

## 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. TJ Dolan  
Mr. Dan Mikos  
Mr. Lawren Pratt  
Mr. Kyle Puchta

**Absent:** Mr. Jim Brush  
Mr. David LeCompte

**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. Dolan, Mr. Pratt, Mr. Puchta, and himself.

**2. APPROVAL OF MINUTES:** Mr. Mikos asked if anyone had any additions or corrections to the minutes from the April 26, 2021, BZA meeting. There being none, Mr. Mikos asked for the minutes to be accepted by acclamation.

#### **3. The following case has been withdrawn by the applicant:**

**BZA-0621-07** – Mr. Richard Gregg is requesting a 28’ variance to allow a covered patio be attached to his home in the rear setback of 35’ for property located at **2905 Woodburg Drive**. Mr. Gregg is the property owner and the property is zoned PR-1 (Planned Single Family District).

**4. BZA-0621-08** – Mr. Ted Hall is requesting a variance to allow a swimming pool and pool equipment to be built and placed in the side yard at property located at **4211 Roy Ford Circle in Lake Wilborn**. Mr. Hall is the property owner and the property is zoned PR-1 (Planned Single Family District). ***DENIED***

Mr. Ted Hall, 4211 Roy Ford Circle, Lot 332, Lake Wilborn, was present to represent his case. Mr. Hall stated he was requesting this pool variance due to them having no back yard. Mr. Hall explained his case and presented a power point presentation showing the site map and drawings depicting the placement of his pool and pool equipment. He explained that his backyard backed up to common area and went on to explain the front and side elevations of his home as well as his yard.

Mr. Hall described his pool, length, width, and depth and then opened the floor up for questions from the board. Mr. Mikos explained to Mr. Hall that this board had very rarely granted variances for side yard pools and when they had, it was only for extremely rare cases. Mr. Mikos stated that this case was more front yard than side yard in his opinion as it was facing the street in a cul-de-sac. Mr. Mikos added that this board had had similar cases to this and the BZA's job was to be very careful about granting variances. Mr. Hall indicated he understood and that was why he was trying to get the pool shaped somewhat like a sunken horseshoe, hidden from the cul-de-sac.

Mr. Puchta commented that it was really hard for them to make a decision when they didn't have a proportional survey showing exact dimensions, easements, size of the lot and the pool. Mr. Hall stated he did not get a drawing because he didn't want to contract with a pool company before he knew if they would be granted the variance.

Mr. Mac Martin, City Planner, added a couple of items for clarification: One was to verify that this lot would have access to the neighborhood amenity pool for the development and also if there a plan in place for fencing so as to not have any trespassing for security reasons as required by code, and thirdly what was the plan for the homeowner regarding the concrete apron of the pool and would that encroach in any of the easements shown.

Mr. Hall answered these questions one at a time. The first answer was yes, this lot did have access to the neighborhood pool. The second answer was there would be required fencing in place. Mr. Martin asked if the fencing would be included on the retaining wall. There was some discussion on this question. Mr. Hall assured the board that it would match the rest of the house. Mr. Hall answered the question about the concrete apron in that to his knowledge, there would not be any encroachments into any of the easements.

Mr. Jackson asked how the fence was going to run on the easement side of the lot. Mr. Hall explained how this would work with his upper wall and lower wall on

the inside of the tree line.

Mr. Martin stated he could confirm that the ordinance required the pool to be completely enclosed by a fence not less than 4 feet in height.

Mr. Pratt asked about the wall and if it turned. There was discussion regarding this issue.

Mr. Jackson asked about the neighbors' reaction to the pool for which Mr. Hall reported all the neighbors were very much in favor of the pool.

Mr. Mikos asked if there were any other questions from board members or audience. There were none. Mr. Mikos asked for a motion. Mr. Puchta made a motion to approve BZA-0621-08 and that the variance be granted to allow a swimming pool and pool equipment be built and placed in the side yard at property located at 4211 Roy Ford Circle in Lake Wilborn. Mr. Pratt seconded the motion. On a roll call vote, the motion was denied unanimously.

**5. BZA-0621-09** – Courtney Mason, Foresight Properties, LLC, is requesting a variance to the Zoning Ordinance to permit up to 60 square feet of additional attached wall signage in lieu of a freestanding, detached sign. The property is located at **2071 Patton Chapel Road** and zoned in the C-2 District (Community Business District). **(APPROVED)**

Mr. Russell Pate, 4232 Caldwell Mill Road, B'ham, AL, 35243, was present to represent this case. Mr. Pate stated that Courtney Mason and he owned the 3 existing Zaxby's Hoover restaurants; John Hawkins Parkway, Valleydale Road, and Doug Baker Blvd at Lee Branch. Mr. Pate stated they had been looking for another Zaxby's location in Hoover for many years.

Mr. Pate described this specific case in which was a small lot (.7 acres) and was about 8 feet below grade on the Patton Chapel Road side. Mr. Pate stated this building was about 1980 square feet which put them into the 40 square feet of signage on the building and 60 square feet on a monument or pole sign. Mr. Pate asked if the board would consider letting them forego the free standing sign and allowing them to reallocate the 60 square feet from the free standing sign to the building sign and split it 50/50, one facing Lorna Road and one facing Patton Chapel at 50 square feet each. At this point, Mr. Pate showed the proposed Zaxby's signage.

Mr. Martin confirmed that the existing topography was 8 to 10 feet below the Patton Chapel Road grade.

Mr. Pate confirmed this would be the first drive-thru only Zaxby's. Mr. Pratt asked how tall the building was and what elevation the signage would be. Mr. Pate answered the typical Zaxby's sign was 23 feet in height. Mr. Pate said the sign would end up being somewhere in between 19 and 15 and would be the same for both sides of the building with signage. Mr. Pratt asked where the signage on the Lorna side would be. Mr. Pate answered it would be above the door.

Mr. Pratt then asked if the outdoor dining area would be covered. Mr. Pate answered it was covered. Mr. Pratt asked how tall the cover would be. Mr. Pate answered it was a farmhouse look and in the same field was a trellis pergola with string lights in it in a dark grey color, but the exact height he was unsure of.

Mr. Mikos asked if there were any other questions from the board or the audience. There were none. Mr. Mikos asked for a motion. Mr. Puchta made a motion to grant a variance to permit up to 60 square feet of additional attached wall signage in lieu of free standing detached signage which would be 2 signs of 50 square feet each for property located at 2071 Patton Chapel Road.

Mr. Pratt stated he wanted to add an amendment to this motion stating this variance would be subject to this specific development and for this project only. Mr. Puchta agreed and Mr. Pratt seconded the motion. On a roll call vote, the motion was unanimously approved.

With no further business, the meeting was adjourned.

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Vanessa Bradstreet, Secretary, Board of Zoning Adjustment