



**City of Fairhope
Board of Adjustments Agenda
5:00 PM
Council Chambers
August 19, 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
 - July 15, 2024
3. Consideration of Agenda Items

A. 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**

B. BOA 24.09 Public hearing to consider the request of the Owner, FST and Thomas F. Munsey, for a Special Exception – to allow for an accessory structure to be built forward of the principal structure on property zoned R-1 – Low Density Single-Family Residential District. The property is located at 52 N. Ingleside Street and is approximately 0.83 acres. **PPIN#: 14954**

C. BOA 24.10 Public hearing to consider the request of the Applicant, Mack McKinney, on behalf of the Owner, FST Sildi LLC, for a Special Exception – Use on Appeal – to allow for a hotel on property zoned B-2 General Business District. The property is located at 301 Fairhope Avenue and is approximately 0.20 acres. **PPIN#: 14359**

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



D. BOA 24.11 Public hearing to consider the request of the Owner, Jason LaSource, for a 15' front setback variance and a 5' side setback variance on property zoned R-2 Medium Density Single-Family Residential District. The property is located at 50 Fels Avenue. The property is approximately 0.22 acres. **PPIN#: 14503**

Sherry Sullivan
Mayor

4. Old/New Business

Council Members

Kevin G. Boone

5. Adjourn

Jack Burrell, ACMO

Jimmy Conyers

Corey Martin

Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Kimberly Creech
City Treasurer

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The Board of Adjustments met Monday, July 15, 2024, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

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

Absent: Anil Vira and Donna Cook

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 June 17, 2024, meeting.

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

Aye: Cathy Slagle, Ryan Baker, Frank Lamia, Bryan Flowers, and David Martin

Nay: None.

BOA 24.08 Public hearing to consider the request of the Applicant, Shelley Springer, for a Special Exception – Use on Appeal – to allow for a hotel on property zoned B3-b – Tourist Resort Commercial Service District. The property is located at 131 Fairhope Avenue and is approximately 0.30 acres. **PPIN#: 15053**

Michelle Melton, City Planner, presented the request of the Applicant, Shelley Springer, for a Special Exception – Use on Appeal – to allow for a hotel on property zoned B3-b – Tourist Resort Commercial Service District. Ms. Melton shared the zoning and aerial maps along with the existing and proposed site plans.

Recommendation:

Staff recommends approval of BOA 24.08.

Shelley Springer, 131 Fairhope Avenue, stated that she would like to revive the inn.

Frank Lamia asked for confirmation that this was not a bed and breakfast, but a hotel. Ms. Springer stated that there are six suites, similar to the Fairhope Inn, and agreed stating that there will be no restaurant on site but will serve a continental breakfast and coffee.

Vice-Chair Slagle asked if the parking would be on the north side. Ms. Springer stated yes. Ms. Slagle stated that there was a small home between the proposed inn and the alley. Ms. Springer stated that the parking would be up against that home. Ms. Springer continued that she does not anticipate any problems with the parking. She believes with the price point, she will attract the shoppers and that there are no amenities with the inn, so the neighbors will not be disturbed by anything that would draw the visitors outside. Mr. Simmons added that there is a landscape buffer and there is no event space at this inn.

Bryan Flowers asked about a room rate. Ms. Springer stated that it would be about \$350/night.

Mr. Simmons stated that he appreciated the work that the applicant has put in for this request and work with what is on site. Mr. Lamia asked if there was a schedule for the renovations. Ms. Springer stated that she is in the process of submitting part 2 of the Alabama Historic Tax Credits. She has been approved for part 1. As soon as she gets the approval on part 2 then an engineer will prepare the drawings and continued that she is ready to start as soon as three months. Mr. Simmons added that this project will follow up with an MOP that will go through the Planning Commission.

Mr. Lamia asked if she could start construction in three months, would they open in a year? Ms. Springer agreed that it could be ready in a year.

Vice-Chair Slagle opened the public hearing at 5:10pm. Having no one present to speak, the public hearing was closed at 5:10pm.

Motion:

Ryan Baker made a motion to approve BOA 24.08.

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

Aye: Cathy Slagle, Ryan Baker, Frank Lamia, Bryan Flowers, and David Martin

Nay: None.

Old/New Business

Mr. Simmons stated that there are four cases for July.

Adjournment

Ryan Baker made a motion to adjourn.

The motion carried unanimously with the following vote:

Aye: Cathy Slagle, Ryan Baker, Frank Lamia, Bryan Flowers, and David Martin

Nay: None.

Adjourned at 5:12p.m.

Anil Vira, Chairman

Cindy Beaudreau, Secretary

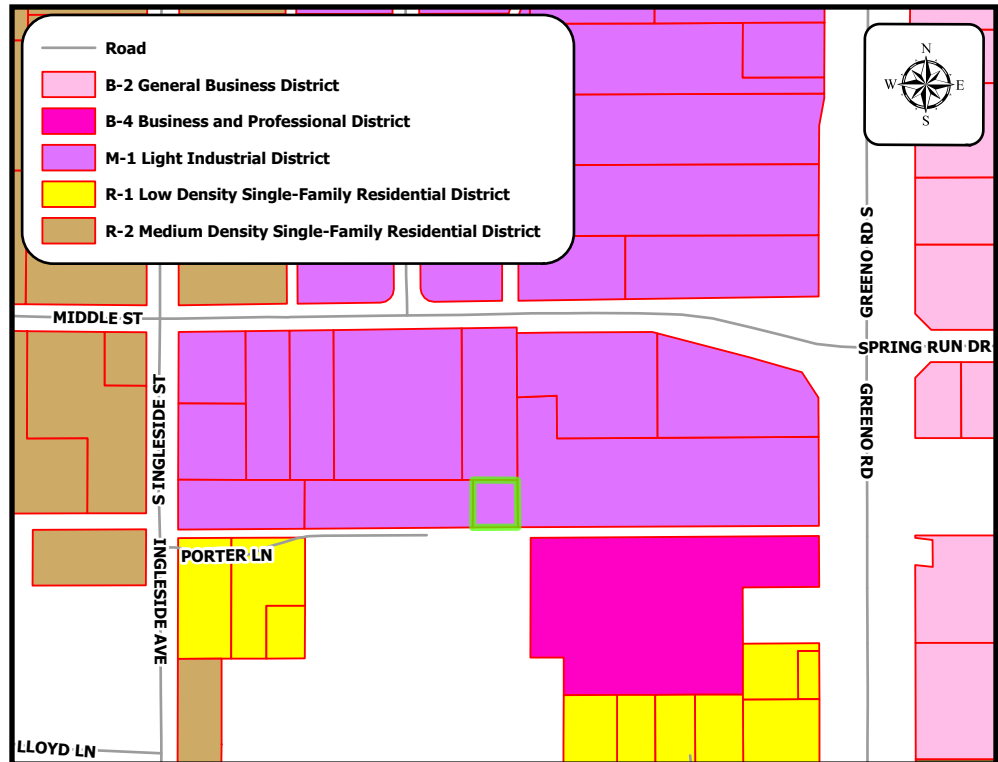
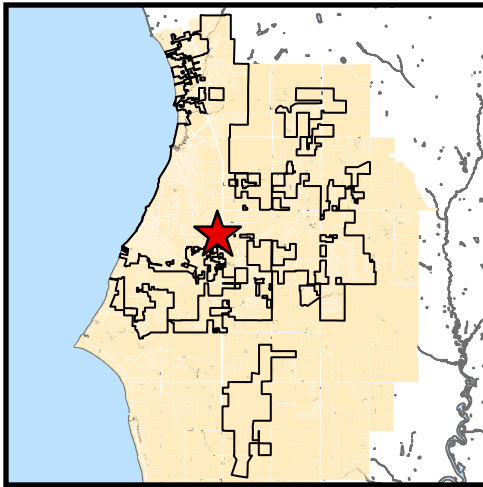
City of Fairhope

Board of Adjustments

August 19, 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:

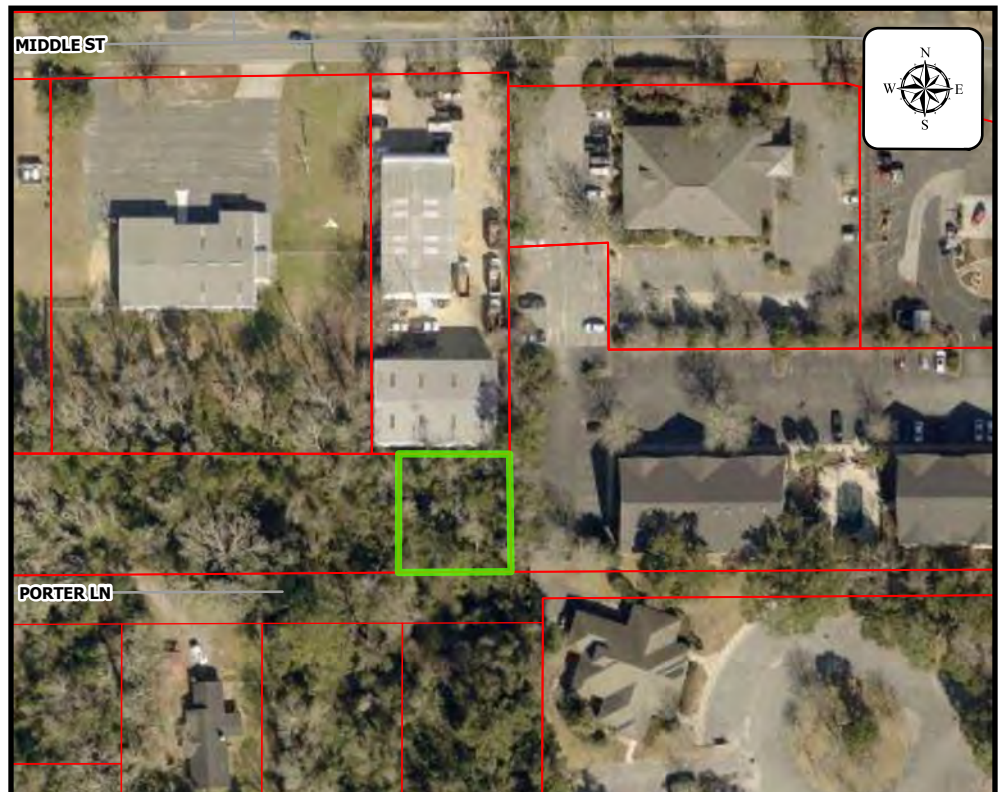
Fairhope Elementary School
Fairhope Middle and High Schools

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: _____

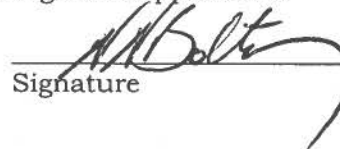
Site Plan with Existing Conditions Attached: YES NO
 Site Plan with Proposed Conditions Attached: YES NO
 Variance Request Information Complete: YES NO
 Names and Address of all Real Property Owners
 within 300 Feet of Above Described Property Attached: YES NO

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) <i>Zoning</i> |

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."

BOA Fee Calculation:

	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

W.W. Bolton
Signature

Date

05/13/2024

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.

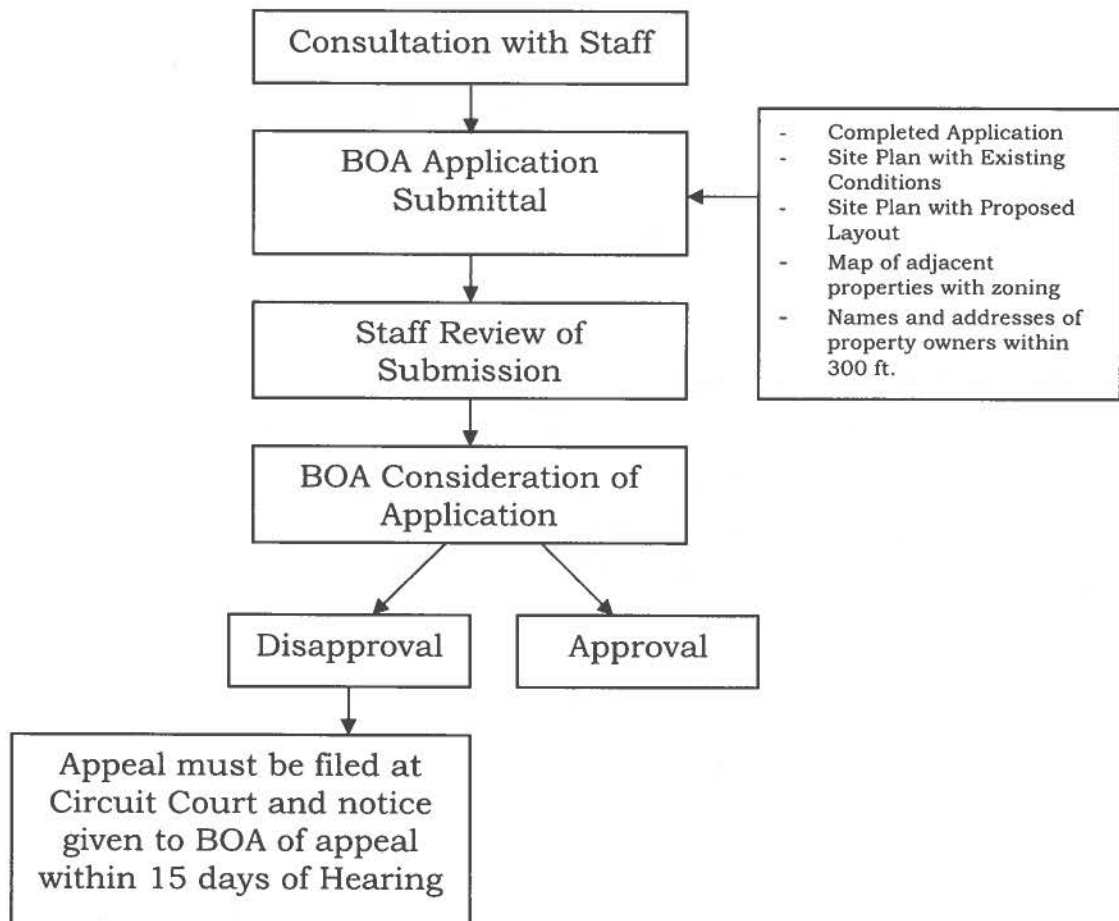
Approval of the request requires 4 of the 5 members of the BOA to vote in favor. A simple majority does not pass.

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:

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

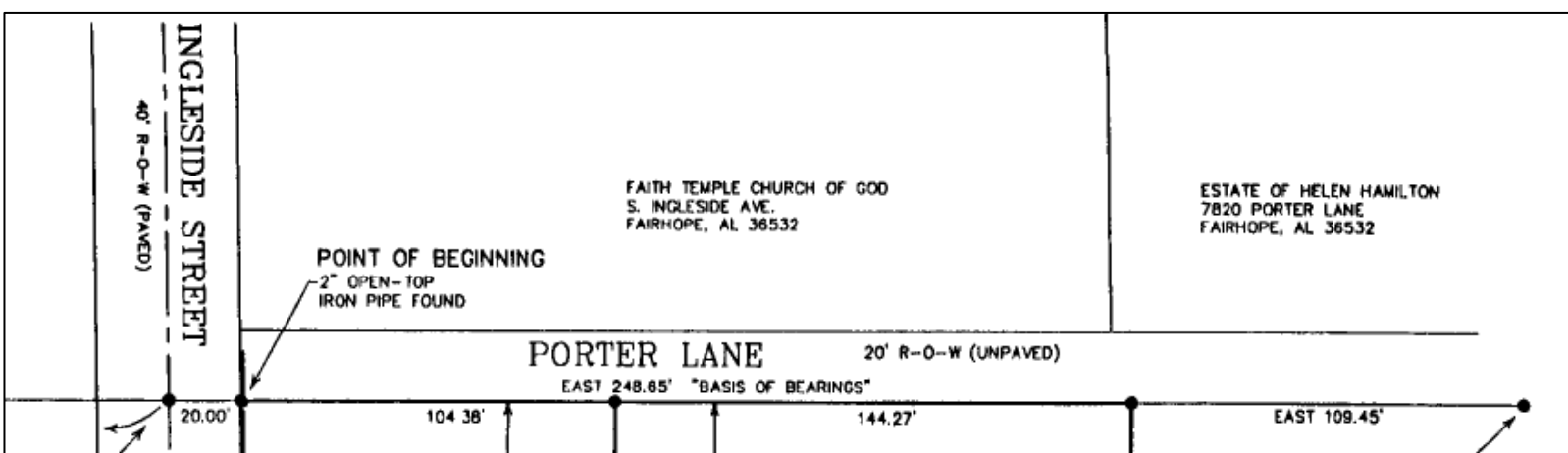


Figure 2: Slide 2081-E excerpt circa 2002

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.

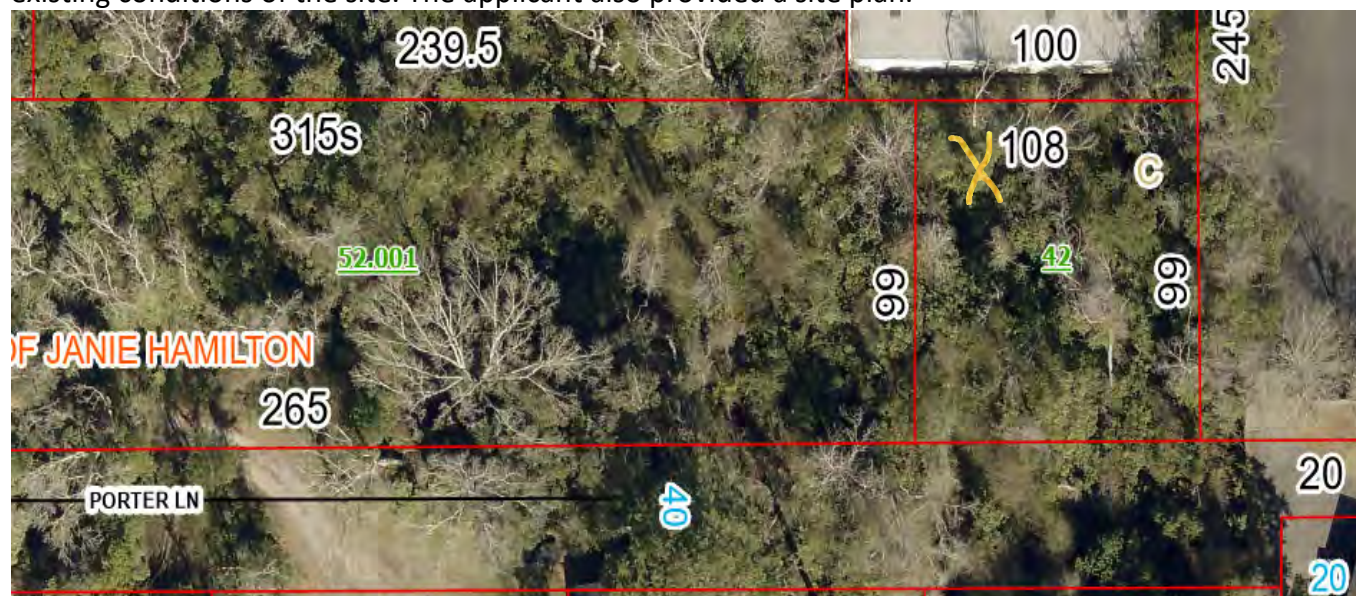


Figure 4: Existing Conditions

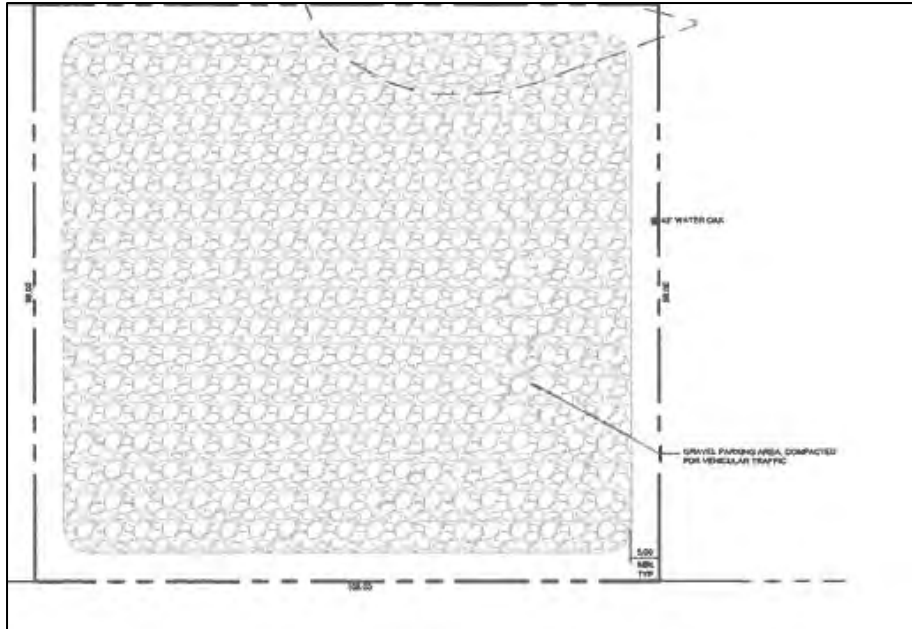


Figure 5: Site Development Plan

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.

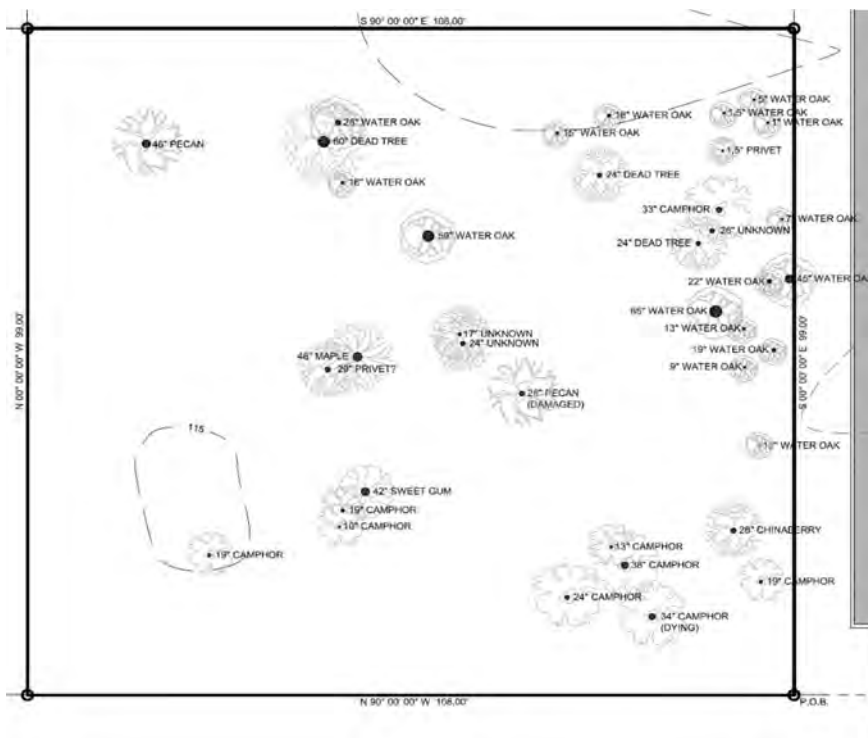


Figure 6: Tree Removal Plan.

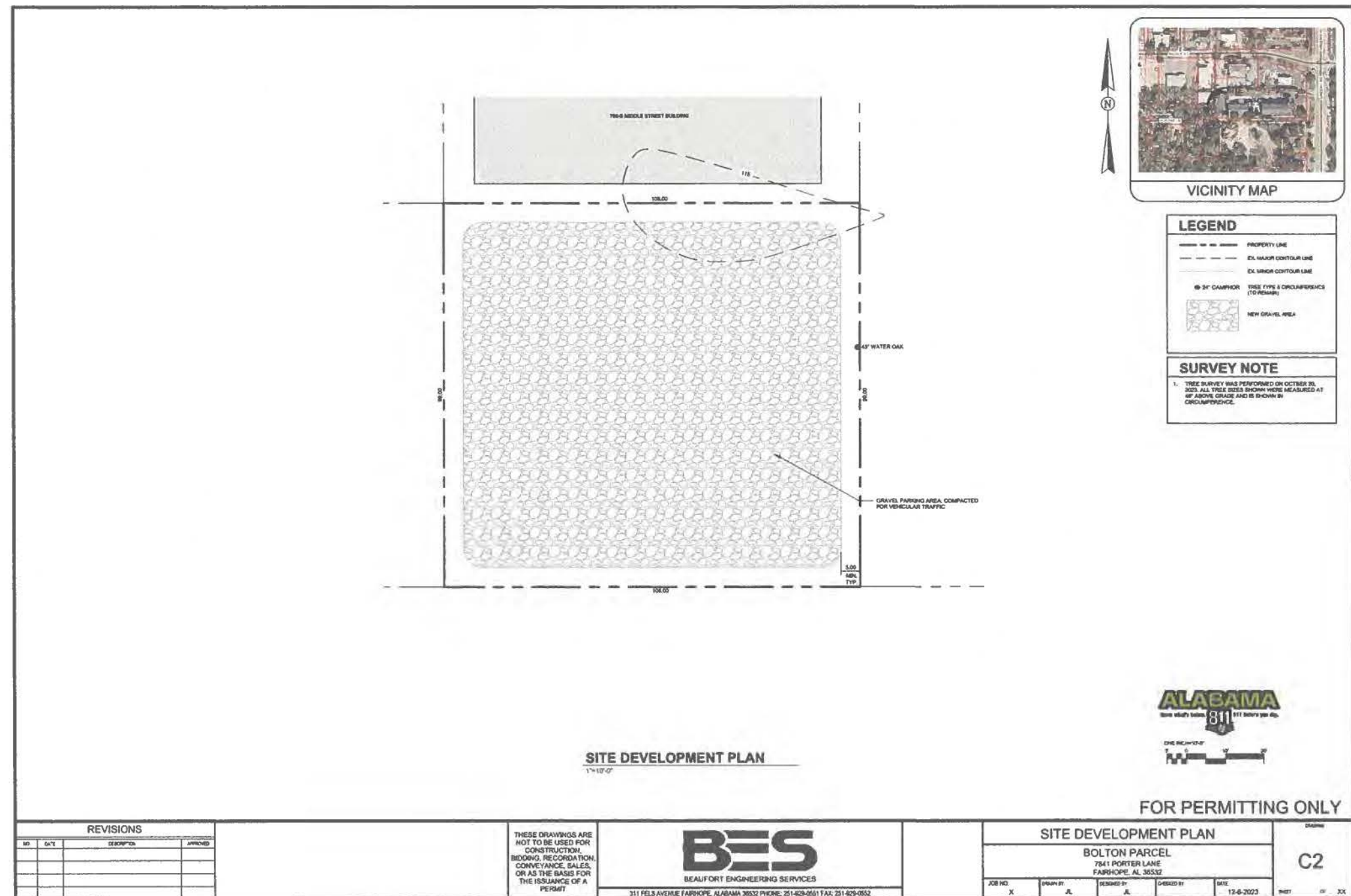
The Tree Ordinance is applicable to this property and all heritage trees are protected. A previous building permit was submitted to build the same parking lot and was denied. Several trees are shown on the above plan. It is important to note the plans submitted are not stamped by a surveyor, engineer, 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:

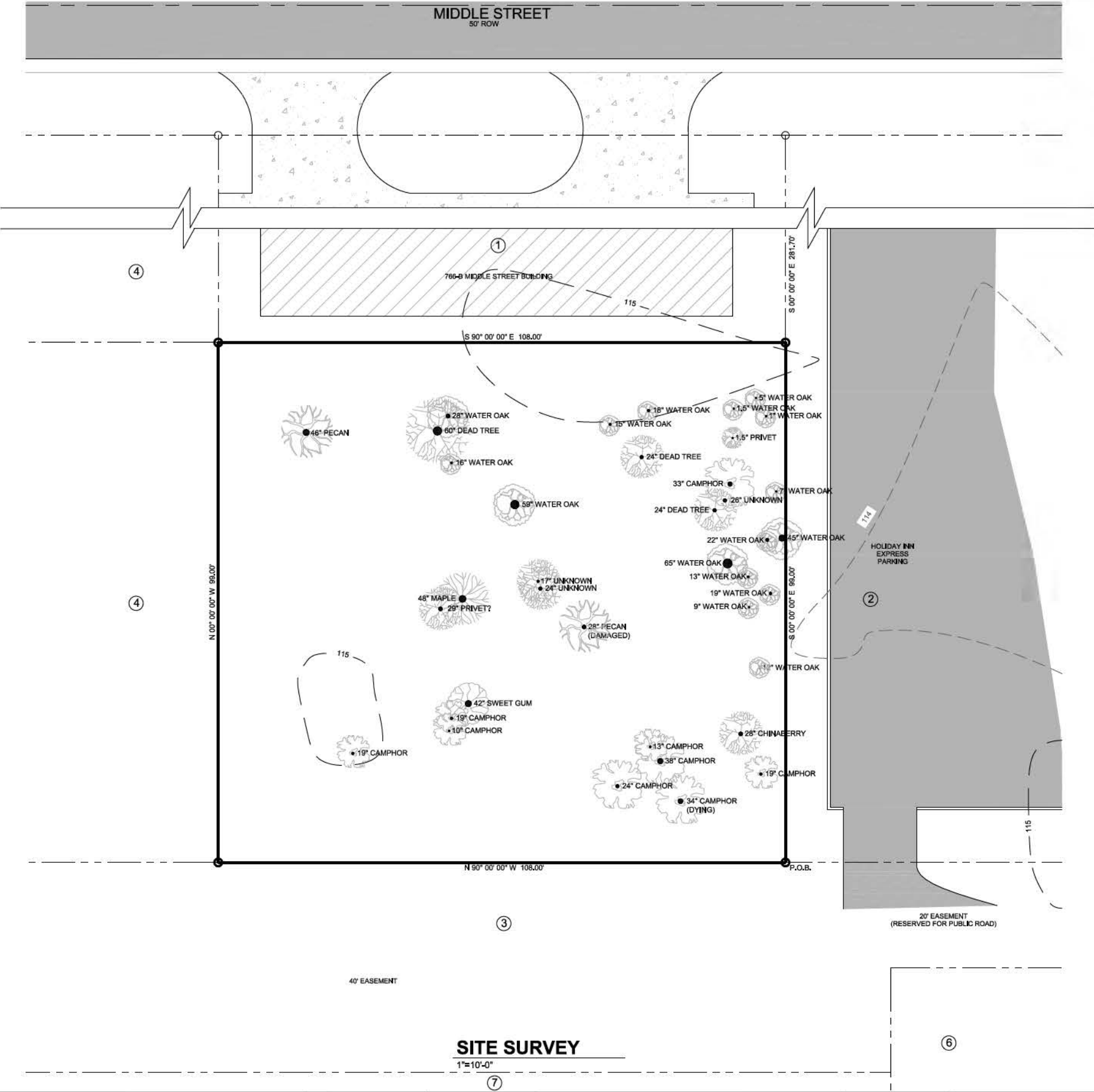
Staff recommends the Board of Adjustment **DENY** the proposed Special Exception for the subject property to allow outdoor sales lot in this M-1, Light Industrial Zoning District due to lack of access and excessive traffic that would be generated along Porter Lane (if legal access was cleared) through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

Permit for Below Site Plan was Denied



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-9E
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.



SITE SURVEY

1"=10'-0"

7

FOR PERMITTING ONLY

REVISIONS			
NO.	DATE	DESCRIPTION	APPROVED

THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE, SALES, OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT



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

SITE SURVEY

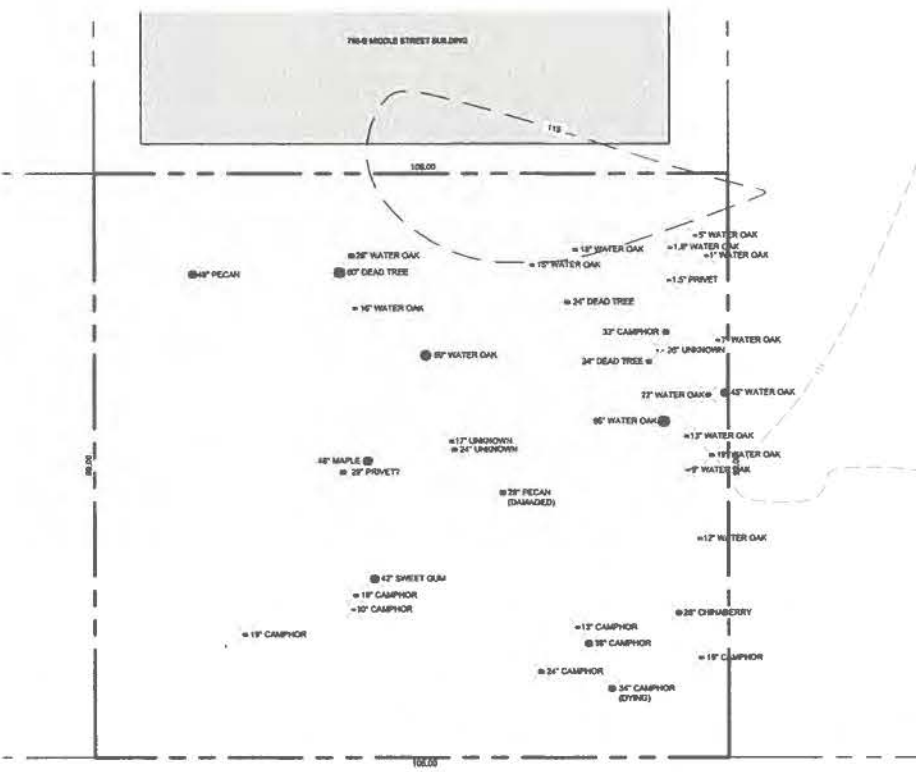
BOLTON PARCEL
7841 PORTER LANE
FAIRHOPE, AL 36532

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

DRAWING

S1

SHEET OF XX



LEGEND	
	PROPERTY LINE
	EX. MAJOR CONTOUR LINE
	EX. MINOR CONTOUR LINE
	24\"/>
	24\"/>

SURVEY NOTE

1. TREE SURVEY WAS PERFORMED ON OCTOBER 20, 2023. ALL TREE DATA SHOWN WERE MEASURED AT 4\"/>

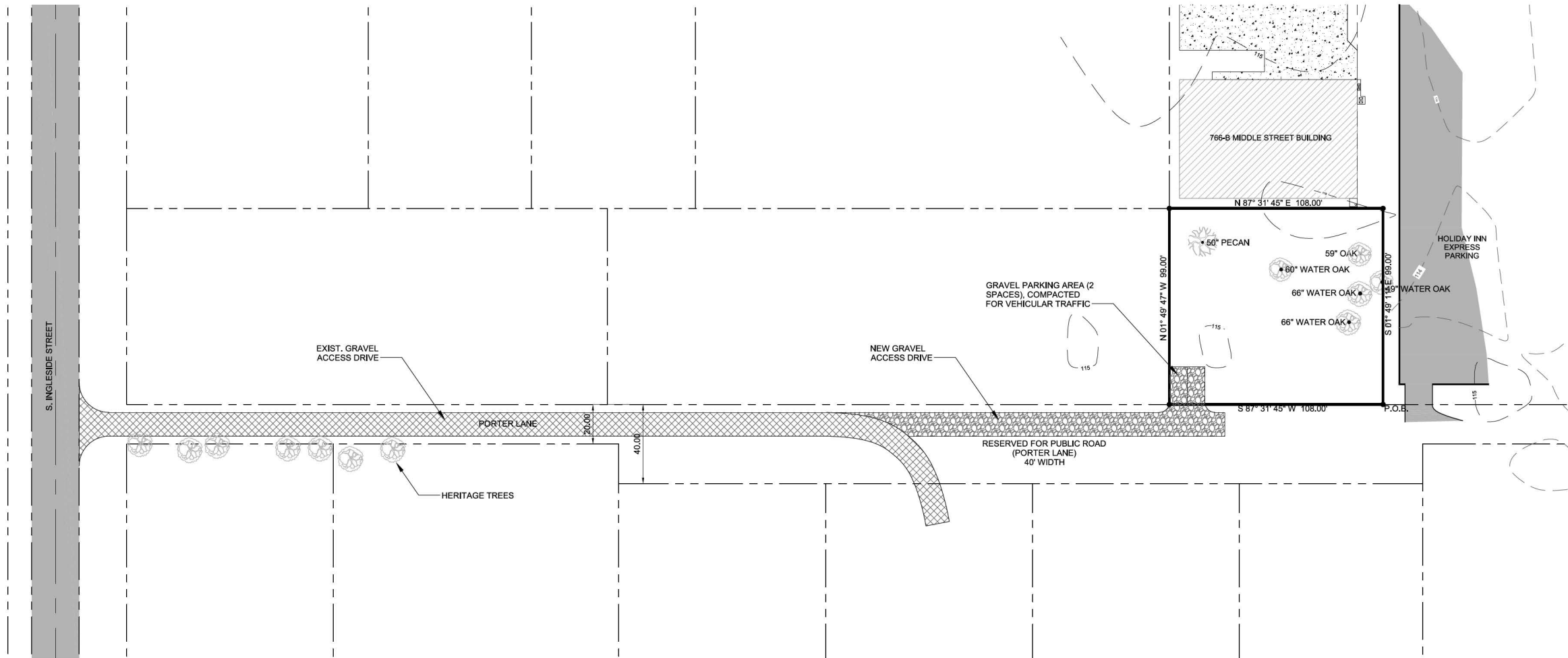
TREE DEMOLITION PLAN
1\"/>



FOR PERMITTING ONLY

REVISIONS				THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE, SALES, OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT	BES BEAUFORT ENGINEERING SERVICES 311 FELS AVENUE FAIRHOPE, ALABAMA 36532 PHONE: 251-429-0551 FAX: 251-429-0832	TREE DEMOLITION PLAN					C1
NO.	DATE	DESCRIPTION	APPROVED			BOLTON PARCEL 7841 PORTER LAKE FAIRHOPE, AL 36532					
						JOB NO.	DRAWN BY	DESIGNED BY	CHECKED BY	DATE	
				X	JL	JL		12-8-2023			

Revised Site Plan



VICINITY MAP

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EX. MAJOR CONTOUR LINE
- EX. MINOR CONTOUR LINE
- EASEMENT LINE
- NEW GRAVEL AREA
- EXISTING CONCRETE AREA
- EXISTING BUILDING
- EXISTING ASPHALT
- EXISTING GRAVEL DRIVE
- EXISTING TREE TO REMAIN

SURVEY NOTE

1. TREE SURVEY WAS PERFORMED ON JULY 8, 2024 FOR PARCEL 7841 PORTER LANE. ALL TREE SIZES SHOWN WERE MEASURED AT 48" ABOVE GRADE AND IS SHOWN IN CIRCUMFERENCE.

SITE DEVELOPMENT PLAN

1"=30'-0"



FOR PERMITTING ONLY

REVISIONS				THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE, SALES, OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT	BES BEAUFORT ENGINEERING SERVICES 311 FELS AVENUE FAIRHOPE, ALABAMA 36532 PHONE: 251-929-0551 FAX: 251-929-0552	SITE DEVELOPMENT PLAN					DRAWING	
NO.	DATE	DESCRIPTION	APPROVED			BOLTON PARCEL 7841 PORTER LANE FAIRHOPE, AL 36532					C3	
						JOB NO:	DRAWN BY:	DESIGNED BY:	CHECKED BY:	DATE:	SHEET	OF XX
						X	JL	JL		06-25-2024		

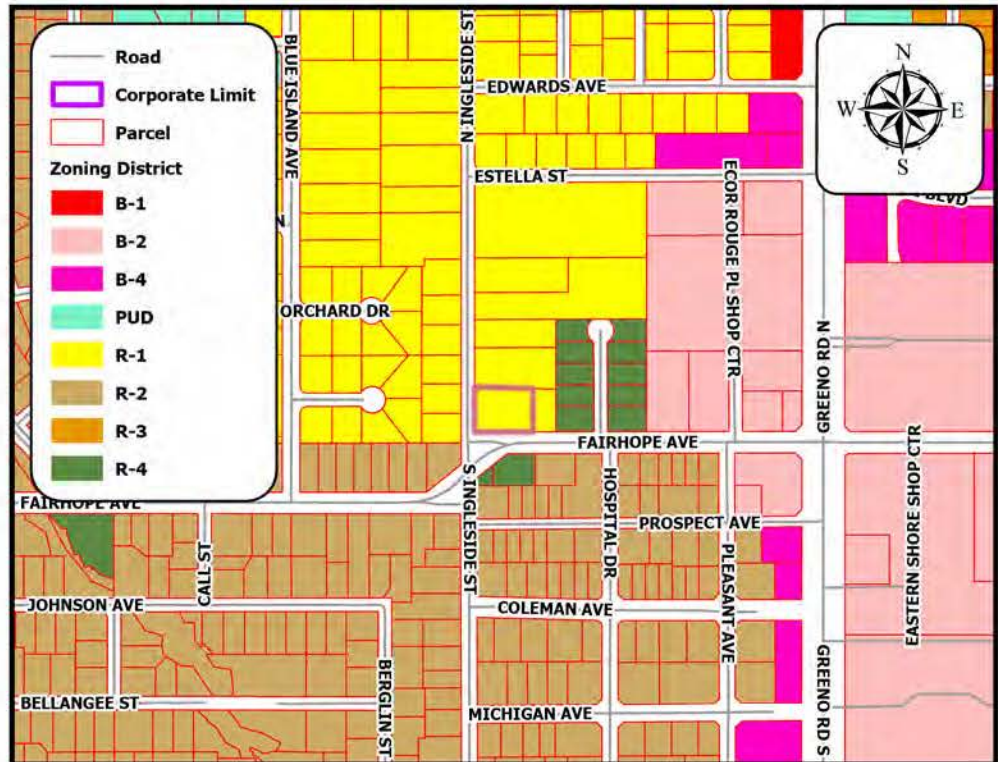
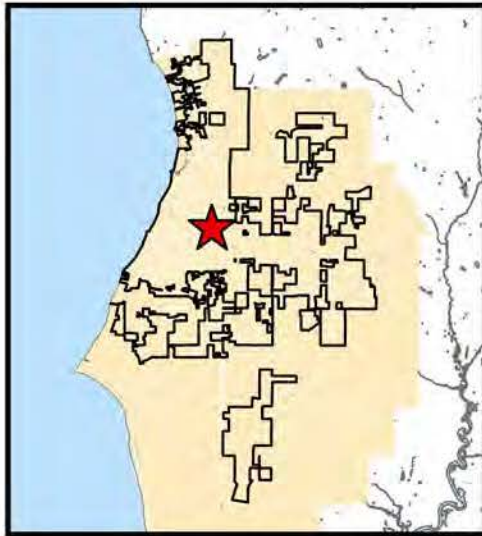
City of Fairhope

Board of Adjustments

August 19, 2024



BOA 24.09 - 52 Ingleside



Project Name:

52 Ingleside Street

Site Data:

0.83 acres

Project Type:

Special exception - allow for accessory structure

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

R-1 - Low Density Single-Family Residential District

PPIN Number:

14954

General Location:

North Ingleside and Fairhope Avenue intersection

Surveyor of Record:

N/A

Engineer of Record:

N/A

Owner / Developer:

FST, Thomas F. Munsey

School District:

Fairhope Elementary School
Fairhope Middle and High Schools

Recommendation:

Approved w/ Conditions

Prepared by:

Michelle Melton





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type:

☐ Administrative Appeal

☐ Special Exception

☒ Variance

Property Owner / Leaseholder Information

Name: Thomas F. Munsey Phone Number: 971-258-8540

Street Address: 52 N. Ingleside St.

City: Fairhope State: AL Zip: 36532

TommyMunsey@gmail.com

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.

Thomas F. Munsey
Property Owner/Leaseholder Printed Name

7-1-24
Date

Signature

Fairhope Single Tax Corp. (If Applicable)

Reuben E. Davidson, III
as Secretary of FSTC



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: Due To Layout of Lot & Existing Structures
Current Codes Require me to request a variance hearing

How do the above indicated characteristics preclude reasonable use of your land?
Existing Structures are out of code and compliance. I would
like to remove them and replace with something more aesthetically
pleasing and functional

What type of variance are you requesting (be as specific as possible)?
I would like to remove existing, out of code structures and replace
with a 30x40 structure for storage, tools, lawn equipment, etc.

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: \$		

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.

Thomas F. Munsey
 Property Owner/Leaseholder Printed Name

7-1-24
 Date

Thomas F. Munsey
 Signature

Ruben E Davidson, III
 Fairhope Single Tax Corp. (If Applicable)

as Secretary of FSTC

Summary of Request:

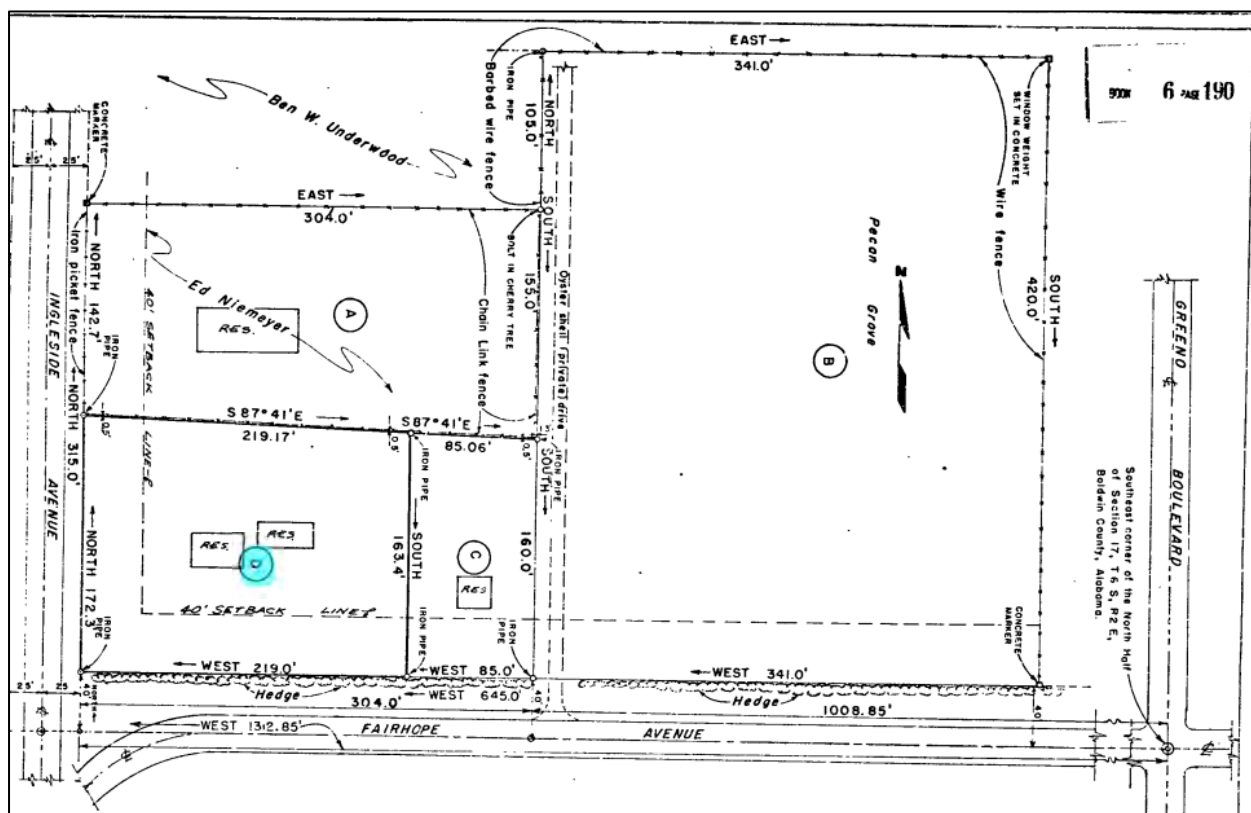
The Applicant is requesting a Special Exception to allow an accessory structure to be built forward of the principle (primary) structure on the street side. The subject property is zoned R-1 Low Density Single Family Residential District. It is located on the northwest corner of N. Ingleside and Fairhope Avenues and is approximately 0.83 acres. The address for the primary structure is 52 N. Ingleside Avenue.

Table 3-2: Dimension Table - Lots and Principle Structure

Dimension District or use	Min. Lot Area/ Allowed Units Per Acre (UPA)	Min. Lot Width	Setbacks				Max. total lot coverage by all structures	Max. height
			Front	Rear	Side	Street side		
R/A	3 acres/ -	198'	75'	75'	25'	50'	none	30'
R-1	15,000 s.f./ -	100'	40'	35'	10' ^b	20'	40%	30' ^a

Comments:

Subject property does not conform to the current setbacks for R-1. The subject property was platted in 1969 with different setbacks and under different rationale than what the current Zoning Ordinance requires. The subject property is a corner lot and in 1969 corner lots were platted with two (2) front setbacks of 40 ft. One facing each street. There was not a street side setback for corner lots. Subject property is Parcel D below.



Slide 577-B circa 1969.

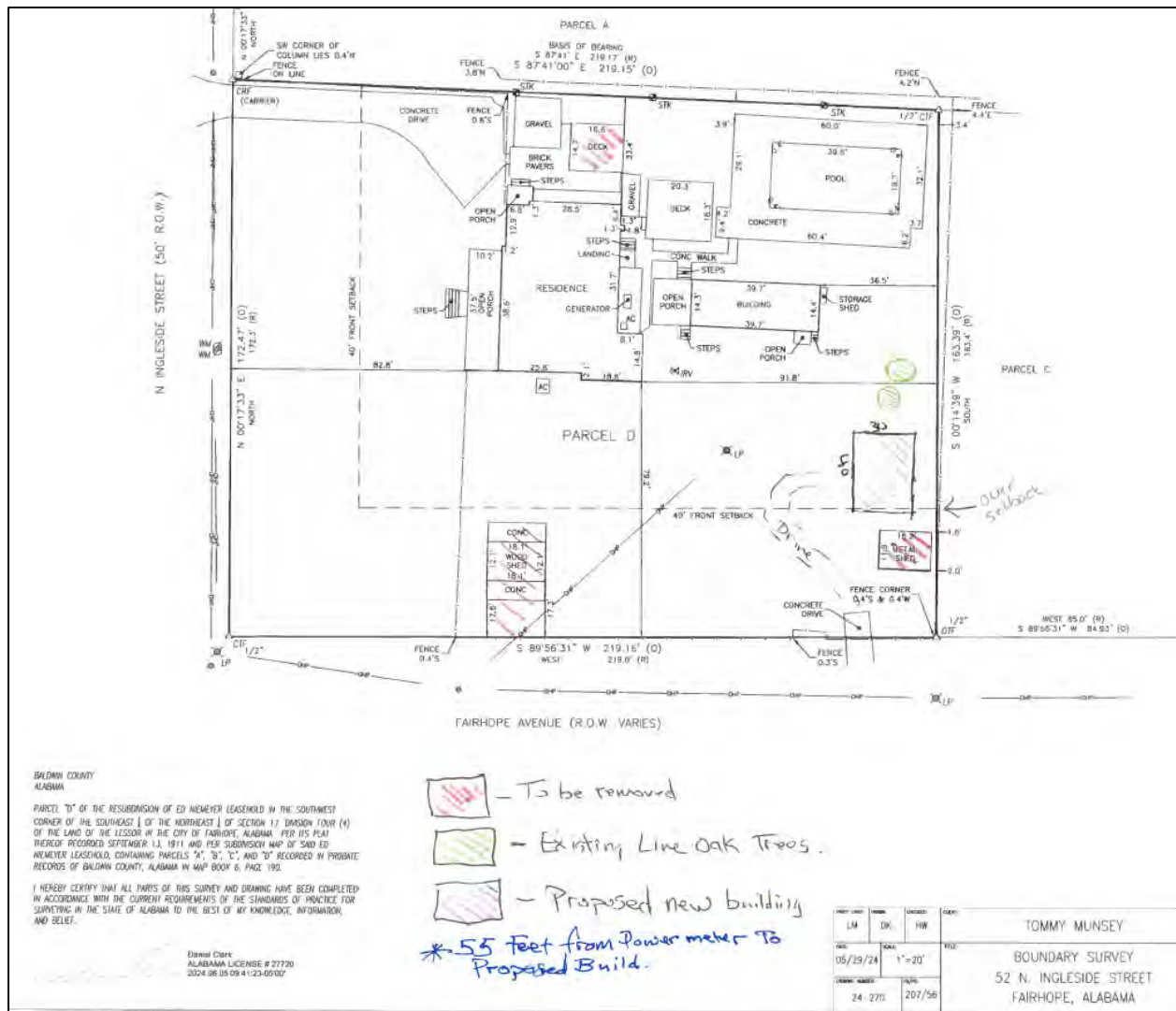
Currently, on corner lots the shorter length of the two (2) street facing dimensions is considered the front. In this case, N. Ingleside Avenue is considered the front of subject property, which the address reflects. Since N. Ingleside Avenue is the front then Fairhope Avenue is considered the street side. Under the current Zoning Ordinance, the street side setback for R-1 lots is 20 ft. However, subject property is a non-conforming legal lot of record. Regardless of the street side setback footage, Table 3-3 requires an accessory structure on the street side of the lot to be placed “no nearer than the principle structure.” *See below.*

Table 3-3: Dimension Table - Residential Accessory Structures

Dimension District or use	Setbacks				Max. total lot coverage by accessory structure	Max. height	Min. structure separation from principle structure	Min. separation between structures
	Front	Rear	Side	Street side				
R/A	Behind front building line of principle structure	15'	15'	50'	30% of required rear yard	30'	50' for agriculture structures; 10 feet for all other accessory structures	5'
R-3 PGH*	Behind rear building line of principle structure	none required	same as principle structure	same as principle structure	25% of required rear yard*	20' but no taller than the principle structure	5'	5'
All other residential districts	Behind rear building line of principle structure	5'	5'	no nearer than principle structure	25% of required rear yard	30' but no taller than the principle structure	10'	5'

This means that the accessory structure cannot be closer to the street side than the side of the principle structure. Due to the two (2) historical 40 ft setbacks the primary residence and original accessory structures were placed toward the interior back corner of the subject property. There were no rear setbacks in R-1 when the plat was recorded in 1969.

Applicant is seeking approval to place an accessory structure within the historical 40 ft formerly known as front, now side, setback along Fairhope Avenue. *See below.* The proposed placement and dimensions of the accessory structure (a shop/tool shed) is the purple crosshatched 30x40 rectangle. Red crosshatched structures are pre-existing and outdated and are to be removed. Note that the proposed accessory structure appears to be going over the setback, but Applicant confirmed that is not the case and the intent is to stay within the 40 ft setback. The Building Permit application review will confirm the proper placement for the accessory structure. Per the below visual the proposed general location for the accessory structure is probably the best location for it, all things and structures considered. The lot is large enough to accommodate the accessory structures that are to remain as well as the proposed accessory structure.



Comments:

The City of Fairhope Zoning Ordinance describes Special Exceptions as a duty and power of the Board of Adjustments in Article II, Section A(d)(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 review criteria for a Special Exception 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: Replaces dilapidated structures and places modern structure within the setback line.

(l) Compliance with sound planning principles;

Response: No issues noted.

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

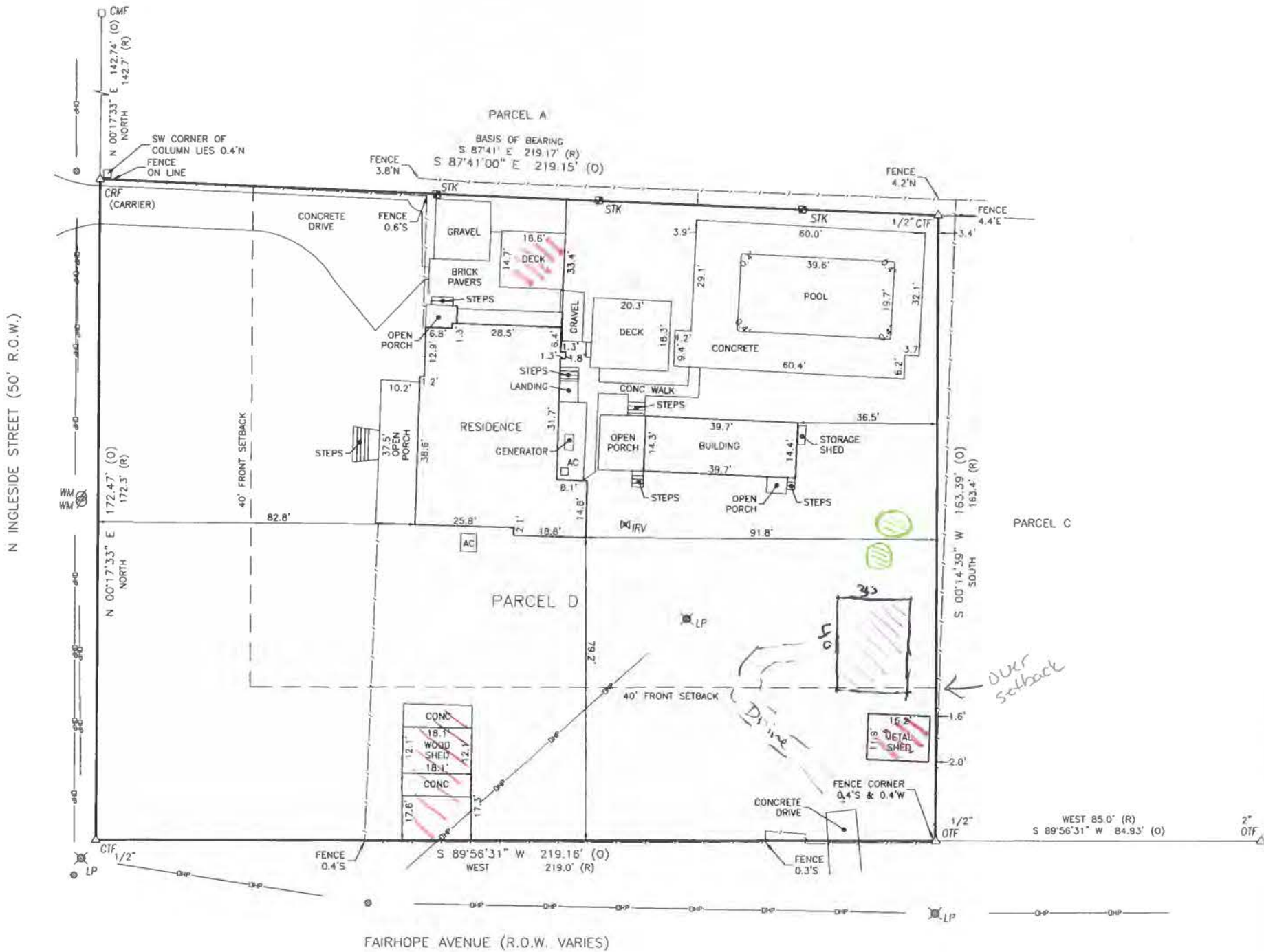
Response: No issues noted.

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

Response: No issues noted.

Staff Recommendation:

Staff recommends **APPROVAL** of BOA 24.09 - Special Exception to Table 3.3.; whereas an accessory structure will be placed closer to the street side (Fairhope Avenue) than the principle structure.



- BOUNDARY LEGEND**
- △ CRT CAPPED IRON ROD FOUND
 - △ CTF CRAMPED TOP PIPE FOUND
 - CMF CONCRETE MONUMENT FOUND
 - △ OTF OPEN TOP IRON PIPE FOUND
 - △ RBF REBAR IRON FOUND
 - △ IPF IRON PIN FOUND
 - CRS CAPPED IRON ROD SET
 - (R) RECORD
 - (O) OBSERVED
 - R.O.W. RIGHT OF WAY
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - CHAIN LINK FENCE
 - X- WIRE FENCE
 - / - WOOD FENCE
- UTILITY LEGEND**
- ⊗ LIGHT POLE
 - ⊕ POWER POLE
 - ⊕ ELECTRICAL BOX
 - ⊕ AIR CONDITIONING CONDENSOR
 - OVERHEAD POWER
 - ⊕ SANITARY SEWER MANHOLE
 - ⊕ SANITARY SEWER VALVE
 - ⊕ SURFACE LOCATE
 - ⊕ SEWER MARKER
 - SANITARY SEWER PIPE
 - ⊕ GAS METER
 - ⊕ SURFACE LOCATE
 - ⊕ GAS MARKER
 - GAS MAIN
 - ⊕ WATER METER
 - ⊕ WATER VALVE
 - ⊕ FIRE HYDRANT
 - ⊕ IRRIGATION CONTROL VALVE
 - ⊕ SURFACE LOCATE
 - ⊕ WATER MARKER
 - WATER PIPE
 - ⊕ TELEPHONE PEDESTAL
 - ⊕ FIBER OPTIC VAULT
 - ⊕ SURFACE LOCATE
 - ⊕ FIBER OPTIC MARKER
 - FIBER OPTIC CABLE
 - ⊕ GRAVE WELT
 - ⊕ STORM MANHOLE
 - ⊕ CURB WELT
 - STORM PIPE (CULVERT)
 - CORRUGATED METAL PIPE
 - REINFORCED CONCRETE PIPE
 - REINFORCED CONCRETE ARCH PIPE
 - CORRUGATED PLASTIC PIPE (HDPE)

BALDWIN COUNTY
ALABAMA

PARCEL "D" OF THE RESUBDIVISION OF ED NIEMEYER LEASEHOLD IN THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, DIVISION FOUR (4) OF THE LAND OF THE LESSOR IN THE CITY OF FAIRHOPE, ALABAMA PER ITS PLAT THEREOF RECORDED SEPTEMBER 13, 1911 AND PER SUBDIVISION MAP OF SAID ED NIEMEYER LEASEHOLD, CONTAINING PARCELS "A", "B", "C", AND "D" RECORDED IN PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA IN MAP BOOK 6, PAGE 190.

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Daniel Clark
ALABAMA LICENSE # 27720
2024.06.05 09:41:23-0500'

 - To be removed

 - Existing Line Oak Trees.

 - Proposed new building

* 55 Feet from Power meter To Proposed Build.

- NOTES:**
1. TYPE OF SURVEY: BOUNDARY
 2. RECORD DIMENSIONS BASED ON PLAT OF SUBDIVISION RECORDED IN MAP BOOK 6, PAGE 190 AND ALSO SLIDE 577-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.
 3. THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE OR PROVIDED BY THE CLIENT'S CONVEYANCE. SETBACK LINES ESTABLISHED BY STATUTE, ORDINANCE OR RESTRICTIVE COVENANTS ARE NOT SHOWN.
 4. THIS DRAWING IS THE PROPERTY OF SMITH, CLARK & ASSOCIATES. IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON AND IS NONTRANSFERABLE TO ANY OTHER PARTY; IT MAY NOT BE USED WITHOUT PRIOR CONSENT FROM SMITH, CLARK & ASSOCIATES.
 5. THIS DRAWING IS TO SCALE WHEN PRINTED ON 18x24 PAPER IN LANDSCAPE VIEW WITH NO SCALING.

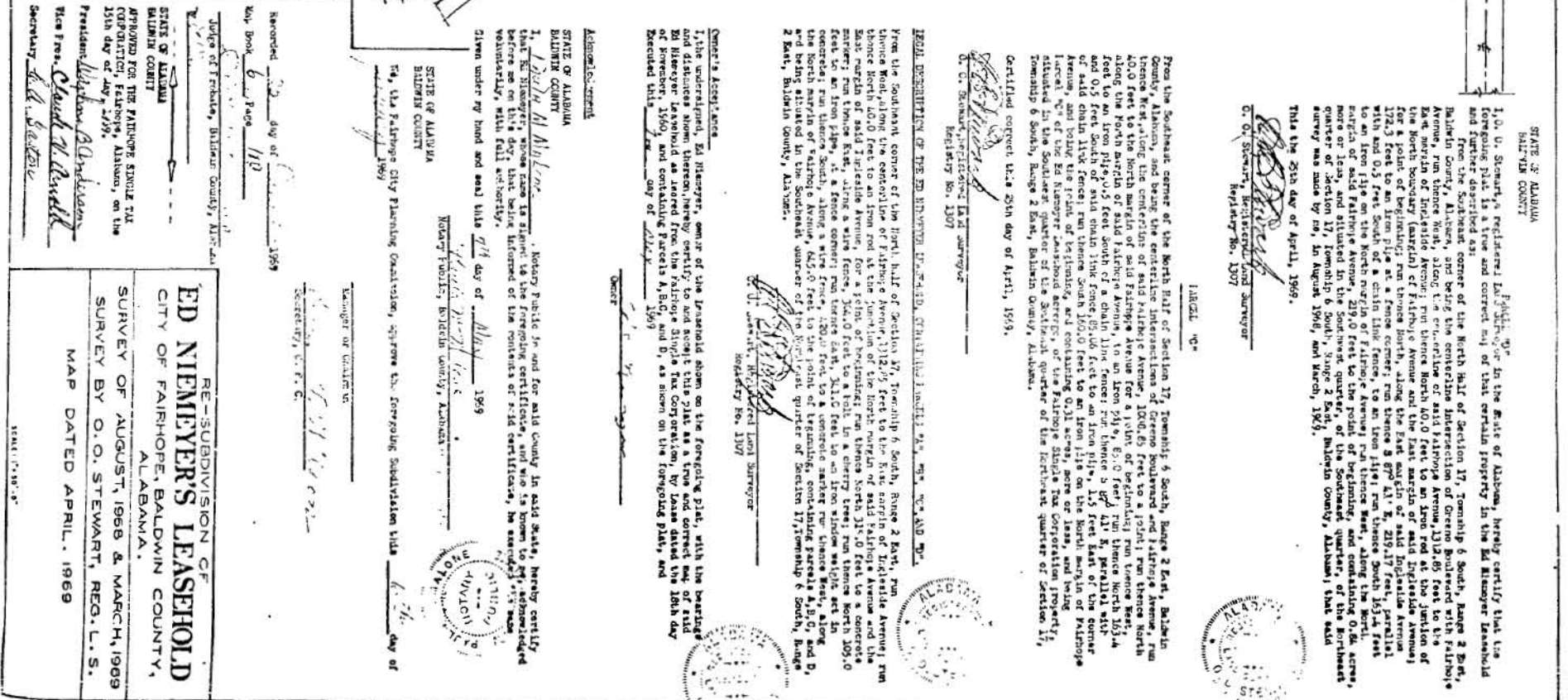
PREPARED BY: LM	DRAWN BY: DK	CHECKED BY: HW	CLIENT: TOMMY MUNSEY
DATE: 05/29/24	SCALE: 1"=20'	TITLE: BOUNDARY SURVEY	52 N. INGLESIDE STREET FAIRHOPE, ALABAMA
DRAWING NUMBER: 24-270	FILE NO: 207/56		

Physical Address:
11111 U.S. Hwy 31 S
Spanish Fort, AL 36527
(201) 828-0404

SMITH CLARK & ASSOCIATES
land surveyors

Mailing Address:
30941 Mill Lane
Suite G, Box 258
Spanish Fort, AL 36527





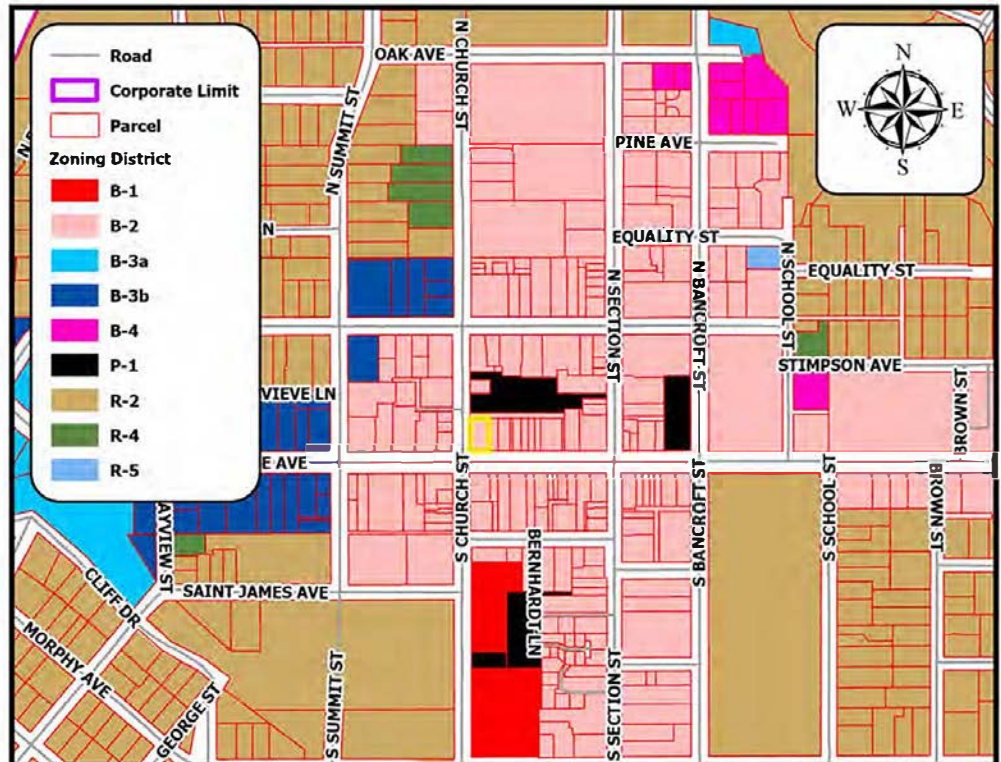
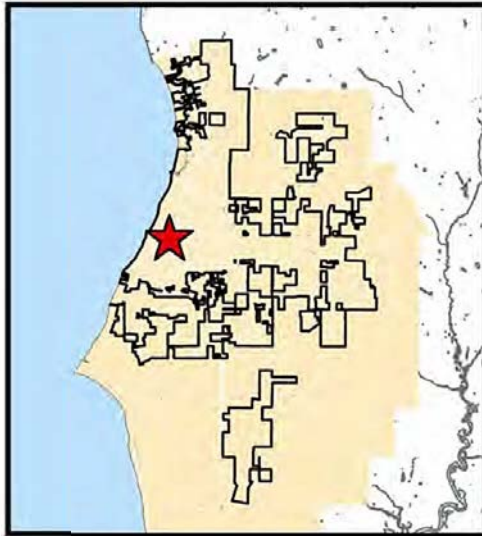
City of Fairhope

Board of Adjustments

August 19, 2024



BOA 24.10 - 301 Fairhope Ave - Hotel



Project Name:

Fairhope Hotel

Site Data:

0.20 acres

Project Type:

Special exception - allow for hotel

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

B-2 General Business

PPIN Number:

14359

General Location:

Northeast corner of Church Street and Fairhope Avenue

Surveyor of Record:

N/A

Engineer of Record:

N/A

Owner / Developer:

FST Sildi

School District:

Fairhope Elementary School

Fairhope Middle and High Schools

Recommendation:

Denial

Prepared by:

Hunter Simmons





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: ☐ Administrative Appeal ☐ Special Exception ☐ Variance

→ Sildi, LLC

Property Owner / Leaseholder Information

Name: DANIEL PRICKETT Phone Number: 251 209 0074
 Street Address: 16321 SCENIC HWY 98
 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: MACK MCKINNEY Phone Number: 205 401 6651
 Street Address: 18825 SCENIC HWY 98
 City: FAIRHOPE State: AL Zip: 36532

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.

Property Owner/Leaseholder Printed Name

Date

7/8/2024

Signature

Fairhope Single Tax Corp. (If Applicable)

Reuben E. Davidson, III
as Secretary, FSTC

RECEIVED
 JUL 08 2024

BY:



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) |

CONDITIONAL USE (HOTEL)

Describe the indicated conditions: DEMOLISH EXISTING BUILDING

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

NONE

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

CONDITIONAL USE FOR HOTEL

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.

Property Owner/Leaseholder Printed Name

Date

Signature

Fairhope Single Tax Corp. (If Applicable)

AT SINGLE TAX OFFICE

Reuben E. Davidson III
as
Secretary
FSTC

Summary of Request:

The Owner, Sildi, LLC, is requesting a Special Exception to allow for Hotel Use for property located at 301 Fairhope Ave. The property is zoned B-2, General Business District and is located within the Central Business District (CBD). Mack McKinney is the Architect and Authorized Agent.



Figure 1: Rendering of Proposed Hotel. *Rendering does not match currently proposed plans.

A hotel in the B-2 district is not permitted “by-right” in the zoning ordinance (see excerpt from Table 3-1: Use Table below but is allowed on appeal to the Zoning Board of Adjustment, subject to special conditions. Therefore, the applicant has filed for a use appeal to allow for the hotel use on the subject property.

Table 3-1: Use table

Zoning District																				
Uses Categories / Specific Uses	R-A	R-1(a,b,c)	R-2	R-3 TH	R-3 P/GH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B-4	M-1	M-2	PUD	VRM	NVC	CVC
Hotel / Motel											○	●	●							

Existing Conditions:

The site is the location of the former Fairhope Hardware Store.



Figure 2: Existing site looking northeast.

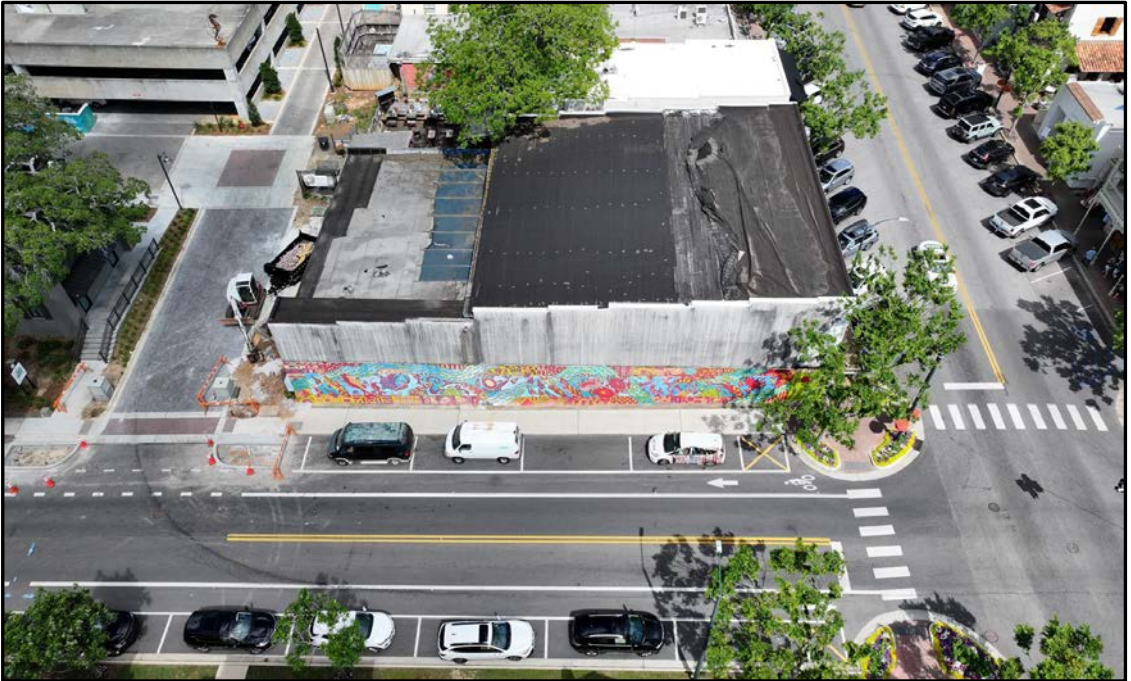


Figure 3: Aerial of site on April 27, 2024.

A Multiple Occupancy Project (MOP) was approved for a 6-Unit renovation by the Fairhope Planning Commission on September 5, 2019. The property has since sold. Staff met with current owners on three occasions. The first meeting we discussed a building with a restaurant and medical spa on the ground floor and four residential/short-term rental units above. Due to the high costs of restoration, the second meeting highlighted the need to demolish the existing building and add thirteen (13) hotel rooms on the second floor, nine (9) on the third floor above a restaurant and medical spa; a portion of the third floor was proposed as a roof-top bar that can be seen in the rendering in Figure 1.

Applicant's Proposal

The applicant provided the following description on the proposed site:

We are writing to seek approval for the construction of a multi-purpose building at 301 Fairhope Avenue, which will include 3 commercial spaces, 27 hotel rooms, and a rooftop terrace that will be owned by the Hotel.

The full set of proposed plans are included as attachments. For convenience, a few of the proposed plans are shown below. It is important to note that this case is about the use approval. Staff is not reviewing dimensional requirements, nor is the Board being asked to approved final plans at this stage. The Board could request final plans as a condition of approval if it deems appropriate.

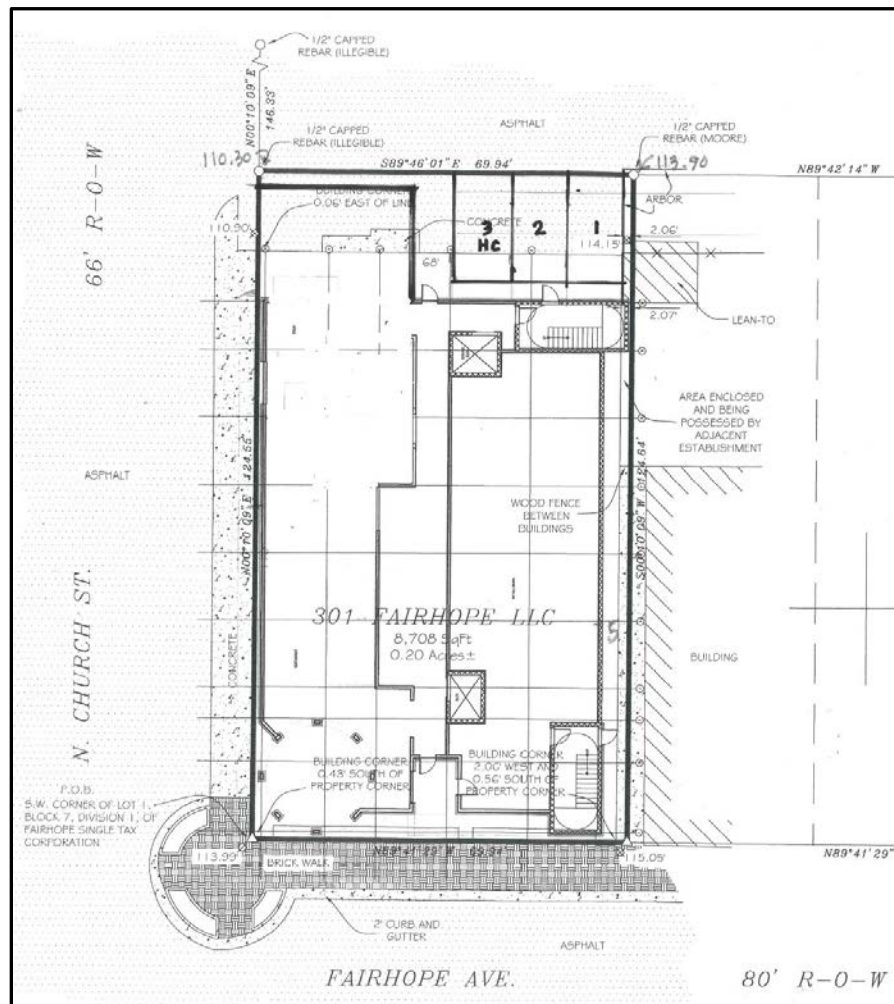


Figure 4: Proposed site plan.

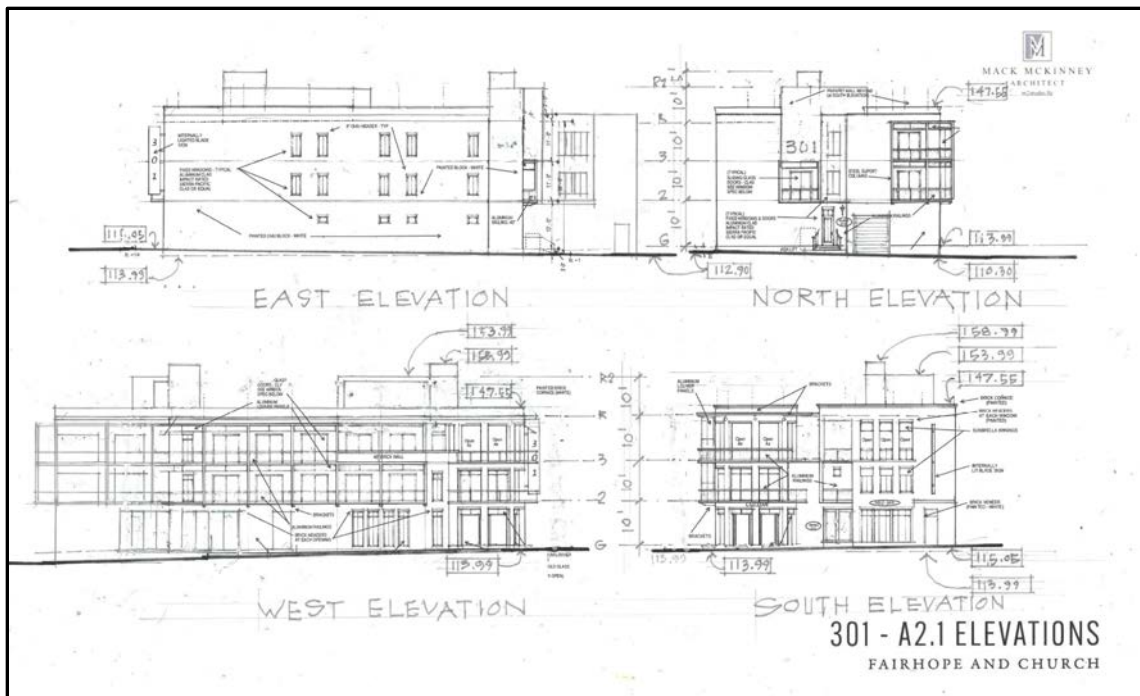


Figure 5: Proposed Elevations.

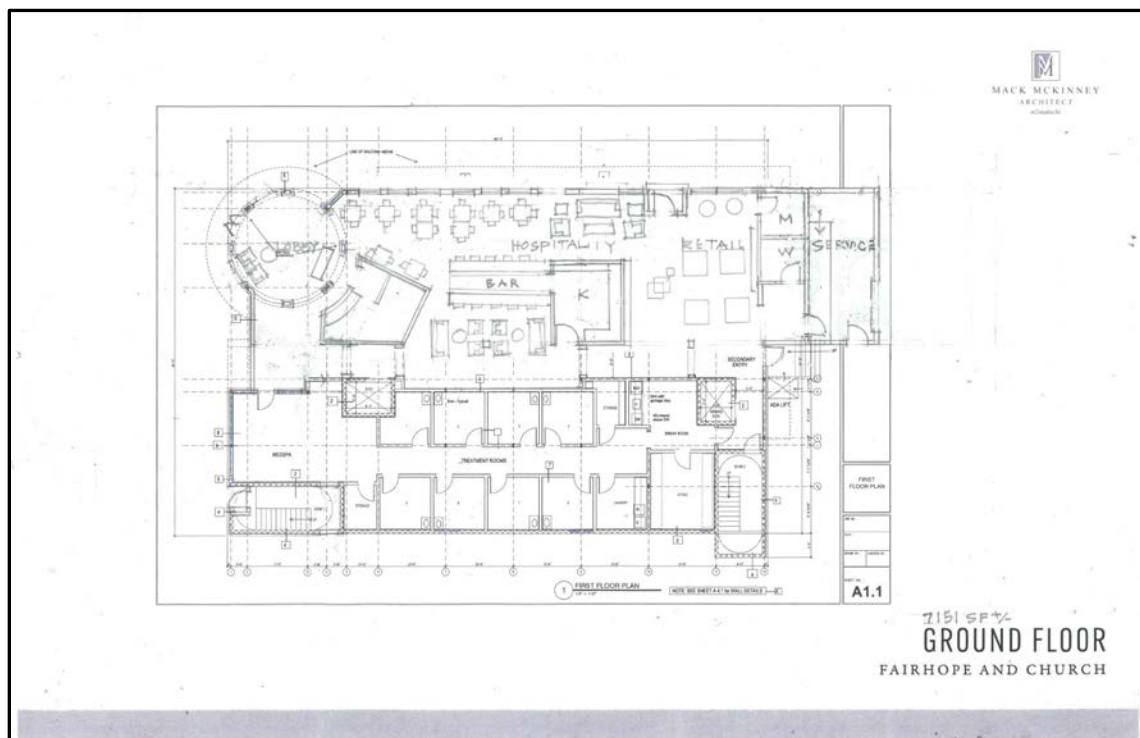


Figure 6: Proposed Ground Floor Plan.

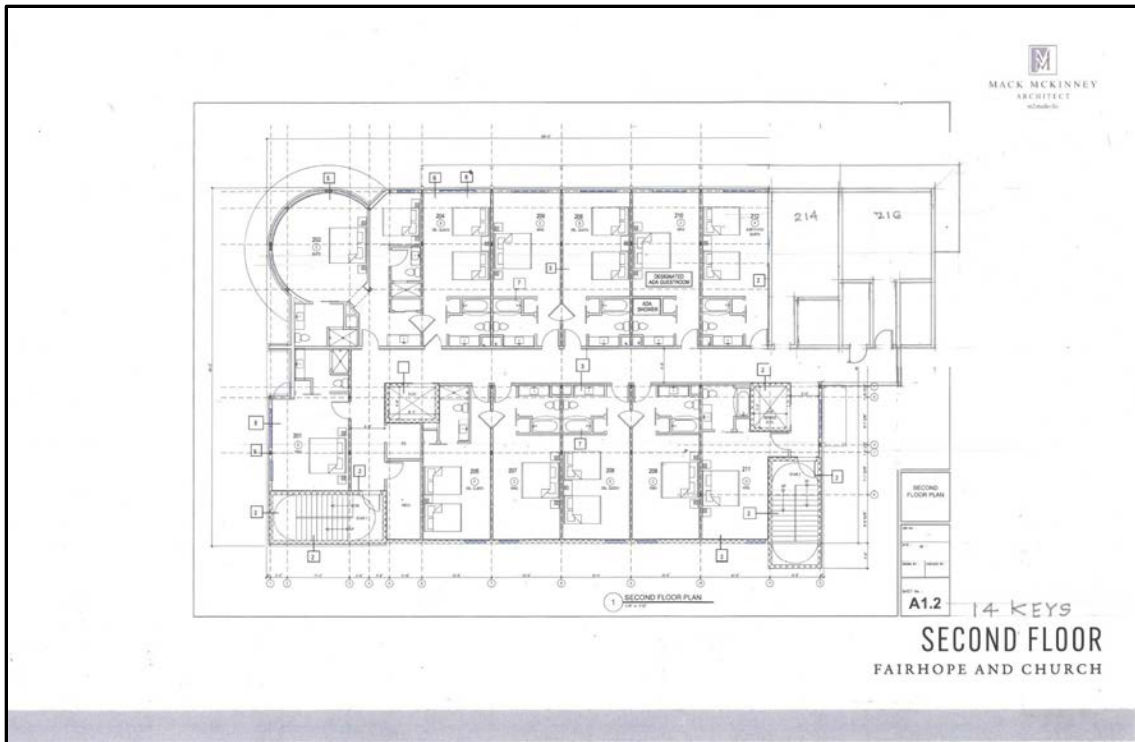


Figure 7: Second Floor Plan.

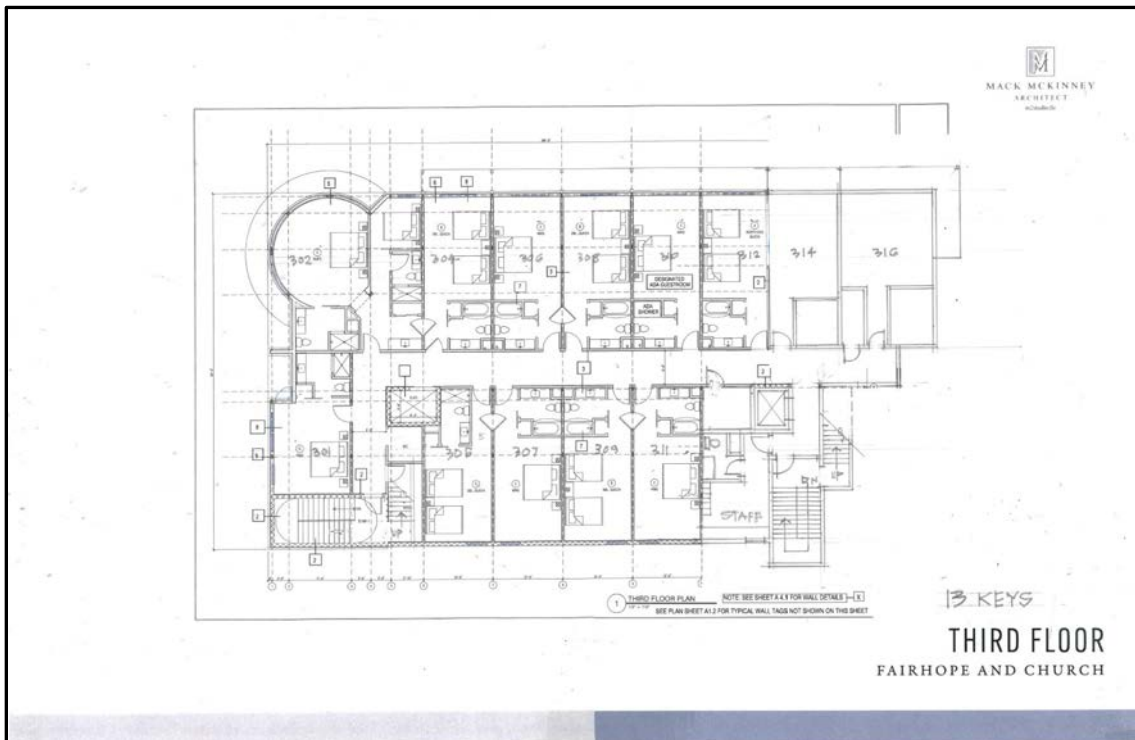


Figure 8: Third Floor Plan.

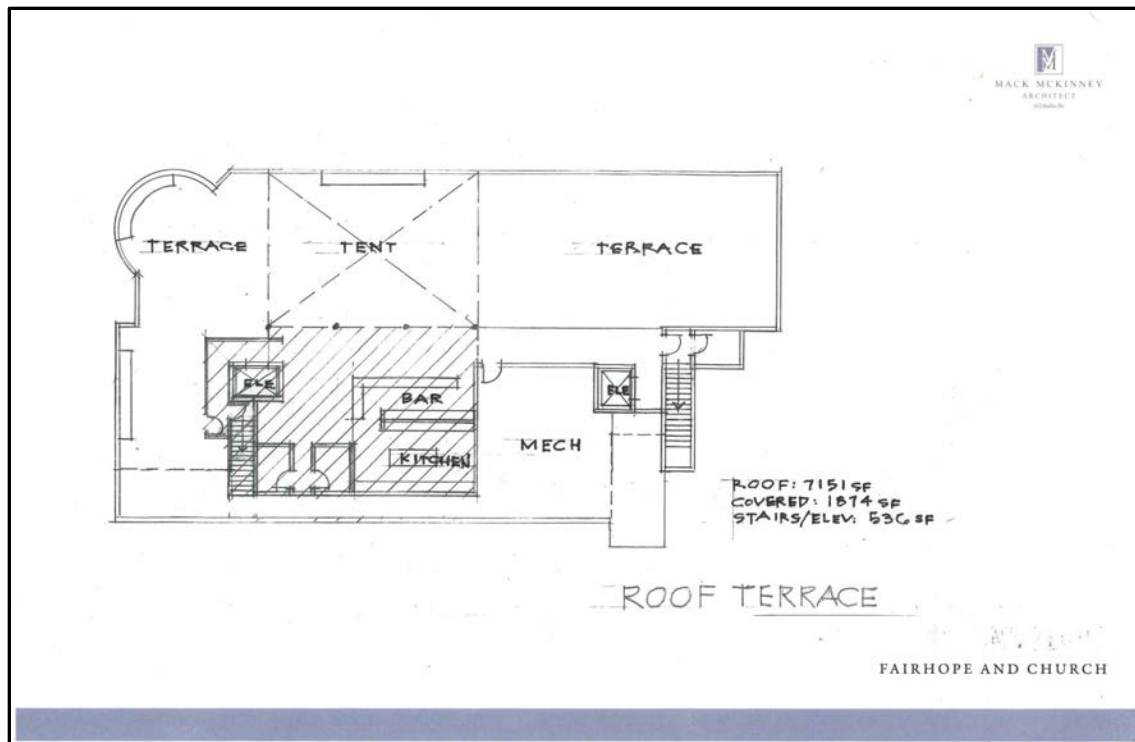


Figure 9: Rooftop Plan.

Review Comments

Along with the hotel use, the building, as currently proposed, would also require MOP approval from the Fairhope Planning Commission and a Site Plan Review approval from the City Council.

Review criteria for a use permitted on appeal and subject to special conditions is listed in Article II, Section C.e(2) and summarized below:

- (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.

Building Height/Stories – Buildings are limited to 40’/3 stories in the CBD (Article V, Section B.4.(c)). Elevations provided by the architect show only the elevator structure exceeds the 40’ height limit, which has an exception in the Rooftop Terrace section of the Zoning Ordinance. Staff will confirm building height and dimensional requirements under future review, if the use is granted.

Rooftop Terrace - The applicant is proposing a Rooftop Terrace. For reference, a Rooftop Terrace is defined as:

Rooftop Terrace: A outdoor amenity area located on the roof of a building. A rooftop terrace shall be accessory to the primary use of the building. Individually owned and operated businesses or venues shall not occupy a rooftop terrace.

Parking – The Fairhope Zoning Ordinance does not require parking spaces for any of the proposed ground floor uses. However, there is a precedence for required parking with a hotel in the CBD. Without negating the other review criteria listed above (Article II, Section C.e(2), adequacy of public infrastructure (public parking) and impacts on adjacent property/the surrounding neighborhood are of particular concern. Staff recommends 1 space per hotel room based on previous precedent of the Hampton Inn, but the Board (or Council or Planning Commission) may have a different opinion. A parking study, like the one provided by the Hampton Inn could also be beneficial to clarify parking demand.

For clarification, the Hampton Inn on Section St. was approved in 2005. Within the Site Plan Review, a *Traffic Impact & Parking Considerations* study was supplied by the Applicant's Engineer. At the time, an 89 room hotel with 12-15 guests would require a maximum of 104 spaces. An agreement was made between the Fairhope Parking Authority and the Applicant to utilize land owned by the Parking Authority (80 existing spaces at the time) to construct a parking garage. A copy of the study is included within this packet for review. 89 spaces within the parking garage were reserved for the Hampton Inn, with the rest available for public parking.

Article V, Section B.4 provides some guidance on parking within the CBD:

d. Parking –

- a. (1) No parking is required for non-residential uses in the CBD. If parking is provided, it shall be located behind the building, screened from public rights-of-way, and have a direct pedestrian connection to the primary building entrance of the public right-of-way.
- b. (2) Dwelling units in the CBD shall provide the required parking. It shall be located behind the building, screened from public rights-of-way, and have a direct pedestrian connection to the primary building entrance of the public right-of-way.
- c. (3) Residential and office is encouraged on the upper floors of buildings; lower floors are encouraged to be retail or restaurants.

Article V, Section E.2. (Required Parking), also notes the following exception within the CBD:

These standards (Parking Requirements) shall not apply to the CBD Overlay, where on-street parking is permitted. However, wherever practicable, businesses in the CBD Overlay are encouraged to provide off-street parking facilities.

As previously mentioned, the proposed hotel use is permitted only on appeal and subject to special conditions. Each proposal should be evaluated separately, with special consideration given not only to the goals and intent of the Zoning Ordinance and Comprehensive Plan, but also the impacts on surrounding property. While there is not an explicit requirement for parking, projects should be evaluated to determine whether their parking demand puts an undue burden on neighboring property/businesses. Staff reviewed existing parking in the vicinity of the proposed hotel.

Article IV, Section E.7 states that “On-street parking within 300 feet of any lot line may be credited to the parking requirement at a rate of one credit for every two on-street parking spaces”. Staff has mapped the City’s inventory of public parking spaces, as well as most of the private spaces within the CBD. Based on the information below, there are 82 on-street spaces that lie within 300’ of the subject property. Ironically, there are also 82 separate address points within the same 300’ buffer. Address points were used to determine how many individually occupied “units” exist. Units may include retail space, restaurants, office, or other commercial uses. There is a 1:1 ratio of on-street parking:occupied units.

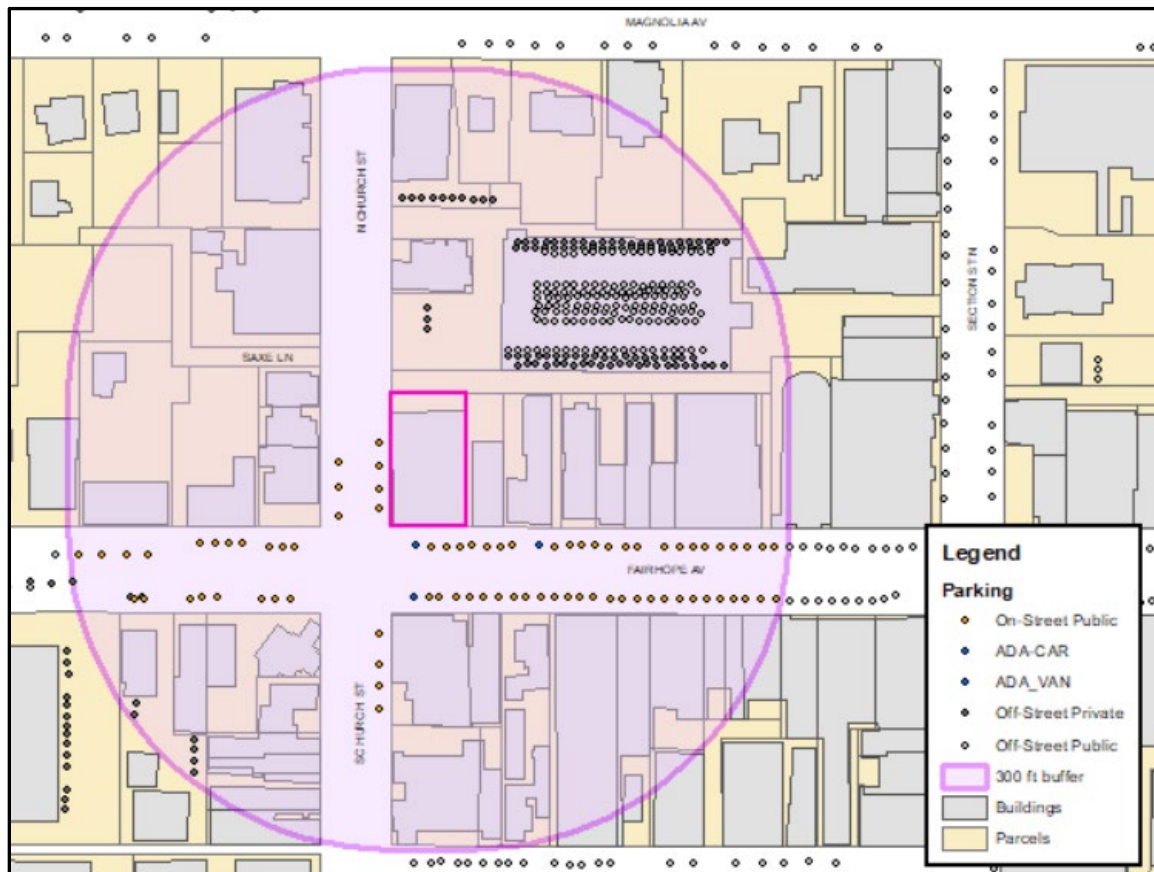


Figure 10: Parking analysis within 300’ of the subject property.

As shown in the above study, Church street does not have many on-street public parking spaces and is already crowded with cars parking on the sides where parking spaces do not exist. The Zoning Ordinance contemplates the proposed restaurant, medical spa, and office uses will utilize the surrounding parking spaces, much like the neighboring businesses. However, Staff does not feel there is enough on-street parking nearby to absorb parking for a 27-room hotel without negatively affecting neighboring businesses.

Specifically, the Applicant has proposed three different parking solutions, which are described below, along with Staff comments.

Option 1: Utilizing 306 Magnolia Ave for parking. Per the Applicant's narrative:

One key solution involves utilizing the property at 306 Magnolia Street Fairhope, AL 36542. The property, currently home to Barnes Law Firm, is on the other side of Fairhope Arts Alley, almost adjacent and contiguous to our property. Mr. Barnes has received a permit from the City to remove the existing building. Once removed, the space will provide room for 28 parking spaces. Coupled with the 3 onsite spaces, we would exceed the requirement of 27 parking spaces. Mr. Barnes has agreed to provide a long term lease to us.

The location map and parking plan below was provided by the Applicant:



Figure 11: Location of proposed valet lot.

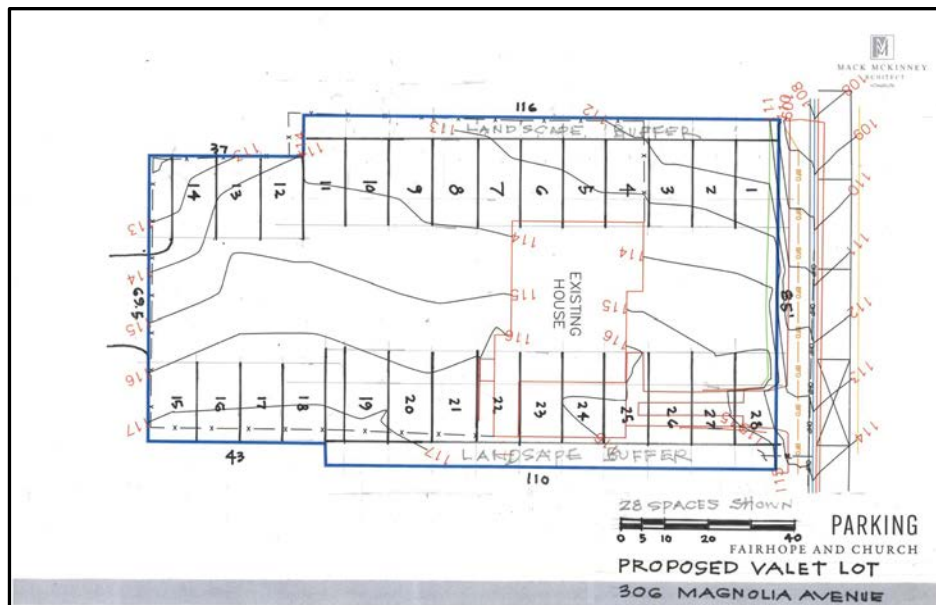


Figure 12: Proposed Parking Layout.

Staff has concerns about setting a precedent with small surface level parking lots in the Central Business District. We do not feel this solution fits within the overall goals of the comprehensive plan. More importantly, the property on Magnolia is currently zoned B-2. To provide a parking lot, the property would have to be rezoned to P-1 (Parking District). Below is the definition of Parking District, with more information available in Article V, Section F. of the Zoning Ordinance.

21. *Parking District:* This district is intended for those situations where parking may be provided more efficiently and with less impact on goals for the overall surrounding areas by consolidating and sharing parking in one location.

The City Council is the authority to approve a zoning request, with reviews and recommendations by Staff and Planning Commission. At this time, for the requested use, Staff would not support the rezoning request because the proposed solution does not consolidate and share parking. Furthermore, the parking plan shown for 306 Magnolia Ave does not accommodate for other City regulations, most notably landscape requirements of the Tree Ordinance. It would be highly likely final designs would result in a reduced parking count. Within the CBD, parking lot plans could be reviewed as part of a the zoning request. For the purposes of the Use Approval, Staff, nor the Board, can answer whether a parking lot would get approval on 306 Magnolia Ave. Therefore, we cannot recommend this solution at this time.

Option 2: Leasing parking spaces from the Parking Authority. Per the Applicant's narrative:

Another viable solution would be for the City and Parking Authority to rent an undetermined number of spaces to us in the parking garage. Given the top two floors of the garage are mostly empty, this would be a practical and efficient use of existing resources.

The City and the Parking Authority have long emphasized the use of the parking garage. The Parking Authority is finalizing a Study that will likely confirm the Applicant's assertion that the garage is underutilized. However, the speculation is that it is underutilized because downtown employees and hotel guests are utilizing on-street parking instead. Solutions, including enforcement, are being discussed between the City and the Parking Authority.

In addition, 89 spaces on the top two floors are reserved for Hampton Inn as established within the agreement referenced above for its contribution of building the parking deck. I would assume they cannot be leased to another entity. Ultimately, the Parking Authority, as Owners, would be the authority to answer those questions. Staff, nor the Board, can give permission to utilize the garage for the proposed use.

Option 3: Credit for parking spaces. Per the Applicant's narrative:

Lastly, we would like the Board of Adjustments to consider allocating some credit for parking spaces as has been done for another Hotel project on August 15th 2022.

We believe the Applicant is referring to Article IV, Section E.7.a below:

7. Parking Credits

A credit may be given to the requirements of Table 4-3 – Parking Schedule, under the following conditions:

- a. On-street parking within 300 feet of any lot line may be credited to the parking requirement at a rate of one credit for every two on-street parking spaces.
- b. Bicycle parking facilities within reasonable proximity of the main entrance may be credited at a rate of one credit for every five-bicycle parking spaces, up to a maximum of 10% of the required vehicle parking.

Staff's evaluation is clarified above. Each use permitted on appeal and subject to special conditions is evaluated individually, geographic location, intensity, access to public infrastructure and impacts on surrounding businesses are just a few of the evaluation criteria. For example, the project referenced was also a hotel, but it was on a larger lot and only included 14 hotel rooms.

They provided seven parking spaces on-site and there were on-street parking spaces that were largely unused within 300' of that particular property. It is also important to note that that project left room on their site for loading/unloading. To accommodate Article IV, Section E.7.a, the credits for on-street parking was approved by the Board, Planning Commission, and City Council.

Whereas, this application proposes three commercial spaces, almost twice the number of hotel rooms, and fewer on-site parking on a smaller site.

The Applicant states the spatial constraints impose challenges on the subject property, but Staff believes those challenges are imposed by the requested use, or, more specifically, the intensity of the specific use. Parking for four rental units, as originally discussed, could be accommodated on site.

Conclusion and Recommendation

The Central Business District is unique and the focal point of the City. Walkability and non-automobile-related activities are critical. However, we almost must consider how each project will affect the CBD long-term and the precedent each approval may have on future projects. In general, Staff is not comprehensively against the idea of rental units or a hotel in this location. And we believe the architecture, as proposed, would be an asset to downtown. But the intensity of the proposal, in the location proposed, is too much of a burden on the current infrastructure for the benefit of one property. We do not believe we could offer the same solution to other property should they request the same. In which case, we feel we must recommend denial as currently proposed.

Furthermore, some of the proposed solutions would require approvals from other authorities. For this reason alone, we feel it is not appropriate to recommend approval until the feasibility of those solutions are vetted.

Because there may be other authorities involved, Staff would not be opposed to tabling the request to allow the Applicant appropriate time to work through the other options appropriately, or alter the request.

Recommendation:

Staff recommends DENIAL of BOA 24.10:

As stated previously, a hotel is allowed only on appeal in the B-2 District, criteria for those uses are listed in Article 2, Article II.C.3(2)(e)

(a) Compliance with the Comprehensive Plan;

Staff Response: Staff believes that a downtown hotel, with proper parking consideration, can positively affect the long-term vitality of downtown. However, we do not think the currently proposed project meets these goals.

(b) Compliance with any other approved planning document;

Staff Response: More clarity may be needed, depending on the three solutions proposed.

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

Staff Response: Staff believes a hotel use does meet the intent of the ordinance, but the proposed intensity of the mixed-use building does not meet the intents of the Zoning Ordinance.

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

Staff Response: Parking for a hotel is typically 'park and leave it' that could affect the neighboring businesses which have a higher turnover rate.

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

Staff Response: Utilities and drainage would be reviewed under different applications, but Staff foresees no significant problems. Impacts to public parking are discussed above.

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

Staff Response: The proposed use is a redevelopment of an existing disturbed site.

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

Staff Response: Staff would like to note the existing building is a historically contributing building, but understands there have been several evaluations of the existing structure. Demolition is permitted within our regulations.

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

Staff Response: Staff will ensure all are met through permitting.

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

Staff Response: Parking and deliveries is our main concern. (j) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

Staff Response: Parking and deliveries is our main concern.

(k) Overall benefit to the community;

Staff Response: We feel the current proposed plan, with existing conditions, would have a negative impact.

(l) Compliance with sound planning principles;

Staff Response: 'Don't do for one, what you can't do for all' is a mantra frequently heard during our Planning Commission meetings. We do not feel we could support the same request on neighboring properties at this time. There have been other developments in the neighboring area that have discussed hotels, bed and breakfast, or other short-term rentals. Staff would expect the same considerations.

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

Staff Response: None noted at this time.

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

Staff Response: None noted at this time.

Board of Adjustment Review Procedures:

- d. *Review* - Application review shall occur according to the following:
 - (1) A complete application shall be reviewed by the Director of Planning and Building. The Director shall offer a written report on the merits of the application to the Zoning Board of Adjustments.
 - (2) The application shall be submitted to the Board at the scheduled public hearing, with the Director's report. The Board shall consider the application and take one of the following actions:
 - (a) Grant the requested relief;
 - (b) Grant the requested relief with specific conditions;
 - (c) Deny the requested relief; or
 - (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the Board can take one of the above actions. An applicant may agree to more continuances.

Dear Members of the Board of Adjustments,

We are writing to seek approval for the construction of a multi-purpose building at 301 Fairhope Avenue, which will include 3 commercial spaces, 27 hotel rooms, and a rooftop terrace that will be owned by the Hotel. According to the Fairhope zoning ordinances, a hotel is permitted only on appeal and subject to special conditions. We have met with Hunter several times and understand that the requirement is to provide one parking space per hotel room. However, we face significant challenges in meeting this requirement due to spatial constraints on the property. We can only provide 3-4 parking spaces onsite.

Our proposed hotel is situated directly adjacent to the public parking garage, which provides ample parking capacity. We have visited this garage numerous times since the completion of the Alley project and have observed that the top two floors remain mostly empty. We have documented this with pictures and believe this nearby facility could effectively serve the parking needs of our hotel guests along with on-street parking and the onsite parking we will provide.

In a similar case, another proposed hotel was granted parking credits for the nearby convention center, a precedent we hoped would be applicable to our situation. Unfortunately, we were told that no such parking credits will be granted to us, and we must provide 27 parking spaces for the 27 hotel rooms. It is important to note that the City Zoning Ordinances do not specifically require any parking spaces for a Hotel in the CBD district.

We have invested significant time and resources into developing several potential parking solutions, which we would like to present to the Board. We believe one of these solutions will meet the parking needs of the CBD district.

One key solution involves utilizing the property at 306 Magnolia Street Fairhope, AI 36542. The property, currently home to Barnes Law Firm, is on the other side of Fairhope Arts Alley, almost adjacent and contiguous to our property. Mr. Barnes has received a permit from the City to remove the existing building. Once removed, the space will provide room for 28 parking spaces. Coupled with the 3 onsite spaces, we would exceed the requirement of 27 parking spaces. Mr. Barnes has agreed to provide a long term lease to us.

Another viable solution would be for the City and Parking Authority to rent an undetermined number of spaces to us in the parking garage. Given the top two floors of the garage are mostly empty, this would be a practical and efficient use of existing resources.

Lastly, we would like the Board of Adjustments to consider allocating some credit for parking spaces as has been done for another Hotel project on August 15th 2022.

It is important to note that the current building on the property is in very poor condition and is considered an eyesore to the community. Additionally, it poses a potential hazard, particularly in

severe weather. Redeveloping this site would significantly improve the aesthetics and safety of the area, contributing positively to the community.

Moreover, the City of Fairhope stands to benefit significantly from this development. The hotel would generate substantial lodging tax revenue, and the retail spaces would contribute additional sales tax revenue. Currently, Fairhope is losing lodging tax revenue to hotels in other Baldwin County locations. By approving our project, the city can capture this revenue and enhance its economic vitality.

Attached to this letter, you will find detailed information regarding our proposed project. We respectfully request that the Board of Adjustments consider these solutions and grant us the necessary approval to proceed with our project.

Thank you for your time and consideration.

Sincerely,
Daniel Prickett



MACK MCKINNEY
ARCHITECT
m2studio,llc



* (TO BE REVISED PER PLANS)

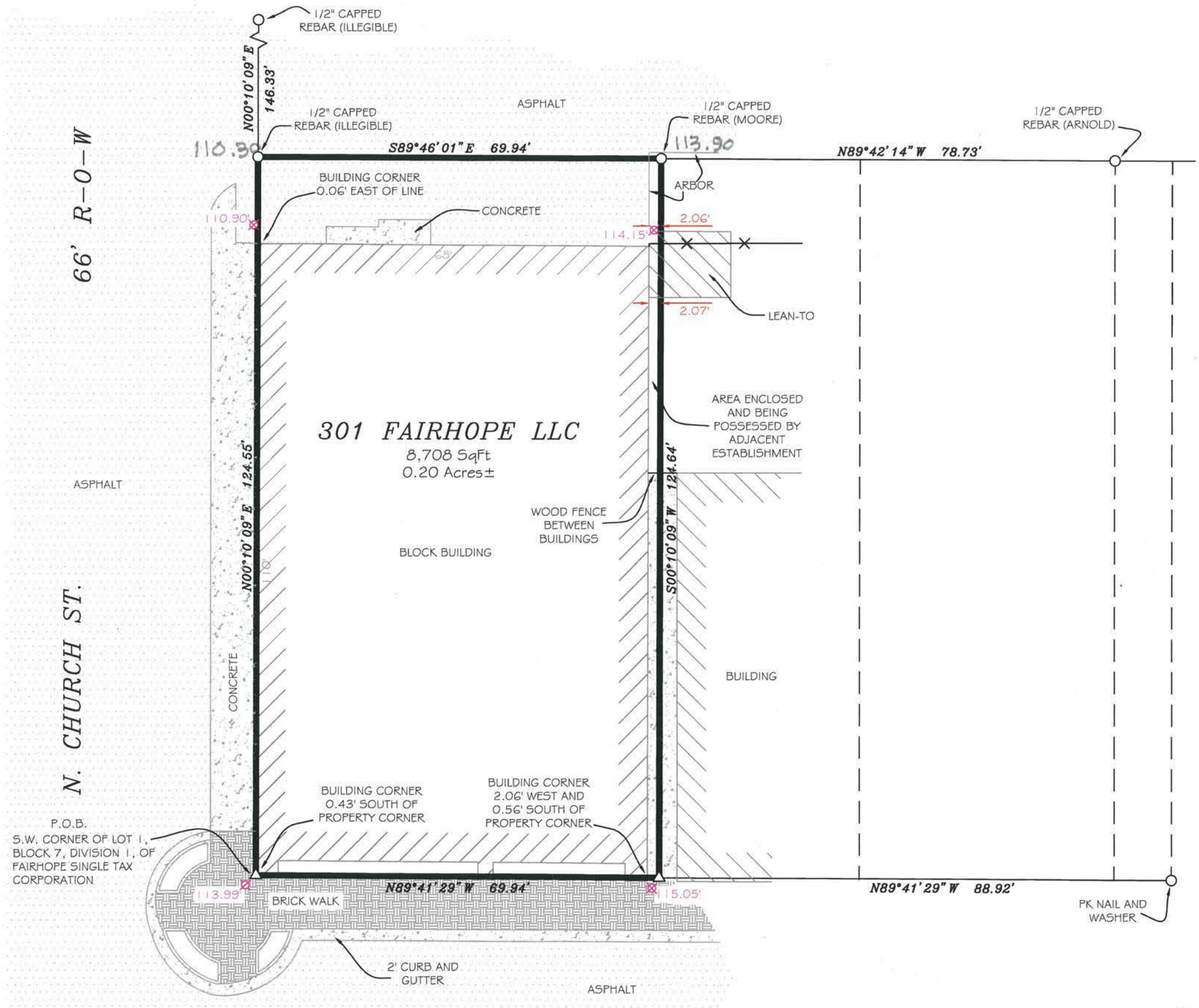
SCHEMATIC RENDERING

FAIRHOPE AND CHURCH

JULY 8, 2024



MACK MCKINNEY
ARCHITECT
m2studio, llc



SURVEY

FAIRHOPE AND CHURCH

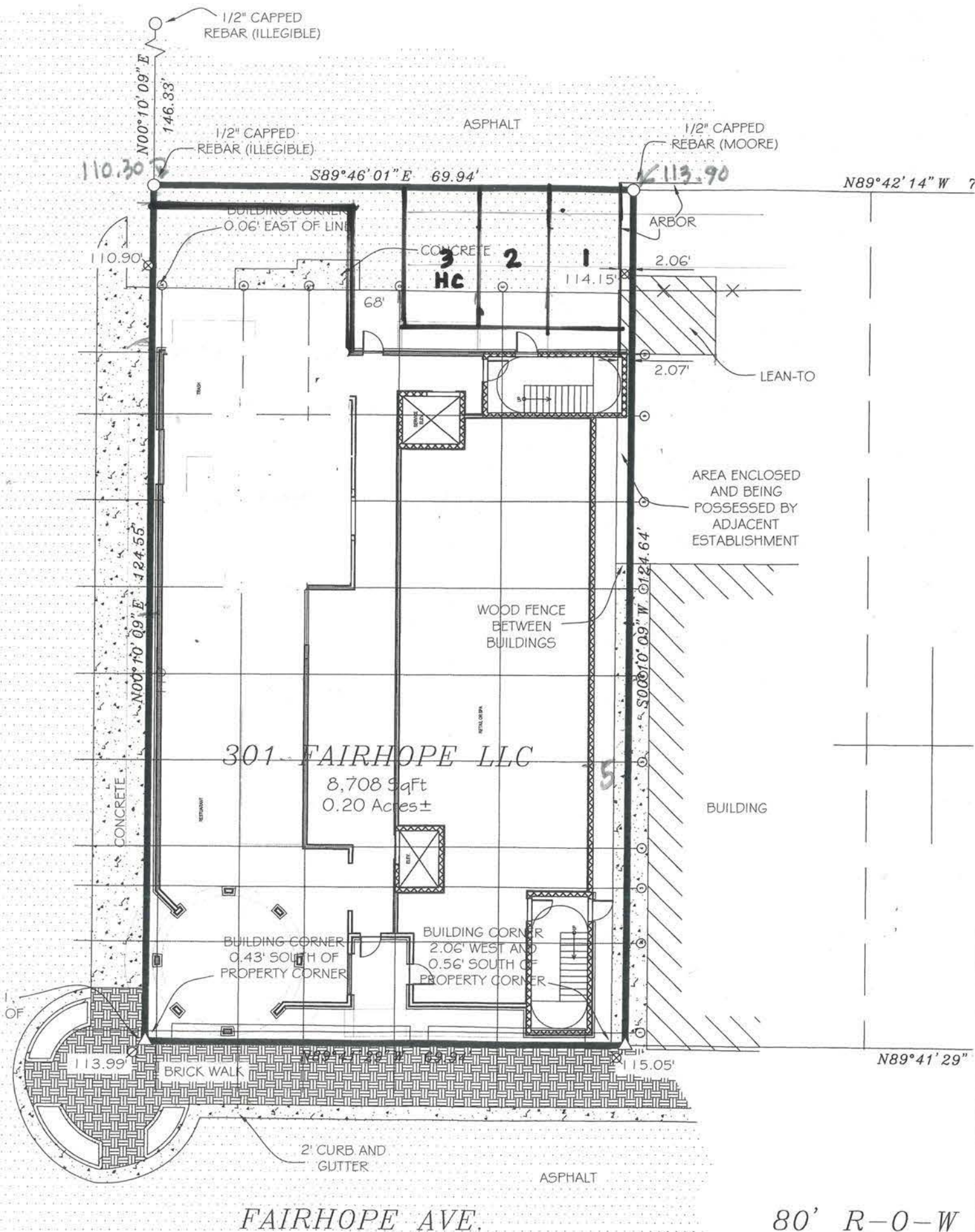


*GRID NORTH
N
SCALE
1" = 20'

P.O.B.
S.W. CORNER OF LOT 1,
BLOCK 7, DIVISION 1, OF
FAIRHOPE SINGLE TAX
CORPORATION

N. CHURCH ST.

66' R-O-W



REV. #	DATE	ISSUE

SITE PLAN

JOB NO. :

DATE :

DRAWN BY : CHECKED BY :



MACK MCKINNEY
ARCHITECT

m2studio, llc



DIAMOND GRADE
SIDEWALK CLOSED SIGN
N.T.S

LEGEND:

PEDESTRIAN ROUTE: - - - -



PEDESTRIAN CIRCULATION PLAN

FAIRHOPE AND CHURCH

6:06



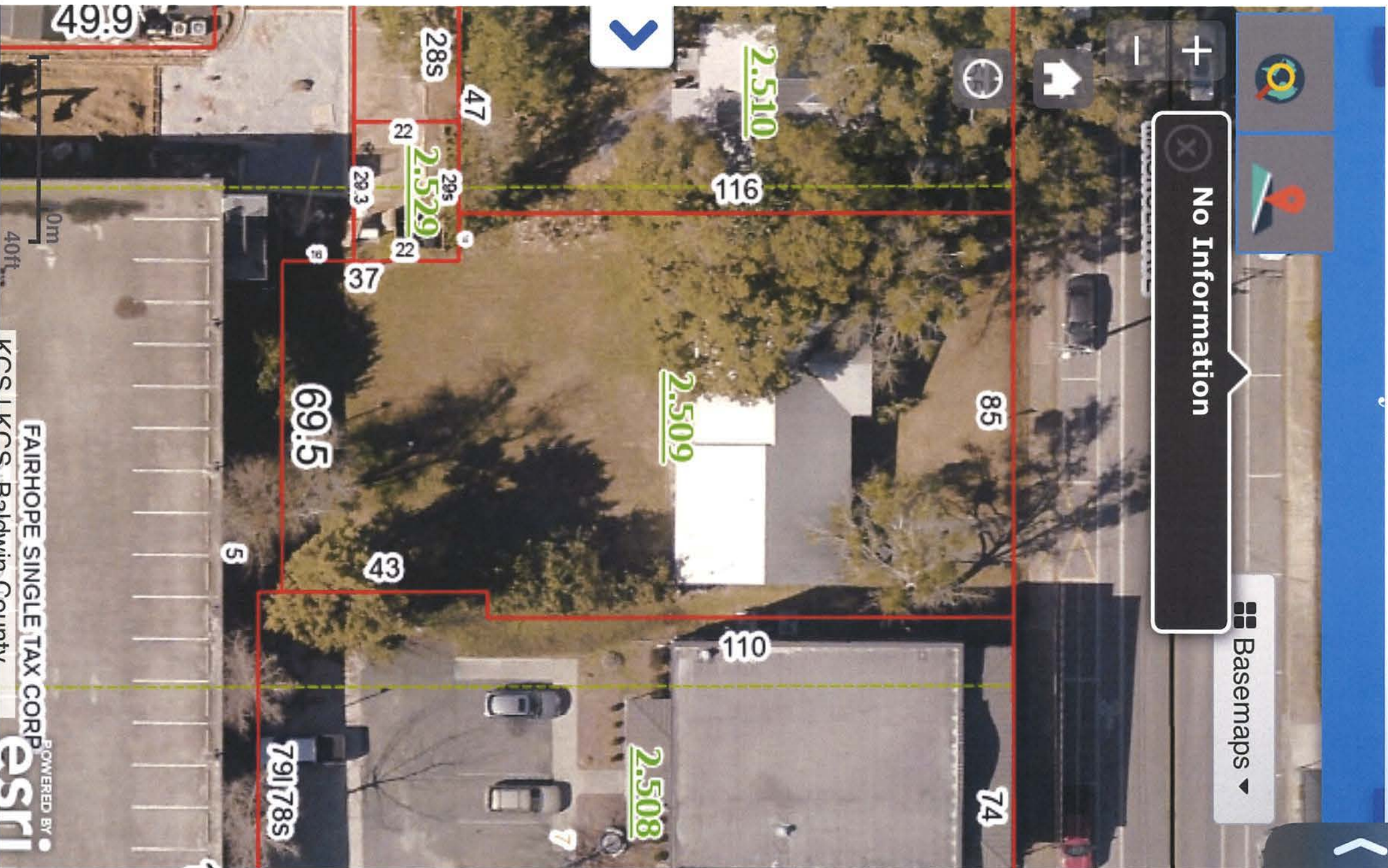
Photo >

Done



No Information

Basemaps ▾



AA



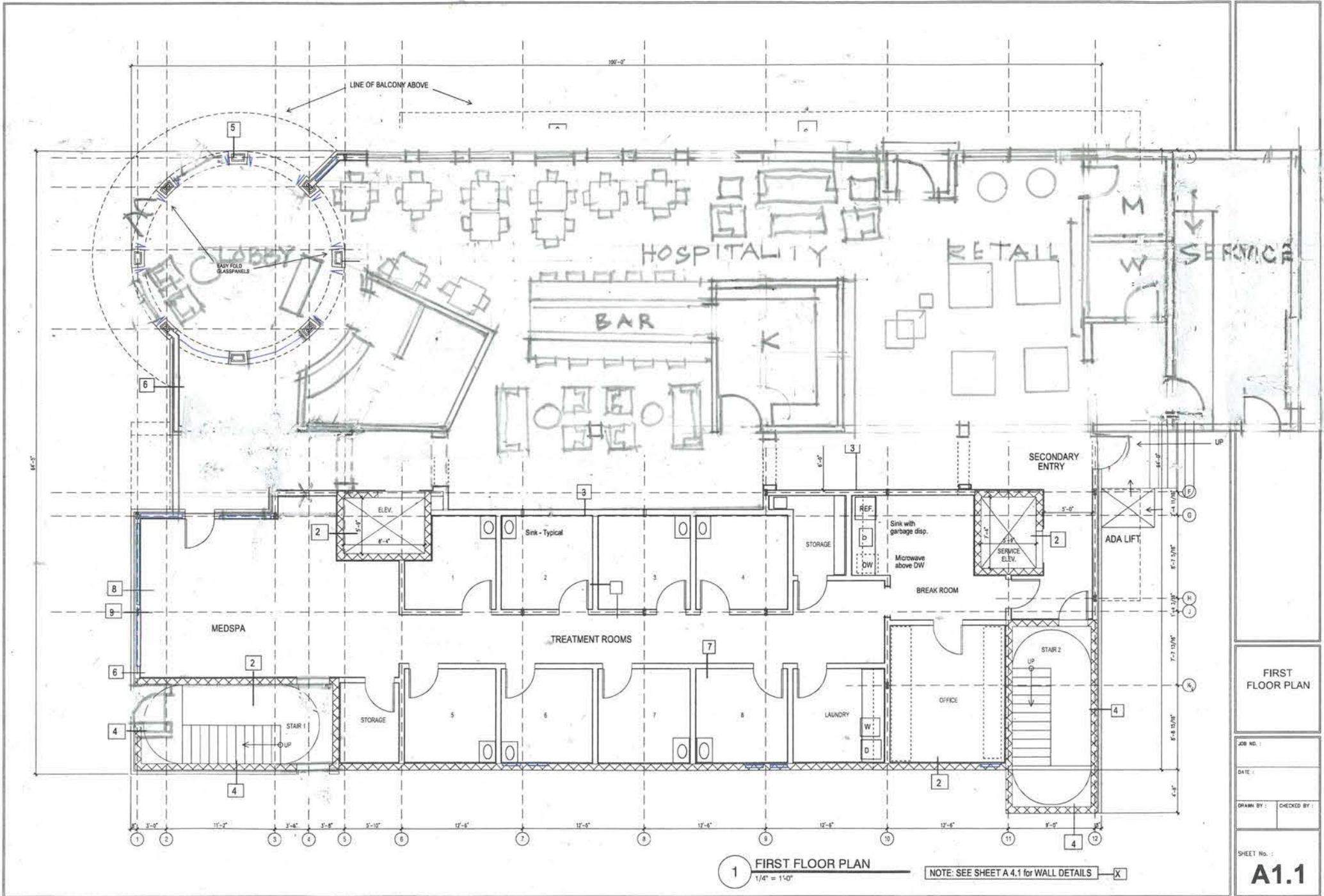
isv.kcsqgis.com



PROPOSED VALET LOT
306 MAGNOLIA AVENUE



MACK MCKINNEY
ARCHITECT
m2studio,llc



7151 SF +/-
GROUND FLOOR
FAIRHOPE AND CHURCH

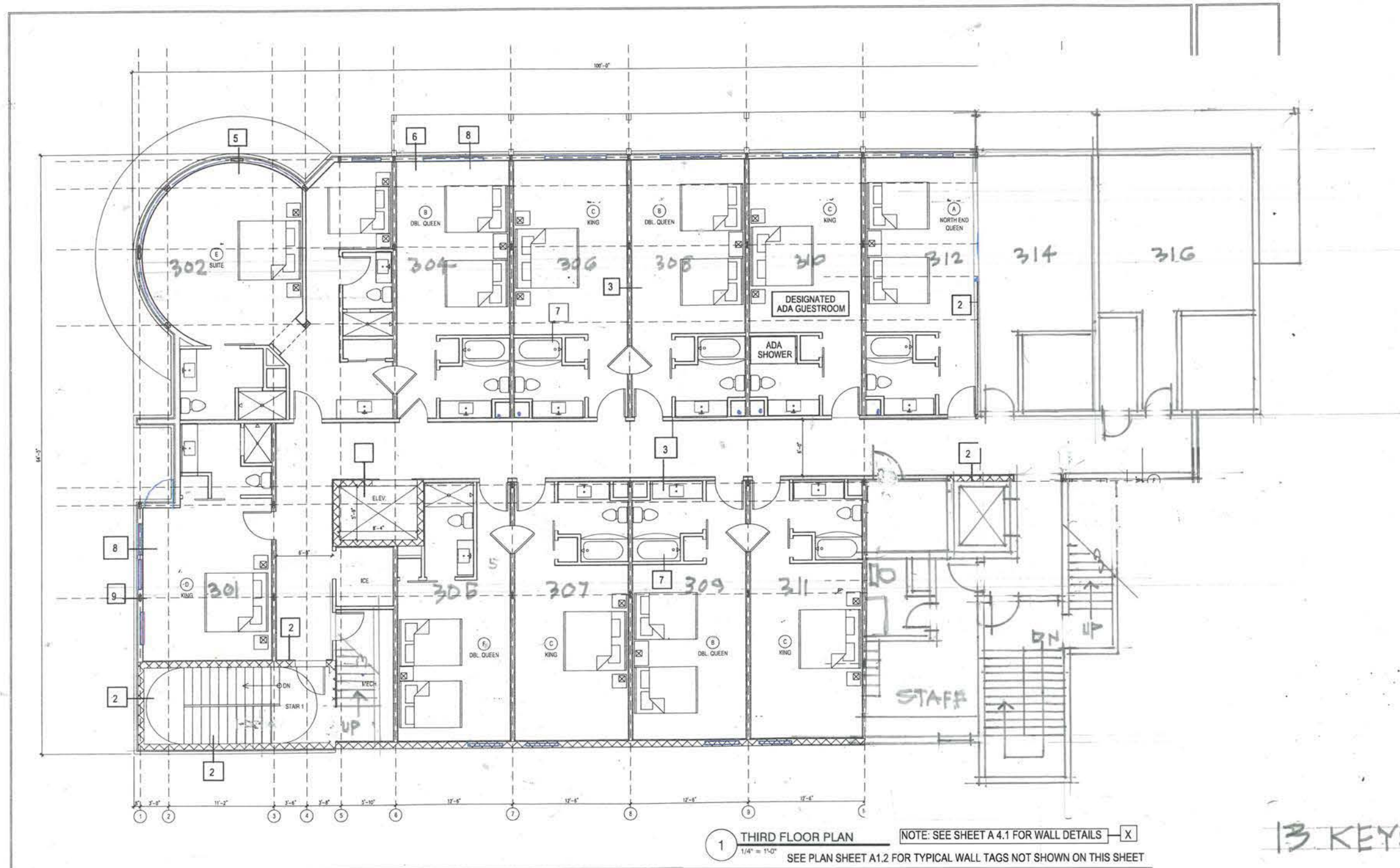


14 KEYS

SECOND FLOOR
FAIRHOPE AND CHURCH



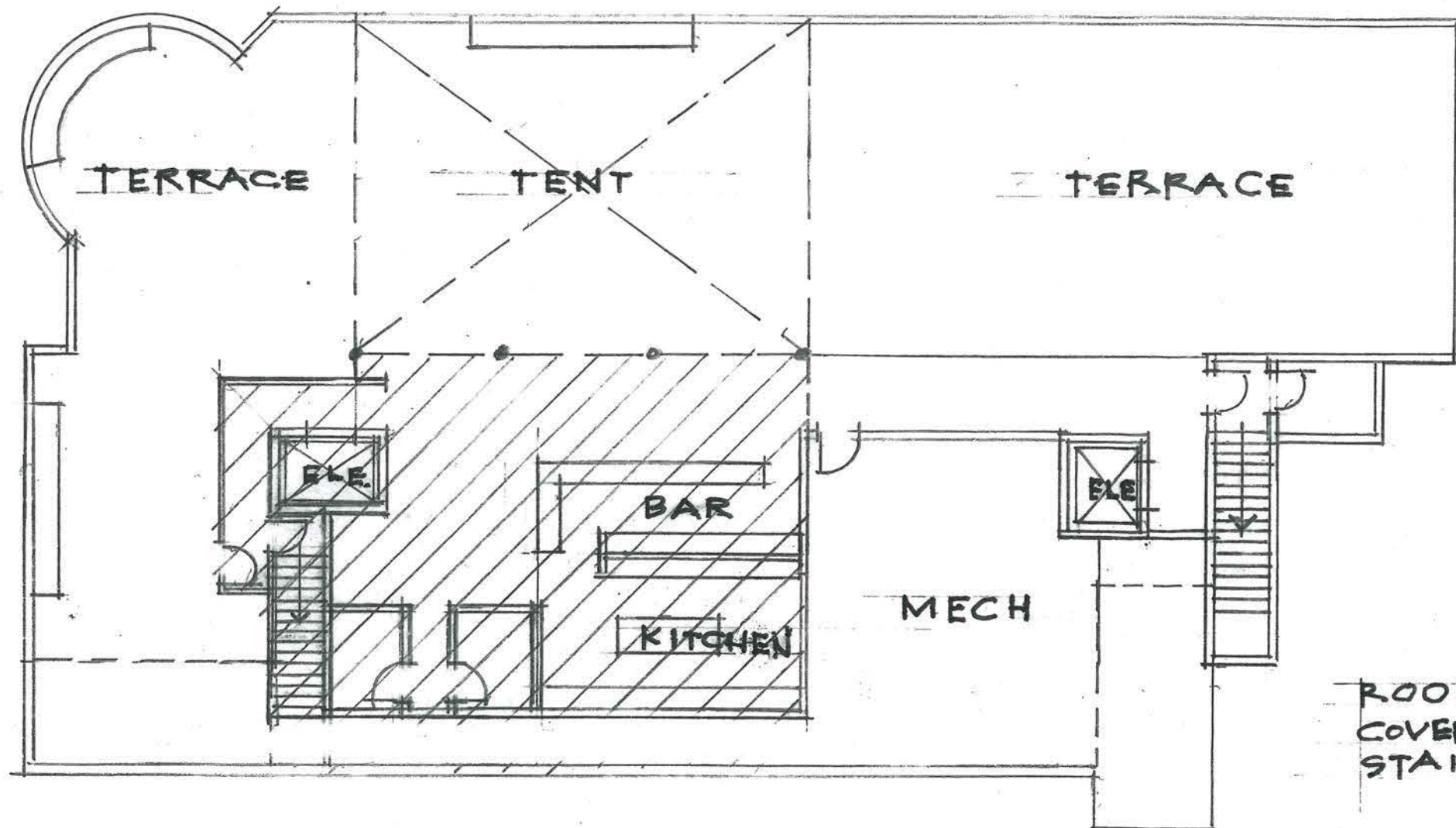
MACK MCKINNEY
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m2studio,llc



THIRD FLOOR
FAIRHOPE AND CHURCH



MACK MCKINNEY
ARCHITECT
m2studio, llc



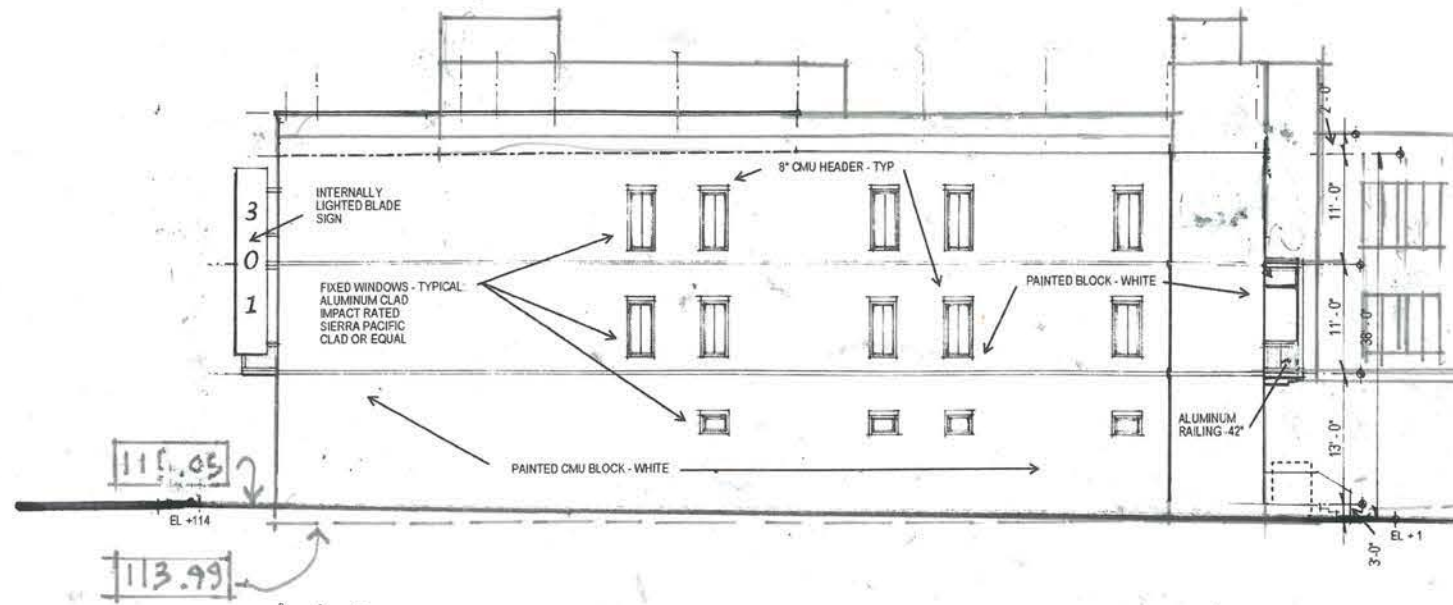
ROOF: 7151 SF
COVERED: 1874 SF
STAIRS/ELEV: 536 SF

ROOF TERRACE

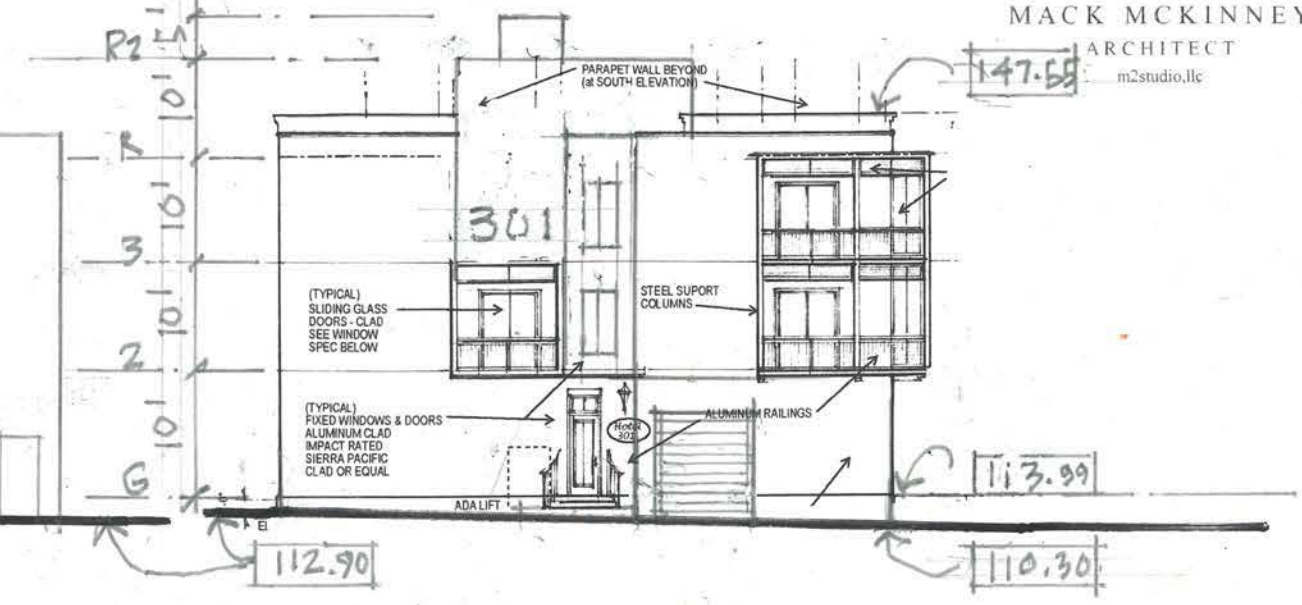
FAIRHOPE AND CHURCH



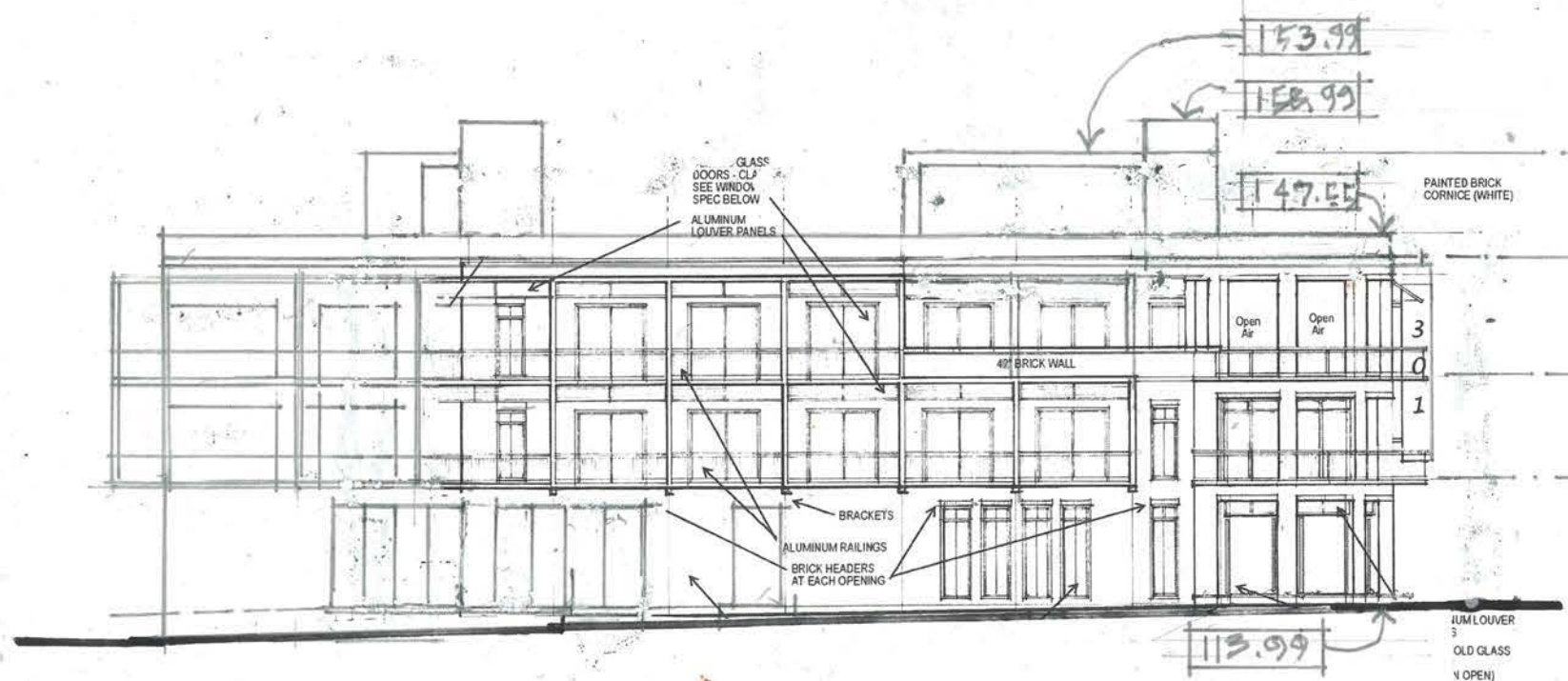
MACK MCKINNEY
ARCHITECT
m2studio, llc



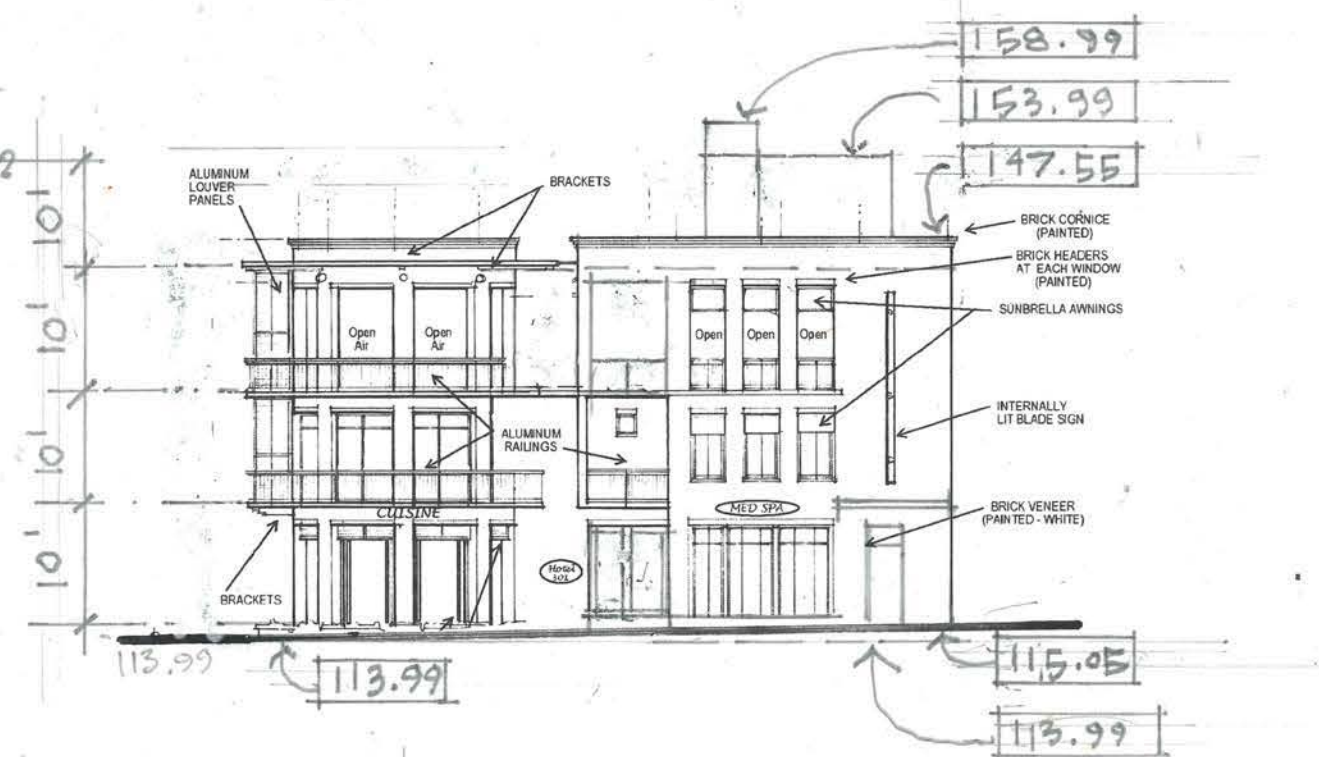
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



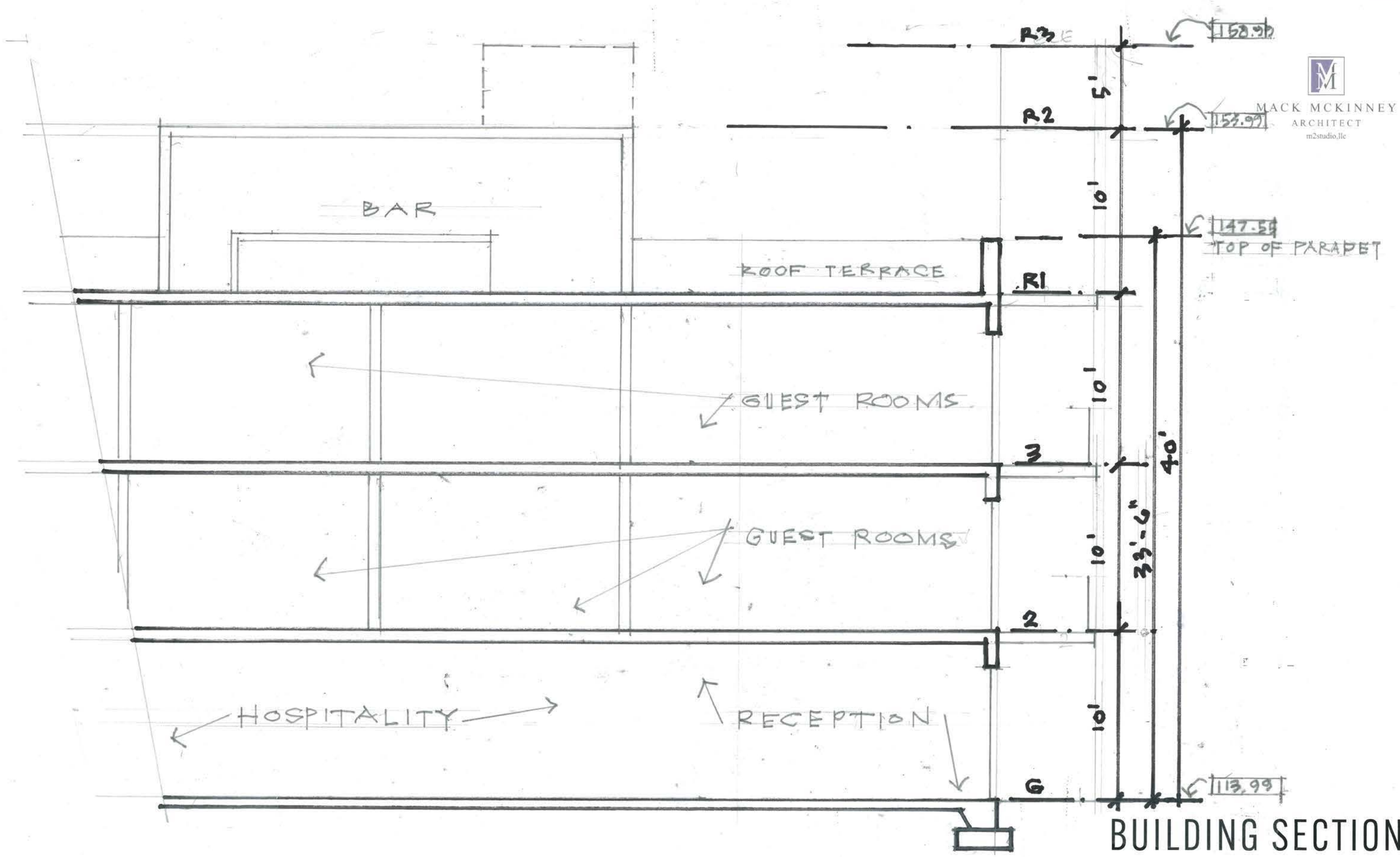
SOUTH ELEVATION

301 - A2.1 ELEVATIONS

FAIRHOPE AND CHURCH

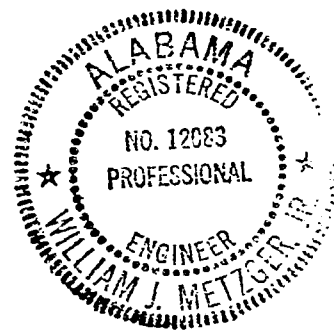


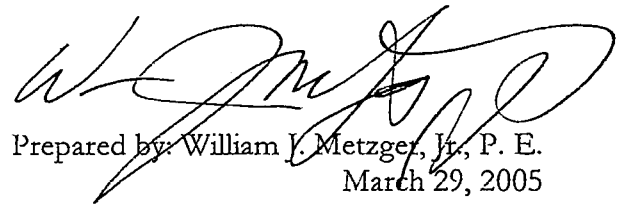
MACK MCKINNEY
ARCHITECT
m2studio, llc



BUILDING SECTION
FAIRHOPE AND CHURCH

**Traffic Impact &
Parking Considerations
Section Street Hotel
Fairhope, Alabama**




Prepared by: William J. Metzger, Jr., P. E.
March 29, 2005

Traffic Impact & Parking Considerations

Section Street Hotel

Fairhope, Alabama

An 89 room Hampton Inn is planned in Downtown Fairhope. The hotel will have a pedestrian entrance from Magnolia Avenue and Section Street. The hotel will have the primary vehicular entrance on Section Street and a second vehicular entrance to the hotel and parking garage from Church Street.

Traffic Impact

Trip Generation is an informational report of the Institute of Transportation Engineers. It is intended as a tool for planners, traffic engineers, zoning boards, and others interested in estimating the number of vehicle trips likely to be generated by a particular land use. It is based on more than 3,000 trip generation studies conducted by public agencies, developers, and consulting firms and reported to the Institute.

The attached *Trip Generation* calculations are for an 89 room hotel with 73 rooms as standard hotel and 16 rooms as suites (with food preparation capability). The total two-way driveway access would have a total of 679 trips per 24 hours. The heaviest impact would have 28 vehicles entering during the a.m. peak and 19 vehicles exiting; and during the p.m. peak 26 vehicles entering and 25 vehicles exiting. These studies are based on national averages and in my opinion would produce an excessive result for the Fairhope Downtown Area since a high percentage of the trips would be for walking to shopping and eating in the downtown. Even with the *Trip Generation* numbers, the traffic impact would be minor and no additional traffic control devices are recommended. The proposed development has good circulation and a safe plan for pedestrians and bicycles.

Parking Considerations

The proposed parking deck will have a total of 201 spaces. The lowest level will only have access to Church Street with 105 spaces. The second level will have access to Church Street and Section Street with 96 spaces. The current parking lot on Church Street has approximately 80 spaces available.

The hotel is projected to have 64% occupancy the first year and up to 68% by the third year. The hotel is estimated to have 20-30 employees with a maximum on duty of 12-15 per shift at 100% occupancy. The Fairhope City Subdivision Ordinance requires one space per room (89) and one per employee (on duty 15) or total of 104 required based on 100% occupancy so this should be the maximum required. Hotel guests would be directed to the 2nd floor. I used the Institute Transportation Engineers (ITE) Parking Generation 3rd Edition to calculate estimated parking use and it estimates 107 spaces needed by the hotel. Also I used American Planning Association Parking (APA) Standards to evaluate the hotel's need and it estimates 103 spaces.

Total parking deck	201 spaces
Required by the hotel	104 spaces
Available for other use	97 spaces

The parking deck can be a very positive structure for the City's merchants. The on street parking in the downtown area during mid-day and also during peak shopping seasons are mostly full. If the merchants and employees are forced into the deck on street parking will be available for customer's use and should improve business because parking would be so convenient. Many downtown merchants and employees are currently using the best available spaces. Few of these merchants realize they are taking their customer's space or don't want to admit they are.

If the City of Fairhope charges for the spaces in the parking deck and also the spaces in the Bancroft lot, the maximum on street spaces could be left open for downtown customers. Fairhope has a lot of elderly shoppers who may also shop more if they can park closer to their destination. The City needs to enforce the

existing two hour parking limit or most people are not going to use the parking deck because of the extra walking distance. This enforcement will also be necessary to force cars into the deck if parking fees are charged.

The parking deck has other positive impact such as parking for downtown residents and the hotel guests are more likely to shop and eat downtown than guests staying elsewhere.

The fees for the deck can be raised during prime events such as the Arts and Craft fair or Mardi Gras. The parking deck will be mostly operated by electronic gates and will require a minimum of employee labor. A parking lot company in the area estimates a needed for an employee of approximately 16 hours per week for the first five years and 32 hours per week after that due to ageing equipment. The parking deck will be well lighted. The deck will accommodate vehicles up to seven feet in height.

Summary

The hotel traffic generated will have no major impact to the existing streets in downtown Fairhope and no additional traffic control is recommended.

The proposed plan has good circulation and is a safe plan for pedestrians and bicycles.

The proposed parking deck should be a major asset to the downtown area. If managed properly the City could make more parking available in convenient locations for downtown shoppers and diners.

Downtown's are a very complex subject and various opinions are shared by Traffic Engineers, Planners, Main Street Merchants, and Politicians. I have included a few pages from the APA Parking Standards that addresses some of these issues.

HAMPTON INN
Summary of Multi-Use Trip Generation
Average Weekday Driveway Volumes
March 29, 2005

Land Use	24 Hour Two-Way Size	AM Pk Hour Volume	PM Pk Hour			
			Enter	Exit	Enter	Exit
Hotel	73 Rooms	601	25	16	23	21
All Suites Hotel	16 Rooms	78	3	3	3	4
Total		679	28	19	26	25

Note: A zero indicates no data available.

TRIP GENERATION BY MICROTRANS

HAMPTON INN
Summary of Multi-Use Trip Generation
Saturday and Sunday Driveway Volumes
March 29, 2005

Land Use		Saturday			Sunday		
		24 Hr		Peak Hour		24 Hr	
		2-Way		2-Way		2-Way	
		Size	Vol.	Enter	Exit	Vol.	Enter Exit
Hotel	73 Rooms	598	29	23	434	19	22
All Suites Hotel	16 Rooms	0	0	0	0	0	0
Total		598	29	23	434	19	22

Note: A zero indicates no data available.

TRIP GENERATION BY MICROTRANS

HAMPTON INN
Summary of Trip Generation Calculation
For 16 Rooms of All Suites Hotel
March 29, 2005

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	4.90	2.29	1.00	78
7-9 AM Peak Hour Enter	0.21	0.00	1.00	3
7-9 AM Peak Hour Exit	0.17	0.00	1.00	3
7-9 AM Peak Hour Total	0.38	0.62	1.00	6
4-6 PM Peak Hour Enter	0.18	0.00	1.00	3
4-6 PM Peak Hour Exit	0.22	0.00	1.00	4
4-6 PM Peak Hour Total	0.40	0.63	1.00	6
AM Pk Hr, Generator, Enter	0.22	0.00	1.00	4
AM Pk Hr, Generator, Exit	0.18	0.00	1.00	3
AM Pk Hr, Generator, Total	0.40	0.64	1.00	6
PM Pk Hr, Generator, Enter	0.18	0.00	1.00	3
PM Pk Hr, Generator, Exit	0.22	0.00	1.00	4
PM Pk Hr, Generator, Total	0.40	0.63	1.00	6
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0
Sunday 2-Way Volume	0.00	0.00	1.00	0
Sunday Peak Hour Enter	0.00	0.00	1.00	0
Sunday Peak Hour Exit	0.00	0.00	1.00	0
Sunday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

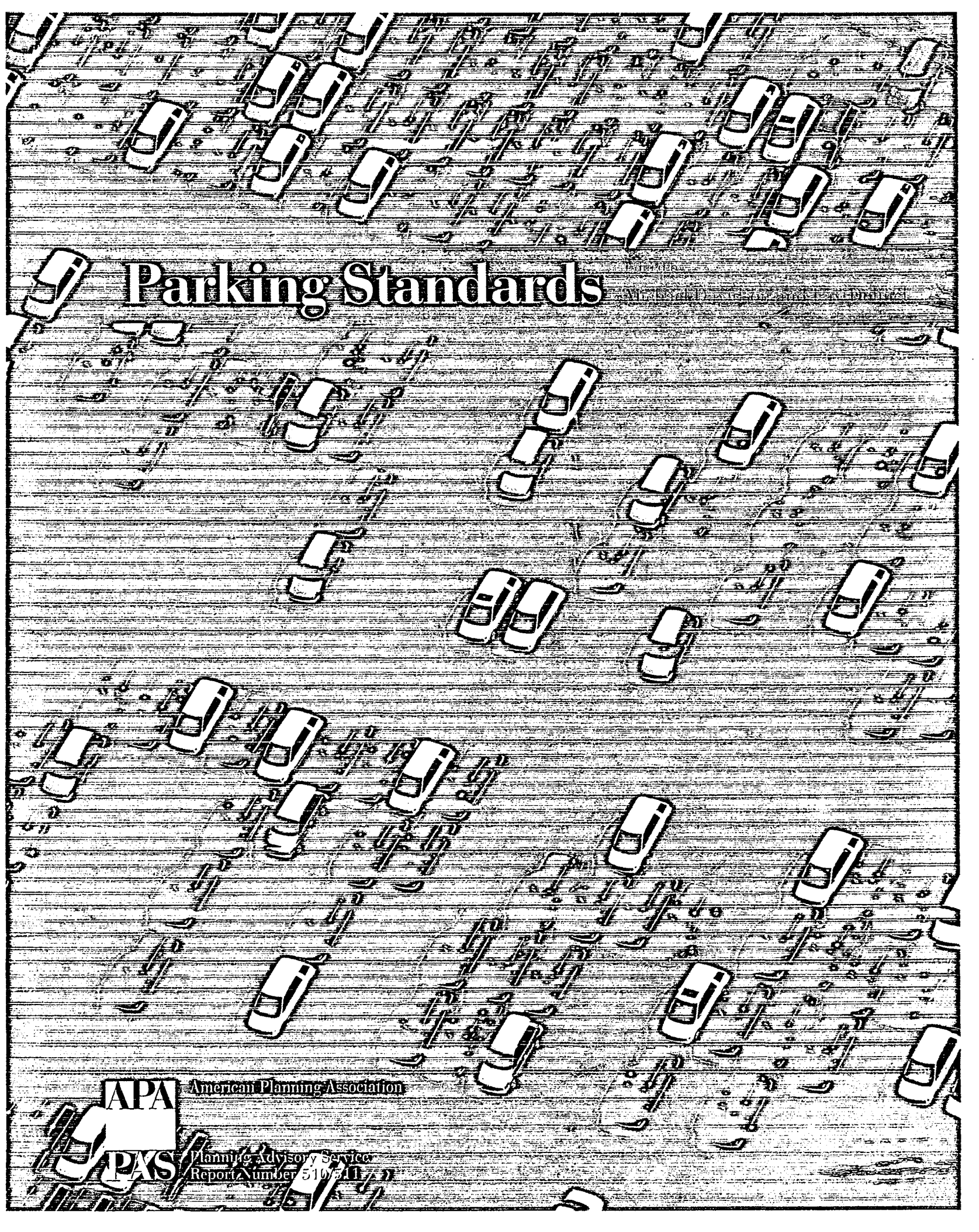
TRIP GENERATION BY MICROTRANS

HAMPTON INN
Summary of Trip Generation Calculation
For 73 Rooms of Hotel
March 29, 2005

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	8.23	3.38	1.00	601
7-9 AM Peak Hour Enter	0.34	0.00	1.00	25
7-9 AM Peak Hour Exit	0.22	0.00	1.00	16
7-9 AM Peak Hour Total	0.56	0.78	1.00	41
4-6 PM Peak Hour Enter	0.32	0.00	1.00	23
4-6 PM Peak Hour Exit	0.29	0.00	1.00	21
4-6 PM Peak Hour Total	0.61	0.81	1.00	45
AM Pk Hr, Generator, Enter	0.29	0.00	1.00	21
AM Pk Hr, Generator, Exit	0.23	0.00	1.00	17
AM Pk Hr, Generator, Total	0.52	0.75	1.00	38
PM Pk Hr, Generator, Enter	0.35	0.00	1.00	26
PM Pk Hr, Generator, Exit	0.26	0.00	1.00	19
PM Pk Hr, Generator, Total	0.61	0.81	1.00	45
Saturday 2-Way Volume	8.19	3.13	1.00	598
Saturday Peak Hour Enter	0.40	0.00	1.00	29
Saturday Peak Hour Exit	0.32	0.00	1.00	23
Saturday Peak Hour Total	0.72	0.87	1.00	53
Sunday 2-Way Volume	5.95	2.89	1.00	434
Sunday Peak Hour Enter	0.26	0.00	1.00	19
Sunday Peak Hour Exit	0.30	0.00	1.00	22
Sunday Peak Hour Total	0.56	0.75	1.00	41

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

The background of the entire page is a dense, black and white illustration. It features numerous small, stylized cars, some of which are depicted as if they are moving or parked in a chaotic manner. Interspersed among the cars are various musical notes, including eighth and sixteenth notes, as well as stems and beams, suggesting a theme of rhythm or movement. The overall style is reminiscent of a high-contrast, woodcut or linocut print.

Parking Standards

AMERICAN PLANNING ASSOCIATION

APA

American Planning Association

PAS

Planning Advisory Service
Report Number 510-511

Maximum Number of Parking Spaces Required.

The maximum number of off-street parking spaces for any building or use shall not exceed the amount determined as follows:

1. Parking lots of more than twenty and less than fifty-one spaces. Parking lots may not have more than one hundred twenty percent (120%) of the number of spaces identified in Table 15-C, not including accessible spaces, unless a minimum of twenty percent (20%) of the parking area is landscaped in accordance with the standards of this chapter.
2. Parking lots of fifty one spaces or more. No more than one hundred ten percent (110%) of the number of spaces required as identified in Table 15-C of this chapter, not including accessible spaces, are permitted.

Based on Helena's minimum parking requirement for retail uses of 4.1 spaces per 1,000 square feet of gross floor area, a 5,000-square-foot retail store would be required to provide 21 spaces and could provide no more than 25 spaces (unless 20 percent of the parking lot is landscaped)—a very narrow range. (Note that maximum standards of 125 or 150 percent of the minimum are more prevalent and provide a somewhat wider range.) Generally, communities with minimum parking requirements that are set particularly low (i.e., below typical demand) might consider higher maximum standards (e.g., 150 or 200 percent of the minimum) when using this method.

A third method is a limit on the overall number of parking spaces in a particular geographic area. Cambridge, Massachusetts, uses parking maximums as part of comprehensive set of strategies to reduce automobile dependence (Millard-Ball 2002). The Cambridge zoning ordinance, for example, states that "the total number of parking spaces serving non-residential uses in the North Point Residence District shall not exceed 2,500 spaces, allocated to each lot in the district at a rate of 1.2 spaces per 1,000 square feet of lot area." Cambridge also uses the more popular approach of setting parking maximums for many individual land uses.

Some communities offer automatic exceptions to maximum parking standards if certain objectives are met. For example, San Antonio, Texas, which incorporates maximum standards for an extensive number of uses in its zoning code, exempts structured parking and parking located on pervious pavement. The pervious pavement exemption is subject to standards that describe the underlying soil permeability, level of the water table, the slope of the lot, and maintenance of the lot (e.g., sweeping and washing).

A note of caution: maximum standards that are set particularly low may result in spillover parking that could erode support for such standards. On-street parking restrictions accompanying maximum standards are one way of dealing with this issue, though such restrictions are also controversial in many places. Resident-only parking restrictions are often both a response to and a source of friction between the wishes of area residents, who like having on-street parking available for themselves and their guests, and businesses and institutions that rely on the ability of their patrons to find places to park. Time will tell whether maximum standards completely replace minimum requirements as concern continues to rise about traffic congestion, low-density development, and the environmental consequences of automobile dependence.

Downtown Parking Standards

In recent years, a number of communities without a traditional downtown have attempted to create such a place. Parking in downtown areas is complex and subject to a variety of competing interests. For example, the needs of businesses that rely on the availability of short-term parking are sometimes af-

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fects by commuters who occupy parking spaces from 8:00 a.m. to 5:00 p.m. Constantly adding to the downtown parking supply should not be the sole solution to solving real or perceived downtown parking "problems." Doing so, in fact, is likely to work against goals aimed at improving air quality, reducing traffic (or at least reducing the rate of increase of traffic congestion), and increasing transit use. When parking demand in a downtown area increases substantially, there are only a limited number of ways to increase the traffic carrying capacity of downtown streets as well, some of which, such as elimination of on-street parking, are not necessarily desirable.

Levinson (1982), as cited by Barr (1997), suggests that a review of downtown parking strategies should begin with consideration of the following points:

- What are the community development, environmental, and transportation goals for downtown and the surrounding areas?
- What basic policies underline formation of plans and options?
- Which range of parking options are meaningful in relation to: existing parking facilities and street systems; downtown development patterns and intensities; origins, destinations and approach routes of parkers; transit service capabilities; and environmental and energy constraints?
- How can parking serve as a catalyst for desired development?
- Should parking be provided for all who want to drive downtown, or should it be rationed in some specific manner?
- What balance should be achieved between parking located on the outskirts of downtown and parking located along express transit stops in outlying areas?
- What are the effects of parking on the location and design of public transport routes, stations, and terminals?

Although this report focuses on zoning requirements, such requirements are only one piece of the downtown parking puzzle (as the above points suggest). Signage, pricing, location, design, supply, metering of on-street parking, and long-term employee parking versus the availability of short-term parking for retail customers are also issues to be considered.

Morrall and Bolger (1996) conducted quantitative research and concluded, "The proportion of downtown commuters using public transport is inversely proportional to the ratio of parking stalls per downtown employee." The size of a downtown, the mix and intensity of land uses, and the availability of transportation alternatives and commercial or public parking facilities combine to form a unique environment that many zoning ordinances recognize through particularly low parking requirements and, in some cases, maximum requirements.

No minimum off-street parking requirements exist for nonresidential uses in many downtown areas, particularly in large cities (e.g., Portland, Oregon; Boston; Massachusetts; Columbus, Ohio; San Diego, California). The Parking and Access section of the Portland, Oregon, Central City Plan District contains regulations intended to "implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City." It includes no *minimum* parking standards for nonresidential uses in the core area of the downtown. *Maximum* parking requirements for office uses range from 0.7 to 2.0 spaces per 1,000 square feet of new net building area in the core.

Among medium-size downtowns, parking requirements vary widely. In the Central Business District Zone in Grand Rapids, Michigan, (pop. 197,000) parking is required at a rate of one space for each 1,000 square feet of gross floor area for nonresidential buildings and hotels. Off-street parking is not required for any building constructed prior to January 1, 1998, however, or for new buildings and cumulative additions to existing buildings with a gross floor area of 10,000 square feet or less.

CBD Parking

Required Automobile Parking

Off-street parking space as required herein shall be provided for all buildings and structures and for additions to existing buildings or structures. The number of spaces required for all uses shall be one space for each 1,000 square feet of gross floor area for all non-residential buildings and hotels, and one space per dwelling unit for all dwellings.

Required Bicycle Parking

Bicycle parking shall be provided in conjunction with new automobile parking facilities. Any new facility providing parking for more than fifty (50) automobiles, shall provide bicycle parking at a rate of one bicycle parking space for each forty (40) automobile spaces, with a minimum of six (6) spaces. In lieu of providing bicycle parking within the parking facility, the owner may provide bicycle parking at an alternate location well suited to meet the needs of potential users. Public parking facilities designed to provide remote employee parking on the fringe of the district shall be exempt from this requirement.

Madison, Wisconsin (pop. 208,000), and Richmond, Virginia (pop. 198,000), do not have parking requirements in most or all of their downtown districts; they do, however, negotiate all parking needs through a transportation management ordinance.

Communities with small downtowns vary widely in their management of downtown parking. Some have chosen to develop parking programs focused on public parking lots that serve the downtown area. In Holland, Michigan, for example, a community with 27,000 residents and a traditional downtown of approximately eight square blocks, "All businesses located in the C-3 Central Business District shall be deemed participants in a community parking program and shall be exempt from parking requirements herein specified. For any additional residential use created, additional parking areas shall be provided in accordance with the requirements set forth herein" (Section 39-52).

Distinctions Based on the Type of Commercial District

In addition to special regulations for downtown parking, some communities choose to provide distinct parking requirements based on the type of commercial district rather than delineating citywide requirements for each particular land use. (In some cases communities use overlay districts—see below.) The basic premise is that a commercial district overlay a particular neighborhood will draw patrons from a relatively small market area, increasing the chances that many will arrive via walking, for example, while districts that allow uses drawing from a regional market may require more parking per square foot of floor area for the same use.

Cambridge, Massachusetts, offers an example of differentiating between districts; its regulations provide that the parking requirements vary "according to the type, location and intensity of development in the different zoning districts, and to proximity of public transit facilities." For example, the minimum parking requirement for general retail establishments varies from one space per 500 square feet, one space per 700 square feet, and one

space per 900 square feet, depending on the type of zoning district. Maximum standards in Cambridge vary by district as well.

Portland, Oregon, does not require off-street parking in several of its commercial zoning districts (e.g., Mixed Commercial/Residential zone, Storefront Commercial zone, and the Office Commercial 1 zone). Where parking is required, the city makes distinctions based on the scale of development allowed in the district and, in some cases, the residential density of the surrounding area. There are no minimum parking requirements associated with uses in the Neighborhood Commercial 1 zone, which "is intended for small sites in or near dense residential neighborhoods." Off-street parking is required for uses in the Neighborhood Commercial 2 zone, which "is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods." Off-street parking requirements are generally less in the Neighborhood Commercial 2 zone than in another level of commercial activity, the General Commercial zone, which "is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas."

The Role of Overlay Districts

Overlay districts can be an effective tool for incorporating unique parking requirements that recognize and foster unique characteristics associated with particular areas in a community.

Minneapolis has several overlay districts that incorporate special parking requirements. The Pedestrian Oriented Overlay Districts, scattered throughout the city, include maximum parking standards and restrictions on the location of parking facilities. The Downtown Parking Overlay District prohibits new commercial parking lots in the downtown area and limits the size of new accessory surface parking lots to no more than 20 spaces.

Greensboro, North Carolina, uses unique parking standards in its East Market Street Pedestrian Scale Overlay District. One purpose of the overlay district is to "modify the image of the corridor, moving away from the existing vehicular-oriented thoroughfare to an image which is attractive to pedestrian access and use." The parking regulations in the overlay district include the following:

Parking Credits and Exceptions:

- i. In all areas, on-street parking spaces on the right-of-way between the two side lot lines of the site may be counted to satisfy the minimum off-street parking requirements.
- ii. Where parking is available off-site within 400 feet of the front entry to the building, and that parking is owned or controlled under a permanent and recorded parking encumbrance agreement for use by the occupants or employees on the site, said parking may be counted to satisfy the off-street parking requirements.
- iii. In those portions of the Overlay District with underlying zoning of GB, GO-H and HB and which are occupied as a retail use, all parking located behind the front setback of the building shall be double-counted so that each such parking space behind the front setback shall be counted as if it were two (2) spaces available to satisfy the off-street parking requirements for such retail use.
- iv. Where it can be demonstrated through a documented parking study that the demand for parking of the combined uses of two (2) or more buildings can be satisfied with the shared and jointly accessible off-street parking available to those buildings, then a special exception to these parking requirements may be granted by the Board of Adjustment to satisfy the minimum parking requirements.

The Richmond, Virginia, zoning code includes a very extensive description of the rationale underlying its Parking Overlay Districts:

Pursuant to the general purposes of this chapter, the intent of Parking Overlay Districts is to provide a means whereby the City Council may establish overlay districts to enable application of appropriate off-street parking requirements to business uses located within areas of the City characterized by a densely developed pedestrian shopping environment in close proximity to residential neighborhoods. The districts are intended to recognize that, due to several factors, business uses located in such areas typically generate lower demands for privately maintained off-street parking spaces than are reflected in the requirements generally applicable in the City and set forth in Section 32-710.1 of this chapter.

Parking requirements within Parking Overlay Districts are designed to reflect the factors that result in lower parking demand in such areas. These include: a function similar to that of a shopping center, resulting in a high proportion of multipurpose trips by patrons; considerable walk-in trade due to proximity to residential areas and employment centers; significant numbers of employees that walk to work due to proximity to living areas; availability of public transportation; and many older buildings which have been adapted from other uses and tend to be less efficient than newer special purpose buildings. It is also intended that each Parking Overlay District reflect the supply of public parking spaces within the district by providing for further reduction in the parking requirements in direct proportion to available public parking.

Parking Overlay Districts are intended to complement the UB Urban Business District and to be applied principally to those areas within such district which possess the factors enumerated above, but may also be applied independent of the UB District to other areas where such factors exist within other specified districts.

Bicycle Parking

A number of communities recognize how bicycle travel can reduce vehicular parking demand. Overall, less than 1 percent of all trips in the U.S. are bicycle trips. Since 48 percent of all trips in the U.S. are shorter than three miles, many believe the potential for increasing utilitarian bicycle travel is great (Pucher and Schimek 1999). The extent to which bicycle travel can substitute for automobile travel may depend on demographics, climate, and the availability of the infrastructure to accommodate bicycle use, including bicycle parking. U.S. communities that have the highest level of bicycle use tend to be midsize cities with a large student population, such as Gainesville, Florida; Madison, Wisconsin; Boulder, Colorado; and Davis, California. The presence of a major university need not be a prerequisite to making a serious effort to encourage bicycle travel as a legitimate form of daily transportation.

PAS Report 459, *Bicycle Facility Planning* (Pinsoff and Musser 1995), covered a wide range of bicycle infrastructure and regulation issues. The report included the following general guide that suggested minimum bicycle requirements for a variety of uses.

A number of communities have chosen to institute minimum bicycle parking requirements, while some also allow for a reduction in the number of required automobile spaces when bicycle parking is provided. (See Table 3.)

In Davis, California, considered by many to be the preeminent bicycling community in the U.S., "the number and location of all bicycle parking spaces shall be in accordance with the community development director

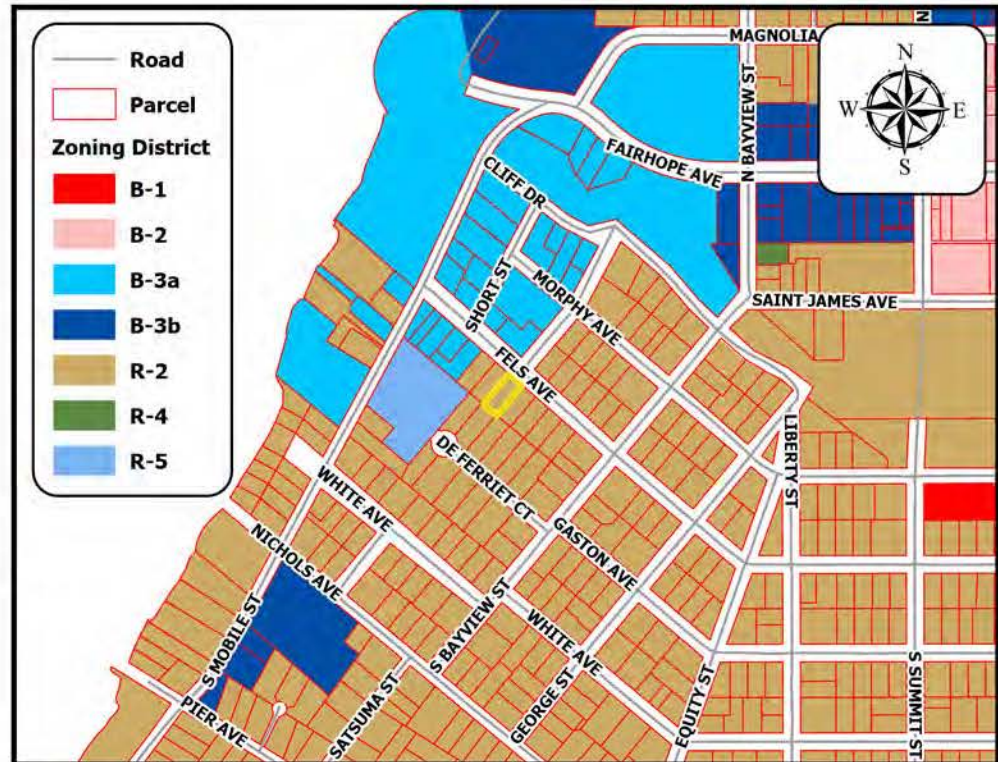
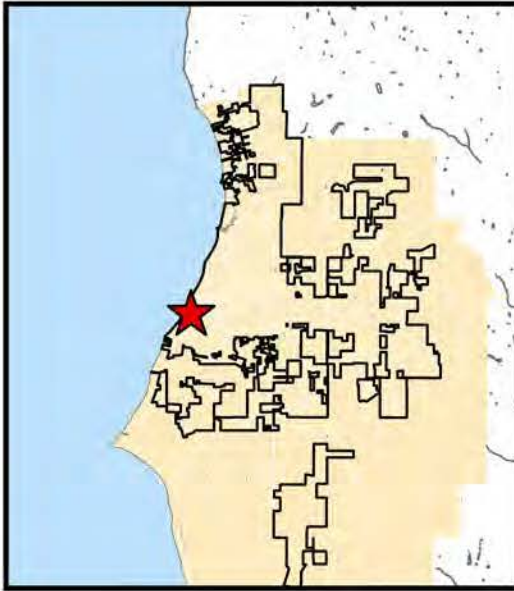
City of Fairhope

Board of Adjustments

August 19, 2024



BOA 24.11 - 50 Fels Avenue



Project Name:

50 Fels Avenue

Site Data:

0.22 acres

Project Type:

Setback variances of 5 and 15 feet

Jurisdiction:

Fairhope Planning Jurisdiction

Zoning District:

R-2 Medium Density Single-Family Residential District

PPIN Number:

14503

General Location:

Freedom Street and Fels Avenue

Surveyor of Record:

N/A

Engineer of Record:

N/A

Owner / Developer:

Jason LaSource

School District:

Fairhope Elementary School
Fairhope Middle and High Schools

Recommendation:

Denial

Prepared by:

Name :Michelle Melton





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: ☐ Administrative Appeal ☐ Special Exception ☒ Variance

Property Owner / Leaseholder Information

Name: Jason M. LaSource Phone Number: 251-379-4822
 Street Address: 50 Fels Ave
 City: Fairhope State: AL Zip: 36532

jlsource24@gmail.com

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.

Jason M. LaSource
 Property Owner/Leaseholder Printed Name
6/13/24
 Date

[Signature]
 Signature
[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) Live Oak Tree

Describe the indicated conditions: Live Oak in the middle of the yard. Tree is around 80 yrs Old. Healthy tree per Chris Francis. Will build house around if variances are approved.

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

Live oak is toward the middle of yard. Lot is too narrow to build away from tree. Need to move house up to give the tree room to grow & allow room to build around.

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

Setback variance 15 ft front setback
5 ft Side setback

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: \$		

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.

Jason M. LaSource
Property Owner/Leaseholder Printed Name

6/13/24
Date

Signature

[Signature]
Fairhope Single Tax Corp. (If Applicable)

Summary of Request:

The Applicant/Owner, Jason LaSource, is requesting a 15' front setback variance and a 5' side setback variance for the principle structure to preserve an 80+ year old heritage live oak tree. The address is 50 Fels Avenue.



Figures 1-3: Existing Conditions of house and tree.

Comments:

As mentioned, the lot nor the structure conform to the current day R-2 dimensions because the lot is less than 10,500 sf (approximately 9,504 sf) and less than 75' feet wide (66' wide). None of which are peculiar to the neighborhood. The existing principle structure is built 20' from the front lot line and 4-5' from the side lot line and remains a legal non-conforming structure to Staff's knowledge. *See below.*

Table 3-2: Dimension Table - Lots and Principle Structure

Dimension District or use	Min. Lot Area/ Allowed Units Per Acre (UPA)	Min. Lot Width	Setbacks				Max. total lot coverage by all structures	Max. height
			Front	Rear	Side	Street side		
R/A	3 acres/-	198'	75'	75'	25'	50'	none	30'
R-1	15,000 s.f./-	100'	40'	35'	10' ^b	20'	40%	30' *
R-1a	40,000 s.f./-	120'	30'	30'	10' ^b	20'	25%	35'
R-1b	30,000 s.f./-	100'	30'	30'	10' ^b	20'	25%	35'
R-1c	20,000 s.f./-	80'	30'	30'	10' ^b	20'	25%	35'
R-2	10,500 s.f./-	75'	25'	35'	10' ^b	20'	27%	30' *

a. Structure may exceed the building height provided the lot width is increased by 10 feet for each additional foot in height.

b. Where a driveway is in the side, and extends past the front of the principle structure, the side setback shall be 15'. Driveways shall not be within 3 feet of the side lot line. The area between the side lot line and driveway shall be vegetated and remain pervious.

The lot was platted with its current dimensions in 1910-1911. *See below.*



It is the intent of the Applicant to completely tear down the principle and accessory structure and rebuild. New structures shall conform to the current Zoning Ordinance unless there is a case for a variance based on the following criteria listed in Section C(e)(1).

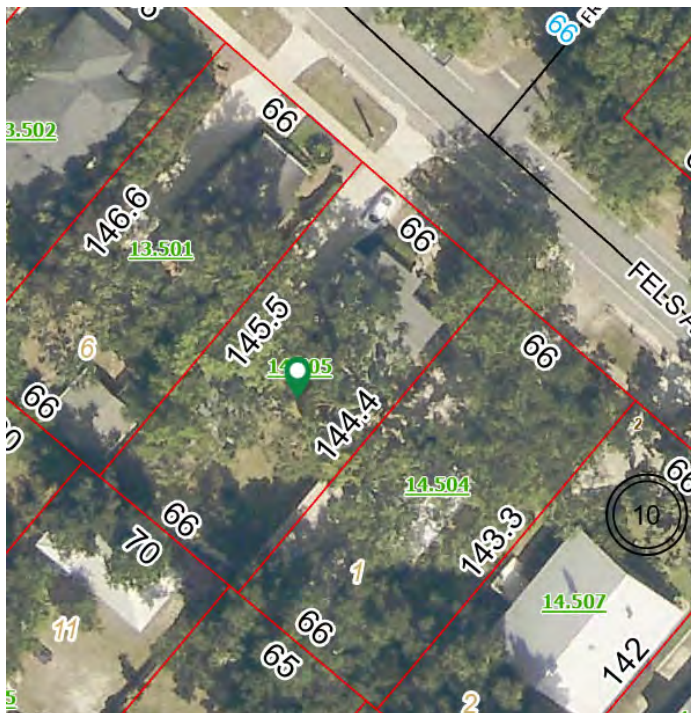
e. *Criteria –*

- (1) An application for a variance shall be granted only on the concurring vote of four Board members finding that:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 - (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.
 - (c) Such conditions are peculiar to the particular piece of property involved; and,
 - (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.

Article VII, Section D(3) reads the following regarding front setbacks for non-conforming lots:

3. The minimum front setback required for the district (and, on corner lots, the street side setback) shall not apply to any lot where the average front building line(s) of the adjacent lot(s), is less than the minimum setback required for the district. In such cases, the front building line may be the same as the average front building lines(s) of the adjacent lot(s). In no case, shall the front building line be more than 5' less than the minimum setback required for the district.

The direct “adjacent lots” are 24 and 52 Fels Avenue with approximately 15’ and 60’ front setbacks, respectively. *See below.*



Applicant's narrative states that the requested setback variance will be further back than several of the neighbors on the block and that is a correct statement. Many of the houses are zoned differently with different setbacks. Article VII, Section D(3) allows relief, under certain conditions, when adjacent properties are built closer to the street than current front setbacks allow. The average front building line of the two adjacent properties is 37.5', so there is no relief allowed for this proposal.

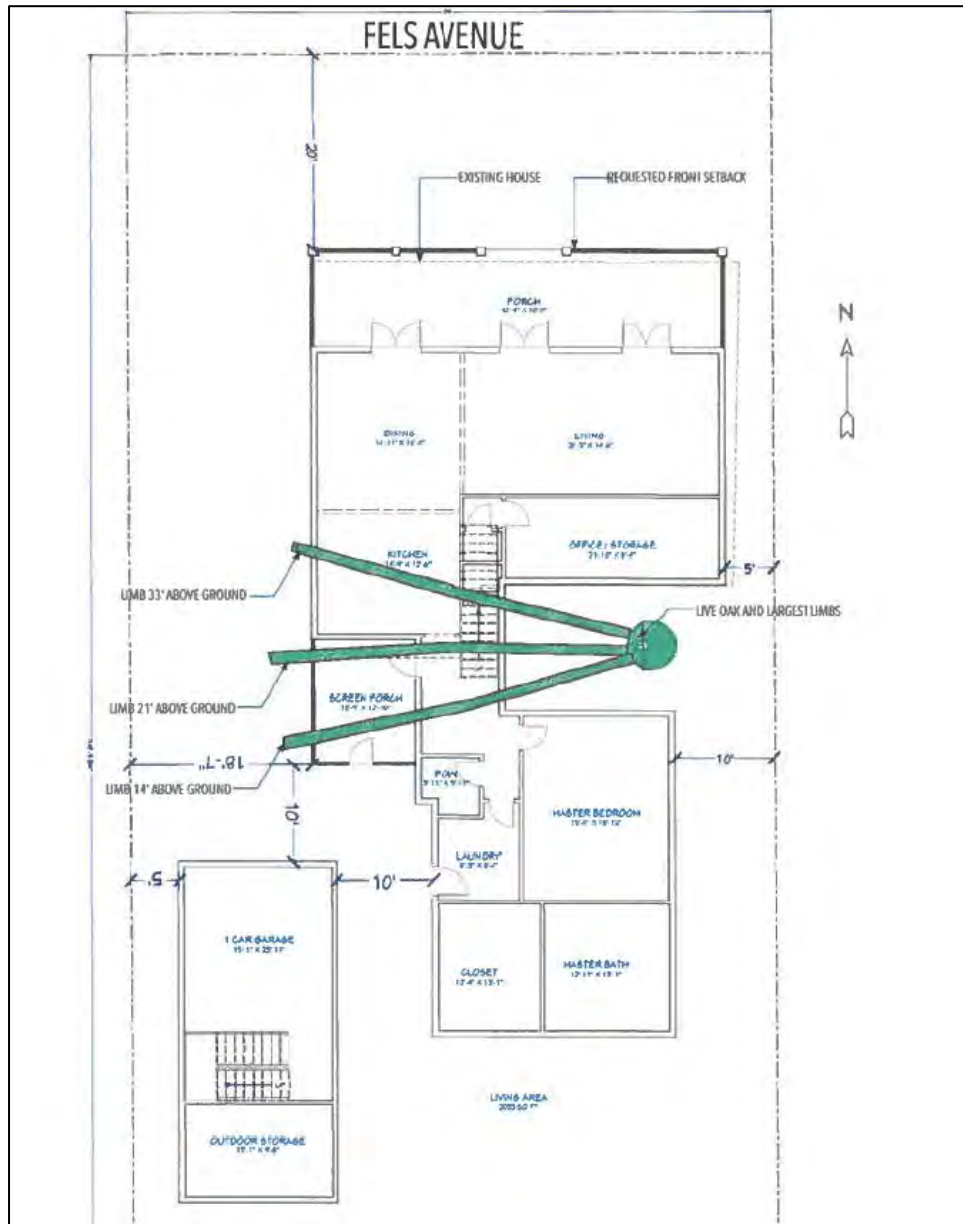


Figure 4: Proposed Site Plan with Oak and Largest Limbs

The above site plan illustrates the proposed home with an area cut out to protect the tree and its roots. Applicant has consulted with Chris Francis Tree Service (“Francis”) whereas Francis “verified the tree is healthy” and Francis recommended tree protection measures in the event the above site plan is approved. The estimate is within the packet.

Staff recommendation is confined to the current Zoning Ordinance. The Tree Ordinance does not apply to single family residences per 20.5-4(1). The Planning and Zoning Director may grant a 7’ administrative setback variance to protect and/or preserve an existing Heritage Tree. See *Article IV, Section G*.

Although the requested deviations from the existing front and side setbacks may be minimal, new builds must conform to current setbacks unless the BOA deems otherwise. In that vein, there have been variances granted based on trees in the past, most of which were prior to the adoption of the Tree Ordinance in 2011 (Ord. No. 1444).

The following is a previous case.

BOA 13.01 105 Fels Avenue: Granted 30’ rear setback variance (5’ rear setback) to preserve a 60” heritage live oak. Minutes mention Applicant cutting out buildable area to preserve the tree. In the case above, Staff supported the administrative variance, but was limited to the 7’. The Board granted an additional variance based on the merits of the case, including the fact that the lot was only 45’ wide.

Analysis and Recommendation: Variance Criteria

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

Response: The City acknowledges a Heritage Tree is worth saving in various sections of local code.

(b) The application of the ordinance to this 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 **does not** create an unnecessary hardship.

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

Response: A heritage live oak meets the tree preservation criteria of Article IV, Section G, which is unique to this 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 not cause substantial detriment to the public good because tree variances have been granted in the past to protect heritage trees.

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

Article II.C.3.g.

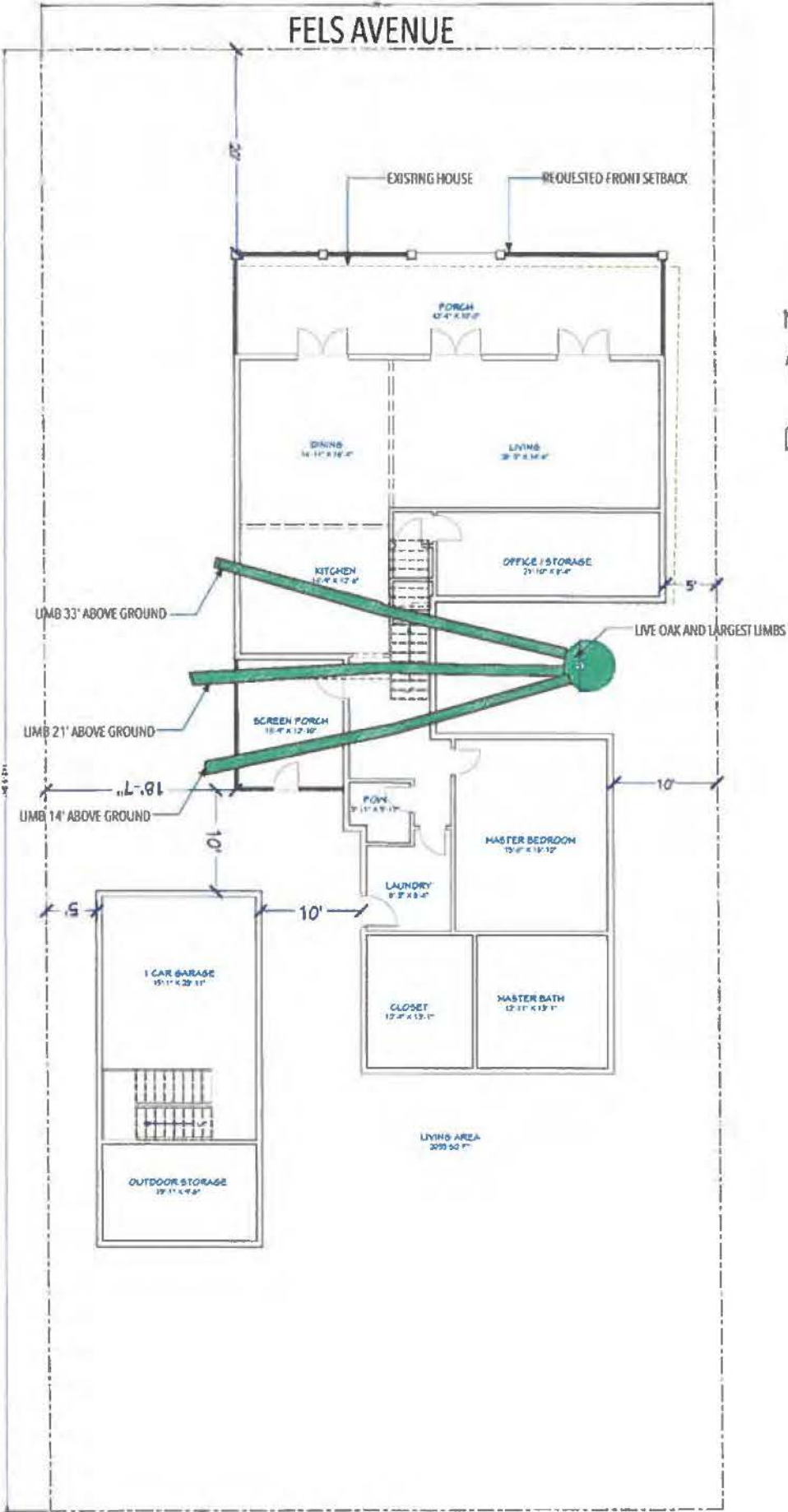
Effect of Variance - Any variance granted according to this section, and which is not challenged on appeal shall run with the land provided that:

- (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.

The current house plan (two-story) conflict with the largest limbs as submitted with the plan. We did not receive elevations or second-story floors plans. Staff supports any efforts to save the Heritage Tree but feel a variance should be granted conditioned on a specific plan that is designed to work around the tree as much as possible. Currently, we do not have enough information to support the Variance request.

Recommendation:

Based on the Zoning Ordinance and what was submitted Staff recommends **Denial** of a 15' front setback and 5' side setback variance for the principle structure in case BOA 24.11. However, it may be the pleasure of the BOA to decide otherwise.



SITE PLAN SHOWN IS FOR REFERENCE ONLY.
PLACEMENT TO BE MEASURED BY CONTRACTOR AND APPROVED BY COUNTY
BEFORE CONSTRUCTION BEGINS.
REFERENCE: DAVID LOWERY SURVEYING

To whom it may concern:

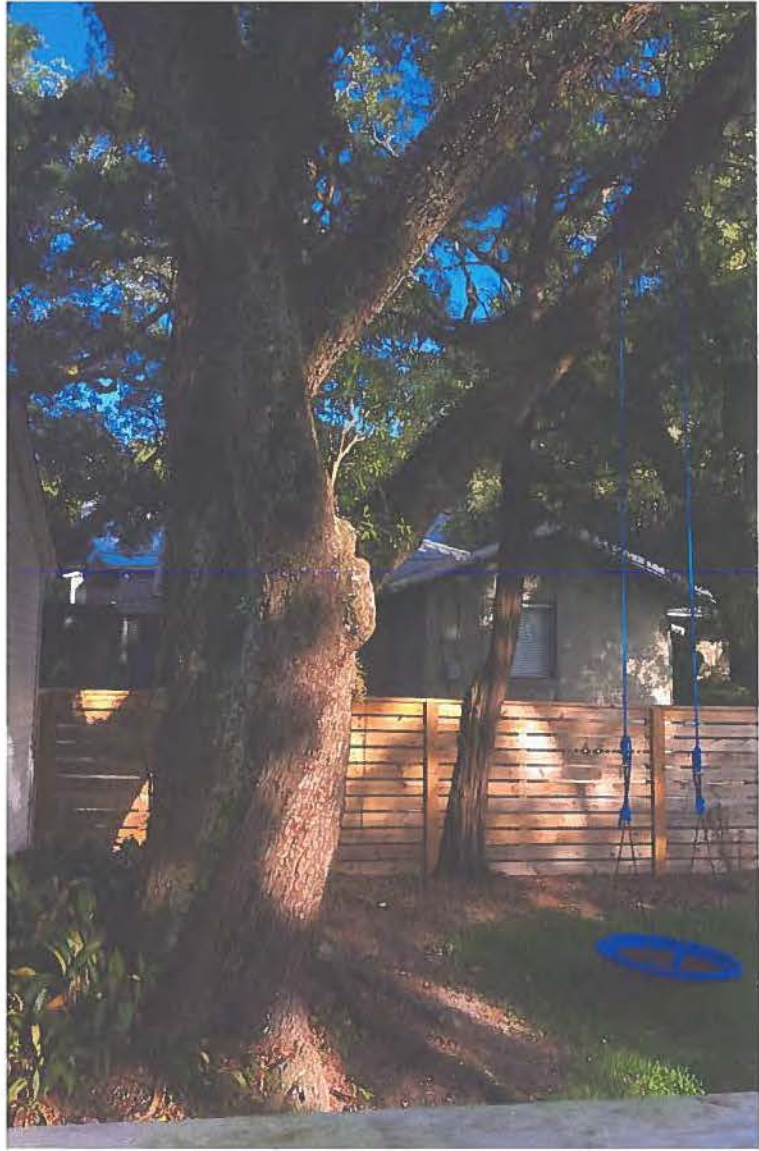
We purchased our property at 50 Fels Avenue in 2017 with the intent to build. The house was in such poor shape that we almost did not even consider visiting the property because the pictures were so terrible. We took a chance and decided to visit the property and upon seeing the live oak, the proximity to the bay and room for a garden we made an offer to purchase the property. Our intention from the beginning was to build a coastal cottage home with a modest footprint to preserve our great outdoor space while preserving the 80+ year old live oak.

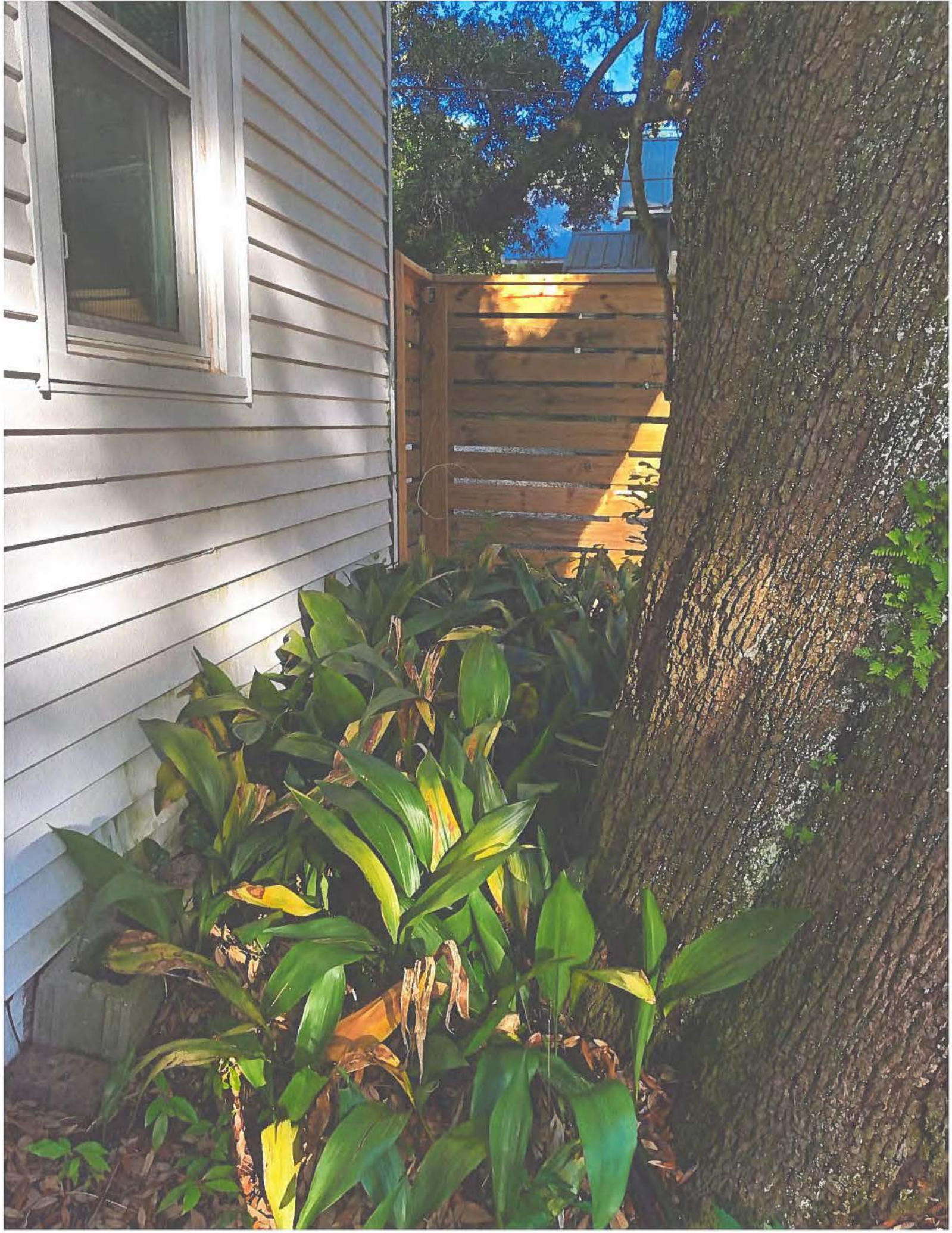
We are in an area that has a lot of foot traffic and frequently observe people stopping directly in front of our property to admire the massive live oak that hangs over the property. We did the same thing upon our initial visit to 50 Fels. It is a magnificent tree that has many more years to mature and should be preserved. Moving the house up 2-3 feet from where it currently sits and keeping our current set back on the east side (where our house sits now) would allow for that. Even with moving the house forward it will still be set back further than several other houses on our street including the 5 houses that are west of us. With the new house remaining near where the current house is on the east side it will give our neighbor to the west more privacy than if we had to center the house and move it closer to her lot. Almost all of the houses on our side of the street are offset to the left with driveways on the right. Maintaining our left offset will allow us to keep our current level of privacy while maintaining the look of our street. We enjoy teaching our daughter how to garden and having space for friends and family to enjoy in our backyard so do not want to take up our entire property with a house which we would have to do otherwise. Thank you for your time and consideration.

Sincerely,

Jason and Sarah LaSource











Proposal #26962

Created: 03/14/2024

From: Chris Francis

Proposal For

LaSource, Jason & Sarah

Jason & Sarah LaSource

50 Fels Ave

Fairhope, AL 36532

Location

50 Fels Ave

Fairhope, AL 36532

Customer Contact

mobile: 251-379-4822

sourcy24@yahoo.com

Terms

Due upon completion

LaSource air excavation (FHP)

ACCEPT	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
☒	A) Air Excavation Day Rate Recommended Air Excavation Day Rate (PHC crew 8 hours air excavation, root pruning, and inspection of trunk flares)	1	\$ 2,000.00	\$ 2,000.00
☐	B) Air Excavation Day Rate Optional Air Excavation Half Day Rate (PHC crew 4 hours air excavation, root pruning, and inspection of trunk flares)	1	\$ 1,200.00	\$ 1,200.00

Please use the checkbox to mark items as accepted.

01. Performance - Chris Francis Tree Care, LLC (herein "CFTC" or "Chris Francis Tree Care") will attempt to coordinate scheduling of work with client so as to avoid scheduling conflicts. Chris Francis Tree Care reserves the right to arrive at the job site unannounced unless otherwise noted. Chris Francis Tree Care will attempt to meet all performance dates but is not held liable for any damages due to delays. We must work around weather, heavy equipment, traffic, employees, and other factors; please understand.

02. Workmanship / Professionalism - Chris Francis Tree Care will perform all work in a professional manner using experienced personnel outfitted with the appropriate tools and equipment to complete the job safely and properly. All work should be performed according to ISA Best Management Practices, ANSI A300 Standard Practices, and ANSI Z133.1 Safety Standards. Chips from stump grinding will be left on site unless otherwise noted.

03. Insurance - Chris Francis Tree Care will maintain General Liability Insurance - which provides coverage for damages to property and injury to persons other than employees. Chris Francis Tree Care will maintain Worker's Compensation Insurance - which provides coverage for injury to employees. Chris Francis Tree Care will maintain Vehicle Liability Insurance - which provides coverage for vehicular accidents. Chris Francis Tree Care will also maintain a bond which covers your personal property while employees are present on the site. Unless otherwise noted, some damage to lawn is normal for tree service.

04. Ownership - Client warrants that all trees, plant material, and property upon which work is to be performed are either owned by the client or that permission for the work has been obtained from the owner by the client. Client agrees to indemnify and hold harmless Chris Francis Tree Care and its employees from any and all claims and damages resulting from client's failure to obtain said permission from owner.

05. Hidden Obstruction Clause - Client agrees to indemnify and hold harmless Chris Francis Tree Care for damage to any and all below grade objects or systems including, but not limited to: water pipes, sewer pipes, field lines, cable lines, telephone lines, gas pipes, electrical lines, etc... Client agrees that Chris Francis Tree Care and its employees are not responsible for damage to hidden conditions which Chris Francis Tree Care and its employees were not made aware of including, but not limited to: geothermal lines, septic tanks, irrigation systems, drainage systems, unstable soil, etc. Failure of client to notify Chris Francis Tree Care of location of hidden conditions releases Chris Francis Tree Care from any and all damages resulting from hidden conditions.

06. Scheduling - A deposit of 10% of the overall project cost may be due upon agreement of the project to cover rented equipment and purchased products. Most tree work will not require a deposit. Upon acceptance of proposal (and payment of deposit, where necessary), an estimated start date for the project will be provided to the client. Deposits are nonrefundable. If a deposit is required, it will be clearly spelled out in the proposal.

07. Terms of Payment - A payment of 50% of the overall project cost may be due before start of project. Most tree jobs will not require upfront payment. Upon completion of the job, the remaining balance will be paid by the client in full to Chris Francis Tree Care. Certain projects will require credit card information to be on file. Clients providing credit card information hereby authorize the charging of such card in the amounts as agreed. A convenience charge of 3% is billed for all credit card transactions. There is no fee for payments made by cash or check. Client agrees that any unpaid balance due to Chris Francis Tree Care not paid will accrue 2% interest per month after 30 days. Client agrees that the work performed by Chris Francis Tree Care constitutes a mechanic's lien pursuant to Alabama Law. Client agrees to be responsible for any and all costs of collection of said amounts due under this contract including, but not limited to: attorney fees, collection fees, filing fees, and court costs.

08. Warranty - Client agrees that Chris Francis Tree Care is not responsible for plant materials. Chris Francis Tree Care will offer a 1 year limited warranty for all planted material if irrigation, plant material, and maintenance are all provided by Chris Francis Tree Care during that 1 year time frame. Fertilization and pesticide treatments are not guaranteed to solve problems or eradicate pests. Reapplications are often necessary. If you suspect a problem, please call immediately.

09. Estimate - Client agrees that the estimate is just that: an estimate (not advice, not an inspection, not an opinion). Plant, equipment, and material availability and prices are subject to change from the date the estimate is created to the start or completion date. If changes are

necessary, Chris Francis Tree Care will notify the client to resolve the issues. Free estimates can be created based on client's specific desires. Travel fees may apply. Rush fees may apply.

10. Consultations - For all consultations and inspections, client agrees to pay a fee of \$150 to \$450 per hour, minimum 1 hour. This includes but is not limited to: landscape consultations, arborist consultations, irrigation consultations, inspections, etc... This rate will also apply for the entire time the representative of Chris Francis Tree Care is waiting for client's arrival and/or required for witness reports and/or testimony. During normal consultations, the arborist can provide professional opinions and mitigation options. This is NOT to be confused with a free estimate, which provides only an estimated cost to complete the work. Clients may also be responsible for travel fees.

11. Travel fee / Overtime Fee - Estimates, consultations, and professional services in areas outside of the Eastern Shore of Baldwin County, Alabama will incur a travel fee. Travel fee is based on the time required to drive to and from the site. Time for travel cannot be applied to one hour minimum (on site). Normal work hours are Monday through Friday 8 AM - 4 PM; appointments scheduled outside of normal work hours may incur an overtime fee.

12. Change Order / Additions - Client agrees that additional charges will be applied to the invoice for any additional work that the client requests. If you would like to know the exact amount, please request an estimate before authorizing changes.

13. Emergency / Hourly Jobs - Due to the nature of emergencies, these jobs are invoiced at hourly rates for labor and equipment. While we maintain reasonable rates, emergency jobs invoice at higher than "normal" rates due to the increase in labor costs, increase in equipment costs, scarcity of resources, and urgency. Special order items will include a 15% convenience charge. Rates can be provided upon request and may require hourly minimums.

14. Severability - This is a legal binding contract; however if any part of this contract is deemed unenforceable, the remainder does remain in full force.

By clicking the 'Accept Proposal' button electronically, the customer agrees to the terms and conditions of the contract. If the customer is unable to sign electronically, a signed and dated paper copy of the contract is acceptable and must be returned to Chris Francis Tree Care before the work is to be performed.

Signature

x

Date:

Please sign here to accept the terms and conditions

Sales Reps

Chris Francis

Office: 251-367-8733

Mobile: 251-510-0186

chris@chrisfrancistreecare.com

MOBILE BAY

DIVISION 3

SECTION



Cemetery

BAYOUS

BEACH

BLAKENEY STREET
POWELL STREET
KIEFER STREET
OAK ST
MAGNOLIA AVE
FAIRHOPE AVE

SUMMIT STREET

OAK ST

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DIVISION 1

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See Resolution per Miss 37 pgy 1527

LINE

PLAN OF SUBDIVISION OF LAND
THE FAIRHOPE SINGLE TAX CORPORATION
SECTIONS 17 & 18, T6S R2E.,
BALDWIN CO., ALA.

Scale 1 inch = 400 ft.

W. H. Graham, Draftsman

Thereby certify that this is a true and correct plan as represented.

Signed Aug 29, 1911

Proctor O. Parker, Secretary
THE FAIRHOPE SINGLE TAX CORPORATION
By G. M. Borgess
Supt. Land & Highways

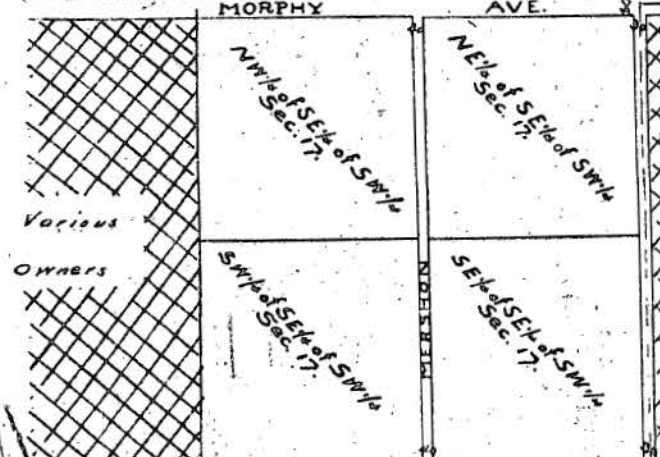
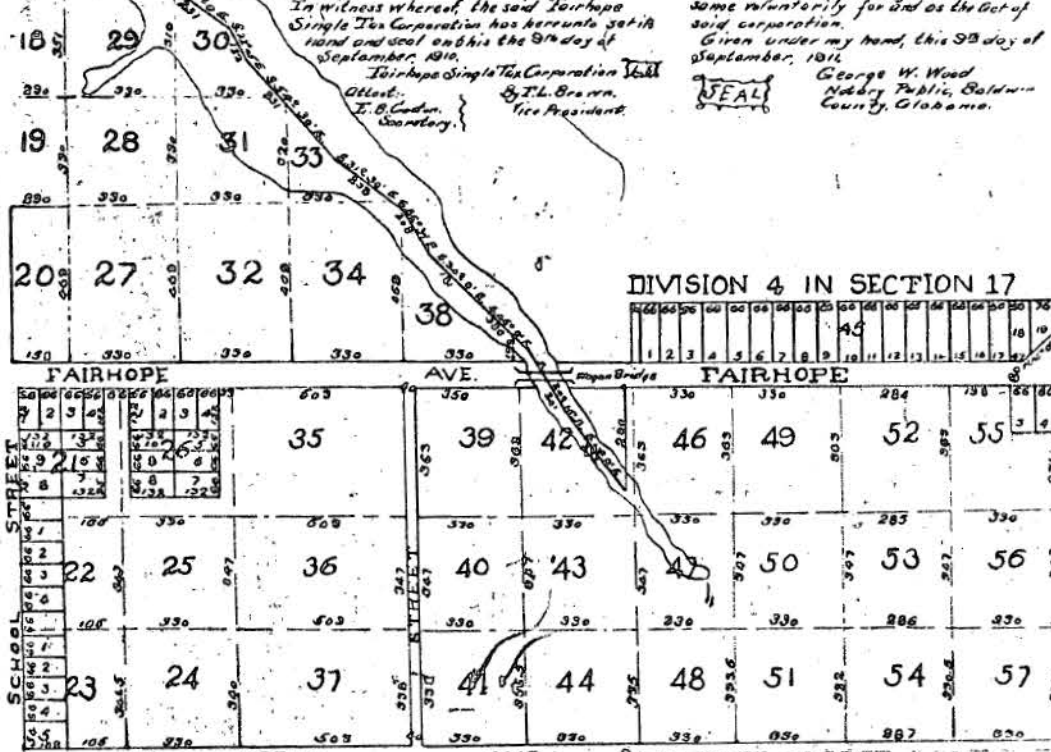
The land of the Fairhope Single Tax Corporation shown on this map is not plotted for sale, but for the convenience of its tenants, and no dedication whatever is made to the public of any portion thereof except the streets and they are dedicated to the municipality of Fairhope on the same terms and conditions named in the conveyance made by the said Corporation to said municipality on September fourteenth, 1909, recorded in deed book Number 15, New Series, page 245, 246, of the records of Baldwin County, Alabama.

In witness whereof, the said Fairhope Single Tax Corporation has hereunto set its hand and seal on this the 9th day of September, 1911.

Fairhope Single Tax Corporation
Attest:
E. B. Cadogan, Secretary
J. L. Brown, Vice President

State of Alabama
Baldwin County, I, George W. Wood, a Notary Public in and for said State and County, do hereby certify that E. L. Brown, whose name as Vice President of the Fairhope Single Tax Corporation, a corporation, is signed to the foregoing dedication, and who is known to me, acknowledged before me on this day, that being informed of the contents of said dedication, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand, this 9th day of September, 1911.
George W. Wood
Notary Public, Baldwin County, Alabama.



Areas crosshatched do not belong to the Company
Iron pegs are denoted by @.

Filed in Office of Probate Judge for Record, Sept. 13, 1911.
Recorded Sept. 28th 1911.

J. H. Smith, Probate Judge.

DAVID LOWERY SURVEYING, L.L.C.

NOTES

- 1. All bearings shown hereon are relative to MAGNETIC NORTH
- 2. Corner monuments shown as set iron pins are set 5/8" reinforcing bars with a durable plastic cap stamped "26623"
- 3. Only School Road Interior Improvements shown hereon
- 4. This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from the surveyor
- 5. No easements of record reflecting easements right of ways and/or ownership were furnished this surveyor except as shown or noted
- 6. No underground installations or improvements have been located except as shown or noted
- 7. This survey was prepared without the benefit of an abstract of title or a title search unless stated herein. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract, title search or legal judgment rendered on the property
- 8. Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey
- 9. Record plat info is not legible except the width of the lots

THE UN-NUMBERED LOT ON THE SOUTH SIDE OF FELS AVE BOUNDED ON THE EAST BY LOT 1, BLOCK 7, DIVISION 2 AND ON THE WEST BY LOT 6, BLOCK 7, DIVISION 2 OF THE LAND OF THE FAIRHOPE SINGLE TAX CORPORATION IN THE CITY OF FAIRHOPE, AL AS PER THE PLAT RECORDED IN MSC. BOOK 1 ON PAGE 320-321 IN THE PROBATE RECORDS OF BALDWIN COUNTY, AL

1. David Lowery, a Licensed Land Surveyor in the State of Alabama, do hereby certify that the foregoing is a true and correct plat of a survey prepared by me or under my supervision, containing the scope and being shown and stated herein. I further certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

PLAT OF A BOUNDARY LINE SURVEY
PREPARED FOR

**LASOURCE
BALDWIN COUNTY, AL.**

DWG. NO.	SURVEY DATE	SCALE
17-05-100	05/03/17	1"=20'

DRAWN BY: DBL CHECKED BY: D. LOWERY

LEGEND AND SYMBOLS

- (") RECORD BEARING/DISTANCE
- OC OVERHEAD ELECTRIC
- SET IRON PIN
- FOUND IRON PIN
- △ PIN NOT SET
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- NOT TO SCALE
- FENCE
- FENCE CORNER POST
- CONCRETE MONUMENT

**DAVID LOWERY
SURVEYING, L.L.C.**

55284 MARTIN LN
STOCKTON, AL 36579
251-937-2757 ph. 251-937-2756 fax
dlsurvey25@hotmail.com

**ALABAMA
LICENSED
No. 26623
PROFESSIONAL
LAND
SURVEYOR
DAVID LOWERY**

David Lowery
David Lowery
Al Lic No. 26623
55284 Martin Ln
Stockton, AL 36579
251-937-2757

***MAGNETIC**

N

SCALE
1"=20'

20' 0 20'

