

City of Fairhope
Board of Adjustment and Appeals
5:00 PM
City Council Chambers
April 19, 2021

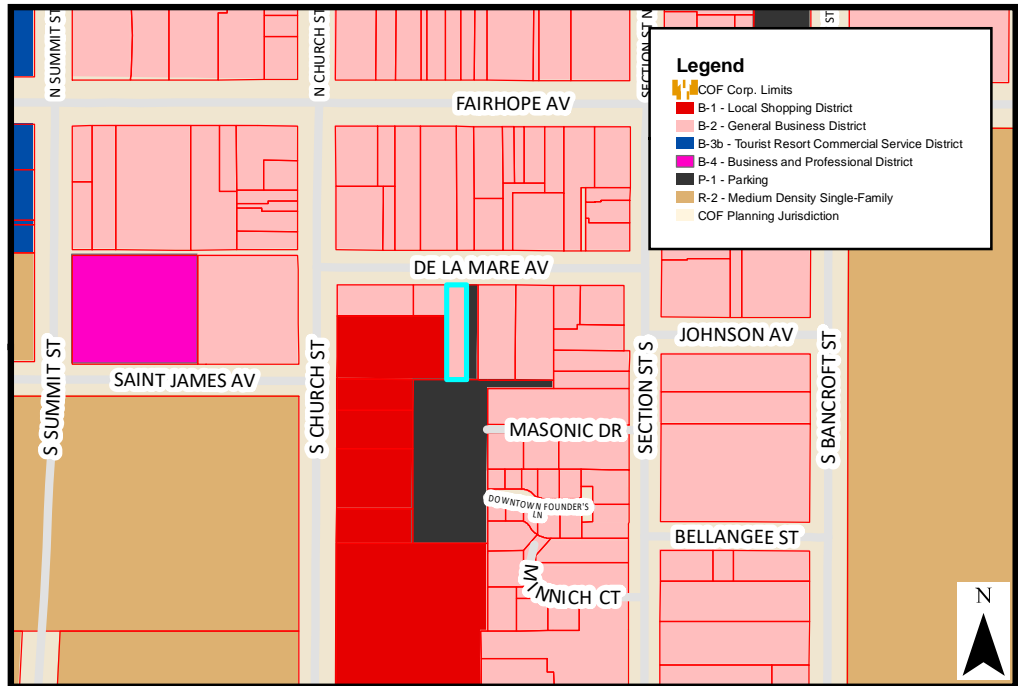
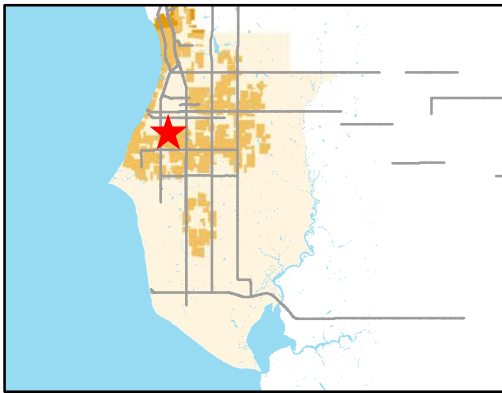
1. Call to Order
2. Approval of Minutes
 - March 15, 2021
3. Consideration of Agenda Items:
 - A. BOA 21.03 Public hearing to consider the request of MGC, LLC for a Special Exception to allow Outdoor Sales for property located at 306 DeLarMare Avenue.
PPIN #: 14358
 - B. BOA 21.04 Public hearing to consider the request of Harold Thompson on behalf of Belgrove Estates, Inc. for a variance to the rear setback requirements for principal structures for property located at 325 Pecan Ridge Blvd.
PPIN #: 270281
 - C. BOA 21.05 Public hearing to consider the request of Justin and Emily Chappell for a variance to the front setback requirements for accessory structures for property located at 7275 Wild Oaks Road.
PPIN #: 51895
 - D. BOA 21.06 Public hearing to consider the request of FST Provision Investments, LLC for a variance to the parking requirements for property located at 9979 Windmill Road.
PPIN #: 77607
4. Old/New Business
5. Adjourn

City of Fairhope Board of Adjustment and Appeals

April 19, 2021



BOA 21.03 - 306 DelaMare Ave



Project Name:

306 Delmare Avenue

Application Type:

Special Exception

Variance Type:

Outdoor Sales

Jurisdiction:

City of Fairhope

Zoning District:

B-2, General Business District

PPIN Number:

14358

General Location:

306 Delmare Avenue

Surveyor of Record:

Engineer of Record:

Owner / Applicant:

MGC, LLC dba Sportsman's Marine and Outdoor

Recommendation:

Approved w/ condition

Prepared by:

Carla Davis





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: [] Administrative Appeal [x] Special Exception [] Variance

Property Owner / Leaseholder Information
Name: MGC, LLC dba Sportsman's Marine and Outdoor Phone Number: (251) 928-2244
Street Address: 306 De La Mare Avenue
City: Fairhope State: Alabama Zip: 36532

Applicant / Agent Information
If different from above.
Notarized letter from property owner is required if an agent is used for representation.
Name: MGC, LLC dba Sportsman's Marine and Outdoor Phone Number: (251) 928-2244
Street Address: 306 De La Mare Avenue
City: Fairhope State: Alabama 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.

MGC, LLC by its Member, Myron H. Miner, II
Property Owner/Leaseholder Printed Name
Date 3/8/21

Signature
Fairhope Single Tax Corp. (If Applicable)

RECEIVED
MAR 03 2021
BY: [Signature]



VARIANCE REQUEST INFORMATION

What characteristics of the property prevent / preclude its development?:

- | | | |
|--------------------------------------|------------------------------------|--|
| <input type="checkbox"/> Too Narrow | <input type="checkbox"/> Elevation | <input type="checkbox"/> Soil |
| <input type="checkbox"/> Too Small | <input type="checkbox"/> Slope | <input type="checkbox"/> Subsurface |
| <input type="checkbox"/> Too Shallow | <input type="checkbox"/> Shape | <input type="checkbox"/> Other (specify) |

Describe the indicated conditions: _____

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

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

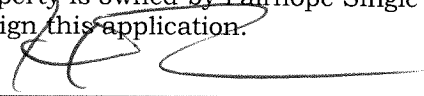
Hardship (taken from Code of Alabama 1975 Section 11-52-80):
 "To authorize upon appeal in specific cases such variance from the terms of the (zoning) ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of the (zoning) ordinance 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:	\$ 520.⁰⁰	


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.

MGC, LLC by its Member, Myron H. Miner, II
 Property Owner/Leaseholder Printed Name

 3/8/21
 Date


 Signature

Fairhope Single Tax Corp. (If Applicable)

RECEIVED
 MAR 08 2021
 BY: 



APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: Administrative Appeal Special Exception Variance

Property Owner / Leaseholder Information			
Name:	MGC, LLC dba Sportsman's Marine and Outdoor	Phone Number:	(251) 928-2244
Street Address:	306 De La Mare Avenue		
City:	Fairhope	State:	Alabama Zip: 36532

Applicant / Agent Information			
If different from above.			
<small>Notarized letter from property owner is required if an agent is used for representation.</small>			
Name:	MGC, LLC dba Sportsman's Marine and Outdoor	Phone Number:	(251) 928-2244
Street Address:	306 De La Mare Avenue		
City:	Fairhope	State:	Alabama 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

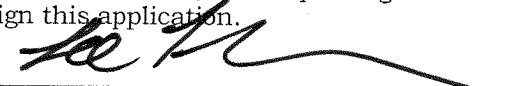
Applications for Administrative Appeal or Special Exception:

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.

MGC, LLC by its Member, Myron H. Miner, II
 Property Owner/Leaseholder Printed Name

 Date 4/13/21


 Signature
Lee Turner as President
 Fairhope Single Tax Corp. (If Applicable)

Revised Per Comments
4/13/21



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: _____

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

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

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.

MGC, LLC by its Member, Myron H. Miner, II
 Property Owner/Leaseholder Printed Name

4/13/21
 Date

Lee Turner
 Signature

Lee Turner as President
 Fairhope Single Tax Corp. (If Applicable)

*Revised Per Comments
 4/13/21*



March 10, 2021

City of Fairhope
Board of Adjustments

Re: 306 De La Mare Avenue

Dear Members,

My name is Hank Miner, a native of Fairhope, and owner Sportsman's Marine, LLC here in Fairhope. Sportsman's originally opened in Downtown Fairhope back in 1950. I bought the dealership in 1995 and am the sole owner.

I have leased the building at 306 De La Mare Avenue, Downtown Fairhope. I am opening MGC, LLC dba Sportsman's Marine and Outdoor. This business will be a Low-Speed Vehicle (LSV) dealership where I will sell LSV's, and offer daily, weekly, and monthly rentals as well. I am extremely happy to be returning to the downtown area, where it all began.

As you see, this is going to be a "boutique" dealership selling and renting high end LSV's. I know we will be a fantastic ambassador for The City of Fairhope. We will continue to deliver great service and products as well.

Please feel free to call me with any questions or concerns you may have.

Best Regards,

A handwritten signature in black ink, appearing to read "Hank Miner". The signature is fluid and cursive, written over a white background.

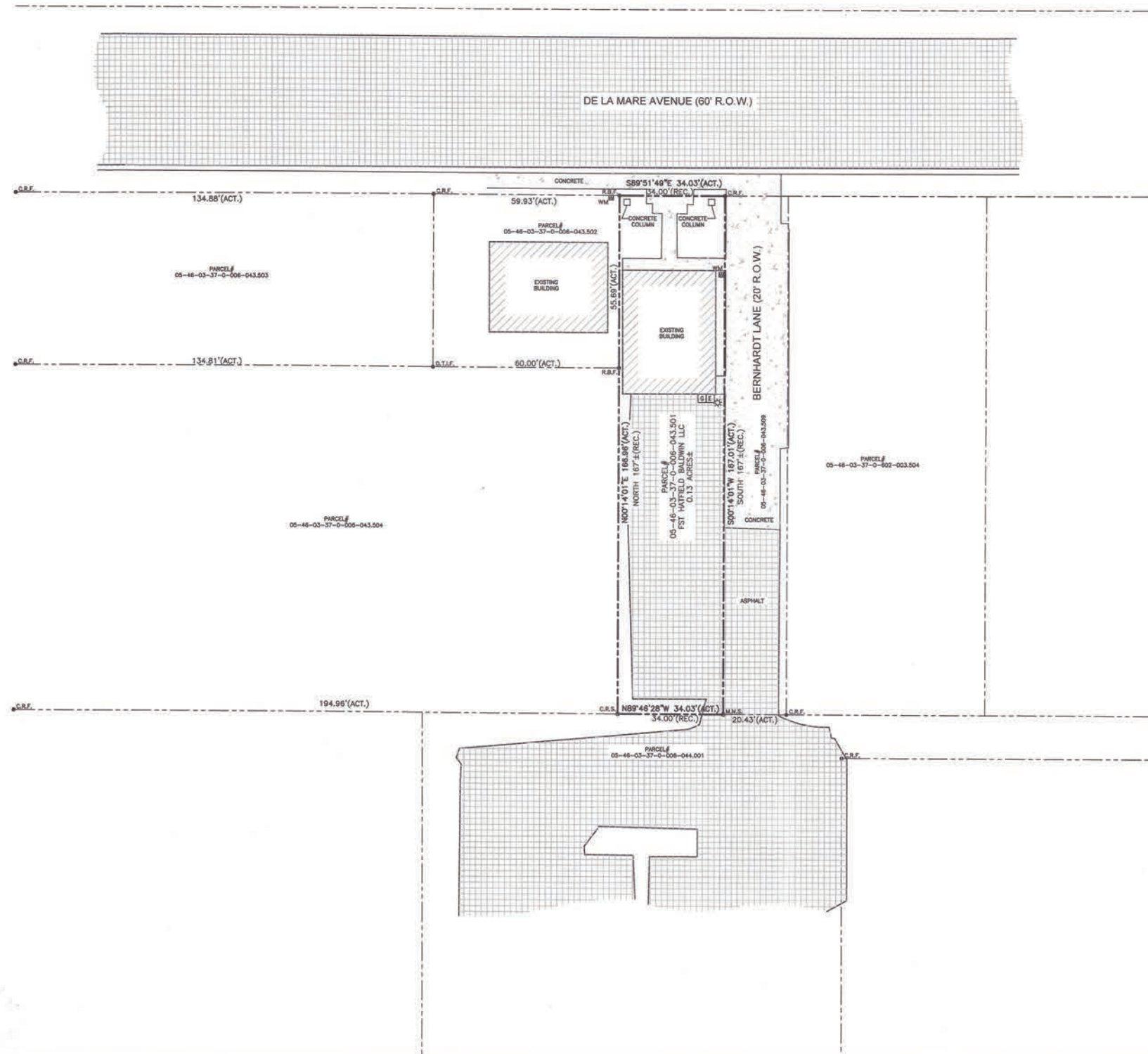
Hank Miner
(241) 421-0982

HM/cwb



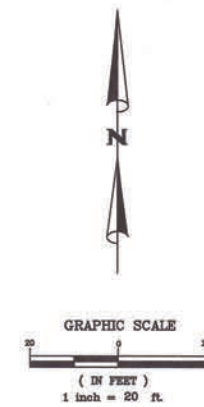






LEGEND

- C.R.F. CAPPED REBAR FOUND
- R.B.F. REBAR FOUND
- O.T.I.F. OPEN TOP IRON FOUND
- M.N.S. "MAG" NAIL SET
- C.R.S. 1/2" CAPPED REBAR SET "CA 1007-LS"
- [E] ELECTRIC METER
- ☼ LIGHT POLE
- WM WATER METER
- [G] GAS METER
- PROPERTY LINE



SURVEYORS NOTES:

- INFORMATION USED TO PERFORM AND PRODUCE THIS SURVEY ARE PREVIOUS SURVEYS, BY THIS FIRM OR OTHERS, DEEDS OF RECORDS AND/OR OTHER INFORMATION AS PROVIDED BY THE CLIENT. NO TITLE SEARCH, OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM OR BY OTHERS UNDER THE DIRECTION OF THIS FIRM. IN ADDITION, THERE MAY BE OTHER INSTRUMENTS OF RECORD WITHIN THE OFFICE OF THE JUDGE OF PROBATE, AS WELL AS OTHER UNRECORDED INSTRUMENTS COULD ENCUMBER AND/OR AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT THE TIME OF SURVEY.
- BASIS OF BEARING: BASED ON GRID NORTH AS DETERMINED BY RTK GPS AND REFERENCED TO NAD83, ALABAMA WEST STATE PLANE COORDINATES.
- DATE OF FIELD WORK: MARCH, 2021
- I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION MAP COMMUNITY PANEL NO. 01003C0644M, EFFECTIVE APRIL 19, 2019, AND HAVE FOUND THAT THE DESCRIBED PROPERTY IS LOCATED IN FLOOD ZONE "X" (UNSHADED). AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
- ANY FLOOD ZONES GIVEN OR SHOWN ON THE FACE OF THIS DRAWING ARE BY ELEVATIONS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAPS.
- SURVEYED PROPERTY IS CURRENTLY ZONED B-2 (GENERAL BUSINESS DISTRICT)

RECORD DESCRIPTION: (INST #1689693)

THE WEST 31 FEET OF LOT SIX (6) AND THE EAST 3 FEET OF LOT SEVEN (7), EXTENDING SOUTH 167 FEET, MORE OR LESS, TO LANDS FORMERLY LEASED TO BALDWIN COUNTY BOARD OF EDUCATION IN BLOCK THIRTEEN (13), DIVISION ONE (1) OF THE LANDS OF THE FAIRHOPE SINGLE TAX CORPORATION IN THE CITY OF FAIRHOPE, ALABAMA AS PER ITS PLAT THEREOF FILED FOR RECORD SEPTEMBER 13, 1911, MISC. BOOK 1, PAGES 320-21, PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA, LYING IN FRACTIONAL SECTION 18, TOWNSHIP 6 SOUTH RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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

ERIC E. GODWIN, PLS. DATE: 03/10/21
ALABAMA LICENSE NUMBER 26621

NUMBER:	REVISION:	DATE:

ENGINEERING - SURVEYING - CONSTRUCTION MANAGEMENT

30673 Sgt. E. I. "Boots" Thomas Drive, Spanish Fort, AL 36527 Phone: (251) 544-7900
202 Government Street, Suite 225, Mobile, AL 36602

BOUNDARY SURVEY
306 DE LA MARE AVENUE
SPORTSMAN MARINE



SCALE:	1" = 20'
DATE:	MARCH 9, 2021
DRAWN BY:	HL
CHECKED BY:	
SHEET:	1 OF 1

Summary of Request:

The applicant is requesting a special exception variance to allow outdoor sales of low-speed vehicles to be located at 306 Delamare Avenue. The subject property is zoned B-2, General Business district. According to the City of Fairhope Zoning Ordinance Article III, Section A., the B-2 zoning district is “is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.”. Additionally, Article III, Section D.8. states the following:

B.4(h) 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:

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:

An outdoor sales lot is an allowable use within the B-2 zoning classification as indicated in the City of Fairhope Zoning Ordinance Article III, Section B., Table 3-1 Use Table, with the approval of the Board of Adjustment. The outdoor sales lot is not allowable by right; however, a special exception approval will allow the use. Further, Table 3-1 indicates the use is allowed “only on appeal and subject to special conditions”. The applicant is advertising the business as a “boutique” dealership selling and renting high end LSV’s (Low-Speed Vehicle). The applicant plans to sell LSV’S, and offer daily, weekly, and monthly rentals. Depicted below is an image of the existing conditions of the site. The applicant also provided a site plan as well as images of the proposed layout of the business. The images are depicted below as well.

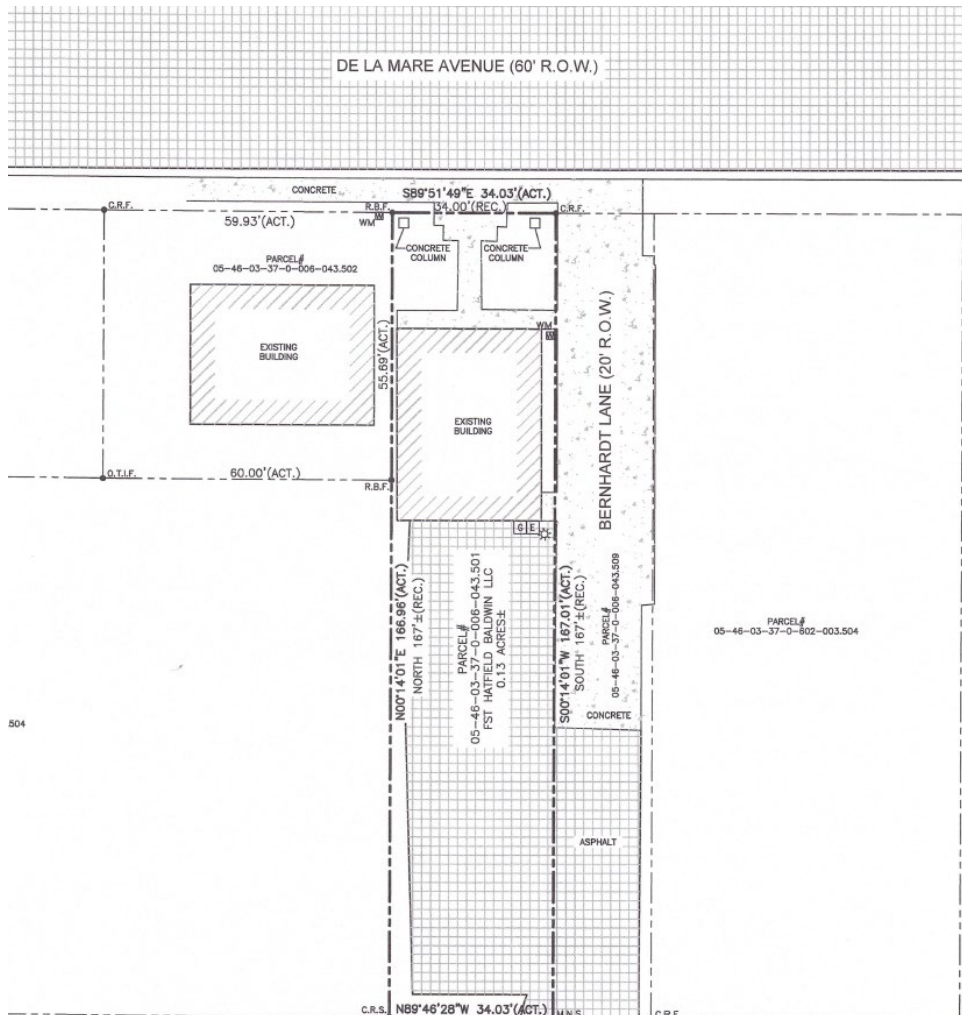




Image 1



Image 2



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.

Based on staff's review, the proposed outdoor sales of the low-speed vehicles will not impose on the surrounding area nor will it impose on the safety, health, or welfare of the general public.

Recommendation:

Staff recommends the Board of Adjustment APPROVE the proposed Special Exception for the subject property to allow outdoor sales and personal storage in a B-2, General Business Zoning District subject to the following condition:

- 1) Revise site plan to identify where the outdoor sales are as well as specifically state the items that will be located outside and available for purchase.

Zoning Ordinance Requirements:

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

Variations: 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. Variations 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 variances through Article II.A.d(3) which says the following:

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

(3) Variations - 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.



SPORTSMAN'S
MARINE





NOTICE OF PUBLIC HEARING

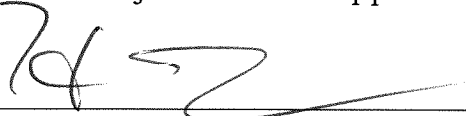
The City of Fairhope Zoning Board of Adjustments and Appeals is scheduled to meet April 19, 2021 at 5:00 PM in Council Chambers located at 161 N. Section Street, Municipal Complex. A public hearing will be held for Case BOA 21.03. MGC, LLC is requesting a Special Exception to allow Outdoor Sales for property located at 306 DeLaMare Avenue. The property is zoned B-2 General Business District within the Central Business District. Contact Emily Boyett at (251) 990-0214 for further information.



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

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


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



Signature of Applicant or Authorized Agent

3/8/21

Date of Application

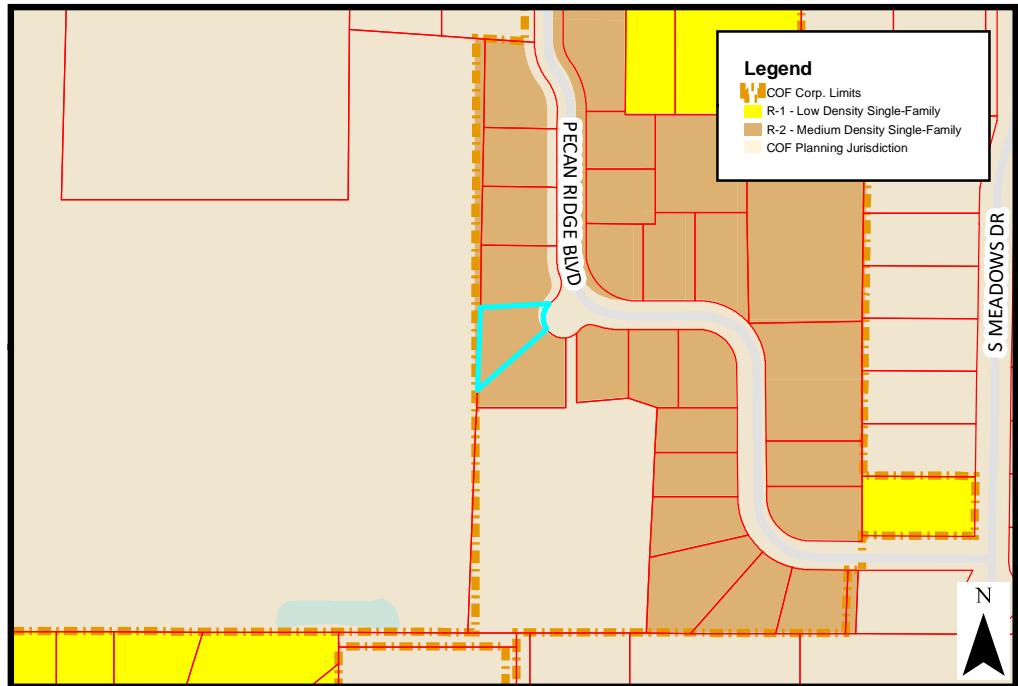
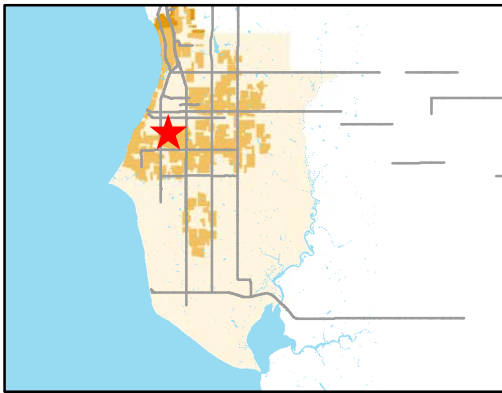
RECEIVED
MAR 09 2021
BY: 

City of Fairhope Board of Adjustment and Appeals

April 19, 2021



BOA 21.04 - 325 Pecan Ridge Blvd



Project Name:	325 Pecan Ridge Blvd
Application Type:	Variance
Variance Type:	Rear Setback
Jurisdiction:	City of Fairhope
Zoning District:	R-2, Medium Density Single- Family
PPIN Number:	270281
General Location:	325 Pecan Ridge Blvd
Surveyor of Record:	
Engineer of Record:	
Owner / Applicant:	Belgrove Estates Inc.- Harold Thompson
Recommendation:	Approved w/ conditions
Prepared by:	Carla Davis





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: Administrative Appeal Special Exception Variance

Property Owner / Leaseholder Information		
Name: <u>Belgrove Estates Inc</u>	Phone Number: <u>(251)391.5812</u> <u>Harold Thompson</u>	
Street Address: <u>9325 Gayfer Road Ext</u>		
City: <u>Fairhope</u>	State: <u>AL</u>	Zip: <u>36532</u>

Applicant / Agent Information		
<small>If different from above. Notarized letter from property owner is required if an agent is used for representation.</small>		
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.

Belgrove Estates Inc Harold Thompson

Property Owner/Leaseholder Printed Name

Harold Thompson
Signature

3-5-2021

Date

Fairhope Single Tax Corp. (If Applicable)

RECEIVED
MAR 08 2021
BY: EP



VARIANCE REQUEST INFORMATION

What characteristics of the property prevent / preclude its development?:

- | | | |
|---|---|--|
| <input type="checkbox"/> Too Narrow | <input type="checkbox"/> Elevation | <input type="checkbox"/> Soil |
| <input type="checkbox"/> Too Small | <input type="checkbox"/> Slope | <input type="checkbox"/> Subsurface |
| <input checked="" type="checkbox"/> Too Shallow | <input checked="" type="checkbox"/> Shape | <input type="checkbox"/> Other (specify) |

Describe the indicated conditions: The pie shape buildable area of the lot is too shallow in depth precluding building a desirable plan. The lot has been unmarketable. Lot 5 Pecan Ridge Estates

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

The pie-shape and buildable area of the lot has discouraged buyers & builders from purchasing the lot. I now have buyers that have had a plan designed & placed on the lot but the rear setback is an issue.

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

I am requesting the rear set back be changed from 30 ft. to 28 ft. Directly behind the property is 32 acres of wooded farm land.

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:	\$120.00	

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.

Belgrove Estates LLC Harold Thompson-Pres.

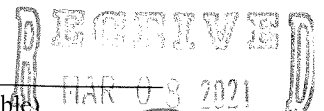
Property Owner/Leaseholder Printed Name

Signature

Date

3-5-2021

Fairhope Single Tax Corp. (If Applicable)



BY: EB

CITY OF FAIRHOPE
PUBLIC WORKS
PO DRAWER 429
FAIRHOPE, AL 36533
251-928-8003

021739-0002 Emily B. 03/17/2021 12:26PM

MISCELLANEOUS

ZONING CHANGE/ BOA
(ZONE)
2021 Item: ZONE
1 @ 120.00
ZONING CHANGE/ BOA
(ZONE) 120.00

120.00

Subtotal 120.00
Total 120.00

CHECK 120.00
Check Number 1403

Change due 0.00

Paid by: FRANK VITELLO

Comments: BOA 21.04
325 PECAN RIDGE BLVD
LOT 5, PECAN RIDGE
REAR SETBACK VARIANCE
FRANK VITELLO
120 MAJORS RUN
FAIRHOPE, AL 36532

555 S SECTION ST, FAIRHOPE AL, 36532
<http://www.cofairhope.com>

CUSTOMER COPY

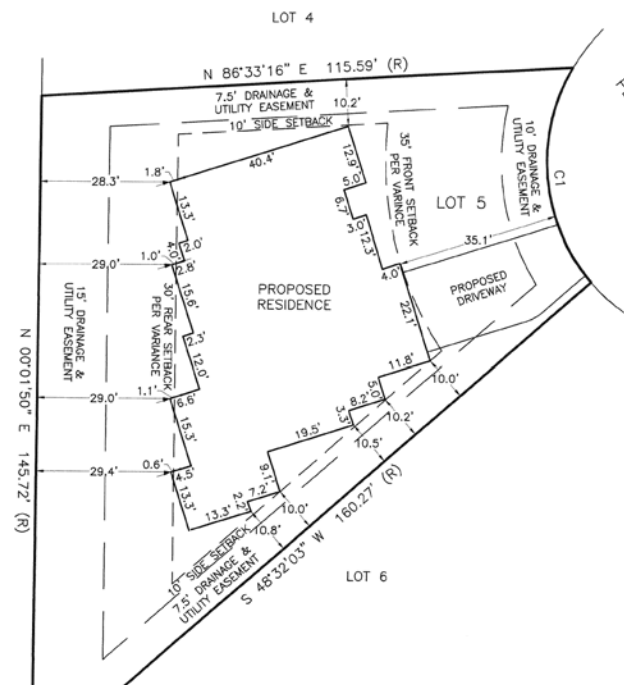
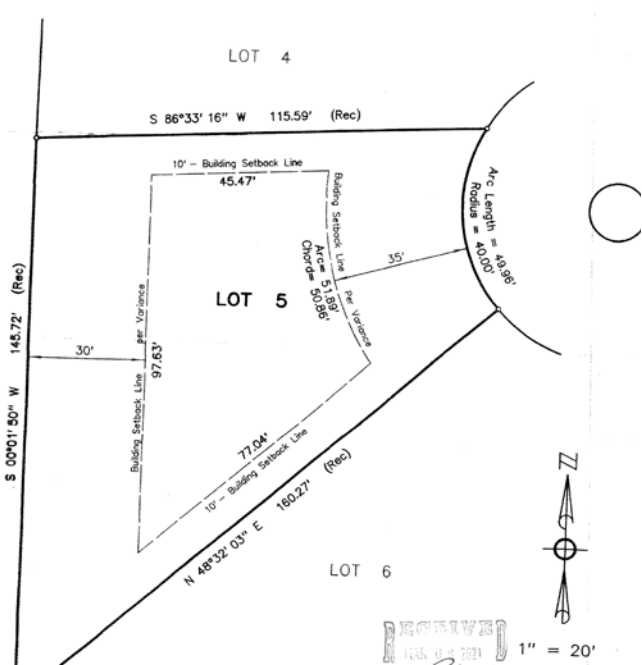
Summary of Request:

The applicant is requesting a rear yard setback variance. The subject property is located at 325 Pecan Ridge Blvd. The property is zoned R-2 Medium Density thus requiring a 35' rear yard setback. All required setbacks for R-2 Medium Density Single Family Residential are listed below per Table 3-2 in the Zoning Ordinance.

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 principle structure	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
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'	35'	35'	10' ^b	20'	37%	30' ^a
R-3	7,800 s.f./ -	65'	30'	35'	8' ^b	20'	35%	30'
R-3 PGH	4,000 s.f./ -	40'	20'	15'	10' ^b	10'	32.5%	30'
R-3 TH	2,400 s.f. ¹ / -	24'	20'	35'	0' ^a	20'	45%	30'
R-4	10,500 s.f. for two dwelling units plus 6,500 s.f. for each additional unit/ 7 UPA	75' for two dwelling units plus 5' for each additional unit	30'	35'	10' ^b	20'	30%	30'
R-5	10,500 s.f. for two dwelling units plus 4,100 s.f. for each additional unit/ 10 UPA	75' for two dwelling units plus 5' for each additional unit	30'	35'	10' ^b	20'	30%	30'

The applicant states that this particular lot of Pecan Ridge Estates (lot 5) has never been sold due to the configuration of the buildable area of this "pie-shaped" lot. The applicant stated that over the years many buyers and builders have expressed an interest in the property but the lot configuration was an issue. There is currently a potential buyer that has coordinated with an architect to design a home on the lot, but the structure would be encroaching 7' into the required rear yard setback. In the narrative provided by the applicant it states that the rear setbacks are 30' and they are asking for a 2' rear yard setback variance as the house is designed to be 28' from the rear property line; however that is incorrect. The rear setbacks are 35', thus making the house 7' from the required rear property line. The narrative and all of the drawings submitted should be revised to reflect a 35' rear yard setback instead of a 30' setback.



RECEIVED
164K 04 2021
1" = 20'

Brief Summary

Rear yard setbacks in a R-2 zoning district require a 25’ rear yard setback from the structure to the property line. The application is requesting a 28’ rear yard setback as opposed to the required 35’ rear yard setback.

Staff Recommendation:

Staff Recommends approval of the 7’ rear yard setback variance subject to the following condition:

- 1.) Revise and resubmit the narrative and site plans to reflect a 35’ required rear yard setback as opposed to the incorrect 30’ setback.

Comments:

The Board of Adjustments is authorized to grant variance through Article II.A.d(3) which says 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: The site is an irregularly shaped lot.

(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: Applying the required 35' rear yard setback would reduce the amount of usable building space on an already small irregular shaped lot.

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

Response: The site is unique, and as proposed the new structures will only encroach 7' into the required rear setback.

(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, if granted, would not cause any detriment to the public nor impair the intent of this ordinance.


March 2, 2021

Re: Lot 5 Pecan Ridge Estates
PPIN # 270281

As the developer of Pecan Ridge Estates lot 5 has never been sold due the configuration of the buildable area of this pie-shaped lot. Over the years many buyers & builders have expressed an interest in the property but the lot configuration was an issue.

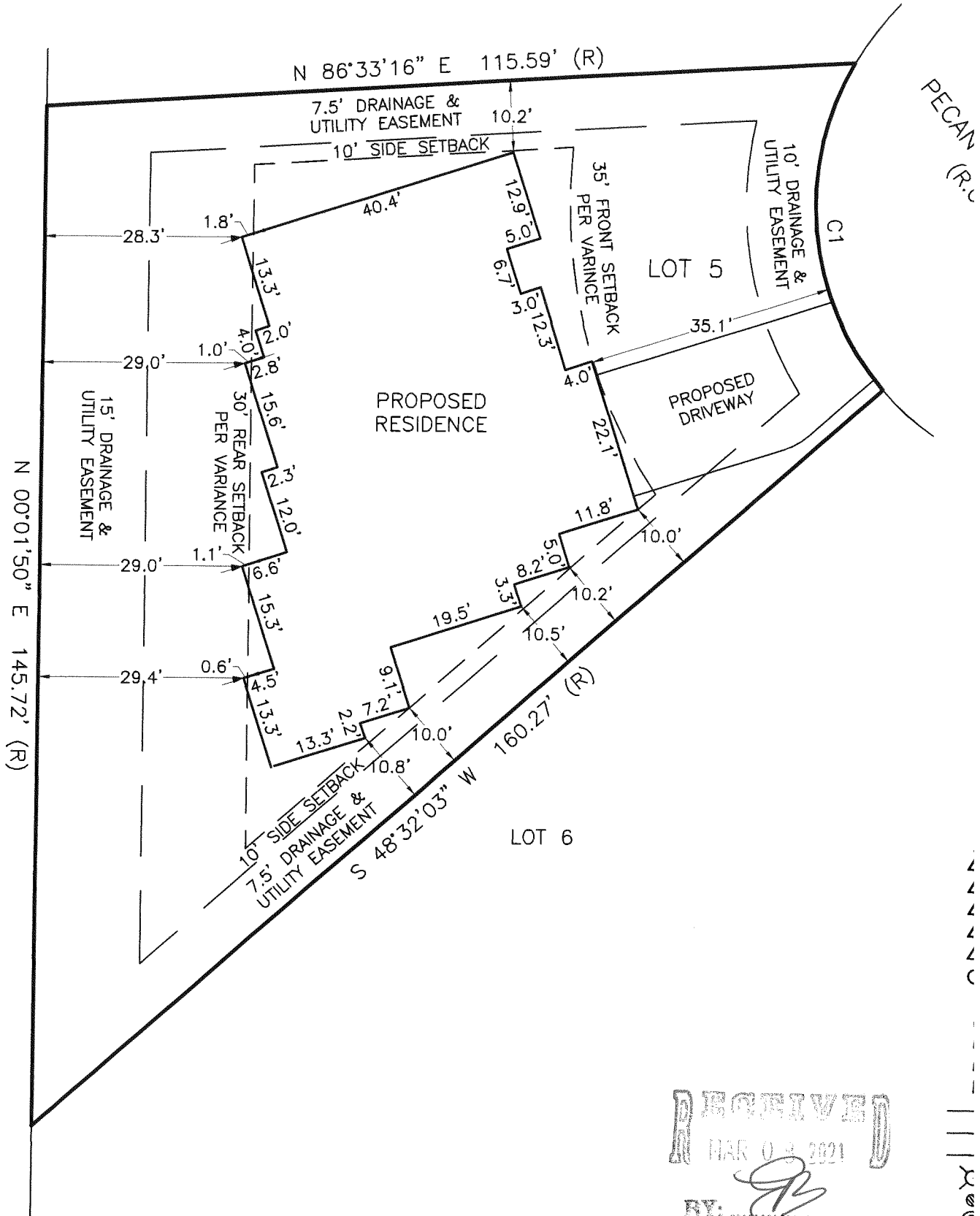
I now have buyers that have gone to the expense of having an architect design and place their plan on the lot, but need a variance of two feet to the rear setback line from 30 ft to 28 ft to make the plan work. The rear of the property abuts directly to 32 acres of wooded farmland.

X 
Belforest Estates LLC, Harold Thompson-Pres.

RECEIVED
MAR 03 2021
BY: 

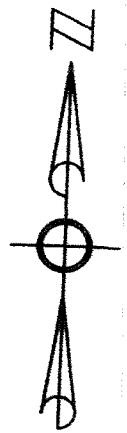
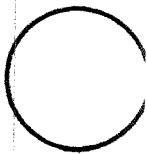
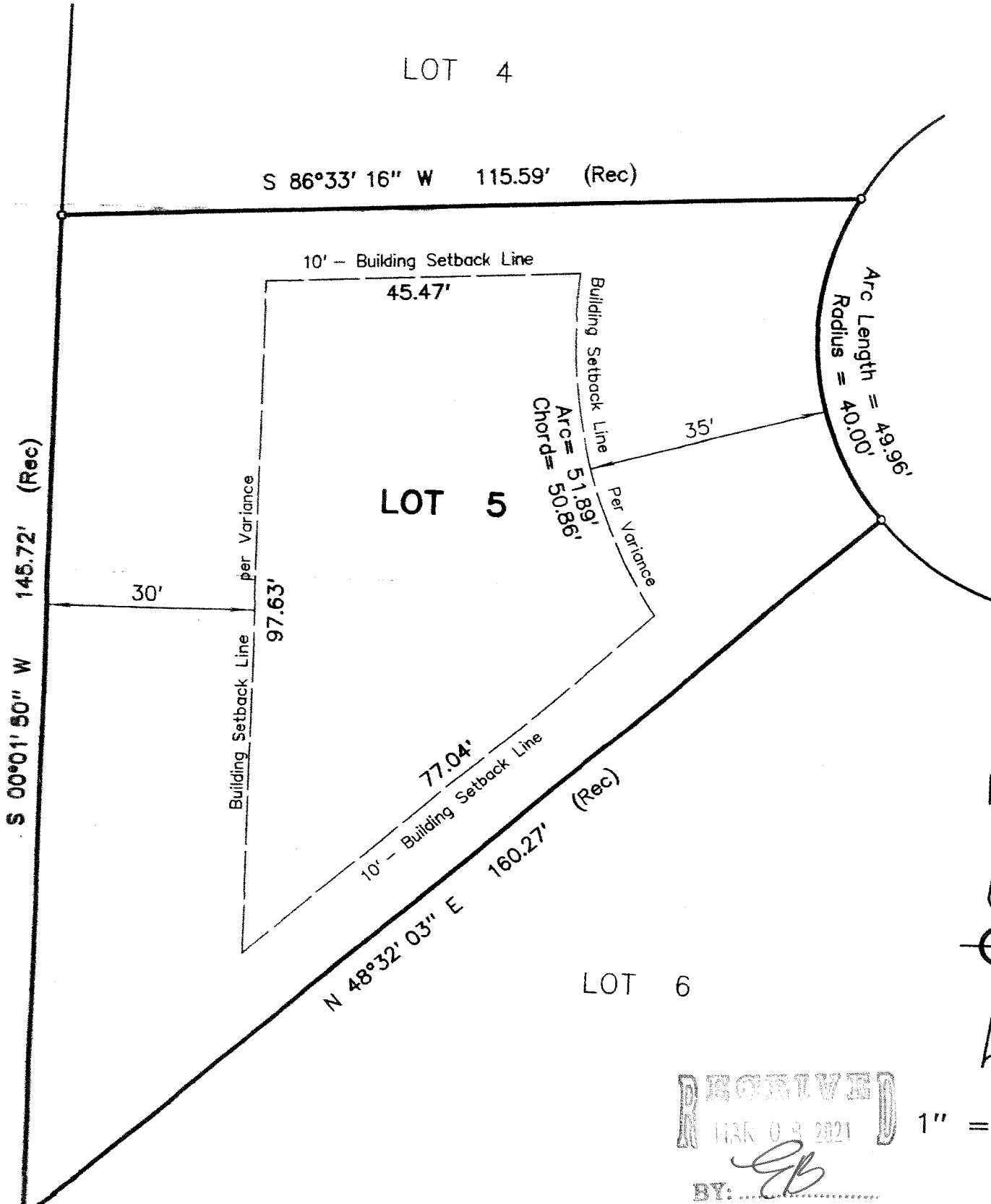
CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	49.95' (R)	40.00' (R)	46.77' (R)	S 05°41'07" E (R)

LOT 4



RECEIVED
 MAR 0 3 2021
 BY: *[Signature]*

PECAN RIDGE - LOT 5



RECEIVED
MAR 09 2021

BY: *EB*

1" = 20'



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

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

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

Harold Thompson
Signature of Applicant or Authorized Agent

3.5.2021
Date of Application

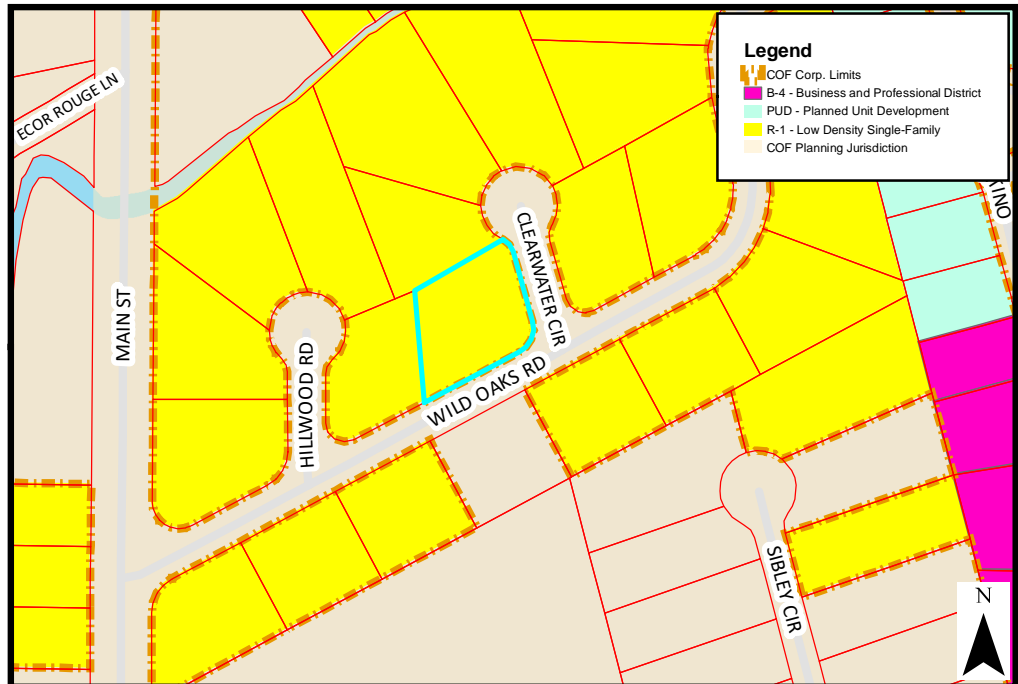
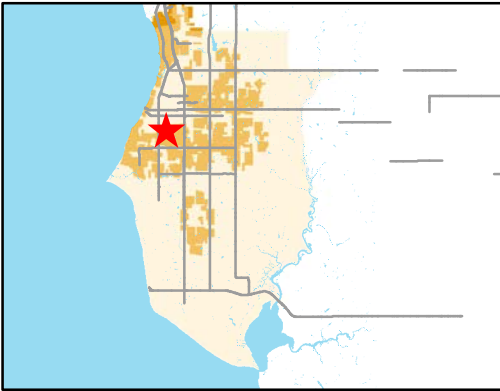
RECEIVED
MAR 03 2021
BY: EB

City of Fairhope Board of Adjustment and Appeals

April 19, 2021



BOA 21.05 - 7275 Wild Oaks Drive



Project Name:

7275 Wild Oaks Drive

Application Type:

Variance

Variance Type:

Front Setback Variance

Jurisdiction:

City of Fairhope

Zoning District:

R-1, Low Density Residential District

PPIN Number:

51895

General Location:

Northwest corner of Wild Oaks Rd and Clearwater Circle

Surveyor of Record:

Geo Surveying

Engineer of Record:

Owner / Applicant:

Justin Chappell

Recommendation:

Denial

Prepared by:

Samara Walley





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: Administrative Appeal Special Exception Variance

Property Owner / Leaseholder Information		
Name: <u>JUSTIN CHATTELL</u>	Phone Number: <u>251-424-7317</u>	
Street Address: <u>7275 WILD OAKS RD.</u>		
City: <u>FAIRHOPE</u>	State: <u>AL</u>	Zip: <u>36532</u>

Applicant / Agent Information		
If different from above. Notarized letter from property owner is required if an agent is used for representation.		
Name: _____	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.

JUSTIN CHATTELL
 Property Owner/Leaseholder Printed Name

3/15/21
 Date

[Signature]
 Signature

 Fairhope Single Tax Corp. (If Applicable)



VARIANCE REQUEST INFORMATION

What characteristics of the property prevent / preclude its development?:

- Too Narrow
- Too Small
- Too Shallow
- Elevation
- Slope
- Shape
- Soil
- Subsurface
- Other (specify)

Describe the indicated conditions: NORTHEASTERN SETBACK (CLEARWATER CIRCLE) IS 35'

How do the above indicated characteristics preclude reasonable use of your land?
AS MY HOME IS ON A CORNER LOT, BOTH 35' SET BACKS PROHIBIT ME FROM BUILDING A CARPORT ON THE CLEARWATER CIRCLE SIDE (DETACHED)

What type of variance are you requesting (be as specific as possible)?
REQUEST A 10' SET BACK ON THE CLEARWATER CIRCLE SIDE IN ORDER TO CONSTRUCT A CARPORT (DETACHED)

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:	\$120	

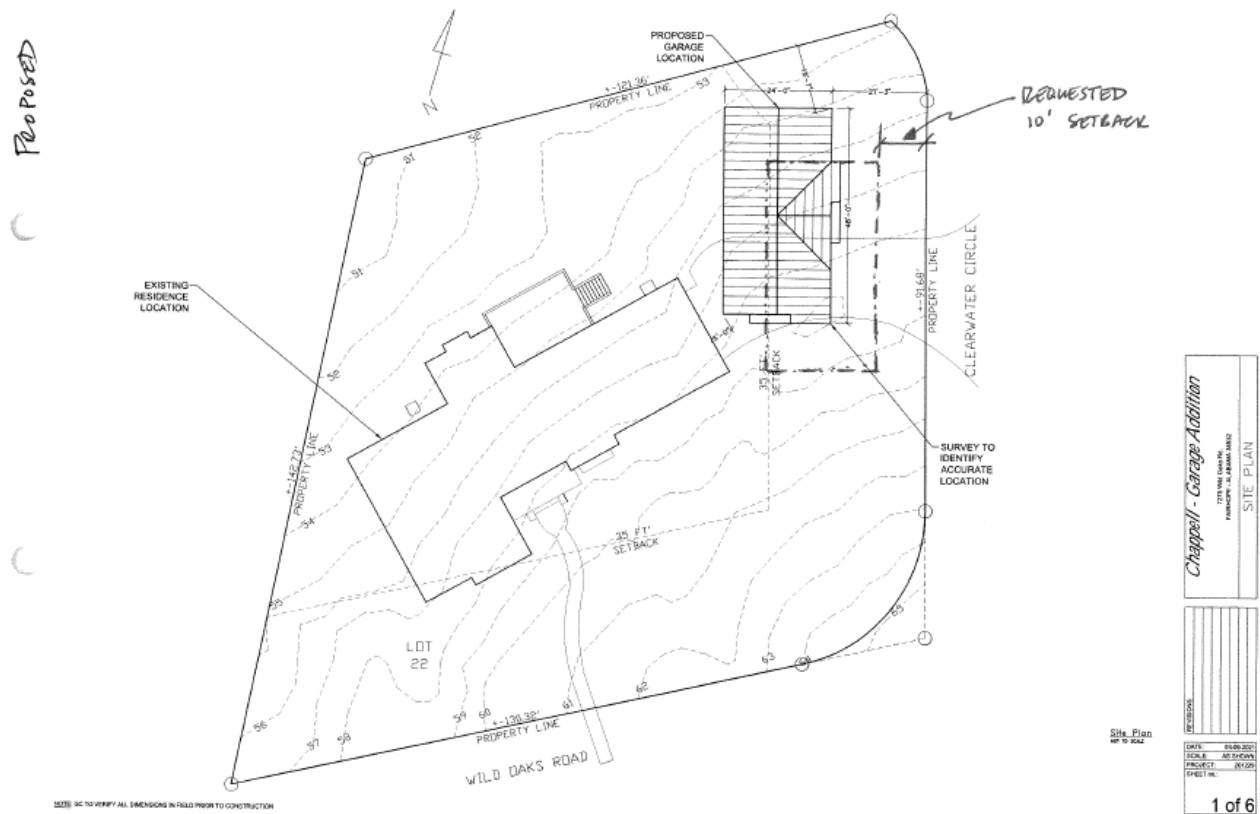
I certify that I am the property owner/leaseholder of the above described property and hereby submit this application to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

JUSTIN CHAPPEL
Property Owner/Leaseholder Printed Name
3/15/21
Date

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

The applicants, Justin and Emily Chappell, are requesting a variance to the front setback for an accessory structure on the property located at 7275 Wild Oaks Road. The property is zoned R-1 Low Density Family Residential District.

The applicants have provided a drawing illustrating a single family dwelling located at the corner of Clearwater Circle and Wild Oaks Road. It is important to note that the dwelling is situated at an angle on the lot, addressing both Clearwater Circle and Wild Oaks Road. The survey indicates a 35' setback along both street frontages. They are requesting a variance to place a three-bay accessory structure 10' from the property line along Clearwater Circle. The details indicate that the structure will be a 24' x 48' garage, storage and boat storage space with additional space for mowers and tools. The applicant states that there will be a short covered breezeway connecting the structure to the dwelling.



The Zoning Ordinance requires that accessory structures be situated no nearer that the principle structure along side streets and behind the rear building line of the principle structure.

2. Residential Accessory Structures

Table 3-3 indicates dimension requirements for residential accessory structures.

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'

*one detached garage up to 600 square feet shall be allowed for Patio/garden homes in addition to the maximum total lot coverage for other accessory structures, subject to all other accessory structure dimension standards.

It should also be noted that the Zoning Ordinance would require a 10' minimum separation from the principle structure. The drawing is not to scale and does not indicate the distance from the primary structure. Additionally, the square footage of the dwelling has not been provided. The Zoning Ordinance requires that the maximum total lot coverage by an accessory structure in an R-1 zoning district shall not exceed 25% of the required rear yard.

Staff was able to locate a historic plat of Wild Oaks Subdivision dating back to 1973. It should be noted that the property across the street to the east at 22850 Clearwater Circle has a 35' front setback as well. However, aerial imagery indicates that the house appear to encroach in the required setback and is situated approximately 20' from the front property line on Clearwater Circle.

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: The angled configuration of the existing dwelling could pose potential difficulty when seeking to place an accessory structure on the lot without encroaching in any building setbacks. The lot has two front yard setbacks of 35' and is angled on the cul-de-sac.

(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: Staff finds that the application of the ordinance, in this case, could present an unnecessary hardship. Staff does not support the placement of a structure 10' from the property line. We would be more agreeable to interpreting a street-side setback of 20'. This would be more in line with the property across the street. Additionally, accessory structures are required to be behind the rear building line of the primary structure and no nearer to the street than the principle structure on the street side.

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

Response: Staff finds that the angled orientation of the existing house on the lot and the requirement of 35' setbacks on both frontages would limit the applicant in the placement of the accessory structure as presented in this application. These conditions would, however, be considered self-imposed. Based on the findings related to the property across Clearwater Circle, Staff would support the interpretation of a 20' street side setback.

(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, if granted, would not cause any detriment to the public nor impair the intent of this ordinance. However, Staff finds that the addition of an accessory structure can be achieved without such a great encroachment in the building setback.

Recommendation:

Staff recommends DENIAL of BOA 21.05.

Zoning Ordinance Requirements:

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

Variations: 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. Variations 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 variances through Article II.A.d(3) which says the following:

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

(3) Variations - 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:

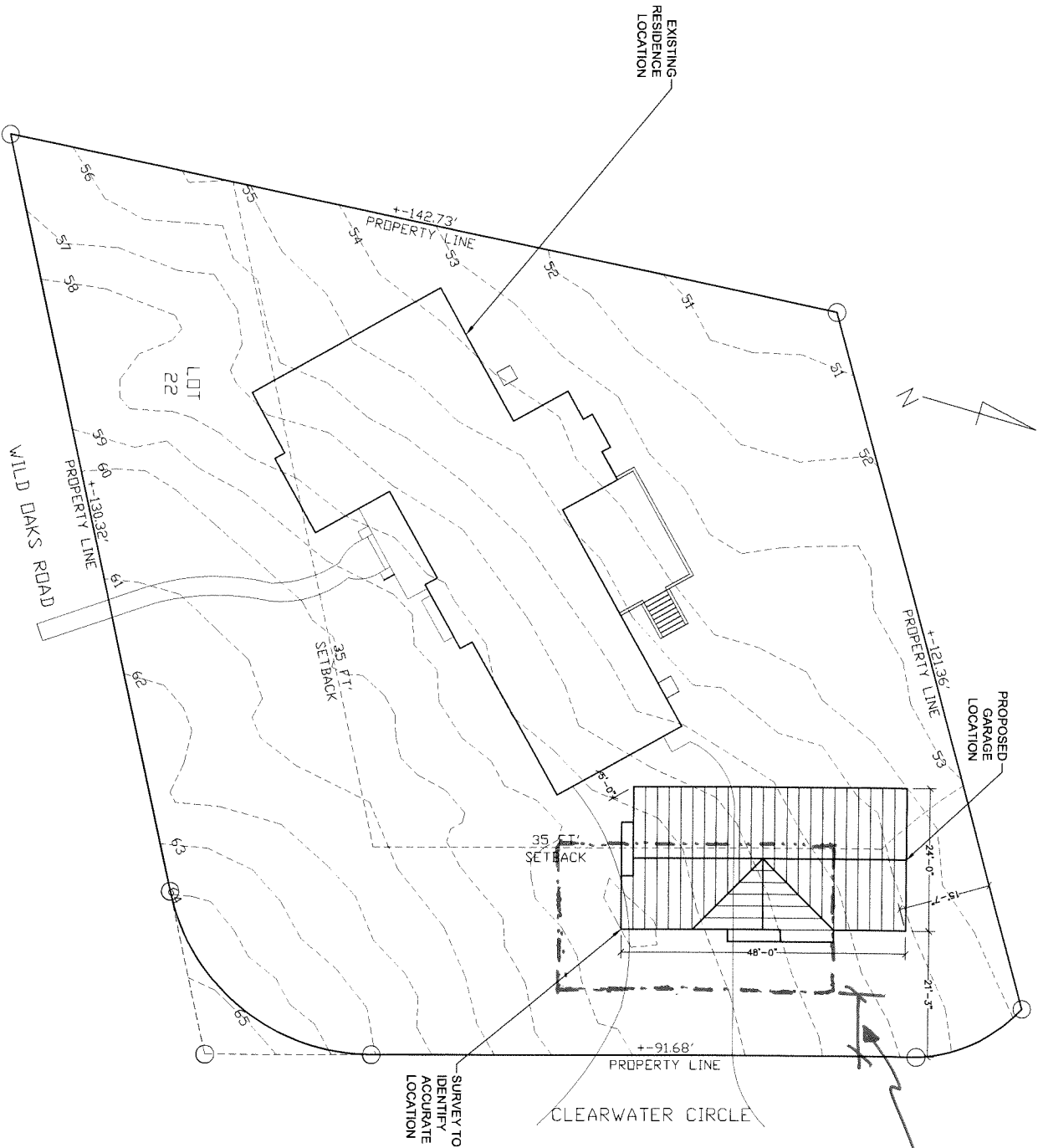
Article II.C.3.g.

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.

PROPOSED

NOTE: GO TO VERIFY ALL DIMENSIONS IN FIELD PRIOR TO CONSTRUCTION



PROPOSED GARAGE LOCATION

EXISTING RESIDENCE LOCATION

DECREASED 10' SETBACK

Site Plan NOT TO SCALE

DATE: 03-09-2021 SCALE: AS SHOWN PROJECT: 201729 SHEET NO.:	REVISIONS:	<p align="center">Chappell - Garage Addition</p> <p align="center">7275 Wild Oaks Rd. FAIRHOPE - ALABAMA 36532</p> <p align="center">SITE PLAN</p>

From: [Justin Chappell](#)
To: [Samara Walley](#)
Subject: Chappell BOA Variance Request
Date: Wednesday, April 7, 2021 11:47:45 AM

SENT FROM AN EXTERNAL ADDRESS

Good morning,

Sorry I wasn't able to get this to you yesterday, but per our conversation, please accept the following description of variance need to add to my submittal:

I, Justin Chappell, owner and resident at 7275 Wild Oaks Dr, Fairhope, am requesting a variance from the current 35' eastern setback on Clearwater Circle to a 10' setback to allow for a covered carport addition to the lot. The structure will be a three-bay carport with some additional storage for mowers, tools and the like. It will be detached from the current home with a short covered breezeway connecting both structures. Currently, I have a 35' set back on both the southern (Wild Oaks Rd) and eastern (Clearwater Circle) portions of the lot as I live on a corner lot. However, the current situation prohibits me from adding an additional structure anywhere on my lot.

I'm in need of the additional structure due to lack of storage space for items that do not belong inside of my residence. As my children grow older, I foresee the storage issue only being exacerbated. The proposed structure will be single story and match all current exterior finishes, roof pitches and architectural components on the existing home to look as it was built when the home was originally constructed. The driveway location will stay in approximately the same location as not to alter traffic and the structure will also provide some covered protection for my vehicles. Once it is completed, I feel it will add to the visual appeal of the lot and the entire street, as well as resolve my personal storage problems.

Concerning utility connections, I hope to install a new underground meter base on the proposed structure and do away with the current overhead set up. I'm also hoping to install gas service to lot and a whole house gas powered, generator. I don't foresee any issues with current underground utility main locations in regard to the proposed variance location.

Thank you in advance for your consideration.

Thanks,
-Justin Chappell
251.424.7317 (c)
chapp70@yahoo.com

ArcGIS Web Map

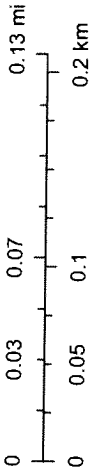


March 15, 2021

1:4,514

Zoning

- B-1 - Local Shopping District
- B-2 - General Business District
- B-3a - Tourist Resort Lodging District
- B-3b - Tourist Resort Commercial Service District
- B-4 - Business and Professional District
- M-1 - Light Industrial District
- P-1 - Parking
- PUD - Planned Unit Development

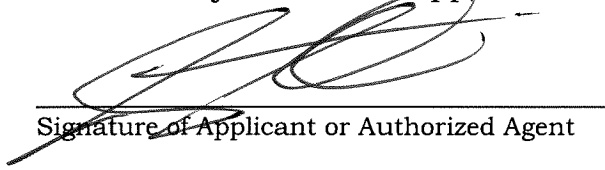




CERTIFICATION OF PROPERTY OWNER NOTIFICATION LIST
As Required by the City of Fairhope

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

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



Signature of Applicant or Authorized Agent

3/15/21

Date of Application

Case_	Owner Name	Address	Address2	Address3	City	State	Zip
BOA 21.05	ARMSTRONG, W SCOTT ETUX CAROL S	22850 CLEARWATER CIR			FAIRHOPE	AL	36532
BOA 21.05	BEISEL, JOHN T ETAL BEISEL, HELEN	22811 HILLWOOD RD			FAIRHOPE	AL	36532
BOA 21.05	CHAPPELL, JUSTIN C ETAL CHAPPELL, EMILY	7275 WILD OAKS RD			FAIRHOPE	AL	36532
BOA 21.05	COMER, JEFFREY B ETUX REBECCA BAUER	P O BOX 536			MONTRORSE	AL	36559
BOA 21.05	EVERETT, ADRIAN DANIEL ETAL EVERETT, AMB	7304 WILD OAKS RD			FAIRHOPE	AL	36535
BOA 21.05	GRIEVES, JAY J ETAL GRIEVES, JESSICA L	22841 HILLWOOD RD			FAIRHOPE	AL	36532
BOA 21.05	GRONER, FRANK SHELBY III ETAL GRONER, PA	P O BOX 975			MONTRORSE	AL	36559
BOA 21.05	HANNON, PAUL J JR ETAL HANNON, STEPHANY	7318 WILD OAKS RD			FAIRHOPE	AL	36532
BOA 21.05	HENLEY, STEVE A ETUX LYDIA	7230 WILD OAKS RD			FAIRHOPE	AL	36532
BOA 21.05	KERN, THOMAS W ETAL KERN, ARLA K	7329 WILD OAKS RD			FAIRHOPE	AL	36532
BOA 21.05	NEAL, RONALD SAM ETAL NEAL, MARIE HANSON	P O BOX 340			MONTRORSE	AL	36559
BOA 21.05	RAY, LAURA SUSAN ETAL LEAK, DELENE	P O BOX 762			MONTRORSE	AL	36559
BOA 21.05	REASON, COLIN R ETAL ODELL, TERI I	7315 WILD OAKS ROAD			FAIRHOPE	AL	36532
BOA 21.05	RIEMER, MARY LOU	7312 WILD OAKS RD			FAIRHOPE	AL	36532
BOA 21.05	ROBSON, JAMES T JR	7323 WILD OAKS RD			FAIRHOPE	AL	36532
BOA 21.05	ROBSON, JAMES T JR & ESTHER E	7323 WILD OAKS RD			FAIRHOPE	AL	36532
BOA 21.05	SPRAYBERRY, STEVEN ETAL SPRAYBERRY, KIMB	22775 SIBLEY CIR			FAIRHOPE	AL	36532
BOA 21.05	STAEBLER, SPIKE ETAL STAEBLER, JODEE	2220 GRANDE AVE SE			CEDAR RAPIDS	IA	52403
BOA 21.05	STUART, DEENA AS TRUSTEE OF THE ROBERT D	7260 WILD OAKS RD			FAIRHOPE	AL	36532
BOA 21.05	THOMPSON, WILLIAM PUFFER JR ETAL THOMPSON	22851 CLEARWATER CIR			FAIRHOPE	AL	36532
BOA 21.05	THOMPSON, ROBERT H IV ETUX ELIZABETH	30026 DOLIVE RD			SPANISH FORT	AL	36527
BOA 21.05	TONORE, EDWARD E JR	4 MOLOKAI LN			FAIRHOPE	AL	36532
BOA 21.05	UPTON, ROBERT III ETAL UPTON, AMY	22821 HILLWOOD RD			FAIRHOPE	AL	36532

From: [Hunter Simmons](#)
To: [Samara Walley](#); [Carla Davis](#)
Subject: FW: Requested Variance for Front Setback; Case #BOA 21.05
Date: Monday, April 12, 2021 8:20:45 AM

Not sure who has this case, but please put print copy in folder and digital copy in appropriate place. Include in packet as well since we received early enough.

From: Steve Henley <henleys36532@gmail.com>
Sent: Sunday, April 11, 2021 8:01 PM
To: Hunter Simmons <hunter.simmons@fairhopeal.gov>
Subject: Requested Variance for Front Setback; Case #BOA 21.05

SENT FROM AN EXTERNAL ADDRESS

Mr. Simmons:

We wholeheartedly support the approval of the variance requested by Justin and Emily Chappell and strongly urge the Board of Adjustment's approval of the same.

Respectfully,

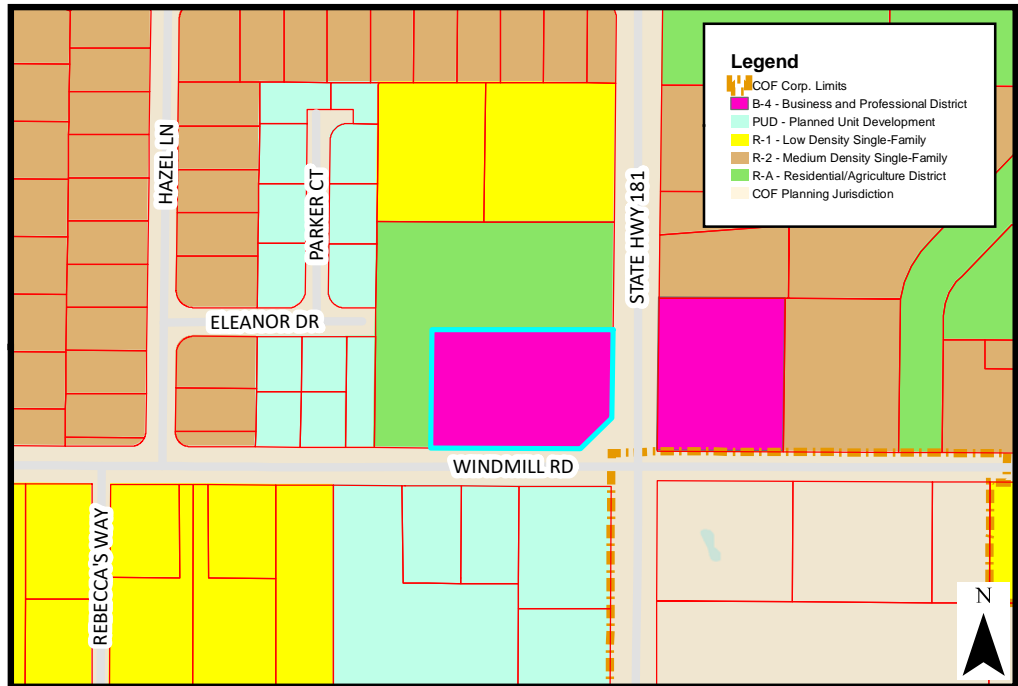
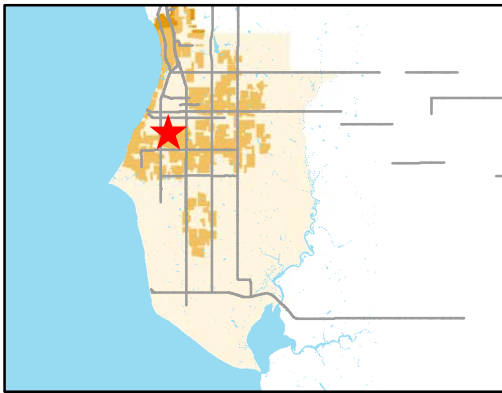
Steve & Lydia Henley
7230 Wild Oaks Road

City of Fairhope Board of Adjustment and Appeals

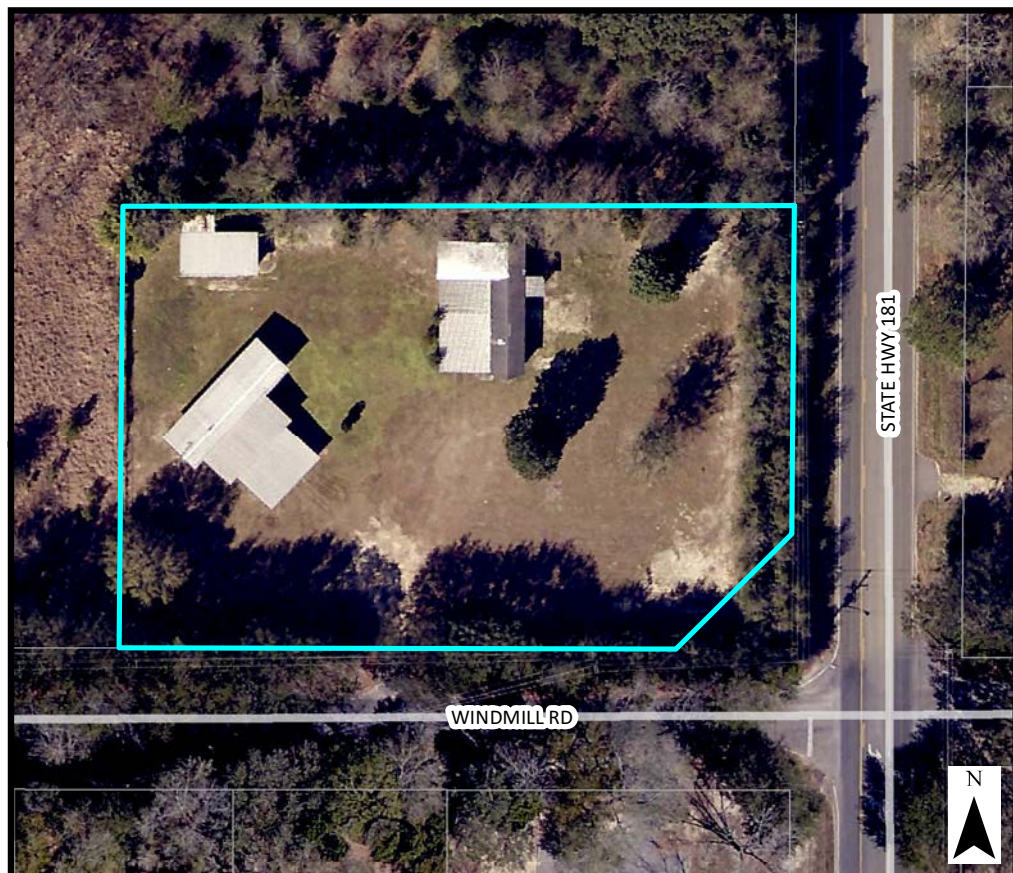
April 19, 2021



BOA 21.06 - 9979 Windmill Road



Project Name:	9979 Windmill Road
Application Type:	Variance
Variance Type:	Parking Variances
Jurisdiction:	City of Fairhope
Zoning District:	B-4, Business and Professional Distict
PPIN Number:	77607
General Location:	Northwest corner of Windmill Road and Highway 181
Surveyor of Record:	
Engineer of Record:	S.E. Civil
Owner / Applicant:	FST Provision Investments, LLC
Recommendation:	Denial
Prepared by:	Samara Walley





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: Administrative Appeal Special Exception Variance

Property Owner / Leaseholder Information

Name: FST Provision Investments, LLC Phone Number: 251-929-9006
 Street Address: 2210 Main Street, Unit H
 City: Daphne State: AL Zip: 36526

Applicant / Agent Information

If different from above.
 Notarized letter from property owner is required if an agent is used for representation.

Name: SE Civil, LLC Phone Number: 990-6566
 Street Address: 880 Holcomb Blvd Suite 2F
 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

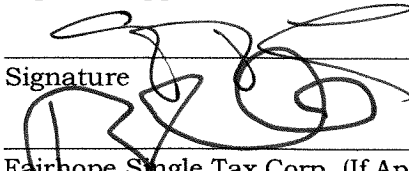
Applications for Administrative Appeal or Special Exception:

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.

Geoff Lane
Property Owner/Leaseholder Printed Name

3/3/21
Date


 Signature
 Fairhope Single Tax Corp. (If Applicable)

RECEIVED
 MAR 03 2021
 BY: EB



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 the type of business we are requesting a variance from zoning ordinance requirements of maximum parking and the requirement for compact parking.

How do the above indicated characteristics preclude reasonable use of your land?
Our firm has company vehicles. These vehicles take up needed parking spaces. Also the two businesses going into the building are an engineering company and development company. Pretty much all of our employees and most of our clients drive trucks.

What type of variance are you requesting (be as specific as possible)?
Variance from Article V Sec.E.3 requiring between 30-40% to allow no compact parking.
Variance from Article V Sec.E.4.c (1) and (2) allowing over 20% more parking and reducing the amount of pervious surface area required.

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:	\$ 520.00	

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.

Geoff Lane
 Property Owner/Leaseholder Printed Name

3/3/21
 Date

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

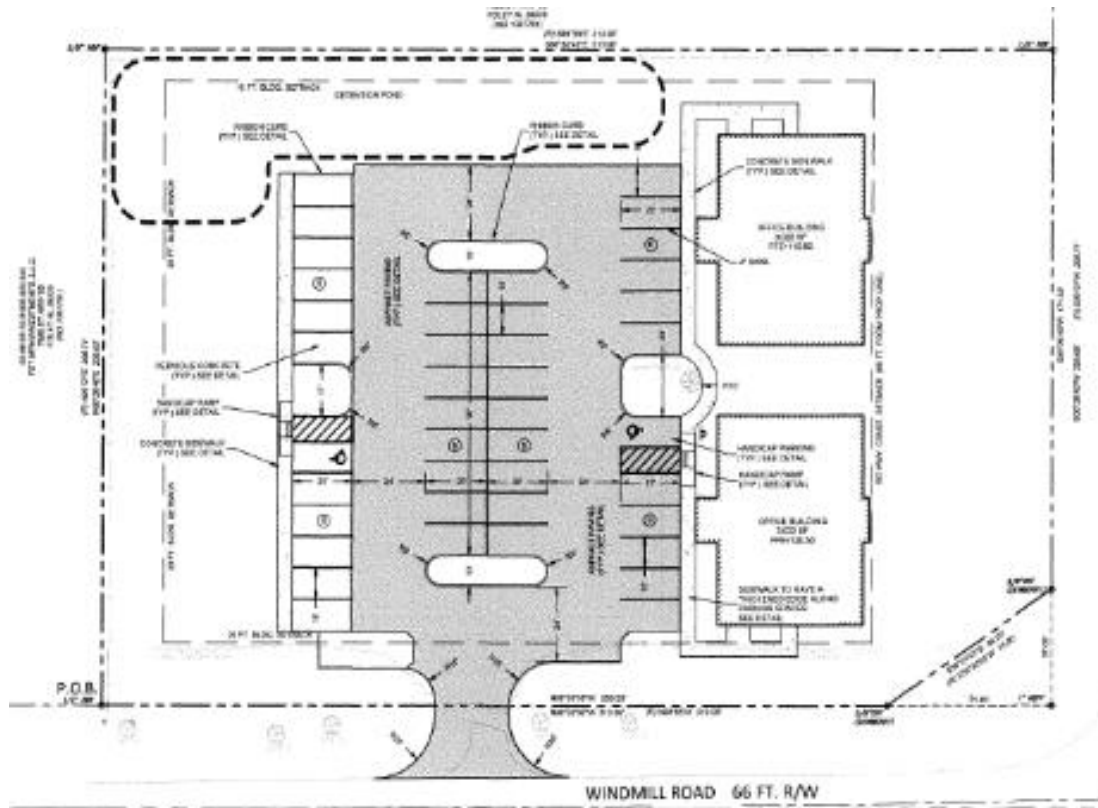
The applicant, FST Provision Investments, LLC, are requesting a variance to the parking requirements at 9979 Windmill Road. The property is zoned B-4 General Business and Professional District. The applicant is being represented by Larry Smith of S.E. Civil.

In the narrative submitted to Staff indicated that the applicant is requesting a variance from the maximum allowable parking, the compact parking requirement, and the requirement that all parking over the required amount be pervious.

Article VI, Section E. 2. Table 4-3 – Parking Schedule requires the following for businesses:

<i>Businesses:</i>		
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
	over 5000 square feet of floor area --	same as above plus 1 parking space for each additional 200 square feet

The site plan illustrates two office buildings. Both are 3,022 square feet. The total parking required would be 22 parking spaces. The site plan provides 42 parking spaces. The applicant states that the company will be located in the northern building. There will be 17 employees plus 5 company vehicles that will remain in the lot overnight. This brings the total for one building to



22 parking spaces and does not include any potential visitors.

Article IV, Section E.3.a. Compact Car Requirement “Compact car parking spaces shall be a minimum of 30% of the required parking spaces and no more than a maximum of 40% of the required parking spaces. Compact car spaces shall be grouped together to the greatest extent possible. Compact car spaces shall be designated by paint at the entrance of the parking stall.” The applicant argues that because this will be a development and engineering company, there is not a demand for compact parking spaces. It is stated that currently, the primary vehicles used are trucks and SUVs with only one employee who drives a car that could fit a compact space.

Lastly, the applicant states that the majority of the existing parking will be pervious. 12 of the 42 parking spaces have been designated as pervious. According to *Article IV, Section E.4.c.(2)*., “Any parking provided that is more than the parking required by Table 4-3 shall be designed with a pervious surface approved by the City.” According to this requirement, 20 parking spaces would be required to be pervious.

Analysis and Recommendation: Variance Criteria

Below are the criteria for a variance request per the City of Fairhope’s Zoning Ordinance.

- (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.*

Staff finds that this criteria is not appropriate for the review of an application of this type. These four points deal specifically with the land itself. Additionally, the applicant has not presented a substantial hardship that would justify the request for nearly double the maximum allowable parking.

Summary

The applicant is requesting a variance to allow parking that exceeds the maximum requirement, the elimination of compact car parking, and fewer pervious parking spaces in a B-2 zoning district. The Zoning Ordinance would require the following for the subject property:

- 22 parking spaces
- 30% of the 22 required should be compact.
- Any parking that exceeds the required 22 parking spaces should be pervious.

The Zoning Ordinance does not currently have a mechanism to review a case of this nature involving parking. A variance, in this case, is not an appropriate request. A special exception would seemingly be more appropriate. However, at this time, the Zoning Ordinance does not address criteria for a special exception for parking.

Recommendation:

Staff recommends DENIAL of BOA 21.06

Zoning Ordinance Requirements:

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

Variations: 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. Variations 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 variances through Article II.A.d(3) which says the following:

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

(3) Variations - 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.



PARKING DATA	
PARKING REQUIREMENT	SPACES
OFFICE A - 3,022 SF (1 SPACE/200SF) = 0 TO 400 SF = 4 SPACES 400 TO 3,022 SF = 1 SPACE / 400 SF = 7 SPACES	11
OFFICE B - 3,022 SF (1 SPACE/200SF) = 0 TO 400 SF = 4 SPACES 400 TO 3,022 SF = 1 SPACE / 400 SF = 7 SPACES	11
TOTAL REQUIRED =	22
TOTAL PROVIDED =	42

LAND USAGE		
DESCRIPTION	AREA	% OF PROPERTY AREA
PROPERTY AREA	1.476 ACRES	--
BUILDING AREA (UNDER ROOF)	0.204 ACRES	13.82%
IMPERVIOUS PAVING	0.427 ACRES	28.93%
PERVIOUS PAVING	0.057 ACRES	3.86%
GRASSED/LANDSCAPED AREA	0.788 ACRES	53.39%

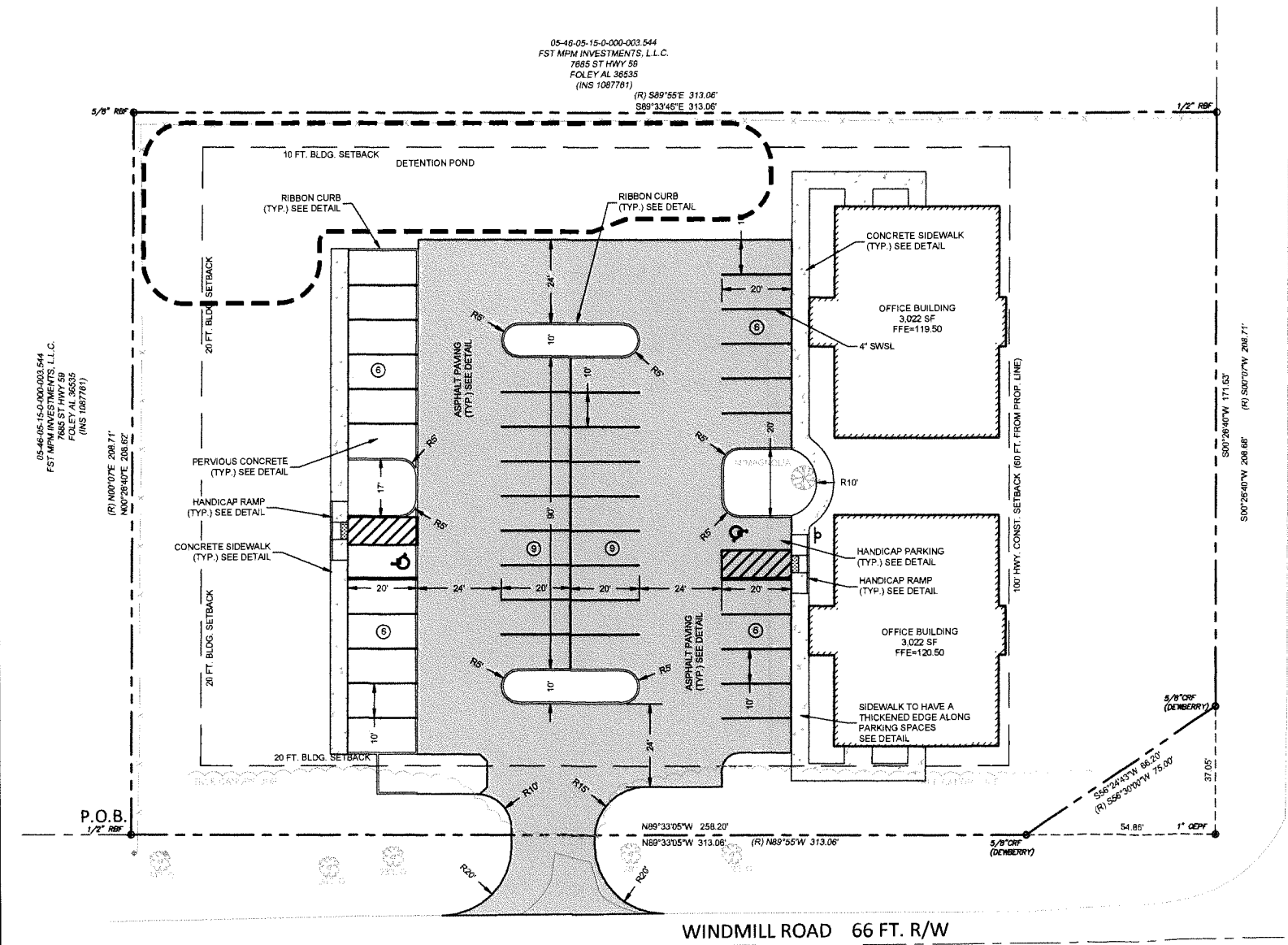
SITE ANALYSIS		
SITE ACREAGE (PROPOSED)	BUILDING HEIGHT	BUILDINGS (UNDER ROOF)
±1.48 AC (64,304 SF)	23 FT	6,044 SF
REQUIRED PARKING 22 SPACES (SEE PARKING DATA)	PROVIDED PARKING 42 SPACES	
JURISDICTION CITY OF FAIRHOPE	ZONING B-4	
IMPERVIOUS AREA 0.527 AC (22,736 SF)	PERVIOUS AREA 0.949 AC (41,274 SF)	
BUILDING SETBACKS: FRONT YARD: SIDE YARD: REAR YARD:	REQUIRED: 60 FT H.C.S.* 10 FT 20 FT	
MAXIMUM BUILDING HEIGHT:	30'	
MAX. GROUND COVERAGE RATIO:	N/A	
MAX. DENSITY:	N/A	

SITE PLAN NOTES

- ALL WORK AND MATERIALS SHALL COMPLY WITH THE CITY OF FAIRHOPE REGULATIONS AND CODES AS WELL AS O.S.H.A. AND A.D.O.T. STANDARDS.
- ALL ISLANDS WITH CURB & GUTTER SHALL BE LANDSCAPED.
- ALL CURBED OR STRIPED RADII ARE TO BE 4' UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN THE BASE BID.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED FOR SITE WORK. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
- THE SURVEY OF EXISTING CONDITIONS IS SHOWN WITHIN THESE PLANS. ALL EXISTING CONDITIONS SHALL BE VERIFIED TO BE TRUE AND ACCURATE PRIOR TO BEGINNING WORK.
- REFER TO THE LANDSCAPING PLANS FOR PLANTING LOCATIONS AND ISLAND DETAILS.
- PAINTED STRIPING SHALL BE BRIGHT AND CLEAR. STRIPES SHALL BE PER PLAN AND PAINTED ON CLEAN ASPHALT OR CONCRETE.
- CURBING SHALL BE FORMED AND POURED CONCRETE UNLESS OTHERWISE DETAILED WITHIN THE DRAWINGS. CONCRETE FOR CURBING SHALL BE 3000 PSI.
- HANDICAP RAMP AND PARKING STALLS SHALL BE PER ADA REQUIREMENTS AND LOCAL REGULATIONS.
- THIS SITE IS ZONED B-4.
- TOTAL SITE ACREAGE = 1.48 ACRES.
- NOTIFY CITY OF FAIRHOPE INSPECTIONS 24 HOURS BEFORE THE BEGINNING OF EVERY PHASE OF CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED GOVERNMENTAL INSPECTIONS.
- A COPY OF THE APPROVED LAND DISTURBANCE PLAN AND PERMIT SHALL BE PRESENT ON SITE WHENEVER LAND DISTURBANCE ACTIVITY IS IN PROGRESS.
- CONSTRUCTION EQUIPMENT SHALL NOT BE PARKED IN REQUIRED R.O.W. AND MUST BE STORED WITHIN THE SITE.
- DURING CONSTRUCTION, ACCESS ROADWAYS CONSTRUCTED OF AN ALL WEATHER SURFACE CAPABLE OF SUPPORTING 75,000 POUNDS GROSS WEIGHT SHALL BE PROVIDED. THE WIDTH OF THE ACCESS ROADWAY, DURING CONSTRUCTION, SHALL BE 20 FT PER STANDARD FIRE PREVENTION CODE, LATEST EDITION.
- ALL NON-HANDICAP PARKING SPACE LINES WILL BE WHITE.
- ALL TRAFFIC CONTROL SIGNS AND MARKINGS USED ON THE SITE WILL CONFORM WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), FHWA, LATEST EDITION. REFERENCE THE SIGN CODES CONTAINED IN THE MUTCD FOR ALL TRAFFIC CONTROL SIGNS. NOTE THE COLOR AND SIZE OF ALL PAVEMENT MARKINGS, REFERENCING DETAILS IN A.D.O.T.'S ROADWAY AND TRAFFIC DESIGN STANDARDS WHERE APPLICABLE.
- NO "PROTECTED TREES" WILL BE REMOVED, DESTRUCTIVELY DAMAGED, MUTILATED, RELOCATED, DISFIGURED, DESTROYED, CUT DOWN, OR EXCESSIVELY PRUNED DURING CONSTRUCTION ACTIVITIES.
- FIRE LANES AND SIGNAGE TO MEET REQUIREMENTS OF NFPA 1 CHAPTER 18.
- THE CONTRACTOR SHALL FAMILIARIZE THEMSELVES WITH ALL OF THE EXISTING CONDITIONS AT THE SITE, INCLUDING UTILITIES, SURFACES, ETC. AND SHALL BE FULLY RESPONSIBLE FOR ANY DAMAGES THEY CAUSE TO NEW AND EXISTING CONSTRUCTION, PROPERTY AND ANY UNAUTHORIZED DISRUPTION TO UTILITIES ON SITE AND TO ADJACENT PROPERTIES.
- PRIOR TO CONSTRUCTION, EXISTING UTILITIES AT PROPOSED CONNECTIONS AND CROSSINGS SHALL BE FIELD EXCAVATED TO VERIFY LOCATIONS, ELEVATION AND SIZE. NOTIFY THE ENGINEER IMMEDIATELY WITH ANY DEVIATIONS OR CONFLICTS.
- CONTRACTOR SHALL REFER TO THE ARCH. PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF EXIT PORCHES, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
- THE DIMENSIONS SHOWN ARE TO THE FACE OF BUILDING UNLESS OTHERWISE NOTED.
- REFER TO STRUCTURAL PLANS FOR THE COLUMN GRID LAYOUT AND INFORMATION REQUIRED TO LAYOUT THE BUILDING WITHIN THE FOUNDATIONS.



SITE PLAN



ALABAMA HIGHWAY 181
(A.K.A. CO RD 27) (A.K.A. BELFLOREST RD.)
80 FT. R/W

SITE PLAN LEGEND

EXISTING	PROPOSED
	TRAFFIC CONTROL ARROW
	CURB & GUTTER
	RIBBON CURB
	STANDARD PARKING QUANTITY
	ACCESSIBLE PARKING SPACE
	GRAVEL PAVING
	CONCRETE PAVING
	ASPHALT PAVING

X' SYSL - X' WIDE SINGLE YELLOW SOLID LINE
X' DYSL - X' WIDE DOUBLE YELLOW SOLID LINE
X' WSLS - X' WIDE SINGLE WHITE SOLID LINE



RECEIVED
MAR 08 2021

BY:

DIVISION OF LOT 7 OF THE DORIS MANIFOLD ESTATE
SLIDE 2116-C

LOT 8
05-46-05-22-0-000-001.594
FST MANIFOLD, BENJAMIN LAWRENCE ETUX
MIA
8940 WINDMILL RD
FAIRHOPE AL 36532
(INS 1779583)

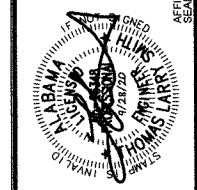
LOT 9
05-46-05-22-0-000-001.516
FST MANIFOLD, SIMONE M
MIA
9950 WINDMILL ROAD
FAIRHOPE AL 36532
(INS 741979)

MOOREHAVEN VILLAGE
SLIDE 2162-E

LOT 2
05-46-05-22-0-000-001.695
FST MASON, DON E ETUX BARBARA G
MIA
5 COLONEL WINK DR
GULFPORT MS 39047
(INS 1388762)

05-46-05-23-0-000-009.0
WALKER, LINDA R
8800 McRORY AVE
FAIRHOPE AL 36552

Windmill Professional Park
Windmill Road
Fairhope, Alabama



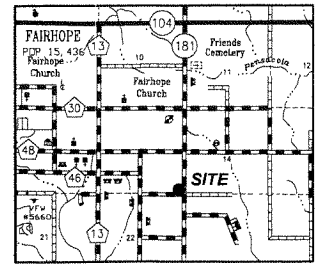
JOB No. 20200798 DATE 9/28/20
DRAWN TJS SCALE 1"=20'

SHEET C01

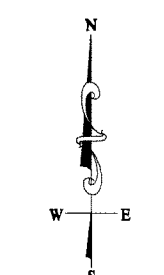
PROPERTY IS LOCATED IN SECTION 15, TOWNSHIP 06 SOUTH,
RANGE 02 EAST, BALDWIN COUNTY, ALABAMA.

LEGEND:

- CRS ● = CAPPED REBAR SET (CA-1109-LS)
- OEFP ● = OPEN END IRON PIPE FOUND
- RFB ● = REBAR FOUND
- = TEMPORARY BENCH MARK
- (R) = RECORD DEED BEARING AND DISTANCE
- CPP = CORRUGATED PLASTIC PIPE
- R/W = RIGHT OF WAY
- ⊠ = GAS METER
- ⊞ = POWER POLE
- ⊟ = WOOD POST
- ⊠ = MAILBOX
- ⊞ = WATER VALVE
- = OVERHEAD POWER LINE
- = 4" CHAIN LINK FENCE
- = BARB & HOG WIRE FENCE
- = BREAK LINE
- = CONCRETE
- = ASPHALT
- = OAK TREE
- ⊗ = MAGNOLIA TREE



VICINITY MAP
1" = 1 MILE



SURVEYOR'S NOTES:

1. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
2. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
3. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
4. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
5. SURVEY WAS CONDUCTED ON MARCH 25TH, 2019, AND IS RECORDED IN FIELD BOOK #322, AT PAGE 53, AND IN AN ELECTRONIC DATA FILE.
6. BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE GRID COORDINATES ALABAMA WEST ZONE 0102 (NAD 83 DATUM).
7. ALL GPS OBSERVATIONS WERE TAKEN USING REAL TIME KINEMATIC GPS.
8. THIS SURVEY IS BASED UPON MONUMENTATION FOUND IN PLACE AND DOES NOT PURPORT TO BE A RETRACEMENT AND PROPORTIONING OF THE ORIGINAL GOVERNMENT SURVEY.
9. IMPROVEMENTS MAY BE EXAGGERATED FOR CLARITY.

FLOOD CERTIFICATE:

THIS PROPERTY LIES WITHIN ZONE "X" (UNSHADED) AS SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA, MAP NUMBER 01003C065L, COMMUNITY NUMBER 010006, PANEL NUMBER 0685, SUFFIX L, MAP REVISED DATE JULY 17, 2007.

SURVEYOR'S CERTIFICATE:

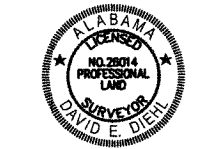
STATE OF ALABAMA
COUNTY OF BALDWIN
WE, DEWBERRY, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO-WIT:

LOT ONE (1), UNIT THREE (3), PECAN ORCHARD SUBDIVISION, AS PER ITS PLAT FILED FOR RECORD IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA IN MAP BOOK 11, PAGE 70; SECTION 15, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, LESS AND EXCEPT LANDS HERETOFORE CONVEYED TO BALDWIN COUNTY, ALABAMA BY THAT RIGHT-OF-WAY DEED, RECORDED IN DEED BOOK 149, PAGE 263, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LANDS SURVEYED BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, UNIT 3, PECAN ORCHARD SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED IN MAP BOOK 11, PAGE 70, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 02°26'40" EAST, A DISTANCE OF 208.62 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN SOUTH 89°33'46" EAST, A DISTANCE OF 313.08 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 AND THE WEST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN SOUTH 02°26'40" WEST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA HIGHWAY 181, A DISTANCE OF 171.83 FEET; THENCE RUN SOUTH 58°24'43" WEST, A DISTANCE OF 66.20 FEET TO THE NORTH RIGHT-OF-WAY OF WINDMILL ROAD; THENCE RUN NORTH 89°33'05" WEST, ALONG THE NORTH RIGHT-OF-WAY OF SAID WINDMILL ROAD, A DISTANCE OF 258.20 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 1.48 ACRES, MORE OR LESS, AND LIES IN SECTION 15, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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.

David E. Diehl 4-09-2019
DATE
DAVID E. DIEHL AL. P.L.S. NO. 28014
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.

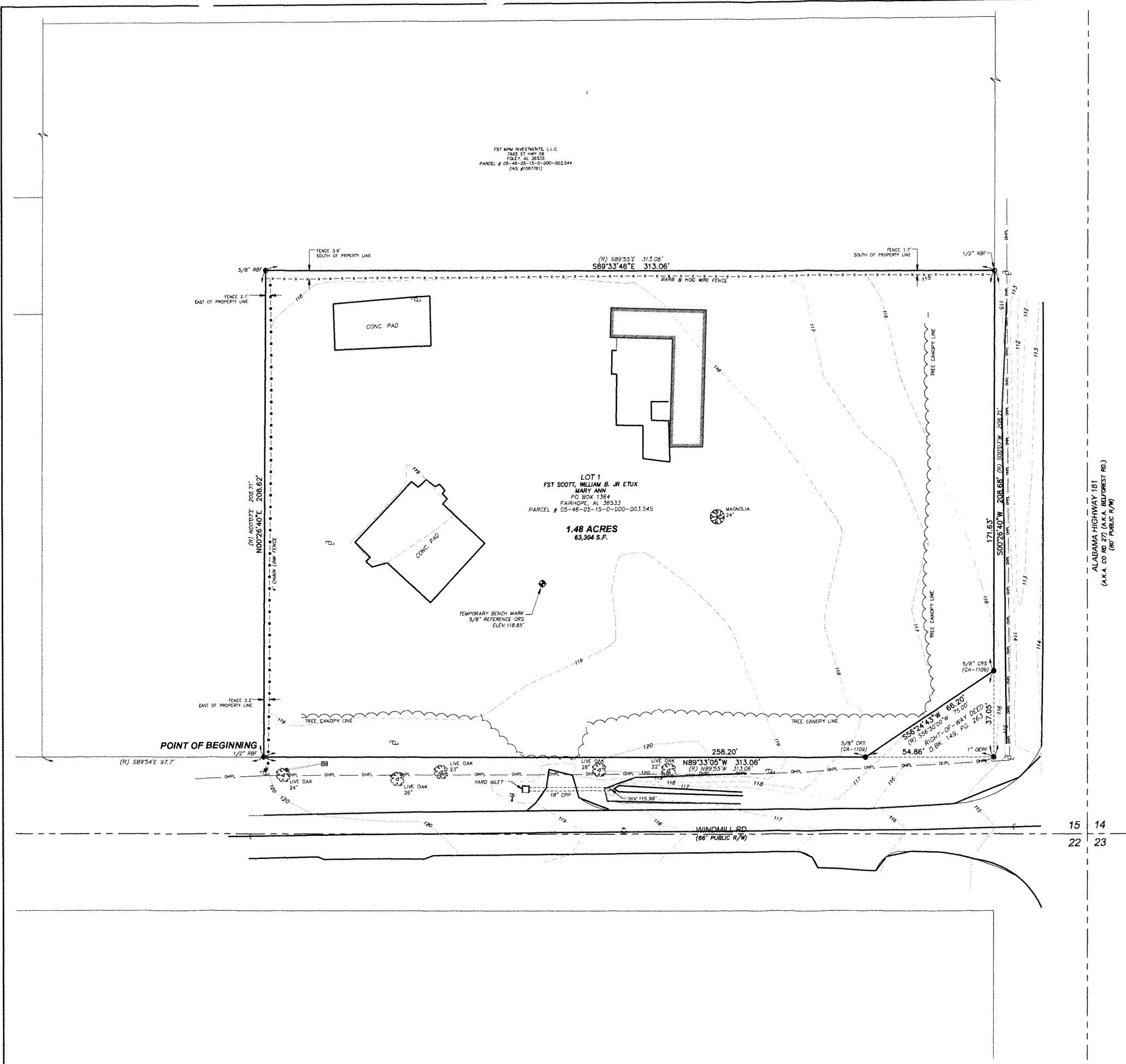


REVISIONS	ISSUE DATE	FIELD DATE	FIELD BOOK & PAGE

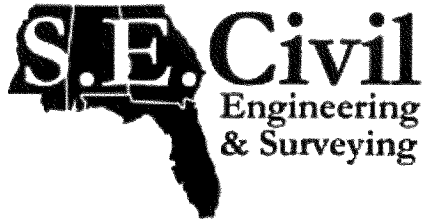
RECEIVED
MAR 03 2021
BY: *EB*

BOUNDARY AND TOPOGRAPHIC SURVEY
PROVISIONS INVESTMENT, LLC
Dewberry
2383 Finesher Road
Daphne, Alabama 36626
Phone: 256.266.5500
www.dewberry.com
CERTIFICATE OF AUTHORIZATION #1199

DATE: 04/09/2019
SCALE: 1" = 20'
DRAWN BY: VLG
CHECKED BY: JAF
SEC 15, T-6-S, R-2-E
BALDWIN COUNTY, ALABAMA
PROJECT# 50113071
REF#
DWG# 50113071.DWG
SHEET NO. 1 OF 1



15 14
22 23



March 3, 2021

Hunter Simmons
Planning and Zoning Director
City of Fairhope
555 S. Section Street
Fairhope, Alabama 36532

Re: Board of Adjustments – Windmill Professional Park

Dear Hunter:

This letter is to request a variance from specific parking requirements found within the zoning ordinance. Specifically, we are requesting a variance from the maximum amount of allowed parking, a variance from the requirement for compact parking, and the requirement that all additional parking over the required amount be pervious.

We are seeking the variance on the allowable parking due to the type of business we are. Our company will be located in the northern building. We currently have 15 employees and seeking to hire an additional engineer and receptionist for this new location. That will put us at 17 employees driving to work. On top of that, we have five (5) company vehicles that will remain in the parking lot overnight, putting the parking demand for just one of the two buildings and not counting visitors at 22 spaces. If we designed the parking lot to the city's standards, that would not leave any parking for the other office building.

We are also seeking a variance from the requirements of compact parking. Due to the nature of businesses going into these two buildings (engineering and development company) the primary vehicles are trucks and SUVs. Looking at our current employee car makeup, there is only one employee that drives a vehicle that would fit into a compact space.

On the last one, we are providing the majority of the additional parking as pervious, but to get the exact amount, we would have to make a small section of another parking area pervious. It is best to have this all grouped together. We currently show the far 12 parking spaces as pervious concrete.

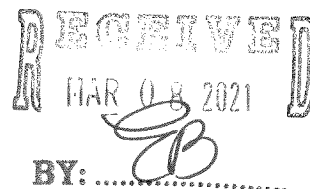
We respectfully request that the Board of Adjustments grant us relief from these sections of the Zoning Ordinance.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to be 'Larry Smith', written over a white background.

Larry Smith
larry@secivil.pro



Authorization Letter

To Whom it May Concern:

I, Geoff Lane (Provision Investments, LLC), hereby authorize
Owner of Record

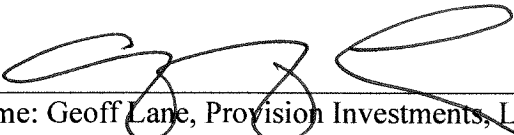
Larry Smith of S E Civil
Authorized Agent *Company*

to represent me and to act on my behalf in regard to this application for

Windmill Business Park
Type of Application or Request

This authorization shall last for a period of six months.

Sincerely,

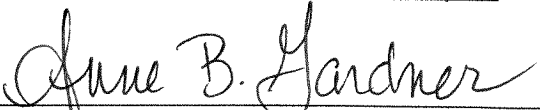

Name: Geoff Lane, Provision Investments, LLC

State of ALABAMA
County of BALDWIN

I, the undersigned Notary Public in and for said County in said State, hereby certify that Geoff LANE, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official notarial seal this 4th day of MARCH, 2021.


{SEAL}


NOTARY PUBLIC
My Commission Expires: _____

ANNE B GARDNER
Notary Public, Alabama State At Large
My Commission Expires 05/23/2022

880 Holcomb Blvd

Fairhope, Alabama 36532

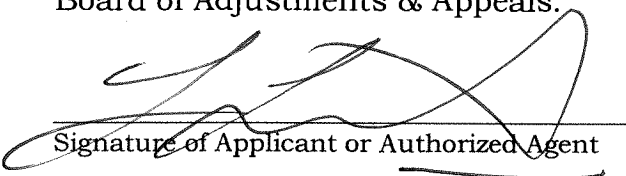
RECEIVED
MAR 08 2021 251-990-6566
BY: 




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

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

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


Signature of Applicant or Authorized Agent

3/8/21
Date of Application

RECEIVED
MAR 08 2021
BY: 

Case_	Pin	Owner Name	Address
BOA 21.06	15200	FST CLARKE, LAURA J	2029 SALT MYRTLE LN
BOA 21.06	15128	FST COUSENS, ROBERT D III	10081 WINDMILL RD
BOA 21.06	270094	FST CROWLEY, LISA M	207 ELEANOR DR
BOA 21.06	270092	FST DAVIS, CHARLES HUDSON	9891 WINDMILL RD
BOA 21.06	214076	FST ELLINGTON PLACE HOME OWNERS ASSOCIAT	105 PARKER CT
BOA 21.06	269423	FST FIELDS, GEORGE A IV	9850 WINDMILL RD
BOA 21.06	270101	FST HENDERSON, JAMES LARRY ETUX DARYL L	108 PARKER CT
BOA 21.06	270102	FST HURLBURT, PAUL ETAL HURLBURT, KIMBER	210 ELEANOR DRIVE
BOA 21.06	270096	FST JOHNSON, CANDACE D	109 PARKER CT
BOA 21.06	270093	FST JONES, JONATHAN A	1690 RENAISSANCE COMMONS BLV
BOA 21.06	254645	FST MANIFOLD, BENJAMIN LAWRENCE ETUX MIA	9940 WINDMILL RD
BOA 21.06	14991	FST MANIFOLD, SIMONE M	9950 WINDMILL ROAD
BOA 21.06	270095	FST MARQUETTE, CLAUDE J	105 PARKER CT
BOA 21.06	262315	FST MASON, DON E ETUX BARBARA G	5 COLONEL WINK DR
BOA 21.06	248182	FST MOOREHAVEN VILLAGE CONDO (MASTERCARD	
BOA 21.06	14533	FST MPM INVESTMENTS L L C	7685 ST HWY 59
BOA 21.06	254620	FST NOBLE, JON M ETAL NOBLE, SHANNON P	9890 WINDMILL RD
BOA 21.06	270089	FST PEDIGO, GARY E ETAL PEDIGO, LYNN B	9893 WINDMILL RD
BOA 21.06	77607	FST PROVISION INVESTMENTS L L C	19947 ST HWY 181
BOA 21.06	77588	FST SVENDSEN, RICHARD H JR ETAL SVENDSEN	20118 STATE HWY 181
BOA 21.06	95265	FST SWEETWATER INVESTMENTS L L C	20040 ST HWY 181
BOA 21.06	77292	FST SWEETWATER INVESTMENTS L L C	20040 ST HWY 181
BOA 21.06	214077	FST TRIPLETT, MARVIN C	20105-A ST HWY 181
BOA 21.06	270100	FST WALKER, DALE F ETAL WALKER, CONNIE M	112 PARKER COURT
BOA 21.06	30284	KNOCKOUT STORAGE L L C	19940 ST HWY 181 STE D
BOA 21.06	29835	WALKER, LINDA R	8800 MORPHY AVE

Address2

Address3

City

FLEMING ISLE

FAIRHOPE

FAIRHOPE

FAIRHOPE

FAIRHOPE

FAIRHOPE

FAIRHOPE

FAIRHOPE

FAIRHOPE

APT 1222

BOYNTON BEACH

FAIRHOPE

FAIRHOPE

FAIRHOPE

GULFPORT

FOLEY

FAIRHOPE

FAIRHOPE

FAIRHOPE

FAIRHOPE

SUITE D

FAIRHOPE

SUITE D

FAIRHOPE

FAIRHOPE

FAIRHOPE

FAIRHOPE

FAIRHOPE

