



**City of Fairhope
Board of Adjustments Agenda
5:00 PM
Council Chambers
January 20, 2022**

Sherry Sullivan
Mayor

Council Members

Kevin G. Boone

Robert A. Brown

Jack Burrell, ACOMO

Jimmy Conyers

Corey Martin

Lisa A. Hanks, MMC
City Clerk

Kimberly Creech
City Treasurer

1. Call to Order
2. Approval of Minutes
 - December 20, 2021
3. Consideration of Agenda Items

A. BOA 22.01 Public hearing to consider the request of the Applicant, Jeremiah P. Smith, acting on behalf of the Owner, Terrell Otis, to allow for an eleven-foot Rear Setback Variance for property located at Lot 22 of the Pecan Ridge Subdivision.
PPIN #: 270300

4. Old/New Business
5. Adjourn

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax

www.fairhopeal.gov

Printed on recycled paper

The Board of Adjustments met Monday, December 20, 2021, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Anil Vira, Chairman; Cathy Slagle; Michael Baugh; Donna Cook; Frank Lamia; Hunter Simmons, Planning and Zoning Manager; and Allie Knutson, Secretary.

Chairman Vira called the meeting to order at 5:00 PM.

Minutes

- **November 15, 2021**

Motion:

Mike Baugh made a motion to approve the minutes with no changes.

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

Aye: Anil Vira, Mike Baugh, Donna Cook, and Frank Lamia.

Nay: None.

Abstain: Cathy Slagle.

BOA 21.12 – Public hearing to consider the request of John Hadley to allow for a nine-foot Rear Setback Variance for property located at the northwest corner of Young Street and Fairland Avenue. PPIN # 86972

Hunter Simmons, Planning and Zoning Manager, presented the case summary.

This case is a carryover from November's meeting. The applicant, John Hadley, is requesting a 9' variance to the rear setback for the principle structure located at the northwest corner of Fairland Avenue and Young Street. The property is zoned R-2 Medium Density Single-Family Residential District.

The applicant is requesting a variance to the rear setback which would result in a 26' rear setback instead of 35' to construct a landing deck off the second floor. The property is a non-conforming lot due the size. Staff is not against relief from the setback.

The variance request is not tied to the site plan as the variance would 'run with the land' and not be tied to home plans. The property, generally rectangular, being 52' X 102 and containing 5,304SF makes the lot smaller than the R-2 minimum size requirements of 75' wide and 10,500SF. Staff notes that, at this time, we are not able to find evidence of a subdivision that created this lot and the surrounding flag lot but are reviewing the request as the lot is legal and non-conforming. Staff does believe the side setback creates a challenge to building a home. The property being a corner lot also has a 20' street side setback. Relief, if granted, would not cause any detriment to the public nor impair the

intent of this ordinance. Staff recognizes the size of the lot is substandard and unique and the extent of the variance request is minimal.

Recommendation:

Staff recommends approval of BOA 21.12.

The applicant, John Hadley (511 Horton Lane), stated that putting the deck on the west side of the home works out better for the overall home design.

Mike Baugh asked for clarification on the variance running with the land.

Mr. Simmons stated that any variance given is not based on the site plan. The lot line is being moved and the variance would need to be acted upon and recorded or the variance would be vacated. After being acted upon and recorded, the variance is tied to the land and would stand in the future.

Chairman Vira opened the Public Hearing, no one was present to speak, and the Public Hearing was closed.

Motion:

Frank Lamia made a motion to approve BOA 21.12.

Donna Cook seconded the motion and the motion carried unanimously with the following vote:

Aye: Anil Vira, Cathy Slagle, Mike Baugh, Donna Cook, and Frank Lamia.

Nay: None.

Old/New Business

- Approval of 2022 Board of Adjustments Agenda Schedule and Deadlines.

Motion:

Cathy Slagle made a motion to approve the 2022 Board of Adjustments Agenda Schedule and Deadlines and the motion carried unanimously with the following vote:

Aye: Anil Vira, Cathy Slagle, Mike Baugh, Donna Cook, and Frank Lamia.

Nay: None.

- Comprehensive Plan: Mr. Simmons reminded everyone of the upcoming Comprehensive Plan meetings in January.
- Moratorium: Mr. Simmons stated that the moratorium will last twelve months and is on major subdivisions and multiple occupancy projects outside of the city limits. The moratorium will be effective when published.

Adjournment

Frank Lamia made a motion to adjourn, and the motion carried unanimously.

Adjourned at 5:14 PM.

Anil Vira, Chairman

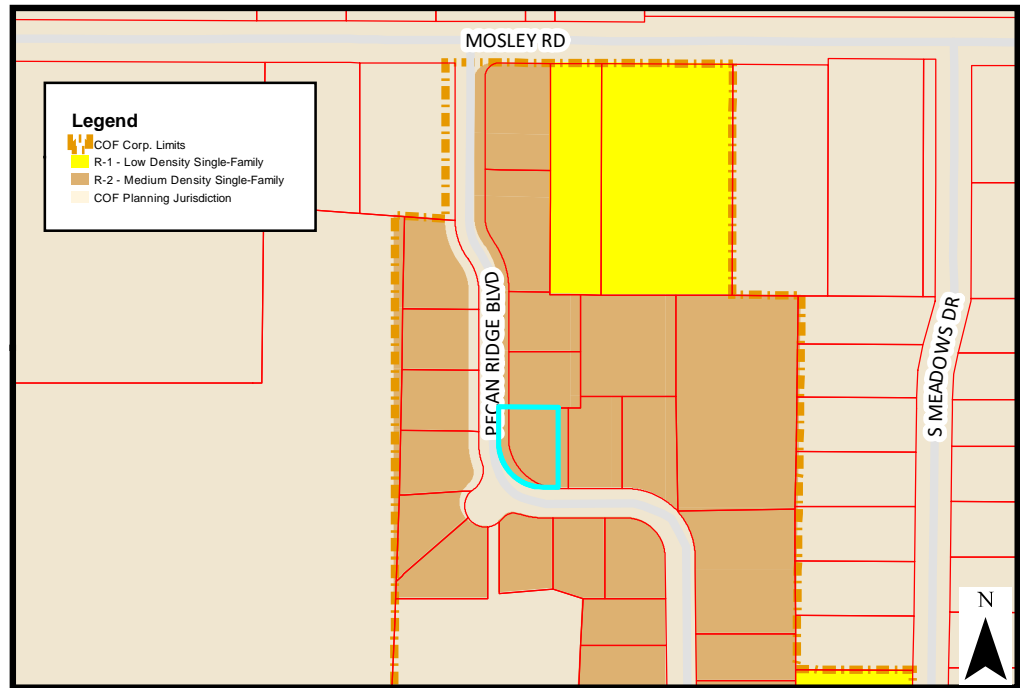
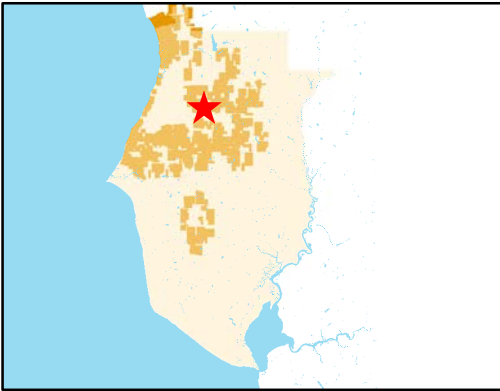
Allie Knutson, Secretary

City of Fairhope Board of Adjustment

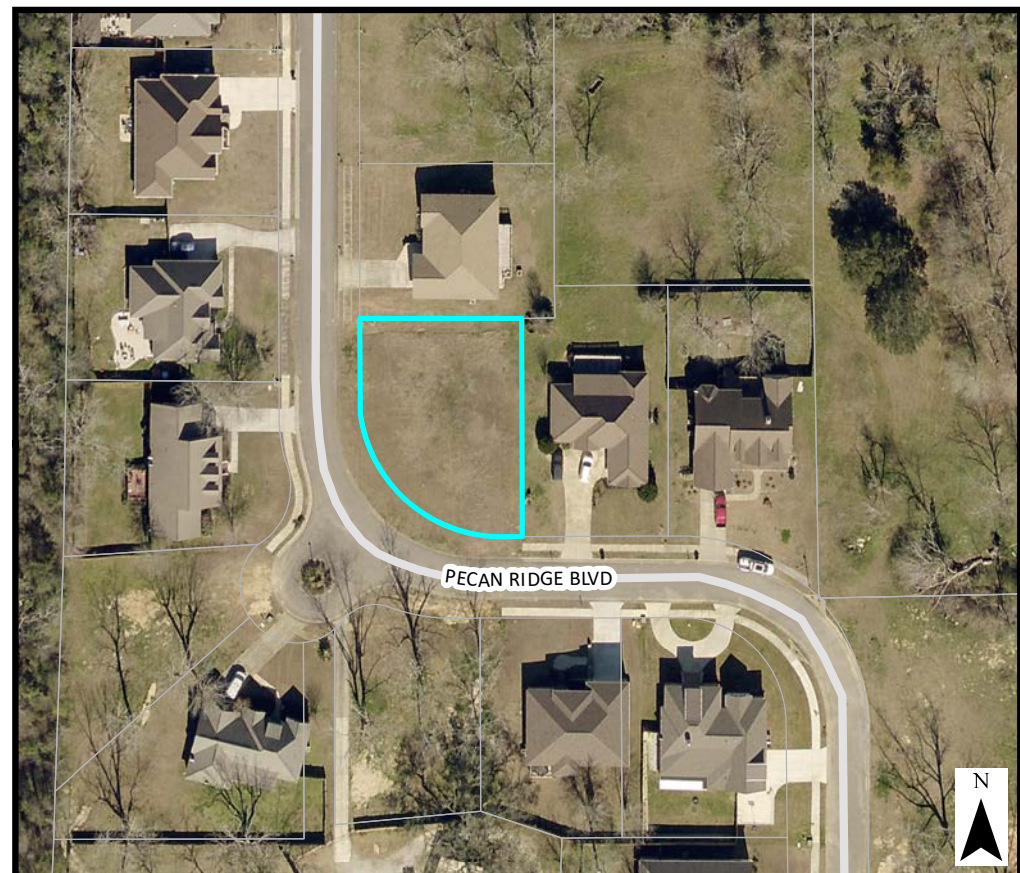
January 20, 2022



BOA 22.01 - Lot 22 Pecan Ridge Sub.



Project Name:	Lot 22 Pecan Ridge Subdivision
Site Data:	12,187 s.f. Lot
Project Type:	11' Vairance to Rear Yard Setback
Jurisdiction:	Fairhope
Zoning District:	R-2
PPIN Number:	270300
General Location:	Lot 22 of the Pecan Ridge Subdivision
Surveyor of Record:	
Engineer of Record:	Jeremiah P. Smith
Owner / Developer:	Terrill B. Otis
School District:	Fairhope Elementary School Fairhope Middle and High Schools
Recommendation:	Deny
Prepared by:	Hunter Simmons





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: Administrative Appeal Special Exception Variance

Property Owner / Leaseholder Information		
Name: <u>Terrel B. Otis</u>	Phone Number: <u>(805) 712-5283</u>	
Street Address: <u>Lot 22 Pecan Ridge Subdivision/ 21353 S. Meadows Drive</u>		
City: <u>Fairhope</u>	State: <u>AL</u>	Zip: <u>36532</u>

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

Site Plan with Existing Conditions Attached: YES NO Yes

Site Plan with Proposed Conditions Attached: YES NO Yes with narrative

Variance Request Information Complete: YES NO Yes

Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached: YES NO Yes

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.

Terrel B. Otis
 Property Owner/Leaseholder Printed Name
 Tuesday 07 December 2021

Terrel B. Otis
 Signature

 Date

 Fairhope Single Tax Corp. (If Applicable)



VARIANCE REQUEST INFORMATION

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

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Too Narrow | <input type="checkbox"/> Elevation | <input type="checkbox"/> Soil |
| <input checked="" type="checkbox"/> Too Small | <input checked="" 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: Flawed lot design that was made too narrow, small, shallow and didn't take in consideration of the 75ft corner radius that it made on the buildable area

How do the above indicated characteristics preclude reasonable use of your land?
The lots current available width and depth precludes building a home of comperable size, scale and style as other other home within 300 ft .

What type of variance are you requesting (be as specific as possible)?
Allow a easterly building set back of 15 feet and reduce the rear building set back to 24 feet as shown on Exhibits "I" and "J"

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 to be paid via phone with Credit Card	

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.

Terrel B. Otis

 Property Owner/Leaseholder Printed Name
 Tuesday, 07 December 2021

 Date

Terrel B. Otis

 Signature

 Fairhope Single Tax Corp. (If Applicable)



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 Terrel B. Otis, (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.

Terrel B. Otis

Signature of Applicant or Authorized Agent

Tuesday, 07 December 2021

Date of Application

The applicant, JP Smith, on behalf of the Owner, Terrill Otis, is requesting an 11' variance to the rear setback on Lot 22 of the Pecan Ridge Subdivision. The property is zoned R-2 Medium Density Single-Family Residential District. If approved, the rear setback for Lot 22 would be 24' in lieu of the required 35'.

Along with the application, Mr. Smith included a thorough letter complete with exhibits. While thorough, it may have created some confusion about the exact request before the Board. The root of that confusion relates back to a previous BOA case. Prior to reviewing the merits of this particular case, I would like to clarify the current request.

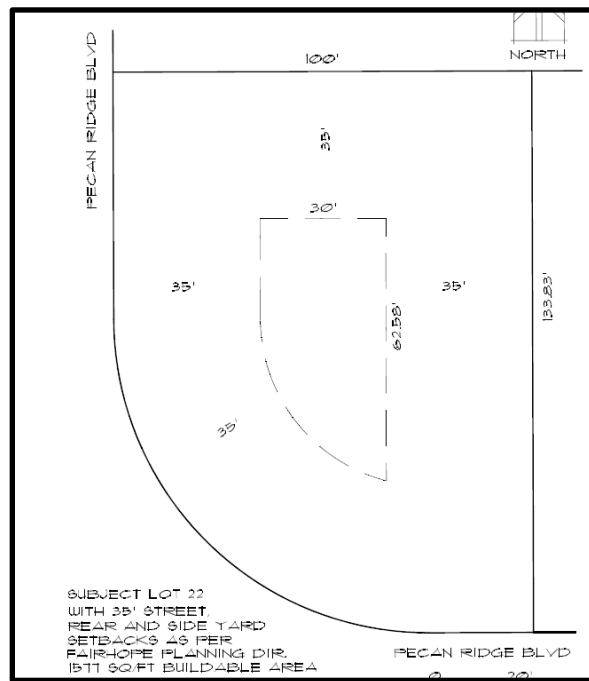


Figure 1

In Exhibit "A", Mr. Smith illustrates a lot with 35' front setbacks and two 35' rear setbacks (Figure 1). Within his letter, Mr. Smith acknowledges staff realized the severe constraints these setbacks and indicated the Board would allow the easterly 10' setback. As the Planning Director, I have instead interpreted the easterly setback is 10' (or 15' in the case of a driveway). To clarify, it is important to look back at BOA Case 18.03, which focused on Lot 16 of the same subdivision as shown in Figure 2 below.

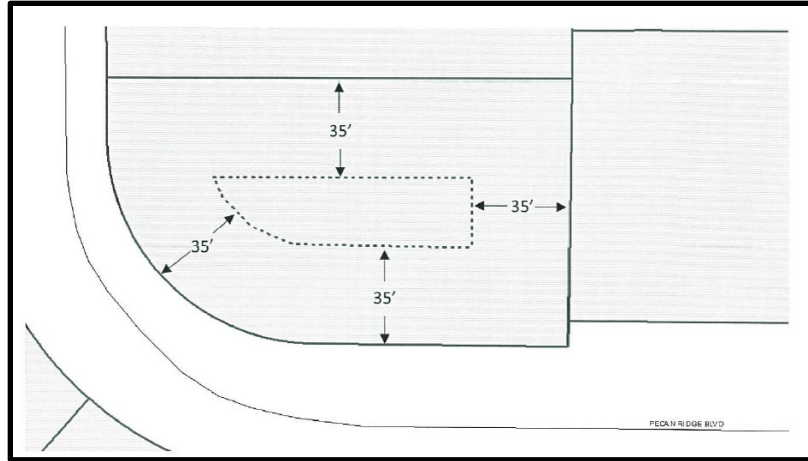


Figure 2

The plan located in Figure 2 was included in the packet for Case BOA 18.03 and illustrates staff's interpretation of the setbacks on a similar lot at the time, which included a 35' front setback and two 35' rear setbacks. Under the strictest interpretation of our Zoning Ordinance, staff in 2018 felt the above referenced setbacks were accurate and would require a variance to alter. Almost all lots have a front, rear, and at least one side. While I agree with the interpretation of a continuous front setback due to the curved nature of the lot, I believe our Zoning Ordinance, viewed wholistically, would dictate the northern setback as a side setback and not an additional rear setback. In which case, a variance would not be warranted for the northern setback.

However, I believe staff in 2018 acted appropriately. They erred to the side of caution by requiring a variance. For reference, the applicant in Case 18.03 requested a 25' rear yard variance (to achieve a 10' 'side yard') as well as a 10' front yard variance that, if granted, would have allowed a 25' front yard setback. The BOA's decision in that case, which aligned with the staff's recommendation, was to grant the 10' 'side yard' but deny the front yard variance request. I only bring this to your attention to explain the reason this case only contains one variance request instead of two. By our interpretation, the current setbacks are illustrated in Exhibit "B" provided by Mr. Smith (Figure 3).

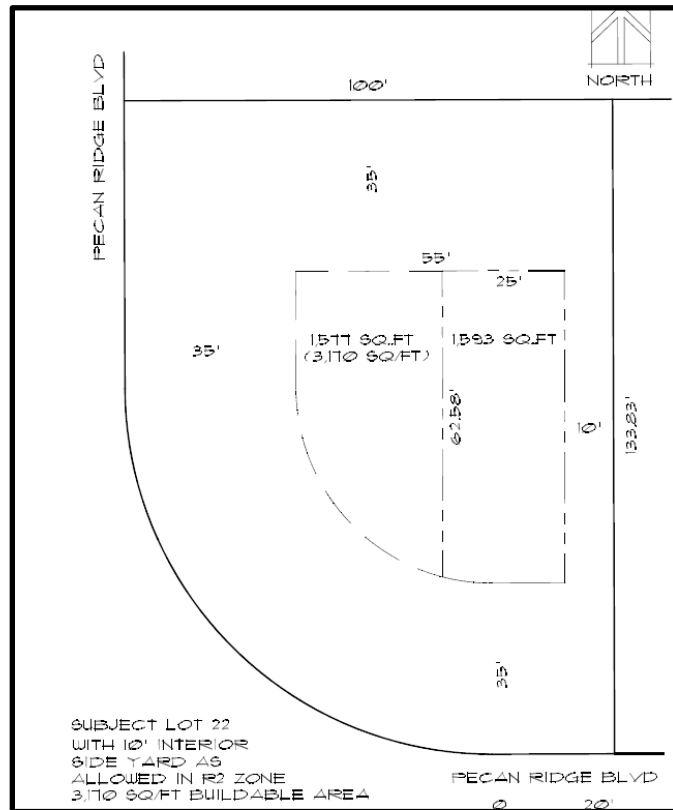


Figure 3

In effect, the rear yard lies to the north in Figure 3 and is where the applicant requests a 24' setback in lieu of the required 35' which equates to an 11' variance. According to Mr. Smith's calculations above, this would allow 3,170sf of buildable area on Lot 22. Mr. Smith also states the adjacent home to the north is 2,237sf and the adjacent home to the east is 2,266sf. Mr. Smith overlays these footprints on Lot 22 on Exhibits "C" and "D" for reference. Note that the footprint illustrated on Exhibit "D" does not utilize the 10' setback. Staff believes the allowable buildable area of 3,170sf is large enough to build a home comparable in size to others in the neighborhood without requiring a variance.

Figure 4: Property as seen from Google St View

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 lot shape is not typical. However, with 3,101 sf of buildable area, the lot does accommodate enough room to build a home comparable to others in the area. The applicant also listed slope as a reason the property could not be developed, but stated there is only five feet of elevation change. With a lot depth of 134', that equates to a 3.7% slope. Good for drainage, but not steep enough to warrant a variance in the Staff's opinion.

(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 believes the challenges are self-imposed by not adjusting a floor plan to work within allowable setbacks.

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

Response: The curved frontage of the subject property is unique.

(d) Relief, if granted, would not cause substantial detriment to the public good and impair the purpose and intent of this ordinance; provided however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

Response: Staff worries the variance, if granted, would cause conflicts in the future should another owner desire an accessory structure in their rear yard. Separation requirements would pose challenges and Staff foresees additional variance requests generated to accommodate.

Recommendation:

Staff recommends DENIAL of BOA 22.01.

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.

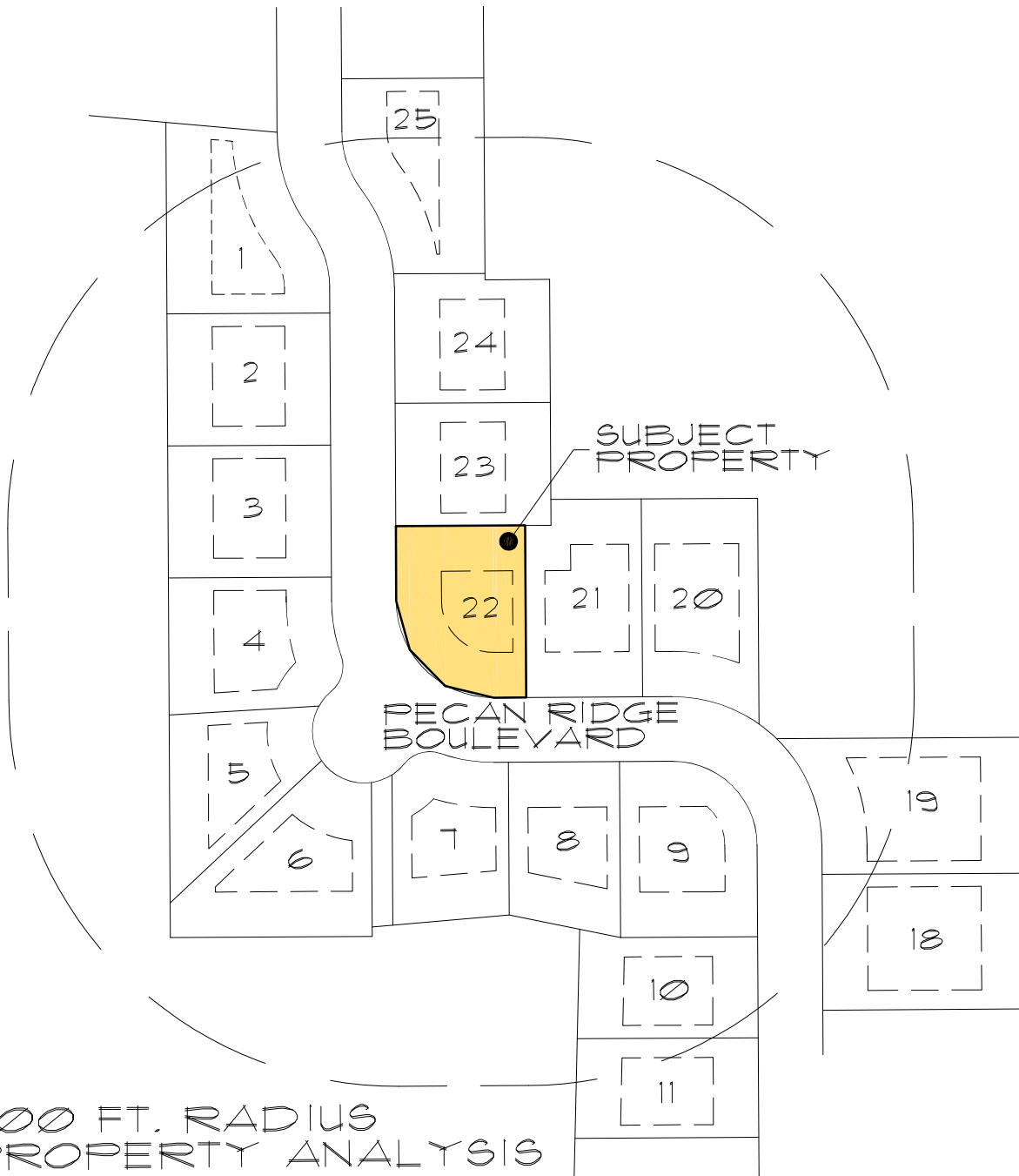
When a variance is granted by the Zoning Board of Adjustment it has the following effect:

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.

PROPERTIES WITHIN 300' MAP



300 FT. RADIUS PROPERTY ANALYSIS

LOTS WITHIN AREA

NUMBER OF LOTS

19 LOT AVERAGE SIZE

19 LOT AVERAGE BUILDABLE AREA

SMALLEST

LARGEST

19 LOTS

13,019 SQ/FT

4,350 SQ/FT

3101 SQ/FT BA: 14,805 SQ/FT LOT 25

7,040 SQ/FT BA: 16,505 SQ/FT LOT 18

SUBJECT LOT

LOT SIZE

12,187 SQ/FT = 832 SQ/FT LESS OF AVE.

CURRENT BUILDABLE AREA

1,577 SQ/FT

AREA INCREASE W/ SY DECREASE

1,088 SQ/FT

AREA INCREASE W/ RY DECREASE

605 SQ/FT

CURRENT BUILDABLE AREA

3,775 SQ/FT = 575 SQ/FT LESS OF AVE.

EXHIBIT "K"

Tuesday, 07 December 2021

Board of Adjustment
City of Fairhope
161 North Section Street
Fairhope, Alabama 36532

RE: Building Setback Variance Request

To the Board:

This cover letter and accompanying documentation are respectfully submitted to gain a building setback variance for lot 22 of the Pecan Ridge Subdivision.

I am writing this request on behalf of my friend of over forty years, Terry Otis. Terry is building his retirement home in Fairhope to be close to his grandchildren. His son and wife have been active Fairhope residents and have established deep roots in the community. Their home is located within walking distance of the subject lot, in which there are very few options to allow Terry to be this close to his family.

Longevity runs in Terry's family and several members lived well in their nineties. Those members had to rely on assisted mobility and live-in caretakers. This has dictated a home needs to be designed to accommodate an at grade garage and front entry and rooms designed for accessibility and a full-time caregiver if needed. Given the building constraints of the lot due to the developer's design, Terry is requesting your assistance in making this move possible.

When Terry bought Lot 22, he was told by the seller that the City is amenable to building setbacks adjustments when proper documentation is presented, which has him before you today.

Lot 22 (Subject Lot) is a corner lot located on the northwest corner of Pecan Ridge Boulevard as it turns east 572.00 ft south of the intersection of Mosley Road and Pecan Ridge Boulevard. The lot's east-west dimension is 100.00 ft with the lot's east side, north-south dimension being 135.86 ft. Pecan Ridge Boulevard bounds the balance of the lot on the West and

South sides with a corner radius of 75 feet. The lot has an elevation slope from south to north (front to back) of five feet.

The approved revised Plat Map created 27 lots with building setbacks well above the minimums stated for Fairhope's R-2 Zones with minimum flood building pad elevations and restrictions from the large corner radius of seventy-five feet, making Pecan Ridge very desirable.

Unfortunately, the subdivision design did not consider the impacts of their enhanced building setbacks and street design would have on many of the lots created. These covenants have resulted in twenty-five percent, or seven out of twenty-seven, being severely restricted in allowing its owner to reasonably build homes compatible with the homes to be built in the scale and spirit of the subdivision's intended design.

Today, Terry is the fourth lot owner to have submitted a request for a building setback variance to allow him to build a home of similar size and scale to his neighbors. The Board in the past has recognized this anomaly and has granted all or a combination of front, rear, and side yard adjustments to allow the lot owners a buildable area comparable in size and dimension similar to their neighbors.

Lot 22 has several factors that inhibit Terry in building his home. According to the Planning Department, the first challenge being the building setbacks only allow for a building footprint of 1,577 square feet, which will not enable Terry to place a mobile home with a garage. Additionally, it will not allow Terry to build the minimum size of 1,700-1,900 square feet home as required by the subdivisions CC&Rs.

The Planning Department quickly realized this and indicated that this Board would allow Terry to conform to the eastern building setbacks allowed per the R-2 zone of 10 feet vs. the 35 feet currently required.

This would enable Terry to have a buildable area of 3,178 square feet, as shown on Exhibit "B."

Even with this expansion of the building area, this adjustment will not allow Terry to build a comparably sized home as his neighbors as Illustrated in Exhibits "C" and "D." His neighbor immediately to the north has a buildable area of 3,500 square feet and built a home with a footprint of 2,237 square feet, and his adjacent neighbor to the east has a lot, allowing 5,554 square feet and has a home of only a 2,266 square-foot footprint.

The Planning Department insists that this solution is the only option available. However, it does not even come close to making Lot 22 comparable in buildable area to allow a home of comparable size and scale.

Options of designing a different home that would enable the Garage to be built as an accessory structure are not feasible given the lot's topography would have it 5 ft below the finish floor of the home. This would require a 100ft long serpentine handicap ramp or an exterior stair inclinators to accommodate Terry getting into his home. Most importantly, it eliminates Terry from accessing his home directly from the Garage like all his neighbors without exposing himself to the elements. Awful tough to travel in bad weather with a walker or wheelchair.

Another solution offered was to make the second floor larger. This is not an option as this would eliminate Terry's eventual in-house caregiver not being located next to his bedroom in case of an emergency by not being on the same floor as his bedroom.

Given this, we are respectfully requesting If the Board would take in the following solutions to overcome the limitations and restrictions of Lot 22.

National subdivision design standards note that the average-sized home intended for lots larger than 6,000 shall have a minimal buildable width of 60 feet. Lott 22 is 12,178 square feet and even the allowed 10-foot side yard will only allow a building width of 55 feet. Further restricting Lot 22 development is the oversized corner radius which additionally dictates the home design will need to be made deeper to make up for these challenges. For example, a home compatible and on the same playing field as the rest of the subdivision will have to allow the home's footprint to intrude into the thirty-five front, rear, or street-side yards as its only options.

As shown in Exhibit "E," this option would allow the street-side building set back to conform to Fairhope's current R-2 design standard of 20 feet. Terry does not want to have his home sticking out like a sore thumb by having the only house in the community not having the same building setback as shown in the adaption of his desired home in Exhibit "F." The one exception to the side yard exception in Pecan Ridge is the home located on lot 9. I'm told it was mistakenly allowed to build within the thirty-five-foot side yard without appearing for this Board's permission. This can be observed by looking at Exhibit "K." This side yard intrusion fully illustrates the need to maintain the current side yard setbacks to maintain the continuity of the neighborhood.

To decrease the thirty-five-foot front yard setback is not even considered due to the above reasons.

Thus, leaving a requesting a variance of the rear yard setback, Terry wants to be a good neighbor and is willing to give up a portion of his back yard to allow him to be within walking distance to his grandkids.

To be a good neighbor, he had me design a custom home to accommodate his current living requirements in addition to the accessibility needed in his later years to minimize the impact on his neighbors, and having the second floor enclosed within the roof structure of the residence to conform with the

predominant single-story homes around him. Given the lot slope and required flood elevation will require his living floor level at five feet above rear ground level.

For this reason, no second-story windows will overlook his neighbor's backyard to the north, in addition to forgoing the typical rear deck and having an at grade patio. The same consideration will be extended to his neighbor to the east by having his home maintain a 15-foot side yard vs. the allowed 10 feet to enable the installation of storied landscaping and trees to screen his house from his neighbor's single-story residence.

Just in case the question comes up of considering a slight reduction of both the front and rear building setbacks, an illustration of that option is provided in Exhibit "G" with Terry's home footprint shown on Exhibit "H." Workable but not desired.

The Best option for all involved will be as requested in Exhibit "J." The 11-foot reduction of the rear yard will be the least intrusive and almost unnoticeable as the home conforms to the visual street view and building setbacks. The home's design incorporates the same size and scale as his neighbors and conforms to the caricature already established.

Terry has already spoken to his neighbor to the north about the rear yard building setback reduction, which he agreed to support. However, his neighbor has recently passed, and Terry did not want to approach his widow to sign a letter of their support of the rear yard reduction.

Due to the increased depth of this neighbor's lot to the east, the rear of Terry's house will maintain the same sight pane from the reduction in the rear building setback.

Board of Adjustment
Tuesday, December 07 2021
Page 6:

Please see the attached Exhibit "K," which shows all the lots within three hundred feet. Note the buildable area of Lot 22 compared to the others and even with the rear yard reduction, Lot 22 will still have the smallest allowable building area of all but one of his neighbors. His requested 3,818 square feet compared to the 19-lot average of 4,350 square feet is well within reason. Without increasing building depth, the request will not allow a home to be built in comparable size and scale to his neighbors to justify Terry's request.

As noted in the already approved variances in this subdivision has demonstrated Pecan Ridge was poorly designed with twenty-five percent of its lots inhibiting comparable development and should have never had been approved as designed. However, the ability to enlarge these lots is not possible, so it has fallen to this Board to balance the scale in protecting the interest of the existing and future residents in Fairhope in allowing reasonable reductions in the building setbacks this subdivision.

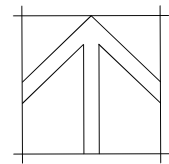
We respectfully request your considerations in accommodating Terry in his relocation to Fairhope.

Please do not hesitate to contact me with any questions or concerns in advance of our scheduled meeting so any alternative solutions can be presented at that time.



Very Truly yours

JP Smith
775.301.7497



NORTH

PECAN RIDGE BLVD

100'

35'

30'

35'

35'

62.58'

35'

133.83'

SUBJECT LOT 22
WITH 35' STREET,
REAR AND SIDE YARD
SETBACKS AS PER
FAIRHOPE PLANNING DIR.
1577 SQ/FT BUILDABLE AREA

PECAN RIDGE BLVD

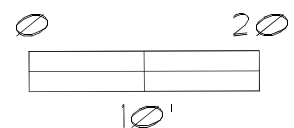
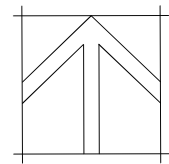


EXHIBIT "A"



NORTH

PECAN RIDGE BLVD

100'

35'

55'

25'

35'

1,577 SQ.FT
(3,170 SQ/FT)

1,593 SQ.FT

62.58'

0'

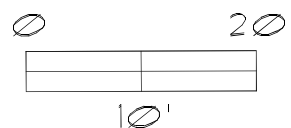
133.83'

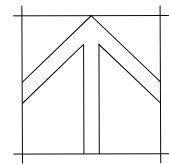
35'

SUBJECT LOT 22
WITH 10' INTERIOR
SIDE YARD AS
ALLOWED IN R2 ZONE
3,170 SQ/FT BUILDABLE AREA

PECAN RIDGE BLVD

EXHIBIT "B"





NORTH

PECAN RIDGE BLVD

100'

40.83'

30.1'

316 PECAN RIDGE BLVD
RESIDENCE
2,237 SQ/FT
60'W X 50'D FOOTPRINT

0'

133.83'

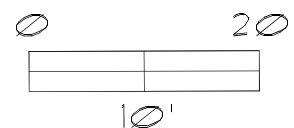
18.58'

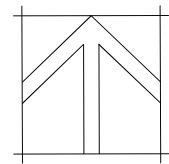
35'

SUBJECT LOT 22
WITH 316 PECAN
RIDGE BLVD OVERLAY
3,170 SQ/FT BUILDABLE AREA

PECAN RIDGE BLVD

EXHIBIT "C"





NORTH

PECAN RIDGE BLVD

100'

35'

25'

316 PECAN RIDGE BLVD
RESIDENCE
2,266 SQ/FT
60'W X 72'D FOOTPRINT

10'

22.5'

133.83'

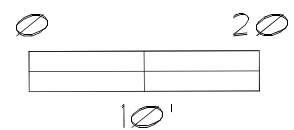
32.58'

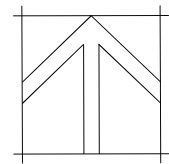
35'

SUBJECT LOT 22
WITH 338 PECAN
RIDGE BLVD OVERLAY
3,170 SQ/FT BUILDABLE AREA

PECAN RIDGE BLVD

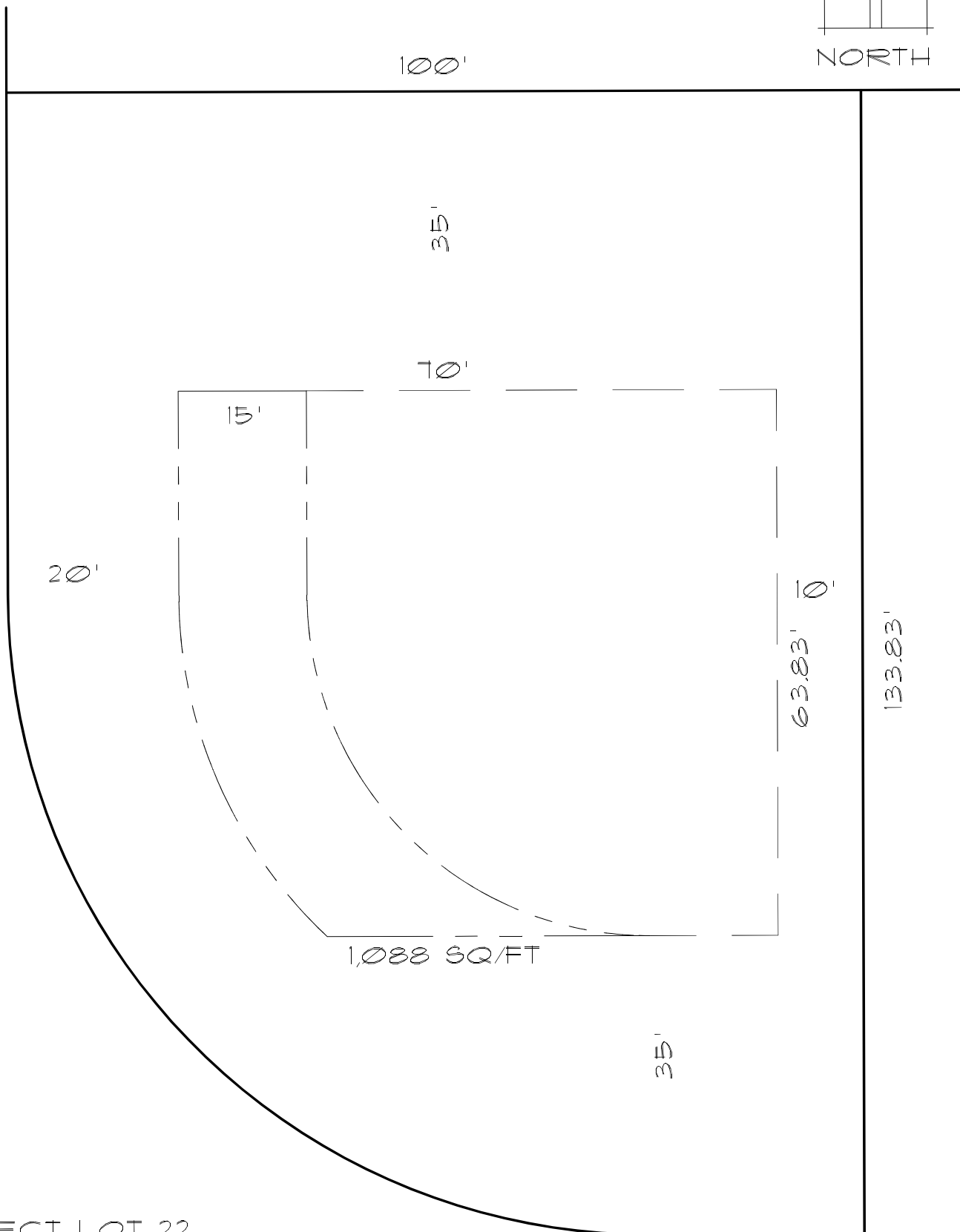
EXHIBIT "D"





NORTH

PECAN RIDGE BLVD



100'

35'

70'

20'

70'

63.83'

133.83'

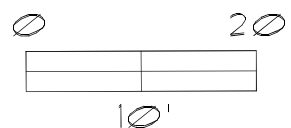
1,088 SQ/FT

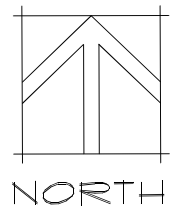
35'

SUBJECT LOT 22
WITH 20' STREET SIDE
YARD AS ALLOWED IN
R2 ZONE.

PECAN RIDGE BLVD

EXHIBIT "E"





PECAN RIDGE BLVD

100'

35'

24.67'

20'

PROPOSED
RESIDENCE
1,980 SQ/FT 1ST FL
686 SQ/FT 2ND FL
2,666 SQ/FT TOTAL

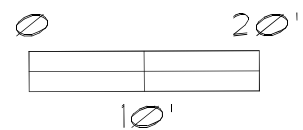
133.83'

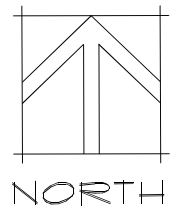
0'

35'

SUBJECT LOT 22
WITH PROPOSED
MODIFIED OTIS RESIDENCE
WITH 20' SIDE YARD AS
ALLOWED IN R2 ZONE
EXHIBIT "F"

PECAN RIDGE BLVD





PECAN RIDGE BLVD

100'

27'

55'

440 SQ/FT

8'

35'

3,170 SQ/FT
(3818 SQ/FT)

10'

74.83'

133.83'

32'

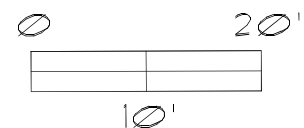
209 SQ/FT

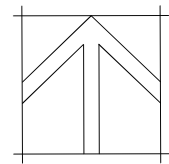
32'

SUBJECT LOT 22
WITH 32" FRONT AND
28' REAR YARD SETBACKS

PECAN RIDGE BLVD

EXHIBIT "G"





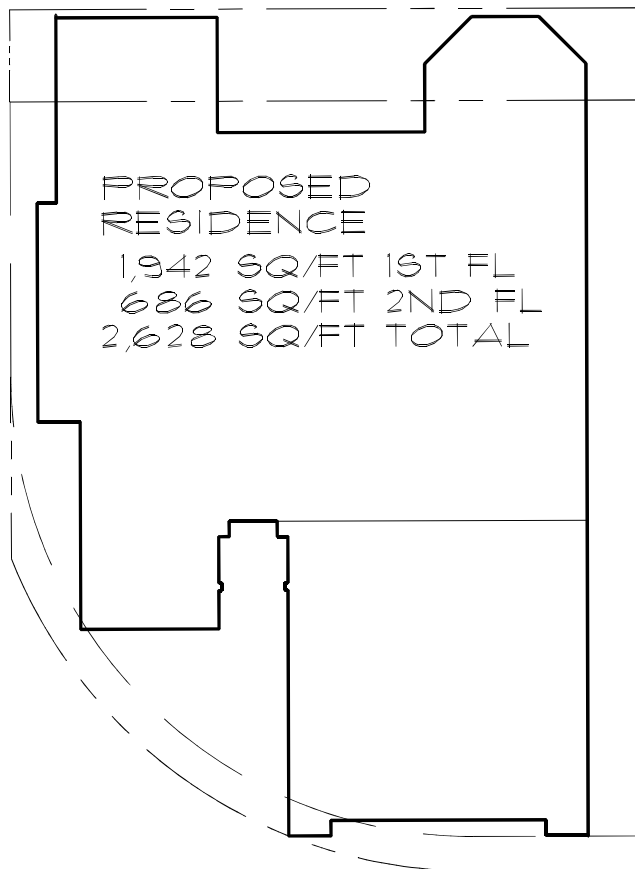
NORTH

PECAN RIDGE BLVD

100'

27'

37.33'



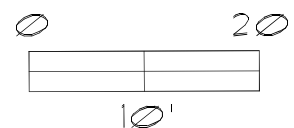
5'

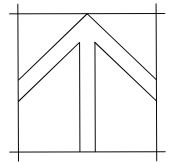
133.83'

32'

SUBJECT LOT 22
 WITH PROPOSED
 OTIS RESIDENCE
 WITH 32" FRONT AND
 28' REAR YARD SETBACKS
 EXHIBIT "H"

PECAN RIDGE BLVD





NORTH

PECAN RIDGE BLVD

100'

24'

55'

605 SQ/FT

11'

35'

3,170 SQ/FT
(3,175 SQ/FT)

0'

74.83'

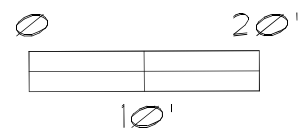
133.83'

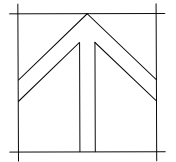
35'

SUBJECT LOT 22
WITH DESIRED
24' REAR YARD SETBACK
3,175 SQ/FT BUILDABLE AREA

PECAN RIDGE BLVD

EXHIBIT "I"





NORTH

100'

24'

37.33'

15'

PROPOSED
RESIDENCE

1,942 SQ/FT 1ST FL

686 SQ/FT 2ND FL

2,628 SQ/FT TOTAL

48'W X 71'D FOOTPRINT

133.83'

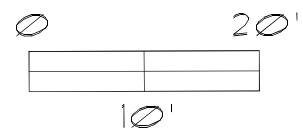
36.16'

35'

SUBJECT LOT 22
WITH DESIRED
RESIDENCE OVERLAY

PECAN RIDGE BLVD

EXHIBIT "J"



Terrill B. Otis

3700 Mosley Road
Crossroads, Texas 76227

Monday 13, December 2021

Board of Adjustment
City of Fairhope
161 North Section Street
Fairhope Alabama 36532

To whom it may concern

My name is Terrill B. Otis and am the legal owner of Lot 22 of the Pecan Ridge Subdivision located in Fairhope Alabama. Please allow this letter to act as my authorization of Jeremiah P. Smith to act as my representative in the processing of my Board of Adjustment hearing regarding the modifications of Lot 22 building setbacks.

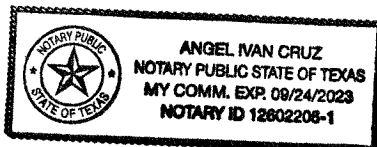
Respectfully



Terrill B. Otis

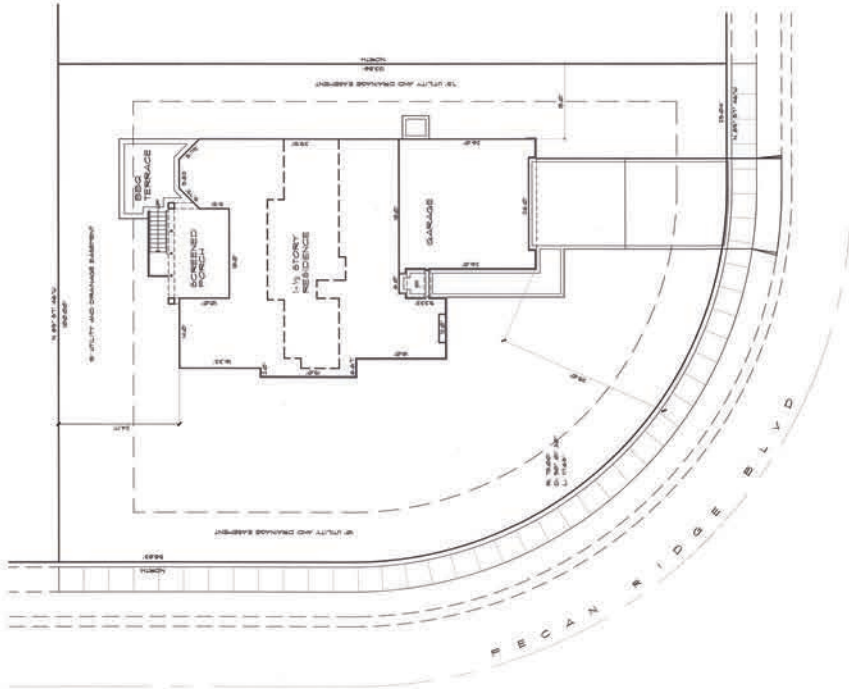
State of Texas
County of Bexar

Signed in front of me Angel Ivan Cruz Notary Public
on 12/16/2021



OTIS RESIDENCE

FAIRHOPE ALABAMA



SITE PLAN
SCALE: 7/8" = 1'-0"

PROJECT:

OTIS RESIDENCE
FAIRHOPE, ALABAMA

OWNER:
T.B. OTIS

DRAWING TITLE:
SITE PLAN

SCALE: 7/8" = 1'-0"
DATE: 24 JUNE 2010

ISSUE:
DATE: 24 JUNE 2010
PROJECT NO: 1001000000

DRAWN BY:
CHECKED BY:
DATE: 24 JUNE 2010
SCALE: 7/8" = 1'-0"

SHEET
C 1