

The City of Fairhope Board of Adjustments and Appeals met on Monday, July 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; Buford King, Planner; and Emily Boyett, Secretary.

Absent: none

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

The minutes of the April 17, 2017 meeting were considered. Dick Schneider moved to accept the minutes with corrections and was 2nd by Troy Strunk. Motion carried unanimously.

BOA 17.07 Public hearing to consider the request of Fairhope United Methodist Church for a Special Exception to allow a columbarium. The property is located at 155 S. Section Street.

Mr. King gave the staff report.

Summary of Request:

The subject property is located at 155 S. Section Street, which is the location of the Fairhope United Methodist Church. The subject property is zoned B-2 General Business District and is also located in the Central Business District (CBD). The applicant is requesting a Special Exception to allow the construction of a columbarium.

A columbarium is defined as “vault or other structure with recesses in the walls to receive the ashes of the dead.” A columbarium’s usage is most closely identified with a cemetery, which as defined in the City of Fairhope Zoning Ordinance as “land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries.” A Special Exception is required in the B-2 zoning classification to authorize a cemetery as an allowable use. Further, Table 3-1: Use Table indicates the use is allowed “only on appeal and subject to special conditions”.

The applicant is proposing to construct the columbarium on the northwest side of the subject property near the intersection of the Section Street and Morphy Avenue. The columbarium will be shielded by the existing Wesley Hall to the north and surrounded by a screening wall of varying height, but a minimum of approximately 6’-0” on all sides. The wall structure consists of concrete blocks with face brick matching the existing structures. Urn niches will be placed in the inner perimeter facing inward toward additional landscaping. Provision for future “ground” niches is also indicated in the applicant’s plans, and future niches will also be shielded by the afore-mentioned wall structure and building. A detailed landscaping plan is not included in the applicant’s drawings. However, landscaping features on the exterior columbarium walls are shown

for schematic purposes on the architectural drawings and may indicate the applicant's desire to provide landscaping visible from Section Street.

Recommendation:

Staff recommends approval of the proposed Special Exception to allow a columbarium on the subject property.

Clay Adams of WAV Architects – He stated he is also a member of the church and this has been in the works for 5 years and part of the master plan for the campus for 20 years. He explained the columbarium will be on the back side of a brick wall and not visible from the street. He said it will match the existing brick and will be landscaped. He noted it is not a scatter garden but sets of vaults set into the wall. He stated there will be approximately 400 vaults.

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

Mr. Schneider stated there are already several columbariums in the City.

John Avent made a motion to accept the staff recommendation to approve the proposed Special Exception to allow a columbarium on the subject property. Dick Schneider 2nd the motion and the motion carried unanimously.

BOA 17.08 Public hearing to consider the request of Henry and Ann Davis for a variance to the rear yard setback requirements for a principle structure. The property is located at 612 N. Mobile Street.

Mr. King gave the staff report.

Summary of Request:

The subject property is located at 612 N. Mobile Street and is zoned R-2 Medium Density Single Family Residential District. The applicant is requesting a 15' variance to the 35' rear yard setback requirement for a principal structure.

The subject property is located at 612 N. Mobile Street at the intersection of Mobile Street and a portion of Pensacola Avenue that is an unopened right-of-way. Neighboring lots to the subject property are generally uniform and rectangular, however the subject property contains both a rectangular and a triangular lot. The triangular lot contains front and rear lot lines converging at an approximately 45-degree angle. *City of Fairhope Zoning Ordinance Article IX, Section C* defines a *Lot Line, Rear* as "The lot line opposite to and most distant from the front lot line." The triangular lot fronts upon Mobile Street, and as a result the lot line opposite to and most distance from the front lot line is the afore-mentioned lot line at approximately 45 degrees to the front lot line. Applying 35' front and rear setbacks as well as a 10' side setback results in an allowable building area, subject to coverage requirements, of 722 sf. Due to the size and shape of the lot, the request related to the triangular lot of the subject property is to reduce the rear setback to 20', resulting in an allowable building area of 1,741sf (subject to coverage requirements). The size and shape of the triangular lot are a physical hardship impairing the size of

potential single-family construction on the triangular lot of the subject property. Staff believes that a variance allowing a 20' rear setback in lieu of a 35' rear setback is warranted under the criteria of the Zoning Ordinance.

Recommendation:

It is staff's position that the variance request has proven hardship (shape and size) as required by the criteria established by the City of Fairhope Zoning Ordinance Article II.C.3.e. Therefore, staff recommends that variance request be approved.

Trae Corte was present to answer any questions.

Mr. Vira opened the public hearing.

Patty Cater of 611 Pensacola Avenue – She asked how this request will impact her and she asked to see the master plan for the development. Mr. Strunk explained this is not a development and is only to allow a single home to be constructed on the lot. Mr. King stated the development she is referencing is Van Antwerp and this is not part of it.

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

Mrs. Slagle asked if the current owner owns both lots and Mr. Corte responded yes. He explained they plan to demolish the existing home on the lot and build 2 new homes, one on each lot.

Troy Strunk made a motion to accept the staff recommendation to approve the request based on the application meeting the requirements of a hardship (shape and size). 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 5:19 PM.