



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

300 Martin Luther King Blvd.

August 13, 2024

TIME: 9:00 AM

A. APPROVAL OF MINUTES

B. VARIANCE

1. David Slocum, authorized representative for Kiwi, LLC, 1911 Century Blvd., Requesting a 13-foot side yard on street (Century Blvd) variance from the minimum 25-foot side yard on street requirement in a C-2, GC-P zoning district.
2. Daryl Bledsoe, 1728 1st Avenue, C-2 zoning district, Requesting a 2 foot variance from the minimum 10-foot setback requirement from another structure for an accessory structure in the rear yard.

“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.

July 9, 2024

TIME: 9:00 AM

A. APPROVAL OF MINUTES

The City of Opelika Zoning Board of Adjustments held the regular meeting July 9, 2024 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: Chairman Wilbert Payne, Mrs. Raven Harvis, Mr. Chris Anthony, Mrs. Angela George, Micah Melnick, and Mrs. Tipi Miller.

MEMBERS ABSENT: Mr. Brandon Hilyer.

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 9:03 a.m.

ROLL CALL: Payne, Harvis, George, Melnick, Anthony, and Miller.

Approval of Zoning Board of Adjustment Minutes June 11, 2024

RESULT:	Passed
MOVER:	Angela George
SECONDER:	Tipi Miller
AYES:	Miller, Harvis, George, Payne, Anthony
NAYS:	None
ABSTAIN:	None

Mr. Mosley welcomed Micah Melnick as the new member of the Zoning Board of Adjustment.

B. VARIANCE

1. Richard Patton, 712 North Railroad Avenue, Requesting a sign variance to install a roof sign on top of the building wall rather than install the wall sign on the face of the building wall as required. *(This item was tabled at the applicant's request at the June 11th meeting)*

Mr. Mosley presented the staff report to the Zoning Board for the requested sign variance to install a roof sign on top of the building wall rather than install the wall sign on the face of the building wall as required. He stated that there are no special conditions that are unique to this request that if the variance is denied the applicant will experience an exceptional hardship. The proposed sign is accurately scaled in proportion to the building. The sign would comply with the Sign Regulations if lowered about 5 feet or installed below the top of the wall. Approving the variance could establish a precedent in the downtown area to permit other signs above the

top of a wall. **Planning staff recommends the request be denied.**

Chairman Payne opened the public hearing.

Mrs. Harvis asked why rooftop signs were not allowed in the ordinance?

Mr. Mosley stated that they can create issues and that they are not allowed in most ordinances. He noted that consistency is important.

Mrs. Miller asked if the sign ordinance distinguishes between signs in the Historic District and the rest of the City?

Mr. Mosley stated that it does not distinguish between historic and contemporary signs. He noted that there are some special exceptions for historic signage or ghost signs that can be left as a historical fixture. He stated that the Historic Design Guidelines have some sign regulations in them.

Mrs. Miller asked if the biggest concern was setting a precedent?

Mr. Mosley stated yes, that it is about consistency. He stated that if the community wanted to see more of this style of signage, staff could look at making an ordinance change to allow something like that.

Mr. Anthony asked if the parapet wall changed the calculation?

Mr. Mosley stated that if the sign were on the parapet wall it would be allowed.

Chairman Payne closed the public hearing.

Motion to remove the item from the table.

RESULT:	Passed
MOVER:	Angela George
SECONDER:	Raven Harvis
AYES:	Miller, Harvis, George, Payne, Anthony
NAYS:	None
ABSTAIN:	None

Motion to deny the requested sign variance.

RESULT:	Passed
MOVER:	Chris Anthony
SECONDER:	Tipi Miller
AYES:	Miller, Harvis, George, Payne, Anthony
NAYS:	None
ABSTAIN:	None

C. ADJOURN

Motion to adjourn at 9:19 a.m.

RESULT:	Passed
MOVER:	Raven Harvis
SECONDER:	Chris Anthony

AYES:	Miller, Harvis, George, Payne, Anthony
NAYS:	None
ABSTAIN:	None

_____ Wilbert Payne, Chairman

_____ Matt Mosley, Secretary

CITY OF OPELIKA - BZA
STAFF REPORT
August 13, 2024

Applicant: Kiwi, LLC- C. S. Patel, Property Owner
David Slocum, Representative

Property: 1911 Century Blvd

Existing Zone: C-2 (Office Retail)

Request: A 13-foot side yard setback variance from the minimum 25-foot side yard setback requirement

The applicant is requesting a 13-foot side yard setback variance from the required 25-foot side yard setback. The purpose of this request is to allow for a side covered patio area and refrigeration area on the exterior of the building. The applicant states an addition created was allowed by a mistake on the site plan setback line labeling. Planning was not aware of the project until it was completed. A permit for this project was not purchased.

There is not a hardship based on this lot's physical properties such as severe slopes. A request to add exterior patio area for a restaurant is not an unusual, although this site is adjacent to residential. As previously mentioned the exterior patio addition and refrigerator were not permitted prior to construction or a part of the original site plan approvals. In addition the exterior refrigerator was installed and is highly visible from Century Blvd.



Applicants Photo.



Staff Photo 8/6/24

Planning staff has also determined this site's original landscaping requirements not being met currently. The landscape plan provided and the landscaping currently planted are not the same (see attached landscape plan). This does often occur, but Planning is concerned about the missing rear and side buffer yards along with several missing canopy trees from the plan provided to the plantings installed. The site currently has some plantings around the patio/refrigerator addition that do not match the size of the plantings shown on the applicants provided drawings. If the addition is to remain more impactful and immediate screen is necessary. This could be accomplished either through plantings or a potential screen wall that matches the building or some combination of the two. The plants around the addition will need to be replaced with much larger mature plantings to provide screening as shown in the applicants provided drawing. It appears that there are gaps where waterlines may extend to the property. Planning staff believes planting mature plants now will better shield the refrigerator and adding siding with the same color and potentially a masonry (brick) screen wall to match the building would be a way to address the aesthetics if this variance were granted. In addition, the rear (adjacent to residential) and side (Century Blvd) landscape buffer for this property have not been planted as required on the original approval and need to be planted. Enforcing the ordinance without a variance granted would require the covered patio addition and exterior refrigerator to be removed.

A 13-foot variance will provide the ability to keep the exterior dining area as it is already constructed. Adding mature landscape screening and brick siding will shield the view of the refrigerator and keep the line of sight consistent.

Recommendation

A hardship is not present to provide that allows for staff to recommend a variance. The proposed variance would not impact adjoining neighbors or encroach into any easements. A 13-foot variance would provide the ability to keep the fully constructed patio area and exterior refrigerator with the addition of mature landscaping and other screening to screen the exterior refrigerator from Century Blvd. view. The rear (adjacent to residential) and side (Century Blvd.) landscape buffer is required to be installed as required by the zoning ordinance Landscape Regulations 10.6, D 1& 2.

Strictly enforcing the ordinance would require the covered patio addition and exterior refrigerator to be removed.

TREES	BOTANICAL / COMMON NAME	CONT	QTY	UNIT POINTS	TOTAL POINTS
	Generic canopy tree A / Canopy Tree	15 gal	9	11	99
	Generic evergreen tree / Evergreen Tree	15 gal	26	11	286
	Generic shade tree A / Shade Tree	15 gal	13	8	104
	Generic understorey tree A / Understorey Tree	15 gal	4	5	20
SHRUBS	BOTANICAL / COMMON NAME	SIZE	QTY	UNIT POINTS	TOTAL POINTS
	Generic shrub / Shrub	5 gal	212	1	212

The site plan illustrates a proposed 19,400 SF retail building with a parking lot and extensive landscaping. The building is a long, rectangular structure with multiple entrances and a central section. The parking lot is located to the left of the building, with several parking spaces marked. The landscaping includes various types of trees and shrubs, with specific quantities and types listed in the notes.

Proposed 19,400 SF Retail Building:
 5 spaces/1,000 sf = 97 spaces required
 98 spaces provided
 MAX ISR: 0.70 (68,957 SF)
 PROVIDED ISR: 0.66 (65,249 SF)
 FFE = 728.60

Landscaping Details:
 - (2) Canopy Tree
 - (2) Shade Tree
 - (1) Understory Tree
 - (7) Shrub
 - (1) Understory Tree (1/2")
 - Shrub (7) (1/2" O.W.)
 - (2) Canopy Tree (2)
 - Shade Tree (2)
 - Shrub (7)
 - (26) Evergreen Tree
 - (1) Understory Tree (1/2")
 - Shrub (34)
 - Shade Tree (1)
 - Shrub (5)
 - Shrub (34)
 - Shade Tree (1)
 - Shrub (10)
 - Shrub (5)
 - Canopy Tree (1)
 - Shrub (34)
 - Canopy Tree (2)
 - Shade Tree (2)
 - Understory Tree (1)
 - Shade Tree (1)
 - Shrub (6)
 - Shrub (3)
 - Shrub (5)
 - Shade Tree (1)

Other Notes:
 - Not Planted as shown 8/6/24
 - Not Planted 8/6/24
 - Add Tree
 - 10' BUFFER
 - 6' BUFFER
 - PROPERTY LINE
 - STORM DRAIN (MANHOLE 25-1)
 - TOP EL. 724.00
 - 15" PVC IN (2) EL. 720.50
 - 15" PVC IN (2) EL. 720.24
 - THOMAS DRIVE (R.O.W VARIES)
 - AT&T BOX AND VULC
 - BASELINE

Subject No.	030.005
Date	2-22-22
Sheet No.	C-8.0



**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 _____

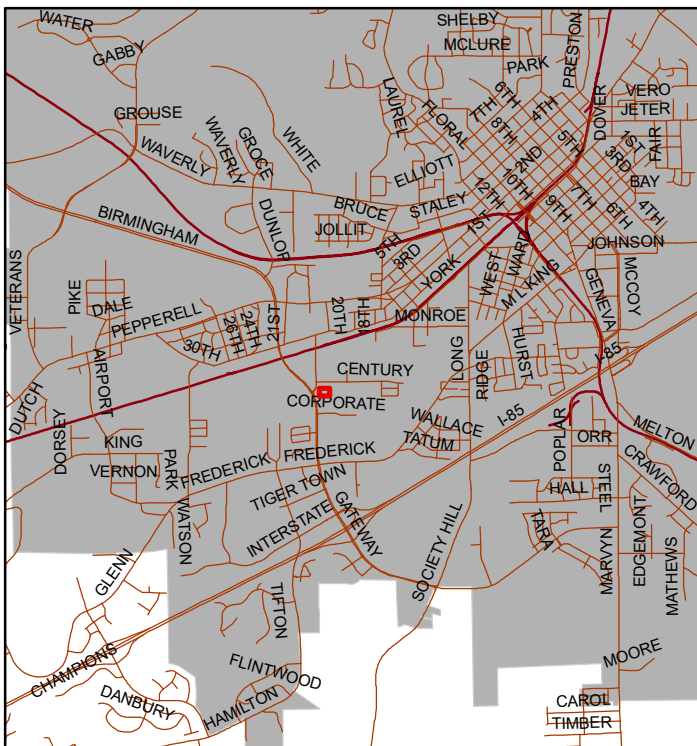
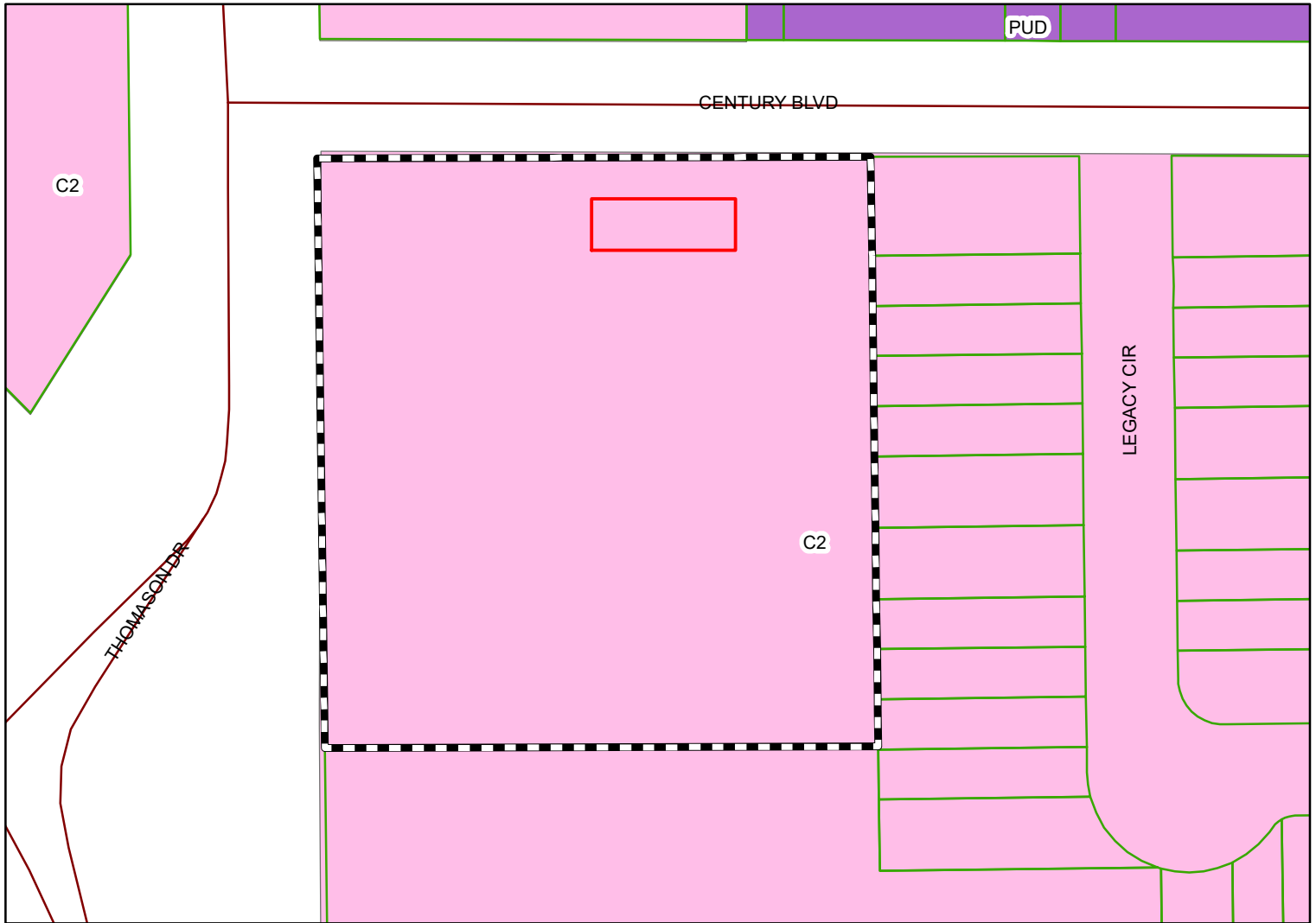
PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan) _____

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? _____

**C.S. PATEL VARIANCE REQUEST
1911 CENTURY BOULEVARD
SIDE YARD ON STREET SETBACK**



The applicant is requesting a side yard on street setback variance for a restaurant walk-in refrigerator and an outdoor eating patio area with open cover. The refrigerator and open cover are installed. An erroneous setback label was entered on the site plan. The shopping center property is in a C-2, GC-P zoning district.



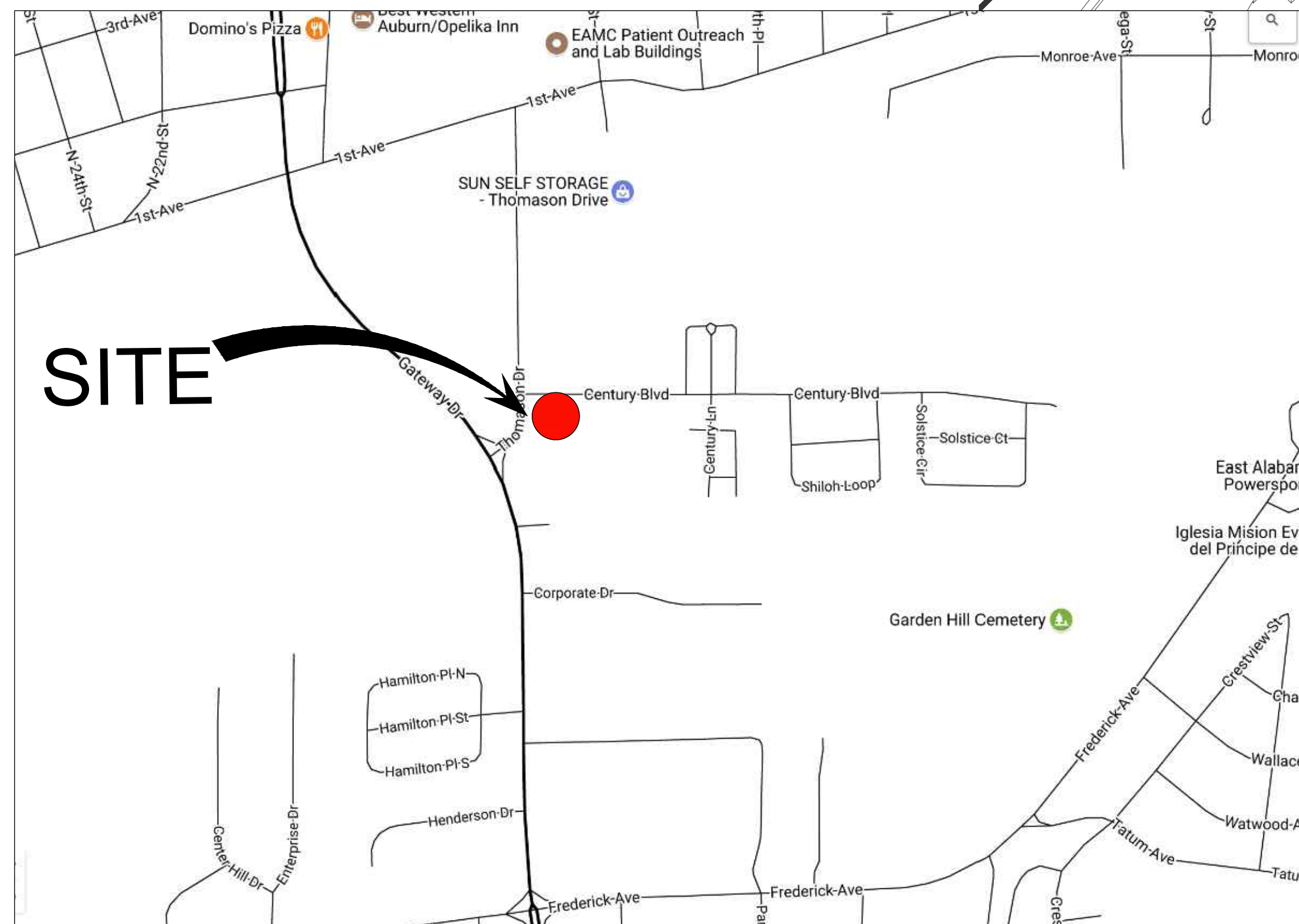
Subject Property

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 verification by an independent professional qualified to verify such information.

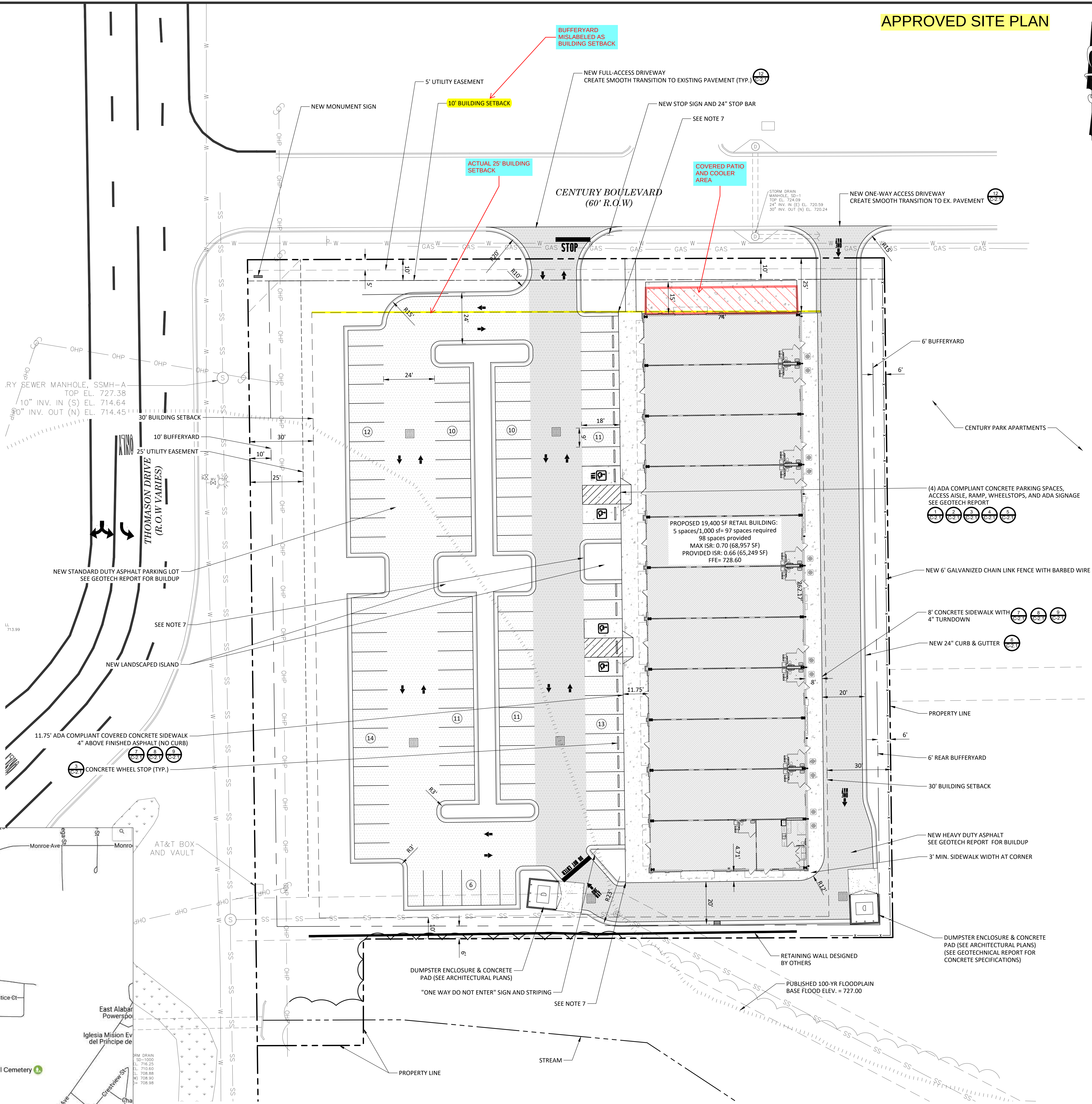
- LEGEND
- PROPERTY LINE
 - EXISTING FENCE LINE
 - GAS
 - EXISTING GAS LINE
 - OHP
 - EXISTING OVERHEAD POWER LINE
 - SS
 - EXISTING STORM WATER LINE
 - SS
 - EXISTING SANITARY SEWER LINE
 - W
 - EXISTING WATER LINE
 - UG/E
 - EXISTING UNDERGROUND POWER LINE
 - FOC
 - EXISTING FIBER OPTIC LINE
 - UG/T
 - EXISTING UNDERGROUND TELEPHONE LINE
 - CATV
 - EXISTING CABLE TV LINE
 - EXISTING CONCRETE
 - PROPOSED STANDARD DUTY ASPHALT
 - PROPOSED HEAVY DUTY ASPHALT
 - PROPOSED CONCRETE
 - GAS
 - PROPOSED GAS LINE
 - OHP
 - PROPOSED OVERHEAD POWER LINE
 - UG/E
 - PROPOSED UNDERGROUND POWER LINE
 - SS
 - PROPOSED SANITARY SEWER LINE
 - W
 - PROPOSED DOMESTIC WATER LINE
 - FW
 - PROPOSED FIRE WATER LINE
 - PROPOSED STORM WATER PIPE
 - PROPOSED ELECTRICAL TRANSFORMER

GENERAL SITE NOTES

- ALL DIMENSIONS USED TO SHOW THE LAYOUT OF THE PROPOSED FEATURES ARE SHOWN AT THE FACE OF CURB OR OUTSIDE FACE OF BUILDING UNLESS NOTED OTHERWISE.
- SEE ARCHITECTURAL PLANS FOR ACTUAL DOOR LOCATIONS AND OTHER BUILDING SPECIFICS.
- A SEPARATE SIGN PERMIT IS REQUIRED FOR ANY ONSITE SIGNAGE.
- ALL WORK WITHIN THE CITY OF OPELIKA RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH CURRENT CITY OF OPELIKA SPECIFICATIONS.
- ALL TRAFFIC CONTROL SIGNS AND STRIPING SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
- ALL ADA RAMP, PARKING SPACES, SIGNAGE, AND STRIPING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADA STANDARDS FOR ACCESSIBLE DESIGN, LATEST EDITION. ALL RAMP SHALL HAVE A 1:12 MAX. SLOPE AND A 2% MAX. CROSS SLOPE. ALL ADA PARKING SPACES SHALL HAVE NO MORE THAN 2% SLOPE IN ANY DIRECTION INCLUDING THE PARKING SPACE AREA AND HATCHED AREA.
- CURB AND GUTTER CONNECTING TO 4" TURNDOWN SIDEWALKS SHALL BE FORMED 4" HIGH TO MATCH SIDEWALK.



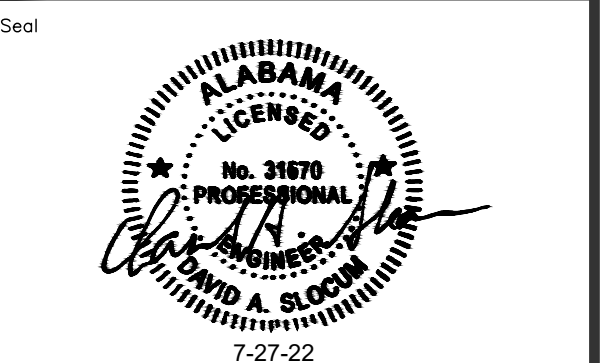
LOCATION MAP



Engineer
PINNACLE
DESIGN GROUP, INC.
106B W. Veterans Blvd
Auburn, AL 36852
334-703-8860
www.pinnacle-inc.net

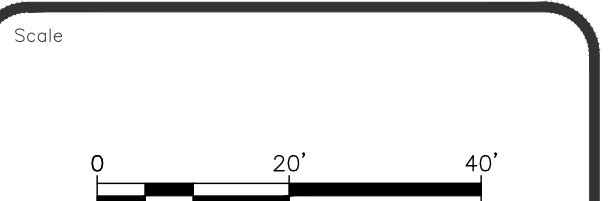
Client
KIWI, LLC
C.S. PATEL
1870 Hilton Court
Auburn, AL
334-734-3236

Project Name
**SITE DEVELOPMENT PLANS FOR
MADISON PARK
1911 CENTURY BLVD.
OPELIKA, AL.**



No.	Revision/Issue	Date
1	BUILDING & PATIO	7-27-22

Sheet Title
SITE PLAN

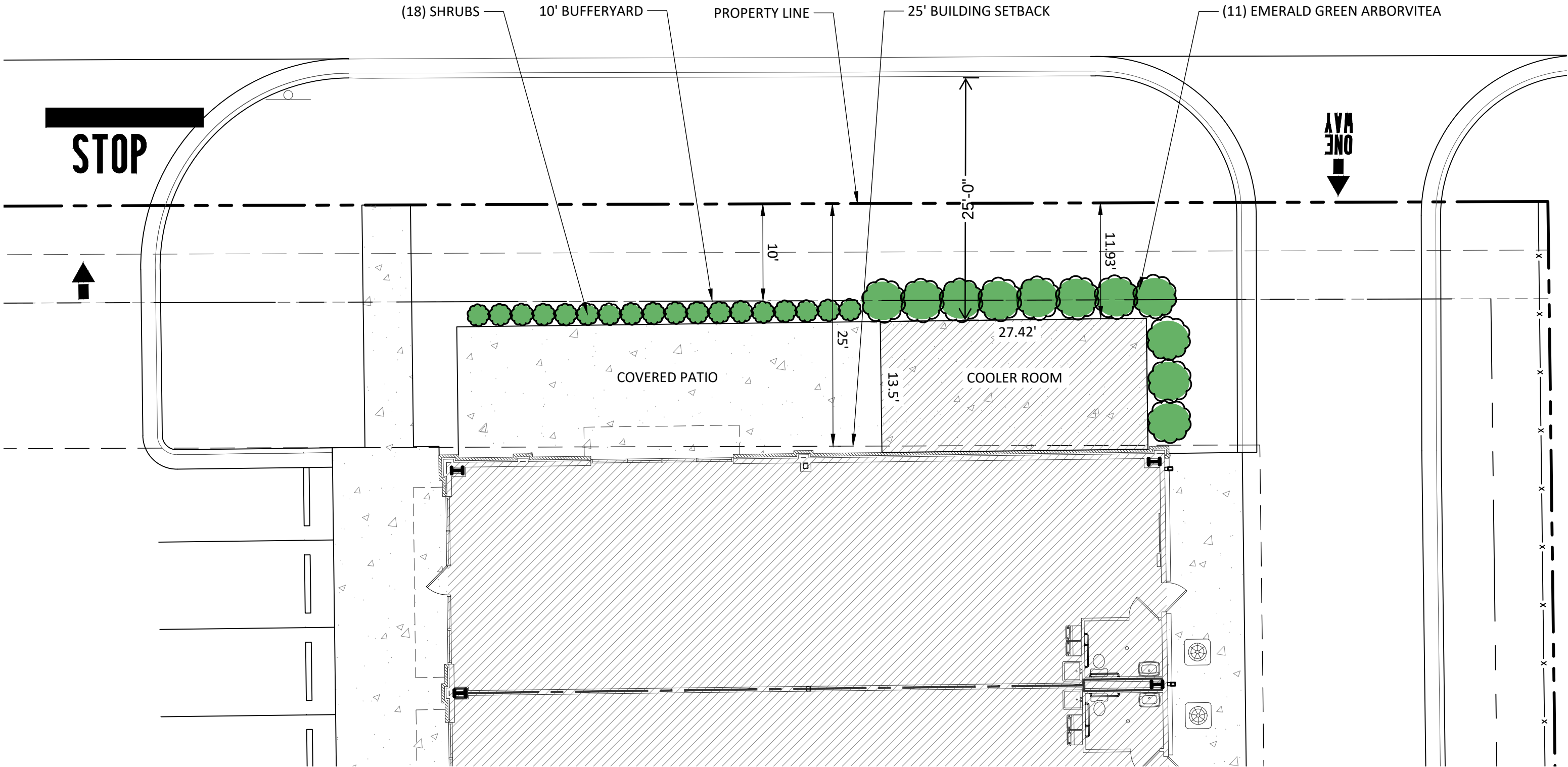


Project No.
030.005

Sheet No.
C-2.0

Date
2-22-22

CENTURY BOULEVARD
(60' R.O.W)



EXISTING CONDITIONS



EXISTING CONDITIONS



PROPOSED IMPROVEMENTS

PAINT COOLER TO MATCH
BUILDING AND PLANT EMERALD
GREEN ARBORVITEA TREES

PLANT SHRUBS ALONG PATIO RAIL



CITY OF OPELIKA - BZA
STAFF REPORT
August 13, 2024

Applicant: Daryl Bledsoe

Property: 1728 1st Avenue (corner of 1st Avenue and 18th Street)

Existing Zone: C-2

Request: Requesting a two foot setback variance from the minimum ten foot setback requirement from an accessory structure to any other structure on the same lot

Proposal

The applicant is requesting a two foot setback variance from the minimum 10 foot setback from an accessory structure to the applicant's house. The accessory structure is 8 feet from the house. (see photo on page 3). The accessory structure is an RV carport cover (18'x 36') for the applicant's RV (Recreational Vehicle). For five years, the RV has been stored on a concrete slab with no cover. The slab was built sized for the applicant's RV. The slab is located at the end of the existing gravel driveway.

About a month ago, the applicant installed a metal 18 x 36 carport that covered the slab area to protect the RV from the weather and trees. The RV cover was installed without a building permit and site plan review. The applicant said that he hired Allen's Portable Buildings to install the carport and assumed that Allen's would be obtaining a building permit if a permit was required. The applicant called the contractor and left a message. Planning also called the contractor several times, left voice messages, and at this writing (Mon. Aug 5th), no reply from Allen's. The applicant paid the building permit, and the Zoning Board fees in order to resolve this issue.

The applicant's property is in a C-2 (commercial, office-retail) zoning district in an older part of Opelika. The applicant's home was constructed in 1943. Other single family homes (SFH) in this area were constructed between 1910 and 1959. (A single family home is allowed in a C-2 zone.) Some SFHs are converted to commercial uses. The adjacent or nearby properties to the applicant's home on the north and west sides are single family homes, an insurance office, and two undeveloped lots. On the south and east sides are three SFHs and an undeveloped lot.

The applicant said moving the carport two feet to meet setbacks would be a significant, expensive job, and would undermine the protection that the carport cover provides. That is, one end of the RV vehicle would be more exposed to the weather.

Recommendation

The setback variance request is not from a property line, therefore the request does not impact the adjacent property owner as much as the current situation. The carport was installed 17 feet from the nearest property line (side property line). Also, the 18x36 cover is not parallel to the house and therefore the entire side of the carport is not 8 feet from the house. The carport was installed at the end of the driveway perpendicular to the house. Therefore, the corner of the carport (as well as a one or two foot section of the side wall) is less than 10 feet from the house not the entire side wall, and the remaining side of the carport cover meets the minimum 10 foot setback.

Moving an 18'x 36' structure two feet to meet minimum setbacks seems excessive and burdensome. Staff is inclined to recommend approval of this variance since the request does not involve less open space for the adjacent property owner. Due to the metal construction of the carport, it does not pose a building or fire code issue. (The carport is 100% metal, a noncombustible material, so the Building Code's minimum 10 foot separation requirement between two structures does not apply.) While there is no true hardship for this variance, staff does not feel the 2 foot variance from the minimum 10 foot setback from another structure would be detrimental in this case. In this case requiring additional separation between the structures would put the accessory structure slightly closer to the neighbor. While that would meet all codes, it may be a less desirable outcome for the adjoining property owner.

Certified letters were mailed to adjacent property owners. A sign about the August 13th Zoning Board Public Hearing and the variance request was posted on the applicant's property Monday, August 5th. (At this writing no one has contacted Planning staff about the variance request.)





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



DATE: July 29, 2024	Zoning Board of Adjustment Meeting Date:
Case Number:	Meeting Deadline:

PART I. OWNER / APPLICANT INFORMATION

Daryl Bledsoe 1728 1st Avenue redman 924 @bellsouth.net 334-444-8369
Owner Name Address Phone
Agent Name (if applicable) Address Phone

PART II. PARCEL INFORMATION

Street Address: 1728 1st Avenue
Current Zoning: C-2
Current Land Use: Single family home
Type of Variance Sought: Sign Parking X Setback Other

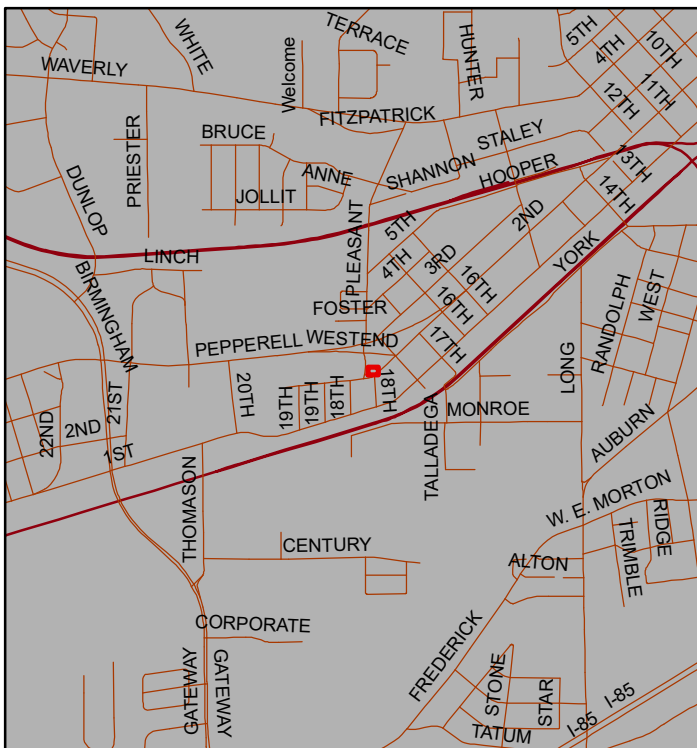
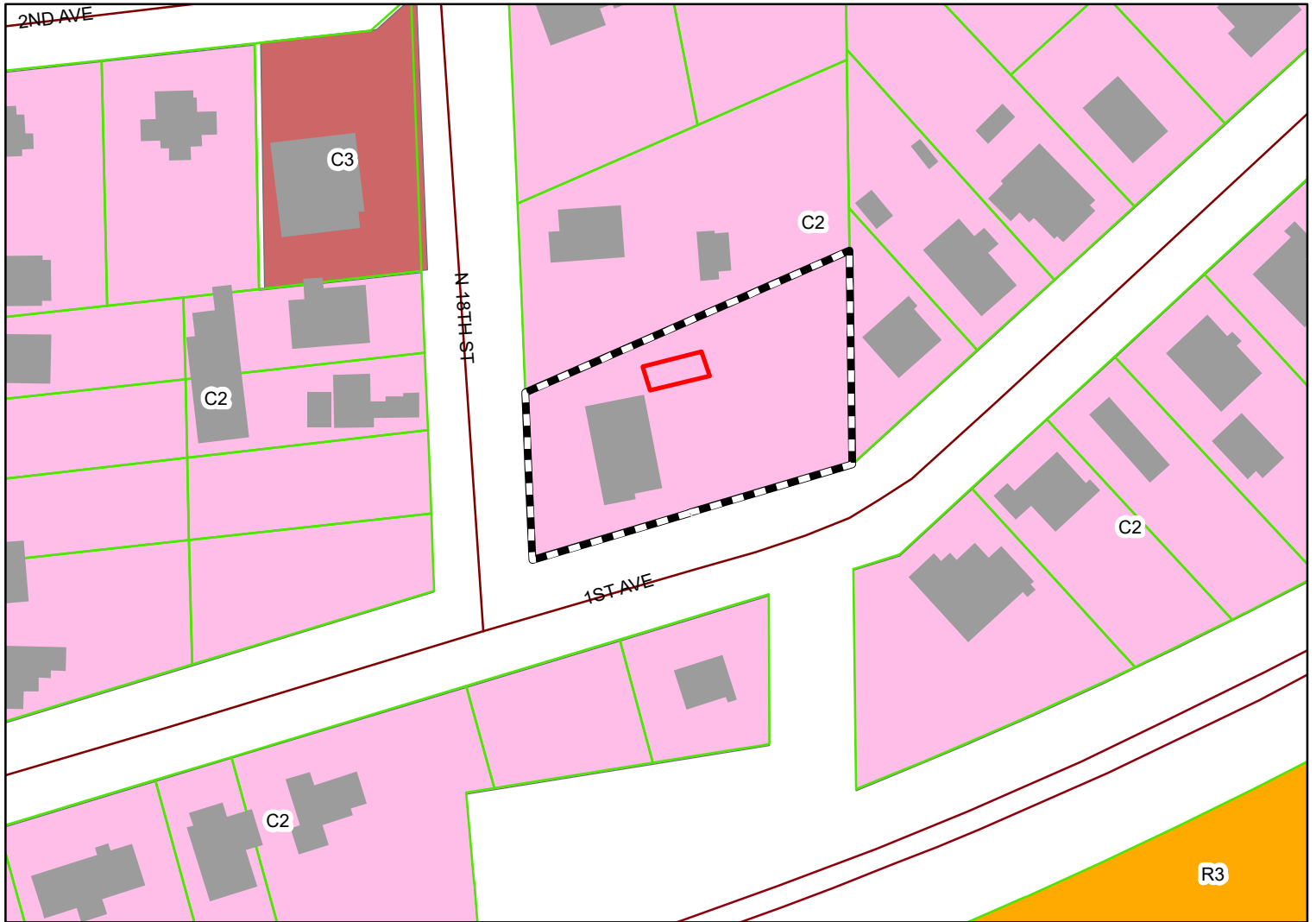
PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan) *Accessory Structure: 18x35x12 free standing carport for RV. One side closed with metal panels; three sides open. Minimum setback from house is 10 feet; carport is 8 feet from house. Carport installed to cover existing concrete. The carport meets setbacks to property lines.

Setback	Required	Proposed	Amount of Variance
Front	*See above		
Side			
Side			
Rear			

PART IV.

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

DARYL BLEDSOE VARIANCE REQUEST
1728 FIRST AVENUE
RV CARPORT TO ACCESSORY STRUCTURE



The applicant is requesting a two foot setback variance from his RV carport cover to his house. The 18' x 36' RV cover has been installed. The property is in a 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 verification by an independent professional qualified to verify such information.