

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

AGENDA

SEPTEMBER 17, 2020

6:00 P.M.

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

Roll Call.

Approval of Minutes: August 20, 2020.

- (1) **BZA-0920-26** David and Greer Massey are appealing a decision by the zoning official at **1320 Willoughby Road**. The purpose of this request is to appeal zoning decision on a neighboring property's fence. The property is owned by David and Greer Massey and is zoned Vestavia Hills R-2.

- (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 front 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-0920-25** Jeff Jantz is requesting **Multiple Variances** for the property located at **2120 Chestnut Road**. The purpose of this request is to reduce the setback to 5' in lieu of the 15', & to reduce the lot width to 85' in lieu of the required 100' & to reduce the lot area to 12,500 sq ft in lieu of the required 15,000' to build a bedroom and bathroom addition. The property is owned by Jeff Jantz and is zoned Vestavia Hills R-2.

- (4) **BZA-0920-22** Sheilah Nelson is requesting a **Front Setback Variance** for the property located at **3941 Knollwood Trace**. The purpose of this request is to reduce the front setback to 8' in lieu of the required 12' to build a screened in patio. The property is owned by Sheilah Nelson and is zoned Vestavia Hills R-6.

- (5) **BZA-0920-23** John & Myra Grund are requesting a **Front and Side Setback Variance** for the property located at **2013 Vesthaven Way**. The purpose of this request is to reduce the front setback to 30' in lieu of the previously approved 34' & to reduce the side setback to 12' in lieu of the required 15' to build an addition. The property is owned by John and Myra Grund and is zoned Vestavia Hills R-2.
- (6) **BZA-0920-24** Julie Maesele is requesting a **Side Setback Variance** for the property located at **3172 Belwood Drive**. The purpose of this request is to reduce the side setback to 10' in lieu of the previously approved 20', to build a storage addition. The property is owned by Julie Masesele and is zoned Vestavia Hills R-5.
- (7) **BZA-0920-27** Brian Wetta is requesting a **Side Setback Variance** for the property located at **2344 Morningstar Drive**. The purpose of this request is to reduce the side setback to 12' in lieu of the previously approved 17' to build a garage addition. The property is owned by Bryan Wetta and is zoned Vestavia Hills R-1.
- (8) **BZA-0920-28** John & Laura Howland are requesting a **Side Setback Variance** for the property located at **2425 Vestavia Drive**. The purpose of this request is to reduce the side setback to 14' in lieu of the required 17' to build a small storage shed. The property is owned by John & Laura Howland and is zoned Vestavia Hills R-1.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

MINUTES

August 20, 2020

The Board of Zoning Adjustment of the City of Vestavia Hills met in regular session on this date at 6:00 PM. The roll was called with the following:

MEMBERS PRESENT: Rick Rice, Chairman
Loring Jones, III
Jim Griffo
George Ponder
Robert Gower
Donald Holley Alt

MEMBERS ABSENT: Tony Renta, Alt

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of July 16, 2019 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of December 19, 2019 was made by Mr. Jones and 2nd was by Mr. Griffo. Motion as carried on a voice vote as follows:

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

Motion carried.

REAR & SIDE SETBACK VARIANCE

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.

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.

Ellen Lowe was present and stated that her hardship was a corner lot, upon request from Mr. Jones.

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

MOTION Motion to approve a 5’ rear setback variance to reduce the setback to 10’ in lieu of the required 15’ & a 4’ side setback variance to reduce the setback to 6’ in lieu of the required 10’, for the property located at 3164 Valley Park 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. Holley – yes	Mr. Gower – yes

Motion carried.

FRONT & REAR SETBACK VARIANCE

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.

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.

Ward Neely stated that he needed to revise previous variance, as the foundation survey differed from the request. He stated the corner lot caused the hardship.

Mr. Ponder & Mr. Jones objected to the corner lot hardship. They said that the road that would front the applicant’s property is an undeveloped road and not considered a road for a hardship defense. That it acted as more of a drive way.

Mr. Holley stated that it was his view that this was a corner lot and that it was an official road.

Mr. Neely stated that this was granted a variance in the past based on a corner lot hardship and now the Board is saying that it wasn’t a corner lot.

Discussion ensued and the Board was still split on the corner lot.

Mr. Jones made a motion to postpone this case, so that City staff can weigh in on their determination of this road. To which Mr. Neely agreed.

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 postpone was carried and the case was postponed to next month's public hearing.

FRONT SETBACK VARIANCE

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.

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.

Mr. Davis said the non-conforming lot causes a hardship. Mr. Ponder said that wasn't a valid hardship

Mr. Jones asked where the field lines were and the applicant stated that they were in the rear.

Mr. Gower and Mr. Griffo stated that in their view this was also a slightly odd shaped lot.

The Board agreed the septic lines were enough for a hardship.

Mr. Rice opened the floor for a public hearing. There being no one 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 130' in lieu of the required 40' for the property located at 3232 Valley Park 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. Holley – yes	Mr. Gower – yes
Motion carried.	

REAR & SIDE SETBACK VARIANCE

BZA-0820-20 Tommy Yarbrough 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.

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.

Mr. Yarbrough stated that the underside lot caused the hardship, as well as the easements in the rear.

Mr. Ponder stated that is not a valid hardship.

A couple Board members stated that the lot could be considered an odd shaped lot, as it juts in at the rear of the lot.

Mr. Yarbrough requested a vote on the case based on an odd shaped lot hardship.

Mr. Rice opened the floor for a public hearing. 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 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’ for the property located at 523 Eastwood Place, 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. Holley – yes	Mr. Gower – yes

Motion carried.

SIDE SETBACK VARIANCE

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.

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.

Andrew Lange said that the setback needed to be reduced for a garage addition. He stated the hardship was the septic tank and field lines on the lot.

Mr. Rice opened the floor for a public hearing. 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' side setback variance to reduce the setback to 5' in lieu of the required 15' for the property located at 1856 Southwood Road, was made by Mr. Jones and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

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

At 7:30 PM, Mr. Rice made a motion to adjourn. The meeting adjourned at 7:30 PM.

Jack Wakefield,
Planner/GIS

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

Date: SEPTEMBER 17, 2020

- **CASE: BZA-0920-26**
- **REQUESTED ACTION:** Appeal of Decision by Zoning Official
- **ADDRESS/LOCATION:** 1320 Willoughby Road
- **APPLICANT/OWNER:** David and Greer Massey
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Zoning official, Rebecca Leavings, received a complaint from Mr. Massey, the owner of 1316 Willoughby Road, regarding a zoning code violation on their neighbor's property. The complainant says that there is an illegal barrier over their neighbors' fence. Upon review by the Mrs. Leavings, it was ruled that this structure was legal. She deemed this as a tarp or shade structure, but the code does not define either of those. This barrier didn't fit the definition of a banner because the objects were not advertising a product. This isn't a wind sign because it is not subjected to the blowing of the wind. The only definition Mrs. Leavings could find, that fit this object, was a flag and flags have no height requirement (see attached letter). Mr. Massey contends that this not a flag and that this fits the definition of a fence. He cites the fence Zoning code language for the reason why this is a fence (see attached letter).
- **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: Greer Massey
Address: 1316 Willoughby Rd
Vestavia AL 35214
Phone #: 205-821-1662 Other #: 205-310-8289
E-Mail: _____

Billing/Responsible Party

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

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: 1320 Willoughby Rd
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 _____).

Appealing a decision by city clerk

Z0920-26//2800304013021.000

1320 Willoughby Rd.

Appeal regarding flags

Greer Massey is Appealing

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).

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***

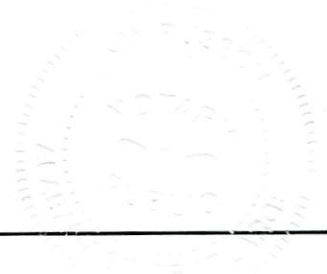
Greer Massey
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 15th day of August, 2020

Kay Russon
Notary Public

My commission expires _____
day of _____, 20____.
My Commission Expires
November 8, 2020





VESTAVIA HILLS

A LIFE ABOVE

ASHLEY C. CURRY
Mayor

REBECCA LEAVINGS
City Clerk

July 6, 2020

David Massey
1316 Willoughby Road
Vestavia Hills AL 35216

RE: 1320 Willoughby Road, Eric and Freidrich Brosch.

Dear Mr. Massey,

Your complaint concerning barriers placed on the Brosch property located at 1320 Willoughby Road has been turned over to me as Zoning Official. I apologize for the delay, I was on vacation when this was originally received and investigated in the Building Safety Department. Because they could find no violation, they requested that I give an opinion as the Zoning Official

After a review of the barriers, I find these to fit into the definition of a flag. According to Section 4.3.7 of the Zoning Code entitled *Height Regulations*, flags are exempt from height regulations and do not appear to be in violation (a copy of that section is attached). The objects do not fit the Code's definition of a banner nor a wind sign as they are not advertising a product nor subjected to the blowing of the wind. I could not locate anything in the code in which to classify these objects.

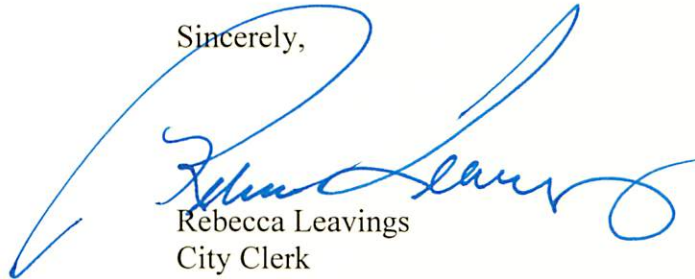
Section 11.4.4(4) allows residential properties to have no more than 4 flags (copy attached). As shown in these photographs, there's a total of six flags on this property, the 4 blank non-commercial non-product related flags in the middle and the two Trump flags on either side. The Trump flags can be considered as political signage and there's a height limit of 6' as well as a size limit of 6.5 square feet. I believe the Trump flags are true violations of the code.

I will send the Brosch's a letter and notify them that they are currently in violation of having 6 flags rather than the allowed 4 and that I believe the two Trump flags are in violation and need to be removed immediately.

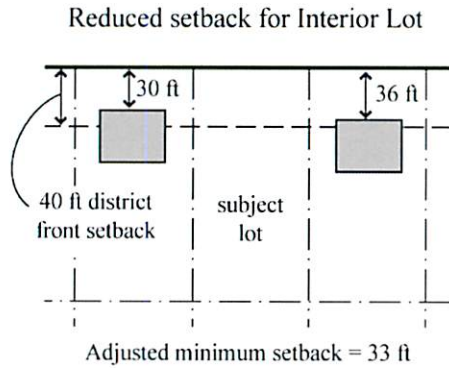
Mr. Massey, if you are not happy with this opinion, you may appeal my decision to the Vestavia Hills Board of Zoning Adjustment and cite the areas of the code where you feel the Brosch's might be in violation with the placement of the four flags. If you wish to appeal, please fill out an application for a BZA opinion and contact Jack Wakefield, jwakefield@vhal.org to assist. The Zoning Code may be found at our website, www.vhal.org, under departments/planning and zoning/zoning ordinances and staff review/Zoning Code.

If you have any questions concerning this matter, please contact me.

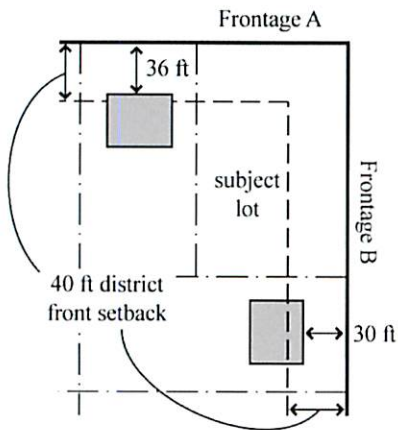
Sincerely,



Rebecca Leavings
City Clerk



Reduced setback for Corner Lot



Adjusted minimum setback on Frontage A = 36 ft
Adjusted minimum setback on Frontage B = 30 ft

Figure 4.3.6 Reduced front yard setbacks

- c. Roof overhangs, projecting into a required yard no more than three (3) feet but in no case shall they project closer than three (3) feet to any property line.
- d. Bay windows, chimneys, window air condition units and similar architectural features or mechanical components of single-family dwellings and duplexes projecting no more than four (4) feet into a required yard. The cumulative width(s) of such encroachments shall not constitute more than ten (10) percent of the total length of the corresponding wall. In no case shall such projections extend nearer than three (3) feet from any abutting lot line.

e. Mechanical components of central air conditioning systems, irrigation pumps, grinder pumps, or similar mechanical equipment projecting into a required side yard no more than four (4) feet and no closer than five (5) feet to any lot line, except as may be otherwise approved by the Building Official in the case of zero lot line developments.

f. Moveable awnings attached to and supported by a building wall may be placed over doors or windows in any required yard, but such awnings shall not project closer than five (5) feet to any lot line. Canopies shall provide a clear space between grade level and the bottom of the valance of at least eight (8) feet. See also [§7.2 Gas and Service Stations](#) for gas and service station canopies.

In addition to the aforesaid, a reduction of a front, rear or side yard up to one (1) foot may be approved by the Building Official provided that no portion of the building shall extend closer than three (3) feet to the nearest property line.

- 5. On through lots, the required front yard setback shall be provided on each frontage except where a note appears on a recorded plat prohibiting access to one of the abutting frontages. Along such frontage, the minimum rear yard shall be required per the applicable district.

4.3.7. Height Regulations. The maximum building height regulations prescribed in this Ordinance shall not apply to belfries, chimneys, church spires, cooling towers, elevator bulkheads, fire towers, flag poles, television antennae, tanks, water towers, or mechanical equipment rooms that:

- 1. do not separately or in combination with other rooftop structures exceed ten (10) percent of the horizontal roof area; and

than such messages necessary to identify the use;

6. Signs installed by a transit company with a franchise or other right to operate in the City, where such signs are installed along its routes and relate to schedules or other information about the transit route;

11.4.4. Signs Permitted in All Districts. The following signs are allowed without a sign permit and are not to be included in determination of the allowable numbers, type and area of a sign that requires a sign permit. If a sign otherwise falling under this section is electrified, it will require an electrical permit. Signs subject to this Section shall conform to the requirements specified:

1. Address Numbers. Signs used for the purpose of identifying the E-911 address of any building shall not be counted toward sign area provided such signs are not larger than two (2) square foot in area.
2. Incidental signs, whether freestanding or attached, that are smaller than four (4) sq. ft. in area and less than four (4) feet in height;
3. Memorial Signs. Signs or tablets, names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six sq. ft. in area nor shall any such sign be separately illuminated.
4. Non Commercial Flags. Flags that do not contain a commercial message must be displayed in accordance with the applicable protocol. No premise shall contain more than four flags.
5. Window Signs. Window signs that total no more than thirty-three (33) percent of

the window area per window. A window sign may be made of paper or other material and will not be considered a banner if affixed to the inside of a window. A lighted window sign is subject to requirements of the City Electrical Code.

6. Non-commercial Signs. In addition to any other permanent or temporary signage otherwise provided for in this Article, each occupied lot shall be permitted an aggregate sign area of fifteen (15) sq. ft. for non-commercial speech, which shall not be illuminated, shall not exceed six and one-half (6.5) sq. ft. in area per sign and shall not exceed five (5) feet in height. In addition, the following provisions shall apply to non-commercial signage during an election, which shall include 180 days preceding and including the day of a governmental election; and, whenever a run-off election is scheduled, the 180 day period shall be extended through the date of the run-off election:
 - a. Signs may be placed on private property, buildings, or motor vehicles. With permission of the owner, signs may be placed on the property and portions of the street right-of-way maintained by the owner, provided that no sign shall be placed in any state right-of-way nor protrude into or over paved or improved streets, sidewalks, or gutters. All signs shall be removed within forty-eight (48) hours after the election has been determined. For municipal elections, the locational allowances herein shall not apply until the final day of filing of statements for candidacy.
 - b. The aggregate non-commercial sign area for non-residentially-zoned, occupied lots shall be increased to thirty-two (32) sq. ft. Non-commercial



VESTAVIA HILLS

A LIFE ABOVE

ASHLEY C. CURRY
Mayor

REBECCA LEAVINGS
City Clerk

July 6, 2020

Eric and Freidrich Brosch
1320 Willoughby Road
Vestavia Hills AL 35216

Dear Mr. and Mrs. Brosch:

I am in receipt of a complaint regarding the objects placed near your fence in the rear yard of your property. As the City's Zoning Official and after careful consideration, I have notified the complainant that I can only find the following violations in relation to your property.

- Political Signage – Two political flags are located on your property and can be viewed from the public right-of-way and stand more than 6' tall and appear to be in excess of 6.5 square feet.

The other objects in your yard appear to be flags that bear no message. Our code allows up to four of these flags. Please remove the political flags immediately.

Please be aware that the complainant has the right to appeal my decision to the Vestavia Hills Board of Zoning Adjustment. If that happens, you will be notified of the Board's meeting and the matter would be decided by the Board.

Please let me know if you have any questions concerning this notice.

Sincerely,

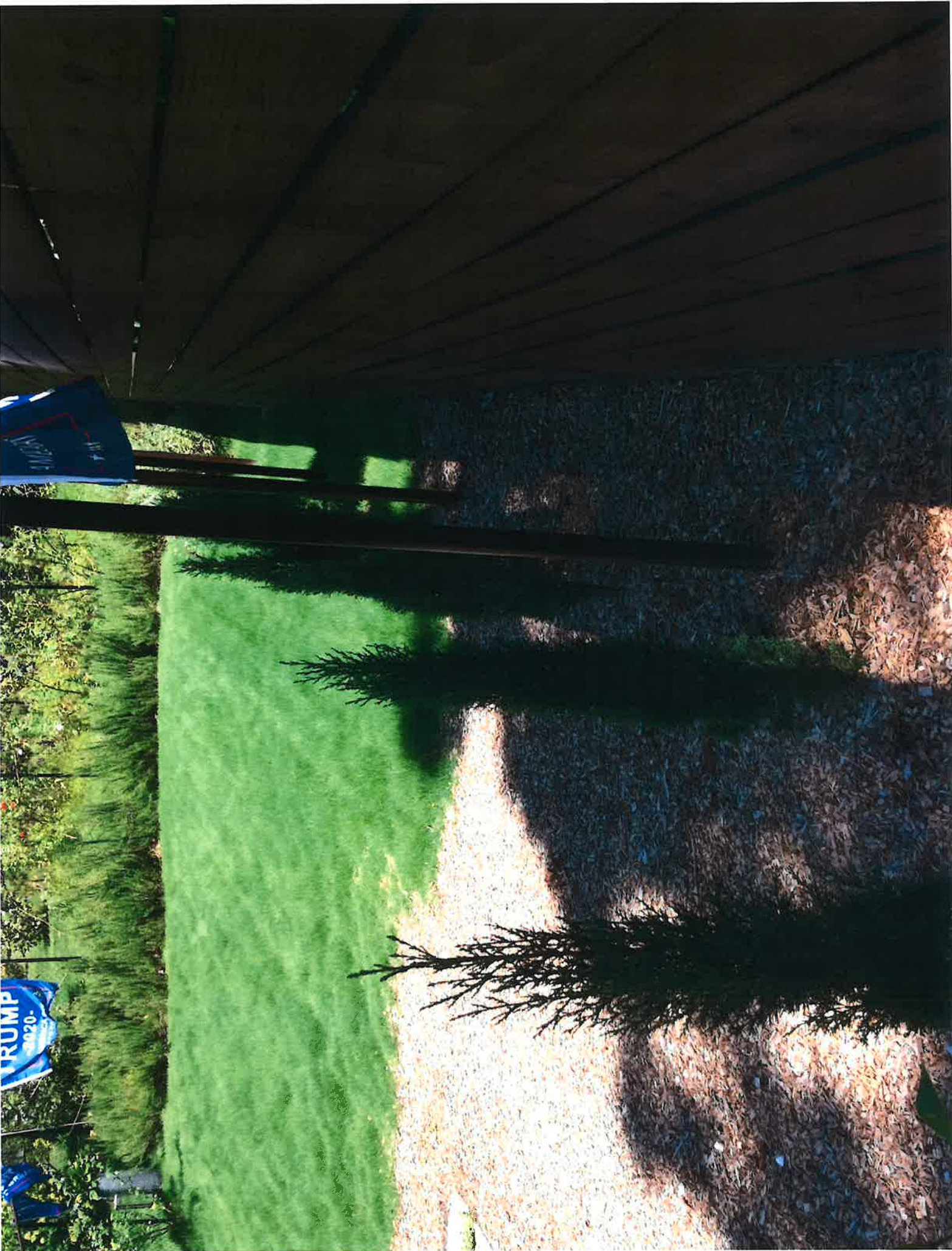
A handwritten signature in blue ink, appearing to read "Rebecca Leavings".

Rebecca Leavings
City Clerk/Zoning Official









Date: July 17, 2020

From: David & Greer Massey

To: Vestavia Hills Board of Zoning Adjustments

RE: 1320 Willoughby Road, Eric and Freidrich Brosch

We appeal the City Clerk's decision dated July 6, 2020 declaring the 4 white objects, roughly 4 feet x 8 feet in size and installed over 8 feet off the ground, as "flags".



Our contention is that these are not flags and are a fence by Zoning Code Section 2.1.52 entitled *Fence*.

2.1.52. Fence. Any barrier of any material or combination of materials, other than a building, erected to enclose or screen areas of land or used as a means of protection, confinement or buffering. For the purposes of this Ordinance, the "fence" includes the term "wall", but does not include the term "retaining wall".

A fence is defined by purpose, not material. These objects are in fact "any barrier made of any material or combination of materials, other than a building", that have clearly been "erected to enclose or screen areas of land". In addition, we contend the following will demonstrate that these objects: are not flags, are meant to screen areas of land, and should fall under Section 2.1.52.

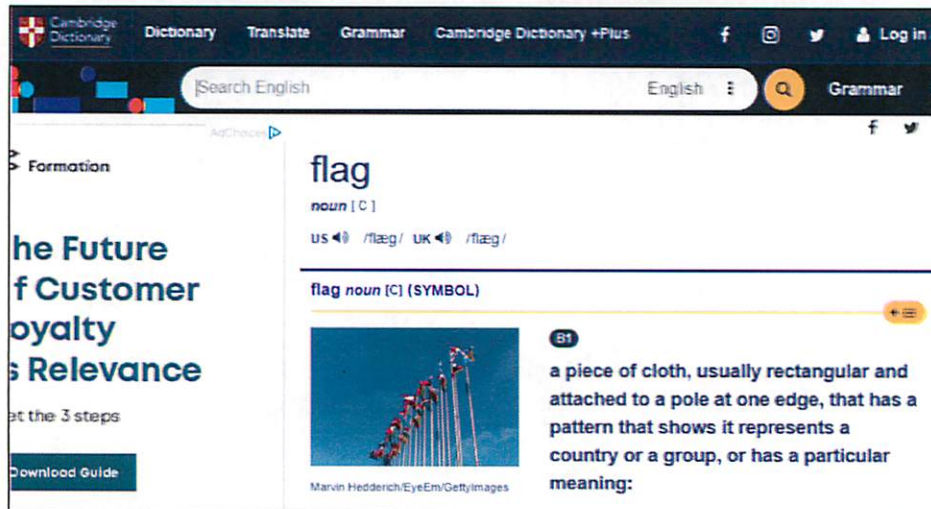
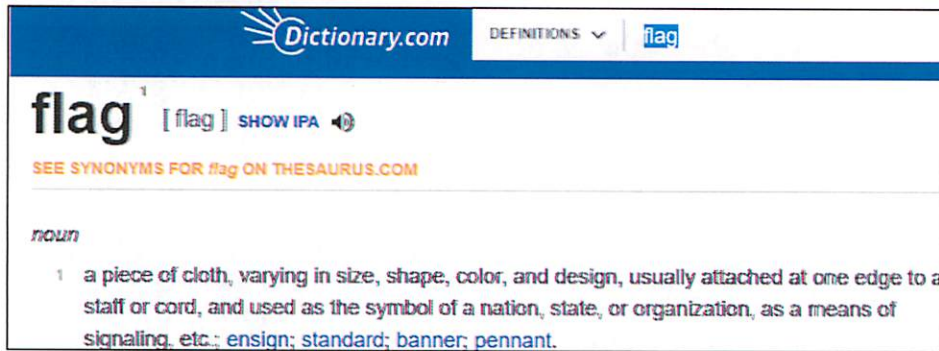
We begin with the Clerk's decision letter. In paragraph two (included below), the first sentence informs us that the City Clerk defines them as flags, but the last sentence states that the City Clerk could not locate anything in code to classify the objects.

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1320 Willoughby Rd.
Appeal regarding flags
Greer Massey is Appealing

After a review of the barriers, I find these to fit into the definition of a flag. According to Section 4.3.7 of the Zoning Code entitled *Height Regulations*, flags are exempt from height regulations and do not appear to be in violation (a copy of that section is attached). The objects do not fit the Code's definition of a banner nor a wind sign as they are not advertising a product nor subjected to the blowing of the wind. I could not locate anything in the code in which to classify these objects.

If the City Clerk could not locate anything by which to classify these objects, the decision to classify them as flags is subjective and we contend is at variance with the intent of Section 2.1.52.

Casual observation confirms these are not "flags" according to the word's common definition. The first three hits of a Google search of 'flag definition' follow.



The objects in question do not represent a country, or group. Nor do they have a distinctive design. We submit it is unreasonable to define them as "flags".

The image below shows a closer view of the objects.



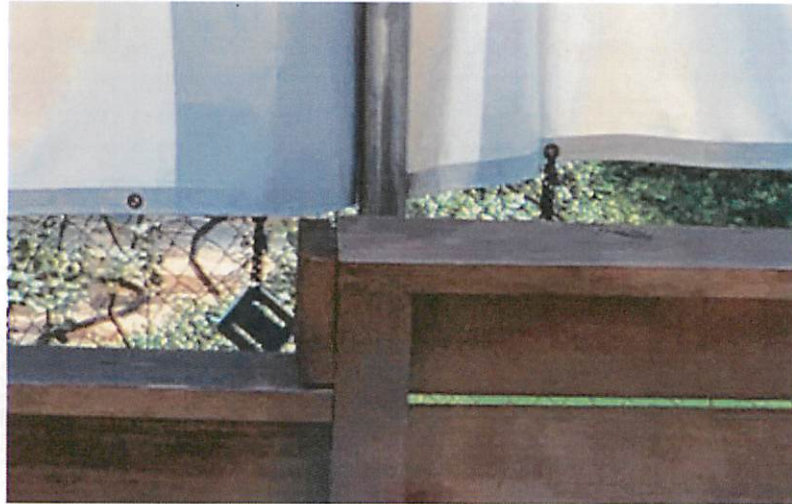
Note multiple metal-rimmed tie-down holes (eyelets) around the perimeter. Such eyelets are commonly found in tarps, not around the full perimeter of flags.

Note the objects are attached at multiple eyelets across standard chain-link fence post and top-rail material and hardware; once again not consistent with the definition of "flag". The posts and top-rails were in fact erected at the same time as the wooden fence below them, by the same fence company. These are not flag poles. This is fencing material typical of that available on the hooverfence.com site.



The objects in question are definitely not meant to blow in the wind like flags.

"Flags" do not have what appear to be lead scuba weights attached to them. The image below shows purposeful weighting, so they do not blow in the wind, allowing them to consistently screen the land behind them. Again note the presence of metal eyelets typical of tarps, not flags.



Taking a step back to give the board a frame of reference is warranted and further illustrates that the installation intent is a fence.

In the fall of 2018, an out-of-code fence (over 10 feet tall) was erected in virtually the same location. A conditional use variance was sought by the homeowner to allow the out-of-code height. The variance request was reviewed and challenged at the April 2019 meeting of the Planning and Zoning Commission. The Commission voted unanimously against the request, 6 to 0. Details are in the May 2019 Planning and Zoning Commission agenda.

The ruling was then appealed by the homeowner before the City Council in June 2019. The City Council similarly unanimously voted against the request, 4 to 0. Details are in the June 24, 2019 City Council agenda. Both the Commission and Council unanimously agreed the previous structure was not appropriate nor desirable, and negatively impacted the community.

The clerk's unilateral ruling we are appealing stems from the owner's continuing attempts to reestablish an out-of-code fence. The fact that the chain-link fencing posts and top-rails were installed at the time the previous out-of-code wooden fence was rebuilt to be outwardly compliant (the tarps were not installed until later) demonstrates a clear intent to blatantly subvert unanimous city rulings by restoring *(and actually exceeding by approximately two feet)* the previous non-compliant fence height using tarps attached to the chain link fence posts and top-rails.

The 4' by 8' tarps are not "flags". This is a "fence" according to Section 2.1.52. The purpose of these objects, or anything else, used in this manner is meant to screen areas of land making them by definition, a fence. Indeed, it appears Section 2.1.52 was formulated to deal with situations such as this.

Letting this decision stand affirms willful defiance of both Planning and Zoning Commission and City Counsel. It sets precedent that will detract from our community and negatively impact residents.

We respectfully appeal the clerk's decision and ask that the new tarp-fencing be judged non-compliant and ordered removed.

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' rear 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. Since the previous meeting, City staff met about whether this was a corner lot or not. According to the code, a corner lot is "a lot abutting upon two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees." Then we defined what a street is. A street is, "any vehicular way that is (1) an existing state, county, or municipal roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the office of the applicable county tax assessor; (5) shown on the official map or adopted master plan. It includes the land between the street lines, whether improved or not." The original record map for this subdivision, as well as the most recent recorded resurvey, shows this as a street pursuant to numbers 2 and 4 of the definition of a street. Mr. Wakefield spoke with the city engineers. Both Christopher Brady and Lori Beth Kearley stated that, while this isn't a maintained street, it is still an official street in the eyes of the City. 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.

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 METE
	GUY WIRE
	LIGHT STA
	MAIL BOX
	MEASURED
	POWER ME
	POWER PO
	RECORDED
	SANITARY
	SATELLITE
	SEPTIC TAN
	STORM MAI
	TELEPHONI
	TREE
	WATER ME
	WATER VAL
	RETAINING
	BARBED WI
	CHAIN LINK
	WOOD FEN
	OVERHEAD

NOTES:

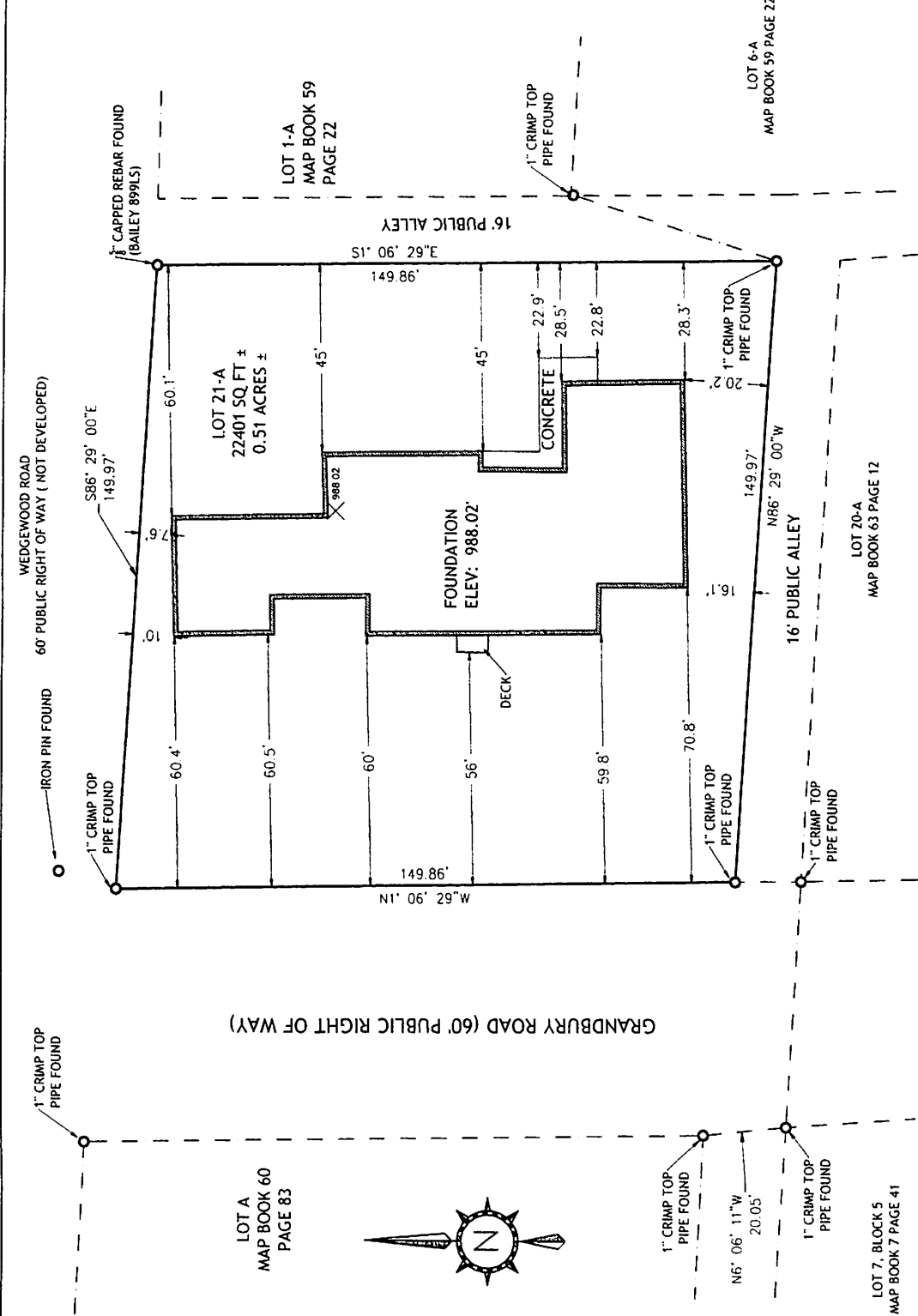
1. Field work for this survey was completed on 06/23/2020.
2. All easements and rights-of-way of which the surveyor had knowledge at the time of this survey have been shown. The surveyor has conducted an investigation or search for easements, encumbrances, restrictive covenants, title evidence, or any 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

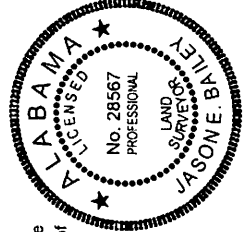


SURVEYOR'S STATEMENT

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

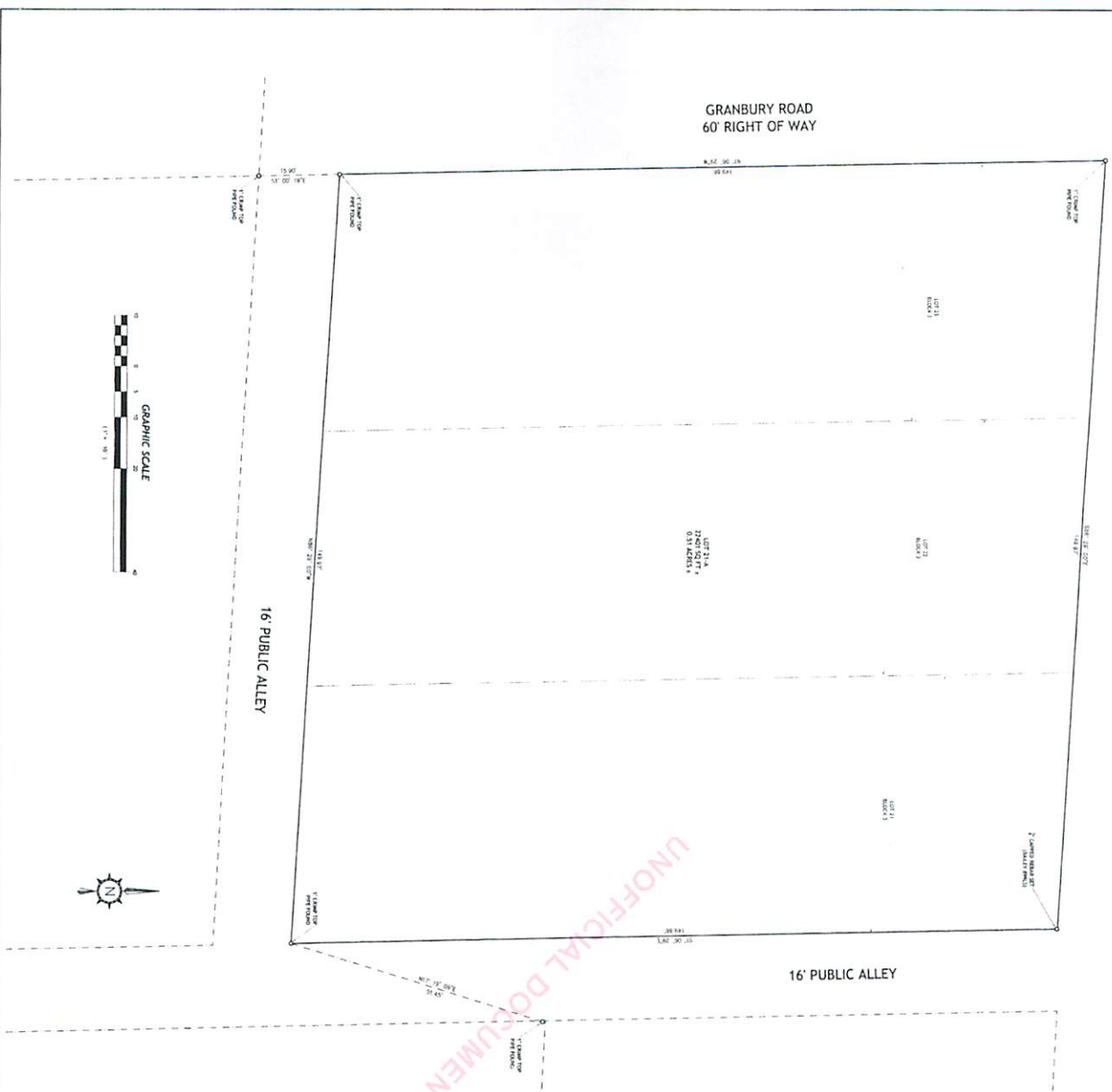


LEGAL DESCRIPTION:

***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 +/-.

- 2.1.62. *Half Story*. See “Story, Half Story”.
- 2.1.63. *Housekeeping Unit* or *Single Housekeeping Unit*. A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.
- 2.1.64. *Improvements*. Those physical additions and changes to the land that may be necessary to produce usable and desirable developments including but not limited to driveways, landscaping, streets, sidewalks, curbs and gutters, sewer, and stormwater control facilities.
- 2.1.65. *Interim Use*. Any temporary use of land in any area of a planned development, which has been approved as a part of the Master Development Plan and criteria. An interim use can be any use and may or may not be a permitted use or a conditional use in the applicable district.
- 2.1.66. *Intersection Sight Distance*. The length of the line of sight between a motorist, stopped at an intersection, and the nearest intersection, driveway, alley or other signalized or non-signalized access point to the left or to the right of the motorist.
- 2.1.67. *Junk*. Materials including scrap, copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste iron, steel and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.
- 2.1.68. *Landscape Architect*. A landscape architect registered by the State of Alabama.
- 2.1.69. *Landscaping*. Treatment of grade with ground cover, shrubs, trees and other vegetation, and/or ornamentation
1. *Building Landscaping*. A landscaped strip between a building and its lot boundary or off-street parking area, as required by [§9.2 Site Landscaping](#).
 2. *Frontage Landscaping*. A landscaped strip between off-street parking areas or buildings and adjacent public streets as required by [§9.2 Site Landscaping](#).
 3. *Interior Landscaping*. Landscaping within an off-street parking area as required by [§9.2 Site Landscaping](#).
 4. *Perimeter Landscaping*. A landscaped strip between an off-street parking area and abutting lots. Perimeter landscaping does not include landscaping between an off-street parking area and buildings on the same lot.
- 2.1.70. *Livestock*. Animals of any kind, including fish and fowl, kept, bred or raised for commercial or other purposes, excluding house pets such as domestic cats and dogs, fish, fowl, and other similar animals kept for personal pleasure in accordance with regulations of the Health Department and applicable animal control authority of the applicable County.
- 2.1.71. *Lot*. A designated Parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.
1. *Corner Lot*. A lot abutting upon two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees.
 2. *Flag Lot*. A lot that does not meet the lot width requirements of its district within the normally required front yard setback.
 3. *Interior Lot*. Any lot which is not a corner lot.
 4. *Reverse Frontage Lot*. A through lot with vehicular access restricted to the street of lesser classification.

- 2.1.101. *Site*. Area of a lot occupied by a structure.
- 2.1.102. *Stacking Space*. A space intended for the queuing of vehicles to a drive-through window, fuel pump, ATM or similar standing point.
- 2.1.103. *Story*. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
1. *Half Story*. A space under a sloping roof in which space the possible floor area with headroom of five (5) feet or less contains at least forty (40) percent of the total floor area of the story directly beneath it; or a building story that contains not more than fifty (50) percent of the total floor area of the story directly beneath it.
- 2.1.104. *Street*. Any vehicular way that is (1) an existing state, county, or municipal roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the office of the applicable county tax assessor; (5) shown on the official map or adopted master plan. It includes the land between the street lines, whether improved or not.
1. *Access Drive*. A private street providing access to a development from a street on which the development has only a very narrow street frontage.
 2. *Access Street*. A minor street, which is parallel and in close proximity to a higher order street and that provides access to abutting properties. Also commonly referred to as a frontage road or service road.
 3. *Arterial*. A street that distributes traffic to and from collectors. Arterials include U.S. Highway 31, U.S. Highway 280, and Columbiana Road.
 4. *Collector*. A street that collects traffic from local streets and connects with minor and major arterials. Collector streets include, but are not limited to, Acton Road, Altadena Road, Cahaba Heights Road, Cahaba River Road, Crosshaven Drive, Dolly Ridge Road, Green Valley Road, Massey Road, Rocky Ridge Road, Shades Crest Road, and Tyler Road.
 5. *Cul-de-sac*. A local street terminating in a vehicular turnaround at one end.
 6. *Local Street*. A street used primarily to provide access to abutting properties.
- 2.1.105. *Street Centerline*. A line running parallel with the street right-of-way which is half the distance between the extreme edges of the official right-of-way width as surveyed, or where not surveyed, half the distance from the edges of pavement.
- 2.1.106. *Structure*. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards, backstops for tennis courts, fences, or radio tower.
- 2.1.107. *Structural Alterations*. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.
- 2.1.108. *Temporary Building*. Portable, mobile or transportable contractor's construction buildings, the use of which is incidental to construction operations being conducted on the same or adjoining lot or tract will be allowed with permit all districts, provided they are not used as a dwelling.



A RESURVEY OF LOTS 21-23, BLOCK 3, SOUTH BIRMINGHAM HEIGHTS LAND COMPANY

AS RECORDED IN MAP BOOK 7, PAGE 41, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA,
 AND SITUATED IN THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY ALABAMA.



[Signature]
 Notary Public
 State of Alabama
 My Comm. Expires 07/11/2021



[Signature]
 Notary Public
 State of Alabama
 My Comm. Expires 07/11/2021



[Signature]
 Notary Public
 State of Alabama
 My Comm. Expires 07/11/2021

STATE OF ALABAMA
 JEFFERSON COUNTY
 I, the undersigned, as County Auditor, do hereby certify that Block 3, South Birmingham Heights Land Company, which owner is named in the foregoing certificate as a borrower, is a duly organized and existing corporation under the laws of the State of Alabama, and that the undersigned is a duly qualified and acting Auditor of the County of Jefferson, Alabama, and that the foregoing certificate is a true and correct copy of the original as the same appears in the records of the County Auditor's Office.

Witness my hand and seal this 31st day of July, 2019.

[Signature]
 County Auditor

[Signature]
 Notary Public

County Division Code: AL000
 Book # 20190721038
 Page: 70
 Certified Instrument Filed on: 7/30/2019 1:57 PM
 Doc: MAPPER Alan King, Judge of Probate Jefferson County, AL Rec: 538.00 Clerk: SANDERS



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

Date: SEPTEMBER 17, 2020

- **CASE: BZA-0920-25**
- **REQUESTED ACTION:** 10' side setback variance to reduce the setback to 5' in lieu of the required 15' & a 15' lot width variance to reduce the lot width to 85' in lieu of the required 100' & a 2500 square footage variance to reduce the square footage to 12,500 in lieu of the required 15,000.
- **ADDRESS/LOCATION:** 2120 Chestnut Road
- **APPLICANT/OWNER:** Jeff Jantz
- **REPRESENTING AGENT:** Carolyn R. Taylor
- **GENERAL DISCUSSION:** Applicant is seeking multiple variances to add a bedroom and bathroom addition. The applicants contend that the under-sized lot causes a hardship needed for the width and square footage variances. This is needed to clean up the lot, so it can become a lot of record. Also, there is a tank that services the kitchen located in the rear that prevents the building in the backyard. The applicants have said that after the variances are approved, they will work to have this lot resurveyed and recorded with the County. Currently the house sits on two lots. 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: Jeff Jantz

Address: 2120 Chestnut Road
Vestavia Hills, AL 35216

Phone #: (205) 757-7617 Other #: _____

E-Mail: jjantz@brasfieldgorrie.com

Billing/Responsible Party

Name: Jeff Jantz

Address: 2120 Chestnut Road Vestavia Hills, AL 35216

Phone #: (205) 757-7617 Other #: _____

E-Mail: jjantz@brasfieldgorrie.com

Representing Attorney/Other Agent

Name: Carolyn R. Taylor, Carrie Taylor Architect, LLC
Address: 833 Oxmoor Road
Birmingham, AL 35209
Phone #: (205) 835-8069 Other #: _____
E-Mail: carrie@carrietaylorarchitect.com

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 2120 Chestnut Road Vestavia Hills, AL 35216
Street Address
Biltmore Estates, Lot 9 and the East 35' of Lot 10, Block 8
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 85 ' in lieu of the required 100 ' .
2500 square foot variance to reduce the lot area to 12500 square feet in lieu of the required 15000 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 _____).

Z0920-25//2800191010012.000
2120 Chestnut Rd.
Side Setback for an addition
Jeff Jantz

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).*

Our lot is zoned R-2 which requires minimum lot width of 100' and minimum lot area of 15,000 SF. Our lot at 2120 Chestnut is only 85.18' wide and 12,750 SF lot size. The hardship is we have a smaller buildable area than other lots zoned R-2; therefore, we are requesting the variances noted below to allow the proposed addition.

VI. PROJECT:

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

The scope of the project is a 547 SF addition of one bedroom and one bathroom on the west end of the house. The reason for requesting the variance is our lot has a smaller buildable area as indicated above than other houses zoned R-2 (85.18 lot width and 12,750 SF lot size) and therefore are requesting the variances noted below to allow for the proposed addition. The project also includes the addition of a front porch but this part of the project will remain within the R-2 setback requirements (50' front setback).

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***

AVH 8/17/2020
Owner Signature/Date

Representing Agent (if any)/date

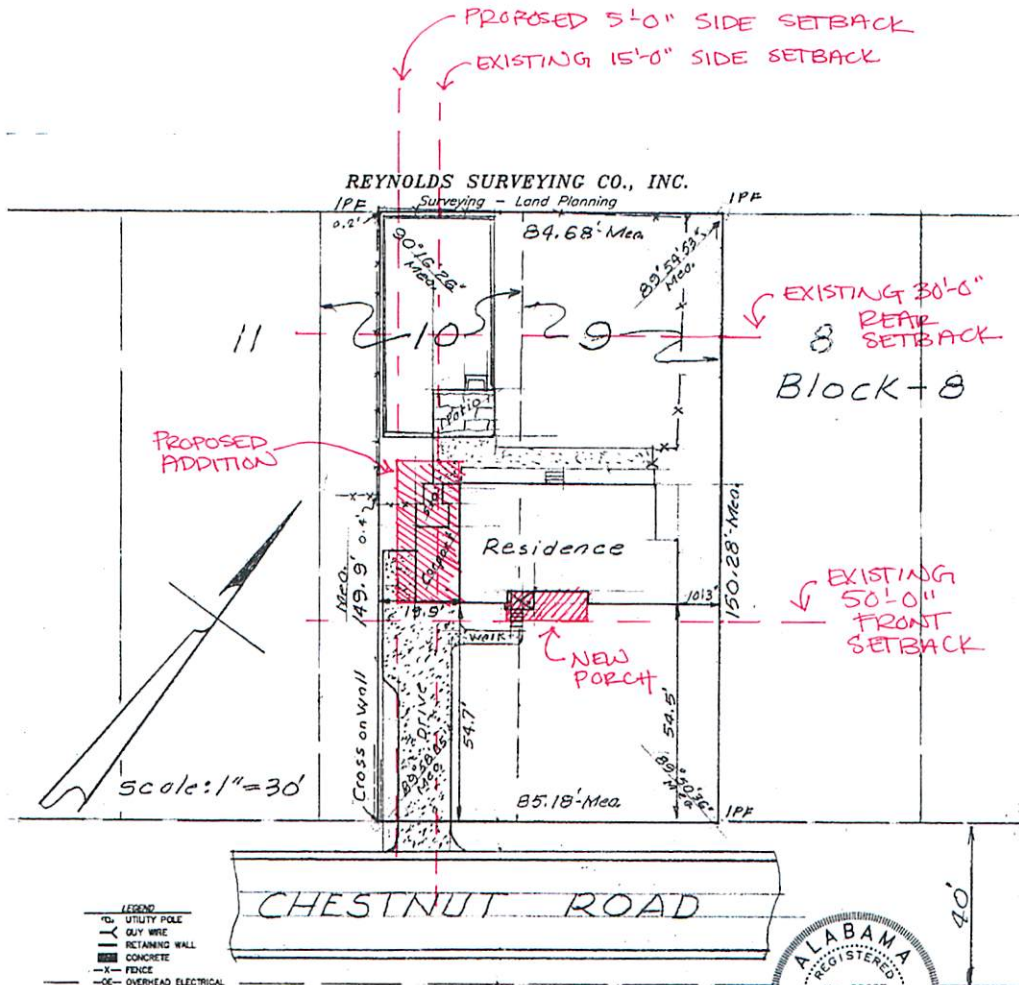
Given under my hand and seal
this 17th day of August, 2020.

Sheni G. Reynolds
Notary Public

My commission expires 15th
day of November, 2020.



Z0920-25//2800191010012.000
2120 Chestnut Rd.
Side Setback for an addition
Jeff Jantz



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

STATE OF ALABAMA ⊗ Lot 9 and the East 35 ft. of Lot 10,
 Jefferson COUNTY "CLOSING SURVEY"



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot ⊗ Block 8, of Biltmore Estates, as recorded in Map Book 17, Page 29160 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 4TH day of May, 2016.

NOTE: This survey is not transferable to any additional institutions or subsequent owners.
 Purchaser: Don'tz
 Address: 2120-Chestnut Road.

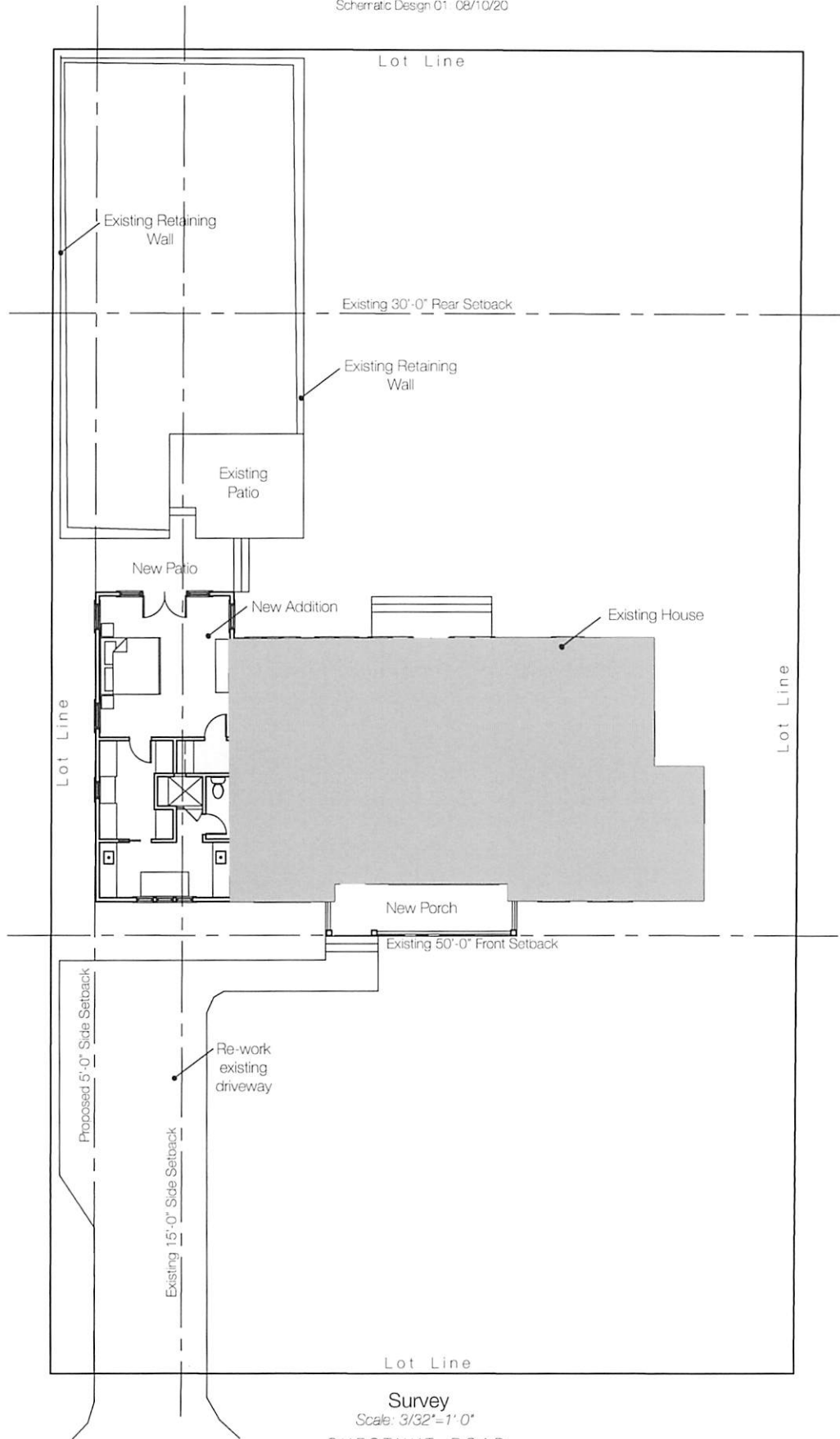
Robert Reynolds
 Reg. No. 25657



CARRIE TAYLOR
ARCHITECT

Renovations to the Jantz Residence

Schematic Design 01 08/10/20



Survey

Scale: 3/32" = 1'-0"

CHESTNUT ROAD

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

Date: **SEPTEMBER 17, 2020**

- **CASE: BZA-0920-22**
- **REQUESTED ACTION:** 4' front setback variance to reduce the setback to 8' in lieu of the required 12'.
- **ADDRESS/LOCATION:** 3941 Knollwood Trace
- **APPLICANT/OWNER:** Sheilah Nelson
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a front setback variance to add a screened in porch. The applicant contends that the corner lot causes the hardship. The screened in porch will cover the existing patio and will front Sunview Drive. A covenants waiver has been drafted, signed, and recorded with the County to null the front setback requirement. 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.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: SHEILAH M. NELSON
Address: 3941 Knollwood Trace
Vestavia, AL 35243
Phone #: 205-298-1155 Other #: 205-903-5521
E-Mail: SHEILAHNEL@aol.com

Billing/Responsible Party

Name: same as above
Address: _____
Phone #: _____ Other #: _____
E-Mail: _____

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: 3941 Knollwood Trace
Street Address

Knollwood TRACE Garden Homes LOT 1
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 ³⁴ front/side/rear (circle one) setback variance to reduce the setback to _____' in lieu of the required 12'.
_____' 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).

see separate page

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***

Sheilah Nelson 7/16/2020

Owner Signature/Date

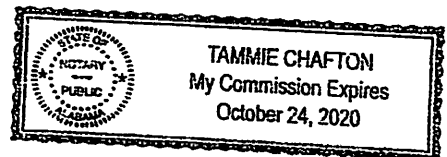
Representing Agent (if any)/date

Given under my hand and seal
this 16 day of July, 2020

Tammie Chafton

Notary Public

My commission expires October 24
day of _____, 2020.

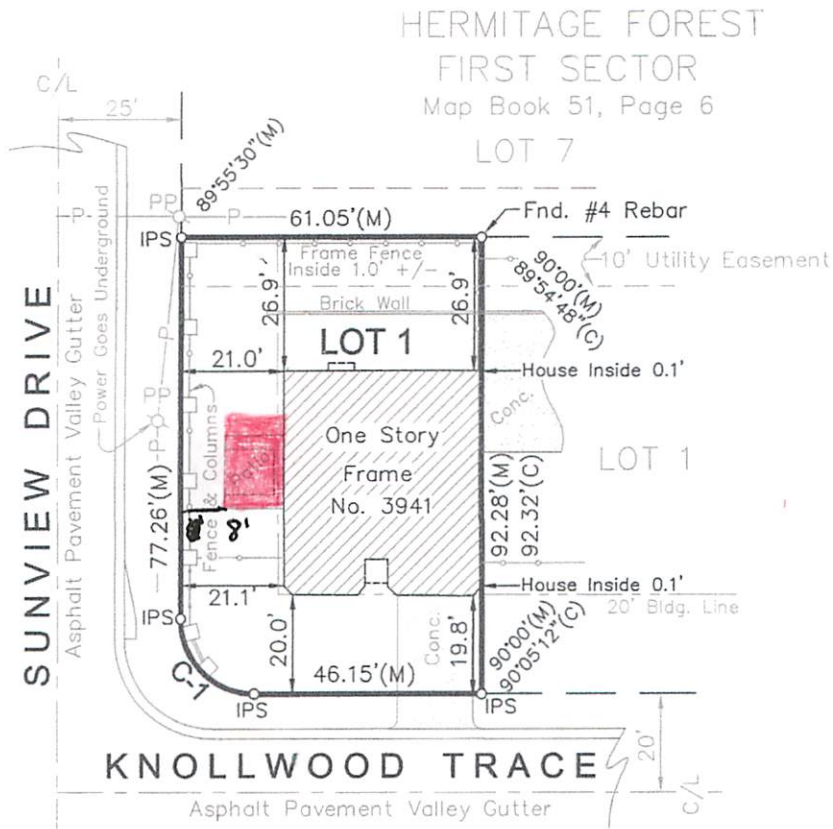


AS-BUILT SURVEY

Description: LOT 1 KNOLLWOOD TRACE GARDEN HOMES, as recorded in Map Book 152, Page 74, in the Office of the Judge of Probate, Jefferson County, Alabama.

The correct address is: 3941 Knollwood Trace Birmingham, AL 35243

N Scale: 1"=30' Job# 4173



$\Delta = 90^{\circ}04'30''$
 $R = 15.02'$
 $C-1 = A = 23.58'(M)$
 $A = 23.61'(C)$

LEGEND
 (M) = Map
 (C) = Calculated
 C/L = Center Line
 Fnd. = Found
 PP = Power Pole
 IPS = Set #5 Rebar

STATE OF ALABAMA:
 JEFFERSON COUNTY:

I, James R. Boatright, Sr., a Licensed Land Surveyor, do hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama, to the best of my knowledge, information, and belief.

According to my survey this the 24th day of July, 2020



James R. Boatright, Sr., AL REG. NO. 17826
 704 Mary Vann Lane, Birmingham AL 35215
 Phone (205) 854-3669 Fax (205) 854-0071

Z0920-22//2800153009016.000
3941 Knollwood Trace
 Front Setback for a covered deck
 Sheilah Nelson

REASONS FOR BUILDING SCREEN IN DECK

1. Want to be able to walk out of my kitchen directly to porch – have slipped several times stepping from wet when rains – cement steps up to kitchen with hardwood floors – very slippery.
2. Can't enjoy existing deck now due to all new construction across the street – feel unsafe sitting on my existing deck and having construction people in the big trucks sitting looking straight on my patio – have no barrier to block their view or anyone's view.
3. Since the new construction – (they cleared woods to develop new subdivision) and now all the animals have come into our area – in point – I had a very large black snake sitting on my patio – that I did not see at first at night – until after I sat down – Also have lots of chipmunks that run across my deck so being terrified of snakes and chipmunks I need a barrier between them and me.

Z0920-22//2800153009016.000
3941 Knollwood Trace
Front Setback for a covered deck
Sheilah Nelson

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

Date: SEPTEMBER 17, 2020

- **CASE: BZA-0920-23**
- **REQUESTED ACTION:** 4' front setback variance to reduce the setback to 30' in lieu of the previously approved 34' & a 3' side setback variance to reduce the setback to 12' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 2013 Vesthaven Way
- **APPLICANT/OWNER:** John Michael & Myra Price Grund
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicants are seeking a front and rear setback variance to build an addition on the side of the current home. The applicants contend there is a hardship because the lot is a corner lot. 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 applicants previously received a variance for the front setback, but after a foundation survey they found out that they would be encroaching into the approved setback. To clean this up, and to begin starting on the construction, they need to request a variance for that extra few feet. 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.

GID Case No; 7570 BZA 0320-03

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: John Michael Grund & Myra Price Grund
Address: 2013 Vesthaven Way
Vestavia, AL 35216
Phone #: 205 637 6822 Other #: 205 602 7229
E-Mail: _____

Billing/Responsible Party

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

Representing Attorney/Other Agent

Name: NONE

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: 2013 Vesthaven Way
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.
4' ' front/side/rear (circle one) setback variance to reduce the setback to 30 ' in lieu of the required 34' ' .
3 ' front/side/rear (circle one) setback variance to reduce the setback to 12 ' 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 _____.

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.

Revising variance request for addition

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

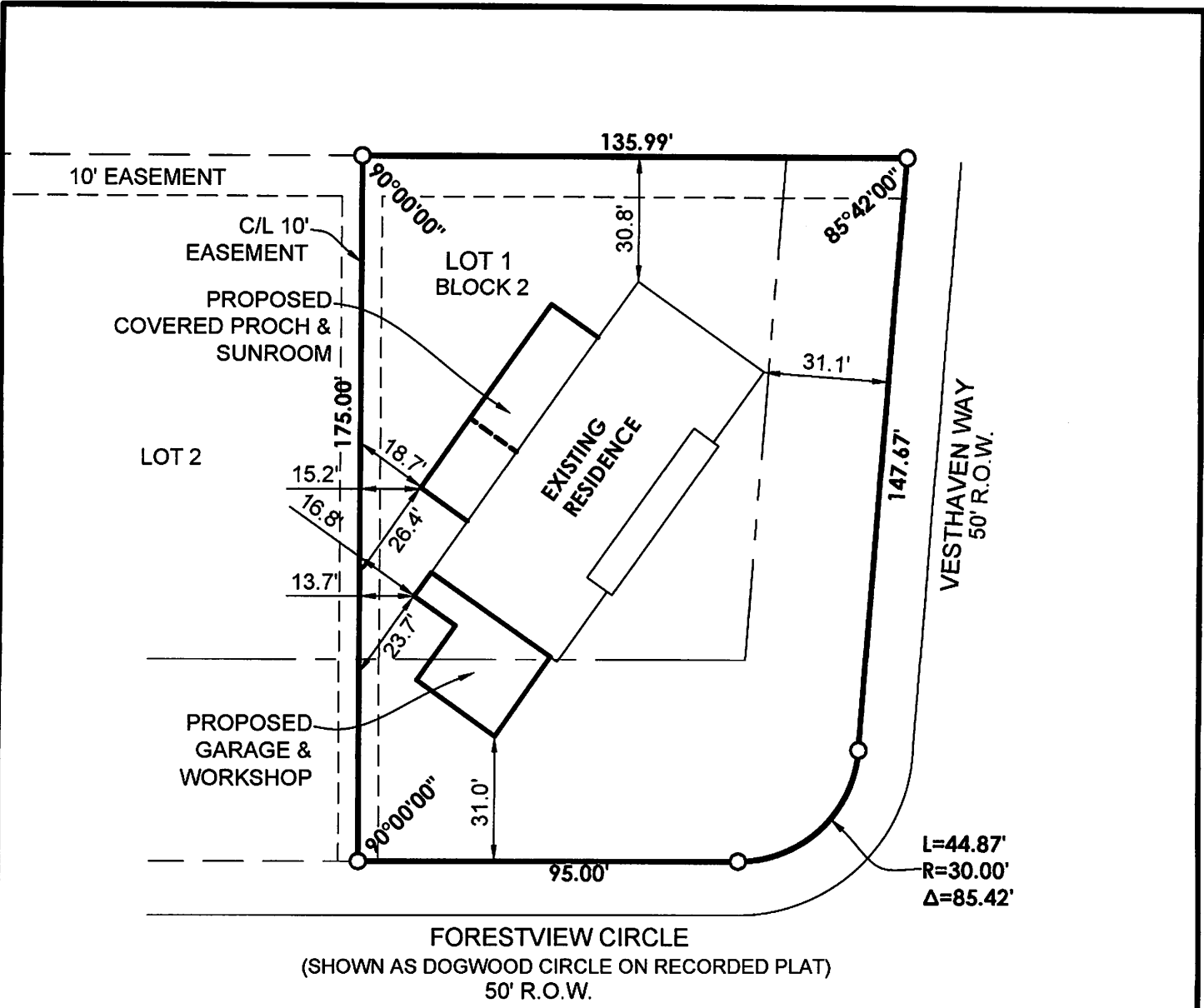
Representing Agent (if any)/date

Given under my hand and seal
this 28 day of July, 2020.


Notary Public

My commission expires 30
day of October, 2020.

My Commission Expires
October 30, 2023



SCALE: 1" = 30'

PLOT PLAN

**LOT 1 BLOCK 2 OF
VESTHAVEN FIRST SECTOR
MAP BOOK 45 PAGE 38
JEFFERSON COUNTY, ALABAMA
PREPARED FOR: SPEEGLE CONST
PREPARED 8/11/20 BY:MA
PROJECT #75299**

**NOTE TO PROSPECTIVE HOME OWNER:
THE DRIVEWAY LOCATION SHOWN ON THIS
PLOT PLAN IS SUBJECT TO CHANGE TO BEST
MATCH THE LOT GRADE AND/OR EXISTING
UTILITY APPURTENANCES.**

ARRINGTON ENGINEERING AND LAND SURVEYING INC. PERFORMED NO SURVEYING, TITLE SEARCH, OR FLOOD ZONE DETERMINATION IN CONNECTION WITH THE PREPARATION OF THIS PLOT PLAN. WE MAKE NO GUARANTEE THAT THIS PROPERTY IS NOT SUBJECT TO ANY ADDITIONAL EASEMENTS, SETBACKS, RESTRICTIONS OR COVENANTS, OTHER THAN THOSE SHOWN ON THIS PLOT PLAN. THE BUILDER IS RESPONSIBLE FOR VERIFYING ALL LOT RESTRICTIONS PRIOR TO CONSTRUCTION.

APPROVED TO STAKE BY:

ARRINGTON ENGINEERING
Civil Engineers - Surveyors - Land Planners
Office: (205) 985-9315 Fax: (205) 985-9385
2032 Valleydale Road Birmingham AL 35244

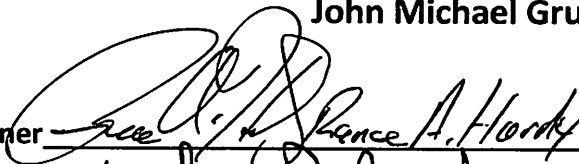
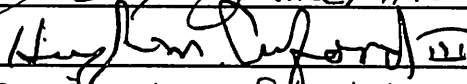

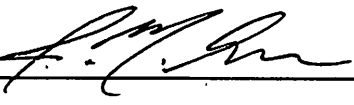
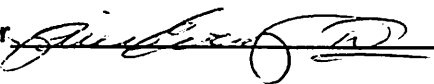
2013 Vesthaven Way
Front Variance for a garage
John & Myra Grund

STATE OF ALABAMA
JEFFERSON COUNTY

NULLIFICATION OF RESTRICTION

The undersigned majority of the owners of lots in the survey recorded as:
MAP OF VESTHAVEN – FIRST SECTOR, MAP VOLUME 45, PAGE 38 agree to
Offer LOT #1, Block 2 relief from the side building setback of 50 feet due to
Hardships.

John Michael Grund Lot #1 Block 2

Owner		Lot no.	6	Date:	2/3/2020
Owner		Lot no.	4	Date:	2/3/2020
Owner	Michelle S. Schmittke	Lot no.	5	Date:	2/3/2020
Owner	Taylor Triantos	Lot no.	2	Date:	2/3/2020
Owner		Lot no.	3	Date:	2/3/2020
Owner	Kaye Carlisle	Lot no.	87	Date:	2/3/2020
Owner	John Michael Grund	Lot no.	1	Date:	2/16/20
Owner	_____	Lot no.	_____	Date:	_____
Owner		Lot no.	8	Date:	2-3-2020
Owner	_____	Lot no.	_____	Date:	_____
Owner		Lot no.	8	Date:	2/3/2020
Owner	_____	Lot no.	_____	Date:	_____

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

Date: SEPTEMBER 17, 2020

- **CASE: BZA-0920-24**
- **REQUESTED ACTION:** 10' side setback variance to reduce the setback to 10' in lieu of the required 20'.
- **ADDRESS/LOCATION:** 3172 Belwood Drive
- **APPLICANT/OWNER:** Julie Maseele
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a side setback variance to add an addition for storage. The applicant contends that the R-5 apartment zoning causes the hardship. The lot was an old carry over zoning from Jefferson County. Also, the lot is abnormally wide and not very deep. The addition cannot go into the rear, as it would need a variance, and must go on the side. The topography prevents construction on the left side of the lot, as the terrain slopes down. The lot is surrounded by R-4 lots, and this action would keep the property consistent with the surrounding lots with an R-4 10' setback. The applicant's property is zoned Vestavia Hills R-5.
- **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: JULIE MAESELE
Address: 3172 BELWOOD DR
VESTAVIA HILLS, AL 35243
Phone #: 205 434 0904 Other #: 205 382 5407
E-Mail: JULIEMAESLEE@GMAIL.COM

Billing/Responsible Party

Name: JULIE MAESELE
Address: 3172 BELWOOD DR
Phone #: 205 382 5407 Other #: 205 434 0904
E-Mail: JULIEMAESLEE@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: 3172 Belwood Dr
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 10' in lieu of the required 20'.
_____' 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 _____).

Z0920-24//2800221006010.000
3172 Belwood Drive
Side Setback for a pergola
Julie Maesele

IV. ZONING

Vestavia Hills Zoning for the subject property is R5.

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

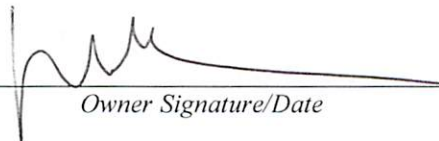
VI. PROJECT:

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

See Attached

VII. OWNER AFFIDAVIT:

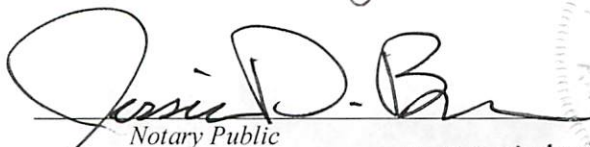
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. ***Note,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



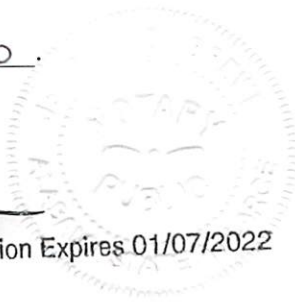
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 12 day of August, 2020.



Notary Public



My commission expires _____ My Commission Expires 01/07/2022
day of _____, 20_____.



Z0920-24//2800221006010.000

3172 Belwood Drive

Side Setback for a pergola

Julie Maesele

ATTACHMENT

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 lot is currently zoned as R5 (Multi-family). R5 has a 20' side setback. Based on conversations with City Planner, Conrad Garrison, this zoning was likely an odd carryover from when these areas got annexed from Jefferson County to Cahaba Heights. The 20' setback was intended for a multi-family lot and is unduly restrictive on a single-family residence lot. We are requesting a 10' side yard setback which would be in line with R4's side yard setback. We understand that R4 makes up 70% of the homes in Cahaba Heights and therefore, this 10' yard set-back is most typical to single family homes in the area.

VI. PROJECT:

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

The project entails building an open-structured pergola in the eastern side yard. This side yard is buffered to the east with dense trees and foliage. The open structure will be wood-framed and wall-less, with a covered roof. The goal of the open structure is to have a covered area to tidily store children's bicycles and other vehicles. Raised bed planters are also planned for this area. Please refer to vicinity map and plan for location of the open structure.

VICINITY MAP



Z0920-24//2800221006010.000

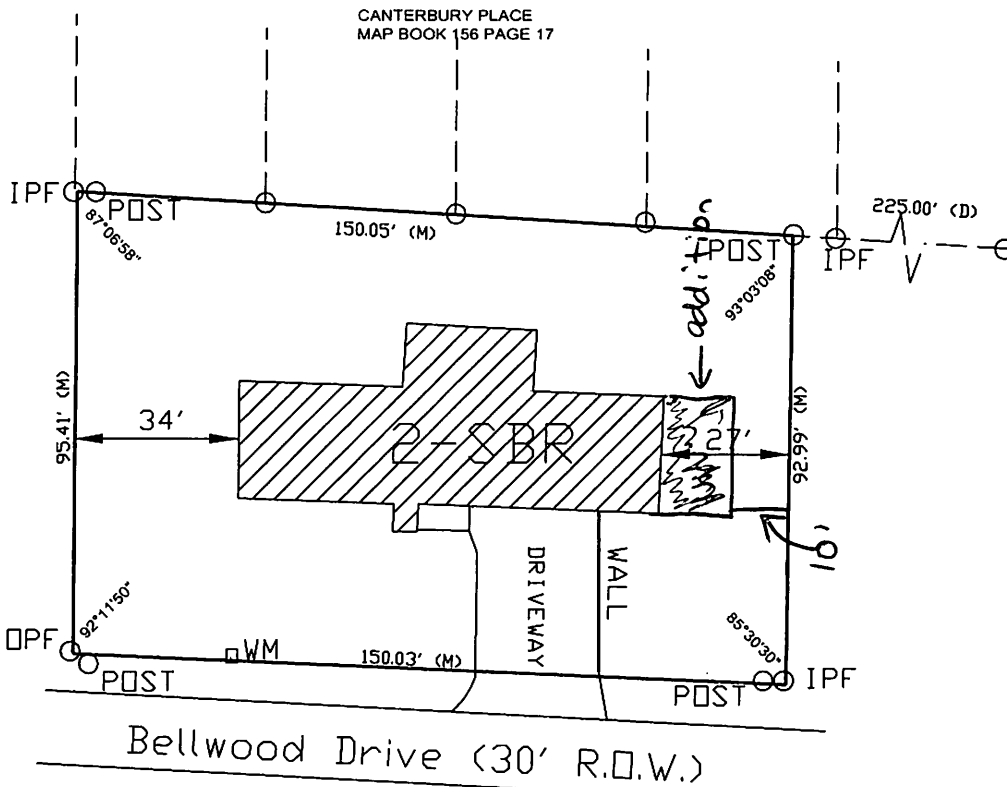
3172 Belwood Drive

Side Setback for a pergola

Julie Maesele



ASSUMED
SCALE: 1"=40'



STATE OF ALABAMA
COUNTY OF JEFFERSON

Commence at the NE corner of the SW 1/4 of the NE 1/4 of Section 22, Township 18 South, Range 2 West; thence run west along the North line of said SW 1/4 of the NE 1/4 a distance of 225.00 feet to the point of beginning; thence continue west along said North line a distance of 150.00 feet; thence left an angle of 92°06'30" and run south a distance of 111.58 feet; turn left an angle of 89°01'00" and run east a distance of 150.00 feet; turn left an angle of 96°59'00" and run north a distance of 108.68 to the point of beginning.

Except the south 15 feet which lies within the right of way of Bellwood Drive formerly called Willow Lane above being described property being in the SW 1/4 of the NE 1/4 of Section 22, Township 18 South, Range 2 West.

SOURCE OF TITLE: Instrument 2017079987 (JEFFERSON CO.)

DATE: 18 SEPTEMBER 2017

"I hereby (or 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."

Surveyor's Signature: *Amos F. Reese*

Alabama License No: 31576

Date: September 19, 2017

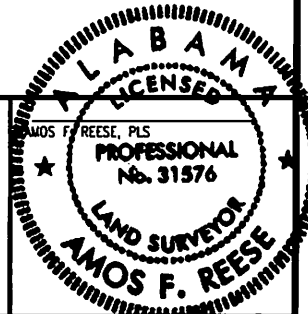
TYPE: AS-BUILT

3172 Bellwood Drive
Vestavia, AL 35243

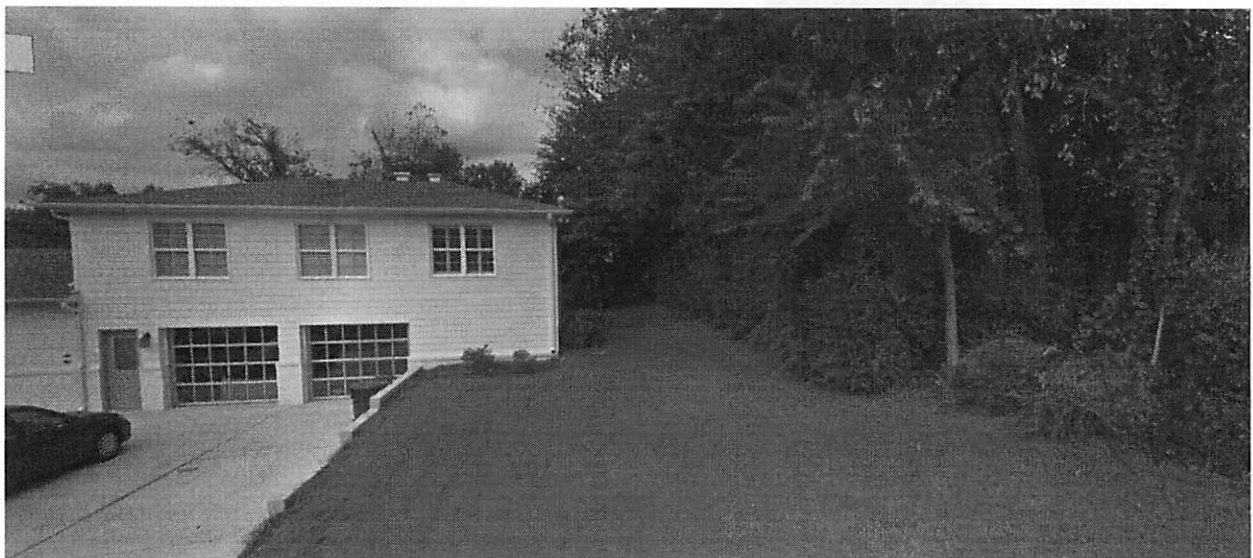
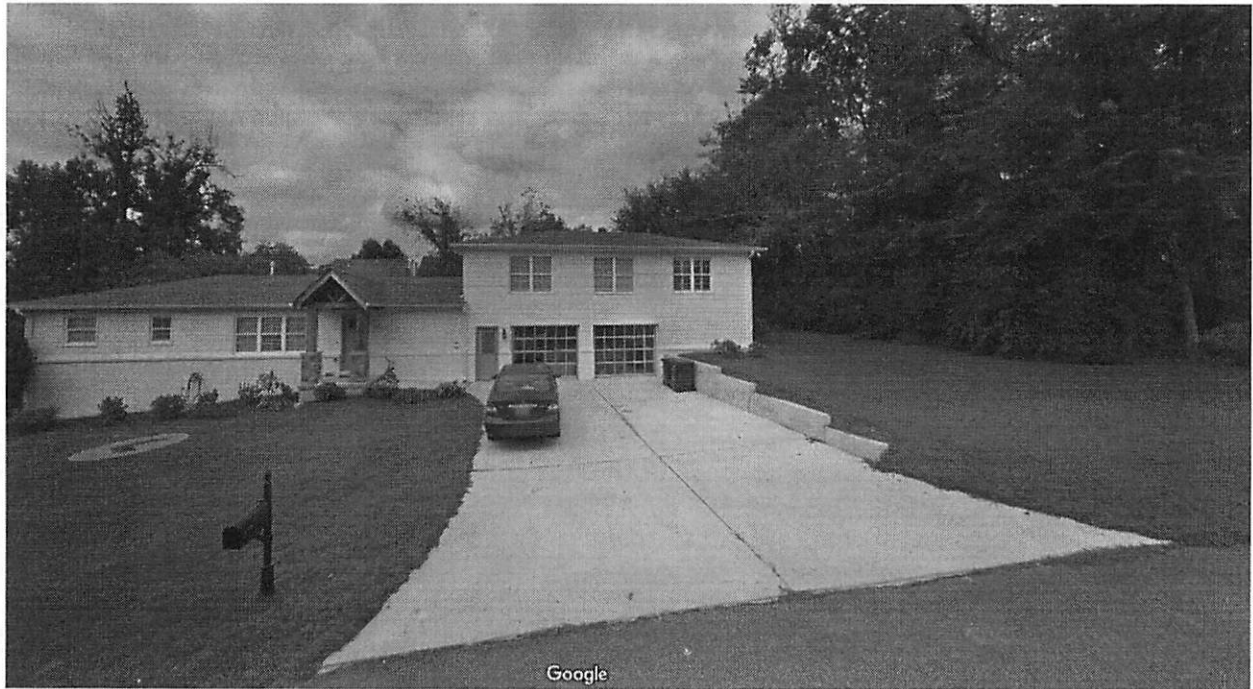
AMOS F. REESE
3556 GREAT OAK LANE
BIRMINGHAM, AL 35223
PHONE: 205.276.5596

CIR-CAPPED IRON ROD
IPS-1/2" REBAR W/ CAP
IPF-IRON PIN FOUND
CALC-CALCULATED
(PLAT)-PLAT DIMENSION
(M)-MEASURED DIMENSION
ROW-RIGHT OF WAY
MH-MANHOLE
PP-POWER POLE
FC-FENCE CORNER
VG-VALLEY GUTTER
BM-BENCH MARK FOUND
WM-WATER METER
MB-MAILBOX

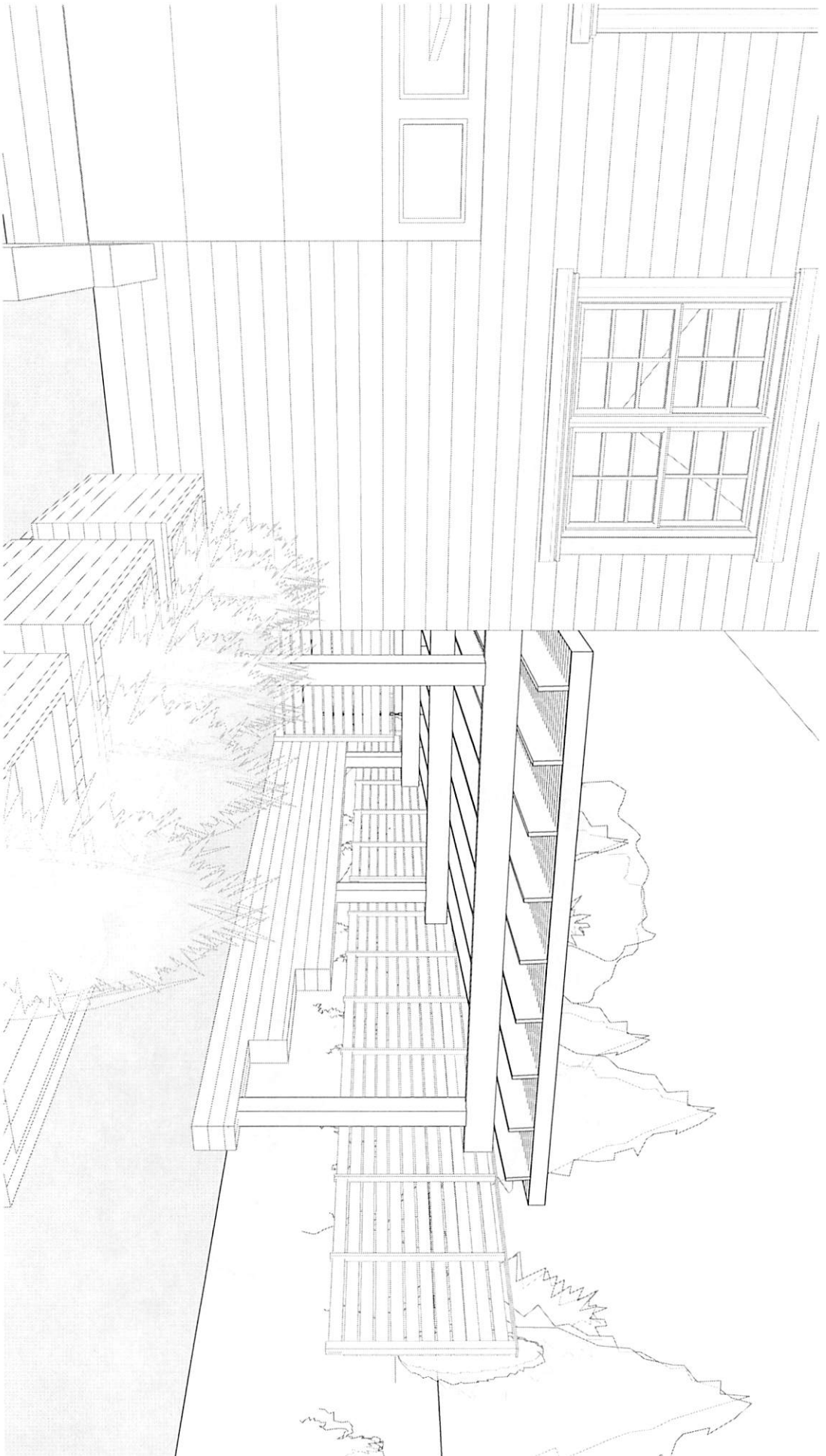
N-NORTH
S-SOUTH
W-WEST
E-EAST
POC-POINT OF COMMENCEMENT
POB-POINT OF BEGINNING
●-POINT SET
○-POINT FOUND
⊠-POINT CALC.
△-POINT NOT SET
---FENCE LINE
---EASEMENT LINE
---OHP---OVERHEAD POWER/TEL
MH-Manhole



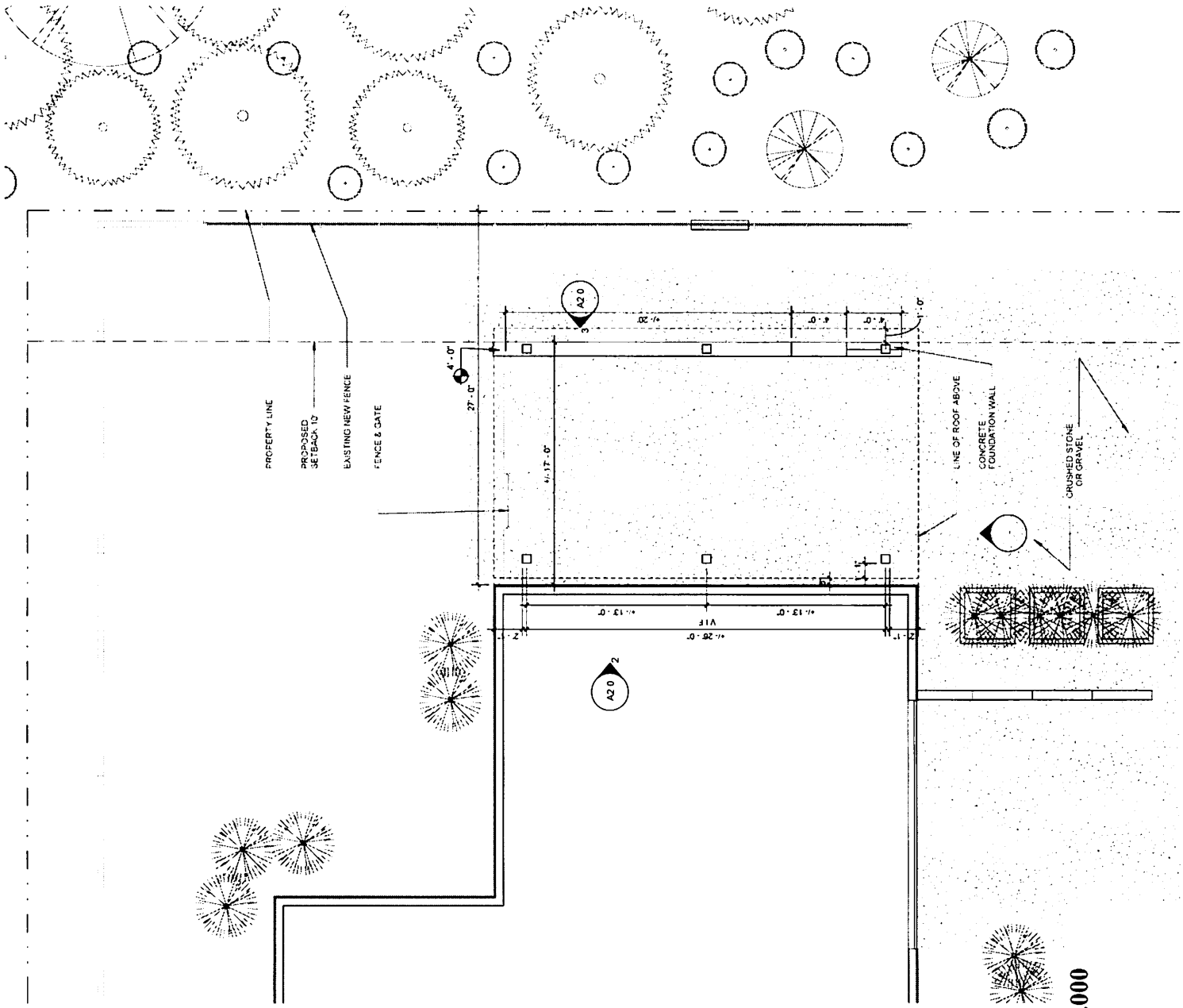
VICINITY MAP – HOUSE YARD PHOTOS



Z0920-24//2800221006010.000
3172 Belwood Drive
Side Setback for a pergola
Julie Maesele

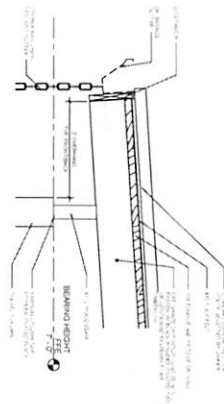
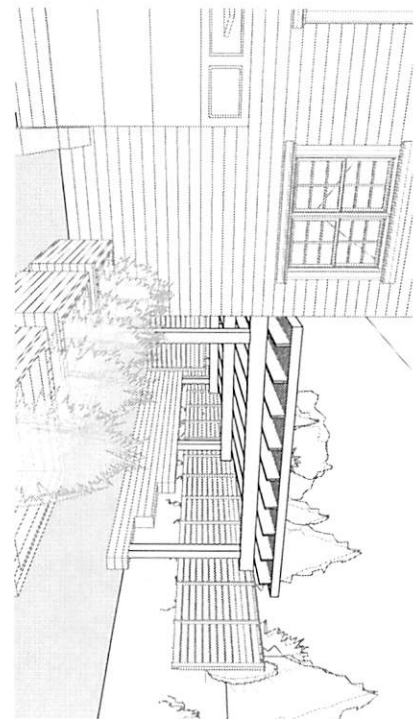


Z0920-24//2800221006010.000
3172 Belwood Drive
Side Setback for a pergola
Julie Maesele

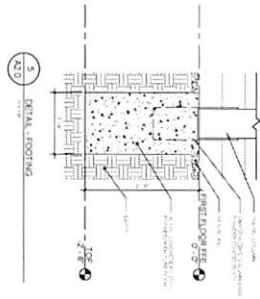


Z0920-24/2800221006010.000
3172 Belwood Drive
 Side Setback for a pergola
 Julie Maesele

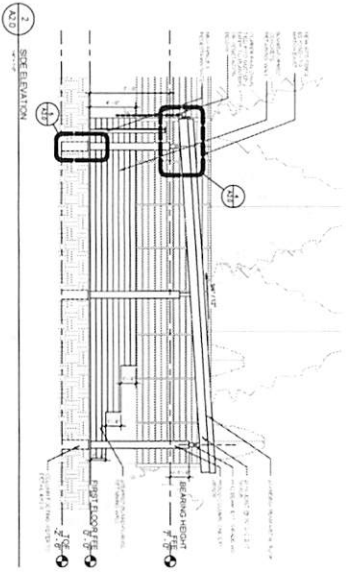
Z0920-24//2800221006010.000
3172 Belwood Drive
Side Setback for a pergola
Julie Maesele



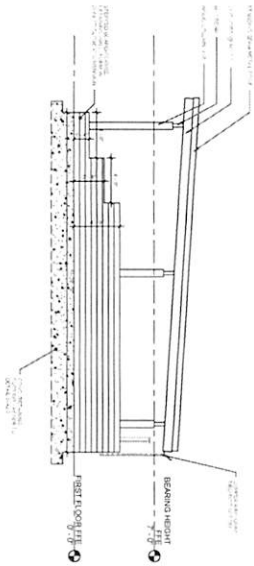
4 DETAIL ROOF



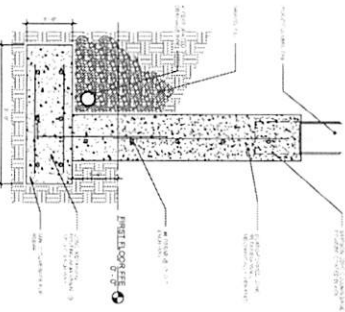
5 DETAIL FOOTING



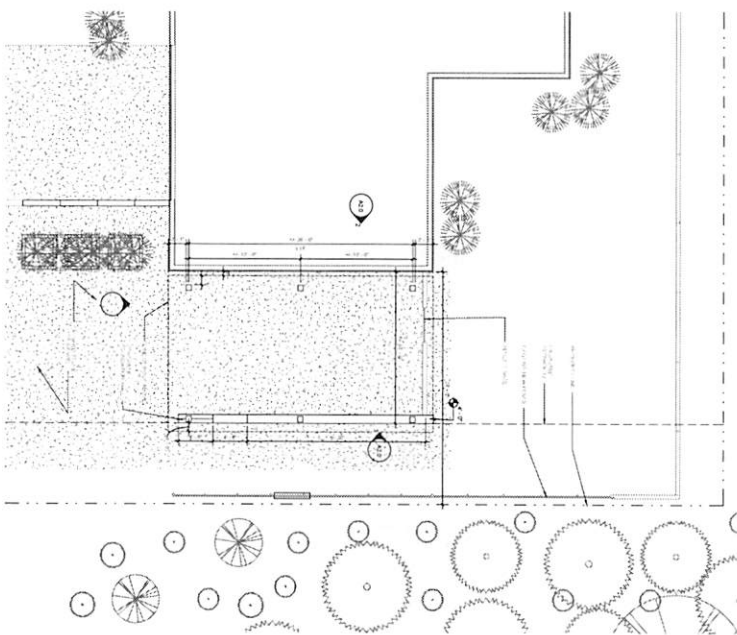
3 SIDE ELEVATION



2 ELEVATION - RETAINING WALL



6 DETAIL - RETAINING WALL



1 SITE LAYOUT PLAN



MAESELE
OPEN STRUCTURE PERGOLA
BIRMINGHAM, ALABAMA



PRINT SET

NO.	DESCRIPTION	DATE
1	PERGOLA	08/11/2020
2	RETAINING WALL	08/11/2020
3	ROOF	08/11/2020
4	FOOTING	08/11/2020
5	DETAILS	08/11/2020
6	PLAN	08/11/2020

A2.0

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

Date: SEPTEMBER 17, 2020

- **CASE: BZA-0920-27**
- **REQUESTED ACTION:** 5' side setback variance to reduce the setback to 12' in lieu of the required 17'.
- **ADDRESS/LOCATION:** 2344 Morningstar Drive
- **APPLICANT/OWNER:** Bryan Wetta
- **REPRESENTING AGENT:** Tommy Coggin
- **GENERAL DISCUSSION:** Applicant is seeking a side setback variance to add a garage addition. The applicant contends that the lot topography in the rear and on the opposite side of the lot causes a hardship. They contend that this side of the yard is the only place to put the garage addition. Two neighbors of the applicant have expressed their opposition to me (see both letters attached). They contend that there is adequate room on the opposite side of the lot to build this within the setback, and that the topography doesn't prevent construction on the right side of the lot. The applicant's property is zoned Vestavia Hills R-1.
- **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: Bryan Wetta

Address: 2344 Morningstar Dr.
Vestavia Hills, AL 35216

Phone #: 205-422-8658 Other #: _____

E-Mail: bryan@Wetta.com

Billing/Responsible Party

Name: Bryan Wetta

Address: Same as above

Phone #: _____ Other #: _____

E-Mail: _____

Z0920-27//2800292001064.000
2344 Morningstar Drive
Side Setback for an addition
Bryan Wetta

Representing Attorney/Other Agent

Name: Tommy Coggin
Address: 2029 Kentucky Ave
Vestavia Hills, AL
Phone #: 205-368-1671 Other #: _____
E-Mail: TCoggin@harriscoggin.com

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 2344 Morningstar Dr.
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.
5 ' front/side/rear (circle one) setback variance to reduce the setback to 12 ' 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 _____).

Z0920-27/2800292001064.000
2344 Morningstar Drive
Side Setback for an addition
Bryan Wetta

IV. ZONING

Vestavia Hills Zoning for the subject property is R1.

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).

VI. PROJECT:

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

We will be adding a screen porch, storage room, and carport to the Existing house. We will also be replacing an existing deck to accommodate a spa tub. The reason for the variance is that our proposed carport will extend over the existing setback line.

VII. OWNER AFFIDAVIT:

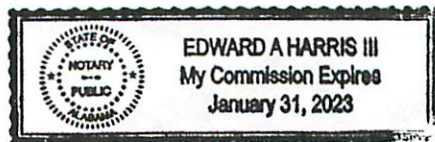
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. *Note,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

Ed Harris III 8-18-20
Representing Agent (if any)/date

Given under my hand and seal
this 18th day of August, 20 20.

Ed Harris III
Notary Public



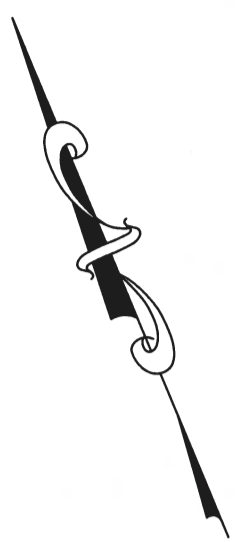
My commission expires _____
day of _____, 20 _____.

Z0920-27//2800292001064.000
2344 Morningstar Drive
Side Setback for an addition
Bryan Wetta

LEGEND

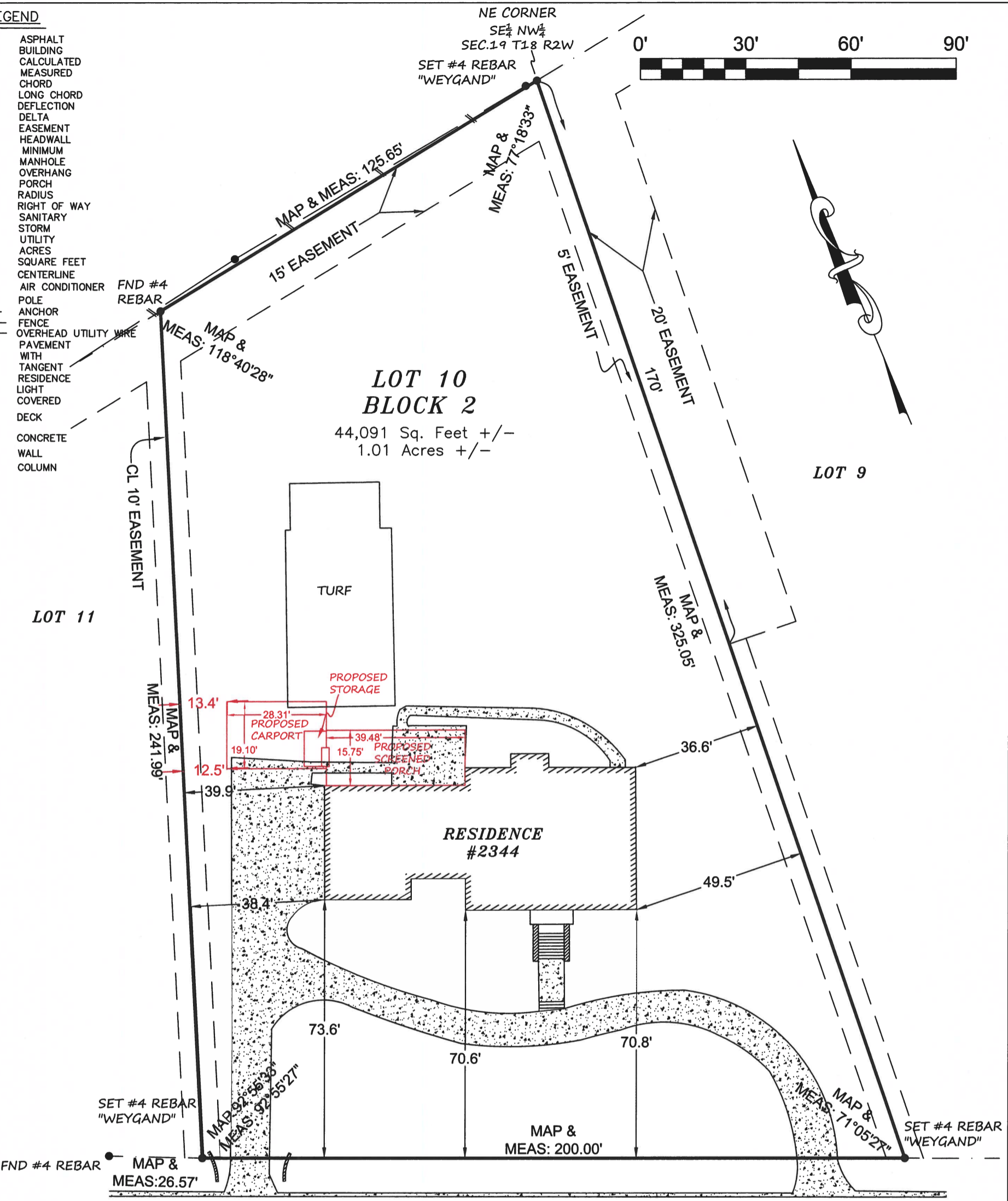
- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- CL CENTERLINE
- A/C AIR CONDITIONER
- POLE
- X— ANCHOR
- X— FENCE
- X— OVERHEAD UTILITY WIRE
- PVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- ▨ WALL
- COLUMN

NE CORNER
SE 1/4 NW 1/4
SEC. 19 T18 R2W
SET #4 REBAR
"WEYGAND"



**LOT 10
BLOCK 2**

44,091 Sq. Feet +/-
1.01 Acres +/-



MORNINGSTAR DRIVE
(50' R.O.W.)



STATE OF ALABAMA)
JEFFERSON COUNTY)

"PLOT PLAN"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 10, Block 2, TANGLEWOOD PARK FOURTH SECTOR FIRST ADDITION, as recorded in Map Volume 114, Page 43, in the Office of the Judge of Probate, Jefferson County, Alabama. 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 AUGUST 17, 2020. Survey invalid if not sealed in red.

Order No.: 20201806
Purchaser:
Address: 2344 MORNINGSTAR DRIVE

Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©

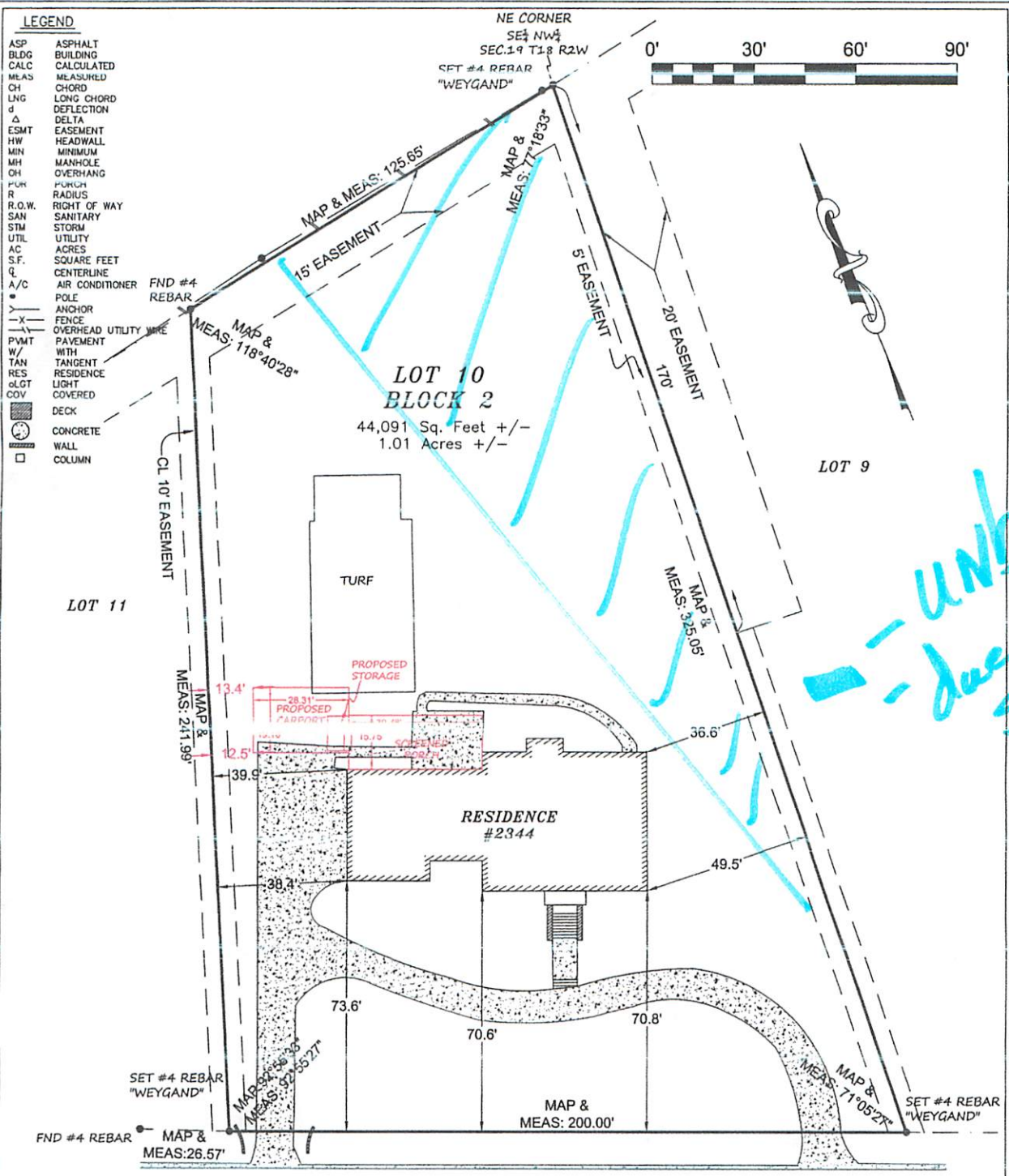


Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.

LEGEND

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
HW	HEADWALL
MIN	MINIMUM
MH	MANHOLE
OH	OVERHANG
POUR	PURCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTIL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
CL	CENTERLINE
A/C	AIR CONDITIONER
POLE	POLE
ANCHOR	ANCHOR
FENCE	FENCE
OVERHEAD UTILITY WIRE	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT WITH
TAN	TANGENT
RES	RESIDENCE
LG	LIGHT
COV	COVERED
DECK	DECK
CONCRETE	CONCRETE
WALL	WALL
COLUMN	COLUMN

NE CORNER
SE 1/4 NW 1/4
SEC. 19 T18 R2W



*UNBUILDABLE
- due to slope*

MORNINGSTAR DRIVE
(50' R.O.W.)



STATE OF ALABAMA
JEFFERSON COUNTY

"PLOT PLAN"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 10, Block 2, TANGLEWOOD PARK FOURTH SECTOR FIRST ADDITION, as recorded in Map Volume 114, Page 43, in the Office of the Judge of Probate, Jefferson County, Alabama. 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 AUGUST 17, 2020. Survey invalid if not sealed in red.

Order No.: 20201806
Purchaser:
Address: 2344 MORNINGSTAR DRIVE

[Signature]
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0088 Fax: (205) 942-0087
Copyright ©



Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.

Z0920-27//2800292001064.000
2344 Morningstar Drive
Side Setback for an addition
Bryan Wetta

From: [Keith Gann](#)
To: bryan@wetta.com; tcoggin@harriscoggin.com
Cc: [Jack Wakefield](#)
Subject: Variance request for 2344 Morningstar Dr. Vestavia Hills, 35216 - Construction of Proposed Carport and Storage Room
Date: Saturday, August 29, 2020 12:49:07 PM

Dear Bryan and Mr. Coggin,

As you know, my wife Carol and I own the home at 2340 Morningstar Drive, which is next door to Bryan's home. I was recently advised by Mr. Coggin that a formal variance request had been filed for the construction of a carport and storage room along the property line between our residences. I contacted the City of Vestavia Hills and was provided with documentation related to the proposed variance. After review of the requested variance, I am writing to request that you reconsider and withdraw this proposed variance.

I am not objecting simply because you seek a variance. Rather, the proposed building would present an unappealing visual obstruction from our side of the proposed brick structure. Unless one observes the area of the proposed structure from our side, the sight line and the visual impact may not be apparent, especially from a simple view of the drawing of the proposal. But knowing you have been on our side of the property I am confident that you understand what I am saying. If you do not understand I will be happy to share photos which I believe will allow you to visualize the impact of this building upon our side.

This variance request is not supported by applicable Vestavia Hills City codes. There are not extraordinary and exceptional conditions which are peculiar to the property which warrant such a variance. Compliance with the City's ordinances would not deprive this property of the rights enjoyed by other property owners. To the contrary, granting such a variance would confer special privileges which are denied other owners. The requested variance is not even required to build a carport and storage area on the subject lot. I am confident that there are alternatives to the requested variance which would allow construction of this building without the need to violate zoning ordinances.

Again, I regret the need to write this email and certainly do not desire to be at odds with my neighbor. As I said before, this objection is not simply because a variance has been requested. But in these circumstances, I hope you understand why I am opposed to this variance, including the reasons set forth above.

Sincerely,
Keith Gann
(205) 516-5528

From: [Larry Dye](#)
To: [Jack Wakefield](#)
Cc: [Carol and Keith Gann](#)
Subject: Request for side setback variance at 2344 Morningstar Dr.
Date: Tuesday, September 8, 2020 4:30:19 PM

Dear Mr. Wakefield:

My name is Larry Dye and my wife, Harriette, and I have lived at 2345 Morningstar Dr. for 37 years. We are opposed to the request for a side setback variance at 2344 Morningstar Dr.

All the homes in the Tanglewood neighborhood are situated on large lots which afford each homeowner their own protected space. The side setback is crucial to maintaining that space and in preserving the integrity of the neighborhood. It is there for the protection of all the homeowners. The lot in question is about 1.2 acres in size, has a two car garage, a large paved area for parking, and a large circular driveway. There are other options for building a carport without violating the side setback.

We plan to attend the zoning committee meeting on 9/17/2020 to oppose this request but wanted you to have this letter prior to the meeting.

Sincerely,
Larry Dye
2345 Morningstar Dr
205-531-1678

Sent from my iPhone

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

Date: SEPTEMBER 17, 2020

- **CASE: BZA-0920-28**
- **REQUESTED ACTION:** 3' side setback variance to reduce the setback to 14' in lieu of the required 17'.
- **ADDRESS/LOCATION:** 2425 Vestavia Drive
- **APPLICANT/OWNER:** John & Laura Howland
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicants are seeking a side setback variance to add a garage addition. The applicants contend that the septic tank on the opposite side of the house and field lines in the rear causes the hardship. Because of this, the only buildable area on the lot is the left side. The garage would load from the back of the house. The applicant's property is zoned Vestavia Hills R-1.
- **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: John and Laura Howland
Address: 1625 Stonewall Drive
Vestavia, AL 35226
Phone #: (205) 612-6622 Other #: (205) 422-5250
E-Mail: lhowland3@gmail.com

Billing/Responsible Party

Name: (same as above)
Address: _____
Phone #: _____ Other #: _____
E-Mail: _____

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: 2425 Vestavia Drive

Street Address

LOT 1, BLOCK 1, VESTAVIA HILLS

Subdivision name, Lot #, Block #, etc.

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

1. A request to vary:
 _____' variance to reduce the lot width to _____' in lieu of the required _____'.
 _____ square foot variance to reduce the lot area to _____ square feet in lieu of the required _____ square feet.
2'4"' front/side/rear (circle one) setback variance to reduce the setback to 14'8"' 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 R-1.

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). Although an extensive remodel, we are trying to use the "as-built" existing foundation as much as possible. Unfortunately, the as-built does not lie straight on the lot. The slant causes one corner to be closer to the side set-back. It is this back corner we would like a variance to allow us to build a 1 story main level garage (attached) that is wide enough for 2 cars and makes it possible to use the existing foundation on one side.

VI. PROJECT:

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

We plan to create a beautiful home with an open floor plan designed for main level living. Soon to be retired, we know that a main level garage would be appreciated, so we have integrated it into the back of the house. We will be shortening that side (east/south) of the existing house quite a bit. We prefer to have our vehicles out of sight, rather than parked in front obstructing the view. A detached garage would have been nearly impossible because of septic field lines, and of course more difficult for us to use. Thank-you for your time & consideration!

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***

John Howland 8-18-20
Owner Signature/Date

Representing Agent (if any)/date

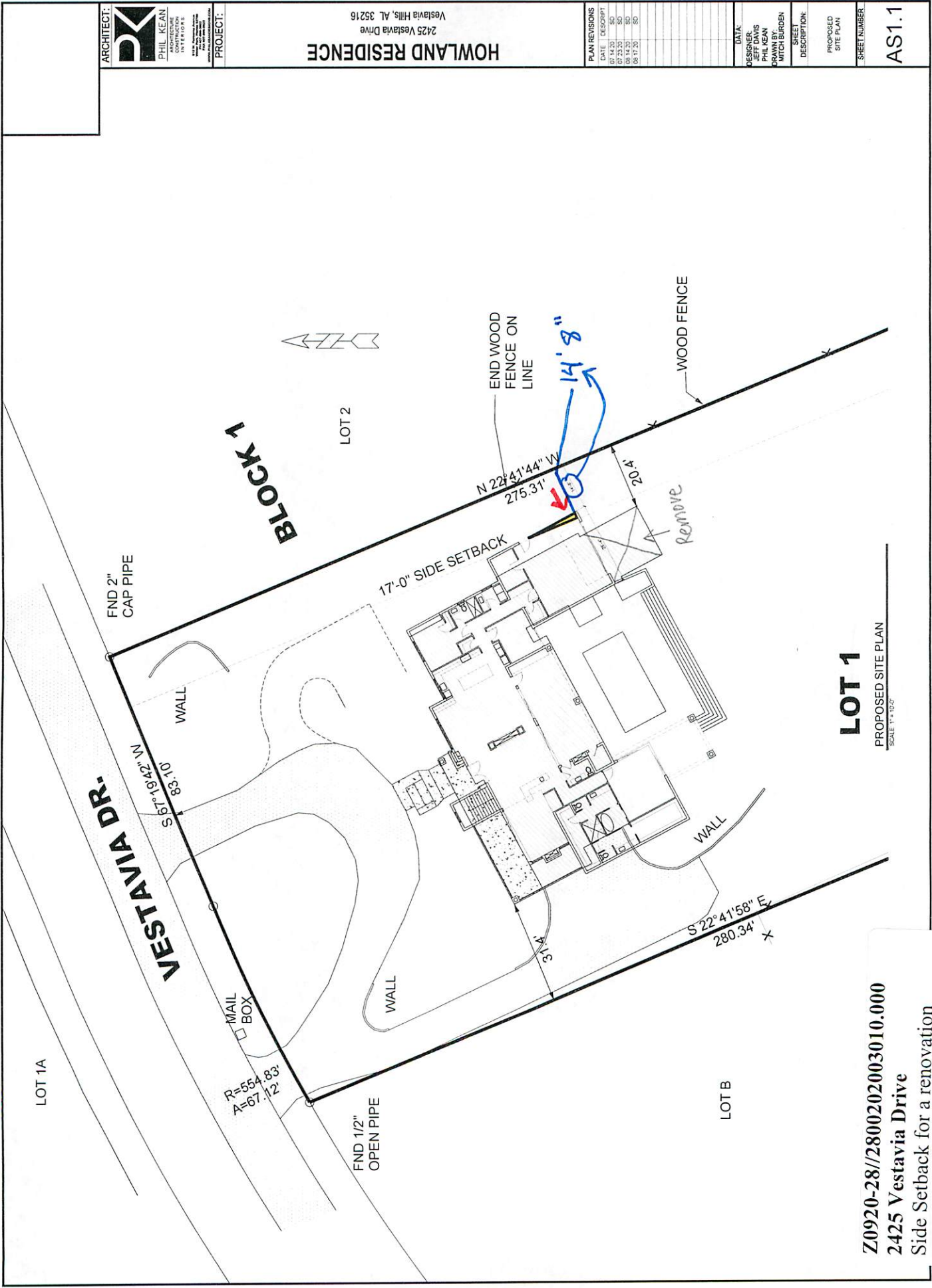
Given under my hand and seal
this 18th day of August, 2020.

Doreen L. Sapp
Notary Public
My commission expires 23rd
1/23/2024
day of January, 2024.



DATE	DESCRIPTION
07/14/20	SD
07/23/20	SD
08/14/20	SD
09/11/20	SD

SHEET	DESCRIPTION
PROPOSED	SITE PLAN



LOT 1
 PROPOSED SITE PLAN
 SCALE 1"=10'

Z0920-28//2800202003010.000
2425 Vestavia Drive
 Side Setback for a renovation
 John & Laura Howland

PROPOSED SITE PLAN

Z0920-28//2800202003010.000

2425 Vestavia Drive

Side Setback for a renovation

John & Laura Howland

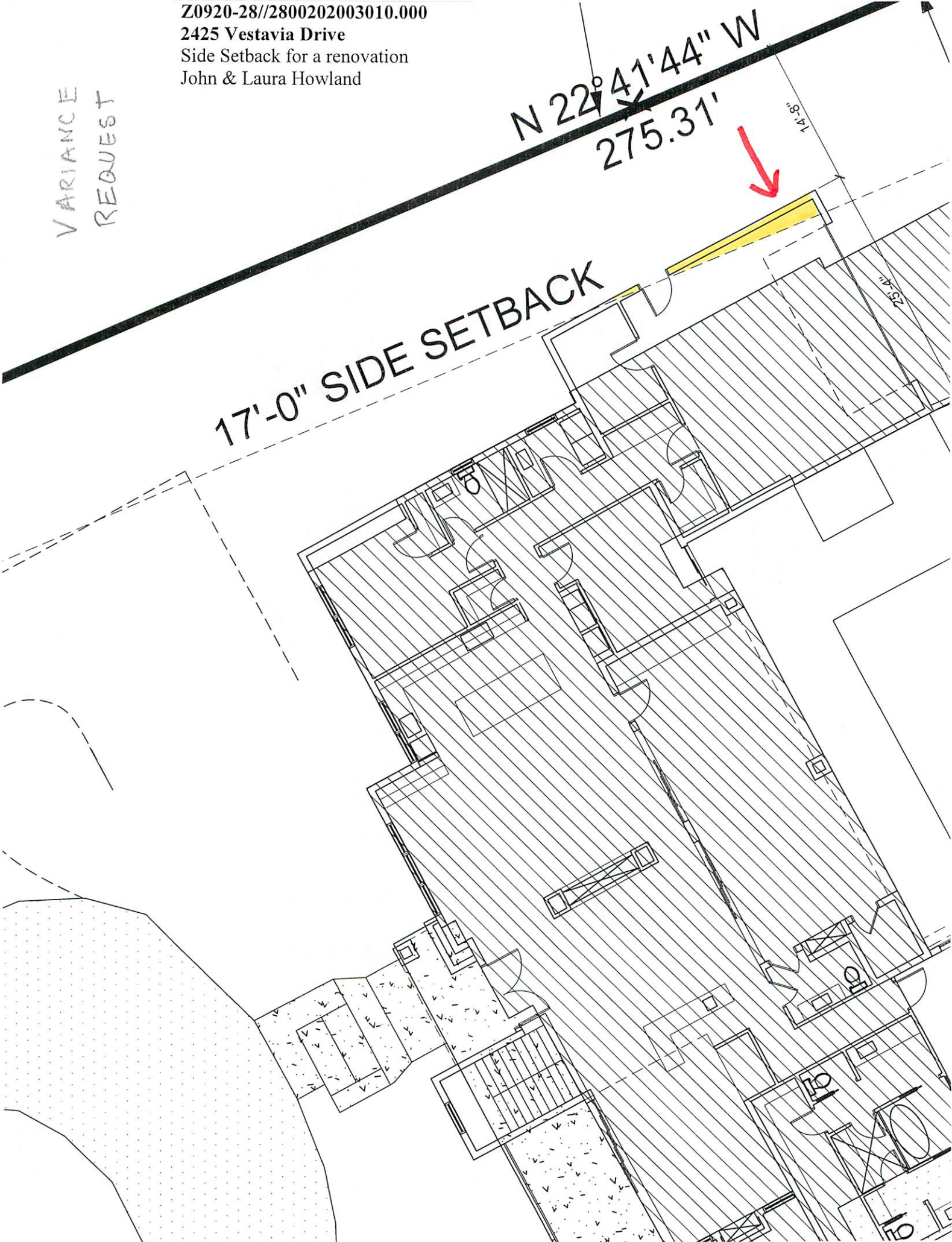
VARIANCE
REQUEST

N 22° 41' 44" W
275.31'

14.8"

17'-0" SIDE SETBACK

25.24'



Per. Test Pit

68.0'

83.19'

Approx. Loc. of exist. gas line
Reg'd Relocate away from field
Line area and Low enough for the
2" PVC pressure to be installed
over the gas line

Air

Area

APPROVED

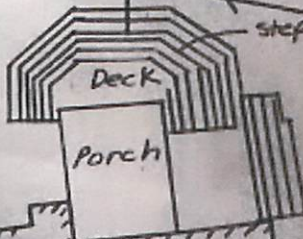
JEFFERSON COUNTY
DEPARTMENT OF HEALTH
BIRMINGHAM, ALABAMA

DATE: 12/09/99

[Signature]

275.38'

Proposed Additions (1 BR)



2" PVC Pressure Line

280.20'

New 1,000 gal

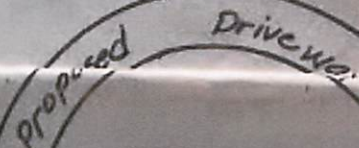
New 1,500 gal

Exist. Septic Tank (To be re)

Exist. 3 BR Home

Porch

Exist. Driveway



83.10'

67.12'

Vestavia Drive

SEE APPLICATION # 99-A-085
FOR CONDITIONS OF THIS APPROVAL
ANY CHANGE IN HOUSE LOCATION