

MINUTES OF MEETING

HOOVER BOARD OF ZONING ADJUSTMENT

Date: July 25, 2022
Time: 5:30 P.M.
Place: Hoover Municipal Center
Present: Mr. Curtis Jackson
Mr. Kyle Puchta
Mr. Jack Marshall
Mr. Rohen Por

Absent: Mr. Dan Mikos
Mr. Jim Brush
Mr. Lawren Pratt

Also Present: Mr. Marty Gilbert – Director, Building Inspections
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.

2. **APPROVAL OF MINUTES:** Mr. Puchta announced the minutes from the last meeting, June 27, 2022, had been presented to members for adoption if nobody had any additions or corrections. There being none, the minutes were adopted by acclamation.

Mr. Puchta added to the announcements that due to illness and travel, there were only four members present, which was enough to conduct the meeting, but wanted the applicants to know that a super majority vote (all members present) would have to have a unanimous vote in order to approve a case. He also stated that if the applicants would like their cases delayed until the next meeting to hopefully allow more board members to be present, they could let him know and that case would be continued until the next meeting. Having said that, the meeting continued as usual.

3. The following case had been **continued** by the applicant until the July 25, 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. Mr. Puchta further added that some extra information was that instead of requesting a 6 ½ ft fence, they were now requesting a 5 ½ ft. fence, and instead of the fence connecting at the protruding chimney, it was now back behind the chimney. Mr. Beavers added there also was a change to specify that the fence would now be solid at 4 ft and then would have lattice work for the extra 18 inches to add up to the 5 ½ feet (pictures included) and then the survey also showed where the fence was currently located as it moved toward the house and would stay in the same location.

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 previous owners, Sally P. Frederickson, and her family who were trying to restore the house and get a serviceable backyard.

Mr. Beavers recalled that a neighbor, Mary Wolverton, who lives immediately behind this house and whose home is accessed through a secondary street, Haden Street, was very much in favor of this request and saw this request as a positive thing.

Mr. Beavers talked about the huge magnolia tree in the backyard, the drainage issues associated with this home and its' backyard always being wet. Mr. Beavers stated they had a picture depicting the tree taking up much of the backyard. Mr. Beavers stated there are about 3 different circumstances associated with this property. One was the wet area in the back left corner of the yard, the huge magnolia on the back right corner of the yard and the double frontage due to being a corner lot which squeezes the yard area under the code. Mr. Beavers stated he thinks there are circumstances tied to the physical characteristics of the land and are peculiar to this particular site as this property is unique. Mr. Beavers stated they felt this particular fence was a very decorative, attractive fence and there hadn't been opposition to it, and too would allow them to have a serviceable backyard behind their home.

Mr. Puchta asked if there were any questions from the Board. Mr. Jackson asked again if the neighbors were ok with the water lines. Mr. Beavers re-emphasized they had the water lines checked out and everything was satisfactory.

Mr. Pucha then spoke to say there hadn't been much discussion regarding the fact they were 6 feet into the right-of-way. Mr. Puchta stated they had made adjustments for that in the past but he couldn't remember a time going above 4 feet on a side fence and he knew that the new proposal was lattice work and a beautiful fence, but it was a 5 ½ foot tall fence. Mr. Puchta stated this board had to be concerned with setting any kind of precedent and that he, being only one vote, had a problem with this high of a fence on the side yard and being that close to the road, he felt was an issue and would be a problem with this board in the future.

Mr. Beavers then asked for a moment to discuss this with his client, after which Mr. Beavers asked for a continuance until the August 22, 2022, meeting. Mr. Puchta agreed.

4. **BZA-0722-17** – Josh Bodiford is requesting a 3' variance to the 10' required side setback to permit a carport addition to property located at **1540 Holly Road**. Mr. & Mrs. Bodiford are the property owners and the property is zoned R-1 (Single Family Residential District). (**APPROVED**)

Mr. Josh Bodiford, 1540 Holly Road, was present to represent this case. Mr. Bodiford stated when they purchased their home, it had been renovated some 16 years ago. He stated the previous owners had added an additional bedroom and bathroom with a small one car garage with no additional parking. Mr. Bodiford stated what he was attempting to accomplish was safe parking for his wife and young child. The e-mail sent earlier was from his next door neighbor, Ms. Beverly who this addition would affect, and she stated she had no problems with this addition. Mr. Bodiford stated that this was not an access point for emergency vehicles and did not impede anything in terms of access point. He stated there was already a parking pad with brick pavers there.

Mr. Bodiford stated he was not aware that the previous contractor had not pulled a permit, and he subsequently fired that contractor. Mr. Bodiford explained he wanted to do things correctly and just wanted a safe spot for his wife to park.

Mr. Por asked how large the addition would be. Mr. Bodiford stated it was the smallest 2 car carport that 2 cars would fit.

Mr. Puchta asked about what the correct distance was between two structures. Mr. Gilbert stated in a single family zoning, (R-1), it was 10 feet between 2 structures. He added that if you did some fire retardant building, it would lessen that.

Mr. Puchta asked if anyone had any questions or comments. There were none. Mr. Puchta called for a motion. Mr. Jackson made a motion to approve the variance request as presented. Mr. Por seconded the motion. On voice vote, the motion was approved unanimously.

With no further business, the meeting was adjourned.

Vanessa Bradstreet, Secretary, Board of Zoning Adjustment