

## MINUTES OF MEETING

### HOOVER BOARD OF ZONING ADJUSTMENT

**Date:** April 14, 2016  
**Time:** 7:30 P.M.  
**Place:** Hoover Municipal Center  
**Present:** Mr. Guy Locker, Chairman  
Mr. Allan Rice  
Ms. LeAnna Huddleston  
Mr. Dan Mikos

**Absent:** Mr. Kyle Puchta, Mr. Paul Gamble, and Mr. Lawren Pratt

**Also Present:** Mr. Bob House, House Consultants  
Ms. April Danielson – City Attorney Staff  
Mr. Marty Gilbert – Plans Examiner, Building Inspections  
Mr. Robert Macke – Zoning Inspector, Building Inspections  
Ms. Vanessa Bradstreet – BZA Secretary

#### 1. **CALL TO ORDER**

The meeting was called to order by Mr. Locker. The secretary had the roll call and a quorum was present. Mr. Locker announced there were 4 (four) board members present and they would all be voting tonight. Mr. Locker explained to the applicants that there were 5 (five) voting members normally at a BZA meeting plus there are 2 (two) supernumeraries, but because of a rare occurrence of tough scheduling, 3 (three) of the members could not be here tonight, so they were down to 4 (four) members. Mr. Locker explained that state law requires that approval of a request for a variance of the zoning ordinance must be approved by 4 (votes) which was not unprecedented. Mr. Locker apologized for the odd circumstances at this meeting due to the power going out in the council chambers and no emergency lights coming on. The meeting was held in the front entrance lobby area of city hall.

#### 2. **APPROVAL OF MINUTES**

Mr. Locker stated the minutes from the March 3, 2016, regular meeting and the March 28, 2016, work session had been distributed to the Board members for review. Mr. Locker asked for a motion to dispense with the reading and approve the minutes as written. Mr. Mikos made a motion to approve. Mr. Rice seconded the motion. On voice vote, the minutes were approved unanimously.

#### 3. **BZA-0416-04** - Mr. Rich Hodges, Driver's Way, is requesting a variance to allow two signs at a combined 60 square feet in lieu of one sign at 60 square feet. The property is located at 2786 John Hawkins Parkway, Ste 100, in the Colonial Promenade Shopping Center. The property is zoned C-2 (Community Business District).

**Approved**

Mr. Rich Hodges, representing Drivers Way, explained his exact location in the shopping center, which was next to Wal-mart on Hwy 150. He explained his building was the end cap

of the next building heading toward Steinmart and there was a drive between them and Wal-mart. Mr. Hodges explained as you came off Hwy 150 onto the access road into this shopping center, you would come right into their facility and you could clearly see the Drivers Way sign, but if you were coming from Wal-mart, the building was sort of an unusual set up because of the way it sat out further than Wal-mart, so if you were coming from the other direction on the corner, all you would see was a brick building, and you couldn't see anything. Mr. Hodges explained the second sign would be very beneficial to have, since they have the square footage, allowing them to have twice as much sign, they felt it would be beneficial to have a sign on the second side for better visibility. Mr. Hodges stated the board should have renderings of the sign in their packets showing the front side of building with existing sign and the blank side of the building.

Mr. Locker asked what the nature of this business was. Mr. Hodges stated that it was a Drivers Way and was based in Pelham, but they had opened up a vehicle appraisal and buying center here in this shopping center. Mr. Hodges stated they did not sell any vehicles there. They were offering free vehicle appraisals and purchases from individuals at this location. This was a new venture for Drivers Way in addition to their regular business. Mr. Hodges stated they did this a lot in their other store, but this was for appraisals and purchases only. Mr. Hodges stated they had been open a little more than a month and had very good traffic so far. Mr. Hodges stated they were not selling anything so taxes might not appear to be beneficial to it, but they had taken a spot in the shopping center that the shopping center group had had a hard time keeping anybody in because there really wasn't good parking on the front of the building, so they were just trying to do everything they could do to get good exposure. Mr. Hodges stated that just in the short period of time they had been open, they had already purchased several cars from individuals who had just gone right down to car dealers on this street and bought new cars from those car dealers, so he felt they were creating some sales there for Hoover car dealers.

Mr. Locker asked what happened to the cars they purchased. Mr. Hodges answered based on what they were, hopefully, they would like to take them in, recondition them, and sell them in their Pelham store or their 280 location retail.

Mr. Rice asked what about short term. He asked if they are dropped off at this location. Mr. Hodges answered if they made a purchase before 4:00 p.m. and they finalize the paper work, they would pick them up and take them on down to Drivers Way. Mr. Hodges stated they had a couple of customers that were so anxious to sell the car that they didn't have all the paperwork, they might get somebody to pick them up, leave the car there overnight, and come back first thing the next morning to finalize their paperwork.

Mr. Rice asked if there would ever be any stockpiling of cars. Mr. Hodges stated there definitely would be none of that. He stated their office closes at 6 p.m. and the only reason a customer would ever leave the car there would be that the customer needed something else for the paperwork to finalize the deal such as a title or something. Mr. Hodges added they were not going to inventory anything there.

Mr. Locker asked if that was a commitment he was willing to make that there would be no cars left overnight other than the occasional someone coming in really late and needing some

paperwork of some type to finalize the deal the next morning (no more than 24 hours). Mr. Hodges agreed

Mr. Hodges added that they were only going to have maximum two (2) employees only about half the day and the rest of the time would only be one employee in there. Mr. Hodges stated they did a lot of business with all the dealers up and down Hwy 150 in the cars they bought that were warrantied so they were taking them to Hoover to Long Lewis, Crown, all the stores and were by there several times per day.

Mr. Locker added that he thought Mr. Hodges mentioned they had been open for a month and noticed they did have some temporary banners up. Mr. Locker stated those were permitted in the ordinance but were permitted as temporary. Mr. Locker asked Mr. Hodges what his plans were for those. Mr. Hodges stated they did not have any type of grand opening and would be taking those down and would stay within the ordinance certainly.

Mr. Locker asked if there were any other questions or comments from the Board. There were none. Mr. Locker asked Mr. Hodges if he had any closing thoughts. Mr. Hodges stated he would like to see the sign approved. He stated he had noticed several stores in the Patton Creek area that had a similar sign situation.

Mr. Mikos made a motion to approve the second sign as long as the two signs combined did not exceed the 60 square feet. Mr. Rice seconded the motion. After a roll call vote, Mr. Locker, Ms. Huddleston, Mr. Mikos, and Mr. Rice voted "aye". The motion was approved unanimously.

- 4. BZA-0416-05** – Mr. & Mrs. Charles Mathews are requesting a variance to extend their garage 15 (fifteen) feet into the required 50 (fifty) foot front setback for property located at 125 Coshatt Trail. Mr. & Mrs. Mathews are the property owners and the property is zoned E-2 (Estate District).

**Approved**

Mr. Charles Mathews stated that he was here last year as a BZA applicant with a similar request, except they deleted the request for a swimming pool. Mr. Mathews stated this was the only difference in the request. Mr. Mathews stated that due to illness in the family with his mother and his son for which he and his wife share the caregiver responsibility for, they had not been able to pursue the plans as aggressively as they wanted to. Mr. Mathews stated they did have the final building plans now. Mr. Mathews stated the Landscape Architect they had been working with, Tommy Holcombe, was putting the final grading and elevation plans together subject to the reapproval of the variance. Mr. Mathews stated this would be the next step, the negotiations with the builders.

Mr. Locker reiterated in short, Mr. Mathews was requesting the garage be allowed to extend 15' into the 50' setback with the 50' setback being somewhat of an anomaly in the Heatherwood neighborhood due to some zoning issues that were the result of the annexation. Mr. Locker stated Ms. Bradstreet had included the minutes from September and they had satisfied themselves that this request was reasonable with the pool, and now the pool had been removed, so that would not be part of this request.

Mr. Locker asked if there was any further discussion from the board. There was none.

Mr. Rice made a motion to approve the request as submitted. Mr. Mikos seconded the motion.

After a roll call vote, the motion was unanimously approved. Mr. Locker announced Mr. Mathews variance had been approved and he could finish out his permitting with the Building Inspections office.

With no further business the meeting was adjourned.

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Vanessa Bradstreet  
Zoning Assistant