



Vestavia Hills
Board of Zoning Adjustment Agenda
May 16, 2024
6:00 PM

1. Roll Call
2. Approval Of Minutes
3. BZA-24-8 **James & Cathy Higgins** are requesting a **Front Setback Variance** for the property located at **1564 Holly Road**. The purpose of this request is to reduce the front setback to 10' in lieu of the required 50', to build a gazebo addition. The property is owned by James and Cathy Higgins and is zoned **Vestavia Hills R-2**.
4. BZA-24-10 **Patrick Gilbert** is requesting a **Special Exception** for the property located at **2101 Garland Circle**. The purpose of this request is to allow 2 houses to be present temporarily on one lot, to build new house and then demolish existing house (following a specified timeline by BZA). The property is owned by Michael Rumore and is zoned **Vestavia Hills R-2**.
5. Time Of Adjournment

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

April 18, 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
Tony Renta
Ryan Rummage, Alt

MEMBERS ABSENT

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of March 21, 2024 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of March 21, 2024 was made by Mr. Fliegel and 2nd was by Mr. Parchman. Motion as carried on a voice vote as follows:

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

MULTIPLE VARIANCES

BZA-24-5 **Richard Gregg** is requesting **Lot Area, Lot Width, & Side Setback Variances** for the property located at **4217 Brasher Drive**. The purpose of this request is to reduce the Lot Area to 7,499sqft in lieu of the required 12,000sqft, Lot Width to 60' in lieu of the required 70', & Side Setback to 5' in lieu of the required 10', to build a house. The property is owned by Richard Gregg and is zoned **Vestavia Hills R-4**.

Mr. Wakefield explained that the request was two pronged. Lot area and lot width variances to bring undersized lot into compliance and then two setback variances for building location.

Richard Gregg, 4217 Brasher Drive, was present for the case and stated that he intends to build a house, however the parcel needed to be platted to build and followed up with the lot area and width variances to bring the new lot into compliance. The setback variances are to push the house off the side neighbor, whose house is built up to their property line. Give more separation from the two structures. He also stated the rear setback was needed because the house would be setback too close to the road to have a car pull into the garage. The road currently encroaches into the property.

Chairman Rice asked him to clarify the hardship.

Mr. Gregg stated his hardship was due the spacing of the other houses on the street.

Mr. Jones said that is not a hardship and that the hardship be something wrong with the land. Aesthetics and money don't count.

Mr. Gregg stated the size of the lot limits area to build and not enough separation.

Mr. Jones and Chairman Rice stated they didn't view that as a hardship.

Mr. Gregg stated there is some slope that goes toward the neighbors and there is a worry of water runoff if they are too close.

Mr. Renta asked if this can be considered a compliance issue because of an old County property. Viewing an undersized lot into compliance as the land hardship.

Mr. Wakefield stated that is up to the Board to interpret meets the specifications in the Code.

Mr. Jones stated that this is a rectangular lot with limited slope.

Mr. Renta asked if this is sewer or septic.

Mr. Gregg stated now on septic, but will be moving to sewer.

Mr. Wakefield stated it would be best to split the motions. Lot Width and Area versus Side and Rear Setbacks. One way he can still build if the setback variances were denied.

Mr. Renta asked if his footprint can be accomplished with no variance and moving the house up to the area in the front to the setback line per the zoning (not pushing house further into rear).

Mr. Gregg stated yes.

Chairman Rice opened the floor for a public hearing.

David Glenn 4213 Brasher Drive, the slope he is mentioning causes drainage issues. They have done a lot of work to prevent water flow into their house. They are supportive of the variance for that reason.

Chairman Rice asked if gutters were on the new house.

Mr. Gregg stated they would.

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

MOTION Motion to APPROVE a 4,501sqft Lot Area Variance to Reduce the Lot Area to 7,499sqft in Lieu of the Required 12,000sqft & a 10' Lot Width Variance to reduce the lot width to 60' in lieu of the required 70' for the property located at 4217 Brasher Drive, was made by Mr. Renta and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

Mr. Fliegel – yes	Mr. Renta – yes
Mr. Greer – yes	Mr. Rummage – yes
Mr. Jones – no	Chairman Rice – yes
Mr. Parchman – yes	
Motion carried.	

Chairman Rice offered a vote on the setback variances, however if the request was denied the applicant couldn't come back with the same request for one year. He let Mr. Gregg to decide to vote or to withdraw.

Mr. Gregg stated he would like to withdraw the setback request.

SIDE SETBACK VARIANCE

BZA-24-7 **Nancy Golden** is requesting a **Side Setback Variance** for the property located at **2137 Ridgeview Drive**. The purpose of this request is to reduce the Side Setback to 8' in lieu of the required 15', to cover existing patio. The property is owned by Nancy Golden and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that this was a request to cover an existing patio.

Jon and Nancy Golden, 2137 Ridgeview Drive, was present for the case and stated that they want to cover their patio and that the hardship was their corner lot.

No questions from the Board.

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

MOTION Motion to APPROVE a 7' Side Setback Variance to Reduce the Side Setback to 8' in Lieu of the Required 15', for the property located at 2137 Ridgeview Drive, was made by Mr. Jones and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

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

REAR SETBACK VARIANCE

BZA-24-9 **Benjamin Goldman** is requesting a **Rear Setback Variance** for the property located at **2308 Fox Glen Circle**. The purpose of this request is to reduce the Side Setback to 18' in lieu of the required 30', to build a house. The property is owned by Benjamin Goldman and is zoned **Vestavia Hills R-1**.

Mr. Wakefield explained that the request was to build a house.

Hannah Goldman, 2308 Fox Glen Circle, was present for the case and stated that the hardship is their corner lot. Also, that there is a natural spring that runs into their property. This plan was developed by an engineer to install pipes to mitigate any water runoff.

Mr. Fliegel asked if the original house is being taken down.

Mr. Wakefield explained the odd shape of the lot determined the rear and side yards

on this corner lot. What one would think is the rear of the house is the side and vice versa

Mr. Greer asked if they are keeping the pool.

Mrs. Goldman stated yes.

Board looks at drawing to determine if pool is in rear easement. They explain to Mrs. Goldman that anything residing in an easement is at risk of damage if a utility company needs to maintain that area.

Chairman Rice opened the floor for a public hearing.

Gail Westhoven, 2312 Fox Glen Circle, stated that she is an abutting neighbor and her concern is that all other homes have at least 60-70' of spacing from each other. The current footprint of the house fits with the neighborhood. She is worried this new house would be too large is out of place for the neighborhood.

Mr. Jones stated that what other people do on their lots is not relevant to this request.

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

MOTION Motion to APPROVE a 12' Rear Setback Variance to Reduce the Rear Setback to 18' in Lieu of the Required 30', for the property located at 2308 Fox Glenn Circle, 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. Renta – yes
Mr. Greer – yes	Mr. Rummage – yes
Mr. Jones – yes	Chairman Rice – yes
Mr. Parchman – yes	
Motion carried.	

At 6:35 PM, Mr. Fliegel made a motion to adjourn. The meeting adjourned at 6:35 PM.

Jack Wakefield,
Planner/GIS



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

May 16, 2024

AGENDA ITEM

BZA-24-8 **James & Cathy Higgins** are requesting a **Front Setback Variance** for the property located at **1564 Holly Road**. The purpose of this request is to reduce the front setback to 10' in lieu of the required 50', to build a gazebo addition. The property is owned by James and Cathy Higgins and is zoned **Vestavia Hills R-2**.

BACKGROUND

40' Front Setback Variance to Reduce the Setback to 10' in Lieu of the Required 50'.

PLANNER'S REVIEW/RECOMMENDATION

Applicants are seeking a front setback variance for a gazebo addition in the side yard of the lot. Applicants contend that the corner lot and odd shape of the lot causes a hardship. This gazebo is within the side yard of the house, but within the Shades Crest Rd front setback. The gazebo will be 10' from the Shades Crest Rd property line, but is buffered from the street by several sizable trees along the frontage. Several neighbor's have written in support of this request. Zoned Vestavia Hills R-2.

ATTACHMENTS

1. Application
2. As Built Survey
3. Pictures
4. 1540 Holly Rd Neighbor Letter
5. 1548 Holly Rd Neighbor Letter
6. 1565 Holly Rd Neighbor Letter
7. 1613 Shades Crest Rd Neighbor Letter
8. 1808 Arbor Lane Neighbor Letter
9. 2200 Kent Circle Neighbor Letter
10. Owners Affidavit

Jack Wakefield
City Planner

**BZA-24-8****Variance and Special
Exception Application**

Status: Active

Submitted On: 3/15/2024

Primary Location1564 HOLLY RD
VESTAVIA HILLS, AL 35226**Owner**James & Cathy Higgins
Holly Road 1564 Holly Rd
Vestavia, AL 35226**Applicant** Jamie & Cathy Higgins 205-447-2607 james_higgins@live.com 1564 Holly Rd
Vestavia , AL 35226

Agenda Information **Agenda Scheduling**

May 2024

 Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party**Name**

James & Cathy Higgins

Phone #

2054472607

Address

1564 Holly Rd

City/State/Zip

Vestavia Al 35226

Email

James_higgins@live.com

Subject Property Information

Subject Property Address

1564 Holly Rd

Legal Description of Subject Property ?

Corner lot # 2 1564 Holly Road

REASONS FOR REQUEST

Front Setback Variance

☒

Setback Required*

50'

Setback Requested*

10'

Rear Setback Variance

☐

Side Setback Variance

☐

⌘ Setback Required*

na

⌘ Setback Requested*

na

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

1564 Holly Road Lot # 2

PROJECT

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

Requesting approval for our new patio area.

HARDSHIP

Please answer the following questions regarding hardship and briefly summarize and describe those things which you feel justify the action requested in the box below. An Undue Hardship is required in order to seek a variance. List, when necessary, the specific sections of the City Code(s) which have a bearing on your request. (Use additional space on separate page if necessary).*

We are seeking approval for location on our patio area. The location currently resides inside the variance listed for our lot. We were unaware the restrictions existed. We've used this portion of our yard for outdoor activities since we moved in. It's where our family gathers for bbq's, birthdays, holidays and many other events. We take care and pride in appearance of our property. Always trimming and manicuring to ensure a beautiful place we call 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:*

Our lot is plot # 2 a corner lot on Shades Crest and Holly Road. The majority of our yard space is on the side facing Shades Crest. It's also the flattest portion on the property. It makes it ideal for any outdoor activities with our family and friends.

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:*

Our patio area does not inhibit any of our neighbors access. We frequently host get togethers for birthdays and bbq's. Our area is a safe a great place for family and friends to come and enjoy time with each other. Everyone brings their dogs to come run and play.

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:*

As explained above. This is a safe place for friends and family to gather and enjoy the outside. Shades Crest road is a busy area. Since our yard is fenced in, this allows our neighborhood friends and other friends to bring their kids and dogs to enjoy watching things like football, basketball, making smores or even having a movie night.

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 outdoor space is a lovely addition to the entrance to our street. Per speaking to our neighbors, they are all in support of the area.

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

Since we live on a corner lot and our side yard is off Shades Crest Road, most of our yard we are not able to enjoy. Having the outdoor area lets us enjoy and utilize our entire yard.

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

The variance is 50 feet. Our current structure is 25 feet away from Shades Crest Road with holly bushes for privacy.

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 approval will allow our family, friends and many of our neighbors to continue to safely enjoy the area.

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

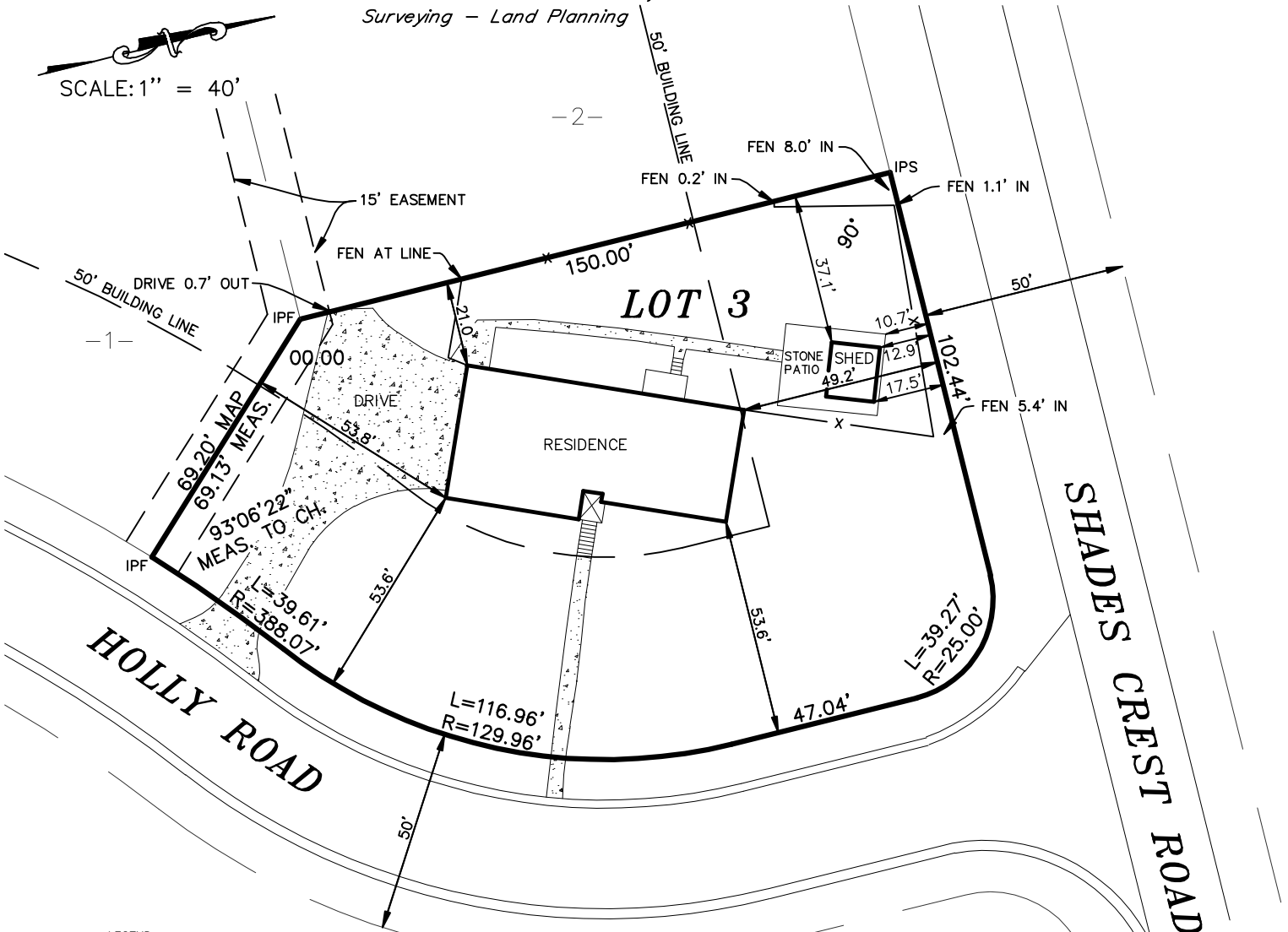
✓ James Regis Higgins
Mar 10, 2024

REYNOLDS SURVEYING CO., INC.

Surveying - Land Planning

SCALE: 1" = 40'

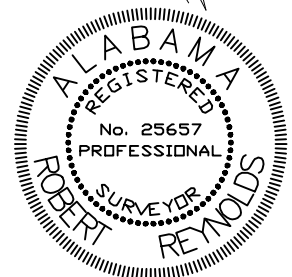
-2-



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

STATE OF ALABAMA
 JEFFERSON COUNTY

"PROPERTY SURVEY"



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 3, Block —, of YOUNE'S ADDITION TO SHDES CLIFF, as recorded in Map Book 64, Page 92 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 23RD day of APRIL, 2024.

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

Owner: HIGGINS
 Address: 1564 HOLLY ROAD

Robert Reynolds

Reg. No. 25657 Page 14 of 39







Jack Wakefield

From: Josh Bodiford <jbodiford786@gmail.com>
Sent: Saturday, March 9, 2024 11:05 AM
To: James_higgins@live.com
Subject: Request for approval letter

To whom it may concern, my wife and I live down the street from the Higgins family. We moved here 4 years ago and met them shortly after as they were super friendly to my at the time family of three. Jamie and I quickly realized we had a good bit in common as well as with his wife Cathy. They have been so kind to my now family of four as we have been their neighbors. Everything from changing my wife's spare when I was too far away to get home, to watching our kiddos, walking our dog with theirs, hosting us for hang outs, helping work on cars, and helping with house projects. They are some pretty amazing people who enrich our community with their kindness and generosity. They do all these things selflessly never asking for a favor returned. Now that I've told you about who they are I'd like to express why I believe they deserve to have the outdoor space as is with the current pergola and fireplace. They always offer for families in our neighborhood to come hang out. They decided not to have kiddos of their own, with their flexibility instead of being inwardly focused they extend invitations to neighbors all around us. Their home is the place friendships, football, BBQ, and laughter is enjoyed. They only wanted to do their outdoor space to continue serving everyone else. Additionally to everything I've said it looks fantastic! Their taking time to invest in their home helps all of us as far as property value and beauty on our street. They always take the best care of their yard and it helps to set a standard for how beautiful our little area is. Thank you for taking the time to hear from us over on Holly rd. Your kindness and leniency in this matter does volumes for our community as it truly does benefit us all on Holly Rd.

Sincerely,
The Bodiford Family
1540 Holly Rd
Josh Bodiford
(334)-618-8584

To whom it may concern,

We are neighbors with Jamie Higgins and are writing in support of his recently constructed patio. We live next door at 1548 Holly Rd and have no issues with the location or presence of their newly constructed patio. We understand that you are reviewing his case because it was constructed outside of code variances. Please allow them to keep this beautiful new addition to their property in its current location. It is lovely and it adds to their quality of life as well as their home value. As neighbors who would be effected by the patio location, we are in support of them keeping the patio where it is currently located.

Thank you for considering our support of our neighbors.

Jenn White

3/7/24

To whom it may concern,

Hello, my name is Glenda. I live directly across the street from the Higgins. I am writing this letter for my approval of their new patio outdoor area. I have no issues with the location of it. I believe it adds beauty and charm to the street and neighborhood. I meet the Higgins shortly after they moved in. We've become nice friends over the years. They have helped me over time with groceries and other task I've needed help with. I value our friendship and know they are just a phone call away if I need anything. I ask that you approve their patio in its current location.

Thanks

This couple & their
improvement to our
neighborhood.

Glenda Culver

1565 Holly Road

From: Lauren Windsor laurenvwindsor@gmail.com
Subject: Patio addition
Date: Mar 8, 2024 at 3:27:34 PM
To: sharpnutrition15@gmail.com

Hi Cathy,

As your next door neighbor at 1613 Shades Crest Road, we have no issue with the addition of your patio. It looks great, and we feel it is a positive addition for neighborhood value.

Thanks,

Lauren Windsor
205-567-1239

To: City of Vestavia

From: Karen and Lee Harrelson Vestavia residents at 1808 Arbor Lane 35226

Re: New outdoor patio at the home of Jamie and Cathy Higgins residing at 1564 Holly Road Vestavia 35226

We are neighbors of Jamie and Cathy Higgins and would like to send you notification stating our definite approval of their recently added outdoor patio area. This area looks beautiful from the street and is a true enhancement not only to their personal property but to our neighborhood in general. The outdoor patio provides a lovely spot for neighborhood gatherings which the Higgins' frequently offer to many of the neighbors and everyone enjoys the outdoor time on these occasions. The Higgins are the most gracious hosts and have spent much time planning and building this patio area and it is already being enjoyed by many of us! Apparently, there has been some discussion that the area is not within the allowed variance to the road. Personally, we find this accusation preposterous and the board should vote to allow for this beautiful addition to remain exactly as is.

Thank you for your consideration,
Karen and Lee Harrelson

Jack Wakefield

From: Richard Wright <rewright588@gmail.com>
Sent: Friday, March 8, 2024 2:38 PM
To: Jamie Higgins
Subject: Patio Area 1564 Holly Road

To whom it may concern,

I am a neighbor of Jamie and Cathy Higgins. I am writing in regards to the new patio area. I approve with the build and location of the patio. I have no issues with its location on their property. It's a beautiful addition to the street. I pass by it every day and can tell you it ad's charm to the neighborhood. Cathy and Jamie worked very hard to create such a nice area that many of us are able to use on the weekends for gatherings. I am in full support of them having this at its current location.

Thanks, Richard

2200 Kent Circle

Sent from my iPhone



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: 1564 Holly 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: Catherine Hynes & James Taylor 3/15/24
Owner Signature/Date

STATE OF ALABAMA
COUNTY OF Jefferson

Given under my hand and seal
this 15th day of March, 2024.

Da L. Hearn
Notary Public

My commission expires 10 day of October, 2026.





VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

May 16, 2024

AGENDA ITEM

BZA-24-10 **Patrick Gilbert** is requesting a **Special Exception** for the property located at **2101 Garland Circle**. The purpose of this request is to allow 2 houses to be present temporarily on one lot, to build new house and then demolish existing house (following a specified timeline by BZA). The property is owned by Michael Rumore and is zoned **Vestavia Hills R-2**.

BACKGROUND

Special Exception

PLANNER'S REVIEW/RECOMMENDATION

Applicant is requesting a special exception. The reason for this request is due to the fact that homeowner/landowner owns an existing land-locked lot of record behind the lot that his current house is located. The homeowner intends to build a new residence on the rear lot. The plan is to resurvey the property into a single lot (approximately 5.7 acres) and build a new home on the rear portion (the former landlocked lot). To avoid encumbering the property in a needless ingress/egress easement, the City staff advised that it would be better to combine the two lots through the re-platting process into a single lot. Following that, a special exception granted by the BZA would allow the homeowner to live in the existing house on this large single lot while the new house is being constructed. Following the construction of the new house, the owner will be required to demolish the existing residence within 120 days, or extended further per the Building Officials discretion in unforeseen circumstances such as asbestos, etc. Zoned Vestavia Hills R-2.

ATTACHMENTS

1. Application
2. Survey
3. Additional Drawings
4. Owners Affidavit

Jack Wakefield
City Planner

**BZA-24-10****Variance and Special
Exception Application**

Status: Active

Submitted On: 3/20/2024

Primary Location2101 GARLAND CIR
VESTAVIA HILLS, AL 35216**Owner**Michael Rumore
2101 Garland Circle Vestavia ,
AL 35243**Applicant** Patrick Gilbert 205-542-9940 patrick@wedgworth.net 4154 Crosshaven Drvie
4154 Crosshaven Drive
Vestavia, AL 35243

Agenda Information

 Agenda Scheduling

May 2024

 Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Representative Agent

Billing/Responsible Party

Name

Wedgworth Construction Co.

Phone #

205-967-1831

Address

4154 Crosshaven Drive

City/State/Zip

Vestavia Al 35243

Emailpatrick@wedgworth.net

Representing Attorney/Other Agent**Name**

Patrick Gilbert

Phone #

2055429940

Address

4154 Crosshaven Drive

City/State/Zip

Vestavia Al 35243

EmailPatrick@wedgworth.net

Subject Property Information**Subject Property Address**

2101 Garland Circle

Legal Description of Subject Property ?28 00 30 4 013 009.000

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

☐

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

☐

Other

☒

Details ?

We are requesting a special exception for this property. The reason for this request is due to the fact that homeowner/landowner owns an existing landlocked lot of record behind the lot that his current house is located. The homeowner has contracted with us to build a new residence on the rear lot. The plan is to resurvey the property into a single lot (approximately 5.7 acres) and build a new home on the rear portion (the former landlocked lot). To avoid encumbering the property in a needless ingress/egress easement, the City staff advised that it would be better to combine the two lots through the re-platting process into a single lot. Following that, a special exception granted by the BZA could allow the homeowner to live in the existing house on this large single lot while the new house is being constructed. Following the construction of the new house, the owner will be required to demolish the existing residence within 120 days (or extended further per the Building Officials discretion in unforeseen circumstances such as asbestos, etc.

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 reason for this request is due to the fact that the homeowner/landowner owns an existing landlocked lot behind his current house at 2101 Garland Circle. The homeowner has contracted with us to build a new residence on the rear lot. The special exception variance we are asking for is to allow the homeowner to live in the existing house on the front lot while we construct their new house on the lot behind them. Once we are completed with the new house we will have both lots re-surveyed into one lot and the existing house will be torn down. We will agree to a time frame for which the homeowners will need to move from their existing house to the new house and the existing house be torn down.

HARDSHIP

Please answer the following questions regarding hardship and briefly summarize and describe those things which you feel justify the action requested in the box below. An Undue Hardship is required in order to seek a variance. List, when necessary, the specific sections of the City Code(s) which have a bearing on your request. (Use additional space on separate page if necessary).*

The undue hardship placed on this lot comes from a few things. Currently the land is divided into lots of record one of which being land locked. In order to be able to build on this lot as is we would have to have an easement granted through the first lot. If we were to combine both lots into one lot before construction then we would not be allowed to build the new house due to zoning regulations about more than one residential house on one lot. It is the homeowners full intention to live in the house that currently located at the subject property while we construct their new home behind it. Once the new home is completed we will demo the existing house and re survey both parcels into one.

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 subject property is currently divided into 2 lots of record. Our goal is to combine them into one lot of record. We can not do this with two residential structures on the lot.

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

We understand that this special privileges falls outside the norm of regular variance request. It is our goal that onces construction is complete it will be resurveyed and then meet all requirements.

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 undue hardship that sets this request apart from others is due to the fact that we are trying to build a house on a landlocked lot and that will be resurveyed into one. However it can't be resurveyed into one currently due to there already being an existing house on the first lot.

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:*

That is correct and our intent. That once the completion of the house is done and resurveyed this would bring both these lots into one lot of record and it would be in compliance with regulations. Further more it should help the values of the surrounding homes.

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

Correct in a way they are not self-imposed. The secondary lot became landlocked when the library was built blocking the entrance to this piece of property. Again the desire is turn these two legal lots into one lot with one residence on it.

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

That is correct we are asking for a short term variance during the construction of the house.

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 understand that while this is allowing a special exception for this instance. In the end we agree that the subject property will then meet zoning classifications.

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 ?

✓ Patrick Wayne Gilbert
Mar 13, 2024

A HOME RENOVATION FOR THE
RUMORE FAMILY
2101 GARLAND CIRCLE
VESTAVIA HILLS, ALABAMA 35216

REVISIONS

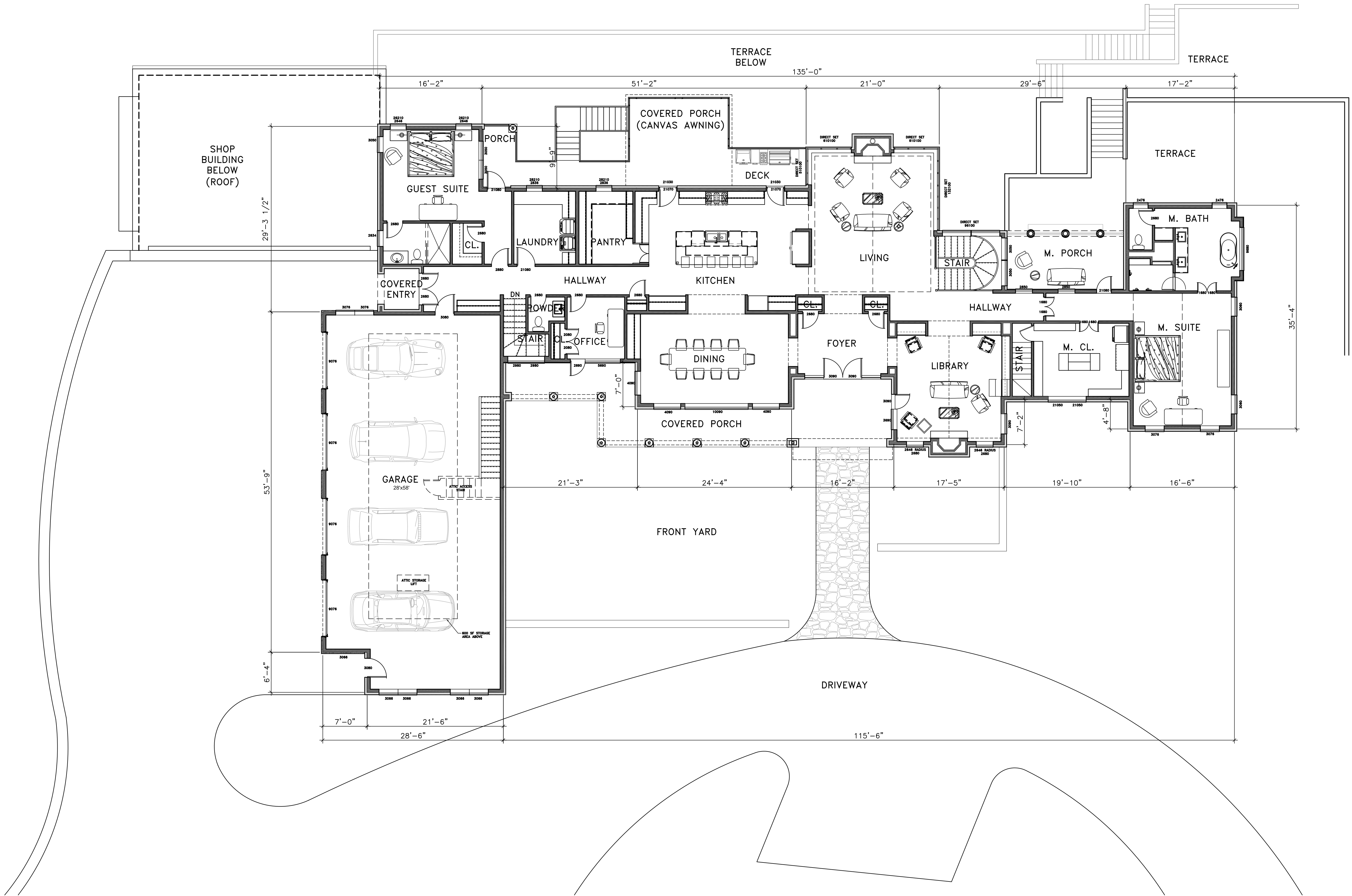
REV. 1 - 10-13-2022
REV. 2 - 10-21-2022
REV. 3 - 8-17-2023

SHEET TITLE

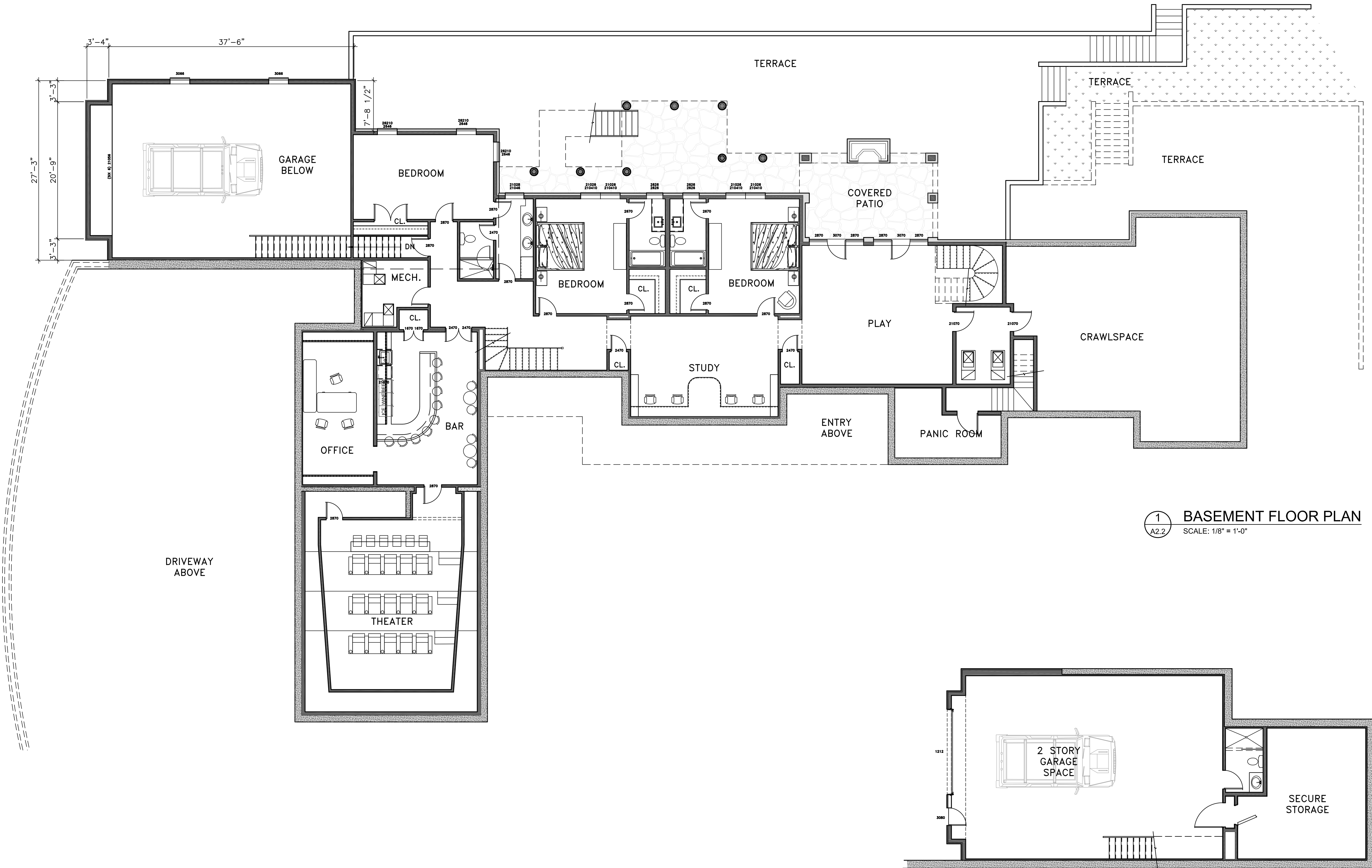
FIRST FLOOR PLAN

DRAWN	CHECKED
RPS	RPS
PROJECT NUMBER	0028
ISSUE DATE	06-11-2022
SHEET NUMBER	

A2.1



1 FIRST FLOOR PLAN
A2.1 SCALE: 1/8" = 1'-0"



1 BASEMENT FLOOR PLAN
SCALE: 1/8" = 1'-0"

2 GARAGE LOWER FLOOR
SCALE: 1/8" = 1'-0"

R. STRAUSS
DESIGN, LLC.
152 East Glenwood Drive
Homewood, Alabama 35209
205-910-8893

SEAL

A HOME RENOVATION FOR THE
RUMORE FAMILY
2101 GARLAND CIRCLE
VESTAVIA HILLS, ALABAMA 35216

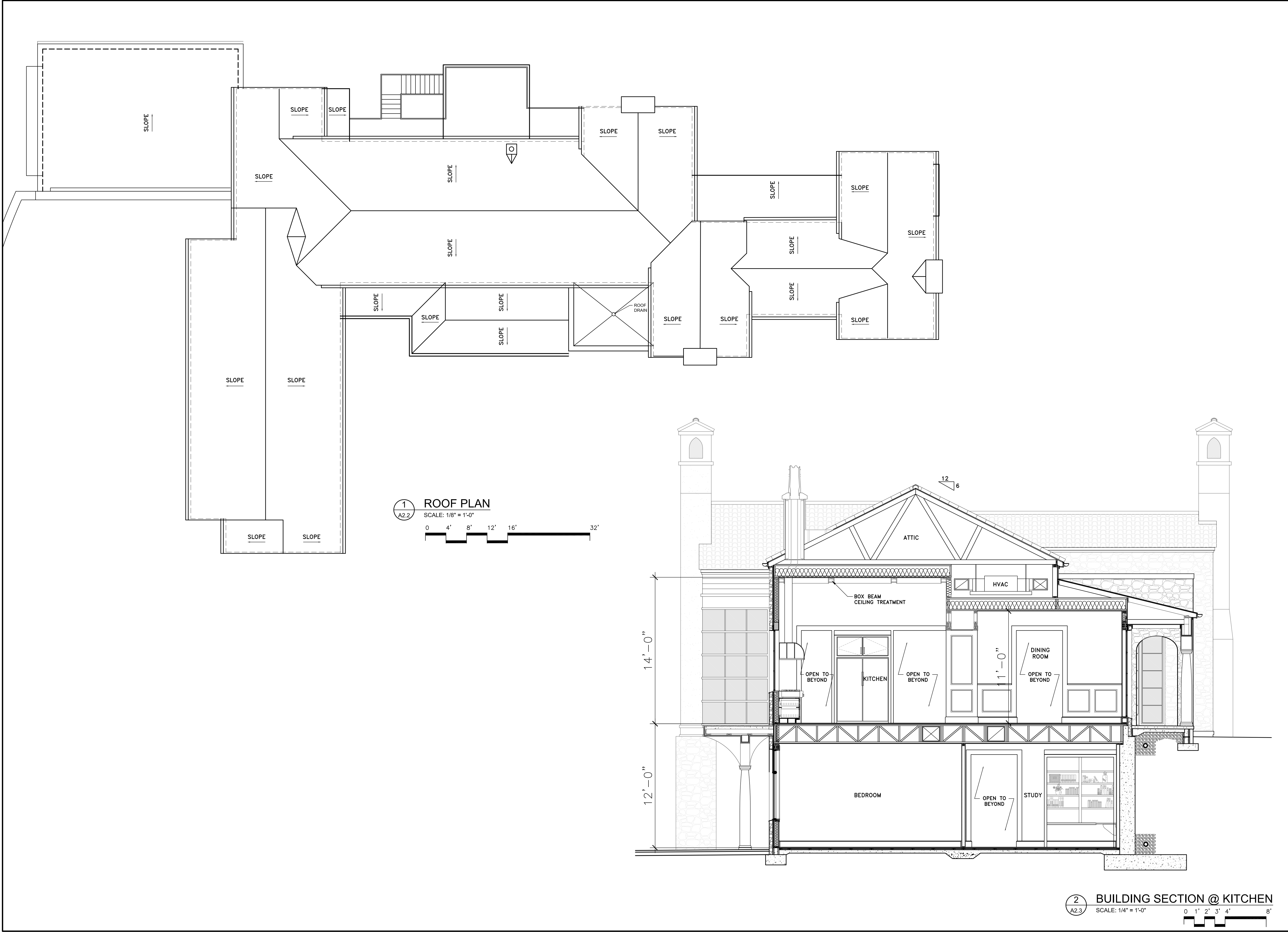
REVISIONS
REV. 1 - 10-13-2022
REV. 2 - 10-21-2022
REV. 3 - 8-17-2023

SHEET TITLE
BASEMENT
FLOOR PLAN

DRAWN	CHECKED
RPS	RPS
PROJECT NUMBER	
0028	
ISSUE DATE	
08-03-2022	
SHEET NUMBER	

A2.2

R. STRAUSS DESIGN
@ COPYRIGHT 2022



R. STRAUSS
DESIGN, LLC.
152 East Glenwood Drive
Homewood, Alabama 35209
205-910-8893

SEAL

A HOME RENOVATION FOR THE
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2101 GARLAND CIRCLE
VESTAVIA HILLS, ALABAMA 35216

REVISIONS
REV. 1 - 10-13-2022
REV. 2 - 10-21-2022
REV. 3 - 8-17-2023

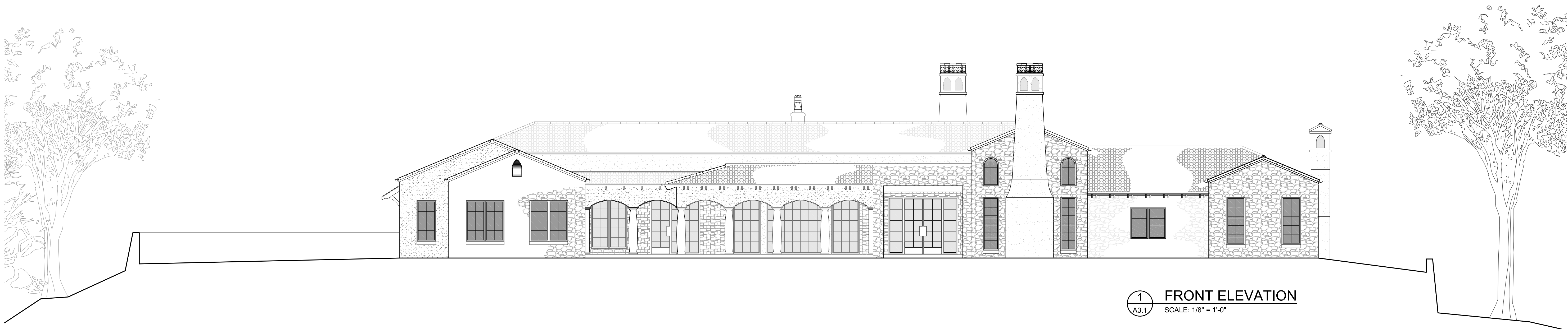
SHEET TITLE

ROOF PLAN
& BUILDING SECTION

DRAWN	CHECKED
RPS	RPS
PROJECT NUMBER	0028
ISSUE DATE	08-03-2022
SHEET NUMBER	

A2.3

R. STRAUSS DESIGN
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1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



2 REAR ELEVATION
SCALE: 1/8" = 1'-0"



4 SIDE ELEVATION
SCALE: 1/8" = 1'-0"



3 SIDE ELEVATION
SCALE: 1/8" = 1'-0"

R. STRAUSS
DESIGN, LLC.
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Homewood, Alabama 35209
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SEAL

A HOME RENOVATION FOR THE
RUMORE FAMILY
2101 GARLAND CIRCLE
VESTAVIA HILLS, ALABAMA 35216

REVISIONS
REV. 1 - 8-17-2023

SHEET TITLE
PRELIMINARY
FRONT
ELEVATION

DRAWN CHECKED
RPS RPS
PROJECT NUMBER
0028
ISSUE DATE
08-03-2022
SHEET NUMBER

A3.1

R. STRAUSS DESIGN
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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: 2101 Garland Circle, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply).*

 the Property Owner and representing myself in said request.

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

And am requesting: (please check)

- | | |
|--|--------------------------------------|
| ☒ Rezoning Request | <u> </u> Request for Variance |
| <u> </u> Preliminary Plat Approval | <u> </u> Special Exception |
| <u> </u> Final Plat Approval | <u> </u> Design Review Approval |
| <u> </u> Conditional Use Approval | |

Signed:

 3-19-2024
Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Jefferson

Given under my hand and seal
this 19th day of March, 2024.


Notary Public

My commission expires 25th day of April, 2024.