

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
October 20, 2022
6:00 P.M.

- (1) **Roll Call**
- (2) **Approval of Minutes: September 15, 2022**
- (3) **BZA-22-19** **Lindsey and Christopher Lee** are requesting a **Rear Setback Variance** for the property located at **2368 Garland Drive**. The purpose of this request is to reduce the rear setback to 16' in lieu of the required 30', to build a covered back deck. The property is owned by the Lindsey and Christopher Lee and is zoned **Vestavia Hills R-2**.
- (4) **BZA-22-20** **Jane Hinds** is requesting **Front and Side Setback Variances** for the property located **3128 Midland Drive**. The purpose of this request is to reduce the front setback to 24' in lieu of the required 36' & to reduce the side setback to 5' in lieu of the required 10', to build a master bedroom addition. The property is owned by Jane Hinds and is zoned **Vestavia Hills R-4**.
- (5) **BZA-22-21** **Ryan Morgan** is requesting a **Side Setback Variance** for the property located at **2209 Biltmore Avenue**. The purpose of this request is to reduce the side setback to 13' in lieu of the required 15', to build a house. The property is owned by the Ryan Morgan and is zoned **Vestavia Hills R-2**.
- (6) **Time of Adjournment**

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

September 15, 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
Tony Renta
Ryan Rummage, Alt

MEMBERS ABSENT:

Stephen Greer
Thomas Parchman, Alt

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of August 18, 2022 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of August 18, 2022 was made by Jones and 2nd was by Gower. Motion as carried on a voice vote as follows:

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

FRONT AND REAR SETBACK VARIANCE

BZA-22-15 Teresa Black is requesting **Front and Rear Setback Variances** for the property located **2009 Southwood Road**. The purpose of this request is to reduce the front setback to 25’ in lieu of the required 50’ & to reduce the rear setback to 28’ in lieu of the required 30’, to build a master bath and closet addition. The property is owned by Teresa Black and is zoned **Vestavia Hills R-3**.

Mr. Wakefield stated that the applicant is proposing to build a carport and the odd-shaped lot caused a hardship.

Ryan Harry was present for the case, representing the applicant. He stated that the hardship was a corner lot. Also, that the house is already encroaching in the rear.

There were no questions or objections from the Board.

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 25’ front setback variance to reduce the setback to 25’ in lieu of the required 50’ & a 2’ rear setback variance to reduce the setback to 28’ in lieu of the required 30’, for the property located at 2009 Southwood 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. Rummage – yes
Mr. Jones – yes Chairman Rice – yes
Mr. Renta – yes
Motion carried.

VARIANCE FOR LOCATION OF FENCE

BZA-22-16 Lisa Holmes is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1110 Mayland Lane**. The purpose of this request is to build a fence in the Mayland Lane frontage. The property is owned by the Lisa Holmes and is zoned **Vestavia Hills R-3**

Mr. Wakefield explained that the subject property has a private drive/alley that abuts it, and that the fence was erected down that side property line to create added privacy and protection.

Lisa Holmes, 1110 Mayland Lane, was present for the case and stated that the private alley/drive caused a hardship. The fence is a privacy fence needed for protection and privacy of her property.

Discussion ensued regarding the private drive/ alley.

Mr. Renta asked if the fence is currently up.

Mr. Wakefield responded that the fence was unpermitted and caught by our Building Department.

Mr. Jones asked what hardship exists. The reasoning the applicant gave is not sufficient and asks for additional information.

Upon clarification that this fence is already erected, Mr. Jones stated that he misunderstood and that the hardship is a nullity as the fence has already been permitted.

Mr. Wakefield was asked why the fence was unpermitted and Mr. Wakefield stated that from time to time people build something not knowing the requirements to do so.

Chairman Rice opened the floor for a public hearing

Rod Kanter, representing the property owner at 1939 Mission Road, questioned the hardship and the limited sight distance.

Mr. Kanter stated that the fence creates a great safety hazard for the property owners serviced by the private drive. The fence obstructs the view of sight as you try to pull out on to Mayland Ln.

Mr. Wakefield spoke on the issue of sight distance, and stated that City Engineers have already reviewed this and concluded no sight distance issues were present.

Mr. Kanter asked a question related to the hardship and wanted clarification that since the fence is already up that there is no undue hardship needed.

Mr. Jones said he believed it was a nullity.

Chairman Rice mentioned that Mr. Kanter said that the homeowner he is representing didn't have an issue with the first sections of the fence and asked what sections are most affecting them.

Mr. Kanter, through pictures, detailed the location of the fence that is causing the sight distance issues.

Barbara Hargrove & Rhonda Head (1935 Mission Road & 1937 Mission Road) stated that they had no issues with the fence or sight distance.

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 1110 Mayland Lane, 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. Rummage – no
Mr. Jones – yes Chairman Rice – yes
Mr. Renta – yes
Motion carried.

SIDE SETBACK VARIANCE

BZA-22-17 Benjamin Patterson is requesting a **Side Setback Variance** for the property located at **248 Monterey Place**. The purpose of this request is to reduce the side setback to 15’ in lieu of the required 17’, to build a house. The property is owned by the Benjamin Patterson and is zoned **Vestavia Hills R-1**.

Mr. Wakefield stated that the applicant is proposing to completely renovate and add on to an existing house. The house is on an odd-shaped lot and the encroachment is for the back corner of the house.

Adam Garrets was present for the applicant and stated that the odd-shaped lot caused a hardship. He also mentioned that the applicant has hired an engineer to study the storm-water impact on the site.

Mr. Garrets detailed that the rainwater primarily comes from the road way and crosses the subject property and then floods the neighboring properties.

Mr. Renta asked if the gutters are altered causing them to not divert the water?

Brian Lucas, Hydrology Engineer, explained how the water comes from the top of the mountain and floods the lower elevated properties. Also, that the infrastructure does not adequately divert the water to the appropriate areas.

Chairman Rice opened the floor for a public hearing.

Jim Rives, 300 Beaumont Drive, was present for the case and objected to the approval. He stated that he has been in his home since 1979 and that there have been several flooding events in the time that this property has been under construction. He asked that the variance not be approved until the drainage issues are fixed.

Mr. Wakefield stated that the house can be built without the encroachment and the flooding problems still wouldn’t be resolved. Mr. Wakefield also said that the applicant has been given recommendations on storm water mitigation by City Staff, and that permitting would be conditioned on following those recommendations.

John Wilhelm, 308 Beaumont Drive, stated that he has never seen flooding until recently. He says he is just seeking help on the drainage issues.

Mr. Garrets spoke on the need to finish the project. That finishing the project would fix water issues emanating from the site. The current house has no gutters and the lot needs to be landscaped. It can only proceed to that if the variance is approved.

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 2' side setback variance to reduce the setback to 15' in lieu of the required 17', for the property located at 248 Monterey Place, was made by Mr. Jones and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

* Conditioned on applicant following through with discussed drainage improvements and closing out of land disturbance permit as it relates to that.

Mr. Gower – yes	Mr. Rummage – no
Mr. Jones – yes	Chairman Rice – yes
Mr. Renta – yes	

Motion carried.

FRONT AND SIDE SETBACK VARIANCE

BZA-22-18 **Chris Grissom** is requesting a **Front and Side Setback Variances** for the property located at **229 Vestavia Circle**. The purpose of this request is to reduce the front setback to 37' in lieu of the required 60' & to reduce the rear setback to 8' in lieu of the required 17', to build a house. The property is owned by the Chris Grissom and is zoned **Vestavia Hills R-1**.

Mr. Wakefield stated that the applicant is proposing to build a house and that the odd-shaped lot caused a hardship

Richard Long, representing the applicant, was present for the case and stated that the variance is needed because of the steep terrain in the rear and the odd-shaped lot. Both causes the house to be pushed up.

Mr. Wakefield said the side setback variance was requested by staff, because of the raised infinity pool on the side of the house.

There were no questions or objections from the Board.

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 23' front setback variance to reduce the setback to 37' in lieu of the required 60' & a 9' side setback variance to reduce the setback to 8' in

lieu of the required 17', for the property located at 229 Vestavia Circle, 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. Rummage – yes
Mr. Jones – yes	Chairman Rice – yes
Mr. Renta – yes	
Motion carried.	

At 7:40 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 7:40 PM.

Jack Wakefield,
Planner/GIS

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

Date: October 20, 2022

- **CASE: BZA-22-19**
- **REQUESTED ACTION:** 14' Rear Setback Variance to Reduce the Setback to 16' in Lieu of the Required 30'.
- **ADDRESS/LOCATION:** 2368 Garland Drive
- **APPLICANT/OWNER:** Lindsey & Christopher Lee
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicants are seeking a rear setback variance to build a covered back deck. The applicants contend the odd-shaped lot and the topography creates a hardship. The only area within the setback that this structure could be built would result in diverted water runoff. The proposed location is the only area for this structure. 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:** See attached.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.



BZA-22-19

Variance and Special Exception Application

Status: Active

Date Created: Sep 14, 2022

Applicant

Lindsey Lee
westblk@gmail.com
2368 Garland Drive
VESTAVIA HILLS, AL 35216
2059031505

Primary Location

2368 GARLAND DR
VESTAVIA HILLS, AL 35216

Owner:

Lindsey and Christopher Lee
2368 Garland Drive Garland VESTAVIA HILLS,
AL 35216

Agenda Information

Agenda Scheduling

October 2022

Comments/Delay/Explanation

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Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Lindsey and Christopher Lee

Phone #

205-903-1505

Address

2368 Garland Drive

City/State/Zip

Vestavia, AL 35216

Email

westblk@gmail.com

Subject Property Information**Subject Property Address**

2368 Garland Drive Vestavia, AL 35216Bloc

Legal Description of Subject Property

Block 2; Lot 33

REASONS FOR REQUEST**Rear Setback Variance****Setback Required**

30

Setback Requested

16

ZONING**Vestavia Hills Zoning for the subject property is**

Vesthaven Sixth Sector - Fifth Addition

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

Back covered deck; rear setback variance to reduce the setback to 5 feet in lieu of the required 30 feet.

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. Also, the topography of the property allows for only this portion of the property to be buildable without causing storm water issues on the west side of the property. If a structure was built on the west side of the property we would have to divert water and introduce a retention basin. We will include peagravel as our under deck area to allow for gutters to empty into this area so water doesn't sheet off on the surface and cause issues.

Before any variance is granted, the BZA must find that ALL of the following conditions exist. Please describe each of the following details in order for the BZA to determine if these warrants the described hardship.

1. There are extraordinary and exceptional conditions, which are peculiar to the piece of property in question because of its size, shape or topography, that are not applicable to the other lands or structures in the same district. Please explain:

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2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other owners of property in the District in which the property is located. Please explain:

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3. All literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by others of property in the district in which the property is located. Please explain:

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4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare. Please explain:

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5. The special circumstances are not the intended result of the actions of the applicant (i.e., self-imposed hardship). Please explain:

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6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure. Please explain:

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7. The no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.

8. That a variance will not allow the permanent establishment of a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

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NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not

an unnecessary hardship exists: (1) proof that a variance would increase the financial return from land; or (2) personal or economic hardship; or (3) self-imposed hardship. In other words, hardship alone is not sufficient to permit a variance. It must be an "unnecessary hardship." Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an "unnecessary hardship."

OWNER AFFIDAVIT

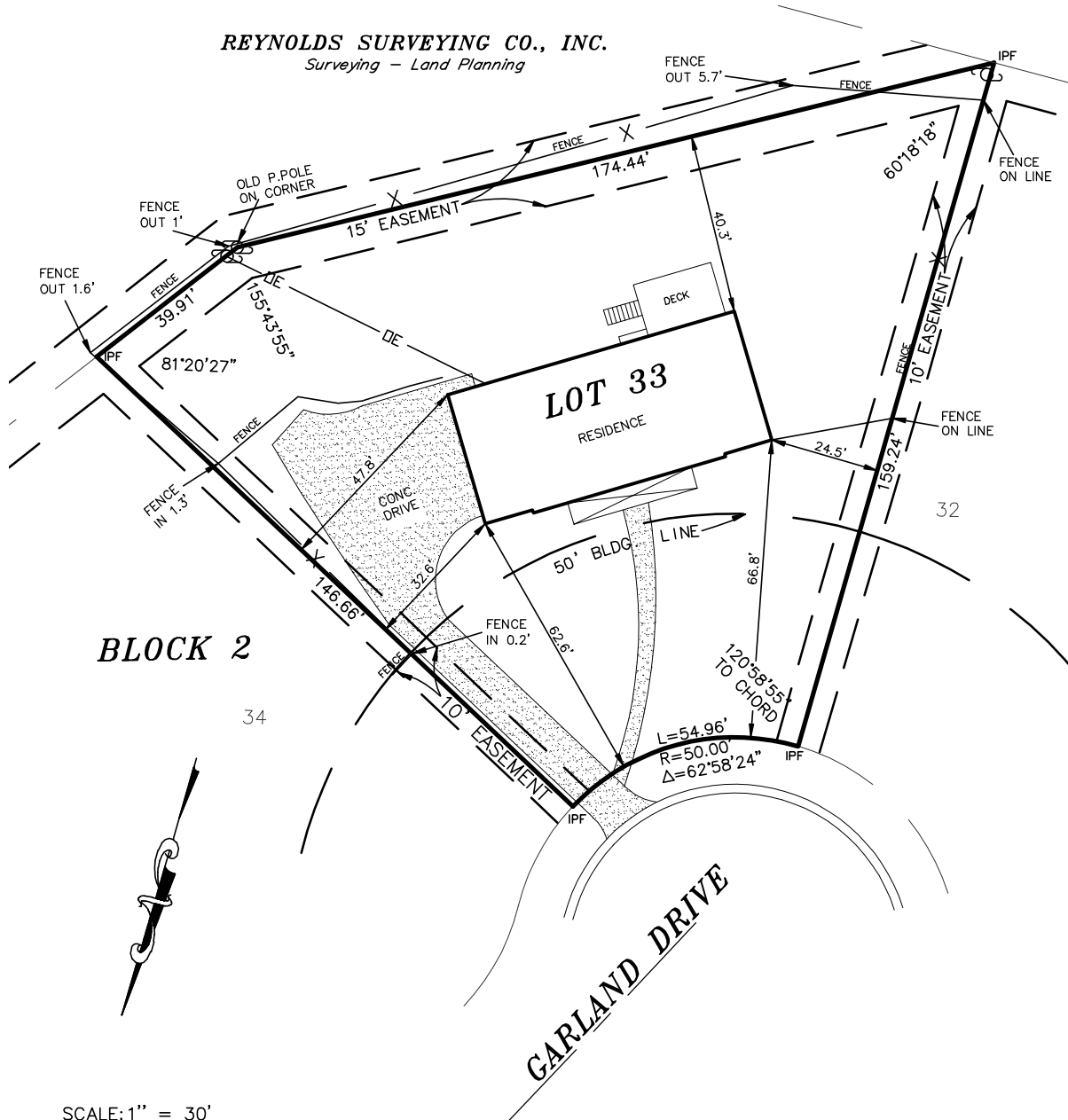
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments section of this application. NOTE: Applications cannot be processed without the notarized owners affidavit. Owners authorization may be found on our main page.

Owner Signature

Lindsey W. Lee

09/14/2022

REYNOLDS SURVEYING CO., INC.
 Surveying - Land Planning



SCALE: 1" = 30'

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

STATE OF ALABAMA
 JEFFERSON COUNTY

"PROPERTY SURVEY"



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 33, Block 2, of VESTHAVEN SIXTH SECTOR - FIFTH ADDITION, as recorded in Map Book 81, Page 45 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 18th day of July, 2022.

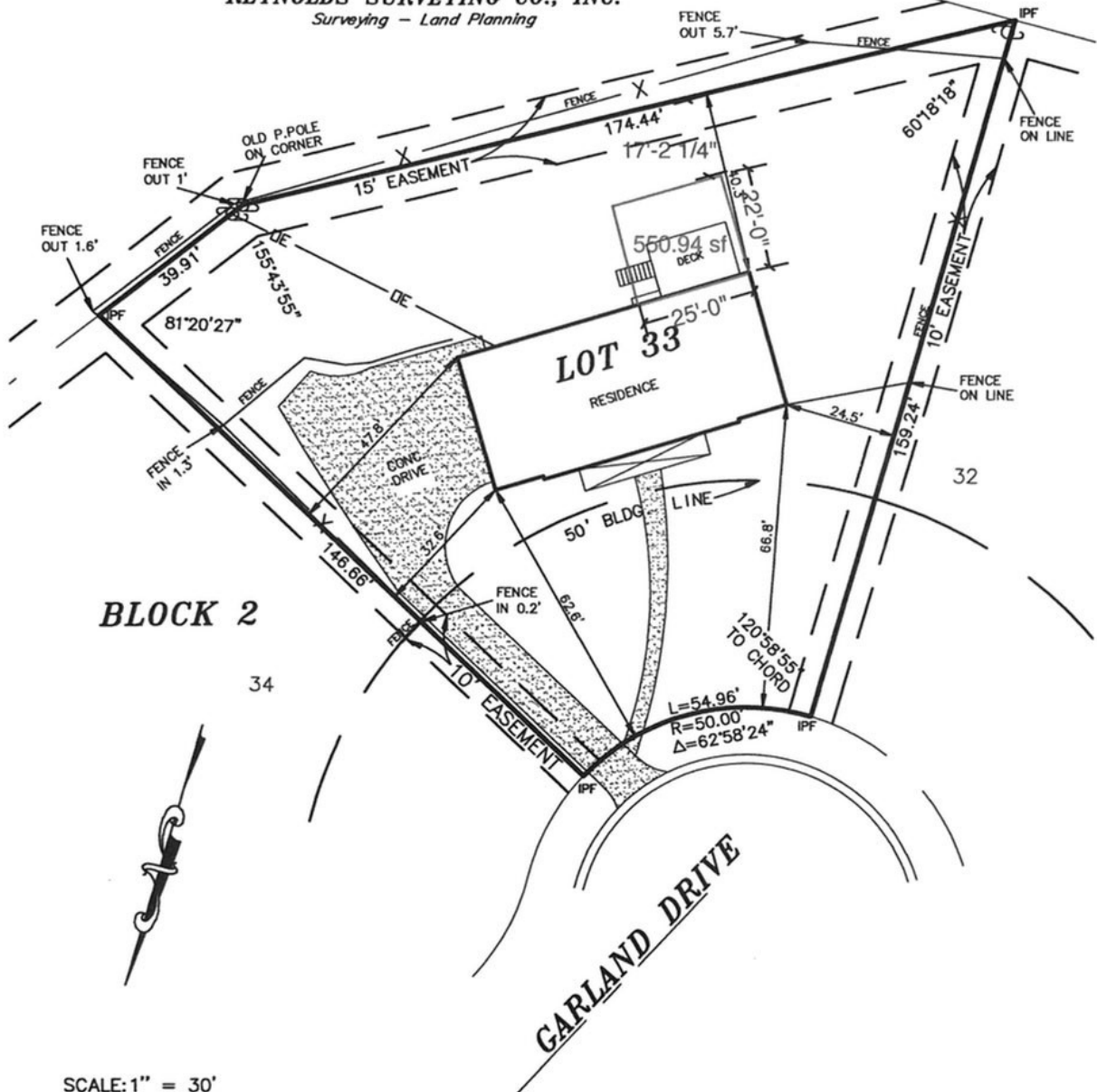
NOTE: This survey is not transferable to any additional institutions or subsequent owners.

owner: Lee
 Address: 2368 Garland Drive

Robert Reynolds
 Reg. No. 25657

OPTION 1
22x25 outside dimensions of deck

REYNOLDS SURVEYING CO., INC.
Surveying - Land Planning



SCALE: 1" = 30'

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

STATE OF ALABAMA
JEFFERSON COUNTY

"PROPERTY SURVEY"



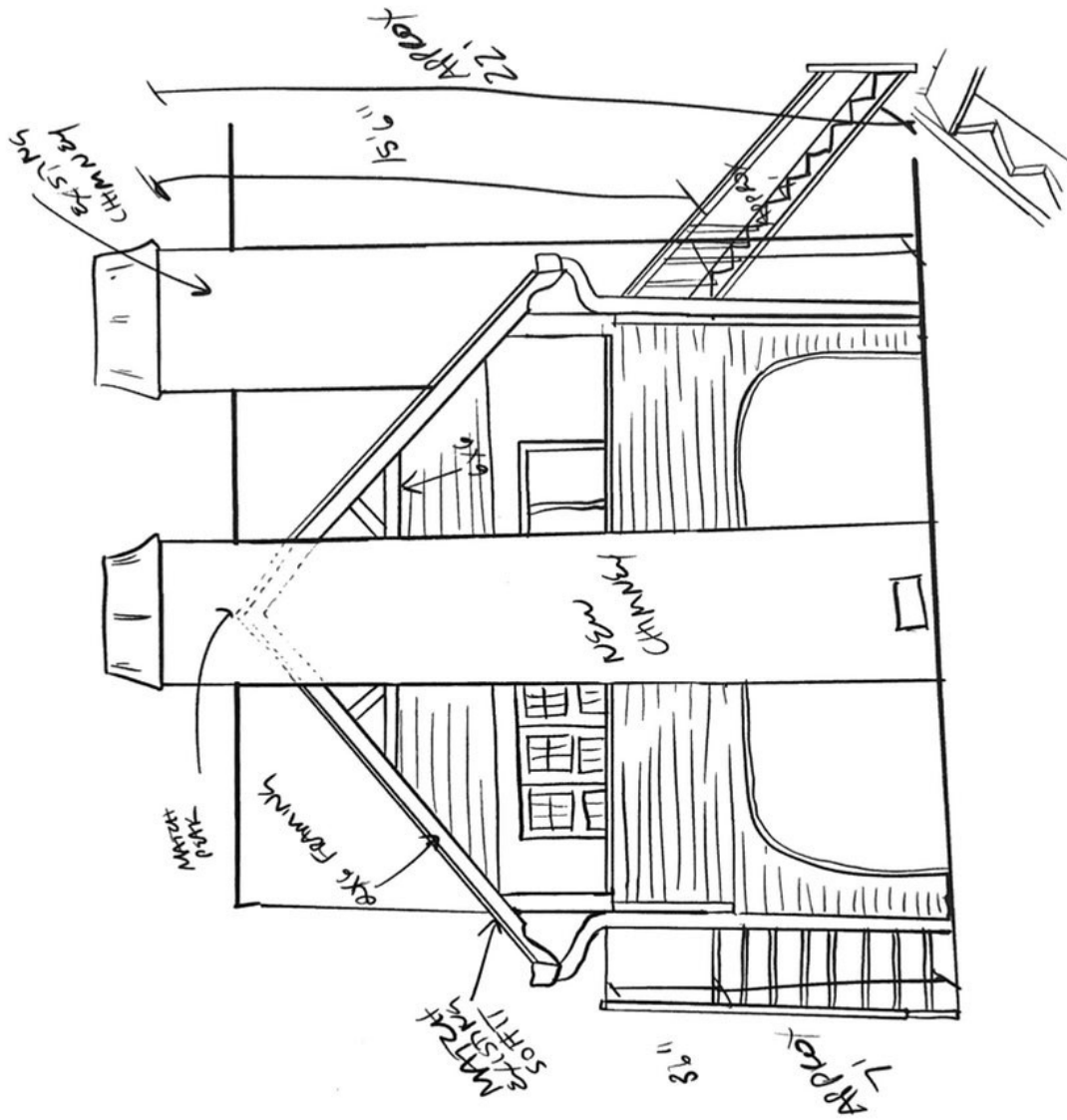
I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 33, Block 2, of VESTHAVEN SIXTH SECTOR - FIFTH ADDITION, as recorded in Map Book 81, Page 45 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 18th day of July, 2022.

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

owner: Lee
Address: 2368 Garland Drive

Robert Reynolds
Reg. No. 25637

The Lee's



2368 Garland Drive
Vestavia AL, 35216

Back deck addition

All T&G material for ceiling

All other material provided by contractor unless otherwise noted

Route all gutters directly into other gutters or downspouts and not onto existing roofs

Tie into peak of existing roof

The roof ridge to the top of the existing ridge

Chimney to match existing brick or owner accepted equal.

Tie in horizontally to the home and fill in with matching siding.

All wood material to be stained/painted. Color to be selected by owner. Include 3 samples

Match existing roof shingles

All Landscape by owner

Include 3000 electrical allowance

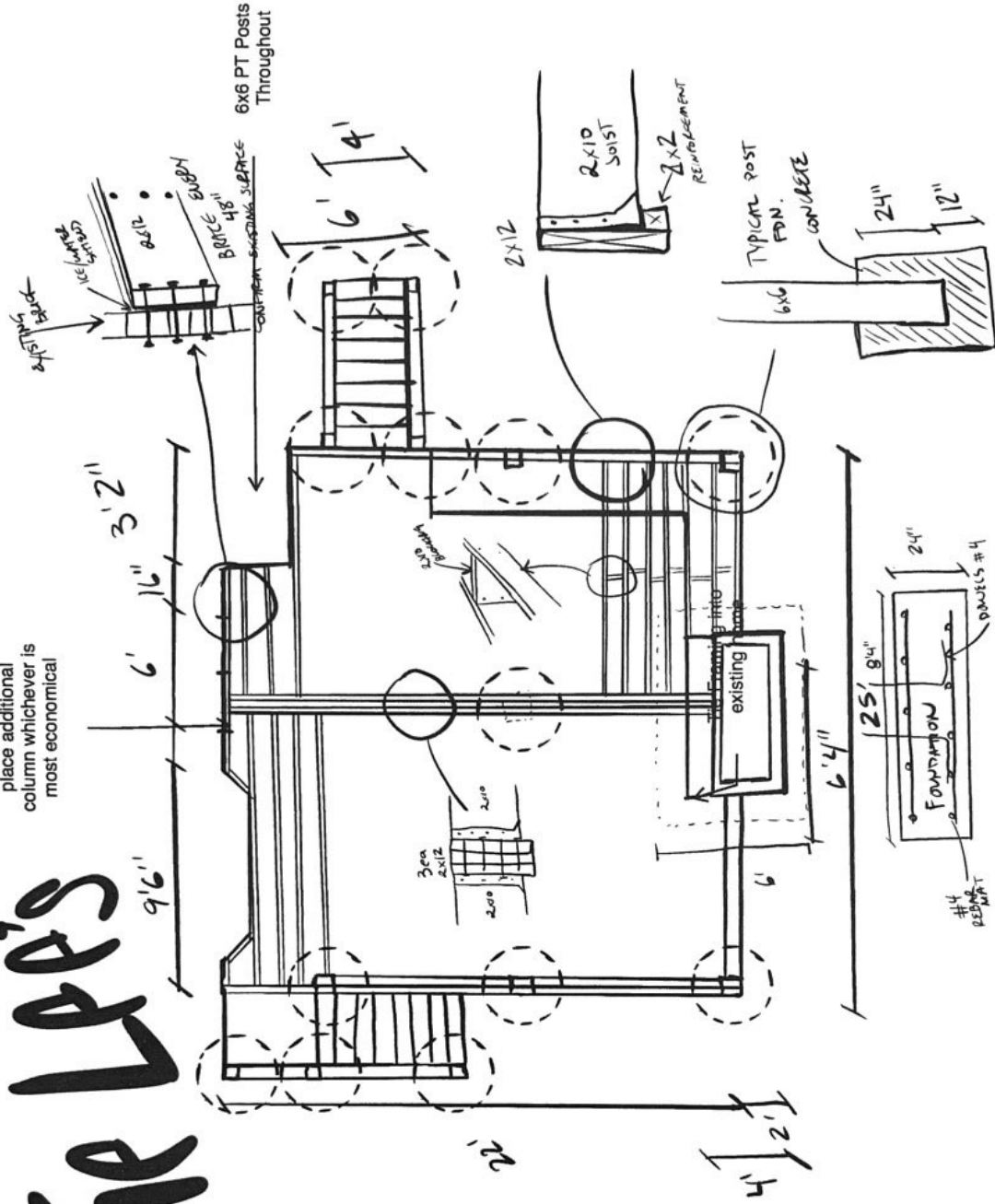
Include 3000 plumbing allowance

match Chimney Caps for both Chimneys

Tie in all steps to existing sidewalk and/or grades

The LAE'S

Tie Framing into existing home or place additional column whichever is most economical



ALL RAFTERS TO CODE.
PICKETS TO BE SELECTED BY OWNER

General Notes Cont

- Extend Chimney 3 feet past top of ridge
- Chimney cap to match. 1000 each allowance to be carried in estimate.
- Contractor to develop materials list for owner to order from (wood products only)
- Include one 6x6 reclaimed wood mantle and installation
- Demolish existing siding 8' an above to tie in for the new addition. Clad in matching siding and paint
- Bottom of beams to be 8 Feet above finished deck floor or higher
- Remove existing tree that will be in the way of construction. Do not damage any other trees in the vicinity.
- Contractor to include all demo
- Include 2x2x1.5 concrete pier foundations at each column attached with engineered ties. Cover ties with mitered wrap

Electrical Notes

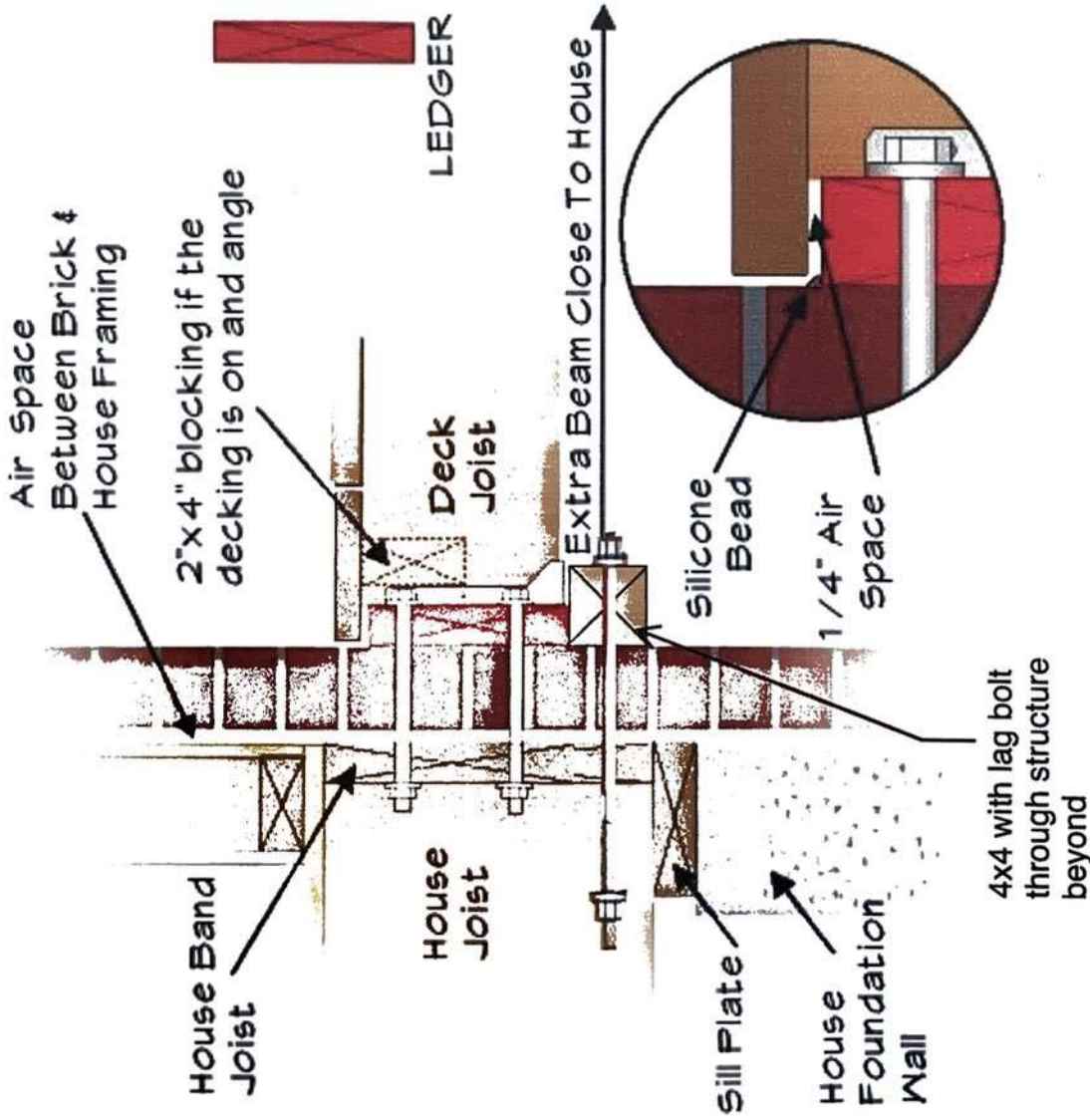
- Include Dimmer for chandelier
- Include switches to be located at new full glass french doors at the entrance to the space.
- Include dimmers for can lights and sconces 8 total
- Include Wiring for the Television
- Include wiring and installation of 6 can lights to be located by owner at their discretion in this space
- Include wiring and installation of two sconces provided by owner
- Include wiring and installation of 2 fans and one chandelier
- Include single zone landscape lighting with 8 lights to be installed at owners discretion immediately surrounding the new addition
- Wiring must not be visible from the space at a normal height. Run all wiring within wood members or joist system

Plumbing notes

- include gas log assist fire place
- include piping for two gas appliances
- no water in this project

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General Notes:
Not shown in drawings: Stair Risers must be installed.



ATTACHMENT TO EXISTING STRUCTURE

Residential Deck Drawings

General Notes

Unless noted otherwise in the plans

- All lumber shall be pressure treated for exterior use. All metal fasteners & hangers shall be G185 galvanized, stainless steel or otherwise compatible with the wood treatment. *All bolts shall be 1/2" diameter, minimum.*
- All beams, joists, posts and decking shall be No. 2 Southern Pine, or better.
- All beam splices and top rails shall occur at a post or otherwise on adequate bearing.
- All footings shall be cast-in-place concrete with a min. 2500 psi compressive strength.
- Guards are required at all areas where the deck/porch floor is greater than 30" above grade at any point.
- Required guards shall be 36" tall (min.) and be constructed such that a 4" diameter object will not pass through.
- Guard post spacing shall not exceed 6 ft. on center.
- Required guards & handrails at stairs shall range from 34" to 38" vertically above the stair nosings.
- Handrail ends, at the top and bottom, shall terminate into a post or be returned to a wall.
- On stairs with closed risers, treads shall have a projected nosing ranging from 3/4" to 1-1/4". All treads and risers shall be equal.
- The deck/porch floor shall be within 8-1/4" of the top of the door threshold.
- Live Load Deflection: Joists & Beams- L/360
Guards- L/240
- Design Loads: Floor Live Load - 40 lbs./sf (min.)
Wind Speed - 90 mph
Soil Bearing Pressure - 3000 lbs./sf
- Guards shall be designed for a 200 lb. concentrated load placed along the top rail in any direction, at any point.
- This deck/porch is not designed for hot-tub or spa loading.
- Post size is based on the height of the deck floor above finished grade (at the highest point):
0' to 8' high: 4x4, 4x6, 6x6
8' to 10' high: 4x6, 6x6
10' and up: 6x6 (required for multi-level decks too)
- All separated beams shall receive full depth solid blocking at 24" on center, maximum spacing.
- The actual field construction shall match the approved plans. All field changes and/or deviations require an Engineering Change approval.*

Framing/Footing Table

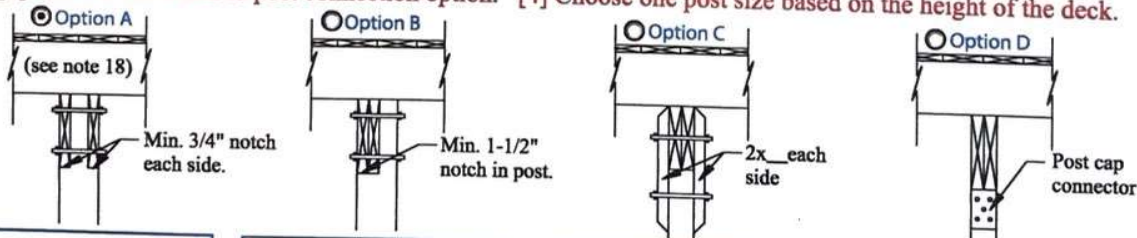
[1] Choose one floor joist size with the associated span, [2] Choose one floor beam size. Entire row applies.

Floor Joists ^a			Floor Beams ^b			Footing Size				1/2" Ledger Board Bolts
Choose Joist Size	Lumber Size	Max. Span [A]	Choose One Row	Lumber Size	Max. Span [B]	Single-Span Floor Joists		Multi-Span Floor Joists		Spacing
	(nominal)	(feet)		(nominal)	(feet)	min. dia. [C] (inches)	min. thick [D] (inches)	min. dia. [C] (inches)	min. thick [D] (inches)	
○	2 x 6	8	○	(2) 2 x 6	5	12	6	15	8	24
			○	(2) 2 x 8	7	13	7	19	10	24
			○	(2) 2 x 10	9	15	8	23	12	24
			○	(2) 2 x 12	11	17	9	24	12	24
○	2 x 8	10	○	(2) 2 x 8	7	14	7	20	10	16
			○	(2) 2 x 10	9	17	9	24	12	16
			○	(2) 2 x 12	10	18	9	25	13	16
○	2 x 10	13	○	(2) 2 x 10	8	17	9	24	12	16
			○	(2) 2 x 12	9	18	9	26	13	16
⊙	2 x 12	16	⊙	(2) 2 x 12	8	20	10	28	14	12

a. Choose one joist size and corresponding maximum span. All joists are spaced a maximum of 16" oc.
b. Choose one floor beam (entire row) that corresponds with the size of joist chosen.

Beam to Post Connection Options

[3] Choose one beam to post connection option. [4] Choose one post size based on the height of the deck.



- 4x4 posts (up to 8')
- 4x6 posts (up to 10')
- 6x6 posts req'd over 10')

- 4x4 posts (up to 8')
- 4x6 posts (up to 10')
- 6x6 posts req'd over 10')

- 4x4 posts (up to 8')
- 4x6 posts (up to 10')
- 6x6 posts req'd over 10')

- 4x4 posts (up to 8')
- 4x6 posts (up to 10')
- 6x6 posts req'd over 10')

Property Owner:

Name: Burnham Hawk
Address: 2121 English Village Lane
Mtn. Brook, AL
Phone:

Designer:

Name: Burnham Hawk
Address: 2121 English Village Lane
Mtn. Brook, AL
Phone:

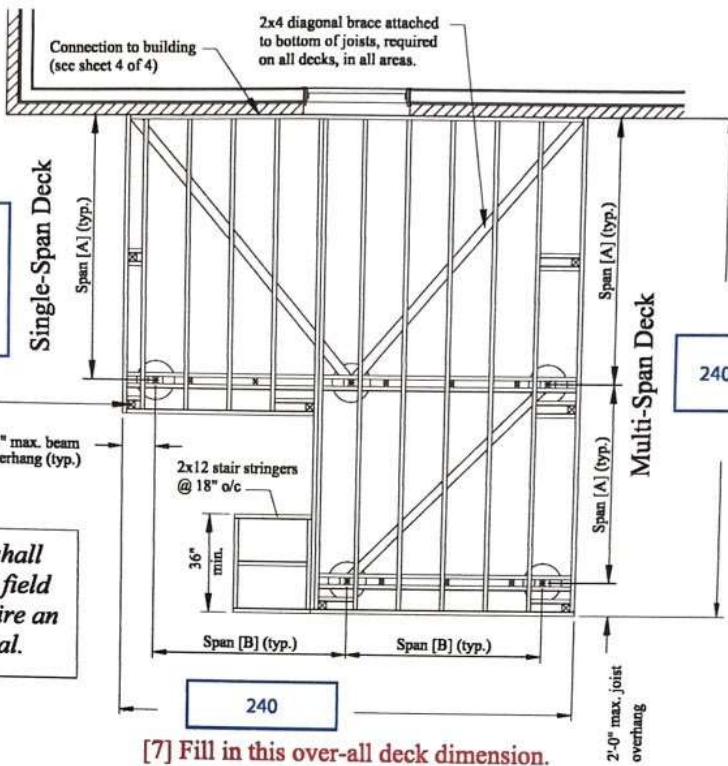
Contractor:

Name: Burnham Hawk
Address: 2121 English Village Lane
Mtn. Brook, AL
Phone:

Foundation & Framing Plan

[5] Choose one span configuration:

- Single-Span
- Multi-Span



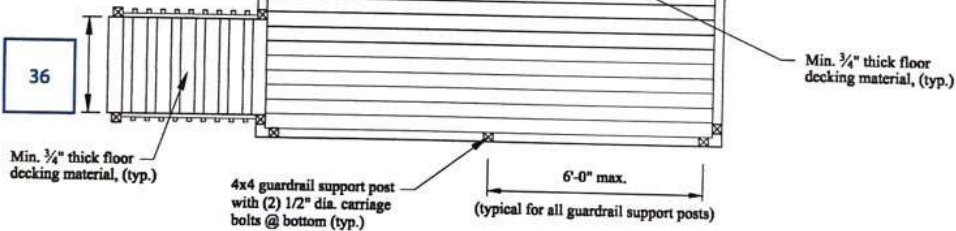
[6] Fill in this over-all deck dimension.

The actual field construction shall match the approved plans. All field changes and/or deviations require an Engineering Change approval.

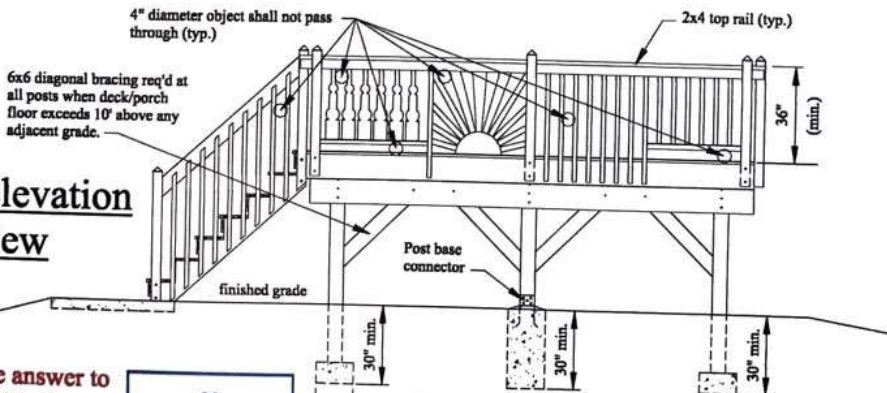
[7] Fill in this over-all deck dimension.

Deck Finished Floor Plan

[8] Fill in the stair width in inches (36" min.).



Front Elevation View



[9] Using the answer to Step 5, fill in the footing diameter in inches.

28

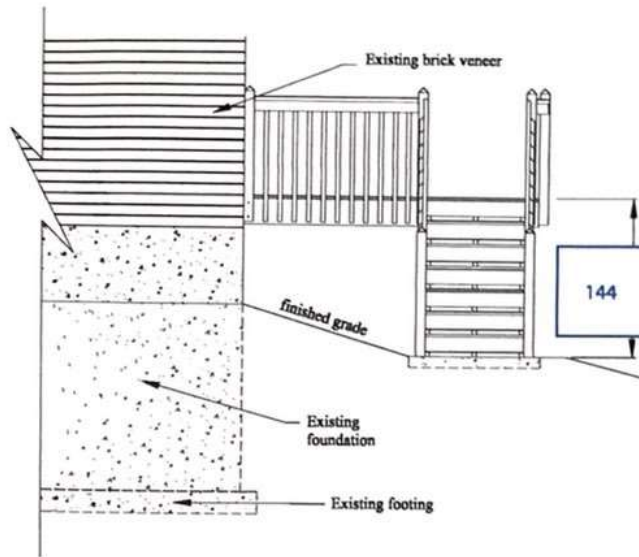
See table for req'd footing diameter (C)

[10] Choose a footing option:

- Post attached to top of concrete footing
- Post on top of buried concrete footing

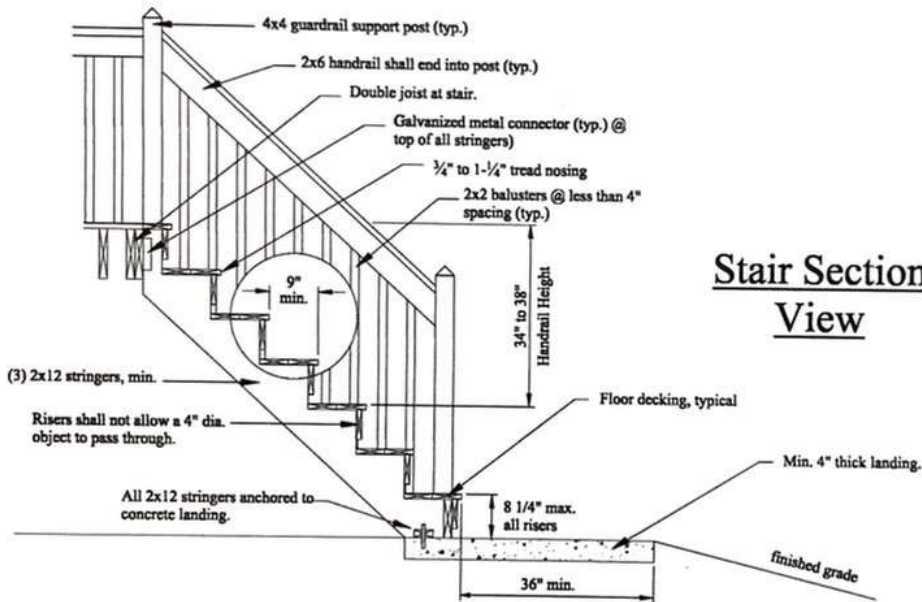
Left Side Elevation View

The actual field construction shall match the approved plans. All field changes and/or deviations require an Engineering Change approval.



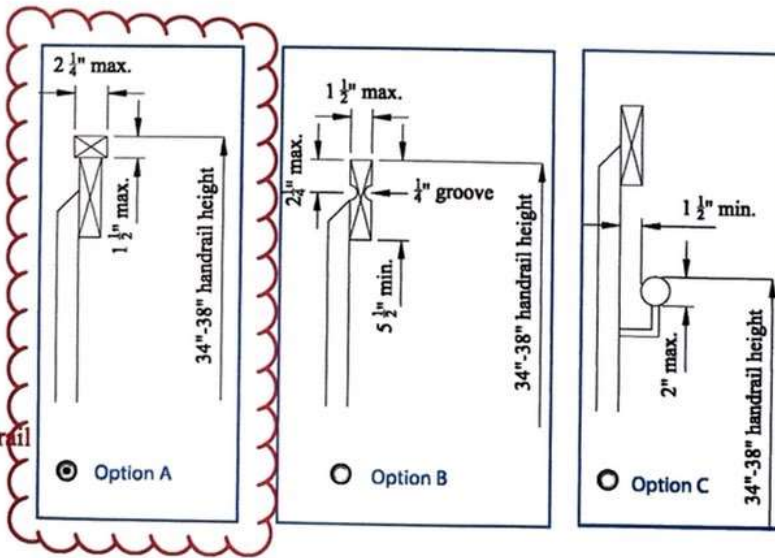
[11] Fill in the highest point above grade in inches.

Stair Section View



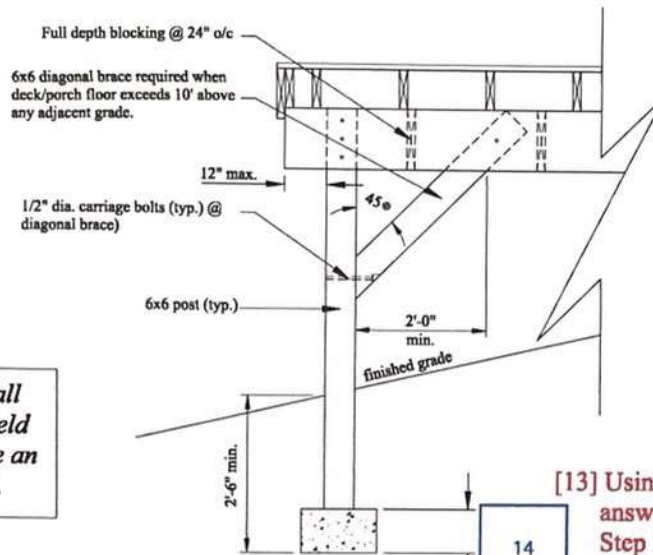
Handrail Sections

[12] Choose a handrail grip style:



Post & Beam Detail

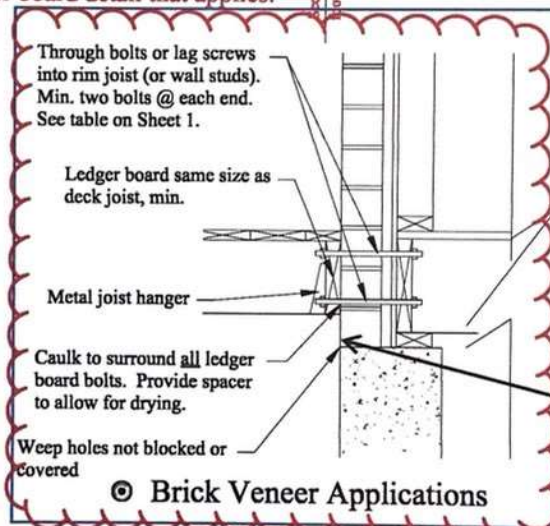
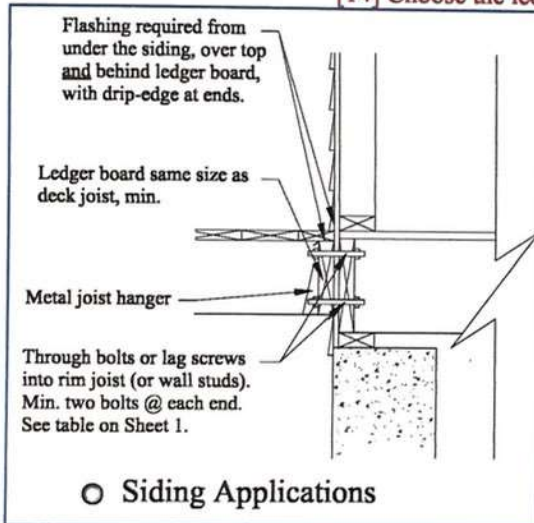
The actual field construction shall match the approved plans. All field changes and/or deviations require an Engineering Change approval.



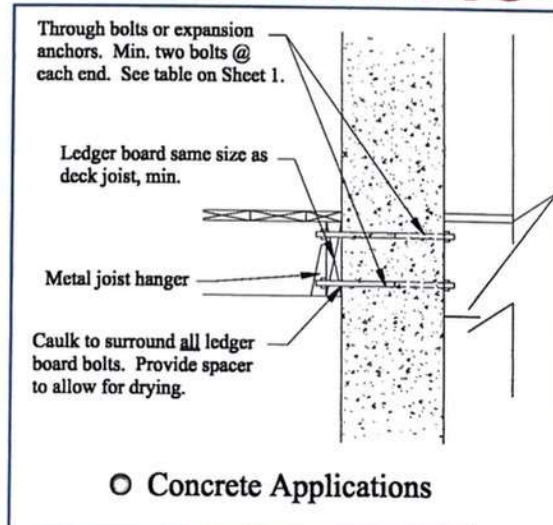
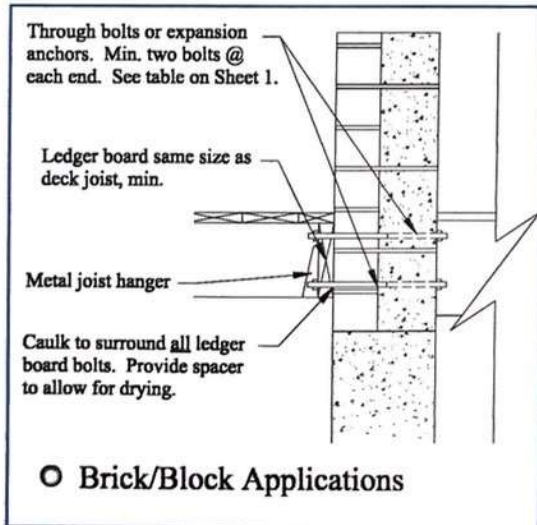
[13] Using the answer from Step 5, fill in the footing depth in inches.

Ledger Board Details

[14] Choose the ledger board detail that applies.



See Page 5 for clarification





BZA-22-19

Engineering Review

Variance and Special Exception Application

Status: Complete

Became Active: 09/14/2022

Assignee: Christopher Brady

Completed: 10/03/2022

Applicant

Lindsey Lee
westblk@gmail.com
2368 Garland Drive
VESTAVIA HILLS, AL 35216
2059031505

Primary Location

2368 GARLAND DR
VESTAVIA HILLS, AL 35216

Owner:

Lindsey and Christopher Lee
2368 Garland Drive Garland VESTAVIA HILLS,
AL 35216

Comments

Christopher Brady, Oct 3, 2022 at 3:21pm

1) Proposed addition will be subject to engineering review prior to permitting to assure compliance with maximum impervious area. Based on submitted survey information, the existing home, driveway and approximated impervious surfaces appear to be just under 30%.

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

Date: October 20, 2022

- **CASE: BZA-22-20**
- **REQUESTED ACTION:** 12' Front Setback Variance to Reduce the Setback to 24' in Lieu of the Required 36' & 5' Side Setback Variance to Reduce the Setback to 5' in Lieu of the Required 10'.
- **ADDRESS/LOCATION:** 3128 Midland Drive
- **APPLICANT/OWNER:** Jane Hinds
- **REPRESENTING AGENT:** NA
- **GENERAL DISCUSSION:** The applicant is seeking a front and side setback variance to build a 16'x16' master bedroom addition. The applicant contends the odd-shaped lot and the terrain in the rear causes a hardship. The property received a variance for an addition on the east side of the lot. That was approved for a front setback variance and a side setback variance. The current proposed addition will stay level with the previously approved frontage. The west side of the lot has the proposed addition setback 7' from the side property line, but to the rear of that is a portion of a deck that is 5' from the property line. The 5' requested reflects the current deck's encroachment. The topography in the rear prevents the structure from residing behind the house. The applicant's property is zoned Vestavia Hills R-4.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** See attached.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.



BZA-22-20

Variance and Special Exception Application

Status: Active

Date Created: Sep 19, 2022

Applicant

Jane Hinds
janemonnettehinds@yahoo.com
3128 Midland Drive
Vestavia Hills, AL 35223
205-381-0878

Primary Location

3128 MIDLAND DR
VESTAVIA HILLS, AL 35223

Applicant Information

Billing/Responsible Party

Name

Jane Hinds

Phone #

205-381-0878

Address

3128 Midland Drive

City/State/Zip

Vestavia Hills, AL 35223

Email

janemonnettehinds@yahoo.com

Subject Property Information

Subject Property Address

3128 Midland Drive

Legal Description of Subject Property

Lot 9 and Part of Lot 8, Block 5, Glass's Third Addition to New Merkle

REASONS FOR REQUEST

Front Setback Variance**Setback Required**

36'

Setback Requested

24'

Side Setback Variance**Setback Required**

10'

Setback Requested

5'

ZONING**Vestavia Hills Zoning for the subject property is**

R-4

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

16'x16' Master Bedroom addition.

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 & terrain in rear.

Before any variance is granted, the BZA must find that ALL of the following conditions exist. Please describe each of the following details in order for the BZA to determine if these warrants the described hardship.

1. There are extraordinary and exceptional conditions, which are peculiar to the piece of property in question because of its size, shape or topography, that are not applicable to the other lands or structures in the same district. Please explain:

--

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other owners of property in the District in which the property is located. Please explain:

--

3. All literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by others of property in the district in which the property is located. Please explain:

--

4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare. Please explain:

--

5. The special circumstances are not the intended result of the actions of the applicant (i.e., self-imposed hardship). Please explain:

--

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure. Please explain:

--

7. The no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.

8. That a variance will not allow the permanent establishment of a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

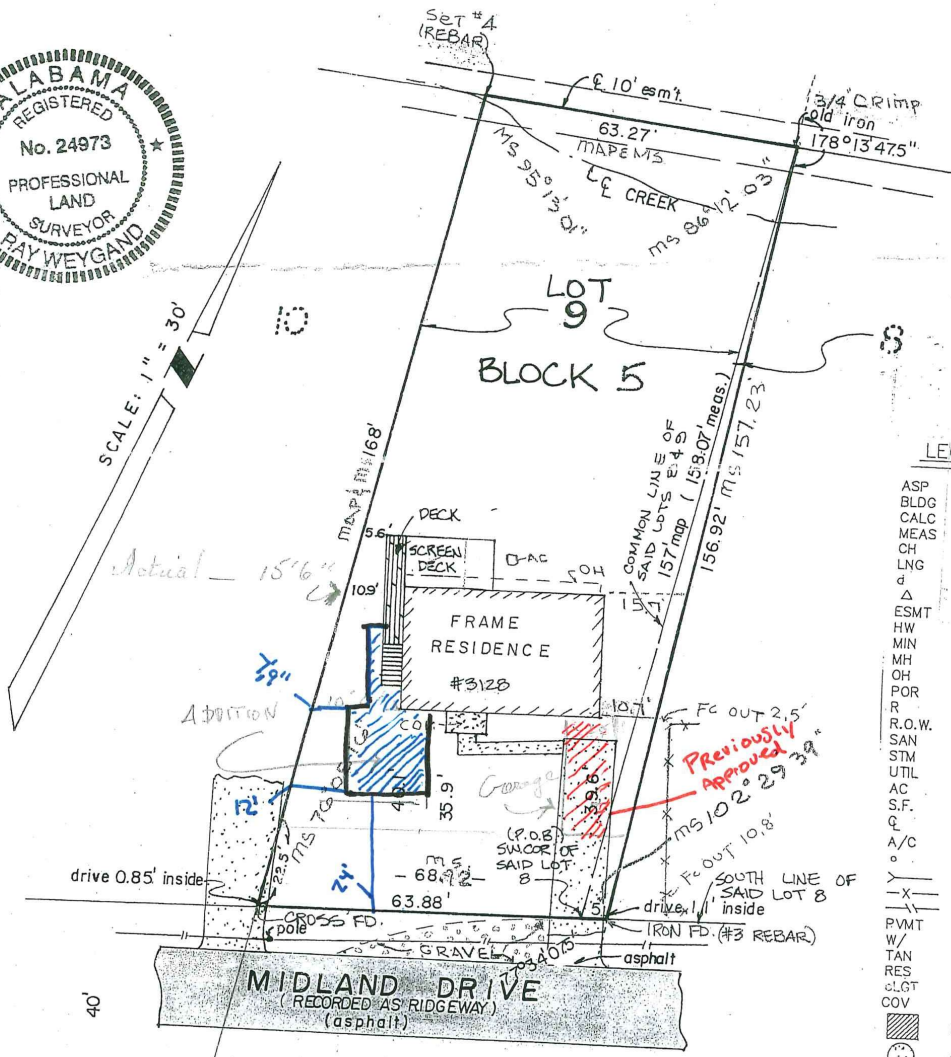
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NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase the financial return from land; or (2) personal or economic hardship; or (3) self-imposed hardship. In other words, hardship alone is not sufficient to permit a variance. It must be an "unnecessary hardship." Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an "unnecessary hardship."

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. Simultaneously with the

submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments section of this application. NOTE: Applications cannot be processed without the notarized owners affidavit. Owners authorization may be found on our main page.



LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- CL CENTERLINE
- A/C AIR CONDITIONER
- ° POLE
- X— ANCHOR
- X— FENCE
- X— OVERHEAD UTIL
- PVMT PAVEMENT
- W/TAN WITH TANGENT
- RES RESIDENCE
- CLGT LIGHT
- COV COVERED
- DECK DECK
- CONCRETE CONCRETE
- WALL WALL

NEW IN BLUE
PREVIOUS ADDITION IN RED

State of Alabama) Jefferson County) "Closing Survey"

I, Ray Weygand, a registered Land Surveyor, certify that I have surveyed the land shown and described herein; that there are no rights-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

Legal Description:

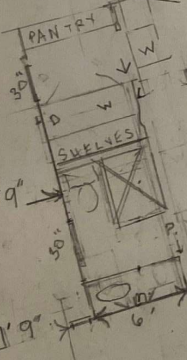
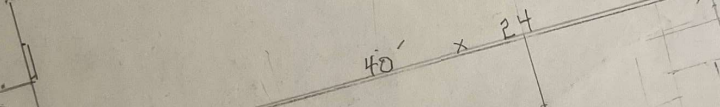
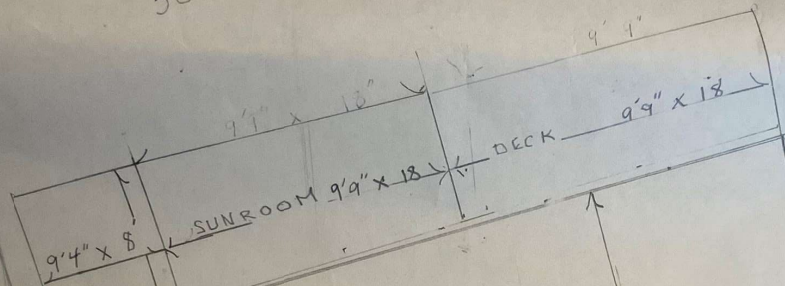
Lot 9, Block 5, Glass's 3rd Addition to New Merkle, as recorded in Map Book 29, Page 35, in the Office of the Judge of Probate Jefferson County, Alabama, and Also a part of Lot 8, Block 5 being more particularly described as follows:
 Begin at the southwest corner of said Lot 8. Block 5. and run in a northerly direction

30'

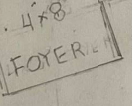
5:6

5:7

156.92'



CLOSET

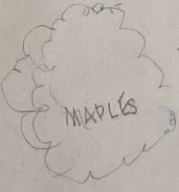
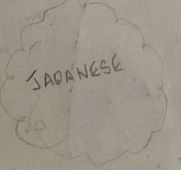
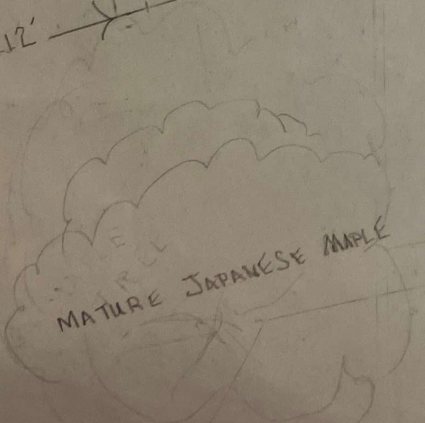


STEPS

GARAGE
12 x 20

ADDITION
16 x 16'

BRICK AND GRASS COURTYARD
40' x 20'



JAPANESE MAPLE

MATURE JAPANESE MAPLE

JAPANESE

MAPLES

PARKING PAD

JAPANESE M.

3128 MIDLAND DRIVE

ONE INCH



BZA-22-20

Zoning Official Review

Variance and Special Exception Application

Status: Complete

Became Active: 09/23/2022

Assignee: Rebecca Leavings

Completed: 09/26/2022

Applicant

Jane Hinds
janemonnettehinds@yahoo.com
3128 Midland Drive
Vestavia Hills, AL 35223
205-381-0878

Primary Location

3128 MIDLAND DR
VESTAVIA HILLS, AL 35223

Comments

Rebecca Leavings, Sep 26, 2022 at 8:35am

Variance should be conditioned upon the return of a recorded resurvey plat.

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

Date: October 20, 2022

- **CASE: BZA-22-21**
- **REQUESTED ACTION:** 2' Side Setback Variance to Reduce the Setback to 13' in Lieu of the Required 15'.
- **ADDRESS/LOCATION:** 2209 Biltmore Avenue
- **APPLICANT/OWNER:** Ryan Morgan
- **REPRESENTING AGENT:** Richard Long
- **GENERAL DISCUSSION:** The applicant is seeking a side setback variance to build a house. The existing home will be demolished and a new home will be built near the existing footprint, but also with the existing setbacks. The current house is out of compliance by 2', as a result of the slight slant in the side lot lines. If those lot lines were parallel the existing house, and current request, would be within the setbacks. 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:** See attached.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.



BZA-22-21

Variance and Special Exception Application

Status: Active

Date Created: Sep 19, 2022

Applicant

richard long
richard@longandlongdesign.com
1825 29th avenue south, apt. B
Homewood, AL 35209
2056375777

Primary Location

2209 BILTMORE AVE
VESTAVIA HILLS, AL 35216

Owner:

Ryan Morgan
2209 biltmore ave vestavia, al 35243

Applicant Information

I am filling this out as the
Representative Agent

Billing/Responsible Party

Name

Richard Long

Phone #

2056375777

Address

1825 29th avenue south

City/State/Zip

homewood, al 35209

Email

richard@longandlongdesign.com

Representing Attorney/Other Agent

Name

Richard Long

Phone #

2056375777

Address

City/State/Zip

1825 29th avenue south

homewood, al 35209

Email

richard@longandlongdesign.com

Subject Property Information

Subject Property Address

2209 biltmore avenue

Legal Description of Subject Property

Lot 22 of Byrd Real Estate Company's Resurvey of Biltmore Estates

REASONS FOR REQUEST

Side Setback Variance



Setback Required

15

Setback Requested

13

ZONING

Vestavia Hills Zoning for the subject property is

R-2

PROJECT

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

A 13' side setback along the western property line is requested. The existing home is 12.9' from the property line. The home is to be demolished and a new 1.5 story home to be built in fairly close vicinity to the existing footprint.

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 shape of the lot provides a hardship in that the side property lines are not parallel to the front setback and street. If parallel, it would provide an additional two feet of buildable width between 15'

setbacks. A 13' side setback along the western property line is requested. The existing home is 12.9' from the property line.

Before any variance is granted, the BZA must find that ALL of the following conditions exist. Please describe each of the following details in order for the BZA to determine if these warrants the described hardship.

1. There are extraordinary and exceptional conditions, which are peculiar to the piece of property in question because of its size, shape or topography, that are not applicable to the other lands or structures in the same district. Please explain:

--

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other owners of property in the District in which the property is located. Please explain:

--

3. All literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by others of property in the district in which the property is located. Please explain:

--

4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare. Please explain:

--

5. The special circumstances are not the intended result of the actions of the applicant (i.e., self-imposed hardship). Please explain:

--

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure. Please explain:

--

7. The no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.

8. That a variance will not allow the permanent establishment of a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

--

NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of

the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase the financial return from land; or (2) personal or economic hardship; or (3) self-imposed hardship. In other words, hardship alone is not sufficient to permit a variance. It must be an "unnecessary hardship." Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an "unnecessary hardship."

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. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments section of this application. NOTE: Applications cannot be processed without the notarized owners affidavit. Owners authorization may be found on our main page.

Representing Agent Signature

Richard Long
09/19/2022

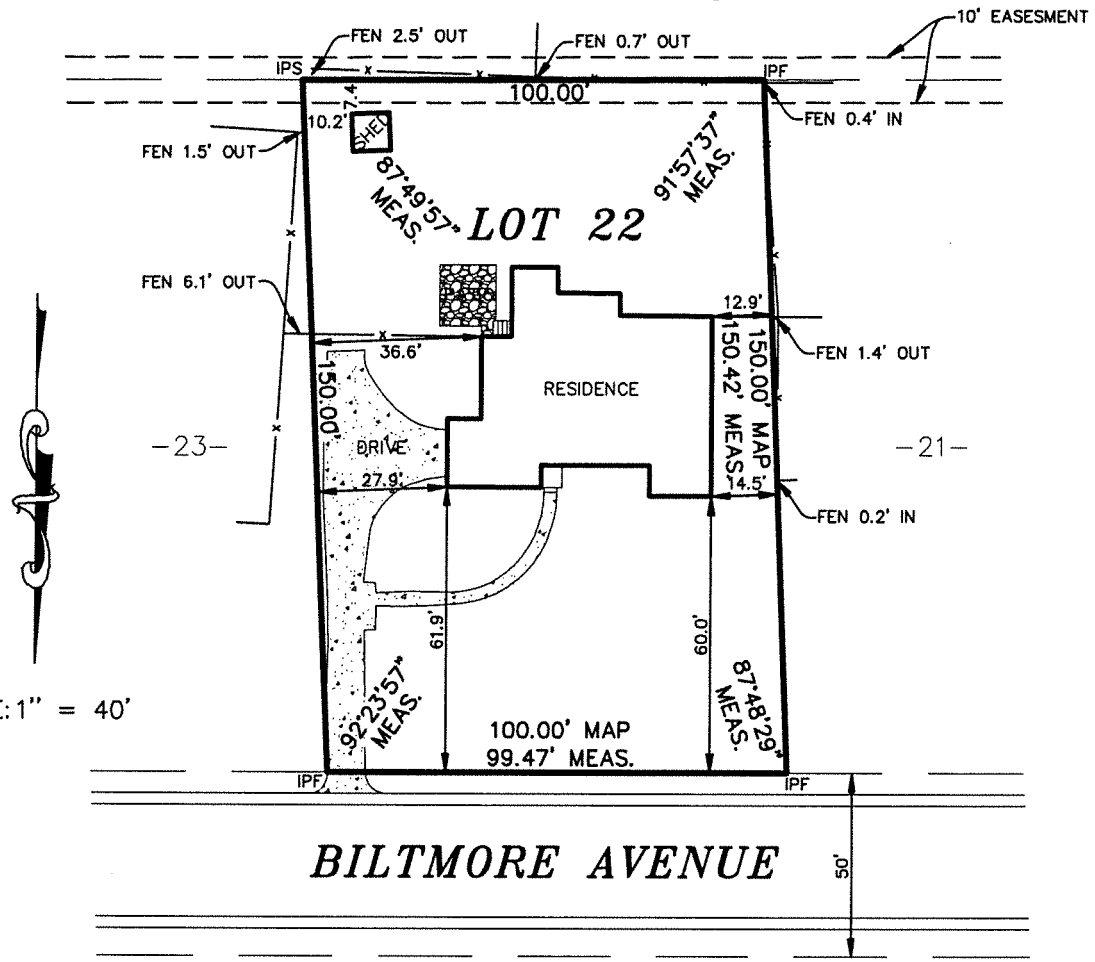
Notarized Owner Authorization



doc12260420220919124442.pdf

Uploaded by richard long on Sep 19, 2022 at 6:37 pm

REYNOLDS SURVEYING CO., INC.
Surveying - Land Planning



SCALE: 1" = 40'

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



STATE OF ALABAMA
 JEFFERSON COUNTY

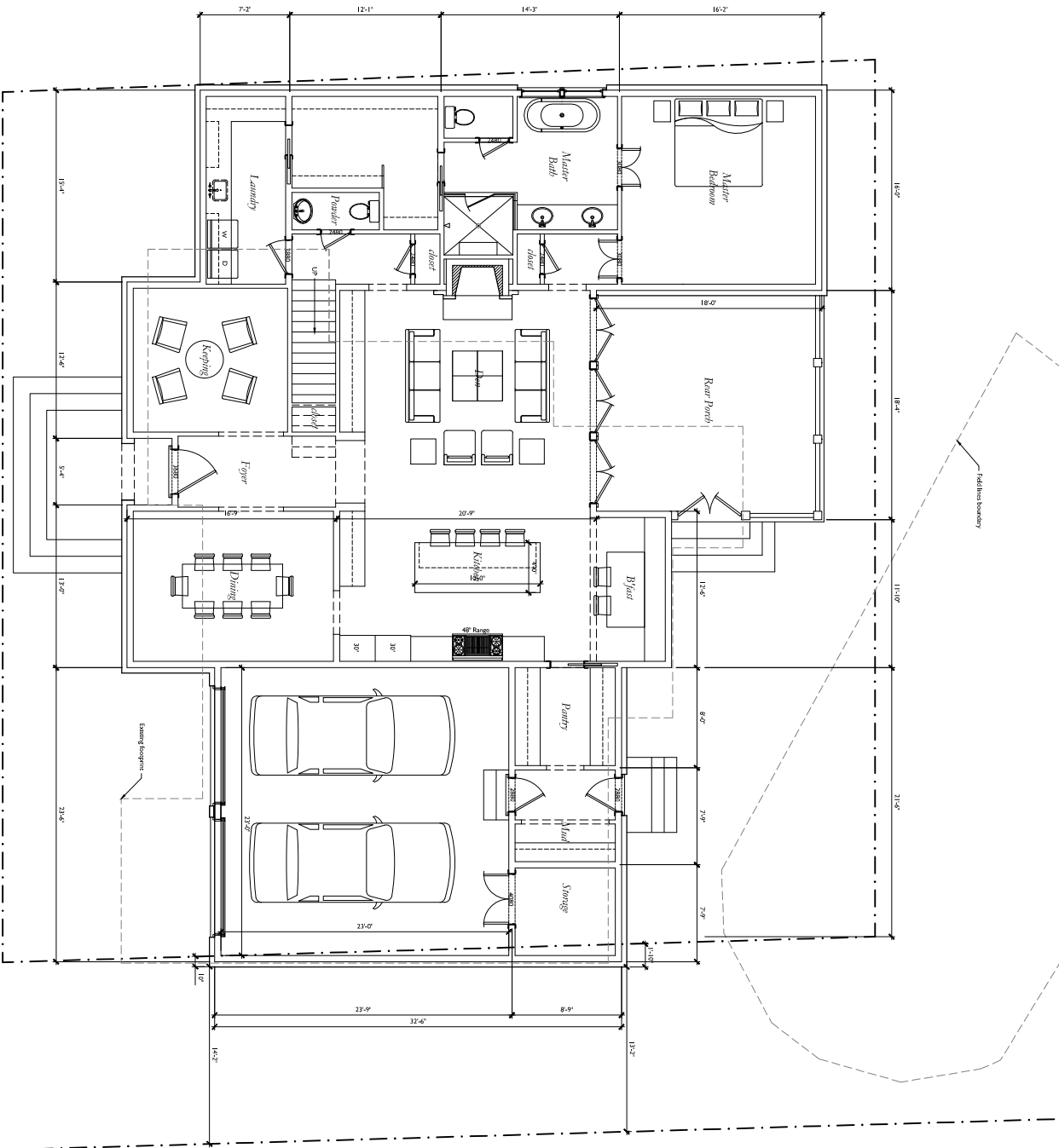
"CLOSING SURVEY"

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 22, Block —, of BYRD REAL ESTATE COMPANY'S RESURVEY OF BILTMORE ESTATES, as recorded in Map Book 32, Page 46 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 20TH day of APRIL, 2022.

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

Purchaser: Morgan
 Address: 2209 Biltmore Avenue

Robert Reynolds
 Reg. No. 25657 B139/64



1 Main Level Plan
 A1-1 Scale 1/8" = 1'-0"



LONG & LONG
 DESIGN

1822 2018 AVONDA SWHLS, SUITE B
 BRIDGEVIEW, ALABAMA 33509
 (205) 833-1100
 LONG@LONGDESIGN.COM

CUSTOM RESIDENCE
 1538 BIRCH CREEK
 MOUNTAIN VIEW, ALABAMA

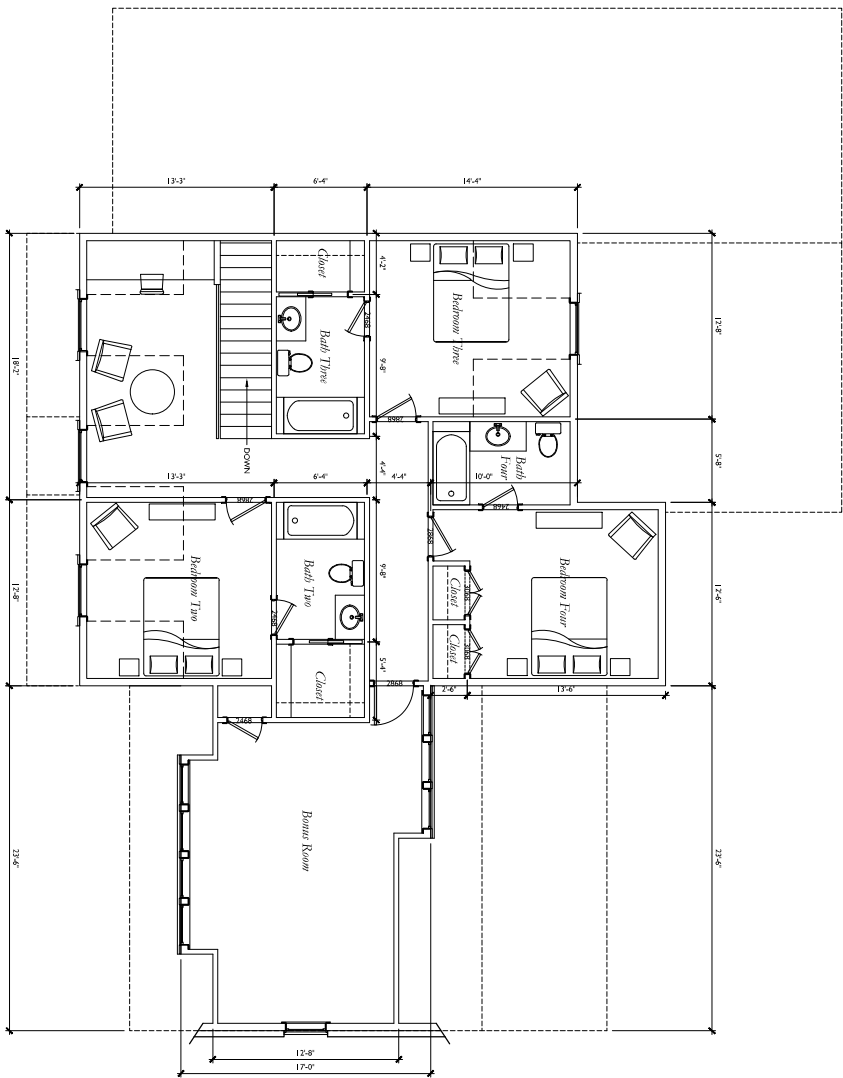
REVIEW SET

September 19th, 2022

REVISIONS

Floor Plans

A1-1



1 Upper Level Plan
 A1-2 Scale 1/8" = 1'-0"



LONG & LONG

DESIGN

1822 2013 AVONDA SWALKS, SUITE B
 BIRMINGHAM, ALABAMA 35209
 (205) 988-0000
 (205) 988-0000

CUSTOM
 RESIDENCE

1528 BENTLEY COURT
 MOUNTAIN BROOK, ALABAMA 35224

REVIEW SET

September 19th, 2022

REVISIONS

Floor Plans

A1-2



BZA-22-21

Engineering Review

Variance and Special Exception Application

Status: Complete

Became Active: 09/20/2022

Assignee: Lori Beth Kearley

Completed: 09/27/2022

Applicant

richard long
richard@longandlongdesign.com
1825 29th avenue south, apt. B
Homewood, AL 35209
2056375777

Primary Location

2209 BILTMORE AVE
VESTAVIA HILLS, AL 35216

Owner:

Ryan Morgan
2209 biltmore ave vestavia, al 35243

Comments

Lori Beth Kearley, Sep 27, 2022 at 8:53am

Total imperviousness is limited to 30% of the total lot area. Impervious surfaces include all roof areas, concrete driveways, sidewalks, and any other impervious surfaces within the property boundary. This will need to be accounted for in new home/lot design. This will be checked as part of the Building Permit process to ensure the proposed plan meets City code in terms of impervious coverage. If you have any questions, please feel free to reach out to Engineering at (205) 978-0150.

richard long, Sep 27, 2022 at 9:52am

Ok, thank you, Our current design puts building area at 3,499 sf, with walkways and driveways to be designed in a way that keeps us under the 30%, which is 4,480 sf.