

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
JULY 19, 2018
6:00 P.M.**

Roll Call.

Approval of Minutes: June 21, 2018.

- (1) **BZA-0718-16** Greg & Rose Potts are requesting **Front, Side, & Rear Setback Variances** for the property located at **3243 Valley Park Dr.** The purpose of this request is for a 4' front setback variance to reduce the setback to 35' in lieu of the required 40'; a 5' side setback variance to reduce the setback to 5' in lieu of the required 10'; and a 10' rear setback variance to reduce the setback to 5' in lieu of the required 15'. The property is owned by Greg & Rose Potts and is zoned Vestavia Hills R-4.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

JUNE 21, 2018

The Board of Zoning Adjustment of the City of Vestavia Hills met in regular session on this date at 6:00 PM. The roll was called with the following:

MEMBERS PRESENT:

Rick Rice, Chairman
Robert Gower
Jim Griffo
George Ponder

MEMBERS ABSENT:

Loring Jones, III
Tony Renta

OTHER OFFICIALS PRESENT:

Wendy Dickerson, Deputy City Clerk

FRONT AND SIDE SETBACK SETBACK

BZA-0518-09

Suzanne Pizzitola is requesting **Front & Side Setback Variances and a variances to reduce lot and lot width** for the property located at **2118 Hickory Rd.** The purpose of this request is for a 9' front setback variance to reduce the setback to 41' in lieu of the required 50'; a 7' side setback variance to reduce the setback to 8' in lieu of the required 15'; a 26' variance to reduce lot width to 74' in lieu of the required 100'; and a 3,733 square foot variance to reduce the lot area to 11,267 square feet in the lieu of the required 15,000 square feet. The property is owned by Suzanne Pizzitola and is zoned Vestavia Hills R-3.

Mrs. Dickerson described the area where the property is located and read the review which included the purpose of the request, comprehensive plan and staff review.

Mr. Andrew Lange was present to represent the case. He stated that this is a pre-existing condition.

Mr. 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 9’ front setback variance to reduce the setback to 41’ in lieu of the required 50’; a 7’ side setback variance to reduce the setback to 8’ in lieu of the required 15’; a 26’ variance to reduce lot width to 74’ in lieu of the required 100’; and a 3,733 square foot variance to reduce the lot area to 11,267 square feet in the lieu of the required 15,000 square feet was made by Mr. Griffo and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

Mr. Gower –yes Mr. Griffo – yes
Mr. Ponder – yes Mr. Rice – yes

Motion carries.

SIDE AND REAR SETBACK VARIANCE

BZA-0618-12 Gary Speegle is requesting **Side & Rear Setback Variances** for the property located at **3029 La Haven Cir.** The purpose of this request is for a 5’ side setback variance to reduce the setback to 5’ in lieu of the required 10’ and a 20’ rear setback variance to reduce the setback to 5’ in lieu of the required 25’. The property is owned by Gary Speegle and is zoned Vestavia Hills R-4.

Mrs. Dickerson described the area where the property is located and read the review which included the purpose of the request, comprehensive plan and staff review.

Mr. Gary Speegle was present in regards to the case. He stated that it is an odd shaped lot.

Mr. Ponder asked if the structure would located in the easement.

Mr. Speegle stated that it would not be in the easement.

Mr. 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 variance for a 5’ side setback variance to reduce the setback to 5’ in lieu of the required 10’ and a 20’ rear setback variance to reduce the setback to 5’ in lieu of the required 25’ was made by Mr. Griffo and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

Mr. Gower –yes Mr. Griffo – yes
Mr. Ponder – yes Mr. Rice – yes

Motion carries.

FRONT SETBACK VARIANCES

BZA-0618-13 Clayton Properties Group, Inc. is requesting **Front Setback Variances** for the property located at **1808 & 1816 Altadena Ridge Place**. The purpose of this request is for a 5’ front setback variance to reduce the setback to 5’ in lieu of the required 10’. The property is owned by Clayton Properties Group, Inc. and is zoned Vestavia Hills R-9.

Mrs. Dickerson described the area where the property is located and read the review which included the purpose of the request, comprehensive plan and staff review.

Mr. Russ Doyle was present to represent the case. He stated the topography is the hardship and requires them to push the structures toward the front.

Discussion ensued on the topography of the lots.

Mr. 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 variance for a 5’ front setback variance to reduce the setback to 5’ in lieu of the required 10’ for the property located at 1808 Altadena Ridge Place was made by Mr. Griffio and 2nd was by Mr. Ponder. Motion was carried on a roll call vote as follows:

Mr. Gower –yes	Mr. Griffio – yes
Mr. Ponder – yes	Mr. Rice – yes

Motion carries.

MOTION Motion to approve variance for a 5’ front setback variance to reduce the setback to 5’ in lieu of the required 10’ for the property located at 1816 Altadena Ridge Place was made by Mr. Griffio and 2nd was by Mr. Ponder. Motion was carried on a roll call vote as follows:

Mr. Gower –yes	Mr. Griffio – yes
Mr. Ponder – yes	Mr. Rice – yes

Motion carries.

REAR SETBACK VARIANCE

BZA-0618-14 Matthew & Morgan Noto are requesting a **Front Setback Variance** for the property located at **616 Eastwood Pl.** The purpose of this request is for a 40’ front setback variance to reduce the setback to 10’ in lieu of the required 50’. The property is

owned by Matthew & Morgan Noto and is zoned Vestavia Hills R-3.

Mrs. Dickerson described the area where the property is located and read the review which included the purpose of the request, comprehensive plan and staff review.

Mr. Matthew Noto was present to represent the case. He stated that the property has two front setbacks since two right-of-ways are adjacent to the house. The house will front on Eastwood Place and will back up to unimproved right-of-way.

Discussion ensued concerning the right-of-ways.

Mr. Jones opened the floor for a public hearing. There being no one present in regard to the request, Mr. Jones closed the public hearing and opened the floor for a motion.

MOTION Motion to approve variance for a 40' front setback variance to reduce the setback to 10' in lieu of the required 50' for the property located at 616 Eastwood Place was made by Mr. Ponder and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

Mr. Gower –yes	Mr. Griffo – yes
Mr. Ponder – yes	Mr. Rice – yes

Motion carries.

There being no further business, meeting adjourned at 6:38p.m.

Wendy Dickerson
Deputy City Clerk

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

Date: **JULY 19, 2018**

- **CASE: BZA-0718-16**
- **REQUESTED ACTION:** 4' front setback variance to reduce the setback to 35' in lieu of the required 40'; a 5' side setback variance to reduce the setback to 5' in lieu of the required 10'; and a 10' rear setback variance to reduce the setback to 5' in lieu of the required 15'
- **ADDRESS/LOCATION:** 3243 Valley Park Dr.
- **APPLICANT/OWNER:** Greg & Rose Potts
- **GENERAL DISCUSSION:** Applicants are seeking a variance to rebuild a shed and bring current home into compliance. Home and shed were originally constructed in Jefferson County. The applicant's property is zoned Vestavia Hills R-4.
- **CAHABA HEIGHTS COMMUNITY PLAN:** This request is consistent with the Comprehensive Plan for medium density residential.
- **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.

R4 **OF VESTAVIA HILLS**
BOARD OF ZONING ADJUSTMENT
APPLICATION

The owner of the property understands that variances are granted based on the zoning code. Variances are not granted on any kind of covenants. Covenants are between property owners.

EXAMPLE: If you are asking for a variance from a building setback line and the building setback line is recorded on the plat and matches the Zoning Code, then the Board of Zoning Adjustment would only hear the case based on the Zoning Code requirements, not what is on the recorded plat. The recorded plat is a covenant between property owners of the subdivision. You must have signatures of every property owner on the recorded plat map to change the covenant portion of the setback. The letter of signatures approving the amendment of the covenants must be filed with the Office of the Probate Court. Again, we can only give a variance based on the Zoning Code and that is the only portion of the building setback changes that the Board of Zoning Adjustment will vote on. Once filed with the Office of the Probate, please bring a copy of the recorded amendment to the Office of the City Clerk and we will place it in the file.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Greg + Rose Potts

Address: 3243 Valley Park Drive

Vestavia Hills, AL 35243

Phone #: (205) 213-0931 Other #: (205) 937-7418

E-Mail: Mrosepotts@gmail.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2018 JUN 18 P 2:31

II. DESCRIPTION OF PROPERTY:

LOCATION: 3243 Valley Park Drive
Street Address

Subdivision name, Lot #, Block #, etc.

III. REASONS FOR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS):

1. A request to vary:
 _____' variance to reduce the lot width to _____' in lieu of the required _____'.
 _____ square foot variance to reduce the lot area to _____ square feet in lieu of the required _____ square feet.
5' front(side/rear (circle one) setback variance to reduce the setback to 5' in lieu of the required 10'.
10' front/side(rear) (circle one) setback variance to reduce the setback to 5' in lieu of the required 15'.
5' (front/side/rear (circle one) setback variance to reduce the setback to 35' in lieu of the required 40'.
2. A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Sign Code Variance (See Section _____).
6. Other - Explain (See Section _____).

IV. ZONING

Vestavia Hills Zoning for the subject property is R-4.

V. HARDSHIP

Describe those things which you feel justify the action requested. 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).

- Existing building constructed according to Jeff Co codes; shed needs replacing

VI. 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.

M Rose Potts

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 18th day of June, 2018.

Ray Russon

Notary Public

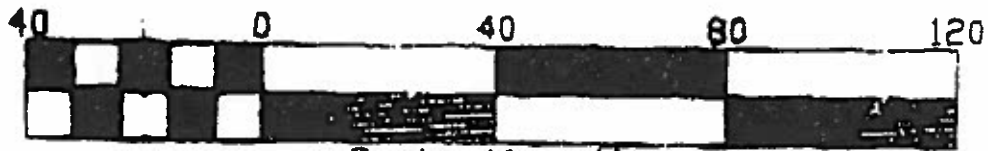
My Commission Expires
November 8, 2020

My commission expires _____
day of _____, 20____.

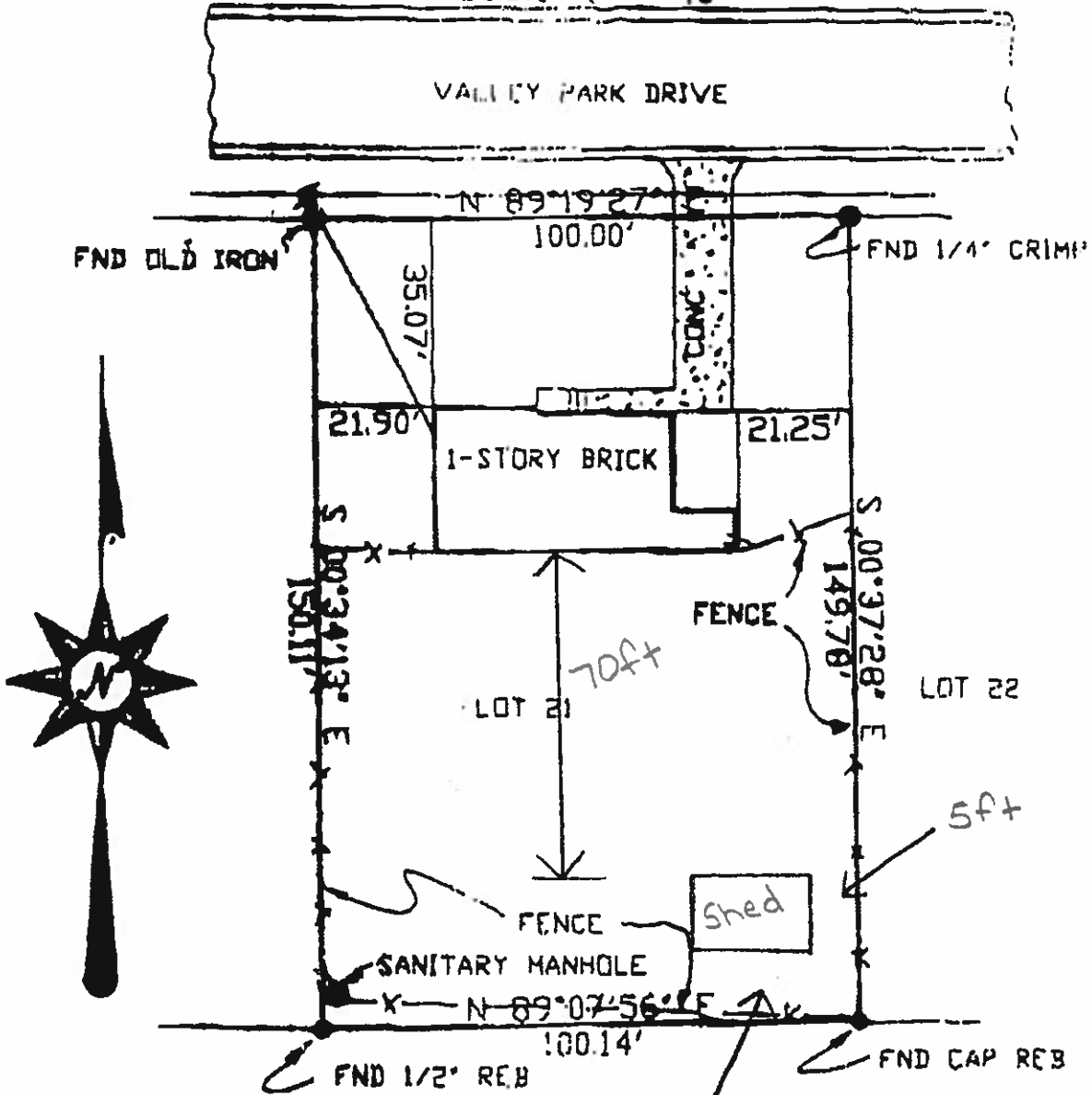


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3243 Valley Park Drive
Front, Side & Rear Setback
Variances
Greg & Rose Potts R4

File Name: C:\JOBS\10044\10044.DWG



Scale: 1" = 40'



STATE OF ALABAMA
COUNTY OF SHELBY

I, Joseph E. Coon, Jr, a licensed land surveyor in the State of Alabama hereby certify that this true and correct plat and legal description of my survey, as shown and described hereon; That there are no visible structural encroachments upon or from the subject property except as shown noted hereon; That the house and all related structural improvements are within the bounds of lot as shown and designated hereon; That steel corners have been found or installed at each proper corner as shown hereon represented by small black circles. I further certify that I have consulted Federal Flood Hazard Insurance Rate Panel for the area and have determined that the subject he



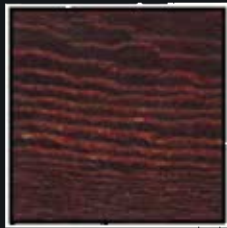
URETHANE COLOR OPTIONS



CHESTNUT BROWN



DARK EBONY



MAHOGANY



CACTUS



SANDSTONE



SCARLET RED



DRIFTWOOD



OLIVE



DERBY BROWN



SLATE BLUE