

## MINUTES OF MEETING

### HOOVER BOARD OF ZONING ADJUSTMENT

**Date:** February 1, 2018  
**Time:** 7:30 P.M.  
**Place:** Hoover Municipal Center  
**Present:** Mr. Dan Mikos  
Mr. David LeCompte  
Mr. Jim Brush  
Mr. Bob Brown  
Mr. Kyle Puchta

**Absent:** Mr. Lawren Pratt  
Mr. Paul Gamble

**Also Present:** Mr. Mac Martin – City Planner  
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 the voting members for this meeting would be Mr. Pratt, Mr. Brush, Mr. Brown, Mr. Gamble and himself.

2. Approval of minutes from the January 4, 2018, regular meeting and January 22, 2018 work session. Mr. Mikos asked if there were any additions or corrections to be made. There were none. Mr. Mikos asked for the minutes to be approved by acclamation.

3. BZA-0118-01 - Dr. Michael Koslin & Dr. Christopher Kahn are requesting a variance waiving any zoning requirements requiring them to add 8 (eight) additional parking spaces in conjunction with a remodeling project they are conducting on property located at 2036 Patton Chapel Road. The property is owned by Dr. Michael Koslin and it is zoned C-P (Preferred Commercial Office District).

Mr. Lauren Barrett, Barret Architecture Studio, 2320 Highland Avenue South, Birmingham, AL, came forward to represent this case. Mr. Barrett stated they had been working on the renovation remodeling Drs. Kahn and Koslin's office. Mr. Barrett stated it was built in the 1990's and is a story and a half residential type building. Mr. Barrett stated what was attic space was about 1800 square feet and what they were planning on doing was moving a number of administrative staff from the main floor up to the upper level which had great access in the rear to the Shady Woods side, and also to provide more space for medical records.

Mr. Barrett stated based on the space they were adding, finishing out, they needed eight (8) more parking spaces than are there. Mr. Barrett stated that Wade Lowery with Engineering Design Group had done the survey counting the parking spaces. Mr. Barrett referred to a variance for these four office buildings that were built in 1994, which was a shortage of four

(4) spaces then. Mr. Barrett stated their rationale in asking for a variance was that when these buildings were built as medical practices and dental practices, for the most part they were there five (5) days a week. Mr. Barrett stated that now Dr. Koslin and Dr. Kahn have three other offices and they were only there a couple of days a week as is Dr. Phillips offices and the other offices there, so the demand on parking is really low. Mr. Barrett explained Dr. Kahn had a letter from the other practices there not objecting to the additional parking. Mr. Barrett stated Dr. Koslin found the original agreement for the development that was 130 plus pages long that talked about the cross parking agreement and the amount of spaces each building would contain.

Mr. Barrett explained that after they had submitted the request, they had some comments that he and Mr. Wade Lowery had been looking at. He said one of those was that there was an open area for a dumpster at the rear of the property that was not screened and needed to be screened and a concrete paving added under it on the very back of the property.

Mr. Barrett added that Ms. Sharon Nelson, Landscape Architect, had suggested they clean up some of the shrubbery in the rear of the building, and also they needed to better identify the ADA parking spaces. Mr. Barrett stated there was one ADA parking space required for each of the four buildings. Mr. Barrett asked if the Board saw fit to grant this variance that when the plans were submitted for permitting, that all of those requirements, such as adding screened, fenced concrete padding for the dumpster, ADA parking spaces, landscaping clean-up would be part of the submission for the building permit.

Mr. Mikos then stated that Mac Martin, City Planner, had submitted a number of questions and the first one that they had was that the original variance was from 90 spaces to 86 spaces, a reduction of four, and all they could count on the property was 75 spaces. Mr. Mikos asked if they could tell them what happened to the other 11 spaces.

Mr. Barrett referred that question to Dr. Michael Koslin, 2036 Patton Chapel Road, Hoover, AL, and stated he was one of the property owners along with Dr. Chris Kahn. Dr. Koslin stated that at the time that they developed this in 1994, there was a building beside the complex that had been owned by two attorneys and they had 16 to 18 parking spaces just because that was the way they had graded and paved it. Dr. Koslin added that at the time, to get some additional sewer access, and to get the traffic flow going, they put into writing and submitted with the original variance that their parking lot, even though it wasn't exactly part of their complex, but had no barriers that would separate them, would be accessible for them and their patients. Dr. Koslin added the interesting thing about that was that building was sold to a court reporting business who actually needed those spaces, but during the time that they had been there, which was 24 years, they had never had a parking problem; they had never had side parking or parking on the street or anywhere that had blocked it. Dr. Koslin stated the hours the different practices work, with them being in the hospital, etc, it just had kind of worked out that they had never had to use the attorney's parking lot.

Dr. Koslin added that they were not adding employees with this renovation. Dr. Koslin stated they were taking their downstairs clerical staff and people who were not involved with patient care and putting them upstairs, getting them into an area that takes away some of the noise, and gives them some space to be able to spread out as things had changed in 24 years.

Dr. Koslin stated this would not add a single additional car, or add anything by doing the renovation.

Mr. Mikos asked if they were adding additional exam rooms. Dr. Koslin answered no.

Mr. Brush asked about the agreement mentioned earlier that was executed at some point in time that allowed cross parking. Dr. Koslin stated he had the Patton Chapel Professional Park General Covenants and Restrictions that was developed at the time with Dr. Romano and Dr. Bruce Vaughn bought the property and developed their property and everybody in the complex was responsible with their annual maintenance fees for all the general upkeep of the entire parking lot. Dr. Kosling stated everyone had equal access to the entire parking lot. He stated there were no restrictions, and was a completely open parking situation.

Mr. Brush asked if the individuals who developed these properties were still the property owners. Dr. Koslin stated that property had been sold and was now Perrigo Dental, owned by Dr. Luke Perrigo, who had also signed the letter that they had no objection to this project. Mr. Brush asked if the current owners had signed an agreement to allow the common parking feature. Dr. Koslin answered the current owners had signed that they know what Drs. Koslin and Kahn were doing with the renovation and they had no objection to the requested parking variance.

Mr. Mikos asked if the new owners had to sign something when they bought the property that commits them to the original agreement. Dr. Koslin stated that the original agreement said as property was sold, when the new owner took over, the standings of the original agreement would be transferred to the new owners.

Mr. Mikos asked if all the current owners now contribute to a fund where all the landscape, maintenance, and parking lot maintenance was taken care of. Dr. Koslin stated that was correct. Mr. Puchta stated if would have been extremely helpful to have had a copy of that information to review, verify, and study.

Mr. Mikos added the real variance they were dealing with was not 8 places, but 19 places because the original 11 was the variance granted in 1994, and now those spaces don't exist. Mr. Mikos stated that his concern was if they sold out and moved and somebody else put another business in there that required a lot of parking. Mr. Mikos then gave a personal example of what happened when he had a business in there.

Dr. Koslin emphasized that these buildings were single use, specialty type offices and they had never, ever had a parking issue in 24 years.

Mac Martin, City Planner, stated from the city's standpoint, his recommendation to the board, since it seemed they had some other information they could look at and mull over and study, would be to continue this case and try to make sure that they were planning ahead wisely in considering the variance.

Mr. Brush requested they verify exactly how many parking places that were actually there. Mr. Mikos added that when they put the ADA handicap spaces in, one had to be van accessible which really took up two parking places. Dr. Koslin added that was there now, but it wasn't striped as bright as it used to be.

Mr. Barrett stated they should have a drawing submitted from Wade Lowery with Engineering Design Group that was a current survey with the total number of parking spaces. Mr. Mikos stated he added those up and came up with 75. He added the original variance was 86, so they were 11 short on the original, and now were adding 8 more to it.

Dr. Koslin stated they wouldn't lose any spaces due to the dumpster. He added this dumpster was the sole dumpster for the whole office complex.

Mr. Mikos explained he agreed with Mr. Martin, the City Planner, that they needed to continue the case so they could further look at their agreement. Mr. Mikos explained the board's role in setting precedence and verifying hardships in cases and proceeded to explain the variance process. Mr. Mikos asked the applicant to continue this case until the next meeting. Dr. Koslin agreed to continue the case until the next meeting.

With no further business, the meeting was adjourned.

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Vanessa Bradstreet  
Zoning Assistant