

The City of Fairhope Board of Adjustments and Appeals met on Monday, April 15, 2018 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.

Members Present: Anil Vira, Chairman; Harry Kohler; John Avent; Cathy Slagle; Wayne Dyess, Director of Planning; Mike Jeffries, Planning Tech.; and Emily Boyett, Secretary.

Absent: Troy Strunk, Vice-Chair; Dick Schneider; Christina Stankoski; and Buford King, Planner

The meeting was called to order at 5:00 PM. There were no minutes available to approve from previous meetings.

BOA 19.05 Public hearing to consider the request of James Leonard for a variance to the rear yard setback requirements for a principal structure at 110 Atkinson Lane.

Mr. Jeffries gave the staff report saying The applicant is requesting a 10' variance from the rear yard setback requirements of 35' in the City of Fairhope Zoning Ordinance *Article III, Section C.1 Table 3-2* to 25' to allow for the bathroom to be redesigned to include a laundry room which is currently located in the detached garage. The minimum lot area for the subject property is an existing non-conformity. The minimum for R-2 is 10,500sq feet and the subject property is approximately 6,361sq feet, roughly 60% of what is required by the current zoning ordinance. If the subject parcel was a conforming lot, the addition could be much larger and may not require a variance. Due to the setbacks on this non-conforming lot it makes it impossible to expand the house in the rear or front as the house already encroaches into both setbacks. The conditions are peculiar to this piece of property as it is an existing non-conforming lot due to its size and was subdivided before the current regulations were in place. Relief, if granted, would not cause any detriment to the public nor impair the intent of this ordinance. The Zoning Ordinance grants relief based on a particular piece of property having exceptional conditions. Staff recommends this request be **APPROVED**. The applicant's proposal appears to be as minimal as possible that will allow a small renovation to locate the laundry room in the primary residence while maintaining the required separation distance from the detached garage (accessory structure). The proposed addition would not have any negative effect on the surrounding area.

Clay Adams of WAV Architects spoke on behalf of the applicant saying most of the neighbors are favorable to the request. Ms. Slagle asked if there was any negative response from the neighbors and Mr. Adams responded no, not from the ones that were spoken with.

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

Mrs. Boyett stated a letter of support was received from Genie McCown.

Cathy Slagle made a motion to accept the staff recommendation to **APPROVE** due to the non-conforming lot size. Harry Kohler 2nd the motion and the motion carried unanimously with the following vote: AYE- Harry Kohler, John Avent, Anil Vira, and Cathy Slagle. NAY – none.

Having no further business, the meeting was adjourned at 5:08 PM.