



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

300 Martin Luther King Blvd.

March 8, 2022

TIME: 9:00 AM

- A. ELECTION OF ZONING BOARD OF ADJUSTMENT OFFICERS (Chair, Vice Chair, and Secretary)
- B. APPROVAL OF MINUTES
- C. VARIANCE
 - 1. Donna Kenerson, 2700 Wyndham Gate Blvd., R-1 zone, Requesting a 6 foot rear yard setback variance from the 20 foot rear yard setback requirement in the Wyndham Gate PUD zoning district.
 - 2. William Leonard, 3414 Chilton Ave, R-3 zone, Requesting a 9 square foot lot area variance from the minimum lot area requirement of 10,000 square feet for two lots.
 - 3. Lisa Ditchkoff, 1005 Sunset Court, R-2 zone, Requesting a 10 foot front yard setback variance from the 35 foot front yard setback requirement in a R-2 zoning district.

“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)705-2083.”



ZONING BOARD OF ADJUSTMENT MINUTES

300 Martin Luther King Blvd.

December 14, 2021

TIME: 9:00 AM

A. APPROVAL OF MINUTES

The City of Opelika Zoning Board of Adjustments held the regular meeting December 14, 2021 in the Meeting Chambers located at the Opelika Municipal Court, 300 MLK Boulevard. Certified letters were mailed out to all adjacent property owners for related issues for meeting dates.

MEMBERS PRESENT: Mrs. Tipi Miller, Mrs. Angela George, Mr. Chris Anthony, Chairman Wilbert Payne and Mr. Jay Walters.

MEMBERS ABSENT: Mrs. Raven Harvis and Mr. Chris Nunn.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Marty Ogren, Planning Assistant Director
Mrs. Rachel Dennis, Planner
Mrs. Claire Barber, Planning and Zoning Technician

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

ROLL CALL: Miller, Anthony, George, Chairman Payne, and Walters.

Approval of Zoning Board of Adjustment minutes November 9, 2021

RESULT: Passed

MOVER: Tipi Miller

SECONDER: Jay Walters

AYES: Miller, Walters, George, Payne, Anthony

NAYS: None

ABSTAIN: None

B. VARIANCE

- 1. The Cotton District represented by Richard Patton, 408 1st Avenue, C-2 zone, Requesting a 9 foot setback variance from the minimum 25 foot front yard setback requirement.**

Mr. Mosley reported, the applicant is requesting a 9-foot front yard variance to allow two parking structures to be up to 16 feet from the front property line. The applicant is proposing to build a six (6) unit multi-family development (detached

single-family structures on a single lot). The two parking/storage structures would each have three (3) covered parking spaces and storage available for the units.

The two existing residential homes to the east are also located closer to the street that currently allowed by the C-2 zoning. (For residential uses, commercial zones default to the R-5 development standards.) The closest neighbor appears to be 15 feet from the front property line, while the home on the corner of the 1st Avenue and N. 4th Street is 16 feet from the property line. For other zones, the ordinance allows the front setback of infill lots to match the existing neighbors. This is not currently the standard for C-2. However, because this C-2 lot is located in a transitional area between commercial and residential uses, it does make sense for structures to be consistent with adjacent properties.

Recommendation

Staff believes that this request would allow the development to be more in character to the existing neighborhood. The larger setback would not match the current form of other buildings on this street.

Certified letters were mailed to adjacent property owners and a sign posted on the property Monday, Dec 6th about the Dec 14th Zoning Board Public Hearing meeting. (At this writing no one has contacted Planning staff about the variance request.)

Mrs. Miller asked have we heard from any adjacent home owners about this?

Mr. Mosley stated no.

Mrs. Miller asked how long ago was the variance changed? Like you said, in the neighborhood the houses are closer. How long ago did we extend that?

Mr. Mosley stated I don't know when that was zoned to C-2. It has probably been quite a while. In some other zoning districts, particularly R-2 zoning districts which is what most of the north side Historic District is, there is a specific carve out in that zoning district that basically says that for the front setback you take the average of the setbacks adjacent to that or along that same street and then look at the setback for the buildings. We don't have anything in this area specifically related to that or covering that same thing. In this case, I do think that although these could be setback to the full 25 feet, I think pulling them up closer kind of creates that same wall.

Mrs. Miller stated ok, that makes sense.

Chairman Payne stated we would like to hear from the applicant.

Richard Patton, 108 South 8th Street, stated that has been a little pocket that has been undeveloped for a while and we are trying to make it a pocket neighborhood. To offset some of the parking, the city is going to require us across from Stern Park to do some parking along that edge to match up for the parking. The parking structures there will match the design of the housing. There are two houses on that corner and we'll put those in line with those two houses.

Mr. Mosley stated for clarification, the parking variance is the next item, so we will discuss that then.

Chairman Payne opened the public hearing.

No comments.

Chairman Payne closed the public hearing.

Motion to grant a 9 foot setback variance from the minimum 25 foot front yard setback requirement

RESULT: Passed

MOVER: Jay Walters

SECONDER: Chris Anthony

AYES: Miller, Walters, George, Payne, Anthony

NAYS: None

ABSTAIN: None

2. **The Cotton District represented by Richard Patton, 408 1st Avenue, C-2 zone, Requesting a variance for one parking space from the minimum two parking spaces required for a dwelling unit.**

Mr. Mosley reported, the applicant is requesting a one (1) parking space from the minimum two (2) parking spaces required per dwelling unit. The applicant is proposing to build a six (6) unit multi-family development (detached single-family structures on a single lot). This would allow the applicant to have six (6) parking spaces instead of the required twelve (12) spaces. The on-site spaces would be provided by two parking/storage structures each with three (3) covered parking spaces.

The proposed buildings would be a mix of one (1) bedroom and two (2) bedroom units facing a common green. All of the units are two stories. This type of development goes by many names and is growing in popularity across the country. It can often be considered cluster development, cottage courtyard or bungalow courtyard. In planning terms this type of housing is designated as “Missing Middle” housing. This type of housing attempts to cluster development, often in in-fill locations, to both add nice and affordable units that fit in with the neighborhood.

This type of housing is often allowed with one space per unit as the units are typically only designed in areas close to services or in downtown locations and for one-two people. In looking at the surrounding neighborhood there are often vehicles parked on the street throughout the neighborhood. Staff is recommending that the on-street parking be formalized to better allow on-street parking if additional parking is necessary. Some occasional over-flow parking may be able to utilize the nearby park parking lot. Staff plans to look at overall parking requirements to determine if we are requiring too many parking spaces through the Zoning Ordinance.

Recommendation

Staff believes that this request is reasonable, provided that 1st Avenue be improved to better accommodate the current on-street parking used by many of the homes through the area. The conditional use approval through Planning

Commission required that the applicant improve the street to ensure proper space is available for formal on-street parking.

Certified letters were mailed to adjacent property owners and a sign posted on the property Monday, Dec 6th about the Dec 14th Zoning Board Public Hearing meeting. (At this writing no one has contacted Planning staff about the variance request.)

Mr. Walters asked Mr. Mosley could you elaborate? Do you have a map of the park across the street? I would like to understand a little more about the proposed parking on the other side of the street.

Mr. Mosley stated this is what the City Engineer drew in showing how it could be accommodated. The road there is approximately 22 feet in width, which is a little narrow for on-street parking. We typically look at somewhere around nine or ten feet wide at least per lane, so what he has proposed is adding an additional five feet between the existing curb line and the existing sidewalk in the park that would allow us to come in and place some additional spaces there on the street.

Mr. Walters asked and how many spaces does that get?

Mr. Mosley stated six.

Mrs. Miller stated I noticed when I rode by there that there is a 'no parking' sign across the street from this lot. Why is that?

Mr. Mosley stated I believe that is because, with the park, people have been parking there on the side. It is a narrow street so if you have people that are constantly parking in the travel lane it could get a little difficult to navigate through there. It's a fairly low traffic street but some people do use it as a cut-through off of 2nd Avenue to 5th Street.

Mrs. George stated I have a couple of questions about the parking situation. We live over here and one of the things that we have noticed is, even where you're saying we have a lot of no parking, the schoolbuses come down there because the route is there. It stops at the corner and takes a right at 1st Avenue. We also have Advanced Auto that comes down with their trucks and they unload right there at the dock, so it's a very narrow situation there. I guess where it says here that you are planning to look at the overall parking requirements, my only concern is when will the parking go in if there are only going to be six that are for this? Is the parking going to be developed before or after the development happens, or is it going to be happening at the same time?

Mr. Mosley stated if the Board approves this variance with the requirement then there would only be six parking spaces on site and, based on the Planning Commission's previous approval, they would have to build the six additional spaces on the side of the road. If the Board doesn't approve this, then they would have to reengineer the site, whether that is remove some units and add some parking spaces or come up with some sort of different plan.

Mrs. George asked so the parking is not happening?

Mr. Mosley stated when I say we are looking at parking requirements, we are looking city wide at parking requirements whether two spaces per unit is correct. What we found out is a lot of times in certain types of units they don't need two spaces. About 35 to 40 percent of the households in Opelika are single tenant households, meaning that there is only one person living in that household and that tends to be less in single family areas then it is in other places, so people living in townhouses or multi-family or mobile homes or things like that typically only have one car. That's not to say that they don't have friends over and that they don't occasionally need additional parking, but that is something that we are looking at. We're just not sure exactly what that number is right now. If the variance is approved, they would be approved with the units as proposed and the six onsite spaces plus the six offsite spaces.

Mr. Walters asked is the developer responsible for putting in those spaces on the street?

Mr. Mosley stated yes, the developer will be responsible for putting in those spaces. Another offsite thing they would be responsible for is repairing the sidewalk in front of this that is busted up pretty badly.

Mr. Walters asked would these spots be designated specifically for that development or are they public parking?

Mr. Mosley stated no. We don't designate on-street parking, at least not at this time, so they would be open for anyone to park in.

Mrs. George asked is there any future talk about increasing the parking at Stern Park where it would be a bigger lot? Right now there is that entrance on 5th Street that goes in. Is there anything that would extend that parking over there for people to know if they are on 1st Avenue that there is parking? I know that around the park there is a lot of 'no parking' because of what you said, people were parking everywhere. Do you know of anything that is saying that they're going to open up more parking at the park?

Mr. Mosley stated I think that's definitely something that we could look at if there needs to be more parking at the park. They did designate a small area on the far side of the park, I think there was a tree there and they cut out another section that one or two cars could probably fit under, but I don't know that there are any immediate plans to make any additional parking. If there is a need for it that's something that we could look at or these spaces could be used by people going to Stern Park as well.

Parker Lewis, Hydro Engineering Solutions, stated we are the Civil Engineer on the project with Mr. Patton. To answer your question, if you were to grant the variance, that requires six on-site spaces. But, the partnered Planning Commission approval requires that we build the on-street parking as well. So, they will be built at the same time before there is anyone living here. It will be part of the overall project and they will be constructed at the developers' cost across the street and they will be public parking. With this being so close to downtown and the nature of the cottage product, we don't think we're going to need all twelve parking spaces, two per unit. Even though they are public spaces, if for some reason we needed those spaces I think our folks would probably be

parked there most of the time, but we're really feeling like we'll need eight spaces or so depending on the tenants and who moves in. They will be constructed during the project prior to anybody living there and, as Mr. Mosley showed on the drawing, the plan is to bump that curb line out to get these cars out of the travel lane for that parallel parking. They will be nine-foot wide spaces and a typical parallel space is 22 feet long as opposed to 18 feet long, so you've got that maneuverability. I'm happy to answer any other questions as well.

Chairman Payne opened the public hearing.

Justin Grega, 404 1st Ave, stated in the picture of the street with the house and the large green tree, behind that tree there is a driveway that separates two properties or something, but that little black car that you see right there belongs to me and those steps go directly up to my house. My only concern is that those parking spots are right out my front door. The only other question I have is about the distance between the cottages and my house next door. How much space is between those two? In some of the blueprints I was unable to tell how much space is given in certain places.

Mr. Walters asked when you are entering and leaving your driveway I'm assuming you're pulling in forward. Do you have room up near your house to turn your car around and pull out forward facing?

Justin Grega stated I do. I have a driveway on the other side as well which is still just kind of a troubled area. I'm trying to redevelop this house a little on my own. I'm going to have to put a driveway in there. It's a little unusable at the moment, but I have my own driveway for that, so I won't really have to use parking on the street if I can get that driveway finished.

Mr. Walters asked on the other side that's not visible on this picture?

Justin Grega stated yes sir it would be to the right.

Mr. Walters asked above your car?

Justin Grega stated yes sir.

Mr. Walters asked so you have a driveway that's behind that tree that we can't see and then there's another driveway?

Justin Grega stated I believe the driveway behind the tree actually belongs to the property in between.

Mr. Walters asked so your driveway is a little beyond where these parking spaces would be?

Justin Grega stated yes it is, but it's just that it is directly in front of the house.

Mrs. George asked are you concerned about the aesthetic of what this would look like on the side of your house with the parking structure?

Justin Grega stated I suppose a little bit. The area has been pretty nice over the

last few years. It's come a long way and we've had a little bit more family activity in the area. There are a lot of people who love to walk their dogs and have their kids outside walking up and down that sidewalk in particular. There are lots of scooters and skateboards and people walking their dog because of the dog park.

Mr. Mosley showed a picture of Justin Grega's house on Google Earth.

Mrs. Miller asked is the blue house next to yours the one that has been torn down and is now the vacant lot?

Mr. Walters asked does that driveway belong to that blue house on that other lot?

Mrs. George stated yes, that is a part of that lot.

Mr. Walters asked going back to the layout of the six spaces, is there flexibility on where those are located? Are those centered on the applicant's lot?

Mr. Mosley stated I think we did try to center them directly on the applicant's lot. There is probably some flexibility on where they could go. It's possible that one could be shifted down, but we would have to look at it with the Engineer. Justin Grega did have a question about the setback. On here the distance from the rear of the house to the rear property line is shown at ten feet.

Mr. Walters asked does that currently meet the setback requirements?

Mr. Mosley stated yes sir. There would be a buffer required along this side and I would think, with space limitations, they would be looking at something fairly shallow that goes taller or a fence or something like that.

Richard Patton stated knowing that Mr. Grega and Mrs. George are both right there, we are going to design a combination of landscaping and privacy fence and we are happy to work with them on what they want to see and what is going to be there. The back of those houses are going to have little patios so we want to kind of separate and make sure that they aren't looking into your yards and vice versa. So, we are going to design something that is privacy fencing along with landscaping.

Mrs. George asked will that go all the way down into the parking structure as well?

Richard Patton stated it will.

Mrs. George stated I think that was Justin Grega's question as well. What was going to be the barrier of where the parking was proposed and what that was going to look like where the driveway would be and then parking would be parallel to your house. So they are proposing that there would be something in between.

Richard Patton stated also, for the value of the people that are going to buy these homes, they are going to want the same thing too. We are selling these houses so we want ownership of these homes.

Chairman Payne closed the public hearing.

Mr. Walters stated I like this development but I certainly want to be respectful of the surrounding areas and the neighbors. This is a unique development and I like it.

Mrs. George stated on behalf of the neighborhood itself, we are respecting as well that this has been a big lot and Richard Patton has done a lot on 1st Avenue. He has got some very creative ideas about how to utilize it and I know that businesses do thrive when there is more living and it is in walking distance and there is the Art Haus as well as the Event Center. I like the idea that there will be more people, of course it's the traffic and the parking and how this will look in a residential neighborhood. There are families and kids that live there, but of course you also have commercial with the dog park and things. There are growing pains everywhere with things like this, but if they're addressing the parking, which is a big concern for how this is going to look or how many people are going to be there or how narrow those roads are at the moment with the turn. If you come down North 4th Street where the Advanced Auto is, if you take a left it's a lot more narrow and it's really more of a one way so everyone turns right and with 2nd Avenue getting congested in the afternoon, there is more traffic around that time. It's not a heavy traffic unless there is an event at the park or the Art Haus. I do want to be respectful of what Mr. Grega just said about what it looks like. These are old historic looking houses and this is a new development, but I know that they just stated that there will be some buffering and privacy to separate that part of it. I think my bigger concern for the neighborhood is the parking and making sure that it's being addressed as far as the traffic and the vehicles.

Mr. Anthony stated just to make sure I'm clear, if we were to approve this variance, that would kick into effect the conditional use approval from the Planning Commission that there would be formal on-street parking.

Mr. Mosley stated yes sir. That would be installed as a condition and would be installed prior to receiving any sort of Certificate of Occupancy. That is already a condition of approval from the Planning Commission.

Motion to grant approval of a variance for one parking space from the minimum two parking spaces required for a dwelling unit

RESULT: Passed

MOVER: Angela George

SECONDER: Jay Walters

DISCUSSION: Mr. Walters stated this is not contingent on anything, but I think it would be good if the developer and the applicant would work with Mr. Grega if there is any availability in shifting that parking at all to accommodate the neighbors.

AYES: Miller, Walters, George, Payne, Anthony

NAYS: None

ABSTAIN: None

3. **Kyle & Lee King, 1710 Oak Bowery Road, R-2 zone, Requesting a 3 foot variance from the minimum 5 foot side yard setback requirement for an accessory structure.**

Mr. Mosley reported, the applicant is requesting a 3 foot side yard variance to allow a 12x32 accessory structure to remain as installed. The applicant installed the structure two feet from the property line along Northgate Drive. The applicant did not realize City regulations existed for an accessory structure on residential property, and a permit was required to replace the smaller existing storage building. Planning discussed with applicant about relocating the structure, so the 5 foot minimum setback requirement is met. The applicant is requesting a setback variance to allow the structure to stay as installed because of the rear yard topography.

The applicant's rear yard gradually slopes downhill: the high point is near the driveway and the low point at the property corner where the rear (west) and south property lines meet. (see photos attached, page 2 & 3). The structure was installed two feet from the property line along Northgate Drive and about 15 feet from the driveway; this location is perhaps the most level area in the rear yard. However, one corner of the structure had to be blocked-up (concrete blocks) to level the structure. In fact, the gradual slope in the rear yard requires an accessory structure to be blocked-up at any location. Planning suggested relocating the structure near the rear property line to meet minimum setbacks. The installer of structure said if the structure was relocated near the rear property line, then the structure would need to be blocked-up at least 4 feet high off the ground; the installer was concerned with the structure's safety if it was blocked up four feet high.

Recommendation

The 12x32 accessory structure was inadvertently installed in the rear yard. The structure was installed about 25 feet from the applicant's home for immediate access. The location of structure is more level compared to other locations in the rear yard, although it still required leveling with concrete blocks. On the long side of the structure (32 foot side), blocks were installed 2 feet 4 inches high (see photo); on the other 32 foot side near Northgate Drive, one 4 inch block was used. The structure could be moved three feet from its existing location and meet the five foot minimum requirement, or moved to another location, leveled and meet minimum setbacks.

Staff believes the rear yard topography causes some hardship for the applicant. **Staff considers the rear yard gradually sloped but not severe.** Staff would not generally support this variance if the accessory structure were it requested prior to the placement of the structure. It would have been recommended that the applicant look at other configurations, sizes, or locations. Other properties near the applicant's property with accessory structures have similar topography changes as the applicant's property. Staff respects the Zoning Board's decision on this variance request and understands the 3 foot variance request could reasonably be considered minimal to allow the structure to remain as installed. This decision would save costs in moving the structure.

Certified letters were mailed to adjacent property owners and a sign posted on

the property Monday, Dec 6th about the Dec 14th Zoning Board Public Hearing meeting. (At this writing no one has contacted Planning staff about the variance request.)



Photo from Northgate Drive – Front of Structure



Photo from Northgate Drive toward Oak Bowery Road – Rear of Structure



Photo taken near driveway & structure; concrete blocks leveling, 2 feet 4 inches high; Slope of Rear yard



Slope – middle of rear yard



Rear wall of structure; leveling at structure corner; slope of rear yard area



Rear yard property line along hedge row

Kyle King, 1710 Oak Bowery Road, stated I just wanted to go over the timeline a little with what happened. When we went to Action Buildings I specifically asked the question 'is there anything we need to do with the City of Opelika to make sure this is ok' and his exact words were 'we'll take care of it'. We did not knowingly try to go against an ordinance and put it here just because that's how we liked it. It was where the old one was and so we didn't know there was an issue with it and, like I said, they said they would take care of it. Mr. Mosley came onsite with us and walked the lot and when Action Buildings came out to move it to the place Mr. Mosley had proposed, they said it was not safe because it was over four feet high on one end. The only other location that is semi-level in the backyard is where all of our plumbing and electrical lines go and so I have a letter from Action Buildings stating that the current location is the only place that they feel safe to have the shed. As far as the neighborhood goes, we have put a lot of work into trying to make this lot look nice. It's the entrance to a neighborhood and I know that we kind of have a little bit of a responsibility as the corner lot to make that look as nice as possible. We have done a lot of work as far as landscaping and clearing that out. It was super overgrown when we first moved in there and we've put in a lot of work and we take a lot of pride in our home. I have letters from neighbors in support of us keeping it where it is if you're interested in seeing it. We have had a lot of people come and say 'I think what y'all are doing is great'. Like I said, we didn't knowingly try to do anything against the ordinances and we tried to rectify it and it just doesn't seem like it's going to be possible and that's when Mr. Mosley recommended that we apply for a variance.

Chairman Payne opened the public hearing.

Bill Harris, 1900 Northgate, stated I respectfully request that y'all approve this variance. It is certainly a lot better looking corner than it was two or three years ago. There was a shed there that they have upgraded and went above and beyond and put a privacy fence up and they have let the existing foliage grow up taller than the building. It is not an eyesore and I have talked to several of the neighbors and they have no problem with it. There are at least four sheds on corner lots in that neighborhood that are totally viewable from the street. There are probably ten or twelve other sheds, including my own, that are viewable from the streets even from the back of the property. I think it was just a misunderstanding and not any fault of theirs. It's not an eyesore and it's not sticking out like a sore thumb, so I would just request that y'all approve this variance for them. They are good stewards of the neighborhood.

Chairman Payne closed the public hearing.

Motion to approve a 3 foot variance from the minimum 5 foot side yard setback requirement for an accessory structure

RESULT: Passed

MOVER: Tipi Miller

SECONDER: Chris Anthony

AYES: Miller, Walters, George, Payne, Anthony

NAYS: None

ABSTAIN: None

C. ADJOURN

Motion to adjourn at 9:48 a.m.

RESULT: Passed

MOVER: Chris Anthony

SECONDER: Jay Walters

AYES: Miller, Walters, George, Payne, Anthony

NAYS: None

ABSTAIN: None

_____ Wilbert Payne, Chairman

_____ Matt Mosley, Secretary

CITY OF OPELIKA - BZA
STAFF REPORT
March 8, 2022

Applicant Donna Kenerson

Property 2700 Wyndham Gate Boulevard (corner lot - Gwynne's Way & Wyndham Gate)

Existing Zone PUD (Wyndham Gate Planned Unit Development)

Request Requesting a 6 foot rear yard variance from the 20 foot rear yard setback requirement for an addition

Proposal

The applicant (property owner) is requesting a 6 foot rear yard variance to allow a 12'x 18' sunroom addition attached to the rear wall of the house to remain as constructed. The addition was constructed without a site plan review and approval of the minimum building setbacks. The addition was constructed 14 feet from the rear property line and 20 feet is the minimum rear yard minimum setback requirement. A building inspector was inspecting another house in the same neighborhood and noticed the addition about complete but did not remember a building permit issued for the addition. After Planning's discussions with the applicant and the contractor (Ryberg Construction), apparently there was a misunderstanding about who was to purchase the building permit. The applicant and contractor thought the other person would purchase the building permit. The variance request is to allow the addition to remain as constructed.

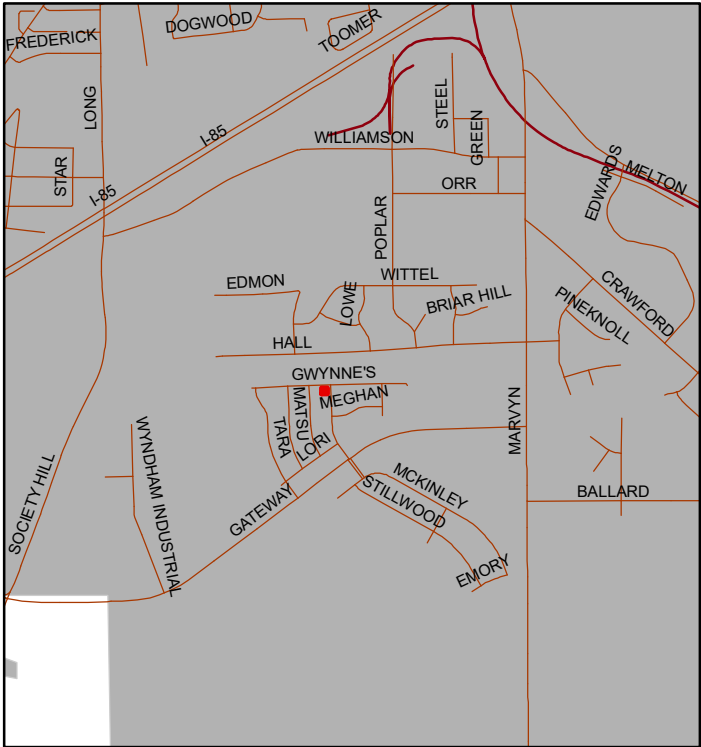
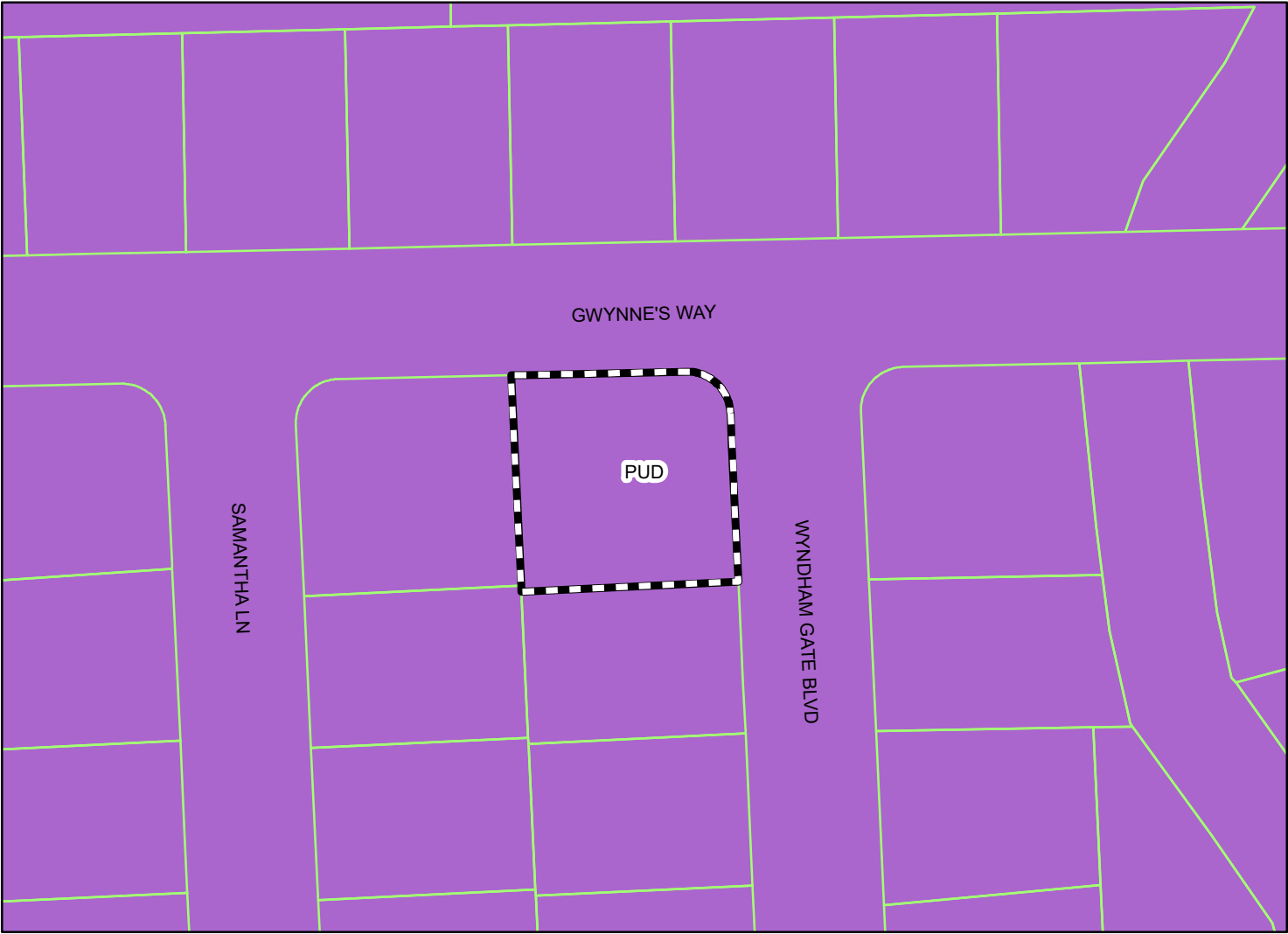
Recommendation

If a site plan was submitted showing a proposed addition 14 feet from the rear property line and a 20 foot minimum setback required, most likely staff would not support a variance request. There are no practical hardships on the property such as severe slope or an irregular shaped lot. Most lots in this neighborhood are like the applicant's lot – rectangle shaped with very little slope. A 6x18 addition is the largest addition allowed that would meet minimum rear yard setbacks.

The rear yard is enclosed with a 6' wooden fence and along Gwynne's Way evergreen trees next to the fence provides visual screen. The addition is not too large or out-of-scale with the home, but the addition compliments the home. Denial of the variance request requires the applicant to remove the addition (\$8,500 cost). Approving a variance request does not set a precedent to automatically approve future variances; each variance request is reviewed on its own merit. Staff does not believe approving the variance will have a special impact to the adjacent properties nor will the character of the neighborhood be affected. The applicant is requesting a 6 foot variance from the 20 foot rear yard setback. The addition is 14 feet from the rear property line.

Certified letters were mailed to adjacent property owners on Tuesday, February 22nd and a sign posted on the applicant's property Monday, February 28th about the March 8th Zoning Board public hearing meeting. (At this writing no one has contacted Planning staff about the variance request.)

DONNA KENERSON VARIANCE REQUEST
2700 WYNDHAM GATE BOULEVARD
REAR YARD SETBACK, C-1



The applicant requesting a 6 foot variance from the 20 foot minimum rear yard setback requirement. A sunroom addition was added along the rear wall and the addition encroached 6 feet into the rear yard setback.



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.



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



2717

DATE:	Zoning Board of Adjustment Meeting Date: <u>MARCH 8th</u>
Case Number:	Meeting Deadline: <u>FEB 15th</u>

PART I. OWNER / APPLICANT INFORMATION

X Donna Kenerson 2700 Wyndham Gate Blvd Opelika, AL 36804 410-207-1005
Owner Name Address Phone
coolsportmail@verizon.net 410-207-1005
Agent Name (if applicable) Address Phone

PART II. PARCEL INFORMATION

Street Address: 2700 Wyndham Gate Blvd
Current Zoning: Residential
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)

Sun Patch on Back lot
14' away

Setback	Required	Proposed	Amount of Variance
Front			
Side			
Side			
Rear	<u>20'</u>	<u>14' off Fence Line</u>	<u>6'</u>

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? No

CITY OF OPELIKA - BZA
STAFF REPORT
March 8, 2022

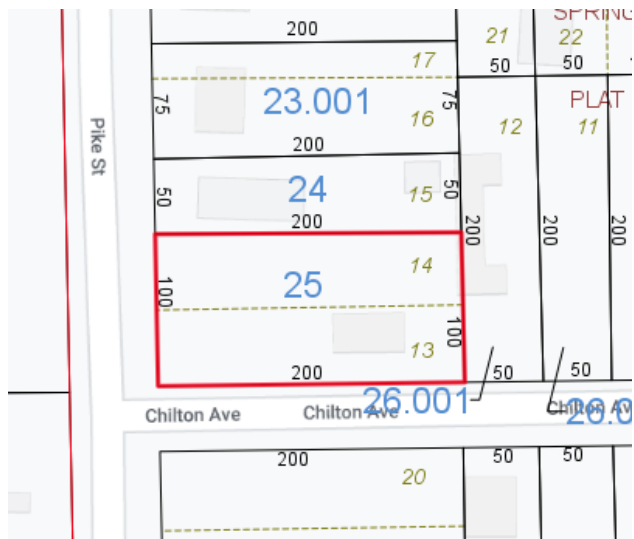
Applicant	William Leonard
Property	3414 Chilton Avenue
Existing Zone	R-3 (medium density residential)
Request	Requesting a 9 square foot lot area variance for two lots from the minimum 10,000 sf lot area requirement
Proposal	

In 2006 the applicant (property owner) purchased a 100x200 lot on Chilton Avenue with one single family home. The property is in a R-3 zoning district and 10,000 square feet is the minimum lot size requirement. The applicant desires to subdivide the lot and build a home on a 2nd lot. The applicant hired a surveyor to subdivide the 100x200 rectangular lot in half into two 100x100 lots. The Lee County maps show the lot as a 100x200 'rectangle' (see map below), but when James Miller (surveyor) surveyed the property the property lines are not perfectly perpendicular at the corners as shown on the Lee County maps. *(The Lee County maps are produced when surveys are recorded at the Lee County Court House; surveys in the Chilton Avenue area were recorded in the 1960s.)* Therefore, the 100x200 shown on Lee County Maps is actually 99.99' x 200.02' instead of 100'x 200'. This minor difference makes a 9 square foot difference for each lot when the property is subdivided.

Recommendation

There is not a hardship in this variance request based on the lot's physical property such as a triangle shaped lot, severe slopes, or water features. However the applicant purchased what he thought was a 100x200 lot. Most all lots near the applicant's 100x200 lot are 50'x 200' or 100x200. If the variance is approved each lot will be 9,991 square feet. Decreasing the lot area 9 square feet from the minimum 10,000 sf requirement to 9,991 sf is minor, unnoticeable, and should not be a disadvantage or harm to the adjacent properties. **Staff recommends a 9 square foot lot area variance for two lots from the minimum 10,000 square foot lot size requirement.**

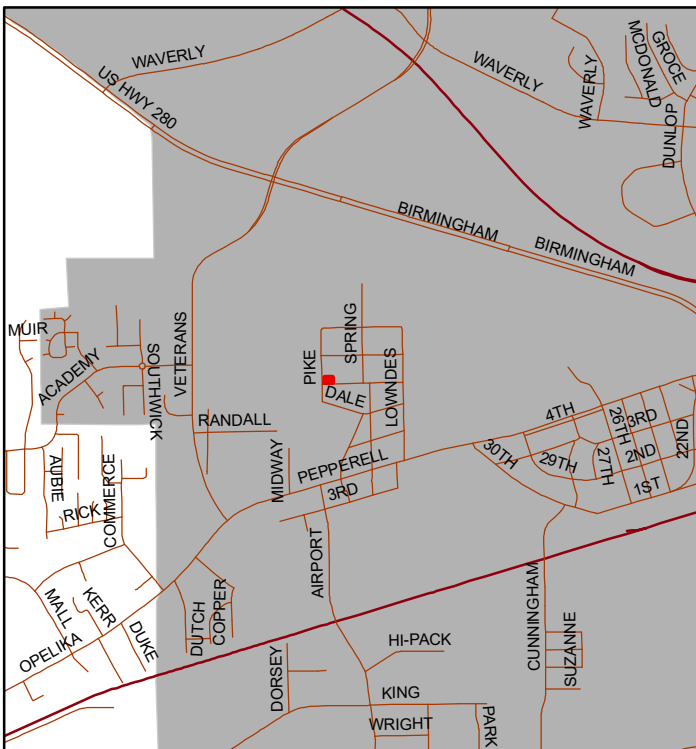
Certified letters were mailed to adjacent property owners on Tuesday, February 22nd and a sign posted on the property Monday, February 28th about the March 8th Zoning Board Public Hearing meeting. (At this writing no one has contacted Planning staff about the variance request.)



Lee County property tax maps

<https://www.alabamagis.com/Lee/frameset.cfm?cfid=2250141&cftoken=86687893>

An aerial map of a residential area. The map shows several orange-colored lots, some of which contain light blue rectangular shapes representing buildings. A specific lot is highlighted with a thick black and white dashed border. This highlighted lot is situated east of a vertical white road labeled 'PIKE ST' and south of a horizontal white road labeled 'CHILTON AVE'. The highlighted lot is labeled 'R3'. Other lots in the area are also labeled 'R3'. To the west of Pike St, there are two purple-colored lots, one of which is labeled 'R5M'.



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.



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

2770



DATE:	Zoning Board of Adjustment Meeting Date:
Case Number:	Meeting Deadline:

PART I. OWNER / APPLICANT INFORMATION

Owner Name: William LEONARD Address: 1506 Morris AVE Phone: (334) 444-2327
CLEON6057@CHARTER.NET

Agent Name (if applicable): _____ Address: _____ Phone: _____

PART II. PARCEL INFORMATION

Street Address: 3414 CHILTON AVE.

Current Zoning: _____

Current Land Use: HOME / LAND

Type of Variance Sought: _____ Sign _____ Parking _____ Setback ☒ Other

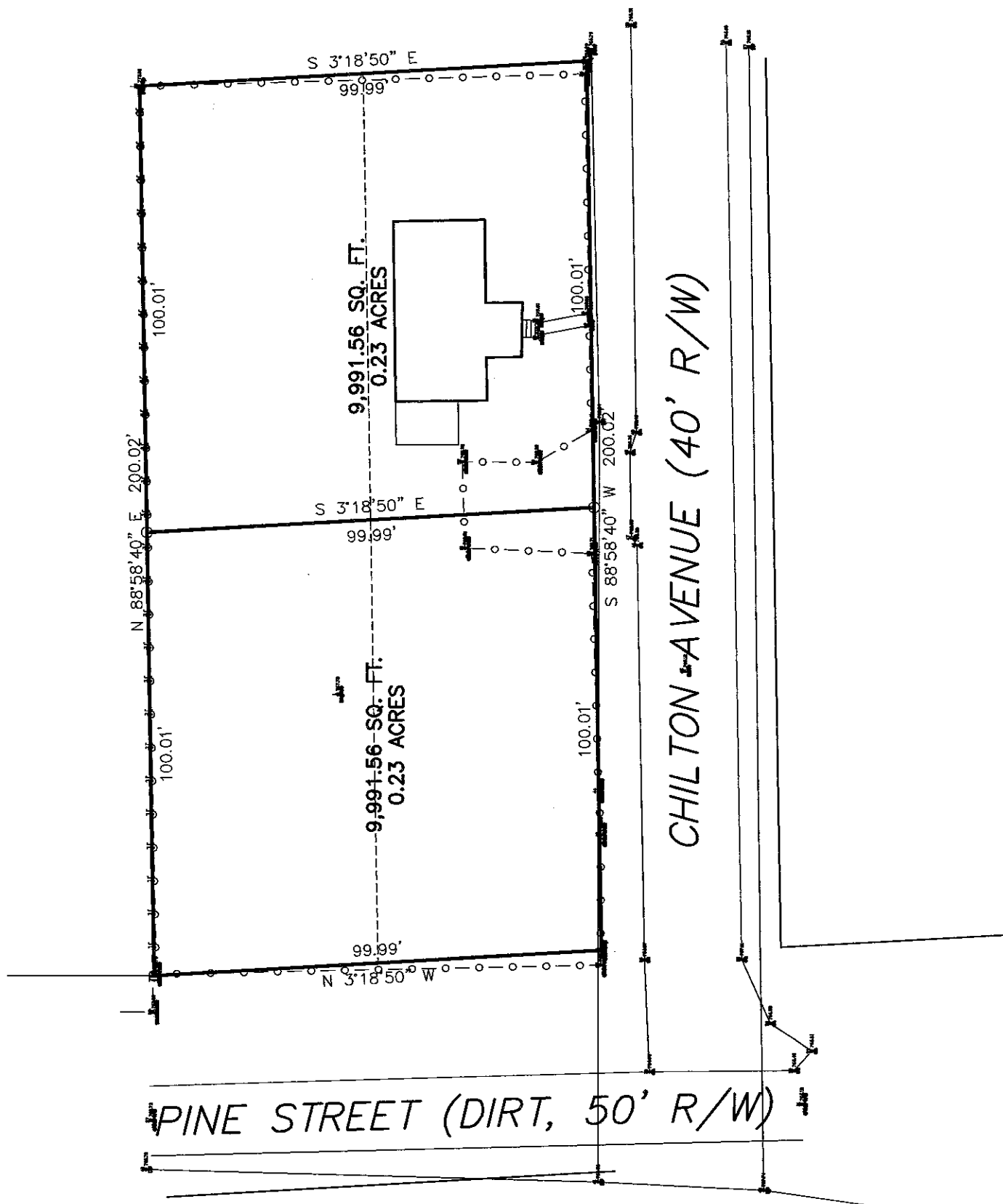
PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan)

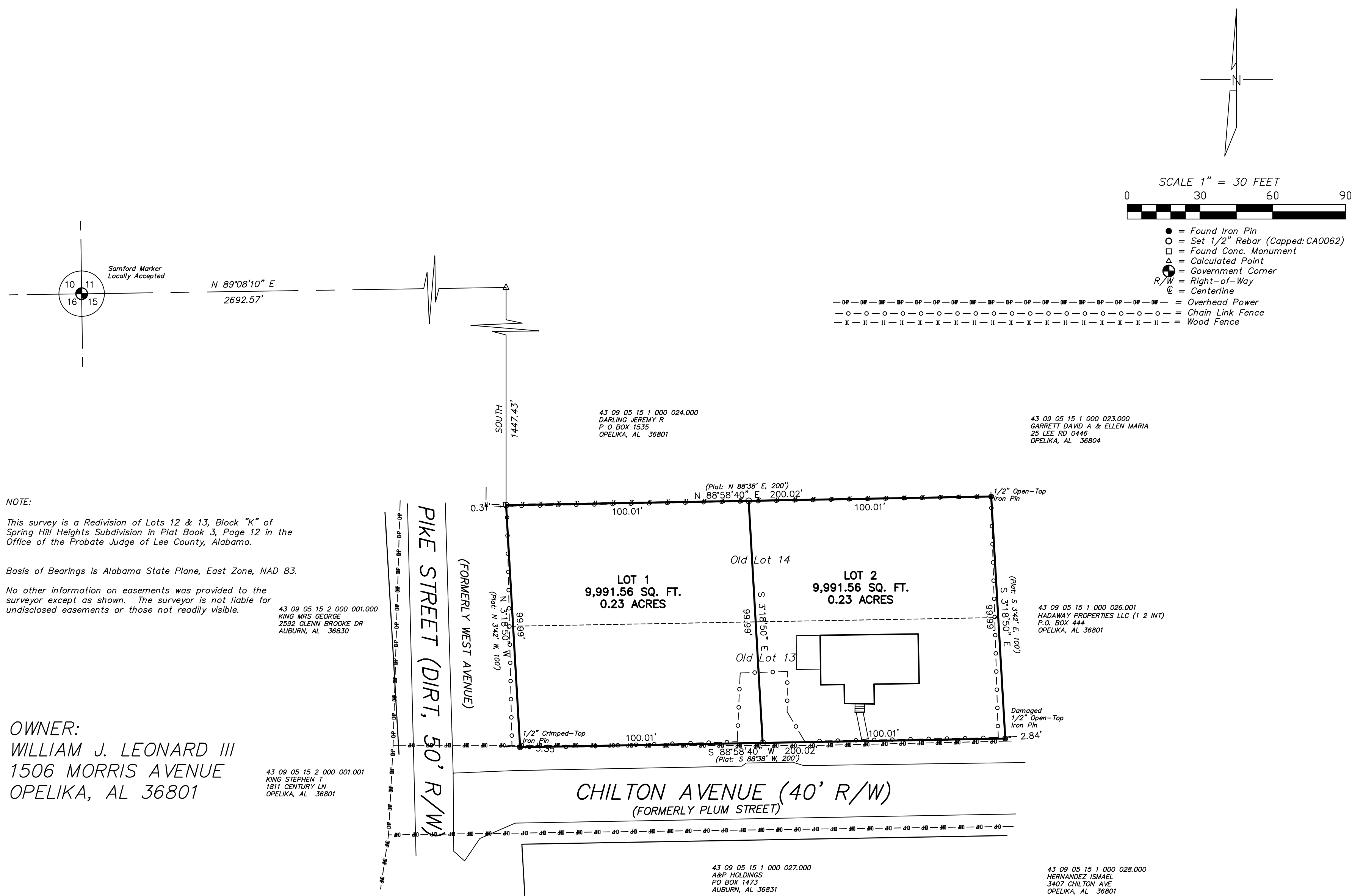
REQUESTING A 9 SQUARE FOOT LOT AREA VARIANCE
FROM THE MINIMUM LOT AREA REQUIREMENT OF 10,000 SF.
FOR TWO LOTS.

	Required	Proposed	Amount of Variance
LOT AREA	10,000 SF	9,991	9 SQUARE FEET

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? _____





OWNER:
WILLIAM J. LEONARD III
1506 MORRIS AVENUE
OPELIKA, AL 36801

ZONING -----R3
FLOOD ZONE -----"X"
WATER--OPELIKA WATER BOARD
SEWER --UTILITIES BOARD OF
THE CITY OF OPELIKA

*Per FIRM Map #01017C0375C, effective 2/18/2011.

A REDIVISION OF
LOTS 13 & 14, BLOCK "K"
SPRING HILL HEIGHTS

OPELIKA LEE COUNTY ALABAMA
SEC 15 T-19-N R-26-E

I, JAMES D. MILLER, A REGISTERED SURVEYOR IN THE STATE 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 SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF; THAT SAID PLAT SHOWS THE RELATIONSHIP OF THE LAND SUBDIVIDED TO THE GOVERNMENT SURVEY; THAT IT SHOWS THE LENGTHS AND BEARINGS OF THE BOUNDARIES OF EACH LOT AND ITS NUMBER, AND THE NAMES OF THE HIGHWAYS SHOWN HEREON. ACCORDING TO MY SURVEY OF FEBRUARY 11, 2022.

AL Cert. No. 17256

WILLIAM J. LEONARD III, OWNER OF THE REAL PROPERTY SHOWN ON THIS PLAT, HEREBY JOINS IN THE STATEMENT OF JAMES D. MILLER AND CERTIFIES THAT IT WAS AND IS HIS PURPOSE TO REDIVIDE THE LAND SO PLATTED INTO PARCELS AS SHOWN. IN WITNESS WHEREOF, WILLIAM J. LEONARD III HAS CAUSED HIS NAME TO BE HERETO SIGNED, ON THIS, THE _____ DAY OF _____, 2022.

William J. Leonard III

I, _____, A NOTARY PUBLIC IN AND FOR _____ COUNTY, _____ HEREBY CERTIFY THAT
WILLIAM J. LEONARD III, WHOSE NAME IS SIGNED TO THE CERTIFICATE HEREON AND WHO IS KNOWN TO ME, ACKNOWLEDGED
BEFORE ME THAT, BEING INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY ON THE
DAY SAME BEARS DATE. IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL OF OFFICE ON THIS THE,
_____ DAY OF _____, 2022.

Notary Public

My Commission Expires:

APPROVED BY THE OPELIKA CITY ENGINEER, CITY OF OPELIKA, LEE COUNTY,
ALABAMA.

City Engineer _____ Date _____

APPROVED BY THE OPELIKA CITY PLANNER, CITY OF OPELIKA, LEE COUNTY,
ALABAMA.

City Planner _____ Date _____

APPROVED BY THE OPELIKA PLANNING COMMISSION, CITY OF OPELIKA, LEE
COUNTY, ALABAMA.

Chairman _____ Date _____

REVIEWED ON BEHALF OF THE UTILITIES BOARD OF THE CITY OF OPELIKA, LEE
COUNTY, ALABAMA.

The Utilities Board of the
City of Opelika, Alabama

Date

REVIEWED ON BEHALF OF OPELIKA POWER SERVICES

Opelika Power Services
City of Opelika, Alabama

Date

REVIEWED ON BEHALF OF THE PUBLIC WORKS DEPARTMENT OF THE CITY OF
OPELIKA, LEE COUNTY, ALABAMA.

Public Works Director,
City of Opelika, Alabama

Date

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF OPELIKA, AND TO ANY UTILITY COMPANIES SERVING THIS AREA, FOR THE PURPOSE OF INSTALLING OPERATING AND MAINTAINING POLES, LINES, GUY WIRES & OTHER FACILITIES. EASEMENT TO BE TEN (10) FEET WIDE, BEING FIVE (5) FEET ON EITHER SIDE OF FRONT AND SIDE LOT LINES.



CITY OF OPELIKA - BZA
STAFF REPORT
March 8, 2022

Applicant: Lisa Ditchkoff (Property Owner)

Property: 1005 Sunset Court

Existing Zone: R-2 (low density residential)

Request: Requesting a 10 foot front yard setback variance from the minimum 35 foot front yard setback requirement

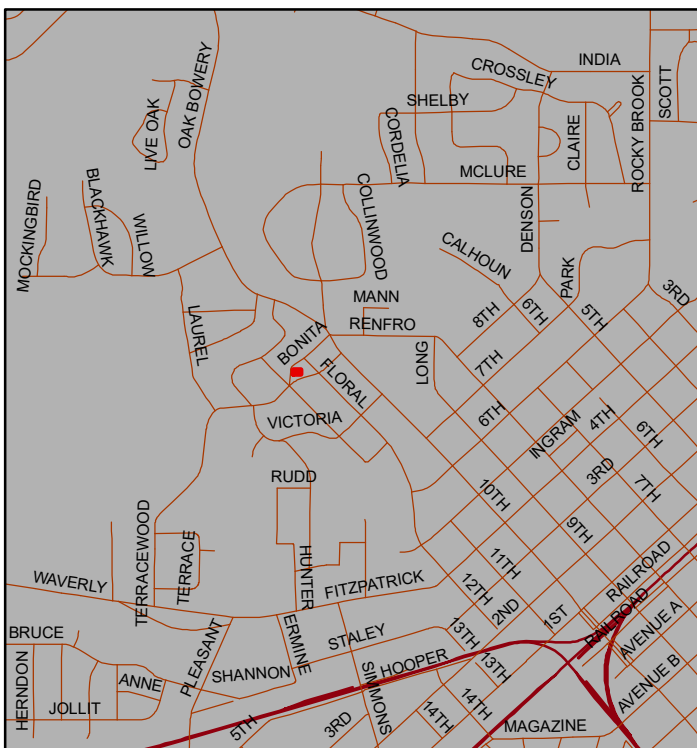
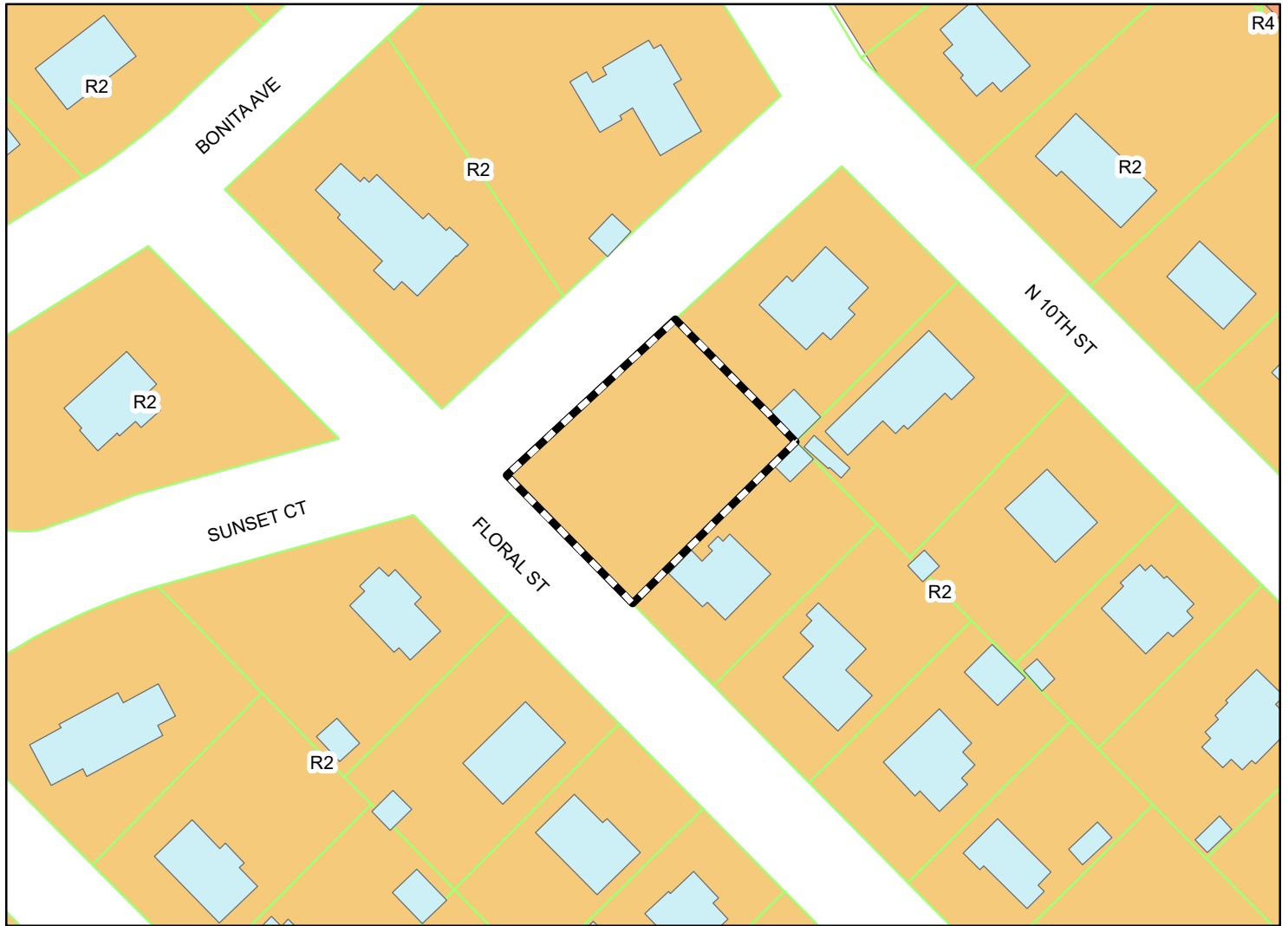
The applicant is requesting a 10 foot front yard setback variance to construct a 2,600 square foot single family home on a 16,046 square foot lot. This is a corner lot requiring a 35 foot front yard setback on Sunset Court, the front street, and a 25 foot setback requirement along Floral Street, the side yard on street. The variance is requested so the front wall of the proposed house aligns with the front wall of the adjacent home along Sunset Court.

There is not a hardship based on the lot's physical property such as severe slopes, however the setbacks along Sunset and Floral streets vary. Home construction in this neighborhood (Alta Vista Subdivision) began in the 1960's. A review of the existing structures in this area does show that over the years street setbacks of existing homes varied from 18 feet to 35 feet. Also, a detached garage located across Sunset Court from the applicant's property is about 3 feet from the front property line. A variance will create alignment of the new home with the existing front wall of the adjacent home on Sunset. The house location is suitable for the neighboring home on Floral Avenue leaving additional spacing between structures. Planning staff believes the variance will be more in character with the surrounding homes and will not have an adverse effect on the neighborhood.

Recommendation

Staff recommends a 10 foot front yard variance along Sunset Court be granted from the minimum 35 foot front yard setback requirement.

LISA DITCHKOFF VARIANCE REQUEST
1005 SUNSET COURT
FRONT YARD SETBACK, C-3



The applicant is requesting a 10 foot front yard setback variance from the 35 foot minimum setback requirement to build an addition. The property is in a R-2 zoning district.



Subject Property

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

2773



DATE: 2/15/2022	Zoning Board of Adjustment Meeting Date:
Case Number:	Meeting Deadline:

PART I. OWNER / APPLICANT INFORMATION

Lisa Ditchkoff 822 North 10th Street 334-329-8288
Owner Name Address Phone

Agent Name (if applicable) Address Phone

PART II. PARCEL INFORMATION

Street Address: 1005 Sunset Court

Current Zoning: R2

Current Land Use: Residential--vacant

Type of Variance Sought: _____ Sign _____ Parking X _____ Setback _____ Other

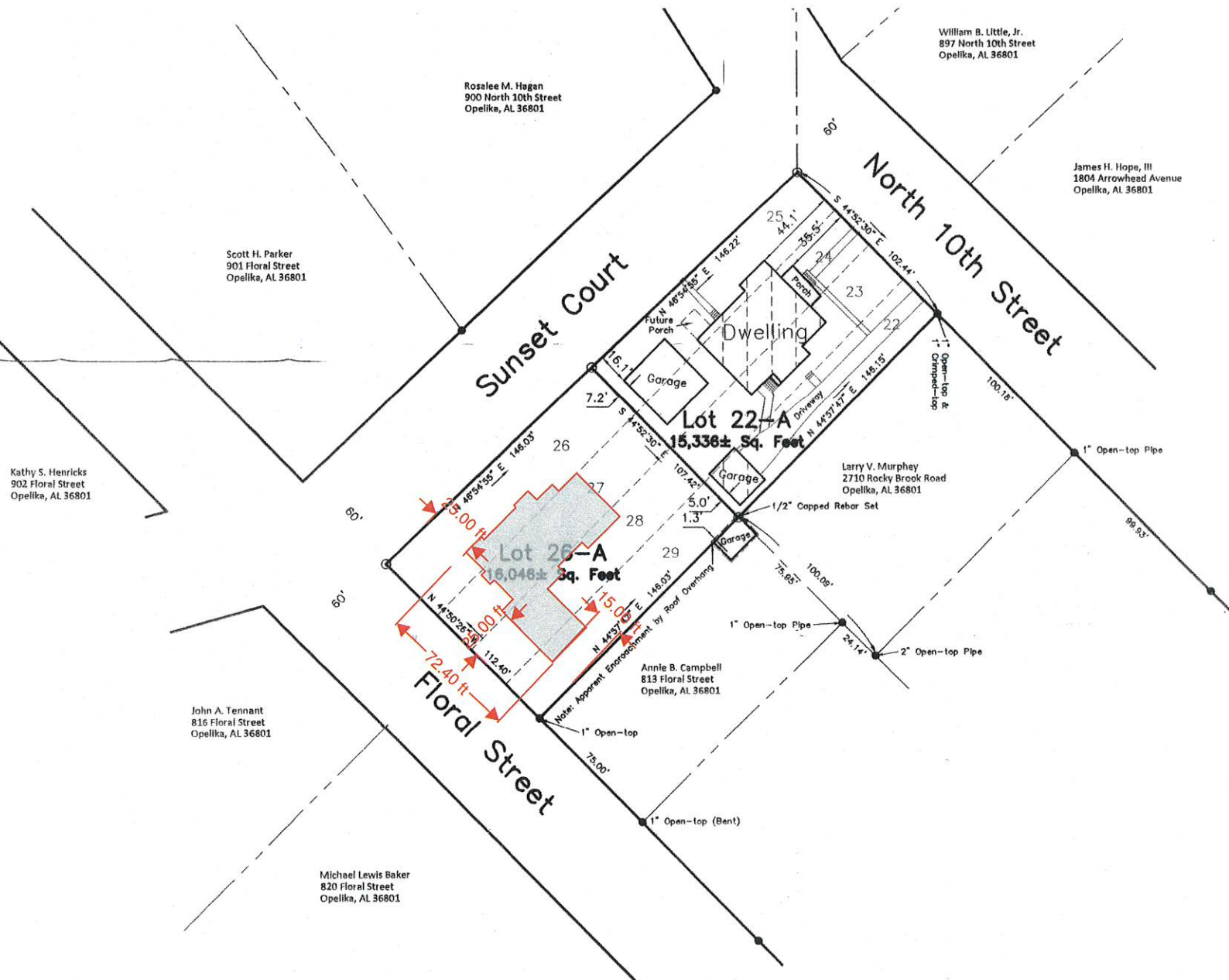
PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map

or site plan) To match the setbacks on the existing houses on Floral and Sunset, it is requested
that this variance be granted.

Setback	Required	Proposed	Amount of Variance
Front	35	25	10
Side	25	25	
Side	15	15	
Rear			

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? Yes, it is important to match the setbacks of the existing structures in the area



901 FLORAL ST

822 N 10TH ST

N 10TH ST

820 N 10TH ST

816 N 10TH ST

Lot 22
15,336± Sq

Lot 26-A
15,048± Sq. Feet

Annie B. Co. Inc.
813 Floral Street
Opelika, AL 36801

811 FLORAL ST

809 FLORAL ST

816 FLORAL ST

807 FLORAL ST

818 FLORAL ST

820 FLORAL ST

FLORAL ST

Note: Apparent Encroachment by Roof Overhang
1" Open-top

25.32 ft

24.50 ft

25.60 ft

72.40 ft

112.40 ft

15.00 ft

10.00 ft

15.00 ft

10.00 ft

15.00 ft

10.00 ft

15.00 ft

10.00 ft

15.00 ft

10.00 ft

15.00 ft

10.00 ft

7.2'

5.0'

1.3'

107.42'

148.03'

148.03'

148.03'

148.03'

148.03'

148.03'

148.03'

148.03'

148.03'

148.03'

148.03'

46°54'55" E

44°52'30" E

44°52'30" E

44°52'30" E

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Floral Street

SUNSET COURT

MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"



EXACT SLOPE MAY VARY
DEPENDENT ON FINAL GRADING

FRONT ELEVATION
SCALE: 0.347" = 1'-0"



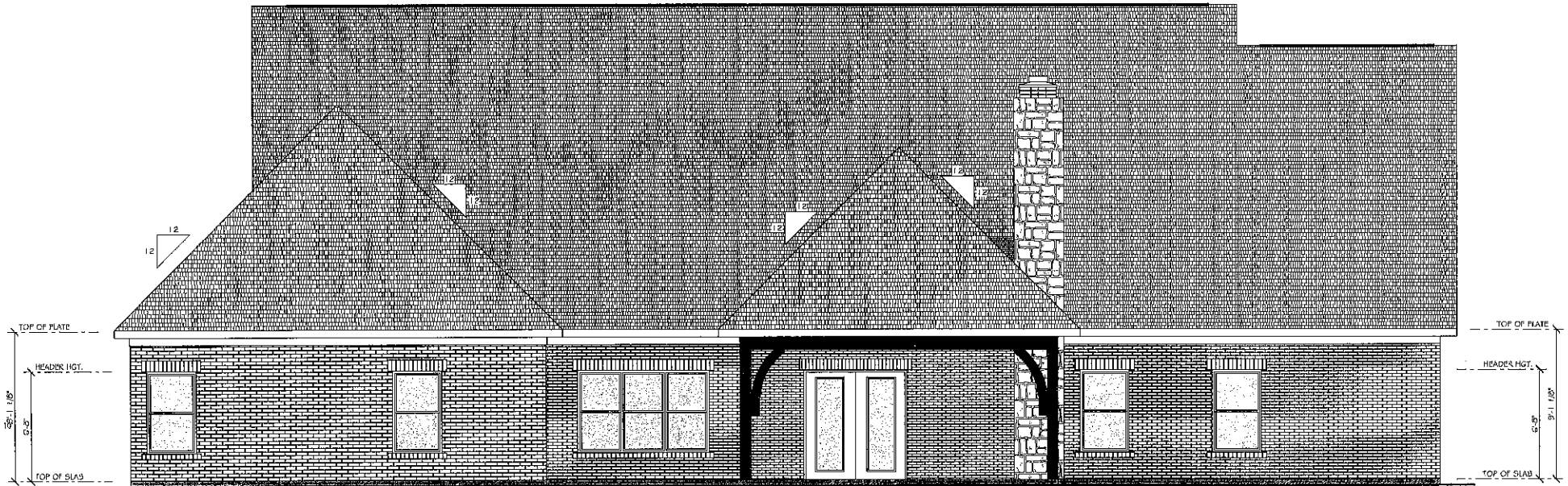
EXACT SLOPE MAY VARY
DEPENDING ON FINAL GRADING

RIGHT ELEVATION
SCALE: 0.346" = 1'-0"



EXACT SLOPE MAY VARY
DEPENDENT ON FINAL GRADING

LEFT ELEVATION
SCALE: 0.35" = 1'-0"



EXACT SLOPE MAY VARY
DEPENDENT ON FINAL GRADING

REAR ELEVATION
SCALE: 0.349" = 1'-0"