

**AUBURN BOARD OF ZONING ADJUSTMENT**  
**April 7, 2021 - Regular Meeting**  
**MINUTES**

The Auburn Board of Zoning Adjustment (BZA) met in a regular session on April 7, 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 February 3, 2021 meeting.

Ms. Sorrells 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**

**Variance to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District of the *City of Auburn Zoning Ordinance* PL-2021-00093**

Ms. Canady stated the request was for a variance of 2'2" to the minimum 14' side setback to allow an addition to the home to be 11'10" from the east property line. The subject property was located at 779 East University Drive in the Neighborhood Conservation (NC-14) zoning district. The applicant wished to construct an attached carport. The subject property does not possess unique circumstances or conditions that would deprive the property owner of reasonable use of land or buildings. Building permits on file indicate the existing house was constructed in 1997.

Scott Kirkland, the applicant, was present. He stated he had received no objections from adjacent property owners.

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

Ms. Rollins asked if it would be a single car garage.

Mr. Goodner said yes.

Ms. Sorrells noted that the applicant indicated the carport would be built of the same materials and color as the present color of the home, in keeping character with the existing style and curb appeal of the neighborhood.

**Mr. Wilson made a motion to approve Case PL-2021-00093, 779 East University Drive, a request for a variance of 2'2" to the minimum 14' side setback to allow an addition to the home to be 11'10" from the east property line.**

**Mr. Goodner seconded the motion.**

**A vote was taken, and the motion was approved by a vote of 5-0.**

**Variance to Section 511.03, Use Limitations, of the *City of Auburn Zoning Ordinance* PL-2021-00161**

Ms. Entrikin stated the request was for a variance of 30 percent (536 sq. ft.) to the allowed 50 percent (893 sq. ft.) to allow residential accessory structures to be 80 percent (1,417 sq. ft.) of the principal structure's floor area (1,786 sq. ft.). The subject property was located at 289 Chewacla Drive in the Neighborhood Conservation (NC-12) zoning district. The property currently had one principal dwelling unit (1,786 sq. ft.) and one accessory building (679 sq. ft.). The proposed additional accessory building was 738 sq. ft. There was no unnecessary hardship through the application of the Ordinance. The granting of the variance was not needed for the reasonable use of the land.

Craig Young, the applicant, was present. His application stated the original structure was built in 1950, and the goal has been to bring the residence up to current standards while maintaining the original architectural design/character of the original structure and avoiding any negative impact to the adjacent properties and neighborhood. He submitted that the proposed changes would create a secondary bedroom/studio/office and a garage. The applicant stated that the proposed changes met the ISR requirement of 36% (proposed would be 32%) for the property. The only requirement not met was the floor area of the main structure in relation to the total area of accessory structures. Technically the existing structure could be modified, but that would cause harm on many levels. The applicant stated that the property itself did not create a hardship. However, the placement of the existing structures created the difficulty of bringing the residence up to standard while taking into consideration the adjacent properties and the existing architectural beauty of the main structure. The existing structures, the topology of adjacent properties, and the goal of maintaining architectural integrity of subject property all factored into request for the variance.

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

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2021-00093

APPLICANT: Scott Kirkland

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 2'2" to the minimum 14' side yard setback to allow a carport addition to be 11'10" from the east property line

LOCATION: 779 East University Drive

**ACTION OF BOARD**

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Scott Kirkland 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 2'2" to the minimum 14' side yard setback to allow a carport addition to be 11'10" from the east property line is **APPROVED**.

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 April 7, 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 21<sup>st</sup> day of April, 2021.



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Katie Robison, AICP, Acting Director of Planning

Mr. Goodner said 80% was a massive number.

Ms. White said the request was significant.

Ms. Rollins agreed.

**Mr. Wilson made a motion to deny Case PL-2021-00161, 289 Chewacla Drive, a request for a variance to the requirement that on any one residential lot, the total accessory floor area of all structures shall be limited to 50% of the floor area of the principal structure.**

**Ms. White seconded the motion.**

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

**Variance to Table 4-2: Performance Standards for Residential Uses by District, of the *City of Auburn*  
*Zoning Ordinance* PL-2021-00162**

Ms. Canady stated the request was for a variance of 1.5 acres to the minimum 3-acre lot size to allow a minimum lot size of 1.5 acres. The subject property was located at 483 Chadwick Lane in the Rural (R) zoning district. The subject property did not possess unique circumstances or conditions that would deprive the property owner of reasonable use of land or buildings. However, the single-family residence to the south was set further from the road, which would require fewer improvements and disturbances to the stream to access this portion of land.

Jim Bryson, the applicant, was present. His application stated that the request for a variance was to split the property in half. The property owner to the south (Ryan Funderburk) wished to purchase the back half of the applicant's property to build a garden and small shed/garage. There would not be any additional buildings, and there would not be any additional septic tanks. Mr. Funderburk and his wife resided in a house adjacent to the property he wished to purchase. The applicant stated that the back half of his land was inaccessible due to a stream running through the middle of the lot. Mr. Funderburk had a driveway to his property. The cost of building a road to the back of the applicant's property was not practical or possible. The stream did flood making it necessary to have an actual bridge and road built.

Mr. Wilson asked if the applicant would have an issue with a condition of approval being that the neighbor (Mr. Funderburk) would be required to purchase the property.

Mr. Bryson agreed to the condition.

Mr. Goodner opened the public hearing.

Ryan Funderburk, 495 Chadwick Lane, spoke regarding his intent to purchase the property.

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

Mr. Goodner thought the request was reasonable.

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2021-00161

APPLICANT: Craig Young

REQUEST: Variance to Section 511.03(J), Use Limitations, of the *City of Auburn Zoning Ordinance* of 30 percent (536 sq. ft.) to the allowed 50 percent (893 sq. ft.) to allow residential accessory structures to be 80 percent (1,417 sq. ft.) of the primary structure's floor area (1,786 sq. ft.)

LOCATION: 289 Chewacla Drive

**ACTION OF BOARD**

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Craig Young requesting a variance to Section 511.03(J), Use Limitations, of the *City of Auburn Zoning Ordinance* of 30 percent (536 sq. ft.) to the allowed 50 percent (893 sq. ft.) to allow residential accessory structures to be 80 percent (1,417 sq. ft.) of the primary structure's floor area (1,786 sq. ft.) 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 April 7, 2021 meeting, and as same appears on record in the Official Minutes of said Board.

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Katie Robison, AICP, Acting Director of Planning

Mr. Rollins supported the request with the condition of approval.

**Mr. Wilson made a motion to approve Case PL-2021-00162, 483 Chadwick Lane, a request for a variance of 1.5 acres to the minimum 3-acre lot size to allow a minimum lot size of 1.5 acre. Mr. Wilson conditioned the motion such that approval was contingent on the applicant's current neighbor (Funderburk) purchasing the subdivided property.**

**Mr. Goodner seconded the motion.**

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

**Variance to Table 5-1: Lot Area, Setbacks, Maximum Impervious Surface, and Parking Requirements  
for Conventional Subdivisions, the *City of Auburn Zoning Ordinance* PL-2021-00166**

Mr. Kipp stated the request was for a variance of 1.5% to the maximum ISR of 35% to allow an ISR of 36.5%. the subject property was located at 2264 Graymoor Lane in the Development District Housing (DDH) zoning district with an overlay of the Planned Development District (PDD) designation. The applicant wished to build a storm shelter and to hide pump equipment as well as provide storage.

Timothy Burandt, the applicant, was present. His application stated the variance was in keeping with the general purpose and intent of the regulations and would allow a pool house similar to others in the neighborhood. He indicated that the lot was relatively small and pervious pavers were used for the pool decking.

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

Ms. Sorrells said it was preferable to have the pump concealed.

Mr. Huff asked if there were drainage issues.

Mr. Kipp said the subdivision was relatively new, but he was unaware of any.

Mr. Goodner knew some residents of the subdivision, and he had not heard any complaints.

**Mr. Goodner made a motion to approve Case PL-2021-00166, 2264 Graymoor Lane, a request for a variance of 1.5% to the maximum ISR of 35% to allow an ISR of 36.5%.**

**Ms. Sorrells seconded the motion.**

**A vote was taken, and the motion passed with a vote of 4-1. Ms. White voted against the motion.**

**Variance to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood  
Conservation District of the *City of Auburn Zoning Ordinance* PL-2021-00173**

Ms. Entrikin stated the request was for a variance of 15' to the minimum rear yard setback of 40' to allow a rear yard setback of 25'. The subject property was located at 744 Briarwood Drive in the

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2021-00162

APPLICANT: James Bryson

REQUEST: Variance to Table 4-2: Performance Standards for Residential Use by District of the *City of Auburn Zoning Ordinance* of 1.5 acres to the minimum 3-acre lot size to allow a minimum lot size of 1.5 acres

LOCATION: 483 Chadwick Lane

**ACTION OF BOARD**

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from James Bryson requesting a variance to Table 4-2: Performance Standards for Residential Use by District of the *City of Auburn Zoning Ordinance* of 1.5 acres to the minimum 3-acre lot size to allow a minimum lot size of 1.5 acres is **APPROVED, subject to:**

- **Approval is contingent on the applicant's current neighbor (Funderburk) purchasing the subdivided property.**

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 April 7, 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 21<sup>st</sup> day of April, 2021.



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Katie Robison, AICP, Acting Director of Planning

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2021-00166

APPLICANT: Timothy and Alice Burandt

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 1.5% to the maximum ISR of 35% to allow an ISR of 36.5%

LOCATION: 2264 Graymoor Lane

**ACTION OF BOARD**

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Timothy and Alice Burandt 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 1.5% to the maximum ISR of 35% to allow an ISR of 36.5% is **APPROVED**.

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 April 7, 2021 meeting, and as same appears on record in the Official Minutes of said Board.

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Neighborhood Conservation (NC-14) zoning district. The applicant wished to roof an attached concrete patio.

Tyler Mabrey, the applicant, was present. His application stated the setback reduction of 5' would be inside of the private, fenced-in backyard and would in no way impede the neighbors' properties or be detrimental to public welfare. The property was long and narrow with restrictive setbacks. Without the variance approval, roofing over the patio would require posts to be set in the middle of the patio, rendering it unusable.

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

Ms. Sorrells did not have an issue with the request.

The Board discussed the case and preferred to have renderings of the proposed roofing before deciding on the request.

**Mr. Wilson made a motion to postpone until May 5, 2021 Case PL-2021-00173, 744 Briarwood Drive, a request for a variance of 15' to minimum rear yard setback of 40'.**

**Ms. Rollins seconded the motion.**

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

**Request for a rehearing for variances to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District of the *City of Auburn Zoning Ordinance*  
PL-2016-00582**

Mr. Howell stated the request was for a rehearing of previously denied variances to the required side yard setback and total side yard setback. The subject property was located at 255 Payne Street in the Neighborhood Conservation (NC-11) zoning district. If approved, the applicant intended to submit a complete variance application to be considered by the Board at a subsequent meeting.

Ian Hoffman, the applicant's representative, was present. He addressed the applicant's efforts to address the concerns discussed by the Board during the previous rehearing regarding stormwater runoff and possible fire hazard. A revised site plan with topographical survey to demonstrate how the new design integrates a stormwater distribution system and fire-resistant material to mitigate these concerns was included.

**Mr. Goodner made a motion to approve Case PL-2016-00582, 255 Payne Street, a request for a rehearing of previously denied variances to the required side yard setback and total side yard setback.**

**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-2021-00173

APPLICANT: Tyler Mabrey

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 15' to the minimum rear setback of 40' to allow a minimum rear setback of 25'

LOCATION: 744 Briarwood Drive

**ACTION OF BOARD**

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Tyler Mabrey 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 15' to the minimum rear setback of 40' to allow a minimum rear setback of 25' is **POSTPONED UNTIL MAY 5, 2021.**

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 April 7, 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 21<sup>st</sup> day of April, 2021.



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Katie Robison, AICP, Acting Director of Planning

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2016-00582

APPLICANT: Sandra Clark-Lewis

REQUEST: Rehearing for variances to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District of the *City of Auburn Zoning Ordinance*

LOCATION: 255 Payne Street

**ACTION OF BOARD**

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Sandra Clark-Lewis requesting a rehearing for variances to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District of the *City of Auburn Zoning Ordinance* is **APPROVED**.

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**Variance to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District of the *City of Auburn Zoning Ordinance* PL-2021-00176**

Mr. Howell stated the staff determined the variance was not required.

**Variance to Section 502.02(G), Multiple Unit Development, of the *City of Auburn Zoning Ordinance* PL-2021-00180**

Mr. Kipp stated the request was for a variance of 82 parking spaces to the required 568 parking spaces to allow a Multiple-Unit Development to have 486 parking spaces. The subject property was located at 4201 South College Street in the Comprehensive Development District (CDD) with an overlay of the Planned Development District (PDD) designation.

Hugh Jarratt, the applicant's representative, was present. His application stated there was an abundance of unused parking for all the existing phases that had been completed. The overall development had excess parking that was underutilized. A parking study was conducted to demonstrate this condition. The purpose of this variance was to avoid adding additional parking and pavement that would be unused.

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

The Board discussed the case and preferred to have a professional parking study to review before deciding on the request.

**Mr. Goodner made a motion to postpone until May 5, 2021 Case PL-2021-00180, 4201 South College Street, a request for a variance of 82 parking spaces to the required parking of 568 parking spaces to allow a Multiple-Unit Development to have 486 parking spaces.**

**Mr. Wilson seconded the motion.**

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

**OTHER BUSINESS**

**CHAIRMAN'S COMMUNICATION**

**STAFF COMMUNICATION**

The meeting was adjourned at 5:58 p.m.

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Drew Goodner, Chair

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Clint Wilson, Vice Chair

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2021-00180

APPLICANT: The Greens at Auburn Land Development LP

REQUEST: Variance to Section 502.02(G). Multiple Unit Development, of the *City of Auburn Zoning Ordinance* of 82 parking spaces to the required parking of 568 parking spaces to allow a Multiple-Unit Development to have 486 parking spaces

LOCATION: 4201 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 The Greens at Auburn Land Development LP requesting a variance to Section 502.02(G). Multiple Unit Development, of the *City of Auburn Zoning Ordinance* of 82 parking spaces to the required parking of 568 parking spaces to allow a Multiple-Unit Development to have 486 parking spaces is **POSTPONED UNTIL MAY 5, 2021.**

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 April 7, 2021 meeting, and as same appears on record in the Official Minutes of said Board.

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Katie Robison, AICP, Acting Director of Planning