



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

**300 Martin Luther King Blvd.**

**April 14, 2026**

**TIME: 9:00 AM**

**A. APPROVAL OF MINUTES**

**B. VARIANCE**

1. Mable Jones, 305 Ballard Avenue, R-3 zoning district, Requesting to exceed the maximum 40% square footage allowed for accessory structures on a residential lot.
2. Ken Pylant III, authorized representative for Pyson, LLC, property owner, 519 S 7<sup>th</sup> Street and 708 Avenue E, C-2 zoning district, Requesting front, side, and rear yard setback variances from the minimum setbacks in a C-2 zoning district so proposed buildings will align with adjacent buildings.

*“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.

**February 10, 2026**

**TIME: 9:00 AM**

## A. ELECTION OF ZONING BOARD OF ADJUSTMENT OFFICERS (Chair and Vice Chair)

Mr. Mosley opened the nominations for Chair and Vice Chair.

Mr. Anthony made a motion to re-appoint Mr. Payne as Chair and Mr. Hilyer as Vice Chair.  
Mr. Mosley closed the nominations.

**Ayes:** Payne, Harvis, Hilyer, George, Anthony

**Nays:** None

## B. APPROVAL OF MINUTES

### **Approval of Planning Commission Minutes 9:00 am**

The City of Opelika Zoning Board of Adjustment held its regular monthly meeting on February 10, 2026 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 Brandon Hilyer, Mrs. Raven Harris, Mr. Chris Anthony, Mrs. Angela George

**MEMBERS ABSENT:** Mrs. Tipi Miller, Mrs. Micah Melnick

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

**CALL TO ORDER:** Chair Lucinda Cannon called the meeting to order at 9:00 a.m.

### **Approval of Zoning Board of Adjustment Minutes**

<b>RESULT:</b>	<b>Passed</b>
<b>MOVER:</b>	Position 4 Raven Harvis
<b>SECONDER:</b>	Position 7 Chris Anthony
<b>AYES:</b>	Position 2 Hilyer, Position 4 Harvis, Position 5 George, Position 6 Payne, Position 7 Anthony
<b>NAYS:</b>	None
<b>ABSTAIN:</b>	None

## C. VARIANCE



# ZONING BOARD OF ADJUSTMENT MINUTES

300 Martin Luther King Blvd.

**February 10, 2026**

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Mr. Anthony made a motion to re-appoint Mr. Payne as Chair and Mr. Hilyer as Vice Chair.

Mr. Mosley closed the nominations.

**Ayes:** Payne, Harvis, Hilyer, George, Anthony

**Nays:** None

B. APPROVAL OF MINUTES

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

The City of Opelika Zoning Board of Adjustment held its regular monthly meeting on February 10, 2026 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 Brandon Hilyer, Mrs. Raven Harris, Mr. Chris Anthony, Mrs. Angela George

MEMBERS ABSENT: Mrs. Tipi Miller, Mrs. Micah Melnick

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

## Approval of Zoning Board of Adjustment Minutes

<b>RESULT:</b>	Passed
<b>MOVER:</b>	Position 4 Raven Harvis
<b>SECONDER:</b>	Position 7 Chris Anthony
<b>AYES:</b>	Position 2 Hilyer, Position 4 Harvis, Position 5 George, Position 6 Payne, Position 7 Anthony
<b>NAYS:</b>	None
<b>ABSTAIN:</b>	None

C. VARIANCE

1. Roger Boyington, property owner, 1495 Bramble Lane, PUD zoning district (Planned Unit Development, Hidden Lakes), Requesting a 10-foot rear yard variance from the 25-foot minimum rear yard setback.

Mr. Mosley presented the staff report to the Zoning Board of Adjustment, for the request by Roger Boyington, of a 10-foot setback variance from the 25-foot setback requirement at 1495 Bramble Lane. He stated that the applicant is requesting to add a 10 ft. x 45 ft. porch addition to the rear of the house. He noted that the property is an irregular-shaped lot at the end of a cul-de-sac. The rear property line consists of three angled lines that are not parallel to the rear wall of the house. Because of the unique shape of the property, a small section of the new structure would be 10 ft. closer to the rear property line than the required setback. Due to the shape, topography and the fact that the lot backs up to an amenity lot, the Planning Staff is recommending approval of a variance of 10 ft. to the required 25 ft. setback.

*Chair Payne opened the public hearing.*

**Adam, Auburn Deck Company**, explained the project and the reason for the variance request.

*Chair Payne closed the public hearing.*

**Motion to approve the variances as presented.**

<b>RESULT:</b>	Passed
<b>MOVER:</b>	Position 5 Angela George
<b>SECONDER:</b>	Position 4 Raven Harvis
<b>AYES:</b>	Position 2 Hilyer, Position 4 Harvis, Position 5 George, Position 6 Payne, Position 7 Anthony
<b>NAYS:</b>	None
<b>ABSTAIN:</b>	None

2. Flowers & White Engineering, authorized representative for Coye Yeager, property owner, 2118 Executive Park Drive, C-2 zoning district, Requesting a 20-foot rear yard setback variance from the 30-foot minimum rear yard setback.

Mr. Mosley presented the staff report to the Zoning Board of Adjustment for a variance requested by Flowers and White Engineering representing Coye Yeager, property owner. He stated that the subject property, 2118 Executive Park Drive, is one of the last remaining lots in an industrial park built in the mid 80s. The original zoning was M-3, which did not require variances and resulted in smaller lot sizes than is typical. He pointed out that the Zoning Board has granted four variances in the past. The current C-2 zone requires setbacks which are 30 ft in the front and the back, and the applicant is requesting a 20 ft. variance. Based on the lot size and adjacent properties, the Planning Staff is recommending approval.

*Chair Payne opened the public hearing.*

**Chris Tomlinson, 2218 Executive Park Drive:** Stated that there is an existing water problem which floods the street and cul-de-sac, and has affected his property since 2019. It is a problem that the city is aware of, but hasn't been able to fix. He objects to the variance because the addition of more impermeable surfaces would increase the existing problem.

**Brad Flowers, authorized representative:** Stated that this is a city problem and not that of the developer. The property owner should not be punished.

*Chair Payne closed the public hearing.*

**Motion to approve the 20-foot rear yard setback variance from the 30-foot minimum rear yard setback.**

**RESULT:** Passed  
**MOVER:** Position 4 Raven Harvis  
**SECONDER:** Position 2 Brandon Hilyer  
**DISCUSSION:** **Chair Payne:** asked Mr. Mosley to explain what the Planning Staff looks at to arrive at a positive recommendation for a variance.

**Mr. Mosley:** explained that the Planning Staff generally look at whether the new building would create a hardship for the adjacent property owners. He explained that because this was an older development under a different zoning ordinance, the buildings could be built very close to the next lot. New buildings fall under the current zoning ordinance which requires the larger setbacks. He explained that if a variance is granted, the building will be built as proposed, but without the variance, the building would need to abide by the current zoning setbacks, but the owner cannot be prevented from construction.

**Mrs. Harvis:** Stated that the City is making infrastructure adjustments and inquired if this would be one of those areas.

**Mr. Mosley:** Stated that he could make the suggestion to Engineering.

**Mr. Hilyer:** Asked if the development was built out.

**Mr. Mosley:** stated that this is the last vacant lot.

**Mr. Hilyer:** Stated that the problem already exists, and this one lot will not change the current problem.

**AYES:** Position 2 Hilyer, Position 4 Harvis, Position 5 George, Position 6 Payne, Position 7 Anthony  
**NAYS:** None  
**ABSTAIN:** None

3. Capps Family Partners, LTD, Gateway Drive, C-2 and R-1 zoning district, Requesting a 12.5% decrease from the minimum 2 parking spaces per dwelling unit requirement to a minimum of 1.75 parking spaces per dwelling unit.

Mr. Mosley presented the staff report to the Zoning Board of Adjustment for the request by Marc McLaughlin, representing Capps Family Partners LTD, for a parking variance. He stated that the applicant is proposing to reduce 53 parking spaces from a proposed 252 apartment unit complex. Mr. Mosley explained that the current requirements for parking are two spaces per unit. However, the current rental housing trend in the Alabama multifamily residential units is 49% one-person households, while current requirements are for two cars per unit. The applicant is requesting to reduce parking to 1.75 spaces per unit, which would still allow for extra parking.

Chair Payne opened the public hearing.

**Mr. McClaughlin, Development Director with Continental Properties:** Spoke about the project and the methodology that was used for the parking plan.

Chair Payne closed the public hearing.

**RESULT:** Passed  
**MOVER:** Position 2 Brandon Hilyer  
**SECONDER:** Position 7 Chris Anthony  
**AYES:** Position 2 Hilyer, Position 4 Harvis, Position 5 George, Position 6 Payne,  
Position 7 Anthony  
**NAYS:** None  
**ABSTAIN:** None

D. ADJOURN

**Motion to Adjourn at 9:44 am**

**RESULT:** Passed  
**MOVER:** Position 2 Brandon Hilyer  
**SECONDER:** Position 4 Raven Harvis  
**AYES:** Position 2 Hilyer, Position 4 Harvis, Position 5 George, Position 6 Payne,  
Position 7 Anthony  
**NAYS:** None  
**ABSTAIN:** None

\_\_\_\_\_ Chair Wilbert Payne

\_\_\_\_\_ Matt Mosley

Agenda Item

B-1

Mable Jones

305 Ballard Avenue





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



DATE: 03/23/26	Zoning Board of Adjustment Meeting Date: 4-14-26
Case Number:	Meeting Deadline: 3-24-2026

**PART I. OWNER / APPLICANT INFORMATION**

Owner Name \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

Agent Name (if applicable) \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

**PART II. PARCEL INFORMATION**

Street Address: 305 Ballard Ave Opelika, AL 36804

Current Zoning: R-3

Current Land Use: SINGLE FAMILY HOME

Type of Variance Sought: \_\_\_\_\_ Sign \_\_\_\_\_ Parking \_\_\_\_\_ Setback  Other \_\_\_\_\_

ACCESSORY STRUCTURES TO EXCEED 40% OF HOME (1375 S.F.)

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

I need the storage building to store personal belonging. I am renting 2 storage units and need the space to eliminate them and store all belonging on my property.

Setback	Required	Proposed	Amount of Variance
Front			
Side			
Side			
Rear			

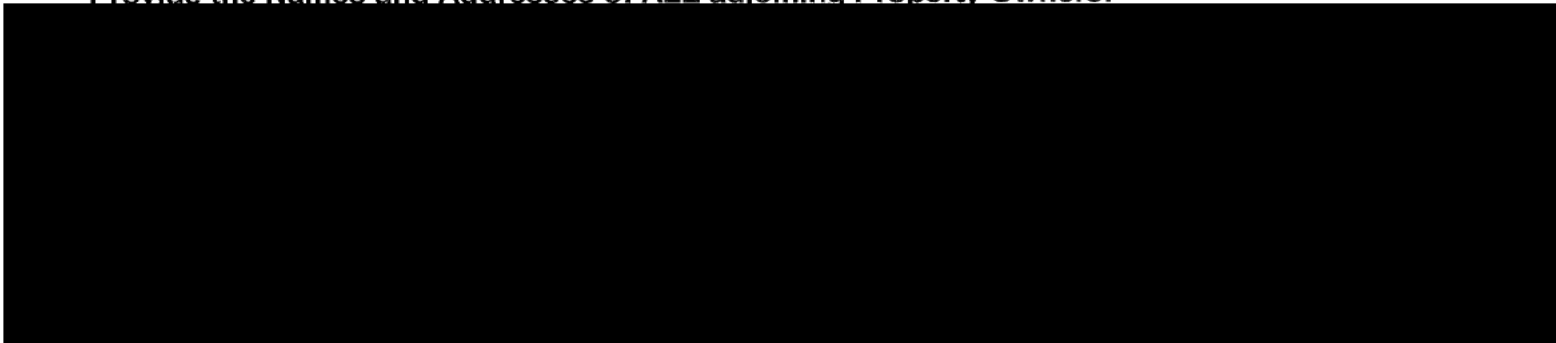
**PART IV.**

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? The house was built in the 70's little closet

space is little. We have lawn equipment in the other storage and no room to store clothes, shoes, and house hold goods. The houses next to me built more than the city zone, presently being sited by the city to remove excess around the house

- 2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? I have already bought this storage and making monthly payments on it and have no where to put it. If I returned it, this will run my credit
- 3) Will the proposed variance alter the character of the area? If so, how? NO  
The other houses in neighborhood ~~are~~ already have several storage houses in back yard.

Provide the Names and Addresses of ALL adjoining Property Owners:



_____	_____
_____	_____
_____	_____
_____	_____

**FEES:**

Total Number of Adjoining Property Owners	4 X \$7.00 =	28.00
	+ Fee	\$75.00
	<b>TOTAL</b>	<b>\$103.00</b>

**PART V.**

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) \_\_\_\_\_ . Enclosed are the true and accurate names and addresses of all adjacent property owners. I understand that the City may require additional information, or waive certain requirements, in order to make a decision on the request at any time during the process.

Maule Jones  
 Signature

03/23/26  
 Date

**CITY OF OPELIKA - BZA**  
**STAFF REPORT**  
April 14, 2026

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Applicant: Mable Jones

Property: 305 Ballard Avenue

Existing Zone: R-3 (medium density residential)

Request: A 2.4% variance increase to exceed the 40% maximum size allowed for accessory structures to 42.4% (or from 550 square feet to 584 sf).

**Proposal**

The applicant is requesting a variance to install a 12x32 (384 sf) accessory structure. An existing 10x20 accessory structure is currently in the rear yard. The Zoning Ordinance states in Section 8.11 *Accessory Structures for Residential Dwellings*, "... the total square footage of all the accessory structures combined shall be limited to forty percent (40%) of the principal dwelling unit [the heated/cooled area of a home]. The purpose of the maximum 40% requirement is to preserve open space between adjacent residential property owners to maintain a residential neighborhood character. At one time before the ordinance was adopted property owners would frequently call the City about neighbor's yard overrun by accessory structures. The 40% restriction was adopted.

The existing 10x20 structure and proposed 12x32 accessory structures equal 584 square feet (sf). The home is 1,375 square feet; 40% of the home size is 550 square feet so 550 sf is the maximum square footage allowed for accessory structures. The applicant is requesting approval for a 2.4% variance increase from the 40% maximum allowed to install a 12x32 accessory building. 2.4% increase equals a 34 square foot variance.

The applicant said her request for the accessory structure is to storage for her belongings. She said that her house is small at 1,375 square feet but also has limited closet or storage space. Currently, she stores many items under an open 25'x 28' carport cover (with no exterior walls) that is attached to the house. The existing 10x20 structure in rear yard is used for storage, and she also rents space from an off-site self-storage business. Instead of the renting another self-storage rental space, she purchased the 12x32 structure for storage on her property. The applicant desires to consolidate her belongings on her own property, eliminate monthly rental fees and provide better protection for her belongings than storing them in an open carport.

From the Zoning Ordinance, there is no unique "hardship" based on the physical land which is the standard to approve a variance. The 40% limit exists to preserve the residential character of

the neighborhood by preventing rear yards from becoming overcrowded with buildings. The 40% structure limit ensures that neighbors are not looking at the backside of buildings when they enter their rear yard.

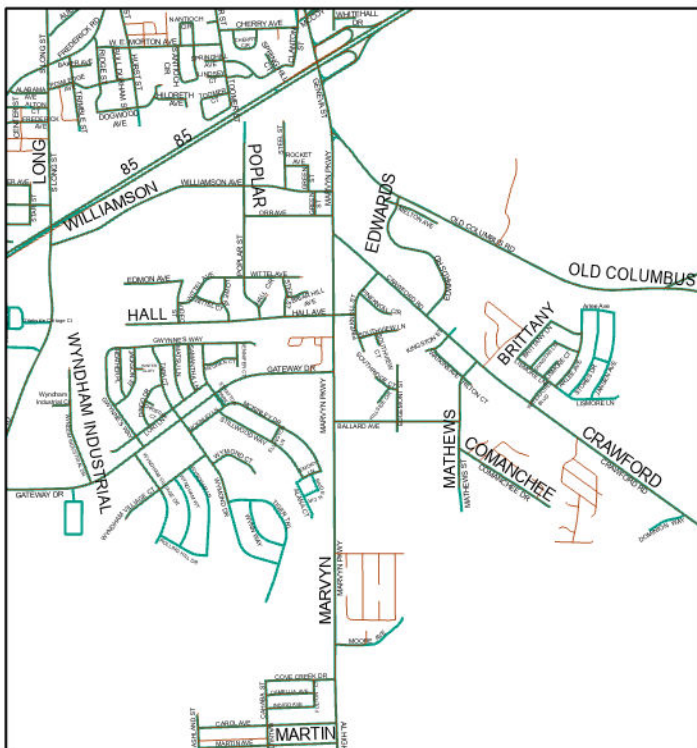
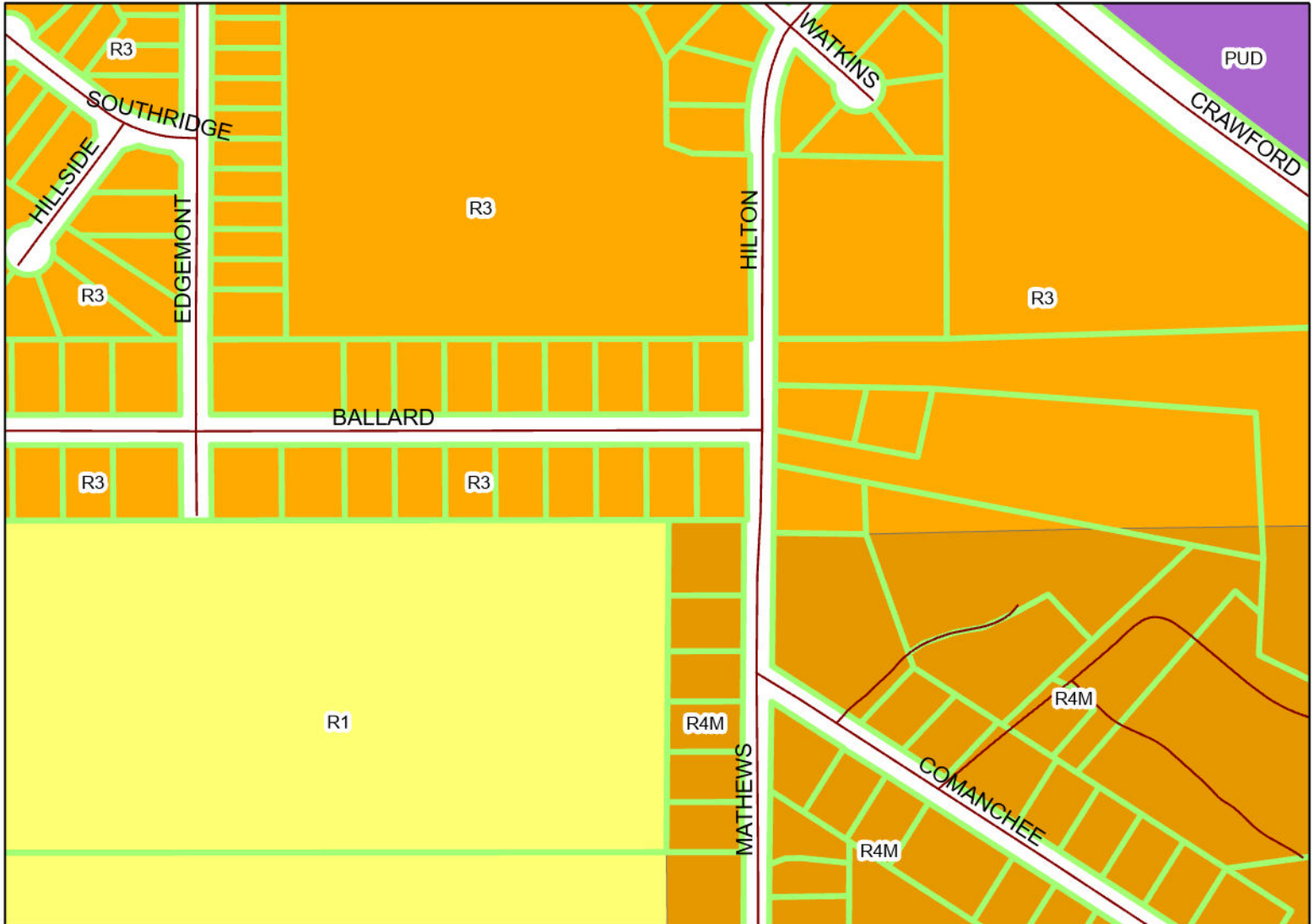
### **Recommendation**

Some reasons for approval of the variance are the 1,375-sf house lacks adequate storage with only a few closets that are small storage areas. Also, the 12x32 will be used to store most of the boxes that are stored outside under her open carport and on the front porch. The 12x32 will allow these items to be moved and the carport used to park her car. The applicant's primary goal is to consolidate her belongings in the two accessory structures and eliminate the monthly self-storage rental fee. The applicant has purchased the 12x32 but the structure has not been delivered to the applicant's home.

Some reasons to deny the request is the "hardship" is self-created and based on the applicant's storage needs. That is, there are no hardships based on the lot shape and lot elevations. The lot is a rectangle shape not irregular, and the rear yard elevations are level. (Planning suggested to construct walls around the existing open carport to convert the open carport into a storage room addition.)

The applicant mentioned that other properties near her property have several accessory structures that probably exceed 40% of the home size. If the accessory structures were installed before the 40% limit was approved then the accessory structures are grandfathered and may exist as legal nonconforming structures if they exceed 40% of the home size.. **Staff does not have a strong recommendation on this variance request and respects the Zoning Board's final decision. A 2.4% increase or an additional 34 square feet of accessory structure over the 40% limit could be considered minimal.**

**MABLE JONES ACCESSORY STRUCTURE VARIANCE  
305 BALLARD AVENUE  
MAXIMUM 40% OF HOME SQUARE FOOTAGE ALLOWED**



The applicant is requesting to increase the 40% maximum square footage (sf) allowed for accessory structures from 40% to 42.4%, a 2.4% increase from the 40% max. A 10x20 structure exists and a 12x32 is proposed for a total 584 sf of structures in the rear yard. The 40% maximum limit for the applicant's 1,375 sf home is 550 sf. A 34 square foot or 4.2% variance is requested.



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.



# Agenda Item

B-2

Ken Pylant III, (Pyson, LLC)

519 S. 7<sup>th</sup> Street and 708 Avenue E





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



DATE: <u>3/26/2026</u>	Zoning Board of Adjustment Meeting Date:
Case Number:	Meeting Deadline:

**PART I. OWNER / APPLICANT INFORMATION**

Owner Name: Pyson LLC Address: 519 S. 7th St + 708 Ave E Opelika AL

Agent Name (if applicable): Ken Pylant III

**PART II. PARCEL INFORMATION**

Street Address: 519 South 7th St and 708 Ave E Opelika AL

Current Zoning: C-2

Current Land Use: Vacant

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	30	10	20
Side	10	10	—
Street Side	25	10	15
Rear	<del>10</del> 30	10	20

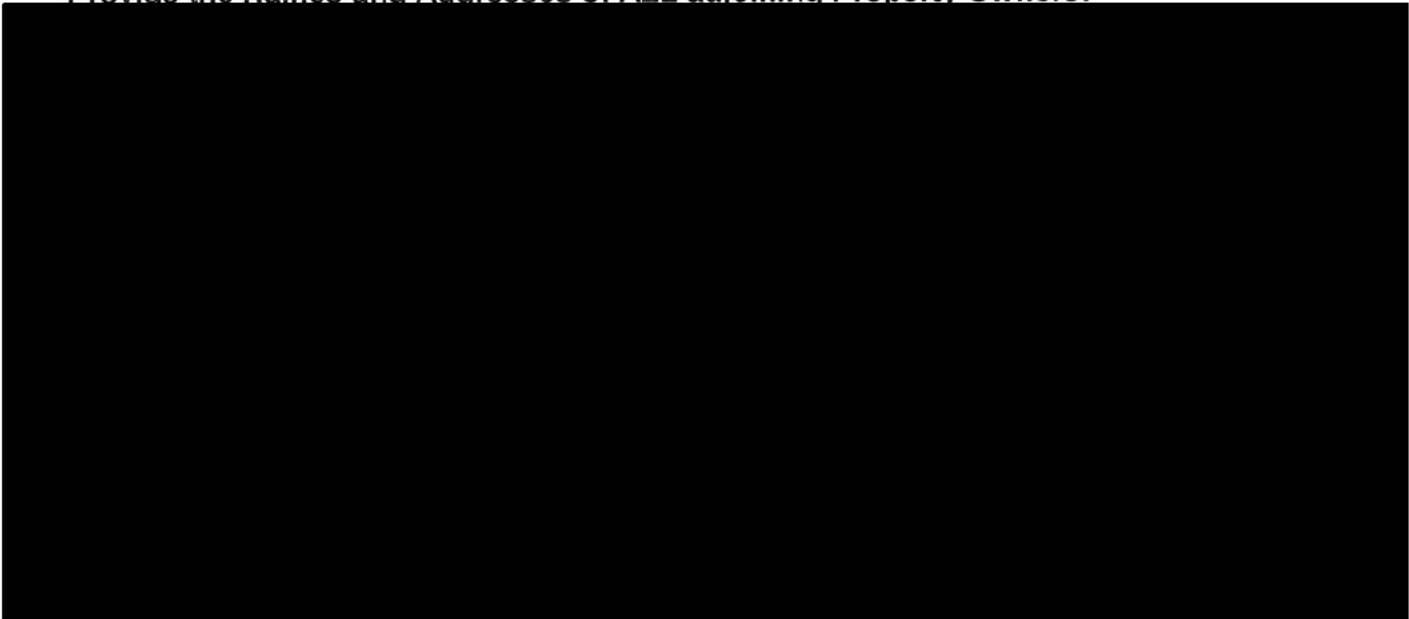
**PART IV.**

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? Downtown Historic District. Aligning with other properties

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? No

3) Will the proposed variance alter the character of the area? If so, how? No

Provide the Names and Addresses of ALL adjoining Property Owners:

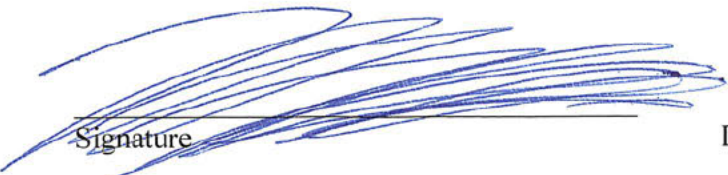


**FEES:**

Total Number of Adjoining Property Owners	X \$7.00 =	
	+ Fee	\$75.00
	TOTAL	

**PART V.**

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) 519 South 19th  
708 AVE E. Enclosed are the true and accurate names and addresses of all adjacent property owners. I understand that the City may require additional information, or waive certain requirements, in order to make a decision on the request at any time during the process.

  
Signature

Date 3/26/2026





**CITY OF OPELIKA - BZA**  
**STAFF REPORT**  
April 14, 2026

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Applicant: Ken Pylant, III, representing Pyson, LLC.

Property: 519 S 7<sup>th</sup> Street and 708 Avenue E

Existing Zone: C-2

Request:

1. Requesting a 20-foot front yard variance from the 30 foot front yard setback requirement
2. Requesting a 15-foot front yard variance from the 25 foot side yard on street setback requirement
3. Requesting a 20-foot front yard variance from the 30 rear front yard setback requirement

**Proposal**

The applicant is requesting multiple setback variance request for a proposed townhome project at the corner of Avenue E and South 7<sup>th</sup> Street. The applicant previously received approval from the Opelika Planning Commission for 16 units in four buildings. The properties are located in the Southside Geneva Historic District and subject to final approval by the HPC.

The buildings are designed to face towards South 7<sup>th</sup> Street and Avenue E. Buildings in the historic district require Historic Preservation Commission review. While the HPC looks at architecture, materials, and style, they also review setback, podium, form, and height. The buildings in the district rarely meet the C-2 setback standards. Along this block and the one below, the street setbacks range from 0 to approximately 25 feet. In most cases they are between 7-12 feet from the property line. These buildings face multiple streets. Along S. 7<sup>th</sup> and Avenue E, the applicant is showing a 10-foot setback. Staff believes that this setback is generally consistent with the building on the adjacent blocks. This would need to be reviewed by the HPC. Setbacks for historic properties are an item of review for our upcoming zoning ordinance update.

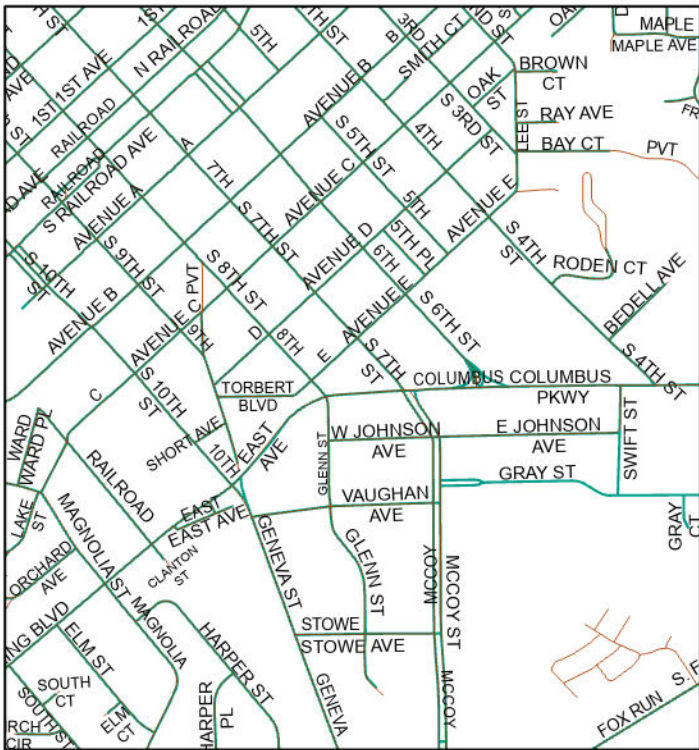
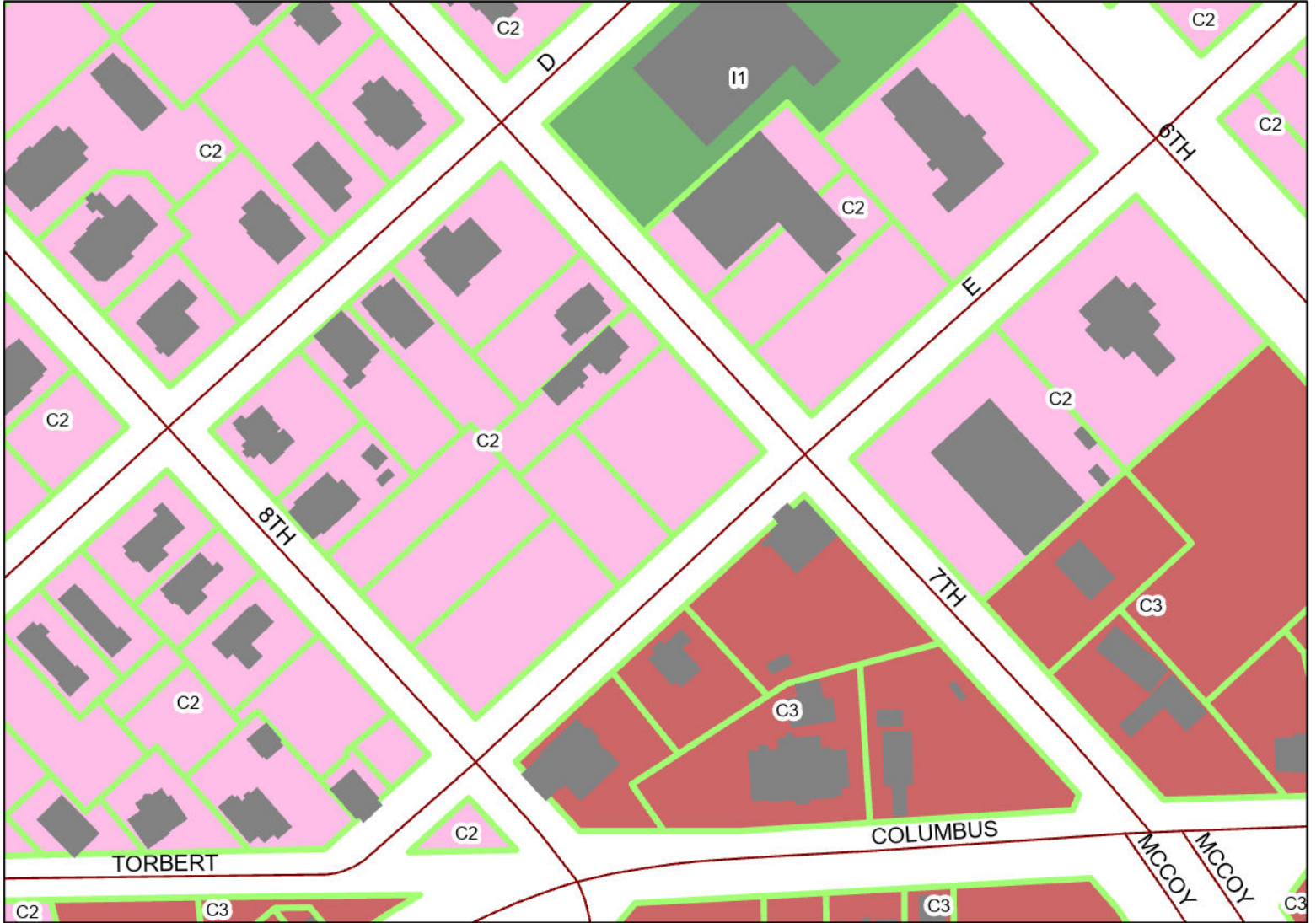
Residential projects in the C-2 are required to meet the R-5 standards. This technically moves the front setback from 30 to 25 feet, the rear from 30 to 20 feet, and the side on street from 25 to 20 feet. This reduces the needed variance between 5-10 feet for each request.

Based on the historic setbacks in this area, staff believes the proposed setbacks are appropriate. The variances should be slightly less because the actual setbacks are less than shown. The variance should be tied to this general site plan.

**Recommendation**

Staff believes that this request would allow the development to be more in character to the existing neighborhood. Staff recommends approval of the proposed variances based on the site plan presented. If granted by the ZBA, the use would still require Historic Preservation Commission approval for the structures. Additionally, staff recommends the variances be conditioned to this site plan.

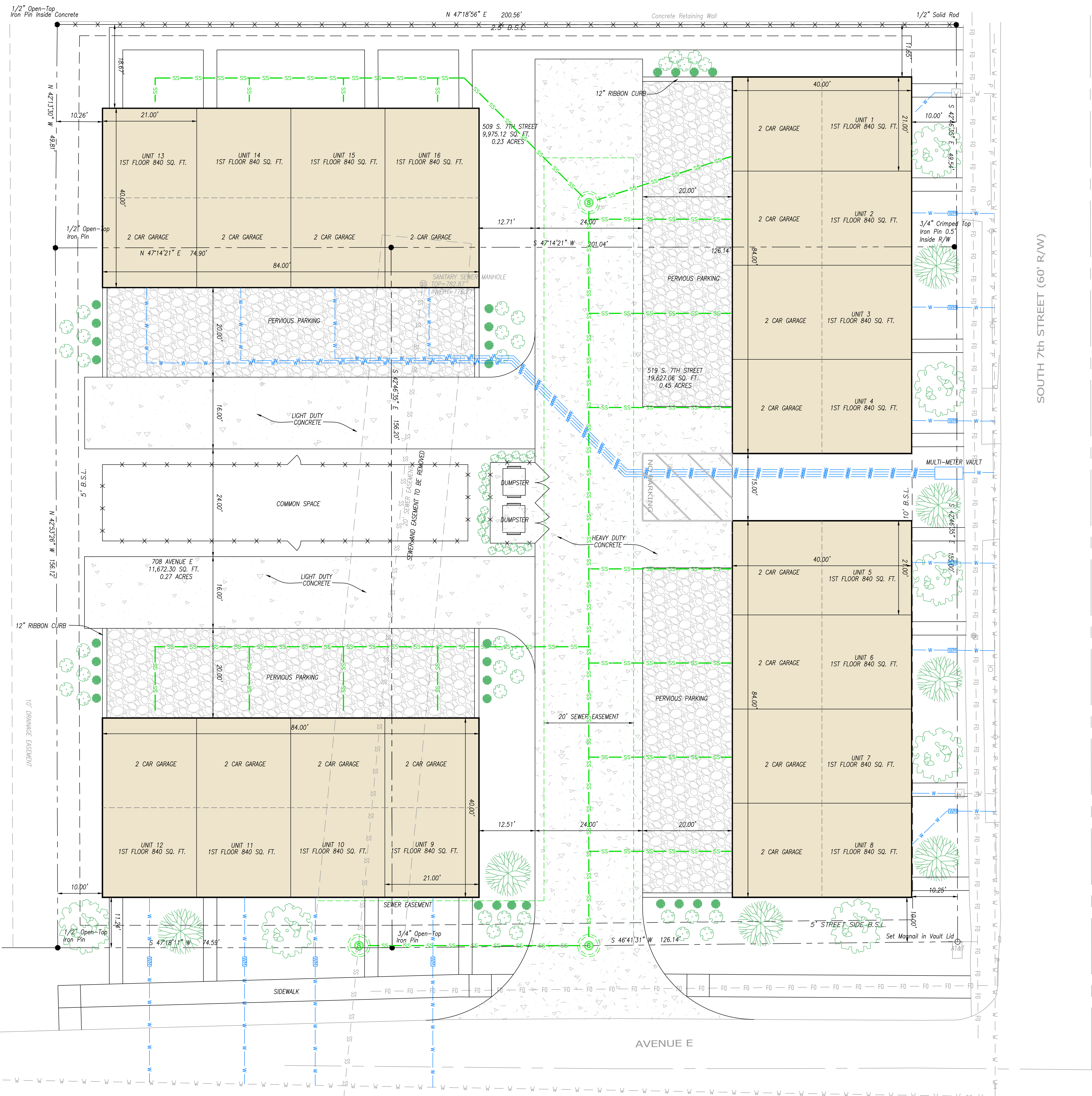
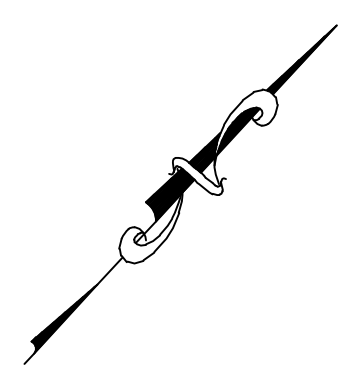
**PYSON LLC SETBACK VARIANCE REQUEST  
519 SOUTH 7TH STREET & 708 AVENUE E  
FRONT, SIDE and REAR SETBACKS, B-2**



The applicant is requesting front, side and rear setback variances for a 16-unit townhome development in a C-2 zone, and also in the Geneva Street Historic District. The proposed townhome 10 foot front setbacks and side setbacks near the property lines are consistent with the existing buildings in the same block.



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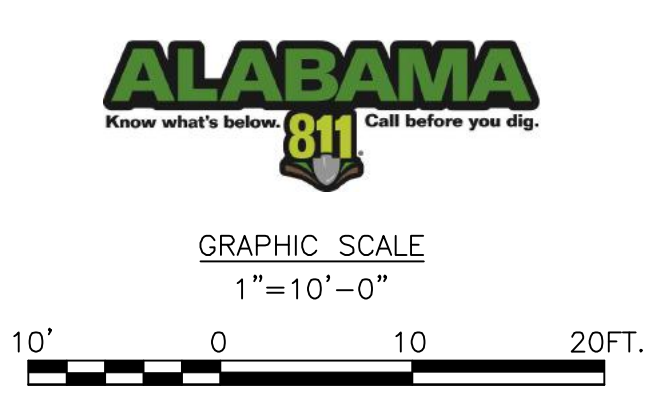
- PROJECT NOTES:**
1. SITE = 3 PARCELS TOTALING 41,274 SF, 0.95 ACRES
  2. ZONING DISTRICT: C-2 (CONDITIONAL USE REQUESTED)
  3. CURRENT LAND USE: VACANT  
PROPOSED USE: TOWNHOMES (16 UNITS)
  4. PARKING SPACES PROVIDED = 16 SPACES (2 PER UNIT)
  5. BUILDING DESIGN SUBJECT TO CHANGE.

**REFERENCE:**

BOUNDARY SURVEY FOR  
 PYTHOG, LLC  
 JAMES D. MILLER  
 DBA BOLES SURVEYING  
 9324 LEE ROAD 146  
 OPELIKA, AL 36804  
 OFFICE (334) 610-1956  
 CELL (334) 742-8152  
 jim\_miller@pythog.com  
 JULY 21, 2021

SOUTH 7th STREET (60' R/W)

AVENUE E



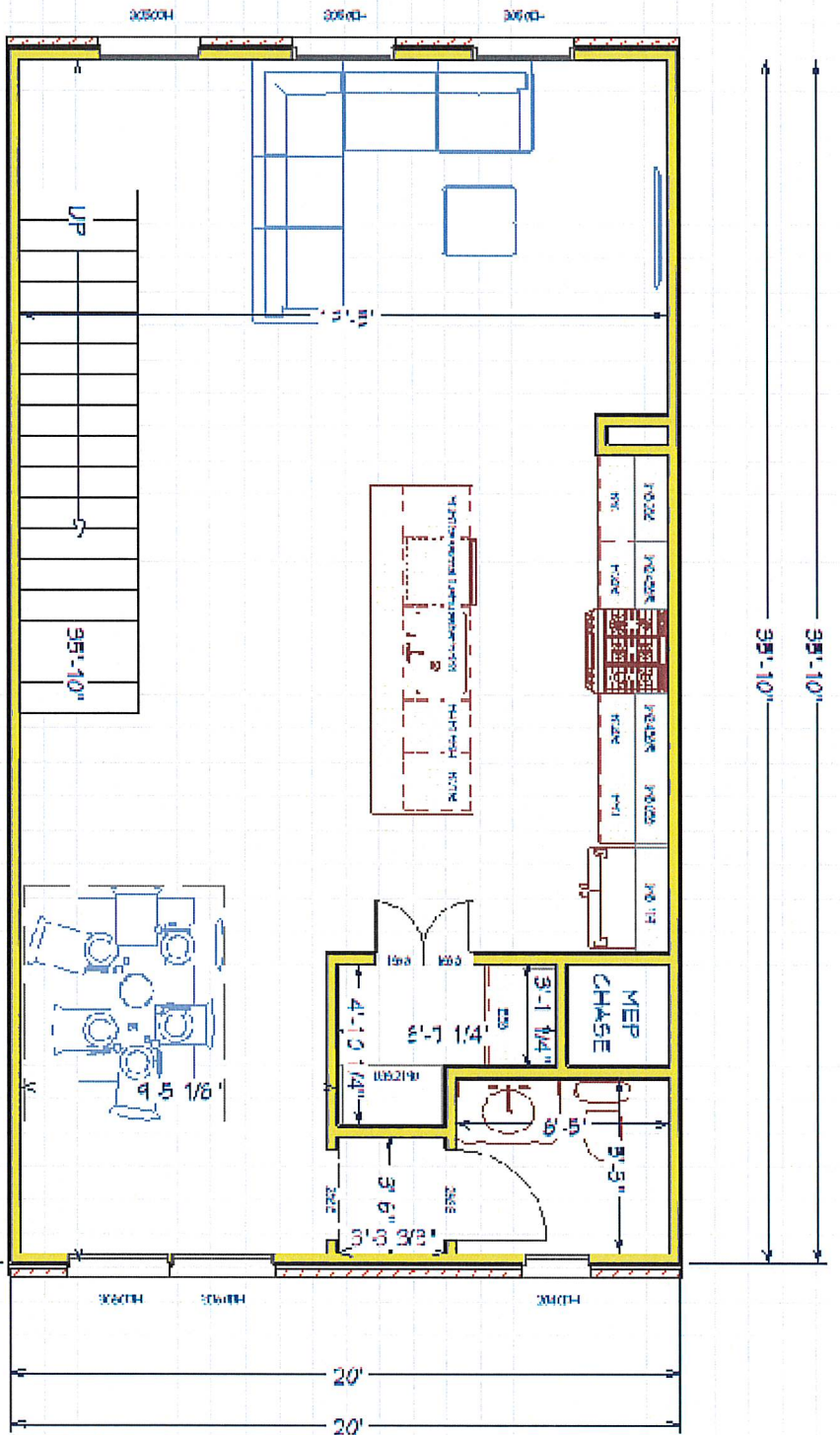
**PROPOSED SITE  
 7TH STREET & AVENUE E  
 OPELIKA, ALABAMA**

ISSUED:

JOB NO: PYTHOG  
 DRAWN BY: AMH  
 CHECKED BY: BFL  
 DATE: 14 FEB 2025  
 SCALE: 1" = 10'-0"

**PROPOSED  
 SITE PLAN**





**LIVING AREA**  
 722 SQ FT



