

**The City of Fairhope Board of Adjustments and Appeals met on Monday, February 19, 2018 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.**

**Members Present: Troy Strunk, Vice-Chair; Harry Kohler; Christina Stankoski; Dick Schneider; Cathy Slagle; Wayne Dyess, Director of Planning; Buford King, Planner; and Emily Boyett, Secretary.**

**Absent: Chairman Anil Vira and John Avent**

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

The minutes of the February 19, 2018 meeting were considered. Dick Schneider moved to accept the minutes as written and was 2<sup>nd</sup> by Christina Stankoski. Motion carried with one abstention by Cathy Slagle.

**BOA 18.04 Public hearing to consider the request of Harold Thompson, on behalf of Belgrove Estates, Inc., for a variance to the front and rear setback requirements for property located at 325 Pecan Ridge Blvd.**

Mr. King gave the staff report.

**Summary of Request:**

The applicant is requesting a building setback line variance to lot 5 of the Pecan Ridge Subdivision, located along Pecan Ridge Blvd. approximately 0.23 miles south of Mosley Road and 0.41 miles east of County Road 13. The subject property is located within an R-2 medium density single family zoning district, which requires 35' front and rear setbacks as well as 10' side setbacks. The applicant provided a floor plan as a supporting document depicting a proposed home to be constructed on the lot. The proposed home has a lot coverage area of approximately 3,500 sf, however the allowable buildable area created by the existing lot's setback lines creates a buildable area of approximately 2,806.92sf.

Lot 5 is generally "pie" shaped, with a radiused east property line. The radiused lot line is contiguous to the Pecan Ridge Blvd. right of way (ROW) and is therefore a "front" lot line. The subdivision plat for Pecan Ridge Subdivision, instrument number 2218C does not note or depict specific building setback lines for each lot within the subdivision unless specifically noted but does include a site data table explaining setback lines. The building setback lines described in the site data table excerpt mirror the building setback requirements from the circa 2001 Zoning Ordinance with the exception of the side street setbacks which are 20' in the circa 2001 Zoning Ordinance. Though each setback line is not drawn on each lot, subject property's front, rear, and side setback lines are clearly derived from the site data table. In addition, lots 5, 6, and 13 include delineated front setback lines of 45'. In addition, lots 5, 6, and 13 also feature radiused front lot lines. It is not known to staff or explained in the approved subdivision plat the rationale for the 45' front setback lines specifically delineated on lots 5, 6, and 13.

The subject property's topography is consistent with the nearby lots along Pecan Ridge Blvd. The subject property's size does not appear to be extraordinary or exceptional due to size or topography; however, the location of the as-platted front setback line and its radial shape creates a buildable area of approximately 2,806.92 sf. When compared to the sizes of the existing homes within 300 feet of subject property, the as-platted front setback of subject property appears to prevent construction of a comparably-sized residence unless approval of a setback variance is granted.

Staff believes that a variance allowing a 35' front setback and 30' rear setback is warranted for subject property. The as-platted, but unexplained 45' front setback line, combined with the shape of the lot prevents construction of a residence of similar size to the surrounding residences.

**Recommendation:**

It is staff's position the existing building setbacks of subject property prevent the reasonable use of the property for a residence of similar size to nearby residences. The average residence lot coverage size within 300' of subject property is approximately 3,805.01 sf, and the allowable building area created by the existing building setbacks is 2,806.92 sf. Staff recommends APPROVAL of a setback line variance to allow a 35' front setback line and a 30' rear setback line for lot 5 of the Pecan Ridge Subdivision, PPIN 270281. The approval of the afore-mentioned setback line variances will create a buildable area of approximately 3,834.35 sf, which allows the reasonable use of the property for construction of a residence of similar size to nearby residences.

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

Mrs. Boyett stated staff has received several calls regarding this case, but no opposition was expressed to the request. Mr. Kohler clarified the setback is a plat restriction not an ordinance requirement. Mr. King responded it is only a plat restriction.

Cathy Slagle made a motion to accept the staff recommendation to approve a 35' front setback and a 30' rear setback variance for the subject property. Dick Schneider 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Harry Kohler, Dick Schneider, Christina Stankoski, Troy Strunk, and Cathy Slagle.

Having no further business, Dick Schneider made a motion to adjourn. Cathy Slagle 2<sup>nd</sup> the motion and the motion carried unanimously. The meeting was adjourned at 5:13 PM.