



**City of Fairhope
Board of Adjustments Agenda
5:00 PM
Council Chambers
May 16, 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
 - April 18, 2022
3. Consideration of Agenda Items
 - A. BOA 22.05** Public hearing to consider the request of the Applicant, Watershed, LLC, acting on behalf of the Owner, Eastern Shore American Legion, for a Special Exception to allow Community Center Use, Restaurant Use, and Bar Use for property zoned B-3a, Tourist Lodging Resort. The property is approximately 3.2 acres and is located at 700 South Mobile Street.
PPIN #: 11940
 - B. BOA 22.06** Public hearing to consider the Applicant, Bryan Peacock, acting on behalf of the Owner, Eastern Shore Presbyterian Church, Inc, for a Use Not Provided For to allow Church Use for property that is zoned R-1, Low Density Single-Family. The property is approximately 13.3 acres and located at 320 Presbyterian Drive.
PPIN#: 9894, 111029, 115671
4. Old/New Business
5. Adjourn

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax

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The Board of Adjustments met Monday, April 18, 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; and Allie Knutson, Secretary.

Absent: Mike Baugh and Casey Potts, City Planner.

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

Approval of Minutes

Cathy Slagle made a motion to approve the minutes from the March 21, 2022, meeting.

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

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

Nay: None.

Abstain: Ryan Baker.

BOA 22.04 Public hearing to consider the request of the Applicant, Rob Littleton, acting on behalf of the Owner, Patricia Niemeyer, for a 14' front setback variance as well as a 30' rear setback variance. The property is approximately 0.28 acres and is located at 863 Creek Drive. PPIN#: 63531

Hunter Simmons, Planning and Zoning Manager, presented the case summary and showed an aerial of the property.

The property is zoned R-1, Low Density Single-Family and if approved, the rear setback for this lot would be 5' in lieu of the required 35' and the front setback would be 26' in lieu of the required 40'. This property was considered by the Board of Adjustments in BOA Case 14.01. In 2014, the applicant was granted a 30' variance to the rear setback and a 10' variance to the front setback due to the shape of the property. The variance expired because it was not acted upon and was not recorded.

Overhangs and eaves are allowed to go 2' over the setback line. The applicant's proposed plan includes a 4' overhang over the setback line, but also includes a 3' eave for a total of 7' over the setback line. Staff's adjusted site plan was shown that translates the proposed dwelling within the setbacks as they were approved in 2014 if moved to the Southwest.

There is a hardship present as the lot has an unusual pie shape where a 40' front and rear setback meet each other over most of the lot. A portion of the area that does not have overlapping front and rear setbacks contains wetlands.

Recommendation:

Staff recommends denial of the 30' variance request to the rear setback and 14' variance request to the front setback.

Staff does not support the variance to the front setback of 14'. However, staff supports a variance to the front setback of 10' and a variance to the rear setback of 30', as originally approved in BOA 14.01.

Cathy Slagle asked about the 20' wetland buffer versus the 30' wetland buffer in the County. Mr. Simmons stated that new subdivisions have a 30' wetland buffer, but there was no wetland protection in the Zoning Ordinance or Building Code when some of the older lots were created so a 20' wetland buffer applies per building permits.

Cathy Slagle asked where the driveway would be, and Mr. Simmons stated that a driveway is something that would be looked at during the building permit and that a wetland delineation was done. Even with the wetland buffer, the house would be able to be moved to the Southwest within the setbacks of the variance that was approved in 2014.

The Applicant, Rob Littleton, 302 Poplar Place, stated that he thought the original variance that was granted in 2014 would run with the land and did not know it would expire. Since then, the lot has shrunk and changed significantly since the flood in 2014. He stated that he would like to be able to back their airstream in under the proposed overhang and eave and that shifting the house would put the driveway into the wetlands more.

Donna Cook asked what the footprint of the house is. Mr. Littleton stated it is 16'x48'.

Mr. Simmons stated that regarding the driveway, there are allowances to crossing wetlands where you are land locked. But, if there is another means of access, Erik Cortinas, Building Official, most likely will not allow any more encroachment into the wetlands. Being able to back an airstream in would not be a good enough reason to cut into wetland buffers for a driveway.

Chairman Vira asked why the driveway could not be on the east side of the property. Mr. Littleton stated that he wanted a circular driveway and that the house had been designed to fit inside the setbacks. Frank Lamia replied that the pylons were within the setbacks, but the house was not.

Ryan Baker asked for clarification for what the objections were to moving the home to the Southwest, other than parking the trailer, and stated that variances are granted based on hardships. Mr. Littleton responded by saying that he had no other objections. Mr. Simmons also mentioned that variances are tied to the land, they are not tied to existing floor plans. Mr. Littleton responded that he would like to have the original variance of 10' front and 30' rear, granted again, but that there would be an overhang. Mr. Simmons stated that would be a denial of a building permit.

Patricia Littleton (Niemeyer), 302 Poplar Place, stated that they she did not know the original variance would expire and since then, the lot has shrunk significantly. There is no way to access the property from the other side due to storm drains and power poles. None of the neighbors have any objection to the new variance they are requesting. Ryan Baker asked Mrs. Littleton to clarify the hardship in better detail as the only hardship being described is so they can pull an airstream in. Mrs. Littleton stated that according to staff, they are going to have to move the current driveway

further to the east to get it out of the wetland buffer, thus, they would also have to move the house plans, which will not work. Mr. Simmons clarified that the current driveway is not the problem, it's extending the driveway under the house that gets into the wetland buffer. A permit will not be issued if there are other alternatives.

Mr. Littleton stated that their building permit was denied because of the overhang. Mr. Simmons replied that they allow a maximum 2' of overhang, but they are requesting 7' over the property line.

Donna Cook asked if there had been other variances on the surrounding lots. Mr. Simmons stated that he believes that there have been other variances granted.

Chairman Vira opened the Public Hearing.

Lisa Adams, 860 Creek Drive, stated that she has lived on Creek Drive for twenty-five years and that Patricia Niemeyer has been a neighbor with environmental integrity for sixteen years. Ms. Adams stated that she and her neighbors had no objection to the requested variance and did not believe that the wetlands would be damaged in any way.

Chairman Vira closed the Public Hearing.

Cathy Slagle asked if the applicants would have to re-apply for the 2014 variance from Case BOA 14.01, if the variance for BOA 22.04 was denied. Mr. Simmons stated that they could approve the variance as requested or approve anything less than what had been requested.

Frank Lamia asked if plans for the proposed driveway had been submitted. Mr. Simmons stated that none of the plans submitted portrayed the driveway. Cathy Slagle asked if the proposed driveway plans would be checked in relation to the wetlands. Mr. Simmons stated that they would be and that wetlands can be accessed if there is no other point of access on the lot.

Motion:

Cathy Slagle made a motion to deny Case BOA 22.04. However, does support the variance that was granted in 2014 for Case BOA 14.01, with a front setback of 10' variance and a rear setback of 30'.

Ryan Baker 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.

Mr. Simmons reminded the Applicant and Owner that the variance would expire if not acted upon and recorded in 365 days and that a Notice of Action Letter would be sent to them.

Old/New Business

Mr. Simmons stated that there would be two cases on the agenda for next month.

Adjournment

Ryan Baker made a motion to adjourn.

Donna Cook 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.

Adjourned at 6:01 p.m.

Anil Vira, Chairman

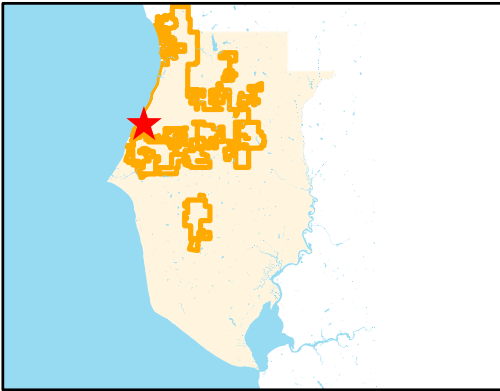
Allie Knutson, Secretary

City of Fairhope Board of Adjustment

May 16, 2022



BOA 22.05 - American Legion



Project Name:	American Legion
Site Data:	2.92 acres
Project Type:	Special Exception
Jurisdiction:	Fairhope Planning Jurisdiction
Zoning District:	B-3a
PPIN Number:	11940
General Location:	West of South Mobile Street, at the intersection of Laurel Street and South Mobile Street
Surveyor of Record:	SE Civil, LLC
Engineer of Record:	
Owner / Developer:	Eastern Shore American Legion
School District:	Fairhope Elementary School Fairhope Middle and High Schools
Recommendation:	Approved w/ Conditions
Prepared by:	Casey Potts



AMERICAN LEGION CONDITIONAL USE APPLICATION

03.31.2022

The American Legion, Post 199 is proposing a revitalization of their historic building, located at 700 South Mobile Street. The building was originally constructed in 1913 as the Mobile Women's Business Club meeting place, "Pine Needles." The building was heavily damaged in hurricane Sally, and the Legion has planned a complete renovation of the facility that will expand their ability to serve their membership and the community of Fairhope.

The new Legion facility is zoned B3A, which includes the Conditional Uses of Restaurant, Bar, and Community Center or Club. We submit this application for your consideration, and we hope approval, of those conditional uses. The attached Zoning Summary outlines how the proposed facility meets the requirements of Fairhope's Zoning Ordinance for those uses.

The proposed renovations will house a Restaurant and Bar on the first floor, that will serve both Legion members and the community at large. The second floor will be used as a Legion Member Hall, where members can host parties, meetings, or other events. The third floor will house Legion offices, to be utilized for meetings of the membership and the operation of the club.

The Planning and Zoning Department has communicated concerns around the provision of parking sufficient to serve these uses, and the avoidance of negative impacts to the surround community. The Legion shares those concerns, and appreciates the aesthetic value of their vegetated bayfront site, not just to their membership, but as a highly visible part of the view of the bayfront along Mobile Street.

In order to meet both sets of concerns, the proposed design includes parking to the South of the building to serve daily uses, with asphalt drive aisles, and pervious vegetated paver stalls. To the north and west of the building, vegetated "grass pave" overflow parking is provided for member parties or events. This will protect the bluff from erosion, mitigate stormwater runoff, and preserve the utilization of the area as a green gathering space, when not needed for parking.

ZONING SUMMARY

1. Zoned B-3a – Tourist Resort Lodging District

a. Conditional Uses, proposed by owner

- i. Community Center or Club
- ii. Restaurant
- iii. Bar

b. Lot requirements:

Existing, non-conforming building encroaches into front setback, and height has not been confirmed. All other lot requirements are met.

District	Lot area	Lot width	Front Setbk	Rear Setbk	Side Setbk	Lot coverage	Height
B-3a	7,500 SF	60'	30'	35'	10'	30% Max	30 ft
B-3a	119,637 SF	289'	30'	35'	10'	5% Under Roof (6,196 / 119,637) 3% Impervious Paving (3,738 / 119,637) 8% Total Impervious (9,934 / 119,637)	N/A

c. Site Screening:

- i. North and South property lines screened by tight evergreen hedge not less than six feet (6') in height on uplands, and 20' buffer of existing wooded area on bluff and beach
- ii. Dumpster will be screened by a fence
- iii. Parking will be screened by evergreen shrubs

d. Parking

Use Type	Capacity	Parking Required	Parking Provided
Restaurant/ Bar	80 seats indoors		
	80 seats outdoors	31	33
Club Hall	4076 SF under roof	40	40
Club Offices	2900 SF under roof	29	29
Totals		100	102

- i. Community Center and Clubs require 1 space for each 100 SF under roof. *(For reference, entertainment venues require 1 parking space per every 200SF under roof.)*
- ii. Restaurant and Bars require: 1 space for each 4 seats up to 52 and 1 space for each 6 seats thereafter.
- iii. Compact Parking: >30%-<40% required. +/- 40% proposed
- iv. ADA Accessible: 101-150 spaces require, 5 ADA, 1 van
- v. LID parking design
 - Proposed Parking reduces impervious area from existing
 - *Total area of landscape is >10% of the total paved area*
 - 5 ADA spaces and drive aprons are concrete
 - Remainder of parking is pervious, a combination of stabilized gravel paving system and stabilize grass paving systems. Stabilize sand paving system is used for the . These spaces can be blocked off when not needed
 - Planting islands provided after every 12 spaces and 3 rows
- vi. Parking Credits:
 - 1. Bicycle parking facilities will be provided, but no credits are being used in our calculations



Article III
Zoning Districts

Section B
Allowed Uses

Table 3-1: Use table

Zoning District	Zoning District													PUD	VRM	NYC	CVC	HTD				
	R-1A	R-1(a,b,c)	R-2	R-3 TH	R-3 P/GH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b						B-4	M-1	M-2	
Dwelling																						
Single-family	●	●	●			●	●	●		●	●	●	●	●			●	●	●	●	●	
Two-family						●	●	●		●	●	●	●	●			●	●	●	●	●	
Townhouse				3						3	3				3		3	●	●	●	●	
Patio Home					3												3					
Multiple-family / Apartment												○	○				3	3	3		○	
Manufactured Home									3													
Mixed-use										●	●	●	●	●				●	●	●	●	
Accessory Dwelling										3	3	3	3	3			3	3	3	3	3	
Estate																	●					
Civic																						
Elementary School		●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	
Secondary School		●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	
Education Facility		●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	
Library		●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	
Place of Worship																	●	○	○	○	○	
Cemetery	○	○	○			○	○	○		○	○	○			○	○						
Hospital																		○	○	○	○	
Public Open Space	●	●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	
Common Open Space	●	●	●			●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	
Community Center or Club	○	○	○			○	○	○		○	○	○			○	○	○	○	○	○	○	
Public Utility	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	
Office																						
General										●	●			●	●	●		●	●	●	●	
Professional										●	●			●	●	●		●	●	●	●	
Home Occupation	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
Retail																						
Grocery										●	●			●	●	●		●	●			
Convenience Store										3	3			3	3	3		3	3	3		
General Merchandise										●	●			●	●	●		●	●	●	○	
Shopping Center										●	●			●	●	●						
Automobile Service Station										○	○					○	○		3	3		
Outdoor Sales Limited										○	○				○	○		○	○	○	○	
Outdoor Sales Lot										○	○				○	○		○	○	○	○	
Garden Center										○	○				○	○		○	○	○	○	
Service																						
Convalescent or Nursing Home	○	○	○			○	○	○		○	○	○			○	○		●	●	○	○	
Clinic	○	○	○			○	○	○		○	○	○			○	○		○	○	○	○	
Outdoor Recreation Facility	○	○	○			○	○	○		○	○	○	●	○	○	○		○	○	○	○	
Day Care	○	○	○			○	○	○		○	○	○			○	○		●	●	●	●	
General Personal Services										●	●			●	●	●		○	○	○	○	
Mortuary or Funeral Home										○	○			○	○	○		○	○	○	○	
Automobile Repair										○	○			○	○	○		○	○	○	○	
Indoor Recreation										●	●		○		●	●		●	●	●	●	
Dry Cleaner / Laundry										●	○				○	○		○	○	○	○	
Personal Storage										○	○				○	○		○	○	○	○	
Bed & Breakfast													3	3		●	○	●	●	●	●	
Hotel / Motel										○	○				○	○		●	●			
Boarding House or Dormitory										○	○				○	○		●	●			
Recreational Vehicle Park										3					3	3						
Restaurant										○	○				○	○		●	●	●	●	
Bar										○	○				○	○		●	●	●	●	
Entertainment Venue										○	○				○	○		○	○	○	○	
Marina										○	○				○	○		○	○	○	○	
Kennel or Animal Hospital										○	○				○	○						
Warehouse															●	●						
Junk Yard or Salvage Yard															○	○						
Manufacturing																						
Limited										○					○	○		●	●	○	○	
Light															○	○						
General															○	○						
Food Processing															○	○						
Rural																						
Agriculture	●																					
Rural Market	●																					
Plant Nursery	●																					

- Permitted subject to general ordinance standards and conditions.
- 3 Permitted subject to special conditions listed in the ordinance
- Permitted only on appeal and subject to special conditions

Uses in the PUD District shall be specified based on a development plan according to the standards and procedures of this ordinance.

Summary of Request:

On behalf of Eastern Shore American Legion, Watershed LLC is requesting uses which are not allowed by-right but by special exception in Fairhope’s Zoning Ordinance for the property located at the intersection of Laurel Street and South Mobile Street. The subject property is zoned B-3a. The applicant desires to develop the subject property as a Community Center or Club, Restaurant, and Bar, which is allowed only on appeal and subject to special conditions.

Comments

Watershed LLC is requesting Community Center or Club, Restaurant, and Bar use in the Zoning Ordinance. By definition, a Community Center or Club is a building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests. A Restaurant is a business serving prepared meals for consumption on the premises, which may include an accessory bar, carry out, drive-through, or catering services. A Bar is a business serving alcoholic beverages, which may include accessory food and entertainment services.

Although the definition of a restaurant includes a drive-through as a permitted use, the applicant does not plan on implementing one on site. Staff believes a drive-through does not fit with the character of the neighborhood. As such, staff recommends that a drive-through not be a permitted use on site.

Parking

A restaurant, bar, club hall, and club offices are proposed on site. According to staff calculations (shown below) and based on maximum capacity of the proposed uses provided, the applicant meets the requirements of the Zoning Ordinance.

USE	REQ. SEATS OR SF	SPACES
Restaurant/Bar	160	31
Club Hall	4076	41
Club Offices	2900	29
Required Parking		101
Provided Parking		102
Maximum Parking		121
Required Pervious Spaces		1
Provided Pervious Spaces		96
Required Compact Spaces		30-40
Provided Compact Spaces		35

The parking to the South of building will serve daily uses. The parking to the north and west of the building is provided for member parties or events (See Figure 1). Outside of member parties or events, the lot will be closed (area highlighted below). This would result in a total of 79 parking spaces available for use.

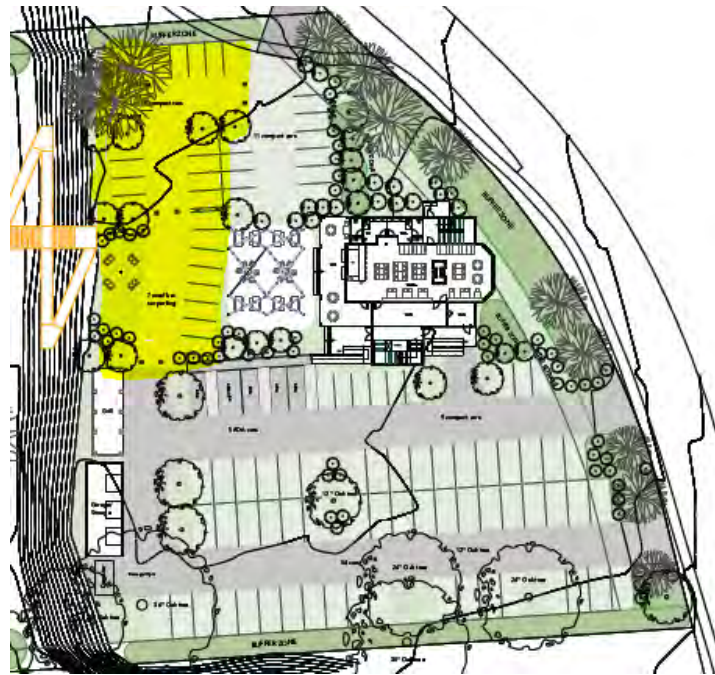


Figure 1

A parking analysis that considers the closure of the north and west parking lots is shown below. Landscape for the parking areas shall meet the requirements of the City of Fairhope Tree Ordinance.

USE	REQ. SEATS OR SF	SPACES
Restaurant/Bar	160	31
Club Hall	NOT IN USE	NOT IN USE
Club Offices	2900	29
Required Parking		60
Provided Parking		80
Maximum Parking		72
Required Pervious Spaces		20
Provided Pervious Spaces		74
Required Compact Spaces		18-24
Provided Compact Spaces		20

According to staff calculations and based on restricted capacity of the proposed uses provided, the applicant meets the parking requirements of the Zoning Ordinance.

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 by R-2 Medium Density Single-Family, R-5 High Density Dwelling Residential, and B-3a Tourist Resort Lodging District. The structure is existing, and the uses do not conflict with the character of the surrounding properties.

(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.

(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 buffered 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 community center, restaurant, and bar services 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

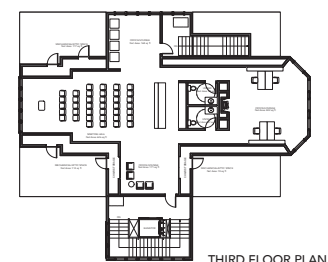
Response: No issues noted.

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

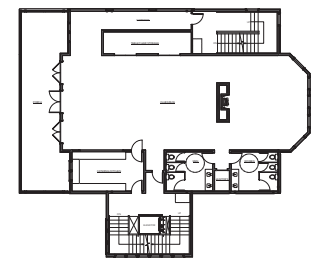
Response: No issues noted.

Staff Recommendation: Staff recommends **CONDITIONAL APPROVAL** of the appeal for Community Center or Club, Restaurant, and Bar uses for the site known as Eastern Shore American Legion.

1. A drive-through shall not be an allowed use on this site.



THIRD FLOOR PLAN



SECOND FLOOR PLAN

- Legend
- Stabilized Grass / Parking
 - Stabilized Sand
 - Concrete
 - Landscaped Area
 - Property Buffer / Planted Screen

SITE AND FIRST FLOOR PLAN



REVITALIZATION OF AMERICAN LEGION POST 0199

WATERSHED





CURVE RADIUS	ARC LENGTH	CHORD	BEARING	CHORD LENGTH
C1	450.00	153.75	N01°34'16" W	153.72

- SURVEYOR'S NOTES:**
1. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID TRACT.
 2. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES, GUTTERLINE AND RIGHT-OF-WAY OF THE STREETS SHOWN HEREON FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS INDICATED OTHERWISE.
 3. RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
 4. THIS SURVEY WAS CONDUCTED ON AUGUST 7, 2020, AND IS RECORDED IN AN ELECTRONIC FIELD BOOK.
 5. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD MEASUREMENTS AND ARE BASED ON STATE PLANE GRID, ALABAMA WEST ZONE USING NAD 83 DATUM.
 6. ELEVATIONS SHOWN HEREON ARE RELATED TO MEAN SEA LEVEL, BASED ON N.A.S.D. 1988 DATUM.
 7. THIS SURVEY WAS CONDUCTED FOR THIS SURVEY.
 8. THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2017.

- LEGEND:**
- B.S.L. = BUILDING SETBACK LINE
 - (R) = RECORD BEARING/DISTANCE
 - CRF = CAPPED REBAR FOUND (CIVIL)
 - CTIF = CRIMP TOP IRON FOUND
 - OFF = OPEN END PIPE FOUND
 - REF = REBAR FOUND (NO CAP)
 - T = TELEPHONE LINE
 - F = FIBER OPTIC LINE
 - G = GAS LINE
 - W = WATER MAIN
 - S = SEWER MAIN
 - TM = TELEPHONE MANHOLE
 - U = UTILITY POLE
 - WM = WATER METER
 - AM = AIR CONDITIONER
 - GM = GAS VALVE
 - GP = GAS POLE
 - SP = SPOUT
 - FOM = FIBER OPTIC MARKER
 - P = POST
 - GM = GAS METER
 - SM = SEWER CLEAN OUT

- TREE LEGEND:**
- M = MAGNOLIA
 - O = OAK
 - P = PINE
 - PO = POPCORN
 - C = CYPRESS
 - ST = SWEETGUM
 - PA = PALM
 - WM = CREPE MYRTLE

BUILDING SETBACKS AS PER FAIRHOPE ZONING B-36 TOURIST RESORT LODGING DISTRICT:
 REAR: 35 FT.
 FRONT: 35 FT.
 SIDE: 10 FT.

FLOOD STATEMENT

PROPERTY LIES IN FLOOD ZONE X (UNSHADED), Y (SHADED), AS BE 111, VE (EL 12) AND VE (EL 13) AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER 0100302643M, COMMUNITY NUMBER 100006, PANEL 0643. SUFFIX "M", DATED APRIL 19, 2019.

SURVEYOR'S CERTIFICATE

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

BEGINNING AT A CAPPED REBAR (FAIRHOPE) AT THE INTERSECTION OF WEST RIGHT-OF-WAY LINE OF SOUTH MOBILE STREET (SCENIC HIGHWAY 98) WITH THE NORTH LINE OF LOT 1, BLOCK 7, MAGNOLIA BEACH SUBDIVISION, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGE 331, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 36 DEGREES 03 MINUTES 22 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 44.77 FEET TO AN IRON PIPE ON THE EAST RIGHT-OF-WAY OF SOUTH MOBILE STREET (SCENIC HIGHWAY 98); THENCE ALONG SAID EAST RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 450.00 FEET, AN ARC LENGTH OF 53.75 FEET, (CHORD BEARS NORTH 01 DEGREES 34 MINUTES 16 SECONDS WEST, A DISTANCE OF 53.72 FEET) TO A CAPPED REBAR (SE CIVIL); THENCE RUN SOUTH 19 DEGREES 24 MINUTES 28 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 86.57 FEET TO AN IRON PIPE; THENCE DEPARTING SAID WEST RIGHT-OF-WAY, RUN NORTH 56 DEGREES 35 MINUTES 24 SECONDS WEST, A DISTANCE OF 475 FEET, MORE OR LESS, TO THE EASTERN MARGIN OF SAID EASTERN MARGIN, A DISTANCE OF 262 FEET, MEANDERS OF SAID EASTERN MARGIN, TO THE POINT OF BEGINNING, MORE OR LESS, TO THE POINT OF BEGINNING OF SAID TRACT, THENCE RUN NORTH 10 DEGREES 49 MINUTES 22 SECONDS EAST, ALONG SAID NORTH LOT LINE, A DISTANCE OF 324 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, TRACT CONTAINS 2.50 ACRES, MORE OR LESS.

TOGETHER WITH:

BEGINNING AT A CAPPED REBAR (FAIRHOPE) AT THE NORTHEAST CORNER OF LOT 1, BLOCK 7, MAGNOLIA BEACH SUBDIVISION, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGE 331, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 36 DEGREES 03 MINUTES 22 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 44.77 FEET TO AN IRON PIPE ON THE EAST RIGHT-OF-WAY OF SOUTH MOBILE STREET (SCENIC HIGHWAY 98); THENCE ALONG SAID EAST RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 450.00 FEET, AN ARC LENGTH OF 53.75 FEET, (CHORD BEARS NORTH 01 DEGREES 34 MINUTES 16 SECONDS WEST, A DISTANCE OF 53.72 FEET) TO A CAPPED REBAR (SE CIVIL) ON THE NORTH LINE OF AFOREMENTIONED LOT 1; THENCE RUN NORTH 57 DEGREES 35 MINUTES 24 SECONDS EAST, ALONG SAID NORTH LOT LINE, A DISTANCE OF 324 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, TRACT CONTAINS 0.02 ACRES, MORE OR LESS.



DAVID E DIEHL AL. P.L.S. NO. 26014 DATE _____

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.

BOUNDARY & TOPOGRAPHIC SURVEY

AMERICAN LEGION



DRAWN	RDC
CHKD.	DIED
PROJ. MGR.	DIED
SCALE	1"=30'
PROJECT	20200660
FILE	LEGION-FULL SURVEY
SHEET	1 OF 1



- Legend**
- Stabilized Grass / Parking
 - Stabilized Sand
 - Concrete
 - Landscaped Area
 - Property Buffer / Planted Screen
 - Proposed Trees / Shrubs
 - Existing Tree to Remain
 - Damaged Heritage Tree Removal
 - Existing Tree to be Removed

American Legion Revitalization
 700 S Mobile Street
 Fairhope, AL

Seal

Not For Construction

Date Issued: April 7, 2022
 Schematic Design

Revised:

WATERSHED
 Building Sustainability

302 Magnolia Avenue
 Fairhope, AL 36532
 p 251.929.0514

C1.0

Schematic Site Plan

1 SITE PLAN
 Scale: 1/16" = 1'-0"



REVITALIZATION OF AMERICAN LEGION POST 0199

LOOKING SOUTHEAST
WATER SHED





NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



REVITALIZATION OF AMERICAN LEGION POST 0199

LOOKING NORTHWEST
WATER SHED

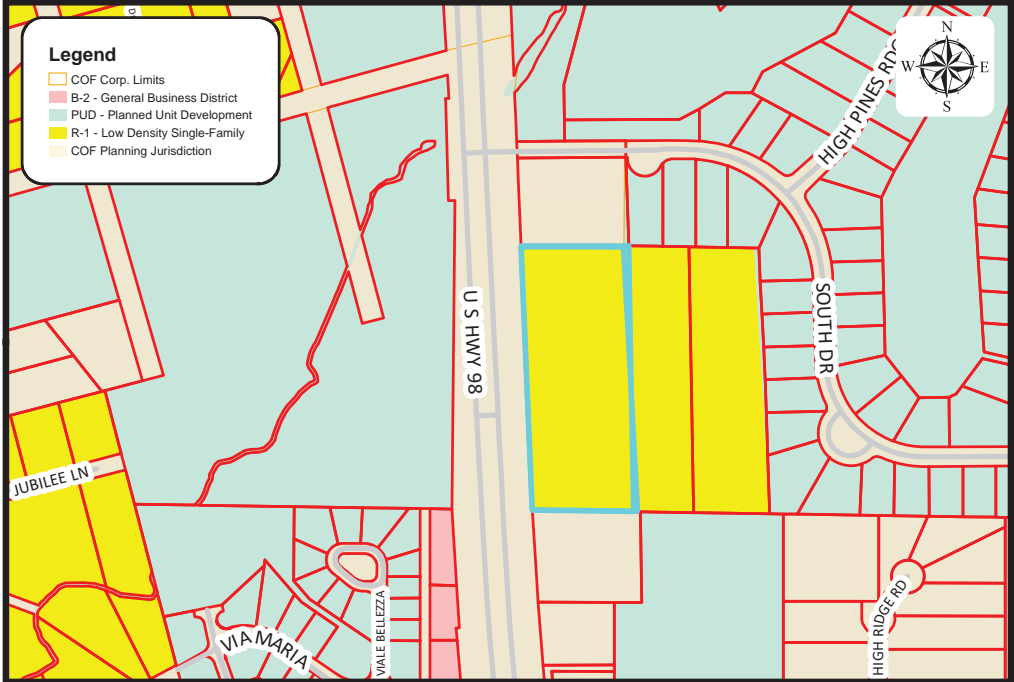
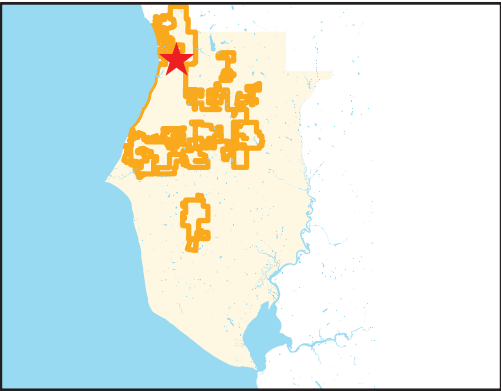


City of Fairhope Board of Adjustment

May 16, 2022



BOA 22.06 - Eastern Shore Presbyterian Church



Project Name:	Eastern Shore Presbyterian Church
Site Data:	13.3 acres +/-
Project Type:	Use Not Provided For
Jurisdiction:	Fairhope Planning Jurisdiction
Zoning District:	R-1
PPIN Number:	9894, 111029, and 115671
General Location:	320 Presbyterian Drive, south of Rock Creek Subdivision
Surveyor of Record:	N/A
Engineer of Record:	N/A
Owner / Developer:	Eastern Shore Presbyterian Church
School District:	N/A
Recommendation:	Approved
Prepared by:	Mike Jeffries





APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type: Administrative Appeal Special Exception Variance

Property Owner / Leaseholder Information CONTACT (251) 370-2732
 Name: EASTERN SHORE PRESBYTERIAN CHURCH Phone Number: (251) 920-0977
 Street Address: 320 PRESBYTERIAN DRIVE
 City: FAIRHOPE State: AL Zip: 36522

Applicant / Agent Information
 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

EASTERN SHORE PRESBYTERIAN CHURCH
Douglas J. Vermeulen
 Property Owner/Leaseholder Printed Name

Douglas J. Vermeulen
 Signature

4/11/22
 Date

Fairhope Single Tax Corp. (If Applicable)



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: USE NOT PROVIDED FOR

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

N/A

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

N/A

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.

EASTON SHORE PRESBYTERIAN CHURCH

Douglas J. Vermeulen
Property Owner/Leaseholder Printed Name

[Signature]
Signature

9/11/22
Date

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 Douglas J. Vermeulen, (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.

ENG: EIA CHECK PROSODY/INDIA/11/2022

Douglas J. Vermeulen
Signature of Applicant or Authorized Agent

9/11/22
Date of Application

Summary of Request:

The subject property is located at 320 Presbyterian Drive and is zoned R-1 - Low Density Single-Family Residential District. The property is currently used by Eastern Shore Presbyterian Church. The applicant is requesting to expand the administrative facilities of the existing church. Currently, a church or *Place of Worship*, per the Zoning Ordinance, is not indicated as a use allowed by right; a use allowed subject to special conditions; nor a use allowed on appeal to the board of adjustments as defined in *Table 3-1: Use Table*. Consequently, and as set by historical precedent, the proposed use is brought to the board as a “use not provided for”.

The applicant provided a narrative stating that the church was established in 1994 and the sanctuary that currently holds 275 people will not change. The intent is to enlarge the administrative area to create larger work areas for each staff member. The applicant also provided the original annexation paper work showing the property was annexed November 12th, 2012. The R-1 zoning is the default zoning for all properties that request to annex into the City of Fairhope. This request if approved will allow for the current expansion as well as solidify the church as an allowed use for the property for any future expansions.

The church sits on three separate properties and as part of the building permit review a re-plat to combine the properties would be required to avoid building across property lines.

Comments:

The Board of Adjustments is authorized to grant relief for a use not provided for through Article II.A.4.d(4) which says the following:

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

(4) Whenever, in any district established under this ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the Director of Planning and Building for use, the Director shall refer the application to the board of adjustment which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this ordinance.

Analysis and Recommendation:

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.

Staff has reviewed the above criteria and this application meets the standard requirements for approval.

Staff Recommendation:

Staff Recommends **Approval** of case BOA 22.06 to allow the Eastern Shore Presbyterian Church to operate at 320 Presbyterian Drive to include the following PIN#'s – 9894, 111029, and 115671.

Paving Your Way Since 1978

Complete Site Development
Asphalt Paving
Sealcoating
Roadway Construction



18520 County Road 9
Silverhill, AL 365276
251.988.8128
www.baldwinroadbuilders.com

April 11, 2022

To: Mike Jeffries, Development Services Manager, City of Fairhope

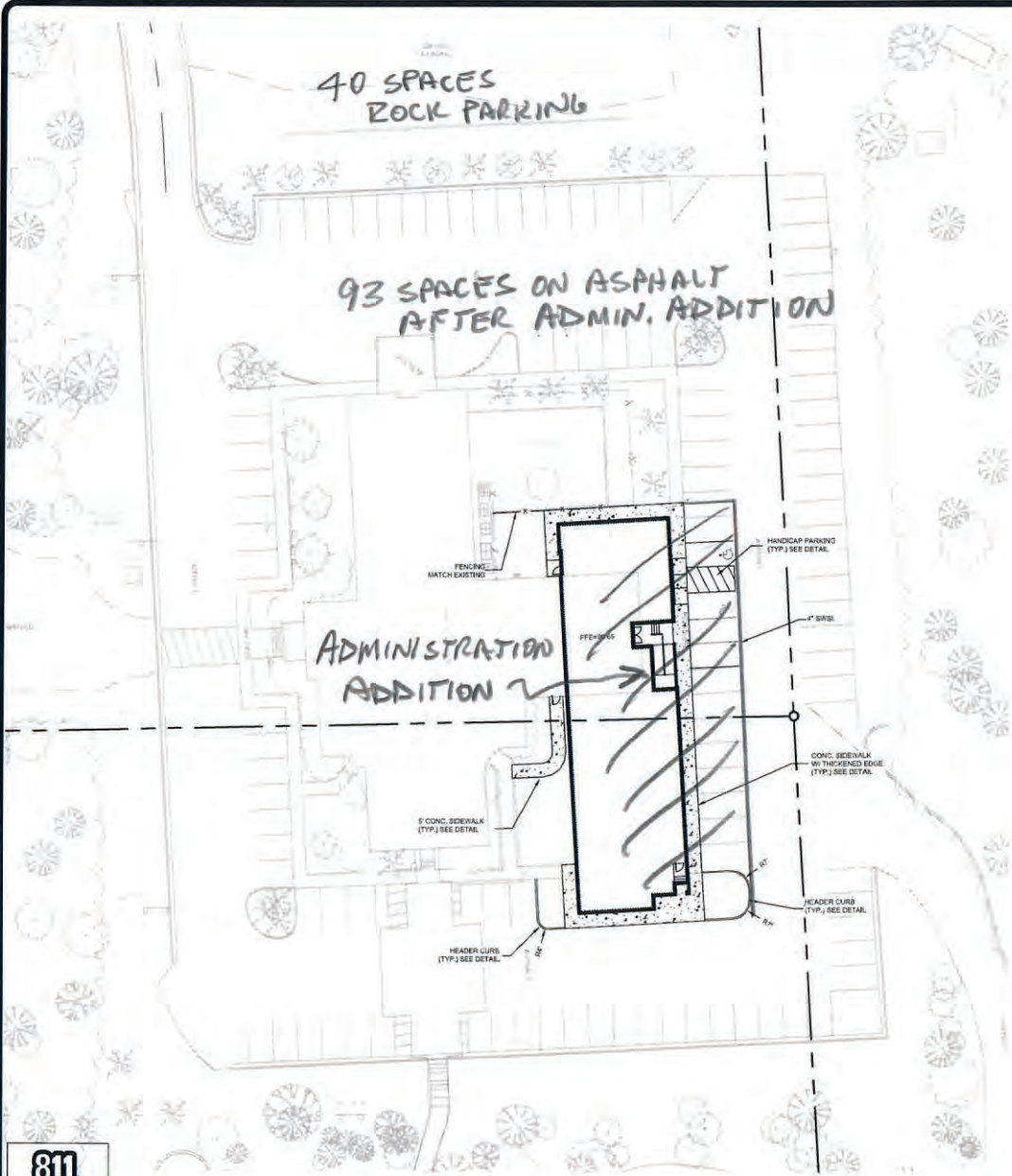
RE: Eastern Shore Presbyterian Church, 320 Presbyterian Drive, Fairhope, AL 366532

As discussed, I am an Officer at ESPC and the Owner's Representative for the Administration Building Addition. Attached is a plan sheet for the proposed Administration Addition for the project. This Administration Addition does not add additional staffing, but enlarges the work areas for each staff member. The current seating for the Sanctuary is 275 and will not change. The current parking is for 133 spaces. We are requesting the Use Approval for this project since it is zone Residential. The site has been in use as a church since 1994.

If you have any questions, please call me at 251-370-2732.

A handwritten signature in blue ink, appearing to read "Bryan V. Peacock".

Bryan V. Peacock, P.E.
President



SITE PLAN NOTES

1. ALL WORK AND MATERIALS SHALL COMPLY WITH THE CITY OF FAIRHOPE REGULATIONS AND CODES AS WELL AS G.S.H.A. AND ADOT STANDARDS.
2. ALL ISLANDS WITH CURB & GUTTER SHALL BE LANDSCAPED.
3. ALL CURBED OR STRIPPED RADII ARE TO BE 4' UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
5. EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COSTS SHALL BE INCLUDED IN THE BASE BID.
6. 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 COSTS SHALL BE INCLUDED IN BASE BID.
7. 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.
8. REFER TO THE LANDSCAPING PLANS FOR PLANTING LOCATIONS AND ISLAND DETAILS.
9. PAINTED STRIPING SHALL BE BRIGHT AND CLEAR; STRIPES SHALL BE FOR PLAN AND PAINTED ON CLEAN ASPHALT OR CONCRETE.
10. CURBING SHALL BE FORMED AND POURED CONCRETE UNLESS OTHERWISE DETAILED WITHIN THE DRAWINGS. CONCRETE FOR CURBING SHALL BE 3000 PSI.
11. HANDICAP SIGNS AND PARKING STALLS SHALL BE PER ADA REQUIREMENTS AND LOCAL REGULATIONS.
12. THIS SITE IS ZONED R1 (LOW DENSITY SINGLE FAMILY).
13. TOTAL SITE ACREAGE = 13.1774 ACRES.
14. NOTIFY CITY OF FAIRHOPE INSPECTIONS 24 HOURS BEFORE THE BEGINNING OF EVERY PHASE OF CONSTRUCTION.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED GOVERNMENTAL INSPECTIONS.
16. A COPY OF THE APPROVED LAND DISTURBANCE PLAN AND PERMIT SHALL BE PRESENT ON SITE WHENEVER LAND DISTURBANCE ACTIVITY IS IN PROGRESS.
17. 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.
18. ALL NON-HANDICAP PARKING SPACE LINES WILL BE WHITE.
19. 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 ADOT'S ROADWAY AND TRAFFIC DESIGN STANDARDS WHERE APPLICABLE.
20. NO "PROTECTED TREES" WILL BE REMOVED, DESTRUCTIVELY DAMAGED, MUTILATED, RELOCATED, DISPOURED, DESTROYED, CUT DOWN, OR EXCESSIVELY PRUNED DURING CONSTRUCTION ACTIVITIES.
21. FIRE LANES AND SIGNAGE TO MEET REQUIREMENTS OF NFPA CHAPTER 1A.
22. 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 OBSTRUCTION TO UTILITIES ON SITE AND TO ADJACENT PROPERTIES.
23. PRIOR TO CONSTRUCTION, EXISTING UTILITIES AT PROPOSED CONNECTIONS AND CROSSINGS SHALL BE FIELD VERIFIED TO VERIFY LOCATIONS, ELEVATION AND DEPTH. NOTIFY THE ENGINEER IMMEDIATELY WITH ANY DEVIATIONS OR CONFLICTS.
24. CONTRACTOR SHALL REFER TO THE ARCH. PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF EXISTING PORCHES, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
25. THE DIMENSIONS SHOWN ARE TO THE FACE OF BUILDING UNLESS OTHERWISE NOTED.
26. REFER TO STRUCTURAL PLANS FOR THE COLUMN GRID LAYOUT AND INFORMATION REQUIRED TO LAYOUT THE BUILDING WITHIN THE FOUNDATIONS.
27. NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.
28. THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR STAIR AND RAMP DETAILS.

SITE PLAN LEGEND

EXISTING		PROPOSED
	TRAFFIC CONTROL ARROW	
	CURB & GUTTER	
	HEADER CURB	
	REBORN CURB	
	STANDARD PARKING QUANTITY	
	ACCESSIBLE PARKING SPACE	
	PERVIOUS CONCRETE PAVING	
	CONCRETE PAVING	
	MEDIUM DUTY ASPHALT PAVING	
<p>X" DYAL - X" WIDE SINGLE YELLOW SOLID LINE X" DYAL - X" WIDE DOUBLE YELLOW SOLID LINE X" SWGL - X" WIDE SINGLE WHITE SOLID LINE</p>		



REVISION

DATE

S.E.F. Civil
Engineering & Surveying
1010 W. Main St., Suite 101
Fairhope, AL 36525
(256) 868-1111

SITE PLAN

Eastern Shore Presbyterian Church
1000 W. Main St., Suite 101
Fairhope, AL 36525

PRELIMINARY

JOB No. 20210860 DATE 6/21/2021
DRAWN JMA SCALE 1"=20'
SHEET C01

ORDINANCE NO. 1482



AN ORDINANCE AMENDING ORDINANCE NO. 1359
PERTAINING TO THE ANNEXATION OF
THE EASTERN SHORE PRESBYTERIAN CHURCH, INC. PROPERTY

WHEREAS, EASTERN SHORE PRESBYTERIAN CHURCH, INC., the owner of the hereinafter described property, did, in writing, petition the City of Fairhope, a municipal corporation, for annexation under Section 11-42-21 of the Code of Alabama, 1975, as amended; and

WHEREAS, the property of Eastern Shore Presbyterian Church, Inc. was annexed by the Governing Body of the City of Fairhope on April 28, 2008 in Ordinance No. 1359; and

WHEREAS, the property is located at 23050 U. S. Highway 98, Fairhope, Alabama with County Tax Parcel Nos. 05-43-09-32-0-000-001.038, 05-43-09-32-0-000-001.035, and 05-43-09-32-0-000-001.001; and

WHEREAS, the property description in Ordinance No. 1359 has an incorrect metes and bounds delineation for 23050 U. S. Highway 98 which is the property address annexed by Ordinance No. 1359; and

WHEREAS, the property hereinafter described in Parcel C does not include the total property described by Tax Parcel No. 05-43-09-32-0-000-001.001. The correct description should be 5.8 acres, more or less. The incomplete description set out in Ordinance No. 1359 read as follows

Parcel C:

From the Southeast Corner of Section 32, Township 5 South, Range 2 East, Baldwin County, Alabama, run thence North 88 degrees 07 minutes 43 seconds West, 1981.23 feet to an iron pipe; thence run North 01 degrees 34 minutes 25 seconds West, 282.29 feet to the Point of Beginning; thence run West, 319.98 feet to a point on the East right-of-way of U. S. Highway Number 98 (4-lane); thence run Northwardly along the arc of a curve, having a radius of 59, 646.9 feet, an arc distance of 58.77 feet to a concrete monument on said East right-of-way; thence run North 01 degrees 34 minutes 25 seconds West along said East right-of-way, 692.86 feet to an iron pipe; thence run South 88 degrees 07 minutes 43 seconds East, 320.41 feet to an iron pipe; thence run South 01 degrees 34 minutes 25 seconds East, 740.92 feet to the Point of Beginning. Containing 5.8 acres, more or less

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the following property description amends Ordinance No. 1359 and correctly describes the complete parcel the Council intended to annex in Ordinance No. 1359 and does hereby annex: Parcel C, lying contiguous to the corporate limits of the City of Fairhope, Alabama; and not within the corporate limits or the police jurisdiction of any other municipality; be and the same is hereby annexed to the City of Fairhope, Alabama, to wit:

Property is located at 23050 U. S. Highway 98, Fairhope, Alabama.

LEGAL DESCRIPTION:

TAX PARCEL 05-43-09-32-0-000-001,001

Parcel C:

(1) From the Southeast Corner of Section 32, Township 5 South, Range 2 East, Baldwin County, Alabama, run thence North 88 degrees 07 minutes 43 seconds West, 1981.23 feet to an iron pipe; thence run North 01 degrees 34 minutes 25 seconds West, 282.29 feet to the Point of Beginning; thence run West, 319.98 feet to a point on the East right-of-way of U. S. Highway Number 98 (4-lane); thence run Northwardly along the arc of a curve, having a radius of 59, 646.9 feet, an arc distance of 58.77 feet to a concrete monument on said East right-of-way; thence run North 01 degrees 34 minutes 25 seconds West along said East right-of-way, 692.86 feet to an iron pipe; thence run South 88 degrees 07 minutes 43 seconds East, 320.41 feet to an iron pipe; thence run South 01 degrees 34 minutes 25 seconds East, 740.92 feet to the Point of Beginning. Containing 5.8 acres, more or less

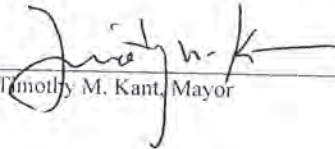
(2) From the Southeast Corner of Section 32, Township 5 South, Range 2 East, Baldwin County, Alabama; run thence North 88 degrees 07 minutes 43 seconds West, 1981.23 feet to an iron pipe for the Point of Beginning; thence continue North 88 degrees 07 minutes 43 seconds West, 320.41 feet to an iron pipe on the East right-of-way of U. S. Highway Number 98 (4-lane); thence run Northwardly along the arc of a curve to the left, having a radius of 59,646.9 feet, an arc distance of 271.90 feet (chord bearing North 01 degrees 34 minutes 46 seconds West 271.82 feet); thence run East, 319.98 feet; thence run South 01 degrees 34 minutes 25 seconds East; 282.47 feet to the Point of beginning.

This property shall be zoned R-1, Low Density Single-Family Residential District.

BE IT FURTHER ORDAINED that a certified copy of this Ordinance, with a copy of the Petition and the exhibit, be recorded in the Office of the Probate Judge, Baldwin County, Alabama.

This Ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 12TH DAY OF NOVEMBER, 2012



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Manks, MMC
City Clerk

1116525



ORDINANCE NO. 1359

WHEREAS, EASTERN SHORE PRESBYTERIAN CHURCH, INC., the owner of the hereinafter described property, did, in writing, petition the City of Fairhope, a municipal corporation, for annexation under Section 11-42-21 of the Code of Alabama, 1975, as amended; and

WHEREAS, a map of said property is attached to said Petition as an exhibit; NOW, THEREFORE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the following described property, lying contiguous to the corporate limits of the City of Fairhope, Alabama; and not within the corporate limits or the police jurisdiction of any other municipality; be and the same is hereby annexed to the City of Fairhope, Alabama, to-wit:

Property is located at 23050 U. S. Highway 98, Fairhope, Alabama.

LEGAL DESCRIPTION: EASTERN SHORE PRESBYTERIAN CHURCH

**TAX PARCEL 43-09-32-0-000-001.038, 43-09-32-0-000-001.035,
& 43-09-32-0-000-001.001**

Parcel A:

Commencing at a 2 inch pipe at the Southeast corner of Section 32, T5S-R2E, Baldwin County, Alabama, run S 89 degrees 59 minutes 43 seconds W 878.13 feet to a 2 inch iron pipe; thence run N 88 degrees 30 minutes 50 seconds W 706.29 feet to the point of beginning of the property herein described; thence continuing N 88 degrees 30 minutes 50 seconds W run 217.60 feet to a point; thence run N 02 degrees 46 minutes 25 seconds W 801.77 feet to an iron pipe; thence run S 89 degrees 07 minutes 52 seconds E 217.44 feet to a point; thence run S 02 degrees 46 minutes 25 seconds E 804.12 feet to the point of beginning. Containing 4.0 acres, more or less.

Parcel B:

Commencing at a concrete monument marking the Southeast Corner of Section 32, Township 5 South, Range 2 East; thence run North 88 degrees 07 minutes 43 seconds West, 1803.00 feet to a steel rod marking the point and place of beginning for the herein described parcel; thence run North 01 degrees 46 minutes 02 seconds West, 802.87 feet to a steel rod, thence run North 88 degrees 07 minutes 43 seconds West 178.03 feet to a steel rod; thence run South 01 degrees 46 minutes 02 seconds East, 800.07 feet to a 4 x 4 concrete monument; thence run South 88 degrees 07 minutes 43 seconds East, 178.23 feet to the point and place of beginning. Containing 3.27 acres, more or less.

Parcel C:

From the Southeast Corner of Section 32, Township 5 South, Range 2 East, Baldwin County, Alabama, run thence North 88 degrees 07 minutes 43 seconds West, 1981.23 feet to an iron pipe; thence run North 01 degrees 34 minutes 25 seconds West, 282.29 feet to the Point of Beginning; thence run West, 319.98 feet to a point on the East right-of-way of U. S. Highway Number 98 (4-lane); thence run Northwardly along the arc of a curve, having a radius of 59,646.9 feet, an arc distance of 58.77 feet to a concrete monument on said East right-of-way; thence run North 01 degrees 34 minutes 25 seconds West along said East right-of-way, 692.86 feet to an iron pipe; thence run South 88 degrees 07 minutes 43 seconds East, 320.41 feet to an iron pipe; thence run South 01 degrees 34 minutes 25 seconds East, 740.92 feet to the Point of Beginning. Containing 5.8 acres, more or less.

This property shall be zoned R-1, Low Density Single-Family Residential District.

BE IT FURTHER ORDAINED that a certified copy of this Ordinance, with a copy of the Petition and the exhibit, be recorded in the Office of the Probate Judge, Baldwin County, Alabama.

This Ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 28th DAY OF APRIL, 2008.

Timothy M. Kant, Mayor

ATTEST:

Geniece W. Johnson, City Clerk

MAIL TO:

CITY OF FAIRHOPE

Ord. No. 1359 Published in
FAIRHOPE COURIER
on May 19, 2008
Adrian T. Johns, City Clerk



CITY OF FAIRHOPE
P.O. DRAWER 429
FAIRHOPE, AL 36533
251/928-2136

PETITION FOR ANNEXATION

STATE OF ALABAMA)
COUNTY OF BALDWIN)

We, the undersigned PETITIONER(S), owner(s) of the lands in fee simple described in the attached EXHIBIT A, such property being without the Corporate Limits of the City of Fairhope, Alabama, but being contiguous to the said Corporate Limits; and such property not lying within the corporate limits or police jurisdiction of any other municipality, do, by these presents, hereby petition the City of Fairhope, a municipal corporation, that said property be annexed into the City of Fairhope, Alabama.

The subject land is delineated on the map attached hereto as EXHIBIT B.

This petition is filed under authority of Section 11-42-21, Code of Alabama, 1975, as amended.

- This petition is for R-1 Zoning
- The condition of the Petition is that zoning be established as _____ Concurrent with Annexation. (Zoning Request)

Is this property colony property Yes No. If this property is colony property the Fairhope Single Tax Office must sign as a petitioner.

[Handwritten Signature]
 Signature of Petitioner *AS PRES ES PRESB. CH.*

J.N. BLACKERBY AS PRES.
 Print petitioner's name
 Eastern Shore Presbyterian Church, Inc.

Signature of Petitioner _____ Print petitioner's name _____

Signature of Petitioner _____ Print petitioner's name _____

Physical Address of property being annexed: 23050 US Hwy 98, Fairhope, AL 36532

Petitioner's Current Physical Address: same Petitioner's Current Mailing Address: same

Telephone Number(s): n/a Home 251-928-0977 (church office) Work 251-928-7760 (Rock Skin) MAIL TO:

County Tax Parcel Number: 05-43-09-32-0-000-001.001 5.8 05-43-09-32-0-000-001.035* 3.2 05-43-09-32-0-000-001.038* 4.0

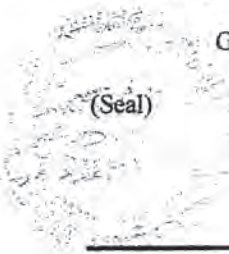
Backroom:Users:mray:Library:Mail:POP-

** The church has received conflicting reports about the annexation status of parcels 1.035 and 1.038. Some indications have been they were previously annexed, but since the Planning and zoning office conflicts with the Revenue office, we are requesting annexation of all three to be certain.*

U.S JUSTICE DEPARTMENT INFORMATION

- Size of property (acres or square feet) 5.8 acres / 3.2 acres / 4.0 acres = 13.0 acres Approx.
- If property is occupied, give number of housing units no housing, only church facilities
- Number of Persons residing in each unit, and their race n/a
- If property is unoccupied, give proposed use n/a
- If property is being developed as a subdivision, give subdivision name
n/a
- Number of lots within proposed subdivision n/a

I, FREDRICK RICHARD TURNER a Notary Public in and for said State and County, hereby certify that J. N. BLACKBERRY whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.



Given under my Hand and Seal this 31 day of March, 2008.

Fredrick Richard Turner
Notary Public

My commission expires My Commission Expires June 2, 2010

I, _____ a Notary Public in and for said State and County, hereby certify that _____ whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this _____ day of _____, 20____,

(Seal) _____
Notary Public
My commission expires _____

I, _____ a Notary Public in and for said State and County, hereby certify that _____ whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this _____ day of _____, 20____,

(Seal) _____
Notary Public
My commission expires _____

MAIL TO:

1159 E. FAIRHOPE
P.O. DWR 429
FAIRHOPE, AL 36533

CITY OF FAIRHOPE PETITION FOR ANNEXATION



Eastern Shore Presbyterian Church - Three parcels:
 05-43-09-32-0-000-001.001
 05-43-09-32-0-000-001.035
 05-43-09-32-0-000-001.038

To the South of parcels 001.038 & 001.035 are zoned R-1 Single Family.
 The proposed site is contiguous to the adjacent property if brought in this sequence -
 (1) 1.038, (2) 1.035 (3) 1.001