

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

**AGENDA**

**December 16, 2021**

**6:00 P.M.**

Roll Call.

Approval of Minutes: November 18, 2021.

- (1) **BZA-1221-33** Elise Carr is requesting a **Lot Area Variance, Lot Width Variance, Two Front Setback Variances, Side Setback Variance, & Rear Setback Variance** for the property located 300 Granada Drive. The purpose of this request is to combine lots and build a new house over the existing foundation. The property is owned by Elise Carr and is zoned Vestavia Hills R3.

Time of Adjournment.

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

**November 18, 2021**

The Board of Zoning Adjustment of the City of Vestavia Hills met in regular session on this date at 6:00 PM. The roll was called with the following:

**MEMBERS PRESENT:**

Rick Rice, Chairman  
Robert Gower  
Stephen Greer  
Loring Jones, III  
Thomas Parchman, Alt  
Tony Renta  
Ryan Rummage, Alt

**MEMBERS ABSENT:**

**OTHER OFFICIALS PRESENT:** Jack Wakefield, Planner/GIS

**APPROVAL OF MINUTES**

The minutes of September 16, 2021 were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of September 16, 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. Gower – yes      Mr. Greer – yes  
Mr. Jones – yes      Mr. Parchman – yes  
Mr. Renta – yes      Mr. Rummage – yes  
Chairman Rice – yes  
Motion carried

**VARIANCE FOR LOCATION OF A FENCE**

**BZA-1121-32** Michelle Cavender is requesting a **Variance for the Location of a Fence** for the property located 1894 Shades Crest Road. The purpose of this request is to build a security fence in the front setback. The property is owned by Michelle Cavender and is zoned Vestavia Hills R-1.

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.

Blake Pitman, 2753 Paden Trl, was present for the case and stated that the topography causes a hardship. Because of this the house needed to be moved closer to the road when built.

The purpose of this request, he says, is to allow the building of a security gate in the front setback.

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

**MOTION** Motion to approve a variance for the location of a fence in the front setback, for the property located at 1894 Shades Crest Road was made by Mr. Jones and 2nd was by Mr. Renta. Motion was carried on a roll call vote as follows:

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

At 6:07 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:07 PM.

Jack Wakefield,  
Planner/GIS

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

Date: December 16, 2021

- **CASE: BZA-1221-33**
- **REQUESTED ACTION:** 2,943 sq. ft. **Lot Area Variance** to reduce the Lot Area to 12,057 sq. ft. in lieu of the required 15,000 sq. ft.; 1.17' **Lot Width Variance** to reduce the Lot Width to 98.33' in lieu of the required 100'; **10' Front Setback Variance (Granada)** to reduce the setback to 40' in lieu of the required 50'; 4.3' **Front Setback Variance (Chestnut)** to reduce the setback to 19.2' in lieu of the required 23.5'; 4' **Side Setback Variance** to reduce the setback to 11' in lieu of the required 15'; 1' **Rear Setback Variance** to reduce the setback to 29' in lieu of the required 30'.
- **ADDRESS/LOCATION:** 300 Granada Drive
- **APPLICANT/OWNER:** Elise Carr
- **REPRESENTING AGENT:** Blake Baxter
- **GENERAL DISCUSSION:** Applicant is seeking multiple variances to rebuild house on existing foundation. The applicant contends the corner lot causes a hardship. The current house sits on two lots, which have just received approval to be combined. After combining the lot is still undersized in area and slightly in width. The current house also encroaches into the two front setbacks, the rear, and the side. The property next to this had established a Chestnut Street front setback during their renovations. Per Building Official, the Chestnut setback can be up to 23.5'. The applicant's property is zoned Vestavia Hills R-3.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** No problems noted.
  2. **City Engineer Review:** No problems noted.
  3. **City Fire Marshal Review:** No problems noted.
  4. **Building Safety Review:** No problems noted.

## CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

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

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

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

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**I. APPLICANT INFORMATION:**

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

Name: Elise Carr  
Address: 300 Granada Dr.  
Vestavia Al 35214  
Phone #: 251-604-4780 Other #: \_\_\_\_\_  
E-Mail: EliseCarr@gmail.com

**Billing/Responsible Party**

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

Z-1221-33//28-00-19-4-007-014.000

300 Granada Drive

Variances to build new home

Elise Carr

R3

**Representing Attorney/Other Agent**

Name: Blake Baxter / Baxter Homes  
Address: 4268 Cahaba Heights Ct 106  
Vestavia AL 35243  
Phone #: 205-440-5512 Other #: \_\_\_\_\_  
E-Mail: Baxterhomesllc@gmail.com

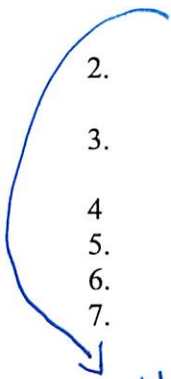
*\*This section must be completed in order for a representative to represent the owner.*

**II. DESCRIPTION OF SUBJECT PROPERTY:**

LOCATION: 300 Granada Dr, Vestavia AL 35216  
Billmore Estates, Lots 1 & 2, Block 10  
Street Address  
Subdivision name, Lot #, Block #, etc.

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

1.  A request to vary:
  - 1.17 ' variance to reduce the lot width to 98.83 ' in lieu of the required 100 '.
  - 2943 square foot variance to reduce the lot area to 12,051 square feet in lieu of the required 15,000 square feet.
  - 10 ' front/side/rear (circle one) setback variance to reduce the setback to 40 ' in lieu of the required 50 ' . (GRANADA)
  - 4.3 ' front/side/rear (circle one) setback variance to reduce the setback to 19.2 ' in lieu of the required 23.5 ' . (CHESTNUT)
  - 3.1 ' front/side/rear (circle one) setback variance to reduce the setback to 11.9 ' in lieu of the required 15 ' .
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 \_\_\_\_\_).



1' rear setback variance to reduce the setback to 29 in lieu of the required 30'



**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).

This is a corner lot with a goal of combining 2 undersized lots. We are attempting to clean this up and consolidate them.

**VI. PROJECT:**

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

combining lots and building a new home on the existing foundation.

**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\***

Elise A Carr 11/15/21

Owner Signature/Date

Representing Agent (if any)/date

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

[Signature]  
Notary Public

My commission expires 30  
day of Oct, 2023.

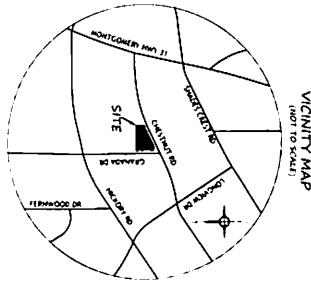


My Commission Expires  
October 30, 2023





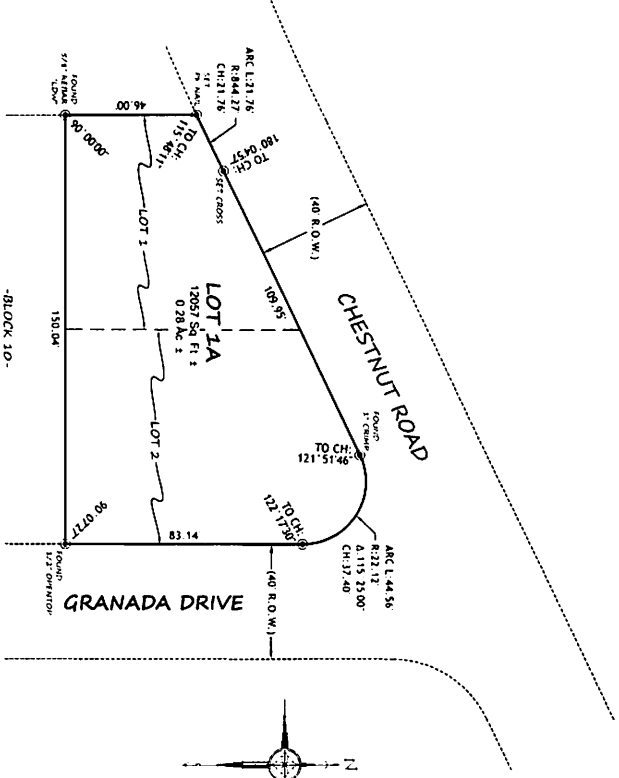
LEGEND  
 40 FT SOURCE TELL  
 A1 MOORE LINES  
 REFLECTION/ANGLE  
 1 HAZARD  
 2 CHOPED  
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# RESURVEY OF LOTS 1 & 2, BLOCK 10 OF THE SURVEY OF BILTMORE ESTATES

BEING A RESURVEY OF LOT 1 AND LOT 2, BLOCK 10 OF BILTMORE ESTATES AS RECORDED IN MAP VOLUME 17, PAGE 59 & 60, IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA  
 BEING SITUATED IN THE SE 1/4 OF SECTION 19, TOWNSHIP 30 NORTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA

SCALE: 1"=30' DATE: DECEMBER 2021



NOTE:  
 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE "X") AS PER MAP NO. 01073C0558J, DATED SEPTEMBER 24, 2021.

Z-1221-33//28-00-19-4-007-014.000  
 300 Granada Drive  
 Variances to build new home  
 Elise Carr R3



STATE OF ALABAMA  
 Jefferson County, Alabama  
 The undersigned, Elise Carr, being duly sworn, deposes and says that she is the owner of the above described property and that she desires to build a new home on the same. She further deposes and says that she is the owner of the above described property and that she desires to build a new home on the same. She further deposes and says that she is the owner of the above described property and that she desires to build a new home on the same.

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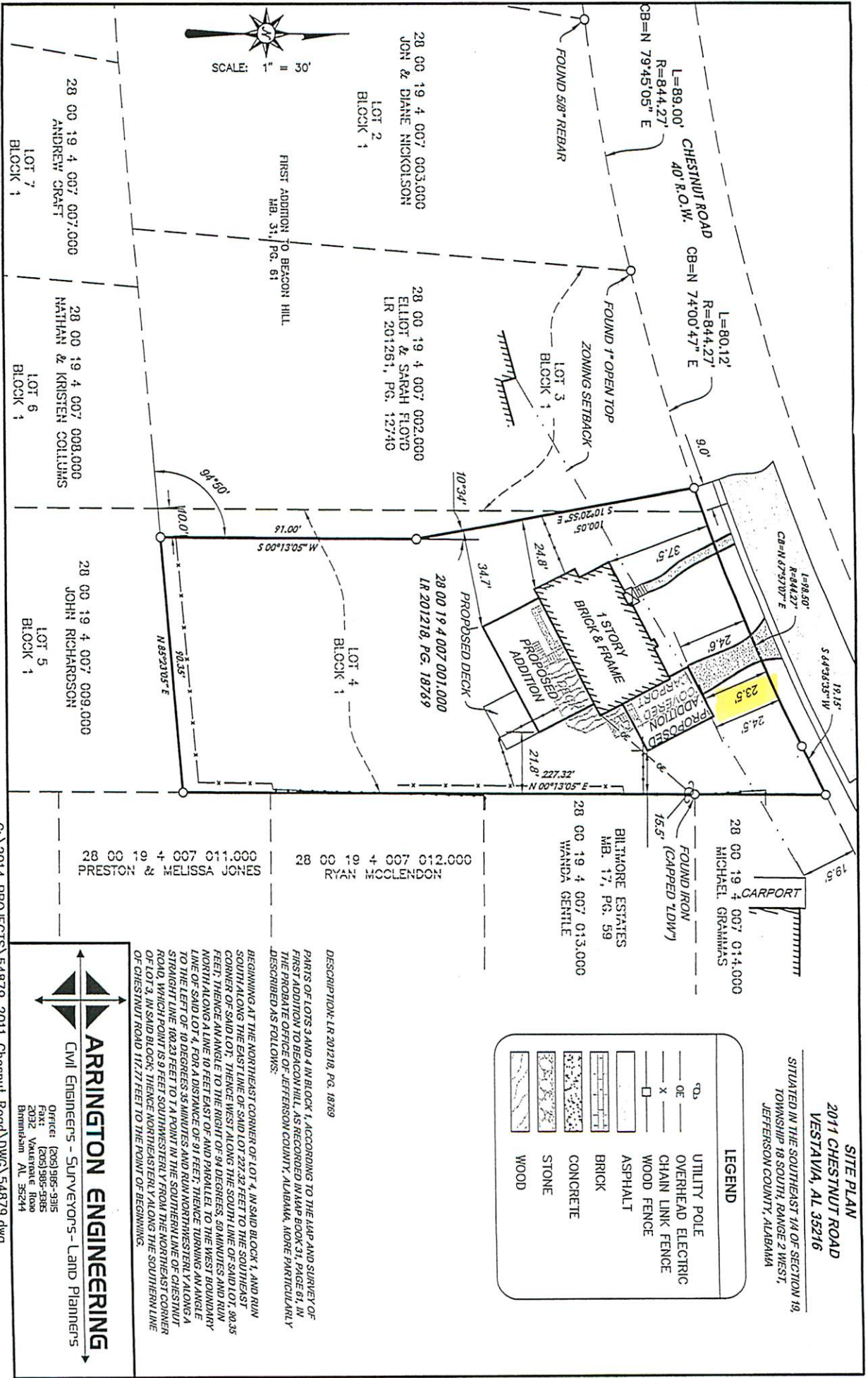
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Z-1221-33//28-00-19-4-007-014.000  
 300 Granada Drive  
 Variances to build new home  
 Elise Carr  
 R3

**Next Door**



G:\2014 PROJECTS\54879 2011 Chestnut Road\DWG\54879.dwg

**ARRINGTON ENGINEERING**  
 Civil Engineers - Surveyors - Land Planners

Office: (205) 985-5915  
 Fax: (205) 985-5985  
 2032 Venture Road  
 Birmingham, AL 35244

**Jack Wakefield**

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**From:** Keith Blanton  
**Sent:** Monday, November 15, 2021 12:16 PM  
**To:** Elise Carr  
**Cc:** Joseph Carr; Jack Wakefield  
**Subject:** RE: [External] 300 Granada Drive, Vestavia, AL 35216  
**Attachments:** 300GranadaDr.pdf; 20211115074311180 1.pdf

Elise,

I just finish talking with the Zoning Official. She is highly recommending you proceed with a variance request for all the existing setback along with the resurvey to combine both lots into one. This will clean all the issues up with setbacks on the property plus it might give you more area to building in.

In 2014 the property behind you on Chestnut did an addition and use your carport as an established setback. Its show the setback for your carport is 19.5' which the old survey you have shown 12.5'. The variance request can be a front setback variance on Chestnut to be 23.5' (same as the home behind you), front setback variance on Granada to be 40.7', side setback to be 11.9'. You can apply for the variance first and when you do the resurvey the surveyor setbacks can be indicated on the resurvey.

I have included Jack in this email. Staff is going to discuss in detail tomorrow at 9am in our weekly meeting. Not sure on time frames yet but we will discuss at our meeting. You and/or Joseph are welcome to come to our meeting at city hall. Its open to the public.

Jack or I will contact you tomorrow about the variance.

Thanks,



**KEITH BLANTON CBO, MCP**  
Building Official  
P 205 978 0125 | [vhal.org](http://vhal.org)  
City of Vestavia Hills

[WWW.LIFEABOVE.ORG](http://WWW.LIFEABOVE.ORG)

**From:** Elise Carr <Elise.Carr@regions.com>  
**Sent:** Monday, November 15, 2021 8:58 AM  
**To:** Keith Blanton <KBlanton@vhal.org>  
**Cc:** Joseph Carr <jcarr@icpgroup.com>  
**Subject:** RE: [External] 300 Granada Drive, Vestavia, AL 35216

Good morning, Keith!

**Z-1221-33//28-00-19-4-007-014.000**  
**300 Granada Drive**  
Variances to build new home  
Elise Carr R3