

AUBURN BOARD OF ZONING ADJUSTMENT
October 7, 2020 - Regular Meeting
MINUTES

The Auburn Board of Zoning Adjustment (BZA) met in a regular session on October 7, 2020 at 4:30 p.m. by means of the Zoom video conferencing web application.

PRESENT Drew Goodner, Frost Rollins, Paul West, Kim White, Clint Wilson, John Huff, Laticia Khalif

ALSO PRESENT Forrest Cotten, Katie Robison, Logan Kipp, Jay Howell, Stephanie Canady, Amber English, Scott Cummings

ABSENT None

APPROVAL OF MINUTES

Mr. Wilson made a motion to approve the minutes of the September 2, 2020 meeting.

Mr. Goodner seconded the motion. The motion passed with a vote of 5-0.

CHAIRMAN'S COMMUNICATION

"Any persons aggrieved by any decision of the Board may within fifteen (15) days after such decision appeal to the Circuit Court having jurisdiction, according to Section 908.02 of the Zoning Ordinance of the City of Auburn, Alabama."

"The Board consists of five regular members and two supernumeraries. The supernumeraries participate in all discussions but only vote when necessary to assure four voting members and have a board consisting of five members, when possible. All decisions are made with a roll call vote and a concurring vote of four members is required to approve an application for a variance."

All regular members and one supernumerary would vote unless noted otherwise.

OLD BUSINESS

NEW BUSINESS

Variance to Table 5-2: Lot Area, Setbacks, Maximum ISR, and Parking Requirements for Neighborhood Conservation Districts, of the *City of Auburn Zoning Ordinance* PL-2020-00506

Ms. Canady stated the request was for a variance of 5' to the minimum rear setback requirement of 42' to allow a newly constructed home to be 37' from the rear yard property line. The subject property was located at 209 Lee Drive in the Neighborhood Conservation (NC-15) zoning district. The applicant proposed to demolish the existing home and construct a new dwelling. The desire was to allow the new house to have an equal or smaller rear yard setback as the existing home, which was located 5'6" outside of the required setback.

Marty Heffren, the applicant, explained that the proposed new house design would maintain the existing style and character of the neighborhood and complied with the general purpose and intent of the regulations imposed by the Ordinance. The proposed new house design would not adversely impact the neighbors, and the surrounding residents have provided letters of support.

Mr. Huff asked if the existing fence would remain.

Mr. Heffren said it would be replaced by a privacy fence.

Mr. Goodner opened the public hearing.

Dan Keidel, 205 Lee Drive, supported the variance request.

After no further comments were received, the public hearing was closed.

Ms. White noted that this would lessen the existing nonconformity.

Mr. Goodner made a motion to approve Case PL-2020-00506, 209 Lee Drive, a request for a variance of 5' to the rear yard setback requirement of 42' to allow the rear of a new home to be 37' from the rear property line.

Mr. Wilson seconded the motion.

A vote was taken, and the motion passed with a vote of 5-0. Mr. West was absent for the vote.

**Variance to Table 5-1: Lot Area, Setbacks, Maximum Impervious Surface, and Parking Requirements
for Conventional Subdivisions, of the *City of Auburn Zoning Ordinance* PL-2020-00509**

Ms. Canady stated the request was for a variance of 4.9% to the maximum impervious surface ratio (ISR) allowance of 35% to allow a single-family detached building lot to have an ISR of 39.9%. The subject property was located at 830 West Richland Circle in the Development District Housing (DDH) zoning district. The applicant sought to install an in-ground pool with 1,200 sq ft of pool decking, which necessitated the ISR variance.

Mr. Huff asked if pavers would be counted against the ISR.

Ms. Canady said no.

Debra Hemmings, the applicant, explained that she wished to install the pool to promote safe activity for her husband, who was disabled. The pool would be located in the rear of the home and screened on all sides by a privacy fence.

Mr. Goodner opened the public hearing. After no comments were received, the public hearing was closed.

Mr. Goodner made a motion to approve Case PL-2020-00509, 830 West Richland Circle, a request for a variance of 4.9% to the maximum impervious surface ratio (ISR) allowance of 35% to allow a single-

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: PL-2020-00506

APPLICANT: Martin and Susan Heffren

REQUEST: Variance to Table 5-2, Lot Area, Setback, Bulk Regulations and Parking Requirements, of the *City of Auburn Zoning Ordinance* of 5' to the minimum rear setback requirement of 42' to allow a newly constructed home to be 37' from the rear yard property line

LOCATION: 209 Lee Drive

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Martin and Susan Heffren requesting a variance to Table 5-2, Lot Area, Setback, Bulk Regulations and Parking Requirements, of the *City of Auburn Zoning Ordinance* of 5' to the minimum rear setback requirement of 42' to allow a newly constructed home to be 37' from the rear yard property line is **APPROVED**.

I, Forrest E. Cotten, Director of Planning, of the City of Auburn, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Board of Zoning Adjustment of the City of Auburn at its October 7, 2020 meeting, and as same appears on record in the Official Minutes of said Board.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Board of Zoning Adjustment of the City of Auburn this the 23rd day of October, 2020.



Forrest E. Cotten, AICP, Director of Planning

family detached building lot to have an ISR of 39.9%. Mr. Goodner conditioned the approval such that it shall apply only to the project as presented.

Mr. Wilson seconded the motion.

A vote was taken, and the motion passed with a vote of 5-0. Mr. West was absent for the vote.

Variance to Table 5-1: Lot Area, Setbacks, Maximum Impervious Surface, and Parking Requirements for Conventional Subdivisions, of the *City of Auburn Zoning Ordinance* PL-2020-00510

Mr. Kipp stated the request was for a variance of 3.6% to the maximum impervious surface ratio (ISR) allowance of 35% to allow a single-family detached building lot to have an ISR of 38.6%. The subject property was located at 2252 Graymoor Lane in the Development District Housing (DDH) zoning district with an overlay of the Planned Development District (PDD) designation. The applicant sought to install a pool and the decking associated with it, which necessitated the variance. The site was already over the allowed ISR, as impervious surface was added to the driveway to bring the ISR to 35.6%

Rick Singletary represented the applicant. He was willing to check with the home owners to see if they agreed to use pavers instead of decking in order to negate the need for a variance.

The Board discussed and were amenable to voting on a motion to grant a variance of 0.6% in order to bring the site as currently built into compliance. The applicant's representative could then speak with the home owner to discuss possible revisions to the plan.

Mr. Goodner opened the public hearing. After no comments were received, the public hearing was closed.

Mr. Goodner made a motion to approve Case PL-2020-00510, 2252 Graymoor Lane, a request for a variance of 3.6% to the maximum impervious surface ratio (ISR) allowance of 35% to allow a single-family detached building lot to have an ISR of 38.6% in order to approve a 0.6% variance and to postpone until November 4, 2020 the remaining requested balance of 3%.

Ms. White seconded the motion.

A vote was taken, and the motion passed with a vote of 5-0. Mr. West was absent for the vote.

Variance to Table 5-2: Lot Area, Setbacks, Maximum ISR, and Parking Requirements for Neighborhood Conservation Districts, of the *City of Auburn Zoning Ordinance* PL-2020-00516

Mr. Cotten stated the applicant requested to postpone the application until the November 4, 2020 meeting.

Mr. Goodner made a motion to postpone until November 4, 2020 Case PL-2020-00516, 747 South College Street, a request for a variance of 4'8" to the rear yard setback requirement of 45' to allow a rear setback of 40'4".

Mr. Wilson seconded the motion.

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: PL-2020-00509

APPLICANT: Debra Hemmings

REQUEST: Variance to Table 5-1, Lot Area, Setbacks, Maximum Impervious Surface, and Parking Requirements for Conventional Subdivisions, of the *City of Auburn Zoning Ordinance* of 4.9% the maximum impervious surface ratio (ISR) allowance of 35% to allow a single-family detached building lot to have an ISR of 39.9%

LOCATION: 830 West Richland Circle

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Debra Hemmings requesting a variance to Table 5-1, Lot Area, Setbacks, Maximum Impervious Surface, and Parking Requirements for Conventional Subdivisions of the *City of Auburn Zoning Ordinance* of 4.9% the maximum impervious surface ratio (ISR) allowance of 35% to allow a single-family detached building lot to have an ISR of 39.9% is **APPROVED, subject to:**

- **The variance shall apply only to the plan as presented.**

I, Forrest E. Cotten, Director of Planning, of the City of Auburn, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Board of Zoning Adjustment of the City of Auburn at its October 7, 2020 meeting, and as same appears on record in the Official Minutes of said Board.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Board of Zoning Adjustment of the City of Auburn this the 23rd day of October, 2020.



Forrest E. Cotten, AICP, Director of Planning

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: PL-2020-00510

APPLICANT: Jack and Tracy Barker

REQUEST: Variance to Table 5-1, Lot Area, Setbacks, Maximum Impervious Surface, and Parking Requirements for Conventional Subdivisions, of the *City of Auburn Zoning Ordinance* of 3.6% to allow the ISR to be 38.6% where the maximum ISR is 35%

LOCATION: 2252 Graymoor Lane

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Jack and Tracy Barker requesting a variance to Table 5-1, Lot Area, Setbacks, Maximum Impervious Surface, and Parking Requirements for Conventional Subdivisions of the *City of Auburn Zoning Ordinance* of 3.6% to allow the ISR to be 38.6% where the maximum ISR is 35% is **APPROVED, subject to:**

- **A variance of 0.6% to the maximum ISR of 35% to allow an ISR of 35.6% is approved.**
- **Consideration of the remaining requested balance of 3% is postponed to November 4, 2020.**

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A vote was taken, and the motion passed with a vote of 5-0. Mr. West was absent for the vote.

Variance to Table 5-4: Development and Design Standard Requirements within the College Edge Overlay District (CEOD), of the *City of Auburn Zoning Ordinance* PL-2020-00530

Mr. Goodner recused himself from discussing and voting on the case.

Mr. Howell stated the request was for a variance of 34 parking spaces for residential parking required in the CEOD to allow 134 parking spaces in lieu of the required 168 parking spaces. The subject property was located at 129 North College Street in the Urban Core (UC) zoning district with an overlay of the College Edge Overlay District (CEOD) designation. Downtown residential parking requirements were split in 2007 with the introduction of the UC zoning district and CEOD overlay district. The requirement, originally set at 1.5 spaces per unit for all multi-family developments, was changed to one (1) space per bedroom in the UC. Areas within the CEOD remained at 1.5 spaces per unit, however. The intent of this change was to make parking requirements in the UC be more specifically tailored to the development and to encourage more one- and two-bedroom units of the market-rate category. The zoning ordinance encourages residential density in the downtown area with an emphasis on this category, based on the exclusion of private dormitories from the UC district as of 2016. The units proposed by the developer consist of ninety (90) one-bedroom or studio apartments and twenty-two (22) two-bedroom apartments. As such, these units could be considered market-rate products as opposed to that which targets the student population.

The Board discussed parking downtown and how it should be regulated and addressed.

Mr. Wilson asked how close the new public parking deck would be located to the subject property.

Mr. Huff thought the City's parking requirements were very lax and parking downtown was atrocious.

Mr. Cotten said it would be adjacent. There would be a pedestrian connection from the deck to the retail space of the proposed project. The deck would have 359 spaces.

Ms. Rollins thought the request was reasonable and would help create non-student housing downtown.

Mr. Wilson said the adjacent public parking deck could be considered a unique circumstance.

Parker Lewis with Hydro-Engineering Solutions, LLC represented the applicant. he explained that the unique circumstance for this particular project was due to the fact that 80% of the residential units were one-bedroom units with only 22 of the 112 units being two-bedroom units. The requirements for the CEOD (which is an "overlay" district of the underlying Urban Core [district]) provides for a parking requirement of one and one-half (1.5) spaces per unit, as opposed to the Urban Core requirement of one (1) parking space per bedroom. This project had 112 units, but only 134 total bedrooms. At a parking requirement of one (1) space per bedroom, no variance would be needed since the project provided 134 parking spaces. He said the variance was in harmony with the intent of the regulations for an urban multi-family project.

Mr. Wilson opened the public hearing. After no comments were received, the public hearing was closed.

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: PL-2020-00516

APPLICANT: Alan and Paige Sanders

REQUEST: Variance to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District, of the *City of Auburn Zoning Ordinance* of four feet – eight inches (4'-8") to the minimum required 45-foot rear yard setback for the NC-20 zoning district to allow a rear setback of 40'-4"

LOCATION: 747 South College Street

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Alan and Paige Sanders requesting a variance to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District, of the *City of Auburn Zoning Ordinance* of four feet – eight inches (4'-8") to the minimum required 45-foot rear yard setback for the NC-20 zoning district to allow a rear setback of 40'-4" is **POSTPONED TO NOVEMBER 4, 2020.**

I, Forrest E. Cotten, Director of Planning, of the City of Auburn, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Board of Zoning Adjustment of the City of Auburn at its October 7, 2020 meeting, and as same appears on record in the Official Minutes of said Board.

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Mr. Huff did not support the variance request.

Mr. Wilson saw both sides of the issue, but thought the request was a happy medium.

Mr. Wilson made a motion to approve Case PL-2020-00530, 129 North College Street, a request for a variance of 34 parking spaces for residential parking required in the CEOD to allow 134 parking spaces in lieu of the required 168 parking spaces. Mr. Wilson conditioned the approval such that it shall apply only to the project as presented.

Ms. White seconded the motion.

A vote was taken, and the motion failed with a vote of 3-2. Members Rollins, White, and Wilson voted for the motion. Members West and Huff voted against the motion.

OTHER BUSINESS

CHAIRMAN'S COMMUNICATION

STAFF COMMUNICATION

The meeting was adjourned at 5:44 p.m.

Paul West, Chairman

Drew Goodner, Vice Chairman

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: PL-2020-00530

APPLICANT: 129 North College Fund, LLC

REQUEST: Variance to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District, of the *City of Auburn Zoning Ordinance* of 34 parking spaces to the minimum required number of 168 parking spaces to allow 134 parking spaces for a residential use

LOCATION: 129 North College Street

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from 129 North College Fund, LLC requesting a variance to Table 5-4, Development and design standard requirements within the College Edge Overlay District (CEOD), of the *City of Auburn Zoning Ordinance* of 34 parking spaces to the minimum required number of 168 parking spaces to allow 134 parking spaces for a residential use is **DENIED**.

I, Forrest E. Cotten, Director of Planning, of the City of Auburn, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Board of Zoning Adjustment of the City of Auburn at its October 7, 2020 meeting, and as same appears on record in the Official Minutes of said Board.

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