



**City of Fairhope
Board of Adjustments Agenda
5:00 PM
Council Chambers
June 17, 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
 - May 20, 2024
3. Consideration of Agenda Items

A. BOA 24.05 Public hearing to consider the request of the Applicant, Katherine Boyden, acting on behalf of the Owner, Gene Terrezza, for a Use Not Accounted For – to allow for a professional medical office on property zoned PUD – Planned Unit Development. The property is located at 101 Fly Creek Avenue, Suite 305 and is approximately 8.73 acres. **PPIN#: 274526**

B. BOA 24.07 Public hearing to consider the request of the Owner, William Bolton, for a Special Exception – Use on Appeal – to display automobiles for outside sales on property zoned M-1 – Light Industrial District. The property is located at 7841 Porter Lane and is approximately 0.17 acres. **PPIN: 38692**

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, May 20, 2024, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Cathy Slagle, Vice-Chair; Donna Cook; Ryan Baker; David Martin; Bryan Flowers; Hunter Simmons, Planning and Zoning Director; Michelle Melton, City Planner; and Cindy Beaudreau, Planning Clerk.

Absent: Anil Vira, Frank Lamia

Vice-Chair Slagle called the meeting to order at 5:00 PM.

Approval of Minutes

David Martin made a motion to approve the minutes from the April 15, 2024, meeting.

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

Aye: Cathy Slagle, Donna Cook, Ryan Baker, David Martin and Bryan Flowers

Nay: None.

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**

Michelle Melton, City Planner, presented both cases at the same time. The cases are exactly the same except for being two different lots. The applicant is requesting a 10' front setback variance for each lot in order to build further away from a platted drainage easement. Ms. Melton reminded the Board that the subject properties' original lot configuration was three lots and in July 2019, the applicant re-platted those three lots to create two larger lots with a front setback of 35'.

Recommendation:

Staff recommends denial of Case BOA 24.03.

Ryan Baker asked for an explanation of the drainage easement on the properties. Ms. Melton explained that the easement is shown on the site plan. Mr. Simmons continued that at the rear of the properties, opposite of the street, is a drainage easement which was known during the last re-plat of the properties and was designed that way. Mr. Simmons stated that it does not meet the definition of a hardship.

Ms. Melton noted that there were two e-mails received from neighboring property owners which are included in the packet and are in attendance at the meeting.

Travis Thompson, 312 Pecan Ridge Road, spoke on behalf of Harold Thompson. Mr. Thompson explained that he would like to purchase the two properties from Mr. Thompson to build his personal home on one of the lots. Mr. Thompson stated that he can make 40' work, but that would put his house in the ditch. Mr. Thompson stated that he needs at least 5' to get out of the ditch. He stated that his main issue is the safety of the structure. The retaining pond of the subdivision is in his backyard, and it continues through the two subject properties.

David Martin asked if Mr. Thompson had considered running a pipe across the ditch in the back. Mr. Thompson replied that another property owner tried that, and the City of Fairhope denied his request. Mr. Martin asked if Mr. Thompson had spoken to the City about it. Mr. Thompson stated that he had spoken with the Planning staff. Mr. Simmons stated that a challenge with the subdivision is that it does not have a conventional drainage system with detention/retention ponds with conveyances. The conveyance system in this subdivision is an open ditch and that is why the drainage easement is so wide. There is not enough depth to install a culvert.

Ms. Slagle asked how deep the lot is. Mr. Thompson replied 110', but lot 26A starts to curve, so he only has 40' in depth and stated he does not really have due to the back of the house sitting in the drainage ditch. He continued that he has roughly 70' with the 10' setback on the north side in width. Mr. Simmons stated that there is a 25' drainage easement and the front setback is 35', so he questioned where the additional 20' is. If the lot was not completely graded out, then potentially that could be done.

Mr. Martin stated that Mr. Thompson has the right to build all the way up to the drainage easement. Mr. Thompson stated that would create a problem for the neighbors because the water would be pushed to the neighbor's yard. Mr. Simmons stated that another option may be to work with the HOA to amend the bylaws to allow for larger homes in that subdivision. Mr. Thompson stated that he needs a bigger house and just wants more off the front. Ms. Slagle stated that homes need to be built according to the size of the lot without seeking a variance.

Mr. Baker asked Mr. Thompson to confirm that he wants a larger, buildable area than what is on the lot now and not asking for a variance due to the hardship of the ditch. Mr. Thompson stated that he could fit the downstairs, but the top is the issue and continued that if he builds the 40' home, the safety of the structure could be compromised if there is a hurricane with water rushing through. Mr. Baker reiterated that Mr. Thompson does have the 40' to build. Mr. Simmons reiterated that the State law on hardships, are not about finances, building a house, footprints, or personal desires.

Vice-Chair Slagle opened the public hearing at 5:19pm.

Tim Davis, 410 N. College Street, spoke about the deep drain and the water does not want to go under the road and is concerned about where the water will go.

Mr. Simmons stated that once a building permit is received, the Building Department has a right to look at the drainage and decide what is needed.

Mr. Thompson stated that the City of Fairhope approved the drainage so it should be able to hold. Mr. Simmons stated that it will within the 25' easement.

The public hearing was closed at 5:20pm.

Motion:

Ryan Baker made a motion to deny BOA 24.03, per staff recommendations.

Donna seconded the motion and the motion carried unanimously with the following vote:

Aye: Cathy Slagle, Donna Cook, Ryan Baker, David Martin, and Bryan Flowers

Nay: None.

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**

Motion:

Ryan Baker made a motion to deny BOA 24.04, per staff recommendations.

Donna Cook seconded the motion and the motion carried with the following vote:

Aye: Cathy Slagle, Donna Cook, Ryan Baker, David Martin, and Bryan Flowers

Nay: None.

Old/New Business

Mr. Simmons stated that there are two cases for June.

Adjournment

David Martin 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 5:27p.m.

Anil Vira, Chairman

Cindy Beaudreau, Secretary

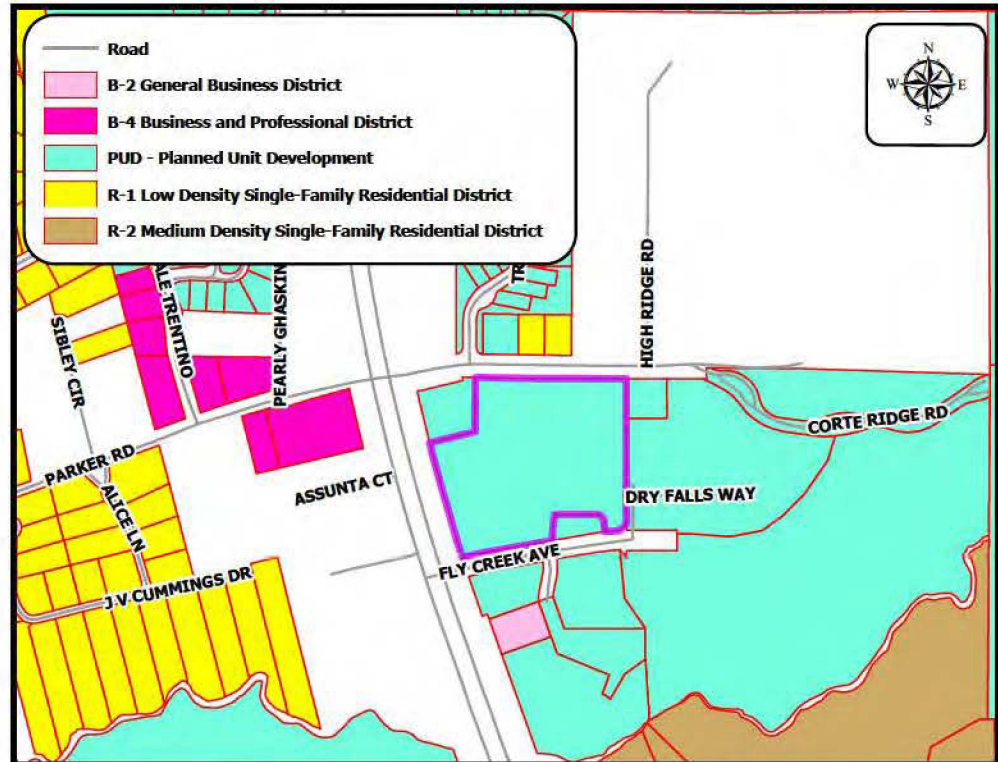
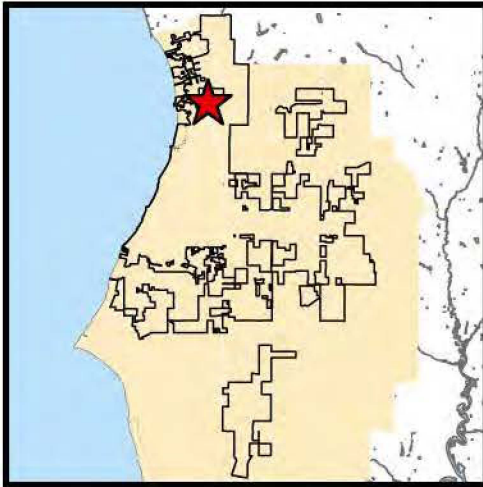
City of Fairhope

Board of Adjustments

June 17, 2024



BOA 24.05 - Terrezza Optical



Project Name:

Terrezza Optical

Site Data:

8.73 acres

Project Type:

Use Not Accounted For: Medical Office

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

PUD

PPIN Number:

274526

General Location:

East side of U.S. HWY 98, north of Parker Road

Surveyor of Record:

N/A

Engineer of Record:

N/A

Owner / Developer:

Gene Terrezza

School District:

Fairhope Elementary School
Fairhope Middle and High Schools

Recommendation:

Approved w/ Conditions

Prepared by:

Michelle Melton



CITY OF FAIRHOPE

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



BOARD OF ADJUSTMENTS & APPEALS APPLICATION



BOARD OF ADJUSTMENTS (BOA) APPLICATION

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

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

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

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

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

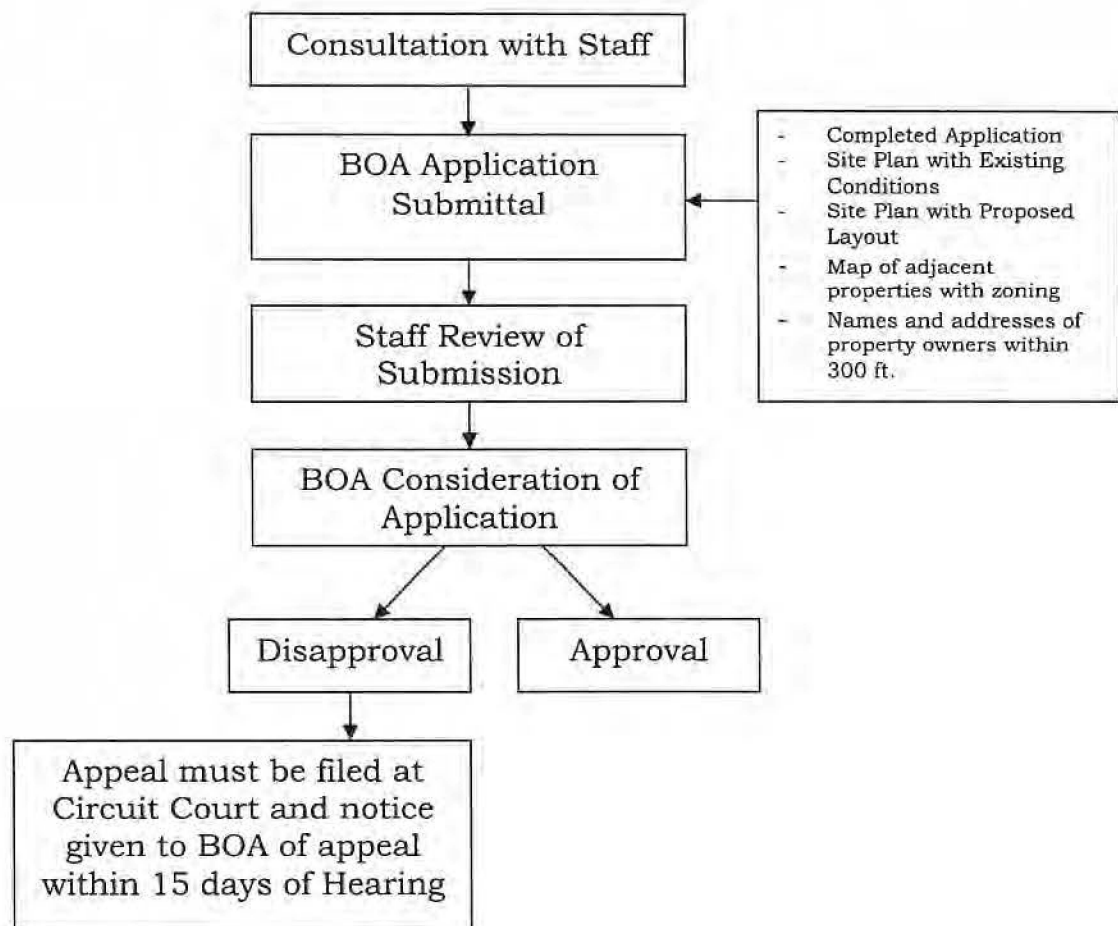
Approval of the request requires 4 of the 5 members of the BOA to vote in favor. A simple majority does not pass.

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

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



BOARD OF ADJUSTMENTS (BOA) FLOW CHART





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: ☐ Administrative Appeal ☐ Special Exception ☐ Variance

Property Owner / Leaseholder Information		
Name: <u>Gene Terrezza</u>	Phone Number: <u>850 983 8447</u>	
Street Address: <u>101 Fly Creek Ave</u>	Suite <u>305</u>	
City: <u>Fairhope</u>	State: <u>AL</u>	Zip: <u>36532</u>

Applicant / Agent Information		
If different from above. Notarized letter from property owner is required if an agent is used for representation.		
Name: <u>Katherine Burden</u>	Phone Number: <u>850 712 2545</u>	
Street Address: <u>101 Fly Creek Ave</u>	Suite <u>305</u>	
City: <u>Fairhope</u>	State: <u>AL</u>	Zip: <u>36532</u>

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.

Gene Terrezza
Property Owner/Leaseholder Printed Name

Gene Terrezza
Signature

5/7/24
Date

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: Eye doctor optometry optical is not listed as an approved business for this shopping center

How do the above indicated characteristics preclude reasonable use of your land? providing eye care and eyewear services to the city of Fairhope.

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

approval to open an optometry office with an optical shop to provide patients with eyeglasses

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: \$		520

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.

Gene Terrell
Property Owner/Leaseholder Printed Name

Gene Terrell
Signature

Date

5/7/24

Fairhope Single Tax Corp. (If Applicable)



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

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

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

Katherine Bayden
Signature of Applicant or Authorized Agent

5/7/24
Date of Application

Summary of Request:

Applicant Katherine Boyden, on behalf of Gene Terrezza, is requesting a Special Exception to allow Terrezza Optical medical clinic at 101 Fly Creek Avenue, Suite 305. The property is zoned PUD (Fly Creek PUD), and the requested clinic use is permitted only on appeal and subject to special conditions.

Comments:

The City of Fairhope Zoning Ordinance defines a Special Exception as follows:

Special Exception: Permission granted by the Board of Adjustment for a use indicated in this ordinance as a use limited to a special exception procedure, subject to conditions specified in this ordinance and any conditions the Board deems necessary to ensure that community interests are furthered by permission of the use.

The review criteria for a use appeal is as follows:

Article II. Section C.e(2)

Any other application to the Board shall be reviewed under the following criteria and relief granted only upon the concurring vote of four Board members:

(a) Compliance with the Comprehensive Plan:

Response: Complies

(b) Compliance with any other approved planning document;

Response: Complies

(c) Compliance with the standards, goals, and intent of this ordinance;

Response: Complies

(d) The character of the surrounding property, including any pending development activity;

Response: Complies

(e) Adequacy of public infrastructure to support the proposed development;

Response: No issues noted.

(f) Impacts on natural resources, including existing conditions and ongoing post-development conditions;

Response: No issues noted.

(g) Compliance with other laws and regulations of the City;

Response: No issues noted.

(h) Compliance with other applicable laws and regulations of other jurisdictions;

Response: No issues noted.

(i) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;

Response: No issues noted.

(j) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

Response: No issues noted.

(k) Overall benefit to the community;

Response: The use proposed will provide a medical clinic service for the community.

(l) Compliance with sound planning principles;

Response: No issues noted.

(m) Compliance with the terms and conditions of any zoning approval; and

Response: No issues noted.

(n) Any other matter relating to the health, safety, and welfare of the community.

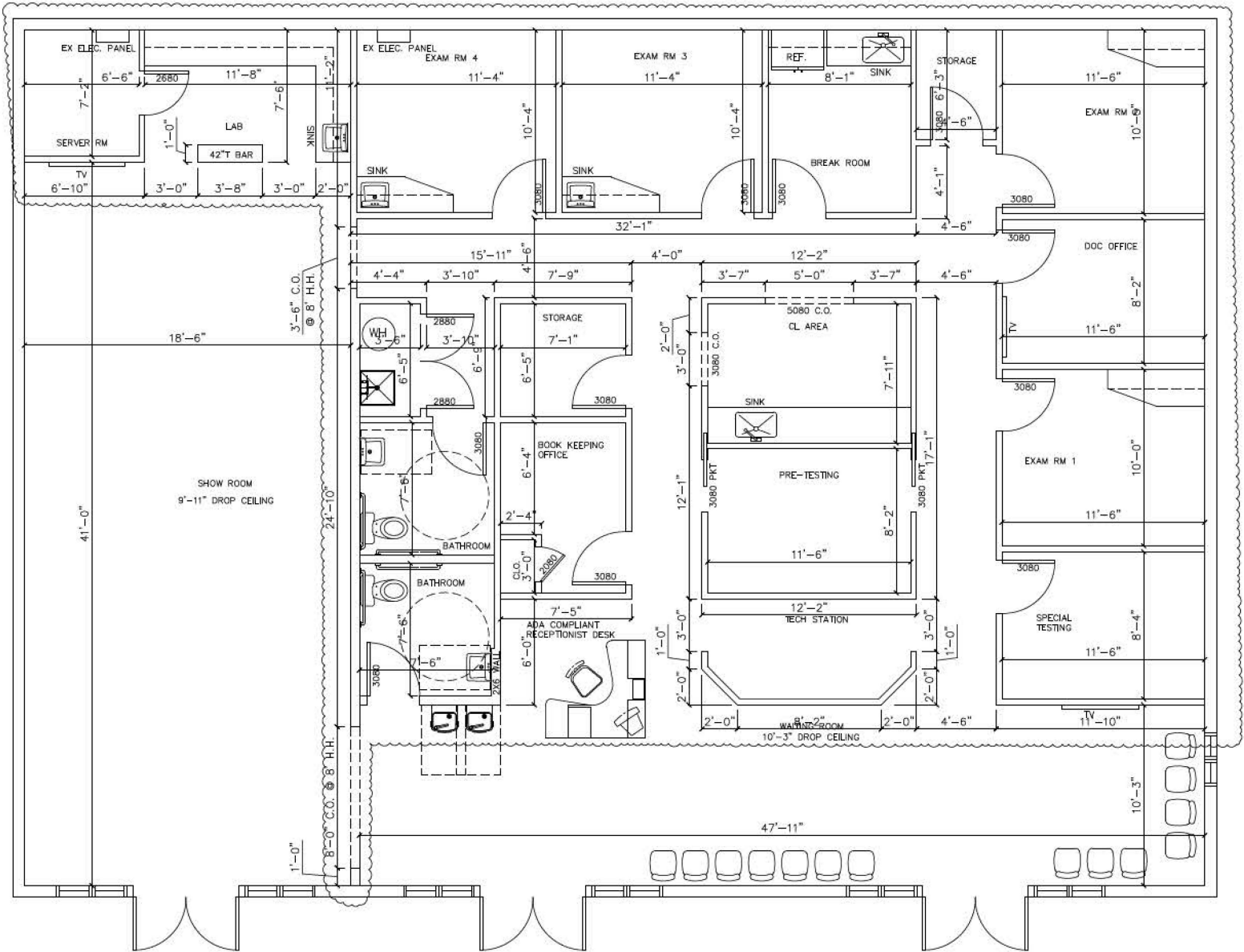
Response: No issues noted.

Staff Recommendation:

Staff recommends **APPROVAL** of the appeal for clinic use for the site known as Terrezza Optical.

AS-BUILD NOTES:

1. ALL EXISTING AS-BUILD DIMENSIONS ARE APPROXIMATE AND SHOULD BE FIELD PRIOR TO CONSTRUCTION.
2. EXISTING DROP CEILING TO REMAIN UNLESS REPAIRS OR REPLACEMENTS NEEDED.
3. ALL EXISTING DIMENSIONS ARE TAKEN FROM INSIDE WALLS.
4. EXISTING WATER FOUNTAIN TO BE RELOCATED TO NEW WALL.
5. CONTRACTOR TO VERIFY LOCATION OF HVAC.



NEW FLOORPLAN

SCALE: 1/4"=1'-0"

SQUARE FOOTAGE	
TOTAL	3,401 SQ FT

LEGEND	
	NEW CONSTRUCTION

ANY REPRODUCTION, REUSE, OR MODIFICATION OF THIS DOCUMENT IS STRICTLY FORBIDDEN WITHOUT THE WRITTEN CONSENT OF THE OWNER. OF FRAMEWORX, LLC THE PURCHASE OF THIS DOCUMENT DOES NOT CONSTITUTE THE OWNERSHIP OF THE DOCUMENT, BUT SERVES AS A FEE FOR THE ONE TIME RIGHT TO CONSTRUCT THE DESIGN CONTAINED HEREIN. ANY UNAUTHORIZED REPRODUCTION, REUSE, OR MODIFICATION OF THIS DOCUMENT WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

FRAMEWORX LLC
24390 US-98 Suite 5
Fairhope AL, 36532
www.frameworxllc.com



101 FLY CREEK AVE.
SUITE 305
FAIRHOPE, AL 36532

NEW FLOORPLAN

PLAN NAME:
TEREZZA OPTICAL
NEW FLOORPLAN

DATE ISSUED:
NOV 08 2023

DATE PLOTTED:
NOV 08 2023

WATER PERMIT #

CURRENT PERMIT #

DRAWN BY :
BMP

CHECKED BY :
BMP

SHEET No. :
A-2



Authorization Letter

May 9, 2024

To Whom It May Concern:

I, Dr. Gene Terrezza, hereby authorize Katherine (Kat) Boyden of Terrezza Optical Group to represent me and to act on my behalf in regard to the application for board of adjustments of the city of Fairhope.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gene Terrezza', written in a cursive style.

Gene Terrezza, OD

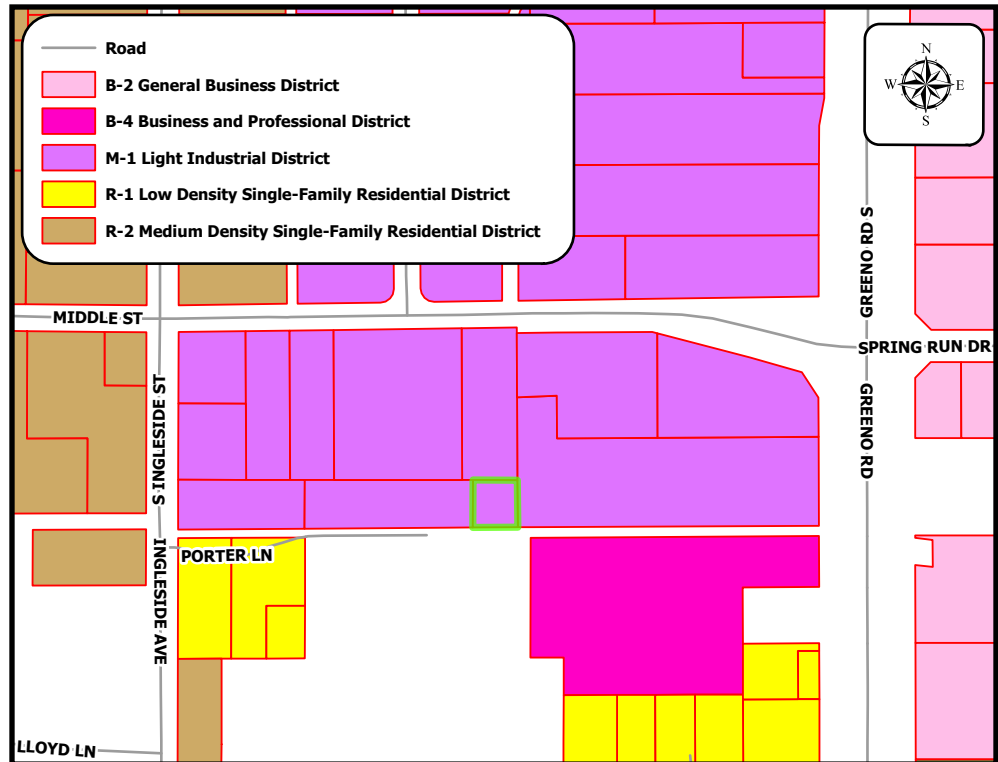
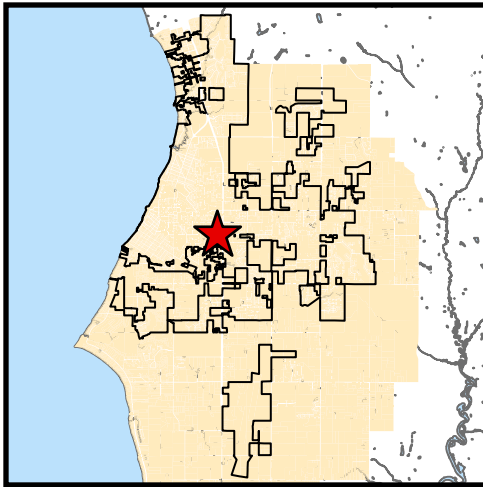
City of Fairhope

Board of Adjustments

June 17, 2024



BOA 24.07 - Bolton Automotive



Project Name:

Bolton Automotive

Site Data:

0.17 acres

Project Type:

Special Exception: Use on Appeal

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

M-1

PPIN Number:

38692

General Location:

East side of South Ingleside Ave, north of Porter Lane

Surveyor of Record:

N/A

Engineer of Record:

N/A

Owner / Developer:

William Bolton

School District:

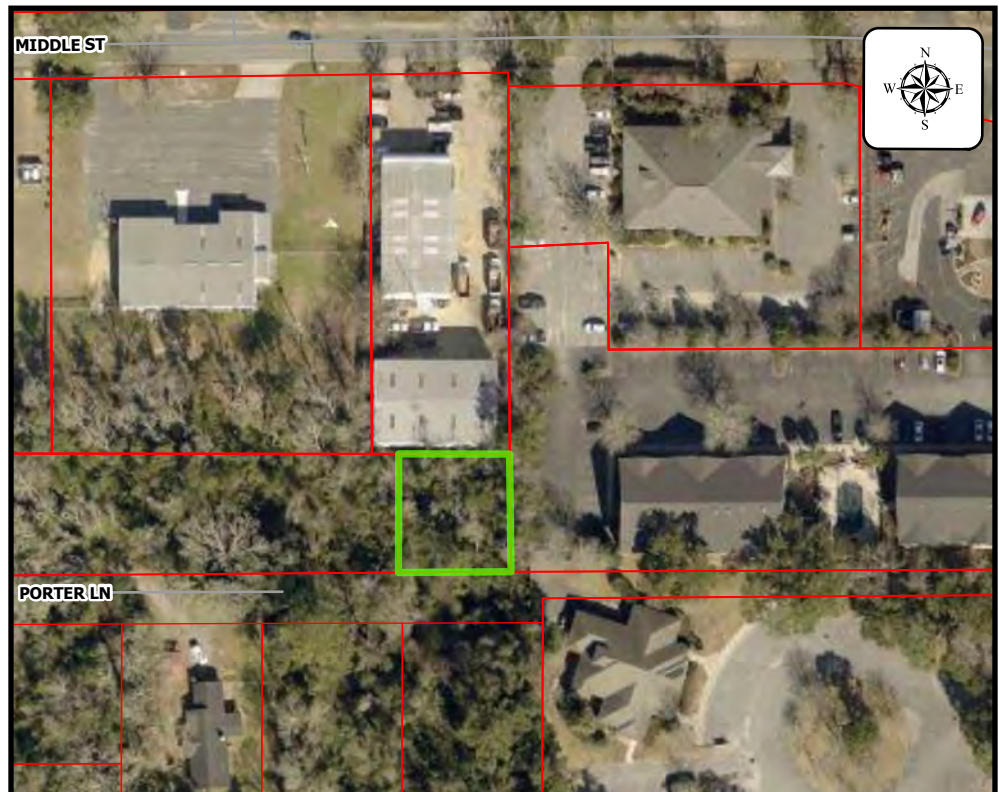
Fairhope Elementary School
Fairhope Middle and High Schools

Recommendation:

Denial

Prepared by:

Mike Jeffries





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: ☐ Administrative Appeal ☒ Special Exception ☐ Variance

Property Owner / Leaseholder Information

Name: William Bolton Phone Number: 251-422-5676
 Street Address: 7841 Porter Lane
 City: Fairhope State: AL Zip: 36532
ppacey@bcs-us.com PPIN: 38692

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: _____

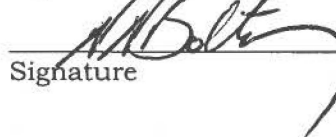
Site Plan with Existing Conditions Attached: YES NO
 Site Plan with Proposed Conditions Attached: YES NO
 Variance Request Information Complete: YES NO
 Names and Address of all Real Property Owners
 within 300 Feet of Above Described Property Attached: YES NO

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.

William Bolton
 Property Owner/Leaseholder Printed Name


 Signature

13 MAY 2024
 Date

 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) <u>Zoning</u> |

Describe the indicated conditions: Current zoning does not allow for outdoor sales lot and will only be permitted subject to BOA approval

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

Zoning does not allow without a variance

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

Variance to allow use of land as automotive dealership

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."

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	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.

William Walter Bolton
Property Owner/Leaseholder Printed Name

05/13/2024
Date

W.W. Bolton
Signature

Fairhope Single Tax Corp. (If Applicable)

CITY OF FAIRHOPE

P.O. Box 429
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BOARD OF ADJUSTMENTS & APPEALS APPLICATION



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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.

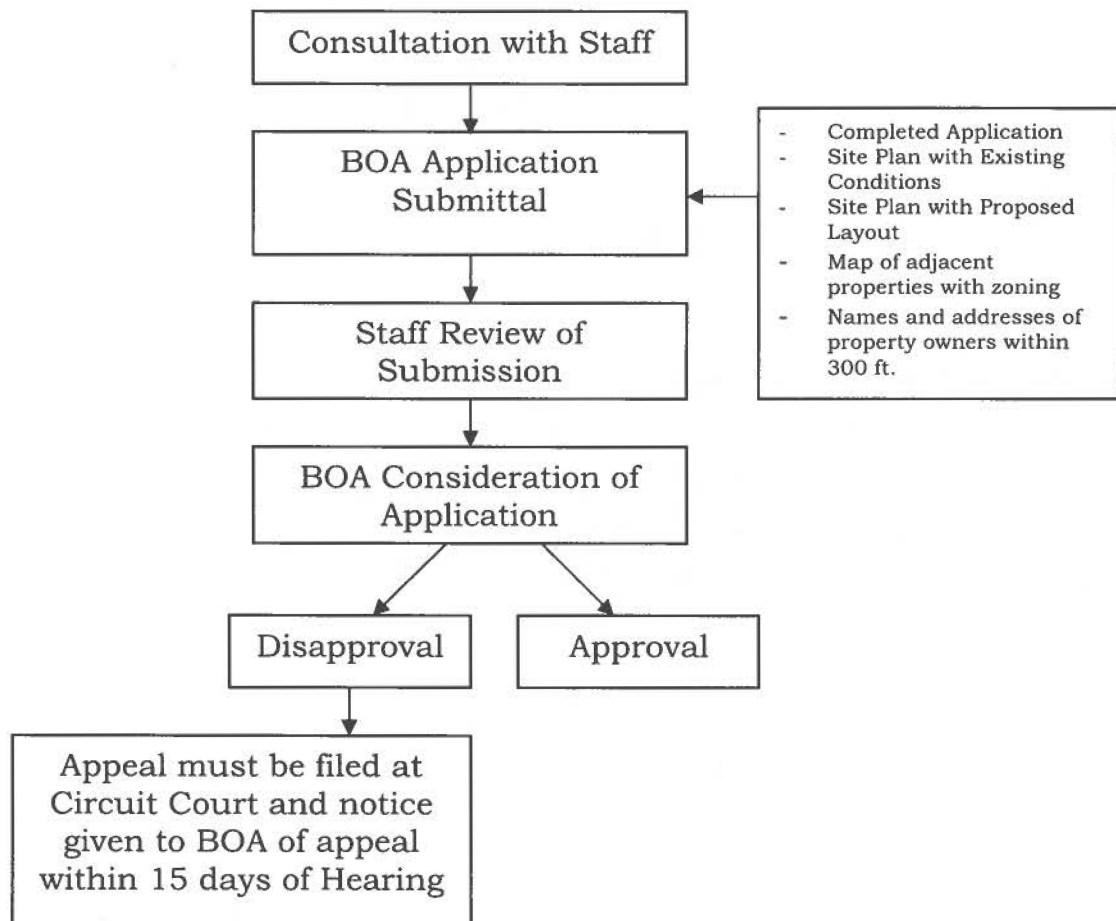
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BOA Application Submission: The BOA application must be complete. An application is not considered complete unless all required documents are provided at the time of submission. An incomplete application may not be accepted by staff.

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:

Applicant, William Bolton, is requesting a special exception to allow outdoor automotive sales at 7841 Porter Lane. The subject property is zoned M-1, Light Industrial district. According to the City of Fairhope Zoning Ordinance Article III, Section A(15):

M-1 Light Industrial District: This district is intended to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic. Industrial parks should be encouraged. Locations should be in accordance with comprehensive plans.

Additionally, Article IX, Section B(4)(h) states the following:

Outdoor Sales Lot- retail use where a significant portion of the merchandise, either in area or in business value, is typically stored outside during business hours.

Comments:

Subject property currently does not have access from Porter Lane although that is the official address. Porter Lane is a private road. An address is needed for a building permit application, which the Applicant previously pulled. It is not a City of Fairhope ROW. Staff consulted Baldwin County and they confirmed Porter Lane was not their ROW either. Porter Lane appears on plats as an easement, unopened ROW, and as "Reserved for Public Road." Currently legal access to this property has not been provided.



Figure 1: Porter Lane

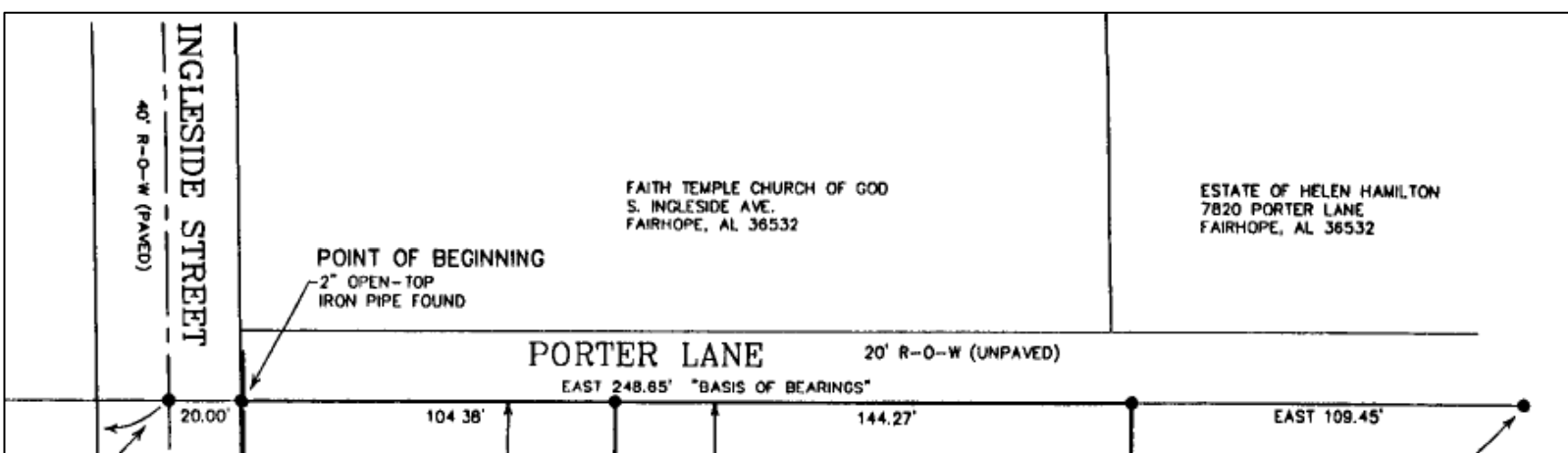


Figure 2: Slide 2081-E excerpt circa 2002

The Applicant owns the property to the north, but it appears access is blocked by the existing building built at the rear of the property extending almost lot line to lot line.



Figure 3: Existing Conditions.

The *City of Fairhope Zoning Ordinance* defines a special exception as follows:

Special Exception: Permission granted by the Board of Adjustment for a use indicated in this ordinance as a use limited to a special exception procedure, subject to conditions specified in this ordinance and any conditions the Board deems necessary to ensure that community interests are furthered by permission of the use.

The Board of Adjustments is authorized to grant special exceptions through Article II.A.d(2) which states the following:

d. Duties and Powers: The Board shall have the following duties and powers:

(2) Special Exceptions - To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance.

The Ordinance provides guidance for special exception requests through the following criteria:

Article II.C.3.e.

Criteria - (2) Any other application to the Board shall be reviewed under the following criteria and relief granted only upon the concurring vote of four Board members:

- (a) Compliance with the Comprehensive Plan;
- (b) Compliance with any other approved planning document;
- (c) Compliance with the standards, goals, and intent of this ordinance;
- (d) The character of the surrounding property, including any pending development activity;
- (e) Adequacy of public infrastructure to support the proposed development;
- (f) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
- (g) Compliance with other laws and regulations of the City;
- (h) Compliance with other applicable laws and regulations of other jurisdictions;
- (i) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;
- (j) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.
- (k) Overall benefit to the community;
- (l) Compliance with sound planning principles;
- (m) Compliance with the terms and conditions of any zoning approval; and
- (n) Any other matter relating to the health, safety, and welfare of the community.

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

Article II.C.3.f.

Effect of Appeal – An appeal to the Board stays all legal proceedings in furtherance of the application appealed from unless the Director certifies to the Board that a stay would cause imminent peril to life and property. In such cases, proceedings will not be stayed, unless by

operation of a court of competent jurisdiction. If an appeal fails for any reason, the stay shall be lifted.

Analysis and Recommendation:

Special Exception Criteria:

(b) Compliance with any other approved planning document

Response:

As indicated in the City of Fairhope Zoning Ordinance Article III, Section B., Table 3-1 Use Table, an outdoor sales lot in M-1 may be permitted only on appeal and subject to special conditions. The Applicant desires to use the subject property for automotive sales. Depicted below is an image of the existing conditions of the site. The applicant also provided a site plan.

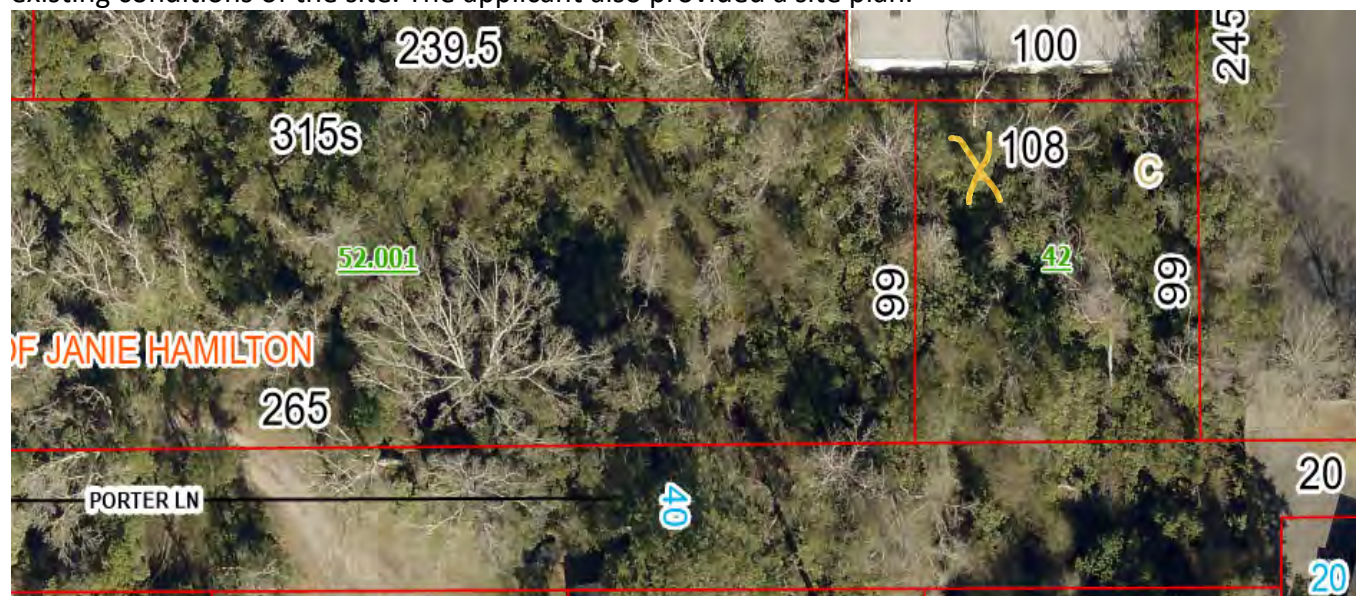


Figure 4: Existing Conditions

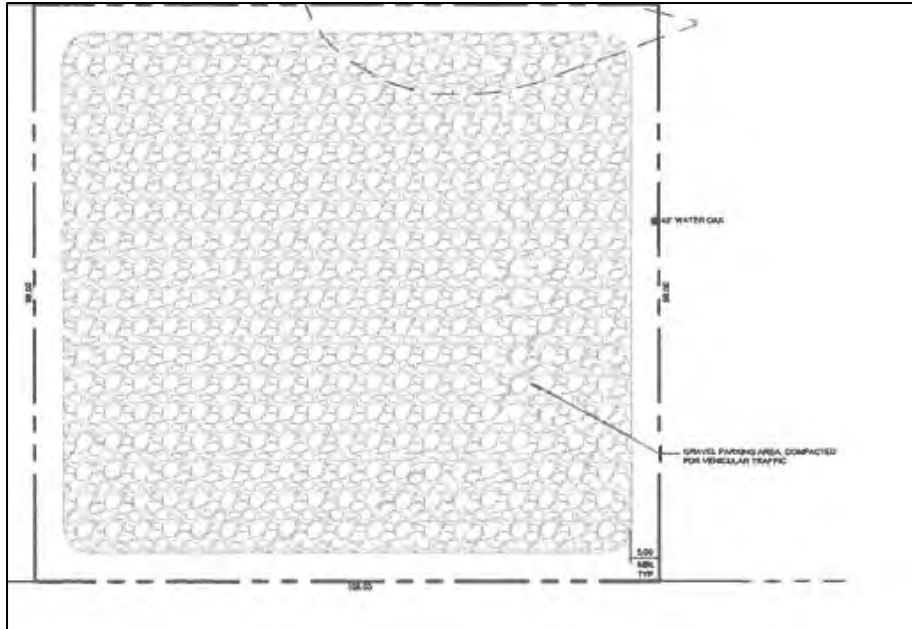


Figure 5: Site Development Plan

Improvements consist of a gravel parking area that is compacted for vehicular traffic.

The above site plan depicts the proposed site; however, it does not specifically identify the outdoor sales area. The site plan should be revised to identify where the outdoor sales are as well as specifically state the items that will be located outside and available for purchase.

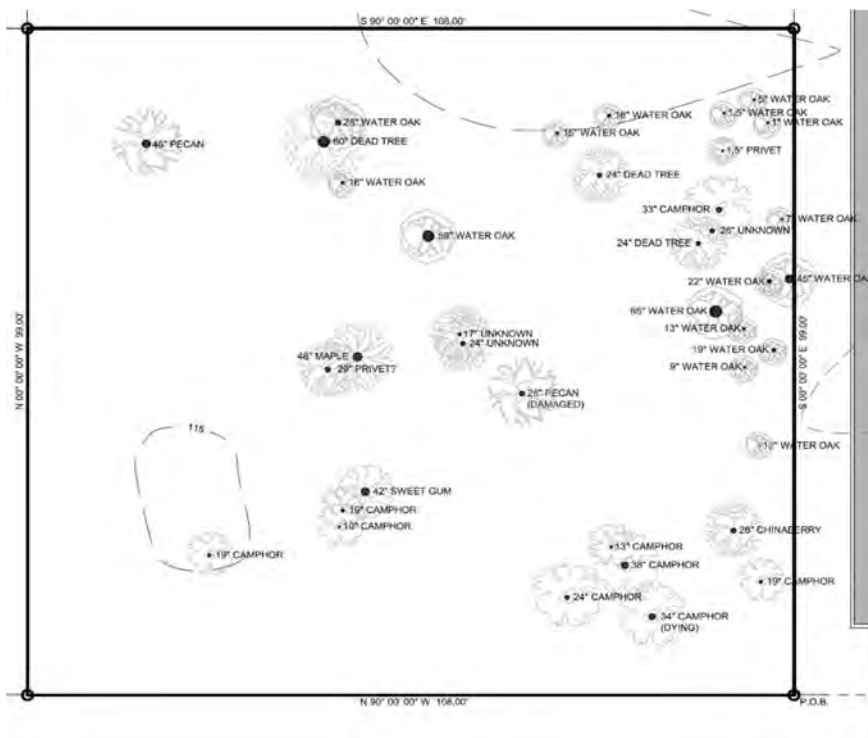


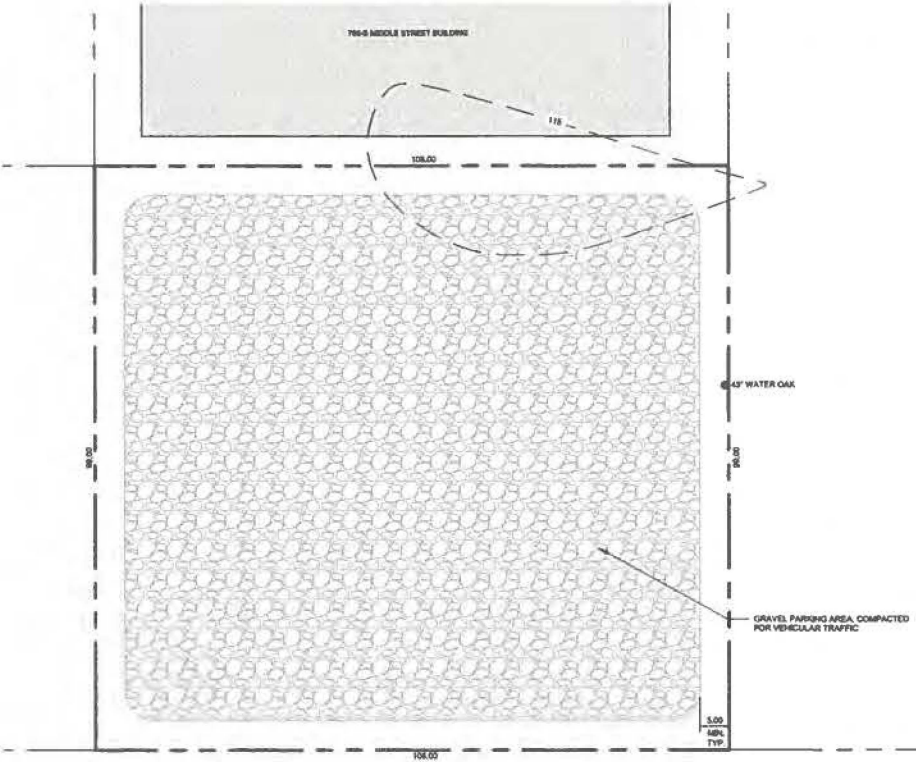
Figure 6: Tree Removal Plan.

The Tree Ordinance is applicable to this property and all heritage trees are protected. A previous building permit was submitted to build the same parking lot and was denied. Several trees are shown on the above plan. It is important to note the plans submitted are not stamped by a surveyor, engineer, or architect. The Tree Ordinance requires a landscape plan to be drawn by a licensed landscape architect or state certified landscape designer.

Several uncertainties exist with this project from the location and intensity of the outdoor sales to the legal access to the property. A vehicular use sales lot without legal access is very concerning to staff.

Recommendation:

Staff recommends the Board of Adjustment ***DENY*** the proposed Special Exception for the subject property to allow outdoor sales lot in this M-1, Light Industrial Zoning District due to lack of access, excessive traffic that would be generated along Porter Lane (if legal access was cleared) through the surrounding residential area, and the proposed removal of every heritage tree on the property.



VICINITY MAP

LEGEND

- PROPERTY LINE
- EX. MAJOR CONTOUR LINE
- EX. MINOR CONTOUR LINE
- 3" CAMPHOR TREE TYPE & CIRCUMFERENCE (TO REMAIN)
- NEW GRAVEL AREA

SURVEY NOTE

1. TREE SURVEY WAS PERFORMED ON OCTOBER 20, 2023. ALL TREE SIZES SHOWN WERE MEASURED AT 48" ABOVE GRADE AND IS SHOWN BY CIRCUMFERENCE.

SITE DEVELOPMENT PLAN
1"=10'-0"

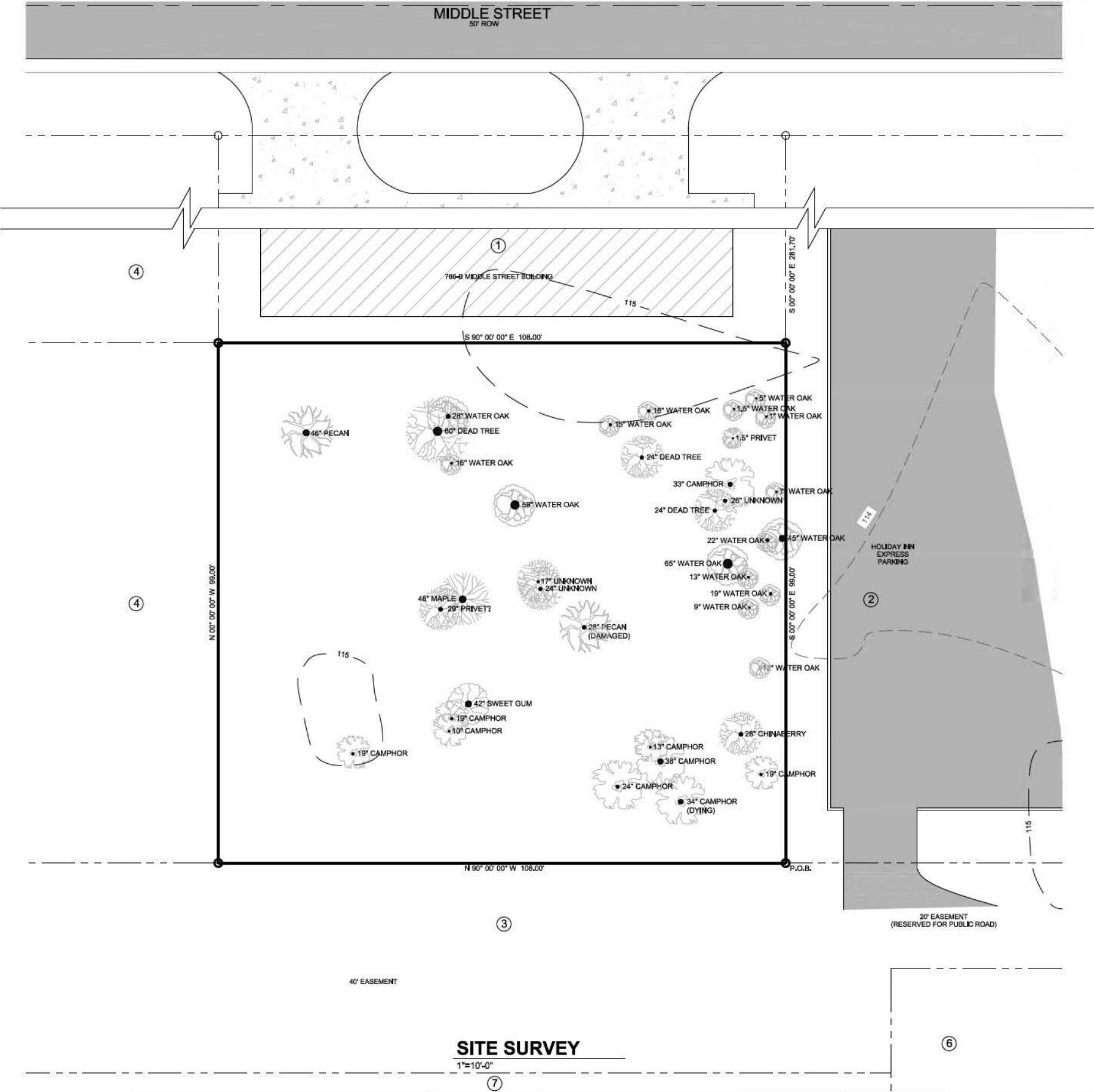


FOR PERMITTING ONLY

REVISIONS				THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION, RECORDATION, CONVEYANCE, SALES, OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT	 BEAUFORT ENGINEERING SERVICES 311 FELLS AVENUE FARMHOPE, ALABAMA 36532 PHONE: 251-429-0551 FAX: 251-429-0552	SITE DEVELOPMENT PLAN					C2		
NO.	DATE	DESCRIPTION	APPROVED			BOLTON PARCEL							
						7841 PORTER LANE							
						FARMHOPE, AL 36532							
						JOB NO.	DRWN BY	DESIGNED BY	CHECKED BY	DATE	PHOT	OF	XX
						X	JL	JL		12-6-2023			

ADJACENT PROPERTY OWNERS

- 1 05-46-04-20-1-000-042.005
BOLTON, WILLIAM WALTER
PO BOX 1348, FAIRHOPE, AL 36533
0.67 ACRES
- 2 05-46-04-20-1-000-044.000
MAHANTRAJ PALESTINE L L C ETAL JSN HOTEL AND S L L C
19751 S GREENO RD, FAIRHOPE, AL 36532
2.1 ACRES
- 3 CITY OF FAIRHOPE EASEMENT
- 4 05-46-04-20-1-000-052.001
PORTER, DOYLE ETUX JOELLEN
711 NICHOLS AVE, FAIRHOPE, AL 36532
0.46 ACRES
- 5 05-46-04-20-1-000-042.002
MIDDLE EARTH LLC
25 RIVER RTE, MAGNOLIA SPRINGS, AL 36555
1.54 ACRES
- 6 05-46-04-20-1-000-048.000
EASTERN SHORE MEDICAL PLAZA LLC
19725 S GREENO RD, FAIRHOPE, AL 36532-3843
2.89 ACRES
- 7 05-46-04-20-1-000-049.000
PORTER, ROBERT G JR ETAL PORTER, JUDY C
15839 TRAFALGAR DR, MACOMB, MI 48044
0.50 ACRES



VICINITY MAP

LEGEND

- PROPERTY LINE
ADJ. PROPERTY LINE
EX. MAJOR CONTOUR LINE
EX. MINOR CONTOUR LINE
CENTER LINE
P.O.B.
POINT OF BEGINNING
24" CAMPHOR
TREE TYPE & CIRCUMFERENCE
ADJACENT PROPERTY OWNERS KEY
EX. ROAD/ASPHALT
EX. BLDG.
EX. CONC.

PARCEL INFO

PARCEL NUMBER:	05-46-04-20-1-000-042.000
PIN:	38692

SITE DATA TABLE

PROPERTY ADDRESS:	7841 PORTER LN.
ZONING:	M-1 LIGHT INDUSTRIAL
SECTION/TOWNSHIP/RANGE	20-6S-2E
TOTAL SITE:	10,692 SF / 0.24 ACRES
PROPOSED USE:	COMMERCIAL
MINIMUM SETBACKS:	NONE

LEGAL DESCRIPTION

STATE OF ALABAMA
COUNTY OF BALDWIN
108' X 99' FROM NE CORNER OF SECTION 20, RUN SOUTH A DISTANCE OF 1335 FEET AND WEST A DISTANCE OF 640 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE WEST 108 FEET, THENCE NORTH 99 FEET, THENCE EAST 108 FEET, THENCE SOUTH 99 FEET TO THE POINT OF BEGINNING CONTAINING 10,692 SQUARE FEET (0.24 ACRES), MORE OR LESS.



FOR PERMITTING ONLY

REVISIONS			
NO.	DATE	DESCRIPTION	APPROVED

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311 FELS AVENUE FAIRHOPE, ALABAMA 36532 PHONE: 251-929-0551 FAX: 251-929-0552

SITE SURVEY

BOLTON PARCEL
7841 PORTER LANE
FAIRHOPE, AL 36532

JOB NO:	DRAWN BY:	DESIGNED BY:	CHECKED BY:	DATE:
X	AB	-		05-15-2024

DRAWING

S1

SHEET OF XX

