

## MINUTES OF MEETING

### HOOVER BOARD OF ZONING ADJUSTMENT

**Date:** May 2, 2019  
**Time:** 7:30 P.M.  
**Place:** Hoover Municipal Center  
**Present:** Mr. David LeCompte  
Mr. Jim Brush  
Mr. Kyle Puchta  
Mr. Lawren Pratt  
Mr. TJ Dolan

**Absent:** Mr. Dan Mikos  
Mr. Curtis Jackson

**Also Present:** Mr. Mac Martin – City Planner  
Ms. Vanessa Bradstreet – Zoning Assistant

#### 1. CALL TO ORDER

The meeting was called to order by Mr. Puchta. The secretary had the roll call and a quorum was present. Mr. Puchta announced all members present would be voting at this meeting.

2. Mr. Puchta asked if anyone had any additions or corrections to the minutes from the April 4, 2019, BZA meeting. There being none, Mr. Puchta asked for the minutes to be approved by acclamation.

3. BZA-0519-05- - Mr. Mitch Smith is requesting a variance to allow a 6' fence in place of a 4' fence in the secondary front yard located at 3401 Loch Haven Drive. Mr. Mitch Smith is the property owner and the property is zoned R-1 (Single Family District).

#### APPROVED

Mr. Mitch Smith, 3401 Loch Haven Drive, was present to represent this case. Mr. Smith explained he and his wife had purchased this home in July 2018 and had lived there about 9 months. Mr. Smith explained the reason they were here was to request a variance to the zoning ordinance so that they could build a 6 foot fence with their building setback for a secondary front yard. Mr. Smith explained there was an old existing chain link fence that they were looking to replace. Mr. Smith stated they discovered that after going to get the building permit that they were not permitted to build a fence within the building setback. Mr. Smith explained they had seen the exception for the 4 foot fence along the property line of Rocky Ridge Road; however, they felt their hardship was due to the significant difference in elevation between their yard and Rocky Ridge Road that the 4 foot tall fence would not provide the privacy or the safety that they would like. Mr. Smith explained they had taken a few pictures of the intersection in front of their driveway to show the elevation and the 6 foot tall fence relative to the front yard just to show it wouldn't affect any of the site view for the intersection. Mr. Smith stated they didn't feel the 6 foot fence would compromise the view from the intersection driving from Loch Haven on to Rocky Ridge Road.

Mr. Puchta thanked Mr. & Mrs. Smith for going about this process the right way. Mr. Puchta asked if anyone on the board had any questions. Mr. Puchta explained that the board members had gone to the site to review the case and were satisfied.

Mr. Puchta asked if there was anyone in the audience who would care to speak regarding this case. Nobody raised their hand. Mr. Puchta asked for a motion. Mr. Dolan made a motion to approve this case. Mr. Brush seconded the motion. After a roll call vote, the motion was **approved** unanimously.

**4. BZA-0519-06**- Ms. Jaime Laird, is requesting to build an attached garage onto the front of the existing house which would extend into the front setback at least 12' located at **539 Greenbrier Way**. John and Jamie Laird are the property owners and the property is zoned E-2 (Single Family Estate District).

**DENIED**

Mr. & Mrs. John Laird, 539 Greenbrier Way, stepped to the podium to represent their case. Mr. Laird explained he and his wife were wanting to build a main level garage to their house and the only location to do that would be in their front yard. Mr. Laird stated they had submitted some plans and drawings and indicated it did come into the setback about 12 feet, leaving it about 35 to 36 feet from the curb with the new garage if it was added. Mr. Laird stated they were asking for a variance to build this garage. Mr. Laird added they had asked their neighbors and obtained a signed statement from several of them saying they had no problem with the case. Mr. Laird added, too, they had obtained HOA approval with their signatures stating they approved it.

Mr. Puchta asked if there were any questions from the Board. Mr. Pratt asked Mr. Laird if they had given any consideration for another garage in the back at the end of the driveway or something like that or perhaps re-doing something inside the house to get what they needed. Mr. Laird said he had considered some things, but the whole intent of asking for the variance was to have a main level garage. Mr. Pratt asked if he had thought of decreasing the width of the single car garage so it was not impacting the setback as much as it would be. Ms. Laird stated she had spoken to Mac Martin, City Planner, and her builder who said they could slim it down approximately 3 more feet. Ms. Laird stated it would have to be at least 15 feet for the car – 9 ft garage door and the car itself, and room for the door to swing open.

Mr. Puchta asked if there were any other questions. Mr. Brush stated he had been provided a layout of the case with the addresses of all the homes that were surrounding them. Mr. Brush asked where several of the neighbors who had signed the statements lived. Mr. & Mrs. Laird pointed out where each neighbor lived.

Mac Martin, City Planner, added for the record that the reason the homes on the north side did seem out of context for the Estate Residential District was that the BZA did grant a variance prior to the development of these homes where the adjustment was made from 50 feet which was normally a requirement in our Estate Residential District down to 35 feet, so what they had today was development on the north side of Greenbrier Way that was patterned after that reduction that was approved by the zoning board and the subsequent platting which placed the 35 foot setback consistently along all the homes on the north side of the street.

Mr. Puchta asked if there were any other questions from the Board or the audience. There were none.

Mr. Puchta asked for a motion. Mr. Brush made a motion to approve BZA-0519-06. Mr. LeCompte seconded the motion. After a roll call vote, the motion was unanimously **denied**.

**5. BZA-0519-07**- Mr. James Wagon with Historical Homecrafters is requesting a variance to construct a one and one half story residence with 2,450 square feet of livable floor area instead of required 2,800 square feet located at **4500 Cayce Lane**. Mr. Steve Zimmerman is the property owner and the property is zoned R-E (Residential-Equestrian District).

**APPROVED**

Mr. James Wagon, 932 Capenta Drive, Pelham, AL, was present to represent this case. Mr. Wagon explained the footage requirements for the property was 2400 square feet on one level and 2800 square feet on multiple. Mr. Wagon explained the neighborhood as you entered into it for about  $\frac{3}{4}$  of a mile were in the 1800 to 2600 square foot size. Mr. Wagon explained this was an unusual piece of property in that it was about 30 acres. Mr. Wagon explained that Frazier Christy was the previous owner and had a special Residential-Equestrian designation put on the property back some time ago. Mr. Wagon stated what they were asking for was to build the 2400 square feet that was required on a one level but to put it on a story and a half house. Mr. Wagon stated it would still be in keeping with the overall context of the community. Mr. Wagon added since it was a 30 acre parcel, regardless of the size, you wouldn't see it from the road. Mr. Wagon emphasized again it would still be in keeping with the community.

Mr. Puchta asked if there were any questions from anyone on the Board. Mr. Pratt stated he noticed the driveway was shared with the house to the right and the one to the left and wondered if any of those neighbors had any problems or concerns with the request. Mr. Wagon stated the drive was shared with the neighbor to the right and actually the other people that were there had an easement. Mr. Wagon stated the neighbor to the left was actually not shared.

Mr. Steve Zimmerman, property owner, spoke up to say the neighbors did not have a problem with his request. Mr. Mac Martin, City Planner, addressed the BZA board to say this was the only property in the vicinity that had the R-E designation. Mr. Martin stated all of the property in the neighborhood leading up to this property was zoned R-1 (Single Family District) which had a minimum floor area requirement of 1500 square feet. Mr. Martin stated the other key factor he would state would be in reviewing the zoning ordinance, it was not entirely clear as to why 2,800 square feet was the benchmark. Mr. Martin stated they could speculate but there was not much explanation as to why this was the case. Mr. Brush asked the other members if they had received the letter from the previous owner, Frazier Christy, and they indicated they had.

Mr. Pratt asked Mr. Zimmerman if he had given any thought to adding the other 350 square feet to the footprint. Mr. Wagon explained this was a single individual and there was just not a need.

Mr. Puchta asked if anyone in the audience had any questions. There were none.

Mr. Puchta asked for a motion. Mr. Lawren Pratt made a motion to approve zoning case# BZA-0519-07. Mr. TJ Dolan seconded the motion. After a roll call vote, the motion was unanimously **approved**.

With no further business, the meeting was adjourned.

---

Vanessa Bradstreet, Secretary, Board of Zoning Adjustment