

The City of Fairhope Board of Adjustments and Appeals met on Monday, March 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; Christina Stankoski; Harry Kohler; Cathy Slagle; Wayne Dyess, Director of Planning; Emily Boyett, Secretary.

Absent: John Avent and Dick Schneider

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

The minutes of the February 20, 2017 meeting were considered. Troy Strunk moved to accept the minutes as written and was 2nd by Harry Kohler. Motion carried with one abstention by Cathy Slagle.

BOA 17.03 Public hearing to consider the request of Ted Miles for a variance to the front yard setback requirements for a principal structure. The property is located on the east side of Ridgewood Circle just south of Kirkman Lane, at 373 Ridgewood Circle.

Mr. Dyess gave the staff report.

Summary of Request:

The subject property is located in the R-2 Medium Density Single Family Residential District. The applicant is requesting to construct additional coverage to the front entrance and enlarge the existing garage. The subject property fronts Ridgewood Circle. The variance request is to encroach into the 35' front yard setback by 4'8" on the south side for a porch extension and 4'11" on the north side for a garage enlargement.

The subject property is Lot 8 of Ridgewood Estates. Ridgewood circle is a cul-de-sac serving 6 lots. All lots on Ridgewood Circle are uniform in shape and size. The only condition that may vary from lot-to-lot is slight topographic changes. However, the variance request does not provide topography as justification and the topography is not material to the request.

Recommendation:

It is staff's position that the variance requests have not proven a hardship as required by the criteria established by the City of Fairhope Zoning Ordinance, Article II.C.3.e; therefore, staff recommends the variance request be denied.

Mr. Miles addressed the Board saying the previous owner enclosed the garage but left the exterior garage door. He explained the interior was not insulated correctly and they would like some additional space for storage.

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

Cathy Slagle made a motion to accept the staff recommendation to deny due to the request not meeting the criteria established by the Zoning Ordinance. Harry Kohler 2nd the motion and the motion carried unanimously.

BOA 17.04 Public hearing to consider the request of Steve and Jill Delamore for a variance to the front yard setback requirements for a principal structure. The property is located on the south side of Nelson Drive just east of Scenic Hwy. 98, at 6038 Nelson Drive.

Mr. Dyess gave the staff report.

Summary of Request:

The subject property is located in the R-1 Low Density Single Family Residential District. The applicant is requesting a 20' front yard setback variance. The subject property is located at 6038 Nelson Drive. As indicated on the site plan, a large area of wetlands is located on the rear of the property. Due to the wetlands and the Fairhope Wetland Ordinance, the proposed single family construction cannot fully utilize the rear property area. Due to this fact, the request is to locate the proposed construction further towards the front of the lot, out of the wetlands, which then encroaches 20' into the 40' front yard setback. The wetlands are a physical hardship impairing the location of the single family construction. Staff believes that 20' front yard setback variance relief is warranted under the criteria of the Zoning Ordinance.

Recommendation:

It is staff's position that the variance request has proven a hardship as required by the criteria established by the City of Fairhope Zoning Ordinance, Article II.C.3.e; therefore, staff recommends the 20' front yard setback variance be approved.

Mr. Delamore addressed the Board saying there are wetlands on the rear of the property and they want to leave them alone. Ms. Slagle asked if they were aware of the wetlands when they purchased the property and Mr. Delamore responded no, they had no idea there were wetlands. He explained they purchased the property in August 2016 and the City informed them that wetlands may be present. He stated a survey was conducted and verified the wetlands.

Mr. Vira opened the public hearing.

Phillip Dyson of 19387 Scenic 98 – He stated the area has always flooded and is a drain point but it is only seasonally wet.

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

Troy Strunk made a motion to accept the staff recommendation to approve a 20' front yard setback variance due to the presence of wetlands on the property. Harry Kohler 2nd the motion and the motion carried unanimously.

Having no further business, Troy Strunk made a motion to adjourn. Cathy Slagle 2nd the motion and the motion carried unanimously. The meeting was adjourned at 5:15 PM.