



Vestavia Hills
Board of Zoning Adjustment Agenda
March 21, 2024
6:00 PM

1. Roll Call
2. Approval Of Minutes
3. BZA-24-1 **Matthew Moore** is requesting a **Side Setback Variance** for the property located at **720 Vestavia Lake Drive**. The purpose of this request is to reduce the side setback to 5' in lieu of the required 15', to build a carport addition. The property is owned by Matthew Moore and is zoned **Vestavia Hills R-2**.
4. BZA-24-3 **Dale Scivley** is requesting a **Rear Setback Variance** for the property located at **208 Shades Crest Circle**. The purpose of this request is to reduce the rear setback to 5' in lieu of the required 15', to rebuild a small accessory storage structure. The property is owned by Dale Scivley and is zoned **Vestavia Hills R-1**.
5. BZA-24-4 **Candice Watson** is requesting a **Sign Code Variance** for the property located at **3100 Blue Lake Drive**. The purpose of this request is to allow three commercial signs on one elevation in lieu of the required two, to build a commercial wall sign. The property is owned by Clint Gentry and is zoned **Vestavia Hills B-2**.
6. Time Of Adjournment

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

February 15, 2024

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
Loring Jones, III
Thomas Parchman
Ryan Rummage, Alt

MEMBERS ABSENT

Tony Renta

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of January 18, 2024 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of January 18, 2024 was made by Mr. Fliegel and 2nd was by Mr. Jones. Motion as carried on a voice vote as follows:

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

SIGN CODE VARIANCE

BZA-23-33 **Haley Jackson** is requesting a **Sign Code Variance** for the property located at **701 Montgomery Hwy Suite 101**. The purpose of this request is to reduce the copy area to 139.74 sq ft in lieu of the required 110sq ft, to build replace a commercial wall sign. The property is owned by George Casey and is zoned **Vestavia Hills B-2**.

Mr. Wakefield explained the request was for a variance to the sign code regulations.

Tony Johnson, 2013 Seminole Dr, was present for the case and explained the hardship was the slope of the property. A bigger sign would help cars not have to brake as much than with a smaller sign. This property also has no pilon sign or other road signage.

Mr. Greer asked what the square footage of the building was.

Mr. Johnson stated that he didn't have that number.

Mr. Wakefield stated that the Building Department stated the tenant space was 9000+ square feet, and explained the zoning requirements for that sized tenant space.

Mr. Greer asked to clarify the hardship. It is the slope?

Mr. Fliegel asked if a new road sign would limit visibility. Could that be done instead of a larger second wall sign?

Mr. Johnson stated that there is already existing road signage for another tenant in the building.

Chairman Rice asked if there was anything else other than slope that is causing a hardship.

Mr. Johnson stated that the slope and foliage limited visibility for people passing through. Larger sign would prevent drivers from braking in an unsafe manner.

Mr. Rummage asked if the Board had approved the existing Pop Shelf signage in the past.

Mr. Wakefield stated that since he was here, the Board had not.

Mr. Wakefield stated that this is smaller than the original Pop Shelf and 1st Dollar General Sign.

Chairman Rice brought up concerns expressed by an absent Board member related to hardship. He asked one to clarify the hardship in further detail.

Mr. Johnson stated that it is for visibility and safety. A larger sign, because of the slope and landscaping tree line, would allow for visibility for people driving by. A smaller sign would force people to slam on their brake at the last second, as they notice the smaller signage. Potentially causing an accident.

Mr. Greer stated that if his tenant space was 10,000+ square feet instead of in the 5000-10,000 range, they would meet the regulations under the larger sized tenant space.

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 Motion to APPROVE a 29.74sqft. Sign Code Variance to Increase the Copy Area to 139.74 in Lieu of the Required 110sqft, for the property located at 701 Montgomery Hwy Unit101 was made by Mr. Jones and 2nd was by Mr. Parchman. Motion was carried on a roll call vote as follows:

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

SIDE SETBACK VARIANCE

BZA-24-1 **Matthew Moore** is requesting a **Side Setback Variance** for the property located at **720 Vestavia Lake Drive**. The purpose of this request is to reduce the side setback to 5' in lieu of the required 15', to build a carport addition. The property is owned by Matthew Moore and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that this was a request for an attached garage addition.

Matthew Moore, 720 Vestavia Lake Drive, was present for the case and stated that his hardship was the septic lines in the front and the grease trap in rear. Alley separates applicant's house and neighbor's house. The neighbor is supportive of the plan.

Chairman Rice asked the applicant to point out on the drawing where the septic and grease trap lines are.

Mr. Jones stated on the record that the neighbor is concerned about the water runoff from the proposal.

Mr. Moore stated he will follow the recommendations of City Engineering.

Mr. Fliegel stated that there are no renderings of what the new structure would look like.

Chairman Rice asked if there was going to be an overhang on the structure.

Mr. Moore stated there would be some type of an overhang.

Chairman Rice clarified that the alley way was a shared driveway for both contiguous houses.

Mr. Jones asked if this was vacated at any period of time.

Mr. Wakefield stated that not in any documents we could find.

Multiple Board members stated their need for a rendering to better visualize how the garage would function. What would it look like? How would the cars access it?

Chairman Rice stated that the applicant can go for a vote now or postpone the case to next month for more information.

Mr. Moore stated he would like to postpone.

VARIANCE FOR LOCATION OF FENCE

BZA-24-2 **John Appleton** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1304 Willoughby Road**. The purpose of this request is to build an open aluminum fence in the front setback. The property is owned by John Appleton and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that the request was to build a small fence in the front setback.

Kendall Appleton, 1304 Willoughby Road, stated that the hardship is a corner lot and terrain in the rear. Terrain affects placement of the fence in rear.

Chairman Rice asked if there was an existing fence.

Mrs. Appleton stated there is a rear fence, but of a small area. The new fence will connect to that existing fence. She stated the terrain preventing a fence in half of the backyard.

Mr. Greer asked the size of the fence.

Mrs. Appleton stated it would be a four-foot fence.

Chairman Rice opened the floor for a public hearing.

Cullen Clark, 1312 Willoughby Road, stated that he is concerned about his neighbor's children safety if this fence was not approved. Because of the proximity of the yard to the road and the steep terrain in the rear. He is in favor of the request.

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

MOTION Motion to APPROVE a Variance for Location of Fence in Front Setback, for the property located at 1304 Willoughby Rd was made by Mr. Jones and 2nd was by Mr. Fliegel. Motion was carried on a roll call vote as follows:

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

At 6:55 PM, Mr. Renta made a motion to adjourn. The meeting adjourned at 6:55 PM.

Jack Wakefield,
Planner/GIS



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

March 21, 2024

AGENDA ITEM

BZA-24-1 **Matthew Moore** is requesting a **Side Setback Variance** for the property located at **720 Vestavia Lake Drive**. The purpose of this request is to reduce the side setback to 5' in lieu of the required 15', to build a carport addition. The property is owned by Matthew Moore and is zoned **Vestavia Hills R-2**.

BACKGROUND

10' Side Setback Variance to Reduce the Setback to 5' in Lieu of the Required 15'.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a side setback variance to build a garage addition, with a master bedroom above. The applicant contends the septic lines in the front and grease trap drain in the rear limits the buildable area. The rear lot line is also oddly shaped, preventing the addition going into the rear yard. The side neighbor and applicant are divided by an alley. The separation between lot lines will keep the proposed addition at least 15' from the neighbor's property line. The neighbor has no issues with the request, other than concern about water runoff with the construction of the new addition. Zoned Vestavia Hills R-2.

ATTACHMENTS

1. Application
2. Existing Survey
3. Proposed Survey
4. Updated Renderings
5. Owners Affidavit

Jack Wakefield
City Planner

**BZA-24-1****Variance and Special
Exception Application**

Status: Active

Submitted On: 1/3/2024

Primary Location720 VESTAVIA LAKE DR
VESTAVIA HILLS, AL 35216**Owner**Matthew Moore
Vestavia Lake Dr 720 Vestavia
Hills, AL 35216**Applicant** Matthew Moore
 912-655-0062
 mcmoore12@gmail.com
 720 Vestavia Lake Dr
Vestavia Hills, Alabama
35216

Agenda Information **Agenda Scheduling**

February 2024

 Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party**Name**

Matthew Moore

Phone #

9126550062

Address

720 Vestavia Lake Dr

City/State/Zip

Vestavia Hills, AL 35216

Email

mcmoore12@gmail.com

Subject Property Information

Subject Property Address

720 Vestavia Lake Dr

Legal Description of Subject Property ?

REASONS FOR REQUEST

Front Setback Variance

☐

Rear Setback Variance

☐

Side Setback Variance

☒

Setback Required*

15

Setback Requested*

5.8

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

R-2

PROJECT

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

We would like to build a carport addition with a master bedroom above it. The carport would be over the existing driveway. Our driveway is currently 29.8 feet long (distance to the side property line), and the side setback is 15 feet. This leaves 14.8 feet for the carport depth. Wwe would like the carport to be 24 feet deep to accommodate vehicles. We are requesting a variance of 9.2 feet for a new side setback of 5.8 feet.

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).*

Undue hardships: septic lines in the front yard and grease trap drain lines in back yard. Lot is irregularly shaped (right trapezoid) and shallow on one side (partly due to erosion from the creek), so a close rear setback line prevents a backyard addition. Distance to the side setback line is the same on both sides, so we would need a variance if we built on either side of the house.

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 correct. Due to the septic lines and irregular/shallow lot described above.

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 is correct. Most other lots in the district are either regularly shaped or have much deeper back yards, allowing for a larger building footprint. My next door neighbor also has a shallow, irregular lot and has an existing carport inside the setback lines to accomodate this.

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:*

This is correct. The literal interpretation of the ordinance would prevent the proposed carport from being built.

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 is correct. Due to a 15' wide city alley which separates my my house from neighbor's house, the distance between our houses will remain in harmony with the intent of the R-2 zoning guidelines.

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

This is correct. The septic field lines were put in place by previous owners many years ago (house was built in 1955), and the rear property erosion has taken place over many years. The dam for Vestavia was created in the 1950s, which routed an existing creek to along our rear property boundary.

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

This is correct. The variance requested (9.2') would allow for the minimum recommended carport (24' deep).

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 is correct. The proposed carport is for residential use only.

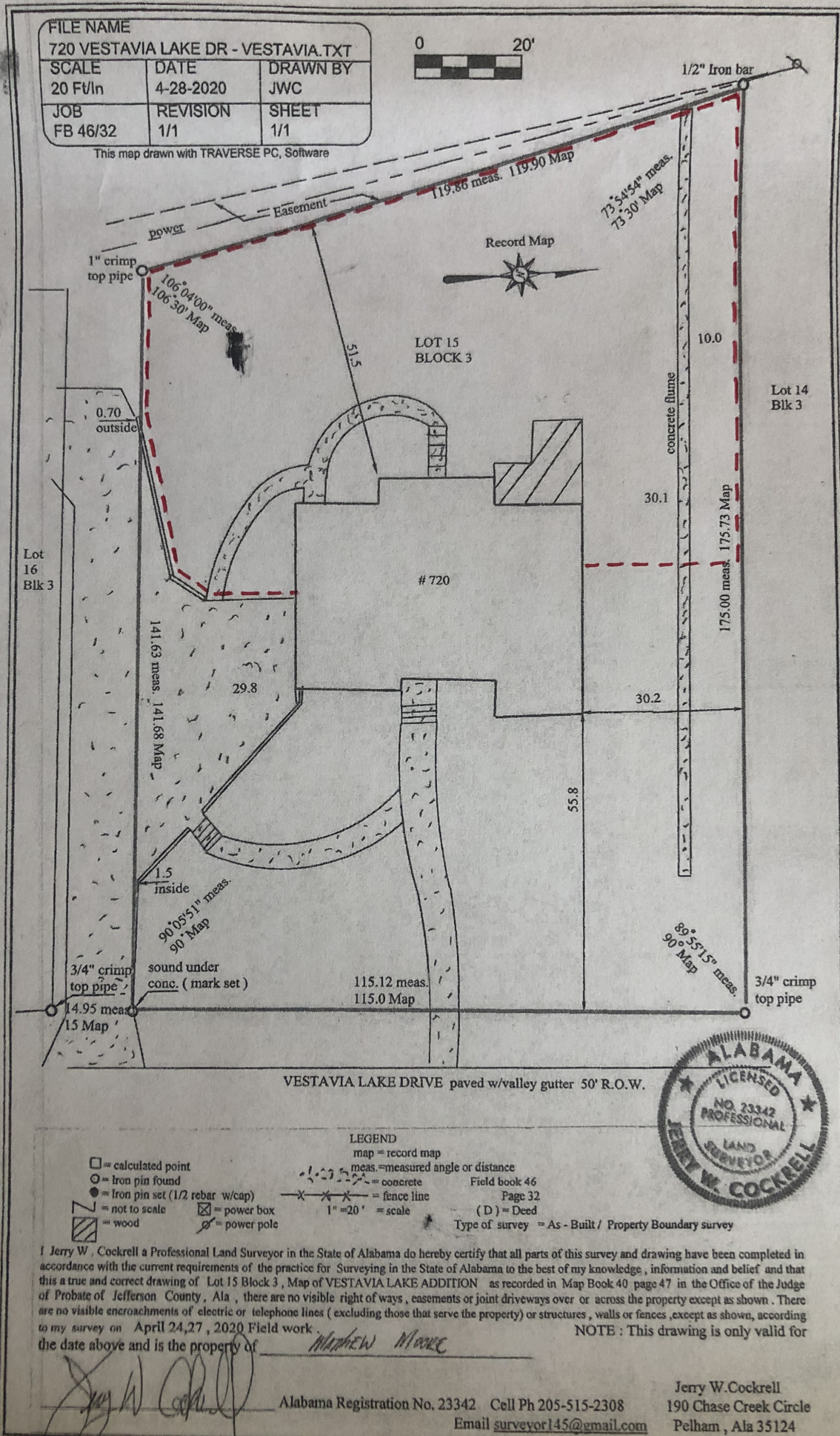
NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase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

✓ Matthew Moore
Dec 30, 2023



FILE NAME

720 VESTAVIA LAKE DR - VESTAVIA.TXT

SCALE

20 F/In

DATE

4-28-2020

DRAWN BY

JWC

JOB

FB 46/32

REVISION

1/1

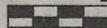
SHEET

1/1

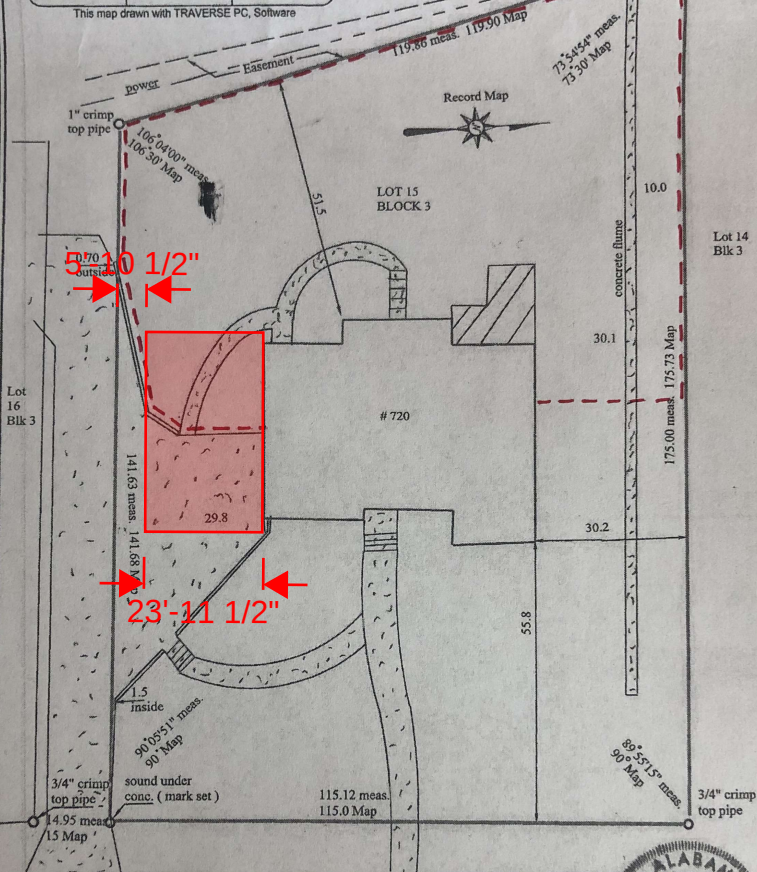
This map drawn with TRAVERSE PC, Software

0

20'



1/2" Iron bar



VESTAVIA LAKE DRIVE paved w/valley gutter 50' R.O.W.

LEGEND

map = record map

meas. = measured angle or distance

--- = concrete

Field book 46

Page 32

--- = fence line

(D) = Deed

Type of survey = As-Built / Property Boundary survey

□ = calculated point

○ = iron pin found

● = iron pin set (1/2" rebar w/cap)

□ = not to scale

⊗ = power box

⊙ = power pole

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 15 Block 3, Map of VESTAVIA LAKE ADDITION as recorded in Map Book 40 page 47 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 April 24, 27, 2020 Field work

the date above and is the property of

MICHAEL MARCE

NOTE: This drawing is only valid for

Jerry W. Cockrell

190 Chase Pelham, Ala 35124

Alabama Registration No. 23342 Cell Ph 205-515-2308

Email survevor145@gmail.com

THE MOORE RESIDENCE

MADISON SCHULTZ, AIA
678.480.9149
madisonwschultz@gmail.com



MOORE RESIDENCE
720 VESTAVIA LAKE DRIVE
VESTAVIA HILLS, ALABAMA 35216

SCHEMATIC DESIGN:
COVER PAGE

A0

MOORE RESIDENCE

720 VESTAVIA LAKE DRIVE
VESTAVIA HILLS, ALABAMA
35216

SCHEMATIC DESIGN:
FRONT ELEVATION
Scale: 3/16" = 1'-0"

A2



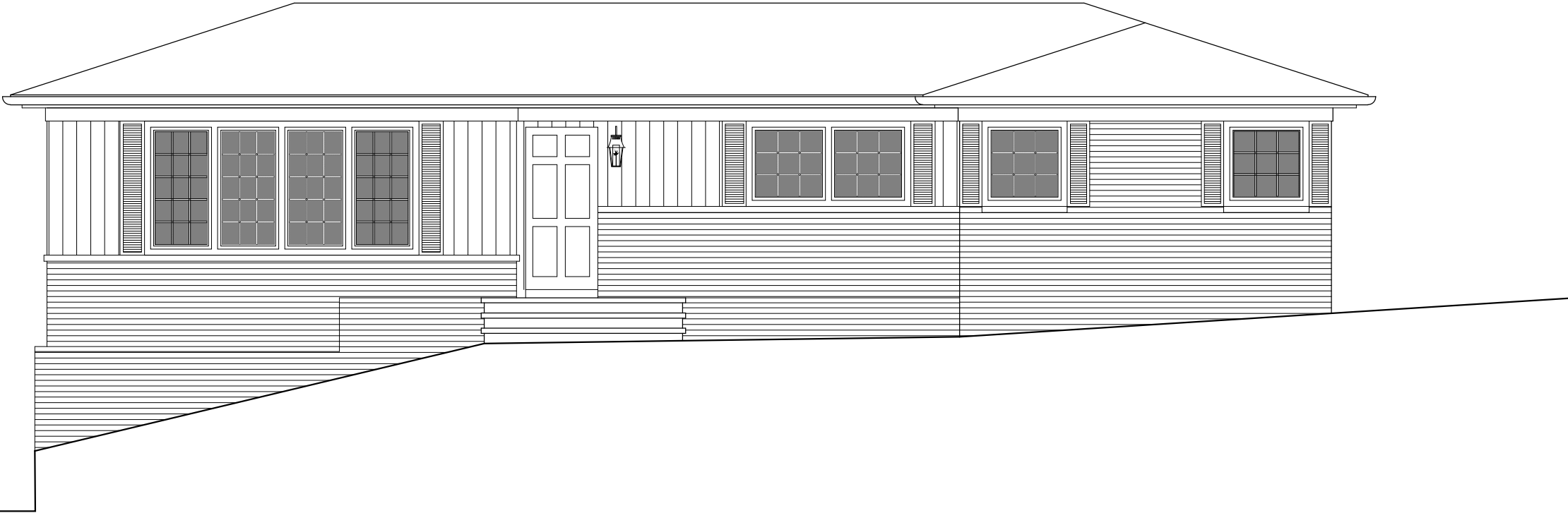
A2 PROPOSED FRONT ELEVATION
SCALE: 3/16" = 1'-0"

MOORE RESIDENCE

720 VESTAVIA LAKE DRIVE
VESTAVIA HILLS, ALABAMA
35216

SCHEMATIC DESIGN:
EXISTING FRONT ELEVATION
Scale: 3/16" = 1'-0"

A0.2



A0.2 EXISTING FRONT ELEVATION
SCALE: 3/16" = 1'-0"



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: 720 Vestavia Lake Drive, 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:

Matthew Moore 1/3/24
Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Jefferson

Given under my hand and seal
this 3rd day of January, 2024.

Sarah Elizabeth Miller
Notary Public



My commission expires 0th day of February, 2026.



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

March 21, 2024

AGENDA ITEM

BZA-24-3 **Dale Scivley** is requesting a **Rear Setback Variance** for the property located at **208 Shades Crest Circle**. The purpose of this request is to reduce the rear setback to 5' in lieu of the required 15', to rebuild a small accessory storage structure. The property is owned by Dale Scivley and is zoned **Vestavia Hills R-1**.

BACKGROUND

10' Rear Setback Variance to Reduce the Setback to 5' in Lieu of the Required 15'.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a rear setback variance to rebuild a rear storage shed. The applicant contends the topography of the lot prevents building within the setbacks. This existing storage shed was destroyed by a storm and will be replaced on existing footprint. There was a 2nd shed in the rear, but that is being removed completely from the property. Zoned Vestavia Hills R-1.

ATTACHMENTS

1. Application
2. Survey with proposed addition
3. Rendering
4. 10 X 16 (7ft) side framing
5. 10 X 16 (7ft) end framing
6. 10 X 16 (7ft) center cut

Jack Wakefield
City Planner

**BZA-24-3****Variance and Special
Exception Application**

Status: Active

Submitted On: 2/5/2024

Primary Location208 SHADES CREST CIR
VESTAVIA HILLS, AL 35216**Owner**Dale T Scivley
Shades Crest Circle 208
Shades Crest Circle Vestavia
Hills, AL 35216**Applicant** Dale Scivley
 205-542-6184
 daletvs@gmail.com
 208 Shades Crest Circle
Vestavia Hills, AL 35216

Agenda Information

 Agenda Scheduling

March 2024

 Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Dale Scivley

Phone #

2055426184

Address

208 Shades Crest Circle

City/State/Zip

Vestavia AL 35216

Email

daletvs@gmail.com

Subject Property Information

Subject Property Address

208 Shades Crest Circle

Legal Description of Subject Property ?

Lot 5, Vestavia Hills Seventh Addition, Map Volume 32, Page 1

REASONS FOR REQUEST

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

15 feet

Setback Requested*

5 feet

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

R-1

PROJECT

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

Replacement of a storm-destroyed storage shed exactly where it was previously located. Due to the lot's topography, this is the only location where the shed can go. Please see building permit request RES-24-56 which contains uploaded documents pertinent to this variance request.

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).*

Because of the topography of the lot, this is the only location where the shed can go. The original shed was in the current location when we purchased the home.

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 the only location that will work for the shed, due to topography, terracing and landscaping.

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 shed is used for outdoor equipment and other items that are common to other property 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:*

We have no other place to keep the items that are currently stored in the shed.

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 rear of the lot adjoins a narrow strip of naturally wooded land which is part of a larger vacant lot. If that lot were to be developed, the narrow strip of land would not be suitable for construction. Construction would be done on the larger, wider part of that lot.

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

The shed was in this location when we bought the property. We simply want to replace the shed because it was destroyed by a large tree that fell on it during a storm.

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

This is the only location that the shed can go because of the lot's topography.

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.*

We are simply asking to replace a needed storage shed which has existed in this location for an estimated 20+ years. The shed is used for storage of outdoor tools, equipment and other household items. We have no other place for these things.

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

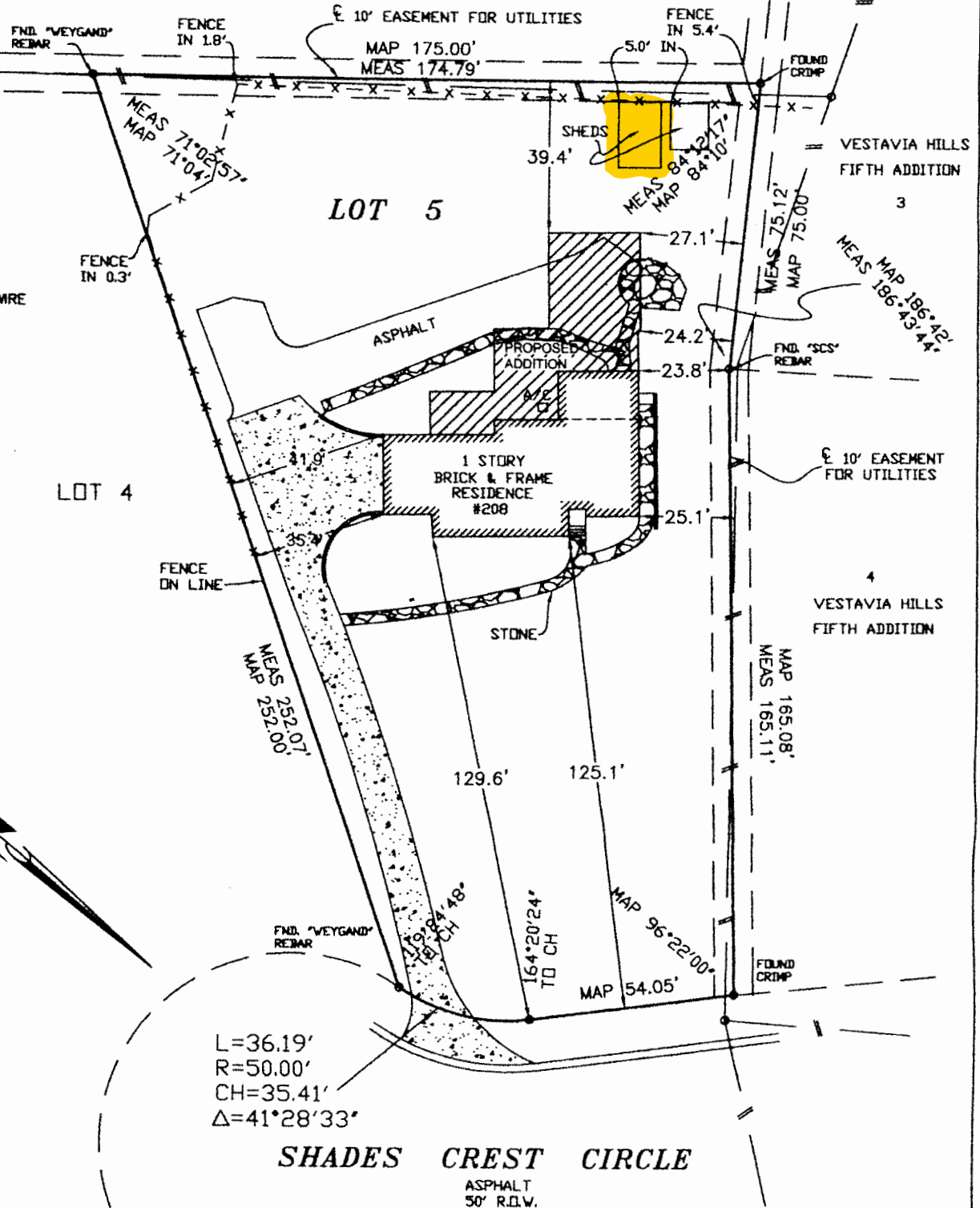
✓ Dale T. Scivley
Feb 4, 2024

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
GLT	LIGHT
COV	COVERED
■	DECK
●	CONCRETE
▨	WALL
□	COLUMN

PARK

Smaller shed has been removed,
replacing larger shed.

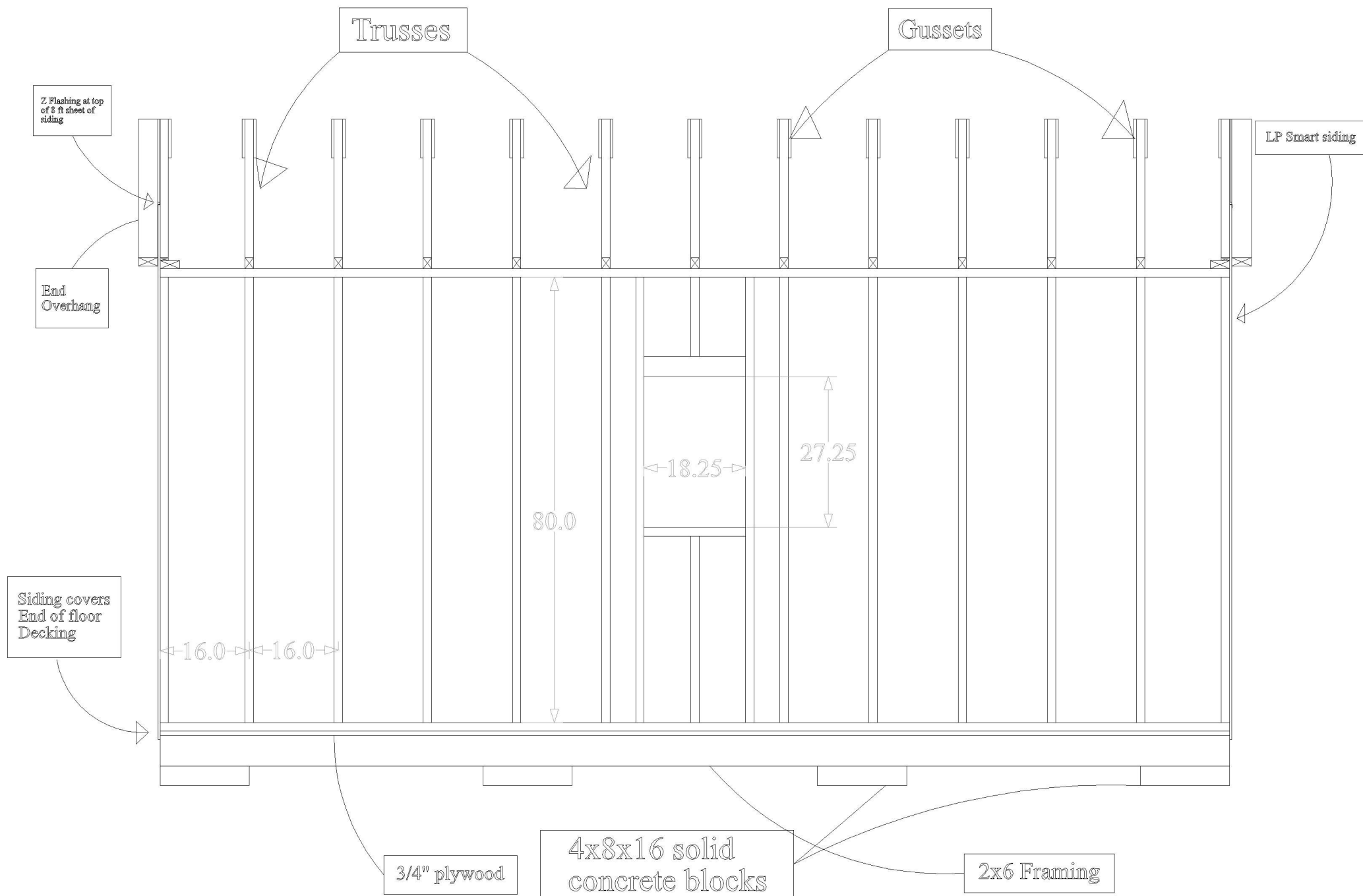


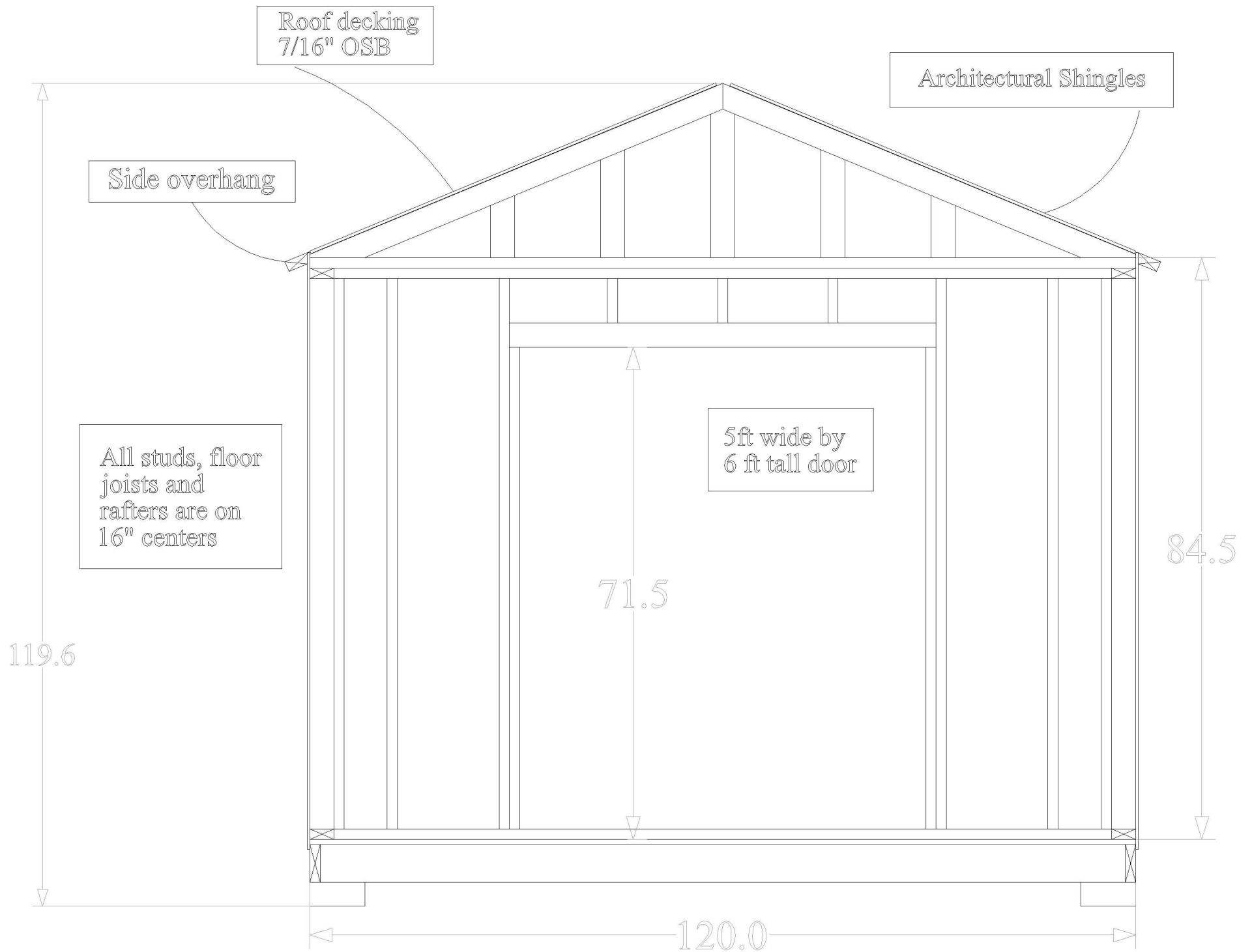
SCALE: 1"=40'

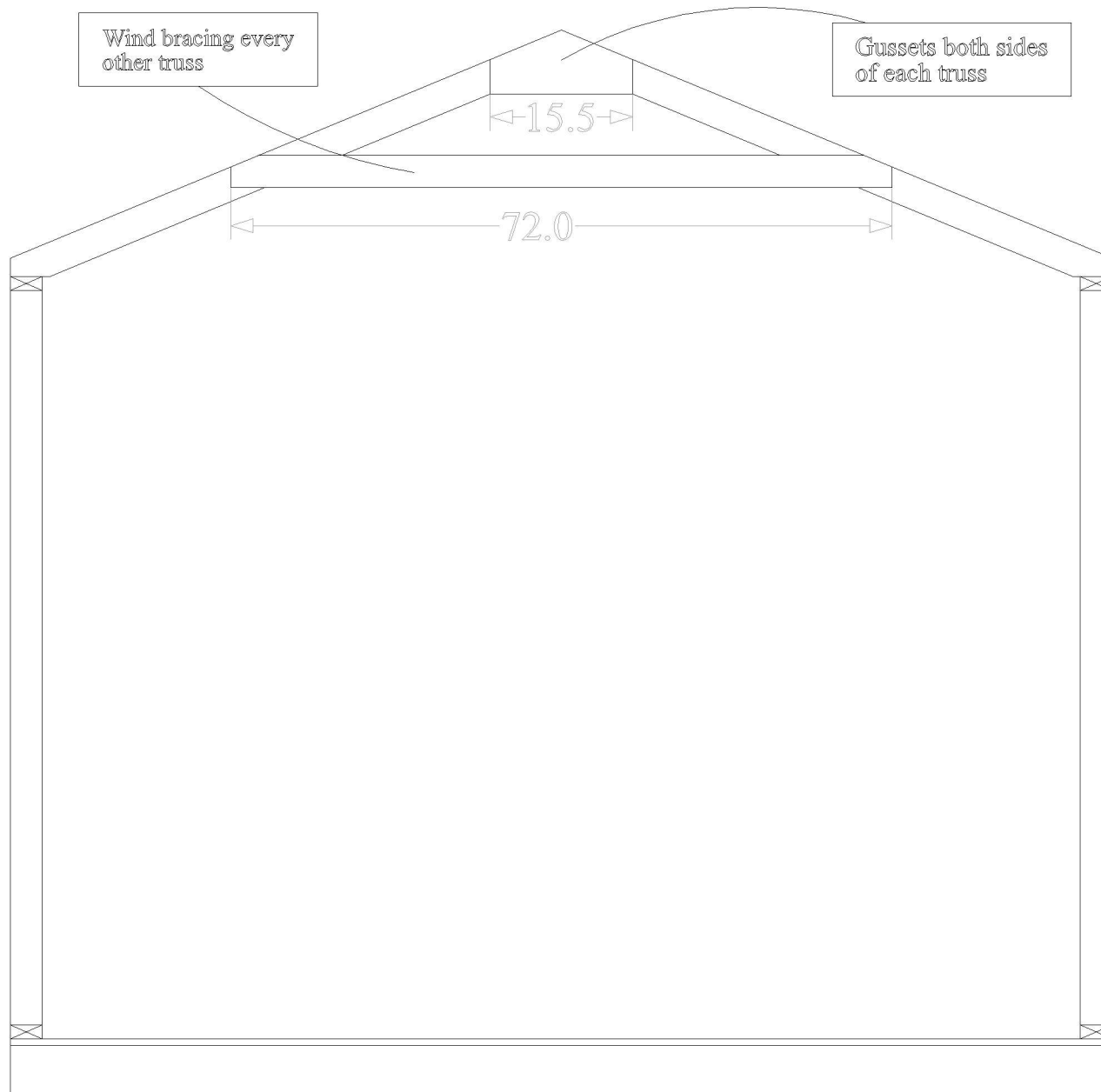
STATE OF ALABAMA)
JEFFERSON COUNTY)

"Plot Plan"











VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

March 21, 2024

AGENDA ITEM

BZA-24-4 **Candice Watson** is requesting a **Sign Code Variance** for the property located at **3100 Blue Lake Drive**. The purpose of this request is to allow three commercial signs on one elevation in lieu of the required two, to build a commercial wall sign. The property is owned by Clint Gentry and is zoned **Vestavia Hills B-2**.

BACKGROUND

Variance to Allow Three Commercial Signs on One Elevation in Lieu of the Required Two

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a variance to allow an extra wall sign on one elevation. All signs are under the max copy area per sign. The applicant contends that the forced moving of the sign on the side facade causes a hardship. Applicant originally submitted two signs that would have fallen within the Code. They were allowed an upper sign and a lower sign. They agreed, but the owner of the building wouldn't allow construction of a sign on the lower end because it would damage the exterior facade (stone material). To allow the applicant side visibility, the wall sign was forced to move to the upper elevation. Making the sign out of compliance with the sign code regulations. Zoned Vestavia Hills B-2.

ATTACHMENTS

1. Application
2. Code Language
3. Proposed Signage
4. Approved Signage
5. Gentry Pharmacy Existing Signage
6. Owners Affidavit

Jack Wakefield
City Planner

**BZA-24-4****Variance and Special
Exception Application**

Status: Active

Submitted On: 2/19/2024

Primary Location3100 BLUE LAKE DR
VESTAVIA HILLS, AL 35243**Owner**Clint Gentry
Blue Lake Dr 3100 Vestavia
Hills, AL 35243**Applicant**

 Candice Watson
 205-531-8798
candice.watson@signage-
@ inc.com
 1307 Decatur Hwy
FULTONDALE, Alabama
35068

Agenda Information

 Agenda Scheduling

March 2024

 Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Representative Agent

Billing/Responsible Party

Name

Candice Watson

Phone #

205-531-8798

Address

1307 Decatur Hwy

City/State/Zip

Fultondale, AL 35068

Emailcandice.watson@signage-inc.com

Representing Attorney/Other Agent**Name**

Don Hawes

Phone #

205-410-8739

Address

1307 Decatur Hwy

City/State/Zip

Fultondale, AL 35068

Emaildon.hawes@signage-inc.com

Subject Property Information**Subject Property Address**

3100 Blue Lake Dr

Legal Description of Subject Property ?LOT 1A RESUR OF LOTS 1 & 3 TOPFIELD SUB PB 219 PG 53

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.**☐**Sign Code Variance**☒**Details ?**

We're requesting a side facade sign be placed on the upper level of the building.

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

☒**Details ?**

Permitting has stated a side facade sign can only be placed on the lower level of the building.

Other☐

ZONING

Vestavia Hills Zoning for the subject property is

B2

PROJECT

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

Permitting has stated a side facade sign can only be placed on the lower level of the building.

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).*

Because the business is located on the 2nd level, the signage for that tenant should be on the 2nd level. In addition, the building owner is not allowing the brick on the 1st level to be penetrated.

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 tenant occupies the second floor only, a sign on the first level of the building will cause confusion.

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

There are existing businesses located nearby with side facade signs on upper levels. For Example: Slice Pizza and Attic Plus Storage.

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:*

A sign on the first floor will cause confusion to arriving patrons and disturbances to the first floor tenant.

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 would not be injurious to the neighborhood as other businesses have side facade signs on upper levels.

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

The business is located on the 2nd floor and needs the signs to be located on that level.

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

No changes will be made to the building, land or use.

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 business is located on the 2nd floor and the signs should be at that level to avoid confusion.

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 ?

✓ Candice Watson
Feb 19, 2024

2. Detached Canopy Signs.

- a. The sign shall be flat against the surface of the canopy, which shall extend no closer than two (2) feet horizontally to the curb line of any public thoroughfare nor eight (8) feet vertically from the finished surface directly below.
- b. The permanently-affixed copy area shall not exceed an area equal to twenty-five (25) percent of the surface area of the detached canopy, which surface area shall not be counted as part of the sign area.

11.5.3. Attached Signs. Each establishment shall be allowed attached signage on each facade or on any elevation that faces a public parking lot or a parking lot directly associated with the establishment. **No more than two forms of attached signage (i.e., one wall sign and one awning sign) shall be permitted on one elevation, subject to the maximum attached sign area permitted on any one elevation.** Attached sign copy area, including the maximum aggregate copy area for attached signage permitted on multiple elevations, shall be as described in [Table 11.5.3](#) and as provided in Paragraphs 1 and 2 following.

1. For attached signs placed less than 250 feet from the nearest thoroughfare right-of-way: Where an establishment, per this Section, may be permitted attached signage on more than one elevation, the aggregate, attached sign copy area on each elevation shall not exceed the area specified in Row 1. Each such establishment is permitted an aggregate copy area for all permitted attached signs as specified in ROW 2.

For example, if an establishment with a GFA of 2,500 sq. ft. is permitted attached signage on each of two elevations, the

amount in Row 2 (40 sq. ft.) is multiplied by "2" to determine how much copy area may be distributed among the two permitted attached sign locations. A total of 80 sq. ft. of attached sign copy area would be permitted with no individual sign being larger than 50 sq. ft.

2. For attached signs placed 250 feet or more from the nearest thoroughfare right-of-way: Where an establishment, per this Section, may be permitted attached signage on more than one elevation, the aggregate, attached sign copy area on each elevation shall not exceed the area specified in Row 3. Each such establishment is permitted an aggregate copy area for all permitted attached signs as specified in Row 4.

For example, if an establishment with a GFA of 2,500 sq. ft. is permitted attached signage on each of two elevations, all of which are 250 feet or more from the nearest thoroughfare right-of-way, the amount in Row 4 (48 sq. ft.) is multiplied by "2" to determine how much copy area may be distributed among the two permitted attached sign locations. A total of 96 sq. ft. of attached sign copy area would be permitted with no individual sign being larger than 60 sq. ft.

3. Wall Signs. Where permitted, wall signs shall not extend out from the face of the building more than 18 inches.



PLEASE REVIEW THIS PROOF CAREFULLY. Spelling is your responsibility. Colors on finished product may vary slightly from electronic proof. Scaling Is Not Exact.



CORPORATE OFFICE
1307 Decatur Hwy, Fultondale, AL 35068
Phone: 205-968-1699 Email: info@signage-inc.com
www.signage-inc.com

Client Dr. Zehra Syed
Address 3100 Blue Lake Dr
Job Name Blue Lake Orthodontics
Location Vestavia Hills, AL 35243
Date 1/18/2024

This design / engineering is to remain the exclusive property of Signage until approved and accepted through purchase by the client named on the drawing. No part of this design and/or specifications may be duplicated, reproduced, or manufactured without express written permission from Signage.

© Copyright 2023

Revisions:

Approved by: _____
Date: _____

- ☐ APPROVED AS SHOWN
☐ APPROVED AS NOTED
☐ CORRECT & RESUBMIT

Materials & Finishes

M.1 Face-lit Channel Letters
5" Deep Returns
Trim Cap
Polycarbonate Faces(Acrylic)

P.1 PANTONE 2955 C
HEX 1A3A60

P.2 White

Electrical

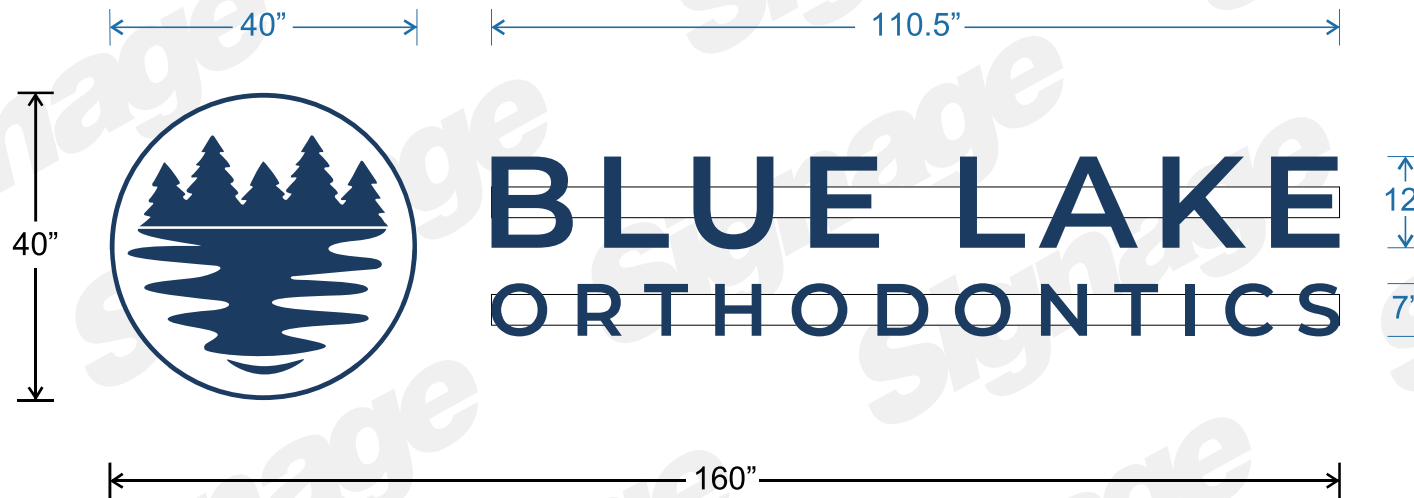
LED illumination

Installation

Raceway (White)

Font

SF Pro Rounded



SCALE 1:25

PLEASE REVIEW THIS PROOF CAREFULLY. Spelling is your responsibility. Colors on finished product may vary slightly from electronic proof. Scaling Is Not Exact.



CORPORATE OFFICE

1307 Decatur Hwy, Fultondale, AL 35068
Phone: 205-968-1699 Email: info@signage-inc.com

www.signage-inc.com

Client Dr. Zehra Syed
Address 3100 Blue Lake Dr
Job Name Blue Lake Orthodontics
Location Vestavia Hills, AL 35243
Date 12/15/2023

This design / engineering is to remain the exclusive property of Signage until approved and accepted through purchase by the client named on the drawing. No part of this design and/or specifications may be duplicated, reproduced, or manufactured without express written permission from Signage.

© Copyright 2023

Revisions:

Approved by: _____

Date: _____

☐ APPROVED AS SHOWN
☐ APPROVED AS NOTED
☐ CORRECT & RESUBMIT

Sheet (6) of (7) 45 of 49



PLEASE REVIEW THIS PROOF CAREFULLY. Spelling is your responsibility. Colors on finished product may vary slightly from electronic proof. Scaling Is Not Exact.



CORPORATE OFFICE
1307 Decatur Hwy, Fultondale, AL 35068
Phone: 205-968-1699 Email: info@signage-inc.com
www.signage-inc.com

Client Dr. Zehra Syed
Address 3100 Blue Lake Dr
Job Name Blue Lake Orthodontics
Location Vestavia Hills, AL 35243
Date 12/15/2023

This design / engineering is to remain the exclusive property of Signage until approved and accepted through purchase by the client named on the drawing. No part of this design and/or specifications may be duplicated, reproduced, or manufactured without express written permission from Signage.

© Copyright 2023

Revisions:

Approved by: _____

Date: _____

- ☐ APPROVED AS SHOWN
☐ APPROVED AS NOTED
☐ CORRECT & RESUBMIT





**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: 3100 Blue Lake Drive, 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: Candice Watson 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:

Robert Clark 2/20/24
Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Shelby

Given under my hand and seal
this 20th day of February, 2024.

A. Smith

Notary Public



My commission expires 06 day of April, 2026.

