

**The City of Fairhope Board of Adjustments and Appeals met on Monday, November 19, 2007 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.**

**Members Present: Chairman Bob Mannich; Cathy Slagle; Teddy Joe Faust; Suzanne Winston; Louis Agee; Barry Fulford, Building Official; Jonathan Smith, Planner; and Emily Irby, Secretary.**

**Members Absent: Stan Grubin**

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

Chairman Mannich announced that Ray Clark resigned from the Board due to a possible conflict of interest. Chairman Mannich opened the floor for recommendation of a new Vice-Chairman. Louis Agee made a motion to nominate Teddy Faust. Cathy Slagle seconded the motion. Motion carried unanimously.

Members were asked to review the June 18, 2007 minutes for consideration and make a motion to approve. Cathy Slagle made a motion to approve the minutes as written. Louis Agee seconded the motion. Motion carried unanimously.

Chairman Mannich said he has a conflict with the case and excused himself. Vice-Chairman Faust proceeded with the meeting.

**ZBA 07.06 Public Hearing to Consider the Request of Constance Brandt to build an addition that would encroach the side setbacks by three feet (3'). The property is located at 8 Bay Breeze Lane.**

Jonathan Smith, Planner came forward and gave the Staff Interpretation.

STAFF INTERPRETATION: The subject property is zoned R-2 Medium Density Single Family Residential District. Applicant is seeking a variance to the provision of Table 3-2: Dimension Table – Lots and Principle Structure in the Fairhope Zoning Ordinance. Table 3-2 requires that all principle structures in the R-2 zoning district adhere to a minimum side-yard setback of ten feet (10'). There is an existing dwelling on the lot that encroaches approximately one foot (1') into the required side yard setback. The applicant would like to construct an addition to the primary structure. The proposed Site Plan shows an addition that encroaches approximately three feet (3') into the required ten foot (10') side setback. The applicant would like to minimize any negative impact on existing tree roots, limbs and the trunk of an existing Fairhope "Treasured Tree" located just northeast of the proposed addition. There is space in the rear yard to follow the existing non-conforming side yard setback, but the applicant, planning staff and City Horticulturalist (Jennifer Fidler) believe that placing any structure closer to the large magnolia tree could possibly damage the "Treasured Tree". The property is bordered on all sides by City of Fairhope R-2 Medium Density Single Family Residential District zoned property.

STAFF RECOMMENDATION: Staff recommends the Board of Adjustment approve the three foot (3') variance request in order to protect the Fairhope Treasured Tree.

Vice-Chairman Faust asked Ms. Brandt to come forward and state her case.

Constance Brandt of 8 Bay Breeze Lane came forward and explained that the proposed addition would be for a master bedroom and bath. She said she had spoken to her neighbors and they did not have any problems with her request.

Cathy Slagle asked if they knew the age of the tree. Ms. Brandt said she did not have any idea, but her neighbor said the tree was at least 80 years old. Ms. Brandt also added that the estimated height of the tree is 75 feet.

Louis Agee inquired about possible harm to the root system. Jonathan Smith reiterated that the City Horticulturist is satisfied that the proposed location of the addition will not damage any aspect of the tree.

Vice-Chairman Faust opened the meeting as a public hearing.

Mary Angus Rudroff of 17 Orange Avenue spoke in favor of the applicant. Mrs. Rudroff said her property is adjacent to Ms. Brandt. She stated that she was happy to see that Ms. Brandt was protecting this beautiful tree. No one else was present to speak. Vice-Chairman Faust closed the public hearing.

Louis Agee made a motion to approve as recommended. Cathy Slagle seconded the motion. Motion carried with one abstention by Bob Mannich.

A motion to adjourn was made by Louis Agee. Motion seconded by Teddy Faust. Motion carried unanimously. The meeting was adjourned at 5:20 PM.

**Minutes were reviewed and approved by the Board of Adjustments on Monday, March 17, 2008.**