



**Vestavia Hills
Board of Zoning Adjustment Agenda
December 19, 2024
6:00 PM**

1. Roll Call
2. Approval Of Minutes
3. BZA-24-27 **Joe Ellis** is requesting a **Front Setback Variance** for the property located at **2017 Wedgewood Road**. The purpose of this request is to reduce the front setback to 20' in lieu of the required 50', to build a garage and master suite addition. The property is owned by Pearson Lewis and is zoned **Vestavia Hills R-3**.
4. Time Of Adjournment

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES**

November 21, 2024

The Board of Zoning Adjustment of the City of Vestavia Hills met in regular session on this date at 6:00 PM. The roll was called with the following:

MEMBERS PRESENT:

Rick Rice, Chairman
Michael Fliegel, Alt
Stephen Greer
Thomas Parchman
Tony Renta

MEMBERS ABSENT

Loring Jones, III

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of October 17, 2024 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of October 17, 2024 was made by Mr. Fliegel and 2nd was by Mr. Parchman. Motion as carried on a voice vote as follows:

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

FRONT SETBACK VARIANCE

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 30' in lieu of the required 37' (existing porch and steps), to extend front porch an extra 4'. The property is owned by Tammy Johnson and is zoned **Vestavia Hills R-3**.

Mr. Wakefield explained that this is continuation from the previous month.

Tammy Johnson, 1927 Mission Road, was present for the case and detailed why her property has a hardship given the slope and rock on the property. There is also a septic tank, all limiting buildable area.

Mr. Renta stated that there is confusion on how much the variance is needed based on the measurements provided. He stated this is more of a 25' variance. We will need to be strict on the wording of the approval so that a new house is not to be built to the approved setback.

The Board discussed modifying the stairs to push off to the side instead of straight.

Mr. Renta stated that she can make the extended porch work, with the existing setbacks, if the stairs turn instead of going forward. The house itself is already out of compliance.

Ms. Johnson stated that she wants to push past the existing setbacks a few feet.

Mr. Renta stated that the math isn't adding up. The applicant is already out of compliance by 16'. Turning the stairs would accomplish what you want and wouldn't encroach into the setback further.

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 16' Front Setback Variance to Reduce the Setback to 32' in Lieu of the Required 48' (midpoint of current house/front door). Motioned that the new porch and stairs do not extend more than 16' in front of current house/front door to bring into compliance the extent of the existing porch and stairs. Only porch and stairs are subject to this variance. If there are any major plan alterations, this variance is void and any new request must come back to BZA, for the property located at 1927 Mission Road was made by Mr. Renta and 2nd was by Mr. Fliegel. Motion was carried on a roll call vote as follows:

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

SPECIAL EXCEPTION

BZAS-24-2 **Jared Johnson** is requesting a **Special Exception** for the property located at **2953 Green Valley Road**. The purpose of this request is to allow 2 houses to be present temporarily on one lot, to build new house and then demolish existing house (following a specified timeline by BZA). The property is owned by Jared Johnson and is zoned **Vestavia Hills R-4**.

Mr. Wakefield explained that this is a request to build a house in the rear of the lot, while the applicant currently lives in the original house. Original house will be demolished once new house is built.

Jared Johnson, 2953 Green Valley Road, was present for the case and stated that they want a special exception for 2 houses on one lot temporarily. He would like to live in the current house while the new one is built. He has approval from Jefferson County for septic work.

Mr. Renta asked how they will create enough room on the side for construction access.

Mr. Johnson stated that he will do what is required by Engineering.

Mr. Renta asked if this will meet side yard setbacks.

Mr. Johnson stated that 10' side setbacks wont be an issue.

Mr. Johnson stated that he plans to draw up final plans for the Building Department by the beginning of next year.

Chairman Rice stated that he has heartburn with the new house sitting very far back from the road.

When asked how far the new house will be from the road, Mr. Johnson stated about 270'.

Mr. Greer asked what is the timeline of the project.

Mr. Johnson stated that he wants it tied to the certificate of occupancy. He is okay with demolishing the original structure 30 days after the CO is issued.

Mr. Renta asked that we tie it to the CO, but we can put a long timeline in case something happens.

Mr. Greer stated what about a 12 month timeline.

Mr. Johnson stated that he would be okay with that timeline.

MOTION Motion to APPROVE a Special Exception to temporarily allow two houses on two lots. Conditioned: This approval is good for 12 months following permit issuance. The applicant must follow all recommendations from Engineering and Building Safety staff. A certificate of occupancy for new house may only be issued following demolition of original structure., for the property located at 2953 Green Valley Road was made by Mr. Renta and 2nd was by Mr. Parchman. Motion was carried on a roll call vote as follows:

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

At 6:57 PM, Mr. Greer made a motion to adjourn. The meeting adjourned at 6:57 PM.

Jack Wakefield, Planner/GIS



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

December 19, 2024

AGENDA ITEM

BZA-24-27 **Joe Ellis** is requesting a **Front Setback Variance** for the property located at **2017 Wedgewood Road**. The purpose of this request is to reduce the front setback to 20' in lieu of the required 50', to build a garage and master suite addition. The property is owned by Pearson Lewis and is zoned **Vestavia Hills R-3**.

BACKGROUND

30' Front Setback Variance to Reduce the Setback to 20' in Lieu of the Required 50'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a front setback variance to build a two-story addition, with a garage on the lower level and a master suite on the upper level. The applicant contends the corner lot causes a hardship. The addition will be on the side and rear of the house, but within the Chestnut Street frontage. The house is currently non-compliant on the side of the variance request. This is zoned Vestavia Hills R-3.

ATTACHMENTS

1. Application
2. Engineering Comments
3. Current Survey
4. Site Plan
5. Floor Plan
6. Owners Affidavit

Jack Wakefield
City Planner



BZA-24-27

Variance Application

Status: Active

Submitted On: 11/17/2024

Primary Location

2017 WEDGEWOOD RD
VESTAVIA HILLS, AL 35216

Owner

Pearson Lewis
2017 Wedgewood Road
Vestavia , AL 35216

Applicant

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

Agenda Information

Agenda Scheduling

December 2024

Comments/Delay/Explanation

Applicant Information

I am filling this out as the

Representative Agent

Billing/Responsible Party

Name

Pearson Lewis

Phone #

205-936-0537

Address

2017 Wedgewood Road

City/State/Zip

Vestavia Hills, AL 35216

Email

205-936-0537

Representing Attorney/Other Agent

Name

Joe Ellis

Phone #

205-790-1389

Address

1625 Linda Vista Lane

City/State/Zip

Birmingham AL 35226

Email

jellis@dwellingarchitecture.com

Subject Property Information

Subject Property Address

2017 Wedgewood Road

Legal Description of Subject Property ?

LOT A SOUTH BHAM HTS RESUR OF LOTS 1 & 2 BLK 15 PB 62 PG 12 ALSO N 1/2 OF VACATED ALLEY LYING
S OF SD LOT A

REASONS FOR REQUEST

Front Setback Variance



Setback Required*

50'

Setback Requested*

20.0' [Chestnut Street]

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.*

We are seeking to add a new lower level Garage addition off the rear of the existing home with a Master Suite above.

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 owners property is a corner lot along Chestnut Street and Wedgewood Road.

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

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

The owners property is a corner lot along Chestnut Street and Wedgewood Road.

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

Granting the requested variance would address the specific issue related to this particular lot.

3. All literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by others of property in the district in which the property is located. Please explain:*

The current corner lot zoning imposes two front yard setbacks on this property not required of other lots in the block.

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

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

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

The restrictions placed upon this particular property are due to the existing corner lot location.

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

With the requested variance, the addition would remain a minimum of 20' from the property line along Chestnut Street.

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

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

No - the property remains a single family dwelling.

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

OWNER AFFIDAVIT

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

Representing Agent Signature



Joe Ellis

Nov 16, 2024



BZA-24-27

Engineering Review

Variance Application

Status: Complete

Became Active: Nov 22, 2024

Assignee: Ethan Fisher

Completed: Dec 2, 2024

Applicant

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

Primary Location

2017 WEDGEWOOD RD
VESTAVIA HILLS, AL 35216

Owner:

Pearson Lewis
2017 Wedgewood Road Vestavia , AL
35216

Comments

Ethan Fisher, Nov 25, 2024

Will the existing driveway be removed?

Ethan Fisher, Dec 2, 2024

Full review will be conducted during permitting. A drawing will need to be produced showing that the impervious area is below 30% of the total lot area.

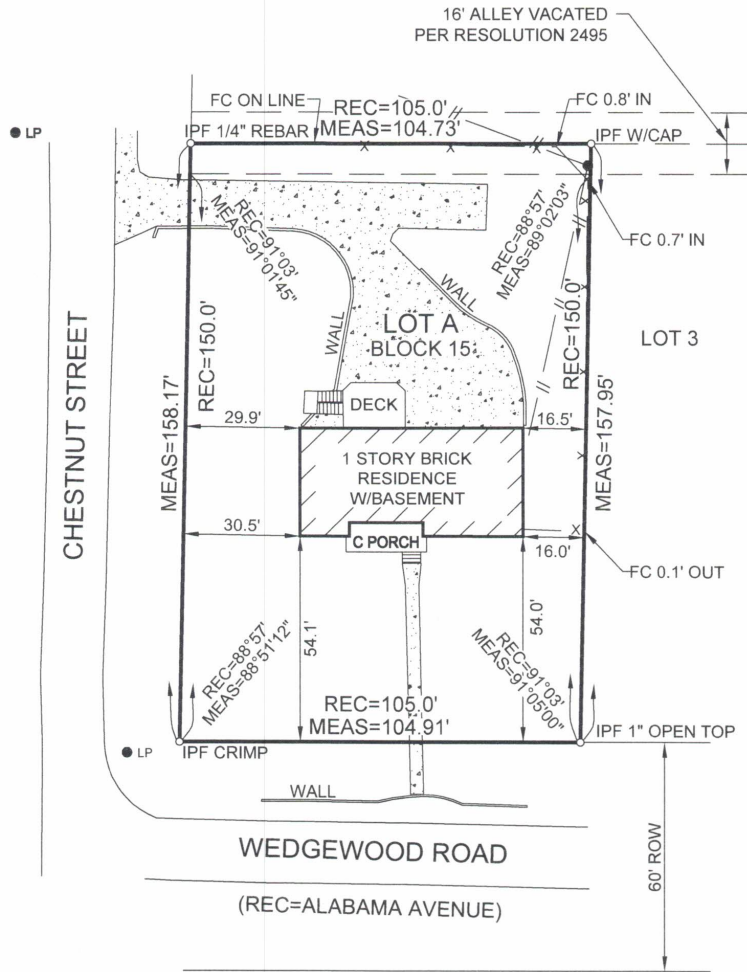
Joe Ellis, Dec 3, 2024

Thank you - we are discussing the impervious conditions with the owner and they are open to removing a portion of the existing driveway as required.

LOT 16,566± SQ FT
IMPERVIOUS 4,855 SQ FT
IMPERVIOUS = 29.31%

LEGEND:

ASPH = asphalt
BRG = bearing
BLDG = building
CALC = calculated
CAP = capped iron
CL = centerline
CH = chord
CONC = concrete
C = covered
d = deflection
Δ = curve delta angle
E = east
ESMT = easement
FC = fence
FD = found
HW = headwall
IPF = iron pin found
IPF* = iron pin found w/KBW cap
IPS = iron pin set w/SSI cap
L = length
MEAS = measured
MIN = minimum
MH = manhole
N = north
OH = overhang
P = porch
PC = point of curve
POB = point of beginning
POC = point of commencement
PT = point of tangent
PVMT = pavement
R = radius
REC = recorded
RES = residence
ROW = right of way
S = south
SAN = sanitary
STM = storm
SWR = sewer
SYN = synthetic
UTIL = utility
U = uncovered
W = west
YI = yard inlet
° = degrees
' = minutes, in
" = bearings or angles
" = seconds, in
' = bearings or angles
' = feet, in distance
AC = acres
± = more or less,
or plus or minus



SCALE: 1"=40'

STATE OF ALABAMA
SHELBY COUNTY

I, David B. Entrekin, a registered Land Surveyor, certify that I have surveyed Lot A, according to the Resurvey of Lots 1 and 2, in Block 15, of South Birmingham Heights Survey, as recorded in Map Book 62, Page 12, in the Office of the Judge of Probate, Jefferson County, Alabama.

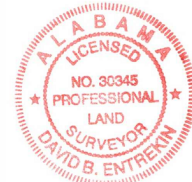
Together with that portion of a 16 foot wide alley along the Southerly side of the above described original Lots 1 and 2, in Block 15, of South Birmingham Heights (now Lot A), by resolution 2495 by the City Council of the City of Vestavia Hills, Alabama, dated June 7, 1993, approving and assenting to Declaration of Vacation of Alley, between Pine Street and Chestnut Street, Lots 1, 2 and 3 on Wedgewood Avenue and Lot 7 on Chestnut Street, said Resolution being recorded in Instrument No. 9309/2346 in the Office of the Judge of Probate of Jefferson County, Alabama.

I furthermore certify 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; that the correct address is as follows: 2017 Wedgewood Road according to my survey of November 4, 2024. Survey is not valid unless it is sealed with embossed seal or stamped in red.

SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE SUITE M
BIRMINGHAM, AL 35242
PHONE: 205-991-8965

David B. Entrekin
David B. Entrekin, Reg. L.S. #30345

11-8-2024
Date of Signature

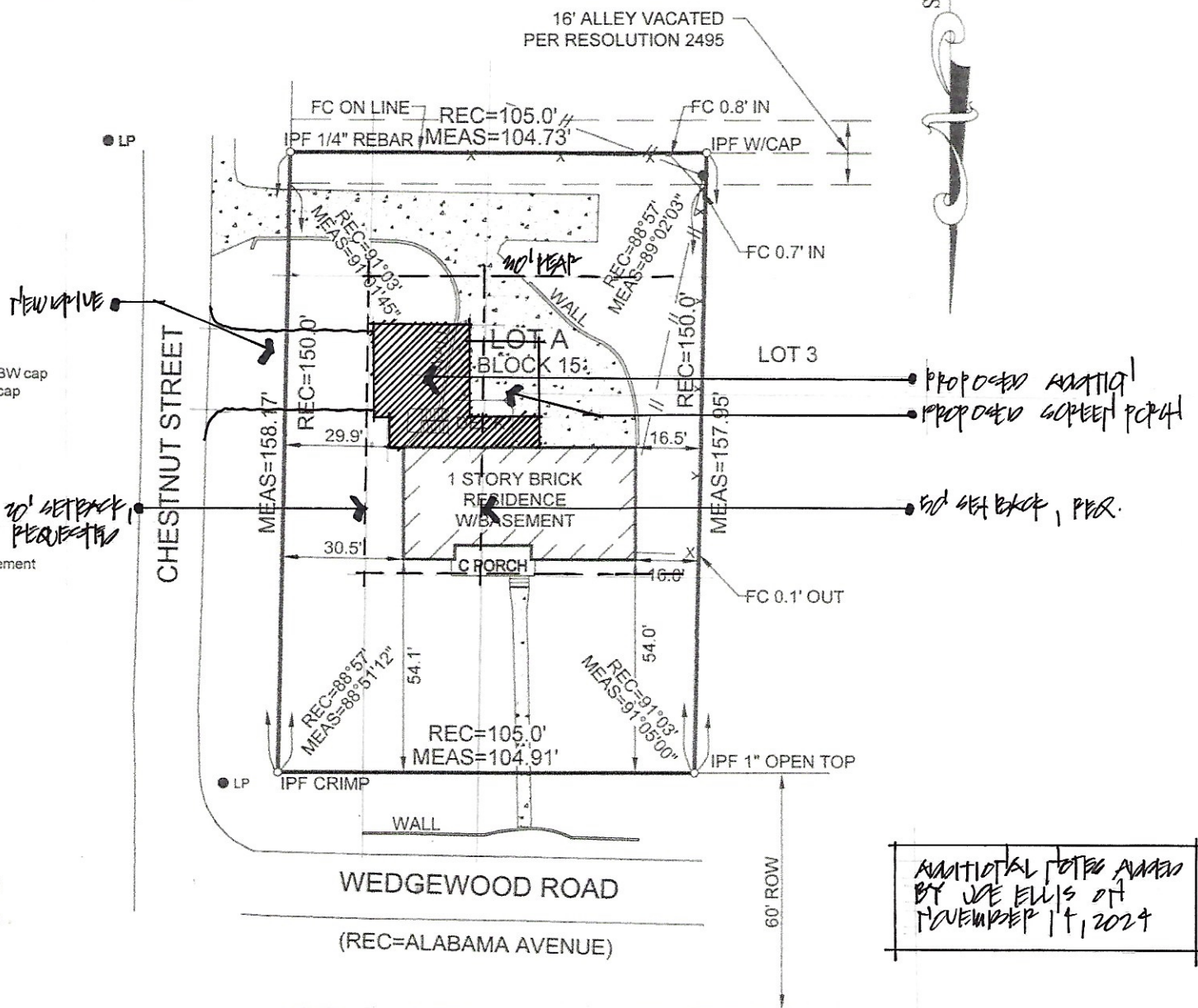


Order No. 330503
Purchaser: Douthit Builders
Type of Survey: Property Boundary

LOT 16,566± SQ FT
IMPERVIOUS 4,855 SQ FT
IMPERVIOUS = 29.31%

LEGEND

ASPH = asphalt
BRG = bearing
BLDG = building
CALC = calculated
CAP = capped iron
CL = centerline
CH = chord
CONC = concrete
C = covered
d = deflection
D = curve delta angle
E = east
ESMT = easement
FC = fence
FD = found
HW = headwall
IPF = iron pin found
IPF* = iron pin found w/KBW cap
IPS = iron pin set w/SSI cap
L = length
MEAS = measured
MIN = minimum
MH = manhole
N = north
OH = overhang
P = porch
PC = point of curve
POB = point of beginning
POC = point of commencement
PT = point of tangent
PVMT = pavement
R = radius
REC = recorded
RES = residence
ROW = right of way
S = south
SAN = sanitary
STM = storm
SWR = sewer
SYN = synthetic
UTIL = utility
U = uncovered
W = west
YI = yard inlet
° = degrees
' = minutes, in
" = bearings or angles
" = seconds, in
" = bearings or angles
" = feet, in distance
AC = acres
± = more or less,
or plus or minus



STATE OF ALABAMA
SHELBY COUNTY

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Order No. 330503
Purchaser: Douthit Builders
Type of Survey: Property Boundary

SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE SUITE M
BIRMINGHAM, AL 35242
PHONE: 205-991-8965

David B. Entrekin, Reg. L.S. #30345

Date of Signature

11-8-2024



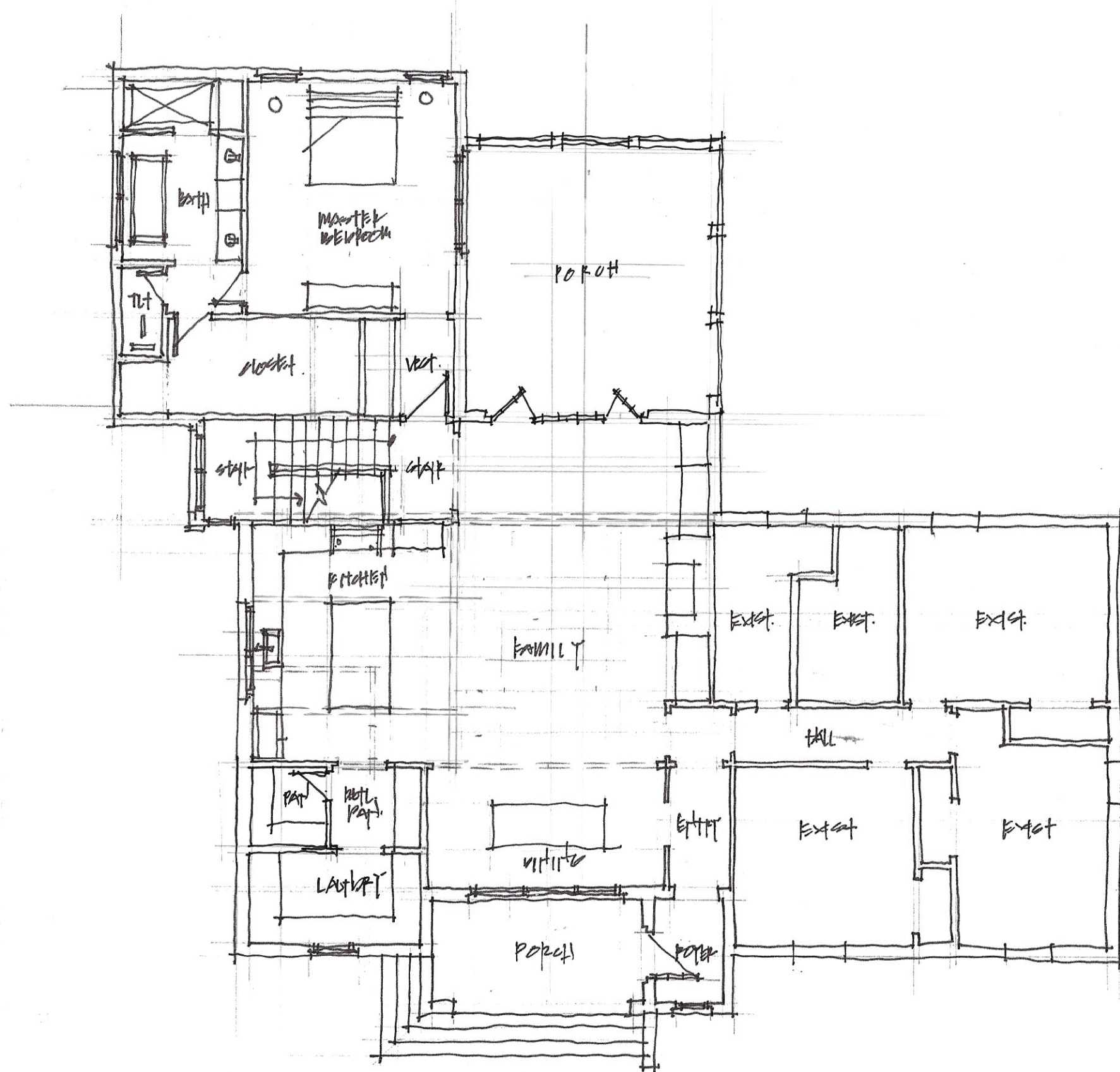
F:\ACAD\SUBDIVISION\JEFFERSON COUNTY\SOUTH BIRMINGHAM HEIGHTS\LOTA RES LOT1-2 BLK15 SO BHAM HEIGHTS.dwg

Lewis Residence

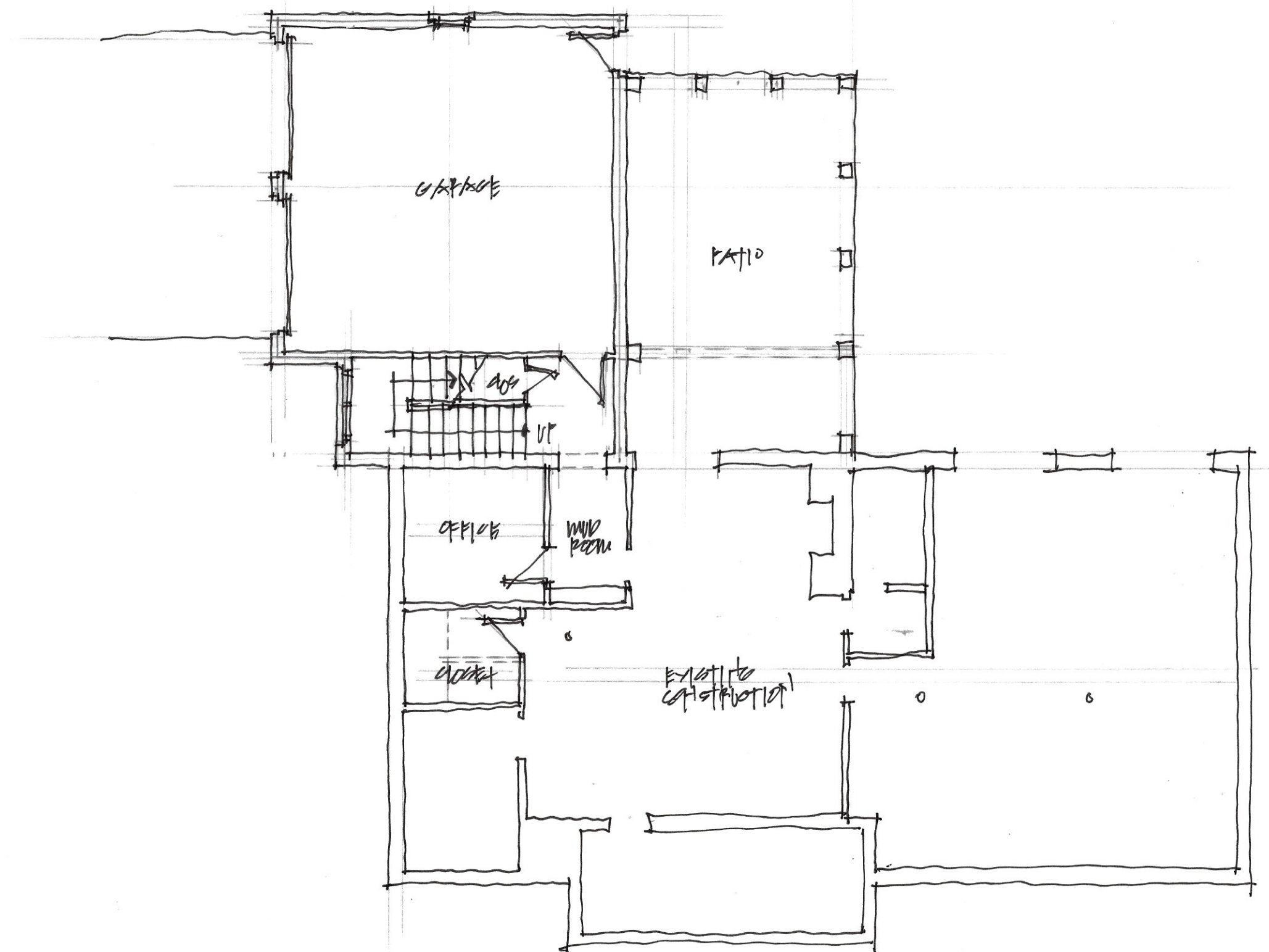
2017 Wedgewood Road Vestavia Hills

 $1/8 = 1 - 0$

2



Proposed Entry Floor Plan



Proposed Lower Floor Plan

Preliminary Design
Not For Construction

Lewis Residence

2017 Wedgewood Road Vestavia Hills

September 19, 2024

1/8" = 1'-0"

3





**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: 2017 Wedgewood 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: Joe Ellis, Elton Douthit, or Charlie Douthit 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:

Frank P. King, Jr. & Shelby Schorch-Luin
Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Jefferson

Given under my hand and seal
this 15th day of Nov, 20 24.

[Signature]
Notary Public

My commission expires 8th day of April, 20 28.

