

**CITY OF VESTAVIA HILLS**  
**BOARD OF ZONING ADJUSTMENT**

**AGENDA**

**March 18, 2021**

**6:00 P.M.**

Roll Call.

Approval of Minutes: February 18, 2021.

- (1) **BZA-0321-06** Michael DeJohn Jr. is requesting a **Rear Setback Variance** for the property located at **3611 East Lakeside Drive**. The purpose of this request is to reduce the rear setback to 15' in lieu of the required 30', to build an addition to the current house. The property is owned by the Michael DeJohn Jr. and is zoned Vestavia Hills A.
  
- (2) **BZA-0321-07** Sammy Brasseale is requesting a **Front Setback Variance** for the property located at **2068 Lakewood Drive**. The purpose of this request is to reduce the front setback to 15' in lieu of the required 50' to build a storage shed. The property is owned by the Sammy Brasseale and is zoned Vestavia Hills R-2.

Time of Adjournment.

**CITY OF VESTAVIA HILLS  
BOARD OF ZONING ADJUSTMENT  
MINUTES**

**February 18, 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
- Loring Jones, III
- Thomas Parchman, Alt
- Tony Renta

**MEMBERS ABSENT:**

- Donald Holley

**OTHER OFFICIALS PRESENT:**

- Jack Wakefield, Planner/GIS

**APPROVAL OF MINUTES**

The minutes of January 21, 2021 were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of October 15, 2020 was made by Mr. Jones and 2<sup>nd</sup> 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  |
| Renta – yes     | Chairman Rice – yes |
| Motion carried  |                     |

**FRONT AND SIDE SETBACK VARIANCE**

**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.

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.

Ross Neely was present for this case and the odd shaped lot causes a hardship.

Mr. Neely also stated the new development will be further away from the creek than what is originally there.

Mr. Jones asked about the current deck and if any part of it would be in the easement.

Mr. Neely responded that the deck will be coming out and that nothing will reside in the easement.

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 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' for the property located at 2016 Southwood Road was made by Mr. Jones and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

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

### **REAR AND SIDE SETBACK VARIANCE**

**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.

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.

Geoff Johnson was present and stated that the odd-shaped lot and the septic system caused the hardship.

Mr. Johnson also stated that the neighbor most affected wrote a letter to the Board in support of the proposal.

The Board was also made aware that the topography of the lot was much more buildable on the proposed side than the opposite side of the 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 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' for the property located at 2105 Ridgeview Drive 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
Renta – yes	Chairman Rice – yes
Motion carried	

At 6:12 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:12 PM.

Jack Wakefield,  
Planner/GIS

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

Date: March 18, 2021

- **CASE: BZA-0321-06**
- **REQUESTED ACTION:** 15' Rear Setback Variance to reduce the setback to 15' in lieu of the required 30'.
- **ADDRESS/LOCATION:** 3611 East Lakeside Drive
- **APPLICANT/OWNER:** Michael DeJohn
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicant is seeking a rear setback variance to add onto the existing house. The addition would be on the side of the house and extend to the rear. The applicant contends that the irregular shaped lot, topography, and field lines cause a hardship. The applicant has a side setback restriction for the property. That setback restriction is 25'. They drafted a covenants waiver and recorded the signed waiver with Jefferson County. The addition will encroach into the side setback restriction, but will not encroach into the zoning setback. The applicant's property is zoned Vestavia Hills A.
- **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.

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### I. APPLICANT INFORMATION:

#### Owner of Property (This Section Must Be Completed)

Name: MICHAEL DEJOHN JR  
Address: 3611 E. LAKESIDE DR  
VESTAVIA, AL 35243  
Phone #: 205.283.4959 Other #: \_\_\_\_\_  
E-Mail: MJDEJOHNJR @ GMAIL. COM

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#### Billing/Responsible Party

Name: MICHAEL DEJOHN JR  
Address: 3611 E. LAKESIDE DR., VESTAVIA, AL 35243  
Phone #: 205.283.4959 Other #: \_\_\_\_\_  
E-Mail: MJDEJOHNJR @ GMAIL. COM

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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: 3611 E. LAKESIDE DR., VESTALIA, AL 35243  
*Street Address*

LAKEVIEW HILLS 4TH SECTOR, Lot 2, PB 59, PG 41  
*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.  
30 ' front/side/rear (circle one) setback variance to reduce the setback to 15 ' in lieu of the required 30 ' .  
25 ' front/side/rear (circle one) setback variance to reduce the setback to 15 ' in lieu of the required 25 ' . *(FROM DEED → 2-1 IS 15')*  
\_\_\_\_\_ ' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_ ' in lieu of the required \_\_\_\_\_ ' .
2.  A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3.  An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section \_\_\_\_\_).
4.  A request for extension of non-conforming use (See Section \_\_\_\_\_).
5.  Variance for location of a fence.
6.  Sign Code Variance (See Section \_\_\_\_\_).
7.  Other - Explain (See Section \_\_\_\_\_).

**Z0321-06//2800233009005.000**  
**3611 East Lakeside Dr.**  
Side & Rear Setback for an addition  
Michael DeJohn, Jr.



**IV. ZONING**

Vestavia Hills Zoning for the subject property is A

**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).

- SHAPE OF LOT / TRAPEZOIDAL LOT
- TOPO ISSUES OF LOT
- SEPTIC / SEPTIC, FIELD LINES & DRIVE ON LARGER TRAPEZOID SIDE OF LOT TO WHERE ONLY POTENTIAL ADDITIONAL BUILDABLE AREA IS WHERE WE ARE PROPOSING.

**VI. PROJECT:**

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

HOME ADDITION ON SIDE OF EXISTING HOUSE WHERE WE WOULD EXCEED REAR SETBACK.

**VII. OWNER AFFIDAVIT:**

I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. *\*Note, this application must be signed by the owner of the property before a notary. The original application shall be submitted, no copies shall be accepted\**

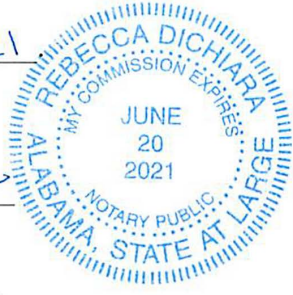
[Signature] 2/9/21  
Owner Signature/Date

\_\_\_\_\_  
Representing Agent (if any)/date

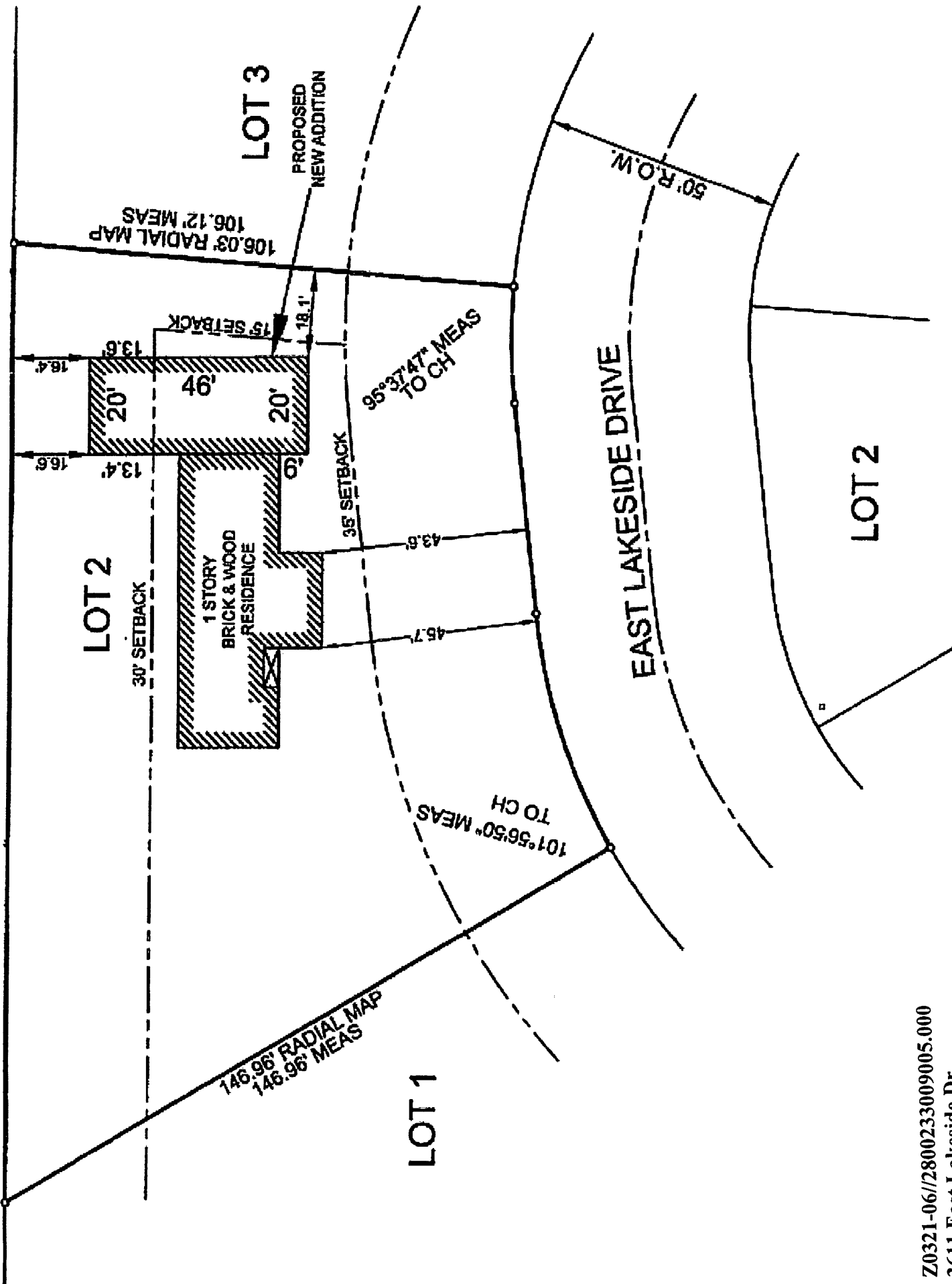
Given under my hand and seal  
this 8<sup>th</sup> day of February, 2021

[Signature]  
Notary Public

My commission expires 20<sup>th</sup>  
day of June, 2021







Z0321-06//2800233009005.000  
 3611 East Lakeside Dr.  
 Side & Rear Setback for an addition  
 Michael DeJohn, Jr.

Clerk: PEEPLESC

Restrictions applying to survey of Lakeview Hills, Fourth Sector

3611 E. Lakeside Drive  
Subdivision: Lakeview Hills 4<sup>th</sup> Sector  
Lot: 2

We respectfully petition to reduce the side setback set forth in the Deed (Restrictions applying to survey of Lakeview Hills, Fourth Sector) of the property at 3611 E. Lakeside Dr., Vestavia, AL 35243 of Lakeview Hills, Fourth Sector, Lot 2 from (25') to the standard zoning requirement of (15').

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"I (name) Michael Von Kanel, Owner of lot (#) 5 of Subdivision LAKEVIEW HILLS FOURTH SECTOR, recorded on date 2/14/2021, agree to reduce the (25') setback set forth in the Deed for Lot 2"

X (SIGNATURE) \_\_\_\_\_

Printed Name: Michael Von Kanel

Date: 2/15/2021

"I (name) James R. Murphy, Owner of lot (#) 10 of Subdivision LAKEVIEW HILLS FOURTH SECTOR, recorded on date 2/14/2021 agree to reduce the (25') setback set forth in the Deed for Lot 2"

X (SIGNATURE) \_\_\_\_\_

Printed Name: James R. Murphy

Date: 2/15/2021

"I (name) Seth Miller, Owner of lot (#) 11 of Subdivision LAKEVIEW HILLS FOURTH SECTOR, recorded on date 2/14/2021 agree to reduce the (25') setback set forth in the Deed for Lot 2"

X (SIGNATURE) \_\_\_\_\_

Printed Name: Seth Miller

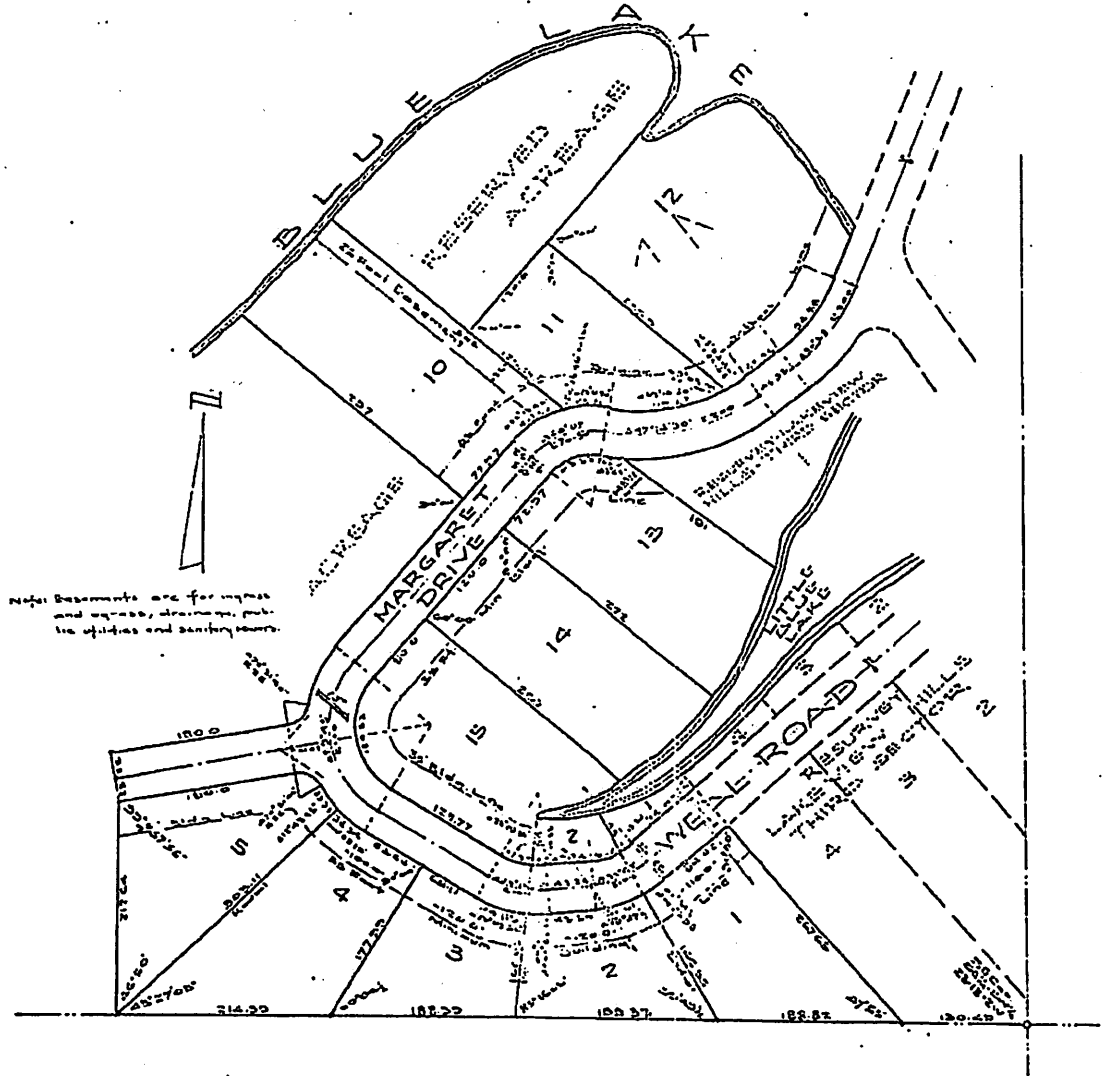
Date: 2/15/2021

Lots 6, 7, 8 & 9 do not exist within the Lakeview Hills, Fourth Sector (Fourth Sector Map attached)

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**3611 East Lakeside Dr.**  
Side & Rear Setback for an addition  
Michael DeJohn, Jr.

Z0321-06/2800233009005.000  
 3611 East Lakeside Dr.  
 Side & Rear Setback for an addition  
 Michael DeJohn, Jr.

A REVISED MAP  
 LAKEVIEW HILLS  
 FOURTH SECTOR  
 PART OF THE SE 1/4 SW 1/4 OF SEC. 23-T18S-R2W  
 JEFFERSON COUNTY, ALABAMA  
 SCALE 1"=100' DRAWN, WINTERS & CHENNEDY, ENGINEERS PA. MARCH 1960  
 Book 297



*Michael DeJohn, Jr.*

CITY  
 PLANNING & ZONING COMMISSION

TITLE GUARANTEE COMPANY  
 BIRMINGHAM TRUST BUILDER

*Michael DeJohn, Jr.*

APPROVED FOR RECORDING  
 BY THE CITY PLANNING & ZONING COMMISSION  
 THIS 11th DAY OF MARCH 1960  
 MICHAEL DEJOHN, JR.  
 3611 EAST LAKESIDE DRIVE  
 BIRMINGHAM, ALABAMA

No

66

DEED 6308 P 130

RESTRICTIONS APPLYING TO  
SURVEY OF LAKEVIEW HILLS, FOURTH SECTOR  
AS OF RECORD IN MAP BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
IN THE OFFICE OF THE JUDGE OF PROBATE OF  
JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA )  
                          )  
JEFFERSON COUNTY )

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, Z. J. Elmore & wife, Margaret Elmore, are the owners of the entire Survey of Lakeview Hills, Fourth Sector, as recorded in Map Book \_\_\_\_\_, page \_\_\_\_\_, in the Office of the Judge of Probate of Jefferson County, Alabama; and

WHEREAS, the undersigned, Z. J. Elmore & wife, Margaret Elmore, are desirous of establishing restrictions and limitations applicable to all lots owned by them in said Survey.

NOW, THEREFORE, the undersigned, Z. J. Elmore & wife, Margaret Elmore, do hereby adopt the following restrictions and limitations, which shall be applicable to all lots in said Survey of Lakeview Hills, Fourth Sector:

1. Said property shall be used for residential purposes exclusively and not for any purpose of business or trade.

2. No building shall be erected, altered, placed or permitted to remain on any lot, other than one detached single family dwelling not to exceed two & one-half stories in height and a private garage for not more than two cars.

3. No dwelling shall be permitted on any lot at a cost of less than \$12,000.00, based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one story open porches and garages, shall be not less than 1,200 square feet for a one story dwelling and not less than 1,000 square feet for a dwelling of more than one story.

4. No dwelling shall be erected on said property, the front line of which (which means the front line of porches or any projection, not counting steps) shall be nearer Margaret Drive or Weal Road than thirty-five (35) feet; and no dwelling shall be erected on any of said lots, the side line of which (which means the side line of porches or any projection, not counting steps) shall be nearer the side lot line than twenty-five (25) feet. The undersigned owner reserves the right to modify the building line restrictions on any lot in said subdivision.

5. No fences or walls above the grade of the lots shall be erected, nor growing hedges planted and maintained on said property in front of the front line of the residence. No lot may be subdivided or reduced in size by voluntary alienation, judicial sale or other proceedings.

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3611 East Lakeside Dr.  
Side & Rear Setback for an addition  
Michael DeJohn, Jr.

Also Encir c, 23-18-2w



6. Except for dogs and cats, which must be confined to the premises, no animals or fowls may be kept on the premises.

7. The owners of each of Lots 5, 6, 7, 8, 9, 10 & 11 in this Survey of Lakeview Hills, Fourth Sector, must accept a certificate of membership in BLUE LAKE CORPORATION. In the event of sale or transfer of title of any of said lots, the membership certificate in said Blue Lake Corporation belonging to the vendor must be surrendered to the said corporation for cancellation, which corporation is under the terms of its Charter required to issue a new membership certificate to the vendee or new title holder in the event the owner of the surrendered membership certificate has not been denied the privileges appertaining thereto. In the event of such a transfer and failure on the part of the vendor to surrender said membership certificate to said corporation for cancellation, the said membership certificate of the vendor shall become null and void.

8. Owners of lots in said Survey shall have no lake privileges, except those accruing as a result of holding a membership certificate in the Blue Lake Corporation and being a member of the said Blue Lake Corporation in good standing. (A member in good standing is one who has not been denied the privileges appertaining to a membership certificate as provided in the Certificate of Incorporation of said Blue Lake Corporation.)

9. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

10. It is understood and agreed that said conditions, limitations and restrictions shall attach to and run with the land for a period of 25 years from this date, at which time said restrictions and limitations shall be automatically extended for successive periods of 10 years, unless by a vote of a majority of the then owners of the lots it is agreed in writing to change said restrictions and limitations in whole or in part. If the parties thereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, We have hereunto set our hands and seals on this the 4 day of February, 1960.

E. J. Elmore  
E. J. Elmore

Margaret Elmore  
Margaret Elmore

Z0321-06//2800233009005.000  
3611 East Lakeside Dr.  
Side & Rear Setback for an addition  
Michael DeJohn, Jr.

DEED 6308P132

STATE OF ALABAMA )  
JEFFERSON COUNTY )

DEED 6308P132

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Z. J. Elmore & wife, Margaret Elmore, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 4 day of February, 1960.

*Just Baker*  
Notary Public



STATE OF ALA. JEFFERSON CO.  
CERTIFY THAT THE FOREGOING  
DEED 6308P132  
FEB 4 1 35 PM '60  
Notary Public  
*Just Baker*

Z0321-06//2800233009005.000  
3611 East Lakeside Dr.  
Side & Rear Setback for an addition  
Michael DeJohn, Jr.

**Article 6 NON-RESIDENTIAL DISTRICTS**

**§6.1. A-Agriculture District**

This district is intended to promote the continued use of open, unsubdivided lands for agriculture and low-density residential use as well as non-residential uses, as may be permitted on appeal, which are compatible with the conservation of such semi-rural uses and land areas.

6.1.1. Use Regulations: See [Table 6](#) (at the end of this Article) for Permitted Uses, Special Exception Uses, and Conditional Uses and the following limitations.

1. Stables and Farms shall only be permitted on lots of one (1) acre or larger.
2. Only low and medium intensity institutional uses may be approved and only as Special Exceptions per [§12.3](#) or as Conditional Uses per [§13.3](#) as indicated in Table 6.

6.1.2. Area and Dimensional Regulations. The area and dimensional regulations set forth following and in Table 6.1 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. Livestock and fowl shall not be housed, fed or watered within 150 feet from the boundary of another district nor 300 feet of the nearest existing residence on any abutting or adjacent property.
3. Piles of feed or bedding shall be located no closer than 100 feet from a right-of-way line, property line to minimize odor and nuisance problems.
4. Manure shall be stored for removal and disposed of in accordance with all

applicable county, state and federal regulations. No manure piles shall be located closer than 100 feet from a right-of-way line, property line, zoning district boundary, wetland, watercourse or other water body.

Table 6.1 A District Area and Dimensional Regulations	
Min. Floor Area	1,400 sq. ft.
Min. Yard Setbacks	
Front	40 ft
Rear	30 ft
Side	15 ft
Min. Lot Area	20,000 sq. ft.
Min. Lot Width	100 ft
Max. Building Height	40 ft or 3 stories, whichever is less
Max. Building Area	
On percent of lot	25%
Rear yard percentage	30%
<sup>1</sup> Calculation includes common area.	

6.1.3. Development Standards.

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



BZA

CITY OF VESTAVIA HILL: Z0321-06//2800233009005.000  
Department Review of Application 3611 East Lakeside Dr.  
(To be completed by City Staff, Side & Rear Setback for an addition  
Michael DeJohn, Jr.

The following application and case file has been reviewed and submitted as follows:

Location: 3611 E. Lakeside Drive Case No.: BZA0321-06  
DeJohn

**Engineering:** Date: 2/23/21 Initials: CB  
Comments: no problems  
 Recommended  Not Recommended  No Recommendation

**Planning/DRB:** Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

**GIS/Mapping:** Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

**Fire Department:** Date: 2/23/21 Initials: [Signature]  
Comments: NIP  
 Recommended  Not Recommended  No Recommendation

**Building Department:** Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

**City Clerk:** Date: 2/23/21 Initials: [Signature]  
Comments: [Signature]  
 Recommended  Not Recommended  No Recommendation

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

Date: March 18, 2021

- **CASE: BZA-0321-07**
- **REQUESTED ACTION:** 35' Rear Setback Variance to reduce the setback to 15' in lieu of the required 50'.
- **ADDRESS/LOCATION:** 2068 Lakewood Drive
- **APPLICANT/OWNER:** Sammy Brasseale
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicant is seeking a front setback variance to build a detached storage addition. The applicant contends that the corner lot causes a hardship. The addition will be on the side of the house, by the driveway. The corner lot forces the addition into the front setback. The applicant also had a recorded building line. They drafted a covenants waiver and recorded the signed waiver with Jefferson County. 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.

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**I. APPLICANT INFORMATION:**

**Owner of Property (This Section Must Be Completed)**

Name: Sammy Brasseale

Address: 2068 Lakewood Dr.  
2068 Lakewood Dr.

Phone #: 205-531-8783 Other #: \_\_\_\_\_

E-Mail: Samrm12@aol.com

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**Billing/Responsible Party**

Name: Sammy Brasseale

Address: 2068 Lakewood Dr.

Phone #: 205-531-8783 Other #: \_\_\_\_\_

E-Mail: Samrm12@aol.com

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**Representing Attorney/Other Agent**

Name: \_\_\_\_\_  
Address: 2068 Lakewood Dr. \_\_\_\_\_  
2068 Lakewood Dr. \_\_\_\_\_  
Phone #: 205-531-8783 \_\_\_\_\_ Other #: \_\_\_\_\_  
E-Mail: Samrm12@aol.com \_\_\_\_\_

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

**II. DESCRIPTION OF SUBJECT PROPERTY:**

LOCATION: 2068 Lakewood Drive \_\_\_\_\_  
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.  
JEW 35' 14' front side/rear (circle one) setback variance to reduce the setback to 15' in lieu of the required ~~3050'~~ Recorded Setback  
\_\_\_\_\_ ' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_ ' in lieu of the required \_\_\_\_\_ ' .  
JEW 21231 21  
\_\_\_\_\_ ' 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 \_\_\_\_\_).

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2068 Lakewood Drive  
Front setback for a shed  
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**IV. ZONING**

Vestavia Hills Zoning for the subject property is R2.

**V. HARDSHIP**

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

See attached

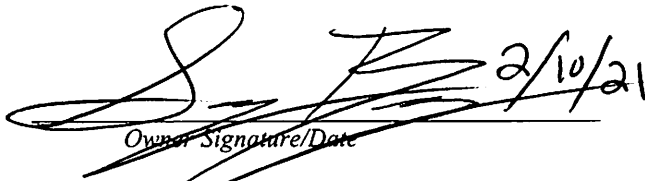
**VI. PROJECT:**

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

See attached

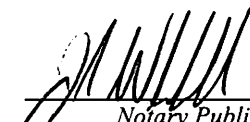
**VII. OWNER AFFIDAVIT:**

I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. **\*Note, this application must be signed by the owner of the property before a notary. The original application shall be submitted, no copies shall be accepted\***

  
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

  
Notary Public  
My commission expires 30<sup>th</sup>  
day of October, 2023.

## Hardship:

Reason for this application is the limited land we have on the lot. The house currently has a one car garage and does not allow us to store all our outdoor equipment safely. The back yard and side yard have a 12ft easement which limit placement there and its far away from the current garage. We were told that a corner lot has two front yards, so we really do not have a side yard. The detached garage would be set a little past the current house but still within the property line of the 15ft clearance needed for an accessory structure. There is no other place to build this shed other than the middle of the backyard. This placement would also provide a little more privacy in the back yard, patio, and driveway. With a corner lot, we are wide open to the entire street and extremely limited on placement.

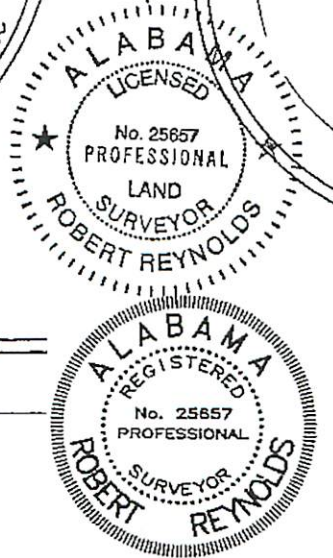
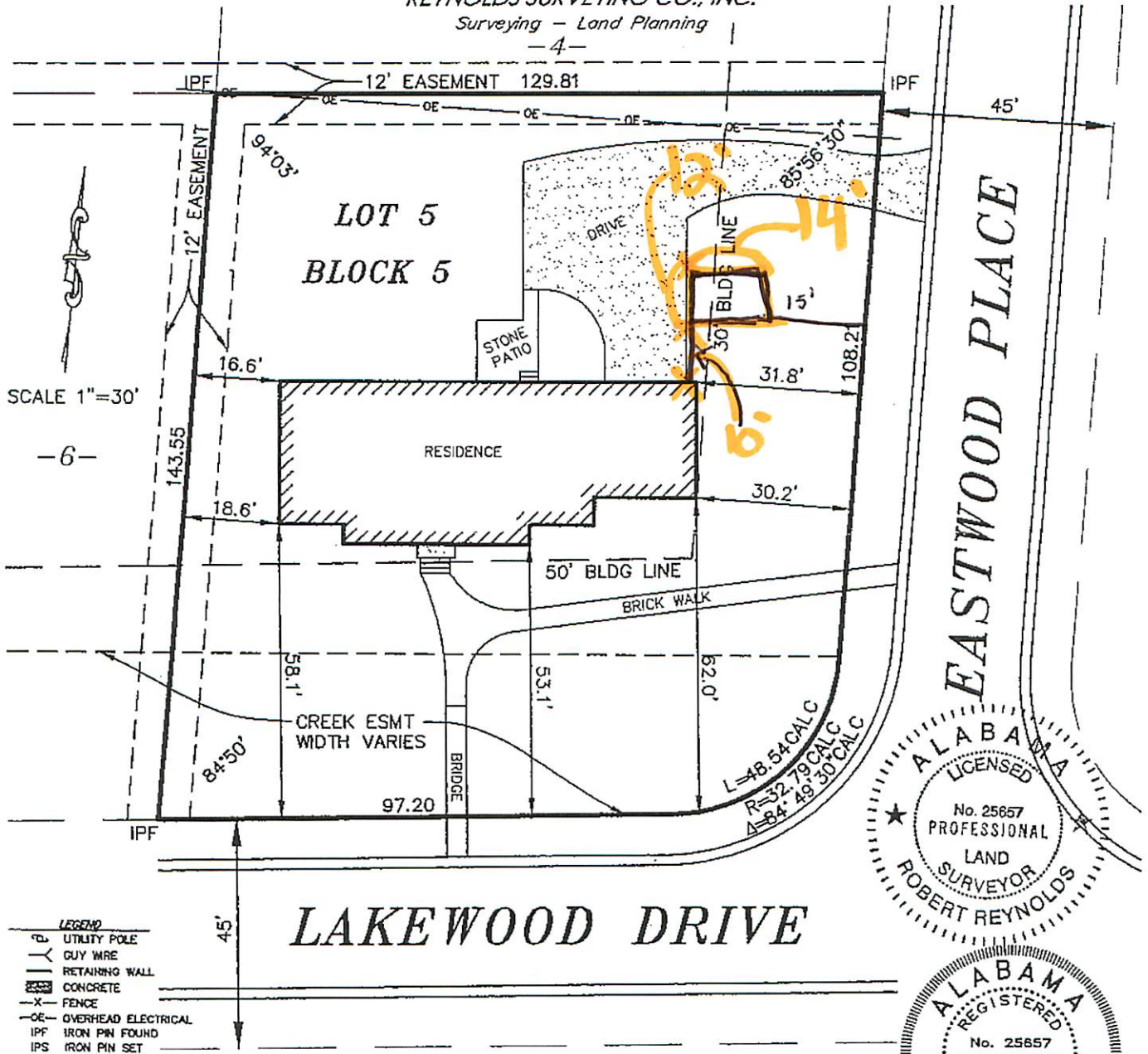
## Project:

The project would constitute a new construction detached shed/garage. It will be a 12'x14' poured concrete with a grade beam/monolithic slab. It would have framed walls and a gabled roof. Access would be from the driveway side nearest the house. It will have windows and siding to match the house. It will be very tasteful and well done. Not a metal building from Lowes.

The main reason for this shed is to allow us to have the space needed for our family's items and provide a safe place to secure them. It will be in accordance with the 10ft required from the principal structure and 15ft from all property lines.

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Front setback for a shed  
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STATE OF ALABAMA  
 JEFFERSON COUNTY

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 5, Block 5, of FOURTH ADDITION VESTAVIA LAKE ADDITION, as recorded in Map Book 45, Page 42 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 1ST day of MARCH, 2007.

NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Purchaser: DODSON  
 Address: 2068 LAKEWOOD DRIVE

*Robert Reynolds*  
 Reg. No. 25657



State of Alabama

Jefferson County

Residential Zoning R2

Clerk: SSTEPHENS

### Nullification of Restriction

We respectfully petition to the Vestavia Lake Addition to reduce the current building line setbacks from 30' to 15' to allow for construction of a detached garage.

Owner lot #1 [Signature] Date 2-13-2021

Owner lot #2 Regina Matthew Date 2-13-2021

Owner lot #3 Deceased/Vacant Date [Signature]

Owner lot #4 John David Over Date 2/14/2021

Owner lot #5 [Signature] Date 2/13/21

Owner lot #6 [Signature] Date 2-13-21

Owner lot #7 [Signature] Date 2-13-21

Owner lot #8 [Signature] Date 2-13-21

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**2068 Lakewood Drive**  
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**§5.3. R-2 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.

5.3.1. 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.

5.3.2. Area and Dimensional Regulations. The area and dimensional regulations set forth following and in Table 5.3 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.

5.3.3. 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 5.3 R-2 District Area and Dimensional Regulations	
Min. Floor Area	1,600 sq. ft.
Min. Yard Setbacks	
Front	50 ft
Rear	30 ft
Side	15 ft
Min. Lot Area	15,000 sq. ft.
Min. Lot Width	100 ft
Max. Building Height	35 ft or 2 ½ stories, whichever is less
Max. Building Area	
On percent of lot	30%

BZA

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CITY OF VESTAVIA HILL: 2068 Lakewood Drive  
Department Review of Application Front setback for a shed  
(To be completed by City Staff, Sammy Brasseale

The following application and case file has been reviewed and the following comments have been submitted as follows:

Location: 2068 Lakewood Drive Case No.: BZA0321-07  
Brasseale

**Engineering:** Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_ Recommended \_\_\_\_\_ Not Recommended \_\_\_\_\_ No Recommendation

**Planning/DRB:** Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_ Recommended \_\_\_\_\_ Not Recommended \_\_\_\_\_ No Recommendation

**GIS/Mapping:** Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_ Recommended \_\_\_\_\_ Not Recommended \_\_\_\_\_ No Recommendation

**Fire Department:** Date: 2/23/21 Initials: [Signature]  
Comments: [Signature]  
\_\_\_\_\_ Recommended \_\_\_\_\_ Not Recommended \_\_\_\_\_ No Recommendation

**Building Department:** Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_ Recommended \_\_\_\_\_ Not Recommended \_\_\_\_\_ No Recommendation

**City Clerk:** Date: 2/23/21 Initials: [Signature]  
Comments: \_\_\_\_\_  
\_\_\_\_\_ Recommended \_\_\_\_\_ Not Recommended \_\_\_\_\_ No Recommendation