

The City of Fairhope Board of Adjustments and Appeals met on Monday, January 17, 2012 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.

Members Present: Chairperson Cathy Slagle; Anil Vira, Vice-Chair; Troy Strunk; Sam Andrews; Debra Green; Clyde Panneton; Jonathan Smith, Director of Planning and Building; and Emily Boyett, Secretary.

The meeting was called to order at 5:00 PM by Chairperson Slagle.

The minutes of the November 21, 2011 meeting were considered. Anil Vira moved to accept the minutes as written and was 2nd by Debra Green. Motion carried with one abstention by Clyde Panneton.

ZBA 12.01 Request of Jeff Jordan of Forrest Daniell and Associates for a Special Exception to allow for a Dentist Office located on the west side of N. Section Street, just north of Bayou Drive, at 303 N. Section Street.

Jonathan Smith, Director of Planning and Building, came forward and gave the Staff Interpretation.

STAFF INTERPRETATION: The subject property is zoned B-1 Local Shopping District. The applicant would like to construct a Dentist Office on the subject property at 303 N. Section Street where “The Well” gas station was previously located. In all zoning districts where a dentist office could possibly be allowed, a Special Exception is required. The use is allowed “only on appeal and subject to special conditions” as stated in Article III, Section B. Table 3-1: Use Table.

Medical related uses are encouraged in the City’s Comprehensive Plan and the proposed Dentist Office use is not out of character with the intent of the B-1 zoning district. For the B-1 district, the Zoning Ordinance notes that the district is intended “to provide for limited retail convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one (1) location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood” as stated in Article III, Section A. Propose and Intent.

The property is bordered to the north and south by B-1 property and to the east and west by R-2 Medium Density Single Family Residential property. The Fairhope Elementary school is directly east of the subject parcel.

If the use is approved, the applicant shall comply with all applicable regulations pertaining to the B-1 zoning district including but not limited to area and dimensional requirements and landscaping requirements.

STAFF RECOMMENDATION: Staff recommends the Board of Adjustments approve the proposed Special Exception for the subject property contingent upon the following condition:

1. The applicant shall install and maintain a privacy fence and landscape buffer of not less than ten feet (10') on the western property line between the subject site and residential lot to the west.

Mark Hammond with Forrest Daniell and Associates was present to answer any questions.

Mrs. Slagle opened the public hearing. Having no comments, Mrs. Slagle closed the public hearing.

There was discussion concerning x-rays and related hazardous materials; however, those regulations are governed by outside agencies. It was noted the City has not received any comments from the adjacent property owners regarding this project. Mr. Andrews asked if environmental tests have been conducted on the site since its previous use was a gas station. Mr. Smith responded all required documentation and permits will be submitted to the Building Department prior to the issuance of a building permit. Mrs. Green asked if all zoning, parking, and landscape requirements will be met if this use is granted and Mr. Smith said yes. Mrs. Green recommended the fence be eight foot (8'). Mr. Smith stated the City's Landscape Ordinance and drainage requirements will be imposed on the site and the height is restricted to thirty foot (30'). Troy Strunk moved to accept the staff recommendation to approve the proposed Special Exception for the subject property contingent upon the following condition:

1. The applicant shall install and maintain a privacy fence and landscape buffer of not less than ten feet (10') on the western property line between the subject site and residential lot to the west.

Anil Vira 2nd the motion and the motion carried unanimously with the following vote: AYE – Cathy Slagle, Sam Andrews, Anil Vira, Debra Green and Troy Strunk. NAY – None.

Old/New Business

Mr. Smith gave an update on the downtown striping plan saying Dan Burden visited with City staff and residents on a walking tour of downtown and he made several recommendations that the City is trying to incorporate in the plan.

Mrs. Green asked if the Police Chief had looked at the boat ramp and Mr. Smith responded he had and the Chief did not feel there were any public safety concerns. Mr. Smith stated he would forward the Chief's e-mail to the Board.

Mr. Vira referenced a recent case on Orange Avenue and asked if staff had looked at the regulations that do not take into account the full size of the lot, including the depth, when figuring the allowable building area for accessory structures. Mr. Smith stated he has not moved forward with anything but he will look into it.

Mrs. Green asked who heads the Traffic Committee and Mr. Smith responded it is Rick Kingrea.

Mrs. Green asked about taking Continuing Education classes that are offered by the University of North Alabama and particularly the Home Study Course. Mr. Smith said he has budgeted for Board members to take classes to become certified or maintain certifications. He stated if anyone is interested to let Emily Boyett know and he will forward the request to the City Administrator and Mayor for approval.

Mr. Panneton asked if there has been any progress in appointing the additional alternate for the Board. Mrs. Slagle stated she has spoken with a former Board member, Ray Clark, and he said he would be interested in being reappointed to the Board.

Having no further business, Anil Vira made a motion to adjourn. Troy Strunk 2nd the motion and the motion carried unanimously. The meeting was adjourned at 5:29 pm.