



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

300 Martin Luther King Blvd.

September 8, 2026

TIME: 9:00 AM

A. APPROVAL OF MINUTES

B. VARIANCE

1. Andrew Wall, representative for Thomas Allen, property owner, 505 Avenue D, R-4 zoning district. Requesting three setback variances, three lot area variances, and two minimum lot width variances for three lots:

Setback Variances

Lot 3-A-1: Side Yard, 3' variance from the minimum 10' side yard requirement.

Lot 3-A-2: Side Yard, 2.5' variance from the minimum 10' side yard requirement.

Lot Area Variances

Lot 3-A-1: 907 square foot variance from the minimum 7,500 sf lot area,

Lot 3-A-2: 1,451 square foot variance from the minimum 7,500 sf lot area,

Lot 3-B: 2,971 square foot variance from the minimum 7,500 sf lot area

Lot Width Variances:

Lot 3-A-1: 3.53' variance from the minimum 60-foot lot width requirement.

Lot 3-A-2: 18.23' variance from the minimum 60-foot lot width requirement.

“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.

August 11, 2026

TIME: 9:00 AM

A. APPROVAL OF MINUTES

The Zoning Board of Adjustment held its regular monthly meeting on August 11, 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: Vice Chair Brandon Hilyer, Mrs. Tipi Miller, Mrs. Raven Harvis, Mrs. Micah Melnick, Mr. Chris Anthony, Mr. Monty Newport.

MEMBERS ABSENT: Chair Wilbert Payne,

STAFF PRESENT:

Mr. Martin Ogren, Assistant Planning Director

Mrs. Rachel Dennis, Planner

Mr. Jonathan I. Smith, Principal Planner

Ms. Dana Gafford, Planning and Zoning Technician

CALL TO ORDER: Co-chair Brandon Hilyer called the meeting to order at 9:05 a.m.

Approval of Planning Commission Minutes August 11, 2026

RESULT:	Passed
MOVER:	Position 7 Chris Anthony
SECONDER:	Position 4 Raven Harvis
AYES:	Position 1 Miller, Position 2 Hilyer, Position 3 Melnick, Position 4 Harvis, Position 5 Newport, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

B. VARIANCE

1. Kevin Lyons, authorized representative for Harlow Conci LLC, property owner, 609 Geneva Street, C-2, GC-S zoning district, Requesting a 2'3" side yard variance from the minimum 10-foot side yard setback.

Mrs. Rachel Dennis presented a request from Kevin Lyons, representing Harlow County, LLC, for a side yard setback variance for property located at 609 Geneva Street. The applicant is under contract to purchase the existing residence and proposes to adaptively reuse the structure as a small restaurant. The requested variance is associated with construction of an addition containing a commercial kitchen.

She stated that the existing single-family residence was constructed in the 1930s and is located within the Geneva Street Historic District. The property immediately to the north is Memorial Garden Park, which is part of the Opelika Library complex. Although other nearby properties contain residences, properties on three sides of the subject site are zoned for commercial use, and this portion of Geneva Street contains a mixture of residential and commercial uses.

Mrs. Dennis explained that the applicant requested a 2-foot, 3-inch variance from the required 10-foot side yard setback. The angle of the northern property line, combined with the orientation of the existing building and proposed kitchen addition, limits the available buildable area. As a result, only a small corner of the proposed addition would extend into the required setback. Staff determined that the impact on the adjoining Memorial Garden would be minimal.

Staff recommended approval of the requested variance, subject to Historic Preservation Commission approval of the applicable improvements.

Vice-chair Hilyer opened the public hearing.

James Kevin Lyons – Applicant identified himself as the applicant and stated that he was present in support of the proposed project. No other person spoke for or against the variance.

Vice-chair Hilyer closed the public hearing.

Motion to approve a side yard setback variance of up to 3 feet, subject to Historic Preservation Commission approval.

RESULT:	Passed
MOVER:	None
SECONDER:	None
DISCUSSION:	Mr. Hilyer: requested clarification whether the requested 2-foot, 3-inch variance represented an exact measurement and suggested allowing a variance of up to 3 feet to provide a small amount of flexibility. Mrs. Harvis: Asked if any of the adjacent property owners had objections. Mrs. Dennis: Replied no. Mrs. Melnick: Asked if the Memorial Garden was on the same side as the requested variance. Mrs. Miller: Asked if the Gateway overlays apply Mrs. Dennis: Replied yes and explained the requirements under the Gateway overlays
AYES:	Position 1 Miller, Position 2 Hilyer, Position 3 Melnick, Position 4 Harvis, Position 5 Newport, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

C. ADJOURN

Motion to adjourn at 9:16 a.m.

RESULT:	Passed
MOVER:	Position 4 Raven Harvis
SECONDER:	Position 1 Tipi Miller
AYES:	Position 1 Miller, Position 2 Hilyer, Position 3 Melnick, Position 4 Harvis, Position 5 Newport, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

_____ **Brandon Hilyer, Vice Chair**

_____ **Matt Mosely**



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



DATE: 8-17-2026	Zoning Board of Adjustment Meeting Date:
Case Number:	Meeting Deadline:

PART I. OWNER / APPLICANT INFORMATION

Thomas Allen
Owner Name

Andrew Wall
Agent Name (if applicable)

Address

Phone

PART II. PARCEL INFORMATION

Street Address: 505 Avenue D Opelika, Alabama

Current Zoning: R4

Current Land Use: Residential

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)

Building setback variance; Lot Area Variance; and minimum lot width

Minimum Area: 7,500 Lot 3-A-1: 6,593--Lot 3-A-2: 6,049--Lot 3-B: 4,529

Minimum Lot width: 60. Lot 3-A-1: 56.47--Lot 3-A-2: 41.77

Setback	Required	Proposed	Amount of Variance
Front	25	25	0
Side	10	5	5
Side	10	5	5
Rear	20	20	0

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? One lot has two single family homes

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? Yes. If the current ordinance were to be strictly enforced this would cause two single family homes to share the same lot.

3) Will the proposed variance alter the character of the area? If so, how? No. No new buildings are being proposed and the two existing homes maintain the character of the neighborhood.

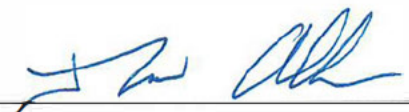
Provide the Names and Addresses of ALL adjoining Property Owners:

<u>[REDACTED]</u>	<u>[REDACTED]</u>
<u>[REDACTED]</u>	<u>[REDACTED]</u>
<u>[REDACTED]</u>	<u>[REDACTED]</u>
<u>[REDACTED]</u>	<u>[REDACTED]</u>
<u>[REDACTED]</u>	<u>[REDACTED]</u>
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FEES:		
Total Number of Adjoining Property Owners 5	X \$7.00 =	35
	+ Fee	\$75.00
	TOTAL	110

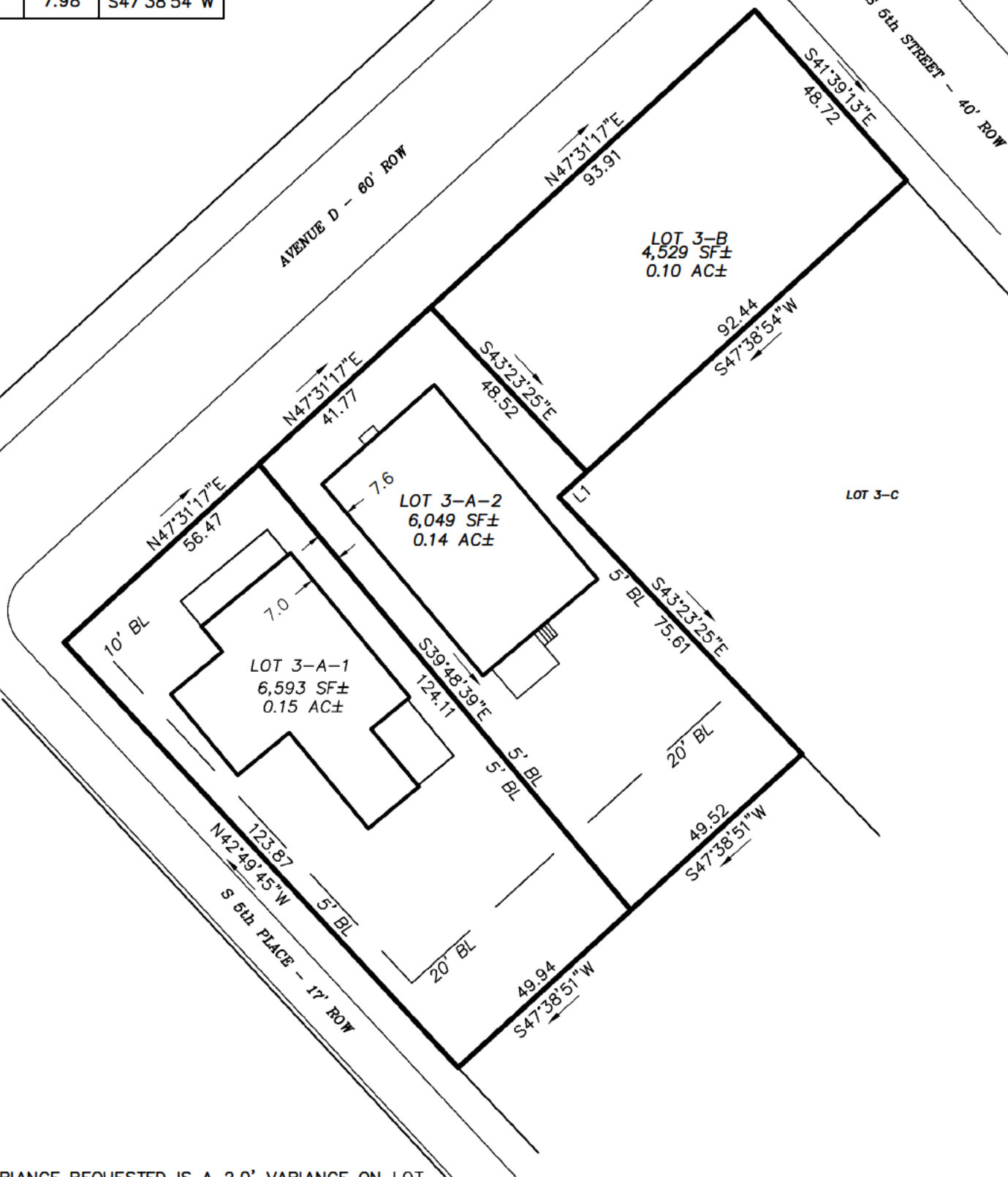
PART V.

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) 505 Avenue D . 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

8/20/26
Date

Line Table		
Line #	Length	Direction
L1	7.98	S47°38'54"W



THE VARIANCE REQUESTED IS A 2.0' VARIANCE ON LOT 3-A-1 AND A 2.6' VARIANCE OF LOT 3-A-2.

THE EXISTING HOMES ARE IN LINE WITH OTHER HOMES ALONG AVENUE D AS SHOWN IN THE NORTHEAST CORNER.

Drawn By:

ANW

Scale:

1"=30'

File Name:

26-0270

Date:

8-20-2026

PRECISION
SURVEYING

Sheet Title:

2124 Moores Mill Rd.
Suite 110
Auburn, Alabama 36830

Seal

CITY OF OPELIKA - BZA
STAFF REPORT
September 8, 2026

Agenda Item: B-1

Applicant: Thomas Allen, property owner
Precision Surveying, Representative

Property: 505 and 507 Avenue D

Existing Zone: R-4 (medium density residential)

Request: Requesting a 907 square foot lot area variance, a 2,971 square foot lot area variance, and a 1,451 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 5-foot side yard variance from the 10-foot side yard setback requirement on the east and west sides.
Requesting for Lot 3-A-1 a 3.53' lot width variance and for Lot 3-A-2 an 18.23' lot width variance from the minimum 60-foot lot width requirement.

Proposal

The applicant would like to separate the two existing homes at 505 and 507 Avenue D onto individual lots and adjust the lot line of 502 S. 5th Street to accommodate side setbacks and lot area. The two houses are currently on a single lot. The subject property is in an R-4 zoning district. The R-4 district requires a minimum size of 7,500 square feet and a minimum lot width of 60 feet. The minimum setbacks are 25 feet for the front yard, 20 feet for the rear yard, and 10 feet for the side yard. The existing shed located at 502 S. 5th Street will be removed.

According to the Lee County Tax records, the two existing homes were constructed in 1925 and 1953. Allowing the homes to be on separate lots appears to be a reasonable request; however, the proposed subdivision and lot line adjustment will require multiple variances. The proposed lot configuration is shown on the site plan or subdivision plat in the packet.

A review of the surrounding properties indicates that lots across S. 5th Street range from approximately 4,500 to 10,000 square feet in area. The proposed lots would be 6,593 square feet, 6,049 square feet, and 4,529 square feet. As previously mentioned, the R-4 zone requires a minimum lot area of 7,500 square feet. These lot sizes are generally consistent with other lot sizes in the area. However, each would be smaller than the current R-4 minimum lot area requirement. This property presents unique circumstances because two similarly sized existing homes are currently located on a single lot.

The applicant has also requested a 15-foot variance from the minimum 25-foot front yard setback requirement and a 5-foot side yard variance from the 10-foot side yard setback requirement on the east and west sides for Lot 3-A-1 and Lot 3-A. The subject property is in an older residential and commercial mixed area that is zoned R-4 and C-2. This area has seen some redevelopment in recent years. Many of the homes remaining on Avenue D in the neighboring blocks are built nearly on the front property line or a few feet away from the front property line.

A review of the setback for the existing single-family homes along Avenue D between S. 5th Street and S. 3rd Street indicates that all seven homes reviewed fail to meet the current minimum 25-foot front yard setback requirement. The approximate front setbacks of these homes range from 0-23 feet.

These homes were constructed before the adoption of the current minimum setback requirements or were developed under different setback standards. As a result, the existing homes are considered legal nonconforming structures with respect to the current minimum setback requirements. Based on the existing development pattern, the age of the structures, surrounding lot sizes, and the established setbacks along Avenue D, the requested variances would allow the property to be divided in a manner that keeps the development pattern of the existing neighborhood.

Recommendation

As stated in this report, most of the existing homes are nonconforming concerning setbacks, and many lots are nonconforming with the current lot width. Staff finds that the requested variances would not adversely affect the character of the neighborhood or surrounding properties and would be consistent with the existing development pattern. **Staff recommends approval for a 15-foot variance from the minimum 25-foot front yard setback requirement and a 5-foot side yard variance from the 10-foot side yard setback requirement on the east and west sides.**

Because the homes are already established, the reduced lot areas are not expected to negatively impact adjacent properties. **Staff recommends approval of the 907 square feet, 2,971 square feet, and 1,451 square feet lot area variance from the minimum 7,500 square foot lot area requirement.**

Similarly, the proposed reductions in lot width are not expected to adversely affect the adjacent properties because the existing homes and development pattern are already established. **Staff recommends approval for Lot 3-A-1 a 3.53' lot width variance and for Lot 3-A-2 for an 18.23' lot width variance from the minimum 60-foot lot width requirement.**

