



**City of Fairhope
Board of Adjustments Agenda
5:00 PM
Council Chambers
May 20, 2024**

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
 - April 15, 2024
3. Consideration of Agenda Items

A. BOA 24.03 Public hearing to consider the request of the Owner, Harold Thompson, for a 10' front setback variance. The property is located south of Mosley Road and east of Pecan Ridge Boulevard. The property is approximately 0.44 acres. **PPIN#: 270303**

B. BOA 24.04 Public hearing to consider the request of the Owner, Harold Thompson, for a 10' front setback variance. The property is located on the southeast corner of Mosley Road and Pecan Ridge Boulevard. The property is approximately 0.44 acres. **PPIN#: 270304**

4. Old/New Business
5. Adjourn

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax

www.fairhopeal.gov

Printed on recycled paper

The Board of Adjustments met Monday, April 15, 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; Ryan Baker; 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 5:00 PM.

Approval of Minutes

Ryan Baker made a motion to approve the minutes from the March 18, 2024, meeting.

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

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

Nay: None.

BOA 24.01 Public hearing to consider the request of the Applicant, Cartiology LLC, on behalf of the Owner, Fairhope Avenue Partners LLC, for a Special Exception – Use on Appeal – to display carts for outside sales on property located at 506 Fairhope Avenue. The property is approximately 0.2 acres. **PPIN#: 15136**

Mike Jeffries, Development Services Manager, explained the request. Ms. Jeffries explained the intentions of B-2 zoning and that outdoor sales it not allowable by right, but only by special exception approval per the Fairhope Zoning Ordinance. The use is allowed “only on appeal and subject to special conditions”. The applicant is requesting the ability to display no more than three carts outside for sale in front of the building in a designated location during the hours of Monday through Friday from 10am to 5pm and Saturday from 10am to 2pm. An area of concrete needs to be removed for this project to become compliant with the Tree Ordinance.

Recommendation:

Staff recommends approval of Case BOA 24.01 with the following conditions:

1. Outdoor sales shall be limited to a maximum of three carts displayed at one time inside the designated area.
2. Carts are displayed only during normal business hours.
 - a. Monday – Friday 10am-5pm
 - b. Saturday 10am-2pm
3. The area reserved for display shall have concrete pavers and be bordered with a picket fence to be between 2 ½’ and 4’ tall.
4. Remove area of concrete adjacent to the ROW mimicking the other side of the shared drive.
5. Add landscaping along the front and side property in accordance with the Tree Ordinance to be approved by the City Horticulture Supervisor.

Anil Vira asked if the fence were 4' tall, would you still be able to see the carts. Mr. Jeffries explained that the fence must be between 2 ½' and 4' so it does not have to be 4'.

Ryan Baker asked why the limit was for only three carts when others in town have more. Mr. Jeffries answered that the applicant provided that number. Mr. Baker asked how we could control that. Mr. Jeffries replied that it was tied to their business license.

Cathy Slagle asked if three were approved for the Delamar property and how many were approved for that property. Mr. Jeffries stated that he did not recall there being a maximum on the Delamar property. Mr. Baker stated that he has seen six on that property along with other types of vehicles.

Mr. Baker asked if the fence was suggested by the applicant. Mr. Jeffries replied that the Tree Ordinance requires a buffer between vehicle use area. Staff asked the applicant to provide something that would designate the area as a display area and not for parking or storage.

Ms. Slagle stated that she drove by and there were two carts parked there on the concrete and asked how that will change with three more in the grass area. Mr. Jeffries explained that the business license was for cart sales and staff noticed that there were carts on display. The business license will be changed for the outside limited sales. The applicant will have to abide by the decision of the Board of Adjustments.

Ben Waugh, Cartiology, stated that they are working to make the area look good and appealing for sales. That is why they chose the fence with low plants. Mr. Waugh stated that he could probably fit four carts. Alton, White Spinner, stated that the landlord does not want to cut out the concrete. He considers the concrete an asset for parking during events. Mr. Lamia asked where customers park now. Alton stated that customers park between the buildings. Mr. Baker asked if there was ADA parking in the bank. Alton stated yes. Bryan Flowers asked if the fence was a requirement. Mr. Jeffries stated that the Tree Ordinance requires a 10' landscape buffer across the front which is why the bank cut out their concrete in the front along with landscaping. The landscaping was either not installed or it was put in and it died. Mr. Jeffries explained that there is not a requirement to have the fence but installing the fence would help not make the area a 10' area that could not be used, but rather to make it a display area.

Mr. Baker asked the applicant if they wanted four carts. The applicant stated yes. Alton explained that they would love to allow this display but reiterated that he does not want to cut out the concrete. Mr. Lamia stated that area would give them more display area. Mr. Waugh asked if AstroTurf could be used to cover that concrete area rather than removing it. Mr. Jeffries stated that staff would not support Astro Turf on top of the concrete. Staff is requesting the concrete be removed and replaced with grass.

Chairman Vira opened the public hearing at 5:25pm. Having no one present to speak, the public hearing was closed at 5:25pm.

Mr. Jeffries stated that if the building stay as is, they will not be required to remove the concrete.

Motion:

Frank Lamia made a motion to approve BOA 24.01 with staff recommendations.

Mr. Vira and Mr. Baker asked if he was revising the number of carts. Mr. Lamia and Ms. Slagle both agreed that the applicant asked for three and that was what they agreed to.

Cathy Slagle seconded the motion.

Mr. Baker asked if the motion could be revised to be four carts.

There was more discussion about the number of carts.

Frank Lamia revised his motion to include revising the first condition to four carts rather than three.

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

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

Nay: None.

Old/New Business

Mr. Vira asked if there was a May meeting. Mr. Jeffries stated that there are two cases for May.

Adjournment

Cathy Slagle made a motion to adjourn.

The motion carried unanimously with the following vote:

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

Nay: None.

Adjourned at 5:30p.m.

Anil Vira, Chairman

Cindy Beaudreau, Secretary

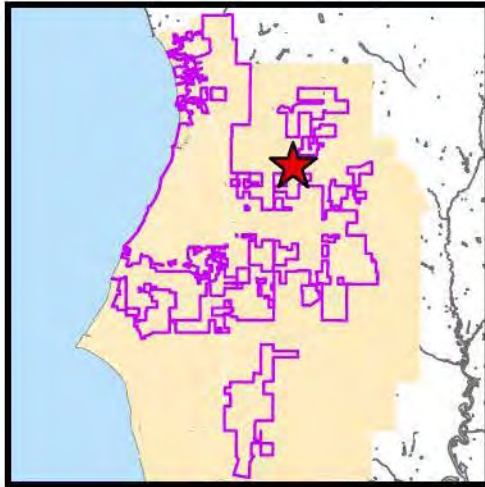
City of Fairhope

Board of Adjustments

May 20, 2024



BOA 24.03 - Harold Thompson Property, Front Setback Variance



Project Name:

Harold Thompson Property Front Setback Variance

Site Data:

0.44 acres

Project Type:

10' Front Setback Variance

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

R-2

PPIN Number:

270303

General Location:

East side of Pecan Ridge Blvd, South of Mosley Road

Surveyor of Record:

N/A

Engineer of Record:

N/A

Owner / Developer:

Harold Thompson

School District:

Fairhope Elementary School
Fairhope Middle and High Schools

Recommendation:

Denial

Prepared by:

Michelle Melton





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: ☐ Administrative Appeal ☐ Special Exception ☒ Variance

Property Owner / Leaseholder Information

Name: Harold Thompson Phone Number: 251-596-5812
 Street Address: 9325 Clayton Rd Etb
 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.

Harold Thompson
 Property Owner/Leaseholder Printed Name

4-2-24
 Date

Harold Thompson
 Signature

Fairhope Single Tax Corp. (If Applicable)



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:

Depth of lot with 35' front and rear setbacks only allow for ~~40~~^{around 36'} deep house

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

With current setbacks a 40' deep house would be right on the ditch in the rear of the lot
Designing and more importantly, selling a house with a ditch right out the back door
will be difficult

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

Reduce front setback from 35' to 25'

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	

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.

Harold Thompson
Property Owner / Leaseholder Printed Name

Harold Thompson
Signature

4-2-24
Date

Fairhope Single Tax Corp. (If Applicable)

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.

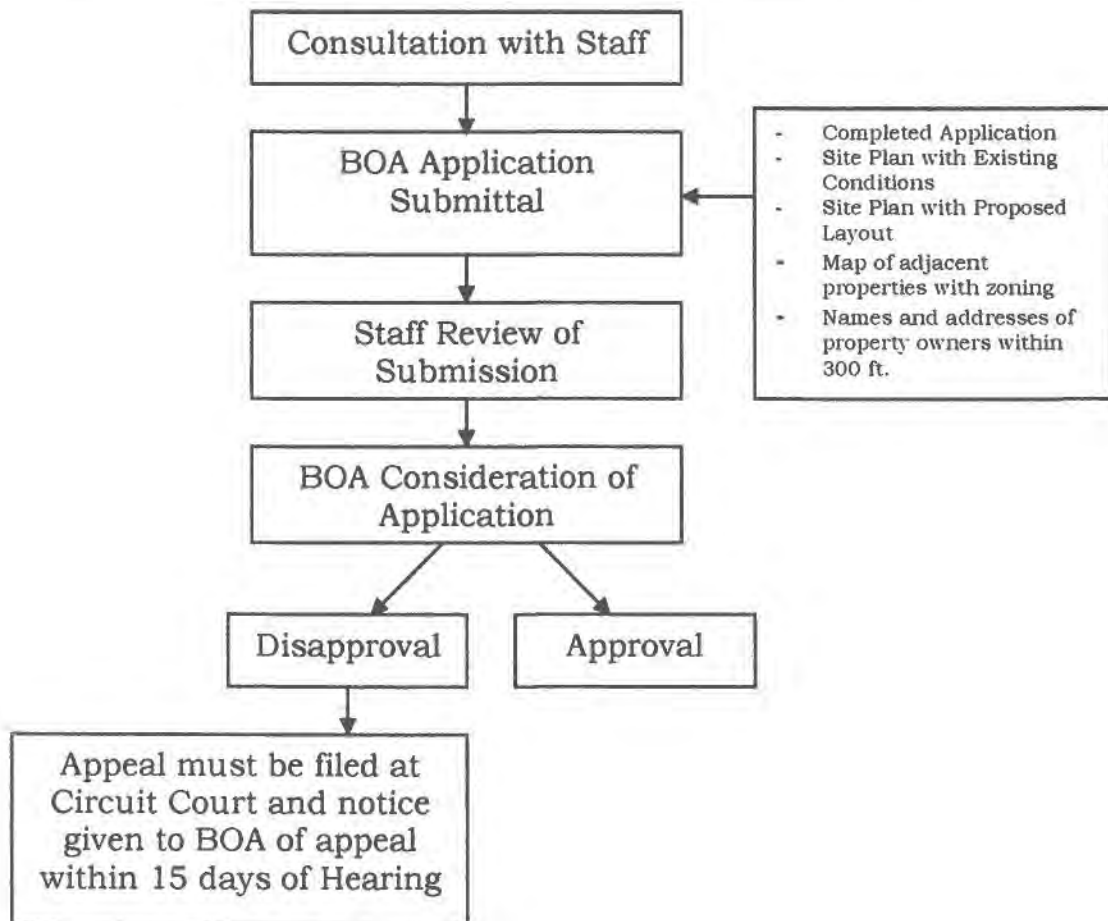
Approval of the request requires 4 of the 5 members of the BOA to vote in favor. A simple majority does not pass.

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



Summary of Request:

The Applicant, Harold Thompson, on behalf of Belgrove Estates, Inc., is requesting a 10' front setback variance for the principle structure to build further away from a drainage easement making building and selling a house less difficult. Building setback line to setback line a dwelling would be set 10' from the platted 25' drainage easement. Currently, a 40' deep house could be built. The variance as requested would allow for a dwelling to be placed further from the drainage easement or allow for the construction of a 50' deep house. The subject property is zoned R-2. The subject property is part of the Pecan Ridge Subdivision that was finalized in July 2002 and revised in 2004. The required front setback per the recorded plat on Slide 2218-C is 35'.

**K. BUILDING SETBACKS SHALL CONFORM TO CURRENT ZONING IN EFFECT AT THE TIME OF PERMITTING OR AS SHOWN HEREON WHICHEVER IS MORE STRINGENT.
FRONT BUILDING SETBACK - 35 FEET OR AS SHOWN HEREON
REAR BUILDING SETBACK - 35 FEET
SIDE BUILDING SETBACK - 10 FEET OR 15 FEET IF A DRIVEWAY IS ON ONE SIDE WITH A 3 FOOT PLANTING STRIP ALONG THAT LOT LINE**

Figure 1. Excerpt from Pecan Ridge Subdivision Final Plat.

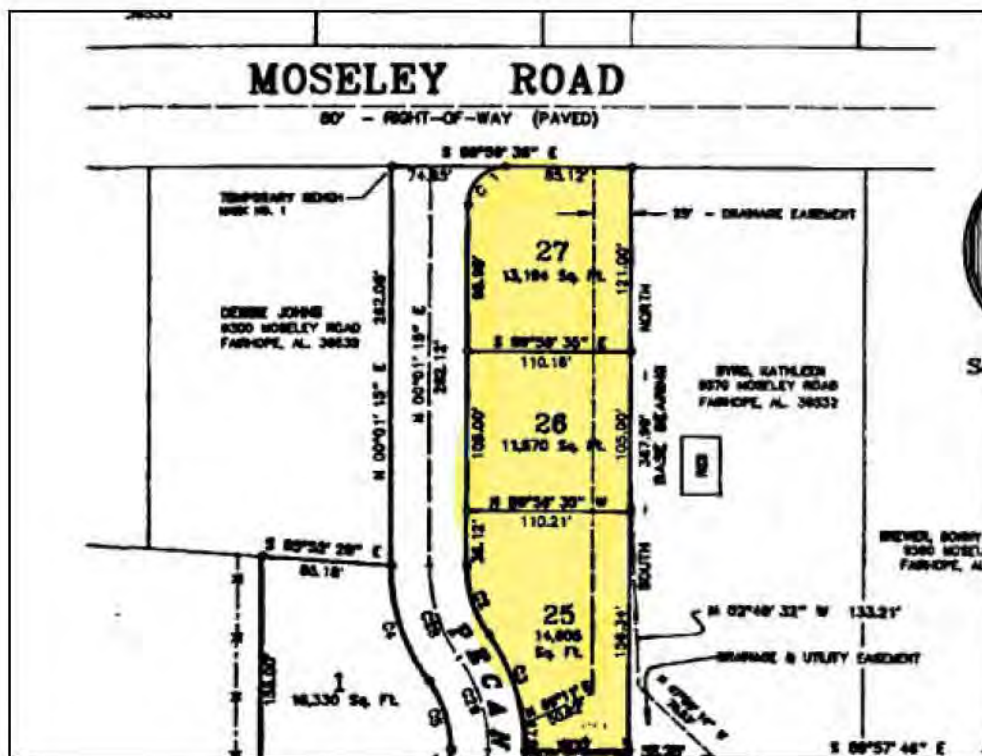
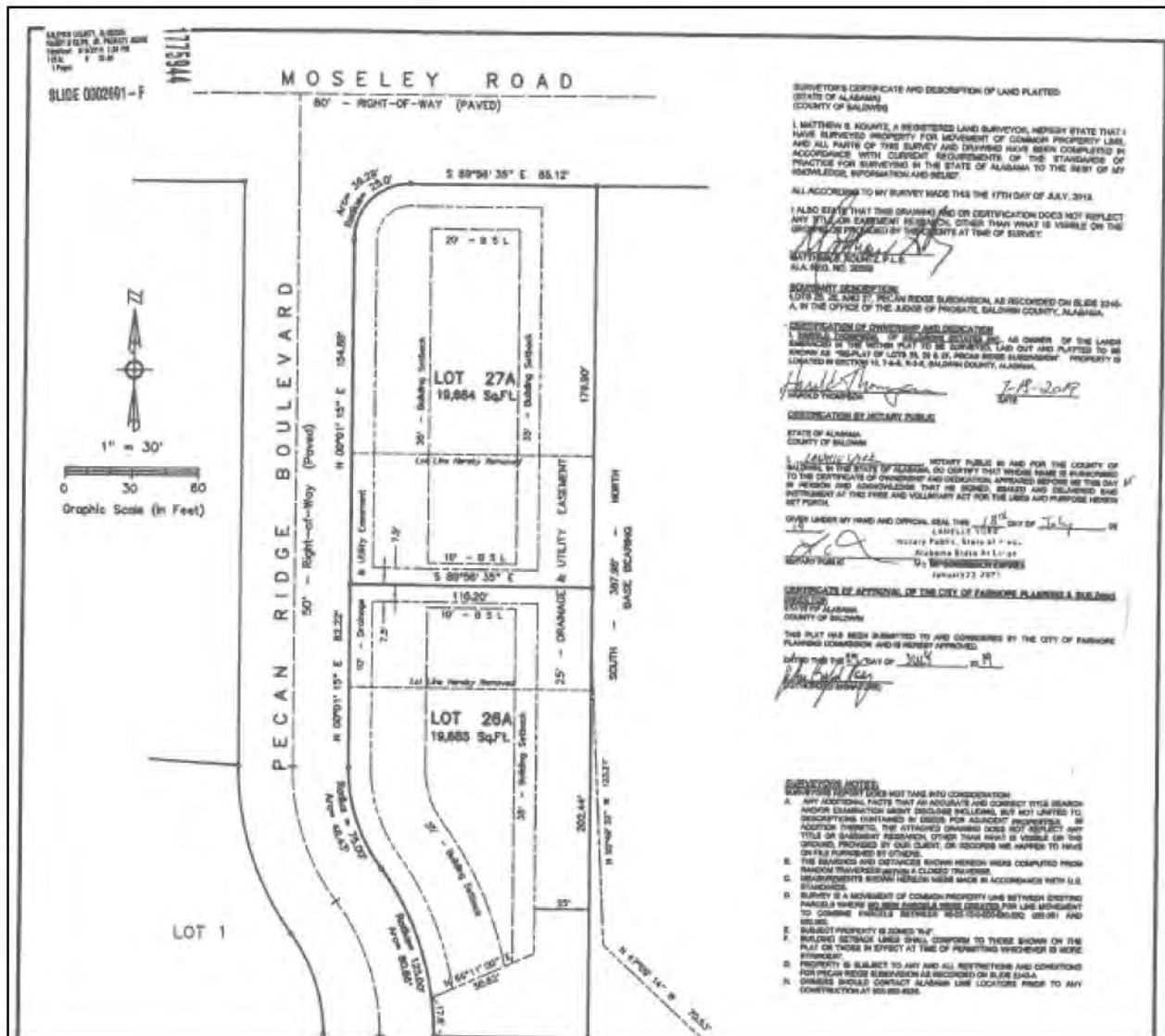


Figure 2: Lot Configuration in Final Plat in 2004.

Comments:

In July 2019, the above original lot configuration was re-platted creating two (2) larger lots (Lots 26A and 27A) from the three (3) original lots: 25, 26, and 27. The front setback in the re-plat is also 35' and the re-plat request was made by the Applicant for this case. *See below Slide 2691-F.*



Analysis and Recommendation: Variance Criteria

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

Response: Exceptional or extraordinary conditions do not exist.

(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.

Response: The application of the Zoning Ordinance or the approved subdivision and re-plat **do not** create an unnecessary hardship.

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

Response: Conditions are not peculiar to the particular 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 cause substantial detriment to the public good as the property does not meet the criteria in which a variance can be granted.

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.

Recommendation:

Staff recommends ***Denial*** of a 10' front setback variance for the principle structure in case BOA 24.03.

1775944

MOSELEY ROAD

80' - RIGHT-OF-WAY (PAVED)

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED
(STATE OF ALABAMA)
(COUNTY OF BALDWIN)

I, MATTHEW S. KOUNTZ, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT I HAVE SURVEYED PROPERTY FOR MOVEMENT OF COMMON PROPERTY LINE, AND ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

ALL ACCORDING TO MY SURVEY MADE THIS THE 17TH DAY OF JULY, 2019.

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 AS PROVIDED BY THE CLIENTS AT TIME OF SURVEY.

MATTHEW S. KOUNTZ, P.L.S.
ALA. REG. NO. 20360

BOUNDARY DESCRIPTION:
LOTS 25, 26, AND 27, PECAN RIDGE SUBDIVISION, AS RECORDED ON SLIDE 2240-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

CERTIFICATION OF OWNERSHIP AND DEDICATION
I, HAROLD THOMPSON, OF BISHOPHOE STATES INC., AS OWNER OF THE LANDS
EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, Laid out and PLATTED TO BE
KNOWN AS "REPLAY OF LOTS 25, 26 & 27, PEGAN RIDGE SUBDIVISION". PROPERTY IS
LOCATED IN SECTION 10, T-4-S, R-3-E, BALDWIN COUNTY, ALABAMA.

Harold Thompson

7-18-2017

CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Ladell Wright, NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, IN THE STATE OF ALABAMA, DO CERTIFY THAT WHOSE NAME IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT THIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSE HEREIN SET FORTH.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 18th DAY OF July 2019
19 LANELLE YORK
 Notary Public, State of Ala.
 Alabama State At Large
 My Comm. Expires January 23, 2027
 Notary Public

**CERTIFICATE OF APPROVAL OF THE CITY OF FAIRHOPE PLANNING & BUILDING
DIRECTOR**
STATE OF ALABAMA
COUNTY OF BALDWIN

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY OF FAIRHOPE
PLANNING COMMISSION AND IS HEREBY APPROVED.

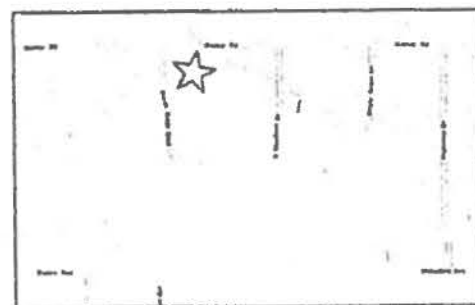
DATED THIS 22ND DAY OF JULY 2019

John Edgar Hoover
 AUTHORIZED SIGNATURE

SURVEYOR'S NOTES:

SURVEYORS REPORT DOES NOT TAKE INTO CONSIDERATION:

- A. SURVEY RECORD DOES NOT CONTAIN ANY FACTS THAT AN APPROPRIATE AND CORRECT TITLE SEARCH AND/or EXAMINATION MIGHT DISCLOSE INCLUDING, BUT NOT LIMITED TO, DESCRIPTIONS CONTAINED IN DEEDS FOR ADJACENT PROPERTIES. IN ADDITION THERETO, THE ATTACHED DRAWING DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH, OTHER THAN WHAT IS VISIBLE ON THE GROUND, PROVIDED BY OUR CLIENT, OR RECORDS WE HAPPEN TO HAVE ON FILE UNDER THE FOLLOWING NUMBERS:
- B. THE SEARCHES AND DISTANCES SHOWN HEREON WERE COMPUTED FROM RANDOM TRAVERSES WITHIN A CLOSED TRAVERSE.
- C. MEASUREMENTS SHOWN HEREON WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
- D. SURVEY IS A MOVEMENT OF COMMON PROPERTY LINE BETWEEN EXISTING PARCELS WHERE NO NEW PARCELS WERE CREATED FOR LINE MOVEMENT TO SUBJECT PARCELS BETWEEN 49-03-10-0-000-000.000, 000.081 AND 000.002.
- E. SUBJECT PROPERTY IS ZONED "R-1".
- F. BUILDING THROCK LINES SHALL CONFORM TO THOSE SHOWN ON THE PLAT OR THOSE IN EFFECT AT TIME OF PERMITTING WHICHEVER IS MORE STRINGENT.
- G. PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS AND CONDITIONS FOR PEACAN RIDGE SUBDIVISION AS RECORDED ON PLCE 220-04.
- H. LOCATORS SHOULD BE CHECKED FOR ALABAMA LINE LOCATORS PRIOR TO ANY CONSTRUCTION! 800-363-5575.



VICINITY MAP

"RE-PLAT OF LOTS 25, 26 AND 27"
PECAN RIDGE SUBDIVISION
(For Line Movement)
(Recorded on Slide 2240-A)

NOTE:

THE MINIMUM FINISHED FLOOR ELEVATION FOR PERMANENT STRUCTURES LOCATED ON LOTS 25, 26 & 27, MUST BE AT MINIMUM ELEVATION OF 93.0 BASED ON THE ASSUMED ELEVATION TEMPORARY BENCHMARK DATA (SEE TBM DATA ON ORIGINAL PLAT OF PECAN RIDGE - RECORDED ON SLIDE 2240-A).

LEGEND	
ARC = ARC LENGTH	P.P. = POWERPOLE
P.O.B. = POINT OF BEGINNING	MSD = MEASURED
CALC = CALCULATED	REC = RECORD
ELEV = ELEVATION	PL = PROPERTY LINE
MH = MANHOLE	FP = FOUND IRON PIN
T.P. = TELEPHONE PEDESTAL	C.P. = COVERED PORCH
CATV = CABLE TELEVISION	CONC. = CONCRETE
+/- = MORE OR LESS	U.G. = UNDERGROUND

PROJECT NO:	20081-2019
DATE:	07/17/19
SCALE:	1" = 30'
DRAWN BY:	MK
FIELD WORK:	07/17
FIELD BOOK:	RGR3
SHEET 1 OF 1 SHEETS	

NOT VALID
WITHOUT
EMBOSSSED
SEAL

GEØ-SURVEYING, INC.

PROFESSIONAL LAND SURVEYING
129 Club Drive
Fairhope, Alabama 36532
Phone: (251) 990-0815 Fax: (251) 990-0866



SEAI

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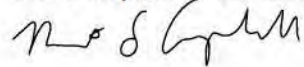
To Whom It May Concern:

4/15/2024

We are seeking a variance to increase the buildable footprint depth of lots 25 and 26 in Pecan Ridge subdivision. The main reason we are pursuing this is because we believe the foundation of the house would run the risk of being undermined by the ditch during a heavy rain event. With the current buildable footprint a 40 foot deep home would put the back of the house right on the ditch. This is a potential issue for the occupants of the house we intend to build. Please consider the fact that someone would be most likely making the biggest purchase of their life with potential to have the foundation compromised in a heavy rain event or hurricane. Thank you for your time and consideration in this matter. We look forward to your response.

Thanks,

Tut Campbell - Co-Owner Cypress Builders, LLC



Travis Thompson - Co-Owner Cypress Builders, LLC



1775944

M O S E L E Y R O A D

80' - RIGHT-OF-WAY (PAVED)

I, MATTHEW S. KOUNTZ, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT I HAVE SURVEYED PROPERTY FOR MOVEMENT OF COMMON PROPERTY LINE, AND ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

ALL ACCORDING TO MY SURVEY MADE THIS THE 17TH DAY OF JULY, 2018

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 CEMENTS AT TIME OF SURVEY.

MATTHEW S. KOUNTZ, P.L.S.
ALA. REG. NO. 20358

BOUNDARY DESCRIPTION:
LOTS 25, 26, AND 27, PECAN RIDGE SUBDIVISION, AS RECORDED ON SLIDE 2240-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA

CERTIFICATION OF OWNERSHIP AND DEDICATION
I, **HAROLD THOMPSON**, OF **BELGROVE ESTATES INC.**, AS OWNER OF THE LANDS EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT AND PLATTED TO BE KNOWN AS "RE-PLAT OF LOTS 25, 26 & 27, PECAN RIDGE SUBDIVISION". PROPERTY IS LOCATED IN SECTION 10, T-6-S, R-2-E, BALDWIN COUNTY, ALABAMA.

Harold Thompson
HAROLD THOMPSON

7-18-2019
DATE

CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

1. LADAWN LARK NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, IN THE STATE OF ALABAMA, DO CERTIFY THAT WHOSE NAME IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT THIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSE HEREIN SET FORTH.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 18th DAY OF July, 2019


 LANELLE YORK
 Notary Public, State of Alabama
 Alabama State At Large
 My Commission Expires
 January 23, 2022
 NOTARY PUBLIC

CERTIFICATE OF APPROVAL OF THE CITY OF FAIRHOPE PLANNING & BUILDING

DIRECTOR
STATE OF ALABAMA
COUNTY OF BALDWIN

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY OF FAIRHOPE
PLANNING COMMISSION AND IS HEREBY APPROVED.

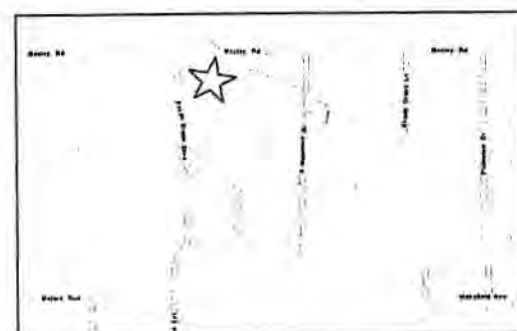
DATED THIS THE 29 DAY OF JULY, 2019

(AUTHORIZED SIGNATURE)

SURVEYORS NOTES:

SURVEYORS NOTES:
SURVEYORS REPORT DOES NOT TAKE INTO CONSIDERATION:

- SURVEYS REPORT DOES NOT TAKE INTO CONSIDERATION:
- A. ANY ADDITIONAL FACTS THAT AN ACCURATE AND CORRECT TITLE SEARCH AND/OR ADDITION MIGHT DISCLOSE INCLUDING, BUT NOT LIMITED TO, DESCRIPTIONS CONTAINED IN DEEDS FOR ADJACENT PROPERTIES. IN ADDITION THERETO, THE ATTACHED DRAWING DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH, OTHER THAN WHAT IS VISIBLE ON THE GROUND, PROVIDED BY OUR CLIENT, OR RECORDS WE HAPPEN TO HAVE ON FILE FURNISHED BY OTHERS.
 - B. FENCE RINGS AND EASEMENTS SHOWN HEREON WERE COMPUTED FROM RANDOM TRAVERSES WITHIN A CLOSED TRAVERSE.
 - C. MEASUREMENTS SHOWN HEREON WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
 - D. SURVEY IS A MOVEMENT OF COMMON PROPERTY LINE BETWEEN EXISTING PARCELS WHERE ~~NO NEW PARCELS WERE CREATED~~ FOR LINE MOVEMENT TO COMBINE PARCELS BETWEEN 46-02-10-0-000-050.060; 050.061 AND 050.062.
 - E. SUBJECT PROPERTY IS ZONED "R-2".
 - F. BUILDING SETBACK LINES SHALL CONFORM TO THOSE SHOWN ON THE PLAT OR THOSE IN EFFECT AT TIME OF PERMITTING WHICHEVER IS MORE STRINGENT.
 - G. PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS AND CONDITIONS THAT CAN BE SUBJECT TO ANY RECORDS ON EASEMENTS OR ALIENS.
 - H. OWNERS SHOULD CONTACT ALABAMA LAND LOCATORS PRIOR TO ANY CONSTRUCTION AT 800-292-9525.



VICINITY MAP

"RE-PLAT OF LOTS 25, 26 AND 27"
PECAN RIDGE SUBDIVISION
(For Line Movement)
(Recorded on Slide 2240-A)

NOTE:

THE MINIMUM FINISHED FLOOR ELEVATION FOR PERMANENT STRUCTURES LOCATED ON LOTS 25, 26 & 27, MUST BE AT MINIMUM ELEVATION OF 93.0 BASED ON THE ASSUMED ELEVATION TEMPORARY BENCHMARK DATA (SEE TBM DATA ON ORIGINAL PLAT OF PECAN RIDGE - RECORDED ON SLIDE 2240-A).

LEGEND	
ARC= ARC LENGTH	P.P = POWERPOLE
P.O.B.= POINT OF BEGINNING	MSD = MEASURED
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CATV = CABLE TELEVISION	CONC. = CONCRETE
+/- = MORE OR LESS	U.G.= UNDERGROUND

PROJECT NO:	20081-2019
DATE:	07/17/19
SCALE:	1" = 30'
DRAWN BY:	MK
FIELD WORK:	07/17
FIELD BOOK:	RGR3
SHEET 1 OF 1 SHEETS	

NOT VALID
WITHOUT
EMBOSSSED
SEAL

GEO-SURVEYING, INC.

PROFESSIONAL LAND SURVEYING

129 Club Drive

Fairhope, Alabama 36532

Phone: (251) 990-0815 Fax: (251) 990-0866



SEAL

[illegible]

From: [Dianne Bragg](#)
To: [planning](#)
Cc: [Rick Bragg](#)
Subject: PPIN: 270304 and 270303
Date: Friday, May 10, 2024 11:51:38 AM



Hello,

This is in response to the letter we received concerning the development plans for the two properties at the corner of Mosley Rd. and Pecan Ridge Blvd., PPIN: 270304 and 270303. The letter stated that information would not be posted on the website until the week before the May 20, 2024, meeting, so we are commenting without that information. I did check the website, but did not find a tab for "Agendas and Minutes" on the BOA page.

We almost did not have time to reply at all considering the short time frame from the date of the letter and the deadline of today at noon (four days).

We easily might have missed this letter had the mail been slower or if we had been out of town and not receiving our mail, even by a day or two.

We are greatly concerned about any type of structure being built on these two properties. Neither of them fits the dimensions of the other properties on Pecan Ridge Blvd. or Mosley Rd.

The property closest to the corner certainly does not fit the Mosley Rd. setback of the properties to the east of it, including the one that directly abuts these two properties at 9370 Mosley Rd.

We question how these two properties ever would have been approved for development, considering their deviance from the current structures on Mosley and the design of the rest of the Pecan Ridge development.

Along with the deviations, another issue is the drainage at this corner. The home at 9370 Mosley Rd. already has flooding issues during heavy rains.

The front yard becomes almost impassable as the drains back up. Building two new structures next to 9370 will likely result in even greater runoff and damage to this property, including more flooding in the back part of that lot. The properties on Pecan Ridge have a slightly higher elevation with what appears to be a natural drainage easement between them and the property at 9370.

Without seeing the plans, we cannot ascertain if this is an official easement, but the likelihood of flooding is a concern in any case.

Lastly, and of great importance to those of us who live on Mosley Road, is the protection of our investment.

We have paid our taxes and repaired our properties after severe weather and hurricanes and are distressed at the idea of two houses basically being built in our front yards, something we would hope the Board would appreciate and understand.

It is our opinion that the property in question should remain structure-free as a green space. As such, we oppose any variance that would allow any type of development on these two parcels to move forward.

Sincerely,
Dianne Bragg
Rick Bragg

Dianne M. Bragg, Ph.D.
Associate Professor
Department of Journalism
and Creative Media
University of Alabama
492 Reese Phifer Hall
Box 870172
Tuscaloosa, Alabama 35487-0172
Phone (205) 348-7155
FAX (205) 348-2780
dmbbragg@ua.edu

CELEBRATING
50 YEARS
of C&IS

From: [Tim Davis](#)
To: [planning](#); [Mary Davis](#)
Subject: BOA 24.04 response
Date: Friday, May 10, 2024 7:59:48 AM



May 9, 2024

Via Email: planning@fairhopeal.gov
City of Fairhope, Alabama
161 North Section Street
Fairhope, Alabama 36533

RE: Case: BOA 24.03
Applicant: Harold Thompson
Property Located: South of Mosley Road and East of Pine Ridge Road
PPIN: 270303

Dear Sirs:

We are in receipt of your May 6, 2024 notice regarding the above-mentioned property.

We would like the Commission to be aware that we are wholly opposed to this request for a variance. We are concerned that if this request is granted it would diminish the enjoyment of our property including a diminished open view and an increase in noise and would possibly increase any water run-off from the drainage ditch.

We would ask that this Commission consider our opinions regarding this and deny the applicant's request for a variance.

Sincerely,

Mary and Tim Davis
Owners of Property at
9370 Moseley Road
Fairhope, Alabama

Tim Davis
Shadow Catchers Art
334 382-2929



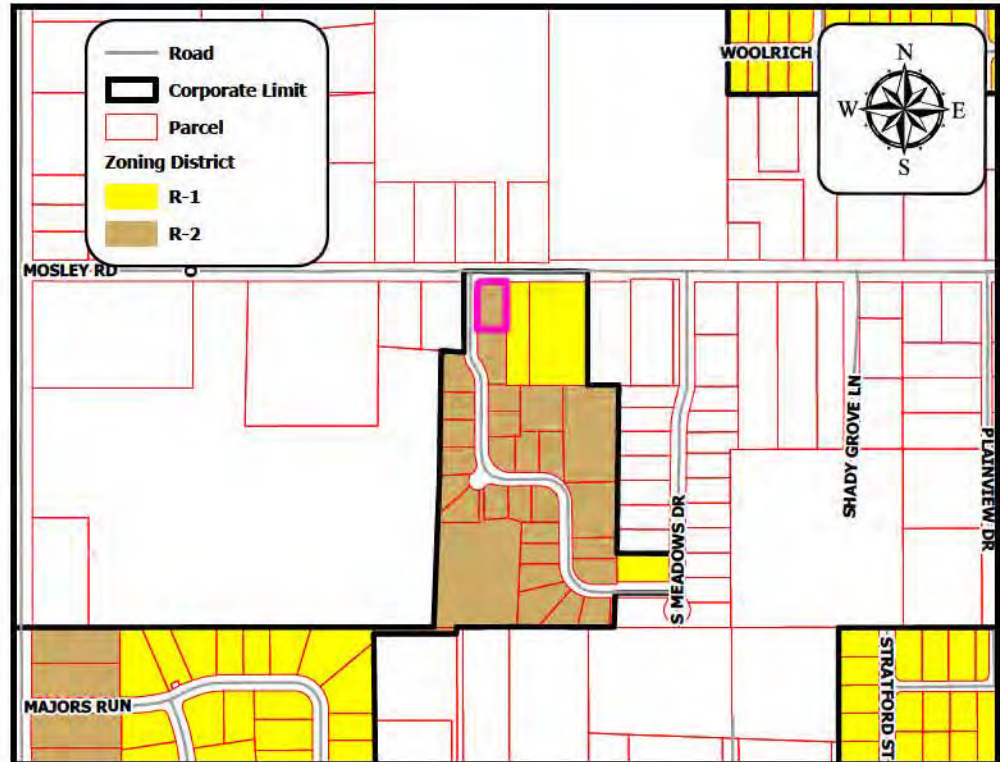
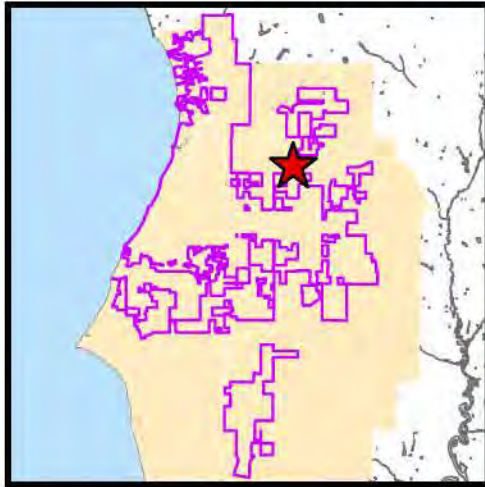
City of Fairhope

Board of Adjustments

May 20, 2024



BOA 24.04 - Harold Thompson Property, Front Setback Variance



Project Name:

Harold Thompson Property Front Setback Variance

Site Data:

0.44 acres

Project Type:

10' Front Setback Variance

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

R-2

PPIN Number:

270304

General Location:

East side of Pecan Ridge Blvd, South of Mosley Road

Surveyor of Record:

N/A

Engineer of Record:

N/A

Owner / Developer:

Harold Thompson

School District:

Fairhope Elementary School
Fairhope Middle and High Schools

Recommendation:

Denial

Prepared by:

Michelle Melton





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: ☐ Administrative Appeal ☐ Special Exception ☒ Variance

Property Owner / Leaseholder Information

Name: Harold Thompson Phone Number: 251-391-5402
 Street Address: 9325 Layfer Rd NE
 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.

Harold Thompson
 Property Owner/Leaseholder Printed Name

4-2-24
 Date

Harold Thompson
 Signature

Fairhope Single Tax Corp. (If Applicable)



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:

Depth of lot with 35' front and rear setbacks only allow for ~~40'~~^{around 36'} deep house

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

With current setbacks a 40' deep house would be right on the ditch in the rear of the lot
Designing and more importantly, selling a house with a ditch right out the back door
will be difficult

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

Reduce front setback from 35' to 25'

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	

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.

Harold Thompson
 Property Owner/Leaseholder Printed Name

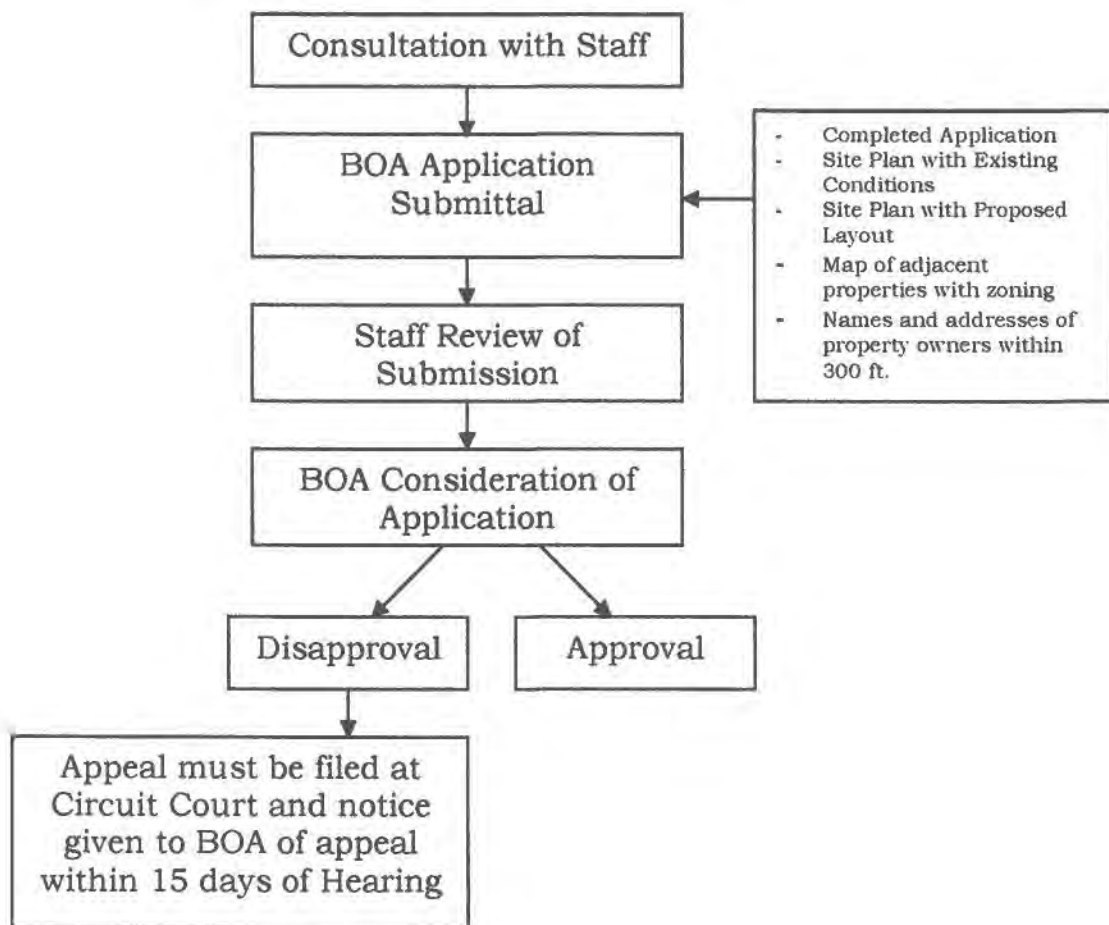
4-2-20
 Date

Harold Thompson
 Signature

Fairhope Single Tax Corp. (If Applicable)



BOARD OF ADJUSTMENTS (BOA) FLOW CHART





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)

CITY OF FAIRHOPE

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



BOARD OF ADJUSTMENTS & APPEALS APPLICATION

Summary of Request:

The Applicant, Harold Thompson, on behalf of Belgrove Estates, Inc., is requesting a 10' front setback variance for the principle structure to build further away from a drainage easement making building and selling a house less difficult. Building setback line to setback line a dwelling would be set 10' from the platted 25' drainage easement. Currently, a 40' deep house could be built. The variance as requested would allow for a dwelling to be placed further from the drainage easement or allow for the construction of a 50' deep house. The subject property is zoned R-2. The subject property is part of the Pecan Ridge Subdivision that was finalized in July 2002 and revised in 2004. The required front setback per the recorded plat on Slide 2218-C is 35'.

**ALL BUILDING SETBACKS SHALL CONFORM TO CURRENT ZONING IN EFFECT AT THE TIME OF PERMITTING OR AS SHOWN HEREON WHICHEVER IS MORE STRINGENT.
FRONT BUILDING SETBACK - 35 FEET OR AS SHOWN HEREON
REAR BUILDING SETBACK - 35 FEET
SIDE BUILDING SETBACK - 10 FEET OR 15 FEET IF A DRIVEWAY IS ON ONE SIDE WITH A 3 FOOT PLANTING STRIP ALONG THAT LOT LINE**

Figure 1. Excerpt from Pecan Ridge Subdivision Final Plat.

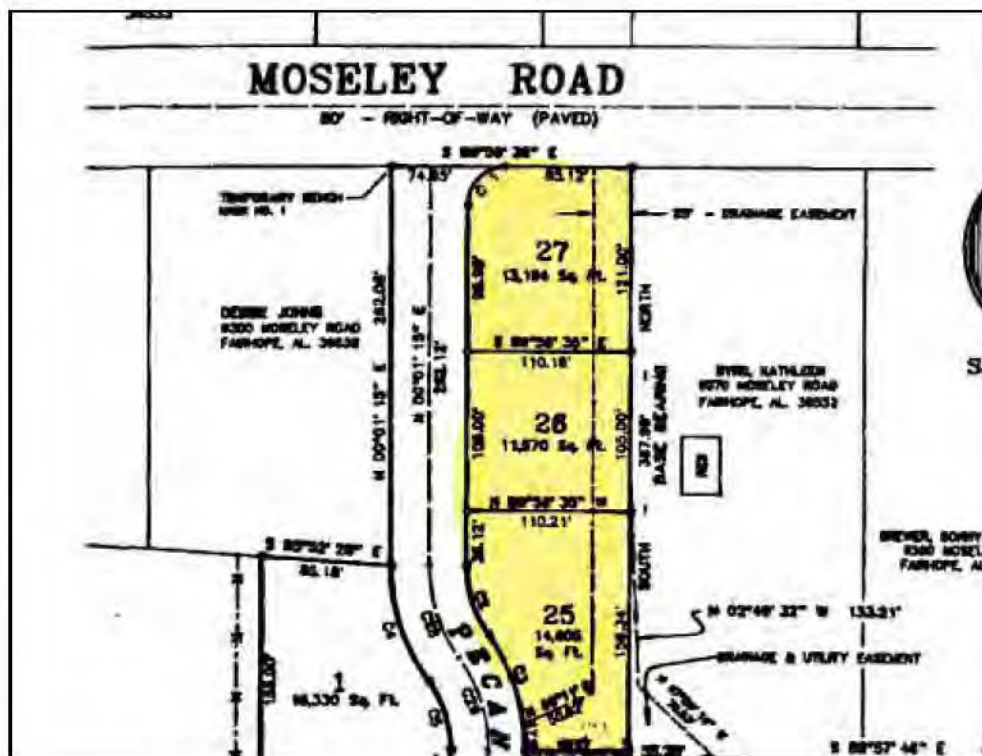
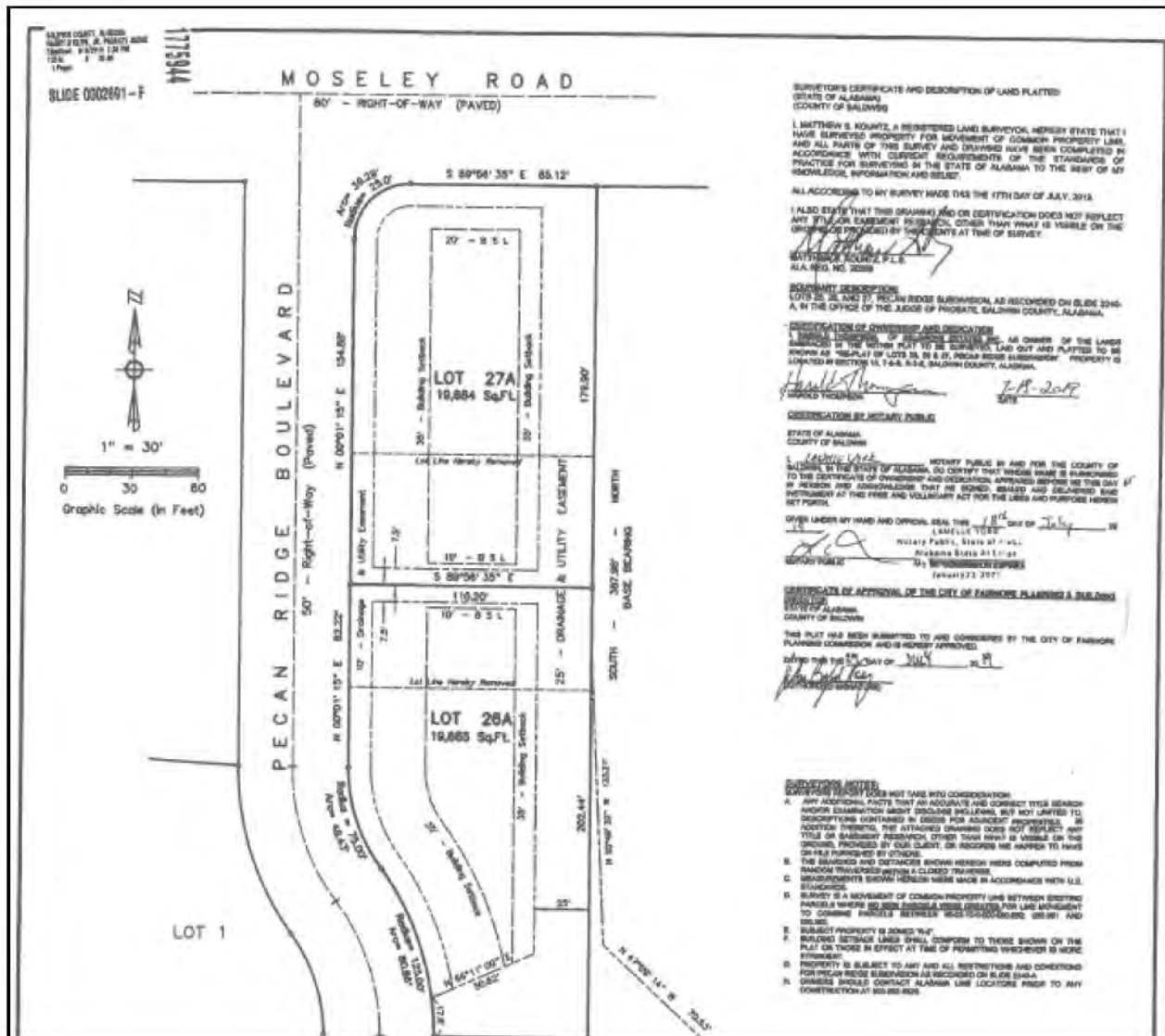


Figure 2: Lot Configuration in Final Plat in 2004.

Comments:

In July 2019, the above original lot configuration was re-platted creating two (2) larger lots (Lots 26A and 27A) from the three (3) original lots: 25, 26, and 27. The front setback in the re-plat is also 35' and the re-plat request was made by the Applicant for this case. *See below Slide 2691-F.*



Analysis and Recommendation: Variance Criteria

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

Response: Exceptional or extraordinary conditions do not exist.

(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.

Response: The application of the Zoning Ordinance or the approved subdivision and re-plat **do not** create an unnecessary hardship.

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

Response: Conditions are not peculiar to the particular 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 cause substantial detriment to the public good as the property does not meet the criteria in which a variance can be granted.

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.

Recommendation:

Staff recommends ***Denial*** of a 10' front setback variance for the principle structure in case BOA 24.04.

1775944

80' ~ RIGHT-OF-WAY (PAVED)

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED
(STATE OF ALABAMA)
(COUNTY OF BALDWIN)

I, MATTHEW S. KOUNTZ, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT I HAVE SURVEYED PROPERTY FOR MOVEMENT OF COMMON PROPERTY LINE, AND ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

ALL ACCORDING TO MY SURVEY MADE THIS THE 17TH DAY OF JULY, 2019.

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.

MATTHEW S. KUNTZ, P.L.S.
ALA. REG. NO. 20360

BOUNDARY DESCRIPTION:
LOTS 25, 26, AND 27, PECAN RIDGE SUBDIVISION, AS RECORDED ON SLIDE 2240-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

CERTIFICATION OF OWNERSHIP AND DEDICATION
I, HAROLD THOMPSON, OF BISHOPHOE STATES INC., AS OWNER OF THE LANDS
EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, Laid out and PLATTED TO BE
KNOWN AS "REPLAY OF LOTS 26, 26 & 27, PEGAN RIDGE SUBDIVISION". PROPERTY IS
LOCATED IN SECTION 10, T-4-S, R-3-E, BALDWIN COUNTY, ALABAMA.

Harold Thompson

7-18-2017

CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Ladell Wright, NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, IN THE STATE OF ALABAMA, DO CERTIFY THAT WHOSE NAME IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT THIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSE HEREIN SET FORTH.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 18th DAY OF July 20
19
 LANELLE YORK
 Notary Public, State of Ala.
 Alabama State At Large
 My Comm. Expires January 23, 2027
 Notary Public

**CERTIFICATE OF APPROVAL OF THE CITY OF FAIRHOPE PLANNING & BUILDING
DIRECTOR**
STATE OF ALABAMA
COUNTY OF BALDWIN

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY OF FAIRHOPE
PLANNING COMMISSION AND IS HEREBY APPROVED.

DATED THIS 22ND DAY OF JULY 2019

John Edgar Hoover
 AUTHORIZED SIGNATURE

SURVEYOR'S NOTES:

SURVEYORS REPORT DOES NOT TAKE INTO CONSIDERATION:

- SURVEYORS REPORT DOES NOT TAKE INTO CONSIDERATION:
- A. ANY ADDITIONAL FACTS THAT AN ACCURATE AND CORRECT TITLE SEARCH AND EXAMINATION MIGHT DISCLOSE INCLUDING, BUT NOT LIMITED TO, DESCRIPTIONS CONTAINED IN DEEDS FOR ADJACENT PROPERTIES. IN ADDITION THERETO, THE ATTACHED DRAWING DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH, OTHER THAN WHAT IS VISIBLE ON THE GROUND, PROVIDED BY OUR CLIENT, OR RECORDS WE HAPPEN TO HAVE ON FILE FURNISHED BY OTHERS.
 - B. THE SURVEYOR HAS NOT SHOWN HEREON WERE COMPUTED FROM RAILWAY TRAVELERS WITHIN A CLOSED TRAVELER.
 - C. MEASUREMENTS SHOWN HEREON WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
 - D. SURVEY IS A MOVEMENT OF COMMON PROPERTY LINE BETWEEN EXISTING PARCELS WHERE NO NEW PARCELS WERE CREATED FOR LINE MOVEMENT TO COMBINE PARCELS BETWEEN 00-02-10-00-000-000; 000-081 AND 000-000.
 - E. SUBJECT PROPERTY IS ZONED "R-1".
 - F. BUILDING THROCK LINES SHALL CONFORM TO THOSE SHOWN ON THE PLAT OR THOSE IN EFFECT AT TIME OF PERMITTING WHICHEVER IS MORE STRINGENT.
 - G. PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS AND CONDITIONS FOR PEACAN RIDGE SUBDIVISION AS RECORDED ON PLAT 220-04.
 - H. CLIENT SHOULD OBTAIN ALABAMA LINE LOCATORS PRIOR TO ANY CONSTRUCTION. 000-282-5575.



"RE-PLAT OF LOTS 25, 26 AND 27"
PECAN RIDGE SUBDIVISION
(For Line Movement)
(Recorded on Slide 2240-A)

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SHEET 1 OF 1 SHEETS	

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GEØ-SURVEYING, INC.

PROFESSIONAL LAND SURVEYING
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Phone: (251) 990-0815 Fax: (251) 990-0866



SEAI

[illegible]

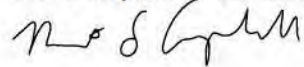
To Whom It May Concern:

4/15/2024

We are seeking a variance to increase the buildable footprint depth of lots 25 and 26 in Pecan Ridge subdivision. The main reason we are pursuing this is because we believe the foundation of the house would run the risk of being undermined by the ditch during a heavy rain event. With the current buildable footprint a 40 foot deep home would put the back of the house right on the ditch. This is a potential issue for the occupants of the house we intend to build. Please consider the fact that someone would be most likely making the biggest purchase of their life with potential to have the foundation compromised in a heavy rain event or hurricane. Thank you for your time and consideration in this matter. We look forward to your response.

Thanks,

Tut Campbell - Co-Owner Cypress Builders, LLC



Travis Thompson - Co-Owner Cypress Builders, LLC



1775944

M O S E L E Y R O A D

80' - RIGHT-OF-WAY (PAVED)

**SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED
(STATE OF ALABAMA)
(COUNTY OF BALDWIN)**

I, MATTHEW S. KOUNTZ, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT I HAVE SURVEYED PROPERTY FOR MOVEMENT OF COMMON PROPERTY LINE, AND ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

ALL ACCORDING TO MY SURVEY MADE THIS THE 17TH DAY OF JULY, 2018

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.

MATTHEW S. KOUNTZ, P.L.S.
ALA. REG. NO. 20358

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CERTIFICATION OF OWNERSHIP AND DEDICATION

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LOCATED IN SECTION 10, T-6-S, R-2-E, BALDWIN COUNTY, ALABAMA.

LOCATED IN SECTION
Harold Thompson
HAROLD THOMPSON

7-18-2019
DATE

CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

1. LADAWN LARK NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, IN THE STATE OF ALABAMA, DO CERTIFY THAT WHOSE NAME IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT THIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSE HEREIN SET FORTH.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 18th DAY OF July, 2019

LANELLE YORK
 Notary Public, State of Alabama
 Alabama State At Large
 My Commission Expires
 January 23, 2022

CERTIFICATE OF APPROVAL OF THE CITY OF FAIRHOPE PLANNING & BUILDING

DIRECTOR
STATE OF ALABAMA
COUNTY OF BALDWIN

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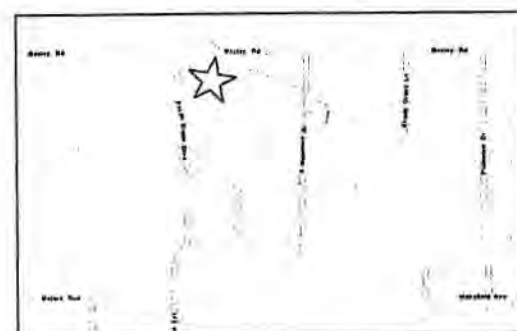
DATED THIS THE 29 DAY OF JULY, 2019

[Signature]
AUTHORIZED SIGNATURE

SURVEYORS NOTES:

SURVEYORS REPORT DOES NOT TAKE INTO CONSIDERATION:

- SURVEYS REPORT DOES NOT TAKE INTO CONSIDERATION:
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 - B. FENCIBLES AND ENCUMBRANCES SHOWN HEREON WERE COMPUTED FROM RANDOM TRAVERSES WITHIN A CLOSED TRAVERSE.
 - C. MEASUREMENTS SHOWN HEREON WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
 - D. SURVEY IS A MOVEMENT OF COMMON PROPERTY LINE BETWEEN EXISTING PARCELS WHERE ~~NO NEW PARCELS WERE CREATED~~ FOR LINE MOVEMENT TO COMBINE PARCELS BETWEEN 46-02-10-0-000-050.060; 050.061 AND 050.062.
 - E. SUBJECT PROPERTY IS ZONED "R-2".
 - F. BUILDING SETBACK LINES SHALL CONFORM TO THOSE SHOWN ON THE PLAT OR THOSE IN EFFECT AT TIME OF PERMITTING WHICHEVER IS MORE STRINGENT.
 - G. PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS AND CONDITIONS THAT CAN BE SUBJECT TO ANY RECORDS ON SUBJECTS OR A-B-A OWNERS SHOULD CONTACT ALABAMA LAND LOCATORS PRIOR TO ANY CONSTRUCTION AT 800-292-9525.
 - H.



VICINITY MAP

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DRAWN BY:	MK
FIELD WORK:	07/17
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From: [Dianne Bragg](#)
To: [planning](#)
Cc: [Rick Bragg](#)
Subject: PPIN: 270304 and 270303
Date: Friday, May 10, 2024 11:51:38 AM



Hello,

This is in response to the letter we received concerning the development plans for the two properties at the corner of Mosley Rd. and Pecan Ridge Blvd., PPIN: 270304 and 270303. The letter stated that information would not be posted on the website until the week before the May 20, 2024, meeting, so we are commenting without that information. I did check the website, but did not find a tab for "Agendas and Minutes" on the BOA page.

We almost did not have time to reply at all considering the short time frame from the date of the letter and the deadline of today at noon (four days).

We easily might have missed this letter had the mail been slower or if we had been out of town and not receiving our mail, even by a day or two.

We are greatly concerned about any type of structure being built on these two properties. Neither of them fits the dimensions of the other properties on Pecan Ridge Blvd. or Mosley Rd.

The property closest to the corner certainly does not fit the Mosley Rd. setback of the properties to the east of it, including the one that directly abuts these two properties at 9370 Mosley Rd.

We question how these two properties ever would have been approved for development, considering their deviance from the current structures on Mosley and the design of the rest of the Pecan Ridge development.

Along with the deviations, another issue is the drainage at this corner. The home at 9370 Mosley Rd. already has flooding issues during heavy rains.

The front yard becomes almost impassable as the drains back up. Building two new structures next to 9370 will likely result in even greater runoff and damage to this property, including more flooding in the back part of that lot. The properties on Pecan Ridge have a slightly higher elevation with what appears to be a natural drainage easement between them and the property at 9370.

Without seeing the plans, we cannot ascertain if this is an official easement, but the likelihood of flooding is a concern in any case.

Lastly, and of great importance to those of us who live on Mosley Road, is the protection of our investment.

We have paid our taxes and repaired our properties after severe weather and hurricanes and are distressed at the idea of two houses basically being built in our front yards, something we would hope the Board would appreciate and understand.

It is our opinion that the property in question should remain structure-free as a green space. As such, we oppose any variance that would allow any type of development on these two parcels to move forward.

Sincerely,
Dianne Bragg
Rick Bragg

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CELEBRATING
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From: [Tim Davis](#)
To: [planning](#); [Mary Davis](#)
Subject: BOA 24.04 response
Date: Friday, May 10, 2024 7:59:48 AM



May 9, 2024

Via Email: planning@fairhopeal.gov
City of Fairhope, Alabama
161 North Section Street
Fairhope, Alabama 36533

RE: Case: BOA 24.03
Applicant: Harold Thompson
Property Located: South of Mosley Road and East of Pine Ridge Road
PPIN: 270303

Dear Sirs:

We are in receipt of your May 6, 2024 notice regarding the above-mentioned property.

We would like the Commission to be aware that we are wholly opposed to this request for a variance. We are concerned that if this request is granted it would diminish the enjoyment of our property including a diminished open view and an increase in noise and would possibly increase any water run-off from the drainage ditch.

We would ask that this Commission consider our opinions regarding this and deny the applicant's request for a variance.

Sincerely,

Mary and Tim Davis
Owners of Property at
9370 Moseley Road
Fairhope, Alabama

Tim Davis
Shadow Catchers Art
334 382-2929

