

**CITY OF VESTAVIA HILLS**  
**PLANNING AND ZONING COMMISSION**

**AGENDA**

**JULY 14, 2022**

**6:00 P.M.**

Roll Call.

Pledge of Allegiance

Approval of Minutes: June 9, 2022

**Final Plats**

**Consent Agenda**

- (1) **P-0622-16** Overton Investments, LLC Is Requesting **Final Plat Approval For Resurvey Of Part Of Vestavia Terrace, A Condominium**. The Purpose for This Request Is To Finalize A Townhome Development. The Property Is Owned By Overton Investments, LLC and Is Zoned Vestavia Hills R-9.
- (2) **FP-22-1** Liberty Park Joint Venture, LLP Is Requesting **Final Plat Approval For The Bray Townhomes At Liberty Park**. The Purpose for This Request Is To Subdivide One Lot Into Forty Six Lots, Common Areas, Streets, and Alleys. The Property Is Owned By Liberty Park Joint Venture, LLP and Is Zoned Vestavia Hills PR-1.

**Rezoning**

- (6) **P-0722-18** Mountain Heights Lawn Care LLC Is Requesting **Rezoning For 3912 Wooten Dr.** from **Vestavia Hills R-4** To **Vestavia Hills B-2** For A Lawn Care Business .

**CITY OF VESTAVIA HILLS**  
**PLANNING AND ZONING COMMISSION**

**MINUTES**

**JUNE 9, 2022**

**6:00 PM**

the Planning & Zoning Commission of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to orders from the Jefferson County Health Department Official requiring social distancing along with limits of attendees, this meeting was held with a portion of the Commission digitally attending the meeting via remote computer locations utilizing a Zoom.com application. Staff and general public/audience members also were invited to attend via Zoom.com following publication pursuant to Alabama law. Chairman Vercher called the meeting to order and the City Planner called the roll with the following:

**MEMBERS PRESENT:** Mike Vercher, Chairman  
Erica Barnes  
Rick Honeycutt  
David Maluff  
Jonathan Romeo  
Hasting Sykes  
Lyle Larson

**MEMBERS ABSENT:** Ryan Farrell  
Rusty Weaver

**OTHER OFFICIALS PRESENT:** Rebecca Leavings, City Clerk  
Christopher Brady, City Engineer

**APPROVAL OF MINUTES**

The minutes of May 12, 2022 were presented for approval. Mr. Vercher opened the floor for a motion.

**MOTION** Motion to approve the minutes of May 12, 2022 as amended to show him present virtually was made by Mr. Barnes and second was by Mr. Romeo. Roll Call vote as follows:

Mr. Honeycutt – yes	Mr. Larson – yes
Mr. Maloof – yes	Mr. Romeo – yes
Mr. Sykes – yes	Ms. Barnes – yes

Mr. Vercher – yes

Motion carried.

### **Preliminary Plat**

**P-0622-15 Liberty Park Joint Venture, LLP Is Requesting Preliminary Plat Approval For Brayfield Residential Phase III. The Purpose for This Request Is To Plan Infrastructure, Private Streets, and Fifty Residential Lots. The Property Is Owned By Liberty Park Joint Venture and Is Zoned Vestavia Hills PR-1**

Ms. Leavings explained that this is a new proposed 50-lot subdivision of single family detached cluster homes and the creation of Brayfield Crest Drive. Lots are zoned PR-1 and are in accordance with the Liberty Park PUD ordinance and planning criteria. Staff has reviewed and found no concerns with the proposal.

**MOTION** Motion for approval of preliminary plat as presented was made by Mr. Larson and second was by Mr. Honeycutt. Roll Call vote as follows:

Mr. Honeycutt – yes

Mr. Larson – yes

Mr. Maloof – yes

Mr. Romeo – yes

Mr. Sykes – yes

Ms. Barnes – yes

Mr. Vercher – yes

Motion carried.

### **Final Plats (Consent Agenda)**

**P-0622-13 Culbreth Holding, LLC Is Requesting Final Plat Approval For Resurvey Of Lots 41-A And 43 Topfield Subdivision. The Purpose for This Request Is To Combine Lots. The Property Is Owned By Culbreth Holding, LLC and Is Zoned Vestavia Hills B-3 & R-1**

**P-0622-14 Jason Kessler Is Requesting Final Plat Approval For Kessler's Addition To Rocky Ridge Estates. The Purpose for This Request Is To Finalize A Four Lot Subdivision. The Property Is Owned By Jason Kessler and Is Zoned Vestavia Hills R-9**

**P-0622-17 Courtney G. Lundberg Is Requesting Final Plat Approval For Lundberg Addition To Cahaba Heights. The Purpose for This Request Is To Combine Parcels. The Property Is Owned By Courtney G. Lundberg and Is Zoned Vestavia Hills B-2**

**MOTION** Motion for approval of consent agenda as presented was made by Mr. Sykes and second was by Mr. Romeo. Roll Call vote as follows:

Mr. Honeycutt – yes

Mr. Larson – yes

Mr. Maloof – yes

Mr. Romeo – yes

Mr. Sykes – yes  
Mr. Vercher – yes

Ms. Barnes – yes  
Motion carried.

### **EXTENSION FOR RECORDATION OF FINAL MAP**

#### **Extension for recordation of a map for Resurvey of Lot 6A and 6B Youngs addition to Shades Cliff. A request to combine two lots into a single-family lot. Tracy and Leigh Teague, Owners**

Katherine Wilkes, ARC Realty, explained the delay in recordation.

**MOTION** Motion for extension of the recordation of said map as presented was made by Mr. Barnes and second was by Mr. Romeo. Roll Call vote as follows:

Mr. Honeycutt – yes  
Mr. Maloof – yes  
Mr. Sykes – yes  
Mr. Vercher – yes

Mr. Larson – yes  
Mr. Romeo – yes  
Ms. Barnes – yes  
Motion carried.

### **Rezoning**

#### **P-0622-12 Townes Development Group, LLC Is Requesting Rezoning (Annexation) For 2245 & 2249 Blue Ridge Blvd. from JC R-T & JC R-4 to Vestavia Hills R-9 For Townhome Development And Annexation**

Ms. Leavings explained that this property is in the process of a 90-day annexation. This request is for the pre-zoning of these properties for annexation into the City. The property is currently zoned Jefferson County apartments and townhomes and the request is for a rezoning to Vestavia Hills R-9, planned residential district for development of 25 townhomes with a drainage area in the rear and proposed covenants for some greenspace buffering up the hill toward residences to the rear. This request has been reviewed by staff with the following recommendations: If the rezoning is recommended for approval that the developer file and record private restrictive covenants that (1) preserves and protects the rear portion of the property left undeveloped pursuant to this preliminary plat to be left primitive and undeveloped with only the removal of diseased or dead trees; (2) that buffering to be provided for the private residence located beside this development pursuant to the buffering requirements of the zoning code; (3) for both areas to be maintained and preserved by the proposed homeowner's association; and (4) that the zoning not become effective until the CC&Rs are filed in the Office of the Judge of Probate with a copy submitted to the City Clerk prior to the effective date of the ordinance becoming effective.

Taylor Burton, developer, explained that they have done a lot of townhomes around Jefferson County and these are the first to propose for Vestavia Hills. He showed elevation drawings. He explained that the size will range 1800 to 2000 SF with prices in the \$400,000's.



He stated this is a product that attracts young professionals. He stated that it's not attractive for kids, no yards, no play areas. Basement parking will be provided for the units.

Discussion ensued as to why Vestavia, meetings with the property owners around the development, tree save area and covenants attached to the property, the property zoning in the County, what happened to the swimming pool that was originally on the property

Mr. Burton stated he feels it is an asset to the City and cleans up that street. That area has had no attention in a long time and Vestavia brings a whole new light to that area and it is a desirable piece of property. He stated they met with the homeowners Monday night and discussed the project. The HOA will take over the maintenance of the tree save area and the buffers and landscaping. The HOA is also responsible for painting and exterior work on the units. Mr. Burton stated that the pool was partially filled and has been remediated and compacted for a building pad.

Mr. Vercher opened the floor for a public hearing.

Rebecca Golden, 1201 Chester Street, stated that she's adjacent to this proposed development and is concerned about the buffer between her and the subject property.

Mr. Burton stated that there's about 25' there and a pipe running through it. He explained that the inlet might actually encroach in front of her property and they'd like to put the pipe underground and installed a berm with a fence and plantings. He stated that he wants the buffer also.

Ms. Golden stated that Hoover takes care of that roadway. She stated that the traffic is terrible and there hasn't been a traffic study and this is adding more cars. She's wondering if Vestavia can do anything to help the roadway.

Mr. Brady explained that they did get an update from Jefferson County that they will continue to maintain that roadway. There might be a traffic analysis required by the County so they'll rely on the County to require that information.

Ms. Leavings noted a written protest was received from F. Hal. Morrow, Jr., which was forwarded to the Commission earlier.

Discussion ensued as to the traffic pattern.

Mr. Brady stated that they felt this development doesn't impact the existing traffic enough to warrant a full study. He stated that can talk to the County and Hoover to see if there are some traffic calming techniques.

Stephanie Schmidt, 1440 Linda Vista Drive, asked if once the developer transfers this to the HOA, she stated they'd like assurances that it will not be rezoned or ever developed.

Mrs. Barnes explained that protection of that area is part of the R-9 as the plat shows this area to be preserved.

Ms. Leavings indicated that, in addition to that, the private restrictive covenants run with the land and leaves the property primitive.

Elizabeth Fillebaum, 1436 Linda Vista Drive, stated that, after the meeting with Mr. Burton, they feel somewhat supportive of this because she'd like to see this as opposed to Jefferson County development. She stated that they deal with Woodmere Creek apartment traffic and indicated that there are many traffic issues on the roadway already and adding more cars would exacerbate the problem. She stated she would like that Engineering consider some type of traffic calming ahead of this project.

Mr. Brady stated that the intersection she's referring to is in the City and Engineering can study it if a traffic calming request is added to the system.

Ms. Leavings stated that, for the record, the City did receive a written protest from F. Hal Morrow, Jr. That protest was forwarded earlier to the Commission.

Chris Bissett, 3320 Massey Road, stated that the detention area seems to small for this development and wanted to know if the water will be there long enough to promote mosquitos.

Mr. Brady stated that this is adequate to collect and absorb the water for the development.

Mr. Bissett asked about overflow protection.

Mr. Brady stated if an event exceeds that it will overflow but it meets city requirements.

Phillip Criswell, 1408 Linda Vista Drive, stated that there were no dimensions on the notice given nor any information or how large the buffering is to this development. He indicated that there was dirt brought in and if any excavation will be done, might begin to affect the stability of the hill behind the homes on Linda Vista Drive.

Mr. Burton explained that there's anywhere from 200 to 400 horizontally and 100' vertically from the rear lines of Linda Vista properties.

Mr. Criswell stated that when they received the notification, the Vestavia Voice related to 90 days. He asked why they were not given 90 days notice of this meeting?

Joan Brooks, 1437 Linda Vista Drive, stated that the certified letters have to be signed for and they weren't. She stated that an article in the Vestavia Voice stated that Mr. Burton is building 25 townhomes. The article made it sound like it's a done deal.

Mr. Vercher explained that an R-9 zoning holds the developer to the plat.

Mr. Burton clarified that the Vestavia Voice reported this is 15 acres but it's actually only 5 acres.

Mandy Ellis 1209 Chester Street, stated that she has access to Jeffco zoning data and the larger parcel has split zoning. She stated that it's not all zoned as stated.

Rebecca Golden, 1201 Chester Street, asked if this is single family dwelling that was on the property Ms. Ellis referred to.

Mr. Burton explained that his engineer determined the zoning classifications from the County.

Mr. Vercher suggested that this be postponed.

Mr. Larson suggested that they could act on it and if the notice is invalidated, then they can rehear it at a later date. He asked that the Clerk seek some advice from the City Attorney.

Joan Brooks, 1437 Linda Vista Drive stated that Resolution Number 5381 which was adopted at the March City Council meeting was published in *The Birmingham News*. She indicated that no one reads *The News* anymore and that no one knew this was occurring.

Amanda Ellis, 1209 Chester Street, asked if the townhomes will be individually owned. If it remains in Jefferson County, Mr. Burton can request to rezone to townhomes. She stated that this could put more volume on the roadways that originally thought.

**MOTION** Motion to recommend approval of the rezoning to VH R-9 for construction of a 25-lot subdivision with the following conditions: that the developer file and record private restrictive covenants that (1) preserves and protects the rear portion of the property left undeveloped pursuant to this preliminary plat to be left primitive and undeveloped with only the removal of diseased or dead trees; (2) that buffering to be provided for the private residence located beside this development pursuant to the buffering requirements of the zoning code; (3) for both areas to be maintained and preserved by the proposed homeowner's association; and (4) that the zoning not become effective until the CC&Rs are filed in the Office of the Judge of Probate with a copy submitted to the City Clerk prior to the effective date of the ordinance becoming effective was made by Mr. Barnes and second was by Mr. Sykes. Roll Call vote as follows:

Mr. Honeycutt – yes

Mr. Maloof – yes

Mr. Sykes – yes

Mr. Vercher – yes

Mr. Larson – yes

Mr. Romeo – yes

Ms. Barnes – yes

Motion carried.

There being no further business, meeting adjourned at 7:44 PM.

Rebecca Leavings  
City Clerk

**CITY OF VESTAVIA HILLS**  
**SYNOPSIS AND STAFF RECOMMENDATION CONCERNING**  
**APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION**

Date: **JUNE 9, 2022**

- **CASE: P-0622-16**
- **REQUESTED ACTION:** Final Plat Approval For Resurvey Of Part Of Vestavia Terrace, A Condominium
- **ADDRESS/LOCATION:** 3036 Massey Rd.
- **APPLICANT/OWNER:** Jason Kessler
- **GENERAL DISCUSSION:** Plat will create 8 lots and common area. Plat is done in accordance with Ordinance 2852, which rezoned the site. All new lots are zoned R-9.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.  

**City Planner Recommendation:** No recommendation
  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  
PLANNING AND ZONING COMMISSION  
FINAL MAP APPLICATION**

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**II. APPLICANT INFORMATION: (owner of property)**

NAME: Overton Investments, LLC

ADDRESS: 3505 Bent River Rd.  
Birmingham, AL 35216

BILLING ADDRESS (if different from above) \_\_\_\_\_

PHONE: 205-985-7171 Email JDkessler84@gmail.com

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: Jason Kessler

PHONE: 205-369-5787 Email \_\_\_\_\_

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**III. BILLING/RESPONSIBLE PARTY: (FOR PAYMENT OF FEES)**

NAME: Same as above

ADDRESS: \_\_\_\_\_

MAILING ADDRESS (if different from above) \_\_\_\_\_

PHONE: \_\_\_\_\_ Email \_\_\_\_\_

**P0622-16//29-00-36-4-004-014.000**  
**Lots 1-10 Vestavia Terrace**  
Final Map to Resurvey Pt of  
Vestavia Terr  
Overton Investments

**IV. ACTION REQUESTED**

**Final Plat Approval: (reason must be provided)**

Explain reason for the request: Final plat is ready, all improvements are in.

*\*\*if additional information is needed, please attached full description of request\*\**

**V. PROPERTY DESCRIPTION: (address, legal description, etc.)**

Lots 1-10 Resurvey of part of Vestavia Terrace

Property size: 66,575 feet feet X \_\_\_\_\_ feet. Acres: 1.53 acres

**VI. ZONING/REZONING:**

The above described property is presently zoned: R9

**VII. OWNER AFFIDAVIT:**

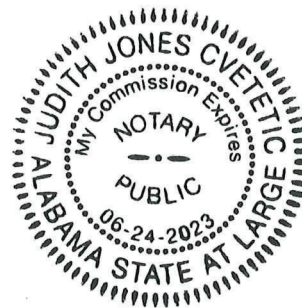
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. *\*Application must be signed by the owner of the property before a Notary and original submitted to the Office of the Clerk; no copies will be accepted.\**

[Signature] 5/23/22  
Owner Signature/Date

Jason Kessler  
Representing Agent (if any)/date

Given under my hand and seal  
this 23 day of May, 2022.

[Signature]  
Notary Public



My commission expires 24th  
day of June, 2023.

**P0622-16//29-00-36-4-004-014.000**

**Lots 1-10 Vestavia Terrace**  
Final Map to Resurvey Pt of  
Vestavia Terr  
Overton Investments










**Final Plat Application**

**FP-22-1**

Submitted On: Jun 27, 2022

**Applicant**

 James Parsons  
 205331152  
 jparsons@schoel.com

**Project Information**

**Property Address**

S. Liberty Rd

**Parcel ID Number**

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**Legal Description**

Lot 2, Liberty Park Commercial Phase 1

**Current Zoning Classification**

PR-1

**Acreage**

1

**Application Submission Date**

6/24/22

**Reason for Request**

Subdivide Lot 2 into 46 townhome lots, common areas, private roadways, and alleys

**Owner Information**

Applications must be either submitted by the owner of the property or a representative duly appointed by the owner by way of a notarized letter and/or power of attorney.

**By clicking this box, I hereby declare that the above information is true and that am the current owner of this property and I will represent this case.**

true

**Owner Name**

Liberty Park Joint Venture, LLP

**Company Name**

--

**Mailing Address**

1000 Urban Center Dr. Ste. 235 Vestavia, AL 35242

**Owner Email**

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**Phone Number**

2055080912

**By checking this box, I hereby affirm that I am the representative of the owner duly authorized to represent this petition for rezoning. Simultaneously with this application, I am submitting notarized documentation from the owner which authorizes me to represent this case.**

true

**Representative for Owner**

--

**Company Name**

--

**Email**

jparsons@schoel.com

**Mailing Address of Representative**

--

**Phone No. of Representative**

--

**Surveyor Information**

**Name**

**Company**

7/6/22, 11:01 AM

Schoel

Schoel

**Mailing Address**

**Phone Number**

1001 22nd St S

2053131152

**Registration Number**

**Email**

--

jparsons@schoel.com



City of Vestavia Hills, AL

07/06/2022

FP-22-1

## Planning Review

Final Plat Application

**Status:** Complete**Became Active:** 06/27/2022**Assignee:** Conrad Garrison**Completed:** 06/28/2022

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### Applicant

James Parsons  
jparsons@schoel.com  
1001 22nd St  
BIRMINGHAM, AL 35205  
205331152

### Location

1170 S LIBERTY RD  
VESTAVIA HILLS, AL 35242

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### Comments

**Conrad Garrison, Jul 5, 2022 at 2:16pm**

Plat will subdivide Lot 2 into 46 new townhome lots along with common areas, alleys, and roads. Setback lines and dimensions are noted in the plat. The preliminary plat was approved in November of 2020 and meets all requirements of the Liberty Park PUD.






**Rezoning Application**

**RZ-22-2**

Submitted On: Jun 21, 2022

**Applicant**

 Rocky Donahoo  
 2052291015  
 rockydonahoo@gmail.com

**Location**

3912 WOOTEN DR  
VESTAVIA HILLS, AL 35243

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**Property Information**

**Subject Property Address**

3912 Wooten Dr

**Tax Parcel ID Number**

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**Legal Description**

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**Existing Parking Spaces**

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**Proposed Parking Spaces**

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**Submission Date**

05/02/2022

**Type of Project**

New Non-Residential Development/use

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**Action Requested:**

**From Existing Zoning Classification**

VH R-4

**To Requested Zoning Classification**

VH B-2 With Conditions

**For the Intended Purpose of:**

Lawn Care Business

**Acreage of Subject Property**

.61

**Acreage of Property to be Disturbed**

.61

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**Setbacks**

**Front**

--

**Back**

--

**Side**

--

**Open Space**

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**Lot Coverage Percentage**

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**Tree Save Plan** - I acknowledge that a if this is a new non-residential development or is a residential development in excess of 3 units, that I am required to submit a tree save plan concurrent with this application (excludes PUDs).

true

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**Owner Information**

Applications must be either submitted by the owner of the property or a representative duly appointed by the owner by way of a notarized letter and/or power of attorney.

**Property Owner Name**

Rocky Donahoo

**Company Name**

--

**Owner Address City State Zip**

3901 Wooten Dr. Vestavia, AL 35243

**Owner's Phone Number**

2052291015

By checking this box, I hereby affirm that I am the owner or the representative of the owner duly authorized to represent this petition for rezoning. Simultaneously with this application, I am submitting notarized documentation from the owner which authorizes me to represent this case.

true

**Email Address of Owner**

rockydonahoo@gmail.com

**Owner Representative/Responsible Party**

Rocky Donahoo

**Company Name**

--

**Contact Email of Responsible Party**

--

**Mailing Address of Responsible Party**

--

**Phone No. of Responsible Party**

--

**Email Address of Responsible Party**

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**Project Engineer Information (if applicable)**

**Name**

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**Company**

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**Mailing Address**

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**Phone Number**

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**Email**

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City of Vestavia Hills, AL

07/06/2022

RZ-22-2

## Planning Review

Rezoning Application

**Status:** Complete**Became Active:** 06/21/2022**Assignee:** Conrad Garrison**Completed:** 06/29/2022

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### Applicant

Rocky Donahoo  
rockydonahoo@gmail.com  
3912 Wooten Dr  
Vestavia, AL 35243  
2052291015

### Location

3912 WOOTEN DR  
VESTAVIA HILLS, AL 35243

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### Comments

**Conrad Garrison, Jun 29, 2022 at 4:07pm**

Applicant is submitting the request as part of a remediation effort due to a notice of a zoning violation. Applicants have been operating a lawn care business for a number of years at this residential location, unbeknownst to the City. Once discovered, City staff informed the applicants that they are in violation of the zoning ordinance and options for remediation, including applying for rezoning. A B-2 zoning would only apply to this lot as long as "Mountain High Landscaping" exists under its current ownership. Changes in business or ownership would result in the property reverting back to R-4. A proposed list of conditions and site plan are included.



City of Vestavia Hills, AL

07/06/2022

RZ-22-2

## Zoning Review

Rezoning Application

**Status:** Complete**Assignee:** Rebecca Leavings**Became Active:****Completed:** 06/21/2022

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### Applicant

Rocky Donahoo  
rockydonahoo@gmail.com  
3912 Wooten Dr  
Vestavia, AL 35243  
2052291015

### Location

3912 WOOTEN DR  
VESTAVIA HILLS, AL 35243

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### Comments

**Rebecca Leavings, Jun 21, 2022 at 4:06pm**

Recommend approval based on the following conditions: (1) That buffering be installed on either side of the property pursuant to the zoning code; (2) that gravel be removed from the front of the property and a minimum of 10' of grassy area be installed followed by tree installation along the edge of the front of the property to mitigate any visual view of buildings, equipment, vehicles on the property; (3) that the existing buildings be relocated further back on the property behind the visual screening of the newly installed trees; (4) that said buffering and landscaping be approved by the Design Review Board; (5) that this zoning shall revert back to the R-4 residential zoning should the Mountain Heights Landscaping business cease to exist or is sold to another owner; (6) that covenants be recorded in the Office of the Judge of Probate reflecting said conditions and (7) that the City Planner inspect and approve the property improvements as recommended herein and that a copy of said recorded covenants be submitted to the Office of the City Clerk and filed with the ordinance of rezoning prior to effective date of rezoning.



Suggested conditions:

- Property zoning not become effective until applicant obtains approval for siteplan from Design Review Committee; obtains all applicable building permits and brings site into compliance as approved by the City Planner;
- Zoning shall remain effective so long as the Mountain Heights Lawn Care business operates from said location;
- Rear buffer shall remain primitive and intact with only diseased trees removed from area;
- In such event that Mountain Heights Lawn Care business ceases operations, said zoning shall revert to the original VH R-~~4~~ zoning classification

**P0722-18//28-00-14-3-003-045.003**

**3912 Wooten Drive**

Rezone to B2 w/Conditions

Mtn. Heights Lawn Care

R4

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

**P0722-18//28-00-14-3-003-045.003**

**3912 Wooten Drive**

Rezone to B2 w/Conditions

Mtn. Heights Lawn Care

R4

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.

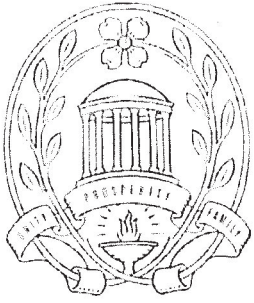
Kind Regards,

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

Rocky Donahoo

Owner

**P0722-18//28-00-14-3-003-045.003**  
**3912 Wooten Drive**  
Rezoned to B2 w/Conditions  
Mtn. Heights Lawn Care  
R4



# 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, carports, 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](http://www.vhal.org) under Departments, Planning and Zoning, Forms.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Leavings". The signature is fluid and cursive, with a large initial "R" and "L".

Rebecca Leavings  
City Clerk/Zoning Official

**P0722-18//28-00-14-3-003-045.003**  
**3912 Wooten Drive**  
Rezone to B2 w/Conditions  
Mtn. Heights Lawn Care  
R4





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**3912 Wooten Drive**

Rezone to B2 w/Conditions

Mtn. Heights Lawn Care

R4

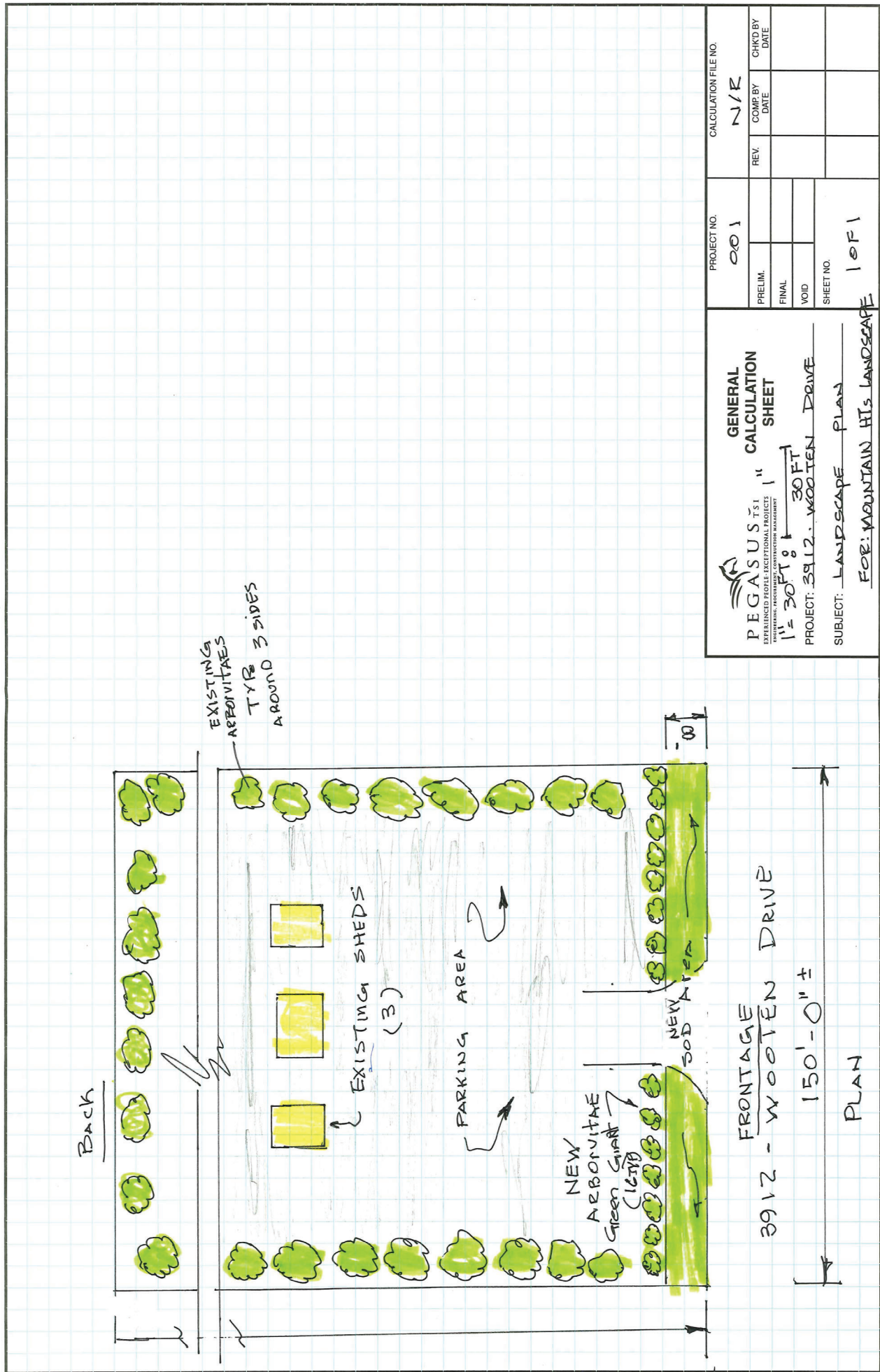




Sent from my iPhone

**P0722-18//28-00-14-3-003-045.003**  
**3912 Wooten Drive**  
Rezoned to B2 w/Conditions  
Mtn. Heights Lawn Care  
R4





<b>PEGASUS TSI</b> EXPERIENCED PEOPLE. EXCEPTIONAL PROJECTS. <small>LANDSCAPE ARCHITECTURE AND CONSTRUCTION MANAGEMENT</small>		PROJECT NO. 001		CALCULATION FILE NO. N/R	
<b>GENERAL CALCULATION SHEET</b>		PRELIM.	REV.	COMP. BY DATE	CHKD BY DATE
SCALE: 1" = 30 FT ±		FINAL			
PROJECT: 3912. WOOTEN DRIVE		VOID			
SUBJECT: LANDSCAPE PLAN		SHEET NO. 1 OF 1			
FOR: MOUNTAIN HTS LANDSCAPE					

L.L.C.