



**City of Fairhope
Board of Adjustments Agenda
5:00 PM
Council Chambers
April 21, 2025**

Sherry Sullivan
Mayor

Council Members

Kevin G. Boone

Jack Burrell, ACMO

Jimmy Conyers

Corey Martin

Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Kimberly Creech
City Treasurer

1. Call to Order
2. Approval of Minutes
 - February 17, 2025
3. Consideration of Agenda Items

A. BOA 24.11 Public hearing to consider the request of the Owner, Jason LaSource, for a 20' front setback variance, a variance for an accessory structure 10.5' forward of rear building line and a 5' side setback variance on property zoned R-2 Medium Density Single-Family Residential District. The property is located at 50 Fels Avenue. The property is approximately 0.22 acres. **PPIN#: 14503**

4. Old/New Business
5. Adjourn

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36533

251-928-2156

251-928-6776 Fax

www.fairhopeal.gov

Printed on recycled paper

The Board of Adjustments met Monday, February 17, 2025, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Anil Vira, Chair; Cathy Slagle, Vice-Chair; Ryan Baker; Frank Lamia; Bryan Flowers; Hunter Simmons, Planning and Zoning Director; Mike Jeffries, Development Services Manager and Cindy Beaudreau, Planning Clerk.

Absent: Donna Cook

Chairman Vira called the meeting to order at 5:02 PM.

Approval of Minutes

Ryan Baker made a motion to approve the minutes from the January 23, 2025, meeting.

Frank Lamia seconded the motion and the motion carried with the following vote:

Aye: Anil Vira, Cathy Slagle, Ryan Baker, Frank Lamia and Bryan Flowers

Nay: None.

BOA 24.11 Public hearing to consider the request of the Owner, Jason LaSource, for a 15' front setback variance, a variance for an accessory structure 10.5' forward of rear building line and a 5' side setback variance on property zoned R-2 Medium Density Single-Family Residential District. The property is located at 50 Fels Avenue. The property is approximately 0.22 acres. **PPIN#: 14503**

Mike Jeffries, Development Services Manager, presented the request of the Owner, Jason LaSource, for a 15' front setback variance, a variance for an accessory structure 10.5' forward of rear building line and a 5' side setback variance on property zoned R-2 Medium Density Single-Family Residential District. Mr. Jeffries shared the aerial and zoning maps.

Jason LaSource, applicant, stated that the home needs an 8' front porch, the new plan suits their needs and aligns with the neighbor. Hunter Simmons, Planning and Zoning Director, stated that Mr. LaSource's home and his neighbor's home are different zoning. Mr. LaSource continued that the footprint decides the design based on variance and notes the setbacks on surrounding homes.

Chairman Vira asked how many feet the current house is from the property line. Mr. Jeffries stated it is 20'.

Cathy Slagle asked if the front porch was removed, would staff approve the variances. Mr. Jeffries stated yes.

Mr. Simmons stated that staff received a new site plan on the Friday prior to the meeting after the applicant having the staff report for a month.

Ms. Slagle asked if other trees would qualify for heritage trees. Mr. Jeffries answered yes.

Chairman Vira asked for confirmation that staff does not have an updated site plan. Mr. Simmons stated no, but the request is within approximately 2' of recommendation and would need to be conditioned on a site plan.

Chairman Vira asked if the house could be extended. Mr. Simmons stated no, because the house is non-conforming.

Mr. LaSource asked if his request could be tabled.

Motion:

Cathy Slagle made a motion to table BOA 24.11 at the request of the applicant.

Ryan Baker seconded the motion and the motion carried with the following vote:

Aye: Anil Vira, Cathy Slagle, Ryan Baker, Frank Lamia and Bryan Flowers

Nay: None.

Old/New Business

None

Adjournment

Cathy Slagle made a motion to adjourn.

The motion carried unanimously with the following vote:

Aye: Anil Vira, Cathy Slagle, Ryan Baker, Frank Lamia and Bryan Flowers

Nay: None.

Adjourned at 5:44p.m.

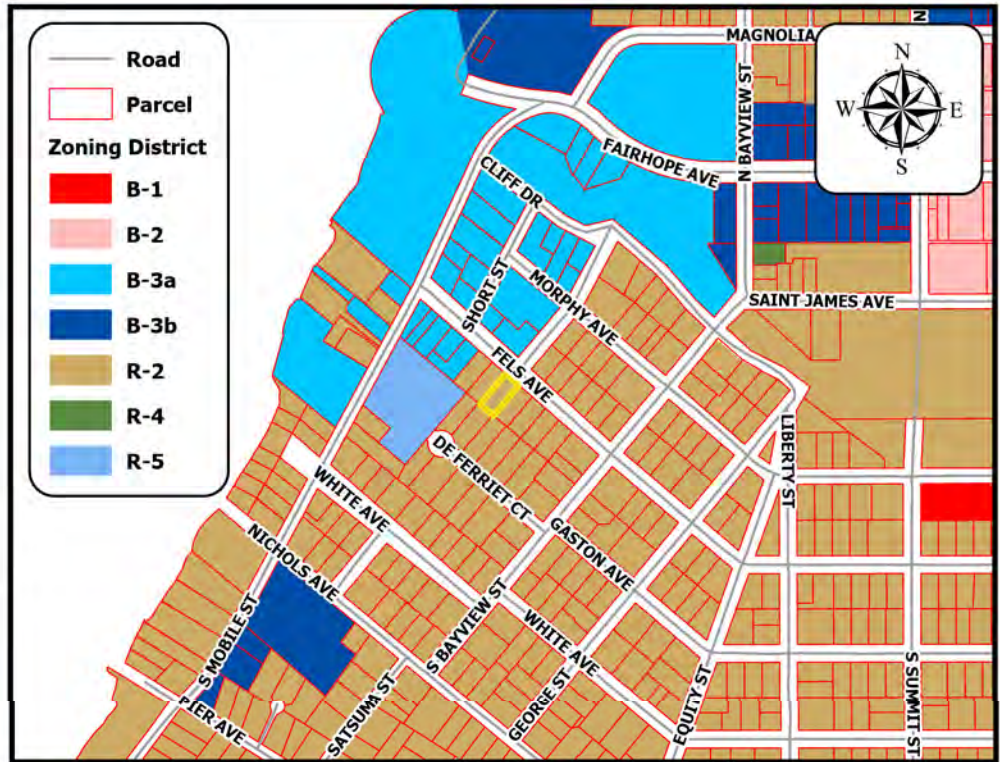
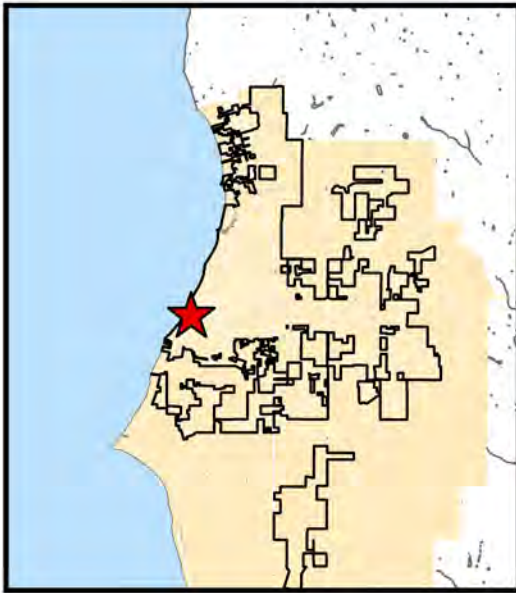
Anil Vira, Chairman

Cindy Beaudreau, Secretary

City of Fairhope Board of Adjustments April 21, 2025



BOA 24.11 - 50 Fels Avenue



Project Name:	50 Fels Avenue
Site Data:	0.22 acres
Project Type:	Setback variances of 5 and 15 feet
Jurisdiction:	Fairhope Planning Jurisdiction
Zoning District:	R-2 Medium Density Single-Family Residential District
PPIN Number:	14503
General Location:	Freedom Street and Fels Avenue
Surveyor of Record:	N/A
Engineer of Record:	N/A
Owner / Developer:	Jason LaSource
School District:	Fairhope Elementary School Fairhope Middle and High Schools
Recommendation:	Approved w/ Conditions
Prepared by:	Name :Michelle Melton

CITY OF FAIRHOPE

P.O. Box 429
Fairhope, AL 36533
(251) 928-8003



BOARD OF ADJUSTMENTS & APPEALS APPLICATION



BOARD OF ADJUSTMENTS (BOA) APPLICATION

Authority: The City of Fairhope is authorized under the Code of Alabama, 1975 to create and establish a Board of Adjustment whose duties are quasi-judicial.

Public Notice: All BOA applications are required by State Law to give notice in both the newspaper and to all real property owners with 300 feet of the proposed change. The cost of this notice is paid by the applicant. All notice charges are paid at the time of application submission.

The BOA must conduct public hearings in conjunction with all applications. At the time of the BOA meeting all interested persons will be given the opportunity to speak either pro or con for the proposal.

BOA Functions: The BOA performs several functions: 1) hear and decides appeals from a decision made by an administrative official of the City of Fairhope; 2) hear and decide on granting special exceptions as permitted in the Zoning Ordinance, and; 3) authorize on appeal in specific cases variances to the regulations established in the Zoning Ordinance.

Decision and Voting: The BOA is a 5 member Board. The Board will conduct a public hearing and consider the request of the applicant. The Board has three (3) options: 1) approve the request; 2) deny the request; table the request.

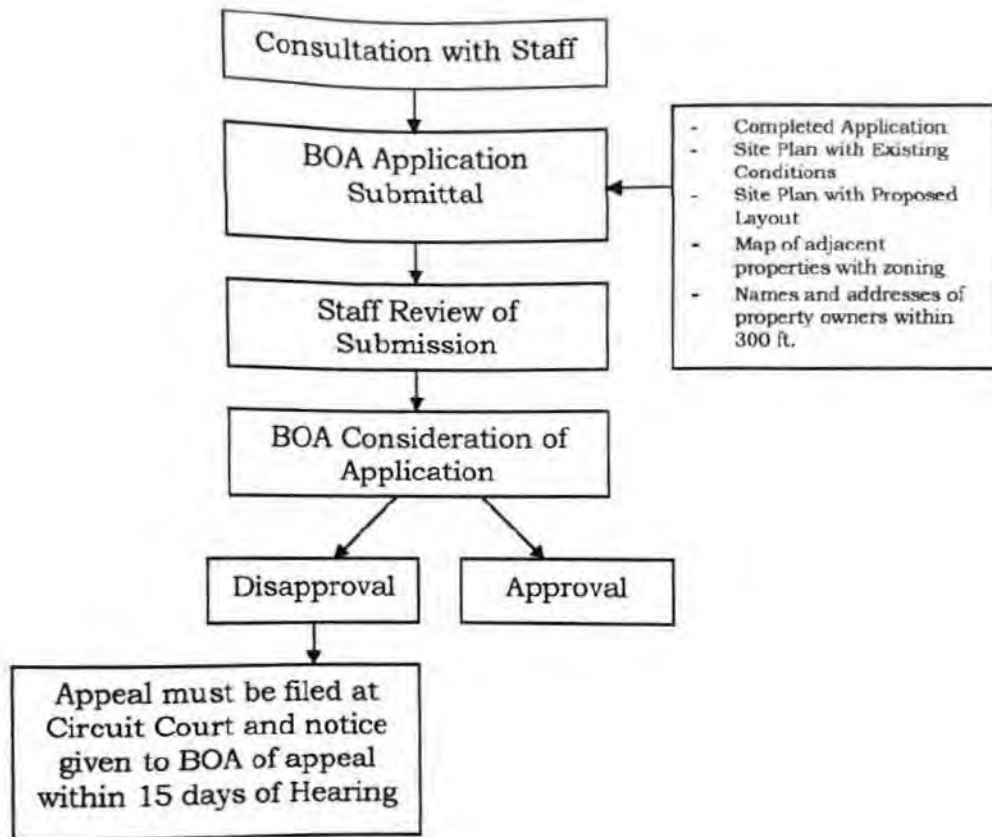
Approval of the request requires 4 of the 5 members of the BOA to vote in favor. A simple majority does not pass.

BOA Application Submission: The BOA application must be complete. An application is not considered complete unless all required documents are provided at the time of submission. An incomplete application may not be accepted by staff.

Deadlines: The City of Fairhope wishes to expedite the BOA process in the best and most effective manner possible. To that end, it is important that deadline times and dates are adhered to by the applicant (refer to the attached schedule for dates and times)



BOARD OF ADJUSTMENTS (BOA) FLOW CHART





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: Administrative Appeal Special Exception Variance

Property Owner / Leaseholder Information

Name: Jason LaSource Phone Number: 251-379-4822
 Street Address: 50 Fels Ave
 City: Fairhope State: AL Zip: 36532

Applicant / Agent Information
If different from above.
 Notarized letter from property owner is required if an agent is used for representation.

Name: _____ Phone Number: _____
 Street Address: _____
 City: _____ State: _____ Zip: _____

- Site Plan with Existing Conditions Attached: YES NO
- Site Plan with Proposed Conditions Attached: YES NO
- Variance Request Information Complete: YES NO
- Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached: YES NO

Applications for Administrative Appeal or Special Exception:

Please attach as a separate sheet(s) information regarding the administrative decision made or information regarding the use seeking approval. Please feel free to be as specific or as general as you wish in your description. This information will be provided to the Board before the actual meeting date. It is to your benefit to explain as much as possible your position or proposal.

I certify that I am the property owner/leaseholder of the above described property and hereby submit this application to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

Jason LaSource
 Property Owner/Leaseholder Printed Name
12/12/24
 Date

[Signature]
 Signature
 Fairhope Single Tax Corp. (If Applicable)

Reuben E. (Ed) Davidson, III



VARIANCE REQUEST INFORMATION

What characteristics of the property prevent / preclude its development?:

- | | | |
|--------------------------------------|------------------------------------|---|
| <input type="checkbox"/> Too Narrow | <input type="checkbox"/> Elevation | <input type="checkbox"/> Soil |
| <input type="checkbox"/> Too Small | <input type="checkbox"/> Slope | <input type="checkbox"/> Subsurface |
| <input type="checkbox"/> Too Shallow | <input type="checkbox"/> Shape | <input checked="" type="checkbox"/> Other (specify) |

Describe the indicated conditions: The property has 4 trees marked as historical on the property
The largest being a live oak that is in the middle east of the plot

How do the above indicated characteristics preclude reasonable use of your land?

As shown in the 2nd site plan the existing trees prevent the owners from building 2448 sq ft footprint home.
They would ask that the board supports their efforts to save the 4 trees in building a less than ideal home in order to do so.

What type of variance are you requesting (be as specific as possible)?

- The request is for a 15' variance on the front (to be 15' from the front property line - even with neighbors)
- The request is to allow the garage to be 10'5" forward of the rear of the house to allow for the primary area to be set back from the live oak and the garage to give space for the rear trees of the yard.
- The request is for a 5' variance on the east side to allow for the poplar tree on the west side of the house to stay.

Hardship (taken from Code of Alabama 1975 Section 11-52-80):

"To authorize upon appeal in specific cases such variance from the terms of the (zoning) ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of the (zoning) ordinance will result in unnecessary hardship and so that the spirit of the (zoning) ordinance shall be observed and substantial justice done."

BOA Fee Calculation:		
	Residential	Commercial
Filing Fee:	\$100	\$500
Publication:	\$20	\$20
TOTAL:	\$	

I certify that I am the property owner/leaseholder of the above described property and hereby submit this application to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

Jason LaSource
 Property Owner/Leaseholder Printed Name

12/12/24
 Date

[Signature]
 Signature
[Signature]
 Fairhope Single Tax Corp. (If Applicable)

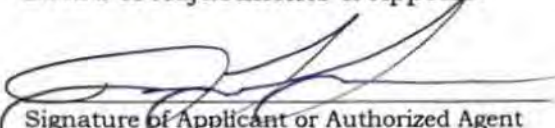
Reuben E. (Ed) Davidson, III



CERTIFICATION OF PROPERTY OWNER NOTIFICATION LIST
As Required by the City of Fairhope

Hearings on Board of Adjustments & Appeals applications require notification to all property owners within 300 feet of the property under consideration for the change. This list must be the most current property owners' records available from the Baldwin County Revenue Office.

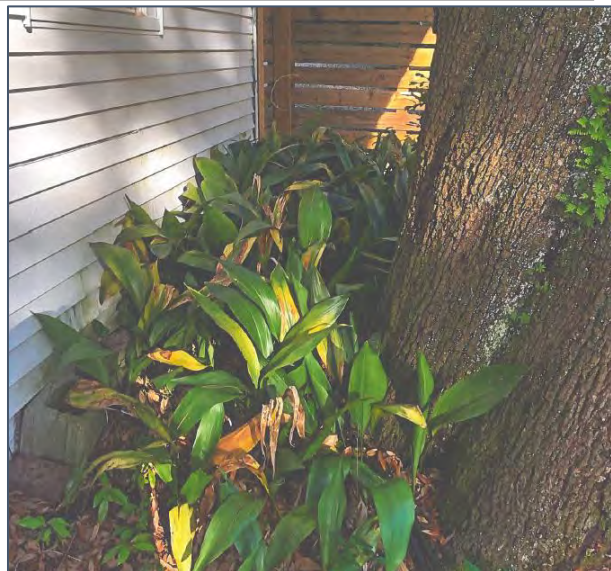
By signing below, I Jason LaSource, (applicant) do hereby certify that the property owner list attached to this application was obtained from the Baldwin County Revenue Office and is a complete list of all real property owners/lessees within 300 feet of the parcel submitted for consideration by the Board of Adjustments & Appeals.


Signature of Applicant or Authorized Agent

12/12/24
Date of Application

Summary of Request:

Applicant/Owner, Jason LaSource, is requesting three (3) variances. Requested variances are: 15 ft front setback variance so that the proposed house will be 20 ft from the property line; a variance to allow the accessory structure placed 10.5 ft forward of the rear of the primary structure; and a 5 ft side setback variance on east side of principle structure. There are four (4) heritage trees on site (referred to as “historical trees” on the submitted plans). The requested variances are to preserve the root system of an 80+ year old live oak, a magnolia, and an existing heritage poplar tree. The structure and lot are both legal and non-conforming.



Figures 1-3: Existing Conditions of house and tree.

Comments:

Applicant has applied for these variances with various plans since October 2024. The prior variance requests and the plans associated with said requests were not entirely supported by Staff. At the January 2025 BOA meeting the Board informed Applicant that there needed to be substantial changes to the next submitted plans associated with the variance requests. The most recent plans dated March 28, 2025, amount to substantial changes including eliminating the need for the accessory structure variance. The garage is now attached to the house.

A 5 ft administrative setback variance is supported for the east side setback to preserve the heritage poplar tree on the west side and to allow for better protection of the live oak’s root system pursuant to *Article IV, Section G below*.

The Planning and Zoning Director may grant a 7’ administrative setback variance to protect and/or preserve an existing Heritage Tree.

The remaining variance request is for the front setback line. Applicant desires a 20 ft front setback line whereas R-2 currently requires a 35 front setback line. The variance is to move the front of the proposed structure forward to protect a historic live oak tree.

Table 3-2: Dimension Table - Lots and Principle Structure

Dimension District or use	Min. Lot Area/ Allowed Units Per Acre (UPA)	Min. Lot Width	Setbacks				Max. total lot coverage by all structures	Max. height
			Front	Rear	Side	Street side		
R/A	3 acres/ -	198'	75'	75'	25'	50'	none	30'
R-1	15,000 s.f./ -	100'	40'	35'	10' ^b	20'	40%	30' ^a
R-1a	40,000 s.f./ -	120'	30'	30'	10' ^b	20'	25%	35'
R-1b	30,000 s.f./ -	100'	30'	30'	10' ^b	20'	25%	35'
R-1c	20,000 s.f./ -	80'	30'	30'	10' ^b	20'	25%	35'
R-2	10,000 s.f./ -	75'	35'	35'	10' ^b	20'	37%	30' ^b

a. Structure may exceed the building height provided the lot width is increased by 10 feet for each additional foot in height.
b. Where a driveway is in the side, and extends past the front of the principle structure, the side setback shall be 15'. Driveways shall not be within 3 feet of the side lot line. The area between the side lot line and driveway shall be vegetated and remain pervious.

It is the intent of the Applicant to completely tear down the principle and accessory structure and rebuild. New structures shall conform to the current Zoning Ordinance unless there is a case for a variance based on the following criteria listed in Section C(e)(1).

e. Criteria –

- (1) An application for a variance shall be granted only on the concurring vote of four Board members finding that:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 - (b) The application of the ordinance to this particular piece of property would create an unnecessary hardship. Personal financial hardship is not a justification for a variance.
 - (c) Such conditions are peculiar to the particular piece of property involved; and,
 - (d) Relief, if granted, would not cause substantial detriment to the public good and impair the purpose and intent of this ordinance; provided however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

The above site plan illustrates the proposed home with an area cut out to protect the tree and its roots. Staff and the Board did not support prior plans because those plans did not appear to protect the historic live oak tree as much as possible and that there were other options that did more to protect the tree and reduce the need for a variance or at least lessen the amount of feet in the variance request(s). Exact locations of root systems of all the historic trees will be determined post demolition as part of a tree protection plan. Applicant has consulted with Chris Francis Tree Service (“Francis”) whereas Francis “verified the tree is healthy” regarding the live oak.

Analysis and Recommendation: Variance Criteria

(a) There are extraordinary and exceptional conditions pertaining to the piece of property in question because of its size, shape, or topography.

Response: The City acknowledges a Heritage Tree is worth saving in various sections of local code.

(b) The application of the ordinance to this piece of property would create an unnecessary hardship. Personal financial hardship is not a justification for a variance.

Response: The application of the Zoning Ordinance **does** create an unnecessary hardship for protection of the 80+ year old live oak tree and the other historic trees because the Tree Ordinance protection does not extend to single family residential lots.

(c) Such conditions are peculiar to the piece of property involved; and

Response: A heritage live oak meets the tree preservation criteria of Article IV, Section G, which is unique to this piece of property.

(d) Relief, if granted, would not cause substantial detriment to the public good and impair the purpose and intent of this ordinance; provided however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

Response: Relief will not cause substantial detriment to the public good because tree variances have been granted in the past to protect heritage trees.

When a variance is granted by the Zoning Board of Adjustment it has the following effect:

Article II.C.3.g.

Effect of Variance - Any variance granted according to this section, and which is not challenged on appeal shall run with the land provided that:

- (1) The variance is acted upon according to the application and subject to any conditions of approval within 365 days of the granting of the variance or final decision of appeal, whichever is later; and
- (2) The variance is recorded with the Judge of Probate.

The Board and Staff have worked with the Applicant over the past months to accommodate Applicant's desire to build a new home and protect historic trees on the property; and to satisfy the Zoning Ordinance. The revised two-story house plan has been designed to protect the heritage live oak, its root system, and its largest limbs as submitted with the plan. The revised plan also aims to preserve three (3) other heritage trees on site.

Recommendation:

The following recommendations are specific to the site plan contained herein. If the proposed house is not built within the required time limit from this BOA meeting or is ever torn down, then these recommendations are null and void and shall not be applicable to any other site plan(s) for 50 Fels Avenue.

- 1) Based on the Zoning Ordinance the Planning & Zoning Director supports the 5 ft (east) side setback to protect the existing heritage poplar on the west side and the live oak's roots.
- 2) Staff recommends **Approval** of a 15' front setback variance request of the primary structure.
- 3) A tree-protection plan done by a licensed arborist shall be approved as part of the land disturbance and building permit applications.

OWNER: SARAH AND JASON LASOURCE

PROJECT: 50 FELLS AVENUE
FAIRHOPE AL 36532

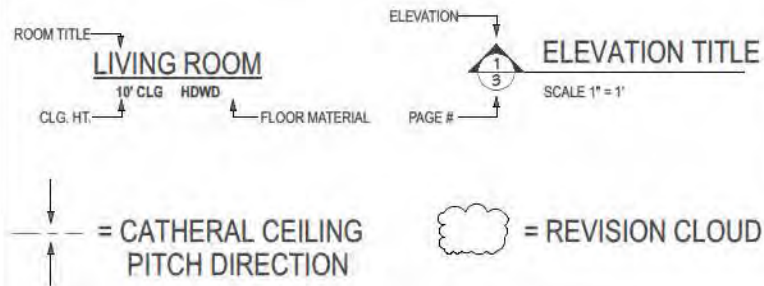
BLDG PERMIT:

HOME DESIGNER: COASTAL CLASSICS HOME DESIGN, LLC

BUILDER:

ENGINEERING:

SYMBOLS + KEYS



SQUARE FEET:

FLOOR 1 SQ FT H/C:	1904
FLOOR 2 SQ FT H/C:	1133
TOTAL H/C SQ FT:	3037
TOTAL FOOTPRINT:	3518

PAGE TABLE	
Label	Title
1	MAIN PAGE
2	FLOOR ONE
3	ELEVATIONS
4	ELEVATIONS
5	ELECTRICAL
6	ROOF / FOUND. / SCHEDULES
7	SITE PLAN
S-1	STRUC. GEN. NOTES
S-2	FORT. GEN. NOTES
S-3	FOUND. PLAN
S-4	ROOF FRAMING PLAN
S-5	FOUND. SECTIONS
S-6	FRAMING SECTIONS
S-7	FRAMING SECTIONS
S-8	TYP. FRAMING SECTIONS

NOTE:
Supervision over the actual construction is not included, and because of the great variance in local building code requirements, and other building and weather conditions, Coastal Classics assumes no responsibility for any damages, including structural failures, due to any deficiencies, omissions or errors in the design, blueprints, or specifications. For soil and/or weather conditions (i.e. hurricanes, earthquakes, snow etc.) it is recommended that you consult a local engineer of your choice and check with your local building officials prior to start of actual construction.

Drawings are not permitted to be reused without repurchase proof from Coastal Classics HD & R

Contractor shall verify the accuracy of all dimensions, ceiling heights, beam and joist designations before construction. Contractor is to verify plot placement and setback requirements, as well as, complying with all code requirements and provisions for duct layout, heating and air conditioning systems and proposed electrical and plumbing layouts before beginning construction. The contractor shall also install adequate attic ventilation. All flashing around windows and doors, roof flashing, sidewall flashing, eave and other required flashing systems shall be installed as per code to prevent moisture penetration. Coastal Classics Home Design, LLC. is not liable for any errors once construction has begun.



CONCEPTUAL RENDERING

LASOURCE RESIDENCE

MAIN PAGE

LASOURCE RESIDENCE

CHRISTINA STANKOSKI
COASTAL CLASSICS
HOME DESIGN + RESIDENTIAL



DATE:

3/28/25

SCALE:

SHEET:

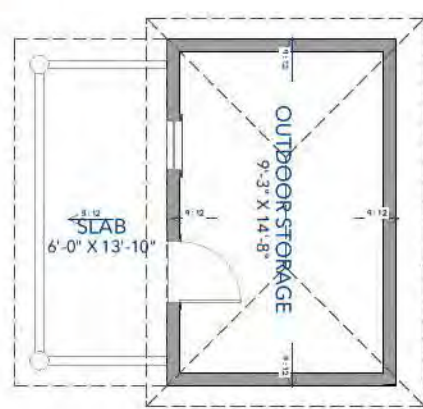
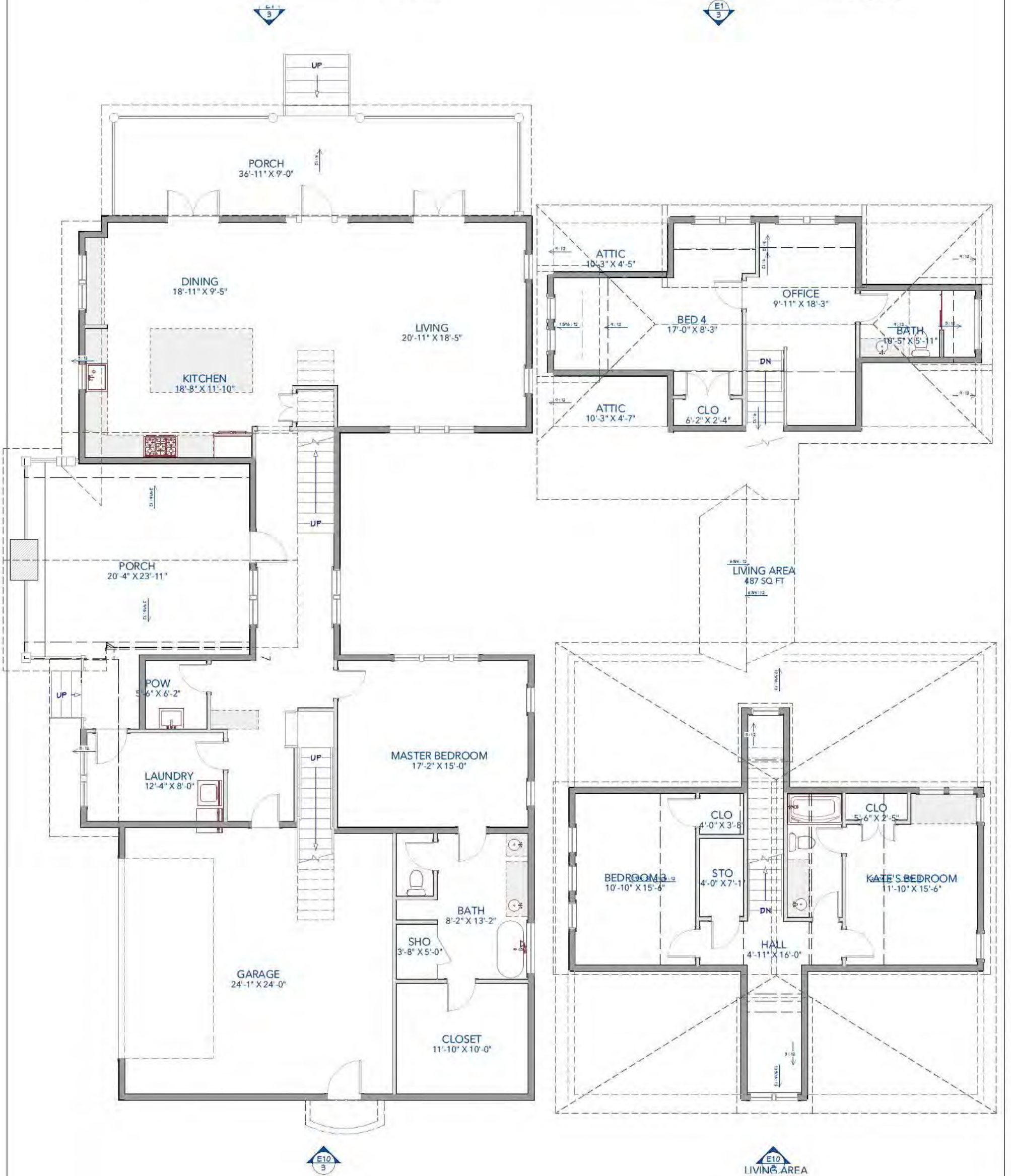
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FLOOR ONE:

1/4" = 1' SCALE

FLOOR TWO:

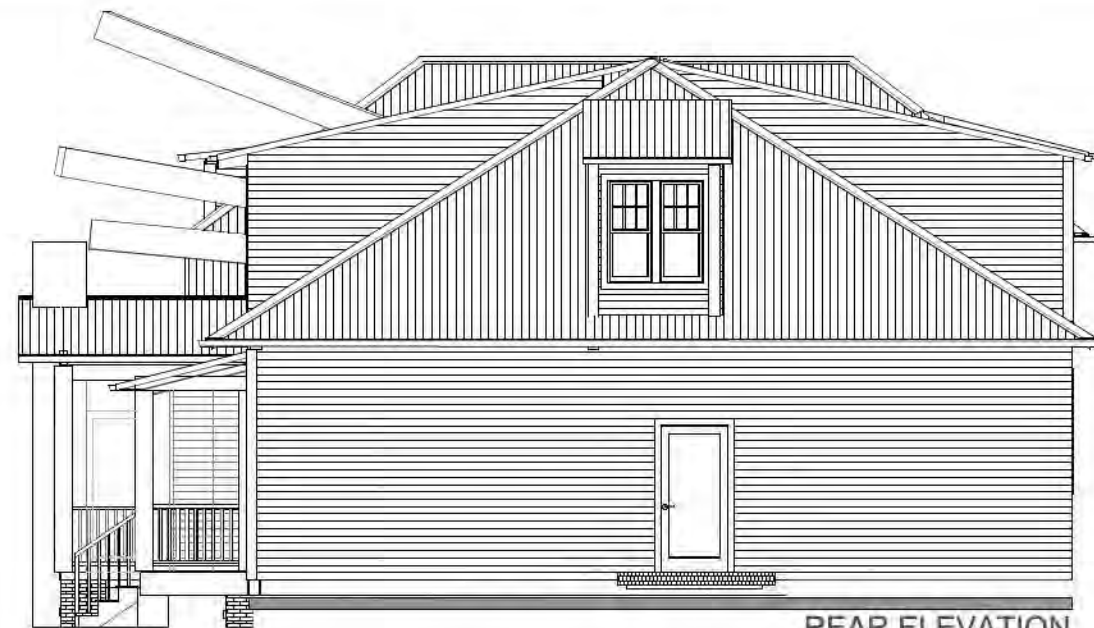
1/4" = 1' SCALE





FRONT ELEVATION

1/4" = 1' SCALE



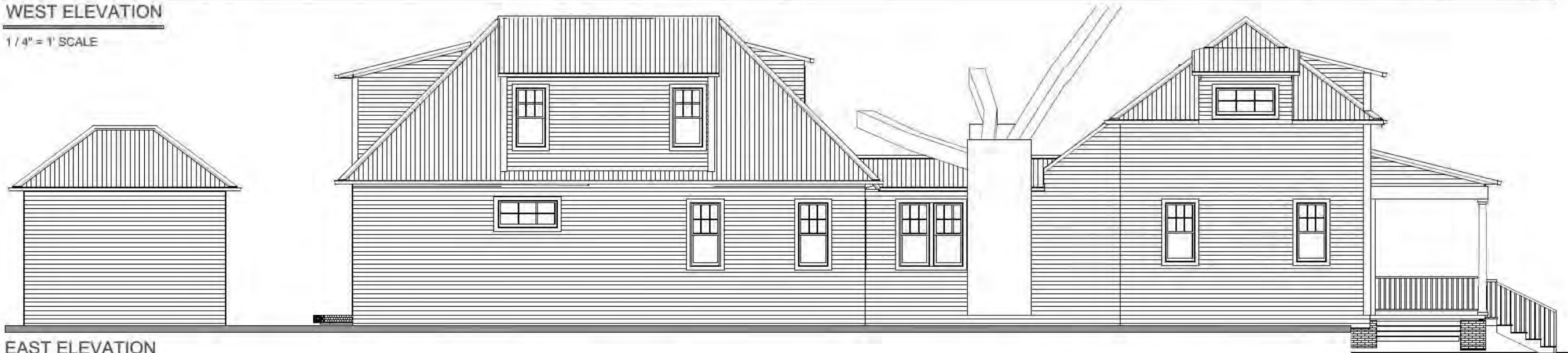
REAR ELEVATION

1/4" = 1' SCALE



WEST ELEVATION

1/4" = 1' SCALE



EAST ELEVATION

1/4" = 1' SCALE

ELEVATIONS

LASOURCE
RESIDENCE

CHRISTINA STANOWSKI
COASTAL CLASSICS



DATE:

3/28/25

SCALE:

SHEET:

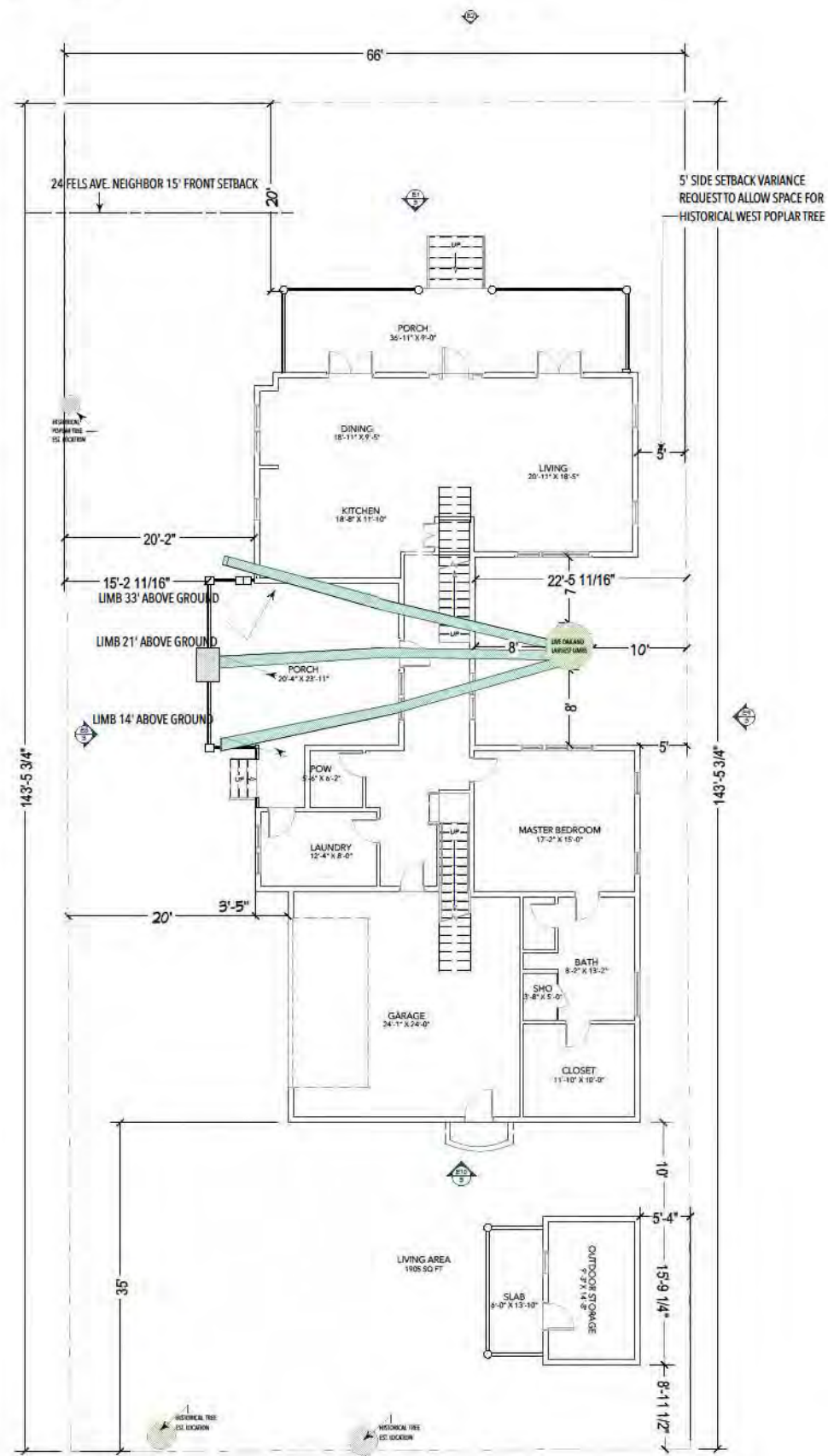
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TREE PLACEMENT AND HEIGHT IS TO BE CONFIRMED BY ARBORIST AND COASTAL CLASSICS IS NOT LIABLE FOR PLACEMENT

SITE PLAN

1/8" = 1' SCALE

**SITE PLAN SHOWN IS FOR REFERENCE ONLY.
 PLACEMENT TO BE MEASURED BY CONTRACTOR AND ARBORIST.
 AS WELL AS APPROVED BY CITY BEFORE CONSTRUCTION BEGINS.
 REFERENCE: MOORE SURVEYORS**



SITE PLAN

LASOURCE
 RESIDENCE

CHRISTINA STANKOSKI
 COASTAL CLASSICS
 ARCHITECTURE + INTERIORS

DATE:

3/28/25

SCALE:

SHEET:

7

To whom it may concern:

We purchased our property at 50 Fels Avenue in 2017 with the intent to build. The house was in such poor shape that we almost did not even consider visiting the property because the pictures were so terrible. We took a chance and decided to visit the property and upon seeing the live oak, the proximity to the bay and room for a garden we made an offer to purchase the property. Our intention from the beginning was to build a coastal cottage home with a modest footprint to preserve our great outdoor space while preserving the 80+ year old live oak.

We are in an area that has a lot of foot traffic and frequently observe people stopping directly in front of our property to admire the massive live oak that hangs over the property. We did the same thing upon our initial visit to 50 Fels. It is a magnificent tree that has many more years to mature and should be preserved. Moving the house up 2-3 feet from where it currently sits and keeping our current set back on the east side (where our house sits now) would allow for that. Even with moving the house forward it will still be set back further than several other houses on our street including the 5 houses that are west of us. With the new house remaining near where the current house is on the east side it will give our neighbor to the west more privacy than if we had to center the house and move it closer to her lot. Almost all of the houses on our side of the street are offset to the left with driveways on the right. Maintaining our left offset will allow us to keep our current level of privacy while maintaining the look of our street. We enjoy teaching our daughter how to garden and having space for friends and family to enjoy in our backyard so do not want to take up our entire property with a house which we would have to do otherwise. Thank you for your time and consideration.

Sincerely,

Jason and Sarah LaSource