

MINUTES OF MEETING

HOOVER BOARD OF ZONING ADJUSTMENT

Date: July 26, 2021
Time: 5:30 P.M.
Place: Hoover Municipal Center
Present: Mr. Curtis Jackson
Mr. Dan Mikos
Mr. David LeCompte
Mr. Kyle Puchta
Mr. Jim Brush

Absent: Mr. Lawren Pratt
Mr. TJ Dolan

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

1. CALL TO ORDER

The meeting was called to order by Mr. Mikos. The secretary had the roll call and a quorum was present. Mr. Mikos announced the voting members for this meeting would be Mr. Jackson, Mr. LeCompte, Mr. Puchta, Mr. Brush, and himself.

2. APPROVAL OF MINUTES: Mr. Mikos asked if anyone had any additions or corrections to the minutes from the June 28, 2021, BZA meeting. There being none, Mr. Mikos asked for the minutes to be accepted by acclamation.

3. BZA-0721-10 – Blue Haven Pools of Central Alabama, (BH Mont Inc.), representing homeowner Stan Graham, is requesting a variance to allow a swimming pool in the side yard of property located at *2200 Old Gould Run*. Mr. & Mrs. Graham are the property owners and the property is zoned PR-1 (Planned Single Family District). ***(Denied)***

Mr. Jonathan Mitchell, Blue Haven Pools, was present to represent the homeowners, Mr. & Mrs. Stan Graham. Mr. Mitchell described the case as because there was nowhere in the pie-shaped lot to be able to place a swimming pool, they were requesting to place the pool in the side yard. Mr. Mikos then directed commentary from the City Planner, Mac Martin, to explain the zoning ordinance regarding swimming pool criteria. Mr. Martin addressed the zoning ordinance which read that swimming pools were only permitted in the rear yard, which was defined as the area between the back of the primary residence or

structure and the property line. Mr. Martin stated if you drew a horizontal line from the rear of the primary principal structure, it would be the space between that line and the rear property boundary. Mr. Martin stated that based on the scaling of this particular plan (survey) he was getting somewhere between 15 and 16 feet from the back of the primary structure which did include any covered porches. Mr. Martin stated it did not have to be enclosed all the way, but if covered in any way, it would be considered part of the footprint of the primary principal building. Mr. Martin stated that he thought about 20% or so of the pool, as presented, was in the rear yard as defined in the zoning ordinance and the majority of the pool was what would be classified in the side yard.

Mr. Martin described other pool cases, one recently, that the pool was in the side yard, that the board had voted not to grant that particular variance request. Mr. Martin added from the city administration standpoint, it was really hard to find a pure hardship on the property in so much as this hardship was driven by a desire to have a swimming pool. Mr. Martin stated it really came down to when looking at the definition of a true hardship, when considering the development criteria in the zoning ordinance, was the owner deprived of all reasonable use of the property due to the physical layout of the land, but when dealing with the property when it came to more of a “luxury” type nature, it was more difficult for them to see a “true” hardship.

Mr. Mikos asked if any of the board members had anything to ask. Mr. Jackson asked about the covered porch idea and some discussion followed. Mr. Mikos then asked for any questions from the audience. There were no questions.

Mr. Mikos asked for a motion. Mr. Brush made a motion to approve as presented. Mr. Puchta seconded the motion. After a roll call vote, the motion was denied with Mr. Jackson, Mr. LeCompte, Mr. Mikos, and Mr. Brush voting “naye” and Mr. Puchta voted “aye”.

4. **BZA-0721-11** – First Sunbelt Properties, Inc., representing CM 280, LLC, is requesting a variance to permit a single 13'4" tall, 54 square foot multi-tenant sign at the intersection of US Hwy 280 and Adena Lane for the purpose of on- and off-premise advertising for businesses located on Adena Lane. The requested sign would be in lieu of detached pole signs otherwise permitted on each property. The property is owned by CM 280, LLC and is zoned PC (Planned Commercial). **(Continued)**

Mr. Jerry Lancaster, Knight Sign Industries, 5959 Knight Avenue, Tuscaloosa, AL, was present to represent this case. Mr. Lancaster pointed out a double faced, internally illuminated sign on the screen (54 square feet) that they wished to put up in lieu of all the pole signs. Mr. Lancaster also stated that on down the line, they might come back with a request for approval for the business owners to have a small monument sign in front of their business to clean it up and make it look much nicer than it did now.

Mr. Mikos stated they did need a variance to put the sign up due to the fact that the signs wouldn't be on the actual property of the development. Mr. Mikos also stated that if approved, they wouldn't be able to put up a monument sign.

Mr. Lancaster asked about the actual height that was approved for an individual pole sign. Mr. Martin answered that this did vary by size of the development and there were 2 options available. Mr. Lancaster asked questions about if they did swap these out, what exactly would they be getting. Discussion followed with Mr. Martin speaking about the fact that off premise advertising not being permitted under the current zoning ordinance.

Mr. Richard Darden, First Sunbelt Properties, 2 Office Park Circle, Birmingham, AL 35223, representing the ownership, which would eventually be the Owners' Association, which was 5 lots with 1 lot already having been developed which was Cavender's. Mr. Darden stated this idea of directory signs was to help motorists know what was back there instead of 26 foot tall signs back there with only 5 lots. Mr. Darden used Hilton Head Island as an example of signs being all attractively done. Mr. Darden stated he wasn't asking to regulate everybody in the development other than they couldn't have a pole sign.

Mr. Darden asked if anyone had objections regarding the monument signs. Mr. Martin answered that the Tattersall PUD incorporated within the zoning the ability to have the multi-tenant monument signs at the entrance points of the development. Mr. Martin stated he remembered they would not be able to put detached signage on the Hwy 119 side of the development and also none of the properties within the Tattersall development had direct frontage of Hwy 280. Mr. Martin emphasized that was part of the Tattersall PUD zoning development plan.

Mr. Martin stated there were a couple of properties closer to Greystone Way on Hwy 119 that had detached signage but those were not part of the Tattersall PUD development. Mr. Darden asked if those would be in conformity with what would be required in the city. Mr. Martin answered yes. Mr. Darden concluded that a precedent had been set in the neighborhood to some degree.

Mr. Mikos stated that he felt the board may look at this request favorably if presented as written. Mr. Darden stated he felt this idea would be a service to the motorists. Mr. Darden suggested working up covenants to agree on that they would use for the property owner's association. Mr. Darden requested continuing this request until the August 23, 2021, meeting.

With no further business, the meeting was adjourned.

Vanessa Bradstreet, Secretary, Board of Zoning Adjustment