

## MINUTES OF MEETING

### HOOVER BOARD OF ZONING ADJUSTMENT

**Date:** February 27, 2023  
**Time:** 5:30 P.M.  
**Place:** Hoover Municipal Center

**Present:** Mr. Kyle Puchta  
Mr. Lawren Pratt  
Mr. Jim Brush  
Mr. Rohen Por  
Mr. Jack Marshall

**Absent:** 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 the Chairman, Mr. Kyle Puchta. The secretary had the roll call and a quorum was present.

#### 2. APPROVAL OF MINUTES:

Mr. Puchta stated everyone should have a copy of the minutes from the January 23, 2023, meeting. Mr. Puchta asked if there were any questions or comments concerning the minutes. There being none, the minutes were approved by acclamation.

#### 3. ***The following case has been continued by the applicant until the March 27, 2023, BZA meeting:***

**BZA-0223-03** - API Hoover, LLC, representing Zontanos Properties, LLC, is requesting a variance to the required 1000' distance prescribed between establishments selling liquor for off premises consumption and single family residential districts at a wholesale grocer to be located at 5300 Valleydale Road, Suite 100. The request is to vary the 1000' distance requirement from a liquor store to a single family residential district for off-premise liquor sales. The property is owned by Zontanos Properties, LLC, and is zoned PC (Planned Commercial).

Mr. Puchta announced the above case had been continued until the March 27, 2023, meeting and if anybody was here for this meeting, it would be heard on March 27, 2023,

at 5:30 pm. Mr. Puchta asked if there were any questions from the audience. There were none.

1. **4. BZA-0223-02** - Mr. Eric Rogers, representing Folmar & Associates, LLP, is requesting variance relief on side setbacks (complete waiver), parking and landscaping requirements for commercial lots within the PC zone in the Riverchase PUD. The property is located at **1855 Montgomery Highway, The Plaza at Riverchase**, owned by Folmar & Associates, LLP, and is zoned PC (Planned Commercial) in the Riverchase PUD.

**Denied**

Mr. Puchta proceeded with the next case and asked who was present to represent the case. Mr. Bob Easley, AL Engineering Co. Inc., was present to represent Folmar & Associates. Mr. Easley explained this shopping center was developed almost 40 years ago and showed on the screen their plan for dividing this shopping center into two lots, dividing along the fire wall which was where the old Walmart division was. Mr. Easley stated he had also filed a Final Plat application with Planning & Zoning to divide into two lots. Mr. Easley stated one of the problems with this is that they were dividing basically a building.

Mr. Easley stated they were asking for a variance for setback requirements and also in the Riverchase PUD there was a requirement for a 5' greenbelt on both sides of the property line. Mr. Easley stated they were also asking for a variance for the 5' greenbelt section for the area that was already paved and where there was already a building. Mr. Easley stated if they were to create a lot line there where the existing tax parcel was, it would put them over the existing setbacks.

Mr. Pratt asked if the Riverchase PUD had given them approval for this case. Mr. Easley stated that they had spoken with Birgit with the ARC but she had not given them a letter. Mr. Easley explained that Urban Land Renewal bought Southlake Village on Valleydale Road and had recently updated and renovated it getting the tenant leases up from what they were getting it up to 90% occupied.

Mr. Easley explained they were also planning to renovate this shopping center as well. Mr. Easley stated they were not planning on making any changes to the physical appearance of the buildings and he felt that was what the ARC was concerned with.

Mr. Puchta asked if anyone in the audience had any questions or comments. There were none. Mr. Brush asked Mr. Martin how the city looked at this request. Mr. Martin stated the hardship was for an anchor tenant not renewing their lease and up to this point, and up to this point, they had not renewed their lease (Lot 1), which was creating a financing issue. Mr. Martin stated that at this time he felt the hardship was for a limited time and felt the hardship would be resolved in two years when the anchor tenant renewed their lease.

Mr. Easley came back with comments regarding the fact that Folmer & Associates would like to own the whole shopping center, and they had discussed this matter for a long time, making this the most logical solution to them. Mr. Pratt asked if there would be any consideration for requesting a building setback variance and not the greenbelt variance. Mr.

Easley answered that right now the greenbelt variance ran right down the middle of a parking lane so that would render a lot of parking spaces (70 to 100) that they would lose. Mr. Easley asked Mr. Martin's opinion, for which Mr. Martin agreed.

Mr. Puchta asked again if there were any questions. There were none. Mr. Puchta asked for a motion. Mr. Brush made a motion to approve BZA-0223-02 as presented. Mr. Pratt stated he would like to add an amendment to this motion. He wanted to add this be subject to the city receiving an approval letter from the Riverchase PUD. Mr. Brush agreed. Mr. Pratt seconded the motion. Ms. Bradstreet had a roll call vote in which there was an unanimous vote to deny this request.

Mr. Puchta announced this case was denied. Mr. Easley thanked the board for their time.

Mr. Martin reminded everyone about the BZA case that had been continued until the next meeting, March 27, 2023, and that no new notices would be sent out, as this was the notice of continuance.

With no new business, the meeting was adjourned.

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Vanessa Bradstreet, Secretary, Board of Zoning Adjustment