



Vestavia Hills
Board of Zoning Adjustment Agenda
October 17, 2024
6:00 PM

1. Roll Call
2. Approval Of Minutes: September 19, 2024
3. BZA-24-23 **James Sransky** is requesting a **Front Setback Variance** for the property located at **2001 Hickory Road**. The purpose of this request is to reduce the front setback to 14' in lieu of the required 50', to build a house. The property is owned by Cathy and Ford Waters and is zoned **Vestavia Hills R-2**.
4. BZA-24-24 **John Adams III** is requesting a **Rear Setback Variance** for the property located at **3417 Mountainside Road**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 25', to build a kitchen addition. The property is owned by John Adams III and is zoned **Vestavia Hills R-4**.
5. BZA-24-25 **Tammy Johnson** is requesting a **Front Setback Variance** for the property located at **1927 Mission Road**. The purpose of this request is to reduce the front setback to 42' in lieu of the required 50', to extend front porch an extra 4'. The property is owned by Tammy Johnson and is zoned **Vestavia Hills R-3**.
6. Time Of Adjournment

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

September 19, 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
Stephen Greer
Thomas Parchman
Tony Renta
Ryan Rummage, Alt

MEMBERS ABSENT

Loring Jones, III
Michael Fliegel, Alt

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of August 15, 2024 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of August 15, 2024 was made by Mr. Greer and 2nd was by Mr. Fliegel. Motion as carried on a voice vote as follows:

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

SIDE SETBACK VARIANCE

BZA-24-18 **Billy Evans** is requesting a **Side Setback Variance** for the property located at **1156 Winward Lane**. The purpose of this request is to reduce the side setback to 10' in lieu of the required 12', to build a detached garage. The property is owned by Billy Evans and is zoned **Vestavia Hills R-2**.

Mr. Wakefield explained that this is a request from a previous variance. After a foundation survey, it was shown that the previously approved variance was a couple feet off.

Billy Evans, 1156 Winward Lane, was present for the case and stated his hardship was the septic system and topography in the rear. He stated the amendment was because the new survey showed they were over the approved variance by 2'.

Mr. Renta asked Mr. Wakefield if we need to include the existing shed as a part of the variance request?

Mr. Wakefield stated that since it is existing, that it is okay. Also, it is on the same side as the proposed garage and closer to the property line. It would be best not to include the extra 5' as to not establish a new further side setback.

Mr. Renta also asked if it would be smart to expand the request to include a possible overhang?

Mr. Evans stated the request as is, includes the overhang.

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 2' Side Setback Variance to Reduce the Setback to 10' in Lieu of the Required 12', for the property located at 1156 Winward Lane was made by Mr. Renta and 2nd was by Mr. Rummage. Motion was carried on a roll call vote as follows:

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

VARIANCE FROM SECTION 4.3.6

BZA-24-19 Lucas Perrigo is requesting a **Variance from Section 4.3.6** for the property located at **2524 Shades Crest Road**. The purpose of this request is to establish a front setback in front of abutting frontages, but not encroaching into zoning setback, to build a house. The property is owned by Lucas Perrigo and is zoned **Vestavia Hills R-1**.

Mr. Wakefield explained the request was to build a house and establish a new front setback, though not encroach into Zoning Code setback.

Lucas Perrigo, 2524 Shades Crest Road, was present for the case and stated that this is a shallow and steep lot. There is a church that abuts the property (with a lot of impervious area) that pushes rain runoff into the rear of the lot. Coming forward with the house allows them to handle the water better and would give space for a driveway turn-around. Currently they are backing out onto the street, which is highly unsafe.

Mr. Greer asked if the house will be in front of the neighbors.

Mr. Perrigo stated yes, but the current house is already in front of the neighbors. However, it won't jut out too much further than existing. Also, all the neighbors signed off on the proposal.

Mr. Renta stated because of the curve on the street, the new house won't appear to be much further in front of the neighbors. There are no straight sightlines on the property.

Mr. Perrigo stated that they are only requesting to bring the house to the current R-1 zoning setback requirement.

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 Variance from Section 4.3.6 in the VH Zoning Code, for the property located at 2524 Shades Crest Road (condition that applicant follow recommendation of Engineering regarding impervious area), was made by Mr. Renta and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

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

MULTIPLE VARIANCES

BZA-24-20 **Twin Construction** is requesting a **Front Setback Variance, Side Setback Variance, Lot Area Variance, & Lot Width Variance** for the property located at **313 Granada Drive**. The purpose of this request is to reduce the front setback to 45' (existing) in lieu of the required 50', to reduce the side setback to 6' in lieu of the required 15', to reduce the lot area to 11,280sqft in lieu of the required 15,000sqft, & to reduce the lot width to 74.98' in lieu of the required 100', to build a side addition and re-plat the lot. The property is owned by Hayden and Chelsie Hanna and is zoned **Vestavia Hills R-3**.

Mr. Wakefield explained that this is a request for a side addition. The applicant must resurvey the lot and because of that is requesting lot area and width variances to bring lot into compliance.

William Siegel, 1707 Shades Park Drive, was present for the request. He stated that they are proposing an addition on the side and rear. The side of the addition is flush with the house and go straight back. The septic system and field lines limit construction in a large portion of the rear yard. The front is also non-conforming and no addition will reside in the front.

Mr. Renta clarified that the hardship is the septic system.

Mr. Wakefield stated that is correct.

Mr. Renta asked if the door on the side will stay in the same location.

Mr. Siegel stated it would need to be moved.

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

MOTION Motion to APPROVE a 7' Side Setback Variance to Reduce the Setback to 8' in Lieu of the Required 15', 5' Front Setback Variance to Reduce the Setback to 45' (existing) in Lieu of the Required 50', 3,720sqft Lot Area Variance to Reduce the Lot Area to 11,280sqft in Lieu of the Required 15,000sqft, & 26' Lot Width Variance to Reduce the Lot Width to 74' in Lieu of the Required 100', for the property located at 313 Granada Drive was made by Mr. Renta and 2nd was by Mr. Parchman. Motion was carried on a roll call vote as follows:

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

FRONT SETBACK VARIANCE

BZA-24-22 **Timothy LeBeau** is requesting a **Front Setback Variance** for the property located at **3205 Ridgely Court**. The purpose of this request is to reduce the front setback to 20' in lieu of the required 40', to build a garage and front porch addition. The property is owned by Timothy LeBeau and is zoned **Vestavia Hills R-4**.

Mr. Wakefield explained that this is a request to build a new garage and porch addition.

Timothy LeBeau, 3205 Ridgely Court, stated that the pie shaped lot and the septic system in the rear causes a hardship.

Mr. Renta asked if the garage entered on the side? He also brought up possible impervious issues.

Mr. LeBeau stated the garage will enter on the side. Also, that he calculated impervious as a part of site planning.

Mr. Renta stated he is concerned about the placement of the driveway. It is on the curve of the road and could hamper sight distance.

Mr. LeBeau, said that he is also concerned about that and thinks it will work because the proposed side is on higher ground. Although he will take a look at it.

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 15' Front Setback Variance to Reduce the Setback to 20' in Lieu of the Required 35' (existing), for the property located at 3205 Ridgely Court, was made by Mr. Renta and 2nd was by Mr. Rummage. Motion was carried on a roll call vote as follows:

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

At 6:40 PM, Mr. Renta made a motion to adjourn. The meeting adjourned at 6:40 PM.

Jack Wakefield, Planner/GIS



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

October 17, 2024

AGENDA ITEM

BZA-24-23 **James Sransky** is requesting a **Front Setback Variance** for the property located at **2001 Hickory Road**. The purpose of this request is to reduce the front setback to 14' in lieu of the required 50', to build a house. The property is owned by Cathy and Ford Waters and is zoned **Vestavia Hills R-2**.

BACKGROUND

36' Front Setback Variance to Reduce the Setback to 14' in Lieu of the Required 50'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a front setback variance to build a house. The applicant contends the corner lot and the septic system on property causes a hardship. The front setback encroachment abuts Highway 31 and not Hickory Road. This request came before the Board and was approved a couple of years ago. However, because of contractor issues, the project never began. This variance is to re-establish the original variance, so the new contractor can build the house. This property is zoned Vestavia Hills R-2.

ATTACHMENTS

1. Application
2. Engineering Comments
3. Drawings
4. Owner's Affidavit

Jack Wakefield
City Planner



BZA-24-23

Variance Application

Status: Active

Submitted On: 9/17/2024

Primary Location

2001 HICKORY RD
VESTAVIA HILLS, AL 35216

Owner

Cathy and Ford Waters
Reserve Trail 2425 Vestavia
Hills, AL 34243

Applicant

 James Sransky
 205-803-0075
 jamie@sransky.com
 2730 19th St South
Homewood, AL 35209

Agenda Information

Agenda Scheduling

October 2024

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Representative Agent

Billing/Responsible Party

Name

Ford Waters

Phone #

205-616-9694

Address

2425 Reserve Trail

City/State/Zip

Vestavia Hills, AL 35243

Email

fw@fordwaters.com

Representing Attorney/Other Agent**Name**

Jamie Sransky, architect - Sransky
Architecture PC

Phone #

205-803-0075

Address

2730 19th St S

City/State/Zip

Homewood, AL 35209

Email

jamie@sransky.com

Subject Property Information**Subject Property Address**

2001 Hickory Road

Legal Description of Subject Property ?

Lot 1, Block 2, First Addition of Beacon Hills

REASONS FOR REQUEST**Front Setback Variance****Setback Required***

50'

Setback Requested*

14'

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

R-2

PROJECT

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

The Owners intend to rebuild a new single family residence (one/two story, 4 bedroom home) on the site starting in 2025 to replace their former home. They'd like to build a home of comparable size and frontage to the other homes in the surrounding neighborhood.

The Owners have previously received a variance for this property, though this variance has since expired (Case no. BZA-22-22, approved on Nov 17, 2022).

The multiple hardships are as follows:

1. The odd shape of the Lot.
2. The 50' front setbacks for the corner lot (2 sides) in addition to the other the rear and side setbacks reduces the buildable footprint of this Lot significantly from other homes in the district.
3. The Lot is not accessible from the Highway 31 "front" of the Lot due to the HWY and topography.

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).*

5.3.2. and Table 5.3 (Dimensional Regulations for an R-2 Medium Density Residential District)

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:*

Because of the topography and shape of the Lot, the 50' setback for the corner lot in addition to the other 50' front, the rear and side setbacks reduces the buildable footprint of this Lot significantly.
The Lot is not accessible from the Highway 31 "front" of the Lot due to the HWY and topography.

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

Other similar corner Lots with two 50' setbacks coupled with the other setbacks could also significantly reduce the buildable area of the Lot and may require relief as well. The proposed home will continue to observe all other setback and requirements within the Zoning 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:*

Without the approval of this variance request the buildable area would be reduced to restrict the buildable area, thus reducing the size of the proposed home like those being built in the district.

4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare. Please explain:*

Yes, the variance will not prohibit the home being proposed to meet the remaining requirements of the R-2 Medium Density Residential District.

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

Correct. In fact, the home that used to be on this Lot before it was removed was within 7.2' from the property line. The requested variance was approved before without objection however the time limit expired before the current owners could rebuild.

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

Correct. The variance would allow the proposed structure to be constructed within the R-2 Zoning Ordinance Guidelines.

7. The no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.

8. That a variance will not allow the permanent establishment of a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.*

Correct. The use of the Lot will remain in compliance with the R-2 Zoning 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 ?

✓ James K Sransky
Sep 16, 2024

BZA-24-23

Engineering Review

Variance Application

Status: Complete

Became Active: Sep 23, 2024

Assignee: Ethan Fisher

Completed: Sep 24, 2024

Applicant

James Sransky
jamie@sransky.com
2730 19th St South
Homewood, AL 35209
205-803-0075

Primary Location

2001 HICKORY RD
VESTAVIA HILLS, AL 35216

Owner:

Cathy and Ford Waters
2425 Reserve Trail Vestavia Hills, AL 34243

Comments

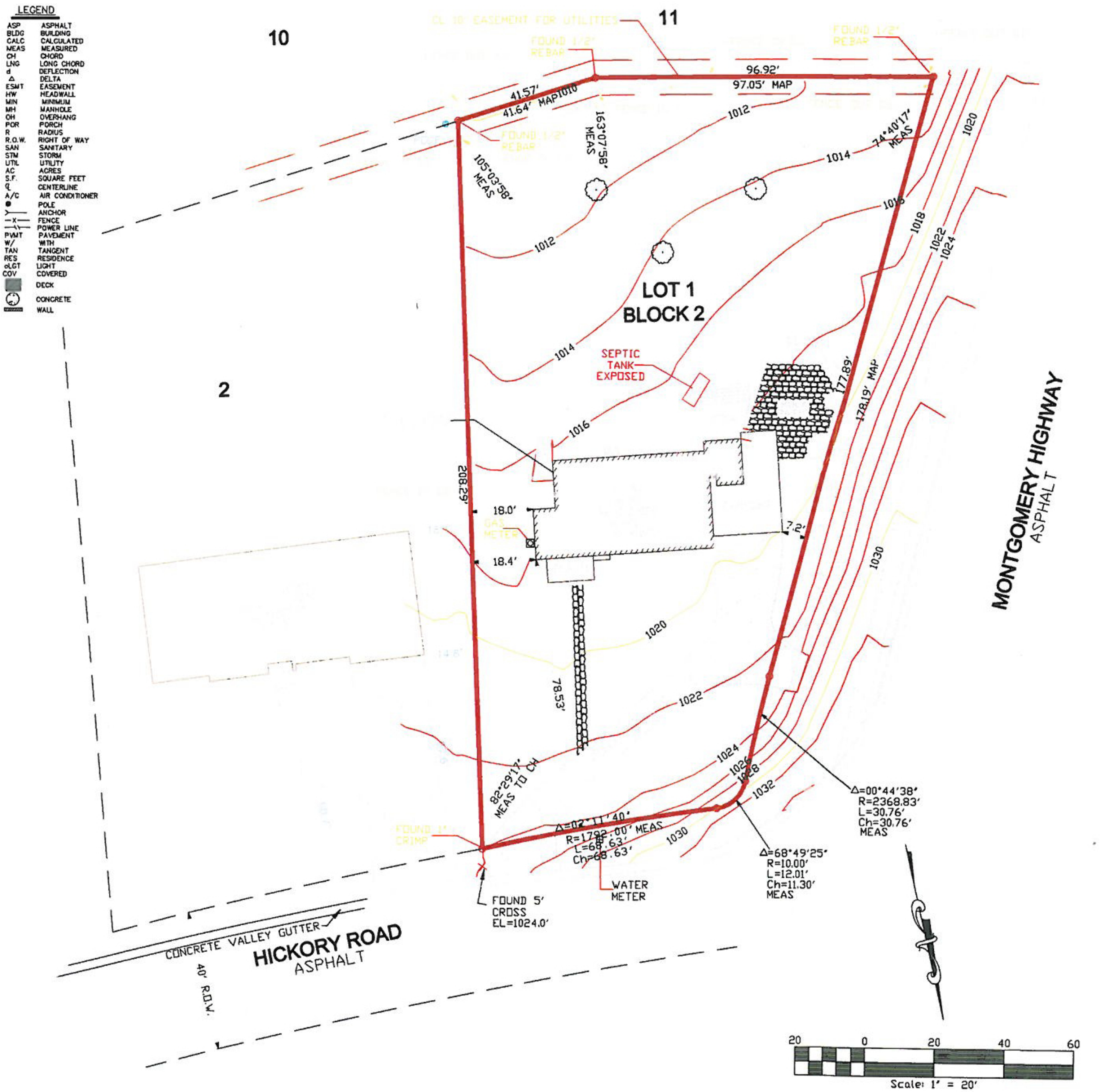
Ethan Fisher, Sep 24, 2024

Good morning,

The impervious area will be reviewed during permitting. The impervious lot coverage will need to be 30% or less.

James Sransky, Sep 24, 2024

Good morning and thank you for the reminder. That is our understanding from discussions with Jack Wakefield. We intend to keep the impervious lot coverage under 30% at this time.



STATE OF ALABAMA)
JEFFERSON COUNTY)

CLOSING SURVEY

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, or Roy Weygand, a Registered Land Surveyor, hereby certify that I have surveyed Lot 1, Block 2, First Addition to Beacon Hills, as recorded in Map Volume 31, Page 61, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. That I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area"; 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 May 30th, 2009. Survey invalid if not sealed in red.

Order No.: 22509
Purchaser: WATERS
Address: 2001 Hickory Road.
Flood Zone X Map Number: 01073C 0558G

Laurence D. Weygand, Reg. P.E.-L.S. #10373
Roy Weygand, Reg. L.S. #24973
189 Osmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©

Note: (a) No title search of the public records has been performed by this firm and said shown herein was not distributed for assessments and/or rights-of-way, recorded or unrecorded. The parcel shown herein is subject to all liens, 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 based on true north and not on magnetic north. (c) Underground portions of foundations, footings, and/or other underground structures were not located unless otherwise noted. (d) The shown north arrow is based on true north. This survey is not transferable. Easements not shown as record plat are not shown above.

ABUTTS 0-1 (OFFICE PARK DISTRICT)

LOW AREAS OF
PROPERTY TO BE
RESERVED FOR SEPTIC

5357 SF

BUILDABLE
AREA W/ 2-50'
FRONT
SETBACKS

NOTE: IF MAXED
OUT ONLY 24.18%
OF LOT WOULD BE
BUILDABLE.

LIMITED TO
BUILDING LINE AT
FRONT SETBACK,
IF TWO 50' FRONT
SETBACKS.

20.1'

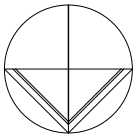
NOTE:
LESS THAN MINIMUM LOT WIDTH (AT
BLD'G LINE, 100' PER TABLE 5.3 FOR
R2 DISTRICT)
approx CH=89.9' < 100.0'

LOT
22,154 SF
ZONING: R-2

CAN'T ACCESS PROPERTY FROM HIGHWAY 31

THIS IS NOT A LEGAL SURVEY

HARDSHIP DIAGRAM 1" = 20'-0"



GENERAL NOTES

A SITE INFORMATION PROVIDED BY OWNER FROM A CLOSING SURVEY OF LOT 1, BLOCK 2, FIRST ADDITION TO BEACON HILLS AS
RECORDED IN MAP VOLUME 31, PAGE 61 ON 30TH OF MAY 23, 2009. THIS BOOK CAN BE FOUND IN THE OFFICE OF THE JUDGE OF
PROBATE JEFFERSON COUNTY, ALABAMA, BY LAURENCE D. WEYGAND, #10375 A REGISTERED ALABAMA SURVEYOR.

B DRIVES AND ROADWAYS NOT SHOWN ON ORIGINAL SURVEY. APPROX. ROAD EDGE SHOWN.

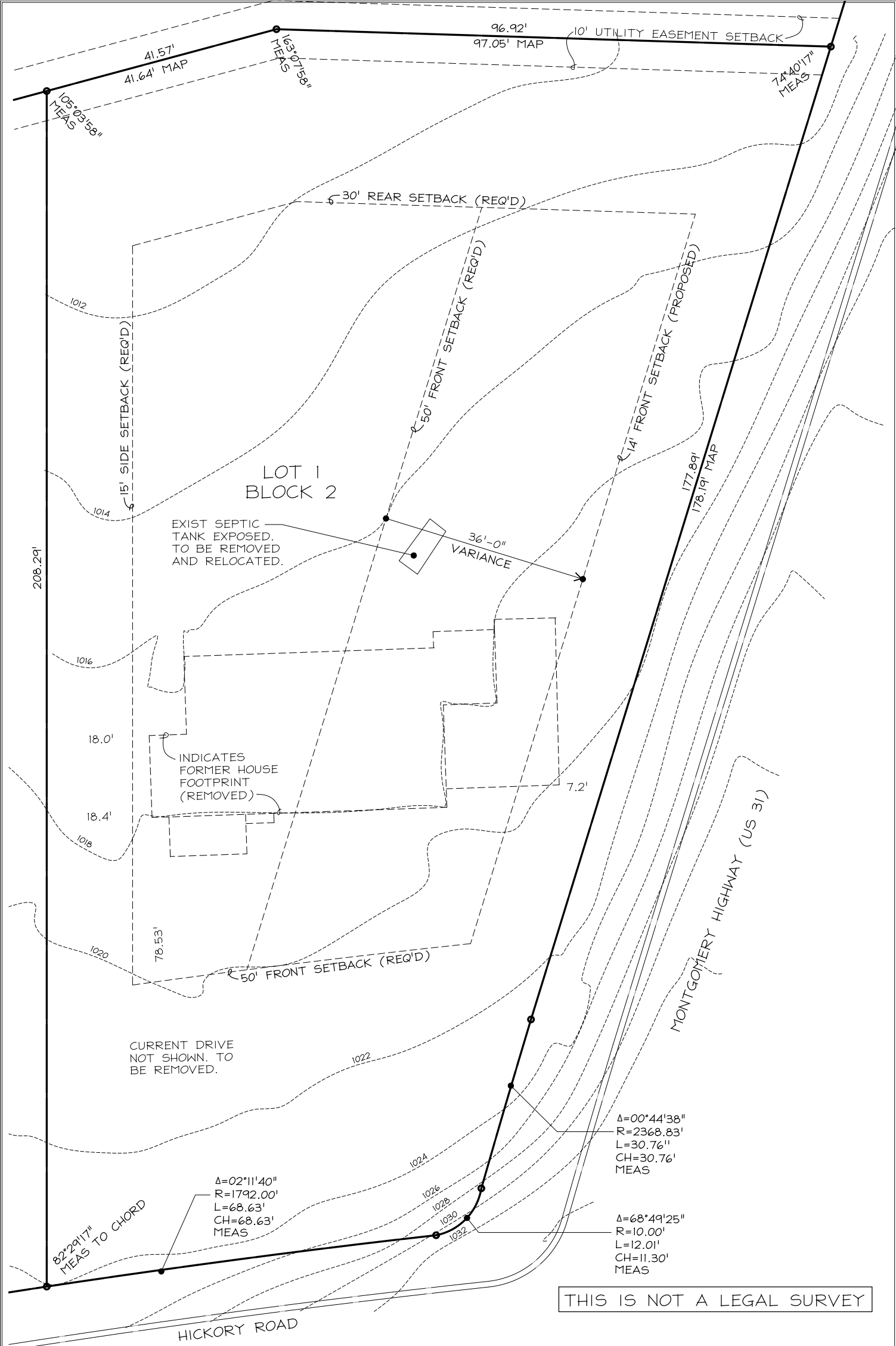
2001 HICKORY ROAD

946	WATERS	HARDSHIP DIAGRAM	DATE: 17 SEPTEMBER 2024	DRAWING
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SRANSKY ARCHITECTURE, P.C. © 2730 19TH STREET SOUTH BIRMINGHAM, ALABAMA 35209
THIS DRAWING SHALL NOT BE COPIED, DUPLICATED, PRINTED, ETC. IN WHOLE OR PART WITHOUT THE EXPRESS, WRITTEN
PERMISSION OF SRANSKY ARCHITECTURE, P.C.. THIS AND ALL DRAWINGS SHALL BE RETURNED IMMEDIATELY UPON REQUEST.

(205) 803-0075

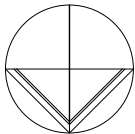
SD1



THIS IS NOT A LEGAL SURVEY

HICKORY ROAD

EXISTING ARCHITECTURAL SITE PLAN 1" = 20'-0"



PLAN NORTH

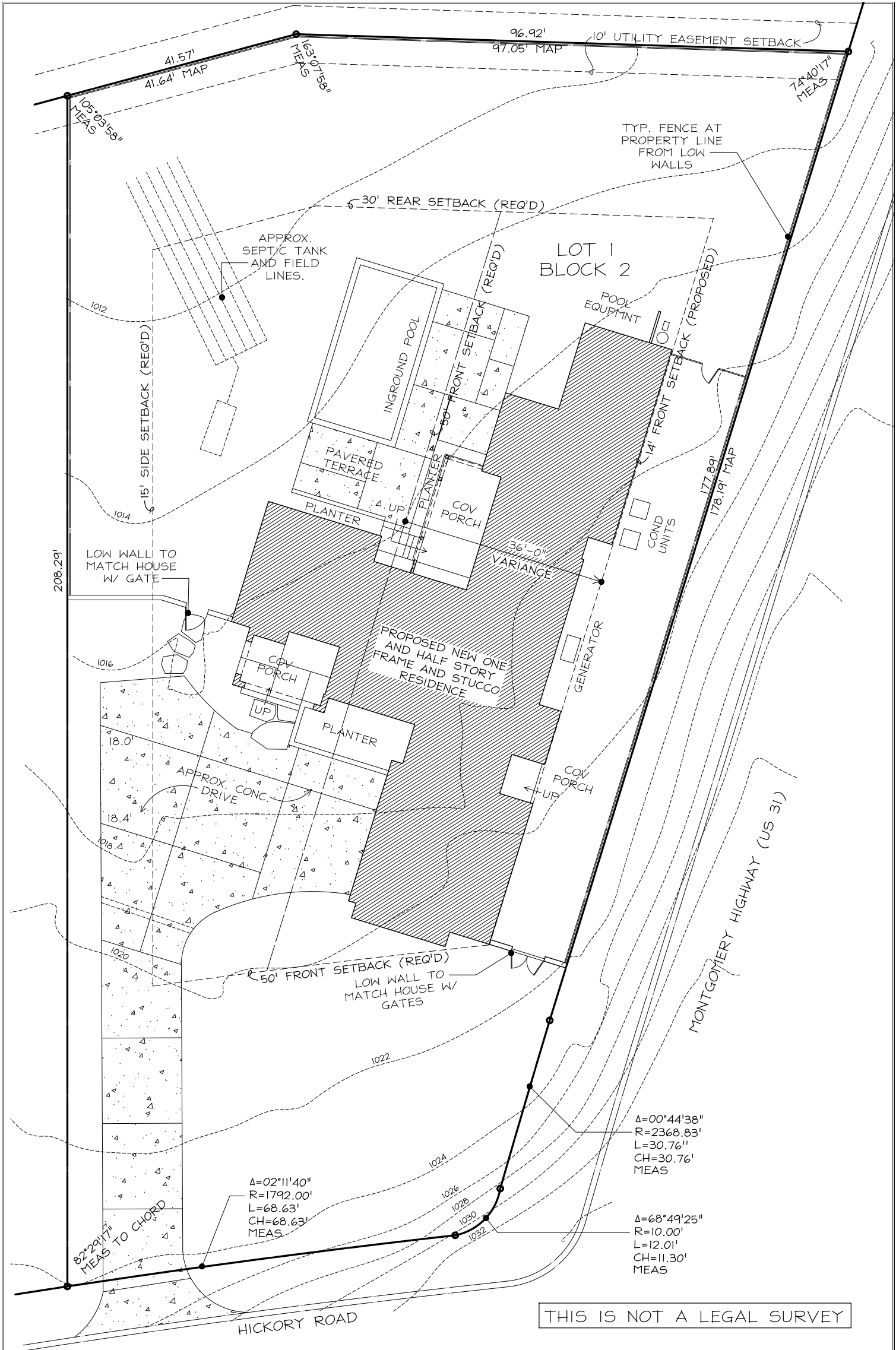
GENERAL NOTES

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B DRIVES AND ROADWAYS NOT SHOWN ON ORIGINAL SURVEY. APPROX. ROAD EDGE SHOWN.

2001 HICKORY ROAD

946	WATERS	ARCH. EXIST SITE	DATE: 17 SEPTEMBER 2024	DRAWING
SRANSKY ARCHITECTURE, P.C. © 2730 19TH STREET SOUTH BIRMINGHAM, ALABAMA 35209 THIS DRAWING SHALL NOT BE COPIED, DUPLICATED, PRINTED, ETC. IN WHOLE OR PART WITHOUT THE EXPRESS, WRITTEN PERMISSION OF SRANSKY ARCHITECTURE, P.C.. THIS AND ALL DRAWINGS SHALL BE RETURNED IMMEDIATELY UPON REQUEST.				SD2



PROPOSED ARCHITECTURAL SITE PLAN 1" = 20'-0"

GENERAL NOTES

A SITE INFORMATION PROVIDED BY OWNER FROM A CLOSING SURVEY OF LOT 1, BLOCK 2, FIRST ADDITION TO BEACON HILLS AS RECORDED IN MAP VOLUME 31, PAGE 61 ON 30TH OF MAY 23, 2009. THIS BOOK CAN BE FOUND IN THE OFFICE OF THE JUDGE OF PROBATE JEFFERSON COUNTY, ALABAMA, BY LAURENCE D. WEYGAND, #10375 A REGISTERED ALABAMA SURVEYOR.

2001 HICKORY ROAD

946	WATERS	ARCH. PROPOSED SITE	DATE: 17 SEPTEMBER 2024	DRAWING
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(205) 803-0075

SD3



**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: 2001 Hickory Rd., Vestavia Hills AL 35216, 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:
 Jamie Sransky Architects, PC **(Mr. Jamie Sransky)** to represent me in the following request:

And am requesting: (please check)

 Rezoning Request
 Preliminary Plat Approval
 Final Plat Approval
 Conditional Use Approval

 X Request for Variance
 Special Exception
 Design Review Approval

Signed:

Catherine Waters

9-13-2024

Owner Signature/Date

**STATE OF ALABAMA
COUNTY OF Jefferson**

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

Robin Moore

Notary Public

My commission expires 16th day of May, 2028.

**ROBIN MOORE
Notary Public
Alabama State at Large**



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

October 17, 2024

AGENDA ITEM

BZA-24-24 **John Adams III** is requesting a **Rear Setback Variance** for the property located at **3417 Mountainside Road**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 25', to build a kitchen addition. The property is owned by John Adams III and is zoned **Vestavia Hills R-4**.

BACKGROUND

15' Rear Setback Variance to Reduce the Setback to 10' in Lieu of the Required 25'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a rear setback variance to build a kitchen addition on the back of the home. The applicant contends the odd-shaped lot, along with the prescriptive street that runs through the property, causes a hardship. There is no placement for anything on this lot, but the rear of the property. The original right-of-way for Mountainside Dr was planned for a location that was unbuildable. That forced the current roadway to split this lot. The house is set further back in the rear because of the encroachment of this roadway. This property is zoned Vestavia Hills R-4.

ATTACHMENTS

1. Application
2. Engineering Comments
3. Proposed Survey
4. Renderings
5. Owner's Affidavit

Jack Wakefield
City Planner



BZA-24-24

Variance Application

Status: Active

Submitted On: 9/17/2024

Primary Location

3417 MOUNTAINSIDE RD
VESTAVIA HILLS, AL 35243

Owner

John Robert Adams III
BIRMINGHAM 3417
MOUNTAINSIDE RD VESTAVIA,
AL 35243

Applicant

 John Adams III
 205-365-1197
 bobby@redmountainbuild.com
 Post Office Box 43007
3417 Mountainside Road
VESTAVIA, AL 35243

Agenda Information

Agenda Scheduling

October 2024

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

John R Adams III

Phone #

205-365-1197

Address

3417 Mountainside Road

City/State/Zip

Birmingham, AL 35243

Email

bobbyadams03@gmail.com

Subject Property Information

Subject Property Address

3417 Mountainside Road

Legal Description of Subject Property ?

REASONS FOR REQUEST

Front Setback Variance

☐

Rear Setback Variance

☒

Setback Required*

25'

Setback Requested*

10'

Side Setback Variance

☐

Other Setback Variance

☐

Lot Area Variance

☐

Lot Width Variance

☐

Variance for location of a fence.

☐

Sign Code Variance

☐

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

☐

Other

☐

ZONING

Vestavia Hills Zoning for the subject property is

R-4

PROJECT

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

BUILDING A KITCHEN ADDITION TO MY HOME. VARIANCE WAS REQUESTED BEFORE. HOWEVER, DUE TO UNFORSEEN PERSONAL CHALLENGES, THE PROJECT WAS NOT ABLE TO START IN A TIMELY MANNER.

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).*

HALF OF MY LOT IS IN A RAVINE, IN ADDITION TO THE FACT THAT THE ROAD BI-SECTS MY LOT IN HALF.

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:*

HALF OF MY LOT IS IN A RAVINE, IN ADDITION TO THE FACT THAT THE ROAD BI-SECTS MY LOT IN HALF.

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:*

I DON'T KNOW

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:*

I DONT KNOW

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:*

INCREASING THE SQUARE FOOTAGE OF THE HOME WILL INCREASE MY PROPERTY VALUE AS WELL AS THAT OF MY NEIGHBORS.

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

THE ROAD AND RAVINE WERE THERE WHEN THE HOUSE WAS BUILT

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

I HAVE VERY LIMITED ROOM TO EXPAND BASED UPON THE TOPO OF THE LOT, SEPTIC TANK LOCATION AND LOCATION OF THE ROAD. THIS IS THE ONLY SPOT ON THE LOT TO EXPAND THE HOME AND GROW THE FOOTPRINT

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.*

I DON'T KNOW.

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

✓ John Robert Adams III
Sep 17, 2024

BZA-24-24

Engineering Review

Variance Application

Status: Complete

Became Active: Sep 23, 2024

Assignee: Ethan Fisher

Completed: Sep 24, 2024

Applicant

John Adams III
bobby@redmountainbuild.com
Post Office Box 43007
3417 Mountainside Road
VESTAVIA, AL 35243
2053651197

Primary Location

3417 MOUNTAINSIDE RD
VESTAVIA HILLS, AL 35243

Owner:

John Robert Adams III
3417 MOUNTAINSIDE RD BIRMINGHAM VESTAVIA, AL 35243

Comments

Ethan Fisher, Sep 24, 2024

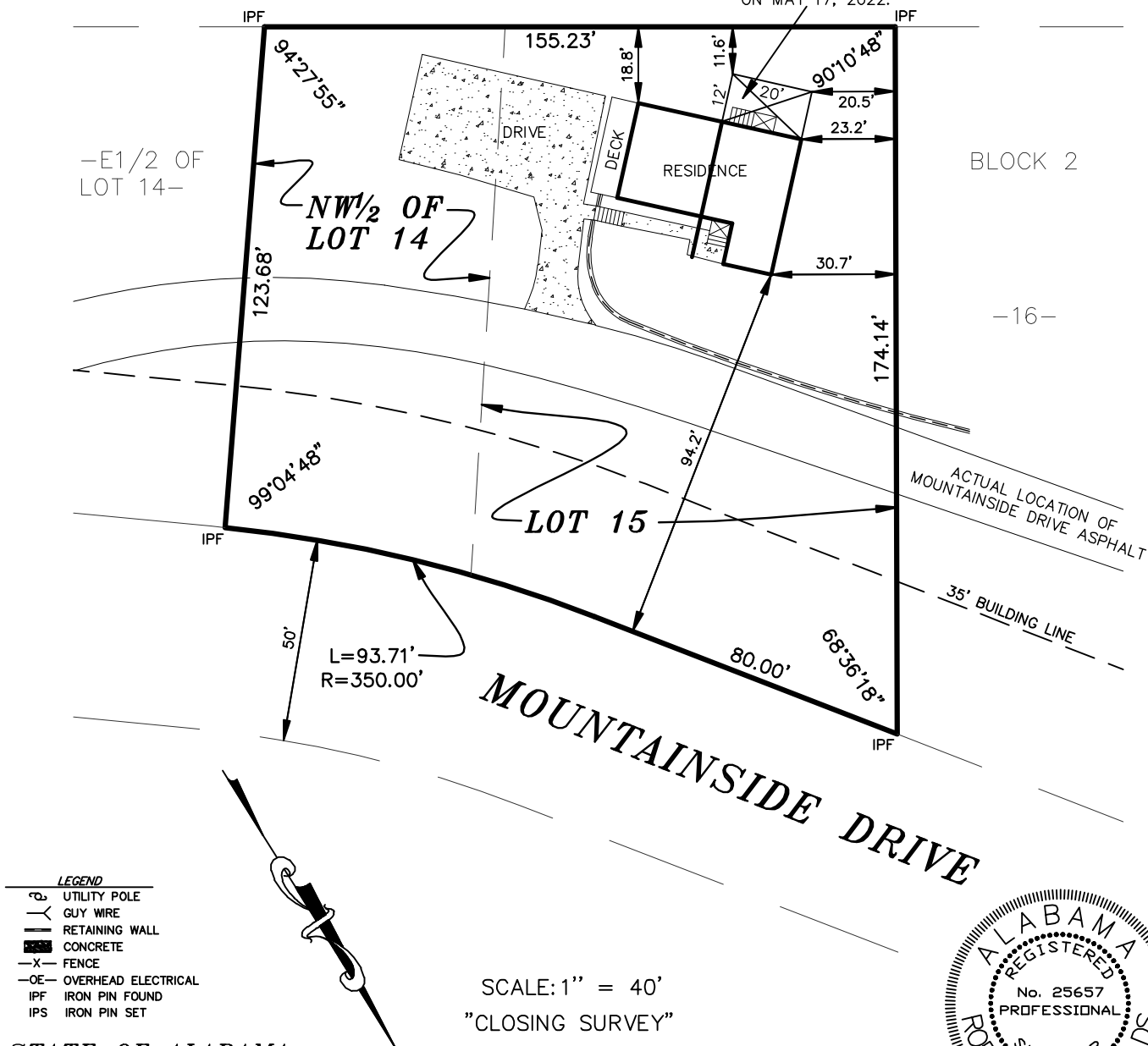
Good morning,

The impervious area will be reviewed during permitting. The impervious lot coverage will need to be 30% or less.

REYNOLDS SURVEYING CO., INC.

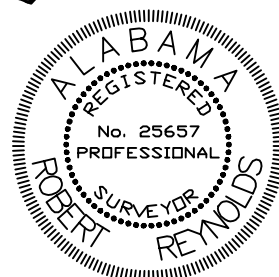
Surveying - Land Planning

PROPOSED ADDITION ADDED TO
SURVEY BY REYNOLDS SURVEYING
ON MAY 17, 2022.



STATE OF ALABAMA
JEFFERSON COUNTY

*15 AND THE NORTHWEST 1/4 OF LOT 14



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 15, Block 2, of THIRD ADDITION TO SHADES CAHABA ESTATES, as recorded in Map Book 41, Page 12 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 5TH day of NOVEMBER, 2016.

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

Purchaser: ADAMS/WILLENS

Address: 3417 MOUNTAIN SIDE DRIVE

Robert Reynolds
Reg. No. 25657



RED MOUNTAIN HOMES

Post Office Box 43007
Birmingham, Alabama 35243
Phone: 205.365.1197
email: Bobby@RedMountainBuilding.com

SUNROOM ADDITION

3417 MOUNTAINSIDE RD
VESTAVIA AL 35243

DRAWN: Bob Adams

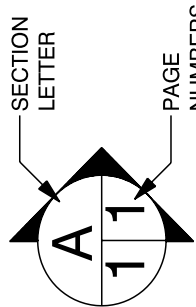
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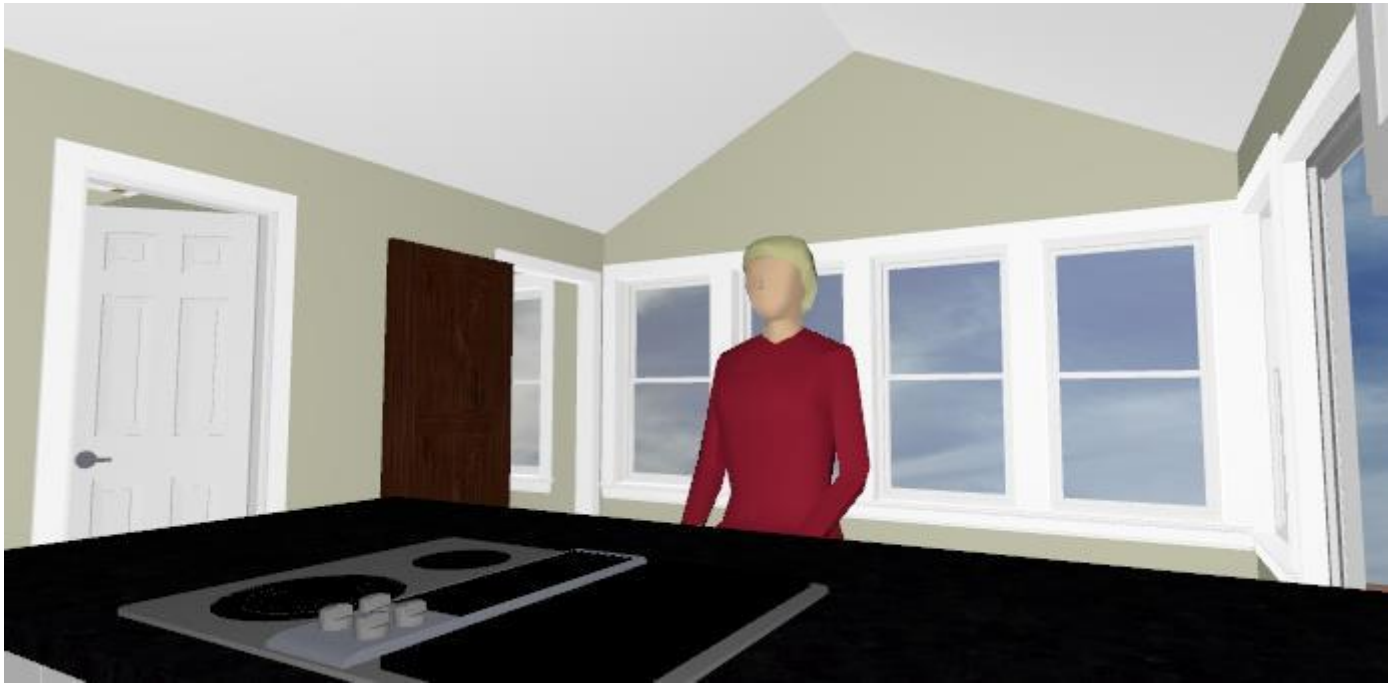
COVER

PAGE:

1 / 7

DATE: Thursday, November 17, 2022





DRAWING SCHEDULE	
COVER	1
COVER 2	2
FLOOR PLAN	3
SECTIONS	4
INTERIOR	5
FOUNDATION & FLOOR SYSTEM	6
CEILING & ROOF	7

SUNROOM ADDITION

3417 MOUNTAINSIDE RD
VESTAVIA AL 35243

DRAWN: Bob Adams

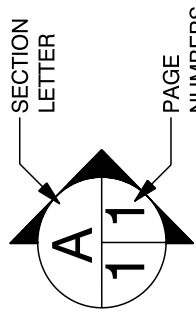
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COVER 2

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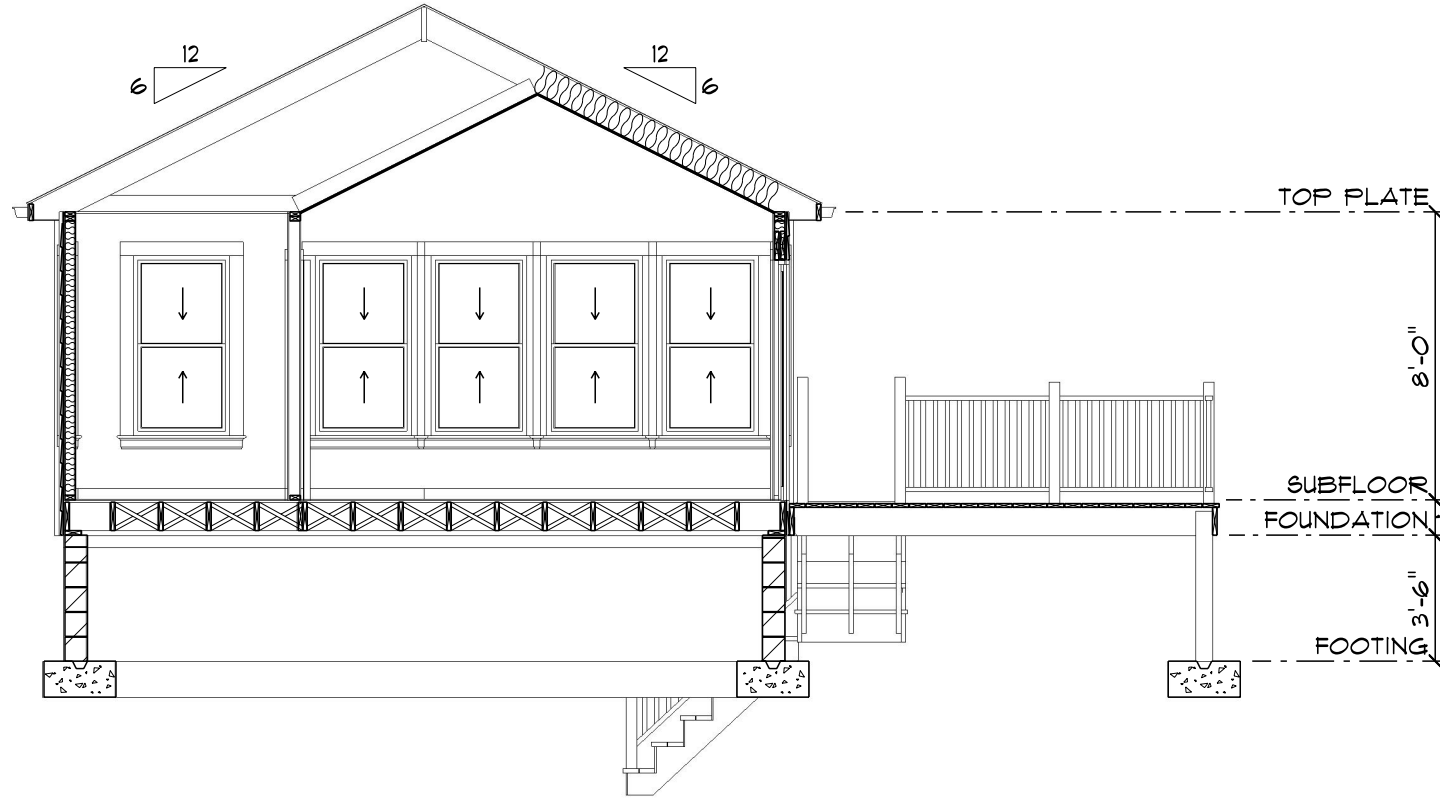
2 / 7

DATE: Thursday, November 17, 2022



RED MOUNTAIN HOMES

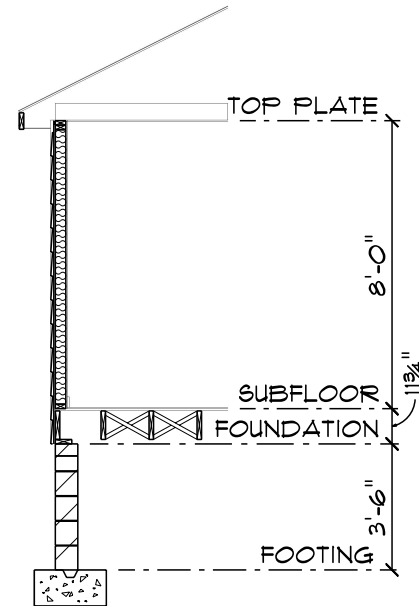
Post Office Box 43007
Birmingham, Alabama 35243
Phone: 205.365.1197
email: Bobby@RedMountainBuilding.com



A
3/4

CROSS SECTION A

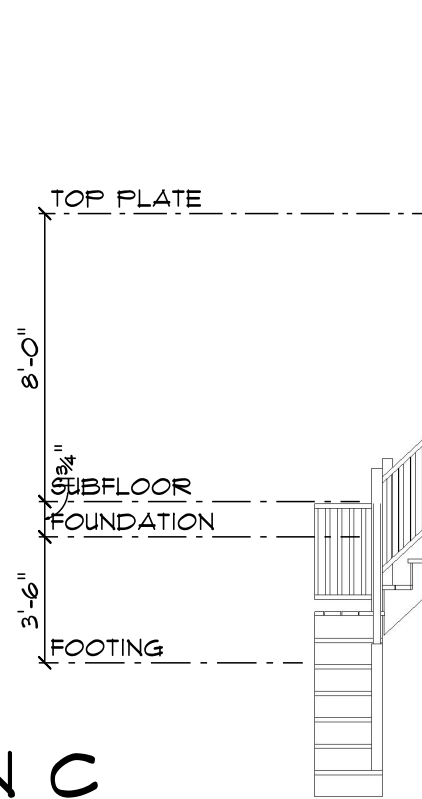
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C
3/4

CROSS SECTION C

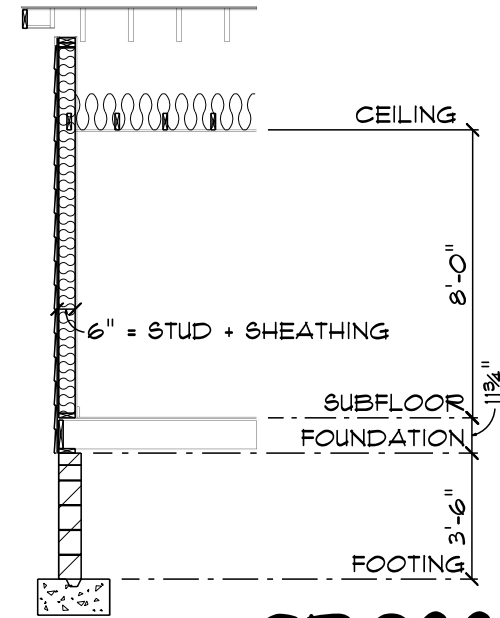
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B
3/4

CROSS SECTION B

SCALE: 3/16" = 1'-0"



D
3/4

CROSS SECTION D

SCALE: 3/16" = 1'-0"

SUNROOM ADDITION

3417 MOUNTAINSIDE RD
VESTAVIA AL 35243

DRAWN: Bob Adams

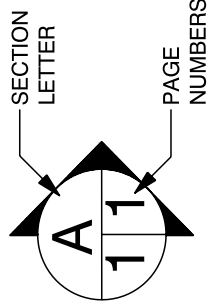
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SECTIONS

PAGE:

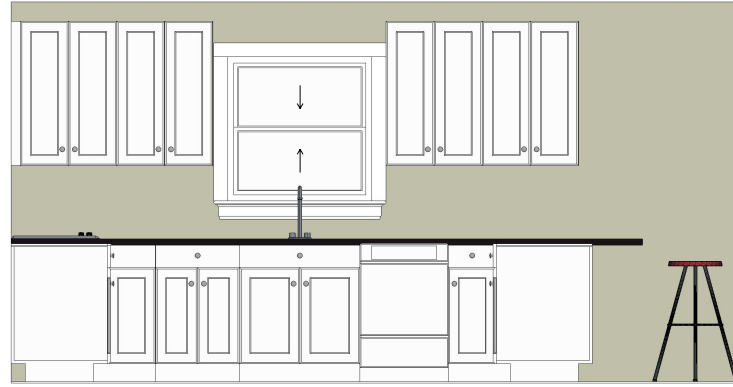
4/7

DATE: Thursday, November 17, 2022



RED MOUNTAIN HOMES

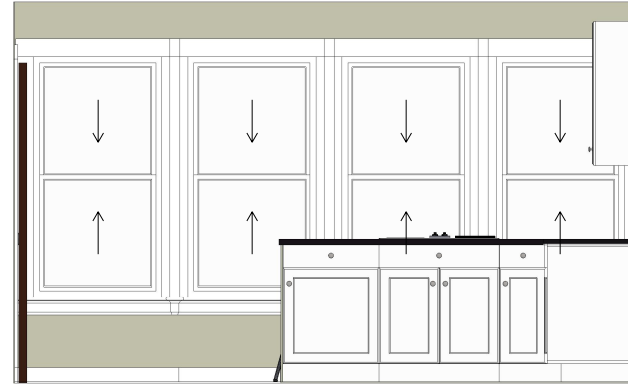
Post Office Box 43007
Birmingham, Alabama 35243
Phone: 205.365.1197
email: Bobby@RedMountainBuilding.com



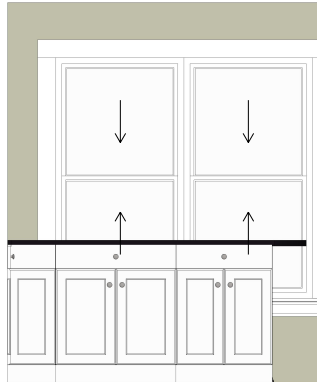
1
3/5
SINK WALL
 SCALE: 1/4" = 1'-0"



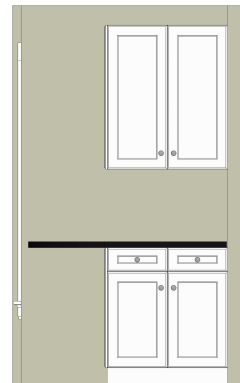
2
3/5
OVEN WALL
 SCALE: 1/4" = 1'-0"



4
3/5
SUNROOM PENINSULA
 SCALE: 1/4" = 1'-0"



5
3/5
LIVING RM PENINSULA
 SCALE: 1/4" = 1'-0"



3
3/5
DESK
 SCALE: 1/4" = 1'-0"



SUNROOM ADDITION

3417 MOUNTAINSIDE RD
VESTAVIA AL 35243

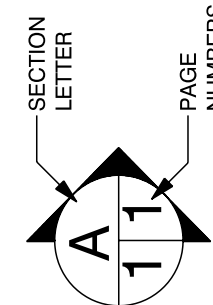
DRAWN: Bob Adams

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

INTERIOR

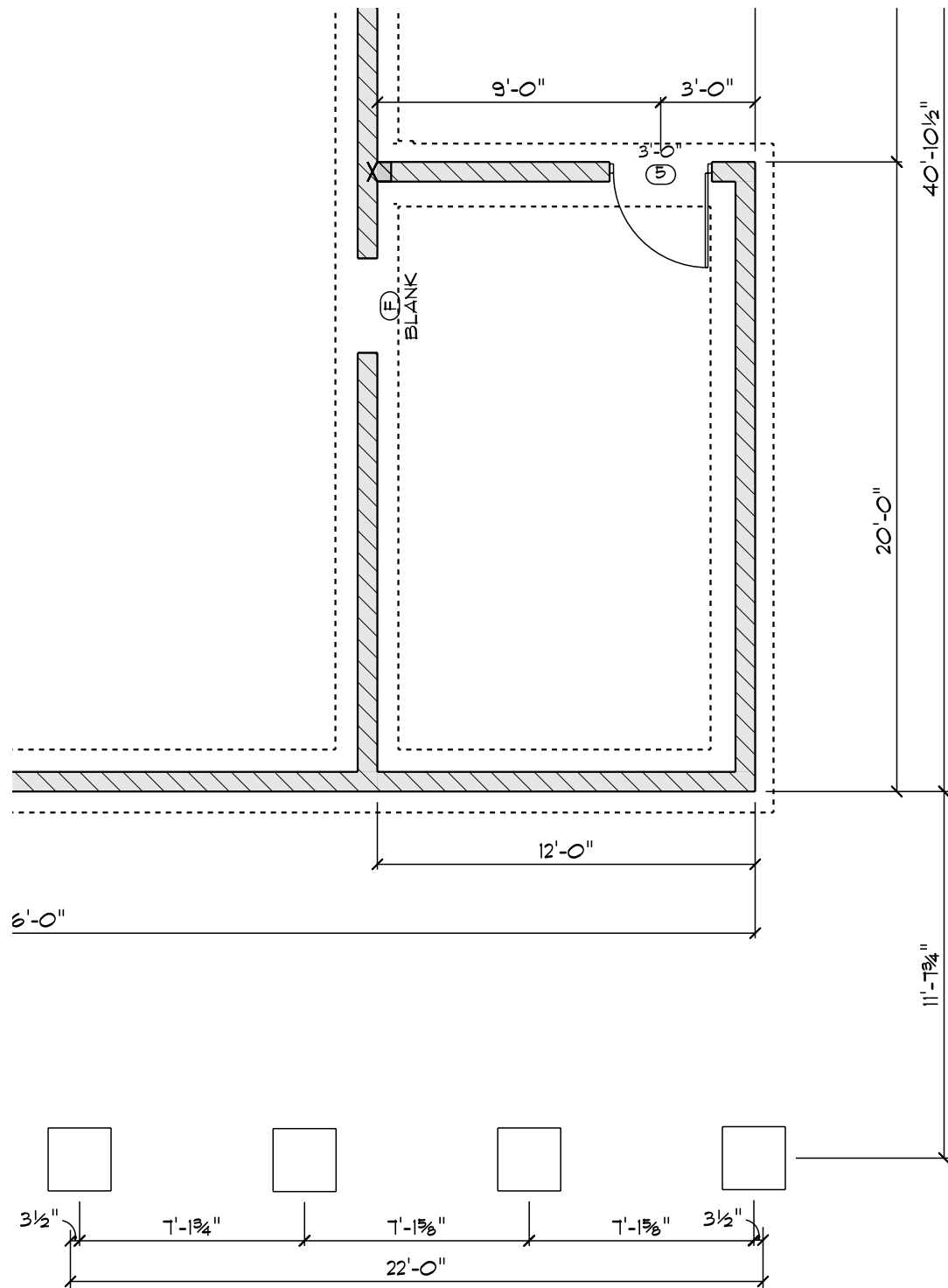
PAGE: 5/7

DATE: Thursday, November 17, 2022



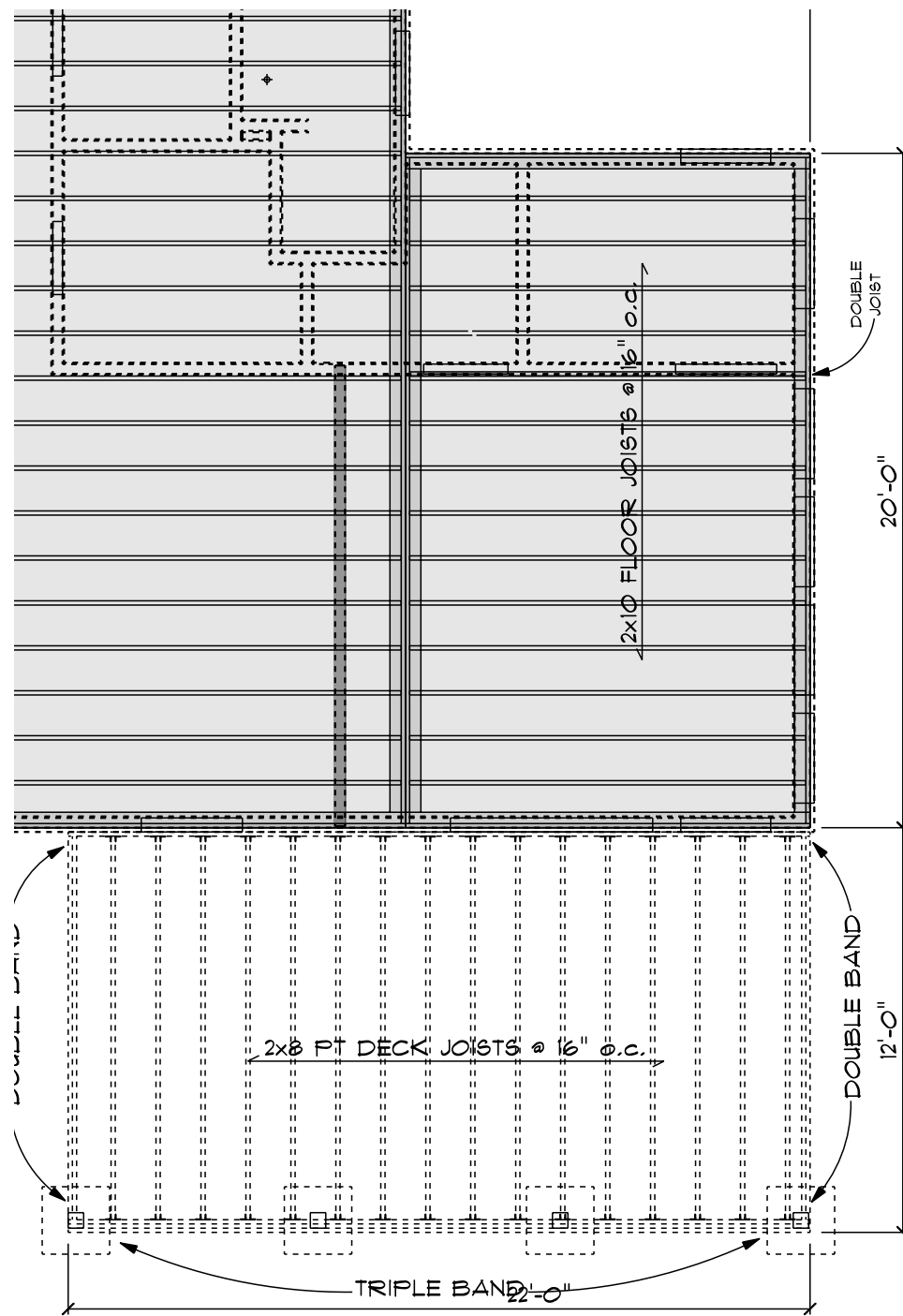
RED MOUNTAIN HOMES

Post Office Box 43007
 Birmingham, Alabama 35243
 Phone: 205.365.1197
 email: Bobby@RedMountainBuilding.com



CRAWL SPACE

SCALE: 3/16" = 1'-0"



SUNROOM & DECK FLOOR SYSTEMS

SCALE: 3/16" = 1'-0"

RED MOUNTAIN HOMES

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SUNROOM ADDITION

3417 MOUNTAINSIDE RD
VESTAVIA AL 35243

DRAWN: Bob Adams

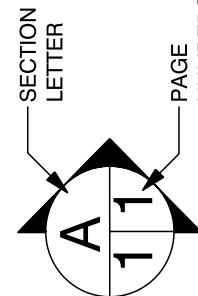
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FOUNDATION & FLOOR SYSTEM

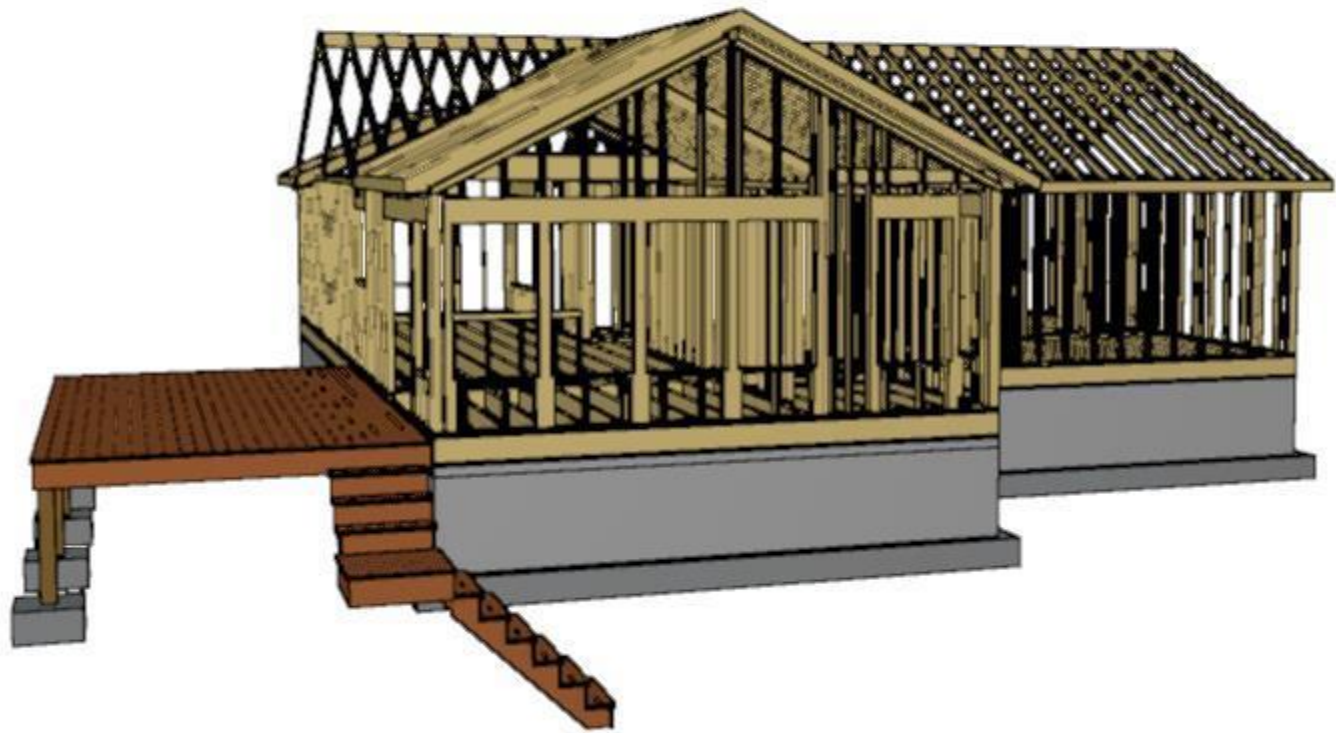
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6/7

DATE: Thursday, November 17, 2022

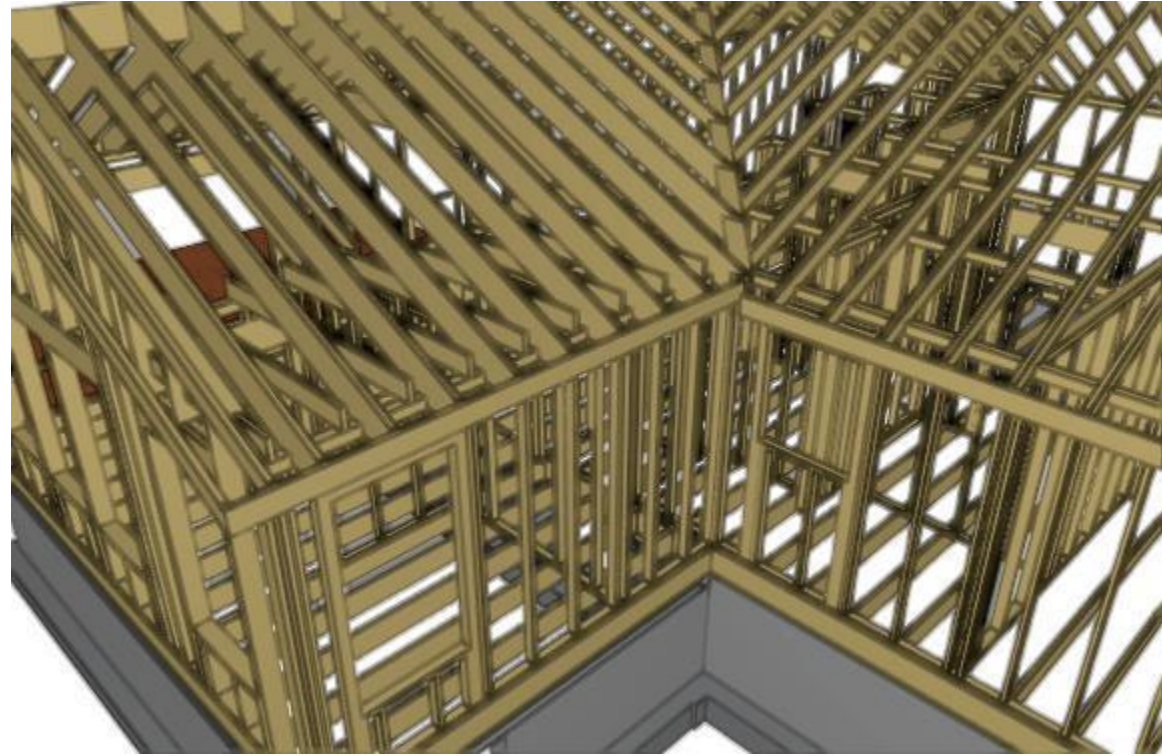
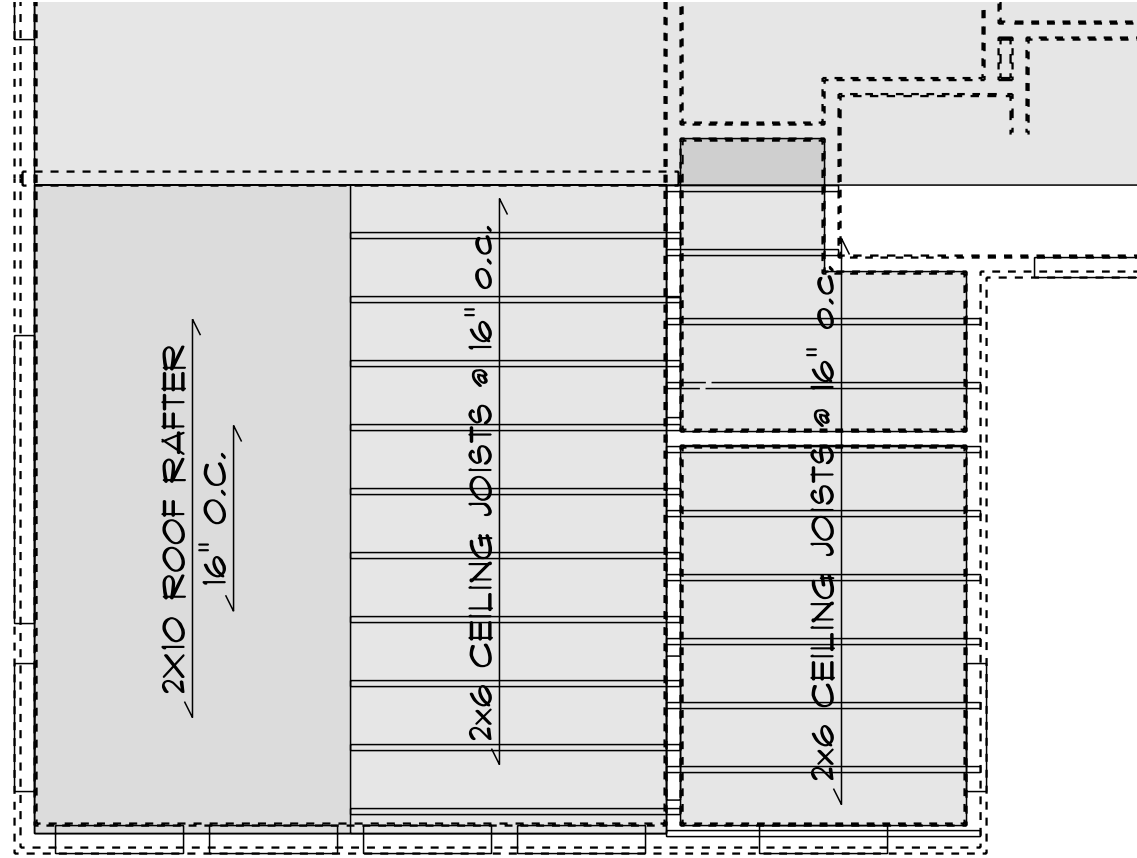


FOUNDATION



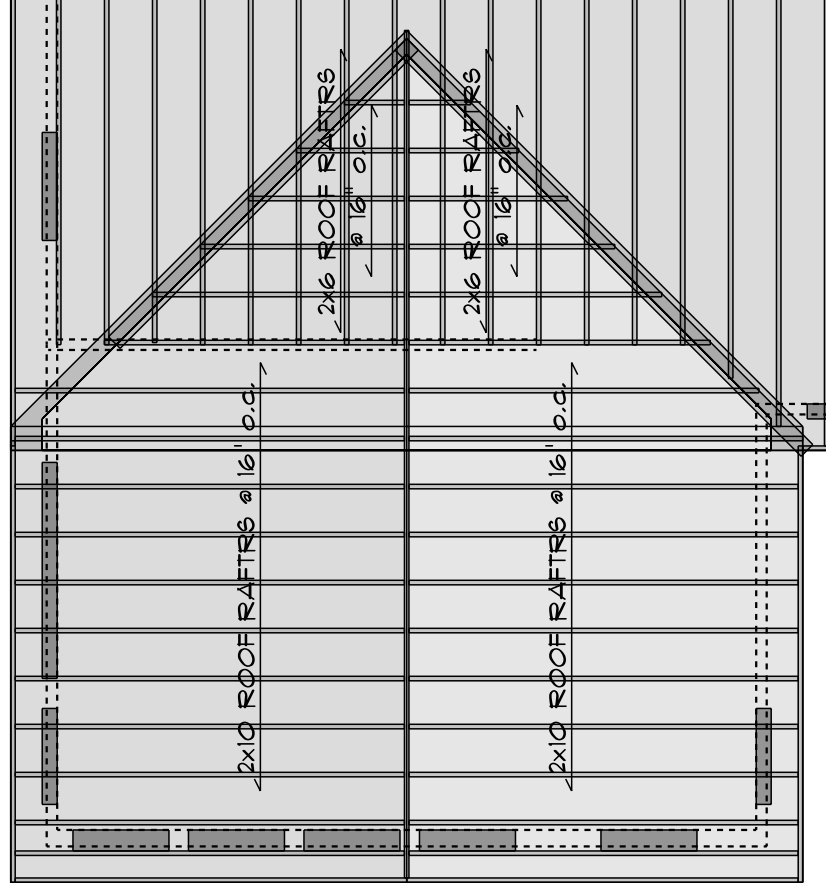
CEILING PLAN

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



ROOF PLAN

SCALE: 3/16" = 1'-0"



RED MOUNTAIN HOMES

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SUNROOM ADDITION

3417 MOUNTAINSIDE RD
VESTAVIA AL 35243

DRAWN: Bob Adams

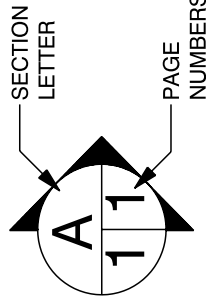
SCALE: As Noted

CEILING & ROOF

PAGE:

7 / 7

DATE: Thursday, November 17, 2022





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: 3417 Mountain side 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.

☐ 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 17th day of September, 2024.

Joy Leah Parker
Notary Public



My commission expires 8th day of January, 2025.



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

October 17, 2024

AGENDA ITEM

BZA-24-25 **Tammy Johnson** is requesting a **Front Setback Variance** for the property located at **1927 Mission Road**. The purpose of this request is to reduce the front setback to 41' in lieu of the required 45', to extend front porch an extra 4'. The property is owned by Tammy Johnson and is zoned **Vestavia Hills R-3**.

BACKGROUND

4' Front Setback Variance to Reduce the Setback to 41' in Lieu of the Required 45'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a front setback variance to rebuild and extend the front porch. The applicant contends the septic system in the rear causes a hardship, preventing building a new addition in the rear. The current porch is already over the 50' front setback by about 5', as the house sits at an angle compared to the front property line. The current porch is in disrepair and needs to be replaced. The porch, along with stairs and railing, is falling apart and unsafe. The porch is only 4' in length, making it barely usable. The proposal is to rebuild the porch to make it safe to use, and extend it an extra 4' to create a little bit of extra space for the use of the porch. Staff has recommended that this approval be contingent on following the re-survey process, as the house sits on two lots. This property is zoned Vestavia Hills R-3.

ATTACHMENTS

1. Application
2. Zoning Comments
3. Current Survey
4. Proposed Survey
5. Rendering of Proposed Porch
6. Current Porch Photo
7. Rendering
8. Owner's Affidavit



BZA-24-25

Variance Application

Status: Active

Submitted On: 9/17/2024

Primary Location

1927 MISSION RD
VESTAVIA HILLS, AL 35216

Owner

Tammy G Johnson
Mission 1927 MISSION RD
BIRMINGHAM, AL 35216

Applicant

 Tammy Johnson
 205-542-7400
 tammygjohnson@gmail.com
 1927 Mission Rd
Vestavia Hills, AL 35216-2240

Agenda Information

Agenda Scheduling

October 2024

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Tammy Johnson

Phone #

2055427400

Address

1927 Mission Road

City/State/Zip

Vestavia Hills, AL 35216

Email

tammyjohnson@gmail.com

Subject Property Information

Subject Property Address

1927 Mission Road

Legal Description of Subject Property ?

Lots 5 & 6 Blk 1 T H Payne SubDiv

REASONS FOR REQUEST

Front Setback Variance

☒

Setback Required*

45 feet (Current Porch Setback)

Setback Requested*

41 feet

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

R-3

PROJECT

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

This is a land drive hardship because we can not expand on the rear of the property due to the septic tank and field lines. As a result, we are seeking to replace the existing 4-foot front porch with a new 8-foot front porch. This new porch would encroach on the setback requirement by 5 feet into the 50-foot required setback. The current porch, which is only 4 feet, is in need of repair, and both the railing and steps do not meet current safety codes.

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 is a land drive hardship because we can not expand on the rear of the property due to the septic tank and field lines. As a result, we are seeking to replace the existing 4-foot front porch with a new 8-foot front porch. This new porch would encroach on the setback requirement by 5 feet into the 50-foot required setback. The current porch, which is only 4 feet, is in need of repair, and both the railing and steps do not meet current safety codes. .

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

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

This is a land-driven hardship and can not expand in the rear due to the septic tank and field lines.

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, we are asking for a variance in order to replace and expand the much-needed front porch to our home.

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:*

Since our only access to our home is by going up a set of stairs in the front or in the rear, we need to expand this front porch and update the railing and stairs for safety reasons.

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 new front will only enhance the curb appeal for the entire neighborhood.

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

No, the reason for asking for this small 5 foot variance is because of not being able to expand in the rear of the house.

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

Yes, in order to expand the front porch 4 feet we need to encroach into the 50-foot set back requirement by 5 feet.

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 front expansion of 4 feet will be used solely by our family.

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

✓ Tammy G Johnson
Sep 17, 2024



City of Vestavia Hills, AL

Oct 11, 2024

BZA-24-25

Zoning Official Review

Variance Application

Status: Complete

Became Active: Sep 24, 2024

Assignee: Rebecca Leavings

Completed: Sep 26, 2024

Applicant

Tammy Johnson
tammyjohnson@gmail.com
1927 Mission Rd
Vestavia Hills, AL 35216-2240
205-542-7400

Primary Location

1927 MISSION RD
VESTAVIA HILLS, AL 35216

Owner:

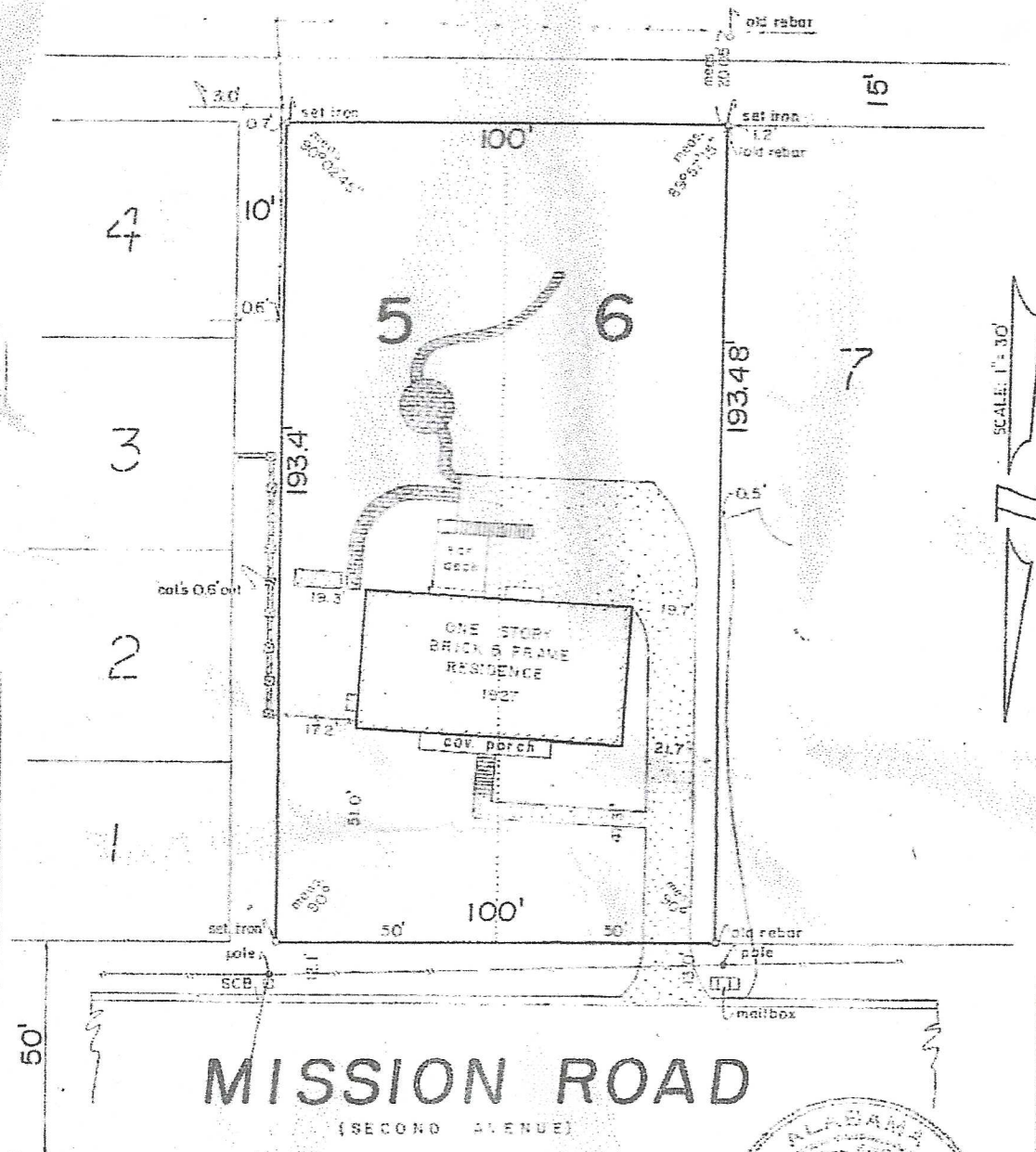
Tammy G Johnson
1927 MISSION RD Mission
BIRMINGHAM, AL 35216

Comments

Rebecca Leavings, Sep 26, 2024

Requires a resurvey to combine lots prior to issuance of permits as current building straddles a recorded lot line.

BLOCK 1



STATE OF ALABAMA }
JEFFERSON COUNTY }

AS-BUILT SURVEY

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, certify that I have surveyed Lots 5 & 6, Block 1, T.H. PAYNE SUBDIVISION, as recorded in Map Volume 18, Page 56, in the office of the Judge of Probate, Jefferson County, Alabama; that there are no rights of way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area"; that there are no encroachments on said lot except as shown; that improvements are located as shown above; that this survey meets the minimum technical standards for surveys as required by the State of Alabama (using 14" long #5 con. rebar); and that the correct address is as follows: 1927 MISSION ROAD, according to the survey of MARCH 20, 1997.

Survey invalid if not sealed in red.

Flood Zone " C "

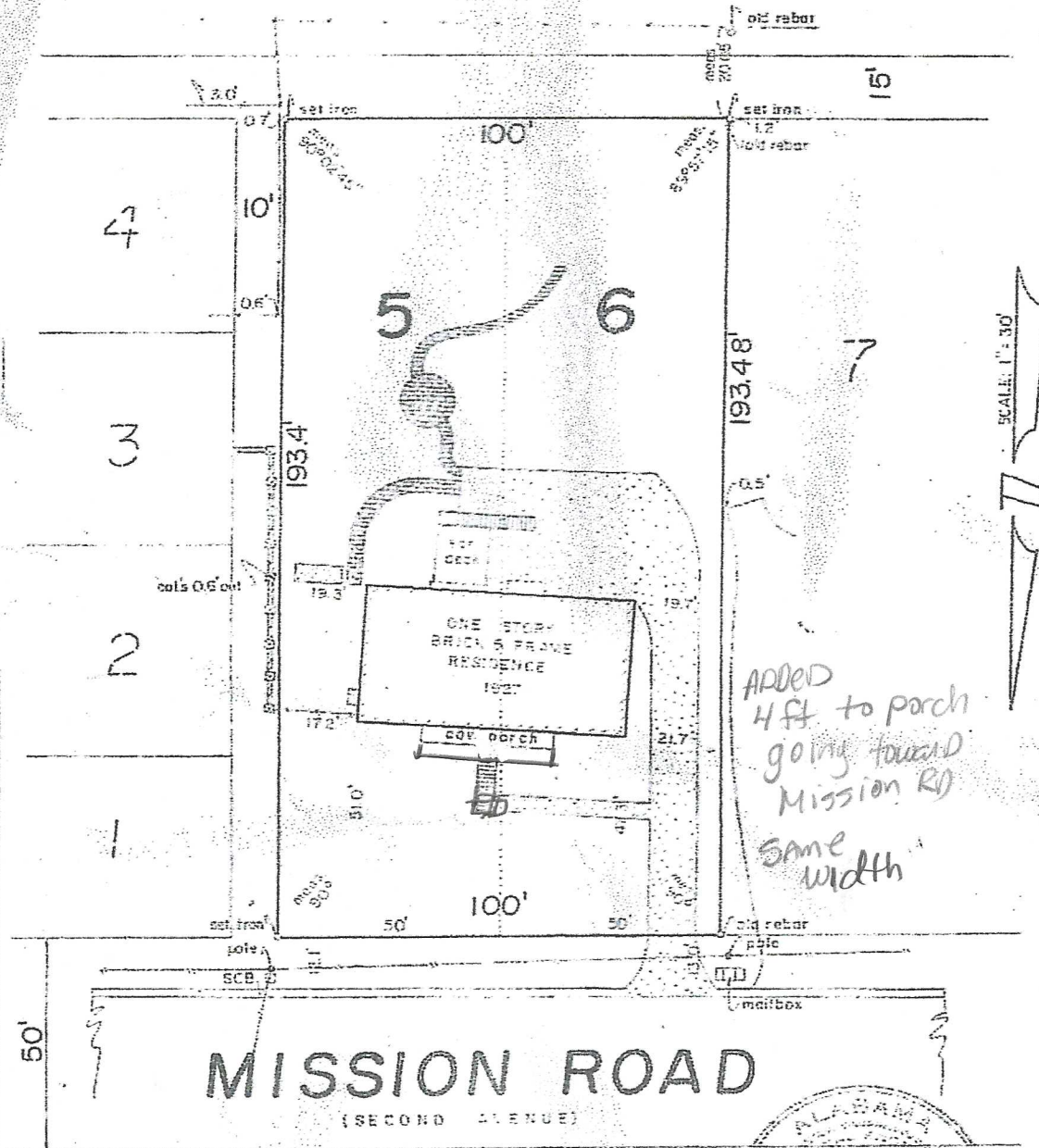
Community Panel No. 010132, 0003 B

Laurence D. Weygand, Reg. P.E. & L.S. #10373
168 Oxmoor Road, Birmingham, AL 35209
PH: 942-0086 FAX: 942-0087

WESNOR

Order No. 26100

BLOCK 1



STATE OF ALABAMA
JEFFERSON COUNTY

AS-BUILT SURVEY

I, Laurence D. Weygand, a Registered Engineer-Land Surveyor, certify that I have surveyed Lots 5 & 6, Block 1, as recorded in Map Volume 18 Page 55, in the office of the Judge of Probate, Jefferson County, Alabama; that there are no rights of way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (including wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in a "special flood hazard area"; that there are no encroachments on said lot except as shown; that improvements are located as shown above; that this survey meets the minimum technical standards for surveys as required by the State of Alabama (using 14" long #5 iron rebar); and that the correct address is as follows: 1927

MISSION ROAD according to my survey of MARCH 20, 1997

Survey invalid if not sealed in red.

WESNOR

Flood Zone " C "

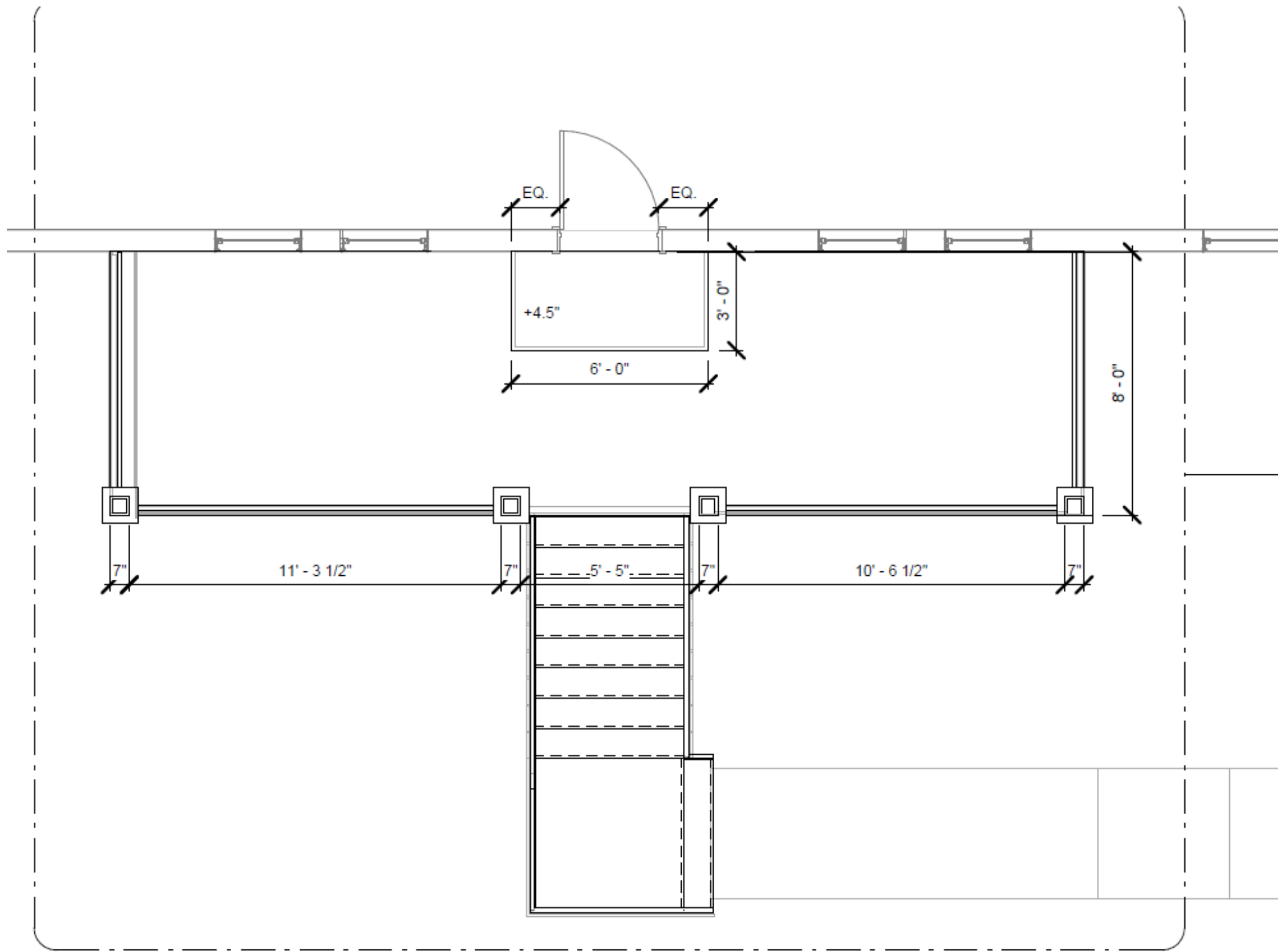
Community Panel No. 910132, 9003 B

Laurence D. Weygand, Reg. P.E. & L.S. #10373
168 Oxmer Road, Birmingham, AL 35209
PH: 942-6996 FAX: 942-0087

Order No. 26100









**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: 1927 Mission Road, Vestavia Hills, Alabama and that statements submitted in my application are true and that I am: *(please check all that apply)*.

☒ the Property Owner and representing myself in said request.

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

And am requesting: (please check)

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

☒ Request for Variance
_____ Special Exception
_____ Design Review Approval

Signed:

Sammy S. Johnson
Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Jefferson

Given under my hand and seal

this 17th day of September, 2024

Kay Russom
Notary Public

My Commission Expires
November 8, 2024

My commission expires _____ day of _____, 20____.

