



Vestavia Hills
Board of Zoning Adjustment Agenda
November 16, 2023
6:00 PM

1. Roll Call
2. Approval Of Minutes
3. BZA-23-28 **Brandon Stovall** is requesting a **Front and Side Setback Variance** for the property located at **1837 Cedarwood Road**. The purpose of this request is to reduce the rear setback to 40' in lieu of the required 50' & to reduce the side setback to 9' in lieu of the required 15', to build an addition. The property is owned by Brandon Stovall and is zoned **Vestavia Hills R-2**.
4. BZA-23-29 **Ashley Wilbanks** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1123 Winward Lane**. The purpose of this request is to build a fence in the front setback. The property is owned by Ashley Wilbanks and is zoned **Vestavia Hills R-9**.
5. BZA-23-30 **Michael Jones** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1509 Oak Lear Trail**. The purpose of this request is to build a fence in the front setback. The property is owned by Michael Jones and is zoned **Vestavia Hills R-1**.
6. BZA-23-31 **David Gossett** is requesting a **Front Setback Variance** for the property located at **800 Comer Drive**. The purpose of this request is to reduce the front setback to 44' in lieu of the required 50', to build a house. The property is owned by David Gossett and is zoned **Vestavia Hills R-2**.
7. BZA-23-32 **Bo Davis** is requesting a **Side & Rear Setback Variance** for the property located at **1200 Wickford Road**. The purpose of this request is to reduce the side setback to 5' in lieu of the required 15' & to reduce the rear setback to 5' in lieu of the required 30", to build a garage addition. The property is owned by Bo Davis and is zoned **Vestavia Hills R-2**.
8. Time Of Adjournment

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

October 19, 2023

The Board of Zoning Adjustment of the City of Vestavia Hills met in regular session on this date at 6:00 PM. The roll was called with the following:

MEMBERS PRESENT:

Rick Rice, Chairman
Michael Fliegel, Alt
Stephen Greer
Tony Renta
Ryan Rummage, Alt

MEMBERS ABSENT

Loring Jones, III
Thomas Parchman

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of September 21, 2023 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of September 21, 2023 was made by Mr. Fliegel and 2nd was by Mr. Greer. Motion as carried on a voice vote as follows:

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

REAR SETBACK VARIANCE

BZA-23-18 **Tyler Kime** is requesting a **Rear Setback Variance** for the property located at **1832 Canton Road**. The purpose of this request is to reduce the rear setback to 20' in lieu of the required 30', to build a garage addition. The property is owned by Tyler Kime and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that the request is to build a garage addition.

Tyler Kime, 1832 Canton Road, was present for the case and stated that the easement traversing the middle of the property caused a hardship.

Mr. Greer asked where the location of the easement was.

Mr. Kime stated that the sanitary sewer easement runs down the middle of the current driveway.

Chairman Rice asked the applicant if he was aware of Engineering's comments on his lots amount of impervious area.

Mr. Kime stated that he was aware and would work with Engineering during the permit phase.

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

Motion to APPROVE 10' Rear Setback Variance to Reduce the Setback to 20' in Lieu of the Required 30' for the property located at 1832 Canton Road was made by Mr. Greer and 2nd was by Mr. Fliegel. Motion was carried on a roll call vote as follows:

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

SIDE SETBACK VARIANCE

BZA-23-24 **Brian Malcom** is requesting a **Side Setback Variance** for the property located at **2525 Aspen Cove Drive**. The purpose of this request is to reduce the side setback to 12' in lieu of the required 15', to build deck addition. The property is owned by Brian Malcom and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that the request is to build a deck in the side setback.

Angie Finley ,236 Creekstone Trail, was present for the case and stated the hardship was an odd-shaped lot and drainage ditch backyard.

There were no questions from the Board.

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

Motion to APPROVE 3' Side Setback Variance to Reduce the Setback to 12' in Lieu of the Required 15' for the property located at 2525 Aspen Cove Drive was made by Mr. Renta and 2nd was by Mr. Rummage. Motion was carried on a roll call vote as follows:

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

VARIANCE FOR LOCATION OF FENCE IN FRONT SETBACK

BZA-23-27 Shannon George is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1829 Canyon Road**. The purpose of this request is to build a privacy fence in the front setback. The property is owned by Shannon George and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that the request is to build a fence within the front setback.

Shannon George, 1829 Canyon Road, was present for the case and stated the odd-shaped corner lot caused a hardship. She stated that the fence is needed for safety of backyard. The neighbor has a pit-bull and applicant would like a safe space for little child to play.

Chairman Rice stated that we cannot take into account needed safety for a variance request, but that the applicant does have an odd-shaped lot.

Chairman Rice asked about the extent to which the fence will be placed.

Mrs. George stated they would like to extend the fence slightly past the building line, to make fence line even with the house.

Mr. Greer asked the size of the fence.

Mrs. George stated that the existing fence is 6' tall, but the addition would most likely be 4'.

Chairman Rice asked the type of materials that would be used.

Mrs. George stated the fence would be wooden.

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

Motion to APPROVE a Variance for Location of Fence in the Front Setback, for the property located at 1839 Canyon Road was made by Mr. Renta and 2nd was by Mr. Fliegel. Motion was carried on a roll call vote as follows:

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

MULTIPLE SETBACK VARIANCE

BZA-23-22 **Brandon Stovall** is requesting a **Front and Side Setback Variance** for the property located at **1837 Cedarwood Road**. The purpose of this request is to reduce the rear setback to 40' in lieu of the required 50' & to reduce the side setback to 9' in lieu of the required 15', to build an addition. The property is owned by Brandon Stovall and is **zoned Vestavia Hills R-2**.

Mr. Wakefield explained that the request is to build an ADA compliant addition to an existing home.

Daniel Burton, 2429 High Bluff Road, was present for the case and stated that the current structure is not ADA compliant and addition is needed to allow for a functioning house for disabled resident.

Chairman Rice asked what with the land causes the hardship?

Mr. Burton stated that they have no other place on the lot (other than the front) to allow for ADA compliance.

Mr. Renta asked why you have to move forward into the front setback, when the hardship is tied to the land.

Mr. Burton stated that the stairs are currently in the front and he has no where else structurally to put those.

Chairman Rice stated that he doesn't see a hardship. That the hardship must have to do with land.

Mr. Burton, stated that the hardship is making the stairs are accessible and they are not with how it is currently constructed.

Mr. Renta said by Alabama state law, that is not a hardship. It must be tied to the land, not ADA accessibility.

Mr. Burton said there was no other place structurally for this addition, that is why it must be pushed forward.

The Board stated that the applicant can postpone and come back for the next hearing with a reworked plan, as they find no hardship.

Applicant stated that they would like to postpone the hearing to the 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

November 16, 2023

AGENDA ITEM

BZA-23-28 **Brandon Stovall** is requesting a **Front and Side Setback Variance** for the property located at **1837 Cedarwood Road**. The purpose of this request is to reduce the rear setback to 40' in lieu of the required 50' & to reduce the side setback to 9' in lieu of the required 15', to build an addition. The property is owned by Brandon Stovall and is zoned **Vestavia Hills R-2**.

BACKGROUND

10' Front Setback Variance to Reduce the Setback to 40' in Lieu of the Required 50'
& 6' Side Setback Variance to Reduce the Setback to 9' in Lieu of the Required 15'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking front and side setback variances to renovate and add on to the existing house. The applicant contends the current house sits far back enough on the lot that it creates handicap accessibility issues. The encroachment of 10' into the front setback would allow for the homeowner to create a handicap accessible entrance and access to the second floor.

ATTACHMENTS

1. Application
2. Cedarwood Official Site Plan
3. As-Built Survey
4. Renderings
5. Affidavit

Jack Wakefield
City Planner



BZA-23-28

Variance and Special Exception Application

Status: Active

Submitted On: 9/19/2023

Primary Location

1837 CEDARWOOD RD

VESTAVIA HILLS, AL 35216

Owner

Brandon Stovall

Applicant



Del Romero



205-822-7936



del@taylorburton.com



3239 Lorna Road

Suite 108

Birmingham, AL 35216

Agenda Information



Agenda Scheduling

October 2023



Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Representative Agent

Billing/Responsible Party

Name

Taylor Burton Company

Phone #

205-822-7936

Address

3239 Lorna Road, Suite 108

City/State/Zip

Birmingham, AL 35216

Email

del@taylorburton.com

Representing Attorney/Other Agent

Name

Phone #

Address

City/State/Zip

Email

Subject Property Information

Subject Property Address

1837 Cedarwood Road

Legal Description of Subject Property

Lot 11, Block 2, according to the Survey of Southwood Addition to Vestavia Hills 1st Sector, as recorded in Map Book 42, page 33, In the Probate Office of Jefferson County, Alabama, Birmingham Division

REASONS FOR REQUEST

Front Setback Variance☒**Setback Required***

50

Setback Requested*

40

Rear Setback Variance☐**Side Setback Variance**☒**Setback Required***

15'

Setback Requested*

10'

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

PROJECT

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

Addition and renovation per plans. Handicap accessibility extension for aging parents.

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).*

Handicap accessibility for aging parents.

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:*

Existing home is built too far up on the lot preventing the handicap accessible addition from being within the existing setbacks.

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:*

Not applicable.

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:*

Existing setback requirements prevent homeowners from creating a handicap accessible entrance and access to the second floor.

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, this addition will be pretty and improve the existing curb appeal of the neighborhood.

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

Correct, the homeowners intention is to create a handicap accessible entrance and access to the second floor.

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

Yes, a 10ft variance will allow the homeowner to create a handicap accessible entrance and access to the second floor.

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.*

Correct, this 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.

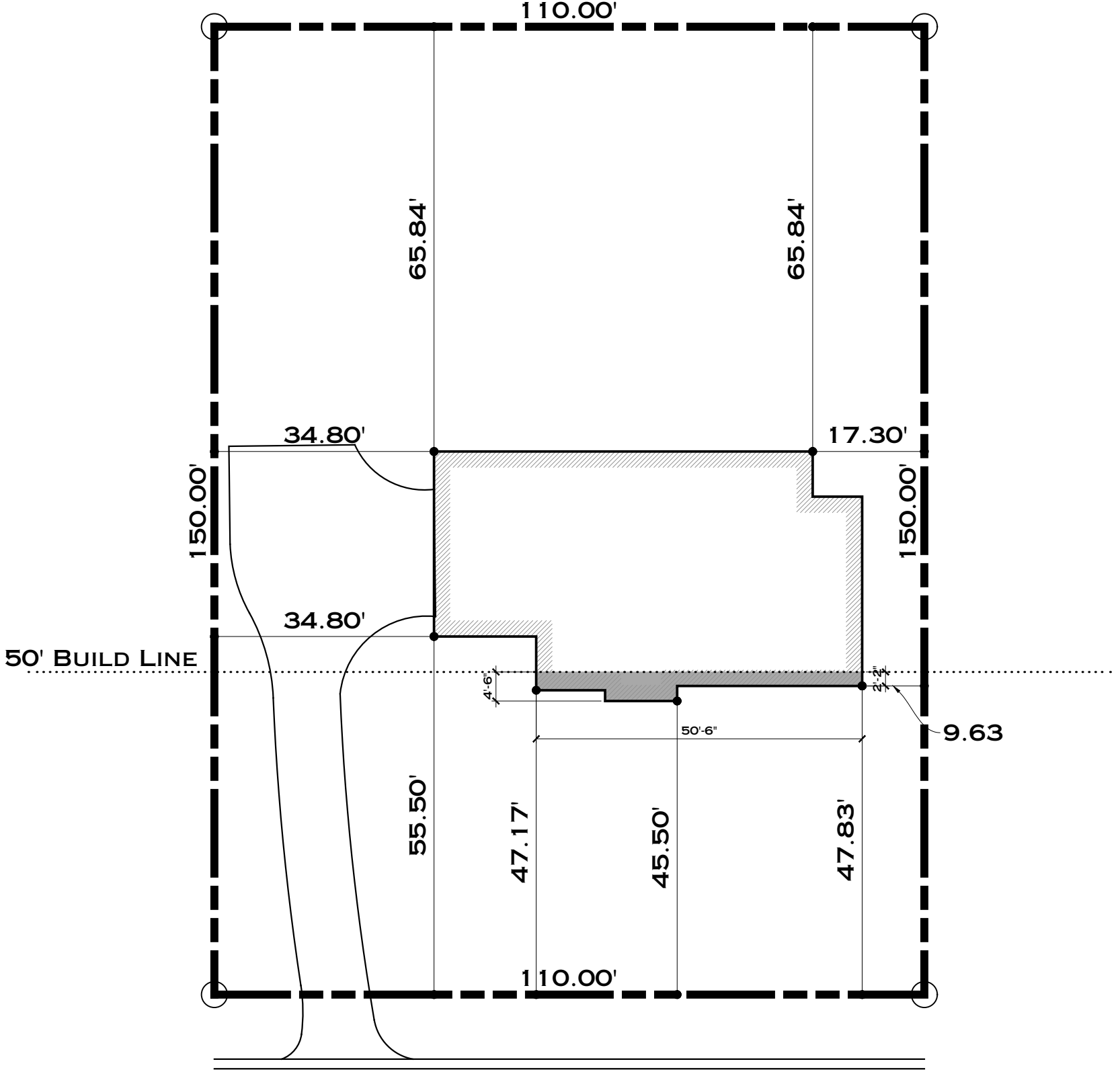
NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase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

✓ Daniell Taylor Burton
Sep 19, 2023



1

A1

Site Plan

1" = 20'-0"

0

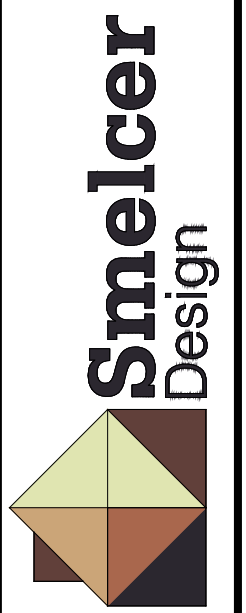
10'-0"

20'-0"

40'-0"

60'-0"

PLAN INFORMATION
PROJECT NAME: CUSTOM DESIGN
COMMUNITY: ---
LOT NUMBER: ---
CLIENT NAME: ----
PDF CREATION DATE: 9/25/23 - 1:36PM
SMELCER DESIGN DJSMLCER@YAHOO.COM DANNYSMLCER@GMAIL.COM DAVID: 205.229.3835 DANNY: 205.296.1215



SHEET INDEX	
#	NAME
A0	TITLE SHEET
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A2.1	FOUNDATION PLAN
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A2.3	2ND FLOOR PLAN
A2.4	ROOF PLAN
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A3.3	EXTERIOR ELEVATIONS
A3.4	EXTERIOR ELEVATIONS
A4.1	DETAIL SHEET
E1.1	ELECTRICAL SHEET
E1.2	ELECTRICAL SHEET
TOTAL SHEETS: 13	

SHEET INFORMATION

A1.1

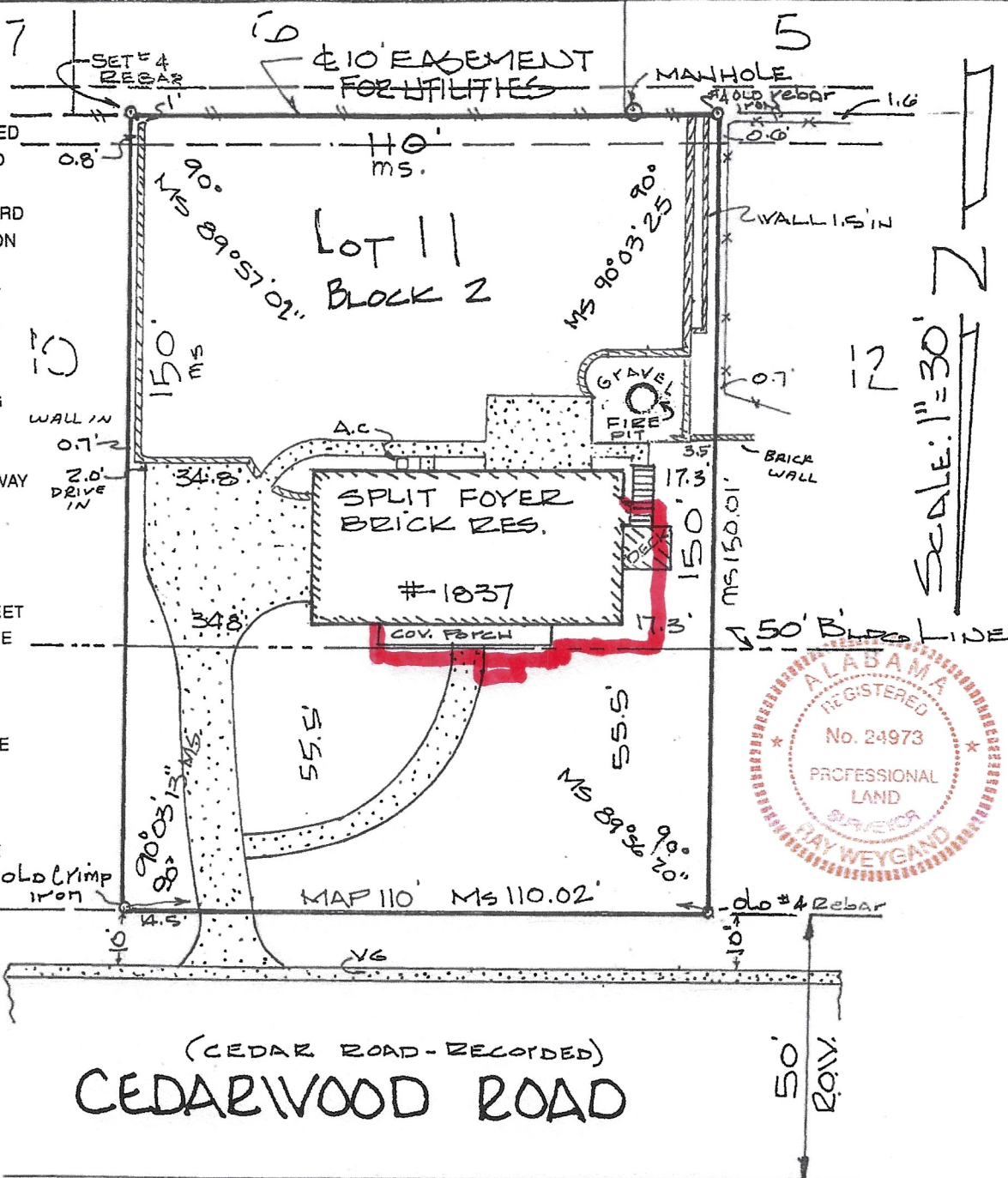
Site Plan

LEGEND

ASPH	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG CH	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT.	EASEMENT
HW	HEADWALL
MIN.	MINIMUM
MH	MANHOLE
OH	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTIL	UTILITY
AC.	ACRES
S.F.	SQUARE FEET
CL	CENTERLINE
●	POLE
—	ANCHOR
***	FENCE
— —	POWER LINE
PVMT.	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
o LGT	LIGHT
COV	COVERED



DECK

CONCRETE
WALLSTATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

* OF SOUTHWOOD ADDITION
TO VESTAVIA HILLS

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 11, Block 2, First Sector as recorded in Map Volume 43 Page 33, in the Office of the Judge of Probate, Jefferson County, Alabama; 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 the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby 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; according to my survey of MARCH 23, 2016. Survey invalid if not sealed in red.

Order No.: 82797
Purchaser: LUGO
Address: 1837 CEDARWOOD ROAD

Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©

Note. (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.

Drawing Notes

1. These drawings are designed to be legible and scalable on 11x17 (Ledger) size paper, which significantly reduces the builder's overhead printing costs. The drawings will be the indicated scales if they are printed at **100%** on 11x17 size paper. If the builder requires a larger scale, the drawings can be printed at **200%** on 22x34 (ANSI D), or larger size paper. The indicated scales will then become doubled (i.e. a drawing indicated as 1/8"=1'-0" will scale out to 1/4"=1'-0"). Setting the page scaling in the PDF print dialog box to any auto scaling options (fit to page, reduce to margins, etc..) will cause these drawings to not size to any useful scale.
2. All framing dimensions are typically to the outside face of stud on exterior walls, or to the center of interior walls, windows, & doors, unless noted otherwise.
3. All slab dimensions are to outer most edge of slab (or brick ledge if applicable), or to centerline of a footing, plumbing fixture, or electrical fixture unless noted otherwise.
4. Beam and joist notes are referencing the joist system above the referenced floor plan (i.e. the ceiling joists) unless stated otherwise. For example, an annotated joist on the 1st floor is referencing the ceiling joist system for the first floor. (Which may also be the floor joist system of the 2nd floor).
5. Walls are drawn at modular sizes. (4", 6", 8" etc.) Brick veneer stud walls are drawn with a typical 4" brick pocket to accommodate a queen size brick thickness.
6. Finished floor areas are counted to the outside edge of the load bearing material unless noted otherwise.
7. All fixtures, appliances, cabinets, built-ins, and other symbols drawn in this set of plans are representational in nature. They are used to show design intent only. Refer to the contractor's specification sheet for actual conditions, details and specs. (i.e., a typical kitchen sink shown in the drawings may be specified as a farm sink, or an oval tub shown in the drawings may be specified as a rectangular tub.)
8. Locate interior doors so that door casing abuts sheetrock of adjacent wall. In cases where a door is shown in the approximate center of a wall, locate door in the exact center of the wall.
9. The Designer shall not be held liable for any errors, omissions, or deficiencies in any form by any party whatsoever.

Key to Graphic Symbols

1

A1.1

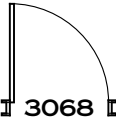
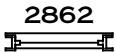
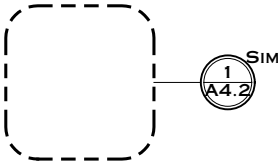
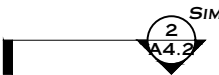
View Name

1/8" = 1'-0"



PLATE LINE

9'-0"



View Title. This symbol indicates that the drawing above it is Drawing 1 of Sheet A1.1. The scale is 1/8" = 1'-0" if printed at 100%.

Elevation Symbol. The right arrow indicates Elevation Number 1 on Sheet A3.1.

Level Elevation Symbol. This symbol shows the name of the level and the elevation height above or below the 1st floor (the origin).

Section Callout. The section this symbol is pointing to is shown on Drawing 2 of Sheet A4.2. If "SIM" is written, it will indicate that the section may be similar in nature, but may not be an exact condition of the reference.

Detail Callout. The detail this symbol is pointing to is shown on Drawing 1 of Sheet A4.2. If "SIM" is written, it will indicate that the detail may be similar in nature, but may not be an exact condition of the reference.

Door & Window Tags. The upper example tag notates a window that is 2'-8" wide by 6'-2" tall. The lower example tag notates a door that is 3'-0" wide by 6'-8" tall. Rough opening sizes should be verified by the manufacturer.

Common Abbreviations

±	approximately	n/a	not applicable
@	at	nts	not to scale
aff	above finished floor	oc	on center
b.o.	bottom of...	ph	telephone jack
bd.	board	pt	pressure treated
bsmt	basement	r/a	return air
cl	centerline	ref.	refrigerator
cmu	concrete masonry unit	req'd	required
c/t	cooktop	sd	smoke detector
d	dryer	sim.	similar
dbl	double	sqft	square feet
dn	down	t&g	tongue and groove
d/w	dishwasher	t.o.	top of...
eq.	equal	tv	cable television
fc	flex conduit	typ.	typical
hb	hose bibb	u/c	under counter
IM	ice maker	vif	verify in field
k/s	knee space	w	washer
kp	keypad	w/	with
m/w	microwave oven	w/c	wine cooler
max.	maximum	wh	water heater
mil	millimeter	wp	waterproof
min.	minimum	wwm	welded wire mesh

Wall Material Key

8"

8" Block

12"

12" Block

8" 4"

8" Block w/ 4" Brick Ledge

10"

10" Formed Concrete

10" 4"

10" Formed Concrete w/ 4" Brick Ledge

4"

Stud Wall (drawn at 4" nominal size)

4"

Interior Load Bearing Stud Wall

4" 8"

Stud Wall w/ Brick Veneer (drawn at 8" nominal size)

Concrete footing (see detail drawings for size)



1837 Cedarwood Road

PLAN INFORMATION

PROJECT NAME:
CUSTOM DESIGN

COMMUNITY:

LOT NUMBER:

CLIENT NAME:

PDF CREATION DATE:
7/14/23 - 12:58PM

SMELCER DESIGN
DJSMLCER@YAHOO.COM
DANNYSMLCER@GMAIL.COM
DAVID: 205.229.3835
DANNY: 205.296.1215

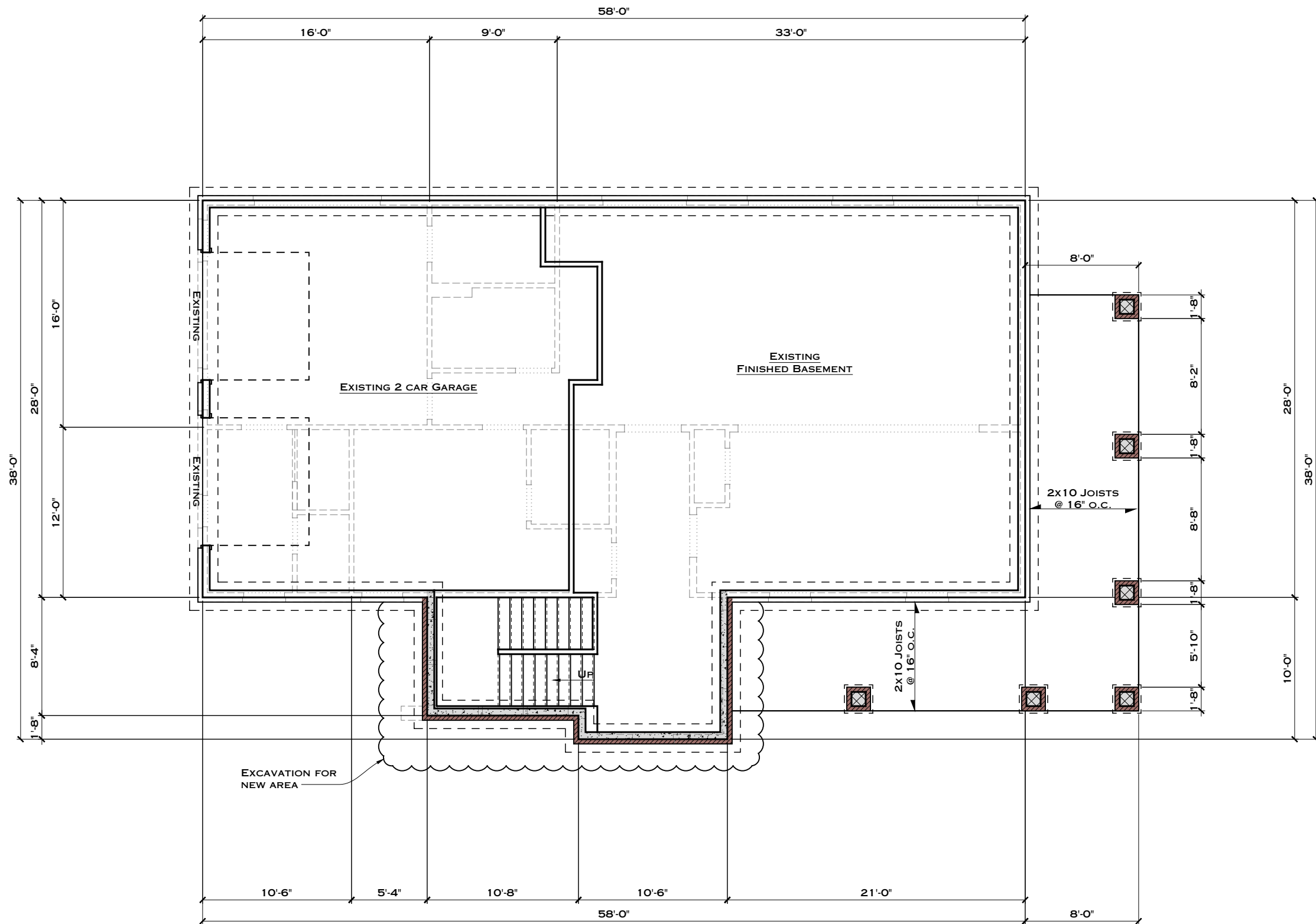


SHEET INDEX

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SHEET INFORMATION

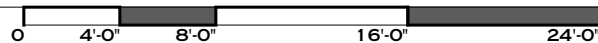
A0
Title Sheet



1
A2.1

Foundation Plan

1/8" = 1'-0"



PLAN INFORMATION

PROJECT NAME:
CUSTOM DESIGN

COMMUNITY:

LOT NUMBER:

CLIENT NAME:

PDF CREATION DATE:
7/14/23 - 12:58PM

SMELCER DESIGN
DJSMLCER@YAHOO.COM
DANNYSMLCER@GMAIL.COM
DAVID: 205.229.3835
DANNY: 205.296.1215



SHEET INDEX

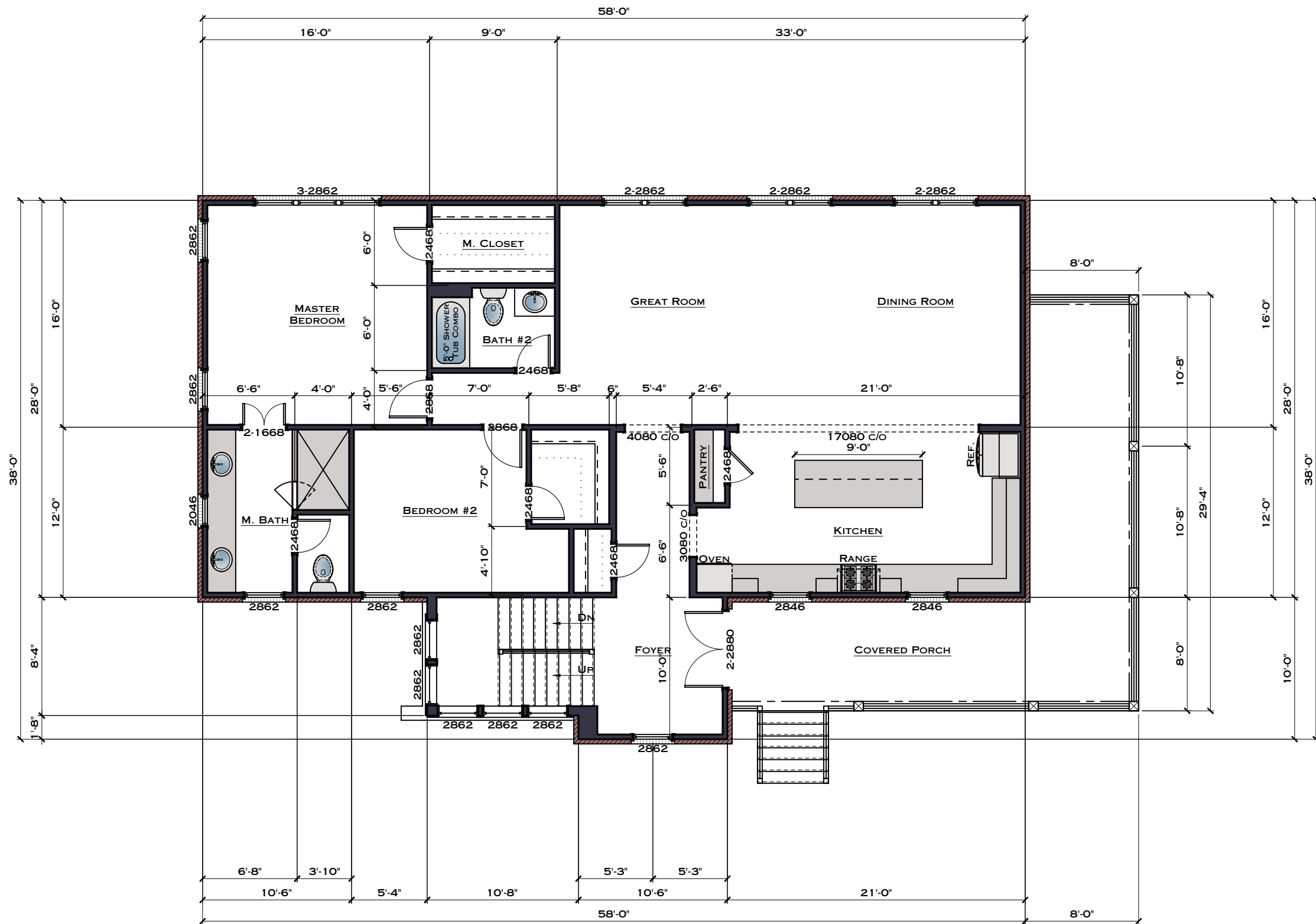
#	NAME
A0	TITLE SHEET
A1	SITE PLAN
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A2.2	1ST FLOOR PLAN
A2.3	2ND FLOOR PLAN
A2.4	ROOF PLAN
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A3.3	EXTERIOR ELEVATIONS
A3.4	EXTERIOR ELEVATIONS
A4.1	DETAIL SHEET
E1.1	ELECTRICAL SHEET
E1.2	ELECTRICAL SHEET

TOTAL SHEETS: 13

SHEET INFORMATION

A2.1

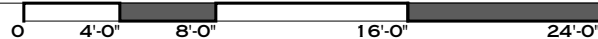
Foundation Plan



1
A2.2

1st Floor Plan

1/8" = 1'-0"



PLAN INFORMATION

PROJECT NAME:
CUSTOM DESIGN

COMMUNITY:

LOT NUMBER:

CLIENT NAME:

PDF CREATION DATE:
7/14/23 - 12:58PM

SMELCER DESIGN
DJSMLCER@YAHOO.COM
DANNYSMLCER@GMAIL.COM
DAVID: 205.229.3835
DANNY: 205.296.1215

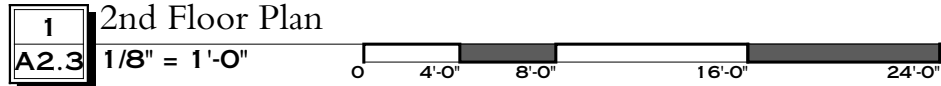


SHEET INDEX

#	NAME
A0	TITLE SHEET
A1	SITE PLAN
A2.1	FOUNDATION PLAN
A2.2	1ST FLOOR PLAN
A2.3	2ND FLOOR PLAN
A2.4	ROOF PLAN
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A3.3	EXTERIOR ELEVATIONS
A3.4	EXTERIOR ELEVATIONS
A4.1	DETAIL SHEET
E1.1	ELECTRICAL SHEET
E1.2	ELECTRICAL SHEET
TOTAL SHEETS: 13	

SHEET INFORMATION

A2.2
1st Floor Plan



A2.3



1

A3.1

Front Elevation

1/8" = 1'-0"

0

4'-0"

8'-0"

16'-0"

24'-0"

PLAN INFORMATION

PROJECT NAME:
CUSTOM DESIGN

COMMUNITY:

LOT NUMBER:

CLIENT NAME:

PDF CREATION DATE:
7/14/23 - 12:58PM

SMELCER DESIGN
DJSMLCER@YAHOO.COM
DANNYSMLCER@GMAIL.COM
DAVID: 205.229.3835
DANNY: 205.296.1215

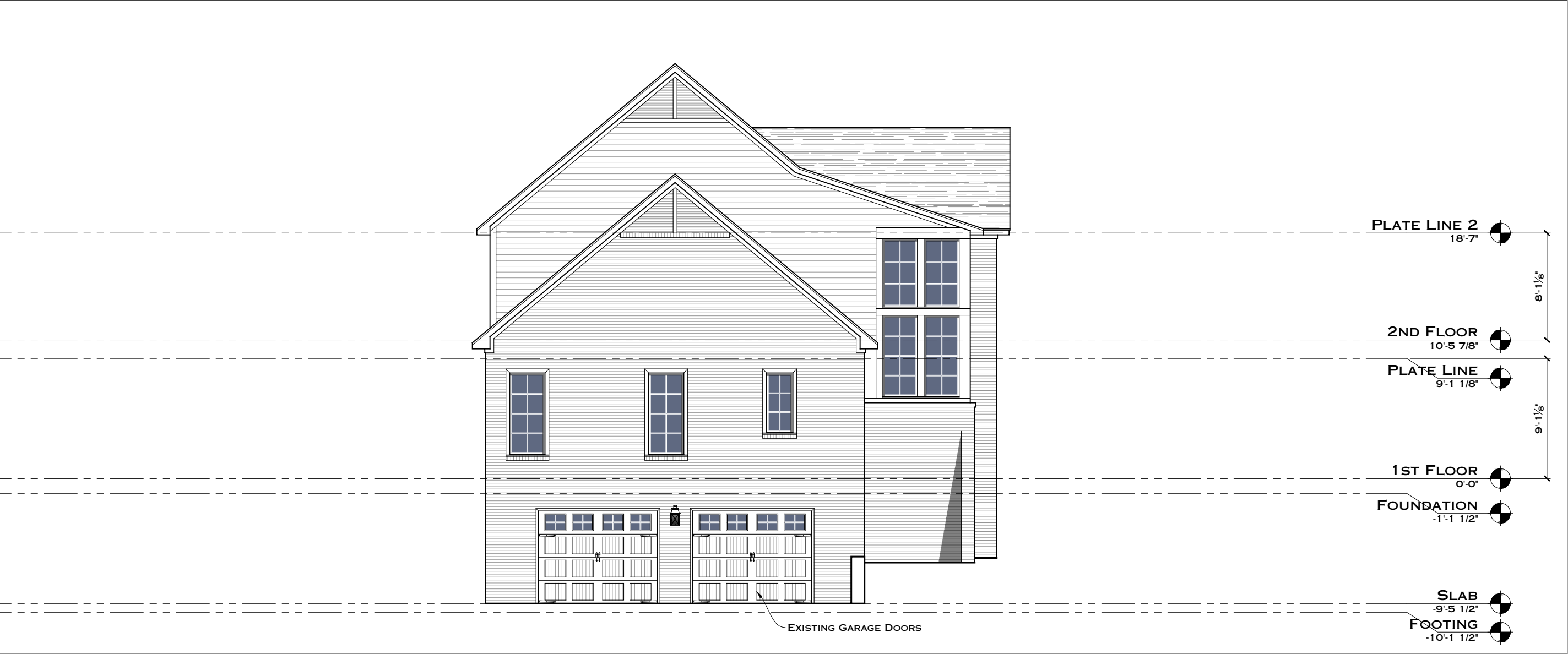


SHEET INDEX

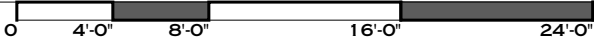
#	NAME
A0	TITLE SHEET
A1	SITE PLAN
A2.1	FOUNDATION PLAN
A2.2	1ST FLOOR PLAN
A2.3	2ND FLOOR PLAN
A2.4	ROOF PLAN
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A3.3	EXTERIOR ELEVATIONS
A3.4	EXTERIOR ELEVATIONS
A4.1	DETAIL SHEET
E1.1	ELECTRICAL SHEET
E1.2	ELECTRICAL SHEET
TOTAL SHEETS: 13	

SHEET INFORMATION

A3.1
Exterior Elevations



1 Left Elevation
A3.2 1/8" = 1'-0"



PLAN INFORMATION

PROJECT NAME:
CUSTOM DESIGN

COMMUNITY:

LOT NUMBER:

CLIENT NAME:

PDF CREATION DATE:
7/14/23 - 12:58PM

SMELCER DESIGN
DJSMLCER@YAHOO.COM
DANNYSMLCER@GMAIL.COM
DAVID: 205.229.3835
DANNY: 205.296.1215



SHEET INDEX

#	NAME
A0	TITLE SHEET
A1	SITE PLAN
A2.1	FOUNDATION PLAN
A2.2	1ST FLOOR PLAN
A2.3	2ND FLOOR PLAN
A2.4	ROOF PLAN
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A3.3	EXTERIOR ELEVATIONS
A3.4	EXTERIOR ELEVATIONS
A4.1	DETAIL SHEET
E1.1	ELECTRICAL SHEET
E1.2	ELECTRICAL SHEET
TOTAL SHEETS: 13	

SHEET INFORMATION

A3.2
Exterior Elevations



1 Rear Elevation
A3.3 1/8" = 1'-0"

0 4'-0" 8'-0" 16'-0" 24'-0"

PLAN INFORMATION

PROJECT NAME:
CUSTOM DESIGN

COMMUNITY:

LOT NUMBER:

CLIENT NAME:

PDF CREATION DATE:
7/14/23 - 12:58PM

SMELCER DESIGN
DJSMLCER@YAHOO.COM
DANNYSMLCER@GMAIL.COM
DAVID: 205.229.3835
DANNY: 205.296.1215



SHEET INDEX

#	NAME
A0	TITLE SHEET
A1	SITE PLAN
A2.1	FOUNDATION PLAN
A2.2	1ST FLOOR PLAN
A2.3	2ND FLOOR PLAN
A2.4	ROOF PLAN
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A3.3	EXTERIOR ELEVATIONS
A3.4	EXTERIOR ELEVATIONS
A4.1	DETAIL SHEET
E1.1	ELECTRICAL SHEET
E1.2	ELECTRICAL SHEET
TOTAL SHEETS: 13	

SHEET INFORMATION

A3.3
Exterior Elevations



1

A3.4

Right Elevation

1/8" = 1'-0"

0

4'-0"

8'-0"

16'-0"

24'-0"

PLAN INFORMATION
PROJECT NAME: CUSTOM DESIGN
COMMUNITY: ---
LOT NUMBER: ---
CLIENT NAME: ----
PDF CREATION DATE: 7/14/23 - 12:58PM
SMELCER DESIGN DJSMELCER@YAHOO.COM DANNYSMELCER@GMAIL.COM DAVID: 205.229.3835 DANNY: 205.296.1215



SHEET INDEX	
#	NAME
A0	TITLE SHEET
A1	SITE PLAN
A2.1	FOUNDATION PLAN
A2.2	1ST FLOOR PLAN
A2.3	2ND FLOOR PLAN
A2.4	ROOF PLAN
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A3.3	EXTERIOR ELEVATIONS
A3.4	EXTERIOR ELEVATIONS
A4.1	DETAIL SHEET
E1.1	ELECTRICAL SHEET
E1.2	ELECTRICAL SHEET
TOTAL SHEETS: 13	

SHEET INFORMATION
A3.4
Exterior Elevations





VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

November 16, 2023

AGENDA ITEM

BZA-23-29 **Ashley Wilbanks** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1123 Winward Lane**. The purpose of this request is to build a fence in the front setback. The property is owned by Ashley Wilbanks and is zoned **Vestavia Hills R-9**.

BACKGROUND

Variance for Location of Fence in the Front Setback.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a variance for the location of a fence in the front setback. The applicant contends their corner lot causes a hardship. Non-corner lots are allowed to fence in the side yard up to the property line, but the 2nd front setback limits where in the side yard the fence can be located. The location will not cause sight distance issues for those turning from Mayland Lane to Winward Lane. The property is zoned Vestavia Hills R-9.

ATTACHMENTS

1. Application
2. Drawing
3. Affidavit

Jack Wakefield
City Planner



BZA-23-29

Variance and Special Exception Application

Status: Active

Submitted On: 10/11/2023

Primary Location

1123 Winward Ln
Vestavia Hills, AL 35216

Owner

Ashley Wilbanks
Winward Lane 1123 Cobble
Hill Way Vestavia Hills, AL
35216

Applicant

 Ashley Wilbanks

 205-936-8646

 ashley051676@hotmail.com

 1123 Winward Lane
Vestavia Hills, AL 35216

Agenda Information

Agenda Scheduling

November 2023

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Phone #

Ashley Wilbanks

2059368646

Address

1123 Winward Lane

City/State/Zip

Vestavia, AL 35216

Email

ashley051676@hotmail.com

Subject Property Information

Subject Property Address

1123 Winward Lane

Legal Description of Subject Property ?

1123 Winward Lane

REASONS FOR REQUEST

Front Setback Variance

☐

Rear Setback Variance

☐

Side Setback Variance

☐

Other Setback Variance

☐

Lot Area Variance

☐

Lot Width Variance

☐

Variance for location of a fence.

☒

Details ?

Corner Lot

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-9

PROJECT

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

Hardship due to having a corner lot and needing to place a fence within the 5' foot setback variance and on the actual property line

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 residential lot

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

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

It is a corner lot without a backyard.

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

This request is only for the property of 1123 Winward Lane

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:*

n/a

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

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

The request is not a result of any actions by myself as the homeowner

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

yes

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

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

n/a

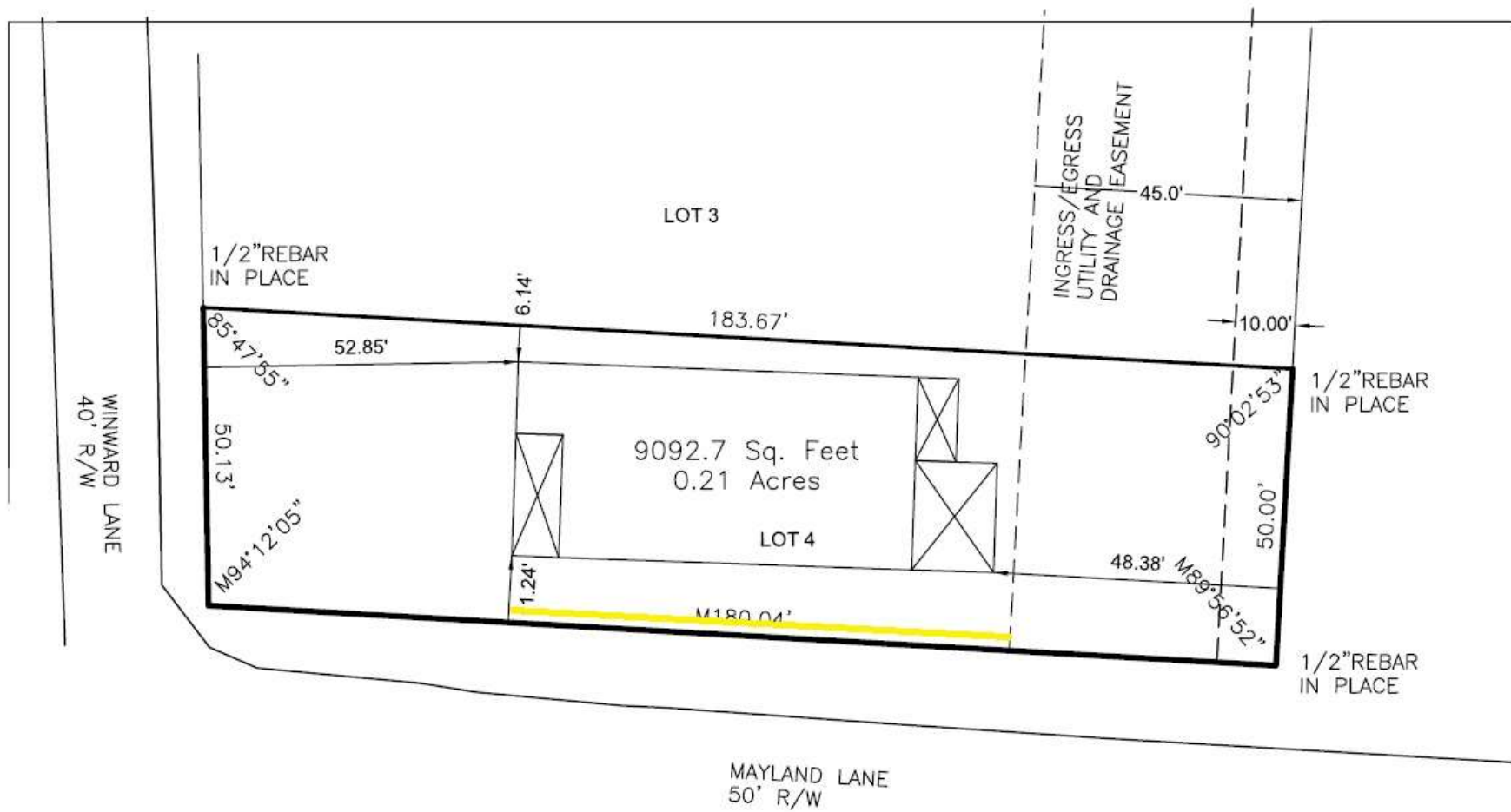
NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase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

✓ Ashley Wilbanks
Oct 11, 2023





**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: 1123 Winward Lane, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply)*.

☒ the Property Owner and representing myself in said request.

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

And am requesting: (please check)

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

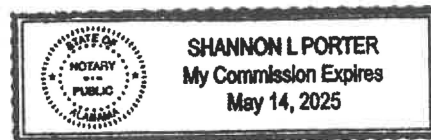
☒ Request for Variance
☐ Special Exception
☐ Design Review Approval

Signed:
Owner Signature/Date

STATE OF ALABAMA
COUNTY OF Shelby

Given under my hand and seal
this 11 day of October, 2023

Notary Public



My commission expires 14 day of May, 2025.



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

November 16, 2023

AGENDA ITEM

BZA-23-30 **Michael Jones** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1509 Oak Lear Trail**. The purpose of this request is to build a fence in the front setback. The property is owned by Michael Jones and is zoned **Vestavia Hills R-1**.

BACKGROUND

Variance for Location of Fence in the Front Setback.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a variance for the location of a fence in the front setback. The applicant contends that the odd-shaped corner lot causes a hardship. 3 of 4 yards on the lot front a street, including the backyard. The proposed location would be primarily in the rear yard and will not abut any property line that fronts a street. The fence will be a 4' open wrought iron style fence. The applicant has received approval for project from the HOA. This property is zoned Vestavia Hills R-1.

ATTACHMENTS

1. Application
2. Drawing
3. HOA Approval
4. Photos
5. Affidavit

Jack Wakefield
City Planner



BZA-23-30

Variance and Special Exception Application

Status: Active

Submitted On: 10/16/2023

Primary Location

1509 OAK LEAF TRL
VESTAVIA HILLS, AL 35243

Owner

Michael Jones
Oak Leaf Trail 1509 Oak Leaf
Trail Vestavia Hills, FL 35203

Applicant

 Michael Jones
 314-750-5539
 aucrzy@yahoo.com
 1509 Oak Leaf Trail
Vestavia Hills, AL 35243

Agenda Information

Agenda Scheduling

November 2023

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Michael Jones

Phone #

3147505539

Address

1509 Oak Leaf Trail

City/State/Zip

Vestavia Hills ,35243

Email

aucrzy@yahoo.com

Subject Property Information

Subject Property Address

1509 Oak Leaf Trail, Vestavia Hills, AL
35243

Legal Description of Subject Property ?

Lot 11 Gresham Woods Subdivision

REASONS FOR REQUEST

Front Setback Variance

☐

⚡ Setback Required*

NA

⚡ Setback Requested*

NA

Rear Setback Variance

☐

Side Setback Variance

☐

⚡ Setback Required*

NA

⚡ Setback Requested*

NA

Other Setback Variance

☐

Lot Area Variance

☐

⚡ Area Required*

NA

Area Requested*

NA

Lot Width Variance

☐

Variance for location of a fence.

☒

Details ?

Applicant wishes to fence back yard (technically the front of the lot) which has a 50 ft front building line across the (actual) rear / side of the yard. The fence will go just outside of the building line in an area with an elevation of at least 25 ft higher than the road below and with numerous trees between the fence and the right of way. The fence will be 4'H Black Aluminum - as allowed within the HOA covenants and consistent with other fences in the neighborhood. The HOA has approved the new fence as requested. This request is made based on Undue Hardships including: Corner lot, irregularly shaped, with partially wooded terrain elevated approximately 25' above Gresham Drive

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-6

PROJECT

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

Applicant wishes to fence back yard (with acceptable ornamental metal fencing). The back yard is technically the front of the lot with a 50' building line from the "front" and side of the corner lot (each fronting Gresham Drive). The elevation of the area of the requested variance is approximately 25' higher than the road below and is generally wooded. This request is made based on undue hardships including: Corner lot, irregularly shaped, with partially wooded terrain elevated approximately 25' above Gresham Drive

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, irregularly shaped, with partially wooded terrain elevated approximately 25' above Gresham Drive.

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:*

This is a corner lot. The back yard is technically the front of the lot, thus the 50' building line is in effect. The area to be fence is approximately 25" higher than the road below and is generally wooded between the fence and the road below.

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

The rolling topography of the subdivision dictates some very uniquely shaped / platted lots

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:*

Without the variance, I effectively lose the utility of a fenced back yard that other neighbors enjoy.

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 fence design and placement will be consistent with others in the neighborhood and has been approved by the HOA.

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

The applicant just purchased the home on July 31, 2023. It was not improved with a fence at that time.

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 requested is a result of cited hardships and simply allows the applicant to enjoy a fenced back yard for purposes of constraining our pet dog.

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.*

It will not.

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

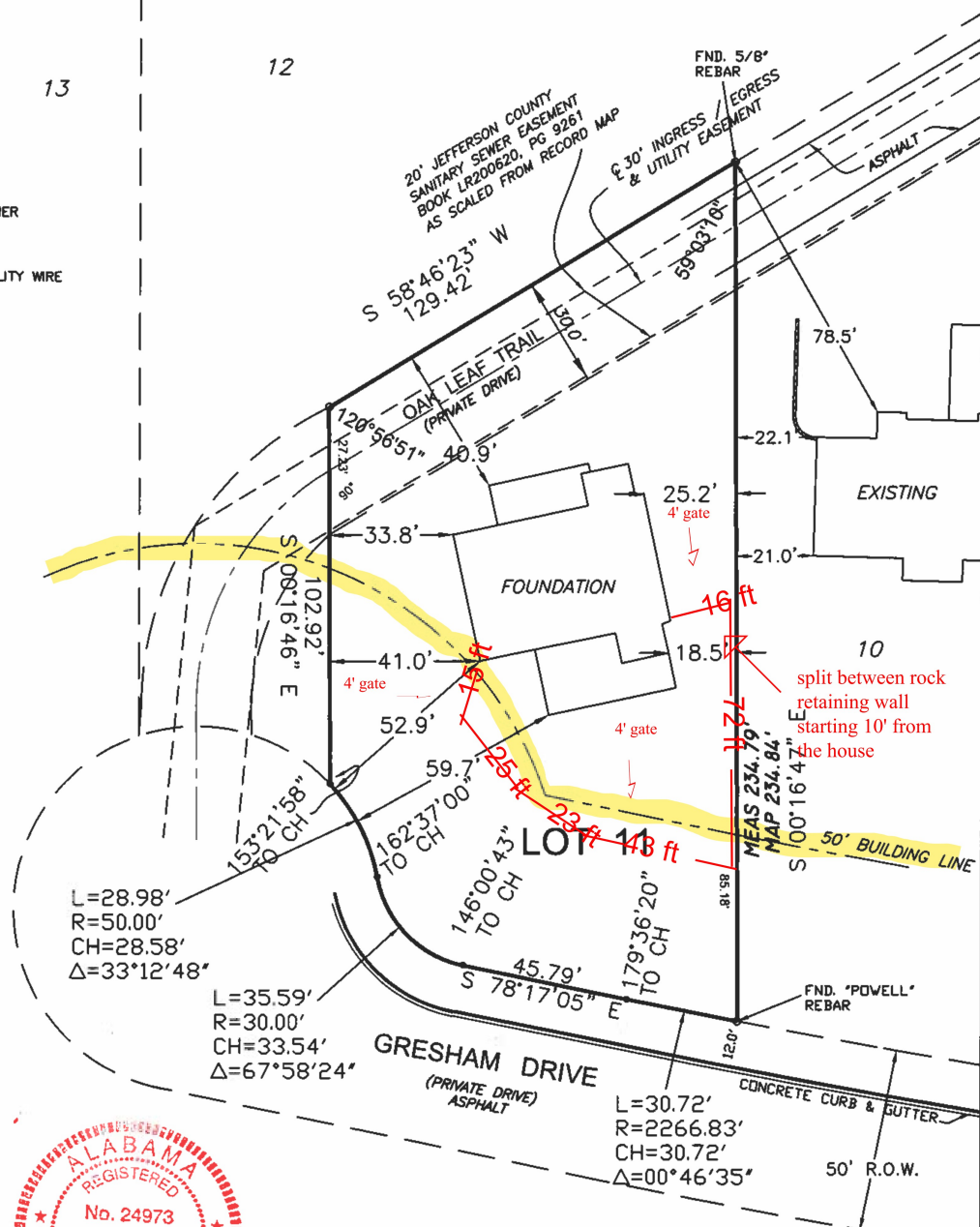
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments 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

✓ Michael Glenn Jones
Oct 16, 2023

LEGEND

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
HW	HEADWALL
MIN	MINIMUM
MH	MANHOLE
OH	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTIL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
CL	CENTERLINE
A/C	AIR CONDITIONER
○	POLE
—X—	ANCHOR
—X—	FENCE
—X—	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
OLGT	LIGHT
COV	COVERED
■	DECK
■	CONCRETE
■	WALL
□	COLUMN



4"H Black Aluminum (Heritage)
Gates pool code for potential pool

SCALE: 1"=40'
STATE OF ALABAMA)
JEFFERSON COUNTY)

"As Built Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 11, GRESHAM WOODS SUBDIVISION, as recorded in Map Volume 227, Page 2, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby 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; according to my survey of SEPTEMBER 4, 2019. Survey invalid if not sealed in red.

Order No.: 3814
Purchaser:
Address: 1509 OAK LEAF TRAIL

Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©

WEYGAND
SURVEYORS

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.

Jack Wakefield

From: Michael Jones <aucrzy@yahoo.com>
Sent: Monday, October 16, 2023 8:38 AM
To: Michael Jones
Subject: Fwd: 1509 Oak Leaf Trail - Highlighted Building Line

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you suspect phishing, report it using the Report Phishing button.

Sent from my iPhone

Begin forwarded message:

From: Marisa Hudson <lmahudson@hotmail.com>
Date: October 10, 2023 at 4:41:57 PM CDT
To: Michael Jones <Aucrzy@yahoo.com>
Cc: Wendy <miller9895@yahoo.com>
Subject: Re: 1509 Oak Leaf Trail - Highlighted Building Line

Hi Mike and Wendy, your attached fence plan is approved by the Magnolia Woods HOA.

Marisa Hudson
HOA president-Magnolia Woods Subdivision
205-910-8373

On Oct 10, 2023, at 12:41 PM, Michael Jones <aucrzy@yahoo.com> wrote:

Hi Marisa,

I've attached our survey with the proposed fence line (in red). Because the lot is platted off of Gresham Dr, the rear of our lot is technically the front of the platted lot. Because if this, the front building set back line (highlighted in yellow) applies to my back yard. We will be requesting a variance from the City of Vestavia to install the fence just outside of the building line (as noted on the survey). The variance is supported due to the odd shape of our corner lot, the elevation of the lot approximately 25' above the right of way, and the generally wooded area at the rear of the lot between the fence and the road. The fence will be a 4' metal ornamental fence consistent with other back yard fences in the neighborhood. Please let me know if you have any questions or concerns. I'll be submitting the request to the city on Monday and will need to include the written HOA approval.

Thanks!

Michael Jones
314-759-5539

Sent from my iPhone

Begin forwarded message:

From: Michael Jones <Aucrzy@yahoo.com>
Date: September 19, 2023 at 3:58:42 PM EDT
To: Michael Jones <Michael_Jones@trustmark.com>
Subject: Fwd: Highlighted Building Line

Begin forwarded message:

From: Maison Rogers
<maison.rogers@superiorfenceandrail.com>
Date: September 18, 2023 at 1:26:48

Maison Rogers | *Business Support*
Manager
Superior Fence & Rail of Birmingham
O: 205-431-3160
W: superiorfenceandrail.com



<Michael Jones survey Vu360.pdf>













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: 1509 Oak Leaf Trail, 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

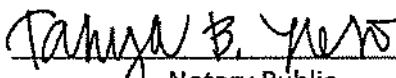
Signed:

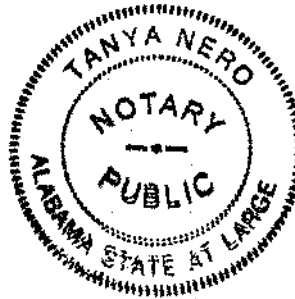
 10/16/23
Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Jefferson

Given under my hand and seal
this 16th day of October, 2023.


Notary Public



My commission expires 20 day of _____
MY COMMISSION EXPIRES 09/29/2025



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

November 16, 2023

AGENDA ITEM

BZA-23-31 **David Gossett** is requesting a **Front Setback Variance** for the property located at **800 Comer Drive**. The purpose of this request is to reduce the front setback to 44' in lieu of the required 50', to build a house. The property is owned by David Gossett and is zoned **Vestavia Hills R-2**.

BACKGROUND

6' Front Setback Variance to Reduce the Setback to 44' in Lieu of the Required 50'.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is requesting a front setback variance to build a house. The applicant contends the corner lot causes a hardship. There is a septic tank in the rear that prevents movement of the house to the back of the lot, forcing the front setback encroachment. This is a complete tear down and rebuild. The property is zoned Vestavia Hills R-2.

ATTACHMENTS

1. Application
2. Proposed Drawing
3. Current Survey
4. Rendering
5. Impervious Area
6. Affidavit

Jack Wakefield
City Planner



BZA-23-31

Variance and Special Exception Application

Status: Active

Submitted On: 10/16/2023

Primary Location

Owner

David Gossett

Comer Cir 800 Vestavia Hills,
AL 35216

Applicant

 David Gossett

 205-862-8188

 tracygossett3@gmail.com

 800 Comer Circle
Vestavia Hills, al 35216

Agenda Information

Agenda Scheduling

November 2023

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

David Gossett

Phone #

2058628188

Address

800 Comer Circle

City/State/Zip

Vestavia Hills, AL 35216

Email

dghotmetalproducts@aol.com

Subject Property Information

Subject Property Address

800 Comer Circle Vestavia Hills AL

Legal Description of Subject Property ?

Lot 1 Block 8 Vestavia Lake Third Addition

REASONS FOR REQUEST

Front Setback Variance

☒

Setback Required*

50

Setback Requested*

44

Rear Setback Variance

☐

Side Setback Variance

☐

Other Setback Variance

☐

Lot Area Variance

☐

Lot Width Variance

☐

Variance for location of a fence.

☐

Sign Code Variance

☐

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

☐

Other

☐

ZONING

Vestavia Hills Zoning for the subject property is

Residential

PROJECT

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

We are tearing down our existing house that is on a corner lot with multiple front setbacks. We can not move the house footprint either back or to the side due to the existing septic tank and field line system. We have already met with and received approval by the Jefferson County Health Department to use the existing system.

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 are dealing with multiple setbacks since we are a corner lot. These setbacks limit the front and one side. The existing septic infrastructure limits the back and other side of the build site.

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:*

We are dealing with multiple setbacks since we are a corner lot. These setbacks limit the front and one side. The existing septic infratructure limits the back and other side of the build site.

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:*

We are dealing with multiple setbacks since we are a corner lot. These setbacks limit the front and one side. The existing septic infratructure limits the back and other side of the build site.

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

We are dealing with multiple setbacks since we are a corner lot. These setbacks limit the front and one side. The existing septic infratructure limits the back and other side of the build site.

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

We have spoken to the neighbor directly beside us and they are supportive of what we are doing. The variance we are requesting is so minimal we doubt the neighbors will even realize we havea variance.

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

This is not a self imposed hardship.

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

We are dealing with multiple setbacks since we are a corner lot. These setbacks limit the front and one side. The existing septic infratructure limits the back and other side of the build site.

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

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

The use will be permissable under all mentioned terms.

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."

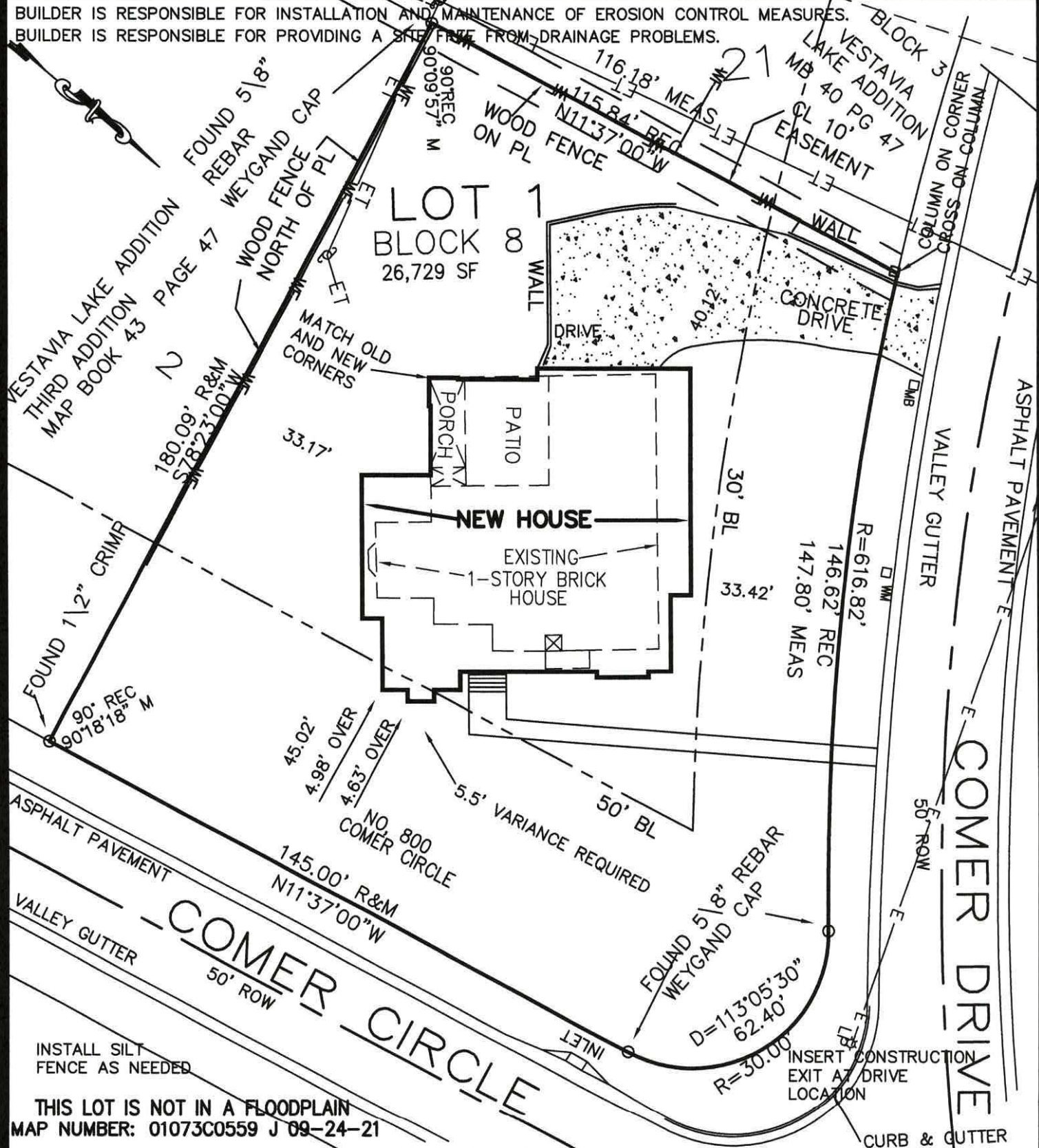
OWNER AFFIDAVIT

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

✓ David Lee Gossett
Oct 16, 2023

BUILDER IS RESPONSIBLE FOR INSTALLATION AND MAINTENANCE OF EROSION CONTROL MEASURES.
 BUILDER IS RESPONSIBLE FOR PROVIDING A SUE FREE FROM DRAINAGE PROBLEMS.



INSTALL SILT
 FENCE AS NEEDED

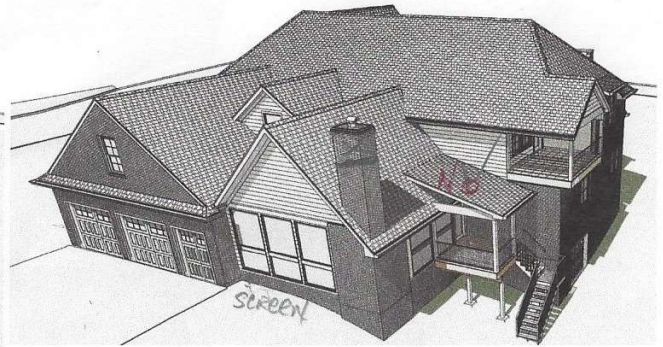
THIS LOT IS NOT IN A FLOODPLAIN
 MAP NUMBER: 01073C0559 J 09-24-21

PLOT PLAN FOR
LOT 1, BLOCK 8
VESTAVIA LAKE ADDITION SECOND ADDITION
MAP BOOK 43 PAGE 26

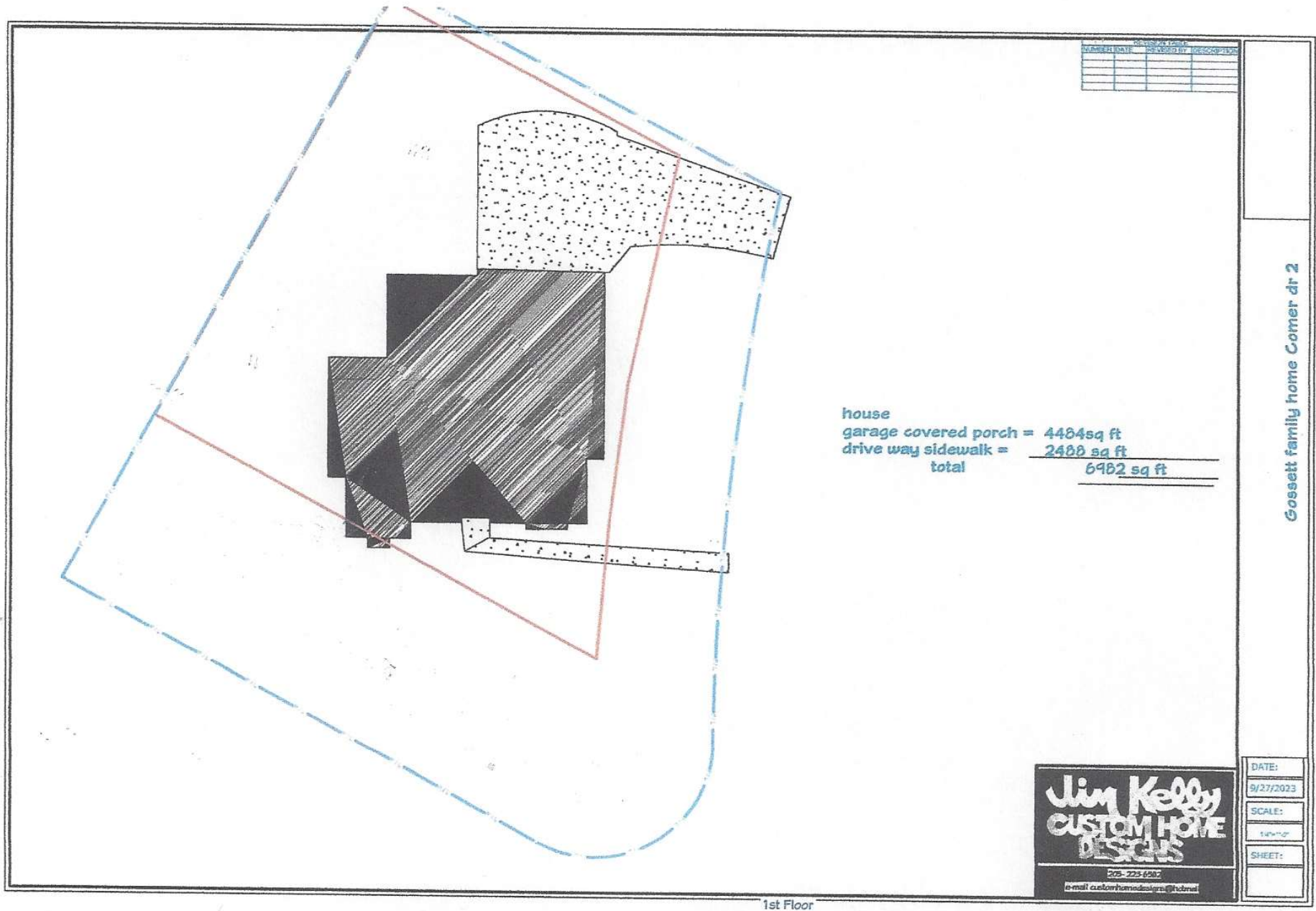
CITY OF VESTAVIA, JEFFERSON COUNTY, ALABAMA
 PREPARED BY
MTTR ENGINEERS 3 RIVERCHASE RIDGE, HOOVER, AL. 35244

SCALE: 1"=30'

10-02-23 REVISED
 MOVE HOUSE
 GOSSETT PLAN
 RIGHT DRIVE
 09-29-23



HL 01195 2 story
side
(10' x 10' 0")



house
garage covered porch = 4484sq ft
drive way sidewalk = 2488 sq ft
total 6982 sq ft

Jin Kelly
CUSTOM HOME
DESIGNS
205-225-6582
e-mail customhomedesigns@hotmail

DATE:
9/27/2023
SCALE:
SHEET:

Gossett family home Comer dr 2



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: 800 Comer Circle, 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:

David M. Hazzett 10/13/23
Owner Signature/Date

STATE OF ALABAMA

COUNTY OF SHELBY

Given under my hand and seal
this 13th day of October, 2023.

JL Will
Notary Public

My commission expires 30th day of October, 2023.

My Commission Expires
October 30, 2023





VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

November 16, 2023

AGENDA ITEM

BZA-23-32 **Bo Davis** is requesting a **Side & Rear Setback Variance** for the property located at **1200 Wickford Road**. The purpose of this request is to reduce the side setback to 5' in lieu of the required 15' & to reduce the rear setback to 5' in lieu of the required 30", to build a garage addition. The property is owned by Bo Davis and is zoned **Vestavia Hills R-2**.

BACKGROUND

10' Side Setback Variance to Reduce the Setback to 5' in Lieu of the Required 15' & 25'
Rear Setback Variance to Reduce the Setback to 5' in Lieu of the Required 30'.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a side and rear setback variance to build a garage addition. The applicant contends the corner lot causes a hardship. The structure will be a 3-car garage with a game room on the 2nd floor. The architectural style of the addition will be similar to the current house. This property is zoned VEstavia Hills R-2.

ATTACHMENTS

1. Application
2. Proposed Drawing
3. Request Details
4. Floor Plan
5. Affidavit

Jack Wakefield
City Planner



BZA-23-32

Variance and Special Exception Application

Status: Active

Submitted On: 10/17/2023

Primary Location

1200 WICKFORD RD
VESTAVIA HILLS, AL 35216

Owner

Bo Bailey Davis
Wickford Road 1200 Vestavia
Hills, AL 35216

Applicant

 Bo Davis
 256-542-8541
 davisbb.17@yahoo.com
 1200 Wickford Road
Vestavia Hills , Alabama
35216

Agenda Information

Agenda Scheduling

November 2023

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Bo Bailey Davis

Phone #

2565428541

Address

1200 Wickford Road

City/State/Zip

Vestavia Hills Alabama 35216

Email

davisbb.17@yahoo.com

Subject Property Information

Subject Property Address

1200 Wickford Road Vestavia Hills
Alabama 35216

Legal Description of Subject Property ?

Lot 12 Block 5 Vesthaven First Sector

REASONS FOR REQUEST

Front Setback Variance

☐

Setback Required*

30'

Rear Setback Variance

☒

Setback Requested*

5'

Side Setback Variance

☒

Setback Required*

15'

Setback Requested*

5'

Other Setback Variance

☐

Lot Area Variance

☐

Lot Width Variance

☐

Variance for location of a fence.

☐

Sign Code Variance

☐

Details ?

The house sits on a corner lot with 2 sides setback requesting hardship for lack of space

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

☐

Other

☐

ZONING

Vestavia Hills Zoning for the subject property is

R-2

PROJECT

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

The scope of work is to add an addition to our existing garage to allow for more vehicles and lawn equipment.

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).*

Chapter 1 Article 1.2 sub 10.4

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:*

Large home on corner lot with two sides seeking hardship

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:*

Acceptance request and consideration similar to others with identical issues with areas and space in Vestavia

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:*

Due to being on a corner lot, the difficulty in adding a complying structure that is suitable due to hardship. The adjoining residences have no objection to this structure.

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 setback on the property will still allow adequate access

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

The hardship exists because the house sits on a corner lot

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

Yes, based upon drawing and specifications required

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.*

Correct

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

✓ Bo Bailey Davis
Oct 17, 2023

ASPH = asphalt
BRG = bearing
BLDG = building
CALC = calculated
CAP = capped iron
CL = centerline
CH = chord
CONC = concrete
C = covered
D = deflection
E = curve delta angle
E = east
ESMT = easement
FC = fence
FD = found
FW = headwall
IPF = iron pin found
IPF* = iron pin found w/KBW cap
IPS = iron pin set w/SSI cap
L = length
MEAS = measured
MIN = minimum
MH = manhole
N = north
OH = overhang
P = porch
PC = point of curve
POB = point of beginning
ROC = point of commencement
PT = point of tangent
PVMT = pavement
R = radius
REC = recorded
RES = residence
ROW = right of way
S = south
SAN = sanitary
STM = storm
SWR = sewer
SYN = synthetic
UTIL = utility
U = uncovered
W = west
Y = yard inlet
° = degrees
' = minutes, in
" = bearings or angles
" = seconds, in
' = bearings or angles
' = feet, in distance
AC = acres
+ = more or less,
- = or plus or minus



I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 12, Block 5, VESTHAVEN FIRST SECTOR as recorded in Map Book 45, Page 38 in the Office of the Judge of Probate, Jefferson County, Alabama; 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; that the correct address is as follows: 1200 Wickford Road according to my survey of April 17, 2023. Survey is not valid unless it is sealed with embossed seal or stamped in red.

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

Carl Daniel Moore

Carl Daniel Moore, Reg. L.S. #12159

4-19-2023

Date of Signature _____

WACADISUBDIVISIONJEFFERSON COUNTYVESTHAVENLOT12 BLK5 VESTHAVEN 1ST SEC

Order No. 917811
Purchaser: Davis
Type of Survey: Property Boundary

Bo and Reese Davis
1200 Wickford Road
Vestavia Hills, Alabama 35216

Dear City of Vestavia,

The following is the plot and garage addition plan for our home at 1200 Wickford Road, Vestavia Hills, AL 35216.

We respectfully submit the following garage plan for your consideration to allow for additional vehicles and lawn equipment at our home.

Details for submission are as follows:

Status – current garage not sufficient to house vehicles and lawn equipment

Proposed garage addition allows for sufficient space for vehicles and lawn equipment to be located inside the new addition.

Building – Stick frame

Roof Frame – composition either metal or composite shingles

Drawings:

Drawings “A” side – depicts an area that has a footprint of 46’ x 26’ 4 1/8”

This expansion requires the building line to be moved to the southern lot side 13’ 2 1/16”

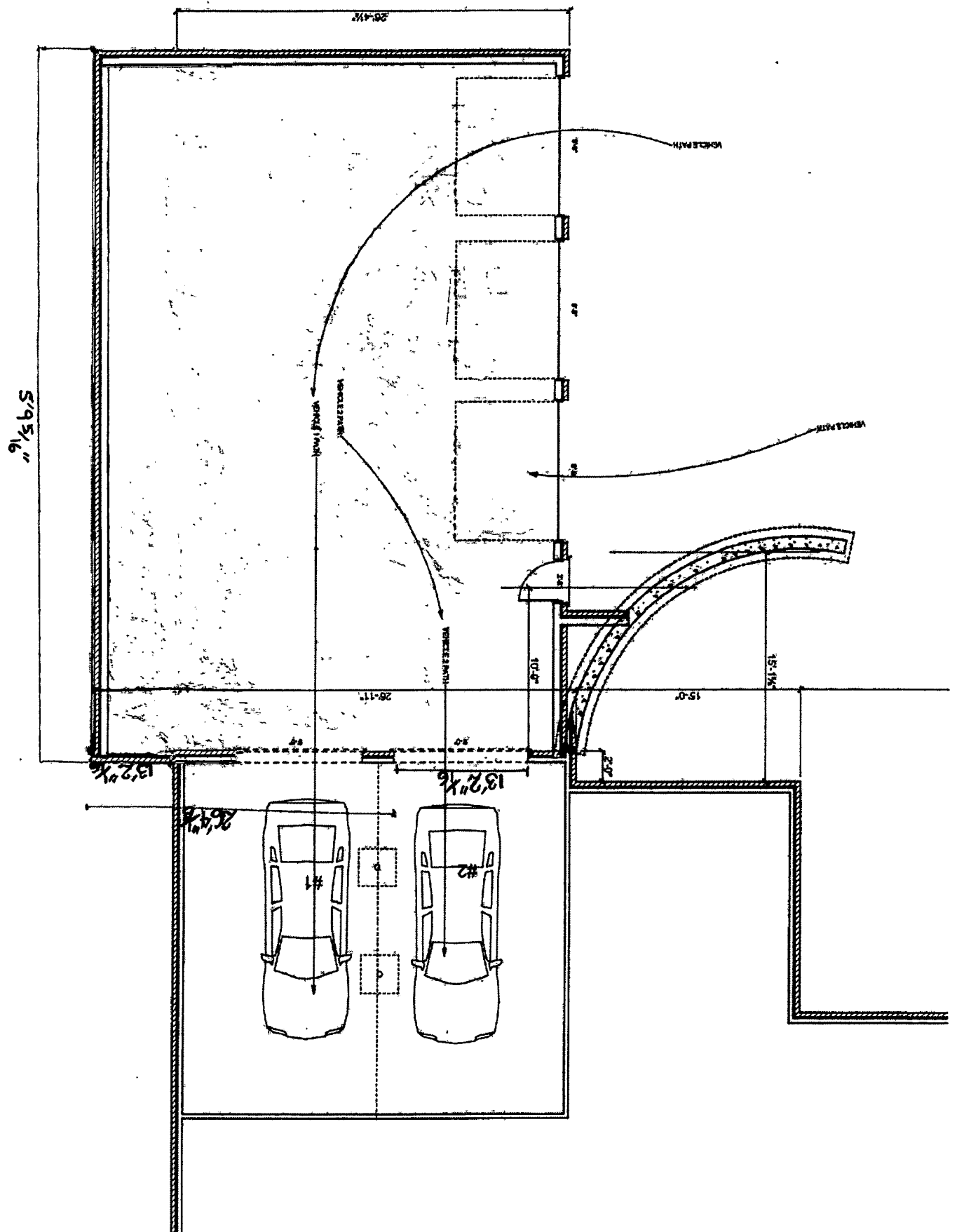
The remaining setback area would be 5’ 9 5/16”

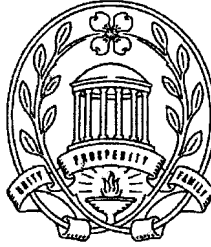
The western setback line would be moved to leave a remaining setback of 5’

Drawing “B” side – depicts the area for the garage footprint which would be 46’ x 26 4 1/8”.

Thank you for your attention,

Bo and Reese Davis





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: 1200 Wickford Road, 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:

[Signature]
Owner Signature/Date

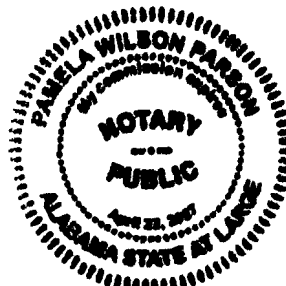
STATE OF ALABAMA

COUNTY OF Jefferson

Given under my hand and seal

this 17th day of Oct, 2023.

[Signature]
Notary Public



My commission expires 22 day of April, 2027