

The City of Fairhope Board of Adjustments and Appeals met on Monday, August 21, 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; Cathy Slagle; Harry Kohler; John Avent; Christina Stankoski; Wayne Dyess, Director of Planning; Buford King, Planner; and Emily Boyett, Secretary.

Absent: Troy Strunk, Vice-Chair; and Dick Schneider

The meeting was called to order at 5:02 PM by Chairman Vira.

The minutes of the July 17, 2017 meeting were considered. John Avent moved to accept the minutes as written and was 2nd by Cathy Slagle. Motion carried with two abstentions by Christina Stankoski and Harry Kohler.

BOA 17.10 Public hearing to consider the request of The Retirement Systems of Alabama for a variance to the height requirements for Lots 91-107 of Battles Trace at the Colony.

Mr. Dyess gave the staff report.

Summary of Request:

The applicant is requesting an increase in the maximum building height from 35' to 41'. The subject properties are located in the TR Tourist Resort Zoning District. Lots 91-107 fall within Phase III of Battles Trace, located west and northwest of Bay View Towers at the Colony at the Grand. The final plat of Phase III of Battles Trace was approved by the City of Fairhope Planning Commission on November 10, 2016, Case # SD16.31. Phase III of Battles Trace occurs within the low rise residential zone within the TR district. The approved plat, dated October 13, 2016 reflects a finished floor elevation (FFE) of 31' for lots 91-107. Hutchinson, Moore, and Raugh (HMR) verified the top of lake berm elevation to be approximately 30'. HMR further-clarified that the 31' FFE was included in the final plat with the intent of allowing homes to be constructed on lots 91-107 with a main living space at the 31' FFE to match the top of berm elevation of the lake. The topography of lots 91-107 outside the lake berm allows construction of homes with a main living space at 31' FFE, however the same topography combined with a 35' building height restriction will result in roof lines lower than the roof lines of surrounding homes to be constructed. The building height increase will allow homes to be constructed with consistent roof lines regardless of the topography outside the lake berm.

Recommendation:

It is staff's position that the variance request has proven hardship 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.

Jennifer Mitchell of Stuart Contracting, LLC was present on behalf of the developer and RSA. She stated the berm will cause lakefront lots not to have a view. She said their request will allow parking underneath the homes and keep a consistent look around the lake.

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

Mr. Avent asked if the building height was measured differently would this be an issue and Mrs. Mitchell responded no. Mrs. Slagle asked who owns the berm and Mrs. Mitchell answered a portion of the berm will be part of the lot. The walkway on top of the berm is owned by the property owners' association. Mr. Vira asked if the remaining lots are suitable and Mr. Dyess responded yes, they have a higher elevation.

Cathy Slagle made a motion to accept the staff recommendation to approve the variance as requested. John Avent 2nd the motion and the motion carried unanimously.

Having no further business, Cathy Slagle made a motion to adjourn. John Avent 2nd the motion and the motion carried unanimously. The meeting was adjourned at 5:10 PM.