

The Board of Adjustments met Monday, March 18, 2024, 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; Hunter Simmons, Planning and Zoning Director; Michelle Melton, City Planner; and Cindy Beaudreau, Planning Clerk.

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

Approval of Minutes

Ryan Baker made a motion to approve the minutes from the November 20, 2023, meeting.

Cathy Slagle 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 24.02 Public hearing to consider the request of the Applicant, Laura Ashleigh Strickland d/b/a Insight Counseling, LLC, on behalf of the Owner, FST and Don E. Mason, for a Use Not Provided For – to operate a Professional Medical Office on property zoned as a PUD – Planned Unit Development. The property is approximately 0.78 acres and is located at 19973 State Highway 181, Suite B-4. **PPIN#: 262315**

Michelle Melton, City Planner, explained the request. The subject property is part of the Moorehaven Village PUD which provides the following as a use: “only 7 duplex residential structure and 2 B-4 business and professional buildings shall be allowed”. Ms. Melton explained the intentions of B-4 zoning and the definition of a “professional office” per the Fairhope Zoning Ordinance.

Recommendation:

Staff recommends approval of Case BOA 24.02.

Hunter Simmons, Planning and Zoning Director, explained all medical uses fall under the definition of a clinic, but some uses are not clear whether they should be “professional office” or “clinic”. To address these uses, Amendments can be made to the Zoning Ordinance or staff can bring each case to the Board of Adjustments for consideration. Mr. Simmons asked for guidance on how to handle similar future cases.

Cathy Slagle asked if one is dependent on another. Mr. Simmons stated without amendments, Board decisions can set a precedent.

Ryan Baker asked what defines this as medical versus non-medical. If it is a counseling office, how is that a medical office? What about church counseling, which would obviously not be a medical office. Mr. Baker continued that if this individual is not prescribing medications, then it is more of a business office.

Mr. Lamia and Mr. Simmons discussed that volume of patients and extended hours are oftentimes used to make distinctions between medical offices and professional offices. Mr. Lamia stated that specific criteria for each application should be considered.

Mr. Simmons stated that the criteria could be drawn a little clearer about what can come to Board of Adjustments or amend the Zoning Ordinance to allow this use by right.

Ms. Slagle stated that she prefers to review each case to see where each fits in. Mr. Simmons listed a few of the previous cases and stated that staff will continue to bring these types of cases to the Board of Adjustments for review.

Donna Cook asked if this could be approved with conditions on volume. Mr. Simmons stated that the square footage is already there. If building permits come in and more units are added, then the case would be brought back to the Board of Adjustments and does not think that conditions are necessary on this specific case.

Ashleigh Strickland explained that what she does would not be considered medical. If there was something more serious, she would do a referral and continued that she would not be writing prescriptions. Ms. Strickland shared where she did her internship and at most, they would see between four and six patients a day. That is the volume she expects at her business.

Mr. Lamia asked if she would work Monday through Friday. Ms. Strickland agreed that those would be her days and if she received after hour calls, she would refer them to the hospital.

Chairman Vira opened the public hearing at 5:19pm. Having no one present to speak, the public hearing was closed at 5:19pm.

Motion:

Frank Lamia made a motion to approve BOA 24.02.

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 an April meeting. Mr. Simmons stated that there is one case for April, if the required paperwork is received in time.

Adjournment

Cathy Slagle made a motion to adjourn.

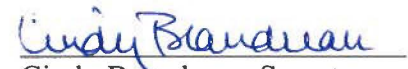
The motion carried unanimously with the following vote:

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

Nay: None.

Adjourned at 5:21p.m.


Anil Vira, Chairman


Cindy Beaudreau, Secretary