



Sherry Sullivan
Mayor

Council Members

Andrea F. Booth
Jack Burrell, ACO
Jimmy Conyers
Joshua N. Gammon
Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Kimberly Creech
City Treasurer

Fairhope Board of Adjustment Agenda

July 20, 2026 – 5:00 PM

MEMBERS

Anil Vira, Chairman	Andrew Belcher	Ryan Baker
Frank Lamia, Vice Chairman	Cathy Slagle	Donna Cook
Janine Saykes, Secretary		

1. CALL TO ORDER

2. APPROVAL OF MINUTES

- May 18, 2026

3. OLD/NEW BUSINESS

OLD BUSINESS

None

NEW BUSINESS

- A. BOA 26.07** Public hearing to consider the request of the Owner, Virginia Oglesby Littlepage for a 15-foot Front Yard Setback Variance on property zoned R-2, Medium Density Single-Family District. The property is located south of Dogwood Avenue on the west side of Wisteria Street and is 0.14± acres. **PPIN#: 364724**
- B. BOA 26.08** Public hearing to consider the request of the Owners, Frances McGowin and Cary Bathrick for an Administrative Appeal to allow an Accessory Structure on property zoned R-3, High Density Single-Family District. The property is located at 13 Echo Lane and is 0.29± acres. **PPIN#:74444**

4. ADJOURN

Fairhope Board of Adjustment Minutes

May 18, 2026 – 5:00 PM

ADMINISTRATIVE

The Board of Adjustments met on Tuesday, May 18, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present:

	Anil Vira, Chairman		Cathy Slagle
X	Frank Lamia, Vice Chairman	X	Donna Cook
X	David Martin	X	Ryan Baker
X	Janine Saykes, Secretary		

Staff: Payton Rogers, Planning and Zoning Manager, and Janine Saykes, Planning Clerk

Vice Chairman Lamia called the meeting to order at 5:00 PM.

APPROVAL OF MINUTES

- Approval of the Minutes – April 21, 2026

Ryan Baker made a motion to approve minutes from the April 21, 2026, meeting.

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

AYE: Frank Lamia, David Martin, Donna Cook, and Ryan Baker.

NAY: None

ABSTAIN: None

OLD BUSINESS

None

NEW BUSINESS

- A. BOA 26.06** Public hearing to consider the request of the Owner, Jinan Chaarani, MD, for a Special Exception for a clinic on property zoned B-2, General Business District. The property is located at 308 Magnolia Avenue and is 0.27± acres. **PPIN#: 53140**

Payton Rogers, Planning and Zoning Manager, presented the above request made by the Applicant. Mr. Rogers shared the aerial and zoning maps. There was a Site Plan approved in 2006 for the two-story commercial building. The proposed business is Suite 100.

Staff recommends Approval of BOA 26.06 for a Special Exception for a Tele-health Dermatology Clinic.

Vice Chairman Lamia asked the Applicant if she would like to speak.

Jinan Chaarani, MD, 133 Old Mill Road: Jinan Chaarani stated her business is an online clinic. Dr. Chaarani will work in the clinic a few hours a week and see one or two patients by appointment only.

Vice Chairman Lamia opened the public hearing at 5:04pm. Vice Chairman Lamia closed the public hearing at 5:04pm.

Ryan Baker made a motion to approve BOA 26.06 for a Special Exception for a Clinic.

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

AYE: Frank Lamia, Ryan Baker, David Martin, and Donna Cook.

NAY: None

ABSTAIN: None

ADJOURNMENT

Frank Lamia made a motion to adjourn.

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

AYE: Frank Lamia, Ryan Baker, Donna Cook, and David Martin.

NAY: None

ABSTAIN: None

Adjourned at 5:05 pm.

Frank Lamia, Vice Chairman

Janine Saykes, Secretary

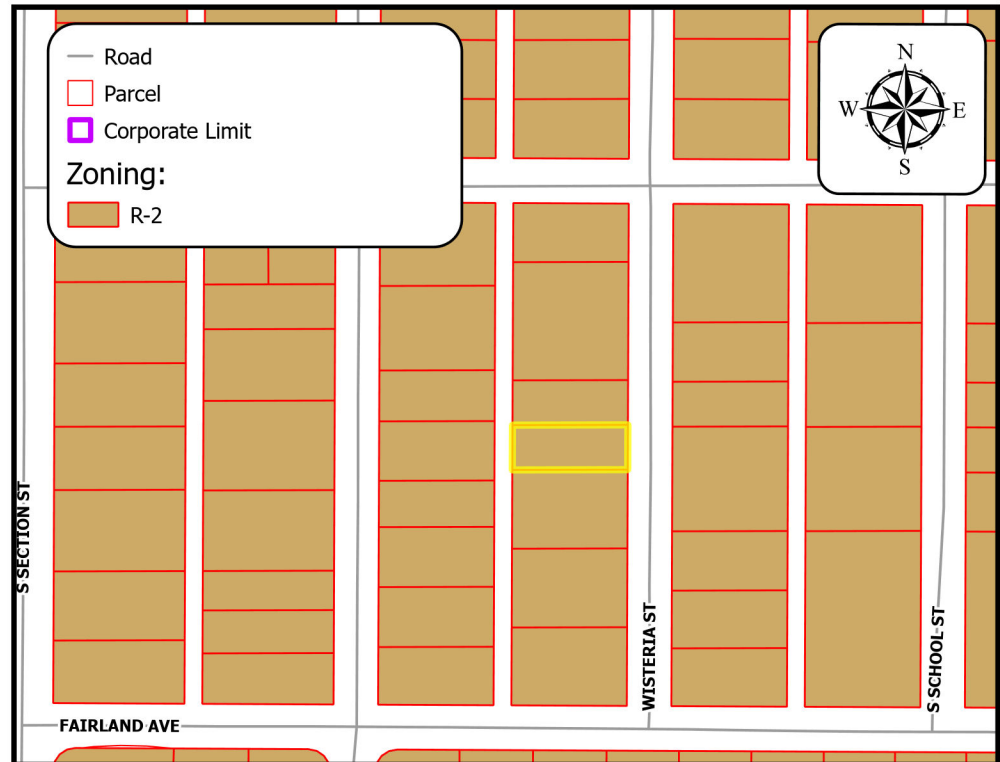
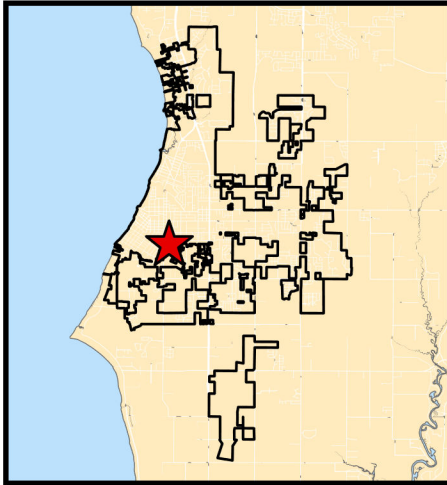
City of Fairhope

Board of Adjustments

July 20, 2026



BOA 26.07 - Wisteria Street



Project Name:

Wisteria Street

Site Data:

0.14 acres

Project Type:

15-foot Front Yard Setback Variance

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

R-2, Medium Density Single-Family District

PPIN Number:

364274

General Location:

Northwest of the intersection of Wisteria Street and Fairland Avenue

Surveyor of Record:

N/A

Engineer of Record:

N/A

Owner / Developer:

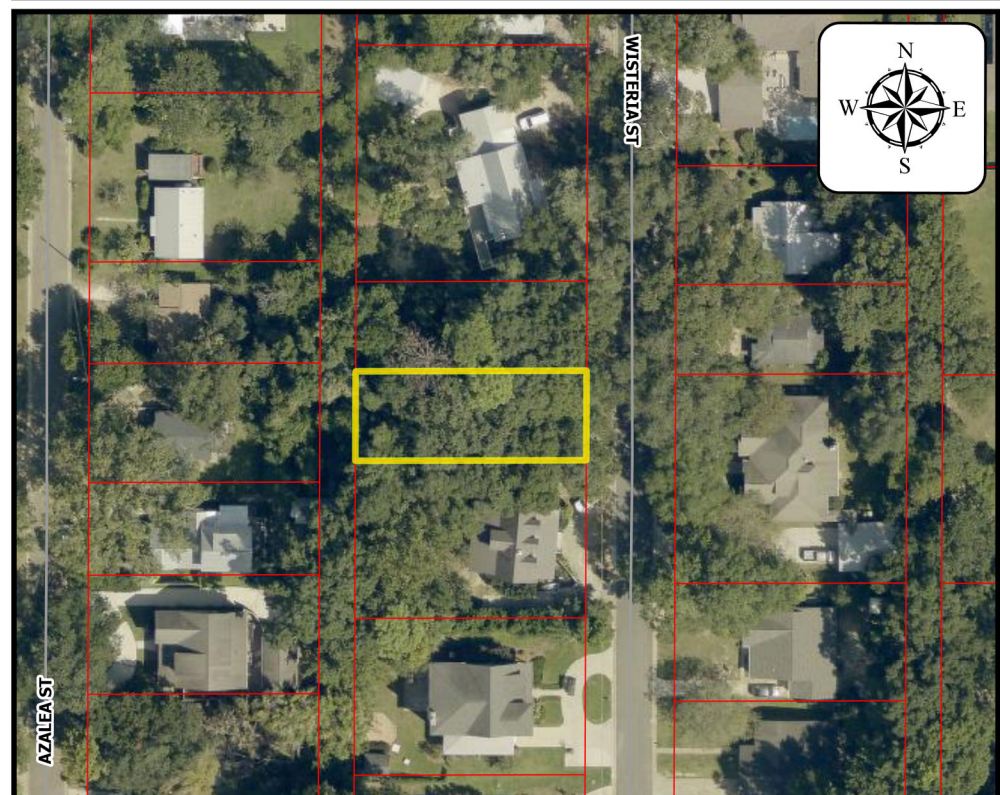
Virginia Oglesby Littlepage

School District:

Fairhope Elementary School
Fairhope Middle and High Schools

Prepared by:

Name: Michelle Melton-Null



SUMMARY OF REQUEST

Public hearing to consider the request of the Owner/Applicant, Virginia Oglesby Littlepage, as Trustee of the Virginia Oglesby Living Trust, for a 15-foot Front Yard Setback Variance on property zoned R-2, Medium Density Single-Family District. The property is located south of Dogwood Avenue on the west side of Wisteria Street and is 0.14± acres.

SITE HISTORY

There have been no other Board of Adjustment applications associated with this site.

STAFF COMMENTS

The Applicant is requesting a 15-foot Front Yard Setback Variance to allow construction of a single-family dwelling within the required 35-foot front yard setback. The Zoning Ordinance requires all structures to be a minimum of 35 feet from the front property line in an R-2, Medium Density Single-Family Residential District.

The subject site is Lot 76 within Fairland Heights (circa 1946) and is currently one (1) of two (2) directly adjacent undeveloped lots within the subdivision. See *Exhibits*. The 1946 plat did not illustrate any revised setbacks; thus, setbacks for all properties are determined by the underlying zoning district as required by the current Zoning Ordinance. Article III.C.1 Table 3-2 of the Zoning Ordinance details setback requirements for R-2 districts as follows:

Dimension, District or Use Zoning District	Front Setback	Rear Setback	Side Setback
R-2	35'	35'	10' ^b

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.

There is a known and visually apparent natural drainage feature towards the back of Lot 76. Richard Johnson, P.E., City Engineer, has conducted a site visit on the subject property and provided a letter supporting a potential front yard setback variance based on his findings. The letter in its entirety is included within the agenda packet. In sum, the rear portion of the lot functions as an established overland drainageway that currently accommodates the surrounding development. Avoiding encroachment into the drainageway and maintaining its function is preferable. Adding non-structural erosion control measures (rock tunnels, rip/rap, etc.) may be acceptable so long as they do not obstruct the current flow pattern(s).

Staff conducted a site visit on July 1, 2026. Richard Johnson, P.E., City Engineer, suggested a 30' drainage easement to encompass the natural drainageway; however, a 30' easement slightly encroaches into the buildable area even with the requested 20' variance to the front yard setback. A 25' drainage easement does not encroach into the buildable area with the requested variance included. Mr. Johnson also provided verbiage of what is allowed and not allowed within the drainage easement. See *Exhibits*.

If approved, the Applicant must have a surveyor provide the legal description for the required drainage easement, add the easement with the legal description (and the City Engineer's verbiage) to the plat, and record the revised plat in probate court along with the Variance. Variances shall be recorded in Baldwin County Probate Court within 365 days of the granting of said variance.

If approved, a potential dwelling could encroach 15 feet inside the required 35-foot front yard setback allowing the Applicant and any future owner to develop the subject site with a 20-foot front yard setback.

The Applicant's full narrative can be found within the application package attached to this report. Applicant provided the following as justification for their request within the attached narrative:

"Foundation needs to be a minimum of 15 ft away from stormwater flow to avoid scouring of the ground and undermining the foundation."

Staff acknowledges that the lot has physical elements which make construction within the required setbacks challenging.

As proposed by the applicant, the Floor Plans illustrate a "24-inch drain pipe to be installed". See *Exhibits*. Firstly, the BOA does not approve floor plans or drainage pipe installations. Secondly, Applicant has been made aware that the City does not support the aforementioned pipe installation. Finally, the City may support a front yard setback variance for the foundation of a single-family residence so that the established functioning drainage way is maintained and possibly improved per Mr. Johnson's letter.

It is important to note that if approved, no building plans, floor plans, or site plans are approved with this variance request.

Citizen Comments

During the public comment period staff did not receive any citizen comments related to this application.

VARIANCE CONSIDERATIONS

Standards of Review:

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes extraordinary and exceptional conditions and unnecessary hardship is a matter to be determined from the facts and circumstances of each application.

Article II Section C.3.e(1) of the City of Fairhope Zoning Ordinance states that the Board of Adjustment may grant a Variance if:

- (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.

CONCLUSION AND RECOMMENDATION

The Applicant **has provided evidence** of extraordinary and/or exceptional conditions which may create unnecessary hardship on the land such that a Variance may be necessary for the reasonable use of the property. Applying the standard requirements of the Zoning Ordinance to the subject site **would create** an unnecessary hardship as the buildable area is compromised due to the existing natural drainageway and topography. The topographical challenges presented by this application **are peculiar** to the subject property (Lot 76) within the subdivision. If approved, the Variance request **would not** appear to cause substantial detriment to the public good as it would allow development on a scale similar to what has already been constructed within the neighborhood.

Recommendation:

Granting the variance will result in a 20-foot Front Yard Setback. Staff recommends conditional **APPROVAL** of BOA 26.07 – Lot 76 of Fairfield Heights (Wisteria Street – PPIN: 364724) variance request for a 15-foot Front Yard Setback Variance with the following conditions:

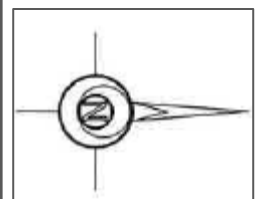
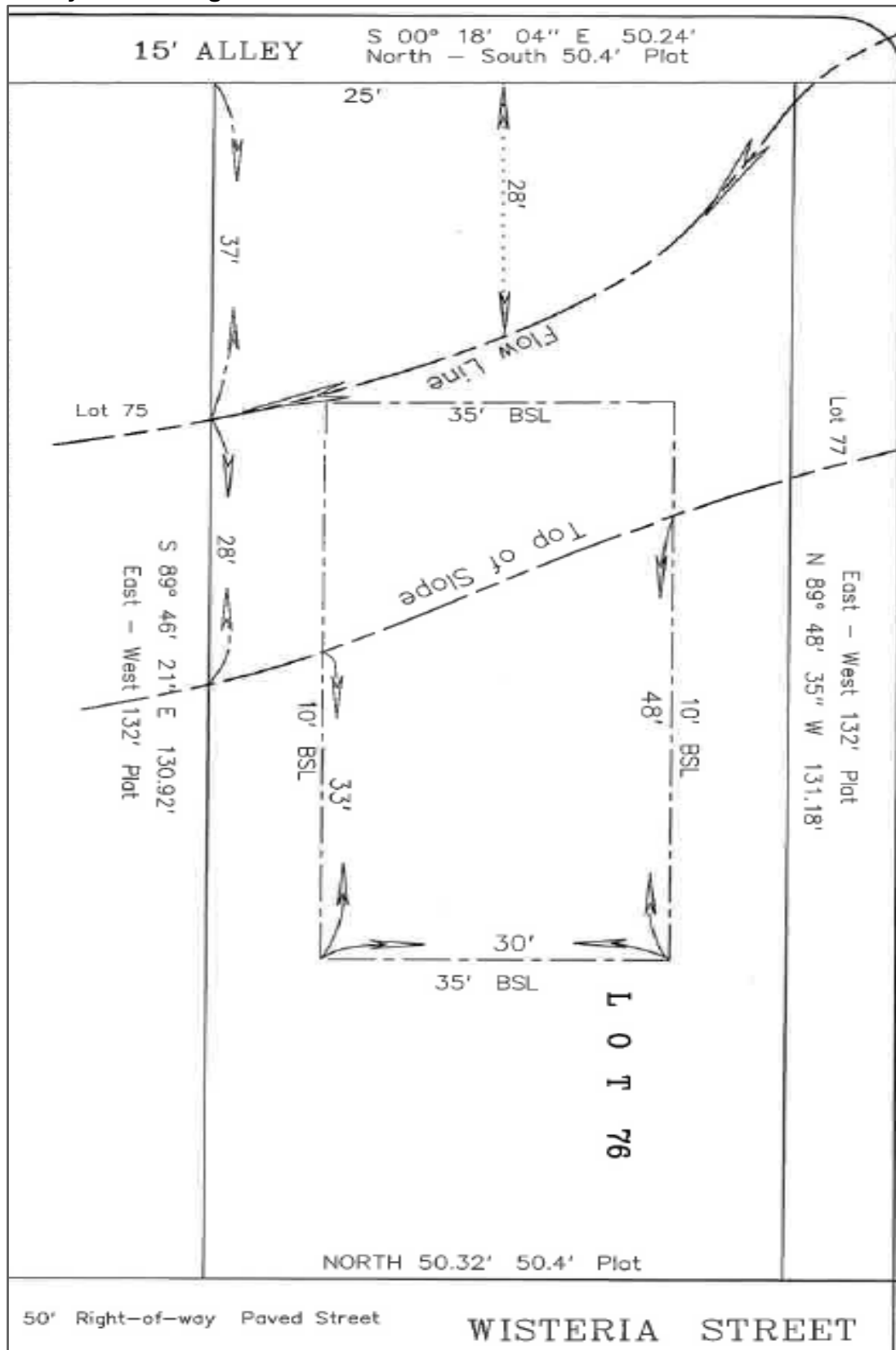
1. Applicant shall supply a legal description for the 25' drainage easement provided by a licensed surveyor in the State of Alabama;
2. The recorded drainage easement shall include the following language, verbatim: "A nonexclusive drainage easement as shown on the attached exhibit for the collection and conveyance of stormwater runoff across the burdened property. No structures, fill, grade modifications, piping, or other land disturbances that impede or obstruct the natural flow of drainage shall be permitted within the easement. Landscaping, hardscaping, fences, bridges, and similar improvements are permitted provided they are designed, constructed, and maintained so as not to restrict or interfere with the free flow of stormwater"; and
3. Variance and drainage easement shall be recorded together within 365 days of a decision in Baldwin County Probate Court prior to application of any City of Fairhope permits.

EXHIBITS

BOA 26.07 – Wisteria Street

July 20, 2026

Survey with Drainage Area Location

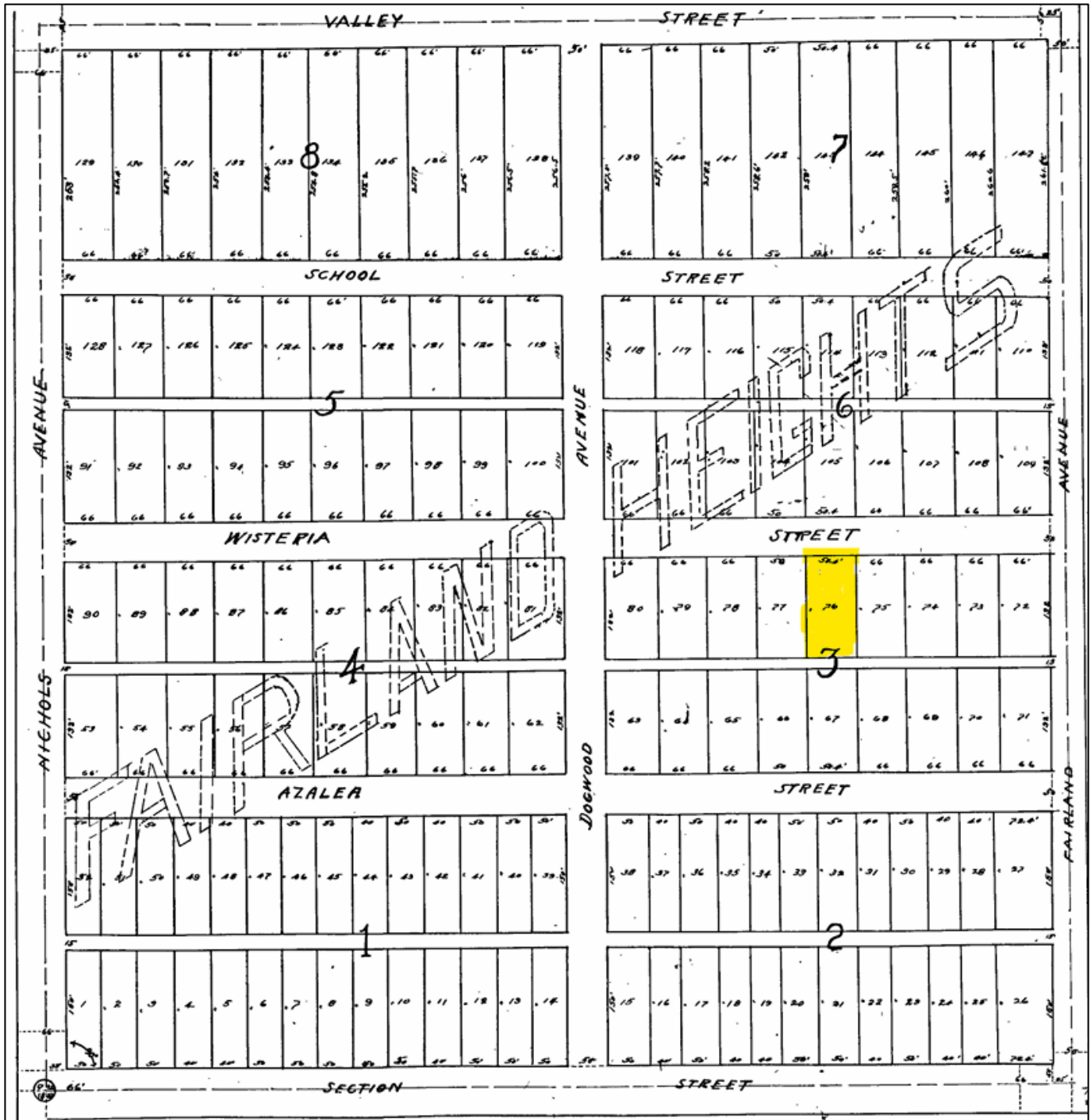
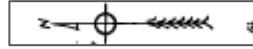


EXHIBITS

BOA 26.07 – Wisteria Street

July 20, 2026

1949 Fairland Heights Subdivision Recorded Plat

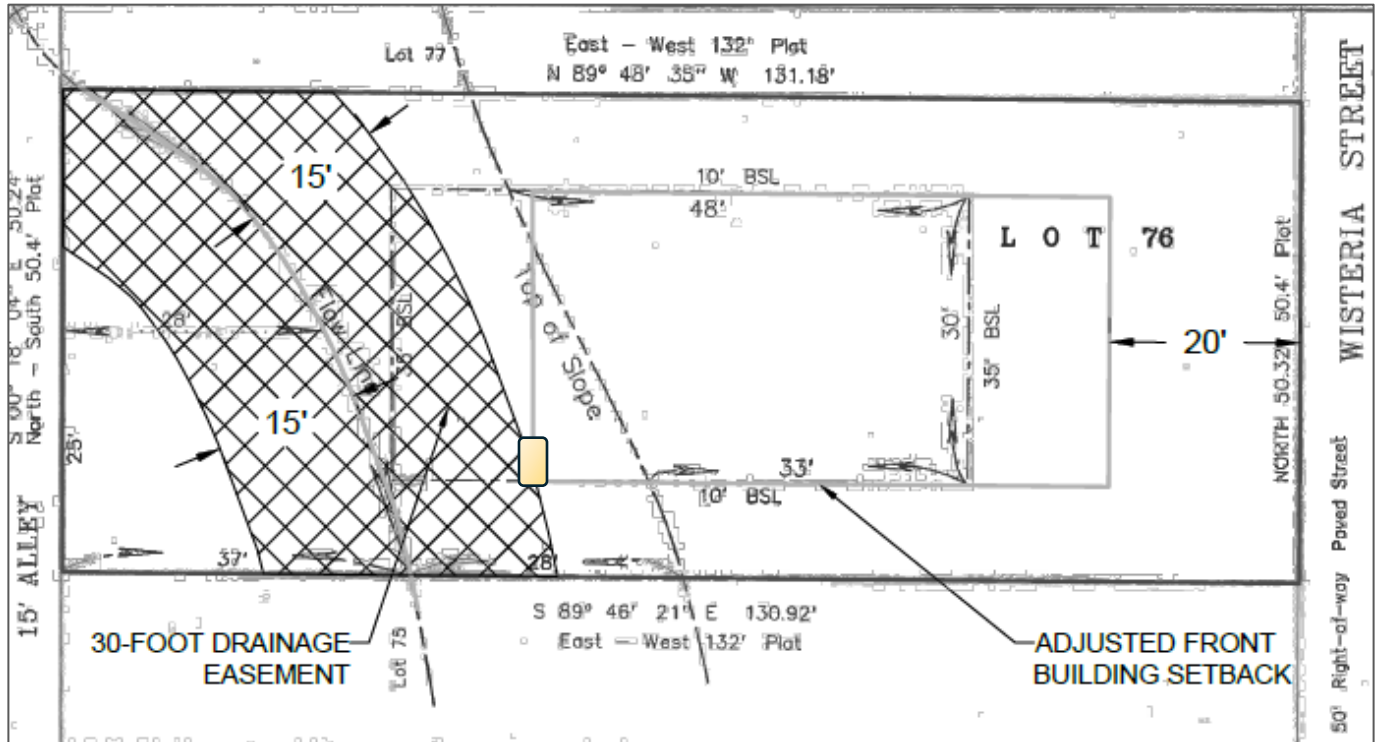


EXHIBITS

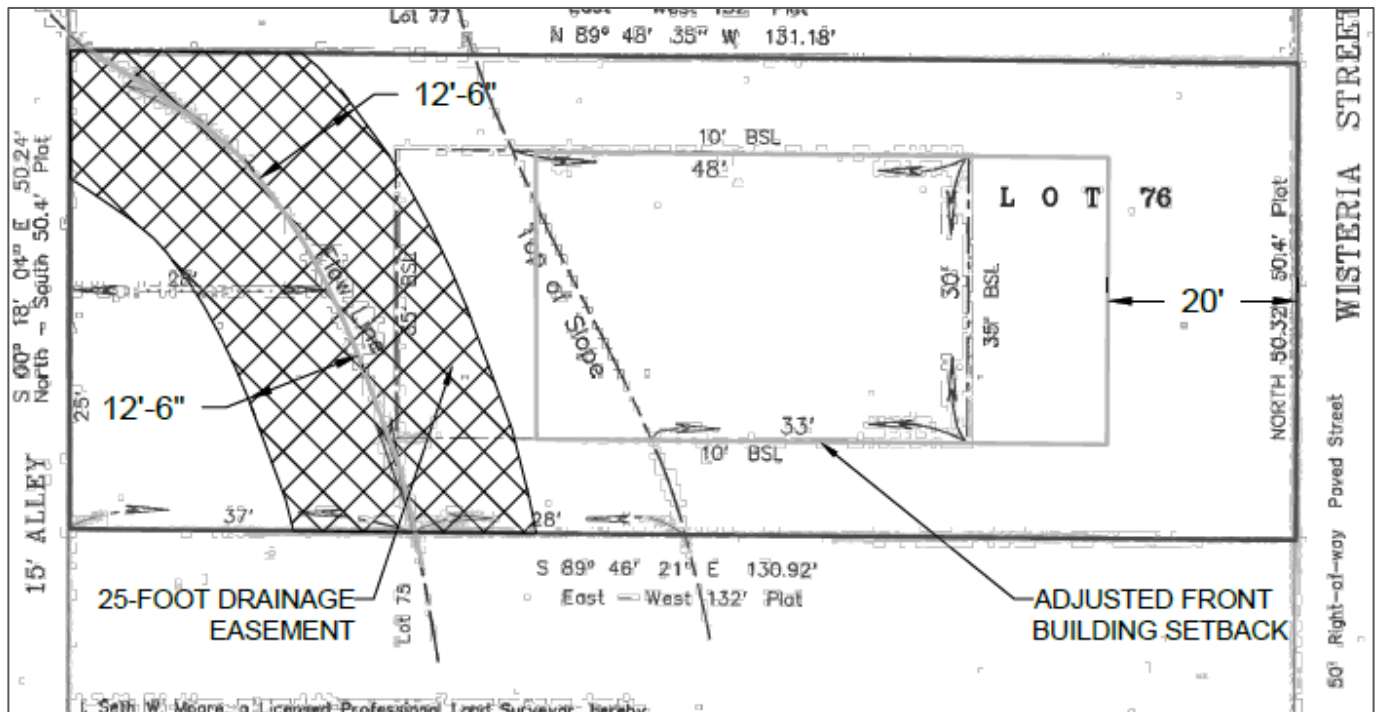
BOA 26.07 – Wisteria Street

July 20, 2026

30-Foot Drainage Easement with Conflict (shown in yellow)

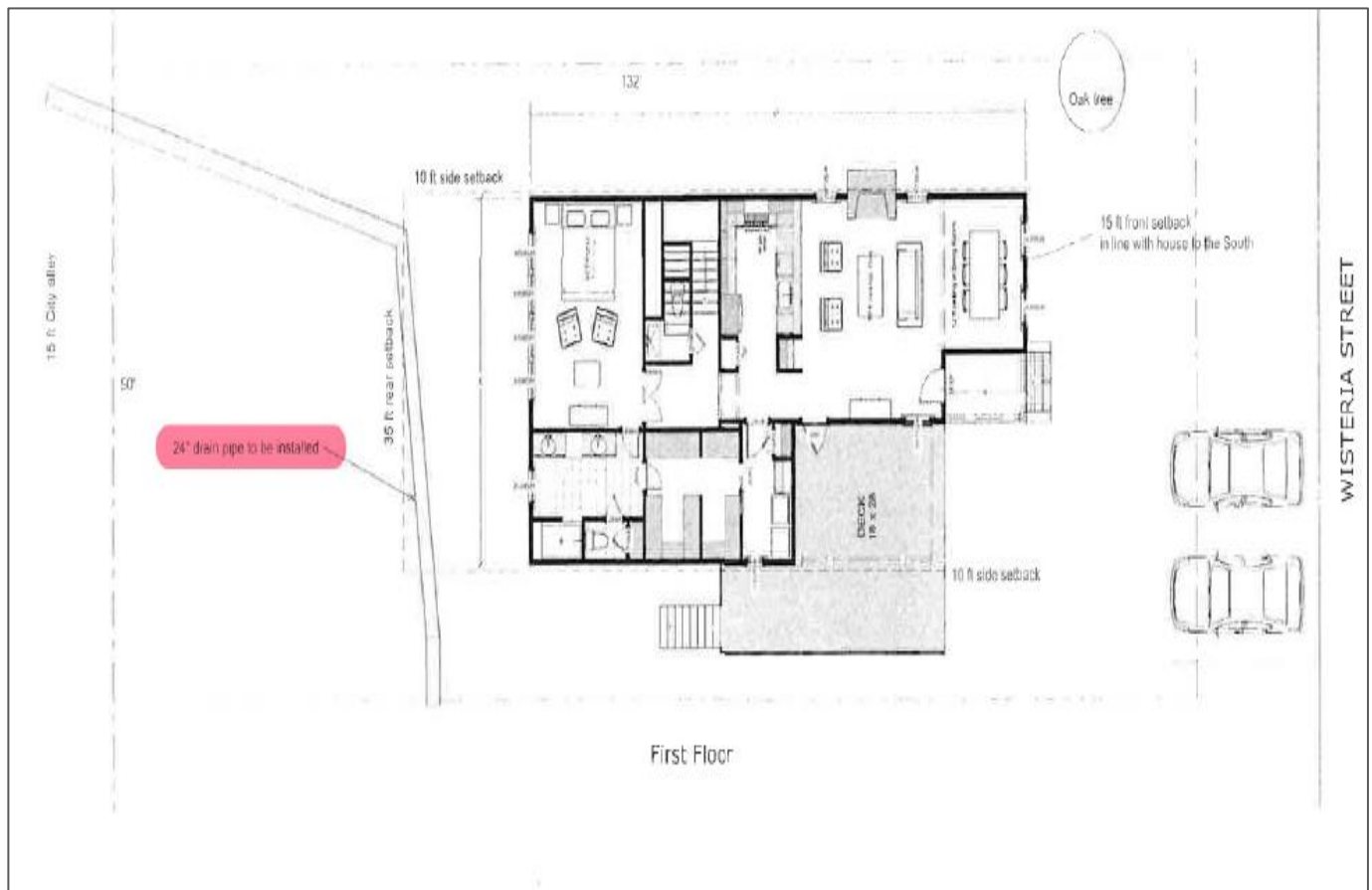


25-Foot Drainage Easement With No Conflict



Proposed Drainage Easement Language*Drainage Easement.*

A nonexclusive drainage easement as shown on the attached exhibit for the collection and conveyance of stormwater runoff across the burdened property. No structures, fill, grade modifications, piping, or other land disturbances that impede or obstruct the natural flow of drainage shall be permitted within the easement. Landscaping, hardscaping, fences, bridges, and similar improvements are permitted provided they are designed, constructed, and maintained so as not to restrict or interfere with the free flow of stormwater.

Potential House Plans with Proposed 24" Pipe



APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: ☐ Administrative Appeal ☐ Special Exception ☒ Variance

Property Owner / Leaseholder Information (Subject property)			
Name:	virginia oglesby littlepage	Phone Number:	251-623-2626
Street Address:	0 wisteria street lot 76 (PPIN 364724)		
City:	Fairhope	State:	al
		Zip:	36532

personal information Applicant / Agent Information			
If different from above.			
Notarized letter from property owner is required if an agent is used for representation.			
Name:	virginia oglesby littlepage	Phone Number:	251-623-2626
Street Address:	53 de ferret court		
City:	Fairhope	State:	al
		Zip:	36532

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

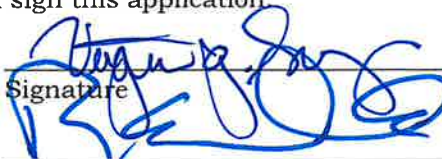
Applications for Administrative Appeal or Special Exception:

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.

virginia oglesby
Property Owner/Leaseholder Printed Name

5.19.2026
Date


Signature
Fairhope Single Tax Corp. (If Applicable)

the littlepages@bellsouth.net



VARIANCE REQUEST INFORMATION

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

- | | | |
|--------------------------------------|------------------------------------|---|
| ☐ Too Narrow | ☐ Elevation | ☐ Soil |
| ☐ Too Small | ☐ Slope | ☐ Subsurface |
| ☐ Too Shallow | ☐ Shape | ☒ Other (specify) |

Describe the indicated conditions:

Storm water flow encroaches into buildable area

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

Foundation needs to be a minimum of 15 ft. away from storm water flow to avoid scouring of the ground and undermining the foundation

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

I am requesting a 20 ft. front yard setback instead of the existing 35 ft. setback. See attached drawing of existing and proposed conditions.

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:	\$	

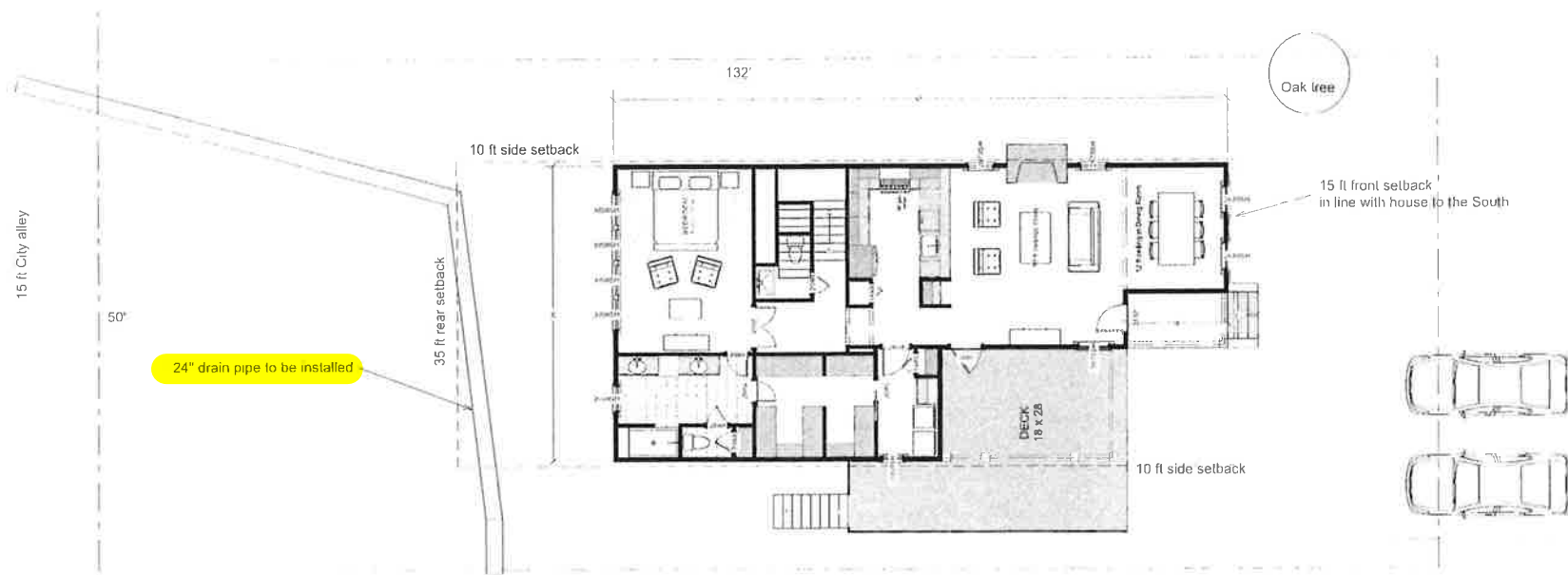
I certify that I am the property owner/leaseholder of the above described property and hereby submit this application to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

Virginia Oglesby Littlepage
Property Owner/Leaseholder Printed Name

May 19, 2020
Date

Signature

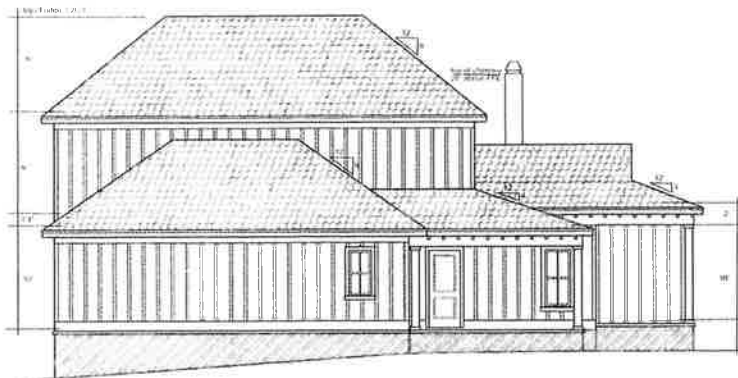
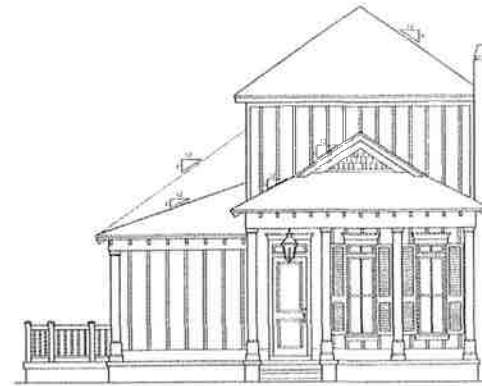
[Signature]
Fairhope Single Tax Corp. (If Applicable)



WISTERIA STREET

DRAWINGS PROVIDED BY	PROJECT DESCRIPTION: Wisteria St; Fairhope	SHEET TITLE: Floor Plans	NO.	DESCRIPTION	BY	DATE
DATE:	SCALE:	SHEET:	A-1			





NO. DESCRIPTION BY DATE

Elevations

PROJECT DESCRIPTION:
Wisteria St; Fairhope, AL

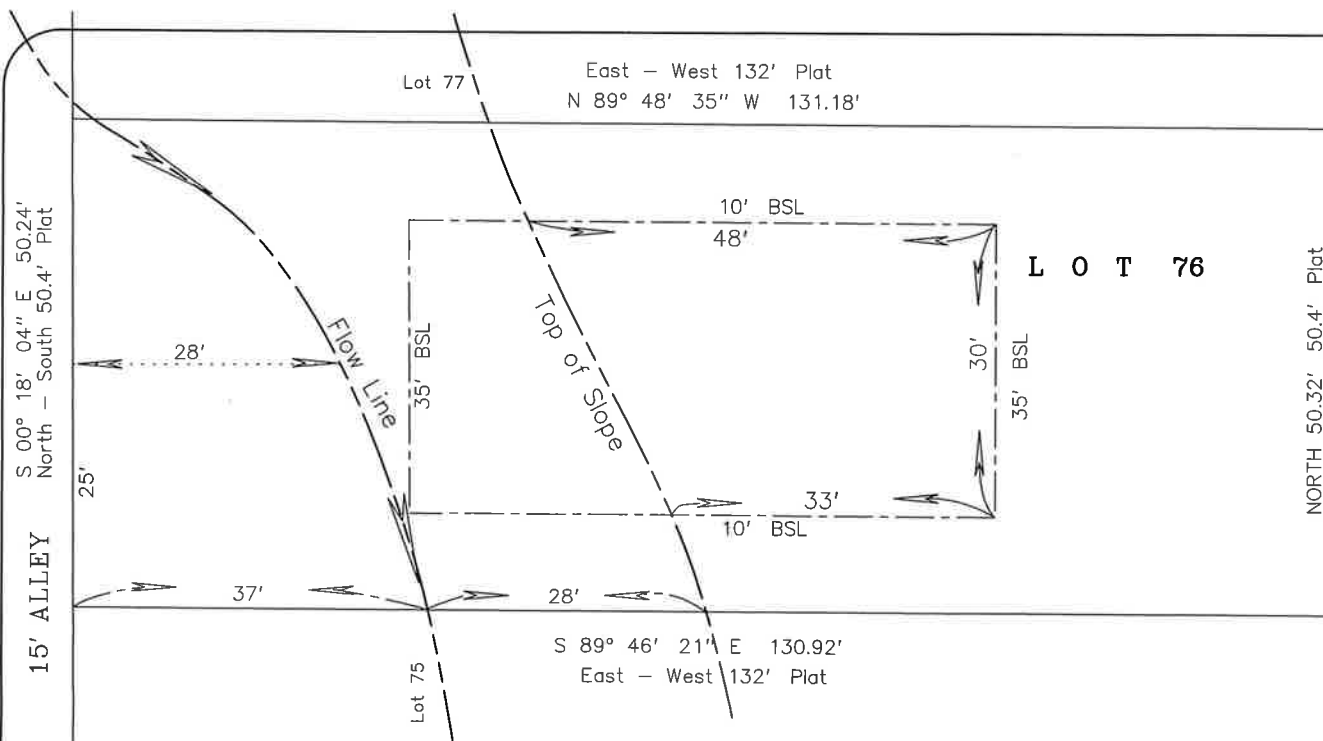
DRAWINGS PROVIDED BY

DATE:

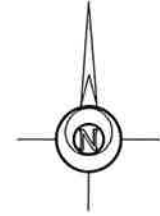
SCALE:

SHEET:

A-1



WISTERIA STREET



SURVEYORS NOTES:

- 1 All measurements were made in accordance with U.S. Standards.
- 2 Description as furnished by Client.
- 3 There may be Recorded or Unrecorded Deeds, Easements, right-of-ways, or other instruments that could affect the Boundaries of said properties.
- 4 there was NO attempt to determine the existence, location or extent of any Sub-surface features such as Septic Tanks, Underground Utilities, Footings, etc.
- 5 Bearings and Distances shown hereon were "Computed" from actual field traverses.
- 6 The Bearings are Based on Grid North as established by G. P. S. Real Time Network R. T. K., referenced to NAD 1983, Alabama West Zone.
- 7 There was NO attempt made to locate any Environmental issues such as but not limited to Wet Lands, Fuel Tanks, etc.
- 8 Owner Must Verify Wetlands Location if Shown on Survey with the proper authorities before any construction is to be started.
- 9 Refer to Recorded Deeds, Plats, Restrictive Covenants for any additional Information.
- 10 Measurements of the Residence are exterior dimensions and are not to be used for calculating square footage of Residence.
- 11 Flood Zones are scaled from the current FEMA maps.
- 12 Limits of proposed Residence to be staked are as per clients instructions.
- 13 Verify any Building Setbacks and Building location with the proper authorities before any construction can begin.
- 14 This Plat or Map is the property of Moore Surveying Inc. and Seth Moore, and is Solely for the use of the Client Named hereon and may not be used by a Third Party.
- 15 This Survey is Valid for 30 days from the date of survey and it is NOT Transferable to a Third Party and may NOT be used for any other purpose without prior written consent from Moore Surveying Inc., or Seth Moore.

I, Seth W. Moore, a Licensed Professional Land Surveyor, hereby state that all parts of this survey and drawing have been completed in accordance with the requirements by the Standards of Practice for Land Surveying in the State of Alabama to the best of my Knowledge, information and belief, this is a true and correct map.

All according to my survey made this the _____ day
of _____, 2026.

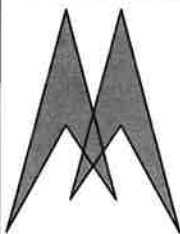
I also state that this drawing and or certification does not reflect any title or easement research, other than what is visible on the ground or provided by the clients at time of survey.

Seth W. Moore, P.L.S.
Ala. Reg. No. 16671

LEGAL DESCRIPTION:

LOT 76, FAIRLAND HEIGHTS Subdivision as per plat recorded in Map Book 3, Page 16 in the Judge of Probate's Office, Baldwin County, Alabama.

NOT VALID WITHOUT AN EMBOSSED SEAL OR ORIGINAL SIGNATURE, ALL COPIES AND FAXES ARE INVALID AND MAY NOT BE USED FOR ANY PURPOSE.



MOORE SURVEYING, INC.
PROFESSIONAL LAND SURVEYING

555 NORTH SECTION STREET,
FAIRHOPE, ALABAMA 36532

PHONE (251) 928 - 6777

Email mooresurveying@bellsouth.net

Special Conditions Survey of

Drainage Area Location for

Virginia Elizabeth Oglesby Living Trust

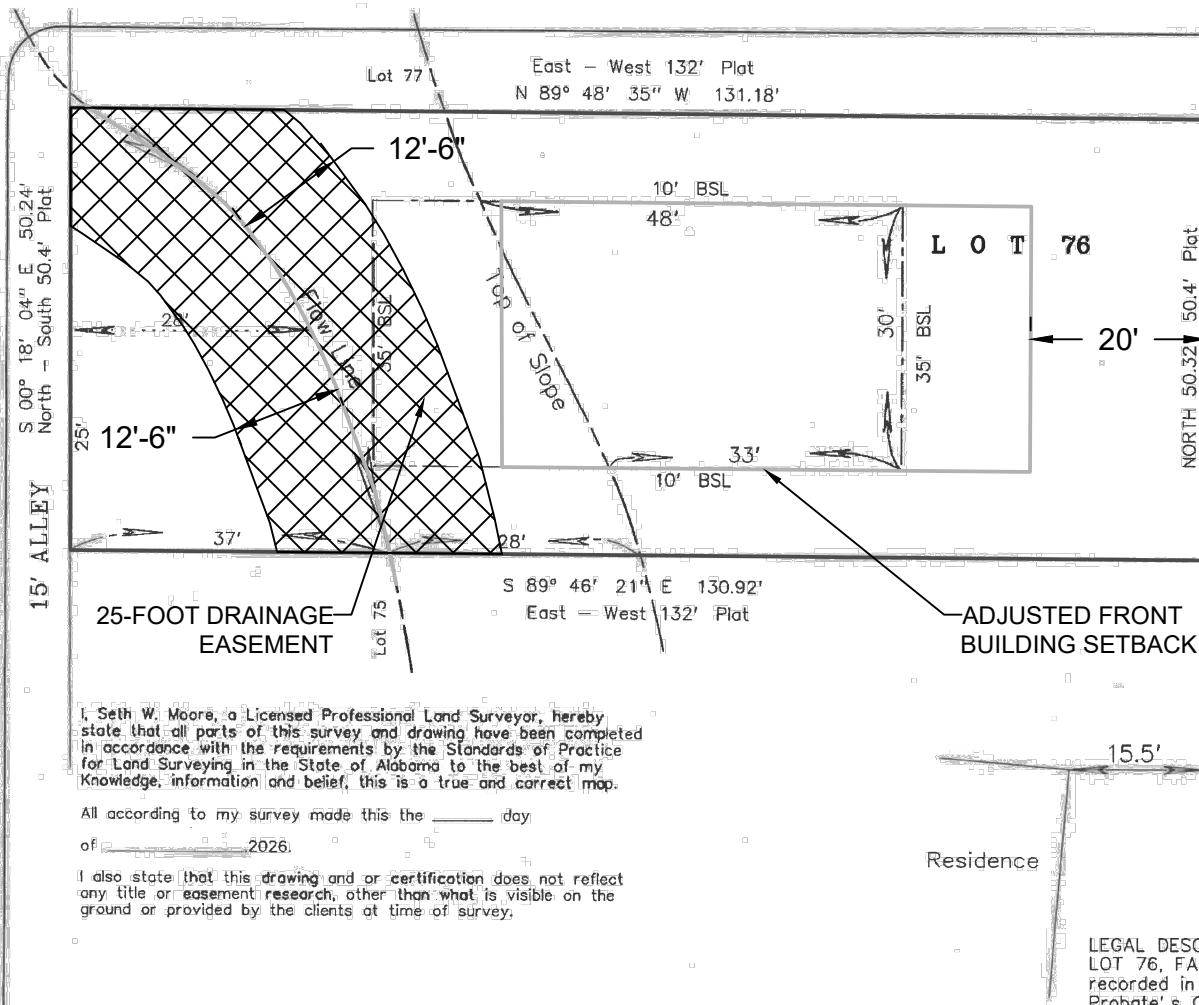
Wisteria Street

Fairhope, Alabama

LEGEND

PP = Power Pole
CL = Centerline
UG = Underground
REC = Record
MSD = Measured
CAL = Calculated
FC = Fence Corner
R = Radius
ARC = Arc Length
TEL = Telephone
BM = Bench Mark
ELEV = Elevation
SIP = Set Re-bar & Cap
FRBC = Found Re-bar & Cap
FIP = Found Iron Pin

SCALE	1" = 20'
DATE	5/12/2026
FIELD WORK DATE	
DRAWN BY	swm
JOB NO.	
REVISIONS	



I, Seth W. Moore, a Licensed Professional Land Surveyor, hereby state that all parts of this survey and drawing have been completed in accordance with the requirements by the Standards of Practice for Land Surveying in the State of Alabama to the best of my Knowledge, information and belief, this is a true and correct map.

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of _____, 2026.

I also state that this drawing and or certification does not reflect any title or easement research, other than what is visible on the ground or provided by the clients at time of survey.

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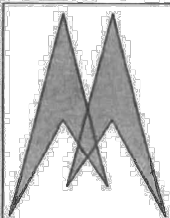
SURVEYOR'S NOTES:

- All measurements were made in accordance with U.S. Standards.
- Description as furnished by Client.
- There may be Recorded or Unrecorded Deeds, Easements, right-of-ways, or other instruments that could affect the Boundaries of said properties.
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- The Bearings are Based on Grid North as established by G. P. S. Real Time Network R. T. K., referenced to NAD 1983, Alabama West Zone.
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- This Survey is Valid for 30 days from the date of survey and it is NOT Transferable to a Third Party and may NOT be used for any other purpose without prior written consent from Moore Surveying Inc., or Seth Moore.

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MOORE SURVEYING, INC.

PROFESSIONAL LAND SURVEYING

555 NORTH SECTION STREET,
FAIRHOPE, ALABAMA 36532

PHONE (251) 928 - 6777

Email mooresurveying@bellsouth.net

Special Conditions Survey of

Drainage Area Location for

Virginia Elizabeth Oglesby Living Trust

Wisteria Street

Fairhope, Alabama

LEGEND

P.P. = Power Pole	SCALE	1" = 20'
CL = Centerline	DATE	5/12/2026
UG = Underground	FIELD WORK DATE	
REC = Record	DRAWN BY	swm
MSD = Measured	JOB NO.	
CAL = Calculated	REVISIONS	
FC = Fence Corner		
R = Radius		
ARC = Arc Length		
TEL = Telephone		
BM = Bench Mark		
ELEV = Elevation		
SP = Set Re-bar & Cap		
FRBC = Found Re-bar & Cap		
FP = Found Iron Pin		

This Survey is copyright © 2026 MOORE SURVEYING, INC. Copying this Survey is strictly prohibited.

Drainage Easement.

A nonexclusive drainage easement as shown on the attached exhibit for the collection and conveyance of stormwater runoff across the burdened property. No structures, fill, grade modifications, piping, or other land disturbances that impede or obstruct the natural flow of drainage shall be permitted within the easement. Landscaping, hardscaping, fences, bridges, and similar improvements are permitted provided they are designed, constructed, and maintained so as not to restrict or interfere with the free flow of stormwater.

Sherry Sullivan
Mayor



Richard D. Johnson
City Engineer

April 24, 2026

For the Case File
Fairhope Board of Adjustments (BOA)

RE: Variance Request – Wisteria Property, Lots 76 & 77, Block 3, Fairland Heights Subdivision

BOA Members,

On April 2, 2026, the Interim Public Works Director and I conducted a site visit of Lots 76 and 77 with the property owner. The visit followed concerns regarding surface drainage traversing the subject properties and its effect on development potential.

Runoff from the developed residential block to the north, fronting Wisteria and Azalea Streets and south of Dogwood Avenue, drains southward toward an unopened 20-foot public alley right-of-way. At this point, the existing topography directs flow from the alley right-of-way into the rear portions of Lots 76 and 77, which lie at a lower elevation. Evidence of erosion and embankment cutting was observed where drainage enters the properties.

The rear portions of these lots function as an overland drainageway serving the upstream development. Adjacent Lot 75 to the south exhibits similar conditions and was developed by avoiding construction within the drainageway, with structures positioned closer to the street frontage.

Given the existing topography and drainage function, development that includes structural encroachment into the rear drainageway would not be feasible without altering established drainage patterns. While rerouting drainage could be considered in theory, downstream properties are already developed and currently accommodate the existing flow regime.

Any consideration of setback relief, if granted, should be evaluated in the context of avoiding encroachment into the drainageway and maintaining its function. Non-structural erosion control measures, such as rock runnels, dry stream beds, checks, and groundcover wetlands plantings, within the drainage area may be acceptable provided they do not obstruct flow.

City of Fairhope, Public Works Department
555 South Section Street – Fairhope, Alabama 36532
251-928-8003

This assessment is based on field observations only. No site plan, surveyed topography, or specific variance dimensions were provided for review. The lots exhibit approximately 13 feet of elevation change over a depth of roughly 132 feet, which limits practical building area. Setback relief along the street frontage may increase buildable area while avoiding disturbance of the rear drainageway.

Please feel free to contact me if additional information is needed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard D. Johnson". The signature is fluid and cursive, with a large, stylized "R" and "J".

Richard D. Johnson, PE
City Engineer

CC: Property Owner
File

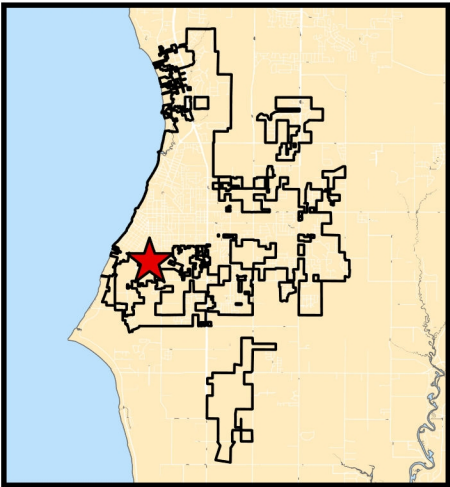
City of Fairhope

Board of Adjustments

July 20, 2026



BOA 26.08 - 13 Echo Lane



Project Name:

13 Echo Lane

Site Data:

0.29 acres

Project Type:

Admin. Review/Appeal to allow an
Accessory Structure in an R-3 district.

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

R-3, High Density Single-Family District

PPIN Number:

74444

General Location:

West of the intersection of Southern
Run and Echo Lane

Surveyor of Record:

N/A

Engineer of Record:

N/A

Owner / Developer:

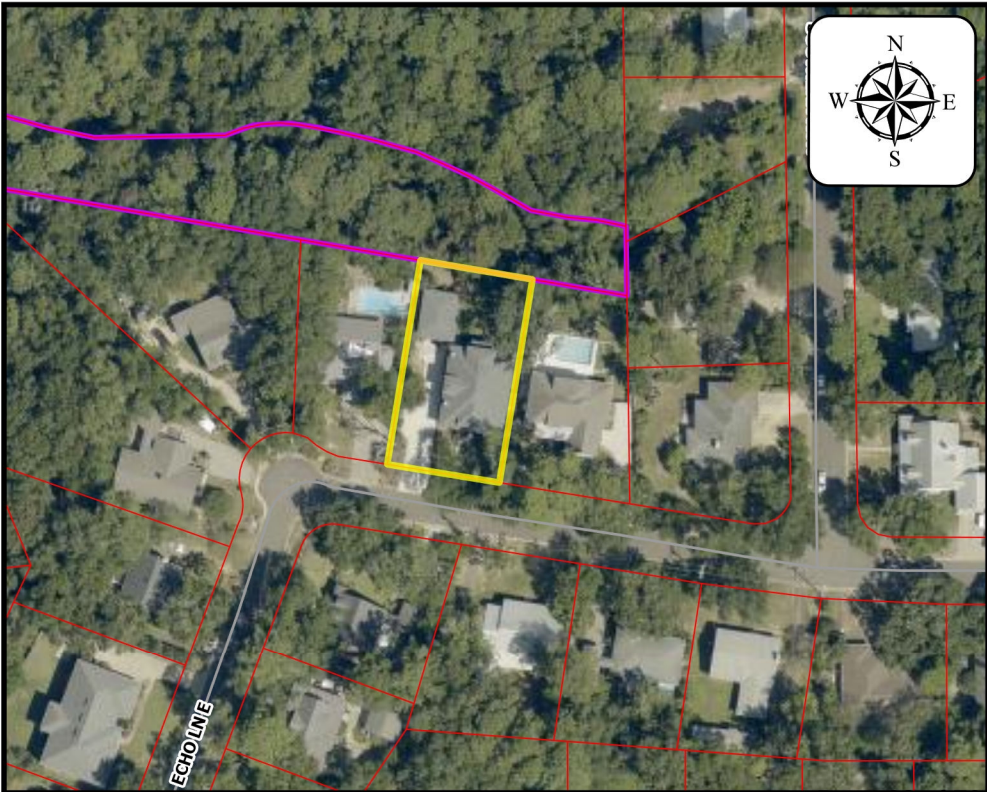
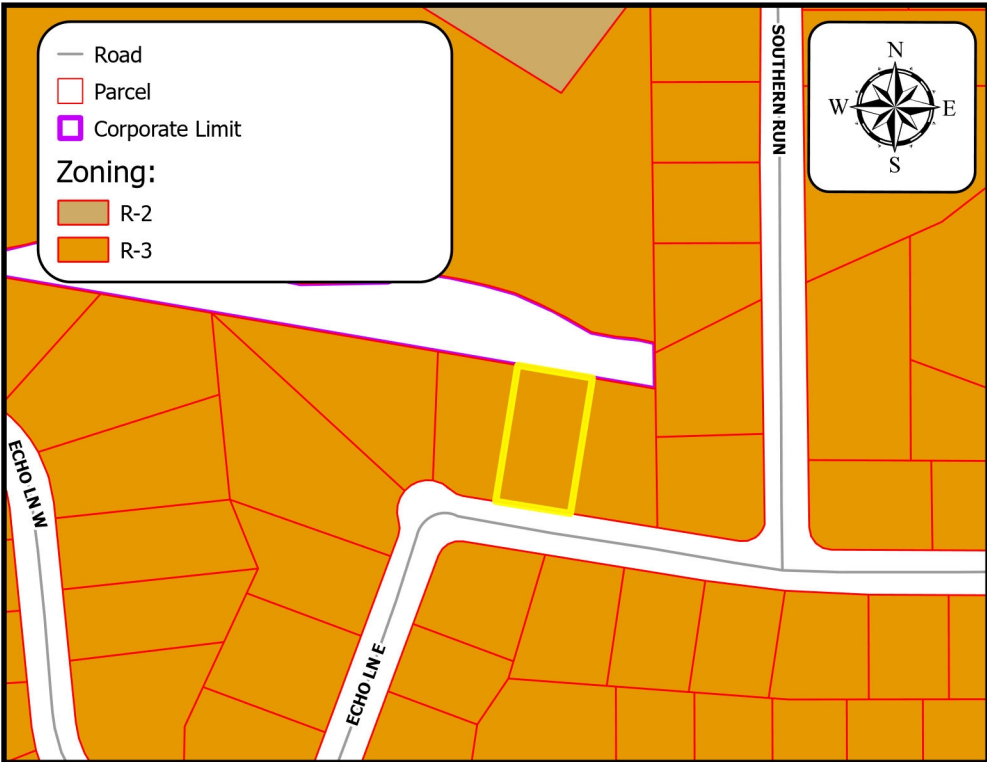
Frances McGowin, Cary Bathrick

School District:

Fairhope Elementary School
Fairhope Middle and High Schools

Prepared by:

Payton Rogers



SUMMARY OF REQUEST

Public hearing to consider the request of the Owners, Frances McGowin and Cary Bathrick for an Administrative Appeal to allow an Accessory Structure on property zoned R-3, High Density Single-Family Residential District. The property is located at 13 Echo Lane and is 0.29± acres.

The Applicant is seeking an Administrative Review/Appeal to two (2) Zoning Ordinance interpretations made by Planning Staff. Staff's interpretations are as follows:

1. That Article III, Section C Table 3-3: *Dimension Table – Residential Accessory Structures*, as written, requires a 5-foot rear setback for all accessory structures and limits the maximum lot coverage by all accessory structures to a total of 25% of the required rear yard in an R-3 district; and
2. That, following the issuance of a Building Permit for a “Treehouse or kids fort” based on a suboptimal—though procedurally sufficient (at the time)—set of sketch plans, Staff revoked said permit after discovering that the structure was being constructed across the owner's property line onto City-owned property (Tatumville Gully), within a platted 15-foot utility easement, and inside the required 5-foot rear setback. The permit had been issued subject to conditions expressly prohibiting construction within any easements or required setbacks. The revocation was authorized under the building permit review procedures set forth in Article II, Section C.4.e, of the Fairhope Zoning Ordinance.

The Applicant has already constructed part of the structure and while they have agreed to remove it from city property, they are currently proposing to do so by shifting the structure seven (7) feet south onto the subject site. Doing so would place the northern wall of the structure on the rear property line and remove it from city property. However, the structure would still exceed the 25% maximum total lot coverage allowed for accessory structures; and would still be located inside of the required 5-foot rear setback as well as a platted 15-foot utility easement.

Staff has yet to receive a Site Plan or As-Built Survey from a verifiably credentialed design professional that would confirm any proposed new location of the treehouse structure.

SITE HISTORY

The subject site was included as Lot 7 in the subdivision for Covered Bridge Estates Unit Three recorded in Probate in 1984.

There have been no Board of Adjustment applications associated with this site.

STAFF DETERMINATION LEADING TO APPEAL

The Applicant submitted a permit for the construction of a “Treehouse or kids fort” on December 4, 2025 (Exhibit A). On December 16, 2025, City of Fairhope Planning Technician, Kelly Brady, approved the plans submitted with the application with the following comments/conditions (Exhibit B):

- “Any modifications to the approved plans shall be revised and resubmitted to your application for review by the Planning Department.”
- “May not be located in any easements that may be on the property, otherwise 5ft from property lines. Accessory structures shall maintain minimum separation of 10ft from the principal structure and 5ft separation from all other structures.”

On December 19, 2025, a Building Permit was issued to the applicant by the Building Department to begin construction (Exhibit C).

Upon the request of the applicant for a strapping inspection on December 29, 2025, field reviews performed by City of Fairhope Chief Building Official, Erik Cortinas, established where the structure is currently “estimated” to be located. The location can only be estimated because currently, and at the time of inspection, no as-built survey has been performed to accurately locate the structure on site.

The discovery by Mr. Cortinas that the structure may not have been constructed in accordance with the approved sketch plans triggered a formal resubmittal of revised plans to be reviewed for compliance by pertinent staff. Staff has yet to receive any formal resubmittal to the Building Permit application, nor has a site plan or as-built survey, from a verifiably credentialed design professional, been submitted confirming the current location or any proposed new location of the treehouse structure.

Around the time of his discovery, Mr. Cortinas provided a “rough-scaled as-built” sketch plan to the applicant and Planning Staff which illustrates the approximate location of the structure (Exhibit D). However, in doing so he clearly stated the plan was simply for reference and not 100% accurate.

Utilizing both the plan provided by Mr. Cortinas as well as an as-built survey provided in 2022 when the existing home and garage were being built Planning & Zoning Manager, Payton Rogers, performed an informal second plan review. Afterwards, on February 20, 2026, Mr. Rogers informed the applicant that as proposed the structure exceeded the 25% maximum site coverage allowed by accessory structures. In fact, the site’s existing garage already exceeded this 25% maximum (Exhibit E), and as such, the treehouse structure would have to be removed from the property.

STAFF COMMENTS

As previously stated, the applicant is seeking an Administrative Review/Appeal to two (2) Zoning Ordinance interpretations made by Staff leading to the revocation of a building permit for the construction of an accessory structure which exceeds the maximum coverage allowed by accessory structures and is located within both the required 5-foot rear setback and a platted 15-foot utility easement. Article III, Section C.2. Table 3-3 of the Zoning Ordinance limits the maximum coverage of all accessory structures to no more than 25% of the required rear yard and requires a minimum 5-foot rear setback for all accessory structures in an R-3 district.

The subject site fronts Echo Lane East and directly abuts Tatumville Gully (aka Big Head Gully) to the north behind the rear property line. As detailed on a boundary survey of the site that was submitted to the city in

2022, the subject site is 13,014± square feet and is currently developed with a 2,565± square-foot single-family dwelling and a 768± square-foot garage accessory structure.

A complete copy of the applicant's narrative, timeline, and submitted site photos have been included as an attachment to this report.

In order to properly analyze the request, Staff has prepared a concise permitting and review timeline which is detailed below and included as an attachment to this report:

Permitting & Review Timeline

- 12/04/2025:** Building permit application for a "Treehouse or kids fort" submitted for review by the applicant via Citizenserve with hand drawn sketch plans (Exhibit A).
- 12/16/2025:** Planning Staff completed their review with a status of "Approved with Comments". Planning comments were provided to the applicant in addition to staff attaching a copy of the submitted "Property Layout plan" including the same comments (Exhibit B).
- 12/19/2025:** A **Building Permit was issued** to the applicant to begin construction (Exhibit C).
- 12/29/2025:** A strapping inspection was requested by the applicant and assigned to Erik Cortinas to be completed on 12/30/2026.
- 12/30/2025:** Erik Cortinas performed a site visit for the strapping inspection and informed the applicant that the location did not appear to match the approved sketch plans.
- 12/30/2025 – 01/01/2026:** Hunter Simmons performed a site visit with Erik Cortinas and concurred that the location appeared to not match the approved layout plan and that the structure appeared to be located on City of Fairhope property.
- 01/02/2026:** Erik Cortinas notified the applicant via email that the structure was illegally built on city property and did not match the approved plans. Mr. Cortinas provided a "rough-scaled as-built" sketch plan as reference to the applicant illustrating the approximate location of the structure (Exhibit D). Thus, triggering a 2nd review and resubmittal of the permit application to be reviewed by all pertinent staff.
- 02/13/2026:** A second plan review of the revised "rough-scaled as-built" sketch plan was informally assigned to Payton Rogers to review for compliance and to determine if an alternative location on site may be possible.
- 02/20/2026:** Payton Rogers informed the applicant that the structure as proposed was non-compliant and could not be approved due to the size of the proposed structure and the fact that the existing garage, which was constructed in 2022, already exceeded the maximum coverage allowed by accessory structures on the site (Exhibit E).
- 06/08/2026:** The applicant applied for an Administrative Appeal to Planning staff challenging the February determination.

It should be noted that no single plan nor collection of plans submitted with the original building permit application included all the measurements or dimensions necessary for staff to calculate maximum site coverage of all accessory structures. As previously mentioned, Article, III Section C.2. Table 3-3 of the Zoning Ordinance limits the maximum coverage of all accessory structures to no more than 25% of the required rear yard. In order to calculate this coverage an application for an accessory structure typically would need to provide one of the following:

- A full site plan, drawn to scale by a licensed design professional, illustrating all property lines, any existing easements, the proposed structure, and all existing structures on site; or
- A sketch site plan not drawn to scale by a design professional, but nonetheless illustrating all property lines and any existing easements with accurate dimensions, the proposed structure with accurate dimensions, and all existing structures with accurate dimensions.

Neither of the aforementioned standards were satisfied by the documents provided to staff with the original application. It should be noted, however, that it is not uncommon for building permit applications to be reviewed and approved by staff for minor accessory structures whose submitted plans do not follow the aforementioned standards. However, in doing so staff will typically condition said approval, as was done with this application, in order to ensure compliance with setbacks and to make certain that structures are not constructed within easements.

Additionally, in applying for a building permit to construct any structure on a site it is the property owner's obligation to locate all existing easements and to submit plans which do not place a structure within said easement. If an applicant does wish to build within a platted easement they may do so at their own risk provided they first receive the expressed permission of any easement holder. Said permission(s) must be provided with their application materials to staff for review with their Building Permit application. None of the documents provided with the original building permit application illustrated any easements on site, nor were any documents submitted to staff which may indicate permission granted by an easement holder to build within any easement. As such, staff included standard conditions as described above in order to mitigate any such illegal construction.

First Plan Review

Based on staff comments provided to the applicant on 12/16/2025, it appears that maximum coverage of accessory structures was not calculated in the first plan review performed by Staff. Instead, staff's review covered setbacks of the proposed structure utilizing the documents submitted by the Applicant to make a determination about the location based on the information provided by the applicant's plans. Approval was granted under the aforementioned conditions.

Second Plan Review

After a second review and resubmit was triggered by the aforementioned field inspections, Planning Staff reviewed the "rough-scaled as-built" sketch plan and determined that the proposed treehouse structure may exceed the maximum allowed coverage for accessory structures. However, still having not been provided with a scalable accurate site plan staff referenced a 2022 boundary survey illustrating the existing home and garage in order to determine how much of the accessory structure coverage was already accounted for with the existing garage. After reviewing the 2022 survey Staff discovered that the existing garage already exceeded the maximum coverage of all accessory structures allowed for the subject site. As such, per Article III, Section C.2. Table 3-3 of the Zoning Ordinance the proposed treehouse structure, if built, would increase the existing non-conformity and therefore could not be approved by Planning Staff.

It should be noted that while it may have been discussed informally between the applicant and the Chief Building Official, it was not until the submittal of this Administrative Appeal that Planning Staff was informed of the applicant's intention to not only appeal the 25% coverage determination, but in doing so shift the structure seven (7) feet south onto the subject site.

Citizen Comments

During the public comment period staff received two (2) comments from two separate neighboring citizens. A complete copy of all citizen comments have been included as an attachment to this report.

ADMINISTRATIVE APPEAL CONSIDERATIONS

Standards of Review:

Article II, Section A.4.d of the City of Fairhope Zoning Ordinance states that when hearing an Administrative Review/Appeal the duties and powers of the Board of Adjustment are to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination, made by the Director of Planning and Zoning, or other administrative official, in the enforcement of this ordinance.

CONCLUSION AND RECOMMENDATION

Staff does not agree that the Building Permit, when issued, was done so approving the structure to be placed within a utility easement or required rear setback. As evidenced by the review comments issued to the applicant on December 16, 2025. Nor does staff agree that the revocation of the issued building permit upon discovery of the structure exceeding the 25% maximum lot coverage, or the process by which this determination was made and revocation performed, resulted in an "error in any order, requirement, decision, or determination made by the zoning administrator or other administrative official, in the enforcement of the Zoning Ordinance".

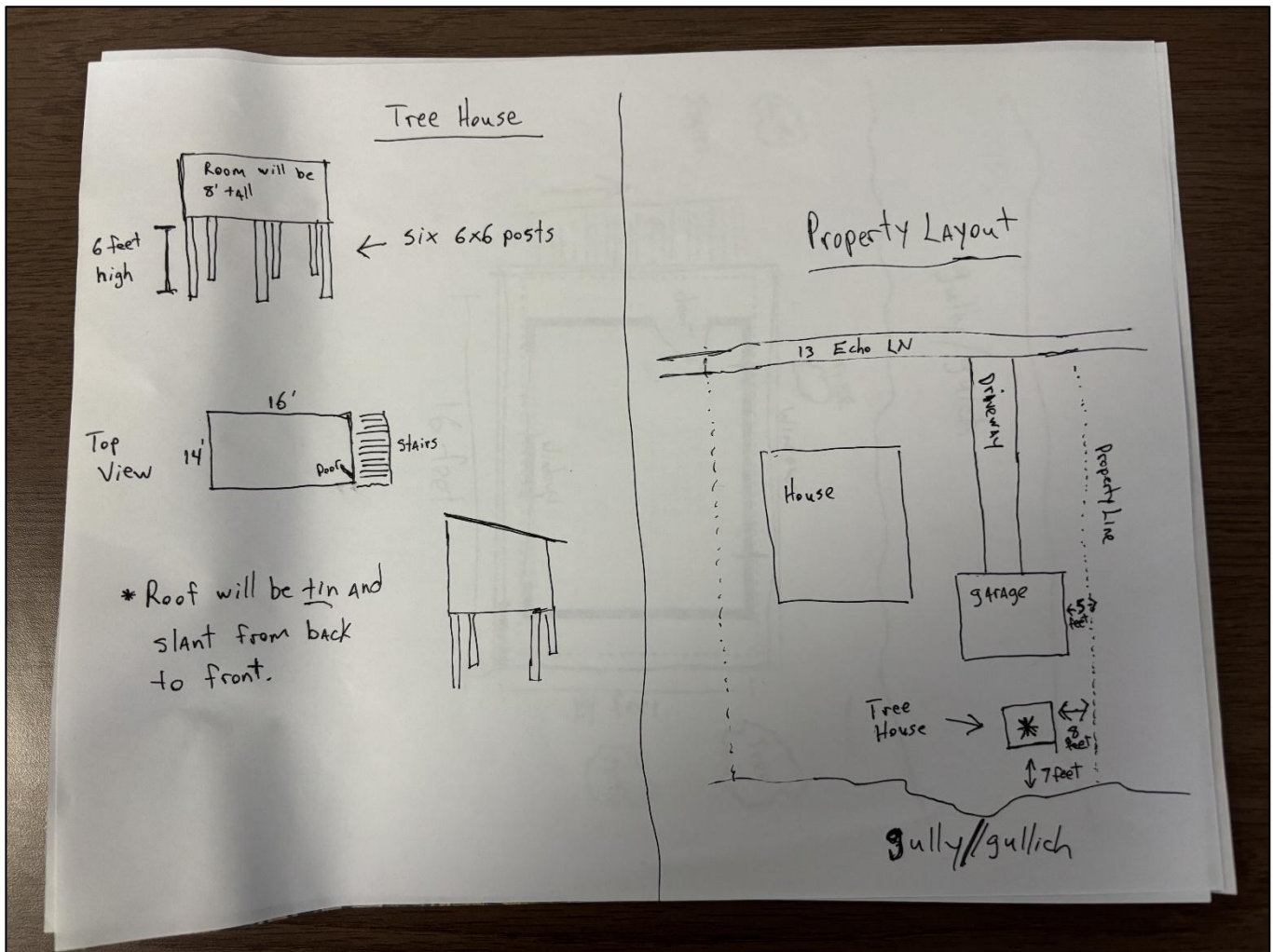
It should be noted that if the Board were so inclined to grant the appeal, while they certainly have the authority to also grant a Rear Setback Variance to allow construction of the accessory structure within a required rear setback, there does not appear to be a physical hardship on the subject site in order to justify such a Variance in accordance with Article II, Section C.3.e of the Zoning Ordinance. Additionally, staff does not believe the Board has the legal authority to allow relocation of the structure within the platted utility easement.

Recommendation:

Based on the preceding, staff recommends **DENIAL** of BOA 26.08 – 13 Echo Lane and encourages the Board to consider all relevant aspects of the Administrative Review/Appeal, and determine if there is error in any order, requirement, decision, or determination made by the Director of Planning and Zoning, or other administrative official, in the enforcement of the Zoning Ordinance.

July 20, 2026

Exhibit A: Hand Drawn Sketch Plans



EXHIBITS

BOA 26.08 – 13 Echo Lane

July 20, 2026

Exhibit A: Hand Drawn Sketch Plans (continued)

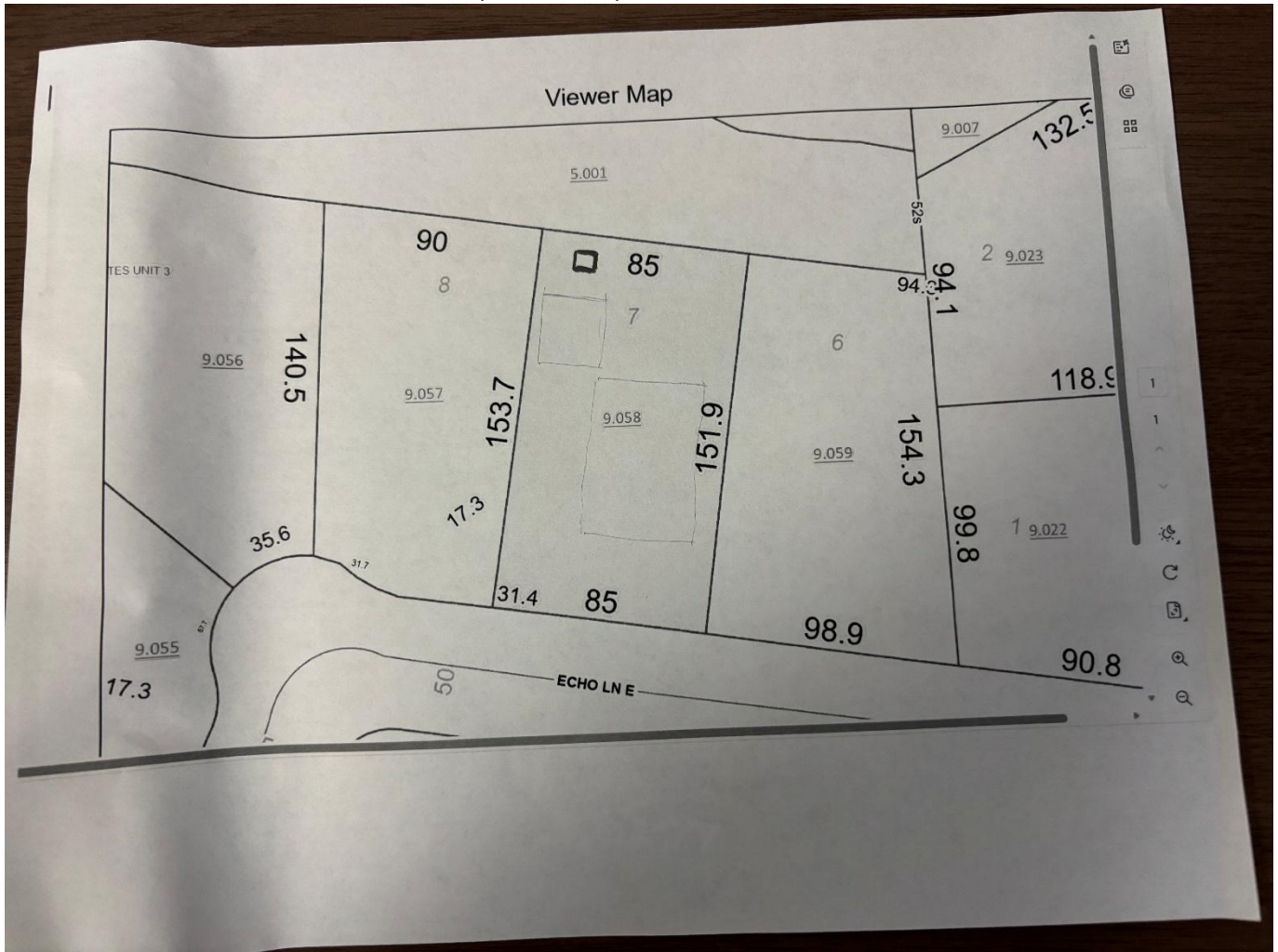
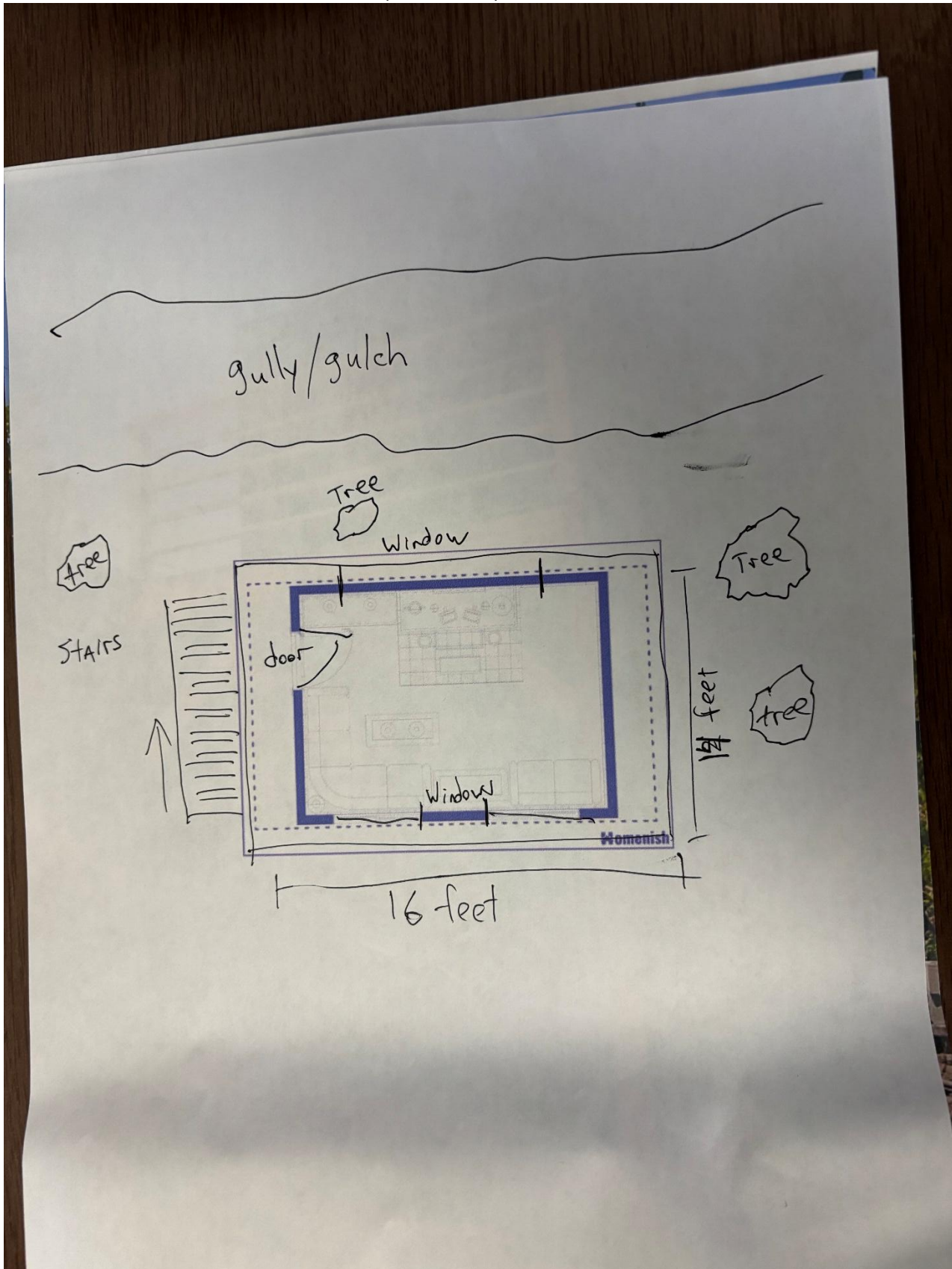


Exhibit A: Hand Drawn Sketch Plans (continued)



EXHIBITS

BOA 26.08 – 13 Echo Lane

July 20, 2026

Exhibit A: Hand Drawn Sketch Plans (continued)

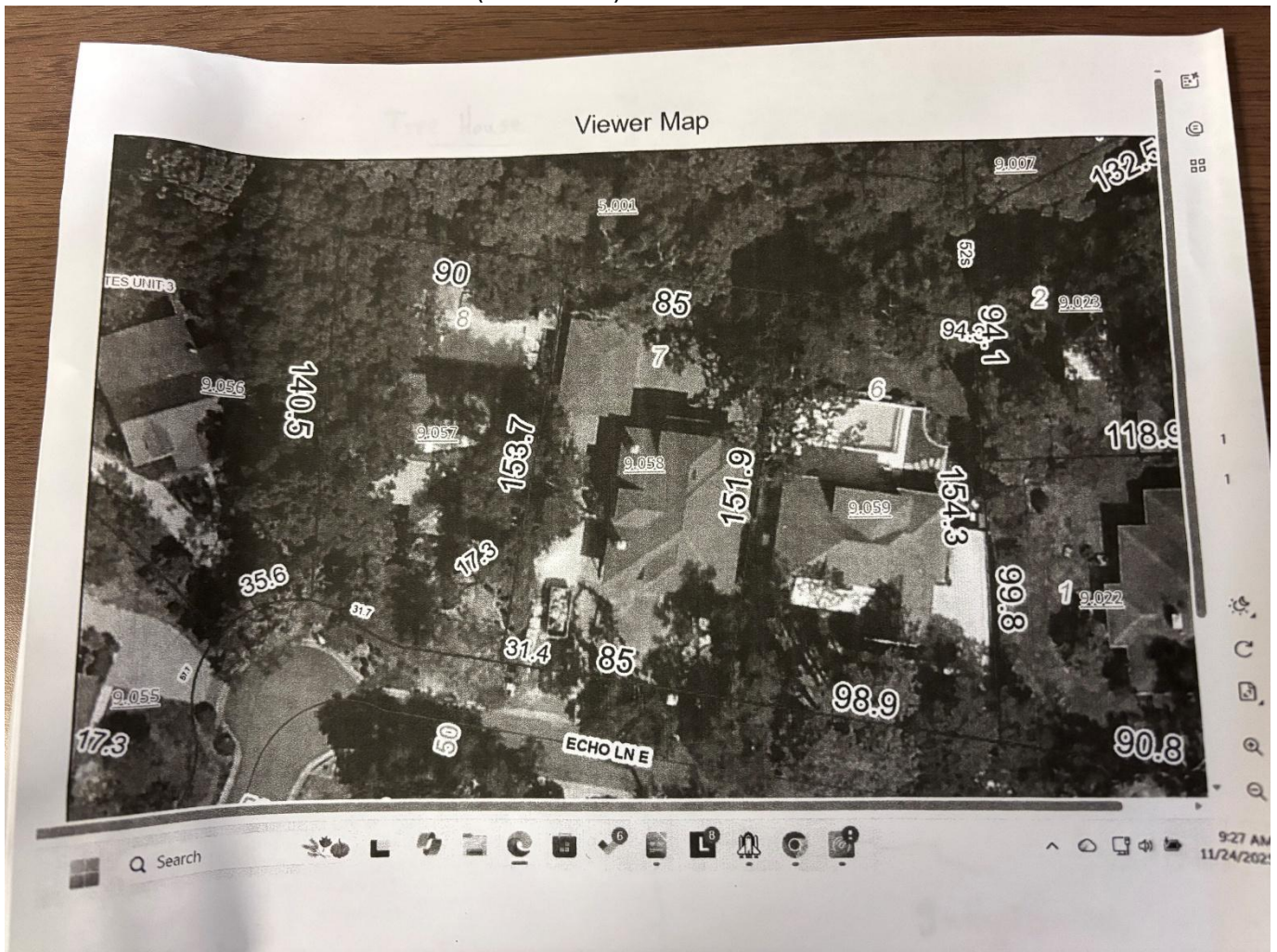


Exhibit A: Hand Drawn Sketch Plans (continued)



Exhibit B: First Plan Review Comments**PLAN REVIEW COMMENTS - Planning Department Review**

Your permit application is currently being reviewed. Please see the comments below & upload any documents or correspondence to the permit application in the Citizenserve portal:

APPLICATION INFORMATION

Permit Number: RES25-001626

Type: Shed/Accessory Building

Application Date: 12/04/2025

Address: 13 ECHO LN

Description: Treehouse or kids fort; also have assistance for part of the build

Applicant: Cary Bathrick

Plan Review Status: **Approved with Comments**

[CLICK HERE TO VIEW YOUR APPLICATION](#)

Comments:

- Any modification to the approved plans shall be revised and resubmitted to your application for review by the Planning Department.
- May not be located in any easements that may be on the property, otherwise 5ft from property lines. Accessory structures shall maintain minimum separation of 10ft from the principal structure and 5ft separation from all other accessory structures.



Exhibit C: Issued Building Permit



FAIRHOPE PERMIT

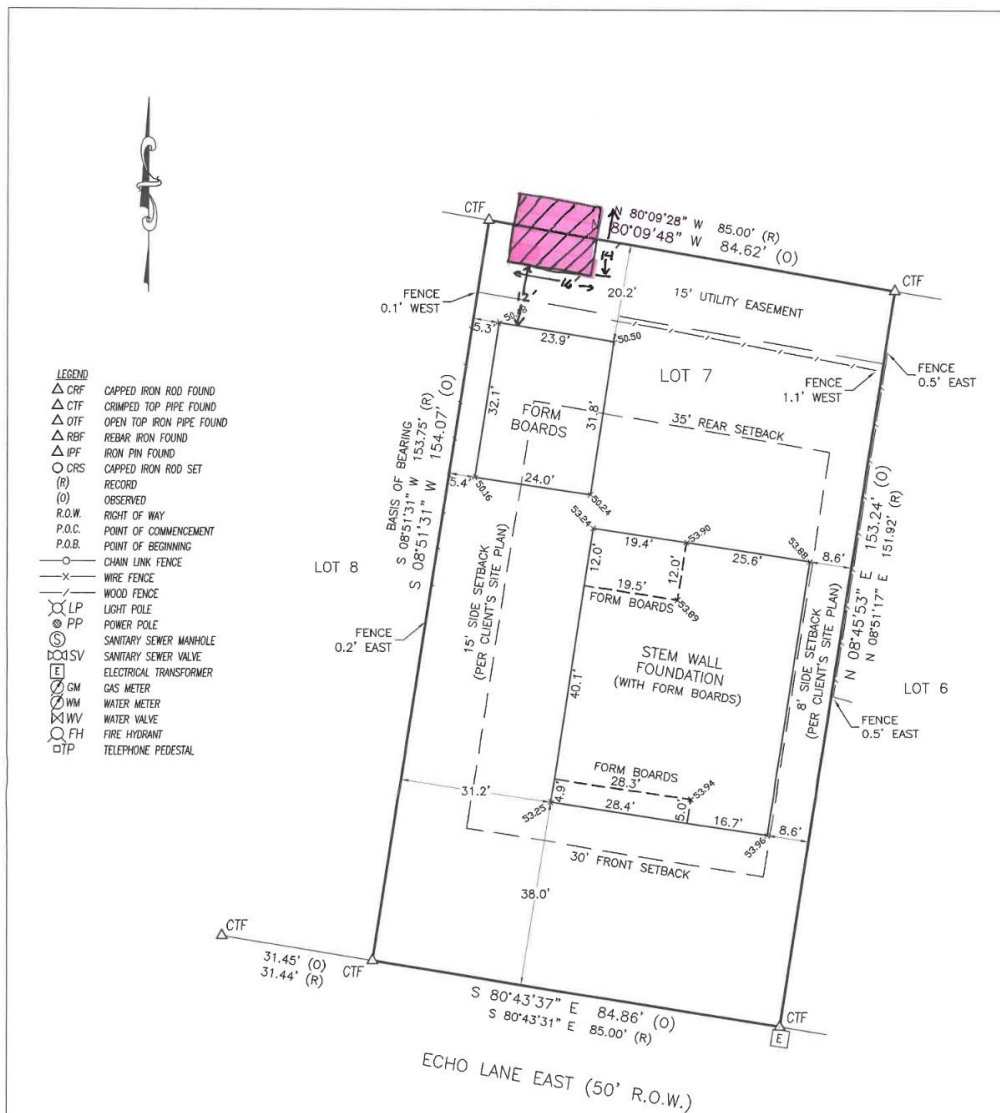
Inspections can be requested online at www.citizenserve.com/fairhope or by calling:

Building Inspections: (251) 990-0153

Gas Inspections: (251) 928-8003

Permit #:	<u>RES25-001626</u>
Project Type:	<u>Residential Project - Shed/Accessory Building</u>
Builder:	<u>Cary Bathrick</u>
Address:	<u>13 ECHO LN</u>
Subdivision:	<u></u>
Lot:	<u></u>

Exhibit D: Rough-Scaled As-Built Sketch Plan



BALDWIN COUNTY
ALABAMA

LOT 7, COVERED BRIDGE ESTATES UNIT THREE, AS RECORDED IN MAP BOOK 12, PAGE 61,
IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN
COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF
PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE,
INFORMATION, AND BELIEF.

Daniel Clark
ALABAMA LICENSE # 27720
2022.07.07 13:30:33-05'00'

NOTES:

1. TYPE OF SURVEY: FOUNDATION
2. RECORD DIMENSIONS BASED ON PLAT OF SUBDIVISION RECORDED IN MAP BOOK 12, PAGE 61, AND ALSO SLIDE 1044-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.
3. THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE OR PROVIDED BY THE CLIENT'S CONVEYANCE. SETBACK LINES ESTABLISHED BY STATUTE, ORDINANCE OR RESTRICTIVE COVENANTS ARE NOT SHOWN.
4. THIS DRAWING IS THE PROPERTY OF SMITH, CLARK & ASSOCIATES. IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON AND IS NONTRANSFERABLE TO ANY OTHER PARTY. IT MAY NOT BE USED WITHOUT PRIOR CONSENT FROM SMITH, CLARK & ASSOCIATES.
5. THIS DRAWING IS TO SCALE WHEN PRINTED ON 11X17 PAPER IN LANDSCAPE VIEW WITH NO SCALING.

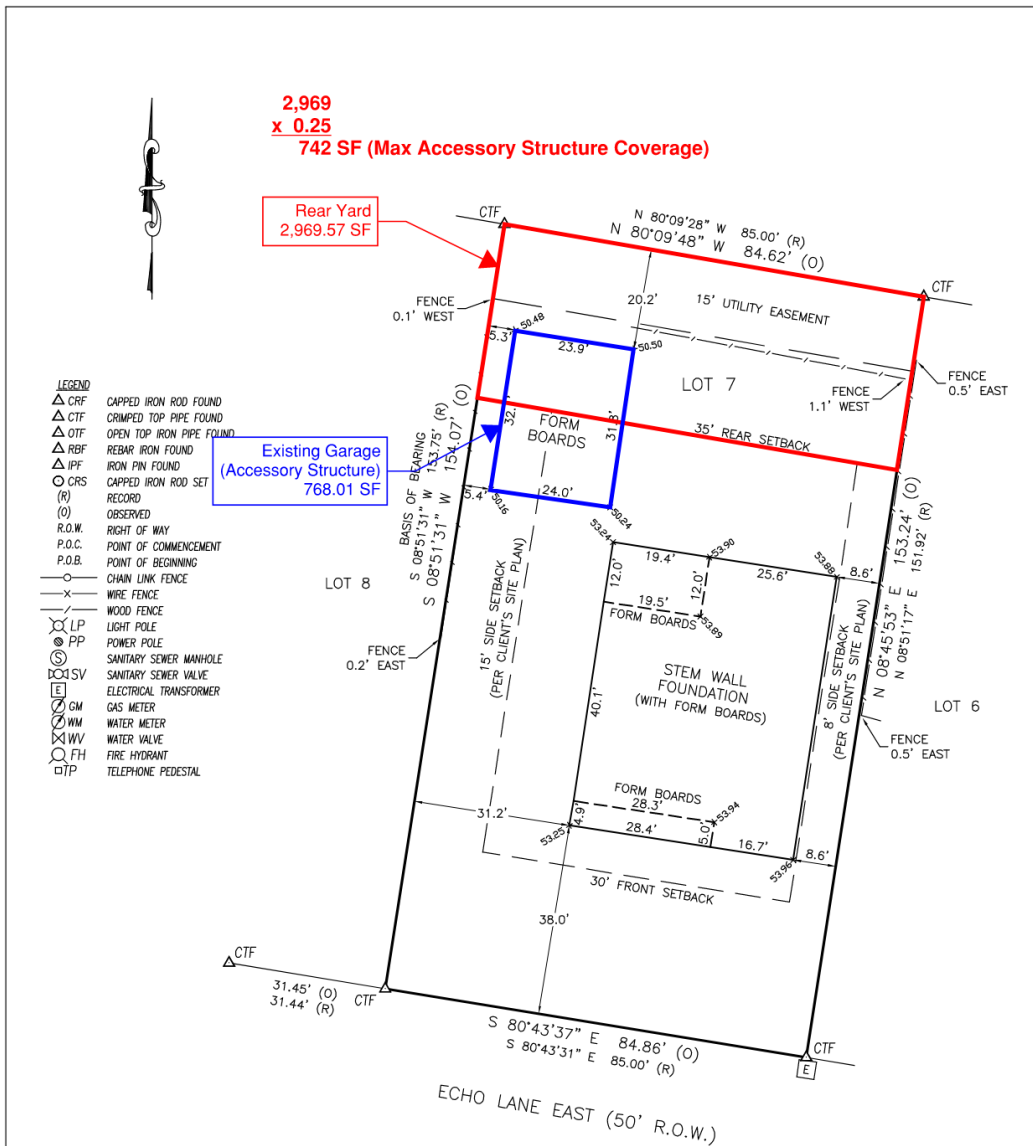
PARTY CHIEF:	DRAWN:	CHECKED:	CLIENT:
VG	BAG	DK	BAY BUILDING COMPANY
DATE:	SCALE:	TITLE:	
07/06/22	1"=20'	FOUNDATION SURVEY	
DRAWING NUMBER:	FB/PG:		
21-743	162/19		
		13 ECHO LANE FAIRHOPE, ALABAMA	

SMITH
CLARK
ASSOCIATES

Physical Address: 11112 S. Hwy 91, Suite 100, Spanish Fort, AL 36527 (205) 624-8884
Mailing Address: 11112 S. Hwy 91, Suite 100, Spanish Fort, AL 36527 (205) 624-8884

July 20, 2026

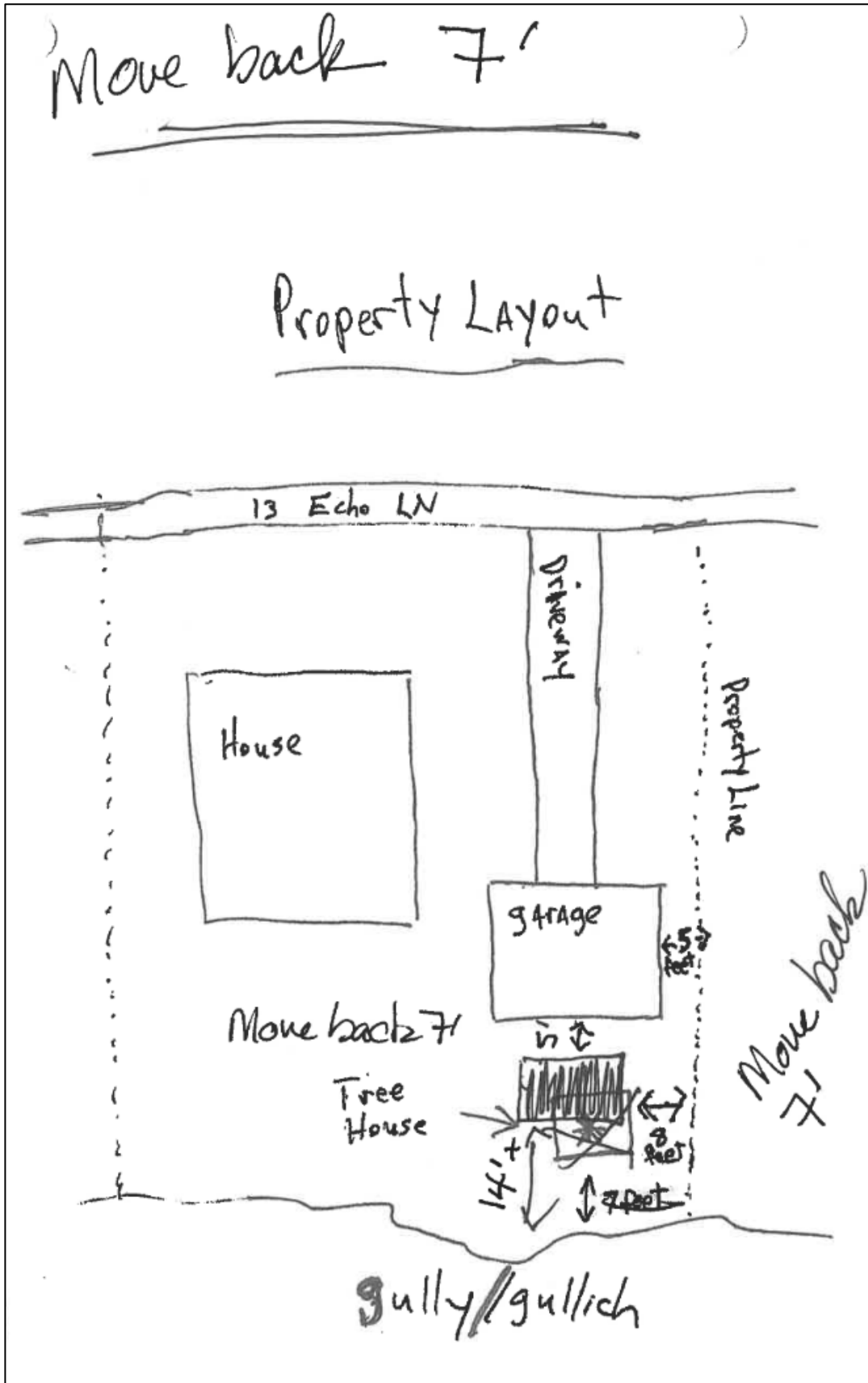
Exhibit E: Accessory Structure Maximum Coverage Calculations

BALDWIN COUNTY
ALABAMALOT 7, COVERED BRIDGE ESTATES UNIT THREE, AS RECORDED IN MAP BOOK 12, PAGE 61,
IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN
COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF
PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE,
INFORMATION, AND BELIEF.

Daniel Clark
ALABAMA LICENSE # 27720
2022.07.07 13:30:33-05'00'

PARTY CHIEF: VG	DRAWN: BAG	CHECKED: DK	CLIENT: BAY BUILDING COMPANY
DATE: 07/06/22	SCALE: 1"=20'	TITLE: FOUNDATION SURVEY 13 ECHO LANE FAIRHOPE, ALABAMA	
DRAWING NUMBER: 21-743	FB/PO: 162/19		

Exhibit F: Revised Property Layout Plan



BOA 26.08: STAFF PERMITTING & REVIEW TIMELINE

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- 12/16/2025:** Planning Staff completed their review with a status of “Approved with Comments”. Planning comments were provided to the applicant in addition to staff attaching a copy of the submitted “Property Layout plan” including the same comments (Exhibit B).
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- 01/02/2026:** Erik Cortinas notified the applicant via email that the structure was illegally built on city property and did not match the approved plans. Mr. Cortinas provided a “rough-scaled as-built” sketch plan as reference to the applicant illustrating the approximate location of the structure (Exhibit D). Thus, triggering a 2nd review and resubmittal of the permit application to be reviewed by all pertinent staff.
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- 02/20/2026:** Payton Rogers informed the applicant that the structure as proposed was non-compliant and could not be approved due to the size of the proposed structure and the fact that the existing garage, which was constructed in 2022, already exceeded the maximum coverage allowed by accessory structures on the site (Exhibit E).
- 06/08/2026:** The applicant applied for an Administrative Appeal to Planning staff challenging the February determination.



APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: ☒ Administrative Appeal ☐ Special Exception ☒ Variance

Property Owner / Leaseholder Information

Name: Frances McGowin / Cary Bathrick
 Phone Number: 334-462-2463 Street Address: 13 Echo Lane
 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.

Frances McGowin / Cary Bathrick
 Property Owner/Leaseholder Printed Name

Signature

Date

Fairhope Single Tax Corp. (If Applicable)

JUN 08 2026

JS

BoA 26.08



VARIANCE REQUEST INFORMATION

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

- | | | |
|---|---|--|
| ☐ Too Narrow | ☐ Elevation | ☐ Soil |
| ☒ Too Small | ☐ Slope | ☐ Subsurface |
| ☐ Too Shallow | ☒ Shape | ☐ Other (specify) |

Describe the indicated conditions: After Permit was issued and the building project completed $\frac{3}{4}$ of the way, we were told that the setback line to gully too small for additional roof coverage _____

How do the above indicated characteristics preclude reasonable use of your land? City is using roof coverage allocation to revoke our previously approved Permit.

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

Increased roof area coverage to accommodate our approved structure.

Tree house on stilts

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:	\$120.00	

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.

Frances McGowan / Cary Bathrick
Property Owner/Leaseholder Printed Name

Frances McGowan
Signature

6/7/26
Date

N/A
Fairhope Single Tax Corp. (If Applicable)

Frances McGowin and Cary Bathrick

Timeline for permit and variance application

1. Applied for building permit with all measurements and rough sketch on Dec. 4, 2025.
2. Received the Permit Dec. 19, 2025 to build the treehouse structure as submitted.
3. 12/30/26 Eric Cortinas inspects straps on roof of treehouse. Approved. Said we needed to move treehouse back 6' and possibly attach to garage. *We agreed.*
4. 2/20/26 Peyton Rogers sent email after inspecting. Said we exceed roof coverage of 25% because of the garage roof (which we were not asked for the garage measurements).
5. Richard Johnson (our atty) spoke to Hunter who said he had received complaints from neighbors. We found the 1 neighbor who submitted inquiry to ensure we had a Permit. (Resolved)
6. Richard spoke to Hunter again. Hunter said City attorney had instructed them to grant no variances.
7. Richard Johnson meets Chris (city atty) at 13 Echo Lane on 5/19. Chris later complicated calculations for the roof coverage setback regulation.

Why we believe a variance should be granted:

1. We were given a Permit to build the structure as submitted.
2. We built the treehouse structure ¾ of the way to fruition then called for Eric Cortinas to come and inspect the straps.
3. Eric approved the straps, bur said that we would to move the treehouse back 6 feet to comply off of easement.
4. We agreed to move the treehouse back at our expense (even though it had been approved as submitted with correct measurements), so no variance would be needed.
5. Peyton Rogers then came out Feb. 19, 2025 and sent an email the following day that we had exceeded roof coverage due to garage coverage. We were never asked to submit garage measurements nor told that this could be an issue. There is no mention anywhere in the Permit that this would be a concern. Yet they insist it be torn down and removed all at our expense although we did everything to comply with a permit.
6. The treehouse structure sits behind our garage so that we can overlook our gully and does not bother others. In fact, the treehouse acts to minimize additional erosion of

land that is washing into the gully since the posts, drainage system, additional soil, wall, and plantings (which we researched) provide a barrier for additional erosion.













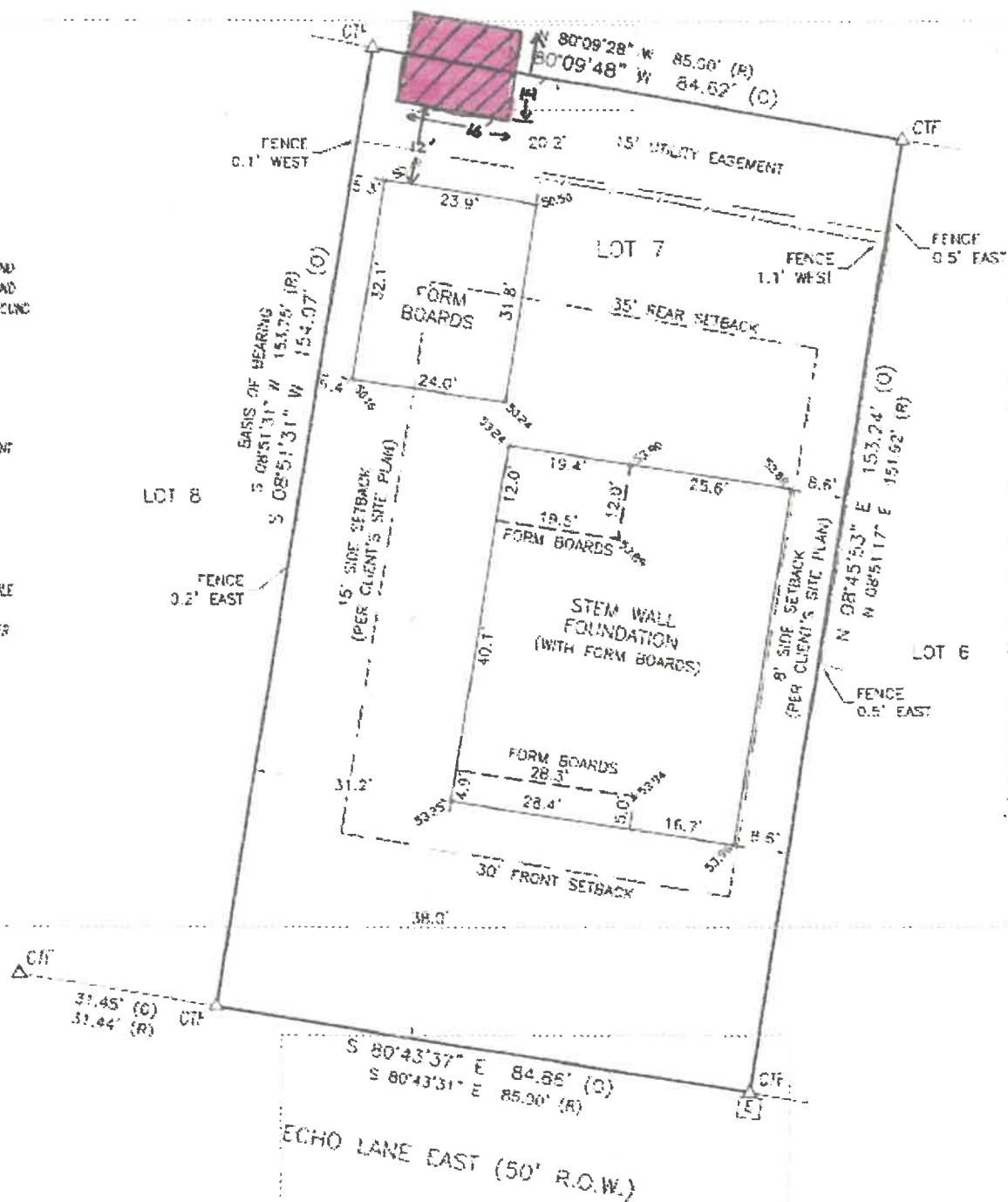




Viewer Map



- LEGEND:
- △ CTF CAPPED IRON ROD FOUND
 - △ CTF CRIMPED TOP PIPE FOUND
 - △ CTF OPEN TOP IRON PIPE FOUND
 - △ RIM REBAR IRON FOUND
 - △ RM IRON RM FOUND
 - CBS CAPPED IRON ROD SET
 - (R) RECORD
 - (O) OBSERVED
 - R.O.W. RIGHT OF WAY
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - CHAIN LINK FENCE
 - WIRE FENCE
 - WOOD FENCE
 - LP LIGHT POLE
 - FP POWER POLE
 - SSV SANITARY SEWER MANHOLE
 - SV SANITARY SEWER VALVE
 - ET ELECTRICAL TRANSFORMER
 - GM GAS METER
 - WM WATER METER
 - WV WATER VALVE
 - FM FIRE HYDRANT
 - TP TELEPHONE PEDestal



From: kelly.brady@fairhopeal.gov
Sent: 12/16/2025 - 09:23 AM
To: carybathrick1@gmail.com, hernandezgama300@yahoo.com
CC:
Subject: Plan Review Comments (Individual)

Attachments:  
IMG_6263 with markups.pdf

PLAN REVIEW COMMENTS - Planning Department Review

Your permit application is currently being reviewed. Please see the comments below.

Please upload any documents or correspondence to the permit application to the citizenserve portal.

RES25-001626

Type: Shed/Accessory Building
Application Date: 12/04/2025
Address: 13 ECHO LN
Description: Treehouse or kids fort; also have assistance for part of the build
Applicant: Cary Bathrick
Plan Review Status: **Approved with Comments**

[CLICK HERE TO VIEW YOUR APPLICATION](#)

Comments:

- Any modification to the approved plans shall be revised and resubmitted to your application for review by the Planning Department.
 - May not be located in any easements that may be on the property, otherwise 5ft from property lines. Accessory structures shall maintain minimum separation of 10ft from the principal structure and 5ft separation from all other accessory structures.
-

McGawin + Bathrick

From: erikc@fairhopeal.gov
Sent: 12/19/2025 - 08:13 AM
To: carybathrick1@gmail.com, hernandezgama300@yahoo.com
CC:
Subject: Plan Review Comments (Individual)

Attachments:
Wood Frame Construction Manual 130mph.pdf

PLAN REVIEW COMMENTS - Building Code Review (Structural)

Your permit application is currently being reviewed. Please see the comments below.

Please upload any documents or correspondence to the permit application to the citizenserve portal.

RES25-001626

Type: Shed/Accessory Building
Application Date: 12/04/2025
Address: 13 ECHO LN
Description: Treehouse or kids fort; also have assistance for part of the build
Applicant: Cary Bathrick
Plan Review Status: **Approved with Comments**

[CLICK HERE TO VIEW YOUR APPLICATION](#)

Comments:

- use the framing and strapping details in the attached Wood Frame Construction Manual for high wind areas.
 - call for framing and strapping inspection before concealing any straps or connectors
-



McGowin/Bathrick

Erik Cortinas

to Hunter, Payton, me

Fri, Jan 2, 1:23 PM (4 days ago)

Mr. Bathrick,

I was able to find the foundation survey from when the home was built and scaled off the new structure on that survey. The building is 14' x 16', and is located 12'-4" from the back of the detached garage. If my approx. scale is correct on the drawing, the building is about 6' over the rear property line built onto the City property. As such, the placement is illegal and does not meet the required setbacks or the site plan that was submitted with the permit application, and is over the property line and cannot stay where it is located. I'm not sure if your contractor laid the foundation posts out for you, but someone pulled an incorrect measurement. We will be happy to discuss where on the property you might be able to build a structure, but what has been built is illegal and will unfortunately have to be removed.

I'm really sorry this has occurred, but it would have been brought up at the framing inspection once everything was built if we had not found it now. You should not have the engineer come out so you are not spending the money for an inspection for something that will have to be rebuilt/relocated.

Please feel free to call or email me if you have any questions, I will be happy to help in any way I can.

Respectfully,

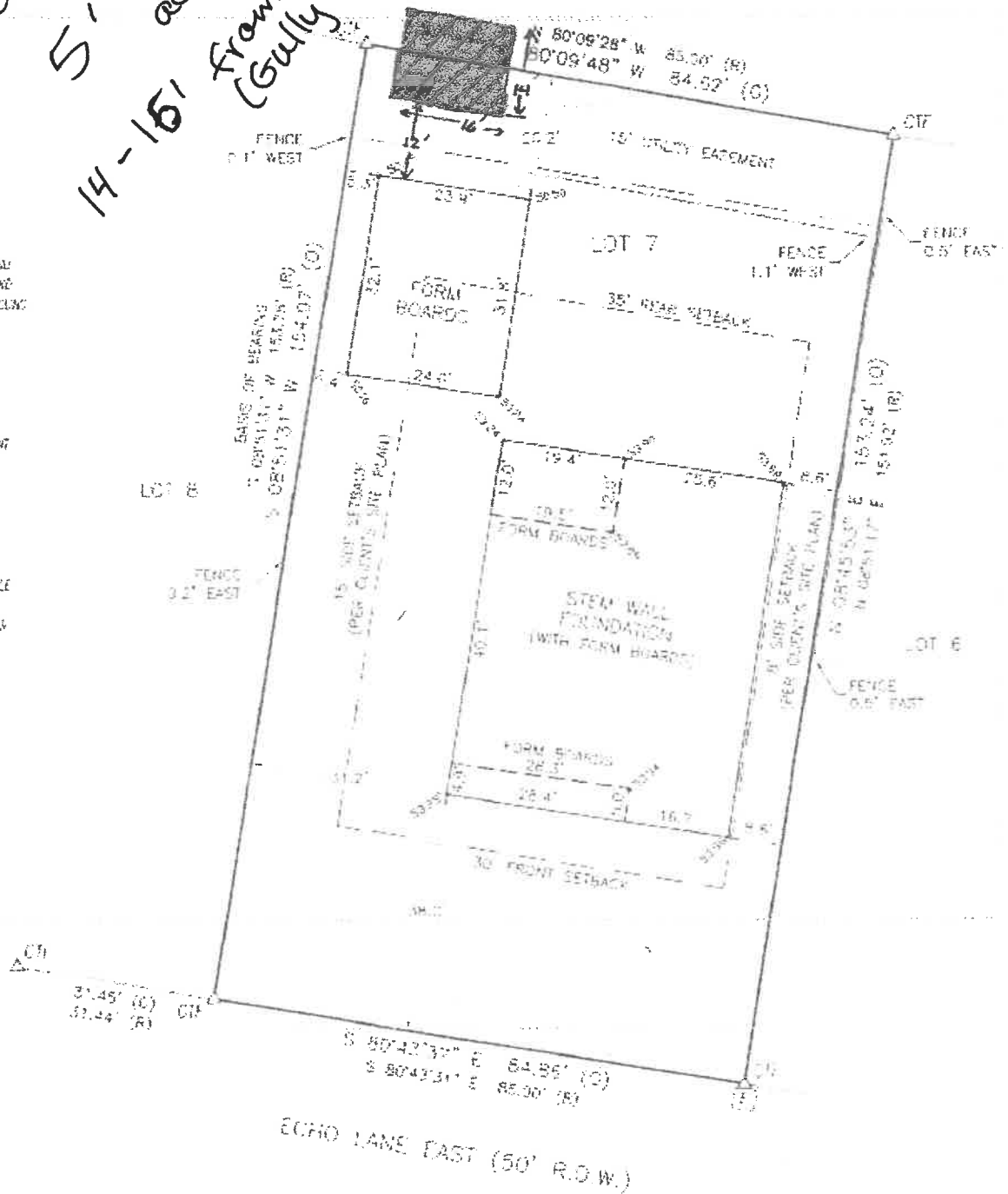


Erik Cortinas, CBO, CFM, LEED AP
Building Official / Floodplain Administrator

Phone: 251-990-0141
erikc@fairhopeal.gov

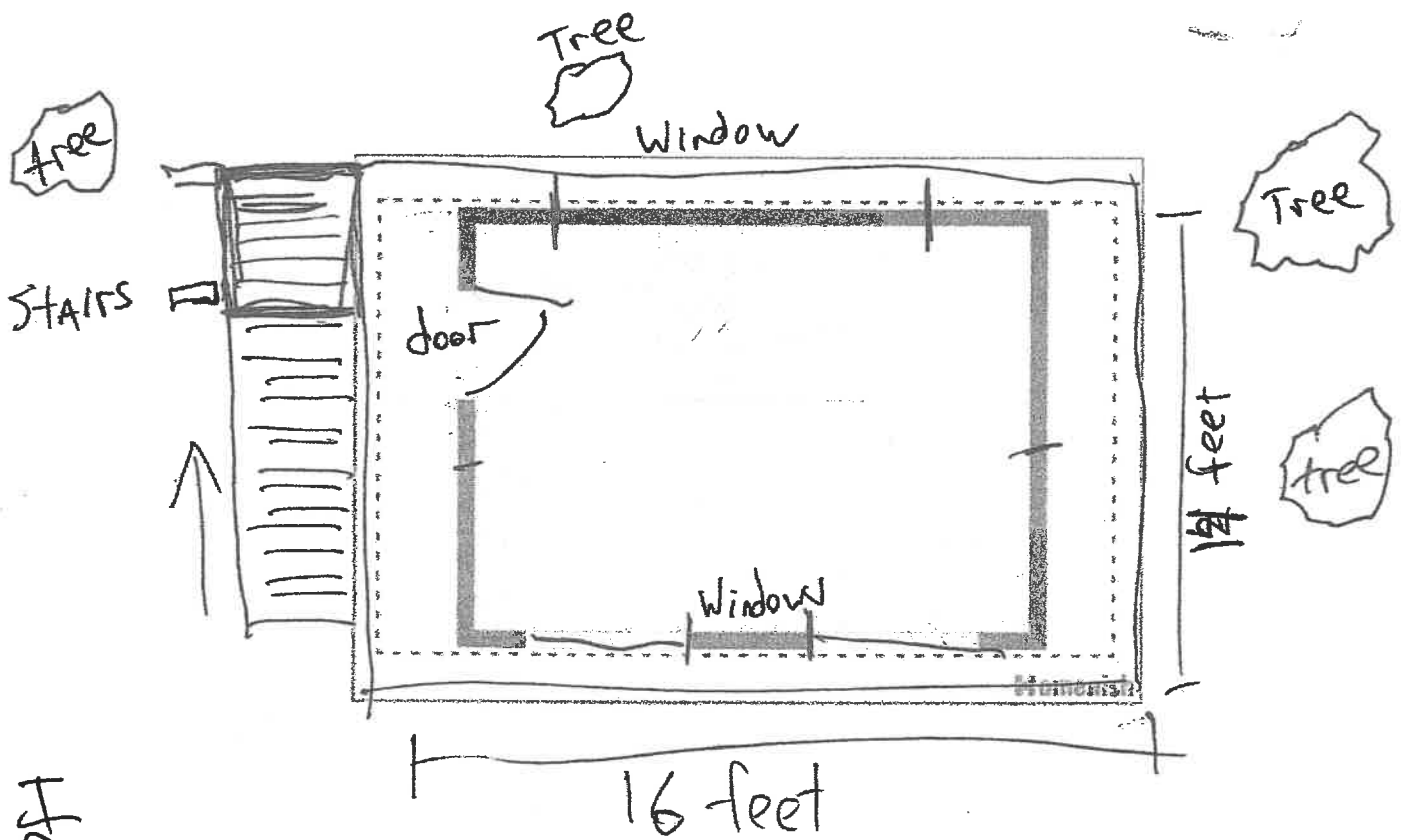
PO Box 429
(555 S. Section St)
Fairhope, AL 36533 (36532)

RECORD
 Δ CRYD CAPPS FROM FIVE FOUND
 Δ CRYD CAPPED TEN FIVE FOUND
 Δ CRYD GAVE UP OVER TEN FOUND
 Δ CRYD CESSAR FROM FOUND
 Δ CRYD FROM FIVE FOUND
 ○ CRYD CAPPED FROM FIVE SET
 (B) RECORD
 (C) OBSERVED
 FROM POINT OF NO
 FROM POINT OF COMMENCEMENT
 FROM POINT OF BEGINNING
 ○ FROM DAWN THE TIME
 FROM AND PLACE
 FROM AND TIME
 FROM LAST FIVE
 FROM POWER FIVE
 FROM SANITARY WATER MANGLE
 FROM SANITARY WATER VALVE
 FROM ELECTRICAL TRANSFORMER
 FROM ONE WIRE
 FROM ALICE WIRE
 FROM WATER VALVE
 FROM FIVE WIRE
 FROM ELECTRICAL CEMENTAL



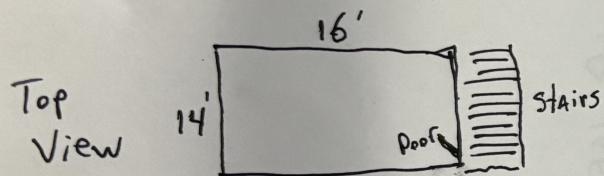
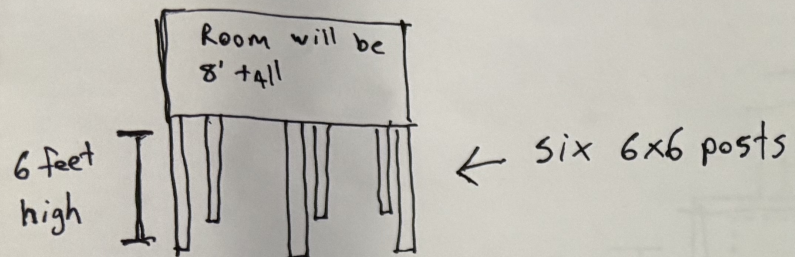
Frances McGowan
Cary Bethune

gully/gulch

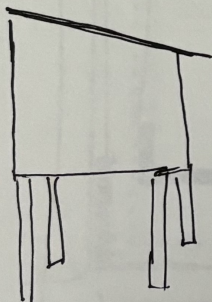


Home of
Frances McSwain's Lady Bathrick

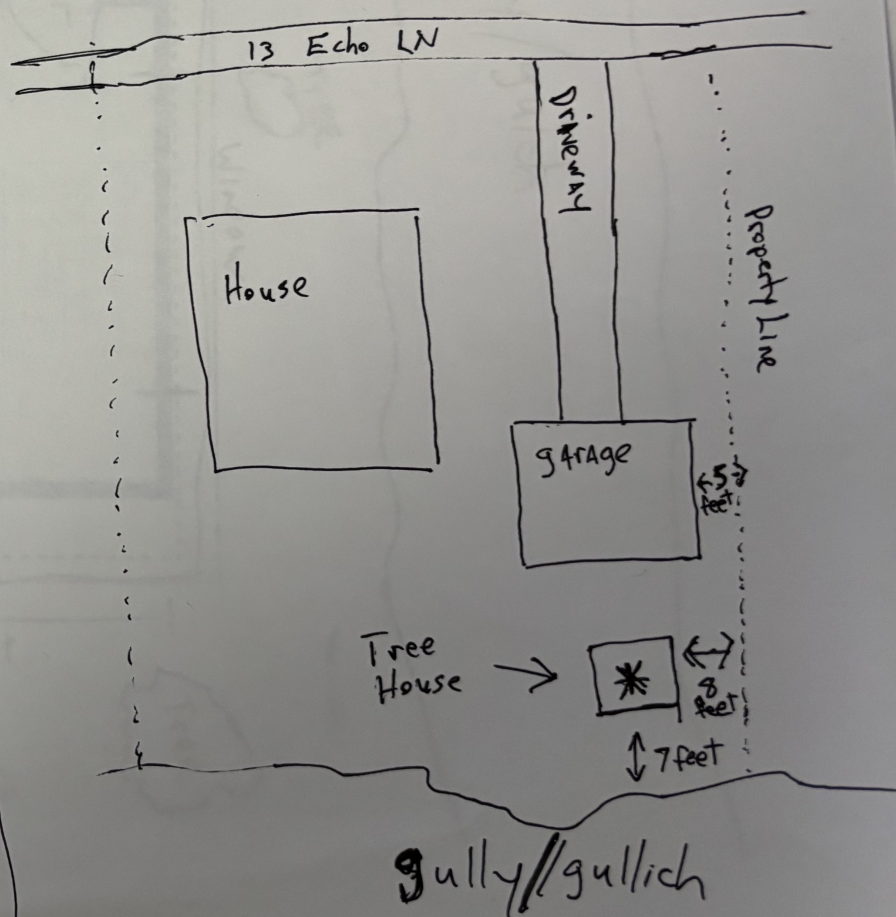
Tree House



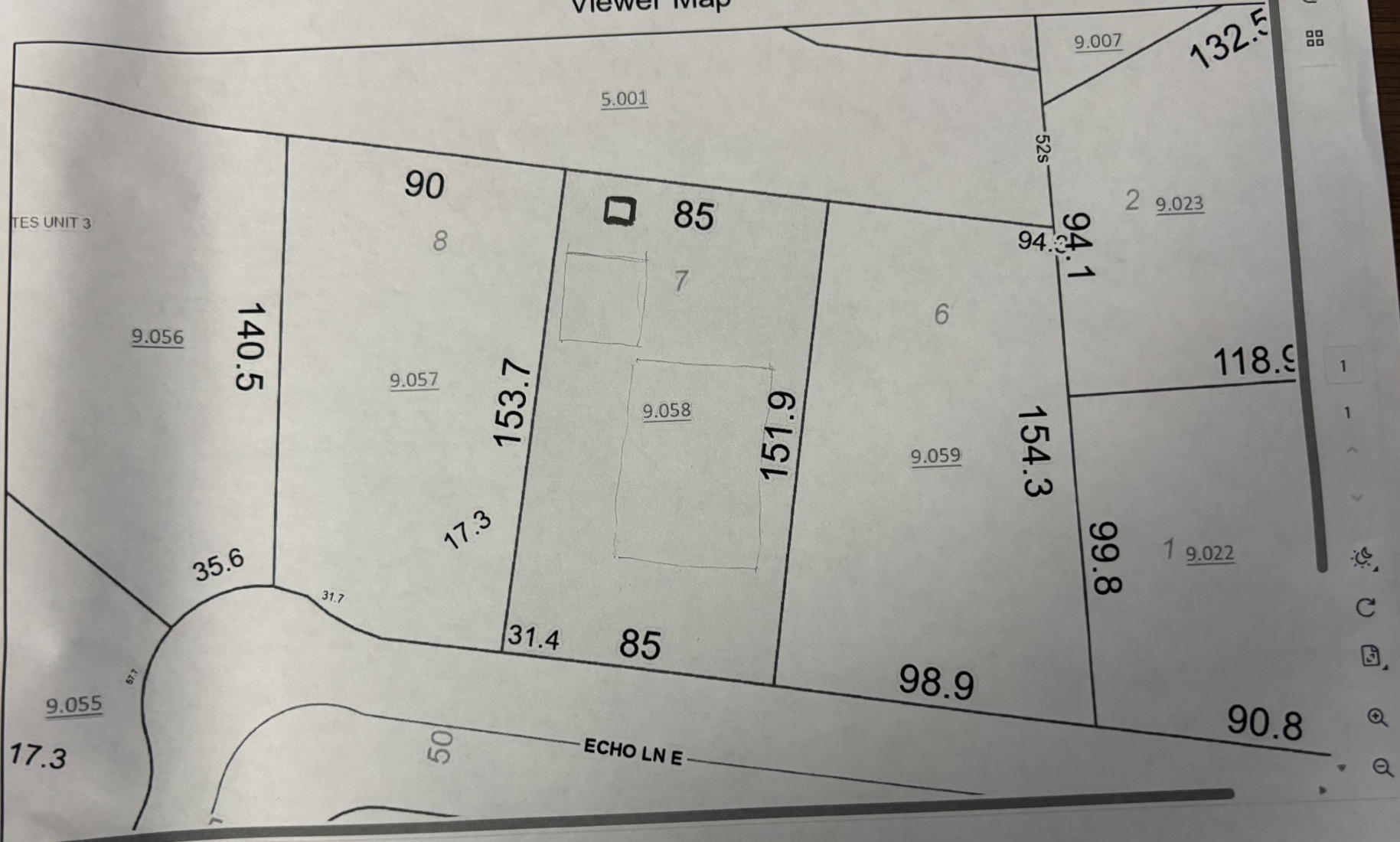
* Roof will be tin and slant from back to front.



Property Layout



Viewer Map



gully/gulch

Tree

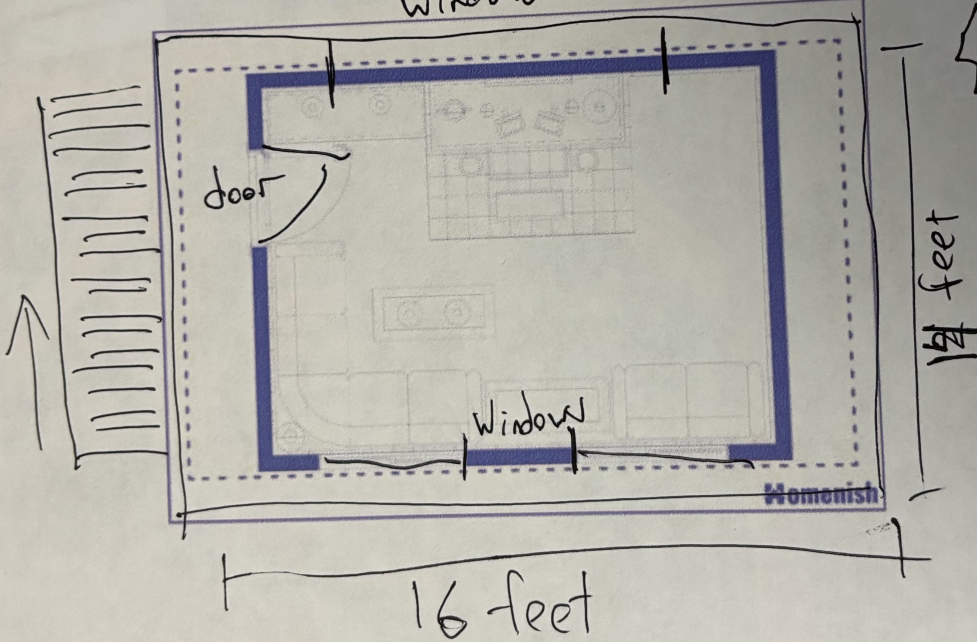
STAIRS

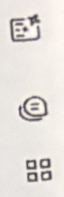
Tree

Window

Tree

tree







PLAN REVIEW COMMENTS - Planning Department Review

Your permit application is currently being reviewed. Please see the comments below & upload any documents or correspondence to the permit application in the Citizenserve portal:

APPLICATION INFORMATION

Permit Number: RES25-001626

Type: Shed/Accessory Building

Application Date: 12/04/2025

Address: 13 ECHO LN

Description: Treehouse or kids fort; also have assistance for part of the build

Applicant: Cary Bathrick

Plan Review Status: **Approved with Comments**

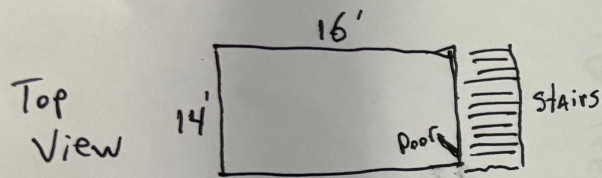
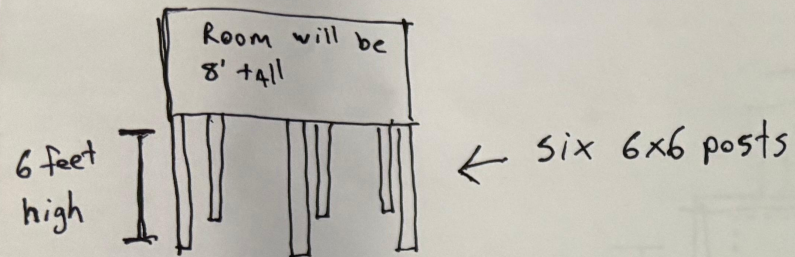
[CLICK HERE TO VIEW YOUR APPLICATION](#)

Comments:

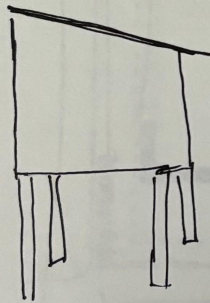
- Any modification to the approved plans shall be revised and resubmitted to your application for review by the Planning Department.
- May not be located in any easements that may be on the property, otherwise 5ft from property lines. Accessory structures shall maintain minimum separation of 10ft from the principal structure and 5ft separation from all other accessory structures.



Tree House



* Roof will be tin and slant from back to front.



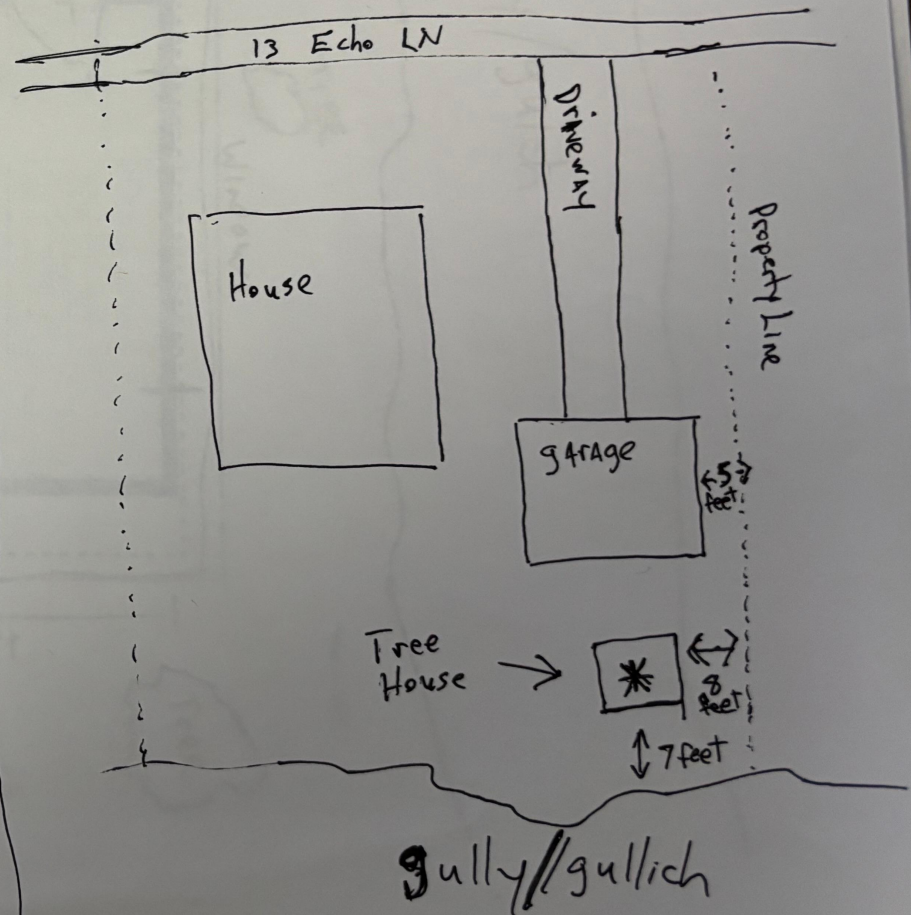
1.1

May not be located in any easements that may be on the property, otherwise 5ft from property lines. Accessory structures shall maintain minimum separation of 10ft from the principal structure and 5ft separation from all other accessory structures.

1.2

Any modification to the approved plans shall be revised and resubmitted to your application for review by the Planning Department.

Property Layout





FAIRHOPE PERMIT

Inspections can be requested online at www.citizenserve.com/fairhope or by calling:

Building Inspections: (251) 990-0153

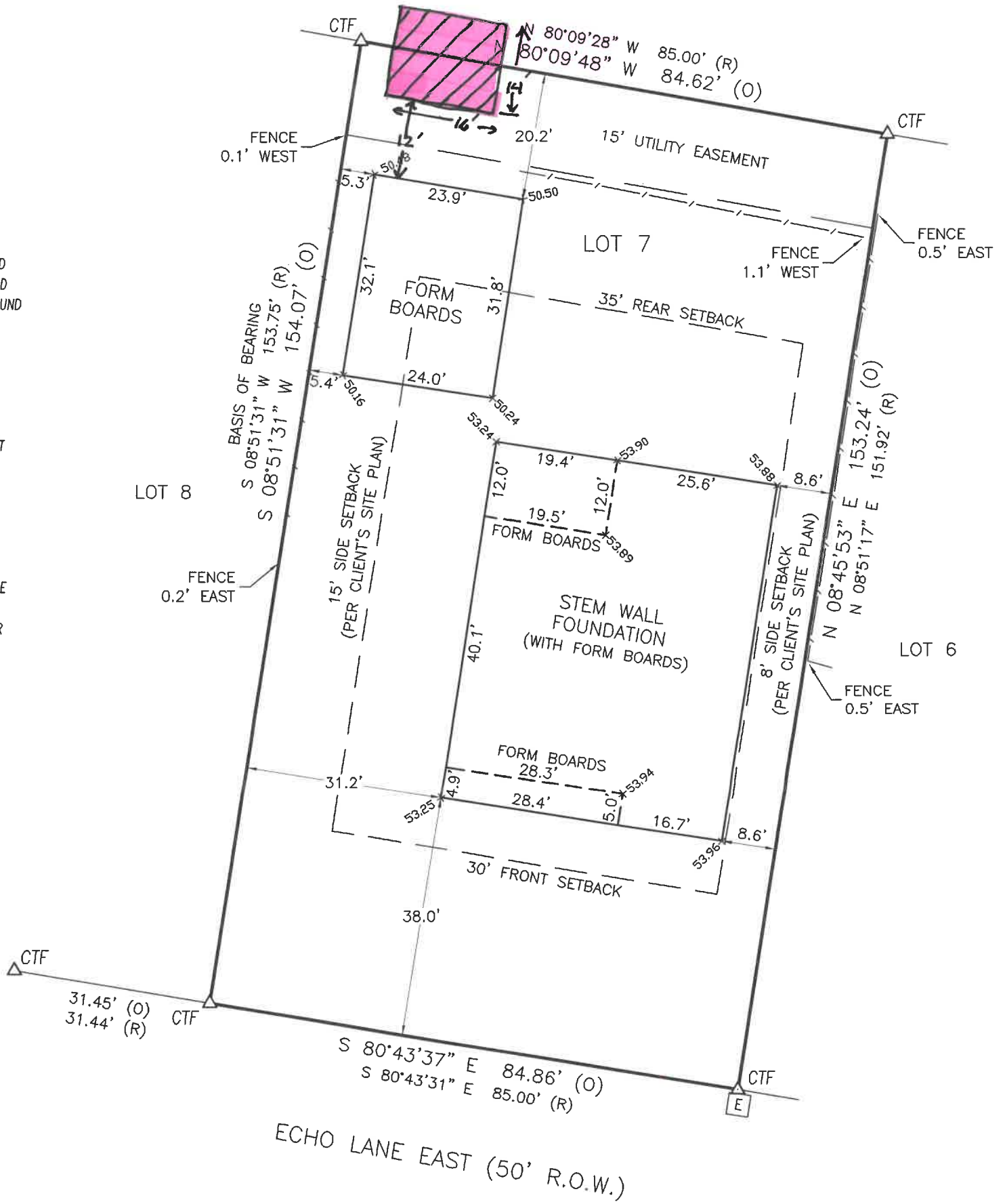
Gas Inspections: (251) 928-8003

Permit #:	RES25-001626
Project Type:	Residential Project - Shed/Accessory Building
Builder:	Cary Bathrick
Address:	13 ECHO LN
Subdivision:	
Lot:	



LEGEND

- △ CRF CAPPED IRON ROD FOUND
- △ CTF CRIMPED TOP PIPE FOUND
- △ OTF OPEN TOP IRON PIPE FOUND
- △ RBF REBAR IRON FOUND
- △ IPF IRON PIN FOUND
- CRS CAPPED IRON ROD SET
- (R) RECORD
- (O) OBSERVED
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- ⊙ PP POWER POLE
- ⊙ S SANITARY SEWER MANHOLE
- ⊙ SV SANITARY SEWER VALVE
- ⊙ E ELECTRICAL TRANSFORMER
- ⊙ GM GAS METER
- ⊙ WM WATER METER
- ⊙ WV WATER VALVE
- ⊙ FH FIRE HYDRANT
- ⊙ TP TELEPHONE PEDESTAL



BALDWIN COUNTY
ALABAMA

LOT 7, COVERED BRIDGE ESTATES UNIT THREE, AS RECORDED IN MAP BOOK 12, PAGE 61,
IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

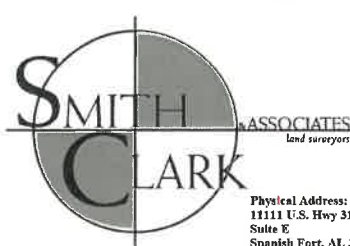
I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN
COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF
PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE,
INFORMATION, AND BELIEF.

Daniel Clark
ALABAMA LICENSE # 27720
2022.07.07 13:30:33-05'00'

NOTES:

1. TYPE OF SURVEY: FOUNDATION
2. RECORD DIMENSIONS BASED ON PLAT OF SUBDIVISION RECORDED IN MAP BOOK 12, PAGE 61, AND ALSO SLIDE 1044-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.
3. THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE OR PROVIDED BY THE CLIENT'S CONVEYANCE, SETBACK LINES ESTABLISHED BY STATUTE, ORDINANCE OR RESTRICTIVE COVENANTS ARE NOT SHOWN.
4. THIS DRAWING IS THE PROPERTY OF SMITH, CLARK & ASSOCIATES. IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON AND IS NONTRANSFERABLE TO ANY OTHER PARTY, IT MAY NOT BE USED WITHOUT PRIOR CONSENT FROM SMITH, CLARK & ASSOCIATES.
5. THIS DRAWING IS TO SCALE WHEN PRINTED ON 11X17 PAPER IN LANDSCAPE VIEW WITH NO SCALING.

PARTY CHIEF: VG		DRAWN: BAG		CHECKED: DK		CLIENT: BAY BUILDING COMPANY	
DATE: 07/06/22		SCALE: 1"=20'		TITLE: FOUNDATION SURVEY 13 ECHO LANE FAIRHOPE, ALABAMA			
DRAWING NUMBER: 21-743		FB/PG: 162/19					

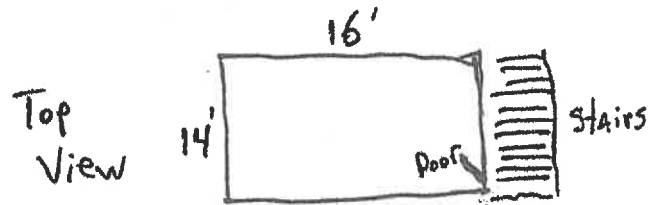
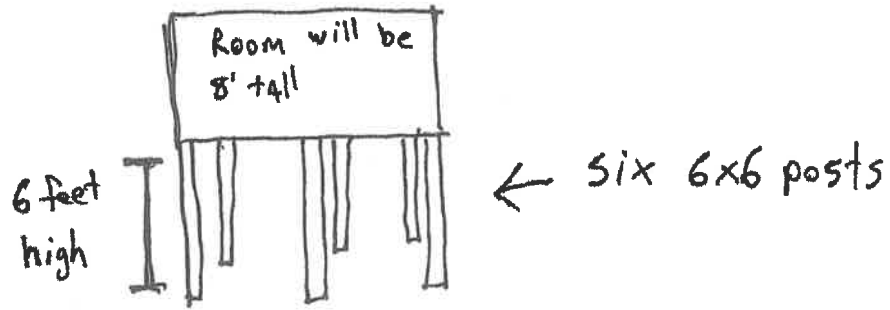


Physical Address:
11111 U.S. Hwy 31
Suite E
Spanish Fort, AL 36527
(251) 626-0404

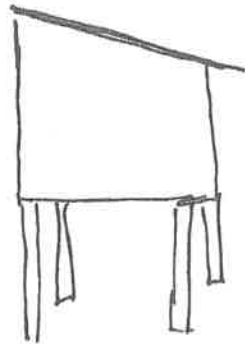
Mailing Address:
30941 Mill Lane
Suite G, Box 258
Spanish Fort, AL 36527



Tree House



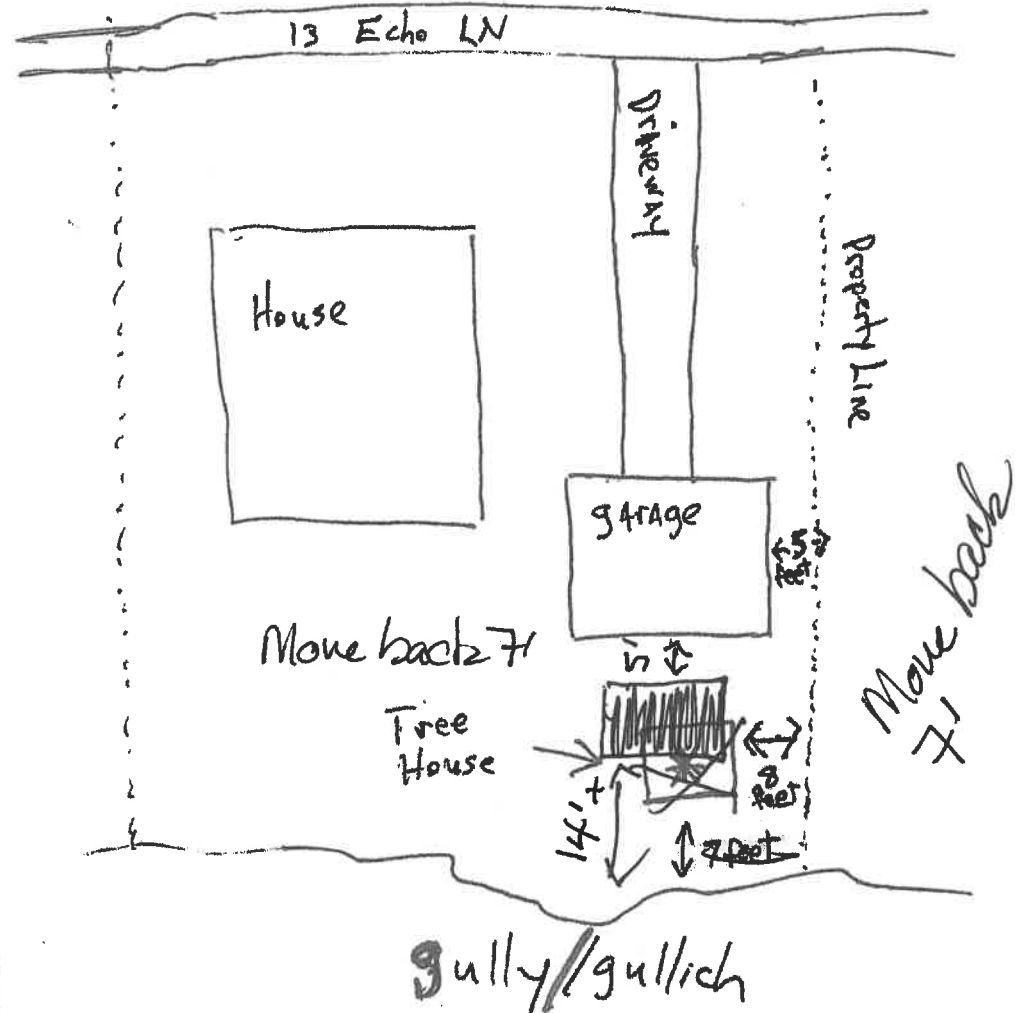
* Roof will be tin and slant from back to front.



House of
Frances McGowin + Cary Bathrick

Move back 7'

Property Layout



To the City of Fairhope Board of Adjustments

Re:

BOA 26.08

Address; 13 Echo Lane

PPIN#: 74444

As residents of 9 Echo Lane for 23 years, my husband, Frederick Ingraham and I both have no concern with allowing an Accessory Structure on the property of 13 Echo Lane. **BUT, we have concern with PLACEMENT of the structure (being called a ‘tree house’ on the initial permit) on the property of 13 Echo Lane.**

1) **15’ drainage and utility easement.**

- a) Those of us with property running along the Tatumville Gully all have a 15 foot drainage and utility easement for which we cannot build within that area. The existing structure in question (that has been partially built and stalled) clearly has been built inside the easement.
- b) To allow building within this area on one property is opening this up to allowing other properties to do so. The easement is in place to protect the sensitivity of our vital gully. *No variance should be given within the 15 foot easement.*
- c) The due diligence consultation of a property survey would have shown the 15’ easement and I was surprised that the initial permit was issued for this placement of the 16’ x 20’ Tree House.

2) **Tatumville Gully and vital importance to our city.**

- a) This structure has been built atop a severely undercut and compromised peninsula on the gully side of their property, with some of the posts appearing to be within approximately 6 feet of the gully overhang. (see attached photos).
- b) The gully is under much pressure with the growth of our city and the volume and speed with which drainage passes through. There have been walls of sloughing directly by their property, and as mentioned before, the existing building has been partially placed atop an undercut piece of ground. Living aside this gully for 23 years we have seen vast and alarming changes which without a doubt will be further and speedily perpetuated by this placement of the building and possibly others alike, should this be allowed.
- c) In the event of a failure of this building (without a doubt into the gully), the result will be disastrous for those both upstream and downstream for the flow and redirection of water, not to mention any debris, further compromising other properties, and ultimately the vital function of the gully. Who will be held

responsible for cleanup, gully wall reinforcement, ecological damages – private property owners, the City of Fairhope, government grants? I feel certain that just the placement of the current posts for the tree house immediately put additional and unnecessary stress on the undercut peninsula.

My husband and I have no objection to an accessory building being placed on 13 Echo Lane property *so long as it falls within the existing zoning requirement of a 15' drainage and utility easement and any other existing building ordinances. Because rules and ordinances are to be followed and because this rule/ordinance is written to protect our vital gully, we cannot support any variance if it is structured to allow this Accessory Structure (initially named a tree house) to be placed any closer to the back property line than as current zoning allows – 15' from the back property line.*

Thank you for your consideration in our concern for the development and protection of our neighborhood on Echo Lane and understanding the extreme importance that our gully's play in the function of our lovely city.

Cordially,

Harriet King Ingraham
9 Echo Lane
Fairhope, AL 36532

cc: Frederick D Ingraham jr.













David and Libby Hackney
15 Echo Lane
Fairhope, AL
843-327-6084
hackneyd@bellsouth.net

RE: 13 Echo Lane/BOA 26.08/PPIN# 74444

July 9, 2026

To the City of Fairhope Planning and Zoning,

We are writing in response to the City's notice requesting comments regarding the proposed treehouse structure on the neighboring property.

Our primary concern is not with the homeowner, but with the approval process itself. We believe it was unfair to both the homeowner and the surrounding neighbors for the project to have been approved without more careful consideration of the unique characteristics and environmental sensitivity of this property. The property in question has experienced ongoing erosion issues since the home and garage were constructed. Given the lot's history and its vulnerability to erosion, we believe any additional structure or disturbance should be carefully evaluated to ensure it does not further compromise the stability of the property and surrounding areas.

Our homes are located along one of Fairhope's fragile gullies, an area that is particularly vulnerable to erosion and land disturbance. The neighboring lot is already heavily developed with a large residence, garage and other improvements. We understand that the structure currently under construction extends outside the easement and is located only a few feet from the edge of the gully.

While we recognize that one option under consideration may be to relocate the structure farther away from the gully, we want to be clear that we do not believe that moving it elsewhere on the lot addresses the underlying issue. Adding another permanent structure—regardless of its exact location—continues to increase the intensity of development on land that is already vulnerable to erosion.

In addition, while a structure may initially be approved as a “treehouse,” it is not uncommon for such structures to be enclosed or expanded over time, increasing their size use and impact on the property and surrounding areas. The question should not be where the structure is placed, but whether another structure should be permitted on this property at all.

We also question whether a current property survey was required and reviewed before this project was approved. Given the proximity of the structure to the easement and the gully, a survey would seem to be an essential part of verifying property boundaries, easements, setbacks, and compliance with applicable regulations. If a survey was not required, we respectfully request an explanation as to why.

Our comments are intended not only to address this project, but also to encourage the City to establish a thoughtful precedent for future development within Fairhope’s unique and fragile gully system.

Thank you for the opportunity to provide comments. We respectfully request that this letter be included as part of the official record during the City’s review of this matter.

Sincerely,

David and Libby Hackney