



**Vestavia Hills
Board of Zoning Adjustment Agenda
July 18, 2024
6:00 PM**

1. Roll Call
2. Approval Of Minutes
3. BZAS-24-1 **Veronica Peterson** is requesting a **Special Exception** for the property located at **680 Olde Towne Road**. The purpose of this request is to allow a mobile medical unit on a vacant lot. The property is owned by Olde Towne Center Holdings LLC and is zoned **Vestavia Hills B-3**.
4. BZA-24-13 **Ryan Stechmann** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **4008 Meadowview Circle**. The purpose of this request is to build a privacy fence in the front setback (rear of the house). The property is owned by Ryan Stechmann and is zoned **Vestavia Hills R-4**.
5. BZA-24-14 **David Brouillette** is requesting a **Front Setback Variance** for the property located at **1636 Panorama Drive**. The purpose of this request is to reduce the front setback to 35' in lieu of the required 40', to build a bathroom addition. The property is owned by David Brouillette and is zoned **Vestavia Hills R-2**.
6. BZA-24-15 **Joseph Gann** is requesting a **Front Setback Variance** for the property located at **2449 Vestavia Drive**. The purpose of this request is to reduce the front setback to 28' in lieu of the required 60', to build a gazebo structure overlooking Shades Mountain. The property is owned by Rollins Montgomery and is zoned **Vestavia Hills R-1**.
7. Time Of Adjournment

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

June 20, 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
Loring Jones, III
Thomas Parchman
Ryan Rummage, Alt

MEMBERS ABSENT

Stephen Greer
Tony Renta

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of May 16, 2024 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of May 16, 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. Rummage – yes
Mr. Jones – yes	Chairman Rice – yes
Mr. Parchman – yes	
Motion carried.	

VARIANCE EXTENSION

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**.

Mr. Wakefield explained that this is a request for an extension of a previously approved variance, that has lapsed.

Matt Costanza explained that they have struggled working with contractors to begin this work and have held off on construction because of that. They do anticipate to begin work within the next month.

Chairman Rice asked if there are any changes to the request.

Mr. Costanza stated there are not.

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 EXTENSION: 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', for the property located at 2129 Southwood 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. Rummage – yes
Mr. Jones – yes	Chairman Rice – yes
Mr. Parchman – yes	

Motion carried.

SIDE SETBACK VARIANCE

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**.

Mr. Wakefield explained the request was for a back deck. Based on the narrowness

of the lot, this is a side setback.

Cory Reamer was present for the case and stated that the hardship is the corner lot and the creek in the front pushes the house further back into property.

No questions from the Board.

MOTION Motion to APPROVE a 2' Side Setback Variance (Sheridan Lane is the most narrow frontage based on surveying measurements) to Reduce the Setback to 15' in Lieu of the Required 17', for the property located at 2469 Shades Crest Road, 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. Rummage – yes
Mr. Jones – yes	Chairman Rice – yes
Mr. Parchman – yes	
Motion carried.	

SIDE SETBACK VARIANCE

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**.

Mr. Wakefield explained the request was for a bedroom and bathroom addition.

Joe Ellis was present for the case and stated that the request was for a 1 story bedroom and bathroom addition. Also, that the corner lot and odd shape of the lot caused a hardship. Because of this, there are very limited options on the lot.

No questions from the Board.

MOTION Motion to APPROVE 2' Side Setback Variance to Reduce the Setback to 15' in Lieu of the Required 17', for the property located at 3442 Sagewood Trail, 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. Rummage – yes
Mr. Jones – yes	Chairman Rice – yes
Mr. Parchman – yes	
Motion carried.	

At 6:12 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:12 PM.

Jack Wakefield,
Planner/GIS



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

July 18, 2024

AGENDA ITEM

BZAS-24-1 **Veronica Peterson** is requesting a **Special Exception** for the property located at **680 Olde Towne Road**. The purpose of this request is to allow a mobile medical unit on a vacant lot. The property is owned by Olde Towne Center Holdings LLC and is zoned **Vestavia Hills B-3**.

BACKGROUND

Special Exception

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a special exception to allow a mobile medical unit on a vacant lot. This was brought up to staff when a business license application for the vehicle was submitted. Zoning staff could not find anything within the Zoning Code that would regulate such a use. It was recommended that the applicant apply for a Special Exception. The applicant spent the next month working with Engineering, Building Safety, Zoning, and Fire to ensure this use would meet all City codes and regulations. Several issues/concerns were brought up by staff, and the applicant has planned ways to alleviate those concerns. Those are detailed in the write-up attached within the agenda packet. Staff has no issue with the proposed plan, following those discussions. Zoned Vestavia Hills B-3.

ATTACHMENTS

1. Application
2. Vestavia Hills Special Exception Supplement
3. Floorplan of Vehicle
4. Aerial View
5. Street View
6. Owner's Affidavit

Jack Wakefield
City Planner



BZAS-24-1

Special Exception Application

Status: Active
Submitted On: 6/18/2024

Primary Location

680 OLDE TOWNE RD
VESTAVIA HILLS, AL 35216

Owner

OLD TOWN CENTER 33RD
STREET HOLDINGS LLC &
OLD TOWN CENTER 131
WEST 33RD STREET
HOLDINGS LLC TIME
EQUITIES

Applicant

 Veronica Peterson
 775-848-5936
 veronica.peterson@emvenio.com
 500 E 8th Ave
Denver, Colorado 80203

Agenda Information

Agenda Scheduling

July 2024

Comments/Delay/Explanation

Applicant Information

I am filling this out as the
Representative Agent

Billing/Responsible Party

Name

Phone #

Emvenio Research, Inc.

Address

City/State/Zip

Email

veronica.peterson@emvenio.com

Representing Attorney/Other Agent

Name

Phone #

Address

City/State/Zip

Email

Subject Property Information

Subject Property Address

680 OLDE TOWNE RD VESTAVIA AL
35216

Legal Description of Subject Property ?

mapbook 256, page 85, primary lot A, lot A, old towne center survey pb 256, pg 85, sec 36, tsp 18, r 3w, 2023, resur 256/85, spl pt 2 row ew 050422

ZONING

Vestavia Hills Zoning for the subject property is

B-3

PROJECT/REASON FOR REQUEST

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

Emvenio Research is in the business of providing access to clinical research trials via mobile research units. Emvenio is requesting to park its medical mobile unit at the 680 Old Towne Road location and has been informed that a special exception is needed to do so. Emvenio has been in communication with city officials to address any concerns raised by the placement of the unit (engineering, fire safety, ADA).

CONDITIONS

Before any special exception 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 special exc.

1. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access. Please explain:*

The mobile unit is parked on the concrete pad. There is access to the unit and parking area from Old Towne Road directly across from the Chuck E. Cheese. There is sufficient room for emergency vehicle access, as there is a very large parking area adjacent to where the unit is parked. The large parking lot provides ample room for vehicular flow. Access to the unit is limited to pre-approved clinical trial participants. The unit is not generally open to the public. The unit can accommodate only 1-2 clinical trial participants at a time, so there will not be an increased traffic flow caused by business use.

2. The location and accessibility of off-street parking and loading areas. Please explain:*

There is a large parking area directly adjacent/attached to the lot where the unit is parked.

3. The location and accessibility of refuse and service areas and their potentially adverse affects upon surrounding properties. Please explain:*

There is a dumpster approximately 10 yards from where the unit is parked that Emvenio will use for refuse, and it is maintained and serviced by the property owner. Emvenio's business does not generate excess waste that would require additional refuse service.

4. The screening and buffering of potentially adverse views and activities from surrounding properties. Please explain:*

The unit does not impact views from surrounding properties. Emvenio's clinical trial business is designed to be a community service bringing access to important clinical trials to the Vestavia Hills community. Access to the unit is by appointment only to clinical trial participants who qualify for certain research studies.

5. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties. Please explain:*

Emvenio's business will not generate problematic noise, glare, odor, surface water runoff. Emvenio utilizes a service to empty the unit water tanks.

6. The availability, location, and capacity of utilities. Please explain:*

The only utility that will be used is shore power, which is accessed through a plug in that was connected by a local electrician.

7. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties. Please explain:*

The unit is branded with Emvenio branding, but there are no other signs that will be placed on the property. The unit does not impact traffic or visibility for neighboring properties.

8. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area. Please explain:*

This is a commercial retail center. Emvenio's unit takes up a small portion of a building pad and there are not any buildings directly adjoining the unit. The unit is 38' 10" x 8' 5.5" and 265 usable interior square feet.

NOTE: The BZA shall review the application for compliance with the Vestavia Hills Zoning Ordinance and all other applicable codes and ordinances of the City. In particular the BZA shall determine that satisfactory provisions have been made concerning all conditions.

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 ?

✓ Veronica Peterson
Jun 17, 2024

July 8, 2024

Jack Wakefield
Vestavia Hills City Planner
City of Vestavia Hills
1032 Montgomery Hwy
Vestavia Hills, AL 35216
jwakefield@vhal.org

Re: Emvenio Special Exception Application – 680 Old Towne Road

Dear Mr. Wakefield,

Thank you for the opportunity to present at the upcoming Board of Zoning Adjustment meeting on July 18th. As you know, Emvenio is requesting a special exception to operate our mobile research clinic to provide access to clinical research trials to members of the Vestavia Hills community. Emvenio is a nationwide company with a mission to improve clinical trial access to hard-to-reach communities and underrepresented patient populations, thereby accelerating the advancement of promising medical treatments. If you would like to read more about Emvenio's business operations, you can visit our website at <https://emvenio.com/>. Below are representative photographs of what Emvenio's mobile research clinics look like on the inside and outside for your awareness.





Emvenio has addressed the initial concerns of each city department as outlined in detail below. Emvenio has received confirmation from all departments that its operation of the medical mobile unit at the proposed location is approved provided the below agreed upon conditions are followed.

Building Safety

1. ADA Accessibility

The mobile unit is not ADA compliant. Therefore, the Building Safety Department requested that Emvenio put a plan in place to accommodate clinical trial participants needing ADA compliant access to Emvenio's services. Below is the approved process Emvenio will follow to address ADA accessibility for clinical trial participants at our site. I'd also like to emphasize that all trial participants are pre-screened before being invited to the site, so there would not be a situation where Emvenio was surprised with a disabled individual trying to access the mobile unit and not having a plan in place to address access.

- a. All clinical trial participants scheduled for visits at the site are pre-screened remotely before any on-site appointment is booked. Therefore, Emvenio would be made aware of any disabilities/access issues along with their medical history.
- b. In the event a disabled individual comes to the mobile medical unit without an appointment and requests to screen for participation in the clinical trial (e.g. a participant bringing a friend), Emvenio would address with this in the same way

we deal with any random attendance, in that we would book them a follow up pre-screening remotely and revert back to our standard process as noted above.

- c. Should the above result in a participant who is in a wheelchair / has mobility issues, our scheduling would allow us to (ahead of time) prepare the suite in a way to accommodate for the particular clinical trial procedures that would be performed and secure any needed clinical trial site regulatory approvals.
- d. The nature of Emvenio's prescreening and visit scheduling process would enable sufficient time to complete all previous steps.
- e. Emvenio would communicate directly with any disabled participant requiring ADA access, specifying the correct address for the visit and offering convenient parking and / or transport to the suite entrance, vs. the mobile unit.
- f. An EmVenio nurse would bring necessary equipment from the unit to the suite to see the participant to comply with required equipment logs and calibrations.

This process has been approved by Keith Blanton, Building Official. See below email:

Veronica Peterson

From: Keith Blanton <KBlanton@vhal.org>
Sent: Friday, July 12, 2024 8:43 AM
To: Veronica Peterson; Jack Wakefield
Cc: Mike Roy
Subject: RE: [External] 200 & 600 Old Towne Road - Emvenio

CAUTION: This email originated from outside of the organization. Do not click links or open attachments sender and know the content is safe.

I'm good with these procedures.

Thanks,



KEITH BLANTON CBO, MCP

Building Official
P 205-978-0125 | vhal.org
Vestavia Hills
A Life Above

  WWW.ALIFEABOVE.ORG

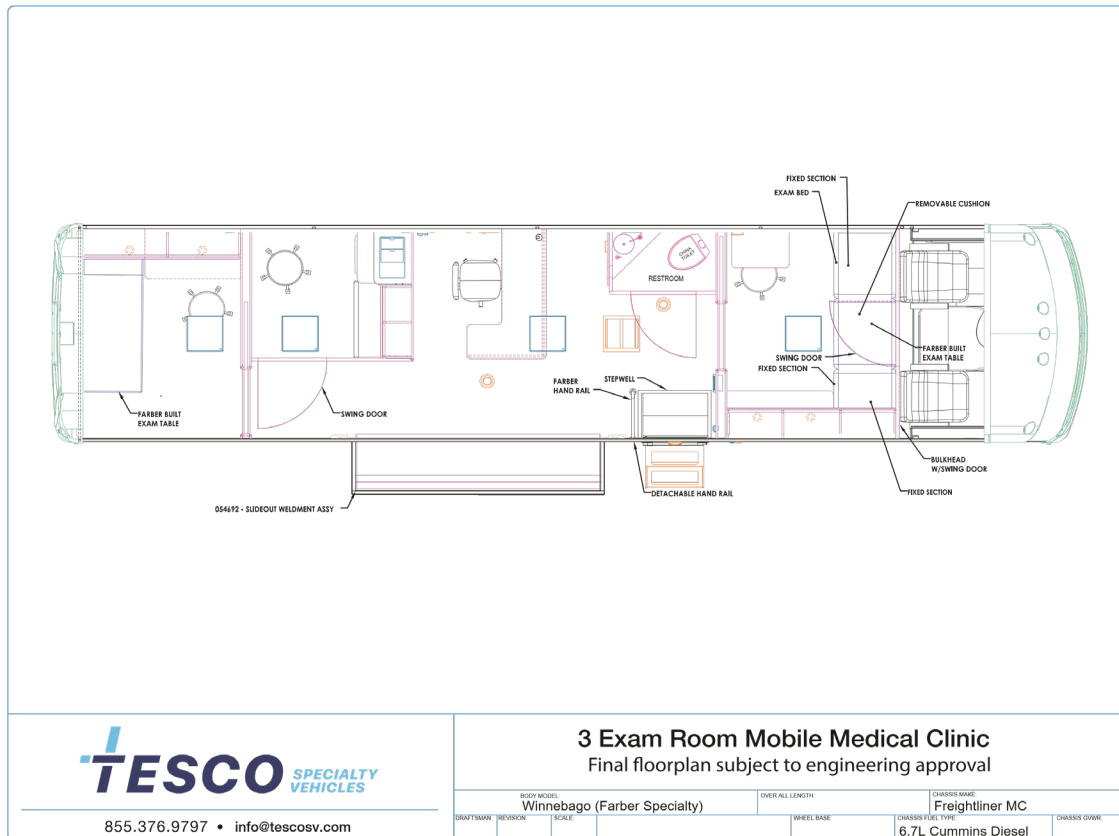
From: Veronica Peterson <veronica.peterson@emvenio.com>
Sent: Thursday, July 11, 2024 4:18 PM
To: Jack Wakefield <jwakefield@vhal.org>
Cc: Mike Roy <MRoy@vhal.org>; Keith Blanton <KBlanton@vhal.org>
Subject: RE: [External] 200 & 600 Old Towne Road - Emvenio

Hi All –

Fire Department

1. Sprinkler Requirements.

Ryan Ferrell, Deputy Chief Fire Marshall, requested mobile unit specifications to determine whether the unit would need to be outfit with compliant fire sprinklers. The following floorplan depiction and specifications were provided to Mr. Ferrell:



SECTION 1 – INTRODUCTION

SPECIFICATIONS AND CAPACITIES

Feature Number	33S				38S		
	Standard Ford® F53 22,000 lb. Chassis with 22.5" Tires	Optional Freightliner® FRED 24,000 lb. Chassis	Optional Freightliner® FRED 27,500 lb. Chassis	Optional Freightliner® FRED 26,000 lb. Chassis	Optional Ford® F53 26,000 lb. Chassis with 22.5" Tires	Optional Freightliner® FRED 27,500 lb. Chassis	Optional Freightliner® FRED 26,000 lb. Chassis
Feature Number	16L	1LX	1AV	1AT	16A	1AV / 1AQ	1AY / 1AZ / 1AT
Length	33' 6.5"	33' 6.5"	33' 6.5"	33' 6.5"	38' 10"	38' 10"	38' 10"
Exterior Height ¹	11' 10"	11' 10"	11' 10"	11' 10"	12'	12'	11' 11"
Exterior Width ²	8' 5.5"	8' 5.5"	8' 5.5"	8' 5.5"	8' 5.5"	8' 5.5"	8' 5.5"
Interior Height	7'	7'	7'	7'	7'	7'	7'
Interior Width	8' 0.5"	8' 0.5"	8' 0.5"	8' 0.5"	8' 0.5"	8' 0.5"	8' 0.5"
Propane Capacity ³	28 gal.	28 gal.	28 gal.	28 gal.	28 gal.	28 gal.	28 gal.
Wheelbase	208"	208"	208"	208"	248"	248"	248"
GVWR	22,000 lbs.	24,000 lbs.	27,500 lbs.	26,000 lbs.	26,000 lbs.	27,500 lbs.	26,000 lbs.
GAWR - Front	8,000 lbs.	9,000 lbs.	10,000 lbs.	10,000 lbs.	9,000 lbs.	10,000 lbs.	10,000 lbs.
GAWR - Rear	15,000 lbs.	15,000 lbs.	17,500 lbs.	17,500 lbs.	17,500 lbs.	17,500 lbs.	17,500 lbs.
GCWR ⁴	26,000 lbs.	26,000 lbs.	30,000 lbs.	30,000 lbs.	30,000 lbs.	30,000 lbs.	30,000 lbs.
Fuel Capacity	80 gal.	80 gal.	80 gal.	80 gal.	80 gal.	80 gal.	80 gal.

Notes:

All information is based upon the most recent data available. Visit the Winnebago Industries, Inc. web page – www.winnebagoind.com – for the most current product information.

¹ The height of each model is measured to the top of the tallest standard feature and is based on the curb weight of a typically equipped unit. The actual height of your vehicle may vary by several inches depending on chassis or equipment variations. Contact your dealer for further information.

² Floorplans feature a wide-body design - over 96". You should be aware that some states restrict access on some or all state roads to 96" in body width. You should confirm the road usage laws in the states of interest to you.

³ Capacities shown are the tank manufacturer's listed water capacity (W.C.). Actual filled propane capacity is 80% of listing due to overfilling prevention device on tank.

⁴ Actual towing capacity is dependent on your particular loading and towing circumstances which includes the GVWR, GAWR, and GCWR as well as adequate trailer brakes. Refer to the chassis operator's manual of your vehicle for further towing information.

Mr. Ferrell confirmed that there are no sprinkler requirements Emvenio will need to comply with. Mr. Ferrell indicated Emvenio is approved to operate the mobile research clinic on the proposed site from the Fire Department's perspective. See below email:

Veronica Peterson

From: Ryan A. Farrell <rfarrell@vhal.org>
Sent: Wednesday, July 3, 2024 12:41 PM
To: Veronica Peterson
Cc: Jack Wakefield
Subject: RE: [External] 600 Old Towne Road - Emvenio

CAUTION: This email originated from outside of the organization. Do not click links or open attachments sender and know the content is safe.

Good Afternoon,

You are good from our perspective. I hope that you have a good 4th as well.

Ryan



Ryan Farrell
Deputy Chief / Fire Marshal
P 205 978 0218 | vhal.org
F 205 978 0205
City of Vestavia Hills

From: Veronica Peterson <veronica.peterson@emvenio.com>
Sent: Wednesday, July 3, 2024 12:23 PM
To: Ryan A. Farrell <rfarrell@vhal.org>
Cc: Jack Wakefield <jwakefield@vhal.org>
Subject: RE: [External] 600 Old Towne Road - Emvenio

Hi Ryan,

From: Ryan A. Farrell <rfarrell@vhal.org> Sent: Wednesday, July 3, 2024 12:41 PM To: Veronica Peterson <veronica.peterson@emvenio.com> Subject: RE: [External] 600 Old Towne Road - Emvenio

Engineering

1. Flood Hazard

Emvenio agreed to the following conditions on Emvenio's operation of the mobile research clinic proposed by Christopher Brady, Civil Engineer to address any flood hazard concerns:

- a. the mobile unit will only be onsite during normal business hours (typically between the hours of 7am to 6pm, Monday through Friday);
- b. the mobile unit will be driven off site every evening and not stored on site over weekends and holidays;
- c. the mobile unit will be ready to be driven from site if forecasted potential for a flooding event, having a licensed driver stationed nearby that can immediately react during a heavy rain event.

See below email confirmation:

Veronica Peterson

From: Veronica Peterson
Sent: Wednesday, July 3, 2024 11:17 AM
To: Christopher Brady
Cc: Rebecca Leavings; Jack Wakefield; Lori Beth Kearley
Subject: RE: [External] 600 Old Town Road - Emvenio

Hi Chris,

I just wanted to close the loop on your email below and proposed conditions to Emvenio's unit at the proposed site. We agree to the conditions as outlined below in order to alleviate the flood hazard.

Veronica Peterson
Vice President, In-House Counsel
EmVenio Research
veronica.peterson@emvenio.com
[775-848-5936](tel:775-848-5936)



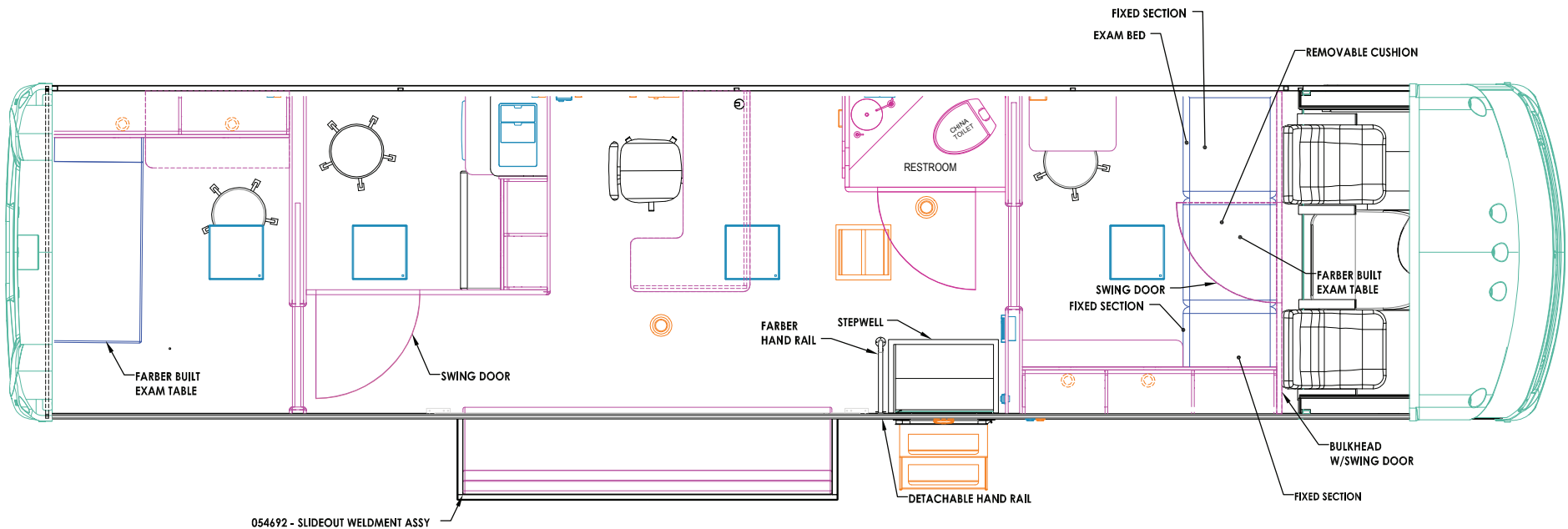
From: Christopher Brady <CBrady@vhal.org>
Sent: Friday, June 21, 2024 11:57 AM
To: Veronica Peterson <veronica.peterson@emvenio.com>
Cc: Rebecca Leavings <RLeavings@vhal.org>; Jack Wakefield <jwakefield@vhal.org>; Lori Beth <lbkearley@vhal.org>
Subject: RE: [External] 600 Old Town Road - Emvenio

CAUTION: This email originated from outside of the organization. Do not click links or open attachments from an external sender and know the content is safe.

Hi Ms. Peterson,

To meet our Flood Damage Prevention Ordinance, I am recommending the following be noted any variance approval...

- 1) the mobile unit would only be onsite during normal business hours (typically between

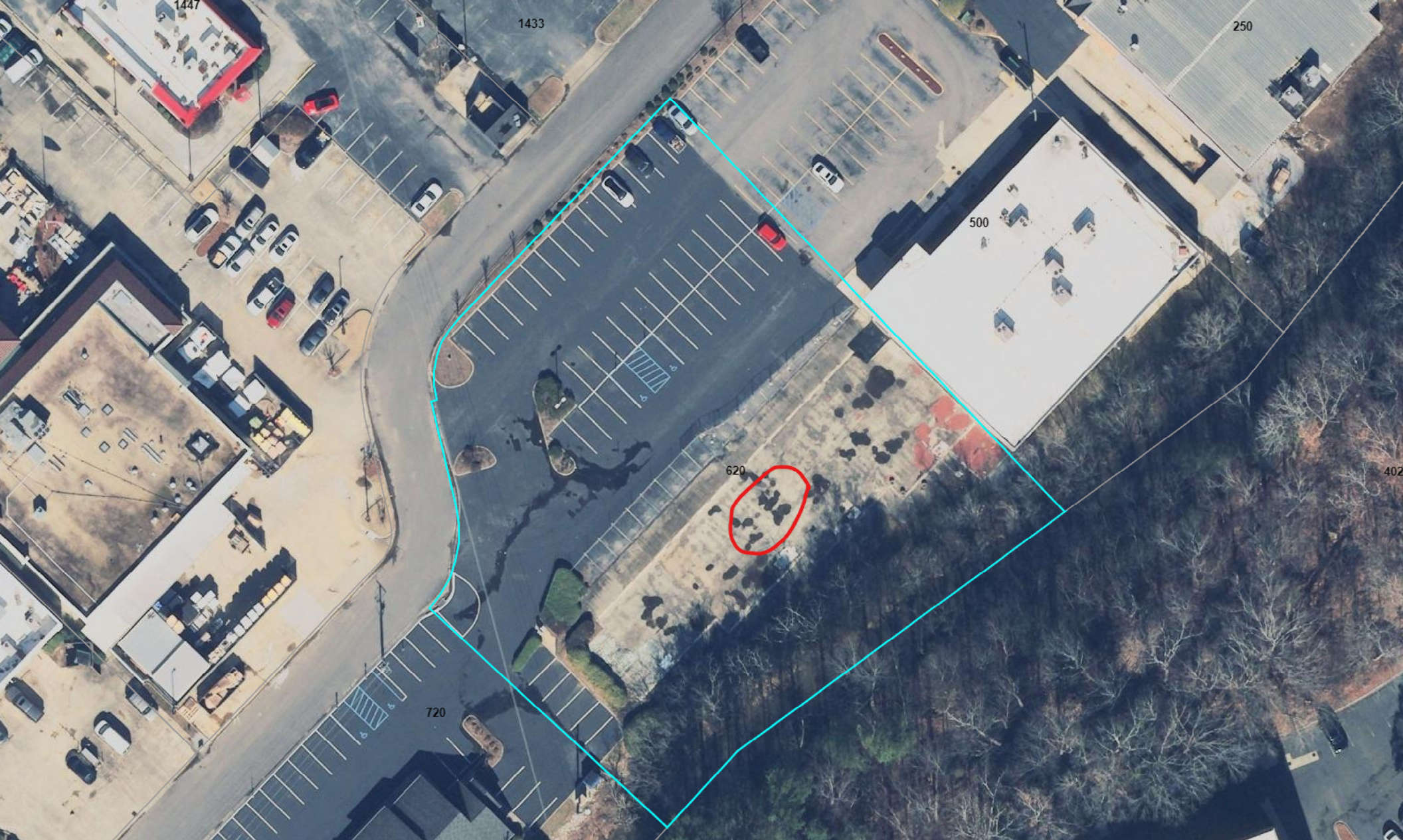


855.376.9797 • info@tescosv.com

3 Exam Room Mobile Medical Clinic

Final floorplan subject to engineering approval

BODY MODEL: Winnebago (Farber Specialty)			OVER ALL LENGTH:		CHASSIS MAKE: Freightliner MC	
DRAFTSMAN:	REVISION:	SCALE:	WHEEL BASE:		CHASSIS FUEL TYPE: 6.7L Cummins Diesel	CHASSIS GVWR:







**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: 680 Olde Towne Rd, 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: Veronica Peterson, EmVenio Research In-House Counsel 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
X Special Exception
___ Design Review Approval

Signed: _____

Owner Signature/Date

*Time Equities, Inc and
a/a/f Old Town Center 33rd Street Holding and Old Town
Center 131 West 33rd Street Holding, LLC*

STATE OF ALABAMA

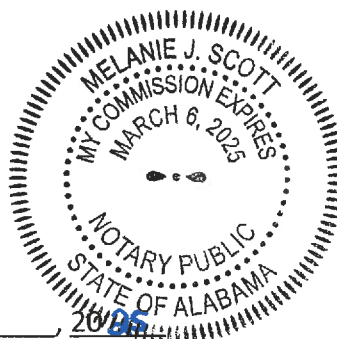
COUNTY OF Jefferson

Given under my hand and seal

this 18 day of June, 2024.

Melanie J. Scott
Notary Public

My commission expires 6 day of March, 2025





VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

July 18, 2024

AGENDA ITEM

BZA-24-13 **Ryan Stechmann** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **4008 Meadowview Circle**. The purpose of this request is to build a privacy fence in the front setback (rear of the house). The property is owned by Ryan Stechmann and is zoned **Vestavia Hills R-4**.

BACKGROUND

Variance for Location of Fence in the Front Setback.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a variance for the location of a fence in the front setback. This fence is located behind the house, however the rear of the house abuts a street. The street in the rear makes the rear of the house a front setback. There are no sight distance issues. The fence is wooden and will be 6 feet in height. Zoned R-4

ATTACHMENTS

1. Application
2. Drawings
3. Rendering
4. View From Street
5. Owners Affidavit

Jack Wakefield
City Planner



BZA-24-13

Variance Application

Status: Active

Submitted On: 6/4/2024

Primary Location

4008 MEADOWVIEW CIR
VESTAVIA HILLS, AL 35243

Owner

STECHMANN RYAN JAMES &
ANDREIA BIANCA
4008 Meadowview Cir. Vestavia
Hills, AL 35243

Applicant

Ryan Stechmann
 228-305-0499
 ryan.stechmann@gmail.com
 4008 Meadowview Cir.
Vestavia Hills, AL 35243

Agenda Information

Agenda Scheduling

July 2024

Comments/Delay/Explanation

Applicant Information

I am filling this out as the
Owner

Billing/Responsible Party

Name

Ryan Stechmann

Phone #

228 305 0499

Address

4008 Meadowview Cir.

City/State/Zip

Vestavia Hills, AL 35243

Email

ryan.stechmann@gmail.com

Subject Property Information

Subject Property Address

4008 Meadowview Cir.

Legal Description of Subject Property

LOT 4, ACCORDING TO THE MAP OF MEADOWLAWN ESTATES, AS
RECORDED IN MAP BOOK 47, PAGE 4, IN THE OFFICE OF PROBATE YUDGE
OF JEFFERSON COUNTY, ALABAMA.

REASONS FOR REQUEST

Front Setback Variance☐**Rear Setback Variance**☐**Side Setback Variance**☐**Other Setback Variance**☐**Lot Area Variance**☐**Lot Width Variance**☐**Variance for location of a fence.**☒

Details ?

Our property fronts Meadowview Circle with a 35' building line. The rear of our property fronts Christopher Drive, also with a 35' building line. We originally had a chainlink fence at the rear of the property, but have removed it to replace it with a 6' tall wood privacy fence. However, due to the nature of our property having "2 fronts" we are not able to install the fence per the city ordinance, the fence would not be able to cross over the 35' BLDG LINE. During the building official review of the fence permit, it was noted that we would have to request a variance.

Sign Code Variance☐

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

☐**Other**☐

ZONING

Vestavia Hills Zoning for the subject property is

Residential, R-4

PROJECT

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

Installation of 6' tall wood privacy fence at rear and side of our property. Our property fronts Meadowview Circle with a 35' building line. The rear of our property fronts Christopher Drive, also with a 35' building line. We originally had a chainlink fence at the rear of the property, but have removed it to replace it with a 6' tall wood privacy fence. However, due to the nature of our property having two "fronts" we are not able to install the fence per the city ordinance, the fence would not be able to cross over the 35' BLDG LINE. During the building official review of the fence permit, it was noted that we would have to request a 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).*

§4.5. Fences. 4.5.1. Visibility. No fence or wall shall be permitted between the building line and the front lot line.

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 property, although addressed from Meadowview Circle, which it fronts, also has a building line at the rear of the property along Christopher Drive. We have two "fronts" on the property, although in actuality we only have the front along Meadowview Circle.

§4.5. Fences. 4.5.1. Visibility. No fence or wall shall be permitted between the building line and the front lot line.

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:*

Due to the nature of our property and the fence ordinance, others in our district actually have greater privileges due to their ability to have a fence at the rear of their properties up to their property lines. Granting the variance would allow us to do the same.

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 properties in our district are able to install a fence up to their rear property lines, whereas we are only able to install a fence 35 feet from our rear property line, limiting the full use of our property. Due to the nature of our property having two "fronts" we are not able to install a fence up to our rear property line.

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 purpose and intent of the Ordinance is to limit fences on the front of a property. The ordinance specifically references "front" : §4.5. Fences. 4.5.1. Visibility. No fence or wall shall be permitted between the building line and the **front** lot line. Since the variance requested is for a fence at the rear of our property, it would not be incompatible with the purpose and intent of the ordinance. The variance will not be injurious to the neighborhood or general welfare in any way, but rather be more in line with adjacent properties with their ability to fence their yards.

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

We have not taken any actions that would create a self-imposed hardship.

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

The variance requested would not provide any greater use of the property than a similar property without fronting two streets.

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 requested variance does not request the use of the property in any way that would be incompatible with the Ordinance.

NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase the financial return from land; or (2) personal or economic hardship; or (3) self-imposed hardship. In other words, hardship alone is not sufficient to permit a variance. It must be an "unnecessary hardship." Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an "unnecessary hardship."

OWNER AFFIDAVIT

I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments section of this application. NOTE: Applications cannot be processed without the notarized owners affidavit. Owners authorization may be found on our main page.

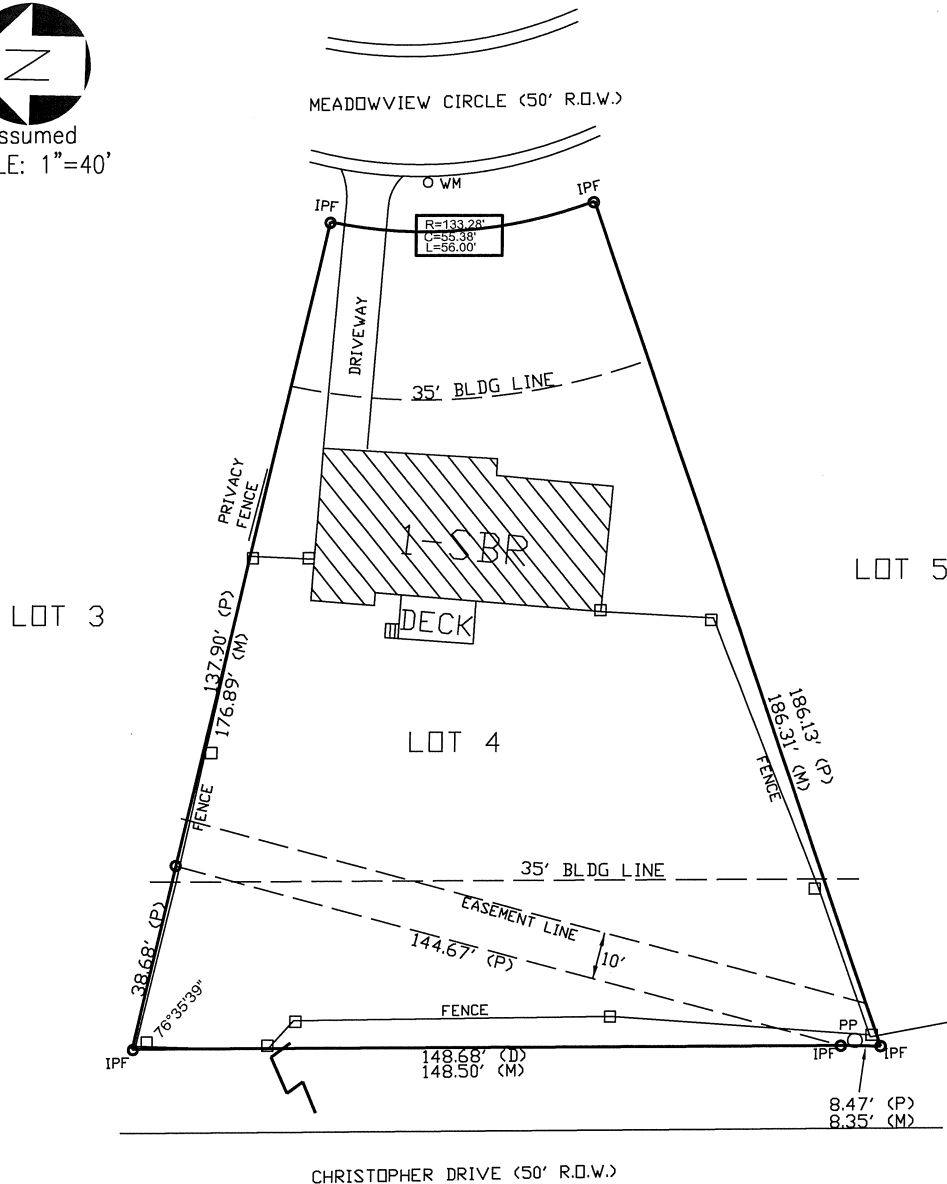
Owner Signature

✓ Ryan James Stechmann
Jun 4, 2024

ORIGINAL SURVEY



Assumed
SCALE: 1"=40'



STATE OF ALABAMA
COUNTY OF JEFFERSON

LOT 4, ACCORDING TO THE MAP OF MEADOWLAWN ESTATES, AS
RECORDED IN MAP BOOK 47, PAGE 4, IN THE OFFICE OF PROBATE JUDGE
OF JEFFERSON COUNTY, ALABAMA.

Commence at the NE corner of the NW 1/4 of the NW 1/4 of Sec. 32, TS 18S, R2W, in
Jefferson County, Alabama, thence run South along the E line of said 1/4-1/4 section
for 247.32' to the NW corner of Lot 4 of Meadowlawn Estates, Second Addition as
recorded in Map 47, Page 4, in the Probate Office of Jefferson County, Alabama, said
point being the beginning of the parcel herein described, thence continue south along
the east line of said 1/4-1/4 section for 144.67' to a point on the east right of way of a
County Road, thence 164° 55' 30" right and run northwesterly along said right of way
line for 148.68'; thence 103° 25' 55" right and run easterly, running along and
extension of the north line of said Lot 4, for a distance of 38.68' to the point of
beginning.

SOURCE OF TITLE: BOOK 9611 PAGE 393 (JEFFERSON CO.)

DATE: 7 FEBRUARY 2017

"I hereby (or 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."

Surveyor's Signature: *Amos F. Reese*

Alabama License No: 31576 Date: FEBRUARY 8, 2017

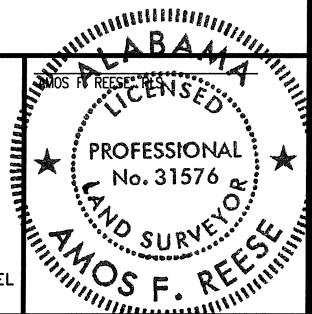
TYPE: AS-BUILT

4008 Meadowview Circle
Vestavia, AL 35243

AMOS F. REESE
3556 GREAT OAK LANE
BIRMINGHAM, AL 35223
PHONE: 205.276.5596

CIR- CAPPED IRON ROD
OPF-OPEN PIN FOUND
IPF-IRON PIN FOUND
CALC-CALCULATED
(P)-PLAT DIMENSION
(D)-DEED DIMENSION
(M)-MEASURED DIMENSION
ROW-RIGHT OF WAY
PP-POWER POLE
FC-FENCE CORNER
LP-LIGHT POLE
PED-PEDESTAL
WM-WATER METER
PB-POWERBOX

N-NORTH
S-SOUTH
W-WEST
E-EAST
POC-POINT OF COMMENCEMENT
POB-POINT OF BEGINNING
●-POINT SET
○-POINT FOUND
⊗-POINT CALC.
△-POINT NOT SET
- - - FENCE LINE
- - - EASEMENT LINE
- - - OHP- OVERHEAD POWER/TEL
MH-MANHOLE



FENCE PLAN ON SURVEY



Assumed
SCALE: 1"=40'

LEGEND

— ■ — ■ — : NEW FENCE
(6' TALL, WOOD)

OLD CHAINLINK FENCE
REMOVED, NEW 6' TALL
WOOD FENCE TO BE
CONSTRUCTED ALONG OLD
FENCE LINE

LOT 5

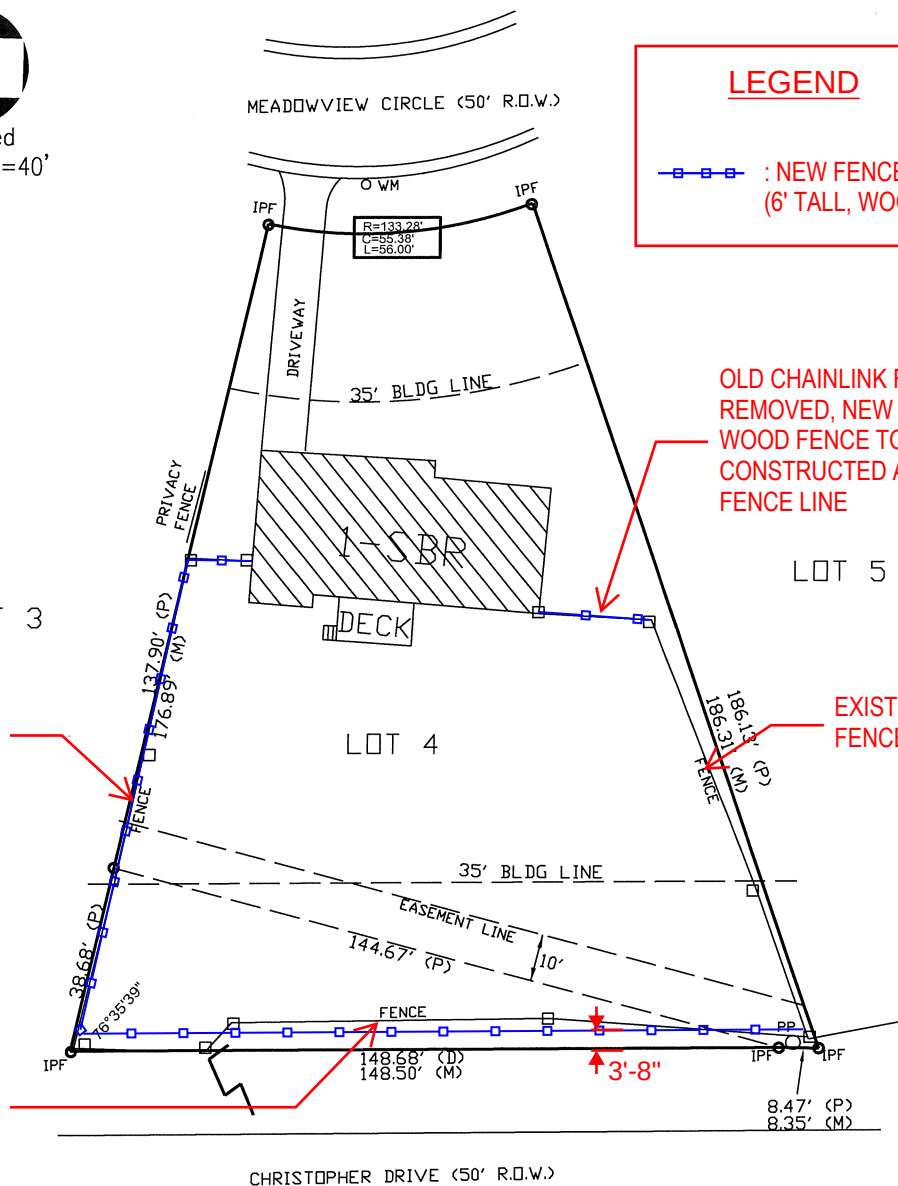
EXISTING CHAINLINK
FENCE TO REMAIN

OLD CHAINLINK FENCE
REMOVED, NEW 6' TALL
WOOD FENCE TO BE
CONSTRUCTED ALONG OLD
FENCE LINE

OLD CHAINLINK FENCE
REMOVED, NEW 6' TALL
WOOD FENCE TO BE
CONSTRUCTED PARALLEL TO
PROPERTY LINE, 3'-8" OFFSET

LOT 3

LOT 4



STATE OF ALABAMA
COUNTY OF JEFFERSON

LOT 4, ACCORDING TO THE MAP OF MEADOWLAWN ESTATES, AS
RECORDED IN MAP BOOK 47, PAGE 4, IN THE OFFICE OF PROBATE JUDGE
OF JEFFERSON COUNTY, ALABAMA.

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point being the beginning of the parcel herein described, thence continue south along
the east line of said 1/4-1/4 section for 144.67' to a point on the east right of way of a
County Road, thence 164° 55' 30" right and run northwesterly along said right of way
line for 148.68'; thence 103° 25' 55" right and run easterly, running along and
extension of the north line of said Lot 4, for a distance of 38.68' to the point of
beginning.

SOURCE OF TITLE: BOOK 9611 PAGE 393 (JEFFERSON CO.)

DATE: 7 FEBRUARY 2017

"I hereby (or 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."

Surveyor's Signature: *Amos F. Reese*

Alabama License No: 31576

Date: *FEBRUARY 8, 2017*

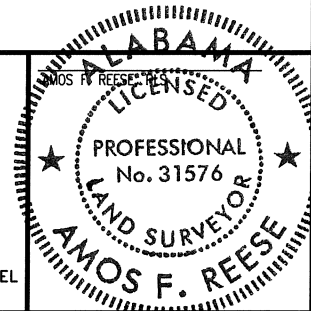
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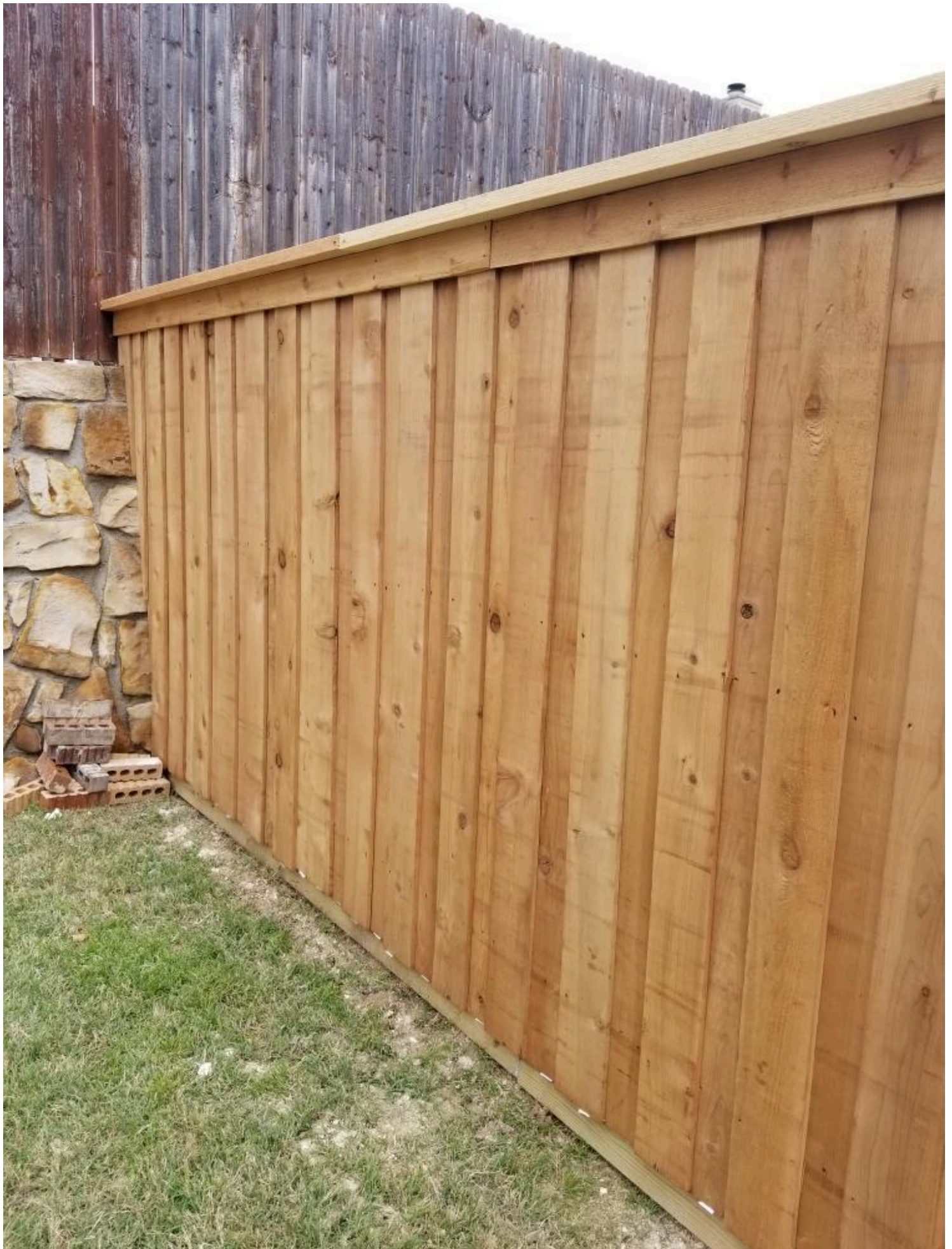
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△—POINT NOT SET
—○—FENCE LINE
—△—EASEMENT LINE
—OHP—OVERHEAD POWER/TEL
MH—MANHOLE











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: 4008 MEADOWVIEW CIR., 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:

Ryan Stalder / 6/4/24
Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Jefferson

Given under my hand and seal
this 4th day of June, 2024.

Abbie Porter
Notary Public



My commission expires 9th day of June, 2024.



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

July 18, 2024

AGENDA ITEM

BZA-24-14 **David Brouillette** is requesting a **Front Setback Variance** for the property located at **1636 Panorama Drive**. The purpose of this request is to reduce the front setback to 35' in lieu of the required 40', to build a bathroom addition. The property is owned by David Brouillette and is zoned **Vestavia Hills R-2**.

BACKGROUND

5' Front Setback Variance to Reduce the Setback to 35' in Lieu of the Required 40'.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a front setback variance to build a bathroom addition. The addition is on the side of the house, but within the front setback. The applicant contends the pie shaped lot and terrain in rear creates a hardship, limiting buildable area on lot. There was an easement vacation that was approved near the site of the addition. The proposed addition will be out of that easement. The staff recommended that the applicant complete a replatting of the lot, to finalize that easement vacation. Staff has advised the applicant that the variance will be contingent on approval and recordation of new plat map. Zoned Vestavia Hills R-2.

ATTACHMENTS

1. Application
2. Zoning Review Comments
3. Proposed Addition
4. As-Built Drawing
5. Renderings
6. Owner's Affidavit

Jack Wakefield
City Planner



BZA-24-14

Variance Application

Status: Active

Submitted On: 6/13/2024

Primary Location

1636 PANORAMA DR
VESTAVIA HILLS, AL 35216

Owner

David B. Brouillette
Panorama Drive 1636 Vestavia
Hills, Alabama 35216

Applicant

 David Brouillette
 205-919-9081
 david@bbholdings.biz
 1636 Panorama Drive
Vestavia Hills, Alabama 35216

Agenda Information

 Agenda Scheduling

July 2024

 Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Phone #

David Brouillette

205 919-9081

Address

City/State/Zip

1636 Panorama Drive

Vestavia Hills, Al. 35216

Email

david@bbholdings.biz

Subject Property Information

Subject Property Address

1636 Panorama Drive

Legal Description of Subject Property ?

Lot 3 Block 1 of Caffee's addition to Panorama South M.B. 85, page 18

REASONS FOR REQUEST

Front Setback Variance

☒

Setback Required*

40'

Setback Requested*

35'

Rear Setback Variance

☐

Side Setback Variance

☐

Other Setback Variance

☐

Lot Area Variance

☐

Lot Width Variance

☐

Variance for location of a fence.

☐

Sign Code Variance

☐

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

☐

Other

☐

ZONING

Vestavia Hills Zoning for the subject property is

Residential

PROJECT

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

Renovation. Had to vacate existing storm sewer pipe easement. Demo pipe, install new pipe, define new easement to make room for bathroom addition.

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 requesting a variance of 5' to the front setback. The triangularly (Pie) shaped lot & the undulating front property line present a hardship for the desired master bathroom addition. The fact that we have a storm sewer easement also restricts the placement of this addition.

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 property is at a lower elevation on the street. As a result, the Owner has had to install a storm sewer to handle the enormous water that pours onto his property from the surrounding street. The resulting easement that was required limits the use of the side yard for this 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:*

Most houses do not have the irregularity of property shape that this lot has

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:*

Although the house is close to the property line at the area of the requested variance, there is a much larger than required front yard along the majority of the street

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 proposed area that will extend over the setback is a triangular shaped area & adhering to the setback will require an angled wall & odd roofline which will not be in keeping with the style of this & neighboring houses

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

The curving road that was created in this original subdivision as a way to work with the challenging topography creates an ambience along the street however does not allow the property owner in this case to use effectively all of his property without creating an oddly shaped structure

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

This variance is needed in order to gain the necessary area for the updated bathroom expected in a house of this size

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.*

OK

NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase the financial return from land; or (2) personal or economic hardship; or (3) self-imposed hardship. In other words, hardship alone is not sufficient to permit a variance. It must be an "unnecessary hardship." Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an "unnecessary hardship."

OWNER AFFIDAVIT

I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments section of this application. NOTE: Applications cannot be processed without the notarized owners affidavit. Owners authorization may be found on our main page.

Owner Signature

✓ David B. Brouillette
Jun 13, 2024



City of Vestavia Hills, AL

Jul 11, 2024

BZA-24-14

Zoning Official Review

Variance Application

Status: Complete**Became Active:** Jun 18, 2024**Assignee:** Rebecca Leavings**Completed:** Jun 18, 2024

Applicant

David Brouillette
david@bbholdings.biz
1636 Panorama Drive
Vestavia Hills, Alabama 35216
2059199081

Primary Location

1636 PANORAMA DR
VESTAVIA HILLS, AL 35216

Owner:

David B. Brouillette
1636 Panorama Drive Vestavia Hills, Alabama
35216

Comments

Rebecca Leavings, Jun 18, 2024

Easement vacation was completed several months ago with the stipulation that a resurvey be approved and recorded. That has not been completed. I would suggest that this variance be conditioned on the recordation of the new resurvey, as this drawing shows that it encroaches into the old easement prior to obtaining any permits for this addition. This resurvey can run concurrent with this application if it is submitted prior to June 26, 2024.

David Brouillette, Jun 24, 2024

Did you receive the documents you requested. Is there anything else you need for variance request?

Rebecca Leavings, Jun 24, 2024

Deadline for to file the required resurvey is June 26. Failure to file by the deadline will delay your construction another month. The approval of this variance will be conditioned on that resurvey being approved and recorded as it was in the easement vacation. Please file for your required resurvey prior to the 26th.

David Brouillette, Jun 25, 2024

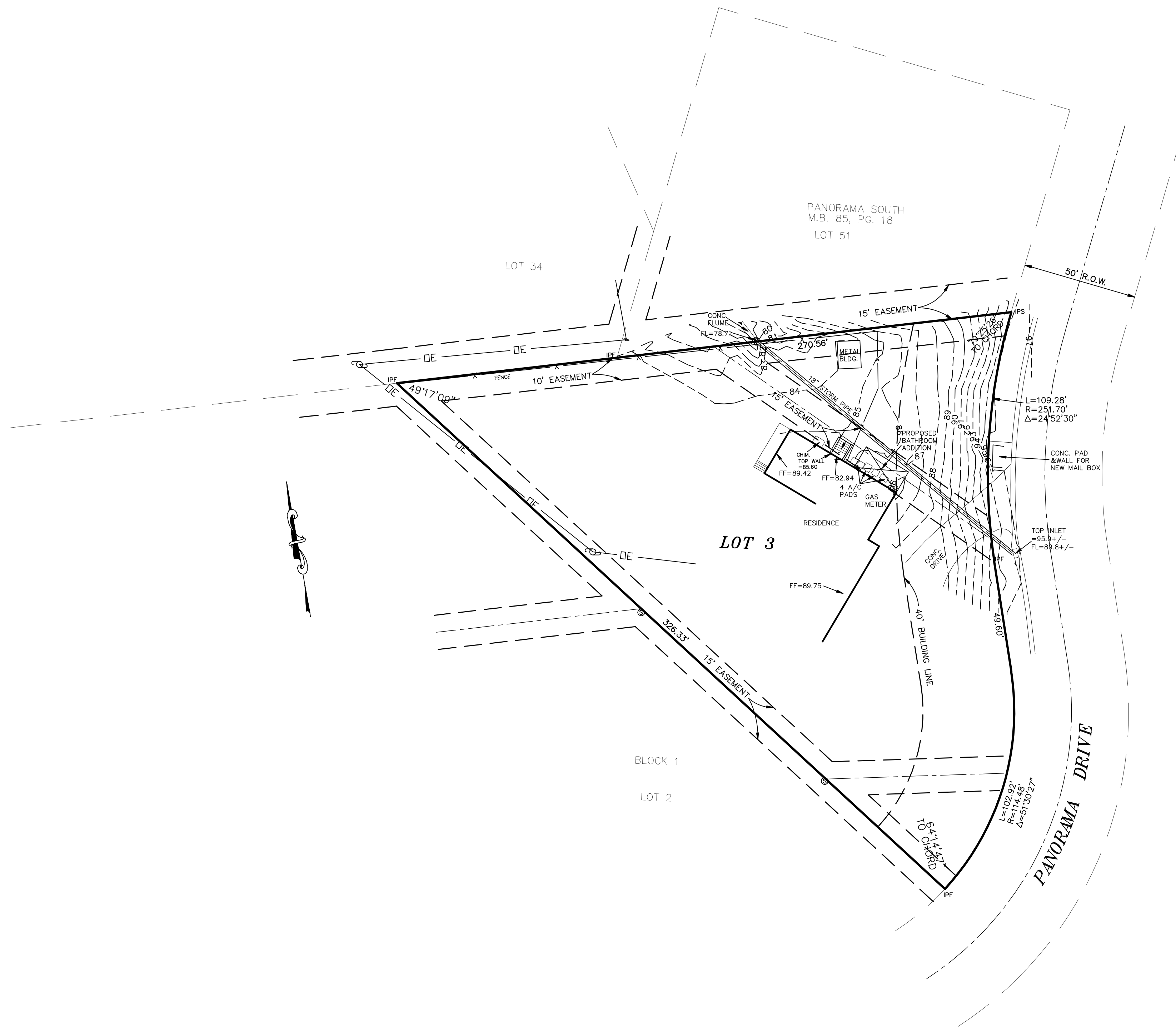
I have attached latest survey, is there any other documentation you require?

Rebecca Leavings, Jun 25, 2024

David we talked about this during and after the vacation of the easement you did several months ago. It was vacated, but it was never put back onto the property in the correct location because you didn't follow through with the resurvey as required by the City Engineer @Christopher Brady. This survey has to be submitted to the Planning and Zoning Commission today to be heard next month. At this point it'll need to be postponed until August as it's not been done. Look back at the messages from when we did the easement vacation. This resurvey plat has to be approved AND recorded to officially move your easement. Your easement vacation was conditioned on the approval and recordation of this resurvey and this variance will also be conditioned on it. You cannot move ahead until the resurvey has been recorded. Having a surveyor simply draw up a resurvey showing a "proposed" easement will not work. Mr. Brady had that discussion with you back when the easement was vacated.

Christopher Brady, Jun 27, 2024

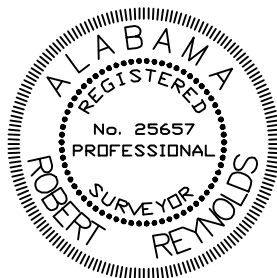
David and I met this morning to review his site and discussed Joey Miller assisting him with Final Plat application to record the new easement. David, if Joey needs any information in submitting information for us to review, just let me know.



NOTE: ELEVATIONS BASED ON ASSUMED DATUM OF 100.00.

NOTE: THIS SURVEY MAKES NO CERTIFICATION TO THE LOCATION OF ANY UNDERGROUND UTILITIES.

Robert Reynolds
Reg. No. 25657



NOTE: REVISED 8-2-23 TO SHOW PROPOSED BATHROOM ADDITION

REYNOLDS SURVEYING CO., INC.
1572 Montgomery Highway, Suite 108
Birmingham, Alabama 35216
(205) 823-7900 Fax: (205) 979-7635

PARTIAL TOPOGRAPHIC LOT SURVEY
LOT 3, BLOCK 1 OF CAFFEE'S ADD. TO
PANORAMA SOUTH
M.B. 133, PG. 5

DRAWN BY: RR	SCALE: 1" = 30'	SHEET #:
CONTACT: R. REYNOLDS	BOOK #: 145/39	01
DATE: 7-14-2023	FILE #: Certs_2023_July	

PRE DEV. STORM FLOWS 25 Yr STORM
RATIONAL METHOD
DA=0.80 ACRES

0.28 ACRES IMP. C = 0.95
0.52 ACRES GRASS LANDSCAPE C = 0.40
tc< 5 MIN. i25= 8.6 in/hr

$$Cwt = \frac{(0.28 \times 0.95) + (0.52 \times 0.40)}{0.80}$$

Cwt =0.59
Q25= (C) (i25) (A)
Q25= (0.59) (8.6) (0.80)
Q25= 4.1 CFS

POST DEV. STORM FLOWS 25 Yr STORM
RATIONAL METHOD
DA=0.80 ACRES

0.29 ACRES IMP. C = 0.95
0.51 ACRES GRASS LANDSCAPE C = 0.40
tc< 5 MIN. i25= 8.6 in/hr

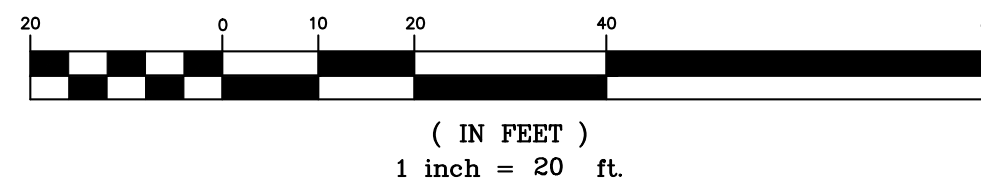
$$Cwt = \frac{(0.29 \times 0.95) + (0.51 \times 0.40)}{0.80}$$

Cwt =0.60
Q25= (C) (i25) (A)
Q25= (0.60) (8.6) (0.80)
Q25= 4.2 CFS

CONC. TO BE REMOVED -2000 SF C=0.95=2000 x 0.95 = 1900
CONC. TO BE REPLACED WITH PERV PAVERS -2700 SF C=0.50=2700 x 0.50 = 1300

NEW ROOF + 225 SF C=0.95
NEW CONC +2150 SF C=0.95
2375 SF x 0.95 = 2257

GRAPHIC SCALE



EROSION CONTROL, BMP STORM SEWER RELOCATION LOT 3, BLOCK 1 CAFFEE'S ADDITION TO PANORAMA SOUTH

MAP BOOK 133, PAGE 5
1636 PANORAMA DRIVE, VESTAVIA HILLS, AL. 35216

NOTES:

1. ALL TRAFFIC CONTROL DEVICES AND THEIR INSTALLATION SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION, AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VESTAVIA HILLS, AL., STANDARDS AND SPECIFICATIONS, LATEST EDITION. ALL SEWER CONSTRUCTION SHALL BE IN ACCORDANCE WITH JEFF CO. ENVIRONMENTAL SERVICES STANDARDS AND SPECS.
3. SITE IS LESS THAN 1 ACRE, NO ADEM NPDES PERMIT REQUIRED.
4. UTILITY LOCATIONS MAY VARY. CONTRACTOR SHALL HAVE ALL UTILITIES FIELD LOCATED BEFORE BEGINNING CONSTRUCTION.
5. ALL ACTIVITIES SHALL BE CONDUCTED IN A LOGICAL SEQUENCE SO AS TO MINIMIZE THE AREA OF EXPOSED SOIL AT ONE TIME.
6. ANY SEDIMENT REACHING THE ROADWAY SHALL BE REMOVED BY STREET CLEANING, NOT BY FLUSHING, BEFORE THE END OF EACH DAY.
7. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS.
8. JOB SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
9. STONE BACKFILL SHALL BE USED THE FULL DEPTH OF TRENCH UNDER ALL PAVEMENT IN ROW ONLY.
10. SITE DRAINAGE PATTERNS TO REMAIN THE SAME. SHEET FLOW TO EX STORM SEWER IN ROW OR REAR OF THE LOT.
11. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF VESTAVIA HILLS, AL. SPECS.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION & MAINTAINING EROSION AND SEDIMENTATION CONTROLS DURING CONSTRUCTION FOR PROTECTION OF ADJACENT PROPERTIES, ROADWAYS AND WATERWAYS.
13. CONTRACTOR AND DEVELOPER RESPONSIBLE FOR PROVIDING A BUILDING SITE FREE OF DRAINAGE PROBLEMS.
14. CONTRACTOR AND/OR DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING A PROPER TRAFFIC CONTROL PLAN FOR PUBLIC SAFETY ADJACENT TO CONSTRUCTION SITE. THE TRAFFIC CONTROL PLAN SHALL BE IN ACCORDANCE WITH MUTCD, LATEST EDITION.
15. ALL UTILITIES UNDER PAVEMENT SHALL BE BACKFILLED WITH STONE.
16. SURVEY BY ROBERT REYNOLDS, PLS. NOT FIELD CHECKED BY MTTR ENGINEERS.

EROSION CONTROL BMP NOTES

1. EROSION CONTROL MEASURES ARE TO BE ACCOMPLISHED PRIOR TO ANY OTHER CONSTRUCTION ON THE JOB SITE AND MAINTAINED UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
2. ALL CONSTRUCTION SHALL BE DONE IN A LOGICAL SEQUENCE SO TO MINIMIZE THE AREA OF EXPOSED SOIL AT ANY ONE TIME.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION SITE SAFETY.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS.
5. NO WORK IS TO BEGIN UNTIL COPIES OF ALL REQUIRED PERMITS IS FURNISHED TO THE OWNER.
6. THE CONTRACTOR IS TO INSTALL ALL EROSION CONTROL DEVICES BEFORE ANY CONSTRUCTION BEGINS. SUCH DEVICES SHALL BE INSPECTED AFTER EVERY 0.50" RAINFALL AND BE REPAIRED AND MAINTAINED UNTIL ALL CONSTRUCTION IS COMPLETED.
7. ALL DISTURBED GROUND LEFT INACTIVE FOR 13 OR MORE DAYS SHALL BE STABILIZED BY SEEDING, OR SODDING.
8. ANY SEDIMENT REACHING THE ROADWAY SHALL BE REMOVED BY STREET CLEANING, AND NOT BY FLUSHING, BEFORE THE END OF EACH DAY.
9. ALL DISTURBED SHALL BE SEEDED & MULCHED AS PER AL. D.O.T. STANDARDS AND SPECIFICATIONS OR LANDSCAPED.

SEQUENCE OF ACTIVITIES FOR CONSTRUCTION PROJECTS

1. INSTALL SILT FENCES ALONG THE SIDE SLOP AND DOWN-SLOPE BOUNDARIES OF THE PROPERTY.
2. PROTECTION STORM DRAIN INLETS DOWN-STREAM OF CONSTRUCTION FOR INDIVIDUAL LOTS WITH HAY BARRIER AND/OR OTHER PROTECTIVE MEASURES.
3. CLEARING AND GRUBBING AS REQUIRED.
4. APPLY STONE TO DRIVE WAY TO STABILIZE ENTRANCE TO LOT.
5. INSTALL SILT FENCE AROUND STOCKPILES SOIL.
6. RELOCATE STORM SEWER AND CONSTRUCT ADDITION TO HOUSE, INSTALL NEW RETAINING WALL.
7. TEMPORARILY OR PERMANENTLY STABILIZE STRIPPED AREAS AND STOCKPILES WITHIN 13 DAYS OF LAST CONSTRUCTION ACTIVITY IN THAT AREA.
8. COMPLETE GRADING AND INSTALL PERMANENT SEEDING AND PLANTINGS.
9. WHEN ALL CONSTRUCTION ACTIVITY IS COMPLETE, REMOVE SILT FENCE AND RESEED ANY BARE SPOTS OR WASHOUTS.

LEGEND

- IPS IRON PIN SET
- FH FIRE HYDRANT
- WV WATER VALVE
- MHO SANITARY MANHOLE
- UTILITY POLE
- GUY ANCHOR
- EX STORM SEWER
- S SANITARY SEWER LINE
- G GAS LINE
- W WATER LINE
- OVERHEAD UTILITY LINE
- WROUGHT IRON FENCE
- SEWER CLEANOUT
- ICV IRRIGATION CONTROL VALVE
- PM POWER METER
- FO SIGN FIBER OPTICS SIGN
- HC SIGN HANDI CAP PARKING SIGN
- TP TELEPHONE PEDESTAL
- GAS SIGN GAS MAIN SIGN
- PB POWER TRANSFORMER
- UT UNDERGROUND TELEPHONE
- CONC PAVEMENT
- PATIO = 1st FLOOR, DECK ON UPPER FLOORS
- Water Meter Vaults
- AIR CONDITIONER
- LIGHT POLE
- 2" BOLLARD
- STORM SEWER INLET
- STORM MANHOLE

STRUCTURAL PRACTICES		VEGETATIVE MEASURES	
CODE	PRACTICE	CODE	PRACTICE
SF	SILT FENCE	MU	DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)
CEP	CONSTRUCTION EXIT	PS	DISTURBED AREA STABILIZATION (WITH PERMANENT SEEDING)
CWA	CONCRETE WASH OUT	LS	PERMANENT LANDSCAPING
PT	PORTABLE TOILET	DU	DUST CONTROL ON DISTURBED AREAS
DIP	DOMED INLET PROTECTION		

SURVEYED BY:
ROBERT REYNOLDS PLS
CR5 FILE NAME:
NA
LOCATED IN:

MTTR
ENGINEERS, INC.
CONSULTING ENGINEERS—LAND SURVEYORS
3 RIVERCHASE RIDGE HOOVER, AL. 35242
TELEPHONE (205) 320-0114

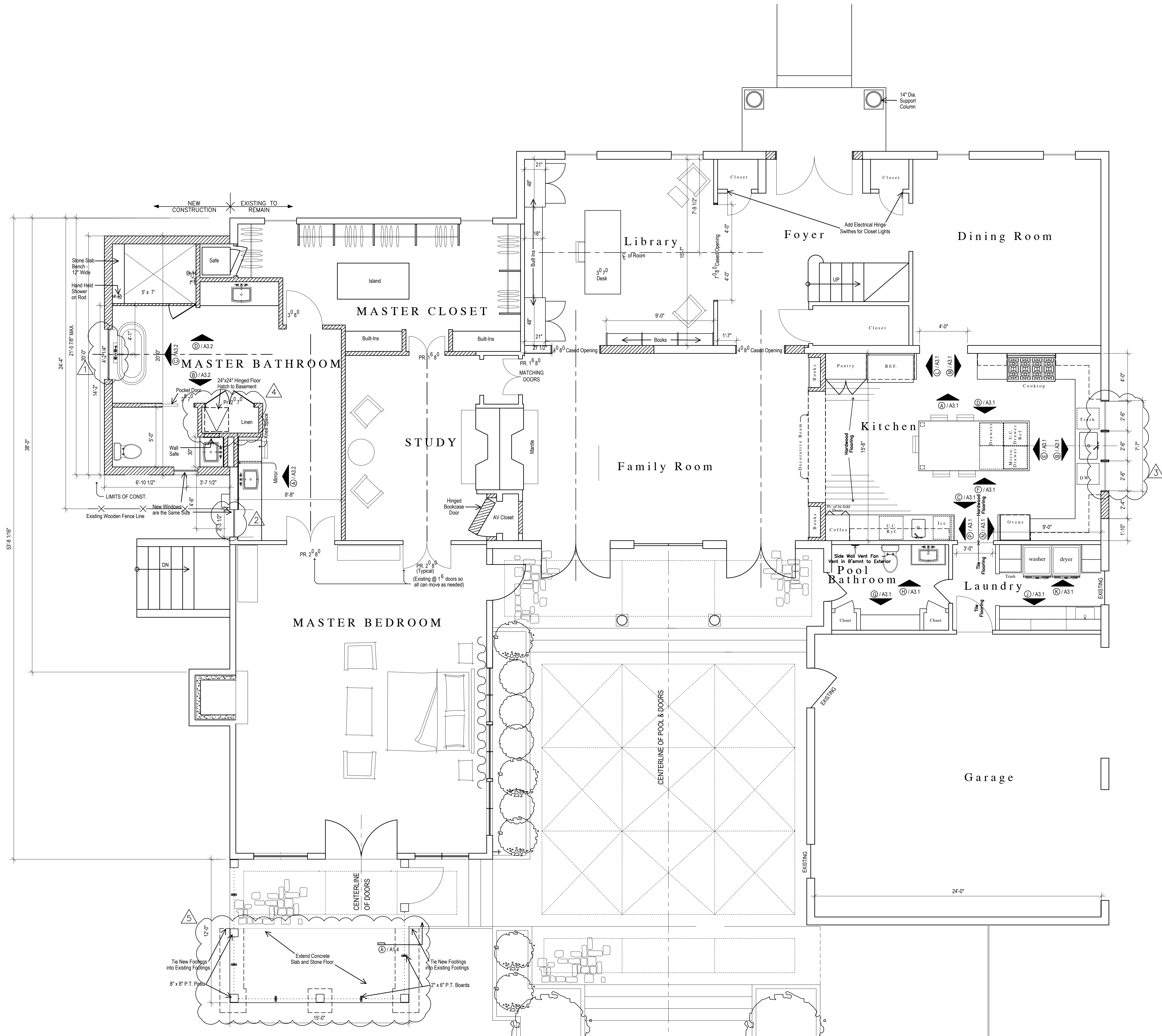
MR

PROJECT EROSION CONTROL, BMP
STORM SEWER RELOCATION
LOT 3, BLOCK 1
CAFFEE'S ADDITION TO
PANORAMA SOUTH
MAP BOOK 133, PAGE 5
1636 PANORAMA DRIVE, VESTAVIA HILLS, AL. 35216



DATE	REVISIONS
10.02.23	SUBMITTED TO VH
12.14.23	NEW PERVAZAMP AREAS SHOWN

JOB NO:
AAA PLOTS
FILE NAME:CAFFEE'S ADD
TO PANORAMA TERRACE
DATE:
09.19.23
DRAWN:
JAM III
CHECKED:
JAM III
SCALE:
1" = 20'
SHEET
1



- △ REV. - 02/13/24
△ REV. - 11/01/23
△ REV. - 10/17/23
△ REV. - 10/17/23
△ REV. - 10/17/23

ADDITIONS AND ALTERATIONS TO THE
BROUILLETTE RESIDENCE
1636 PANORAMA DRIVE
VESTAVIA, ALABAMA



2910 LINDEN AVENUE
BIRMINGHAM, ALABAMA 35209
205.879.3134

JOB NO. 2220
SHEET TITLE
CONSTRUCTION PLAN
DATE 06/19/23
DRAWING SHEET

A1.1

SHEET OF

CONSTRUCTION PLAN for MASTER BEDROOM/BATHROOM and KITCHEN

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



EXISTING FRONT ELEVATION

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

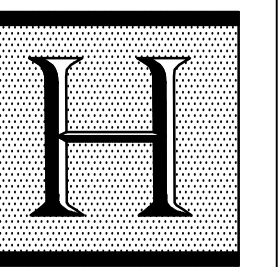


PROPOSED FRONT ELEVATION

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

NOTE:
Verify Standard Window
Sizes Will Fit Existing
Openings Where the
Opening is Not Modified

ADDITIONS AND ALTERATIONS TO THE
BROUILLETTE RESIDENCE
1636 PANORAMA DRIVE VESTAVIA, ALABAMA



HESTER
& ASSOCIATES, INC.
ARCHITECTS

2910 LINDEN AVENUE
BIRMINGHAM, ALABAMA 35209
205.879.3134

JOB NO. 2220

SHEET TITLE

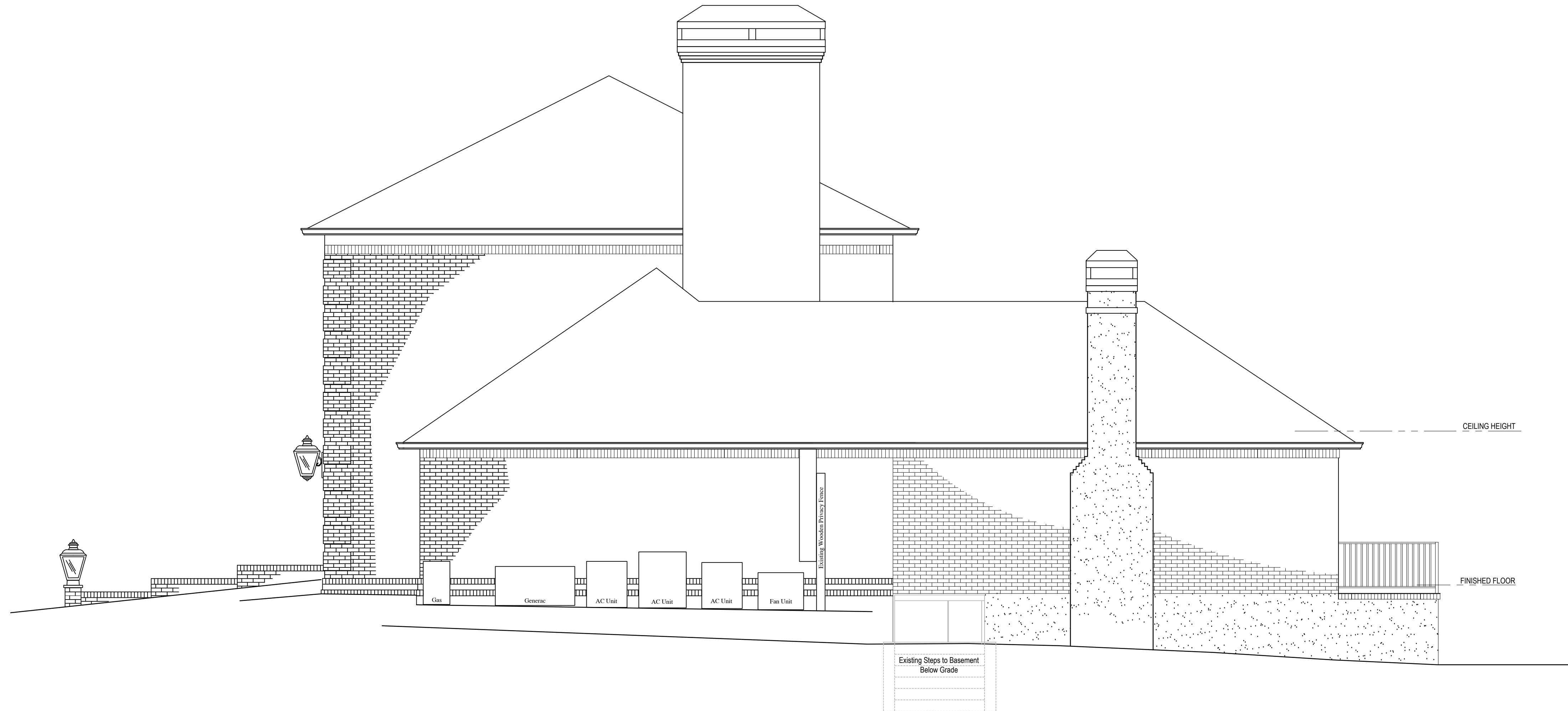
FRONT
ELEVATION

DATE: 08/15/23

DRAWING SHEET

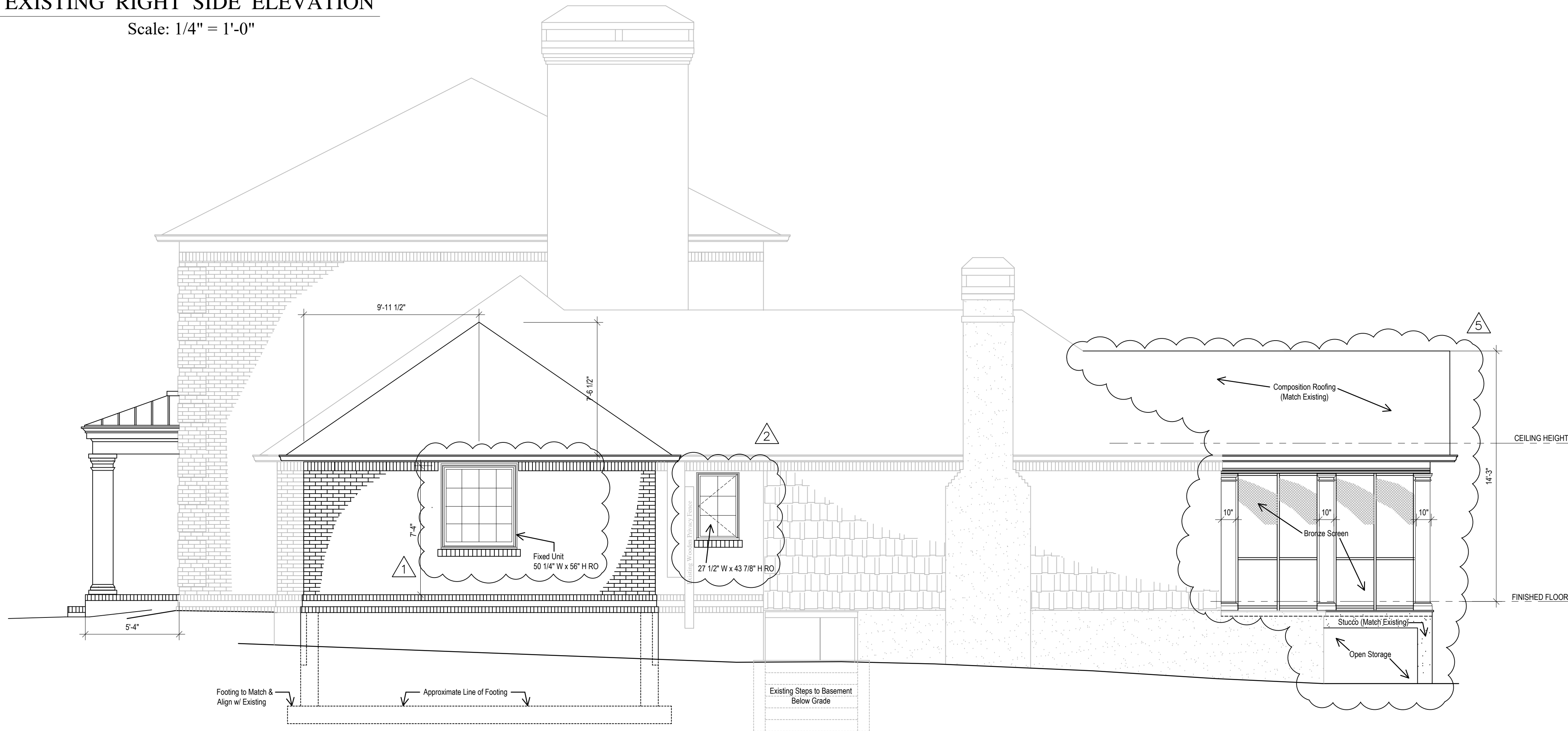
A2.0

SHEET OF



EXISTING RIGHT SIDE ELEVATION

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



PROPOSED RIGHT SIDE ELEVATION

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

REV. - 02/13/24
REV. - 10/17/23
REV. - 10/17/23

ADDITIONS AND ALTERATIONS TO THE
BROUILLETTE RESIDENCE
1636 PANORAMA DRIVE VESTAVIA, ALABAMA



2910 LINDEN AVENUE
BIRMINGHAM, ALABAMA 35209
205.879.3134

JOB NO. 2220
SHEET TITLE
RIGHT SIDE ELEVATION
DATE 06/19/23
DRAWING SHEET

A2.1

SHEET OF



**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: 1636 Panorama 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:

David B. Brummett 6-13-2024

Owner Signature/Date

STATE OF ALABAMA

COUNTY OF JEFFERSON

Given under my hand and seal
this 13th day of JUNE, 2024.

Aneitram Beasley
Notary Public



My commission expires 6th day of DECEMBER 2025.



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

July 18, 2024

AGENDA ITEM

BZA-24-15 **Joseph Gann** is requesting a **Front Setback Variance** for the property located at **2449 Vestavia Drive**. The purpose of this request is to reduce the front setback to 28' in lieu of the required 60', to build a gazebo structure overlooking Shades Mountain. The property is owned by Rollins Montgomery and is zoned **Vestavia Hills R-1**.

BACKGROUND

32' Front Setback Variance to Reduce the Setback to 28' in Lieu of the Required 60'.

PLANNER'S REVIEW/RECOMMENDATION

Applicant is seeking a front setback variance to build a gazebo on a vacant lot. Applicant contends the topography of the mountain forces the gazebo within the setback. The location of the gazebo is as far back in the lot as possible. This lot overlooks the mountain and is across the street from the homeowners house. Zoned Vestavia Hills R-1.

ATTACHMENTS

1. Application
2. Survey
3. Proposed Drawing and Rendering
4. Pictures
5. Covenants Approval Letter
6. Owner's Affidavit

Jack Wakefield
City Planner



BZA-24-15

Variance Application

Status: Active

Submitted On: 6/17/2024

Primary Location

2449 VESTAVIA DR
VESTAVIA HILLS, AL 35216

Owner

Rollins Montgomery
Vestavia Drive 2449 Vestavia, AL
35216

Applicant

 Joseph Gann
 205-802-7700
 jody@francisbryant.com
 5300 Cahaba River Road,
Suite 250
Suite 250
Vestavia Hills, AL 35243

Agenda Information

Agenda Scheduling

July 2024

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Representative Agent

Billing/Responsible Party

Name

Phone #

Francis Bryant Construction

2058027700

Address

City/State/Zip

5300 Cahaba River Road Ste 250

Vestavia/AL/35243

Email

jody@francisbryant.com

Representing Attorney/Other Agent

Name

Phone #

Address

City/State/Zip

Email

Subject Property Information

Subject Property Address

2449 Vestavia Drive

Legal Description of Subject Property ?

VESTAVIA HILLS BK 28 PG 56 BLK 1 LOT 6&6A

REASONS FOR REQUEST

Front Setback Variance



Setback Required*

60ft

Setback Requested*

28ft

Rear Setback Variance



Side Setback Variance

☐

Other Setback Variance

☐

Lot Area Variance

☐

Lot Width Variance

☐

Variance for location of a fence.

☐

Sign Code Variance

☐

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

☐

Other

☐

ZONING

Vestavia Hills Zoning for the subject property is

R1

PROJECT

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

New construction for a gazebo. The hardship is the back of the lot drops off the mountain & we simply cannot build on it with a 60ft setback from the front.

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 back side of the lot drops off the mountain and makes it impossible to build with a 60ft setback

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:*

Topography determines the buildable area

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 variance only allows us to build in the only suitable location

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:*

If 60ft setback is required it will deny the right to build & enjoy a gazebo that others have

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:*

See attached letter with HOA approval

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

Hardship is due to the back of the lot dropping off the mountain

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

Variance is the only way to make it possible to legally build

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.*

With the variance the gazebo being built will will be permissable use under this ordinance

NOTE: In proving that an unnecessary hardship has been imposed on the property as a result of the strict interpretation of this Ordinance, the following conditions cannot be considered pertinent to the determination of whether or not an unnecessary hardship exists: (1) proof that a variance would increase the financial return from land; or (2) personal or economic hardship; or (3) self-imposed hardship. In other words, hardship alone is not sufficient to permit a variance. It must be an "unnecessary hardship." Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an "unnecessary hardship."

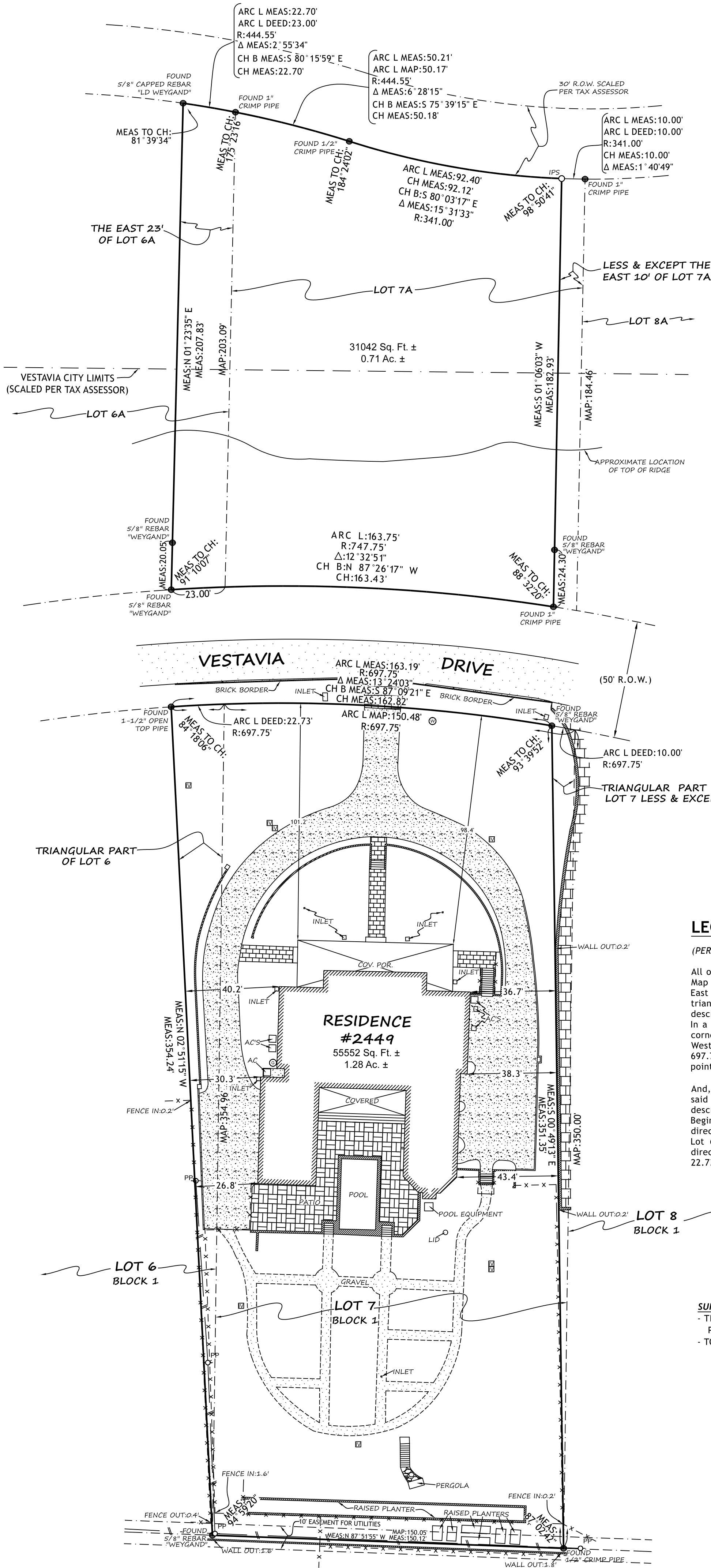
OWNER AFFIDAVIT

I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. Simultaneously with the submittal of this application, I am hereby submitting a notarized affidavit signed by the owner of the property in the attachments section of this application. NOTE: Applications cannot be processed without the notarized owners affidavit. Owners authorization may be found on our main page.

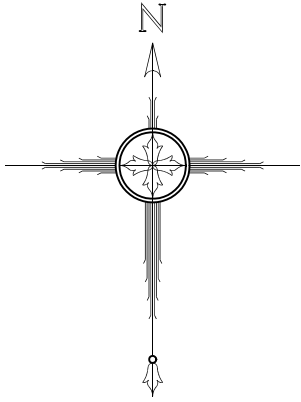
Representing Agent Signature ?

✓ Joseph Gann
Jun 17, 2024

- LEGEND**
- P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
P.O.T. POINT OF TERMINATION
ASP ASPHALT
BLDG BUILDING
RES RESIDENCE
CALC CALCULATED
MEAS MEASURED
MAP MAP
BRG BEARING
CH CHORD
R RADIUS
TAN TANGENT
Δ DELTA
ESMT EASEMENT
HW HEADWALL
OH OVERHANG
POR PORCH
COV COVERED
R.O.W. RIGHT OF WAY
A/C AIR CONDITIONER
○ IRON PIN SET (IPS)
● IRON PIN FOUND (IPF)
⊙ 1/4 SECTION CORNER
E/ECM EXIST. CONC. MON.
Δ CALCULATED POINT
AC ACRES
S.F. SQUARE FEET
± PLUS OR MINUS
DECK
CONCRETE
RETAINING WALL
COLUMN
GUY ANCHOR
FENCE
OVERHEAD POWER
POWER POLE
MANHOLE
WATER METER
UTILITY PEDESTAL
GAS METER
WATER VALVE
FIRE HYDRANT
LIGHT POLE
IRRIGATION CONTROL VALVE



SURVEY CONTROL:
THE BASIS OF BEARINGS SHOWN ON THIS SURVEY ARE BASED ON ALABAMA STATE PLANE WEST ZONE, GRID NORTH, NAD 83(2011), AND THE VERTICAL DATUM IS NAVD 88 (GEOID 12B). ELEVATION AND POSITION WERE OBTAINED FROM R.T.K. OBSERVATION USING THE ALDOT CORMS NETWORK AS CONTROL.



LEGAL DESCRIPTION:

(PER DB: LR201411 PG19296)

All of Lots 7 and 7-A in Block 1, according to the Survey of Vestavia Hills, map of which is recorded in Map Book 28, Page 56, in the Office of the Judge of Probate of Jefferson County, Alabama, except the East 10 feet of uniform width of said Lot 7-A of said Block 1 of said Survey of Vestavia Hills and the triangular part of said Lot 7, in said Block 1 of said survey which triangular part is more particularly described as follows: Begin at the Southeast corner of said Lot 7 of said Block 1, of said Survey, thence In a Northerly direction along the Easterly line of said Lot 7, a distance of 350 feet to the Northeast corner of said Lot 7, said Northeast corner being in the Southerly line of Vestavia Drive; thence In a Westerly direction along the Southerly line of Vestavia Drive in a curve to the left having a radius of 697.75 feet a distance of 10.0 feet to a point; thence In a Southerly direction in a straight line to the point of beginning.

And, the East 23.00 feet, of Lot 6-A in Block 1, of said Survey of Vestavia Hills and a triangular part of said Lot 6 in said Block 1, of said Survey of Vestavia Hills, which triangular part is more particularly described as follows: Begin at the Southeast corner of said Lot 6, of said Block 1, of said Survey; thence In a Northerly direction along the Easterly line of said Lot 6 a distance of 354.96 feet to the Northeast corner of said Lot 6, said Northeast corner being in the Southerly line of Vestavia Drive; thence, In a Westerly direction along the Southerly line of Vestavia Drive in a curve having a radius of 697.75 a distance of 22.73 feet to a point; thence in a Southerly direction in a straight line from the point of beginning.

SURVEYOR'S NOTES:

- THIS PROPERTY BOUNDARY SURVEY WAS PERFORMED WITH THE BENEFIT OF A SURVEY OF THIS PROPERTY SIGNED BY LAURENCE D. WEYGAND DATED MAY 19, 2009.
- TOTAL MEASURED AREA: 1.99 ACRES, MORE OR LESS.

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

"PROPERTY BOUNDARY SURVEY"

I, Steven J. Clinkscales, a Registered Land Surveyor, 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 22, 2023**. Survey invalid if not signed and sealed.

Order No.: 23-485
Purchaser: Montgomery
Address: 2449 VESTAVIA DRIVE

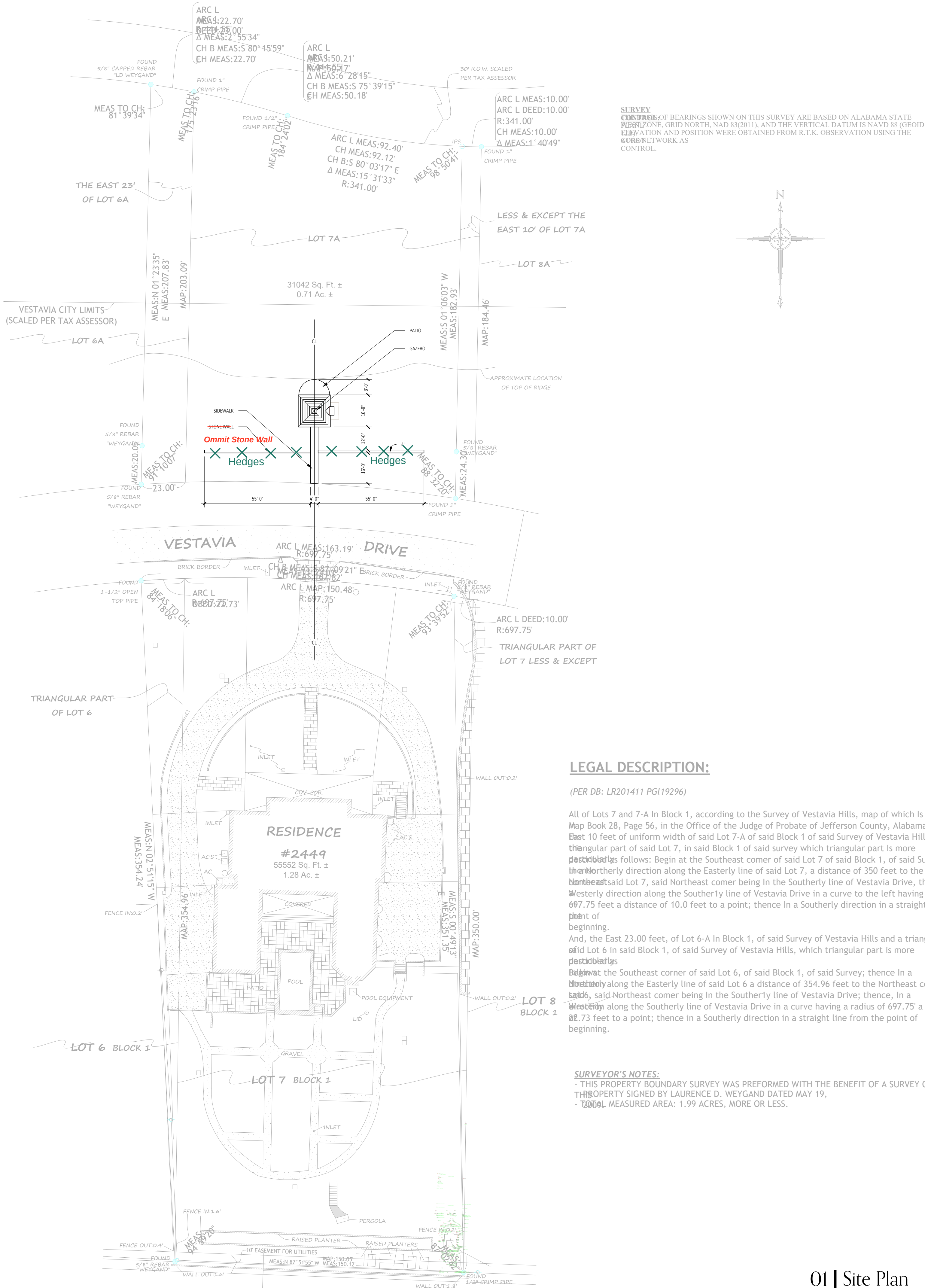
BY: *Steven J. Clinkscales*
Steven J. Clinkscales, PLS AL 37248
12254 Highway 280
Sterrett, AL 35147
(205) 671-1033

Date: **NOVEMBER 27, 2023**



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" = 30'	APPROVED BY: Steven J. Clinkscales, PLS	DATE OF SURVEY: 11/22/2023	TEL: 205-671-1033	12254 Highway 280	Job #: 23-485
DATE: 11/27/2023	AL REG. NO. 37248	SURVEYED BY: TSD / DRAWN BY: TSD		Sterrett, AL 35147	GRAPHIC SCALE: 1" = 30'
				ClinkSurveying.com	Copyright ©



- GENERAL PLAN NOTES
- Do not scale drawings. Any dimension in question should be brought to the design team's attention for clarification.
 - Notes with bolded text and a leader ending in a dot indicate that additional information is to be found in the specifications. See the referenced specification division on sheets A-D1-A-D3.
 - Dimensions are laid out as follows:
 - EXTERIOR WALLS: Outside face of stud
 - INTERIOR WALLS: Center of Wall
 - WINDOWS & DOORS: Center of openings in stud walls.
 - MASONRY WALLS: Face to Face
 - MASONRY OPENINGS: Edge to Edge
 - Exterior walls should be 2x6 framing unless noted otherwise, typical.
 - Interior walls should be 2x4 framing unless noted otherwise, typical.
 - Walls containing pocket doors should be 2x6 stud framing, typical.
 - Walls containing "thickened opening" to be 10" thick unless noted otherwise, typical









PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH
BIRMINGHAM, ALABAMA 35203-3720

TELEPHONE (205) 324-2018

FACSIMILE (205) 324-2295

E-Mail: patrickboone@bellsouth.net

May 29, 2024

By Hand Delivery

Chris Reebals
President & Principal Architect, AIA, NCARB
Christopher Architecture & Interior
2601 Highland Avenue South
Birmingham, Alabama 35205

In Re: Construction of Gazebo
2449 Vestavia Drive
Lot 7-A

Dear Chris:

This letter confirms and supplements our recent telephone conversations and meeting on Lot 7-A this afternoon.

If an owner of property situated in the City of Vestavia Hills desires to develop their property, then in such event any and all private restrictions in addition to public requirements must be complied with.

I hand deliver to you Consent and Written Approval for the Construction of a Gazebo, which in my opinion meets the requirements of the Restrictive Covenants referred to therein. In addition, the owner must comply with the requirements of the City of Vestavia Hills.

I recommend that you and the owner meet with City Clerk and Zoning Administrator Rebecca Leavings (205-978-0184) and Building Inspector Keith Blanton (205-978-0125 Ext. 2) to discuss the construction of the gazebo and to ascertain the City requirements.

If you ever have any additional questions regarding this matter, then please feel free to contact me. In the meantime, your design of the gazebo on Lot 7-A is absolutely beautiful and will be a great addition to the neighborhood.

Sincerely,



Patrick H. Boone

PHB:gp

Enclosure

cc: City Clerk Rebecca Leavings (by e-mail)
Building Inspector Keith Blanton (by e-mail)

This Instrument Prepared By:
Patrick H. Boone, Attorney at Law
705 New South Federal Savings Bldg.
215 Richard Arrington, Jr. Blvd. North
Birmingham, Alabama 35203-3720
Telephone No. 205-324-2018

STATE OF ALABAMA

JEFFERSON COUNTY

**CONSENT AND WRITTEN
APPROVAL FOR CONSTRUCTION OF A GAZEBO**

THIS CONSENT AND WRITTEN APPROVAL FOR CONSTRUCTION OF A GAZEBO is executed and delivered on this the 29th day of May, 2024.

WITNESSETH THESE RECITALS:

WHEREAS, in 1947, Shadesmont Land Company owned and developed the real estate situated on Grandview Boulevard (now Vestavia Drive) and known as the Survey of Vestavia Hills, a map of which is recorded in Map Book 28, Page 56 in the office of the Judge of Probate of Jefferson County, Alabama (the "Survey"); and

WHEREAS, Shadesmont Land Company imposed Private Restrictive Covenants applicable to the Survey of Vestavia Hills, a map of which is recorded in Map Book 28, Page 56, in the office of the Judge of Probate of Jefferson County, Alabama (the "Restrictive Covenants"); and

WHEREAS, the Restrictive Covenants were filed in the office of the Judge of Probate of Jefferson County, Alabama and recorded at Deed 3865, Page 288; and

WHEREAS, Section 3 of the Restrictive Covenants provides in pertinent part as follows:

"No building shall be erected on lots AA, BA and 1-A to 9-A inclusive lying on the North side of Vestavia Drive except a building the character of which will be a summer house or lookout which improvements must have consent and written approval of the Shadesmont Land Company, its successors or assigns."

WHEREAS, New Owners Vestavia, LLC was the successor to Shadesmont Land Company; and

WHEREAS, in April 2009, New Owners Vestavia, LLC conveyed and quitclaimed to Patrick Hodges Boone all of its right, title and interest in and to the real estate described and situated in the Survey of Vestavia Hills as filed for record in the office of the Judge of Probate of Jefferson County, Alabama at Map Book 28 at Page 56 and situated in Jefferson County, Alabama,

including, but not limited to, the right to enforce those certain restrictions and covenants recorded at Real Volume 3865, Page 288 in the Office of the Judge of Probate of Jefferson County, Alabama (the "Quitclaim Deed"); and

WHEREAS, the Quitclaim Deed was filed in the office of the Judge of Probate of Jefferson County, Alabama on June 16, 2009 and recorded at Bk: LR200906, Pg. 23584; and

WHEREAS, Louis Rollins Montgomery purchased the real estate and improvements situated at 2449 Vestavia Drive in the City of Vestavia Hills, Jefferson County, Alabama, which includes all of Lots 7 and 7-A in Block 1, according to the Survey of Vestavia Hills, a map of which is recorded in Map Book 28, Page 56, in the office of the Judge of Probate of Jefferson County, Alabama, except the east ten (10) feet of uniform width of said Lot 7-A by virtue of that certain Warranty Deed dated December 22, 2023, which said deed was filed in the office of the Judge of Probate of Jefferson County, Alabama on December 27, 2023 and recorded at Inst. #2023112689, Pages 1 and 2; and

WHEREAS, Louis Rollins Montgomery has requested that Patrick Hodges Boone as successor or assignee of Shadesmont Land Company grant to him consent and written approval for the construction of a gazebo on Lot 7-A; and

WHEREAS, Louis Rollins Montgomery has presented to Patrick Hodges Boone an Architectural Plan and Drawing consisting of three (3) pages for the construction of the gazebo to be built on Lot 7-A; and

WHEREAS, a copy of the Architectural Plan and Drawing ("Plan") is attached hereto, marked as Exhibit A and incorporated herein by reference as though set out fully herein; and

WHEREAS, Patrick Hodges Boone has reviewed the Plan and inspected Lot 7-A; and

WHEREAS, Patrick Hodges Boone is willing to grant this Consent and Written Approval for Construction of the Gazebo as designed on Exhibit A as required by Section 3 of the Restrictive Covenants.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That in consideration of the request by Louis Rollins Montgomery:

1. **RECITALS:** The recitals set forth in the premises above are hereby incorporated into this Consent and Written Approval for Construction of the Gazebo by reference as though set out fully herein.

2. **EXHIBIT:** Exhibit A is attached hereto and incorporated into this Consent and Written Approval for Construction of the Gazebo by reference as though set out fully herein.

3. **CONSENT AND WRITTEN APPROVAL FOR CONSTRUCTION OF THE GAZEBO:** Patrick Hodges Boone, as successor or assignee of Shadesmont Land Company pursuant to the Quitclaim Deed, does hereby consent and agree for Louis Rollins Montgomery to construct the gazebo as designed in Exhibit A on Lot 7-A in Block 1 according to the Survey of

Vestavia Hills, a map of which is recorded in Map Book 28, Page 56 in the office of the Judge of Probate of Jefferson County, Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 29th day of May, 2024.

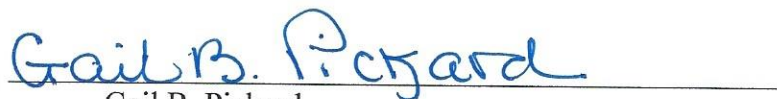

PATRICK HODGES BOONE

STATE OF ALABAMA
JEFFERSON COUNTY

GENERAL ACKNOWLEDGMENT

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Patrick Hodges Boone, whose name is signed to the foregoing Consent and Written Approval for Construction of the Gazebo, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 29th day of May, 2024.


Gail B. Pickard
Notary Public

SEAL

My Commission Expires:
10/10/2028



