



**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 Parmer 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

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

RESULT:	Passed
MOVER:	Position 2 Brandon Hilyer
SECONDER:	Position 4 Raven Harvis
DISCUSSION:	Chair Payne inquired about the neighbors' objections.
AYES:	Mr. Mosley stated that there have been no complaints from neighbors. Position 1 Miller, Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	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. 7th 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 Invesetments 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	30 25	10	20 15
Side	10	10	0
Side	20 with street	10	10 10
Rear	30 20	20	10 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
July 14, 2026

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

Property: 300 S 7th 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 side yard variance from the 10 side 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 7th 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.

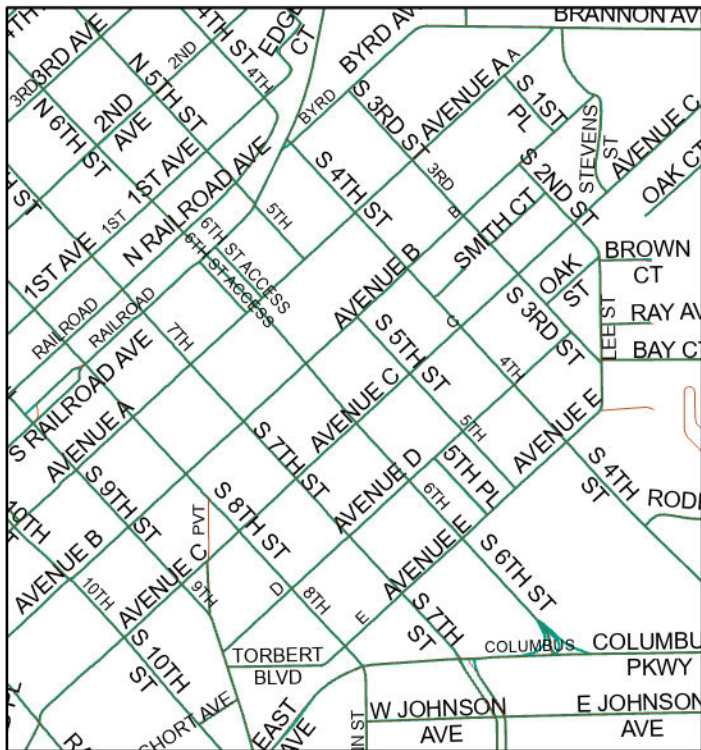
The buildings are designed to face towards South 7th Street and Avenue C. Buildings in the historic district require Historic Preservation Commission review. While the HPC looks at architecture, materials, and style, they also review setback, podium, form, and height. The buildings in the district rarely 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. 7th 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 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



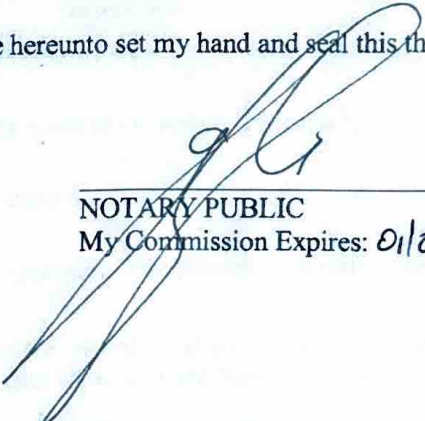
Manish Desai, Managing Member

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

SETBACKS

	<u>Proposed</u>	<u>Required</u>
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>

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.


Signature of Applicant/property owner/beneficiary

Lee Tharp

Print Name

4/29/2026

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

ZONING: C-2

ADJACENT ZONING: C-2

PROPERTY AREA: 1.38 AC.

DENSITY: 14.49 UNITS/AC.

TOTAL PROPOSED UNITS: 20

PROPOSED USE: TOWNHOME RESIDENTIAL

PARKING REQUIREMENTS: 2 SPACES PER UNIT

TOTAL REQUIRED PARKING: 40 SPACES

PARKING PROVIDED: 40 (ONSITE), 57 TOTAL

SETBACKS:

- FRONT: 10'
- REAR: 20'
- SIDE: 10'



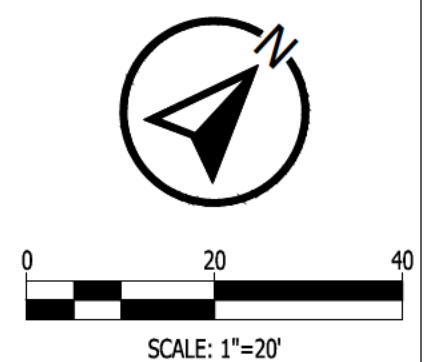
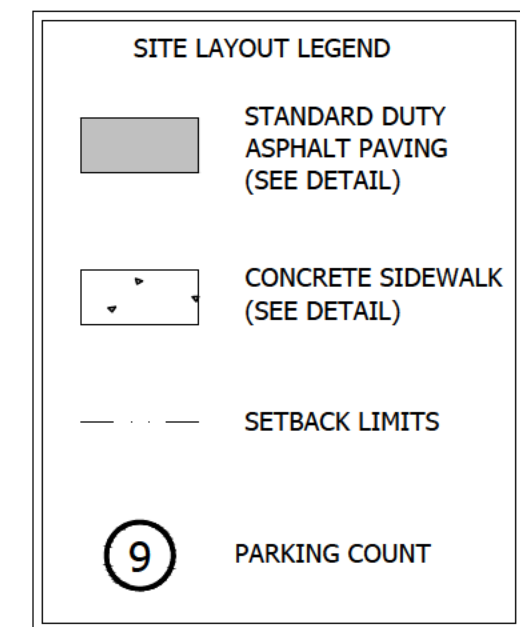
KADRE
ENGINEERING
BIRMINGHAM • AUBURN • ORANGE BEACH

[illegible]

SHEET TITLE:
LAYOUT PLAN

DRAWN BY:	CLT
CHECKED BY:	CLT
DATE:	02-28-2025
PROJECT NUMBER:	PROJ #
SCALE:	SEE PLAN
SHEET NUMBER:	

C1.0



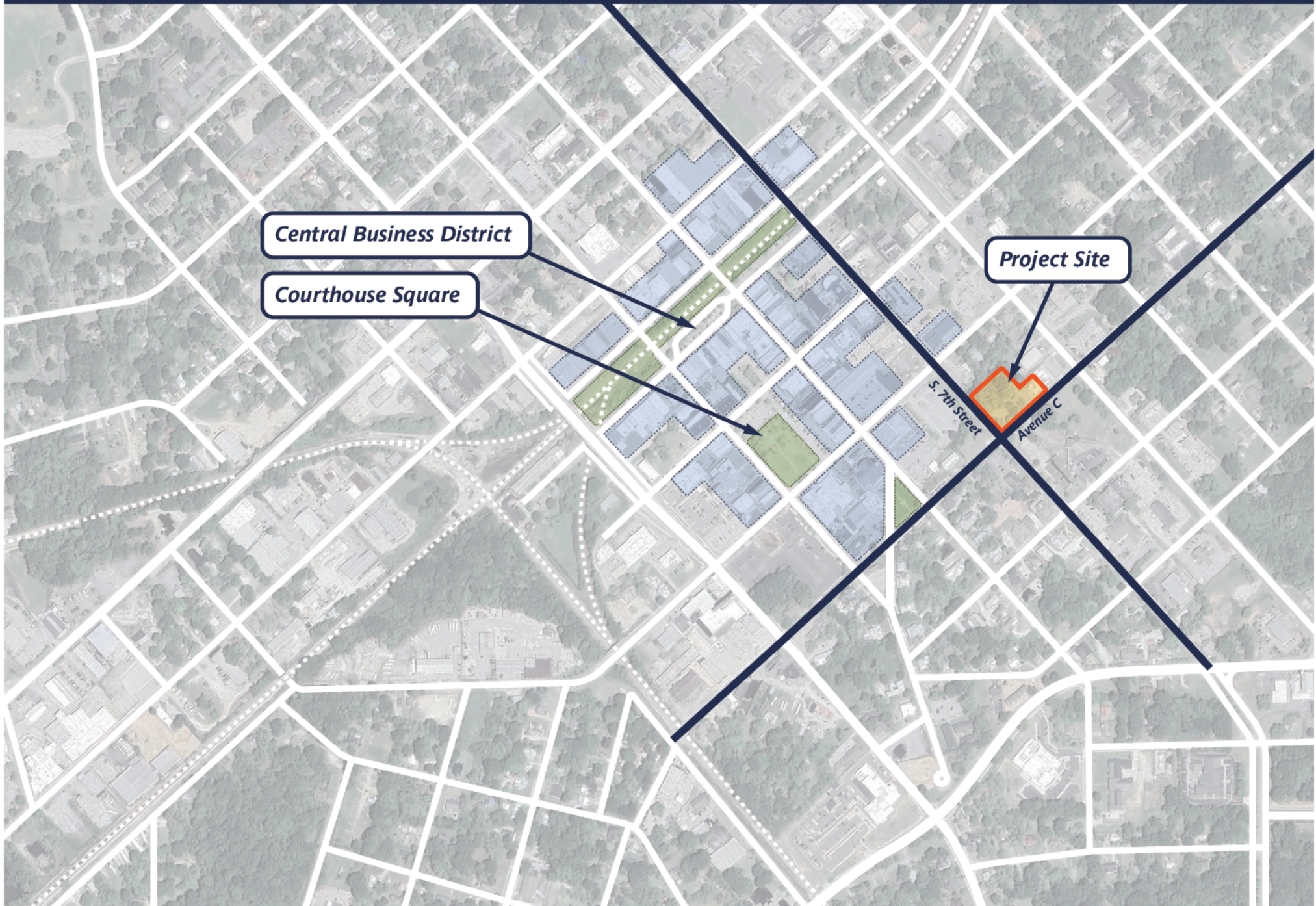
South 7th Street & Avenue C Rowhouses

Downtown Opelika



ID PARMER DEVELOPMENT

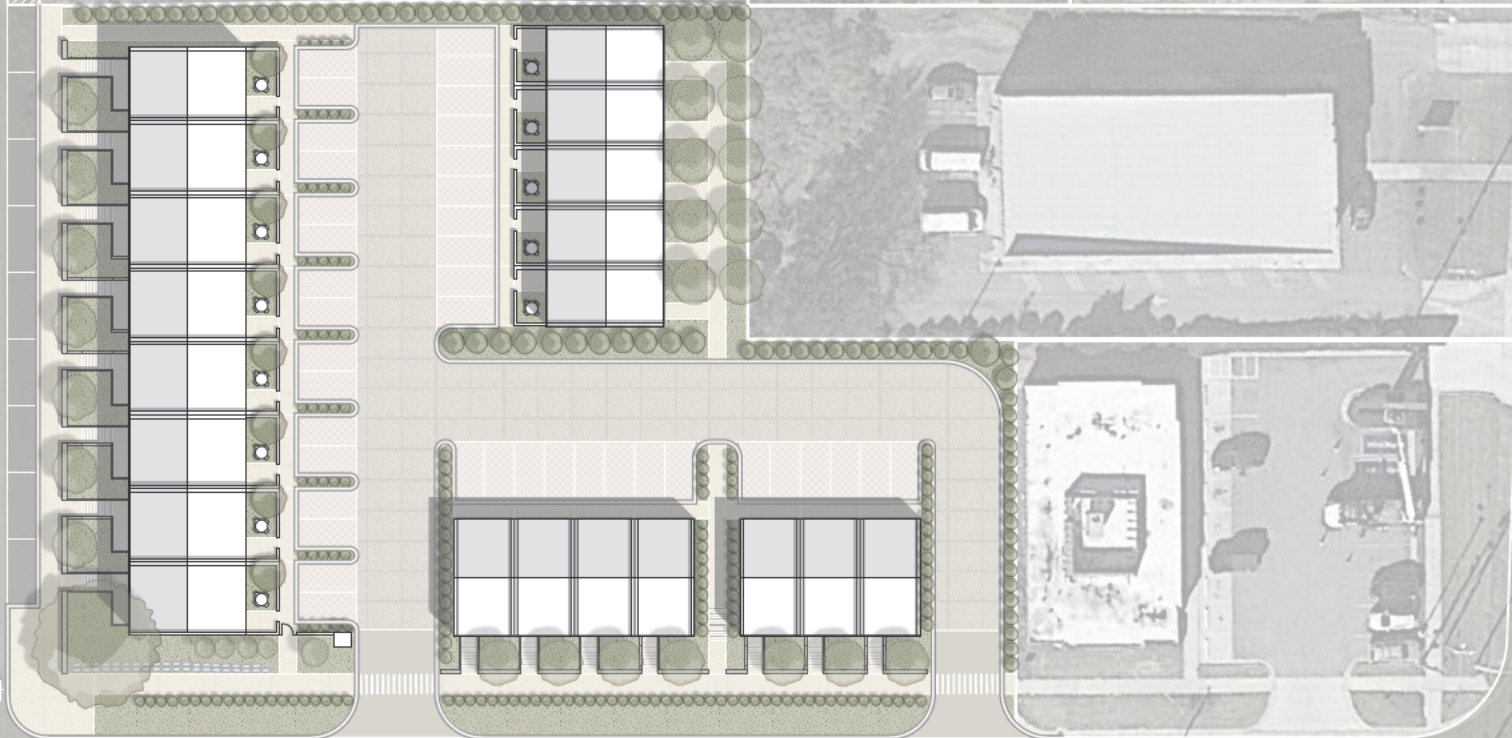
February 25th, 2026



South 7th Street

South 6th Street

Avenue C





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 X 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.

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? No. This would be in compliance with other houses along the street. If not granted a commercial business would be built more likely to be opposed by neighbors.

3) Will the proposed variance alter the character of the area? If so, how? It will meet the current layout of the existing homes.

Provide the Names and Addresses of ALL adjoining Property Owners:

FEES:		
Total Number of Adjoining Property Owners	X \$7.00 =	30
	+ Fee	\$75.00
	TOTAL	105

PART V.

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) Richard Hayley . 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

5/18/2026
Date

CITY OF OPELIKA - BZA
STAFF REPORT
July 14, 2026

Applicant	Haley Investments LLC Precision Surveying, Representative
Property	500 Avenue A
Existing Zone	C-2 (office-retail) used for residential, apply R-5 standards
Request	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 the 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 shows 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 5th 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 6th Street to Brannon Avenue in this neighborhood provides that 19 of 23 homes do not meet the current

minimum setback¹ 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.**

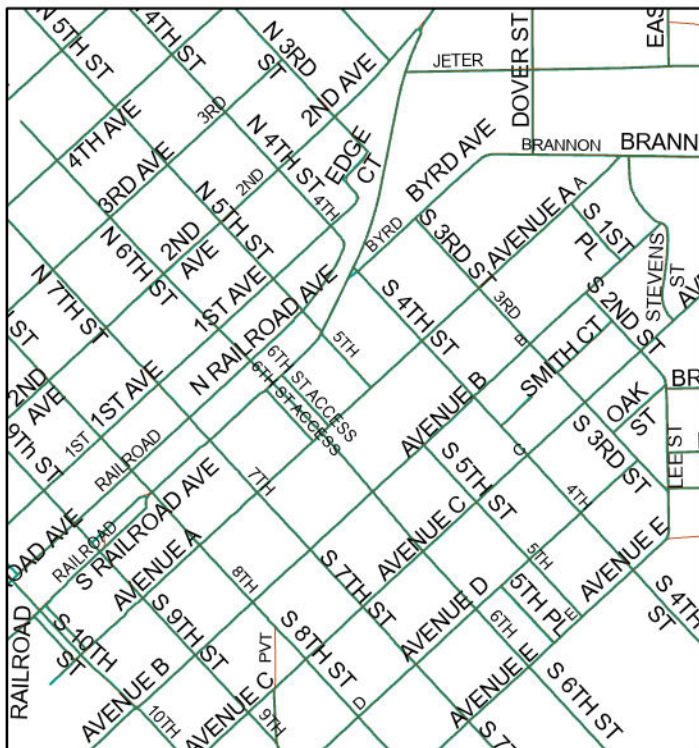
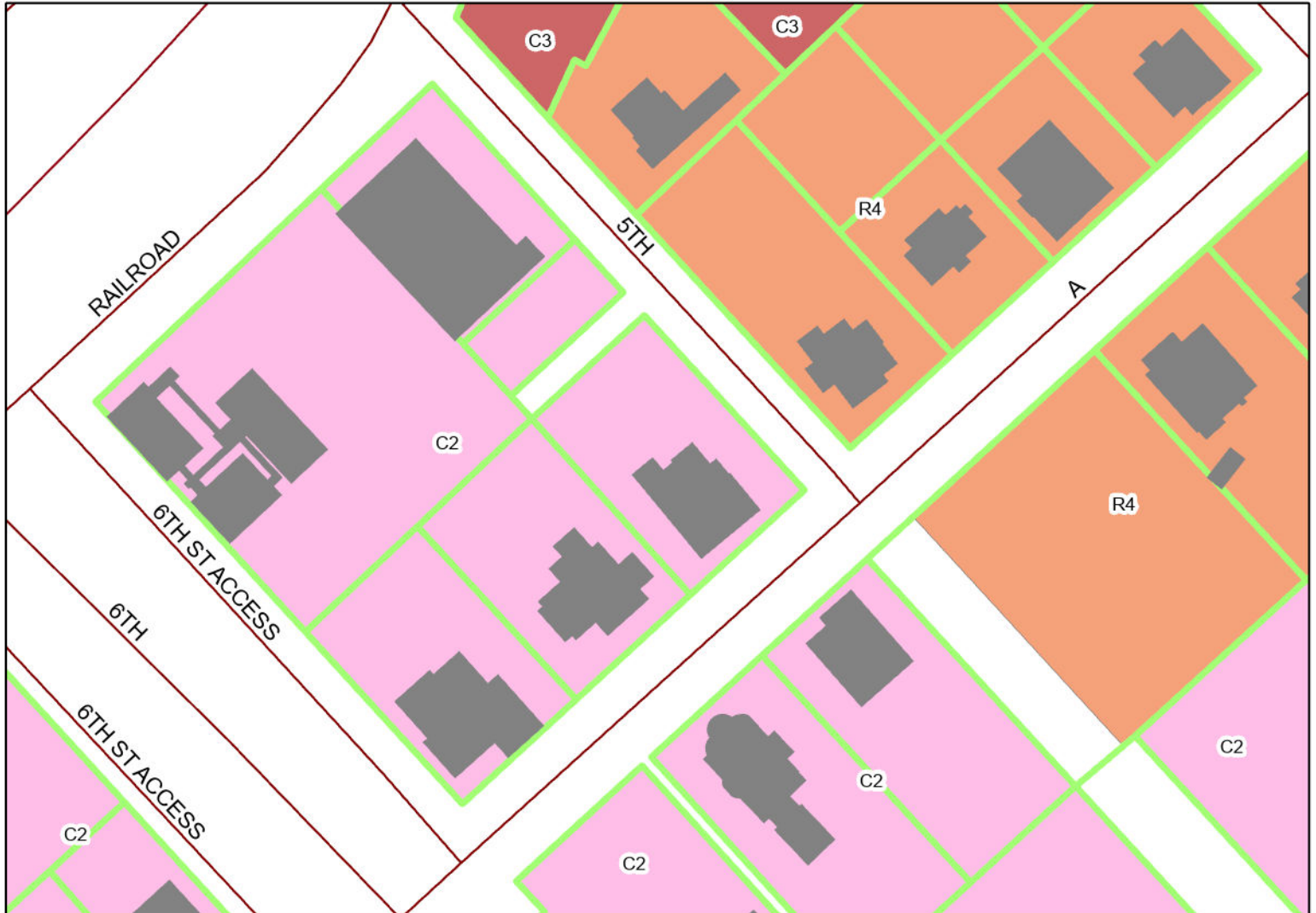
Staff does recommend that the lots be compatible with the historic home configurations in this area including roof pitch and style, similar materials, and other features. Additionally, each lot should have distinct architectural features, designs, or embellishments so that the two homes are not mirror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

¹ 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 Enalish - 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 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.

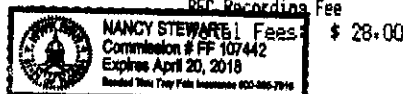
Given under my hand and official seal this 11 day of January, 2017.

(SEAL)

NOTARY PUBLIC
MY COMMISSION EXPIRES

Book/Pg: 2503/290
Term/Cashier: SCAN2 / NT
Tran: 17756.253485.341290
Recorded: 01-12-2017 15:03:56
DFE Deed Tax
REC Recording Fee

Grantee's Address: 902 Floral Street
Opelika AL 36801



14.00
14.00

2503 291

A lot located in the City of Opelika, Alabama, 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. MCKINNEY

Unattested

Sign _____
(Grantor/Grantee/Owner/Agent) circle one

(verified by)

Print Form

Form RT-1

TOTTENS MAP OF OPELIKA
REDIVISION OF LOT 2-B
BLOCK 42
SEC 07 T 19 N R 26 E
OPELIKA, LEE COUNTY, ALABAMA

State of Alabama
Lee County

I, Michael T Maher, a Licensed Land Surveyor of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of practice for the surveying in the State of Alabama to the best of my knowledge, information, and belief.

In witness whereof, I have hereunto set my hand and seal on this the ____ day of _____, 2026.

Michael T Maher, Alabama License No. 29993
Not a certified survey unless signed and stamped with my seal.

State of Alabama
Lee County

I, Kurt Hayley, as managing member of Hayley Investments LLC, owner of the real property shown on this plat, hereby join in the statement of Michael T Maher, and certify that it was and is my purpose to subdivide the lands so platted as shown,

In witness whereof, I have hereunto set my hand on this the ____ day of _____, 2026.

Kurt Hayley — managing member
Date

State of Alabama
Lee County

I, the undersigned authority, a Notary Public in and for said county, in said state, certify that Kurt Hayley, as managing member of Hayley Investments LLC, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

In witness whereof, I have hereunto set my hand and seal on this the ____ day of _____, 2026.

Notary Public: _____ My commission expires: _____

Approved by the Opelika City Planning Director, Opelika, Alabama:

Director: _____
Date: _____

Approved by the Opelika City Planning Chairman, Opelika, Alabama:

Chairman: _____
Date: _____

Approved by the Opelika Water Board, Opelika, Alabama:

Opelika Utilities Board: _____
Date: _____

Approved by the Opelika City Engineer, Opelika, Alabama:

Engineer: _____
Date: _____

Reviewed by Opelika Power Services, Opelika, Alabama:

Opelika Power Services: _____
Date: _____

Approved by the Opelika Public Works Department:

Public Works Director: _____
Date: _____

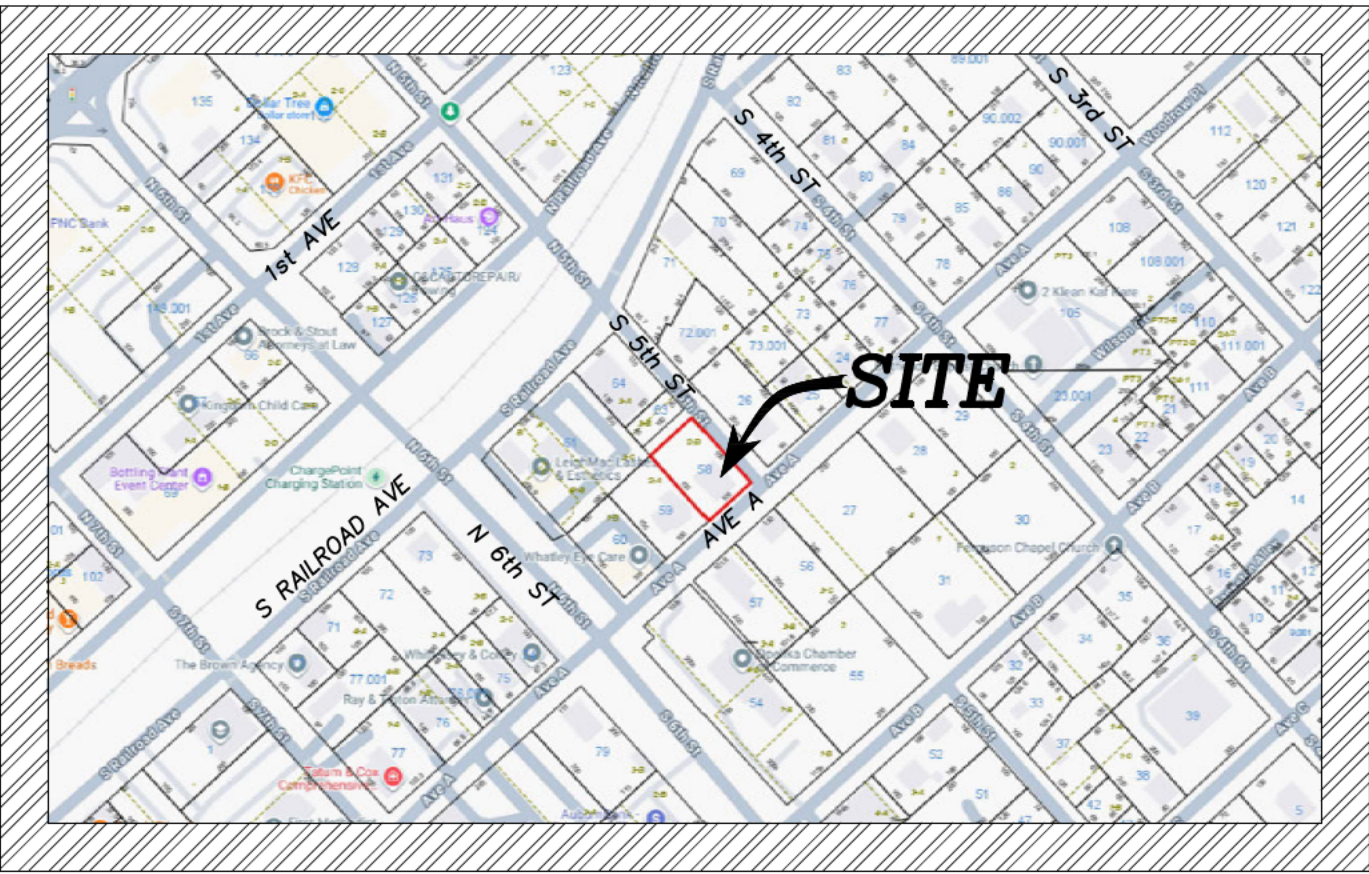
LEGEND
(M) = MEASURED
(R) = RECORDED
OTP = OPEN TOP PIPE
CTP = CRIMPED TOP PIPE
IPF = IRON PIN FOUND
IPS = IRON PIN SET (CA-788)
CA-788 = PRECISION SURVEYING
● = IRON PIN FOUND
○ = 1/2" REBAR SET (CA-788)
■ = HUB SET
△ = CALCULATED POINT
⊕ = WATER METER
⊙ = POWER POLE
-X- = WIRE FENCE
-// = WOOD FENCE
-o-o- = CHAIN LINK FENCE

GRAPHIC SCALE 1"=20'
20' 0 20' 40' 60'

- NOTES:
- SOURCE OF INFORMATION: DEED BOOK 1919 PAGE 268
 - DATE OF FIELD SURVEY: 3-27-2026; DATE OF OFFICE WORK: 3-31-2026
 - BEARINGS BASED ON STATE PLANE COORDINATES, NAD 1983, ALABAMA EAST ZONE, US FOOT. COORDINATES SET USING RTK GPS, ALDOT CORRS AS CONTROL.
 - SITE SERVED BY OPELIKA POWER SERVICES AND OPELIKA WATER.
 - NO PORTION OF THIS PROPERTIES LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA PANEL 01081C0069H DATED 1/17/2025.
 - AN EASEMENT IS HEREBY GRANTED TO THE CITY OF OPELIKA AND TO ANY UTILITY COMPANIES SERVING THE CITY OF OPELIKA FOR THE PURPOSE OF INSTALLING, OPERATING, AND MAINTAINING POLE LINES, GUY WIRES AND OTHER FACILITIES. EASEMENT TO BE TEN (10) FEET WIDE AND SHALL BE CENTERED ALONG THE FRONT AND SIDE LOT LINES OF EACH LOT.
 - THE PURPOSE OF THIS PLAT IS TO CREATE TWO (2) BUILDABLE LOTS.
 - OWNERS INFORMATION: HAYLEY INVESTMENTS LLC; PO BOX 3634; AUBURN, ALABAMA.
 - TOTAL NUMBER OF LOTS: 2
 - SIZE OF SMALLEST LOT: 7,412 SF±
 - THE PURPOSE OF THIS PLAT IS TO DIVIDE LOT 2-B INTO 2 LOTS FOR 2 SINGLE FAMILY RESIDENCES.

43 10 03 07 4 002 027.000
MARCA PROPERTIES LLC
PO BOX 809
OPELIKA, AL 36803

VICINITY MAP NOT TO SCALE



Seal	Drawn By: ANW		2124 Moores Mill Road Suite 110 Auburn, Alabama 36830 Phone (334) 821-0105 www.precisionsurveying.biz
	Scale: 1"=20'		
	File Name: 26-0187		
	Date: 3-31-2026		
	Sheet Title: TOTTENS MAP OF OPELIKA REDIVISION OF LOT 2-B BLOCK 42 ADMINISTRATIVE PLAT		

43 10 03 07 1 001 072.001
RAMKISSOON GERALD R & WENDY KLUSKA
PO BOX 3108
AUBURN, AL 36831

LOT 3-A
43 10 03 07 4 002 064.000
RICHARDSON BRET H & RITA V
5171 LAPALOMA DR SW
LILBURN, GA 30047

LOT 3-B
43 10 03 07 4 002 063.000
RICHARDSON BRET H & RITA V
5171 LAPALOMA DR SW
LILBURN, GA 30047

43 10 03 07 4 002 026.000
ROLAND HOLDINGS LLC & STIFF PROPERTIES
307 N 6TH ST
OPELIKA, AL 36801

LOT 3-C
43 10 03 07 4 002 061.000
HAYLEY INVESTMENTS LLC
PO BOX 3634
AUBURN, AL 36831

IPS
1" REBAR
CA788

IPS
1" REBAR
CA788

LOT 2-A
43 10 03 07 4 002 059.000
C & K IRREVOCABLE TRUST
536 SEMINOLE DR
MONTGOMERY, AL 36117

LOT 1-B
43 10 03 07 4 002 060.000
W-B PROPERTIES LLC
518 AVE A
OPELIKA, AL 36801

43 10 03 07 4 002 056.000
MARCA PROPERTIES L L C
PO BOX 809
OPELIKA, AL 36803

43 10 03 07 4 002 057.000
HALL GREGORY D & TERESA P
505 AVE A
OPELIKA, AL 36801

43 10 03 07 4 002 054.000
THE HOUSING AUTHORITY OF
PO BOX 786
OPELIKA, AL 36803

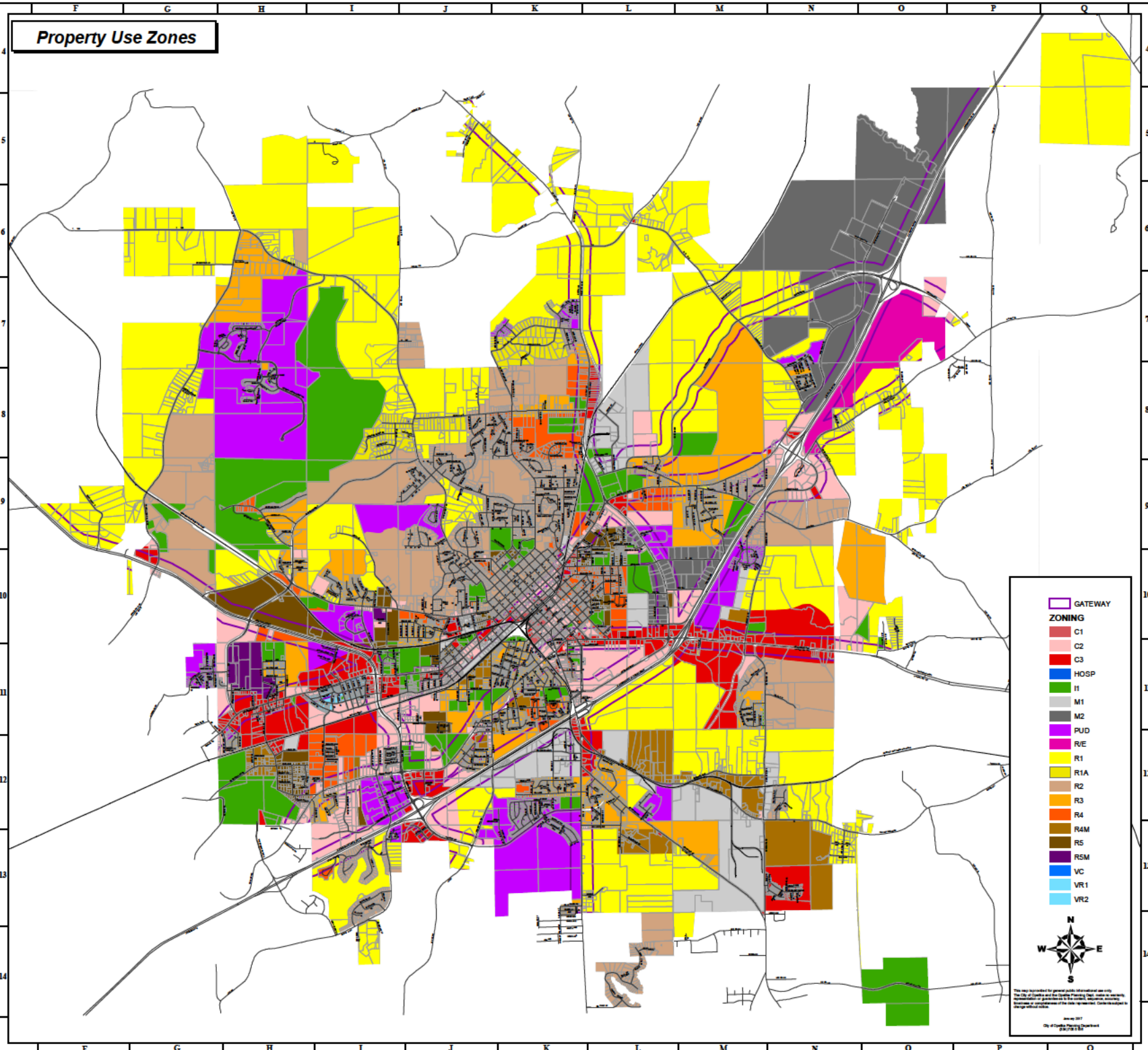


City of Opelika Alabama

Street Finder

A	Adams St. 10.1	Adams St. 10.2	Adams St. 10.3
B	Baker St. 10.1	Baker St. 10.2	Baker St. 10.3
C	Calhoun St. 10.1	Calhoun St. 10.2	Calhoun St. 10.3
D	Dallas St. 10.1	Dallas St. 10.2	Dallas St. 10.3
E	East St. 10.1	East St. 10.2	East St. 10.3
F	Fair St. 10.1	Fair St. 10.2	Fair St. 10.3
G	Gay St. 10.1	Gay St. 10.2	Gay St. 10.3
H	Hick St. 10.1	Hick St. 10.2	Hick St. 10.3
I	Irwin St. 10.1	Irwin St. 10.2	Irwin St. 10.3
J	Jackson St. 10.1	Jackson St. 10.2	Jackson St. 10.3
K	Kearney St. 10.1	Kearney St. 10.2	Kearney St. 10.3
L	Leahy St. 10.1	Leahy St. 10.2	Leahy St. 10.3
M	Madison St. 10.1	Madison St. 10.2	Madison St. 10.3
N	Nash St. 10.1	Nash St. 10.2	Nash St. 10.3
O	Oak St. 10.1	Oak St. 10.2	Oak St. 10.3
P	Park St. 10.1	Park St. 10.2	Park St. 10.3
Q	Quincy St. 10.1	Quincy St. 10.2	Quincy St. 10.3
R	Railroad St. 10.1	Railroad St. 10.2	Railroad St. 10.3
S	South St. 10.1	South St. 10.2	South St. 10.3
T	Taylor St. 10.1	Taylor St. 10.2	Taylor St. 10.3
U	Union St. 10.1	Union St. 10.2	Union St. 10.3
V	Vanderbilt St. 10.1	Vanderbilt St. 10.2	Vanderbilt St. 10.3
W	Washington St. 10.1	Washington St. 10.2	Washington St. 10.3
X	West St. 10.1	West St. 10.2	West St. 10.3
Y	York St. 10.1	York St. 10.2	York St. 10.3
Z	Zoo St. 10.1	Zoo St. 10.2	Zoo St. 10.3

Property Use Zones



ZONING

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

City of Opelika, Alabama
2017