



Vestavia Hills
Board of Zoning Adjustment Agenda
April 20, 2023
6:00 PM

1. Roll Call
2. Approval Of Minutes: March 16, 2023
3. BZA-23-6 **Ross Parker** is requesting **Front & Rear Setback Variances** for the property located at **2200 Brookdale Lane**. The purpose of this request is to reduce the front setback to 45' in lieu of the required 50' & to reduce the rear setback to 10' in lieu of the required 30', to build an addition to the principal structure. The property is owned by Ross Parker and is zoned **Vestavia Hills R-3**.
4. BZA-23-7 **Ricardo Azziz** is requesting a **Side Setback Variance & a Variance for Setback of Accessory Structure From Principal Structure**, for the property located at **2461 Mountain Vista Drive**. The purpose of this request is to reduce the side setback to 16' in lieu of the required 17' & to reduce the setback of an accessory structure from the principal structure to 5' in lieu of the required 10', to build a carport. The property is owned by Ricardo Azziz and is zoned **Vestavia Hills R-1**.
5. BZA-23-8 **Stephen Brady Wilson** is requesting a **Rear Setback** for the property located at **3587 Miller Hill Way**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 20', to build a covered deck. The property is owned by Mickie Goad and is zoned **Vestavia Hills R-1***.
6. Time Of Adjournment

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

March 16, 2023

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
Loring Jones, III
Thomas Parchman
Ryan Rummage, Alt

MEMBERS ABSENT:

Michael Fliegel, Alt
Tony Renta

OTHER OFFICIALS PRESENT:

Jack Wakefield, Planner/GIS

APPROVAL OF MINUTES

The minutes of February 16, 2023 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of February 16, 2023 was made by Mr. Jones and 2nd was by Mr. Parchman. Motion as carried on a voice vote as follows:

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

VARIANCE FOR LOCATION OF FENCE

BZA-23-4 **J Barry Andrews** is requesting a **Variance for Location of Fence in the Front Setback** for the property located at **1883 Shades Crest Road**. The purpose of this request is to build a privacy fence in the front setback. The property is owned by J Barry Andrews and is zoned **Vestavia Hills R-1**.

Mr. Wakefield explained the dimensions of the fence as it related to the property, as well as the corner lot and slope in rear causing a hardship.

Barry Andrews was present for the request and stated that the slope in the rear and corner lot caused the hardship. The slope limited where the fence could be placed in the rear yard, forcing a 4' encroachment into the front setback along Montclair.

Mr. Greer asked to clarify the size of the fence panels.

Mr. Andrews said that they would be installing 48'' panels instead of the 60'' represented in the drawings.

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

MOTION Motion to APPROVE a variance for the location of a fence in the front setback, for the property located at 1883 Shades Crest Road, was made by Mr. Jones and 2nd was by Mr. Rummage. Motion was carried on a roll call vote as follows:

Mr. Greer— yes	Mr. Rummage – yes
Mr. Jones - yes	Chairman Rice – yes
Mr. Parchman – yes	
Motion carried.	

FRONT & REAR SETBACK VARIANCES

BZA-23-5 **Christopher Catanzano** is requesting **Front & Rear Setback Variances** for the property located at **2404 Chestnut Road**. The purpose of this request is to reduce the front setback to 53' in lieu of the required 60' & to reduce the rear setback to 29' in lieu of the required 30', to build an addition to the principal structure. The property is owned by Christopher Catanzano and is zoned **Vestavia Hills R-1**.

Mr. Wakefield explained that the request was to build an addition to the principal structure, and that the odd shaped lot and rear septic system caused a hardship.

Christopher Catanzano, 2404 Chestnut Road, was present for the request and stated that the odd shaped lot and septic system in rear causes a hardship. He also stated that the Engineering Dept submitted comments related to the request, and that he will follow their recommendations for storm water mitigation.

Chairman Rice asked for the applicant to point out the septic system on the drawing. Mr. Catanzano explained it to the Boards satisfaction.

Mr. Rice also asked about the power lines crossing the rear yard. Would they need to be moved to make way for the new addition?

Mr. Catanzano stated that there is one line will need to be rerouted to meet up with the side of the new addition.

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

MOTION Motion to APPROVE a 7' Front Setback Variance to Reduce the Setback to 53' in Lieu of the Required 60' & 1' Rear Setback Variance to Reduce the Setback to 29' in Lieu of the Required 30' (condition that applicant follow Engineering recommendations, following impervious surface review), for the property located at 2404 Chestnut Road, was made by Mr. Jones and 2nd was by Mr. Greer. Motion was carried on a roll call vote as follows:

Mr. Greer— yes	Mr. Rummage – yes
Mr. Jones - yes	Chairman Rice – yes
Mr. Parchman – yes	
Motion carried.	

At 6:14 PM, Mr. Jones made a motion to adjourn. The meeting adjourned at 6:14 PM.

Jack Wakefield,
Planner/GIS



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

April 20, 2023

AGENDA ITEM

BZA-23-6 **Ross Parker** is requesting **Front & Rear Setback Variances** for the property located at **2200 Brookdale Lane**. The purpose of this request is to reduce the front setback setback to 45' in lieu of the required 50' & to reduce the rear setback to 10' in lieu of the required 30', to build an addition to the principal structure. The property is owned by Ross Parker and is zoned **Vestavia Hills R-3**.

BACKGROUND

5' Front Setback Variance to Reduce the Setback to 45' in Lieu of the Required 50' & 20' Rear Setback Variance to Reduce the Setback to 10' in Lieu of the Required 30'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a front and rear setback variance to build an addition to the house. The applicant contends the corner lot and the pie-shape of the lot causes a hardship. The addition will only encroach further into the rear setback. A front setback variance was added, as the house was originally built a few feet over the 50' setback. There is an easement in the rear yard, but the addition will not encroach that easement line.

ATTACHMENTS

1. Application
2. Current Survey
3. Proposed Site Plan
4. Floor Plan
5. Side Elevation
6. Impervious Surface Review
7. Owners Affidavit

Jack Wakefield
City Planner



BZA-23-6

Variance and Special Exception Application

Status: Active

Date Created: Feb 16, 2023

Applicant

Ross Parker
rossparker@att.net
2200 Brookdale Ln
Vestavia, AL 35216
6625493264

Primary Location

2200 BROOKDALE LN
VESTAVIA HILLS, AL 35216

Owner:

Ross Parker
2200ookdale Ln Brookdale Lane Vestavia, AL
35216

Agenda Information

Agenda Scheduling

April 2023

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Ross Parker

Phone #

6625493264

Address

2200 Brookdale Ln

City/State/Zip

Vestavia/AL/35216

Email

rossparker@att.net

Subject Property Information

Subject Property Address

2200 Brookdale Ln

Legal Description of Subject Property

Block 4, Vestview Highlands

REASONS FOR REQUEST

Front Setback Variance



Setback Required

50

Setback Requested

45

Rear Setback Variance



Setback Required

30

Setback Requested

10

ZONING

Vestavia Hills Zoning for the subject property is

R3

PROJECT

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

Project is an addition to house. Variance for rear setback requested in order to add more space and square footage to house. Variance for front setback is due to the current distance from the edge of my house to the front property line.

HARDSHIP

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

Due to the strict interpretation of the city code as well as the natural setting of the corner lot, the area for the addition to the house is defined as the rear and not the side. The size of this particular property in the rear measures slightly narrower than the side.

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:

Due to the strict interpretation of the city code as well as the natural setting of a corner lot, the area for the addition to the house is defined as the rear and not the side. The size of this particular property in the rear measures slightly narrower than the side.

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:

Allowing the variance requested and continuing with the addition of the house will lift limitations that are unique to this particular corner 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 side setback will not change and will be slightly under 30 feet which is needed for a rear setback. Allowing the variance will lift the limitation and allow the applicant to add on to the house in the rear which is a common practice for other non-corner lot locations doing a house addition.

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

The requested variance will allow a more appealing house in the neighborhood and will show no harm to other neighbors property. The applicant has already spoken to the neighbor adjacent to the rear setback and is in favor of the addition to the home.

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

The conditions of this corner lot property are unique in shape and appear to be different than other typical properties in the neighborhood.

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 for the rear setback may appear to be extreme however due to the strict interpretation of the city code and unique shape of the corner lot, the size of this particular property in the rear is only slightly narrower than the side.

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.

Applicant acknowledges and agrees

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.

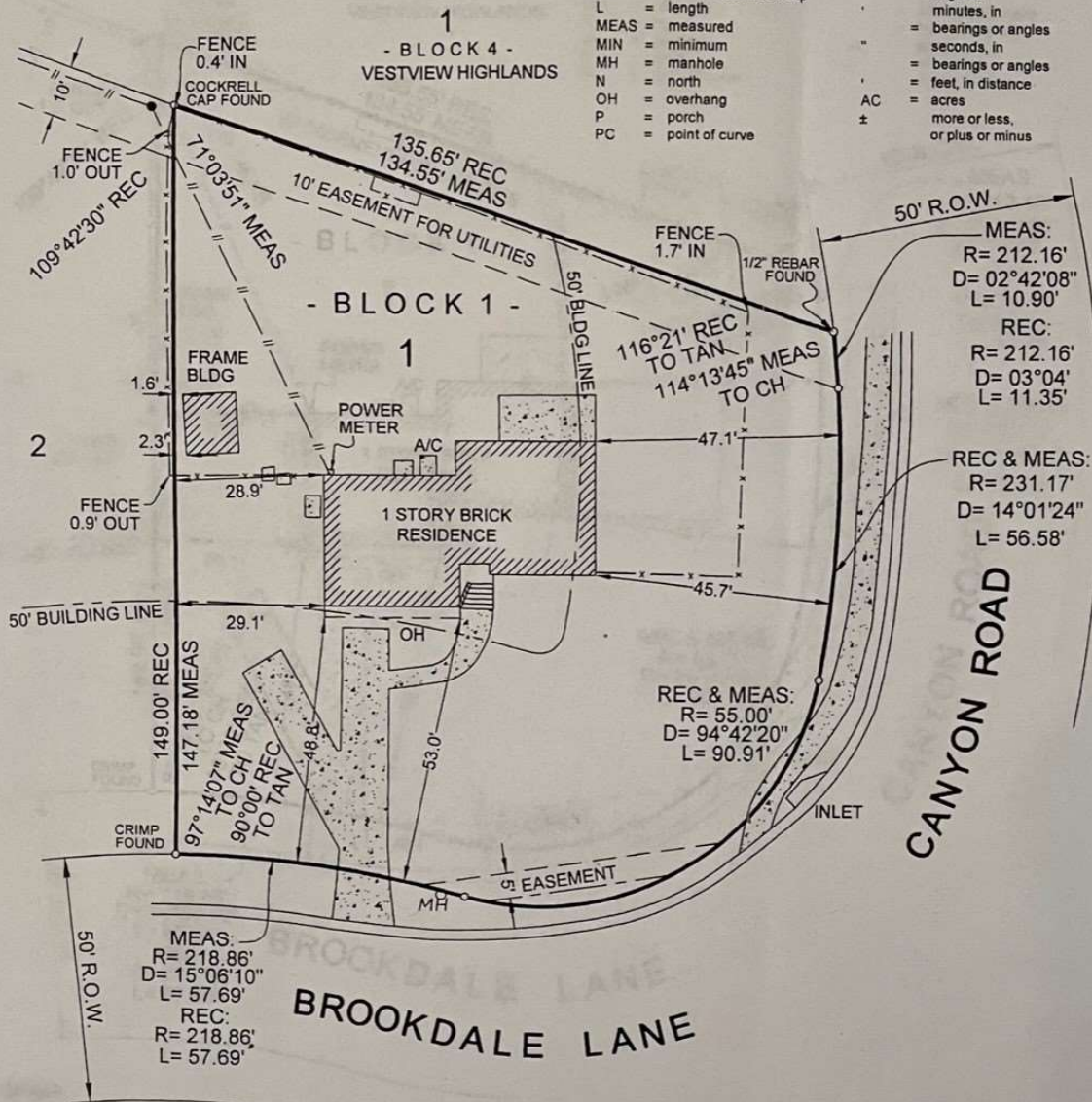
Owner Signature

Ross Kennedy Parker
02/08/2023

SCALE: 1"=30'

LEGEND:

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

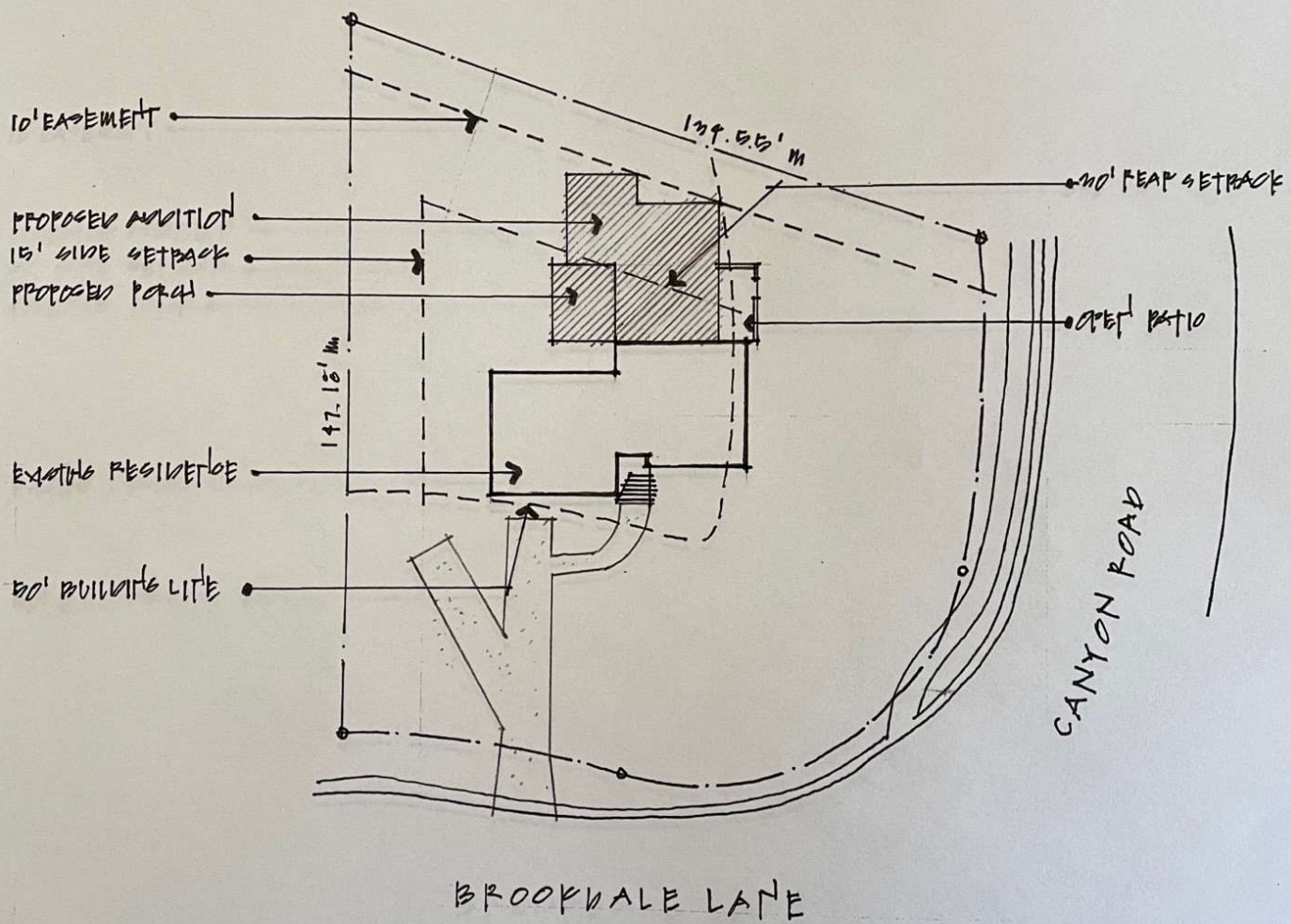


STATE OF ALABAMA
JEFFERSON COUNTY

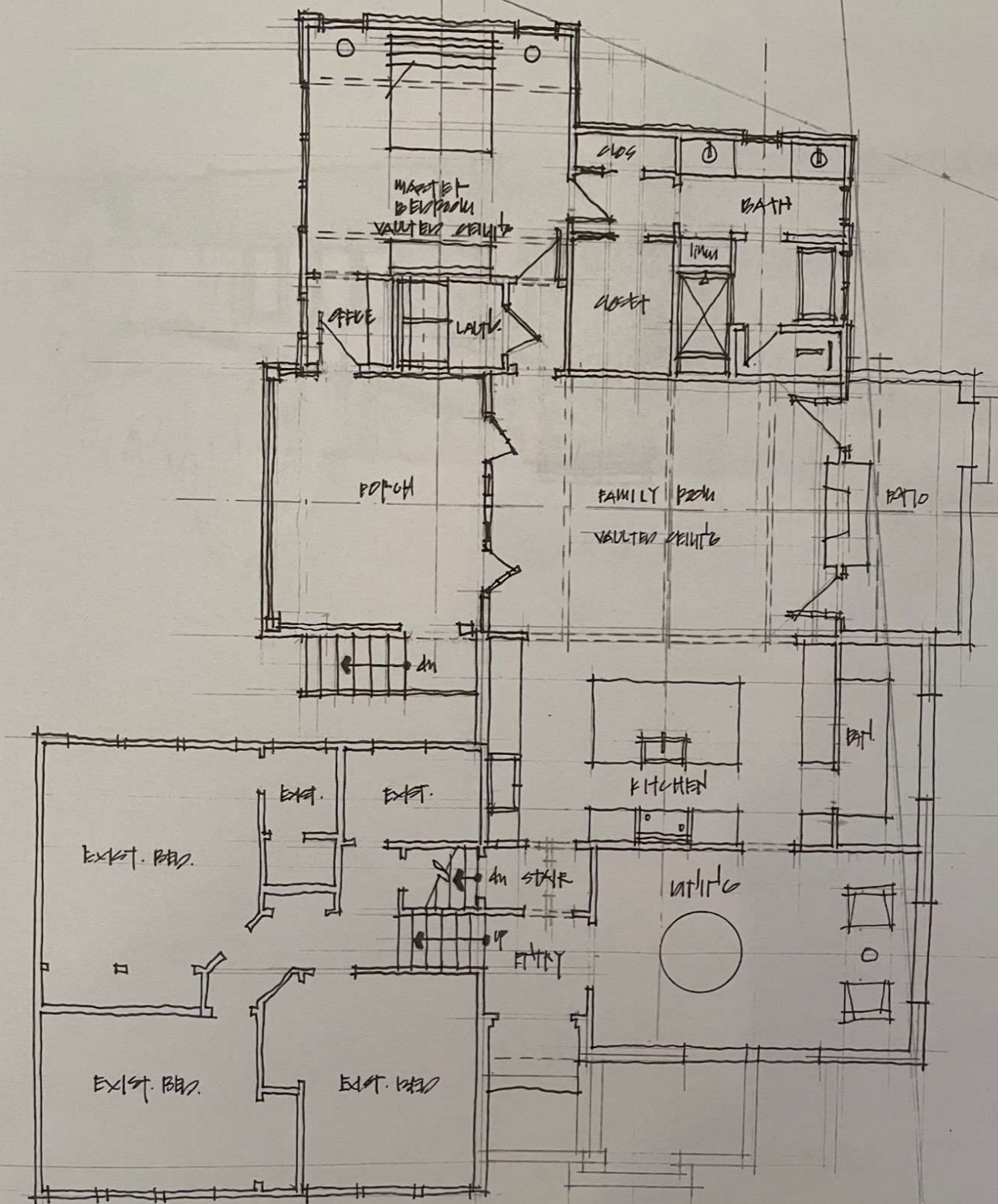
I, David B. Entekin, a registered Land Surveyor, certify that I have surveyed Lot 1, BLOCK 1, MAP OF SOUTHRIDGE ADDITION TO VESTAVIA HILLS as recorded in Map Book 42, Page 13 in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey and drawing have been completed 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: 2200 Brookdale Lane according to my survey of June 10, 2022. 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

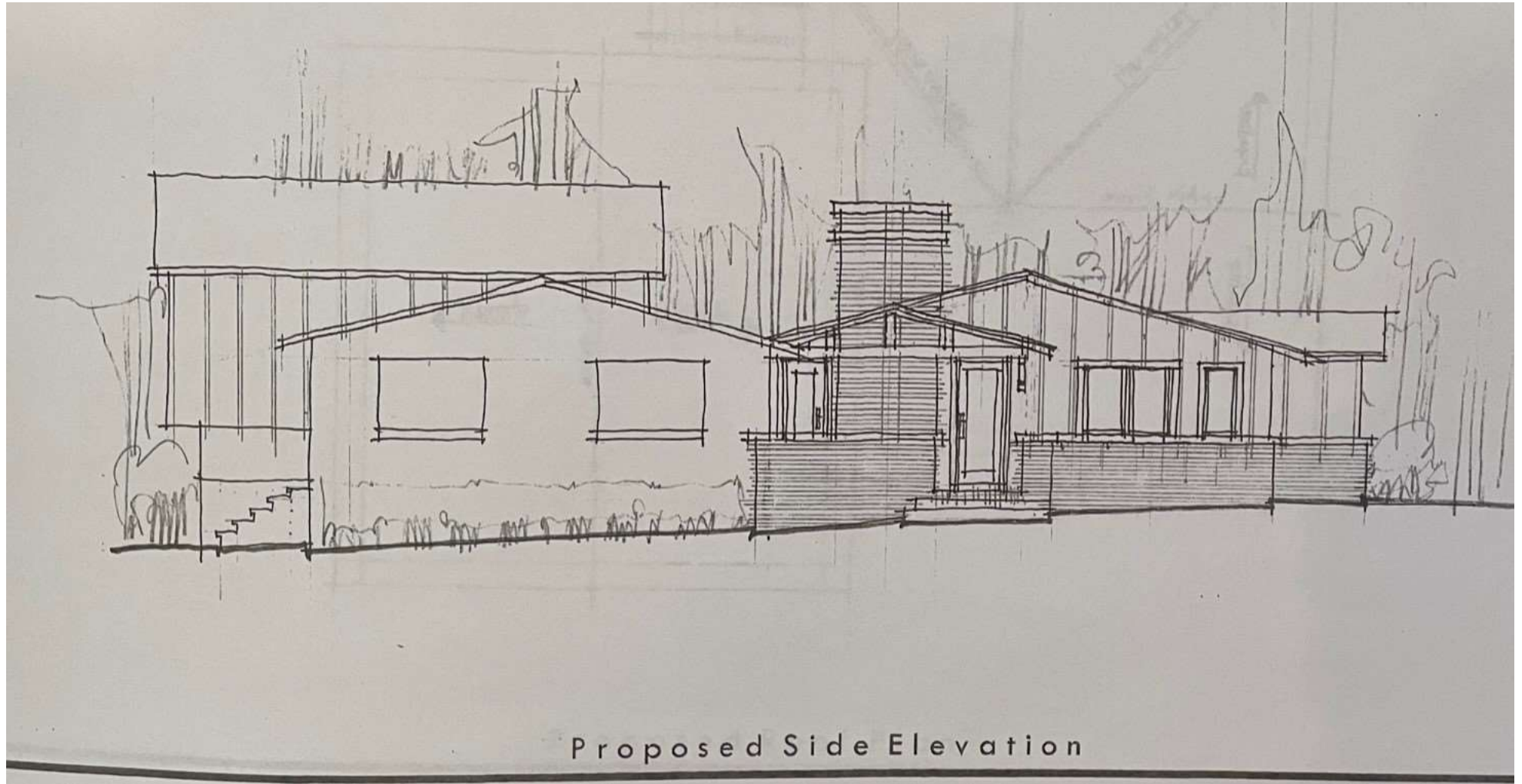




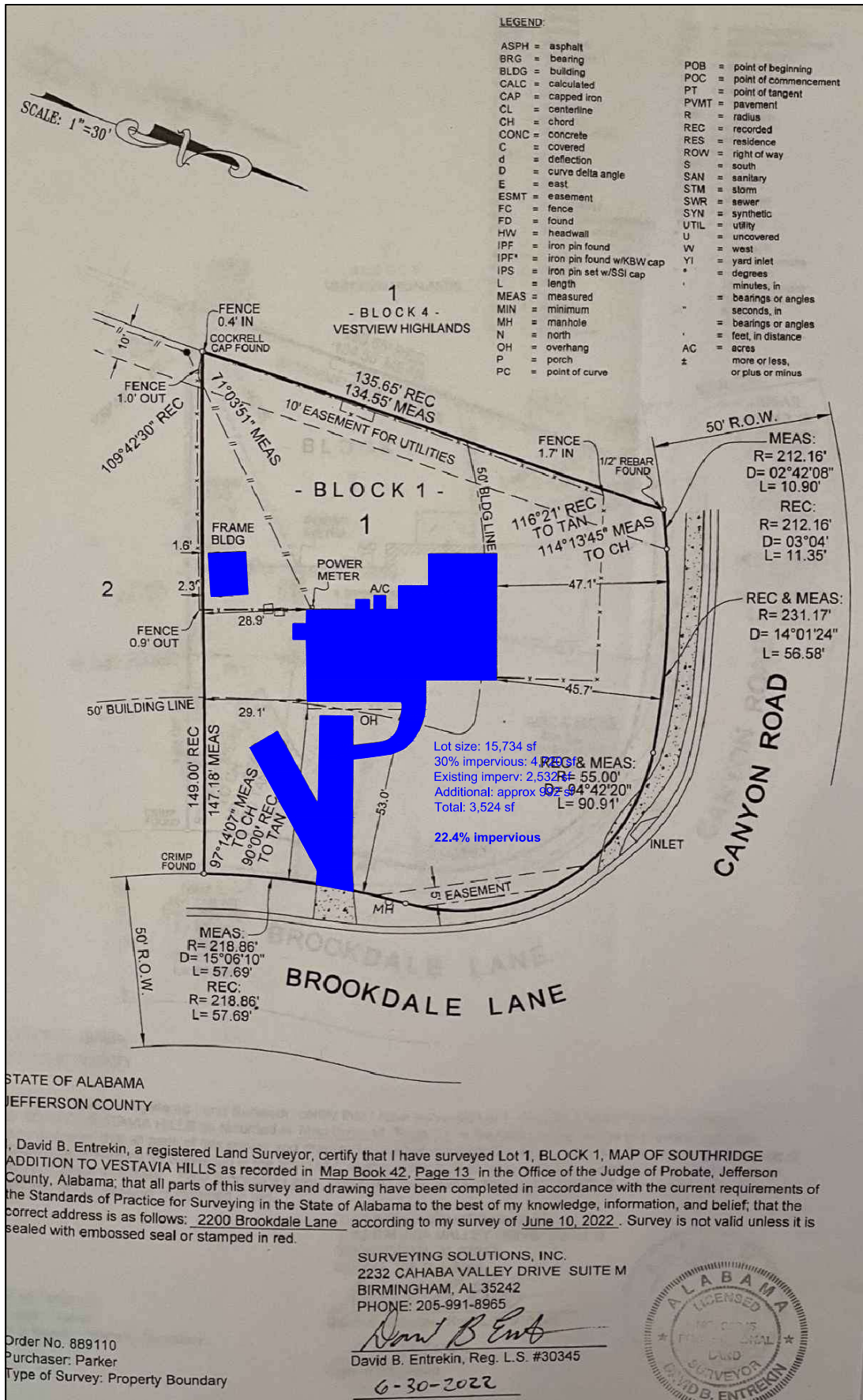
Proposed Site Plan



Proposed Entry Floor Plan



Proposed Side Elevation





City of Vestavia Hills
Office of the City Clerk

OWNER AFFIDAVIT (This form must be notarized):

I do hereby declare that the following statements are correct concerning the subject property located at: 2200 BROOKDALE LN, 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 14 day of February, 2023.

Sarah Jane Hoerner
Notary Public

SARAH JANE MANGEL HOERNER
Notary Public
Alabama State at Large

28, 2025



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

April 20, 2023

AGENDA ITEM

BZA-23-7 **Ricardo Azziz** is requesting a **Side Setback Variance & a Variance for Setback of Accessory Structure From Principal Structure**, for the property located at **2461 Mountain Vista Drive**. The purpose of this request is to reduce the side setback to 16' in lieu of the required 17' & to reduce the setback of an accessory structure from the principal structure to 5' in lieu of the required 10', to build a carport. The property is owned by Ricardo Azziz and is zoned **Vestavia Hills R-1**.

BACKGROUND

1' Side Setback Variance to Reduce the Setback to 16' in Lieu of the Required 17' & a 5' Accessory Structure/Principal Structure Setback Variance to Reduce the Setback of Accessory Structure to 5' in Lieu of the Required 10'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a side setback variance and a variance from the setback of an accessory to the principal structure. The applicant intends to build a detached garage. The applicant contends that the shape of the lot, as well as the septic system in the rear causes a hardship. There is no adequate area on the lot for the structure to go. The odd-shaped lot lines prevents the accessory structure from setting back the required 10' from the principal structure. The easement in the rear also limits how far to the property line the structure can be placed.

ATTACHMENTS

1. Application
2. Engineering Comments
3. Impervious Surface Review
4. Current Survey
5. Proposed Drawings
6. Owners Affidavit

Jack Wakefield
City Planner



BZA-23-7

Variance and Special Exception Application

Status: Active

Date Created: Mar 1, 2023

Applicant

Ricardo Azziz
razziz67@gmail.com
2461 Mountain Vista Dr
Vestavia, AL 35243
7063050383

Primary Location

2461 MOUNTAIN VISTA
VESTAVIA HILLS, AL 35243

Agenda Information

Agenda Scheduling

April 2023

Applicant Information

I am filling this out as the

Owner

Billing/Responsible Party

Name

Ricardo Azziz

Phone #

706-305-0383

Address

2461 Mountain Vista Dr

City/State/Zip

Vestavia, AL 35243

Email

razziz67@gmail.com

Subject Property Information

Subject Property Address

2461 Mountain Vista Dr., Vestavia Hills, AL
35243

Legal Description of Subject Property

Parcel ID: 40 00 05 1 000 002.018

REASONS FOR REQUEST**Side Setback Variance****Setback Required**

17'

Setback Requested

16'

Other Setback Variance**Setback Required**

10 feet (setback required for accessory structure from principal structure)

Setback Requested

5 feet

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.**

We would like to build a free-standing carport behind our home, as our cars and that of our children are getting damaged by trees and weather. The proposed carport is 32' x 24' and will be 16 feet from the rear of the property, consistent with required set back. To meet the rear setback the planned carport needs to be 5' away from the main house. In order to meet the required 10' setback from the main house we would need to move the carport further back behind the home, where the property widens. Unfortunately, this would put the carport on top of the field lines of our septic system. In addition, we are trying to not get too close to what we believe is a 20' drainage easement in the rear of the property.

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 property is odd-shaped - a quadrilateral rhomboid to be precise. The proposed carport is 32' x 24' and will be 16 feet from the rear of the property, consistent with required set back. However, to meet the rear setback the planned carport needs to be 5' away from the main house. In order to meet the required 10' setback from the main house we would need to move the carport further back behind the home, where the property widens. Unfortunately, this would put the carport on top of the leach field of our septic system. In addition, we are trying to not get too close to what we believe is a 20' drainage easement in the rear of the property.

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:

Uniquely, our property is odd-shaped - a quadrilateral rhomboid . Furthermore, the main house is placed at an angle not parallel to any of the property lines. Hence, this creates the situation described above.

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:

That is correct. Most other properties in our neighborhood are either regularly shaped or larger. Furthermore, our house is the only one placed off-center on the property (in order to face the cul de sac).

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:

That is correct. If we follow the literal instructions, we would be unable to build the proposed carport.

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

That is correct. The requested variance will allow us to provide protection to our cars, will not be seen from the street, and will maintain the integrity of the front of the home.

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

That is correct. We did not segregate the lot nor build the home.

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

That is correct. We are only requesting a 5 feet variance from our main house and no other.

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.

That is correct. The proposed carport is for residential use only.

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

Ricardo Azziz
02/28/2023



BZA-23-7

Engineering Review

Variance and Special Exception Application

Status: Complete

Became Active: Mar 13, 2023

Assignee: Lori Beth Kearley

Completed: Mar 14, 2023

Applicant

Ricardo Azziz
razziz67@gmail.com
2461 Mountain Vista Dr
Vestavia, AL 35243
7063050383

Primary Location

2461 MOUNTAIN VISTA
VESTAVIA HILLS, AL 35243

Comments

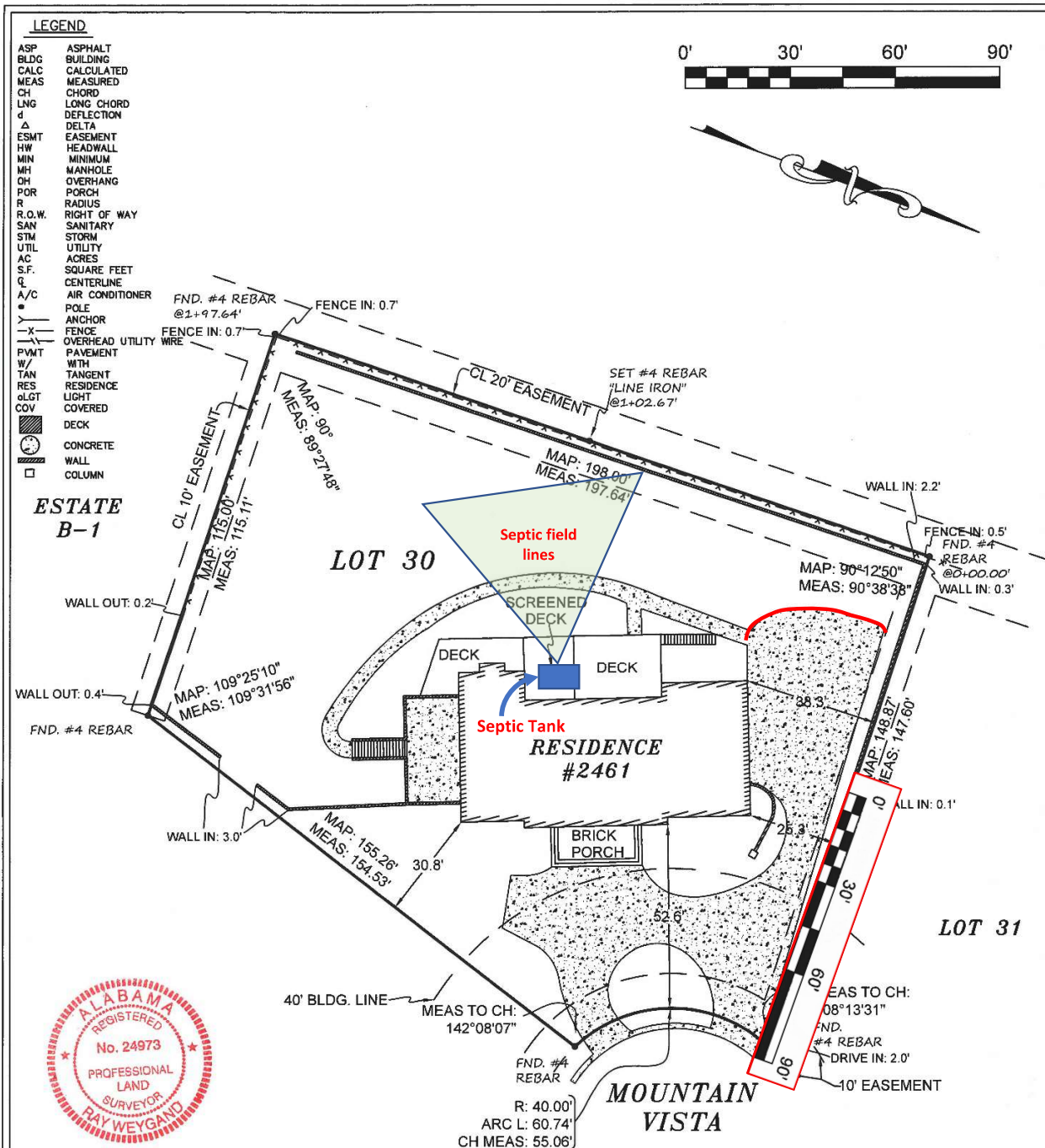
Lori Beth Kearley, Mar 14, 2023

Based on engineering review, this lot already exceeds the maximum allowable impervious coverage. Per code, an R-1 zoned lot is allowed up to 30% of the lot to be covered with impervious surfaces. Impervious surfaces include the building area, accessory buildings and any driveways or other areas covered in concrete, asphalt, or other hard surface where stormwater cannot absorb directly into the ground.

Any increase in imperviousness (i.e., new roof area or driveway that is currently grass) will only be allowed during permitting if sufficient stormwater runoff mitigation is proposed. This could include removal of an existing impervious site component that is equivalent to the proposed impervious increase or an engineered stormwater management system/low impact development feature designed to capture and manage the increase in stormwater runoff.

This Engineering review and approval will be required at the Building Permit stage.

Page 24 of 42



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Property Boundary Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 30, ALTADENA BROOK SECOND SECTOR FIRST ADDITION, as recorded in Map Volume 149, Page 30, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of . Survey invalid if not sealed in red.

Order No.: 20201132
Purchaser: AZZIZ
Address: 2461 MOUNTAIN VISTA


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

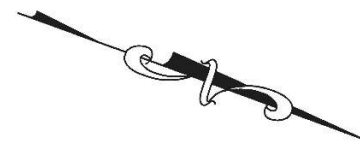
WEYGAND
SURVEYORS

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

LEGEND

ASP ASPHALT
BLDG BUILDING
CALC CALCULATED
MEAS MEASURED
CH CHORD
LNG LONG CHORD
DEF DEFLECTION
Δ DELTA
ESMT EASEMENT
HW HEADWALL
MIN MINIMUM
MH MANHOLE
OH OVERHANG
POR PORCH
R RADIUS
R.O.W. RIGHT OF WAY
SAN SANITARY
STM STORM
UTIL UTILITY
AC ACRES
S.F. SQUARE FEET
CL CENTERLINE
A/C AIR CONDITIONER
• POLE
—X— ANCHOR
—Y— FENCE
—Z— OVERHEAD UTILITY WIRE
P/V/T PAVEMENT
W/TAN WITH TANGENT
RES RESIDENCE
oLGT LIGHT COVERED
COV COVERED
DECK
CONCRETE
WALL
COLUMN

0' 30' 60' 90'



ESTATE
B-1

LOT 30

RESIDENCE
#2461

MOUNTAIN
VISTA

LOT 31



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Property Boundary Survey"

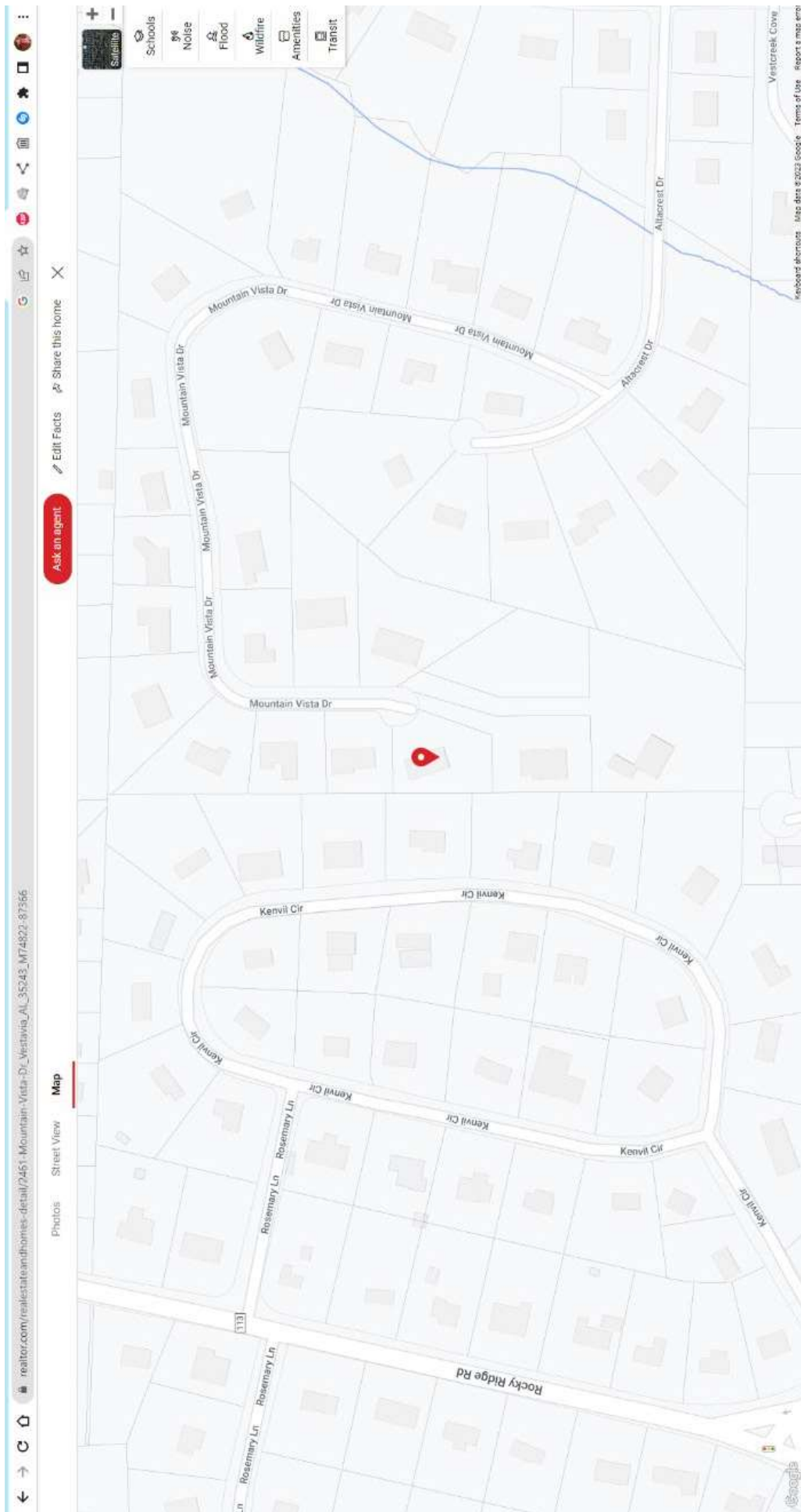
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 30, ALTADENA BROOK SECOND SECTOR FIRST ADDITION, as recorded in Map Volume 149, Page 30, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of . Survey invalid if not sealed in red.

Order No.: 20201132
Purchaser: AZZIZ
Address: 2461 MOUNTAIN VISTA


Ray Weygand, Reg. L.S. #24973
169 Oxmoor 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 land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.

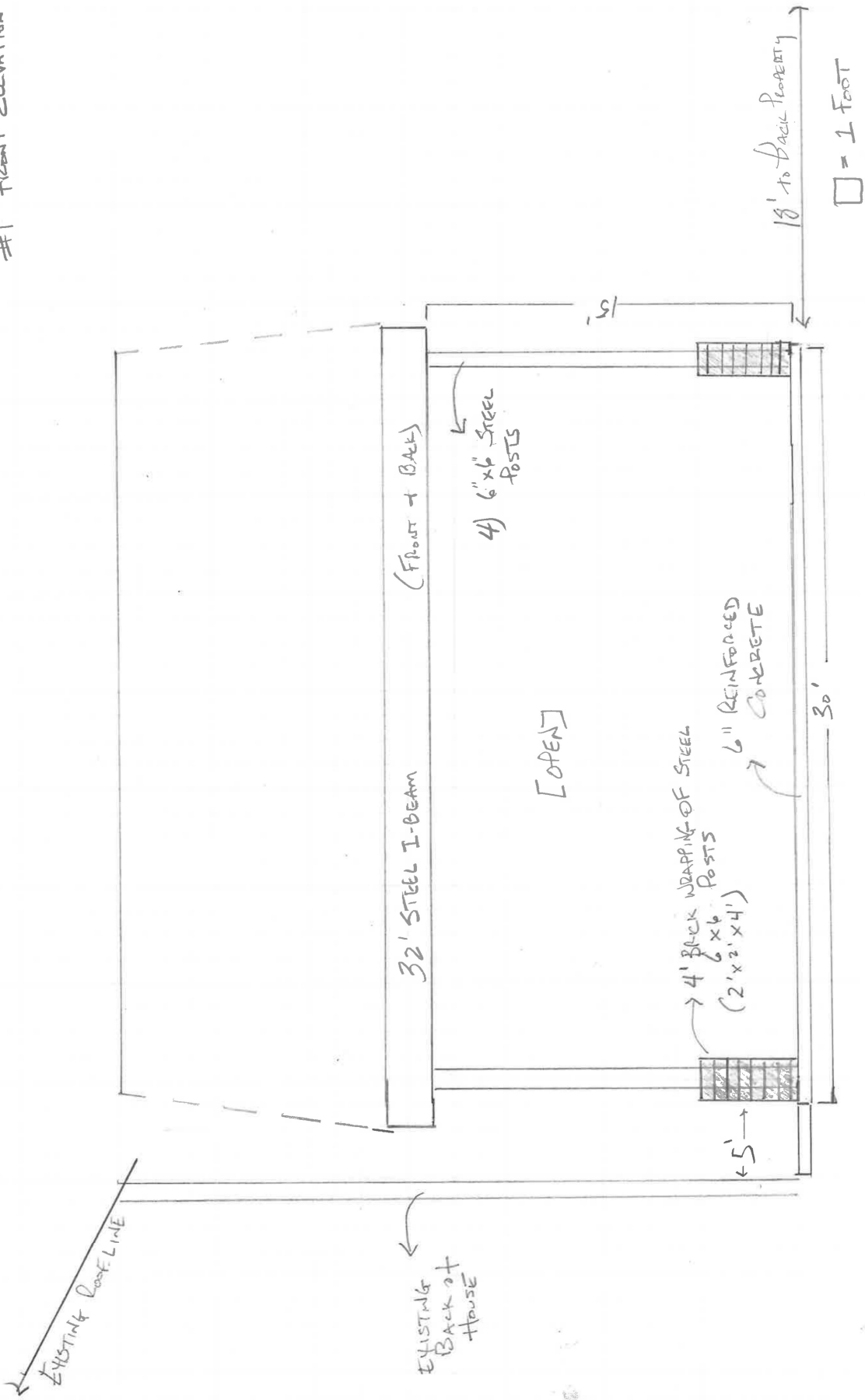


PROPOSED CARPORT ADDITION

RICARDO + CINDY AZZIZ
706-305-0383
2461 MIN VISTA DR.

JEFF REYNOLDS
205-410-1798

#1 FRONT ELEVATION

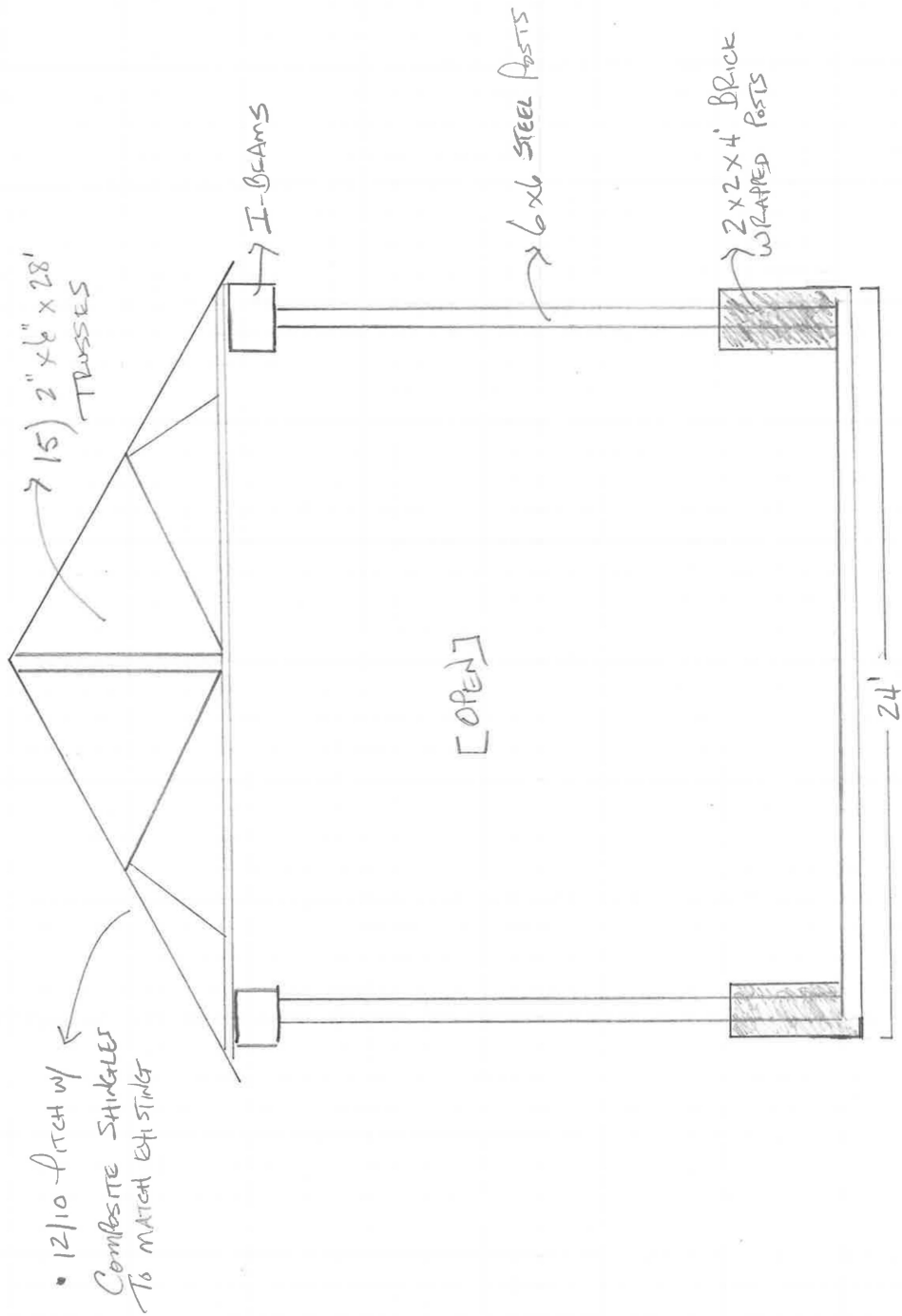


PROPOSED CARPORT ADDITION

RICARDO + CINDY AZZIZ

JEFF REYNOLDS
205-410-1778

#2 SIDE ELEVATION





**City of Vestavia Hills
Office of the City Clerk**

OWNER AFFIDAVIT (This form must be notarized):

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority that we are the owners of said property requesting annexation:

SIGNATURES:

Ricardo Azziz Lot 30 Blk 000 Survey 40 00 05 1 000 002.018
Cynthia B. Azziz Lot 30 Blk 000 Survey 40 00 05 1 000 002.018
____ Lot ____ Blk ____ Survey ____
____ Lot ____ Blk ____ Survey ____
____ Lot ____ Blk ____ Survey ____
____ Lot ____ Blk ____ Survey ____

STATE OF ALABAMA

Jefferson COUNTY

Joan Licari Alfano being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of the owners of the property to be annexed by this petition.

Cynthia B. Azziz
Signature of Certifier

Subscribed and sworn before me on this 1 day of March, 2023.



Joan Licari Alfano
Notary Public

My Commission Expires: 4-18-2026



VESTAVIA HILLS

Board of Zoning Adjustment Planners Report

MEETING DATE

April 20, 2023

AGENDA ITEM

BZA-23-8 **Stephen Brady Wilson** is requesting a **Rear Setback** for the property located at **3587 Miller Hill Way**. The purpose of this request is to reduce the rear setback to 10' in lieu of the required 20', to build a covered deck. The property is owned by Mickie Goad and is zoned **Vestavia Hills R-1***.

BACKGROUND

10' Rear Setback Variance to Reduce the Setback to 10' in Lieu of the Required 20'.

PLANNER'S REVIEW/RECOMMENDATION

The applicant is seeking a rear setback variance to rebuild the existing back porch and add a cover to it. The applicant's property is zoned R-1-Conservation Subdivision. The homes are clustered to make room for the conservation area in the subdivision. The setbacks are defined by the plat. The applicants have received approval from the homeowners association. The structure will be built in the same location as the previous structure.

ATTACHMENTS

1. Application
2. Current Survey
3. HOA Approval
4. Exterior Rendering
5. Owners Affidavit

Jack Wakefield
City Planner



BZA-23-8

Variance and Special Exception Application

Status: Active

Date Created: Mar 21, 2023

Applicant

Stephen Brady Wilson
shelly@bamaexteriors.com
405 Grove Hill Cir
Alabaster, AL 35007
205-492-3325

Primary Location

3587 MILLER HILL WAY
VESTAVIA HILLS, AL 35243

Owner:

Mickie Goad
3587 Miller Hill Way Vestavia, AL 35243

Agenda Information

Agenda Scheduling

April 2023

Applicant Information

I am filling this out as the
Representative Agent

Billing/Responsible Party

Name

Alabama Decks & Exteriors

Phone #

205-492-3325

Address

405 Grove Hill Cir

City/State/Zip

Alabaster/AL/35007

Email

shelly@bamaexteriors.com

Representing Attorney/Other Agent

Name

Nick Harris/Project Designer

Phone #

205-492-3325 ext 106

Address

275 Scotland Dr

City/State/Zip

Alabaster/AL/35007

Email

nick@bamaexteriors.com

Subject Property Information

Subject Property Address

3587 Miller Hill Way

Legal Description of Subject Property

LOT 41 MILLER HILL PB 234 PG 15

REASONS FOR REQUEST

Rear Setback Variance**Setback Required**

20'

Setback Requested

10'

ZONING

Vestavia Hills Zoning for the subject property is

requested project is withing set rear setbacks.

PROJECT

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

we are building a 12x16 deck, following existing footprint and will be adding a cover/screening in. We were told to do this we needed to apply for exception becuase there is a 20' rear setback requirement.

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).

There is a 20' rear setback and the project in question is inside those setbacks.

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:

Homeowner already has an existing deck there that we will be rebuilding and adding a cover to it.

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 properties may have larger setbacks that would not affect their potential projects.

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:

based on maps, there are other properties in this location that seem to have larger setbacks, therefore this should not affect them.

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:

There is an existing deck that would be need to be demo'd and then rebuilt. We are wanting to add a cover to this deck. The property does have a fence and this project would be located within the fenced area.

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

considering a deck is currently existing within her property lines and inside the fence that encloses her property, therefore I do not consider this 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 is basically to rebuild deck as is and then just adding a cover to it.

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.

This should not allow any use not permissible under this ordinance - HOA has already approved this project.

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."

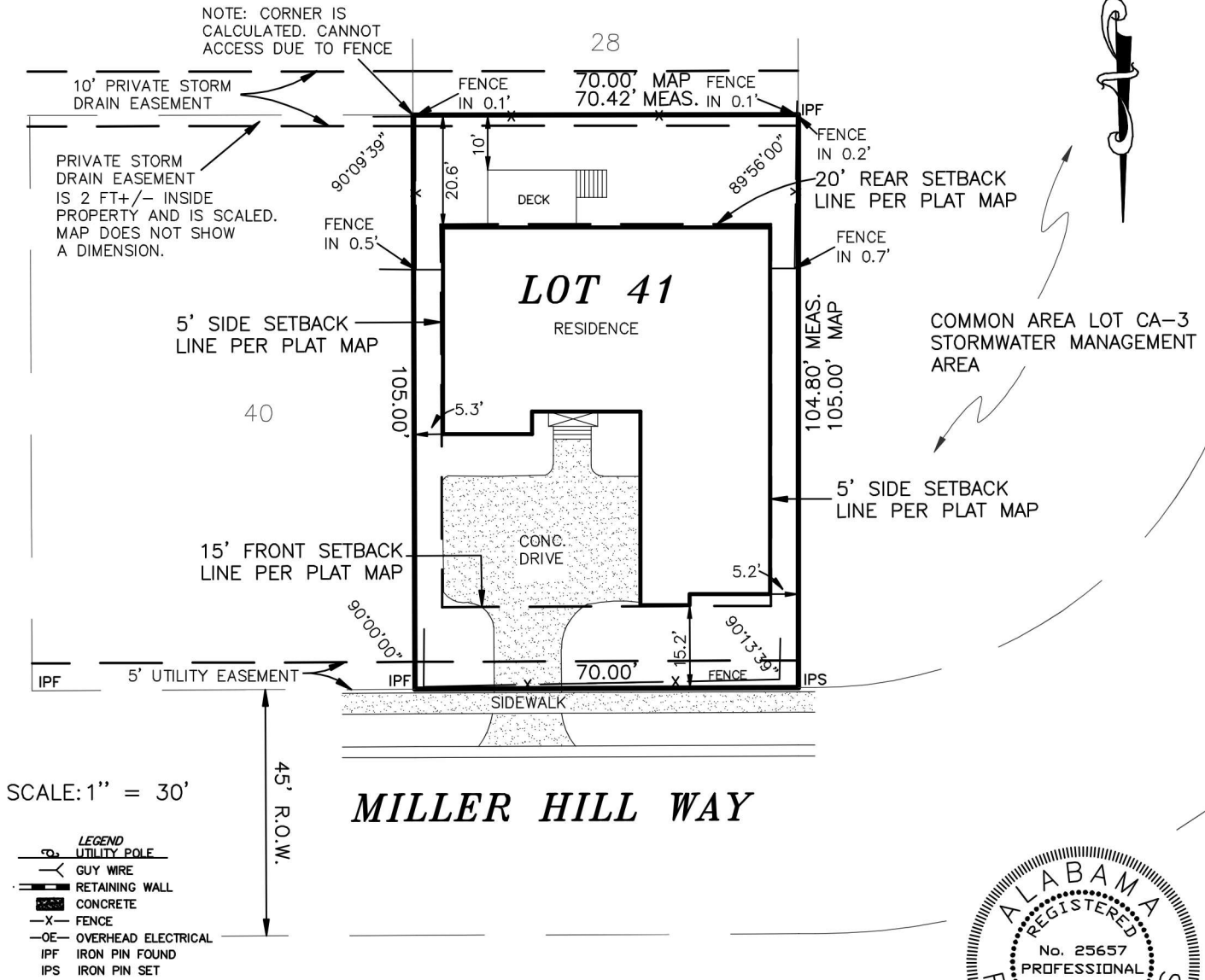
OWNER AFFIDAVIT

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

Shelly Wilson
03/21/2023

REYNOLDS SURVEYING CO., INC.
Surveying - Land Planning



STATE OF ALABAMA
 JEFFERSON COUNTY

"PROPERTY SURVEY"



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 41, Block 28, of MILLER HILL, as recorded in Map Book 234, Page 15 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 2nd day of March, 2023.

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

Owner: Goad
 Address: 3587 Miller Hill Way

Robert Reynolds
 Reg. No. 25657 Page 38 of 42
 B149/50

From: [Stephanie Smith](#)
To: [Karen Terrell](#)
Cc: [Kirk McCulley](#); [Madee Nation](#); [Robert Schornack](#)
Subject: [EXTERNAL]Re: 3587 Miller Hill Way
Date: Tuesday, February 7, 2023 2:43:03 PM

Approved - Stephanie Smith

On Mon, Feb 6, 2023 at 5:15 PM Karen Terrell <kter0130@gmail.com> wrote:
Approved

Sent from my iPhone

On Feb 6, 2023, at 5:13 PM, Kirk McCulley <kirk.mcculley@gmail.com> wrote:

Approved.

Thanks!

On Mon, Feb 6, 2023 at 3:01 PM Madee Nation <madee@nhmlc.org> wrote:

Good afternoon!

Please review the attached request to add on a screened porch. Let me know if you need any further information or if you all approve.

Thank you and have a great day,

Madee Nation

Community Association Manager



205-877-9480 Ext 207.

Madee@nhmlc.org

<https://link.edgepilot.com/s/fcbe72a2/ZXeadpVn8UauDaFSNmVQ3Q?u=http://www.nhmlc.org/>

2700 Highway 280, Suite 425
Birmingham, AL 35223

[@nhmlcAL](#)

Neighborhood Management, LLC, is an Accredited
Association Management Company® (AAMC®)



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NOTE: This email is protected by the Electronic Communications Privacy Act, 18 U.S.C Sections 2510-2521.

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Thanks,

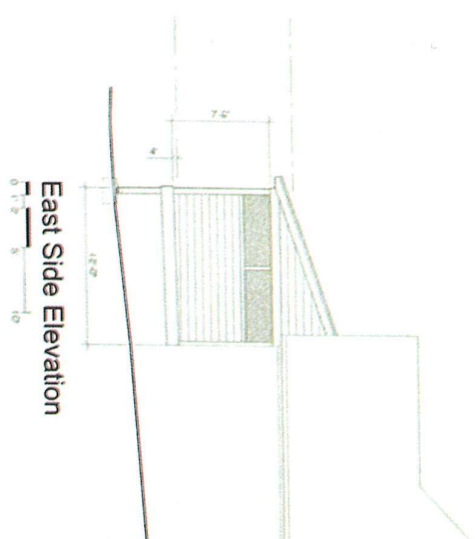
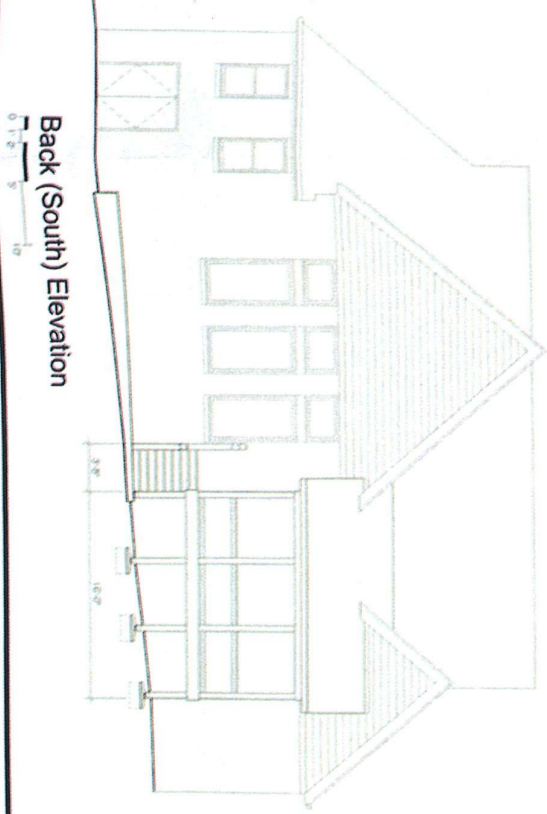
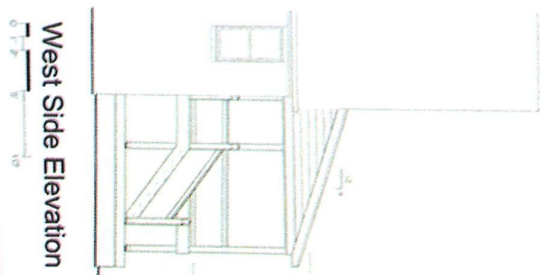
Kirk McCulley

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

West Side Elevation

Back (South) Elevation

East Side Elevation



20th No. 1
A2
Elevations
22.025
12.24.2023

NO.	DESCRIPTION	DATE
1	SCHEMATIC DESIGN	12.24.2023

Schematic Design

tim
Tim Barron
ARCHITECT, INC.
213 Eldon Drive
Prichard, Alabama 35264
(205) 444-7443 Fax 481-3996

Porch Addition to
Mickie's Home
Miller Hill Vestavia Hills, AL



**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: 3587 Miller Hill Way, 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: Alabama Decks & Exteriors 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
X Special Exception
 Design Review Approval

Signed:

Marionna Goel
Owner Signature/Date

STATE OF ALABAMA

COUNTY OF Jefferson

Given under my hand and seal
this 17th day of March, 2023.

Rachel Kennedy
Notary Public



My commission expires 10th day of June, 2026.