



**Vestavia Hills
Board of Zoning Adjustment Agenda
July 20, 2023
6:00 PM**

1. Roll Call
2. Approval Of Minutes: June 15, 2023
3. BZA-23-11 **Kim Parker** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1121 Winward Lane**. The purpose of this request is to build a decorative fence in the front setback. The property is owned by Kim Parker and is zoned **Vestavia Hills R-9**.
4. BZA-23-13 **Phillip Young** is requesting a **Rear Setback Variance, Side Setback Variance, Lot Area Variance, & Lot Width Variance**, for the property located at **404 Fernwood Drive**. The purpose of this request is to reduce the Rear Setback to 5' in lieu of the required 15' & to reduce the Side Setback to 5' in lieu of the required 15' & to reduce the Lot Area to 11,227 sq ft in lieu of the required 15,000 sq ft & to reduce the Lot Width to 75' in lieu of the required 100', to renovate existing shed. The property is owned by Phillip Young and is zoned **Vestavia Hills R-3**.
5. BZA-23-14 **Zach Anderson** is requesting a **Front Setback Variance** for the property located at **3313 Willis Drive**. The purpose of this request is to reduce the front setback to 20' in lieu of the required 35', to build a detached carport. The property is owned by Zach Anderson and is zoned **Vestavia Hills R-2**.
6. BZA-23-15 **Joe and Kayla Meadow** are requesting a **Front Setback Variance** for the property located at **3317 Cherry Tree Lane** . The purpose of this request is to reduce the front setback to 45' in lieu of the required 60', to build a new house. The property is owned by Joe Meadows and is zoned **Vestavia Hills R-1**.
7. Time Of Adjournment

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

June 15, 2023

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
Michael Fliegel, Alt
Stephen Greer
Ryan Rummage, Alt

MEMBERS ABSENT:

Loring Jones, III
Thomas Parchman
Tony Renta

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of May 18, 2023 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of May 18, 2023 was made by Mr. Fliegel and 2nd was by Mr. Greer. Motion as carried on a voice vote as follows:

Mr. Fliegel – yes	Mr. Rummage – yes
Mr. Greer – yes	Chairman Rice – yes
Motion carried.	

VARIANCE FOR LOCATION OF FENCE

BZA-23-11 Kim Parker is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1121 Winward Lane**. The purpose of this request is to build a decorative fence in the front setback. The property is owned by Kim Parker and is zoned **Vestavia Hills R-9**.

Mr. Wakefield explained the scope of the project.

Kim Parker, 1121 Winward Lane, was present for the case and the engineering requirements in the rear of the lot forces a fence to go in the front setback. He stated that the porous driveway in the rear prevented a backyard from being constructed.

Chairman Rice asked the applicant to clarify the specific hardship. Mr. Parker responded that the driveway in the rear made it impractical to fence in.

Chairman Rice asked why the fence couldn't go on the side of the property, albeit a much smaller portion of the lot. Chairman Rice stated to the applicant that the hardship must run with the land and that he didn't see a hardship.

Mr. Parker stated that there is only 11' between the houses and that the fence is also needed for children safety as the neighbors have a young child.

Chairman Rice asked is there anyway the rear could be fenced in. He suggested the applicant put some type of green impervious pad to make it seem more like a backyard.

Mr. Parker said that there is a driveway for the garages and a grass strip in the very back.

Mr. Greer asked if there is an HVAC unit on the side of the house. Mr. Parker stated that there is but only on one side. It includes other utility equipment too.

Chairman Rice asked how high the fence was and Mr. Fliegel stated it was 3' per application.

Chairman Rice stated that he saw no hardship. Also, even though the driveway is in the rear, that was necessitated by needing a garage.

Mr. Parker said the porous pavement was needed because of engineering requirements and the not because of the need for a garage.

Mr. Rummage told the applicant he understood the need for the fence, but that he agreed with Chairman Rice that the Zoning Code factors for a hardship with the information presented.

Chairman Rice opened the floor for a public hearing. There being no one present in regard to the request, Mr. Rice closed the public hearing. Chairman Rice told the

applicant that he can postpone the request and rehear next month, as a denial by the Board will forbid the applicant from applying for the same request for one year. Mr. Wakefield said there is an appeal option if the Board votes down the request. Mr. Wakefield also stated that all 4 members present must vote yes to approve the request.

Mr. Parker stated that he would like to postpone the case to the next month.

VARIANCE FOR LOCATION OF FENCE

BZA-23-12 Whitney Henderson is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1119 Winward Lane**. The purpose of this request is to build a decorative fence in the front setback. The property is owned by Whitney Henderson and is zoned **Vestavia Hills R-9**.

Mr. Wakefield explained the scope of the project.

Whitney Henderson, 1119 Winward Lane, stated that she was looking to do the same project as her neighbor in the previous request. Also that the fence is needed because they have a dog and a child. Fence would be peace of mind.

Mrs. Henderson also stated that there is a similar fence on the adjacent street (Mayland Lane)

Mr. Wakefield stated that the homeowner of that address was summoned to this meeting. Mr. Wakefield said that he talked with this resident and gave him all applicable information to apply before the Board. He never submitted anything and would be required to move it.

Mrs. Henderson said her HVAC and utility equipment would abut a fence on the neighbor's side yard. She stated that the fence is added safety with a child present in the front yard.

Chairman Rice asked one last time if there were any other hardship reasonings.

Mrs. Henderson said that she said no and that probably added Board members wouldn't help her case in terms of a hardship.

Mr. Greer stated that Mrs. Henderson and the previous applicant could get together and brainstorm to come up with a better hardship as he didn't see one existing with the current information.

Mrs. Henderson stated that she would like to withdraw her request.

MULTIPLE VARIANCES

BZA-23-13 **Phillip Young** is requesting a **Rear Setback Variance, Side Setback Variance, Lot Area Variance, & Lot Width Variance**, for the property located at **404 Fernwood Drive**. The purpose of this request is to reduce the Rear Setback to 5' in lieu of the required 15' & to reduce the Side Setback to 5' in lieu of the required 15' & to reduce the Lot Area to 11,227 sq ft in lieu of the required 15,000 sq ft & to reduce the Lot Width to 75' in lieu of the required 100', to renovate existing shed. The property is owned by Phillip Young and is zoned **Vestavia Hills R-3**.

Mr. Wakefield explained the scope of the project and stated that the applicant couldn't make the hearing because of a scheduling conflict.

Chairman Rice stated he had questions regarding the rear of the property and asked that the request be postponed to the next month.

At 6:31 PM, Mr. Fliegel made a motion to adjourn. The meeting adjourned at 6:31 PM.

Jack Wakefield,
Planner/GIS



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

July 20, 2023

AGENDA ITEM

BZA-23-11 **Kim Parker** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1121 Winward Lane**. The purpose of this request is to build a decorative fence in the front setback. The property is owned by Kim Parker and is zoned **Vestavia Hills R-9**.

BACKGROUND

Variance for Location of Fence in the Front Setback.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is requesting a variance for the location of a decorative fence in the front setback. The applicant contends the alley way in the rear doesn't allow a fence in the backyard and the backyard's proximity to the sewer main also causes a hardship. The fence is a 3 foot wooden decorative fence. The fence will abut the front property line in the corner of the lot and will move back towards the house, so as to not enclose the parking pad in the front of the house. The applicant's property is zoned R-9.

ATTACHMENTS

1. Application
2. Survey
3. Proposed Drawing
4. Front Picture
5. Side Picture
6. Affidavit

Jack Wakefield
City Planner



BZA-23-11

Variance and Special Exception Application

Status: Active

Date Created: May 2, 2023

Applicant

Kim Parker
kparker@theparkercompanyllc.com
1148 Winward Lane
Vestavia Hills, AL 35216
2053695461

Primary Location

1121 WINWARD LN
VESTAVIA HILLS, AL 35216

Owner:

Parker Home Solutions, LLC
4010 Farr RD Bessemer, Alabama 35022

Agenda Information

Agenda Scheduling

June 2023

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Parker Home Solutions, LLC

Phone #

205 369-5461

Address

4010 Farr RD

City/State/Zip

Bessemer, AL 35022

Email

kparker@theparkercompanyllc.com

Subject Property Information

Subject Property Address

1121 Winward Lane

Legal Description of Subject Property

lot 3

REASONS FOR REQUEST

Variance for location of a fence.



Details

We are requesting to put a fence in the front yard. This request is made out of a hardship. With the engineering requirements of the city for storm water drainage there was no way to attach a back yard directly to the houses. Because of this there is no way for a home owner to let their dogs/pets roam their back yard freely. We would have to put a short 3' fence to not only help separate the front yard of the houses, but also give the home owners a place for their furry friends to play. This will also help with safety for young kids to play in their own front yards while make their parents feel safe that they will not be hit by a car.

ZONING

Vestavia Hills Zoning for the subject property is

R-9

PROJECT

Describe the scope of the project and/or the reason for requesting this variance.

We are requesting to put a fence in the front yard. This request is made out of a hardship. With the engineering requirements of the city for storm water drainage there was no way to attach a back yard directly to the houses. Because of this there is not a way for a home owner to let their dogs/pets roam their back yard freely. We would have to put a short 3' fence to not only help separate the front yard of the houses, but also give the home owners a place for their furry friends to play. This will also help with safety for young kids to play in their own front yards while make their parents feel safe that they will not be hit by a car.

HARDSHIP

Please answer the following questions regarding hardship and briefly summarize and describe those things which you feel justify the action requested in the box below. An Undue Hardship is required in order to seek a variance. 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 alley way in the back of the home prohibits a back yard from being attached to the home. Also the requirements of Jefferson county in relation to where the sewer main was to be located prohibited us from attaching a back yard to the home. The current code prevents us from constructing a fence in the front yard of a home. This will already created a hardship on the sell of the home and the lack of a fenced yard is a huge durtent for a potential buyer.

Before any variance is granted, the BZA must find that ALL of the following conditions exist. Please describe each of the following details in order for the BZA to determine if these warrants the described hardship.

1. There are extraordinary and exceptional conditions, which are peculiar to the piece of property in question because of its size, shape or topography, that are not applicable to the other lands or structures in the same district. Please explain:

The alley way in the back of the home prohibits a back yard from being attached to the home. Also the requirements of Jefferson county in relation to where the sewer main was to be located prohibited us from attaching a back yard to the home.

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other owners of property in the District in which the property is located. Please explain:

No neighbors will not be affected in any way by the request being granted. There is also no special privlages that would be afforded to the home owner. It is granting them a privlage that all their other neighbors currently enjoy.

3. All literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by others of property int he distrctit in which the property is located. Please explain:

The home owner will not have a yard to enjoy with their kids or furry friends. They lack the fredom and safety that a fence provides. This is something that commonly enjoyed by all others in the area.

4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare. Please explain:

We are only asking to install a 3' tall fence. I believe that this ordinance was put in place to prohibit the construction of privacy fencens in the front of properties. I beleive that what we are asking for will only enhance the neighborhood not hurt the look or value of any property in the neighborhood.

5. The special circumstances are not the intended result of the actions of the applicant (i.e., self-imposed hardship). Please explain:

N/A The request is only to provide safe use of a front yard to the home owners.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure. Please explain:

N/A The request is only to provide safe use of a front yard to the home owners.

7. The no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.

8. That a variance will not allow the permanent establishment of a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

N/A The request is only to provide safe use of a front yard to the home owners.

NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase the financial return from land; or (2) personal or economic hardship; or (3) self-imposed hardship. In other words, hardship alone is not sufficient to permit a variance. It must be an "unnecessary hardship." Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an "unnecessary hardship."

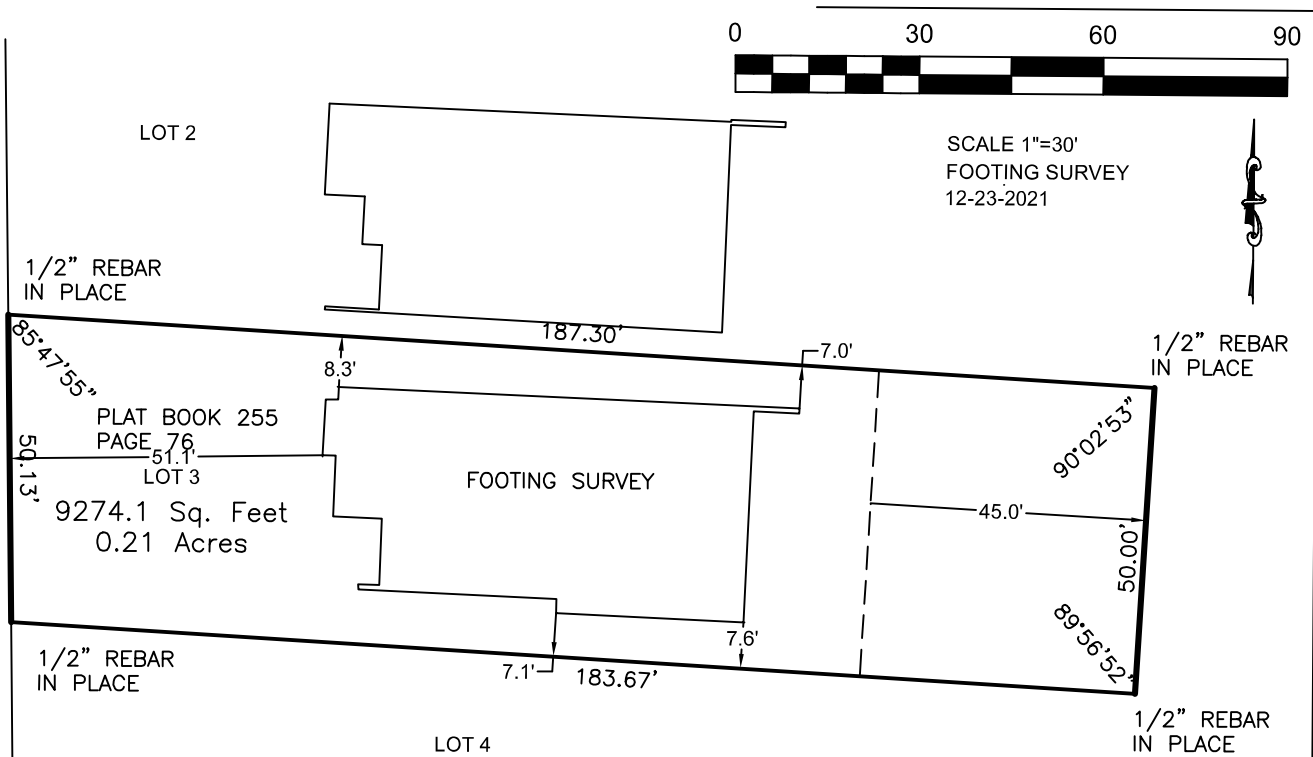
OWNER AFFIDAVIT

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. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments section of this application. NOTE: Applications cannot be processed without the notarized owners affidavit. Owners authorization may be found on our main page.

Owner Signature

Brandon Parker
05/02/2023

WINWARD LANE
40' R/W



STATE OF ALABAMA
JEFFERSON COUNTY

I, James M. Ray, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and plat (or drawing) have been completed in accordance with the requirements of the Standards for the Practice of Surveying in the State of Alabama, being more particularly described as follows, to-wit: Lot 3 OF THE RESURVEY OF THE RESURVEY OF LOTS 13,14,15,AND 16 BLOCK I T.H. PAYNE SURVEYMAP BOOK 84 PAGE 14 Subdivision as shown on record in the office of the Judge of Probate of Jefferson County, Alabama in map book 255 page 76.

According to my survey this the 23nd day of DECEMBER 2021.

James M. Ray, Ala. Reg. No. 18383
Ray and Gilliland, P. C., Ala. Board Cert. No. CA-0114-LS

Note: 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. Underground portions of foundations and footings and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewer or flip manhole covers. This survey is not transferable and may only be used by the person/company that pays for it at time of survey.

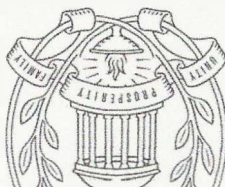
RESURVEY OF THE
RESURVEY OF LOTS 13,14,15 & 16
BLOCK I T.H. PAYNE SURVEY
MAP BOOK 84 PAGE 14
JEFFERSON COUNTY, ALABAMA

RAY & GILLILAND, P.C.	
122 NORTH CALHOUN STREET P.O. BOX 1183 SYLACAUGA, ALABAMA 35150	TEL NO. (256) 245-3243 FAX NO. (256) 245-3202
DRAWN BY: JMR	FILE: MAYLANDLANEVESTAVIA
	SCALE: 1"=30'
	DATE:









**City of Vestavia Hills
Office of the City Clerk**

OWNER AFFIDAVIT (This form must be notarized):

I do hereby declare that the following statements are correct concerning the subject property located at: 1121 Windward Lane, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: (please check all that apply).

☒ the Property Owner and representing myself in said request.

_____ the Property Owner, but I am authorizing a Representing Agent by the name of: _____ to represent me in the following request:

And am requesting: (please check)

- | | |
|---|---------------------------|
| _____ | Rezoning Request |
| _____ | Preliminary Plat Approval |
| _____ | Final Plat Approval |
| _____ | Conditional Use Approval |
| ☒ _____ | Request for Variance |
| _____ | Special Exception |
| _____ | Design Review Approval |

Signed: _____
Owner Signature/Date

STATE OF ALABAMA
COUNTY OF Jefferson
Given under my hand and seal
this 2nd day of May, 2023.

Notary Public

My commission expires 26th day of May, 2026.





VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

July 20, 2023

AGENDA ITEM

BZA-23-13 **Phillip Young** is requesting a **Rear Setback Variance, Side Setback Variance, Lot Area Variance, & Lot Width Variance**, for the property located at **404 Fernwood Drive**. The purpose of this request is to reduce the Rear Setback to 5' in lieu of the required 15' & to reduce the Side Setback to 5' in lieu of the required 15' & to reduce the Lot Area to 11,227 sq ft in lieu of the required 15,000 sq ft & to reduce the Lot Width to 75' in lieu of the required 100', to renovate existing shed. The property is owned by Phillip Young and is zoned **Vestavia Hills R-3**.

BACKGROUND

10' Rear Setback Variance to Reduce the Setback to 5' in Lieu of the Required 15' & 10' Side Setback Variance to Reduce the Setback to 5' in Lieu of the Required 15' & 3,773 sq ft Lot Area Variance to Reduce the Lot Area to 11,227 sq ft in Lieu of the Required 15,000 sq ft & 15' Lot Width Variance to Reduce the Lot Width to 75' in Lieu of the Required 100'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is requesting multiple variances to renovate the existing rear accessory structure. The applicant contends the underground drain pipe causes a hardship if the structure were to be demolished and rebuilt to the specifications of the current zoning. There is currently a septic tank and field lines in the rear that limit the buildability. There is also a unique sewer drain accompanied with the septic lines in the rear. This request will not alter the current location of the structure and would just be a renovation because of storm water damage. The property is currently on a lot and a half and must be resurveyed to receive a permit for the renovation. The new lot would be undersized in both lot area and lot width. As a result, those subsequent variances are being requested too. The property is zoned R-3.

ATTACHMENTS

1. Engineering Comments
2. Application
3. Survey

4. Affidavit

Jack Wakefield
City Planner



BZA-23-13

Engineering Review

Variance and Special Exception Application

Status: Complete

Became Active: May 17, 2023

Assignee: Lori Beth Kearley

Completed: May 30, 2023

Applicant

Philip Young
pyoung@crcgroup.com
404 Fernwood Drive
Birmingham, AL 35216
2055403379

Primary Location

404 FERNWOOD DR
VESTAVIA HILLS, AL 35216

Owner:

Philip Young
Fernwood Drive 404 Fernwood Drive
Birmingham, AL 35216

Comments

Lori Beth Kearley, May 30, 2023

Any modifications that would result in a larger building footprint, additional concrete or other impervious surfaces would be subject to further engineering review at the Building permit stage to ensure the property maintains an allowable percentage of impervious surfaces on the lot. (i.e., no more than 30% of the total lot area)

Philip Young, May 30, 2023

Understood so do I need a variance still? What is your email i would like to include you on a not to Jack.

Lori Beth Kearley, May 30, 2023

My comment has no bearing on the need for variance. All that should be routed through Jack.



BZA-23-13

Variance and Special Exception Application

Status: Active

Date Created: May 12, 2023

Applicant

Philip Young
pyoung@crcgroup.com
404 Fernwood Drive
Birmingham, AL 35216
2055403379

Primary Location

404 FERNWOOD DR
VESTAVIA HILLS, AL 35216

Owner:

Philip Young
Fernwood Drive 404 Fernwood Drive
Birmingham, AL 35216

Agenda Information

Agenda Scheduling

June 2023

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Philip Young

Phone #

2055403379

Address

404 Fernwood Drive

City/State/Zip

Vestavia, AL

Email

pyoung@crcgroup.com

Subject Property Information

Subject Property Address

404 Fernwood Drive

Legal Description of Subject Property

Primary Residence; Single Family Home

REASONS FOR REQUEST

Rear Setback Variance



Setback Required

15

Setback Requested

5

Side Setback Variance



Setback Required

15

Setback Requested

5

Lot Area Variance



Area Required

15,000 sq ft

Area Requested

11,227 sq ft

Lot Width Variance



Width Required

100'

Width Requested

75'

ZONING

Vestavia Hills Zoning for the subject property is

R3

PROJECT

Describe the scope of the project and/or the reason for requesting this variance.

We are renovating an existing shed that has been damaged by storm water runoff. The existing shed does not meet the current set back requirments so we are requisting a variance for the renovation.

HARDSHIP

Please answer the following questions regarding hardship and briefly summarize and describe those things which you feel justify the action requested in the box below. An Undue Hardship is required in order to seek a variance. 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).

To move the existing shed to a new location or to tear down the existing shed and build a new one would create an undue hardship due to the addition cost involved. Also we would have to move an underground drain in order to move the shed to meet new variance requirements.

Before any variance is granted, the BZA must find that ALL of the following conditions exist. Please describe each of the following details in order for the BZA to determine if these warrants the described hardship.

1. There are extraordinary and exceptional conditions, which are peculiar to the piece of property in question because of its size, shape or topography, that are not applicable to the other lands or structures in the same district. Please explain:

The location of our septic tank and fill lines along with the unique sewer drain in our back yard do not accommodate moving the shed to a new location.

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other owners of property in the District in which the property is located. Please explain:

This should not be considered as a special privilege as this is an existing structure.

3. All literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by others of property in the district in which the property is located. Please explain:

A literal interpretation of the set backs would require the shed to be moved into the middle of our backyard. Other property owners in our district commonly have sheds that are not in compliance with setback requirements.

4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare. Please explain:

The variance will be in harmony with the purpose as it is an existing structure and will not change sight lines or views for existing neighbors.

5. The special circumstances are not the intended result of the actions of the applicant (i.e., self-imposed hardship). Please explain:

The hardship is a result of the storm water runoff from the open city drain line that runs along the back of our property. No owner self-imposed hardship.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure. Please explain:

The variance request at 5 feet is the minimum variance that will allow our shed to sit in its existing locations without having the septic tank and lines moved or the city to move the storm drain and ditch in our back yard.

7. The no non-conforming use of neighboring lands, structures, or buildings in the same

district, and no permitted or non-conforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.

8. That a variance will not allow the permanent establishment of a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

I agree that if the variance is granted the sole use of the structure would be as a shed and for no other purpose.

NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase the financial return from land; or (2) personal or economic hardship; or (3) self-imposed hardship. In other words, hardship alone is not sufficient to permit a variance. It must be an "unnecessary hardship." Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an "unnecessary hardship."

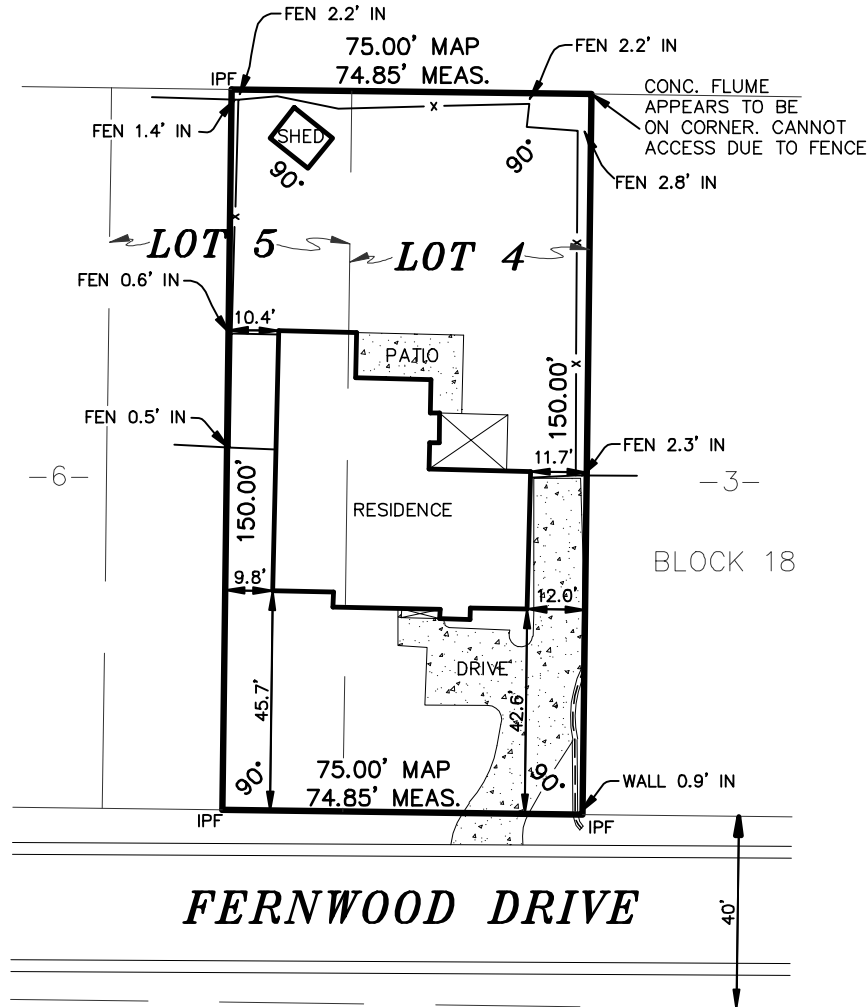
OWNER AFFIDAVIT

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. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments section of this application. NOTE: Applications cannot be processed without the notarized owners affidavit. Owners authorization may be found on our main page.

Owner Signature

Philip Howard Young Jr.
05/12/2023

Surveying – Land Planning



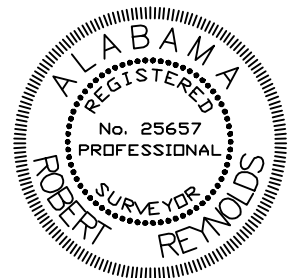
LEGEND

- | | |
|---|---------------------|
|  | UTILITY POLE |
|  | GUY WIRE |
|  | RETAINING WALL |
|  | CONCRETE |
|  | FENCE |
|  | OVERHEAD ELECTRICAL |
|  | IRON PIN FOUND |
|  | IRON PIN SET |

SCALE: 1" = 40'

*LOT 4 AND THE
NORTH 1/2 OF LOT 5

"PROPERTY SURVEY"



STATE OF ALABAMA
JEFFERSON COUNTY

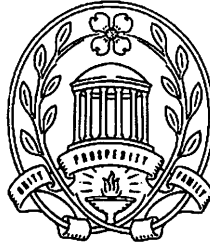
I, Robert Reynolds, a Registered Surveyor, do hereby state that this is a true and correct plat or map of Lot * , Block 18 , of BILTMORE ESTATES , as recorded in Map Book 17 , Page 59 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 15TH day of DECEMBER , 2021 .

NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Owner: YOUNG
Address: 404 FERNWOOD DR.

Reg. No. 25657

Page 24 of 45



**City of Vestavia Hills
Office of the City Clerk**

OWNER AFFIDAVIT (This form must be notarized):

I do hereby declare that the following statements are correct concerning the subject property located at: 404 Fernwood Drive, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply)*.

X the Property Owner and representing myself in said request.

____ the Property Owner, but I am authorizing a Representing Agent by the name of: _____ to represent me in the following request:

And am requesting: (please check)

____ Rezoning Request
____ Preliminary Plat Approval
____ Final Plat Approval
____ Conditional Use Approval

X Request for Variance
____ Special Exception
____ Design Review Approval

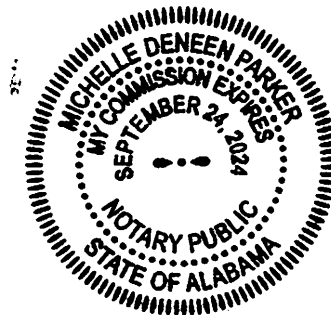
Signed:

Breanna H Young
Owner Signature/Date

STATE OF ALABAMA
COUNTY OF JEFFERSON

Given under my hand and seal
this 12th day of May, 2023.

Michelle Deneen Parker
Notary Public

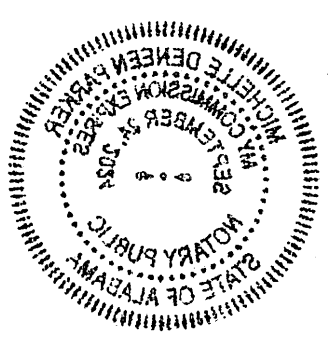


My commission expires 24th day of Sept., 2024.

I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County of [illegible] State of Alabama.

In testimony whereof, I have hereunto set my hand and the seal of said County at the City of [illegible] this [illegible] day of [illegible] 19[illegible].

[illegible Signature]
 [illegible Title]



[illegible Signature]
 [illegible Name]
 [illegible Title]



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

July 20, 2023

AGENDA ITEM

BZA-23-14 **Zach Anderson** is requesting a **Front Setback Variance** for the property located at **3313 Willis Drive**. The purpose of this request is to reduce the front setback to 20' in lieu of the required 35', to build a detached carport. The property is owned by Zach Anderson and is zoned **Vestavia Hills R-2**.

BACKGROUND

15' Front Setback Variance to Reduce the Setback to 20' in Lieu of the Required 35'.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a front setback variance to build a new detached carport addition. Applicant contends that the odd-shaped lot and the septic tank and fill lines in the rear cause a hardship. The lot has a 35' recorded front setback line and the applicant drafted and recorded a setback waiver, with all relevant neighbors signing. This property is zoned R-2 and staff has no issues with the request.

ATTACHMENTS

1. Application
2. Drawings
3. Waiver
4. Owners Affidavit

Jack Wakefield
City Planner



BZA-23-14

Variance and Special Exception Application

Status: Active

Date Created: May 17, 2023

Applicant

Zach Anderson
zach@landscapegrp.com
3313 Willis dr
Birmingham, AL 35243
2052293642

Primary Location

3313 WILLIS DR
VESTAVIA HILLS, AL 35243

Owner:

Zach Anderson
3313 Willis dr Willis Dr. Birmingham, AL 35243

Agenda Information

Agenda Scheduling

July 2023

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

zach anderson

Phone #

2052-229-3642

Address

3313 Willis Dr

City/State/Zip

Vestavia Hills, AL 35243

Email

zach@Landscapegrp.com

Subject Property Information

Subject Property Address

3313 Willis Dr.

Legal Description of Subject Property

Recorded in Map book 5, Page 35, Jefferson Co, Al Situated in Section 14, Township 18 South, Range 2 West Lot 11

REASONS FOR REQUEST

Front Setback Variance



Setback Required

35

Setback Requested

20

ZONING

Vestavia Hills Zoning for the subject property is

R2

PROJECT

Describe the scope of the project and/or the reason for requesting this variance.

Odd Shape Lot

HARDSHIP

Please answer the following questions regarding hardship and briefly summarize and describe those things which you feel justify the action requested in the box below. An Undue Hardship is required in order to seek a variance. 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).

Adding a Heavy Timber Frame Carport to the side of House with concrete parking surface.
We have an Odd Shape Lot within a Cul-de-sac and Septic Tank and fill Lines in Back Yard

Before any variance is granted, the BZA must find that ALL of the following conditions exist. Please describe each of the following details in order for the BZA to determine if these warrants the described hardship.

1. There are extraordinary and exceptional conditions, which are peculiar to the piece of property in question because of its size, shape or topography, that are not applicable to the other lands or structures in the same district. Please explain:

Odd shape lot within a Cul-de-sac

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other owners of property in the District in which the property is located. Please explain:

Agreed

3. All literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by others of property in the district in which the property is located. Please explain:

Odd Shape Lot, adding carport for Covered parking

4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare. Please explain:

Architectural Details to match existing House details

5. The special circumstances are not the intended result of the actions of the applicant (i.e., self-imposed hardship). Please explain:

NA

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure. Please explain:

House was built before annexations under Jefferson County building setbacks

7. The no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.

8. That a variance will not allow the permanent establishment of a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Variance request is for identifying a side set back

NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase the financial return from land; or (2) personal or economic hardship; or (3) self-imposed hardship. In other words, hardship alone is not sufficient to permit a variance. It must be an "unnecessary

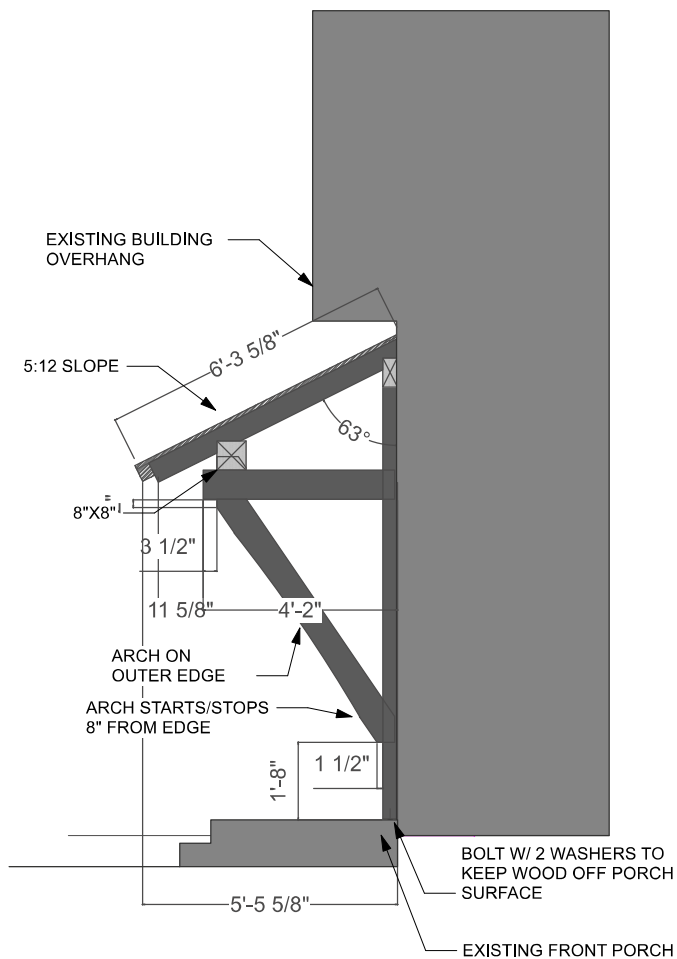
hardship." Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an "unnecessary hardship."

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. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments section of this application. NOTE: Applications cannot be processed without the notarized owners affidavit. Owners authorization may be found on our main page.

Owner Signature

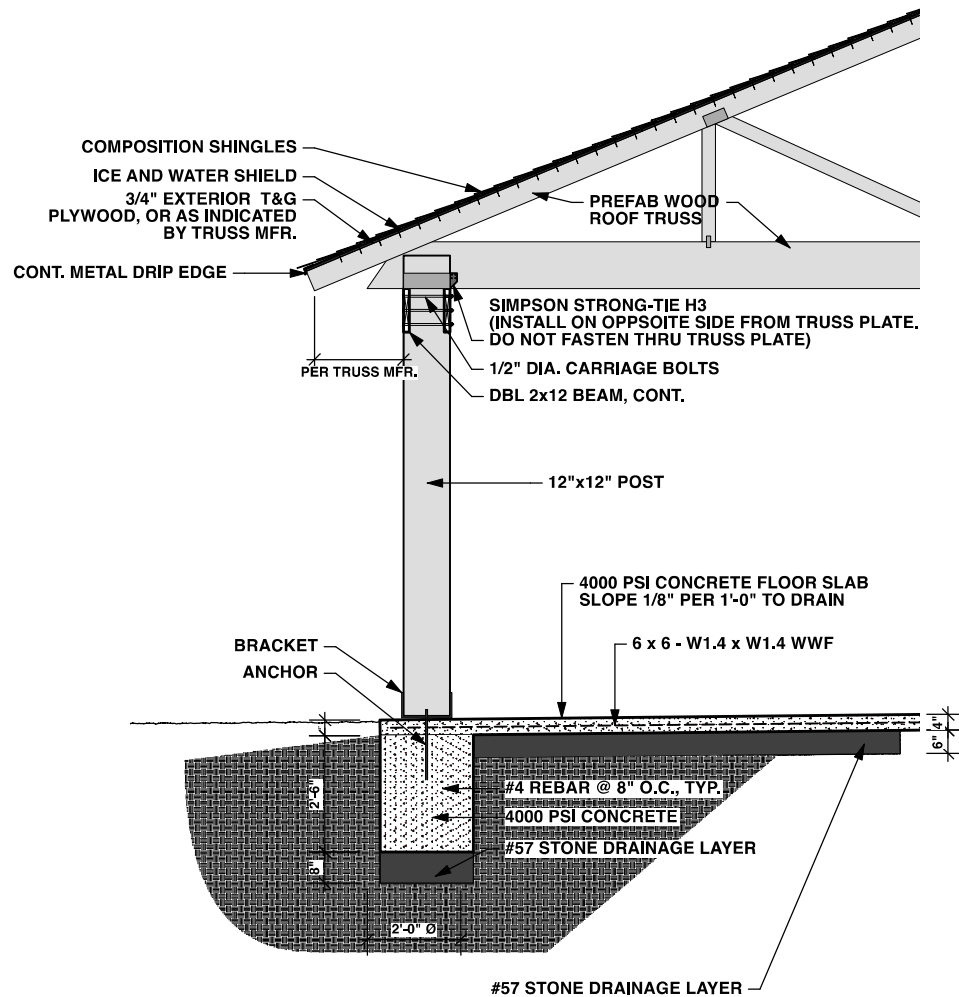
Zachary Shaw Anderson
05/15/2023



1

PORCH OVERHANG DETAIL

Scale: 3/8" = 1'-0"



2

CAR PORT DETAIL

Scale: 3/8" = 1'-0"

NOT FOR
CONSTRUCTION

FOR REVIEW

ANDERSON RESIDENCE
SITE PLAN FOR CAR PORT
3313 WILLIS DRIVE
VESTAVIA HILLS, ALABAMA

REVISIONS

NO. DATE

DESCRIPTION

NO. DATE

Details

JOB NO: RESI-2301
DATE: 5/11/23
DRAWN BY: AW
CHECKED BY: ALR
SHEET NUMBER

L02

STATE OF ALABAMA
JEFFERSON COUNTY

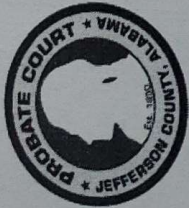
Zach & Natalie Anderson
Front Variance for a Carport

NULLIFICATION OF RESTRICTION

The undersigned majority of the owners of Lots in survey recorded as:
Map book 5, Page 35, Jefferson Co, Al Situated in Section 14, Township 18 South,
Range 2 West agree to offer Lot #11 relief from front setback of 35' due to Hardship.

Zachary Shaw Anderson Lot #11

Owner <u>Zachary Shaw Anderson</u>	Lot # <u>1</u>	<u>3329</u>	Date <u>6-22-23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>2</u>	<u>3325</u>	Date <u>6-22-23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>3</u>	<u>3321</u>	Date <u>6/22/23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>4</u>	<u>3317</u>	Date <u>6/22/23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>4</u>	<u>3316</u>	Date <u>6/22/2023</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>5</u>	<u>3310</u>	Date <u>6/22/2023</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>6</u>	<u>3306</u>	Date <u>6/21/23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>7</u>	<u>3302</u>	Date <u>6/21/23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>8</u>	<u>3301</u>	Date <u>6/21/23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>9</u>	<u>3305</u>	Date <u>6/21/23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>10</u>	<u>3309</u>	Date <u>6/21/23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>12</u>	<u>3318</u>	Date <u>6/21/23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>13</u>	<u>3322</u>	Date <u>6/22/23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>14</u>	<u>3315</u>	Date <u>6-22-23</u>
Owner <u>Zachary Shaw Anderson</u>	Lot # <u>15</u>	<u>3326</u>	Date <u>6/22/23</u>



Judge James P. Naffel and Judge Sherri C. Friday
Judge of Probate
Jefferson County Courthouse
716 Richard Arrington Jr. Blvd. North
Birmingham, AL 35203
(205) 325-5300

CUSTOMER INFORMATION

ZACH ANDERSON

TRANSACTION INFORMATION

Transaction #: 11078939
Receipt #: 1443998
Cashier Date: 06/23/2023
Print Date: 06/23/2023
Cashier By: WORTHYV

Source Code:
Return Code:
Comments:

Over the Counter
Over the Counter

NOTICE

Instrument.: 2023058933

From: ANDERSON ZACH

To:

RECORDING FEE

\$5.00

ARCHIVAL FEE

\$11.00

Document Total:

\$16.00

PAYMENT: CHECK

1103

AMOUNT:

\$16.00

Void / Revised Reason:

Total Payments: \$ 16.00

Total Fees:

\$ 16.00

Shortage: \$ 0.00

Overage: \$ 0.00

Total Change Returned:

\$ 0.00



City of Vestavia Hills
Office of the City Clerk

OWNER AFFIDAVIT (This form must be notarized):

I do hereby declare that the following statements are correct concerning the subject property located at: 3313 Willis Dr, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply)*.

☒ the Property Owner and representing myself in said request.

☐ the Property Owner, but I am authorizing a Representing Agent by the name of: _____ to represent me in the following request:

And am requesting: (please check)

☐ Rezoning Request
☐ Preliminary Plat Approval
☐ Final Plat Approval
☐ Conditional Use Approval

☒ Request for Variance
☐ Special Exception
☐ Design Review Approval

Signed: _____

Owner Signature/Date

5-15-23

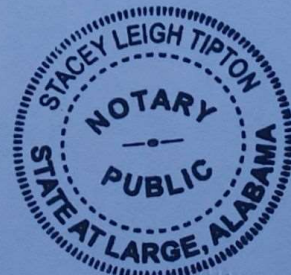
STATE OF ALABAMA

COUNTY OF Tefferson

Given under my hand and seal
this 15th day of May, 2023.

Stacey Leigh Tipton
Notary Public

My commission expires 27th day of May, 2023.





VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

July 20, 2023

AGENDA ITEM

BZA-23-15 **Joe and Kayla Meadow** are requesting a **Front Setback Variance** for the property located at **3317 Cherry Tree Lane**. The purpose of this request is to reduce the front setback to 45' in lieu of the required 60', to build a new house. The property is owned by Joe Meadows and is zoned **Vestavia Hills R-1**.

BACKGROUND

15' Front Setback Variance to Reduce the Setback to 45' in Lieu of the Required 60'.

PLANNER'S REVIEW/RECOMMENDATION

Applicants are seeking a front setback variance to build a new house. The applicants contend the drainage ditch in the rear and the topography forces the house to be built closer to the front of the lot. The existing home, which will be demolished, already sits at the requested setback. The flood plain of Little Shades Creek encompasses a portion of the lot, also limiting buildable area. This property is zoned R-1 and staff has no issues with the request.

ATTACHMENTS

1. Application
2. Current Survey
3. Proposed Site Plan
4. Owners Affidavit

Jack Wakefield
City Planner



BZA-23-15

Variance and Special Exception Application

Status: Active

Date Created: Jun 15, 2023

Applicant

Wade Lowery
wade@edgalabama.com
120 Bishop Circle
Pelham, AL 35124
2054039158

Primary Location

3317 CHERRY TREE LN
VESTAVIA HILLS, AL 35216

Owner:

Joe and Kayla Meadow
3317 Cherry Tree LN Vestavia Hills, AL 35216

Agenda Information

Agenda Scheduling

July 2023

Applicant Information

I am filling this out as the
Representative Agent

Billing/Responsible Party

Name

Joe Meadow

Phone #

205-587-1049

Address

3317 Cherry Treen LN

City/State/Zip

Vestavia Hills, AL 35216

Email

joe@mortgageright.com

Representing Attorney/Other Agent

Name

Wade Lowery

Phone #

205-403-9158

Address

120 Bishop Circle

City/State/Zip

Pelham, AL 35124

Email

wade@edgalabama.com

Subject Property Information

Subject Property Address

3317 Cherry Tree LN, Vestavia Hills, AL 35216

Legal Description of Subject Property

LOT 179 BUCKHEAD 8TH SECT 60/63 LESS & EXC PT IN LITTLE SHADES CREEK

REASONS FOR REQUEST

Front Setback Variance**Setback Required**

60'

Setback Requested

45'

ZONING

Vestavia Hills Zoning for the subject property is

R-1

PROJECT

Describe the scope of the project and/or the reason for requesting this variance.

The Owner wishes to construct a new home within the property. After a review of site conditions (topography and drainage), it is necessary to construct the home toward the front property line to avoid disturbance to an existing drainage ditch within the property. Shifting the home site toward the front property line will allow proper grading to achieve positive drainage away from the home.

The existing home is situated approximately 45' from the front property line (closer than the required 60' front setback), and the proposed home will be constructed at the same distance from

the front property line. Essentially, if a front setback variance is granted, it will maintain the existing site condition.

HARDSHIP

Please answer the following questions regarding hardship and briefly summarize and describe those things which you feel justify the action requested in the box below. An Undue Hardship is required in order to seek a variance. 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).

An existing home within the site will be demolished. That existing structure is situated approximately 45' from the front property line. The proposed home will be situated at approximately the same distance from the property line (+/- 45') which is in violation of the setback requirement (60'). Building area within the site is limited by the flood plain of Little Shades Creek as well as a drainage ditch that conveys off-site storm water through the subject property. A variance to the front setback will maintain the current site condition.

Before any variance is granted, the BZA must find that ALL of the following conditions exist. Please describe each of the following details in order for the BZA to determine if these warrants the described hardship.

1. There are extraordinary and exceptional conditions, which are peculiar to the piece of property in question because of its size, shape or topography, that are not applicable to the other lands or structures in the same district. Please explain:

The site is located at the bottom/low end of Cherry Tree Lane. Drainage from other properties passes through this site en route to Little Shades Creek. The flood plain of Little Shades Creek extends into this property.

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other owners of property in the District in which the property is located. Please explain:

Correct. Other property within the district can request same variances.

3. All literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by others of property in the district in which the property is located. Please explain:

The required front setback for the R-1 district is 60'. Utilizing a 60' front setback would deprive the Owner of their ability to construct the home.

4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare. Please explain:

This lot/home site is at the end of Cherry Tree Lane. A 15' variance to the front setback would not be injurious to the neighborhood. The current/existing home is approximately 45' from the front property line, and the proposed home would be set likewise (see conceptual site plan).

5. The special circumstances are not the intended result of the actions of the applicant (i.e., self-imposed hardship). Please explain:

The applicant wishes to construct a new home within the site. The home's proximity to the property line will match that of the current/existing home. The proposed home will be constructed

within the most "useable" portion of the lot. The Owner has no control over the flood plan of Little Shades Creek, and does not intend to relocate/redirect the existing drainage ditch conveying off-site storm water through the property.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure. Please explain:

Yes. The Owner wishes to keep the proposed home as far from the front property line as is possible, and still be able to construct the home.

7. The no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.

8. That a variance will not allow the permanent establishment of a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

The proposed use is single-family residential, a conforming use within the R-1 zoning district.

NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase the financial return from land; or (2) personal or economic hardship; or (3) self-imposed hardship. In other words, hardship alone is not sufficient to permit a variance. It must be an "unnecessary hardship." Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an "unnecessary hardship."

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. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments

Representing Agent Signature

Wade Hampton Lowery
06/15/2023

section of this application. NOTE: Applications cannot be processed without the notarized owners affidavit. Owners authorization may be found on our main page.



City of Vestavia Hills
Office of the City Clerk

OWNER AFFIDAVIT (This form must be notarized):

I do hereby declare that the following statements are correct concerning the subject property located at: 3317 Cherry Tree Ln, Vestavia Hills, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply)*.

☐ the Property Owner and representing myself in said request.

☒ the Property Owner, but I am authorizing a Representing Agent by the name of: Wade Lowery - Engineering Design Group to represent me in the following request:

And am requesting: (please check)

☐ Rezoning Request
☐ Preliminary Plat Approval
☐ Final Plat Approval
☐ Conditional Use Approval

☒ Request for Variance
☐ Special Exception
☐ Design Review Approval

Signed: _____

Owner Signature/Date

06/15/23

STATE OF ALABAMA

COUNTY OF Blount

Given under my hand and seal
this 15th day of June, 2023.

Jeff Hull
Notary Public

My commission expires 27th day of May, 2026.

