

The City of Fairhope Board of Adjustments and Appeals met on Tuesday, January 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; Louis Agee; Cathy Slagle; Barry Fulford, Building Official; and Kelley Chastain, Permit Technician.

Members Absent: Becky Lundberg; Teddy Joe Faust

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

Members were asked to review the December 18, 2006 minutes for consideration and make a motion to approve. Cathy Slagle made a motion was made to approve the minutes as written. Louis Agee seconded the motion. All approved.

ZBA 06-11 Continued Public Hearing to consider the request of Frank Leatherbury, on behalf of J. Steven Mobley regarding the property located near the south east corner of Greeno and Morphy; East of Rite Aid and South of Morphy.

Chairman Clark asked Mr. Leatherbury to come forward to address the board.

Mr. Leatherbury indicated that Mr. Richard Algood, VP of Senior Health was also here for the case and could help answer questions.

Mr. Leatherbury indicated that since the Board of Adjustment Meeting on December 18 he and representatives of Senior Health, the potential tenant of the property, had met with Hawthorne Glenn Phase 1 Property Owners Association. Mr. Letherbury provided the board with a letter documenting the agreements of the meeting(s). Mr. Letherbury pointed out some of the highlights of the letter. (Letter is included as part of the minutes)

1. Scaling back the parking area to meet but not exceed the City of Fairhope requirements
2. Located the Equipment and loading areas on the south west portion of the property (away from the residential side of the property).
3. Discussed the 20' buffer separating residential and commercial lots
4. Fence

Chairman Clark opened the meeting to public hearing.

Mr. Samuel Andrews IV, Hawthorne Glenn POA President came forward. He indicated that he had reviewed the letter and was after reviewing the letter, having had meetings with Mr. Letherbury and representatives of Senior Health is now withdrawing the opposition of the subdivision and now offering support of the request.

Ms. Alicean Sharp, of 20318 River Mill Drive, a nurse from Thomas Hospital, came forward in support of a facility like this one. She indicated in her opinion there was a need for such a facility.

Greg Mimms, Planning Director of the City of Fairhope, came forward. Mr. Mimms felt this facility may be compatible with the comprehensive plan. The Comprehensive Plan is meant to be a general guideline of the direction the City wants to take in it's growth. So from this very general standpoint this facility is not in opposition with the City's Comp Plan. There are safety concerns for a facility of this type located so near residential lots. Mr. Mimms stated that he and the Mayor had concerns regarding this business in this location, however the project would be required to go through site plan review with the Planning Department due to it's size and to the City Council for approval as well. He felt confident that the Planning Department as well as the City Council would address these concerns prior to construction.

Many questions from the Board to Mr. Letherbury and Mr. Algood to get a clearer picture of the type of facility this would be.

Chairman Clark said he would entertain a motion. Louis Agee moved to approve the request allowing the project to proceed to the Planning Commission and City Council. Bob Mannich seconded the motion. The vote had three in support and one, Chairman Clark, in opposition.

Chairman Clark expressed a continuing concern. More discussion ensued. A second motion was made by Louis Agee to approve the request as long as the Planning Commission and the Chief of Police were consulted and satisfied during the continuing process. Cathy Slagle seconded the motion. The motion was approved unanimously.

ZBA 06-12 Hearing to consider the request of Bill Salter Advertising regarding the property located near the south west corner of County Road 24 and Us Highway.

Chairman Clark called case number ZBA 06-12 to come forward to address the board.

Laura Nye paralegal for Lindsay, Andrews & Leonard attorneys at law on behalf of Bill Salter Advertising came forward, as well as Marion E. Wynn of Wilkins, Bankester, Biles & Wynne, P.A.; City of Fairhope attorney.

Prior to the meeting Mr. Wynn was able to discuss with Ms. Nye the status of the case. Mr. Wynn had filed with the circuit court in November, however a case number was not issued until 2007. Ms. Nye then just became aware of the filing and subsequent case number at that time.

Ms. Nye is now requesting that we table the request pending the decision of the Circuit Court regarding this matter.

Chairman Clark said he would entertain a motion. Cathy Slagle made a motion to table as requested. Louis Agee seconded this motion. It was unanimously approved.

Old/New Business

Planning and Zoning Department, Greg Mimms, director of Planning and Zoning and Emily Irby, Planning Assistant will be taking over the staff positions on the Board.

A motion to adjourn was made by Cathy Slagle. A second followed by Louis Agee. All approved. The meeting was adjourned at 6:10 PM.

Minutes were reviewed and approved by the Board of Adjustments on Monday, February 19, 2007.