

The City of Fairhope Board of Adjustments and Appeals met on Monday, July 20, 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; John Avent; Jonathan Smith, Director of Planning and Zoning; Emily Boyett, Secretary.

Absent: Dick Schneider

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

The minutes of the May 18, 2015 meeting were considered. Troy Strunk moved to accept the minutes as written and was 2nd by Anil Vira. Motion carried unanimously.

BOA 15.04 Public hearing to consider the request of Allen Harper for a rear yard setback variance for property located at 18 ½ Fig Avenue.

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

STAFF INTERPRETATION:

The subject property is zoned R-2 Medium Density Single Family Residential District. Allen Harper is seeking a variance to the provisions of Table 3-2: Dimension Table – Lots and Principle Structure in the Fairhope Zoning Ordinance.

There is an existing older home on the property and the applicant would like to secure a variance for possible new construction. The existing structure is an existing legal non-conforming structure.

Table 3-2 requires that all principle structures in the R-2 zoning district adhere to a minimum rear yard setback of 35'. The applicant would like to reduce the rear yard setback to 20'; thus resulting in a 15' rear yard setback variance. With the current lot configuration and setbacks any new construction could only be approximately 14' or 15' wide.

Considering the odd shape and layout of the subject property, staff feels a hardship does exist. The setbacks requested by the applicant will allow for a residence to be built on the property.

The property is bordered to the north by R-2 zoned property, south is B-3a Tourist Resort Lodging District zoned property, east is R-4 Low Density Multi-Family Residential District zoned property and west is B-3a and R-2 zoned property.

Facts to be considered in this case:

1. The subject property is oddly shaped and there appears to be an existing hardship due to the dimensions of the property. There are extraordinary and exceptional

- conditions pertaining to the particular piece of property in question because of its shape.
2. This variance application meets the established Zoning Ordinance criteria for the issuance of a variance due to the existing dimensions (shape) of the property.
 3. The applicant is requesting a 15' rear yard setback variance.
 4. 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 odd shape of the subject property and the existing dimensions.

STAFF RECOMMENDATION:

The application meets the mandatory criteria established in the Zoning Ordinance for the issuance of a variance. Due to the shape of the subject property staff recommends the Board of Adjustment approve the 15' rear yard setback variance request.

Mr. Harper was present to answer any questions.

Mrs. Slagle opened the public hearing. Having no one present to speak, she closed the public hearing. Mrs. Boyett stated a letter had been received from Nancy Myrick at 551 S. Mobile Street in support of the request. John Avent made a motion to accept the staff recommendation to approve the 15' rear yard setback variance request due to the shape of the subject property. Anil Vira 2nd the motion and the motion carried unanimously.

Old / New Business

Comprehensive Plan 2015 Update – Mr. Smith announced there will be a Town Hall meeting on August 13, 2015 at 6:00 PM in the Fairhope Civic Center.

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 5:20 PM.