BOARD OF ZONING ADJUSTMENT

AGENDA

January 21, 2021

6:00 P.M.

Roll Call.

Approval of Minutes: December 17, 2020.

- (1) BZA-0121-01 Franklin Moore is requesting a Variance for the Location of a Fence in the Front Setback for the property located at 3600 Birchwood Lane. The purpose of this request is to build a 6; wooden fence in the front setback. The property is owned by Franklin Moore and is zoned Vestavia Hills R-2.
- (2) BZA-0121-02 Melba E. Jones is requesting a Variance from the Parking Regulations in Article 8 of the Vestavia Hills Zoning Code for the property located at 3190 Cahaba Heights Rad. The purpose of this request is to reduce the required number of parking spaces to 22 in lieu of the required 27 spaces. The property is owned by the Melba E. Jones and is zoned Vestavia Hills B-3.

Time of Adjournment.

BOARD OF ZONING ADJUSTMENT

MINUTES

December 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:

Robert Gower Stephen Greer, Alt Donald Holley

Loring Jones, III, Acting Chairman

Thomas Parchman, Alt

MEMBERS ABSENT: Rick Rice, Chairman

Tony Renta

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

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

MOTION

Motion to dispense with the reading of the minutes of October 15, 2020 was made by Mr. Gower and 2nd was by Mr. Parchnan. Motion as carried on a voice vote as follows:

Mr. Gower - yes Mr. Jones - yes Mr. Greer - yes Mr. Parchman - yes

Mr. Holley – yes Motion carried

REAR AND SIDE SETBACK VARIANCE

BZA-1220-34

Jonathan Watts is requesting a **Rear and Side Setback Variance** for the property located at **3433 Southampton Circle**. The purpose of this request is to reduce the rear setback to 10' in lieu of the approved 30' & to reduce the side setback to 10' in lieu of the required 15', to build multiple additions. The property is owned by Jonathan Watts and is zoned Vestavia Hills R-2.

Page | 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.

Tommy Coggin was present for this case and stated that the odd-shaped lot caused a hardship.

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

MOTION Motion to approve a 20' rear setback variance to reduce the setback to 10' in lieu of the required 30' & a 5' setback variance to reduce the setback to 10' in lieu of the required 15' for the property located at 3433 Southampton Circle, was made by Mr. Gower and 2nd was by Mr. Holley. Motion was carried on a roll call vote as follows:

Mr. Gower - yes
Mr. Greer - yes
Mr. Holley - yes
Mr. Holley - yes

SIDE SETBACK VARIANCE

Motion carried.

BZA-1220-35

Terry and Carolyn Hill are requesting a **Side Setback Variance** for the property located at **609 Tremont Drive**. The purpose of this request is to reduce the side setback to 4' in lieu of the required 20', to build a sun room addition in the back of the unit. The property is owned by the Board of Superannuate Homes – North American Conference – United Methodist Church 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.

Joe Smaha was present for this case and gave a brief background on these applicant's situation. He also stated that the hardship is an odd-shaped lot.

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

MOTION Motion to approve a 16' side setback variance to reduce the setback to 4' in lieu of the required 20' for the property located at 609 Tremont Drive, was made by Mr. Gower and 2nd was by Mr. Holley. Motion was carried on a roll call vote as follows:

Mr. Gower - yes
Mr. Greer - yes
Mr. Holley - yes
Mr. Holley - yes
Mr. Holley - yes
Mr. Holley - yes

VARIANCE FOR LOCATION OF A FENCE

BZA-1220-36

Virginia Davis is requesting a Variance for the Location of a Fence in the Front Setback for the property located at 3101 Canterbury Place. The purpose of this request is to install a 6' wooden privacy fence in the front setback. The property is owned by Virginia Davis 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.

Elliot Pike was present for this case and stated that the corner lot caused a hardship.

Multiple Board members stated that sight distance wouldn't be an issue with the fence 14' from the curb.

Mr. Jones 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 variance for the location of a fence in the front setback for the property located at 3101 Canterbury Place, was made by Mr. Gower and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

Mr. Gower - yes
Mr. Greer - yes
Mr. Holley - yes
Motion carried
Mr. Jones - yes
Mr. Parchman - yes

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

Jack Wakefield, Planner/GIS

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

Date: **January 21, 2021**

• <u>CASE</u>: BZA-0121-01

• **REQUESTED ACTION:** Variance for the Location of a Fence in the Front Setback.

• ADDRESS/LOCATION: 3600 Birchwood Lane

• APPLICANT/OWNER: Franklin Moore

• **REPRESENTING AGENT:** NA

• **GENERAL DISCUSSION:** The applicant is seeking a variance for the location of a fence in the front setback. The applicant intends to replace an existing fence, but the fence encroaches into the front setback. The applicant contends the corner lot causes a hardship. The fence will be a 6' wooden fence and will be a considerable distance from Aspen Cove Drive, so sight distance should not be an issue. 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.

O WHEL OF FE	operty (This Section Must Be C	ompieteu)
Name:	Franklin Moore	
Address:	3600 Birchwood Lane, Vestavia,	AL 35243
	3600 Birchwood Lane, Vestavia	AL 35243
Phone #:	205-746-4543	Other #:
E-Mail:	franklin.moore@bhtonline.com	
Billing/Resp	onsible Party	-
Name:	Franklin Moore	
Address:	3600 Birchwood Lane, Vestavia	, AL 35243
Phone #:	205-746-4543	Other #:
E-Mail:	franklin.moore@bhtonline.com	

Front Setback for a fence

Franklin Moore

R2

	Representi	ng Attorney/Other Agent				
	Name:	Franklin Moore				
	Address:	3600 Birchwood Lane, Vestavia, AL 35243 3600 Birchwood Lane, Vestavia, AL 35243				
	Phone #:	205-746-4543 Other #:				
	E-Mail:	franklin.moore@bhtonline.com				
	*This secti	on must be completed in order for a representative to represent the owner.				
II.	DESCRIP	TION OF SUBJECT PROPERTY:				
	LOCATIO	N: 3600 Birchwood Lane, Vestavia, AL 35243				
		Street Address				
		Countrywood Highlands Subdivision name, Lot #, Block #, etc.				
III.	REASONS	S FOR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS):				
		A request to vary:				
		square foot variance to reduce the lot width to' in lieu of the required square feet in lieu he required square feet. front/side/rear (circle one) setback variance to reduce the setback to' in lieu of the required'. (**Cookad Setback**)				
	_	' 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 5. (X 6. (7.	A request for extension of non-conforming use (See Section). Variance for location of a fence. Sign Code Variance (See Section). Other - Explain (See Section).				

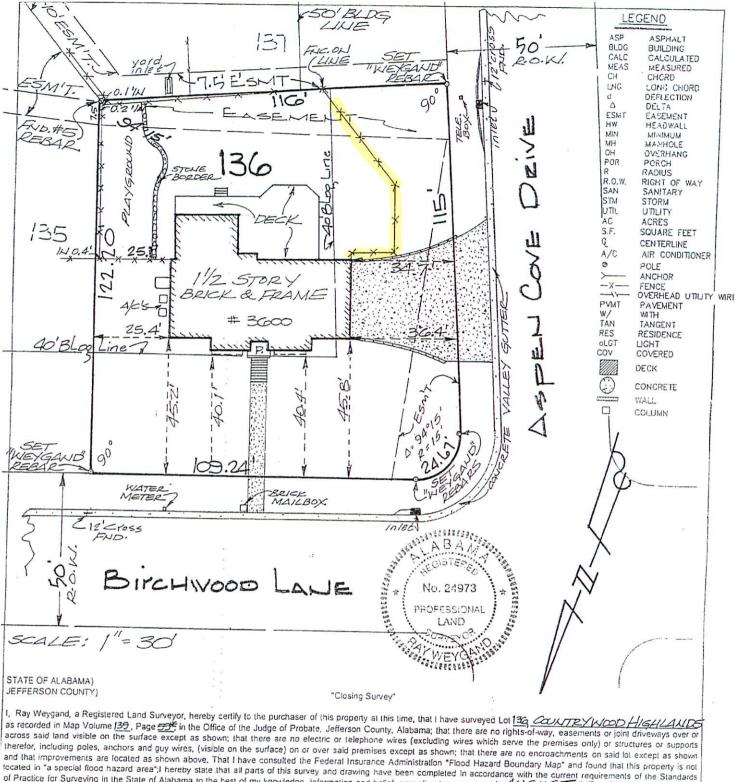
Z-0121-01//2800321012008.000 3600 Birchwood Lane

Front Setback for a fence Franklin Moore R2

BZA Application Revised April 1, 2019 Page 5

IV.	ZONING Vestavia Hills Zoning for the subject property is R2.
<u>V.</u>	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).
Hardship	- Corner Lot
VI.	PROJECT:
	Describe the scope of the project and/or the reason for requesting this variance.
6ft Wood	Privacy Fence
VII.	OWNER AFFIDAVIT:
my dunders on any must	I do hereby declare the above statements are true and that I, the owner, and/or uly appointed representative will be at the scheduled hearing. I, also, stand that I am asking for a variance based on the Zoning Code only and not y or all covenants that are on the subject property. *Note, this application be signed by the owner of the property before a notary. The original
<u>applic</u>	ation shall be submitted, no copies shall be accepted*

Frank Moon	Paragraphic Aport (if any)/date
Owner Signature/Date	Representing Agent (if any)/date
Given under my hand and seal this 17 day of December, 20 20.	
AL WLLL	
My commission expires day of 0 c+ • • • • • • • • • • • • • • • • • •	



of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of AUGUST 23.2012

*A&B

Order No.: 53120 Purchaser: MODRE

Address: 3600 BIRCHWOOD LANE Flood Zone"X" Map Number: 01073C0567H

Ray Weygand, Reg. LS #24973

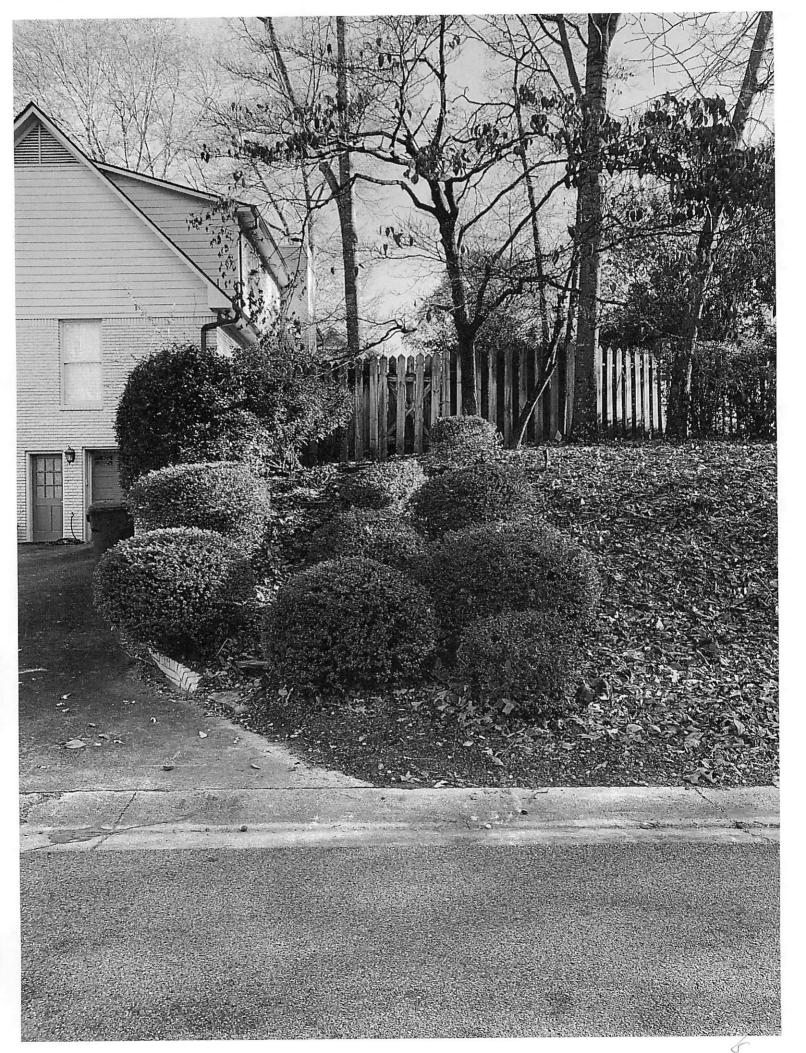
169 Oxmoor Road Homewood, AL 35209

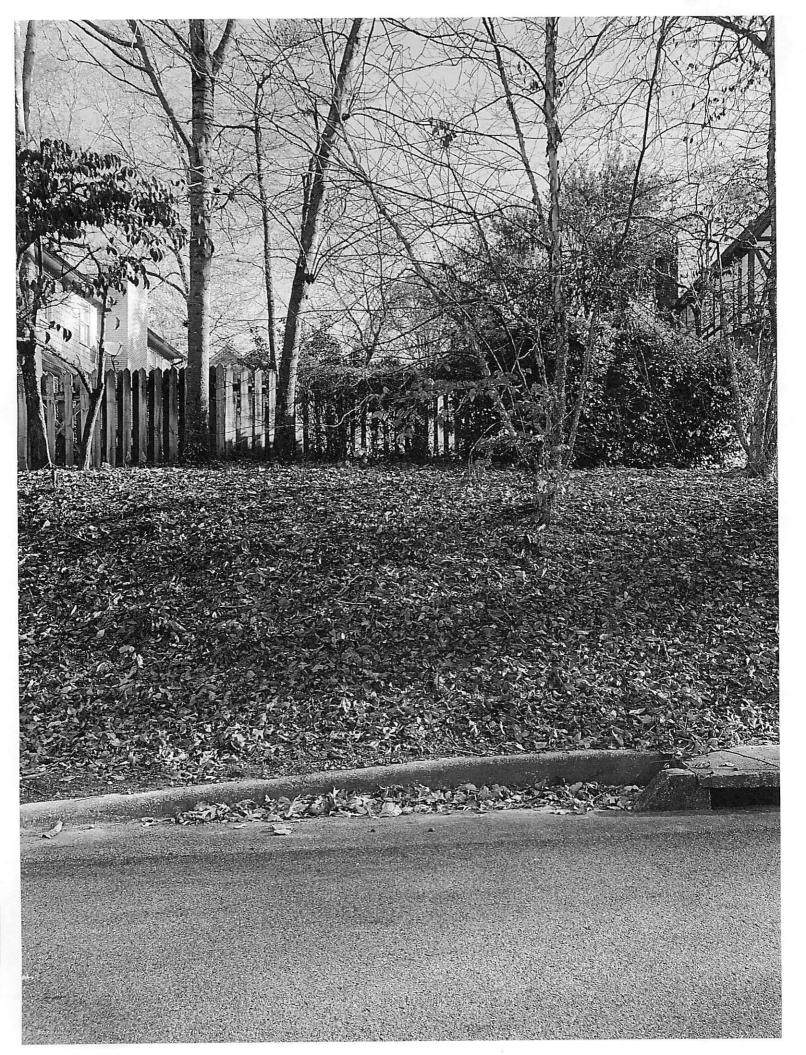
Phone: (205) 942-0086 Fax: (205) 942-0087

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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. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not







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

Date: **January 21, 2021**

• <u>CASE</u>: BZA-0121-02

• **REQUESTED ACTION:** Variance from the Parking Requirement in Article 8 of the Vestavia Hills Zoning Code

• ADDRESS/LOCATION: 3190 Cahaba Heights Road

• **APPLICANT/OWNER:** Melba E. Jones

• **REPRESENTING AGENT:** Blue Frog, LLC / Nate Pilcher

equirements in Article 8 of the Vestavia Hills Zoning Code. According to the parking requirements in the code, for a professional office / clinic, you need one space for every 250 sq. ft. This requires 27 spaces for the added square footage of the structure. Under the current square footage, the applicant is required 21 parking spaces and has 24 currently. The new addition will be used to service dogs and any people that are there to drop off their dog won't be on the property for an extended period of time (as a normal doctor's office or other professional clinic would). The applicants contend the corner lot creates a hardship. They would like to keep the structure out of the setback. In making sure the building is out of the setback, the area for parking is limited. The applicant contends that the parking situation for current building is not a problem and added patrons to this office will not create a parking issue. The applicant's property is zoned Vestavia Hills B-3.

• STAFF REVIEW AND RECOMMENDATION:

1. City Planner Review: No problems noted.

2. City Engineer Review: No problems noted.

3. City Fire Marshal Review: No problems noted.

4. **Building Safety Review:** No problems noted.

Z-0121-02//2800221015009.000 3190 Cahaba Heights Rd. Variance for parking

Melba Jones **B**3

BZA Application Revised April 1, 2019

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.

Vame:	operty (This Section Must Be Completed) Melba E Jones					
Address:	4212 Briarwood Dr Vestavia, A	L 35243-5709				
	4212 Briarwood Dr Vestavia, A	L 35243-5709				
Phone #:	205-960-2590	Other #:	205-967-6759			
E-Mail:	earljonesdvm@gmail.com					
Billing/Resp	onsible Party					
Name:	Melba E Jones					
Address:	4212 Briarwood Dr Vestavia, A	L 35243-5709				
Phone #: E-Mail:	205-960-2590 Other #:		205-967-6759			
	earljonesdvm@gmail.com					

	Repres	senting A	Attorney/Other Agent					
	Name	• •	Blue Frog, LLC / Nate Pilcher					
	Addre	ss:	3011 Sutton Gate Dr. Suite 1	20 Suwanee, Ga 30024				
			3011 Sutton Gate Dr. Suite 1	20 Suwanee, Ga 30024				
	Phone	#:	678-333-2645	Other #:	See Attached			
	E-Mai	1:	npilcher@bfrog.net					
	*This	section	must be completed in orde	er for a representat	ive to represent the owner.			
II.	DESC	RIPTI	ON OF SUBJECT PRO	PERTY:				
	LOCA	TION:	3190 Cahaba Heights Rd Bir	mingham, AL 35243				
	Parcel#	28 00 22	Street Address 1 015 009.000					
			Subdivision name, L	ot #, Block #, etc.				
III.	REAS	ONS F	OR REQUEST (PLEAS	E FILL IN APPL	ICABLE STATEMENTS):			
	1.			o reduce the lot are	' in lieu of the required a to square feet in lieu			
				one) setback varia	ance to reduce the setback to			
			_' front/side/rear (circle _' in lieu of the required _		ance to reduce the setback to			
			_' front/side/rear (circle _' in lieu of the required _	•	ance to reduce the setback to			
	 3. 4 6. 7. 		contrary to the meaning An application to establized Zoning Adjustment (See	of the Zoning Ordings a fence.	the applicant believes to be nance. st be approved by the Board of use (See Section).			
See	Attache	d						

Z-0121-02//2800221015009.000 3190 Cahaba Heights Rd. Variance for parking Melba Jones B3

Z-0121-02//2800221015009.000 3190 Cahaba Heights Rd.

B3

Variance for parking Melba Jones

BZA Application Revised April 1, 2019 Page 5

IV. ZONING

Vestavia Hills Zoning for the subject property is B-3

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.

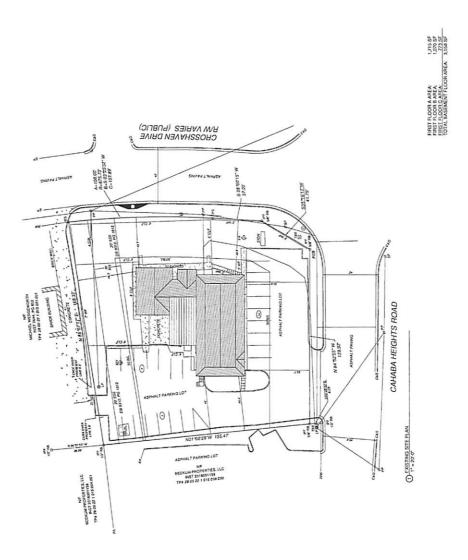
See Attached

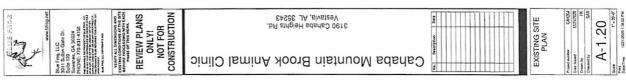
VII. OWNER AFFIDAVIT:

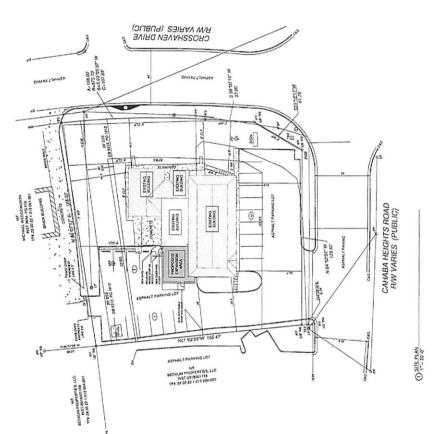
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. *Note,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

3 LOCATION MAP NOT TO SCALE • SITE CAHABA MOUNTAIN-BROOK
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Exiting Site Plaw







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Cahaba Mountain Brook Animal Clinic

3190 Cahaba Heights Rd. Vestavia, AL 35243 th Orientation Dive

PROPOSED SITE
PLAIN
PROPOSED SITE
PLAIN
DESCRIPTION
DE

	Table 8.1 Minimum Required O	ff-street Parking Spaces
Reta	ail, Service, Office and other Commercial Uses	
k.	Retail stores • up to 50,000 sq. ft. GFA • 50,000 – 90,000 sq. ft. GFA • more than 90,000 sq. ft. GFA	 1 space per 200 sq. ft. NFA 1 spacer per 225 sq. ft. NFA 1 space per 250 sq. ft. NFA
1.	Retail, Bulk merchandise or wholesale establishment	1 space per 300 sq. ft. NFA
m.	Retail automobile, boat, manufactured home, recreational vehicle, and similar sales establishments	1 space per 300 sq. ft. of floor area dedicated to showroom and office use, plus 1 space per service bay, plus 1 space per 5,000 sq. ft. of display area; or 10 spaces, whichever is greater
n.	Service stations, car wash	5 spaces per bay and 2 spaces per wash rack
0.	Restaurants and Lounges. Public floor area = GFA (including outdoor dining area not excluded from parking requirements) less all non-customer areas • Fast food restaurant	space per 3 seats, plus 1 space per 2 employees on shift of greatest employment; OR 1 space per 40 sq. ft. of public floor area, whichever is greater 1 space per 100 sq. ft. GFA plus 4 stacking spaces per window
p.	Bank, savings and loan or other financial institution with drive-thru without drive-thru	 1 space per 400 sq. ft. GFA plus 3 stacking spaces per drive-thru lane 1 space per 300 sq. ft. GFA
q.	Offices • Professional and business offices • Medical and dental offices, clinics	 1 space per 250 sq. ft. GFA 4 spaces per doctor plus 1.0 spaces per employee
r.	Commercial recreational and entertainment establishments • bowling alley or pool room • mini-golf course • golf course • stadium	 1 space per 200 sq. ft. GFA 2 spaces per bowling lane or pool table 1 space per hole plus 2 spaces per 9 holes plus 1 space per 2 employees 45 spaces per 9 holes 1 space per 5 seats (one seat is equal to two ft of bench length)
s.	Personal services	1 space per 250 sq. ft. GFA
t,	General service or repair, printing, publishing, plumbing, heating, broadcasting	1 space per 500 sq. ft. GFA
u.	Laundromat	1 space per 250 sq. ft. GFA
Ligh	nt Industrial Uses	
v.	Self-storage facilities	5 spaces for office plus 1 space per 20 rental units (rows between storage buildings shall be designed for simultaneous vehicle parking and passage)

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A VICTEDIALA NAVIORA NA CARACA PARA CARACA PARACA PARA CARACA PARACA PARA CARACA PARA PAR	Cahaba Mountain Brook Animal Clinic	3190 Cahaba Heights Rd. Vestavia, AL 35243		CODES & STANDARDS: SINGLAND REPORT OF CONTRACTOR SINGLAND REPORT		GENERAL NOTE: NO SUBCONTRACTOR SHOULD BE PROVIDED WITH A PARTIAL SET OF PLANS FOR EITHER BIDDING OR CONSTRUCTION PURPOSES WITHOUT FIRST HAVING AMPLE TIME TO REVIEW A COMPLETE SET OF CONSTRUCTION DOCUMENTS, ONLY HAVING A PARTIAL SET OF DRAWINGS WILL NOT BE ACCEPTED AS AN EXCUSE FOR DELAYS, INCOMPLETE WORK, OR CHANGE OFIDERS AS THERE ARE MANY CROSS REFERENCES IN A SET OF CONSTRUCTION DOCUMENTS.	LOCATION MAP: KEY PLAN;	SECOND FLOOR OF STATE
PROJECT DATA:	Total foot Area 5035 541. Considered Type Villamers Units of Con	ENACL GEOGRAPS FINE CONTINUE TO ANNO THE TANK TO AN ENACOLOGY A THOUSTON THE TANK TO AN ENACOLOGY AND THOUST AND THE TANK TO AN ENAC		PROJECT DESIGN TEAM: MICHEL		GENERAL NOTE: NO SUBCONTRACTOR SHOULD BE PROVIDED FIRST HAVING AMPLE TIME TO REVIEW A CON NOT BE ACCEPTED AS AN EXCUSE FOR DELA OF CONSTRUCTION DOCUMENTS.	VICINITY MAP:	PROJECT SITE LOCATION

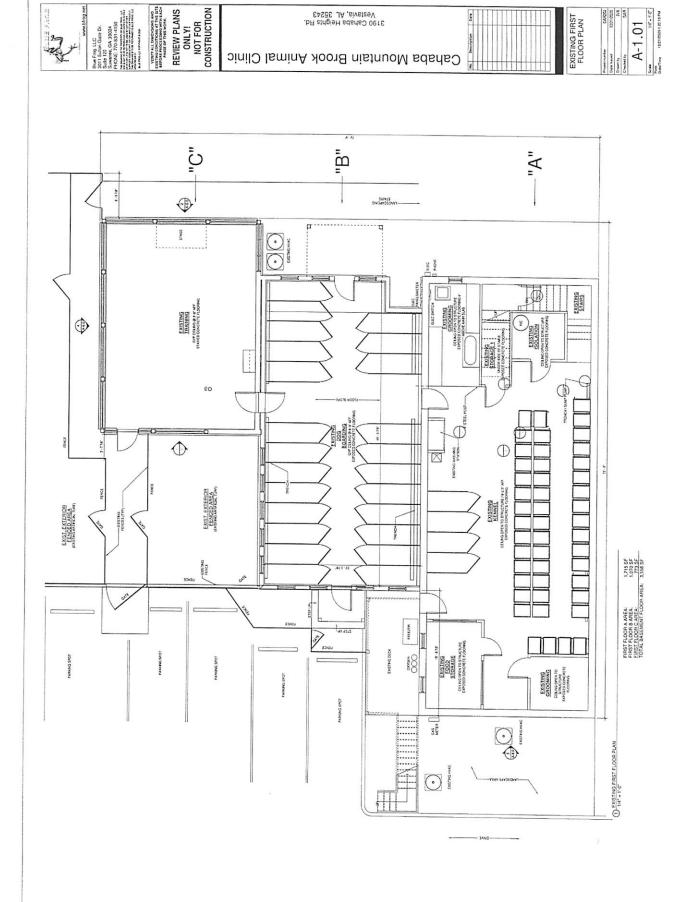
3190 Cahaba Heights Rd. Vestavia, AL 35243

Cahaba Mountain Brook Animal Clinic

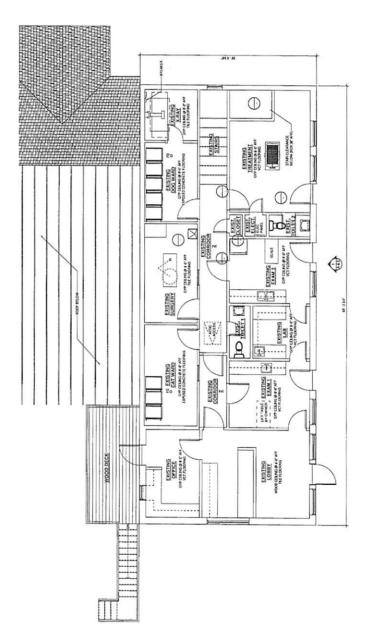
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3190 Cahaba Heights Rd. Vestavia, AL 35243



() EXISTING SECOND FLOOR PLAN

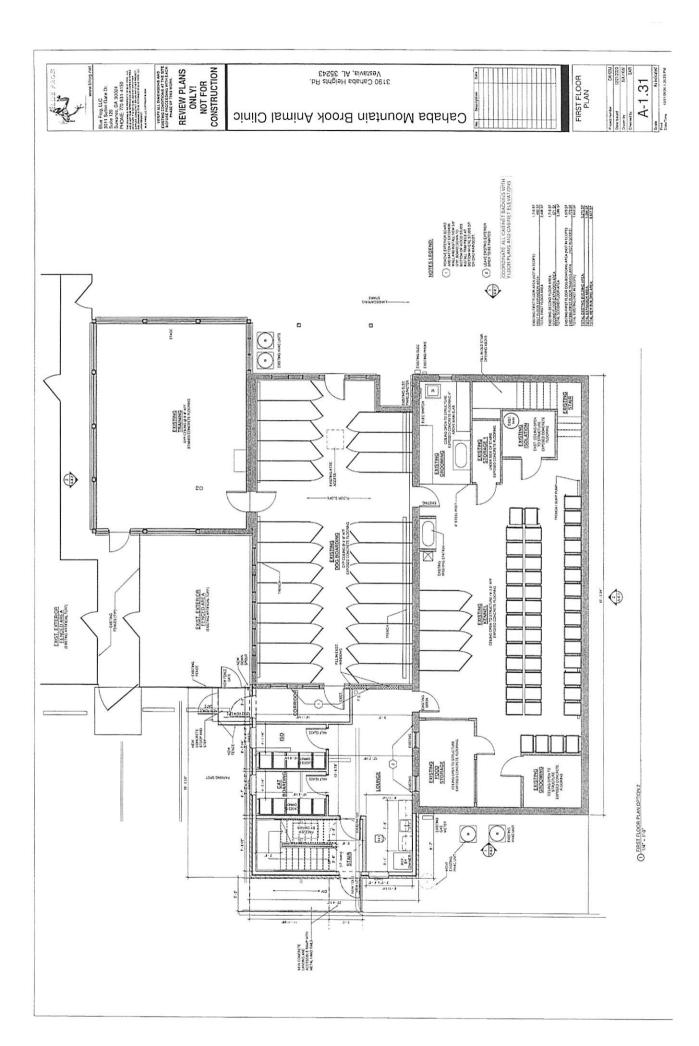
1,715 SF SECOND FLOOR AREA:

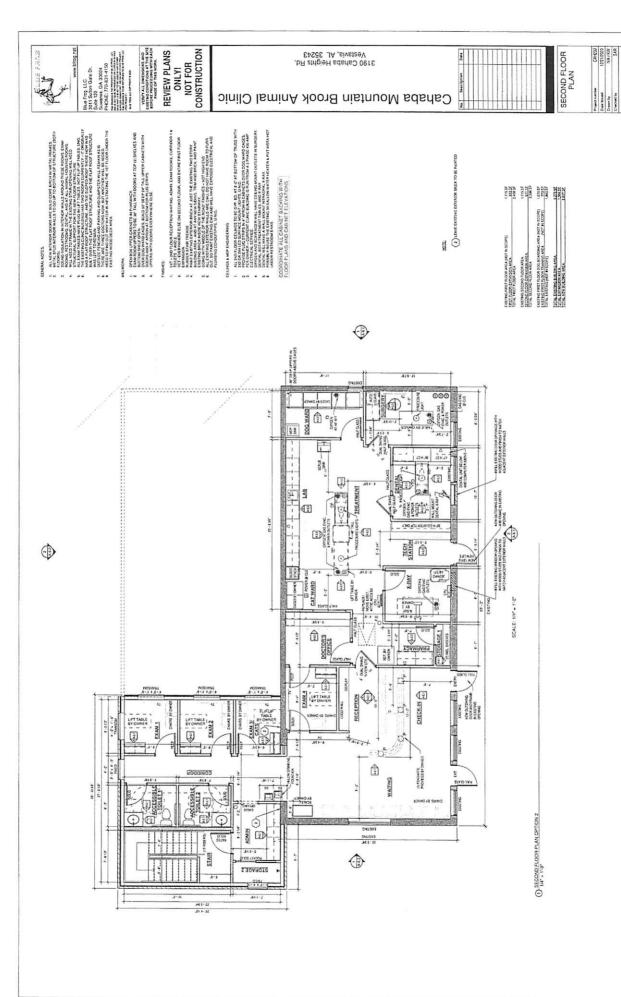
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Cahaba Mountain Brook Animal Clinic

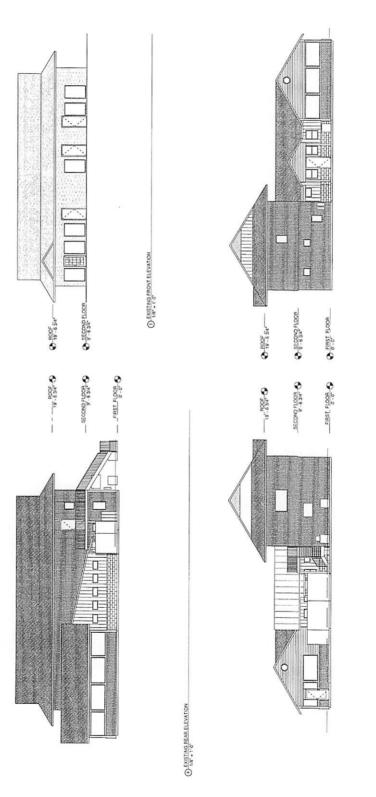
3190 Cahaba Heights Rd. Vestavia, AL 35243

EXISTING SECOND FLOOR PLAN A-1.02





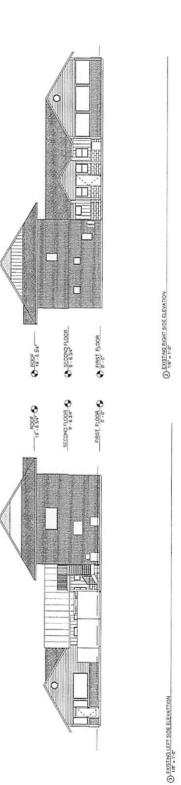
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3190 Cahaba Heights Rd. Vestavia, AL 35243

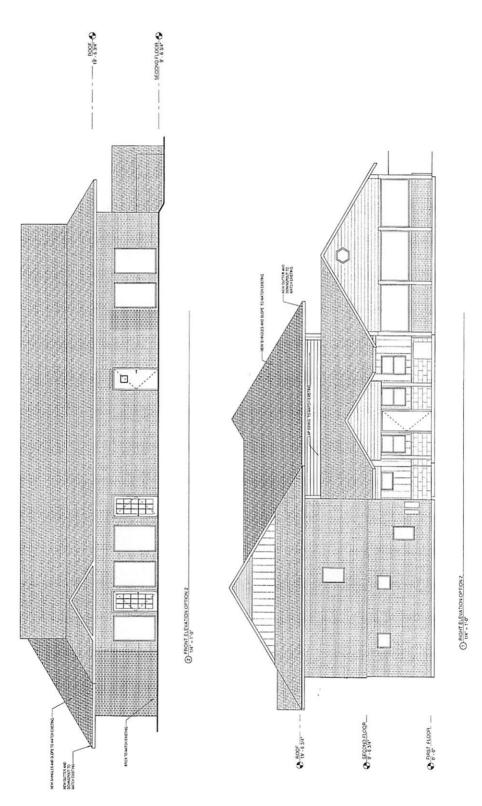
Cahaba Mountain Brook Animal Clinic

REVIEW PLANS
ONLY!
NOT FOR
CONSTRUCTOR
ONLY!
NOT FOR



EXISTING EXTERIOR ELEVATIONS

A-6.0



VIEW ALL DUCKSORS AND
FINANCE OF THE WORLE

REVIEW PLANS
ONLY!

NOT FOR
CONSTRUCTION

FRONT AND RIGHT SIDE ELEVATIONS S190 Cahaba Heights Rd.

A-6.1

A-6.1

S190 Cahaba Heights Rd.
Vestavia, AL 35243

