

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

AGENDA

February 17, 2022

6:00 P.M.

Roll Call.

Approval of Minutes: January 20, 2022.

- (1) **BZA-0122-01** Henry M. Clark is requesting a **Front Setback Variance** for the property located at 1997 Rocky Brook Drive. The purpose of this request is to reduce the front setback to 30' in lieu of the required 40' to build a new house. The property is owned by Henry M. Clark and is zoned Vestavia Hills R-1.
- (2) **BZA-0222-04** **Lee and Jaime McClure are** requesting a **Side Setback Variance** for the property located 3877 Timberline Way. The purpose of this request is to reduce the side setback to 12' in lieu of the required 15' to build an addition. The property is owned by Lee and Jaime McClure and is zoned Vestavia Hills RC-1.
- (3) **BZA-0222-05** Laura C Woodward is requesting a **Side and Rear Setback Variance** for the property located at 4224 White Oak Drive. The purpose of this request is to build a storage structure. The property is owned by Laura C. Woodward and is zoned Vestavia Hills R-4.

Time of Adjournment.

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

MINUTES

January 20, 2022

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
Loring Jones, III
Ryan Rummage, Alt

MEMBERS ABSENT:

Robert Gower
Thomas Parchman, Alt
Tony Renta

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

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

MOTION Motion to dispense with the reading of the minutes of December 16, 2021 was made by Mr. Jones and 2nd was by Mr. Greer. Motion as carried on a voice vote as follows:

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

FRONT SETBACK VARIANCE

BZA-0122-02 Drew and Alli Herring are requesting a **Front Setback Variance** for the property located at 2125 Hickory Road. The purpose of this request is to build a new house. The property is owned by Drew and Alli Herring 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.

William Segal, 1707 Shades Park Drive, stated that the hardship was a corner lot and that the side of the house is really a frontage of an unopened ROW.

Mr. Rummage asked about the attempt to vacate the ROW and Mr. Segal stated that no other neighbor would sign off regarding that.

Chairman Rice opened the floor for a public hearing.

Walter Gardner, 2116 Shades Avenue, asked what a corner lot was.

Mr. Wakefield explained the Code definition of a corner lot.

Zach Turner, 2122 Hickory Road, asked if it was going to be closer in the Hickory Road frontage and Mr. Segal stated no.

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

MOTION Motion to approve a 35' front setback variance to reduce the setback to 15' in lieu of the required 50', for the property located at 2125 Hickory Road, was made by Mr. Jones and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

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

SIGN CODE VARIANCE

BZA-0122-03 Dolly Ridge Holdings, LLC is requesting a **Sign Code Variance** for the property located 4321 Dolly Ridge Road. The purpose of this request is to have two monument signs on one frontage. The property is owned by Dolly Ridge Holdings, LLC and is zoned Vestavia Hills B-1.2.

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.

Thom Hickman, 1769 Indian Creek Drive, was present for the case and stated that the topography of the lot caused a hardship. The lot is slanted to one side limiting sign visibility on the opposite side. The two different parking levels are at different grades. One sign is needed at the lower grade and one is needed for the higher grade. The smooth dispersal of traffic is the intent with the two signs.

Mr. Jones asked if there was any signage on the building, to which Mr. Hickman said it was only the standard tenant signage.

Chairman Rice opened the floor for a public hearing.

Anthony 1520 Hays Circle, asked why can't they put the sign on the building. Mr. Hickman stated that in that case you wouldn't be able to see the sign from the road.

George P, 1023 Granbury Road, stated that Mr. Hickman has worked with City on allowing this development to serve as additional parking for sporting events at the adjacent properties. He stated that Mr. Hickman also fixed the water drainage system for the housing development adjacent to the subject property.

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

MOTION Motion to approve a sign code variance to allow two monument signs in a frontage, for the property located at 4321 Dolly Ridge Road, was made by Mr. Jones and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

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

At 6:45 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:45 PM.

Jack Wakefield,
Planner/GIS

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

Date: February 17, 2022

- **CASE: BZA-0122-01**
- **REQUESTED ACTION:** 10' front setback variance to reduce the setback to 30' in lieu of the required 40'.
- **ADDRESS/LOCATION:** 1997 Rocky Brook Drive
- **APPLICANT/OWNER:** Henry M. Clark
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicant is seeking front setback variance to build a house. The house would encroach on the Rocky Brook frontage. The applicant contends the corner lot causes a hardship. The lot also has easements covering a large portion of it. The proposed location is the only reasonable spot on the lot for this house. 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.

1997 Rocky Brook Dr.
Front Setback for new home
Henry Clark R2

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: Henry M Clark

Address: 159 Southwood Dr

Madison AL 35758

Phone #: Cell 256 653 5650 Other #: Home 256 837-1403

E-Mail: _____

Billing/Responsible Party

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

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: Lot 1 Rocky Brook Sub
Street Address
1997 Rocky Brook Drive Westside/Hillside AL
Subdivision name, Lot #, Block #, etc.

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

35243

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.
Jaw 4 ' front (circle one) setback variance to reduce the setback to 46 ' in lieu of the required 80 ' .
Jaw 30 ' front/side/rear (circle one) setback variance to reduce the setback to 30 ' in lieu of the required 40 ' .
_____ ' 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 _____).

Z-0122-01//28-00-20-1-001-096.000
1997 Rocky Brook Dr.
Front Setback for new home
Henry Clark R2

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).

CORNER LOT

VI. PROJECT:

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

Building NEW HOUSE

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

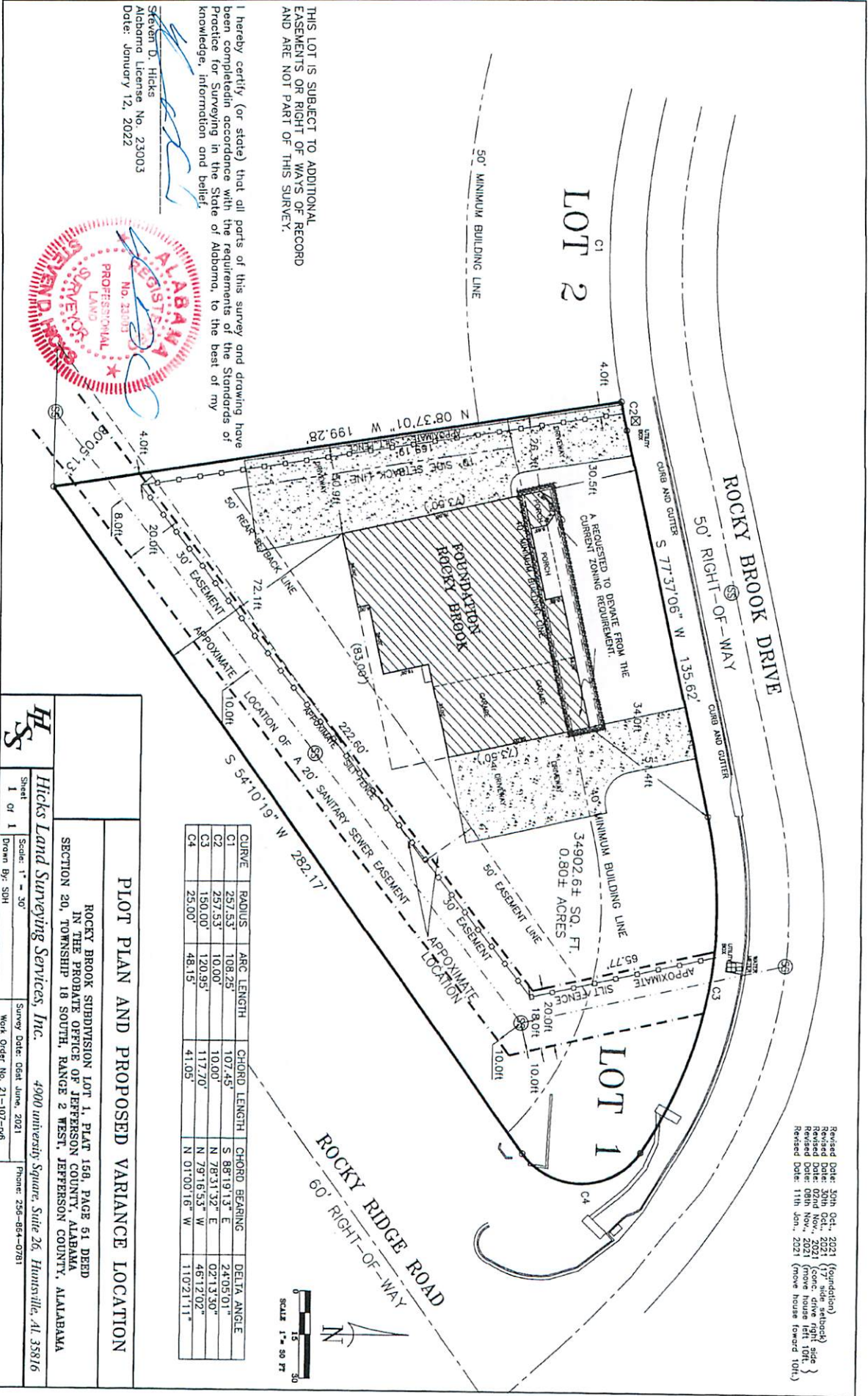
12-16-21
Representing Agent (if any)/date

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





THIS LOT IS SUBJECT TO ADDITIONAL EASEMENTS OR RIGHT OF WAYS OF RECORD AND ARE NOT PART OF THIS SURVEY.

I hereby certify (or state) that all parts of this survey and drawing have been completed in accordance with the requirements of the Standards of Practice for Surveying in the State of Alabama, to the best of my knowledge, information and belief.

Steven D. Hicks
 Alabama License No. 23003
 Date: January 12, 2022



Revised Date: 30th Oct., 2021 (Foundation)
 Revised Date: 30th Oct., 2021 (17' side setback)
 Revised Date: 02nd Nov., 2021 (conc. drive right side)
 Revised Date: 02nd Nov., 2021 (more house left 10ft.)
 Revised Date: 11th Jan., 2021 (more house toward 10ft.)

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| C1 | 257.53' | 108.25' | 107.45' | S 88°19'13" E | 24°05'01" |
| C2 | 257.53' | 10.00' | 10.00' | N 78°31'32" E | 62°13'30" |
| C3 | 150.00' | 120.95' | 117.70' | N 79°18'53" W | 46°12'02" |
| C4 | 25.00' | 48.15' | 41.05' | N 01°00'16" W | 110°21'11" |

PLOT PLAN AND PROPOSED VARIANCE LOCATION

ROCKY BROOK SUBDIVISION LOT 1, PLAT 158, PAGE 51 DEED
 IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA
 SECTION 20, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA

Hicks Land Surveying Services, Inc. 4900 University Square, Suite 26, Huntsville, AL 35816

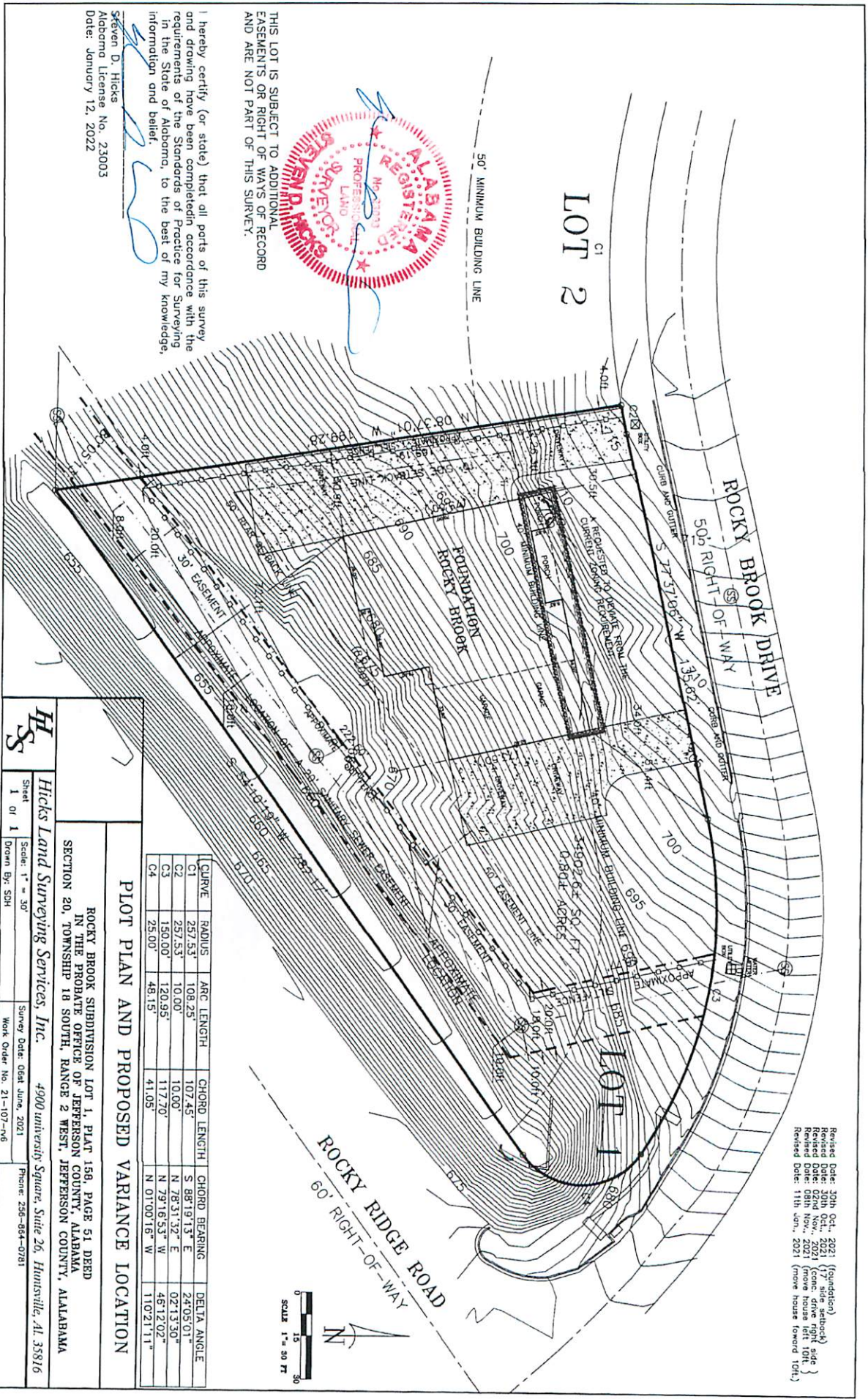
Sheet 1 of 1
 Scale: 1" = 30'
 Form By: SDH
 Survey Date: Oct. June, 2021
 Work Order No. 21-107-06
 Phone: 256-854-0781

THIS LOT IS SUBJECT TO ADDITIONAL EASEMENTS OR RIGHT OF WAYS OF RECORD AND ARE NOT PART OF THIS SURVEY.



I hereby certify (or state) that all parts of this survey and drawing have been completed in accordance with the requirements of the Standards of Practice for Surveying in the State of Alabama, to the best of my knowledge, information and belief.

Steven D. Hicks
Alabama License No. 23003
Date: January 12, 2022



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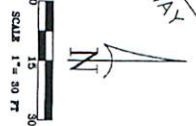
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SECTION 20, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA

HLS Hicks Land Surveying Services, Inc. 4900 University Square, Suite 26, Huntsville, AL 35816

Sheet 1 of 1 Scale: 1" = 30' Survey Date: 06th June, 2021
Drawn By: SDH Work Order No. 21-107-496 Phone: 256-864-0781

Revised Date: 30th Oct., 2021 (Foundation)
Revised Date: 30th Oct., 2021 (17' site setback)
Revised Date: 02nd Nov., 2021 (conc. drive right side)
Revised Date: 05th Nov., 2021 (more house left side)
Revised Date: 11th Jan., 2021 (more house toward 10th)



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

Date: February 17, 2022

- **CASE: BZA-0222-04**
- **REQUESTED ACTION:** 3' Side Setback Variance to reduce the setback to 12' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 3877 Timberline Way
- **APPLICANT/OWNER:** Lee & Jaime McClure
- **REPRESENTING AGENT:** Long and Long Design
- **GENERAL DISCUSSION:** The applicants are seeking a side setback variance to build an addition. The addition would be one story and would accommodate a larger kitchen, laundry room, and storage are. The applicants contend the odd shaped lot causes a hardship. The applicants also received a signed document, stating approval of the proposal, from the Countrywood Highlands Architectural Committee. The applicant's property is zoned Vestavia Hills RC-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.

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: Lee McClure and Jamie Woodliff McClure

Address: 3877 Timberline Way

Phone #: 492-7892 Other #: _____

E-Mail: LMcclure@CRCGroup.com

Billing/Responsible Party

Name: OWNER

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

Z0222-04/28-00-29-4-001-036.056

3877 Timberline Way
Side Setback Variance for an
addition
Jamie & Lee McClure

Representing Attorney/Other Agent

Name: Long and Long Design (Richard Long)
Address: 1825 29th Ave S
Homewood, AL 35209
Phone #: 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: 3877 Timberline Way
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.
2'6" front side rear (circle one) setback variance to reduce the setback to 12'6" 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 _____).

Z0222-04//28-00-29-4-001-036.056
3877 Timberline Way
Side Setback Variance for an
addition
Jamie & Lee McClure

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).

The orientation of the existing home ^{and} the cul-de-sac "wedge" shape lot makes it difficult to comply with the side setback with a rectilinear addition in keeping with the current home.

VI. PROJECT:

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

A one story addition (358 sq ft) to accomodate a larger kitchen, laundry, and storage area for a family of six.

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***

Lee and Jamie McClure 12/13/21
Owner Signature/Date

Representing Agent (if any)/date

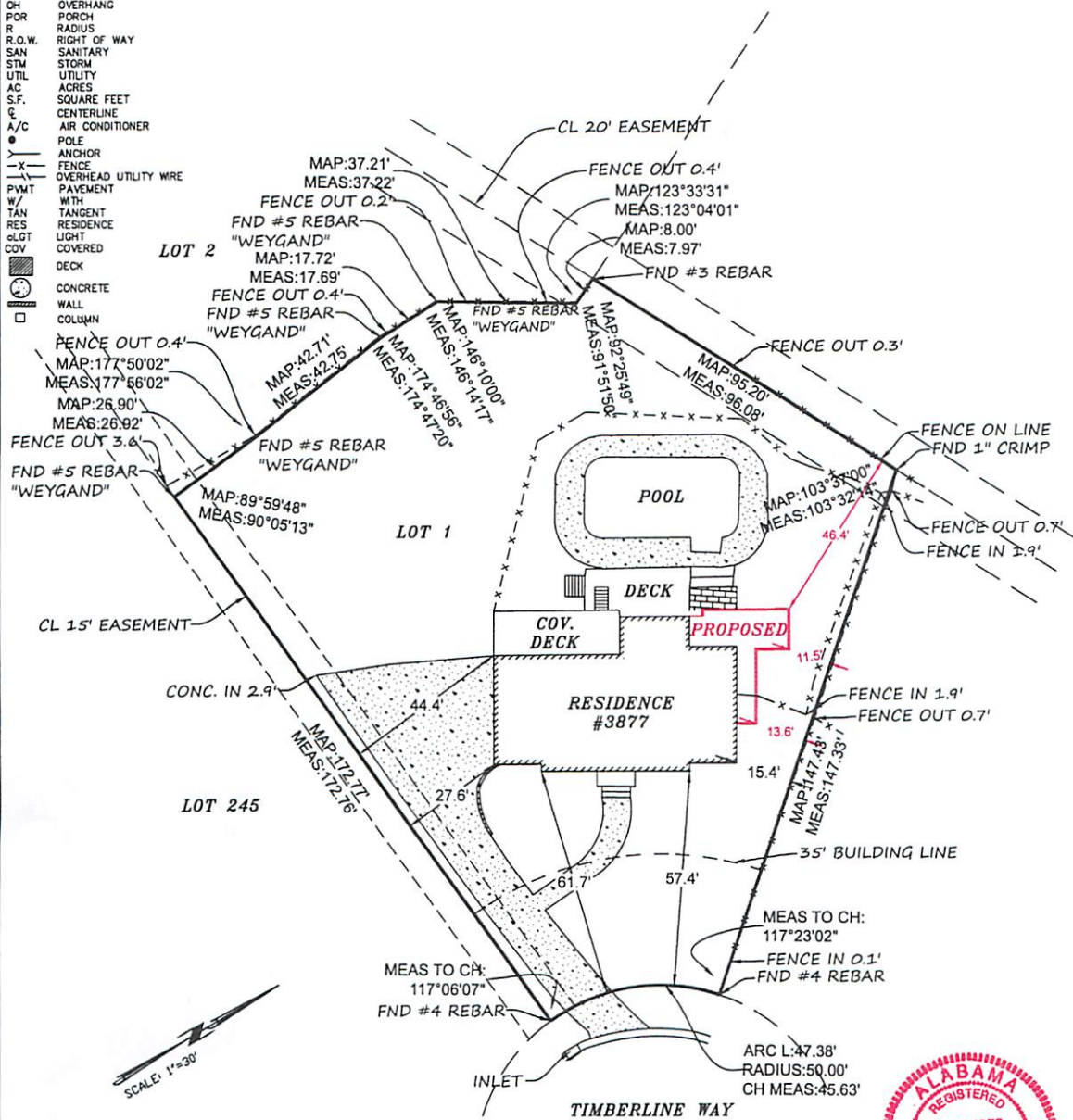
Given under my hand and seal
this 13th day of December, 2021.

Kimberly Dee Natch
Notary Public
My commission expires 6/18/22 (jmc)
day of 18, 2022.

Z0222-04//28-00-29-4-001-036.056
3877 Timberline Way
Side Setback Variance for an
addition
Jamie & Lee McClure

LEGEND

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



STATE OF ALABAMA
JEFFERSON COUNTY

"PLOT-PLAN"

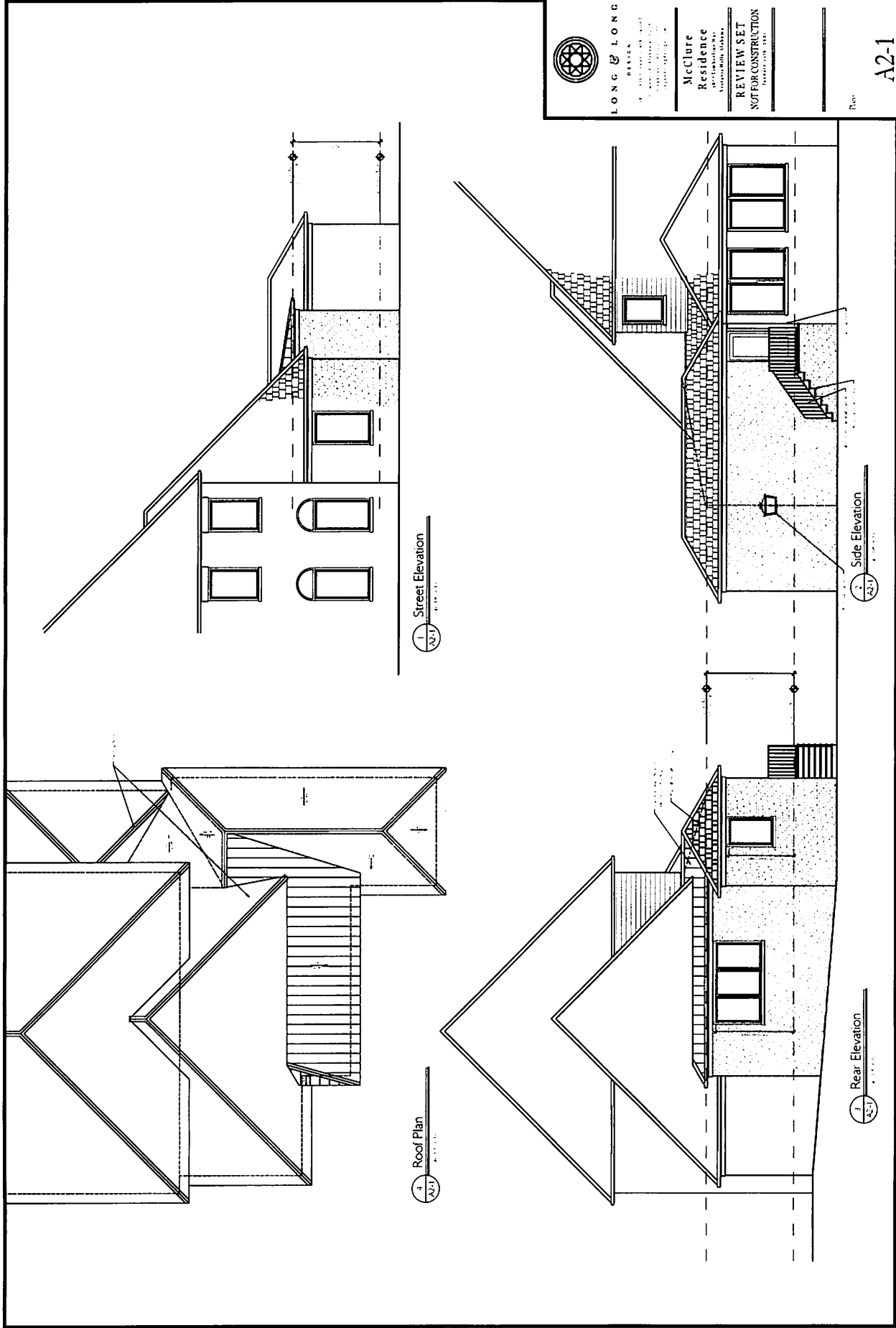
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1, RANDALLS COUNTRYWOOD RESURVEY, as recorded in Map Volume 227, Page 9, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts 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 DECEMBER 20, 2021. Survey invalid if not sealed in red.

Order No.: 20212488
Purchaser:
Address: 3877 TIMBERLINE WAY

Ray Weygand, Reg. L.S. #24973
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.



LONG & LONG
DESIGN
1000 UNIVERSITY AVENUE
ANN ARBOR, MI 48106-1000
TEL: 734.763.1234
WWW.LONGANDLONG.COM

McClure Residence
1000 UNIVERSITY AVENUE
ANN ARBOR, MI 48106-1000

REVIEW SET
NOT FOR CONSTRUCTION
DATE: 08/15/2011

Rev: **A2-1**



LONG & LONG
DESIGN

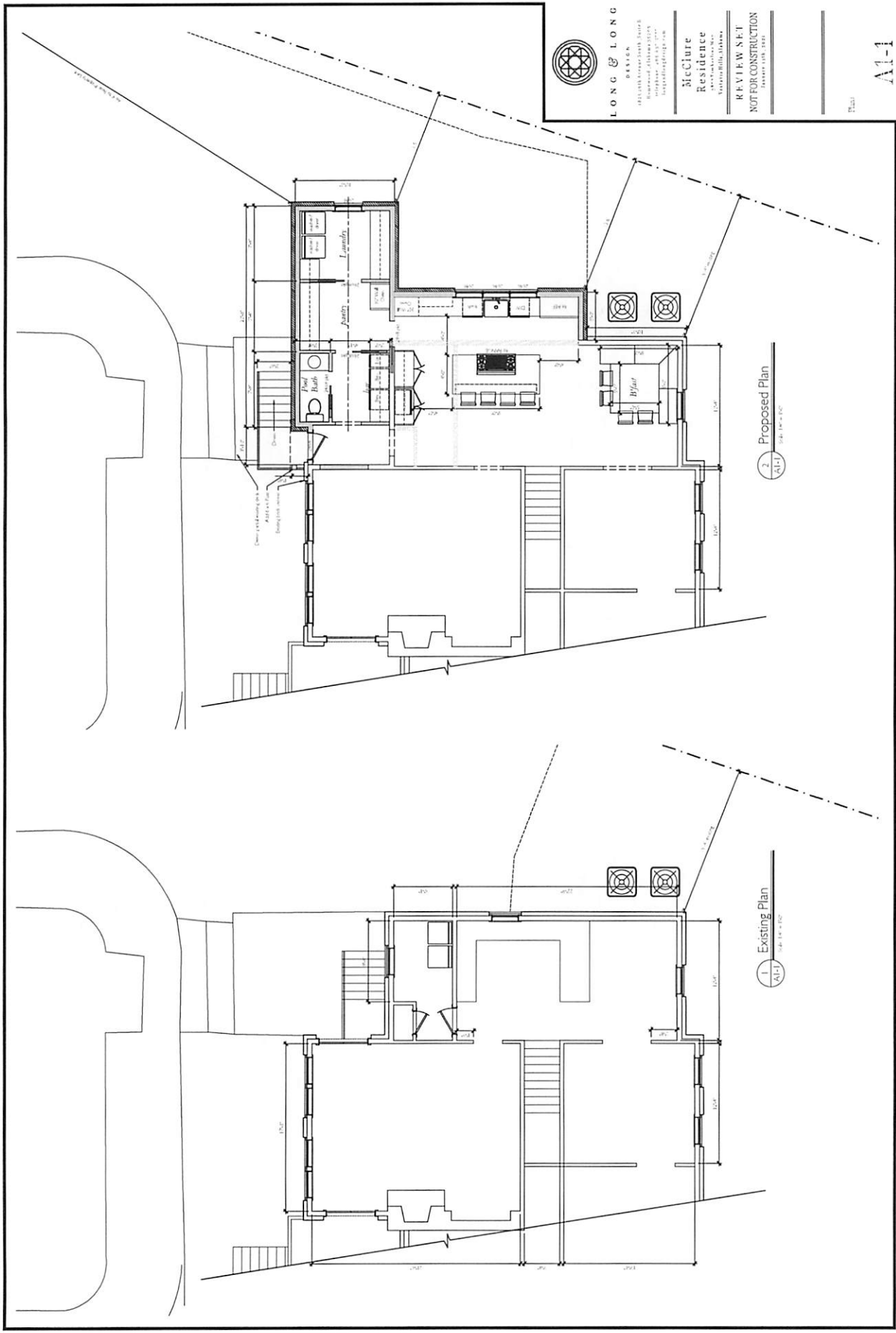
12121 W. 10th Street, Suite 100
Denver, CO 80202
303.733.1111
longandlong.com

McClure
Residence
12121 W. 10th Street
Denver, CO, 80202

REVIEW SET
NOT FOR CONSTRUCTION
ISSUED 03.18.2010

Sheet

A1-1



2 Proposed Plan
A1-1 1/4" = 1'-0"

1 Existing Plan
A1-1 1/4" = 1'-0"

CHNA ARCHITECTURAL COMMITTEE

January 4, 2022

The Countrywood Highlands Neighborhood Association Architectural Committee approves the proposed addition to 3877 Timberline Way. Please let us know if you have any questions or concerns.

Sincerely,



Kristen Comer

CHNA President



Tommy Lucas

Head of Architectural Committee



Heather Lucas

CHNA Secretary

2724 Countrywood Way Vestavia Hills, Alabama 35243 205-516-1543 chnapresident@protonmail.com

Z0222-04//28-00-29-4-001-036.056
3877 Timberline Way
Side Setback Variance for an
addition
Jamie & Lee McClure

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

Date: February 17, 2022

- **CASE: BZA-0222-05**
- **REQUESTED ACTION:** 8' side setback variance to reduce the setback to 2' in lieu of the required 10' & a 5' rear setback variance to reduce the setback to 10 in lieu of the required 15'.
- **ADDRESS/LOCATION:** 4224 White Oak Drive
- **APPLICANT/OWNER:** Laura C Woodward
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicant is seeking a rear and side setback variance to build small storage structure. The applicant contends the odd shaped lot causes a hardship. The lot is abnormally narrow. The property received a variance in 2020 for a detached garage, but the previous owners never acted on that. The variance has lapsed, but the new owner is requesting the same parameters of that variance for their storage structure. The applicant's property is zoned Vestavia Hills R-4.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

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

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

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

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Laura C. Woodard

Address: 4224 White Oak Drive

Birmingham, Alabama 35243

Phone #: 404-375-2975 Other #: _____

E-Mail: laura.crook.woodard@gmail.com

Billing/Responsible Party

Name: SAME

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

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: 4224 WHITE OAK DRIVE
Street Address
BIRMINGHAM 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.
5' front/side/rear (circle one) setback variance to reduce the setback to 10' in lieu of the required 15'.
8' front/side/rear (circle one) setback variance to reduce the setback to 2' in lieu of the required 10'.
_____' 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 _____).

Z0222-05//28-00-22-1-017-012.000

4224 White Oak Drive

Rear & Side Variance for a storage shed

Laura Woodard

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).

Because the property is so narrow, we would like to preserve as much of the land as possible for gardening space & room for our kids to play.

VI. PROJECT:

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

Storage building. There was a variance previously that expired.

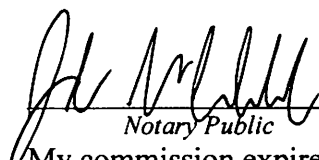
VII. OWNER AFFIDAVIT:

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 16 day of January, 2022.

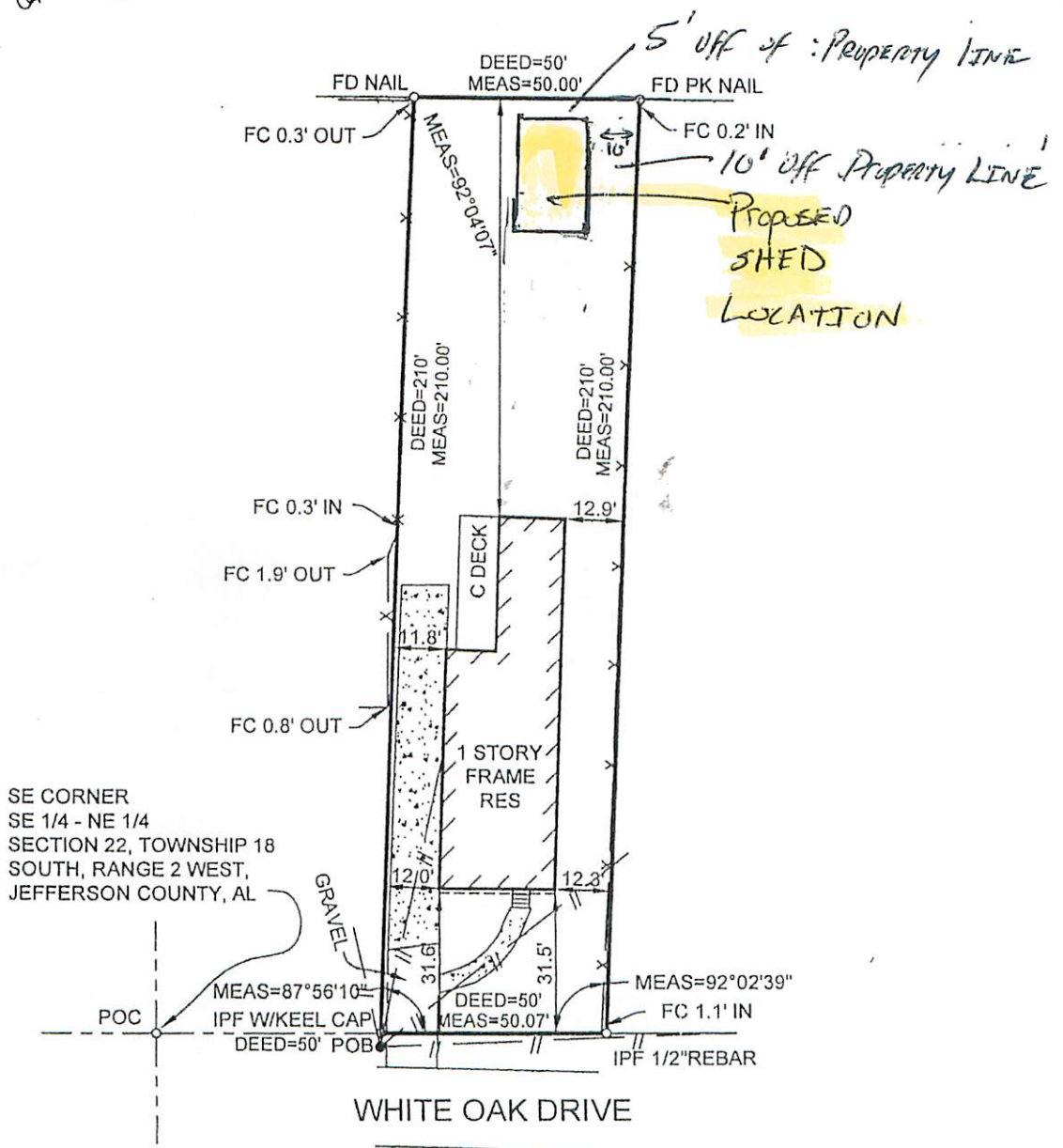

Notary Public
My commission expires 30+
day of Oct, 2023.

My Commission Expires
October 30, 2023

SCALE: 1"=40'

LEGEND:

- PH = asphalt
- G = bearing
- JG = building
- LC = calculated
- P = capped iron
- = centerline
- = chord
- NC = concrete
- = covered
- = deflection
- = curve delta angle
- = east
- MT = easement
- = fence
- = found
- / = headwall
- = iron pin found
- * = iron pin found w/KBW cap
- ∩ = iron pin set w/SSI cap
- = length
- AS = measured
- ∇ = minimum
- = manhole
- = north
- = overhang
- = porch
- = point of curve
- B = point of beginning
- C = point of commencement
- = point of tangent
- MT = pavement
- = radius
- C = recorded
- S = residence
- W = right of way
- = south
- N = sanitary
- M = storm
- JR = sewer
- N = synthetic
- IL = utility
- = uncovered
- = west
- = yard inlet
- = degrees
- = minutes, in
- = bearings or angles
- = seconds, in
- = bearings or angles
- = feet, in distance
- = acres
- = more or less,
- = or plus or minus

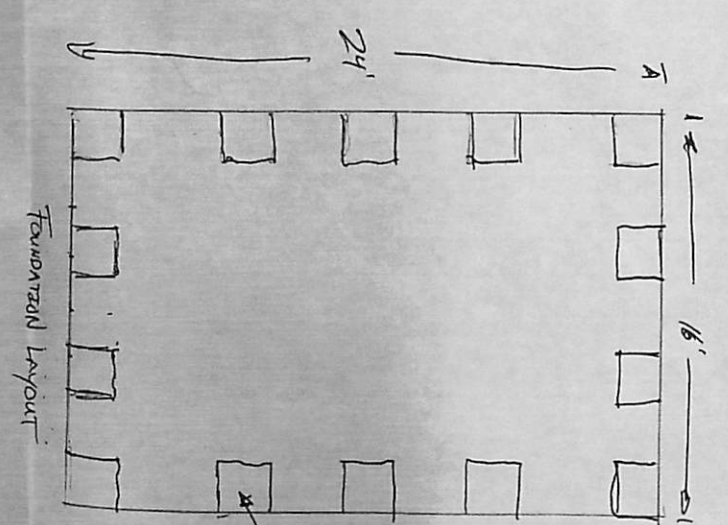
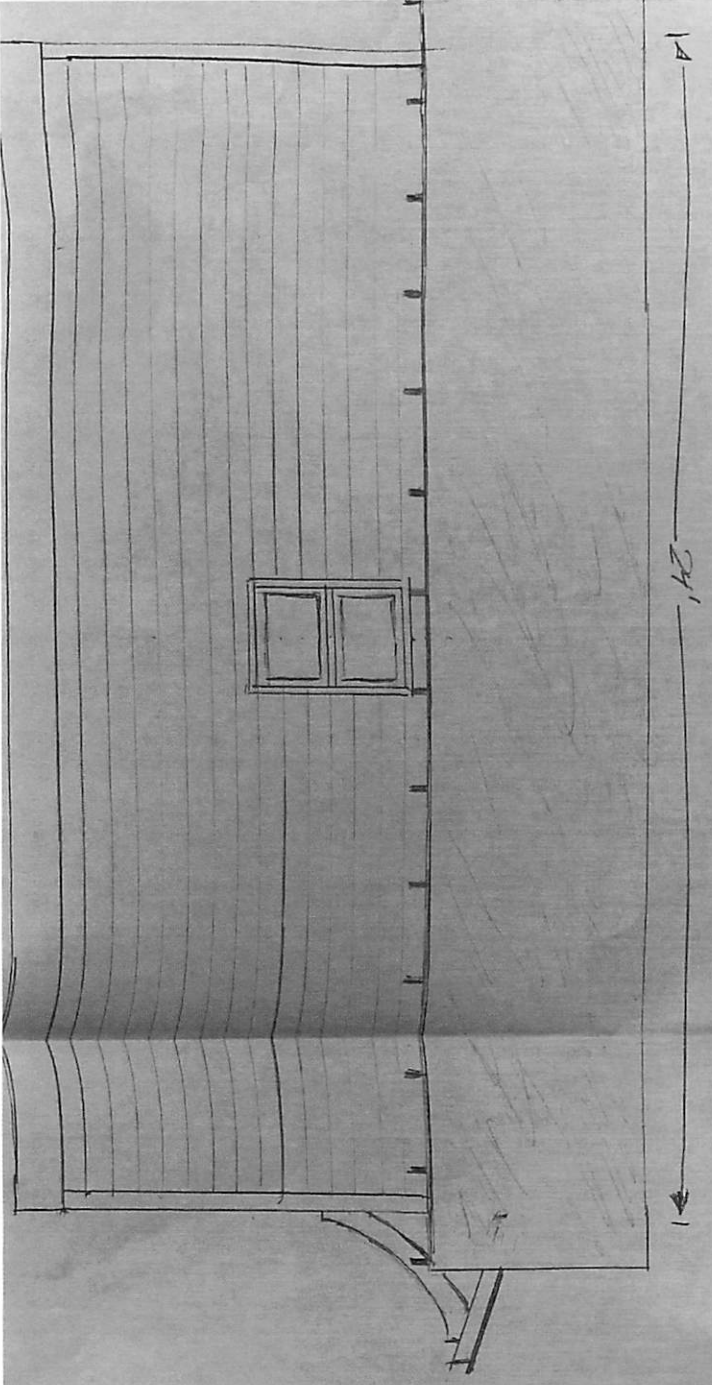
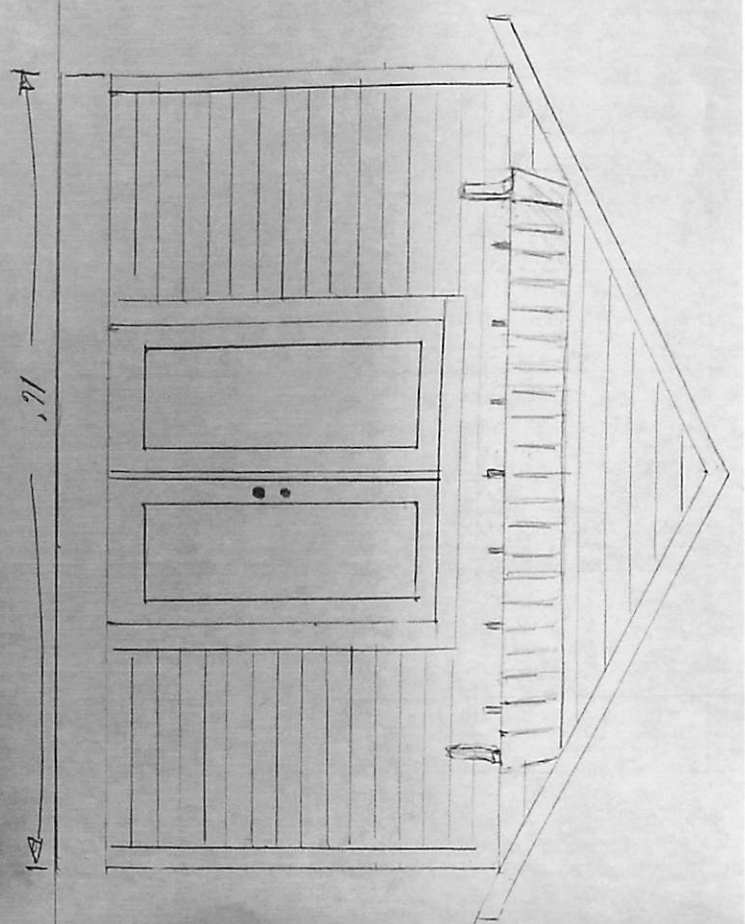


**STATE OF ALABAMA
HELBY COUNTY**

David B. Entrekin, a registered Land Surveyor, certify that I have surveyed:

that part of the S.E. 1/4 of the N.E. 1/2 of Section 22, Township 18 South, Range 2 West situated in Jefferson County, Alabama more particularly described as follows: Begin at the S.E. corner of said 1/4 - 1/4 Section and run thence Northwardly along the East line thereof for a distance of 50' to the point of beginning of parcel here described from a point of beginning thus obtained continue Northwardly along said East line for a distance of 50'; Run thence Westerly and parallel with the South line of said 1/4 - 1/4 Section for a distance of 210'; Run thence Southwardly and parallel with the East line of said 1/4 - 1/4 Section for a distance of 210'; Run thence Eastwardly and parallel from the South line of said 1/4 - 1/4 Section for a distance of 210' to the point of beginning.

furthermore certify 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: 4224 White Oak Drive according to my survey of January 3, 2019. Survey is not valid



FOUNDATION LAYOUT

