

SPECIAL CALLED MEETING

MINUTES OF MEETING

HOOVER BOARD OF ZONING ADJUSTMENT

Date: January 5, 2022
Time: 5:30 P.M.
Place: Hoover Municipal Center
Present: Mr. Dan Mikos
Mr. Kyle Puchta
Mr. Jim Brush
Mr. Lawren Pratt
Mr. TJ Dolan
Mr. David LeCompte

Absent: Mr. Curtis Jackson

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. LeCompte, Mr. Pratt, Mr. Brush, Mr. Puchta, and himself.

- 2. APPROVAL OF MINUTES:** Mr. Mikos asked if anyone had any additions or corrections to the minutes from the November 22, 2021, BZA meeting. There being none, Mr. Mikos asked for the minutes to be approved by acclamation.

The following case was continued from the November 22, 2021, BZA meeting:

- 3. BZA-1121-21-** Dr. John Shugrue is requesting a variance to allow a pool and equipment be placed in his side yard at property located at 2170 Samuel Pass. Dr. Shugrue is the property owner and the property is zoned PR-2 (Planned Multi-Family). (**APPROVED with contingency**)

Dr. John Shugrue, 2170 Samuel Pass, was present to represent this case. Mr. Mikos asked what had been done since the last meeting on this case. Dr. Shugrue stated that they had gotten with a different pool contractor and he had re-designed the pool to be more in the backyard by about 3 feet.

Mr. Mikos stated what they had discussed before the actual meeting started was that the requirement for the pool to be from the house was 5' due to the Fire Department regulations and Mr. Mikos asked if it would bother them if they moved it 2' toward the property line and that would make it only 1' on the side yard. Dr. Shugrue asked if that meant to make it more narrow. Mr. Mikos explained they would give him the variance of 10' setback and that would make them 5' from the house which would make the Fire Department happy. Dr. Shugrue stated he still had not heard back from the ARC of Ross Bridge. Dr. Shugrue stated the fence actually belonged to Ross Bridge and the pool had to be 15' off their fence. Mr. Mikos asked if there was anything behind them. Dr. Shugrue stated it was common area behind them.

Mr. Martin stated if it was 5' off the home it would meet what they had in the Zoning Ordinance and the relief they were talking about was less than 2' off the rear property boundary, which with that being common area, he didn't see an objection to that.

Mr. Mikos asked if they would still have to grant a variance to the side yard as well for a foot? Mr. Martin answered yes, as that was very minimal. Mr. Martin added if the board chose to approve it, they should include that in their motion. Mr. Brush wanted to clarify the amount of variance for the side yard. He asked if would be 2 feet? Mr. Martin agreed.

Mr. Mikos asked if there were any further questions from the Board members or anyone in the audience who would like to speak regarding this request. There were no questions. Mr. Mikos asked for a motion. Mr. Brush made a motion to approve BZA-1121-21 based on the following amendments: that the applicant be allowed to place the pool within 8 feet of the rear property boundary, that the pool be placed so that it is 5' from the home, and that the board grants a 2' variance to the side yard variance requirement. Mr. Lawren Pratt asked to add an amendment to the motion that stated this approval was contingent on the receipt of a current and signed approval from the Ross Bridge ARC. Mr. David LeCompte seconded the motion. On voice vote, the motion was approved unanimously. Mr. Mikos stated that the variance was granted contingent on the ARC approval.

4. **BZA-1221-25** – Mr. Wayne Hoar, **2212 Emmet Cove**, is requesting a variance to allow pool equipment to be installed within 10' of the property line. The property is owned by Mr. Wayne Hoar and is zoned PR-1 (Planned Single Family). **(APPROVED)**

Note: All accessory structures are to be a minimum of 5' off the property line.

Mr. Wayne Hoar, 2212 Emmet Cove, was present to represent this case. Mr. Mikos asked if there was a reason to place the pool equipment in this corner. Mr. Hoar explained the reason was to get it away from people, and from his house, and his neighbors' houses. Mr. Martin added that he could confirm that common area was abutting both sides where this pool equipment area was proposed. Mr. Mikos stated he didn't see any easements on the property either.

Mr. Martin added the diagram of the plot plan included in the application showed 5' separation, which would need to be confirmed when constructed or when the permit is applied for. Mr. Mikos asked if there was any further questions from the Board or anyone in the audience. There were no questions. Mr. Mikos asked for a motion. Mr. Brush made a motion to approve **BZA-1221-25**. On voice vote, the motion was approved unanimously.

5. **BZA-1221-26** – Mr. Russ Stringer, **1545 Wilborn Run**, is requesting a variance to allow a pool and equipment to be installed closer than the allowed 10' to rear property line. Mr. Stringer is the property owner and the property is zoned PR-1 (Planned Single Family District). **(APPROVED)**

Mr. Russ Stringer, 1545 Wilborn Run, was present to represent this case. Mr. Stringer stated that he and his wife's doctors were recommending they get more physical exercise, and since he had the smallest backyard in the neighborhood, he was asking for 5' from the rear fence line for a lap pool. Mr. Stringer stated he had spoken to his neighbors for which there had not been any objections. Mr. Stringer added that his wife had had melanoma and didn't need to get much sun exposure and had spoken to the HOA about getting into the community pool earlier so as to minimize sun exposure, but the HOA denied that request. Mr. Mikos and Mr. Brush had some questions on the fence in his backyard.

Mr. Pratt asked if there had been any comments from the neighbors. Ms. Bradstreet confirmed she had not received any comments regarding this case. Mr. Mikos asked if there were any other questions. There were none. Mr. Mikos asked for a motion. Mr. Brush made a motion to approve **BZA-1221-26**. Mr. Puchta seconded the motion. After a roll call vote was taken, the motion was approved unanimously.

6. **BZA-1221-27** – Ms. Markita Smith is requesting a variance to allow a new home to be forward of the 35' setback, (5 ft) due to slope of property located at **1834 Russet Woods Lane**. The property is owned by BMC3 Home Builders, Inc., and is zoned R-1 (Single Family District). **(APPROVED)**

Ms. Markita Smith, 1834 Russet Woods Lane, was present to represent the case. Mr. Mikos asked if they were able to confirm which property was the subject property. Mr. Martin stated he had visited the site and asked what the stakes were representative of. Ms. Smith and her husband explained the stakes were a proposed footprint and was in line with the adjacent homes. Mr. Mikos stated the lot was very steep and for the parents to be careful with their children due to this situation. Mr. Brush confirmed with Mac that this was the lot in question where the dirt had been moved. Mr. Martin confirmed that to be true.

Mr. Pratt asked about if they shifted the house back 3, 4, or 5 feet, a variance wouldn't be needed. Ms. Smith stated that much would make quite a difference to them and they needed that room. Mr. Martin confirmed that the adjacent home was about the same distance, 30 feet. Mr. Mikos added he had stepped it off as well.

Mr. Mikos asked if there were any other questions. There were none. Mr. Mikos asked for a motion. Mr. Brush made a motion to approve **BZA-1221-27**. Mr. LeCompte seconded the motion. On voice vote, the motion was approved unanimously.

With no further business, the meeting was adjourned.