

MINUTES OF MEETING

HOOVER BOARD OF ZONING ADJUSTMENT

Date: February 4, 2016
Time: 7:30 P.M.
Place: Hoover Municipal Center
Present: Mr. Guy Locker, Chairman
Mr. Dan Mikos, Vice Chairman
Mr. Paul Gamble
Mr. Lawren Pratt
Mr. Kyle Puchta

Absent: Ms. LeAnna Huddleston
Mr. Alan Rice

Also Present: Mr. Bob House, Zoning Consultant
Mr. Rob Rosenberg – City Attorney Staff
Ms. Lisa Lindsey, Assistant City Clerk

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

2. APPROVAL OF MINUTES

Mr. Locker stated the minutes from the January 7, 2016 regular meeting and the January 25, 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. Puchta made a motion to approve. Mr. Pratt seconded the motion. On voice vote, the minutes were approved unanimously.

3. BZA-0216-02 – Todd Cung, Cung Capital Advisors, LLC, is requesting a variance for property located at 3150 Bowling Drive, to permit a side setback of 0 feet where the proposed property line bisects the existing covered loading dock. The property is owned by Cung Capital Advisors, LLC, and is zoned I-1 (Light Industrial District).

Mr. David Stovall of Engineering Design Group was present to represent this case. Mr. Stovall explained that the owner of the property is in the process of trying to sell one of these buildings. He said that currently both buildings sit on the same piece of property; they are connected by a loading dock in the middle. The intention of the property owner is to sell one of these buildings; he has a potential buyer, and divide the property in half. By drawing that line right between those two it works and each building has adequate parking and they can grant an access to the second parcel through the resurvey they will provide. The issue is drawing the line at the loading dock that creates a problem with the five foot setback. He said they are asking for a variance from the five foot setback to a zero setback on that side property line to accommodate that.

Mr. Locker stated there are similar commercial facilities that are occasionally built like this from the start. There are some considerations that need to be taken since this is after the fact. Mr. Locker asked for questions or comments from the board members.

Mr. Lawren Pratt stated the information shows the parcel was two lots in 2005 and was changed from two lots into one. He asked Mr. Stovall if the property owners were the same then and did he have any involvement in that. Mr. Stovall replied that he didn't know, his involvement with this property is as early as a month and a half ago and he has no historical knowledge of prior ownership. He said they haven't gone back to do any sort of research for that.

Mr. Locker asked Mr. Stovall, as consulting engineer, is he vested with authority to speak with respect to possible stipulations or conditions of a variance approval. Mr. Stovall said in certain regards but it would depend on the restrictions; he may or may not be comfortable making those decisions. Mr. Stovall stated he thought Mr. Glen Ponder would be in attendance and Mr. Ponder has more of a relationship with the owner to make those sort of decisions. Mr. Stovall said that if something that is a significant cost issue comes up they may just need to discuss it tonight and continue it until he can meet with the owner.

Mr. Locker said they had observed an issue with access, and given the topography it doesn't seem feasible to add an entrance and probably not the City's preference to add another entrance off of the street anyway. He said for access there would need to be an access easement written into the legal descriptions so that the future owner of the western building has rights to access. Mr. Stovall said their intention is to put an access easement and document that on the record map when they do the resurvey. Mr. Locker asked if they would consider adding to that easement access to the loading dock and use of the loading dock. Mr. Stovall replied he thought that was very reasonable and they would do that.

Mr. Locker said one other issue for common use is the sign and the preference would be to allow the existing sign to remain and not add another sign for the second building provided that both owners had the right to use the sign as it is. Mr. Stovall said it makes sense if you are going to have a single entrance to have a single sign it wouldn't make sense to him to want to erect another sign if you don't have another entrance to put it on. Mr. Stovall stated he didn't believe the owner would have an issue accommodating that. Mr. House said that he believed the sign was intended to serve both buildings anyway. Mr. Stovall agreed and said he was sure there has been more than one occupant of that property on numerous occasions.

Mr. Locker said it would be preferable to leave the one sign as is with the specified agreement that both owners have rights to the use of the sign. Mr. Stovall said they could, if the board deems it necessary, put together some sort of association that would deal with the sign or landscaping since they really are going to be sharing; maybe some sort of a homeowner's agreement would be more tenable; he didn't know how that could be shown on a record map. He asked Mr. House if he had any ideas. Mr. House responded they should put it in the deed that each one has the right to use half the sign. Mr. House said that when it gets to Building Inspections if it gets approved then that's how they would enforce it; they would make sure they divided the sign up.

Mr. Locker said his last comment is that he would want to make sure that any motion for a variance is specific to plans as submitted with no future encroachments into additional setbacks. Mr. Stovall said the owner hasn't expressed to him that he has any desire to do that so he wouldn't have any reservation agreeing to that.

Mr. Locker asked for any additional comments or questions from the board. There being none, he said that the request is for consideration of approval of the variance for a zero foot side setback with several stipulations. One being that the recorded deed specify an access easement to include the entrance point; the 24 ft. driveway between the buildings and then the loading dock access and use of the loading dock, that both parties would have equal access to that; and the deeds would also specify rights for both parties to use the existing sign equally; and finally that any variance approved is limited to plans as submitted and not subject to further encroachment. He asked for a motion for the variance request as stated. Mr. Pratt made a motion to approve the variance with conditions as stated by Mr. Locker. Mr. Mikos seconded the motion. On voice vote the motion passed unanimously. Mr. Locker said the variance request is approved.

Mr. Locker stated that the next work session, if required, is scheduled for February 22, 2016 and the meeting is scheduled for March 3, 2016. With no further business the meeting was adjourned.

Lisa Lindsey
Assistant City Clerk