

**The City of Fairhope Board of Adjustments and Appeals met on Monday, February 20, 2017 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.**

**Members Present: Chairman Anil Vira; Troy Strunk, Vice-Chair; Dick Schneider; Christina Stankoski; Harry Kohler; Emily Boyett, Secretary.**  
**Absent: Cathy Slagle; John Avent; and Wayne Dyess, Director of Planning**

The meeting was called to order at 5:00 PM by Chairman Vira.

The minutes of the January 17, 2017 meeting were considered. Troy Strunk moved to accept the minutes as written and was 2<sup>nd</sup> by Harry Kohler. Motion carried with the following vote: AYE – Anil Vira, Troy Strunk, Christina Stankoski, and Harry Kohler. NAY – Dick Schneider.

**BOA 17.02 Public hearing to consider the request of Hayes Knapp on behalf of D.R. Horton, Inc. – Birmingham for a variance to the front yard setback requirements for a principal structure on property located at 509 Calibre Street.**

Emily Boyett, Secretary gave the staff report.

**STAFF INTERPRETATION:**

The subject property is zoned R-1 Low Density Single Family Residential District. Mr. Knapp is seeking a variance to the front yard setback provisions of Table 3-2: Dimension Table – Lots and Principle Structures in the Fairhope Zoning Ordinance. Table 3-2 requires that all principle structures in the R-1 zoning district adhere to a Front Yard Setback of 40'. The subject property is in the North Station subdivision which was developed and subdivided prior to annexation into the City of Fairhope. At the time of subdivision, the property was approved with a 30' front yard setback.

The subject property is currently vacant and the applicant is requesting a 5.55' variance to the required 30' front yard setback in order to construct a single family residence. This is the last remaining unbuild lot in the subdivision. The applicant requests the front yard setback be reduced due to the irregular shape of the lot and because of the configuration of the adjacent right-of-way.

The subject property is bordered on all sides by R-1 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 Front Yard Setback variance due to the irregular shape of the parcel.

Mrs. Boyett stated staff has received a letter from the Northstation Homeowner's Association in favor of the applicant's request.

Mr. Knapp addressed the Board saying the lot is an odd shape and the HOA does not want a 2-story house built on the lot and the proposed layout is the closest plan they could find to fit within the setbacks except for the one corner.

Mr. Vira opened the public hearing.

Dennis Koppersmith of 544 Calibre Street – He stated he is the President of the Northstation HOA and they are in favor of the request.

Having no one else present to speak, Mr. Vira closed the public hearing.

Mr. Strunk asked why the house is staked one to two foot off the setback line and Mr. Knapp responded to make sure it is not over the setback lines went being built. Mr. Schneider asked if any other houses will be allowed to be built over the setback and Mr. Vira explained this request is only for this particular lot and any other lot would have to follow the normal requirements.

Dick Schneider made a motion to accept the staff recommendation to approve the proposed 5.55' Front Yard Setback variance due to the irregular shape of the parcel.

Troy Strunk 2<sup>nd</sup> the motion and the motion carried unanimously.

### **Old / New Business**

Having no further business, Dick Schneider made a motion to adjourn. Troy Strunk 2<sup>nd</sup> the motion and the motion carried unanimously. The meeting was adjourned at 5:15 PM.