



**City of Fairhope  
Board of Adjustments Agenda  
5:00 PM  
Council Chambers  
October 16, 2023**

Sherry Sullivan  
*Mayor*

*Council Members*

Kevin G. Boone  
Jack Burrell, ACO  
Jimmy Conyers  
Corey Martin  
Jay Robinson

Lisa A. Hanks, MMC  
*City Clerk*

Kimberly Creech  
*City Treasurer*

1. Call to Order
2. Approval of Minutes
  - September 18, 2023
3. Old/New Business
  - Election of Officers
  - Approval of 2024 Meeting Schedule
4. Consideration of Agenda Items

**A. BOA 23.10** Public hearing to consider the request of the Applicants, Chris and Misty Dyas, on behalf of the Owner, Fountain of Youth LLC, for a Special Exception – Use on Appeal – Med Spa in property zoned B-2 – General Business District. The property is approximately 25.50 acres and is located on the northwest corner of Greeno Road and Old Battles Road. **PPIN#: 17515**

**B. BOA 23.11** Public hearing to consider the request of the Applicant, Alexander Minney, on behalf of the Owner, FST and Monument, for a Special Exception - Use on Appeal – Medical Office in property zoned B-2 – General Business District. The property is approximately 0.46 acres and is located at 20489 State Highway 181. **PPIN#: 109765**

5. Adjourn

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax

[www.fairhopeal.gov](http://www.fairhopeal.gov)

*Printed on recycled paper*

The Board of Adjustments met Monday, September 18, 2023, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Anil Vira, Chairman; Cathy Slagle, Vice-Chair; Donna Cook; Frank Lamia; Ryan Baker; Hunter Simmons, Planning and Zoning Director; and Cindy Beaudreau, Planning Clerk.

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

**Approval of Minutes**

Ryan Baker made a motion to approve the minutes from the July 17, 2023, meeting.

Cathy Slagle seconded the motion and the motion carried with the following vote:

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

Nay: None.

**BOA 23.08** Public hearing to consider the request of the Owners, Kenneth and Kathleen Still, for a 9.2' variance to the rear setback requirement for property zoned in the Rock Creek PUD. The property is approximately 0.48 acres and is located at 139 North Drive. **PPIN#: 206127**

Hunter Simmons, Planning and Zoning Director, presented the request for a 9.2' variance to the rear setback requirement for property located at 139 North Drive. Mr. Simmons shared the zoning and aerial maps and the PUD plat. Mr. Simmons stated that this property came before the Board of Adjustments in 2010 for the exact same request and was denied due to no hardship being proven. There is an uncovered deck in the rear setback existing in the footprint which is allowed. It appears that sometime between 2016 and 2021, a roof was added to the deck. Between 2010 and 2016 an open-air pergola was installed which is not in violation. All of this was completed without a permit. Now the new owners began replacing the existing roof without a permit and a stop work order was issued which triggered a review by Planning and Zoning. The current survey provided by the applicant showed the proposed new construction outside of the required building setbacks.

**Recommendation:**

Staff recommends denial of Case BOA 23.08.

Mr. Kenneth Still, 139 North Drive, explained that they purchased the house in February 2022, and when they purchased it, there was a porch with a roof on it. The roof was leaking and there is also a drainage problem in the backyard. He added French drains for drainage and designed the roof to drain into the French drains. He spoke to the HOA who were in support of his plan. Another reason he wants to replace the roof is for privacy and he would like to add a small, uncovered deck. The neighbor's house is above them and looks right onto the porch. He stated that the HOA and two builders told him that he would not need a permit. He would like to replace the roof due to the weather and privacy. Another issue is there is no cover over the entrance way into the house. He would not be able to have a cover over his entrance way unless he was able to extend the rear setback. He discussed non-conforming versus conforming lot and the setbacks.

Ms. Kathleen Stills explained they moved here to be near her sister and bought their dream house. With Alabama being a non-disclosure state, they were hit with a lot of surprises after the purchase, which has impacted their retirement savings. As they were fixing the drainage problem, she hoped to fix the roof at the same time. These improvements would increase the property value along with the neighbors having something much nicer to look at. The existing roof was moldy, mildewed and leaked everywhere. She explained the big financial commitment they made in May 2023 to start the whole project to beautify their property. She stated that their physical and emotional health is being affected. They did not know about a 35' setback and did not know that the roof was illegal. They were told if they replaced a roof, no permit was needed. She listed many physical ailments that they have had to deal with. The HOA board and their neighbors have told them how much better everything looks. She asked the Board of Adjustments to consider the extreme emotional and financial burden that they are experiencing and do the right thing that is beneficial for everyone.

Ryan Baker stated that he drove by the property and that there is already a roof there and asked if they were just replacing the shingles. Mr. Still replied that they had begun putting the new roof on and the stop work order was issued. Mrs. Still stated that the builder did not think they needed a permit because it was an existing structure. Mr. Still listed all the improvements that they have already made to the property.

Cathy Slagle stated that when this case was before the Board of Adjustments in 2010, a conversation was had about putting the structure on the northwest side of the house where the setback lines are not as deep. Mr. Stills stated that he could not do that because that is where the drainage is and the water goes down the back. He also stated that the living room windows are in that location. Mrs. Stills stated that they only have a front door, a back door, and a garage. Without the roof over the porch, there is not a cover over the back door. Ms. Slagle stated that, looking at the plat, there is room if it can be done per the building setback that is 7.5' rather than the side with 35'. Ms. Slagle asked who, at the HOA, approved this project. Mr. Stills stated that David Kaplan, on the Architectural Committee stated that it would look nice. Mr. Stills gave the information to Mr. Kaplan who gave it to the HOA who approved it.

Frank Lamia reminded the Stills that it was the HOA that approved it, not the City. The HOA does not review a project for zoning or building permits, etc. Mr. Lamia suggested building a trellis for partial privacy. Mr. Simmons explained that the evolution of the open deck, then the pergola with a trellis and then a cloth stuck to the top of the pergola, then a flat roof that was then significantly covered in 2016. Mr. Simmons explained that the Planning Department is always available to discuss projects with the public and this is a buyer beware state. Mrs. Still asked how bad it could be to just allow that little portion so that they could have a roof over their porch and back door. Mr. Simmons stated that sometimes these decisions appear heartless, but precedents are set and when one person is approved, then everyone expects to be approved. Mr. Simmons continued that there is very clear guidance on what to give a variance for and they are given sparingly. Legal counsel has always stated that a variance is not granted for financial hardship, it cannot be about what is built even if it was built by the previous owner. It is always about the size, shape, and topography and if there is another solution. Mr. Simmons stated that Ms. Slagle shared an alternate solution in 2010 even though there would be challenges to get there. Anil Vira asked if a retractable awning would be acceptable. Mr. Simmons and the Stills reviewed the plat to see where the doors were. Mr. Simmons stated that a 2' stoop is allowed which is a covered area and that he is not

comfortable with a removable awning, but there is room in the set back to accommodate some shade. Mr. Baker asked with a 2' stoop, would that accommodate approximately 4' of covered area over the door? Mr. Stills replied, no, the setback only allows for approximately 10". Mr. Baker asked if they could build an accessory structure connected by a breezeway. Mr. Simmons stated that it might require the existing deck to be removed completely, but there is potential for that idea. Mr. Baker explained that it makes it difficult for the Board of Adjustments when they did not go through the proper channels. Mr. Stills asked for clarification. He believed that a corner lot had a 20' setback. Mr. Simmons replied that because this is a PUD, which is site plan driven, the developer proposes setbacks that may be unique to that PUD. That is what controls development on that land. The developer wanted the 35' setback with an allowance for 7.5' setback for corner lots. This PUD Ordinance was approved by the City Council and the setbacks cannot vary. Ms. Stills asked if there was any recourse. Mr. Simmons stated that the appeal process would require going to court. Mr. Stills asked if the portion over the setback must be removed. Mr. Simmons stated that the Board of Adjustments must vote first, but that staff will work with the Stills to propose different options. Donna Cook asked if any of the neighbors had complained about the work. Mr. Simmons replied that staff had not received any letters in favor or in opposition. Mr. Stills stated that the neighbors behind them are in favor. Mr. Simmons did state that their construction is an improvement over what was previously there. It just happens that there are two illegal structures on the property. Ms. Cook asked if the drainage flowed to the front of the lot. Mr. Stills stated that the French drains flow to the street level in front. Ms. Slagle asked if it drained to North Drive or Sandy Shoal Loop. Mr. Stills stated it drains to Sandy Shoal Loop.

Chairman Vira opened the public hearing at 5:36pm. Having no one present to speak, the public hearing was closed at 5:36pm.

Mr. Baker asked Ms. Slagle if the significant drop in grade was considered a hardship the last time this case was heard by the Board of Adjustments. Ms. Slagle replied that the previous Board of Adjustments felt that there may be other options. Ms. Slagle stated that they thought maybe a door could be knocked out of the living room to give the space that was needed and not infringe on the setbacks. Ms. Still stated that there is a fireplace and all windows in the space that Ms. Slagle suggested. Mr. Baker noted a door on the side that comes out of the garage and asked if that could be accessed from inside. Mr. Stills stated that you can go inside from the garage. Mr. Baker stated that there appears to be enough space to potentially cover that door to walk in and out of that door. Mr. Still stated that a garage door is not an entrance door. Mr. Baker replied that the garage door is another door that could be covered to enter the house.

**Motion:**

Frank Lamia made a motion to deny BOA 23.08.

Cathy Slagle seconded the motion and the motion carried unanimously with the following vote:

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

Nay: None.

Mr. Stills asked for confirmation that he could still work inside the setback. Mr. Simmons stated that there will be a permit required, but the part in the yellow triangle will need to be removed and that Mr. Stills could bring his proposal to the Planning Department for review prior to submitting to the Building Department.

**Old/New Business**

Chairman Vira asked if there were any items for the next meeting. Mr. Simmons stated that there are two cases for next month. Chairman Vira asked for the date of the next meeting. Mr. Simmons replied October 16, 2023.

**Adjournment**

Cathy Slagle made a motion to adjourn.

The motion carried unanimously with the following vote:

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

Nay: None.

Adjourned at 5:41 p.m.

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Anil Vira, Chairman

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Cindy Beaudreau, Secretary

# **BOARD OF ADJUSTMENTS AND APPEALS DEADLINES 2024**

***AGENDA IS SUBJECT TO CHANGE BY THE BOARD***

## **Meeting Date, 5:00 PM**

## **Submittal Deadline, 3:00 PM**

Thursday, January 18, 2024  
\*Moved due to MLK Holiday

Monday, December 11, 2023

Monday, February 19, 2024

Monday, January 8, 2024

Monday, March 18, 2024

Monday, February 12, 2024

Monday, April 15, 2024

Monday, March 11, 2024

Monday, May 20, 2024

Monday, April 8, 2024

Monday, June 17, 2024

Monday, May 13, 2024

Monday, July 15, 2024

Monday, June 10, 2024

Monday, August 19, 2024

Monday, July 8, 2024

Monday, September 16, 2024

Monday, August 12, 2024

Monday, October 21, 2024

Monday, September 9, 2024

Monday, November 18, 2024

Monday, October 14, 2024

Monday, December 16, 2024

Tuesday, November 12, 2024  
\*Moved due to Veteran's Day Holiday

Thursday, January 23, 2025  
\*Moved due to MLK Holiday

Monday, December 9, 2024

**BOARD OF ADJUSTMENTS AND APPEALS MEETINGS ARE HELD IN THE COUNCIL CHAMBERS,  
FAIRHOPE MUNICIPAL COMPLEX AT 161 N. SECTION STREET.**

**IT IS THE RESPONSIBILITY OF THE APPLICANT TO SEE THAT ALL SUBMITTALS ARE MADE IN A  
COMPLETE AND TIMELY SEQUENCE, AND TO HAVE THE CASE PRESENTED BEFORE THE BOARD  
AT SCHEDULED MEETINGS.**

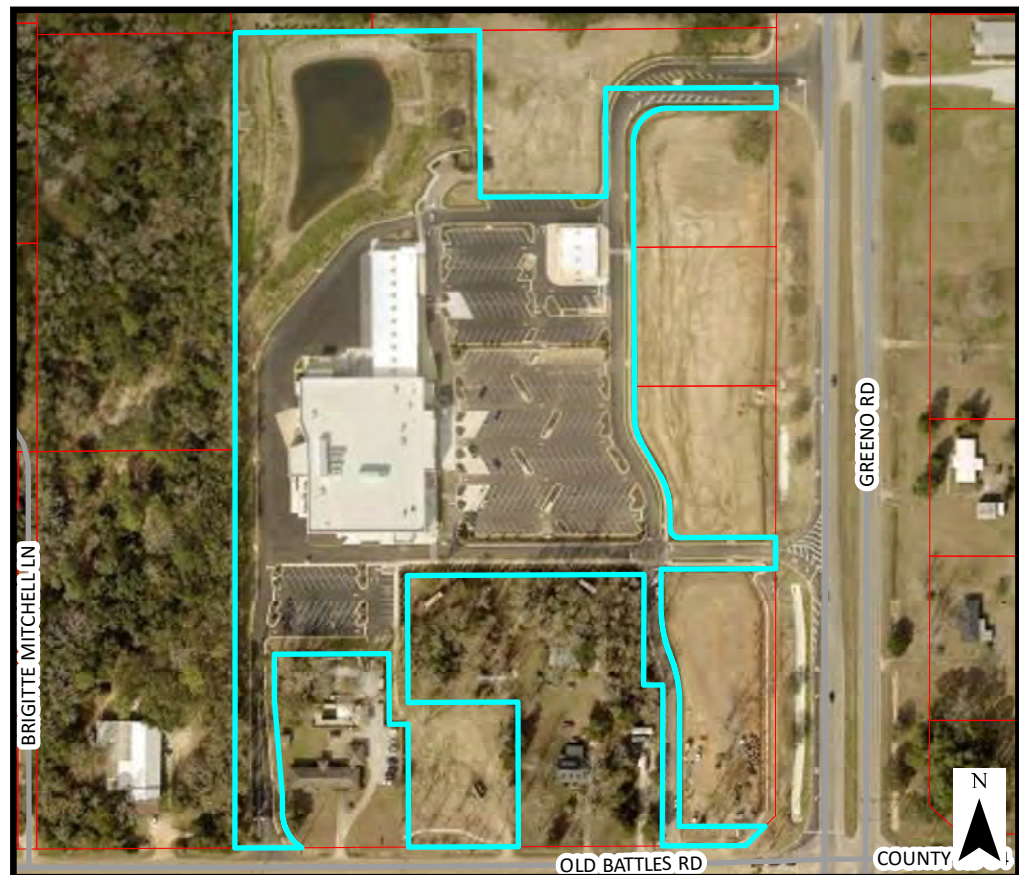
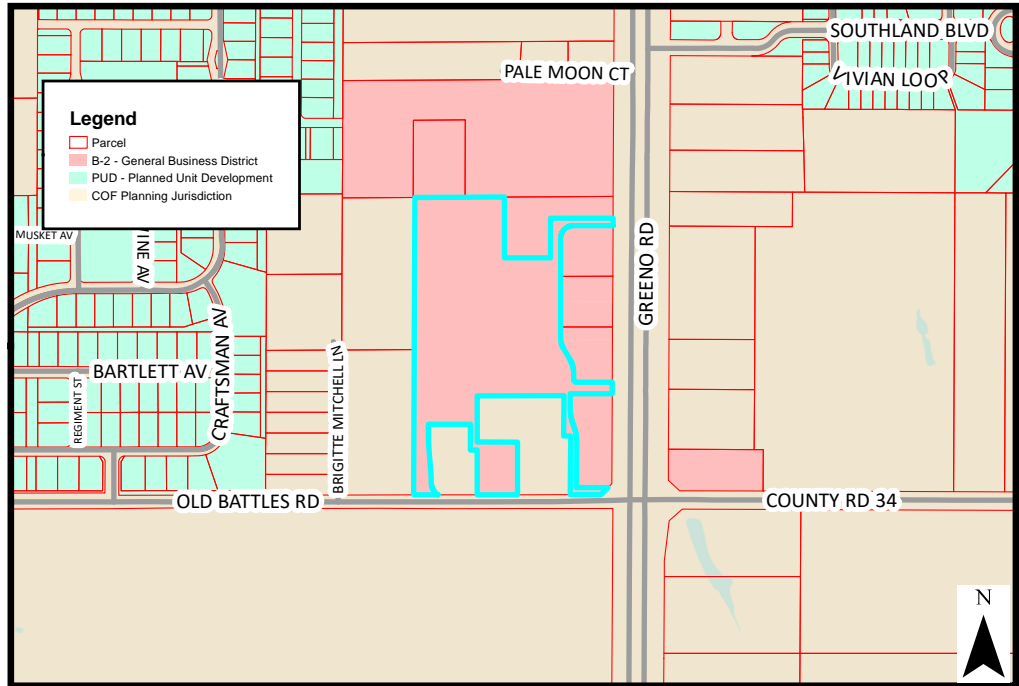
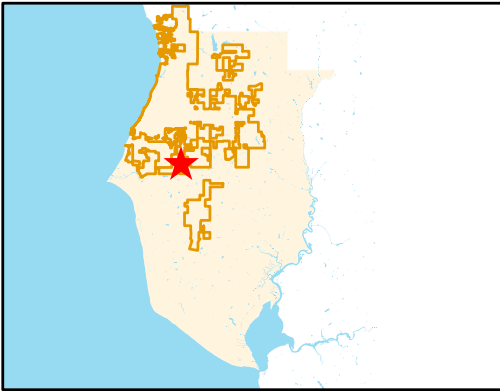
**\*\*INCOMPLETE SUBMITTALS WILL NOT BE PLACED ON THE AGENDA.\*\***

# City of Fairhope Board of Adjustment

October 16, 2023



## BOA 23.10 - Fountain of Youth LLC



<b>Project Name:</b>	Fountain of Youth Med Spa
<b>Site Data:</b>	25.50 acres
<b>Project Type:</b>	Special Exception - Use on Appeal
<b>Jurisdiction:</b>	Fairhope
<b>Zoning District:</b>	B-2
<b>PPIN Number:</b>	17515
<b>General Location:</b>	Northwest corner of the intersection of Greeno Road and Old Battles Road
<b>Surveyor of Record:</b>	
<b>Engineer of Record:</b>	
<b>Owner / Developer:</b>	Chris and Misty Dyas
<b>School District:</b>	Fairhope Elementary School Fairhope Middle and High Schools
<b>Recommendation:</b>	Approve
<b>Prepared by:</b>	Mike Jeffries



APPLICATION FOR BOARD OF ADJUSTMENTS

Application Type:  Administrative Appeal  Special Exception  Variance

we n/ acct'd for

Property Owner / Leaseholder Information
Name: FAIRMAN of Youth LLC Phone Number: 251-525-8446
Street Address: Publix @ Pt. Clear Ste. 7
City: FAIRHOPE State: AL Zip: 36532

Applicant / Agent Information
Name: Chris Dyas / Misty Dyas\* Phone Number: (251) 591-3993
Street Address: 17544 Pierce Rd ; topmuzz@1@aol.com
City: Fairhope State: AL Zip: 36532

Site Plan with Existing Conditions Attached: YES NO N/A
Site Plan with Proposed Conditions Attached: YES NO N/A
Variance Request Information Complete: YES NO
Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached: YES NO ATTACHED

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.

CHRISTOPHER H. DYAS, MD
Property Owner/Leaseholder Printed Name
Date: 8/24/23

Signature
Fairhope Single Tax Corp. (if Applicable)





Street Address:  
 City:  
 Date:

**VARIANCE REQUEST INFORMATION**

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

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

Describe the indicated conditions:

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

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What type of variance are you requesting (be as specific as possible)?  
~~USE VARIANCE~~ - MED SPA IN B-2 ZONE ; use not accounted for

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
<b>TOTAL:</b>	<b>\$</b>	

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.

CHRISTOPHER H. DYAS, MD  
 Property Owner/Leaseholder Printed Name

[Signature]  
 Signature

8/23/23  
 Date

\_\_\_\_\_  
 Fairhope Single Tax Corp. (If Applicable)

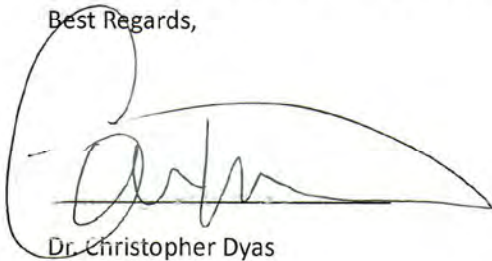
Fountain of Youth Aesthetics  
foywellness.com  
251-525-8446

To whom this may concern,

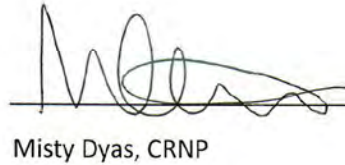
Fountain of Youth Aesthetics was established in May of 2017 by Dr. Chris Dyas and Misty Dyas CRNP. We offer aesthetic treatments for antiaging and skin concerns including laser procedures, injectables, Microneedling, chemical peels, hair restoration, body contouring and weight loss. Our philosophy is to encourage self-care and promote a sustainable healthy lifestyle for our patients.

Moving our business to a larger location has always been our goal for growth and we are eager to relocate to the ideal spot at The Shops At Point Clear to serve our large clientele from the South Baldwin region in particularly Point Clear, Fairhope and Orange Beach. This location is also convenient due to its closeness to our owners' home and will accommodate both our clients and staff.

Best Regards,



Dr. Christopher Dyas



Misty Dyas, CRNP

**Summary of Request:**

The applicant Fountain of Youth, LLC is requesting a Special Exception to allow Fountain of Youth Aesthetics medical clinic at Publix at Point Clear, unit 7. The property is zoned B-2 General Business District, and the requested clinic use is permitted only on appeal and subject to special conditions.

**Comments:**

The City of Fairhope Zoning Ordinance defines a Special Exception as follows:

**Special Exception:** Permission granted by the Board of Adjustment for a use indicated in this ordinance as a use limited to a special exception procedure, subject to conditions specified in this ordinance and any conditions the Board deems necessary to ensure that community interests are furthered by permission of the use.

**The 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:** Complies

**(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 adjacent suites are yet to be determined.

**(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 system.

**(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:** No issues noted.

**(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 medical clinic service for the community.

**(l) Compliance with sound planning principles;**

**Response:** No issues noted.

**(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:**

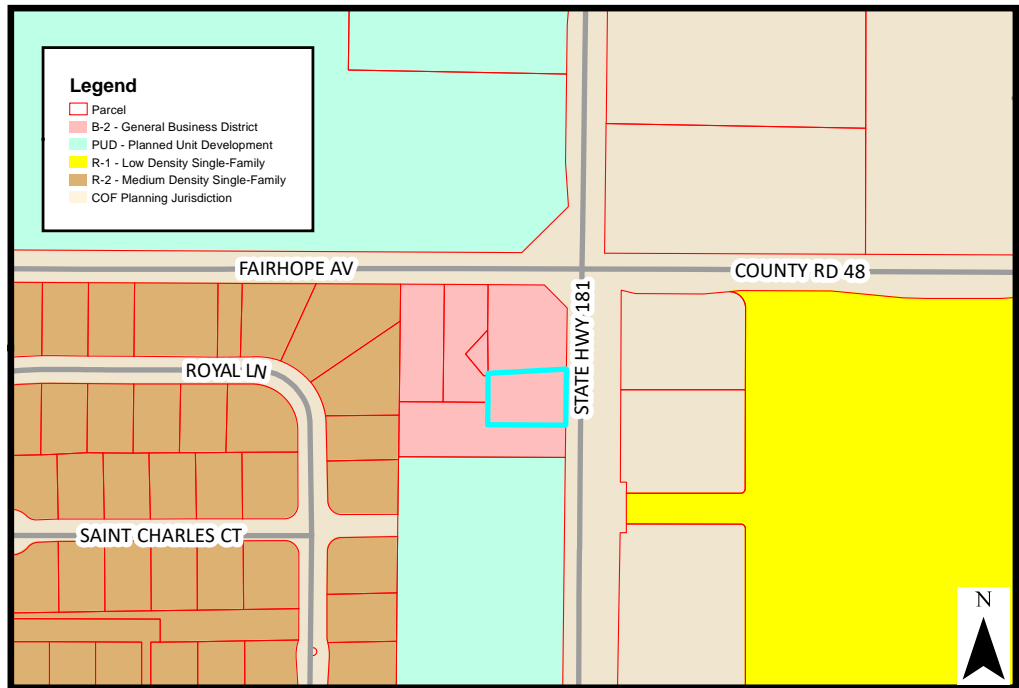
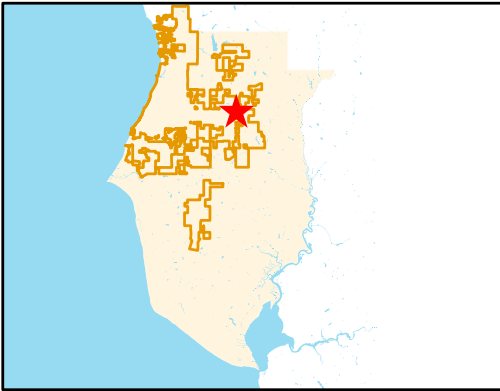
Staff recommends **APPROVAL** of the appeal for clinic use for the site known as Fountain of Youth Aesthetics.

# City of Fairhope Board of Adjustment

October 16, 2023



## BOA 23.11 - Alexander Minney



**Project Name:**

Alexander Minney, Medical Office

**Site Data:**

0.46 acres

**Project Type:**

Special Exception - Use on Appeal

**Jurisdiction:**

Fairhope

**Zoning District:**

B-2

**PPIN Number:**

109765

**General Location:**

West side of State Highway 181, South of Fairhope Avenue

**Surveyor of Record:**

**Engineer of Record:**

**Owner / Developer:**

FST and Monument

**School District:**

Fairhope Elementary School  
Fairhope Middle and High Schools

**Recommendation:**

Approve

**Prepared by:**

Mike Jeffries





APPLICATION FOR BOARD OF ADJUSTMENTS

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

Property Owner / Leaseholder Information
Name: Alexander Minney Phone Number: 251-800-1094
Street Address: 20489 State Hwy 181, T
City: Fairhope State: AL Zip: 36532

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

Site Plan with Existing Conditions Attached: YES NO
Site Plan with Proposed Conditions Attached: YES NO
Variance Request Information Complete: YES NO
Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached: YES NO

Applications for Administrative Appeal or Special Exception:
Please attach as a separate sheet(s) information regarding the administrative decision made or information regarding the use seeking approval. Please feel free to be as specific or as general as you wish in your description. This information will be provided to the Board before the actual meeting date. It is to your benefit to explain as much as possible your position or proposal.

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

Alex Minney
Property Owner/Leaseholder Printed Name

[Signature]
Signature

09-05-2023
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: Property is currently zoned B-2

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

Approval by the Board of Adjustments is required prior to the release of license.

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

I would like the use of the office space for a Direct Primary Care practice. This is a small members based primary care office with no office staff. Just the doctor and the patient.

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
<b>TOTAL: \$</b>		

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.

Alex Minney  
 Property Owner/Leaseholder Printed Name

[Signature]  
 Signature

09-05-2023  
 Date

Fairhope Single Tax Corp. (If Applicable)

# **CITY OF FAIRHOPE**

P.O. Box 429  
Fairhope, AL 36533  
(251) 928-8003



## **BOARD OF ADJUSTMENTS & APPEALS APPLICATION**





## **BOARD OF ADJUSTMENTS (BOA) APPLICATION**

**Authority:** The City of Fairhope is authorized under the Code of Alabama, 1975 to create and establish a Board of Adjustment whose duties are quasi-judicial.

**Public Notice:** All BOA applications are required by State Law to give notice in both the newspaper and to all real property owners with 300 feet of the proposed change. The cost of this notice is paid by the applicant. All notice charges are paid at the time of application submission.

The BOA must conduct public hearings in conjunction with all applications. At the time of the BOA meeting all interested persons will be given the opportunity to speak either pro or con for the proposal.

**BOA Functions:** The BOA performs several functions: 1) hear and decides appeals from a decision made by an administrative official of the City of Fairhope; 2) hear and decide on granting special exceptions as permitted in the Zoning Ordinance, and; 3) authorize on appeal in specific cases variances to the regulations established in the Zoning Ordinance.

**Decision and Voting:** The BOA is a 5 member Board. The Board will conduct a public hearing and consider the request of the applicant. The Board has three (3) options: 1) approve the request; 2) deny the request; table the request.

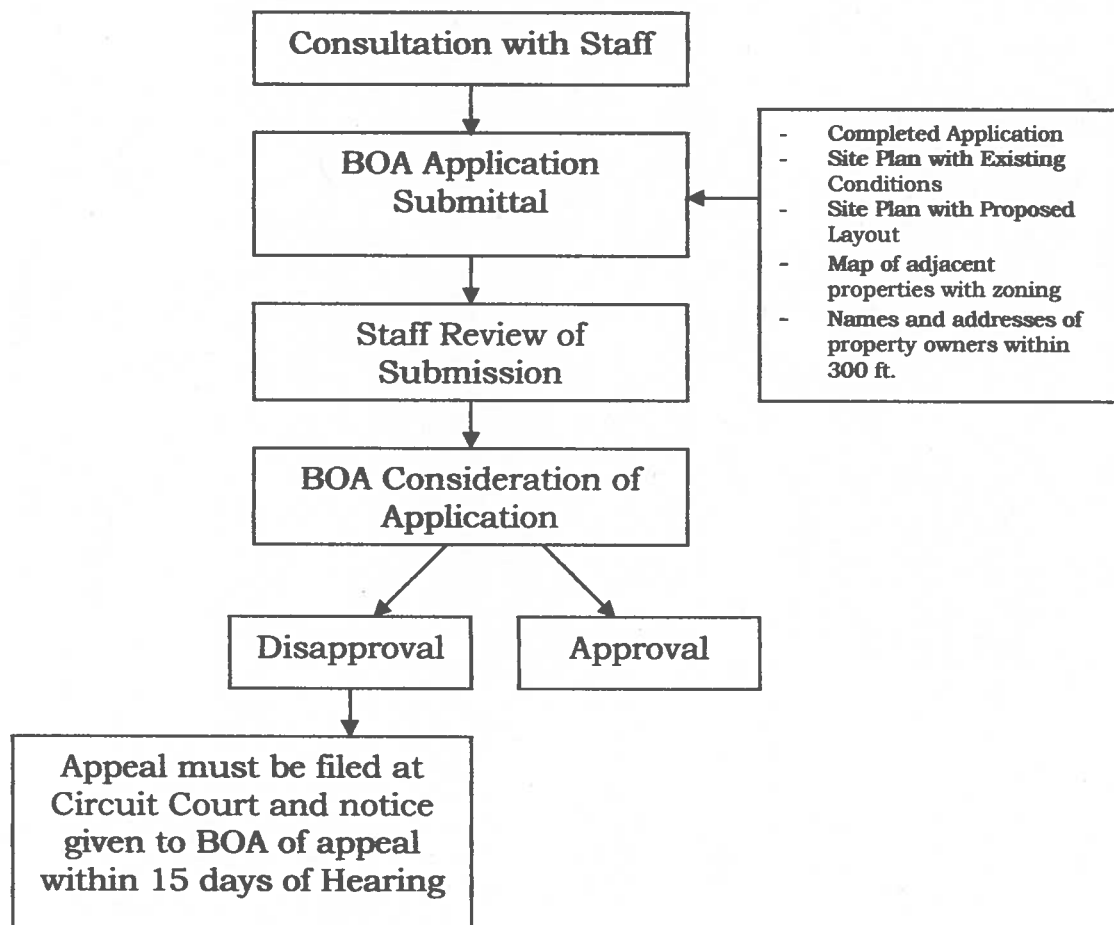
Approval of the request requires 4 of the 5 members of the BOA to vote in favor. A simple majority does not pass.

**BOA Application Submission:** The BOA application must be complete. An application is not considered complete unless all required documents are provided at the time of submission. An incomplete application may not be accepted by staff.

**Deadlines:** The City of Fairhope wishes to expedite the BOA process in the best and most effective manner possible. To that end, it is important that deadline times and dates are adhered to by the applicant (refer to the attached schedule for dates and times)



### BOARD OF ADJUSTMENTS (BOA) FLOW CHART



FROM THE DESK OF

## Alexander Minney, MD

September 5, 2023

City of Fairhope

Dear City of Fairhope and the Board of Adjustments,

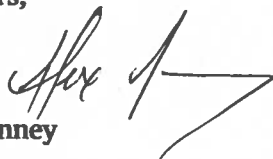
My name is Alexander James Minney. I am a primary care physician that wishes to open a Direct Primary Care clinic in one of the office suites at 20489 State Highway 181, Fairhope, Alabama. The main tenant at this location is Eastern Shore Pharmacy.

I have lived in Fairhope for 5 years. I initially relocated my family to take an attending physician position with Coastal Medical Group and practiced traditional family practice with this group for 3 years. An opportunity took me to Mobile for work, but I have continued to live in Fairhope knowing that when the opportunity arose I would be back in Fairhope serving the community I live in.

My dream has always been to open a Direct Primary Care practice (DPC). DPC offers the patient exclusive access to their doctor. This is not concierge medicine, as I would not bill insurance nor charge the high fees. My goal is to bring the family physician back in to the home. I offer increased access, discounted radiographic studies, discounted lab work, discounted medications and unlimited time. This is a membership based module but this allows me to provide the best of me to my members. Thus, the large medical complex is not needed in this module because I will not need a waiting room (because there shouldn't be a wait for your doctor), I will not have any staff and a small open space is all that is needed for 80-90% of primary care needs. I only expect to see 4-10 patients a day and spread throughout the business day so parking needs will also be minimal.

The proposed location will allow a symbiotic relationship with Eastern Shore Pharmacy. I sincerely hope you will consider my proposal to conduct business at this location so that I can bring a much needed service in Primary Care back to Fairhope.

Sincerely yours,



Alexander Minney

**Summary of Request:**

The applicant Alexander Minney is requesting a Special Exception to allow Minney Health, PC medical clinic at 20489 State Hwy 181. The property is zoned B-2 General Business District and the requested clinic use is permitted only on appeal and subject to special conditions. The proposed clinic will use office space located inside an existing pharmacy.

**Comments:**

The City of Fairhope Zoning Ordinance defines a Special Exception as follows:

**Special Exception:** Permission granted by the Board of Adjustment for a use indicated in this ordinance as a use limited to a special exception procedure, subject to conditions specified in this ordinance and any conditions the Board deems necessary to ensure that community interests are furthered by permission of the use.

**The 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:** Complies

**(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 adjacent suites are yet to be determined.

**(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 system.

**(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:** No issues noted.

**(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 medical clinic service for the community.

**(l) Compliance with sound planning principles;**

**Response:** No issues noted.

**(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 use for the site known as Minney Health, PC.



SITE PLAN WITH  
PROPOSED CONDITIONS

**Minney Health**

Proposed Suite A  
180 sqft