

The City of Fairhope Board of Adjustments and Appeals met on Monday, July 21, 2014 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.

Members Present: Chairperson Cathy Slagle; Anil Vira, Vice-Chair; Troy Strunk; John Avent; Ray Clark; Jonathan Smith, Director of Planning; Emily Boyett, Secretary.

Absent: none

The meeting was called to order at 5:00 PM by Chairperson Slagle.

Mrs. Slagle announced agenda item B. BOA 14.04 has been withdrawn by the applicant.

The minutes of the June 16, 2014 meeting were considered. Troy Strunk moved to accept the minutes as written and was 2nd by Anil Vira. Motion carried with one abstention by Ray Clark.

BOA 14.03 Request of Trinity Presbyterian Church for a Special Exception to allow a columbarium to be constructed at 545 S. Mobile Street.

Jonathan Smith, Director of Planning came forward and gave the staff report.

STAFF INTERPRETATION:

The subject property is zoned R-2 (Medium Density Single Family Residential District). The applicant would like to construct a Columbarium on the subject property at 545 S. Mobile Street, which is the location of the Trinity Presbyterian Church. A columbarium is defined as “a vault or other structure with recesses in the walls to receive the ashes of the dead.” A columbarium is most closely related to a cemetery which is defined in the City of Fairhope Zoning Ordinance as “land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries.” In the R-2 district, as well as all zoning districts where a cemetery could possibly be allowed, a Special Exception is required. Table 3-1: Use Table states the use is allowed “only on appeal and subject to special conditions.”

The applicant is proposing to construct the columbarium on the west side of the subject property, nestled between the existing sanctuary and Church office. The attached drawing specifies the construction to include a six foot tall circular brick wall to match the existing buildings, which will house the urn niches on the interior circumference. The applicant also indicates the exterior of the wall will be landscaped to enhance and blend with existing landscape.

The property is bordered by R-2 zoned property in all directions.

STAFF RECOMMENDATION:

Staff recommends the Board of Adjustment approve the proposed Special Exception for the subject property.

Joe Comer addressed the Board on behalf of the applicant saying there is a courtyard between the existing buildings and the applicant is proposing to construct a wall with brick matching the existing buildings to make the area private. He explained the only thing that will be visible from the street will be an 6' tall brick wall which will be landscaped to blend with the rest of the site. He stated there will be a decorative gate for an entrance and the vaults will be constructed in the wall but only visible from the back side. Mr. Vira asked how many vaults are proposed and Mr. Comer responded he is not sure but approximately 200-300 in the main wall. He explained they come in different sizes but in a pre-fabricated unit. Mr. Avent asked if the applicant plans to phase the project and Mr. Comer answered yes.

Mrs. Slagle opened the public hearing.

Dick Schneider, Commander of the American Legion Post 199 located at 700 S. Mobile Street – He said the subject property is an inappropriate location for the proposed use. He stated most churches put these and similar type structures in the basement. He asked if the applicant petitioned to have a cemetery next would it be allowed because these uses go together. He stated this request should not be approved in this neighborhood or it should have to be constructed inside. Mr. Comer responded the applicant does not have the room for a cemetery nor do they want a cemetery. He stated the columbarium is only for ashes and a place for their members and family to remember their loved ones.

Deborah and Andrew Rost of 22 Fig Avenue – They stated they do not approve of the location for this type of use. They had concerns with traffic and stated the area is one of the oldest subdivisions in town and it is a residential neighborhood.

Denise Henderson of 20 Fig Avenue – She stated she is a new owner in this neighborhood and she doesn't want outsiders just wandering around her neighborhood. She had concerns regarding hurricanes and stated there are other properties outside of residential areas more suitable for these type structures.

Dick Schneider stated Sam Noble of 23 Fig Avenue also submitted a letter of opposition for this request.

Mrs. Slagle stated there is already a similar structure in a residential neighborhood in our area. Mrs. Henderson asked if the other neighborhood is zoned R-2 and Mr. Smith responded no, it is zoned R-1.

Alan Harper of 18 ½ Fig Avenue – Stated a cemetery requires 20 acres and said it is important for the church to be part of the neighborhood; however, the church did not contact the residents for their thoughts. He asked if this request fits into the City master plan or if there is a hardship. He said the property is within 200' of Mobile Bay and the closest local cemetery has approximately 30 spaces for urns and 600 plots available. He asked if the site will be secured or locked and if it is only for church members. He stated this area is an existing neighborhood and it will cause negative impacts on the families and homes in the area. He asked if this is only the first step of the church's plan and are

graves next. He stated he is opposed to this request and it is not an appropriate site. He said they could do a memorial garden but they should not be allowed to have ashes kept here. He said the church should respect the wishes of the residents because they live here.

Having no one else present to speak, Mrs. Slagle closed the public hearing. Mr. Strunk asked if the Board can place stipulations on the use and Mr. Smith responded yes, they restrict the number of units. Mr. Strunk asked where other similar structures are located. Mrs. Slagle stated there is one at St. James Episcopal Church, Colony Cemetery, Memorial Gardens, and in Daphne. Mr. Clark asked if they are proposing 300 total or just in the first phase and Mr. Comer responded 300 would be the total. Mr. Smith stated the staff recommendation was based on the proposed drawings that were submitted and the construction should be consistent with them. Mr. Vira asked if the applicant proposed to construct it inside would an approval be required and Mr. Smith responded yes. Ray Clark made a motion to approve a special exception to allow the construction of a columbarium with the following conditions:

1. A maximum of 200 vaults shall be allowed in the exterior curved wall;
2. No more than 100 additional vaults shall be allowed without further approval by the Board of Adjustment;
3. The walls shall not exceed 6' in height; and
4. The size, scope, and landscaping shall conform to the proposed drawings.

John Avent 2nd the motion and the motion carried unanimously.

Having no further business, Troy Strunk made a motion to adjourn. Anil Vira 2nd the motion and the motion carried unanimously. The meeting was adjourned at 6:00 P.M.