



Vestavia Hills
Board of Zoning Adjustment Agenda
June 20, 2024
6:00 PM

1. Roll Call
2. Approval Of Minutes
3. BZA-23-10 **Megan & Reese Kincaid** are requesting a **Variance Extension for Rear & Two Side Setback Variances** for the property located at **2129 Southwood Road**. The purpose of this request is to reduce the rear setback to 25' in lieu of the required 30' & to reduce the side setback (east side) to 12' in lieu of the required 15' & to reduce the side setback (west side) to 12' in lieu of the required 15', to build dining room and garage addition. The property is owned by Megan & Reese Kincaid and is zoned **Vestavia Hills R-2**.
4. BZA-24-11 **Cory Reamer** is requesting a **Side Setback Variance** for the property located at **2469 Shades Crest Road**. The purpose of this request is to reduce the side setback to 15' in lieu of the required 17', to build a covered porch in back of house. The property is owned by Cory Reamer and is zoned **Vestavia Hills R-1**.
5. BZA-24-12 **Joe Ellis** is requesting a **Side Setback Variance** for the property located at **3442 Sagewood Trail**. The purpose of this request is to reduce the side setback to 15' in lieu of the required 17', to build a bedroom and bathroom addition. The property is owned by Jon Evers and is zoned **Vestavia Hills R-1**.
6. Time Of Adjournment

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

May 16, 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:

Tony Renta, Acting Chairman
Michael Fliegel, Alt
Loring Jones, III
Thomas Parchman

MEMBERS ABSENT

Stephen Greer
Rick Rice, Chairman
Ryan Rummage, Alt

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

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

MOTION Motion to dispense with the reading of the minutes of April 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. Jones – yes
Motion carried.

Mr. Parchman – yes
Acting Chairman Renta – yes

FRONT SETBACK VARIANCE

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**.

Mr. Wakefield explained that this was a request to build a gazebo on the side of the house, but within the front setback.

Cathy Higgins, 1564 Holly Road, was present for the case and stated that the corner lot on her property caused a hardship.

Board had no questions or issues with the hardship.

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

MOTION Motion to APPROVE a 40' Front Setback Variance to Reduce the Setback to 10' in Lieu of the Required 50', for the property located at 1564 Holly Road, was made by Mr. Fliegel and 2nd was by Mr. Jones. Motion was carried on a roll call vote as follows:

Mr. Fliegel – yes	Mr. Parchman – yes
Mr. Jones – yes	Acting Chairman Renta – yes
Motion carried.	

SPECIAL EXCEPTION

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**.

Mr. Wakefield explained the situation of the property owner and that a special exception was the correct path for them to build a house on their lot.

Patrick Gilbert, 4154 Crosshaven Drive, was present for the case. He stated that the applicant owns two adjacent lots, one land locked. His house currently sits on one of those lots, but he wants to build a new house on the second lot. To prevent an access easement on the property, they decided to combine both lots into one and build the new house on that one lot. However, the homeowner needs a place to live during construction of new house. The special exception request is to allow two houses temporarily on one lot, and then demolition of the first house would be required within a 120-day window.

Mr. Gilbert stated that he has worked with the Fire Department on coordination of a new fire hydrant near the property to service this area.

Mr. Wakefield mentioned that staff requested that a condition be made to the approval to allow the Building Official the ability to amend that 120-day timeline for any unforeseen circumstances.

Mr. Fliegel asked will this affect any neighbors in terms of water run-off.

Mr. Gilbert stated that there will be no water runoff that will be pushed off onto a neighbor.

Acting Chairman Renta mentioned that this is probably something the engineering staff has looked at.

Acting Chairman Renta opened the floor for a public hearing.

Susan Lanier, 1316 Overland Drive, had a couple questions. She asked if the creek will be impacted by this construction? She also asked how many trees would be cut down during construction? Also, what timeline is Mr. Gilbert looking at to complete this?

Mr. Gilbert stated there will be no creek impact and that only the trees cut will be near the location of the house. He also stated that the process should take about a year and a half.

Lance Hurd, 2105 Garland Circle, asked for Mr. Gilbert to show the location of the house on the map and asked if large construction trucks will be in the cul-de-sac?

Mr. Gilbert said that all trucks will be located within the lot itself and not on the street.

Mr. Hurd also asked if the house would be visible from the street of Garland Circle?

Mr. Gilbert stated that you may see the roof from the street, but the lot slopes downward the further in you go.

Mr. Hurd asked how far from the existing house will the new house be?

Mr. Gilbert stated maybe 200'.

Mr. Hurd also asked about a new fire hydrant.

Mr. Gilbert pointed on the map where the new hydrant would be located.

Mr. Hurd also expressed his concerns about noise.

Mr. Gilbert stated he will follow city requirements on construction times and

construction noise.

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

MOTION Motion to APPROVE a Special Exception *details and conditions are in appended approval document*, for the property located at 2101 Garland Circle 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. Jones – yes	Acting Chairman Renta – yes
Motion carried.	

At 6:30 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:30 PM.

Jack Wakefield,
Planner/GIS



City of Vestavia Hills

Variance/Special Exception Certificate



Case Number: BZA-24-10
Applicant: Wedgworth Construction Co.

Representative: Patrick Gilbert
Representative Address: 4154 Crosshaven Drive

Project Address: 2101 Garland Circle &
Legal Description: LOT 5, BLK 3, 3RD ADD TO VESTHAVEN 4TH SECTOR & PARCEL
B, BLK 2, SHADES PARK RESUR OF LOTS 2 THRU 4, BLK 2 61/96
Parcel ID Number:
Zoning: R-2

Date of Hearing: May 16, 2024

Special Exception granted as requested. Temporary allowance of two houses on one lot.

Conditions:

*Original house must be torn down within 120 days of Certificate of Occupancy issuance for the new house.

*City Building Official has the discretion to extend the 120 day timeline for any unforeseen circumstances.

*Must follow all City Engineering and Building Safety regulations during construction and demolition of said houses.

*Certificate of Occupancy is not to be finalized until first house is demolished to the satisfaction of the Building and Safety Department.

This certificate certifies your request was: **APPROVED**

NOTICE:

Variances are null and void one year following date of hearing if no substantial construction has occurred.
Any aggrieved party may file an appeal within 14 days of the date of hearing.

Please Call (205) 978-0101 With Questions

I HEREBY CERTIFY WITH ACCEPTANCE OF THIS CERTIFICATE THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A CERTIFICATE DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

Authorized by:
Issued by:

Vestavia Hills Board of Zoning Adjustment
Jack Wakefield, City Planner/GIS Administrator



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

June 20, 2024

AGENDA ITEM

BZA-23-10 **Megan & Reese Kincaid** are requesting a **Variance Extension for Rear & Two Side Setback Variances** for the property located at **2129 Southwood Road**. The purpose of this request is to reduce the rear setback to 25' in lieu of the required 30' & to reduce the side setback (east side) to 12' in lieu of the required 15' & to reduce the side setback (west side) to 12' in lieu of the required 15', to build dining room and garage addition. The property is owned by Megan & Reese Kincaid and is zoned **Vestavia Hills R-2**.

BACKGROUND

5' Rear Setback Variance to Reduce the Setback to 25' in Lieu of the Required 30' & 3' Side Setback (East) Variance to Reduce the Setback to 12' in Lieu of the Required 15' & 3' Side Setback (West) Variance to Reduce the Setback to 12' in Lieu of the Required 15'.

PLANNER'S REVIEW/RECOMMENDATION

The applicants are seeking a rear and two side setback variances to build a dining room and single-car garage addition. The applicants contend the slope and angled lot lines cause a hardship. The addition will encroach into the rear and eastern side setback. The western side setback was included, as the existing house sits over the 15' required setback.

ATTACHMENTS

1. Engineering Comments
2. Application
3. Existing Survey
4. Proposed Drawings
5. Affidavit

Jack Wakefield
City Planner



May 11, 2023

BZA-23-10

Engineering Review

Variance and Special Exception Application

Status: Complete

Became Active: Apr 19, 2023

Assignee: Christopher Brady

Completed: Apr 28, 2023

Applicant

Matt Costanzo
matt@mvcarchitect.com
4425 Kennesaw Drive
Birmingham, AL 35213
2052662825

Primary Location

2129 SOUTHWOOD RD
VESTAVIA HILLS, AL 35216

Owner:

Megan and Reese Kincaid
2129 Southwood Road Vestavia Hills, AL 35216

Comments

Christopher Brady, Apr 28, 2023

1) Preliminary estimate shows to be just under 30% of impervious area; this will be subject to additional detail review at permit request.



BZA-23-10

Variance and Special Exception Application

Status: Active

Date Created: Apr 18, 2023

Applicant

Matt Costanzo
matt@mvcarchitect.com
4425 Kennesaw Drive
Birmingham, AL 35213
2052662825

Primary Location

2129 SOUTHWOOD RD
VESTAVIA HILLS, AL 35216

Owner:

Megan and Reese Kincaid
2129 Southwood Road Vestavia Hills, AL 35216

Agenda Information

Agenda Scheduling

May 2023

Applicant Information

I am filling this out as the
Representative Agent

Billing/Responsible Party

Name

Megan and Reese Kincaid

Phone #

205-531-6332

Address

2129 Southwood Road

City/State/Zip

Vestavia Hills, AL 35216

Email

reese.kincaid@oakworth.com

Representing Attorney/Other Agent

Name

Matthew V. Costanzo, Architect

Phone #

205-266-2825

Address

4425 Kennesaw Drive

City/State/Zip

Birmingham, AL 35213

Email

matt@mvcarchitect.com

Subject Property Information

Subject Property Address

2129 Southwood Road

Legal Description of Subject Property

Lot 6, BYRD REAL ESTATE COMPANY'S RESURVEY OF LOTS 1 TO 7 AND LOTS 19 TO 24, BLOCK 14, LOTS 4 TO 18, BLOCK 21, LOT 1 TO 6, BLOCK 22, LOTS 1 TO 7 AND LOTS 16 TO 21, BLOCK 23, AND ALL OF BLOCK 24, BILTMORE ESTATES ALSO A RESURVEY OF LOTS 17, 18, 19, & 20, BYRD REAL ESTATES COMPANY'S RESURVEY, as recorded in Map Volume 32 , Page 46, in the Office of the Judge of Probate, Shelby County, Alabama.

REASONS FOR REQUEST

Rear Setback Variance**Setback Required**

30 feet

Setback Requested

25.5 feet

Side Setback Variance**Setback Requested**

12.9 feet

Setback Required

15 feet

Other Setback Variance**Setback Required**

15'

Setback Requested

12' (other side setback for existing house encroachment)

ZONING

Vestavia Hills Zoning for the subject property is

PROJECT

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

We are proposing a full renovation of the existing house including a dining room addition and a single car garage addition. Due to the angled property lines and slope of the lot, the owners are requesting a variance to allow the garage addition to slightly exceed the required setbacks on the side and rear. The existing home currently sits 24 feet from the rear setback and 12.9 feet from the right-side setback.

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 lot presents an undue hardship due to the angled lot lines coupled with the slope of the lot.

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

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

This lot has angled lot lines, and together with the slope of the lot, there is no other feasible location for the garage addition.

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:

No, granting of this variance will not confer upon the applicant any special privileges that are denied to other owners in the same district.

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:

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 due to the angled property lines coupled with the slope of the 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:

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, as the proposed addition is in keeping with the scale and style 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:

No, the special circumstances/hardship are inherent in the lot and have in no way been the result of actions of the applicant or owners.

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

Yes, the variance requested is the minimum required to make possible the use of this lot.

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.

No, the 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.

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

Representing Agent Signature

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.

Matthew V. Costanzo
04/17/2023

Legend:

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

VESTAVIA COUNTRY CLUB ~ GOLF COURSE ~

FOUND 1"x1" SQUARE PIPE

FOUND 5/8" REBAR NORTH:0.70' WEST:0.44'

MAP:100.0' MEAS:100.36'

5' EASEMENT FOR UTILITIES

FOUND 5/8" REBAR

FOUND CONCRETE MONUMENT SOUTH:1.09' EAST:0.13'

MEAS:199.89'

DRIVE OUT:4.6'

FOUND 5/8" REBAR "WEYGAND"

LOT 6

14954 Sq. Ft. ±

0.34 Ac. ±

DECK

OVERHANG

RESIDENCE #2129

LOT 7

LOT 5

SOUTHWOOD ROAD

(40' R.O.W.)

STATE OF ALABAMA

COUNTY OF JEFFERSON

"PROPERTY BOUNDARY SURVEY"

I, Steven J. Clinkscales, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 6, BYRD REAL ESTATE COMPANY'S RESURVEY OF LOTS 1 TO 7 AND LOTS 19 TO 24, BLOCK 14, LOTS 4 TO 18, BLOCK 21, LOT 1 TO 6, BLOCK 22, LOTS 1 TO 7 AND LOTS 16 TO 21, BLOCK 23, AND ALL OF BLOCK 24, BILTMORE ESTATES ALSO A RESURVEY OF LOTS 17, 18, 19, & 20, BYRD REAL ESTATES COMPANY'S RESURVEY, as recorded in Map Volume 32, Page 46, in the Office of the Judge of Probate, Shelby County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of NOVEMBER 17, 2022. Survey invalid if not signed and sealed.

Order No.: 22-617

Purchaser: KINCAID

Address: 2129 SOUTHWOOD ROAD

BY: Steven J. Clinkscales, PLS AL 37248

Date: NOVEMBER 18, 2022

Notes: (a) No title search of the public records has been performed by this firm, and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles are deed/record map unless otherwise noted in such form as Measured (Deed). (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above. (g) All iron pins set (IPS) by this firm are 5/8" rebar with a yellow rebar cap inscribed CLINKSCALES CA-1084-LS or a 1/2" rebar with a red cap inscribed PLS37248 CA1084LS and shall not be removed.

CLINKSCALES LAND SURVEYING, LLC

SCALE: 1" = 20'

APPROVED BY: Steven J. Clinkscales PLS

DATE: 11/18/2022

AL REG. NO. 37248

SURVEYED BY: SJC / DRAWN BY: TSD

DATE OF SURVEY: 11/17/2022

TEL: 205-671-1033

12254 Highway 280

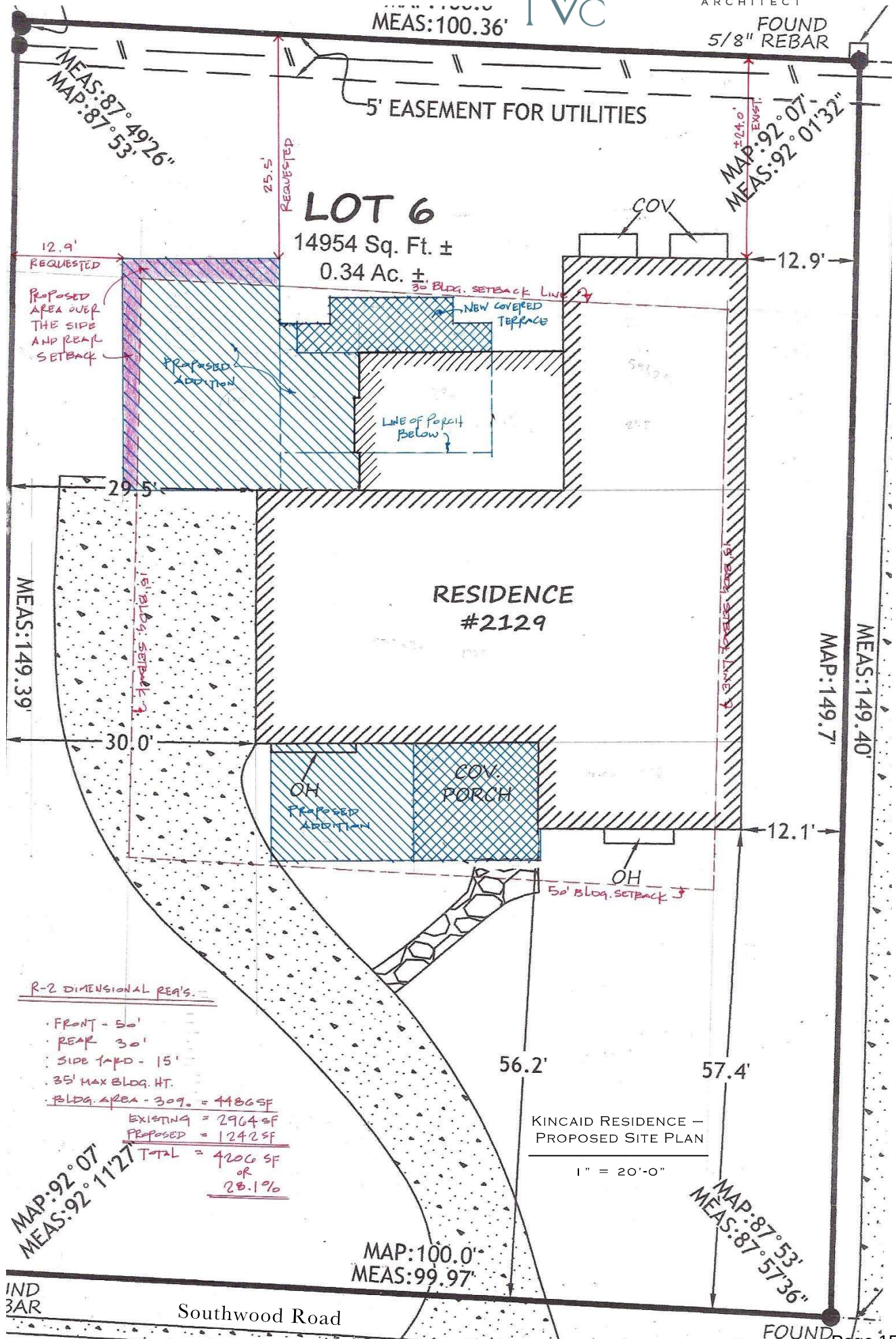
Sterrett, AL 35147

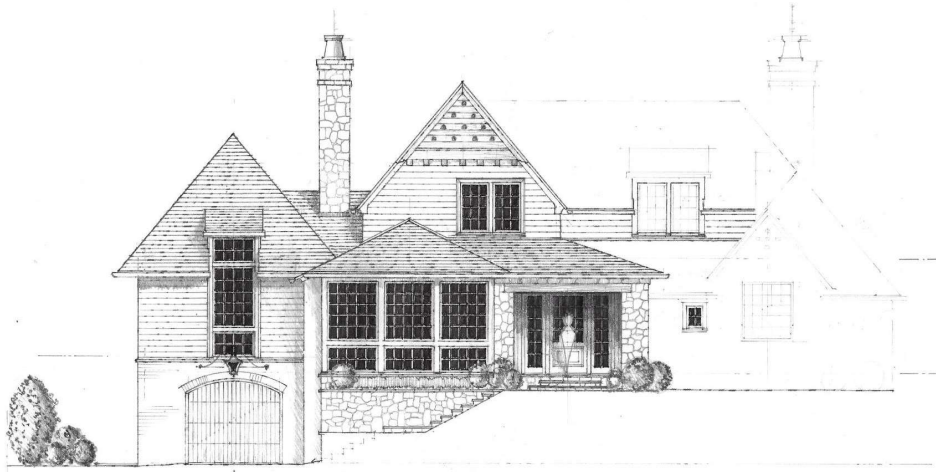
ClinkSurveying.com

Job #: 22-617

GRAPHIC SCALE: 1" = 20'

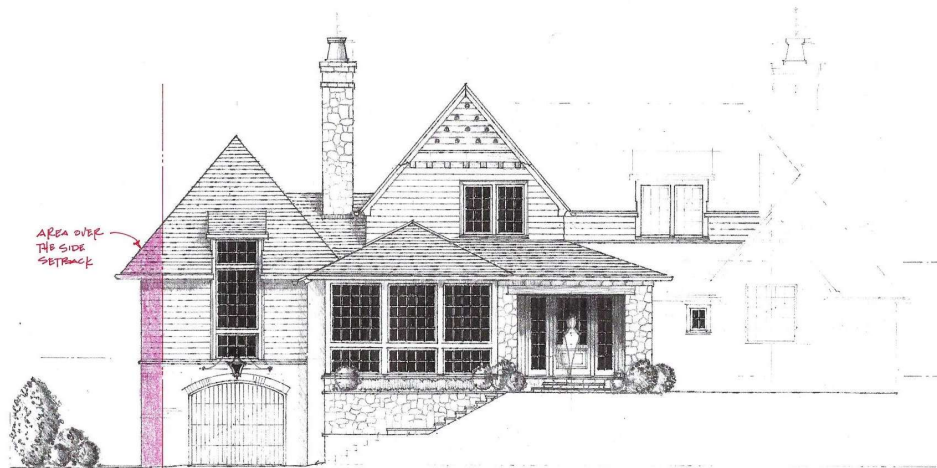
Copyright





PRELIMINARY FRONT ELEVATION

scale: 1/4" = 1'-0"



PRELIMINARY FRONT ELEV. WITH VARIANCE REQUEST

scale: 1/4" = 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: 2129 SOUTHWOOD 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: MATT COSTANZO to represent me in the following request:

And am requesting: (please check)

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

☒ Request for Variance
☐ Special Exception
☐ Design Review Approval

Signed: _____

[Handwritten Signature]

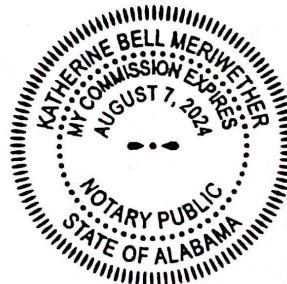
Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Jefferson

Given under my hand and seal
this 18th day of April, 2023

[Handwritten Signature]
Notary Public



My commission expires 7 day of AUGUST, 2024.



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

June 20, 2024

AGENDA ITEM

BZA-24-11 **Cory Reamer** is requesting a **Side Setback Variance** for the property located at **2469 Shades Crest Road**. The purpose of this request is to reduce the side setback to 15' in lieu of the required 17', to build a covered porch in back of house. The property is owned by Cory Reamer and is zoned **Vestavia Hills R-1**.

BACKGROUND

2' Side Setback Variance to Reduce the Setback to 15' in Lieu of the Required 17'.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a side setback variance to build a covered porch in the rear. The addition is in the back of the house but within the side setback, as the most narrow frontage is the Sheridan Lane side. The opposite of the most narrow frontage on a corner lot is the rear. This makes the addition within the side setback. The applicant contends the corner lot causes a hardship. The house also sits more than 100' off of Shades Crest Road. There is no other location on the lot for this covered porch. Zoned Vestavia Hills R-1.

ATTACHMENTS

1. Application
2. Survey
3. As Built Survey
4. Owners Affidavit

Jack Wakefield
City Planner

**BZA-24-11****Variance Application**

Status: Active

Submitted On: 5/17/2024

Primary Location2469 SHADES CREST RD
VESTAVIA HILLS, AL 35216**Owner**Cory Reamer
Montclair Drive 1827
Vestavia, AL 35216**Applicant** Cory Reamer
 205-706-2330
 coryreamer@gmail.com
 1827 Montclair Drive
Vestavia, AL 35216

Agenda Information

 Agenda Scheduling

June 2024

 Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Cory Reamer

Phone #

2057062330

Address

1827 Montclair Drive

City/State/Zip

Vestavia/AL/35216

Email

coryreamer@gmail.com

Subject Property Information

Subject Property Address2469 Shades Crest Road, Vestavia, AL
35216**Legal Description of Subject Property ?**

LOT 1 3RD ADD TO VESTAVIA HILLS

REASONS FOR REQUEST

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

na

Setback Requested*

na

Side Setback Variance☒**Setback Required***

17'

Setback Requested*

15'

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

Vestavia Hills R-1

PROJECT

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

Requesting rear property variance to build covered back porch.
Hardships: 1). Front setback is 60' but location of residence is well beyond that (104') due to creek running through front yard which subsequently puts the house closer to rear setback requirements 2). **Corner Lot.**

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 original house was built in 1967 and the creek running through the front yard caused the house to be built further back from the front setback requirements. Naturally, the house was pushed back closer to the rear property line and is subsequently at the current rear setback requirements. The two undue hardships for consideration are the location of the creek and the house is on the corner lot.

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

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

Yes, there is a creek running through our front yard where storm water flows off the mountain. This causes the front of the house to be over 104' from the street in the front. The rear setback is 30' which is how far the back of the house currently sits. If there wasn't a creek, this house would have been built closer to the street allowing for expansion in the back. The house also sits on a corner 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:*

No

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:*

Other houses that do not have this hardship have room to add on a covered porch without restriction due to rear setback guidelines.

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 in no way cause injury to the neighborhood or affect 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:*

No, hardship is not self imposed. Topography is the hardship which is not caused by the owner

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

The variance requested will still allow for 15' of room from the porch to the rear property line

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.*

No, the variance will not allow any prohibited or not permissible uses.

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

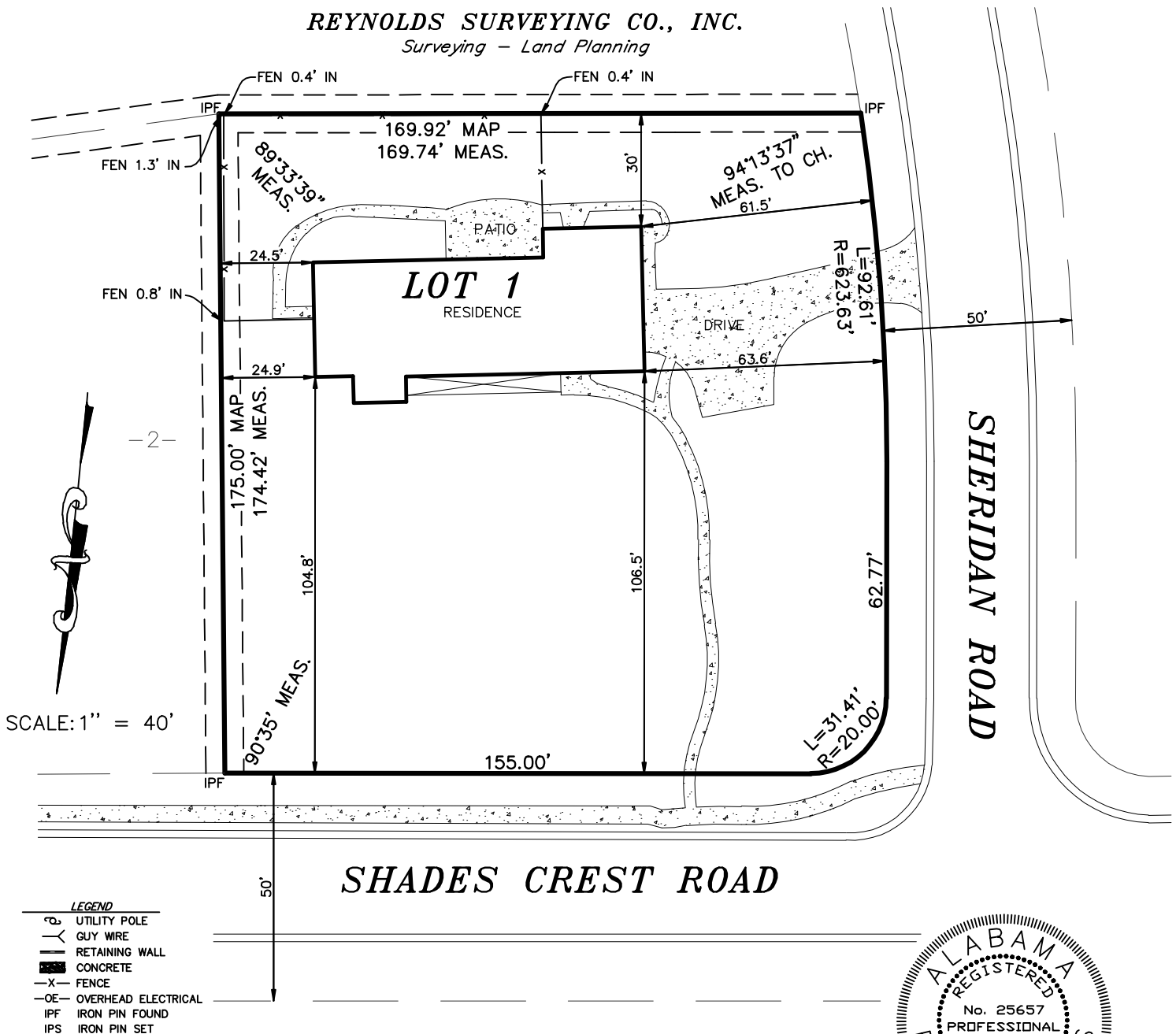
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments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

✓ Cory Reamer
May 17, 2024

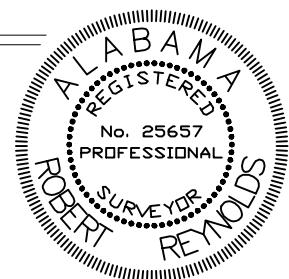
REYNOLDS SURVEYING CO., INC.

Surveying - Land Planning



STATE OF ALABAMA
JEFFERSON COUNTY

"CLOSING SURVEY"



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 1, Block —, of THIRD ADDITION TO VESTAVIA HILLS, as recorded in Map Book 30, Page 61 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 1st day of MAY, 2024.

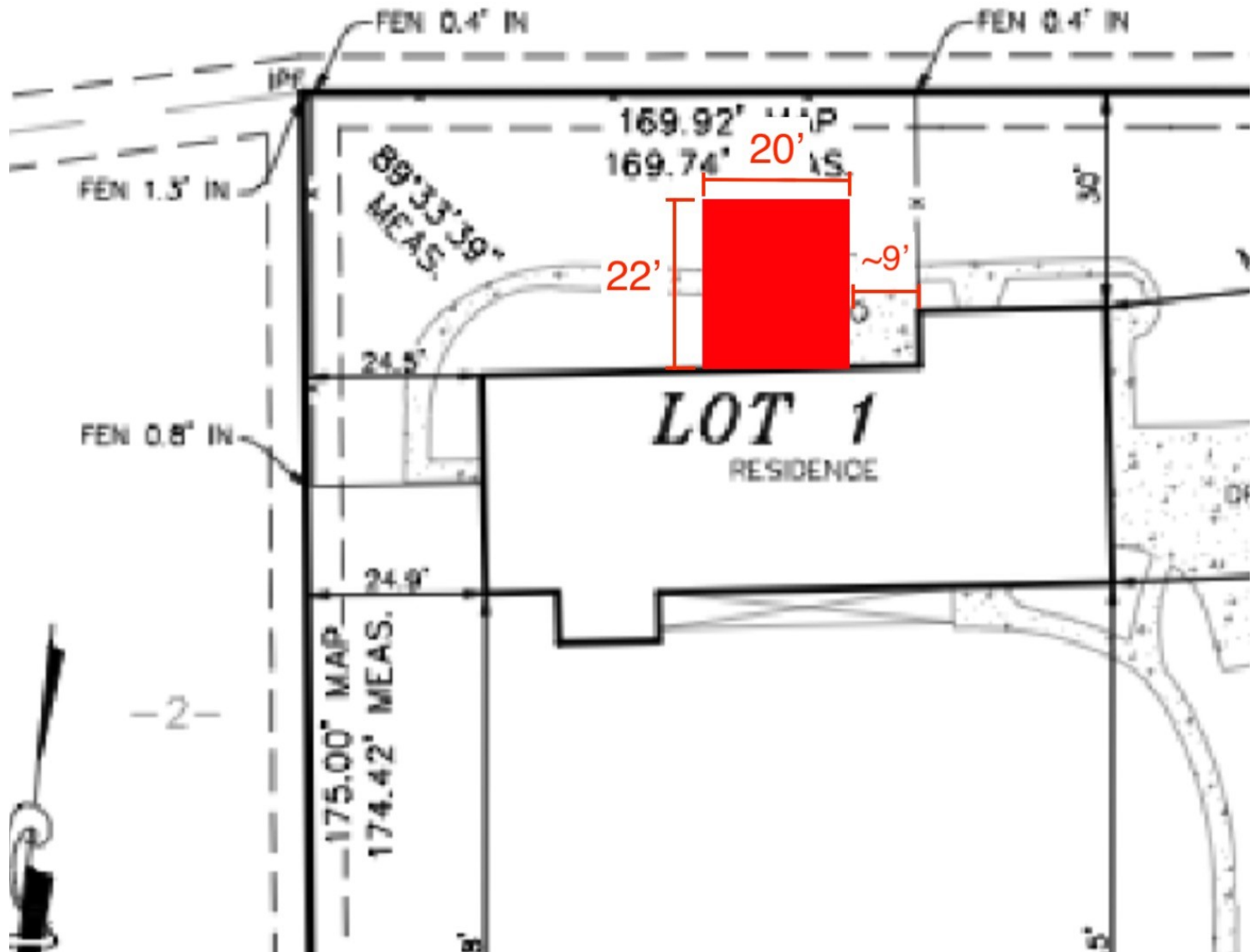
NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Purchaser: REAMER

Address: 2469 SHADES CREST ROAD

Robert Reynolds
Reg. No. 25657 Page 35 of 41

REYNOLDS SURVEYING CO., INC.
Surveying — Land Planning





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: 2469 Shades Crest Rd. Vestavia, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply)*.

☒ the Property Owner and representing myself in said request.

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

And am requesting: (please check)

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

☒ Request for Variance
☐ Special Exception
☐ Design Review Approval

Signed:

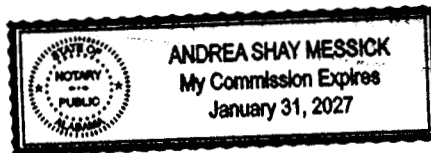
Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Jefferson

Given under my hand and seal
this 29 day of April, 2024.

Notary Public



My commission expires 31 day of January, 2027.





VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

June 20, 2024

AGENDA ITEM

BZA-24-12 **Joe Ellis** is requesting a **Side Setback Variance** for the property located at **3442 Sagewood Trail**. The purpose of this request is to reduce the side setback to 15' in lieu of the required 17', to build a bedroom and bathroom addition. The property is owned by Jon Evers and is zoned **Vestavia Hills R-1**.

BACKGROUND

2' Side Setback Variance to Reduce the Setback to 15' in Lieu of the Required 17'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a side setback variance to build a bedroom and bathroom addition. The applicant contends the corner lot/odd shaped lot causes a hardship. This is a three-sided corner lot, which greatly limits the buildable space. Engineering will be looking at the impervious area during permitting, as the property is already over the allowable 30%. Zoned Vestavia Hills R-1.

ATTACHMENTS

1. Application
2. Engineering Comments
3. Survey
4. Proposed Drawings
5. Owners Affidavit

Jack Wakefield
City Planner

**BZA-24-12**

Variance Application

Status: Active

Submitted On: 5/21/2024

Primary Location3442 SAGEWOOD TRL
VESTAVIA HILLS, AL 35243**Owner**Jon Evers
Sagewood Trail 3442 Vestavia
Hills, AL 35243**Applicant** Joe Ellis
 205-790-1389
jellis@dwellingarchitecture.com
 1625 Linda Vista Lane
Birmingham, AL 35226

Agenda Information

 Agenda Scheduling

June 2024

 Comments/Delay/Explanation

Applicant Information

I am filling this out as the
Representative Agent

Billing/Responsible Party

Name

Jon Evers

Phone #

205-506-1524

Address

3445 Sagewood Trail

City/State/Zip

Vestavia Hills, AL 35243

Email

JEvers@BrasfieldGorrie.com

Representing Attorney/Other Agent**Name**

Joe Ellis

Phone #

205-790-1389

Address

1625 Linda Vista Lane

City/State/Zip

Vestavia Hills, AL 35226

Email

jellis@dwellingarchitecture.com

Subject Property Information**Subject Property Address**

3442 Sagewood Trail

Legal Description of Subject Property ?

Lot 29, Sagewood, Plat Book 94, Page 5

REASONS FOR REQUEST**Front Setback Variance**☐**Rear Setback Variance**☐

⚡ Setback Required*

NA

⚡ Setback Requested*

NA

Side Setback Variance**Setback Required***

17'

Setback Requested*

15'

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.*

The owner is proposing a bedroom and bath addition to the existing residence. Given the location of the existing structure, and the odd shaped lot configuration, we are seeking a rear yard variance.

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).*

Due to the strict interpretation of the city code, and the irregular lot configuration, the "side" of the residence has been interpreted as a rear yard which requires a more restrictive setback than a side yard.

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 three sided, pie-shape lot configuration is not typical to other properties in the vicinity.

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:*

Granting the requested variance would address specific site issues related to this particular property.

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 are attempting to add to the "side" of the house, but given the orientation of the house on the property, the irregular shape of the property, a strict interpretation of the city code requires this to be considered a rear yard with a much larger setback requirement.

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 believe the design of this addition to be in keeping with existing scale and appearance of the existing residence.

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

Due to existing location and configuration of the original structure on this irregular shaped lot, a variance is required and requested.

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

With the requested variance, the closest point of the new addition would remain a minimum of 15' from the adjacent 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 property remains a single family dwelling.

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 



Joe Ellis

May 20, 2024



City of Vestavia Hills, AL

Jun 12, 2024

BZA-24-12

Engineering Review

Variance Application

Status: Complete**Became Active:** May 21, 2024**Assignee:** Ethan Fisher**Completed:** May 22, 2024

Applicant

Joe Ellis
jellis@dwellingarchitecture.com
1625 Linda Vista Lane
Birmingham, AL 35226
205-790-1389

Primary Location

3442 SAGEWOOD TRL
VESTAVIA HILLS, AL 35243

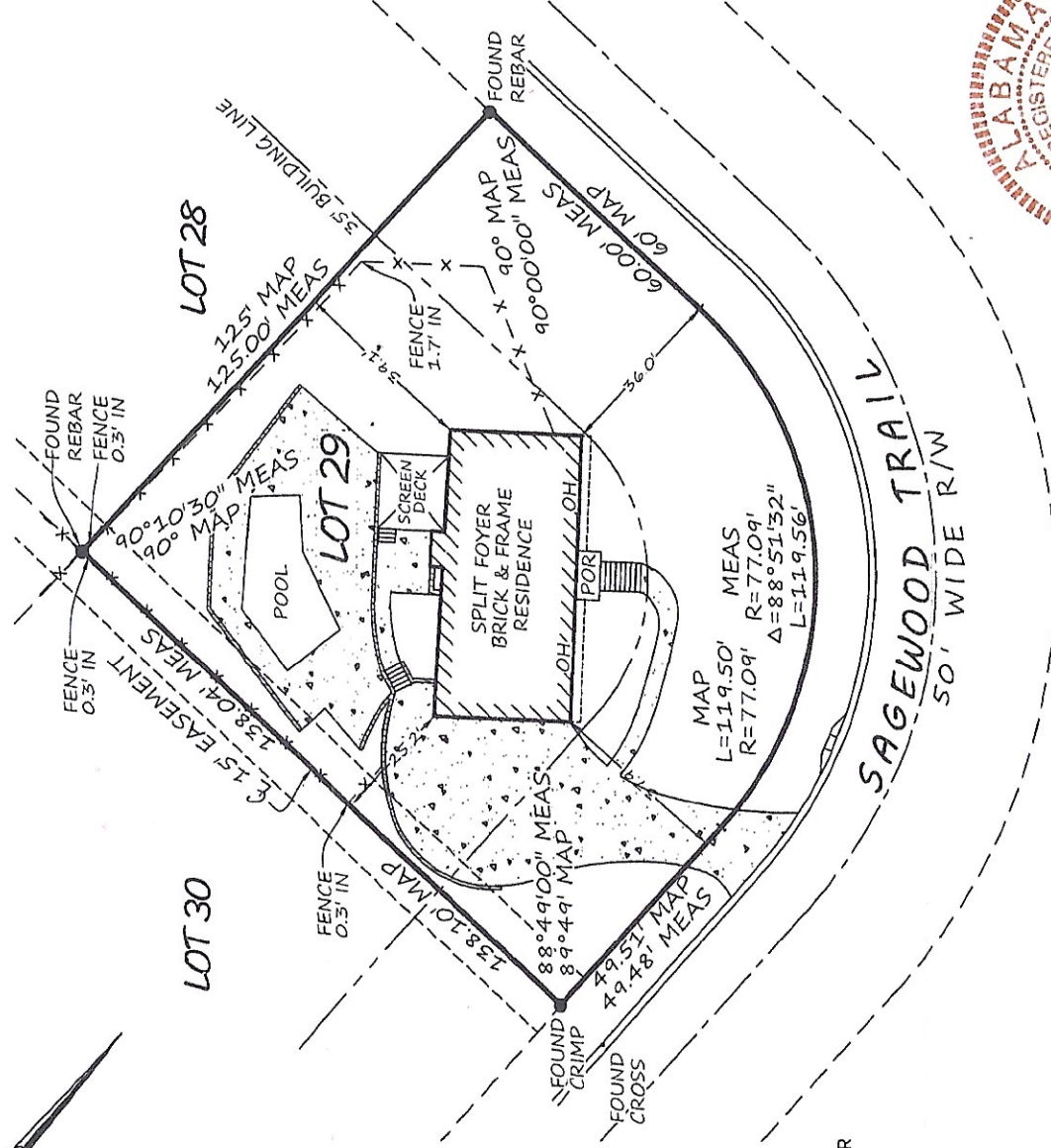
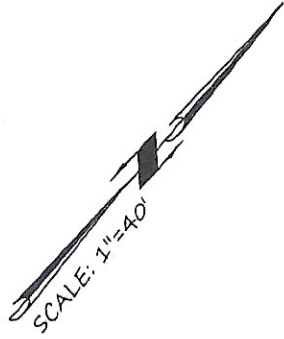
Owner:

Jon Evers
3442 Sagewood Trail Vestavia Hills, AL 35243

Comments

Ethan Fisher, May 22, 2024

The existing improvements to the site look to exceed the allowable 30% impervious lot coverage. A drawing will need to be submitted during permitting to show how existing impervious area is being removed to offset the addition or how the lot coverage is below the 30% requirement.



LEGEND

ASP	ASPHALT	POLE	ANCHOR
BLDG	BUILDING	FENCE	FENCE
CALC	CALCULATED	POWER LINE	POWER LINE
MEAS	MEASURED	PAVEMENT	PAVEMENT
CH	CHORD	W/	WITH
LNG	LONG CHORD	TAN	TANGENT
d	DEFLECTION	RES	RESIDENCE
Δ	DELTA	LGHT	LIGHT
ESMT	EASEMENT	COV	COVERED
HW	HEADWALL	DECK	DECK
MIN	MINIMUM	CONCRETE	CONCRETE
MH	MANHOLE	WALL	WALL
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		



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 29, SAGEWOOD, as recorded in Plat Book 94, Page 5, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of APRIL 23, 2019. Survey invalid if not sealed in red.

Order No.: 2639
Purchaser:

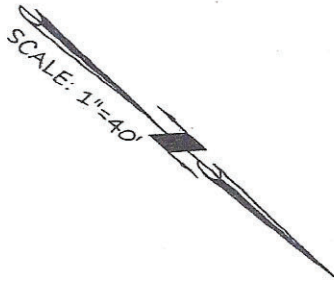
Address: 3442 SAGEWOOD TRAIL

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

Copyright ©

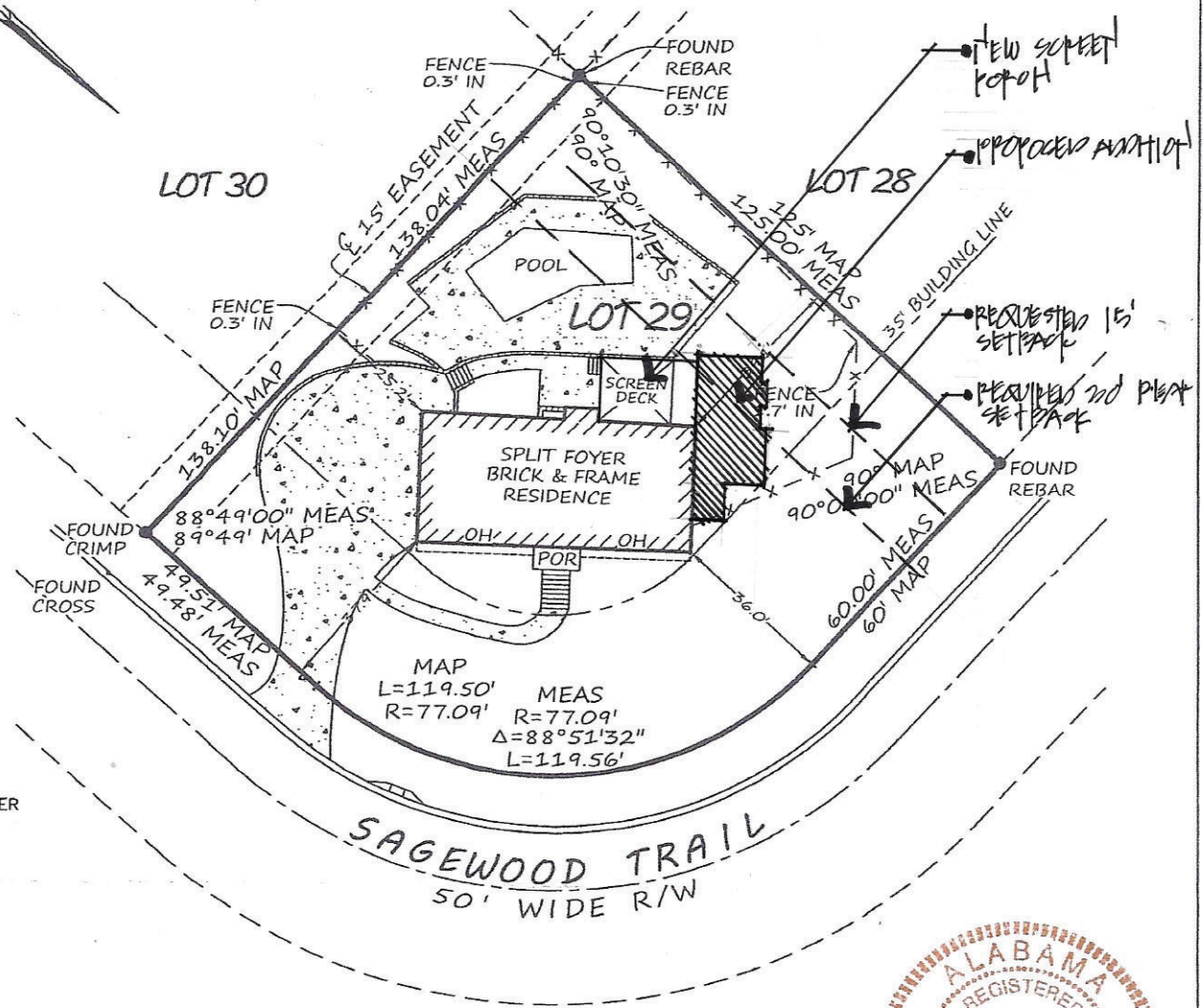
WEYGAND
SURVEYORS

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



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—	POWER LINE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
	DECK
	CONCRETE
	WALL



ADDITIONAL NOTES ADDED
BY JOE ELLIS ON MAY 10, 2024



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

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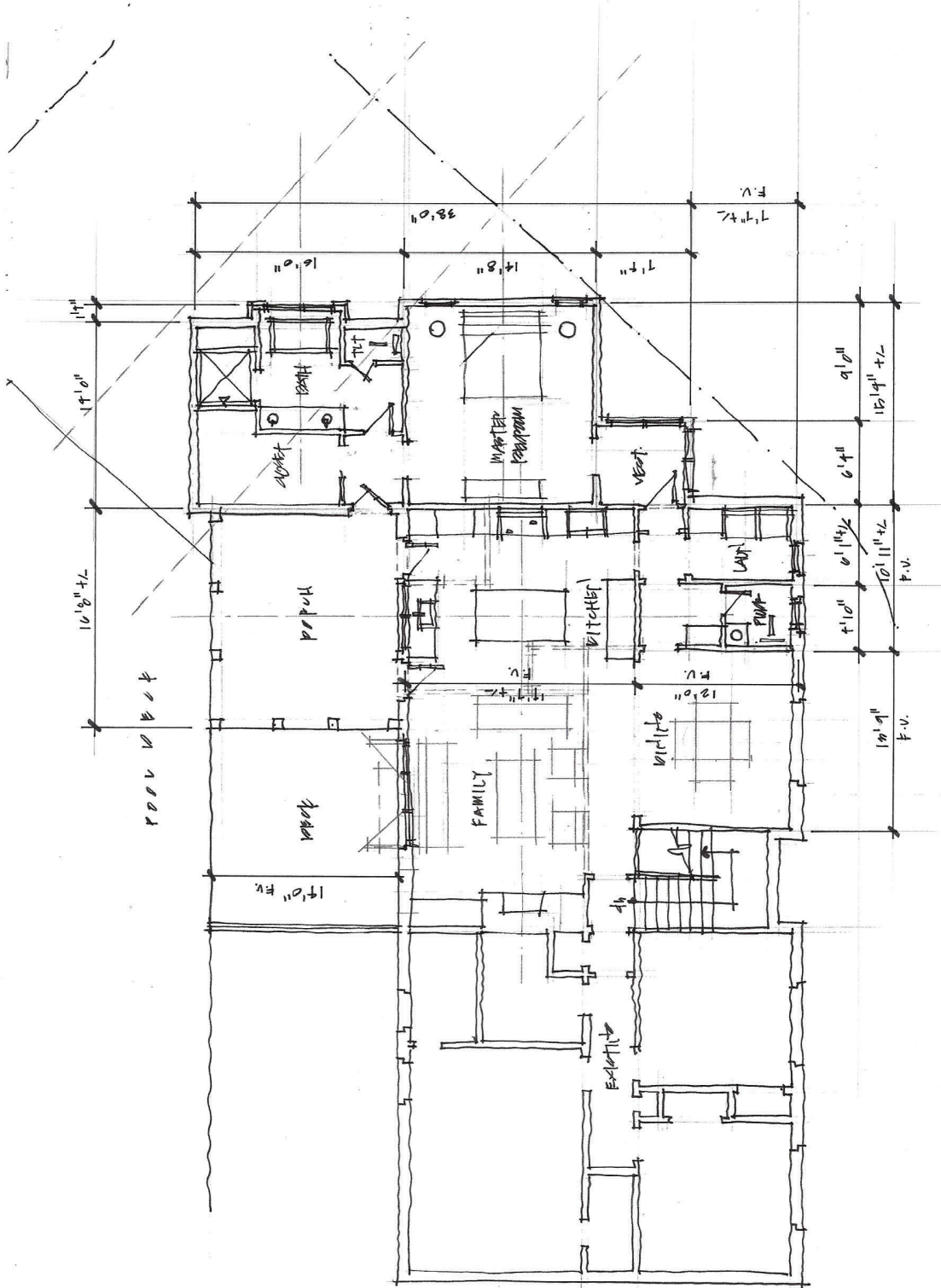
Purchaser:

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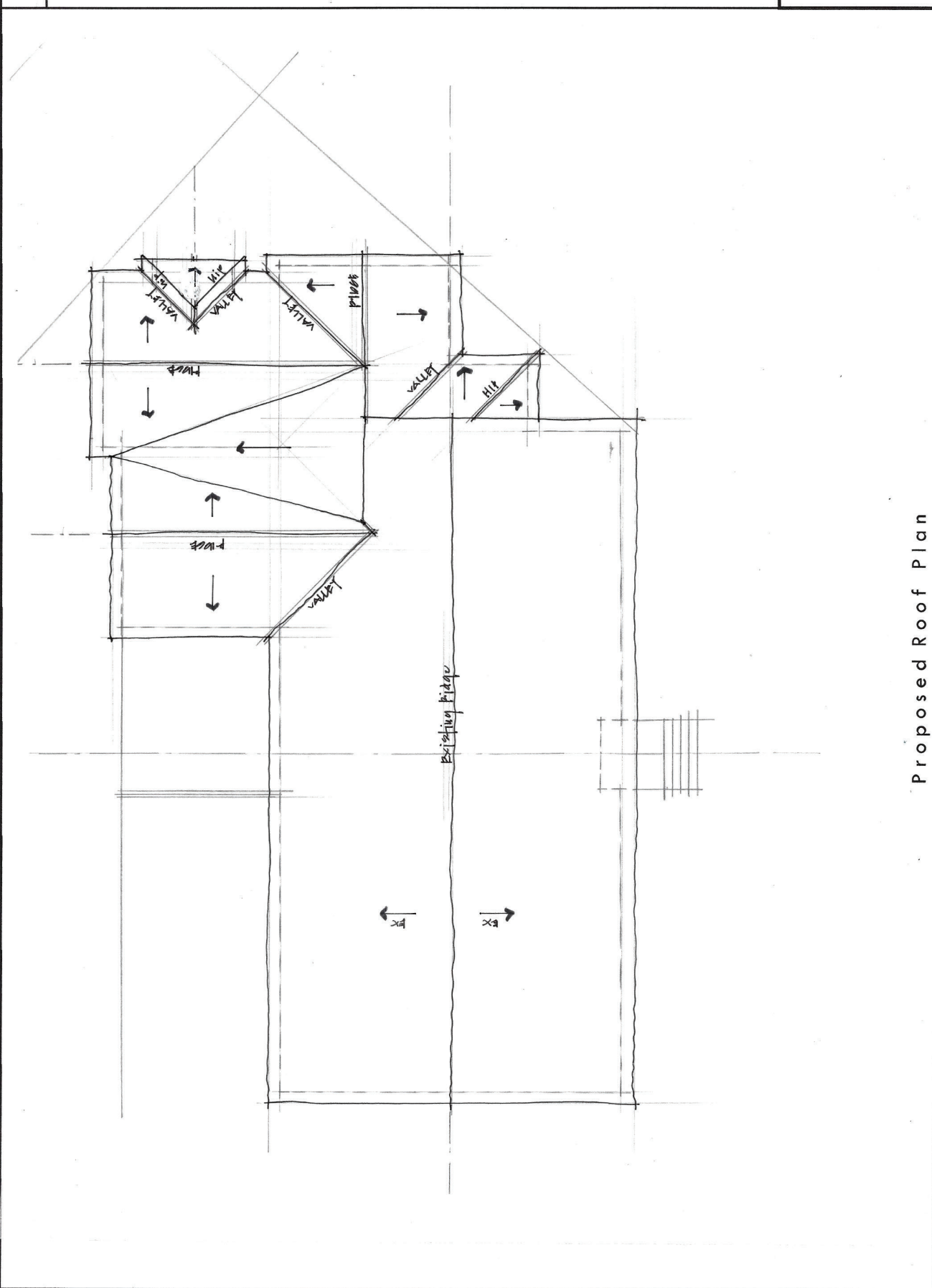


Evers Residence

3442 Sogewood Trail
Vestavia Hills

Preliminary Design
Not For Construction

Proposed Roof Plan



Evers Residence
3442 Sogewood Trail
Vestavia Hills

Preliminary Design
Not For Construction



Proposed Side Elevation



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: 3442 Sagewood Trl, Vestavia Al 35243, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply)*.

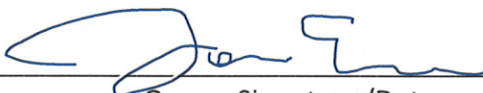
 the Property Owner and representing myself in said request.

 X the Property Owner, but I am authorizing a Representing Agent by the name of:
Joe Ellis Dwell Architecture to represent me in the following request:

And am requesting: (please check)

<u> </u> Rezoning Request	<u> X </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:

 5/20/24
Owner Signature/Date

STATE OF ALABAMA
COUNTY OF Jefferson

Given under my hand and seal
this 20 day of May, 2024


Notary Public

My commission expires _____ day of _____

