

MINUTES OF MEETING

HOOVER BOARD OF ZONING ADJUSTMENT

Date: August 4, 2016
Time: 7:30 P.M.
Place: Hoover Municipal Center
Present: Mr. Dan Mikos, Chairman
Mr. Lawren Pratt
Mr. Paul Gamble
Mr. Bob Brown
Mr. Jim Brush

Absent: Mr. Kyle Puchta
Ms. LeAnna Huddleston

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

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 there were five (5) board members present and they would all be voting tonight.

2. APPROVAL OF MINUTES

Mr. Mikos stated the minutes from the June 2, 2016, regular meeting and the 2016, work session had been distributed to the Board members for review. Mr. Mikos asked for a motion to dispense with the reading and approve the minutes as written. On voice vote, the minutes were approved unanimously.

3. BZA-0816-10 - Mr. Steve Jackman is requesting a variance to construct a carport extending four (4) feet into the required ten (10) foot side setback for property located at 2121 Rockland Drive. Mr. and Mrs. Jackman are the property owners and the property is zoned R- 1 (Single Family Residential District).

APPROVED

Mr. Steve Jackman, 2121 Rockland Drive, was present to represent this case. Mr. Jackman stated he and his wife had lived in this home since 1977. Mr. Jackman stated for some time they wanted to get their cars protected from the weather and they had not yet done it. Mr. Jackman stated what they would like to do, after checking with his neighbor, was cut down some trees right on the property line, mainly bushes, and re-do a wooden fence that he had put in years ago that was right on the property line. Mr. Jackman stated it was just a short stretch of wooden fence. Mr. Jackman stated it was elevated a little bit, because the neighbor's property was higher than his. Mr. Jackman stated he had wanted to put a

carport in, in which they would take out the hedge bushes along their house and put in a concrete pad. Mr. Jackman stated he thought it ran 10 x 21 feet, and eventually down the road, finish out their driveway and go from asphalt to concrete. He stated this would not impose on anyone's property line.

Mr. Jackman stated the builder that he had was going to extend the roof line of the house and would tie right in with the house. Mr. Jackman stated there would be three poles away from the house. Mr. Jackman stated it was not practical to build there because it was a crawl space and there was no access for it. Mr. Jackman stated they were going to leave at least three sides open and he would draw the roof line so that it would look very good to match up with the existing roof there now. Mr. Jackman stated he would trim up the three poles down the left side as he envisioned it and they would be poured into the concrete.

Mr. Jackman stated they were looking at this for his wife to park her car there and be out of the weather elements. Mr. Mikos asked him if he was planning to replace the existing fence that he had stated earlier he was going to take down. Mr. Jackman answered yes, he was going to replace it.

Mr. Mikos asked Mr. Jackman if he had talked with his neighbor about this project. Mr. Jackman stated he had and the neighbor was fine with it.

Mr. Mikos asked if any of the board members had a question. Mr. Pratt asked Mr. Jackman if he could confirm that the carport would not extend past the front face of the house. Mr. Jackman stated it would not extend past the front face of the house. Mr. Jackman said they wanted it flush and the pad itself would run back 21 feet and 10 feet wide. Mr. Jackman asked if anyone had any other questions. Mr. Mikos stated he had been out to his house and looked at it. Mr. Mikos cautioned Mr. Jackman that if they granted this variance and they went 2" over into the setback, Mr. Jackman would be back in before the Board. Mr. Mikos reiterated that Mr. Jackman be only 4 feet into the side setback.

Mr. Mikos asked for a motion. Mr. Pratt made a motion to approve zoning case BZA-0816-10. Mr. Mikos asked for a second. Mr. Brush seconded the motion. After a roll call vote, the motion was passed unanimously.

- 4. BZA-0816-11** - Daniel Signs, Inc., representing Dr. Lucas Perrigo, is requesting a variance to allow two (2) building wall signs at a combined 38.98 square feet in lieu of one sign at 32 square feet for Perrigo Dental office located at 2038 Patton Chapel Road. This property is zoned C-P (Preferred Commercial Office District).

DENIED

Ms. Brenda Daniel, Daniel Signs, and Dr. Lucas Perrigo, 2038 Patton Chapel Road, were present to represent this case. Dr. Perrigo stated he bought this practice in 2004 from Dr. Romano who built the building in 1991. Dr. Perrigo stated the facility was starting to fall apart. Dr. Perrigo stated he had spent a lot of money on new equipment and started to grow about three years ago and had hired three new employees. Dr. Perrigo stated he started looking at moving to other places but ultimately decided to renovate his present office space and had gone from 6 operatories to 11. Dr. Perrigo stated that in this renovation process, he had re-done all the landscaping and added two front doors, one being a front entrance door and a front exit door. Dr. Perrigo stated he also had 2 mechanical doors on the side which is an employee parking lot. Dr. Perrigo stated there was a lot of

confusion mainly with existing patients and new patients trying to find his building. Dr. Perrigo stated that when his new patients drove by, they had a hard time trying to find his building and also patients had a hard time with the employee parking lot trying to get in the double doors. They had already had a patient back into one of his employee's cars causing an accident. Dr. Perrigo stated he was looking for a variance trying to highlight the main entrance to his office. Dr. Perrigo explained he understood the city had already approved a dental office down the street that faces the road. Dr. Perrigo said he wanted to be able to identify where the patients were supposed to enter when coming into the office complex.

Ms. Brenda Daniel, Daniel Signs, stated the mechanical door was facing Patton Chapel Road and the front door was the drive through that went back to the next road. Ms. Daniel explained the people that came in to the dentist office were going into the mechanical entrance because that was facing Patton Chapel, however, that was not the entrance. Ms. Daniel stated the way the building sat, the entrance was on the drive through, so they were asking for the variance to build a sign above the front door through the drive through.

Dr. Perrigo explained he also had two doors on the front window – one is an exit – one is an entrance and the exit and entrance was to help with patient flow through the office, so there is some confusion as well which door on the office to enter, so by identifying with a nice sign on the front entrance, it would make it more clear to the patients where they were supposed to enter.

Mr. Mikos asked if there were any questions from the Board members. Mr. Brush stated he had a question. Mr. Brush said looking at the photographs that were provided with regard to where the signs would be, it looked to him like one of the signs would be over the double doors that Dr. Perrigo had said he didn't want people to walk in and asked if Dr. Perrigo didn't think that would be confusing. Dr. Perrigo answered he thought it could be but the problem was he wouldn't have any confusion from people traveling west on Patton Chapel Road who wouldn't be able to identify the building as well, so it would allow a view from the street and also, as they were driving by from the street, they would have to crane their neck to see the building sign.

Mr. Brush explained he had also driven by and taken a look at Dr. Perrigo's building and the surrounding buildings and stated it looked to him from the sign on Patton Chapel Road, Dr. Perrigo is right at the top. Mr. Brush asked Dr. Perrigo if this was correct. Dr. Perrigo stated that was correct.

Mr. Mikos explained to Dr. Perrigo that he was already on the monument sign, and historically, the BZA had granted two signs only in retail, and had never granted two signs in a C-P office area like he was in. Mr. Mikos stated they had a lot of buildings like his in and around the Hoover area that were very nice buildings and told Dr. Perrigo that he had a very nice building. Mr. Mikos stated they considered these all office buildings because they generally were office buildings. Mr. Mikos stated the BZA tried not to set precedents. Mr. Mikos stated they looked to see if there was a hardship. Mr. Mikos explained the way the retail locations had gotten two signs on the corner was often times there was either two roads there or the building itself was either a road or the building sat way back in the shopping center when they came in so it was difficult for people to see them. Mr. Mikos emphasized again, they had never granted two signs before on an office building like this before.

Dr. Perrigo pointed out that across from the Wal-mart on Lorna Road, there was a dental office that just received a variance and it was not set back any further from his office on the corner and identifying the office as well as on the side. Mr. Mikos added that office was in retail zoning, not in office zoning. Also, Mr. Mikos stated that when you turned into the shopping center, they were way back there on the right. Mr. Mikos added that if they had put their sign on the street, then when people turned in, they would have difficulty in seeing them. Mr. Mikos added they have had a number of cases like this, but they have all been in retail; none in office zoning. Mr. Mikos stated the BZA concern was that they had so many office buildings like this, that they really didn't want two signs on those and that was the reason why they had the zoning set up the way they did. Mr. Mikos stated that as far as the entrance that people should go in, he could put a directional sign on his office right by the sidewalk so that when they are turning in they would see that the entrance was there. Perhaps he could put an entrance sign with an arrow or something like that, but again, Mr. Mikos stated they had never granted two signs on an office building. Mr. Mikos stated too that when they did grant two signs, they only granted half the square footage allowed on each sign.

Mr. Mikos asked if anyone else had any questions or comments. Mr. Brown added that some of the practices in the complex did have the free-standing signs planted in the ground. Mr. Brown stated clearly one would want that sign over their main entrance with their logo and asked that in terms of this area that faced the road, if he had considered using one of the other free standing signs, again, that not only identifies that building as his building but also directs people toward the entrance. Mr. Brown stated he was familiar with the building and stated he did drive by there again and it seemed to him that a sign down over those doors would invite people to want to come in that way. Mr. Brown added that it would indicate that to him if he was the driver coming in to this area because he said he had never noticed those doors because it currently didn't have any kind of sign over it. Dr. Perrigo added that he had existing patients that didn't know this was his building and had driven right past it, and had numerous new patients who would drive right past the building even with the monument sign out there. Dr. Perrigo stated it had been very frustrating when you were trying to make a good impression on somebody and they were running around calling the front desk asking where they were located. Dr. Perrigo stated that originally the sign was approved for above the double doors and that is why he was requesting a variance to get one to identify the front door. Dr. Perrigo stated the problem becomes that when they put a sign on the front door, it was not visible from one direction or Patton Chapel Road. Dr. Perrigo stated he would be willing to take his name off the monument sign if that would help as well.

Mr. Mikos asked if anyone else had any questions or comments. There were none. Mr. Mikos asked for a motion. Mr. Gamble made a motion to approve BZA case # BZA-0816-11 as submitted. Mr. Pratt seconded the motion. On a roll call vote, the motion was denied unanimously.

Ms. Brenda Daniel, Daniel Signs, asked that since the entrance was not on Patton Chapel, could they get a permit to put the entrance sign that was approved on Patton Chapel above the door that went into Dr. Perrigo's office. Ms. Daniel stated the original problem was they wouldn't allow that because it wasn't named that on the street. Mr. Macke stated he didn't have a problem with that, so they would approve one sign at 32 square feet and let them place it where they needed to. Ms. Daniel stated that was perfect and could they just apply for the permit. Mr. Macke stated that was correct.

5. **BZA-0816-12** – Mr. Ricky Pickett, Pickett Construction, LLC, is requesting a variance to allow a covered deck to extend into the required 35' setback rear yard at property located at 6719 Winchester Lane. Mr. Randy Graham is the property owner and the property is zoned R-1 (Single Family Residential). **APPROVED**

Mr. Ricky Pickett, owner of Pickett Construction, was the contractor for this job. He stated the homeowners, the Grahams, were at the meeting as well. Mr. Pickett was contracted to build Mr. and Mrs. Graham a screened room. Mr. Pickett stated the board should have the pictures. He stated what they were trying to do was tear down an existing deck, enlarge it, and put a screened room in there. Mr. Pickett stated he was inside the 35' setback that the house was actually inside the 35' setback. Mr. Pickett stated the house was 29' from the property line. Mr. Pickett stated this was on a cul-de-sac lot in Quail Run area which he actually thought was in Pelham but was told it was actually in the City of Hoover city limits.

Mr. Pickett stated again the house was 29' from the property line and he was trying to go 23'. He assumed the setback was probably 20', therefore he thought he was good at 23'. Mr. Pickett stated there were other lots in the cul-de-sac, other houses in the subdivision because of this subdivision being built in the 80' and 90's, smaller lots, cul-de-sacs, and a lot of different setbacks in the subdivision. Mr. Pickett stated he was asking for a variance to construct this nice screened room that these people would like to have in their backyard to enjoy at the 23' that he has on the drawing.

Mr. Mikos stated he would say Mr. Pickett is asking for forgiveness. Mr. Pickett explained he did jump the gun on the construction and went to Pelham to get the permit, filled it out, turned it in, and then the City of Pelham called him and told him that address was not in Pelham. Mr. Pickett explained that in the meantime, he had started construction because he had a good relationship with Hoover, Pelham, Helena, and Alabaster because he did a lot of work in these areas. He stated normally he didn't have a problem with variances because he tries to do things right. He said he jumped the gun a little bit expecting he was going to get his permit and then was told it was in another city. Pelham told Mr. Pickett this address was Indian Springs, so he spent the next day in Indian Springs trying to get the permit and they were the ones who told him this address was in Hoover. Mr. Pickett stated he went right to Hoover and applied for the permit.

Mr. Pickett said that in the meantime, he had dug his footings and had a floor system in and a few walls at 23'. Mr. Pickett said if you looked at the drawing of the property, it was a pie-shaped property. He stated the side becomes the back and that was where he was at the 23'. Mr. Pickett explained if you went straight back from the other corner of the deck, he was probably at 35' or 40'.

Mr. Pickett added that he had given some pictures of the adjoining properties whose houses were closer than 35' too and they had decks that were closer, but those were not covered decks. Mr. Pickett stated he did understand there was a difference between a covered and non-covered deck as it was a structure. Mr. Mikos stated these houses were built in the county and weren't in the city limits. Mr. Pickett explained that he had checked the distance and knew the drawing that Mr. Graham had given him showed him that the house was only 29' from the same property line, so he was thinking there must be a 20' setback there. Mr. Pickett stated he didn't know Hoover had a 35' setback, but three days later, he figured it out.

Mr. Mikos asked if the members of the Board had any questions. Mr. Pratt asked if he projects a 35'

setback line on the property line, he realized that the house already extended into the setback. Mr. Pratt said he wondered if there had been any consideration for a smaller deck. Mr. Pickett answered that would be up to the homeowner. Mr. Pickett stated he didn't want a smaller one. He explained they had taken a small deck off. Mr. Pickett stated they would still be less than the deck which was less than 35'. Mr. Pickett added that would be a possibility. Mr. Pratt explained he was just asking if they had looked at any different configurations than what they had in the drawings. Mr. Pickett stated that it would just be minimizing the size and not going completely between the 13' into the setback.

Mr. Pratt asked if the deck was covered and screened. Mr. Pickett answered it would be but was not at the present time. He stated it would be covered, screened, and tied into the roof, done professionally, and done impressive with framed screens, 6 x 6 posts and footings with rebar and tied in, roof and shingles the same, gutter system, and soffit system to match the house. Mr. Pratt asked if there was any consideration for sliding the deck further to the south toward where the bay window was. Mr. Pickett explained that the roofline was why they stayed away from the bay window. Mr. Pickett stated he would have to totally reconstruct the roofline which could be done but would take a lot more to do that. Mr. Pickett stated the homeowner wanted the porch to be where they drew it. Mr. Pickett stated they had a big screened in room where they lived before and wanted to have one in this house, too.

Mr. Brush asked if they had any feedback from their neighbors with regard to the construction. Mr. Graham answered they said it looked great and one neighbor had volunteered to come and speak for them as to how much they had fixed the house up so far.

Mr. Brush added that it was almost not visible from the street and had difficulty seeing it, even though he tried from several different locations to see. Mr. Brush stated he could tell construction had already begun, but it was pretty well hidden from view of the street.

Mr. Mikos asked if anyone else had any questions. There were none. Mr. Mikos asked if anybody in the audience would like to speak about this variance request. Nobody responded. Mr. Mikos asked for a motion. Mr. Gamble made a motion to approve BZA Case #BZA-0816-12 as submitted. Mr. Brown seconded the motion. On roll call vote, the motion was approved unanimously. Mr. Mikos suggested to Mr. Pickett the next time he began a project, he should make sure what city he was building in.

With no further business the meeting was adjourned.

Vanessa Bradstreet
Zoning Assistant