



**City of Fairhope
Board of Adjustments Agenda
5:00 PM
Council Chambers
March 21, 2022**

Sherry Sullivan
Mayor

Council Members

Kevin G. Boone

Robert A. Brown

Jack Burrell, ACMO

Jimmy Conyers

Corey Martin

Lisa A. Hanks, MMC
City Clerk

Kimberly Creech
City Treasurer

1. Call to Order
2. Approval of Minutes
 - January 20, 2022
3. Consideration of Agenda Items

A. BOA 22.03 Public hearing to consider the request of the Applicant, Cowles, Murphy, Glover & Associates, acting on behalf of the Owner, Robert M. Green, Jr., for a Special Exception to allow a Medical Clinic Use for property zoned B-2, General Business District. The property is approximately 1.66 acres and is located on the west side of US Highway 98, south of Hoyle Avenue.

PPIN #: 17231

4. Old/New Business
5. Adjourn

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36553

251-928-2136

251-928-6776 Fax

www.fairhopeal.gov

Printed on recycled paper

The Board of Adjustments met Thursday, January 20, 2022, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Anil Vira, Chairman; Cathy Slagle; Frank Lamia; Donna Cook; Ryan Baker, Alternate II; Hunter Simmons, Planning and Zoning Manager; Casey Potts, City Planner; and Allie Knutson, Secretary.

Chairman Vira called the meeting to order at 5:02 PM.

Approval of Minutes

Donna Cook made a motion to approve the minutes from the December 20, 2021, meeting.

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

Aye: Anil Vira, Cathy Slagle, Frank Lamia, Donna Cook, and Ryan Baker.

Nay: None.

**BOA 22.01 Public hearing to consider the request of the Applicant, Jeremiah P. Smith, 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**

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

If approved, the rear setback for Lot 22 would be 24' in lieu of the required 35'. The lot shape is not typical due to the curved frontage. 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. Staff believes the challenges are self-imposed by not adjusting a floor plan to work within allowable setbacks.

Mr. Simmons stated that the reasons listed in the Applicant's narrative for the requested variance were not considered a hardship.

Donna Cook asked if there had been other variances granted in the Pecan Ridge Subdivision.

Mr. Simmons stated that there was a ten-foot side yard variance granted.

Recommendation:

Staff recommends denial of BOA 22.01.

The Applicant was not present. However, the owner's son, Tyler Otis (21353 S. Meadows Dr.), was present. Mr. Otis stated that his father was seeking this variance due to the curve of the lot.

Chairman Vira opened the Public Hearing.

Jeff Middleton, 9146 Mosely Rd., stated that his neighbor sent in a comment via email, but was mistaken regarding what was being proposed.

Chairman Vira closed the Public Hearing.

Frank Lamia asked Mr. Otis if the owner had tried to design plans that fit within the setbacks.

Mr. Otis responded that his father did have backup plans but liked this design the best.

Motion:

Cathy Slagle made a motion to deny the variance.

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

Aye: Anil Vira, Cathy Slagle, Frank Lamia, Donna Cook, and Ryan Baker.

Nay: None.

Old/New Business

Mr. Simmons gave information on the upcoming Comprehensive Plan Meetings.

Mr. Simmons also stated that there were no cases for next month's meeting, however, a proposed zoning amendment regarding accessory structure heights would be heard before City Council in February relating to a case that was tabled at a previous Board of Adjustments Meeting.

Adjournment

Frank Lamia made a motion to adjourn, and the motion carried unanimously with the following vote:

Aye: Anil Vira, Cathy Slagle, Frank Lamia, Donna Cook, and Ryan Baker.

Nay: None.

Adjourned at 5:36 p.m.

Anil Vira, Chairman

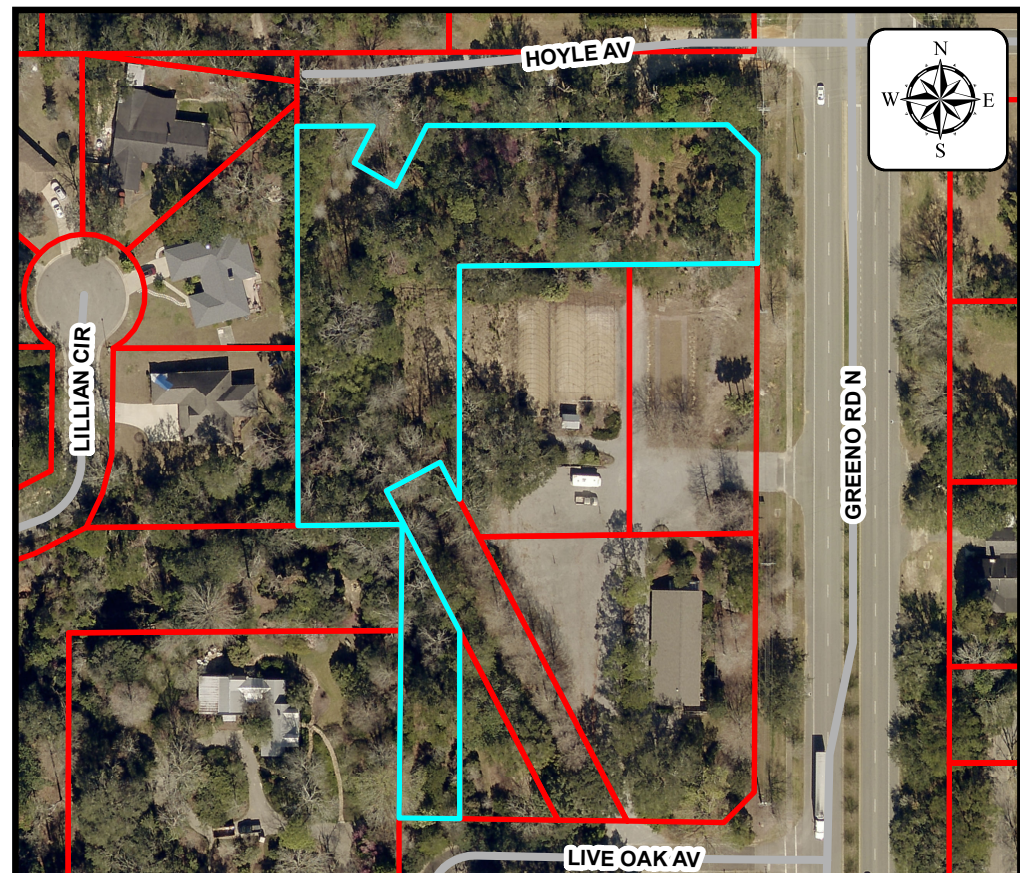
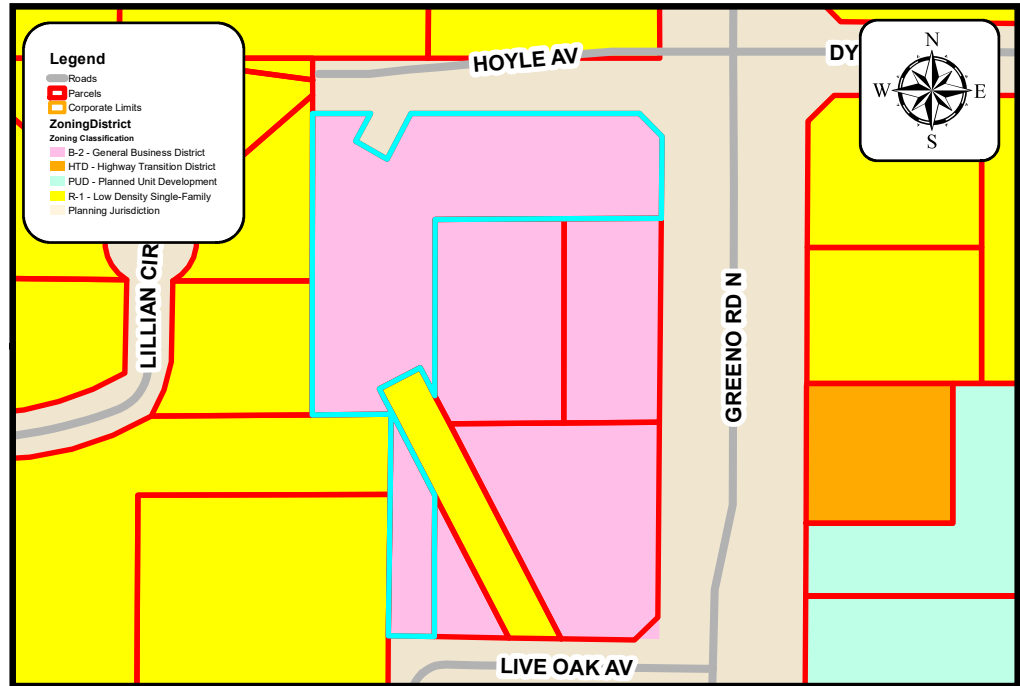
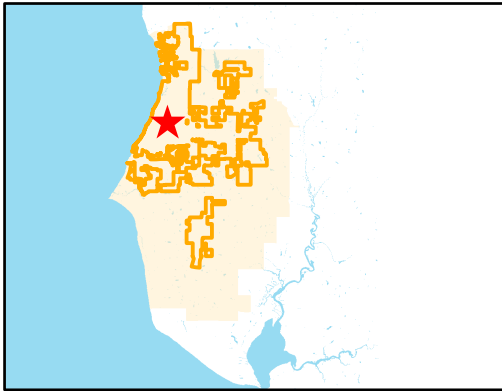
Allie Knutson, Secretary

City of Fairhope Board of Adjustments

March 21, 2022



BOA 22.03 - Fairhope Urology



Project Name:	Fairhope Urology
Site Data:	1.66 acres
Project Type:	Special Exception
Jurisdiction:	Fairhope Planning Jurisdiction
Zoning District:	B-2 General Business District
PPIN Number:	17231
General Location:	West side of U.S. Highway 98, South of Hoyle Avenue.
Surveyor of Record:	
Engineer of Record:	Cowles, Murphy, Glover, & Associates
Owner / Developer:	Robert M. Green Jr.
School District:	Fairhope Elementary School Fairhope Middle and High Schools
Recommendation:	Approved
Prepared by:	Casey Potts



APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: Administrative Appeal Special Exception Variance

Property Owner / Leaseholder Information		
Name: <u>Robert M. Green, Jr.</u>	Phone Number: <u>251-583-8473</u>	
Street Address: <u>415 Maple Street</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: <u>Cowles, Murphy, Glover & Assoc.</u>	Phone Number: <u>251-433-1611</u>	
Street Address: <u>457 St Michael Street</u>		
City: <u>Mobile</u>	State: <u>AL</u>	Zip: <u>36602</u>

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.

Robert M. Green, Jr.
Property Owner/Leaseholder Printed Name

Signature

2-12-22
Date

Fairhope Single Tax Corp. (If Applicable)

RECEIVED

FEB 14 2022

BY: me



RECEIVED

FEB 14 2022

BY: AK

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 checked="" type="checkbox"/> Other (specify) |

Describe the indicated conditions: Appeal and subject to special conditions

How do the above indicated characteristics preclude reasonable use of your land?
Medical clinic (Urology Medical Office) is very similar to a professional office use but will have more frequent clients which is similar to retail centers, a restaurant, bar, or entertainment venue use, all of which are approved uses in B-2 Zoning District.

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	<u>\$500</u>
Publication:	\$20	<u>\$20</u>
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.

Robert M. Green, Jr.

 Property Owner/Leaseholder Printed Name

[Signature]

 Signature

2-12-22

 Date

 Fairhope Single Tax Corp. (If Applicable)

Summary of Request:

On behalf of Robert M. Green, Cowles, Murphy, Glover, & Associates is requesting a use which is not allowed by-right but by special exception in Fairhope’s Zoning Ordinance for the property located on the south side of Hoyle Avenue and west side of US Hwy 98. The subject property is zoned B-2. The applicant desires to develop the subject property as a Clinic, which is allowed only on appeal and subject to special conditions.

Comments

Fairhope Urology is classified as a clinic use in the Zoning Ordinance. By definition, a clinic is a place used for the care, diagnosis, and treatment of ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board. A Site Plan review and a Minor Subdivision review was considered at the March 2022 Planning Commission for the Fairhope Urology project. Both projects received approval from Fairhope Planning Commission.

The review criteria for a use appeal is as follows:

Article II. Section C.e(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:

Response: Complies

(b) Compliance with any other approved planning document;

Response: None noted.

(c) Compliance with the standards, goals, and intent of this ordinance;

Response: Complies

(d) The character of the surrounding property, including any pending development activity;

Response: The subject property is bordered to the north by the Reserve PUD. It has a buffer between the business and residential uses.

(e) Adequacy of public infrastructure to support the proposed development;

Response: No issues noted.

(f) Impacts on natural resources, including existing conditions and ongoing post-development conditions;

Response: No issues noted. The site utilizes an existing drainage easement.

(g) Compliance with other laws and regulations of the City;

Response: No issues noted.

(h) Compliance with other applicable laws and regulations of other jurisdictions;

Response: No issues noted.

(i) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;

Response: The property is screened from adjacent residential properties.

(j) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

Response: No issues noted.

(k) Overall benefit to the community;

Response: The use proposed will provide a clinic service for the community.

(l) Compliance with sound planning principles;

Response: Staff believes this use is in keeping with sound planning principles.

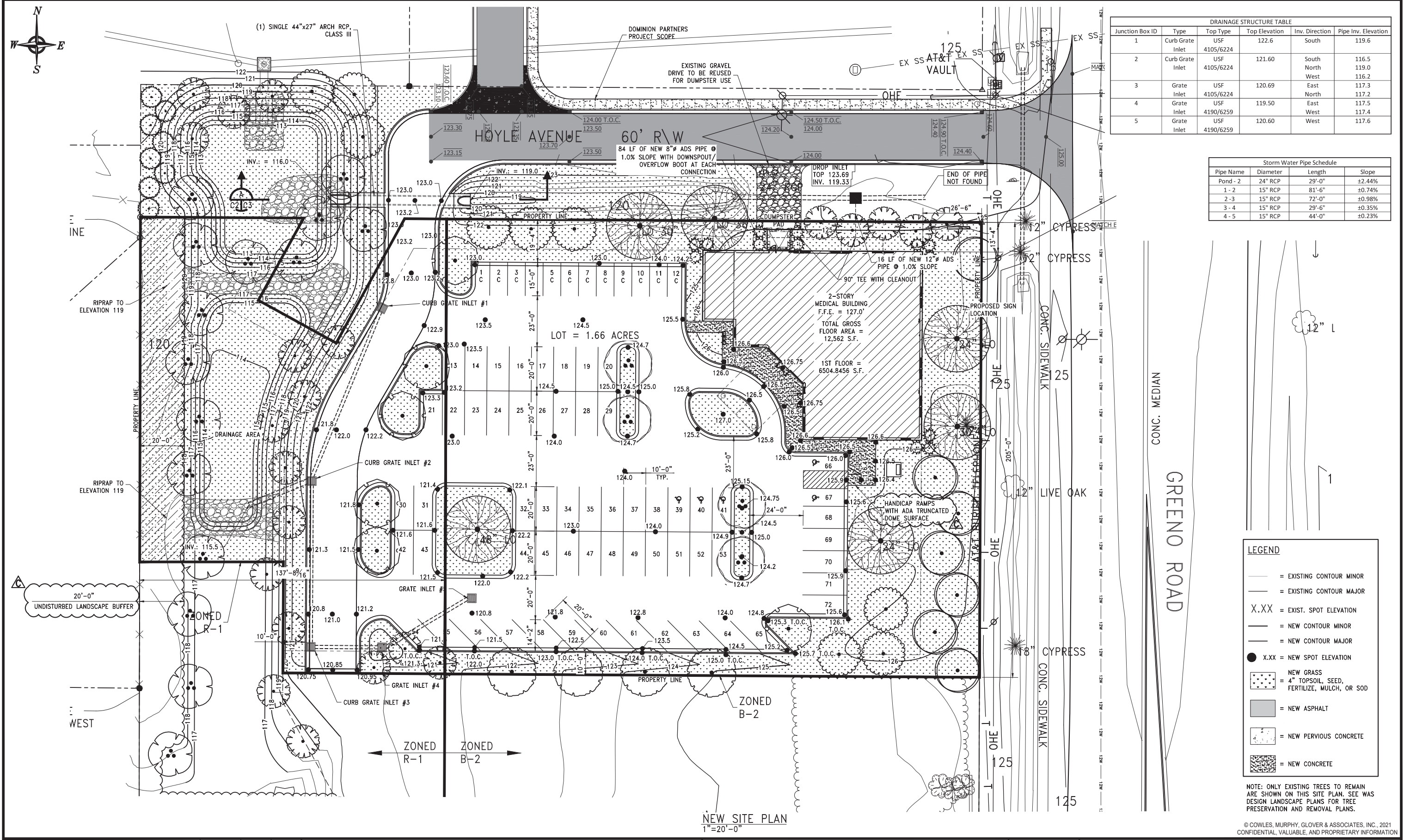
(m) Compliance with the terms and conditions of any zoning approval; and

Response: No issues noted.

(n) Any other matter relating to the health, safety, and welfare of the community.

Response: No issues noted.

Staff Recommendation: Staff recommends **APPROVAL** of the appeal for clinic uses for the site known as Fairhope Urology.



Junction Box ID	Type	Top Type	Top Elevation	Inv. Direction	Pipe Inv. Elevation
1	Curb Grate Inlet	USF	122.6	South	119.6
2	Curb Grate Inlet	USF	121.60	South North West	116.5 119.0 116.2
3	Grate Inlet	USF	120.69	East North	117.3 117.2
4	Grate Inlet	USF	119.50	East West	117.5 117.4
5	Grate Inlet	USF	120.60	West	117.6

Pipe Name	Diameter	Length	Slope
Pond - 2	24" RCP	29'-0"	+2.44%
1 - 2	15" RCP	81'-6"	+0.74%
2 - 3	15" RCP	72'-0"	+0.98%
3 - 4	15" RCP	29'-6"	+0.35%
4 - 5	15" RCP	44'-0"	+0.23%

	= EXISTING CONTOUR MINOR
	= EXISTING CONTOUR MAJOR
	= EXIST. SPOT ELEVATION
	= NEW CONTOUR MINOR
	= NEW CONTOUR MAJOR
	= X.XX = NEW SPOT ELEVATION
	= NEW GRASS
	= 4" TOPSOIL, SEED, FERTILIZE, MULCH, OR SOD
	= NEW ASPHALT
	= NEW PERVIOUS CONCRETE
	= NEW CONCRETE

NOTE: ONLY EXISTING TREES TO REMAIN ARE SHOWN ON THIS SITE PLAN. SEE WAS DESIGN LANDSCAPE PLANS FOR TREE PRESERVATION AND REMOVAL PLANS.

© COWLES, MURPHY, GLOVER & ASSOCIATES, INC. 2021
CONFIDENTIAL, VALUABLE, AND PROPRIETARY INFORMATION

REV.	DESCRIPTION	DATE	BY	CHK'D
C	REVISED PER DRC REVIEW	02/16/22	RCC	PLG
B	ISSUED FOR PLANNING REVIEW	01/24/22	VTH	PLG
A	ISSUED FOR REVIEW	11/04/21	VTH	PLG

457 St. Michael St.
Mobile, AL 36602
Phone (251) 433-1611
Fax (251) 433-1411

Cowles, Murphy, Glover & Associates
A Full Service Engineering Firm
PERFORMANCE • RELIABILITY • EXPERIENCE

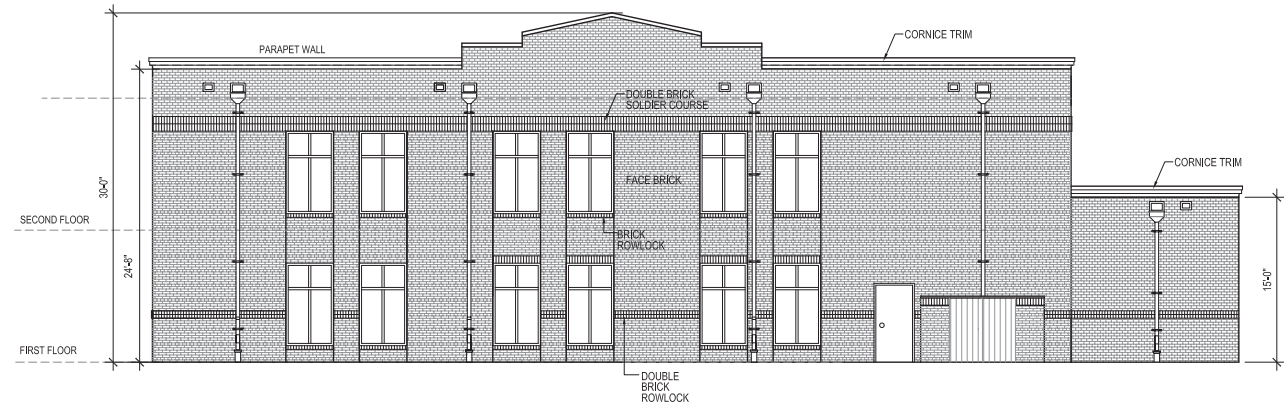
13 Thrash Rd.
LaGrange, GA 30241
Phone (706) 302-2831
Fax (251) 433-1411

PROJECT
**FAIRHOPE UROLOGY ASSOCIATES
GREENO ROAD MOB, LLC**
GREENO/HOYLE ROAD
FAIRHOPE, ALABAMA

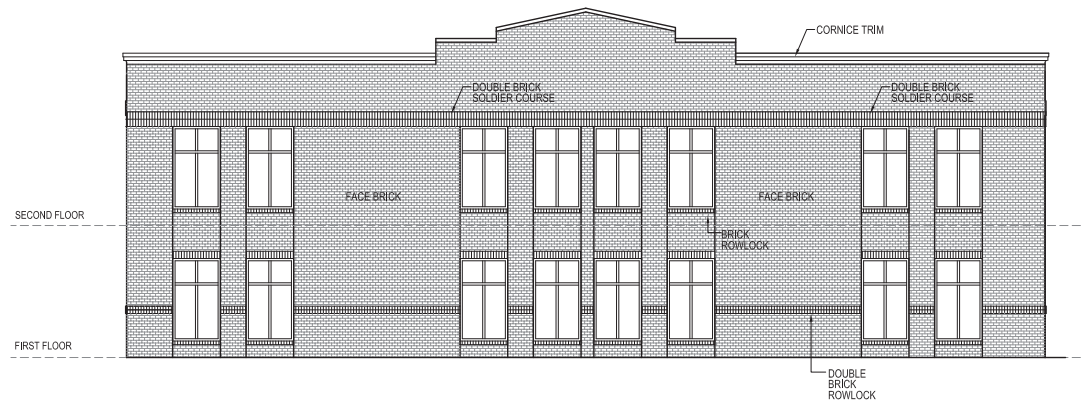
SCALE		DRAWN BY		DATE		SHEET		REV.	
AS NOTED		VTH		09/14/21		_____ OF _____		C	
JOB NO. 3979		CHECKED BY PLG		DATE 09/14/21		DRAWING NUMBER 3979-C2			



ENTRANCE



HOYLE AVE.



GREENO ROAD

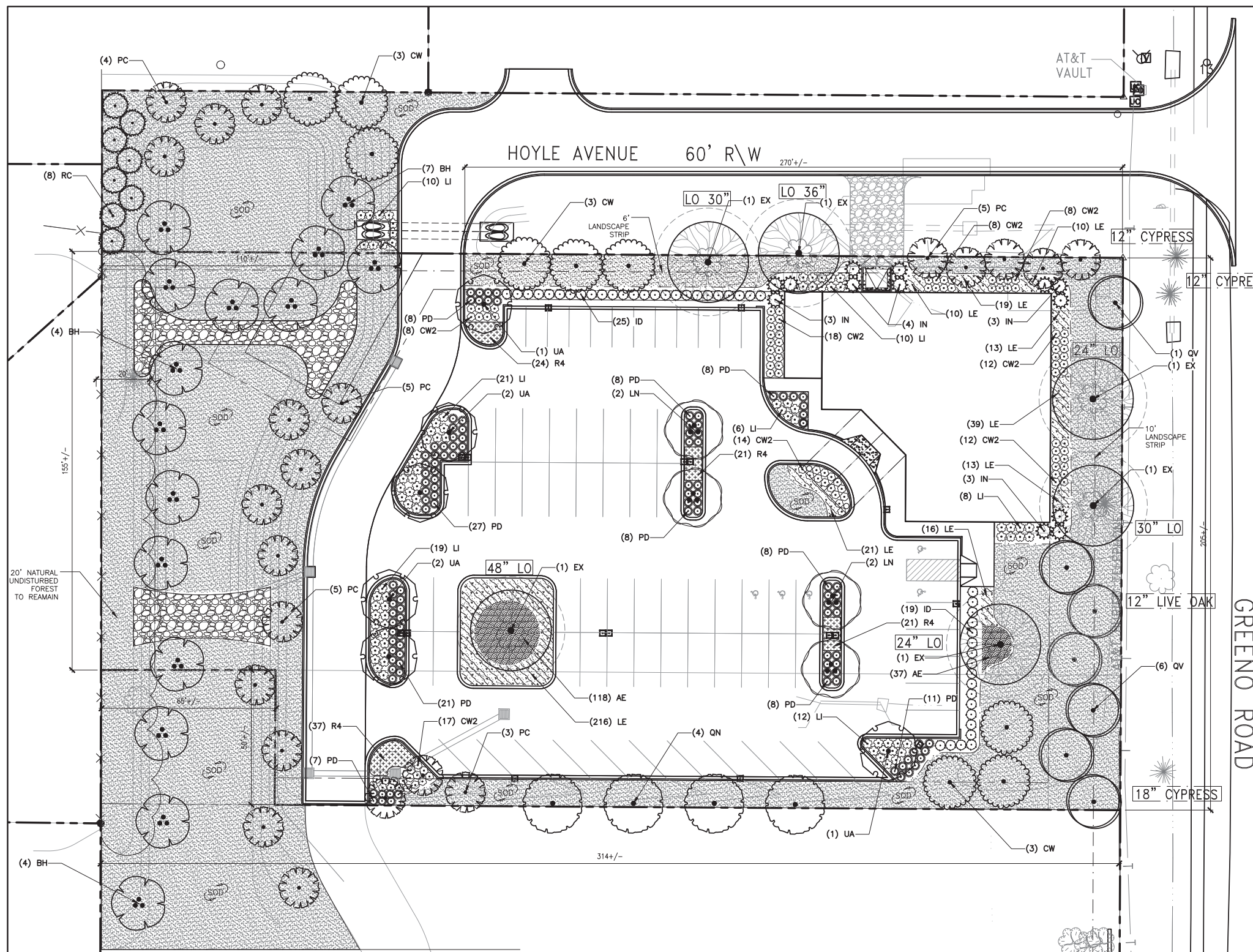
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REV.	DATE	BY	DESCRIPTION

PROJECT NUMBER:	2130
DRAWN BY:	
CHECKED BY:	
ISSUE DATE:	
DESCRIPTION	

NOT
FOR CONSTRUCTION
THESE PLANS HAVE NOT BEEN
APPROVED AND ARE SUBJECT
TO CHANGE.

A Landscape Development Plan for
Fairhope Urology
Fairhope, Alabama



LANDSCAPING PERCENTAGE REQUIREMENTS - Sec. 20.5-4(c)

Total Site Area:	72,306 s.f.
Required Landscape Area (20%):	14,461 s.f.
Proposed Landscape Area:	34,650 s.f.
Required Landscape btwn Building & ROW (60% req. Idsc area):	8,677 s.f.
Proposed Landscape Area btwn Building & ROW:	9,130 s.f.

PERIMETER REQUIREMENTS - Sec. 20.5-4 (5)

Road Frontage Overstory Trees	
1 tree per 30 LF ROW @ 475.0 LF =	16 trees
Required Frontage Overstory Trees:	16 trees
Provided Frontage Overstory Trees:	16 trees
Remaining Outside Lot Perimeter	
1 tree per 30 LF Perimeter @ 695.0 LF =	23 trees
Required Trees:	23 trees
Provided Trees:	23 trees
Parking Area	
1 tree per 12 spaces @ 72 spaces =	6.00 trees
Required Parking Trees:	6 trees
Provided Parking Trees:	8 trees

Revisions

No.	Date	Revisions / Submissions
	00.00.00	REVISION
1	01.25.22	PER CITY REVIEW COMMENTS
2	02.15.22	PER CITY REVIEW COMMENTS

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ABS Drawn
Project Manager
JEC Principal
213237-007 Project No.
12.21.21 Date

Registration
STATE OF ALABAMA
LESTER CHAD WATSON
MEMBER
518
REGISTERED LANDSCAPE ARCHITECT

Sheet Title

**LANDSCAPE
PLANTING PLAN**