CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT AGENDA

August 18, 2022 6:00 P.M.

- (1) Roll Call
- (2) Approval of Minutes: June 16, 2022
- (3) Approval of Minutes: July 21, 2022
- (4) BZA-22-10 Jenni Mote is requesting Variance for Location of Fence in the Front Setback for the property located 1932 Highfield Drive. The purpose of this request is to build an 8' wooden fence in the Mayland Lane frontage. The property is owned by Jenni Mote and is zoned Vestavia Hills R-3.
- Alison Parden is requesting a Side Setback Variance for the property located at 1832 Old Creek Trail. The purpose of this request is to reduce the side setback to 5' in lieu of the required 15', to build a carport. The property is owned by the Alison Parden and is zoned Vestavia Hills R-3.
- **Bobby Adams** is requesting a **Rear Setback Variance** for the property located at **3417 Mountainside Road**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 25', to build a kitchen space addition. The property is owned by the Bobby Adams and is zoned **Vestavia Hills R-4**.
- (7) Time of Adjournment

CITY OF VESTAVIA HILLS

BOARD OF ZONING ADJUSTMENT

MINUTES

June 16, 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

Robert Gower Stephen Greer

Thomas Parchman, Alt Ryan Rummage, Alt

MEMBERS ABSENT: Tony Renta

Loring Jones III

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of May 19, 2022 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of May 19, 2022 was made by and 2nd was by. Motion as carried on a voice vote as follows:

Mr. Gower – yes Mr. Rummage – yes Mr. Greer – yes Chairman Jones – yes

Mr. Parchman – 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 that this was a continuation from the previous month and the applicant submitted new pictures to describe the hardship.

Lisa Fox, 1332 Panorama Drive, stated that the submittals describe the terrain and the on-site utilities that create a hardship for the property. This is the only location for the addition.

Mr. Rummage asked about the notation that a power line was removed. Mrs. Fox stated that the pole he was referring to was related to a neighbor's guide wire and that a new pole was put in that feeds their house.

Mr. Gower and Mr. Greer states that these pictures are helpful in describing the slope and utilities in the rear yard.

Chairman Rice asked how long ago was that pole remove. Mrs. Fox replied that it was during the Pandemic. Then Mrs. Fox explained in more detail the power line drawings that were submitted, and what was removed and what currently remains.

Mr. Gower stated that the hardship being established are the buried utilities on the other portion of the lot, coupled with the slope and overhead powerlines on the opposite side of the lot, made all but a small portion unusable.

Mr. Gower said it seems the proposed location for the addition would be under the guide wire. Mrs. Fox stated that they had measured it and that they would be able to clear it. She also acknowledged that once the setback is established, the addition will have to abide by that setback.

Mr., Rummage asked what is in front of the playground? Mrs. Fox said it is sewer/old septic infrastructure.

Chairman Rice asked how tall the existing playground set is (location of where addition will go)? Mrs. Fox didn't know exact height. Mr. Wakefield said based on the adjacent 8' tall fence, the playground set could be as tall as 12-16'.

Mr. Gower asked if Alabama Power required an access width for the utility infrastructure? Mrs. Fox stated no.

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' & a 8' side setback variance to reduce the setback to 7' in lieu of the required 15', for the property located at 1332 Panorama 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. Greer – yes
Mr. Parchman – no
Motion carried.

Mr. Rummage – yes
Chairman Jones – yes

REAR SETBACK VARIANCE

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.

Mr. Wakefield stated that the applicant proposes to extend the patio roof line and that staff has no issues with the request.

Charles Healey, 3788 Poe Drive, stated that they wanted to extend the patio roof by 8'.

Mr. Wakefield mentioned that the applicant drafted and recorded a signed setback encroachment waiver.

Mr. Gower asked if he is just moving the drip line further from the house? Mr. Healey stated yes and that the backyard itself is like a swimming pool when it rains because of the slope and soil/rock on the lot. He also stated the neighborhood drainage is inadequate and much of the water goes on to his property.

Mr. Greer asked if most the water comes from neighbor's lots and what percentage would he say? Mr. Healey stated yes, they had planned to install added drainage to catch the water from the roof but the neighbor's water is another story. He also said that most of the water comes from Glass Drive.

Mr. Gower asked if there is a drainage feature in the rear alley. Mr. Healey stated no, there is no drainage anywhere.

Chairman Rice asked what type of roof is being proposed. Mr. Healey said it would be a gabled roof.

Mr. Rummage asked if this would fix his water issues? Mr. Healey said it won't completely fix it, but will make a difference than he is currently experiencing.

Chairman Rice established the hardship being the terrain and the subsequent water runoff.

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MOTION Motion to APPROVE an 8' side setback variance to reduce the setback to 17' in lieu of the required 25', for the property located at 3788 Poe 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. Greer – yes
Mr. Parchman – yes
Motion carried
Mr. Rummage – yes
Chairman Jones – yes

SIDE & FRONT SETBACK VARIANCE

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.

Mr. Wakefield described the cases and stated that this was previous variance, but the original contractor never followed through with the addition.

Efrain Horta, 3401 Watertown Place, was present to represent the applicant. Mr. Horta said the addition will stay with the current footprint of the existing patio. He also stated the corner lot caused a hardship.

Mr. Rummage asked if this request follows the same dimension of the previous variance request? Mr. Wakefield stated that it does.

Chairman Rice opened the floor for a public hearing.

Jacqueline Moore, 3419 Sagebrook Lane, (adjacent lot) had a couple question with the addition being proposed close to the property.

Ms. Moore asked if any machinery or construction workers be able to encroach into her property line? Mr. Wakefield stated that there are engineering guidelines against that. Also Mr. Horta stated that they will install silt fence to ensure they do not cross into her property.

Ms. Moore asked if she erects a fence on her lot, how far away from the property line relative to the proposed addition will she have to be? Mr. Wakefield stated she can have a fence up to her property line.

Valerie Duren, 3414 Sagewood Trail, stated that she is for the variance request.

Ms. Moore added to the record that she is not against the request, just had a couple questions.

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 6' side setback variance to reduce the setback to 11' in lieu of the required 17' & 3' front setback variance to reduce the setback to 32' in lieu of the required 35', for the property located at 3412 Sagewood Trail, 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. Greer – yes
Mr. Parchman – yes
Motion carried
Mr. Rummage – yes
Chairman Jones – yes
Motion carried

At 6:53 PM, Mr. Rice made a motion to adjourn. The meeting adjourned at 6:53 PM.

Jack Wakefield, Planner/GIS

CITY OF VESTAVIA HILLS

BOARD OF ZONING ADJUSTMENT

MINUTES

July 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

Robert Gower Loring Jones, III

Thomas Parchman, Alt

Tony Renta

Ryan Rummage, Alt

MEMBERS ABSENT: Stephen Greer

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

Minutes were not able to be generated this month because of staff illness. June 2022 minutes were postponed until August 18, 2022 hearing.

CONFIRMATION OF A REQUEST FOR A PARKING VARIANCE

BZA-22-6 – Brian Hatcher Is Requesting Confirmation Of A Request For A Parking Variance For A New Office Building To Be Constructed At 9000 Liberty Parkway. The Request For A Variance From The PUD Required 298 Spaces To 200 Spaces Due To Extreme Sloping Of Property. The Request Was Previously Approved By The Liberty Park ARC. The Property Is Owned By Medical Properties Trust And Is Zoned Vestavia Hills, PUD PB (Planned Unit Development, Planned Business)

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Mr. Wakefield explained that this is a variance from the Liberty Park Planning Critera and that this was already formally approved by the Liberty Park ARC and the Board is called upon to concur the ARC approval. Also Mr. Wakefield stated that Christy Savage, an adjacent neighbor, submitted written concerns which were added to the agenda.

Josh Donnell ,880 Montclair Road Suite 600, was present for the case and stated the Liberty Park parking requirements, with what is being requested. Also, Mr. Donnell stated the extreme terrain prevented them from building the required parking. They intend to disturb as little of the site as possible.

Chairman Rice asked if there are patients that will be coming into the building? Mr. Donnell stated this is just an office building.

Mr. Rummage asked if a 4-story parking deck would be unfeasible? Mr. Donnell stated that the intention is to be less of a nuisance to other neighbors.

Chairman Rice opened the floor for a public hearing.

Dionne Baker, 7450 Ashland Lane, asked about the notification verbiage of 400 spaces versus the 300 being stated in the meeting. Mr. Wakefield clarified that originally the requirements were based on the Zoning Code requirements, but changed the required number of spaces to reflect what is required per Liberty Park. Ms. Baker stated that height is an issue and that she would have concerns if they were required to build a 4-story parking deck versus the proposed 3-story deck.

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 CONCUR a 98 space parking variance to reduce the number of parking spaces to 200 in lieu of the required 298, for the property located at 9000 Liberty Parkway, was made by Mr. Jones and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

Mr. Gower – yes
Mr. Jones – yes
Mr. Renta – yes
Mr. Rummage – yes
Mr. Parchman – yes
Chairman Jones – yes
Motion carried.

REAR SETBACK VARIANCE

BZA-22-7 — Slate Sandlin Is Requesting A Rear Setback Variance For The Property Located At **1814 Old Orchard Road**. The Purpose Of The Request Is For A 19' Rear Setback In Lieu Of The Required 30' In Order To Cover And Screen A Currently Open Deck On The Back Of The Home. The Property Is Owned By Slate Sandlin And Is Zoned Vestavia Hills R-3.

Mr. Wakefield stated that the applicant is proposing to enclose an existing open deck and the odd-shaped lot caused a hardship.

Slate Sandlin, 1814 Old Orchard Road, was present for the case and stated that they just want to enclose the existing deck.

Mr. Gower asked if this would stay completely in that footprint. Mr. Sandlin stated that it would.

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 11' rear setback variance to reduce the setback to 19' in lieu of the required 30', for the property located at 1814 Old Orchard Road, was made by Mr. Jones and 2nd was by Mr. Renta. Motion was carried on a roll call vote as follows:

Mr. Gower – yes
Mr. Jones – yes
Mr. Renta – yes
Mr. Rummage – yes
Mr. Parchman – yes
Chairman Jones – yes
Motion carried.

FRONT & REAR SETBACK VARIANCE

BZA-22-9 – Laura Daly A **Front Setback Variance** And A **Rear Setback Variance** For The Property Located At **2500 Mountain Woods Drive**. The Purpose Of This Request Is For A Front Setback 30' In Lieu Of The Required 50' For The Addition Of A Front Porch And A Master Suite And A Rear Setback Variance Of 15' From The Required 30' For An Existing Part Of The House That Was Constructed Prior To Annexation. The Property Is Owned By Laura Daly And Is Zoned Vestavia Hills R-2.

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Mr. Wakefield stated that the applicant is proposing a living space addition and that their hardship is a corner lot.

Laura Daly, 2500 Mountain Woods Drive, was present for the case and stated that house is currently out of compliance in the front and the rear. She also stated that her hardship was a corner lot.

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 20' front setback variance to reduce the setback to 30' in lieu of the required 50' & 15' rear setback variance to reduce the setback to 15' in lieu of the required 30', for the property located at 2500 Mountain Woods Drive, was made by Mr. Jones and 2nd was by Mr. Rummage. Motion was carried on a roll call vote as follows:

Mr. Gower – yes
Mr. Jones – yes
Mr. Renta – yes
Mr. Rummage – yes
Mr. Parchman – yes
Chairman Jones – yes
Motion carried.

VARIANCE FOR LOCATION OF FENCE

BZA-22-10 – Jenni Mote Is Requesting A Variance For Location Of A Fence For The Location Of An 8' Privacy Fence On The Property Located At 1932 Highfield Drive. The Purpose Of This Request Is That An 8' Privacy Fence Was Erected Past The Front Setback Line Of A Corner Lot. The Property Is Owned By Jenni Mote And Is Zoned Vestavia Hills R-3

This case was postponed to next month before hearing.

VARIANCE FOR LOCATION OF FENCE

BZA-22-11 – Peily Soong Is Requesting A **Location Of A Fence/Gate** For The Property Located At **2123 Chestnut Road**. The Purpose Of The Request Is To Re-Erect A Gate That Was Taken Down During Home Renovations In Order To Connect An Existing Iron Fence. The Property Is Owned By Peily Soong And Is Zoned Vestavia Hills R-3

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Mr. Wakefield described the fence request and stated that the existing fence encroaches into unimproved ROW. The applicant has been made aware that the fence will be relocated if improvements are made on the ROW.

Peily Soong, 2123 Chestnut Road, stated that their hardship is a corner lot.

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 variance for the location of a fence in the front setback, for the property located at 2123 Chestnut Road, was made by Mr. Jones and 2nd was by Mr. Renta. Motion was carried on a roll call vote as follows:

Mr. Gower – yes
Mr. Jones – yes
Mr. Renta – yes
Mr. Rummage – yes
Mr. Parchman – yes
Chairman Jones – yes
Motion carried.

SIDE SETBACK VARIANCE

BZA-22-12 – Jeremy Berman And Andy Velazquez Of Velber Development, Llc Are Requesting Side Setback Variance For The Property Located At 3985 Kyle Lane. The Purpose Of This Request Is A Side Setback Of 9' In Lieu Of The Required 15' To Allow The Roof To Be Raised And Bring The Side Into Compliance Because Of Construction Prior To Annexation Into The City. The Property Is Owned By Velber Development, Llc And Is Zoned Vestavia Hills A (Agriculture)

Mr. Wakefield stated that this request is related to improvements to an area of the home that is already out of compliance.

Jeremy Berman, 3985 Kyle Lane, was present for the case and stated that the roof is very short in the rear section of the house. The ceiling is only 6' tall, which is unlivable. Also, that the corner lot causes a hardship.

Chairman Rice opened the floor for a public hearing. 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 6' side setback variance to reduce the setback to 9' in lieu of the required 15', for the property located at 3985 Kyle Lane, was made by Mr. Jones and 2nd was by Mr. Renta. Motion was carried on a roll call vote as follows:

BZA Minutes

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Mr. Gower – yes Mr. Renta – yes
Mr. Jones – yes Mr. Rummage – yes
Mr. Parchman – yes Chairman Jones – yes

Motion carried.

At 6:34PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:34PM.

Jack Wakefield, Planner/GIS

CITY OF VESTAVIA HILLS

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

Date: August 18, 2022

• <u>CASE</u>: BZA-22-10

• **REQUESTED ACTION:** Variance for Location of Fence in the Front Setback

• **ADDRESS/LOCATION**: 1932 Highfield Drive

• APPLICANT/OWNER: Jenni Mote

• **REPRESENTING AGENT:** NA

• **GENERAL DISCUSSION:** The applicant is seeking a variance for the location of a fence in the front setback. The applicant contends the corner lot causes a hardship. The fence is to be erected on the Mayland Lane frontage. The goal was to replace one side of the fence to a pre-existing fence, because of its disrepair. The fence will be an 8' wooden privacy fence. The applicant's property is zoned Vestavia Hills R-3.

• <u>STAFF REVIEW AND RECOMMENDATION</u>:

1. City Planner Review: No problems noted.

2. City Engineer Review: See attached.

3. City Fire Marshal Review: No problems noted.

4. **Building Safety Review:** No problems noted.



BZA-22-10

Variance and Special Exception Application

Status: Active Date Created: Jun 20, 2022

Applicant

Jenni Mote jenni.mote@yahoo.com 1932 Highfield Dr. Vestavia Hills, AL 35216 2052810636

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name Phone #

Jenni Mote 2052810636

Address City/State/Zip

1932 Highfield Dr. 35216

Email

jenni.mote@yahoo.com

Subject Property Information

Subject Property Address

1932 Highfield Dr.

Legal Description of Subject Property

Southridge addition plot 6

REASONS FOR REQUEST

Variance for location of a fence.

Details

Corner lot R3, project 8ft wood privacy fence

ZONING

Vestavia Hills Zoning for the subject property is

R3

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 hardship.

PROJECT

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

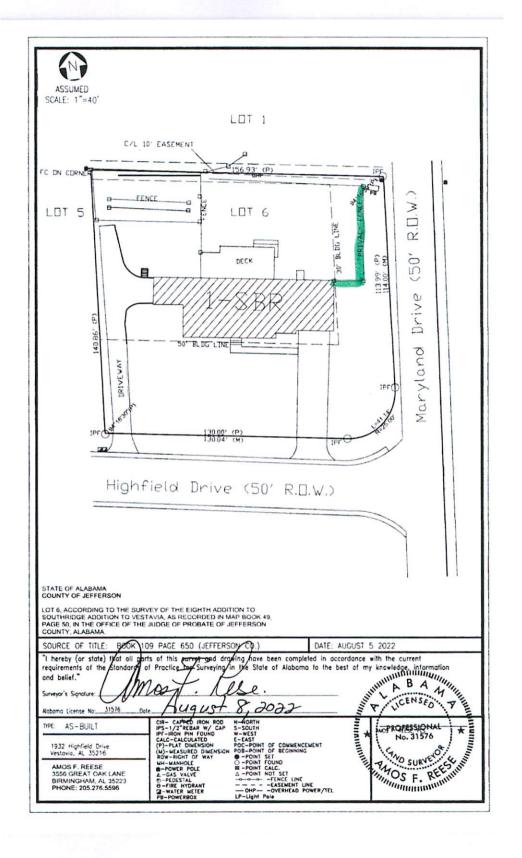
Trying to replace one side to a pre existing fence (it is completely rotted and pets can push through to get out). Fence is in backyard on the side of my property, facing mayland lane

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. If the Representing Agent is submitting this form, a notarized authorization shall be submitted with this application. Please see the file upload section below.

Owner Signature

Jennifer Foreman Mote 06/14/2022



70 SOUTHRIDGE ADDITION TO VESTAVIA HILLS SITUATED IN THE N.W. + OF THE S.W. + SEC. 30. Tp.185, R2W. JEFFERSON COUNTY, ALABAMA Scale: lin. = 80ft. April, 1957 Walter Schoel - C.E. GRAPHIC SCALE 5th ADDITION TO SOUTHRIDGE ADDITION BL.OCK 8 ACREAGE 8 TO OLD LINE ORCHARD 11800 VESTAVIA HILLS BLOCK 10 108.00 116.00 115.00 109.00 9 10 7th ADDITION STATE OF JULY A Hotery Public in and for said Sounty and State hereby certify that Massey Lesbard whose name is signed to the foregoin certificate and who is known to me, acknowledged after me on this data 115.00 HIGHFIELD certificate and who is known to me, acknowledged efore me on this date that being informed of the contents of said certificate he executed the same volunturily on the day the same bears date. Given DRIVE 108.00 SOUTHRIDGE ADDITION TO VESTAVIA HILLS 70 6 bears date. Given under my hand and seal, this the/6 day of my 1957. BLOCK II We, the undersigned, Malter Schoel, Civil Engineer and Surveyor and Richard Lambard, Massey Lambard, Ruth Mote and Helen Sullivan, owners, do hereby certify that this is a correct plat or map of a survey made by Walter Schoel, Civil Engineer and Surveyor, of the aforesaid property showing the streets, avenues, alleys or other public ways and giving the name and which of each street and the number and dirension of each lot and block and showing the land so platted to the Government survey of the Mal of the Swl of Section 30, In Mitness Thereof the said Malter Schoel has set his name and seal and Richard Lambard, Massey Lambard, suth Mote and Halen Sullivan owners, have caused these presents to be executed in their behalf this the Art day of April, 1957. 3/L" round iron pipe correctly mark all lot corners. Dratter Selos Civil Engineer and Surveyor Reg. STATE OF ALABAMA JEFFERSON COUNTY I, Chas. R. Myrd Halun Sullivan at James W. Sloa.
Juning Planning and Zonning Commission
Vestavia Hills, Alabama d for said County and State nd State, Pilod Sugar V. Sallion as

m of Vestavia Rills, A





BZA-22-10

Engineering Review

Variance and Special Exception Application

Status: Complete

Assignee: Christopher Brady

Became Active: 07/13/2022

Completed: 07/13/2022

Applicant

Jenni Mote jenni.mote@yahoo.com 1932 Highfield Dr. Vestavia Hills, AL 35216 2052810636

Primary Location

1932 HIGHFIELD DR VESTAVIA HILLS, AL 35216

Owner:

Jenni Mote 1932 Highfield Dr. Vestavia Hills, AL 35216

Comments

Christopher Brady, Jul 13, 2022 at 12:20pm

- 1) Engineering staff will be reviewing to confirm no sight distance issues from adjoining roadways.
- 2) If Applicants intent is to make this a driveable gate, a driveway permit will need to be requested and reviewed.

CITY OF VESTAVIA HILLS

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

Date: August 18, 2022

• <u>CASE</u>: BZA-22-13

• **REQUESTED ACTION:** 10' Side Setback Variance to Reduce the Setback to 5' in Lieu of the Required 15'.

• ADDRESS/LOCATION: 1832 Old Creek Trail

• APPLICANT/OWNER: Alison Parden

• **REPRESENTING AGENT:** NA

• **GENERAL DISCUSSION:** The applicant is seeking a side setback variance to build a carport. The applicant contends terrain and lot irregularity causes a hardship. The terrain gets worse towards the rear of the lot. This is the side that has the driveway, and the opposite side of the lot has less space with a significant amount of exposed bedrock. The proposed location is the only area for covered parking. There is a sewer easement on the side of the addition, but said addition will not encroach into the easement. The applicant's property is zoned Vestavia Hills R-3.

• <u>STAFF REVIEW AND RECOMMENDATION</u>:

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.



BZA-22-13

Variance and Special Exception Application

Status: Active Date Created: Jul 19, 2022

Applicant

Alison Parden aliparden@gmail.com 1832 Old Creek Trail Vestavia Hills, AL 35216 2053325554

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Alison Parden

Address

1832 Old Creek Trail

Email

aliparden@gmail.com

Phone #

2053325554

City/State/Zip

Vestavia Hills, AL 35216

Subject Property Information

Subject Property Address

1832 Old Creek Trail

Legal Description of Subject Property

Southridge Addition, Block 1, lot 3

REASONS FOR REQUEST

Side Setback Variance

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Setback Required

15ft

Setback Requested

5 ft

ZONING

Vestavia Hills Zoning for the subject property is

Residential

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).

Given the layout of my property, there is only one location to build a carport/covered parking. I can not extend behind the house due to a pool. There is not enough room between the house and property line to the east of the house. There is also a significant amount of exposed bedrock on this side of the property making it difficult terrain. There is not enought room in the front due to front set back rules. The house currently sits just a few feet behind the 50ft front set back. The driveway lies on the west side of the house and is the only suitable space to build covered parking. The side set back is 15ft. On the west side of the house, there is also a sewer easement that extends 5 ft into my property. I have approximately 22ft from the side of my house to the property line. So to avoid the easement, I would like to build the carport 17 ft wide to cover my existing driveway.

PROJECT

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

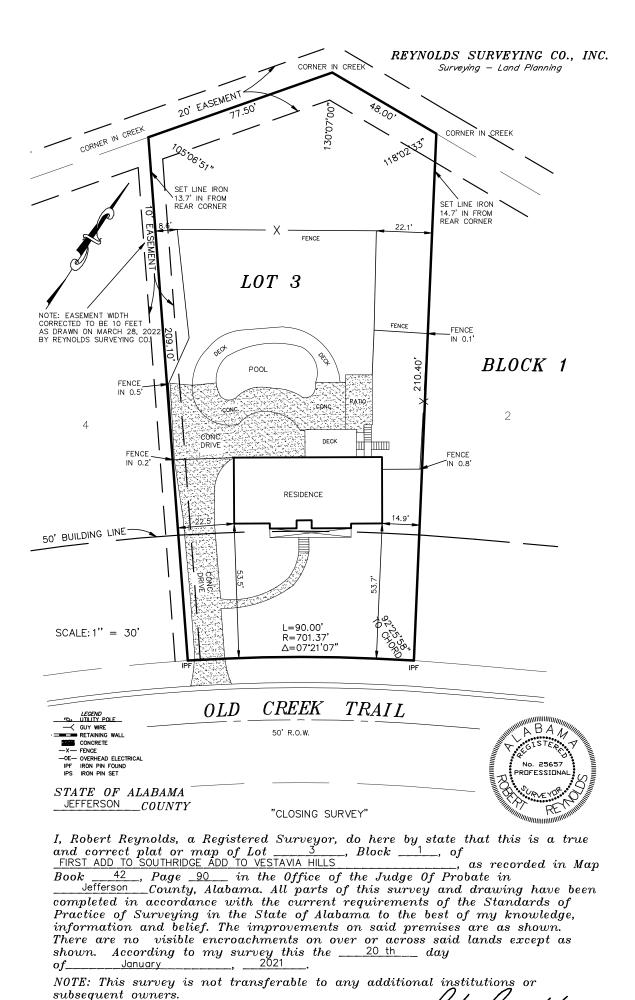
The project entails relocating a retaining wall and moving a privacy fence to allow for the driveway to be widened. These changes would allow for more space so that a carport can be built over the existing driveway. An overhang will also be built to cover the existing basement doors, thereby providing protection from the elements when accessing the carport. Even with the changes made to open the space, there is not sufficient room to stay out of the 15ft side setback rules. As previously discussed, there is no other location to build covered parking. I am requesting a variance to allow the carport to be 5ft instead of 15ft.

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. If the Representing Agent is submitting this form, a notarized authorization shall be submitted with this application. Please see the file upload section below.

Owner Signature

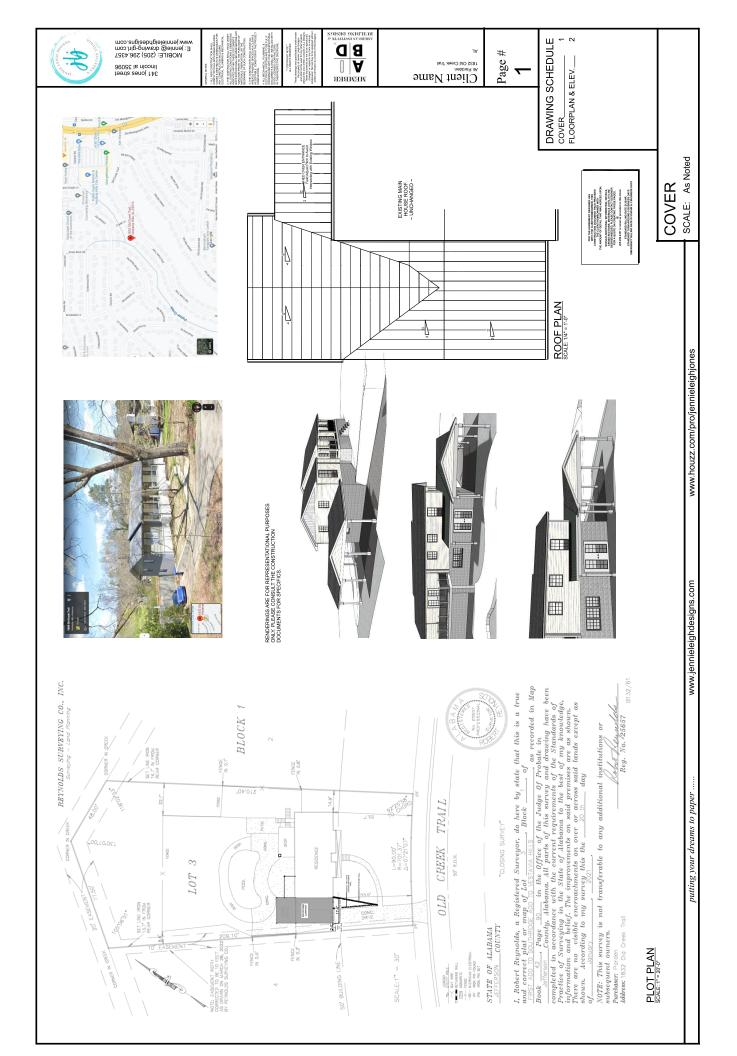
Alison Parden 07/16/2022

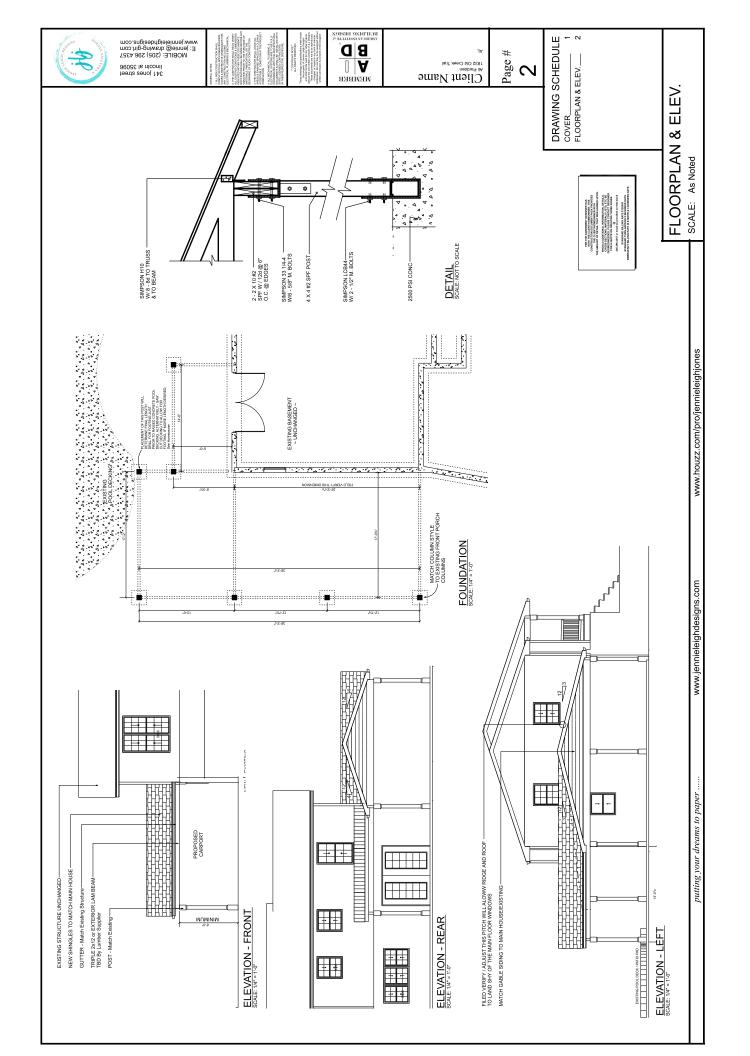


Purchaser: Parden

Address: 1832 Old Creek Trail

Robot Keyndle Reg. No. 25657 B132/61





CITY OF VESTAVIA HILLS

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

Date: August 18, 2022

• <u>CASE</u>: BZA-22-14

• **REQUESTED ACTION:** 15' Rear Setback Variance to Reduce the Setback to 10' in Lieu of the Required 25'.

• ADDRESS/LOCATION: 3417 Mountainside Road

• **APPLICANT/OWNER:** Bobby Adams

• **REPRESENTING AGENT:** NA

• **GENERAL DISCUSSION:** The applicant is seeking a rear setback variance to build a kitchen space addition. The applicant contends odd-shaped lot causes a hardship. The original right-of-way for Mountainside Dr was planned for a location that was unbuildable. That forced the current roadway to split this lot. The house is set further back in the rear because of the encroachment of this roadway. The house sits on two lots. The applicant had resurvey approved the previous week and is in the process of recording it. The applicant's property is zoned Vestavia Hills R-4.

• <u>STAFF REVIEW AND RECOMMENDATION</u>:

1. City Planner Review: No problems noted.

2. City Engineer Review: See attached.

3. City Fire Marshal Review: No problems noted.

4. **Building Safety Review:** No problems noted.



BZA-22-14

Variance and Special Exception Application

Status: Active Date Created: Jul 20, 2022

Applicant

Bobby Adams bobbyadams03@gmail.com 3417 Mountainside Rd Vestavia, AL 35243 2053651197

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Bobby Adams

Address

3417 Mountainside Road

Email

bobbyadams03@gmail.com

Phone #

2053651197

City/State/Zip

Vestavia Hills, AL 35243

Subject Property Information

Subject Property Address

3417 Mountainside Road

Legal Description of Subject Property

LOT 15 & NW 1/2 OF LOT 14 BLK 2 SHADES CAHABA ESTS 3RD ADD *

REASONS FOR REQUEST

Rear Setback Variance

Setback Required

25

Setback Requested

10

ZONING

Vestavia Hills Zoning for the subject property is

R-4

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).

Odd-Shaped Lot

PROJECT

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

Kitchen space addition.

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. If the Representing Agent is submitting this form, a notarized authorization shall be submitted with this application. Please see the file upload section below.

Owner Signature

John Robert Adams III 07/20/2022

REYNOLDS SURVEYING CO., INC. Surveying - Land Planning

PROPOSED ADDITION ADDED TO SURVEY BY REYNOLDS SURVEYING ON MAY, 17, 2022. IPF 90,10,48 155.23 20.5 DRIVE BLOCK 2 RESIDENCE NW1/2 OF LOT 14 30.7 23.6 - 16-99**:**04 48 MOUNTAINSIDE DRIVE ASPHALT -LOT 15 35' BUILDING LINE છું MOUNTAINSIDE DRIVE 80.00, L=93.71' R=350.00' UTILITY POLE < GUY WIRE ABAL RETAINING WALL CONCRETE X- FENCE -OE- OVERHEAD ELECTRICAL SCALE: 1'' = 40'No. 25657 IRON PIN FOUND IPS IRON PIN SET PROFESSION "CLOSING SURVEY" STATE OF ALABAMA JEFFERSON COUNTY *15 AND THE NORTHWEST 1/2 OF LOT 14 I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot ____*_, Block _2_, of THIRD ADDITION TO SHADES CAHABA ESTATES _, as recorded in Map k 41 , Page 12 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have been Bookcompleted 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 According to my survey this the _____ 5TH ___ day of_ NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Rea. No. 25657

Purchaser: ADAMS/WILLENS

Address: 3417 MOUNTAINSIDE DRIVE

BLOCK 2 OF THIRD ADDITION TO SHADES CAHABA ESTATES 15 AND NW 1/2 OF LOT 14, ADAM'S RESURVEY OF LOTS

As Recorded in Map Book 41, Page 12 Jefferson County, Al.

LOCATED IN NW 1/4 SECTION 23, TOWNSHIP 18 SOUTH, RANGE 2 WEST, VESTAVIA HILLS, JEFFERSON COUNTY, ALABAMA



REYNOLDS SURVEYING CO., INC. 1572 MONTGOMERY HIGHWAY SUITE 108 BIRMINGHAM, ALABAMA 35216 205-823-7900

BLOCK 2

LOT 15-A

CNW/2 OF 7

-10-

-11-

-12-

OWNER: JOHN ROBERT ADAMS, III 3417 MOUNTAINSIDE DRIVE VESTAVIA HILLS, ALABAMA 35243 205-365-1197

STATE OF ALABAMA EFFERSON COUNTY

ROBERT REYNOLDS AL. REG. NO. 25657

STATE OF ALABAMA EFFERSON COUNTY

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-1839.20 | CLOT 15

MOUNTAINSIDE DRIVE

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VICINITY MAP NOT TO SCALE NOGIJH CVHVBV DKIAE

ROOD NOTE. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP (FIRM) PAPILE IN 0. 01072/025%, EFECTIVE DATE OD 9/24/2021, THIS PROPERTY IS LOCATED IN ZONE "X" AND IS NOT LOOCATED IN A SPECIAL FLOOD HAZARD ZONE.



BZA-22-14

Engineering Review

Variance and Special Exception Application

Status: Complete

Assignee: Christopher Brady

Became Active: 07/20/2022

Completed: 07/26/2022

Applicant

Bobby Adams bobbyadams03@gmail.com 3417 Mountainside Rd Vestavia, AL 35243 2053651197

Primary Location

3417 MOUNTAINSIDE RD VESTAVIA HILLS, AL 35243

Comments

Christopher Brady, Jul 26, 2022 at 5:13pm

1) Permit request for the home addition will be subject to engineering review to meet stormwater requirements.