

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

AGENDA

April 21, 2022

6:00 P.M.

Roll Call.

Approval of Minutes: March 17, 2022.

- (1) **BZA-0422-13** Rocky Donahoo and Billy Parker are appealing a decision by the zoning official at **3912 Wooten Drive**. The purpose of this request is to appeal zoning decision on a home occupation. The property is owned by Rocky Donahoo and Billy Parker and is zoned Vestavia Hills R-4.

- (2) **BZA-0422-10** Heather Byars is requesting **Rear and Side Setback Variances** for the property located 1820 Highfield Drive. The purpose of this request is to reduce the rear setback to 5' in lieu of the required 15' & to reduce the side setback to 5' in lieu of the required 15' to build a storage structure. The property is owned by Heather Byars and is zoned Vestavia Hills R-3.

- (3) **BZA-0422-11** Mathew Nelson & Kelsey Drennan are requesting **Front and Side Setback Variances** for the property located 1788 Vestaview Lane. The purpose of this request is to reduce the front setback to 30' in lieu of the required 40' & to reduce the side setback to 7' in lieu of the required 15' to expand the existing carport. The property is owned by Mathew Nelson & Kelsey Drennan and is zoned Vestavia Hills R-3.

- (4) **BZA-0422-13** Gary Speegle is requesting a **Front Setback Variance** for the property located at 3029 La Haven Circle. The purpose of this request is to reduce the front setback to 27' in lieu of the required 37' to build a covered front porch. The property is owned by Gary Speegle and is zoned Vestavia Hills R-4.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

March 17, 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
Thomas Parchman, Alt
Ryan Rummage, Alt

MEMBERS ABSENT:

Robert Gower
Tony Renta

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of February 17, 2022 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of January 20, 2022 was made by Mr. Jones and 2nd was by Mr. Parchman. Motion as carried on a voice vote as follows:

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

FRONT SETBACK VARIANCE

BZA-0322-07 Hallie Weaver is requesting a **Front Setback Variance** for the property located at 2012 Hickory Road. The purpose of this request is to reduce the front setback to 47’ in lieu of the required 50’ to rebuild front porch. The property is owned by Hallie Weaver 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.

Hallie Weaver was present for the request and stated that the purpose of the request was to rebuild the front porch because it currently is rotting. Also, that the hardship was the odd-shaped lot.

Mr. Jones requested that the applicant coordinate with City Engineering on the proposed-on street parking plan.

Ms. Weaver stated that they are not incorporating the on-street parking into their plans.

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 3’ front setback variance to reduce the setback to 47’ in lieu of the recorded 50’, for the property located at 2012 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. Parchman – yes Mr. Rummage - yes
Chairman Rice – yes
Motion carried

FRONT & SIDE SETBACK VARIANCE

BZA-0322-08 William Watson is requesting a **Front and Side Setback Variance** for the property located 2117 Shades Ave. The purpose of this request is to reduce the front setback to 38’ in lieu of the required 50’ & to reduce the side setback to 5’ in lieu of the required 15’ to build a new home. The property is owned by William Watson 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.

William Watson was present for the request and stated that the regulations of installing a new septic system caused a hardship by forcing the new house closer to the front, into the setback.

Mr. Jones stated that the applicant must abide by the City impervious surface requirement.

Chairman Rice opened the floor for a public hearing.

Robert Mauder- 428 Trousdale Street, spoke wanting to see the septic drawings. He asked if the building was moving front or back.

Mr. Watson stated that it would move away from Mr., Mauder's property.

Mr. Mauder stated that they were concerned about water run-off.

Mr. Wakefield responded saying Engineering will regulate the water runoff on this property. Also, that City storm water management regulations are strict and the applicant would be required to abide in order to pull a permit.

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 12' front setback variance to reduce the setback to 38' in lieu of the required 50' & 5' side setback variance to reduce the setback to 10' in lieu of the required 15', for the property located at 2117 Shades Ave, 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. Parchman – yes Mr. Rummage - yes
Chairman Rice – yes
Motion carried

SIDE SETBACK VARIANCE

BZA-0322-09 Stuart and Emily Rein are requesting a **Side Setback Variance** for the property located at 1812 Post Oak Road. The purpose of this request is to reduce the side setback to 10' in lieu of the required 15' to a home addition. The property is owned by Stuart and Emily Rein 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, 1625 Buena Vista Circle, was present for the request and stated that odd-shaped lot caused a hardship. Mr. Ellis also stated this would be a family space addition.

Mr. Greer asked if this was just a single-story addition, to which Mr. Ellis replied yes.

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 5' side setback variance to reduce the setback to 10' in lieu of the required 15', for the property located at 1812 Post Oak 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. Parchman – yes Mr. Rummage - yes
Chairman Rice – yes
Motion carried

At 6:33 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:33 PM.

Jack Wakefield,
Planner/GIS

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

Date: April 21, 2022

- **CASE: BZA-0422-13**
- **REQUESTED ACTION:** Appeal of Decision by Zoning Official
- **ADDRESS/LOCATION:** 3912 Wooten Drive
- **APPLICANT/OWNER:** Rocky Donahoo and Billy Parker
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Zoning official, Rebecca Leavings, issued a zoning violation for 3912 Wooten Drive. The violation was the use of a single-family property for a commercial business and the storing of vehicles & equipment on said property. The appeal to the Board is that this is a home occupation. The property is zoned 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.

MOUNTAIN HEIGHTS LAWN CARE

3912 WOOTEN DRIVE

BIRMINGHAM, AL. 35243

(205) 229-1015

March 25, 2022

To: The City of Vestavia

From: Mountain Heights Lawn Care

Please be advised that Mountain Heights Lawn Care, is appealing the decision made by the City of Vestavia instructing them to vacate the property located at 3912 Wooten Drive, Birmingham, Al. 35243.

Kind Regards,

A handwritten signature in blue ink that reads "Rocky Donahoo". The signature is fluid and cursive, with the first name "Rocky" being more prominent than the last name "Donahoo".

Rocky Donahoo

Owner



City of Vestavia Hills

Office of the City Clerk
Planning & Zoning
513 Montgomery Highway
Vestavia Hills Alabama 35216
(205) 978-0131

March 18, 2022

Resident: Billy G. Parker
Mountain Heights Lawn Care LLC
3901 Wooten Drive
Vestavia Hills AL 35243

RE: Complaint Number: 202200112
PID #: 28 00 14 3 003 045.003

Sent USPS Mail Certified Return Receipt:
#7020 2450 0001 8722 5072

Zoned: Vestavia Hills R-4 (single family residential)

Property Location: **3912 Wooten Drive; metes and bounds legal description.**

Attention Property Owner/Resident:

This is a notice advising you that the following zoning violation(s) exist on the above referenced property deeded to you and/or under your control through Warranty Deed as recorded in LR 201514 Pg 15075, Jefferson County Alabama.

Violation of Zoning – Use of Single-family property for a commercial business (lawn care location, carpools, commercial equipment, trailers and vehicles)

To comply with the Zoning Ordinance, you must:

Cease and desist all commercial occupancy and use of the property, removal of commercial equipment, vehicles, non-permitted improvements, etc., with the exception of a single-family occupancy pursuant to Section 13.7 of the Vestavia Hills Zoning Code:

“It shall be unlawful to erect, construct, reconstruct, alter, maintain, use or occupy any land in violation of any regulation in, or any provision of this Ordinance, or any amendment thereof, enacted or adopted under the authority of this Act. Any person, firm or corporation violating any such regulation, provision or amendment shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished in accordance with Title 11-45-9, Code of Alabama, for a misdemeanor violation for each such offense. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance, use or occupancy continues shall be deemed a separate offense. Provided, however, that prior to any criminal prosecution the Zoning or Building Official or his agent shall give a written notice or citation to the person, firm or corporation violating any provision of this Ordinance stating the rule or regulation being violated and notifying the said person, firm or corporation to cease and desist such violation immediately, otherwise said person will be prosecuted as provided herein. In case any building or structure is, or is proposed to be erected, constructed, reconstructed, altered, maintained, used or occupied in violation of any regulation or provision of this Ordinance or amendment thereof, enacted or

adopted by the City, said Official or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, use or occupancy.”

Compliance with the zoning code should be immediate. However, this letter is to inform you that you have the right to appeal a decision of the Zoning Official to the Vestavia Hills Board of Zoning Adjustment for their consideration of the matter. Application for the BZA appeal must be submitted to my office within **15 days of this notice (April 4, 2022)** pursuant to Section 12.2 of the Zoning Code. The application can be found on the City’s website, www.vhal.org under Departments, Planning and Zoning, Forms.

If you have any questions, please contact me at 205-978-0184.

Sincerely,



Rebecca Leavings
City Clerk/Zoning Official



Sent from my iPhone





Article 7 USE-SPECIFIC REGULATIONS

§7.1. Home Occupations

Home occupations are permitted uses in any estate or residential zoning classification under the following limitations. For home occupations in a planned unit development, refer to [§6.9.5.1](#).

7.1.1. Limitations

1. Home occupations shall be conducted only in the principal dwelling. No more than twenty-five (25) percent, up to 500 sq. ft., of the dwelling may be used for a home occupation.
2. There shall be no outdoor display or storage associated with the home occupation and no commodities shall be sold on the premises other than by phone, mail or internet. No goods shall be delivered to a purchaser on the premises.
3. No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.
4. No home occupation shall be permitted if it creates noise, odors, vibrations or traffic congestion, which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.
5. In order to be a permitted home occupation, the use must be one which is habitually, customarily, and commonly established as a reasonable incidental, accessory, subordinate and secondary use. The existing dwelling shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation.
6. No home occupation shall be permitted that requires the operation or keeping on premises of a commercial vehicle.

7. No persons other than members of the family residing on the premises shall be employed by the home occupation.
 8. Home occupations shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- 7.1.2. Provided full conformance with the above limitations, the types of home occupations that may be permitted shall include, but not be limited to, the following:
1. Offices provided no customers or clients shall be allowed on premises
 2. Phone, mail order and similar sales provided no inventory is stored on the premises and no goods are delivered on the premises by the home owner to any customers.
 3. Music and art lessons, provided there shall be no more than two students receiving instruction at any one time and no students shall be received after 7:00 p.m.
 4. Instruction by a private tutor who offers academic instruction in the several branches of study required to be taught in the public schools of the State of Alabama provided there are no more than five (5) individuals participating in the tutorial instruction at any one time. When complying with this limitation, the home occupation shall not be considered an "Educational Group E" or "Educational Occupancy" for the purposes of the City Building and Fire Codes or City Life Safety Code, respectively. The requirement of "no more than five (5) individuals participating in the tutorial instruction at any one time" shall not mean or include parents that reside in the home or their children, stepchildren or wards.
 5. Crafts, dress making, sewing, tailoring and similar occupations with limited

equipment and provided no clients or customers shall be allowed on premises.

The Board of Zoning Adjustment may approve other home occupations per [§12.3 Special Exceptions](#) so long as they present no greater impact on the neighborhood than those listed above and provided conditions required by the BZA will be met to limit noise, traffic or other impacts that might otherwise disrupt the residential character of the neighborhood.

§7.2. Gas and Service Stations

7.2.1. Use Limitations

1. The following uses shall be prohibited: painting, body work, major repair, dismantling for recovery of parts, and sales or rental of motor vehicles or trailers.
2. Service stations shall not include more than three (3) service bays.

7.2.2. Area and Dimensional Regulations

1. All oil drainage pits and hydraulic lifts shall be located within an enclosed Structure and shall be located no closer than fifty (50) feet to an abutting residential lot line and no closer than twenty-five (25) feet to any other lot line.
2. All permitted mechanical repair work shall be conducted within an enclosed structure and shall be located no closer than fifty (50) feet to any abutting residential lot line and no closer than twenty-five (25) feet to any other lot line.
3. Fuel pumps, pump islands and other service facilities may occupy required yards; however, such shall be set back at least fifteen (15) feet from any lot line. Canopies shall not extend closer than five (5) feet to any lot line.

- 7.2.3. No storage of vehicles shall be permitted for periods in excess of thirty (30) days. Vehicles shall not be permitted to remain

on the property longer than forty-eight (48) hours unless such vehicles are stored within an enclosed building or within a rear or side yard screened in accordance with [§9.4 Screening](#).

§7.3. Conservation Subdivisions

7.3.1. Intent

1. To provide the flexibility to achieve the most effective development on lands that are constrained by natural hazards, environmentally sensitive areas or environmental regulations, which may limit the amount or type of development on such properties;
2. To enhance quality of life by promoting the creation of accessible greenspace throughout the community;
3. To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;
4. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation;
5. To encourage interaction within the community by allowing clustering of homes and orienting them closer to the street, thereby providing gathering places and encouraging the use of parks as focal points within the community;
6. To encourage street systems that tend to reduce traffic speeds and reliance on main arteries.
7. To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to Adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and

§5.5. R-4 Medium Density Residential District

This district is intended to accommodate detached, single-family dwellings on moderately-sized lots together with other uses, as may be permitted on appeal, which are compatible with such residential uses.

5.5.1. Use Regulations: See [Table 5](#) (at the end of this Article) for Permitted Uses, Special Exception Uses, and Conditional Uses.

1. Only low intensity institutional uses shall be permitted and only by Special Exception per [§12.3](#) or as Conditional Uses per [§13.3](#), as indicated in Table 5.

5.5.2. Area and Dimensional Regulations. The area and dimensional regulations set forth following and in Table 5.5 shall be observed (See also [Article 4 General Regulations](#)):

1. Only one main structure and its accessory buildings may be built on any lot of record, which, at the time of enactment of this Ordinance, is separately owned.
2. On no lot separately owned shall the aggregate width of required side yards be such that less than twenty-four (24) feet of the width of the lot be left to build upon after side yard requirements are observed.

5.5.3. Development Standards.

1. For accessory structures, see [§4.4](#).
2. For parking requirements, see [Article 8](#).
3. For landscaping requirements for permitted non-residential uses, see [Article 9](#).
4. For sign regulations, see [Article 11](#).

Min. Floor Area	1,200 sq. ft.
Min. Yard Setbacks	
Front	40 ft
Rear	25 ft
Side	10 ft
Min. Lot Area	12,000 sq. ft.
Min. Lot Width	70 ft
Max. Building Height	35 ft or 2 ½ stories, whichever is less
Max. Building Area	
On percent of lot	30%

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

Date: April 21, 2022

- **CASE: BZA-0422-10**
- **REQUESTED ACTION:** 10' Rear Setback Variance to reduce the setback to 5' in lieu of the required 15' & 10' Side Setback Variance to reduce the setback to 5' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 1820 Highfield Drive
- **APPLICANT/OWNER:** Heather Byars
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicant is seeking rear and side setback variances to build a storage structure. The applicant contends the terrain in the rear limits the buildable area. There is only one corner of the rear yard that is level enough to build. The structure is less than 10' in height and has an 8x12' footprint. 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.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Heather Byars

Address: 1820 Highfield Drive
Vestavia Hills, AL 35216

Phone #: 205-253-9671 Other #: _____

E-Mail: hbyars@me.com

Billing/Responsible Party

Name: Heather Byars

Address: 1820 Highfield Drive

Phone #: 205-253-9671 Other #: _____

E-Mail: hbyars@me.com

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: 1820 Highfield Drive

Street Address

Southridge, Block 4, Lot 11

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.
 1 ~~front~~/side/rear (circle one) setback variance to reduce the setback to
 5 _____' in lieu of the required 15 _____'.
 1 ~~front~~/side/~~rear~~ (circle one) setback variance to reduce the setback to
 5 _____' 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 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).*

A substantial unbuildable slope runs the entire length of our narrow backyard. The slope is located precisely where the 15' setback would be. We also have an area below the slope that floods in heavy rain. We only have one corner of our yard that is level enough and suitable for construction. Please see the attached survey and graphics for a better understanding of our dilemma.

VI. PROJECT:

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

We are long-time Vestavia residents, 19 years at Highfield Drive and 3 years on Paden Place. My husband and I are professional musicians. We have a home full of large musical instruments including pianos, orchestral percussion instruments, a harp and much more. We are in desperate for additional storage space for household items and musical equipment. We love our community and do not want to move. A well-constructed, insulated storage room will give us the breathing room we need to stay in our home. We have chosen an experienced craftsman who will build the project to our specs, using high quality residential grade materials. Longevity is our leading consideration. We take pride in our property.

VII. OWNER AFFIDAVIT:

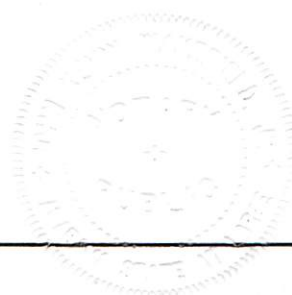
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. ****Note,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

Heather Byars / 3/14/22
Owner Signature/Date Representing Agent (if any)/date

Given under my hand and seal
this _____ day of _____, 20 ____.

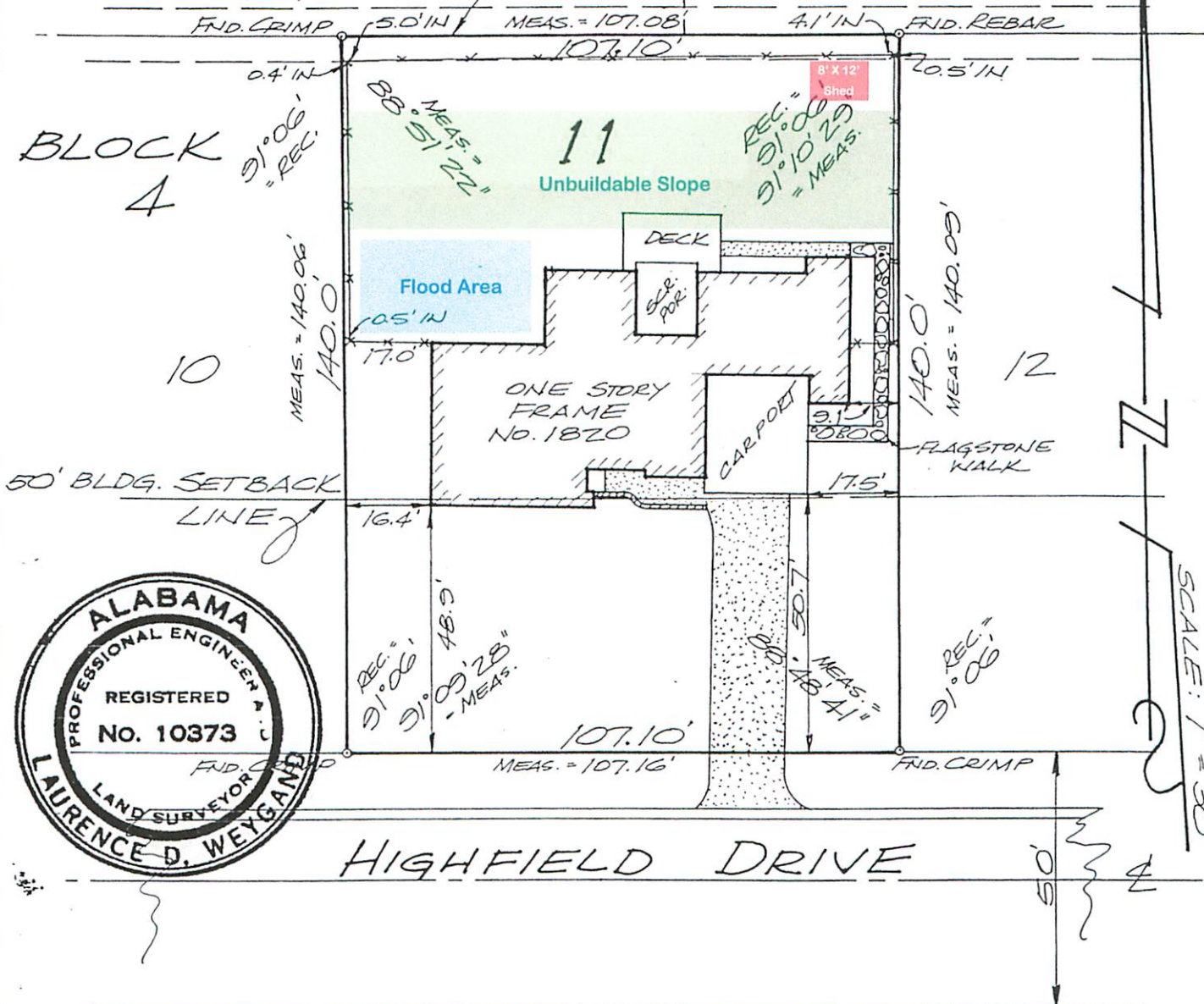
[Signature]
Notary Public

My commission expires 30
day of Oct, 20 23.



FIFTH ADD. TO SOUTHRIDGE ADD. TO VESTAVIA HILLS

BLOCK 4 5 4 HILLS
BLOCK 4 10' ESM'T. FOR PUBLIC UTILITIES



SCALE: 1" = 30'

* TO VESTAVIA HILLS

STATE OF ALABAMA }
JEFFERSON COUNTY }

AS-BUILT SURVEY

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, certify that I have surveyed Lot . . . 11 . . . Block . . . 4, SEVENTH ADDITION TO SOUTHRIDGE ADDITION * as recorded in Map Volume 40 . . . Page . . . 10 . . . in the office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area", that there are no encroachments on said lot except as shown; that improvements are located as shown above; that this survey meets the minimum technical standards for surveys as required by the State of Alabama (using 14" long #5 iron rebars); and that the correct address is as follows: . . . 1820 . . . HIGHFIELD . . . DRIVE . . . ; according to my survey of: . . . JUNE 1, 2000 . . .

Survey invalid if not sealed in red.

Flood Zone "X"

Community Panel No.:

01073C-D483E

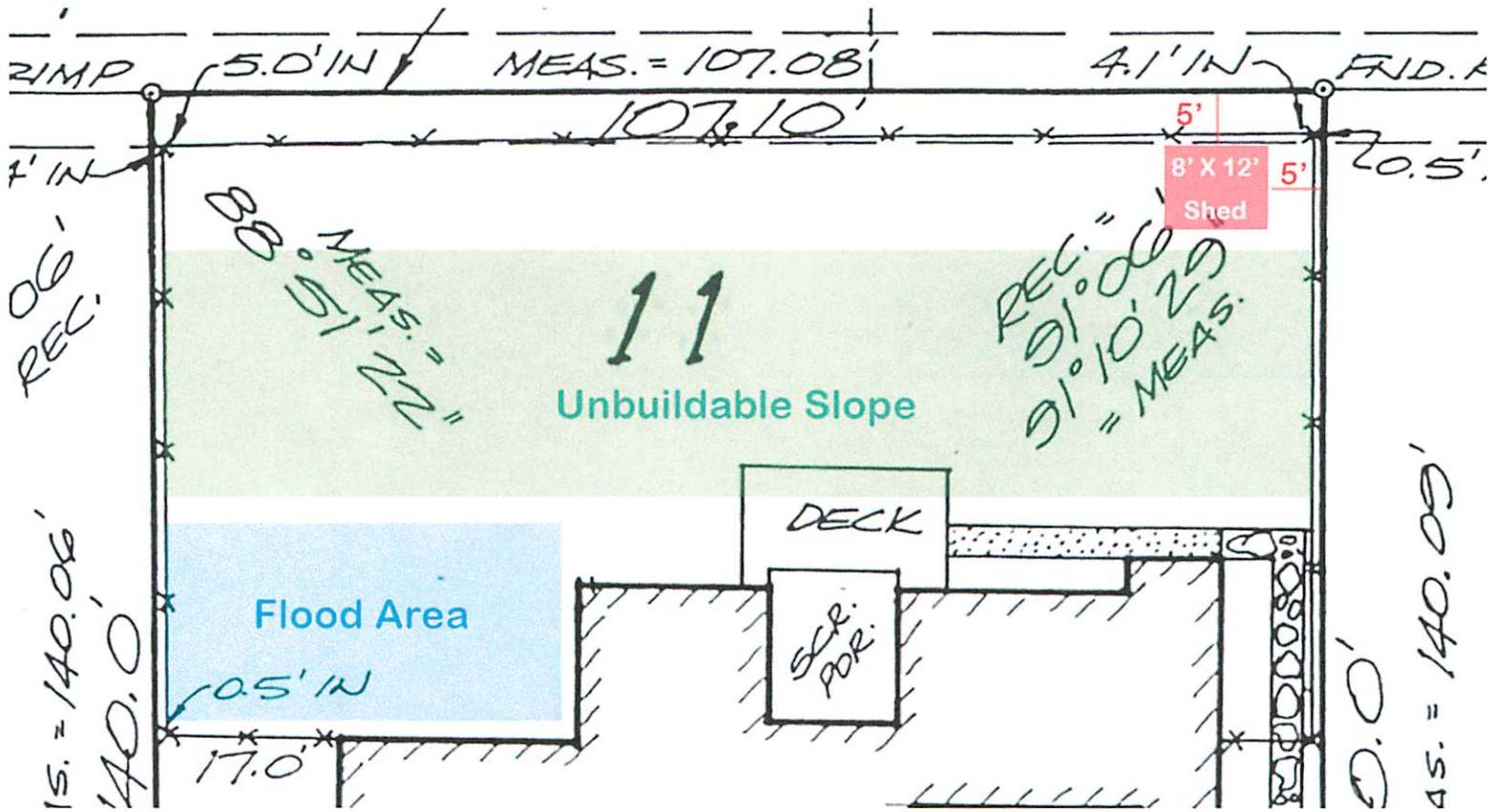
Laurence D. Weygand

Laurence D. Weygand, Reg. P.E. & L.S. #10373
 169 Oxmoor Road, Birmingham, AL 35209
 PH: 942-0086 FAX: 942-0087

DUPONT

Order No. 73874

This close-up view of the survey is focussed on our backyard. It shows the sloping area as well as the area that floods in heavy rain. The proposed shed site is scaled accurately. It will be inset 5' from our fence.



This side view of our yard shows the extent of the slope. It runs the entire length of our yard. Unfortunately, a 15' setback would land right on the slope.



Z0422-10//29-00-25-4-001-008.000
1820 Highfield Drive
Rear & Side Setback for a shed
Heather Byars R3

Here is another view showing the elevation from the foundation of our home. I crouched down to take this photo in an attempt to show the extent of the slope.



Z0422-10//29-00-25-4-001-008.000
1820 Highfield Drive
Rear & Side Setback for a shed
Heather Byars R3

This corner is the only area in our backyard that is level and large enough to construct a storage shed. We will have to remove the tree and some of the shrubbery. We don't believe that this will impact our neighbors' views. Our side neighbor has privacy trees on the border. Our rear neighbor's home is at a much higher elevation. In fact, they have a tall storage shed right along their fence as well. Our house will completely obscure the view of the shed from our street.



Our rear neighbor's shed is taller than our proposed shed. It was constructed right up against their fence line. They were clearly dealing with the same tricky terrain issues that we are.



Here is a prototype shed roughly photoshopped into our proposed corner and scaled to the best of my ability. The tree will be removed.



Another view of a prototype shed photoshopped into place. The perspective isn't quite right but the width should be scaled accurately.



Here are the dimensions of our proposed shed/storage building. We will use residential grade windows and a single door (not depicted here). The shed will be insulated and built to last.

Footprint: 8 X 12 ft

Walls: 7 ft

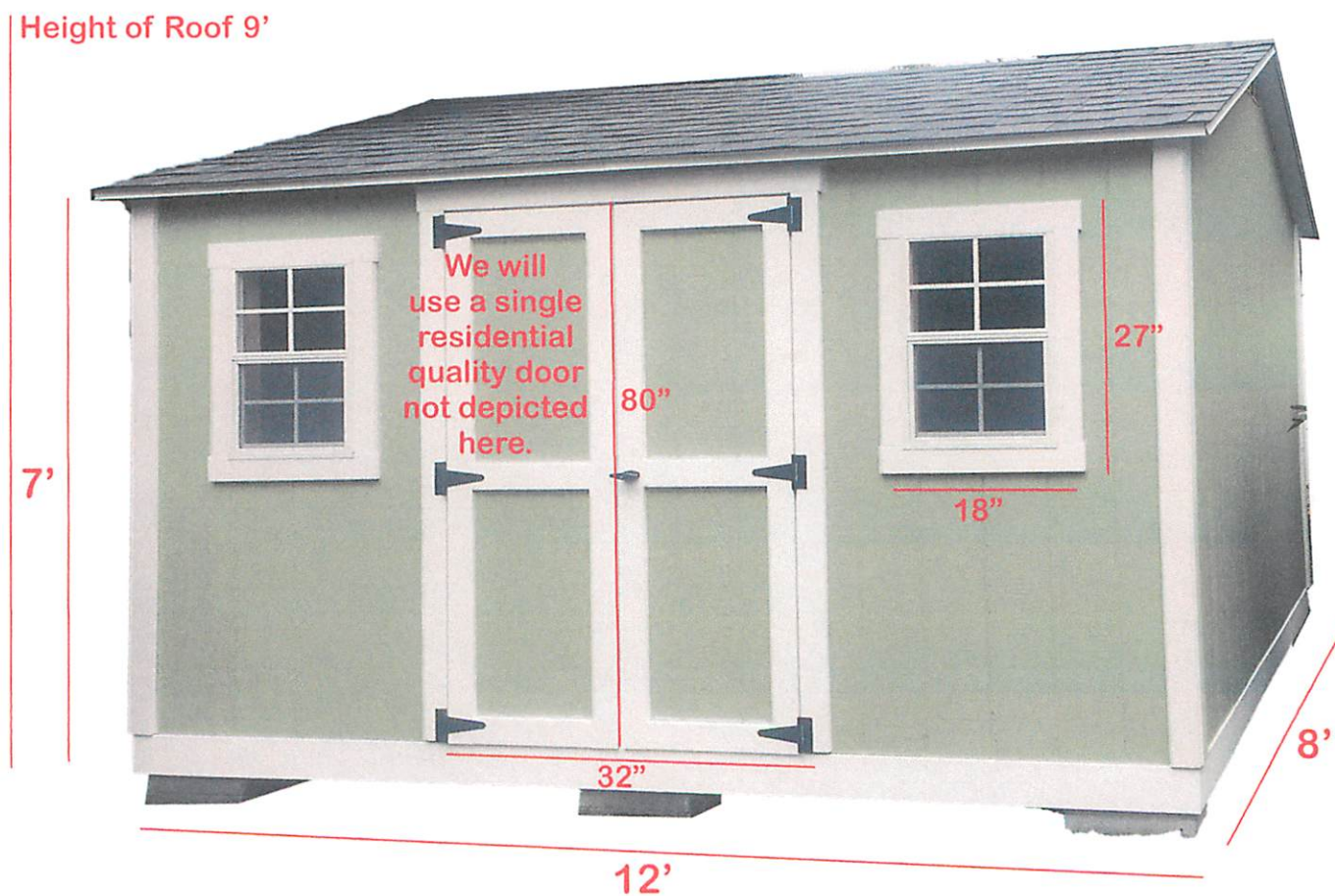
Height with roof: 9 ft

Size of Windows: 18" wide by 27" tall

Size of Door: 32" wide by 80" tall

Footing Height: 4"

Materials Used: Concrete block footing, Wood framing, manufactured wood siding with 50 year warranty (painted to match our home) and shingle roof



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

Date: April 21, 2022

- **CASE: BZA-0422-11**
- **REQUESTED ACTION:** 10' Front Setback Variance to reduce the setback to 30' in lieu of the required 40' & 8' Side Setback Variance to reduce the setback to 7' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 1788 Vestaview Lane
- **APPLICANT/OWNER:** Matthew Nelson & Kelsey Drennan
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicants are seeking a front and side setback variance to enlarge the carport. The applicants contend the odd-shaped lot, along with the slope in the rear, causes a hardship. The carport currently accommodates one car. The applicants would like to expand it to allow for 2 cars to fit. The carport is not going to be completely rebuilt, but some of the existing portions will be renovated. 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.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Matthew Douglas Nelson and Kelsey Lynne Drennan
Address: 1788 Vestaview Lane
Vestavia Hills, AL 35216
Phone #: (205) 447-1183 Other #: (615) 479-7096
E-Mail: mattn303@gmail.com

Billing/Responsible Party

Name: Matthew Nelson
Address: 1788 Vestaview Lane
Phone #: (205) 447-1183 Other #: (615) 479-7096
E-Mail: mattn303@gmail.com

Representing Attorney/Other Agent

Name: N/A
Address: N/A
Phone #: N/A Other #: N/A
E-Mail: N/A

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 1788 Vestaview Lane Vestavia Hills, AL 35216
Street Address
Lot 33 Survey 29-00-25-1-009-020.000 Map Book 38 Page 78
Subdivision name, Lot #, Block #, etc

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

1. A request to vary:
_____ ' variance to reduce the lot width to _____ ' in lieu of the required _____ ' .
_____ square foot variance to reduce the lot area to _____ square feet in lieu of the required _____ square feet.
15 front (circle one) setback variance to reduce the setback to 35 ' in lieu of the required 50 ' .
8 front (circle one) setback variance to reduce the setback to 7 ' in lieu of the required 15 ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
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 R3.

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 terrain is unusable on the back portion of the property behind the house. This is due to the steep slope and a lot of rock. The lot is oddly shaped.

VI. PROJECT:

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

The project is to expand the carport to a 2-car carport. Due to the terrain and layout of the lot, expanding the carport is our only viable option.

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

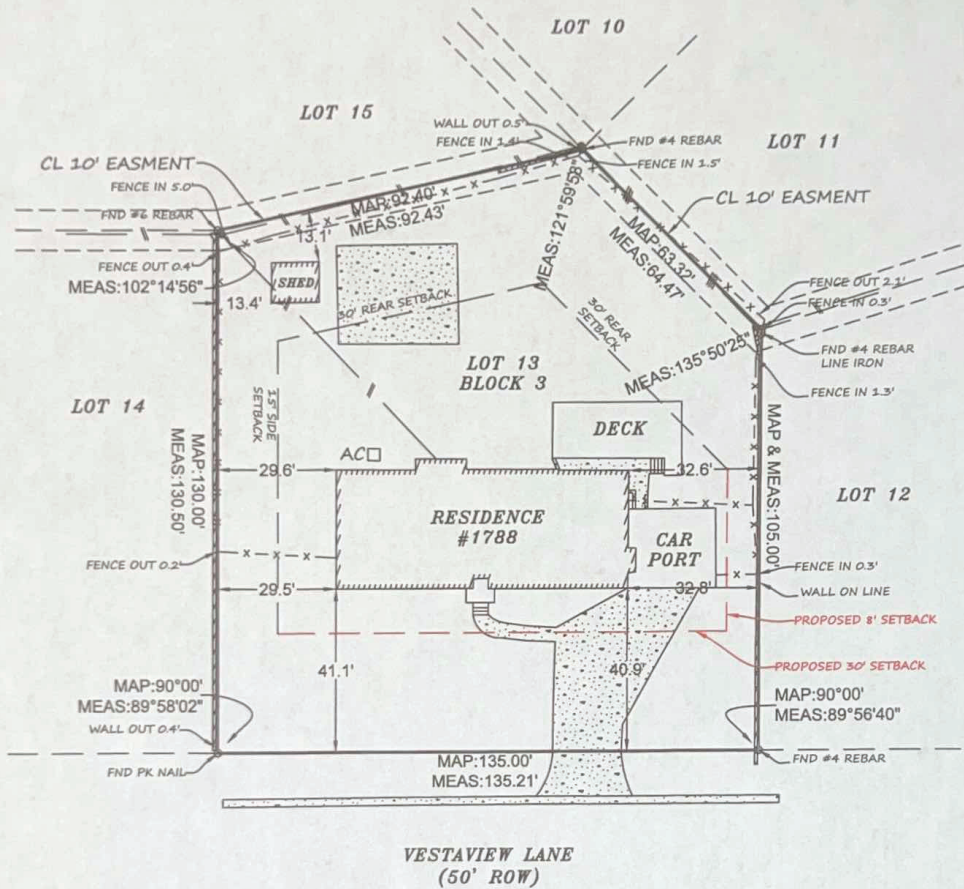
Given under my hand and seal
this _____ day of _____, 20____.

Notary Public

My commission expires _____
day of _____, 20____.

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
—V—	OVERHEAD UTILITY WIRE
P/MT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
■	DECK
○	CONCRETE
□	WALL COLUMN



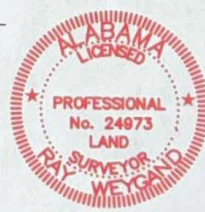
SCALE: 1"=30'
STATE OF ALABAMA
JEFFERSON COUNTY

"Property Boundary Survey"

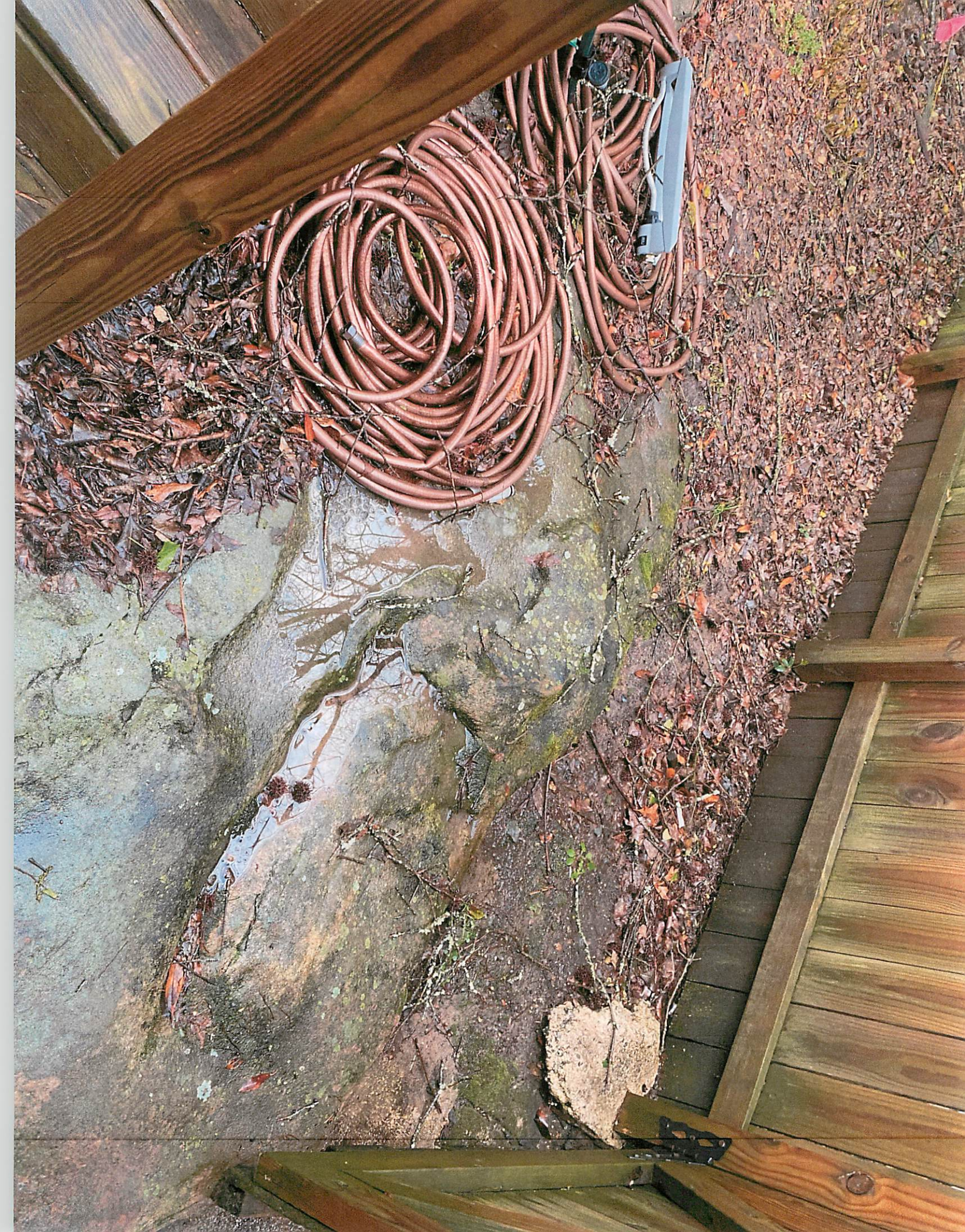
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 13 BLOCK 3, VESTAVIEW GARDENS, as recorded in Map Volume 38, Page 78, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of 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 MARCH 4, 2022. Survey invalid if not sealed in red.

Order No.: 20220359
Purchaser:
Address: 1788 VESTAVIEW LANE

[Signature]
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.

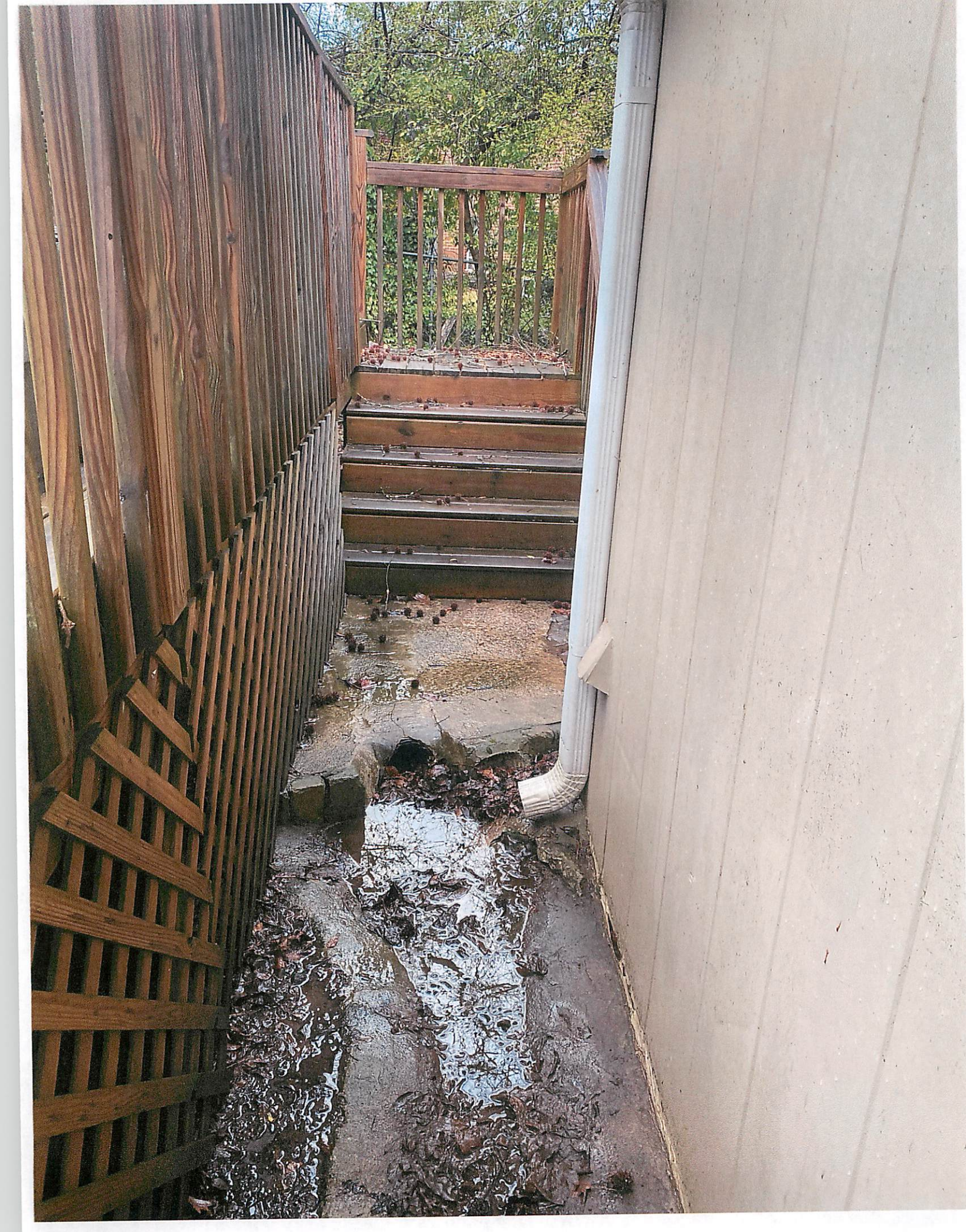








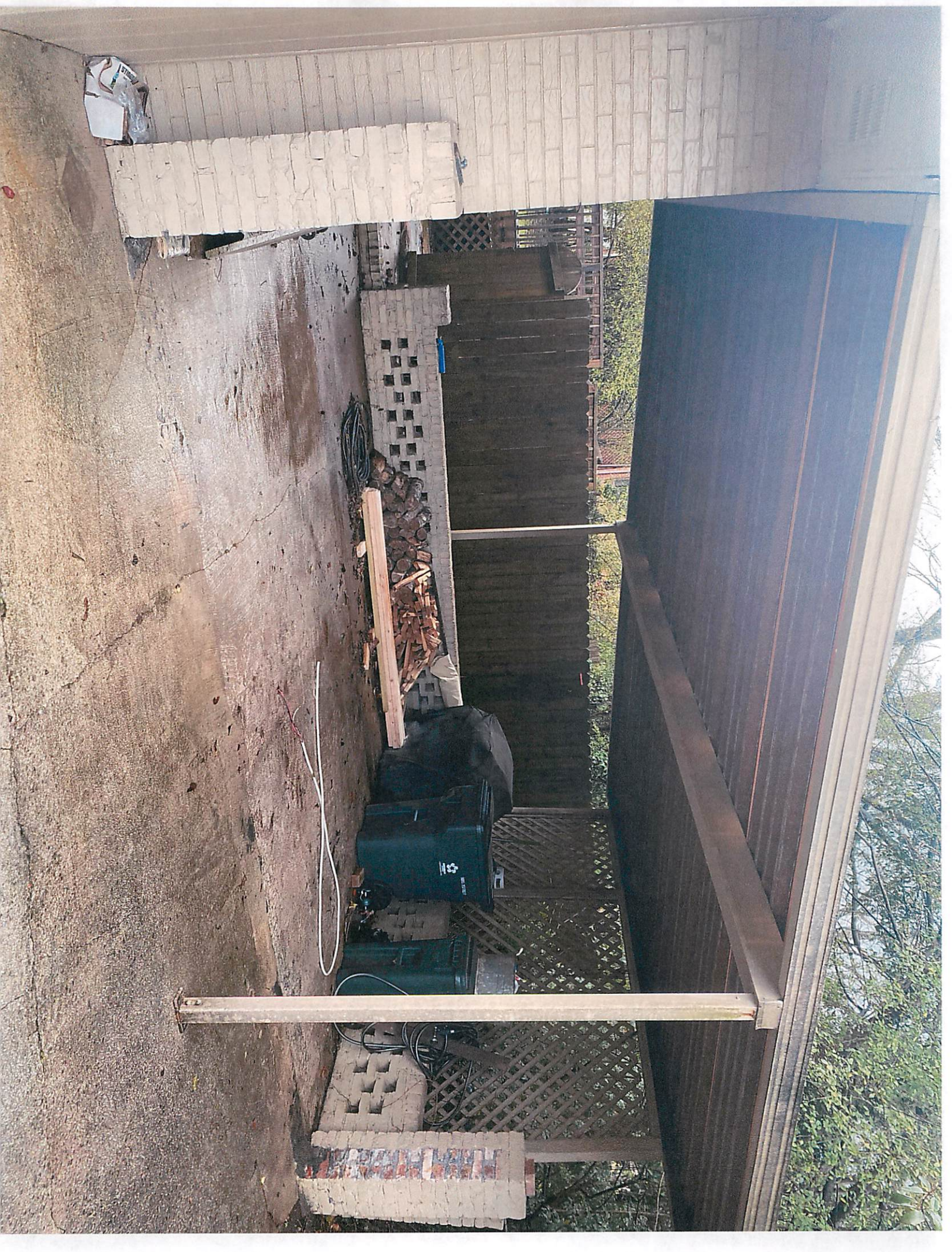




















CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE BOARD OF ZONING ADJUSTMENT

Date: April 21, 2022

- **CASE: BZA-0422-12**
- **REQUESTED ACTION:** 10' Front Setback Variance to reduce the setback to 27' in lieu of the required 37'.
- **ADDRESS/LOCATION:** 3029 La Haven Circle
- **APPLICANT/OWNER:** Gary Speegle
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicant is seeking a front setback variance to build a set of home additions. The applicant contends the pie shaped lot causes a hardship. The only addition that requires a variance is the small front porch in the front. 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.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: GARY SPEEGLE

Address: 3029 LA HAVEN CIR

Phone #: 256-466-3434 Other #: N/A

E-Mail: gary@becaresidential.com

Billing/Responsible Party

Name: "

Address: "

Phone #: " Other #: _____

E-Mail: "

Representing Attorney/Other Agent

Name: N/A

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: 3029 LA HAVEN CIR
Street Address

MEADOWLAWN ESTATES
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.
? Sew 8 (5) ' front side/rear (circle one) setback variance to reduce the setback to 27 (24.8) ' in lieu of the required 32 (30.3) ' .
Sew 10 ' front/side/rear (circle one) setback variance to reduce the setback to 27 ' in lieu of the required 31 ' .
_____ ' 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 _____).

Gary Speegle R4

IV. ZONING

Vestavia Hills Zoning for the subject property is R4.

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).

1. LOT SHAPE IS IRREGULAR.

VI. PROJECT:

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

OWNER INTENDS TO BUILD UPPER 1/2 STORY ADDITION W/ SMALL REAR ADDITION AND SMALL FRONT PORCH ADDITION, TO INCREASE SQUARE FOOTAGE FROM APPROX. 980 SF TO APPROX. 2200 SF. WE WOULD LIKE TO CREATE A COVERED FRONT ENTRANCE SINCE THERE IS CURRENTLY NO FRONT DOOR. AS PART OF THE PROJECT

VII. OWNER AFFIDAVIT:

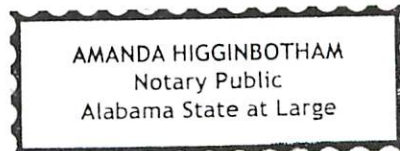
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. ***Note,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

Mary Speegle
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 22nd day of March, 2022.

[Signature]
Notary Public
My commission expires 8th June 8, 2022
day of June, 2022.



Acreage

La Haven Circle
25' Right of Way

$R=35.00'(d)$
 $L=38.83'(d)$
 $Ch=36.87'(d)$
 $Ch=36.31'(m)$
 $\Delta=63^{\circ}34''(d)$

Centerline 10'Easement
Centerline 10'Easement

Cross Set
in Paver

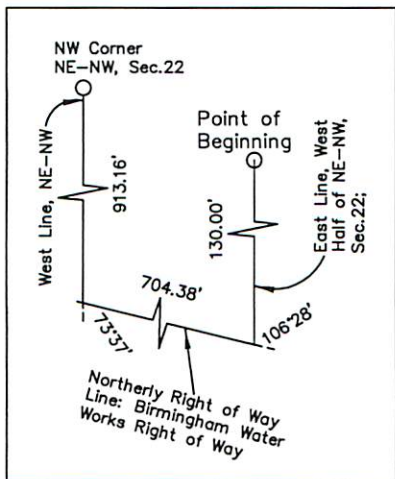
94.66'
(d&m)

1"Pipe
Found

93.15'(d&m)

LEGEND

- PP POWER POLE
- PM POWER METER
- AC AIR CONDITIONER
- //— OVERHEAD POWER
- x- WF WOOD FENCE
- x- CLF CHAIN LINK FENCE
- (d) DEED DIMENSION
- (m) MEASURED DIMENSION
- ▨ PROPOSED ADDITION TO EXISTING HOUSE



Acreage

13229 SQ. FT.
0.30 ACRES

Lot 2

MeadowLawn Estates
Mapbook 44, Page 76

POINT OF BEGINNING
Capped Iron Found
(illegible)

Lot 1

Acreage

NOTE: Easements Shown Are Taken From
Deed Reference(Bk.LR201413, Pg. 23571)

Notes:

1. Additions to Existing House depiction taken from Design Sheet, provided by client;
2. Dimensions from property line are to the face of foundation; allow an additional four inches to face of brick;
3. Lot Dimensions, easements, existing house depiction are from site specific survey dated September 29, 2016;
3. Lot Dimensions, easements, existing house depiction are from site specific survey dated September 29, 2016;
4. Site is Zoned Single Family Residential R-4; Front Setback established by Existing House on Site and by Adjoining Houses; Side Setback = 10'; Rear Setback = 25';

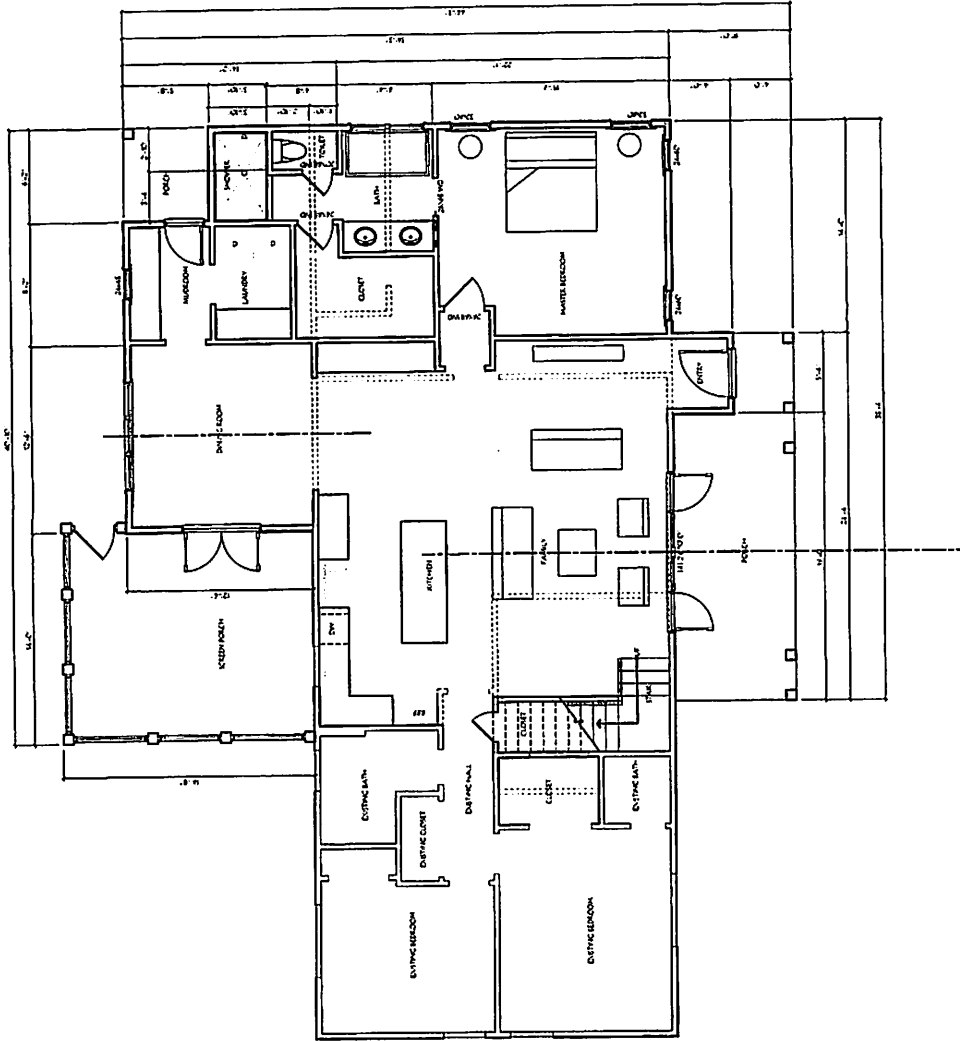
PLOT PLAN

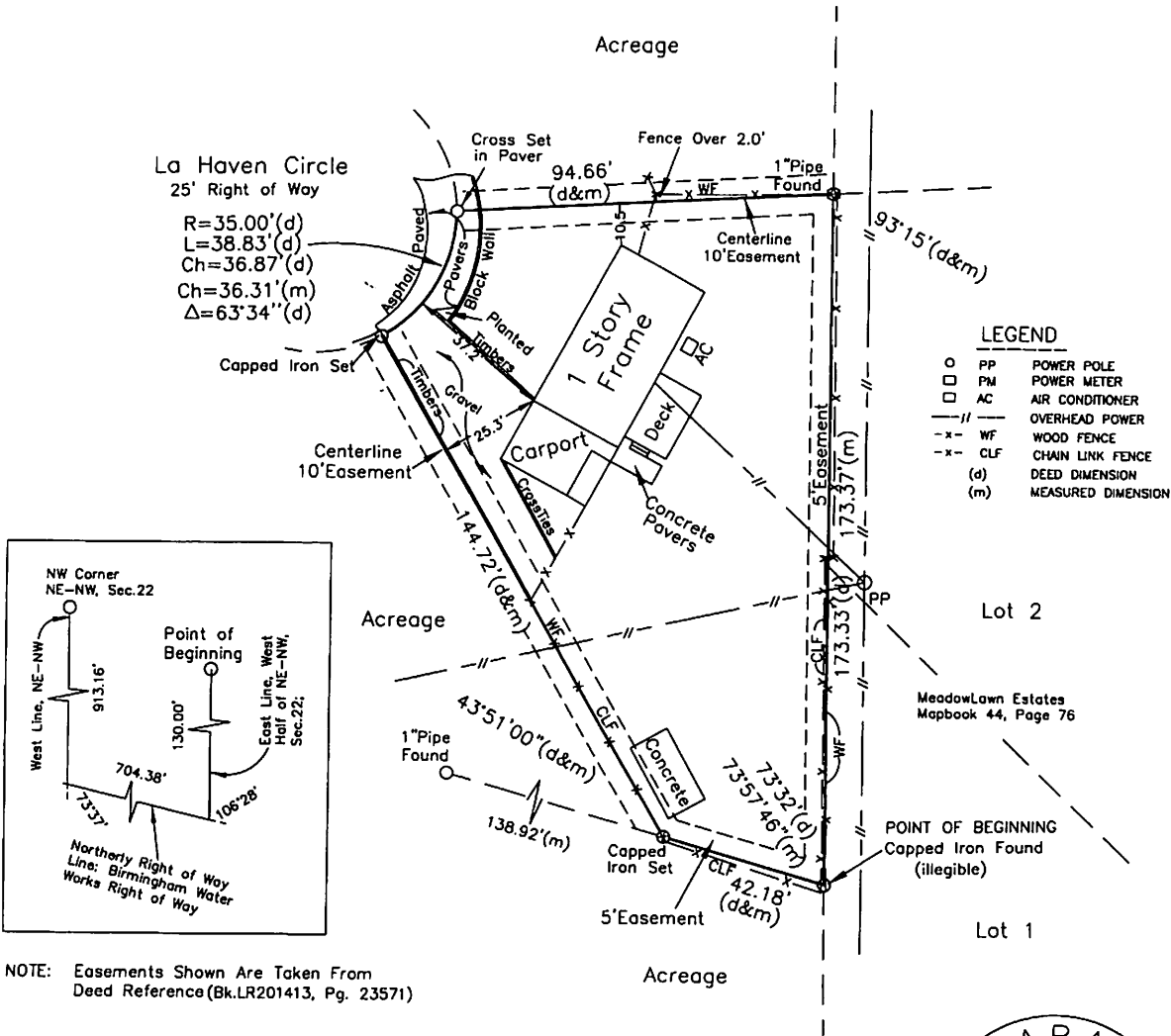
3029 La Haven Circle, Vestavia Hills,
Alabama, 35243

Scale: 1 Inch = 40 Feet March, 2022

JACKINS, BUTLER & ADAMS, INC.
SURVEYING-GEOLOGY
3430 INDEPENDENCE DRIVE, SUITE 30
BIRMINGHAM, ALABAMA 35209
(205) 870-3390

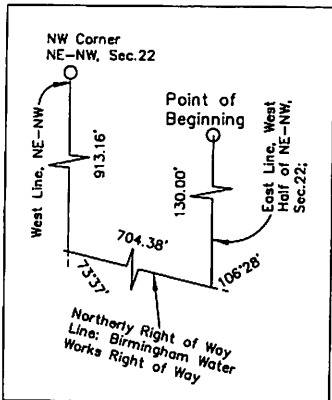
S-1337/16-JJ Dwg. 1





LEGEND

○	PP	POWER POLE
□	PM	POWER METER
□	AC	AIR CONDITIONER
—//—		OVERHEAD POWER
-x-x-	WF	WOOD FENCE
-x-x-	CLF	CHAIN LINK FENCE
(d)		DEED DIMENSION
(m)		MEASURED DIMENSION



NOTE: Easements Shown Are Taken From Deed Reference (Bk.LR201413, Pg. 23571)

STATE OF ALABAMA
JEFFERSON COUNTY

I, Rowland Jackins, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief for the following described property:

A part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 18 South, Range 2 West and described as follows: Commence at the northwest corner of said quarter-quarter section, thence south along the west line of same a distance of 913.16 feet to the northerly right of way line of the Birmingham Water Works right of way, thence 73 degrees 37 minutes to the left in a southeasterly direction along said right of way a distance of 704.38 feet to the intersection of the east line of the west half of said quarter-quarter section; thence 106 degrees 28 minutes to the left in a northerly direction a distance of 130.00 feet to the Point of Beginning; said point being on the southwesterly boundary of a 5.0 foot easement; thence 73 degrees 32 minutes to the left in a northwesterly direction and along the southwesterly boundary of said 5.0 foot easement a distance of 42.18 feet to a point on the center line of a 10.0 foot easement, thence 43 degrees 51 minutes to the right in a northwesterly direction along the centerline of said 10.0 foot easement a distance of 144.72 feet to the right of way line of La Haven Circle, said point being on a curve to the right having a central angle of 63 degrees 34 minutes, a radius of 35.00 feet, thence 90 degrees to the right of the tangent of curve a distance along the arc of 38.83 feet to a point on the center line of a 10.0 foot easement; thence 90 degrees to the right of the tangent of said curve in an easterly direction along the center line of said 10.0 foot easement for a distance of 94.66 feet to the east line of the West half of said quarter-quarter section, also being on the east boundary of a 5.0 foot easement, thence 93 degrees 15 minutes to the right in a southerly direction a distance of 173.33 feet to the Point of Beginning. (Bk.LR201413, Pg. 23571)

I further state that there are no rights of ways, 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 those which serve the premises only) or structures or supports thereof, including poles, anchor or guy wires on or over said property except as shown, that there are no encroachments except as shown; that the improvements are located as shown above. No underground utilities were located.

According to my field survey of September 29, 2016;



Rowland Jackins
Rowland Jackins, PLS, Alabama Reg.No.18399
Jackins, Butler & Adams, Inc.
3430 Independence Drive, Suite 30
Birmingham, Alabama 35209
(205) 870-3390