

**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 2nd 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 relazing
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 12th day of DEC, 2018.



Notary Public

My commission expires 6th
day of October, 2021.

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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

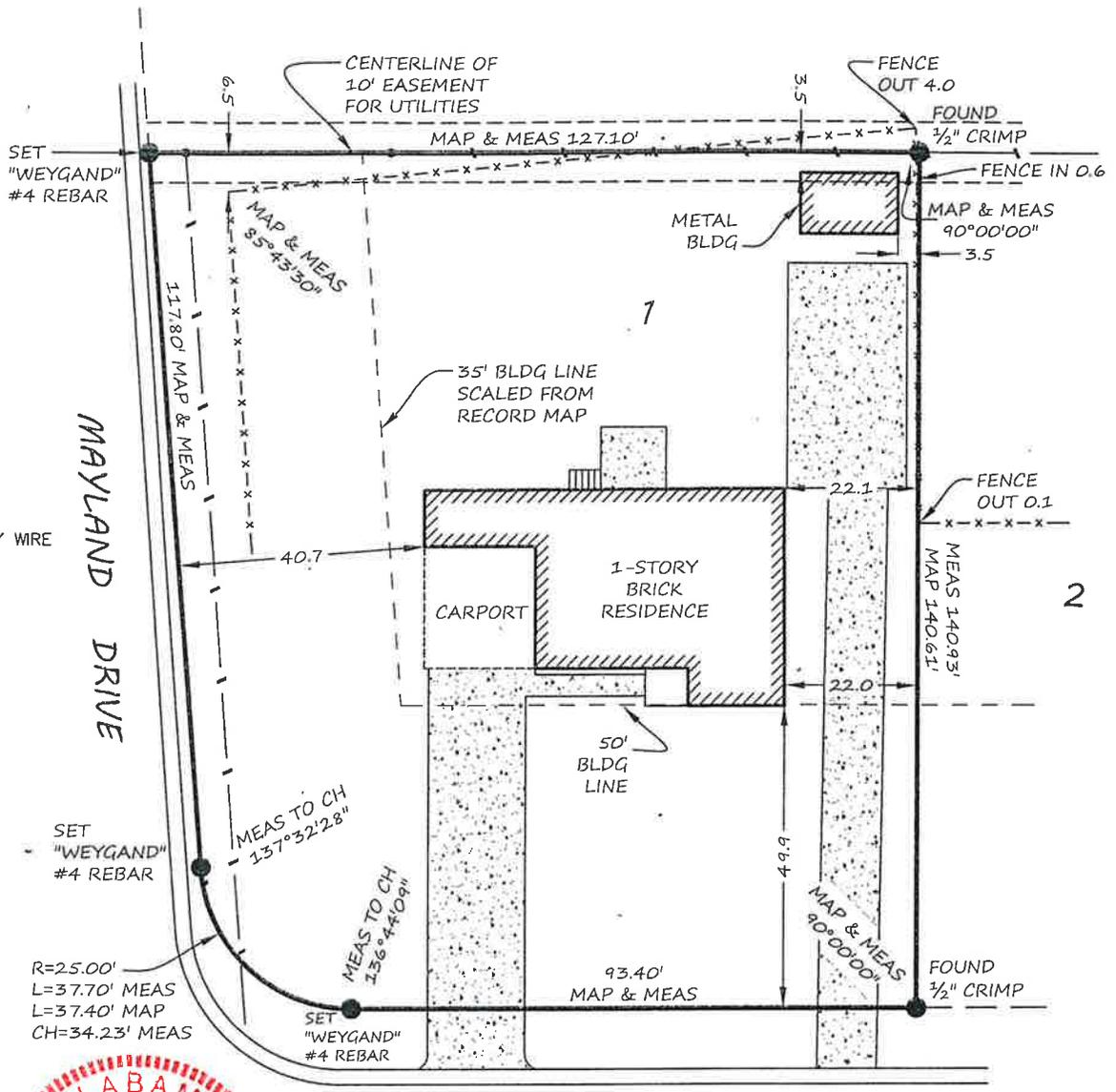






LEGEND

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
HW	HEADWALL
MIN	MINIMUM
MH	MANHOLE
OH	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTIL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
C	CENTERLINE
A/C	AIR CONDITIONER
●	POLE
Y	ANCHOR
-X-	FENCE
-X-X-	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
▨	WALL
□	COLUMN



SCALE: 1"=30'



HIGHFIELD DRIVE
50' R/W

STATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1, BLOCK 11, SEVENTH ADDITION TO SOUTHRIDGE ADDITION TO VESTAVIA HILLS, as recorded in Map Volume 49, Page 10, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state 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, according to my survey of JULY 6, 2018. Survey invalid if not sealed in red.

Order No.: 98916
Purchaser:
Address: 1933 HIGHFIELD DRIVE

Ray Weygand
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
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Note: (a) No title 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. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.