

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

- 1. Roll Call
- 2. Approval Of Minutes: February 16, 2023
- 3. BZA-23-4 **J Barry Andrews** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1883 Shades Crest Road**. The purpose of this request is to build a privacy fence in the front setback. The property is owned by J Barry Andrews and is zoned **Vestavia Hills R-1**.
- 4. BZA-23-5 Christopher Catanzano is requesting Front & Rear Setback Variances for the property located at 2404 Chestnut Road. The purpose of this request is to reduce the front setback setback to 53' in lieu of the required 60' & to reduce the rear setback to 29' in lieu of the required 30', to build an addition to the principal structure. The property is owned by Christopher Catanzano and is zoned Vestavia Hills R-1.
- 5. Time Of Adjournment

CITY OF VESTAVIA HILLS

BOARD OF ZONING ADJUSTMENT

MINUTES

February 16, 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 Stephen Greer Loring Jones, III Ryan Rummage, Alt

MEMBERS ABSENT:

Thomas Parchman Tony Renta

OTHER OFFICIALS PRESENT: Jack W

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of January 19, 2023 were presented for approval.

MOTION

Motion to dispense with the reading of the minutes of January 19, 2023 was made by Mr. Fliegel and 2nd was by Mr. Jones. Motion as carried on a voice vote as follows:

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

Mr. Jones – yes Motion carried.

SIDE SETBACK VARIACNE

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.

Mr. Wakefield explained that the request was to build a carport encroaching in the side setback.

Steven Hey, 4300 Dolly Ridge Lane, was present for the request and stated that the corner lot and septic tank on lot prevents buildable area. He also stated that the neighbor is supportive of the request.

Chairman Rice asked why can't this be built on the other side of the lot?

Mr. Hey stated that a variance would be required there too, plus that is where the septic and field lines are. He also stated that there is a drainage ditch that runs that frontage.

Mr. Rice asks if this will have an overhang.

Mr. Hey said he has talked with Keith Blanton on overhang regulations and he is following what was recommended and will be the setback.

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 9' Side Setback Variance to reduce the setback to 1' in lieu of the required 10', for the property located at 4300 Dolly Ridge Ln 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. Greer - yes Mr. Jones – yes Chairman Rice – yes

Motion carried.

SIDE SETBACK VARIACNE

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**.

Mr. Wakefield explained that the request was to build a pool house that will connect to the principal structure.

Mark Hancock, 3515 Thornhill Drive, was present for the request and stated that the odd shaped lot and topography causes a hardship. Also, the house is nonconforming on that side and the addition will extend another 8 inches past the current house setback.

Mr. Fliegel asked if the structure is attached to the house.

Mark Hancock stated that they will extend the roof of the house to meet the new pool house.

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 3' Side Setback Variance to reduce the setback to 12' in lieu of the required 15', for the property located at 3515 Thornhill Drive was made by Mr. Jones and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

Mr. Fliegel – yes
Mr. Greer - yes
Mr. Jones – yes
Motion carried.

Mr. Rummage – yes
Chairman Rice – yes

TWO FRONT & A SIDE SETBACK VARIACNE

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.

Mr. Wakefield explained that the request was to build a pool house that will connect to the principal structure.

Jason McGee, 2301 Shades Crest Road, was present for the request and stated that the corner lot and odd shape of the lot caused a hardship.

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.

BZA Minutes

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MOTION Motion to APPROVE a 5' side setback variance to reduce the setback to 12' in lieu of the required 17' & a 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', for the property located at 2301 Shades Crest 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. Greer - yes Mr. Jones – yes Motion carried.

Mr. Rummage – yes Chairman Rice – yes

At 6:16 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:16 PM.

Jack Wakefield, Planner/GIS



Board of Zoning Adjustment Planners Report

MEETING DATE

March 16, 2023

AGENDA ITEM

BZA-23-4 **J Barry Andrews** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1883 Shades Crest Road**. The purpose of this request is to build a privacy fence in the front setback. The property is owned by J Barry Andrews and is zoned **Vestavia Hills R-1**.

BACKGROUND

Variance for Location of Fence in the Front Setback.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a variance for the location of a fence in the front setback. The applicant contends the corner lot causes a hardship. Terrain limitations also prevent placement of a fence in a large portion of the rear of the lot. The fence will be a 5' metal rod fence. The property is zoned Vestavia Hills R-1.

ATTACHMENTS

- 1. Application
- 2. Survey
- 3. Survey with Fence
- 4. Fence Demensions
- 5. Fence Example
- 6. Owners Affidavit

Jack Wakefield City Planner





BZA-23-4

Variance and Special Exception Application

Status: Active Date Created: Feb 13, 2023

Applicant

J Barry Andrews barry@uab.edu 1883 Shades Crest Rd Vestavia Hills, AL 35216-1421 205 401-5780

Primary Location

1883 SHADES CREST RD VESTAVIA HILLS, AL 35216

Owner:

J Barry Andrews & Letitia J Hayes 1883 Shades Crest Rd Vestavia Hills, AL 35216-1421

Agenda Information

Agenda Scheduling

March 2023

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

J Barry Andrews

Address

1883 Shades Crest Rd

Email

barry@uab.edu

Phone #

205 401-5780

City/State/Zip

Vestavia Hills/AL/35216

Subject Property Information

Subject Property Address

1883 Shades Crest Rd

Legal Description of Subject Property

Lot 1, Block 2, Montclaire First Sector, Map Vol 36, page 63, office of the Judge of Probate Jefferson County, AL

REASONS FOR REQUEST

Variance for location of a fence.

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Details

Corner lot. Request placing a fence in the "front yard" to the side of the house.

ZONING

Vestavia Hills Zoning for the subject property is

R-1

PROJECT

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

Scope: We are hoping to add fencing, primarily in our back yard, to provide space for two puppies to safely run and play as they grow.

Reason for requesting variance: Terrain limitations prevent placing a fence in a large portion of the lot. The two-front-yards issue of our corner lot limits using a gently sloping area of our lot.

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).

The steeply downward sloping terrain from our patio towards the back corner of our lot leads to major areas of fence un-buildability. Our corner lot currently prevents us from placing any fencing beyond the Montclaire Circle side of our house. We are seeking a variance to allow placement of a portion of the fencing within our second "front yard" on the side of our house.

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:

Property is a corner lot and front-yard requirements must be met along both the Shades Crest Rd and the Montclaire Circle sides of the lot. Most residential properties only have one front yard.

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:

No special privileges are requested. Home owners with non-corner lots are allowed to extend fencing from both sides of their house to their property line.

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

Correct. We would not be able to have fencing in locations allowed for other homeowners in the area.

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:

True. An attractive, 4-foot high, decorative, black aluminum fence has been selected that would be barely visible from the road on the Montclaire Circle side and not at all visible from the Shades Crest Road side. The fence will not hinder the sight lines or safety of the public.

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

Correct. This is not a self-imposed hardship.

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 requesting only a 4 foot variance towards Montclaire Circle beyond the rear corner of our house. The fence location will still be approximately 40 feet from our property line at its closest approach and more than 50 feet off the road.

- 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 request complies with the ordinance.

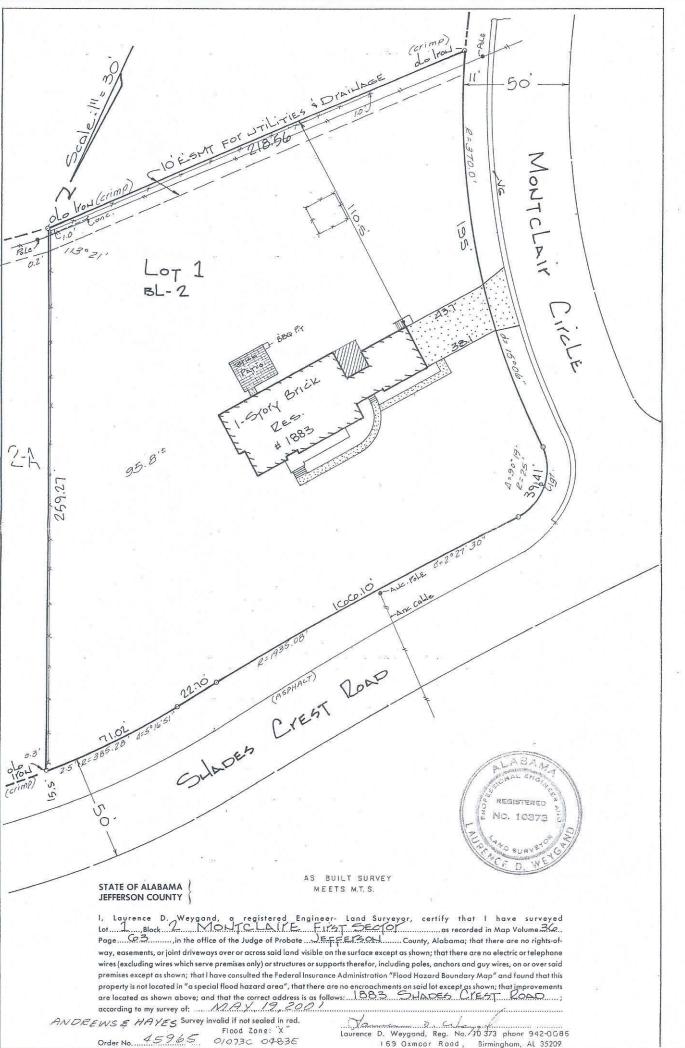
NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase 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

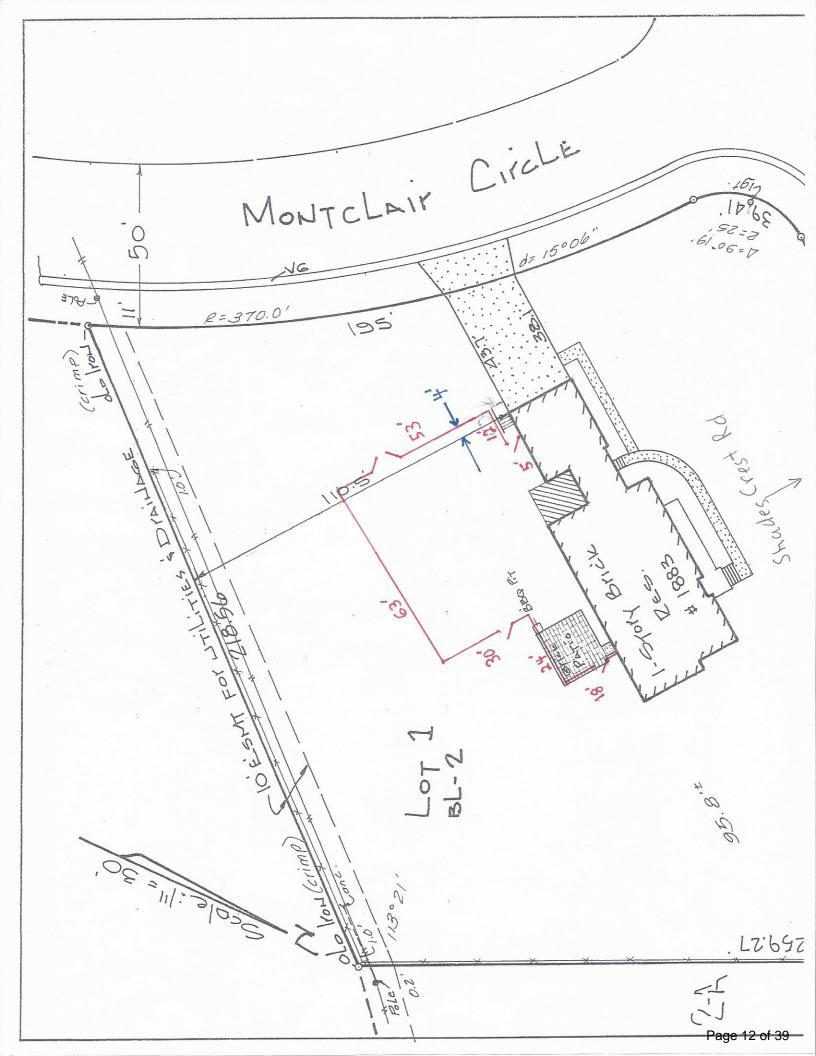
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments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

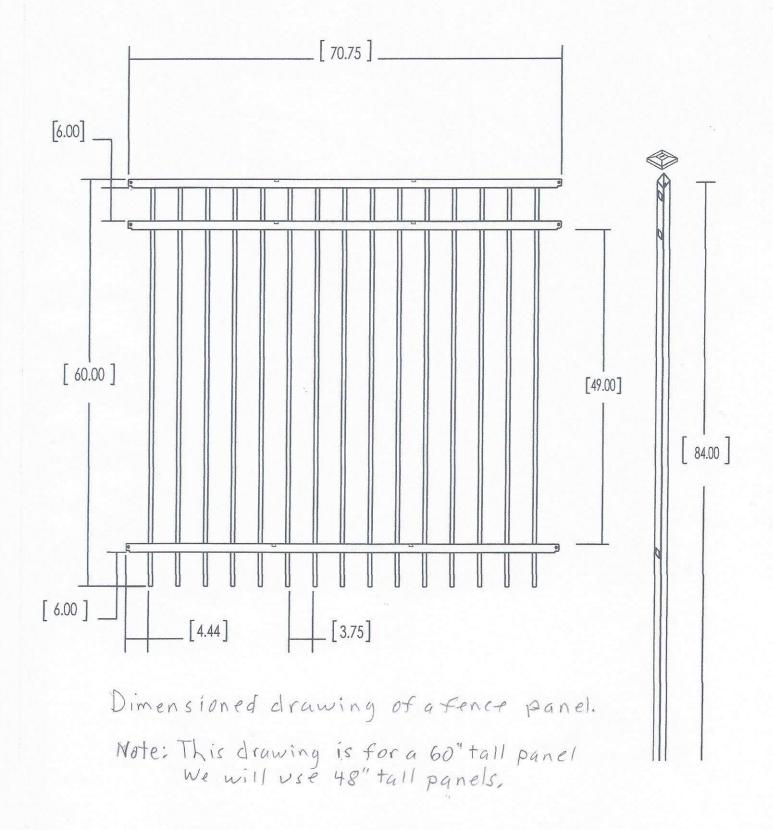
Owner Signature

James Barry Andrews 02/12/2023



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Example of Fencing Selected for 1883 Shades Crest Rd



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: 1883 Shades Crest Rd., 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 Request for Variance			
Preliminary Plat Approval Special Exception Special Exception Design Review Approval			
Conditional Use Approval			
Signed: Jany Ban Andras 2/13/23 Owner Signature/Date			
COUNTY OF Jetterson			
Given under my hand sind seal this 3 day of 12 2023. H. LEAVING.			
Notary Public PU			
My commission expires 3 day of the state of			



Board of Zoning Adjustment Planners Report

MEETING DATE

March 16, 2023

AGENDA ITEM

BZA-23-5 **Christopher Catanzano** is requesting **Front & Rear Setback Variances** for the property located at **2404 Chestnut Road.** The purpose of this request is to reduce the front setback setback to 53' in lieu of the required 60' & to reduce the rear setback to 29' in lieu of the required 30', to build an addition to the principal structure. The property is owned by Christopher Catanzano and is zoned **Vestavia Hills R-1.**

BACKGROUND

7' Front Setback Variance to Reduce the Setback to 53' in Lieu of the Required 60' & 1' Rear Setback Variance to Reduce the Setback to 29' in Lieu of the Required 30'.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is requesting front and rear setback variances to build an addition to the principal structure. The applicant contends that the shape of the lot, along with the septic tank, causes a hardship. The addition will be a two-level addition. A garage and storage space will reside on the 1st floor, and bedroom and home office space above it. This property is zoned Vestavia Hills R-1.

ATTACHMENTS

- 1. Engineering Comments
- 2. Application
- 3. Survey
- 4. Site Plan
- 5. Additional Drawings
- 6. Septic Tank Documents
- 7. Vicinity Sketch
- 8. Owners Affidavit

Jack Wakefield City Planner





BZA-22-27

Engineering Review

Variance and Special Exception Application

Status: Complete Became Active: 12/27/2022

Assignee: Christopher Brady **Completed:** 01/03/2023

Applicant

Twin Construction summer@twincompanies.com 2907 Central Avenue Suite 105 Birmingham, AL 35209 205-802-3920

Primary Location

2104 CHESTNUT RD VESTAVIA HILLS, AL 35216

Owner:

Drew and Sara Gunnells 2104 Chestnut Road Vestavia, AL 35216

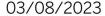
Comments

Christopher Brady, Jan 3, 2023 at 2:00pm

Final permit request is subject to engineering review of impervious area. Total lot coverage cannot exceed 30%. Existing impervious area may need to be removed or modified to offset new addition. Please discuss with engineering prior to submitting for building permit.

Twin Construction, Jan 9, 2023 at 12:09pm

Hi Christopher, does Vestavia have a list of approved permeable materials if we would like to modify areas of the exterior addition?





BZA-23-5

Variance and Special Exception Application

Status: Active Date Created: Feb 13, 2023

Applicant

Christopher Catanzano cbcatanzano@gmail.com 2404 Chestnut Road Vestavia Hills, AL 35216 205-230-1190

Primary Location

2404 CHESTNUT RD VESTAVIA HILLS, AL 35216

Agenda Information

Agenda Scheduling

March 2023

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Christopher Catanzano

Address

2404 Chestnut Road

Email

cbcatanzano@gmail.com

Phone #

205-230-1190

City/State/Zip

Vestavia Hills, AL 35216

Subject Property Address

2404 Chestnut Road

Legal Description of Subject Property

Vestavia Hills 6th Addition, Lot 6

REASONS FOR REQUEST

Front Setback Variance Setback Required

☑ 60'

Setback Requested Rear Setback Variance

53' **☑**

Setback Required Setback Requested

30' 29'

ZONING

Vestavia Hills Zoning for the subject property is

R-1

PROJECT

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

We are looking to make improvements to our home, in particularly for accommodations for our family over the years to come. The reason for the request is due to the setbacks resulting from the curve in the road, the mid-lot corner and along with current and future considerations for septic requirements.

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).

The lot has exceptional conditions in which this piece of property has odd-shaped property lines due to the curve in the road and the mid-lot corner

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 curve in the road and the mid lot corner creates an odd-shaped lot that is not seen on other properties in the vicinity map. The radius of the road reaches its most outer edge at this corner.

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:

No. This variance is being requested based on a non-conforming lot due to abnormal perimeter dimensions.

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

No. This request is solely intended for the use of this property in regard to the extraordinary and exceptional conditions stated above.

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 request is solely intended for the use of this property in regards to the extraordinary and exceptional conditions stated above. The intent of this variance is not to be injurious to the neighborhood, but to improve the structure value while improving and adding value to the neighborhood as well.

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

No. The property does not offer any other reasonable locations for the proposed improvements (including septic field lines requirements) within the current setback requirements.

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

No. The property does not offer any other reasonable locations for the proposed improvements (including septic field lines requirements) within the current setback requirements.

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. True.

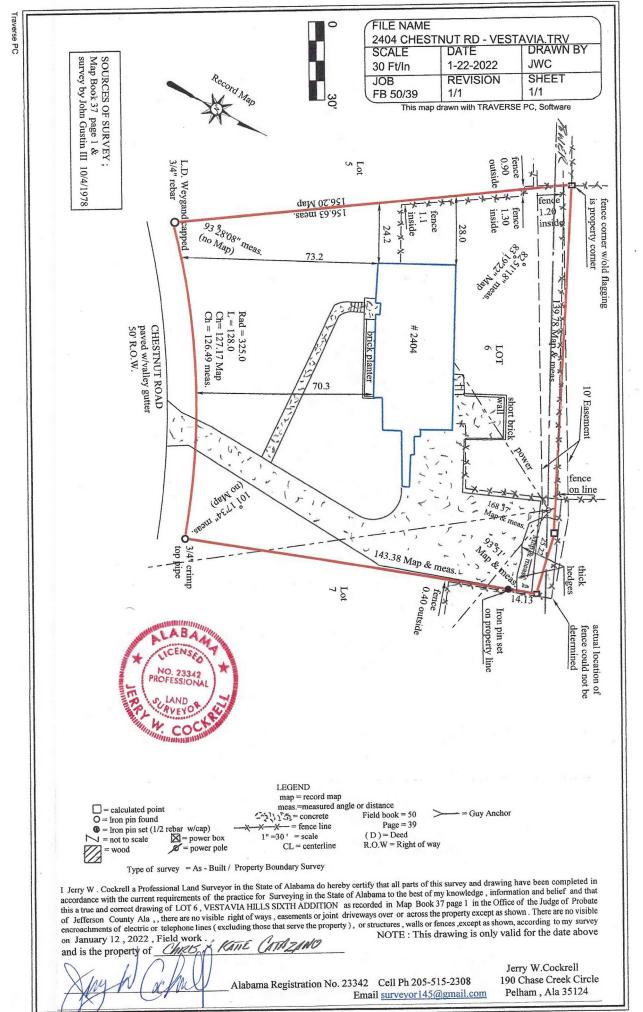
NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase 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."

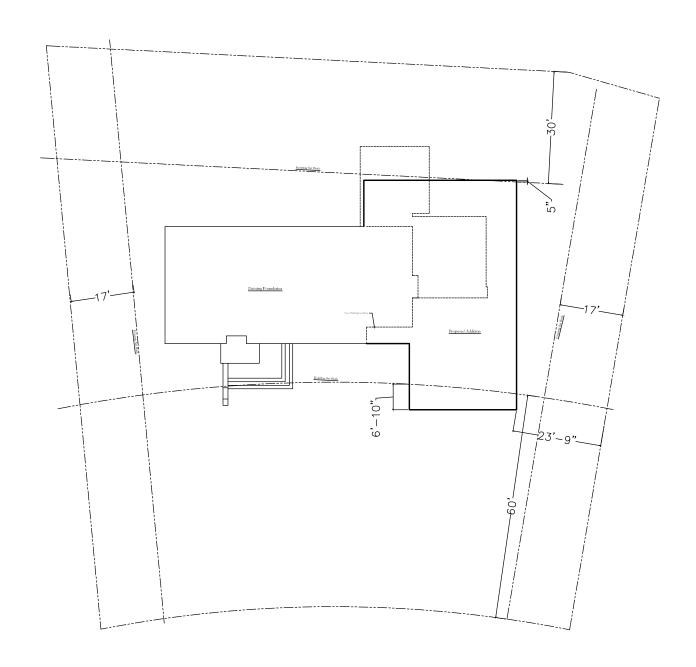
OWNER AFFIDAVIT

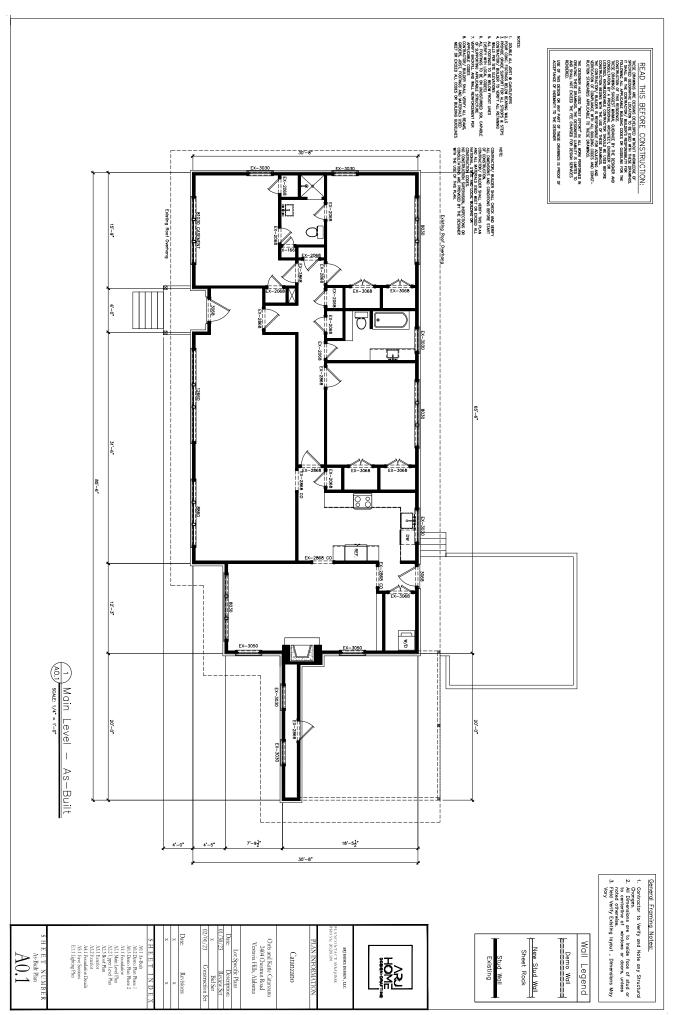
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments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

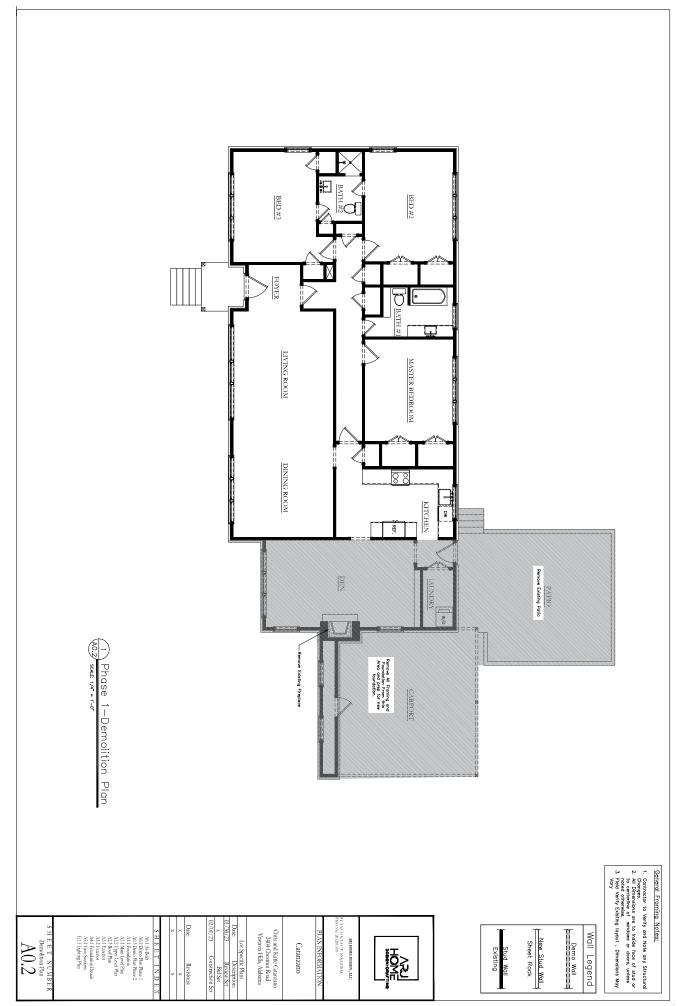
Owner Signature

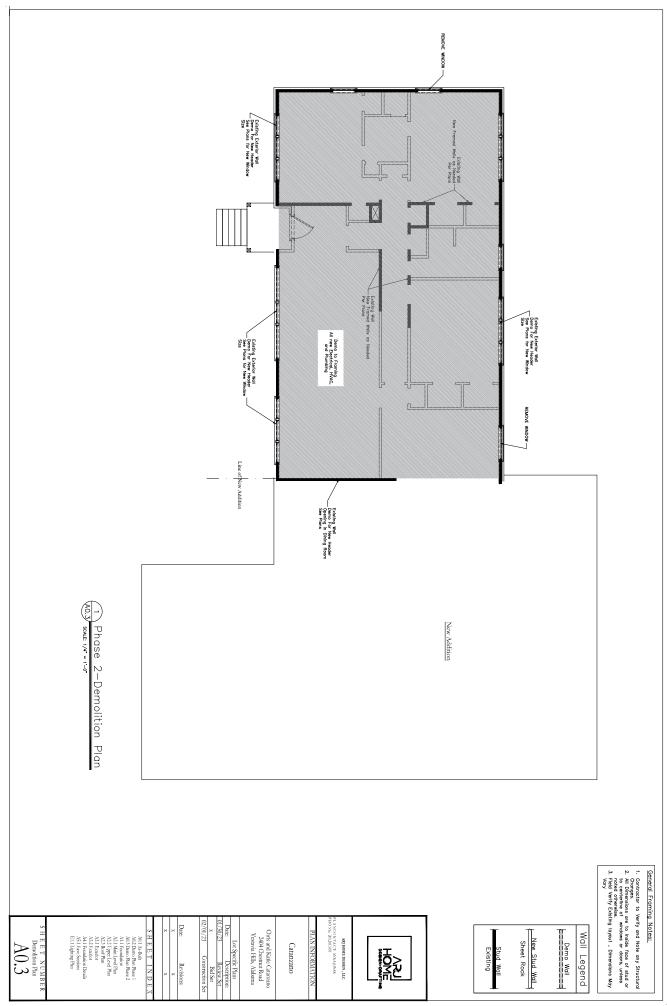
Christopher Catanzano 02/13/2023

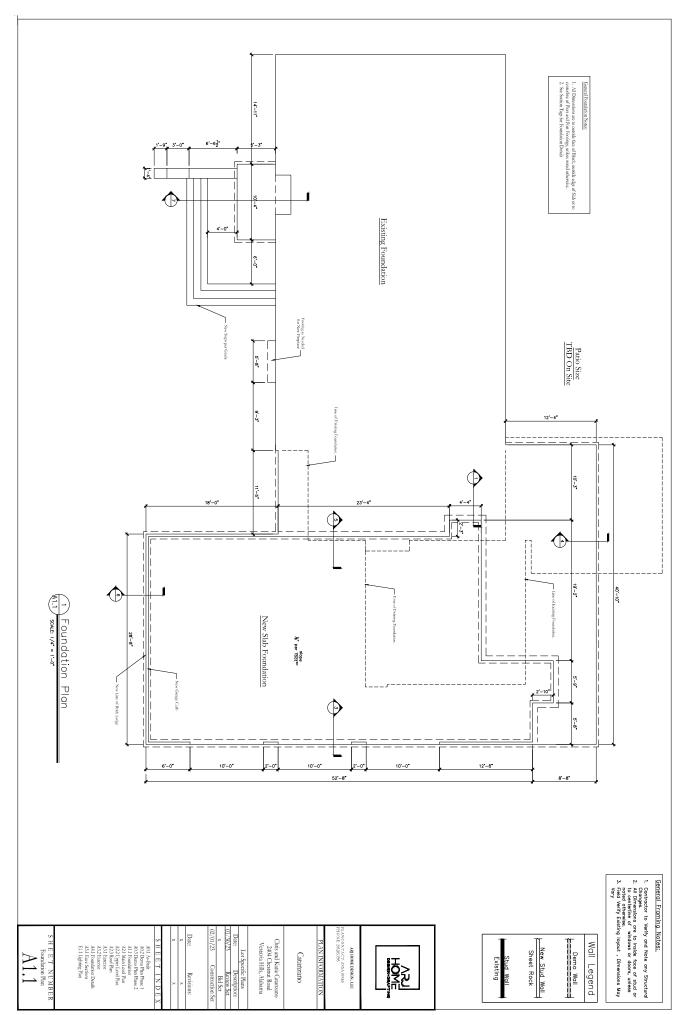


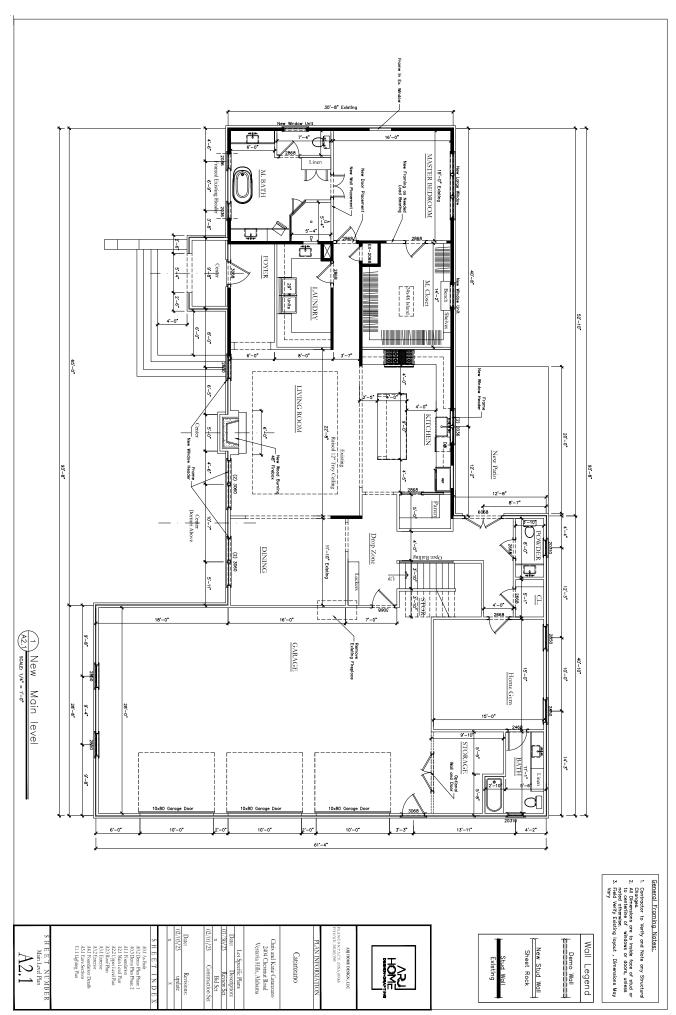


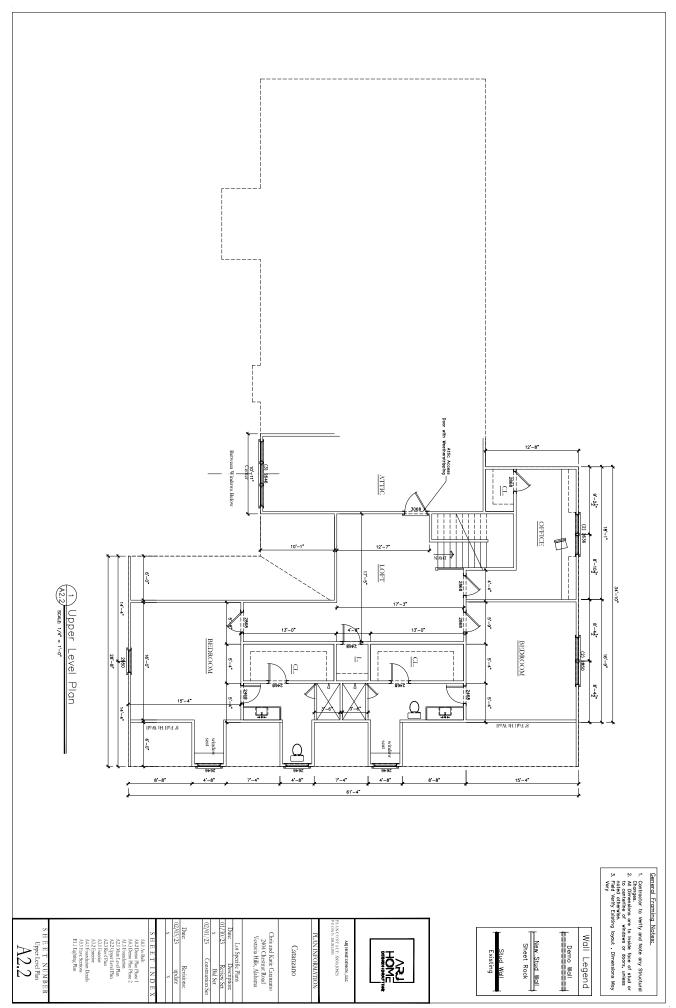


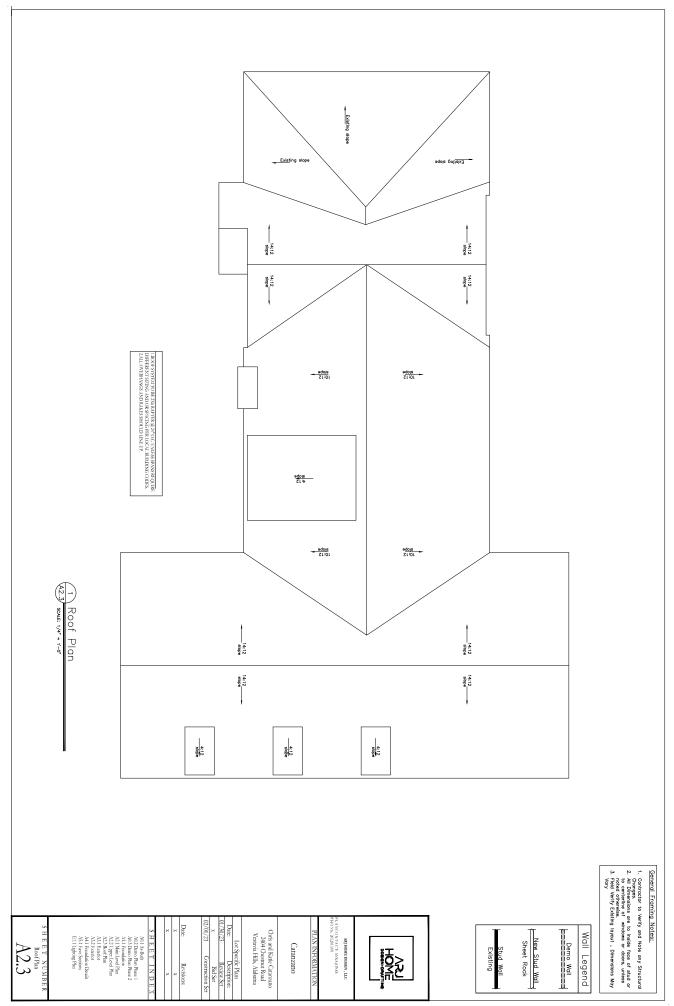


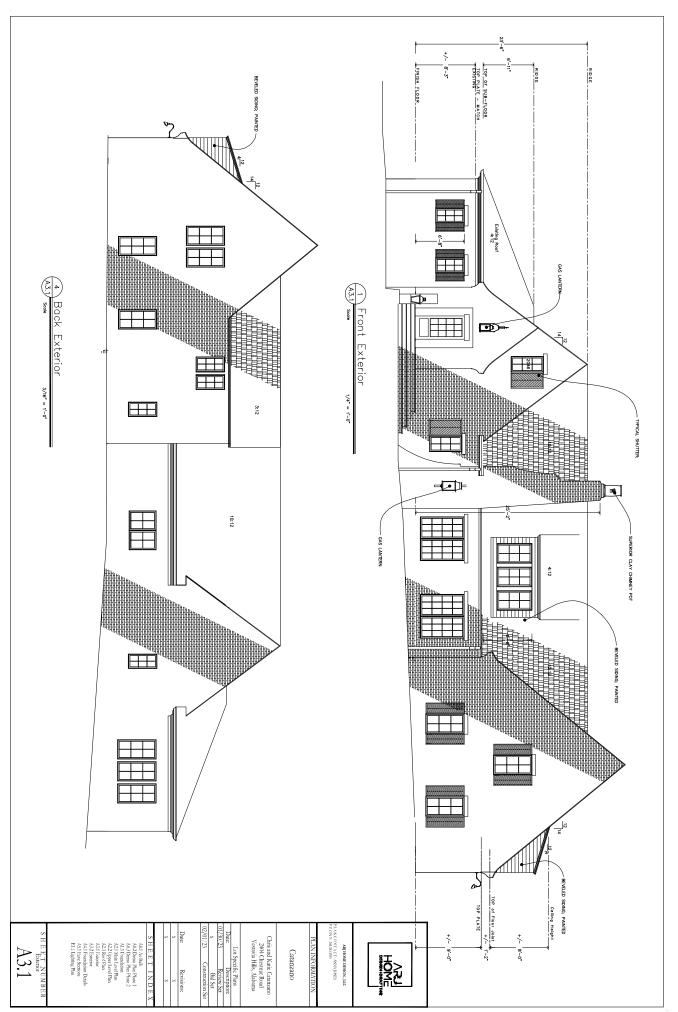


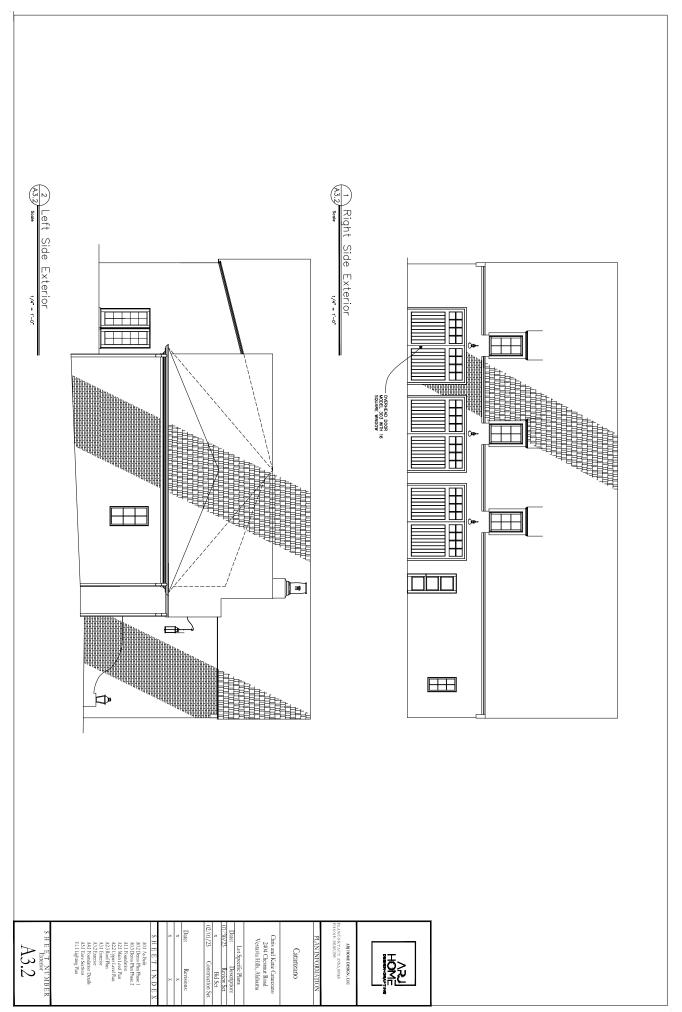


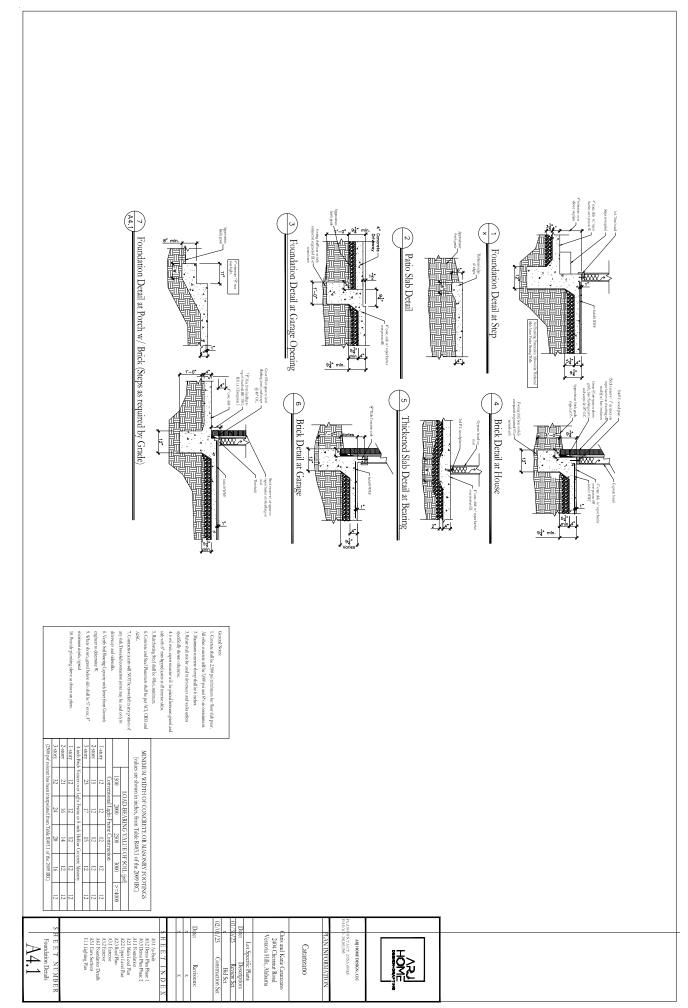


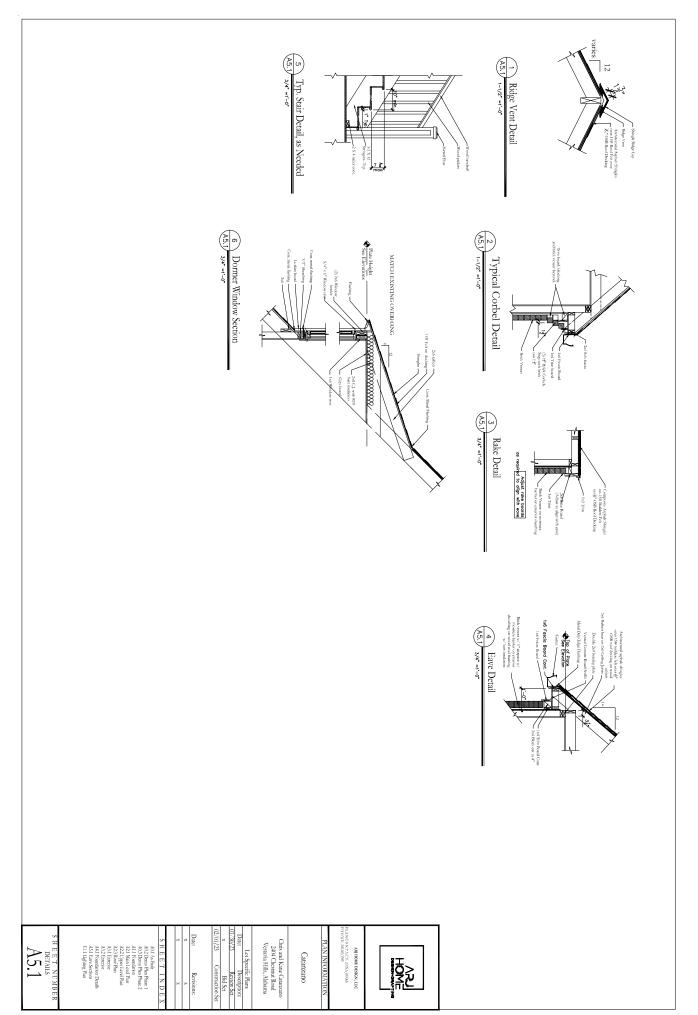


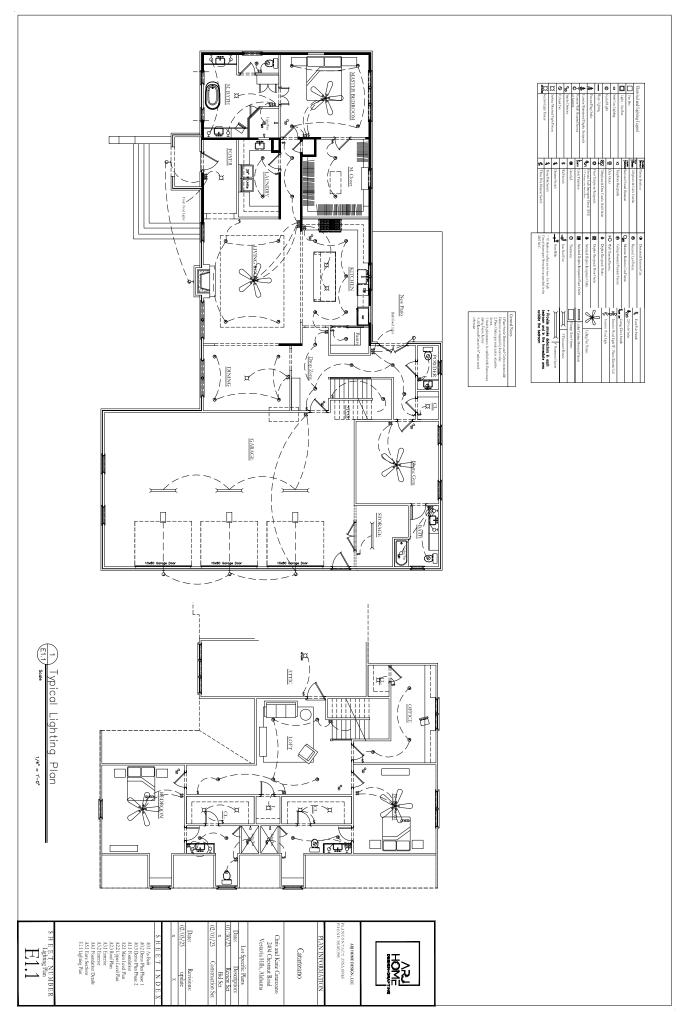
















JEFFERSON COUNTY DEPARTMENT OF HEALTH ENVIRONMENTAL HEALTH SERVICES COMMUNITY ENVIRONMENTAL PROTECTION

PERMIT TO REPAIR ON-SITE SEWAGE DISPOSAL SYSTEM

Repair No.: AR-08-126	Date: 9-18-08 Installer: RUFF S.T.			
Assigned to: STRONG	Installer: RUFF ST			
Subdivision:	Sector: Addition: Late DL 1			
Address or Location: 2404	Sector: Addition: Lot: Block: HESTAUT RD VESTAVIA HILLS 35216			
Owner:	PENDER			
Repairs are to be made and inspected in accordance with the rules and regulations of the Jefferson County Department of Health.				
O WSTALL NEW FIELD	Names Alla College I F F F F F F F F F F F F F F F F F F			
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	\$3.4 \$0 \$6 \$6			
5.4	5.1 742 73.6 44			
4.0	5.4 5.1 (9) 6.0 74.2 (9)			
- 156 LF EQ 24 installed	25.0 (8)			
	156 (#			
Sketch of Lot Existing House				

Sketch of Lot, Existing House, Septic Tank, Field Lines and Proposed Repairs.

Permit No: <u>42918</u> Date Approved: <u>9-19-08</u>	Inspected By: (T. FRAZISA)
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JEFFERSON COUNTY DEPARTMENT OF HEALTH BUREAU OF ENVIRONMENTAL HEALTH ENGINEERING DIVISION

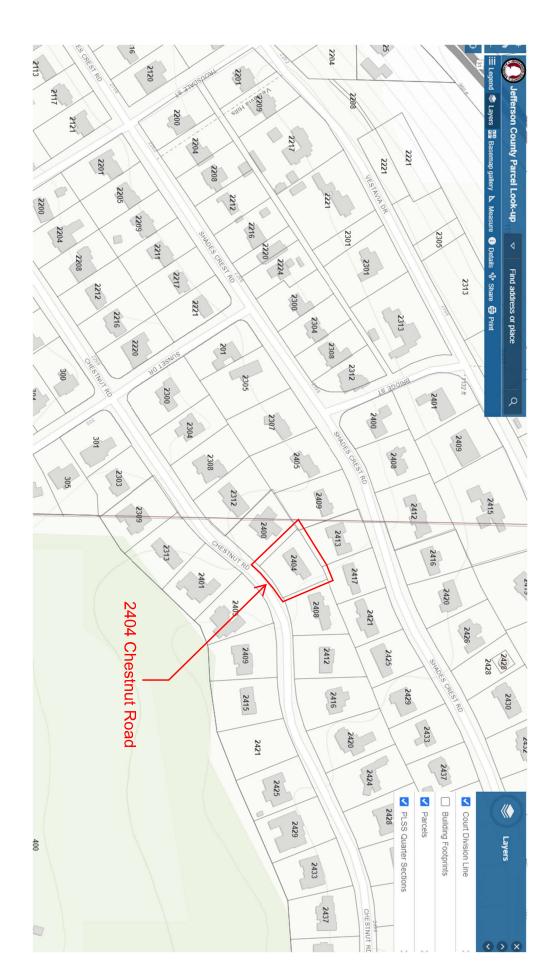
AN

PERMIT TO REPAIR ON-SITE DISPOSAL SYSTEM

Work Ticket No.:	AR-83-334	Date: DECEMBER 28,198
Assigned To:	LEE HENDRIX Installe	er: MIKE CARTER SEPTIC TO
Subdivision:	Sector:Addit	cion: Lot: Block:
Address or Location:	2404 CHESTNUT	ROAD VESTAVIA HILLS
Owner:	THOMAS L. PENDI	e e
Repairs are to of the Jefferson Coun		ance with the rules and regulations
	PATIO V 17	
	CCENSE W O W	
	@3.8 3.7 @ 3.7 (48 3.7 3.7 (47)	9
	95' LAUNDRY WASTEWATER FIELD LINES	

Sketch of Lot, Existing House, Septic Tank, Field Lines and Proposed Repairs.

Permit No.: 5791 Date Approved: Dec. 28,1983 Inspected By:



IV. ZONING

Vestavia Hills Zoning for the subject property is R1

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).

The lot has exceptional conditions in which this piece of property has odd-shaped property lines due to the curve in the road and the mid-lot corner.

VI. PROJECT:

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

We are looking to make improvements to our home, in particulary for accomdations for our family over the years to come. The reason for the request is due to the setbacks resulting from the curve in the road, the mid-lot corner and along with current and future condiderations for septic requirements.

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 13 ^{+L} day of FEBRUAR7, 2023.	
My commission expires 24 day of March , 20 26.	