

MINUTES OF MEETING

HOOVER BOARD OF ZONING ADJUSTMENT

Date: January 23, 2023
Time: 5:30 P.M.
Place: Hoover Municipal Center

Present: Mr. Dan Mikos
Mr. Curtis Jackson
Mr. Jim Brush
Mr. Rohen Por
Mr. Jack Marshall
Mr. Kyle Puchta

Absent: Mr. Lawren Pratt

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

1. CALL TO ORDER

The meeting was called to order by the Chairman, Mr. Dan Mikos. The secretary had the roll call and a quorum was present.

2. APPROVAL OF MINUTES:

Mr. Mikos stated everyone should have a copy of the minutes from the November 22, 2022, meeting. (There was no December 2022 meeting). Mr. Mikos asked if there were any questions or comments concerning the minutes. There being none, the minutes were approved by acclamation.

3. Election of Officers for 2023: Mr. Mikos announced after 20 years on the Board of Zoning Adjustment, he was retiring. Mr. Mikos asked for nominations for Chairman. Mr. Brush nominated Mr. Puchta for Chairman. The nomination was seconded by Mr. Jackson. A vote was taken and Mr. Puchta was elected unanimously.

Mr. Brush nominated Mr. Lawren Pratt for Vice-Chairman. Mr. Jackson seconded the motion. A vote was taken and Mr. Pratt was elected unanimously.

Mr. Mikos announced the voting members for this meeting would be Mr. Jackson, Mr. Brush, Mr. Puchta, Mr. Marshall, and himself.

Mr. Mikos explained it took a super majority to grant a variance which would be 4 positive votes out of five.

3. The following case has been **continued** at the applicant's request until the January 23, 2023, 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, within the front yard at property located at **1101 Lido Drive**. The Zoning Ordinance permits fences in front yards with a maximum height of 4 feet and maximum opacity of 50%. The property owner is Sally P. Frederickson and is zoned R-1 (Single Family Residential) District.

Mr. Charlie Beavers, 4301 Dolly Ridge Rd, B'ham, AL, 35243, was representing this case. Mr. Beavers explained that the home was being renovated and it had come to a stop in order to straighten out the fence issue. Mr. Beavers stated the original application was for a 6 ½' tall solid fence and there were some other changes but now they were requesting a 5 ½' fence with 4 ft solid and there would be lattice work above that for 18 inches for a total of 5 ½ feet.

Mr. Beavers, along with Mr. Martin's help, showed several pictures depicting the lot on the overhead screen in which he pointed out the house being a corner lot with double setbacks. Mr. Beavers showed their current proposals now with where the fence would be placed.

Mr. Beavers pointed out three hardships on this case: (1) drainage (2) magnolia tree (3) corner lot. Mr. Mikos asked about the big pine tree outside the fence. Mr. Brush asked when the house was built and it was established the house was built in 1958. Mr. Puchta asked if the city standards had been talked about and what could be done to meet them. Mr. Jackson asked about the reassurance of the water lines that the neighbor (Ms. Wolverton) had pointed out. Mr. Beavers stated that was clear. Mr. Por asked about the 4 ft fence and the opacity (50%) opacity on the other part. It was established that every other one of the planks would have decorative lattice.

Ms. Mary Wolverton, 2209 Haden Street, asked about the survey of the lot and to see the picture of the proposed fence again. Ms. Wolverton added she felt the magnolia tree did provide some privacy between them. Mr. Mikos asked if she approved of the project. Ms. Wolverton responded she did as long as the water utility lines were left accessible.

Mr. Mikos asked if anyone else would like to speak for this request. Nobody responded. Mr. Mikos asked for a motion. Mr. Brush made a motion to approve BZA-0522-11 4' fence meeting the 50% opacity (shadow box pattern) with the 18" lattice work on top as depicted in the pictures shown. Mr. Jackson seconded the motion. A roll call vote was taken in which the motion was approved by everyone except Mr. Puchta who voted "naye".

Mr. Martin stated he would communicate the decision to the building department tomorrow.

4. BZA-0123-01- Ms. Mary Palmer, Foresite, LLC, is requesting **Special Exception** approval for construction of a wireless telecommunications facility to be located at **2057 Hacienda Court**. The property is zoned C-2 (Community Business District) and is owned by Strategies for Health Care Solutions, LLC.

Mr. Andy Rotenstreich was present to represent the above case and stated Ms. Mary Palmer was a paralegal on his team. He stated he was present to represent Foresite Development. The property was owned by Strategies for Health Care Solutions and formerly was an apartment complex that had been torn down. The property was approximately one acre and was a vacant lot that was zoned C-2 (Community Business District). Foresite Development was proposing a 125 foot monopole single pole design tower – straight pole design and is significant in that it represents a gap in coverage for Verizon Wireless. Mr. Rotenstreich stated one of the main issues was capacity. Mr. Rotenstreich stated they are constantly adding more capacity on towers by adding more antennas to extend the coverage. He then explained a colored map depicting different coverage areas.

Mr. Rotenstreich stated there is several criteria to meet for a Special Exception. He stated they did not need a variance. He stated they meet the provisions of the ordinance in setbacks and height. They were only asking for 125 feet as that is all they needed and they are over 430 feet to the closest house which is across Lorna Road. The nature of uses for nearby properties which they are zoned C-2, Commercial, which there is a commercial nature to the north and southwest, and finally the surrounding tree coverage, the design of the pole, the proposed ingress and egress directly off Hacienda Court, and there is an access easement out to Lorna Road for maintenance vehicles to take when maintaining the tower, and lastly, the availability of other existing structures, which there weren't any for this particular area. Mr. Rotenstreich added he felt they had met the Special Exception requirements. Mr. Martin asked when they were planning to record the Access Easement to the site and the utility easement. Mr. Rotenstreich stated they would have a Memorandum of Lease with the diagram on it and it would be recorded.

Mr. Mikos asked if anyone in the audience had any questions or comments. There were none. Mr. Mikos asked for a motion. Mr. Brush made a motion to approve BZA-0123-01 as presented. Mr. Marshall seconded the motion. On voice vote, the motion was approved unanimously.

Mr. Mikos stated how much he had enjoyed working on this Board for twenty years. Mr. Puchta complimented Mr. Mikos on his great leadership over the years, his tenure, knowledge and wisdom, and that he would be greatly missed.

With no further business, the meeting was adjourned.

Vanessa Bradstreet, Secretary, Board of Zoning Adjustment