

AUBURN BOARD OF ZONING ADJUSTMENT
February 3, 2021 - Regular Meeting
MINUTES

The Auburn Board of Zoning Adjustment (BZA) met in a regular session on February 3, 2021 at 4:30 p.m. by means of the Zoom video conferencing web application.

PRESENT Drew Goodner, Frost Rollins, Emmy Sorrells, Kim White, Clint Wilson, John Huff, Laticia Khalif

ALSO PRESENT Katie Robison, Logan Kipp, Jay Howell, Stephanie Canady, Maddie Entrikin, Amber English, Scott Cummings, Greg Nelson

ABSENT None

APPROVAL OF MINUTES

Mr. Wilson made a motion to approve the minutes of the January 6, 2021 meeting.

Ms. Rollins 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 in attendance would vote unless noted otherwise.

OLD BUSINESS

NEW BUSINESS

Annual Meeting of the Board to Elect New Officers

Mr. Wilson made a motion to elect Drew Goodner as Chair. Ms. White seconded the motion. A vote was taken, and the motion passed with a vote of 5-0.

Mr. Goodner made a motion to elect Clint Wilson as Vice Chair. Ms. White seconded the motion. A vote was taken, and the motion passed with a vote of 5-0.

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: Annual Meeting of the Board to Elect New Officers

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn that the motion for officers for the calendar year 2021 is hereby **APPROVED as noted:**

- Drew Goodner, Chair
- Clint Wilson, Vice Chair

I, Katie Robison, Acting 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 February 3, 2021 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 19th day of February, 2021.



Katie Robison, AICP, Acting Director of Planning

Variance to Section 502.02(C), Performance Residential Developments: Town House, of the *City of Auburn Zoning Ordinance* PL-2021-00019

Ms. Canady stated the request was for a variance of one parking space to the minimum three parking spaces for a three-bedroom town house (one space required per bedroom) to allow two parking spaces on lots 6, 7, 14, and 15 of Summerville Subdivision. The subject property was located on Harper Avenue between North Debardeleben Street and North Ryan Street in the Medium Density Residential District (MDRD) zoning district. The applicant intended to resubdivide the existing lots into a mixed-use residential development which would consist of 12 town houses, two twin houses, and four academic detached dwelling units (ADDU). Though not explicitly stated in the zoning ordinance, parking in the rear for town houses was preferred. The applicant had met with City staff on several occasions regarding the development of the subject properties where these preferences were discussed.

Mr. Huff asked if the variance would be needed if the units had two bedrooms.

Ms. Canady said no.

Parker Lewis with Hydro-Engineering Solutions, LLC represented the applicant. In order to provide rear-loaded parking on all the development lots, driveway aisles were proposed to be located in easements within the individual lots.

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

Mr. Goodner thought the development was designed nicely, and said that rear-loaded parking was preferred.

Ms. Rollins noted that street parking was available.

Ms. Robison said that street parking was not counted towards required parking.

Ms. Rollins liked the way the project was laid out, but said the same thing could be accomplished with less bedrooms.

Mr. Huff said the Board was not here to make the applicant's numbers work.

Mr. Goodner made a motion to approve Case PL-2021-00019, Summerville ADDU, a request for a variance of one parking space to the minimum three parking spaces for a three-bedroom town house (one space required per bedroom) to allow two parking spaces on lots 6, 7, 14, and 15 of Summerville Subdivision.

Mr. Wilson seconded the motion.

A vote was taken, and the motion failed by a vote of 3-2. Goodner, Sorrells, and Wilson voted for the motion. Rollins and White voted against the motion.

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: PL-2021-00019

APPLICANT: Mike Swope, UH Development, LLC, on behalf of Robert Fucci

REQUEST: Variance to Section 502.02(C), Performance Residential Developments: Town House, of the *City of Auburn Zoning Ordinance* of one (1) parking space to the minimum required three (3) parking spaces for a three-bedroom town house (one space required per bedroom) to allow two parking spaces on lots 6,7,14, and 15 of Summerville Subdivision

LOCATION: Harper Avenue between North Debardeleben Street and North Ryan Street

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Robert Fucci requesting a variance to Section 502.02(C), Performance Residential Developments: Town House, of the *City of Auburn Zoning Ordinance* of one (1) parking space to the minimum required three (3) parking spaces for a three-bedroom town house (one space required per bedroom) to allow two parking spaces on lots 6,7,14, and 15 of Summerville Subdivision is **DENIED**.

I, Katie Robison, Acting 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 February 3, 2021 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 19th day of February, 2021.



Katie Robison, AICP, Acting Director of Planning

Variance to Section 517(D), Flag Lots, the *City of Auburn Zoning Ordinance*

PL-2021-00022

Mr. Kipp stated the request was for a variance to reduce the minimum flag lot size in the DDH zoning district from 40,000 square feet to 24,718 square feet. The subject property was located at the eastern terminus of Sutherland Lane in the Development District Housing (DDH) zoning district. A portion of the lot had been annexed and zoned into the City limits. Should the variance be denied and the property owner required to expand the proposed lot to conform to the regulations, a portion of the lot would be outside of the City limits with no zoning.

Brett Basquin with Foresite Group, Inc. represented the applicant. The proposed configuration was due to an existing sewer easement and adjacent property lines that prevented the lot from being 40,000 square feet. The proposed lot was larger than any nearby lots.

Mr. Goodner opened the public hearing.

Public comment was provided by the following individuals:

- Marsha Moorehead, 1764 Philmore Court, said the property in question was platted as open space for Northwoods Subdivision and asked what happened to that space.

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

Mr. Kipp acknowledged that the subject property had been platted as open space for Northwoods Subdivision. A land swap had occurred to facilitate the subdivision's open space requirement.

Ms. White asked what the purpose of the minimum lot size for flag lots.

Mr. Kipp said it was to deter a proliferation of flag lots as a way to develop property.

Ms. Rollins asked when the land swap occurred.

Mr. Kipp said it was accomplished by deed, but the actual subdivision plat had not been submitted to or reviewed by the City. An administrative plat to formalize the land swap was made a requirement of the preliminary plat in which the subject property was located.

Mr. Basquin said the land swap took place by deed in 2019.

Ms. Rollins commented that there was no proof of either unique circumstance or undue hardship.

Mr. Goodner made a motion to deny Case PL-2021-00022, Sutherland Lane, a request for a variance to reduce the minimum flag lot size in the DDH zoning district from 40,000 square feet to 24,718 square feet.

Mr. Wilson seconded the motion.

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

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: PL-2021-00022

APPLICANT: Donahue Land, LLC

REQUEST: Variance to Section 517(D), Flag Lots, of the *City of Auburn Zoning Ordinance* to reduce minimum flag lot size in the DDH zoning district from 40,000 square feet to 24,718 square feet

LOCATION: Eastern terminus of Sutherland Lane

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Donahue Land, LLC requesting a variance to Section 517(D), Flag Lots, of the *City of Auburn Zoning Ordinance* to reduce minimum flag lot size in the DDH zoning district from 40,000 square feet to 24,718 square feet is **DENIED**.

I, Katie Robison, Acting 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 February 3, 2021 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 19th day of February, 2021.



Katie Robison, AICP, Acting Director of Planning

**Variances to Table 5-1: Lot Area, Setbacks, Maximum Impervious Surface, and Parking Requirements
for Conventional Subdivisions, the *City of Auburn Zoning Ordinance* PL-2021-00028**

Ms. Sorrells recused herself from discussing and voting on the case.

Mr. Howell stated the request was for three variances for property located at 430 White Street in the Neighborhood Redevelopment District (NRD) zoning district. The specific requests were for:

- A variance of 14' to the minimum rear yard setback of 20' to allow a rear yard setback of 6'
- A variance of 5' where the minimum side yard setback on a street is 20' to allow a side yard setback on a street to be 15'
- A variance of 9' to the minimum 25' front yard setback to allow a front yard setback of 16'

The applicant wished to construct a single-family dwelling on the property, which was currently a vacant lot. The design proposed that the home face White Street, which was preferred. The proposed structure would reorient its footprint into the rear and on-street side yard to provide greater room between it and the home to the south, which would give more area for driveway and living space. It was common for lots in older parts of town, which the subject property was in, to have been established long before current requirements were put in place and, therefore, those lots often lack the buildable area envisioned by the ordinance.

Michael Moore with One Eleven Investments, LLC represented the applicant. He said the intention was to establish a single-family dwelling on a vacant lot that would reinforce existing residential land use and building patterns.

Will Barnes represented the applicant. He explained that the variances would allow a product that was well-proportioned for the neighborhood.

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

The Board discussed particulars of the variance requests.

Mr. Huff said having a 6' backyard was nothing.

Mr. Barnes said the rear yard setback would function as a side yard. He said the variances would not permit something that was out of character with the neighborhood.

Mr. Goodner acknowledged the lot was odd, but said the variances were significant.

Ms. Rollins understood what the applicant was trying to accomplish, but didn't see how it classified as a true hardship.

Mr. Barnes said the proposed configuration could be allowed on the lot if oriented differently.

- **Mr. Goodner made a motion to deny Case PL-2021-00028, 430 White Street, a request for a variance of 14' to the minimum rear yard setback of 20' to allow a rear yard setback of 6'.**

Mr. Wilson seconded the motion.

A vote was taken, and the motion passed with a vote of 5-0. Ms. Sorrells recused herself from voting.

- **Mr. Goodner made a motion to deny Case PL-2021-00028, 430 White Street, a request for a variance of 5' where the minimum side yard setback on a street is 20' to allow a side yard setback on a street to be 15'.**

Ms. White seconded the motion.

A vote was taken, and the motion passed with a vote of 5-0. Ms. Sorrells recused herself from voting.

- **Mr. Goodner made a motion to deny Case PL-2021-00028, 430 White Street, a request for a variance of 9' to the minimum 25' front yard setback to allow a front yard setback of 16'.**

Ms. White seconded the motion.

A vote was taken, and the motion passed with a vote of 5-0. Ms. Sorrells recused herself from voting.

OTHER BUSINESS

CHAIRMAN'S COMMUNICATION

STAFF COMMUNICATION

The meeting was adjourned at 5:45 p.m.

Drew Goodner, Chair

Clint Wilson, Vice Chair

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: PL-2021-00028

APPLICANT: Michael Murray

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

LOCATION: 430 White Street

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Michael Murray requesting variances to Table 5-1: Lot Area, Setbacks, Maximum Impervious Surface, and Parking Requirements for Conventional Subdivisions, of the *City of Auburn Zoning Ordinance* is **DENIED, subject to:**

The following variances are denied:

- A variance of 14' to the minimum rear yard setback of 20' to allow a rear yard setback of 6'
- A variance of 5' where the minimum side yard setback on a street is 20' to allow a side yard setback on a street to be 15'
- A variance of 9' to the minimum 25' front yard setback to allow a front yard setback of 16'

I, Katie Robison, Acting 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 February 3, 2021 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 19th day of February, 2021.



Katie Robison, AICP, Acting Director of Planning