

The City of Fairhope Board of Adjustments and Appeals met on Monday, February 16, 2010 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; Vice Chair Cathy Slagle; Suzanne Winston; Stan Grubin; Anil Vira; Jonathan Smith, Director of Planning & Building; and Emily Boyett, Secretary.

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

The minutes of the July 20, 2009 meeting were considered and Anil Vira moved to accept the minutes as written and was 2nd by Cathy Slagle. Motion carried unanimously.

The minutes of the November 16, 2009 meeting were considered and Stan Grubin moved to accept the minutes as written and was 2nd by Cathy Slagle. Motion carried with one abstention by Bob Mannich.

The minutes of the December 8, 2009 meeting were considered and Cathy Slagle moved to accept the minutes as written and was 2nd by Stan Grubin. Motion carried unanimously.

ZBA 10.01 Request of Steve and Kathleen Parks for variances for front, rear and street side setbacks for property located on the northwest corner of the intersection of Pier Avenue and Kumquat Street, at 111 Pier Avenue.

Jonathan Smith, Planning and Building Director, came forward and gave the Staff Interpretation.

STAFF INTERPRETATION: The subject property is zoned R-2 Medium Density Single Family Residential District and is a vacant corner lot. The Parks' are seeking variances to the provisions of Table 3-2: Dimension Table – Lots and Principle Structures in the Fairhope Zoning Ordinance. The R-2 zoning district requires a thirty-five foot (35') front and rear setback, a ten foot (10') side setback and a twenty foot (20') street side setback. The applicant is requesting an eight foot (8') variance to the street side setback and an approximate two foot (2') variance for the front and rear setbacks.

The subject property's dimensions appear to be sixty feet (60') by one hundred thirty-five feet (135'). The dimensions of the property, combined with the required twenty foot (20') street side setback do appear to present exceptional conditions for the applicant due to the below average corner lot width.

Facts to be considered in this case:

1. The subject property is a corner lot and has a lot width of 60' and a lot depth of 135'.

2. The lot width for the subject property is below average for an R-2 corner lot and appears to present an unnecessary hardship for the applicant.
3. The subject property's lot depth does not present any extraordinary or exceptional conditions for a typical R-2 lot.
4. The property does meet the minimum criteria for the issuance of a variance to the street side setback request only, due to the 60' lot width and the required 10' side and 20' street side setback.

STAFF RECOMMENDATION: Staff recommends the Board of Adjustment approve the 8' street side setback variance request and deny any reduction in front or rear setbacks.

Mr. Mannich opened the public meeting. Steve and Kathleen Parks, the applicants, were present to answer any questions. Hillary Martin of 108 Pier Avenue stated she has no objections to the Parks' request. Anthony Martino of 115 Pier Avenue stated he has no objection to the Parks' request. No one else was present to speak and Mr. Mannich closed the public meeting. Mr. Mannich said he went and looked at the property to see the size of the lot. He stated that the Board must decide if the lot size is a hardship. Mr. Mannich asked if the applicants had considered floor plans other than the one presented to the Board. Mrs. Parks answered that they looked at plans for narrow lots, but those plans show two full stories and would require cutting or major trimming of the large oak tree in the front yard. She stated this is their "dream home" and is where they will raise their three girls. Mr. Grubin asked if the carport shown on the rear of the property would be enclosed and Mrs. Parks stated that it would. Mr. Mannich questioned the purpose of the required 20' street side setback. Mr. Smith responded it is to minimize the differences in the setbacks when looking down the street corridor. Mr. Mannich asked why the applicants are requesting the 2' variance for the front and rear setbacks because the lot depth provides a buildable area. Mrs. Parks responded it is to "square-up" the house with the street. She said it does not make sense to build a crooked house. Mr. Smith stated that the staff recommendation stands. Mrs. Winston asked what constitutes an irregular lot. Mr. Smith responded for a variance to be granted the Board must find there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography. Stan Grubin moved to approve as requested due to the irregular shape of the lot. Anil Vira 2nd the motion and the motion passed with the following votes: AYE – Stan Grubin, Anil Vira, Bob Mannich, Suzanne Winston. NAY – Cathy Slagle.

Having no further business, Stan Grubin made a motion to adjourn. Cathy Slagle 2nd the motion. Motion carried unanimously. The meeting was adjourned at 5:20 pm.

Minutes were reviewed and approved by the Board of Adjustments on Monday, April 19, 2010.