. The purpose of this request is to reduce the front setback to 22’ in lieu of the required 40’ to build a new home. The property is owned by Anna Reynolds and is zoned Vestavia Hills R-4.

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.

Anna Reynolds stated that they want to build is more conforming than what is already there, and that the septic tank regulations and corner lot causes the hardship.

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

MOTION Motion to approve an 18' front setback variance to reduce the setback to 22' in lieu of the required 40' for the property located at 4117 North Cahaba Drive, was made by Mr. Jones and 2nd was by Mr. Renta. Motion was carried on a roll call vote as follows:

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

SIDE SETBACK VARIANCE

BZA-0320-05 Frank and Susanne Rowell are requesting a **Side Setback Variance** for the property located at **416 Longview Drive**. The purpose of this request is to reduce the side setback to 5' in lieu of the required 15' to build an addition to the current home. The property is owned by Frank and Susanne Rowell 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.

Frank Rowell stated that his septic system also limits his buildable space.

Mr. Gower asked the applicant why it was necessary to take it so close to the property line.

Mr. Rowell stated that this side is the flattest area of the lot for this addition and if needed he could reduce the size of the playroom to allow it to be moved more away from the property line.

Mr. Gower said he only made this observation because the adjacent house is close to the property line as well and the structures would be very close to one another.

Mr. Ponder asked if there had been any objections from the neighbors.

Mr. Wakefield stated that he has not received any objections and Mr. Rowell said his adjacent property owners are not against the proposal.

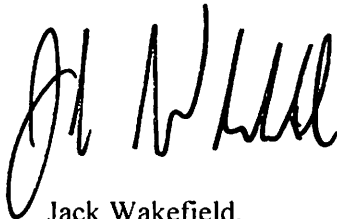
Mr. Rice opened the floor for a public hearing. There being no one present in regard to the request, Mr. Rice closed the public hearing and opened the floor for a motion.

There being no one else in the public that wanted to speak, Mr. Rice closed the public hearing and opened the floor for a motion.

MOTION Motion to approve a 10' rear setback variance to reduce the setback to 5' in lieu of the required 15' for the property located at 416 Longview Drive, was made by Mr. Jones and 2nd was by Mr. Ponder. Motion was carried on a roll call vote as follows:

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

At 6:25 PM, Mr. Rice made a motion to adjourn. The meeting adjourned at 6:25 PM.



Jack Wakefield,
Planner/GIS

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

Date: **APRIL 16, 2020**

- **CASE: BZA-0420-06**
- **REQUESTED ACTION:** Variance for Location of Fence in Front Setback
- **ADDRESS/LOCATION:** 528 Eastwood Place
- **APPLICANT/OWNER:** Anna C. Cook
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a variance for the location of a fence in the front setback (fronting Tyson Drive). The applicant contends there is a hardship because the lot is a corner lot. This fence would be a privacy fence and would abide by the City Code height requirements. The property backs up to multiple commercial lots and Tyson Drive has a good bit of commercial traffic. 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

The owner of the property understands that the Board of Zoning Adjustment only has jurisdiction to grant variances from the Vestavia Hills Zoning Code in cases of undue hardship only. Variances cannot be considered or granted on any kind of private covenants as covenants are restrictions 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, the BZA can only grant a variance based on the Zoning Code and that is the only portion of the building setback changes that the BZA can vote upon. Once a waiver is filed with the Office of the Probate, please include a copy of the recorded amendment with the application to the Office of the City Clerk.

Please note: Only completed applications will be accepted by this office. The applicant is responsible for the Application Fee as well as all postage fees incurred by this request.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Anna C Cook

Address: Vestavia, AL 35216
Vestavia, AL 35216

Phone #: 205-516-8812 Other #: Request for privacy fence built r

E-Mail: chrissicook@synovus.com

Billing/Responsible Party

Name: Anna C Cook

Address: Vestavia, AL 35216

Phone #: 205-516-8812 Other #: Request for privacy fence built r

E-Mail: chrissicook@synovus.com

Representing Attorney/Other Agent

Name: _____
Address: Vestavia, AL 35216
Vestavia, AL 35216
Phone #: 205-516-8812 Other #: Request for privacy fence built r
E-Mail: chrissicook@synovus.com

**This section must be completed in order for a representative to represent the owner.*

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 528 Eastwood Pl Vestavia, AL 35216
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.
_____ ' 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. Variance for location of a fence.
6. Sign Code Variance (See Section _____).
7. Other - Explain (See Section _____).

Request for privacy fence built residence located at the corner of Tyson and Eastwood

IV. ZONING

Vestavia Hills Zoning for the subject property is _____.

V. HARDSHIP

Describe those things which you feel justify the action requested. An Undue Hardship is required in order to seek a variance. 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).*

see attached

VI. PROJECT:

Describe the scope of the project and/or the reason for requesting this variance.

see attached

VII. 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. ***Note, this application must be signed by the owner of the property before a notary. The original application shall be submitted, no copies shall be accepted***

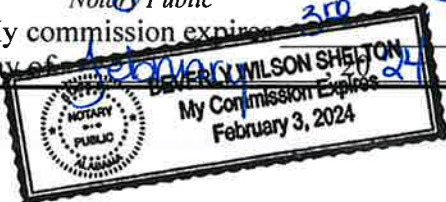
Anna C Cook
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 28th day of February 2020.

Jewelry Wilson Shelton
Notary Public

My commission expires 3/0
day of February 2024.



Z0420-06//2800194016004.000

528 Eastwood Place

Side Setback for a privacy fence

Anna Cook

Variance request for privacy fence

528 Eastwood Pl Vestavia, AL 35216

Property backs up to commercial property for a few professional offices as well as the eating establishments, Snapper Grabbers and Bistro V. There is quite a bit of commercial traffic so we are requesting an 8 ft privacy fence for the back of the property.

The variance we are requesting is for the side yard that borders Tyson Rd which dead ends into VH East Elementary. If we build the 6ft privacy fence flush to the house, the top of the fence would exceed the roof line. We are asking for a 6 ft variance for the side of the property that borders Tyson.

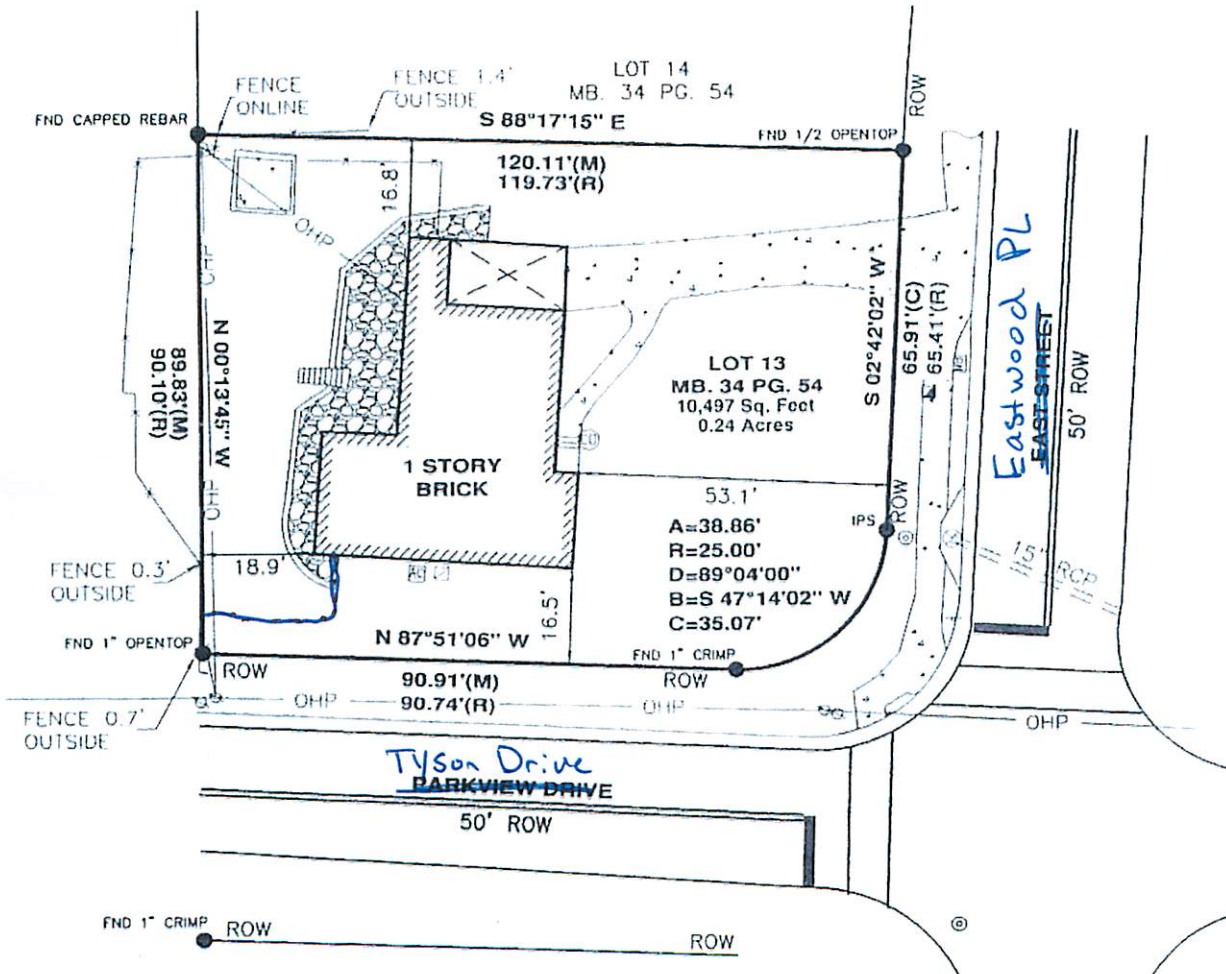
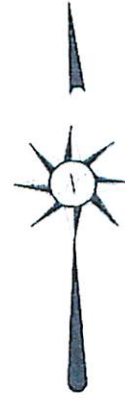
Double sided 6th privacy fence has been started on the north side of the property. We will complete this 6th fence on the north. 6 ft single side privacy fence for the back of the property that borders the commercial property, and a 6th double sided privacy fence, with a 6ft variance on the south side of the rear yard that borders Tyson Rd.



Privacy fence is needed in the back due to commercial traffic.

LEGEND

- IPF IRON PIN FOUND
- IPS IRON PIN SET
- R.O.W. — RIGHT OF WAY
- UTILITY POLE w/GUY
- OHP— OVERHEAD POWER
- ⊠ WATER METER
- x-x-x- FENCE
- ⋯ WALL
- ▭ CONCRETE
- ▭ ASPHALT
- (M) MEASURED
- (C) CALCULATED
- (R) PLAT BOOK 34, PAGE 54, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA



North arrow and bearings shown hereon are based on Transverse Mercator Projection - Alabama West Zone - NAD 83 adjusted 2011. Using Global Positional System (GPS) and derived by RTK observation. Using the Alabama Department of Transportation CORS Network (IMAX).

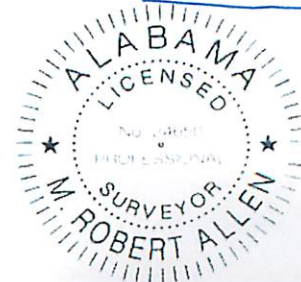
AS-BUILT SURVEY

STREET ADDRESS:
528 Eastwood Place

No title policy provided to surveyor. Without said title policy no guarantee can be made by the surveyor as to the location of easements.

STATE OF ALABAMA
JEFFERSON COUNTY

I, M. Robert Allen, a Registered Professional Land Surveyor do hereby certify that all parts of this survey and drawing have been completed in accordance with the requirements of standards of practice for surveying in the State of Alabama and that this is a true and correct survey, to the best of my knowledge and belief, of Lot 13, Beacon Hill 3rd Addition as recorded in Plat Book 34, Page 54 in the Office of the Judge of Probate, Jefferson County, Alabama Birmingham Division.



M. Robert Allen

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

Date: APRIL 16, 2020

- **CASE: BZA-0420-07**
- **REQUESTED ACTION:** 20' front setback variance to reduce the setback to 30' in lieu of the required 50' & 20' rear setback variance to reduce the setback to 10' in lieu of the required 30'.
- **ADDRESS/LOCATION:** 1016 Southridge Drive
- **APPLICANT/OWNER:** Lee Higginbotham
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking front and rear setback variances to build a detached garage. The applicant contends there is a hardship because the lot is a corner lot and that there is an easement that runs directly through the property. This addition will be outside of that easement. There is a 50' recorded front setback. The applicant drafted a covenants waiver, which was signed by all the required property owners, and recorded it with Jefferson County. The applicant's property is zoned Vestavia Hills R-3.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

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: Howard Lee Higginbotham

Address: 1016 Southridge Drive

Vestavia Hills, AL 35216

Phone #: (205) 862-3222 Other #: _____

E-Mail: Lhigg3@gmail.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2020 FEB 27 P 12: 26

II. DESCRIPTION OF PROPERTY:

LOCATION: 1016 Southridge Drive Vestavia Hills, AL 35216
Street Address

Subdivision name, Lot #, Block #, etc.

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

- 1. [X] 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' 30' front/side/rear (circle one) setback variance to reduce the setback to 30' in lieu of the required 50'.
- 20' 10' front/side/rear (circle one) setback variance to reduce the setback to 10' in lieu of the required 30'.
- 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-3.

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).

CORNER LOT HARDSHIP

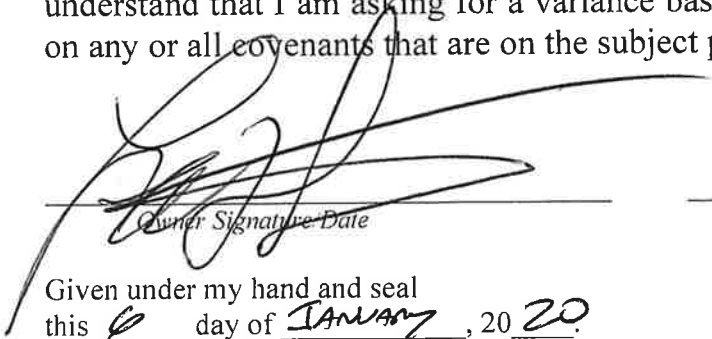
LOCATION OF STORM WATER DRAIN LEAVES NO OTHER POSSIBLE LOCATION FOR ADDITION

VI. OWNER AFFIDAVIT:

Z0420-07//2800302017010.000
1016 Southridge Drive
Front & Rear Setback for a detached
garage
Lee Higginbotham R3

BZA Application
Revised May 5, 2016
Page 5

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



Owner Signature Date

Representing Agent (if any)/date

Given under my hand and seal
this 6 day of JANUARY, 20 20.



Notary Public
My commission expires _____
day of _____, 20 _____.

My Commission Expires:
June 7, 2023

Z0420-07//2800302017010.000
1016 Southridge Drive
Front & Rear Setback for a detached
garage
Lee Higginbotham R3



Variance Request Waiver

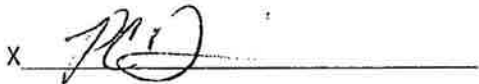
Petition to remove or reduce the current front setback requirements (50') and the current rear setback requirements (30') for the Southridge neighborhood.

1. I MURRAY W. FRANCHER owner of lot 12 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X 

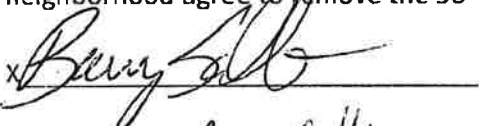
Printed Name: MURRAY W. FRANCHER Date: 3/07/2020

2. I Paul C. Dennis owner of lot 11 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X 

Printed Name: Paul C. Dennis Date: 03/07/2020

3. I Barry Sullivan owner of lot 1 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X 

Printed Name: Barry Sullivan Date: 3/8/2020

Z0420-07//2800302017010.000
1016 Southridge Drive
Front & Rear Setback for a detached
garage
Lee Higginbotham R3

4. I Josh Ransome owner of lot 9 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X Josh Ransome

Printed Name: Josh Ransome Date: 3-8-20

5. I Molly Flourney owner of lot 7 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X Molly Flourney

Printed Name: Molly Flourney Date: 3/12/20

6. I James R. Scott owner of lot 6 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X James R. Scott

Printed Name: James R. Scott Date: 3/8/20

7. I Erin Martin owner of lot 13 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X Erin Martin

Printed Name: Erin Martin Date: 3/12/2020

Z0420-07//2800302017010.000

1016 Southridge Drive

Front & Rear Setback for a detached garage

Lee Higginbotham

R3

8. I Robert Norris owner of lot 2 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X Robert Norris

Printed Name: ROBERT NORRIS Date: 3/12/20

9. I Robert Norris owner of lot 4 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X Robert Norris

Printed Name: ROBERT NORRIS Date: 3/12/20

10. I Robert Norris owner of lot 5 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X Robert Norris

Printed Name: ROBERT NORRIS Date: 3/12/20

11. I Andrew Edson owner of lot 8 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X Andrew Edson

Printed Name: Andrew Edson Date: 3/14/2020

Z0420-07//2800302017010.000
1016 Southridge Drive
Front & Rear Setback for a detached
garage
Lee Higginbotham R3

12. I Lorraine Bem owner of lot 3 subdivision of Southridge neighborhood agree to remove the 50' front setback and the 30' rear setback for lot 10.

X *Lorraine Bem*

Printed Name: Lorraine Bem Date: 3/17/2020

Z0420-07//2800302017010.000
1016 Southridge Drive
Front & Rear Setback for a detached
garage
Lee Higginbotham R3

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

Date: APRIL 16, 2020

- **CASE: BZA-0420-08**
- **REQUESTED ACTION:** 3' side setback variance to reduce the setback to 14' in lieu of the required 17'.
- **ADDRESS/LOCATION:** 1236 Branchwater Lane
- **APPLICANT/OWNER:** Carlton Smith
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a side setback variance to build a laundry room addition. The applicant contends there is a hardship because of the topography of the lot. This is the only feasible location for the addition. This addition will be 8' by 8'. 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

2020 APR -2 A 3:44

The owner of the property understands that the Board of Zoning Adjustment only has jurisdiction to grant variances from the Vestavia Hills Zoning Code in cases of undue hardship only. Variances cannot be considered or granted on any kind of private covenants as covenants are restrictions 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, the BZA can only grant a variance based on the Zoning Code and that is the only portion of the building setback changes that the BZA can vote upon. Once a waiver is filed with the Office of the Probate, please include a copy of the recorded amendment with the application to the Office of the City Clerk.

Please note: Only completed applications will be accepted by this office. The applicant is responsible for the Application Fee as well as all postage fees incurred by this request.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name:

Carlton Smith

Address:

1236 Branchwater Lane
Vestavia Hills AL 35214

Phone #:

Other #:

E-Mail:

Billing/Responsible Party

Name:

Jane

Address:

Phone #:

Other #:

E-Mail:

2020 MAR 23 A 3:44

1236 Branchwater Lane
Side Setback Variance for addition
to laundry room
Carlton Smith

Representing Attorney/Other Agent

Name: Jane

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

**This section must be completed in order for a representative to represent the owner.*

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 1236

Lot 11 ^{Street Address} Blk 9 Tanglewood Park 3rd Sec 3rd 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.
 14 2 ~~15~~ ^{front/side/rear} (circle one) setback variance to reduce the setback to
 _____' 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. Variance for location of a fence.
6. Sign Code Variance (See Section _____).
7. Other - Explain (See Section _____).

IV. ZONING

Vestavia Hills Zoning for the subject property is _____.

V. HARDSHIP

Describe those things which you feel justify the action requested. An Undue Hardship is required in order to seek a variance. 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).

Laundry room requires enlarging. Shape of lot + topo shows this is best area


VI. PROJECT:

Describe the scope of the project and/or the reason for requesting this variance.

Addition of 8' to existing laundry room

VII. 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. ***Note, this application must be signed by the owner of the property before a notary. The original application shall be submitted, no copies shall be accepted***



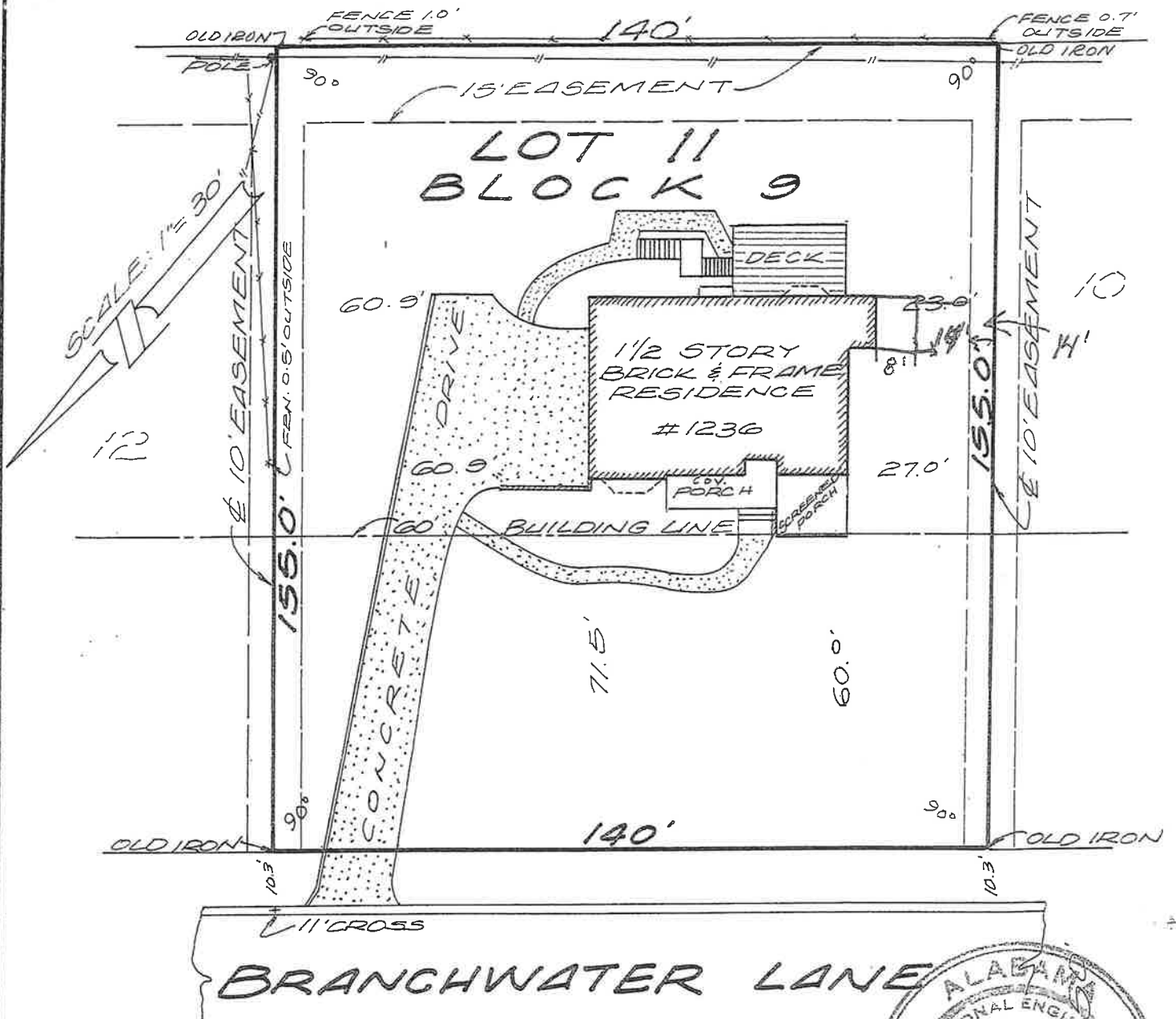
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 2nd day of April, 2020.



Notary Public
My commission expires 5th day of July, 2020.



STATE OF ALABAMA
JEFFERSON COUNTY

* SECTOR 3RD ADDITION

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, certify that I have surveyed Lot 11, Block 9, TANGLEWOOD PARK 3RD* as recorded in Map Volume 112 Page 63, 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 premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area", that there are no encroachments on said lot except as shown; that improvements are located as shown above; and that the correct address is as follows: 1236 BRANCHWATER LANE

according to my survey of: JULY 10, 1997
 FLOOD ZONE: "C"
 SMITH
 Comm. - PANEL #010132
 0004 B
 Order No. 90433 EFF. DATE: 1/2/81
 Laurence D. Weygand, Reg. No. 10 373 phone: 942-0086
169 Oxmoor Road Birmingham, Al 35209