

The City of Fairhope Board of Adjustments and Appeals met on Tuesday, January 21, 2014 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.

Members Present: Chairperson Cathy Slagle; Anil Vira, Vice-Chair; Troy Strunk; John Avent; Ray Clark; Jonathan Smith, Director of Planning; Emily Boyett, Secretary.

Absent: Dick Schneider

The meeting was called to order at 5:00 PM by Chairperson Slagle.

The minutes of the August 19, 2013 meeting were considered. Troy Strunk moved to accept the minutes as written and was 2nd by Ray Clark. Motion carried unanimously.

BOA 14.01 Request of Patricia Niemeyer for a front and rear setback variance for property located at 863 Creek Drive.

Jonathan Smith, Director of Planning came forward and gave the staff report.

STAFF INTERPRETATION: The property is zoned R-1 Low Density Single Family Residential District.

The applicant is seeking a variance to the provisions of Table 3-2: Dimension Table – Lots and Principle Structure in the Zoning Ordinance. Table 3-2 requires that all principle structures in the R-1 zoning district adhere to a minimum rear-yard setback of 35' and a minimum front yard setback of 40'. The applicant would like to reduce the rear yard setback to 5' and the front yard setback to 30'; thus resulting in a 30' rear setback variance and a 10' front setback variance.

Considering the odd shape of the subject property, staff feels a hardship does exist. The setbacks requested by the applicant will allow for a residence to be built on the property. The property is bordered on all sides by City of Fairhope R-1 zoned property.

Facts to be considered in this case:

1. The subject property is oddly shaped and there appears to be an existing hardship due to the dimensions of the property. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its shape.
2. This variance application meets the established Zoning Ordinance criteria for the issuance of a variance due to the existing dimensions (shape) of the property.
3. The applicant is requesting a 30' rear setback variance and a 10' front setback variance.
4. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography due to the odd shape of the subject property and the existing dimensions.

STAFF RECOMMENDATION: The application meets the mandatory criteria established in the Zoning Ordinance for the issuance of a variance. Due to the shape of the subject property staff recommends the Board of Adjustment approve the 30' rear setback variance and 10' front setback variance requests.

Patricia Niemeyer addressed the Board saying she has owned the lot for many years and it has just sat vacant. She stated she would now like to build a house on the lot but due to the shape she has had a hard time finding a plan that will work on the lot.

Mrs. Slagle opened the public hearing. Having no one present to speak, Mrs. Slagle closed the public hearing.

John Avent made a motion to accept the staff recommendation to approve the 30' rear setback variance and 10' front setback variance requests due to the shape of the subject property. Troy Strunk 2nd the motion and the motion carried unanimously.

Old/New Business

Election of Officers - Mrs. Slagle stated it is time for the annual elections of the Board's Chairperson, Vice-Chair, and Secretary. Troy Strunk made a motion to nominate Cathy Slagle as Chairperson; Anil Vira as Vice-Chair; and Emily Boyett as Secretary. John Avent 2nd the motion and the motion carried with the following vote: AYE – Ray Clark, John Avent, Cathy Slagle, Troy Strunk, and Anil Vira. NAY – none.

2014 Agenda Schedule – Jonathan Smith stated the Board has received a copy of the proposed meeting dates and submittal deadlines for review. Ray Clark made a motion to accept the 2014 Agenda Schedule as presented. Troy Strunk 2nd the motion and the motion carried unanimously.

Long Range Planning Updates – Mr. Smith stated staff is currently working on several projects including updating the Comprehensive; incorporating Low Impact Development (LID) designs into the City's regulations; and updating the Traffic Operations and Planning Report.

Having no further business, Ray Clark made a motion to adjourn. Troy Strunk 2nd the motion and the motion carried unanimously. The meeting was adjourned at 5:17 P.M.