

The City of Fairhope Board of Adjustments and Appeals met on Monday, April 17, 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; John Avent; Cathy Slagle; Wayne Dyess, Director of Planning; and Emily Boyett, Secretary.

Absent: none

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

The minutes of the March 20, 2017 meeting were considered. Troy Strunk moved to accept the minutes with corrections and was 2nd by Cathy Slagle. Motion carried with abstentions by John Avant and Dick Schneider.

BOA 17.05 Public hearing to consider the request of R.J. and Donna Page for a variance to the minimum structure separation requirements for an accessory structure and principal structure. The property is located at 432 Bartlett Avenue.

Mr. Dyess gave the staff report.

Summary of Request:

The subject property is located at 432 Bartlett Avenue in the Old Battles Village subdivision and is zoned PUD (Planned Unit Development). The applicant is requesting a 4' variance from the 10' separation requirement between the principal structure and accessory structure.

The proposed structure has been constructed and currently exist 6' from the principal structure. A Stop Work Order was issued for the structure by the Building Department on March 3, 2017, for a setback violation.

Recommendation:

It is staff's position that the variance request has 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. Vira asked why 10' of separation is required and Mr. Dyess responded it is not uncommon and is typically for fire safety. Mr. Page asked why the 10' is needed and Mr. Dyess answered he does not know why the requirement was originally included in the Zoning Ordinance but he is responsible for enforcing the regulations the City Council adopts. Mr. Page explained the patio was existing and they made the mistake by covering it. He said his builder did not know it wasn't allowed to be covered. Mr. Schneider asked if a Building Permit was obtained and Mr. Page answered no. Mr. Vira suggested extending the roof to the house to make it a legal structure. Mr. Page stated

attaching the roof will void their home's fortified insurance status. Mr. Dyess noted if the applicant had applied for a permit this could have been worked out prior to construction. Ms. Slagle asked if a portion can be removed to allow for compliance and Mr. Page stated there wouldn't be enough usable covered area left.

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

Dick Schneider made a motion to deny the request due to the lack of a hardship. Cathy Slagle 2nd the motion and the motion carried unanimously.

Having no further business, Cathy Slagle made a motion to adjourn. Troy Strunk 2nd the motion and the motion carried unanimously. The meeting was adjourned at 5:21 PM.