

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
OCTOBER 19, 2017
6:00 P.M.**

Roll Call.

Approval of Minutes: September 21, 2017.

- (1) **BZA-1017-23** BC South, LLC is requesting a **Variance To Allow Mechanical Equipment In Side Yard Setback** for the property located at **3345 Wisteria Dr.** The purpose of this request is for mechanical equipment within 5' of the property line. The property is owned by BC South, LLC and is zoned Vestavia Hills R-9.

- (2) **BZA-1017-24** James F. Askins, Jr. is requesting a **Side Setback Variance** for the property located at **3036 Panorama Trl.** The purpose of this request is for an 8' side setback variance to reduce the setback to 8' in lieu of the required 15'. The property is owned by James F. Askins, Jr. and is zoned Vestavia Hills R-2.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

SEPTEMBER 21, 2017

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
Loring Jones, III
George Ponder
Jim Griffo
Robert Gower
Tony Renta
- MEMBERS ABSENT:** Brendan Fuller
- OTHER OFFICIALS PRESENT:** Conrad Garrison, City Planner

APPROVAL OF MINUTES

The minutes of August 17, 2017 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of August 17, 2017 as made by Mr. Jones and 2nd was by Mr. Gower. Motion as carried on a voice vote as follows:

Mr. Renta – yes	Mr. Griffo – yes
Mr. Gower – yes	Mr. Jones – yes
Mr. Ponder – yes	Mr. Rice – yes
Motion carried.	

VARIANCE FOR FENCE IN FRONT YARD

BZA-0917-21 Reel Howell is requesting a **Variance For A Fence In the Front Yard** for the property located at **1100 Forestview Ln.** The purpose of this request is for a fence in the front yard. The property is owned by Reel Howell and is zoned Vestavia Hills R-3.

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

Reel Howell explained the request and stated corner lot causes a hardship.

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 Fence In the Front Yard for the property at 1100 Forestview Ln. was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

Mr. Renta – yes	Mr. Griffo – yes
Mr. Gower – yes	Mr. Jones – yes
Mr. Ponder – yes	Mr. Rice – yes
Motion carried.	

REAR SETBACK VARIANCE & VARIANCE TO REDUCE BUFFER

BZA-0917-22 Lee Wooten is requesting a **Rear Setback Variance and a Variance To Reduce Landscaping** for the property located at **3405 Ridgedale Dr.** The purpose of this request is for a 28’ rear setback variance to reduce the setback to 2’ in lieu of the required 30’ and a 5’ landscape variance to reduce the landscape width to 10’ in lieu of the required 15’. The property is owned by Lee Wooten and is zoned Vestavia Hills B-2.

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

Mario Moore explained the request and stated the corner lot cause a hardship.

Mr. Rice opened the floor for a public hearing.

The neighbor asked to see the plans and stated he had no issues with the request.

Mr. Rice closed the public hearing and opened the floor for a motion.

MOTION Motion to approve 28’ rear setback variance to reduce the setback to 2’ in lieu of the required 30’ and a 5’ landscape variance to reduce the landscape width to 10’ in lieu of the required 15’ for the current building only for the property at 3405 Ridgedale Dr. was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

Mr. Renta – yes	Mr. Griffo – yes
Mr. Gower – yes	Mr. Jones – yes

Mr. Ponder – yes
Motion carried.

Mr. Rice – yes

Conrad Garrison
City Planner

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

Date: **OCTOBER 19, 2017**

- **CASE:** BZA-1017-23
- **REQUESTED ACTION:** Variance To Allow Mechanical Equipment In Side Yard Setback
- **ADDRESS/LOCATION:** 3345 Wisteria Dr
- **APPLICANT/OWNER:** BC South, LLC
- **GENERAL DISCUSSION:** Applicant is seeking a variance to allow mechanical equipment (e.g. air conditioner) within 5’ of property line. Zoning ordinance Section 4.3.6.4.e currently prohibits mechanical equipment in this area. Request is for entire subdivision. The applicant’s property is zoned Vestavia Hills R-9.
- **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.

CITY 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: BC South LLC

Address: 3239 Lorna Road

Suite 108 Birmingham, AL 35216

Phone #: 205-822-7936 Other #: 205-966-8525, 205-369-7936

E-Mail: Blake@taylorburton.com, taylor@taylorburton.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____

Other #: _____

E-Mail: _____

II. DESCRIPTION OF PROPERTY:

LOCATION: 3345 Wisteria Drive
Street Address
South Bend Lot #'s 1-45
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.
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
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 _____).

Placement of mechanical units closer than

IV. ZONING

Vestavia Hills Zoning for the subject property is R9

5' to property line

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).

Requesting variance to manage to be able to place mechanical units in the safest, efficient, and least annoying area on a lot by lot 5.3.

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.

Taylor Banta
Owner Signature/Date

Representing Agent (if any) / date

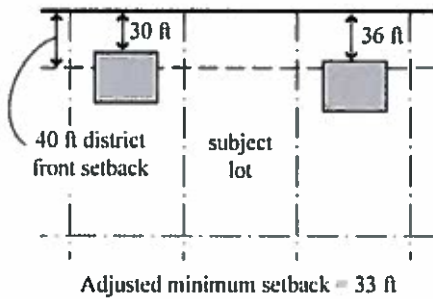
Given under my hand and seal
this 12th day of September 2017.

Prison B. Pittman
Notary Public

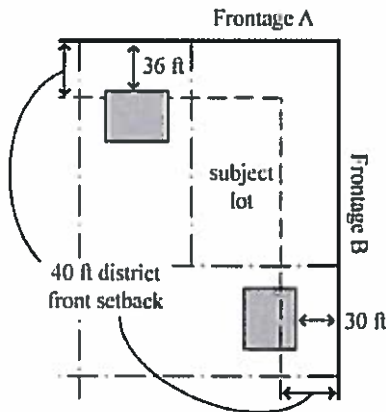
My commission expires 14th
day of December, 2018.



Reduced setback for Interior Lot



Reduced setback for Corner Lot



Adjusted minimum setback on Frontage A = 36 ft
Adjusted minimum setback on Frontage B = 30 ft

Figure 4.3.6 Reduced front yard setbacks

- c. Roof overhangs, projecting into a required yard no more than three (3) feet but in no case shall they project closer than three (3) feet to any property line.
- d. Bay windows, chimneys, window air condition units and similar architectural features or mechanical components of single-family dwellings and duplexes projecting no more than four (4) feet into a required yard. The cumulative width(s) of such encroachments shall not constitute more than ten (10) percent of the total length of the corresponding wall. In no case shall such projections extend nearer than three (3) feet from any abutting lot line.

e. Mechanical components of central air conditioning systems, irrigation pumps, grinder pumps, or similar mechanical equipment projecting into a required side yard no more than four (4) feet and no closer than five (5) feet to any lot line, except as may be otherwise approved by the Building Official in the case of zero lot line developments.

f. Moveable awnings attached to and supported by a building wall may be placed over doors or windows in any required yard, but such awnings shall not project closer than five (5) feet to any lot line. Canopies shall provide a clear space between grade level and the bottom of the valance of at least eight (8) feet. See also [§7.2 Gas and Service Stations](#) for gas and service station canopies.

In addition to the aforesaid, a reduction of a front, rear or side yard up to one (1) foot may be approved by the Building Official provided that no portion of the building shall extend closer than three (3) feet to the nearest property line.

5. On through lots, the required front yard setback shall be provided on each frontage except where a note appears on a recorded plat prohibiting access to one of the abutting frontages. Along such frontage, the minimum rear yard shall be required per the applicable district.

4.3.7. Height Regulations. The maximum building height regulations prescribed in this Ordinance shall not apply to belfries, chimneys, church spires, cooling towers, elevator bulkheads, fire towers, flag poles, television antennae, tanks, water towers, or mechanical equipment rooms that:

- 1. do not separately or in combination with other rooftop structures exceed ten (10) percent of the horizontal roof area; and

CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
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Date: **OCTOBER 19, 2017**

- **CASE:** BZA-1017-24
- **REQUESTED ACTION:** 8' side setback variance to reduce the setback to 8' in lieu of the required 15'
- **ADDRESS/LOCATION:** 3036 Panorama Trl.
- **APPLICANT/OWNER:** James F. Askins, Jr.
- **GENERAL DISCUSSION:** Applicant is seeking a variance for an addition. Applicant contends that the shape of the lot constitutes a hardship. The applicant's property is zoned Vestavia Hills R-2.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted
 4. **Building Safety Review:** No problems noted.

CITY 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: James F. Askins Jr.

Address: 3036 Panorama Trail
Vestavia Hills, AL 35216

Phone #: 205-790-5117 Other #: _____

E-Mail: HankAskins@gmail.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

II. DESCRIPTION OF PROPERTY:

LOCATION: 3036 PANORAMA TRAIL
Street Address

Lot 3, 3RD ADDITION PANORAMA SOUTH
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.
8 ' front side rear (circle one) setback variance to reduce the setback to 7 ' in lieu of the required 15 ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
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-2.

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).

The shape of the lot causes the setbacks to offset at odd angles to the existing house, making it difficult to appropriately site an addition. Also the lot slopes steeply to the rear, making the southern side of the lot the most buildable. There are several easements due to utilities and drainage further

VI. OWNER AFFIDAVIT:

restricting the lot.

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.

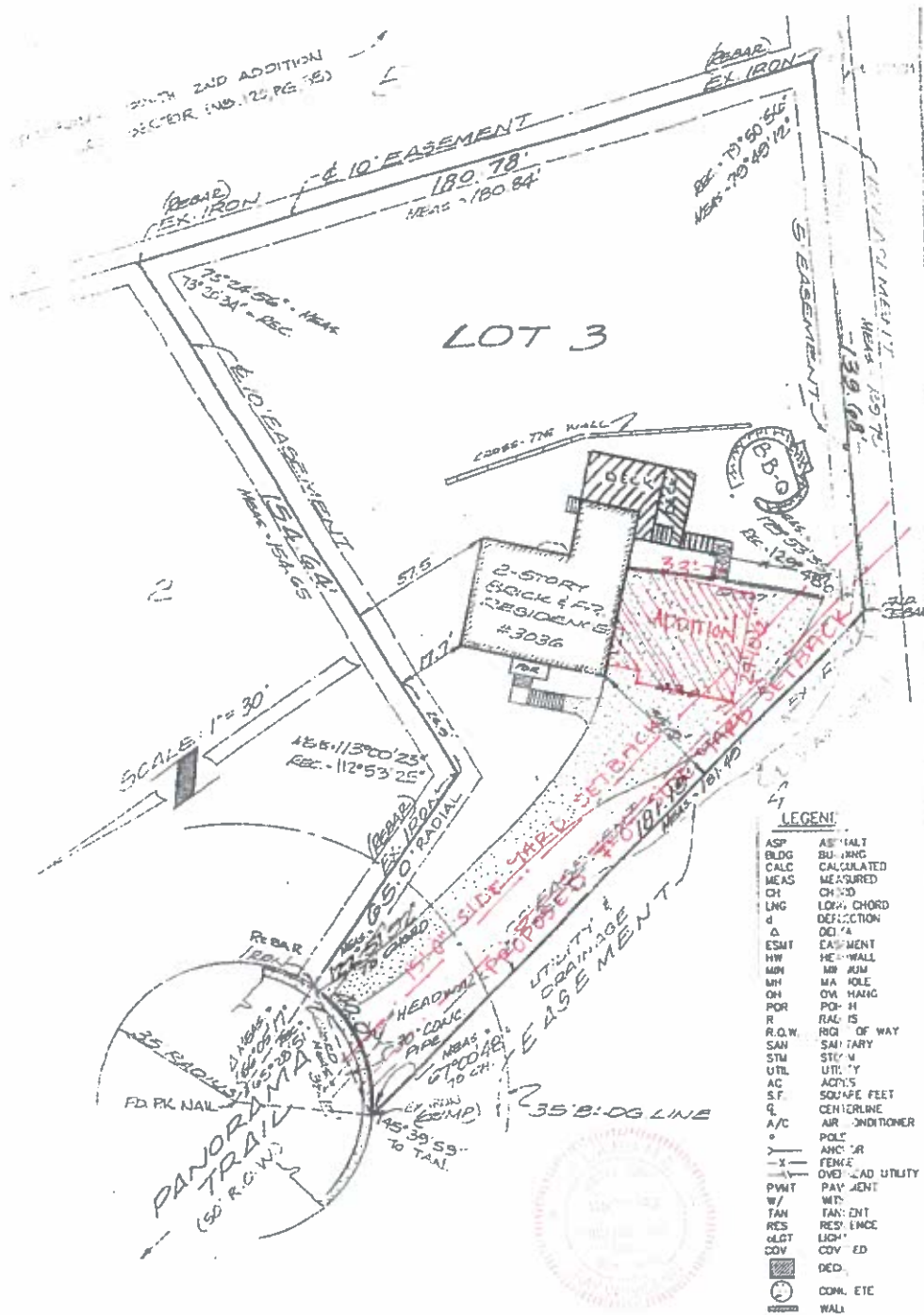


Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this _____ day of _____, 20____.

Notary Public
My commission expires _____
day of _____, 20____.



STATE OF ALABAMA
JEFFERSON COUNTY

"Closing Survey"

3rd ADDITION *
3 PANORAMA SOUTH

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 3 PANORAMA SOUTH as recorded in Map Volume 154 Page 41 in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been compared with the current requirements of the Standards of Practice for Surveying in the State of Alabama in the best of my knowledge, information and belief, according to the survey of SEPT 14, 2017. Survey invalid if not sealed in red.

Draw No: 10424
Purchaser: SIGNS
Address: 036 PANORAMA TRAIL

Ray Weygand, Reg. No. 824973
189 Osborn Road, Homewood, AL 35209
Phone: (205) 411-0088 Fax: (205) 542-0087
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Note: A search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (c) All bearings and/or angles are double-record map and actual unless otherwise noted. (d) Underground portions of foundations, tunnels, and/or other underground structures, utilities, cisterns or burial sites were not located unless otherwise noted. (e) The shown north arrow is based on deed/record map. (f) This survey is not transferable. (g) Easements not shown on recorded maps are not shown above.