

The City of Fairhope Board of Adjustments and Appeals met on Monday, May 16, 2016 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; Dick Schneider; Troy Strunk; John Avent; Jonathan Smith, Director of Planning and Zoning; Emily Boyett, Secretary.

Absent: Ray Clark

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

The minutes of the February 15, 2016 meeting were considered. Troy Strunk moved to accept the minutes as written and was 2nd by John Avent. Motion carried with one abstention by Dick Schneider.

BOA 16.03 Public hearing to consider the request of Jeanne Cannon for a variance to the lot coverage requirements for principal structure for property located at 123 Cypress Lane.

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

STAFF INTERPRETATION:

The subject property is zoned R-3 PGH High Density Single Family Patio/Garden Home Residential District. Ms. Cannon 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-3 PGH zoning district adhere to a maximum total lot coverage percentage of 32.5% for the principal structure. Per the attached survey the subject property is approximately 4,659 square feet and the existing principal structure is approximately 1,980.6 square feet.

The applicant is requesting to cover and screen a 12' x 18' portion of an existing open deck on the front of the principal structure. This would increase the square footage by 216 square feet and increase the total lot coverage to 47.1%.

It appears the subject property is built in accordance with the surrounding subdivision and multiple adjacent properties have constructed similar structures.

The subject property is bordered on all sides by R-3 PHG zoned properties.

Facts to be considered in this case:

1. The applicant is requesting a variance to the 32.5% maximum allowable lot coverage requirement for a principal structure.

2. The proposed enclosure will not encroach any setback.
3. Most of the homes in the subdivision appear to be over the 32.5% maximum allowable lot coverage requirement.
4. Adjacent properties have constructed similar structures to what the applicant is proposing.

STAFF RECOMMENDATION:

While there are not extreme circumstances surrounding this property, it could be interpreted and staff could support that there is some hardship regarding the lot size and the restrictions imposed by the Zoning Ordinance pertaining to the allowable percentage of lot coverage of the principle structure.

Mrs. Slagle asked if the front setback is on the water side and Mr. Smith responded yes. Mr. Schneider stated numerous properties already have similar structures and he does not see how the Board can deny Ms. Cannon from doing the same. Mr. Smith agreed with Mr. Schneider.

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

Troy Strunk made a motion to approve due to the lot size and surrounding characteristics. Anil Vira 2nd the motion and the motion carried unanimously.

Having no further business, Troy Strunk made a motion to adjourn. John Avent 2nd the motion and the motion carried unanimously. The meeting was adjourned at 5:10 PM.