

The City of Fairhope Board of Adjustments and Appeals met on Monday, September 19, 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; Jonathan Smith, Director of Planning and Zoning; Emily Boyett, Secretary.

Absent: John Avent

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

The minutes of the August 15, 2016 meeting were considered. Troy Strunk moved to accept the minutes as written and was 2nd by Anil Vira. Motion carried unanimously.

BOA 16.07 Public hearing to consider the request of Valery DeLaney for a variance to the setback and height requirements for an accessory structure for property located at 150 Morphy 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. Mrs. DeLaney is seeking variances to the setback and height provisions of Table 3-3: Dimension Table – Residential Accessory Structures in the Fairhope Zoning Ordinance.

Table 3-3 requires that all accessory structures in the R-2 zoning district adhere to a Street Side Setback that is “no nearer than the principal structure” and a maximum building height of “30’ but no taller than the principal structure.”

The subject property has an existing principal structure which is constructed 14’ from the Equity Street side. The applicant is requesting a 9’ variance to the required 14’ street side setback for an accessory structure. She is proposing a 5’ street side setback along the Equity Street side for her proposed 1½ story accessory structure to provide an additional garage space and studio area.

The subject property is unique with three street frontages. Due to the configuration, approximately half of the parcel is restricted by the setback requirements. Mrs. DeLaney contends the “stair-step” arrangement of the proposed layout will follow the existing lay of Equity Street.

The applicant is also requesting a 7’-5” variance to the height restriction. The existing principal structure is approximately 15’-4” and the applicant is proposing to build the accessory structure to 22’-9” to maintain a smaller building footprint. A typical R-2 lot allows for a 30’ maximum building height for the principal structure.

According to the applicant, an extensive drainage system has been installed on the rear of the property and there is an approximately 30" oak tree she would like to preserve.

The subject property is bordered on all sides by R-2 zoned properties.

STAFF RECOMMENDATION:

The application meets the mandatory criteria established in the Zoning Ordinance for the issuance of a variance and Staff recommends the Board of Adjustment approve the proposed street side setback variance and height variance for an accessory structure due to the existing street frontages (shape) of the property and the 30" oak tree (topography).

Mr. Smith added a 7' variance can be granted administratively for a Heritage Tree or the applicant could cut the tree and build the proposed accessory structure with plenty of room.

Mrs. DeLaney was present to answer any questions.

Mrs. Slagle opened the public hearing. Having no one present to speak, he closed the public hearing. It was noted staff has received 2 letters and 2 emails in favor of the proposed property from adjacent property owners.

Anil Vira made a motion to accept the staff recommendation to approve the proposed street side setback variance and height variance for an accessory structure due to the existing street frontages (shape) of the property and the 30" oak tree (topography). Dick Schneider 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 5:09 PM.