

**The City of Fairhope Board of Adjustments and Appeals met on Monday, March 17, 2008 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.**

**Members Present: Chairman Bob Mannich; Cathy Slagle; Stan Grubin; Suzanne Winston; Louis Agee; Barry Fulford, Building Official; Jonathan Smith, Planner; and Emily Irby, Secretary.**

**Members Absent: Vice Chairman Teddy Joe Faust**

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

Members were asked to review the November 19, 2007 minutes for consideration and make a motion to approve. Cathy Slagle made a motion to approve the minutes as written. Louis Agee seconded the motion. Motion carried unanimously.

**ZBA 08.01 Public Hearing to Consider the Request of Mark Sutherland to build eight (8) units on Lot 6 and Lot 7 of Unit 2, Meadowbrook Subdivision.**

Jonathan Smith, Planner, came forward and gave the Staff Interpretation.

STAFF INTERPRETATION: The subject property is zoned R-4 Low Density Multi-Family Residential District. Mark Sutherland is seeking a variance to the provisions of Table 3-2 Dimension Table – Lots and Principle Structure in the Fairhope Zoning Ordinance.

Table 3-2 was recently amended to allow for a maximum density of seven (7) units per acre in the R-4 Zoning District. Mr. Sutherland purchased his property prior to the amendment adopted by the City Council on June 25, 2007. Prior to the amendment, the R-4 Zoning District allowed approximately 13 units per acre. Mr. Sutherland would like to build eight units on his approximate 47,000 square foot parcel (2 separate parcels, to be combined upon development).

Staff researched the number of units allowed on the applicants 47,000 s.f. parcel (1.07 acres). R-4 density is calculated as follows: 10,500 s.f. is required for two (2) dwelling units; an additional 6,500 s.f. of lot area is required for each additional unit. The density calculation above allows an aggregate of seven (7) units per acre (1 acre = 43,560 s.f.). Therefore, per the recently amended Zoning Ordinance, seven (7) habitable units are allowed on Mr. Sutherland's 47,000 s.f. parcel. In order to build eight (8) units, the subject property must be at least 50,060 s.f.

The adjacent properties to the south, north and east are zoned R-4 and are developed in a manner that is similar to Mr. Sutherland's request. West of the property is un-zoned in Baldwin County.

STAFF RECOMMENDATION: Staff recommends the Board of Adjustment deny the variance request due to the application not meeting the literal provisions for receiving a variance outlined in Article II, Section C. 3. e. in the Fairhope Zoning Ordinance.

Chairman Mannich asked Mr. Sutherland to come forward and state his case.

Thomas Galloney of Coldwell Banker Realty came forward on behalf of Mr. Sutherland. Mr. Galloney stated that Mr. Sutherland just wants to develop this property in conformance with the surrounding neighbors.

Chairman Mannich opened the meeting as a public hearing.

Dean Koch of 20401 County Rd. 49, Silverhill, came forward to speak. He stated that he owns property to the east of the subject parcel and that no sign was posted to notify the adjacent property owners of this request.

Jonathan Smith responded that as per the City of Fairhope's Zoning Ordinance, a posted sign is not required.

Victor Cook of 21175 Bishop Rd. came forward to speak. He asked the Board to consider the impact on traffic and parking. He stated that Bishop Rd. already has significant traffic issues and to allow additional cars will only compound the problems.

Thomas Galloney responded that the Ordinance previously allowed thirteen (13) units, but they are only requesting eight (8).

Chairman Mannich closed the public hearing.

The Board asked for clarification of the ordinance. Jonathan Smith explained that R-4 density is calculated as follows: 10,500 s.f. is required for the first two (2) dwelling units; an additional 6,500 s.f. of lot area is required for each additional unit. Mr. Smith stated that Mr. Sutherland must have at least 50,060 s.f. to build eight (8) units, but he has approximately 47,000 s.f.

Chairman Mannich asked if the applicant had requested any permits prior to the Zoning Ordinance amendment. Mr. Smith responded that no permits had been applied for.

Louis Agee stated that the application does not meet the qualifications for receiving a variance and he made a motion to accept the Staff Recommendation and deny the application. Cathy Slagle seconded the motion. Motion carried unanimously.

Suzanne Winston came in at 5:15 pm.

Under Old/New Business – Jonathan Smith requested guidance on an approximate 20-foot structure at 361 South Section Street. He provided the Board with pictures of the structure and asked the Board whether it was a fence or a trellis. The structure consists of

four (4) wooden posts that are approximately twenty (20) feet in height and approximately ten (10) feet apart in width and has a beam across the top running the full length of the four posts. After reviewing the pictures, Cathy Slagle said she felt the structure in question was a fence. Chairman Mannich stated that with the beam across the top he too felt it was a fence. Louis Agee, Stan Grubin and Suzanne Winston also agreed that the structure was a fence.

A motion to adjourn was made by Louis Agee. Motion seconded by Cathy Slagle. Motion carried unanimously. The meeting was adjourned at 5:27 PM.

**Minutes were reviewed and approved by the Board of Adjustments on Monday, May 19, 2008.**