

The Board of Adjustments met Monday, June 17, 2024, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

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

Absent: Ryan Baker

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

Approval of Minutes

Cathy Slagle made a motion to approve the minutes from the May 20, 2024, meeting, revising the adjournment list to reflect those in attendance.

Bryan Flowers seconded the motion and the motion carried with the following vote:

Aye: Anil Vira, Cathy Slagle, Donna Cook, Frank Lamia, and Bryan Flowers

Nay: None.

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**

Michelle Melton, City Planner, presented 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. Ms. Melton shared the zoning and aerial maps.

Recommendation:

Staff recommends approval of BOA 24.05.

Cathy Slagle asked to be shown where the medical office would be located. Ms. Melton showed the floor plan of the shopping plaza and stated that Terrezza Optical will be using three of the spaces in that plaza.

Frank Lamia asked if the office was a general practitioner in eye care and whether they do surgery.

Ms. Slagle asked if the office is an optical office and whether it was run by an optometrist or ophthalmologist.

Ms. Boyden stated that they do not perform surgery in the office, and it is run by an optometrist. They treat glaucoma, diabetic retinopathy, and macular degeneration. Ms. Boyden stated that they are a medical facility along with an optical office for patients that they write prescriptions for glasses.

Chairman Vira opened the public hearing at 5:07pm. Having no one present to speak, the public hearing was closed at 5:07pm.

Motion:

Cathy Slagle made a motion to approve BOA 24.05.

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

Aye: Anil Vira, Cathy Slagle, Donna Cook, Frank Lamia, and Bryan Flowers

Nay: None.

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**

Mike Jeffries, Development Services Manager, presented 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. Ms. Jeffries shared the zoning and aerial maps. Mr. Jeffries shared the M-1 Light Industrial and Outdoor Sales Lot explanation portions of the Zoning Ordinance. Staff is concerned with there being no legal access to the property.

Recommendation:

Staff recommends denial of BOA 24.07 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.

Mr. Lamia asked who owned Porter Lane. Mr. Jeffries replied that is unknown. It is being used as a private drive for the handful of residents that live along it. Donna Cook asked how wide it is. Mr. Jeffries stated that, from the tax map, there is a 40' bulge in the middle of it with 20' on the east and west sides. Mr. Jeffries listed several ways on how Porter Lane may have come to exist, but there is no definitive explanation.

William Bolton explained that he bought the property from Summerdale Farmer's Association in Silverhill, which is now defunct and also owns 766 Middle Street. He stated that he does not need access from Porter Lane, Ingleside or Greeno. He can access the property from there. Mr. Bolton continued that he needs a place to store his vehicles in order to keep his Wholesale Dealer License. He needs an address to meet the rules for the Alabama Wholesale Dealer License. There is access to that property from 766 Middle Street and he would be the only one going to 7841 Porter Lane and would bring the vehicles to a customer.

Mr. Lamia and Ms. Slagle both stated that his explanation was different than what was submitted and that it should be resubmitted.

Mr. Bolton stated that he could use mulch instead of gravel for the parking on that lot and he has not and does not need to remove any heritage trees

Ms. Slagle asked Mr. Bolton to show her where 766 Middle Street was. Mr. Bolton shared the aerial which shows the location with buildings A and B along with the area where there is enough space to access 7841 Porter Lane.

Ms. Slagle asked what types of businesses were on his property. Mr. Bolton stated that there are multiple businesses: an Engineering and Architecture business, athletic club, dump truck business, antique car business, and an automotive accessory supplier business. Ms. Slagle asked if the buildings were one story and if there was adequate parking. Mr. Bolton replied that both buildings have two stories and there is adequate parking.

Mr. Lamia asked Mr. Jeffries that since what Mr. Bolton is asking is not what was presented on the agenda, are they able to do anything. Mr. Jeffries suggested that the best course of action would be to table the request until the next meeting.

Mr. Bolton stated that all he is asking from the City is permission to use 7841 Porter Lane for his Wholesale Dealer License. Mr. Jeffries stated that staff cannot say that with Mr. Bolton saying the property will be left empty and will only be used as a shell address. If the Board approves the request for an outdoor lot and it gets sold, that individual would be approved for that use by right and could store cars there and turn it into an outdoor sales lot.

Ms. Slagle asked if the address would then be 766 Middle Street, building C. Mr. Bolton replied no, it is a separate piece of property addressed as 7841 Porter Lane which was given to him by e-911. Mr. Jeffries stated that the City's Planning Department provided that as a temporary address for a building permit. The address can be pulled back if the building permit is not acted upon.

Ms. Slagle asked how much space is between building B and the side of the property. Mr. Bolton replied 20'. Ms. Slagle asked if there was a setback or just a driveway. Mr. Jeffries stated that if a driveway were to be installed, the Tree Ordinance would require vehicular use area buffers that would need to be installed. If that happened, the property would need to be reviewed for the access going back to the other property. The City of Fairhope's Multiple Occupancy Project (MOP) that gets triggered if there are three or more businesses on a property. This property has not gone before the Planning Commission for approval of an MOP. Mr. Bolton stated that the businesses have been there for 20 years.

Mr. Lamia asked if this project should have come before the Board of Adjustments. Mr. Jeffries stated that yes, it would still need to be approved by the Board of Adjustments due to the Special Exception. Staff will still need to see what the parameters for the parking lot would be, the screening for the adjacent properties and Mr. Bolton would need to grant himself the easement. Mr. Bolton stated that his license requires that he have two parking spaces.

Ms. Slagle asked Mr. Bolton if he would revise his application and resubmit next month if the Board of Adjustments agreed to table his request. Mr. Bolton stated that he would. Mr. Jeffries suggested that Mr. Bolton table his request and meet with staff to discuss his proposed use.

Chairman Vira opened the public hearing at 5:30pm. Having no one present to speak, the public hearing was closed at 5:30pm.

Motion:

Frank Lamia made a motion to table BOA 24.07 until next month.

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

Aye: Anil Vira, Cathy Slagle, Donna Cook, Frank Lamia, and Bryan Flowers

Nay: None.

Old/New Business

- BOA 23.05 – Request of applicants, Max and Emily Hansen, for a one-year extension on the 15' variance to the street side setback located at the southeast corner of Patlynn Drive and Greenwood Avenue.

Mike Jeffries, Development Services Manager, presented the request and stated that the variance request expires from one year from approval if the variance has not been acted upon and recorded with Probate. None of the variables have changed. This is a corner lot which reflects a 35' setback along Patlynn Drive and Greenwood Avenue. Corner lots are allowed a 20' side street setback on the lot line with the greatest dimension per the Zoning Ordinance. This variance request is to establish the front line and side street lot line. The proposed setback relief establishes the front line as being adjacent to Greenwood Avenue.

Staff recommends approval of the one-year extension request for BOA 23.05, 686 Greenwood Avenue, requesting a 15' setback variance on the western property line abutting Patlynn Drive.

Ms. Slagle asked if the variance has been recorded with Probate. Mr. Jeffries stated no. A note is added to the Notice of Actions and staff tries to state in public meetings as often as possible that any variance needs to be acted upon and recorded the document with Probate.

Emily Hansen stated that she did not read the bottom of the Notice of Action and that, if she is granted the extension, she will act on it immediately. She continued that they are ready to begin on the project.

Chairman Vira asked if anyone from the public wanted to speak. No one was present that wanted to speak.

Motion:

Frank Lamia made a motion to approve BOA 23.05 for a one-year extension.

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

Aye: Anil Vira, Cathy Slagle, Donna Cook, Frank Lamia, and Bryan Flowers

Nay: None.

Mr. Jeffries stated that a new Notice of Action will be prepared and sent to the Hansens and that is what will need to be recorded with Probate, which should be done after submittal for a building permit.

- Mr. Jeffries stated that there are two cases for July.

Adjournment

Cathy Slagle made a motion to adjourn.

The motion carried unanimously with the following vote:

Aye: Anil Vira, Cathy Slagle, Donna Cook, Frank Lamia, and Bryan Flowers

Nay: None.

Adjourned at 5:38p.m.

Cathy Slagle
Vice Chairman

Anil Vira, Chairman

Cindy Beaudreau
Cindy Beaudreau, Secretary