



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

300 Martin Luther King Blvd.

**July 14, 2026**

**TIME: 9:00 AM**

A. APPROVAL OF MINUTES

B. VARIANCE

1. Lee Tharp, Kadre Engineering, authorized representative for The Palmer Group, LLC property owner, 300 S 7th Street, C-2 zoning district, (R-5 standards apply for residential developments in commercial zones). Requesting three setback variances: (1) Requesting a 15' front yard setback variance from the minimum 25' front yard setback requirement, (2) requesting a 10' side yard on street setback variance from the minimum 20' side yard on street setback requirement (3) requesting a 3' side yard setback variance from the minimum 10' side yard setback requirement. (Item carried over from June meeting due to lack of quorum.)
2. Richard Hayley, Hayley Investments LLC, property owner, 500 Avenue A, C-2 zoning district (R-5 standards apply for residential developments in commercial zones). Requesting three variances: (1) requesting a 53 square foot lot size variance from the minimum 7,500 sf lot size requirement, (2) requesting a 15 foot front yard setback variance from the minimum 30-foot front yard setback, (3) requesting a 10 foot side yard on street setback variance from the minimum 20' side yard on street setback. (Item carried over from June meeting due to lack of quorum.)

*“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.

**April 14, 2026**

**TIME: 9:00 AM**

## A. APPROVAL OF MINUTES

The City of Opelika Zoning Board of Adjustment held its regular monthly meeting April 14, 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 Tipi Miller, Mrs. Raven Harvis, Mr. Brandon Hilyer, Mr. Chris Anthony

**MEMBERS ABSENT:** Mrs. Micah Melnick, Mrs. Angela George

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

**CALL TO ORDER:** Chair Wilbert Payne called the meeting to order at 3:00 p.m.

### **Approval of Zoning Board of Adjustment Minutes February 10, 2026**

<b>RESULT:</b>	Passed
<b>MOVER:</b>	Position 7 Chris Anthony
<b>SECONDER:</b>	Position 2 Brandon Hilyer
<b>AYES:</b>	Position 1 Miller, Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
<b>NAYS:</b>	None
<b>ABSTAIN:</b>	None

## 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.

Mr. Mosley presented the staff report to the Zoning Board of Adjustment for a variance request by Mable Jones, property owner, 305 Ballard Avenue. He stated that the request is for a 2.4% variance increase to exceed the 40% maximum size allowed for accessory structures to 42.4%. The applicant has an existing 10 x 20 structure in the rear yard and would like to install an additional 12 x 32 accessory structure to store items that are currently being stored under a carport cover. The home is 1,375 sf. The 40% of the principal dwelling unit would be 550 sf. The existing and proposed buildings would be 584 sf.

**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.**

*Chair Payne opened the public hearing.*

**Laura Doolittle**, sister of the applicant, stated that she and Mable Jones have lived in the house for 30 years, have completed a remodel and are storing extra items under the carport cover. The accessory building will allow them to store those items and use the carport cover for parking again.

*Chair Payne closed the public hearing.*

**Approve a 2.4% variance increase to exceed 40% maximum size allowed for accessory structure to 42.4%**

<b>RESULT:</b>	<b>Passed</b>
<b>MOVER:</b>	Position 2 Brandon Hilyer
<b>SECONDER:</b>	Position 4 Raven Harvis
<b>DISCUSSION:</b>	<b>Chair Payne</b> inquired about the neighbors' objections.
	<b>Mr. Mosley</b> stated that there have been no complaints from neighbors.
<b>AYES:</b>	Position 1 Miller, Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
<b>NAYS:</b>	None
<b>ABSTAIN:</b>	None

2. Ken Pylant III, authorized representative for Pyson, LLC, property owner, 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.

Mr. Mosley presented the staff report to the Zoning Board of Adjustment for a request made by Ken Pylant III representing Pyson, LLC, for setback variances at 519 S. 7th Street and 708 Avenue E. He stated that the applicant previously received approval from Opelika Planning Commission for 16 units in four buildings. These buildings face multiple streets: S. 7th Street and Avenue E. Residential projects in the C-2 zone 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 of the 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.

**Recommendation**

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

*Chair Payne opened the public hearing.*

No comments.

*Chair Payne closed the public hearing.*

**Motion to approve the variance as written**

**RESULT:** Passed  
**MOVER:** Position 2 Brandon Hilyer  
**SECONDER:** Position 7 Chris Anthony  
**DISCUSSION:** **Mrs. Miller** inquired about height restrictions in the area.  
  
**Mr. Mosley** stated that staff looked at what is comparable to other structures in the area, but ultimately Historic Perseveration has the final word.  
  
**Mrs. Miller** asked about how many parking spots per unit in the proposal.  
  
**Mr. Mosley** stated that two parking spots are required for residential units. This proposal would have four spaces per unit. Additionally, on-street parking is being considered.  
**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 9:19 a.m.**

**RESULT:** Passed  
**MOVER:** Position 1 Tipi Miller  
**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**

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

Agenda Item

B-1

The Parmer Group, LLC

300 S. 7<sup>th</sup> Street



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



DATE: 5/11/26	Zoning Board of Adjustment Meeting Date: JUNE 9, 2026
Case Number:	Meeting Deadline: MAY 19, 2026

**PART I. OWNER / APPLICANT INFORMATION**

Hayley Invetments LLC [REDACTED]  
*Owner Name* *Address* *Phone*

Precision Surveying [REDACTED]  
*Agent Name (if applicable)* *Address* *Phone*

**PART II. PARCEL INFORMATION**

Street Address: 500 Avenue A Opelika AL 36801

Current Zoning: C2

Current Land Use: Vacant Lot

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)**

I would like to place two residential units on this property but am 53 SF short of the minimum lot size of 7,500 SF as shown on the Plat attached. This is also to be filed with the setback variance to reduce the setbacks in order to be compliant with the other homes along this street.

Setback	Required	Proposed	Amount of Variance
Front	<del>30</del> 25	10	<del>20</del> 15
Side	10	10	0
Side	20 with street	10	<del>10</del> 10
Rear	<del>30</del> 20	20	<del>10</del> 0

R-5 setback standards: F=25' , S=10' , S with street = 20' , R = 20'

**PART IV.**

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? Current residential house have similiar setbacks to this request. In order to have similiar placement on the lot similiar setbacks would be necessary.

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? Yes, other developed lots have setbacks less than the zoning ordinance requires.

3) Will the proposed variance alter the character of the area? If so, how? No, there are other parcels within a block that have zero setbacks as well as existing building on the subject parcel that do not meet the zoning ordinance setback requirements.

**Provide the Names and Addresses of ALL adjoining Property Owners:**

See attached for complete list.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**FEES:**

Total Number of Adjoining Property Owners 12	X \$7.00 =	\$84.00
	+ Fee	\$75.00
	TOTAL	\$159.00

**PART V.**

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) 300 S 7th Street. 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 4/29/2026

**CITY OF OPELIKA - BZA**  
**STAFF REPORT**  
June 23, 2026

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Applicant: Lee Tharp, Kadre Engineering, representing The Parmer Group, LLC.

Property: 300 S 7<sup>th</sup> Street and Avenue C

Existing Zone: C-2

Request:

1. Requesting a 15-foot front yard variance from the 25 foot front yard setback requirement
2. Requesting a 10-foot front yard variance from the 20 foot side yard on street setback requirement
3. Requesting a 3-foot front yard variance from the 10 rear front yard setback requirement

**Proposal**

The applicant is requesting multiple setback variance request for a proposed townhome project at the corner of Avenue C and South 7<sup>th</sup> Street. The applicant previously received approval from the Opelika Planning Commission for 20 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 C. 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. Residential projects in the C-2 are required to meet the R-5 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 C, the applicant is showing a 10-foot setback. Setbacks for historic properties are an item of review for our upcoming zoning ordinance update.

Based on the historic setbacks in this area, staff believes the proposed setbacks are appropriate. The variance should be tied to this general site plan.

**Recommendation**

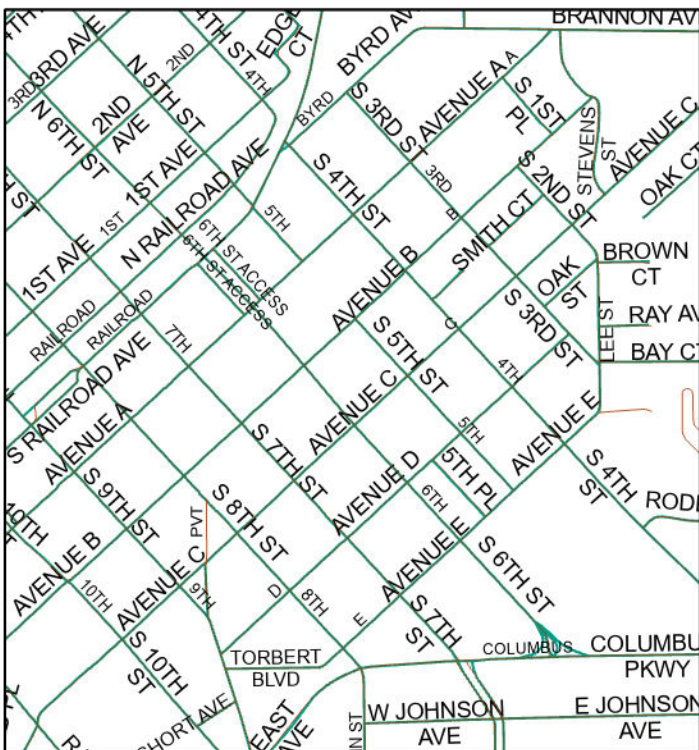
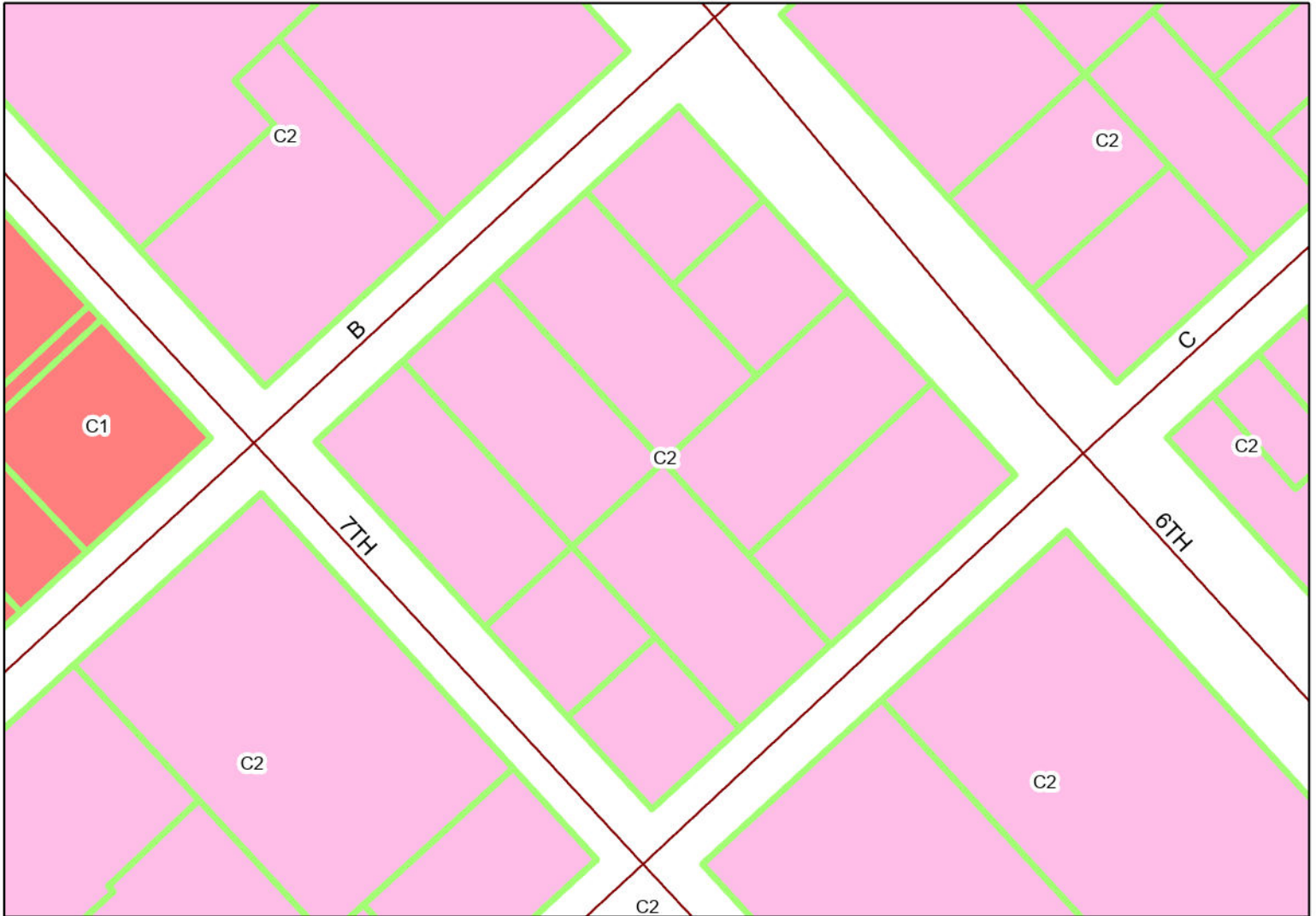
Staff believes that this request would allow the development to be more in character to the existing neighborhood. Staff recommends approval of the proposed variances based on the site

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.

# THE PALMER GROUP VARIANCE REQUEST

## 300 SOUTH 7TH STREET

### FRONT, SIDE ON STREET, & REAR SETBACKS, B-1



The applicant is requesting setback variances in the front, side on street, and rear yards for 20 townhome units. The development was granted conditional use approval at the March 2026 Planning Commission meeting.



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.

2745 358  
Recorded in the Above  
DEEDS Book & Page  
04-23-2025 03:30:02 PM  
Jere Colley - Probate Judge  
Lee County, AL  
Book/Pg: 2745/358  
Term/Cashier: AAPJ01 / JNB  
Tran: 32365.485195.628428  
Recorded: 04-23-2025 15:30:23  
DFE Deed Tax  
Recording Fee  
Total Fees: \$ 171.00

157.00  
14.00

STATE OF ALABAMA )  
 )  
COUNTY OF LEE )

**GENERAL WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS: That, for and in consideration of TEN (\$10.00) DOLLARS, and other good and valuable consideration, this day in hand paid to the undersigned Grantor(s), **Hara, LLC, an Alabama Limited Liability Company**, (hereinafter referred to as "Grantor(s)"), the receipt whereof is hereby acknowledged, the Grantor(s) does hereby give, grant, bargain, sell and convey unto the Grantee(s), **The Parmer Group, LLC, an Alabama Limited Liability Company**, (hereinafter referred to as "Grantee(s)"), together with every contingent remainder and right of reversion, their heirs and assigns, the following described real estate, situated in Lee County, Alabama, to-wit:

**Lots 1-A, 1-B, 1-C, and 2-A, Block I, Byrd Lands according to and as shown by Totten's Official Real Estate Map of the City of Opelika, Alabama, 1930, of record in Town Plat Book 2, at Page 9, in the Office of the Judge of Probate of Lee County, Alabama.**

**This conveyance and the warranties hereinafter contained are made subject to any and all restrictions, easements, covenants, and rights- of-way of record in said county affecting said described property.**

**Deed Reference: Book 2694, Page 968.**

TO HAVE AND TO HOLD to the said Grantee, their successors and assigns in fee simple forever.

And Grantor(s), does for Grantor(s), its/their heirs, successors, executors and administrators, covenants with Grantee(s), and with its/their heirs and assigns, that Grantor(s) is/are lawfully seized in fee simple of the said Real Estate; that Grantor(s) is/are free from all encumbrances, unless otherwise noted above; and that Grantor(s) has a good right to sell and convey the same as aforesaid; that Grantor(s) will, and its/their heirs, executors and administrators, shall warrant and defend the same to said Grantee(s) and its/their heirs and assigns, forever against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hands and seals, this 23rd day of April 2025.

**Hara, LLC**

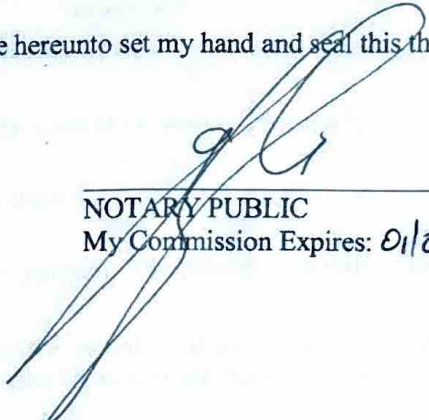


**Manish Desai, Managing Member**

STATE OF ALABAMA     )  
                                  :  
COUNTY OF LEE        )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Manish Desai** whose name as **Manager** of **Hara, LLC**, is signed to the forgoing conveyance and who is known to me, acknowledged before me on this date, that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 23rd day of April 2025.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: 01/28/28

This instrument prepared by:  
Travis R. Wisdom  
The Wisdom Firm, LLC  
2353 Bent Creek Rd, Suite 100  
Auburn, AL 36830  
25-230



**SETBACK REVIEW FOR  
RESIDENTIAL STRUCTURES, ADDITIONS  
AND ALTERATIONS  
PLANNING DEPARTMENT  
700 FOX TRAIL OPELIKA, AL 36801  
P: (334) 705-5156 F: (334) 705-5159**



Applicant Name: Lee Tharp, Kadre Engineering Phone&Email: [REDACTED]  
 Address of Construction Site: 300 S 7th Street Zoning District: C2  
 Name of Property/Project Owner: The Parmer Group, LLC Phone&Email: [REDACTED]

The Building Official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a map or plat drawn to scale and showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance: *(Section 3.2 Approval of Plans and Issuance of Building Permit)*

**Minimum Plan Submittal Requirements** *[Attach map/plat to this application]*

On a map or plat drawn to scale show the following in sufficient detail:

1. The actual shape, proportion and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot including the distance of all structures from property lines.
3. The existing and intended use of all such buildings or other structures.

4. The setback and sidelines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

	SETBACKS	
	Proposed	Required
Front:	<u>10</u>	<u>30</u>
Side:	<u>10</u>	<u>25</u>
Side:	<u>7</u>	<u>10</u>
Rear:	<u>20</u>	<u>30</u>

5. When site plan review is required, further detailed information shall be provided as required in Section 8.16 of this ordinance.

**APPROVAL & SIGNATURES**

I, the undersigned applicant/property owner/beneficiary, certify that I have read and examined this application and know the application and all plan submittals are true and correct. I understand that I am required to construct the *commercial structure, addition, or alteration (or move a commercial structure) in all respects as described in this application and according to plans attached.* I understand that all regulations governing the construction of the commercial structure or addition be complied with whether specified herein or not.

Lee Tharp 4/29/2026  
 Signature of Applicant/property owner/beneficiary Print Name date

**Comments/Notes:**

The layout, circulation, access, and existing site features necessitate a reduction in the Zoning Ordinance setbacks. Multiple lots in the area currently have setbacks below the prescribed distances.

\_\_\_\_\_  
 Planning Department date Reviewed & Approved

**Real Estate Sales Validation Form**

*This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1*

Grantor's Name: Hara, LLC Grantee's Name: The Parmer Group, LLC  
 Mailing Address: [REDACTED] Mailing Address: [REDACTED]  
 Property Address: 315 South 6th Street Date of Sale: April 23, 2025  
Opelika, Al 36801-5031  
 Total Purchase Price \$785,000.00  
 or  
 Actual Value \$  
 or  
 Assessor's Market Value \$

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

Bill of Sale  
 Sales Contract  
 Closing Statement  
 Appraisal  
 Other \_\_\_\_\_

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

**Instructions**

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available. Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1(h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Dated: April 23, 2025

Print Travis Wisdom

Unattested

Sign [Signature]

(verified by)

(Grantor/Grantee/Owner/Agent) circle one

File Number: 25-230

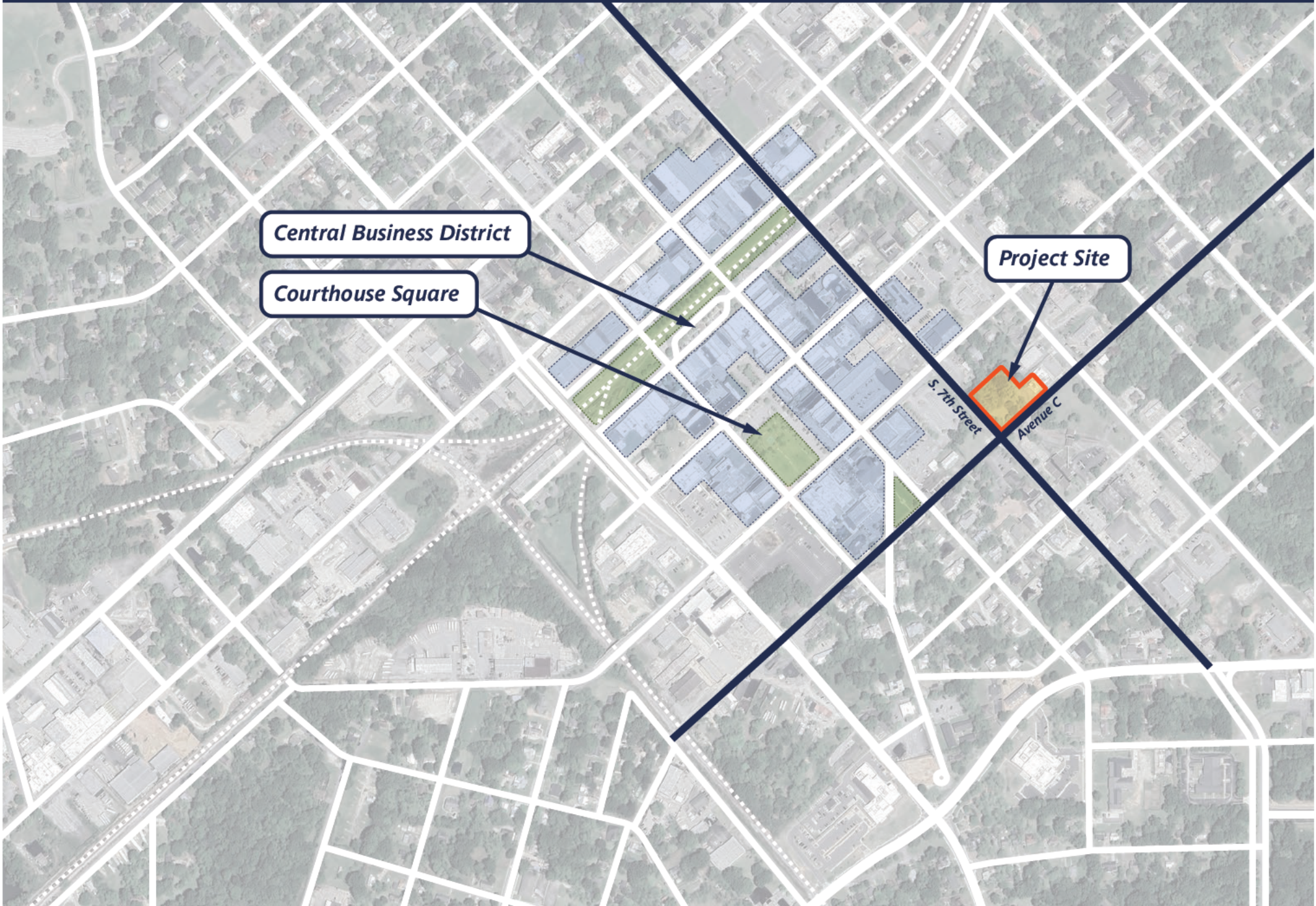


# South 7th Street & Avenue C Rowhouses

Downtown Opelika



**ID** PARMER DEVELOPMENT  
February 25th, 2026







## BUILDING FEATURES

1. Vertically Oriented Buildings
2. Urban Composition to The Street
3. Raised Residential Entry & Private Stoop
4. Brick Facade
5. Vertically Oriented Doors & Windows
7. Appropriate Downtown Building Scale
8. Doors & Windows Set Back from Facade
9. Soldier Course Window Headers
10. Two and Three Bedroom Floor Plans
11. Transom Window Above Front Doors
12. Asphalt Roof Shingles

\* Certificate of Appropriateness previously granted by the Historic Preservation Commission in September of 2024. Project to reapply.



**18' Rowhouse Elevation**  
*Avenue C*



**22' Rowhouse Elevation**  
*S. 7th Street*

Agenda Item

B-2

**Richard Hayley, Hayley Investments, LLC**

**500 Avenue A**



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



DATE: 5/11/26	Zoning Board of Adjustment Meeting Date: JUNE 9, 2026
Case Number:	Meeting Deadline: MAY 19, 2026

**PART I. OWNER / APPLICANT INFORMATION**

Hayley Invesetments [Redacted]  
*Owner Name* *Address* *Phone*

Precision Surveying [Redacted]  
*Agent Name (if applicable)* *Address* *Phone*

**PART II. PARCEL INFORMATION**

Street Address: [Redacted]

Current Zoning: C2

Current Land Use: Vacant Lot

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)**

I would like to place two residential units on this property but am 53 SF short of the minimum lot size of 7,500 SF as shown on the Plat attached. This is also to be filed with the setback variance to reduce the setbacks in order to be compliant with the other homes along this street.

Setback	Required	Proposed	Amount of Variance
Front	30	10	20
Side	10	10	0
Side	20 with street	10	10
Rear	30	20	10

**PART IV.**

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? Current residential house have similiar setbacks to this request. In order to have similiar placement on the lot similiar setbacks would be necessary.



**CITY OF OPELIKA - BZA**  
**STAFF REPORT**  
June 9, 2026 (no quorum)  
Special Called Meeting June 23, 2026

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<b>Applicant</b>	Haley Investments LLC Precision Surveying, Representative
<b>Property</b>	500 Avenue A
<b>Existing Zone</b>	C-2 (office-retail) used for residential, apply R-5 standards
<b>Request</b>	Requesting a 88 square foot lot area variance and 19 square foot lot area variance from the minimum 7,500 sf lot area requirement. Requesting a 15 foot variance from the minimum 25 foot front yard setback requirement and a 20 foot side yard on street variance from the 10 foot side yard on street setback requirement.

**Proposal**

The applicant (property owner) purchased property with one single-family home that has been removed. The property is in a C-2 zoning district to be subdivided into two lots. When a C-2 zone property is used for residential use, the R-5 zoning standards apply. The lots are shown as divided in an attached drawing. The lot sizes will need area variances of 88 square feet on Lot 2-B-1 and 19 square feet on Lot 2-B-2 to continue the subdivision process and meet the minimum lot size of 7,500 square feet. Historic maps and Lee County show the overall parent lot at 100 x 150 feet. This would allow two lots meeting the minimum requirement. After a survey was performed, the actual boundaries are between 98 and 99 feet which creates the small difference. A review of the lots in the area show adjacent lots between 4,500 and 18,000 square feet. The difference between the proposed lots and the allowed lot configuration in the Zoning Ordinance is negligible.

The applicant has also requested a 15' front setback variance for both lots and a 10' side yard on street setback variance for Lot 2-B-2. The subject property is in an older residential and commercial mixed area that is zoned C-2 and across S 5<sup>th</sup> Street is R-4. This area seems to be redeveloping in recent years. Many of the homes along Avenue A in the neighboring blocks are built nearly on the front property line or a few feet away from the front property line. If new dwellings are constructed, this might be an affordable housing opportunity. The new construction will likely have a positive impact on homes in this neighborhood.

A review of setbacks for the existing single-family homes along Avenue A from S 6<sup>th</sup> Street to Brannon Avenue in this neighborhood provides that 19 of 23 homes do not meet the current minimum setback<sup>1</sup> in at least one yard. For example, 19 homes do not meet the minimum 25-foot front setback; the homes are setback between 0 feet and 20 feet, approximately. These homes were most likely built when there were no minimum setback requirements or homes were setback according to general guidelines. The homes are legal non-conforming concerning minimum setbacks.

### **Recommendation**

As stated in this report, most of the existing homes are nonconforming concerning setbacks, and many lots are nonconforming in lot width. Staff does not believe approving the variance request would affect the character of the neighborhood or have a special impact on the neighborhood. The proposed home would probably be more in harmony with the neighborhood if the variance request were approved and provide an affordable housing opportunity. **Staff recommends approval for a 15 foot variance from the minimum 25 foot front yard setback requirement and a 20 foot side yard on street variance from the 10 foot side yard on street setback requirement.**

There is no hardship in this variance request based on the lot's physical characteristics, such as a triangular lot, severe slopes, or water features. However, decreasing the lot area by 88 square feet and 19 square feet from the minimum 7,500 sf requirement to 7,412 and 7,481 sf is minor, unnoticeable, and should not be a disadvantage or harm to the adjacent properties. **Staff recommends an 88 and 19 square foot lot area variance for two lots from the minimum 7,500 square foot lot size requirement.**

Staff does recommend that the lots be compatible with the historic home configurations in this area including roof pitch and style, similar materials, and other features. Additionally, each lot should have distinct architectural features, designs, or embellishments so that the two homes are not mirror images of each other.

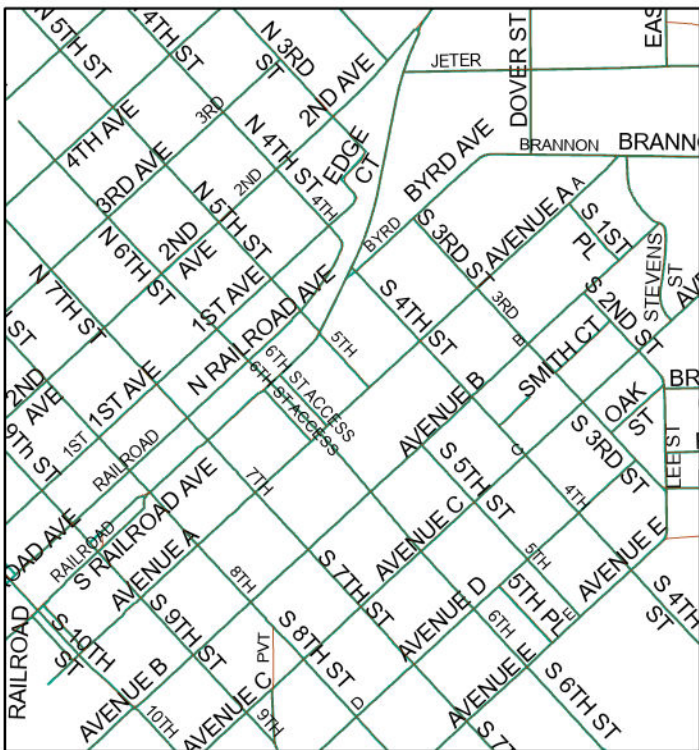
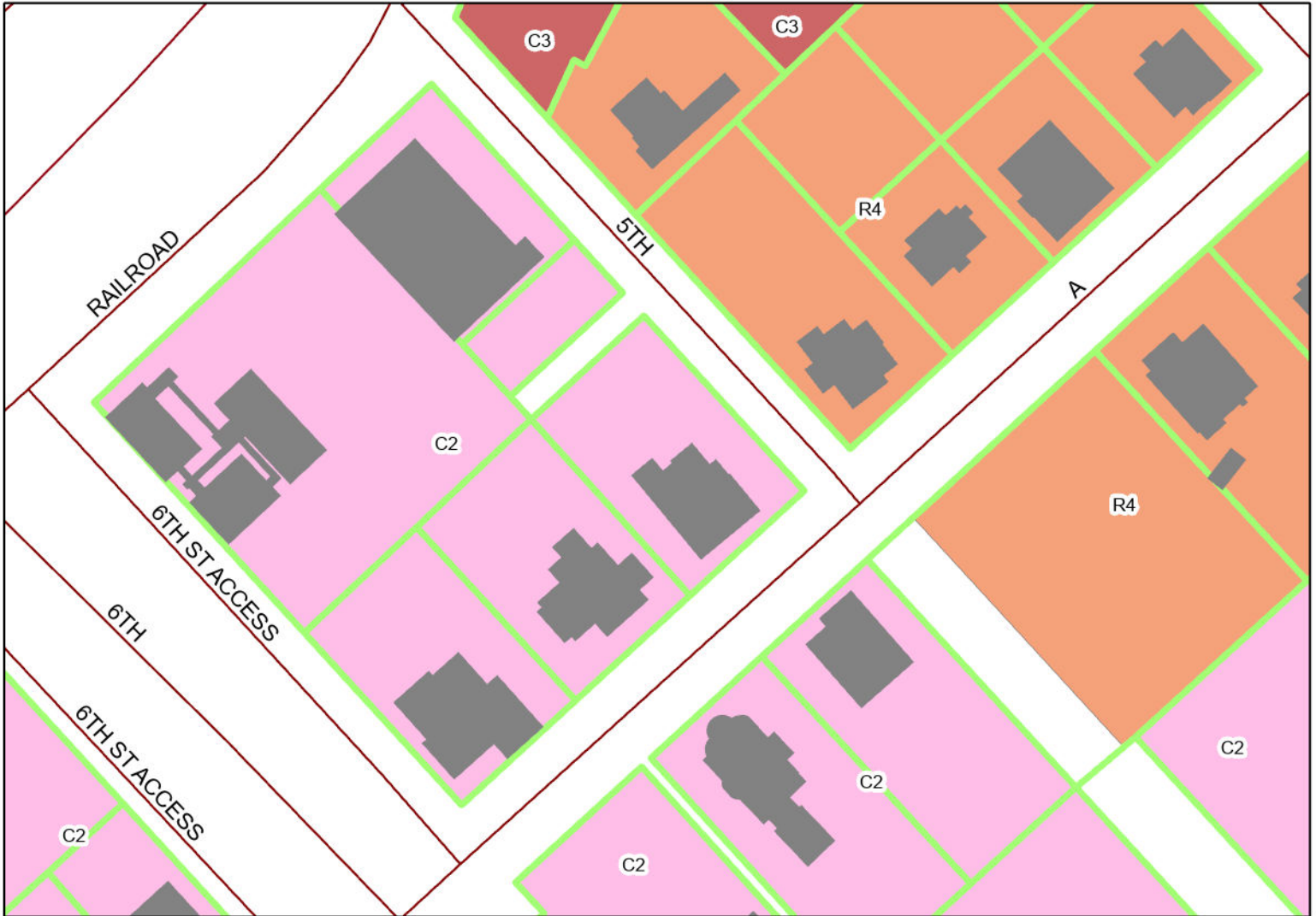
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<sup>1</sup> R-5 minimum setbacks: Front yard = 25', Side = 1', Rear = 20', Side Yard on Street = 20'

# HALEY INVESTMENT VARIANCE REQUEST

## 500 AVENUE A

### THREE BUILDING SETBACKS AND LOT AREA



The applicant is requesting three setback variances and a lot area variance to construct a single family home. The property is in a C-2 zone near the C-1 downtown 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.

STATE OF ALABAMA )  
 )  
COUNTY OF LEE )

**WARRANTY DEED**

2503 290  
Recorded in the Above  
DEEDS Book & Page  
01-12-2017 03:03:46 PM  
Bill English - Probate Judge  
Lee County, AL

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the premises and the sum of Ten Dollars (\$10.00), and other good and valuable considerations to the undersigned Grantor, Sue Anne Burt, as Successor Trustee of the James M. Burt Management Trust dated January 21, 2010, in hand paid by Grantee, Hayley Investments, LLC, an Alabama Limited Liability Company, the receipt whereof is hereby acknowledged, said Grantor does hereby grant, bargain, sell and convey unto the said Grantee, the following described real property situated in Lee County, Alabama, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION.

Deed Reference: Book 2397, Page 319.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever. And Grantor does for herself and for her heirs, executors and administrators covenant with the said Grantee, its successors and assigns, that she, in her capacity as Successor Trustee of said Trust, is lawfully seized in fee simple of said premises; that they are free from all encumbrances with the exception of Ad Valorem taxes for the year 2017; that she, in said capacity, has a good right to sell and convey the same as aforesaid; that she will, and her successors and assigns shall, warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Grantor, in her capacity as Successor Trustee of the James M. Burt Management Trust dated January 21, 2010, has hereunto set her hand and seal this the 11<sup>th</sup> day of January, 2017.

**JAMES M. BURT MANAGEMENT TRUST DATED  
JANUARY 21, 2010**

BY: Sue Anne Burt (SEAL)  
**SUE ANNE BURT, Successor Trustee**

STATE OF FLORIDA  
COUNTY OF Palm Beach

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Sue Anne Burt, whose name as Successor Trustee of the James M. Burt Management Trust dated January 21, 2010, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said conveyance, she, in said capacity and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said Trust.

Given under my hand and official seal this 11<sup>th</sup> day of January, 2017.

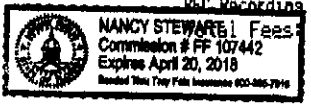
(SEAL)

Nancy Stewart  
NOTARY PUBLIC  
MY COMMISSION EXPIRES

Book/Pg: 2503/290  
Term/Cashier: SCAN2 / NT  
Tran: 17756.255485.341290  
Recorded: 01-12-2017 15:03:56  
DFE Deed Tax  
DFC Recording Fee

14.00  
14.00

Grantee's Address: 902 Floral Street  
Opelika AL 36801



A lot located in the City of Opelika, Alabama, Page 1  
 bounded on the South by Fitzpatrick Avenue and more particularly described by a survey made by Geo. L. Boles, on December 16, 1958, as follows: Begin at the Southeast corner of Section 12, Township 19 North, Range 26 East, Lee County, Alabama, thence due North to a point 1696.8 feet North of said Southeast corner of said Section 12; thence due West 972.7 feet to the point of beginning, said point of beginning being 150 feet in a Southwesterly direction from the Northwest corner of the intersection of said Fitzpatrick Avenue and said Simmons Street; thence South 78 degrees 00 minutes West a distance of 209.7 feet to a point, said point being 25 feet in a Northerly direction from the center of Fitzpatrick Avenue; thence North 3 degrees 30 minutes West a distance of 270.14 feet to a point; thence South 87 degrees 15 minutes West a distance of 58.1 feet to a point; thence North 2 degrees 5 minutes West a distance of 124.4 feet to a point; thence North 86 degrees 43 minutes East a distance of 226.3 feet to a point; thence South 0 degrees 55 minutes East a distance of 70 feet to a point; thence North 89 degrees 55 minutes East a distance of 50.0 feet to a point; thence South 1 degree 24 minutes East a distance of 290.7 feet, more or less, to the point of beginning, said lot comprising 2.0 acres, more or less, and being in the City of Opelika, Lee County, Alabama.

The property intended to be conveyed is further described as Parcel 43-09-01-12-4-001-029.000 on the records of the Revenue Commissioner of Lee County, Alabama.

Real Estate Sales Validation Form

2503 292  
DEEDS Book & Page

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name Sue Anne Burt as Successor Trustee of the James M. Burt  
Mailing Address Management Trust dated January 21, 2010  
44Cocoanut Row, Unit 21B  
Palm Beach, FL 33480

Grantee's Name Hayley Investments LLC  
Mailing Address 902 Floral Street  
Opelika AL 36801

Property Address 1195 Elliott Avenue  
Opelika AL 36801

Date of Sale 01/12/17  
Total Purchase Price \$ 40000.00  
or  
Actual Value \$ \_\_\_\_\_  
or  
Assessor's Market Value \$ \_\_\_\_\_

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

- Bill of Sale
- Sales Contract
- Closing Statement
- Appraisal
- Other \_\_\_\_\_

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 1/12/17

Print CELESTINE S. MARTIN

Unattested \_\_\_\_\_

(verified by)

Sign \_\_\_\_\_

(Grantor/Grantee/Owner/Agent) circle one

Print Form

Form RT-1



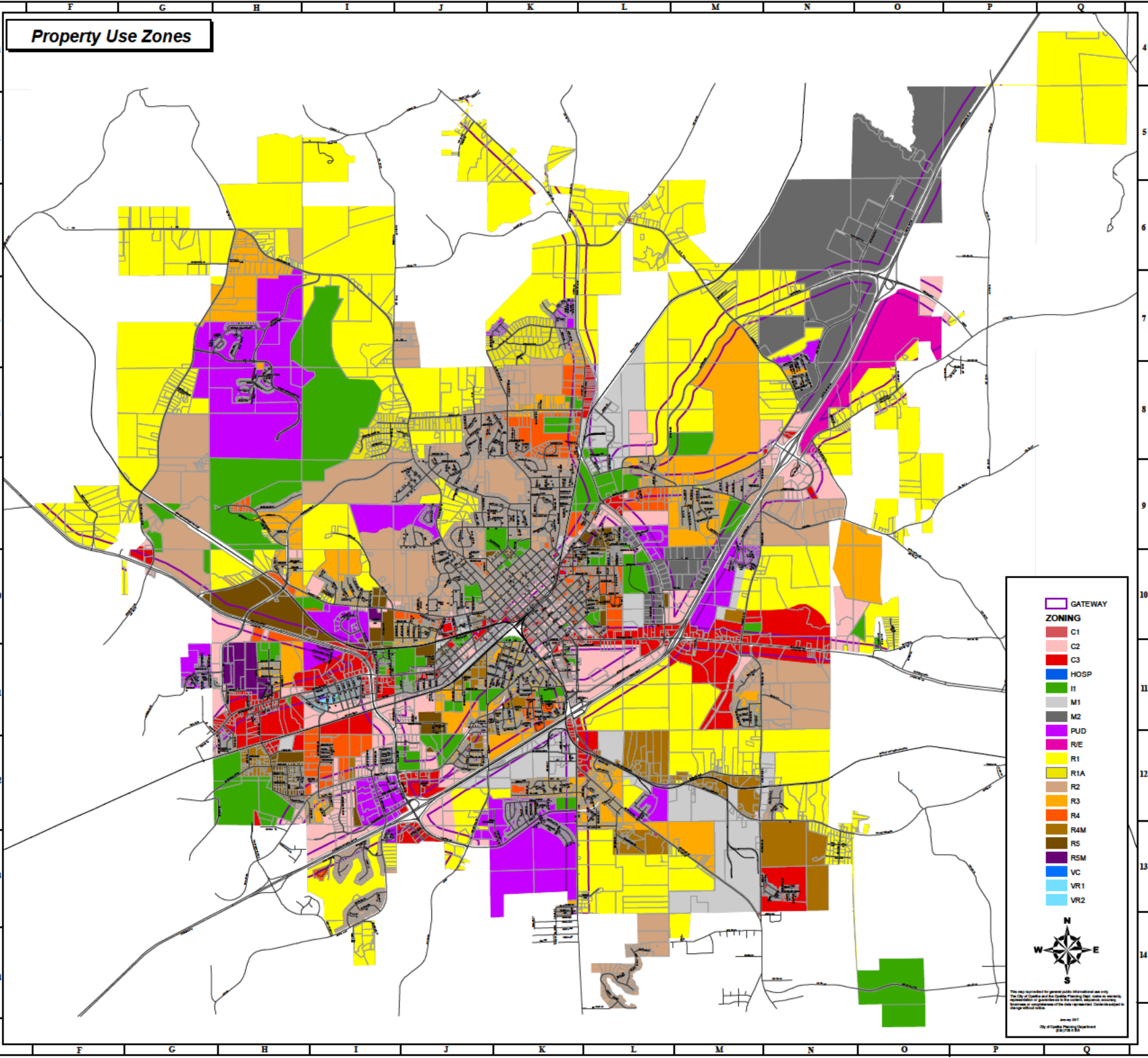


# City of Opelika Alabama

Street Finder

- A. Ashburn Dr. 0.11
- Ashton Dr. 0.12
- Ashton Dr. 0.13
- Ashton Dr. 0.14
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## Property Use Zones



**ZONING**

- GATEWAY
- C1
- C2
- C3
- HOSP
- I1
- M1
- M2
- PUD
- R/E
- R1
- R1A
- R2
- R3
- R4
- R4M
- R5
- R5M
- VC
- VR1
- VR2

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June 2017  
City of Opelika, Alabama  
257213

