

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

AGENDA

AUGUST 20, 2020

6:00 P.M.

Roll Call.

Approval of Minutes: July 16, 2020.

- (1) **BZA-0820-17** Ellen Lowe is requesting a **Rear and Side Setback Variance** for the property located at **3164 Valley Park 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 6' in lieu of the required 10' to build a small storage shed. The property is owned by Ellen Lowe and is zoned Vestavia Hills R-4.

- (2) **BZA-0820-18** Howard Neely is requesting a **Front & Rear Setback Variance** for the property located at **901 Granbury Road**. The purpose of this request is to reduce the rear setback to 7' in lieu of the approved 9' & to reduce the rear setback to 28' in lieu of the required 30' to finish additions on the house. The property is owned by Howard Neely and is zoned Vestavia Hills R-2.

- (3) **BZA-0820-19** John Davis is requesting a **Front Setback Variance** for the property located at **3231 Valley Park Drive**. The purpose of this request is to reduce the setback to 30' in lieu of the 40' to build a covered front porch and expand the size of the garage. The property is owned by John Davis and is zoned Vestavia Hills R-4.

- (4) **BZA-0820-20** Tommy Yarborough is requesting a **Rear and Side Setback Variance** for the property located at **523 Eastwood Place**. The purpose of this request is to reduce the rear setback to 16' in lieu of the required 30' & to reduce the side setback to 9' in lieu of the required 15' to build a kitchen nook extension and a covered patio. The property is owned by Tahoe Investments and is zoned Vestavia Hills R-2.

SPECIAL NOTICE: Pursuant to "Safer at Home" orders from the Governor of the State of Alabama due to COVID-19 Pandemic, the Board of Zoning Adjustment meeting of August 20, 2020 will be video-conferenced and teleconferenced. Anyone choosing to attend the meeting in person will be required to wear a mask and practice social distancing. Anyone may participate via phone/computer. Participation via videoconferencing through Zoom.com may be viewed by clicking the following link: <https://us02web.zoom.us/j/7970217974> To attend via teleconference, please dial 312.626.6799 and enter the meeting ID of 797 021 7974

- (5) **BZA-0820-21** Rebecca & Nathan Pitner are requesting a **Side Setback Variance** for the property located at **1856 Southwood Road**. The purpose of this request is to reduce the rear setback to 5' in lieu of the required 50' to build a garage addition. The property is owned by Rebecca & Nathan Pitner and is zoned Vestavia Hills R-2.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

MINUTES

July 16, 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
Donald Holley Alt
Robert Gower
George Ponder

MEMBERS ABSENT: Tony Renta, Alt

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

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

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

Mr. Griffo – yes	Mr. Jones – yes
Mr. Holley – yes	Mr. Rice – yes
Mr. Gower – yes	Mr. Ponder – yes

Motion carried.

FRONT SETBACK VARIANCE

BZA-0720-14 Brian and Christina Kennedy are requesting a **Front Setback Variance** for the property located at **1812 Forest Haven Lane**. The purpose of this request is to reduce the rear setback to 40’ in lieu of the required 50’ to build a covered front porch addition. The property is owned by Brian and Christina Kennedy 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.

Joe Fante was present for the case.

Mr. Ponder asked what the hardship is. Mr. Fante said the need for a front porch is the hardship. Mr. Ponder responded that is not a hardship.

Mr. Kennedy stated that they do not have another area to build this covered porch and that the undersized lot causes the hardship. Also that the area in the rear is unbuildable.

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’ front setback variance to reduce the setback to 40’ in lieu of the required 50’ for the property located at 1812 Forest Haven Lane, was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

Mr. Griffo – yes	Mr. Jones – yes
Mr. Holley – yes	Mr. Rice – yes
Mr. Gower – yes	Mr. Ponder – yes

Motion carried.

FRONT SETBACK VARIANCE

BZA-0720-15 Scott & Samantha Coleman are requesting a **Front Setback Variance** for the property located at **1316 Panorama Drive**. The purpose of this request is to reduce the rear setback to 36’ in lieu of the required 50’ to build a covered front porch addition. The property is owned by Scott & Samantha Coleman 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.

Scott Coleman was present for this case and stated that the 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 a 14' front setback variance to reduce the setback to 36' in lieu of the required 50' for the property located at 1316 Panorama 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. Holley – yes	Mr. Rice – yes
Mr. Gower – yes	Mr. Ponder – yes

Motion carried.

FRONT SETBACK VARIANCE

BZA-0720-16 Jason Carroll is requesting a **Front Setback Variance** for the property located at **2301 Shades Crest Road**. The purpose of this request is to reduce the setback to 18' in lieu of the 50' to build a new house with a detached garage. The property is owned by Jason Carroll 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.

Richard Long was present to represent the application. He stated that the corner lot causes the hardship and the original house was not in compliance on the side.

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 32' front setback variance to reduce the setback to 18' in lieu of the required 50' for the property located at 2301 Shades Crest Road, was made by Mr. Jones and 2nd was by Mr. Holley. Motion was carried on a roll call vote as follows:

Mr. Griffo – yes Mr. Jones – yes
Mr. Holley – yes Mr. Rice – yes
Mr. Gower – yes Mr. Ponder – 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: **AUGUST 20, 2020**

- **CASE: BZA-0820-17**
- **REQUESTED ACTION:** 5' rear setback variance to reduce the setback to 10' in lieu of the required 15 & a 4' side setback variance to reduce the setback to 6' in lieu of the required 10.
- **ADDRESS/LOCATION:** 3164 Valley Park Drive
- **APPLICANT/OWNER:** Ellen Lowe
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a rear and side setback variance to install a small storage shed. The applicant contends that the terrain in the rear and the corner lot causes a hardship. If the shed were moved in accordance with the accessory structure code, the shed would be in the area of a very large tree. The area surrounding that tree has roots that stick out of the ground in all directions, preventing the construction of structure on top of the roots. The applicant would like to keep it well enough away from the roots that she does not have to worry about the roots damaging the new shed. Also, if the shed is placed closer to the house, but far enough away from the unbuildable area, it would be too close to the principal structure. An accessory structure must not be within 10' of the principal structure. The rear corner area of the lot is the flattest space on the lot, the terrain gets slightly more elevated as you move toward the house. The lot is also a corner lot, having two front setbacks limiting where the structure can be placed. 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 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: LAURA ELLEN LOWE

Address: 3164 VALLEY PARK DR., VESTAVIA, AL 35243

Phone #: (205) 970-4966 HOME Other #: (205) 238-9305 CELL

E-Mail: Ellen.Lowe.20 @ Yahoo. com

Billing/Responsible Party

Name: SAME AS ABOVE

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

Representing Attorney/Other Agent

Name: N/A

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: 3164 VALLEY PARK DR., VESTAVIA, AL 35243
Street Address

LOT 7 OF HOLLIDAY'S SECOND ADDITION TO CAHABA HEIGHTS
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 6.5' in lieu of the required 10'.
 _____' front/side/rear (circle one) setback variance to reduce the setback to 10' in lieu of the required 15'.
 _____' 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 R-4.

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).

Corner Lot

VI. PROJECT:

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

I wish to replace an 8'x8' wooden storage shed that has been removed from the back right corner of my lot due to termite damage with an 8'x10' shed. The variance would allow me to build at approximately the same location as previous shed. The shed would look unsightly and awkward if built at required ~~10'x15' setback in my small back yard.~~

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***

Laura Ellen Lowe
Owner Signature/Date

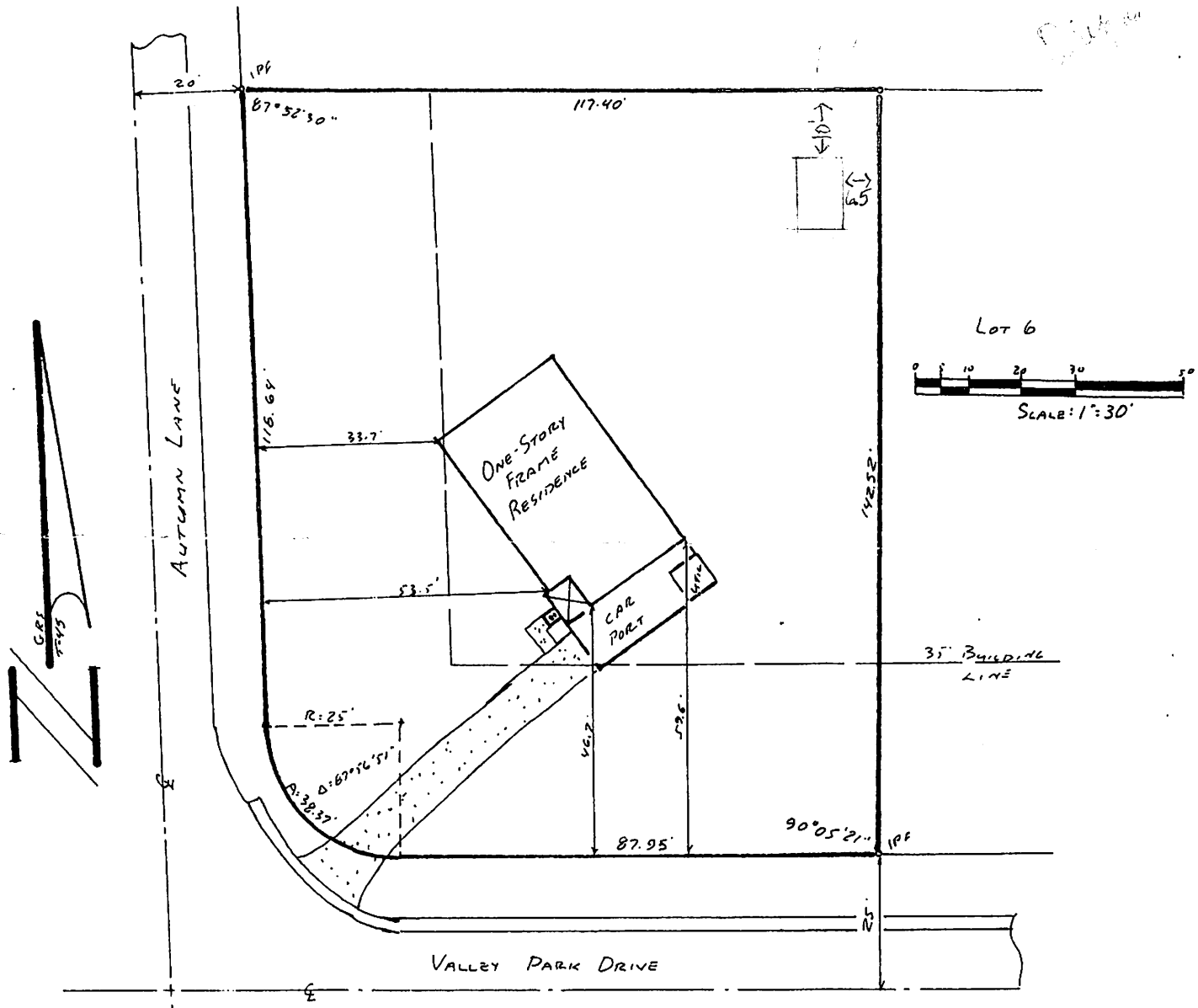
Representing Agent (if any)/date

Given under my hand and seal
this 10th day of July, 2020.

[Signature]
Notary Public

My commission expires 30
day of Oct, 2023.

My Commission Expires
October 30 2023



STATE OF ALABAMA:
JEFFERSON COUNTY:

I, Gary R. Smith, a Registered Professional Land Surveyor in the State of Alabama, hereby state that the foregoing is a map or plat of the following described property:

Lot 7 of Holliday's Second Addition to Cahaba Heights, as recorded in Map Book 44, Page 29, Judge of Probate's Office, Jefferson County, Alabama

I further state that: the building now erected on said land is within the boundaries of same; there are no encroachments by buildings on the adjoining lands; there are no easements, rights-of-way or joint driveways over or across said land visible on the surface of the ground; there are no electric or telephone wires (excluding wire which serves the premises only) or structures or supports therefor over or across said land; iron pins shown on this plat have been located by me; the basis of bearing is the above-cited record map; the property **IS NOT** within a Special Flood Hazard Area; and, this survey and drawing comply substantially with the Minimum Technical Standards for the Practice of Land Surveying in the State of Alabama.

The correct address is 3164 Valley Park Drive, Birmingham, Alabama.

According to my survey this 22 day of July, 1999.

G. R. Smith

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

Date: **AUGUST 20, 2020**

- **CASE: BZA-0820-18**
- **REQUESTED ACTION:** 2' front setback variance to reduce the setback to 7' in lieu of the approved 9' & 2' front setback variance to reduce the setback to 28' in lieu of the required 30'.
- **ADDRESS/LOCATION:** 901 Granbury Road
- **APPLICANT/OWNER:** Howard Neely
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a front and rear setback variance to complete renovations on the current house. The applicant came before the Board in August 2019 and was approved for a 41' front setback variance. Since then, the applicant got a foundation survey done, as is the process for the addition, and found out he would be less than 2' inside the approved setback in the front and less than 2' in the rear. The applicant contends that corner lot and public alleys in the rear and on the side causes the hardship. This action would just be an update to the previously approved setback. The applicant's property is zoned Vestavia Hills R-2.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

CITY OF VESTAVIA 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: HOWARD NEELY

Address: 901 GRANBURY ROAD

Phone #: 205-757-2005 Other #: _____

E-Mail: WARD.NEELY@PEPROPERTYPARTNERS.COM

Billing/Responsible Party

Name: CSM

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

Z0820-18//2800301009001.000

901 Granbury Rd.

Front & rear setback for renovation
of home

Howard Neely

Representing Attorney/Other Agent

Name: _____

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: 901 GRANBURY ROAD
Street Address

Subdivision name, Lot #, Block #, etc.

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

1. A request to vary:
15' variance to reduce the lot width to 15' in lieu of the required _____'.
_____ square foot variance to reduce the lot area to _____ square feet in lieu of the required _____ square feet.
2' front/side/rear (circle one) setback variance to reduce the setback to 7' in lieu of the required 49'.
2' front/side/rear (circle one) setback variance to reduce the setback to 28' 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. Variance for location of a fence.
6. Sign Code Variance (See Section _____).
7. Other - Explain (See Section _____).

Z0820-18//2800301009001.000

901 Granbury Rd.

Front & rear setback for renovation
of home

Howard Neely

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).

multiple front setbacks
corner lot

VI. PROJECT:

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

return to adjust from miscalculation from
1960's survey to architects plans

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 _____ day of _____, 20____.


Notary Public

My commission expires _____
day of Oct, 2023.



My Commission Expires
October 30, 2023

LEGEND	
	AIR CONDUIT
	BENCHMARK
	BOLLARD
	CLEAN OUT
	ELECTRIC
	GAS METER
	GUY WIRE
	LIGHT STA
	MAIL BOX
	MEASURED
	POWER PO
	POWER PO
	RECORDED
	SANITARY
	SATELLITE
	SEPTIC TAN
	STORM MAN
	TELEPHONE
	TREE
	WATER M
	WATER VAL
	RETAINING
	BARBED WI
	CHAIN LINK
	WOOD FEN
	OVERHEAD

NOTES:

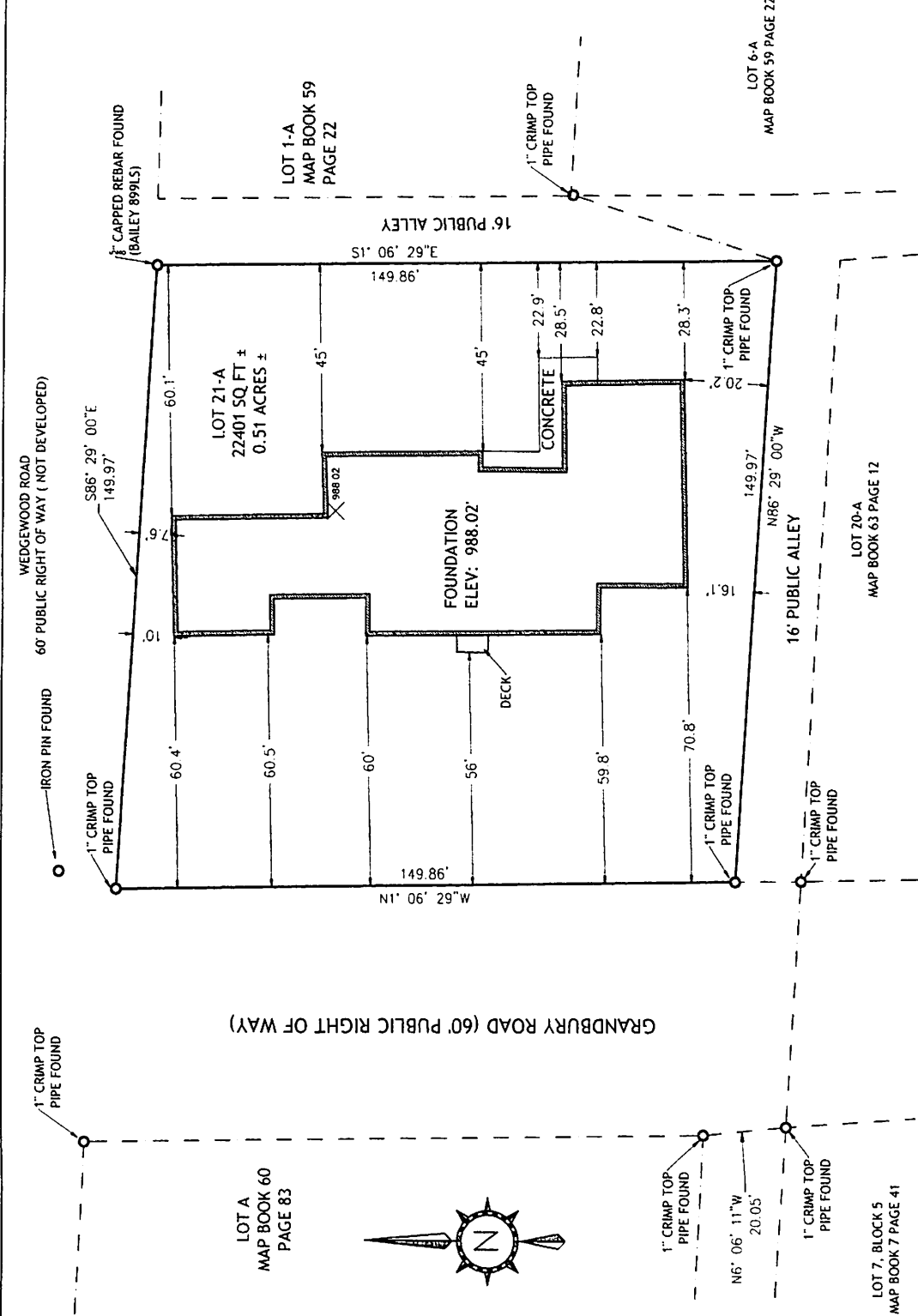
1. Field work for this survey was completed on 06/23/2020.
2. All easements and rights-of-way of which the surveyor had knowledge at the time of this survey have been shown. The surveyor has conducted an investigation or search for easements, encumbrances, restrictive covenants, title evidence, or any other facts that are relevant to the title search and current title search may disclose.
3. The bearing base for this survey is Alabama State Plane Coordinate System (Zone) as determined by RTK GPS observations with correction provided by the ALL CORS network.
4. According to the Flood Insurance Rate Map published by the Federal Emergency Management Agency for the City of Vestavia Hills, Jefferson County, Alabama (Community Number Map Number 01073C0558H, Effective 09/03/2010, this site lies within Zone X c "Areas determined to be outside the 0.2% floodplain."
5. No underground utilities were located during this survey.

GRAPHIC SCALE



(1" = 30')

PLAN NOT VALID WITHOUT SURVEYOR'S STATEMENT

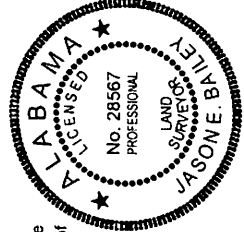


SURVEYOR'S STATEMENT

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.

Jason E. Bailey, PLS
Alabama Reg. No. 28567
Dated:

Jason E. Bailey
07/06/2020



LEGAL DESCRIPTION:

***Use Deed Description or:
Lot 21-A of a Resurvey of lot 21.22, & 23, block 3, South Birmingham Heights Land Company as recorded in Map Book 250 Page 70 in the Probate office of Jefferson County, Alabama. Situated in The NE 1/4 of Section 30, Township 18 S., Range 2 W, Jefferson County, Alabama containing 0.51 acres +/-.

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

Date: **AUGUST 20, 2020**

- **CASE: BZA-0820-19**
- **REQUESTED ACTION:** 10' front setback variance to reduce the setback to 30' in lieu of the required 40'.
- **ADDRESS/LOCATION:** 3231 Valley Park Drive
- **APPLICANT/OWNER:** John Davis
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a front setback variance to extend the front porch and to expand the size of the current garage. The applicant contends that the non-conforming lot causes a hardship. The current structure sits inside the 40' setback. This action would bring the entire structure into compliance. 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

2020 JUL 10 A 4:46'

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: John Bankhead Davis III
Address: 3231 Valley Park Drive
Vestavia AL 35243
Phone #: (205) 422-2954 Other #: _____
E-Mail: banksdavis3@gmail.com

Billing/Responsible Party

Name: John Bankhead Davis III
Address: 3231 Valley Park Drive
Phone #: (205) 422-2954 Other #: _____
E-Mail: banksdavis3@gmail.com

Representing Attorney/Other Agent

Name: _____

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: 3231 Valley Park Drive 35243
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
30 ' in lieu of the required 40 ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to
_____ ' in lieu of the required _____ ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to
_____ ' in lieu of the required _____ ' .
2. A decision of the Zoning Official which the applicant believes to be
contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of
Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Variance for location of a fence.
6. Sign Code Variance (See Section _____).
7. Other - Explain (See Section _____).

Z0820-19//2800221009006.000
3231 Valley Park Drive
Front Setback for renovation of the
home
John B. Davis, III

IV. ZONING

Vestavia Hills Zoning for the subject property is Residential

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).*

Existing Garage is not long enough to accommodate most vehicles. Only small compact cars will fit in the existing garage. (approx:16' of clear space existing)
The existing stairs in the garage do not conform to code in Height per tread, Tread Length, nor Consistency. They do not allow access properly and require more length in garage space to do so.
IBC Code Ref: R311.7.0 - R311.7.5

VI. PROJECT:

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

Add Front Porch Extension
Add Garage Extension on main level to lengthen garage space for parking and stairway entry access to the home.
Renovate Entire Home to Bring to current Code Compliance in M.E.P items
Add 2nd Level to Home to create more space.

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***

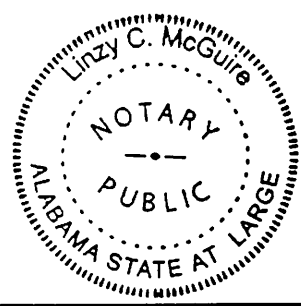
[Signature] 7/7/20
Owner Signature/Date

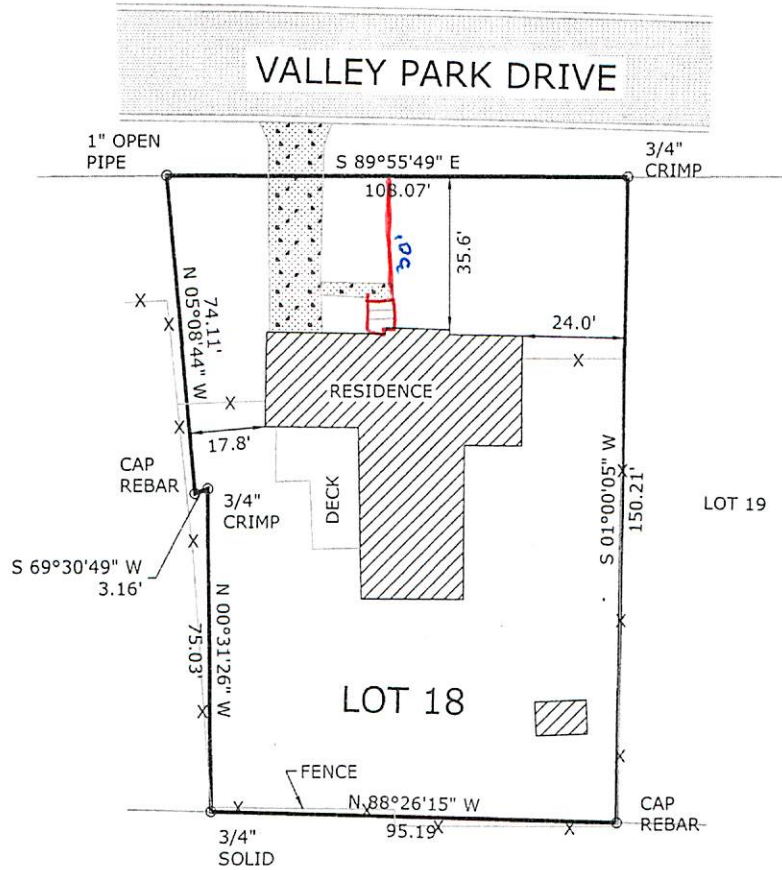
Representing Agent (if any)/date

Given under my hand and seal
this 7th day of July, 2020.

Linzy C. McGuire
Notary Public

My commission expires 19th
day of May, 2024.





STATE OF ALABAMA
JEFFERSON COUNTY

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.

S. M. Allen 7-9-2020
S. M. ALLEN PLS NO 12944 DATED

DESCRIPTION

LOT 18, HOLLIDAY 3RD ADDITION TO NEW MERKLE, AS RECORDED IN MAPBOOK 50,
PAGE 74, IN THE PROBATE OFFICE.

DRAWN BY:	SMA	REVISIONS:	PROJECT:	ALLSURV, LLC S.M. ALLEN, PLS 12944 7376 HIGHWAY 110 SUITE B ALABASTER, AL 35007 205 963-4251
DATE:	7-9-2020		SPOT SURVEY	
DWG. NO.:	16078		DATE OF FIELD SURVEY 7-8-20	
APPROVED BY:	SMA		BEARINGS ASSUMED NORTH CLOSURE 1:20000	

SFS

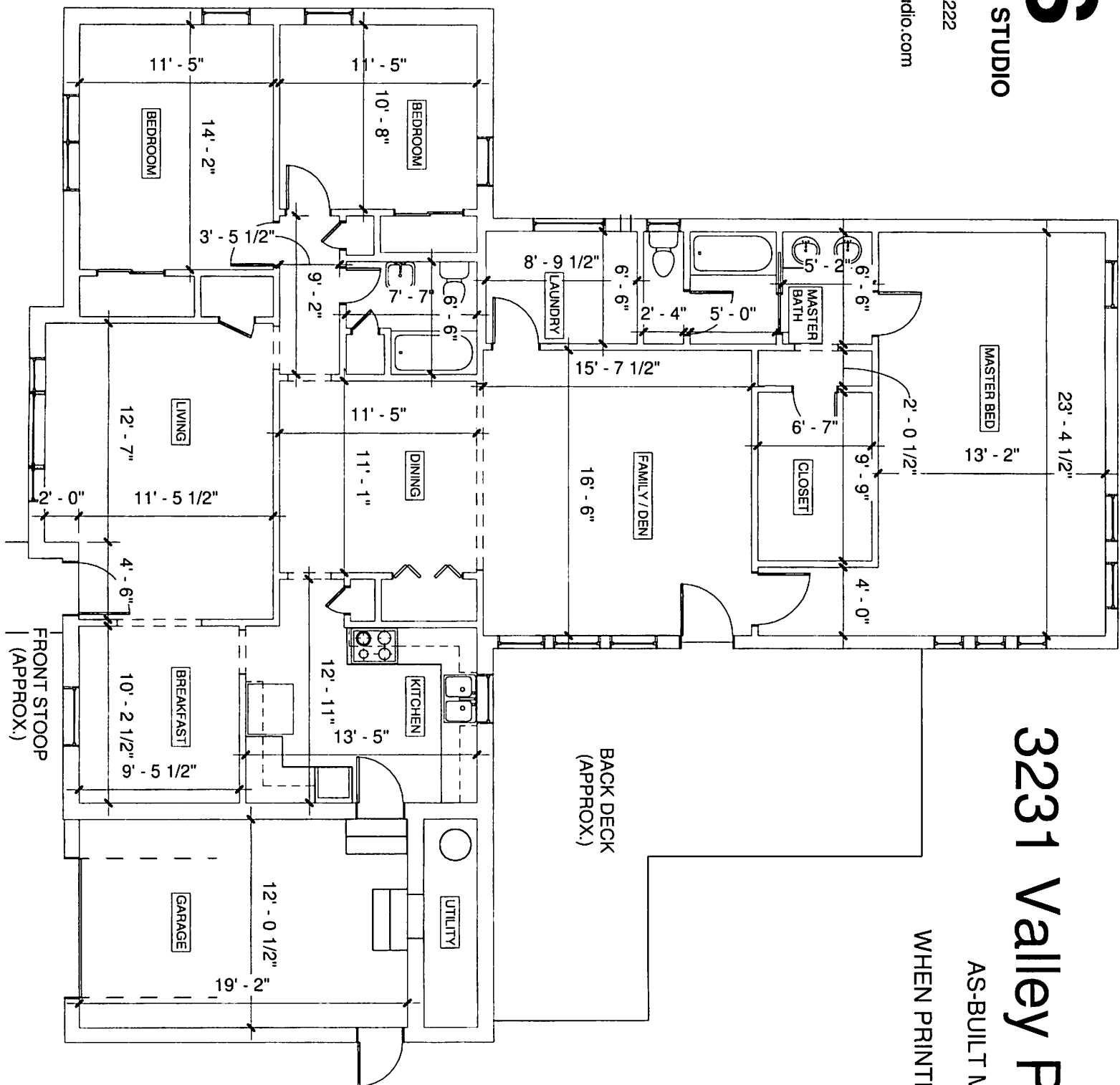
SAM FOSTER STUDIO

809 43rd St. S.
Birmingham, AL 35222
(205) 213-5712
sam@samfosterstudio.com

05/23/2019

3231 Valley Park Dr.

AS-BUILT MEASUREMENTS
1/8" = 1'-0"
WHEN PRINTED ACTUAL SIZE



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

Date: **AUGUST 20, 2020**

- **CASE: BZA-0820-20**
- **REQUESTED ACTION:** 14' rear setback variance to reduce the setback to 16' in lieu of the required 30 & a 6' side setback variance to reduce the setback to 9' in lieu of the required 15.
- **ADDRESS/LOCATION:** 523 Eastwood Place
- **APPLICANT/OWNER:** Tommy Yarbrough
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a rear and side setback variance to extend the kitchen nook and add a covered patio. The applicant contends that the undersized lot causes a hardship. The lot is less than 10,000 square feet, well under the minimum of 15,000 square feet. The current structure is also out of compliance on the side, and this action would bring the entire structure into compliance. The applicant's property is zoned Vestavia Hills R-2.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

2020 JUL 15 A 8:33

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:

Tahoe Investment Tommy Yarbrough

Address:

523 Eastwood Place

Phone #:

(205)369-4976 Other #:

E-Mail:

tyconstructionllc@gmail.com

Billing/Responsible Party

Name:

Cliff Moss

Address:

8033 Castlehill Rd Bham 3524

Phone #:

(205)529-8804 Other #:

E-Mail:

cmoss@processbarron.com

Representing Attorney/Other Agent Tahoe Investments

Name: _____

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: 523 Eastwood Place
Street Address
Beacon Hill 3rd 28-19-4
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' front/~~side~~/rear (circle one) setback variance to reduce the setback to 16' in lieu of the required 30'.
5' front/~~side~~/rear (circle one) setback variance to reduce the setback to 10' in lieu of the required 15'.
5' front/~~side~~/rear (circle one) setback variance to reduce the setback to 10' in lieu of the required 15'.
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).

Size of lot.
To bring house into compliance if act of God happens
Lot undersized by area + non conforming on both sides

VI. PROJECT:

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

Request to add 5' to Kitchen Nook
Request to add a covered patio 16x14

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
Thomas Yarbrough

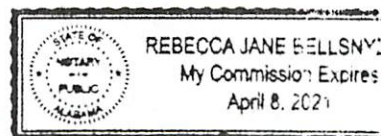
Representing Agent (if any)/date

Given under my hand and seal
this 15 day of July, 2020.



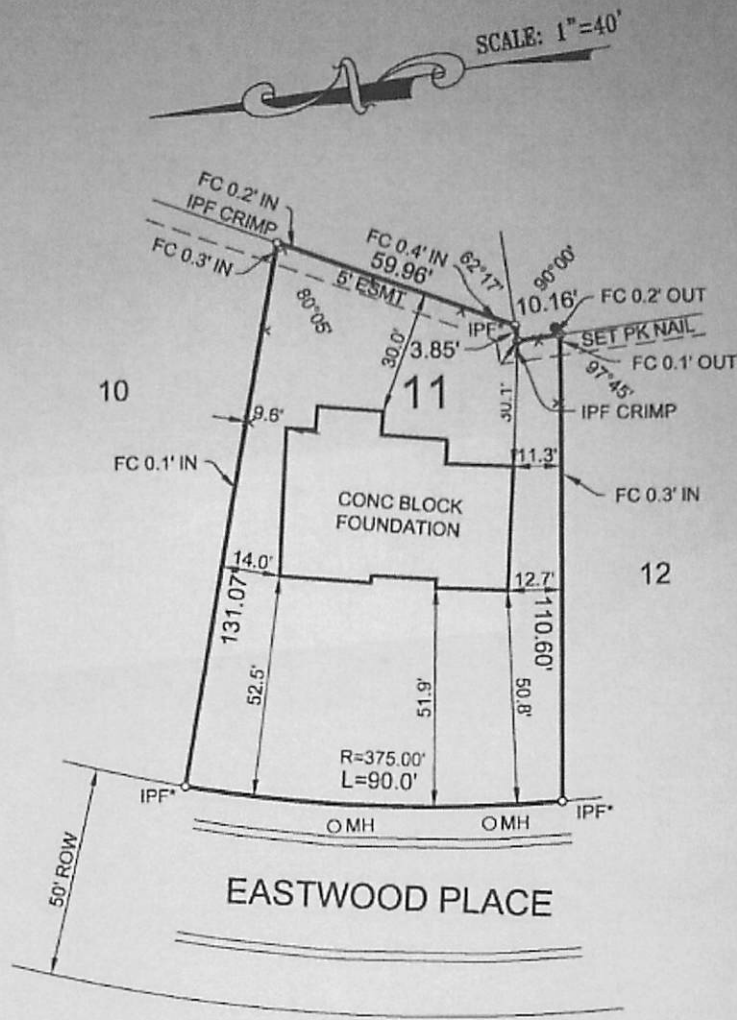
Notary Public

My commission expires 04/08/21
day of _____, 20_____.



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/SSI 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
- PCB = 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



STATE OF ALABAMA
SHELBY COUNTY

I, David B. Entrekin, a registered Land Surveyor, certify that I have surveyed Lot 11, BEACON HILL THIRD ADDITION as recorded in Map Book 34, Page 54 in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief; that the correct address is as follows: 523 Eastwood Place according to my survey of April 9, 2020. 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

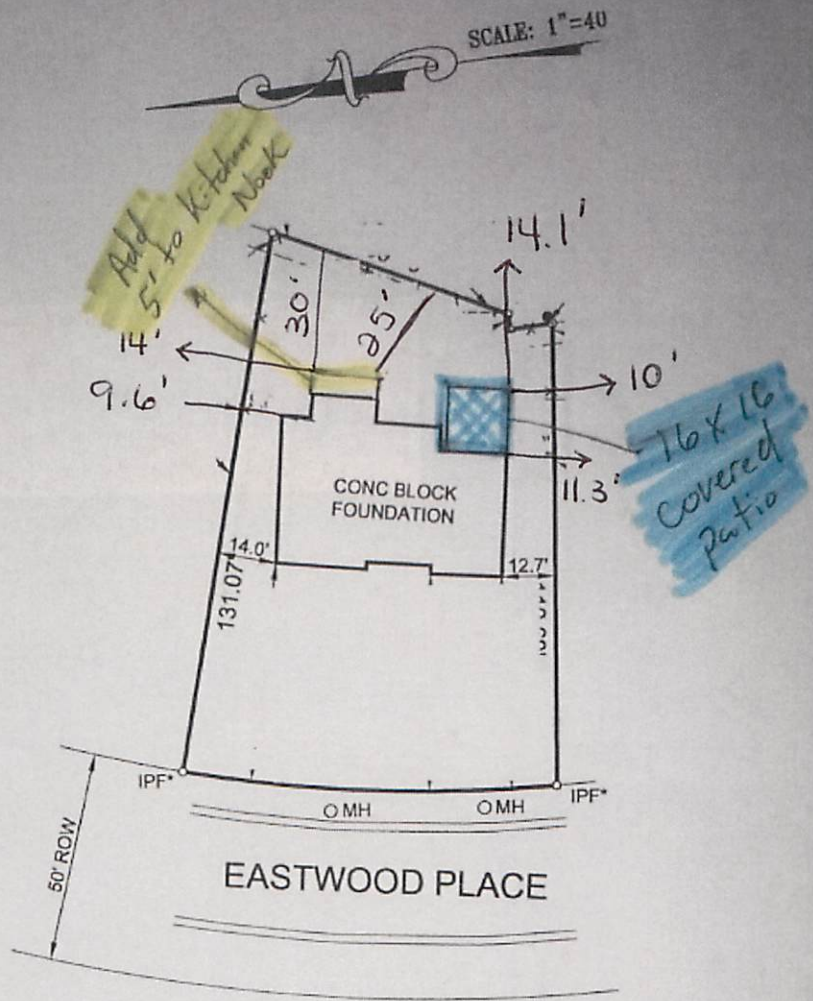
Order No. 171476
Purchaser: Yarbrough
Type of Survey: Foundation

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

Date of Signature

VACADISUBDIVISIONJEFFERSON COUNTY\BEACON HILLS\LOT11 BEACON HILLS 3RD ADD

- ASPH = asphalt
- BRG = bearing
- BLDG = building
- CALC = calculated
- CAP = capped iron
- CL = centerline
- CH = chord
- CONC = concrete
- C = covered
- d = deflection
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- L = length
- MEAS = measured
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- 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



STATE OF ALABAMA
SHELBY COUNTY

I, David B. Entrekin, a registered Land Surveyor, certify that I have surveyed Lot 11, BEACON HILL THIRD ADDITION as recorded in Map Book 34, Page 54 in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief; that the correct address is as follows: 523 Eastwood Place according to my survey of April 9, 2020. 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

Order No. 171476
Purchaser: Yarbrough
Type of Survey: Foundation

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

Date of Signature

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

Date: **AUGUST 20, 2020**

- **CASE: BZA-0820-21**
- **REQUESTED ACTION:** 10' side setback variance to reduce the setback to 5' in lieu of the required 15.
- **ADDRESS/LOCATION:** 1856 Southwood Road
- **APPLICANT/OWNER:** Rebecca & Nathan Pitner
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a side setback variance to add a garage. The applicant contends that the lot topography, and current septic tank and leach field areas prevent any movement of the garage back or away from the property line. The garage will help mitigate the need for on street parking. Also, the current parking pad will be removed from the property. The applicant's property is zoned Vestavia Hills R-2.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

CITY OF VESTAVIA HILLS 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: Rebecca & Nathan Pitner
Address: 1856 Southwood Rd.
Vestavia Hills, AL
Phone #: 205-335-2930 Other #: _____
E-Mail: _____

Billing/Responsible Party

Name: Drake Homes LLC
Address: 2700 19th Place South Suite 200 Homewood 352
Phone #: 205 337 0036 Other #: _____
E-Mail: Andrew @ drakehomes.net

Representing Attorney/Other Agent

Name: Drake Homey LLC (Andrew M. Lange)
Address: 2700 19th Place South Suite 200
Homewood, AL. 35209
Phone #: 205-337-0036 Other #: _____
E-Mail: Andrew@drakehomey.net

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 1856 Southwood Road
Street Address
Lot 14, Block 2, according to the MAP OF MONTCLAIRE SECOND SECTOR
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 5' 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 _____).

IV. ZONING

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

See Addendum A

VI. PROJECT:

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

See Addendum A

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***

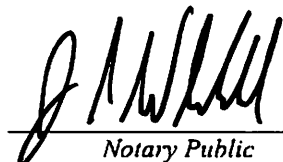


Owner Signature/Date

Andrew M. Lange (Drake Homes LLC) 07/21/2020

Representing Agent (if any)/date

Given under my hand and seal
this 22 day of July, 2020.



Notary Public

My commission expires 30th
day of Oct, 2023.

My Commission Expires
October 30, 2023

ADDENDUM A

Variance Application

Rebecca and Nathan Pinter

1856 Southwood Rd. Vestavia Hills, Alabama.

7.20.2020

HARDSHIP

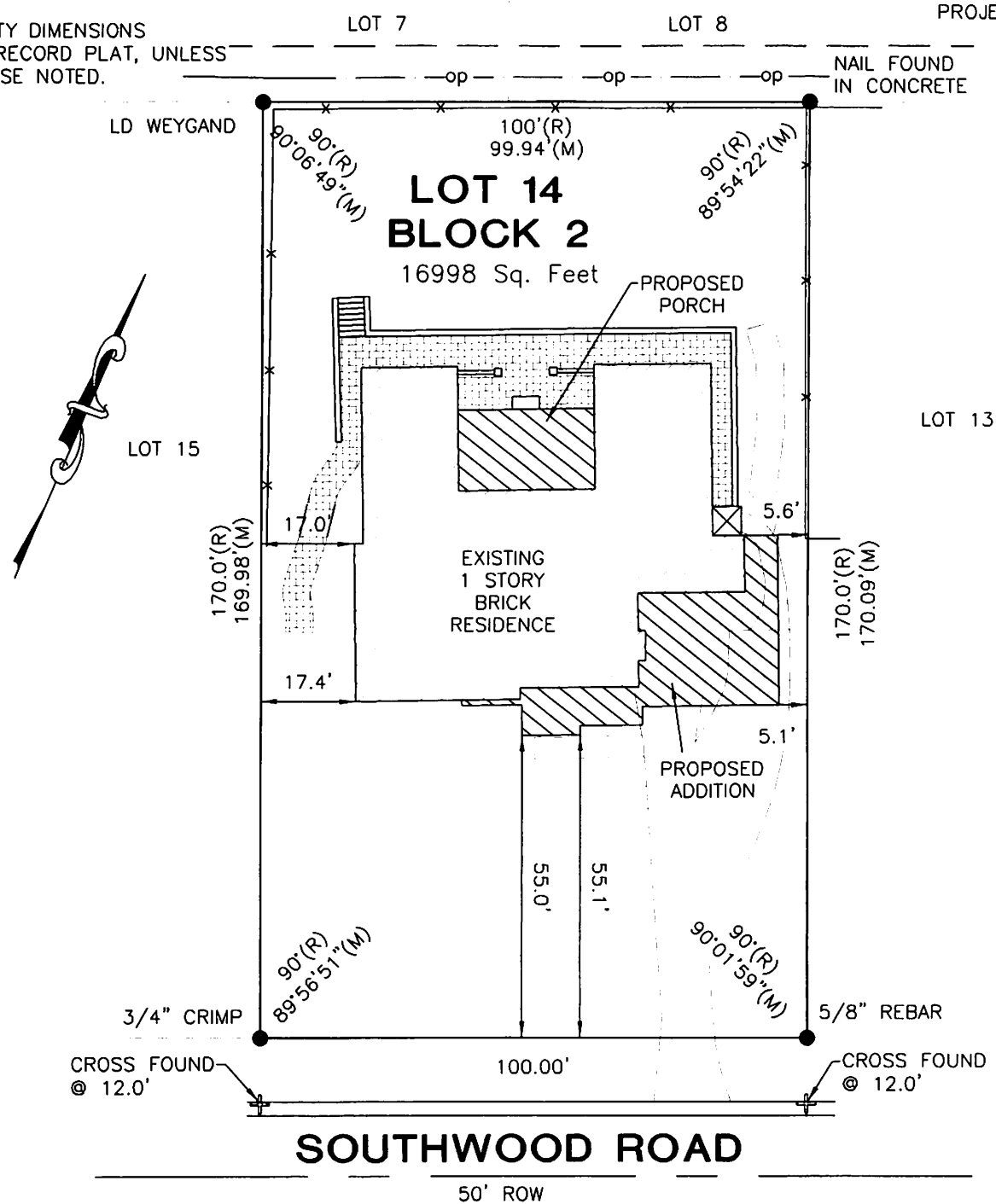
We request a Variance to the Side Setback on the Right Face Side of the Home. Our request is to add a garage and additional off street parking to mitigate the need for on street parking in the future. The lot topography and current septic tank and leach field areas prevent any movement of the garage back or away from the property line (shifting to the left face side). Currently there is a parking pad on the right face side of the home which will be removed from the site.

PROJECT

The main purpose of the project is to provide suitable parking for a growing family and additional square footage to the home. The project will entail the addition of the garage and a second level for additional space for the family to grow into in the near future.

NOTE:
PROPERTY DIMENSIONS
MATCH RECORD PLAT, UNLESS
OTHERWISE NOTED.

PROJECT # 20-07002



SOUTHWOOD ROAD

50' ROW

Lot Survey/ Plot Plan 0' 30' 60' 90'

STATE OF ALABAMA
JEFFERSON COUNTY



TO ALL INTERESTED PARTIES:
SCALE: 1" = 30'

I hereby state that 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.

Lot 14, Block 2, according to the MAP OF MONTCLAIRE, SECOND SECTOR, as the same appears of record in the Office of the Judge of Probate, Jefferson County, Alabama, in Map Book 38, Page 36.

That there are no rights-of-way, easements, joint driveways or encroachments, over or across said land, visible on the surface or shown on recorded map, except as shown; that this survey shows the improvements located on said property; and that there are no electrical or telephone wires, (excluding wire which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said property, except as shown; and

