

The Board of Adjustments met Monday, November 20, 2023, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Anil Vira, Chairman; Cathy Slagle, Vice-Chair; Frank Lamia; Donna Cook; Ryan Baker; Mike Jeffries, Development Services Manager; Michelle Melton, City Planner; and Cindy Beaudreau, Planning Clerk.

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

Approval of Minutes

Cathy Slagle made a motion to approve the minutes from the October 16, 2023, meeting.

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

Aye: Chairman Vira, Cathy Slagle, Frank Lamia, Donna Cook, and Ryan Baker.

Nay: None.

BOA 23.12 Public hearing to consider the request of the Owner, Utilities Board of the City of Foley dba Riviera Utilities, for a Special Exception – Use on Appeal – to build a substation on property located east of North Station Drive and south of Gayfer Road Extension. The property is approximately 1.74 acres. **PPIN#: 14972**

Michelle Melton, City Planner, presented the request of the Owner, Utilities Board of the City of Foley dba Riviera Utilities, for a Special Exception – Use on Appeal – to build a substation on property located east of North Station Drive and south of Gayfer Road Extension. Ms. Melton shared the zoning and aerial maps along with the proposed layout. The applicant states that the site was chosen because of its relation to the existing transmission line located along Gayfer Road Extension. The new site will allow Riviera to shed load off two other electrical substations and allow for additional capacity around the AL Hwy 104 and 181 locations. There are no wetlands on the property and the subject property is already devoid of any trees; thus, neither a tree survey nor a tree protection plan is necessary. The applicant has provided a 10' landscape buffer which will screen the subject property from the directly adjacent incompatible uses.

Recommendation:

Staff recommends approval of Case BOA 23.12.

Scott Sligh, Riviera Utilities, reiterated what Ms. Melton shared, specifically their need for capacity due to growth.

Donna Cook asked if most of the lines were underground. Mr. Sligh responded that coming out of the substation, they will be underground. The existing line runs from County Road 13 behind Majors Run, crosses 181 near the Resner property, comes down Blueberry, hits Gayfer and goes in a straight line all the way to Silverhill. Mr. Sligh continued that their board has enacted a policy that anything new be placed underground.

Cathy Slagle asked where the western limit or border where Riviera goes, and Fairhope Utilities begins. Mr. Sligh stated that they will feed from the Animal Clinic on 181 just south of Vance Cabinets then feed from there north and west along Mosley Road. When you get to Majors Run, that will be Fairhope again. When you get north on County Road 13, that's Baldwin EMC and south of the intersection to the Marathon Gas Station, Riviera picks up there all the way to Barnwell.

Mr. Jeffries stated that with the different electrical territories, there is not a distinct, clear, or easy way to explain where the separations exist. Every project that is reviewed, no matter which board it goes in front of, the applicant is required to provide a utility availability letter to ensure that staff has all the appropriate utilities responsible for servicing any new development or application that is received.

Ryan Baker stated that is it unusual for another utility to be placing a substation on City of Fairhope property. Mr. Sligh agreed.

Frank Llamia asked how many properties were notified of this project. Mr. Jeffries stated that properties within 300' of the project were notified and staff received no comment letters in response.

Ms. Slagle asked what is south of this property. Mr. Sligh stated that there is a wooded lot south of the project with a house.

Mr. Baker asked, if this item is approved, what is the next step. Mr. Jeffries replied that Riviera would submit for building permits. Mr. Jeffries stated that the property was recently annexed into the City of Fairhope.

Ms. Slagle asked if this has advantages for the City of Fairhope and why did the City annex it. Mr. Jeffries explained that this will allow the properties adjacent to this property to annex into the City also. Mr. Sligh added that Riviera wants to work with Fairhope and that was the plan when the property was purchased. When the law changed and the lines changed, the property ended up in the County, but it was always the plan to permit this project with the City of Fairhope.

Chairman Vira opened the public hearing at 5:11pm.

Bryan Flowers, alternate Board of Adjustments member, asked what the timeline from construction to completion would be. Mr. Sligh responded that he would like to start the site work immediately, but he is unable to get the major pieces of equipment until July 2024. Mr. Sligh stated that, realistically, the project would be complete near November 2024.

The public hearing was closed at 5:12pm.

Motion:

Donna Cook made a motion to approve BOA 23.12.

Cathy Slagle seconded the motion and the motion carried unanimously with the following vote:

Aye: Chairman Vira, Cathy Slagle, Frank Lamia, Donna Cook, and Ryan Baker.
Nay: None.

Old/New Business

Mr. Vira asked if there was a December meeting. Mr. Jeffries stated no and that staff will notify them if there is a meeting in January.

Adjournment

Cathy Slagle made a motion to adjourn.

The motion carried unanimously with the following vote:

Aye: Chairman Vira, Cathy Slagle, Frank Lamia, Donna Cook, and Ryan Baker.
Nay: None.

Adjourned at 5:13 p.m.


Anil Vira, Chairman


Cindy Beaudreau, Secretary