



ZONING BOARD OF ADJUSTMENT MINUTES

300 Martin Luther King Blvd.

July 14, 2026

TIME: 9:00 AM

A. APPROVAL OF MINUTES

The Zoning Board of Adjustment held its regular monthly meeting July 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 Brandon Hilyer, Mrs. Micah Melnick, Mr. Chris Anthony, Mr. Monty Newport.

MEMBERS ABSENT: Mrs. Tipi Miller, Mrs. Raven Harvis

STAFF PRESENT:

Mr. Martin Ogren, Assistant Planning Director

Mrs. Rachel Dennis, Planner

Ms. Dana Gafford, Planning and Zoning Technician

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

Motion to approve the Zoning Board of Adjustment Minutes, April 14, 2026

RESULT:	Passed
MOVER:	Position 7 Chris Anthony
SECONDER:	Position 2 Brandon Hilyer
AYES:	Position 2 Hilyer, Position 3 Melnick, Position 5 Newport, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

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.)

Marty Ogren presented a request from Lee Tharp, Kadre Engineering, authorized representative for Parmer Group, for approval of setback variances for a proposed 20-unit townhome development located at 300 South 7th Street and Avenue C within the City's Historic District. He stated that the development had previously received approval from both the Planning Commission (March 2026) and the Historic Preservation Commission, and that the remaining approvals required from the Zoning Board involved setback variances:

- a 15-foot front yard variance from the required 25-foot front setback along South 7th Street
- a 10-foot side street setback variance from the required 20-foot setback along Avenue C
- a 3-foot side yard variance from the required 10-foot interior side setback along the north property line.

Mr. Ogren stated that the proposed layout would orient the townhomes toward South 7th Street and Avenue C in a manner consistent with the surrounding neighborhood. Eight units would front South 7th Street, seven would front Avenue C, and five units would be located within the interior portion of the development. He noted that many historic buildings within the district do not conform to current setback requirements because they predate the City's modern zoning ordinance. He advised that the City is currently evaluating amendments to its zoning ordinance to better address setback standards within historic neighborhoods. Until those amendments are adopted, staff believed the requested variances were appropriate because they would maintain the historic development pattern while remaining consistent with the approvals previously granted by the Planning Commission and Historic Preservation Commission. Staff recommended approval of all requested variances, subject to construction substantially conforming to the plans approved by those boards.

Chair Payne opened the public hearing.

Shane Dickerson 609 Avenue B: expressed concern that several of the requested setbacks represented significant reductions from the City's current zoning standards. While recognizing that many historic buildings do not meet today's setback requirements, he encouraged the Board to carefully consider the long-term purpose of setback regulations before granting the requested variances.

Stone Ray 152 Bragg Avenue, Auburn stated that the requested variances were intended to create a development pattern more representative of historic downtown Opelika by bringing the buildings closer to the street and locating parking behind the buildings rather than in front. He explained that the current setback requirements reflect suburban development patterns that conflict with the traditional urban form of the Historic District. He noted that the proposed townhomes align closely with the existing bank building remaining on the property and stated that the Historic Preservation Commission had determined the design to be compatible with the surrounding neighborhood.

Chair Payne closed the public hearing.

Motion to approve requested setback variances

RESULT: **Passed**

MOVER: Position 2 Brandon Hilyer

SECONDER: Position 3 Micah Melnick

AYES:	Position 2 Hilyer, Position 3 Melnick, Position 5 Newport, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

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.)

Rachel Dennis presented a request from Haley Investments, represented by Precision Surveying, for multiple variances associated with the redevelopment of property located at 500 Avenue A. Mrs. Dennis stated that the existing single-family residence had been demolished and that the applicant proposed subdividing the property into two residential lots for construction of two new single-family homes. Because the property is zoned C-2 but proposed for residential use, the R-5 residential development standards apply. She explained that a recent survey determined the property dimensions were slightly smaller than historical records indicated, resulting in each proposed lot falling below the required 7,500-square-foot minimum lot area. The applicant requested lot area variances of 88 square feet and 19 square feet, respectively. In addition, the applicant requested a 15-foot variance from the required 25-foot front yard setback and a 10-foot variance from the required 20-foot side street setback for the corner lot. Mrs. Dennis reviewed the surrounding neighborhood and noted that many homes along Avenue A and Fifth Street were constructed decades before adoption of the City's current zoning ordinance and already maintain legal nonconforming setbacks much closer to the street. She presented photographs and mapping showing nearby homes with front setbacks ranging from approximately 6 to 11 feet, demonstrating that the proposed homes would remain consistent with the established neighborhood development pattern.

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.

Chair Payne opened the public hearing.

Ryan Bowen, 414 Avenue A: requested clarification regarding the proposed front setback, noting that the site plan appeared to show a 10-foot building line while the variance request referenced a 15-foot reduction from the required setback. He expressed concern that locating the homes too close to Fifth Street could affect visibility, pedestrian safety, and neighborhood traffic, particularly given the narrow roadway and limited pedestrian infrastructure. He also requested that construction activities minimize impacts to adjacent residents and that adequate off-street parking be provided.

Gary Lerude, 408 N. 11th: stated that he supported replacing the former deteriorated residence with new housing and believed additional residential investment would strengthen the neighborhood. He echoed concerns regarding pedestrian safety and the lack of sidewalks, expressing hope that future improvements would enhance walkability between the neighborhood and downtown Opelika.

Teresa Hall, 505 Avenue A: stated that she supported maintaining the historic character of the neighborhood and asked whether staff's recommendations concerning architectural compatibility would be enforceable. She encouraged construction of homes that complement the surrounding historic residences through appropriate materials, roof design, and architectural detailing.

Andrew Wall, Authorized Representative, stated that the applicant preferred residential redevelopment to commercial construction permitted by the existing zoning. He clarified that the proposed homes were intended to be located approximately 18 feet from the front property line, even though the preliminary exhibit illustrated a 10-foot building line used during early design. He stated that the homes would provide adequate driveway length and parking capacity and that the developer intended to construct homes compatible with the surrounding neighborhood.

Chair Payne closed the public hearing.

Motion to approve lot area variance as requested and modify the 15-foot front yard variance on Avenue A to a 10-foot variance

RESULT:	Passed
MOVER:	Position 2 Brandon Hilyer
SECONDER:	Position 7 Chris Anthony
DISCUSSION:	Board members concluded that reducing the front yard variance would better address neighborhood concerns while allowing the project to proceed substantially as proposed. The Board modified the request to approve a 10-foot front yard variance on Avenue A, resulting in a 15-foot front setback, while approving the requested lot area variances and side street setback variance.
AYES:	Position 2 Hilyer, Position 3 Melnick, Position 5 Newport, Position 6 Payne, Position 7 Anthony

NAYS: None

ABSTAIN: None

C. ADJOURN

Motion to adjourn at 9:36

RESULT: **Passed**

MOVER: Position 3 Micah Melnick

SECONDER: Position 7 Chris Anthony

AYES: Position 2 Hilyer, Position 3 Melnick, Position 5 Newport, Position 6 Payne,
Position 7 Anthony

NAYS: None

ABSTAIN: None

Chairman Wilbert Payne

Secretary Matt Mosley