

The City of Fairhope Board of Adjustments and Appeals met on Monday, February 19, 2015 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; Ray Clark; Dick Schneider; Jonathan Smith, Director of Planning; Emily Boyett, Secretary.

Absent: John Avent

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

The minutes of the September 15, 2014 meeting were considered. Anil Vira moved to accept the minutes as written and was 2nd by Troy Strunk. Motion carried with the following vote: AYE – Cathy Slagle, Anil Vira, Troy Strunk, and Ray Clark. NAY – Dick Schneider.

BOA 15.01 Request of Steve Pumphrey of Preble-Rish, LLC for 10' street side setback variance for property located on the northeast corner of the intersection of Hospital Drive and Coleman Avenue.

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) and is a corner lot. On behalf of Benjamin S. Gray, Sr., Preble-Rish is seeking a variance to the provisions of Table 3-2: Dimension Table – Lots and Principle Structure in the Fairhope Zoning Ordinance.

Table 3-2 requires that all principle structures in the R-2 zoning district on a corner lot adhere to a minimum street side yard setback of 20'. The applicant would like to reduce the street side setback to 10' in order to build a single family home on the property.

The required lot width for a newly created lot in the R-2 zoning district is 75'; the subject property is 50' wide; therefore, the parcel is an existing, non-conforming lot.

The property is bordered on all sides by City of Fairhope R-2 zoned properties.

Staff feels that there are extraordinary conditions pertaining to the width (shape) of the subject property. If the required setbacks are followed, the applicant is only permitted to build a 20' wide home on the lot.

In 1993 the same variance was requested for the lot across the street (northwest corner of Hospital and Coleman). The variance was approved by the Board, allowing for a 30' wide home to be built on the corner lot.

Facts to be considered in this case:

1. The applicant is requesting a 10' street side yard setback variance.
2. The subject property is an existing, non-conforming 50' wide, corner lot.

3. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography, due to the substandard lot width of 50' on a corner lot.

STAFF RECOMMENDATION:

The application meets the mandatory criteria established in the Zoning Ordinance for the issuance of a variance. Due to the existing 50' width of the lot, staff recommends the Board of Adjustment approve the 10' street side setback variance request.

Steve Pumphrey of Preble-Rish, LLC addressed the Board and explained the request is due to the narrowness of the lot. Mrs. Slagle noted the house next door is for sale and she asked if there is any correlation between the two and Mr. Pumphrey responded no. Mr. Clark asked if the applicant will be able to fit a house in if the setback variance is granted and Mr. Pumphrey answered yes. Mr. Clark asked if the trees along the north property line would remain and Mr. Pumphrey responded he is not sure, it would be up to the property owner.

Mrs. Slagle opened the public hearing.

Mark Johnson of 808 Prospect Avenue - He asked who owns the property and how many houses could be built on the street if the variance is granted. Mr. Smith responded the property owner is Benjamin Gray and he has hired Preble-Rish, LLC for the surveying and to represent him. Mrs. Boyett stated there are 7 original lots platted and the variance will not change the number of houses allowed.

David Luccason of 804 Prospect Avenue - He said this is an old subdivision and he is seeing a lot of development going on. He stated there is a house being torn down now in this neighborhood now and the owner wants to put up more houses. He stated more houses cause more traffic issues. He said he does not want this and it is not necessary and the trees should be kept.

Camellia Bishop of 802 Prospect Avenue – She stated she submitted a letter to the Board (it was included in packets). She explained there are clay deposits in this tract of land and the drainage is the worst in this area. She said improvements are needed due to flooding concerns.

Having no one else present to speak, Mrs. Slagle closed the public hearing.

Mr. Strunk asked what the maximum building coverage is for the subject lot and Mr. Smith answered 37%. Mr. Strunk asked if the maximum building coverage will change if the variance is granted and Mr. Smith responded no, not the percentage but the applicant would be allowed approximately 300 square feet more. Mr. Schneider asked why Ms. Bishop's letter and concerns have not been addressed or resolved prior to the variance being requested. Mr. Smith responded the Board is for variances and does not handle or address drainage. Mr. Schneider stated if the variance is granted the allowance will exacerbate the drainage problems. Mr. Smith explained there are no house plans yet

because the applicant wanted to see what their guidelines are before designing a house. Mr. Vira asked if all of the lots in this area were platted 50 years ago or more and Mr. Smith responded yes. Mr. Clark stated the property owners have a legal right to put one house on each legal lot of record. Mr. Luccason stated drainage needs to be considered and Mr. Smith expressed his understanding of the drainage concerns but stated the additional 300 square feet of buildable area could be offset with the house design. Mr. Clark explained the same thing being presented now has been done across the street and next door. Dick Schneider made a motion to table the request until Public Works give an opinion on the drainage issues. Motion fails for lack of a 2nd. Troy Strunk made a motion to accept the staff recommendation to approve the 10' street side setback variance request due to the existing 50' width of the lot. Anil Vira 2nd the motion and the motion carried with the following vote: AYE – Cathy Slagle, Troy Strunk, Ray Clark, and Anil Vira. NAY – Dick Schneider.

Old/New Business

Election of Officers – Troy Strunk made a motion to re-elect Cathy Slagle as Chair; Anil Vira as Vice-Chair; and Emily Boyett as Secretary. Anil Vira 2nd the motion and the motion carried unanimously.

2015 Agenda Schedule – Anil Vira made a motion to accept the schedule as presented. Troy Strunk 2nd the motion and the motion carried unanimously.

Having no further business, Anil Vira made a motion to adjourn. Troy Strunk 2nd the motion and the motion carried unanimously. The meeting was adjourned at 5:50 PM