



ZONING BOARD OF ADJUSTMENT MINUTES

300 Martin Luther King Blvd.

June 10, 2025

TIME: 9:00 AM

A. APPROVAL OF MINUTES

The City of Opelika Zoning Board of Adjustment held its regular monthly meeting June 10, 2025 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: Chairman Wilbert Payne, Mrs. Raven Harvis, Mr. Brandon Hilyer, and Mr. Chris Anthony.

MEMBERS ABSENT: Mrs. Tipi Miller, Mrs. Micah Melnick, and Mrs. Angela George.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Marty Ogren, Planning Assistant Director
Mrs. Rachel Dennis, Planner
Mrs. Dana Gafford, Zoning and Planning Technician

CALL TO ORDER: Chairman Payne called the meeting to order at 9:00 a.m.

ROLL CALL: Payne, Harvis, Hilyer, and Anthony.

Approval of Planning Commission Minutes March 11, 2025

RESULT:	Passed
MOVER:	Position 2 Brandon Hilyer
SECONDER:	Position 7 Chris Anthony
AYES:	Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

B. VARIANCE

1. Ryan Kennedy, authorized representative for Nuria Laney, property owner, 3602 Village Creek Court, Cedar Creek PUD zoning district, Requesting a 4.3-foot rear yard setback variance from the 20-foot minimum setback requirement for a 15.6' x 25.6' patio cover addition.

Mr. Mosley presented the staff report to the Zoning Board of Adjustments. He stated that the agenda item was a request for a rear setback variance at 3602 Village Creek Court in the Cedar Creek PUD. The request is for a 4.3-foot rear yard setback variance from the 20-foot minimum setback requirement. The applicant, Ryan Kennedy, is requesting to build a 15' x 25' covered patio. Mr. Mosley stated that the house has an irregular pattern in the back, as one room sticks out further, so the owners are proposing to fill in that area and also extend it back 15 ft, four ft

of which extends into the 20 ft setback. He stated that the Planning staff have looked at the proposal and noted that the current patio space is not usable as is. The staff also noted that there is some slope in the backyard as well as large fences. The slope does not appear to be enough to cause a hardship for the size of patio they would like to build. Mr. Mosley noted that they have not received any correspondence from neighbors, either against or in favor of the proposed variance. He stated that the staff had not provided either a positive or negative recommendation.

Mr. Hilyer inquired if the neighbors had been contacted.

Mr. Mosley stated that letters had been mailed to all neighbors who might be impacted.

Ryan Kennedy, representative for Nuria Laney, the homeowner, noted that the plat for the property shows a 25 ft. setback in the back, which he states shrinks the lot size or usable space. He stated that there is a slope to the yard. That is, perhaps, why the house was originally moved back an extra two feet. He acknowledged that the patio size could be reduced to 11 feet, but stated that the current patio is eight feet and the bay window impedes two feet of that area. The owner realistically would like to have a 15-foot patio space to work with, but would concede to a 12-foot patio if needed.

Chair Payne opened the public hearing.

No comments.

Chair Payne closed the public hearing.

Motion to approve requested 4.3 ft. variance.

RESULT:	Passed
MOVER:	Position 4 Raven Harvis
SECONDER:	Position 2 Brandon Hilyer
DISCUSSION	Mr. Hilyer stated that although it doesn't seem like much, two feet can make a big difference, and therefore, he believes that what the applicant is asking for is not outrageous.
AYES:	Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

C. ADJOURN

Motion to adjourn at 9:12 am.

RESULT:	Passed
MOVER:	Position 4 Raven Harvis
SECONDER:	Position 7 Chris Anthony
AYES:	Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

Wilbert Payne, Chairman

Matt Mosley, Secretary

