

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT

AGENDA

June 16, 2022

6:00 P.M.

Roll Call.

Approval of Minutes: May 19, 2022.

- (1) **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.
- (2) **BZA-0622-16** Charles Healey is requesting a **Rear Setback Variance** for the property located at **3788 Poe Drive**. The purpose of this request is to reduce the side setback to 17' in lieu of the required 25', to extend patio roof. The property is owned by the Charles Healey and is zoned Vestavia Hills R-9.
- (3) **BZA-0521-17** Steve & Michelle Thackerson are requesting a **Side & Front Setback Variance** for the property located at **3412 Sagewood Trail**. The purpose of this request is to reduce the side setback to 11' in lieu of the required 17' & to reduce the front setback to 32' in lieu of the required 60', to build a living space addition. The property is owned by the Steve & Michelle Thackerson and is zoned Vestavia Hills R-1.

Time of Adjournment.

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

MINUTES

May 19, 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:

Loring Jones III, Chairman
Stephen Greer
Thomas Parchman, Alt
Robert Gower

MEMBERS ABSENT:

Rick Rice
Tony Renta
Ryan Rummage, Alt

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of April 21, 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. Gower. Motion as carried on a voice vote as follows:

Mr. Gower – yes	Mr. Parchman – yes
Mr. Greer – yes	Chairman Jones – yes
Motion carried	

FRONT SETBACK VARIANCE

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.

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.

Richard Long, 1825 29th Ave South, was present for the case and stated the corner lot caused a hardship. He also said this was a tear down and rebuild over the existing house’s footprint.

Chairman Jones 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 29’ front setback variance to reduce the setback to 31’ in lieu of the required 60’, for the property located at 2401 Vestavia Drive, was made by Mr. Greer and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

Mr. Gower – yes	Mr. Parchman – yes
Mr. Greer – yes	Chairman Jones – yes
Motion carried	

VARIANCE FOR THE LOCATION OF FENCE

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.

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.

Anne Poore, 2216 Royal Crest Circle, was present for the case and stated that the corner lot caused a hardship.

Chairman Jones opened the floor for a public hearing.

Harold Selesky, 2241 Royal Crest Dr, asked the specific location of the fence. Particularly if the fence would cross the easement in the rear of the applicant's property. The drawing showed that the fence would cross.

Mrs. Poore stated that the drawing as shown was incorrect and that the fence would run along the easement, not cross it.

Mr. Selesky asked if that could be made a part of the record.

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 variance for the location of a fence in the front setback, for the property located at 2216 Royal Crest Circle, was made by Mr. Greer and 2nd was by Mr. Gower. 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-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.

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.

Lisa Fox, 1332 Panorama Drive, was present for the case and stated that the infrastructure and terrain caused a hardship. She stated that there are multiple utility structures in the rear yard and the rear yard slopes the closer you get to the house. This is the only flat area.

Chairman Jones stated that there is no hardship and asked Mrs. Fox why she needed the extra space in an area that is encroaching, instead of building on to the existing house that is already conforming with the zoning code. Also, there seems to be other space on the lot that this structure could be built

Mrs. Fox said this is the only feasible area to build on.

Mr. Greer asked if the footprint of the building could be changed to allow for the setbacks to not be encroached.

Mrs. Fox stated that they had planned a larger structure, but the terrain as you get closer to the house was bad, and forced them to change their plans since the terrain wasn't buildable.

The Board requested more documentation since the terrain is tough to gauge through the drawings submitted. The Board recommended this case be postponed to the next month, to allow the submittal of additional documentation.

At 7:10 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 7:10 PM.

Jack Wakefield,
Planner/GIS

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

Date: **June 16, 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 FoxAddress: 1332 Panorama DriveVestavia Hills, AL 35216Phone #: 205-903-6177 Other #: _____E-Mail: foxlisa@yahoo.com

Billing/Responsible PartyName: 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 Setback 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 Tuff Shed 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, 20 22.

[Signature]
Notary Public

My commission expires 30th
day of October, 20 23.

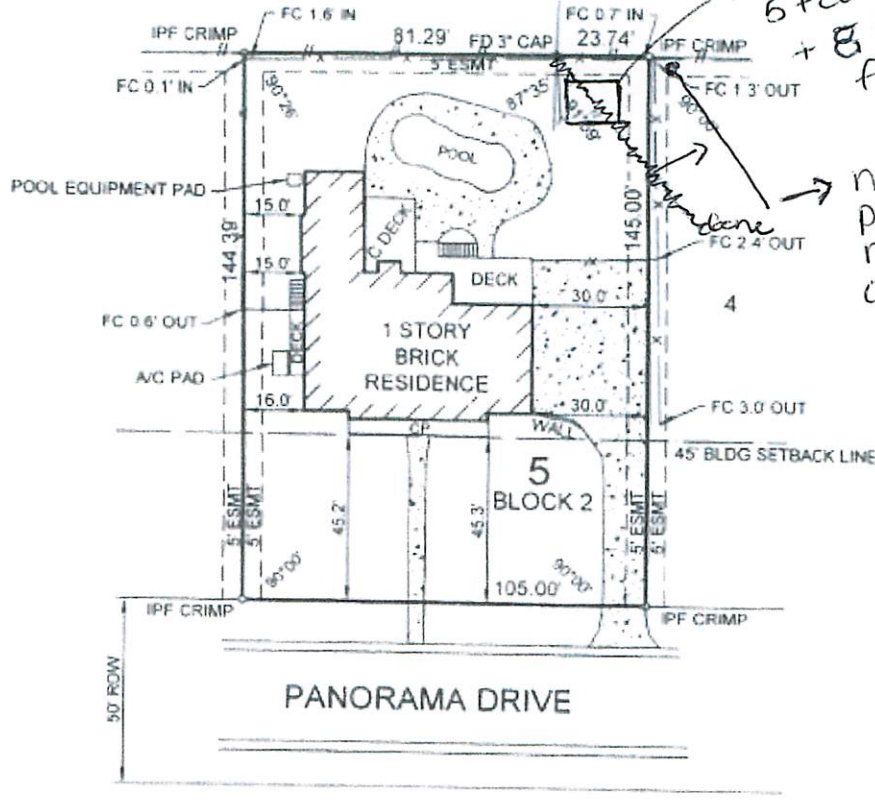


My Commission Expires
October 30, 2023

LEGEND:

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



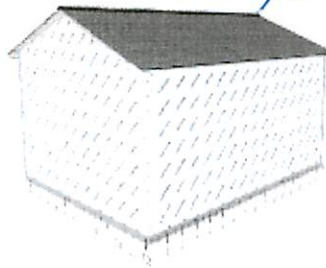
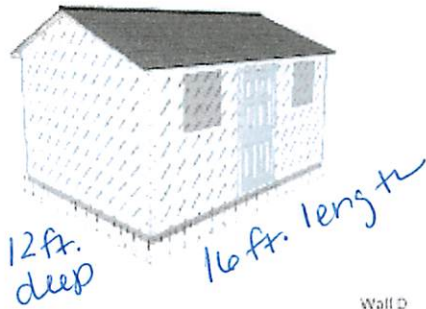
Order No. 257501
Purchaser Fox
Type of Survey Property Boundary
POOL ADDED 04-26-2021

VACAD:SUBDIVISIONJEFFERSON COUNTY:VESTHAVEN:LOT5:BLK2:VESTHAVEN 6TH SEC 1ST ADD

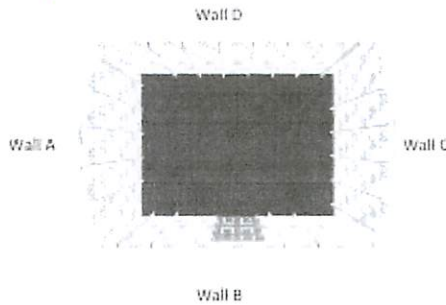
Z0522-15//28-00-32-2-004-006.000
1332 Panorama Drive
Side & Rear Setback for a Shed
Lisa Fox R2



Lisa Fox
 1332 Panorama Drive
 Vestavia Hills AL 35216
 Q 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 2-5/8" E-plate fresh coat

Doors
 6 Panel Residential Door (left hand opening)

Windows
 2 Es customer supplied

Walls
 401 Sq Ft House Wrap
 401 Sq Ft Horizontal Wood Lap Siding

Roof
 17 1/2 Ft Ridge Vents

Floor and Foundation
 6 Ea Shed Anchor into Dirt - Auger or NIBB

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 250' 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

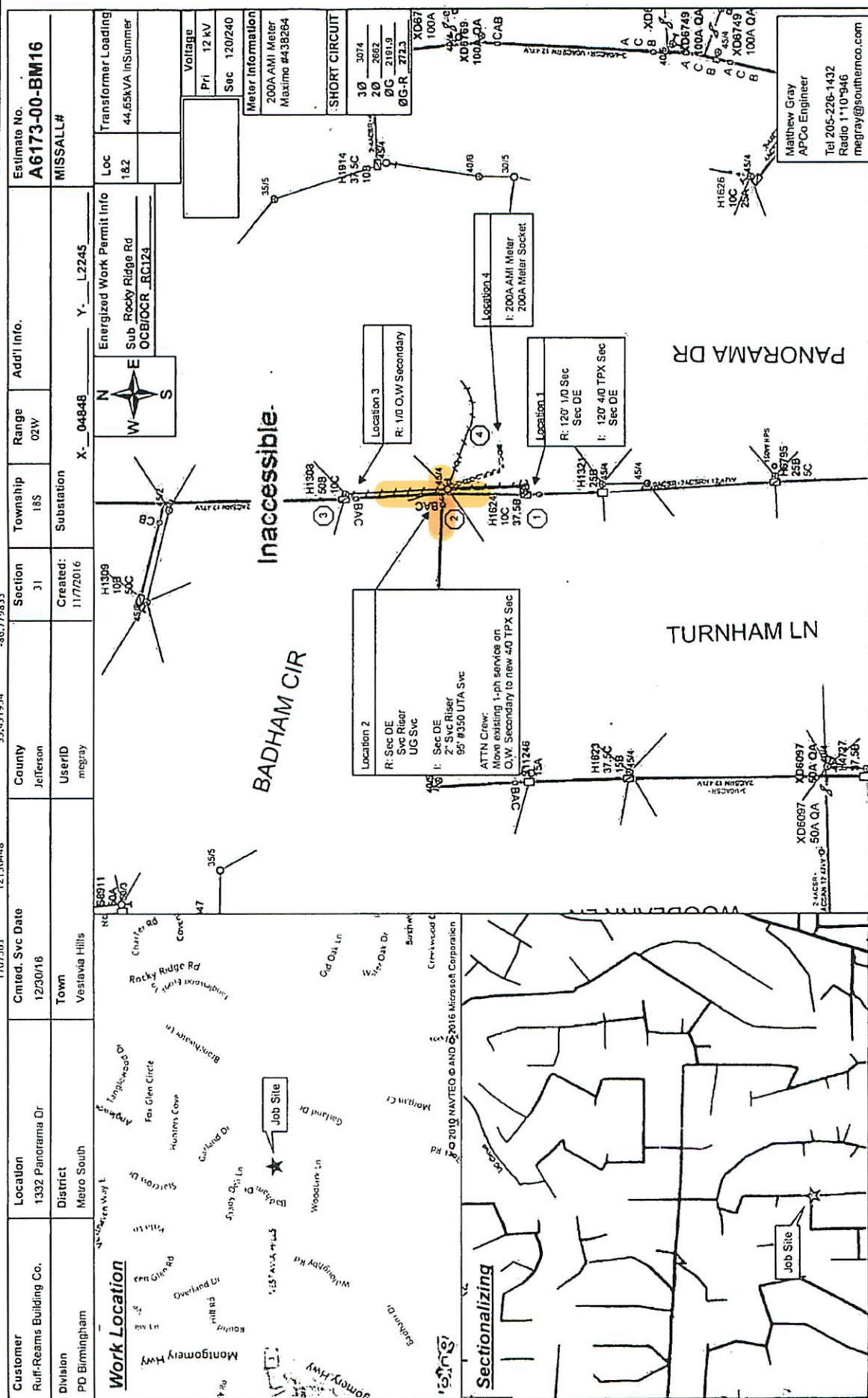
RNW Agent Dean Fritz
 Date Assigned 11-7-16
 Date Cleared 11-10-16
 Parcel # 22233658001

1 inch = 100 feet

Map Center Lat/Long: 33.431954 -86.779833

Map Center UTM: 1707563 12136448

SKETCH OF PROPOSED WORK - SIMPLIFIED W.E.

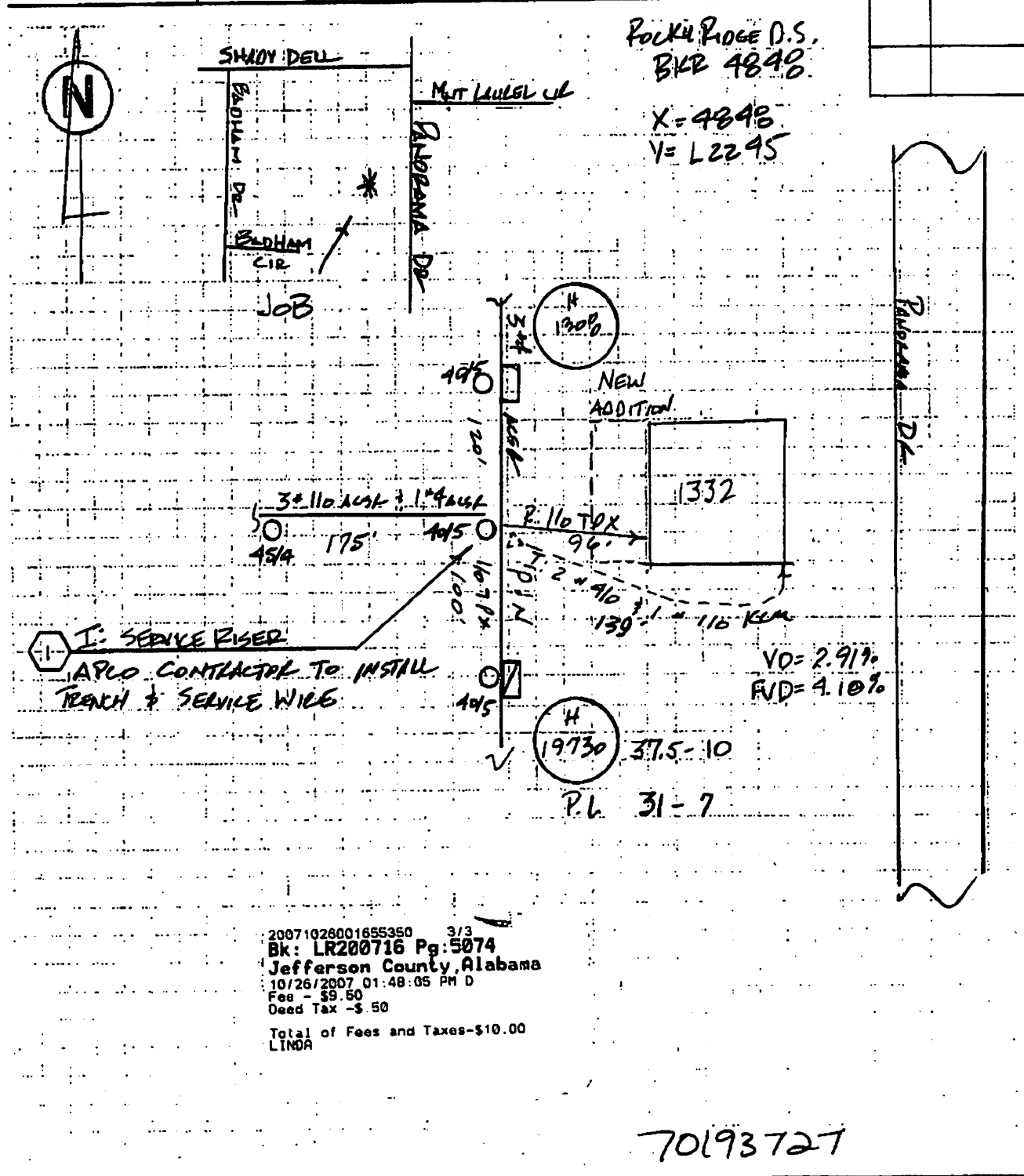


Customer Ruff-Reams Building Co.	Location 1332 Panorama Dr	Comtd. Svc Date 12/30/16	County Jefferson	Section 31	Township 18S	Range 02W	Add'l Info.
Division PD Birmingham	District Metro South	Town Vestavia Hills	UserID megray	Created: 11/7/2016	Substation X: 04848	Y: L2245	Estimate No. A6173-00-BM16
Work Location		Energized Work Permit Info Sub Rocky Ridge Rd OCB/OCR_EC124		Transformer Loading Loc 1&2 44.65kVA In/Summer		Voltage Pri 12 KV Sec 120/240	
Sectionalizing		Meter Information 200A AMI Meter Maximo #438284		.SHORT CIRCUIT 3Ø 3074 2Ø 2662 ØG 2191.9 ØG-R 272.3		200A-AMI Meter 200A Meter Socket	

Matthew Gray
 APCo Engineer
 Tel 205-226-1432
 Radio 1*10*946
 meggray@southernco.com

SKETCH OF PROPOSED WORK — SIMPLIFIED W. E.

Customer STEVE GREGORY	Location 1332 PANAMA DR	Agreed Serv. Date	Estimate No. 61730-00-00867
Division BHAM	District SHADES	Town VESTAVIA	Drawn by BRASHER
County JEFFERSON	Section 29	Township 19-5	Range 02W
Acquisition Agent	Date R/W Assigned	Date R/W Cleared	Map Reference
			LOC
			Transformer Loading



POCKY RIDGE D.S.
BKR 4848

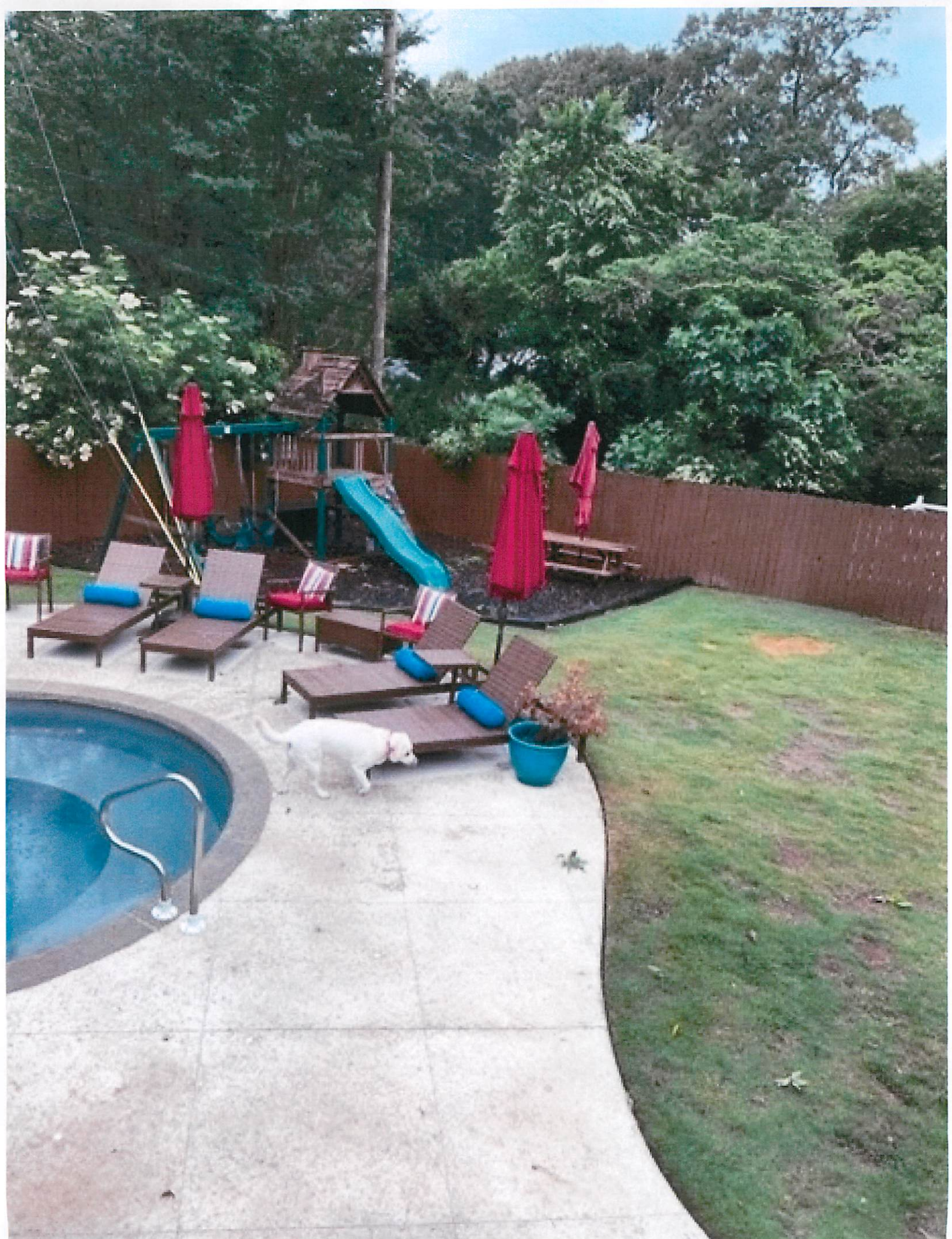
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Y = L2295

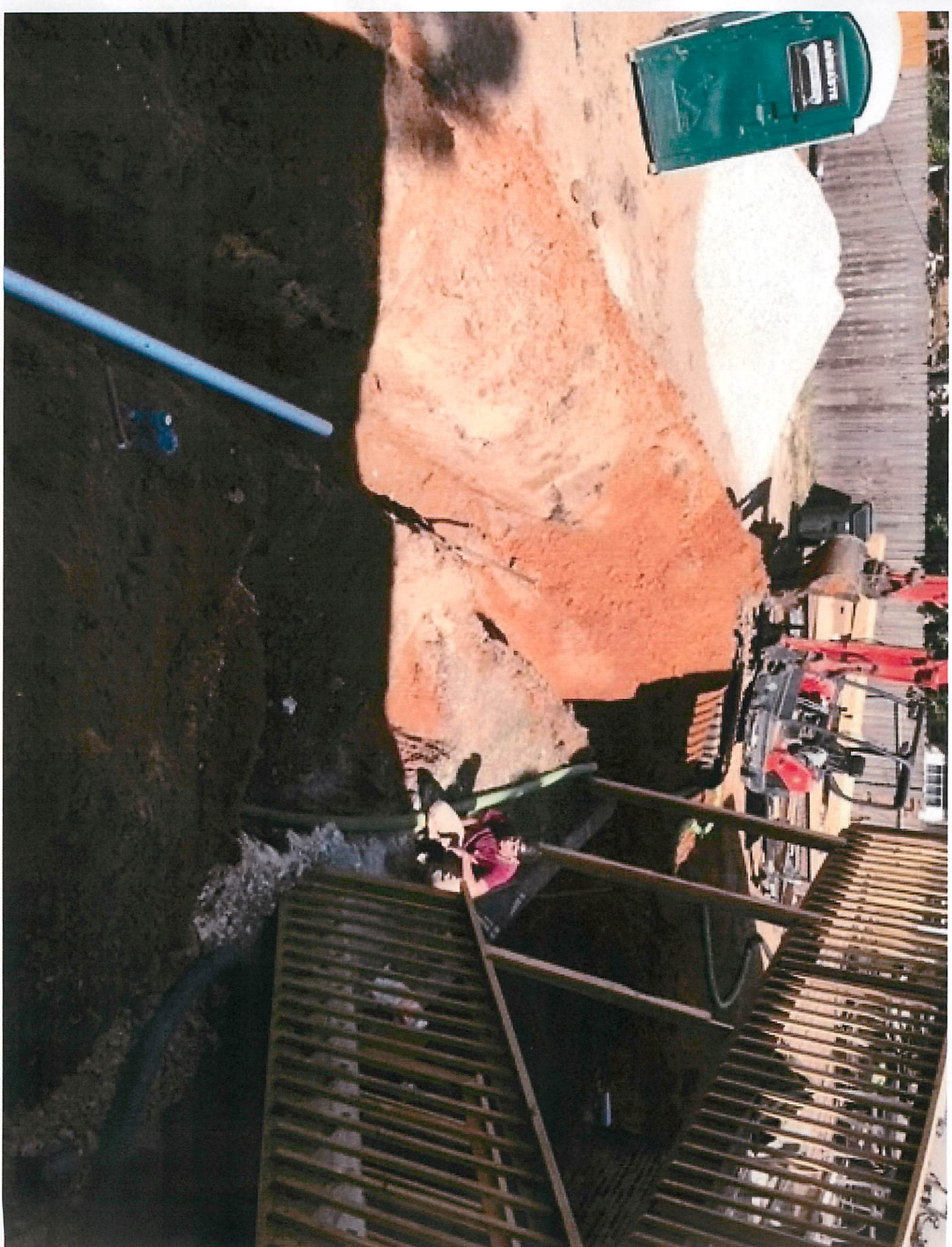
Voltage	
Pri	Sec.
12W	120 240
PHONE CO.	
Co. Name	
CATV CO.	
Co. Name	
ACCESSIBLE	
TREE CREW	
ROCK HOLE	
PERMITS REQ'D	
R/W	
CITY	
COUNTY	
STATE	
MISSALL #	
OTHER	
SCALE	
Ft. Per Inch	

20071026001655350 3/3
Bk: LR200716 Pg: 5074
Jefferson County, Alabama
10/26/2007 01:48:05 PM D
Fee - \$9.50
Deed Tax - \$.50
Total of Fees and Taxes - \$10.00
LINDA

70193727













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

Date: June 16, 2022

- **CASE: BZA-0622-16**
- **REQUESTED ACTION:** 8' Rear Setback Variance to reduce the setback to 17' in lieu of the required 25'.
- **ADDRESS/LOCATION:** 3788 Poe Drive
- **APPLICANT/OWNER:** Charles Healey
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicant is seeking a rear setback variance to extend existing patio roof. The applicant contends the rain water build up at and near the patio causes a hardship. The roof would serve the purpose of preventing water from building up in this area. The neighboring houses have inadequate drainage and the water continuously floods the crawl space requiring encapsulation and sump pumps to be installed. The property is in a zero-lot line zoning, and has a recorded rear setback line. A waiver was drafted, signed, and recorded with the County, alleviating that requirement. The applicant's property is zoned Vestavia Hills R-9.
- **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: CHARLES HEALEY

Address: 3788 POE DR.

Phone #: 205-999-0999 Other #: _____

E-Mail: charlest@gham.rs.com

Billing/Responsible Party

Name: SAME

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: 3788 POE DR.

Street Address
Glass's addition to New Merkle Lot 5 BLK 3
Subdivision name, Lot #, Block #, etc. (GA)

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 17' in lieu of the required 25' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
2. A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Variance for location of a fence.
6. Sign Code Variance (See Section _____).
7. Other - Explain (See Section _____).

IV. ZONING

Vestavia Hills Zoning for the subject property is _____.

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).

see attached.

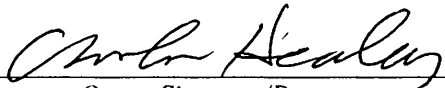
VI. PROJECT:

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

Add 8 feet to existing patio roof to prevent flooding of patio.

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 17th day of MAY, 2022.

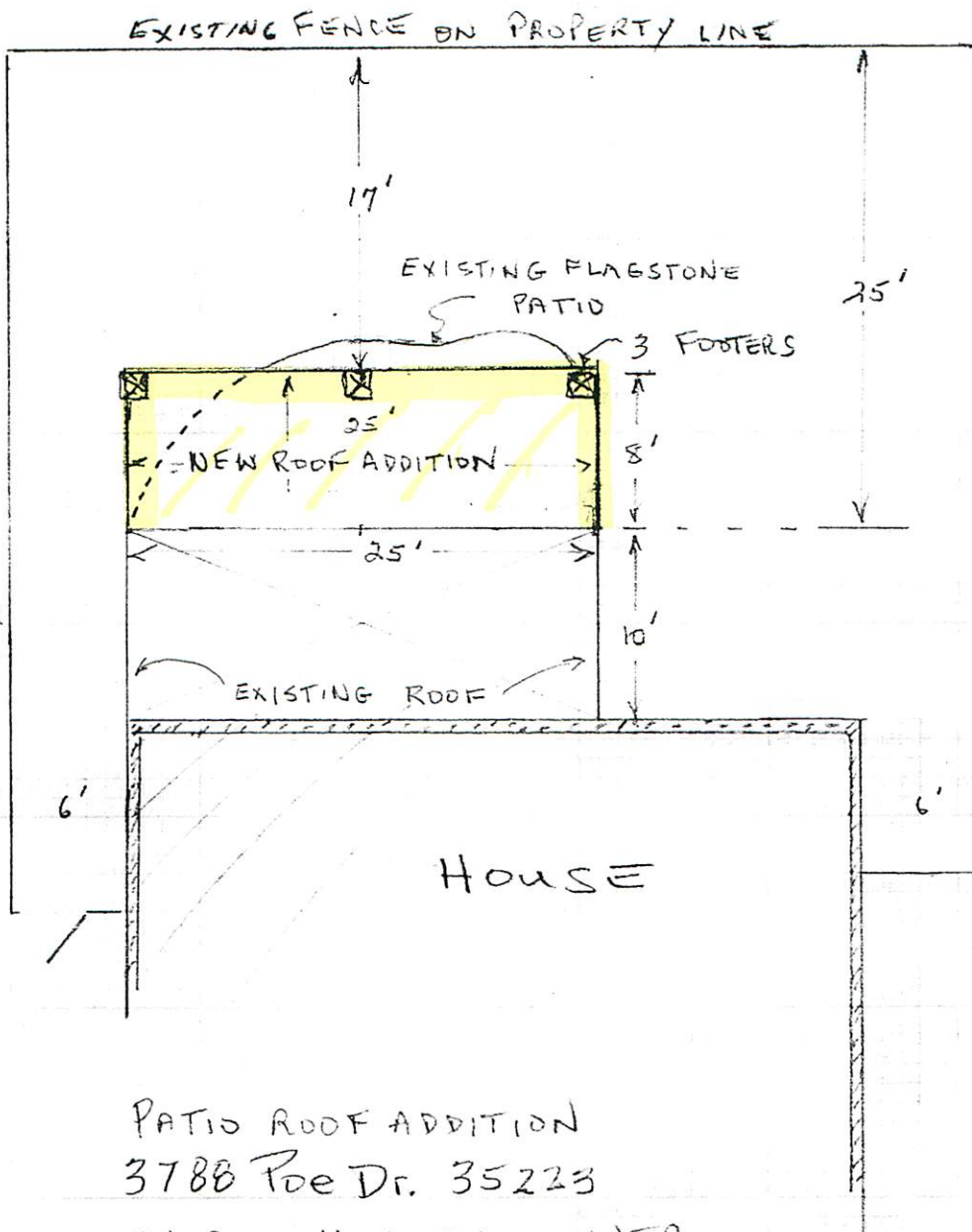
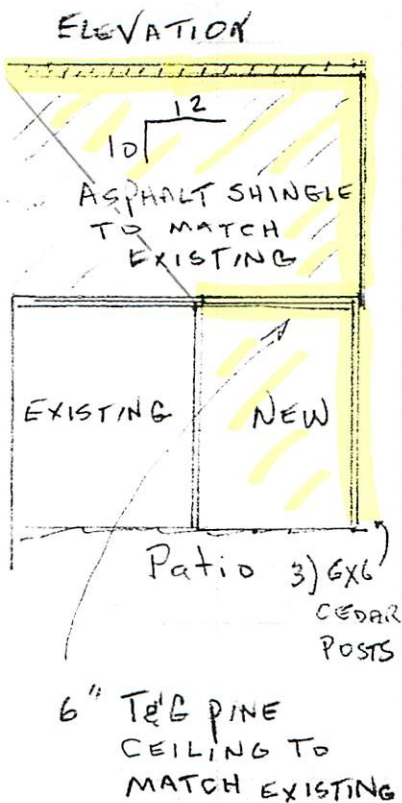


Notary Public

My commission expires 30th
day of October, 2023.

My Commission Expires
October 30, 2023

PLAN VIEW



PATIO ROOF ADDITION
 3788 Poe Dr. 35223
 CHARLES HEALEY, OWNER
 205.999.0999

BZA APPLICATION

V. HARDSHIP

The surface drainage for the four houses on Poe Drive built by Kessler in 2017 was not adequately addressed. The houses at 3788 and 3790 have had continual water problems in the crawl space requiring encapsulation and sump pumps to be installed. The back yard at 3788 is completely flat hard packed clay which does not absorb water and does not drain off quickly enough. Therefore, rainwater coupled with drainage from the lots on Glass Drive behind causes the patio at 3788 to flood almost all the way up to the house. The roof addition for which we are requesting a variance is to help alleviate this problem.

88'

55'

88'36"

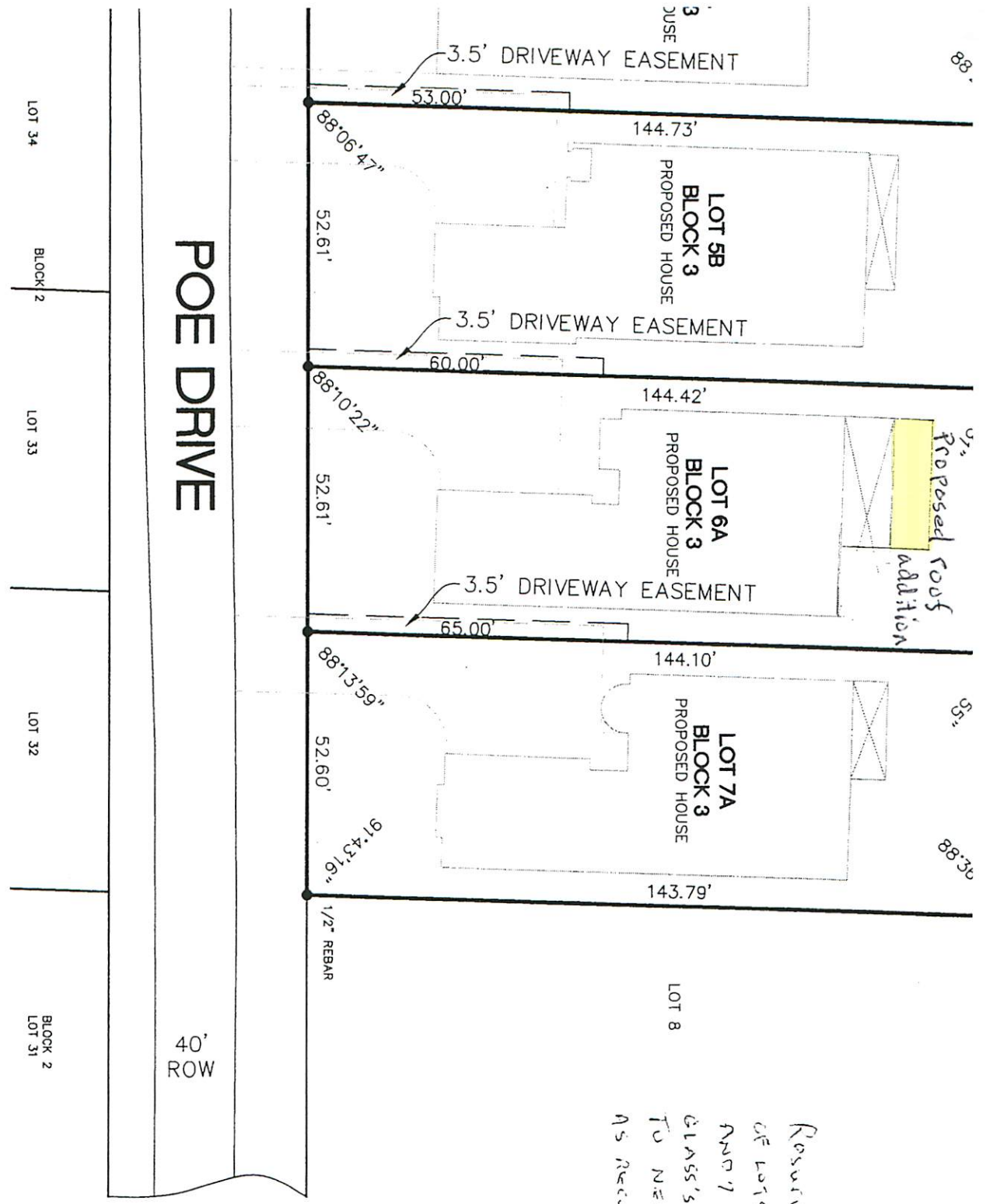
GLASS'S AD
TO NEW M.
AS RECORDED IN A

Resurvey of North 1/2
of Lots 4, Lots 5
and 7 Block 3 of
GLASS'S ADDITION
TO NEW MARBLE
AS RECORDED IN MB 242 PG. 2

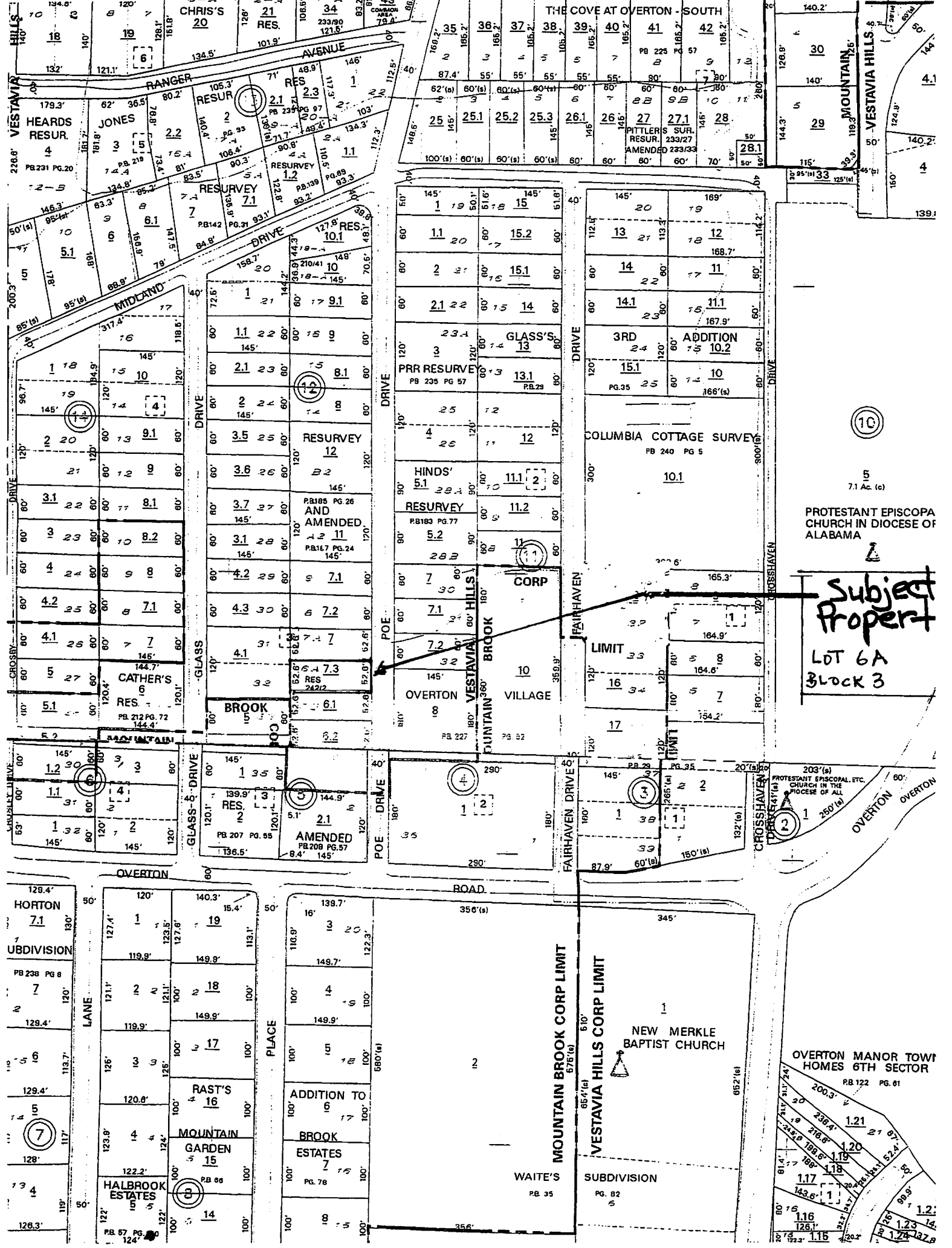
ALABAMA WEST ZONE NAD 83



POE DRIVE



EDG

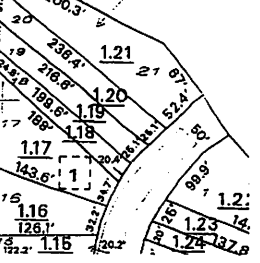


PROTESTANT EPISCOPAL CHURCH IN DIOCESE OF ALABAMA

Subject Property
LOT 6A
BLOCK 3

NEW MERKLE BAPTIST CHURCH

OVERTON MANOR TOWNS HOMES 6TH SECTOR



STATE OF ALABAMA)
JEFFERSON COUNTY)

WAIVER OF SETBACK REQUIREMENT

INST: #2022061602

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the restrictive covenants of Glass's addition addition to New Merkle, Vestavia Hills, Alabama include a rear setback requirement of twenty-five (25) feet; and,

WHEREAS, the twenty-five foot setback requirement may be waived or amended by approval of the residents of Glass's addition to New Merkle; and,

WHEREAS, the undersigned Charles Thomas Healey and Nancy Turner Healey reside at Lot 6A, Block 3 of Glass's addition to New Merkle as depicted in Map Book 242, page 2 recorded in the office of the Probate Judge of Jefferson County, Alabama, which said residence is located at 3788 Poe Drive, Vestavia Hills, Alabama; and,

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

WHEREAS, Mr. and Mrs. Healey have petitioned the residents of Glass's addition to New Merkle to allow them to make the proposed addition to their home and waive the setback requirement as to that addition; and,

WHEREAS, attached hereto and made a part hereof are the signatures the residents of Glass's addition to New Merkle agreeing to the request for waiver of the setback requirement as the same applies to said Lot 6A, Block 3 Resurvey North 1/2 of Lots 4, Lot 5, and Lot 7, Block 3 of Glass's addition to New Merkle.

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

WITNESS or signature, this 3rd day of June, 2022.

Charles Thomas Healey

Nancy T. Healey

Charles Thomas Healey

Nancy Turner Healey

STATE OF ALABAMA)
JEFFERSON COUNTY)

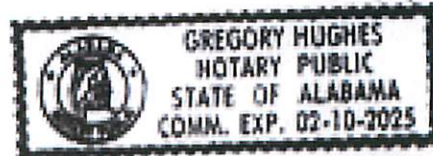
I, the undersigned, a Notary Public in and for the County in said State, hereby certify that Charles Thomas Healey and Nancy Turner Healey, husband and wife, whose names are signed to the foregoing, and who are known to me, acknowledge before me on this day that, being informed of the contents of the foregoing, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 3 day of June, 2022

Gregory Hughes
Notary Public

My Commission Expires:

02/10/25



3788 Poe Drive, Vestavia Hills, Alabama
Rear Variance for patio roof addition
Charles and Nancy Healey

STATE OF ALABAMA
JEFFERSON COUNTY

WAIVER OF REAR SETBACK REQUIREMENT

The undersigned owners of the lots in the survey recorded as:
Resurvey of North 1/2 of Lots 4, Lot 5, and Lot 7, Block 3 of Glass's addition to New Morkle
as recorded in Map Book 242, page 2, agree to offer relief from the 25 foot rear setback
requirement.

Name: Walter Keith and Miller N. Middlebrook

Address: 3788 Poe Drive

Signature: Walter Middlebrook

Date: 6-1-22

Name: Donald and Deborah A. Bowers

Address: 3790 Poe Drive

Signature: Deborah A. Bowers

Date: 5/29/22

Name: Montoya Melo Diana Lorna and Restrepo Cardenas Juan Camilo

Address: 3792 Poe Drive

Signature: J. Restrepo

Date: 6/02/22

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

Date: **June 16, 2022**

- **CASE: BZA-0622-17**
- **REQUESTED ACTION:** 6' Side Setback Variance to reduce the setback to 11' in lieu of the required 17' & 28' Front Setback Variance to reduce the setback to 32' in lieu of the required 60'.
- **ADDRESS/LOCATION:** 3412 Sagewood Trail
- **APPLICANT/OWNER:** Steve & Michelle Thackerson
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicants are front and side setback variance to expand the living space. The applicant contends corner lot causes a hardship. The addition will be in the area of the existing patio and would encroach into the side setback. The current house is currently encroaching into the zoning front setback. That action would bring the entire structure into compliance. 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: STEVE THACKERSON

Address: 3412 SAGEWOOD TRAIL

VESTAVIA 35243

Phone #: 205-365-1533 Other #: _____

E-Mail: sthacker@budgetblinds.com

Billing/Responsible Party

Name: SAME

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

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

II. DESCRIPTION OF SUBJECT PROPERTY:

LOCATION: _____

Street Address

Subdivision name, Lot #, Block #, etc.

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

1. A request to vary:
_____ ' variance to reduce the lot width to _____ ' in lieu of the required
_____' .
_____ square foot variance to reduce the lot area to _____ square feet in lieu
of the required _____ square feet.
28 ' front / side / rear (circle one) setback variance to reduce the setback to
32 ' in lieu of the required 60 ' .
6 ' front / side / rear (circle one) setback variance to reduce the setback to
11 ' in lieu of the required 17 ' .
_____ ' 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-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).

CORNER LOT

VI. PROJECT:

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

MORE LIVING SPACE

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***

Steve Thack
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 17 day of MAY, 2022.

AMMM
Notary Public
My commission expires 30
day of October, 2023.

My Commission Expires
October 30, 2023

Proposed soft 216

