

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

AGENDA

OCTOBER 15, 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 October 15, 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: September 17, 2020.

- (1) **BZA-1020-29** Scott and Lori Planson are requesting a **Rear and Side Setback Variance** for the property located at **3908 Asbury Road**. The purpose of this request is to reduce the rear setback to 10' in lieu of the approved 15' & to reduce the side setback to 4' in lieu of the required 10', to build a storage shed. The property is owned by Scott and Lori Planson and is zoned Vestavia Hills R-4.

- (2) **BZA-1020-30** Daniel and Kathy Tynes are requesting a **Rear Setback Variance** for the property located at **2319 Tanglewood Drive**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 15', to build a pool house. The property is owned by Daniel and Kathy Tynes and is zoned Vestavia Hills R-1.

- (3) **BZA-1020-31** Derek Waltchack is requesting a **Side Setback Variance** for the property located at **2445 Chestnut Road**. The purpose of this request is to reduce the side setback to 5' in lieu of the required 15', to build a playhouse. The property is owned by Derek Waltchack and is zoned Vestavia Hills R-2.

- (4) **BZA-1020-32** James and Amanda Woods are requesting a **Front Setback Variance** for the property located at **432 Sunset Drive**. The purpose of this request is to reduce the front setback to 24' in lieu of the required 50', to build an attached garage. The property is owned by James and Amanda Woods and is zoned Vestavia Hills R-2.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

September 17, 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
Rebecca Leavings City Clerk/Zoning Official

APPROVAL OF MINUTES

The minutes of August 20, 2020 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of August 20, 2020 was made by Mr. Jones and 2nd was by Mr. Ponder. 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.

APPEAL

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.

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

David Massey was present for the case. He said that this has come up for a public meeting before and both City Council and Planning & Zoning voted down the Conditional Use for the fence height extension. He said the structure detracts from the quality of the neighborhood.

He also said that these posts are true fence posts and not flag poles. It was also built by a fence company.

Zoning Official, Rebecca Leavings said that the flag designation is the only way to regulate this structure. It is not a fence because it is not a barrier. Nothing else could fit this structure. If it is not a fence then it is not regulated and there would be no limits to it.

Mr. Ponder stated that this is a stand-alone structure and is not a true barrier. If you remove the wood fence, nothing would prevent the Masseys to walk onto their neighbor's property. It is not a fence because the definition states that a fence is a barrier.

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 reject the Massey's appeal, for the property located at 1320 Willoughby 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.

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 stated this is a carry-over from last month. He 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. Ponder asked if Mr. Neely needed any more space for the request.

Ward Neely stated that the request was sufficient and that his hardship is the corner lot.

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 43' front setback variance to reduce the setback to 7' in lieu of the required 50' & a 2' rear setback variance to reduce the setback to 28' in lieu of the required 30' for the property located at 901 Granbury Road, was made by Mr. Jones and 2nd was by Mr. Holley. Motion was carried on a roll call vote as follows:

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

Motion carried.

MULTIPLE VARIANCES

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.

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.

Carrie Taylor was present representing Mr. Jantz. She stated that the in-ground tank in the rear causes 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' 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 lot area to 12,500 sq ft in lieu of the required 15,000 sq ft, for the property located at 2120 Chestnut Road and conditioned upon the approval and recording of a new plat, 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 SETBACK VARIANCE

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.

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.

Sheilah Nelson was present for her case and stated that her hardship was a corner 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 4’ front setback variance to reduce the setback to 8’ in lieu of the required 12’, for the property located at 3941 Knollwood Trace, 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 & SIDE SETBACK VARIANCE

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.

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

John Grund was present for the case and stated that his hardship was a corner 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 20’ front setback variance to reduce the setback to 30’ in lieu of the required 50’ & a 3’ side setback variance to reduce the setback to 12’ in lieu of the required 15’ for the property located at 2013 Vesthaven Way, 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.

SIDE SETBACK VARIANCE

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.

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.

Julie Maesele was present for the case and stated her hardship was the odd-shaped lot and the topography of 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 10’ in lieu of the required 20’, for the property located at 3172 Belwood Drive, 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.

SIDE SETBACK VARIANCE

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.

This case was withdrawn prior to the public hearing.

SIDE SETBACK VARIANCE

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.

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

John and Laura Howland were present for the request and stated that their hardship was the field lines in the rear and septic tank on the right side of the house.

Mr. Rice opened the floor for a public hearing.

Mr. Cook, of 2430 Shades Crest Road, was concerned about storage container on applicant's property.

Zoning Official, Rebecca Leavings, stated that those containers are regulated and that they need to contact the Building Department to ensure its use is legal.

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 3' side setback variance to reduce the setback to 14' in lieu of the required 17', for the property located at 2425 Vestavia Drive, 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 7:01 PM, Mr. Rice made a motion to adjourn. The meeting adjourned at 7:01 PM.

Jack Wakefield,
Planner/GIS

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

Date: October 15, 2020

- **CASE: BZA-1020-29**
- **REQUESTED ACTION:** 5’ rear setback variance to reduce the setback to 10’ in lieu of the required 15’ & 6’ side setback variance to reduce the setback to 4’ in lieu of the required 10.
- **ADDRESS/LOCATION:** 3908 Asbury Road
- **APPLICANT/OWNER:** Scott & Lori Planson
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicants are seeking a rear and side setback variance to build a storage shed. The shed will be located in the back-right side of the lot. The applicants contend that the septic tank and field lines in the rear causes a hardship. There is an area between the garage and the house that is open, but Jefferson County has designated that as a spot for where replacement field lines would go if they were needed to be relocated. Because of the County designation, this area is unbuildable. Upon Staff Review, we noticed that adding a second accessory structure might be against the code. According to the code, “**only one main structure and its accessory buildings may be built on any lot of record**”. The plural of building made staff believe that a second accessory structure would be allowed. The applicant’s property is zoned Vestavia Hills R-4.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

The owner of the property understands that the Board of Zoning Adjustment only has jurisdiction to grant variances from the Vestavia Hills Zoning Code in cases of undue hardship only. Variances cannot be considered or granted on any kind of private covenants as covenants are restrictions between property owners.

EXAMPLE: If you are asking for a variance from a building setback line and the building setback line is recorded on the plat and matches the Zoning Code, then the Board of Zoning Adjustment would only hear the case based on the Zoning Code requirements, not what is on the recorded plat. The recorded plat is a covenant between property owners of the subdivision. You must have signatures of every property owner on the recorded plat map to change the covenant portion of the setback. The letter of signatures approving the amendment of the covenants must be filed with the Office of the Probate Court. Again, the BZA can only grant a variance based on the Zoning Code and that is the only portion of the building setback changes that the BZA can vote upon. Once a waiver is filed with the Office of the Probate, please include a copy of the recorded amendment with the application to the Office of the City Clerk.

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

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Scott and Lori Planson
Address: 3908 Asbury Road
3908 Asbury Road
Phone #: 205-566-5395 Other #: 205-567-9181
E-Mail: lori@changingspacesmoving.com

Billing/Responsible Party

Name: Scott and Lori Planson
Address: 3908 Asbury Road
Phone #: 205-566-5395 Other #: 205-567-9181
E-Mail: lori@changingspacesmoving.com

Representing Attorney/Other Agent

Name: _____
Address: 3908 Asbury Road
3908 Asbury Road
Phone #: 205-566-5395 Other #: 205-567-9181
E-Mail: lori@changingspacesmoving.com

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 3908 Asbury Road
Street Address
Subdivision name, Lot #, Block #, etc.

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

1. A request to vary:
_____ ' variance to reduce the lot width to _____ ' in lieu of the required _____ '
_____ square foot variance to reduce the lot area to _____ square feet in lieu of the required _____ square feet.
5 ' front/side/rear (circle one) setback variance to reduce the setback to 10 ' in lieu of the required 15 '
6 ' front/side/rear (circle one) setback variance to reduce the setback to 4 ' in lieu of the required 10 '
_____ ' 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 _____).

Z1020-29//2800153008026.000
3908 Asbury Rd.
Side & rear setback for a shed
Scott & Lori Planson R-4

205-567-9181

IV. ZONING

Vestavia Hills Zoning for the subject property is R-4.

V. HARDSHIP

Describe those things which you feel justify the action requested. An Undue Hardship is required in order to seek a variance. List, when necessary, the specific sections of the City Code(s) which have a bearing on your request. (Use additional space on separate page if necessary).

Field lines and a very mature tree that prohibit us from the structure being further away from the adjacent property.



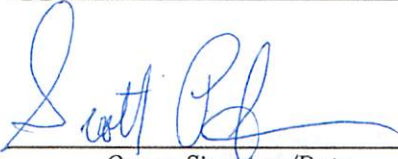
VI. PROJECT:

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

Complete a storage shed on the back of our property & paint a green to harmoniously blend with trees and foliage

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 20th day of August, 2020.



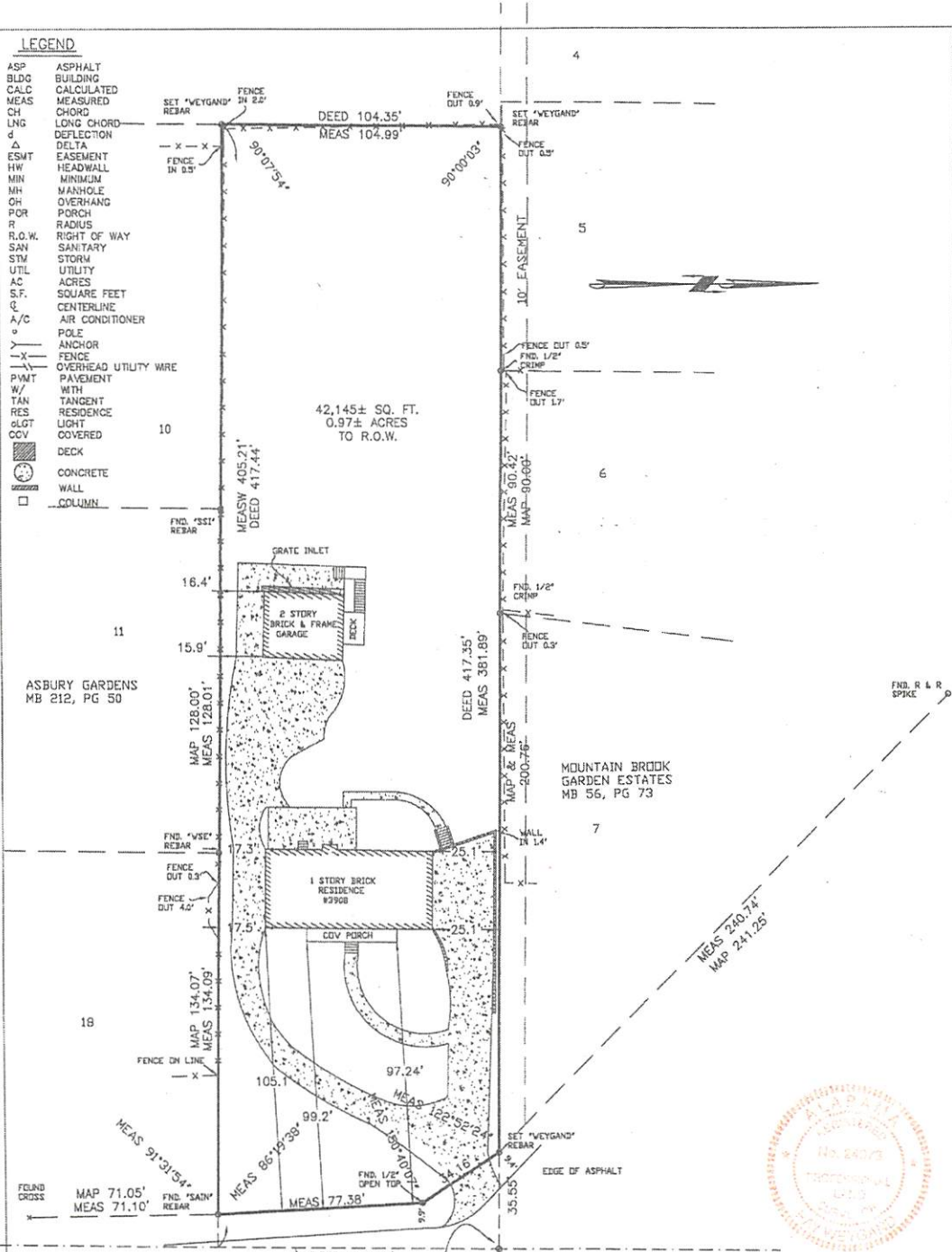
Notary Public

My commission expires March
day of 31, 2023.



LEGEND

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



42,145± SQ. FT.
0.97± ACRES
TO R.O.W.

ASBURY GARDENS
MB 212, PG 50

MOUNTAIN BROOK
GARDEN ESTATES
MB 56, PG 73

ASBURY ROAD
40' R.O.W.

P.O.B.
NE CORNER
SE 1/4 SW 1/4
SECTION 15, T-18S, R-2W
JEFFERSON CO., AL



SCALE: 1"=40'
State of Alabama
Jefferson County

I, Roy Weygard, a registered Land Surveyor, certify that I have surveyed the land shown and described hereon; that there are no rights-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown. 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.

Legal Description:
Part of the Southeast 1/4 of the Southwest 1/4 of Section 15, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, more particularly described as follows:
Begin at the Northeast Corner of the SE 1/4 of the SW 1/4 of Section 15, Township 18, Range 2 West; thence run South along the East line of said 1/4 Section 104.35 feet; thence run West and parallel with North line of said 1/4 Section 417.44 feet; thence run North and parallel with the East line of said 1/4 Section 104.35 feet to the North line and parallel with the East line of said 1/4 Section 104.35 feet to the North line of 1/4 Section 417.44 feet to the point of beginning.

According to my survey of: MARCH 4, 2016
Order No.: 59340
Purchase: 3908 ASBURY ROAD
Address: 3908 ASBURY ROAD

Roy Weygard
Roy Weygard/Reg. L.S. #24973
159 Oxmoor Road, Ph: 942-0086
Homewood, AL 35209
© Copyright

Survey invalid if not sealed in red.

10' from lot line

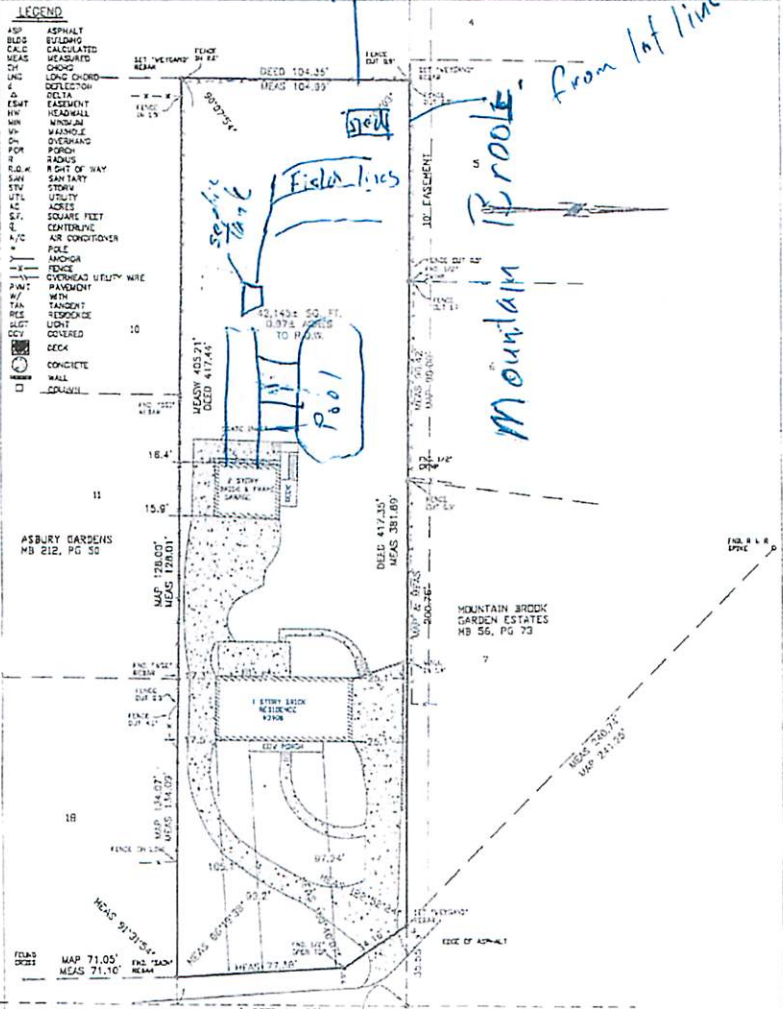
10' from lot line

septic tank

Field lines

Pool

Mountain Brook



ASBURY ROAD
DEED LINE DEED 104.35
CALC 105.05'

MOUNTAIN BROOK
DEED 417.35'
MFAS 381.89'

ASBURY GARDENS
MB 212, PG 55

MOUNTAIN BROOK GARDEN ESTATES
MB 56, PG 73

LEGAL DESCRIPTION:
Part of the Southwest 1/4 of the Southwest 1/4 of Section 15, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, more particularly described as follows:
Begin at the Northeast Corner of the SE 1/4 of the SW 1/4 of Section 15, Township 18, Range 2 West; thence run South along the East line of said 1/4 Section 104.35 feet; thence run West and parallel with North line of said 1/4 Section 417.44 feet; thence run North and parallel with the East line of said 1/4 Section 104.35 feet to the North line and parallel with the East line of said 1/4 Section 104.35 feet to the North line of 1/4 Section 417.44 feet to the point of beginning.

According to my survey of MARCH 4, 2014.
Order No. 20140
Purchaser: 1000 ASBURY ROAD
Address:
Survey invalid if not sealed in red.

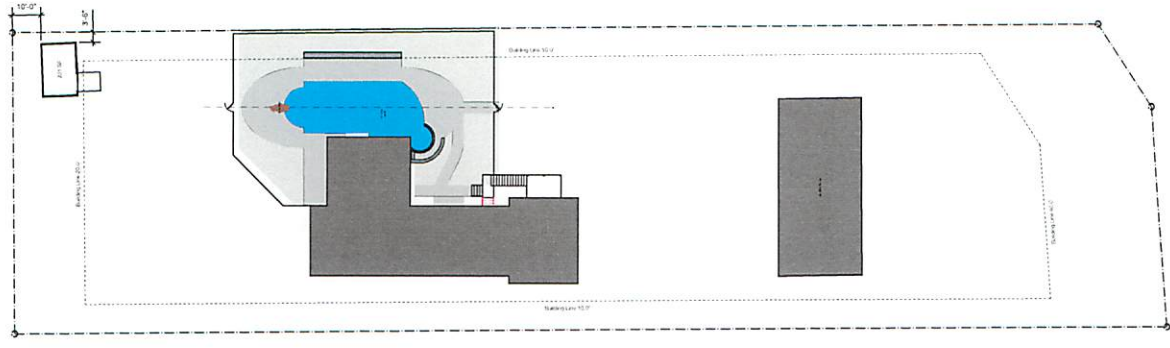
Surveyor:
Ray Reynolds, L.S. 874973
169 Osborn Road, Mt. 947-0750
Homewood, AL 35209
© Copyright



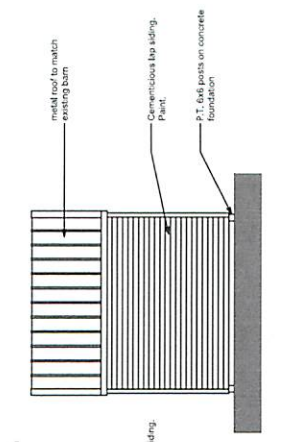
Planson Residence
 3908 Asbury Road
 Vestavia Hills, Alabama

Project: 1442
 Date: 07/18/20
 Drawing No: 1442
 Archt. Site Plan
 Floor Plan
 Elevations & Section

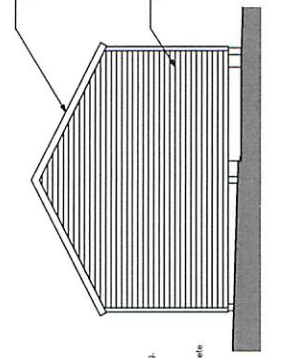
A.I.O.



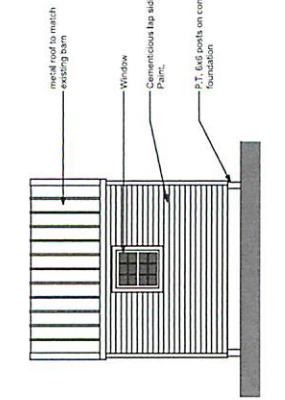
1 Architectural Site Plan
 Scale: 1" = 20'-0"



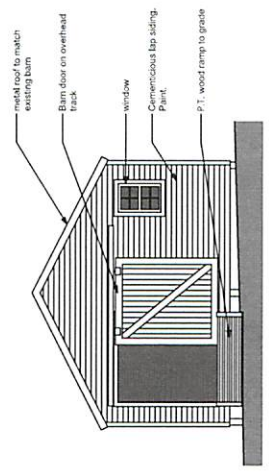
4 Side Elevation
 Scale: 1/8" = 1'-0"



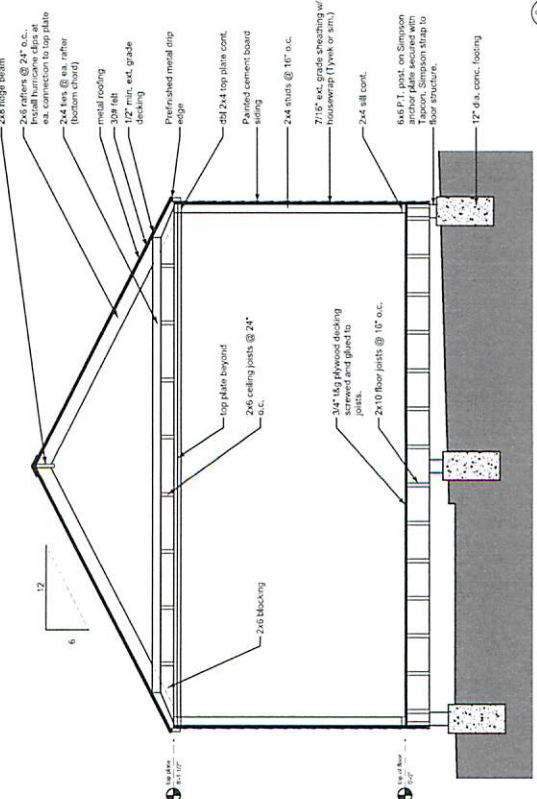
5 Rear Elevation
 Scale: 1/8" = 1'-0"



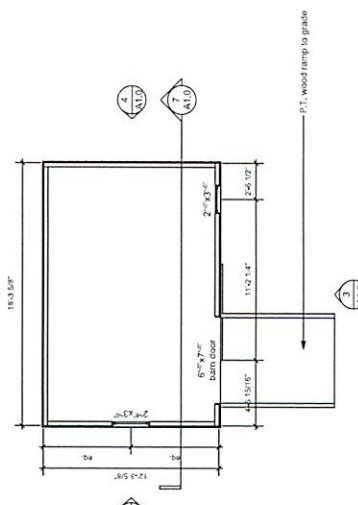
6 Side Elevation
 Scale: 1/8" = 1'-0"



3 Front Elevation
 Scale: 1/8" = 1'-0"



7 Building Section
 Scale: 1/2" = 1'-0"



2 First Floor Plan
 Scale: 1/8" = 1'-0"

§5.5. R-4 Medium Density Residential District

This district is intended to accommodate detached, single-family dwellings on moderately-sized lots together with other uses, as may be permitted on appeal, which are compatible with such residential uses.

5.5.1. Use Regulations: See [Table 5](#) (at the end of this Article) for Permitted Uses, Special Exception Uses, and Conditional Uses.

1. Only low intensity institutional uses shall be permitted and only by Special Exception per [§12.3](#) or as Conditional Uses per [§13.3](#), as indicated in Table 5.

5.5.2. Area and Dimensional Regulations. The area and dimensional regulations set forth following and in Table 5.5 shall be observed (See also [Article 4 General Regulations](#)):

1. Only one main structure and its accessory buildings may be built on any lot of record, which, at the time of enactment of this Ordinance, is separately owned.
2. On no lot separately owned shall the aggregate width of required side yards be such that less than twenty-four (24) feet of the width of the lot be left to build upon after side yard requirements are observed.

5.5.3. Development Standards.

1. For accessory structures, see [§4.4](#).
2. For parking requirements, see [Article 8](#).
3. For landscaping requirements for permitted non-residential uses, see [Article 9](#).
4. For sign regulations, see [Article 11](#).

Table 5.5 R-4 District Area and Dimensional Regulations	
Min. Floor Area	1,200 sq. ft.
Min. Yard Setbacks	
Front	40 ft
Rear	25 ft
Side	10 ft
Min. Lot Area	12,000 sq. ft.
Min. Lot Width	70 ft
Max. Building Height	35 ft or 2 ½ stories, whichever is less
Max. Building Area	
On percent of lot	30%

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

Date: October 15, 2020

- **CASE: BZA-1020-30**
- **REQUESTED ACTION:** 5' rear setback variance to reduce the setback to 10' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 2319 Tanglewood Drive
- **APPLICANT/OWNER:** Daniel & Kathy Tynes
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicants are seeking a rear setback to build a pool house. The applicants contend that the electrical lines on the side of the house causes the hardship. The electrical service that runs down the western side of the lot creates a safety hazard if the structure would be built to within the zoning regulations; as the structure would be too close to the electrical lines. Per industry safety standards, a safe distance between the lines and the structure is 25'. Thus, the structure must be pushed more towards the back of the lot. Between the house and the accessory structure is the location of the pool. 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: Daniel & Kathy Tynes
Address: 2319 Tanglewood Drive
Vestavia Hills, AL 35216
Phone #: 205-790-1270 Other #: 205-790-3475
E-Mail: dctynes@me.com

Billing/Responsible Party

Name: Daniel Tynes
Address: 2319 Tanglewood Dr.
Phone #: 205-790-1270 Other #: _____
E-Mail: dctynes@me.com

Z1020-30//2800293004004.000

2319 Tanglewood Drive

Rear setback variance for a pool & pavilion

Daniel & Kathy Tynes

R1

Representing Attorney/Other Agent

Name: N/A

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 2319 Tanglewood Drive, Vestavia 35216
Street Address
Tanglewood Park 1st Sector, 3rd Addition, Lot 13-A, Block 6, Plat 103, p. 54
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' 10" front/side rear (circle one) setback variance to reduce the setback to 10 ' in lieu of the required 15' ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
_____ ' 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 _____).

Z1020-30//2800293004004.000

2319 Tanglewood Drive

Rear setback variance for a pool &
pavilion

Daniel & Kathy Tynes

R1

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).

Safety issue. The map survey shows a 10 side easement, but there is electric service running along the western property line. We want to increase the safety margin distance between the power lines and the proposed pavilion from 17 Ft to 25 Ft. In doing this we have an undue hardship. The pool function is compromised.

VI. PROJECT:

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

We are adding a swimming pool & pavilion to our back yard. Due to the power lines located on the western side of the property we request a variance from 15 Ft to 10 Ft for an 18 Ft section of the 25 Ft rear boundary. This variance will allow for a greater safety distance from the power lines and allow proper pool function.

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***

Daniel C Tynes

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 8th day of September, 2020.

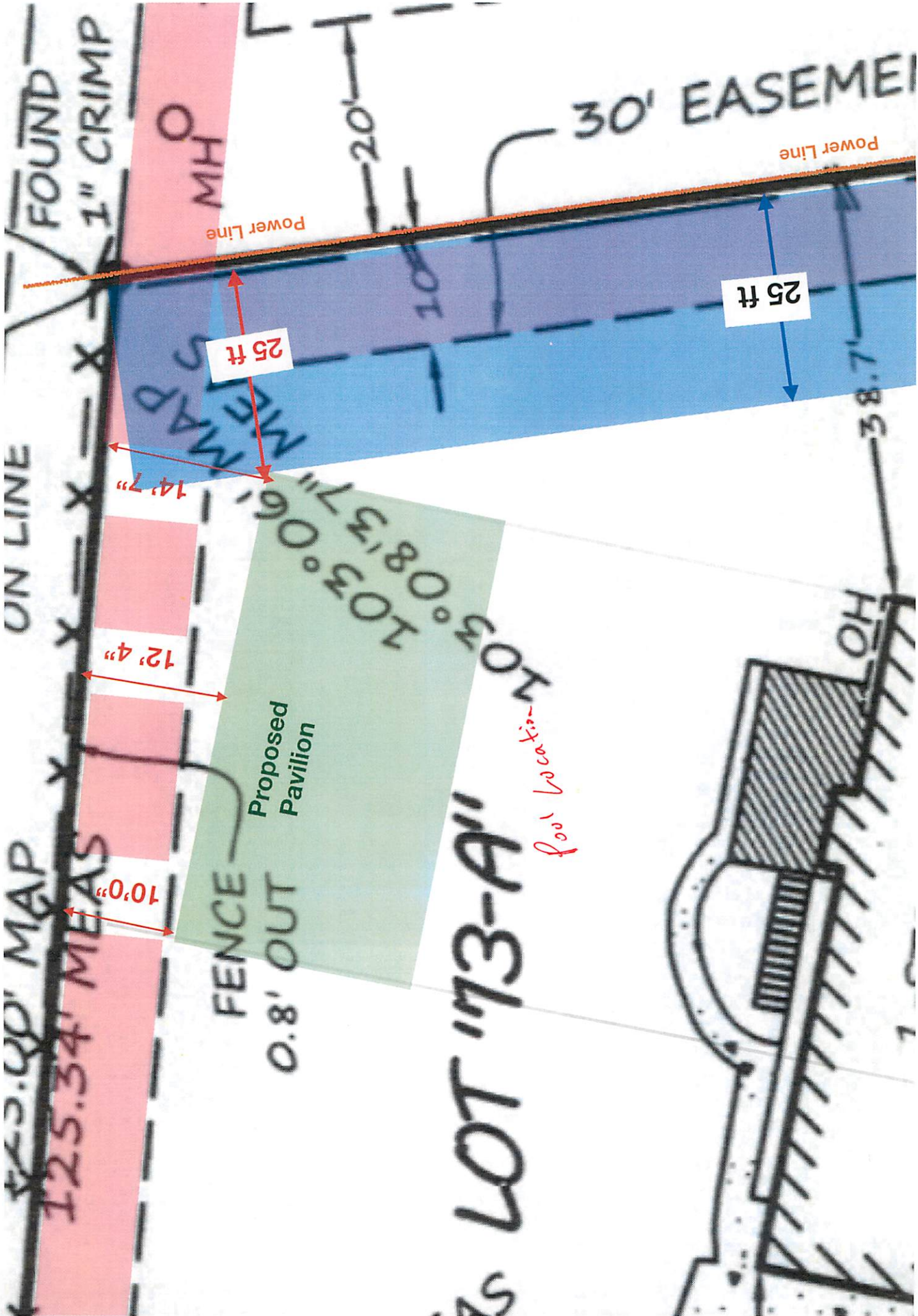
[Signature]

Notary Public
My commission expires Oct 30th
day of Oct, 2023.

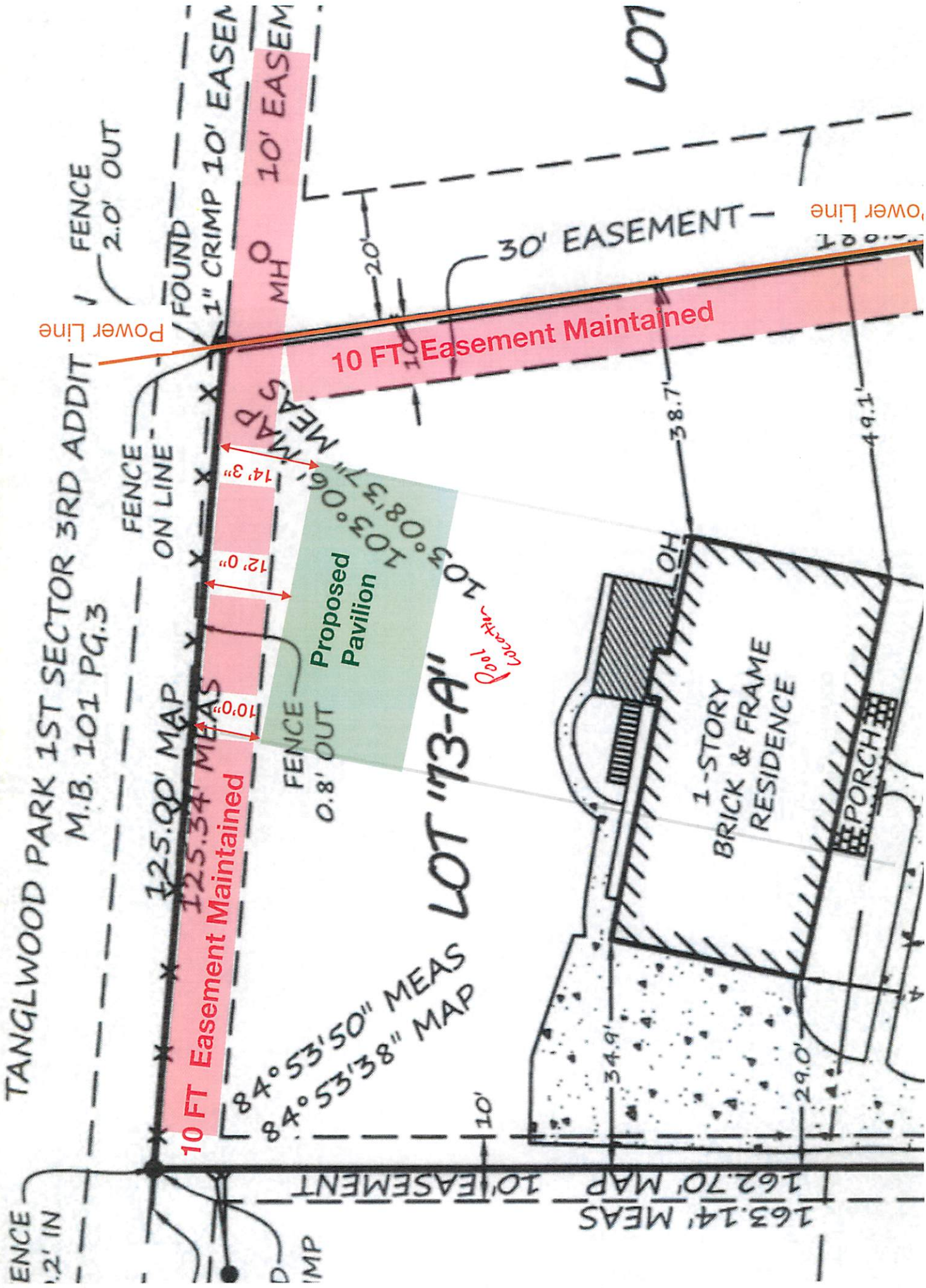
My Commission Expires
October 30, 2023



Safety Distance Increased to 25 Ft



10 ft Easement Maintained





SCALE: 1/8" = 1'-0"
DATE: 9-7-2010

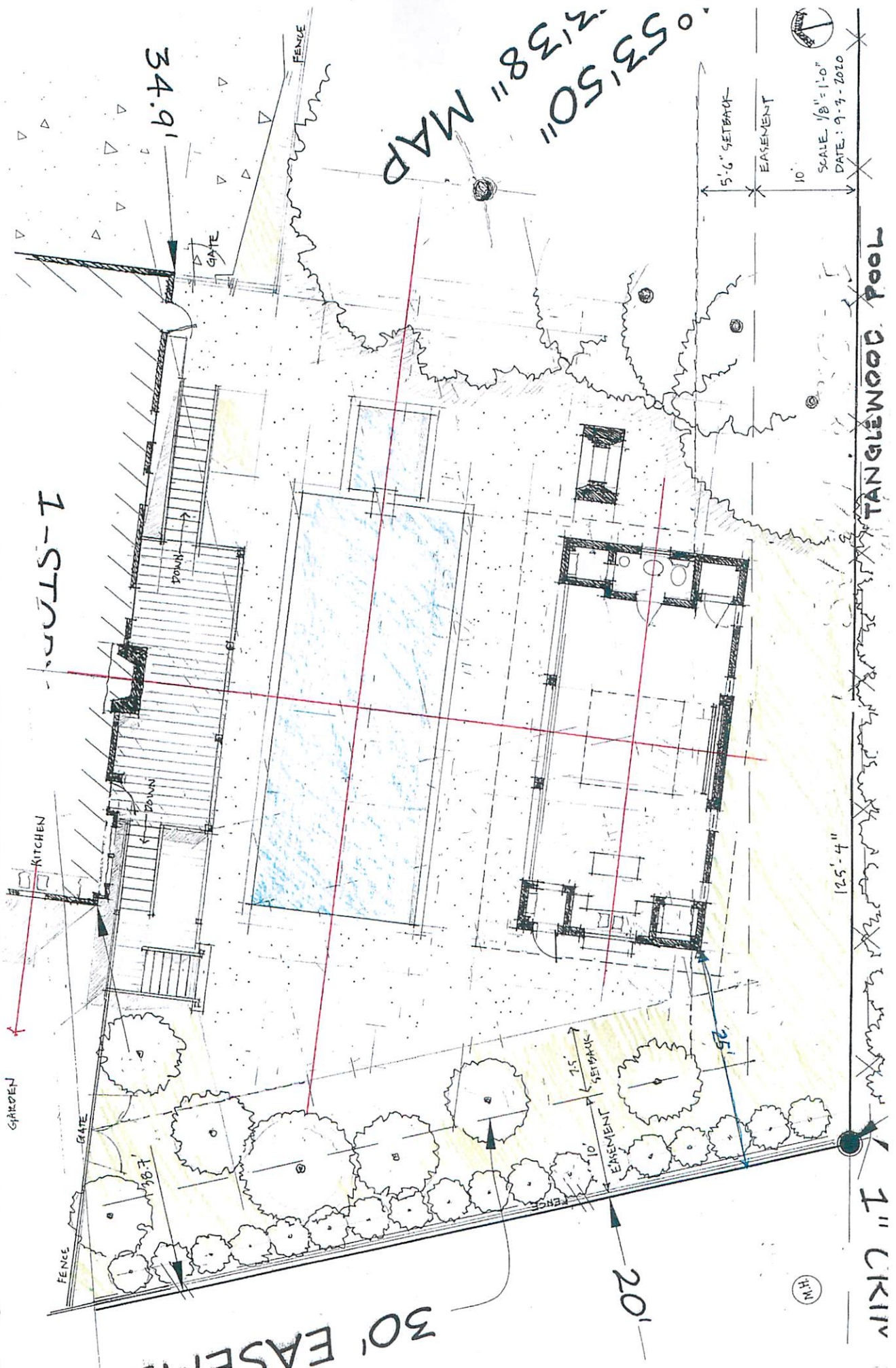
53'50"
2'38" MAP

34.9'

TANGLEWOOD POOL

125'-4"

1" CRIP



1-STAIR

KITCHEN

DOWN

DOWN

GARDEN

GATE

GATE

FENCE

5'6" SETBACK

EASEMENT

10'

7.5' SETBACK

EASEMENT

20'

M.H.

30' EASEMENT

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

Date: October 15, 2020

- **CASE: BZA-1020-31**
- **REQUESTED ACTION:** 10' side setback variance to reduce the setback to 5' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 2445 Chestnut Road
- **APPLICANT/OWNER:** Derek Waltchack
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicant is seeking a side setback variance to build a playhouse. This playhouse serves as an accessory structure. The applicant contends the corner lot causes the hardship, as the front setbacks eat into the buildable area. The driveway also encroaches into that rear/side yard. 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.

2020 SEP 15 4 48 PM
**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: Derek Waltchack
Address: 2445 Chestnut Road, Vestavia Hills, AL 35216

Phone #: 205-223-2607 Other #: _____
E-Mail: dw@shanwalt.com

Billing/Responsible Party

Name: Derek Waltchack
Address: 2445 Chestnut Road, Vestavia Hills, AL 35216
Phone #: 205-223-2607 Other #: _____
E-Mail: dw@shanwalt.com

**Z1020-31//2800202008001.000
2445 Chestnut Rd.
Side Setback for a playhouse
Derek Waltchack**

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: 2445 Chestnut Road, Vestavia Hills, AL 35216

Street Address

Lot 16-A 6 addition to 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.
X ' front/side/rear (circle one) setback variance to reduce the setback to
5 feet ' in lieu of the required 15 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 _____ ' .
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).*

Our home is built on a corner lot. Due to the additional front-yard setbacks, our buildable area in the back yard is limited.

VI. PROJECT:

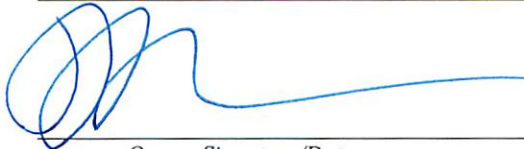
Describe the scope of the project and/or the reason for requesting this variance.

We would like to build a kid's playhouse in our backyard. The materials would match our home- painted wood siding, wood shingle roof and 100-yr old restored windows sourced from the old Nabisco Bakery by Railroad Park.

The current setbacks would place the structure in the middle of our back yard. We eventually would like to build a pool in our backyard. If we built the playhouse where the current setback requires, there would be not enough room left to build a pool.

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***

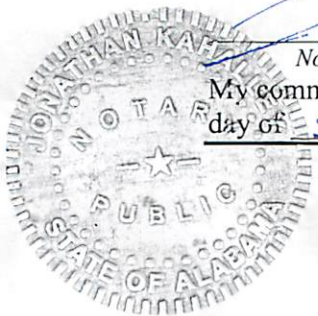


Owner Signature/Date

Representing Agent (if any)/date

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

Notary Public
My commission expires 26th
day of September, 2023.



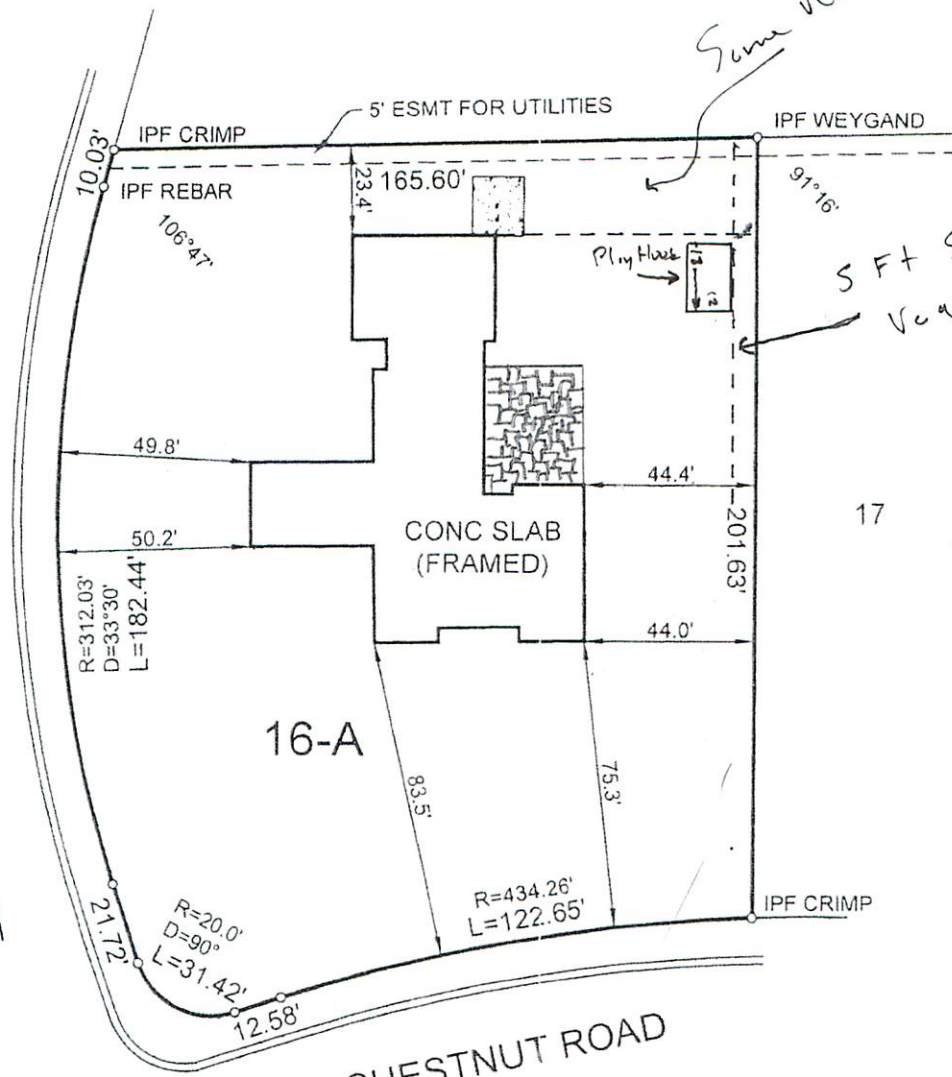
Requested Change

Some Rear Yard SB

5 Ft Side Yard Requested

SCALE, 1" = 50'

MONTEREY PLACE



CHESTNUT ROAD

I, the undersigned Licensed Land Surveyor, certify that I have surveyed Lot 16-A, VESTAIVA HILLS SIXTH ADDITION as page 1 in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey were completed in accordance with the current requirements of the Standards of Practice for Surveying in the best of my knowledge, information, and belief; that the correct address is as follows: 2445 on my survey of October 11, 2017. Survey is not valid unless it is sealed with embossed seal or

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

David B. Entekin

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

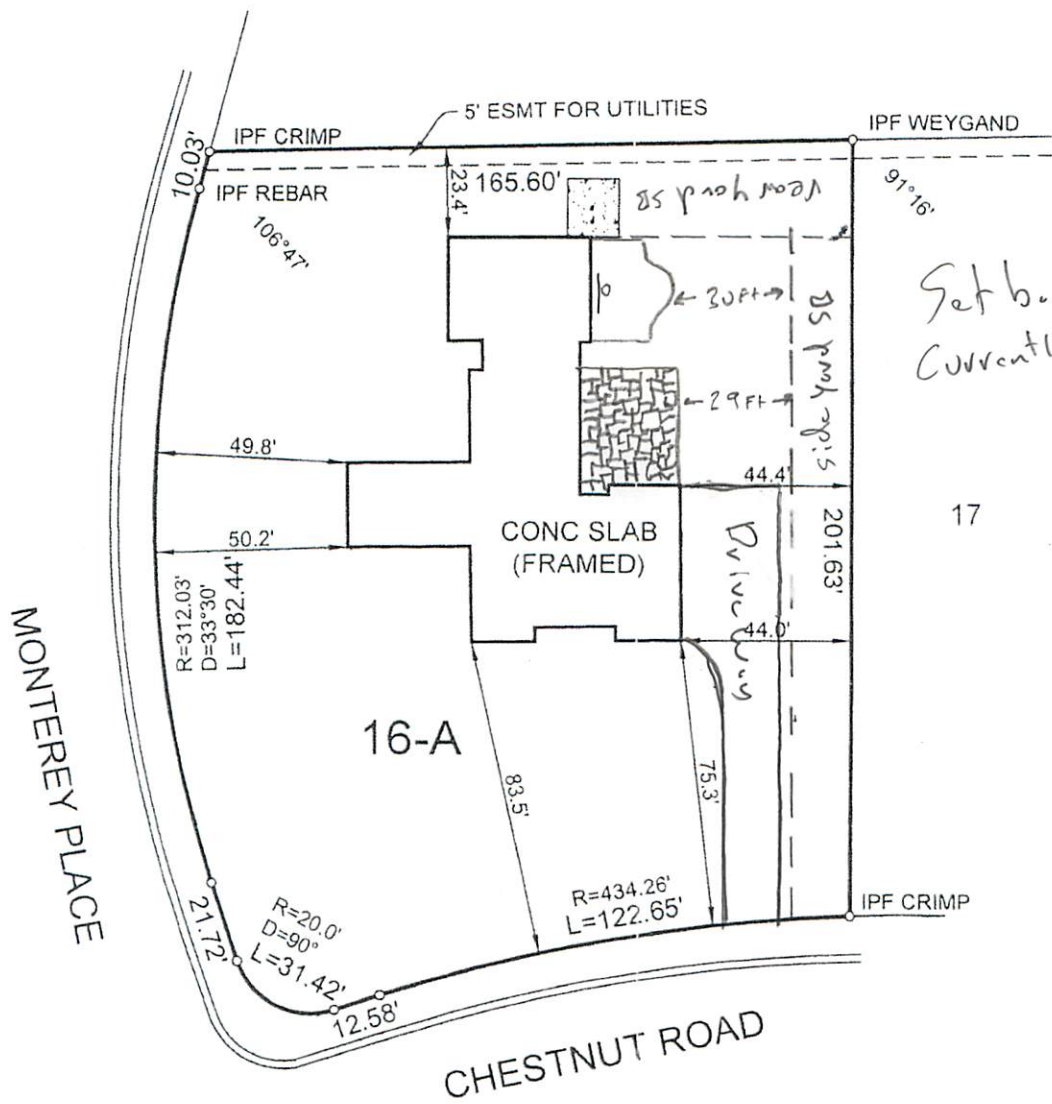
10-12-2017

Date of Signature



itecture

SCALE: 1"=50'



I, the undersigned Licensed Land Surveyor, certify that I have surveyed Lot 16-A, VESTAIVA HILLS SIXTH ADDITION as Page 1 in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey completed in accordance with the current requirements of the Standards of Practice for Surveying in the best of my knowledge, information, and belief; that the correct address is as follows: 2445 [unclear] to my survey of October 11, 2017. Survey is not valid unless it is sealed with embossed seal or

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

David B. Entrekin

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

10-12-2017

Date of Signature



chitecture
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Chestnut Rd

Chestnut Rd

Chestnut Rd

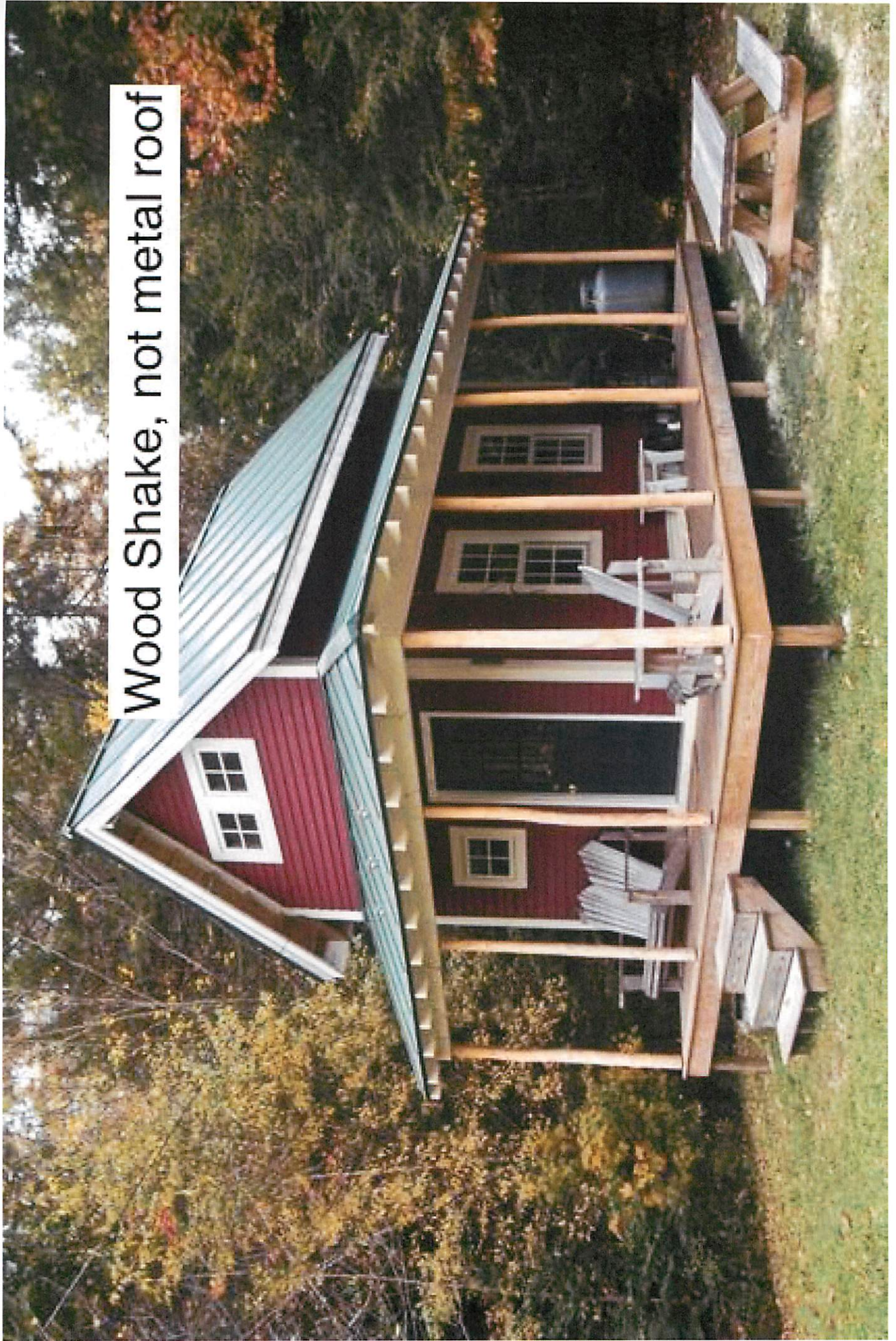
Monterey Pl

Monterey Pl

Red = Property Line
Yellow = Setback Lines



Wood Shake, not metal roof



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

Date: October 15, 2020

- **CASE: BZA-1020-32**
- **REQUESTED ACTION:** 26' front setback variance to reduce the setback to 24' in lieu of the required 50'.
- **ADDRESS/LOCATION:** 432 Sunset Drive
- **APPLICANT/OWNER:** James & Amanda Woods
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicants are seeking a front setback variance to build a garage addition. There are multiple additions, but the garage is the only one encroaching in the setback. The applicants contend the corner lot causes the hardship, as the front setbacks eat into the buildable area. This addition will be far enough away from the roadway to prevent any site distance issues. 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: JAMES & AMANDA WOODSAddress: 432 SUNSET DR.VESTAVIA HILLS, AL 35216Phone #: 205-420-2290 Other #: _____E-Mail: amwoods408@gmail.com

Billing/Responsible Party - SAME ↑

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: 432 Sunset Drive
Street Address

LOT # 27
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 24 ' in lieu of the required 50 ' .
_____ ' 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 _____).

Z1020-32//2800194010006.000
432 Sunset Drive
Front Setback for an addition
James & Amanda Woods
R2

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).

CORNER LOT

VI. PROJECT:

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

Addition/Renovation to an existing home on a corner lot. Owner is expanding the home from a 2-2 to a 4-3 to accommodate their growing family.

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***

Amanda Woods 9-15-20
Owner Signature/Date

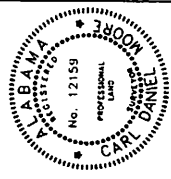
Representing Agent (if any)/date

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

[Signature]
Notary Public
My commission expires 30th
day of Oct, 2023.

My Commission Expires
October 30, 2023



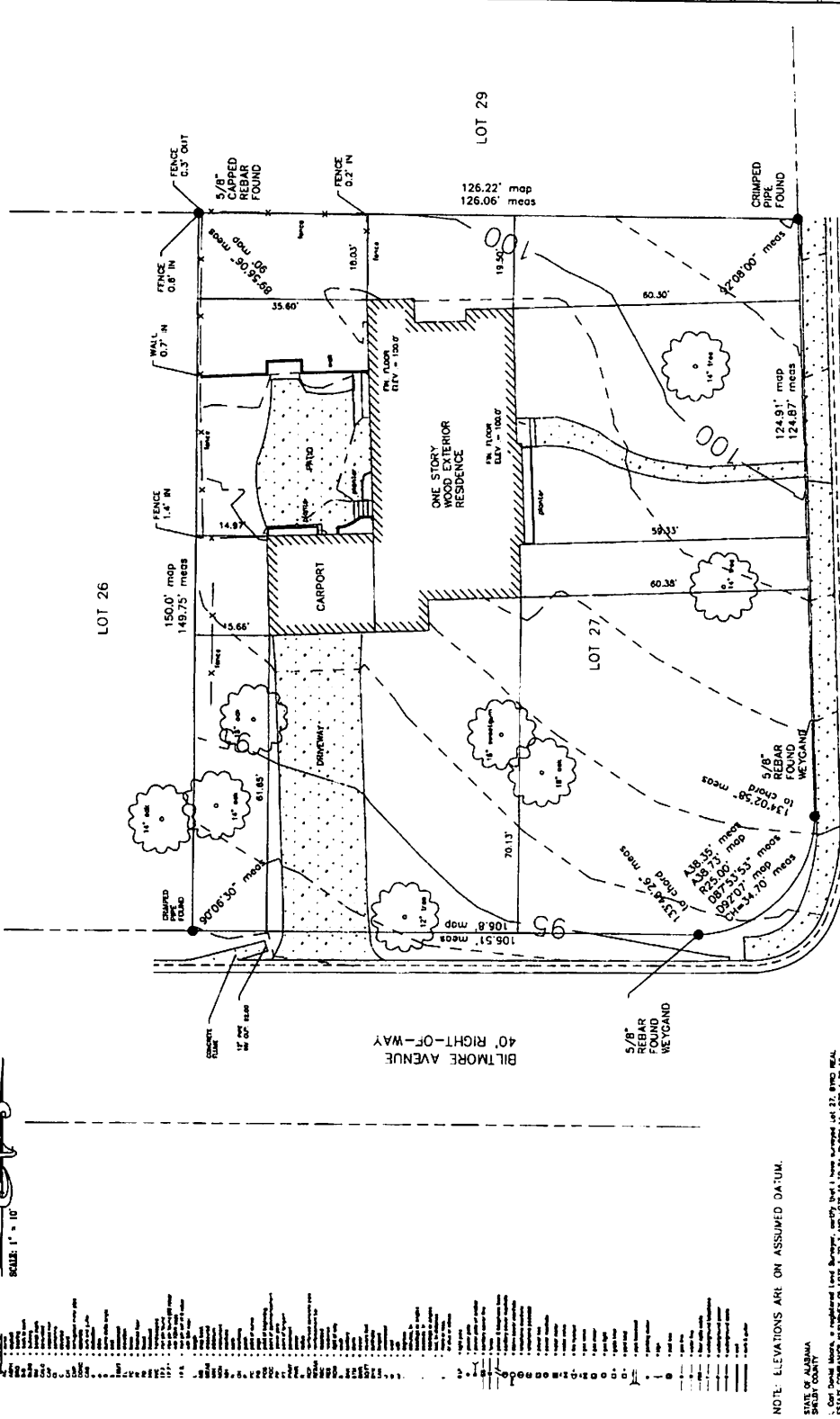


PREPARED FOR:
AMANDA WOODS

SURVEYING SOLUTIONS, INC.
TOPOGRAPHIC & FINAL SURVEY, TREE SURVEY
MAP BOOK 32, PAGE 46
LOT 27 BYRD REAL ESTATE COMPANY'S RESURVEY
JEFFERSON COUNTY, ALABAMA
P.O. Box 380065
Birmingham, AL 35238-0065

DATE: 8-11-2020
REVISED: _____
CHECKED: JEM
DRAWN: JJ

SHEET TITLE
DRAWING: _____
ALABAMA SURVEYING AND MAPPING BOARD
REGISTERED PROFESSIONAL SURVEYOR
ORDER NO 131713
SHEET: 1



NOTE: ELEVATIONS ARE ON ASSUMED DA.TUM.

STATE OF ALABAMA
JEFFERSON COUNTY

Point	Elevation
1	108.51
2	109.94
3	108.51
4	109.51
5	108.51
6	109.51
7	108.51
8	109.51
9	108.51
10	109.51
11	108.51
12	109.51
13	108.51
14	109.51
15	108.51
16	109.51
17	108.51
18	109.51
19	108.51
20	109.51
21	108.51
22	109.51
23	108.51
24	109.51
25	108.51
26	109.51
27	108.51
28	109.51
29	108.51
30	109.51
31	108.51
32	109.51
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35	108.51
36	109.51
37	108.51
38	109.51
39	108.51
40	109.51

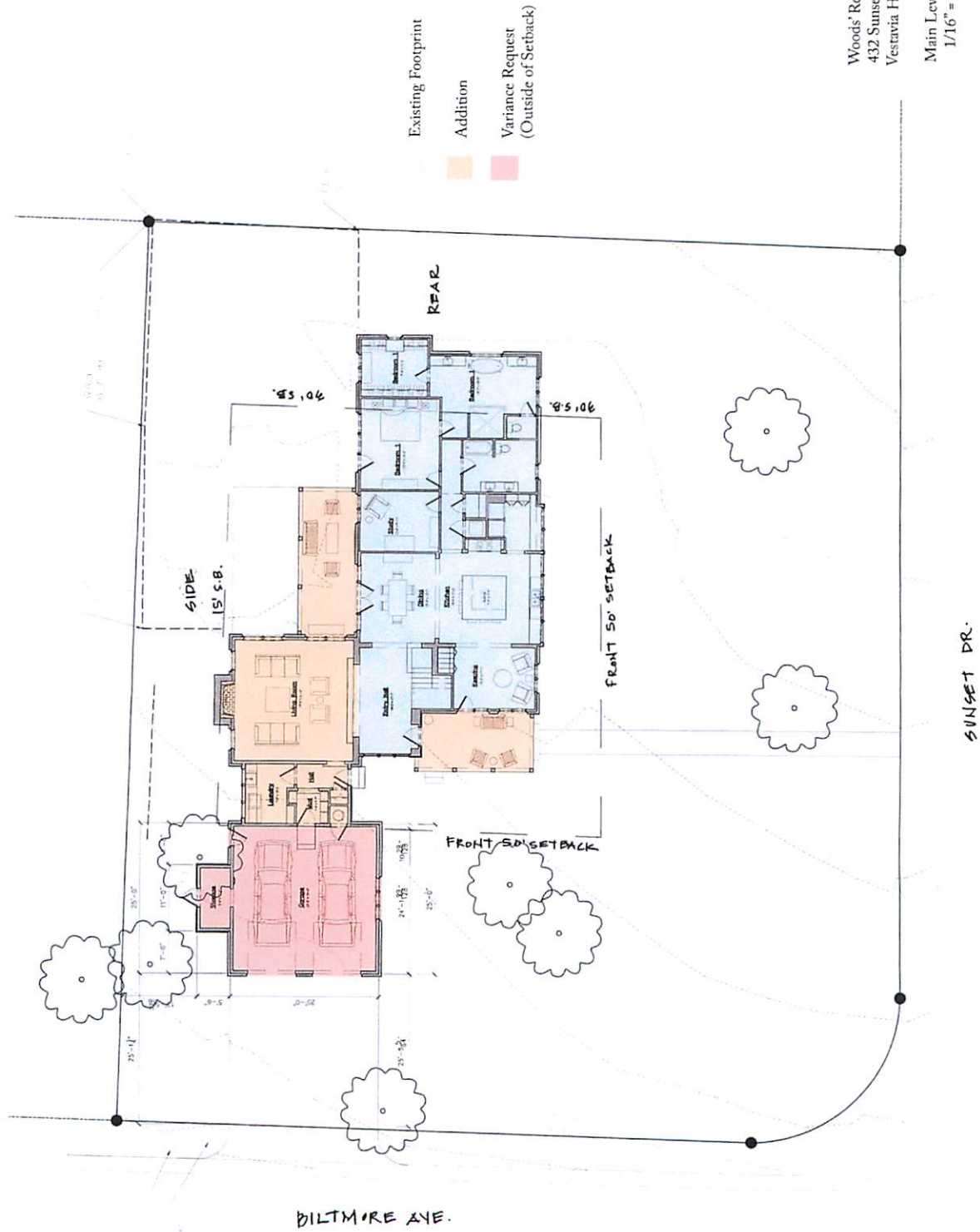
Carl Daniel Moore
Professional Surveyor No. 12159

PLAT PREPARED BY: *Carl Daniel Moore*, No. 12159, Professional Surveyor, State of Alabama, at Birmingham, Alabama, on this 11th day of August, 2020. The above plat was prepared by me, the undersigned, and I am a duly qualified and licensed Professional Surveyor in the State of Alabama.

NOTE: ELEVATIONS ARE ON ASSUMED DA.TUM.

Woods' Residence
432 Sunset Drive
Vestavia Hills, AL

Main Level Plan
1/16" = 1'-0"



Existing Footprint
Addition
Variance Request
(Outside of Setback)

BILTMORE AVE.

SUNSET DR.