



**Vestavia Hills**  
**Board of Zoning Adjustment Agenda**  
**February 16, 2023**  
**6:00 PM**

1. Roll Call
2. Approval Of Minutes
3. BZA-23-1 **Steven Hey** is requesting a **Side Setback Variance** for the property located at **4300 Dolly Ridge Lane**. The purpose of this request is to reduce the side setback to 1' in lieu of the required 10', to build a carport. The property is owned by Steven Hey and is zoned **Vestavia Hills R-4**.
4. BZA-23-2 **Lance Smith** is requesting a **Side Setback Variance** for the property located at **3515 Thornhill Drive**. The purpose of this request is to reduce the side setback to 12' in lieu of the required 15', to build a pool house. The property is owned by Lance Smith and is zoned **Vestavia Hills R-2**.
5. BZA-23-3 **Jason McGee** is requesting a **Side Setback Variance & Two Front Setback Variances** for the property located at **2301 Shades Crest Road**. The purpose of this request is to reduce the side setback to 12' in lieu of the required 17' & to reduce the front setback (Shades Crest) to 41' in lieu of the required 60', & to reduce the front setback (Sunset) to 22' in lieu of the required 60', to build a house. The property is owned by Jason McGee and is zoned **Vestavia Hills R-1**.
6. Time Of Adjournment

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

**January 19, 2023**

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, Alt
- Loring Jones, III
- Thomas Parchman
- Tony Renta
- Ryan Rummage, Alt

**MEMBERS ABSENT:**

- Stephen Greer

**OTHER OFFICIALS PRESENT:**

- Jack Wakefield, Planner/GIS

**APPROVAL OF MINUTES**

The minutes of December 15, 2022 were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of December 15, 2022 was made by Mr. Jones and 2<sup>nd</sup> was by Mr. Fliegel. Motion as carried on a voice vote as follows:

- Mr. Fliegel – yes
- Mr. Jones - yes
- Mr. Parchman – yes
- Motion carried.
- Mr. Renta – yes
- Mr. Rummage – yes
- Chairman Rice – yes

**MULTIPLE VARIANCES**

**BZA-22-27** Drew and Sara Gunnells are requesting a **Lot Area Variance, Lot Width Variance, Front Setback Variance, & a Side Setback Variance** for the property located at **2104 Chestnut Road**. The purpose of this request is to reduce the lot area and lot width of to allow for a resurvey of the lot. Also, to reduce the front setback to 45’ in lieu of the required 50’ & to reduce the side setback to 11’ in lieu of the required 15’. The property is owned by the Drew and Sara Gunnells and is zoned **Vestavia Hills R-3**.

Mr. Wakefield explained that the request was to bring the lot and structure into compliance following a resurvey.

Sara Gunnells was present for the case and stated the house sits on two lots and the new lot would be undersized.

Chairman Rice opened the floor for a public hearing.

Dionne Lovett, 2108 Chestnut Road, wanted reassurance that the screened porch wouldn’t encroach more than the existing house setbacks. Which the Board stated that it would not.

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 3,675 sq. ft. Lot Area Variance to reduce the Lot Area to 11,325 sq. ft. in lieu of the required 15,000 sq. ft., & a 25’ Lot Width Variance to reduce the Lot Width to 75’ in lieu of the required 100’, & a 4’ Side Setback Variance to reduce the setback to 11’ in lieu of the required 15’. 5’ Front Setback Variance to Reduce the setback to 45’ in Lieu of the Required 50’, for the property located at 2104 Chestnut Road (conditioned on recording of plat) 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. Renta – yes
  - Mr. Jones - yes      Mr. Rummage – yes
  - Mr. Parchman – yes    Chairman Rice – yes
- Motion carried.

**VARIANCE FOR LOCATION OF FENCE**

**BZA-22-28** Nancy Zito is requesting a Variance for Location of Fence in the Front Setback for the property located at 1401 Holly Oak Drive. The purpose of this request is to build a privacy fence in the front setback. The property is owned by Nancy Zito and is zoned Vestavia Hills R-2.

Mr. Wakefield explained that the request was to replace the existing fence and the hardship was a corner lot.

Tommy Zito was present for the request and stated that he is just replacing the old existing fence. The fence currently encroached into the front setback.

Chairman Rice asked if this was a wood fence, to which Mr. Zito replied yes and at the same height as existing.

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 1401 Holly Oak Drive was made by Mr. Jones and 2nd was by Fliegel. Motion was carried on a roll call vote as follows:

Mr. Fliegel – yes      Mr. Renta – yes  
Mr. Jones - yes      Mr. Rummage – yes  
Mr. Parchman – yes      Chairman Rice – yes  
Motion carried.

At 6:17 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:17 PM.

Jack Wakefield,  
Planner/GIS



VESTAVIA HILLS

## **Board of Zoning Adjustment Planners Report**

### **MEETING DATE**

February 16, 2023

### **AGENDA ITEM**

BZA-23-1 **Steven Hey** is requesting a **Side Setback Variance** for the property located at **4300 Dolly Ridge Lane**. The purpose of this request is to reduce the side setback to 1' in lieu of the required 10', to build a carport. The property is owned by Steven Hey and is zoned **Vestavia Hills R-4**.

### **BACKGROUND**

9' Side Setback Variance to Reduce the Setback to 1' in Lieu of the Required 10'

### **PLANNER'S REVIEW/RECOMMENDATION**

The applicant is seeking a side setback variance to build a carport. The applicant contends the corner lot caused a hardship, as the added front setback would require variance with any placement on the lot. There was staff discussion regarding a 1' proposed setback. There is no zoning code issue, but the applicant has spoken with the Building Official and has stated that he has no issues with that placement. The applicant's property is zoned Vestavia Hills R-4. See attached Zoning and Engineering Staff comments.

### **ATTACHMENTS**

1. Staff Comments: Zoning
2. Staff Comments: Engineering
3. Application
4. Survey
5. Additional Drawings
6. Owner's Affidavit

Jack Wakefield  
City Planner



BZA-23-1

## Zoning Official Review

Variance and Special Exception Application

**Status:** Complete

**Became Active:** Jan 5, 2023

**Assignee:** Rebecca Leavings

**Completed:** Jan 9, 2023

### Applicant

Steven Hey  
stevenhey442@hotmail.com  
4300 Dolly Ridge Ln  
Vestavia Hills, AL 35243  
205-533-4747

### Primary Location

4300 DOLLY RIDGE LN  
VESTAVIA HILLS, AL 35243

### Owner:

Steven Hey  
4300 Dolly Ridge Ln Vestavia Hills, AL 35243

### Comments

**Rebecca Leavings, Jan 6, 2023**

To my knowledge, building/fire codes will not allow a 1' setback; minimum of 3' and that's probably too narrow for what's proposed. I'd suggest purchasing a portion of property next door and doing a resurvey in a manner it can be constructed with no variance or proposing an alternate area and working with engineering about a new access driveway or drive connection in front of home.



BZA-23-1

## Engineering Review

Variance and Special Exception Application

**Status:** Complete

**Became Active:** Jan 5, 2023

**Assignee:** Christopher Brady

**Completed:** Jan 23, 2023

### Applicant

Steven Hey  
stevenhey442@hotmail.com  
4300 Dolly Ridge Ln  
Vestavia Hills, AL 35243  
205-533-4747

### Primary Location

4300 DOLLY RIDGE LN  
VESTAVIA HILLS, AL 35243

### Owner:

Steven Hey  
4300 Dolly Ridge Ln Vestavia Hills, AL 35243

### Comments

**Christopher Brady, Jan 23, 2023**

1) Impervious area review will need to be completed at time of permit request.



# BZA-23-1

## Variance and Special Exception Application

**Status:** Active

**Date Created:** Jan 4, 2023

### Applicant

Steven Hey  
stevenhey442@hotmail.com  
4300 Dolly Ridge Ln  
Vestavia Hills, AL 35243  
205-533-4747

### Primary Location

4300 DOLLY RIDGE LN  
VESTAVIA HILLS, AL 35243

### Owner:

Steven Hey  
4300 Dolly Ridge Ln Vestavia Hills, AL 35243

### Agenda Information

#### Agenda Scheduling

February 2023

### Applicant Information

#### I am filling this out as the

Owner

### Billing/Responsible Party

#### Name

Steven Hey

#### Phone #

205-533-4747

#### Address

4300 Dolly Ridge Ln

#### City/State/Zip

Vestavia Hills , AL 35243

#### Email

stevenhey442@hotmail.com



## Subject Property Information

### Subject Property Address

4300 Dolly Ridge Ln

### Legal Description of Subject Property

Lot 6

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## REASONS FOR REQUEST

### Side Setback Variance



### Setback Required

10'

### Setback Requested

1'

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## ZONING

### Vestavia Hills Zoning for the subject property is

R-4

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## PROJECT

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

We are hoping to build a 2-car carport to the side of the house. We have a corner lot which prevents us from adding this to another side of the home.

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## HARDSHIP

### Please answer the following questions regarding hardship and briefly summarize and describe those things which you feel justify the action requested in the box below. 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).

We plan to add a connected 2-car carport (20'x22") at the side of the current home. We are on a corner lot which prevents us from using the other side of the home due to the minimum 35' setback. My neighbor (on the side where the addition will be) is okay with the proposed (he is actually a licensed contractor and will be building the structure). We have a teenage child that will be driving soon and need to add offstreet parking for additional car

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:**

The lot is a corner lot that which requires larger setbacks from the road

**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:**

Non-corner lots can build closer to the property line. This set back prevents us from having the same opportunity

**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:**

With current conditions we do not have access to adding covered parking

**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:**

The proposed carport will blend seamlessly with the current structure and will not effect other residents

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

no

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

In order to have a 2 car fit it need to be at least 20' wide. This will have be very close to the property line. The neighbor will still be about 35' from the proposed structure.

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.**

no

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."

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## **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**

Steven Hey  
01/04/2023

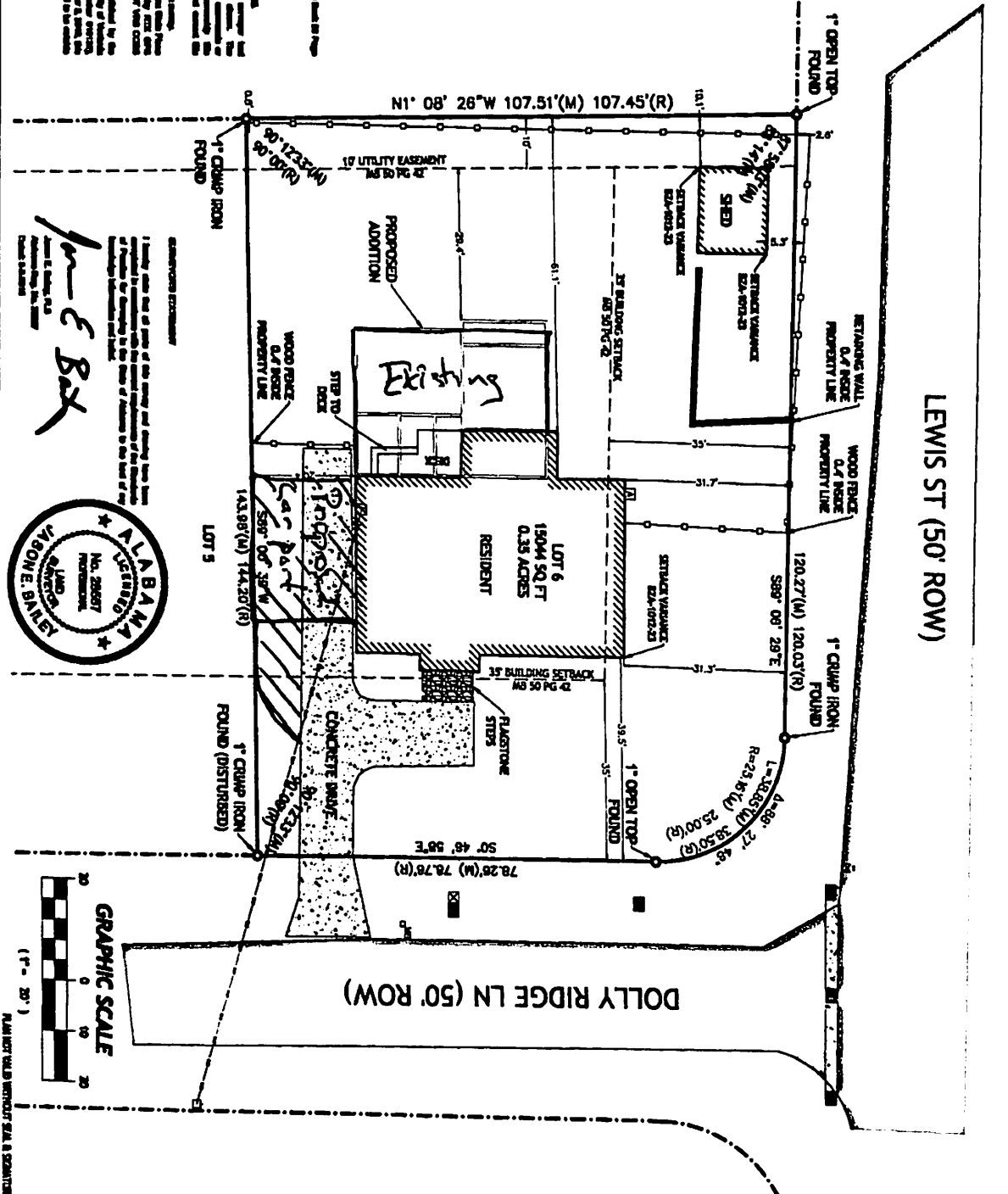
LEGEND	
⊕	ALL CORNER MARKERS
⊙	BENCHMARK
⊚	ROLLING
⊛	CLEAN CUT
⊜	ELECTRIC BOX
⊝	CAS METER
⊞	CUT WIRE
⊠	LEAST STRONG
⊡	MAIL BOX
⊢	ENCLOSURE
⊣	POWER LETTER
⊤	POWER POLE
⊥	RECORDED
⊦	SANITARY MANHOLE
⊧	SEWER LINE
⊨	SEWER TANK
⊩	STEIN MANHOLE
⊪	TELEPHONE INDUSTRIAL
⊫	TREE
⊬	WATER METER
⊭	WATER VALVE
⊮	WOODEN WALL
⊯	BARBED WIRE FENCE
⊰	CHAIN LINK FENCE
⊱	WOOD FENCE
⊲	OVERHEAD POWER



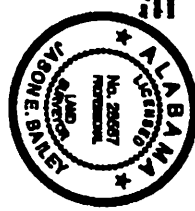
**LEGAL DESCRIPTION:**  
 Lot 6 shown APED to Charles Bailey in record to this plan as per map of the Property shown in Addition, County, Alabama.

**NOTES:**

1. This plan for this survey was prepared on 11/13/11.
2. All dimensions and bearings were taken from the survey and the bearings were taken from the survey and the bearings were taken from the survey.
3. The boundary lines shown on this plan are based on a survey of the property shown on this plan.
4. The boundary lines shown on this plan are based on a survey of the property shown on this plan.
5. The boundary lines shown on this plan are based on a survey of the property shown on this plan.
6. The boundary lines shown on this plan are based on a survey of the property shown on this plan.
7. The boundary lines shown on this plan are based on a survey of the property shown on this plan.
8. The boundary lines shown on this plan are based on a survey of the property shown on this plan.
9. The boundary lines shown on this plan are based on a survey of the property shown on this plan.
10. The boundary lines shown on this plan are based on a survey of the property shown on this plan.



*for E Box*



PROJECT NO.	11-245
CLIENT/OWNER/PROPERTY NO.	
SHEET NO.	1 OF 1



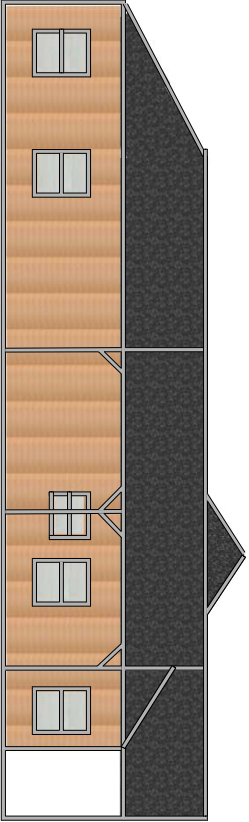
**BAILEY LAND GROUP**  
 LAND SURVEYING & ENGINEERING

2170 CLEARBROOK ROAD, SUITE 206  
 HOOVER, AL 35226  
 P: 205.978.0080 F: 205.978.0082  
 www.baileylandgroup.com  
 CAI

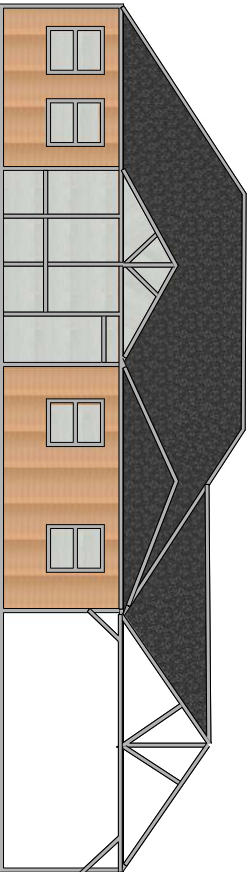
PROJECT	4300 DOLLY RIDGE LN BIRMINGHAM, AL 35203		
CLIENT	STEVEN HEY BIRMINGHAM, AL		
TITLE	PROPERTY BOUNDARY SURVEY		
DRAWN BY	CHECKED BY	SCALE	DATE
BJ	JEB	1:20	2-23-2011

PRINTED TO SCALE ON 11" X 17" PAPER

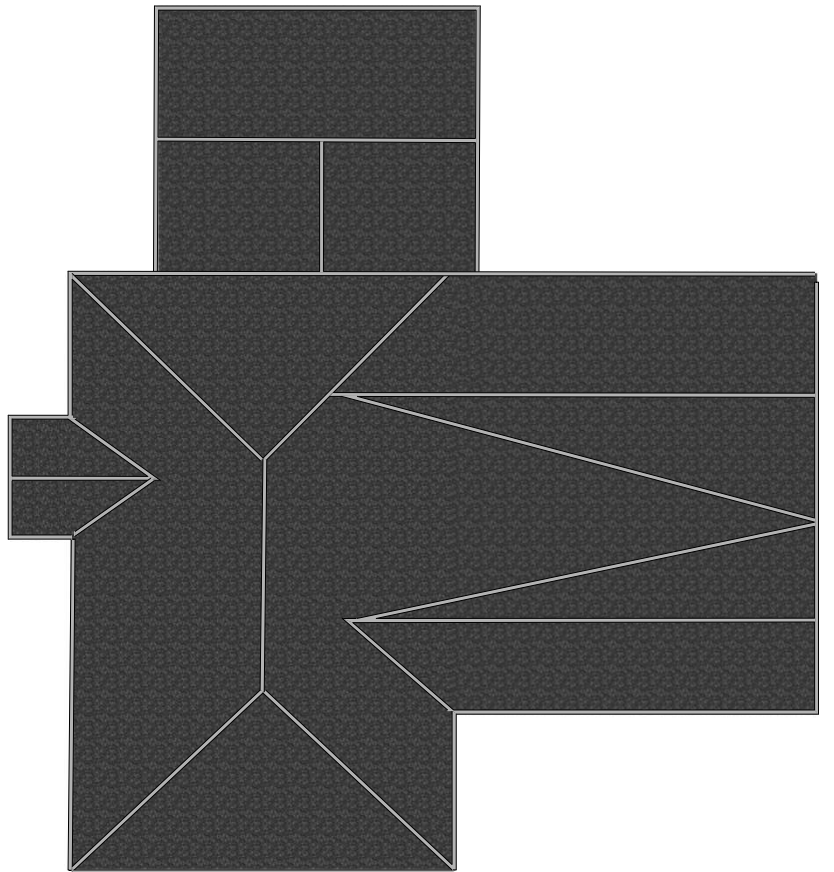
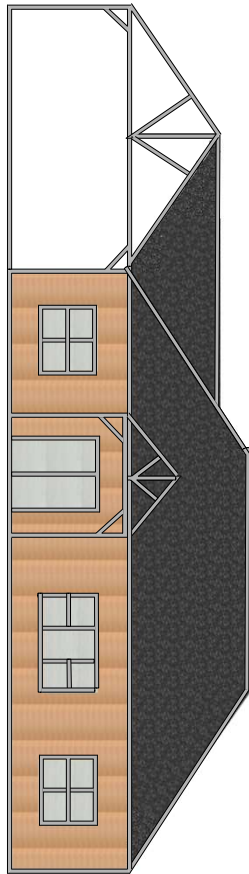
Side



Rear



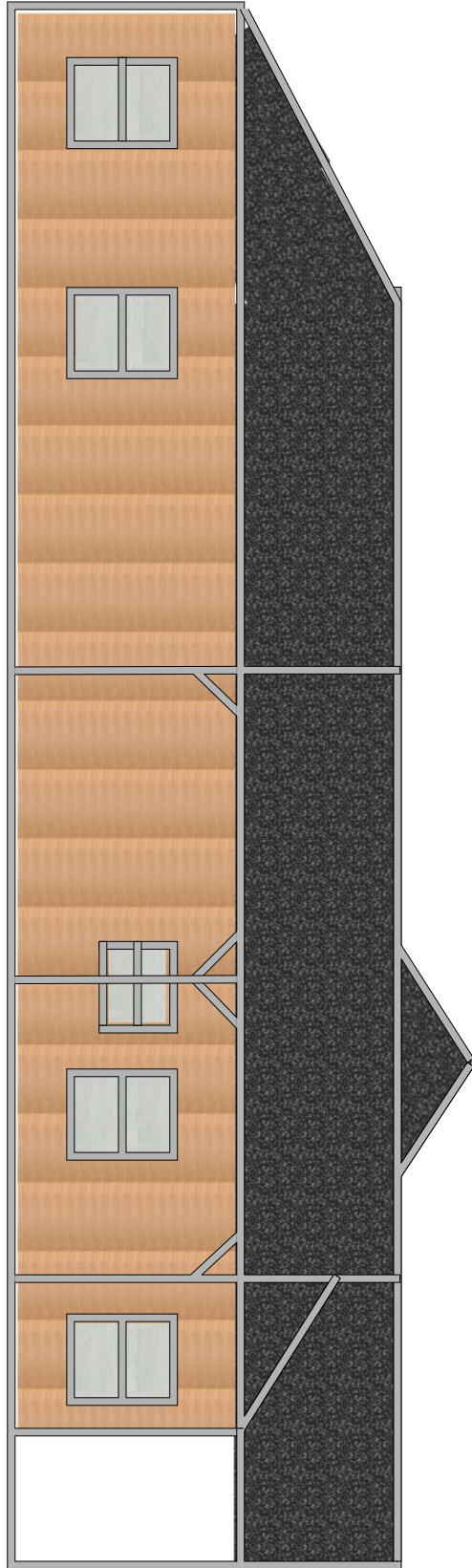
Front



Rear



side





**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: 4300 DOLLY RIDGE LANE, 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)

- |  |  |
|--|--|
| <input type="checkbox"/> Rezoning Request          | <input checked="" type="checkbox"/> Request for Variance |
| <input type="checkbox"/> Preliminary Plat Approval | <input type="checkbox"/> Special Exception               |
| <input type="checkbox"/> Final Plat Approval       | <input type="checkbox"/> Design Review Approval          |
| <input type="checkbox"/> Conditional Use Approval  |  |

Signed: [Signature] \_\_\_\_\_  
Owner Signature/Date

STATE OF ALABAMA  
COUNTY OF Shelby

My Commission Expires  
October 30, 2023

Given under my hand and seal  
this 27<sup>th</sup> day of JANUARY, 2023.

[Signature]  
Notary Public

My commission expires 30<sup>th</sup> day of October, 2023.







VESTAVIA HILLS

## **Board of Zoning Adjustment Planners Report**

### **MEETING DATE**

February 16, 2023

### **AGENDA ITEM**

BZA-23-2 **Lance Smith** is requesting a **Side Setback Variance** for the property located at **3515 Thornhill Drive**. The purpose of this request is to reduce the side setback to 12' in lieu of the required 15', to build a pool house. The property is owned by Lance Smith and is zoned **Vestavia Hills R-2**.

### **BACKGROUND**

3' Side Setback Variance to reduce the setback to 12' in lieu of the required 15'

### **PLANNER'S REVIEW/RECOMMENDATION**

The applicant is seeking a side setback variance to build a pool house. The applicant contends topography and utilities in the rear limits' buildability. The existing house is currently out of compliance on that side of the lot. The pool house addition will be attached to the house and is not considered an accessory structure. The applicant's property is zoned Vestavia Hills R-2. See attached Engineering Comments.

### **ATTACHMENTS**

1. Staff Comments: Engineering
2. Application
3. As Built Drawing
4. Additional Drawings
5. Owner's Affidavit

Jack Wakefield  
City Planner



BZA-23-2

## Engineering Review

Variance and Special Exception Application

**Status:** Complete

**Became Active:** Jan 6, 2023

**Assignee:** Christopher Brady

**Completed:** Jan 11, 2023

### Applicant

Mark Hancock  
amanda@hancockbuilt.com  
2828 Old 280 Court  
Suite 200  
Vestavia Hills, AL 35243  
2054973284

### Primary Location

3515 THORNHILL DR  
VESTAVIA HILLS, AL 35243

### Owner:

Lance Smith  
3515 Thornhill Dr Birmingham, AL 35243

### Comments

**Christopher Brady, Jan 11, 2023**

1) This project will be subject to 30% impervious review to meet Stormwater Runoff Requirements. Please submit a preliminary analysis of existing and proposed "hard surfaces" - roof top, driveway, concrete patio around pool, etc. Please call Engineering for questions or to discuss. 205-978-0150.



## BZA-23-2

### Variance and Special Exception Application

**Status:** Active

**Date Created:** Jan 6, 2023

#### **Applicant**

Mark Hancock  
amanda@hancockbuilt.com  
2828 Old 280 Court  
Suite 200  
Vestavia Hills, AL 35243  
2054973284

#### **Primary Location**

3515 THORNHILL DR  
VESTAVIA HILLS, AL 35243

#### **Owner:**

Lance Smith  
3515 Thornhill Dr Birmingham, AL 35243

#### **Agenda Information**

##### **Agenda Scheduling**

February 2023

#### **Applicant Information**

##### **I am filling this out as the**

Representative Agent

#### **Billing/Responsible Party**

##### **Name**

Mark Hancock

##### **Phone #**

205-497-3284

##### **Address**

2828 Old 280 Court Suite 200

##### **City/State/Zip**

Vestavia, AL 35243

##### **Email**

amanda@hancockbuilt.com

## Representing Attorney/Other Agent

**Name**

Mark Hancock

**Phone #**

205-497-3284

**Address**

2828 Old 280 Court Suite 200

**City/State/Zip**

Vestavia, AL 35243

**Email**

amanda@hancockbuilt.com

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## Subject Property Information

**Subject Property Address**

3515 Thornhill Dr Birmingham, AL 35243

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## REASONS FOR REQUEST

**Side Setback Variance****Setback Required**

15 ft setback

**Setback Requested**

12 ft. setback

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## ZONING

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

R-2

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## PROJECT

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

Scope: Addition of a poolhouse. There is no other location where this structure could be built due to a septic tank and field lines in the large area of the back yard. Also, due to the topography and shape of the yard, it would change the water flow and where it discharges from the property.

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## HARDSHIP

**Please answer the following questions regarding hardship and briefly summarize and describe those things which you feel justify the action requested in the box below. 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).**

There is no other location where this structure could be built due to a septic tank and field lines in the large area of the back yard. Also, due to the topography and shape of the yard, it would change the water flow and where it discharges from the property.

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:**

There is no other location where this structure could be built due to a septic tank and field lines in the large area of the back yard. Also, due to the topography and shape of the yard, it would change the water flow and where it discharges from the property.

**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:**

This is a unique situation that would not have any effect on any other home owners in the area.

**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:**

This would not obstruct any other property owners since this is in the back yard and out of site.

**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:**

This structure does not impede on any other properties or diminish any values.

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

Due to the house being over 1 foot of the 15 ft setback and the angle of the yard, we need 1.5ft to complete our project.

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

We are only requesting 1 foot 5 inches of variance to allow for the structure.

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.**

I believe this would comply with the ordinance.

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**

Lance Smith  
01/06/2023

<b>RAY &amp; GILLILAND, P.C.</b>	
122 NORTH CALHOUN AVENUE P.O. BOX 1183 SYLACAUGA, ALABAMA 35150	TEL. NO. (256) 245-3243 FAX NO. (256) 245-3202 FILE: AMANDA HIGGINBOTHAM
DRAWN BY: CMR	SCALE: 1" = 30'
BOUNDARY SURVEY	DATE: 11/09/2022

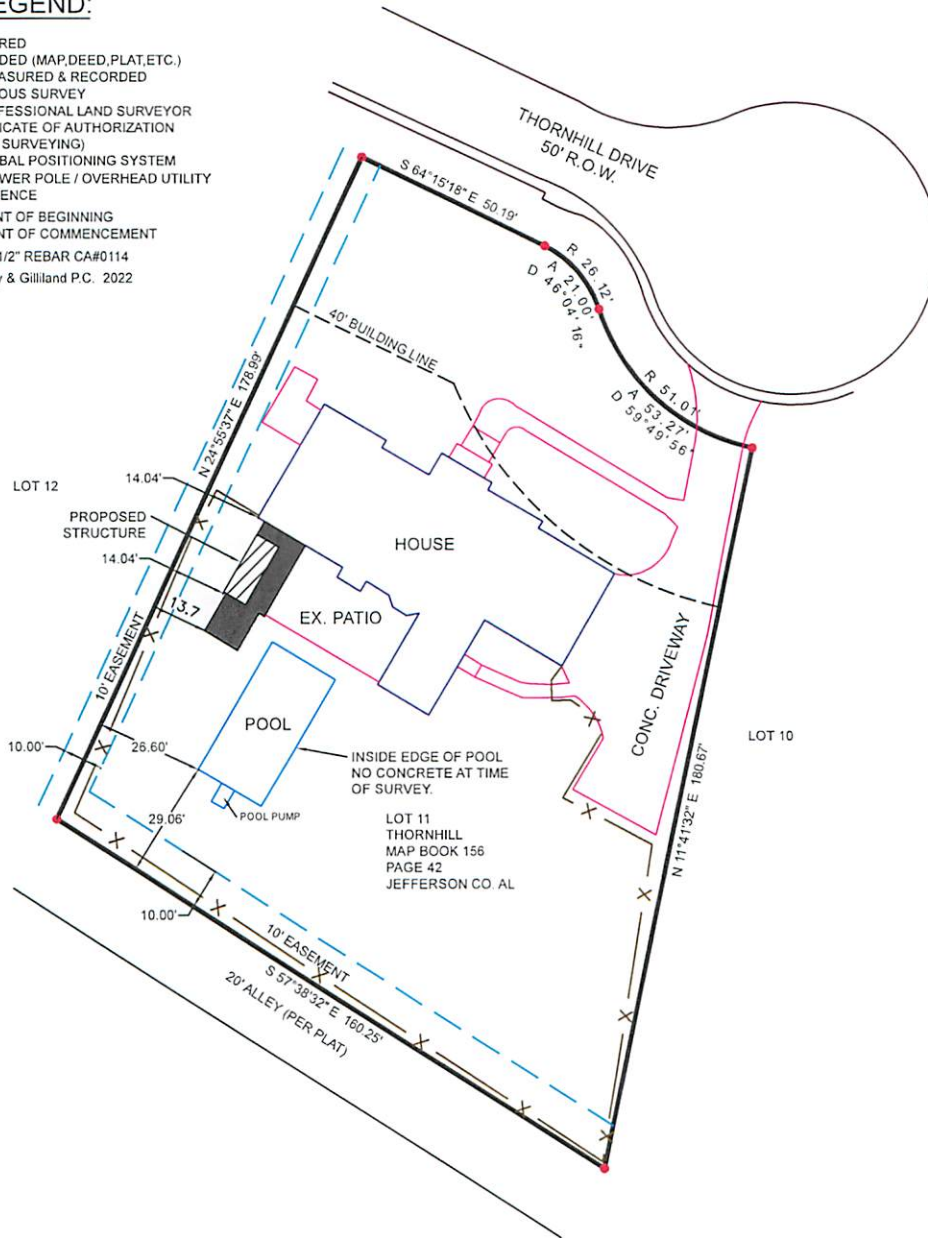
BEARINGS ARE STATE PLANE  
NAD 83 ALABAMA WEST ZONE



REVISED PLOT PLAN 01.03.23

**LEGEND:**

- (M) = MEASURED
  - (R) = RECORDED (MAP, DEED, PLAT, ETC.)
  - (M & R) = MEASURED & RECORDED
  - (PS) = PREVIOUS SURVEY
  - P.L.S. = PROFESSIONAL LAND SURVEYOR
  - CA = CERTIFICATE OF AUTHORIZATION (0114 - LAND SURVEYING)
  - G.P.S. = GLOBAL POSITIONING SYSTEM
  - △ = POWER POLE / OVERHEAD UTILITY
  - X—X—X = FENCE
  - POB = POINT OF BEGINNING
  - POC = POINT OF COMMENCEMENT
  - IPS = SET 1/2" REBAR CA#0114
- Copyright Ray & Gilliland P.C. 2022



STATE OF ALABAMA  
JEFFERSON COUNTY

I, Christopher M. Ray, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and plat (or drawing) have been completed in accordance with the requirements of the Standards for the Practice of Surveying in the State of Alabama.

According to my survey this the 9th day of November 2022.

*Christopher M. Ray*  
Christopher M. Ray, Ala. Reg. No. 26017  
Ray and Gilliland, P. C., Ala. Board Cert. No. CA-0114-LS



# Smith Residence Pool House

## 3515 Thornhill Rd., Vestavia Hills, AL



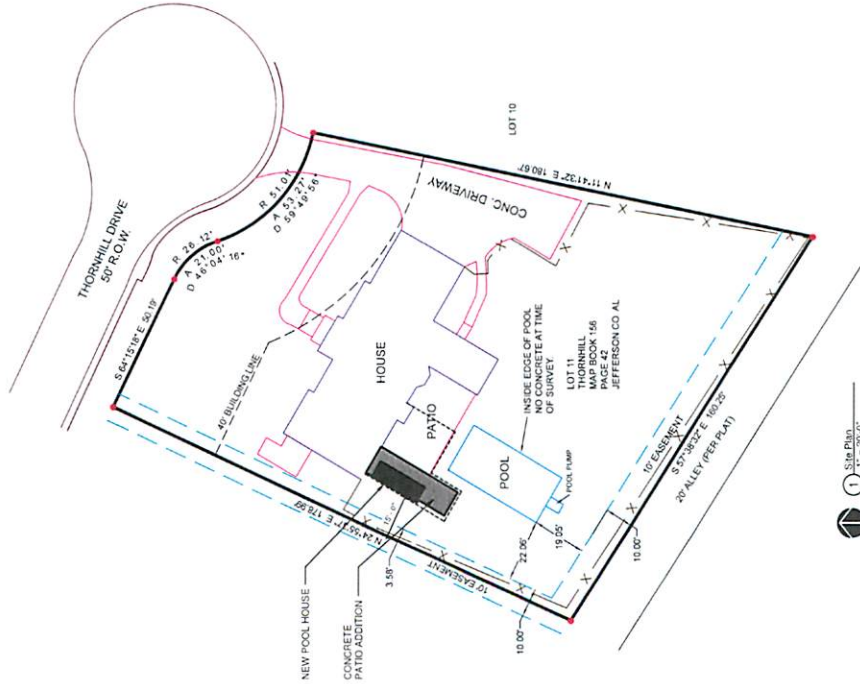
MONUMENT LLC  
 4000 Northchase Blvd., AL 35213  
 205-988-1888

ARCHITECT  
 4250 WALKER RD.  
 MONUMENT ARCHITECTS  
 4250 WALKER RD., SUITE 200  
 VESTAVIA HILLS, AL 35213  
 PHONE: (205) 988-1888  
 EMAIL: info@monumentllc.com  
 FAX: (205) 988-1884

### PROJECT TEAM

OWNER  
 3515 Thornhill Rd.  
 Vestavia Hills, AL 35213  
 PHONE: (205) 988-1888

GENERAL CONTRACTOR  
 2022 150 COURT, SUITE 200  
 VESTAVIA HILLS, AL 35213  
 PHONE: (205) 988-1888  
 EMAIL: info@smithhouseal.com  
 FAX: (205) 988-1884



## Smith Residence Pool House

### 3515 Thornhill Rd., Vestavia Hills, AL

DATE	REVISION	DESCRIPTION	DATE
12/20/22			

SHEET NAME	COVER SHEET & SITE PLAN
PROJECT NUMBER	22024
SHEET NUMBER	A000

### ABBREVIATIONS

- ATF ABOVE FINISH FLOOR
- CL CENTERLINE
- GC GENERAL CONTRACTOR
- TD TOP OF DECK
- TOI TOP OF INSULATION
- FIN FINISH SURFACE

### DRAWING INDEX

- ARCHITECTURAL
- COVER SHEET & SITE PLAN
- A000 COVER SHEET & SITE PLAN
- A001 EXTERIOR FINISH ELEVATIONS

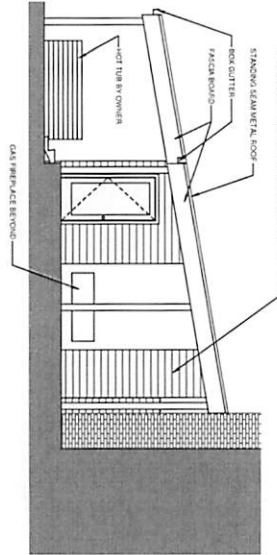
### GENERAL NOTES

1. CITY OF VESTAVIA ADOPTED CODES APPLICABLE TO THE PROJECT INCLUDE THE INTERNATIONAL RESIDENTIAL CODE DESCRIPTION OF THE WORK, ADDITION TO AN EXISTING HOME CONSISTING OF A COVERED PATIO AND SMALL ENCLOSED POOL, AND THE ALABAMA CONSTRUCTION CODE. THE CONTRACTOR SHALL VERIFY THE APPLICABILITY OF THESE CODES TO THE PROJECT AND NOTIFY THE ARCHITECT IMMEDIATELY UPON IDENTIFICATION OF ANY INCONSISTENCIES OR CONFLICTS.
2. GENERAL CONTRACTOR IS RESPONSIBLE FOR PROVIDING SUBCONTRACTORS WITH COMPLETE DOCUMENTS INCLUDING ALL REQUIREMENTS OF THEIR TRADE.
3. ADJACENT OCCUPIED HOMES TO REMAIN FREE FROM INTRUSION THROUGHOUT CONSTRUCTION AS THE SCOPE OF WORK IN THE HOMES IMPACTS THEM OTHERWISE APPROVED BY OWNER.
4. CONTINUAL VIBRATIONS SHOWN TO BE TIED TO SEWAGE IN SERVICE AND ARE TO BE PROTECTED THROUGHOUT.
5. SET TO BRACKET CLEAR OF LOOSE DEBRIS. FLOORS TO BE SWEEP REGULARLY. ANY LOOSE EQUIPMENT, CUSTODIAN CODES, ETC. THAT IS SHOWN TO REMAIN ARE TO BE TIED ON AND MAINTAINED SECURELY UNTIL FINAL CONNECTIONS ARE MADE AND ALL DEBRIS IS REMOVED FROM THE PROJECT.
6. ALL FINISH AND COLOR SELECTIONS TO BE APPROVED BY OWNER.
7. MANUFACTURING ITEMS OR UNLESS OTHERWISE SPECIFICALLY PROHIBITED, UNLESS SPECIFICALLY PERMITTED BY THE OWNER.
8. ALL NEW ROOF PENETRATIONS TO BE SEALED PER EXISTING ROOFING WARRANTY - COORDINATE WITH OWNER.
9. DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR SHALL FIELD VERIFY ALL CONTROL POINTS INCLUDING FLOOR TO FLOOR HEIGHTS AS WELL AS ALL DIMENSIONS FROM THE PLAN. VERIFY ALL DIMENSIONS FROM THE PLAN.
10. GC SHALL PROVIDE ALLOWANCES FOR ANY ITEMS NOT SPECIFICALLY SHOWN INCLUDING ALL UTILITY CONNECTIONS.
11. HULLURE TO BE PROVIDED AND INSTALLED BY OWNER.

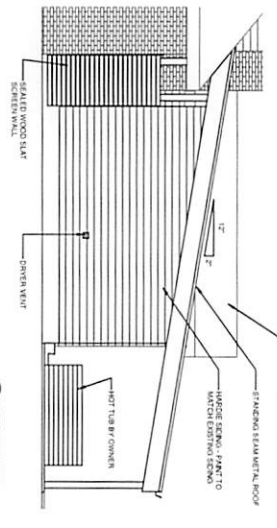
THIS DRAWING IS THE PROPERTY OF MONUMENT LLC AND IS NOT TO BE REPRODUCED, COPIED OR ALTERED IN WHOLE OR IN PART OR USED FOR ANY PURPOSE WITHOUT THE WRITTEN PERMISSION OF MONUMENT LLC AND IS TO BE RETURNED UPON REQUEST.



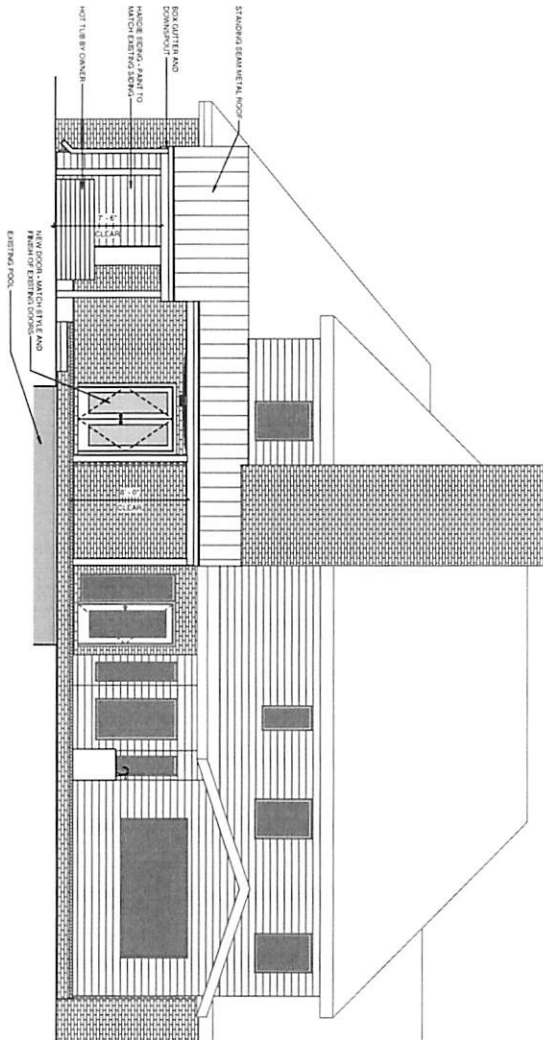




3 EAST ELEVATION  
1/4" = 1'-0"



2 WEST ELEVATION  
1/4" = 1'-0"



1 SOUTH ELEVATION  
1/4" = 1'-0"

# Smith Residence Pool House

3515 Thornhill Rd., Vestavia Hills, AL

DATE	12/20/22	
REVISIONS		
NO.	DESCRIPTION	DATE
PROJECT NUMBER	22024	
SHEET NAME	EXTENSION BUILDING ELEVATIONS	
SHEET NUMBER	A200	

**MONUMENT LLC**  
 10000 BURNING TREE BLVD  
 SUITE 100  
 BIRMINGHAM, AL 35213  
 205.990.0000

**IV. ZONING**

Vestavia Hills Zoning for the subject property is \_\_\_\_\_.

**V. HARDSHIP**

**Describe those things which you feel justify the action requested. An Undue Hardship is required in order to seek a variance.** List, when necessary, the specific sections of the City Code(s) which have a bearing on your request. *(Use additional space on separate page if necessary).*

**VI. PROJECT:**

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

**VII. OWNER AFFIDAVIT:**

I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. **\*Note, this application must be signed by the owner of the property before a notary. The original application shall be submitted, no copies shall be accepted\***

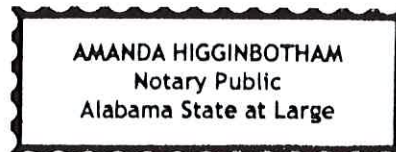
  
\_\_\_\_\_  
Owner Signature/Date

  
\_\_\_\_\_  
Representing Agent (if any)/date

Given under my hand and seal  
this 9<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_ My Commission Expires  
day of \_\_\_\_\_, 20 May 9, 2026





VESTAVIA HILLS

## Board of Zoning Adjustment Planners Report

### MEETING DATE

February 16, 2023

### AGENDA ITEM

BZA-23-3 **Jason McGee** is requesting a **Side Setback Variance & Two Front Setback Variances** for the property located at **2301 Shades Crest Road**. The purpose of this request is to reduce the side setback to 12' in lieu of the required 17' & to reduce the front setback (Shades Crest) to 41' in lieu of the required 60', & to reduce the front setback (Sunset) to 22' in lieu of the required 60', to build a house. The property is owned by Jason McGee and is zoned **Vestavia Hills R-1**.

### BACKGROUND

5' Side Setback Variance to reduce the setback to 12' in lieu of the required 17' & 19' Front Setback Variance (Shades Crest) to reduce the setback to 41' in lieu of the required 60' & 38' Front Setback Variance (Sunset) to reduce the setback to 22' in lieu of the required 60'.

### PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a multiple variance to build a house. The applicant contends the corner lot and shape of lot causes a hardship. The existing house was well out of compliance due to the R-1 setbacks on a narrow corner lot. That will be demolished to make way for the new house. The new house will be the closest along Shades Crest Road. The slanted rear property line would require a larger side setback variance if the house was pushed back. The applicant's property is zoned Vestavia Hills R-1. See attached Engineering Staff comments.

### ATTACHMENTS

1. Staff Comments: Engineering
2. Application
3. Current Survey
4. Proposed Drawing
5. Additional Drawings
6. Owner's Affidavit

Jack Wakefield  
City Planner



BZA-23-3

## Engineering Review

Variance and Special Exception Application

**Status:** Complete

**Became Active:** Jan 19, 2023

**Assignee:** Lori Beth Kearley

**Completed:** Jan 23, 2023

### Applicant

Jason McGee  
jasona.mcgee@gmail.com  
2301 Shades Crest  
Birmingham, AL 35216  
307-690-5216

### Primary Location

2301 SHADES CREST RD  
VESTAVIA HILLS, AL 35216

### Owner:

Jason McGee  
2301 Shades Crest Road Vestavia Hills, AL  
35216

### Comments

**Lori Beth Kearley, Jan 23, 2023**

This project will be subject to 30% impervious review during permitting to ensure the site meets current Stormwater Runoff Requirements. If more than 30% of the lot is proposed to have impervious coverage, additional stormwater runoff mitigation and/or engineering may be required. Please contact Engineering for questions or to discuss. 205-978-0150.



## BZA-23-3

### Variance and Special Exception Application

**Status:** Active

**Date Created:** Jan 16, 2023

#### **Applicant**

Jason McGee  
jasona.mcgee@gmail.com  
2301 Shades Crest  
Birmingham, AL 35216  
307-690-5216

#### **Primary Location**

2301 SHADES CREST RD  
VESTAVIA HILLS, AL 35216

#### **Owner:**

Jason McGee  
2301 Shades Crest Road Vestavia Hills, AL  
35216

#### **Agenda Information**

##### **Agenda Scheduling**

February 2023

#### **Applicant Information**

**I am filling this out as the**

Owner

#### **Billing/Responsible Party**

##### **Name**

Jason McGee

##### **Phone #**

307-690-5216

##### **Address**

2301 Shades Crest Rd

##### **City/State/Zip**

Vestavia Hills, AL, 35216

##### **Email**

jasona.mcgee@gmail.com

## Subject Property Information

### Subject Property Address

2301 Shades Crest

### Legal Description of Subject Property

Lot 10, CHAS R. BYRD and PAUL H.GOODSON'S THIRD ADDITION TO GRANDVIEW

---

## REASONS FOR REQUEST

### Front Setback Variance



### Setback Requested

Setback to Shades Crest Side 41'

### Setback Required

17'

### Other Setback Variance



### Setback Requested

Setback to Sunset Dr 22'

### A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.



### Details

I am requesting a setback variance for 2 fronts and a side as this lot is a corner lot. Sunset Front Variance Reason for Request: The lot is narrow with the width at the widest point following current setbacks of 96' and narrowest point being 85'. Therefor with the current setbacks for this lot the structure would only be 31' wide at the lot's widest point. Shades Crest Front Reason for Request: The lots is shaped in a way that it becomes narrower as you move down Sunset Drive. The further you move the new proposed structure away from Shades Crest you begin to encroach even further into the side setback with the adjoining neighbor and the front setback on Sunset drive. For reference, the current structure on the property has a setback of 69' to Shades Crest "front", 24' to Sunset "front", and 12' to adjoining neighbor "side". See attached current survey of the existing structure and proposed new structure layout for further illustration of these points.

---

## ZONING

### Vestavia Hills Zoning for the subject property is

R-1



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## PROJECT

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

Scope of project consists of demoing the current residential home located on the property and building a new residential home to replace the current one. The new structure will be approximately 4000 SF consisting of 5 bedrooms and 4.5 baths with a 2 car garage. Including new landscaping to revitalize disturb areas.

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## HARDSHIP

### **Please answer the following questions regarding hardship and briefly summarize and describe those things which you feel justify the action requested in the box below. 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).**

I am requesting a setback variance for 2 fronts and a side as this lot is a corner lot. Sunset Front Variance Reason for Request: The lot is narrow with the width at the widest point following current setbacks of 96' and narrowest point being 85'. Therefor with the current setbacks for this lot the structure would only be 31' wide at the lot's widest point. Shades Crest Front Reason for Request: The lots is shaped in a way that it becomes narrower as you move down Sunset Drive. The further you move the new proposed structure away from Shades Crest you begin to encroach even further into the side setback with the adjoining neighbor and the front setback on Sunset drive. For reference, the current structure on the property has a setback of 69' to Shades Crest "front", 24' to Sunset "front", and 12' to adjoining neighbor "side". See attached current survey of the existing structure and proposed new structure layout for further illustration of these points.

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:**

Yes, This is a narrow corner lot that is shaped in a way that it becomes narrower as you away from Shades Crest.

**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:**

Yes, the adjoing property structure is located closer to Shades Crest than I am proposing. This would not give me any special privelages in the area.

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

Yes, if current setbacks are to be followed as per Article 5 the new structure would have a max width of 31'.

**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:**

Yes, this will be in harmony with the purpose and intent of the Ordinance and will in my opinion benefit the neighborhood by giving the property an overall upgrade from the current structure.

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

Yes, these are not self-imposed hardships but hardships due to the property being oddly shaped and a corner lot.

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

Yes, as stated above this is the best option for the layout of the proposed structure because as you move further away from Shades Crest you begin to encroach further into the setbacks of the adjoining property and setback to Sunset Drive.

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.**

Yes, this variance would be for a residential home of which this lot is currently zoned for.

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

Jason McGee

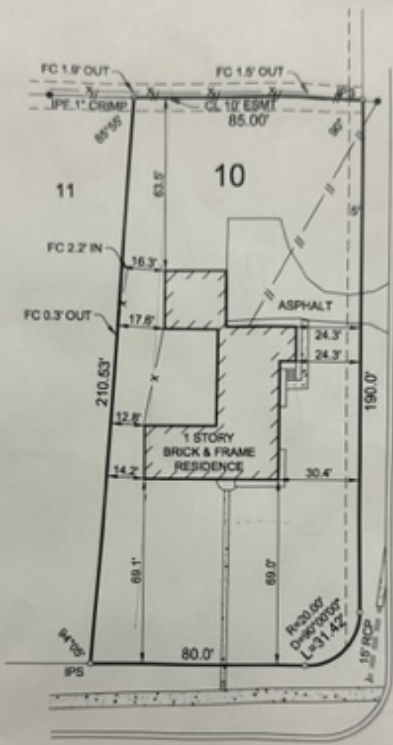
01/16/2023

SCALE: 1"=40'

56x75

LEGEND

- ASPH = asphalt
- BRG = bearing
- BLDG = building
- CALC = calculated
- CAP = capped iron
- CL = centerline
- CH = chert
- CONC = concrete
- C = covered
- D = deflection
- D = curve data angle
- E = east
- ESMT = easement
- FC = fence
- FD = found
- HR = headwall
- IPF = iron pin found
- IPF\* = iron pin found w/WR cap
- IPS = iron pin set w/WR cap
- L = length
- MEAS = measured
- MIN = minimum
- MN = manhole
- N = north
- OH = overhang
- P = porch
- PC = point of curve
- PBG = point of beginning
- POC = point of commencement
- PT = point of tangent
- PUNT = pavement
- R = radius
- REC = recorded
- RES = residence
- RDW = right of way
- S = south
- SAN = sanitary
- STM = storm
- SWR = sewer
- SYN = synthetic
- UTL = utility
- U = uncovered
- W = west
- YI = yard inset
- ° = degrees
- ' = minutes, in
- '' = bearings or angles seconds, in
- ' = bearings or angles minutes, in
- ' = feet, in distance
- AC = acres
- ± = more or less, or plus or minus



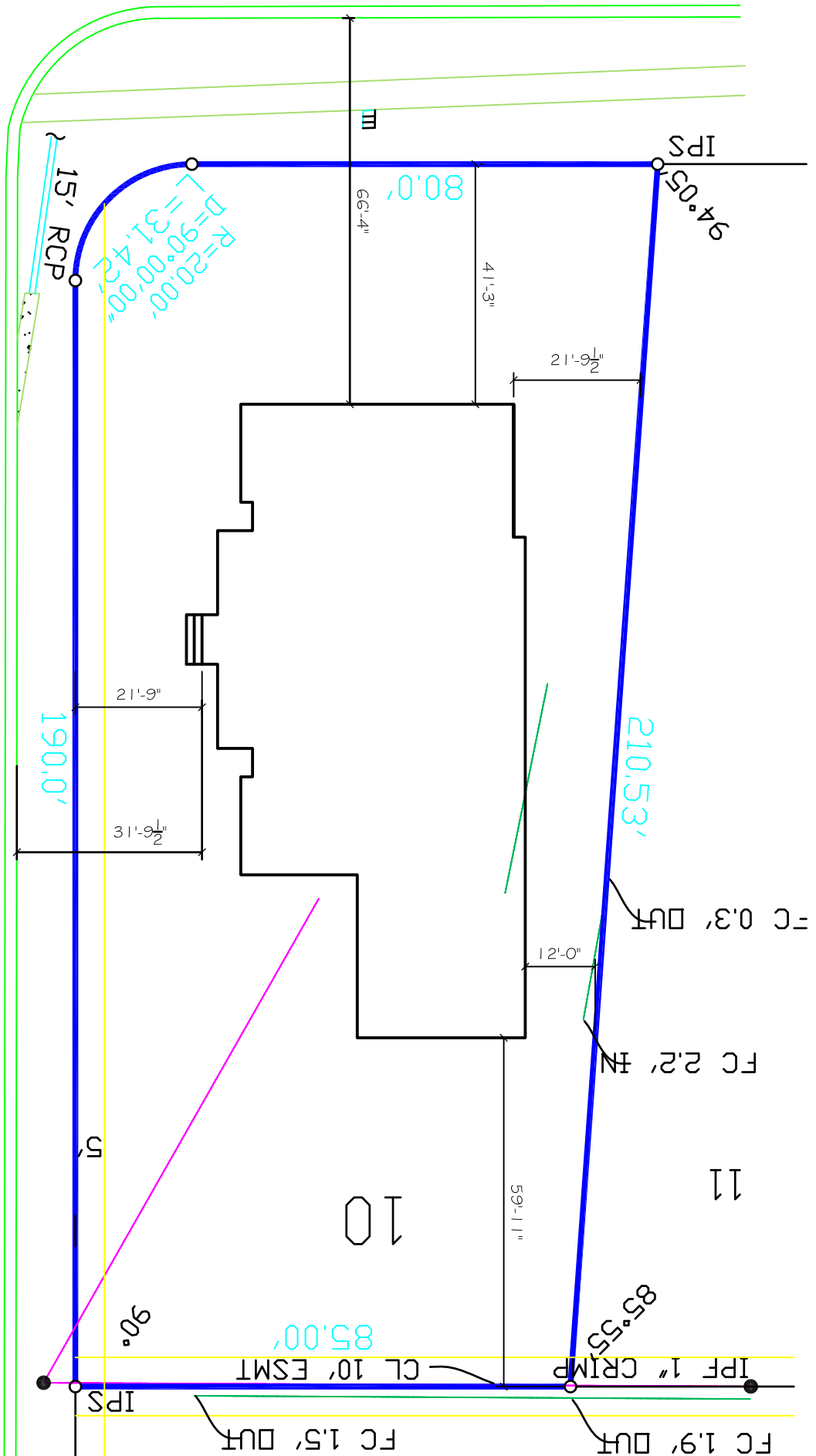
SHADES CREST ROAD

SUNSET DRIVE

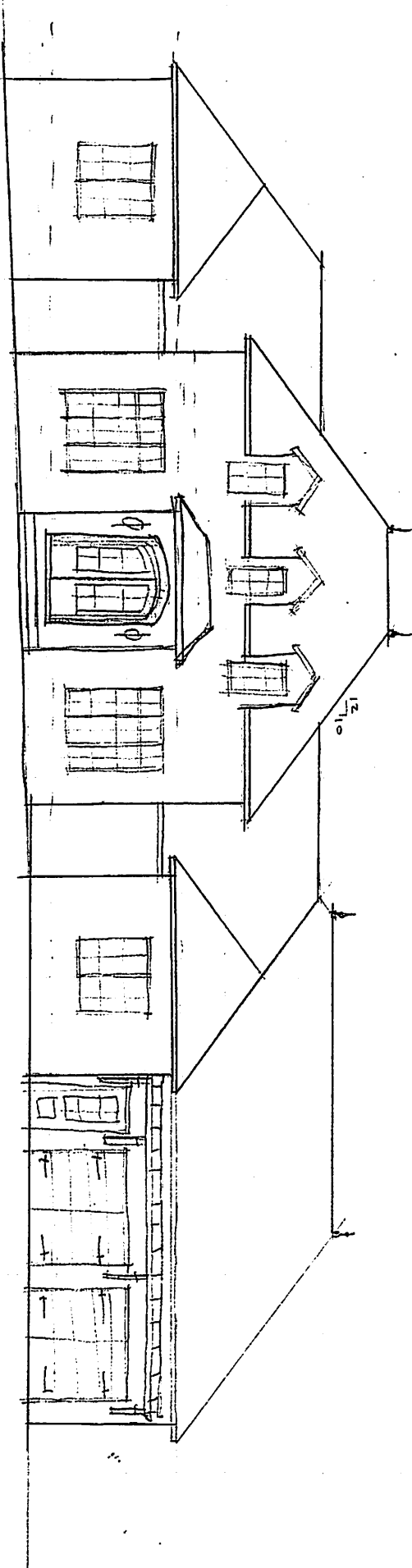
STATE OF ALABAMA  
SHELBY COUNTY

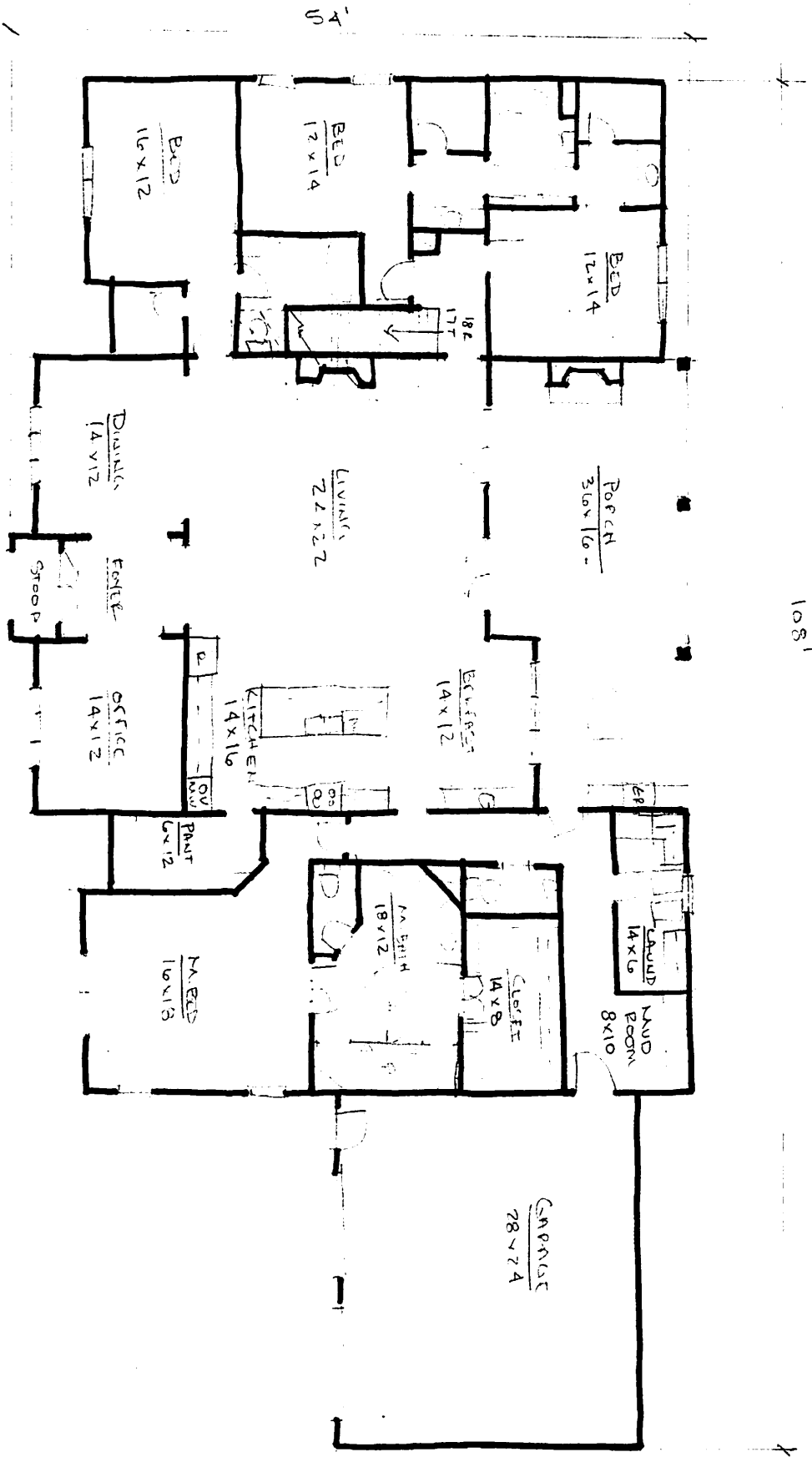
I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 10, CHAS. R. BYRD AND PAUL H. GOODSON'S THIRD ADDITION TO GRANDVIEW as recorded in Map Book 33, Page 14, in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief; that the correct address is as follows: 2301 Shades Crest Road according to my survey of February 4, 2020. Survey is not valid unless it is sealed with embossed seal or stamped in red.

SUNSET DRIVE



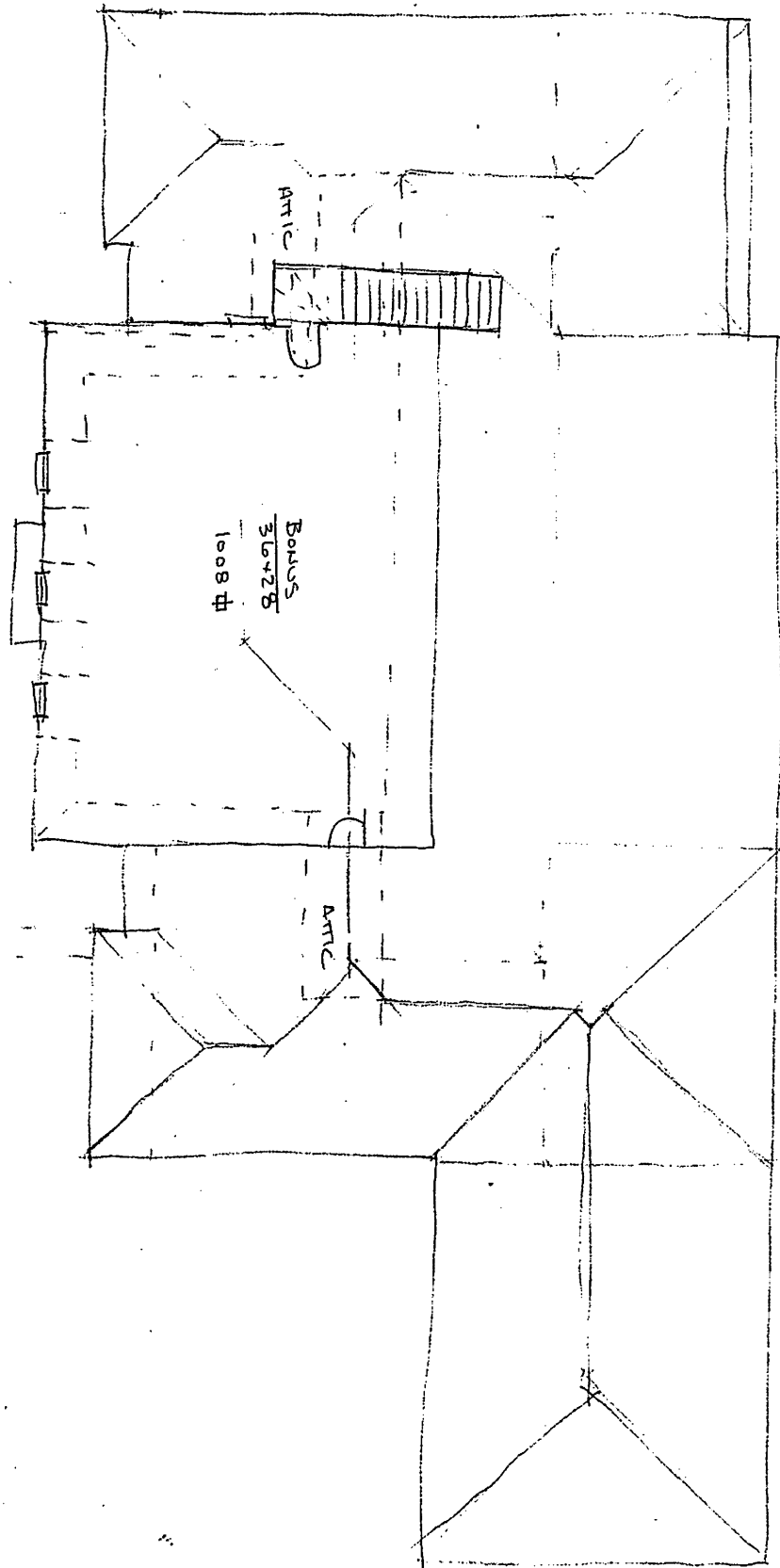
FRONT VIEW  
1/8" = 1'-0"





SUNSET DR GRCC 331.8 # PLUS BONUS  
 1/8" = 1'-0"

1081







**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: 2301 SHADES CREST Road, 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)

- |  |  |
|--|--|
| <input type="checkbox"/> Rezoning Request          | <input checked="" type="checkbox"/> Request for Variance |
| <input type="checkbox"/> Preliminary Plat Approval | <input type="checkbox"/> Special Exception               |
| <input type="checkbox"/> Final Plat Approval       | <input type="checkbox"/> Design Review Approval          |
| <input type="checkbox"/> Conditional Use Approval  |  |

Signed: [Signature] 1/17/23  
Owner Signature/Date

STATE OF ALABAMA  
COUNTY OF Shelby

Given under my hand and seal  
this 17 day of JANUARY, 2023.

[Signature]  
Notary Public

My commission expires 30th day of October, 2023.



My Commission Expires  
October 30, 2023