

The City of Fairhope Board of Adjustments and Appeals met on Monday, November 21, 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; John Avent; Troy Strunk; Jonathan Smith, Director of Planning and Zoning; Emily Boyett, Secretary; Tut Wynne, City Attorney.

Absent: none

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

The minutes of the October 17, 2016 meeting were considered. John Avent moved to accept the minutes as written and was 2nd by Anil Vira. Motion carried with one abstention by Dick Schneider.

BOA 16.09 Request of the First Baptist Church of Fairhope for a variance to the lot coverage requirements for a principal structure for property located at 300 S. Section Street.

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. The First Baptist Church of Fairhope (FBC) is seeking a variance to the Maximum Total Lot Coverage by a Principal Structure requirements of Table 3-2: Dimension Table – Lots and Principal Structures in the Fairhope Zoning Ordinance.

The Fairhope Zoning Ordinance does not have specific regulations regarding Places of Worship/Churches. Historically they have been allowed in every residential zoning district.

Table 3-2 requires that all principal structures in the R-2 zoning district adhere to a maximum total lot coverage percentage of 37%. Per the attached Site Plan (Exhibit B) the subject property is approximately 141,482 square feet and the existing principal structure is approximately 46,388 square feet.

The applicant is proposing two expansions to the existing structure which would add approximately 12,098 square feet to the principal structure. If approved, this expansion will increase the total lot coverage to 41.34%.

The FBC owns approximately 112,530 square feet in multiple adjacent properties. The applicant contends, if the surrounding and adjacent properties that are owned by the FBC were considered in the lot coverage calculations, the lot coverage would on by 23% and a variance would not be required.

The subject property is bordered on all sides by R-2 zoned properties and to the northeast by P-1 Parking District.

STAFF RECOMMENDATION:

While there are not extreme circumstances surrounding this property, it could be interpreted that there is some hardship regarding the lack of specific regulations regarding Places of Worship/Churches and the restrictions imposed by the Zoning Ordinance pertaining to the allowable percentage of lot coverage of the principal structure.

Scott Hutchinson of HMR, LLC addressed the Board on behalf of the applicant. He stated they are seeking relief from the lot coverage requirements set forth in the Zoning Ordinance. He explained the City does not have any specific regulations regarding churches. He stated the City of Daphne allows 50% of lot coverage for churches. He noted this is the Church's master plan and no additional expansion is planned and they are not planning to expand to the surrounding parcels.

Brent Shaw of 19721 Hunter's Loop – He stated he is the Associate Pastor for the Church and said they are a big neighbor, but also a good neighbor. He explained the community and the City uses their parking for parades and events throughout the year. He stated the Church has always been in the neighborhood and like being a part of the neighborhood.

Mark Stejskal of 217 Simon Street – He noted the proposed addition will provide new space and security for the children and youth and an easily identified entrance for their building all with only an 8% increase of the existing lot coverage. He stated no changes are proposed for the surrounding properties and this addition will allow the Church's mission to be carried out.

Jenni Bramblett of 407 N. Ingleside Street and Holly McKensie of 33 Honeysuckle Lane gave a virtual tour of the proposed addition and the new design.

Mrs. Slagle opened the public hearing. She stated the Board has received several letters from adjacent property owners regarding this case.

Jerry Henry of 124 D'Estrehan Road – He stated he is a retired pastor of the FBC and this proposal is to help secure the children's area.

Vann Saltz of 10777 Grant Road – He is the Chairman of the Deacons for the FBC and the Teen/Children's Committee. He said the city is growing and the Church has to grow with it. He stated the City and the Church have always worked together and now is no different.

Sharon Pippin of 21861 Lynn Ridge – She said this is a great ministry and the proposed additions and renovation will allow it to continue. She asked the Board to work with the Church to make this happen.

Mr. Slagle asked for a show of hands of those in the audience in opposition of the proposal and no one raised their hand.

Robin Sanders of 308 Nichols Avenue – He said he came to the meeting to get more information and had questions about parking on Nichols. He stated concerns with parking on the right-of-way and community safety due to the traffic congestion on Sundays and Wednesdays. He asked what will happen to the master plan if the church leadership changes. He asked the Board to restrict the additional square footage to the amount need for this proposed addition and renovation.

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

Mr. Schneider asked if a traffic study has been done around the FBC and St. Lawrence to see if there really is a problem or not. Mr. Hutchinson responded no, because they are not adding any more cars, but the applicant is willing to provide one at the time of building permit, if it is required. Mr. Avent stated he lives a block from the FBC and he has never seen traffic backed up or any safety issues. He added it is a neighborhood and the traffic should be slow regardless. Mr. Hutchinson stated new Compact Car signage has been added to the parking spaces on the north side of Nichols. Mr. Vira said he appreciated the Church's involvement in the community and the outreach to the surrounding neighbors during is process and Mrs. Slagle agreed. Mr. Strunk said the Church is an asset to the neighborhood and Downtown.

John Avent made a motion to approve a variance to allow 42% of maximum total lot coverage for the subject property. Troy Strunk 2nd the motion and the motion carried unanimously.

Old / New Business

2017 Agenda Schedule and Deadlines – Anil Vira made a motion to accept the proposed 2017 Agenda Schedule and Deadlines. Dick Schneider 2nd the motion and the motion carried unanimously.

Election of Officers – Mr. Smith asked if the Board would like to poll the members to see who is willing to serve as an officer.

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 5:50 PM.