



**City of Fairhope  
Board of Adjustment and Appeals  
5:00 PM  
City Council Chambers  
April 16, 2018**

Karin Wilson  
*Mayor*

*Council Members*

Kevin G. Boone

Robert A. Brown

Jack Burrell, ACMO

Jimmy Conyers

Jay Robinson

Lisa A. Hanks, MMC  
*City Clerk*

Deborah A. Smith, CPA  
*City Treasurer*

1. Call to Order
2. Approval of the February 19, 2018 minutes
3. Consideration of Agenda Items:
  - A. BOA 18.04 Public hearing to consider the request of Harold Thompson, on behalf of Belgrove Estates, Inc., for a variance to the front and rear setback requirements for property located at 374 Pecan Ridge Blvd.  
**PPIN #: 270281**
4. Old/New Business
5. Adjourn

161 North Section Street

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**The City of Fairhope Board of Adjustments and Appeals met on Monday, February 19, 2018 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.**

**Members Present: Chairman Anil Vira; Troy Strunk, Vice-Chair; Christina Stankoski; Dick Schneider; John Avent; Wayne Dyess, Director of Planning; Buford King, Planner; and Emily Boyett, Secretary.**  
**Absent: Cathy Slagle**

The meeting was called to order at 5:00 PM by Vice Chairman Vira.

The minutes of the January 18, 2018 meeting were considered. John Avent moved to accept the minutes as written and was 2<sup>nd</sup> by Dick Schneider. Motion carried with one abstention by Christina Stankoski.

**BOA 18.02 Public hearing to consider the request of Bob Pope for a variance to the Front and Rear setbacks, parking requirements, and stormwater requirements for property located at 4 Beach Road.**

Mr. Dyess gave the staff report.

**Summary of Request:**

Bob Pope is seeking to add on/construct a restaurant and gift shop on the subject property. It is zoned B-3(b) Tourist Resort Commercial Services District. Each proposed use is consistent with Article III. Section B. Table 3-1: Use Table under Use categories of Service (restaurant) and Retail (gift shop). The applicant is seeking a 0' front and rear setback, a variance to the parking requirements contained in Article IV.E. Parking, Table 4-3 Parking Schedule, and a variance from Article IV. Section F. Storm water Management requirements.

The current zoning of the subject property is B-3(b) Tourist Resort Commercial Services District. This district is intended for a range of commercial and resort residential uses at appropriate locations to serve the needs of tourists. Pursuant to Article III. Section B. Allowed Uses, Table 3-1: Use Table, of the Fairhope Zoning Ordinance, the proposed restaurant and gift shop are allowed uses.

Per Article III. Section C. Dimension Standards, Table 3-2: Dimension Table - Lots and Principle Structure, the subject property required setbacks are: front 20'; rear 20'; side 0' and maximum height is 30'. The applicant is requesting a 20' front and rear yard variance to build to each property line. The rear property line abuts the bluff. The applicant has stated that he has already obtained a front setback variance some years ago. The variance was not recorded and some uncertainty remains about the current validity of the variance. To "clean up" the uncertainty, the front setback variance request has been included in the current request.

The subject property is comprised of Parcel "A" and Parcel "B" per a 1994 survey provided with the application for variance. Parcel "A" is 45'x44' totaling 1,980 sq.ft.,

and Parcel "B" 45'x44' also totaling 1,980 sq.ft., for a cumulative total for both parcels of 3,960 sq.ft. Parcel "A" currently contains a restaurant use which appears to be constructed to the front and rear property line. Staff is unclear how the building was permitted and has no information to determine the permitting process.

**Setback Variance:**

As stated previously, the subject property is comprised of two lots Parcel "A" 44'x45' and Parcel "B" 44'x45', for total frontage for the subject property of 90' and rear of 90'. When applying the 20' front and rear setback a the 44' lot depth, a total buildable area of 4' is allowed under the Zoning Ordinance. Obviously, this isn't enough area to consider a property "usable". Staff supports to the variance for setbacks.

**Parking Variance:**

As stated previously, the current restaurant located on Parcel "A" of the subject property is, and has been, using the public parking around the fountain. Again, the permitting process for this use is unclear. However, staff does not support a total variance from the parking requirements. The public parking does get constrained in this area at times.

The parking requirements are provided in *Article IV.E. Parking, Table 4-3 – Parking Schedule*, which provides the following:

***Restaurants and Bars:***

1 space for each 4 seats up to 52 seats and 1 space for each 6 seats thereafter.

***General Retail and Office establishments:***

0 to 400 square feet of floor area - 4 parking spaces

400 to 5000 square feet of floor area - same as above plus 1 for each additional 400 square feet

Because the current parking is for the public to use the pier and surrounding park areas, staff recommends that three conditions be added to any variance approval.

1. Compensatory parking, equivalent to the parking demand generated by the proposed use per Table 4-3 – Parking Schedule be provided in the Fairhope Pier park vicinity as determined by the Public Works Director.
2. Compensatory parking be installed prior to the issuance of Certificate of Occupancy (C.O.).
3. The sidewalk near the Fireman's Hall be extended past the subject property to provide a safe pedestrian access from available parking area to the proposed use. This will also create a pedestrian network to the pier area and the proposed use. The sidewalk must be permitted through the Public Works Department as it will be located on City property.

**Stormwater Variance:**

A total variance from stormwater is very problematic and staff does not support such a variance. Various nontraditional stormwater methods can be employed i.e. exfiltration, in ground holding basins or even rain barrels, to contain and release stormwater. Staff recommends that these methods be explored. Any method of stormwater management must meet the intent of Article IV. Section F. Storm water Management regulations and approved by the Public Works Director.

**Recommendation:**

1. Staff recommends **approval** of a 20' variance to the rear and front setback.
2. Staff recommends **approval** from the parking requirements of Article IV.E. Parking, Table 4-3 – Parking Schedule **conditioned** upon:
  - a. Compensatory parking, equivalent to the parking demand generated by the proposed use per Table 4-3 – Parking Schedule be provided in the Fairhope Pier park vicinity as determined by the Public Works Director.
  - b. Compensatory parking be installed prior to the issuance of Certificate of Occupancy (C.O.).
  - c. The sidewalk near the Fireman's Hall be extended past the subject property to provide a safe pedestrian access from available parking area to the proposed use. This will also create a pedestrian network to the pier area and the proposed use. The sidewalk must be permitted through the Public Works Department as it will be located on City property.
3. Staff recommends **denial** of the stormwater variance and recommends that a nontraditional method be employed to meet the stormwater requirements with approval by the Public Works Director.

Mr. Dyess explained the question is whether the applicant has reasonable use of the property and with the setbacks applied there is only a 4' buildable area. Mr. Schneider asked if the new parking spaces would be built on City property and Mr. Dyess responded yes, the location would be determined by the Public Works Director but paid for by the applicant. Mr. Avent asked if the sidewalk would also be on City property and Mr. Dyess responded yes, there is approximately 5' between the existing parking spaces and the property line. Mr. Vira stated a zero lot line would require accessing the rear of the building for maintenance by City property. Mr. Strunk asked if townhomes are allowed in B-3b and Mr. Dyess responded no.

Mr. Pope addressed the Board saying there is 12' between the curb and the property line. He explained he is proposing a 30' two-story building with a gift shop or coffee and ice cream on the first floor and a restaurant on the second floor. He said people were not in favor of the condos but some people don't want anything. He stated he has no objections to the parking conditions. Mr. Strunk asked if Mr. Pope would restrict the uses to restaurant and gift shop and Mr. Pope responded yes. Mrs. Stankoski asked if the applicant could come back later and make it entire site a restaurant and Mr. Dyess responded yes, but the parking would still have to be met.

Mr. Vira opened the public hearing.

John Manelos of 104 White Avenue – He read a letter to the Board against the proposal. He cited concerns with potential harm and impact to the bluff and substantial detriment to the public good.

Pat Brandon of 107 N. Bayview Street – He spoke in opposition to the variance requests. He stated this proposal is at the expense of all property owners in Fairhope and petitioned the Board to deny the request for the greater good of the community.

Having no one else present to speak, Mr. Vira closed the public hearing.

Mr. Avent stated the recent changes to the definition of building height could allow a 40' building on the site. Mr. Vira asked if the height could be restricted and Mr. Dyess stated he was not sure. Mr. Strunk stated the existing building could be modified and built to 30' now. Mr. Schneider asked if there are any proposed drawings. Mr. Pope stated he does not have any drawing at this time, but it will be nice. Mr. Vira suggested tabling the application to see drawings and if the approval can be tied to drawings. Mr. Avent stated he has concerns with the offsite parking, the visual impacts to the view, and the impact to the toe of the bluff. Mr. Dyess explained it would be a regulatory taking if the property owner is not allowed to develop at all. He said the parking has to be met and he can ask legal staff if the height can be limited.

John Avent made a motion to deny the request. Dick Schneider 2<sup>nd</sup> the motion and the motion carried with the following vote: AYE – Christina Stankoski, Dick Schneider, John Avent, and Anil Vira. NAY – Troy Strunk.

**BOA 18.03 Public hearing to consider the request of Robert and Kimberly Mazur for a variance to the front and rear setback requirements for property located at 374 Pecan Ridge Blvd.**

Mr. King gave the staff report.

**Summary of Request:**

The applicant is requesting a building setback line variance to lot 16 of the Pecan Ridge Subdivision, located along Pecan Ridge Blvd. approximately 0.23 miles south of Mosley Road and 0.41 miles east of County Road 13. The subject property is located within an R-2 medium density single family zoning district, which requires 35' front and rear setbacks as well as 10' side setbacks. The applicant provided a supporting document depicting a proposed home to be constructed on the lot, showing the home's layout on the subject property with a requested continuous 25' front setback line following the west, southwest, and southern continuous property line as well as depicting a northern 10' side setback line and an eastern 35' rear setback line.

Lot 16 is generally rectangular, with a radiused southwest area in lieu of typical angular corner. The western, southwestern and southern lot line is a continuous lot line contiguous to the Pecan Ridge Blvd. right of way (ROW) and is therefore a "front" lot line.

The 2001 *City of Fairhope Zoning Ordinance Glossary* defines a Lot Line, Front as:  
"The lot line contiguous to the street right-of-way line of the street on which the lot has least dimension."

The 2001 *City of Fairhope Zoning Ordinance Glossary* defines a Lot Line, Rear as:  
"The lot line opposite to and most distant from the front lot line."

The 2001 *City of Fairhope Zoning Ordinance Glossary* defines a Lot, Corner as:

“A lot abutting two or more streets at their intersection or upon two parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.”

Both the 157.8' northern property line and the 95' eastern property line are both opposites and most distant from the front lot line due to the continuous nature of the front lot line. As a result, the 157.8' lot line and 95' lot lines are both *rear* lot lines, and therefore both lot lines require a corresponding 35' building setback line. The subdivision plat for Pecan Ridge Subdivision, instrument number 2218C does not note or depict specific building setback lines for subject property. The subject property's topography is consistent with the nearby lots along Pecan Ridge Blvd. The subject property's size and buildable area do not appear to be extraordinary or exceptional due to size, shape, or topography, however the orientation of the continuous front lot line creates two rear lot lines and therefore two rear setback lines. The subject property's setback lines created by the continuous front lot line create a buildable area of approximately 2,055.16 sf. When compared to the sizes of the existing homes within 300 feet of subject property, the setbacks of subject property appear to prevent construction of a comparably-sized residence unless approval of a setback variance is granted.

The continuous front lot line contiguous to the ROW along Pecan Ridge Blvd. creates a peculiarity unique to subject property by creating two rear lot lines and thus creating 35' setbacks for the entire property. As stated previously the 35' building setback lines create a buildable area of approximately 2,055.16 sf, as calculated by ESRI ArcMap. The application for setback variance for subject property requests a continuous 25' front setback line following the west, southwest, and southern continuous property line as well as 10' side setback line in place of the 35' setback line along the northern property line, and retains the eastern 35' rear setback line. The 35' building setback lines related to the continuous front setback line and the east rear setback lines, but includes a 10' setback line along the northern property line. The allowable buildable area of this setback line configuration, as calculated by ESRI ArcGIS ArcMap, is 4,490.32 sf.

Staff believes that a variance allowing the 25' front setback requested is not warranted, however staff supports a variance allowing a 10' setback line along the northern property line, essentially creating a 10' side setback line. The supporting document included with the request for variance depicts not only the requested 25' continuous and 10' side setback lines, but also a proposed house of 3,491 sf in lot coverage. The 4,490.32 sf allowable building area created by allowing a 10' setback line along the northern property line allows construction of a comparably-sized residence to the adjacent areas and surrounding neighborhood within 300' of subject property.

**Recommendation:**

It is staff's position the existing building setbacks of subject property prevent the reasonable use of the property for a residence of similar size to nearby residences. The average residence lot coverage size within 300' of subject property is approximately 3,033.46 sf, and the allowable building area created by the existing building setbacks is 2,055.16 sf. Staff does not support the approval of a variance allowing a 25' setback line along the continuous front lot line, however staff recommends APPROVAL of a setback

line variance to allow a 10' setback line along the northern property line of PPIN 2702952. The approval of the afore-mentioned 10' setback line creates a buildable area of approximately 4,490.32 sf, which allows the reasonable use of the property for a residence of similar size to nearby residences.

Mr. King explained this is not a corner lot because there are no intersecting streets.

Mr. Bennett addressed the Board saying he thought the property was a corner lot and originally applied the setbacks as a corner lot. He explained the current house plans he would like to build will not fit on the lot with the setbacks as required.

Mr. Vira opened the public hearing. Having no one present to speak, he closed the public hearing.

Mrs. Stankoski asked staff if any letters or calls had been received regarding this request and Mrs. Boyett responded no. Mr. Schneider asked if the reduced setbacks will impede the neighbor's view. Mr. Avent said 35' should be maintained at the front. Mr. Vira asked if the applicant is satisfied with staff recommendation and Mr. Bennett responded no, the 35' setback along the front line will still preclude the house from fitting on the lot. Mr. Strunk asked what the setback is for the adjacent lot to the east and Mrs. Boyett replied 20'. Mr. Avent asked if the houses would line up if the subject property was given a 25' setback on the southern portion of the front line. Mr. King stated the recommendation allows for reasonable use of the subject property.

Troy Strunk made a motion to accept the staff recommendation to approve a setback line variance to allow a 10' setback line along the northern property line. Christina Stankoski 2<sup>nd</sup> the motion and the motion carried unanimously with the following vote: AYE – Christina Stankoski, Dick Schneider, John Avent, Anil Vira, and Troy Strunk. NAY – none.

### **Old/New Business**

2018 Agenda Deadlines – Troy Strunk made a motion to approve the 2018 Agenda Deadlines as presented. Dick Schneider 2<sup>nd</sup> the motion and the motion carried unanimously.

Having no further business, Troy Strunk made a motion to adjourn. John Avent 2<sup>nd</sup> the motion and the motion carried unanimously. The meeting was adjourned at 6:50 PM.



# Board of Adjustment

April 16, 2018

Case: BOA 18.04 325 Pecan Ridge Blvd.

**Prepared by:**

J. Buford King  
LEED AP, QCI  
City Planner

**Project Location:**

325 Pecan Ridge Blvd.

**Request:**

Front and rear setback variance

**Applicant:**

Harold Thompson, on behalf  
of Belgrove Estates, Inc.

**Zoning District:**

R-2 Medium Density Single  
Family Residential District

**PIN Number:**

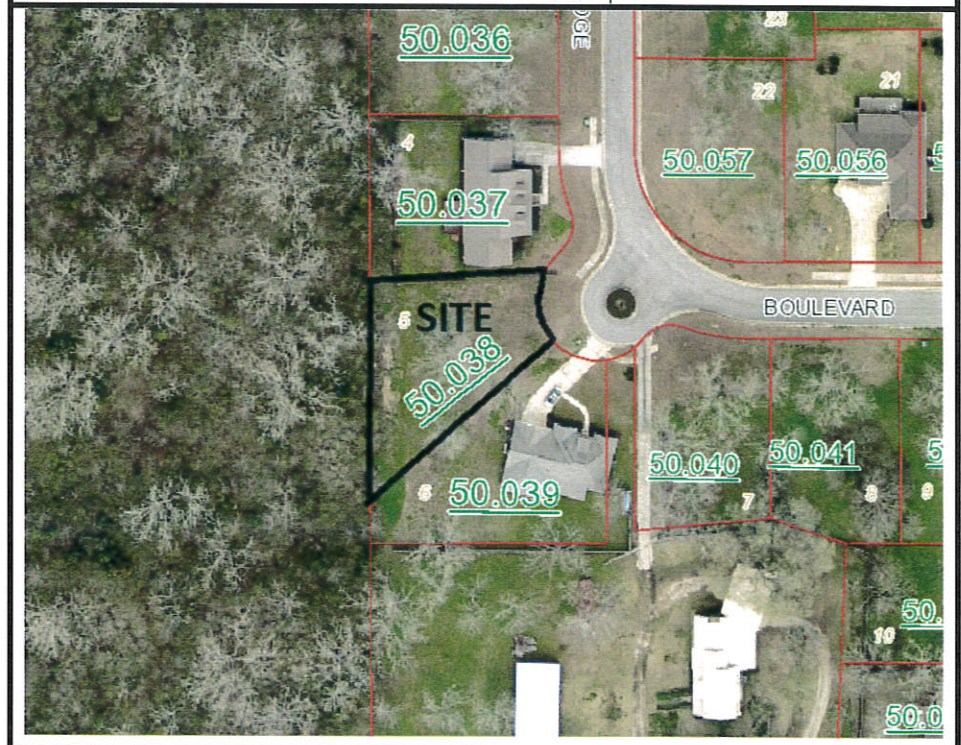
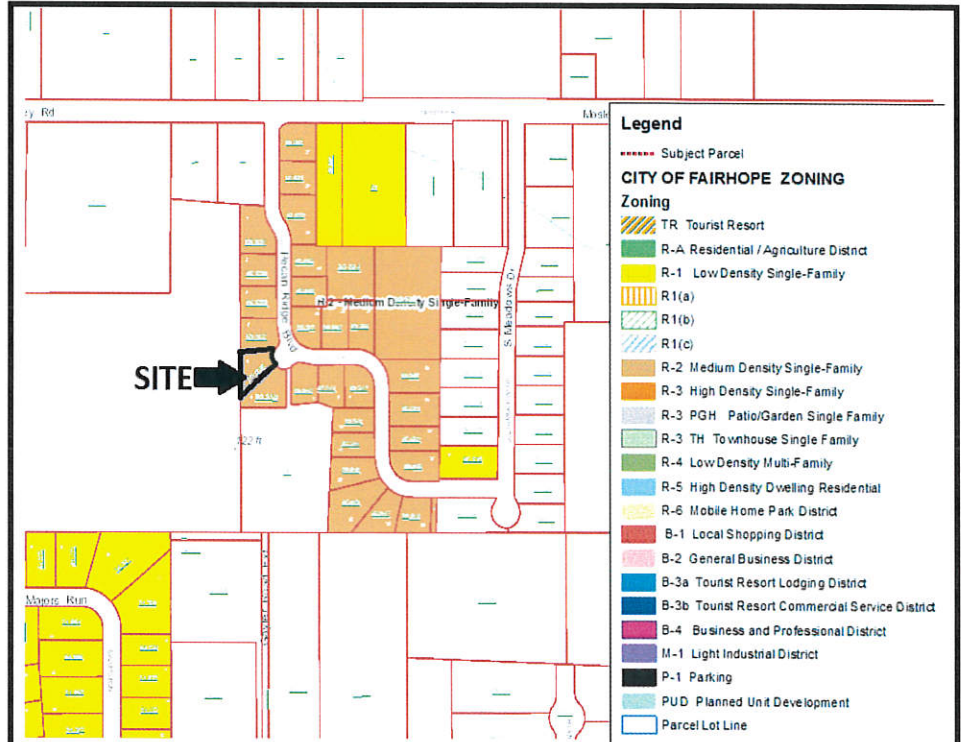
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**General Location:**

Pecan Ridge Blvd. approx. 0.23  
Miles south of Mosley Rd.,  
0.41 miles east of CR 13

**Recommendation:**

Approval





**Summary of Request:**

The applicant is requesting a building setback line variance to lot 5 of the Pecan Ridge Subdivision, located along Pecan Ridge BLVD. approximately 0.23 miles south of Mosley Road and 0.41 miles east of County Road 13. The subject property is located within an R-2 medium density single family zoning district, which requires 35' front and rear setbacks as well as 10' side setbacks. The applicant provided a floor plan as a supporting document depicting a proposed home to be constructed on the lot. The proposed home has a lot coverage area of approximately 3,500 sf, however the allowable buildable area created by the existing lot's setback lines creates a buildable area of approximately 2,806.92sf.

**Comments:**

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

***Variances: A modification of the strict terms of the relevant regulations in a district with regard to placement of structures, developmental criteria or provision facilities. Examples would be: allowing smaller yard dimensions because an existing lot of record is of substandard size; waiving a portion of required parking and/or loading space due to some unusual circumstances; allowing fencing and/or plant material buffering different from that required due to some unusual circumstances. Variances are available only on appeal to the Board of Adjustment and subject to satisfaction of the standards specified in this ordinance.***

The Board of Adjustments is authorized to grant a variance through Article II.A.d(3) which states the following:

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

***(3) Variances - To authorize upon appeal in specific cases variance from the terms of this ordinance not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.***

***Prior to granting a variance, the Board shall find 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 this ordinance to the particular piece of property would create an unnecessary hardship;***

***(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 or 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.***

The Ordinance provides guidance for variance requests through the following criteria:  
Article II.C.3.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.***

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.***

**Analysis and Recommendation:**

Variance Criteria:

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

Response:

Lot 5 is generally “pie” shaped, with a radiused east property line. The radiused lot line is contiguous to the Pecan Ridge BLVD. right of way (ROW) and is therefore a “front” lot line.

The 2001 *City of Fairhope Zoning Ordinance Glossary* defines a Lot Line, Front as:

The lot line contiguous to the street right-of-way line of the street on which the lot has least dimension.

The 2001 *City of Fairhope Zoning Ordinance Glossary* defines a Lot Line, Rear as:

The lot line opposite to and most distant from the front lot line.

The subdivision plat for Pecan Ridge Subdivision, instrument number 2218C does not note or depict specific building setback lines for each lot within the subdivision unless specifically noted, but does include a site data table explaining setback lines (an excerpt of the site data table is below):

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

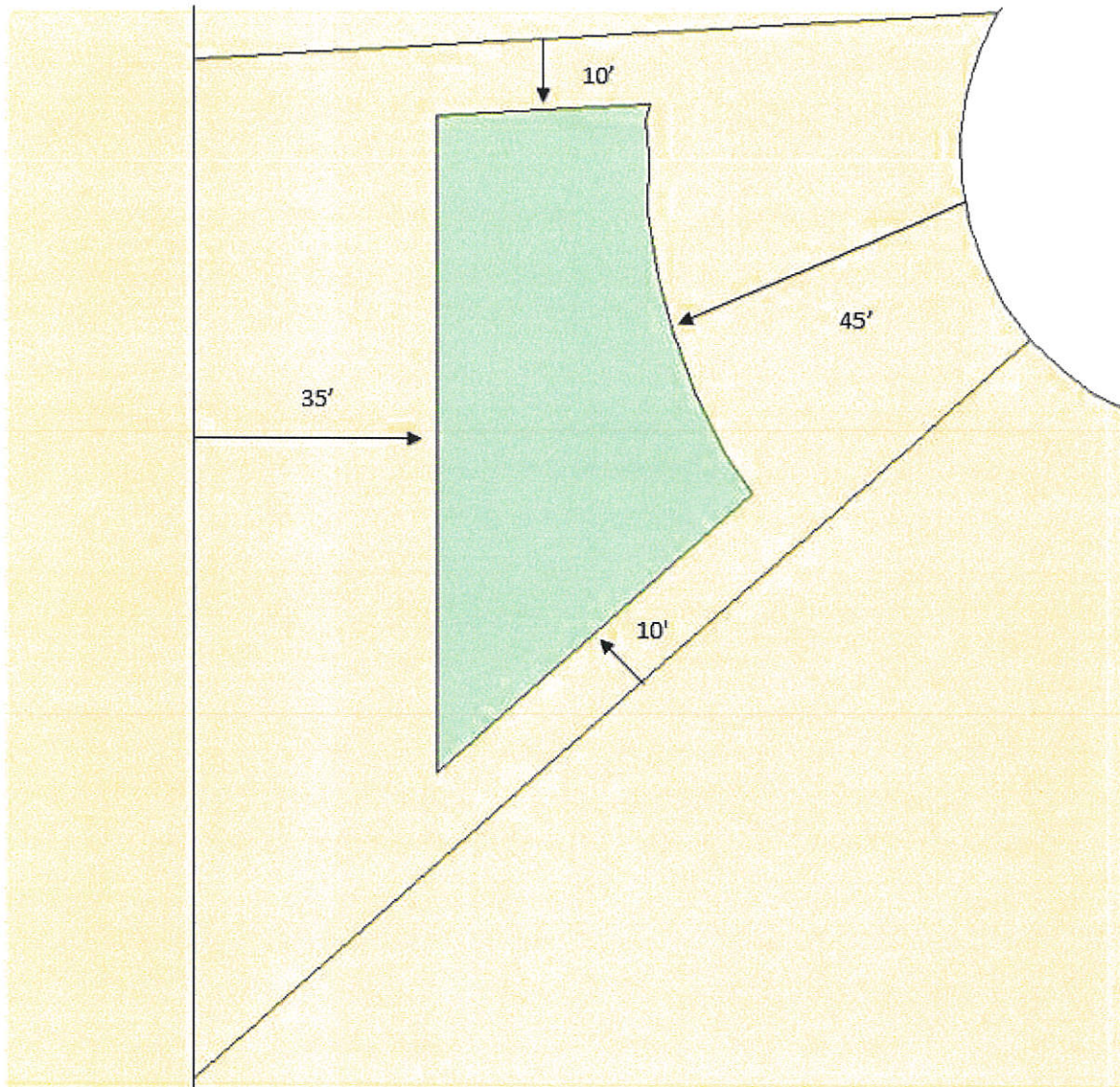
The building setback lines described in the site data table excerpt above mirror the building setback requirements from the circa 2001 zoning ordinance with the exception of the side street setbacks which are 20' in the circa 2001 zoning ordinance:

B. Lot and Area Requirements:

| Description                       | R1                   | R2                   | R3                   | R3PGH                |
|-----------------------------------|----------------------|----------------------|----------------------|----------------------|
| Minimum Lot Area                  | 15,000 square feet   | 10,500 square feet   | 7,800 square feet    | 4,000 square feet    |
| Minimum Lot Width                 |                      |                      |                      |                      |
| a. interior lots                  | 100 feet             | 75 feet              | 65 feet              | 40 feet              |
| b. corner lots                    | 115 feet             | 90 feet              | 80 feet              | 55 feet              |
| Minimum Front Building Line       | 40 feet              | 35 feet              | 30 feet              | 20 feet              |
| Minimum Side Building Line        |                      |                      |                      |                      |
| a. interior lot                   | 10 feet              | 10 feet              | 8 feet               | 1 yard or 10 feet    |
| b. corner lot                     | 20 feet, street side | 20 feet, street side | 20 feet, street side | 10 feet, street side |
| Minimum Rear Building Line        | 35 feet              | 35 feet              | 35 feet              | 15 feet              |
| Maximum Primary Building Coverage | 40 percent           | 37 percent           | 35 percent           | 60 percent           |

Though each setback line is not drawn on each lot, subject property's front, rear, and side setback lines are clearly derived from the site data table. In addition, lots 5, 6, and 13 include delineated front setback lines of 45'. In addition lots 5, 6, and 13 also feature radiused front lot lines. It is not known to staff or explained in the approved subdivision plat the rationale for the 45' front setback lines specifically delineated on lots 5, 6, and 13.

The map excerpt below was created using ESRI ArcMap and reflects the 45' front building setback line depicted on the plat as well as 35' rear and 10' side setback lines on subject property as derived from the site data table. The buildable area, as calculated by ESRI ArcGIS ArcMap, is 2,806.92 sf:



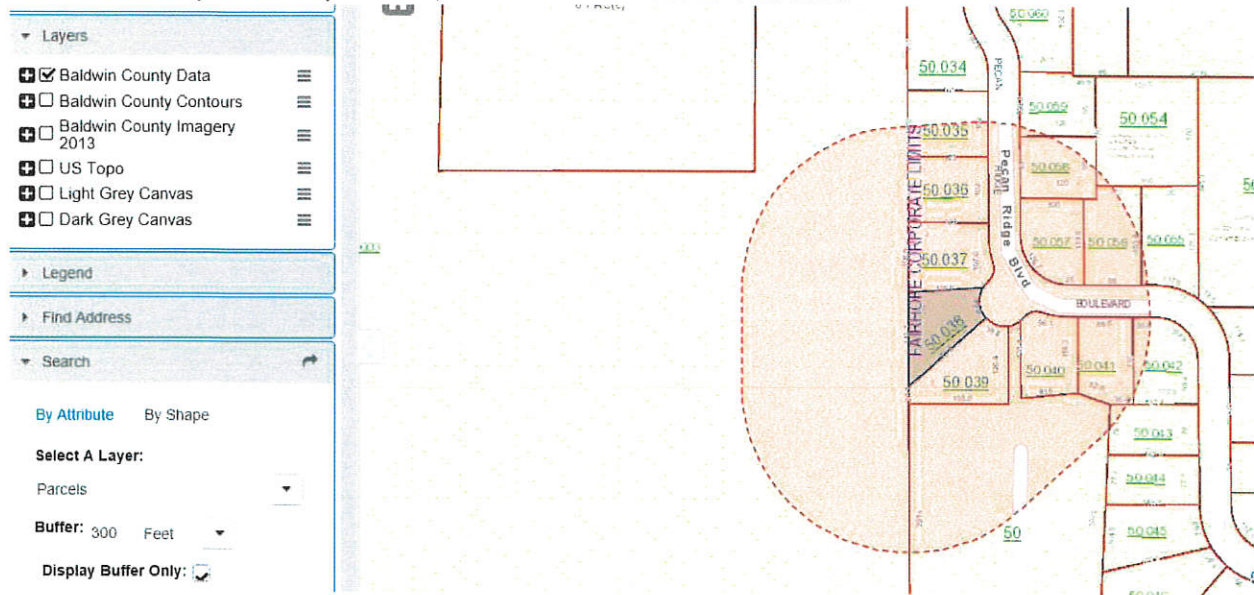
The subject property's topography is consistent with the nearby lots along Pecan Ridge BLVD.. The subject property's size does not appear to be extraordinary or exceptional due to size or topography, however the location of the as-platted front setback line and its radial shape creates a buildable area of approximately 2,806.92 sf. When compared to the sizes of the existing homes within 300 feet of subject property, the as-platted front setback of subject property appears to prevent construction of a comparably-sized residence unless approval of a setback variance is granted.

***(b) The application of the ordinance to this particular piece of property would create an unnecessary hardship. Personal financial hardship is not a justification for a variance.***

Response:

As stated above, the subject property's front setback appears to prevent construction of a reasonably sized residence unless approval of a setback variance is granted. Further, the existing front setback appears to prevent the reasonable use of the property for a residence of similar size to nearby residences. The image below depicts a 300' buffer around the subject

property, created utilizing the search by shape tool of the Baldwin County Revenue Commission's parcel map viewer, with the buffer set to 300 feet:



Utilizing the 300' buffer, the chart below was created and lists the approximate lot coverage square footage of nearby residences, listed according to their lot number or PPIN, that fall within the 300' buffer from subject property. Note that each lot coverage area was determined by digitizing the outer perimeter of each home's raster image from the Baldwin County Revenue Commission parcel viewer:

| Lot Number | Digitized building lot coverage (sf) |
|------------|--------------------------------------|
| 2          | 4,148.5 sf                           |
| 3          | 3,564.2 sf                           |
| 4          | 3,162.9 sf                           |
| 6          | 3,173.2 sf                           |
| 20         | 3,468.1 sf                           |
| 21         | 3,584.8 sf                           |
| 23         | 3,537.9 sf                           |
| PPIN 42587 | 3,424.5 sf                           |
| Average    | <b>3,508.01</b>                      |

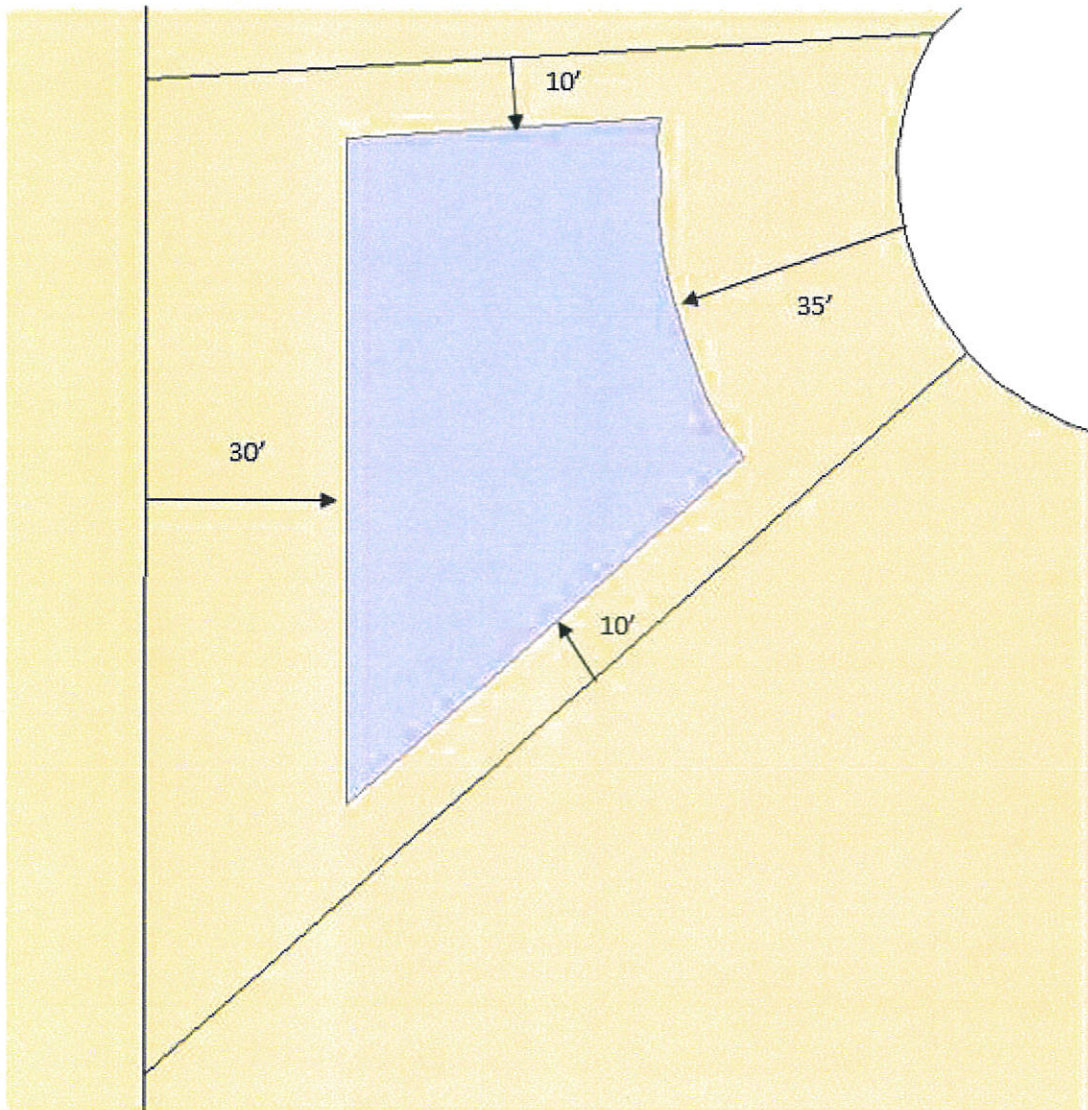
The subject property's setback lines created by the as-platted front setback line create a buildable area of approximately 2,806.92 sf. When compared to the 3,508.01-sf average lot coverage of the existing homes within 300 feet of subject property, the setbacks of subject property create a buildable area of approximately 2,806.92 sf which prevents construction of a comparably-sized residence unless approval of a setback variance is granted.

***(c) Such conditions are peculiar to the particular piece of property involved.***

Response:

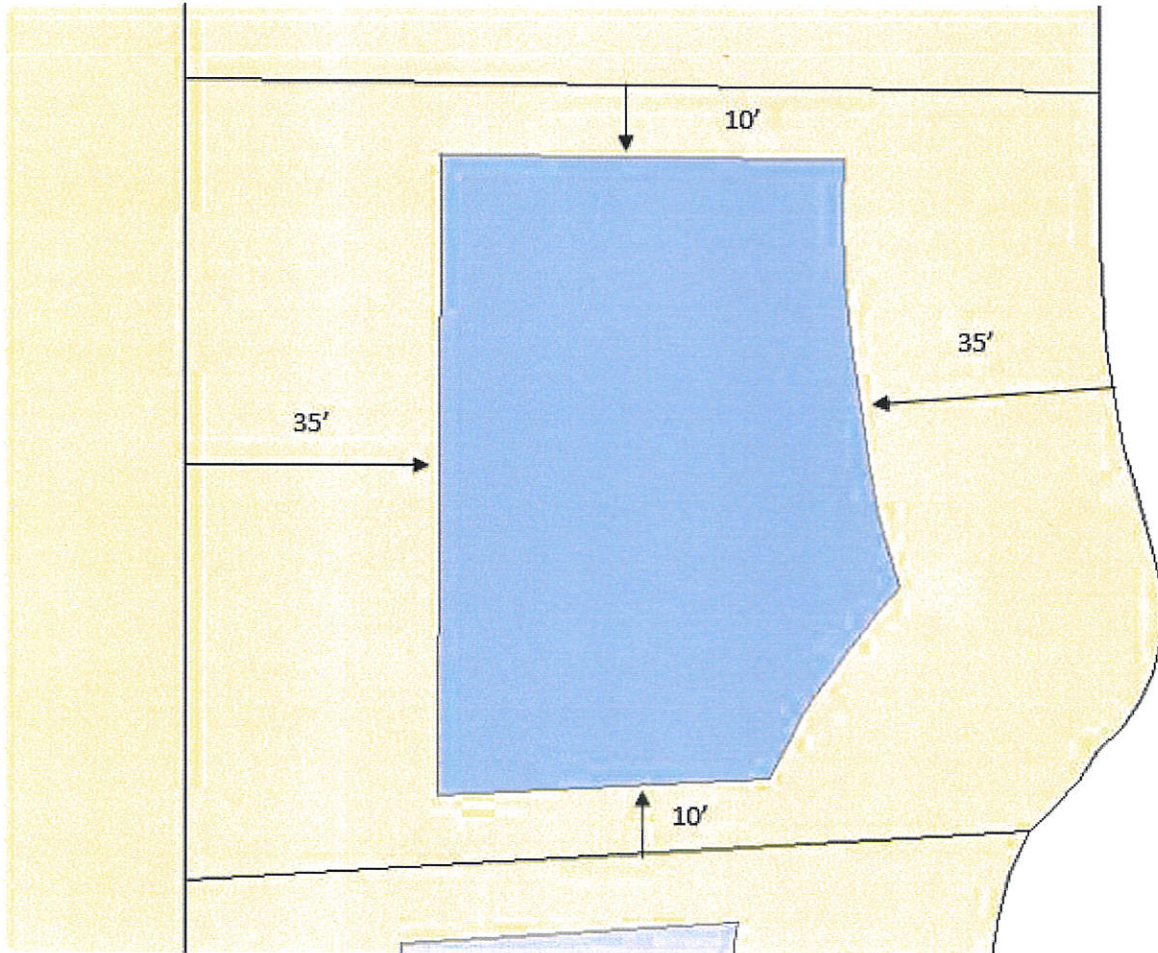
The front lot line contiguous to the ROW along Pecan Ridge BLVD. creates a peculiarity unique to subject property by creating the same radius when the 45' as-platted setback line is applied to the lot. As stated previously the 45' front building setback line combined with the other

setback lines creates a buildable area of approximately 2,806.92 sf, as calculated by ESRI ArcMap. The application for setback variance did not necessarily specify an exact amount of setback variance, and the applicant verbalized to staff the request for front and rear setback variances necessary to allow construction of a home of approximately 3,500 sf of lot coverage to fit on lot 5. As a result, staff examined subject property and created the minimum deviation from setback lines to allow the proposed home to be constructed on subject property and used the minimum variance as the test case to determine if a variance is warranted. The map excerpt below retains the 10' side setback lines from the approved plat's data table but reduces the front setback from 45' to 35', and the rear setback from 35' to 30'. The buildable area of the afore-mentioned setback line configuration, as calculated by ESRI ArcGIS ArcMap, is 3,834.35 sf:



For comparison purposes, Lot 4 is generally rectangular with a slight outward radius to its front lot line along the southeast corner of the lot. Utilizing the standard 35' front, 35' rear, and 10'

side setbacks, this lot contains a buildable area of 4,811.76 sf as calculated by ESRI ArcMap and as seen in the map excerpt below:



Lot 4 does not include an inward radius front lot line or the requirement for that radiused front lot line to be 45' as required for lot 5. As a result, this lot is generally rectangular rather than "pie" shaped as in the case of lot 5, and therefore includes a much larger buildable area.

***(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:

Staff believes that a variance allowing a 35' front setback and 30' rear setback is warranted for subject property. The as-platted, but unexplained 45' front setback line, combined with the shape of the lot prevents construction of a residence of similar size to the surrounding residences.

**Recommendation:**

It is staff's position the existing building setbacks of subject property prevent the reasonable use of the property for a residence of similar size to nearby residences. The average residence lot coverage size within 300' of subject property is approximately 3,805.01 sf, and the allowable building area created by the existing building setbacks is 2,806.92 sf. Staff recommends APPROVAL of a setback line variance to allow a 35' front setback line and a 30' rear setback line for lot 5 of the Pecan Ridge Subdivision, PPIN 270281. The approval of the afore-mentioned setback line variances will create a buildable area of approximately 3,834.35 sf, which allows the reasonable use of the property for construction of a residence of similar size to nearby residences.

Prepared by:

J. Buford King  
LEED AP, QCI  
City Planner

**Site Photos**



Subject property looking southwest from edge of ROW



Subject property looking southwest



Subject property looking west from ROW



Subject property looking northwest toward lot 4 from edge of ROW





**APPLICATION FOR BOARD OF ADJUSTMENTS**

**Application Type:**       Administrative Appeal       Special Exception       Variance

| Property Owner / Leaseholder Information |                            |               |                             |
|--|----------------------------|---------------|-----------------------------|
| Name:                                    | <u>HAROLD THOMPSON</u>     | Phone Number: | <u>(251) 391-5812</u>       |
| Street Address:                          | <u>9325 GAYFER RD. EXT</u> |               |                             |
| City:                                    | <u>FAIRHOPE</u>            | State:        | <u>AL</u> Zip: <u>36532</u> |

| Applicant / Agent Information  |            |               |                            |
|--|------------|---------------|----------------------------|
| If different from above.<br>Notarized letter from property owner is required if an agent is used for representation. |            |               |                            |
| Name:  | <u>N/A</u> | Phone Number: | <u>N/A</u>                 |
| Street Address:  | <u>N/A</u> |               |                            |
| City:  | <u>N/A</u> | State:        | <u>N/A</u> Zip: <u>N/A</u> |

Site Plan with Existing Conditions Attached:

YES       NO

Site Plan with Proposed Conditions Attached:

YES       NO \* VERBALIZED & SKETCHED

Variance Request Information Complete:

YES       NO

Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached:

YES       NO \* WILL FOLLOW

| Applications for Administrative Appeal or Special Exception:  |
|---|
| Please attach as a separate sheet(s) information regarding the administrative decision made or information regarding the use seeking approval. Please feel free to be as specific or as general as you wish in your description. This information will be provided to the Board before the actual meeting date. It is to your benefit to explain as much as possible your position or proposal. |

I certify that I am the property owner/leaseholder of the above described property and hereby submit this application to the City for review. \*If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

HAROLD THOMPSON  
Property Owner/Leaseholder Printed Name

Harold D Thompson  
Signature

2/12/2018  
Date

\_\_\_\_\_  
Fairhope Single Tax Corp. (If Applicable)

**RECEIVED**  
FEB 12 2018  
BY: BK  
11:25 AM



**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: Front lot line is curved creating two 35' rear setbacks

How do the above indicated characteristics preclude reasonable use of your land?  
Setbacks create a buildable area too small for the proposed house

What type of variance are you requesting (be as specific as possible)?  
Setback variance to increase the buildable area to allow building a house approximately 49' x 60' - ability to build a house similar in size to nearby houses

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       |
| <b>TOTAL:</b>        | <b>\$</b>   |            |

I certify that I am the property owner/leaseholder of the above described property and hereby submit this application to the City for review. \*If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

HAROLD THOMPSON  
 Property Owner/Leaseholder Printed Name  
2/12/2018  
 Date

Harold D Thompson  
 Signature  
 Fairhope Single Tax Corp. (If Applicable)

RECEIVED  
 FEB 13 2018  
 BY: EB

2218C 2240A

Scale: 1" = 80'



CERTIFICATE OF APPROVAL BY THE BELL SOUTH TELEPHONE... THE UNDERSIGNED, AS AUTHORIZED BY THE BELL SOUTH TELEPHONE, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 27th DAY OF July, 2004.

CERTIFICATE OF APPROVAL BY THE RIVIERA UTILITIES... THE UNDERSIGNED, AS AUTHORIZED BY THE RIVIERA UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 12th DAY OF July, 2004.

JUDGE OF PROBATE... State of Alabama, Baldwin County I certify this instrument was filed and taxes collected on: 2004, and recorded on slide file: 2005 November - 1 9:21AM

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE PLANNING COMMISSION... THE WITHIN PLAT OF PECAN RIDGE SUBDIVISION, BALDWIN COUNTY, ALABAMA, IS HEREBY APPROVED BY FAIRHOPE CITY PLANNING COMMISSION, THIS THE 29th DAY OF June, 2004.

FAIRHOPE CITY PLANNING COMMISSION... BY: Christopher D. Bost, Secretary, Peter D. Rivarbank, Secretary

DEDICATION... I, HAROLD THOMPSON AS OWNER, HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT AND PLATTED TO BE KNOWN AS PECAN RIDGE SUBDIVISION, A PART OF SECTION 10, TOWNSHIP 8 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

ACKNOWLEDGEMENT... I, Harold Thompson, Notary Public in and for said county, in said state, hereby certify that Harold Thompson, whose name as owner, as signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, and with full authority, executed the same voluntarily.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 15 DAY OF July, 2004.

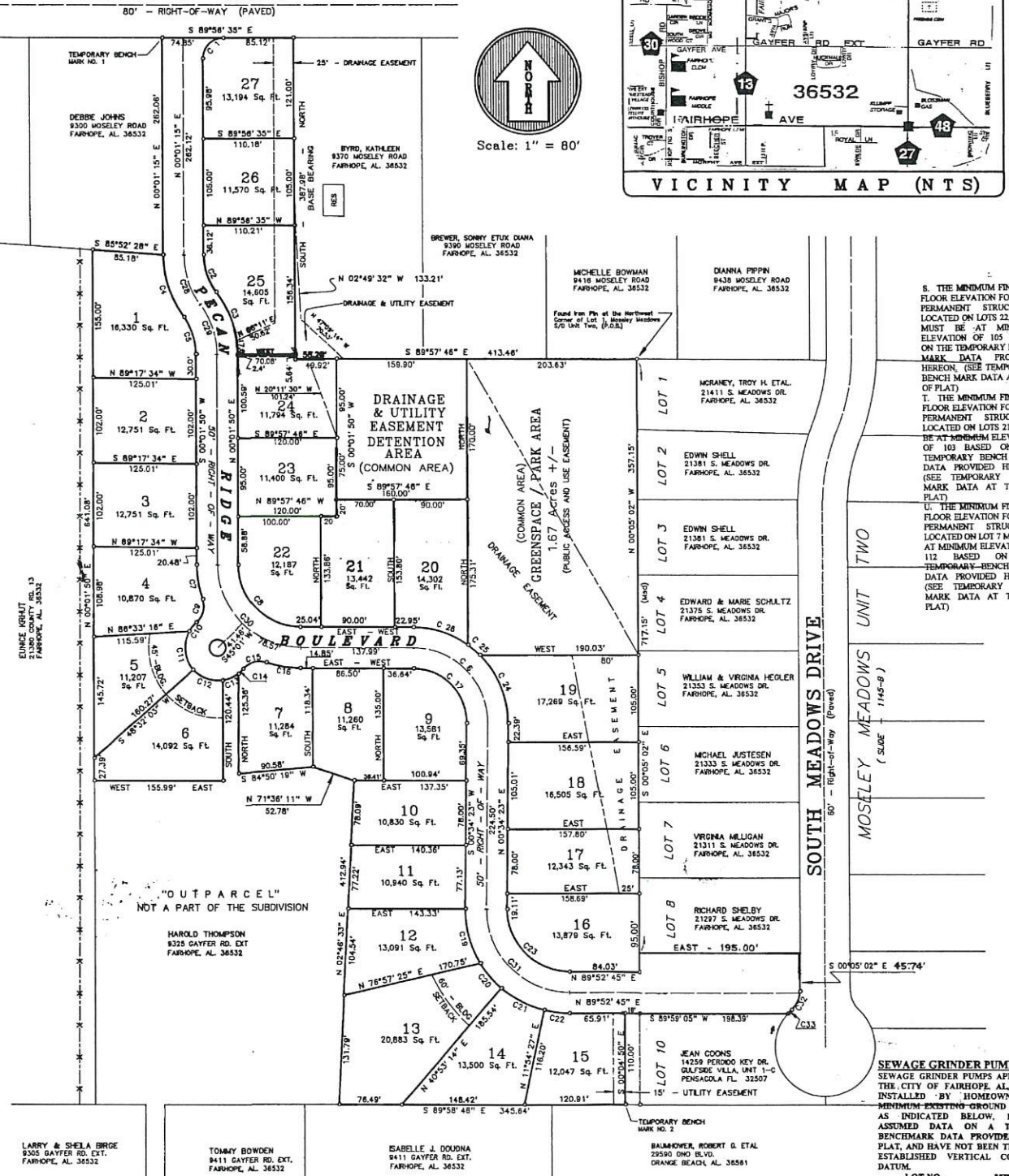
MY COMMISSION EXPIRES: My Commission Expires April 7, 2007

AFFIDAVIT OF REGISTERED PROFESSIONAL ENGINEER... I, CHARLES E. BASSETT, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF ALABAMA, HOLDING CERTIFICATE NUMBER 20051, HEREBY CERTIFY THAT I HAVE REVIEWED THE DESIGN HEREIN WHICH WAS DONE UNDER MY DIRECT CONTROL AND SUPERVISION AND THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND TO THE BEST OF MY BELIEF, CONFORMS TO THE REQUIREMENTS OF THE FAIRHOPE SUBDIVISION REGULATIONS AND TO ALL OTHER RULES, REGULATIONS, LAWS AND ORDINANCES APPLICABLE TO MY DESIGN.

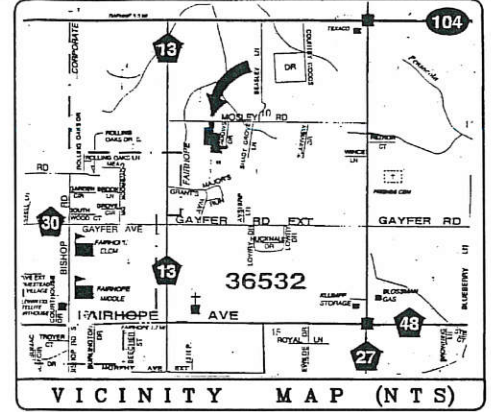
CERTIFICATE OF FLOOD HAZARD ZONE... THIS IS TO STATE THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP 015000, PANEL NO. 0540-K, DATED JUNE 17, 2002 AND FOUND THAT THE ABOVE DESCRIBED PROPERTY DOES NOT LIE IN AN IDENTIFIED FLOOD HAZARD ZONE.

THOMAS PERRY, P.O. BOX 191, FAIRHOPE, AL 36533; MYRTIS THOMAS, 8325 MOSELEY ROAD, FAIRHOPE, AL 36532; JOYCE JAMES & MARY A. LOTT, 8385 MOSELEY ROAD, FAIRHOPE, AL 36532

MOSELEY ROAD



Scale: 1" = 80'



CURVE INFORMATION table with columns: CURVE, RADIUS, DELTA, ARC LENGTH, CHORD BEARING, CHORD. Lists curve data for C1 through C33.

TEMPORARY BENCH MARK DATA... TEMPORARY BENCH MARK DATA SHOWN HEREON IS BASED ON AN ASSUMED ELEVATION ON A SURVEY CONTROL POINT AND HAS NOT BEEN TIED TO ANY ESTABLISHED VERTICAL CONTROL DATUM.

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED... I, MATTHEW S. KOUNTZ, A REGISTERED LAND SURVEYOR OF BALDWIN COUNTY, ALABAMA HEREBY STATE THAT I HAVE SURVEYED THE PROPERTY OF HAROLD THOMPSON, SITUATED IN BALDWIN COUNTY, ALABAMA AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT THE NORTHWEST CORNER OF LOT 1, MOSELEY MEADOWS SUBDIVISION, UNIT TWO, AS RECORDED ON SLIDE 1145-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, RUN THE COURSE SOUTH 00°02'00" EAST ALONG THE WEST BOUNDARY OF SAID SUBDIVISION A DISTANCE OF 711.15 FEET TO AN IRON PIN AT THE SOUTHWEST CORNER OF LOT 8 OF SAID SUBDIVISION; THENCE RUN EAST ALONG THE SOUTH BOUNDARY OF SAID LOT 8 A DISTANCE OF 195.00 FEET TO AN IRON PIN ON THE WEST RIGHT-OF-WAY LINE OF SOUTH MEADOWS DRIVE; THENCE RUN SOUTH 09°05'00" WEST ALONG SAID RIGHT-OF-WAY LINE 45.74 FEET TO A POINT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE IN A SOUTHWESTWARD DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25 FEET AN ARC DISTANCE OF 25.15 FEET (CHORD BEARS SOUTH 24°11'40" WEST, 24.1 FEET) TO A POINT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE IN A SOUTHWESTWARD DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 60 FEET AN ARC DISTANCE OF 6.46 FEET (CHORD BEARS SOUTH 44°56'57" WEST, 6.45 FEET) TO A POINT; THENCE RUN SOUTH 89°57'46" WEST, 198.39 FEET TO AN IRON PIN; THENCE RUN SOUTH 00°04'50" EAST, 110.00 FEET TO AN IRON PIN; THENCE RUN NORTH 89°58'48" WEST, 345.64 FEET TO AN IRON PIN; THENCE RUN NORTH 02°46'33" EAST, 412.94 FEET TO AN IRON PIN; THENCE RUN NORTH 71°30'11" WEST, 52.76 FEET TO AN IRON PIN; THENCE RUN SOUTH 84°50'19" WEST, 120.44 FEET TO AN IRON PIN; THENCE RUN WEST 120.44 FEET TO AN IRON PIN; THENCE RUN NORTH 00°01'50" EAST, 64.08 FEET TO AN IRON PIN; THENCE RUN SOUTH 85°52'28" EAST, 85.18 FEET TO AN IRON PIN; THENCE RUN NORTH 00°01'50" EAST, 202.06 FEET TO AN IRON PIN ON THE SOUTH RIGHT-OF-WAY LINE OF MOSELEY ROAD; THENCE RUN SOUTH 89°56'35" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 159.97 FEET TO AN IRON PIN; THENCE RUN SOUTH, 387.98 FEET TO AN IRON PIN; THENCE RUN SOUTH 89°57'46" EAST, 413.46 FEET TO THE POINT OF BEGINNING.

WITNES MY HAND THIS 27th DAY OF JULY, 2004. Matthew S. Kountz, P.L.S. A.L.A. REG. NO. 20359

- THE HEREON STATED SURVEYOR'S REPORT DOES NOT TAKE INTO CONSIDERATION: A. ADDITIONAL FACTS THAT AN ACCURATE AND CORRECT TITLE SEARCH AND/OR EXAMINATION GIVING THE LENGTHS AND BEARINGS OF THE BOUNDARIES OF EACH LOT AND AN EASEMENT AND ITS NUMBER AND SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS GIVING THE BEARINGS, LENGTH, WIDTH AND NAMES OF THE STREET, SAID MAP FURTHER SHOWS THE RELATION OF THE LAND SO PLATTED TO THE GOVERNMENT SURVEY, AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED AT POINTS MARKED THIS (S) AS HERON SHOWN.

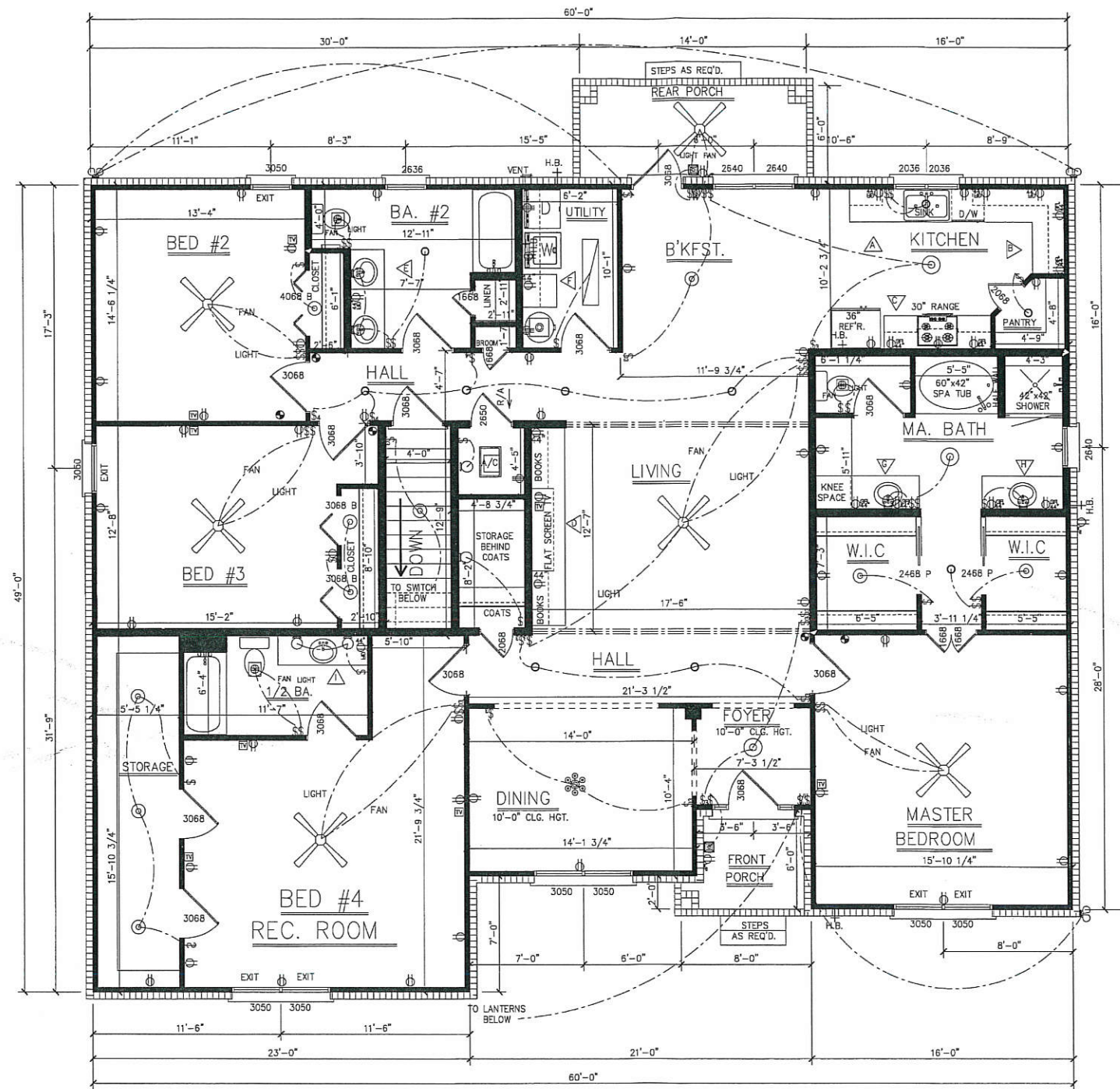
FINAL AMENDED PLAT PECAN RIDGE SUBDIVISION a Residential Subdivision in Section 10, T-6-S, R-2-E, Baldwin Co. Al. (ZONED R-2)

REVISIONS table with columns: REVISIONS, DATE, BY.

STATE OF ALABAMA, Baldwin County I certify this instrument was filed and taxes collected on: 2004, and recorded on slide file: 2005 November - 1 9:21AM

GEO-SURVEYING, INC. PROFESSIONAL LAND SURVEYING P.O. BOX 579 FAIRHOPE, ALABAMA 36533 Phone: (251) 990-0815 Fax: (251) 990-0866

LEGEND table with columns: PROJECT NO., DATE, SCALE, DRAWN BY, FIELD WORK DATE, FIELD BOOK NO., SHEET 1 OF 1 SHEETS.



**MAIN FLOOR PLAN**

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

| ELECTRICAL        | SYMBOL | ELECTRICAL         | SYMBOL | ELECTRICAL       | SYMBOL |
|-------------------|--------|--------------------|--------|------------------|--------|
| OUTLET            | ⊕      | UNDERCOUNTER LIGHT | —      | EXTERIOR LANTERN | ⊕      |
| OUTLET GFI        | ⊕      | FLOURESCENT LIGHT  | ⊕      | FAN/LIGHT        | ⊕      |
| OUTLET WATERPROOF | ⊕      | CHANDELIER         | ⊕      | SMOKE DETECTOR   | ⊕      |
| OUTLET 220v       | ⊕      | CEILING LIGHT      | ⊕      | CABLE TV OUTLET  | ⊕      |
| SWITCH            | ⊕      | RECESSED LIGHT 5"  | ⊕      | CEILING FAN      | ⊕      |
| SWITCH 3 WAY      | ⊕      | PENDANT LIGHT      | ⊕      |                  |        |
| SWITCH 4 WAY      | ⊕      | WALL SCONCE        | ⊕      |                  |        |

TYP. CEILING HGT.: 9'-0"  
GARAGE CEILING HGT.: 8'-0"

**AREAS**

LIVING: 2712 SQ. FT.  
FRONT PORCH: 42 SQ. FT.  
REAR PORCH: 84 SQ. FT.  
GARAGE: 570 SQ. FT.

**NOTE:**  
This plan is the property of the home owner/builder and R. Clark Home Design, FOR A SINGLE USE ON THIS SITE, and may not be used or copied without their written permission. R. Clark Home Design assumes no liability for any home constructed from this plan. It is the sole responsibility of the purchaser of this plan to perform the following before construction begins.  
1. Builder and/or Contractor must verify all dimensions before proceeding with construction.  
2. Contractor must comply with all building codes that are applicable to the area of construction.  
3. THIS PLAN IS FOR DIMENSIONAL AND LOCATION PURPOSES. ENGINEERING ASPECTS ARE DEPENDANT UPON CONSTRUCTION SITE CONDITIONS AND MUST BE CERTIFIED BY A LICENSED ENGINEERING PROFESSIONAL.  
It is recommended that you consult a local engineer of your choice and check with your local building officials prior to start of actual construction. These drawings are not to be copied or reproduced without written permission from R. CLARK HOME DESIGN.

**NOTE:**  
Lot clearing, site grading and foundation preparations shall be done in accordance with code requirements and subdivision restrictions. Bearing soil and site fill shall be free of all organic material and fill shall be compacted to a 95% standard proctor density. Contractor/Builder shall verify site conditions and adequacy or proposed foundation design for the site in which it is to be constructed prior to commencement of construction. Soil boring tests may be needed or required to establish actual site conditions. No on site supervision, inspections or testing is provided by designer. Contractor/Builder should consult with an Engineer to verify all above mentioned prior to commencement of construction.  
**NOTE:**  
FOUNDATION ANCHOR BOLTS SHALL COMPLY WITH "IRC" SECTION R403.16 SPACED WITHIN 12" OF PLATE ENDS AND AT 24" O.C. MAX.  
**NOTE:**  
ALL FILL MATERIAL TO BE CONCRETE SAND FOR MAXIMUM COMPACTION

**NOTE:**  
Contractor shall verify the accuracy of all dimensions, ceiling heights, beam and joist designations, complying with all code requirements, and the provisions for duct layouts, heating and air conditioning systems and proposed electrical & plumbing layouts prior to commencement of construction.

**NOTE:**  
BUILDER SHALL INSTALL ADEQUATE ATTIC VENTILATION.  
**NOTE:**  
ALL WINDOWS 18" OR LESS ABOVE FINISHED FLOOR SHALL BE TEMPERED GLASS AS PER "IRC" SECTION R308.4.  
ALL WINDOWS ABOVE GROUND FLOOR THAT ARE 24" OR LESS ABOVE FINISHED FLOOR SHALL HAVE EGRESS BARRIER.  
WINDOW DESIGNATION 3050 SH = 3'-0" x 5'-0" SINGLE HUNG VERIFY W/MANUFACTURER FOR SIZE & ROUGH OPENINGS.  
DOOR DESIGNATION 3068 = 3'-0" x 6'-8". VERIFY WITH MANUFACTURER FOR SIZE & ROUGH OPENINGS.  
**NOTE:**  
ALL FLASHING AROUND WINDOWS & DOORS SHALL BE INSTALLED AS PER CODE TO PREVENT MOISTURE PENETRATION.  
ALL ROOF FLASHING, SIDEWALL FLASHING, EAVE & OTHER REQUIRED FLASHING SYSTEMS SHALL BE INSTALLED AS PER CODE REQUIREMENT & SHALL PREVENT MOISTURE PENETRATION.

**NOTE:**  
ALL MEASUREMENTS ARE TO OUTER EDGE OF BLOCK. ADD 5" TO DIMENSIONS FOR BRICK AS REQ'D.



**FMS**  
ENGINEERING, LLC  
251 450 2377

HAROLD & BRENDA THOMPSON  
BELEGROVE ESTATES, INC.  
LOT 8 PECAN RIDGE  
FAIRHOPE, ALABAMA

PRELIMINARY: 10-26-17, 10-30-17  
REV. PRELIMINARY: 12-06-17  
PROGRESS SET: 12-08-17  
FINAL PLANS: 12-14-17  
REV. FINAL PLANS: 12-30-17, 12-31-17

|                             |                                     |
|-----------------------------|-------------------------------------|
| <b>R. CLARK HOME DESIGN</b> |                                     |
| FAIRHOPE, ALABAMA           | (251) 261-8044                      |
| <b>THOMPSON HOUSE LOT 8</b> |                                     |
| Plan Sheet:                 | <b>MAIN FLOOR PLAN</b>              |
| Date: 12-31-17              | Drawn By: RAY CLARK Sheet Number: 1 |
| Scale: S.P.                 | Plan Number: RCHD 2743-B-7          |

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