



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

300 Martin Luther King Blvd.

December 14, 2021

TIME: 9:00 AM

A. APPROVAL OF MINUTES

B. VARIANCE

1. The Cotton District represented by Richard Patton, 408 1st Avenue, C-2 zone, Requesting a 9 foot setback variance from the minimum 25 foot front yard setback requirement.
2. The Cotton District represented by Richard Patton, 408 1st Avenue, C-2 zone, Requesting a variance for one parking space from the minimum two parking spaces required for a dwelling unit.
3. Kyle & Lee King, 1710 Oak Bowery Road, R-2 zone, Requesting a 3 foot variance from the minimum 5 foot side yard setback requirement for an accessory structure.

“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)705-2083.”



ZONING BOARD OF ADJUSTMENT MINUTES

300 Martin Luther King Blvd.

November 9, 2021

TIME: 9:00 AM

A. APPROVAL OF MINUTES

The City of Opelika Zoning Board of Adjustments held the regular meeting November 9, 2021 in the Meeting Chambers located at the Opelika Municipal Court, 300 MLK Boulevard. Certified letters were mailed out to all adjacent property owners for related issues for meeting dates.

MEMBERS PRESENT: Mrs. Tipi Miller, Mr. Chris Anthony, Mrs. Raven Harvis, Chairman Wilbert Payne and Mr. Jay Walters.

MEMBERS ABSENT: Mrs. Angela George and Mr. Chris Nunn.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mrs. Claire Barber, Planning and Zoning Technician

CALL TO ORDER: Chairman Payne called the meeting to order at 9:01 a.m.

ROLL CALL: Miller, Anthony, Harvis, Chairman Payne, and Walters.

Approval of Zoning Board of Adjustment minutes August 10, 2021

RESULT: Passed

MOVER: Tipi Miller

SECONDER: Raven Harvis

AYES: Miller, Walters, Harvis, Chairman Payne, Anthony

NAYS: None

ABSTAIN: None

B. VARIANCE

1. RaceTrac Petroleum, Inc., 1109 Columbus Parkway, Requesting a 40 foot height variance from the 60 foot maximum sign height allowed for an Interstate sign
Mr. Mosley reported, at the May 2021 meeting, the Planning Commission granted RaceTrac Petroleum conditional use approval for a convenience store, gas station and truck stop (15 truck parking spaces). The 6.2 acre RaceTrac property is located on Columbus Parkway about 900 feet east of Exit 62 on I-85. RaceTrac is now planning for signage, and desires to install a 100 foot tall Interstate freestanding sign with a 250 square foot (sf) sign area. The proposed 100 foot interstate sign is taller than the existing trees located between the sign and I-85; RaceTrac desires for motorists on I-85 to see the sign as they approach

Exit 62 and then exit.

In October thru December 2019, Planning staff was preparing amendments to the Sign Regulation including new provisions for Interstate freestanding signs. Interstate signs became part of the sign amendments because of a sign request by a proposed QuikTrip convenience store and gas station development near Exit 60 on I-85 (Gateway Drive); QuikTrip requested a 130 foot tall interstate sign with a sign area of 1,350 square feet. At the time of the request, the maximum height allowed for a freestanding sign was 20 feet tall and maximum sign area 120 sf; Gateway Drive served as the access street and the primary street for QuikTrip, and these sign requirements were adequate to provide visibility to QuikTrip along Gateway Drive. The Planning Commission and City Council understood that taller and larger signs are often installed along interstate highways for faster moving traffic. The Opelika Sign Regulations did not have maximum sign height or sign area specific for I-85 traffic when the QuikTrip development submitted a sign request. Planning staff reviewed Sign Regulations of about ten Alabama cities located on interstate highways that allow Interstate signs. The regulations served as a reference or guide in adopting standards for Opelika. After public hearings with the Planning Commission and City Council, at the January 4, 2020 meeting, Council approved a maximum sign height of 60 feet and maximum sign area of 250 sf for interstate signs; the taller and larger sign applies only for properties over five acres and located within 1,000 feet of the I-85.

Recommendation

Staff understands the applicant's request for a RaceTrac sign to be visible from I-85. However, Columbus Parkway (Hwy 280) runs along the front property line of the RaceTrac property serving as the main street for RaceTrac. A 60 foot tall RaceTrac sign with 250 sf of sign area will provide adequate exposure along Columbus Parkway; the sign can also be seen by motorists that exit off I-85.

There are other effective ways to expose motorists on I-85 to a business. There are many billboards along I-85 that are up to 672 square feet in sign area (14' x 48') and located only 150 feet from the edge of I-85. Also, an interstate logo sign (blue sign) is near most Interstate exit lanes titled "Food" or "Lodging", or "Gas" with the business's logo attached.

Staff recommends denial of the variance request. Compliance with the interstate sign regulations (60' maximum height) is not burdensome to the applicant. There are no hardships unique to the applicant's property that is not shared by adjacent or nearby properties.

Certified letters were mailed to all adjacent property owners.

Chairman Payne opened the public hearing.

Bert Boykin, 2001 Park Place N. Birmingham, AL, stated with me this morning is Samee Ali from RaceTrac and we're here to speak in favor of the application. I wanted to touch on a few points before turning over the presentation to Samee Ali. He will go through the power point that supports our need for this variance. The ordinance as it currently stands contemplates advertising to the interstate. We just heard from Mr. Mosley about some proposals that likely could be approved

in the future, but as far as this request goes, it is the current ordinance that applies. That ordinance allows advertising to the traveling public on the Interstate on I-85, which is what we are trying to do. Our presentation will detail how 60 feet does not allow us to advertise to the people on I-85 and that causes a hardship specifically related to our type of business which is a gas station convenience store that will have commercial vehicles and standard passenger vehicles come to our site and spend money in the City of Opelika. The most effective way to do that is an onsite sign. Now, we have technology today, but you're not supposed to be on your phone and I think we all could agree that the way you are going to identify a site that you want to stop at is a sign that is visible and you can identify what it is and what is being advertised in time to make a safe exit to that site. That's all we are asking to do. Sixty feet might work for a lot of people and a lot of properties, but we are going to show you that that would not be visible from our site on the interstate. There are other properties that have 100 foot signs that are substantially the same as what we are asking for and they are in the direct vicinity of our site. All we are asking for is the opportunity to advertise as the ordinance contemplates. We are not asking for any more than that. The Quiktrip sign was substantially taller and larger than what we are asking for, so I think that there is a clear difference there. I believe that what we are trying to accomplish is what the ordinance allows for and the whole purpose of this court is that when there is a hardship imposed on a property owner that may not be a hardship imposed on others, we have the flexibility to come here and seek relief from that and that is the essence of what we are trying to do. As far as signs that would be used as billboards, as you can see, this is a RaceTrac specific sign and in the future, if court cases go a certain way, that's not going to apply here. We're advertising the sale of fuel and convenience items only, so I would ask that the board approve our variance. I will turn it over to Samee Ali to provide a little more information.

Samee Ali, 200 Galleria Parkway Atlanta, GA, stated I wanted to reiterate Bert's points in his presentation. Looking at a picture that our drone took from 60 feet, you can tell that due to the treeline you can't see the interstate from here, which is our primary goal. Also, looking at the McDonald's sign you can see that it is substantially taller than we are allowed. On the south side, the treeline pretty much covers the entire view to the interstate. If you look at this chart, the highlighted green portion shows the minimum and maximum distance required to make a safe transition over to the exit when traveling at highway speeds of 60 miles per hour. On the next slide, you can see the distance where a 100 foot tall and 250 square foot sign at the maximum distance of 2,000 feet is visible from. It shows that we are visible from 2,000 feet away at those given points, which allows for our drivers to make a safe and timely decision to cross over lanes and take the exit at the proper time. The next slide shows a picture of the view from 2,000 feet away from the exit and we would like to be as visible as the McDonald's sign which is 100 feet tall. That way the driver has enough time to make that decision and transition over to the right lane and make that turn especially for 18-wheelers, which is going to be our primary traffic here. That 100 feet gets us right next to that McDonalds sign and makes it visible from a safe distance for these drivers who are traveling at high speeds with heavy loads. We want our truck drivers to make a safe transition over to our exit and at 60 feet that doesn't really give us any advantage since it's not visible from the interstate. I think the code which is for interstate signage doesn't really give us any interstate signage that is visible with the current 60 foot code. So, we are asking for a

variance approval for a 100 feet tall and 250 square feet sign to serve our interstate traffic under interstate code.

Mrs. Miller stated you haven't mentioned the Columbus Parkway/Highway 280 traffic, but I'm sure that that's also another area that you would like to tap into as far as 18 wheelers and vehicle traffic.

Samee Ali stated for the traffic on Columbus Parkway we will stay within the code requirements for that signage for our site. That's not a variance that we need I believe the code there currently allows us to get what we want and we're ok with that. The interstate signage is our primary focus and so much traffic would be coming off the highway.

Mrs. Harvis asked where is the sign placement for your Interstate sign in the context of your site?

Samee Ali stated this would be off of Columbus Parkway and meets the setback requirements. Its on the top left of the siteplan and it is parallel to Columbus Parkway.

Mr. Walters stated currently there is a big sign post there, correct? I am assuming you will be removing that one and doing a new one?

Samee Ali stated yes, we will be removing all the signage on that site currently. I think it's a Motel 6 sign but it's not to the height requirement that we need.

Mr. Walters asked Mr. Mosley was the McDonald's sign grandfathered in beyond when this ordinance was modified?

Mr. Mosley stated yes sir, it was definitely installed prior to 2015 when the last change to the sign ordinance came in. My guess is that it probably goes back at least another ten or fifteen years beyond that. I'm sure it was conforming when it was initially installed and as you may be aware, our sign code has gone from about 10 pages to about 70 pages which is the change in how we feel we have to regulate these.

Mr. Walters asked if McDonald's wanted to replace that sign would they be able to replace it at 100 feet?

Mr. Mosley stated no. If they were able to use that same frame they might be able to replace it to some degree but most likely if they had to do anything substantial they would have to come back in with a 20 foot sign.

Mr. Walters asked 20 foot and not 60 foot?

Mr. Mosley stated yes sir, because they don't have the area requirements under the current ordinance that this site does. This site does have the larger 5 acre size but McDonald's likely would not be allowed to have that unless they were to combine their lot with the hotel next door, but that would limit the number of signs they would be allowed.

Mr. Walters asked is that McDonald's right across the street?

Mr. Mosley stated yes sir.

Mr. Walters asked what is the limit for how far off the interstate it can be?

Mr. Mosley stated 1,000 feet. This is the last site on the south side that will be eligible to meet that requirement. McDonald's or maybe the next site over on the north side could potentially meet that requirement, but it is intended to limit it to just those parcels fronting close to the interstate.

Mrs. Harvis asked what is the distance from the ALDOT signs to the exit?

Mr. Mosley stated I believe it's usually about a quarter or a fifth of a mile from the interchange.

Mrs. Harvis asked what determines what signage is on that?

Mr. Mosley stated that is determined strictly through ALDOT. I believe advertisers pay to get their business located on those signs.

Mrs. Harvis asked Samee Ali if that was something that RaceTrac had looked into.

Samee Ali stated yes we typically always have that signage, but as you can see it's such a small sign that it doesn't really persuade anyone unless it's small traffic. For 18-wheelers, if another truck is next to them that sign is pretty much unreadable.

Mr. Mosley stated we do have that sign and you will notice on the left there are billboards available. That requires contracting through a private party which RaceTrac may not prefer to do or may not do as part of policy but that was one thing in the report that we did mention is that there are alternative means of advertising for the interstate.

Mrs. Harvis asked is staff recommending this because of future updates at that exit?

Mr. Mosley stated not specifically because of future updates at that exit. We do this as a matter of being consistent. The applicant mentioned the Quiktrip sign and it was a much bigger sign because it was part of a larger shopping center area although Quiktrip did want to dominate that signage. Their original request was before the Planning Commission and City Council because they were a part of a Planned Unit Development that allowed them to request an alternative signage plan and they requested a much larger sign through that process. The City Council at that time ultimately denied that and requested that they come back in and meet the sign requirements in place at that time, which we were working through the process of approving 60 foot tall signage at that time. The Council to that degree made the determination that they would not allow that signage and we have talked to some other people over the years and typically have not recommended any approvals for variances above the existing signage code just to be consistent.

Samee Ali stated I just want to reiterate that the hardship here is that the interstate signage isn't really serving the interstate because of the trees. That's the reason that we are here for the variance approval because the code allows for interstate signage however given the code it doesn't let us advertise to that traffic. Getting us to that 100 feet will let us comply to your code by serving interstate traffic.

Chairman Payne closed the public hearing.

Mr. Walters stated I do understand the applicant's concern. I see that as a hardship but I don't see it as a hardship that is unique to that particular site and that's one of the reasons I asked about McDonald's and some of the other ones that are around there. I think a big part of what we need to consider is, is this a hardship that is unique to other sites in the area that would warrant a variance to allow this particular site an equal benefit to surrounding areas. I personally don't see that and I'm open to that discussion.

Motion to deny the 40 foot height variance from the 60 foot maximum sign height allowed for an Interstate sign

RESULT: Passed

MOVER: Jay Walters

SECONDER: Raven Harvis

AYES: Miller, Walters, Harvis, Chairman Payne, Anthony

NAYS: None

ABSTAIN: None

C. ADJOURN

Mr. Mosley stated we are still working on our long range comprehensive plan and if you haven't had a chance yet, please go online and fill out a survey. We are still having some small meetings occasionally. If you would like to have one with your business, church group, friends, or whoever, we would be happy to meet with anyone. There is also a mapping software called map.social that is available on the City's web page where you can create your own map showing issues specific to you.

Motion to adjourn at 9:28 a.m.

RESULT: Passed

MOVER: Jay Walters

SECONDER: Tipi Miller

AYES: Miller, Walters, Harvis, Chairman Payne, Anthony

NAYS: None

ABSTAIN: None

Wilbert Payne, Chairman

Matt Mosley, Secretary

CITY OF OPELIKA - BZA
STAFF REPORT
December 14, 2021

Applicant: The Cotton District, Richard Patton - Representative

Property: 408 1st Ave

Existing Zone: C-2

Request: Requesting a 9-foot front yard variance from the 25 foot side yard setback requirement

Proposal

The applicant is requesting a 9-foot front yard variance to allow two parking structures to be up to 16 feet from the front property line. The applicant is proposing to build a six (6) unit multi-family development (detached single-family structures on a single lot). The two parking/storage structures would each have three (3) covered parking spaces and storage available for the units.

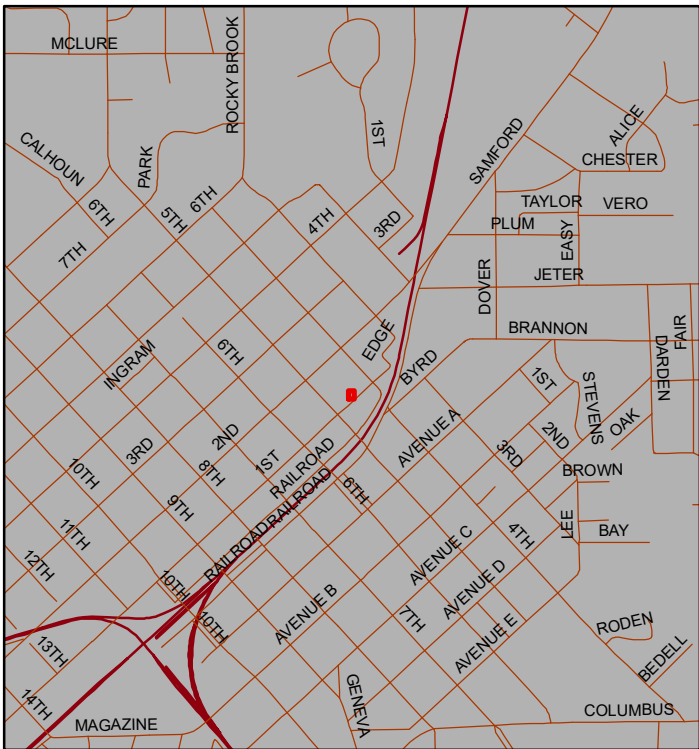
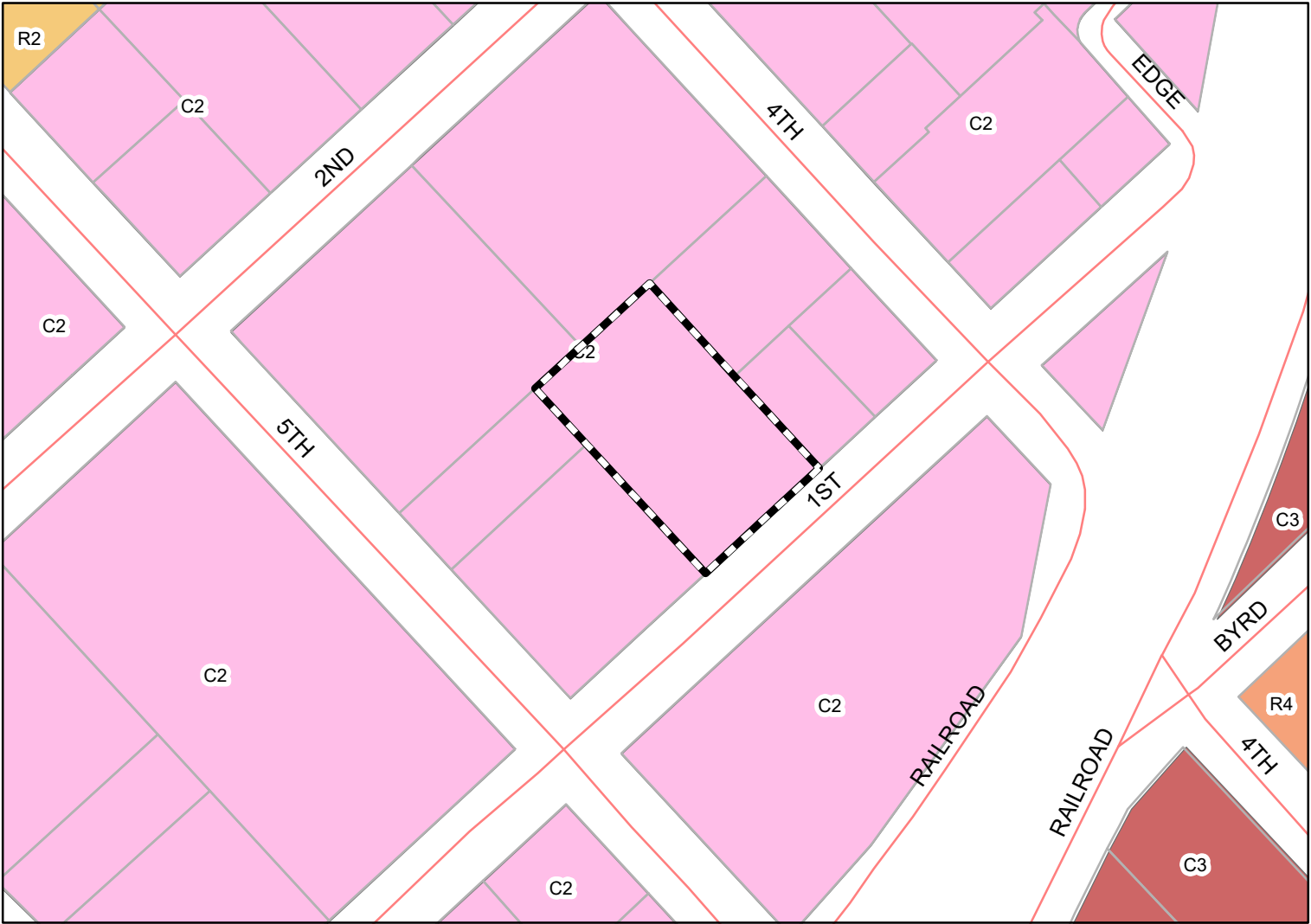
The two existing residential homes to the east are also located closer to the street that currently allowed by the C-2 zoning. (For residential uses, commercial zones default to the R-5 development standards.) The closest neighbor appears to be 15 feet from the front property line, while the home on the corner of the 1st Avenue and N. 4th Street is 16 feet from the property line. For other zones, the ordinance allows the front setback of infill lots to match the existing neighbors. This is not currently the standard for C-2. However, because this C-2 lot is located in a transitional area between commercial and residential uses, it does make sense for structures to be consistent with adjacent properties.

Recommendation

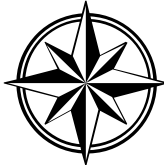
Staff believes that this request would allow the development to be more in character to the existing neighborhood. The larger setback would not match the current form of other buildings on this street.

Certified letters were mailed to adjacent property owners and a sign posted on the property Monday, Dec 6th about the Dec 14th Zoning Board Public Hearing meeting. (At this writing no one has contacted Planning staff about the variance request.)

RICHARD PATTON, VARIANCE REQUEST
408 1ST AVENUE
FRONT YARD SETBACK & PARKING SPACE VARIANCE



The applicant is requesting a variance from the minimum front yard setback and the minimum two parking spaces required for a dwelling unit. The property is located in the C-2 zoning district.



Subject Property

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



DATE: 11/19/21	Zoning Board of Adjustment Meeting Date: 12/14/21
Case Number:	Meeting Deadline: 11/23/21

PART I. OWNER / APPLICANT INFORMATION

The Cotton District, LLC	108 South 8th Street, Opelika, AL 36801	334-787-3288
<i>Owner Name</i>	<i>Address</i>	<i>Phone</i>
The Cotton District, LLC	108 South 8th Street, Opelika, AL 36801	334-787-3288
<i>Agent Name (if applicable)</i>	<i>Address</i>	<i>Phone</i>

PART II. PARCEL INFORMATION

Street Address: 408 1st Avenue

Current Zoning: C2

Current Land Use: Vacant (previously residential)

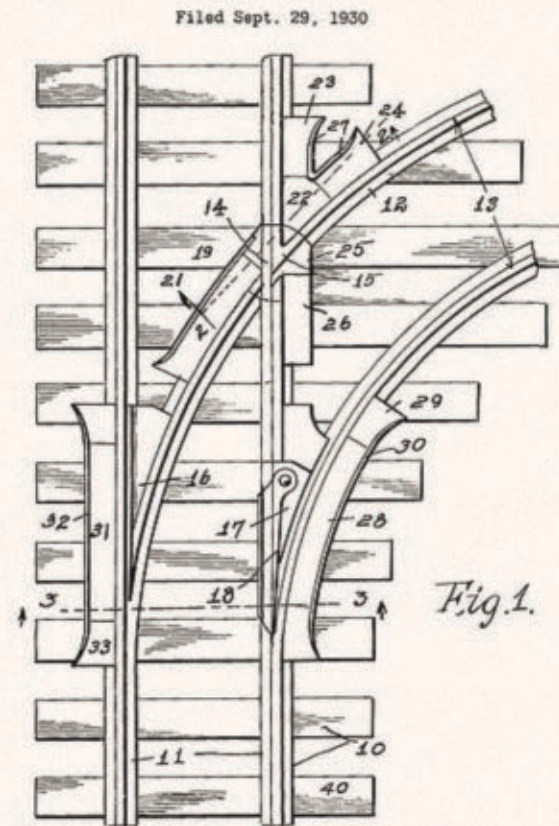
Type of Variance Sought: Sign Parking X Setback Other

PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan) A variance is being sought to the front setback to allow the parking structures on the site plan to be closer to the existing road.

Setback	Required	Proposed	Amount of Variance
Front	25	16	9
Side	10	10	0
Side	10	10	0
Rear	20	20	0

PART IV.

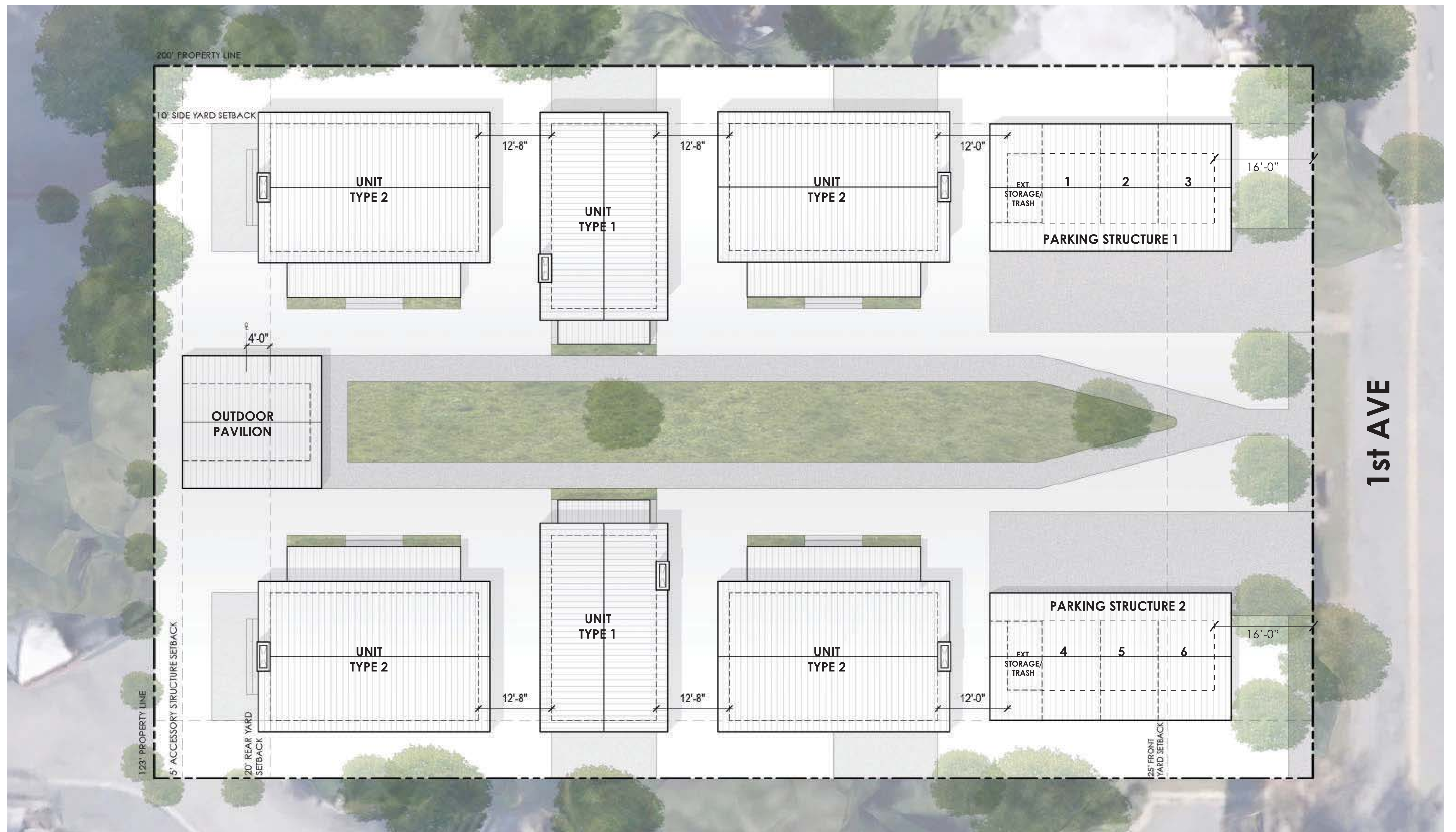
1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? The variance will allow the parking spaces to be provided closest to the street and limit the amount of paving on the property so that the center green open space can be maximized while also providing larger separations between the small houses.



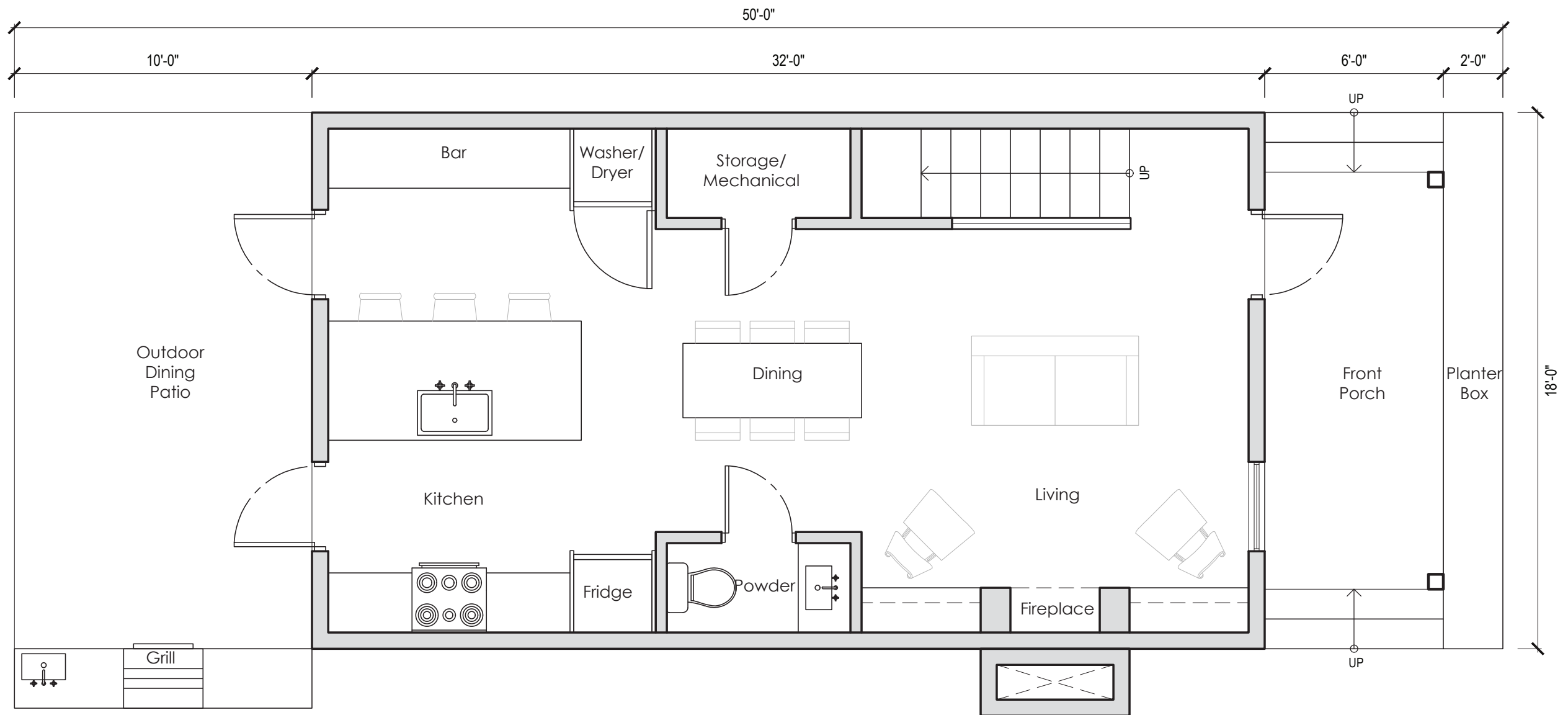
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OPELIKA, ALABAMA

408 1st AVE OPELIKA, AL 36801



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Scale : 1" = 16'



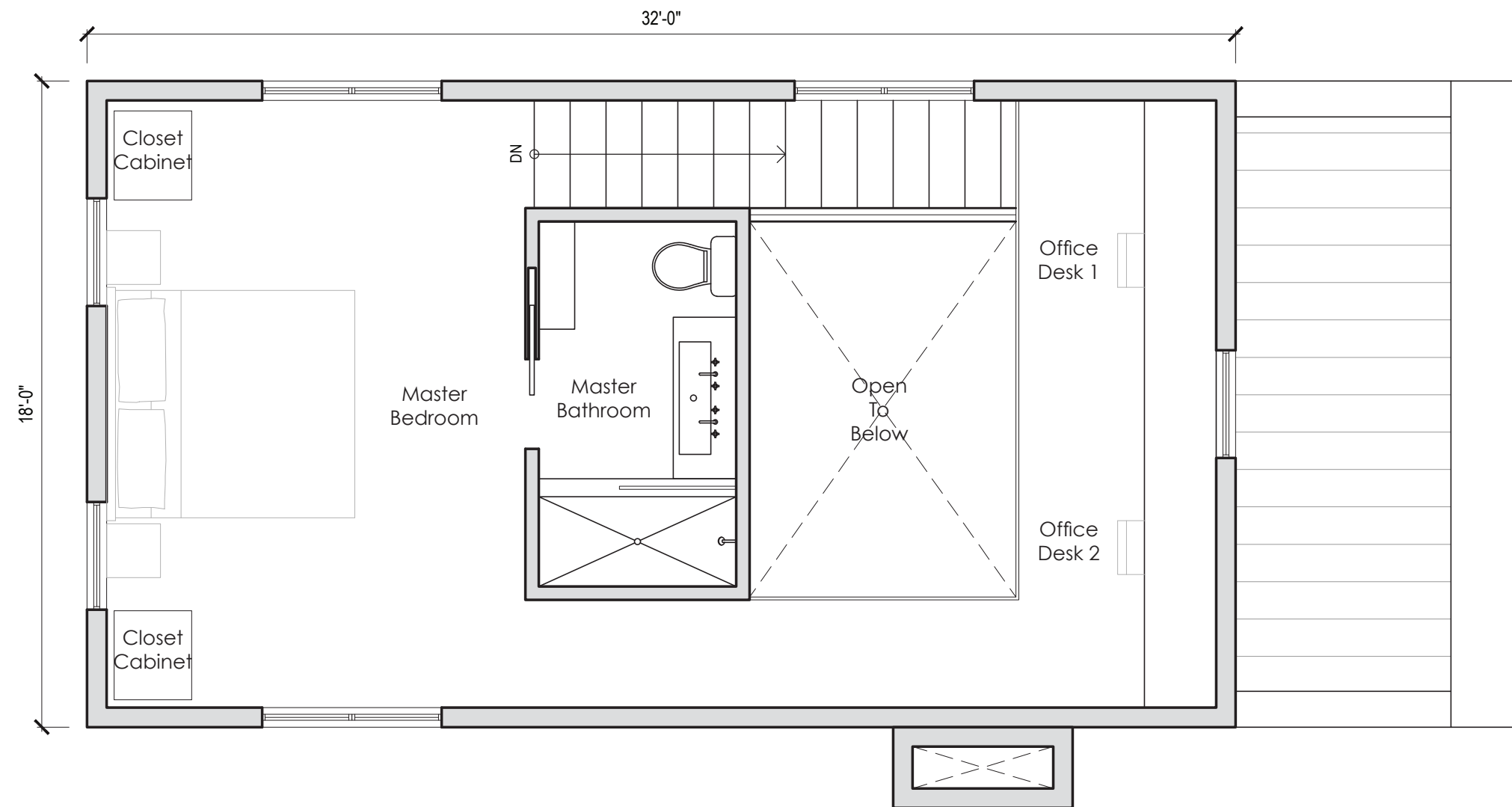
Unit 1 - Interior

1st Floor = 575 sq.ft.
2nd Floor = 335 sq.ft.
Total = 910 sq.ft.

Unit 1 - Exterior

Outdoor Dining Patio = 200 sq.ft.
Front Porch = 110 sq.ft.
Total = 310 sq.ft.

0' 2' 4'
Scale : 1/4" = 1'



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Scale : 1/4" = 1'



0' 2' 4'
Scale : 1/4" = 1'



Unit 2 - Interior

1st Floor = 790 sq.ft.

2nd Floor = 670 sq.ft.

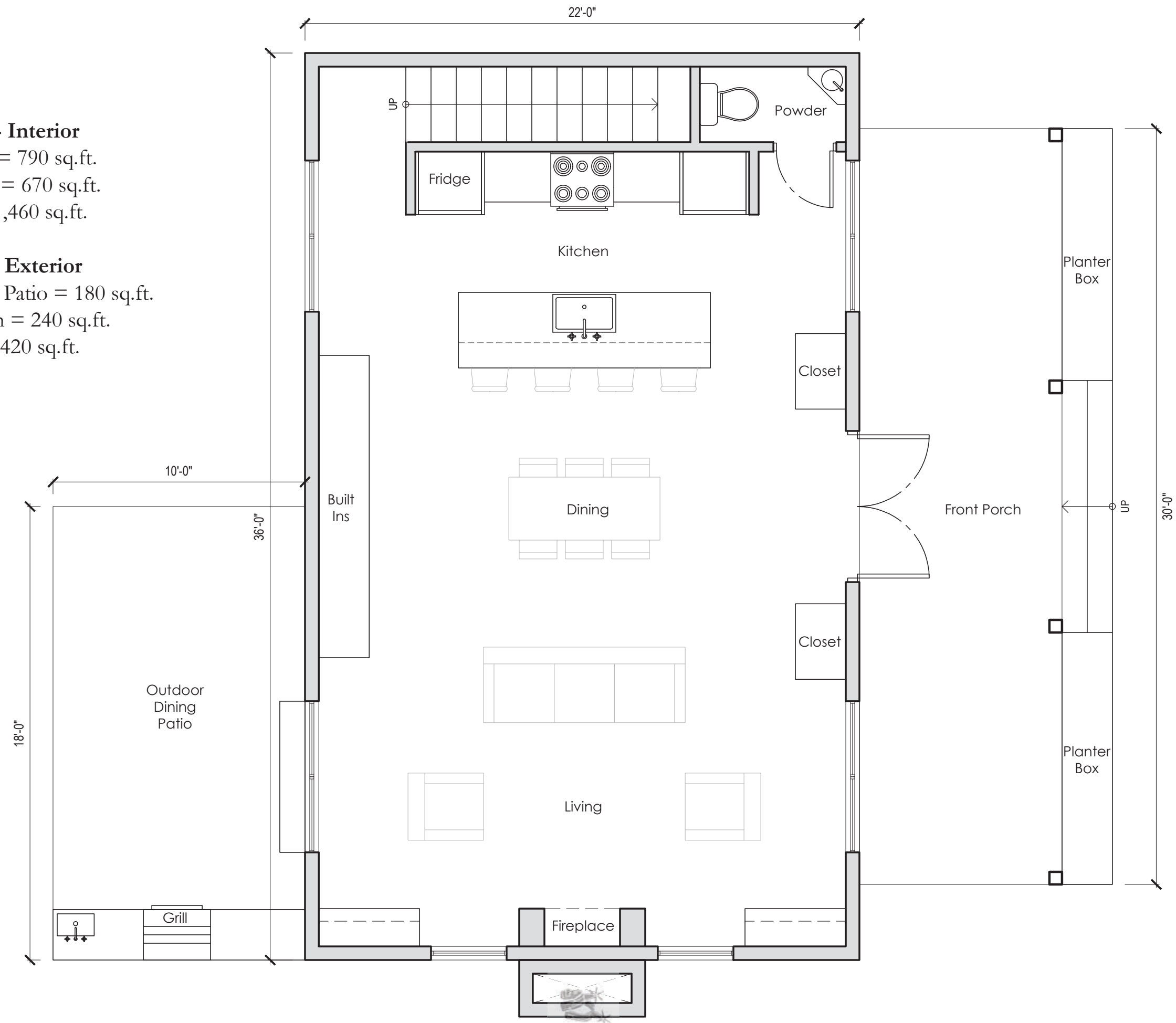
Total = 1,460 sq.ft.

Unit 2 - Exterior

Outdoor Dining Patio = 180 sq.ft.

Front Porch = 240 sq.ft.

Total = 420 sq.ft.



Unit 2 - Interior

1st Floor = 790 sq.ft.

2nd Floor = 670 sq.ft.

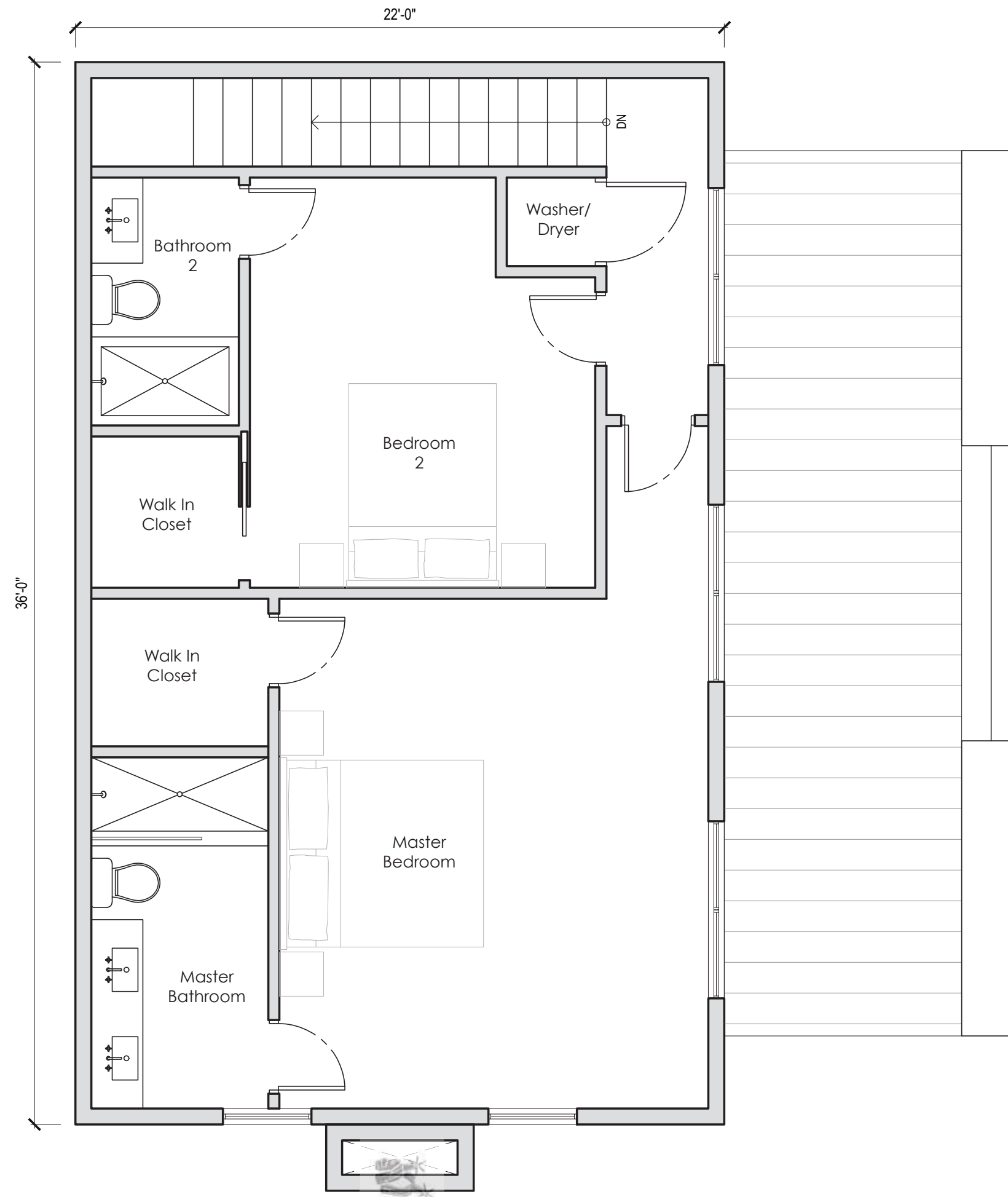
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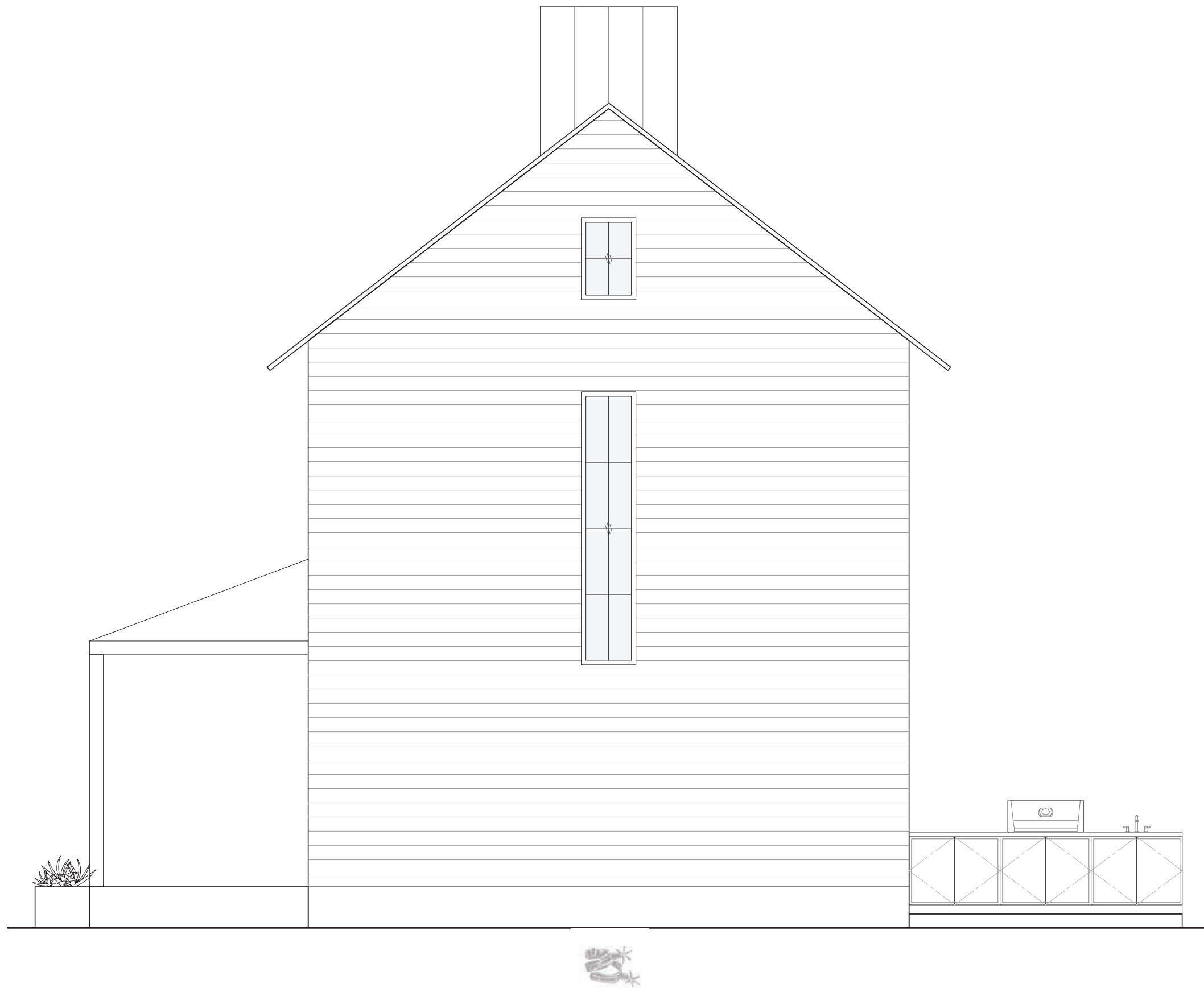
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CITY OF OPELIKA - BZA
STAFF REPORT
December 14, 2021

Applicant: The Cotton District, Richard Patton - Representative

Property: 408 1st Ave

Existing Zone: C-2

Request: Requesting a variance of one (1) parking space from the minimum two (2) parking spaces required per dwelling unit.

Proposal

The applicant is requesting a one (1) parking space from the minimum two (2) parking spaces required per dwelling unit. The applicant is proposing to build a six (6) unit multi-family development (detached single-family structures on a single lot). This would allow the applicant to have six (6) parking spaces instead of the required twelve (12) spaces. The on-site spaces would be provided by two parking/storage structures each with three (3) covered parking spaces.

The proposed buildings would be a mix of one (1) bedroom and two (2) bedroom units facing a common green. All of the units are two stories. This type of development goes by many names and is growing in popularity across the country. It can often be considered cluster development, cottage courtyard or bungalow courtyard. In planning terms this type of housing is designated as “Missing Middle” housing. This type of housing attempts to cluster development, often in in-fill locations, to both add nice and affordable units that fit in with the neighborhood.

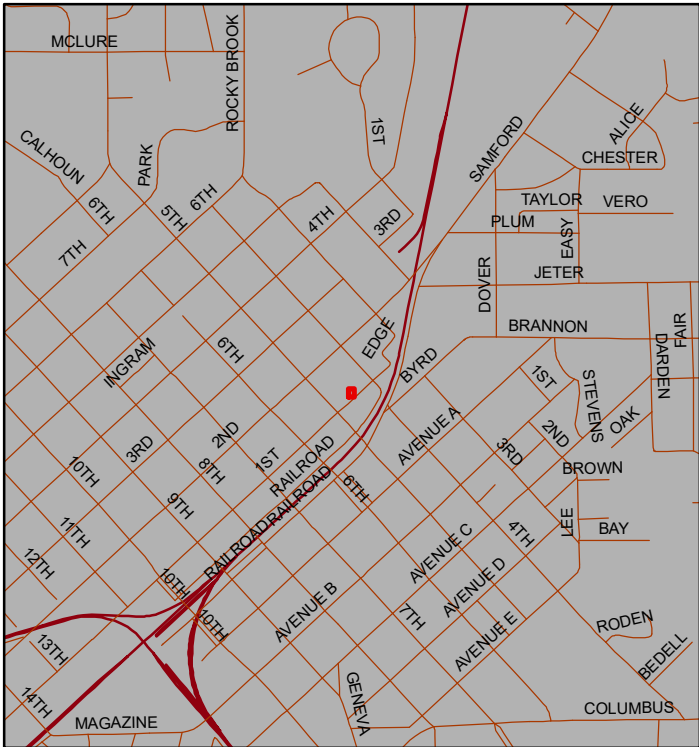
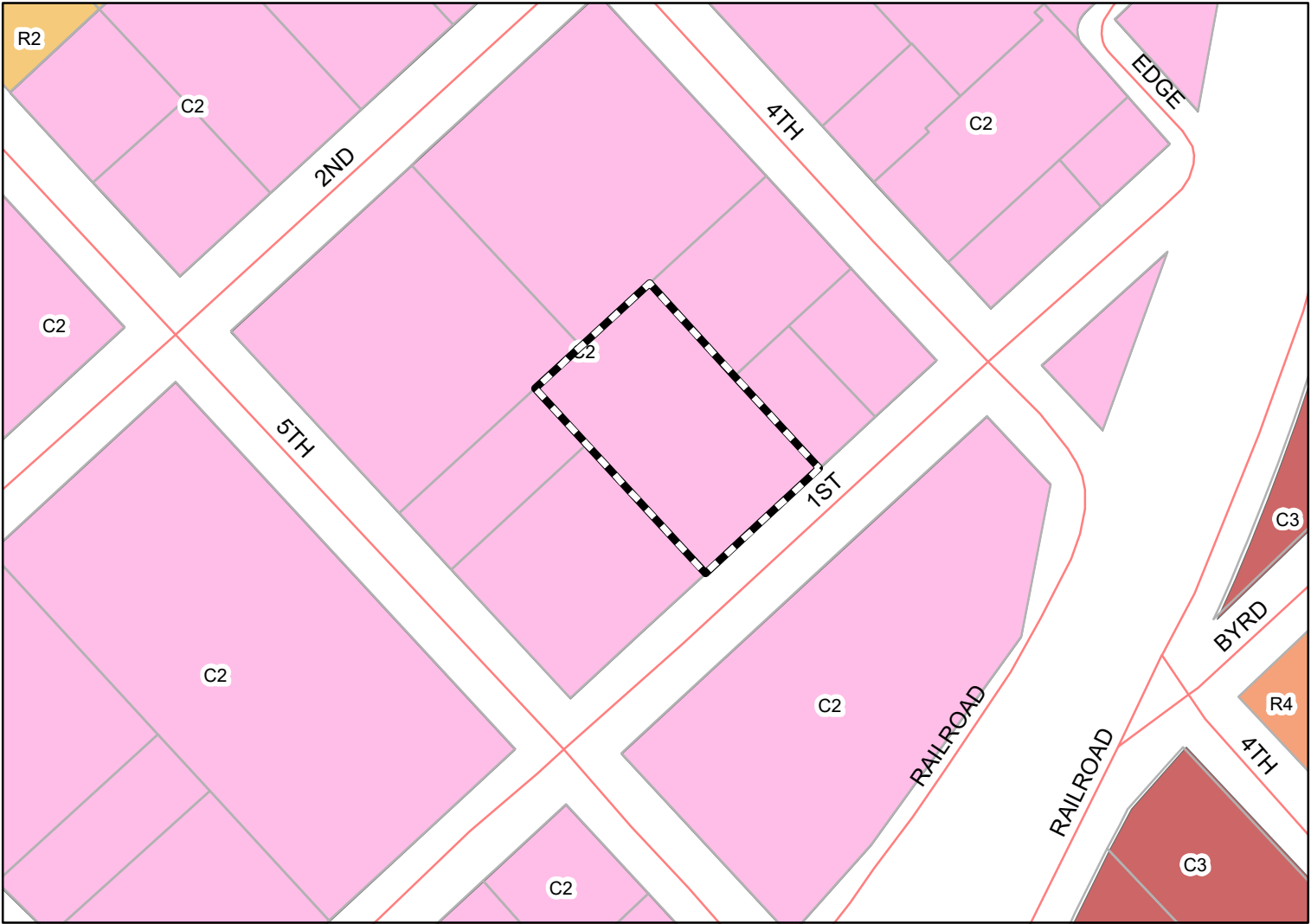
This type of housing is often allowed with one space per unit as the units are typically only designed in areas close to services or in downtown locations and for one-two people. In looking at the surrounding neighborhood there are often vehicles parked on the street throughout the neighborhood. Staff is recommending that the on-street parking be formalized to better allow on-street parking if additional parking is necessary. Some occasional over-flow parking may be able to utilize the nearby park parking lot. Staff plans to look at overall parking requirements to determine if we are requiring too many parking spaces through the Zoning Ordinance.

Recommendation

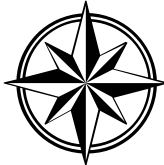
Staff believes that this request is reasonable, provided that 1st Avenue be improved to better accommodate the current on-street parking used by many of the homes through the area. The conditional use approval through Planning Commission required that the applicant improve the street to ensure proper space is available for formal on-street parking.

Certified letters were mailed to adjacent property owners and a sign posted on the property Monday, Dec 6th about the Dec 14th Zoning Board Public Hearing meeting. (At this writing no one has contacted Planning staff about the variance request.)

RICHARD PATTON, VARIANCE REQUEST
408 1ST AVENUE
FRONT YARD SETBACK & PARKING SPACE VARIANCE



The applicant is requesting a variance from the minimum front yard setback and the minimum two parking spaces required for a dwelling unit. The property is located in the C-2 zoning district.



Subject Property

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



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<i>Agent Name (if applicable)</i>	<i>Address</i>	<i>Phone</i>

PART II. PARCEL INFORMATION

Street Address: 408 1st Avenue

Current Zoning: C2

Current Land Use: Vacant (previously residential)

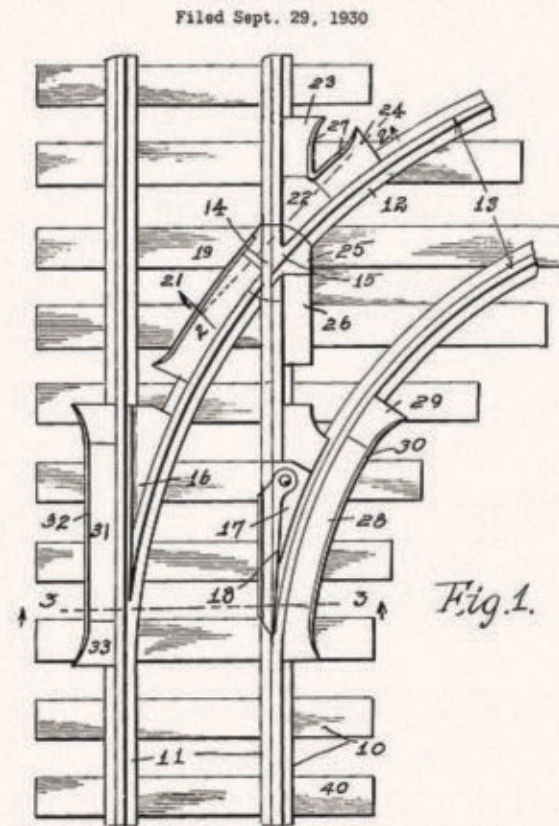
Type of Variance Sought: Sign X Parking Setback Other

PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan) A variance is being sought to the parking requirements for residential uses of 2 offstreet parking spaces per dwelling unit to allow for 1 offstreet parking space per unit.

Setback	Required	Proposed	Amount of Variance
Front			
Side			
Side			
Rear			

PART IV.

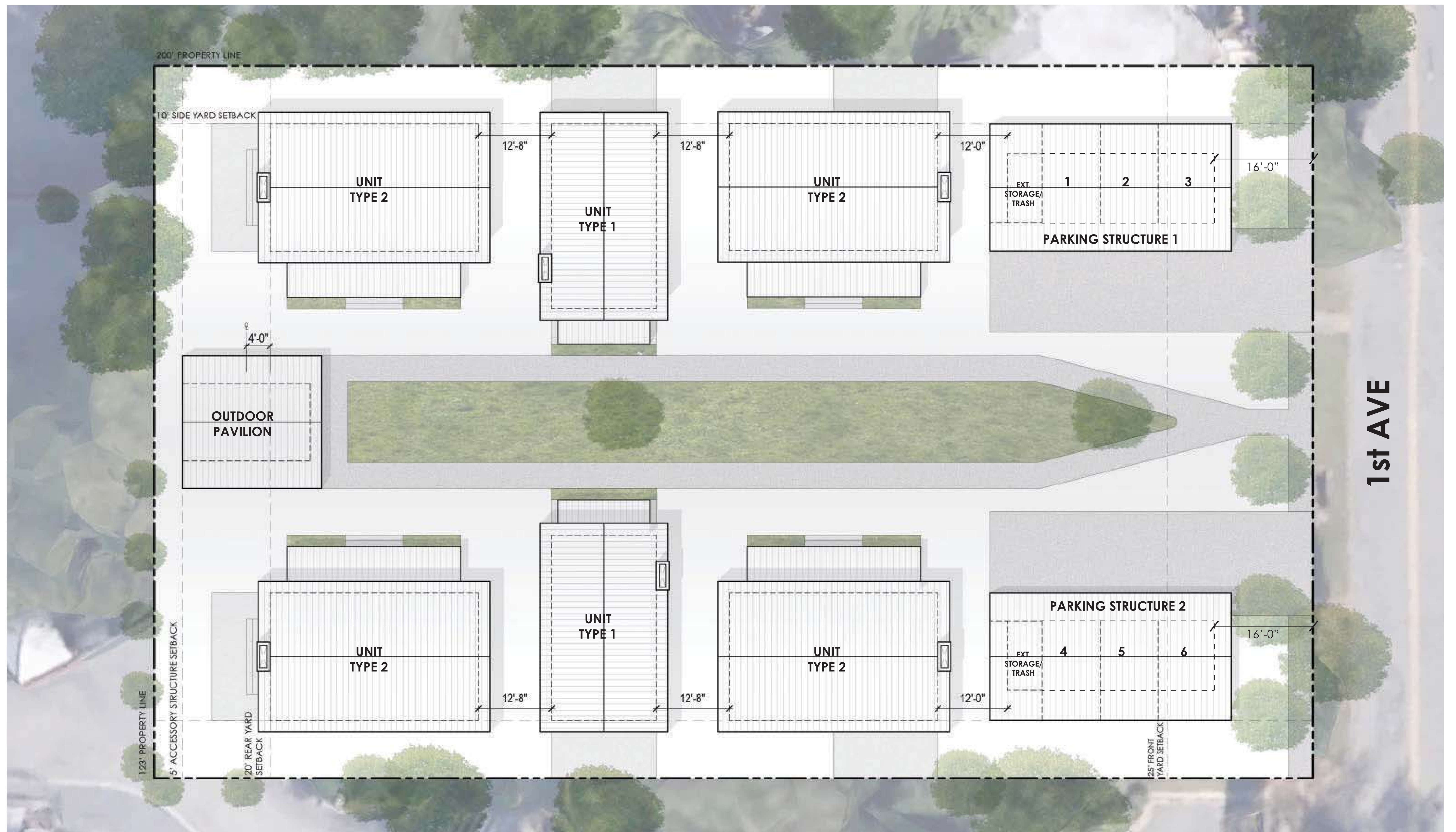
1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? The variance will limit the amount of paving and driveway space on the property to reduce impervious area so that the center green space can be maximized while also providing larger separations between the small houses. There is plenty of under utilized on-street parking on 1st Avenue to provide any additional spaces that may be needed.



depot

OPELIKA, ALABAMA

408 1st AVE OPELIKA, AL 36801



0' 8' 16'
Scale : 1" = 16'

CITY OF OPELIKA - BZA
STAFF REPORT
December 14, 2021

Applicant: Kyle King

Property: 1710 Northgate Drive

Existing Zone: R-2

Request: Requesting a 3 foot side yard variance from the 5 foot side yard setback requirement for a 12'x 32' accessory structure

Proposal

The applicant is requesting a 3 foot side yard variance to allow a 12x32 accessory structure to remain as installed. The applicant installed the structure two feet from the property line along Northgate Drive. The applicant did not realize City regulations existed for an accessory structure on residential property, and a permit was required to replace the smaller existing storage building. Planning discussed with applicant about relocating the structure, so the 5 foot minimum setback requirement is met. The applicant is requesting a setback variance to allow the structure to stay as installed because of the rear yard topography.

The applicant's rear yard gradually slopes downhill: the high point is near the driveway and the low point at the property corner where the rear (west) and south property lines meet. (see photos attached, page 2 & 3). The structure was installed two feet from the property line along Northgate Drive and about 15 feet from the driveway; this location is perhaps the most level area in the rear yard. However, one corner of the structure had to be blocked-up (concrete blocks) to level the structure. In fact, the gradual slope in the rear yard requires an accessory structure to be blocked-up at any location. Planning suggested relocating the structure near the rear property line to meet minimum setbacks. The installer of structure said if the structure was relocated near the rear property line, then the structure would need to be blocked-up at least 4 feet high off the ground; the installer was concerned with the structure's safety if it was blocked up four feet high.

Recommendation

The 12x32 accessory structure was inadvertently installed in the rear yard. The structure was installed about 25 feet from the applicant's home for immediate access. The location of structure is more level compared to other locations in the rear yard, although it still required leveling with concrete blocks. On the long side of the structure (32 foot side), blocks were installed 2 feet 4 inches high (see photo); on the other 32 foot side near Northgate Drive, one 4 inch block was used. The structure could be moved three feet from its existing location and meet the five foot minimum requirement, or moved to another location, leveled and meet minimum setbacks.

Staff believes the rear yard topography causes some hardship for the applicant. **Staff considers the rear yard gradually sloped but not severe.** Staff would not generally support this variance if the accessory structure were it requested prior to the placement of the structure. It would have been recommended that the applicant look at other configurations, sizes, or locations. Other properties near the applicant's property with accessory structures have similar topography changes as the applicant's property. Staff respects the Zoning Board's decision on this variance request and understands the 3 foot variance request could reasonably be considered minimal to allow the structure to remain as installed. This decision would save costs in moving the structure.

Certified letters were mailed to adjacent property owners and a sign posted on the property Monday, Dec 6th about the Dec 14th Zoning Board Public Hearing meeting. (At this writing no one has contacted Planning staff about the variance request.)



Photo from Northgate Drive – Front of Structure



Photo from Northgate Drive toward Oak Bowery Road – Rear of Structure



Photo taken from Driveway

Photo taken near driveway & structure; concrete blocks leveling,
2 feet 4 inches high; Slope of Rear yard



Slope – middle of rear yard



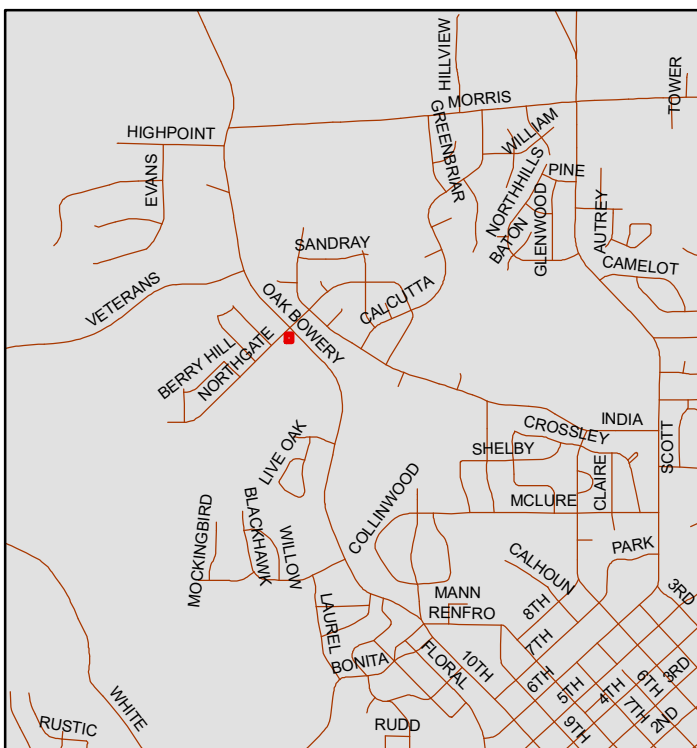
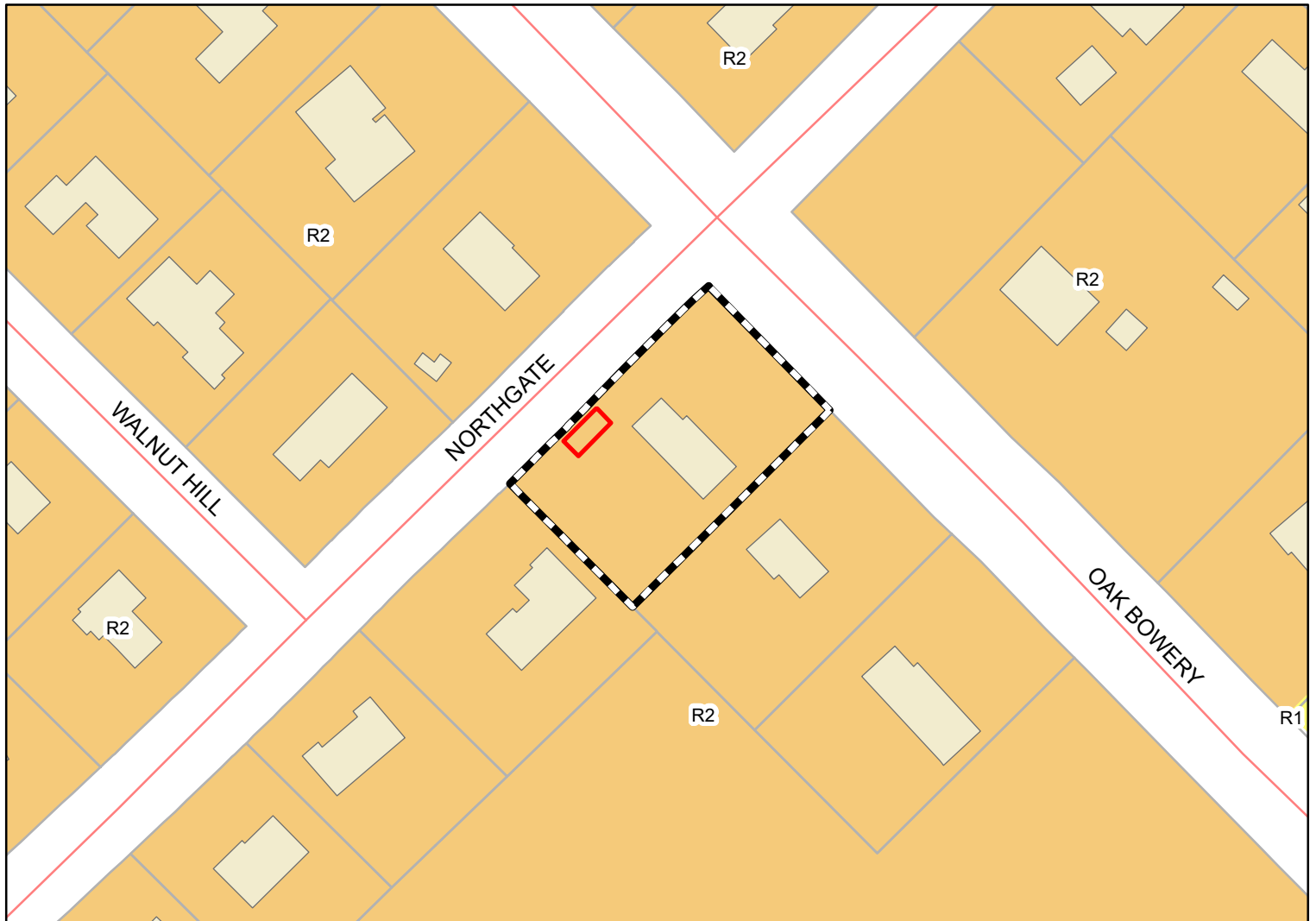
Rear wall of structure; leveling at structure corner; slope of rear yard area



KYLE KING, ACCESSORY STRUCTURE VARIANCE REQUEST

1710 OAK BOWERY ROAD

SIDE YARD ON STREET SETBACK



The applicant is requesting a setback variance for a 12x32 accessory structure. The accessory structure is along the Northgate Drive property line. Red area on map is location of accessory structure. The property is located in the C-2 zoning district.



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



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



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

PART I. OWNER / APPLICANT INFORMATION

Owner Name _____ Address _____ Phone _____

Agent Name (if applicable) _____ Address _____ Phone _____

PART II. PARCEL INFORMATION

Street Address: _____

Current Zoning: _____

Current Land Use: _____

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			
Side			
Rear			

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? _____



Home Office
312 Brennan Road
Columbus, Georgia 31903
706-687-2300

October 26, 2021

To whom it may concern,

After surveying the property of 1710 Oak Bowery Rd Opelika, Alabama 36801, our experts at Action Buildings have determined that any other location and/or placement of the 12x32 garage building on this particular property would be unsafe due to the height required to properly level the building. Therefore it is our determination that the only place the building could reside is where it currently stands.

Kindly,

A handwritten signature in black ink, appearing to read "Brandon Cantrell", with a long horizontal line extending to the right.

Brandon Cantrell
General Manager

Part IV, Question 3

We moved into this neighborhood just over 2 years ago. When we purchased this home, it had been vacated for at least 18 months and there had not been much maintenance done on the home or the lot. The trees and shrubbery was so overgrown the house could not be seen at all from the road. We have worked extensively over the past two years to improve the look and value of this property. We had a landscaping company come and did wonders on the yard to cull back the overgrown areas and make the greenery look purposeful and beautiful. We also had the house painted and all concrete surfaces pressure washed. We planted flowers and trees and defined mulch beds to make what we feel is a well-manicured lawn.

When we originally moved in, we transported a storage shed from our previous property and placed it in the exact location the new storage shed is currently located. At the time, we had only a chain link fence and so the old shed was very visible from the Oak Bowery side of the road. In 2 years, we never had a single complaint from a neighbor about the location of that shed. In fact, a member of the Planning Department lives just a few houses up from us and drove past it every day and never mentioned it being in violation of the city ordinance. So when we decided to replace that shed with a new shed this year, we had no idea the ordinance existed.

We purchased the new shed from Action Buildings. Before I purchased the shed, I asked them if there was anything I needed to do with the city to get permits or anything like that and they assured me that they would take care of it all. So when they came to deliver the shed, again – we had no idea that the ordinance existed since we thought they had cleared the location with the city. As it turns out they did not.

After working with the Planning Director, Matt Mosely, we took care of all of the permit requirements and he and I walked the lot together to find a location that would not be in violation of the ordinance and Action Buildings agreed to move the shed at their own expense because they admitted that they were at fault for not clearing it with the city and not telling us that the location was in violation of the city ordinance (which they admitted that they knew about).

However, on the day they came to move the shed they surveyed the lot and determined that the slope of the land was too steep for it to be in any other location. They have provided a letter (attached) stating this fact and that this is the only safe location for the shed to sit.

In addition to the overall work we have done to the property, we also decided to put up a privacy fence around the back yard which also further helps in “hiding” the shed from view from the road. As you can see from the attached pictures, we also have a row of Chinese magnolias which completely obscure the view of the shed from the Northgate side of our lot. The privacy fence and the distance from the road makes it hardly noticeable from the Oak Bowery side as well. Even though the new shed is larger than the old one, because of the perpendicular placement, you cannot tell the size of the shed from the Oak Bowery side at all and it looks the same size as the previous shed.

Pictures:

1) View from Oak Bowery



2) View from Northgate



3) View from back



4) View from our driveway



- 5) View of how steep the slope of the backyard is. Picture is taken from steps coming out of the back of our house, so this angle is taken from a level position.

