

MINUTES OF MEETING

HOOVER BOARD OF ZONING ADJUSTMENT

Date: June 27, 2022
Time: 5:30 P.M.
Place: Hoover Municipal Center
Present: Mr. Curtis Jackson
Mr. Kyle Puchta
Mr. Lawren Pratt
Mr. Jack Marshall
Mr. Rohen Par

Absent: Mr. Dan Mikos
Mr. Jim Brush

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. Mr. Puchta began the meeting by introducing the two new members of the BZA Board who were Mr. Jack Marshall and Mr. Rohen Par. Mr. Puchta welcomed them aboard and thanked them for their service on this volunteer board.

The secretary had the roll call and a quorum was present. Mr. Puchta announced all members present would be voting.

2. **APPROVAL OF MINUTES:** Mr. Puchta announced the minutes from the last meeting, May 23, 2022, and March 28, 2022, had been presented to members for adoption if nobody had any additions or corrections. There being none, the minutes were adopted by acclamation.

3. The following case had been **continued** by the applicant until the June 27, 2022, meeting:

BZA-0522-11-Mr. Charles A.J. Beavers, Jr., representing Ms. Sally P. Frederickson, is requesting a variance to allow a solid wooden fence, 6 ½ feet in height, along the property lot line of the secondary front yard at property located at **1101 Lido Drive.** The fence is currently situated into the right-of-way of Haden Street by six (6) feet. The proposal is to relocate the fence to the property line and connect the fence to the side of the dwelling at the protruding chimney. The

property owner is Sally P. Frederickson and is zoned R-1 (Single Family Residential) District. **(CONTINUED)**

Mr. Charlie Beavers, 4301 Dolly Ridge Road, Birmingham, AL 35243, was present to represent this case. Mr. Beavers gave a brief history of the home dating back to the '50's and stated the owner of the house was 101 years old and there were several family members present at this meeting if anyone had any questions for them during the presentation.

Mr. Beavers described the history of the house and the current fence that was in question. Mr. Beavers stated that many years ago, Mr. & Mrs. Frederickson had put in a drainage system to help keep water off their lot. Mr. Beavers referred to the survey just presented and stated the family had hired a fence contractor and didn't know until later that the fence company had gone into the right-of-way 6 to 7 ½ feet when they first built the fence. Mr. Beavers stated when this fact was found out, the family halted all reconstruction projects until they could get this situation resolved. Mr. Beavers added they appreciated the City of Hoover working with them on this situation.

Mr. Beavers explained what they proposed to do was to relocate the fence to the property line and have it extend back toward the back of the property but only extend toward the front of the property where the chimney was located and out to the right-of-way and then back toward the rear of the house. Mr. Beavers added that the fence closed up and didn't fence in the whole backyard. Mr. Beavers added there was a huge magnolia that they fenced out of the yard and wanted to be respectful to their neighbor.

Mr. Beavers stated the back left corner of the lot was wet due to water coming off of Haden Street and off of Lido Drive and ran into the back left side which was why the Frederickson's built the drainage system when they did. Mr. Beavers pointed out that that water comes off Haden Street and lido Drive and the area stayed wet all the time, hence, that is why they fenced in to the right as that was the only usable area on the lot, and the fact that this was a corner lot.

Mr. Beavers explained what they would like to do based on these hardships and circumstances with drainage that impacts the back left corner and the huge magnolia, with less area for a yard since it's a double frontage corner lot on the street, they felt they could be justified relocating the fence on the property line as described. They brought the additional pictures showing fences on Haden Street just to show other homes in the area that looked like their fences were on the property line.

Mr. Beavers explained there had been questions regarding the water lines in this area and as soon as they heard about this, they called the utility locator to come out and locate the utility lines and found there were 3 water lines out there. Discussion was held regarding the water lines and what had transpired. Mr. Beavers stated the utility locators didn't think these lines were running anywhere on this property but could be inside the right-of-way, but the residents had agreed to grant an easement granting permission to access them in any way once the water lines had been located.

Mr. Beavers stated again he felt they did have a unique hardship with the drainage area and the wet spot, and the fact that it was a double front yard due to being a corner lot.

Mr. Pratt asked about the survey showing the fence being out 7 ½ and 6 feet and asked if this was the wooden fence currently in place and asked if this was a previously existing chain link fence. Mr. Beavers answered no and had hired a fence contractor that didn't know they were in the right-of-way. Mr. Pratt asked about the magnolia tree having some smaller magnolia tree saplings and wondered if they could possibly take those out so that the fence could be extended further to the house because the magnolia tree did sit out a little further from the corner as opposed to what would be squared off if that continued to the house.

Mr. Pratt asked Mr. Beavers specifically where the "wet area" was exactly. Mr. Beavers showed on the screen the area he was referring to. Mr. Eric Halliwell, 1942 21st Avenue South, B'ham, AL, stepped to the podium and asked for Mr. Martin to pull up a picture from the top of the deck looking back at the magnolia depicting the back area of the house. Mr. Halliwell explained that this tree absorbs so much water and was the tree that his wife's grandfather planted and had sentimental value as well. Mr. Halliwell explained he felt that chopping some of the smaller saplings might kill the tree and the root system was so large that it would make it hard to put the fence on top of.

Mr. Par asked how tall the fence was. Mr. Halliwell answered it was just shy of 6 ½" feet. Mr. Puchta asked when the current fence was put in? Mr. Halliwell stated it was January of 2020. Mr. Par asked if the fence was only for privacy? Mr. Halliwell stated he had a large 150 pound dog and children that walked up and down the street to school could try to pet the dog and they felt it would provide them some privacy considering that fact.

Mr. Pratt asked Mr. Martin if the city Engineers had any sight line issues. Mr. Martin stated that none were expressed to staff.

Mr. Puchta asked if anyone in the audience would like to speak to this request. Ms. Mary Wolverton, 2209 Haden Street, spoke to the board regarding this request. She stated she lived directly downhill from this property. Ms. Wolverton stated the magnolia tree was magnificent and agreed this was a logical place for them to have the fence. Ms. Wolverton also stated there were a lot of walkers in the neighborhood and agreed they did need a fence for privacy. She also talked about the water meters in the corner and her concerns about that subject and was happy they were willing to grant an easement if needed.

Mr. Puchta asked the Secretary if notices were sent to the neighbors and she answered yes. Mr. Jackson asked Ms. Wolverton if the neighbors were generally agreeable to this if an easement was necessary. She answered yes.

Ms. Wolverton asked about the fence running all the way to the property line. Discussion was held regarding that topic. Mr. Puchta stated to Mr. Beavers that this board did hear many corner lot fence cases and stated that a 6 ½ foot fence was a really big fence and did not remember granting a 6 ½ foot fence and did feel that was concerning considering the height of the fence.

Mr. Beavers took a moment to speak to his client and did come back to say that the client did wish to get as much height as they could considering the privacy aspect. He stated they would rather have the fence on the property line and work with them on the height. Mr. Puchta stated that the typical height was 4 feet but did have to follow the lay of the land. Mr. Beavers then stated his client had offered to take it down to 5 ½ feet if that would be acceptable.

Mr. Martin stated, after looking at the other fences in the area, he didn't have a precise way of measuring these fences, but did look like they were pretty close to 4 feet. Mr. Puchta added that it wasn't the BZA's job to police the other fences in the area and Mr. Beavers stated he understood that and just wanted them to see the other fences in the area, however, they did have the other circumstances in their yard.

Mr. Pratt asked if the fence might come out to touch the fireplace, just to the right of the window, or move it out further. Mr. Beavers stated they would like to move it just on the other side of the window. Mr. Pratt asked Mr. Martin if he could get to the intersection and look down the street again toward the fence, would the location of the fence generally be where the connection of the two fences jutting out and stopped, shift the fence toward the house, outside the tree, and the hole in the ground where the water lines would be outside of this location. Mr. Beavers stated it would be in 6 feet in toward the house and 7 ½ feet from where it is now

toward the back of the house, basically parallel to where it was now. Mr. Beavers stated the hole was about 8 feet.

Mr. Puchta stated he was concerned about so many conditions being made. Mr. Pratt asked if they would be willing to work with staff and come back next month with a more defined request. Mr. Halliwell asked if the main concerns were the height of the fence and additionally, to keeping the location of the fence. Mr. Beavers asked if they could table it for awhile and come back in a little bit for discussion. Mr. Puchta explained they had a full agenda this meeting and it would probably be best for a continuance until the next meeting. Mr. Halliwell then requested a continuance. Mr. Beavers stated he appreciated the time the board had spent on the case.

Mr. Pratt made a motion to accept the request to continue the case until next month. Mr. Curtis seconded the motion. After a roll call vote, the motion was approved unanimously.

4 **BZA-0522-12** - Mr. Danny Burrows, owner of **441 Shades Crest Road**, is requesting a variance to allow a carport in the front yard. The property is zoned E-2 (Single Family Estate District). **(APPROVED)**

Mr. Danny Burrows, 441 Shades Crest Road, Hoover, AL 35226, stated that the way the current house was originally built, it still had the original garage and wasn't large enough to park a van or SUV in there. Mr. Burrows stated that they had checked with the idea of building off that garage, but as they could see, there was a significant water oak tree there that they didn't want to disturb or take down and to the other side of the garage, it was too close to the neighbor's boundary and that is where their septic field lies (south end of the building) in this corner.

Mr. Burrows stated he had drawn in the proposed carport, a 25 x 35, staying off the southern boundary by 10 ft because that is the boundary and there is a service line that comes in for their electric. Mr. Burrows stated it would be brick on 3 sides to match the house and the wood on it would be painted to match the house. Mr. Burrows stated it would actually sit about 230 feet off of Shades Crest Road. Mr. Burrows added they would just like to have an area they could get their cars out of the weather.

Mr. Puchta thanked Mr. Burrows for clarifying where their septic lines were. Mr. Pratt asked specifically where in the yard the septic fields ran. Mr. Burrows stated they would love to have it closer to the house however there were no good options available for attaching it to the house on either side.

Mr. Puchta asked if there were any other questions. Mr. Jackson asked about the house next door to the left and wanted to see the rendering again on the screen to see its' proximity to the proposed building.

Mr. Par asked about the original garage on the house. Mr. Burrows answered that it was original to the house and had been remodeled at some point making the roof line lower. Mr. Burrows stated that it was currently being used as storage for bikes, scooters, lawn mowers, etc.

Mr. Marshall spoke up to say he was a resident of the area and voiced his displeasure with this project being in the front yard as well as the appearance of it.

Mr. Par asked about the yellow area was on the map. Mr. Par how big it was and Mr. Burrows answered 12 x 10 maybe.

Mr. Burrows then addressed Mr. Marshall to say that he and his wife, too, had been concerned about and tried to put it well behind the trees and landscaping, keeping it as narrow as possible so as not to obstruct anybody's view.

Mr. Pratt asked Mac Martin what the side setback was for this lot. Mr. Pratt also asked Mr. Burrows if the line running down was a power line easement associated with it. Mr. Burrows answered not to his knowledge. He stated he had been told it was a "service" line but he did want to stay off it just in case AL Power needed to access it. Mr. Martin, City Planner, then answered Mr. Pratt's question that in E-2, the side setback was 15 ft. Mr. Pratt clarified that the dimension from the back to front of the carport was 25 feet.

Mr. Puchta asked if there were any other questions for Mr. Burrows. There were none. Mr. Puchta then asked if anyone in the audience had any questions or comments. There were none. Mr. Puchta asked the secretary if notices had been mailed to the neighbors and if she had any questions or feedback from those neighbors. Ms. Bradstreet stated she had mailed the notices to the adjacent neighbors and had no feedback at all from them. Mr. Burrows stated that he had addressed this project with both neighbors on either side and that neither of them had any objections.

Mr. Puchta then asked for a motion. Mr. Pratt made a motion to approve BZA-0522-12 with the contingency the building meeting the side setback of 10 ft. Mr. Jackson seconded the motion. After a roll call vote, the motion was approved unanimously.

5. BZA-0622-14 – Chris and Elizabeth Cooper, **1929 Deo Dara Drive**, are requesting a setback variance for their corner lot property located at **1929 Deo Drive** for a remodeling project. The property is owned by Chris and Elizabeth Cooper and is zoned E-2 (Single Family Estate District). (**APPROVED**)

Chris and Elizabeth Cooper, 1929 Deo Dara Drive, were present to represent this case. Mr. Cooper explained they lived on a corner lot and due to family circumstances, they found they needed extra living space, but due to setback issues and the layout of the house, anything they did was going to require some type of variance. Mr. Cooper explained the reconstruction project they had in mind.

Mr. Pratt wanted to clarify the building setback on this lot. Mr. Martin answered that the required setback in the zoning ordinance for this zoning district was 50 feet unless the existing development pattern of a fully built out street required one that was larger. Mr. Martin stated that after visiting the neighborhood, he felt the 60 ft building line was probably in line with the other homes that were already there. Mr. Martin stated that since it was an already built out street, the 60 ft would match what was in existence and is about where the established building line was. Mr. Martin stated the relief the Coopers were requesting would be relief off the 60 foot line on the Deo Dara side.

Mr. Pratt asked Mr. Cooper if he would entertain the idea of decreasing the length of Addition No. 2 so that it would not project any further than the 60' building line as shown on the survey. Mr. Cooper answered yes after consulting with his architect.

Mr. Puchta stated if they went further back it was getting a little tight again with the setbacks. Mr. Puchta stated it was always a challenge in the older houses on which way the houses were situated on the lots.

Mr. Puchta asked if there were any other questions or comments from the board members or audience. There were none. Mr. Puchta asked the Secretary if there were any questions or comments from the neighbors. Ms. Bradstreet answered no.

Mr. Martin, City Planner, added that a revised request would be for essentially 10 feet of relief off the rear setback off the existing line of the house and 10 feet of relief on the side street of frontage on the existing line of the house and the 60 ft pattern line on the Deo Dara side could be maintained.

Mr. Puchta asked for a motion. Mr. Pratt then asked Mr. Cooper if he would be amenable to a motion to where the front on Deo Dara, they would adhere to 60

feet. Mr. Cooper answered yes. Mr. Pratt then made a motion to approve BZA-0622-14 with the 60' front setback on Deo Dara met, with the addition to the 10 feet on the side and back as stated. Mr. Curtis seconded the motion. After a roll call vote, the motion was approved unanimously.

6. BZA-0622-15 – Allen Cobb, representing Coastal Oaks, LLC, d/b/a Signarama, is requesting a sign variance to allow two building wall signs at a combined 130.62 square feet in lieu of the allowed 80 square feet at property located at 105 Inverness Corners at the Precision Tactical location. Corporate Boulevard Video, LLC, is the property owner and the property is zoned PC (Planned Commercial). **(DENIED)**.

Mr. Chris Wayne, general manager of Signarama, was present to represent their client, Precision Tactical. Mr. Wayne reminded the board of a sign variance case at the end of last year by the property owner. Mr. Wayne described the case of the sign being hard to see from Hwy 280 because it was in somewhat of a valley. Mr. Wayne explained the BZA did grant a slightly larger sign on a pole sign.

Mr. Wayne stated the current client was requesting a larger sign. Mr. Wayne stated he was asking for a 130 vs. the 80 sq ft sign with two frontages. Mr. Mac Martin stated there was a private drive there and in their interpretation of the zoning ordinance, this being a corner property, and looking at Inverness Corners as a private drive, they had interpreted it being permissive of 80 square feet.

Mr. Puchta asked if there were any questions. Mr. Pratt asked about the previous case and if it was the owner who had requested. Mr. Wayne stated it was the owner who had applied. Mr. Puchta confirmed with Mr. Martin about the square footage not being increased but the height of the sign was increased. Mr. Martin agreed as well as Mr. Wayne concurred.

Mr. Jackson asked Mr. Martin if there were any other commercial properties really close to this address that were bigger than the 40 sq foot / 80 sq. ft. signage? Mr. Martin stated he did not recall any variances right offhand like that.

Mr. Puchta asked if there were any other questions. There were none. Mr. Puchta asked for a motion. Mr. Pratt made a motion to approve BZA-0622-15. Mr. Jackson seconded the motion. On voice vote, the motion was unanimously denied.

7. **BZA-0622-16** – Mr. Nassib Sukar, d/b/a Sukar Construction, is requesting to reduce the rear setback to not less than 20’ so the house can set behind the 30’ front setback at property located at **848 Heatherwood Place**. Mr. Sukar is the property owner and the property is zoned E-2 (Single Family Estate District).
(APPROVED)

Ms. Asma Lusk, 2005 Morning Post Circle, Hoover, was present to represent this case and Mr. Clint Sukar of Sukar Construction. Ms. Lusk described the case at 848 Heatherwood Place, which they had purchased a while ago and it had just been sitting vacant for a long time due to it being difficult to build on because it was really narrow and deep. Ms. Lusk stated they had worked with the ARC for a long time to adjust the setbacks to fit a house in order to meet the square footage requirements for the ARC. They got the approval from the ARC and actually received a building permit and built a retaining wall, but it just seemed safer and better to build the house further over to the left and take the house to 21.5 ft. instead of the 25 feet they had and the front setback would stay at 30 feet.

Mr. Puchta asked if the secretary had heard from any of the neighbors and Ms. Bradstreet answered yes, she had heard from the next door neighbor, who basically just didn’t want anybody building there. Mr. Martin added the implementation of the 35 foot front and rear setbacks together made for a very narrow building envelope so it would be very difficult to build many types of houses on this lot if those setbacks were enforced.

Mr. Puchta asked if there were any further questions. There were none. Mr. Puchta asked for a motion. Mr. Pratt made a motion to approve BZA-0622-16. Mr. Jackson seconded the motion. With a roll call vote, the motion was approved unanimously.

With no further business, the meeting was adjourned.

Vanessa Bradstreet, Secretary, Board of Zoning Adjustment