



**Vestavia Hills
Board of Zoning Adjustment Agenda
January 16, 2025
6:00 PM**

1. Roll Call
2. Approval Of Minutes: December 19, 2024
3. BZA-24-28 **Amanda Chambers** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1905 Seneca Road**. The purpose of this request is to build a privacy fence in the front setback. The property is owned by Amanda Chambers and is zoned **Vestavia Hills R-2**.
4. BZA-24-30 **Joseph Miller** is requesting a **Front Setback Variance** for the property located at **3536 Squire Lane**. The purpose of this request is to reduce the front setback to 22' in lieu of the required 60', to build a garage and living space addition. The property is owned by William and Alicia Gettys and is zoned **Vestavia Hills R-1**.
5. BZA-24-31 **Patrick Gilbert** is requesting a **Variance for Location of Fence in the Front Setback & Side Setback Variance** for the property located at **3768 Glass Drive**. The purpose of this request is to build a privacy fence in the front setback & to reduce the side setback to 2' in lieu of the required 10', to build an outdoor living space. The property is owned by Wedgworth Construction and is zoned **Vestavia Hills R-4**.
6. Time Of Adjournment

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

December 19, 2024

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
Thomas Parchman
Tony Renta

MEMBERS ABSENT

Loring Jones, III

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of November 21, 2024 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of November 21, 2024 was made by Mr. Fliegel and 2nd was by Mr. Parchman. Motion as carried on a voice vote as follows:

Mr. Fliegel – yes	Mr. Renta – yes
Mr. Greer – yes	Chairman Rice – yes
Mr. Parchman – yes	
Motion carried.	

FRONT SETBACK VARIANCE

BZA-24-27 **Joe Ellis** is requesting a **Front Setback Variance** for the property located at **2017 Wedgewood Road**. The purpose of this request is to reduce the front setback to 20' in lieu of the required 50', to build a garage and master suite addition. The property is owned by Pearson Lewis and is zoned **Vestavia Hills R-3**.

Mr. Wakefield explained that this is a request to build a garage and master suite addition.

Joe Ellis, 1625 Linda Vista Lane, was present for the case and stated that the corner lot causes a hardship. The location of the house, makes this the most suitable area for a garage addition. He also said they will be removing driveway impervious area, so they will meet guidelines from Engineering.

Mr. Fliegel asked for clarification on the driveway hardscape.

Mr. Ellis stated that the garage will encompass current driveway area, but some of the existing driveway won't be needed.

Chairman Rice asked if they will be maintaining the current two driveway entrances.

Mr. Ellis stated they will be and pointed to the drawing on the screen to help the Board understand.

Chairman Rice noted that the existing house is already out of compliance.

Mr. Greer asked if there are any renderings.

Mr. Ellis stated that not at the moment, but everything on the new addition will match the house.

Chairman Rice opened the floor for a public hearing. There being no one present in regard to the request; Chairman Rice closed the public hearing and opened the floor for a motion.

MOTION Motion to APPROVE a 30' Front Setback Variance to Reduce the Setback to 20' in Lieu of the Required 50', for the property located at 2017 Wedgewood Road was made by Mr. Fliegel and 2nd was by Mr. Renta. Motion was carried on a roll call vote as follows:

Mr. Fliegel – yes	Mr. Renta – yes
Mr. Greer – yes	Chairman Rice – yes
Mr. Parchman – yes	
Motion carried.	

At 6:10 PM, Mr. Greer made a motion to adjourn. The meeting adjourned at 6:10 PM.

Jack Wakefield, Planner/GIS



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

January 16, 2025

AGENDA ITEM

BZA-24-28 **Amanda Chambers** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1905 Seneca Road**. The purpose of this request is to build a privacy fence in the front setback. The property is owned by Amanda Chambers and is zoned **Vestavia Hills R-2**.

BACKGROUND

Variance for Location of Fence in the Front Setback.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a variance for the location of a fence within the front setback. The applicant contends the corner lot causes a hardship. The fence will go on the side of the house, but within the Post Oak Road frontage. This will be a 7' tall wooden fence. This is zoned Vestavia Hills R-2.

ATTACHMENTS

1. Application
2. Fence Location Drawing
3. Owner's Affidavit

Jack Wakefield
City Planner



BZA-24-28

Variance Application

Status: Active

Submitted On: 12/10/2024

Primary Location

1905 SENECA RD
VESTAVIA HILLS, AL 35216

Owner

amanda and ty chambers
Seneca Rd 1905 Seneca Rd
Vestavia Hills, AL 35216

Applicant

 amanda chambers
 256-490-3585
 ac3153352@gmail.com
 1905 seneca rd
vestavia , al 35216

Agenda Information

Agenda Scheduling

January 2025

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

ty and amanda chambers

Phone #

2564903585

Address

1905 seneca rd

City/State/Zip

vestavia al 35216

Email

ac3153352@gmail.com

Subject Property Information

Subject Property Address

1905 seneca rd vestavia al 35216

Legal Description of Subject Property 

Lot 1-A and Lot 4

REASONS FOR REQUEST

Front Setback Variance

☐

Rear Setback Variance

☐

Side Setback Variance

☐

Other Setback Variance

☐

Lot Area Variance

☐

Lot Width Variance

☐

Variance for location of a fence.

☒

Details ?

corner lot and would like to place fence (40 feet abck from road) on post oak side to keep children safe while playing in yard.

Sign Code Variance

☐

A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.

☐

Other

☐

ZONING

Vestavia Hills Zoning for the subject property is

R-2

PROJECT

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

backyard fence and we are in a hardship related to having a corner lot and need for a enclosed back yard for our children to play.

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).*

corner lot

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:*

corner lot and request of a fence

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:*

many other lots in the neighborhood and on our street that are corner lots have fenced in back yards

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:*

safe access to a fenced in back yard for small children to play with the max yard capacity that is allowed for neighbors without a corner lot

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:*

well built fence siilar to other syles within the neighborhood

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

this hardship is from the city and fact of corner lot ownwership adn not a 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:*

there is not other way to fence in our back yard to allow for safe play of small children

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.*

agreed

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."

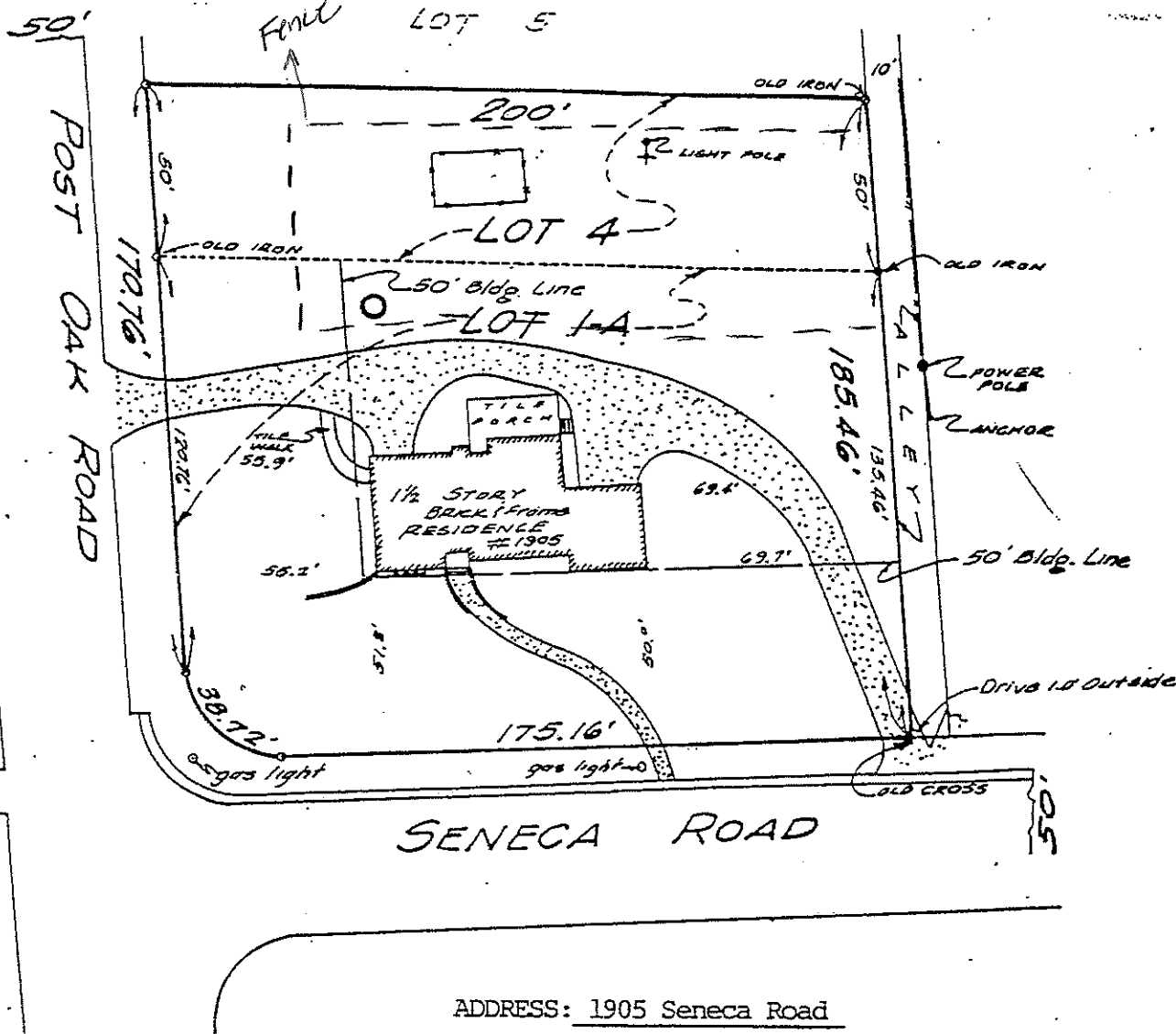
OWNER AFFIDAVIT

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

✓ amanda chambers
Dec 9, 2024

SCALE: 1"=50'



STATE OF ALABAMA)
JEFFERSON COUNTY

I, Laurence D. Weygand, Engineer-Land Surveyor, certify that I have surveyed the land shown above; that there are no right-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors, and guy wires, on or over said premises except as shown, that there are no encroachments on said land except as shown, that I have consulted the Federal Insurance Administration Flood Hazard Boundary Map and found that this property is not located in a special flood hazard area; that improvements are located as shown above and that the correct description is as follows:

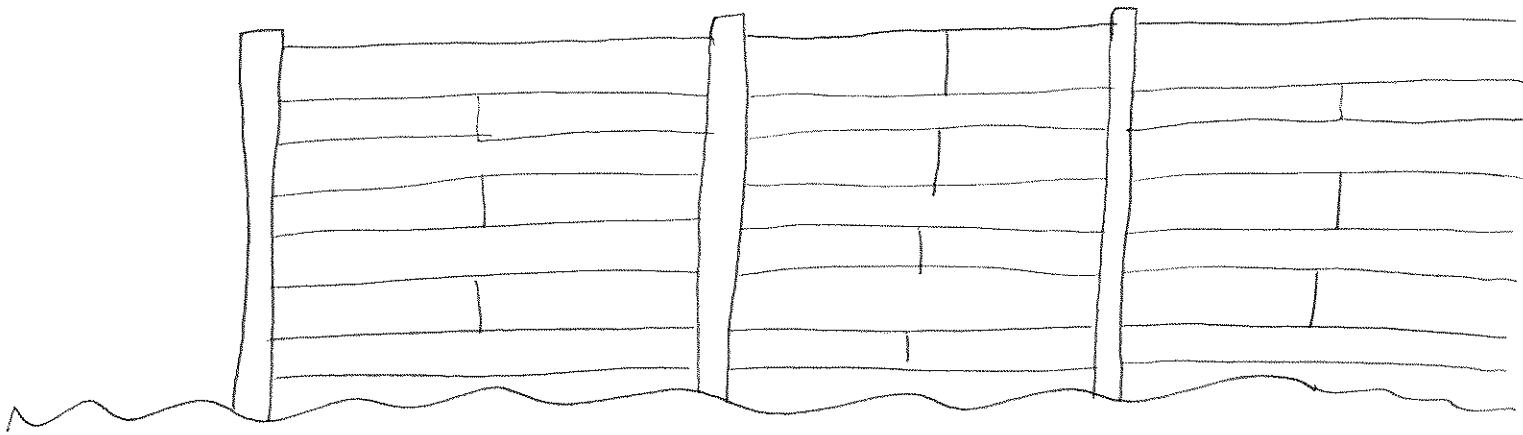
Lot 1-A, Block 1, of A Resurvey of Lots 1, 2, & 3, Block 1, Waldrige Terrace, as recorded in the Office of the Judge of Probate, Jefferson County, Alabama, in map book 65, page 61 AND LOT 4, Waldrige Terrace as recorded in the Office of the Judge of Probate, Jefferson County, Alabama, in map book 16, page 68.

According to my survey of December 2, 1989

Order No: 42625

Laurence D. Weygand
Laurence D. Weygand-Reg/P.E. & L.S. #10373
PH: 939-0900

Wooden Fence made of 16ft wood
decking boards. 7ft tall.





**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: 1905 Seneca Rd, 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.

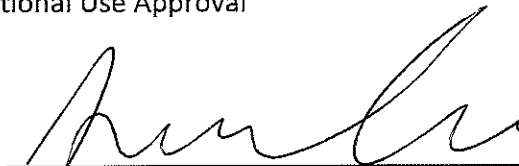
_____ the Property Owner, but I am authorizing a Representing Agent by the name of: _____ to represent me in the following request:

And am requesting: (please check)

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

☒ Request for Variance
_____ Special Exception
_____ Design Review Approval

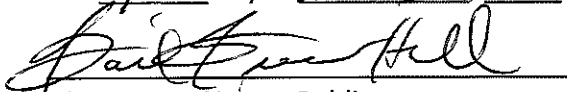
Signed:


Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Jefferson

Given under my hand and seal
this 10th day of December, 2024.


Notary Public

My commission expires 9th day of December, 2027.



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

January 16, 2025

AGENDA ITEM

BZA-24-30 **Joseph Miller** is requesting a **Front Setback Variance** for the property located at **3536 Squire Lane**. The purpose of this request is to reduce the front setback to 22' in lieu of the required 60', to build a garage and living space addition. The property is owned by William and Alicia Gettys and is zoned **Vestavia Hills R-1**.

BACKGROUND

38' Front Setback Variance to Reduce the Setback to 22' in Lieu of the Required 60'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a front setback variance to build a garage and addition behind garage. That applicant contends the corner lot and steep terrain on the property causes a hardship, limiting buildable area. The main addition is on the side of the house, but within the front setback. Because of the deep slope in the rear and side of the property, the only feasible place for a functioning garage is to push out into the front setback. This is zoned Vestavia Hills R-1.

ATTACHMENTS

1. Application
2. Proposed Drawing
3. Vicinity Map
4. Pictures
5. Owner's Affidavit

Jack Wakefield
City Planner



BZA-24-30

Variance Application

Status: Active

Submitted On: 12/17/2024

Primary Location

3536 SQUIRE LN
VESTAVIA HILLS, AL 35243

Owner

William and Alicia Gettys
Squire Lane 3536 Vestavia Hills ,
Al 35242

Applicant

 Joseph Miller
 205-283-5878
 jmiller@mttreng.com
 3 Riverchase Ridge
Hoover, AL 35244
Birmingham, Alabama 35244

Agenda Information

Agenda Scheduling

January 2025

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Representative Agent

Billing/Responsible Party

Name

Joseph A. Miller III

Phone #

205-283-5878

Address

3 Riverchase Ridge

City/State/Zip

Hoover, Al. 35244

Email

jmiller@mttreng.com

Representing Attorney/Other Agent

Name

Joseph A. Miller, III

Phone #

205-283-5878

Address

3 Riverchase Ridge

City/State/Zip

Hoover, AL 35244

Email

jmiller@mttreng.com

Subject Property Information

Subject Property Address

3536 Squire Lane

Legal Description of Subject Property ?

Lot 1 B of Resurvey of Lot 1 St. Joseph's Retreat, Map Book 200, Page 27

REASONS FOR REQUEST

Front Setback Variance



Setback Required*

60' by R-1 Zoning

Setback Requested*

22.5'

Rear Setback Variance

☐

Side Setback Variance

☐

Other Setback Variance

☐

Lot Area Variance

☐

Lot Width Variance

☐

Variance for location of a fence.

☐

Sign Code Variance

☐

A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.

☐

Other

☐

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 rear of the property is very steep, the lot is not very deep, 119.0 feet.
The only buildable area is to the front of the Lot where the current driveway is.
The owners wish to add a new garage and addition behind the new garage.
The grades along the street are such the only place to access the lot is where the current drive is located.

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).*

Front setback requirements for R-1 Zoning is 60 feet
Current house is 35.03' off Squire Lane
We are requesting a 22.50' front setback due to topography and lot configuration.

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 portion of the lot behind the house is very steep, it is not practical to expand the house to the rear.
The only buildable portion of the lot is the front of the 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:*

The lot has topographical challenges that many lots don't have.

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 Lot is 119.00 feet deep. The rear of the lot is not buildable. The only area that can be built is the front yard

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 houses across the street are significantly below the road elevation of Squire Lane. The lot to the west is vacant. The lot east of Dolly Ridge Road is buffered by a natural area.

The lot south of the subject property will not be affected by the addition.

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

The only buildable area for a new garage and house addition are where the current drive is located.

The existing drive is located in this area because it is the best place to access Squire Lane.

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

The addition will be located on the existing driveway and will not increase the footprint of the impervious area.

This is the best location for the addition.

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 use of the property will continue to be R-1 Single Family

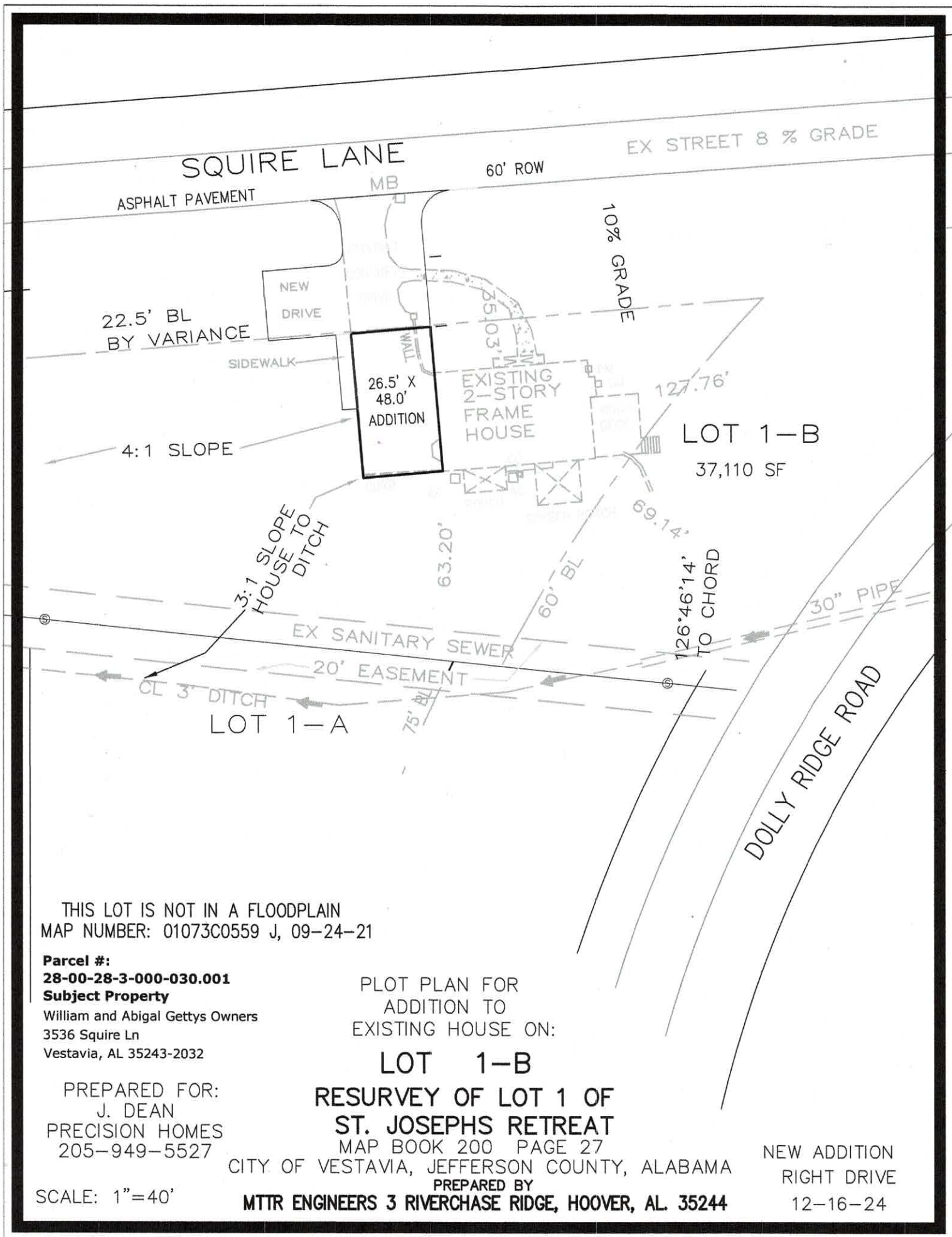
NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase 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.

Representing Agent Signature ?

✓ Joseph A Miller, III
Dec 16, 2024



THIS LOT IS NOT IN A FLOODPLAIN
MAP NUMBER: 01073C0559 J, 09-24-21

Parcel #:
28-00-28-3-000-030.001
Subject Property
William and Abigal Gettys Owners
3536 Squire Ln
Vestavia, AL 35243-2032

PREPARED FOR:
J. DEAN
PRECISION HOMES
205-949-5527

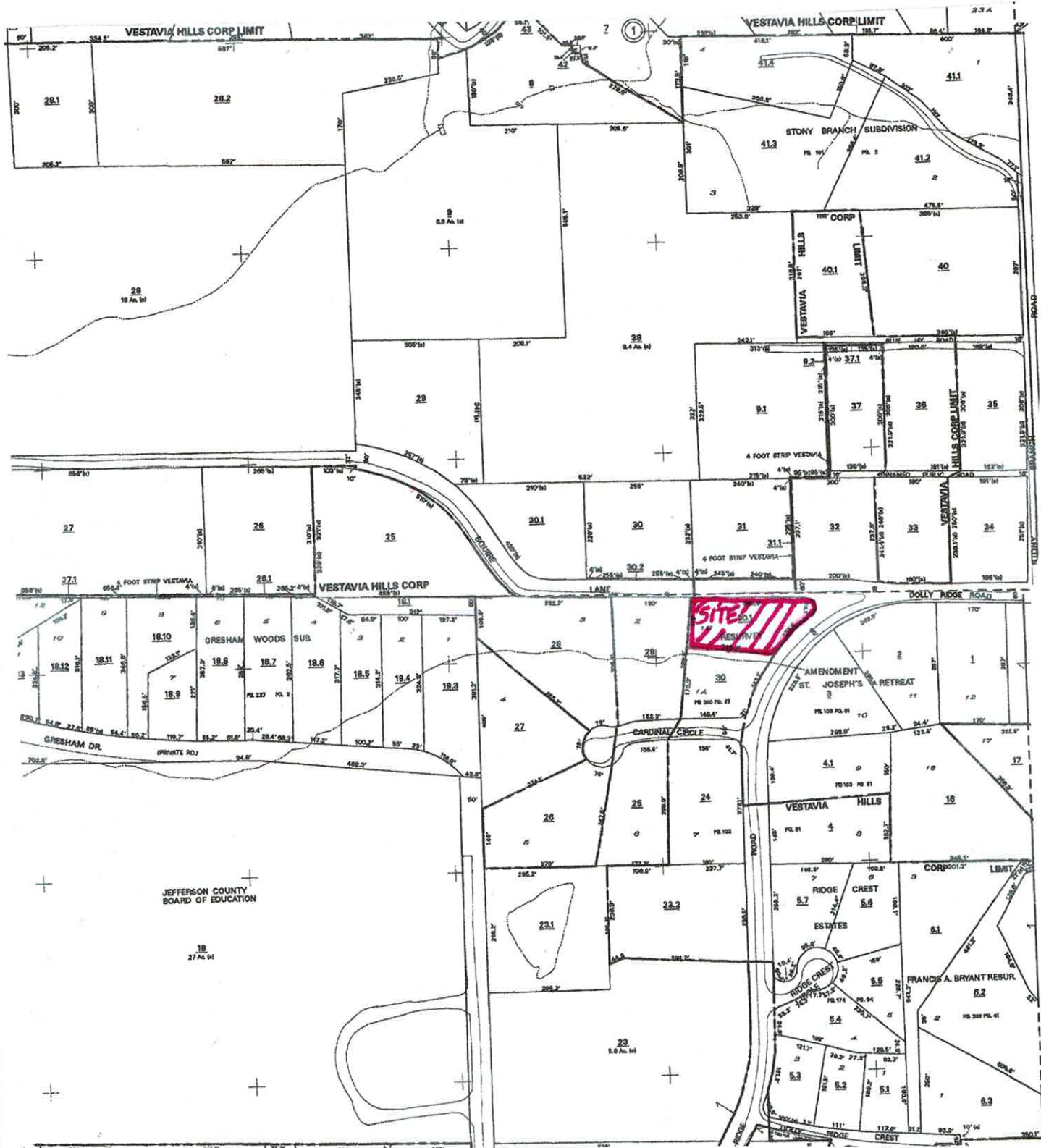
PLOT PLAN FOR
ADDITION TO
EXISTING HOUSE ON:

LOT 1-B
RESURVEY OF LOT 1 OF
ST. JOSEPHS RETREAT
MAP BOOK 200 PAGE 27

CITY OF VESTAVIA, JEFFERSON COUNTY, ALABAMA
PREPARED BY
MTTR ENGINEERS 3 RIVERCHASE RIDGE, HOOVER, AL. 35244

NEW ADDITION
RIGHT DRIVE
12-16-24

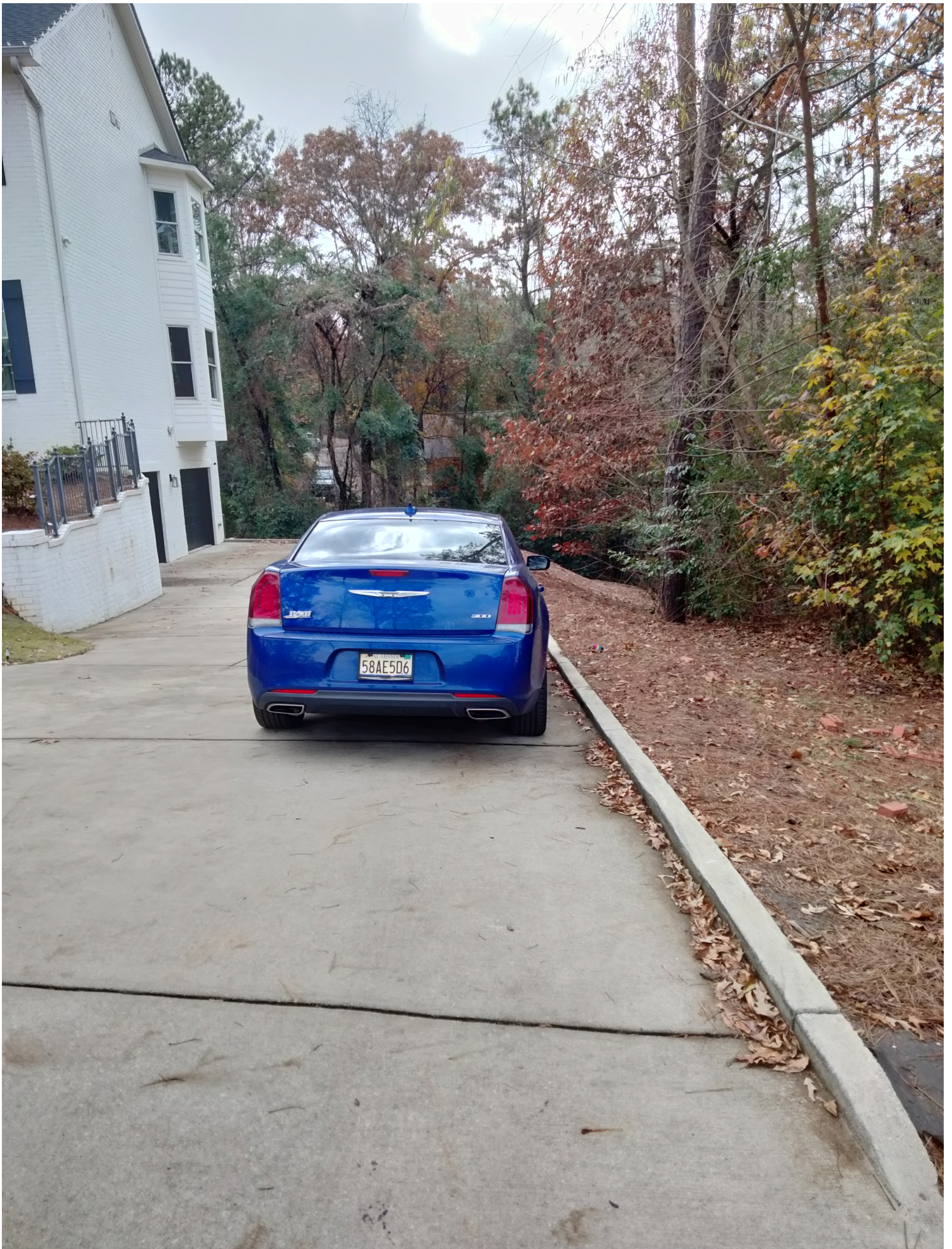
SCALE: 1"=40'



VARIANCE FOR
Parcel #: 28-00-28-3-000-030.001
3536 Squire Ln Vestavia, AL 35243
Lot 1-B Of A Resur Of Lot 1 St Josephs Retreat Survey
AS RECORDED IN MAP BOOK 200, PAGE 27 IN THE
JEFFERSON COUNTY PROBATE OFFICE

VICINITY MAP
PREPARED BY
JOSEPH A. MILLER, III
PE/LS 17054
MTTR ENGINEERS, INC.
3 Riverchase Ridge
PHONE (205) 320-0114

12.16.24











DESIGNATION OF AUTHORIZED AGENT/ATTORNEY-IN-FACT

The undersigned owner/owners of the property described in the application hereby designate Joseph A. Miller, III as the authorized agent/attorney-in-fact with the following powers and authority to do all things that may be required in order to apply for a Variance of said property including but not limited to completion and execution of applications, receipt of notices, execution of acknowledgements, attendance and presentations of evidence at all hearings and execution of agreements.

Alicia Betty / Willard
OWNER

35310 Squire Ln.
ADDRESS

Vestavia AL 35243

205 - 239 - 8050
TELEPHONE

AUTHORIZED AGENT / ATTORNEY-IN-FACT JAM III
12.16.24

Joseph A. Miller, III
NAME

3 Riverchase Ridge
Hoover, AL 35244
ADDRESS

205-320-0114
TELEPHONE

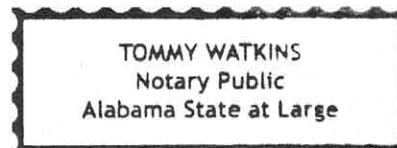
State of Alabama

I, the undersigned Notary Public, hereby certify that Joseph A. Miller III

OF AUTHORIZED AGENT / ATTORNEY-IN-FACT, whose name(s) is/are signed to the foregoing DESIGNATION has/have acknowledged to me under oath that they have read and understand the foregoing and executed same before me on this day.

Given under my hand and Official Seal this 16th day of December 2024.

Tommy Watkins
April 18, 2026
Commission Expires



My Commission Expires
April 18, 2026



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

January 16, 2025

AGENDA ITEM

BZA-24-31 **Patrick Gilbert** is requesting a **Variance for Location of Fence in the Front Setback & Side Setback Variance** for the property located at **3768 Glass Drive**. The purpose of this request is to build a privacy fence in the front setback & to reduce the side setback to 2' in lieu of the required 10', to build an outdoor living space. The property is owned by Wedgworth Construction and is zoned **Vestavia Hills R-4**.

BACKGROUND

Variance for Location of Fence in the Front Setback.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a variance for the location of a fence within the front setback and a side setback variance to allow for an outdoor living space. The applicant contends the corner lot and odd shaped lot causes a hardship. The fence is needed because of the pool in the rear. A pool must be fenced, per the Code. The fence will go on the side of the house, but within the Midland Drive frontage, and will be located close to the property line. The living area will be to the side of the pool, and will be about 2' from the property line. This is zoned Vestavia Hills R-4.

ATTACHMENTS

1. Application
2. Site Plan
3. Proposed Site Plan
4. Outdoor Living Area Picture
5. Backyard Area
6. Neighboring Structure
7. Neighbor Fence
8. Owner's Affidavit

Jack Wakefield
City Planner



BZA-24-31

Variance Application

Status: Active

Submitted On: 12/17/2024

Primary Location

3768 GLASS DR
VESTAVIA HILLS, AL 35223

Owner

Wedgworth Construction
Crosshaven Drive 4154 Vestavia,
Al 35243

Applicant

 Patrick Gilbert
 205-542-9940
 patrick@wedgworth.net
 4154 Crosshaven Drvie
4154 Crosshaven Drive
Vestavia, AL 35243

Agenda Information

Agenda Scheduling

January 2025

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Wedgworth Construction

Phone #

2053796054

Address

4154 Crosshaven Drive

City/State/Zip

Vestavia Al 35243

Email

patrick@wedgworth.net

Subject Property Information

Subject Property Address

3768 Glass Drive

Legal Description of Subject Property ?

28 00 15 1 014 001.000

REASONS FOR REQUEST

Front Setback Variance

☐

Rear Setback Variance

☐

Side Setback Variance

☐

Other Setback Variance

☐

Lot Area Variance

☐

Lot Width Variance

☐

Variance for location of a fence.

☒

Details ?

Due to the nature of this being a corner lot it is set up with two front set backs. We are requesting for a variance for the set back that runs parrallel with Midland drive to extend our fence beyound the set back. This is also a fence that will enclose a pool.

Sign Code Variance

☐

A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.

☐

Other

☒

Details ?

We are also requesting a variance to build a outdoor/pool living area. This will be an open air area with a solid covering over it. We are requesting this be allowed within 2' of the property line. Please see attached drawing. Please also see neighbors existing structure on the lot that is next to ours.

ZONING

Vestavia Hills Zoning for the subject property is

R-2

PROJECT

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

We are seeking a variance for two different items.

1. We are seeking a variance for side set back parallel to Midland drive to extend our fence closer to the road.
2. We are seeking a variance to allow for an outdoor living space in the back yard near the pool.

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 hardship that is placed on this lot is due to it being a corner lot so it has 2 different "front set" backs. This hardship would require our fence to be pushed back to where our back yard would not be conducive to what we are trying to achieve.

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 extraordinary condition that exist on this property is the fact that it is a corner lot. We also believe that outdoor living space is granted due to the nature that our neighbor was allowed to have it.

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:*

Other may be denied this request but may also not have the hardship of a corner lot.

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:*

Again due to the nature of a corner lot the hardship of having two front set backs is the reason for this request.

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:*

Correct as we will protect sight lines from being hindered.

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

Correct this is not asking for forgiveness but permission to allow us to do this.

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

Correct we are only seeking to for what is needed not extra.

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.*

We are seeking this variance to allow for the proper install of a fence around pool that we are scheduled to put in. This variance would allow us to have adequate space around the pool for people to be able to walk around.

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



Patrick Gilbert

Dec 17, 2024

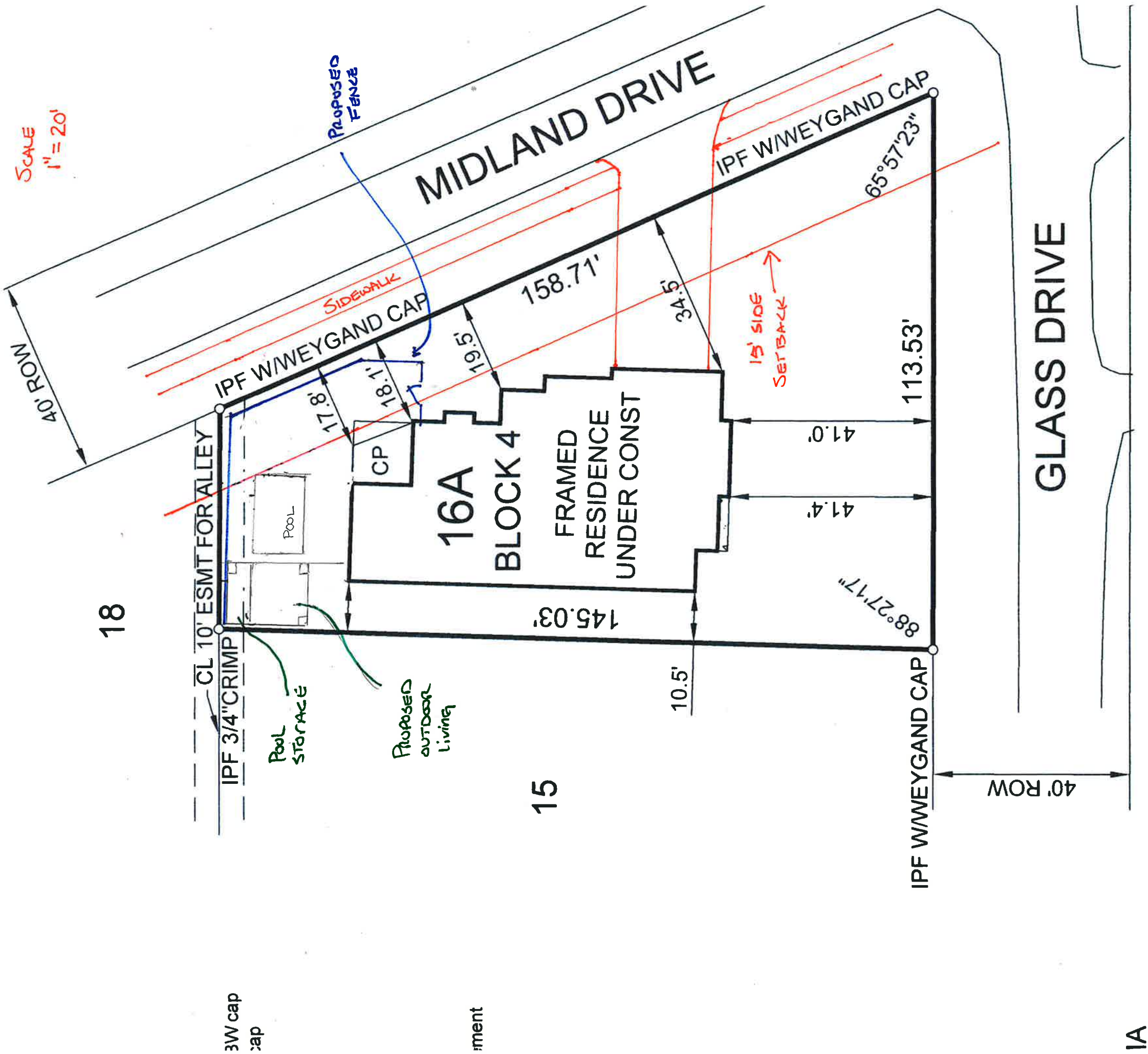
SCALE: 1"=40'



PREPARED BY: SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE SUITE M
BIRMINGHAM, AL 35242
(205) 991-8965

PREPARED FOR: WEDGWORTH CONSTRUCTION
4154 CROSSHAVEN DRIVE
VESTAVIA HILLS, AL 35243
(205) 967-1831

\\ACAD\\SUBDIVISION\\JEFFERSON COUNTY\\GLASS ADD TO NEW MERKLE\\LOT18 BLK4 GLASS 3RD ANN TO NEW MERKLE SP

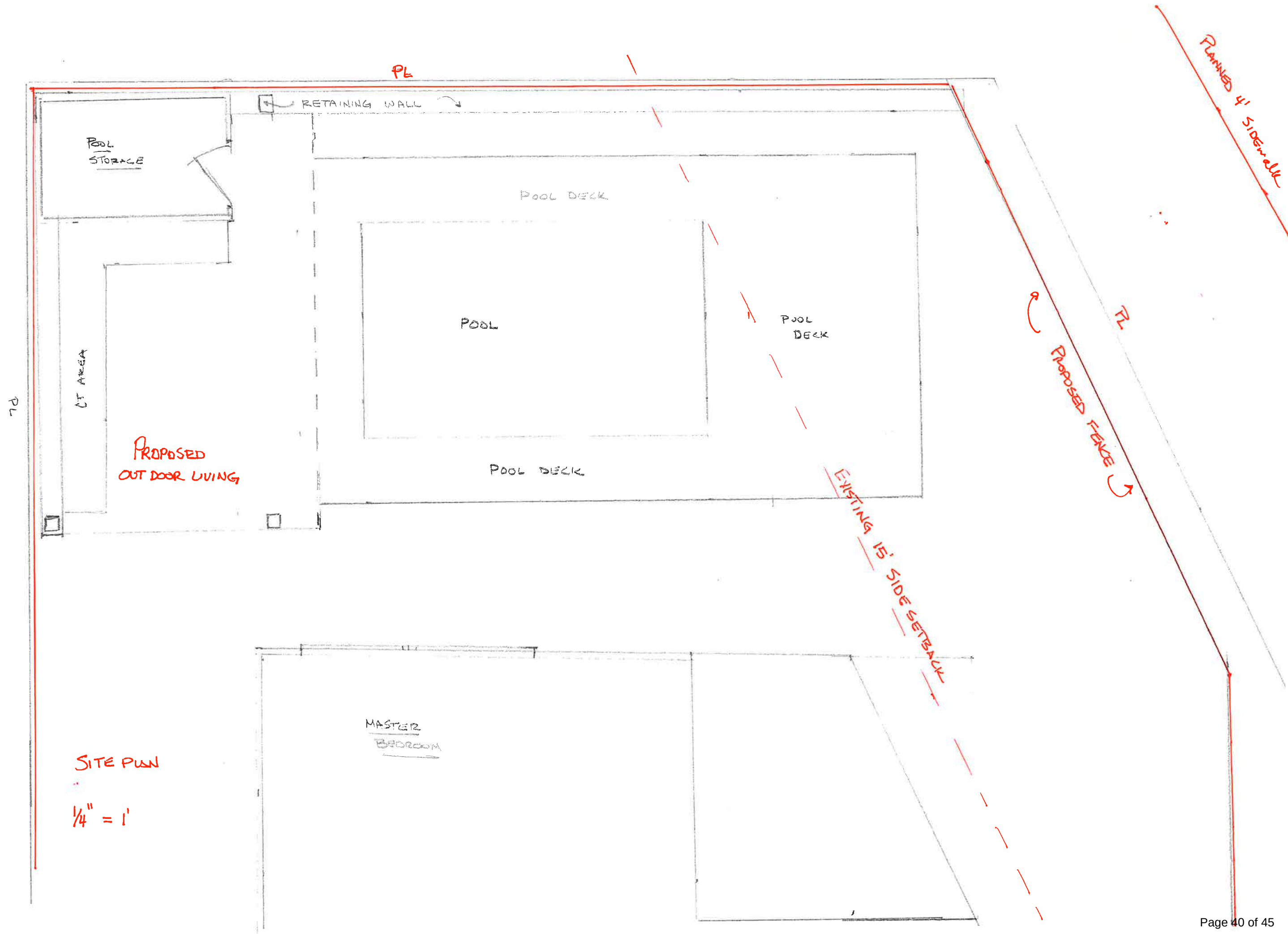


I, a registered Land Surveyor, certify that I have surveyed Lot 16A, Block 4, A RESERVE IN THE 3RD ADDITION TO NEW MERKLE as recorded in Map Book 256, Page 44 in the 11th Judicial Circuit, Alabama; that all parts of this survey and drawing have been completed in accordance with the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge and belief; that the correct address is as follows: 3129 Midland Drive according to my survey unless it is sealed with embossed seal or stamped in red.

SURVEYING SOLUTIONS, INC.
 2232 CAHABA VALLEY DRIVE SUITE M
 BIRMINGHAM, AL 35242
 PHONE: 205-991-8965

















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: 3768 GUSS DRIVE, 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)

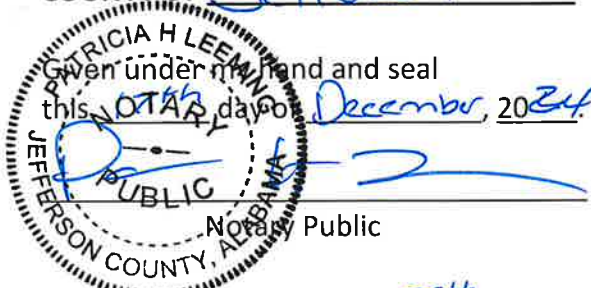
- | | |
|--|--|
| ☐ Rezoning Request | ☒ Request for Variance |
| ☐ Preliminary Plat Approval | ☐ Special Exception |
| ☐ Final Plat Approval | ☐ Design Review Approval |
| ☐ Conditional Use Approval | |

Signed:

Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Jefferson



My commission expires 25th day of April, 2025.