

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

**AGENDA**

**JUNE 18, 2020**

**6:00 P.M.**

Roll Call.

Approval of Minutes: May 21, 2020.

- (1) **BZA-0620-11** Julie & Andrew Craft are requesting a **Side Setback Variance** for the property located at **2019 Hickory Road**. The purpose of this request is to reduce the rear setback to 5' in lieu of the required 15' to build a garage addition. The property is owned by Julie & Andrew Craft and is zoned Vestavia Hills R-3.
  
- (2) **BZA-0620-12** Jay & Kelly Evers are requesting a **Side Setback Variance** for the property located at **2621 Millwood Road**. The purpose of this request is to reduce the rear setback to 17' in lieu of the required 25' to build a house. The property is owned by Jay & Kelly Evers and is zoned Vestavia Hills E-2.
  
- (3) **BZA-0620-13** Robin & Bart Kolber is requesting a **Side Setback Variance** for the property located at **3951 Westminster Lane**. The purpose of this request is to reduce the setback to 11' in lieu of the 20' recorded setback to replace a deck. The property is owned by Robin & Bart Kolber and is zoned Vestavia Hills R-6.

Time of Adjournment.

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

**MINUTES**

**May 21, 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 video 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  
Robert Gower

**MEMBERS ABSENT:**

Tony Renta, Alt  
Donald Holley Alt

**OTHER OFFICIALS PRESENT:**

Jack Wakefield, Planner/GIS

**APPROVAL OF MINUTES**

The minutes of March 19, 2020 were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of March 19, 2020 was made by Mr. Jones and 2<sup>nd</sup> was by Mr. Gower. Motion as carried on a voice vote as follows:

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

**REAR SETBACK VARIANCE**

**BZA-0520-09** HD Holdings, LLC is requesting a **Rear Setback Variance** for the property located at **3109 & 3113 Blue Lake Drive**. The purpose of this request is to reduce the rear setback to 20’ in lieu of the required 30’ to accommodate required parking. The property is owned HD Holdings, LLC and is zoned Vestavia Hills O-1

Mr. Wakefield described the area where the property is located and read the review which included the purpose of the request, comprehensive plan and staff review.

Russ Doyle stated that they needed the variance to accommodate parking required by the O-1 zoning and that the lot shape caused a hardship.

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

**MOTION** Motion to approve a 10’ rear setback variance to reduce the setback to 20’ in lieu of the required 30’ for the property located at 3109 & 3113 Blue Lake Drive, 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  
Mr. Gower – yes  
Motion carried.

**REAR SETBACK VARIANCE**

**BZA-0520-10** David Harris is requesting a **Rear Setback Variance** for the property located at **1507 Jacobs Circle**. The purpose of this request is to reduce the rear setback to 9’ in lieu of the required 20’ to rebuild a deck. The property is owned by David Harris 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.

David Harris explained his situation before the Board and that his hardship was the size of the lot.

George Ponder stated that the shape of the lot is not an acceptable hardship. Also, he said that it appeared that the new deck was built exclusively with new materials.

Loring Jones asked if this was a complete rebuild or if this is a replacement of an existing deck.

Mr. Harris stated that indeed some of the original deck had remained and that this is the replacement of the old deck.

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 an 11' rear setback variance to reduce the setback to 9' in lieu of the required 20' for the property located at 1507 Jacobs Circle, 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 – no	Mr. Rice – yes
Mr. Gower – yes	
Motion carried.	

At 6:30 PM, Mr. Rice made a motion to adjourn. The meeting adjourned at 6:30 PM.

Jack Wakefield,  
Planner/GIS

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

Date: **JUNE 18, 2020**

- **CASE: BZA-0620-11**
- **REQUESTED ACTION:** 10' side setback variance to reduce the setback to 5' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 2019 Hickory Road
- **APPLICANT/OWNER:** Julie & Andrew Craft
- **REPRESENTING AGENT:** None
- **GENERAL DISCUSSION:** Applicants are seeking a side setback variance to build a new garage. They owners had an existing carport that is to be converted to a living space and the new garage will be moved to the opposite side of the house. The applicants contend that there is a hardship because of the field lines on the property and the small amount of buildable space in the rear. Furthermore, there is water drainage issues on the side of the house where the garage will be located. Since the land is slanted, water runs to the adjacent neighbor's house and in the process floods both the neighbor's lot and the applicant's left side. To alleviate this, a new curbed driveway will be constructed up to the new garage. This will serve to divert the water runoff into an existing drainage pipe towards the back side of the property, this would prevent both properties from being flooded. The neighbor to the left has stated their support for the request and is satisfied with the plan to divert water into the drainage pipe. Based on all this, the request represents the most logical placement for the garage addition. City Engineer Christopher Brady has looked at the water runoff plans and has no issues with it. 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

2020 MAY 19 A 9:37

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.

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## I. APPLICANT INFORMATION:

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

Name: Julie and Andrew Craft  
Address: 2019 Hickory Road  
Vestavia Hills, AL 35216  
Phone #: 205.586.3937 Other #: 205.201.1363  
E-Mail: jcmcraft@gmail.com, andrewcraft1@gmail.com

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### **Billing/Responsible Party**

Name: Julie and Andrew Craft  
Address: 2019 Hickory Rd. Vestavia Hills, AL 35216  
Phone #: 205.586.3937 Other #: 205.201.1363  
E-Mail: jcmcraft@gmail.com, andrewcraft1@gmail.com

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**Representing Attorney/Other Agent**

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

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

Phone #: 205.586.3937 Other #: 205.201.1363

E-Mail: jcmcraft@gmail.com, andrewcraft1@gmail.com

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

**II. DESCRIPTION OF SUBJECT PROPERTY:**

LOCATION: 2019 Hickory Road  
*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 ~~8'8"~~ front side rear (circle one) setback variance to reduce the setback to 5 ~~6'4"~~ in lieu of the required 15'.  
\_\_\_\_\_' 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 \_\_\_\_\_).

205.201.1363

\_\_\_\_\_  
**BZA0620-11//2800194015002.000**  
**2019 Hickory Rd.**  
Side Setback Variance for a an  
addition  
Andrew & Julie Craft R3



**IV. ZONING**

Vestavia Hills Zoning for the subject property is R3.

**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).

Reasons for setback are lack of space in the back yard for addition and field lines and septic system are in the front yard. Also, we are needing to address and correct some water/drainage problems for both us and our neighbor

**VI. PROJECT:**

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

We are adding additional living space for our growing family. We are also addressing many problems with our 1950-constructed home to bring it up to the level of the neighborhood. After months of planning and preparation, this planned project has been determined to be the best option available.

**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\***

Andrew J Craft 5/19/20  
Owner Signature/Date

Representing Agent (if any)/date

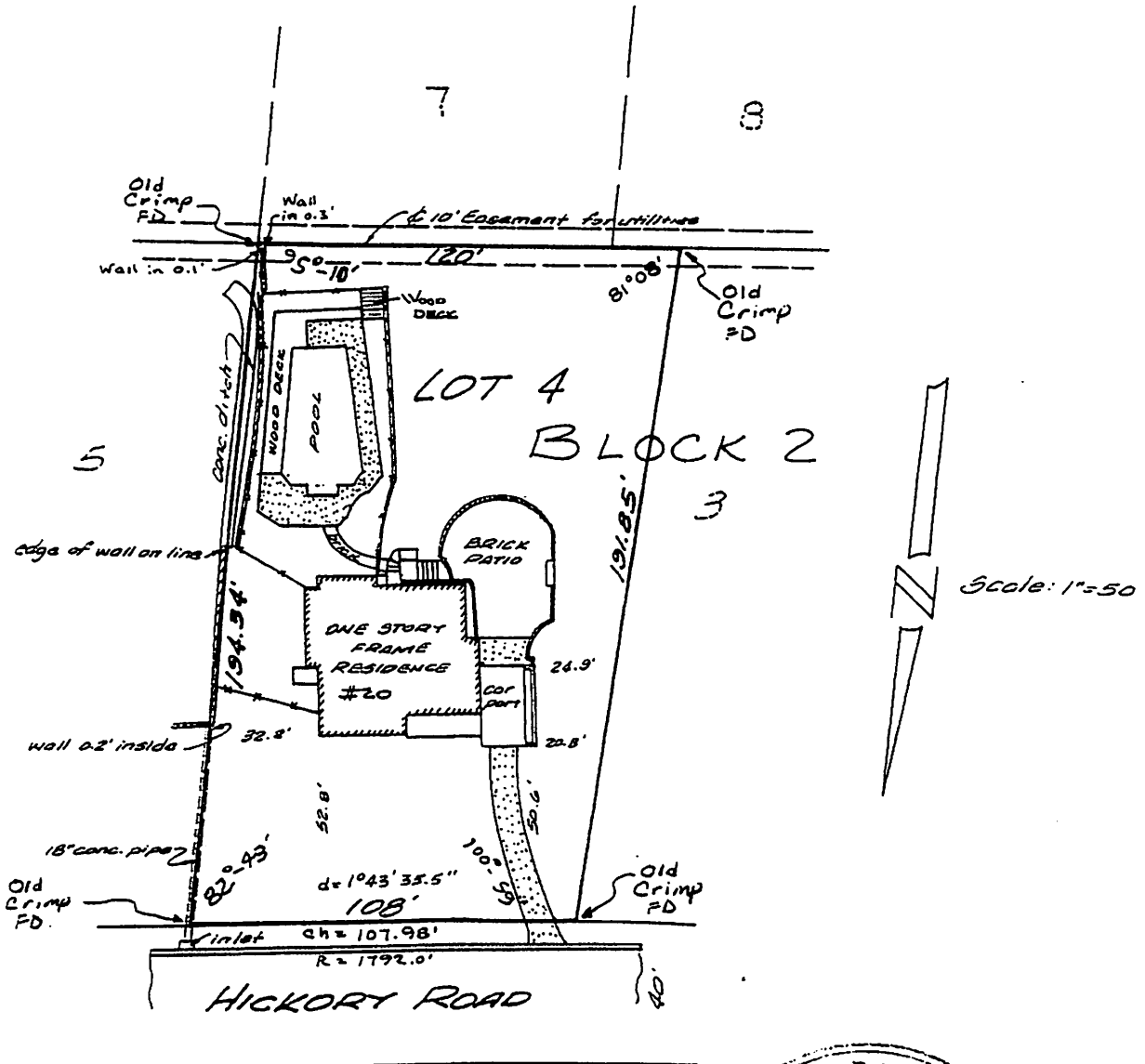
Given under my hand and seal  
this 19<sup>th</sup> day of May, 2020.

Marilyn Claman  
Notary Public

My commission expires May  
day of 12<sup>th</sup>, 2021.







STATE OF ALABAMA  
JEFFERSON COUNTY

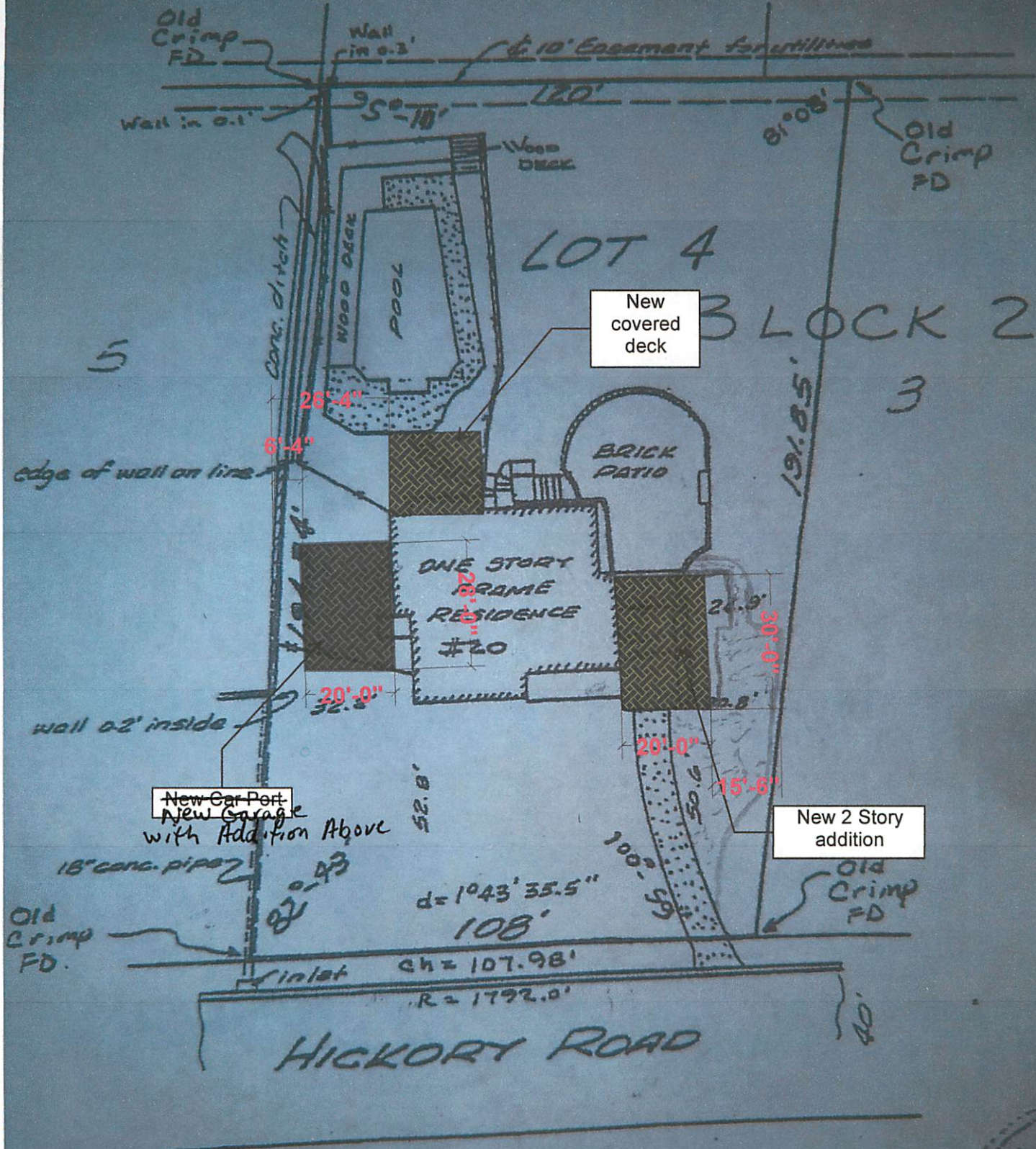
AS-BUILT SURVEY  
MEETS M.T.S.

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, certify that I have surveyed Lot 4, Block 2, FIRST ADDITION TO BEACON HILL as recorded in Map Volume 31 Page 61, in the office of the Judge of Probate JEFFERSON County, Alabama; that there are no right-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: 2019 HICKORY ROAD; according to my survey of: AUGUST 5, 1993

PURC. PAYNE  
Order No. 63714

FLOOD ZONE "C"  
C.P. # 010132 00038

*Laurence D. Weygand*  
Laurence D. Weygand, Reg. No. 10 373 phone: 942-0086





LOT 4

New covered deck



26'-4"

6'-4"

edge of well on line

New Driveway

ONE STORY FRAME RESIDENCE #20

curb

wall 02' inside

29'-0"

New 2" DIA GPIPE w/ ADJUSTABLE 18" CONC. BASE

Water flow

29'-0"

Old 2" rimp FD.

ch = 107.98'

108'

R = 1792.0'

curb to divert water

HICKORY ROAD

5

3

15

conc. ditch















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

Date: **JUNE 18, 2020**

- **CASE: BZA-0620-12**
- **REQUESTED ACTION:** 8' side setback variance to reduce the setback to 17' in lieu of the required 25'.
- **ADDRESS/LOCATION:** 2621 Millwood Road
- **APPLICANT/OWNER:** Jay & Kelly Evers
- **REPRESENTING AGENT:** Robert Thompson
- **GENERAL DISCUSSION:** Applicants are seeking a side setback variance to build a new house. The applicants contend the odd shaped lot causes a hardship. The lot is pie-shaped and the amount of buildable space decrease the further back you go. The applicant's property is zoned Vestavia Hills E-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.

2020 MAY 19

# 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.

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## I. APPLICANT INFORMATION:

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

Name: JAY & KELLY EVERS

Address: 3616 BIRCHWOOD CIRCLE  
VESTAVIA HILLS, AL 35243

Phone #: 205-999-5689 Other #: \_\_\_\_\_

E-Mail: jayevers56@gmail.com

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### Billing/Responsible Party

Name: SAME AS ABOVE

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

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

E-Mail: \_\_\_\_\_

BZA0620-12//280028/2002005.000

2621 Millwood Rd.

Side Setback Variance for a new home

Jay & Kelly Evers

E2

**Representing Attorney/Other Agent**

Name: ROBERT THOMPSON  
Address: 2913 CAHAZA ROAD  
BIRMINGHAM, AL 35223  
Phone #: 205-414-1272 Other #: 205-999-6461  
E-Mail: rthompson@thompsonarchitecture.com

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

**II. DESCRIPTION OF SUBJECT PROPERTY:**

LOCATION: 2621 MILLWOOD ROAD, VESTAVIA HILLS, AL 35243  
*Street Address*  
LOT 23, AMENDED MAP, MILLWOOD ESTATES  
*Subdivision name, Lot #, Block #, etc.*

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

1.  A request to vary:  
 \_\_\_\_\_' variance to reduce the lot width to \_\_\_\_\_' in lieu of the required \_\_\_\_\_'.  
 \_\_\_\_\_ square foot variance to reduce the lot area to \_\_\_\_\_ square feet in lieu of the required \_\_\_\_\_ square feet.  
8' front/side/rear (circle one) setback variance to reduce the setback to 17' 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.  Variance for location of a fence.
6.  Sign Code Variance (See Section \_\_\_\_\_).
7.  Other - Explain (See Section \_\_\_\_\_).

*Lt 23  
8/21/91*

\_\_\_\_\_ BZA0620-12//280028/2002005.000 \_\_\_\_\_  
 \_\_\_\_\_ 2621 Millwood Rd. \_\_\_\_\_  
 \_\_\_\_\_ Side Setback Variance for a new \_\_\_\_\_  
 \_\_\_\_\_ home \_\_\_\_\_  
 \_\_\_\_\_ Jay & Kelly Evers \_\_\_\_\_ E2 \_\_\_\_\_



**IV. ZONING**

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

**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).*

The shape of the property is causing a hardship for the property owner. The lot is pie-shaped, with the widest portion of the property being in the front, and the property becoming narrower as it goes back toward the rear. The 75' front setback does not permit construction in the wider portion of the property. The front of the property is also curved, which further inhibits the buildable area. The property is barely one acre (the tax assessor's office shows it less than an acre). This is the smallest property that can be zoned E-2. The pie shape of the property, along with the 25' setbacks, create a hardship.

**VI. PROJECT:**

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

The Owner wants to build a new home on the property.

**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\***

[Signature] 5-19-20  
Owner/Signature/Date

[Signature] 5/19/20  
Representing Agent (if any)/date

Given under my hand and seal  
this 19 day of May, 2020.

[Signature]  
Notary Public  
My commission expires 14  
day of November, 2022.



MILLWOOD ROAD

EXISTING 75' SETBACK

**BUILDABLE AREA**

EXISTING 25' SETBACK

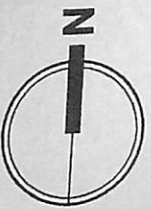
PROPOSED 17' SETBACK

EXISTING 25' SETBACK

PROPOSED 17' SETBACK

**SITE PLAN-BUILDABLE AREA**

SCALE: 1" = 30'-0"



D-12//280028/2002005.000  
Iwood Rd.  
ack Variance for a new

MILLWOOD ROAD

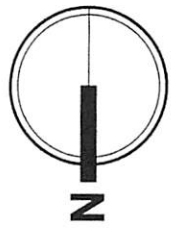
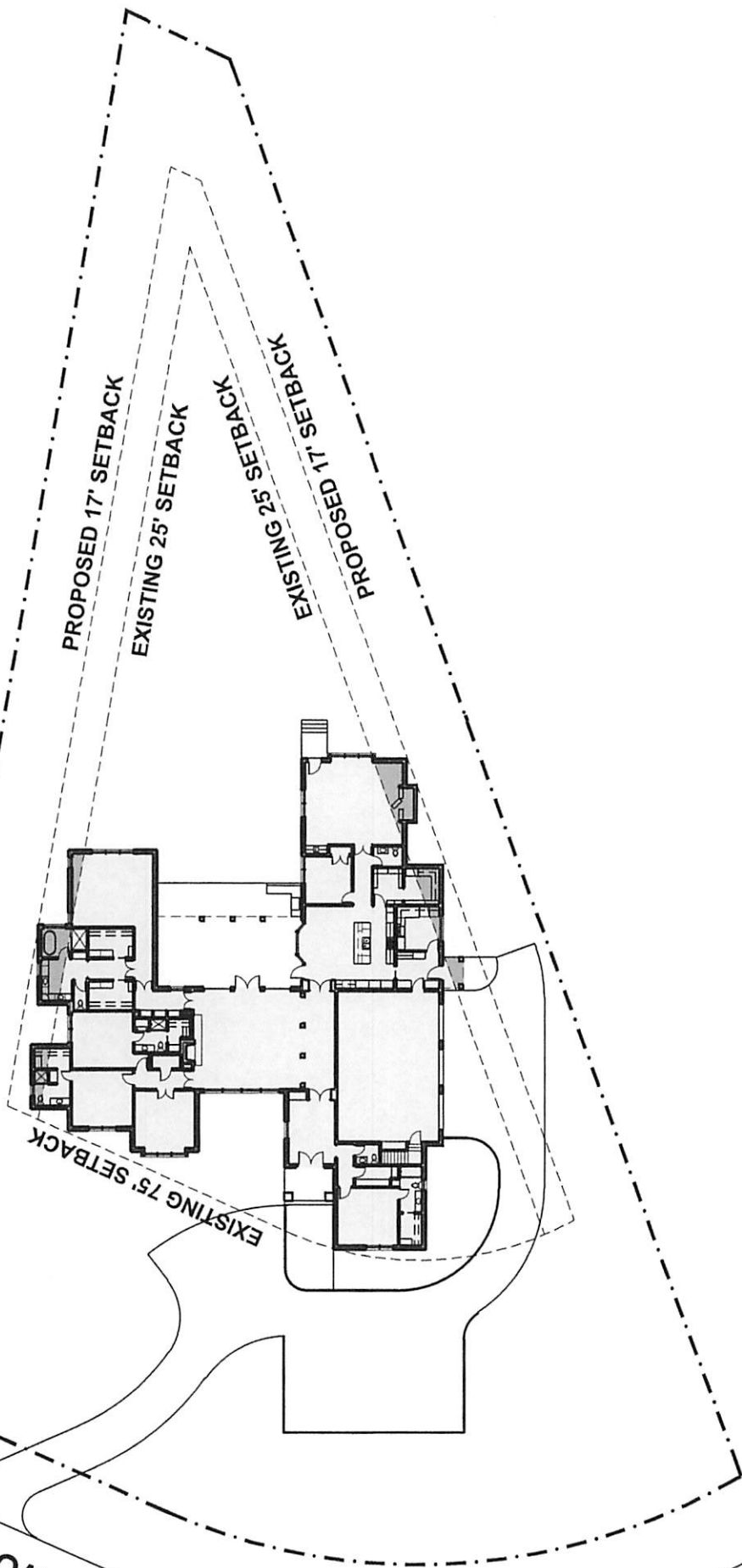
EXISTING 75' SETBACK

PROPOSED 17' SETBACK

EXISTING 25' SETBACK

EXISTING 25' SETBACK

PROPOSED 17' SETBACK



SCALE: 1" = 40'-0"

# SITE PLAN

BZA0620-12//280028/2002005.000

2621 Millwood Rd.

Side Setback Variance for a new

home

Jay & Kelly Evers

E2



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

Date: **JUNE 18, 2020**

- **CASE: BZA-0620-13**
- **REQUESTED ACTION:** A side setback variance to reduce the setback to 11' in lieu of the 20' recorded setback.
- **ADDRESS/LOCATION:** 3951 Westminster Lane
- **APPLICANT/OWNER:** Robin & Bart Kolber
- **REPRESENTING AGENT:** Jim Loper
- **GENERAL DISCUSSION:** Applicants are seeking a setback variance to replace an existing deck. The applicants contend that the odd shaped lot causes a hardship, along with the drainage easement that surrounds the house. The deck will be a replacement and not a total rebuild. Some of the material from the original deck will remain, as the new structure is built. The deck will not encroach into that drainage easement. This is a zero-lot line property and the setback requirement is based on the recorded setback line. The applicants drafted, signed, and recorded a covenants waiver. The applicant's property is zoned Vestavia Hills R-6.
- **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.

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**I. APPLICANT INFORMATION:****Owner of Property (This Section Must Be Completed)**Name: ROBIN & BART KOLBERAddress: 3951 WESTMINSTER LN.  
VESTAVIA, AL. 35243Phone #: 205-967-5485 (H) Other #: 205-613-1624 (ROBIN CELL)  
205-613-1623 (BART CELL)E-Mail: (ROBIN) Yappy369@gmail.com (BART) BKolber@me.com

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**Billing/Responsible Party**Name: SAME AS ABOVE

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

Phone #: \_\_\_\_\_ Other #: BZA0620-13//2800154012009.005E-Mail: 3951 Westminster Lane

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Variance from Recorded Setback to  
rebuild deck  
Bart & Robin Kolber

**Representing Attorney/Other Agent**

Name: Jim Loper - Landscape Architectural Services  
Address: 1840 Indian Crest Drive  
Indian Springs, AL 35124  
Phone #: 205-970-6889 Other #: 205-956-7053  
E-Mail: jloperco@bellsouth.net

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

**II. DESCRIPTION OF SUBJECT PROPERTY:**

LOCATION: 3951 WESTMINSTER LN VESTAVIA, AL. 35243  
Street Address  
WESTMINSTER CARRIAGE HOMES  
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 \_\_\_\_\_'.  
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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 \_\_\_\_\_).

PERMISSION TO RE-BUILD THE EXISTING DECK ON SAME FOOTPRINT

Variance from ~~all~~ Recorded Setback

BZA0620-13//2800154012009.005  
3951 Westminster Lane  
Variance from Recorded Setback to  
rebuild deck  
Bart & Robin Kolber

**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).

1. THE DEVELOPMENT WAS CONSTRUCTED PRIOR TO ANNEXATION BY VESTAVIA HILLS
2. THE DRAINAGE EASEMENT SEVERELY LIMITS AVAILABLE SPACE
3. THE RE-BUILD WILL BE ON THE SAME EXACT FOOTPRINT AS ORIGINAL

**VI. PROJECT:**

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

**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\***

*Bart B. Kolber*

Owner Signature/Date

*James H. Loper*

Representing Agent (if any)/date

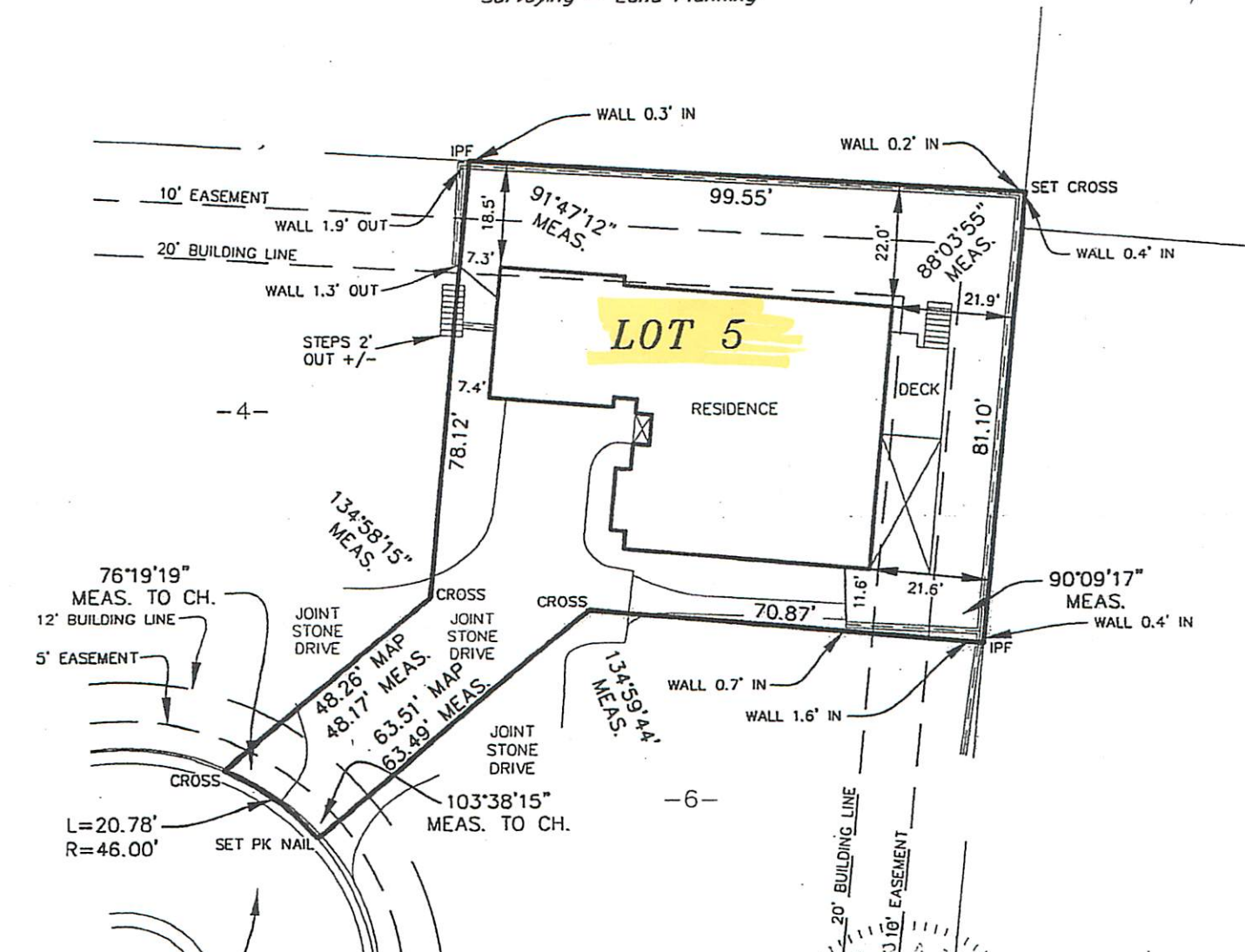
Given under my hand and seal  
this 18<sup>th</sup> day of May, 2020.

*[Signature]*  
Notary Public

My commission expires 30<sup>th</sup>  
day of April, 2023.

BZA0620-13//2800154012009.005  
3951 Westminster Lane  
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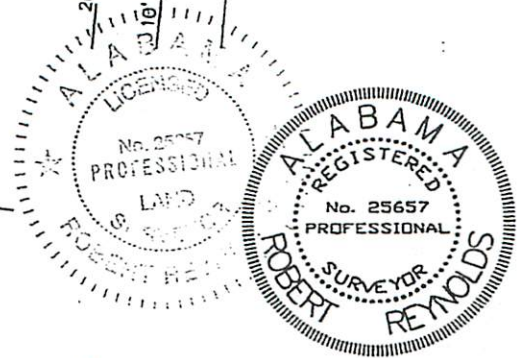


- LEGEND**
- UTILITY POLE
  - GUY WIRE
  - RETAINING WALL
  - ▭ CONCRETE
  - X- FENCE
  - OE- OVERHEAD ELECTRICAL
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET

WESTMINSTER LANE

SCALE: 1" = 30'

"CLOSING SURVEY"



STATE OF ALABAMA  
 JEFFERSON COUNTY

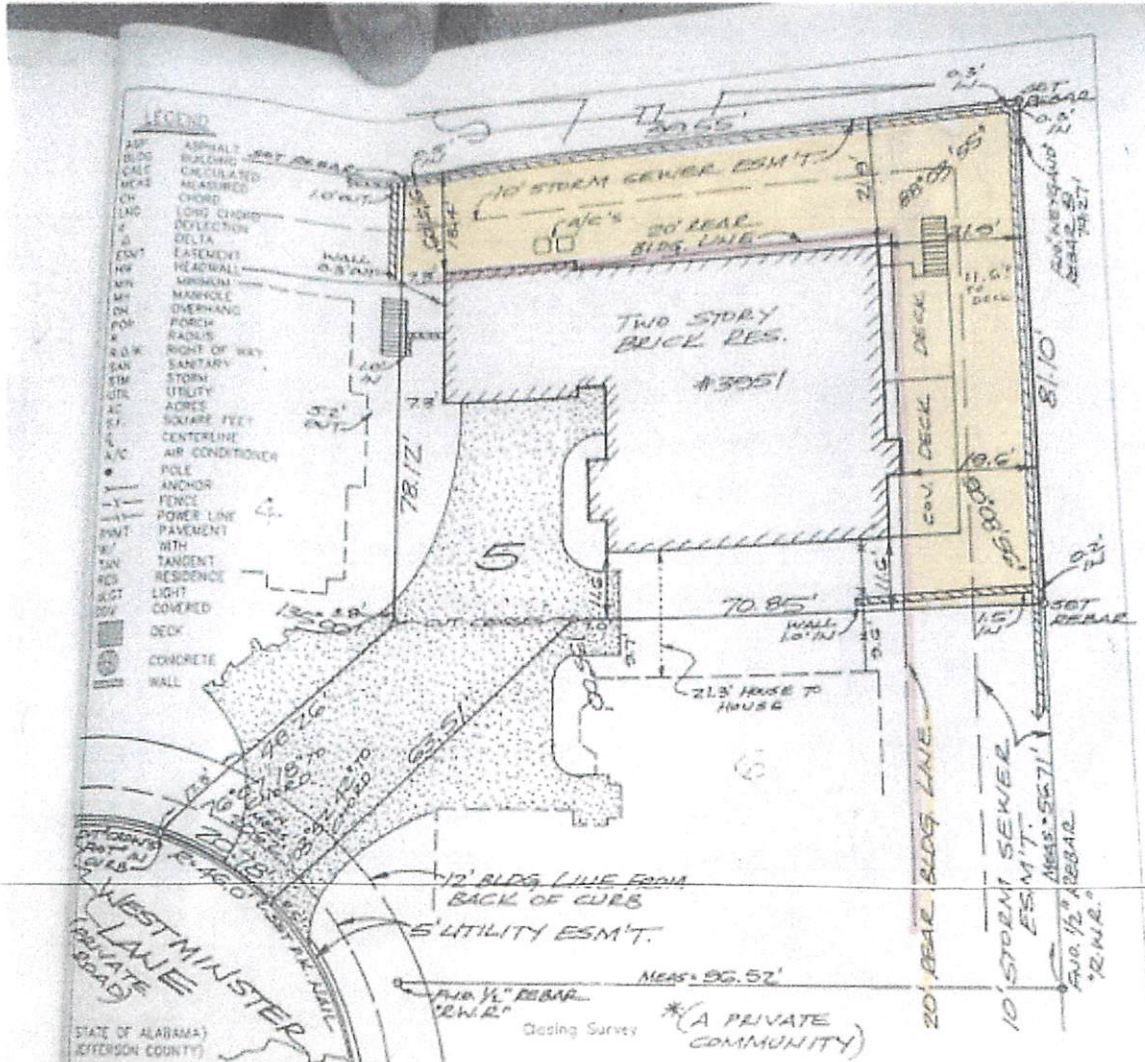
I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 5, Block     , of WESTMINSTER CARRIAGE HOMES, as recorded in Map Book 212, Page 11 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have 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 14TH day of OCTOBER, 2018.

NOTE: This survey is not transferable to any additional institutions or subsequent owners.  
 Purchaser: KOLBER  
 Address: 3951 WESTMINSTER LANE

*Robert Reynolds*  
 Reg. No. 25657



BZA0620-13//2800154012009.005  
 3951 Westminster Lane  
 Variance from Recorded Setback to  
 rebuild deck  
 Bart & Robin Kolber



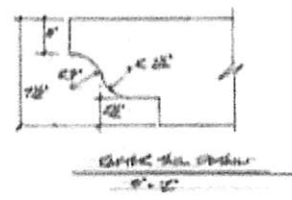
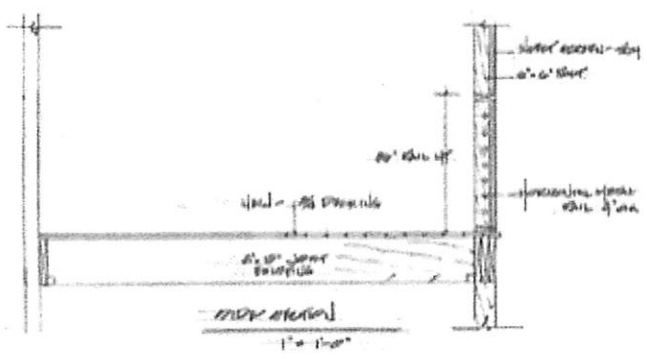
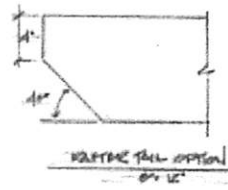
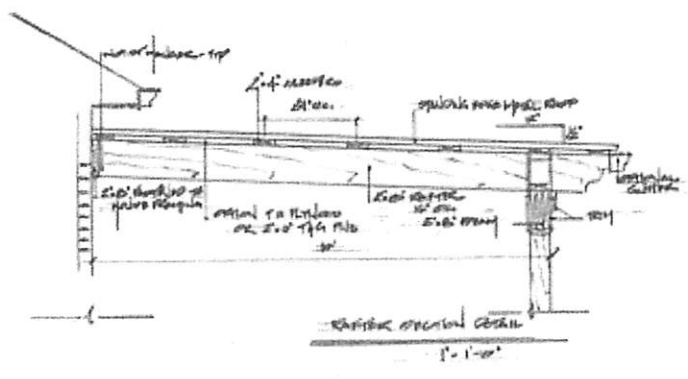
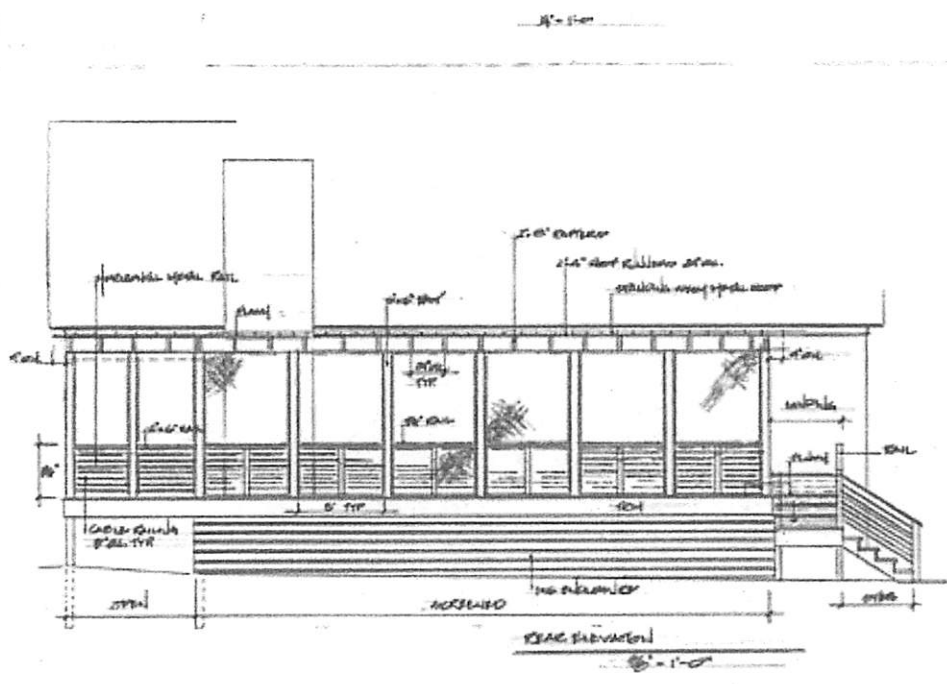
I, Laurence D. Waygood, a registered Engineer-Land Surveyor, or Roy Waygood, a Registered Land Surveyor, hereby certify that I have surveyed Lot 5, Block 1, WESTMINSTER GARDENS HOMES #1, as recorded in Map Volume 312, Page 11, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports thereon, 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 and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of JUNE 27, 2025.

Survey Involves if not stated in red:  
 Order No.: 84184  
 Purchaser: SANDERS  
 Address: 3951 WESTMINSTER LANE  
 Floor Zone: X Map Number: Q173C05784

Laurence D. Waygood  
 Laurence D. Waygood, Reg. P.E./L.S. #10371  
 Roy Waygood, Reg. L.S. #24573  
 165 Dunsford Road, Homewood, AL 35209  
 Phone (205) 942-0086 Fax (205) 942-0087

Note: (a) No title search of the public records has been performed by this firm and any shown herein was not abstracted for easements and/or rights-of-way, however, it is understood that the parcel shown herein is subject to easements, zoning and restrictions that may be found in the public records of said county and/or city. (b) A bearing and/or angles, are described from map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures are not located unless otherwise noted. We do not look for underground sewers or gas mains or conduits. (d) The shown north arrow is based on deed/record plat.





Robin and Bart Kolber Residence

B.L.S.

Scale

1/8\"/>

BZA0620-13//2800154012009.005  
 3951 Westminster Lane  
 Variance from Recorded Setback to  
 rebuild deck  
 Bart & Robin Kolber

6

**Westminster Homeowners Association**  
**P O Box 43158**  
**Vestavia Hills, AL 35243**

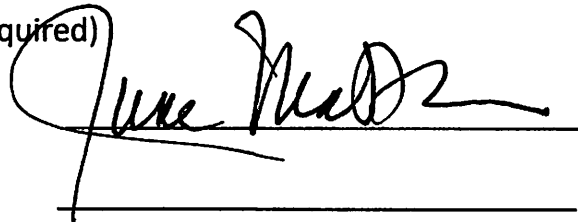
April 5, 2019

To whom it may concern,

We, the undersigned owners of the homes of Westminster Homeowners Association, do hereby agree with the plans of Bart and Robin Kolber, on Lot 5 of said subdivision, to replace their existing deck with another like-kind structure on the same footprint.

(Only one signature for each lot is required)

Lot 1: June Matsos



---

Lot 2: Patty Adams

---

Lot 3: Joseph (Lelie) Hughes

---

Lot 4: Harold (Jaynn) Kushner

---

Lot 5: Bart (Robin) Kolber

---

Lot 6: Dan (Rhonda) Henderson

---

Lot 7: Jessellan Dunn

---

Lot 8: Jan Nash

---

Lot 9: Chrissy Kennedy

---

Lot 10: Henry (Joan) Kendall

---

Lot 11: Will Hill (Kristin) Tankersley

Unoccupied

**BZA0620-13//2800154012009.005**  
**3951 Westminster Lane**  
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\_\_\_\_\_

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*Patty Adams*  
\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

Lot 6: Dan (Rhonda) Henderson

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

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*Joseph Hughes*  
\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

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- Lot 6: Dan (Rhonda) Henderson \_\_\_\_\_
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- Lot 8: Jan Nash \_\_\_\_\_
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*OR NEXT PAGE* →



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Lot 6: Dan (Rhonda) Henderson *Dan Henderson*

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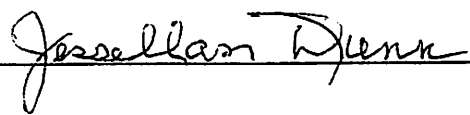
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*Jan J. Kendall*  
UNOCCUPIED

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Lot 12: Debbie LaRussa

\_\_\_\_\_

Lot 13: Jim (Kathy) Dorwaldt

\_\_\_\_\_

Lot 14: Teresa Moore

\_\_\_\_\_

Lot 15: Cynn timer Sproull

\_\_\_\_\_

Lot 16: Gayle Mason

*Gayle Mason*  
\_\_\_\_\_

Lot 17: Bruce (Shelly) Tucker

\_\_\_\_\_

Sincerely,

*Jim Dorwaldt*

Jim Dorwaldt, President

Association cc: Henry Kendall, Treasurer

Cynn timer Sproull, Secretary

**BZA0620-13//2800154012009.005**  
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Lot 13: Jim (Kathy) Dorwaldt

---

Lot 14: Teresa Moore

*Teresa Moore*

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Lot 15: Cynn timer Sproull

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*Cynn timer Sproull*  
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*Bruce Tucker* 5/15/2020

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