

**CITY OF VESTAVIA HILLS  
BOARD OF ZONING ADJUSTMENT  
AGENDA  
MARCH 21, 2019  
6:00 P.M.**

Roll Call.

Approval of Minutes: January 17, 2019

- (1) **BZA-0319-05** Aubrey D. Day III is requesting **Front & Side Setback Variances and Variances to Reduce Lot Size and Lot Width** for the property located at **304 Granada Dr.** The purpose of this request is for a 1' front setback variance to reduce the setback to 39' in lieu of the required 40'; a 7' side setback variance to reduce the setback to 8' in lieu of the required 15'; a 4' side setback variance to reduce the setback to 11' in lieu of the required 15'; a 25' variance to reduce lot width to 75' in lieu of the required 100'; and a 3,741 square foot variance to reduce the lot area to 11,259 square feet in the lieu of the required 15,000 square feet. The property is owned by Aubrey D. Day III and is zoned Vestavia Hills R-3.
- (2) **BZA-0319-06** Charles Blake Hudson is requesting **Front & Rear Setback Variances** for the property located at **2294 Lime Rock Rd.** The purpose of this request is for a 25' front setback variance to reduce the setback to 25' in lieu of the required 50' and a 16' rear setback variance to reduce the setback to 14' in lieu of the required 30'. The property is owned by Charles Blake Hudson and is zoned Vestavia Hills R-2.

Time of Adjournment.

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

**JANUARY 17, 2019**

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  
Robert Gower  
George Ponder  
Jim Griffo  
Tony Renta, Alt

**MEMBERS ABSENT:** Donald Holley, Alt

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

**APPROVAL OF MINUTES**

The minutes of January 17, 2019 were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of January 17, 2019 was made by Mr. Jones and 2<sup>nd</sup> was by Mr. Griffo. Motion as carried on a voice vote as follows:

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

**REAR SETBACK VARIANCE**

**BZA-0219-02** Brian Lewis is requesting a **Rear Setback Variance** for the property located at **3112 Starview Circle**. The purpose of this request is for a 22' rear setback variance to reduce the setback to 8' in lieu of the required 30'. The property is owned by Brian Lewis and is zoned Vestavia Hills R-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.

Brian Lewis was present to explain the request and stated that the corner lot 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 22' rear setback variance to reduce the setback to 8' in lieu of the required 30' based on the site plan presented for the property line for the property at 3112 Starview Circle was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

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

**FRONT SETBACK VARIANCE**

**BZA-0219-03** Charles Boyd, II is requesting a **Front Setback Variance** for the property located at **1829 Nottingham Dr.** The purpose of this request is for a 8' front setback variance to reduce the setback to 35' in lieu of the required 43'. The property is owned by Charles Boyd, II and is zoned Vestavia Hills R-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.

Joey Miller was present to explain the request and stated that the field lines 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 22' rear setback variance to reduce the setback to 8' in lieu of the required 30' for the property at 1829 Nottingham Dr. was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

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

**FRONT SETBACK VARIANCE**

**BZA-0219-04** CRGI, LLC is requesting a **Front Setback Variance** for the property located at **3228 Ridgely Court**. The purpose of this request is for a 10' front setback variance to reduce the setback to 25' in lieu of the allowed 35'. The property is owned by CRGI, LLC 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.

Marc Scholl was present to explain the request and stated that he is seeking to improve the house to match others on the street.

Mr. Ponder and Mr. Jones led a discussion on whether there was a hardship for this lot.

Mr. Scholl asked to postpone the case to investigate the hardship issue and work with staff to see if a solution could be found.

Case postponed.

Conrad Garrison  
City Planner

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

Date: **MARCH 21, 2019**

- **CASE:** BZA-0319-05
- **REQUESTED ACTION:** 1' front setback variance to reduce the setback to 39' in lieu of the required 40'; a 7' side setback variance to reduce the setback to 8' in lieu of the required 15'; a 4' side setback variance to reduce the setback to 11' in lieu of the required 15'; a 25' variance to reduce lot width to 75' in lieu of the required 100'; and a 3,741 square foot variance to reduce the lot area to 11,259 square feet in the lieu of the required 15,000 square feet
- **ADDRESS/LOCATION:** 304 Granada Dr.
- **APPLICANT/OWNER:** Aubrey D. Day III
- **GENERAL DISCUSSION:** Applicant is seeking variances to bring lot and existing home into compliance for a renovation. Applicant has applied for a front setback variance that may not be needed. The applicant's property is zoned Vestavia Hills R-3.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the Comprehensive Plan for 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.

# CITY OF VESTAVIA HIL 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.

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**I. APPLICANT INFORMATION:**

**Owner of Property (This Section Must Be Completed)**

Name: Aubrey D. Day III

Address: 2012 Chestnut Road

Vestavia Hills AL 35216

Phone #: 205 792-2372 Other #: \_\_\_\_\_

E-Mail: trey.day4@gmail.com

**Representing Attorney/Other Agent**

Name: Josh Henderson

Address: 1564 15th Street South

Birmingham, AL 35205

Phone #: 205 305-4282 Other #: \_\_\_\_\_

E-Mail: joshuahenderson923@gmail.com

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**II. DESCRIPTION OF PROPERTY:**

LOCATION: 304 Granada Drive  
*Street Address*

Lot 3 and the North 1/2 of Lot 4 Block 10 Biltmore Estates  
*Subdivision name, Lot #, Block #, etc.*

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

1.  A request to vary:  
25 ' variance to reduce the lot width to 75 ' in lieu of the required 100 ' .  
3,741 square foot variance to reduce the lot area to 11,259 square feet in lieu of the required 15,000 square feet.  
7 ' front/side/rear (circle one) setback variance to reduce the setback to 8 ' in lieu of the required 15 ' .  
4 ' front/side/rear (circle one) setback variance to reduce the setback to 11 ' in lieu of the required 15 ' .  
1 ' front/side/rear (circle one) setback variance to reduce the setback to 39 ' 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 R1 .

**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 property owner is proposing to renovate a home in a way that does not encroach any more to either side more than the existing home's original footprint. The front variance in needed to add an appropriately sized and proportionate front porch.

**VI. OWNER AFFIDAVIT:**

**IV. PROPERTY DESCRIPTION: (address, legal description, etc.)**

304 Granada Drive

Lot 3 and the North 1/2 of Lot 4 Block 10 Biltmore Estates

Property size: 75 feet X 150 feet. Acres: .259

**VI. ZONING/REZONING:**

The above described property is presently zoned: R1

**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.

ADQ 111 2/18/19  
Owner/Signature/Date Representing Agent (if any)/date

John Henderson

Given under my hand and seal this 18<sup>th</sup>  
day of February, 2019.

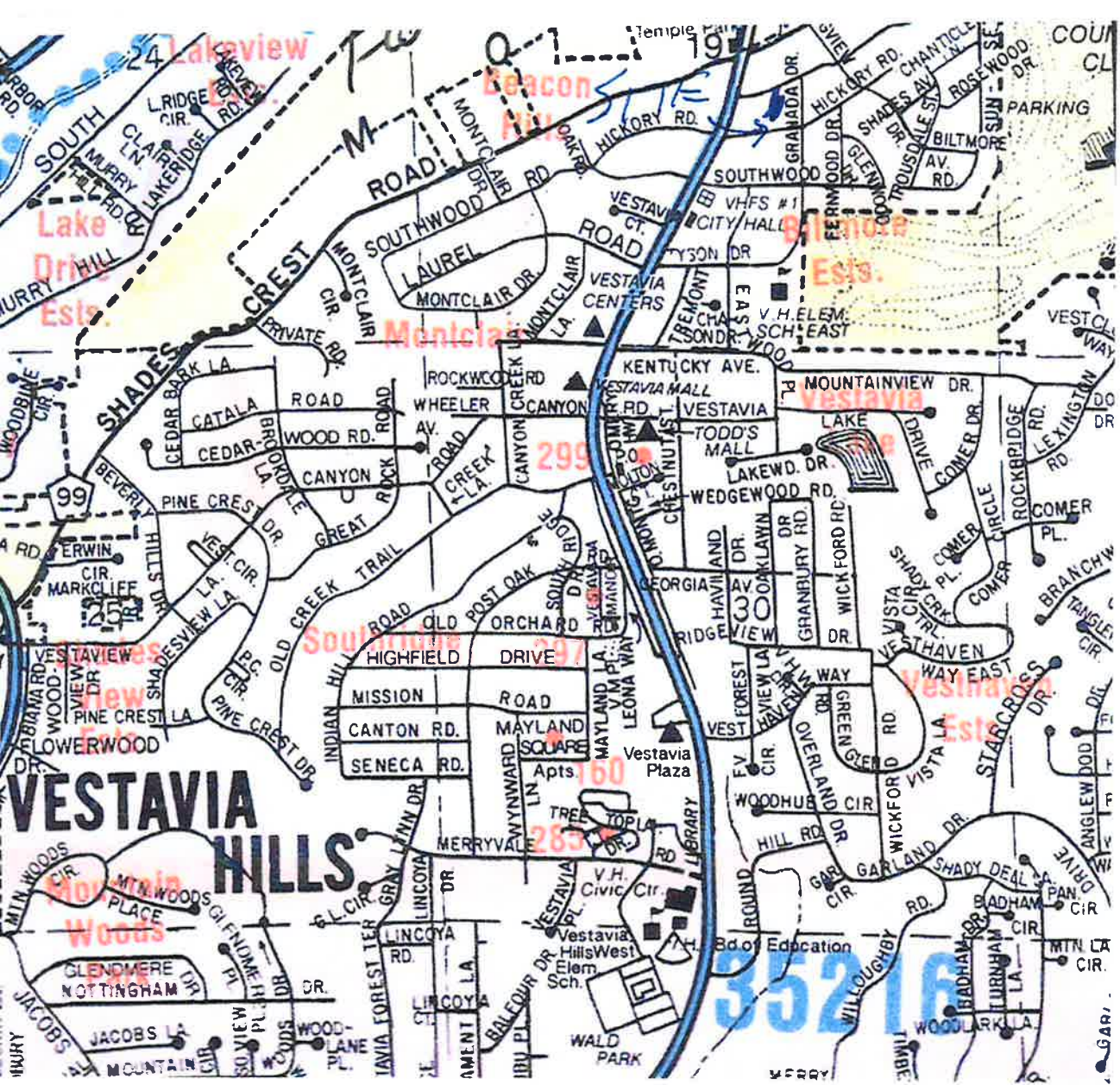
Andrew Christopher Jimenez

Andrew Christopher Jimenez  
Notary Public

7/5/2022

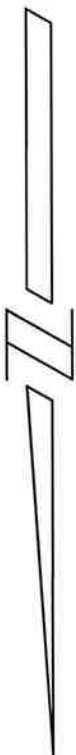
My commission expires 5<sup>th</sup> day  
of July, 2022.





# VESTAVIA HILLS

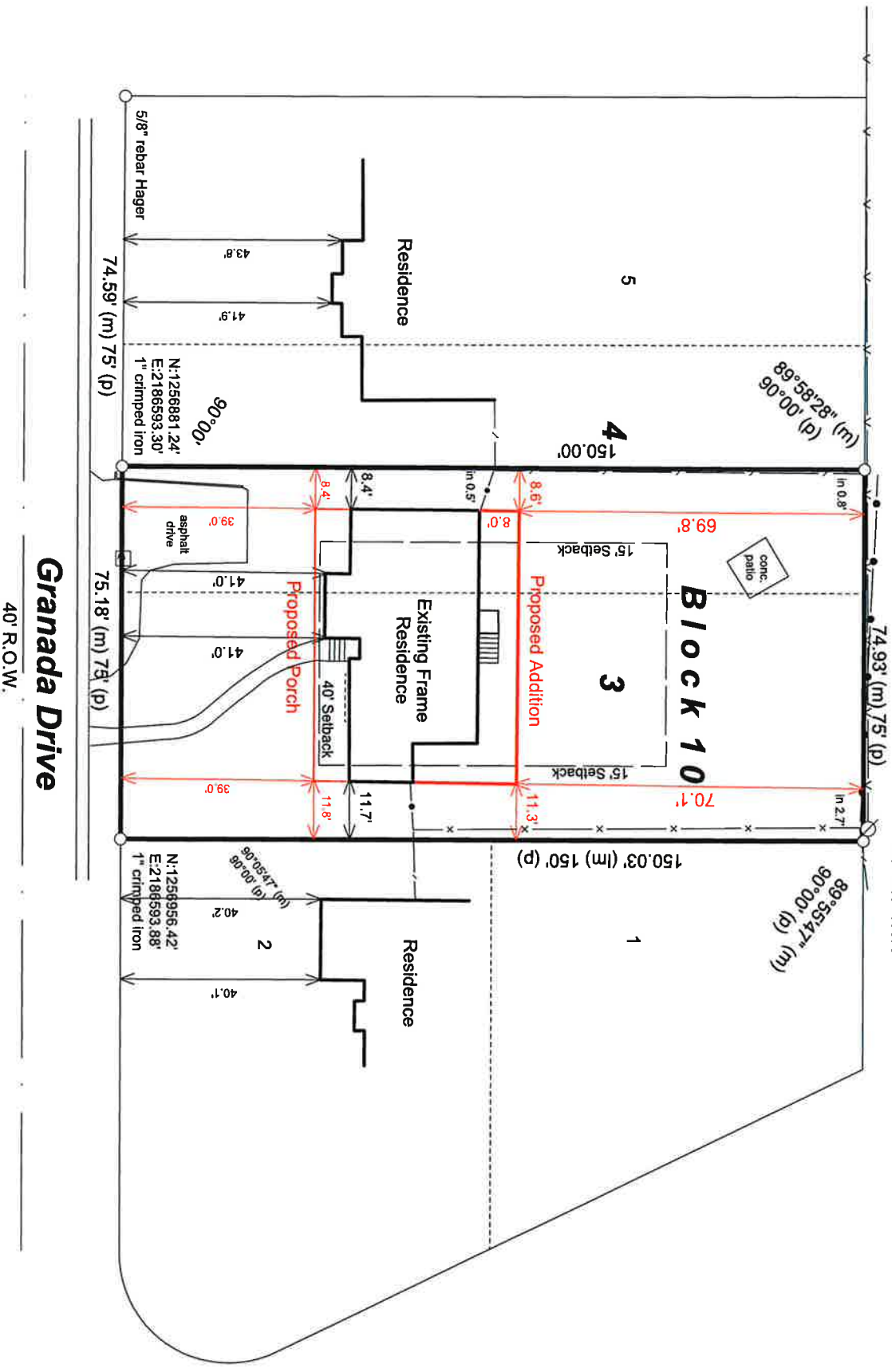
35216



Lot 4

First Addition to Beacon Hill  
Map Book 31 Page 61

5/8" rebar 10373



**Granada Drive**  
40' R.O.W.

STATE OF ALABAMA  
JEFFERSON COUNTY

I, Steven H. Gilbert, a Professional Land Surveyor in the State of Alabama, hereby certify to the parties listed below that the following is a true and correct copy of a map or plat of a survey made by me of the following described property:

Lot 3 and the North 1/2 of Lot 4, Block 10, Map of Bitmore Estates as recorded in Map Book 17, Page 59, in the Probate Office of Jefferson County, Alabama.

I further certify that the building(s) now erected on said property are within the boundaries of same except as may be shown; that there are no encroachments from adjacent property except as shown; that there are no Rights-of-Way, Easements, or joint driveways over or across said land visible on the surface, except as shown; that there are no utility poles, lines, structures, or supports therefor (excepting those that serve the premises only), except as shown; that I have consulted the Federal Insurance Administration Flood Hazard Boundary maps and found this property IS NOT located in a Flood Hazard Area (as determined by graphic plotting); and 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.

This survey is invalid unless sealed in red ink.

This survey was performed with conventional equipment and techniques. Horizontal and vertical control was established by GPS observations using NAVD 1988 datum and bearings are based on Alabama State Plane Coordinates, West Zone. Corrections were obtained from the ALDOT CORS network.

**Legend**

	iron boundary marker		utility pole
	open pipe find		fire hvd.
	capped pipe find		tree
	water valve		TV/tel. box
	guy anchor		offset cross
	gas valve		commencing point
	Drain Manhole		Sanitary manhole
	Tel Manhole		Sign
	measured dim.		platted dim.
	water meter		gas meter
	power meter		Sign

• chain link fence

— gas line

— water line

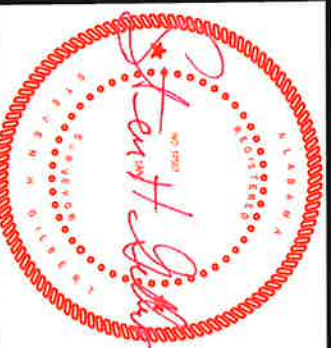
— overhead utility line

— wire fence

— wood fence

— center line

Project No. 20190206  
Aubrey Day  
Smith Day Properties LLC  
As built Survey  
304 Granada Drive  
Vestavia Hills, Alabama  
February 11, 2019  
Revised February 15, 2017



Scale 1" = 30 feet  
SOUTHEASTERN SURVEYORS, INC.  
Steven H. Gilbert, P.L.S.  
Alabama Reg. Land Surveyor No. 17507  
5160 Scenic View Drive  
Birmingham, Alabama 35210  
(205) 956-7125 Fax(205) 956-7146

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

Date: **MARCH 21, 2019**

- **CASE:** BZA-0319-06
- **REQUESTED ACTION:** 25' front setback variance to reduce the setback to 25' in lieu of the required 50' and a 16' rear setback variance to reduce the setback to 14' in lieu of the required 30'
- **ADDRESS/LOCATION:** 2294 Lime Rock Rd.
- **APPLICANT/OWNER:** Charles Blake Hudson
- **GENERAL DISCUSSION:** Applicant is seeking variances for a new home. Applicant contends shape of lot causes hardship. Lot was previously granted variances that have expired. The applicant's property is zoned Vestavia Hills R-2.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the Comprehensive Plan for 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.

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

2019 FEB 19 10:41:19

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: Charles Blake Hudson

Address: 2829 Seven Oaks Circle

Vestavia Hills, AL 35216

Phone #: 205-746-4433 Other #: 205-714-1374

E-Mail: bhudson@brossfieldgarrie.com

**Representing Attorney/Other Agent**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_ Other #: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**II. DESCRIPTION OF PROPERTY:**

LOCATION: 2294 ~~02294~~ Lime Rock Road  
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.  
25' front/side/rear (circle one) setback variance to reduce the setback to 25' in lieu of the required 50'.  
16' front/side/rear (circle one) setback variance to reduce the setback to 14' in lieu of the required 30'.  
 \_\_\_\_\_' 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 R2.

**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).

Irregular shape of lot / triangular for new home

**VI. OWNER AFFIDAVIT:**

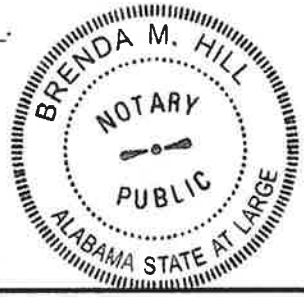
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.

C. Blake Hudson 2/19/18  
Owner Signature/Date

\_\_\_\_\_  
Representing Agent (if any)/date

Given under my hand and seal  
this 19<sup>th</sup> day of Feb., 2018.

Brenda M. Hill  
Notary Public  
My commission expires 15<sup>th</sup>  
day of October, 2020.



**LEGEND**

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CHG LONG CHORD
- DELTA DEFLECTION
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- RADIUS RIGHT OF WAY
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTL UTILITY
- AC AIR CONDITIONER
- S.F. SQUARE FEET
- CENTERLINE CENTERLINE
- A/C AIR CONDITIONER
- POLE POLE
- ANCHOR ANCHOR
- FENCE FENCE
- OVERHEAD UTILITY WIRE OVERHEAD UTILITY WIRE
- PWT WITH TANGENT
- TAN TANGENT
- RES RESIDENCE
- ALGT ALIGNED
- COV COVERED
- DECK DECK
- CONCRETE CONCRETE
- WALL WALL
- COLUMN COLUMN

SCALE: 1"=30'

STATE OF ALABAMA  
JEFFERSON COUNTY)

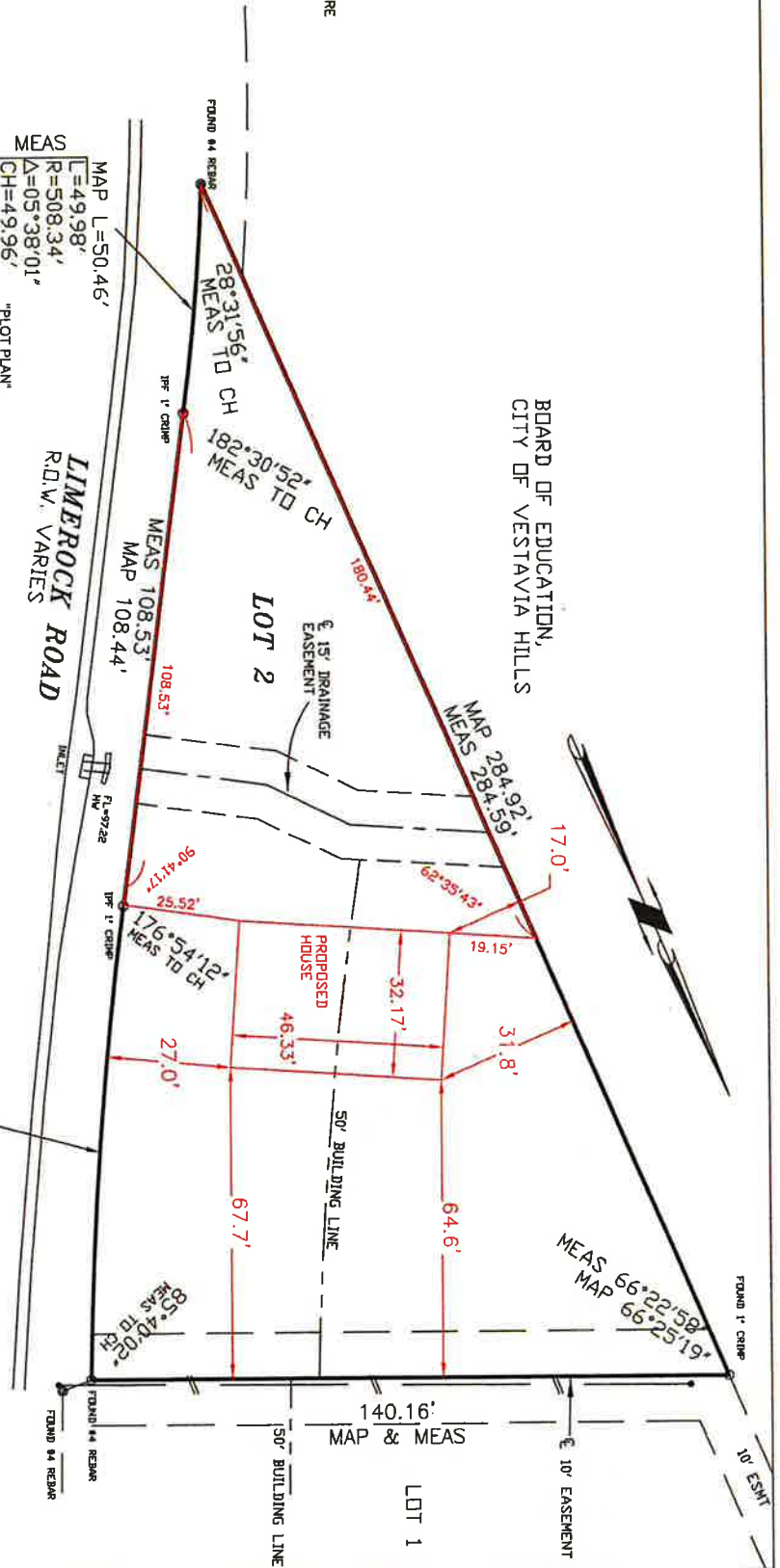
Order No.: 2153  
Purchase: 2294 LIME ROCK ROAD  
Address: 2294 LIME ROCK ROAD

I, Trent R. Wilson, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 2, VANISSES RESUBDIVISION OF LOT 60, BLOCK 2 VESTHAVEN SIXTH SECTOR, SIXTH ADDITION, as recorded in Map Volume 105, Page 31, 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 FEBRUARY 19, 2019. Survey invalid if not sealed in red.

*Trent R. Wilson*  
Trent R. Wilson, Reg. L.S. #34764  
186 Ormond Road, Homewood, AL 35208  
Phone: (205) 842-0088 Fax: (205) 842-0087  
Copyright ©



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 parcels 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 described on map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, canteleers 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.



MAP L=50.46'  
L=49.98'  
R=508.34'  
A=05°38'01"  
CH=49.96'  
"PLOT PLAN"

MAP L= 103.71'  
L=103.71'  
R=925.37'  
A=06°25'17"  
CH=103.66'



BZA0319-06//2800323002001.003  
2294 Lime Rock Rd.  
Front & Rear Setback Variance  
Charles Blake Hudson R2