



**CITY OF OPELIKA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA**

300 Martin Luther King Blvd.

March 14, 2023

TIME: 9:00 AM

1. VARIANCE

1. Dan Snavely, 304 Williamson Avenue, M-1 zoning district, Requesting a 10 foot side yard setback variance from the 30 foot side yard setback requirement to construct a 50x100 building addition.
2. Mike Maher, representative for Lee County Alabama Habitat for Humanity, 226 Cherry Avenue, R-3 zoning district, Requesting a 10 foot lot width variance from the 70 foot minimum lot width requirement to construct a single family home.
3. Manish Desai, 510 Geneva Street, C-2, GC-S zoning district, Requesting a 4.32 foot setback variance on the Geneva Street side from the 20 foot minimum side yard setback requirement to construct a 4,480 square foot office building.
4. J Manifold Construction, authorized representative for Jeremy Wolter, property owner, 314 3rd Avenue, R-2 zoning district, Requesting a 10.5 foot side yard setback variance from the 25 foot side yard on street requirement to construct a 29.7x 26.7 pool house.
5. Lamar Daniels, Premium Beverage Company, 1511 & 1507 First Avenue, M-1 zoning district, Requesting a 30 foot front yard setback variance from the 30 foot front yard setback requirement and requesting a 25 foot rear yard setback variance from the 30 foot rear yard setback requirement and requesting a 20 foot side yard setback variance from the 30 foot side yard setback requirement.

“In compliance with the Americans with Disabilities Act, the City of Opelika will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the ADA Coordinator 72 hours prior to the meeting at (334)705-5130.”



ZONING BOARD OF ADJUSTMENT MINUTES

300 Martin Luther King Blvd.

December 13, 2022

TIME: 9:00 AM

A. APPROVAL OF MINUTES

The City of Opelika Zoning Board held its regular monthly meeting December 13, 2022, in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Mrs. Tipi Miller Mr. Chris Anthony, and Mr. Chris Nunn

MEMBERS ABSENT:

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Martin Ogren, Assistant Planning Director
Mrs. Rachel Dennis, Planner
Mrs. Claire Barber, Planning and Zoning Technician

CALL TO ORDER: Chairman Wilbert Payne called the meeting to order at 9:00 a.m. He asked that all those present silence their phones.

Approval of Zoning Board of Adjustment Minutes for November 8, 2022

RESULT:	Passed
MOVER:	Position 4 Raven Harvis
SECONDER:	Position 2 Jay Walters
AYES:	Position 2 Walters, Position 4 Harvis, Position 5 George, Position 6 Payne
NAYS:	None
ABSTAIN:	None

B. VARIANCE

1. Thomas Gamble, 1001 Oak Bowery Road, R-2 zoning district, Requesting a 1.5 foot front yard setback variance from the 35 foot front yard setback requirement to construct a 30x40 detached garage (accessory structure) in the front yard and requesting the garage be located in front yard.

Mr. Mosley reported the applicant is requesting a 1.5 foot front yard setback variance from the 35 foot front yard setback requirement for a 30' x 40' detached garage. The applicant is also requesting a variance to build the garage in the front yard. (The three-car garage is for vehicles

owned by the applicant.) The Zoning Ordinance requires that accessory structures are limited to the rear of the principal structure or located in the side yard if minimum side yard setbacks are met. The 15 foot minimum side yard setbacks are met; however the proposed garage will be in the front yard to align with an existing driveway. The garage is closer to the front property line than the existing principal dwelling. See vicinity map and drawings in your packet.

The applicant desires to construct the garage on the east side of his property near the existing carport and driveway. Most of the 30x40 garage is shown in the front yard; a 6 foot section is in the side yard. Staff discussed with the applicant about meeting requirements by locating the garage in the side and rear yard and not closer to the front property line than the front of the house. The applicant explained that beginning from a level building pad for the house & driveway then the topography changes toward the rear lot line. The slope creates a hardship; constructing a 30x40 garage in rear yard would not be cost effective.

After visiting the applicant's property, staff believes a physical hardship exists because of exceptional slope or grade change in the rear yard. From reviewing topo maps, the elevations change four to five feet from the front wall of the garage to the rear wall (40 foot distance). The cost of preparing a building pad for the garage at the same level as the applicant's home or installing blocks to raise the garage's floor level would not be cost effective. Also, several large hard wood trees would need to be removed.

Staff believes approving a 1.5 foot front yard setback variance is minimal. In 1974, the applicant's home was constructed along a curve in Oak Bowery Road. The front property line running parallel with the curve provided that the front setback from the property line to the applicant's home ranged from 77 feet to 95 feet. The 30x40 garage meets the minimum 35-foot front setback except for a corner of the garage; the corner is 33.5' feet from the front property line (see map in packet). Also, the garage corner aligns with the adjacent house on the east side that is also about 33.5 feet from the front property line. There are several homes on Oak Bowery Road near the applicant's home, including the house across the street, that are 33 feet or closer to their front property lines.

An elevation rendering of the garage is in your packet showing the architectural design and appearance of the garage. The roof style (hip roof) for the garage will be the same as the applicant's home. A shingle roof will be installed like the shingles on the home not a metal roof as shown on rendering. Also, board & batten siding will be installed on the garage painted to match the color of the exterior walls and eaves of the house. Garage details will either match or compliment the property.

Staff Recommendations

Staff believes there are topographical challenges on the property that are a hardship for the applicant. The slope change is exceptional and limits the location of the garage. Allowing the garage installed in the front yard on an existing level surface provides relief from the exceptional slope on the property.

Staff believes the setback variance is minimal. Several existing homes on Oak Bowery Road constructed before the current 35-foot minimum front setback requirement are setback less than 35 feet from the front property line. The 1.5 foot variance will not have a negative effect on the character of the neighborhood.

Planning staff recommends that the 1.5-foot front yard setback variance from the minimum 35-foot setback requirement and the garage constructed in the front yard as shown on drawings be approve.

Certified letters were mailed to adjacent property owners and a sign posted on the property.

Chairman Payne opened the public hearing.

T.J. Gamble, the applicant, stated the variance is needed related to the property slope in the rear and drainage runoff. He noted that they have quite a few cars and this will give me a nice garage to hide them all inside.

Chairman Payne closed the public hearing.

Motion to grant a 1.5 foot variance to the required 35 foot front yard setback.

RESULT:	Passed
MOVER:	Position 4 Raven Harvis
SECONDER:	Position 5 Angela George
DISCUSSION:	none
AYES:	Position 2 Walters, Position 4 Harvis, Position 5 George
NAYS:	None
ABSTAIN:	None

2. McOne Development, LLC, 2456 Frederick Road, C-2, GC-P zoning district
 - a. Requesting permission to install a wall sign on an exterior wall that does not face a street, parking lot, or driveway (primary facades).
 - b. Requesting a variance from installing the street frontage landscape buffer due to the property's vertical elevation

Mr. Mosley reported the applicant is constructing a 2,700 square foot office building on a 0.48 acre property. Prior to construction it was determined that the site had more unmarked grave sites than previously known. This required the property to be altered between the conditional use application that went to Planning Commission and commencement of construction. Those sites required the entry drive be flipped to the opposite (west) side.

The applicant is requesting two separate variances. One variance deals with building signage. The second variance relates to the front landscaping requirements. The applicant notes in both cases the rearrangement of the building due to the gravesites and the change in elevation from Frederick Road to this site are the primary reasons for both variances. Mr. Mosley stated that he did thought the second variance had been resolved.

Building Sign Variance

Mr. Mosley stated initially we recommended denial of the sign variance, only in extreme circumstances would we recommend a sign variance. In looking at this and discussing this with Mr. Stone, our wall sign requirements for the zoning ordinance right now specifically say that wall signs are not on the wall but not painted directly on the wall. In this case, this is painted directly on the wall, in that regards unique. After reviewing this and talking with the attorney we are changing our recommendation from recommending denial of this variance to recommending an approval of the variance. It is somewhat of a gap in the sign ordinance we will have to go back and fix. For this first request we are changing our recommendation to the approval of the sign variance.

Frontage Landscaping Variance

The subject property is located on the Gateway Corridor and as such is required to have a landscaped buffer meeting Section 10.6.D.2b which is the following:

A six (6) foot wide single row of understory, medium, or large trees located between said property line and the off-street parking facilities (asphalt). The trees shall be spaced in a ratio of one (1) understory tree every fifteen (15) feet, or one (1) medium tree every thirty (30) feet, or one (1) large tree every forty-five (45) feet. Shrubbery shall be provided between the plantings.

The frontage along this area is approximately 130 linear feet. The applicant's current plan shows only a single tree on the east side of the parking lot, an annual planting bed, and the residential buffer on the west property line. The applicant notes that they feel the elevation change is a significant hardship and the graves moved the parking from the side to the front of the building. They feel the building would be hidden by the required landscaping.

Staff Recommendations

Staff understands that the site is about seven (7) feet above Frederick Road and that the layout was adjusted after further location of gravesites. Again, staff believes these were known issues that should have been taken into account when laying out the site. When the site previously went to Planning Commission in March 2022, it was noted that a frontage landscape buffer would be required. This was also noted when the revised site plan was approved. The applicant has further modified the site by building a large retaining wall that moved out to the edge of the right-of-way. This is very attractive but does not provide the intended goal of buffering parking lots from the right-of-way or adjacent properties.

Planning staff understands that this site does have some issues, but these issues were present before construction commenced. Staff feels there were opportunities to address these issues or potential hardships earlier in the process. Staff recommends denial of the variance request.

Certified letters were mailed to adjacent property owners, and a was sign posted on the property.

Chairman Payne opened the public hearing.

Bryan Stone, the applicant, stated that he thought this should be considered sign copy. We have been working on this site for over a year. We discovered the additional graves during the building period. We are going to memorialize the graves and maintain that area. In doing so, we had to move the building and flip the driveway to the other side. I feel this is a true hardship once we found the graves. We chose this location because the sign is a focal point and can be seen.

Mr. Walters asked what the position of the city was, related to the orientation of the parking lot if the graves turned the parking lot which by code made signs not allowed.

Mr. Mosley stated two ways to look at it, often we try not to recommend variances on new construction, because usually a solution can be found.

Mrs. Harvis asked regarding the landscaping; is there a way to adjust the landscaping to include the number of trees?

Bryan Stone stated for the record that he was withdrawing the landscaping variance request after speaking with Mr. Mosley.

Chairman Payne closed the public hearing.

Motion to grant a variance to allow a wall sign on an exterior wall that does not face a street, parking lot, or driveway (primary facades).

Mr. Walters stated that he felt the discovery and protection of the gravesites and subsequent change to the building due this was a hardship faced by the applicant and development.

RESULT:	Passed
MOVER:	Position 2 Jay Walters
SECONDER:	Position 5 Angela George
AYES:	Position 2 Walters, Position 4 Harvis, Position 5 George, Position 6 Payne
NAYS:	None
ABSTAIN:	None

C. ADJOURN

Motion to adjourn at 9:26 a.m.

RESULT:	Passed
MOVER:	Position 4 Raven Harvis
SECONDER:	Position 2 Jay Walters
AYES:	Position 2 Walters, Position 4 Harvis, Position 5 George, Position 6 Payne
NAYS:	None
ABSTAIN:	None



APPLICATION FOR
VARIANCE (Section 4.2A)
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801



ENTER BOX #0083-2023

DATE: 2/10/23	Zoning Board of Adjustment Meeting Date: 3/14/23
Case Number:	Meeting Deadline:

PART I. OWNER / APPLICANT INFORMATION

D.M. SNAPEY JR PROPERTIES LLC 5405 RIVER OAKWAY PHOENIX CITY AL 36867
Owner Name Address Phone
DAN SNAPEY 304 WILLIAMSON AVE OPELIKA AL 36804
Agent Name (if applicable) Address Phone
DANS@CTSTIRES.COM 706-888-8933

PART II. PARCEL INFORMATION

Street Address: 304 WILLIAMSON AVE OPELIKA, AL 36804
Current Zoning: _____
Current Land Use: COMMERCIAL SERVICE CENTER
Type of Variance Sought: _____ Sign _____ Parking ☒ Setback _____ Other _____

PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map

or site plan) NEED ADDITIONAL 20' TO SQUARE OFF
BUILDING ADDITION OF 50' ON WEST SIDE OF PROPERTY

Setback	Required	Proposed	Amount of Variance
Front			
Side W	30'	20'	10'
Side			
Rear			

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? THE LOT IS NO SQUARE, THE ANGLE OF VARIANCE
NEEDED PUT PART OF THE ADDITION OUTSIDE THE 30'

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? NO

3) Will the proposed variance alter the character of the area? If so, how? NO

Provide the Names and Addresses of ALL adjoining Property Owners:

OPELIKA INDUSTRIAL INVESTMENTS LLC 501 CAMELOT WAY, OPELIKA 36801

JOAH METALS & STEEL SUPPLY 414 S. CLOVERDALE ROAD, GREENVILLE, AL 36037

AA MINI STORAGE INC. 2200 STEEL ST., OPELIKA 36804

WILLIAMSON 209 LLC 9826 PALMA VISTA WAY, BOCA RATON, FL 33428

FEES:

Total Number of Adjoining Property Owners 1	4 X \$7.00 =	28.00
	+ Fee	\$75.00
	TOTAL	103.00

PART V.

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) 304 WILLIAMSON AVE. Enclosed are the true and accurate names and addresses of all adjacent property owners. I understand that the City may require additional information, or waive certain requirements, in order to make a decision on the request at any time during the process.

Signature

Date

2/10/23

CITY OF OPELIKA - BZA
STAFF REPORT
March 14, 2023

DRAFT

Applicant: Dan Snavely, owner

Property: 304 Williamson Ave.

Existing Zone: M-1

Request: Requesting a 10-foot side yard variance from the 30-foot side yard setback requirement

Proposal

The applicant is requesting a 10-foot side yard variance to allow an addition to the building up to 20 feet from the west side property line. The subject property is located on the corner of Williamson Avenue and Poplar Street. The property is currently operating as a business for Complete Tire and Service.

The subject property is located in the Orr Industrial Park. The setbacks for M-1 require 30 feet on the side property line. The applicant is asking to add an addition to the current building of 50 feet towards the west property line. The applicant shares an unusual property line on the west side that is not a parallel line. The west property line at the narrowest point would be a point of the setback measurements creating the desire for relief from the standard setback requirement of 30 feet for the building addition.

Our ordinance gives reason for a variance to be granted by exceptional narrowness and shape of the property to consider a variance. Surrounding properties do not share similar property line angles. Therefore, granting a side setback variance would not be a substantial detriment to the neighboring properties. The setback requested is presented to extend the building 50 feet with the same front and rear alinement as the existing building.

Recommendation

Staff feels that this request would allow the business to continue to operate at this location more efficiently. Staff recommends approval of the proposed variance based on the site plan presented with the angle shaped side property line.

Certified letters were mailed to adjacent property owners on Wednesday, March 1, and a sign was posted on the property about the March 8th Zoning Board Public Hearing meeting. (At this writing, no one has contacted the Planning staff about the variance request.)

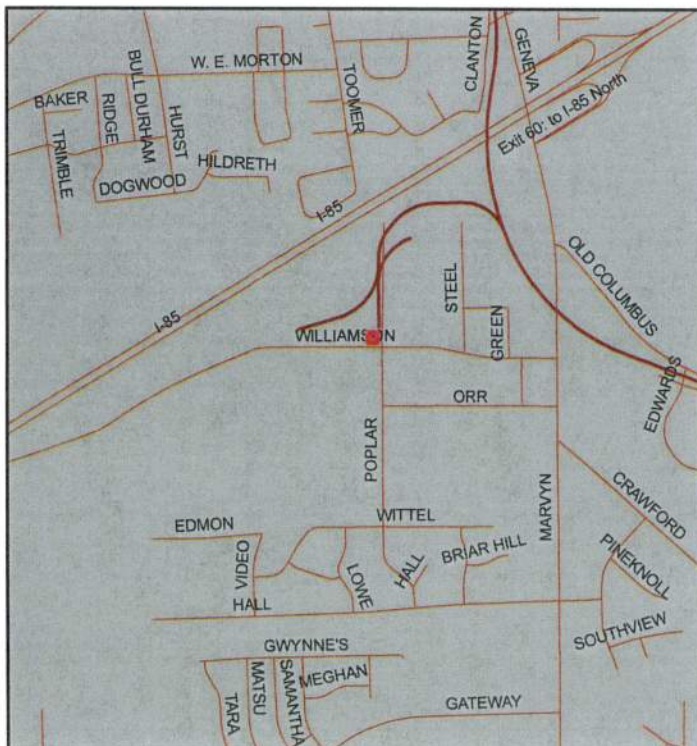


The above map shows the angle of the gray property line between 308 and 304.

DAN SNAVELY VARIANCE REQUEST

304 WILLIAMSON AVENUE

SIDE YARD SETBACK, A-1



The applicant is requesting a 10 foot side yard variance from the 30 foot side yard requirement. A 50 x100 building addition is proposed and corner of building encroaches into the minimum 30 foot setback requirement.



Subject Property

The City of Opelika does not guarantee this map to be free from errors or inaccuracies. The City of Opelika, Alabama disclaims any responsibility or liability for interpretations from this map or decisions based thereon. The information contained on this map is a general representation only and is not to be used without verification by an independent professional qualified to verify such information.

2nd Tuesday Zone April March
Police Station Court
Appeal

82.71'

EX. GRAVEL DRIVE

82.14'

30' SETBACK

100'

70'

20' VARIANCE

30'

60'

30' SETBACK REQ.

PROPOSED BUILDING
6,000 SF
(FFE: 789.40)

100.0'

60.0'

24.0'

30.0'

20.0'

24.0'

91.90

91.78

PROP. GRAVEL DRIVE

DAN SAWCZY - 706. 888-8933
304 Williamson Ave

DAN SARACHY - 706. 888-8933
304 Williamson Ave



APPLICATION FOR
VARIANCE (Section 4.2A)
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801



DATE: 2-14-2023 Zoning Board of Adjustment Meeting Date:
Case Number: Meeting Deadline:

PART I. OWNER / APPLICANT INFORMATION

LEE COUNTY ALABAMA HABBITAT FOR HUMANITY

Owner Name

Address

Phone

Dan Hatcher

605 2nd Avenue, Opelika, AL 36801

Phone

Agent Name (if applicable)

Address

Mike Maher --

2124 Moores Mill Rd, Auburn, AL 36830 --

PART II. PARCEL INFORMATION

Street Address: 266 Cherry Ave

Current Zoning: R3

Current Land Use: Single Family Residential

Type of Variance Sought: Sign Parking Setback lot width Other

PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan) The current property is 200' wide. In an effort to provide affordable housing, 3 lots however there is not adequate width. We propose 2 lots with abut adjoining lands of 70' each in the middle of the 200 foot that is 60' wide which is 10 feet smaller than the minimum width

Setback	Required	Proposed	Amount of Variance
Front	30	30	0
Side	10	10	0
Side	10	10	0
Rear	25	25	0

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? The existing homes which have been built on Cherry Street were built prior to the subdivision. To match the character of the neighborhood and provide similar housing, the lot width precludes a third lot

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? _____

3) Will the proposed variance alter the character of the area? If so, how? No, the variance would allow similar spacing that currently exists. The variance would also provide the the existing neighborhood.

Provide the Names and Addresses of ALL adjoining Property Owners:

Opelike City Board of Ed

300 Simmons Street, Opelika, Al 36801

S ccentrel Bell Telephone

1155 Preachtree St NE, Atlanta, Ga 3030

Vanessa Kellum

130 River Birch Trace, Fayetteville, Ga 30

Opelika Housing Development

PO Box 268, Opelika, Al 36803

FEES:

Total Number of Adjoining Property Owners

4

4 X \$7.00 = 28

+ Fee \$75.00

TOTAL 103

PART V.

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) 266 Cherry Street. Enclosed are the true and accurate names and addresses of all adjacent property owners. I understand that the City may require additional information, or waive certain requirements, in order to make a decision on the request at any time during the process.

Signature

Date

2-14-2023

CITY OF OPELIKA - BZA
STAFF REPORT
March 14, 2023

Applicant Dan Hatcher

Property 226 Cherry Avenue

Existing Zone R-3 (medium density residential)

Request Requesting a 10-foot lot width variance for one lot from the minimum lot width requirement of 70 feet.

Proposal

The applicant Dan Hatcher as agent for Lee County Habitat for Humanity (property owner), acquired a 150 x 200 lot on Cherry Avenue with one single-family home. The property is in an R-3 zoning district, and 10,000 square feet is the minimum lot size requirement. The applicant desires to subdivide the lot into three 10,000 square foot lots. The minimum front lot width is 70 feet. The middle lot is requesting a variance of 10 feet from the 70-foot required. The middle lot has 10,000 square foot in area but has a 60-foot front lot width. The existing home will be removed to build potentially three new homes. The homes will be constructed by Habitat for Humanity, a nonprofit organization that provides affordable homeownership to help build communities.

There is not a hardship in this variance request based on the lot's physical property such as a triangle shaped lot, severe slopes, or water features. However, the applicant is working with the City to provide as many affordable homes to this area as possible with the use of this land. The surrounding area has different zones (map attached). The lots would be compatible in size and character with the neighborhood. On the revised plan all the lots will meet the 10,000 square foot minimum requirement, the draft of the new home placements will meet the setback requirements. Prior to 2014, R-3 zoning district allowed 60 foot minimum lot width. This being the case several lots on the opposite side of the school property are shown at 60 foot front lot width (map attached). Only the middle lot is in need of the variance request 10 foot on the minimum lot width requirement. This request is minor, in character with the neighborhood, and should not be a disadvantage or harm to the adjacent properties.

Recommendation

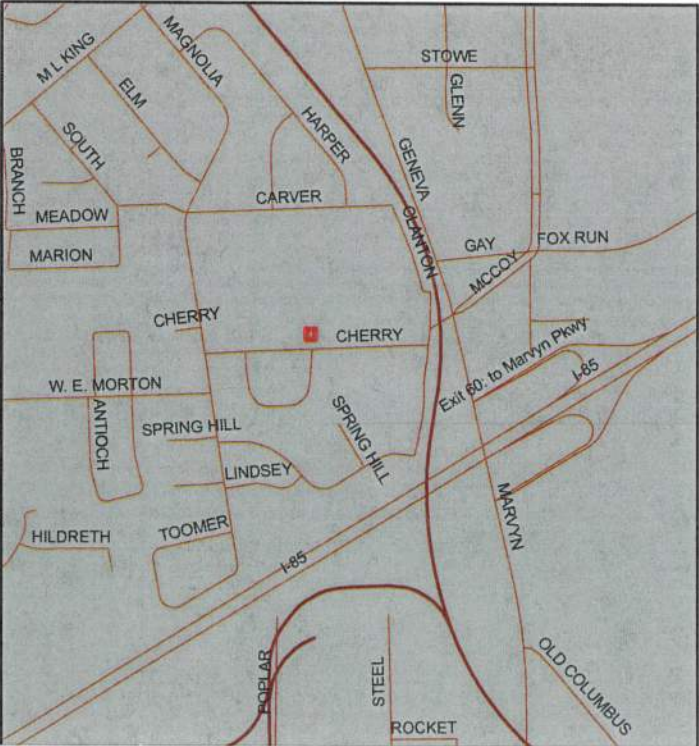
Staff recommends a 10 foot lot width variance for one lot from the minimum 70 foot minimum lot width requirement.

Certified letters were mailed to adjacent property owners on Wednesday, March 1, and a sign was posted on the property about the March 8th Zoning Board Public Hearing meeting. (At this writing, no one has contacted the Planning staff about the variance request.)



Zoning Map of area and lots around this property.

HABITAT FOR HUMANITY VARIANCE REQUEST
226 CHERRY AVENUE
LOT WIDTH, A-2



The applicant is requesting a 10 foot lot width variance from the 70 foot lot width requirement. A three lot subdivision is proposed and one lot is 60' wide. Habitat for Humanity homes are proposed for the lots.



Subject Property

The City of Opelika does not guarantee this map to be free from errors or inaccuracies. The City of Opelika, Alabama disclaims any responsibility or liability for interpretations from this map or decisions based thereon. The information contained on this map is a general representation only and is not to be used without verification by an independent professional qualified to verify such information.

TOTTENS MAP OF OPELIKA, BLOCK 231
REDIVISION OF PART OF
LOTS 1 AND 2
SECTION 18 T 18 N R 27E
OPELIKA LEE COUNTY ALABAMA

State of Alabama
Lee County

I, Michael T. Maher, a Licensed Land Surveyor of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the standards of practice for the surveying in the State of Alabama to the best of my knowledge, information, and belief.

In witness whereof, I have hereunto set my hand and seal on
this the ____ day of _____, 2023.

Michael T. Maher, Alabama License No. 78993
Not a certified survey unless signed and stamped with my seal.

State of Alabama
Lee County

Lee County Habitat for Humanity, owner of the real property shown on this plat hereby join in the statement of Michael T. Maher, and certify that it was and is my purpose to subdivide the lands as plotted on shown.

In witness whereof, I, Don Halcher as President of Lee County Habitat for Humanity n/a/a Auburn Habitat for Humanity have hereunto set my hand on this the ____ day of _____, 2023.

Don Halcher as President of Lee County Habitat for Humanity
State of Alabama
Lee County

I, _____, a Notary Public, in and for said County in said State, hereby certify that Don Halcher, whose name as President of Lee County Habitat for Humanity n/a/a Auburn Habitat for Humanity is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he or she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

In witness whereof, I have hereunto set my hand and seal on this
the ____ day of _____, 20____.

Notary Public: _____ My commission expires: _____

Approved by the Opelika City Planning Director, Opelika, Alabama:

Director: _____ Date: _____

Approved by the Opelika Utilities Board, Opelika, Alabama:

Opelika Utilities Board: _____ Date: _____

Approved by the Opelika City Engineer, Opelika, Alabama:

Engineer: _____ Date: _____

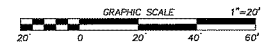
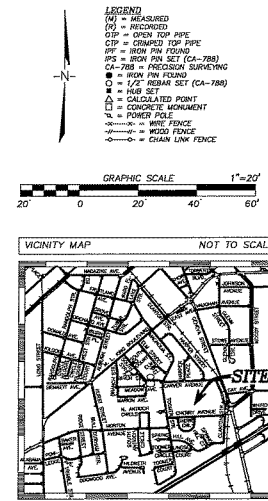
Reviewed by Opelika Power Services, Opelika, Alabama:

Opelika Power Services: _____ Date: _____

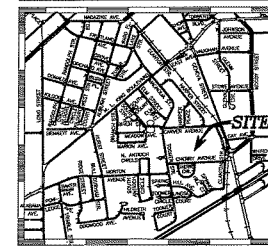
Approved by the Opelika Public Works Department:

Public Works Director: _____ Date: _____

- NOTES:
- SOURCE OF INFORMATION: DEED BOOK 2443, PAGE 637 AND TOTTENS MAP OF OPELIKA, PLAT BOOK 2, PAGE 9.
 - DATE OF FIELD SURVEY: UNDER MAY.
 - DATE OF OFFICE WORK: FEBRUARY 16, 2023.
 - BEARINGS BASED ON STATE PLANE COORDINATES, NAD 1983, ALABAMA EAST ZONE, US FOOT. COORDINATES SET USING PPK GPS, ADJUST CORE AS CONTROL.
 - AN EASEMENT IS HEREBY GRANTED TO THE CITY OF OPELIKA AND TO ANY UTILITY COMPANIES SERVING THE CITY OF OPELIKA FOR THE PURPOSE OF INSTALLING, OPERATING AND MAINTAINING POLE LINES, GUY WIRES AND OTHER FACILITIES. EASEMENT TO BE TEN (10) FEET WIDE AND SHALL BE CENTERED ALONG THE FRONT AND SIDE LOT LINES OF EACH LOT.
 - NO PORTION OF THIS LOT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FEMA FIRM OVERFLOWING DATED 11-02-2011.
 - THIS SITE IS SERVED WITH OPELIKA WATER AND SEWER.
 - SITE IS SERVED WITH OPELIKA POWER SERVICES.
 - EXISTING HOME ON SITE IS TO BE DEMOLISHED. PROPOSED HOMES ARE DEPICTED TO SHOW FINAL DISPOSITION OF THE LOTS.



VICINITY MAP NOT TO SCALE



43 10 04 18 4 000 026,000
KELLYN YAMERSSA
130 RIVER BIRCH TRCE
FAYETTEVILLE, GA 30215
PART OF LOT 2 - BLOCK 231
TOTTENS MAP
PLAT BOOK 2, PAGE 9

43 10 04 18 4 000 026,000
SOUTH CENTRAL BELL TELEPHONE
BELL SOUTH TOWER, 22ND FLOOR
1105 PEACHTREE ST N.E.
ATLANTA, GA 30309-3610

POC
NE CORNER OF THE SE 1
OF SECTION 18, T18N
R27E, OPELIKA, LEE
COUNTY, ALABAMA

43 10 04 18 4 000 030,000
OPELIKA CITY BOARD OF EDUCATION
300 SIMMONS STREET
OPELIKA, AL 36601
PART OF LOTS 1 AND 2
BLOCK 231
TOTTENS MAP
PLAT BOOK 2, PAGE 9

CHERRY STREET - 60' ROW (HARDWAY STREET)

43 10 04 18 4 000 079,000
OPELIKA HOUSING DEVELOPMENT INC
P.O. BOX 268
OPELIKA, AL 36603

Drawn By: M/TM	PRECISION SURVEYING	2124 Moores Mill Road Suite 110 Auburn, Alabama 36830 Phone (334) 821-0165 www.precisionsurveying.biz
Scale: 1"=20'		
Plot Name: 23-104-S01		
Date: 2-13-2023		
Sheet Title: TOTTENS MAP, BLOCK 231 REDIVISION OF PART OF LOTS 1 AND 2 OPELIKA, LEE COUNTY, ALABAMA		



**APPLICATION FOR
VARIANCE (Section 4.2A)**
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801



ENER-Gov #0088-2023

DATE: 2/17/21	Zoning Board of Adjustment Meeting Date: March 14th
Case Number:	Meeting Deadline: Feb 21

PART I. OWNER / APPLICANT INFORMATION

Jeremy Wolter	314 3rd Ave. Opelika, Al	
Owner Name	Address	Phone
J Manifold Construction	555 Opelika Rd Suite 2	334-728-4347
Agent Name (if applicable)	Address	Phone

PART II. PARCEL INFORMATION

Street Address: 314 3rd Ave. Opelika AL

Current Zoning: Historic Downtown

Current Land Use: Residential

Type of Variance Sought: _____ Sign _____ Parking _____^x Setback _____ Other

PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan)

Proposed location of pool house is approximately 6' closer to property line than existing concrete slab.

We are requesting to extend existing slab 6' to allow for pool house construction.

Setback	Required	Proposed	Amount of Variance
Front	25	160'	
Side	25	28'	
Side	25	140'	
Rear	25	14.5'	10.5'

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? No

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? no

3) Will the proposed variance alter the character of the area? If so, how? no

Provide the Names and Addresses of ALL adjoining Property Owners:

Alexander Rainey 306 N 4th St	
Barbara Roberts 400 3rd Ave	
Ronald Eaves 401 3rd Ave	
City of Opelika 0 3rd Ave	
Kasey Kaschak & Sarah Grace Walters 305 3rd Ave	
Robert Brown 302 3rd Ave	
Robert Brown 302 3rd Ave	
Joerg Wilmink 311 N 4th St	

FEES:

Total Number of Adjoining Property Owners 8	8 X \$7.00 =	56
	+ Fee	\$75.00
	TOTAL	131

PART V.

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) 314 3rd Ave. Enclosed are the true and accurate names and addresses of all adjacent property owners. I understand that the City may require additional information, or waive certain requirements, in order to make a decision on the request at any time during the process.

Coleman
Signature

2-17-23
Date

CITY OF OPELIKA - BZA
STAFF REPORT
March 14, 2023

Applicant: J Manifold Construction
Colin Nease, representative
Katie & Jeremy Wolter, property owners

Property: 314 3rd Avenue

Existing Zone: R-2

Request: Side Yard on Street Setback Variance for Pool House – 10.5 foot setback variance on North 4th Street from the minimum 25 foot side yard on street setback requirement

The applicant is requesting a 10.5 foot side yard on street (North 4th Street) setback variance (north side) from the minimum 25 foot side yard on street setback requirement. The property is on the corner of 3rd Avenue and North 4th Street; the applicant's home faces 3rd Avenue; North 4th Street is the side yard on street. The pool house is an accessory structure since it is detached from the principal dwelling. An accessory structure may be constructed in the side yard on street if the minimum setbacks are met.

The proposed pool house is 29.7' x 26.7' as shown on site plan. The pool house is 14.5 feet from the property line along North 4th Street. An existing gazebo (13x26) will be removed, and the pool house constructed at the same location as gazebo except the pool house is wider (see site plan in packet). The gazebo or pool house location is between the swimming pool and North 4th Street property line. The pool house structure is larger than the gazebo, therefore will be 6 feet closer to the 4th Street property line as well as six feet closer to the swimming pool.

The applicant's home is in an older neighborhood; homes were built from 1915 to 1968. Along North 4th Street, homes near the applicant's home are setback from 8 feet to 42 feet; two homes do not meet the current minimum 25 foot setback. These homes were permitted for construction and met minimum setbacks at the time of construction (or minimum setbacks did not exist).

Along North 4th Street and the rear property line, an 8 foot tall brick privacy wall exists on the applicant's property (see photo on page 2). The brick wall also serves as a visual barrier for the pool house. The highest point of the pool house will be 16.5 feet to the ridge; the roof's ridge is the highest point of the pool house. The pool house exterior walls are 10 feet

high. Most of the pool house will be hidden by the brick wall. Staff believes the pool house will have a minimal impact on adjacent properties.

There is no physical hardship in this case based on an irregular shaped lot or a severe slope that usually justifies a variance request. The property is unique because of the existing 8 foot tall wall along North 4th Street and the rear property line serving as a visual barrier. Staff believes the applicant's request is reasonable since a brick privacy wall is in place. Strict compliance to the minimum setbacks may prevent improvements on the property.

The property is in the Northside Historic District and is scheduled to be heard by the Historic Preservation Commission on March 9, 2023. Approval from both the HPC and ZBA will be required to construct the pool house.

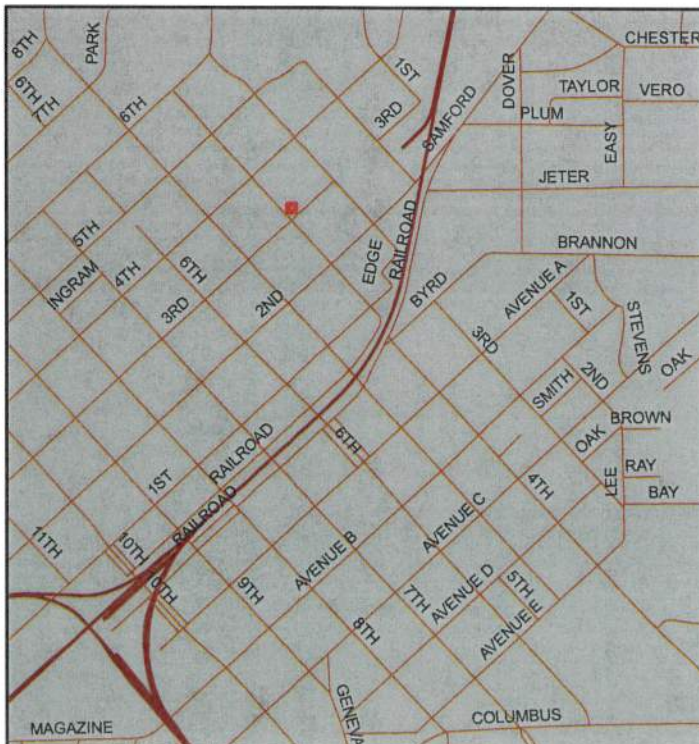
Staff recommends approval for a 10.5 foot variance from the minimum 25 foot side yard on street requirement to construction of a 29.7' x 26.7' pool house subject to approval from the Historic Preservation Commission.

Certified letters were mailed to adjacent property owners and a ZBA sign posted on the applicant's property about the March 14th ZBA public hearing.



On left side, adjacent property with truck in driveway and brick privacy wall along rear property line.
On right side, brick privacy wall 8' tall along North 4th Street property line

J MANIFOLD CONSTRUCTION SETBACK VARIANCE REQUEST
314 3RD AVENUE
SIDE YARD ON STREET, A-4



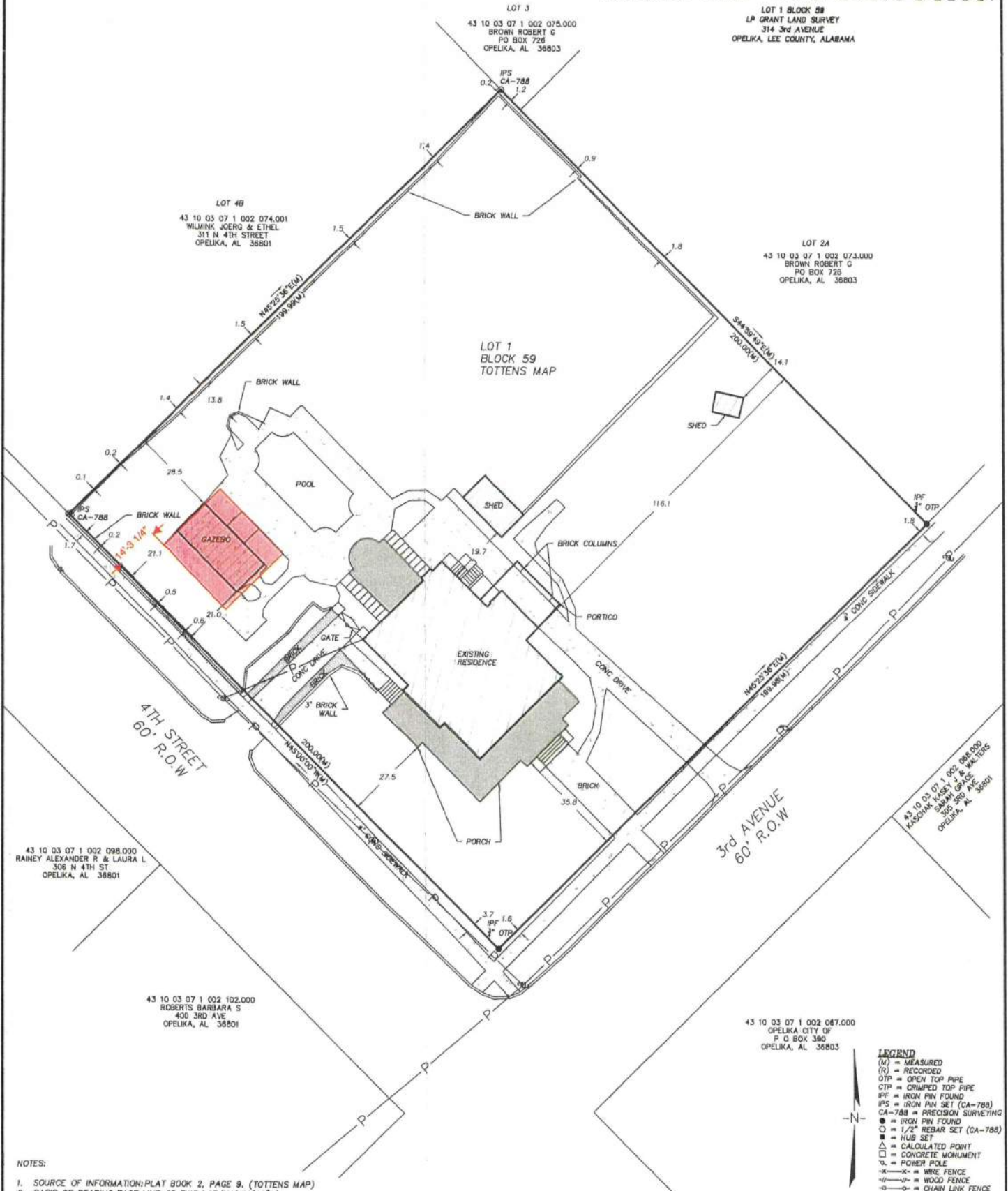
The applicant is requesting a 10.5' side yard on street setback variance from the 25 foot setback requirement. A 29 X 26 pool house is proposed and the building encroaches into the 25' side yard on street minimum setback.



Subject Property

The City of Opelika does not guarantee this map to be free from errors or inaccuracies. The City of Opelika, Alabama disclaims any responsibility or liability for interpretations from this map or decisions based thereon. The information contained on this map is a general representation only and is not to be used without verification by an independent professional qualified to verify such information.

ASBUILT SURVEY FOR: MANIFOLD CONSTRUCTION



NOTES:

1. SOURCE OF INFORMATION: PLAT BOOK 2, PAGE 9. (TOTTENS MAP)
2. BASIS OF BEARING: EAST LINE OF THIS LOT. (N45°00'00"W)
3. DATE OF FIELD SURVEY: 12-28-2022; DATE OF OFFICE WORK: 12-29-2022.

I, MICHAEL T. MAHER, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, 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.

MICHAEL T. MAHER  DATE: 12/29/22
PLS NO. 29993
NOT A CERTIFIED SURVEY UNLESS SIGNED AND STAMPED WITH MY SEAL.

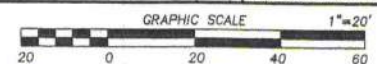


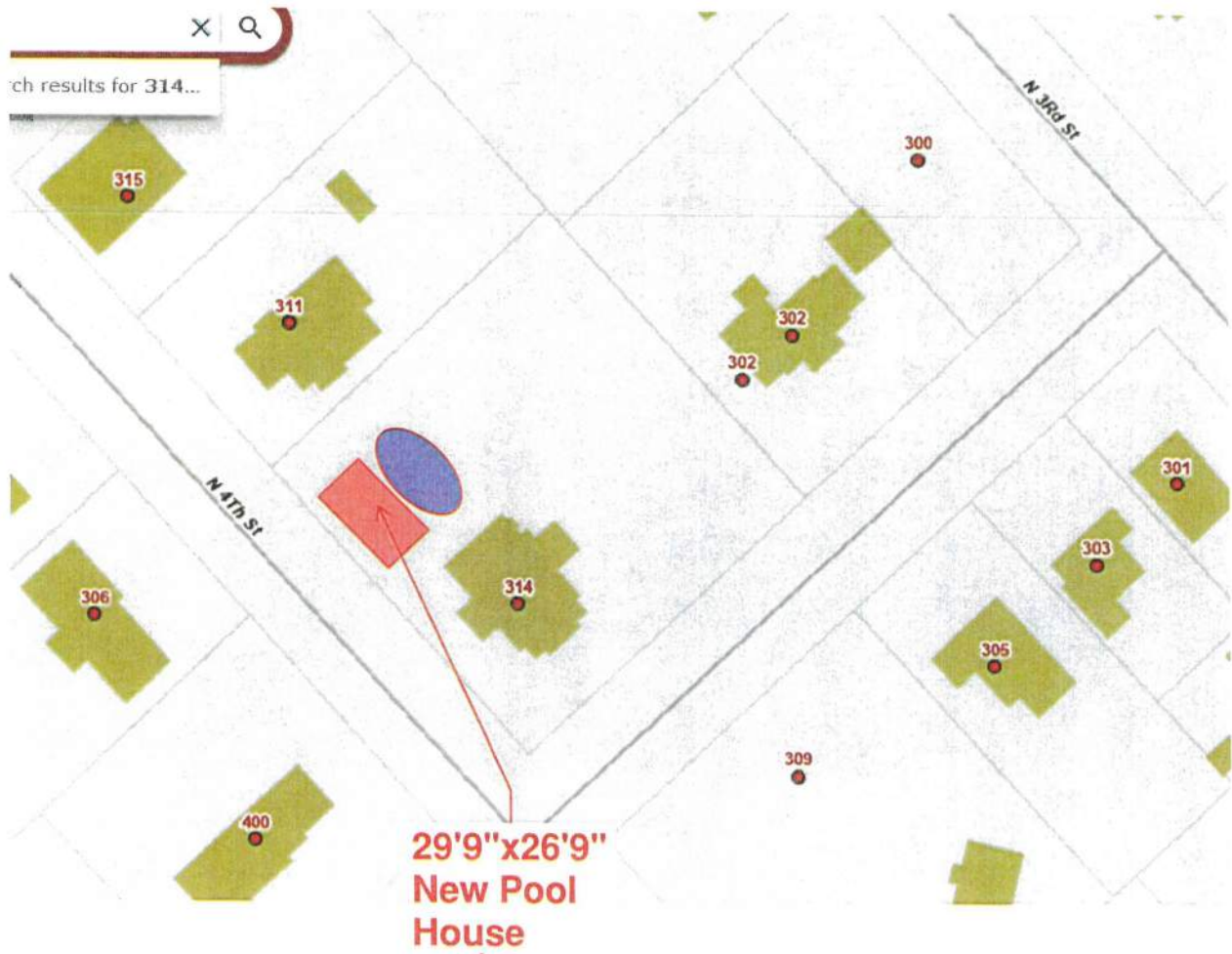
Drawn By: ANW
Scale: 1"=20'
File Name: 22-0741
Date: 12-29-2022

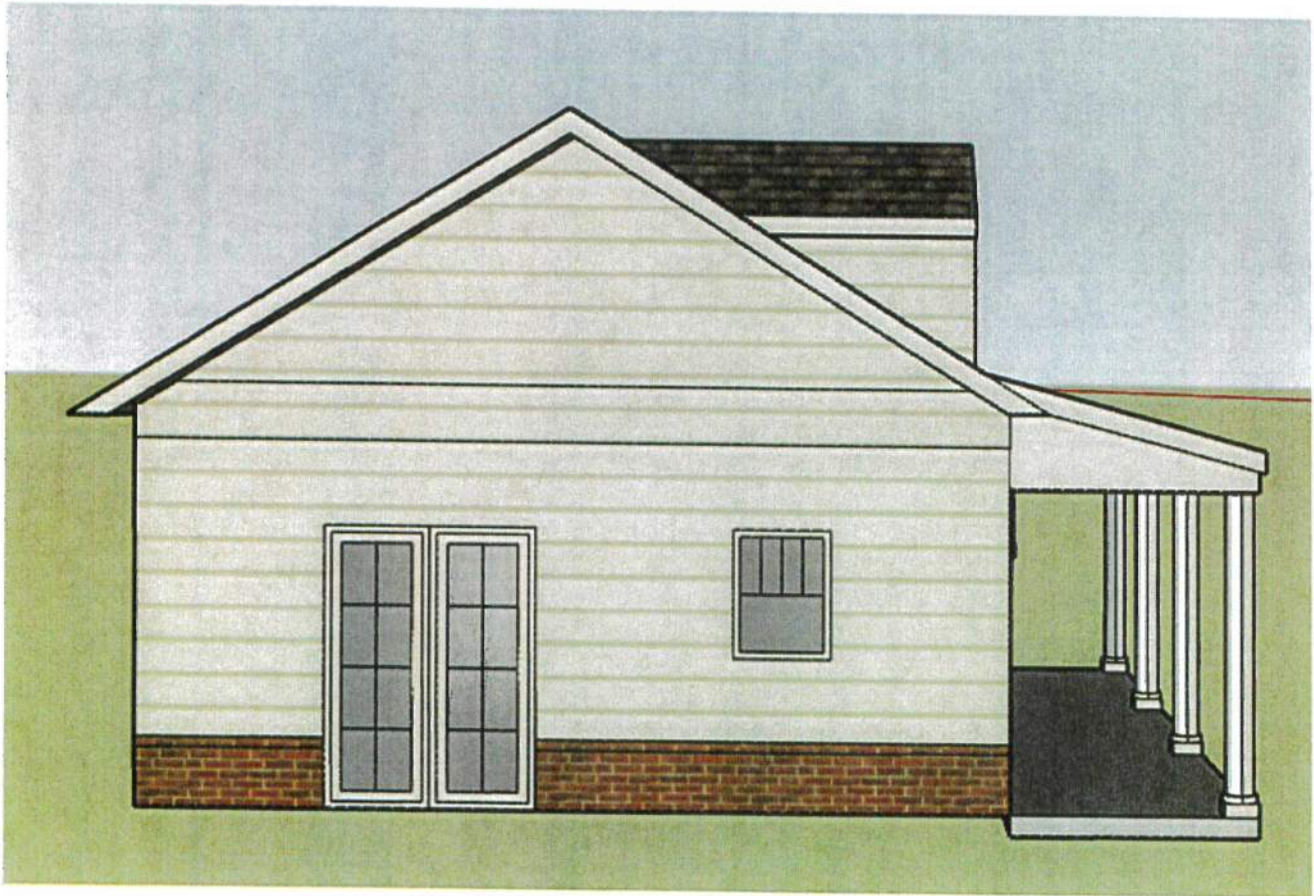
PRECISION SURVEYING

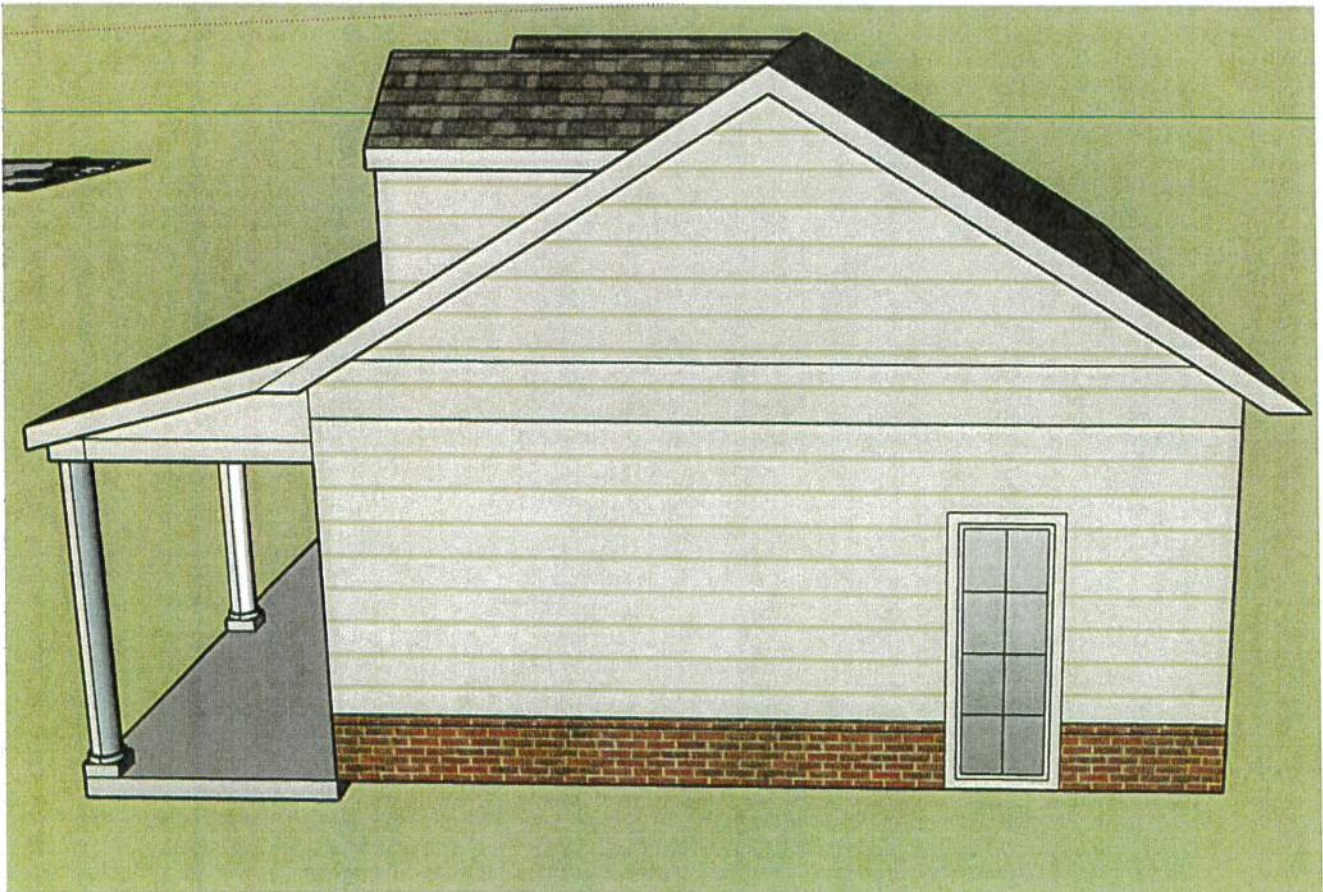
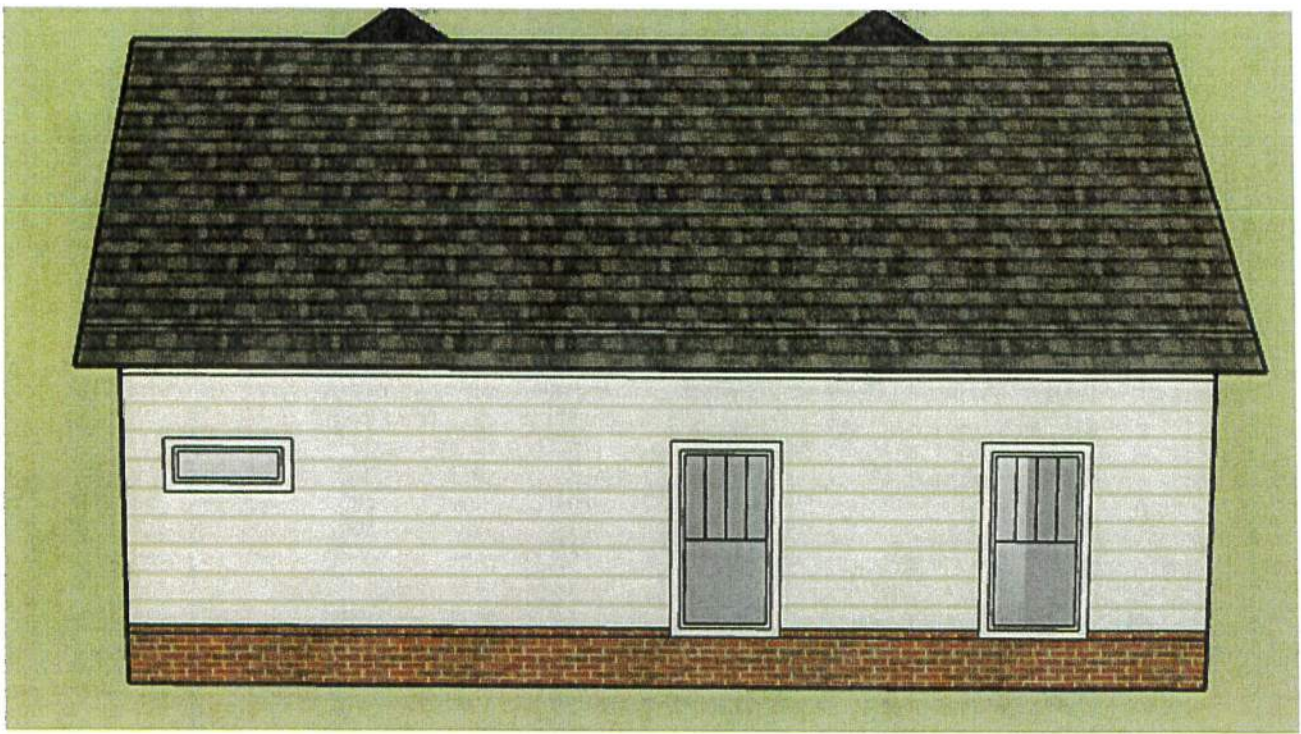
LEGEND
(M) = MEASURED
(R) = RECORDED
OTF = OPEN TOP PIPE
CTP = CRIMPED TOP PIPE
IPF = IRON PIN FOUND
IPF = IRON PIN SET (CA-788)
CA-788 = PRECISION SURVEYING
● = IRON PIN FOUND
○ = 1/2" REBAR SET (CA-788)
H = HUB SET
△ = CALCULATED POINT
□ = CONCRETE MONUMENT
~ = POWER POLE
--- = WIRE FENCE
--- = WOOD FENCE
--- = CHAIN LINK FENCE

2124 Moores Mill Road
Suite 110
Auburn, Alabama 36830
Phone (334) 821-0105
www.precisionsurveying.biz



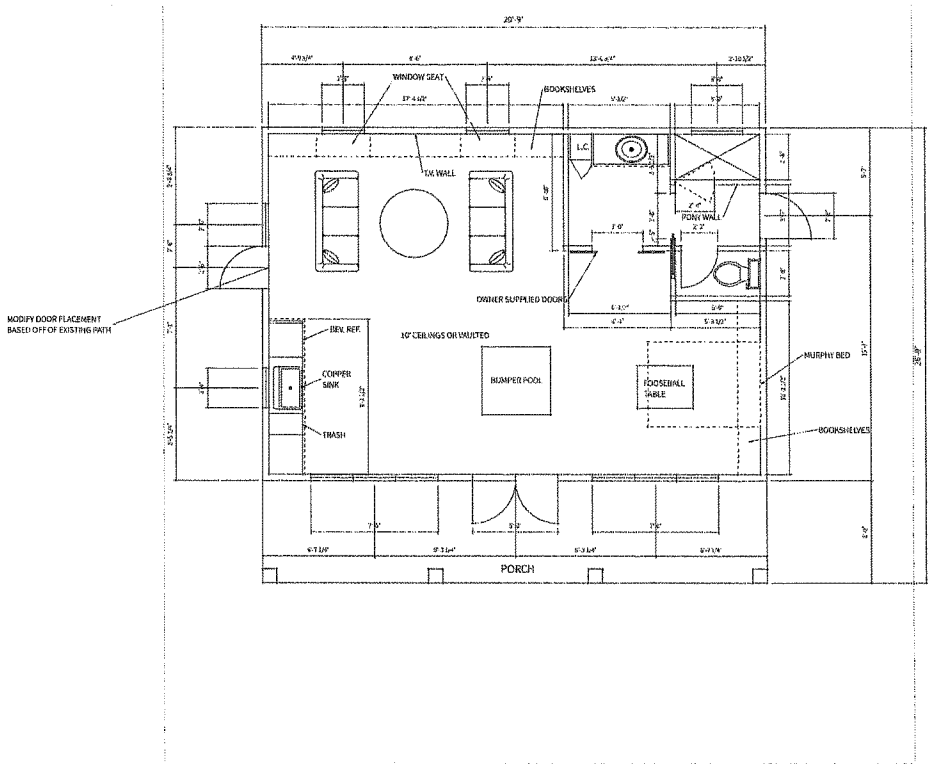






WOLTER POOL HOUSE PLAN

SCALE: 1/2" = 1'0"





314 3RD AVENUE

DRAWN BY:

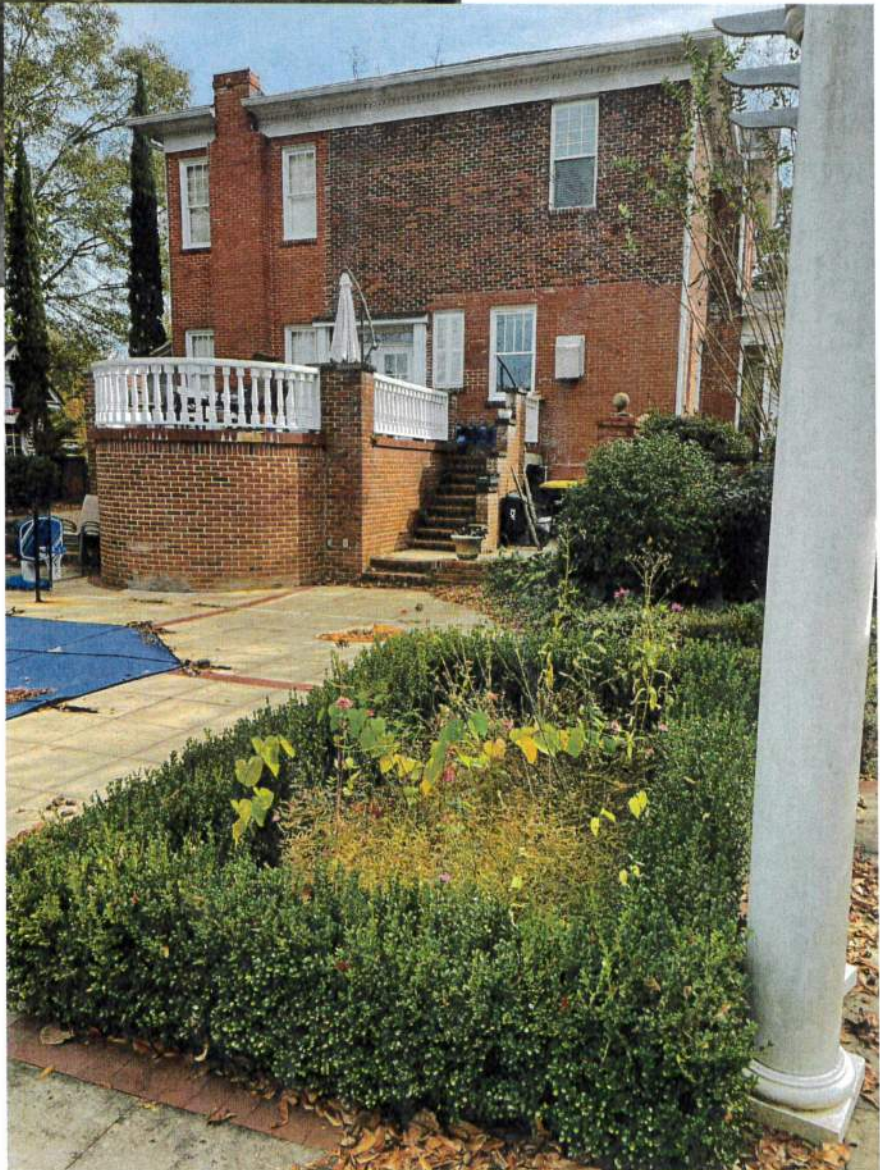
JMC TEAM

REVISIONS:

JMC DESIGN TEAM

November 8, 2022

PG.	1
-----	---





Remove Gazebos and Build Proposed Pool House



APPLICATION FOR
VARIANCE (Section 4.2A)
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801



DATE: 02/20/2023	Zoning Board of Adjustment Meeting Date:
Case Number:	Meeting Deadline:

PART I. OWNER / APPLICANT INFORMATION

HARA LLC 2800 STONYBROOK RD OPELIKA 3344445414
Owner Name Address Phone

MANISH DESAI Same as above
Agent Name (if applicable) Address Phone

PART II. PARCEL INFORMATION

Street Address: 510 GENEVA STREET OPELIKA AL 36801

Current Zoning: C2, C3

Current Land Use: VACANT

Type of Variance Sought: ☐ Sign ☐ Parking ☒ Setback ☐ Other

PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan)

Setback	Required	Proposed	Amount of Variance
Front			
Side	20	15 Ft.	
Side			
Rear			

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? As property is at ANGEL & HMD a Environmental-Monitoring Equipment of City of Opelika.

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? N/A.

3) Will the proposed variance alter the character of the area? If so, how? N/A.

Provide the Names and Addresses of ALL adjoining Property Owners:

① Chucks BBQ Opelika Properties
Gullage ^{James J}
City of Opelika

905 Short Ave Opelika, AL 36801
3000 Hickory Lane Opelika, AL 36801
204 S. 7th St.

FEES:

Total Number of Adjoining Property Owners	3 X \$7.00 =	\$21.00
	+ Fee	\$75.00
	TOTAL	\$96.00

PART V.

PAID
2-20-23
Crawford

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) _____. Enclosed are the true and accurate names and addresses of all adjacent property owners. I understand that the City may require additional information, or waive certain requirements, in order to make a decision on the request at any time during the process.


Signature _____
Manish Desai
MR. Munn

Date 02/20/2023

CITY OF OPELIKA - BZA
STAFF REPORT
March 14, 2023

Applicant: Manish Desai

Property: 510 Geneva Street (Undeveloped lot)

Existing Zone: C-2, GC-S (office-retail, gateway corridor – secondary)

Request: Requesting a 4.32 setback variance from the minimum 20 foot side yard on street setback requirement

The applicant is requesting a 4.32 foot side yard on street variance from the minimum 20 foot setback requirement to construct a 4,480 square foot (112' x 40") office building on a 16,700 square foot lot. A corner of the building facing Geneva Street encroaches into the minimum setback; the corner is 15.68 feet from the property line; the opposite corner facing Geneva Street meets the minimum 20 foot side yard on street setback requirement; the corner is 20.06 feet from the property line.

The applicant's lot is located between South 10th Street, Geneva Street, and the Columbus Parkway right-of-ways (ROW). The three streets converging at one point created an excessive amount of right of way on the south side (see white area on map next page). The applicant acquired about 4,000 square feet of ROW and added the property to his lot for the office development. (Off-street parking spaces are shown in this area that meets minimum parking requirements for the 4,480 sf building.) The map also provides that the property is irregular shaped and bordered by three right of ways that limits development.

In the 1990s, a small gas station occupied the property. Environmental monitoring equipment was required for the property to clean-up soil or water contamination. The equipment has been removed and development of property is allowed.

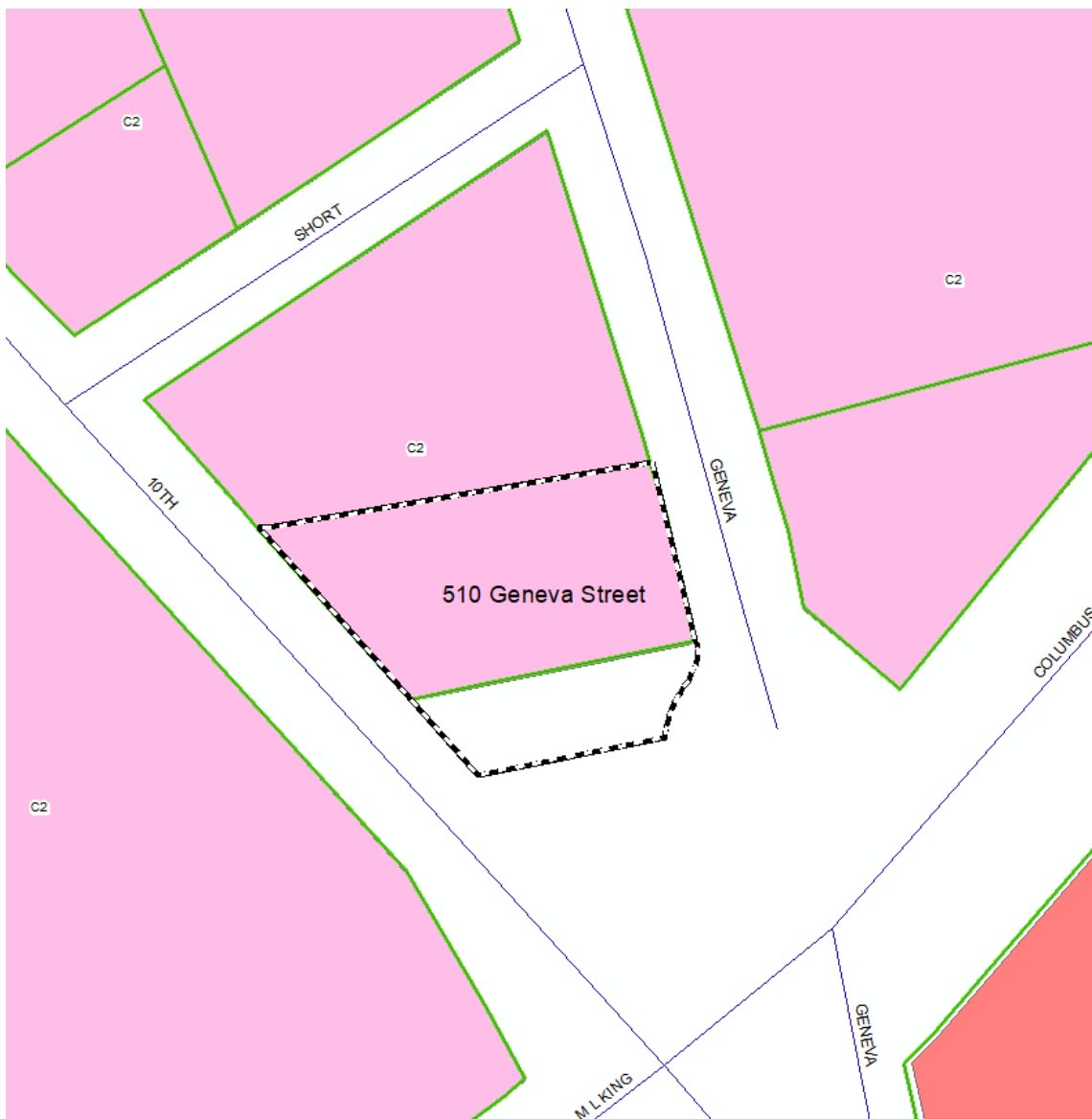
Staff Recommendations

Exceptional difficulties do exist on the applicant's property bordered by three right of ways and the lot irregular shaped. The applicant has worked with staff and decreased the size of the building so the minimum setbacks on the South 10th Street side and on the property line along the north side are met. Planning staff does not believe the variance will have an adverse effect on Geneva Street. The setback

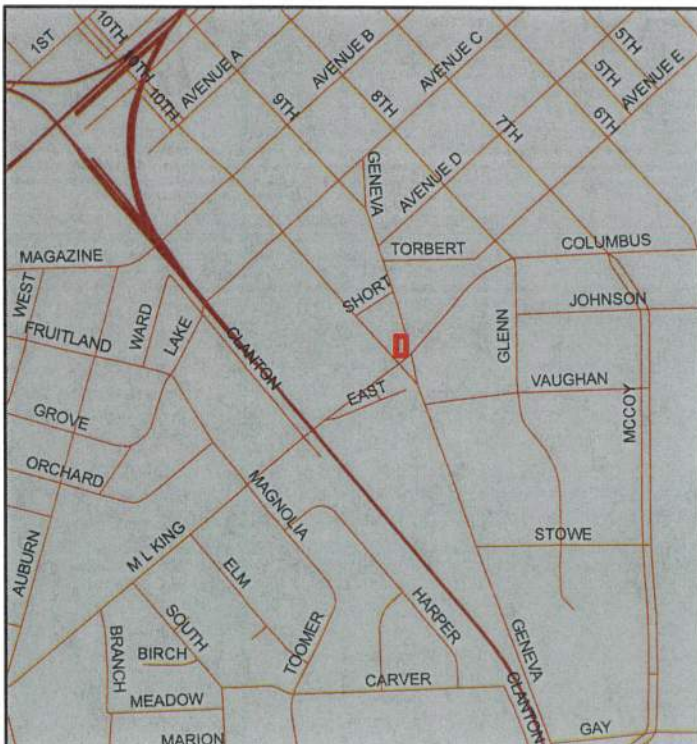
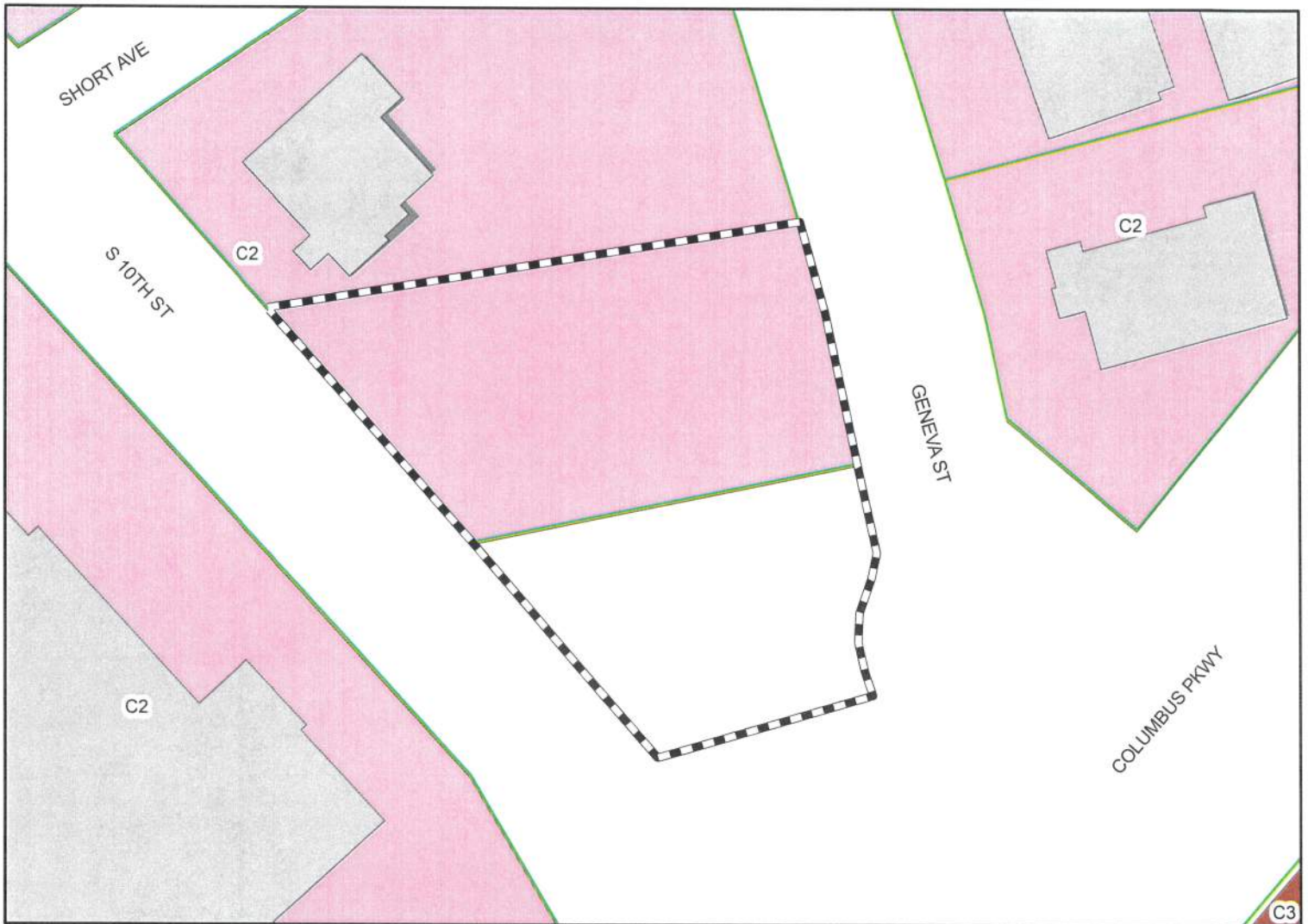
request is near the end of Geneva Street; Geneva Street is a cul de sac street with limited vehicle traffic. Several buildings along this section of Geneva Street were constructed before 1960 and do not meet the current minimum 25 foot front setback.

The applicant's property is in the Historic District; the applicant applied for Historic Commission approval. The Commission reviewed building elevations and approved the architectural style of the building as compatible with nearby structures and contributes to the Historic District.

Planning staff recommends a 4.32 foot side yard on street variance on Geneva Street from the 25 foot side yard on street setback requirement.



**MANISH DESAI VARIANCE REQUEST
226 CHERRY AVENUE
SIDE YARD ON STREET, A-3**



The applicant is requesting a 4.32' side yard on steet setback variance from the 20 foot setback requirement. A 40 x 112 office building is proposed and the building encroaches into the Geneva Street side minimum setback.



Subject Property

The City of Opelika does not guarantee this map to be free from errors or inaccuracies. The City of Opelika, Alabama disclaims any responsibility or liability for interpretations from this map or decisions based thereon. The information contained on this map is a general representation only and is not to be used without verification by an independent professional qualified to verify such information.

STO

15" INV. - 18" INV. - 01

15.00'

15.66'

40.00'

112.00'

20.00'

40.72'

4,480 SF

18 PS

SANITARY SEWER MANHOLE, SS-B

8" INV. - IN (NW) EL: 780.65

8" INV. - OUT (SE) EL: 780.58

SANITARY SEWER-
MANHOLE, SS-B
TOP EL: 784.79
8" INV.-IN (NW) EL: 780.65
8" INV.-OUT (SE) EL: 780.58

[illegible]

W	A	5.0 X 7.0 INSUL. MET.
M	B	3.0 X 7.0 INSUL. MET.

DOORS

- ① 3-0 X 7-0 EXT. INSUL. W/TRANS, 9-0 HD. HOT.
- ② 3-0 X 7-0 EXT. INSUL.
- ③ 3-0 X 7-0 INT. S.C.

FLOOR PLAN
1/4" = 1' - 0"

PROJ. 2209	DATE	REV.	REV.	REV.	SHEET of
---------------	------	------	------	------	-------------

NETTLES ARCHITECTURE
JOHN W. NETTLES-ARCHITECT
1139 TERRACE ACRES DRIVE
AUBURN, ALABAMA 36830
(334)703-6360 JWNARCHITECT@ATT.NET



OFFICE BUILDING
GENEVA STREET
OPELIKA, ALABAMA
F&HARA LLC

0000 86 - 2023



APPLICATION FOR VARIANCE (Section 4.2A)

PLANNING DEPARTMENT

700 FOX TRAIL

OPELIKA, AL 36801



ENER GOV #0090-2023

DATE:	Zoning Board of Adjustment Meeting Date:
Case Number:	Meeting Deadline:

PART I. OWNER / APPLICANT INFORMATION

Owner Name: Premium Beverage Company, Inc. Address: 1511 1st Avenue Phone: 334-745-4521
 Agent Name (if applicable): Lamar Daniels Address: 1511 1st Avenue Phone: (205) 657-2880

PART II. PARCEL INFORMATION

Street Address: 1511 1st Avenue, 1507 1st Avenue
 Current Zoning: M1
 Current Land Use: Warehouse
 Type of Variance Sought: Sign Parking ☒ Setback Other

PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan)

In line addition to our existing warehouse space. The reason for the variance request is to have the space with consistent lines/walls.

Setback	Required	Proposed	Amount of Variance
Front	30 30'	30'	0'
EAST Side	30	10	20'
Side	30		
Rear	30	5	20 25'

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? NO

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? NO

3) Will the proposed variance alter the character of the area? If so, how? NO

Provide the Names and Addresses of ALL adjoining Property Owners:

1) Blackburn Oil Co
P.O. Box 328
Piedmont AL 36272

2) J3 Investment Group LLC
254 Britton Road
Alex City 35010

~~3) Wes Beveridge - APPLICANT
1511 1st Avenue
Opelika AL 36801~~

4) Western Railway
500 Water Street
5180
Jacksonville FL 32202

FEES:

Total Number of Adjoining Property Owners	3 X \$7.00 =	21.00
	+ Fee	\$75.00
	TOTAL	\$96.00

PART V.

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) _____ . Enclosed are the true and accurate names and addresses of all adjacent property owners. I understand that the City may require additional information, or waive certain requirements, in order to make a decision on the request at any time during the process.

Lamar David
Signature

2/21/23
Date

CITY OF OPELIKA - BZA
STAFF REPORT
March 14, 2023

Applicant: Lamar Daniels, Premium Beverage Company

Property: 1507 & 1511 1st Avenue

Existing Zone: M-1

Request: Requesting a multiple setback variances:

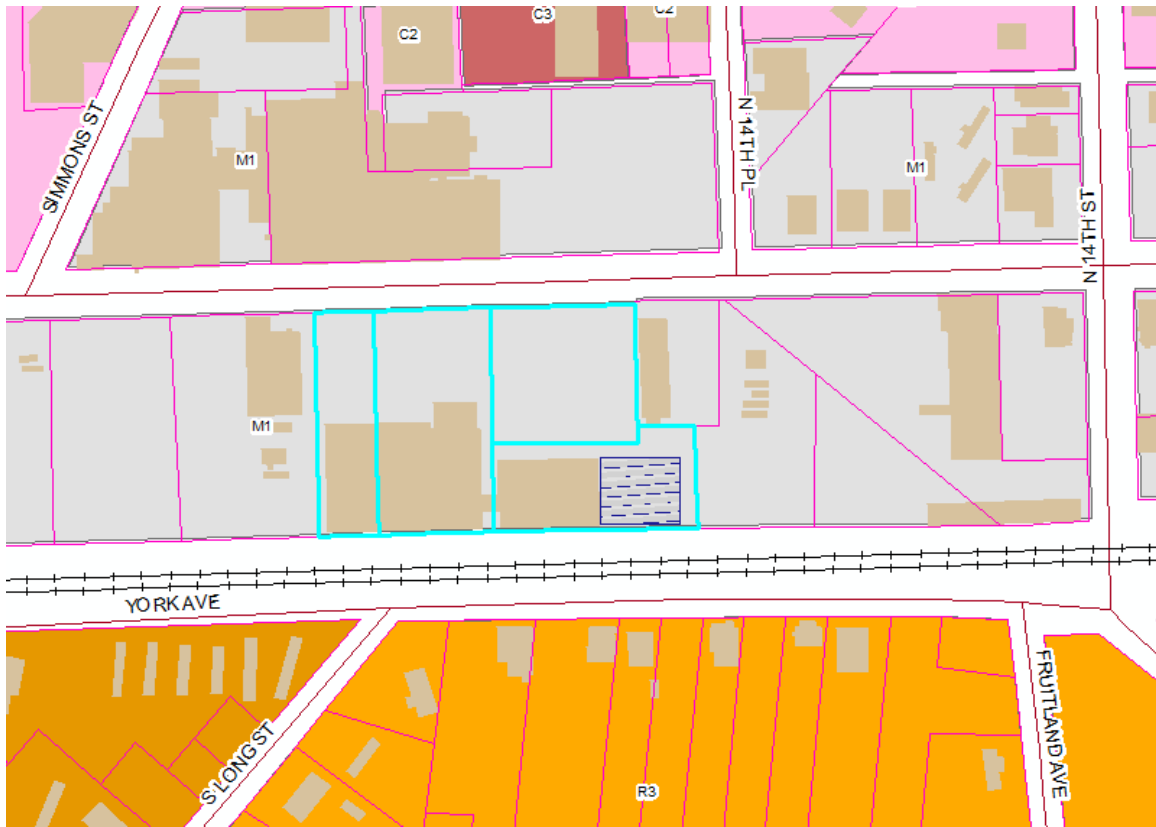
1. 30-foot front yard setback variance from the 30-foot minimum front yard setback requirement to the north
2. 25-foot rear yard setback variance from the minimum 30-foot side yard setback requirement along the south property line (railroad)
3. 20-foot side yard setback variance from the minimum 30-foot side yard setback requirement along the east property line

Premium Beverage is requesting approval to construct an additional warehouse building on an existing structure that is located between property owned by the railroad. The current building is located five (5) feet from the railroad. The company has agreed to lease of the property between the subject property and the 1st Avenue from the railroad. The applicant is proposing to construct a 9,184 square foot building that would follow the same front and rear setbacks. The applicant is also proposing to add a canopy that would cover trucks along the front of the building.

The railroad, in general, does not sell property even if they do not plan to use it in the future. The tend to hold the property in long term leases or renewing leases with very stringent requirements. The applicant is planning to move most of the current truck parking from existing locations to the west and have them enter and park on the leased property. This should improve traffic and safety through the area as it will allow trucks to access the building without backing up on 1st Avenue.

The additional building space allows Premium Beverage consolidate their operations to one property. This allows them to stay in this location instead of moving to another site or splitting their facilities between two sites in Opelika or the surrounding areas.

The proposed variances would have the greatest impact on the side of the building to the east. This is against KB fuels which is also an industrial user that works daily with premium beverage. The proposed setback should not create any nuisances or codes issues that affect the other users.



The use and configuration of the property adjacent to the railroad is unique to this site and provides greater buffering than normally would be provided. Additionally, the use is continuation of the industrial nature of the City, complete application of the current regulations would severely limit the ability of this use to continue at its long existing location.

Recommendation:

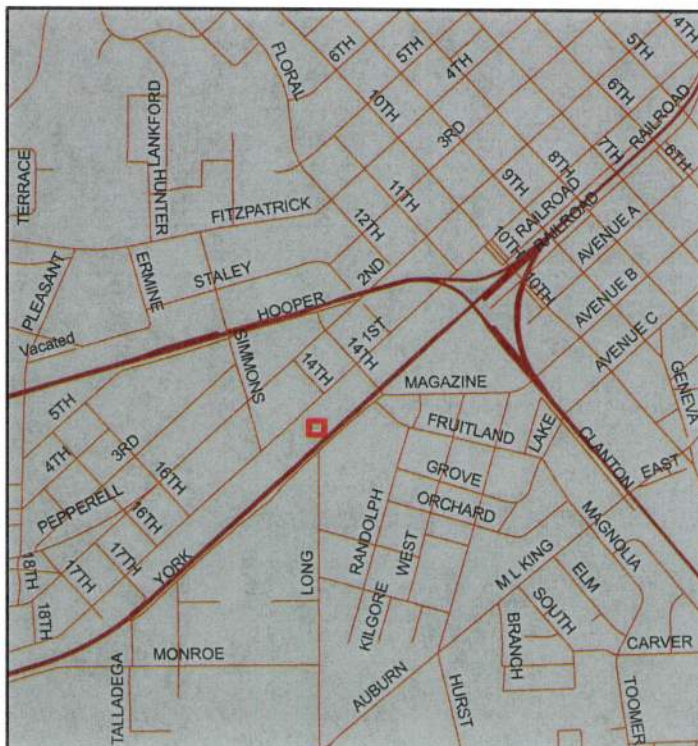
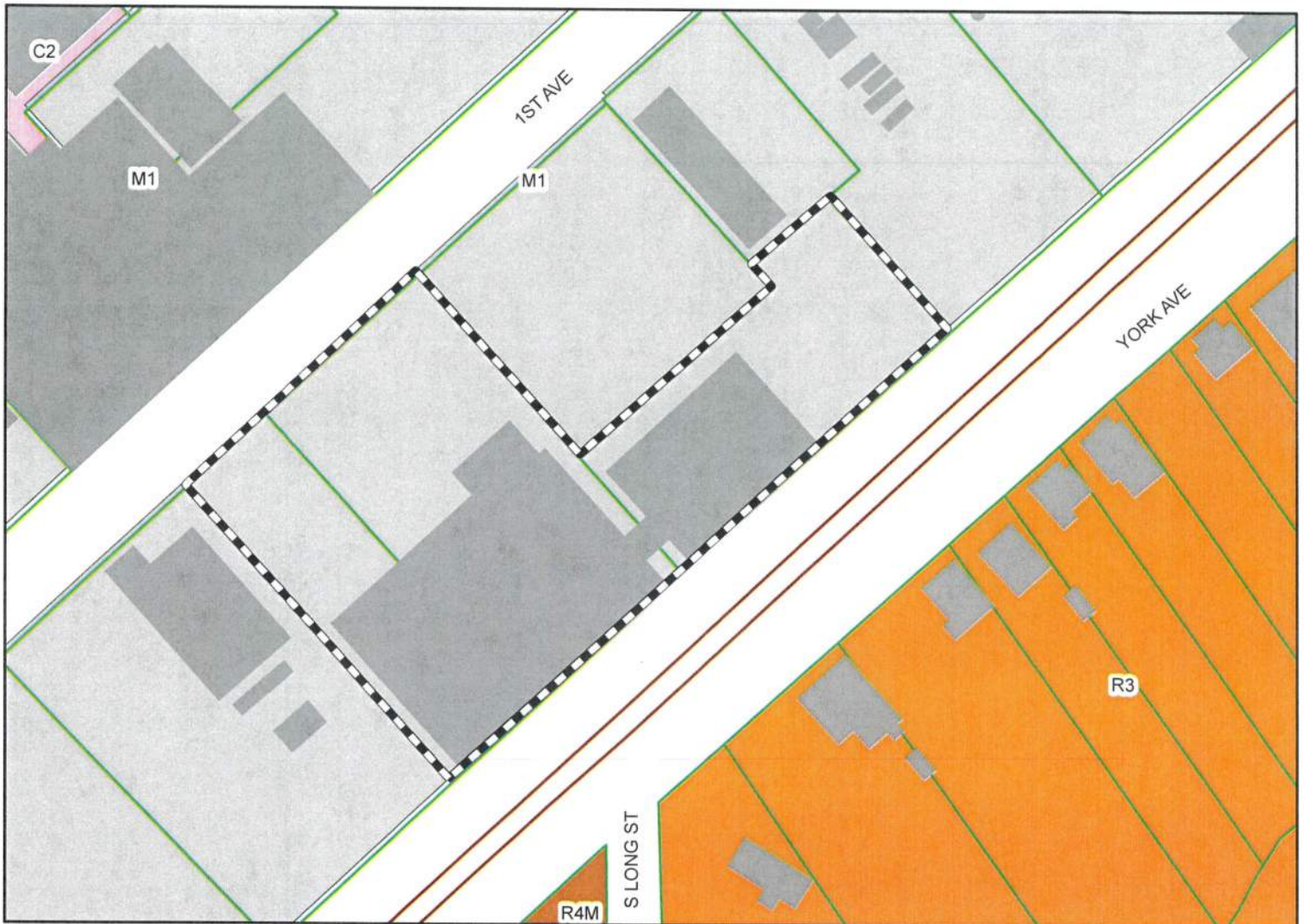
Planning Department recommends approval of the following variances:

- 1. 30-foot front yard setback variance from the 30-foot minimum front yard setback requirement to the north**
- 2. 25-foot rear yard setback variance from the minimum 30-foot side yard setback requirement along the south property line (railroad)**
- 3. 20-foot side yard setback variance from the minimum 30-foot side yard setback requirement along the east property line**

PREMIUM BEVERAGE COMPANY VARIANCE REQUEST

1511 & 1507 FIRST AVENUE

FRONT & REAR YARD SETBACK, A-5



The applicant is requesting a 30' front yard and 25' rear yard setback variance from the 30' front and 30' rear setback requirement. A 9,184 square foot building is proposed and the building encroaches into the minimum setbacks.



Subject Property

The City of Opelika does not guarantee this map to be free from errors or inaccuracies. The City of Opelika, Alabama disclaims any responsibility or liability for interpretations from this map or decisions based thereon. The information contained on this map is a general representation only and is not to be used without verification by an independent professional qualified to verify such information.



1501 1ST AVENUE
OPELIKA, AL 36801

1ST AVENUE

FRONT SETBACK: 40'
VARIANCE REQUEST: 10'

IN
OUT

NEW COOLER

NEW BLDG.
9,184 SF

SIDE SETBACK: 30'
VARIANCE REQUEST: 10'

REAR SETBACK: 30'
VARIANCE REQUEST: 5'

YORK AVENUE