

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

Roll Call.

Approval of Minutes: October 17, 2019.

- (1) **BZA-1119-29** Sid & Elizabeth Lowman are requesting a **Side Setback Variance** for the property located at **2336 Wexford Lane**. The purpose of this request is to reduce the setback to 10' in lieu of the required 15' to build a bathroom addition. The property is owned by Sid & Elizabeth Lowman and is zoned Vestavia Hills R-2.

Time of Adjournment.

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

MINUTES

October 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
David Holley, Alt
Loring Jones, III
Jim Griffo
George Ponder
Robert Gower

MEMBERS ABSENT: Tony Renta, Alt

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of September 19, 2019 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of September 19, 2019 was made by Mr. Jones and 2nd was by Mr. Gower. Motion as carried on a voice vote as follows:

Mr. Griffo - yes	Mr. Gower – yes
Mr. Jones – yes	Mr. Holley - yes
Mr. Ponder - yes	Mr. Rice - yes

Motion carried.

REAR SETBACK VARIANCE

BZA-0919-25 Lester & Ashley Mason are requesting a **Rear Setback Variance** for the property located at **2116 Vestavia Lake Drive**. The purpose of this request is to reduce the setback to 17' in lieu of the required 30', to build a retaining wall and covered porch. The property is owned by Lester & Ashley Mason and is zoned Vestavia Hills R-2.

Mr. Wakefield 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. Wakefield also explained that the applicants have revised their as-built survey and Christopher Brady, City Engineer, was in attendance to answer any engineering question.

Lester Mason was present and stated that they have the revised drawing and said they have been in communication with Mr. Brady and Jefferson County Stormwater Management.

Mr. Brady stated his opinion on the case.

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 13’ rear setback variance to reduce the setback to 17’ in lieu of the required 30’ for the property located at 2116 Vestavia Lake Drive, with the stipulation that the applicants follow through with recommendations from Mr. Brady per memorandum, 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. Jones – yes	Mr. Holley - yes
Mr. Ponder - yes	Mr. Rice - yes

Motion carried.

VARIANCE FOR LOCATION OF A FENCE

BZA-1019-26 Benjamin & Emily Byrd are requesting a **Variance for the Location of a Fence** for the property located at **1293 Branchwater Lane**. The purpose of this request is to build a fence in the front setback to allow for adequate backyard space. The property is owned by Benjamin & Emily Byrd and is zoned Vestavia Hills R-1.

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

Emily Byrd 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 variance for the location of a fence for the property located at 1293 Branchwater Lane 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. Jones – yes Mr. Holley - yes
Mr. Ponder - yes Mr. Rice - yes
Motion carried.

FRONT SETBACK VARIANCE

BZA-1019-27 Watts & Jennifer Ueltschey are requesting a **Front Setback Variance** for the property located at **1548 Panorama Drive**. The purpose of this request is to reduce the setback to 36’ in lieu of the required 50’, to build a garage addition. The property is owned by Watts & Jennifer Ueltschey and is zoned Vestavia Hills R-2.

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

Watts Ueltschey was present to explain the request and stated that the odd lot shape and the steep ravine in the rear 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 14’ front setback variance to reduce the setback to 36’ in lieu of the required 50’ for the property located at 1548 Panorama Drive 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. Jones – yes Mr. Holley - yes
Mr. Ponder - yes Mr. Rice - yes
Motion carried.

SIDE SETBACK VARIANCE

BZA-1019-28 Edwin & Blair Moss are requesting a **Side Setback Variance** for the property located at **2341 Morningstar Drive**. The purpose of this request is to reduce the setback to 9’ in lieu of the required 17’, to build a carport. The property is owned by Edwin & Blair Moss and is zoned Vestavia Hills R-1.

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

Edwin Moss was present to explain the request and stated that the odd lot shape caused a hardship.

Mr. Ponder asked the applicant if the carport addition would overhang the easement on the side. If so, then no variance can be approved. He also stated the measurements between each drawing do not match up.

Mr. Rice opened the floor for a public hearing.

Larry Dye, 2345 Morningstar Drive, opposed the request on the grounds that the carport would sit too close to their home and will encroach on their privacy.

David Shealy, 2337 Morningstar Drive, also expressed his opposition.

Subsequently, Mr. Moss withdrew his case.

At 6:37 PM, Mr. Rice made a motion to adjourn. The meeting adjourned at 6:37 PM.

Jack Wakefield,
Planner/GIS

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

Date: NOVEMBER 21, 2019

- **CASE: BZA-1119-29**
- **REQUESTED ACTION:** 5' side setback variance to reduce the setback to 10' in lieu of the required 15'.
- **ADDRESS/LOCATION:** 2336 Wexford Lane
- **APPLICANT/OWNER:** Sid C. Lowman
- **REPRESENTING AGENT:** Elizabeth Lowman
- **GENERAL DISCUSSION:** Applicants are seeking a side setback variance to build a bathroom addition. The applicants contend there is a hardship because the lot is oddly-shaped. The right side of the property begins to veer to the left halfway into the property. The house was built out of compliance with the zoning code and this action would bring the entire structure into compliance. 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: Sid C. Lowman

Address: 2336 Wexford Lane
Vestavia Hills, AL 35216

Phone #: 205-542-4486 Other #: _____

E-Mail: slowman3509@bellsouth.net

Representing Attorney/Other Agent

Name: Elizabeth M. Lowman

Address: _____

Phone #: 205-215-0270 Other #: _____

E-Mail: _____

II. DESCRIPTION OF PROPERTY:

LOCATION: 2336 Wexford Lane
Street Address

Lot 13-A, Block 14, Derby Downs Sub.
Subdivision name, Lot #, Block #, etc.

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

1. A request to vary:

12'3", variance to reduce the lot width to 10', in lieu of the required 12'3".

_____ square foot variance to reduce the lot area to _____ square feet in lieu of the required _____ square feet.

12'3", from side rear (circle one) setback variance to reduce the setback to 10', in lieu of the required 12'3".

5, front/side/rear (circle one) setback variance to reduce the setback to 10, in lieu of the required 15.

_____ 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).

We are 10' from the property line. The set back is 12'3" according to the inspector. Thus a need for a variance of 2'3". The hardship we are experiencing is due to the lot angle inward.

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.

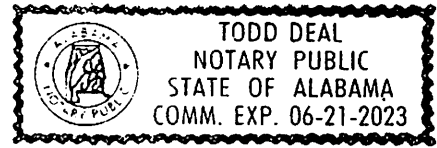
Scott C. Lowman
Owner Signature/Date

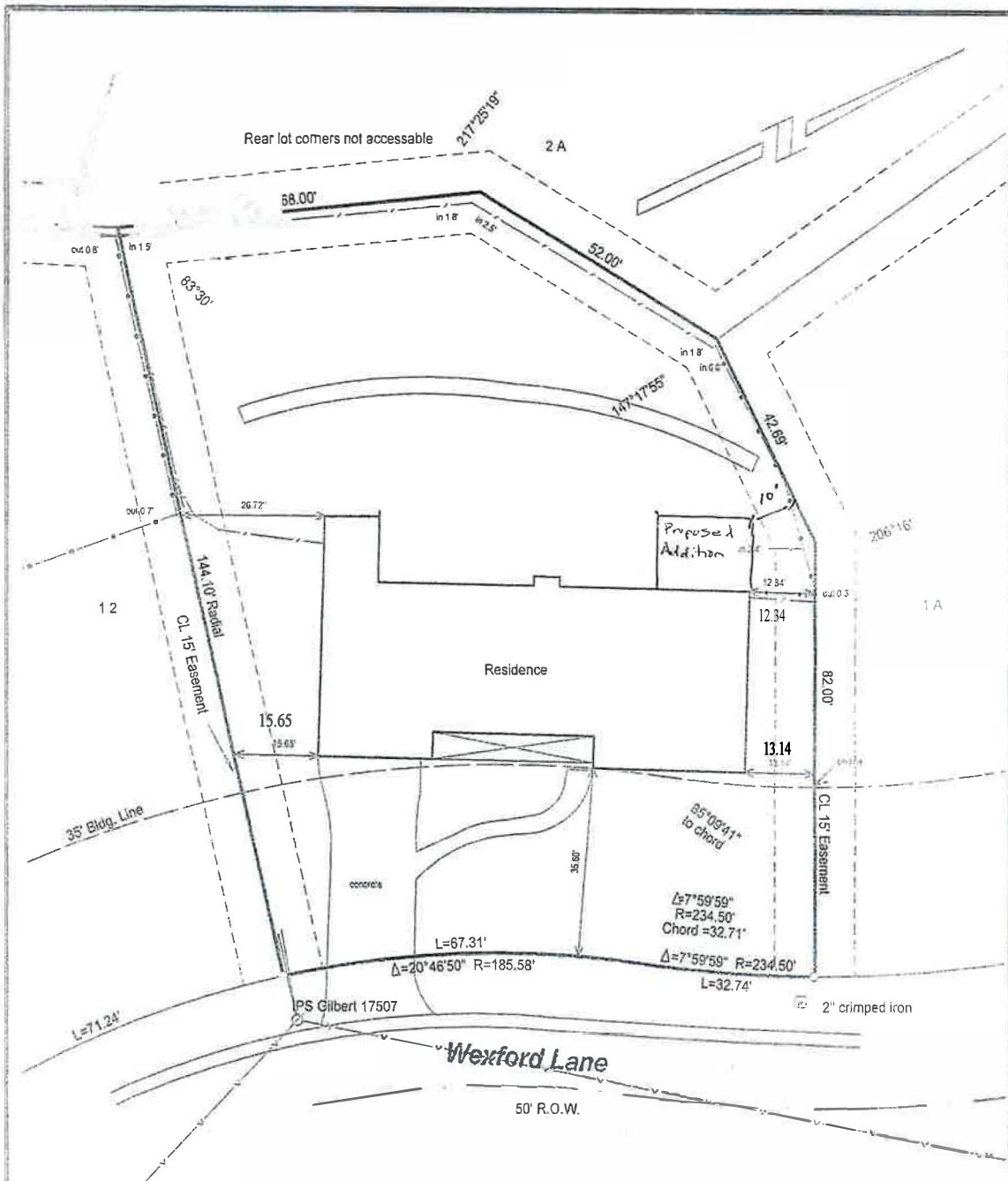
Elizabeth M. Lowman 10/22/19
Representing Agent (if any)/date

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

Todd Deal
Notary Public

My commission expires 6/21/2023 21
day of June, 2023.





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 13 A, Resurvey of Lots 1 and 13 Block 14 of Derby Downs Fourth Sector and Lot 2 Block 14 of Derby Downs Fifth Sector, as recorded in Map Book 76, Page 52, in the Probate Office of Jefferson County, Alabama.

The sole purpose of this survey is for use as a Mortgage Loan Certificate Survey or Mortgage Loan Closing Survey showing the existence or non-existence of encroachments into or out of said property. I further certify that the buildings 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, guy wires, 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.

FIRM Map No. 01073C 0566 H September 3, 2010

This survey is invalid unless sealed in red ink

Legend

Iron boundary marker	utility pole
open pipe fnd.	fire hyd.
power box	tree
capped pipe fnd.	TV/tel. box
water valve	offset cross
guy anchor	commencing point
PS 5/8" rebar set 17507	gas valve
Drain Manhole	Sanitary manhole
Tel. Manhole	Sign
M) measured dim	(P) 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. 20191002
As built Survey
Elizabeth Lowman
2336 Wexford Lane
Vestavia Hills, Alabama
October 8, 2019



Scale 1" = 20 feet
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