



Vestavia Hills
Board of Zoning Adjustment Agenda
December 21, 2023
6:00 PM

1. Roll Call
2. Approval Of Minutes: November 16, 2023
3. 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**.
4. BZA-23-26 **Billy Evans** is requesting a **Side Setback Variance, Lot Area Variance, and Lot Width Variance** for the property located at **1156 Winward Lane**. The purpose of this request is to reduce the side setback to 12' in lieu of the required 15, to reduce the lot area to 14,917sqft in lieu of the required 15,000sqft, and to reduce the lot width to 75' in lieu of the required 100', to build an attached garage. The property is owned by Billy Evans and is zoned **Vestavia Hills R-3**.
5. BZA-23-34 **Jared Bussey** is requesting a **Front Setback Variance and a Variance for Location of Fence in the Front Setback** for the property located at **3236 Ridgely Court**. The purpose of this request is to reduce the front setback to 19' in lieu of the required 40', to build an addition and to build a masonry fence in the front setback. The property is owned by Dane Pemberton and is zoned **Vestavia Hills R-4**.
6. Time Of Adjournment

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

November 16, 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
Thomas Parchman
Tony Renta
Ryan Rummage, Alt

MEMBERS ABSENT

Loring Jones, III

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of October 19, 2023 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of October 19, 2023 was made by Mr. Renta and 2nd was by Mr. Fliegel. *Condition that Adjournment motion be corrected. Motion as carried on a voice vote as follows:

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

FRONT & SIDE SETBACK VARIANCE

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**.

Mr. Wakefield explained that this was a continuation from the previous month, and turned the floor over to the applicant.

Daniel and Taylor Burton, 2429 High Bluff Road, were representing the applicant. They explained they would like to amend the front setback request to 45' instead of 40'. They also stated that they looked at every location on the lot, including the rear, and concluded the addition cannot go anywhere else. They said they also got the support of the adjacent neighbors.

Taylor Burton stated the hardship is the sanitary sewer line in the rear. They tried to move the stair structure to the rear of the house. Although there is a sewer line that would run under the location of where the stairs would go. He said they looked into moving the sewer line, but it is so shallow it wouldn't give them enough fall for a gravity flow from the house.

Mr. Greer asked to clarify the amended request. Which Taylor Burton clarified would be 5'.

Mr. Greer asked how shallow the sewer line was?

Taylor Burton stated that it goes into the manhole at about 3'.

Mr. Renta wanted clarification on the gravity fall for the sewer line.

Taylor Burton said that it works right now, but the addition would go in the center rear of the house. They would have to go around the addition and in doing that they lose the gravity fall for the sewer line to the rear of the property.

Mr. Renta then asked if a pump could be installed for that circumstance.

Taylor Burton stated that possibly yes, but he viewed it would be a hardship to have to put a grinder pump on a gravity flow house and sewer.

Mr. Rummage asked how they are fitting the structure within the amended 5'.

Taylor Burton stated that most of what sticks over the line is that staircase. The goal is to be able to get a stair chair around it. At the moment the stair chair would hit the front door.

Mr. Greer asked did they move it back or did they cut some of the original proposed addition off?

Taylor Burton stated that they cut some off.

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 5' Front Setback Variance to Reduce the Setback to 45' in Lieu of the Required 50' & a 6' Side Setback Variance to Reduce the Setback to 9' in Lieu of the Required 15', for the property located at 1837 Cedarwood Road was made by Mr. Renta and 2nd was by Mr. Fliegel. Motion was carried on a roll call vote as follows:

Mr. Fliegel – no	Mr. Renta – no
Mr. Greer – no	Mr. Rummage – no
Mr. Parchman – no	Chairman Rice – no
Motion denied.	

VARIANCE FOR LOCATION OF FENCE IN FRONT SETBACK

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**.

Mr. Wakefield explained that the request is to build a fence along the frontage of Mayland Lane.

Ashley Wilbanks, 1123 Winward Lane, was present for the case and stated that they are looking to erect a fence on their side yard but within the front setback. She contends the corner lot causes a hardship. She also provided the board with a photoshopped visual of what the fence would look like with the house.

Mr. Renta asked if the fence needs to be flushed with the front of the house on Winward.

Mr. Wakefield stated the fence cannot go past the front of the house on any yard. The approval from the Board will allow the encroachment.

Mr. Fliegel asked how tall it would be.

Ms. Wilbanks stated it would be 5' tall.

Chairman Rice asked if there would be a gate?

Ms. Wilbanks stated it would be on both ends of the lot. Ms. Wilbanks clarified that the fence would go from front portion of house to back portion of house. It will not go past either one.

Mr. Fliegel asked if any neighbors had any comments on this proposal.

Ms. Wilbanks stated that they are supportive.

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 1123 Winward Lane was made by Mr. Fliegel and 2nd was by Mr. Rummage. Motion was carried on a roll call vote as follows:

Mr. Fliegel – yes	Mr. Renta – yes
Mr. Greer – yes	Mr. Rummage – yes
Mr. Parchman – yes	Chairman Rice – yes

Motion carried.

VARIANCE FOR LOCATION OF FENCE IN FRONT SETBACK

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**.

Mr. Wakefield explained the request and stated that the 3 front setbacks on the property caused a hardship

Michael Jones, 1509 Oak Leaf Trail, was present for the case and stated the 3 front setbacks caused a hardship. The lot is an elevated & odd shaped lot, leaving minimal areas where the fence can be placed.

Mr. Fliegel asked how tall the fence would be.

Mr. Jones stated 4' tall.

Chairman Rice asked why the applicant cannot move the fence to the recorded setback line in the back yard.

Mr. Jones stated that the location of the setback line is not flat. The proposed location is the only flat are in the back yard.

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 1509 Oak Leaf Trail was made by Mr. Fliegel and 2nd was by Mr. Renta. Motion was carried on a roll call vote as follows:

Mr. Fliegel – yes	Mr. Renta – yes
Mr. Greer – yes	Mr. Rummage – yes
Mr. Parchman – yes	Chairman Rice – yes

Motion carried.

FRONT SETBACK VARIANCE

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**.

Mr. Wakefield explained the request and stated the applicant is proposing to build a house.

David Gossett, 800 Comer Drive, was present for the case and stated the corner lot as well as the septic in the rear caused a hardship. They worked with Jeffco on the septic system. The septic system will be right up on the side of the structure.

Chairman Rice asked Mr. Gossett to clarify the hardship.

Mr. Gossett stated that the septic tank in rear forces the house toward the front. This is also a corner lot.

Chairman Rice asked if he talked to his neighbors about this.

Mr. Gossett stated that all were happy about the plans. He said they tried to work with the original house, but there is too much structurally wrong with it.

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 6' Front Setback Variance to Reduce the Setback to 44' in Lieu of the Required 50' for the property located at 800 Comer Drive 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. Renta – yes
Mr. Greer – yes Mr. Rummage – yes
Mr. Parchman – yes Chairman Rice – yes
Motion carried.

SIDE & REAR SETBACK VARIANCE

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**.

Mr. Wakefield explained that the request is for a 3-car/ 2 story garage addition.

Reese Davis, 1200 Wickford Road, stated that they have had a need for a garage and have worked for some time on site design for the addition. They looked into putting the structure near the frontage, but that would not be in keeping with the neighborhood. They also looked into extending out from the current garage placement, but that didn't leave them with enough of a turning radius. What they were left with was what is being presented. Mr. Davis also stated that there is buffering on the rear of the property and have spoken with 2 of the neighbors. He said they do not have technical drawings because they didn't want to get too far on the project without the approvals.

Mr. Greer asked to clarify the difference in scale of the two different drawings shown.

Mr. Davis stated the more detailed drawings is what they are proposing.

Chairman Rice asked about the retaining wall closer to the house.

Mr. Davis stated that the wall was broken and a contractor is currently working to fix it.

Chairman Rice asked, since you are working on the wall, can you change the configuration of the wall and move the addition off the side property line?

Bo Davis stated that it is just a thin crack.

Chairman Rice stated he is just looking at possible alternatives.

Mr. Wakefield stated that there is a concerned neighbor to the applicant's side that do not like the fact that the structure is so close to their property line.

Mr. Davis said he spoke to that neighbor and said they requested the addition be

moved 1 foot from what is proposed. He also stated there is no support for this area and the cost to dig out the wall. You wouldn't have enough space under that area to put a garage. The driveway is basically on a hill.

Chairman Rice, said if you can somehow slide the addition forward.

Mr. Davis said they could forgo some of the depth of the garage, but the wall is structurally needed for the house.

Mr. Greer asked what materials would be used.

Mr. Davis stated it would match the house.

Mrs. Davis stated that it would be hardie board and the brick house will never match the color of the hardie board, so they will paint the house to match the materials on the addition.

Chairman Rice asked them to clarify if the addition will be attached to the house.

Mr. Davis said yes.

Mr. Renta asked if there will be windows on the rear of the structure, since it will be a two-story addition. There is a chance you will be able to see the neighbor's backyard from the 2nd story. He also asked if the pedestrian door is needed. Can that go away and allow moving the structure off the side property line.

Mr. Davis said that he understands the concern, but the neighbor already sees that side of the house and the addition will not be higher than the current house.

Mr. Renta said but the addition will be closer than the distance of the current house.

Mr. Rummage said the application says that the applicant has spoken to the neighbors. Have you spoken to the concerned neighbors?

Mr. Davis said he has not, post submission.

Chairman Rice stated that he would like a more conceptual drawing. As it stands we just have a footprint.

Mr. Davis stated that he can go back to the drawing board.

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 7:15 PM, Mr. Renta made a motion to adjourn. The meeting adjourned at 7:15 PM.

Jack Wakefield,
Planner/GIS



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

December 21, 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

LEGEND:

ASPH = asphalt
 BRG = bearing
 BLDG = building
 CALC = calculated
 CAP = capped iron
 CL = centerline
 CH = chord
 CONC = concrete
 C = covered
 D = deflection
 DA = curve delta angle
 E = east
 ESMT = easement
 FC = fence
 FD = found
 HW = 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
 POC = point of commencement
 PT = point of tangent
 PVT = 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
 " = seconds, in
 ' = bearings or angles
 " = seconds, in
 ' = bearings or angles
 ' = feet, in distance
 AC = acres
 ± = more or less,
 or plus or minus



STATE OF ALABAMA
 SHELBY COUNTY

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

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

\ACAD\SUBDIVISION\JEFFERSON COUNTY\VESTHAVEN\LOT12 BLK5 VESTHAVEN 1ST SEC

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”

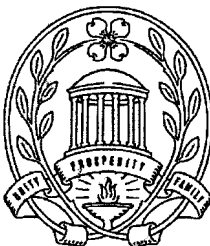
The remaining setback area would be 5’ 9 5/16”

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

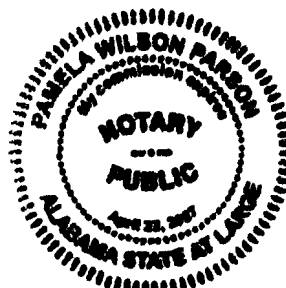
STATE OF ALABAMA

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



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

December 21, 2023

AGENDA ITEM

BZA-23-26 **Billy Evans** is requesting a **Side Setback Variance, Lot Area Variance, and Lot Width Variance** for the property located at **1156 Winward Lane**. The purpose of this request is to reduce the side setback to 12' in lieu of the required 15', to reduce the lot area to 14,917sqft in lieu of the required 15,000sqft, and to reduce the lot width to 75' in lieu of the required 100', to build an attached garage. The property is owned by Billy Evans and is zoned **Vestavia Hills R-3**.

BACKGROUND

3' Side Setback Variance to Reduce the Setback to 12' in Lieu of the Required 15' & 83sqft Lot Area Variance to Reduce the Lot Area to 14,917sqft in Lieu of the Required 15,000sqft & 25' Lot Width Variance to Reduce the Lot Width to 75' in Lieu of the Required 100'

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a side setback variance, lot area variance, and lot width variance to build an attached garage. Applicant contends the terrain drop in the back of the property causes a hardship. The rear yard has adequate space, but is unbuildable due to the terrain. Septic field lines also incorporate this area. The only location for the proposed garage is on the side of the house. Area and width variances are needed, because the lot was recently resurveyed to clean up the lot lines. A previous homeowner sold off a 25' portion of the applicant's property and never formalized those lot lines. The resurvey has been approved by P&Z and this action will bring the new lot into zoning compliance. Zoned Vestavia Hills R-3.

ATTACHMENTS

1. Application
2. Proposed Site Plan
3. Proposed Drawing
4. Owner's Affidavit

Jack Wakefield
City Planner



BZA-23-26

Variance and Special Exception Application

Status: Active

Submitted On: 9/7/2023

Primary Location

1156 WINWARD LN
VESTAVIA HILLS, AL 35216

Owner

Billy F Evans
Winward Ln 1156 Vestavia
Hills, AL 35216

Applicant

 Billy F Evans
 205-601-8301
 afevans43@gmail.com
 1156 windward Ln
Vestavia Hills, AL 35216

Agenda Information

Agenda Scheduling

October 2023

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Billy F Evans

Phone #

2058248725

Address

1156 Winward Ln

City/State/Zip

Vestavia Hills AL 35216

Email

afevans43@gmail.com

Subject Property Information

Subject Property Address

1156 Winward Ln

Legal Description of Subject Property ?

Lots 17 & 18, Block 2 Waldrige Terrace

REASONS FOR REQUEST

Front Setback Variance

☐

Rear Setback Variance

☐

Side Setback Variance

☒

Setback Required*

15'

Setback Requested*

12'

Other Setback Variance

☐

Lot Area Variance

☒

Area Required*

14,917sqft

Area Requested*

15,000sqft

Lot Width Variance

☒

Width Required*

100'

Width Requested*

75'

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

R3 residential

PROJECT

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

Building garage addition 24' X 28' (drawing to be provided)

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).*

Planned structure cannot be built further back due to field lines.

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 field lines determine the location for planned garage structure.

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 action will not confer any special privileges 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:*

Granting of this variance will allow the owner to enjoy the same rights commonly enjoyed by others of property in the district.

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:*

This 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.

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

The owner has no control over these circumstances and is working within existing parameters.

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

The owner is requesting no more than minimum required to achieve desired goal.

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.*

This will not allow the permanent establishment of a use not permissible under the terms of this Ordinance.

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

✓ Billy F Evans
Sep 5, 2023

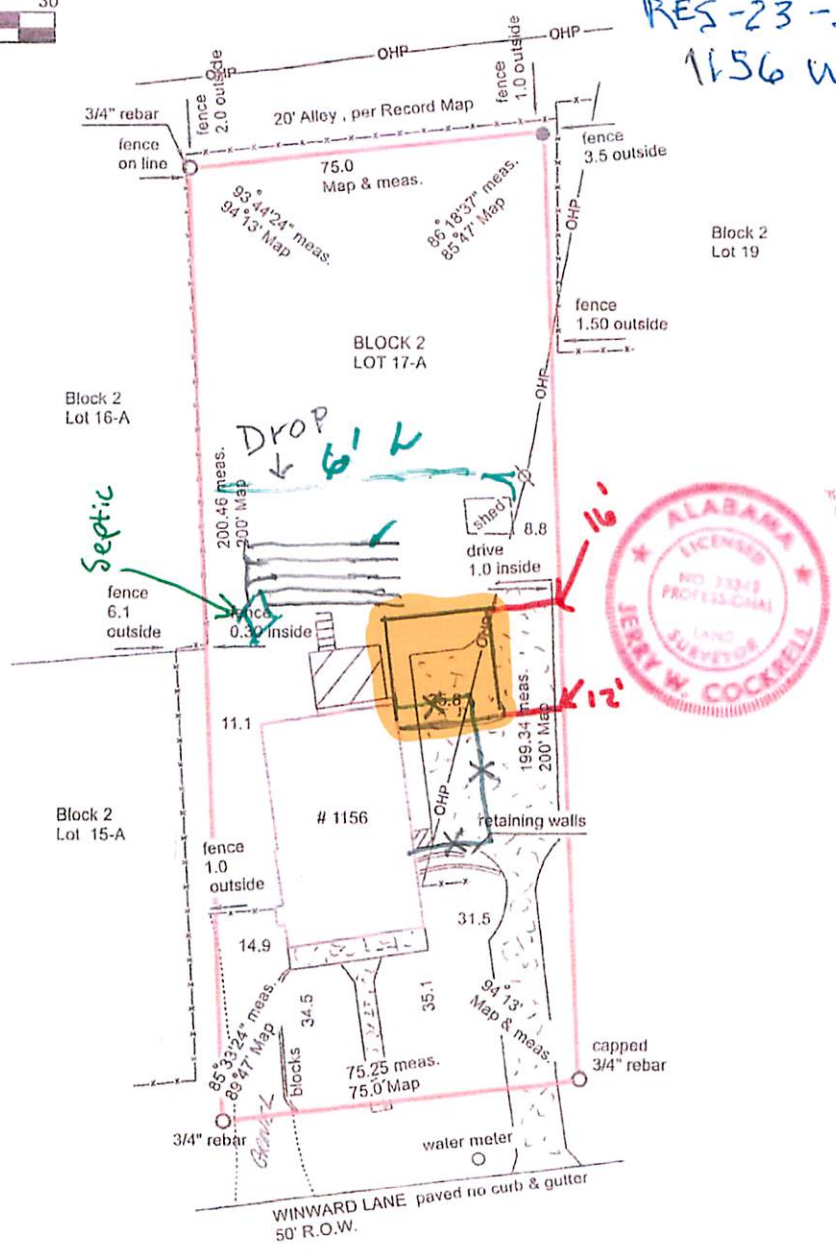
FILE NAME		
1156 WINWARD LN VESTAVIA.TRV		
SCALE	DATE	DRAWN BY
30 Ft/In	8-26-2023	JWC
JOB	REVISION	SHEET
FB 53/40	1/1	1/1

This map drawn with TRAVERSE PC, Software

Billy F. Evans
Record Map
NEW Survey



RES-23-523
1156 Winward Ln.



- LEGEND
- = calculated point
 - = Iron pin found
 - = Iron pin set (1/2 rebar w/cap)
 - = not to scale
 - ▨ = wood
 - ⊞ = power box
 - ⊟ = power pole
 - map = record map
 - meas. = measured angle or distance
 - = concrete
 - = fence line
 - = covered area
 - CL = centerline
 - Field book = 53
 - Page = 40
 - (D) = Deed
 - R.O.W = Right of way
 - = Guy Anchor
 - OHP = Over Head Power
 - UTIL = Utility
- Type of survey = Property Boundary survey

I Jerry W. Cockrell a Professional Land Surveyor in the State of Alabama do hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the practice for Surveying in the State of Alabama to the best of my knowledge, information and belief and that this is a true and correct drawing of LOT 17-A, less and except the North 25 feet, according to a Resurvey of Lots 17 and 18, Block 2 WALDRIDGE TERRACE as recorded in Map Book 111 page 87 in the Office of the Judge of Probate of Jefferson County, Ala., there are no visible right of ways, easements or joint driveways over or across the property except as shown. There are no visible encroachments of electric or telephone lines (excluding those that serve the property), or structures, walls or fences, except as shown, according to my survey on August 22, 2023, Field work.

: This drawing is only valid for the date above and is the property of *Billy F. Evans*

Jerry W. Cockrell

Alabama Registration No. 23342 Cell Ph 205-515-2308
Email surveyor145@gmail.com

Jerry W. Cockrell
3018 Cooley Road
Bessemer, Ala 35022

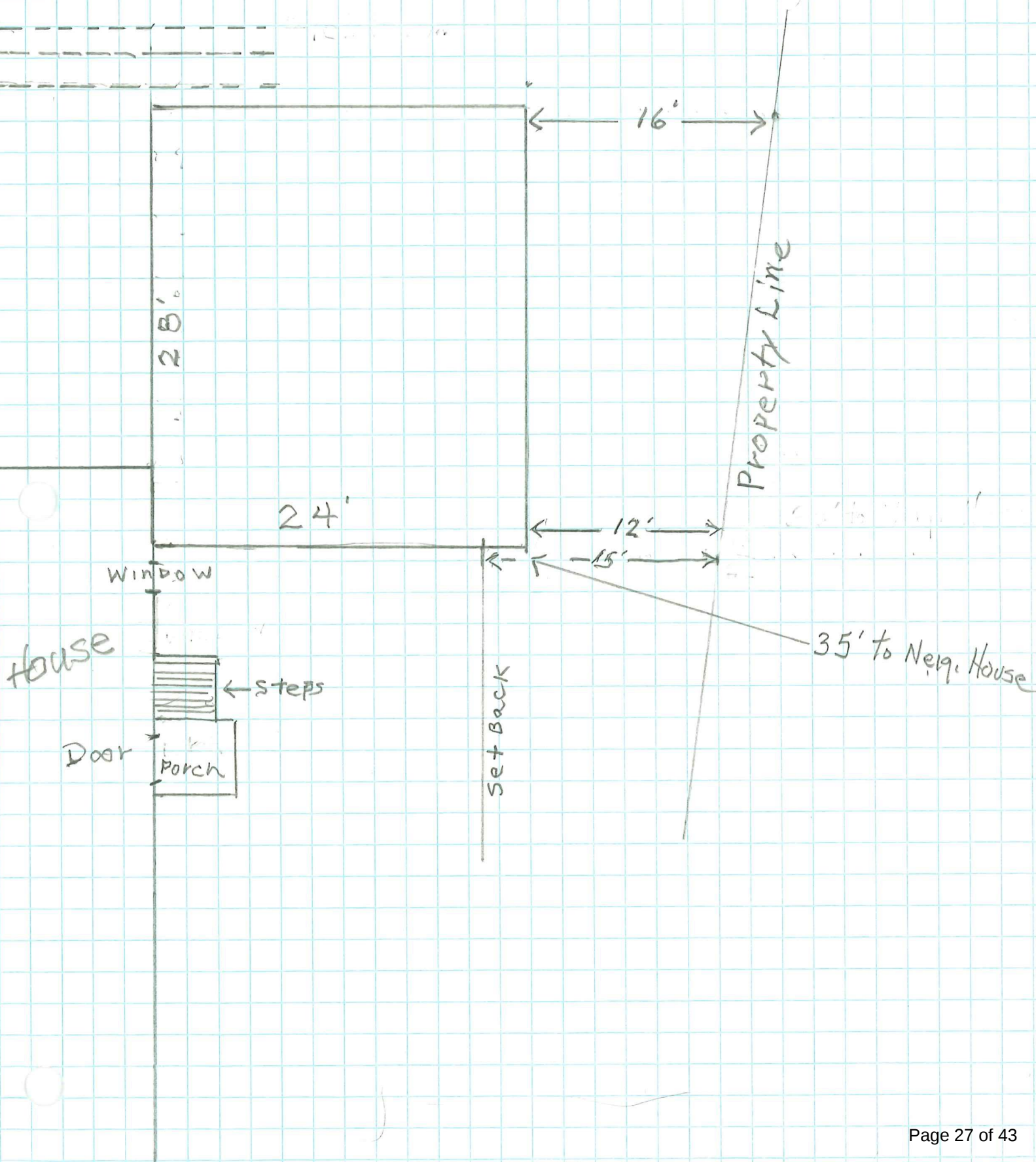
1156 WINWARD LN.

Billy F. Evans

RES-23-523

Aug 2 2023

Field Lines





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: 1156 WINWARD ~~BOULEVARD~~ 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: Billy F. Evans
Owner Signature/Date

STATE OF ALABAMA
COUNTY OF Shelby

My Commission Expires
October 30, 2023

Given under my hand and seal
this 6th day of September, 2023.

[Signature]
Notary Public

My commission expires 30th day of October, 2023.



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

December 21, 2023

AGENDA ITEM

BZA-23-34 **Jared Bussey** is requesting a **Front Setback Variance and a Variance for Location of Fence in the Front Setback** for the property located at **3236 Ridgely Court**. The purpose of this request is to reduce the front setback to 19' in lieu of the required 40', to build an addition and to build a masonry fence in the front setback. The property is owned by Dane Pemberton and is zoned **Vestavia Hills R-4**.

BACKGROUND

21' Front Setback Variance to Reduce the Setback to 19' in Lieu of the Required 40' & Variance for Location of Fence in the Front Setback.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a side setback variance and a variance for the location of a fence in the front setback. The applicant contends the corner lot causes a hardship. There is a screened porch addition that will be encroaching within the setback, however not encroaching as far as the existing house. Existing house sits 19' from the Green Valley Road front property line. The extended request is to bring the house into compliance. On the Green Valley Road side of the property, a 6' brick fence is proposed. Fence will not extend past the Ridgely Ct frontage. Engineering has looked at the sight distance related to the fence, and has determined the sight distance is adequate. Zoned R-4.

ATTACHMENTS

1. Application
2. Engineering Comments
3. 3236 Ridgely Ct Variance Submittals
4. Owners Affidavit

Jack Wakefield
City Planner



BZA-23-34

Variance and Special Exception Application

Status: Active

Submitted On: 11/17/2023

Primary Location

3236 RIDGELY CT
VESTAVIA HILLS, AL 35243

Owner

Dane Pemberton
Ridgely Court 3236 Vestavia
Hills, AL 35243

Applicant

 Jared Bussey

 205-533-3563

jaredb@architecturalcooperative.net

 1604 28th Avenue South
Homewood, AL 35209

Agenda Information

Agenda Scheduling

December 2023

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Representative Agent

Billing/Responsible Party

Name

Jared Bussey

Phone #

205-533-3563

Address

1604 28th Avenue South

City/State/Zip

Homewood, AL 35209

Email

jaredb@architecturalcooperative.net

Representing Attorney/Other Agent

Name

Phone #

Address

City/State/Zip

Email

Subject Property Information

Subject Property Address

3236 Ridgely Court, Vestavia Hills, AL
35243

Legal Description of Subject Property ?

REASONS FOR REQUEST

Front Setback Variance

☒

Setback Required*

40

Setback Requested*

19.4

Rear Setback Variance

☐

Side Setback Variance

☐

Other Setback Variance

☐

Lot Area Variance

☐

Lot Width Variance

☐

Variance for location of a fence.

☒

Details

A new fence is requested to be constructed at the side of the house. Because this is a corner lot, this is also considered a front yard. The fence will help enclose an area for outdoor use, and will provide some additional safety as the adjacent street (West Green Valley Road) has a high volume of traffic

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-4

PROJECT

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

The owners are constructing an addition to the rear of the house. The existing house is nonconforming with a 19.4' setback. The new addition will only be 28.2' from the property line, but we are requesting a 19.4' setback to bring the existing structure into compliance. Because of the narrow lot and the presence of two front yard setbacks (corner lot), the allowable buildable area is extremely small.

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).*

This being a narrow, corner lot creates a hardship relative to buildable area. The allowable width to build within is less than 25', so the new addition encroaches into the setback. Also, the existing structure falls outside of the required setback as well and this request seeks to codify that existing condition.

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 narrow lot already, but being classified as a corner lot creates two front yard setbacks of 40' which renders the buildable area extremely small. Regarding the fence request, the side of the house is technically labelled a 'front' which prohibits a fence from being placed. If this were a typical property (not a corner lot) a fence would be allowed in the area requested.

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 district do not have this corner lot condition and therefore this property has a unique hardship.

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 side of the house that is open and available for outdoor recreation is considered a 'front' and therefore there is no way to secure that area with a fence. Other owners in the district have two side yards in which to conduct outdoor activities where this property only has one (and it is very narrow)

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 are seeking to codify an existing condition. The new addition will actually step back from the existing building line. Regarding the fence, the owners will get to enjoy their side yard which is intended by the Ordinance.

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

Seeking to codify an existing condition. That condition is not being worsened by the Owner or this addition.

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

The addition is a modest one and steps back from the existing building line. The fence is decorative and only encloses a portion of the side of the property.

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 request does not establish or promote a new use or a non-permissible use.

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 ?

✓ Jared H Bussey
Nov 17, 2023



BZA-23-34

Engineering Review

Variance and Special Exception Application

Status: Complete

Became Active: Nov 28, 2023

Assignee: Ethan Fisher

Completed: Dec 5, 2023

Applicant

Jared Bussey
jaredb@architecturalcooperative.net
1604 28th Avenue South
Homewood, AL 35209
205-533-3563

Primary Location

3236 RIDGELY CT
VESTAVIA HILLS, AL 35243

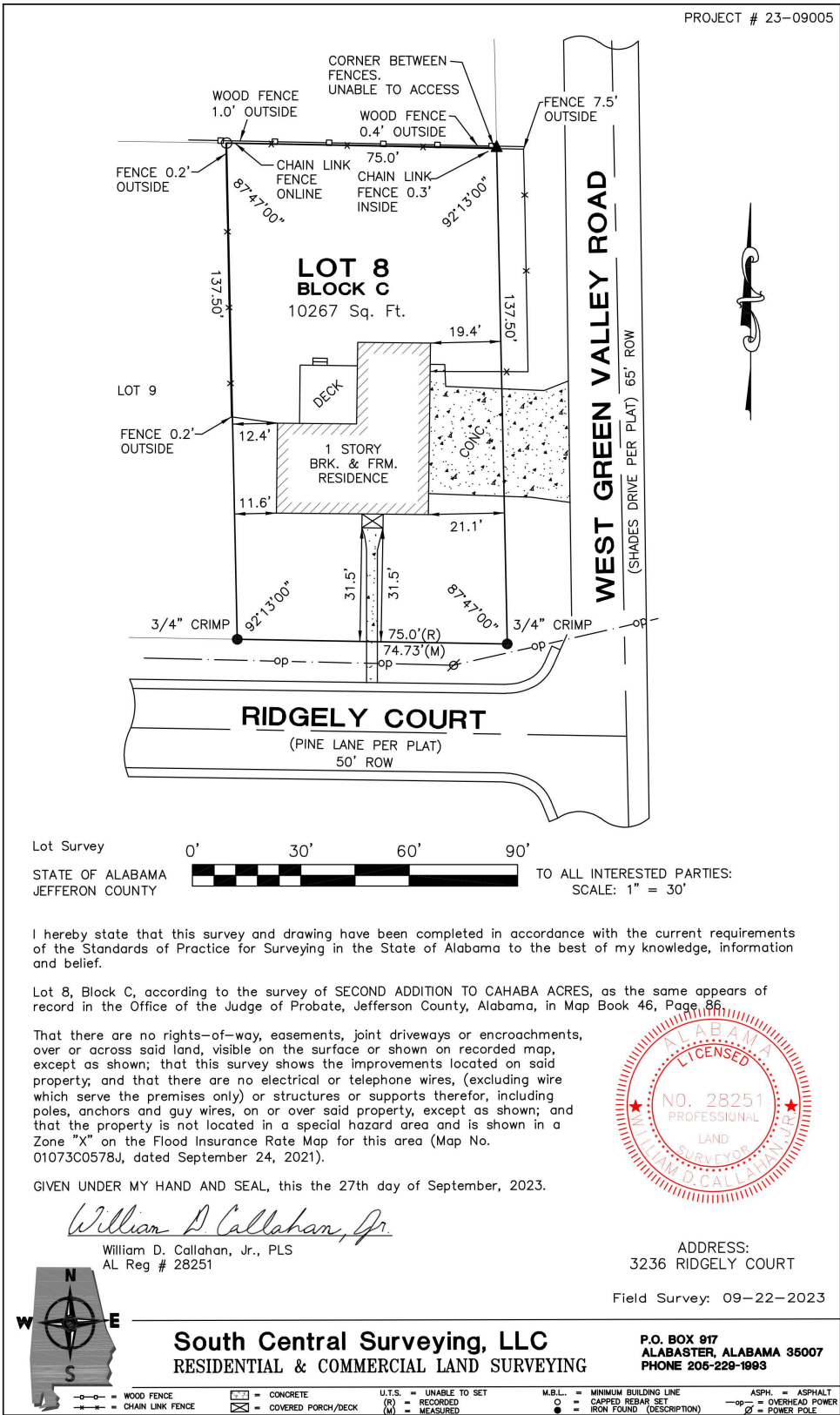
Owner:

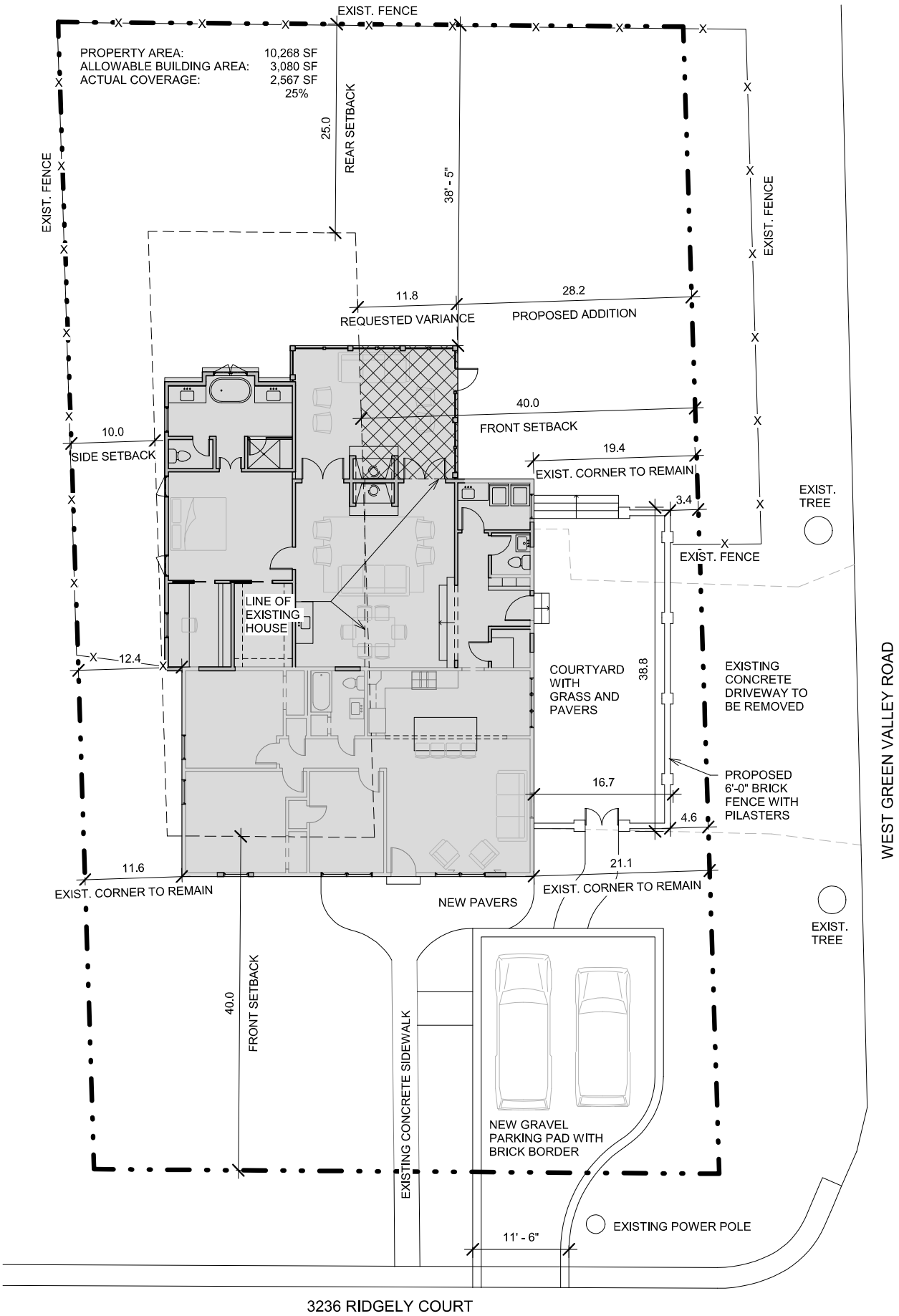
Dane Pemberton
3236 Ridgely Court Vestavia Hills, AL 35243

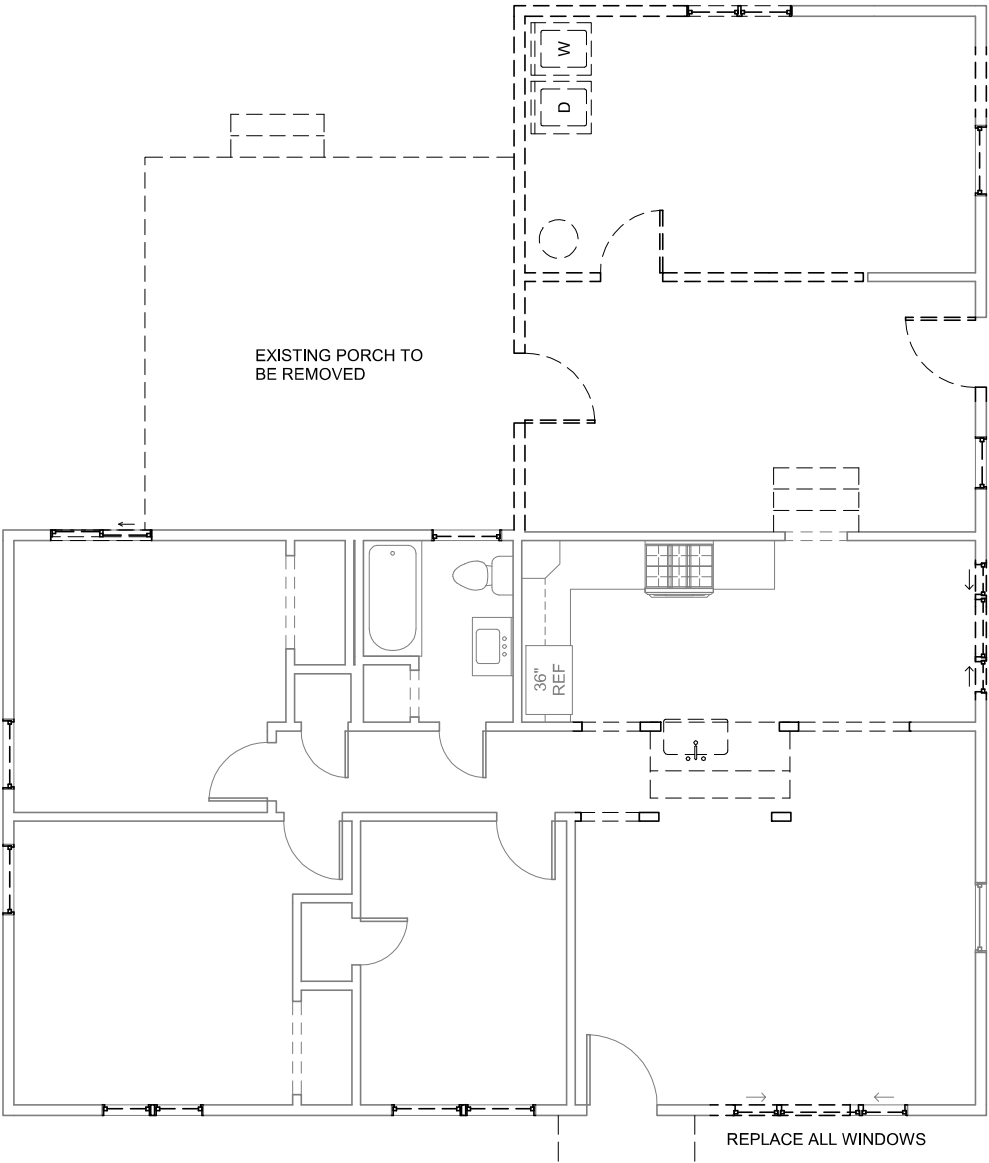
Comments

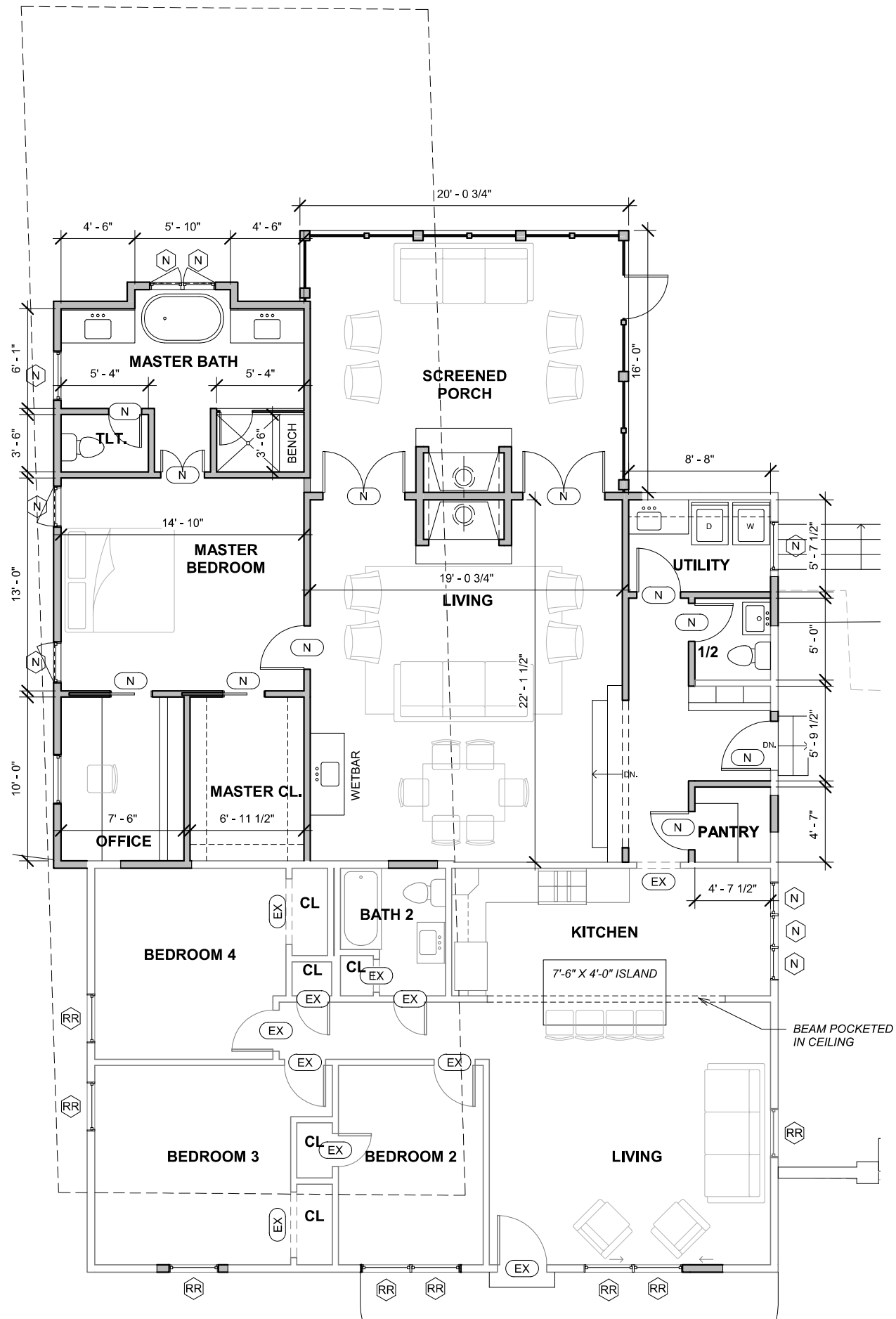
Ethan Fisher, Dec 5, 2023

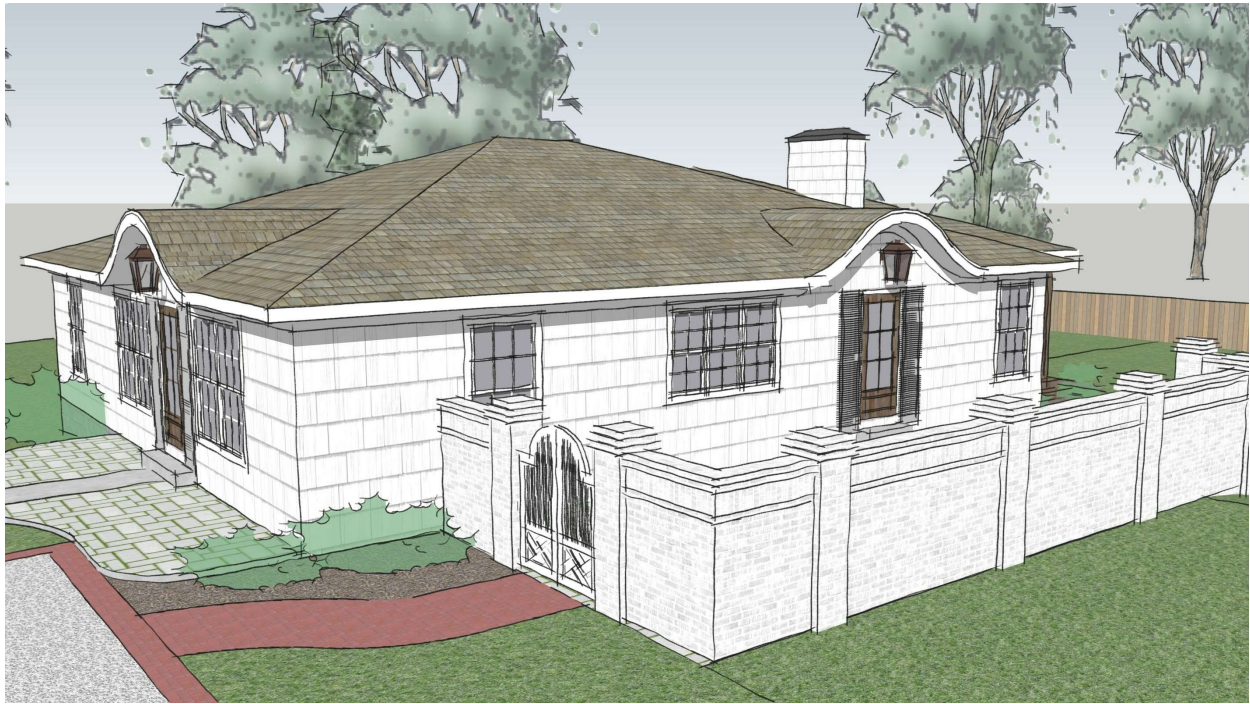
Sight distance and impervious areas have been reviewed. Both appear to be in compliance based on the provided documents. This will be reviewed further during permit review.













IV. ZONING

Vestavia Hills Zoning for the subject property is R-4.

V. HARDSHIP

Describe those things which you feel justify the action requested. 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 house is located on a corner lot in such a way that the two 40'-0" front setbacks are within the existing house. The zoning code for R-4 designates that on no lot shall the width of the side yards be such that less than 24' of the lot be left to build upon. This lot has 24'-9" left to build upon, making it barely compliant. The leftover buildable area does not allow for a reasonable expansion. The existing neighbors house to the North also provides no setback relief as it is situated on it's site at an angle.

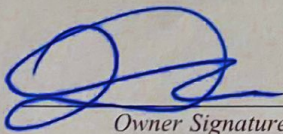
VI. PROJECT:

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

- The scope of the rear addition includes a master suite, living area, and screened porch. A variance of 11.8' would be required to attach the screened porch to the existing house outside of the setback for roughly 185 sf.
- The Owners are also requesting a variance to place a 6'-0" tall brick courtyard fence in the long "front yard." The Owners would like to move their existing driveway from West Green Valley Rd to the Ridgely Court side for traffic and safety reasons. This proposed brick courtyard fence would now provide a safety buffer for their family.
- Additionally, the existing hip roof will be extended to cover the new addition, and new gables will be built over the entrances within the same plane as the existing eaves.

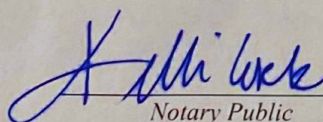
VII. OWNER AFFIDAVIT:

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. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property. ***Note, this application must be signed by the owner of the property before a notary. The original application shall be submitted, no copies shall be accepted***

 11/13/2023
Owner Signature/Date

Representing Agent (if any)/date

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


Notary Public
My commission expires 3.27.2027
day of _____, 20____.

