

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

AGENDA

May 19, 2022

6:00 P.M.

Roll Call.

Approval of Minutes: April 21, 2022.

- (1) **BZA-0522-13** Jimmy and Sarah Glenn are requesting a **Front Setback Variances** for the property located 2401 Vestavia Drive. The purpose of this request is to reduce the front setback to 31' in lieu of the required 60', to build a new house. The property is owned by Jimmy and Sarah Glenn, and is zoned Vestavia Hills R-1.
- (2) **BZA-0522-14** Thomas and Anna Poore are requesting a **Variance for the Location of a Fence in the Front Setback** for the property located 2216 Royal Crest Circle. The purpose of this request is to build a wooden privacy fence in the front setback. The property is owned by Thomas and Anna Poore and is zoned Vestavia Hills R-2.
- (3) **BZA-0522-15** Lisa Fox is requesting **Rear and Side Setback Variances** for the property located 1332 Panorama 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 7' in lieu of the required 15' to build a storage shed. The property is owned by Lisa Fox and is zoned Vestavia Hills R-2.

Time of Adjournment.

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

MINUTES

April 21, 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
Thomas Parchman, Alt
Tony Renta
Ryan Rummage, Alt

MEMBERS ABSENT:

Robert Gower
Loring Jones, III

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS
Rebecca Leavings City Clerk/Zoning Official

APPROVAL OF MINUTES

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

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

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

APPEAL ZONING OFFICIAL DECISION

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.

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.

Zoning Official Rebecca Leavings was present to describe why this is not a home occupation.

Rocky Donahoo was present as the applicant. He stated that they had used the property for many years and never received a complaint from a neighbor.

Mr. Greer asked if there was a home on the lot and Mr. Donahoo responded no.

Mr. Rice asked if there is anyone that stays at the property overnight, to the response of no.

Mr. Rice said they are here to see if it meets the criteria of a home occupation, then lists that criteria that was applicable. He stated this does not meet that criteria.

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 concur with Zoning Official’s decision, for the property located at 3912 Wooten Drive, was made by Mr. Renta and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

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

REAR & SIDE SETBACK VARIANCE

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.

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.

Chris Byars was present for the case, and stated the slope in the rear created a hardship.

Mr. Renta asked if the storage structure could go on the opposite side of the yard, and Mr. Byars stated a variance would be needed in that scenario as well.

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 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', for the property located at 1820 Highfield Drive, was made by Mr. Renta and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

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

FRONT & SIDE SETBACK VARIANCE

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.

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.

Matt Nelson was present for the case and stated that the terrain and rock on the lot caused a hardship. He also stated that the metal roof will be replaced and a new roof material will be installed.

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 10’ front setback variance to reduce the setback to 30’ in lieu of the required 40’ & an 8’ side setback variance to reduce the setback to 7’ in lieu of the required 15’, for the property located at 1788 Vestaview Lane, was made by Mr. Greer and 2nd was by Mr. Renta. Motion was carried on a roll call vote as follows:

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

FRONT SETBACK VARIANCE

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.

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.

Gary Speegle was present for the case and stated the pie-shaped lot caused a hardship. The front porch area is the only section needing a variance. They plan to install a front door, as the house currently doesn’t have one.

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 10’ front setback variance to reduce the setback to 27’ in lieu of the required 37’, for the property located at 3029 La Haven Circle, was made by Mr. Renta and 2nd was by Mr. Rummage. Motion was carried on a roll call vote as follows:

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

At 6:40 PM, Mr. Renta made a motion to adjourn. The meeting adjourned at 6:40 PM.

Jack Wakefield,
Planner/GIS

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

Date: May 19, 2022

- **CASE: BZA-0522-13**
- **REQUESTED ACTION:** 29' Front Setback Variance to reduce the setback to 31' in lieu of the required 60'.
- **ADDRESS/LOCATION:** 2401 Vestavia Drive
- **APPLICANT/OWNER:** Jimmy & Sarah Glenn
- **REPRESENTING AGENT:** Richard Long
- **GENERAL DISCUSSION:** The applicants are seeking a front setback variance to build a house. The applicants contend the corner lot causes a hardship. The existing house will be demolished and a new house will be built on the existing footprint. The applicants have satisfied all requirements under the property covenants and have received approval from the surrounding neighbors. 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.

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: Jimmy & Sarah Glenn (James Kirk Glenn III and Sarah Parker Glenn)
Address: 2401 Vestavia Drive
Vestavia Hills 35216
Phone #: _____ Other #: _____
E-Mail: jimmykglenn@gmail.com

Billing/Responsible Party

Name: Owner
Address: _____
Phone #: _____ Other #: _____
E-Mail: _____

Representing Attorney/Other Agent (Designer)

Name: Richard Long w/ Long & Long Design

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: 2401 Vestavia Drive
Street Address
Lot 1, Block 2, Grandview First Addition
Subdivision name, Lot #, Block #, etc.

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

1. A request to vary:
_____' variance to reduce the lot width to _____' in lieu of the required _____'.
_____' square foot variance to reduce the lot area to _____ square feet in lieu of the required _____ square feet.
 'front/side/rear (circle one) setback variance to reduce the setback to 31' in lieu of the required 50' (75' per Grandview declarations).
_____' 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 _____).

Z0522-13//28-00-19-1-007-003.000
2401 Vestavia Drive
Front Setback Variance for a new
home
Jimmy & Sarah Glenn

Z0522-13//28-00-19-1-007-003.000

2401 Vestavia Drive

Front Setback Variance for a new home

Jimmy & Sarah Glenn

BZA Application
Received April 1, 2022
Page 3

IV. ZONING:

Vestavia Hills Zoning for the subject property is: R-1

V. HARDSHIP

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

We propose a variance be granted due to the front setback being applied to both the front and the side of the home and property, creating a hardship in using the existing footprint that is non-compliant relative to Bridge Street facing property line.

VI. PROJECT:

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

The existing one level home will be demolished and a two-story home (partially one story) will be built at the existing footprint. The existing footprint is non-conforming due to the corner lot front setback (at Bridge St) and the new construction includes an addition at this corner. House will be one story and 1/2" closer to property line w/ the new footprint.

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**

James Kirk Stewart III 4/18/22
Owner Signature Date

Richard Gray 4-18-22
Representing Agent (if any)/date

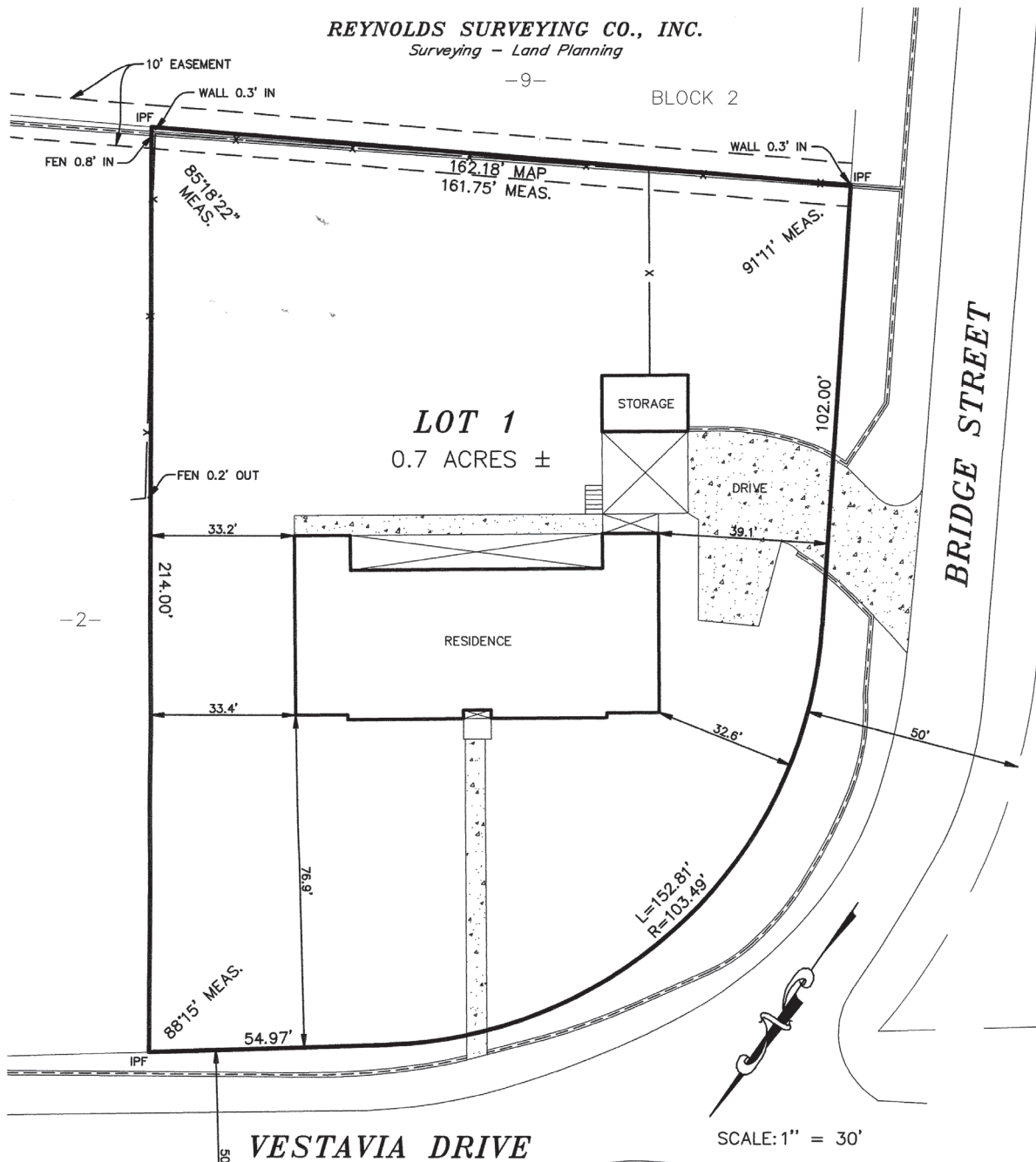
Given under my hand and seal
this _____ day of _____, 20____.

[Signature]
Notary Public
My commission expires
day of October 30th, 2023

My Commission Expires
October 30, 2023

REYNOLDS SURVEYING CO., INC.
 Surveying - Land Planning

-9-



- LEGEND
- UTILITY POLE
 - GUY WIRE
 - ▬ RETAINING WALL
 - ▬ CONCRETE
 - X- FENCE
 - O- OVERHEAD ELECTRICAL
 - IPF IRON PIN FOUND
 - IPS IRON PIN SET

STATE OF ALABAMA
 JEFFERSON COUNTY

"PROPERTY SURVEY"



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 1, Block 2, of GRANDVIEW FIRST ADDITION, as recorded in Map Book 28, Page 55 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 1ST day of JULY, 2021.

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

Robert Reynolds

Address: 2401 VESTAVIA DRIVE

Reg. No. 25657

B135/28

Z0522-13/28-00-19-1-007-003.000
 2401 Vestavia Drive
 Front Setback Variance for a new
 home
 Jimmy & Sarah Glenn



LONG & LONG
 DESIGN

4625 VILLAGE CENTER DRIVE, SUITE 100
 BIRMINGHAM, AL 35244-3378
 TEL: (205) 988-1177
 WWW.LONGANDLONG.COM

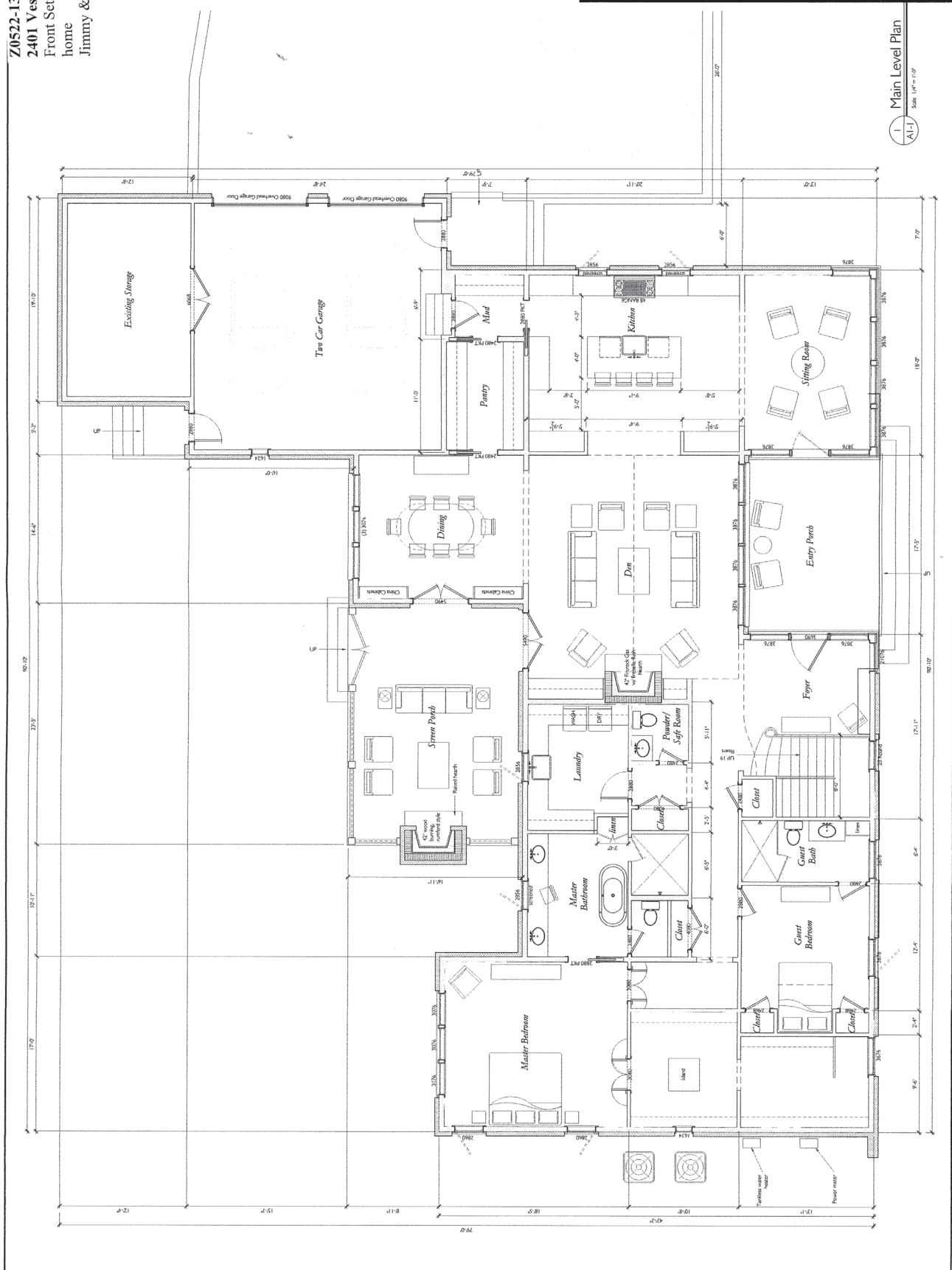
GLENN
 RESIDENCE
 2401 VESTAVIA DRIVE
 BIRMINGHAM, AL 35244

REVIEW SET
 NOT FOR CONSTRUCTION
 09/11/2016

REVISIONS

Floor Plans

A1-1



1 Main Level Plan
 A1-1 Scale: 1/4" = 1'-0"

Z0522-13/28-00-19-1-007-003.000
2401 Vestavia Drive
Front Setback Variance for a new
home
Jimmy & Sarah Glenn



LONG & LONG
DESIGN

1005 SOUTH GARDEN SOUTH, SUITE F
BIRMINGHAM, ALABAMA 35209
205-988-1500 FAX 205-988-1507
longandlongdesign.com

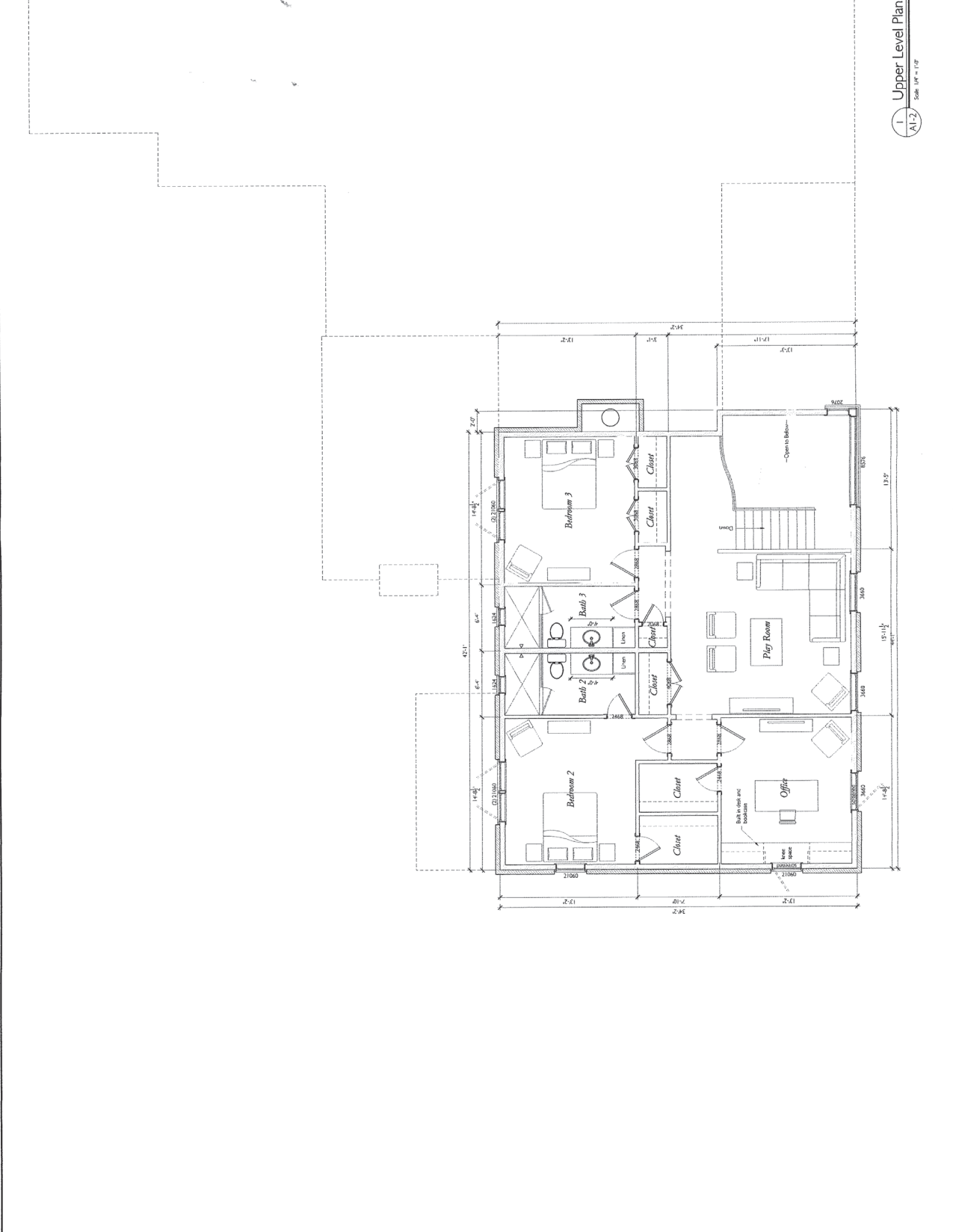
GLENN
RESIDENCE
2401 Vestavia Drive
Vestavia Hills, Alabama

REVIEW SET
NOT FOR CONSTRUCTION
08/11/19 - 08/21/19

REVISIONS

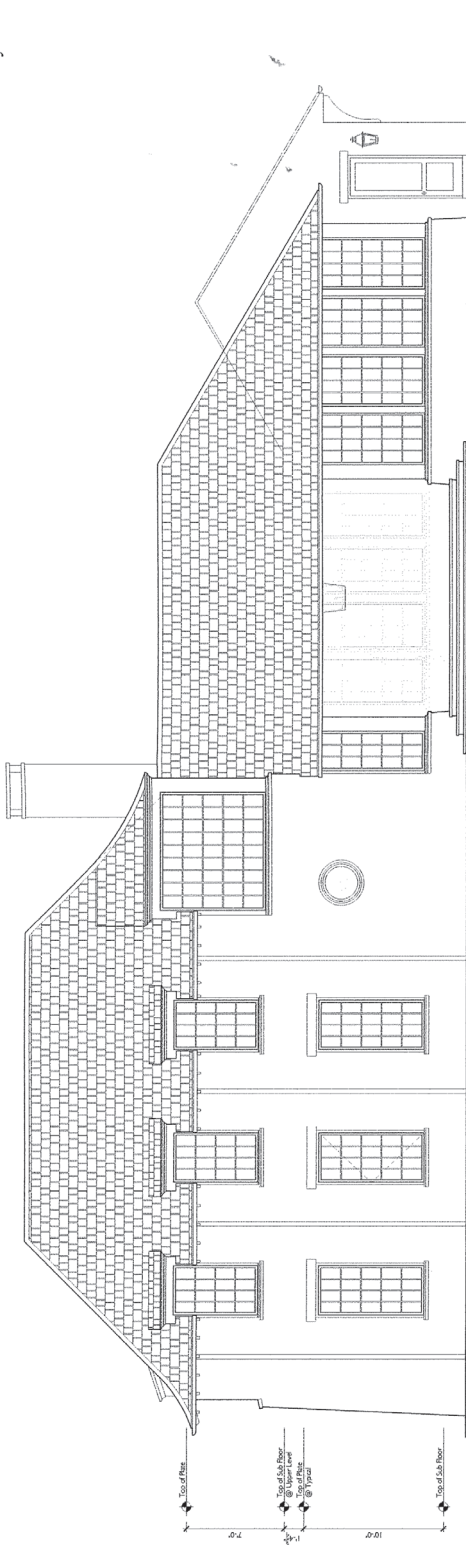
Floor Plans

A1-2

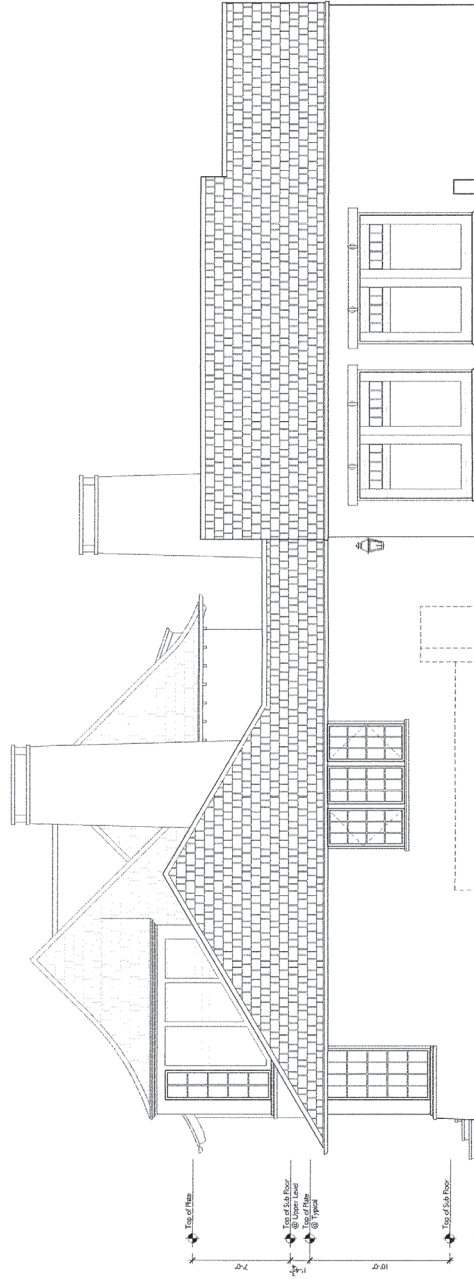


Upper Level Plan
Scale: 1/4" = 1'-0"

Z0522-13/28-00-19-1-007-003.000
 2401 Vestavia Drive
 Front Setback Variance for a new
 home
 Jimmy & Sarah Glenn



1 Exterior Elevation
 A2-1 Scale: 1/8" = 1'-0"



2 Exterior Elevation
 A2-1 Scale: 1/8" = 1'-0"



LONG & LONG
 DESIGN

1421 4th Avenue South, Suite 103
 Birmingham, Alabama 35203
 205.988.4300
 longandlong.com

GLENN
 RESIDENCE
 2401 VESTAVIA DRIVE
 BIRMINGHAM, ALABAMA

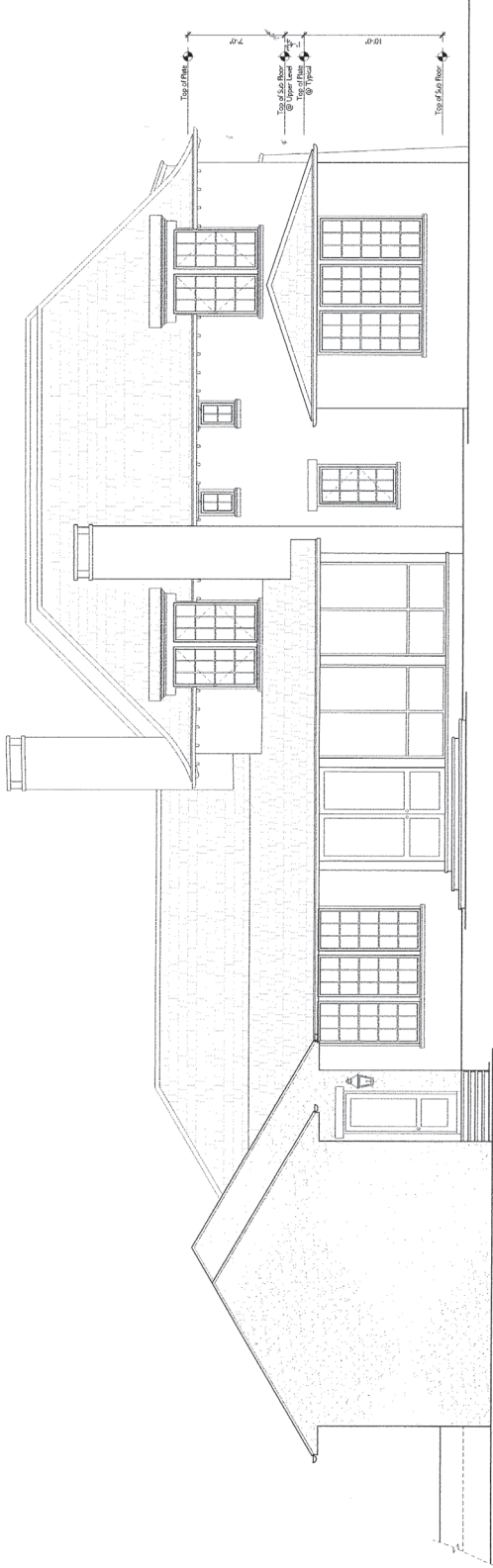
REVIEW SET
 NOT FOR CONSTRUCTION
 APRIL 18th, 2022

REVISIONS

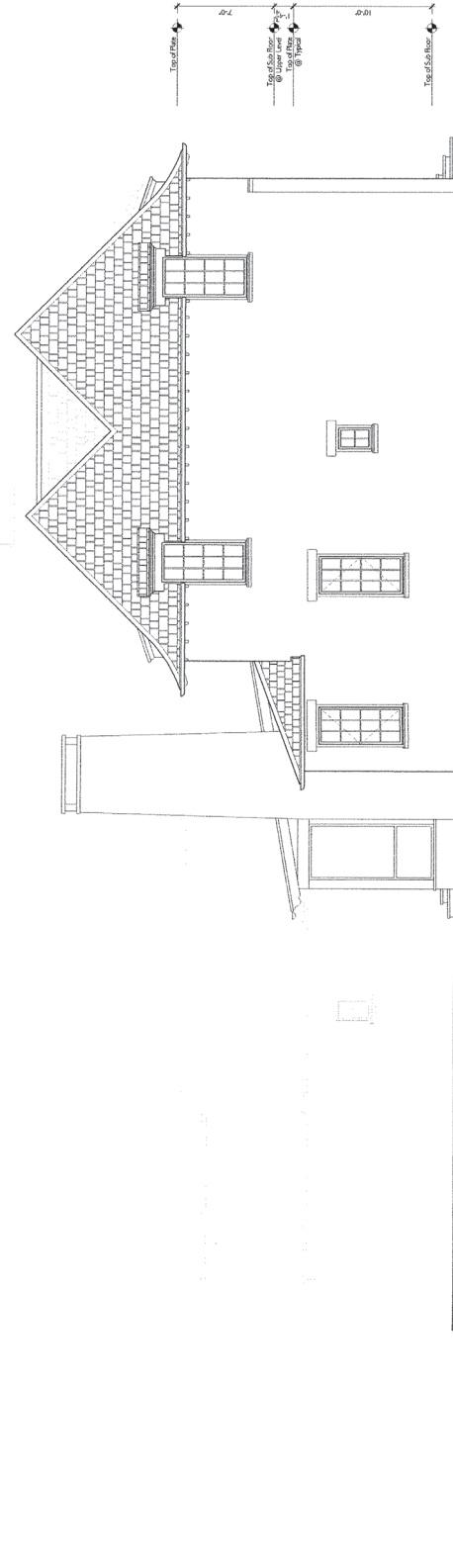
Exterior Elevations

A2-1

Z0522-13/28-00-19-1-007-003.000
 2401 Vestavia Drive
 Front Setback Variance for a new
 home
 Jimmy & Sarah Glenn



1 Exterior Elevation
 A2-2 Scale: 1/8" = 1'-0"



2 Exterior Elevation
 A2-2 Scale: 1/8" = 1'-0"



LONG & LONG
 DESIGN

4725 SOUTH AVENUE SUITE 201
 HOUSTON, TEXAS 77056
 TEL: 281.485.5577
 WWW.LONGANDLONG.COM

GLENN
 RESIDENCE
 2401 VESTAVIA DRIVE
 VESTAVIA HILLS, ALABAMA

REVIEW SET
 NOT FOR CONSTRUCTION
 April 19th 2022

REVISIONS

Exterior Elevations

A2-2

**PATRICK H. and NANCY P. BOONE
2415 VESTAVIA DRIVE
VESTAVIA HILLS, ALABAMA 35216-1333
TELEPHONE 205-822-3428**

May 9, 2022

By Electronic Mail

City Clerk Rebecca Leavings
Zoning Administrator
Vestavia Hills Municipal Center
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Board of Zoning Adjustment Case No. BZA0522-13
Applicants: Jimmy and Sarah Glenn

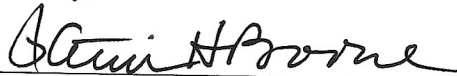
Dear Mrs. Leavings:

We live at 2415 Vestavia Drive. Our new neighbors, Jimmy and Sarah Glenn, live at 2401 Vestavia Drive. The property situated at 2408 Vestavia Drive owned by Greg Belcher and wife, Leigh Belcher, separates the Boone and Glenn properties. The Glenn home is a corner lot abutting Vestavia Drive and Bridge Street. They plan to build a new home on the lot.

It is our understanding that Mr. and Mrs. Glenn have applied for a variance to require the new structure to sit back from Bridge Street for a distance of only thirty-one feet (31'). We will not be attending the public hearing before the Board of Zoning Adjustment presently scheduled for May 18, 2022.

The purpose of this letter is to provide you with written notice that we do not object to the granting of the variance. We support the application. It will be greatly appreciated if you will insert this letter in the proper City file and let the BZA know our feelings regarding this matter. We welcome our new neighbors.

Sincerely,



Patrick H. Boone



Nancy P. Boone

cc: City Manager Jeff Downes (by e-mail)
Jimmy Glenn (by e-mail/jimmykglen@gmail.com)
Richard Long (by e-mail/info@longandlongdesign.com)



Jimmy Glenn <jimmyglenn@gmail.com>

2401 Vestavia Drive

Brooke Everley <brooke@everleylaw.com>
To: "jimmyglenn@gmail.com" <jimmyglenn@gmail.com>
Cc: Chris Nicholson <christnicholson@yahoo.com>

Wed, May 4, 2022 at 8:50 AM

Jimmy,

My husband Chris (copied on this email) and I are the owners of the property located at [2400 Shades Crest Rd](#), which is adjacent to your property at [2401 Vestavia Drive](#). We approve of the variance you and your wife Sarah have requested.

Please let me know if you need anything further.

Kind regards,

Brooke

Brooke Everley Nicholson

Everley Law, LLC | Red Mountain Law Group

The Landmark Center, Suite 600

[2100 First Avenue North](#)

[Birmingham, AL 35203](#)

Phone: 205-623-1259

Fax: 800-856-9028

Email: brooke@everleylaw.com

Website: redmountainlawgroup.com



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Jimmy Glenn <jimmyglenn@gmail.com>

Variance for 2401 Vestavia Drive

Danny McKinney <danny.mckinney@mckinneycapital.net>
To: Jimmy Glenn <jimmyglenn@gmail.com>

Sun, May 1, 2022 at 5:45 PM

Jimmy,

Thank you for reviewing your house plans and discussing the variance needs with Amy and I. We do not have any concerns regarding the variance.

We look forward to having you as our neighbors.

Best,

Danny McKinney



Jimmy Glenn <jimmyglenn@gmail.com>

2401 Vestavia Drive James and Sarah Glenn

1 message

Greg Belcher <gbelcher@royalautomotive.net>
To: Jimmy Glenn <jimmyglenn@gmail.com>

Tue, Apr 26, 2022 at 12:45 PM

I'm the owner adjacent to [2401 Vestavia Drive](#) (owned by James and Sarah Glenn). I approve of the variance for it by James and Sarah Glenn.

If you need any other information, feel free to contact me.

Thanks Greg

Greg Belcher
President
Royal Automotive
205-823-3100

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

Date: May 19, 2022

- **CASE: BZA-0522-14**
- **REQUESTED ACTION:** Variance For Location of Fence in Front Setback.
- **ADDRESS/LOCATION:** 2216 Royal Crest Circle
- **APPLICANT/OWNER:** Thomas & Anna Poore
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicant is seeking a variance for the location of a fence in the front setback. The applicants contend the corner lot causes a hardship. The fence would be 25' away from the street and would be a wooden privacy fence. The applicant's property is zoned Vestavia Hills R-2.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

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

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

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

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Thomas Poore and Anna McKee-Poore
Address: 2216 Royal Crest Circle Vestavia Hills, AL 35216
2216 Royal Crest Circle Vestavia Hills, AL 35216
Phone #: 9282429038 Other #: 7068315052
E-Mail: mckee.annak@gmail.com

Billing/Responsible Party

Name: Thomas Poore and Anna McKee-Poore
Address: 2216 Royal Crest Circle Vestavia Hills, AL 35216
Phone #: 9282429038 Other #: 7068315052
E-Mail: mckee.annak@gmail.com Z0522-14//40-00-06-2-001-042.000
2216 Royal Crest Circle
Variance for location of a fence
Thomas & Anna Poore

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: 2216 Royal Crest Circle, Vestavia Hills, AL 35216

Street Address

Panorama South, Lot 21, Map Book 85 page 18 Jefferson County, AL

Subdivision name, Lot #, Block #, etc.

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

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

7068315052

Z0522-14//40-00-06-2-001-042.000

2216 Royal Crest Circle
Variance for location of a fence
Thomas & Anna Poore

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).*

Please refer to the attached document for description of hardship.

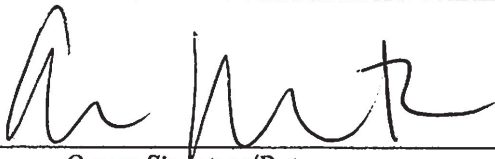
VI. PROJECT:

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

We would like to fence in a portion of our backyard using a wood privacy fence to provide safer play for both children and pets. The stop sign at our corner is consistently disregarded and a fence will promote safety for our family and guests. The proposed fence would still be 25 feet from the street; thereby not affecting visibility or line of sight.

VII. OWNER AFFIDAVIT:

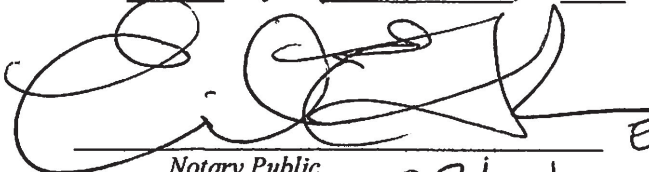
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. ***Note, 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 19th day of APRIL, 2022



Notary Public

EMILIA E. TODD

My commission expires 02/01/2025
day of _____, 20_____.

Z0522-14//40-00-06-2-001-042.000
2216 Royal Crest Circle
Variance for location of a fence
Thomas & Anna Poore

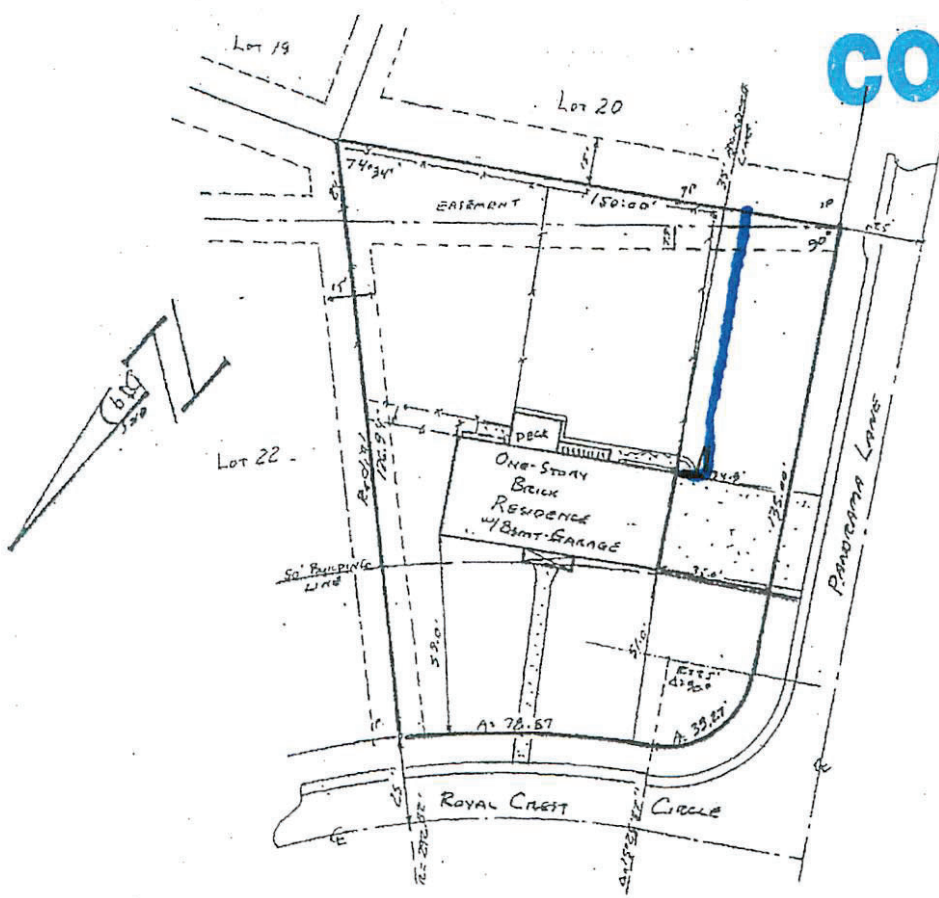
V. Hardship

We would like to request a variance for the following reasons: (1) As a corner lot, we are subject to the fencing codes on two sides of our lot, significantly impacting our ability to fully utilize our space in comparison with other lots, resulting in an undue hardship. (2) Moving the fence to be within the code would require the removal of a mature tree or fencing in an even smaller portion of the yard, both of which would again constitute an undue hardship.

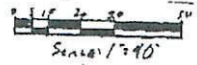
As you will see in the attached sketches and survey, this fence will not obscure visibility for vehicles or pedestrians, and the fence does not fall in a clear sight triangle. The proposed area is not near the intersection and appears more as a backyard. As noted elsewhere in our application, motorized traffic often exceeds the speed limit and does not comply with the stop sign at the corner of Royal Crest Circle and Panorama Lane. A fenced enclosure would facilitate safe play for children and pets.

Z0522-14//40-00-06-2-001-042.000
2216 Royal Crest Circle
Variance for location of a fence
Thomas & Anna Poore

COPY



STATE OF ALABAMA:
JEFFERSON COUNTY:



I, Gary R. Smith, a Licensed Professional Land Surveyor in the State of Alabama, hereby state that the foregoing is a plat or map of the following described property:

Lot 21, Block --- of PANGLOSS SOUTH as recorded in Map (Plat) Book 85, Page 18, Judge of Probate's Office, JEFFERSON County, Alabama

I further state that: the building(s) now erected on said land lie(s) within the boundaries of same, except as may be shown; there are no encroachments by buildings on the adjoining lands, except as may be shown; there are no easements, rights-of-way or joint driveways over or across said land visible on the surface of the ground or found in public record, except as may be shown; there are no electric or telephone wires (excluding wire which serves the premises only) or structures or supports therefor over or across said land, except as may be shown; iron pins and/or markers shown on this plat have been located by me; the basis of bearing is the above-cited record map; the property IS NOT within a "Special Flood Hazard Area"; and, this survey and drawing comply substantially with the Standards of Practice for Surveying in the State of Alabama.

The correct address is 2216 Royal Crest Circle, Vestavia Hills, Alabama.

According to my survey this 31 day of OCTOBER, 2003.

Gary R. Smith
 GARY R. SMITH
 PLS. Ala. Reg. #13199
 GRS Surveying
 431 Woodland Road - Post Office Box 604
 Bessemer, Alabama 35021-0604
 (205) 424-7322



This survey prepared for TITLE TRANSFER/MORTGAGE purposes only

Survey Order # 2003-892

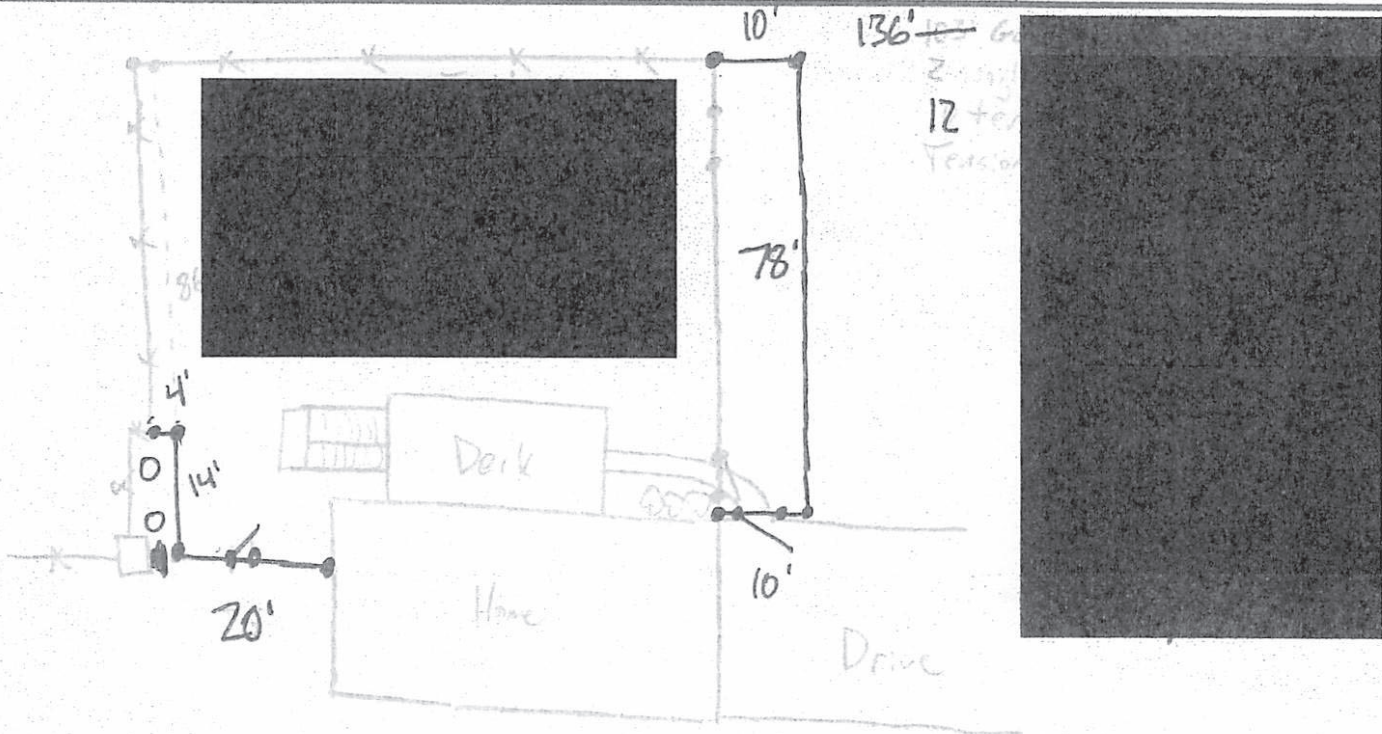
Z0522-14//40-00-06-2-001-042.000
 2216 Royal Crest Circle
 Variance for location of a fence
 Thomas & Anna Poore

Estimate / Invoice
 KW/RB Mon 3-7-22
 Email: Shelbyfence@gmail.com
 Phone: (205) 664-1551
 Fax: (205) 664-1519

Shelby
 FENCE COMPANY
 Est. 1989
 www.Shelbyfencecompany.com

Ticket # 33939
 Exp # _____
 Cross Street _____
 Send Payment to:
 PO Box 2131
 Alabaster, AL 35007

BUYER Mr. Keith...	PHONE 242-9038	DATE 2/24/22
STREET 3216...	JOB NAME Mr. Keith...	
CITY, STATE AND ZIP CODE VH 35216	JOB LOCATION ...	
P.O. # Corner Lot		JOB PHONE



ALL PAYMENTS ARE DUE UPON COMPLETION OF PROJECT.

It is the responsibility of the purchaser to obtain any required permits prior to fence being erected. For warranty to be valid, the fence identification sign must be visible and attached to the fence.
 Warranties on wood fences are from the manufacturer and cover damage against insects and rot. It is a common characteristic of pine to sometimes warp and crack, which is not covered under warranty.
 Installer cannot be responsible for damage done to plants, SOD or trees during construction of fence.
 Installer will exercise caution to avoid hitting or damaging underground utilities and sprinklers, but will not be responsible for any damage occurred during drilling. Owner will assume responsibility of repair of such damages.
 Under conditions of the contract, the installer will provide and equipment to drill post holes through solid rock, concrete or any object foreign or natural, in or on top of the ground will be at extra cost born solely by the purchaser.
 Installer will not assume responsibility for property line location. Fence will be erected where purchaser directs and best knows the property lines to be.
 Installer will not knowingly erect fence on property not belonging to purchaser unless all parties are in agreement.
 All materials installed at erection site for construction of fence become property of purchaser at the time of installation. The purchaser assumes all responsibility for theft or malicious acts against such materials.
 Unless specifically stated, a fence enclosure is not guaranteed to be "dog-proof". Buyer may have to take steps to correct spaces or gaps under fence due to uneven ground conditions.
 All material is guaranteed to be as specified. All work to be completed in a workman like manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon storms, accidents or delays beyond our control.
LATE CHARGE: If a payment is 15 days late, you will be charged 5% of the payment or \$10.00, whichever is greater, not to exceed \$100.00.
ATTORNEY AND COLLECTION FEES: If the purchaser fails to pay amount due within 30 days of the date of completion of the project, the purchasers agrees to pay all costs of collection and enforcement, including reasonable attorney's fees not exceeding 15% of the unpaid balance after default or judgment, whichever is first, and referral to an attorney not a salaried employee of Shelby Fence Company. Interest shall be at highest interest rate allowable by Alabama law.

We will hereby furnish materials and labor complete in accordance with above specifications, for the sum of:

(\$ _____) Amount Due To Be Paid As Follows:

Authorized Signature/ Title Chris

Acceptance: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: 3-2-22 WK5-2-22

Signature: WGL centered
 Signature: _____

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

Date: May 19, 2022

- **CASE: BZA-0522-15**
- **REQUESTED ACTION:** 8' Side Setback Variance to reduce the setback to 7' in lieu of the required 15' & 10' Rear Setback Variance to reduce the setback to 5' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 1332 Panorama Drive
- **APPLICANT/OWNER:** Lisa Fox
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicant is seeking side and rear setback variances to build a storage shed. The applicant contends the location and orientation of the existing rear yard structures causes a hardship. The shed would have a 12x16' footprint and would be just over 10' in height. The applicant's property is zoned Vestavia Hills R-2.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

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

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

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

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Lisa Fox

Address: 1332 Panorama Drive
Vestavia Hills, AL 35216

Phone #: 205-903-6177 Other #: _____

E-Mail: foxlisa@yahoo.com

Billing/Responsible Party

Name: Same as above

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

Z0522-15//28-00-32-2-004-006.000
1332 Panorama Drive
Side & Rear Setbck for a Shed
Lisa Fox R2

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: 1332 Panorama Drive, Vestavia, AL 35216
Street Address

Lot 5, Block 2, First Addition to Vesthaven 4th
Subdivision name, Lot #, Block #, etc. sector

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

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

Z0522-15//28-00-32-2-004-006.000
1332 Panorama Drive
Side & Rear Setbck for a Shed
Lisa Fox R2

IV. ZONING

Vestavia Hills Zoning for the subject property is R2.

V. HARDSHIP

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

The location and orientation of the existing rear yard structures and amenities require a variance request.

VI. PROJECT:

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

Our family of six needs additional storage for the household (4 children). We do not have sufficient room in our 2-car garage. Requesting variance to place a 12x16 TuffShed in

VII. OWNER AFFIDAVIT: back right corner of lot (10ft. 7" H)

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***

Lisa Fox 4/19/22
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 19 day of April, 2022.

[Signature]
Notary Public
My commission expires 30th
day of October, 2023.

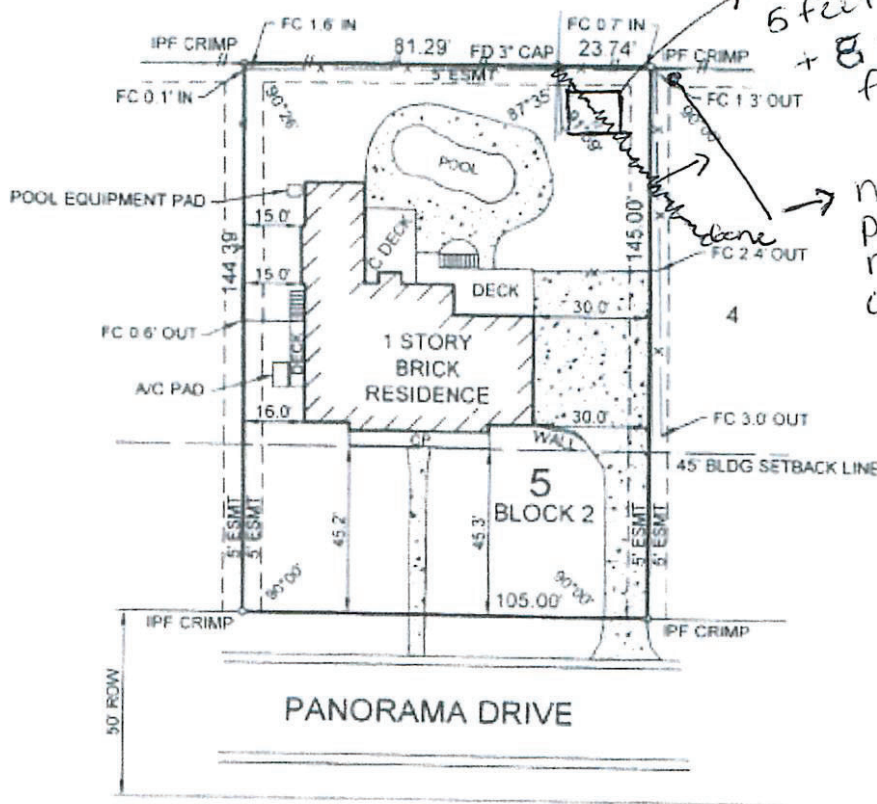


My Commission Expires
October 30, 2023

LEGEND:

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

SCALE: 1" = 40'



new
12 x 14 Tuff Shed
5 feet off back fence
+ 8 feet off side
fence

note - the
power line
no longer
crosses our
lot where
the shed
will be built
It has been
moved to
a new pole
on the other
side of the
fence in
our neighbor
yard

STATE OF ALABAMA
SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 5, Block 2, FIRST ADDITION TO VESTHAVEN SIXTH SECTOR as recorded in Map Book 58, Page 71 in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief, that the correct address is as follows: 1332 Panorama Drive according to my survey of March 9, 2021. Survey is not valid unless it is sealed with embossed seal or stamped in red.

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

Carl Daniel Moore

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

5-10-2021

Date of Signature



Order No. 257501
Purchaser Fox
Type of Survey Property Boundary
POOL ADDED 04-26-2021

VCAD:SUBDIVISION:JEFFERSON COUNTY:VESTHAVEN:LOT5:BLK2:VESTHAVEN 6TH SEC 1ST ADD

Z0522-15//28-00-32-2-004-006.000

1332 Panorama Drive

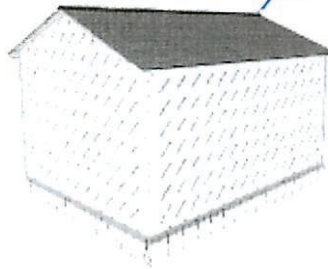
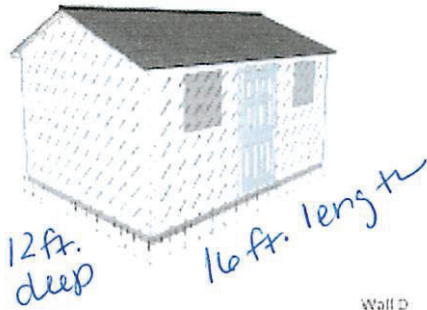
Side & Rear Setback for a Shed

Lisa Fox

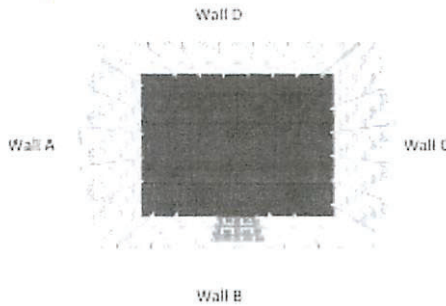
R2



Lisa Fox
 1332 Panorama Drive
 Vestavia Hills AL 35216
 O 1563078



Peak 10ft. 7 inches
 Roof Pitch 5/12
 at peak
 Sidewall height
 interior 7 feet 8 inches



Base Details

Building Size & Style
 Standard Tuff Shed - 12' wide by 16' long

Paint Selection
 Exterior: Customer Supplied Color, Trim: Customer Supplied Color, Accent (Room): Customer Supplied Color

Roof Selection
 Weathered Wood Dimensional Premium Shingle

Drip Edge
 Brown

Is a permit required for this job?
 Yes, Engineering fees still apply

Who is pulling the permit?
 Customer

Options Details

Special Instructions
 Customer will supply 2 windows with mounting flange and 2-2x4 brace fresh inside

Doors
 6 Panel Residential Door (Left Hand Inswing)

Windows
 2 Lx customer supplied

Walls
 401 Sq Ft Horizontal Vinyl
 401 Sq Ft Horizontal Wood Lap Siding

Roof
 1710 Sq Ft Ridge Vinyl

Floor and Foundation
 6 Lx Shed Anchor into Dirt - Auger or Nails

Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?
 Yes

Is there a power outlet within 100 feet of installation location?
 Yes

The building location must be level to properly install the building. How level is the install location?
 Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all four walls?
 Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?
 Yes

Substrate Shed will be installed on?
 Dirt/Grass

Signature: _____ Date: _____

Z0522-15//28-00-32-2-004-006.000
 1332 Panorama Drive
 Side & Rear Setback for a Shed
 Lisa Fox R2