

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

AGENDA

April 15, 2021

6:00 P.M.

Roll Call.

Approval of Minutes: March 18, 2021.

- (2) **BZA-0421-08** Nathaniel Humphreville is requesting a **Side Setback Variance** for the property located at **1348 Willoughby Road**. The purpose of this request is to reduce the side setback to 11' in lieu of the required 15' to build a garage addition. The property is owned by the Nathaniel Humphreville and is zoned Vestavia Hills R-2.
- (1) **BZA-0421-09** John Wilhelm is requesting a **Side Setback Variance** for the property located at **1144 Winward Lane**. The purpose of this request is to reduce the side setback to 7' in lieu of the required 15', to build a detached garage. The property is owned by the John Wilhelm and is zoned Vestavia Hills R-2.
- (3) **BZA-0421-10** Leslie Moore is requesting a **Front Setback Variance** for the property located at **3768 Glass Drive (Lots 16 & 17)**. The purpose of this request is to reduce the front setback to 15' in lieu of the required 40' to build a house. The property is owned by the Leslie Moore and is zoned Vestavia Hills R-4.
- (4) **BZA-0421-11** Leslie Moore is requesting a **Front Setback Variance** for the property located at **3768 Glass Drive (Lot 18)**. The purpose of this request is to reduce the front setback to 15' in lieu of the required 40' to build a house. The property is owned by the Leslie Moore and is zoned Vestavia Hills R-4.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

March 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
Donald Holley
Loring Jones, III
Thomas Parchman, Alt

MEMBERS ABSENT:

Tony Renta

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of February 18, 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 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	Chairman Rice – yes
Motion carried	

REAR SETBACK VARIANCE

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.

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.

Michael DeJohn was present for this case and stated the septic tank and the odd shaped lot causes a hardship.

Mr. DeJohn also presented septic documents produced by the County.

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 15' rear setback variance to reduce the setback to 15' in lieu of the required 30', for the property located at 3611 East Lakeside Drive, was made by Mr. Jones and 2nd was by Mr. Holley. 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	Chairman Rice – yes
Motion carried	

FRONT SETBACK VARIANCE

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.

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.

Sammy Brasseale was present for the case and stated the corner lot causes a hardship.

Mr. Holley suggested that the applicant screen the front of the detached addition.

Mr. Brasseale stated that he would add some landscaping to make it more appealing from the curb. He mentioned that he was already planning to put in large shrubs.

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 35' front setback variance to reduce the setback to 15' in lieu of the required 50', conditioned on adding the landscape screening, for the property located at 2068 Lakewood Drive was made by Mr. Jones and 2nd was by Mr. Holley. 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	Chairman Rice – yes
Motion carried	

At 6:18 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:18 PM.

Jack Wakefield,
Planner/GIS

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

Date: April 15, 2021

- **CASE: BZA-0421-08**
- **REQUESTED ACTION:** 4' Side Setback Variance to reduce the setback to 11' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 1348 Willoughby Road
- **APPLICANT/OWNER:** Nathaniel Humphreville
- **REPRESENTING AGENT:** Joe Ellis
- **GENERAL DISCUSSION:** The applicant is seeking a side setback variance to build a garage addition on the side of the current structure. The applicant contends that the irregular shaped lot and topography of the lot causes a hardship. The new garage would not encroach into the easement. 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: NATHANIEL HUMPHREVILLE

Address: 1348 WILLOUGHBY ROAD

VESTAVIA HILLS AL 35216

Phone #: 1334 444 2640 Other #: _____

E-Mail: N.Humphreville@icloud.com

Billing/Responsible Party

Name: SAME

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

Z0421-08//28-00-31-1-003-012.000
1348 Willoughby Rd.
Side Setback for a garage
Nathaniel Humphreville

Representing Attorney/Other Agent

Name: JOE ELLIS
Address: 1025 LIMBA VISTA LANE
VESTAVIA HILLS AL 35226
Phone #: 1 205 790 1389 Other #: _____
E-Mail: jellis@dwellingarchitecture.com

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 1348 WILLOUGHBY ROAD
Street Address
LOT 6 BLOCK 1 VESTHAVEN SEVENTH SECTOR SECOND ADDITION
Subdivision name, Lot #, Block #, etc.

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

1. A request to vary:
_____ ' variance to reduce the lot width to _____ ' in lieu of the required _____ ' .
_____ square foot variance to reduce the lot area to _____ square feet in lieu of the required _____ square feet.
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
2. A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Variance for location of a fence.
6. Sign Code Variance (See Section _____).
7. Other - Explain (See Section _____).

Z0421-08//28-00-31-1-003-012.000
1348 Willoughby Rd.
Side Setback for a garage
Nathaniel Humphreville

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).*

GIVEN THE LOCATION OF THE EXISTING RESIDENCE, AND SIGNIFICANT TYPOGRAPHY OF THE LOT, WE ARE REQUESTING A VARIANCE TO ALLOW A MAIN LEVEL GARAGE ADDITION TO THE SIDE OF THE HOME.

VI. PROJECT:

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

GARAGE ADDITION

VII. OWNER AFFIDAVIT:

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

[Signature] 3.15.21
Owner Signature/Date

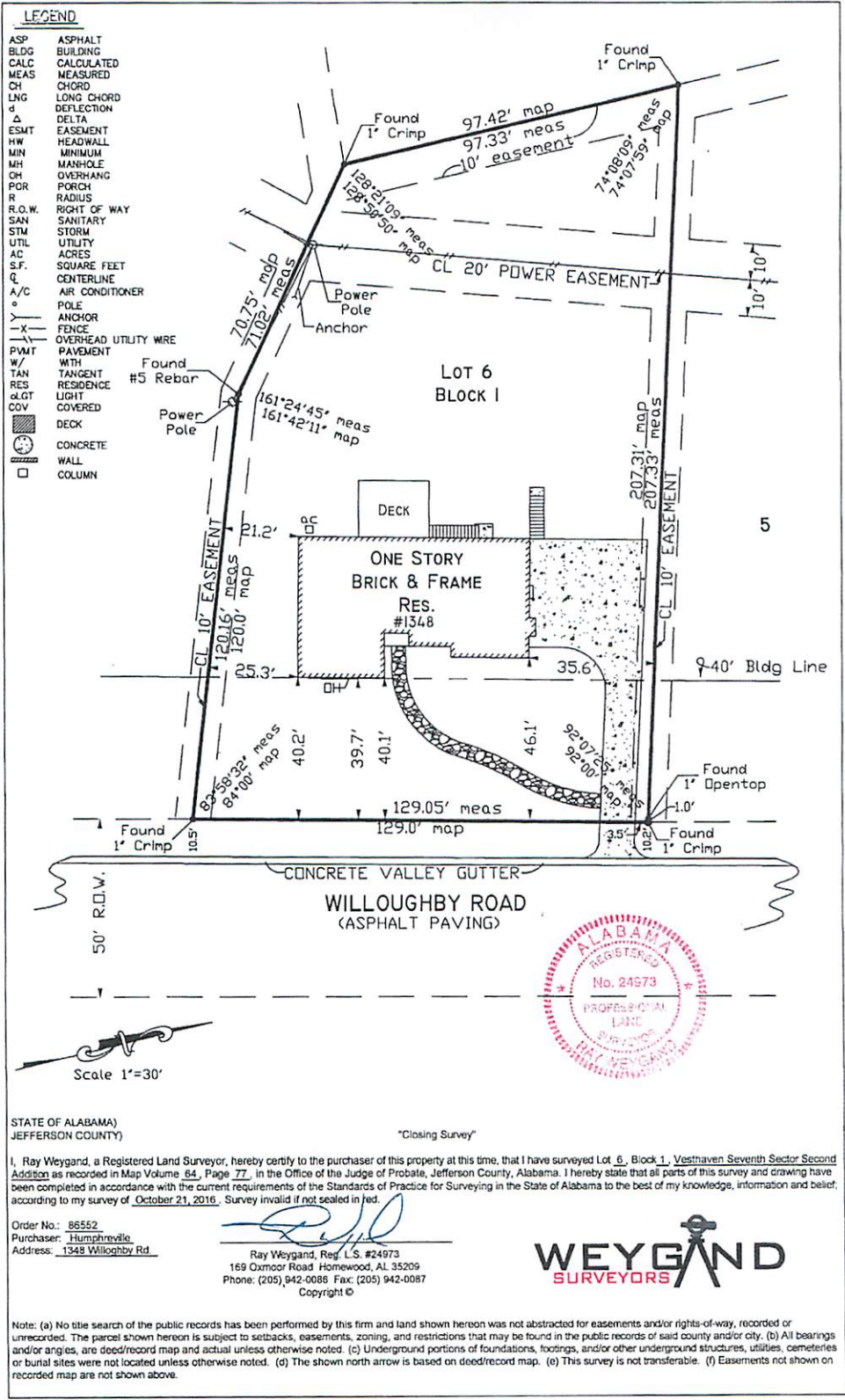
[Signature] 3.18.21
Representing Agent (if any)/date

Given under my hand and seal
this 15th day of March, 2021.

[Signature]
Notary Public
My commission expires 3rd
day of November, 2021.



Z0421-08//28-00-31-1-003-012.000
1348 Willoughby Rd.
Side Setback for a garage
Nathaniel Humphreville



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 6, Block 1, Vesthaven Seventh Sector Second Addition as recorded in Map Volume 64, Page 77, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of October 21, 2016. Survey invalid if not sealed in lead.

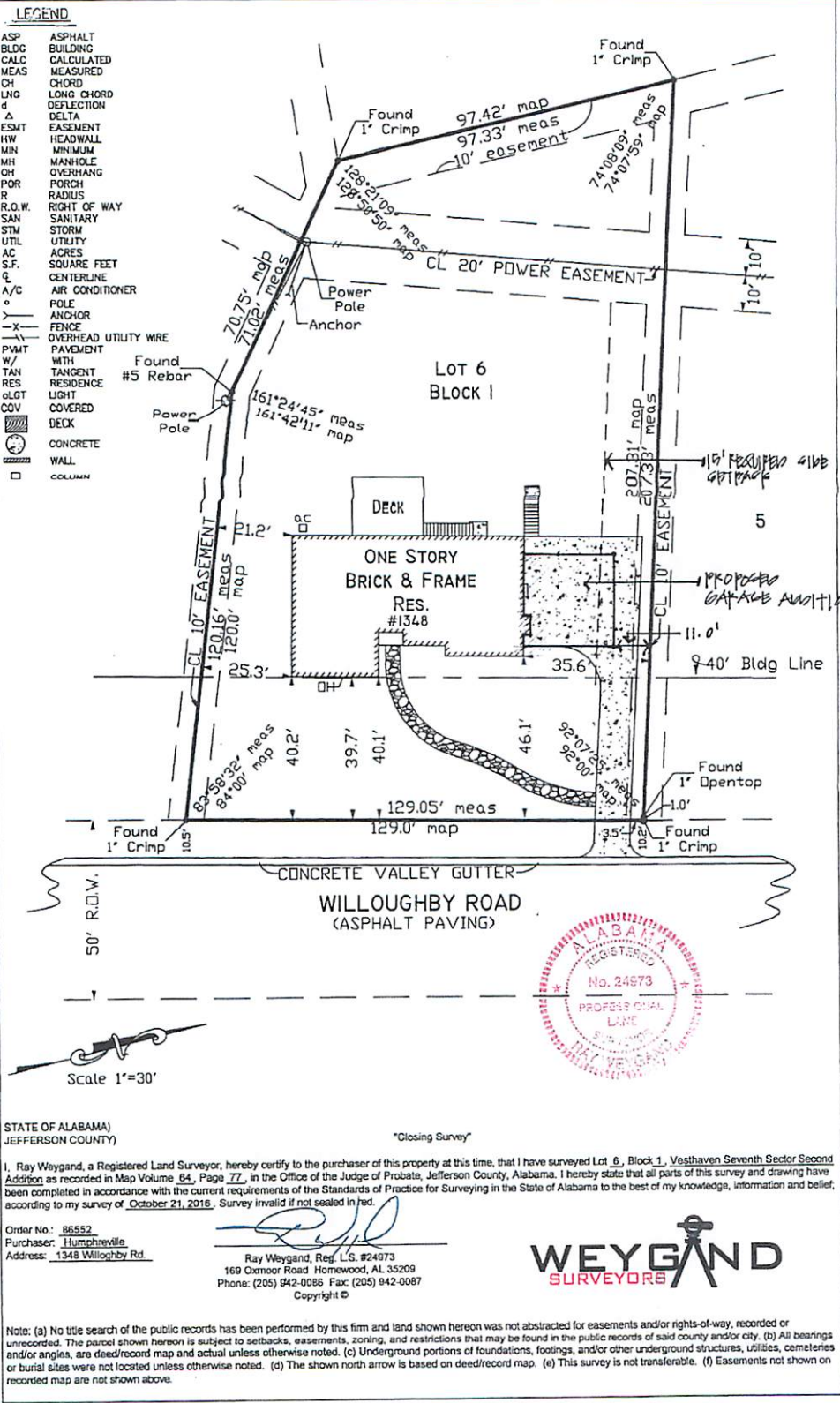
Order No.: 86552
Purchaser: Humphreville
Address: 1348 Willoughby Rd.

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



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

Z0421-08/28-00-31-1-003-012.000
1348 Willoughby Rd.
Side Setback for a garage
Nathaniel Humphreville



LEGEND

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

STATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 6, Block 1, Vesthaven Seventh Sector Second Addition as recorded in Map Volume 64, Page 77, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of October 21, 2016. Survey invalid if not sealed in red.

Order No.: 86552
Purchaser: Humphreville
Address: 1348 Willoughby Rd.

[Signature]
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
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NOTES ADDED BY
JOE ELLIS 01/3/15/21

Z0421-08/28-00-31-1-003-012.000
1348 Willoughby Rd.
Side Setback for a garage
Nathaniel Humphreville

BZA

Z0421-08//28-00-31-1-003-012.000

CITY OF VESTAVIA HILL
Department Review of Applica
(To be completed by City Sta

1348 Willoughby Rd.
Side Setback for a garage
Nathaniel Humphreville

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

Location: 1348 Willoughby Rd Case No.: BZA0421-08
Humphreville

Engineering: Date: 3/23/21 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: 3/23/21 Initials: ET
Comments: _____
 Recommended Not Recommended No Recommendation

Building Department: Date: 3/23/21 Initials: CB
Comments: _____
 Recommended Not Recommended No Recommendation

City Clerk: Date: _____ Initials: _____
Comments: _____
 Recommended Not Recommended No Recommendation

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

Date: April 15, 2021

- **CASE: BZA-0421-09**
- **REQUESTED ACTION:** 8' Side Setback Variance to reduce the setback to 7' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 1144 Winward Lane
- **APPLICANT/OWNER:** John Wilhelm
- **REPRESENTING AGENT:** Kim Parker
- **GENERAL DISCUSSION:** The applicant is seeking a side setback variance to build a detached garage addition. The applicant contends that septic tank and fill lines causes a hardship. This property was originally two lots. The applicant has submitted a resurvey with the Planning and Zoning Commission to combine the lots into one. 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: John Wilhelm
Address: P.O. Box 660923
Vestavia Hills, AL 35266
Phone #: (205) 317-3761 Other #: _____
E-Mail: jrwrealestate@cs.com

Billing/Responsible Party

Name: John Wilhelm
Address: P.O. Box 660923
Phone #: (205) 317-3761 Other #: _____
E-Mail: jrwrealestate@cs.com

Z0421-09//28-00-30-3-008-016.000
1144 Winward Lane
Side Setback for a garage
John Wilhelm

Representing Attorney/Other Agent

Name: Kim F. Parker
Address: 1148 Winward Ln.
Vestavia Hills, AL 35216
Phone #: (205) 369-5461 Other #: _____
E-Mail: Kparker@theparkercompanyllc.com

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 1144 Winward Ln.
Street Address
BK 2, Lots 23 & 24 Wateridge Terrace
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.
15' ' front/side/rear (circle one) setback variance to reduce the setback to 7' ' 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 _____).

Z0421-09//28-00-30-3-008-016.000
1144 Winward Lane
Side Setback for a garage
John Wilhelm

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).

Not being able to locate the garage in the same location and moving to the 15' set back on the left side will put the garage on top on the fill lines for septic system.

VI. PROJECT:

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

Replace carport that was damaged from falling tree with a 3 door garage. The exist carport has a 7' set back on the right side. IF we move garage to the 15' set back it will encroach on the septic lines that run between where the two carports are.

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

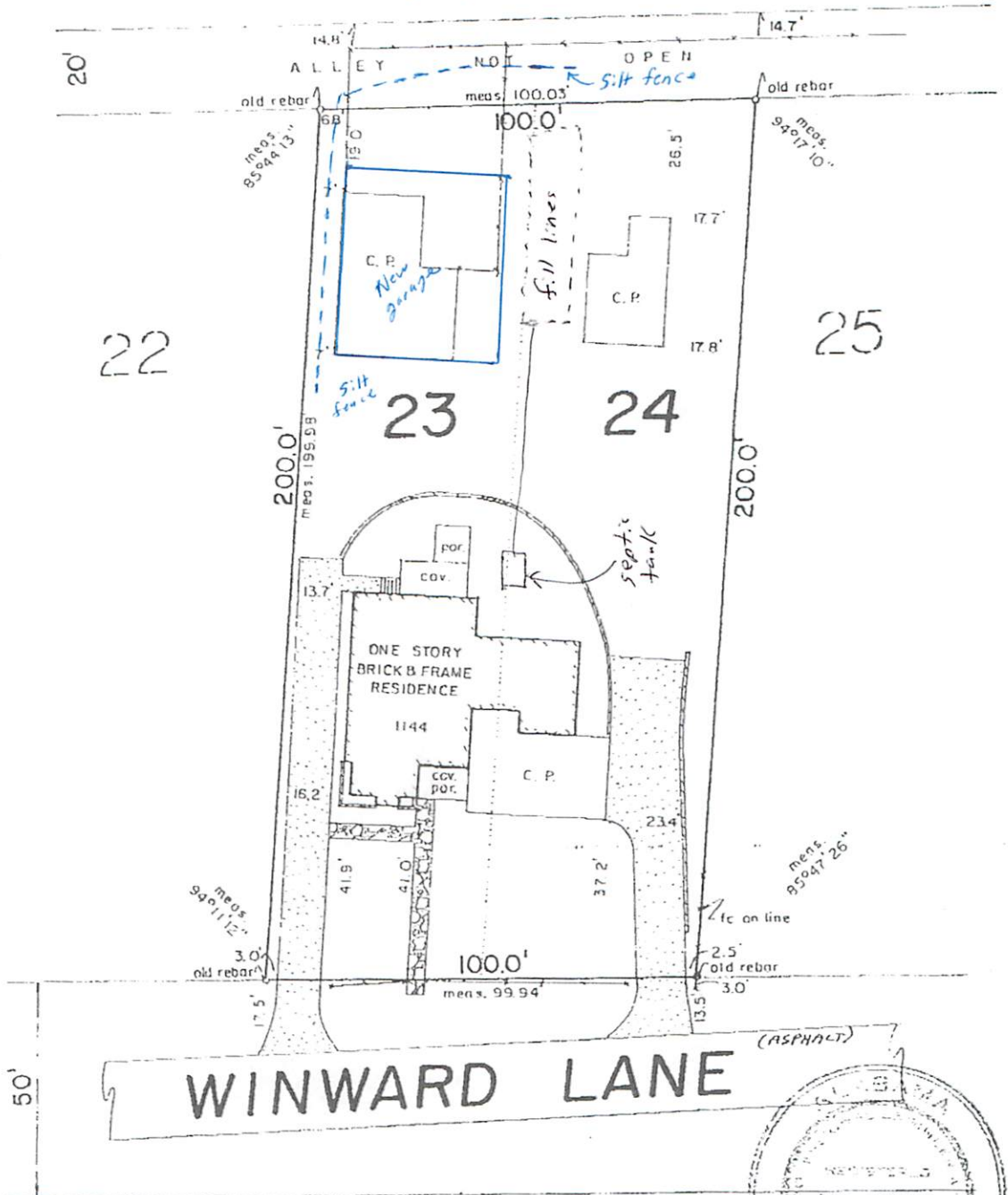
Given under my hand and seal
this 15th day of March, 2021.


Notary Public
My commission expires
day of _____, 20____.

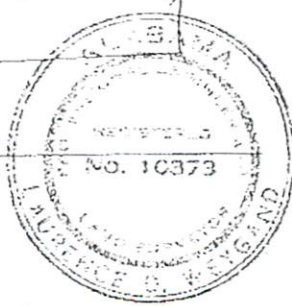


Z0421-09//28-00-30-3-008-016.000
1144 Winward Lane
Side Setback for a garage
John Wilhelm

BLOCK 2



WINWARD LANE



SCALE: 1" = 30'



STATE OF ALABAMA }
JEFFERSON COUNTY }

AS-BUILT SURVEY

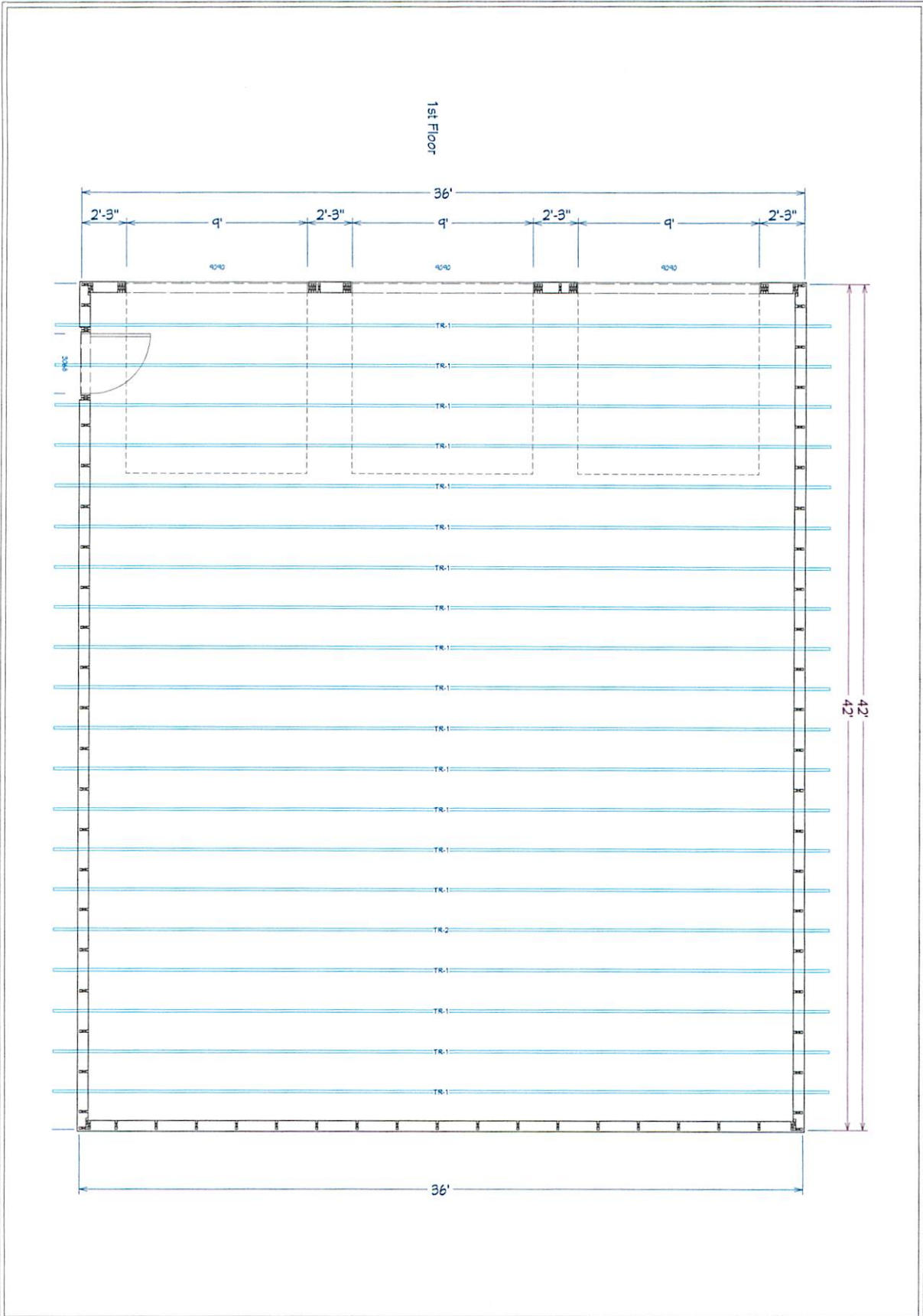
I, Laurence D. Weygand, a registered Engineer-Land Surveyor, certify that I have surveyed Lots 23 & 24, Block 2, WALDRIDGE TERRACE, as recorded in Map Volume 14, Page 33, in the office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements, or joint driveways over 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 I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area", that there are no encroachments on said lot except as shown; that improvements are located as shown above; that this survey meets the minimum technical standards for surveys as required by the State of Alabama (using 14" long #5 iron rebars); and that the correct address is as follows: 1144 WINWARD LANE, according to my survey of NOVEMBER 4, 1998.

WILHELM

Survey Invalid If not sealed in red.
Flood Zone: C

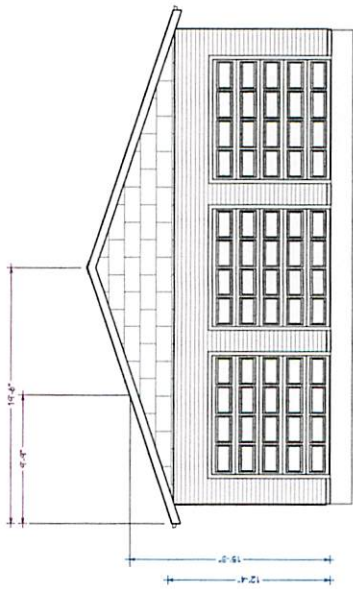
Laurence D. Weygand
 Laurence D. Weygand, Reg. P.E. & L.S. #10373
 1000 ... Road, Birmingham, AL 35200

Z0421-09//28-00-30-3-008-016.000
 1144 Winward Lane
 Side Setback for a garage
 John Wilhelm

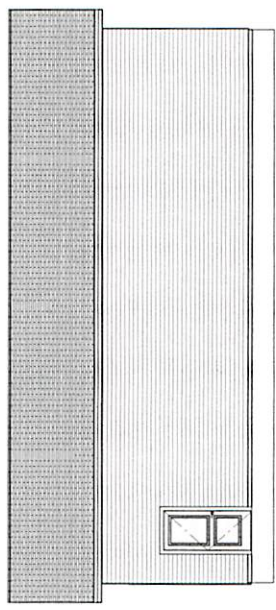


Z0421-09//28-00-30-3-008-016.000
 1144 Winward Lane
 Side Setback for a garage
 John Wilhelm

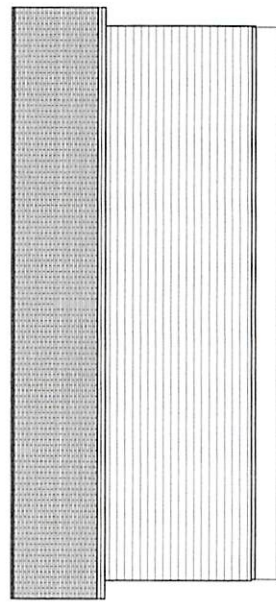
SHEET: P-1	SCALE:	DATE: 3/14/2021	DRAWINGS PROVIDED BY: Parker Home Solutions, LLC	36' X 42' Garage 1142 Winward Lane Vestavia Hills, AL 35216	REVISION TABLE	
					NUMBER	DATE



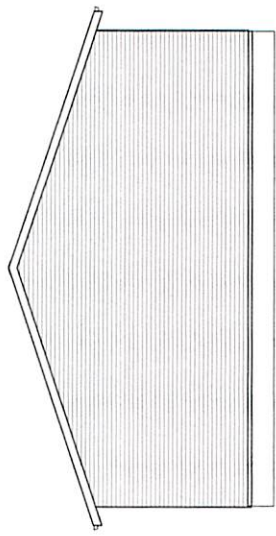
Elevation 1



Elevation 2

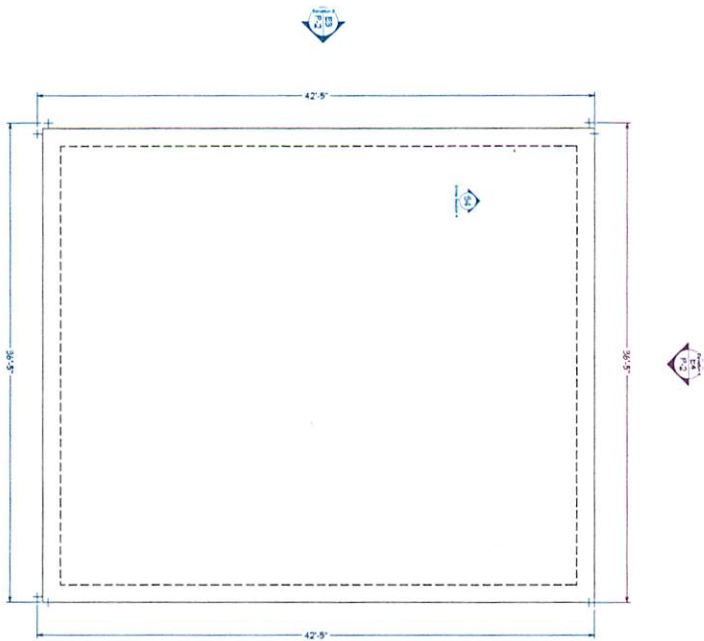


Elevation 3

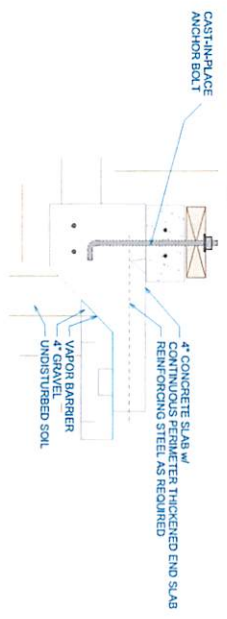


Elevation 4

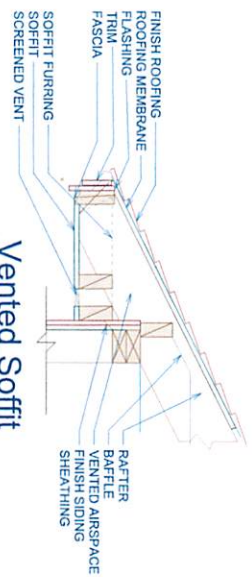
Z0421-09//28-00-30-3-008-016.000
 1144 Winward Lane
 Side Setback for a garage
 John Wilhelm



LIVING AREA
Foundation



Thickened End Slab Below Grade
(print at 1"=1')



Vented Soffit
(print at 1"=1')

THESE DRAWINGS ARE THE PROPERTY OF PARKER HOME SOLUTIONS, LLC. NO PART OF THESE DRAWINGS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF PARKER HOME SOLUTIONS, LLC.

REVISION TABLE	
NO.	DESCRIPTION

36' X 42' Garage
1142 Winward Lane
Vestavia Hills, AL 35216

DRAWINGS PROVIDED BY:
Parker Home Solutions, LLC

DATE:	3/14/2021
SCALE:	
SHEET:	P-3

Z0421-09//28-00-30-3-008-016.000
1144 Winward Lane
Side Setback for a garage
John Wilhelm

BZA

Z0421-09//28-00-30-3-008-016.000

CITY OF VESTAVIA HILL: 1144 Winward Lane
Department Review of Application Side Setback for a garage
(To be completed by City Staff, John Wilhelm)

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

Location: 1144 Winward Lane Case No.: BZA0421-09
Wilhelm

Engineering:

Date: 3/23/21 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: 3/23/21 Initials: RE

Comments: _____

Recommended Not Recommended No Recommendation

Building Department:

Date: 3/23/21 Initials: CB

Comments: _____

Recommended Not Recommended No Recommendation

City Clerk:

Date: _____ Initials: _____

Comments: _____

Recommended Not Recommended No Recommendation

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

Date: April 15, 2021

- **CASE: BZA-0421-10**
- **REQUESTED ACTION:** 25' Front Setback Variance to reduce the setback to 15' in lieu of the required 40' & 524 sq ft Square Footage Variance to reduce the lot area to 11,476 sq ft in lieu of the required 12,000 sq ft.
- **ADDRESS/LOCATION:** 3768 Glass Drive (Lots 16 & 17)
- **APPLICANT/OWNER:** Leslie Moore
- **REPRESENTING AGENT:** Patrick Gilbert
- **GENERAL DISCUSSION:** The applicant is seeking a front setback variance and a square footage variance to build a house. The applicant contends corner lot causes a hardship. This property is two lots. The applicant has submitted a resurvey with the Planning and Zoning Commission to combine the lots into one. When combining the lots, the lot area is about 500 sq ft short of the required area. This action would make this a legal lot of record. 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: Leslie C. Moore

Address: 3768 Crosby Drive Vestavia Al 35243
3768 Crosby Drive Vestavia Al 35243

Phone #: 205-542-9940 Other #: _____

E-Mail: patrick@wedgworth.net

Billing/Responsible Party

Name: Leslie C. Moore

Address: 3768 Crosby Drive Vestavia Al 35243

Phone #: 205-542-9940 Other #: _____

E-Mail: patrick@wedgworth.net

Z0421-10//28-00-15-1-014-001.000
3768 Glass Dr. Lots16&17
Front Setback & Sq. Ft. Variance
Leslie Moore

Representing Attorney/Other Agent

Name: Patrick Gilbert
Address: 3768 Crosby Drive Vestavia Al 35243
3768 Crosby Drive Vestavia Al 35243
Phone #: 205-542-9940 Other #: _____
E-Mail: patrick@wedgworth.net

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 3768 Crosby Drive Vestavia Al 35243
Street Address
Lot 16 & 17 Block 4 Glass 3rd Addition to New Merkle
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 11,476 square feet in lieu of the required 12,000 square feet.
JKW ~~side~~ front side/rear (circle one) setback variance to reduce the setback to 15 ' in lieu of the required 40 ' .
_____ ' 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 _____).

Z0421-10//28-00-15-1-014-001.000
3768 Glass Dr. Lots 16 & 17
Front Setback & Sq. Ft. Variance
Leslie Moore

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).*

We are requesting a lot variance on the side set back due to the nature of a corner lot making it difficult to have a usable building area.

VI. PROJECT:

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

We will be building a single family residence on this site. Due to the nature of a side yard setback of 40' on Midland drive it makes it hard to design and build a house on this lot.

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***

Leslie Moore
Owner Signature/Date

Robert P. [Signature]
Representing Agent (if any)/date

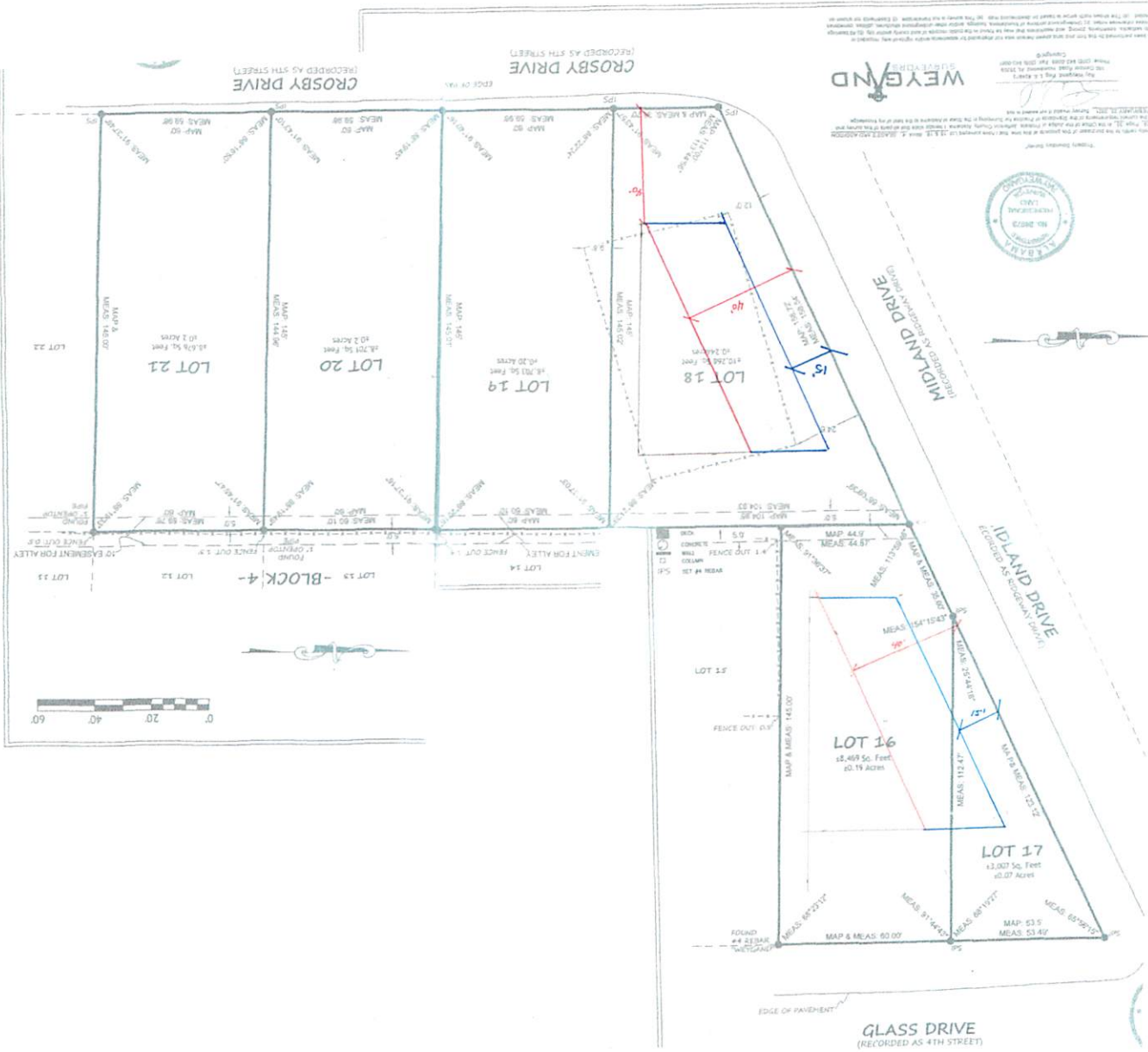
Given under my hand and seal
this 16 day of MARCH, 2021.

[Signature]
Notary Public

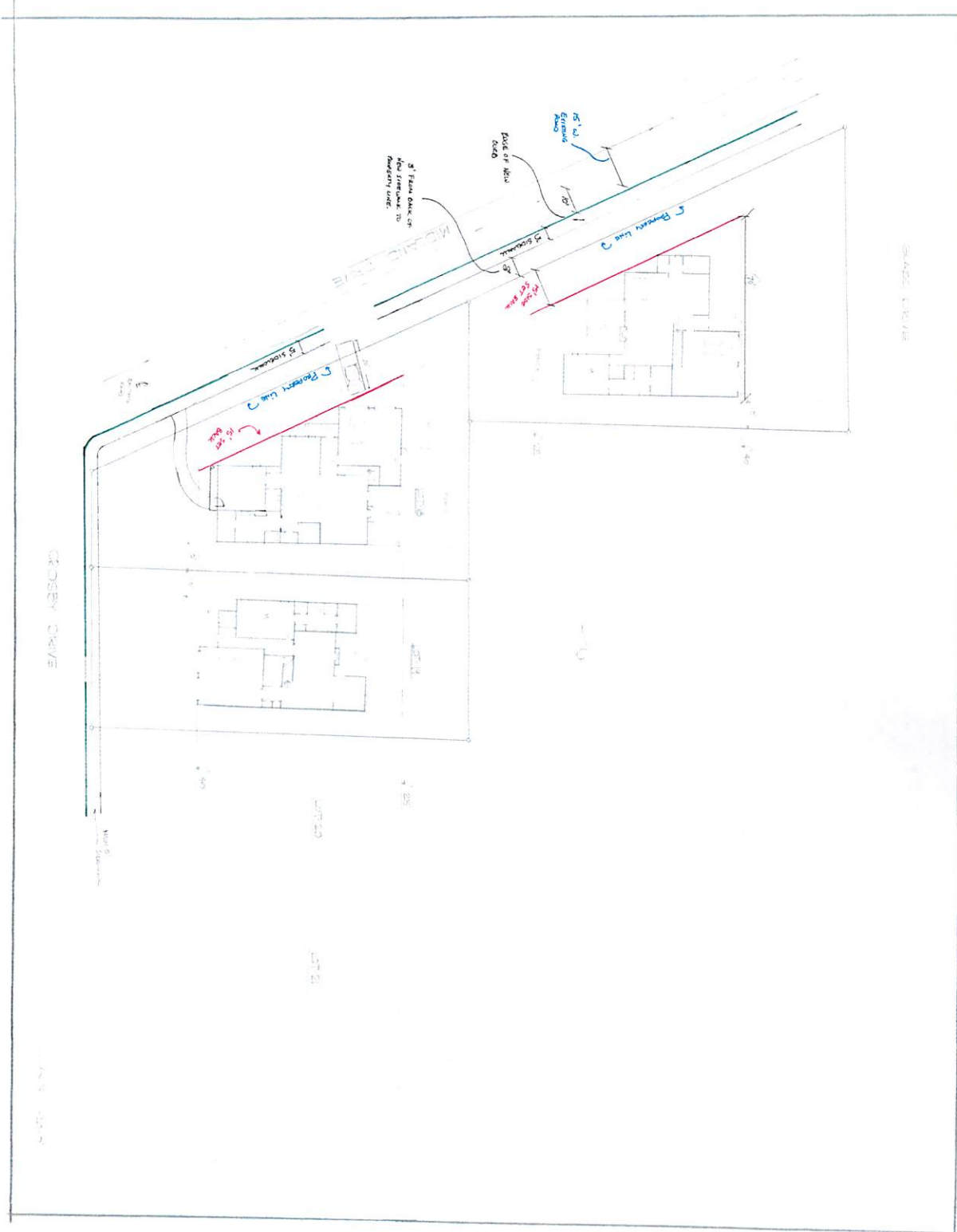
My commission expires 21
day of June, 2021.



Z0421-10//28-00-15-1-014-001.000
3768 Glass Dr. Lots 16&17
Front Setback & Sq. Ft. Variance
Leslie Moore



Z0421-10//28-00-15-1-014-001.000
3768 Glass Dr. Lots 16 & 17
 Front Setback & Sq. Ft. Variance
 Leslie Moore



CRISBY DRIVE

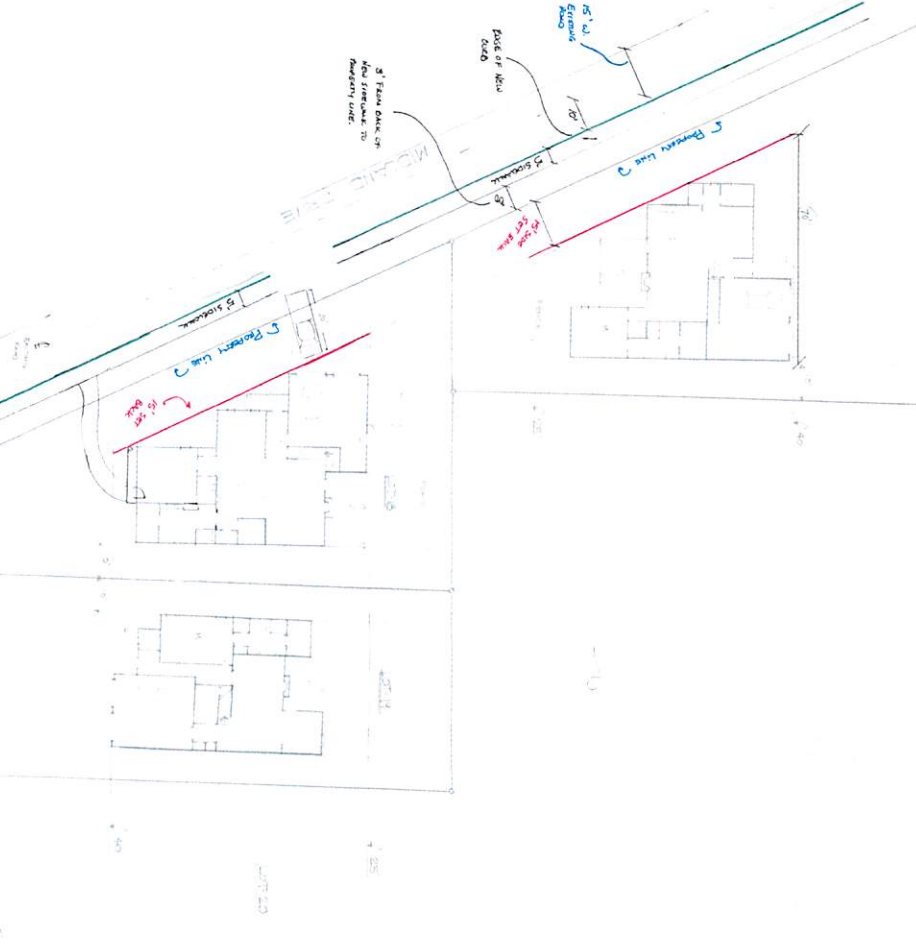
0' 0" 10' 20' 30'

CRISBY

CRISBY

CRISBY

CRISBY



BZA
Lots 16&17

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

Location: 3768 Glass Drive Case No.: BZA0421-10
Moore

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: 3/23/21 Initials: [Signature]
Comments: _____
 Recommended Not Recommended No Recommendation

Building Department: Date: 3/23/21 Initials: [Signature]
Comments: _____
 Recommended Not Recommended No Recommendation

City Clerk: Date: _____ Initials: _____
Comments: _____
 Recommended Not Recommended No Recommendation

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

Date: April 15, 2021

- **CASE: BZA-0421-11**
- **REQUESTED ACTION:** 25' Front Setback Variance to reduce the setback to 15' in lieu of the required 40'.
- **ADDRESS/LOCATION:** 3768 Glass Drive (Lot 18)
- **APPLICANT/OWNER:** Leslie Moore
- **REPRESENTING AGENT:** Patrick Gilbert
- **GENERAL DISCUSSION:** The applicant is seeking a front setback variance to build a house. The applicant contends corner lot causes a hardship. There were questions regarding sight distance and if the driveway put the cars too close to the roadway. City Engineer, Christopher Brady, examined the site and determined that with the curb extending a good distance off the property line, that there would be no issues. 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: Leslie C Moore

Address: 3768 Crosby Drive Vestavia Al 35243
3768 Crosby Drive Vestavia Al 35243

Phone #: 205-542-9940 Other #: _____

E-Mail: patrick@wedgworth.net

Billing/Responsible Party

Name: Leslie C Moore

Address: 3768 Crosby Drive Vestavia Al 35243

Phone #: 205-542-9940 Other #: _____

E-Mail: patrick@wedgworth.net

Z0421-11//28-00-15-1-014.001.000
3768 Glass Dr.Lots18&19
Front Setback for new home
Leslie Moore

Representing Attorney/Other Agent

Name: Patrick Gilbert
Address: 3768 Crosby Drive Vestavia Al 35243
3768 Crosby Drive Vestavia Al 35243
Phone #: 205-542-9940 Other #: _____
E-Mail: patrick@wedgworth.net

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 3768 Crosby Drive Vestavia Al 35243
Street Address
Lot 18 and Lot 19 Block 4 Glass 3rd Addition to New Merkle
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.
SKW Side ' front /side/rear (circle one) setback variance to reduce the setback to 15 ' in lieu of the required 40 ' .
_____ ' 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 _____).

Z0421-11//28-00-15-1-014.001.000
3768 Glass Dr.Lots18&19
Front Setback for new home
Leslie Moore

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).*

We are requesting a lot variance on the side set back due to the nature of a corner lot making it difficult to have a usable building area.

VI. PROJECT:

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

We will be building a single family residence on this site. Due to the nature of a side yard setback of 40' on Midland drive it makes it hard to design and build a house on this lot.

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***

Leslie C Moore
Owner Signature/Date

[Signature]
Representing Agent (if any)/date

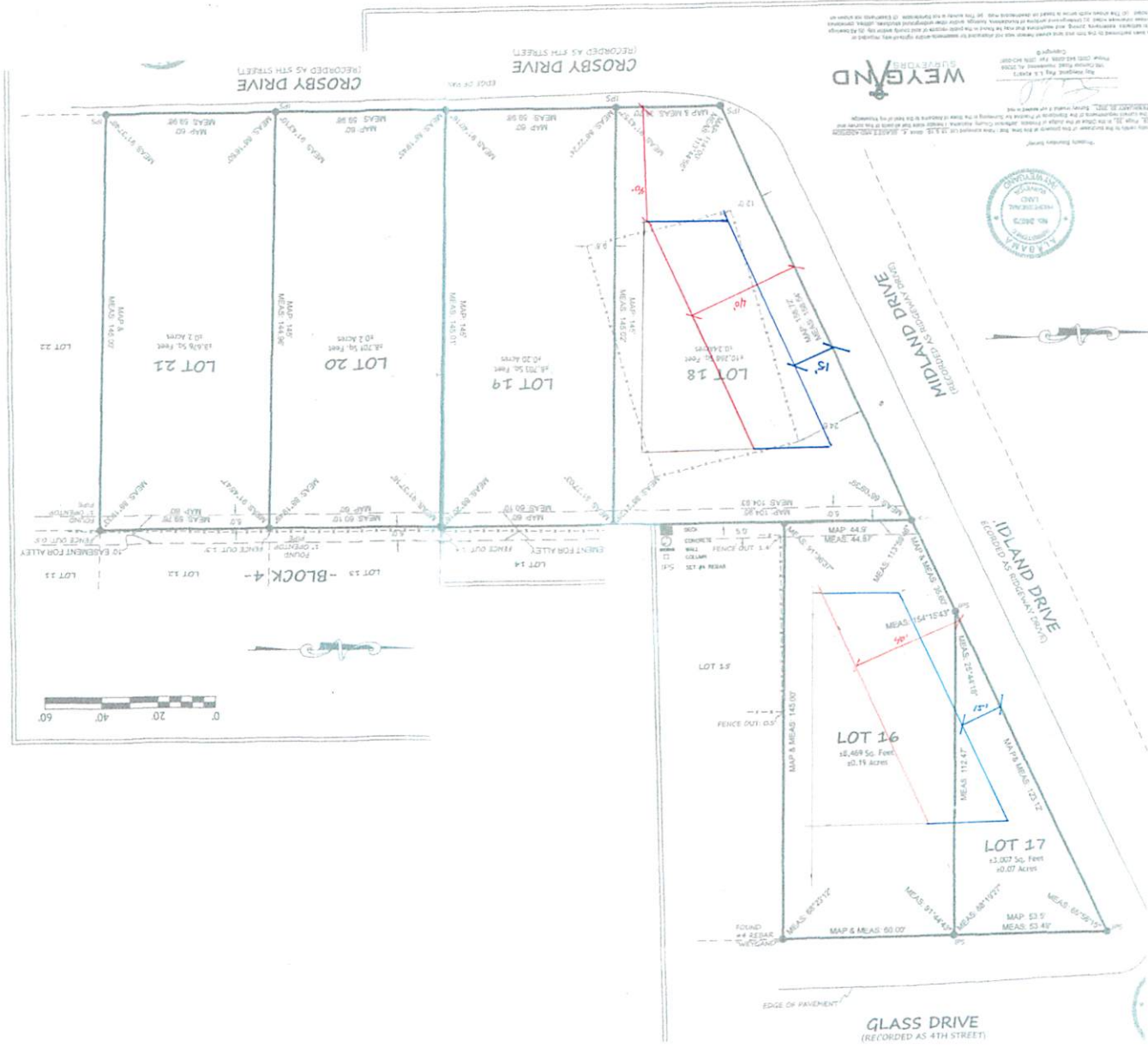
Given under my hand and seal
this 16 day of MARCH; 20 21.

[Signature]
Notary Public

My commission expires 21
day of June, 20 21.



Z0421-11//28-00-15-1-014.001.000
3768 Glass Dr.Lots18&19
Front Setback for new home
Leslie Moore



Z0421-10/28-00-15-1-014-001.000
3768 Glass Dr. Lots 16 & 17
 Front Setback & Sq. Ft. Variance
 Leslie Moore



BZA
Lots 18 & 19

Z0421-11//28-00-15-1-014.001.000
CITY OF VESTAVIA HILL 3768 Glass Dr. Lots 18 & 19
Department Review of Application Front Setback for new home
(To be completed by City Staff) Leslie Moore

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

Location: 3768 Glass Drive Case No.: BZA0421-11
Moore

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: 3/23/21 Initials: [Signature]
Comments: _____
 Recommended Not Recommended No Recommendation

Building Department: Date: 3/23/21 Initials: [Signature]
Comments: _____
 Recommended Not Recommended No Recommendation

City Clerk: Date: _____ Initials: _____
Comments: _____
 Recommended Not Recommended No Recommendation