

**CITY OF VESTAVIA HILLS  
BOARD OF ZONING ADJUSTMENT  
AGENDA  
JANUARY 17, 2019  
6:00 P.M.**

Roll Call.

Approval of Minutes: December 20, 2018.

- (1) **BZA-0119-01** William Peter Morris is requesting a **Variance For A Fence In The Front Yard** for the property located at **1933 Highfield Drive**. The purpose of this request is to replace an existing privacy fence with a new wooden fence. The property is owned by William Peter Morris and is zoned Vestavia Hills R-3.

Time of Adjournment.

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

**DECEMBER 20, 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  
George Ponder  
Jim Griffo  
Tony Renta, Alt

**MEMBERS ABSENT:** Loring Jones, III  
Robert Gower  
Donald Holley, Alt

**OTHER OFFICIALS PRESENT:** Conrad Garrison, City Planner

**APPROVAL OF MINUTES**

The minutes of November 15, 2018 were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of November 15, 2018 was made by Mr. Griffo and 2<sup>nd</sup> was by Mr. Ponder. Motion as carried on a voice vote as follows:

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

**FENCE VARIANCE**

**BZA-1218-24** Leo Ray Gaines Jr. is requesting a **Variance For An 8' Fence and a Fence in the front yard** for the property located at 4212 White Oak Drive. The purpose of this request is to replace an existing fence and for that fence to go beyond house to original fence line. The property is owned by Leo Ray Gaines Jr. and is zoned Vestavia Hills R-4.

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.

Leo Ray Gaines Jr. was present to explain the request and stated that a builder error necessitated the application.

Mr. Ponder asked Mr. Gaines if he was replacing what was previous constructed. Mr. Gaines stated in the affirmative.

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 an 8' high fence and replace an existing fence and for that fence to go beyond house to original fence line for the property at 4212 White Oak Drive was made by Mr. Griffo and 2nd was by Mr. Ponder. Motion was carried on a roll call vote as follows:

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

**SIDE & REAR SETBACK VARIANCES**

**BZA-1218-25** Anna & Brooks Harris are requesting a **Side & Rear Setback Variances** for the property located at **2109 Southwood Road**. The purpose of this request is for 3' side setback variance to reduce the setback to 12' in lieu of the required 15' & a 6' rear setback variance to reduce the setback to 24' in lieu of the required 30'. The property is owned by Anna & Brooks Harris 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.

Brooks Harris was present to explain the request for a new house and stated that the septic system and rock caused 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 a for 3' side setback variance to reduce the setback to 12' in lieu of the required 15' & a 6' rear setback variance to reduce the setback to 24' in lieu of the required 30' for the property located at **2109 Southwood Road** was made by Mr. Griffo and 2nd was by Mr. Ponder. Motion was carried on a roll call vote as follows:

Mr. Griffo – yes  
Mr. Ponder – yes  
Motion carried

Mr. Renta – yes  
Mr. Rice – yes

Conrad Garrison  
City Planner

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

Date: January 17, 2019

- **CASE: BZA-0119-01**
- **REQUESTED ACTION:** A variance for a fence in the front yard.
- **ADDRESS/LOCATION:** 1933 Highfield Drive
- **APPLICANT/OWNER:** William Peter Morris
- **GENERAL DISCUSSION:** Applicants are seeking to replace a wooden privacy fence. The applicants began replacing the fence, he received a cease and desist order because he did not go through the proper channels. The applicant contends that the corner lot constitutes a hardship. The applicant's property is zoned Vestavia Hills R-3.
- **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.

# Y 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: William Peter Morris (Bill Morris)

Address: 1933 Highfield Drive

Vestavia Hills, AL 35216

Phone #: 205.427.2651 Other #:

E-Mail: intothe void1968@gmail.com

**Representing Attorney/Other Agent**

Name: Ferris S. Ritchey III

Address: 1910 28th Avenue South

Homewood, AL 35209

Phone #: 205.298.8919 Other #: 205.305.3616 (cell)

E-Mail: ferris3@dempseysteed.com

---

---

2016 DEC 13 PM 3:48

**II. DESCRIPTION OF PROPERTY:**

LOCATION: 1933 Highfield Drive  
*Street Address*

Southridge Addition  
*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 \_\_\_\_\_).

Replace a worn wooden privacy fence with a new wooden fence.  
\_\_\_\_\_  
\_\_\_\_\_

**IV. ZONING**

Vestavia Hills Zoning for the subject property is residential .

**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).**

I began replacing a worn wooden privacy fence but was told to cease and desist not relaising  
that I failed to go through proper channels.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.



Owner Signature/Date



Representing Agent (if any)/date

Given under my hand and seal  
this 12<sup>th</sup> day of DEC, 2018.



Notary Public

My commission expires 6<sup>th</sup>  
day of October, 2021.

BZA0119-01//2800303006001.000  
1933 Highfield Drive  
Variance for a fence  
William Morris







# Untitled Map

Write a description for your map.



## Legend

-  1933 Highfield Dr
-  Encore Performance Wear
-  Kids Meds Pharmacy
-  Socca Clothing



100 ft















