

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
December 15, 2022
6:00 P.M.**

- (1) Roll Call**
- (2) Approval of Minutes: November 17, 2022**
- (3) BZA-22-26** **Sheilah Nelson** is requesting a **Front Setback Variance** for the property located at **3941 Knollwood Trace**. The purpose of this request is to reduce the front setback to 8' in lieu of the required 12', to cover existing patio. The property is owned by Sheilah Nelson and is zoned **Vestavia Hills R-6**.
- (4) Time of Adjournment**

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

November 17, 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
Michael Fliegel
Stephen Greer
Loring Jones, III
Thomas Parchman, Alt
Ryan Rummage, Alt

MEMBERS ABSENT:

Tony Renta

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of October 20, 2022 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of November 17, 2022 was made by Mr. Fleigel and 2nd was by Mr. Jones. Motion as carried on a voice vote as follows:

Mr. Fliegel – yes	Mr. Parchman – yes
Mr. Greer - yes	Mr. Rummage – yes
Mr. Jones – yes	Chairman Rice – yes

Motion carried.

FRONT SETBACK VARIANCE

BZA-22-22 **Ford Waters** is requesting a **Front Setback Variance** for the property located at **2001 Hickory Road**. The purpose of this request is to reduce the front setback to 14' in lieu of the required 50', to build a house. The property is owned by Ford Waters and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that the request was to build a new house and that the corner lot with Montgomery Hwy caused a hardship.

Ford Waters, 2424 Reserve Trail, was present for the case, and stated the corner lot caused a hardship. Also, that this was a previously approved variance and the existing house will be torn down. He also noted that he has spoken with the neighbors, and there are no issues from them.

Mr. Rummage asked if the plans submitted are the same as the first variance request.

Mr. Waters stated that it was.

Mr. Fliegel asked if the new house will be built at or near the same footprint as the existing.

Mr. Waters responded that it was, but that staff had asked for the front of the house not go past the frontages of the adjacent on Hickory Road.

Mr. Greer asked about the impervious surface comment from Engineering. Asked if any reviews had been conducted.

Mr. Waters stated that they have looked at that and would use pervious material as needed. He has also been coordinating with the City Engineering team.

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 36' front setback variance to reduce the setback to 14' in lieu of the required 50', for the property located at 2001 Hickory Road was made by Mr. Jones and 2nd was by Mr. Fliegel. Motion was carried on a roll call vote as follows:

Mr. Fliegel – yes	Mr. Parchman – yes
Mr. Greer - yes	Mr. Rummage – yes
Mr. Jones – yes	Chairman Rice – yes

Motion carried.

FRONT SETBACK VARIANCE

BZA-22-23 **Curt Thompson** is requesting a **Front Setback Variance** for the property located **2200 Shades Crest Road**. The purpose of this request is to reduce the front setback to 13' in lieu of the required 50', to build a garage addition. The property is owned by Curt Thompson and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that the request was to build a garage and that the corner lot caused a hardship.

Curt Thompson, 2200 Shades Crest Road, was present for the case, and stated the corner lot caused a hardship and that the existing house is already out of compliance.

Chairman Rice asked if the house could be moved to the back, even with the house.

Mr. Thompson stated that they cannot for multiple reasons. The biggest reason why is that the water runoff in the back is intense and has caused structural issues on past renovations. The back side is already concrete and that would be grassed in to help alleviate run-off risk per discussion with City Engineering.

Chairman Rice asked if there were any sight distance issues.

Mr. Wakefield stated that with the distance between the property line and the pavement, there shouldn't be any issues with line of sight.

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 37' front setback variance to reduce the setback to 13' in lieu of the required 50', for the property located at 2200 Shades Crest Road was made by Mr. Jones and 2nd was by Mr. Parchman. Motion was carried on a roll call vote as follows:

Mr. Fliegel – yes	Mr. Parchman – yes
Mr. Greer - yes	Mr. Rummage – yes
Mr. Jones – yes	Chairman Rice – yes

Motion carried.

FRONT SETBACK VARIANCE

BZA-22-24 Anthony & Jeri Finchum are requesting **Front Setback Variances** for the property located at **3488 Coventry Drive**. The purpose of this request is to reduce the front setback (East Side of Norwich Dr) to 34' in lieu of the required 60' & reduce the front setback (North Side of Norwich Dr) to 45' in lieu of the required 50, to build an addition in the rear of the house. The property is owned by Anthony and Jeri Finchum and is zoned **Vestavia Hills R-1**.

Mr. Wakefield stated that the request is to build a rear of the house addition and that the corner lot caused a hardship.

Robert Thompson was present for the case and stated that the property is surrounded by 3 streets. The variance is in the front setback, but in the back of the house.

Mr. Fleigel asked about the setback regulations of pools.

Mr. Wakefield stated technically pools are not allowed in the front setback because pools must be fenced in, and front setback fences are prohibited. This is a special circumstance.

MOTION Motion to APPROVE a 26' Front Setback Variance (East Side of Norwich Dr) to Reduce the Setback to 34' in Lieu of the Required 60' & 5' Front Setback Variance (North Side of Norwich Dr) to Reduce the Setback to 45' in Lieu of the Required 50', for the property located at 3488 Coventry Drive, was made by Mr. Jones and 2nd was by Mr. Rummage. Motion was carried on a roll call vote as follows:

Mr. Fliegel – yes	Mr. Parchman – yes
Mr. Greer - yes	Mr. Rummage – yes
Mr. Jones – yes	Chairman Rice – yes

Motion carried.

FRONT SETBACK VARIANCE

BZA-22-25 Steven & Mary Smith is requesting a **Front Setback Variance** for the property located at **701 Comer Drive**. The purpose of this request is to reduce the front setback to 42' in lieu of the required 50', to build a master suite addition. The property is owned by Steven & Mary Smith and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that the request was to add on to the master suite and that the corner lot caused a hardship.

Trisha Stevens was present for the case, and stated the corner lot, along with the septic tank in the rear, caused a hardship. There is no room to build in the rear, so the addition must go in the front.

Mr. Fliegel asked to clarify the request, which Mrs. Stevens did.

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 8' front setback variance to reduce the setback to 42' in lieu of the required 50', for the property located at 701 Comer Drive was made by Mr. Jones and 2nd was by Mr. Fliegel. Motion was carried on a roll call vote as follows:

Mr. Fliegel – yes	Mr. Parchman – yes
Mr. Greer - yes	Mr. Rummage – yes
Mr. Jones – yes	Chairman Rice – yes

Motion carried.

At 6:30 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:30 PM.

Jack Wakefield,
Planner/GIS

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

Date: **December 15, 2022**

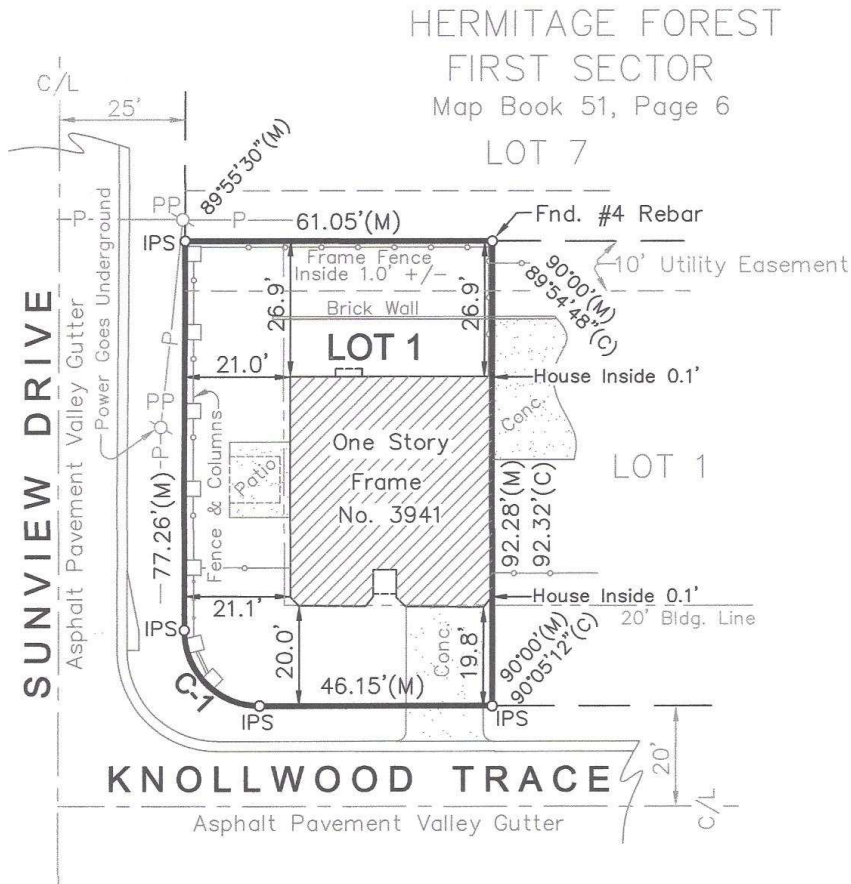
- **CASE: BZA-22-26**
- **REQUESTED ACTION: 4' Front Setback Variance to Reduce the Setback to 8' in Lieu of the Required 12.**
- **ADDRESS/LOCATION: 3941 Knollwood Trace**
- **APPLICANT/OWNER: Sheilah Nelson**
- **REPRESENTING AGENT: NA**
- **GENERAL DISCUSSION: The applicant is seeking a front setback variance to cover the existing patio. The applicant previously had a variance approved but was not acted on. The property has recorded setbacks, but the applicant previously drafted and recorded a covenants waiver, with the relevant property owners sign off. The applicant's property is zoned Vestavia Hills R-6.**
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

AS-BUILT SURVEY

Description: LOT 1 KNOLLWOOD TRACE GARDEN HOMES, as recorded in Map Book 152, Page 74, in the Office of the Judge of Probate, Jefferson County, Alabama.

The correct address is: 3941 Knollwood Trace Birmingham, AL 35243

N 
Scale: 1"=30' Job# 4173



$$\begin{aligned}
 \Delta &= 90^{\circ}04'30'' \\
 R &= 15.02' \\
 C-1 &= \begin{aligned} &A=23.58'(M) \\ &A=23.61'(C) \end{aligned}
 \end{aligned}$$


- LEGEND**
- (M) = Map
 - (C) = Calculated
 - C/L = Center Line
 - Fnd. = Found
 - PP = Power Pole
 - IPS = Set #5 Rebar

STATE OF ALABAMA:
JEFFERSON COUNTY:

I, James R. Boatright, Sr., a Licensed Land Surveyor, do hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama, to the best of my knowledge, information, and belief.

According to my survey this the 24th day of July, 2020



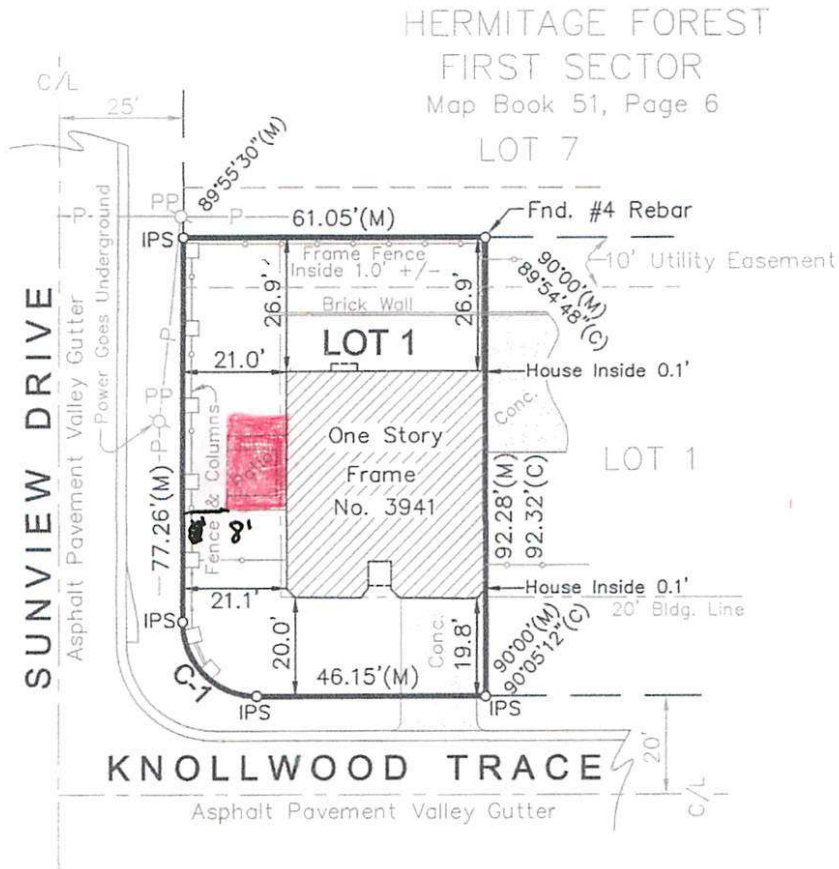

James R. Boatright, Sr., AL REG. NO. 17826
704 Mary Yann Lane, Birmingham AL 35215
Phone (205) 854-3669 Fax (205) 854-0071

AS-BUILT SURVEY

Description: LOT 1 KNOLLWOOD TRACE GARDEN HOMES, as recorded in Map Book 152, Page 74, in the Office of the Judge of Probate, Jefferson County, Alabama.

The correct address is: 3941 Knollwood Trace Birmingham, AL 35243

N Scale: 1"=30' Job# 4173



$\Delta = 90^{\circ}04'30''$
 $R = 15.02'$
 $C-1 = A = 23.58'(M)$
 $A = 23.61'(C)$

LEGEND
 (M) = Map
 (C) = Calculated
 C/L = Center Line
 Fnd. = Found
 PP = Power Pole
 IPS = Set #5 Rebar

STATE OF ALABAMA:
 JEFFERSON COUNTY:

I, James R. Boatright, Sr., a Licensed Land Surveyor, do hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama, to the best of my knowledge, information, and belief.

According to my survey this the 24th day of July, 2020



James R. Boatright, Sr., AL REG. NO. 17826
 704 Mary Vann Lane, Birmingham AL 35215
 Phone (205) 854-3669 Fax (205) 854-0071

Z0920-22//2800153009016.000
3941 Knollwood Trace
 Front Setback for a covered deck
 Sheilah Nelson

Inst. # 2020084892
8/6/2020 2:03 PM

County Division Code: AL040
Inst. # 2020084892 Pages: 1 of 4
I certify this instrument filed on
8/6/2020 2:03 PM Doc: NOTICE
Judge of Probate
Jefferson County AL Rec: \$25.00
Clerk: NICOLE

State of Alabama
Jefferson County

Nullification of Restriction

The undersigned owners of lots in the survey recorded as: Knollwood Trace Garden Homes, Map Book 152; Page 74, agree to offer Lot 1 relief from the 20' recorded building setback due to hardship.

Sheilah M. Nelson, Lot 1

① Owner GLORIA WILKINSON Lot no. 3940 Date 7/31/2020
Print

Signature Gloria Wilkin

② Owner Scott G. Goff Lot no. 3937 Date 8/2/2020
Print

Signature Scott G. Goff

③ Owner Lirona Blasquez Lot no. 3925 Date 8/2/2020
Print

Signature Lirona Blasquez

Z0920-22//2800153009016.000
3941 Knollwood Trace
Front Setback for a covered deck
Sheilah Nelson

④ Owner Madison Neal Lot no. 3924 Date 8-2-2020
Print

Signature [Handwritten Signature]

⑤ Owner Barbara Betton Lot no. 3924 Date 8-2-2020
Print

Signature Barbara Betton

⑥ Owner Desiree Riley Lot no. 3900 Date 8-2-2020
Print

Signature Desiree Riley

⑦ Owner RUTH NOMB Lot no. 3905 Date 8-2-2020
Print BERG

Signature Ruth Nomb

Z0920-22//2800153009016.000
3941 Knollwood Trace
Front Setback for a covered deck
Sheilah Nelson

8 Owner Robyn Taylor Lot no. 3938 Date 8/2/20
Print

Signature Robyn Taylor

9 Owner Bobbey Leason Lot no. 3916 Date 8-5-2020
Print

Signature Bobbey Leason

10 Owner Merritt Hinkle Lot no. 3909 Date 8.5.20
Print

Signature Merritt Hinkle

Owner _____ Lot no. _____ Date _____
Print

Signature _____

Owner _____ Lot no. _____ Date _____
Print

Signature _____

Z0920-22/2800153009016.000
3941 Knollwood Trace
Front Setback for a covered deck
Sheilah Nelson

⑪ Owner Jodi Ward Lot no. 3917 Date 8/3/2020
Print

Signature Jodi Ward

Owner _____ Lot no. _____ Date _____
Print

Signature _____

Owner _____ Lot no. _____ Date _____
Print

Signature _____

Owner _____ Lot no. _____ Date _____
Print

Signature _____

Z0920-22//2800153009016.000
3941 Knollwood Trace
Front Setback for a covered deck
Sheilah Nelson



Color of Roof +
Sides of Deck same color
as house.

Deck is 15 Feet
wide

12 feet long -

would like to add
3 Feet more

& move this Bush



September 21, 2020

Sheilah Nelson
3941 Knollwood Trace
Vestavia Hills, AL 35243

Dear Sir/Madam:

The Board of Zoning Adjustment at its regularly scheduled meeting on September 17, 2020 voted to approve a 4' Front Setback Variance To Reduce The Setback To 8'; In Lieu Of The Required 12', for the property located at 3941 Knollwood Trace and owned by Sheilah Nelson. The purpose of this request is to build a covered patio. This property is zoned R-6.

If you have any questions regarding this matter, please contact me at 205-978-0101.

Sincerely,

Jack Wakefield
Planner/GIS



**City of Vestavia Hills
Office of the City Clerk**

OWNER AFFIDAVIT (This form must be notarized):

I do hereby declare that the following statements are correct concerning the subject property located at: 3941 KNOWLWOOD TRACE, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply)*.

the Property Owner and representing myself in said request.

_____ the Property Owner, but I am authorizing a Representing Agent by the name of: _____ to represent me in the following request:

And am requesting: (please check)

- Rezoning Request
- Preliminary Plat Approval
- Final Plat Approval
- Conditional Use Approval

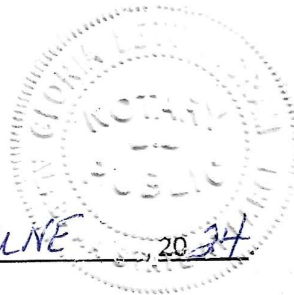
- Request for Variance
- Special Exception
- Design Review Approval

Signed: Sheelah Nelson
Owner Signature/Date

STATE OF ALABAMA
COUNTY OF JEFFERSON

Given under my hand and seal
this 24th day of OCTOBER, 2022.

Gloria Lett Ingram
Notary Public



My commission expires 20 day of JUNE, 2024.