

The City of Fairhope Board of Adjustments and Appeals met on Monday, February 19, 2007 at 5:00 PM in the James P. Nix Center, Music Room, located at 1 Bayou Dive.

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: Becky Lundberg; Louis Agee

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

Members were asked to review the January 16, 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 07.01 Public Hearing to Consider the Request of Mr. William Travis to allow a carport and accessory structure in his side yard. The property is located at 97 Paddock Drive. The property is zoned R-3 High Density Single Family Residential District.

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

Mr. Travis explained that he wanted to close in his current garage and build a new carport with 2-story storage space at the back. He explained that he lives on a pie shaped lot and he thought the building would fit but it would be a tight fit and block their view from the sunroom. Mr. Travis explained he wants to use Board and Batton for the façade. He showed the Board pictures of existing structures in the neighborhood and surrounding area that were similar to his proposed building.

Chairman Clark opened the meeting as a public hearing.

Gary Shows of 101 Paddock Drive came forward and presented the Board with a letter in opposition. Mr. Shows pointed out some of the highlights of the letter. (Letter is included as part of the minutes.)

1. The close proximity to their house.
2. Noise from HVAC equipment.
3. Fire concerns.

He stated that he would like to see Mr. Travis consider other options.

Mr. Travis noted that he would be 5'6" from his neighbor's property line. He also offered to change the roofline and cut back the size.

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

Bob Mannich questioned if the structure would have plumbing. Mr. Travis stated that it would not. Bob Mannich asked why it was before the Board. Barry Fulford explained

that accessory structures must be behind the rear of the house. Mr. Travis stated that he would not put the carport in his backyard if his request was denied. He further stated there is only seventy feet (70') from the back of his house to the back property line. The proposed structure would be thirty-five feet (35').

STAFF INTERPRETATION: It is possible for the applicant to construct an accessory structure (carport) within the setbacks without the need for a variance.

STAFF RECOMMENDATION: Enforcement of the provisions of the ordinance will not result in unnecessary hardship. We recommend this request be denied.

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

A motion to adjourn was made by Teddy Faust. A second by Bob Mannich. All approved. The meeting was adjourned at 5:30 PM.

Minutes were reviewed and approved by the Board of Adjustments on Monday, April 16, 2007.