

The City of Fairhope Board of Adjustments and Appeals met on Monday, April 16, 2007 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.

Members Present: Chairman Ray Clark; Vice Chair Bob Mannich; Cathy Slagle; Teddy Joe Faust; Barry Fulford, Building Official; Jonathan Smith, Planner; and Emily Irby, Planning Assistant.

Members Absent: Louis Agee

The meeting was called to order at 5:10 PM by Chairman Clark.

Members were asked to review the February 19, 2007 minutes for consideration and make a motion to approve. Cathy Slagle made a motion was made to approve the minutes as written. Bob Mannich seconded the motion. All approved.

ZBA 07.02 Public Hearing to Consider the Request of Mr. Gregg Buckalew for a side street setback variance. The property is located at 351 North Summit Street.

Chairman Clark asked Mr. Buckalew to come forward and state his case.

Mr. Buckalew was not present. Mr. Bill Goodlow came forward as the applicant's representative. Mr. Goodlow stated that the applicant had applied for this variance one year ago and was denied. He explained that there are two problems with this lot: (1) small lot, only 8500 s.f. and (2) the right-of-way of Blakney Street tapers.

Jonathan Smith, Planner, gave the Staff Interpretation and Staff Recommendation.

STAFF INTERPRETATION: Property is zoned R-2 Medium Density Single Family Residential District. Applicant is seeking a variance to the provisions of Table 3-2: Dimension Table – Lots and Principle Structure in the Fairhope Zoning Ordinance. This request is would result in three variances: (1) Front setback of thirty-five feet (35') to thirty feet (30'); (2) Side-yard setback of twenty feet (20') to eighteen feet ten inches (18'-10"); (3) and two bay windows which would further encroach into the eighteen feet ten inch (18'-10") side-yard setback.

STAFF RECOMMENDATION: It appears to be possible for the applicant to construct a dwelling unit of reasonable size (approximate 1,845± square foot building footprint) within the setback envelope without the need for a variance. The granting of the variance will confer on the applicant special privileges that are denied by the Zoning Ordinance to other lands, buildings, or structures in the same zoning district. The staff recommends the Board of Adjustment deny the variance request.

Chairman Clark opened the meeting as a public hearing.

Terry Delker of 306 North Summit Street came forward in opposition. He stated that last year Mr. Buckalew also want a height variance. Mr. Delker said Mr. Buckalew bought the lot so this is a self-imposed hardship.

Bob Mulligan of 302 North Summit Street came forward in opposition. He pointed out that most of the lots in the Bluff Neighborhood are unique, yet property owners have utilized their lots.

Ty Massage of 355 North Summit Street came forward. He stated he is Mr. Buckalew's neighbor to the north. Mr. Massage voiced his concerns that if Mr. Buckalew built a two-story house, the water run-off from the roof would come into his yard.

No further speakers were present. Chairman Clark closed the public hearing.

Bob Mannich asked Barry Fulford what variances the applicant request last year. Mr. Fulford informed him that the applicant wanted to encroach into all setbacks and build higher than what is allowed.

Mr. Mannich questioned how to find an "average" front setback. Jonathan Smith responded that all front setbacks within a block would have to be measured.

Chairman Clark said he would entertain a motion. Teddy Faust made a motion to accept the Staff Recommendation to deny the request. Cathy Slagle seconded the motion. The motion carried unanimously.

ZBA 07.03 Public Hearing to Consider the Request of Mr. Paul Fontenot for a side street setback variance to construct a bay window. The property is located at 252 South Section Street.

Chairman Clark asked Mr. Fontenot to come forward and state his case.

Mr. Fontenot gave a brief history of his house. He stated that he and his family have lived there for 15 years. He explained that he would like to renovate a small 5' x 9' bathroom. He would like to install a three-foot (3') bay window to accommodate a sink and provide dressing room. The interior design of the house prevents other solutions to expand the bathroom into spaces inside the house. The addition would also accommodate better access to the bathroom and allow for pocket doors to be installed. Mr. Fontenot provided a drawing of the interior floor plan. (Drawing is included as part of the minutes.)

Jonathan Smith, Planner, gave the Staff Interpretation and Staff Recommendation.

STAFF INTERPRETATION: Property is zoned R-2 Medium Density Single Family Residential District. Applicant is seeking a variance to the provisions of Table 3-2: Dimension Table – Lots and Principle Structure in the Fairhope Zoning Ordinance. The

applicant would like to construct a bay window that will encroach three feet (3') into an existing non-conforming street side-yard setback of the principle structure.

STAFF RECOMMENDATION: The applicant provided a Site Plan showing the building footprint for the existing home, which is approximately 2,865± square feet. Staff feels that this is an adequate building footprint for a single-family dwelling. By adding a bay window on the non-conforming side of the home, the applicant will increase the encroachment into the already non-conforming street side-yard setback.

Chairman Clark opened the meeting as a public hearing.

No speakers were present. Chairman Clark closed the public hearing.

Bob Mannich made a motion to approve as requested. Teddy Faust seconded the motion. Motion carried unanimously.

A motion to adjourn was made by Bob Mannich. A second by Ray Clark. Motion carried unanimously. The meeting was adjourned at 5:46 PM.

Minutes were reviewed and approved by the Board of Adjustments on Monday, June 18, 2007.