

The City of Fairhope Board of Adjustments and Appeals met on Monday, August 19, 2013 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 June 17th, 2013 meeting were considered. Anil Vira moved to accept the minutes with one correction and was 2nd by John Avent. Motion carried with one abstention by Ray Clark.

BOA 13.02 Request of Bill Morrison for a Special Use Permit for a Veterinary Animal Clinic for property located at 356 Morphy Avenue.

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

STAFF INTERPRETATION: The property is zoned B-2 General Business District and is in the Central Business District (CBD).

In the B-2 zoning district a Veterinary Animal Clinic (Kennel or Animal Hospital) is “permitted only on appeal and subject to special conditions”, according to Article III, Table 3-1: Use Table. Therefore, the Board of Adjustment must hear the proposed use and decide if the use is compatible and in character with the surrounding area.

Due to the proposed location, staff feels that the proposed use is not incompatible with surrounding uses or the intent of the Zoning Ordinance/Central Business District. Currently the Colony Animal Clinic is in operation directly across the street at 359 Morphy Avenue.

The Colony Animal Clinic has outgrown the location across the street and needs additional space for existing and growth purposes. The subject property contains an existing building that is significantly larger than the small building being used for the Animal Clinic business across the street.

The subject property is bordered by B-2 (General Business District) property to the east, south, and across the street to the north. The property to the west is B-1 Local Shopping District.

STAFF RECOMMENDATION: Staff recommends the Board of Adjustment approve the proposed Veterinary Animal Clinic for the subject property located at 356 Morphy Avenue.

Dr. Bill Morrison, the applicant, addressed the Board saying he has been a vet in town for 20 years and he loves being located downtown but they have now outgrown their existing facility. He explained this building has been vacant for 2 years and it will allow him to take care of more animals. He specified it will only be for small animals.

Mrs. Slagle opened the public hearing.

Lydia Myers – 307 Fels Avenue – She stated Dr. Morrison has been her vet for 12 years and he is a wonderful vet but her issue is with the proposed location for his new clinic. She noted she sent an e-mail to the Board stating her concerns of noise, use of hazardous chemicals, sanitation, offensive odors, incompliance with land use, and property depreciation. She stated she is not opposed to his growth; but this is just not the appropriate location.

Paul Davis, the applicant's architect, addressed the Board saying the outdoor area for the site is minimal and most of the facilities are located inside so the noise will be limited.

Having no one else present to speak, Mrs. Slagle closed the public hearing. Mrs. Slagle stated the Board is only to decide whether the proposed use is compatible and in character with the surrounding area. Mr. Clark had several questions about boarding animals and sanitation. Dr. Morrison responded he is not a boarding facility and typically each animal is only there for a day. He stated the facility will use ventilation and disinfecting cleaners to handle smells and excrements just as they do now and they will continue to comply with state and federal regulations. Mr. Avent asked if Mrs. Myers is the only residential lot abutting the subject property and Mr. Smith responded all of the adjacent properties are utilizing their commercial use except for Mrs. Myers. Mr. Vira asked what will happen to the building the clinic is currently in and Dr. Morrison stated he would lease it or sale it. Mr. Strunk asked if Dr. Morrison could add on to his existing location without any issues and Mr. Smith responded yes. Mr. Strunk asked if there have been any complaints on Dr. Morrison's existing office and Mr. Smith responded he is not aware of any complaints. Mrs. Myers said she is not the only person that sent a letter regarding this application. Mrs. Slagle asked staff if any additional letters were received and Mr. Smith and Mrs. Boyett responded no. Mrs. Myers reiterated her concerns regarding sanitation, noise, and the violation of other City ordinances and said this sounds like it's already a done deal. Mr. Smith stated the Board's approval is required in order for Dr. Morrison to move forward. He said the City does have a noise ordinance and if complaints are received then they will be addressed. He explained that downtown is a walkable area and this request meets the goals of the Comprehensive Plan and does not compromise the Zoning Ordinance. Nate Dodson, the applicant's architect, stated they are working with Dr. Morrison only on a consulting basis at this time. He explained the runs will be enclosed and he understands noise can be an issue but it will be a benefit to keep this business downtown. John Avent made a motion to accept the staff recommendation to approve the proposed Veterinary Animal Clinic at 356 Morphy Avenue. Anil Vira 2nd the motion and the motion carried unanimously.

Having no further business, Anil Vira made a motion to adjourn. John Avent 2nd the motion and the motion carried unanimously. The meeting was adjourned at 5:30 P.M.