BOARD OF ZONING ADJUSTMENT

AGENDA

February 18, 2021

6:00 P.M.

Roll Call.

Approval of Minutes: January 21, 2021.

- (1) BZA-0121-03 Ross Neely is requesting a Front and Side Setback Variance for the property located at 2016 Southwood Road. The purpose of this request is to reduce the front setback to 30' in lieu of the required 50' & to reduce the side setback to 5' in lieu of the required 15', to build an addition. The property is owned by Ross Neely and is zoned Vestavia Hills R-3.
- (2) BZA-0221-05 Geoff & Katherine Johnson are requesting a Rear and Side Setback Variance for the property located at 2105 Ridgeview Drive. The purpose of this request is to reduce the rear setback to 5' in lieu of the required 15' & to reduce the side setback to 5' in lieu of the required 15', to build a storage shed. The property is owned by the Geoff & Katherine Johnson and is zoned Vestavia Hills R-2.

Time of Adjournment.

BOARD OF ZONING ADJUSTMENT

MINUTES

January 21, 2021

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 Robert Gower Stephen Greer, Alt Donald Holley Loring Jones, III Thomas Parchman, Alt

Tony Renta

MEMBERS ABSENT:

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of December 17, 2020 were presented for approval.

MOTION

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

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

Mr. Holley – yes Renta – yes

Chairman Rice – yes

Motion carried

VARIANCE FOR LOCATION OF FENCE IN FRONT SETBACK

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;

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wooden fence in the front setback. The property is owned by Franklin Moore 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.

Franklin Moore was present for this case and stated that the fence was replacing an existing fence. He also stated his hardship was a corner lot.

Chairman 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 variance for the location of a fence in the front setback for the property located at 3600 Birchwood Lane, was made by Mr. Jones and 2nd was by Mr. Renta. Motion was carried on a roll call vote as follows:

Mr. Gower - yes
Mr. Greer - yes
Mr. Holley - yes
Chairman Rice - yes
Mr. Jones - yes
Mr. Parchman - yes
Renta - yes
Motion carried

PARKING REQUIREMENT VARIANCE

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.

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.

Sean Rainey was present for this case and gave a detailed background of the types of additions on the lot. He made the case that the new additions were going to be used to serve staff and wouldn't result in a rise in new customers traffic. He also contended that the corner lot causes a hardship, as it dictates where the additions can go on the lot. The result was that the additions ate into the parking space for the business.

Chairman 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 variance from the parking requirement in Article 8 of the Vestavia Hills Zoning Code for the property located at 3190 Cahaba Heights Road,

BZA Minutes

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was made by Mr. Jones and 2nd was by Mr. Renta. Motion was carried on a roll call vote as follows:

> Mr. Gower - yes Mr. Jones – yes Mr. Greer – yes Mr. Parchman – yes Mr. Holley – yes Renta – yes Chairman Rice – yes

Motion carried

At 6:25 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:25 PM.

Jack Wakefield, Planner/GIS

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

Date: **February 18, 2021**

• <u>CASE</u>: BZA-0121-03

- **REQUESTED ACTION:** 20' Front Setback Variance to reduce the setback to 30' in lieu of the required 50' & a 10' Side Setback Variance to reduce the setback to 5' in lieu of the required 15'.
- ADDRESS/LOCATION: 2016 Southwood Rd
- **APPLICANT/OWNER:** Ross Neely
- REPRESENTING AGENT: NA
- **GENERAL DISCUSSION:** The applicant is seeking front and side setback variances to add onto the existing house. The applicant contends that the irregular shaped lot causes a hardship. The lot is extremely narrow in the rear and one side of the lots has minimal building area, because of how slanted the property line is. There is a creek on the side of the lot that will have the 5' setback. Christopher Brady has walked the property with the owner. He said that the creek is on the neighbor's property and is far enough away from the development that he has no concerns, ie. water runoff. This property sat on multiple lots. The applicant has received approval on his resurvey, to make this into one lot. The applicant's property is zoned Vestavia Hills R-3.

• STAFF REVIEW AND RECOMMENDATION:

1. City Planner Review: No problems noted.

2. City Engineer Review: No problems noted.

3. City Fire Marshal Review: No problems noted.

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

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

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.

<u>I.</u>	APPLICAN	T INFORMATION:	
	Owner of Pro	operty (This Section Must Be Completed)	
	Name:	Ross Necly	
	Address:	2016 Southwood Road	<u></u>
		Vestavia AL 35216	the same and the s
	Phone #:	205 801 4769 Other #:	
	E-Mail:	Rossyncely @ gmail.com	
	Billing/Respo	onsible Party	
	Name:	Ross Niely	
	Address:	2016 Southwood Rond	
	Phone #:	205 807 4767 Other #:	
	E-Mail:	Rossvneely @ gma; 1.com	Z-0121-03//2800194015012.000 2016 Southwood Rd.
			1 Front & 2 Side Setbacks for at

1 Front & 2 Side Setbacks for an addition

Ross Neely

	Representii	ng Attorney/Other Agent
	Name:	
	Address:	
	Phone #:	Other #:
	E-Mail:	
	*This section	on must be completed in order for a representative to represent the owner.
II.	DESCRIP	TION OF SUBJECT PROPERTY:
	LOCATIO	N: 2016 Southwood Foad Street Address
		Subdivision name, Lot #, Block #, etc.
III.		S FOR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS):
	1. (7	A request to vary: ' variance to reduce the lot width to' in lieu of the required'.
	oft	square foot variance to reduce the lot area to square feet in lieu he required square feet.
	_3	'(front lide/rear (circle one) setback variance to reduce the setback to 0', in lieu of the required 50'.
		' front/side rear (circle one) setback variance to reduce the setback to in lieu of the required/5_'.
		' from side rear (circle one) setback variance to reduce the setback to'.
	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
	4	Zoning Adjustment (See Section). A request for extension of non-conforming use (See Section).
	5.	Variance for location of a fence.
	6. 7. 	Sign Code Variance (See Section). Other - Explain (See Section).
		Z-0121-03//2800194015012.000 ——————————————————————————————————

1 Front & 2 Side Setbacks for an addition R3

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).

Irregular Shape Lot

VI. PROJECT:

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

Adding on to existing house

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*

12/22/20

Owner Signature/Date

Given under my hand and seal

this 22 day of becember, 20 20.

Sheila Hartley Kinbrough Notary Public

My commission expires 4

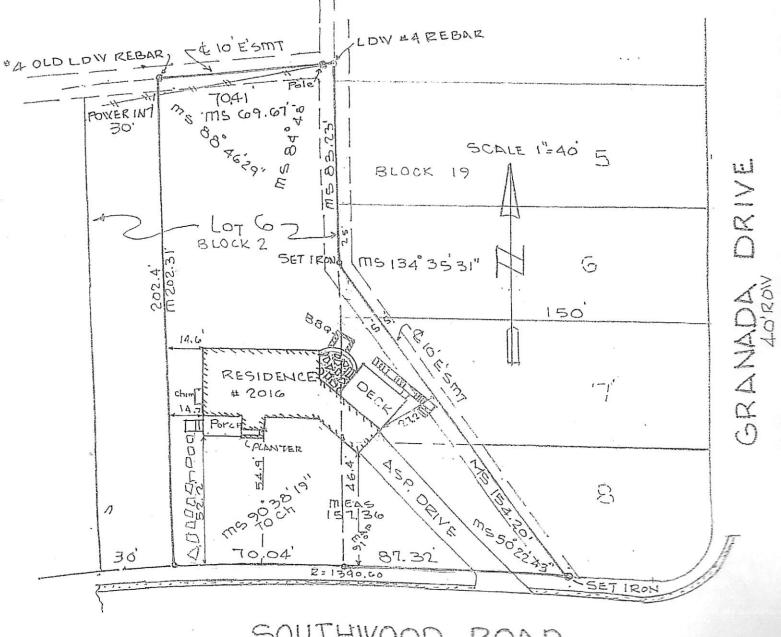
day of 344 , 2023

Representing Agenti(if, any)/date

SHELL SHELL

Z-0121-03//2800194015012.000 2016 Southwood Rd.

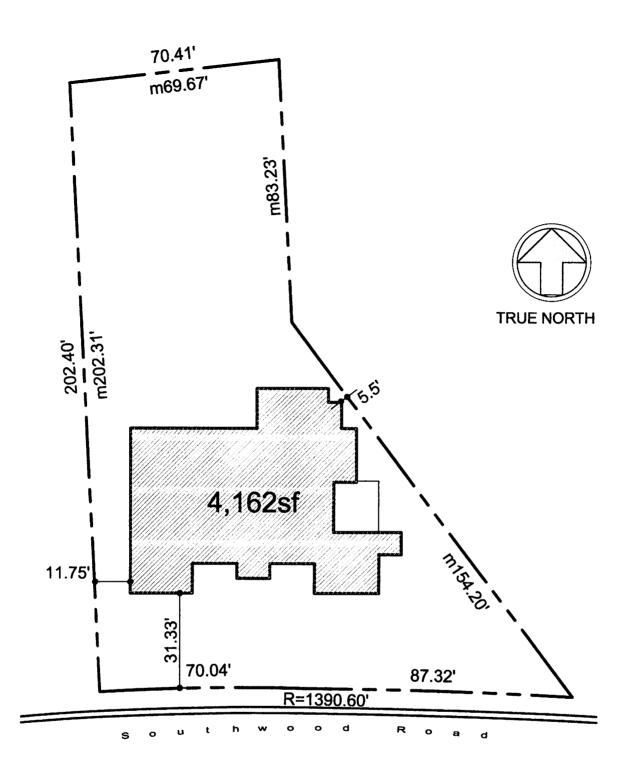
1 Front & 2 Side Setbacks for an addition
Ross Neely R3



SOUTHWOOD ROAD

Z-0121-03//2800194015012.000 2016 Southwood Rd.

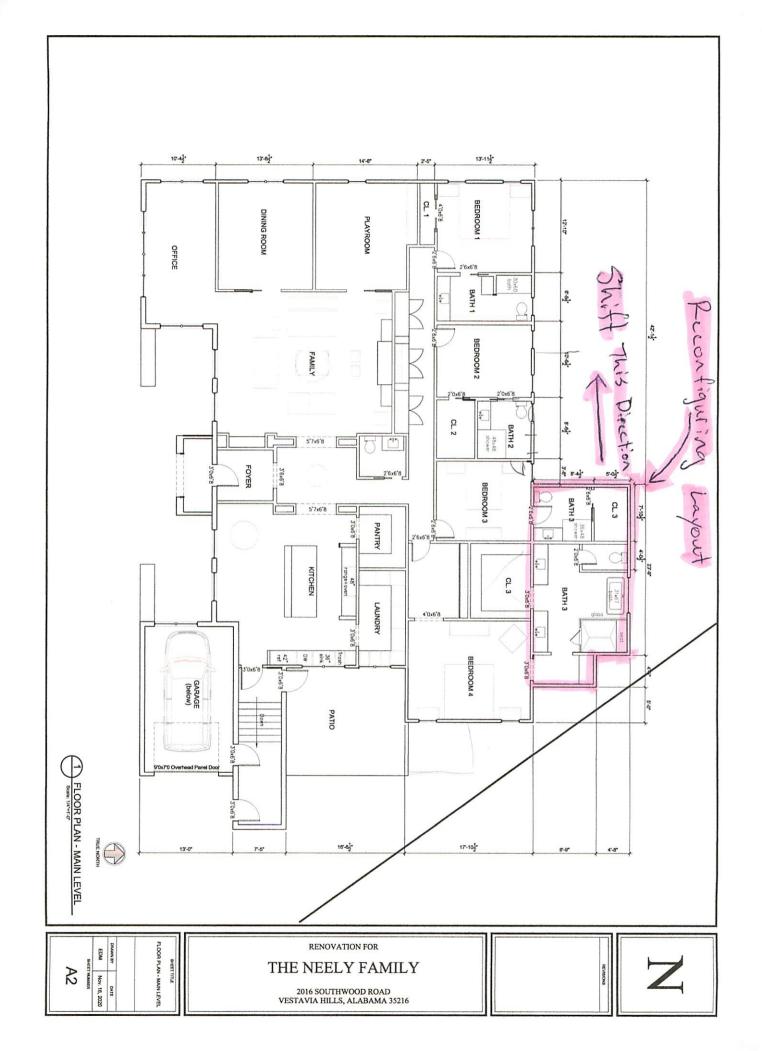
1 Front & 2 Side Setbacks for an addition
Ross Neely R3



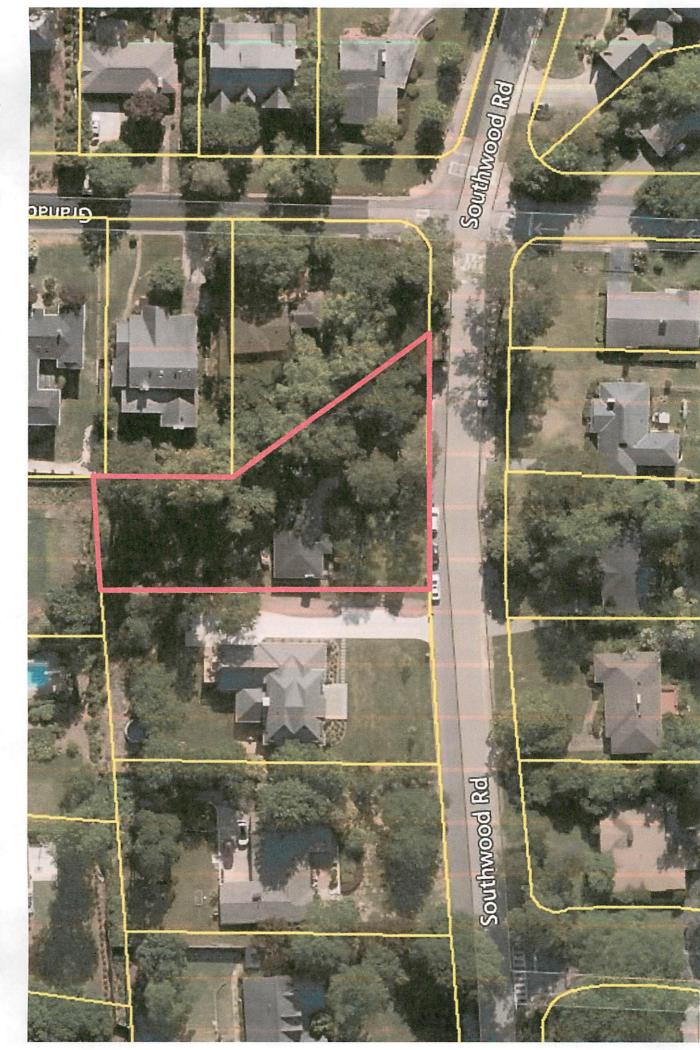
2016 SOUTHWOOD ROAD VESTAVIA, ALABAMA 35216

PARCEL ID: 28 00 19 4 015 012.000

SCALE: 1/32" = 1'-0"



2016 Southwood Road



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

Date: **February 18, 2021**

• <u>CASE</u>: BZA-0221-05

- **REQUESTED ACTION:** 10' Rear Setback Variance to reduce the setback to 5' in lieu of the required 15' & a 10' Side Setback Variance to reduce the setback to 5' in lieu of the required 15'.
- ADDRESS/LOCATION: 2105 Ridgeview Drive
- **APPLICANT/OWNER:** Geoff & Katherine Johnson
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicants are seeking rear and side setback variances to build a small storage shed. The applicants contend that the septic system in the rear causes a hardship. The septic system is in the very back of the lot and takes up considerable space in the center-back area of the backyard. Because of this, the shed must be pushed into the side setback. This lot is also an irregularly shaped lot on the side. The location of the house and other infrastructure on the lot prevents movement of the shed towards the house. All these issues lead to only a small amount of buildable area. There is currently a small buffer in the rear that would give a barrier from the rear neighbor and the shed. 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.

Geoff & Katherine Johnson

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.

	NT INFORMATION: roperty (This Section Must Be C	'ompleted)		2
Name:	Geoff and Katherine Johnson	ompieteu)		2021 J
Address:	2105 Ridgeview Drive			
	2105 Ridgeview Drive			٩
Phone #:	205.837.3307	Other #:	205.218.7401	
E-Mail:	akcalhoun@gmail.com			
Billing/Resp	onsible Party			
Name:	Geoff and Katherine Johnson			
Address:	2105 Ridgeview Drive			
Phone #:	205.837.3307	Other #:	205.218.7401	
E-Mail:	akcalhoun@gmail.com			/2800304003009.00 eview Drive
				ar Setback for a shed

	Representing A	Attorney/Other Agent
	Name:	N/A
	Address:	2105 Ridgeview Drive
		2105 Ridgeview Drive
	Phone #:	205.837.3307 Other #: 205.218.7401
	E-Mail:	akcalhoun@gmail.com
	*This section i	must be completed in order for a representative to represent the owner.
II.	DESCRIPTION	ON OF SUBJECT PROPERTY:
	LOCATION:	2105 Ridgeview Drive
	Vesthaven First S	Street Address Sector, Block 3, Lot 8
		Subdivision name, Lot #, Block #, etc.
III.	REASONS F	OR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS):
	1.	A request to vary:
		' variance to reduce the lot width to' in lieu of the required
	of the r	square foot variance to reduce the lot area to square feet in lieu required square feet.
	∠ o _X 5	' front side rear (circle one) setback variance to reduce the setback to in lieu of the required 15.
	∕ o x5	' front/side/rear (circle one) setback variance to reduce the setback to 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. An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section

205.218.7401

Z0221-05//2800304003009.000 2105 Ridgeview Drive Side & Rear Setback for a shed Geoff & Katherine Johnson

BZA Application Revised April 1, 2019 Page 5

IV. ZONING

Vestavia Hills Zoning for the subject property is unzoned

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).

Unzoned property has medium density residential standards (R-2/R-3) applied to it. Due to the existing location of the underground septic system and the existing mature landscaping, the applied zoning leaves no reasonable option for new shed location.

VI. PROJECT:

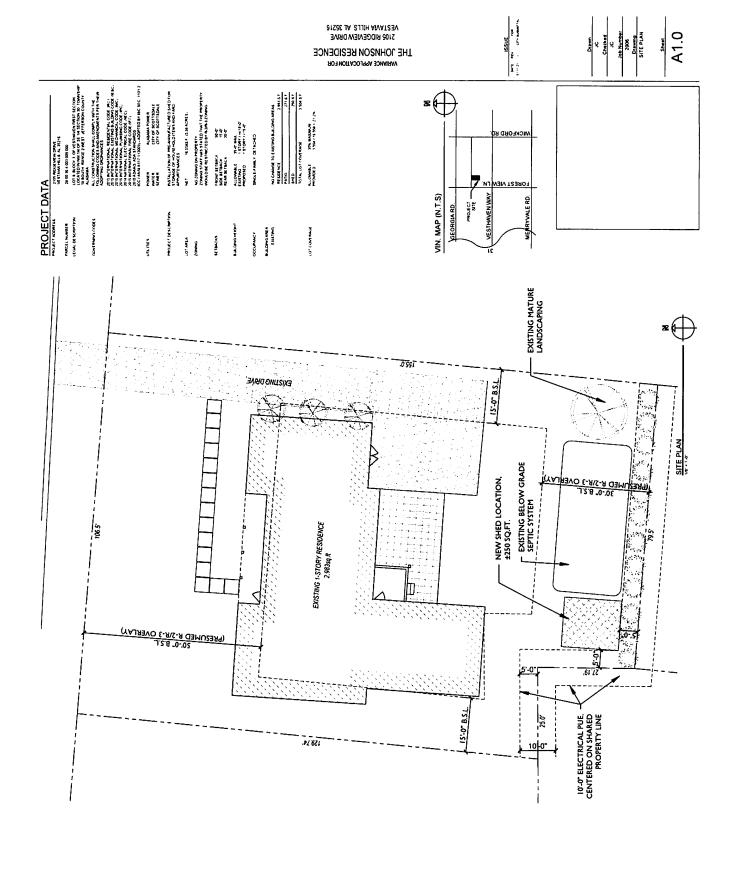
Describe the scope of the project and/or the reason for requesting this variance.

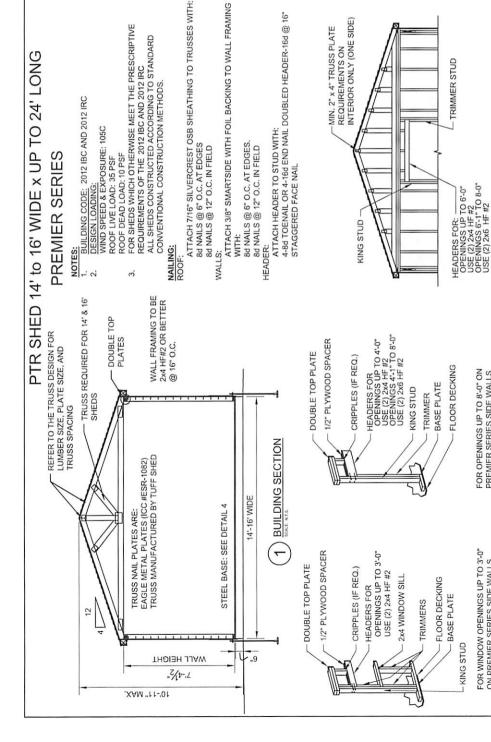
Property owner would like to install a shed for storage of household items and yard appurtenances. Similar to those common in the neighborhood. Modest electrical system to accommodate utility lighting and service outlets.

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 Janua day of 15 th, 2021.	
Notary Public My commission expires February day of 16, 20, 22.	





2" x 6" STEEL TRACK EACH END (600T125-054) #8 x 3" FLAT HEAD SELF-TAPPING SCREWS SPACED @ 24" O.C. VENT HOLES @ 24" O.C. HEAD SELF-TAPPING SCREWS (2 PER TAB) OPTIONAL LEVELING JOISTS @ 24" O.C. (600S137-054) 3/4" APA OR TECO FLOOR DECKING #10 x 3/4" PAN-2" x 6" STEEL-RATED T&G BLOCKS

2" x 6"-16 GAUGE STEEL TRACKS G140 ZINC COATED 2" x 6"-16 GAUGE STEEL JOISTS G140 ZINC COATED @ 24" O.C. (SUPPLIER: ALLIED STUDCO (JOIST: 600S137-054 / TRACK: 1. STEEL SHED FOUNDATION:

600T125-054) ICC ER-4943P.

- DECKING. 24" MAX PANEL SPAN. STAGGER PANEL LAYOUT. 3. FASTEN FLOOR DECKING TO JOIST & TRACKS USING 2. 3/4" APA OR TECO RATED TONGUE AND GROOVE FLOOR
- NO BLOCKING REQUIRED. ALL EDGES SHALL LIE ON FLOOR JOISTS. STAGGER PANEL LAYOUT PER APA CONDITION 1.
 4. FASTEN SOLE PLATE THROUGH FLOOR DECKING INTO JOISTS ON TRACKS WITH #8 x 3" GALVANIZED SELF-DRILLING SCREWS #8 x 1-5/8" MINIMUM LONG SELF-DRILLING SCREWS @ 12" O.C.
- @ 24" O.C. ALLOWABLE FLOOR LIVE LOAD: 75 PSF FOR STEEL JOISTS CONTINUOUSLY SUPPORTED. 50 PSF FOR JOISTS ON BLOCKS USE OPTIONAL CONCRETE BLOCKS AS REQUIRED TO LEVEL AS SHOWN. 6.

SUGGESTED SIZES: 2'x8"x16", 4"x8"x16", OR8"x8"x16". BLOCKS UNDER JOISTS SPACED @ 8:0" O.C. MAXIMUM. BLOCKS UNDER TRACK SPACED @ 4:0" O.C. MAXIMUM.



HEADER DETAIL FOR NON-LOAD BEARING WALLS (END WALL)

က

LOAD BEARING WALLS (SIDE WALL)

DOOR HEADER DETAIL FOR

2B

FOR LOAD BEARING WALLS

(2A)

WINDOW HEADER DETAIL FOR WINDOW OPENINGS UP TO 3'-0"

ON PREMIER SERIES SIDE WALLS

FOR OPENINGS UP TO 8'-0" ON PREMIER SERIES SIDE WALLS



	TITLE	DRAWING NO.
	BUILDING SECTIONS	PTR-02
MENT	SHED BASE DETAILS	REV. LEVEL 01
_	HEADER FRAMING DETAILS	SHEET 1
FOR	NOTES - 2012 IBC & IRC - 105C	- 0