



ZONING BOARD OF ADJUSTMENT MINUTES

300 Martin Luther King Blvd.

August 12, 2025

TIME: 9:00 AM

A. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting on August 12, 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: Chair Wilbert Payne, Vice Chair Tipi Miller, Mrs. Raven Harris, Mrs. Micah Melnick, Mr. Brandon Hilyer, Mr. Chris Anthony

MEMBERS ABSENT: Mrs. Angela George

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Martin Ogren, Assistant Planning Director
Mrs. Rachel Dennis, Planner

CALL TO ORDER: Chair Wilbert Payne called the meeting to order at 9:00 am.

Approval of Zoning Board Of Adjustments Minutes June 10, 2025

RESULT:	Passed
MOVER:	Position 4 Raven Harvis
SECONDER:	Position 7 Chris Anthony
AYES:	Position 1 Miller, Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

B. VARIANCE

1. Samford Group, LLC, authorized representative for Pate Cathy Elizaberth Burdette, property owner, 2112 Cunningham Drive, Requesting a 13.5 foot front yard setback variance from the 25 foot minimum front yard setback, a 5-foot side yard setback variance from the 10-foot minimum side yard setback and a 5-foot side yard on street variance from the 20-foot minimum side yard on street setback requirement.

Mr. Mosley presented the staff report to the Zoning Board of Adjustments for the Samford Group, LLC representative for Pate Burdette, property owner of 2112 Cunningham Drive. He stated they are requesting three setback variances for one lot:

- (1) a 13.5-foot front yard setback variance from the 25-foot minimum front yard setback,
- (2) a 5-foot side yard setback variance from the 10-foot minimum side yard setback

(3) a 5-foot side yard on street variance from the 20-foot minimum side yard on street setback requirement.

He explained that Brookhaven townhome subdivision was granted preliminary plat approval for 49 townhome lots at the April 2025 Planning Commission meeting. The townhome subdivision is accessed from Cunningham Drive on the west side. Later, townhome lots will also have access to Hi Pack Drive from three private alleys (two-way) when Hi Pack is extended west and intersects with Cunningham Drive. (A final phase of Hi Pack Drive street construction will extend Hi Pack Drive to Gateway Drive.) The Hi Pack and Cunningham Drive intersection will be a roundabout. It was determined during final street & roundabout design that the roundabout required more right-of-way space and that space would be from Lot 1. The property owner is donating additional land for the roundabout requiring a variance. Mr. Mosley stated that the planning staff is recommending approval of the variances.

Chair Payne opened the public hearing.

No comments.

Chair Payne closed the public hearing.

Motion to approve

RESULT:	Passed
MOVER:	Position 2 Brandon Hilyer
SECONDER:	Position 1 Tipi Miller
AYES:	Position 1 Miller, Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

2. Southern Plains Development Services, LLC, authorized representative for Donna and Christopher Clemons, property owners, 3100 Hamilton Road, R-2 zoning district, Requesting a 328 square foot lot area variance from the 15,000 square foot minimum lot area requirement.

Mr. Mosley presented the staff report to the Zoning Board of Adjustments for the applicant, Southern Plains Development Services, representing Donna and Christopher Clemons who are requesting a 328 square foot lot area variance from the minimum 15,000 square foot minimum lot area requirement. He stated the applicants are requesting to divide the existing Deer Creek lot 1, a section of Bent Creek Subdivision. The lot is 29,672 square feet and would be divided into two lots with a house on each lot. One lot would be 15,001 square feet, (which is one foot above the minimum lot size for zone R-2. The other lot would be 14,678 square feet, which would be 322 square feet short of the minimum. He stated that Hamilton road is a collector road which carries heavy traffic, and due to spacing requirements, the lots would have to share a driveway.

Recommendation:

Planning does not have a positive or negative recommendation for this case because the property does not have a standard hardship for a variance. A lot size variance is a rare request. However, staff does not believe the lot size reduction would be a disadvantage to the adjacent properties.

If approved

(1) The new lot shall take access from a platted shared driveway easement.

(2) The new home shall have a consistent character and style to those adjacent in terms of size, building materials, garage, and other features.

Cole Seferyn, Southern Plains Development Services, explained that his organization is led by Auburn University students. This project would be an opportunity for hands-on experience for students in various disciplines.

Josh Decker of Southern Plains Development Services explained the vision for the proposed plans for the property.

Chair Payne opened the public hearing.

William Brunson, 3406 Hamilton Road, stated that he owns lots 15 and 16. He stated he has reservations about safety, due to traffic and the speed at which it travels on Hamilton Road.

Chair Payne closed the public hearing.

Motion to Approve

RESULT: Passed

MOVER: Position 1 Tipi Miller

SECONDER: Position 2 Brandon Hilyer

DISCUSSION Mr. Hilyer asked if any other lots could be divided.

Mr. Mosley stated that there are not any lots in the Bent Creek Subdivision that could be divided further.

Mr. Hilyer asked if Saughatchee Country Club had any problems with the division.

Mr. Mosley stated that they were sent a letter, but have not contacted the Planning Department about any issues.

Mrs. Melnick inquired about the appropriate contact to address the traffic issues.

Mr. Mosley stated that in general there are either design and control issues or enforcement issues. In this case, there might be a traffic enforcement issue in this area. He stated that this is an older subdivision, constructed in the 70's before there was heavy traffic on Hamilton Road. If it were being built today, there would be more shared driveways. The Planning Department tries to ensure that anything that is currently being built in older or existing subdivisions, does not do anything to make a situation worse, hence the shared driveway.

Mr. Anthony asked if the Engineering Department would have any solutions to help this problem.

Mr. Mosley stated that roundabouts or traffic lights might be a possible future option to slow down traffic. Another possibility would be blinking caution signs to alert speeders. He stated that he would have a conversation with the Opelika Chief of Police to discuss the traffic issues.

Mr. Hilyer asked how often cases like this one come up.

	Mr. Mosley stated that they do not come up often and the board would not be setting any precedence with approval of variances.
AYES:	Position 1 Miller, Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

C. ADJOURN

Motion to adjourn at 9:40 a.m.

RESULT:	Passed
MOVER:	Position 2 Brandon Hilyer
SECONDER:	Position 4 Raven Harvis
AYES:	Position 1 Miller, Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

Chairman Wilbert Payne,

Secretary Matt Mosley,