



**Vestavia Hills
Board of Zoning Adjustment Agenda
March 20, 2025
6:00 PM**

1. Roll Call
2. Approval Of Minutes
3. BZA-24-29 **Brian Rooks** is requesting a **Rear Setback Variance** for the property located at **3923 Westminster Lane**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 20', to cover patio area in backyard. The property is owned by Keith Windle and is zoned **Vestavia Hills R-6**.
4. BZA-25-4 **John Derek Crews** is requesting a **Rear Setback Variance** for the property located at **3617 Birchwood Lane**. The purpose of this request is to reduce the rear setback to 13' in lieu of the required 30', to cover patio. The property is owned by Gary and Anne Simmons and is zoned **Vestavia Hills R-2**.
5. Time Of Adjournment

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

February 20, 2025

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
Stephen Greer
Loring Jones
Marty Martin, Alt
Thomas Parchman
Vinay Patel, Alt
Tony Renta

MEMBERS ABSENT

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of January 23, 2025 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of January 23, 2025 was made by Mr. Jones and 2nd was by Mr. Greer. Motion as carried on a voice vote as follows:

Mr. Greer – yes	Mr. Patel – yes
Mr. Jones – yes	Mr. Renta – yes
Mr. Martin – yes	Chairman Rice – yes
Mr. Parchman – yes	

Motion carried.

REAR SETBACK VARIANCE

BZA-24-29 **Brian Rooks** is requesting a **Rear Setback Variance** for the property located at **3923 Westminster Lane**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 20', to cover patio area in backyard. The property is owned by Keith Windle and is zoned **Vestavia Hills R-6**.

Mr. Wakefield explained that this is a request to build a roof over the existing patio in the rear.

Keith Windle, 3923 Westminster Lane, was present for the case and stated that the current patio is unusable during heat and wet seasons. This cover will allow full time use of space. He also stated that he received approval from his HOA.

Mr. Jones asked what his hardship is. That the hardship must run with the land, and that Mr. Windle's stated hardship isn't one. He also stated that the proposal is within the easement in the rear.

Mr. Windle stated the roof is not within the easement. They drew the plan up to keep it out of the easement.

Chairman Rice clarified that the hardship would have to run with the land. Whether it's an odd shaped lot, steep terrain, etc.

Mr. Windle stated that the incline of terrain begins at the very back of the property.

Mr. Jones asked if that terrain incline prevents him from building to the setbacks.

Mr. Windle stated that there is no other spot on the lot for an addition.

Mr. Jones asked if it can be reduced in size.

Mr. Windle asked for clarification on that question.

Mr. Wakefield said that the setback abuts the house, so no matter the size there must be a variance.

Upon another question about the easement, Mr. Windle said that it is their intention to not encroach the easement.

Mr. Jones stated that we must find a hardship. That just because he wants to use the area in sunny and rainy weather doesn't constitute a hardship. He also stated that it may be best to postpone to the next month to allow for more information.

Mr. Renta asked about the 30% impervious rule.

Mr. Wakefield stated that this neighborhood isn't governed by the 30% rule because of the existing storm water infrastructure built in the neighborhood.

Chairman Rice asked what this would look like.

Mr. Windle stated this will be just a roof and supports. Not a formal room.

Mr. Jones recommending postponing to next month.

Chairman Rice asked Mr. Windle if he would be okay with that.

Mr. Windle stated he would be.

***Case was postponed to next month. ***

FRONT SETBACK VARIANCE & VARIANCE FOR LOCATION OF FENCE

BZA-25-1 **Amanda Ware** is requesting a **Front Setback Variance & Variance For Location of Fence in the Front Setback** for the property located at **2324 Branchwater Lane**. The purpose of this request is to reduce the front setback to 44' in lieu of the required 60' & to re-build a privacy fence in the front setback. The property is owned by Tom Tate and is zoned **Vestavia Hills R-1**.

Mr. Wakefield explained that this is a request to rebuild a privacy fence and stairs/handrails to deck encroaching into front setback.

Tom Tate, 2324 Branchwater Lane, was present for the case and explained he just wants to replacing what's rotting. He also stated that his corner lot caused him a hardship.

Mr. Renta asked if there was a covering added over the stairs.

Mr. Tate stated no.

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 16' Front Setback Variance to Reduce the Setback to 44' in Lieu of the Required 60' & Variance for Location of Fence in the Front Setback, for the property located at 2324 Branchwater Lane, was made by Mr. Jones and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

Mr. Greer – yes	Mr. Patel – yes
Mr. Jones – yes	Mr. Renta – yes
Mr. Martin – yes	Chairman Rice – yes
Mr. Parchman – yes	
Motion carried.	

SIDE & REAR SETBACK VARIANCE

BZA-25-2 **Greg Burchell** is requesting a **Rear & Side Setback Variances** for the property located at **2711 Ossa Wintha Drive**. The purpose of this request is to reduce the rear setback to 7' in lieu of the required 15' & to reduce the side setback to 6' in lieu of the required 15', to rebuild and enlarge garage. The property is owned by Greg Burchell and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that this is a request to expand existing garage space.

Greg Burchell, 2711 Ossa Wintha Drive, was present for the case and stated that his corner lot and terrain caused a hardship. He wants to expand an existing garage to get his cars out of the driveway. There is also a retaining wall on the lot that prevents other placement of a garage on this lot.

Chairman Rice stated that the Building Department has issue with the size of the pvc piping proposed on the rendering leads them to believe there may be a bathroom added. Building Department stated no bathrooms would be permitted.

Mr. Burchell stated that this was a mistake and they will not have a bathroom in this structure.

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 8' Rear Setback Variance to Reduce the Setback to 7' in Lieu of the Required 15' & 9' Side Setback Variance to Reduce the Setback to 6' in Lieu of the Required 15' *condition that no 3" PVC piping to be installed in the slab*, for the property located at 2711 Ossa Winth Drive, was made by Mr. Jones and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

Mr. Greer – yes	Mr. Patel – yes
Mr. Jones – yes	Mr. Renta – yes
Mr. Martin – yes	Chairman Rice – yes
Mr. Parchman – yes	
Motion carried.	

FRONT SETBACK VARIANCE

BZA-25-2 **Derrick Owens** is requesting a **Front Setback Variance** for the property located at **1824 Highfield Drive**. The purpose of this request is to reduce the front setback to 46' in lieu of the required 50, to add on to existing carport and close it in. The property is owned by James and Whitney Bosley and is zoned **Vestavia Hills R-3**.

Mr. Wakefield explained that this is a request to close existing carport.

Alex Krumdieck, 1425 Richard Arrington Jr Blvd, was present for the case. He stated that the design of the house causes them to encroach into the setback to enclose the garage. The adjacent houses also encroach into the setback and is located in front of the subject property.

Mr. Renta asked if this was on sewer or septic.

Mr. Krumdieck stated that they have not identified that at this moment.

Chairman Rice asked how much further are the adjacent houses in front of the subject house.

Mr. Krumdieck stated that he hasn't surveyed that out for an exact measurement.

Chairman Rice asked what the true hardship is.

Mr. Krumdieck stated they cannot get access to backyard for a garage.

Mr. Jones stated access isn't a hardship.

Mr. Krumdieck stated there is a decent grade change on the East side of the house. It would require digging out the backyard to access the back. Then they don't know if there is enough space in the rear for an addition.

Mr. Renta stated that if there is a rear septic tank, that can go into their hardship. He said he doesn't see sewer manholes in the front, so there could be a septic tank.

Mr. Krumdieck stated they can find that out.

Mr. Jones stated that he still doesn't see a hardship and recommended postponing.

Mr. Krumdieck stated he would like to postpone to provide more information.

***Case was postponed to next month. ***

At 6:40 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:40 PM.

Jack Wakefield, Planner/GIS



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

March 20, 2025

AGENDA ITEM

BZA-24-29 **Brian Rooks** is requesting a **Rear Setback Variance** for the property located at **3923 Westminster Lane**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 20', to cover patio area in backyard. The property is owned by Keith Windle and is zoned **Vestavia Hills R-6**.

BACKGROUND

10' Rear Setback Variance to Reduce the Setback to 10' in Lieu of the Required 20'.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a rear setback variance to cover the rear patio. This was approved through the neighborhood HOA. The applicant contends this is not a usable patio in portions of the year. Direct sunlight on the patio makes it unusable during summer months and during the rainy season. The cover would allow the full time use of this area. There is an easement on the rear of the property, but the structure will not encroach into that. This is zoned Vestavia Hills R-6.

ATTACHMENTS

1. Application
2. Engineering Comments
3. Description of Hardship
4. Current Survey
5. Proposed Survey
6. Rendering
7. Owner's Affidavit

Jack Wakefield
City Planner



BZA-24-29

Variance Application

Status: Active

Submitted On: 12/16/2024

Primary Location

3923 WESTMINSTER LN
VESTAVIA HILLS, AL 35243

Owner

Keith Windle
Westminster Lane 3923
Vestavia Hills, AL 35243

Applicant

 Brian Rooks
 912-344-6523
 flintresidential@gmail.com
 20 Eden Circle
Birmingham, AL 35213

Agenda Information

 Agenda Scheduling

 Comments/Delay/Explanation

Applicant Information

I am filling this out as the
Representative Agent

Billing/Responsible Party

Name

Keith Windle

Phone #

205-218-4343

Address

3923 Westminster Lane

City/State/Zip

Vestavia Hills, AL 35243

Email

kwindle@bradley.com

Representing Attorney/Other Agent

Name

Brian Rooks

Phone #

912-344-6523

Address

20 Eden Circle

City/State/Zip

Birmingham, AL 35213

Email

flintresidential@gmail.com

Subject Property Information

Subject Property Address

3923 Westminster Lane

Legal Description of Subject Property ?

Westminster

REASONS FOR REQUEST

Front Setback Variance

☐

Rear Setback Variance

☒

Setback Required*

20'

Setback Requested*

10'

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

R8 Residential

PROJECT

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

Add a 20'x15' open air porch with pavers

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).*

Encroachment of the 20' setback.

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:*

Sewer easement

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:*

There are multiple homes, including the neighbor that already has a variance for the same type of structure in the rear yard.

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:*

Homeowner would like to enjoy the exterior of their home when weather is not favorable outside with a roof.

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:*

Will follow the same designs as the other neighbor except not using a deck, pavers on grade instead.

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

Rear yard is not an adequate space to enjoy the outside without the proper cover and fan or air flow.

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

Will stay within the allotted dimensions of the plans and no further.

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 addition of the rear porch structure will increase the value of the the home and any neighboring home

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 ?

✓ Brian S. Rooks
Dec 16, 2024



Feb 14, 2025

BZA-24-29

Engineering Review

Variance Application

Status: Complete

Became Active: Jan 31, 2025

Assignee: Ethan Fisher

Completed: Feb 5, 2025

Applicant

Brian Rooks
flintresidential@gmail.com
20 Eden Circle
Birmingham, AL 35213
9123446523

Primary Location

3923 WESTMINSTER LN
VESTAVIA HILLS, AL 35243

Owner:

Keith Windle
3923 Westminster Lane Vestavia Hills,
AL 35243

Comments

Ethan Fisher, Jan 31, 2025

Good afternoon,

What is the existing material that the addition is replacing? From the aerial it appears to be some sort of courtyard.

Brian Rooks, Jan 31, 2025

Yes it is a courtyard with pea gravel ground cover

Ethan Fisher, Feb 5, 2025

The addition of impervious coverage may require an analysis from a registered engineer to show that there are no adverse effects to adjacent properties. The engineering department will review in-depth during permitting.

KEITH WINDLE
3923 WESTMINSTER LANE
VESTAVIA HILLS, ALABAMA 35243

December 17, 2024

City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

Subject: Variance Application – BZA-24-29

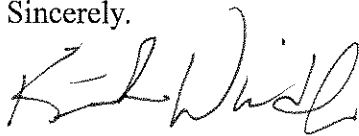
To Whom it May Concern:

I own the home and property located at 3923 Westminster Lane, and I am submitting this letter in support of the application for variance being submitted to the City of Vestavia Board of Zoning Appeals. I am applying for a variance that will permit me to build a covered porch in my back yard that will extend beyond the setback line.

Due to the small size and configuration of my lot, I am not able to utilize any portion of the outdoor area other than the back yard. My wife and I would like to be able to utilize the outdoor area regardless of the weather, but we are currently not able to utilize this area during hot weather, during times of direct sunlight or during rainy weather. The proposed porch will permit us to use and enjoy the outdoor area during these times.

Please consider the above-described hardship when reviewing our variance application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Windle', written in a cursive style.

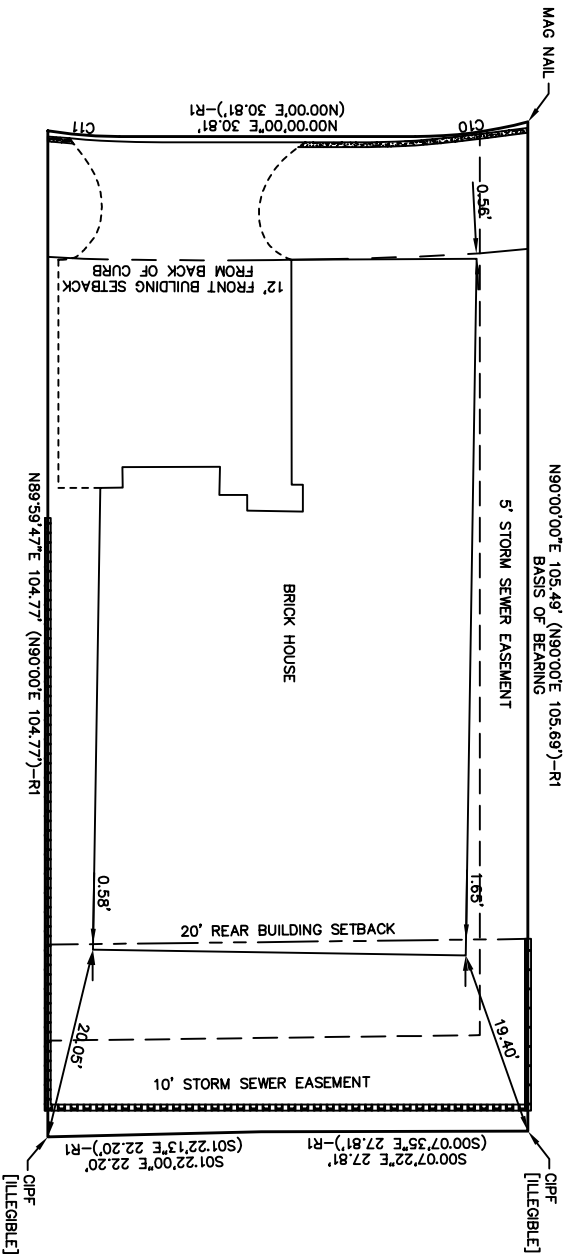
Keith Windle

- LEGEND OF SYMBOLS
- SECTION CORNER
 - IRON PIN FOUND
 - CAPPED IRON PIN SET
 - 1/2"x8" REBAR
 - (KSS CA-50206-LS)

- LEGEND OF ABBREVIATIONS
- E EAST
 - N NORTH
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - R.O.W. RIGHT OF WAY
 - R RANGE
 - S TOWNSHIP
 - T TOWNSHIP
 - W WEST
 - () RECORD INFORMATION

CURVE TABLE				
CURVE	CHORD BEARING	RADIUS	LENGTH	CHORD
C10	S07°23'25"E	46.00'	11.87'	11.83'
(C10)	(S07°23'25"E)	(46.00')	(11.87')	(11.83')
C11	S04°39'56"W	46.00'	7.49'	7.48'
(C11)	(S04°39'56"W)	(46.00')	(7.49')	(7.48')

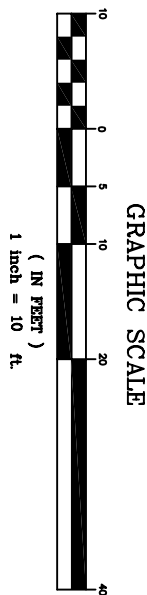
- NOTES:
- 1) BASIS OF BEARING IS THE NORTH LINE OF LOT 12 OF WESTMINSTER CARRIAGE HOMES (A PRIVATE COMMUNITY) AS RECORDED IN MAP BOOK 212, PAGE 11 (-R1) IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA.
 - 2) REFERENCE MADE TO WESTMINSTER CARRIAGE HOMES (A PRIVATE COMMUNITY) AS RECORDED IN MAP BOOK 212, PAGE 11 (-R1) IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA.
 - 3) THE PURPOSE OF THIS SURVEY IS TO CREATE A PLOT PLAN IN ORDER TO OBTAIN A BUILDING PERMIT TO DO ADDITIONAL WORK BEHIND THE ALREADY EXISTING HOME ON LOT 12.
 - 4) THE HOME LOCATED ON LOT 12 SITS ACROSS THE RECORD PLATS 20 FOOT REAR BUILDING SETBACK LINE. DISTANCE HOME IS OVER THIS LINE IS SHOWN ON THIS PLOT PLAN.
 - 5) BLOCK, BRICK, AND STUCCO WALLS CENTERLINE SITS ALONG THE BOUNDARY LINES OF LOT 12.
 - 6) NO TITLE SEARCH CONDUCTED BY THE SURVEYOR.



I, H. Alan Kimbrough, hereby certify, 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.

H. ALAN KIMBROUGH
AL LICENSE NO. 21780

10/25/2024
DATE



JOB: PLOT PLAN FOR BUILDING PERMIT PURPOSES LOCATED AT:
3923 WESTMINSTER LANE, VESTAVIA HILLS, ALABAMA, 35243

DETAIL: LOT 12 WESTMINSTER CARRIAGE HOMES
(A PRIVATE COMMUNITY)
MAP BOOK 212, PAGE 11

PROJ. #: 24266

TYPE: PLOT PLAN

FIELD DATE: 10/24/2024

DATE: 10/25/2024

SCALE: 1"=10'

NO PART OF THIS DRAWING/MAP MAY BE REPRODUCED, ALTERED, OR COPIED BY ANY MEANS WITHOUT WRITTEN CONSENT OF THE SURVEYOR. THIS SURVEY/MAP IS NOT VALID UNLESS SIGNED BY A MET SIGNATURE AND SEALED WITH ORIGINAL EMBOSSED OR ORIGINAL STAMPED INK SEAL. NO FIELD LOCATION ATTEMPTED TO DETERMINE THE LOCATION OF OR THE POSSIBLE EXTENT OF RIGHTS-OF-WAY, SERVITUDE, OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR, EXCEPT AS SHOWN AND LIABILITY IS ASSUMED BY THE SURVEYOR OR ANY REPRESENTATIVE OF KIMBROUGH SURVEYING SERVICES FOR THE LOSS RELATING TO ANY MATTER REPRESENTATIVE DELIVERY OF THE CERTIFIED SURVEY OR DOCUMENT SIGNATURE. THE CERTIFICATE BY THE CLIENT AND AFORESAID CLIENTS AND/OR CLIENTS REPRESENTATIVES ARE HEREBY LIMIT THE TORT OR LIABILITY FROM ANY CASE OF ACTION HERETO AN AMOUNT NOT TO EXCEED THE FEE CHARGED FOR SURVEYING SERVICES.

LEGEND OF ABBREVIATIONS	
E	EAST
N	NORTH
O.B.	POINT OF BEGINNING
O.C.	POINT OF COMMENCEMENT
O.W.	RIGHT OF WAY
R	RANGE
S	SOUTH
T	TOWNSHIP
W	WEST
)	RECORD INFORMATION

1) BASIS OF BEARING IS THE NORTH LINE OF LOT 12 OF WESTMINSTER CARRIAGE HOMES (A PRIVATE COMMUNITY) AS RECORDED IN MAP BOOK 212, PAGE 11 (-R1) IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA.

2) REFERENCE MADE TO WESTMINSTER CARRIAGE HOMES (A PRIVATE COMMUNITY) AS RECORDED IN MAP BOOK 212, PAGE 11 (-R1) IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA.

3) THE PURPOSE OF THIS SURVEY IS TO CREATE A PLOT PLAN IN ORDER TO OBTAIN A BUILDING PERMIT TO DO ADDITIONAL WORK BEHIND THE ALREADY EXISTING HOME ON LOT 12.

6) NO TITLE SEARCH CONDUCTED BY THE SURVEYOR

REVISION 1 :
ADDED PROPOSED PORCH ADDITION AS
WELL AS SPECIAL NOTE 1 REGARDING
THE REQUESTED ZONING VARIANCE.
BLAK 10/25/2024

REVISED THE HOUSE LOCATION TO ACCOMMODATE FOR THE HOUSE OVERHANG. ALSO A REVISION WAS MADE TO THE PROPOSED PORCH ADDITION TO ACCOMMODATE THE WIDTH OF THE 8'X8" POSTS TO BE USED AS THE ROOF SUPPORTS.

REVISION 3:
REVISED THE PROPOSED PORCH
ADDITION TO ACCOMMODATE THE
STORM SEWER EASEMENT.



SEEKING A ZONING VARIANCE TO ALLOW PORCH CONSTRUCTION OVER THE MINIMUM BUILDING LINE AS PLATTED IN WESTMINSTER CARRIAGE HOMES (A PRIVATE COMMUNITY) RECORD PLAT. AS WELL AS A VARIANCE TO ALLOW CONSTRUCTION IN THE PLATTED STORM SEWER EASEMENT IN WESTMINSTER CARRIAGE HOMES (A PRIVATE COMMUNITY) RECORD PLAT.

(IN FEET)
1 inch = 10 ft.

H. ALAN KIMBROUGH
AL LICENSE NO. 21780

PROJ. #: 24266

TYPE: PLOT PLAN

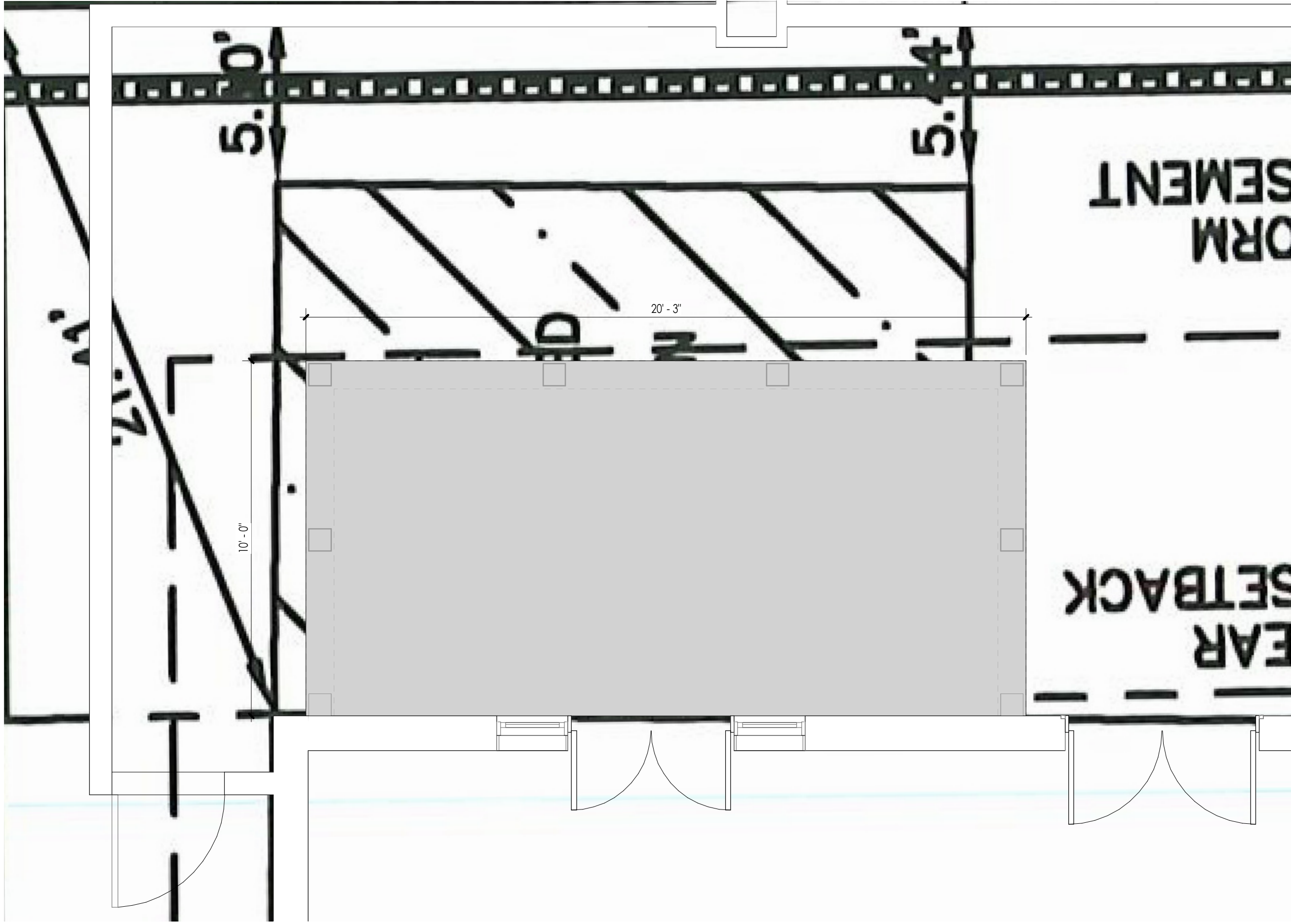
FIELD DATE: 10/24/2024

CLIENT, EXCEPT AS SHOWN, NO RECORD OR UNRECORDED INSTRUMENTS OR DOCUMENTS REFLECTING EASEMENTS, CHARGES BY EAVE OVERPANS, SUB-SURFACE STRUCTURES, UNDERGROUND UTILITIES, OR ANY IMPROVEMENTS REQUESTED

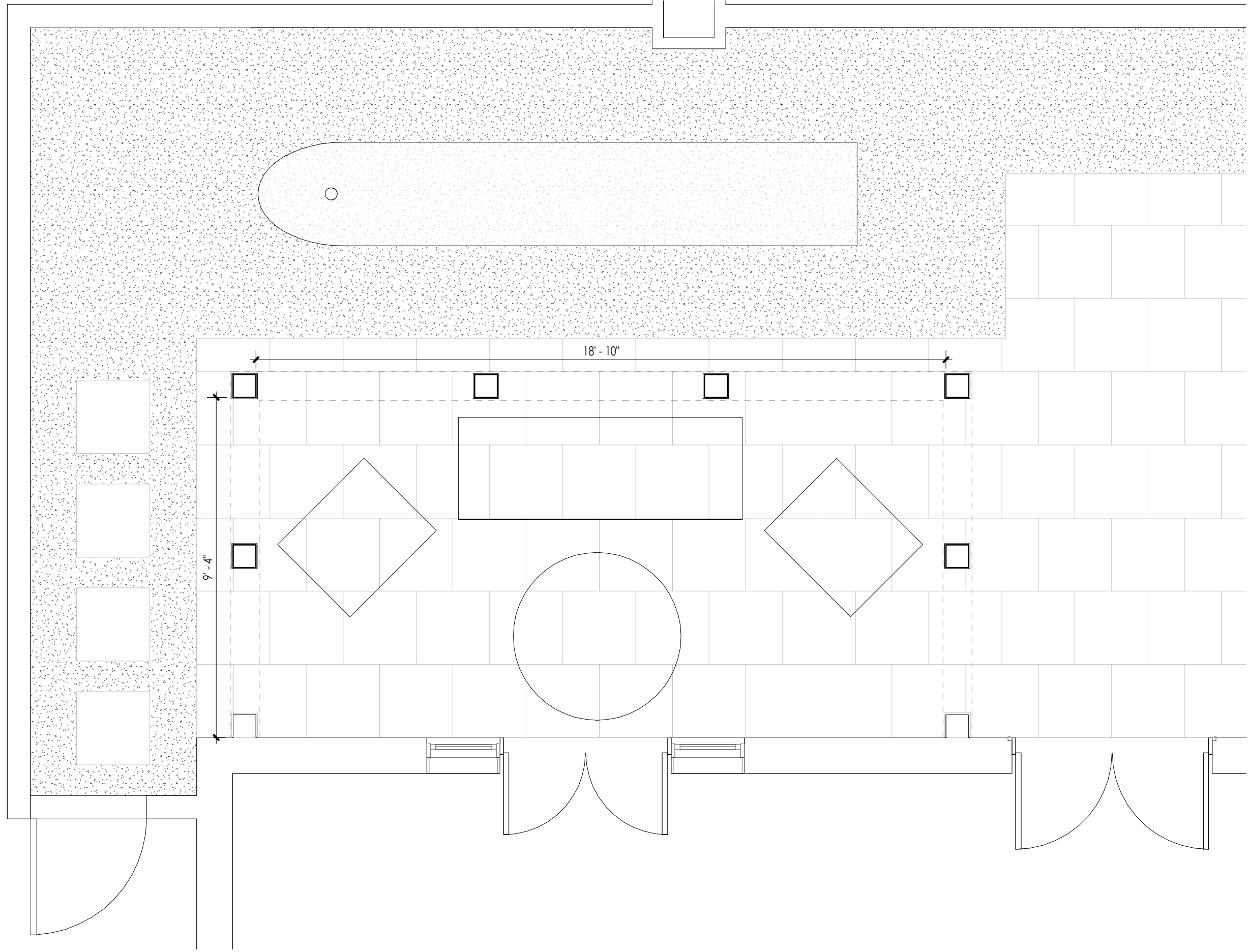
DETAIL: LOT 12 WESTMINSTER CARRIAGE HOMES

(A PRIVATE COMMUNITY

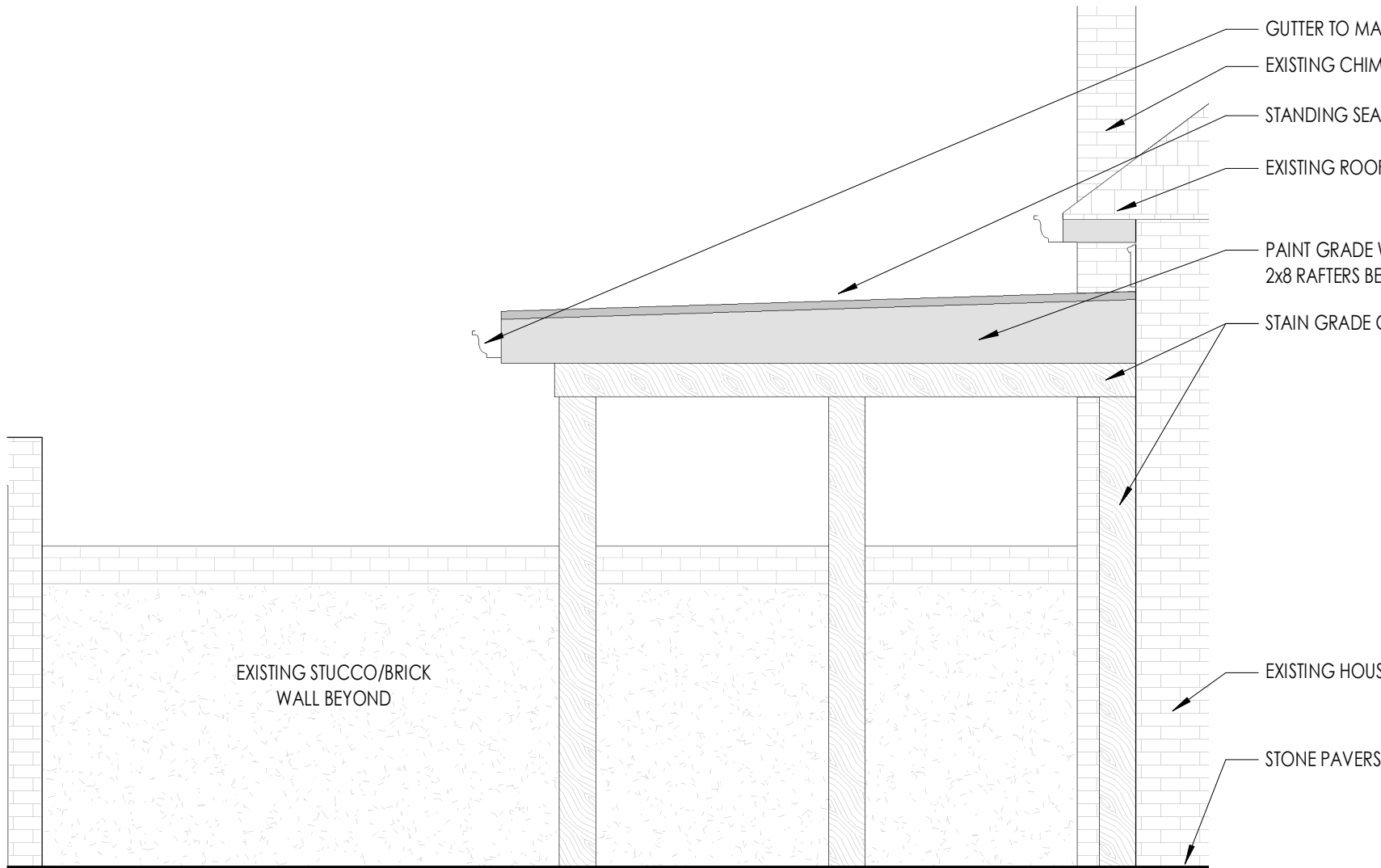
MAP BOOK 212, PAGE 11



1 | PATIO SURVEY PLAN
3/8" = 1'-0"



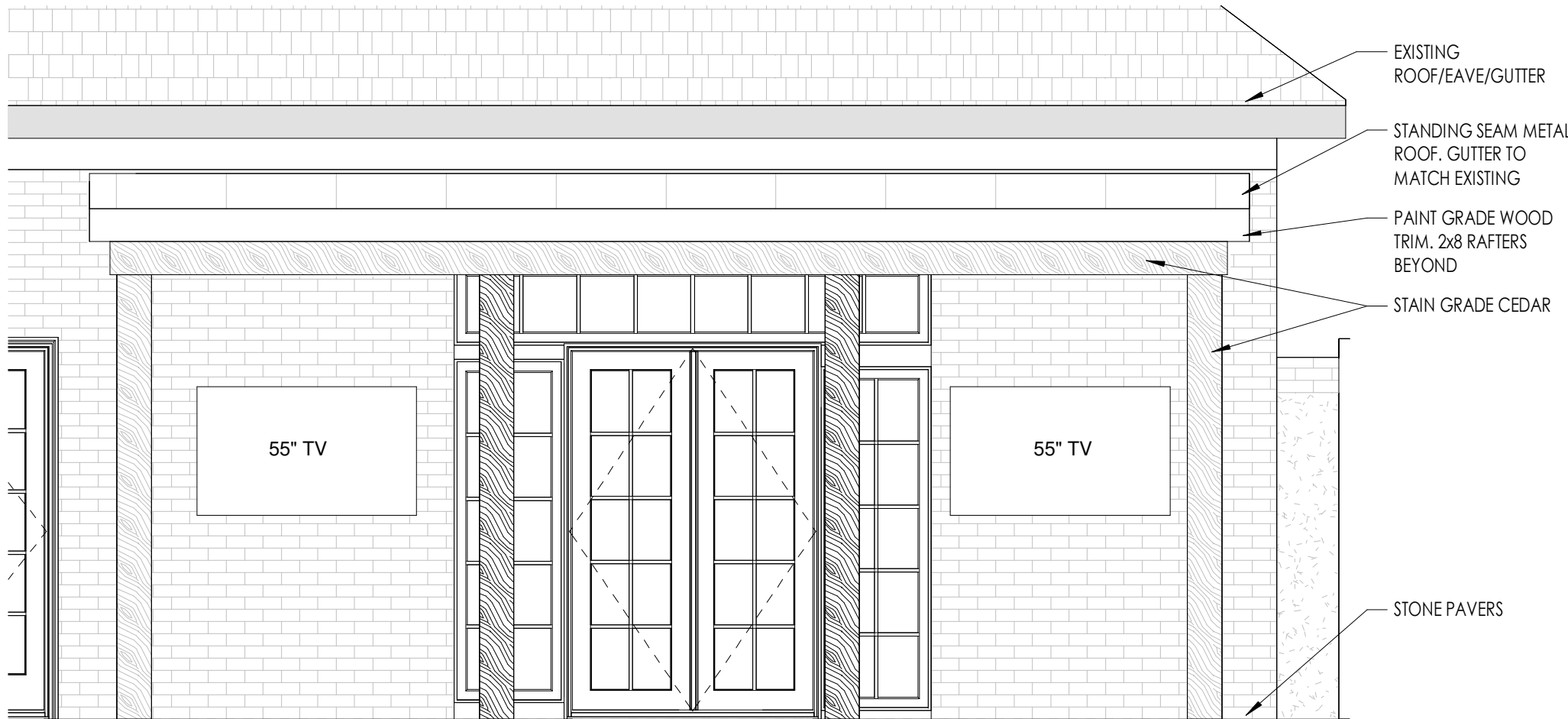
2 | PATIO PLAN
3/8" = 1'-0"



3 | ELEVATION @ PATIO
3/8" = 1'-0"



4 | ELEVATION @ PATIO
3/8" = 1'-0"



5 | ELEVATION @ PATIO
3/8" = 1'-0"

WINDLE PORCH
3923 WESTMINSTER LANE
VESTAVIA HILLS, AL 35243

FEBRUARY 4, 2024

FOR PERMIT

SCHEMATIC DESIGN

A101

PROJECT NUMBER:

LAD2405



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: 3923 Westminister 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: Brian Rooks 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

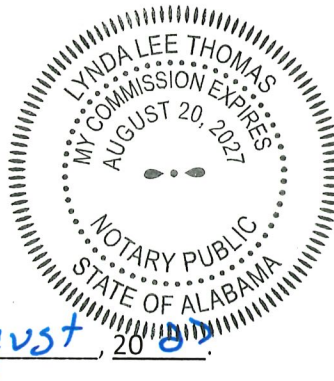
STATE OF ALABAMA

COUNTY OF Jefferson

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

Lynda Lee Thomas
Notary Public

My commission expires 20th day of August, 2027.





VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

March 20, 2025

AGENDA ITEM

BZA-25-4 **John Derek Crews** is requesting a **Rear Setback Variance** for the property located at **3617 Birchwood Lane**. The purpose of this request is to reduce the rear setback to 13' in lieu of the required 30', to cover patio. The property is owned by Gary and Anne Simmons and is zoned **Vestavia Hills R-2**.

BACKGROUND

17' Rear Setback Variance to Reduce the Setback to 13' in Lieu of the Required 30'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a rear setback variance to cover an existing patio area. The applicant contends the odd-shaped, corner lot causes a hardship, limiting buildable area. Based on the lot orientation, this is a rear setback. There is a rear easement, but the addition will not reside within it. This is zoned Vestavia Hills R-2.

ATTACHMENTS

1. Application
2. Site Plan
3. Renderings
4. Photos

Jack Wakefield
City Planner



BZA-25-4

Variance Application

Status: Active

Submitted On: 2/13/2025

Primary Location

3617 BIRCHWOOD LN
VESTAVIA HILLS, AL 35243

Owner

Gary & Anne Simmons
Birchwood Lane 3617 Vestavia,
AL 35243

Applicant

 John Derek Crews
 205-789-9173
 birmingham@archadeck.net
 5210 Stonehaven Dr
Birmingham , AL 35244

Agenda Information

Agenda Scheduling

March

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Representative Agent

Billing/Responsible Party

Name

JS Structures Inc

Phone #

2059700121

Address

5210 Stonehaven Dr.

City/State/Zip

Birmingham, AL 35244

Email

birmingham@archadeck.net

Representing Attorney/Other Agent**Name**

John & Cariss Crews

Phone #

2059700121

Address

5210 Stonehaven Dr

City/State/Zip

Birmingham, AL 35244

Email

birmingham@archadeck.net

Subject Property Information

Subject Property Address

3617 Birchwood Lane Vestavia, AL
35243

Legal Description of Subject Property

Lot 162 Block- Countrywood Highlands as recorded in Map Volume 139 Page 59 A&B, in the office of the Judge of Probate Jefferson County, AL 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 electric or telephone wires (excluding wires which serve premises only) or structures or supports therefore, including poles, anchors and guywires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundry Map" and found that this property is not located in "a special flood hazard area", that there are no encroachments on said lot except as shown; that improvements are located as shown above and that the correct address is as follows: 3617 Birchwood Lane according to my survey of July 13, 1992

REASONS FOR REQUEST

Front Setback Variance☐**Rear Setback Variance**☒**Setback Required***

30'

Setback Requested*

13

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

r2

PROJECT

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

To cover Existing Raised concrete patio with two screen walls and gable roof to provide shade and insect protection to existing concrete patio

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... Side Yard vs 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:*

House position is in the far corner on this corner lot situated to not be usable in front with frontage set backs as well

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 of the houses in the community already have a roof over their existing patios. We would like to install a gable roof over the existing raised concrete patio slab and have it connected to the house and not away from the house.

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 closeness of the house to the property lines having two frontages and thus two back yards is being scrutinized. The raised patio at the existing retainwalls and two house wall existed prior to purchase of home being built with 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:*

Building a roof over the existing raised patio will not impact the neighbors with any additional noise, light or block any of their views from their own back porch with our existing brick and wood privacy fence located on the existing concrete patio slab and retaining wall. Our plans have been discussed with the neighbors and they have verbally approved the plan to have a roof over the existing raised patio.

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

The New screen porch roof would be within the "15' Side Yard" set back and is not in the easement. This does not extend past the back of the house on either wall

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

We are asking to cover the existing raised concrete slab patio partially with a galbe roof which extends respectively from the two house walls 13'-10" from Living room wall x19'-6" from the garage wall. Covering the existing slab would provide needed shade in the warmer months and also keep water off the two entrie points to the home. Covering this area with a permanent roof will help protect the existing dwelling in addition to providing a more common space for occupants with a shaded and rain free space on the existing raised patio slab

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.*

Two frontages and two rear yards, actual address of home is on Birchwood Lane and the closeness of Linear feet to the actual frontage culdesac street of Birchwood Way. This should be considered side yard vs. rear which would make this request in compliance of side yard requirements to place a structured roof over the existing raised slab concrete patio

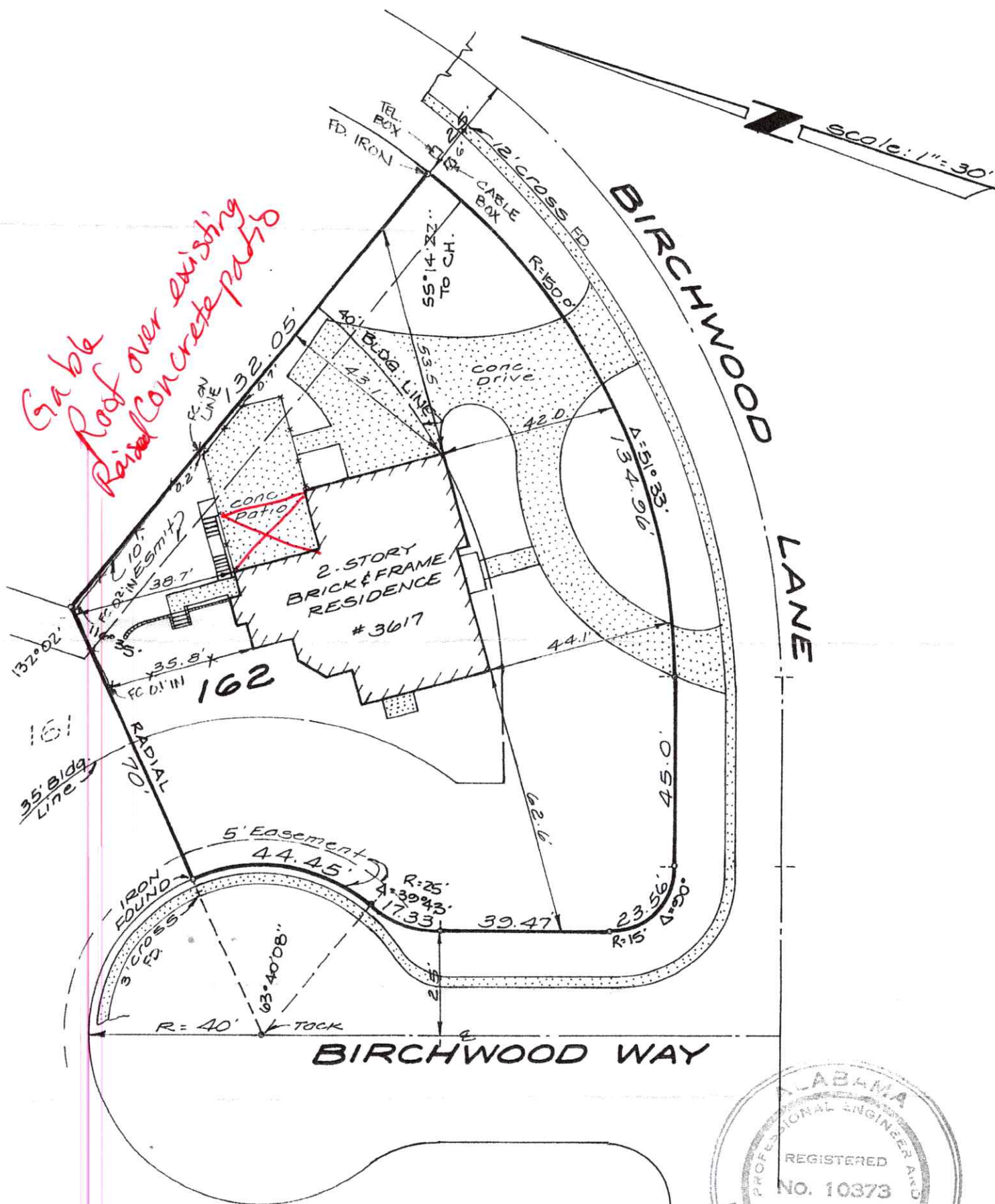
NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase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

✓ Carissa Crews
Feb 13, 2025



STATE OF ALABAMA
JEFFERSON COUNTY

"AS-BUILT SURVEY"
MEETS M.T.S.

I, Laurence D. Weygand, a registered Engineer- Land Surveyor, certify that I have surveyed Lot 162, Block 161, COUNTRYWOOD HIGHLANDS, as recorded in Map Volume 139, Page 52 A & B, in the office of the Judge of Probate, JEFFERSON County, Alabama; that there no rights-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 premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundry Map" and found that this property is not located in "a special flood hazard area", that there are no encroachments on said lot except as shown; that improvements are located as shown above; and that the correct address is as follows: 3617 BIRCHWOOD LANE according to my survey of JULY 13, 1997

PURC: CONTRACT

FIRM COMMUNITY PANEL # 010217

Order No. 30440

0492 B

Laurence D. Weygand, Reg. No. 10373 phone: 242-0086
100 OXNARD ROAD HUNTSVILLE, AL 35209

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DESIGN LOAD CRITERIA								SIMMONS 90-SIMMONS_1224 3617 BIRCHWOOD LANE VESTAVIA, AL, 35243								SYMBOL LEGEND							
FOOTING/FOUNDATION LOADS LIVE LOAD DEAD LOAD TOTAL DESIGN LOAD				P.S.F. 40 10 50		CEILING WITH STORAGE (L/240) WITHOUT STORAGE (L/240)										P.S.F. 20 10		T.O.D. TAG				DETAIL TAG DETAIL NUMBER SHEET	
DECK LOADS (L/240) (DECK FRAMING) FRAMING DESIGN LIVE LOAD FRAMING DESIGN DEAD LOAD TOTAL FRAMING DESIGN LOAD				P.S.F. 60 10 70		WITH STORAGE (L/360) WITHOUT STORAGE (L/360) DEAD LOAD		P.S.F. 20 10 10		ABBREVIATIONS: #B - BEAM #BB - BAND BOARD #C - RAIL CAP LENGTH #CB - COLLAR BEAM #DB - DOUBLE BAND #DJ - DOUBLE JOIST #DR - DOUBLE RAFTER #F - FENCE CAP LENGTH #G - GIRDER #HB - HOUSE BAND #HBE - HOUSE BAND EXTENSION #KB - KING BEAM #QJ - QUAD JOIST #RB - RIDGE BEAM #RP - ROOF PLATE #TB - TRIPLE BAND #TJ - TRIPLE JOIST ALT. - ALTERNATE ALUM. - ALUMINUM APPROX. - APPROXIMATE BD. - BOARD B.O.B. - BOTTOM OF BEAM CL - CENTER LINE CJ - CEILING JOIST C.M.U. - CONCRETE MASONRY UNIT CONC. - CONCRETE CONT. - CONTINUOUS DBL. - DOUBLE DIA. - DIAMETER DIM. - DIMENSION D.L. - DEAD LOAD DN. - DOWN DTL. - DETAIL ELEC. - ELECTRICAL ELEV. - ELEVATION (SEE T.O.D.) EQUIV. - EQUIVALENT EXT. - EXTERIOR FIN. - FINISH FLR. - FLOOR FND. - FOUNDATION FT. - FOOT/FEET F.V. - FOUNDATION VENT GLU. - GLULAM H.D.G. - HOT DIPPED GALVANIZED HDR. - HEADER INT. - INTERIOR IN. - INCH LBS. - POUNDS L.L. - LIVE LOAD L.V.L. - LAMINATED VENEER LUMBER LWR. - LOWER MANUF. - MANUFACTURER MAX. - MAXIMUM MIN. - MINIMUM MOD. - MODIFIED N.T.S. - NOT TO SCALE O.C. - ON CENTER OPT. - OPTIONAL O.S.B. - ORIENTED STRAND BOARD P.L. - POINT LOAD P.L.F. - POUNDS PER LINEAR FOOT P.S.F. - POUNDS PER SQUARE FOOT P.S.I. - POUNDS PER SQUARE INCH P.S.L. - PARALLEL STRAND LUMBER P.T. - PRESSURE TREATED P.T.T. - POUR TO TOP P.V.C. - POLY VINYL CHLORIDE RBD. - RIDGE BOARD REQD. - REQUIRED R.O. - ROUGH OPENING RSW - RIDGE SUPPORT WALL S.F. - SQUARE FOOT/FEET S.S. - STAINLESS STEEL SQ. - SQUARE T&G - TONGUE & GROOVE T.O.B. - TOP OF BEAM T.O.C. - TOP OF CONCRETE T.O.D. - TOP OF DECK TYP. - TYPICAL U.N.O. - UNLESS NOTED OTHERWISE UPR. - UPPER W/ - WITH W/O - WITHOUT													
ASSUMED SPA LOADING, VERIFY w/ SPA MANUFACTURER				P.S.F. 100 10 110		ROOF LOADS (L/240) SNOW LOAD DEAD LOAD TOTAL DESIGN LOAD		P.S.F. 20 10 30										SHEET INDEX S101 - FOUNDATION PLAN S103 - FRAMING PLAN S105 - FLOOR PLAN S109 - ROOF PLAN ENGINEER OF RECORD (AS APPLICABLE)					
DESIGN CRITERIA: NOTES: - THIS PROJECT HAS BEEN DESIGNED FOLLOWING THE REGULATIONS OF THE 2015 IRC (INTERNATIONAL RESIDENTIAL CODE). - WORK TO MEET LOCAL, STATE AND APPLICABLE RULES AND REGULATIONS. - IN-GRADE DESIGN VALUES BASED ON AF&PA. - PROVIDE JOIST HANGERS @ ALL FLUSH FRAME CONDITIONS. - PRESUMPTIVE SAFE SOIL BEARING CAPACITY = 2000 PSF. - FROST LINE = 12". - CONNECTIONS TO EXISTING STRUCTURE FLASHED PER LOCAL CODE LUMBER: - ALL FRAMING LUMBER TO BE #1 S.P. (SOUTHERN PINE) OR BETTER, TREATED FOR EXTERIOR USE, PER LOCAL CODE U.N.O. - ALL GLULAM ENGINEERED TYPE LUMBER TO BE TREATED FOR EXTERIOR USE: GLULAM STRESS CLASS (24F - 1.7E) P.S.I. - ALL LVL/MICROLLAM ENGINEERED TYPE LUMBER TO BE INTERIOR USE ONLY: LVL STRESS CLASS (2.0E, 2600Fb) P.S.I. - ALL PWT LVL ENGINEERED TYPE LUMBER TO BE TREATED FOR EXTERIOR USE: LVL STRESS CLASS (2.0E, 2800Fb) P.S.I. - ALL PSL ENGINEERED TYPE LUMBER TO BE TREATED FOR EXTERIOR USE: PSL STRESS CLASS (2.0E, 2900Fb) P.S.I. CONCRETE: - MINIMUM 28 DAY COMPRESSIVE STRENGTH = 3000 PSI.																							
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VESTAVIA, AL 35243
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JANUARY 3, 2025

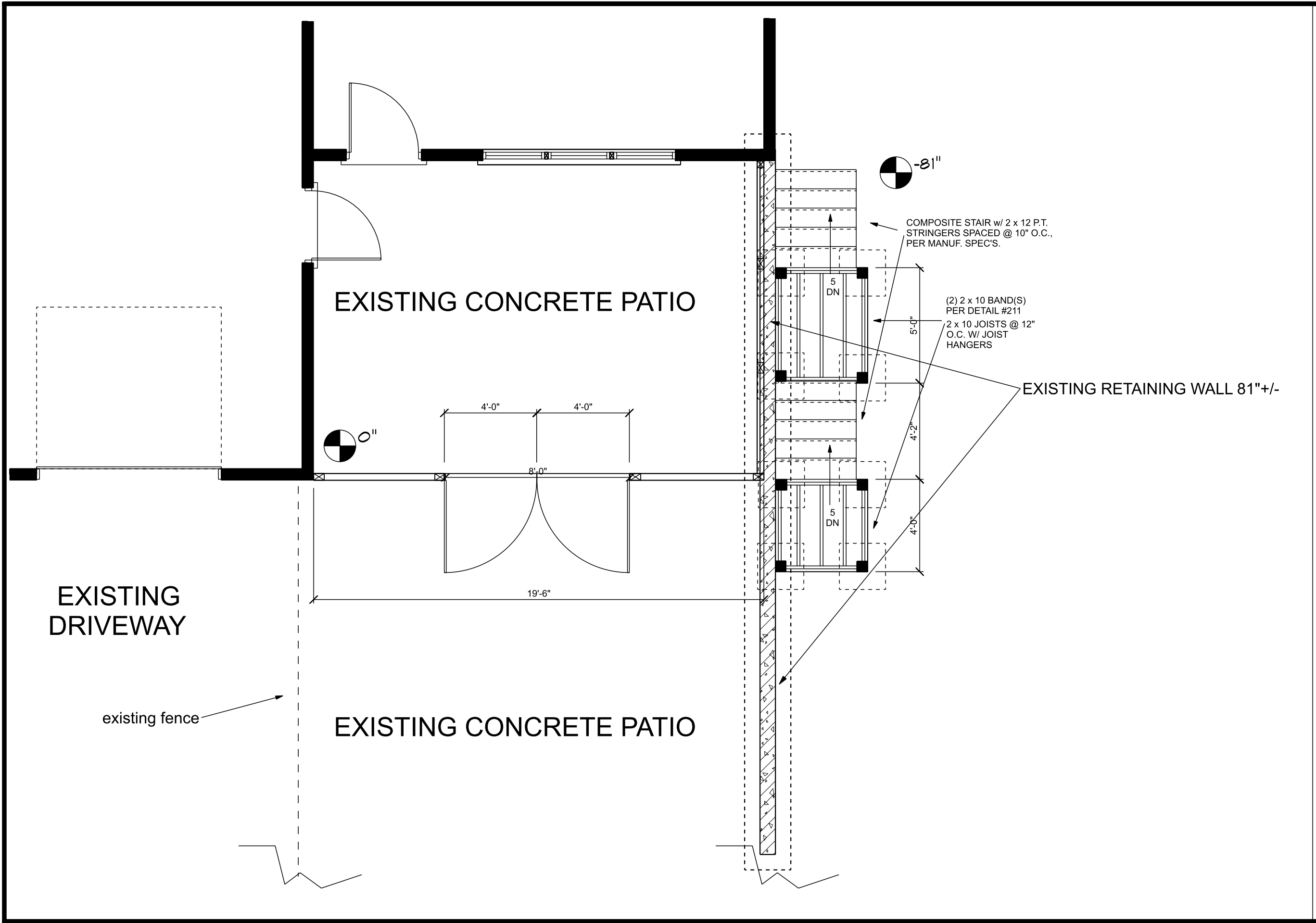
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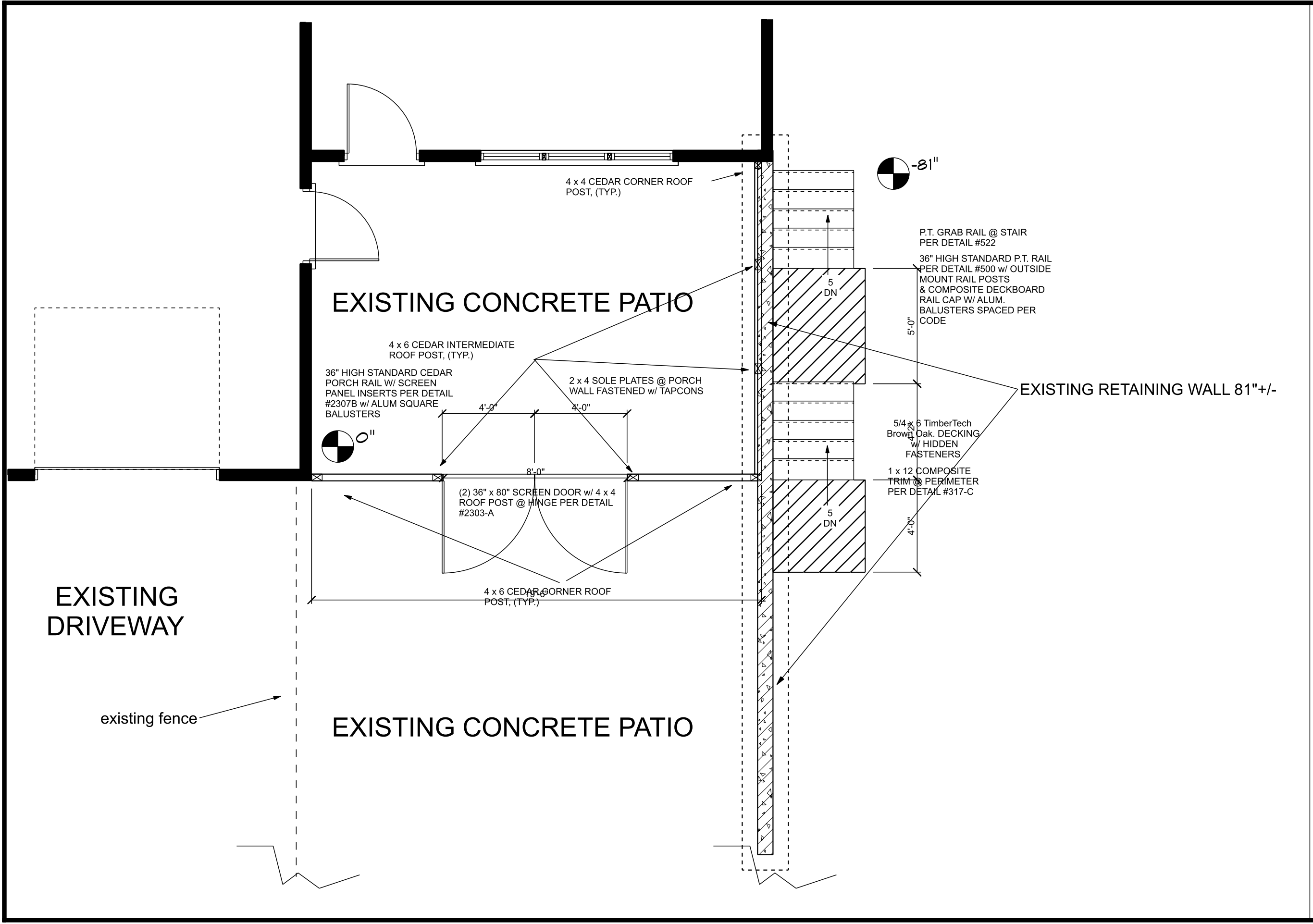
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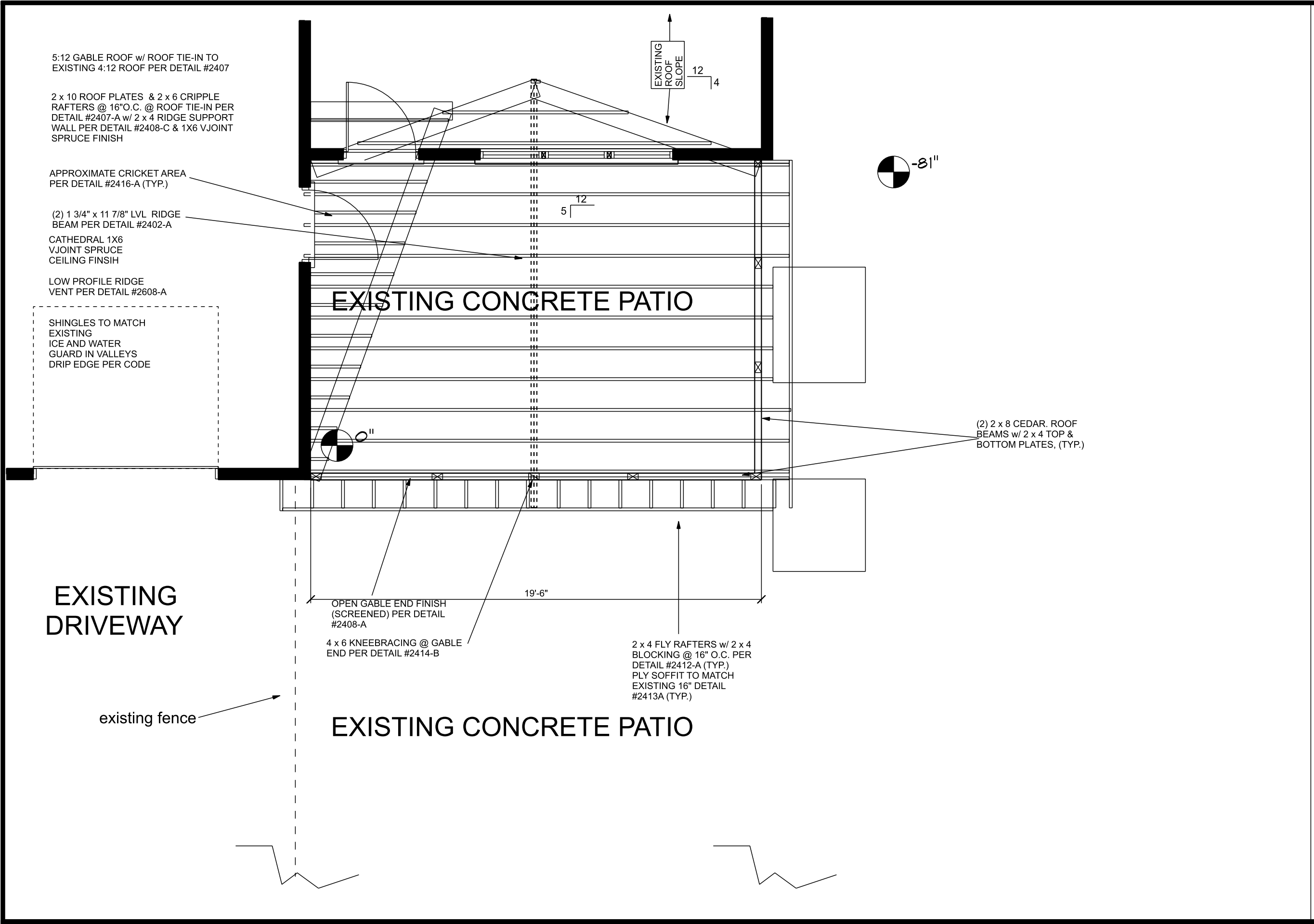
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S109	



