



ZONING BOARD OF ADJUSTMENT MINUTES

300 Martin Luther King Blvd.

September 9, 2025

TIME: 9:00 AM

A. APPROVAL OF MINUTES

The City of Opelika Zoning Board of Adjustment held its regular monthly meeting September 9, 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, Mr. Chris Anthony, Mrs. Tipi Miller, Mrs. Micah Melnick, .

MEMBERS ABSENT: Mrs. Angela George.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mrs. Dana Gafford, Zoning and Planning Technician

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

Approval of Zoning Board of Adjustment Minutes, August 12, 2025

RESULT:	Passed
MOVER:	Position 1 Tipi Miller
SECONDER:	Position 2 Brandon Hilyer
AYES:	Position 1 Miller, Position 2 Hilyer, Position 3 Melnick, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

B. VARIANCE

1. Philip's LLC, 304 Fox Run Avenue, M-2 zoning district, Requesting a 21-foot side yard setback variance from the 30-foot minimum side yard setback requirement.

Mr. Mosley presented the staff report to the Zoning Board of Adjustment for Phillips LLC, 304 Fox Run Avenue. He stated that the applicant is requesting a 21-foot side yard setback variance (west side) from the 30-foot rear yard setback requirement. The variance is needed for the proposed building addition to the rear of the existing building at 304 Fox Run Avenue. The property owners desire to add 9,085 square feet of warehouse space to the rear of the existing structure.

During the review of this item, staff did not find any evidence of a previous side-back variance

in the existing building. This building addition is in line with the existing building side setback of 9 feet. The architect stated the space would be divided into thirds and the buildings lining up would connect the roll-up doors to the warehouse area.

Staff believe the addition would not be a detriment to the existing manufacturing surrounding uses. Staff do not see a standard hardship for this variance request. The request to continue the building to the rear is a logical request. The addition would not change the character of the area.

Recommendation

The Planning Department recommends the 21 foot side yard setback variance from the 30-foot side yard setback requirement for the construction of an addition in line with the current building to the rear.

Brandon Bolt, representative for the applicant, stated that there were two reasons for the variance request:

1. The architect explained that the existing building is broken into three different sections. When the extension is added, the variance would allow for the workflows to go between the two workspaces.
2. If the site were rotated, there is a 20-foot incline, that would be more difficult to grade and to get water out of it.

Chair Payne opened the public hearing.

Cory Holmes: 404 Fox Run Avenue, Inquired if this variance would affect her property on the corner of Fox Trail and Fox Run Avenue, either now or in the future?

Mr. Mosley: Stated that it would not affect her side of the property.

Chair Payne closed the public hearing.

Motion To Approve

RESULT:	Passed
MOVER:	Position 7 Chris Anthony
SECONDER:	Position 2 Brandon Hilyer
DISCUSSION:	Mrs. Miller: asked when the building was built and if the zoning requirements were different at that time. Mr. Mosley: stated that if it were built in 1991, the zoning requirements would have been different during that time. Industrial buildings are built with fire separation between property lines. Mr. Hilyer: asked if the approval would be out of character for the area? Mr. Mosley: stated it would not be out of character.
AYES:	Position 1 Miller, Position 2 Hilyer, Position 3 Melnick, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

2. Leonei Diaz, 2 Avenue C, R-4 zoning district, Requesting a 13.2-foot front yard setback variance from the 25-foot minimum front yard setback requirement.

Mr. Mosley presented the staff report to the Zoning Board of Adjustment for a front setback variance for a home on 2 Avenue C. The applicant, Leonei Diaz, is requesting a 13.2-foot front yard setback variance from the 25-foot front yard setback requirement. Mr. Mosley stated that

the applicant had started construction on a front porch prior to obtaining approval. The new construction exceeds the setback requirement. Due to the fact that this is an older house, built on an irregularly shaped lot, it was nonconforming prior to the new construction, as are quite a few of the other houses in the neighborhood. Approving the variance request would not have a negative impact or change the character of the neighborhood.

Recommendation

The Planning department recommends that a 13.2-foot front yard setback variance from the minimum 25-foot front yard setback requirement for the front porch be approved.

Lindbergh B. Jackson: Stated that he is working with Mr. Diaz. They apologized for the mistake of building before seeking permission, and want to comply with the city. He stated that they have spoken with the neighbors, and they are pleased with the improvements being made.

Chair Payne opened the public hearing.

No Comments

Chair Payne closed the public hearing.

Motion To Approve

RESULT:	Passed
MOVER:	Position 4 Raven Harvis
SECONDER:	Position 2 Brandon Hilyer
AYES:	Position 1 Miller, Position 2 Hilyer, Position 3 Melnick, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

C. OTHER BUSINESS

3. November Date for Zoning Board meeting.

Mr. Mosley proposed moving the scheduled November 11, 2025, meeting to November 18, 2025, due to the Veterans Day holiday.

Motion to move the November 11, 2025, meeting to November 18, 2025, 9 a.m.

RESULT:	Passed
MOVER:	Position 2 Brandon Hilyer
SECONDER:	Position 1 Tipi Miller
AYES:	Position 1 Miller, Position 2 Hilyer, Position 3 Melnick, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

D. ADJOURN

Motion to adjourn at 9:35 a.m.

RESULT:	Passed
MOVER:	Position 4 Raven Harvis
SECONDER:	Position 7 Chris Anthony

AYES:	Position 1 Miller, Position 2 Hilyer, Position 3 Melnick, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

Payne, Chairman _____ **Wilbert**

Secretary _____ **Matt Mosley,**