

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

**AGENDA**

**May 20, 2021**

**6:00 P.M.**

Roll Call.

Approval of Minutes: April 15, 2021.

- (1) **BZA-04521-12** Jennifer Burks is requesting a **Side Setback Variance** for the property located at **913 Haviland Drive**. The purpose of this request is to reduce the side setback to 7' in lieu of the required 15' to build a carport addition. The property is owned by the Jennifer Burks and is zoned Vestavia Hills R-2.
- (2) **BZA-0521-14** Steve & Michelle Thackerson are requesting a **Side & Front Setback Variance** for the property located at **3412 Sagewood Trail**. The purpose of this request is to reduce the side setback to 11' in lieu of the required 17' & to reduce the front setback to 32' in lieu of the required 60', to build a living space addition. The property is owned by the Steve & Michelle Thackerson and is zoned Vestavia Hills R-1.
- (3) **BZA-0521-15** Steven Mote is requesting a **Lot Area Variance and Lot Width Variance** for the property located at **1118 Winward Lane (Lots 8-C-1 & 8-D-1)**. The purpose of this request is to reduce the lot area and lot width of Lot 8-C-1 and the lot area of 8-D-1, to match lot lines to existing fence line. The property is owned by the Steven Mote and is zoned Vestavia Hills R-2.
- (4) **BZA-0521-16** Matthew Wyn Smith is requesting a **Variance for the Location of a Fence** for the property located at **2136 Woodhue Circle**. The purpose of this request is to build a fence in the in the front setback. The property is owned by the Matthew Wyn Smith and is zoned Vestavia Hills R-3.
- (5) **BZA-0521-17** Ann Rayburn is requesting a **Side Setback Variance** for the property located at **1920 Southwood 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 Ann Rayburn and is zoned Vestavia Hills R-2.

- (6) **BZA-0521-18** RW Development is requesting a **Front Setback Variance** for the property located at **2700 Vestavia Forest Drive & 2730 Jacobs Road**. The purpose of this request is to reduce the front setback to 40' in lieu of the required 50', to group homes closer to the street. The property is owned by the RW Development and is zoned Vestavia Hills R-2.
- (7) **BZA-0521-19** Scott and Lori Planson are requesting a **Variance for the Location of a Fence** for the property located at **3056 Asbury Park Place**. The purpose of this request is to build a fence in the in the front setback. The property is owned by the Scott and Lori Planson and is zoned Vestavia Hills R-8.
- (8) **BZA-0521-20** Jonathan Watts is requesting a **Front Setback Variance** for the property located at **3433 Southampton Circle**. The purpose of this request is to reduce the front setback to 36' in lieu of the required 50', to cover the front porch. The property is owned by the Jonathan Watts and is zoned Vestavia Hills R-2.
- (9) **BZA-0521-21** Ed & Jane Stakes are requesting a **Side and Rear Setback Variance** for the property located at **1620 Gentilly Drive**. The purpose of this request is to reduce the side setback to 6' in lieu of the required 15' & to reduce the rear setback to 7' in lieu of the required 15' to build a small storage shed. The property is owned by the Ed & Jane Stakes and is zoned Vestavia Hills R-2.

Time of Adjournment.

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

**MINUTES**

**April 15, 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
- Stephen Greer, Alt
- Loring Jones, III
- Thomas Parchman, Alt

**MEMBERS ABSENT:**

- Tony Renta
- Robert Gower
- Donald Holley

**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 March 18, 2021 was made by Mr. Jones and 2<sup>nd</sup> was by Mr. Parchman. Motion as carried on a voice vote as follows:

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

**SIDE SETBACK VARIANCE**

**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.

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

Joe Ellis was present for the case and stated that the hardship was the topography of the lot. He also stated that this is the only feasible location on the lot.

Chairman Rice asked if the garage would be closed and Mr. Ellis answered yes it would be front loaded.

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 4' side setback variance to reduce the setback to 11' in lieu of the required 15', for the property located at 1348 Willoughby Road, was made by Mr. Jones and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

Mr. Jones – yes	Mr. Parchman – yes
Mr. Greer – yes	Chairman Rice – yes
Motion carried	

### **SIDE SETBACK VARIANCE**

**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.

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

John Wilhelm was present for the request. He stated that he wants to replace a shed with a garage.

Mr. Wilhelm also stated he understood the neighbor concerns and would work with the Code Enforcement Officer in the future.

Chairman Rice asked if this new garage would fit the old foundation.

Mr. Wilhelm responded that it would be larger, but it wasn't on a foundation instead it was on a concrete pad. He also stated that it will be fully enclosed.

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 8’ side setback variance to reduce the setback to 7’ in lieu of the required 15’, for the property located at 1144 Winward Lane was made by Mr. Jones and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

Mr. Jones – yes	Mr. Parchman – yes
Mr. Greer – yes	Chairman Rice – yes
Motion carried	

**FRONT SETBACK VARIANCE**

**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.

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.

Patrick Gilbert was present for the request and stated the corner lot was the hardship.

Mr. Gilbert also stated that this will add building space and has worked with Engineering to mitigate site distance and water run off issues.

Jane Hinds, 3128 Midland Drive, stated that there is a water problem and that water originates from the top of the property. Some people have been stuck in the mud and down the road water has eroded the pavement.

Barbara Shephard, 3137 Overton Cove, concurred with Ms. Hinds statements.

Mr. Gilbert stated that the water runoff issues will improve because there currently is no infrastructure hindering the water flow.

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 25’ front setback variance to reduce the setback to 15’ in lieu of the required 40’ & a 524 sq. ft. lot area variance to reduce the lot area to 11,476 sq. ft. in lieu of the required 12,000 sq. ft., for the property located at 3768 Glass Drive (Lots 16 & 17) was made by Mr. Jones and 2nd was by Mr. Parchman. Motion was carried on a roll call vote as follows:

Mr. Jones – yes            Mr. Parchman – yes  
Mr. Greer – yes           Chairman Rice – yes  
Motion carried

**FRONT SETBACK VARIANCE**

**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.

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.

Patrick Gilbert was present for this case and stated the corner lot caused the hardship.

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 25’ front setback variance to reduce the setback to 15’ in lieu of the required 40’, for the property located at 3768 Glass Drive (Lot 18) was made by Mr. Jones and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

Mr. Jones – yes            Mr. Parchman – yes  
Mr. Greer – yes           Chairman Rice – yes  
Motion carried

At 6:37 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:37 PM.

Jack Wakefield,  
Planner/GIS

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

Date: May 20, 2021

- **CASE: BZA-0521-12**
- **REQUESTED ACTION:** 8' Side Setback Variance to reduce the setback to 7' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 913 Haviland Drive
- **APPLICANT/OWNER:** Jennifer Burks
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** The applicant is seeking a side setback variance to build a carport. The applicant contends the slanted lot lines and the topography causes a hardship. The side of the house that has the most space, also has the worst of the terrain. Leading the area to be less buildable. The opposite side of the lot has less space because the property line slants inward into the lot. This is the side of the house the carport would be built. 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 HI 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:**

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

Name: Jennifer Burks

Address: 913 Haviland Drive  
Vestavia, AL 35216

Phone #: 205-234-0521 Other #: \_\_\_\_\_

E-Mail: jburks@stericycle.com

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**Billing/Responsible Party**

Name: Jennifer Burks

Address: 913 Haviland Drive Vestavia, AL 35216

Phone #: 205-234-0521 Other #: \_\_\_\_\_

E-Mail: jburks@stericycle.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: 913 Haviland Drive Vestavia Hills, AL 35216  
Street Address  
South Birmingham Heights SUBD Lots 18+19, Block 7  
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.  
7'9" 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 \_\_\_\_\_ ' .  
\_\_\_\_\_ ' 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 \_\_\_\_\_).

**Z0521-12//28-00-30-1-007-004.000**

**913 Haviland Drive**  
Side Setback for a carport  
Jennifer Burks

**IV. ZONING**

Vestavia Hills Zoning for the subject property is R-3.

**V. HARDSHIP**

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

SIZE/  
IRREGULAR LOT SHAPE & PLACEMENT OF HOUSE  
ON LOT.

**VI. PROJECT:**

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

LOOK REQUESTING TO BUILD AN ATTACHED  
CARPORT TO COVER THE EXISTING  
PARKING SPACE. REQUESTING A VARIANCE  
BECAUSE EXISTING PARKING OVERLAPS  
THE SETBACK REQUIREMENT.

**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\**

Jennifer Burks  
Owner Signature/Date

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

Given under my hand and seal  
this 8 day of April, 2021.

[Signature]  
Notary Public  
My commission expires 30th  
day of October, 2022.

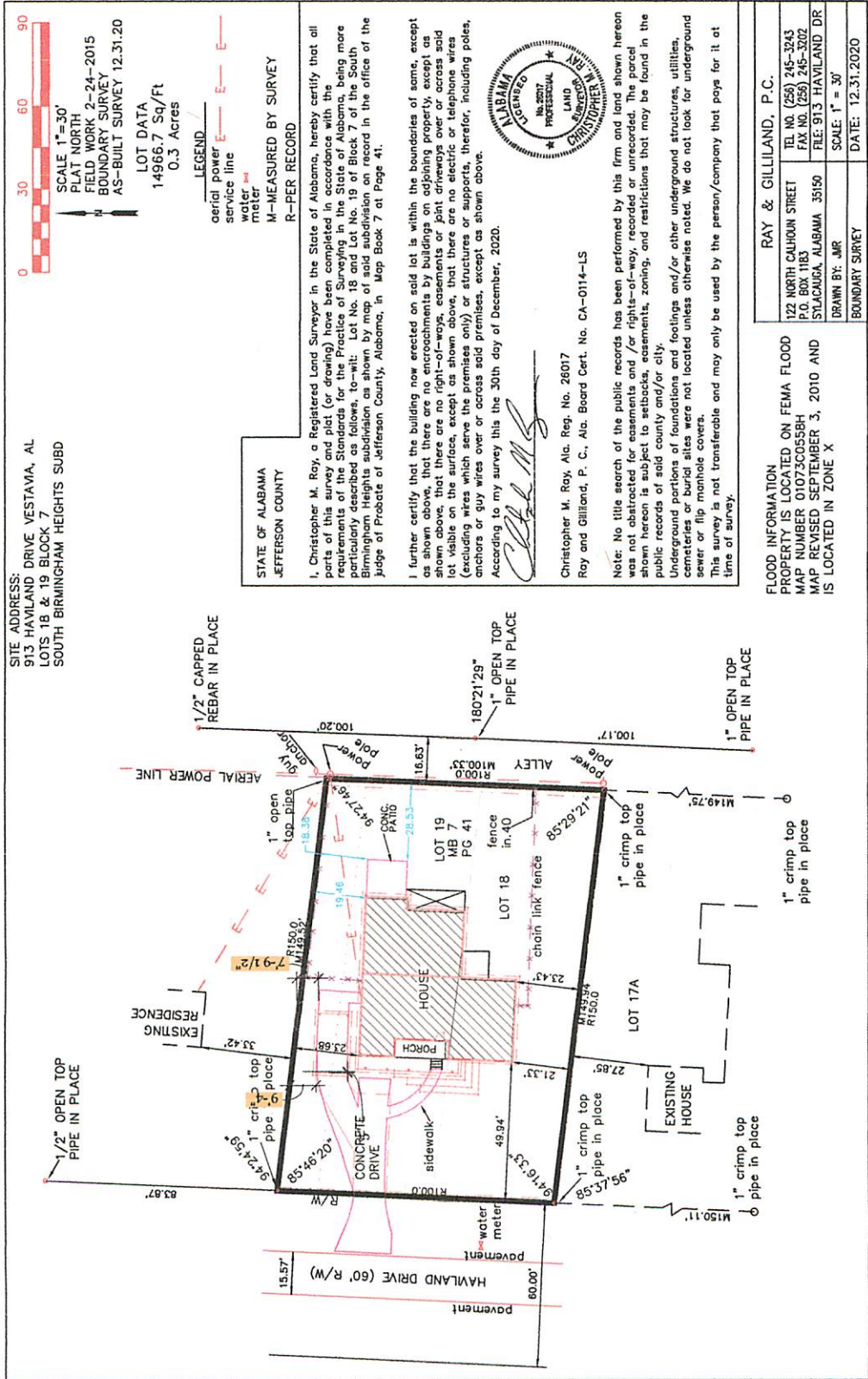


My Commission Expires  
October 30, 2022

My Commission Expires  
October 30, 2022

FRONT PORCH - SITE PLAN

SCALE: NTS



SITE ADDRESS:  
913 HAVILAND DRIVE VESTAVIA, AL  
LOTS 18 & 19 BLOCK 7  
SOUTH BIRMINGHAM HEIGHTS SUBD



SCALE 1"=30'  
PLAT NORTH  
FIELD WORK 2-24-2015  
BOUNDARY SURVEY  
AS-BUILT SURVEY 12.31.20  
LOT DATA  
14966.7 Sq/Ft  
0.3 Acres

LEGEND  
aerial power — E — E — E —  
service line — E — E — E —  
water — E — E — E —  
gas — E — E — E —  
M-MEASURED BY SURVEY  
R-PER RECORD

STATE OF ALABAMA  
JEFFERSON COUNTY

I, Christopher M. Roy, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and plat (or drawing) have been completed in accordance with the requirements of the Standards for the Practice of Surveying in the State of Alabama, being more fully defined in these rules, No. 12 and 13, of the Code of Alabama, 1975, and in the Southern Birmingham Heights subdivision as shown by map of said subdivision on record in the office of the Judge of Probate of Jefferson County, Alabama, in Map Book 7 at Page 41.

I further certify that the building now erected on said lot is within the boundaries of same, except as shown above, that there are no encroachments by buildings on adjoining property, except as shown above, that there are no right-of-ways, easements or joint driveways over or across said lot visible on the surface, except as shown above, that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports, therefor, including poles, anchors or guy wires over or across said premises, except as shown above.

According to my survey this the 30th day of December, 2020.



Christopher M. Roy, Ala. Reg. No. 26017  
Ray and Gilliland, P. C., Ala. Board Cert. No. CA-0114-LS

Note: 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.  
Underground portions of foundations and footings and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewer or flip manhole covers.  
This survey is not transferable and may only be used by the person/company that pays for it at time of survey.

RAY & GILLILAND, P.C.	
122 NORTH CAULHOUN STREET	TEL. NO. (256) 245-3243
P.O. BOX 1183	FAX NO. (256) 245-3202
STOLACARUA, ALABAMA 35150	FILE: 913 HAVILAND DR.
DRAWN BY: JMR	SCALE: 1" = 30'
BOUNDARY SURVEY	DATE: 12.31.2020

FLOOD INFORMATION  
PROPERTY IS LOCATED ON FEMA FLOOD  
MAP NUMBER 01073C0559H  
MAP REVISED SEPTEMBER 3, 2010 AND  
IS LOCATED IN ZONE X

JCD  
& CO

BURKS PORCH REMODEL  
913 HAVILAND DRIVE BIRMINGHAM, AL 35216

Z0521-12/28-00-30-1-007-004.000  
913 Haviland Drive  
Side Setback for a carport  
Jennifer Burks

HOURS	REMARKS
1	FIRST ROUND - FLOOD PLAN OPTIONS
2	SECOND ROUND - ELEVATIONS
3	FINAL SET
4	MEETINGS
13.5	TOTAL

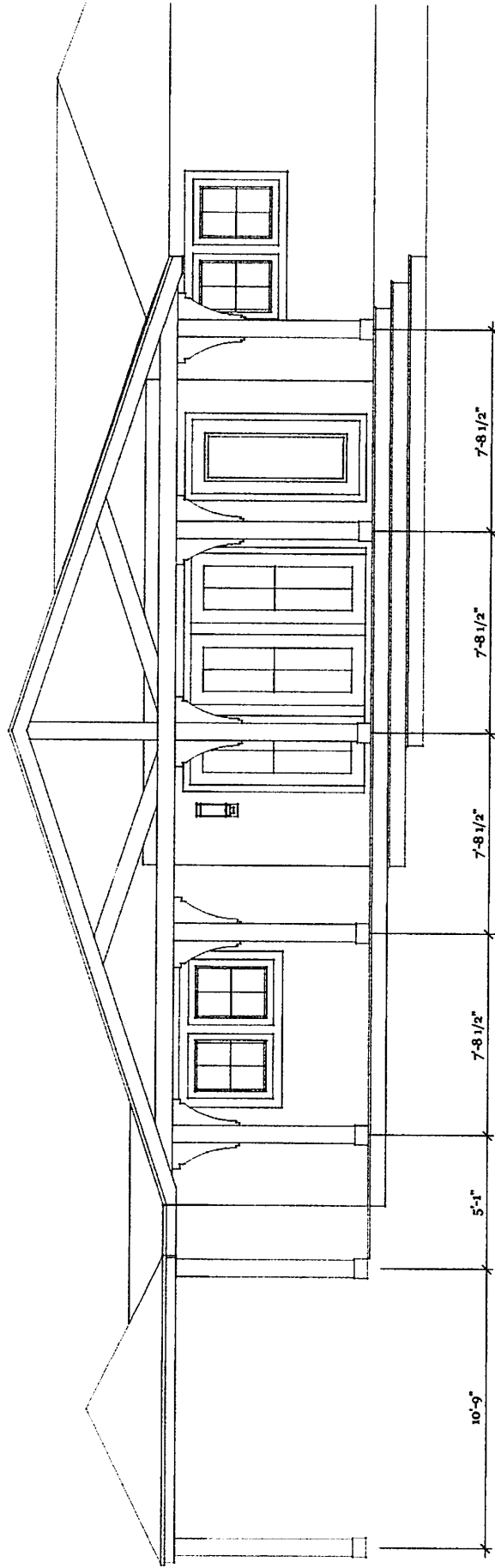
01.20.21

PG. 02



FRONT PORCH - PLAN

SCALE: 3/16" = 1'0"



JCD  
& CO

BURKS PORCH REMODEL

913 HAVILAND DRIVE BIRMINGHAM, AL 35216

Z0521-12//28-00-30-1-007-004.000

913 Haviland Drive

Side Setback for a carport

Jennifer Burks

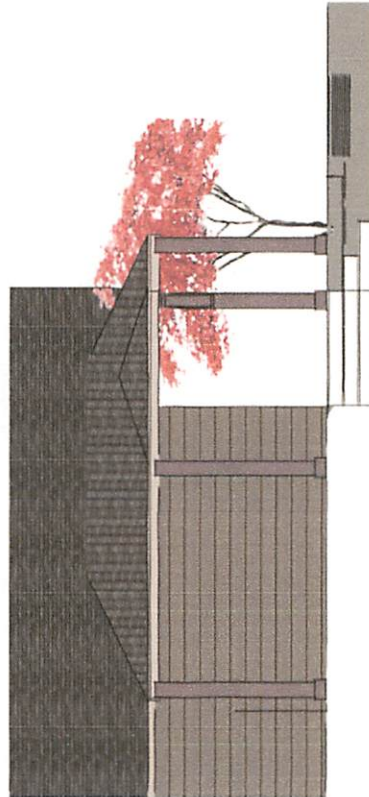
NO.	HOURS	DATE	REMARKS
1	5		FIRST MEETING TO DISCUSS OPTIONS
2	4		SECOND MEETING TO DISCUSS
3	15		FINAL SET
4	3		REVISIONS
5	13		TOTAL

01.20.21

PG. 03

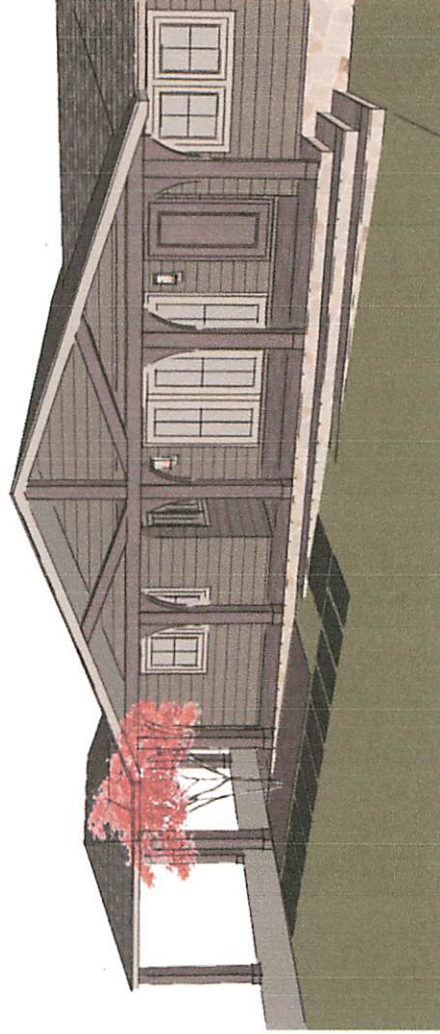
FRONT PORCH - SIDE ELEVATION

SCALE: 3/16" = 1'0"



FRONT PORCH - RENDERING

SCALE: NTS



JCD  
&CO

**BURKS PORCH REMODEL**  
913 HAVILAND DRIVE BIRMINGHAM, AL 35216

**Z0521-12//28-00-30-1-007-004.000**  
**913 Haviland Drive**  
Side Setback for a carport  
Jennifer Burks

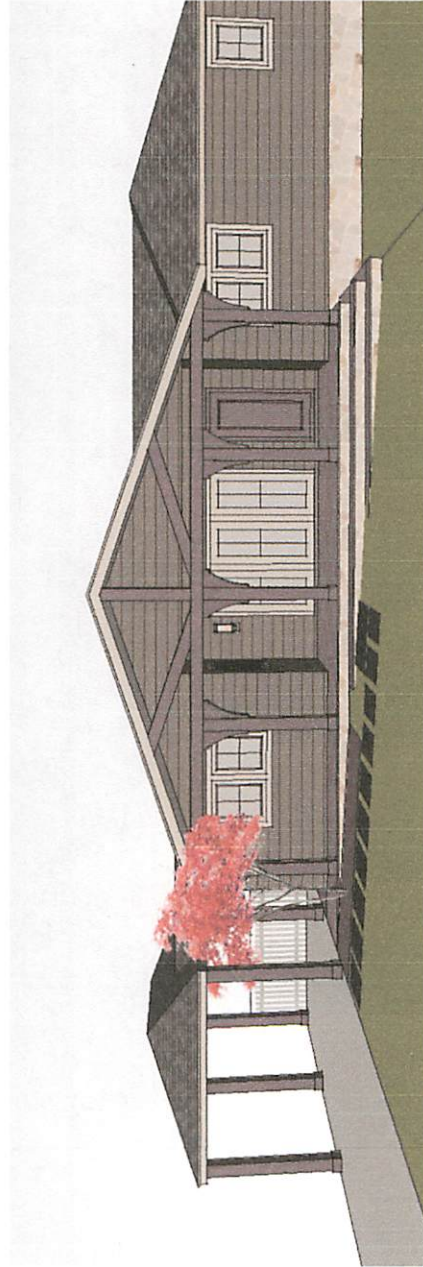
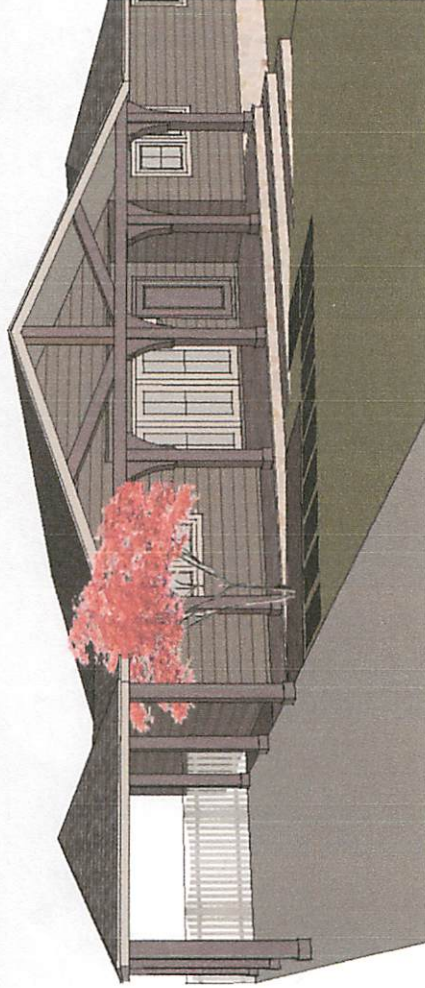
HOURS	TIME	REMARKS
1	5	FIRST ROUND - FLOORPLAN OPTIONS
2	4	SECOND ROUND - ELEVATIONS
3	1.5	FINAL SET
4	3	MEETINGS
	13.5	TOTAL

01.20.21

PG. 04

FRONT PORCH - RENDERINGS

SCALE: NTS



JCD  
& CO

**BURKS PORCH REMODEL**  
913 HAVILAND DRIVE BIRMINGHAM, AL 35216

**Z0521-12//28-00-30-1-007-004.000**  
**913 Haviland Drive**  
Side Setback for a carport  
Jennifer Burks

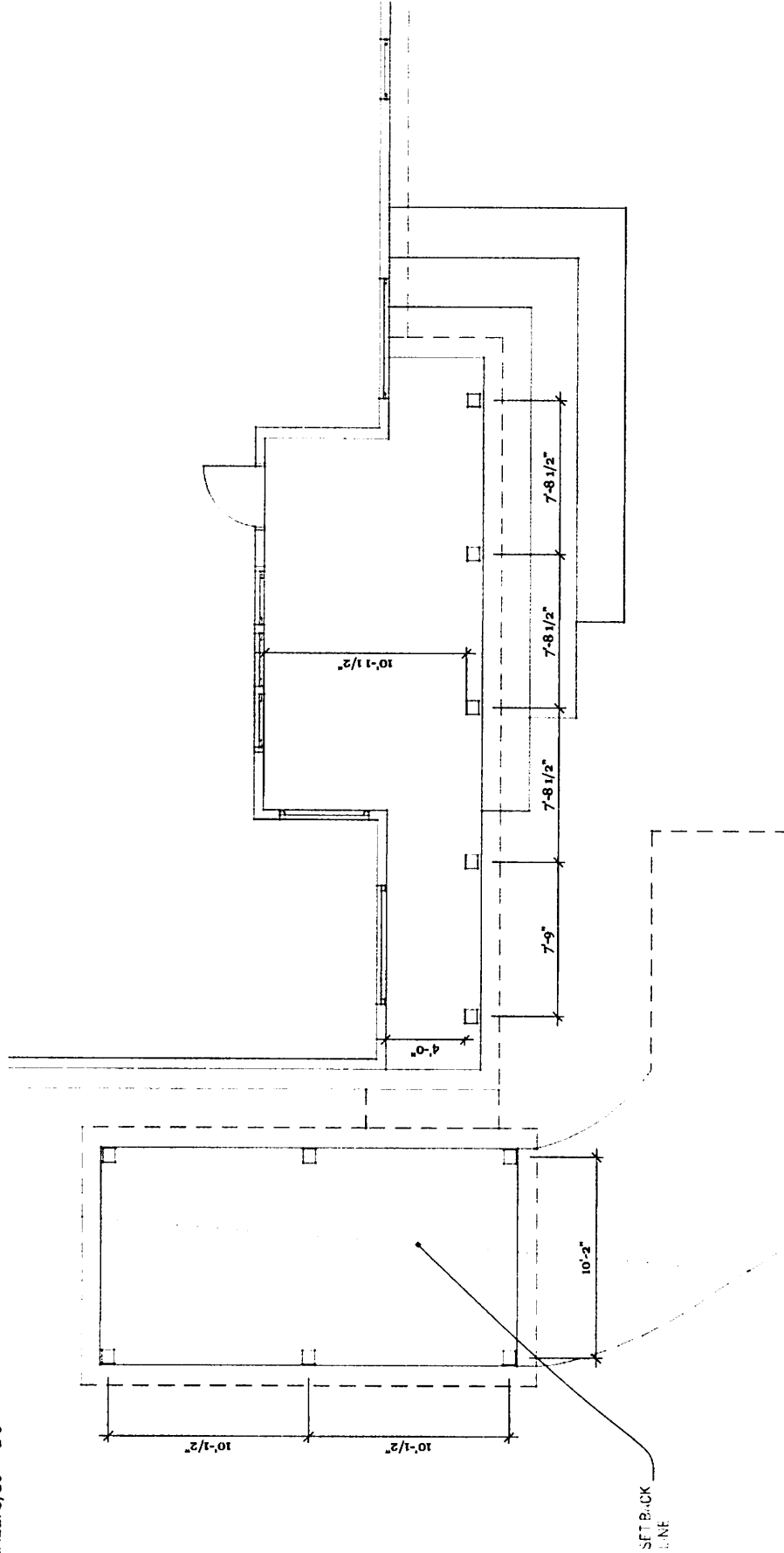
HOURS	TIME	REMARKS
1	5	FIRST ROUND - FLOOR PLAN OPTIONS
2	4	SECOND ROUND - ELEVATIONS
3	1.5	FINAL SET
4	3	MEETINGS
	13.5	TOTAL

01.20.21

PG. 05

**FRONT PORCH - PLAN**

SCALE: 3/16" = 1'0"



SFT BACK  
LINE

**JCD  
&CO**

**BURKS PORCH REMODEL**

913 HAVILAND DRIVE BIRMINGHAM, AL 35216

**Z0521-12//28-00-30-1-007-004.000**

**913 Haviland Drive**

Side Setback for a carport

Jennifer Burks

NO.	HOURS	TIME	REMARKS
1	5		PREP WORK - FLOOR PLAN OPTIONS
2	4		SECURE BOUNDARY PERMITS
3	15		FINAL SET
4	1		REVISIONS
	35		TOTAL

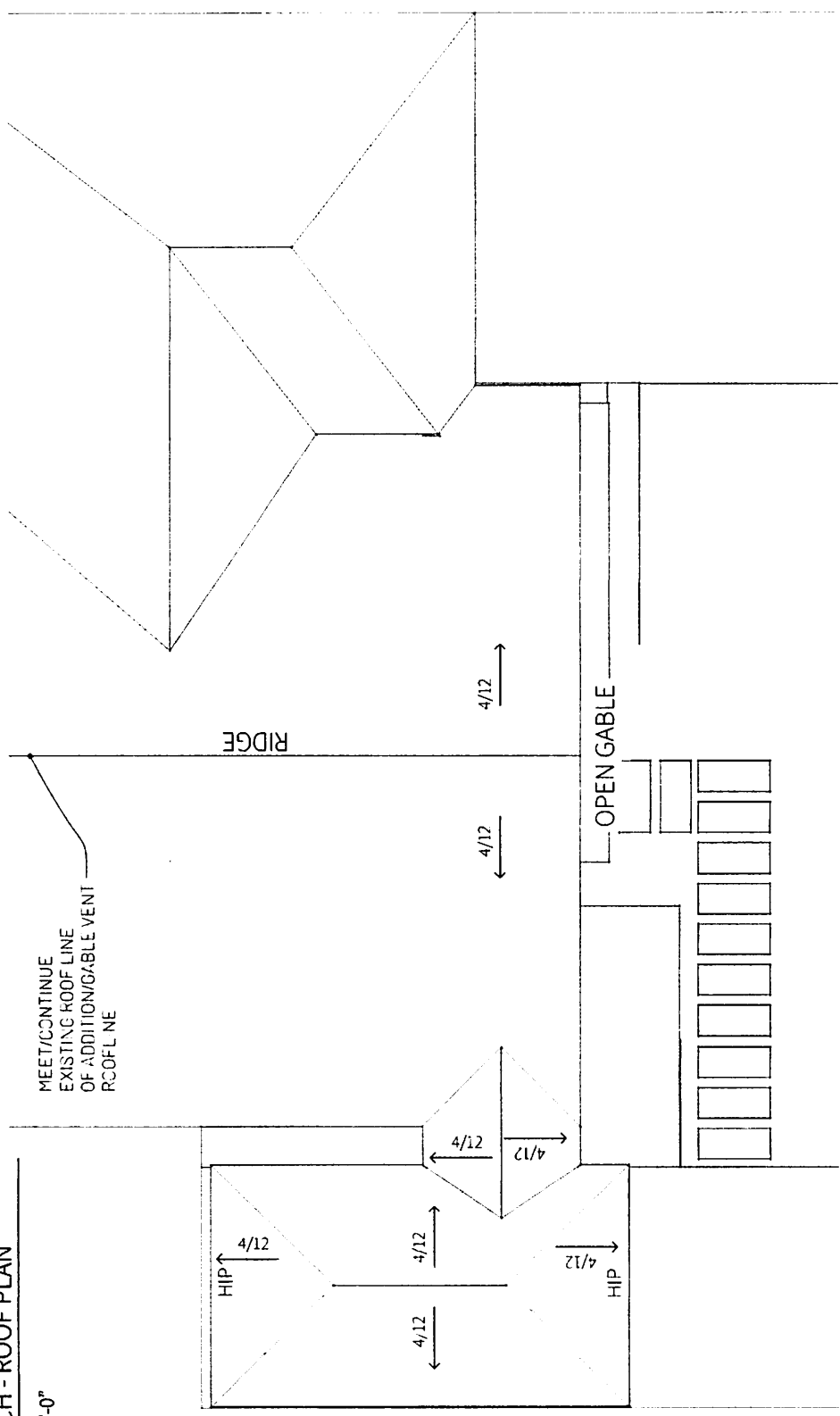
01.20.21

PG. 01



**FRONT PORCH - ROOF PLAN**

SCALE: 3/16" = 1'-0"



01.20.21

PG. 06

HOURS	REMARKS
1	FIRST FLOOR PLAN OPTICONS
2	SECOND FLOOR PLAN OPTICONS
3	FINAL SET
4	MEETINGS
23.5	TOTAL

**BURKS PORCH REMODEL**

913 HAVILAND DRIVE BIRMINGHAM, AL 35216

**Z0521-12//28-00-30-1-007-004.000**

**913 Haviland Drive**  
Side Setback for a carport  
Jennifer Burks

**JCD & CO**

BZA 1st

Z0521-12//28-00-30-1-007-004.000

**CITY OF VESTAVIA HILL: 913 Haviland Drive**  
Department Review of Application Side Setback for a carport  
(To be completed by City Staff, Jennifer Burks)

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

Location: 913 Haviland Drive Case No. BZA0521-12  
Burks

**Engineering:** Date: 4.13.21 Initials: JBK

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: 4/13/21 Initials: \_\_\_\_\_

Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

**Building Department:** Date: 4/13/21 Initials: KB

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: May 20, 2021

- **CASE: BZA-0521-14**
- **REQUESTED ACTION:** 6' Side Setback Variance to reduce the setback to 11' in lieu of the required 17' & 28' Front Setback Variance to reduce the setback to 32' in lieu of the required 60'.
- **ADDRESS/LOCATION:** 3412 Sagewood Trail
- **APPLICANT/OWNER:** Steve & Michelle Thackerson
- **REPRESENTING AGENT:** River Brook
- **GENERAL DISCUSSION:** The applicants are front and side setback variance to expand the living space. The applicant contends corner lot causes a hardship. The addition will be in the area of the existing patio and would encroach into the side setback. The current house is currently encroaching into the zoning front setback. That action would bring the entire structure into compliance. The applicant's property is zoned Vestavia Hills R-1.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** No problems noted.
  2. **City Engineer Review:** No problems noted.
  3. **City Fire Marshal Review:** No problems noted.
  4. **Building Safety Review:** No problems noted.

2021 APR 11 11:19

### 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: Steve & Michelle Thackerson  
Address: 3412 Sagewood Trail  
Vestavia Hills 35243  
Phone #: 205 824 3300 Other #: \_\_\_\_\_  
E-Mail: sthackerson@budgetblinds.com

**Billing/Responsible Party**

Name: \_\_\_\_\_  
Address: See above  
Phone #: \_\_\_\_\_ Other #: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**Z0521-14//28-00-29-1-003-005.000  
3412 Sagewood Trail  
Front & Side Setback for an addition  
Steve & Michelle Thackerson**

Representing Attorney/Other Agent

Name: River Brook  
Address: 3349 Independence Drive Suite 106  
Homewood 35209  
Phone #: 205 383-9699 Other #: \_\_\_\_\_  
E-Mail: kmissa@riverbrook, construction

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

**II. DESCRIPTION OF SUBJECT PROPERTY:**

LOCATION: 3412 Sogewood Trail  
Sogewood Trail  
Street/Address  
Subdivision name, Lot #, Block #, etc.

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

1.  A request to vary:  
~~58'~~ variance to reduce the lot width to ~~18'~~ in lieu of the required \_\_\_\_\_ square foot variance to reduce the lot area to \_\_\_\_\_ square feet in lieu of the required \_\_\_\_\_ square feet.  
~~114'~~ front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_ in lieu of the required ~~11'~~.  
JKW 28' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_ in lieu of the required 60'.  
JKW 33' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_ in lieu of the required 110'.  
110'
2.  A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3.  An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section \_\_\_\_\_).
4.  A request for extension of non-conforming use (See Section \_\_\_\_\_).
5.  Variance for location of a fence.
6.  Sign Code Variance (See Section \_\_\_\_\_).
7.  Other - Explain (See Section \_\_\_\_\_).

**IV. ZONING**

Vestavia Hills Zoning for the subject property is R-1

**V. HARDSHIP**

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

Corner lot

**VI. PROJECT:**

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

216 foot addition to expand living area.

**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.\**

Steve Thack  
Owner Signature/Date

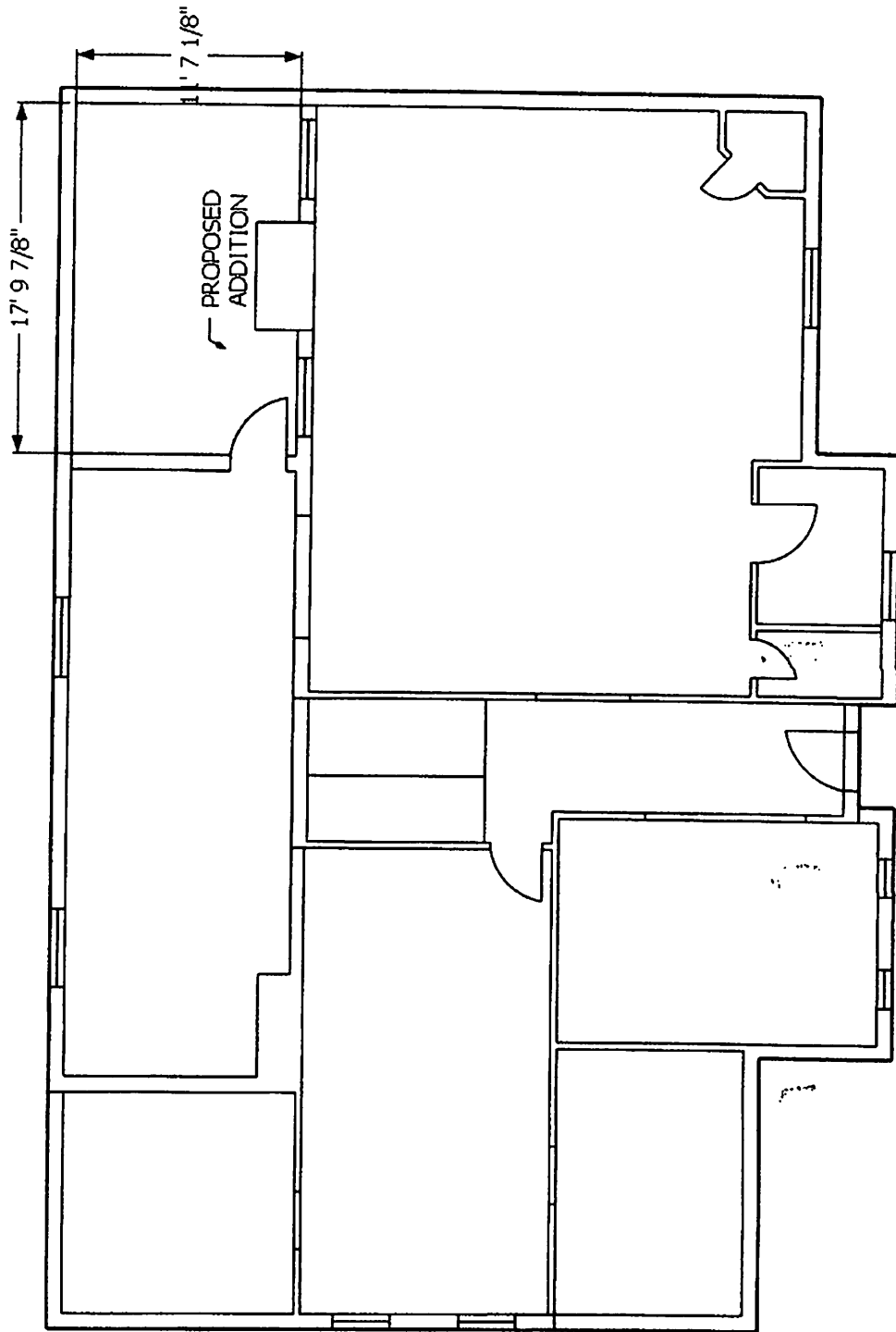
[Signature]  
Representing Agent (if any) date

Given under my hand and seal  
this 13<sup>th</sup> day of April, 2021.

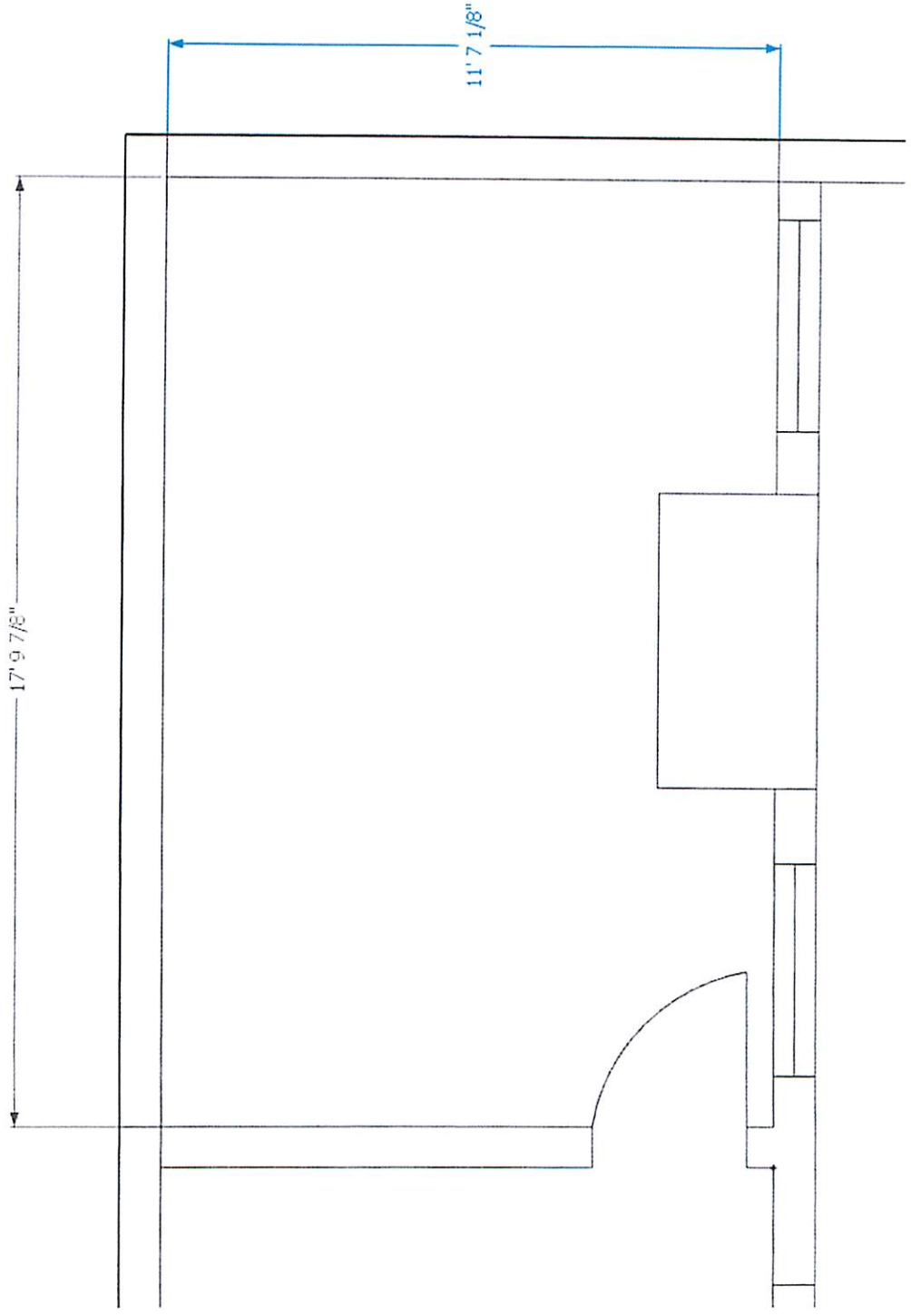
Benita M Smith  
Notary Public  
My commission expires 8/6/2024  
day of 8/6, 2024.











BZA

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

Location: 3412 Sagewood Trail Case No.: BZA0521-14  
Thackerson

**Engineering:** Date: 4.20.21 Initials: ABK  
Comments: no issues  
 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: 4/20 Initials: ZI  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

**Building Department:** Date: 4/20 Initials: (KPS)  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

**City Clerk:** Date: 4/26/21 Initials: K  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

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

Date: May 20, 2021

- **CASE: BZA-0521-15**

- **REQUESTED ACTION:**

Lot 8-C-1: 985 sq. ft. Lot Area Variance to reduce the Lot Area to 14,015 sq. ft. in lieu of the required 15,000 sq. ft. & an 18' Lot Width Variance to reduce the Lot Width to 82' in lieu of the required 100'.

Lot 8-D-1: 17' Lot Width Variance to reduce the Lot Width to 83' in lieu of the required 100'.

- **ADDRESS/LOCATION: 1118 Winward Lane**

- **APPLICANT/OWNER: Steven Mote**

- **REPRESENTING AGENT: David Rawson**

- **GENERAL DISCUSSION:** The applicant is seeking a lot area variance and a lot width variance for Lot 8-C-1, and a lot width variance for Lot 8-D-1. A plat was submitted to amend the lot lines on Lots 8-C and 8-D to match the existing fence lines. Both of those lots were originally 80' lots. This plat has already been approved by the Vestavia Hills Planning and Zoning Commission. 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: STEVEN K. MOTE JR

Address: 1118 WINWARD LANE  
VESTAVIA HILLS, AL

Phone #: 205-585-1915 Other #: \_\_\_\_\_

E-Mail: STEVEN.MOTE@GMAIL.COM

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**Billing/Responsible Party**

Name: SAJTE

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Other #: \_\_\_\_\_

E-Mail: Z0521-15//28-00-30-3-008-022.000  
1118 Winward Lane

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Variance to reduct lot width & area  
Steven Mote, Jr.

**Representing Attorney/Other Agent**

Name: DAVID RAWSON

Address: \_\_\_\_\_

Phone #: 205 613 0240 Other #: \_\_\_\_\_

E-Mail: \_\_\_\_\_

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

**II. DESCRIPTION OF SUBJECT PROPERTY:**

LOCATION: 1118 WINWARD LANE  
Street Address

LOTS B-C-B-D REGRY OF LOT 8  
Subdivision name, Lot #, Block #, etc.

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

1.  A request to vary:  
18' variance to reduce the lot width to 82' in lieu of the required 100'.  
4 square foot variance to reduce the lot area to 14000 square feet in lieu of the required 15000 square feet. 14015 (Lot 8C-1)  
\_\_\_\_\_' 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 \_\_\_\_\_).

*See Br*

Z0521-15//28-00-30-3-008-022.000  
1118 Winward Lane  
Variance to reduct lot width & area  
Steven Mote, Jr.

**IV. ZONING**

Vestavia Hills Zoning for the subject property is R-3?

**V. HARDSHIP**

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

ORIGINAL LOTS 80' WIDE

**VI. PROJECT:**

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

ORIGINAL LOTS DONT MEET CURREN ZONING

**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\**

Steven Mote 4/15/2021  
Owner Signature/Date

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

Given under my hand and seal  
this 15<sup>th</sup> day of April, 2021.

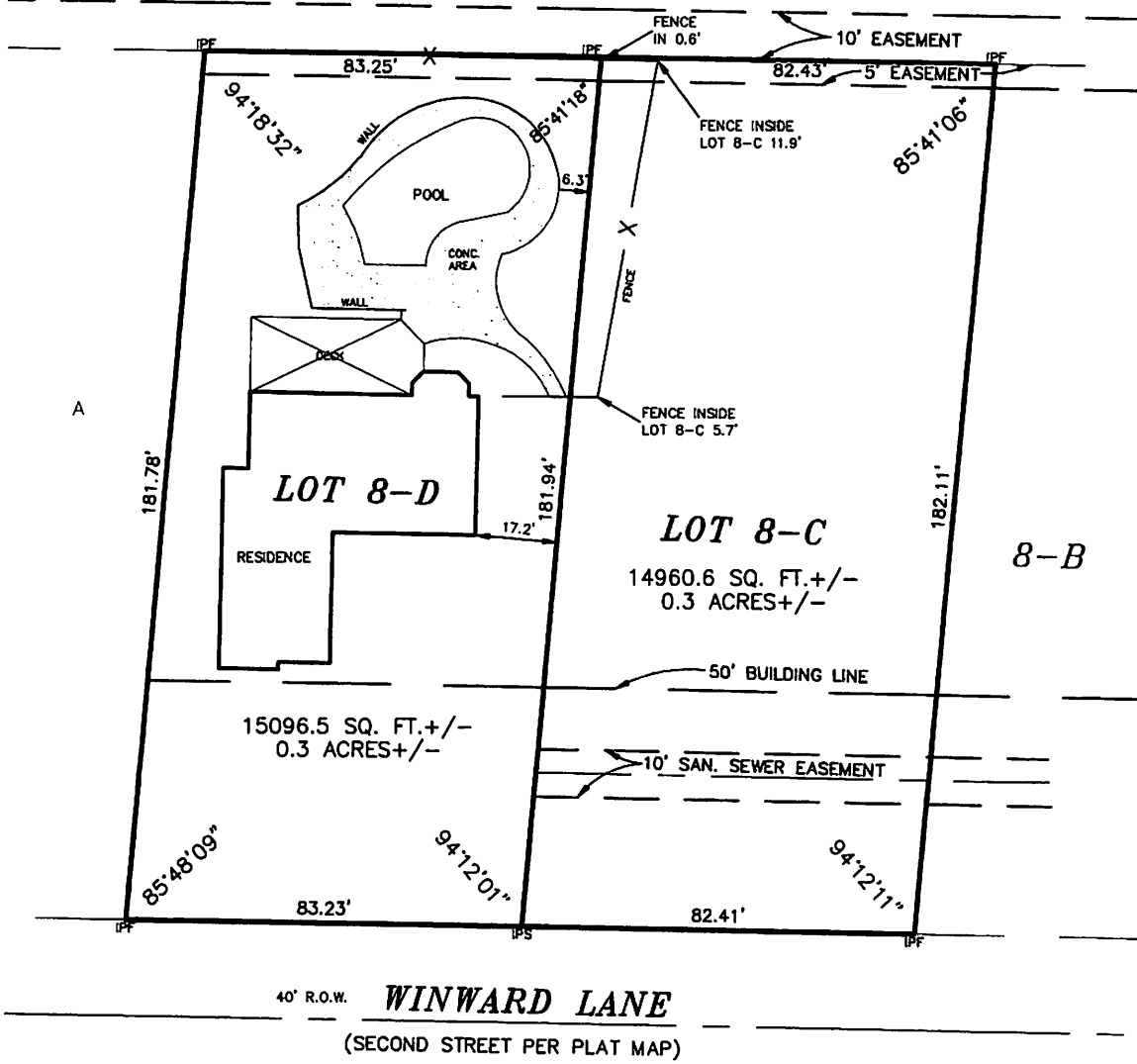
Debra Purter  
Notary Public

My commission expires October  
day of 27, 2021.

Z0521-15//28-00-30-3-008-022.000  
1118 Winward Lane  
Variance to redcut lot width & area  
Steven Mote, Jr.



**REYNOLDS SURVEYING CO., INC.**  
*Surveying - Land Planning*



SCALE: 1" = 30'



**PROPERTY CORNER LOCATION MAP**

SPECIFIC PURPOSE OF THIS SURVEY IS TO LOCATE FENCE ALONG COMMON LINE BETWEEN LOTS 8-C & 8-D AND POOL AREA ON LOT 8-D

LEGAL DESCRIPTION  
 LOTS 8-C & 8-D OF THE RESURVEY OF LOT 8, FOURTEENTH ADDITION TO SOUTHRIDGE ADDITION TO VESTAVIA HILLS MAP BOOK 173, PAGE 33 IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, AL.



DATE: 3RD DAY OF MARCH, 2021

*Robert Reynolds*  
 Reg. No. 25657

Z0521-15//28-00-30-3-008-022.000  
 1118 Winward Lane  
 Variance to reduce lot width & area  
 Steven Mote, Jr.

B133/19



BZA

CITY OF VESTAVIA HI  
Department Review of Applic  
(To be completed by City St

Z0521-15//28-00-30-3-008-022.000  
1118 Winward Lane  
Variance to reduct lot width & area  
Steven Mote, Jr.

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

Location: 1118 Winward Lane Case No.: BZA 0521-15  
Mote

**Engineering:**

Date: 4.20.21 Initials: ABK

Comments: NO ISSUES

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: 4/20 Initials: RF

Comments: \_\_\_\_\_

Recommended  Not Recommended  No Recommendation

**Building Department:**

Date: 4/20 Initials: KB

Comments: \_\_\_\_\_

Recommended  Not Recommended  No Recommendation

**City Clerk:**

Date: 4/26/21 Initials: R

Comments: \_\_\_\_\_

Recommended  Not Recommended  No Recommendation

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

Date: May 20, 2021

- **CASE: BZA-0521-16**
- **REQUESTED ACTION:** Variance for the Location of a Fence in the Front Setback.
- **ADDRESS/LOCATION:** 2136 Woodhue Circle
- **APPLICANT/OWNER:** Matthew Wyn Smith
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** The applicant is seeking a variance for the location of a fence in the front setback. The fence is a 6' privacy fence and would front Wickford Road. The fence would lay a good distance from the street and would line up with the retaining wall in the rear. Currently site distance is limited because of landscaping near the property line. The applicant has stated that the vegetation would be removed, upon request from Engineering. With the removal of the vegetation and adding of the fence, site distance will improve. 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.

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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:

Matthew Wynn Smith

Address:

2136 Woodhue Circle

Vestavia Hills, AL 35216

Phone #:

(205) 39-1921

Other #:

E-Mail:

~~Matthew.Wynn.Smith@vestaviacounty.com~~ smith.wynn62@gmail.com

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Billing/Responsible Party

Name:

Address:

Phone #:

Other #:

E-Mail:

---

Z0521-16//28-00-30-4-006-013.000  
2136 Woodhue Circle  
Front Setback for a fence  
Matthew Smith

**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: 2136 Woodhue Circle Vestavia, AL 35216  
*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.  
Corner lot 15 ' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_ ' in lieu of the required 50 ' .  
\_\_\_\_\_ ' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_ ' in lieu of the required \_\_\_\_\_ ' .  
\_\_\_\_\_ ' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_ ' in lieu of the required \_\_\_\_\_ ' .
2.  A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3.  An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section \_\_\_\_\_).
4.  A request for extension of non-conforming use (See Section \_\_\_\_\_).
5.  Variance for location of a fence.
6.  Sign Code Variance (See Section \_\_\_\_\_).
7.  Other - Explain (See Section \_\_\_\_\_).

Z0521-16//28-00-30-4-006-013.000  
2136 Woodhue Circle  
Front Setback for a fence  
Matthew Smith

**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).

to replace an existing fence from the 50' variance because we're on a corner lot

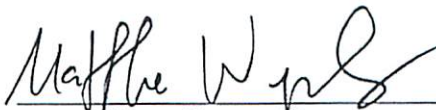
**VI. PROJECT:**

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

to replace the existing fence from the 50' variance because we're on a corner lot  
6' Privacy fence

**VII. OWNER AFFIDAVIT:**

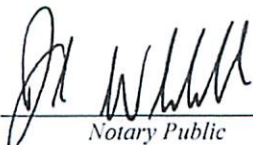
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. **\*Note,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

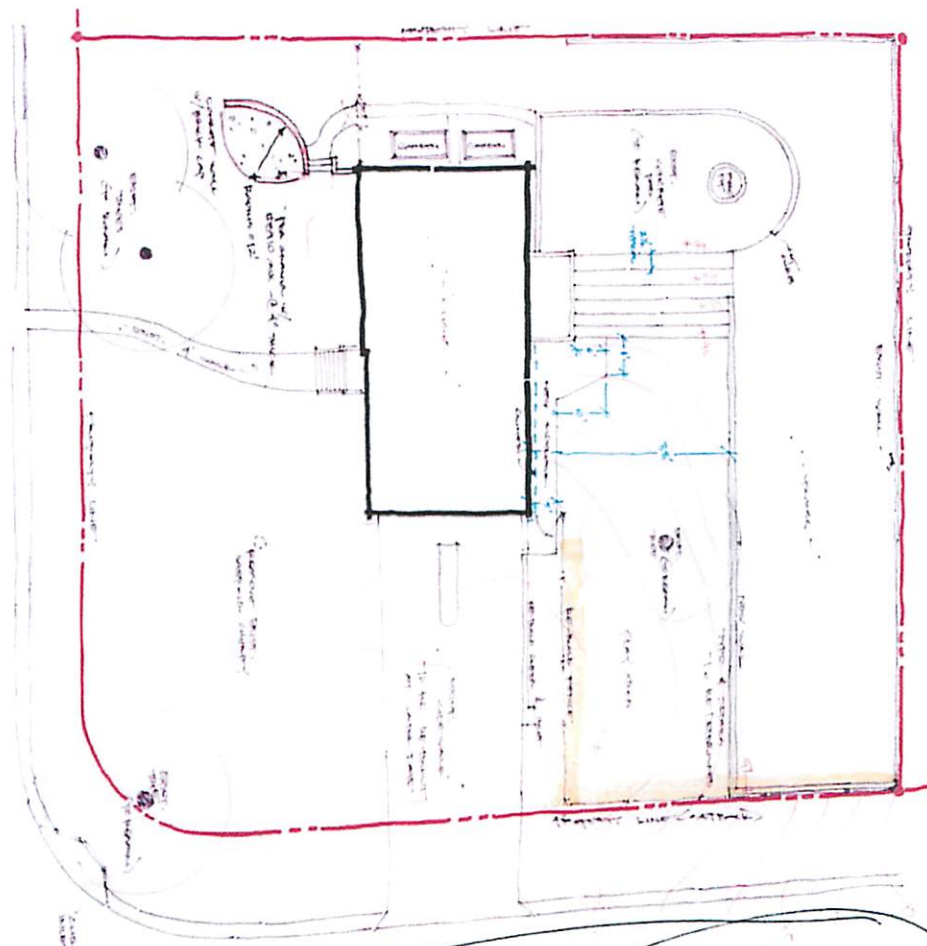


Notary Public

My commission expires \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission Expires  
October 30, 2023

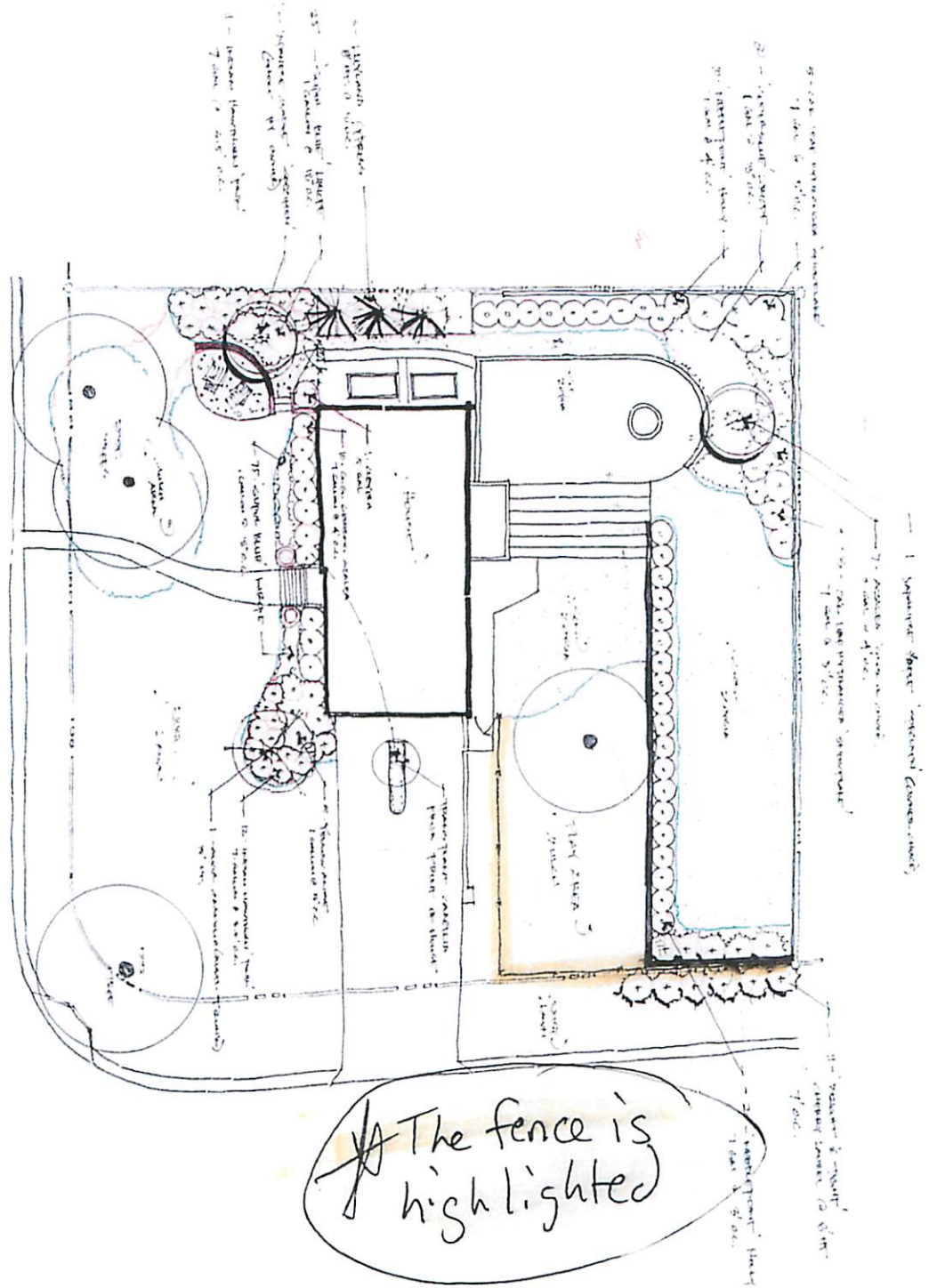
**Z0521-16//28-00-30-4-006-013.000**  
**2136 Woodhue Circle**  
Front Setback for a fence  
Matthew Smith



The fence is highlighted

**SMITH RESIDENCE**

Z0521-16//28-00-30-4-006-013.000  
2136 Woodhue Circle  
Front Setback for a fence  
Matthew Smith



A LANDSCAPE PLAN FOR THE  
**SMITH** RESIDENCE  
 KENNEDYVILLE, ALABAMA  
 © 11/10/01

Z0521-16//28-00-30-4-006-013.000  
 2136 Woodhue Circle  
 Front Setback for a fence  
 Matthew Smith

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

Date: May 20, 2021

- **CASE: BZA-0521-17**
- **REQUESTED ACTION:** 4' Side Setback Variance to reduce the setback to 11' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 1920 Southwood Road
- **APPLICANT/OWNER:** Ann B. Rayburn
- **REPRESENTING AGENT:** Jack Stevens
- **GENERAL DISCUSSION:** The applicant is seeking a side setback variance to add onto the existing garage. The applicant contends the topography causes a hardship. The topography prohibits development on one side of the house, as the land slants from right to left. The infrastructure in the rear also limits buildable area. This is a 4' extension to allow for an extra car to fit in the garage. 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: Ann B. Rayburn

Address: 1920 Southwood Road  
Vestavia Hills, AL 35216

Phone #: 205-807-4974 Other #: \_\_\_\_\_

E-Mail: annieray1@att.net

---

### **Billing/Responsible Party**

Name: S&S Custom Home Designs, Inc.

Address: 3325 Rocky Ridge Plaze Suite 213, Vestavia Hills, AL 35243

Phone #: 205-365-3288 Other #: \_\_\_\_\_

E-Mail: design@southeasternhomes.com

---

**Representing Attorney/Other Agent**

Name: Jack Stevens - Member S&S Custom Home Designs, Inc.  
Address: 3325 Rocky Ridge Plaze Suite 213  
Vestavia Hills, AL 35243  
Phone #: 205-365-3288 Other #: \_\_\_\_\_  
E-Mail: design@southeasternhomes.com

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

---

**II. DESCRIPTION OF SUBJECT PROPERTY:**

LOCATION: 1920 Southwood Road, Vestavia Hills, AL 35216  
*Street Address*  
Montclaire 2nd sector, Block 1, Lot 10 - Map Book 38 PG 36  
*Subdivision name, Lot #, Block #, etc.*

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**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.  
4 ' front/side/rear (circle one) setback variance to reduce the setback to 11 ' 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 \_\_\_\_\_).
- 
-

**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).*

The current design of the home prohibits a standard family sized 2 car garage and only allows for a single car garage. There is no reasonable avenue to create additional garage space in the interior of the home as it would require removal of a dining room and a large section of the living room. The only viable course of action to enlarge the garage is to add the required 4' to the right side of the home.

**VI. PROJECT:**

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

The exterior wall at the garage side of the home will be demolished along with the adjoined roof section. A new wall will be constructed to enlarge the garage 4'-0" installing a 16'-0" garage door.

**VII. OWNER AFFIDAVIT:**

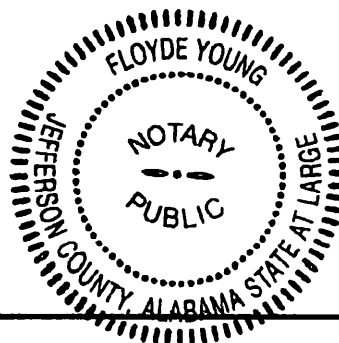
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. **\*Note,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

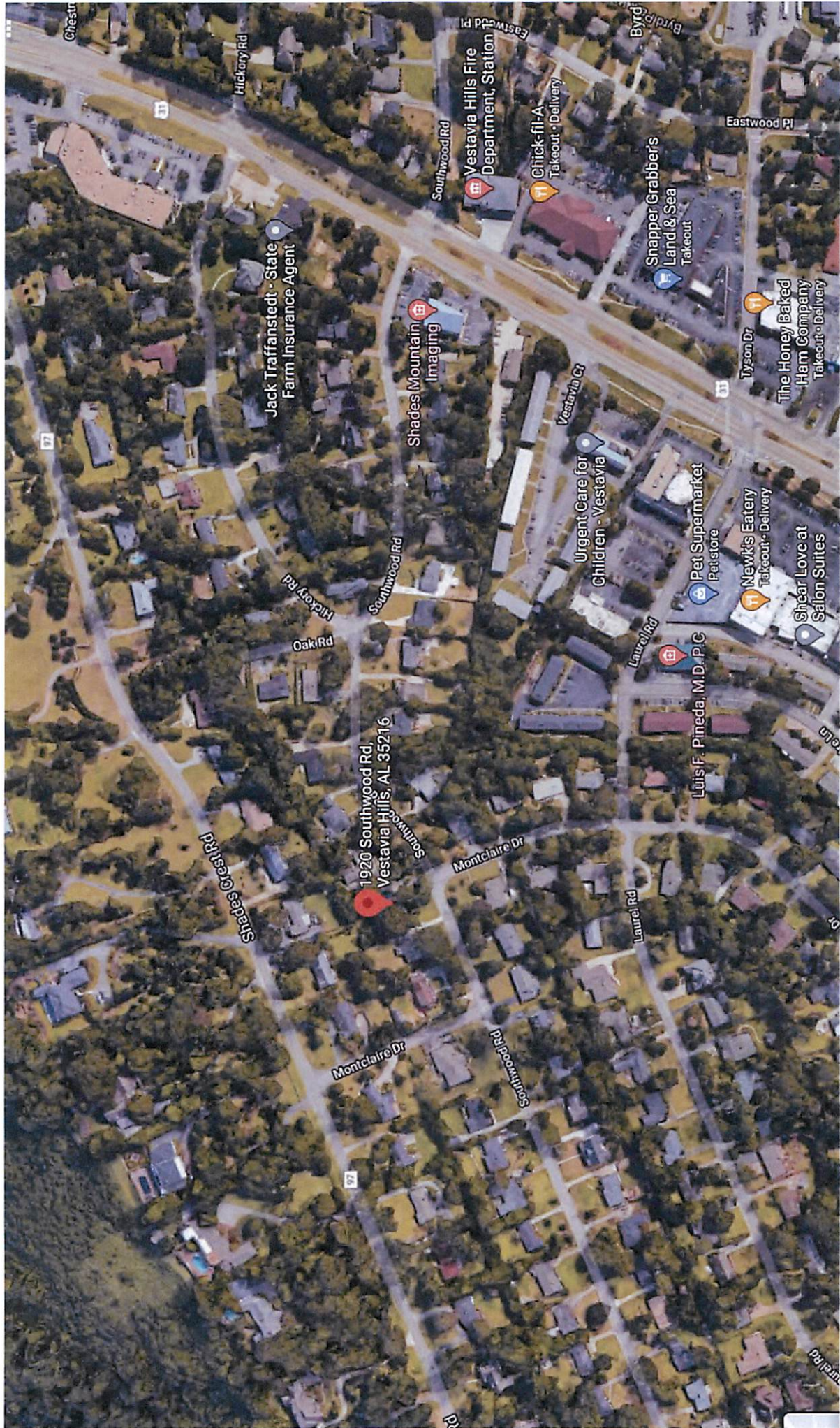
[Signature]  
Representing Agent (if any)/date

Given under my hand and seal  
this 19th day of April, 2021.

[Signature]  
Notary Public  
My commission expires 02/22/2023  
day of February, 2023.







Jack Traffanstedt - State Farm Insurance Agent

Vestavia Hills Fire Department, Station

Shades Mountain Imaging

Urgent Care for Children - Vestavia

Luis F. Pineda, M.D., P.C.

Snapper Grabber's Land & Sea

The Honey Baked Ham Company

Newk's Eatery

Shear Love at Salon Suites

1920 Southwood Rd, Vestavia Hills, AL 35216

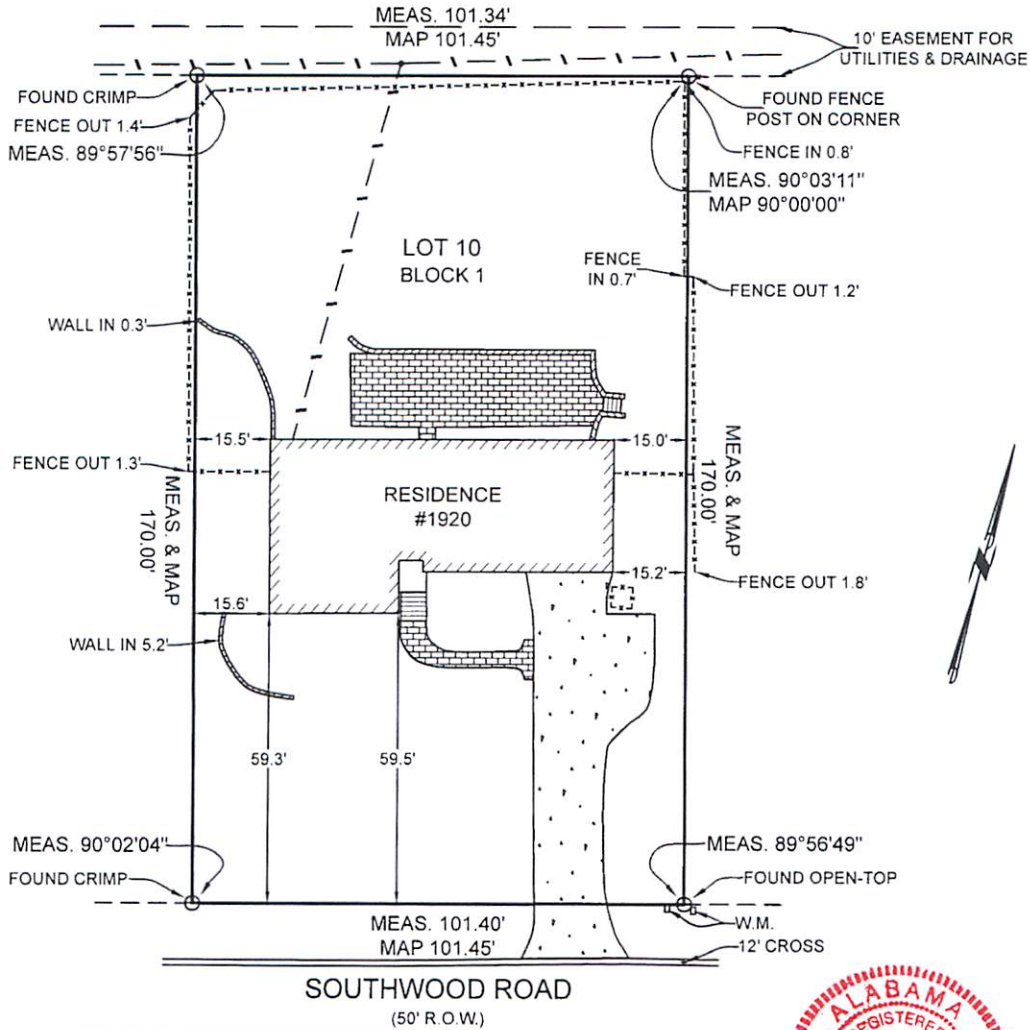
77

77

77

**LEGEND**

ASP	ASPHALT	HW	HEADWALL	oLGT	LIGHT	—	ANCHOR
BLDG	BUILDING	MIN	MINIMUM	COV	COVERED	R	RADIUS
CALC	CALCULATED	MH	MANHOLE	DECK	DECK	R.O.W.	RIGHT OF WAY
MEAS	MEASURED	OH	OVERHANG	CONCRETE	CONCRETE	SAN	SANITARY
CH	CHORD	PVMT	POWER LINE	WALL	WALL	STM	STORM
LNG	LONG CHORD	W/T	PAVEMENT WITH	—X—	FENCE	UTIL	UTILITY
d	DEFLECTION	TAN	TANGENT	POR	PORCH	AC	ACRES
Δ	DELTA	RES	RESIDENCE			S.F.	SQUARE FEET
ESMT	EASEMENT					℄	CENTERLINE



**Existing Survey**



SCALE: 1" = 30'

STATE OF ALABAMA)  
JEFFERSON COUNTY)

"Property Boundary Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 10, Block 1, Montclair 2nd Sector, as recorded in Map Volume 38, Page 36, 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 April 7, 2021. Survey invalid if not sealed in red.

Order No.: 20210727  
Purchaser:  
Address: 1920 Southwood Road  
(Vestavia Hills, AL) 35216

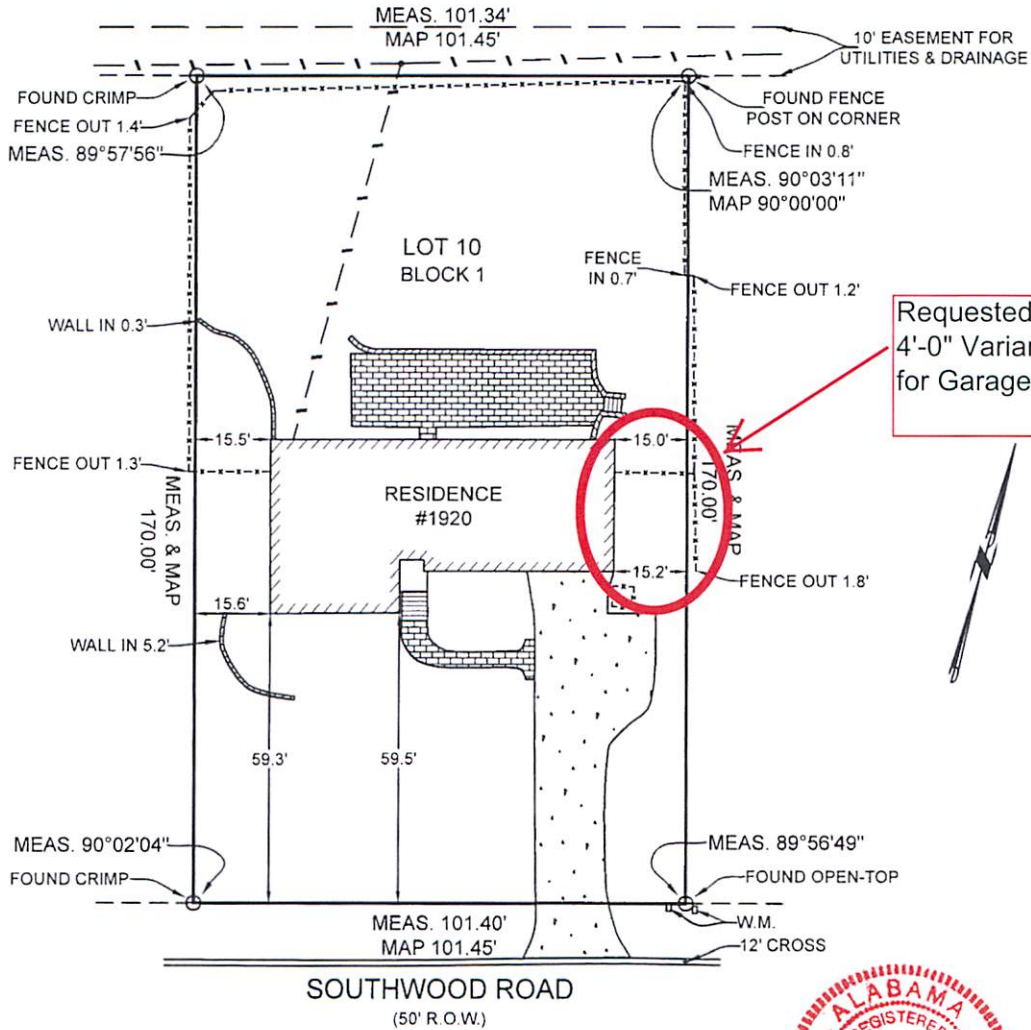
  
Ray Weygand, Reg. L.S. #34764  
169 Oxmoor Road Homewood, AL 35209  
Phone: (205) 942-0086 Fax: (205) 942-0087  
Copyright ©



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.

**LEGEND**

ASP ASPHALT	HW HEADWALL	oLGT LIGHT	ANCHOR
BLDG BUILDING	MIN MINIMUM	COV COVERED	RADIUS
CALC CALCULATED	MH MANHOLE	DECK DECK	R.O.W. RIGHT OF WAY
MEAS MEASURED	OH OVERHANG	CONCRETE CONCRETE	SAN SANITARY
CH CHORD	PL POWER LINE	WALL WALL	STM STORM
LNG LONG CHORD	PVMT PAVEMENT	-X- FENCE	UTIL UTILITY
d DEFLECTION	W/T WITH	POR PORCH	AC ACRES
Δ DELTA	TAN TANGENT		S.F. SQUARE FEET
ESMT EASEMENT	RES RESIDENCE		℄ CENTERLINE



Requested 4'-0" Variance for Garage



SCALE: 1" = 30'

STATE OF ALABAMA)  
JEFFERSON COUNTY)

"Property Boundary Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 10, Block 1, Montclair 2nd Sector as recorded in Map Volume 38, Page 36, 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 April 7, 2021. Survey invalid if not sealed in red.

Order No.: 20210727  
Purchaser:  
Address: 1920 Southwood Road  
(Vestavia Hills, AL) 35216

*Ray Weygand*  
Ray Weygand, Reg. L.S. #34764  
169 Oxmoor Road, Homewood, AL 35209  
Phone (205) 942-0086 Fax: (205) 942-0087  
Copyright ©



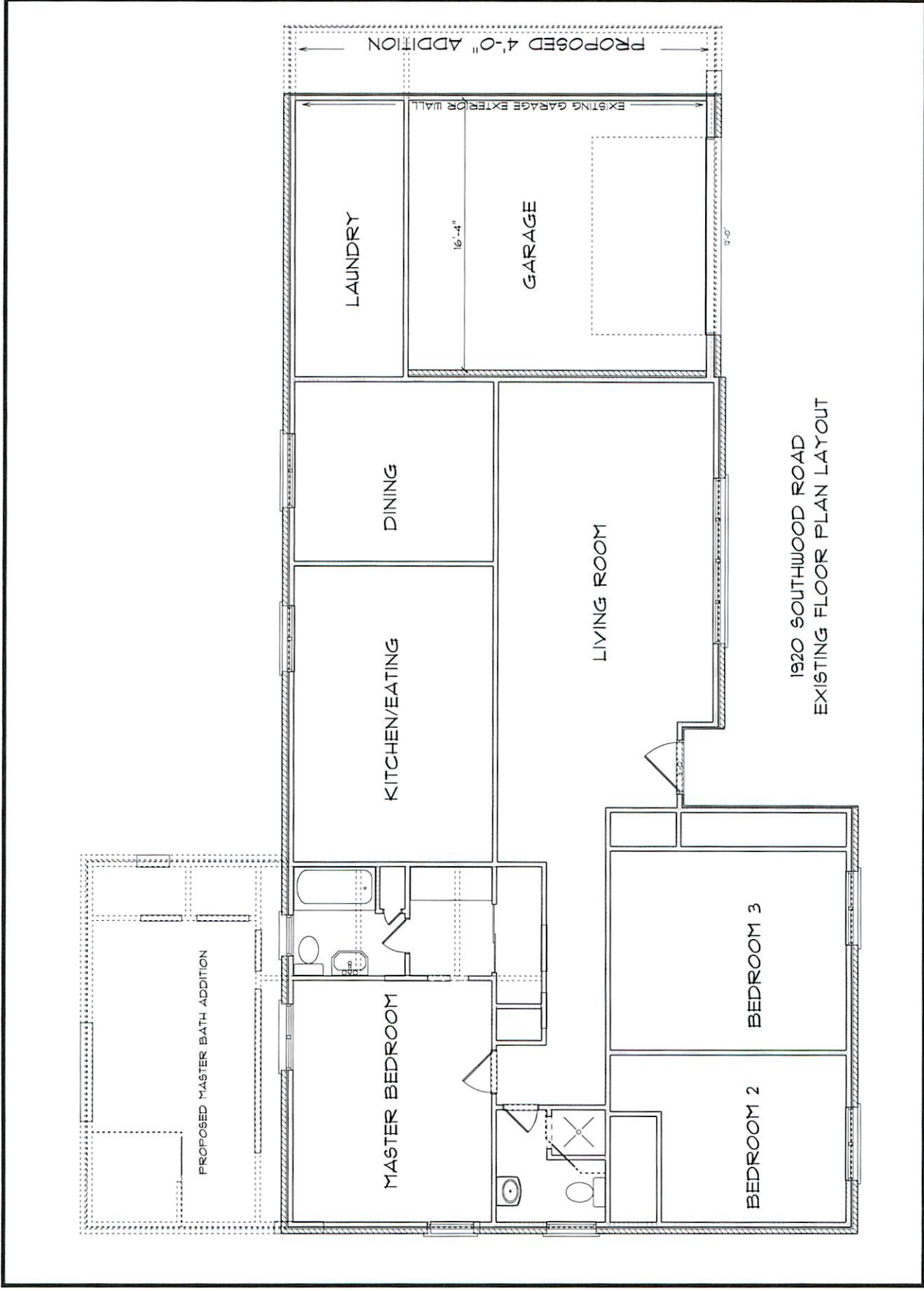
Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records 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.

CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS PRIOR TO CONSTRUCTION USING LICENSED SUBCONTRACTORS WHERE APPLICABLE. S&S CUSTOM HOME DESIGNS, INC. HAS NO KNOWLEDGE OF THE QUALITY OF WORKMANSHIP OR MATERIALS USED AND WILL BE HELD HARMLESS FROM ANY WARRANTY OR GUARANTEE IMPLIED OR WRITTEN, FOR SAID MATERIALS OR WORKMANSHIP.

PLAN FOR:  
 1920 SOUTHWOOD RD  
 VESTAVIA HILLS, AL 35216

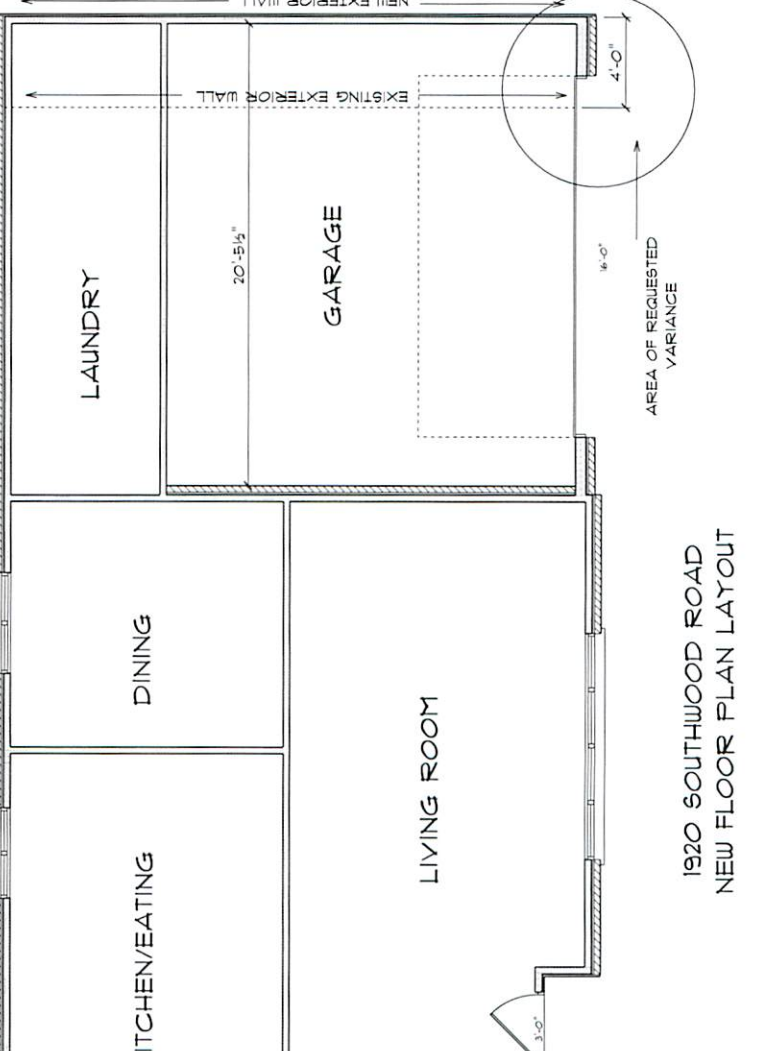
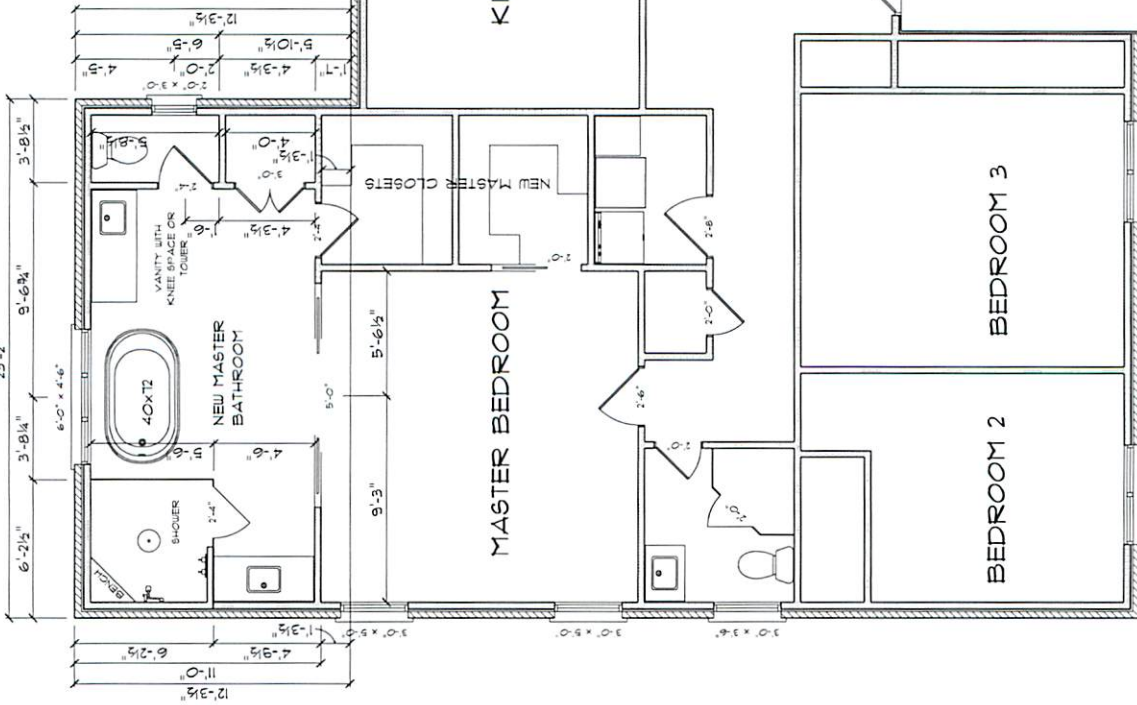
DRAWN BY: JACK STEVENS  
 SCALE: 3/16"=1'-0"  
 DATE: 04/16/2021

PAGE: 1





293 SQFT ADD



1920 SOUTHWOOD ROAD  
NEW FLOOR PLAN LAYOUT



CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS PRIOR TO CONSTRUCTION USING LICENSED SUBCONTRACTORS WHERE APPLICABLE. S&S CUSTOM HOME DESIGNS, INC. HAS NO KNOWLEDGE OF THE QUALITY OF WORKMANSHIP OR MATERIALS USED AND WILL BE HELD HARMLESS FROM ANY WARRANTY OR GUARANTEE IMPLIED OR WRITTEN, FOR SAID MATERIALS OR WORKMANSHIP.

PLAN FOR:  
1920 SOUTHWOOD RD  
VESTAVIA HILLS, AL 35216

DRAWN BY: JACK STEVENS

SCALE: 3/16"=1'-0"

DATE: 04/16/2021

PAGE: 2









BZA

Z0521-17//28-00-19-3-003-015.000

CITY OF VESTAVIA HILL 1920 Southwood Rd.  
Department Review of Application Side Setback for a 2 car garage  
(To be completed by City Staff Ann Rayburn)

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

Location: 1920 Southwood Rd Case No.: BZA0521-17  
Rayburn

Engineering: Date: 4.20.21 Initials: JBK  
Comments: no issues  
 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: 4/20 Initials: ZF  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

Building Department: Date: 4/20 Initials: JB  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

City Clerk: Date: 4/26/21 Initials: R  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

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

Date: May 20, 2021

- **CASE: BZA-0521-18**
- **REQUESTED ACTION:** 10' Front Setback Variance to reduce the setback to 40' in lieu of the required 50'.
- **ADDRESS/LOCATION:** 2700 Vestavia Forest Drive & 2730 Jacobs Road
- **APPLICANT/OWNER:** RW Development
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** The applicant is seeking a front setback variance to group homes closer to the street. The applicant contends the topography of the lot causes a hardship. The steepness of the terrain limits the amount of buildable space on these lots. Pushing the homes closer to the road would allow for more buildable area and would keep the homes further away from the surrounding houses. The applicant will submit a resurvey for approval to divide this lot. Any BZA approval will be contingent on the approval and recording of the new plat. 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: RW Development LLC (John Mark Rives and Eric Waite)  
Address: 2700 Vestavia Forest Dr.  
Vestavia, AL 35216  
Phone #: 205-908-8865 Other #: \_\_\_\_\_  
E-Mail: rivesjm@gmail.com

---

#### **Billing/Responsible Party**

Name: RW Development LLC (John Mark Rives and Eric Waite)  
Address: 2021 Shades Crest Rd. Vestavia, AL 35216  
Phone #: 205-908-8865 Other #: \_\_\_\_\_  
E-Mail: rivesjm@gmail.com

---

**Z0521-18//29-00-36-1-011-006.000**  
**2730 Jacobs Rd. & 2700 Vestavia**  
**Forest Dr.**  
Front Setback for home placement  
RW Development



**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: 2700 Vestavia Forest Dr. & 2730 JACOBS RD VESTAVIA AL 35216  
*Street Address*

Vestavia Forest Fifth Sector, - PID 29 00 36 1 011 005.000 & PID 29 00 36 1 011 006.000  
*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.  
10' front/side/rear (circle one) setback variance to reduce the setback to 40' in lieu of the required 50'.  
\_\_\_\_\_' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_' in lieu of the required \_\_\_\_\_'.  
\_\_\_\_\_' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_' in lieu of the required \_\_\_\_\_'.
2.  A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3.  An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section \_\_\_\_\_).
4.  A request for extension of non-conforming use (See Section \_\_\_\_\_).
5.  Variance for location of a fence.
6.  Sign Code Variance (See Section \_\_\_\_\_).
7.  Other - Explain (See Section \_\_\_\_\_).

Z0521-18//29-00-36-1-011-006.000  
2730 Jacobs Rd. & 2700 Vestavia  
Forest Dr.  
Front Setback for home placement  
RW Development

**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).

Please see attached.

**VI. PROJECT:**

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

The scope of the project is to maintain the existing R-2 zoning and subdivide the existing 7.5 acre lot into (9) single family lots off of an extension of Vestavia Forest Dr., and (1) lot will be off of Jacobs Rd. The variance to reduce the front setback will allow us to maintain as much privacy as possible with the surrounding neighbors and less disturbance of the natural landscape. The other aspects of the R-2 zoning requirements on average will exceed the regulations, and even that of R-1 Low Density.


**VII. OWNER AFFIDAVIT:**

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

  
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal  
this 20th day of April, 2021.

  
Notary Public

AMY WELLINGHAM  
Notary Public, Alabama State At Large  
My Commission Expires 12/2/2024

My commission expires \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

Z0521-18//29-00-36-1-011-006.000  
2730 Jacobs Rd. & 2700 Vestavia  
Forest Dr.  
Front Setback for home placement  
RW Development

**2700 Vestavia Forest Dr.  
Variance Request Attachment**

**Part III. Reason for Request**

7. Other - The Request to vary the Front setback by 10' from 50' to 40' is being requested for the (9) lots that touch the Vestavia Forest Dr. Extension

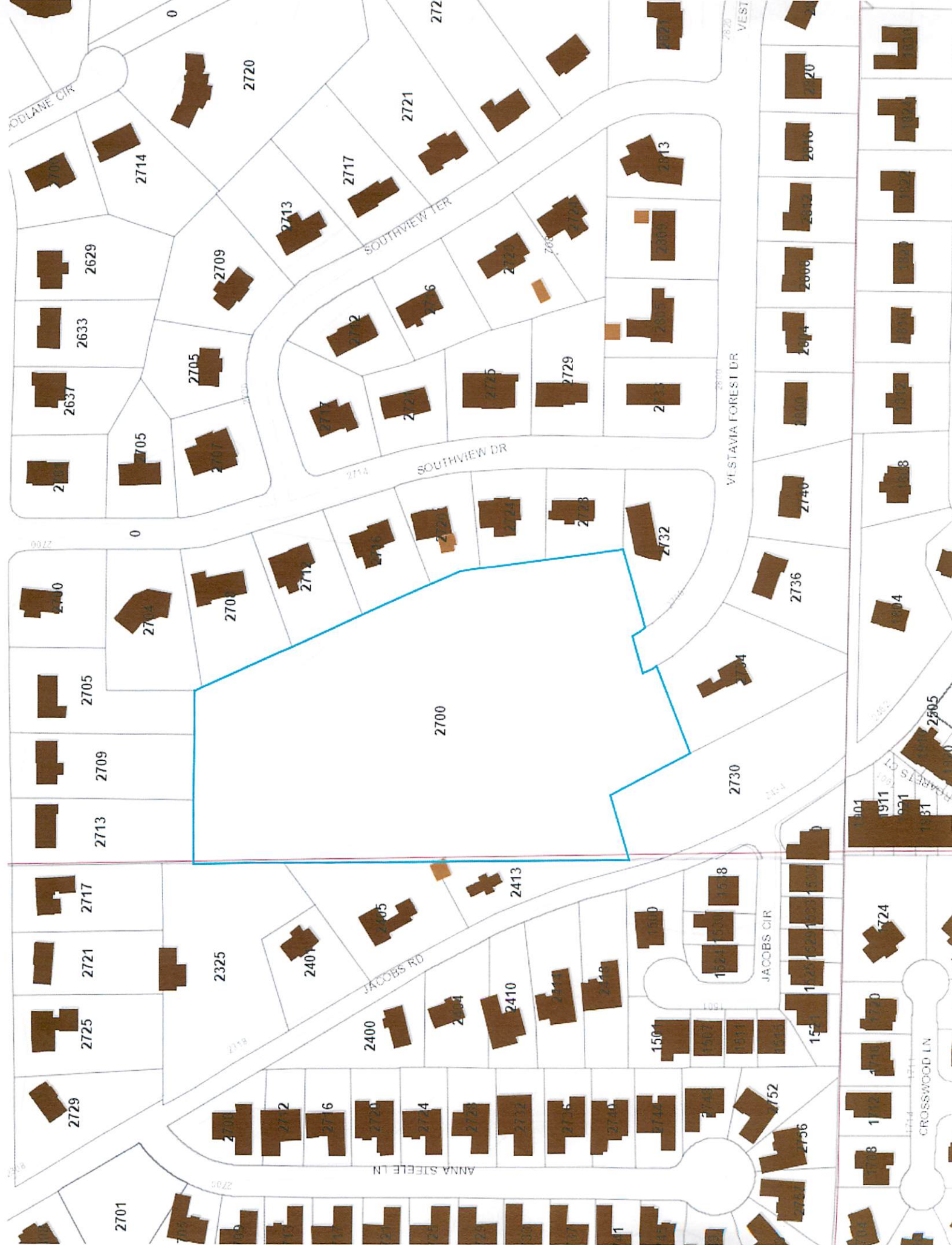
**Part V. Hardship**

The primary hardship is the surrounding properties have already been developed, and some of homes are situated close to our property line (16' and 17' from their rear property line). If we can reduce the front setback we can situate the homes, closer to the center of the property making the rear yards even larger and maintaining as much of the existing privacy for the neighbors as possible.

A secondary hardship is the topography of the land. Having a smaller front setback will allow for us to build at the lower elevations and not as deep into the lots, resulting in less demolition / disturbance of the existing natural hillside and landscape.

The third hardship is the creek running thru the center of the property, eliminating the ability to use the front yards for septic field lines. By reducing the front setback we increase the back yards and the usable space for field lines.

**Z0521-18//29-00-36-1-011-006.000**  
**2730 Jacobs Rd. & 2700 Vestavia**  
**Forest Dr.**  
Front Setback for home placement  
RW Development





PARCEL ID:	
ZONING:	
TOTAL SITE A	
SETBACKS:	
MINIMUM LOT	
MINIMUM LOT	
MAXIMUM BUIE	
HEIGHT:	



PD 29 00 36 1 01 017.000  
 Owner: Lashay Dager, Kyla Estep  
 MAP BOOK 43, PAGE 4

PD 29 00 36 1 01 022.000  
 Owner: Lashay Dager, Kyla Estep  
 MAP BOOK 43, PAGE 4

PD 29 00 36 1 01 023.000  
 Owner: Lashay Dager, Kyla Estep  
 MAP BOOK 43, PAGE 4

PD 29 00 36 1 01 024.000  
 Owner: Lashay Dager, Kyla Estep  
 MAP BOOK 43, PAGE 4

PD 29 00 36 1 01 025.000  
 Owner: Lashay Dager, Kyla Estep  
 MAP BOOK 43, PAGE 4

PD 29 00 36 1 01 026.000  
 Owner: Lashay Dager, Kyla Estep  
 MAP BOOK 43, PAGE 4

PD 29 00 36 1 01 027.000  
 Owner: Lashay Dager, Kyla Estep  
 MAP BOOK 43, PAGE 4

PD 29 00 36 1 01 028.000  
 Owner: Lashay Dager, Kyla Estep  
 MAP BOOK 43, PAGE 4

PD 29 00 36 1 01 029.000  
 Owner: Lashay Dager, Kyla Estep  
 MAP BOOK 43, PAGE 4

PD 29 00 36 1 01 030.000  
 Owner: Lashay Dager, Kyla Estep  
 MAP BOOK 43, PAGE 4





120 BISHOP CIRCLE, SUITE 300  
PELHAM, AL 35124  
TEL - (205) 403-9158  
FAX - (205) 403-9175

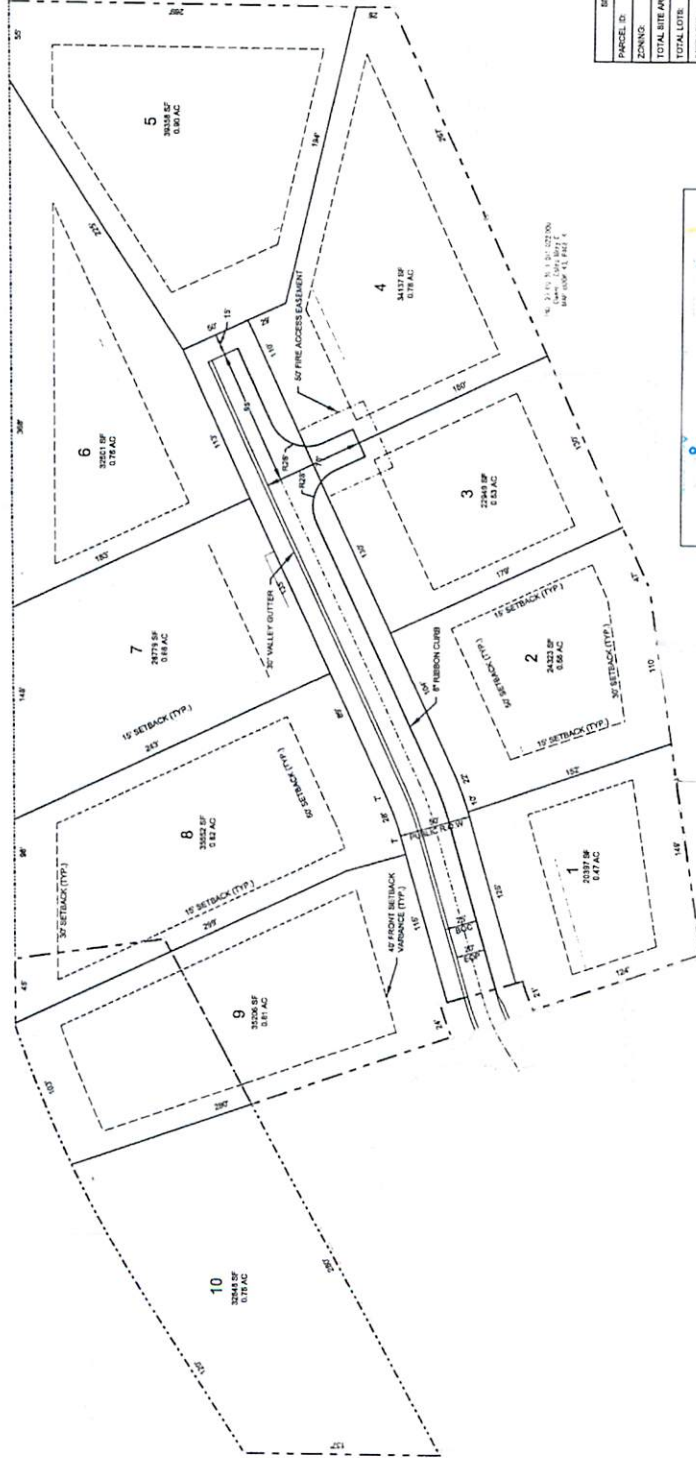
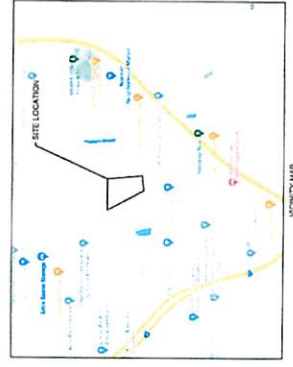
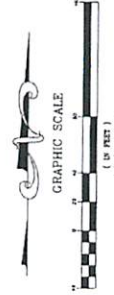
VESTAVIA FOREST DRIVE  
VESTAVIA HILLS, ALABAMA

VARIANCE EXHIBIT 3

DATE: APRIL 14, 2021  
PROJECT: C/O PLOT LAYOUT/DOA  
DRAWN BY: JADWES0001  
CHECKED BY: VML  
SCALE: 1"=40'

NO. 1	DATE
NO. 2	DATE
NO. 3	DATE
NO. 4	DATE
NO. 5	DATE
NO. 6	DATE
NO. 7	DATE
NO. 8	DATE
NO. 9	DATE
NO. 10	DATE

SITE DATA TABLE	
PARCEL ID:	24102011006000
PARCEL ID:	2410201101100000
ZONING:	R2
TOTAL SITE AREA:	17,811 ACRES
TOTAL LOTS:	15 LOTS
SETBACKS:	FRONT: 40' (VARIANCE) REAR: 30' SIDE: 15'
MINIMUM LOT WIDTH:	100'
MINIMUM LOT AREA:	15,000 S.F.
MAXIMUM BUILDING:	30' OR AS PER ZONING
HEIGHT:	WINDOWN WITH LEAF



Z0521-18/29-00-36-1-011-006.000  
 2730 Jacobs Rd. & 2700 Vestavia  
 Forest Dr.  
 Front Setback for home placement  
 RW Development

BZA

CITY OF VESTAVIA HI  
Department Review of Applic  
(To be completed by City St

Z0521-18//29-00-36-1-011-006.000  
2730 Jacobs Rd. & 2700 Vestavia  
Forest Dr.  
Front Setback for home placement  
RW Development

The following application and case file has been reviewed at \_\_\_\_\_ following comments have been submitted as follows:

Location: 2730 Jacobs Rd + 2700 Vestavia Forest Drive Case No.: BZA0521-18  
RW Development, LLC

**Engineering:** Date: 4/27/21 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: 4/27/21 Initials: ZF  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

**Building Department:** Date: 4/27/21 Initials: (CB)  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

**City Clerk:** Date: 4/26/21 Initials: R  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

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

Date: May 20, 2021

- **CASE: BZA-0521-19**
- **REQUESTED ACTION:** Variance for the Location of a Fence in the Front Setback.
- **ADDRESS/LOCATION:** 3056 Asbury Park Place
- **APPLICANT/OWNER:** Scott and Lori Planson
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** The applicant is seeking a variance for the location of a fence in the front setback. The fence is a 6' wooden privacy fence and would front Asbury Road. The fence would lay a good distance from the street and would not affect site distance. The applicant's property is zoned Vestavia Hills R-8.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** No problems noted.
  2. **City Engineer Review:** No problems noted.
  3. **City Fire Marshal Review:** No problems noted.
  4. **Building Safety Review:** No problems noted.



## CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

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

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

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

---

**I. APPLICANT INFORMATION:**

---

**Owner of Property (This Section Must Be Completed)**Name: Scott & Lori PlansonAddress: 3056 Asbury Park Place  
Vestavia Hills, AL 35243Phone #: 205-566-5395 Other #: 205-567-9181E-Mail: lori@changingspacesmaking.com

---

**Billing/Responsible Party**Name: u same as above

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Other #: \_\_\_\_\_

E-Mail: \_\_\_\_\_

---

Z0521-19//28-00-15-3-008-027.000

3056 Asbury Park Place

Variance for location of a fence

Scott & Lori Planson

**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: 3056 Asbury Park Place  
*Street Address*  
Vestavia Hills, AL 35243  
*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 \_\_\_\_\_).

---

Z0521-19//28-00-15-3-008-027.000  
3056 Asbury Park Place  
Variance for location of a fence  
Scott & Lori Planson

**IV. ZONING**

Vestavia Hills Zoning for the subject property is RS.

**V. HARDSHIP**

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

Corner lot

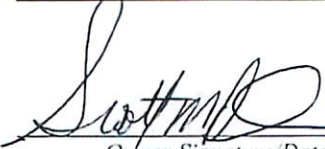
**VI. PROJECT:**

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

Privacy fence for security, safety & road noise.


**VII. OWNER AFFIDAVIT:**

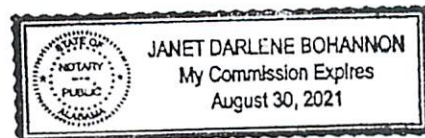
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. *\*Note, 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 20<sup>th</sup> day of April, 2021.

  
\_\_\_\_\_  
Notary Public  
My commission expires 30<sup>th</sup>  
day of August, 2021.





# City of Vestavia Hills, Alabama Residential Building Permit Application

DATE SUBMITTED
PERMIT NO.

*ADDRESS OF PROJECT *	SUBDIVISION	LOT	PARCEL ID #	ZONING
3056 Asbury Park Place 35243	Asbury Park	1	28-00-15-3-008-027.000	

**TYPE OF IMPROVEMENT**

<input type="checkbox"/> BN - New Building	<input type="checkbox"/> BD - Demolition	<input type="checkbox"/> RW - Retaining Wall
<input type="checkbox"/> BA - Building Addition	<input type="checkbox"/> FD - Foundation Only	<input type="checkbox"/> Window Replacement
<input type="checkbox"/> BR - Building Renovation	<input type="checkbox"/> MO - Moving	<input type="checkbox"/> AS - Accessory Structure
<input type="checkbox"/> BR2 - Roofing/Siding	<input checked="" type="checkbox"/> FE - Fence	<input type="checkbox"/> Other _____

**DESCRIPTION OF WORK**

Connect to new fencing added to Asbury Lane subdivision & put in <sup>reverse</sup> L shaped fence connecting to back corner of townhome. Fence would be wood privacy fence with double gate entry @ front in order for maver access to be easy. Will match Asbury Lane Subdivision fence as far as style.

IS THE PROPERTY LOCATED IN THE FLOOD PLAIN?  
 Yes  No

I hereby certify the following information and agree to provide addendum prior to final inspection

ELECTRICIAN \_\_\_\_\_ \$ \_\_\_\_\_  
 PLUMBER \_\_\_\_\_ \$ \_\_\_\_\_  
 GAS FITTER \_\_\_\_\_ \$ \_\_\_\_\_  
 MECHANICAL \_\_\_\_\_ \$ \_\_\_\_\_  
 IRRIGATION \_\_\_\_\_ \$ \_\_\_\_\_  
 FIRE SPRINKLER \_\_\_\_\_ \$ \_\_\_\_\_  
 OTHER \_\_\_\_\_ \$ \_\_\_\_\_

**SELECTED CHARACTERISTICS OF BUILDING**

<b>TYPE OF FOUNDATION</b> <input type="checkbox"/> Slab <input checked="" type="checkbox"/> Crawlspace <input type="checkbox"/> Basement <input type="checkbox"/> Pier	<b>PRINCIPAL TYPE OF FRAME</b> <input type="checkbox"/> Masonry <input checked="" type="checkbox"/> Wood Frame <input type="checkbox"/> Structural Steel <input type="checkbox"/> Reinforced Steel	<b>TYPE OF SEWAGE DISPOSAL</b> <input checked="" type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Septic Tank	<b>DIMENSIONS</b> Are you finishing basement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Total SF of finished basement _____ Total SF of all floors based on exterior dimensions _____	Total land area in SF _____ Height of structure _____ # of stories _____ # of Bedrooms _____ # of Full Baths _____ # of Half Baths _____ # of Fireplaces _____
<b>PRINCIPAL TYPE OF HEAT</b> <input type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas				

**IDENTIFICATION - To be completed by applicants**

	NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE
OWNER	Scott & Lori Planson	3056 Asbury Park Place, 35243 ←		5037 205-566-5345
CONTRACTOR	Self			OFFICE: CELL:
ARCHITECT				

I HEREBY CERTIFY: THAT I HAVE READ THIS APPLICATION AND ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT; THAT I AGREE TO COMPLY WITH ALL CITY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION; THAT I AM THE OWNER OR CONTRACTOR TO ACT AS THE OWNER'S AGENT FOR THE HEREIN DESCRIBED WORK; AND, I ACKNOWLEDGE THIS FORM AND ALL INFORMATION ON THIS FORM IS PUBLIC RECORD AND THE TOTAL CONTRACT OR VALUATION IS:

CONTRACT COST \$ Materials Plus Time ~ \$2500 NAME OF COMPANY Self (May get a few professional quotes) LICENSE # \_\_\_\_\_

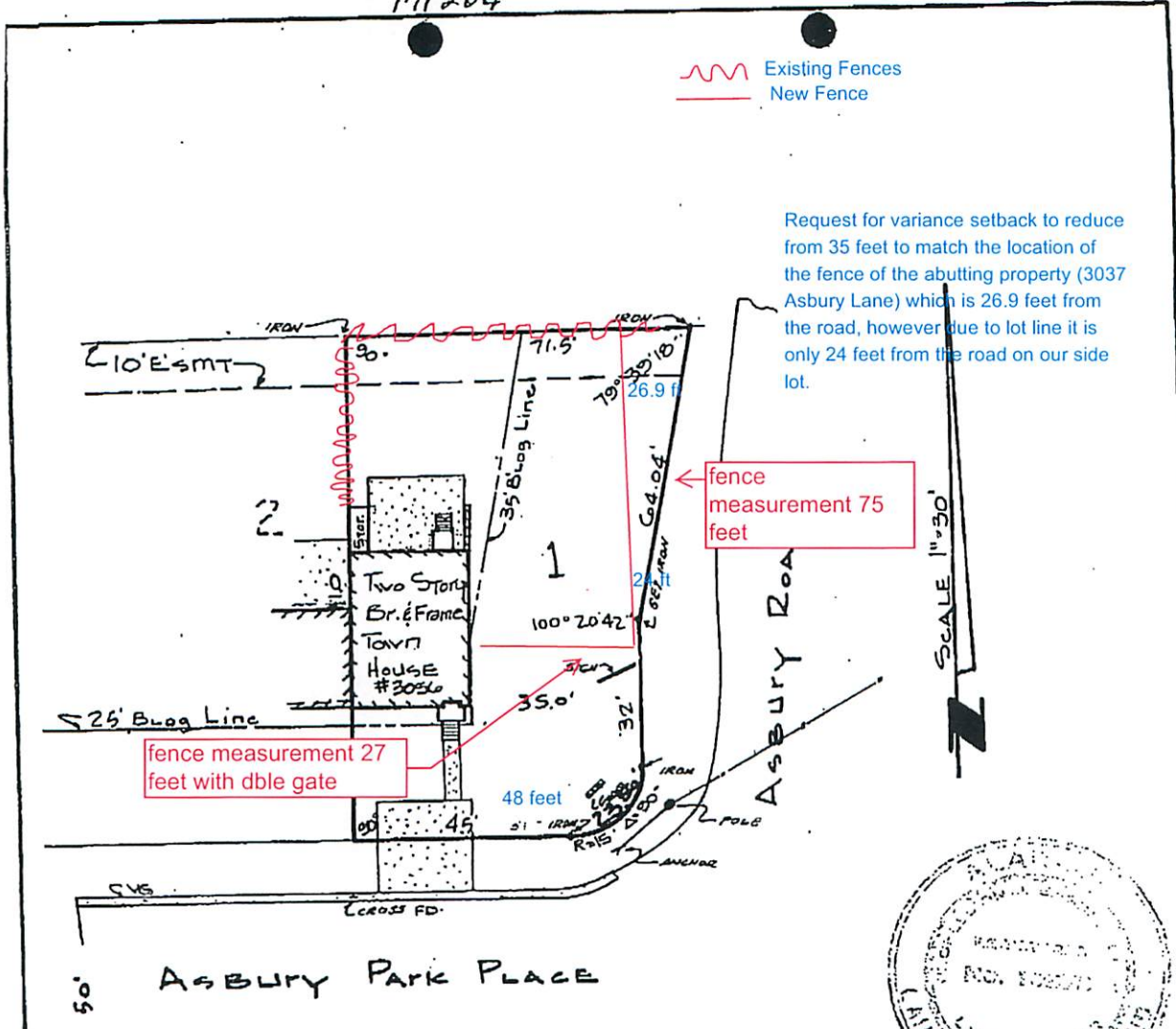
DATE 4/04/2021 SIGNATURE [Signature] PRINT NAME Lori Planson  
By Owner or Contractor

**FOR OFFICE USE ONLY**

PLANS EXAMINER _____ <small>INITIALS DATE/TIME REVIEWED</small>	ZONING DESIGNATION _____	Finished 1st Floor _____
	SETBACKS: Front _____ Rear _____ Left Side _____ Right Side _____	Finished 2nd Floor _____
NOTES _____ _____ _____	VARIANCE CASE: NUMBER _____ DATE _____	Finished Basement _____
		Unfinished Basement _____
		Main Level Garage _____
		EVALUATION _____
		PERMIT FEE _____
		PLAN REVIEW FEE _____

1816-65-507-9181  
COP Lori 205-567-9181

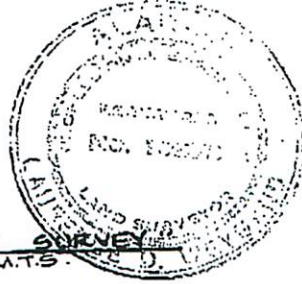
111204



Request for variance setback to reduce from 35 feet to match the location of the fence of the abutting property (3037 Asbury Lane) which is 26.9 feet from the road, however due to lot line it is only 24 feet from the road on our side lot.

fence measurement 75 feet

fence measurement 27 feet with dble gate



STATE OF ALABAMA  
 JEFFERSON COUNTY

"AS-BUILT SURVEY"  
 MEETS M.T.S.

I, Laurence D. Weygand, a registered Engineer - Land Surveyor, certify that I have surveyed Lot 1, Block 1, Asbury Park Townhomes, as recorded in Map Volume 117, Page 95, in the office of the Judge of Probate Jefferson County, Alabama; that there are no right-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; and that the correct address is as follows: 3056 Asbury Park Place; according to my survey of: NOVEMBER 25, 1991

PURC. "HIGGENBOTHAM (et al) FLOOD ZONE" C"  
 Order No. 28176

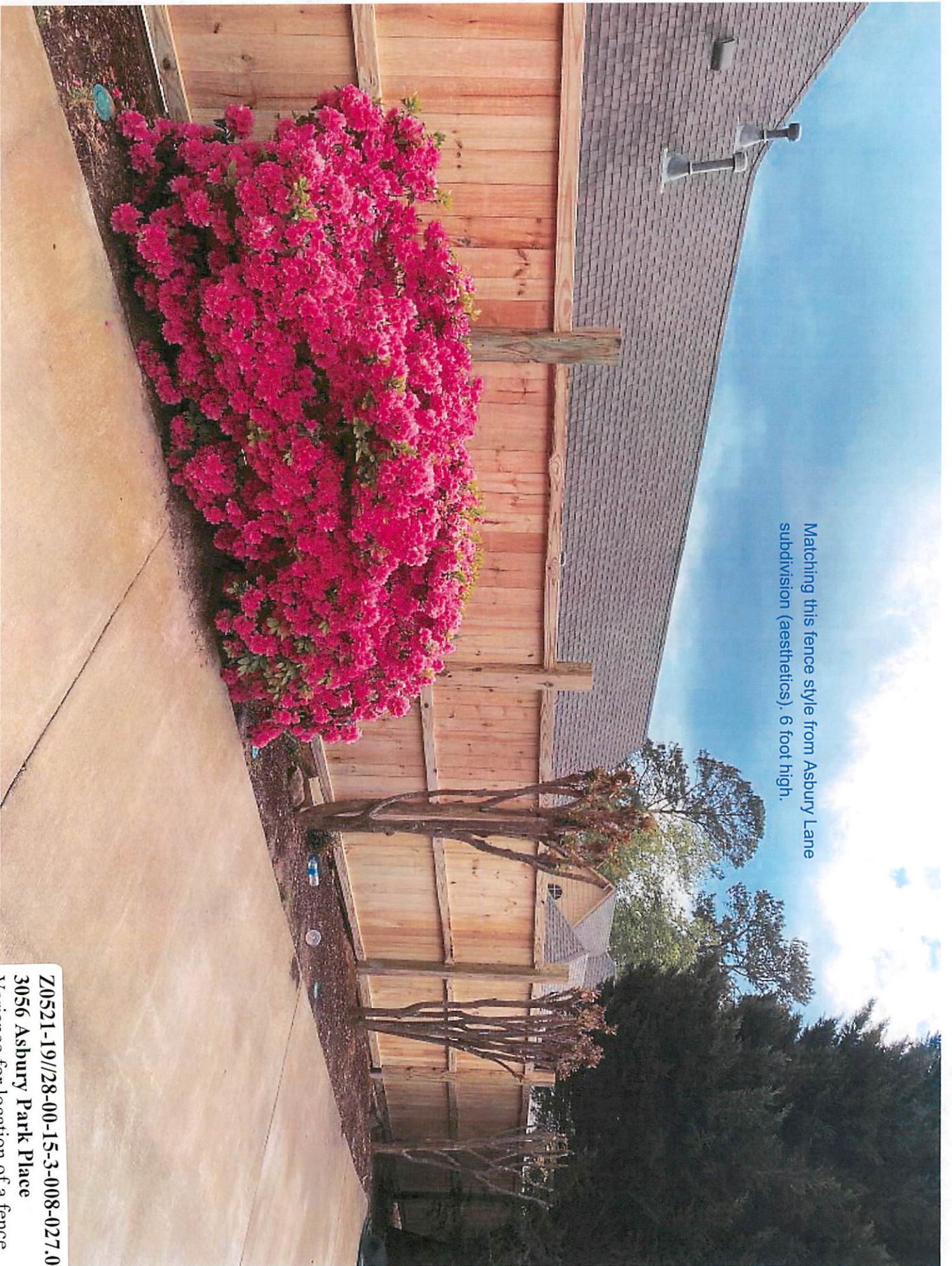
Laurence D. Weygand, Reg. No. 10 373 phone: 942-0006

Z0521-19//28-00-15-3-008-027.000  
 3056 Asbury Park Place  
 Variance for location of a fence  
 Scott & Lori Planson



**Z0521-19//28-00-15-3-008-027.000**  
**3056 Asbury Park Place**  
Variance for location of a fence  
Scott & Lori Planson

Matching this fence style from Asbury Lane subdivision (aesthetics), 6 foot high.

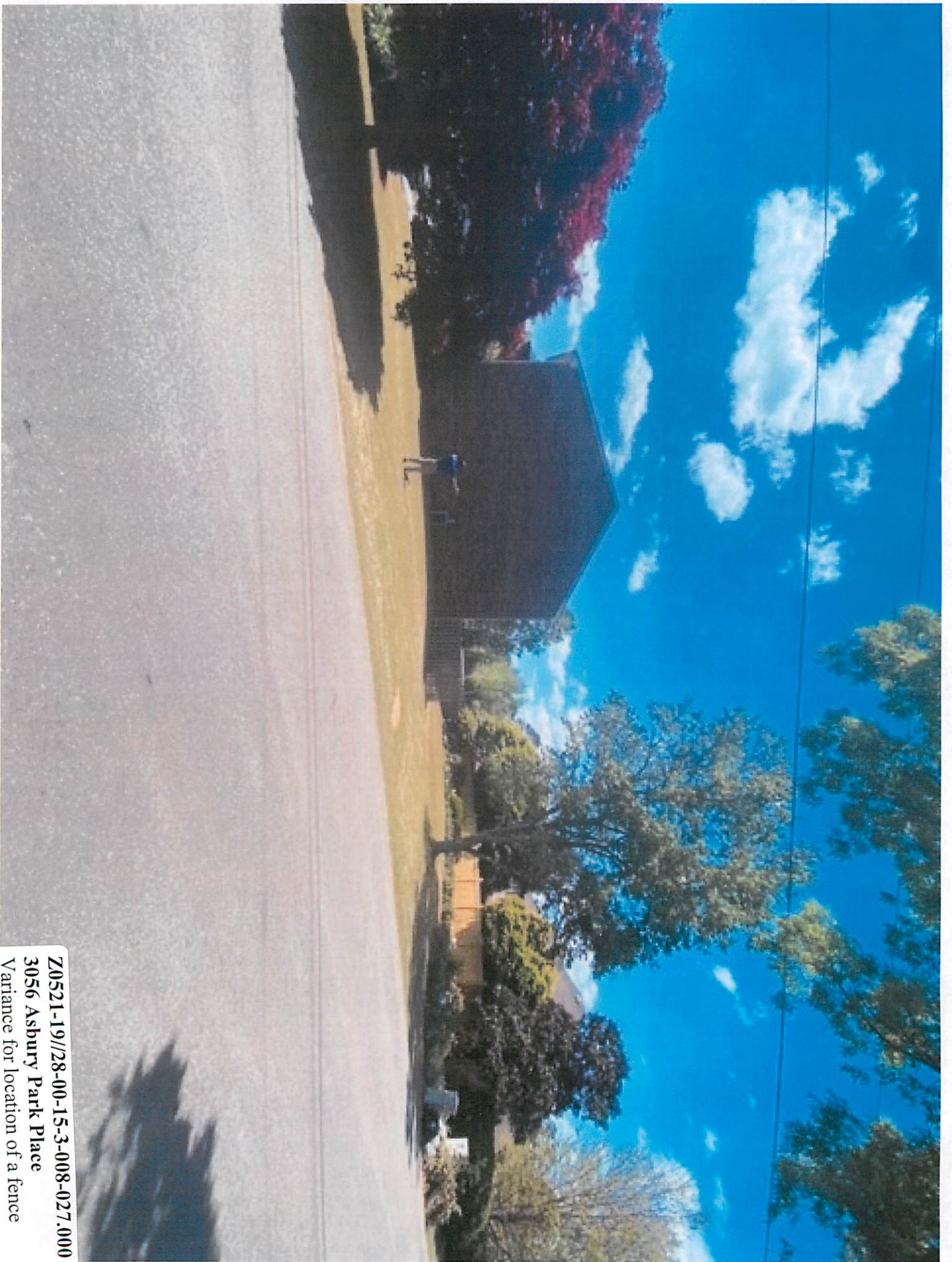


Z0521-19//28-00-15-3-008-027.000  
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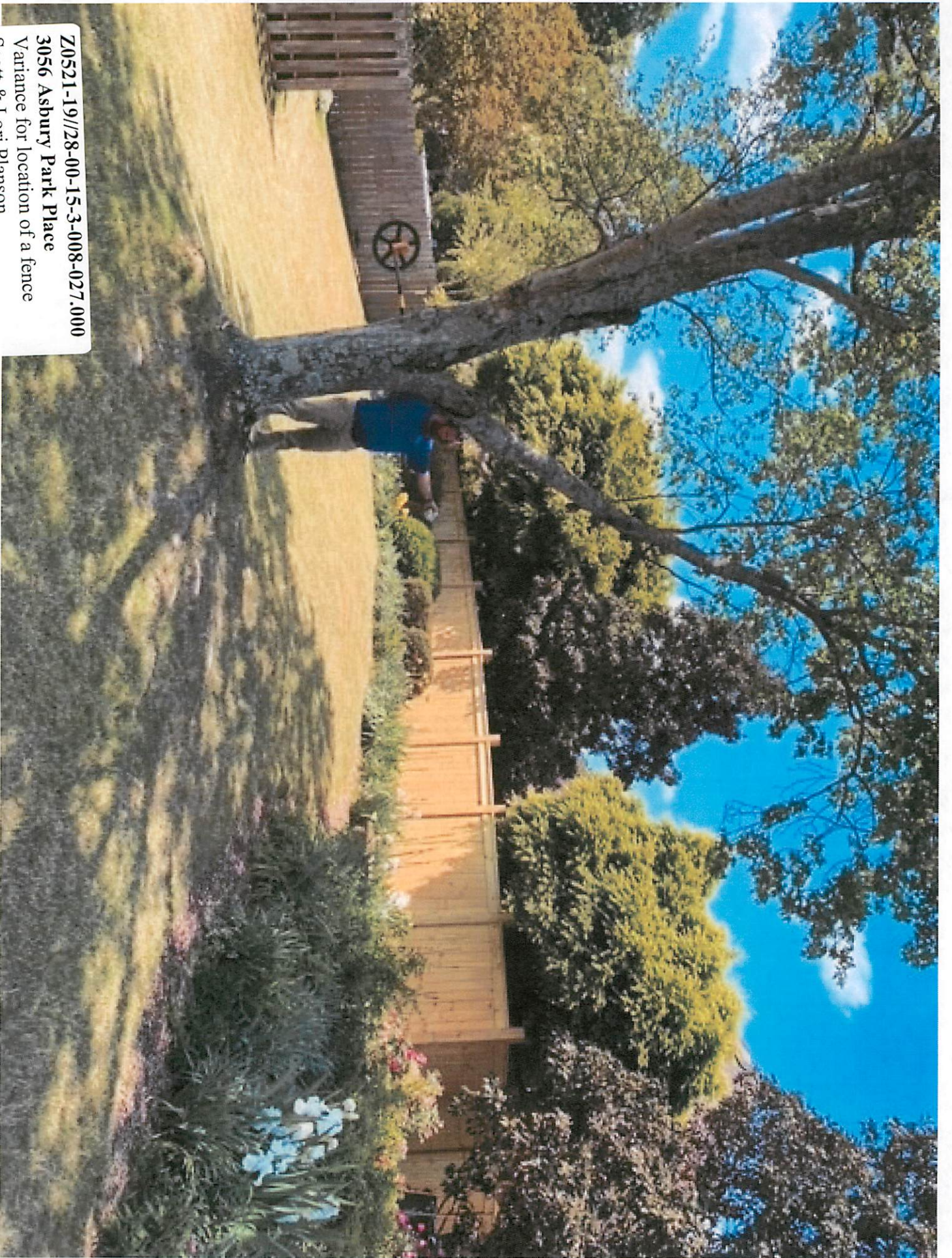
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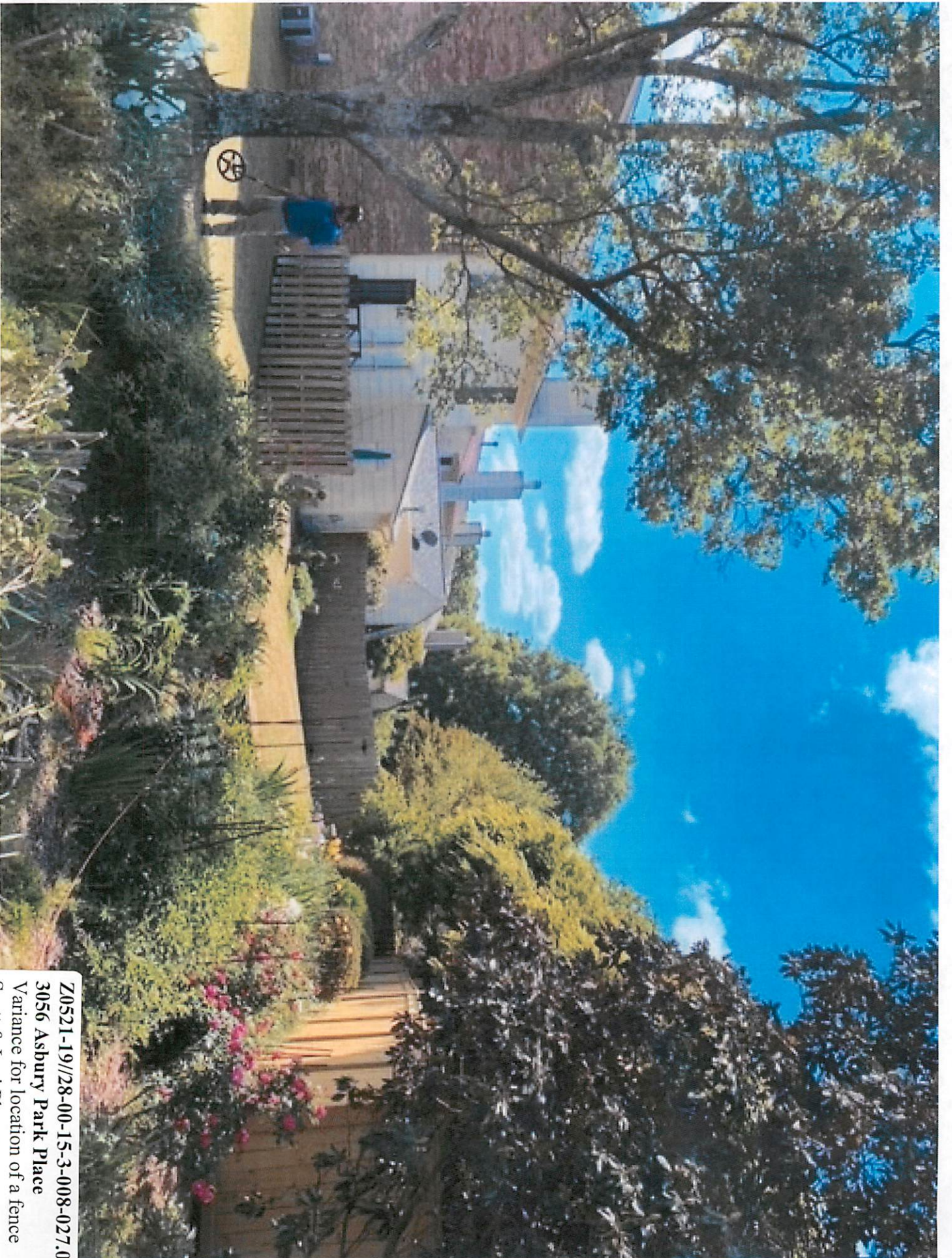


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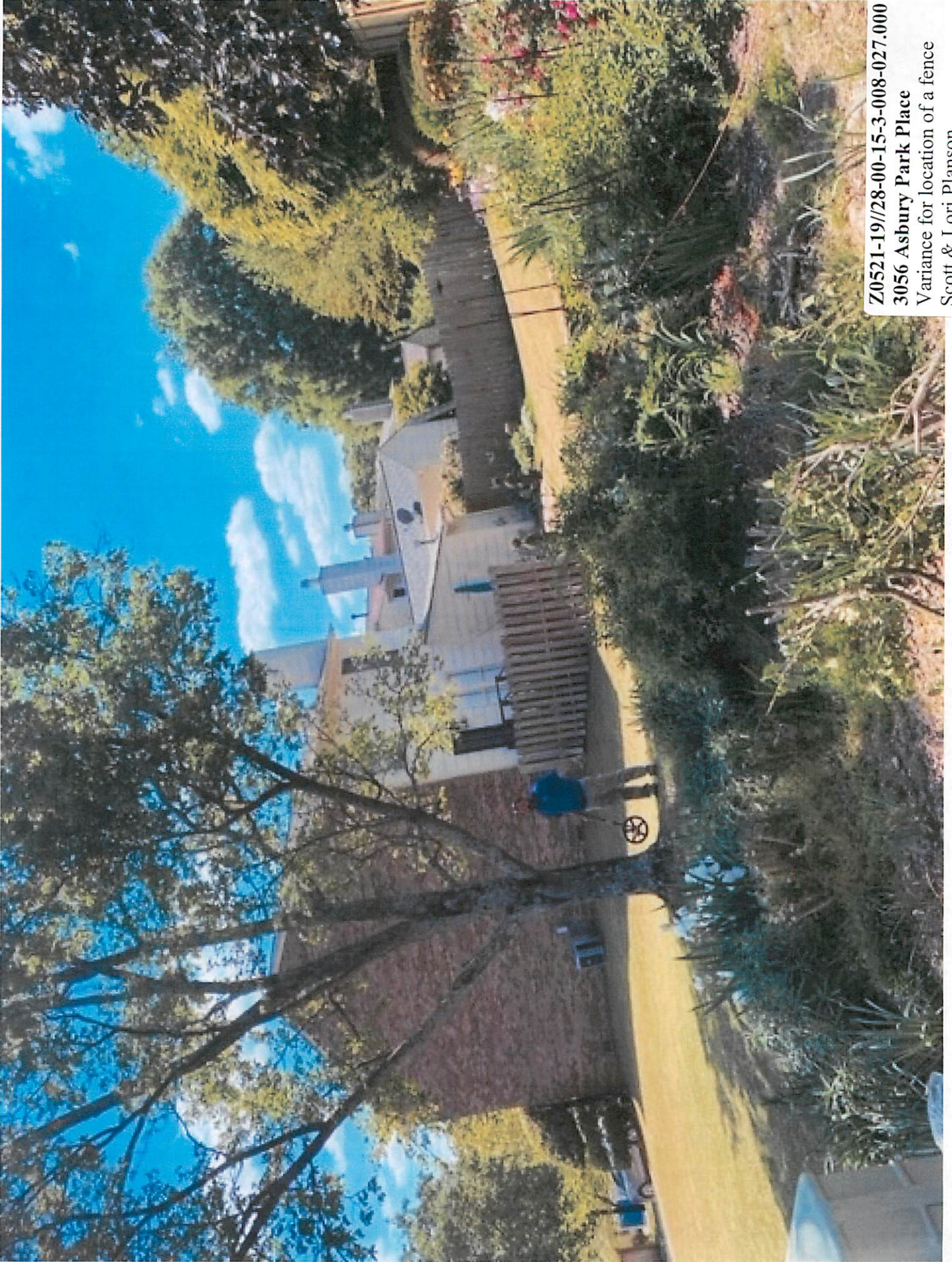


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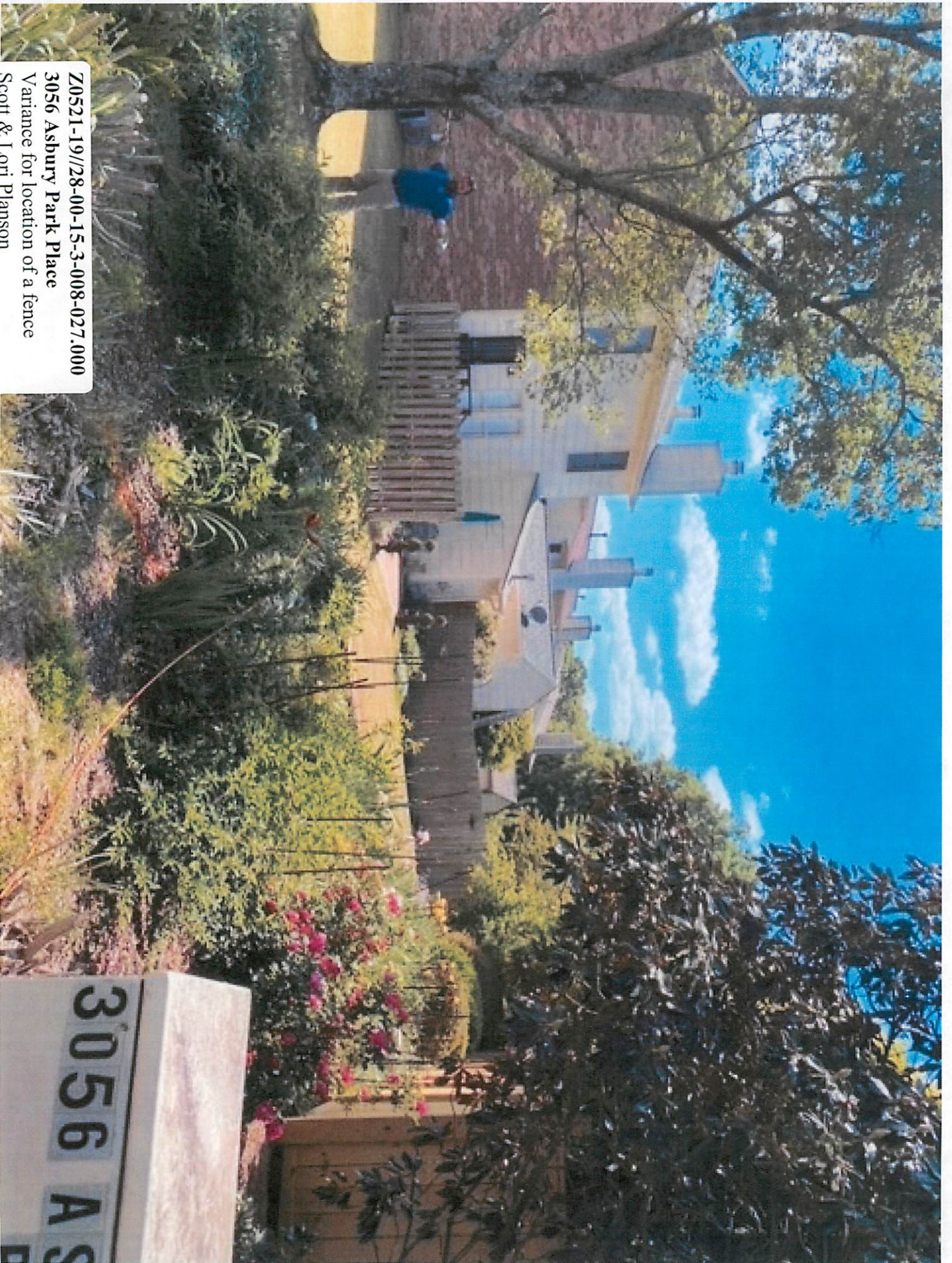




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Z0521-19//28-00-15-3-008-027.000

3056 Asbury Park Place

Variance for location of a fence

Scott & Lori Planson



Z0521-19//28-00-15-3-008-027.000

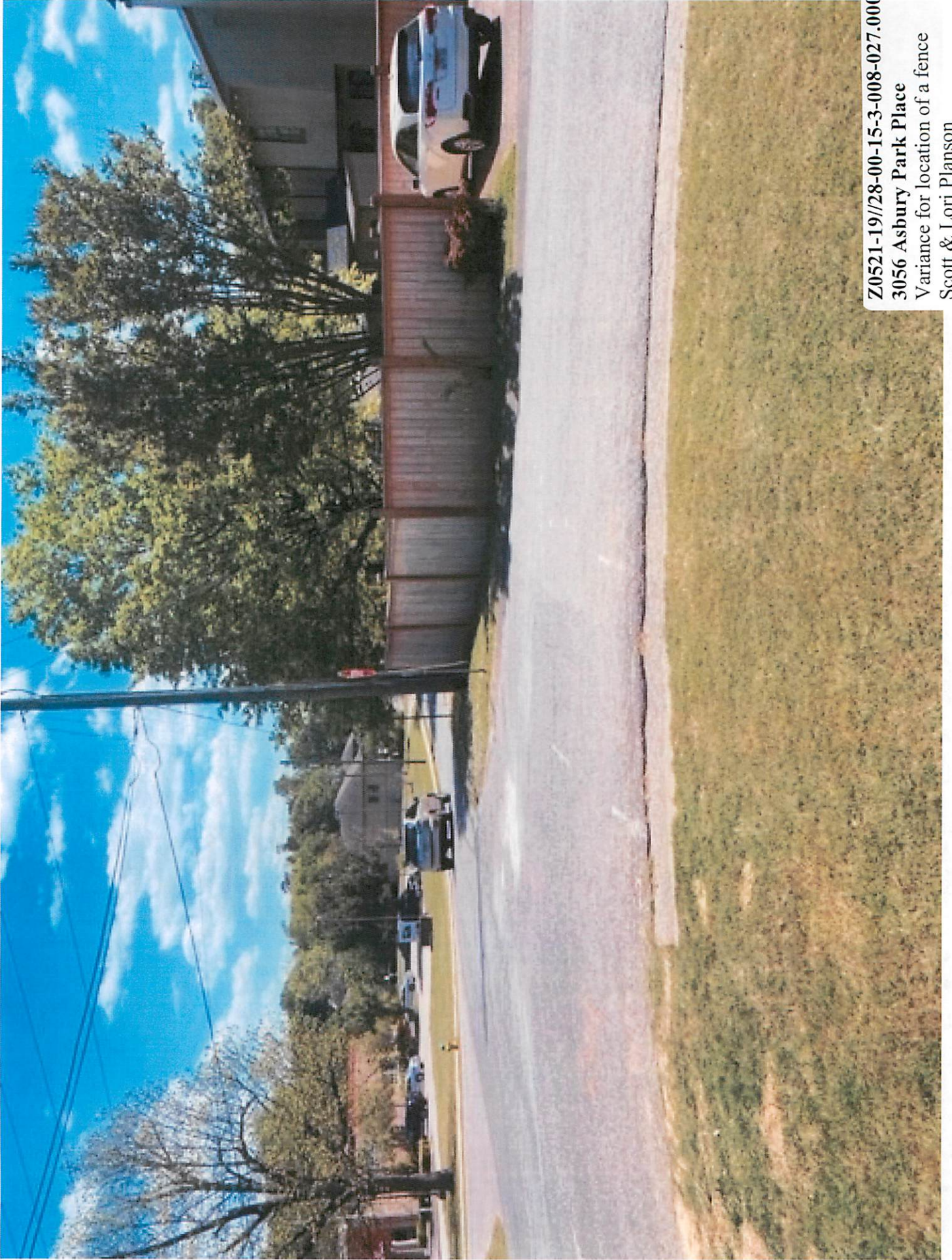
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Variance for location of a fence

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**3056 Asbury Park Place**  
Variance for location of a fence  
Scott & Lori Planson



BZA

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

Location: 3056 Asbury Park Place Case No.: BZA0521-19  
Planson

**Engineering:**

Date: 4/27/21 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: 4/26/21 Initials: [Signature]

Comments: \_\_\_\_\_

Recommended  Not Recommended  No Recommendation

**Building Department:**

Date: 4/27/21 Initials: (KJ)

Comments: \_\_\_\_\_

Recommended  Not Recommended  No Recommendation

**City Clerk:**

Date: 4/26/21 Initials: R

Comments: \_\_\_\_\_

Recommended  Not Recommended  No Recommendation

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

Date: May 20, 2021

- **CASE: BZA-0521-20**
- **REQUESTED ACTION:** 14' Front Setback Variance to reduce the setback to 36' in lieu of the required 50'.
- **ADDRESS/LOCATION:** 3433 Southampton Circle
- **APPLICANT/OWNER:** Jonathan Watts
- **REPRESENTING AGENT:** Tommy Coggin
- **GENERAL DISCUSSION:** The applicant is seeking a front setback variance to enlarge and cover the existing front porch. The applicant contends the odd-shaped lot causes a hardship. The shape of the lot limits building on the side and rear of the lot. There is a recorded front setback that will be encroached by the new addition. A covenants waiver has been drafted, signed, and recorded with the 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: Jonathan Watts

Address: 3433 Southampton Cr.

Phone #: 205-965-1875 Other #: \_\_\_\_\_

E-Mail: Jwatts@selind.com

---

### Billing/Responsible Party

Name: J (Same)

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Other #: \_\_\_\_\_

E-Mail: \_\_\_\_\_

---

---

Representing Attorney/Other Agent

Name: Tommy Coggin

Address: 2029 Kentucky Ave.

Phone #: 205-368-1671 Other #: \_\_\_\_\_

E-Mail: TCoggin@harris-coggin.com

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

**II. DESCRIPTION OF SUBJECT PROPERTY:**

LOCATION: 3433 Southampton Cr.  
Street Address  
Coventry - Lot 6 Block 4 1<sup>st</sup> & 2<sup>nd</sup> Sector  
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.  
13.6 ' front /side/rear (circle one) setback variance to reduce the setback to 36.4 ' in lieu of the required 50 ' .  
\_\_\_\_\_ ' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_ ' in lieu of the required \_\_\_\_\_ ' .  
\_\_\_\_\_ ' front/side/rear (circle one) setback variance to reduce the setback to \_\_\_\_\_ ' in lieu of the required \_\_\_\_\_ ' .
2.  A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3.  An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section \_\_\_\_\_).
4.  A request for extension of non-conforming use (See Section \_\_\_\_\_).
5.  Variance for location of a fence.
6.  Sign Code Variance (See Section \_\_\_\_\_).
7.  Other - Explain (See Section \_\_\_\_\_).

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).

Due to the shape of the lot the house is not able to be enlarged going to the side property lines in the front.

VI. PROJECT:

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

The owner would like to enlarge and cover the existing Front Porch.

VII. OWNER AFFIDAVIT:

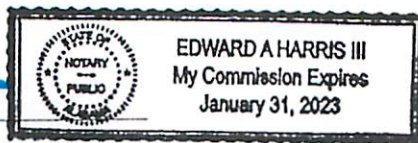
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. \*Note,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

Smith Watts 4/20/21  
Owner Signature/Date

[Signature]  
Representing Agent (if any)/date

Given under my hand and seal  
this 20<sup>th</sup> day of APRIL, 2021.

[Signature]  
Notary Public



My commission expires \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

STATE OF ALABAMA  
JEFFERSON COUNTY

Clerk: SMITHMO

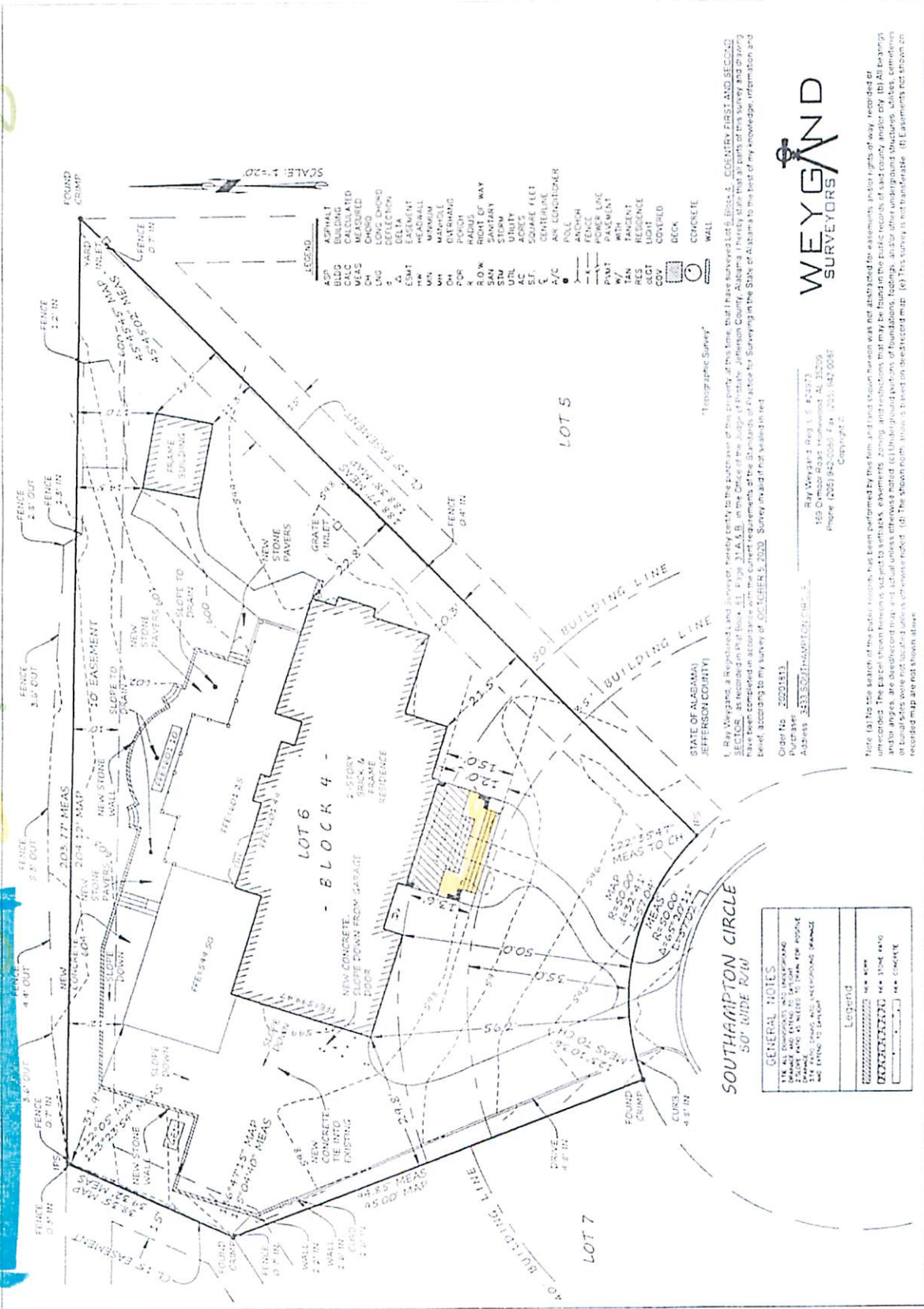
NULLIFICATION OF RESTRICTION

The undersigned majority of the owners of lots in the survey recorder as; Coventry first and second sector- recorded as Plat book 81 page 31 A & B agree to offer Lot #6 relief from the front building setback of 50 feet due to hardships.

Jonathan and Jennifer Watts- Lot #6 Block 2

Owner	<u>Melinda Perry</u>	Lot No	1	DATE:	<u>4.22.21</u>
Owner	<u>Ben Temple</u>	Lot No	2	DATE:	<u>4-25-2021</u>
Owner	<u>Jan B Ware</u>	Lot No	3	DATE:	<u>4-22-2021</u>
Owner	<u>Jennifer Watts</u>	Lot No	4	DATE:	<u>4-23-2021</u>
Owner	<u>Michelle</u>	Lot No	5	DATE:	<u>4-23-2021</u>
Owner	<u>Jonathan Watts</u>	Lot No	6	DATE:	<u>4/21/21</u>
Owner	<u>Billie Jean</u>	Lot No	7	DATE:	<u>4/25/21</u>
Owner	<u>D. Ford</u>	Lot No	8	DATE:	<u>4.25.21</u>
Owner	<u>Freight A. Bayn. H</u>	Lot No	9	DATE:	<u>4-25-21</u>
Owner	<u>Ann N. N. N</u>	Lot No	10	DATE:	<u>4-25-21</u>
Owner	<u>J. Verbal approval (Not signed)</u>	Lot No	11	DATE:	<u>4/25/21</u>
Owner	<u>J. A. A</u>	Lot No	12	DATE:	<u>4/25/21</u>

DD Existing + Proposed overlay



GENERAL NOTES	
1. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.	
2. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.	
3. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.	
4. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.	
5. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.	
6. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.	
7. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.	
8. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.	
9. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.	
10. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.	

Legend	
ASPHALT	ASPH
BUILDING	BLDG
CALCULATED	CALC
MEASURED	MEAS
LONG DIMENSION	LONG
DEFLECTION	DEF
DELTA	DELTA
EASEMENT	EASE
EXISTING	EXIST
MARKING	MARK
MATERIAL	MAT
OVERHANG	OH
POOR	POOR
RAILROAD	RR
ROAD OF WAY	ROW
SEWER	SEWER
UTILITY	UTIL
ADJUST	ADJ
CONCRETE	CONC
ANCHOR	ANCH
FENCE	FENCE
POWER LINE	PL
PAVEMENT	PAV
TANGENT	TAN
RESIDENCE	RES
LIGHT	GLT
COVERED	COV
DECK	DECK
CONCRETE	CONC
WALL	WALL

STATE OF ALABAMA  
JEFFERSON COUNTY

Topographic Survey

1. Ray Weygand, a Registered Land Surveyor, hereby certifies to the truth and accuracy of this plan, that I have surveyed Lots 5, Block 4, Country Forest and Second Section, as recorded in Map Book 41, Page 21, A.S.B. in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey, and all bearings 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 2, 2020. Survey invalid if not signed in red.

Order No. 20201813  
Purveyor

Ray Weygand, PLS, License No. 116,452,073  
155 Orchard Road, Prichard, AL 36059  
Phone: (205) 942-0086 Fax: (205) 942-0087  
Copyright © 2020

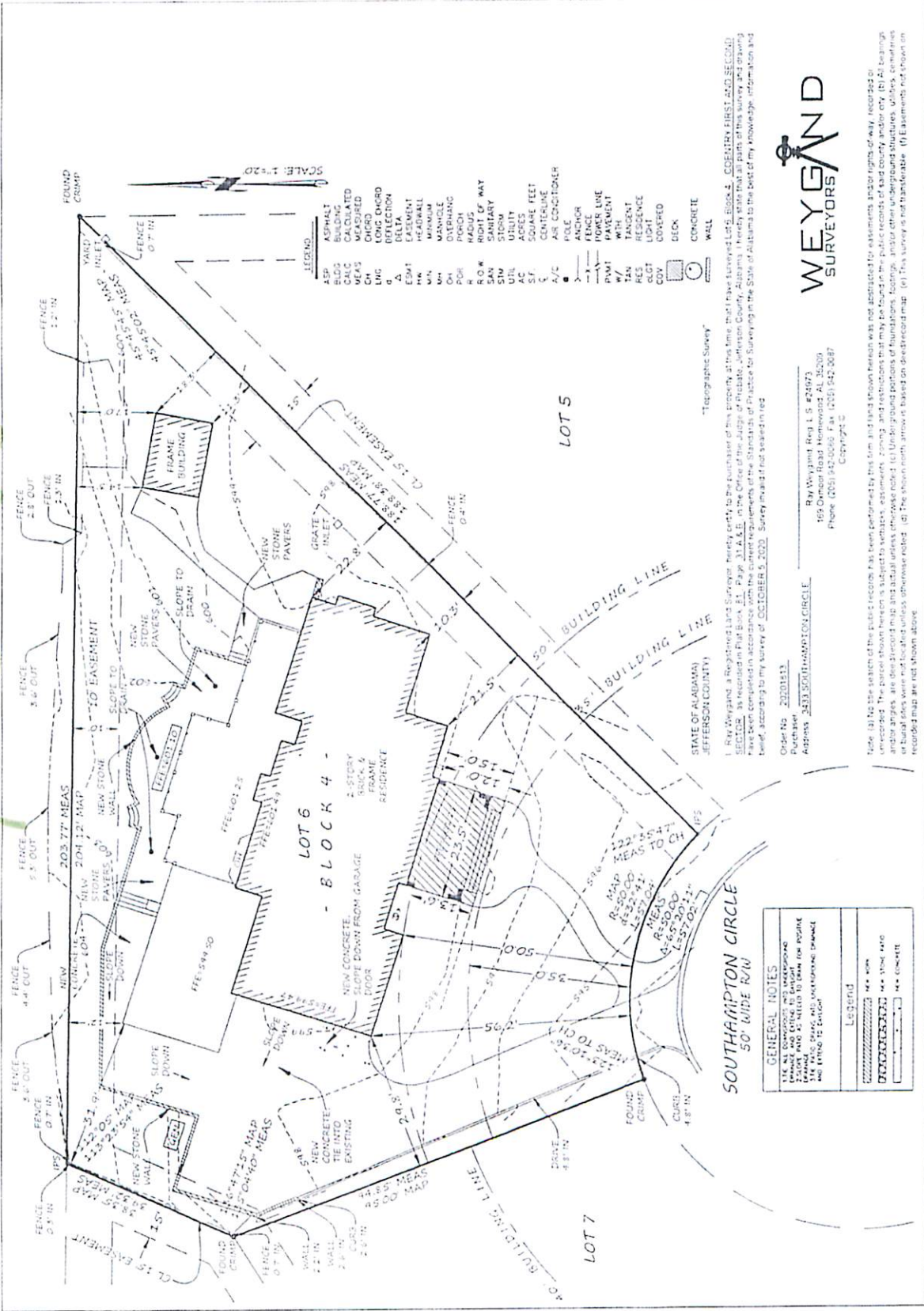
Note: (a) To the extent of the public records, this plan, as filed, shall constitute notice to all persons who are not shown on this plan. (b) All bearings and angles are double checked and actual unless otherwise noted. (c) Underground utilities, foundations, septic tanks, and other underground structures, unless otherwise shown on this plan, are not shown. (d) The shown boundaries are shown on the recorded map are not shown above.

WEGYAND  
SURVEYORS





Proposed

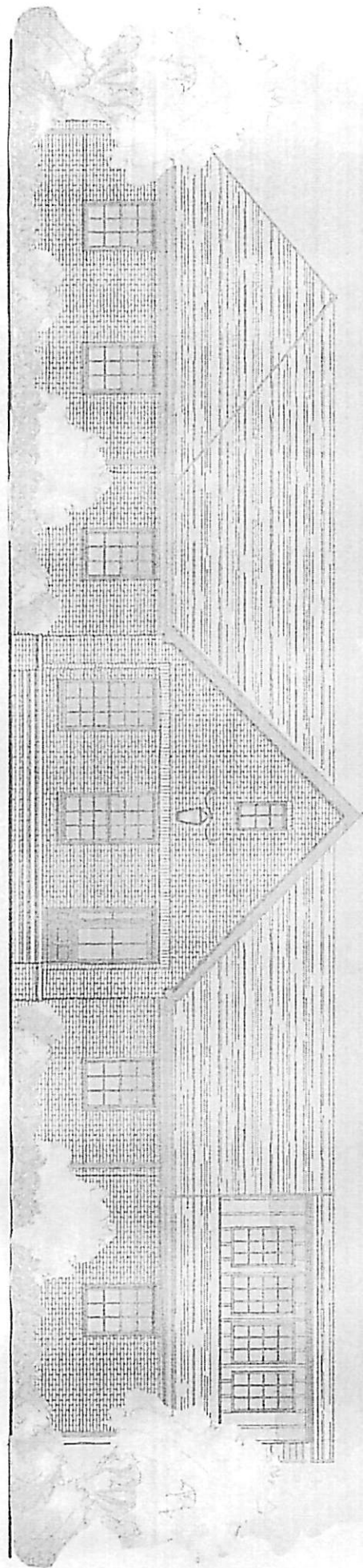


**WEGYOND**  
SURVEYORS AND  
CONSULTANTS

By Order of the Board of Registrars  
 1650 Old South Road, Suite 100  
 Birmingham, Alabama 35209  
 Phone: (205) 942-0088 Fax: (205) 942-0087  
 Copyright ©

Order No. 20200113  
 Purchase Price  
 Address 3213 SOUTHAMPTON CIRCLE  
 Birmingham, AL 35209

This is for the search of the public records has been performed by this firm and every mention herein was not adequately examined, and no responsibility is assumed for any errors or omissions. The person shown herein is subject to change, and restrictions may be placed on the public records of said county and/or city. (b) All bearings and angles are shown on this map and shall unless otherwise noted be in the foreground portions of foundations, footings, and/or other underground structures, unless, sometimes in such cases, where not located unless otherwise noted. (d) The shown north arrow is based on the recorded map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.



BZA

CITY OF VESTAVIA HI  
Department Review of Appli  
(To be completed by City S

Z0521-20//28-00-29-4003-010.000  
3433 Southampton Circle  
Front Setback for front porch  
Jonathan Watts

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

Location: 3433 Southampton Circle Case No.: BZA0521-20  
Watts

**Engineering:** Date: 4/27/21 Initials: (CB)  
Comments: no problem  
 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: 4/27/21 Initials: RF  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

**Building Department:** Date: 4/27/21 Initials: (KB)  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

**City Clerk:** Date: 4/26/21 Initials: K  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

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

Date: May 20, 2021

- **CASE: BZA-0521-21**
- **REQUESTED ACTION:** 9' Side Setback Variance to reduce the setback to 6' in lieu of the required 15' & 8' Rear Setback Variance to reduce the setback to 7' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 1620 Gentilly Drive
- **APPLICANT/OWNER:** Ed & Jane Stakes
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** The applicants are seeking a side and rear setback variance to build a small storage shed. The applicants contend the corner lot causes a hardship. There is also a retaining wall that prevents movement of the shed to the eastern side of the lot. This shed would be an 8x12' garden/tool shed. The neighbors are supportive of the plan. Also, the existing vegetation in that corner of the lot would make the shed not visible from the road or the neighboring houses. 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: **Ed & Jane Stakes** \_\_\_\_\_  
Address: **1620 Gentilly Drive** \_\_\_\_\_  
**Birmingham, AL 35226** \_\_\_\_\_  
Phone #: **205-533-3634 (Cell)** Other #: \_\_\_\_\_  
**bestakes@gmail.com** \_\_\_\_\_  
E-Mail: \_\_\_\_\_

---

### **Billing/Responsible Party**

Name: \_\_\_\_\_ **SAME** \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Other #: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

---

**Z0521-21//29-036-3-005-012.000**

**1620 Gentilly Drive**  
Side & Rear Setback for a shed  
Ed & Jane Stakes

**Representing Attorney/Other Agent**

Name: NA

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: 1620 Gentilly Drive

Gentilly Forrest, Lot 12, Block 4, First Sector

*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.  
8 ' front/side/rear (circle one) setback variance to reduce the setback to 7 ' in lieu of the required 15' ' .  
9 ' front/side/rear (circle one) setback variance to reduce the setback to 6 ' 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.
3.  An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section \_\_\_\_\_).
4.  A request for extension of non-conforming use (See Section \_\_\_\_\_).
5.  Variance for location of a fence.
6.  Sign Code Variance (See Section \_\_\_\_\_).
7.  Other - Explain (See Section \_\_\_\_\_).

\_\_\_\_\_

**IV. ZONING**

Vestavia Hills Zoning for the subject property is BZ.

---

**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*

*Our property is located on a street corner, and the NW corner is the only possible location for our shed as shown on the attached landscape plan and photos. A large, beautiful hickory tree prevents our achieving the 15' offset from the north property line. Maintaining the offset from the west side is prevented by a concrete retaining wall. Included with this application are letters from the adjacent property owners who are in agreement with our plan.*

**VI. PROJECT:**

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

Installation of 8'x12' garden/tool shed.

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**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 \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

---

Mr. & Mrs. Joe Epperson  
1617 Frontier Drive  
Vestavia Hills, AL 35226

April 14, 2021

Board of Zoning Adjustment  
City of Vestavia Hills  
1032 Montgomery Highway  
Vestavia Hills, AL 35216

Re: Property of Ed & Jane Stakes located at 1620 Gentilly Drive

Reference: Building Permit for Accessory Structure (Garden/Tool Shed) with Applicable Drawings & Sketches

Dear Sir or Madam,

We are the adjacent property owners on the north side of the subject property. Ed Stakes has discussed with us his plan to construct or install a shed on the northwest corner of his property. We have reviewed Ed's plans for the project, and looked at the location of the shed, and confirm that it will have no impact on us.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Epperson", with a long horizontal flourish extending to the right.

Mr. & Mrs. Joe Epperson



Kevin & Holly Vanderwall  
1616 Gentilly Drive  
Vestavia Hills, AL 35226

April 14, 2021

Board of Zoning Adjustment  
City of Vestavia Hills  
1032 Montgomery Highway  
Vestavia Hills, AL 35216

Re: Property of Ed & Jane Stakes located at 1620 Gentilly Drive

Reference: Building Permit for Accessory Structure (Garden/Tool Shed) with Associated Drawings & Sketches

Dear Sir or Madam,

We are the adjacent property owners on the west side of the subject property. Ed Stakes had previously informed us in late 2019 of his plan to construct or install a shed on the northwest corner of his property. We have reviewed Ed's plans for the project, and confirm that the location will have no impact on us. We already have a fence in the area, and there are also thick shrubs along the property line (please see applicable photos). Indeed, we believe it is the only place on his property that a shed could be located. In addition, we previously informed Ed that we would be willing to assist in this project in any way if needed.

Thank you for your kind attention,

A handwritten signature in black ink, appearing to read 'K. V. M.', written in a cursive style.

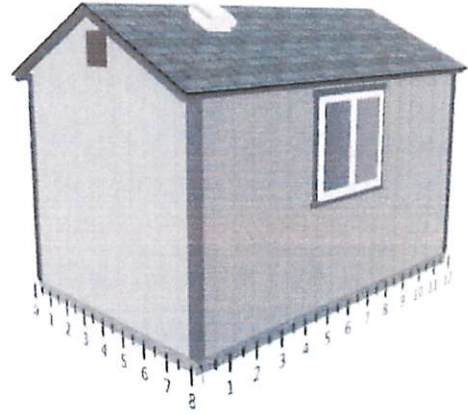
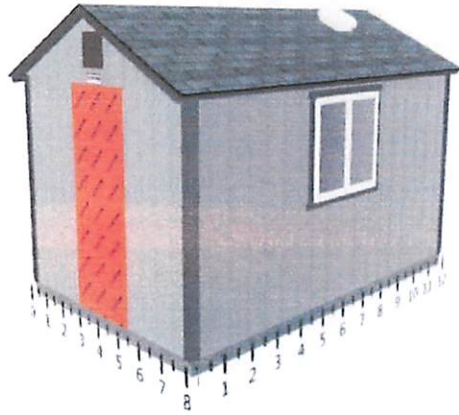
Kevin & Holly Vanderwall



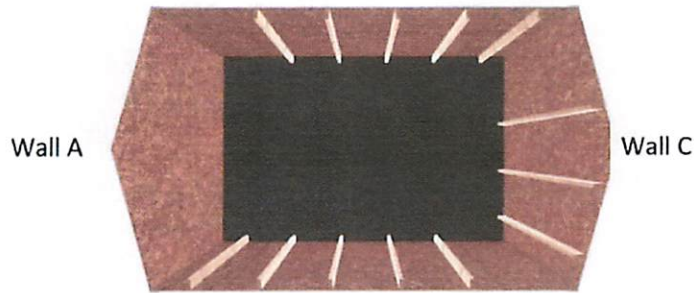




ED Stakes  
1620 Gentilly Dr  
Birmingham AL 35226  
Q3151046-3144016



Wall D



Wall B

**Base Details**

**Building Size & Style**  
TR-700 - 8' wide by 12' long  
**Paint Selection**  
Base: Solitary State, Trim: Dover Gray  
**Roof Selection**  
Weathered Gray 3 Tab  
**Drip Edge**  
Brown

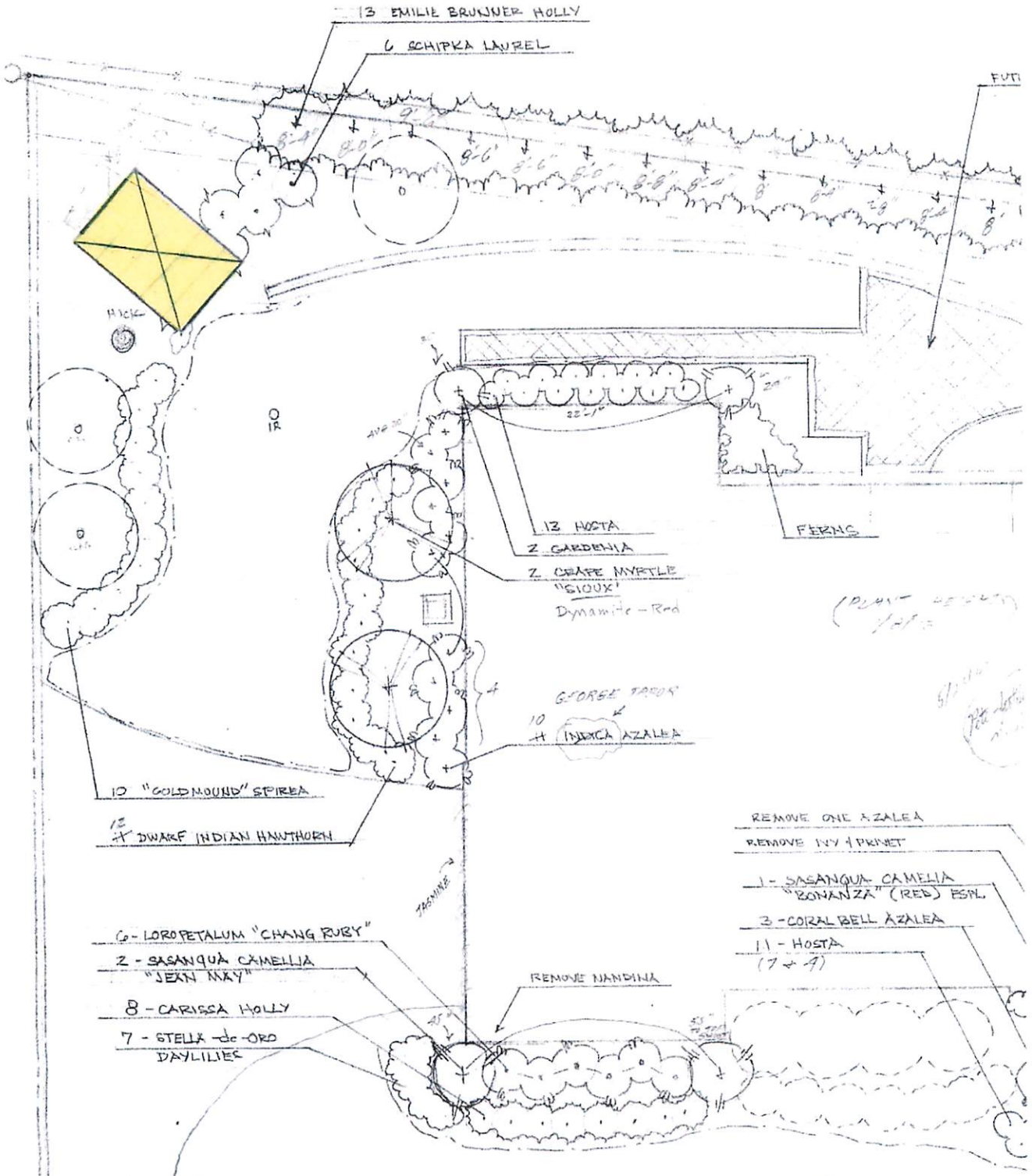
**Options Details**

**Doors**  
**Windows**  
2 Ea 3'x3' Horizontal Sliding Window  
**Roof**  
128 Sq Ft Roof - 6/12 Roof Pitch Upgrade  
16 Lin Ft 4" Gable EW Eave Upgrade  
2 Ea Translucent Roof Vent  
**Floor and Foundation**  
96 Sq Ft 3/4" Treated Floor Decking Upgrade  
**Vents**  
2 Ea 12"x12" Wall Vent - Brown

**Jobsite/Installer Details**

Do you plan to insulate this building after Tuff Shed installs it?  
No  
Is there a power outlet within 100 feet of installation location?  
Yes  
The building location must be level to properly install the building. How level is the install location?  
Within 4" of level  
Will there be 18" of unobstructed workspace around the perimeter of all four walls?  
Yes  
Can the installers park their pickup truck & trailer within approximately 200' of your installation site?  
Yes  
Substrate Shed will be installed on?  
Dirt/Gravel

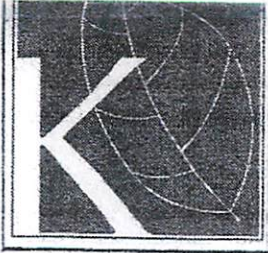
DocuSigned by:  
Signature: ED Stakes Date: 3/16/2021  
AC708BB428A4419...



- 13 EMILIE BRUNNER HOLLY
- 6 SCHIPKA LAUREL
- 13 HOSTA
- 2 GARDENIA
- 2 CREEPER MYRTLE "SIOUX" Dynamic - Red
- 10 "GOLDMOUND" SPIREA
- 12 DWARF INDIAN HANTHORN
- 6 LOROPETALUM "CHANG RUBY"
- 2 SASANQUA CAMELLIA "JEAN MAY"
- 8 CARISSA HOLLY
- 7 STELLA de ORO DAYLILIES
- 10 INDIAN AZALEA
- REMOVE NANDINA

- REMOVE ONE AZALEA
- REMOVE IVY PRINET
- 1 SASANQUA CAMELLIA "BONANZA" (RED) ESPL.
- 3 CORAL BELL AZALEA
- 11 HOSTA (7 + 4)

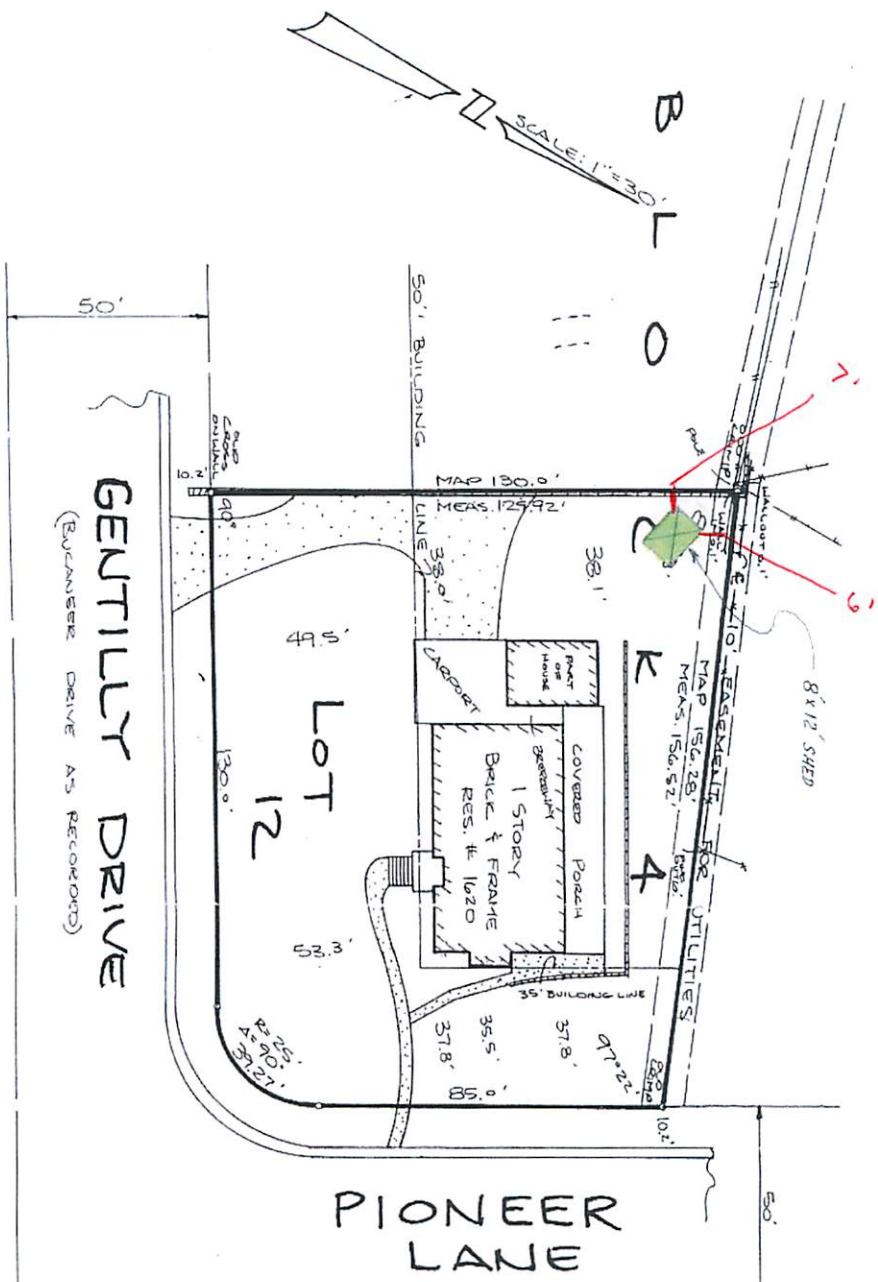
**ED STAKES** 1620 GENTILLY DRIVE VESTAVIA, AL



**Robert P. Kirk & Associates, P.C.**

Landscape Architecture - Site Planning  
 & Golf Course Design  
 2155 Old Rocky Ridge Road  
 Birmingham, Alabama 35216  
 205/988/4720

STAMP REV



PIONEER LANE

GENTILLY DRIVE  
(BUKANSEE DRIVE AS RECORDED)

AREA CALC:

$$N = 150 + 10 = 160 \quad \rightarrow \text{MEAN} = 160$$

$$E = 85 + 57 = 142$$

$$S = 120 + 25 + 0 = 145$$

$$W = 150 + 10 = 160$$

$$120 \times 160 = 21,580$$

$$49.5 \times 60 = 2,970$$

$$21,580 - 2,970 = 18,610$$

STATE OF ALABAMA  
JEFFERSON COUNTY

AS-BUILT SURVEY

I, Laurence D. Woygard, a registered Engineer - Land Surveyor, certify that I have surveyed Lot 12, Block 4, Gentry Drive, as recorded in Map Volume 40, Page 50, in the office of the Judge of Probate, Jefferson County, Alabama, that there are no rights-of-way, easements, or joint driveway over or across said land visible on the surface except as shown; that there are no electric or telephone wires (including 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 1/4" long 95 foot rebar); and that the correct address is as follows: 1620 GENTILLY DRIVE, according to my survey of 11/19/90.

Survey made if not sealed in red.

STAKES  
Flood Zone "C"  
Community Parcel No.: 010132 0005 B

Laurence D. Woygard, Reg. P.E. #15 #10373  
189 Osmore Road, Birmingham, AL 35209  
PH: 942-0088 FAX: 942-0087



BZA

Z0521-21//29-036-3-005-012.000

CITY OF VESTAVIA HILL 1620 Gentilly Drive  
Department Review of Application Side & Rear Setback for a shed  
(To be completed by City Staff Ed & Jane Stakes)

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

Location: 1620 Gentilly Drive Case No.: BZA0521-21  
Stakes

Engineering: Date: 4/27/21 Initials: CB  
Comments: no problem  
 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: 4/27/21 Initials: RF  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

Building Department: Date: 4/27/21 Initials: FB  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation

City Clerk: Date: 4/26/21 Initials: R  
Comments: \_\_\_\_\_  
 Recommended  Not Recommended  No Recommendation