

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

AGENDA

JULY 16, 2020

6:00 P.M.

SPECIAL NOTICE: Pursuant to "Safer at Home" orders from the Governor of the State of Alabama due to COVID-19 Pandemic, the Board of Zoning Adjustment meeting of July 16, 2020 will be video-conferenced and teleconferenced. Anyone choosing to attend the meeting in person will be required to wear a mask and practice social distancing. Anyone may participate via phone/computer. Participation via videoconferencing through Zoom.com may be viewed by clicking the following link: <https://us02web.zoom.us/j/7970217974>

To attend via teleconference, please dial 312.626.6799 and enter the meeting ID of 797 021 7974

Roll Call.

Approval of Minutes: June 18, 2020.

- (1) **BZA-0720-14** Brian and Christina Kennedy are requesting a **Front Setback Variance** for the property located at **1812 Forest Haven Lane**. The purpose of this request is to reduce the rear setback to 40' in lieu of the required 50' to build a covered front porch addition. The property is owned by Brian and Christina Kennedy and is zoned Vestavia Hills R-2.

- (2) **BZA-0720-15** Scott & Samantha Coleman are requesting a **Front Setback Variance** for the property located at **1316 Panorama Drive**. The purpose of this request is to reduce the rear setback to 36' in lieu of the required 50' to build a covered front porch addition. The property is owned by Scott & Samantha Coleman and is zoned Vestavia Hills R-2.

- (3) **BZA-0720-16** Jason Carroll is requesting a **Front Setback Variance** for the property located at **2301 Shades Crest Road**. The purpose of this request is to reduce the setback to 18' in lieu of the 50' to build a new house with a detached garage. The property is owned by Jason Carroll and is zoned Vestavia Hills R-2.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

MINUTES

June 18, 2020

The Board of Zoning Adjustment of the City of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to orders from the Jefferson County Health Department Official requiring social distancing along with limits of attendees, this meeting was held with a portion of the Board of Zoning Adjustment digitally attending the meeting via video conference call. Staff and general public/audience members also were invited to attend the conference call following publication pursuant to Alabama law. Chairman Rice called the meeting to order and the Planner called the roll with the following:

MEMBERS PRESENT:

Rick Rice, Chairman
Loring Jones, III
Jim Griffio
Donald Holley Alt
Robert Gower

MEMBERS ABSENT:

Tony Renta, Alt
George Ponder

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of May 21, 2020 were presented for approval.

Mr. Holley made a request to revise the minutes, as he was marked as not present when he was.

Mr. Wakefield stated that he would make that correction.

MOTION Motion to dispense with the reading of the minutes of May 21, 2020 was made by Mr. Jones and 2nd was by Mr. Gower. Motion as carried on a voice vote as follows:

Mr. Griffo - yes Mr. Jones – yes
Mr. Holley – yes Mr. Rice – yes
Mr. Gower – yes
Motion carried.

SIDE SETBACK VARIANCE

BZA-0620-11 Julie & Andrew Craft are requesting a **Side Setback Variance** for the property located at **2019 Hickory Road**. The purpose of this request is to reduce the rear setback to 5’ in lieu of the required 15’ to build a garage addition. The property is owned by Julie & Andrew Craft and is zoned Vestavia Hills R-3.

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

Andrew Craft was present for the case and stated the field lines and topography of the lot caused a hardship.

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

MOTION Motion to approve a 10’ side setback variance to reduce the setback to 5’ in lieu of the required 15’ for the property located at 2019 Hickory Road, was made by Mr. Jones and 2nd was by Mr. Holley. Motion was carried on a roll call vote as follows:

Mr. Griffo - yes Mr. Jones – yes
Mr. Gower – yes Mr. Rice – yes
Mr. Holley – yes
Motion carried.

SIDE SETBACK VARIANCE

BZA-0620-12 Jay & Kelly Evers are requesting a **Side Setback Variance** for the property located at **2621 Millwood Road**. The purpose of this request is to reduce the rear setback to 17’ in lieu of the required 25’ to build a house. The property is owned by Jay & Kelly Evers and is zoned Vestavia Hills E-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.

Robert Thompson represented the applicants. He stated that the pie shaped lot caused the hardship. Also, the buildable space decreases in the rear of the lot.

Mr. 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 an 8' side setback variance to reduce the setback to 17' in lieu of the required 25' for the property located at 2621 Millwood Road, was made by Mr. Jones and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

Mr. Griffo - yes	Mr. Jones – yes
Mr. Holley – yes	Mr. Rice – yes
Mr. Gower – yes	

Motion carried.

SIDE SETBACK VARIANCE

BZA-0620-13 Robin & Bart Kolber is requesting a **Side Setback Variance** for the property located at **3951 Westminster Lane**. The purpose of this request is to reduce the setback to 11' in lieu of the 20' recorded setback to replace a deck. The property is owned by Robin & Bart Kolber and is zoned Vestavia Hills R-6.

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

Jim Loper was present to represent the applicants. He stated that the corner lot causes the hardship.

Mr. 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.

Mr. Holley noticed that the structure itself is in the setback, and to amend the request to bring the entire structure into compliance.

MOTION Motion to approve a 10' side setback variance to reduce the setback to 10' in lieu of the required 20' recorded setback for the property located at 3951 Westminster Lane, was made by Mr. Jones and 2nd was by Mr. Holley. Motion was carried on a roll call vote as follows:

Mr. Griffo - yes Mr. Jones – yes
Mr. Gower – yes Mr. Rice – yes
Mr. Holley – yes
Motion carried.

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

Jack Wakefield,
Planner/GIS

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

Date: **JULY 16 2020**

- **CASE: BZA-0720-14**
- **REQUESTED ACTION:** 10' front setback variance to reduce the setback to 40' in lieu of the required 50'.
- **ADDRESS/LOCATION:** 1812 Forest Haven Lane
- **APPLICANT/OWNER:** Brian and Christina Kennedy
- **REPRESENTING AGENT:** J. Fante Studio LLC
- **GENERAL DISCUSSION:** Applicants are seeking a front setback variance to build a new covered front porch. The applicants contend that the easements that surround the property and run through the front yard causes a hardship. The house is currently not in compliance on the side and slightly in the front. This porch would be the size of a sitting porch and would be consistent with the others in the neighborhood. A covenants waiver was drafted and signed by all property owners. 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: Brian + Christina Kennedy
Address: 1812 Forest Haven Lane
Vestavia Hills, AL 35216
Phone #: 205-410-9427 Other #: 205-910-9739
E-Mail: blkenned@samford.edu

Billing/Responsible Party

Name: Brian + Christina Kennedy
Address: 1812 Forest Haven Lane Vestavia Hills, AL 35216
Phone #: 205-410-9427 Other #: 205-910-9739
E-Mail: blkenned@samford.edu

Representing Attorney/Other Agent

Name: j. fante studio llc
Address: PO Box 43154
Vestavia Hills, AL 35243
Phone #: 205-810-6600 Other #: _____
E-Mail: joe@jfantestudio.com

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 1812 Forest Haven Lane
Street Address
Vestavia Forest Estates, Lot 6-A
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 40' in lieu of the required 50'.
 _____' 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 _____.

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).

THIS RESIDENTIAL NEIGHBORHOOD IS VERY MUCH A FRONT YARD PLAY AND ENTERTAIN NEIGHBORHOOD. MANY OF THE HOUSES HAVE ADEQUATE FRONT PORCHES WHERE YOU CAN SIT AND WATCH YOUR CHILDREN PLAY. WE ARE SEEKING A 10' VARIANCE, FROM 50' SETBACK TO 40' IN ORDER TO CREATE A NEW SITTING PORCH.



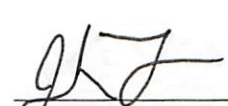
VI. PROJECT:

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

- CREATE A NEW FRONT PORCH, COVERED, TO FIT THE CONTEXT OF THE NEIGHBORHOOD.
- NEW PORCH TO HAVE BRICK & STONE FOUNDATION WALLS, STEPS, & FLOOR W/ PAINTED COLUMNS AND CEILING.
- NEW IRON HANDRAIL AS NEEDED


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***




5.19.2020

 Owner Signature/Date 5/19/20 Representing Agent (if any)/date

Given under my hand and seal
this 19th day of May, 2020.



 Notary Public
 My commission expires 21st
 day of January, 2023.





i fonts studio
GRAPHIC SOLUTIONS
PO BOX 12154
PENSACOLA FL 32514
www.fontsstudio.com

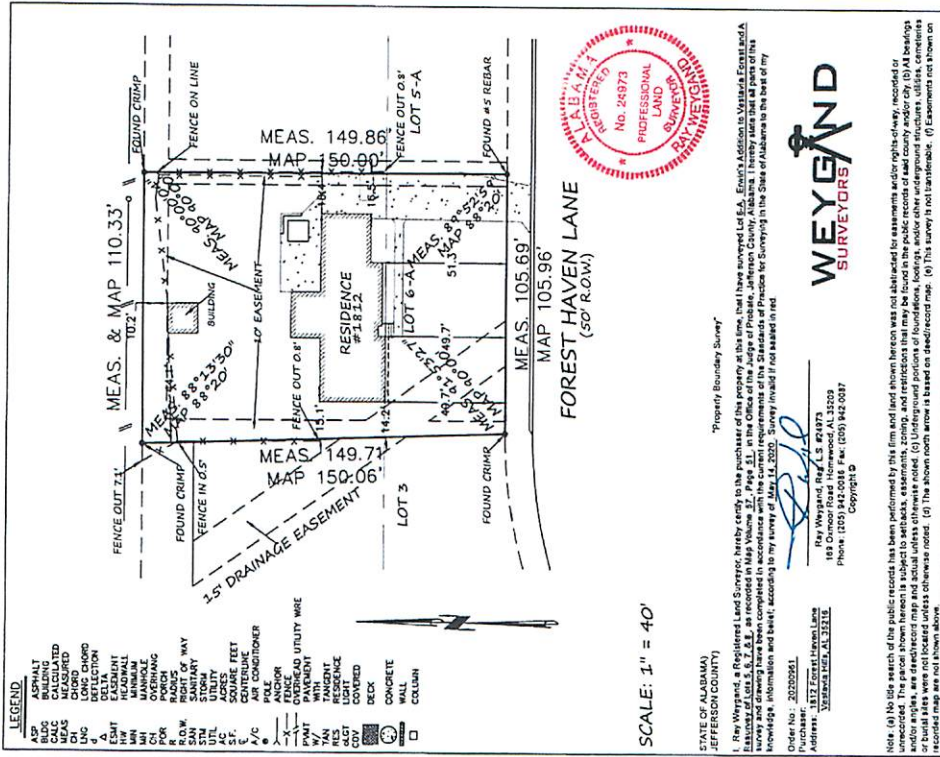
KENNEDY RENOVATION

BRIAN + CHRISTINA KENNEDY
1812 FOREST HAVEN LN | VESTALIA, ALABAMA | 35746

2008
PLMKT
05.18.2020

PLOT PLAN

A401



LEGEND

ASP	ASPHALT
BLK	BLACK
BLU	BLUE
BRN	BROWN
GRY	GRAY
MEAS	MEASURED
CALC	CALCULATED
LONG	LONG CHORD
DEF	DEFLECTION
ESMT	EASEMENT
ESMT	EASEMENT
HT	HEIGHT
MIN	MINIMUM
MANHOLE	MANHOLE
POH	POUR
FOR	FOR
R.O.W.	RIGHT OF WAY
SD	SEWER
SAN	SANITARY
UTIL	UTILITY
FC	FEET
CONTR	CONTRIBUTOR
A/C	AIR CONDITIONER
ANCHOR	ANCHOR
FENCE	FENCE
LEAD	LEAD
UTILITY	UTILITY
WIRE	WIRE
P/MT	PAYMENT
FIN	FINISH
T/AN	TANGENT
RES	RESIDENCE
DRY	DRY
CONV	CONVERTED
DECK	DECK
CONC	CONCRETE
WALL	WALL
COL	COLUMN

SCALE: 1" = 40'

STATE OF ALABAMA
JEFFERSON COUNTY

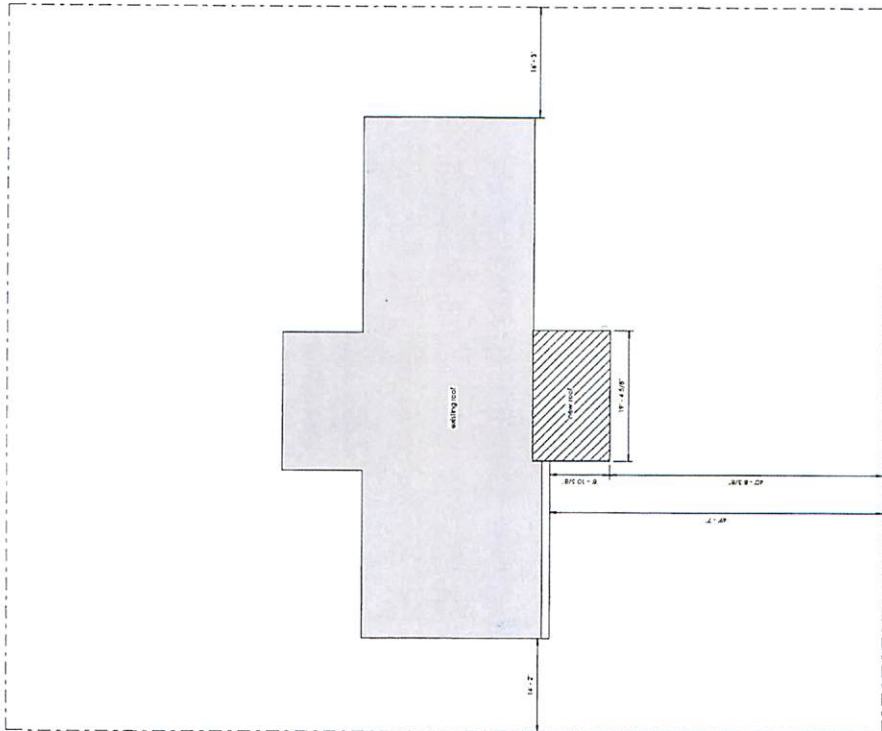
I, Ray Weisand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 4-A, Erin's Addition to Vestalia Forest and a portion of Lots 5, 7, & 8, as recorded in Map Volume 37, Page 211, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey were measured and shown on the ground. I have also shown the location of the easements and other features shown on the plan. I have also shown the location of the easements and other features shown on the plan. I have also shown the location of the easements and other features shown on the plan.

Order No. 202002961
Purchaser:
Address: 1812 Forest Haven Lane
Vestavia, AL 35746
Ray Weisand, Reg. L.S. #24973
198 Onmore Road, Homewood, AL 35209
Phone (205) 496-0888; Fax (205) 942-0587
Copyright ©

Note: (a) No site 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. (b) No site 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. (c) All bearings and/or angles are true unless otherwise noted. (d) Underground portions of foundations, footings, and/or other underground structures shown on this plan were not located unless otherwise noted. (e) The shown north arrow is based on the geodetic north. (f) Easements not shown on recorded maps are not shown above.



WEYBAND
SURVEYORS



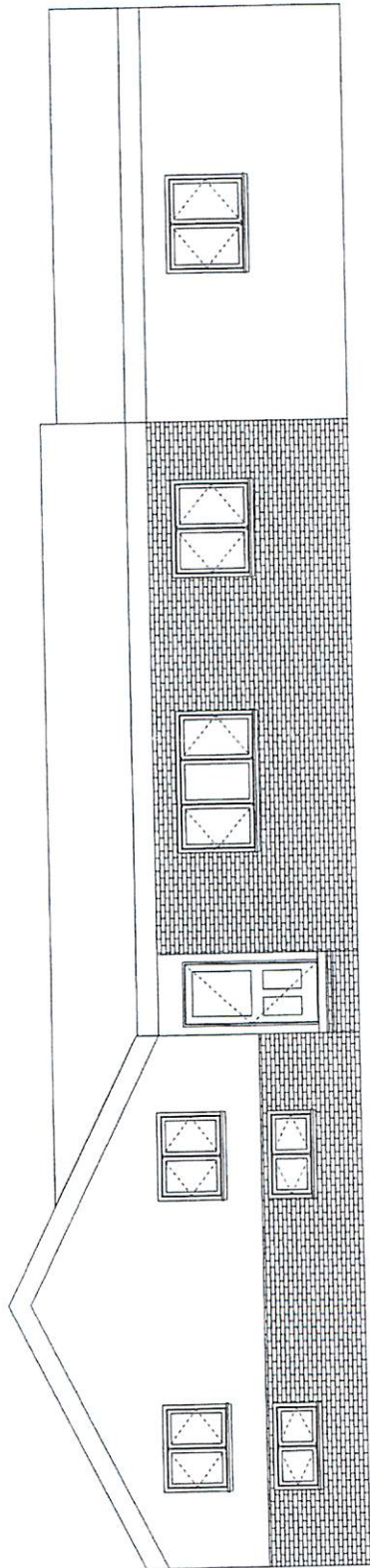
① plot plan
1/8" = 1'-0"

KENNEDY RENOVATION

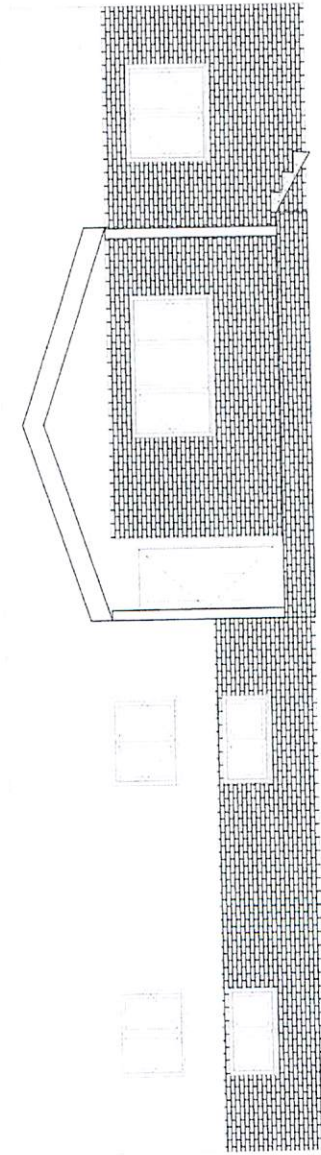
BRIAN + CHRISTINA KENNEDY
1912 FOREST HAVEN LN | VESTAL, ALABAMA | 35216

DATE: 05.18.2023
PROJECT: 8000

ifante studio
ARCHITECTURE
PO BOX 5114
MONTICELLO, AL 35115
205.610.4807
www.ifantestudio.com



① Existing South Elevation
3/8" = 1'-0"



② South Elevation
3/8" = 1'-0"

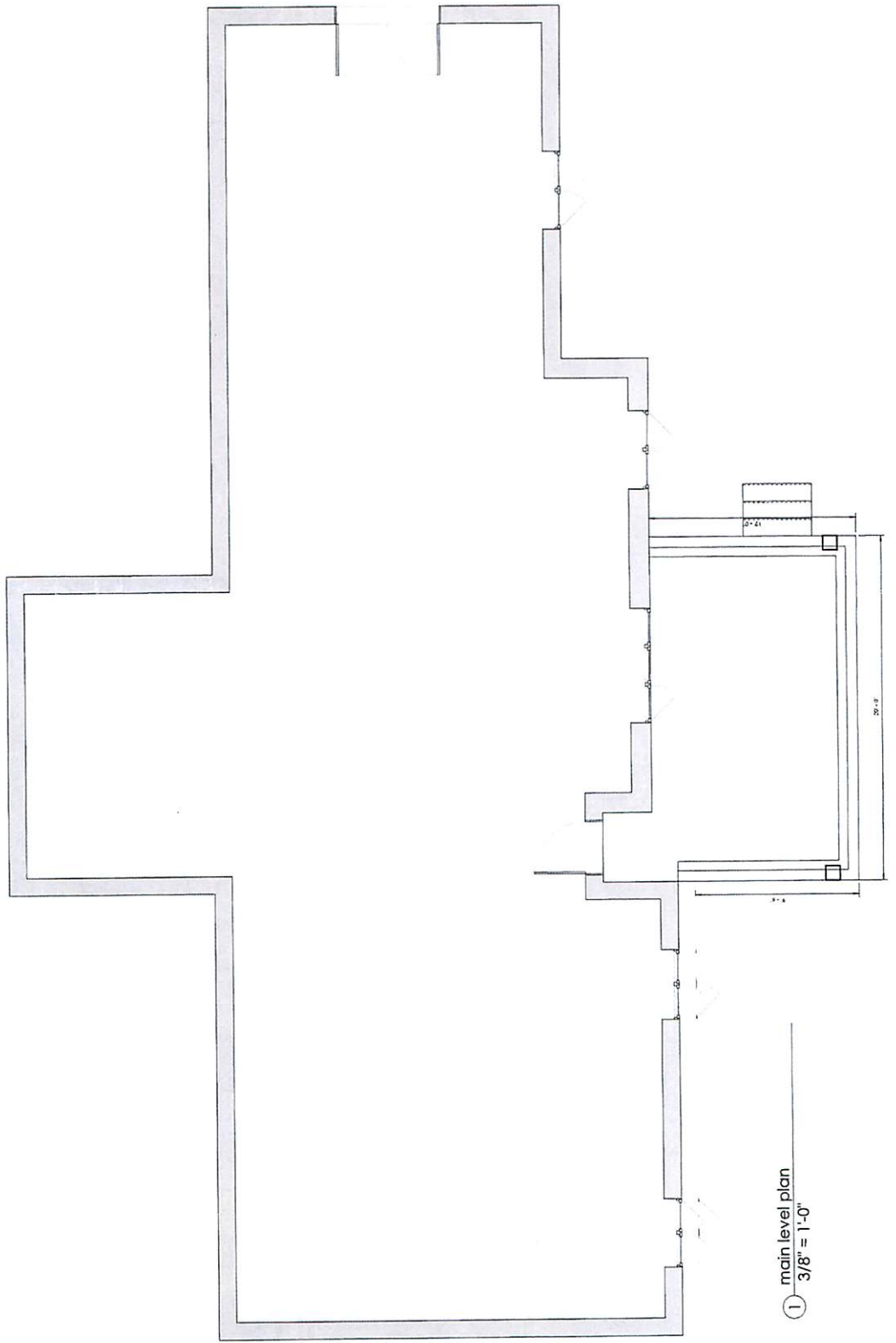
KENNEDY RENOVATION

BRIAN + CHRISTINA KENNEDY
1812 FOREST HAVEN LN | VESTAVIA, ALABAMA | 35216

j.fante studio
interior construction
1000 W. UNIVERSITY BLVD. #100
BIRMINGHAM, AL 35203
205.833.6600
www.jfante.com



sheet
8002
permit
05.18.2003



① main level plan
3/8" = 1'-0"

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

Date: **JULY 16 2020**

- **CASE: BZA-0720-15**
- **REQUESTED ACTION:** 14' front setback variance to reduce the setback to 36' in lieu of the required 50'.
- **ADDRESS/LOCATION:** 1316 Panorama Drive
- **APPLICANT/OWNER:** Scott & Samantha Coleman
- **REPRESENTING AGENT:** None
- **GENERAL DISCUSSION:** Applicants are seeking a front setback variance to build a new covered front porch. The applicants contend that the corner lot causes the hardship, limiting the buildable space. A covenants waiver was drafted and signed by all property owners. 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: Scott A Coleman and Samantha C Coleman

Address: 1316 Panorama Dr
Vestavia Hills, AL 35216

Phone #: 205-601-8827 Other #: _____

E-Mail: scoleman@brasfieldgorric.com

2020 JUN 16 A 1:29

Billing/Responsible Party

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

BZA0720-15//2800293009004.000
1316 Panorama Drive
2 Front setbacks for a covered porch
& 2nd floor addition
Scott & Samantha Coleman

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: 1316 Panorama Drive, Vestavia Hills, AL 35216

Street Address

Lot 1, Block 2, of First Addition to Vesthaven Sixth Sector (Map Book 58, Page 71)

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.
9 ' front/side/rear (circle one) setback variance to reduce the setback to 36 ' in lieu of the required 45 _____ ' .
9 ' front/side/rear (circle one) setback variance to reduce the setback to 36 ' in lieu of the required 45 _____ ' .
_____ ' 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 _____).

BZA0720-15//2800293009004.000
1316 Panorama Drive
2 Front setbacks for a covered porch
& 2nd floor addition
Scott & Samantha Coleman

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).

Our house sits on a corner lot with front and side setback of 45'. This limits our build-able property considerable. Also after reviewing the survey for our project, it appears the existing house built in '62 crossed the 45' setback in the corner by approximately a foot. Since we are looking to building a second floor on this portion of the house we wanted to make sure a variance was in place before proceeding. We have a waiver from the owners on our plat to release us from the setback requirements filed with Jefferson County on Map Book 58, Page 71.

VI. PROJECT:

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

This project consists of the addition of a covered, open air front porch to an existing structure with a stone patio floor. We want to add the porch as part of an overall renovation/addition of a second floor to our home.

VII. OWNER AFFIDAVIT:

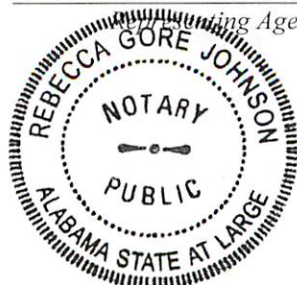
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. ***Note,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

Samantha C. Coleman
[Signature] 6/16/2020
Owner Signature/Date

Given under my hand and seal
this 15 day of June, 2020.

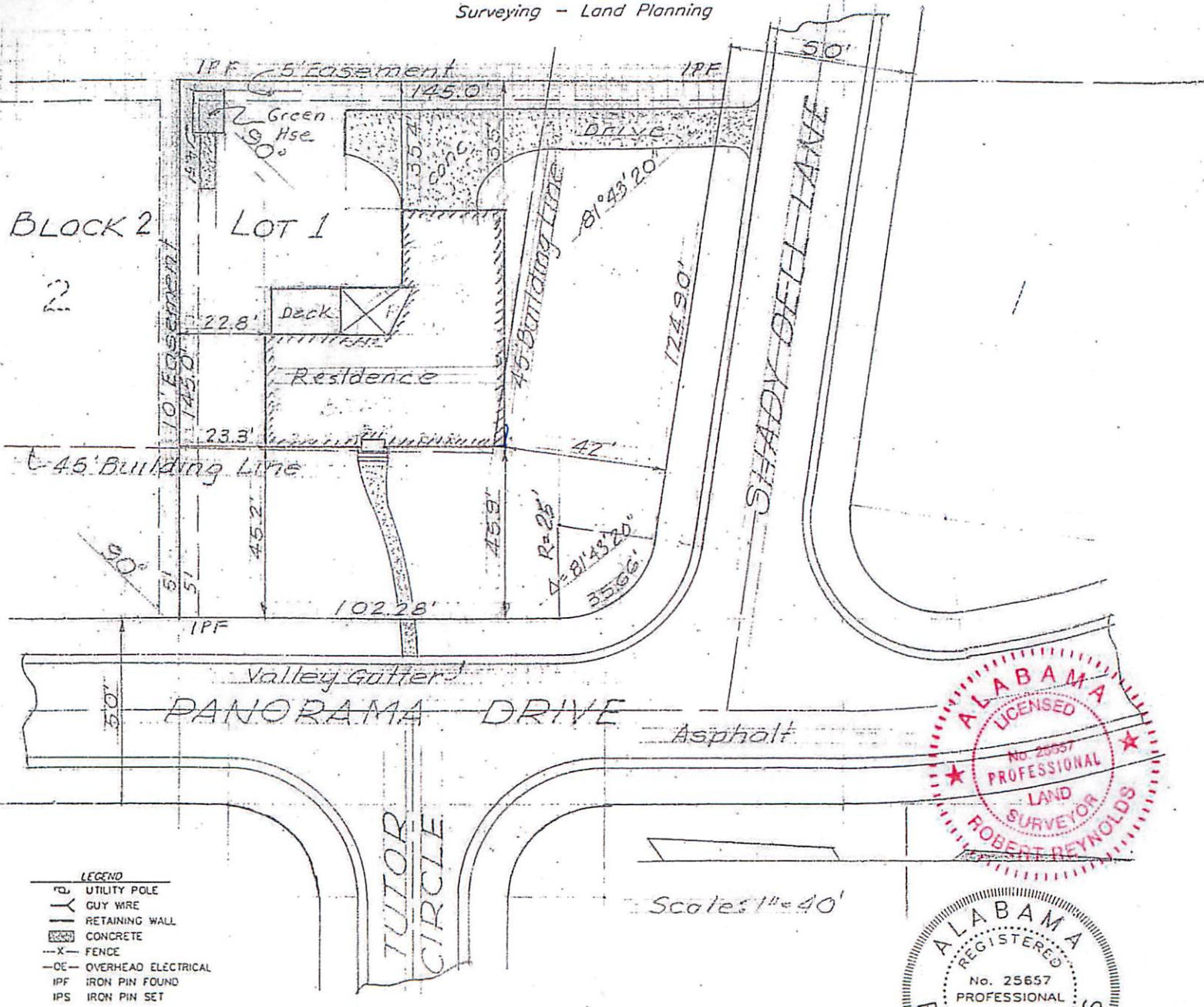
Rebecca Gore Johnson
Notary Public

My commission expires 28th
day of June, 2020.



MY COMMISSION EXPIRES JUNE 28, 2020

REYNOLDS SURVEYING CO., INC.
 Surveying - Land Planning



STATE OF ALABAMA
 Jefferson COUNTY

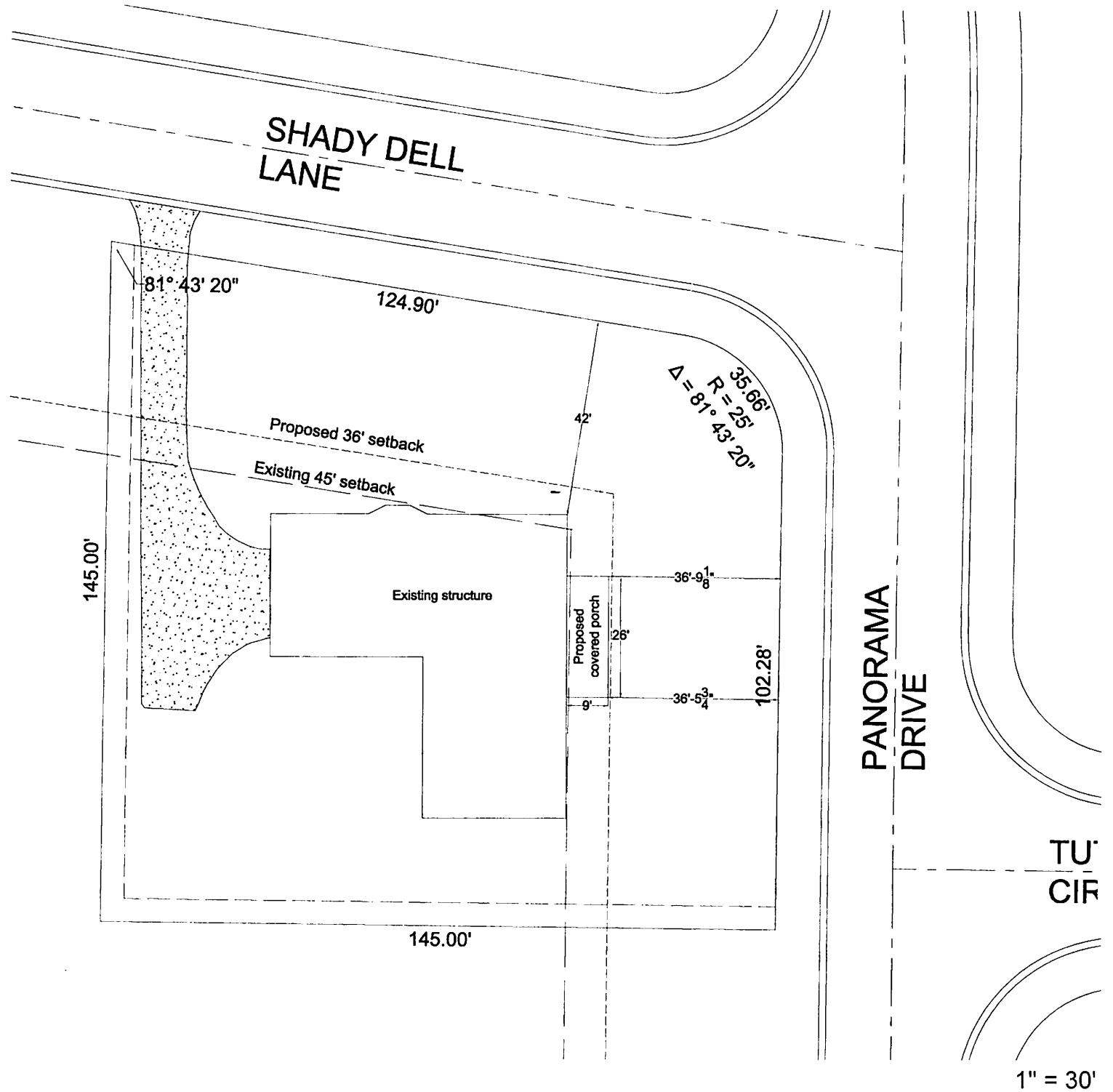
"CLOSING SURVEY"

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat, or map of Lot 1, Block 2, of First Addition to Vesthaven Sixth Sector, as recorded in Map Book 58, Page 71 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 22nd day of August, 2013.

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

Purchaser: Coleman
 Address: 1316 Panorama Drive

Robert Reynolds
 Reg. No. 25657



SITE PLAN

Lot 1, Block 2
 First Addition Vesthaven Sith Sector
 1316 Panorama Drive

BZA0720-15//2800293009004.000
1316 Panorama Drive
 2 Front setbacks for a cover porch
 & 2nd floor addition
 Scott & Samantha Coleman

Clerk: NICOLE

STATE OF ALABAMA)

JERFFERSON COUNTY)

WAIVER OF SETBACK REQUIREMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the restrictive covenants of First Addition to Vesthaven Sixth Sector, Vestavia Hills, Alabama include a setback requirement of 45 feet for all structures located on any lot in said First Addition to Vesthaven Sixth Sector; and,

WHEREAS, the 45-foot setback requirement may be waived or amended by approval of the residents of First Addition to Vesthaven Sixth Sector; and,

WHEREAS, the undersigned Scott Allen Coleman and Samantha Cupp Coleman reside at Lot 1, Block 2 of First Addition to Vesthaven Sixth Sector as depicted in Map Book 58, page 71 recorded in the office of the Probate Judge of Jefferson County, Alabama, which said residence is located at 1316 Panorama Drive, Vestavia Hills, Alabama; and

WHEREAS, Mr. and Mrs. Coleman desire to make an addition to their home, however the proposed addition will extend beyond the 45-foot setback requirement; and,

WHEREAS, Mr. and Mrs. Coleman have petitioned the residents of First Addition to Vesthaven Sixth Sector to allow them to make the proposed addition to their home and to waive the setback requirement as to that addition; and,

WHEREAS, attached hereto and made a part here of are the signatures of the residents of First Addition to Vesthaven Sixth Sector agreeing to the request for a waiver of the setback requirement as the same applies to said Lot 1, Block 2, First Addition to Vesthaven Sixth Sector.

NOW, THEREFORE, in consideration of the premises, the undersigned submit this notice of Waiver of Setback Requirement and signatures approving said waiver for recordation among the records of the Probate Judge of Jefferson County, Alabama.

WITNESS or signatures, this 15th day of June 2020.



Scott Allen Coleman



Samantha Cupp Coleman

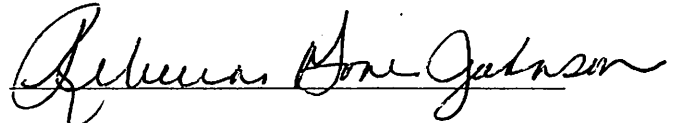
BZA0720-15//2800293009004.000
1316 Panorama Drive
2 Front setbacks for a covered porch
& 2nd floor addition
Scott & Samantha Coleman

STATE OF ALABAMA)

JERFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Scott Allen Coleman and Samantha Cupp Coleman, husband and wife, whose names are signed to the foregoing, and who are known to me, acknowledged before me on this day that, being informed of the contents of the foregoing, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 15th day of June 2020.

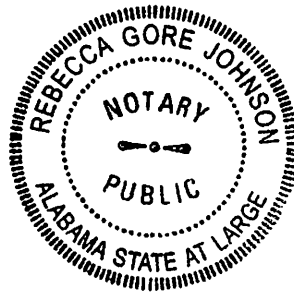


Notary Public

My Commission Expires:

6-28-2020

MY COMMISSION EXPIRES JUNE 28, 2020



BZA0720-15//2800293009004.000
1316 Panorama Drive
2 Front setbacks for a covered porch
& 2nd floor addition
Scott & Samantha Coleman

I, an owner in FIRST ADDITION to VESTHAVEN SIXTH SECTOR, agree to grant relief from and waive the forty-five-foot setback for Lot 1, Block2, VESTHAVEN SIXTH SECTOR.

John Owen Prescott III



Amelia Chambers



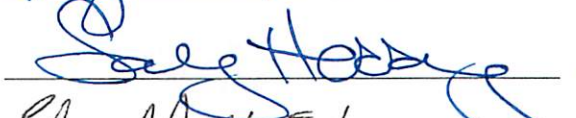
ROGER SALTER RECTOR, ST. MATTHEWS CHURCH

Roger Salter

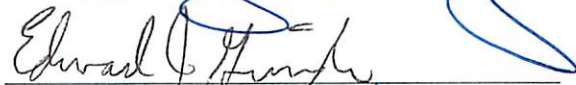
Virginia Boliek

Virginia Boliek

Sally Herring



EDWARD GUILDOW



GEORGE W. DIKIS

George W. Dikis

Scott Coleman



Karen Godsey

Karen Godsey

Ann Willings

Ann Willings

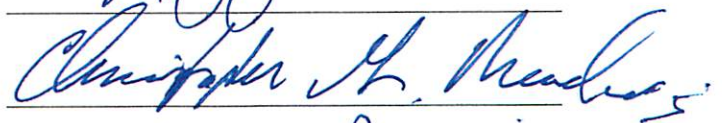
Lisa Fox

Lisa Fox Lisa Fox

Brandon T. Fox



Christopher G. Meadows



Richard Padgett

RICHARD PADGETT

Doris N. Patterson

Doris N. Patterson

BZA0720-15//2800293009004.000
1316 Panorama Drive
2 Front setbacks for a covered porch
& 2nd floor addition
Scott & Samantha Coleman



Judges Alan L. King & Sherri C. Friday
Judge of Probate
Jefferson County Courthouse
716 Richard Arrington Jr. Blvd. North
Birmingham, AL 35203
(205) 325-5300

CUSTOMER INFORMATION

SCOTT COLEMAN

TRANSACTION INFORMATION

Transaction #: 9262806
Receipt #: 1132328
Cashier Date: 06/16/2020
Print Date: 06/16/2020
Cashier By: NICOLE

Source Code: Over the Counter
Return Code: Over the Counter
Comments:

NOTICE

Instrument.: 2020061559

From: COLEMAN SCOTT ALLEN To:

RECORDING FEE \$14.00

ARCHIVAL FEE \$11.00

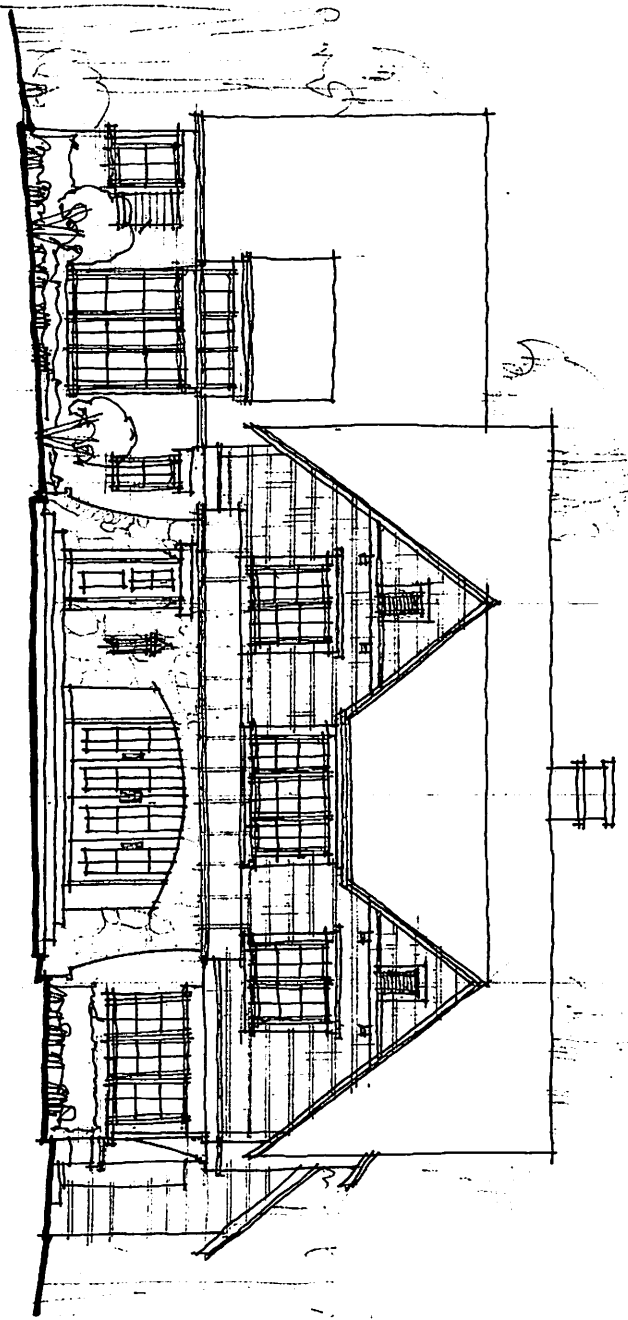
Document Total: \$25.00

PAYMENT: CASH AMOUNT: \$25.00

Void / Revised Reason:

Total Payments: \$ 25.00	Total Fees: \$ 25.00	Shortage: \$ 0.00
Overage: \$ 0.00	Total Change Returned: \$ 0.00	

BZA0720-15//2800293009004.000
1316 Panorama Drive
2 Front setbacks for a covered porch
& 2nd floor addition
Scott & Samantha Coleman



Proposed Front Elevation

BZA0720-15//2800293009004.000
1316 Panorama Drive
2 Front setbacks for a covered porch
& 2nd floor addition
Scott & Samantha Coleman

Coleman Residence

1316 Panorama Drive

Vestovio Hills

Preliminary Design
Not For Construction

July 31, 2019

1/8" = 1'-0"

4

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

Date: **JULY 16 2020**

- **CASE: BZA-0720-16**
- **REQUESTED ACTION:** 32' front setback variance to reduce the setback to 18' in lieu of the required 50'.
- **ADDRESS/LOCATION:** 2301 Shades Crest Road
- **APPLICANT/OWNER:** Jason Carroll
- **REPRESENTING AGENT:** Richard Long
- **GENERAL DISCUSSION:** Applicant is seeking a front setback variance to build a new home with a detached garage. The applicant contends that the corner lot causes the hardship, limiting the buildable space. The detached garage will load from Sunset Drive. 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: Jason CarrollAddress: 2301 Shades Crest RoadPhone #: 205 441 7866 Other #: _____E-Mail: carroj4@gmail.com

Billing/Responsible PartyName: (owner)

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2020
JUN
16
A
8:40

Representing Attorney/Other Agent

Name: Richard Long (designer)

Address: 1825 29th Ave South, Ste. B

Phone #: 205 637 5777 Other #: _____

E-Mail: richard@longandlongdesign.com

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 2301 Shades Crest Road
Street Address

Lot 10, Chas. R. Byrd and Paul H. Goodson's Third Addition to Grandview
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 18' in lieu of the required 50'. (sunset drive frontage)
_____' 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).

Two front setbacks on a narrow corner lot greatly reduce the buildable area, such that the home cannot be designed in a way that fulfills the homeowner's needs, or ~~the~~ fit the context of the neighborhood.

VI. PROJECT:

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

A newly designed ~~old~~ home to be built according to zoning standards except where corner lot hardship of having two front setbacks would not allow design of home to be naturally placed on the lot ^{and} adequately sized to be appropriate in scale to the neighborhood or the owner's needs.

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**

Jason Carroll
Owner Signature/Date

June 16, 2020

Richard Young 6-16-20
Representing Agent (if any)/date

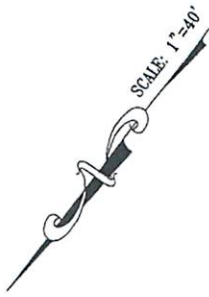
Given under my hand and seal
this 16 day of June, 2020.

Rashauna R. Carter
Notary Public
My commission expires 11/18/23
day of November, 2023.

(RC)

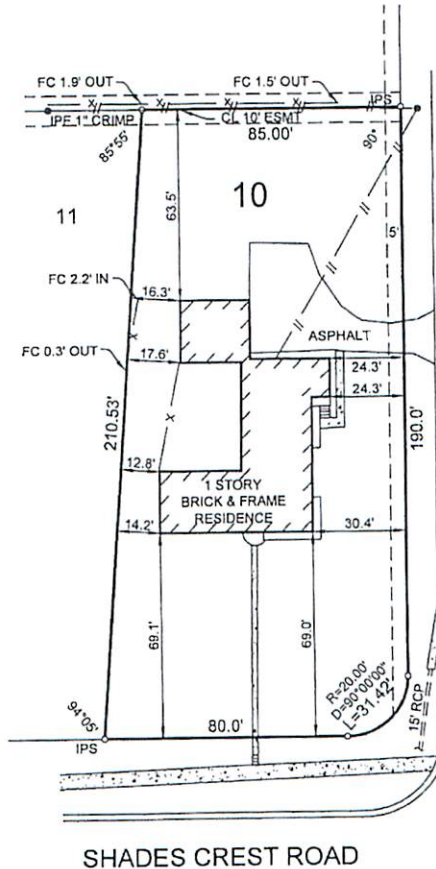


RASHAUNA R. CARTER
NOTARY PUBLIC
ALABAMA STATE AT LARGE
COMMISSION EXPIRES 11/18/2023



LEGEND:

- ASPH = asphalt
- BRG = bearing
- BLDG = building
- CALC = calculated
- CAP = capped iron
- CL = centerline
- CH = chord
- CONC = concrete
- C = covered
- d = deflection
- D = curve delta angle
- E = east
- ESMT = easement
- FC = fence
- FD = found
- HW = headwall
- IPF = iron pin found
- IPF* = iron pin found w/KBW cap
- IPS = iron pin set w/SSI cap
- L = length
- MEAS = measured
- MIN = minimum
- MH = manhole
- N = north
- OH = overhang
- P = porch
- PC = point of curve
- PCB = point of beginning
- POC = point of commencement
- PT = point of tangent
- PVMT = pavement
- R = radius
- REC = recorded
- RES = residence
- ROW = right of way
- S = south
- SAN = sanitary
- STM = storm
- SWR = sewer
- SYN = synthetic
- UTIL = utility
- U = uncovered
- W = west
- YI = yard inlet
- ° = degrees
- ' = minutes, in
- " = bearings or angles
- '' = seconds, in
- ''' = bearings or angles
- ft = feet, in distance
- AC = acres
- ± = more or less, or plus or minus



SUNSET DRIVE

SHADES CREST ROAD

STATE OF ALABAMA
SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 10, CHAS. R. BYRD AND PAUL H. GOODSON'S THIRD ADDITION TO GRANDVIEW as recorded in Map Book 33, Page 14 in the Office of the Judge of Probate, Jefferson County, Alabama; 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; that the correct address is as follows: 2301 Shades Crest Road according to my survey of February 4, 2020. Survey is not valid unless it is sealed with embossed seal or stamped in red.

SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE SUITE M
BIRMINGHAM, AL 35242
PHONE: 205-991-8965

Carl Daniel Moore

Carl Daniel Moore, Reg. L.S. #12159

2-18-2020

Date of Signature



Order No. 332179
Purchaser: Carroll
Type of Survey: Closing

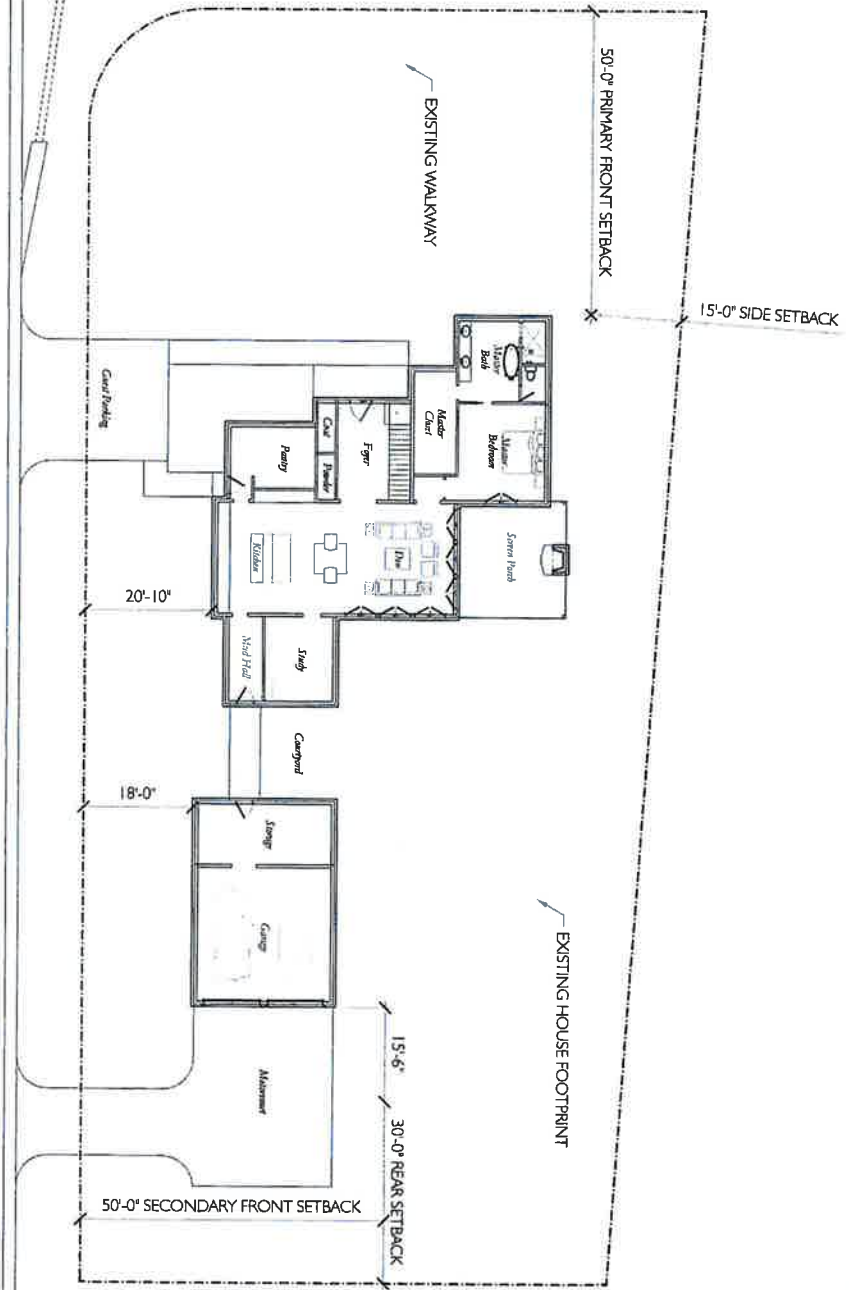
ACADISUBDIVISIONJEFFERSON COUNTYBYRD & GOODSONS ADD TO GRANDVIEWLOT10 BYRD & GOODSONS 3RD ADD TO GRANDVIEW

BZA0720-16//2800191008005.000
2301 Shades Crest Rd.
2 Front setbacks for a new home
Jason Carroll

SHADES CREST ROAD

A1-1
Site Plan
Scale 1" = 20'-0"

SUNSET DRIVE



R-2
 50' FRONT
 15' SIDE
 30' REAR
 19,711 sq = 5,913 @ 30%
 EXISTING HOUSE: 2,465 SF
 EXISTING DRIVE: 1,711 SF
 EXISTING FRONT WALK: 233 SF
 TOTAL EXISTING COVERAGE: 4,099 SF
 TOTAL PROPOSED COVERAGE: 4,898 SF



CARROLL HOME
 Variance Request
 2301 Shades Crest Road
 Vestavia Hills, AL
 June 16, 2020

A1-1