



**Vestavia Hills
Board of Zoning Adjustment Agenda
July 17, 2025
6:00 PM**

1. Roll Call
2. Approval Of Minutes: June 26, 2025
3. BZA-25-15 **Todd Freed** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1791 Vestaview Lane**. The purpose of this request is to build a privacy fence in the front setback. The property is owned by Todd Freed and is zoned **Vestavia Hills R-3**.
4. BZA-25-16 **Roddy Sample** is requesting a **Rear Setback Variance** for the property located at **3909 Westminster Lane**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 20', to roof and screen in a portion of the existing rear deck. The property is owned by Cynthia Sproull and is zoned **Vestavia Hills R-6**.
5. BZA-25-17 **Trenton Makin** is requesting a **Side Setback Variance** for the property located at **4108 N Cahaba Drive**. The purpose of this request is to reduce the side setback to 3' in lieu of the required 10', to build a covered deck. The property is owned by Trenton Makin and is zoned **Vestavia Hills R-4**.
6. Time Of Adjournment

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

MINUTES

June 26, 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
- Marty Martin, Alt
- Thomas Parchman
- Vinay Patel, Alt
- Tony Renta

MEMBERS ABSENT

- Loring Jones

OTHER OFFICIALS PRESENT:

- Jack Wakefield, Planner/GIS

***The hearing that was scheduled for June 19, 2025 did not have a quorum. The meeting was opened with only two members present (Rice and Parchman). A motion was made by Mr. Parchman and seconded by Mr. Rice to recess the hearing to June 26, 2025. ***

***On June 26, 2025 the meeting was reconvened. ***

APPROVAL OF MINUTES

The minutes of May 15, 2025 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of May 15, 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. Martin – yes Mr. Renta – yes
- Mr. Parchman – yes Chairman Rice – yes
- Motion carried.

FRONT SETBACK VARIANCE

BZA-25-9 Ryan Farrell is requesting a **Front Setback Variance** for the property located at **509 Montgomery Hwy.** The purpose of this request is to reduce the front setback to 20' in lieu of the required 50', to build a cover for an existing deck. The property is owned by City of Vestavia Hills and is zoned **Vestavia Hills R-2.**

Mr. Wakefield explained that this is a request to build a cover over an existing deck.

Scott Farrell was present for the case and stated that they just want to cover over an existing non-conforming deck. The hardship is a corner lot and the odd shaped property lines.

Mr. Greer asked if this was a wooden deck, to which Mr. Farrell replied yes.

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 509 Montgomery Hwy was made by Mr. Patel and 2nd was by Mr. Renta. Motion was carried on a roll call vote as follows:

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

VARIANCE FOR LOCATION OF FENCE

BZA-25-10 Allen Corey is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **3900 Asbury Park Circle.** The purpose of this request is to build a privacy fence in the front setback. The property is owned by Allen Corey and is zoned **Vestavia Hills R-8.**

Mr. Wakefield explained that this is a request to build a privacy fence in the front setback. The applicant wasn't here at the time, so the case was moved to the end.

Once returned to the case...

Bethany Corey was present for the case and stated her hardship was a corner lot and they need this fence for privacy.

No questions from the Board.

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 38' Front Setback Variance to Reduce the Setback to 22' in Lieu of the Required 60', for the property located at 3536 Squire 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. Martin – yes Mr. Renta – yes
Mr. Parchman – yes Chairman Rice – yes
Motion carried.

FRONT SETBACK VARIANCE

BZA-25-11 **Samantha Parr** is requesting a **Front Setback Variance** for the property located at **4220 Milhaven Drive**. The purpose of this request is to reduce the front setback to 29' in lieu of the required 50', to expand the living room and build a covered front porch. The property is owned by Bob Summerville and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that this is a request expand living room addition and cover/extend the front porch.

Jared Bussey, 2917 Central Ave, stated the hardship was the existing non conforming conditions of the house. There is an existing deck there currently, but to improve it. As a result of the improvement, the deck is pushed 4' in the setback.

Chairman Rice asked if there was anything else as a hardship.

Mr. Renta asked what is the distance from the current steps to the front property line.

Mr. Bussey did not know the exact number but stated that they intend to only push the deck out to where the current steps are located. He said the steps would encroach 3' passed that.

Mr. Renta stated that if we approve what is existing, no hardship is needed.

Mr. Bussey, asked if he can cover to the existing line and rearrange the steps so they do not encroach as well.

The Board agreed.

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 Variance for Location of Fence in the Front Setback, with condition the gate does not swing out passed the curb, for the property located at 3900 Asbury Park Circle was made by Mr. Renta and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

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

SIDE SETBACK VARIANCE

BZA-25-12 **Ryan Stechmann** is requesting a **Side Setback Variance** for the property located at **4008 Meadowview Circle**. The purpose of this request is to reduce the side setback to 8' in lieu of the required 10', to enclose a carport for an already nonconforming house. The property is owned by Ryan Stechmann and is zoned **Vestavia Hills R-4**.

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

Ryan Stechmann was present for the case and stated that the hardship is the odd shaped lot and the fact that the existing carport is over the setback.

No questions from the Board.

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 2' Side Setback Variance to Reduce the Setback to 8' in Lieu of the Required 10', for the property located at 4008 Meadowview Circle was made by Mr. Renta and 2nd was by Mr. Patel. Motion was carried on a roll call vote as follows:

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

MULTIPLE SETBACKS AND VARIANCE FOR LOCATION OF FENCE

BZA-25-13 Michael Eric Dale is requesting a **Front Setback Variance, Side Setback Variance, & Variance For Location of Fence in Front Setback**, for the property located at **2126 Shades Avenue**. The purpose of this request is to reduce the front setback to 15' in lieu of the required 50', to reduce the side setback to 13' in lieu of the required 15' (to build a large addition), and to build a fence within the front setback. The property is owned by Jennifer & Kevin McCain and is zoned **Vestavia Hills R-3**.

Mr. Wakefield explained that this is a request to build a large living addition and also place small walls within the front setback.

Eric Dale was present for the case and stated that the hardship was the narrow corner lot. They are using existing setbacks, but the current house sits within the setback on the Trousdale Frontage. He also stated that there are small walls within the front setback.

Mr. Wakefield stated that this will need to be subject to a condition that the final plat process be followed through.

Mr. Dale stated they are working through that process.

Chairman Rice asked if the existing fence will be removed.

Mr. Dale stated that it will be removed.

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 35' Front Setback Variance to Reduce the Setback to 15' in Lieu of the Required 50' & 2' Side Setback Variance to Reduce the Setback to 13' in Lieu of the Required 15' & Variance for Location of Fence in the Front Setback *Condition that new survey is approved and recorded, for the property located at 2126 Shades Ave was made by Mr. Renta and 2nd was by Mr. Parchman. Motion was carried on a roll call vote as follows:

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

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

Jack Wakefield, Planner/GIS



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

July 17, 2025

AGENDA ITEM

BZA-25-15 **Todd Freed** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1791 Vestaview Lane**. The purpose of this request is to build a privacy fence in the front setback. The property is owned by Todd Freed and is zoned **Vestavia Hills R-3**.

BACKGROUND

Variance for Location of Fence in the Front Setback

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a variance for a fence within the front setback. The applicant contends the corner lot causes a hardship. This fence will reside on the Pine Crest Drive side of the lot. The fence will be wooden and 8' in height. The fence will be located in the same spot as the original chain link fence, which was in disrepair. Based on staff engineering review, there are no sight distance issues with this location. This is zoned Vestavia Hills R-3.

ATTACHMENTS

1. Application
2. Survey
3. Rendering
4. Owner's Affidavit

Jack Wakefield
City Planner



BZA-25-15

Variance Application

Status: Active

Submitted On: 6/16/2025

Primary Location

1791 VESTAVIEW LN
VESTAVIA HILLS, AL 35216

Owner

Christopher & Lisa Freed
Vestaview Lane 1791117913903
Aspen Cove Dr Vestavia Hills, AL
35216

Applicant

C. Todd Freed
 281-906-9925
 freed.todd.c@gmail.com
 1791 Vestaview Lane
Vestavia Hills, AL 35216

Agenda Information

Agenda Scheduling

July 2025

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Phone #

Christopher T. Freed

281-906-9925

Address

City/State/Zip

1791 Vestaview Lane

Vestavia Hills, AL 32730


Email

Freed.Todd.C@gmail.com

Subject Property Information

Subject Property Address

1791 Vestaview Lane, Vestavia Hills, AL
32730

Legal Description of Subject Property 

Lot 9, Block 5, of Vestaview Gardens, as recorded in Map Book 38, Page 78 in the office of the Judge of Probate in Jefferson County, Alabama.

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 ?

Requesting a variance for a corner lot facing two streets. We are trying to replace a ratty old chain link fence with a new wood fence in the same location of the previous chain link fence. The fence would set 31 feet toward Pine Crest Drive from the side face of the house to match previous fence location.

In surveying the neighborhood, this variance would match variances at 1900 Old Creek Trail, 1901 Canyon Road, 2200 Brookdale Lane, 2201 Brookdale Lane, & 1786 Shades View Lane. The houses are all in the Vestaview Gardens neighborhood within a block and half of the subject house.

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-3

PROJECT

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

Replace a old chain link fence with a new wood fence. The wood fence extends 31' toward Pine Crest Drive matching the location of the previous chain link fence.

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 house is a corner lot and thus considered to have two front faces. We are asking for the variance on the side face facing Pine Crest Drive. If we are not granted the variance to match the previous chain link fence, we loose 1/3 of the backyard space.

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 house is a corner lot with two streets on two sides. The ordinance requires that fences are not allowed to go pass the corner of the home toward the street. Because its a corner lot with two faces, this becomes very restrictive of the backyard fence routing.

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:*

I think our request matches other variances granted within the neighborhood for corner properties. Examples can be seen at 1900 Old Creek Trail, 1901 Canyon Road, 2200 Brookdale Lane, 2201 Brookdale Lane, & 1786 Shades View Lane within the neighborhood and less than a block away from the subject 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 current ordinance removes more than 1/3 of our backyard because the house is on a corner lot facing two streets. If the house only faced one street this would not be a concern.

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 requested variance will not be injurious to the neighborhood or general welfare. The variance request follows many examples (5) within a block of our house.

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

The house is new to us and we are simply trying to improve it by removing an old ratty chain link fence (eye sore). This is not as a result of any actions by applicant.

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

The variance will not impact any neighbors or usage of the house. The house is residential and will remain residential.

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 variance will not allow a use not permissible under other terms in ordinances.

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."

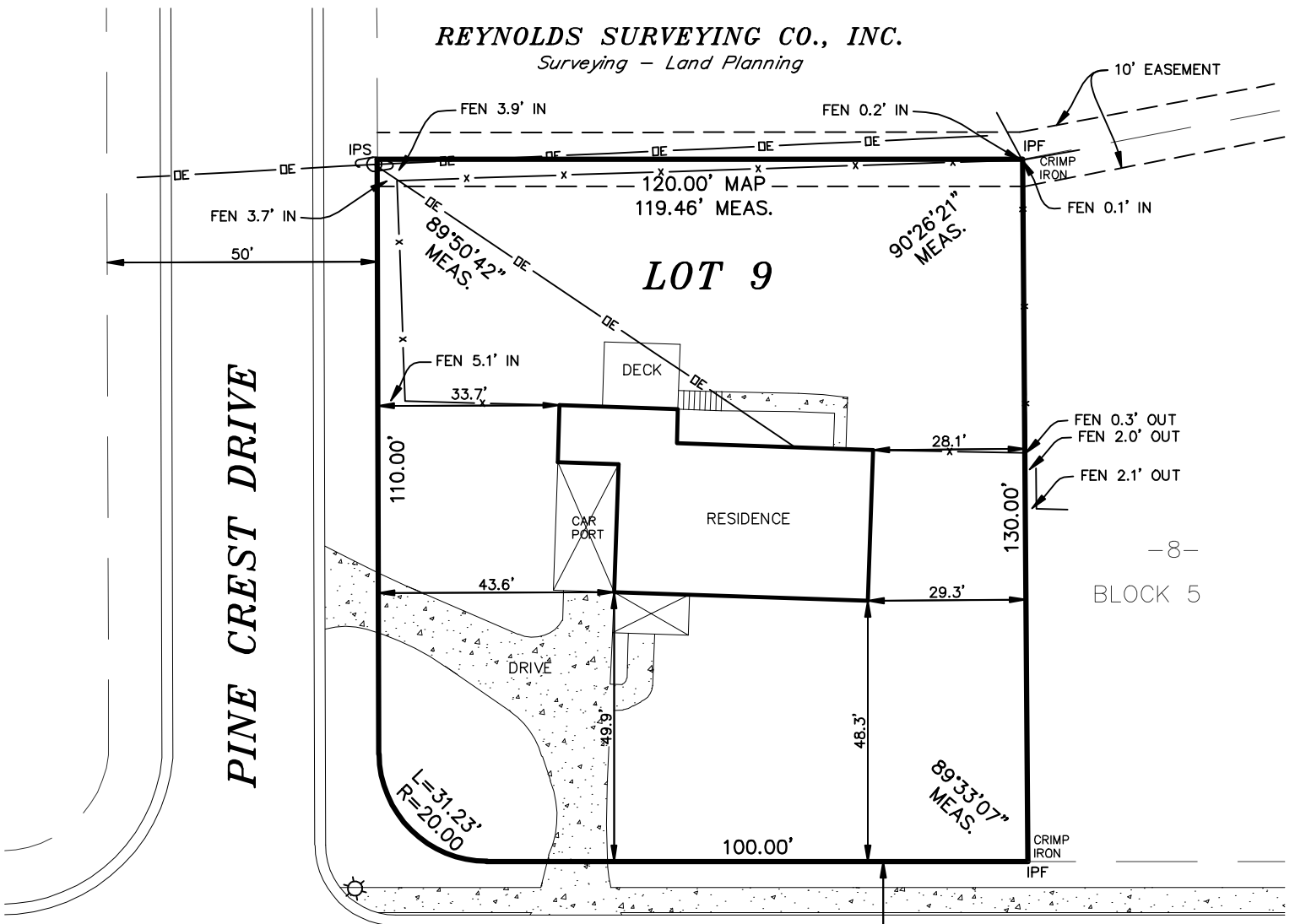
OWNER AFFIDAVIT

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

✓ Christopher T Freed
Jun 16, 2025

REYNOLDS SURVEYING CO., INC.
Surveying - Land Planning



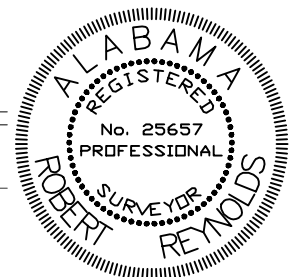
PINE CREST DRIVE

VESTAVIEW LANE

- LEGEND**
- UTILITY POLE
 - GUY WIRE
 - RETAINING WALL
 - CONCRETE
 - FENCE
 - OVERHEAD ELECTRICAL
 - IRON PIN FOUND
 - IRON PIN SET REBAR

STATE OF ALABAMA
 JEFFERSON COUNTY

SCALE: 1" = 30'
 "CLOSING SURVEY"



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 9, Block 5, of VESTAVIEW GARDENS, as recorded in Map Book 38, Page 78 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 16TH day of APRIL, 2025.

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

Purchaser: FREED
 Address: 1791 VESTAVIEW LANE

Robert Reynolds
 Reg. No. 25657 Page 15 of 45





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

OWNER AFFIDAVIT (This form must be notarized):

I do hereby declare that the following statements are correct concerning the subject property located at: 1791 VESTAVIEW LANE, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply)*.

the Property Owner and representing myself in said request.

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

And am requesting: (please check)

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

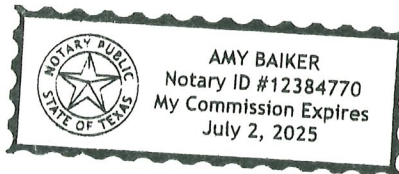
Signed:

[Handwritten Signature] 06/16/25
Owner Signature/Date

Texas
STATE OF ~~ALABAMA~~
COUNTY OF Harris

Given under my hand and seal
this 16th day of June, 2025

[Handwritten Signature]
Notary Public



My commission expires 2nd day of July, 2025.



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

July 17, 2025

AGENDA ITEM

BZA-25-16 **Roddy Sample** is requesting a **Rear Setback Variance** for the property located at **3909 Westminster Lane**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 20', to roof and screen in a portion of the existing rear deck. The property is owned by Cynthia Sproull 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

The applicant is seeking a rear setback variance to cover and screen an open deck. The applicant contends the odd-shaped lot causes a hardship. The side property line juts into the lot as you move toward the front of the lot, limiting what could be buildable space. The deck structure already exists, and only a portion of the deck will be covered. This has received approval from the neighborhood HOA. This is zoned Vestavia Hills R-6.

ATTACHMENTS

1. Application
2. Survey
3. Floor Plan
4. Rendering
5. Existing Deck Photo
6. Existing Deck Photo 2
7. HOA Letter
8. Owner's Affidavit

Jack Wakefield
City Planner



BZA-25-16

Variance Application

Status: Active

Submitted On: 6/16/2025

Primary Location

3909 WESTMINSTER LN
VESTAVIA HILLS, AL 35243

Owner

Cynthia Sproull
Westminster Lane 3909
Vestavia, AL 35243

Applicant

Roddy Sample
 205-365-6196
 roddy@roddysample.com
 8055 Chelsea Rd.
Columbiana, AL 35051

Agenda Information

Agenda Scheduling

July 2025

Comments/Delay/Explanation

Applicant Information

I am filling this out as the
Representative Agent

Billing/Responsible Party

Name	Phone #
Roddy Sample	205-365-6196

Address	City/State/Zip
8055 CHELSEA RD.	Columbiana, AL 35051

Email

roddy@roddysample.com

Representing Attorney/Other Agent

Name

Phone #

Address

City/State/Zip

Email

Subject Property Information

Subject Property Address

3909 Westminster Lane

Legal Description of Subject Property ?

LOT 15-A RESUR OF LOTS 15 16 & 17 WESTMINSTER CARRIAGE HOMES (A PRIVATE COMMUNITY) PB 218
PG 39

REASONS FOR REQUEST

Front Setback Variance

Rear Setback Variance

Setback Required*

20'

Setback Requested*

10.2'

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

R6

PROJECT

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

To cover part of the existing deck with a roof and screened walls. The house is on an irregular shaped lot that cuts off part of the buildable area that a normal lot would have in the neighborhood. The area in question is on the back and would not block any neighbors view or affect their privacy. There is a structure there now so we are not adding to the footprint of the house, just supplying much needed shade.

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 existing deck is not very usable for the owner due to weather conditions and summer heat. After having hip and knee joint replacement surgery being able to spend time outside without having to go up and down stairs is very important for her. The existing deck is the only outdoor space that that is possible on this lot. Providing a roof over it would give her that availability.

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 lot is irregularly shaped and has a corner cut off which reduces the buildable space on this lot.

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 owners in the neighborhood have shaded space on the back of their homes.

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:*

Most all the lots in this subdivision are rectangular in shape. Losing the corner created a smaller area to build the house and stay within setbacks.

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 area in question is on the back of the home and faces a road that is not inside the gates of the neighborhood. The roof would not block the view of any neighbors or impede on the privacy in any way

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

Owner can't help getting older and having medical issue. She is just trying to stay in her home in Vestavia.

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

The deck structure is already there and is only 10' wide. Building anything smaller would not be useful.

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.*


There are structures for shade on many of the properties in the subdivision. This variance would not be giving permission to construct an unusual structure.

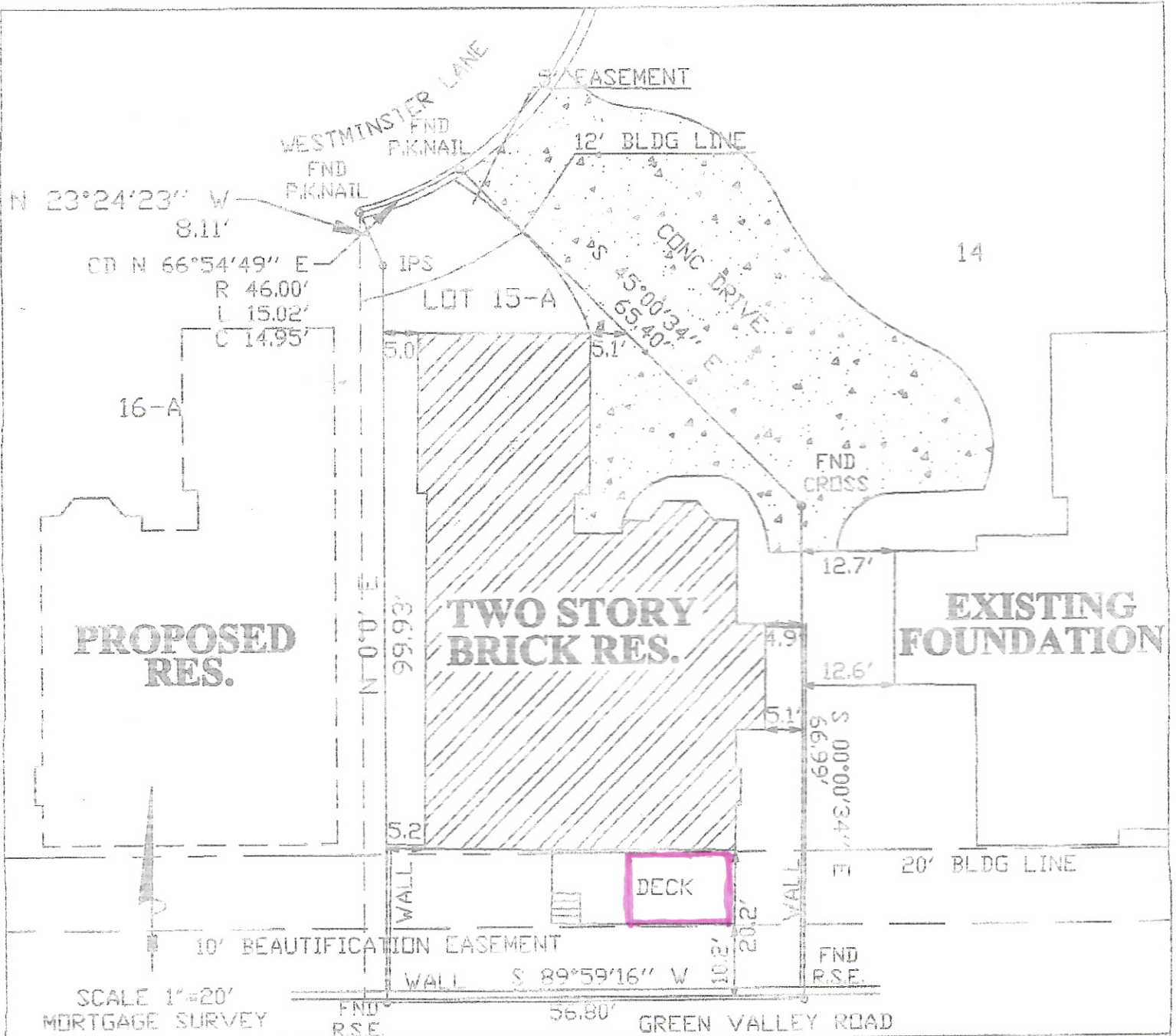
NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase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

 Roddy O. Sample
Jun 3, 2025



SCALE 1"=20'
MORTGAGE SURVEY

STATE OF ALABAMA
JEFFERSON COUNTY

I, RANDY W. RICHARDSON, A REGISTERED LAND SURVEYOR, DO HEREBY STATE THAT THE FOREGOING IS A TRUE AND CORRECT MAP OR PLAN OF MY SURVEY OF LOT 15-A RESURVEYED OF LOTS 15 THRU 17 WESTMINSTER CARRIAGE HOMES AS RECORDED IN MAPBOOK 219, PAGE 30, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA. I FURTHER STATE THAT THE RESIDENCE NOW ERECTED ON SAID LOT IS WITHIN THE LINES OF SAME AND THAT THERE ARE NO RIGHT OF WAYS, EASEMENTS OR ENCROACHMENTS OVER OR ACROSS SAID LOT VISIBLE TO ME OR KNOWN TO EXIST, EXCEPT AS SHOWN ON MY SURVEY.

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF. THIS IS TO STATE THAT I HAVE CONSULTED THE FEDERAL INSURANCE FLOOD HAZARD MAPS AND FOUND THAT THE ABOVE DESCRIBED LOT IS LOCATED IN FLOOD ZONE X (UNSHADED) ACCORDING TO COMMUNITY PANEL D1073C0503 E, JEFFERSON COUNTY. EFFECTIVE DATE 1-20-1999.

THIS THE 1ST DAY OF NOVEMBER 2009.
STREET ADDRESS: 3909 WESTMINSTER LANE.
PURCHASER: SPROLL
ATTORNEY: BILL HALBROOKS



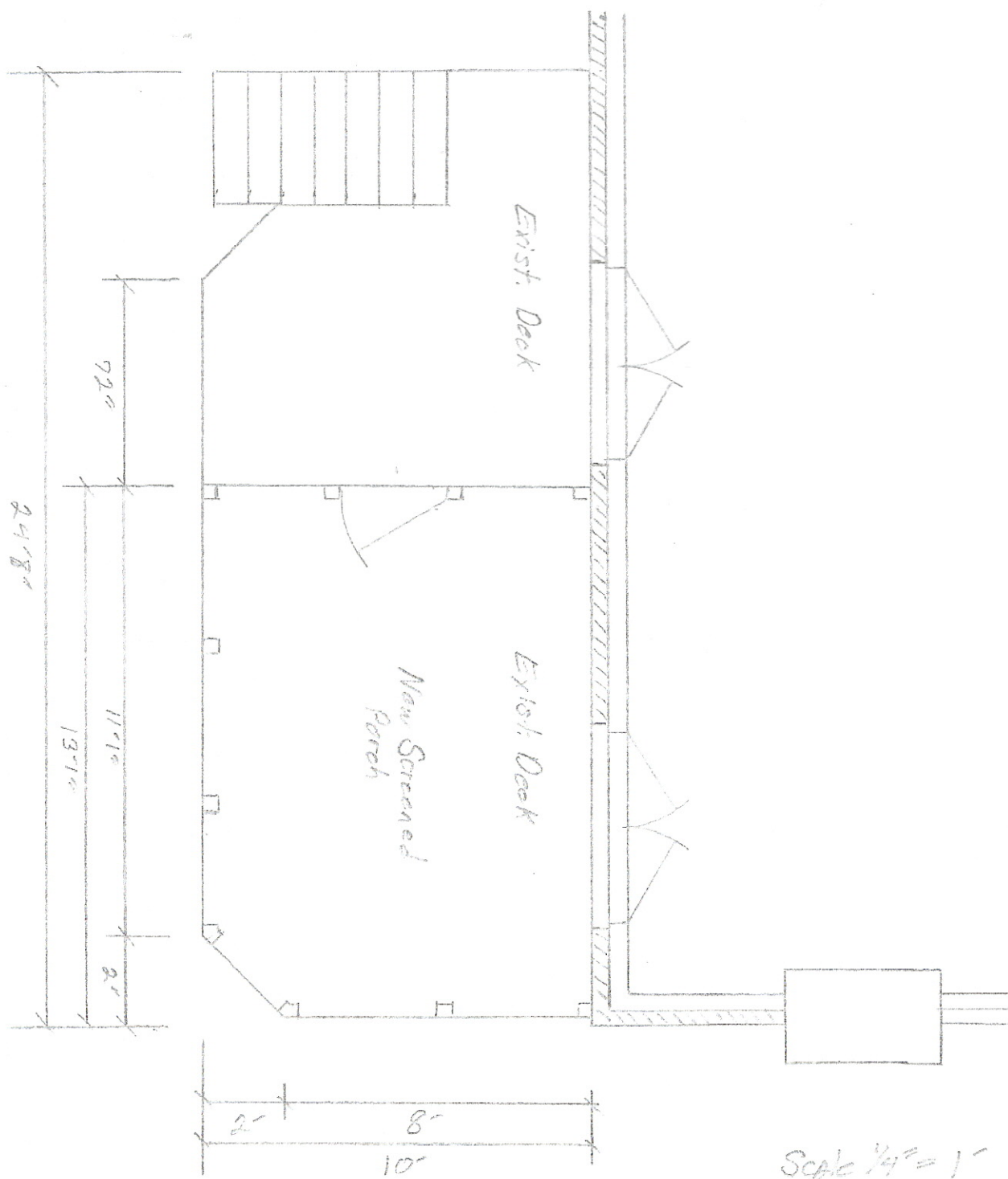
Randy W. Richardson
RANDY W. RICHARDSON REG. NO. 15153
R & R SURVEYING AND ENGINEERING CO., INC.
3509 BENT RIVER ROAD
BIRMINGHAM ALABAMA 35216
PHONE (205) 402-2486
FAX (205) 402-2487

SURVEYED BY: J. M.
DRAWN BY: M. C. R.

JOB NUMBER: S10-417

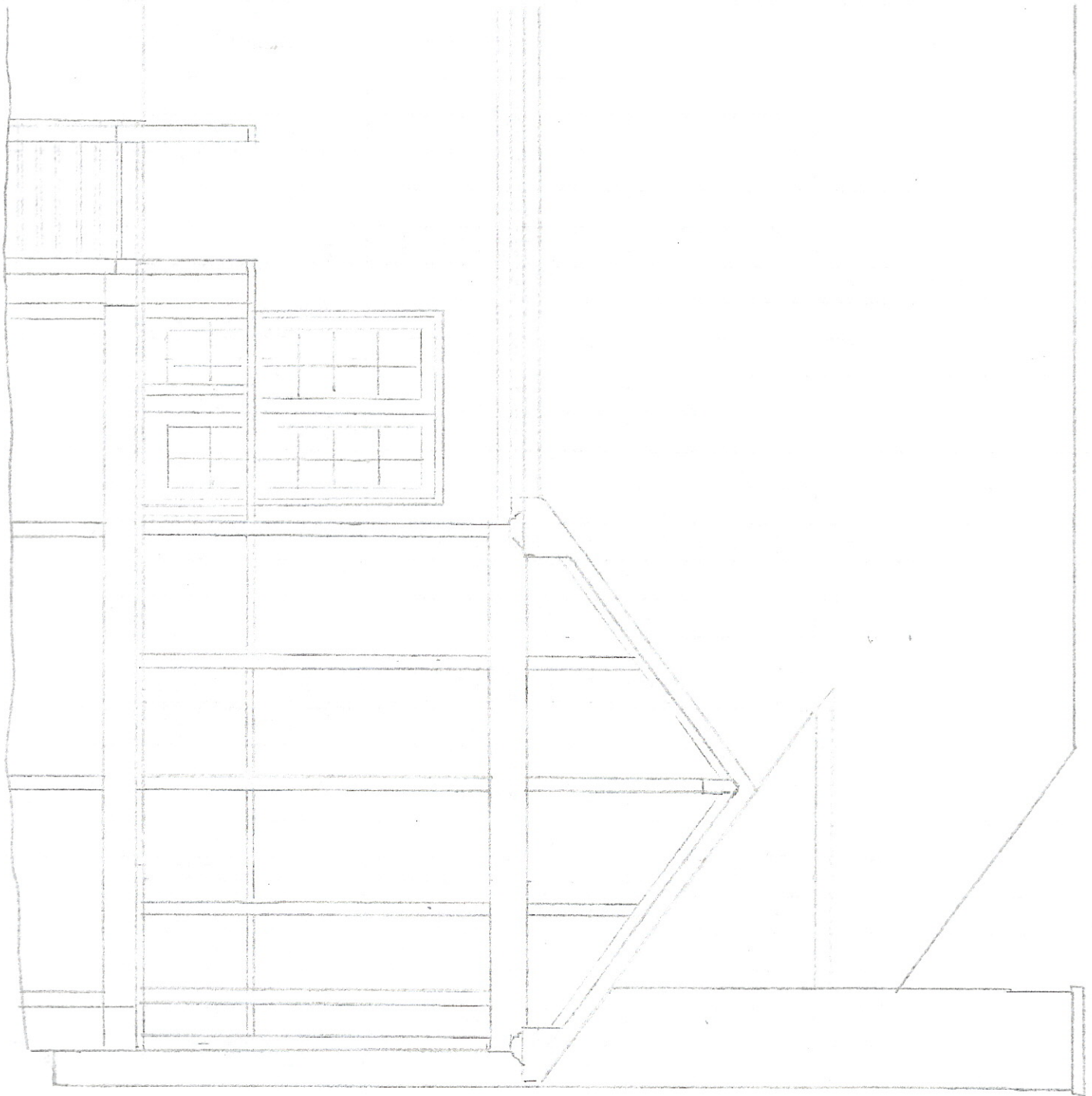
Roddy O. Sample
& Associates

Sprawl Screened Porch
3909 Westminster Lane



Roddy O. Sample
& Associates

Sproll Screened Porch
3909 Westminster Lane







WESTMINSTER HOMEOWNERS ASSOCIATION, INC.
3919 WESTMINSTER LANE
VESTAVIA HILLS, ALABAMA 35243

January 7, 2025

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

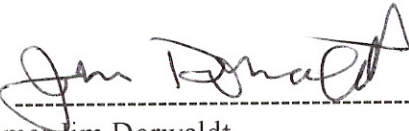
Subject: 3909 Westminster Lane, Vestavia Hills, Alabama -Approval of Porch Plans

Dear Sir or Madam:

Reference is made to the plans for construction of a proposed porch at the above-referenced property (the "Property") which are attached hereto as Exhibit A (the "Plans"). Please allow this letter to serve as notice that the Westminster Homeowners Association, Inc. (the "Association") has approved the Plans (regardless of whether the porch is screened or unscreened), including without limitation, the location of the proposed porch on the Property as reflected on the Plans.

Sincerely:

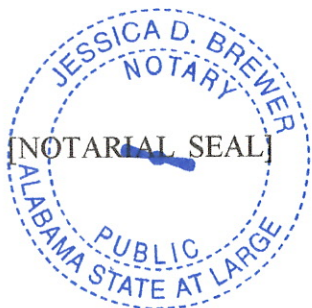
WESTMINSTER HOMEOWNERS ASSOCIATION, INC.

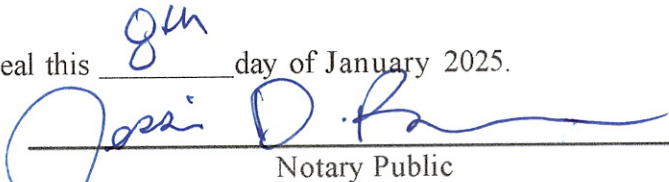
By  _____
Name: Jim Dorwaldt
Its: President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Jim Dorwaldt, whose name as President of Westminster Homeowners Association, Inc., an Alabama nonprofit corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 8th day of January 2025.





Notary Public

My commission expires: **My Commission Expires 01/07/2026**



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: 3909 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.

[checked] the Property Owner, but I am authorizing a Representing Agent by the name of: Roddy Sample to represent me in the following request:

And am requesting: (please check)

- Rezoning Request
Preliminary Plat Approval
Final Plat Approval
Conditional Use Approval
[checked] Request for Variance
Special Exception
Design Review Approval

Signed: [Signature]
Owner Signature/Date

STATE OF ALABAMA
COUNTY OF Jefferson

Given under my hand and seal
this 13 day of June, 2025

[Signature]
Notary Public



My commission expires My Commission Expires 01/07/2026





VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

July 17, 2025

AGENDA ITEM

BZA-25-17 **Trenton Makin** is requesting a **Side Setback Variance** for the property located at **4108 N Cahaba Drive**. The purpose of this request is to reduce the side setback to 3' in lieu of the required 10', to build a covered deck. The property is owned by Trenton Makin and is zoned **Vestavia Hills R-4**.

BACKGROUND

7' Side Setback Variance to Reduce the Setback to 3' in Lieu of the Required 10'

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a side setback variance to build a covered deck on the side of the house. The applicant contends the septic system in the rear, which limits building in that location. The side of the covered deck, that will face the street, will have siding that matches the house. The applicant has worked to get the side neighbor to sign off on the project. This property and the adjacent lot have recorded side setbacks. The waiver process is ongoing. This is zoned Vestavia Hills R-4.

ATTACHMENTS

1. Application
2. Survey
3. Photo of Deck
4. Owner's Affidavit

Jack Wakefield
City Planner



BZA-25-17

Variance Application

Status: Active

Submitted On: 6/17/2025

Primary Location

4108 N CAHABA DR
VESTAVIA HILLS, AL 35243

Owner

Trenton Makin
N Cahaba Dr 4108 Vestavia, AL
35243

Applicant

Trenton Makin
 251-751-3454
 trentonamakin@gmail.com
 4108 N Cahaba Dr
Vestavia, AL 35243

Agenda Information

Agenda Scheduling

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Phone #

Trenton Makin

2517513454

Address

City/State/Zip

4108 N Cahaba Dr

Vestavia/AL/35243

Email

Trentonamakin@gmail.com

Subject Property Information

Subject Property Address

4108 N Cahaba Dr Vestavia, AL 35243

Legal Description of Subject Property ?

Lot 10A, Block 2, Shades Cahaba Estates

REASONS FOR REQUEST

Front Setback Variance

Rear Setback Variance

Side Setback Variance

Setback Required*

10ft

Setback Requested*

3ft

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

R4

PROJECT

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

The scope of the project will be a covered deck on the right side of the house. It will come to three feet of the property line. I discussed with the neighbor beforehand and they had no objections. It will be screened in with railings and stairs down to the ground. The side facing the street will have siding matching the rest of the house. We are requesting the variance because we have a septic tank in our backyard that is preventing us from building there.

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).*

We have an undue hardship.

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:*

Yes, we have a septic tank located in our backyard preventing us from building the deck close to or on the area.

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:*

Yes, we will not be granted and special privileges that are denied to other owners.

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:*

Yes, we would not be able to enjoy the rights others have on their property.

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:*

Yes, the variance will be in harmony with the purpose and intent of the ordinance. It will also not be injurious to the neighborhood or general welfare.

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

Yes, we did not self-impose this hardship. We did not build the house or pick the location of the septic tank.

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

Yes, this would be the sufficient minimum variance we believe would be necessary for fair and legal use of our land.

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.*


Yes.

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

 Trenton Makin
Jun 10, 2025



LOT 4
BLOCK 2

LOT 3
BLOCK 2

LOT 2
BLOCK 2

ASSUMED
SCALE: 1"=40'

1" CRIMP

88.82' (P)

3/4" BOLT

UNABLE TO ACCESS POINT
DUE TO PRIVACY FENCE

UNABLE TO ACCESS POINT
DUE TO PRIVACY FENCE

PRIVACY FENCE

PRIVACY FENCE

25' SETBACK

LOT 10A

LOT 11A

LOT 8/9
MB 27 PG 78

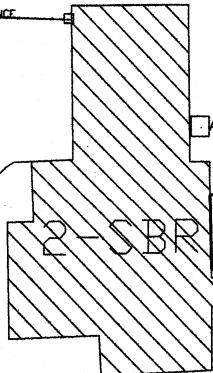
PRIVACY FENCE

10' SETBACK

10' SETBACK

PRIVACY FENCE

DRIVEWAY



A/C

15

40' SETBACK

DRIVEWAY

1/2" PIPE FD

89.96' (P)

89.94' (M)

3/4" OPF

NEW
ADDITION

North Cahaba Drive (50' R.O.W.)

STATE OF ALABAMA
COUNTY OF JEFFERSON

LOT 10A, ACCORDING TO THE RESURVEY OF LOT 11 AND THE NORTH 80' OF
LOT 10, BLOCK 2, MAP OF FIRST ADDITION TO SHADES CAHABA ESTATES, AS
RECORDED IN MAP BOOK 235, PAGE 90, IN THE OFFICE OF THE JUDGE OF
PROBATE OF JEFFERSON COUNTY, ALABAMA.

SOURCE OF TITLE INSTRUMENT#-2022041547 (JEFFERSON CO.)

DATE: 1 JUNE 2025

"I hereby (or state) 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."

Surveyor's Signature:

Amos F. Reese

Alabama License No. 31576

Date June 3, 2025

TYPE: AS-BUILT

4108 North Cahaba Drive
Vestavia, AL 35243

AMOS F. REESE
3556 GREAT OAK LANE
BIRMINGHAM, AL 35223
PHONE: 205.276.5596

CIR- CAPPED IRON ROD
IPS-1/2" REBAR W/ CAP
IPF-IRON PIN FOUND
CALC-CALCULATED
(P)-PLAT DIMENSION
(M)-MEASURED DIMENSION
O-MANHOLE
P-POWER POLE
G-GAS VALVE
PE-PEDESTAL
FH-FIRE HYDRANT
WM-WATER METER
WV-WATER VALVE
PB-POWERBOX

N-NORTH
S-SOUTH
W-WEST
E-EAST
POC-POINT OF COMMENCEMENT
POB-POINT OF BEGINNING
●-POINT SET
○-POINT FOUND
⊠-POINT CALC.
△-POINT NOT SET
- - - FENCE LINE
- - - EASEMENT LINE
- - - OHP - OVERHEAD POWER/TEL
□-Light Pole

ROW-RIGHT OF WAY











**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: 4108 N Cahaba Dr, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply).*

the Property Owner and representing myself in said request.

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

And am requesting: (please check)

- | | |
|--|--|
| <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: *Tim A. Mc...* 6/2/2025
Owner Signature/Date

STATE OF ALABAMA
COUNTY OF Jefferson

Given under my hand and seal
this 2nd day of June, 2025.

Stephen J Sikorski
Notary Public

My commission expires 2nd day of September, 2025.



My Commission Expires
September 2, 2025

