



**Vestavia Hills
Board of Zoning Adjustment Agenda
May 15, 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. Time Of Adjournment

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

MINUTES

April 17, 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:

Loring Jones, Acting Chairman
Marty Martin, Alt
Thomas Parchman
Vinay Patel, Alt

MEMBERS ABSENT

Rick Rice, Chairman
Stephen Greer
Tony Renta

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of March 20, 2025 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of March 20, 2025 was made by Mr. Parchman and 2nd was by Mr. Patel. Motion as carried on a voice vote as follows:

Mr. Martin – yes Mr. Patel – yes
Mr. Parchman – yes Acting Chairman Jones – 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 rehearing from the last month.

Keith Windle was present for the case and spoke to the three items (size, shape, topography) needed for a hardship. He stated that the size of the lot prevents him any addition, because the setbacks meet right at the edge of the house. He stated the lot is narrow, thus the shape of the lot limits buildable area. Finally, he said the lot itself is flat, but immediately at the rear of his lot the topography goes straight up. He stated that there's no option to buy more land and extend the lot lines to allow more space.

Mr. Wakefield brought up the question from a previous discussion about the proposed addition may encroach into the storm easement.

Mr. Windle spoke on that, and said that there will be no encroachment and provided a drawing to visualize that.

Acting Chairman Jones stated that he does not see a hardship with the land. He views this as a self-imposed hardship since Mr. Windle bought a small lot.

Mr. Windle asked why the size isn't a factor in this case? He said he would like to address the size of the lot, but the rear topography in the adjacent lot is not buildable.

Acting Chairman Jones stated that he knew the size of the lot when he bought the lot.

Mr. Windle stated, then under this interpretation size is never a factor in terms of hardship.

Acting Chairman Jones says he still does not see a hardship. A cover for sun and rain isn't a hardship. The hardship must run with the land.

Mr. Windle said he sees a hardship given the size and shape of the lot.

Mr. Patel asked Mr. Wakefield if there are examples where size and shape has played a role.

Mr. Wakefield said odd shaped lots are typical for sharpness, but we don't see many undersized lot hardships.

Acting Chairman Jones says he still doesn't see a hardship.

Mr. Windle asked if this could be tabled to the next meeting.

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

SIDE SETBACK VARIANCE

BZA-25-5 Chelsea Braden is requesting a Side Setback Variance for the property located at **916 Granbury Road**. The purpose of this request is

to reduce the side setback to 11' in lieu of the required 15', to build a covered entryway. The property is owned by Robert and Kaley Stephens and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that this is a request to create a covered entry way on the side of the house.

Chelsea Braden stated that they are looking to cover a small entryway on the side of the house. She stated her hardship is the topography of the lot so they can avoid stairs, and this was the only location for that.

Acting Chairman Jones stated that he doesn't see the topography preventing building a covered entryway within the setback.

Chelsea Braden stated that she would like to postpone this case to the next month.

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

FRONT SETBACK VARIANCE

BZA-25-6 **Toby Cahill** is requesting a **Front Setback Variance** for the property located at **201 Montgomery Highway**. The purpose of this request is to reduce the front setback to 35' in lieu of the required 50', to extend current fellowship hall. The property is owned by The Lutheran Church of Vestavia Hills and is zoned **Vestavia Hills INST-1**.

Mr. Wakefield explained that this is a request extend the fellowship hall of the church.

Toby Cahill, 201 Montgomery Hwy, was present for the case and stated that the hardship is the corner lot. They have 3 frontages that abut the lot. This was the only location they could add onto the building.

Mr. Wakefield stated that they are in the process to clean up the lot lines, and the approval must be contingent on following through with the recordation of the new plat.

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

MOTION Motion to **APPROVE** a 15' Front Setback Variance to Reduce the Setback to 35' in Lieu of the Required 50' (contingent on recording the new plat), for the property located at 201 Montgomery Hwy), was made by Mr. Patel and 2nd was by Mr. Parchman. Motion was carried on a roll call vote as follows:

Mr. Martin – yes Mr. Patel – yes
Mr. Parchman – yes Acting Chairman Jones – yes
Motion carried.

At 6:31 PM, Mr. Jones 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

May 15, 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

Phone #

Keith Windle

205-218-4343

Address

City/State/Zip

3923 Westminster Lane

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



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

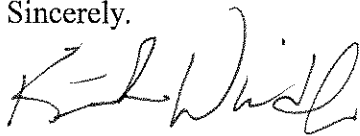
To Whom it May Concern:

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,



Keith Windle

LEGEND OF SYMBOLS

- ⊙ SECTION CORNER
- IRON PIN FOUND
- CAPPED IRON PIN SET
- 1/2"x1/8" REBAR [KRS CA-50206-LS]

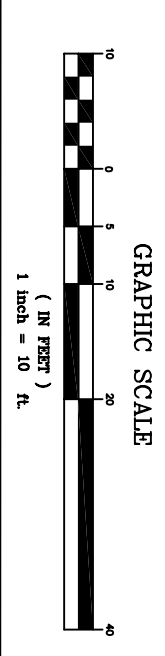
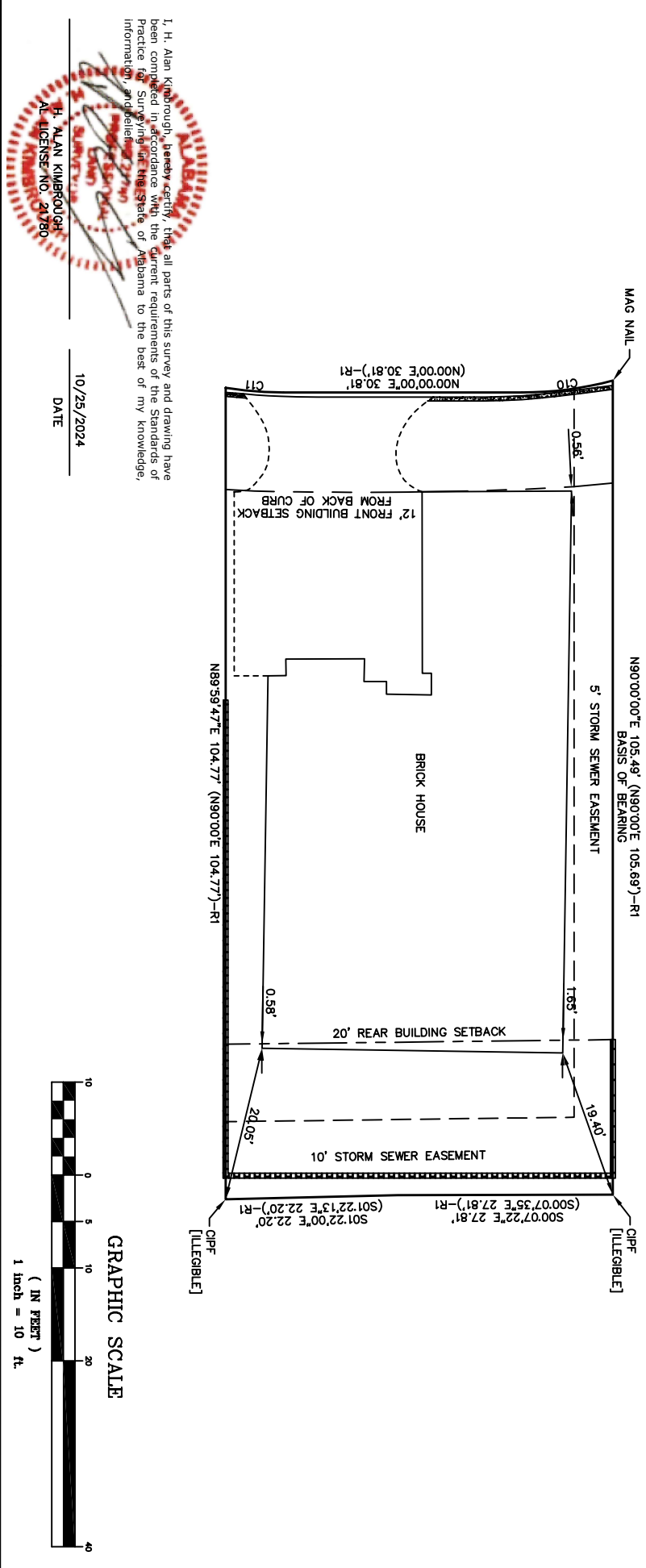
LEGEND OF ABBREVIATIONS

- 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

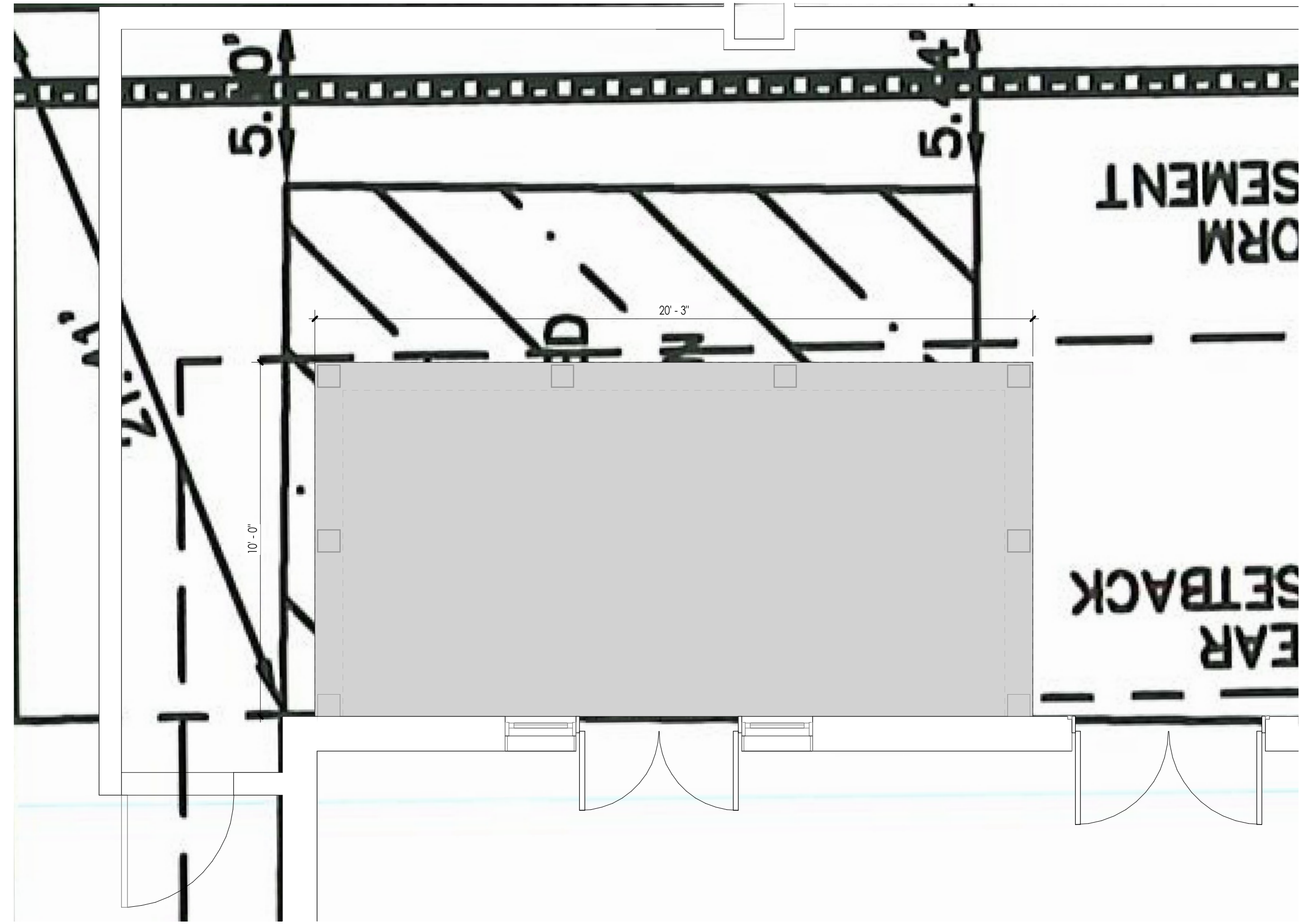
KIMBROUGH LAND SURVEYING SERVICES, LLC
CA-50206-LS
522 COUNTY ROAD 132, ADDISON, ALABAMA 35540
KIMBROUGHSURVEYING@GMAIL.COM
(256)348-3044

FIELD DATE: 10/24/2024

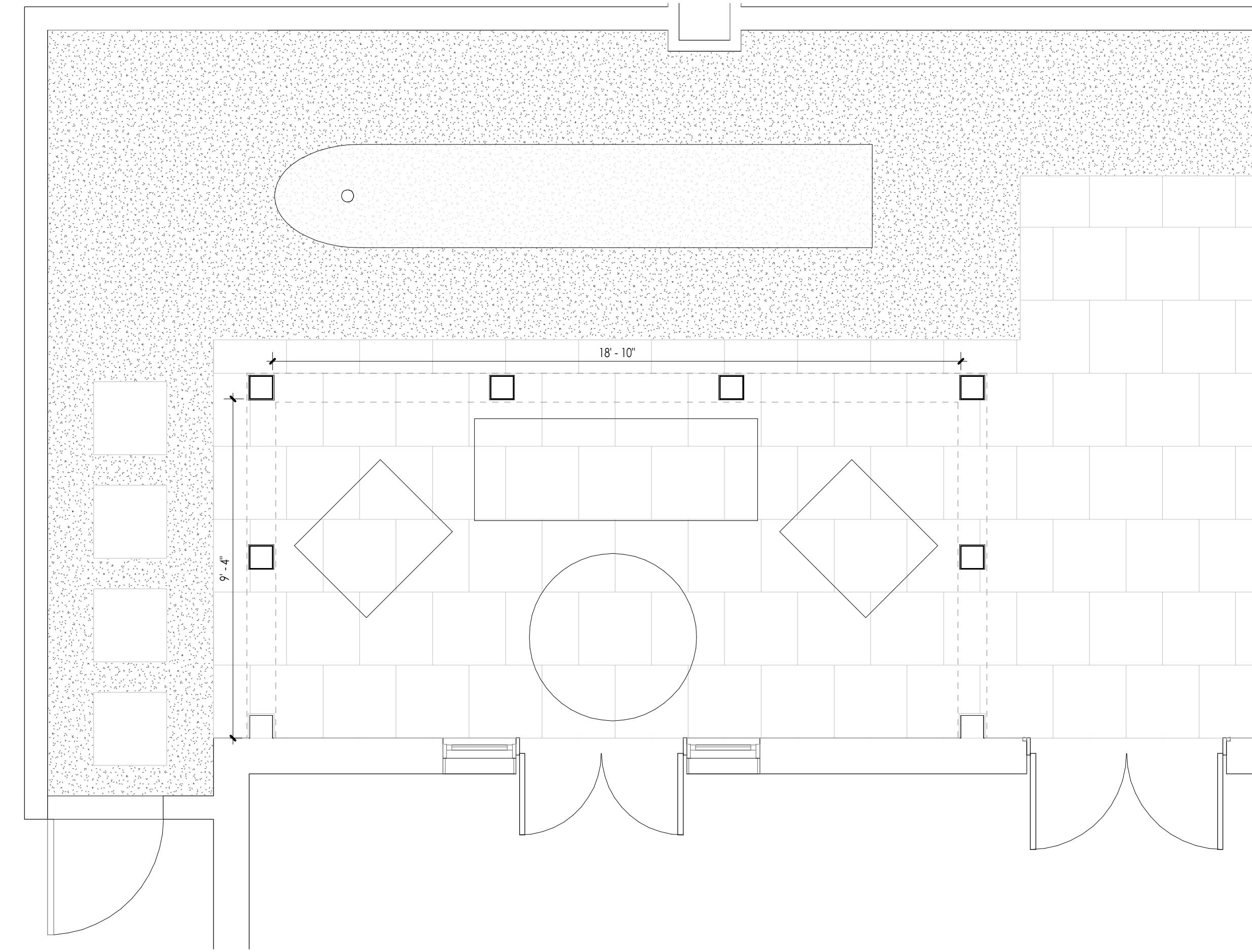
DATE: 10/25/2024

SCALE: 1" = 10'

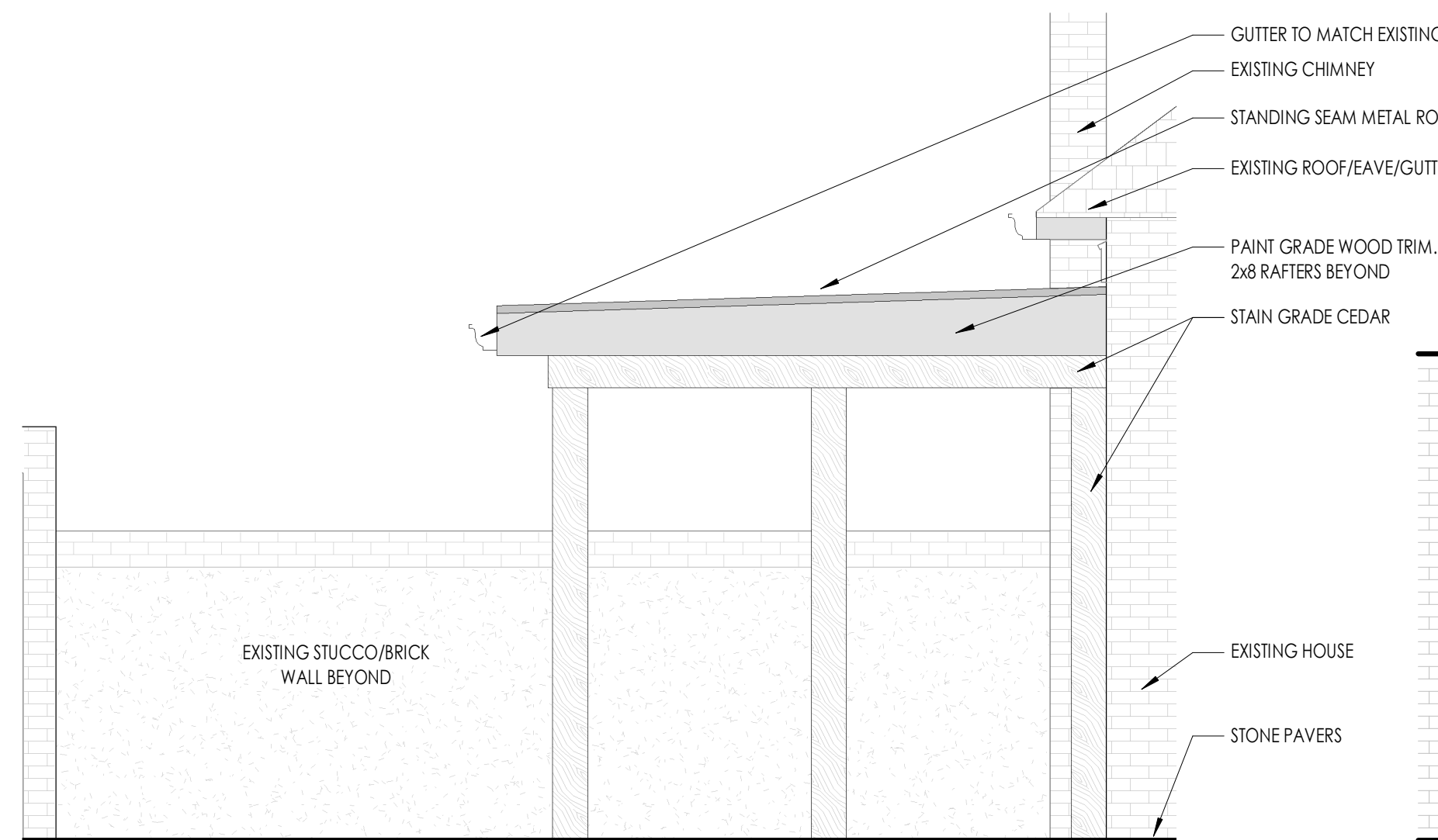
NO PART OF THIS DRAWING/MAP MAY BE REPRODUCED, ALTERED, OR COPIED BY ANY MEANS WITHOUT WRITTEN CONSENT OF THE SURVEYOR. THIS SURVEY/MAP IS NOT VALID UNLESS SIGNED BY A MET SIGNATURE AND SEALED WITH ORIGINAL EMBOSSED OR ORIGINAL STAMPED INK SEAL AND FIELD LOCATION ATTACHED TO DETERMINE THE LOCATION OF OR THE POSSIBLE EXTENT OF ANY ERRORS OR OMISSIONS. THE SURVEYOR ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS THAT MAY BE MADE BY THE CLIENT, EXCEPT AS SHOWN, NO RECORD OR UNRECORDED INSTRUMENTS OR DOCUMENTS REFLECTING EASEMENTS, RIGHTS-OF-WAY, SERVITUDES, 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 REPRESENTED HEREON. THE SURVEYOR HAS ACCEPTED BELIEF OF THE CERTIFIED SURVEY OR DOCUMENT IT SHOWS THAT THE CERTAINTY BY THE CLIENT AND ADEQUATE 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.



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



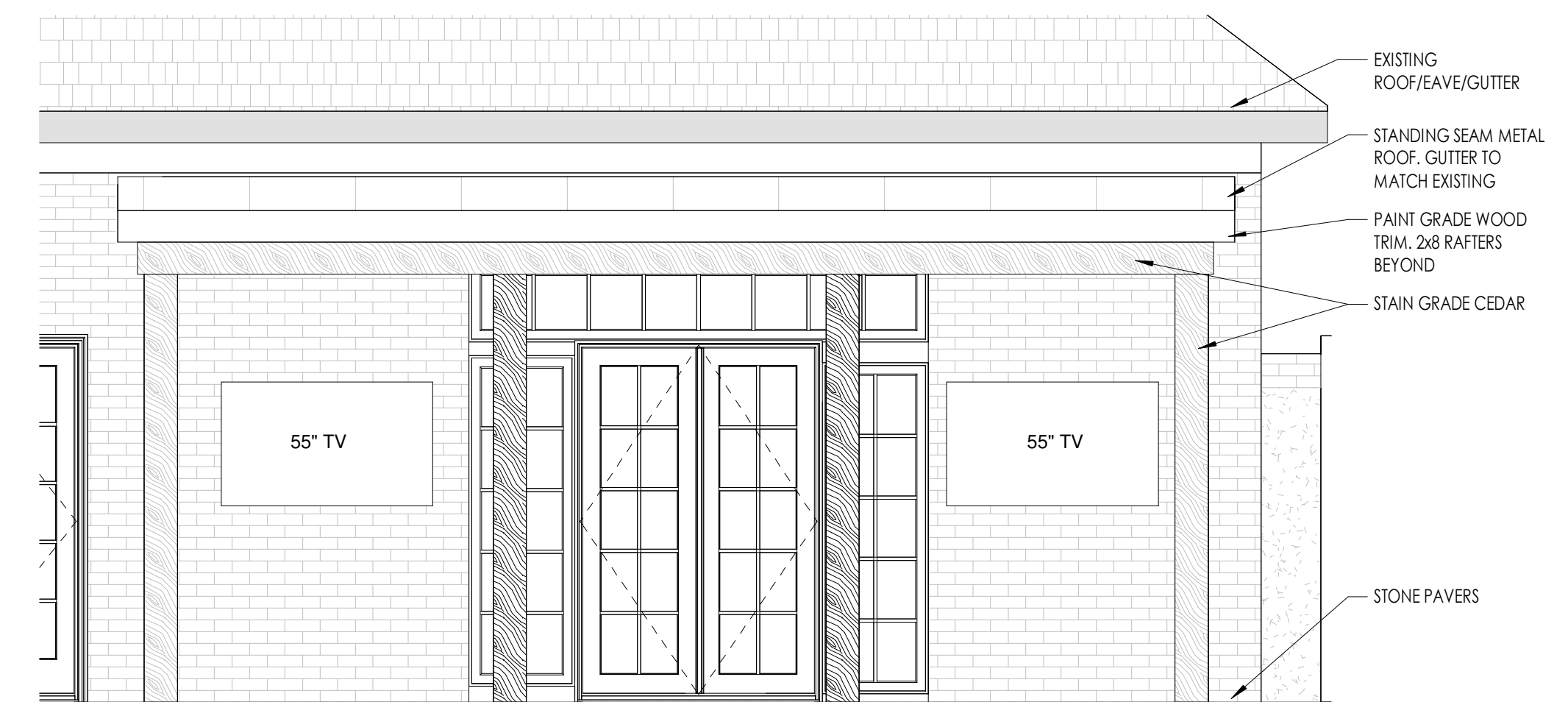
2 | PATIO PLAN
3/8" = 1'-0"



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 Westminster 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)

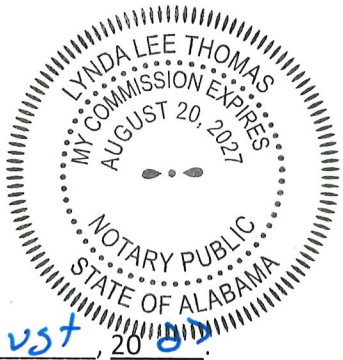
- | | |
|--|--|
| <input type="checkbox"/> Rezoning Request | <input checked="" type="checkbox"/> Request for Variance |
| <input type="checkbox"/> Preliminary Plat Approval | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Final Plat Approval | <input type="checkbox"/> Design Review Approval |
| <input type="checkbox"/> Conditional Use Approval | |

Signed: *Keh Welch*
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.