

**BOARD OF ZONING ADJUSTMENT AGENDA**  
**Wednesday, July 7, 2021 4:30 P.M., Regular Meeting**  
**Council Chambers, 141 North Ross Street**

**ROLL CALL**

**APPROVAL OF MINUTES**

BZA Meeting – June 2, 2021

**CHAIRMAN'S OPENING REMARKS**

“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.”

**OLD BUSINESS**

- 1. Variance to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District of the *City of Auburn Zoning Ordinance* **PL-2021-00293****

Applicant: Scott and Corinne Reynolds

General Location: 211 Talon Court

Zoning District: Neighborhood Conservation (NC-20)

Action Requested: Variance of 30’ to the minimum required 45’ rear yard setback to allow a rear yard setback of 15’

**NEW BUSINESS**

**OTHER BUSINESS**

**CHAIRMAN’S COMMUNICATION**

**ADJOURNMENT**

**AUBURN BOARD OF ZONING ADJUSTMENT**  
**June 2, 2021 - Regular Meeting**  
**MINUTES**

The Auburn Board of Zoning Adjustment (BZA) met in a regular session on June 2, 2021 at 4:30 p.m. in the City Council Chambers of the Public Safety Building located at 141 North Ross Street.

**PRESENT** Frost Rollins, Kim White, Clint Wilson, Laticia Khalif

**ALSO PRESENT** Katie Robison, Logan Kipp, Jay Howell, Stephanie Canady, Maddie Entriakin, Amber English,

**ABSENT** Drew Goodner, Emmy Sorrells, John Huff

**APPROVAL OF MINUTES**

Ms. White made a motion to approve the minutes of the May 5, 2021 meeting.

Mr. Wilson seconded the motion. The motion passed with a vote of 4-0.

**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 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-2021-00268**

Mr. Kipp stated the request was for a variance of 12' to the minimum required 42' rear yard setback to allow a rear yard setback of 30' for an accessory dwelling unit. The subject property was located at 572 Sherwood Street in the Neighborhood Conservation (NC-14) zoning district. The addition would include a storage room and a bathroom.

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

Ms. White asked if any of the neighbors had communicated regarding the case.

Mr. Kipp said no correspondence had been received.

Andrew Hardin, the applicant, had not spoken to any of the neighbors.

Ms. White said the request was unique because of the slope of the yard and that the variance would not increase the existing non-conformity. She wished the neighbors had been consulted, but they had been notified.

**Mr. Wilson made a motion to approve Case PL-2021-00268, 572 Sherwood Street, a request for a variance of 12' to the minimum required 42' rear yard setback to allow a rear yard setback of 30' for an accessory dwelling unit.**

**Ms. Khalif seconded the motion.**

**A vote was taken, and the motion passed with a vote of 4-0.**

**Variance to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District of the *City of Auburn Zoning Ordinance* PL-2021-00283**

Mr. Howell stated the request was for a variance of 1'-8" to the minimum required 30' front yard setback to allow a front yard setback of 28'-4". The subject property was located at 121 South Ryan Street in the Neighborhood Conservation (NC-12) zoning district. The applicant wished to set columns for a planned porch roof above the existing brick stoop. Mr. Howell noted that South Ryan Street was classified as a Local Residential road, which requires a minimum right-of-way (ROW) of 50'. However, the ROW measured 60'. This meant that the South Ryan Street ROW width was larger than required while its paved surface was still the approximate width of other streets of the same classification. If the ROW width of South Ryan Street was the standard 50', and the structure and porch's placement the same, no variance would be needed for the proposed stoop cover. One letter of support had been received.

Bob Douglas, the applicant, was present. He presented photographs depicting his desired plans for the addition and provided details regarding the proposed design.

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

Ms. Rollins thought the plan was well thought out and presented.

**Mr. Wilson made a motion to approve Case PL-2021-00283, 121 South Ryan Street, a request for a variance of 1'-8" to the minimum required 30' front yard setback to allow a front yard setback of 28'-4".**

**Ms. Rollins seconded the motion.**

**A vote was taken, and the motion passed with a vote of 4-0.**

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2021-00283

APPLICANT: Robert and Nancy Douglas

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 1'-8" to the minimum required 30-foot front yard setback to allow a front yard setback of 28'-4"

LOCATION: 121 South 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 and Nancy Douglas 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 1'-8" to the minimum required 30-foot front yard setback to allow a front yard setback of 28'-4" 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 June 2, 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 June, 2021.



\_\_\_\_\_  
Katie Robison, AICP, Acting Director of Planning

**Variance to Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District of the *City of Auburn Zoning Ordinance* PL-2021-00293**

Ms. Robison stated the applicant wished to postpone the request until the Board's July 7, 2021 meeting.

**Mr. Wilson made a motion to postpone until July 7, 2021 Case PL-2021-00293, 211 Talon Court, a request for a variance of 30' to the minimum required 45' rear yard setback to allow a rear yard setback of 15'.**

**Ms. White seconded the motion.**

**A vote was taken, and the motion passed with a vote of 4-0.**

**OTHER BUSINESS**

**CHAIRMAN'S COMMUNICATION**

**STAFF COMMUNICATION**

The meeting was adjourned at 4:50 p.m.

\_\_\_\_\_  
Drew Goodner, Chair

\_\_\_\_\_  
Clint Wilson, Vice Chair

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2021-00293

APPLICANT: Scott and Corinne Reynolds

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 30 feet to the minimum required 45-foot rear yard setback for the NC-20 zoning district to allow a rear yard setback of 15 feet

LOCATION: 211 Talon Court

**ACTION OF BOARD**

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Scott and Corinne Reynolds 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* 30 feet to the minimum required 45-foot rear yard setback for the NC-20 zoning district to allow a rear yard setback of 15 feet is **POSTPONED UNTIL JULY 7, 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 June 2, 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 June, 2021.



\_\_\_\_\_  
Katie Robison, AICP, Acting Director of Planning

## City of Auburn Board of Zoning Adjustment PL-2021-00293 '211 Talon Court'

**Review Date:** May 17, 2021

**Property Owner(s):** Scott and Corinne Reynolds

**Authorized Representative(s):** Brett Basquin, Foresite Group

**Location:** 211 Talon Court

**Current Zoning:** Neighborhood Conservation (NC-20)

**Review by:** Jay Howell, Planner

**Request:** A variance of 30 feet to the minimum required 45-foot rear yard setback for the NC-20 zoning district to allow a rear yard setback of 15 feet.

**Zoning Ordinance Requires:** Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District requires a minimum 45-foot rear yard setback for properties zoned NC-20.

**Surrounding Zoning:**

**North:** NC-20 – James & Wanda Wallace (single-family residential);  
**South:** NC-20 – Alan & Paige Sanders (single-family residential lot – currently under construction); Timothy & Antoinette Vines (single-family residential lot – currently under construction);  
**East:** NC-20 – Talon Group LLC (vacant – future amenity);  
**West:** NC-20 – Kelly Family Trust (single-family residential); Church of Christ in Auburn Lee Co AL Inc (institutional)

**Site Visit:** May 17, 2021

**Adjoining Property Owners Notified:** Six (6)

**Property Description:** The subject property is approximately 35,900 square feet (sq ft) in size and is identified as Lot 7 of The Talons at Auburn subdivision. It is currently vacant, but is to be used as a single-family home.

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**Prior Action Related to this Site:**

Dates	Action
July 1936	Foster subdivision was recorded.
November 10, 2016	Talon Preliminary Plat (PL-2016-00901) was denied.
June 8, 2017	Talons Preliminary Plat (PL-2017-00541) was approved.
June 14, 2018	Talons Final Plat (PL-2018-00299) was approved.

**Analysis:**

The zoning ordinance requires that the applicant meet the following requirements:

- A.** The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The applicant states that Lot 7 is a corner lot with two front setbacks. The proposed house is oriented to have two building fronts, facing South College Street and Talons Court. The applicant also states that the City requested that they push the building as far away from South College Street as possible. The lot to the rear is an amenity lot.

*The residence, which has yet to be submitted for permit review, could have separate entrances that face South College Street and Talon Court. However, only the side facing South College Street would be regulated as the front with applicable setback (a North College Street address will be assigned at that time). The side yard on-street setback requirement for the NC-20 zoning district is 25 feet. This is the same arrangement as the adjacent property to the south, Lot 1-A, which is nearing completion and also has entrances facing both streets. The Lot 1-A structure setbacks are approximately 45 feet from its front property line and approximately 30 feet from its side yard on-street property line.*

*The Foster subdivision, recorded in 1936, included a suggested street-front building line of 75 feet. Early development conversations may have included discussion of this. If the developer intended to utilize a front setback larger than the NC-20 standard, however, the lots could have been designed to accommodate at the time of platting. As mentioned in the preceding paragraph, the other Talons lot that fronts South College Street uses NC-20 setbacks, instead of the greater building line suggested in 1936.*

- B.** The granting of the variance will not permit the establishment of any use, which is not permitted in the district.

The applicant states that the variance will not change the use of the property as single-family residential.

*Single family residences are permitted by right in the Neighborhood Conservation District.*



- C. There must be proof of unique circumstances: There must exist special circumstances or conditions fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or buildings.

The applicant states that the Lot 7 corner lot has two front setbacks. The street presence of the house's location is important to look and feel of the neighborhood.

*The subject property does not possess unique circumstances or conditions that would deprive the property owner of reasonable use of land or buildings.*

- D. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on the basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances shall not be considered.

The applicant states that they tried to maintain the house setback from South College as much as possible due to existing home locations along the Corridor. Pushing the home up to the South College Street building setback would have created a less aesthetically pleasing layout.

*There is no unnecessary hardship through the application of the Ordinance. The lot is approximately 35,900 sq ft in size. Its buildable area is approximately 13,580 sq ft, after land inside all conforming setbacks is subtracted. Should the developer choose to utilize the earlier 1936 suggested building line with no rear yard variance, their buildable area would be approximately 8,820 sq ft. Meanwhile, the average building footprint of adjacent properties in the subdivision which have been permitted is approximately 4,070 sq ft (based on the total square footage of ground floor area, garages, porches, and decks for Lots 1-A, 2-A, and 3 of the Talons at Auburn). This suggests that the applicant will easily be able to fit a structure within either the existing NC-20 buildable area, or with the previous 1936 building line, that is in keeping with the neighborhood.*

- E. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose.

The applicant states that the granting of the variance would create a more aesthetically pleasing site layout and compatibility with existing adjacent structures.

*The granting of the variance is not needed for the reasonable use of the land as a single-family detached home.*

- F. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

The applicant states that the variance would help maintain the character of the neighborhood. The variance does not alter the essential character of the neighborhood as the requested variance does not alter the use of the land, which is in conformance with the character of the neighborhood.

*The variance request will not impair an adequate supply of light and air to the adjacent properties, substantially increase the congestion in the public streets, increase the danger of fire or endanger the public safety. The City of Auburn does not determine property values.*

- G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.

The applicant states that this is one of the few corner lots along South College Street so this is unique for this lot.


*Variances are considered on a case-by-case basis; the granting of a variance does not establish any precedent.*

# 211 Talon Court

Variance

PL-2021-00293

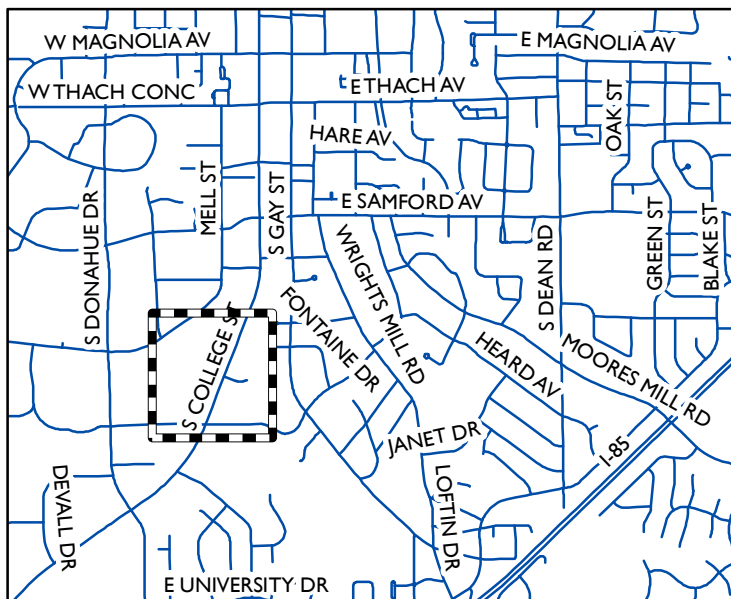


 Subject Property



0 45 90 180  
Feet  
Planning Services  
05/17/2021

## Vicinity Map



The applicant is requesting a variance of 30 feet to the minimum required 45-foot rear yard setback for the NC-20 zoning district to allow a rear setback of 15 feet.

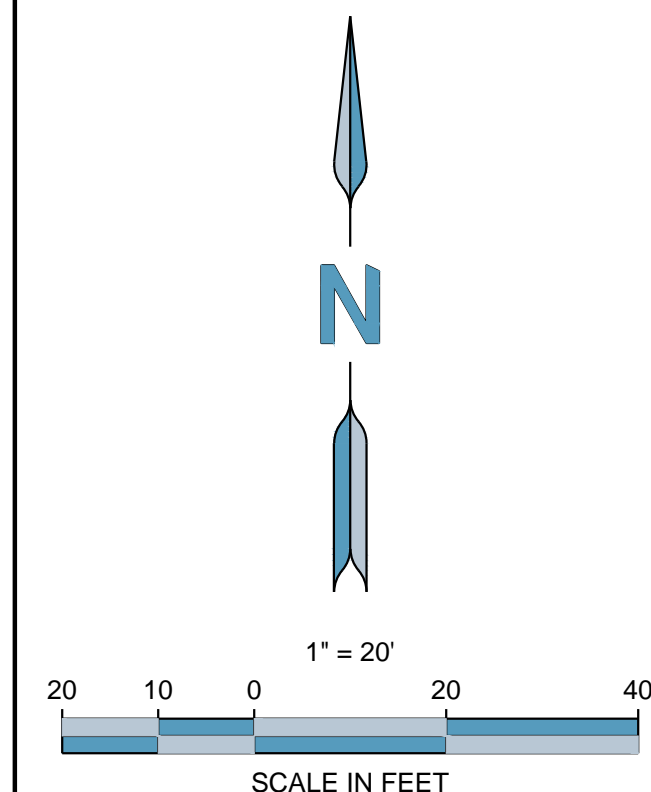
## PUBLIC HEARING NOTICE

The Board of Zoning Adjustment will meet June 2, 2021 in the Council Chambers at 141 N. Ross St at 4:30 PM. Please call Jay Howell with the City of Auburn Planning Department at (334) 501-3040 for additional information.

The entire Board of Zoning Adjustment packet can be found at [www.auburnalabama.org](http://www.auburnalabama.org) no less than five (5) days prior to the public meeting date. There is a direct link at <http://www.auburnalabama.org/bza/>

The City of Auburn, Alabama does not guarantee or warrant the accuracy of this map or any information contained herein. Information may contain errors and should be verified by an appropriately qualified, licensed and independent professional.





CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	25.00'	39.27	N 66°01'13" E	35.36'
C2	315.00'	128.59'	S 80°40'30" E	127.70'
C3	315.00'	52.43	N 82°51'42" E	52.37'
C4	55.00'	65.91'	S 76°40'04" E	62.04'
C5	55.00'	59.96'	N 37°45'39" E	57.03'
C6	55.03'	25.00'	N 06°29'12" W	24.73'
C7	55.00'	142.69'	S 86°09'56" W	105.91'
C8	265.00'	73.33'	S 86°39'08" W	73.09'
C9	265.00'	76.04'	N 77°12'01" W	75.78'
C10	25.00'	39.27	N 23°58'47" W	35.36'

ENGINEER:

**FORESITE**  
group

Foresite Group, Inc.  
2128 Moores Mill Rd.  
Suite C  
Auburn, AL 36830

o | 334.887.6064  
f | 334.887.6024  
w | [www.fg-inc.net](http://www.fg-inc.net)

DEVELOPER:

THE TALON GROUP LLC

CONTACT:

## THE TALONS

TALON COURT  
AUBURN, AL  
SECTION 31, TOWNSHIP 19 N, RANGE 26 E

PROJECT:

SEAL:

REVISIONS	DATE
PROJECT MANAGER:	BAB
DRAWING BY:	JMR
JURISDICTION:	AUBURN, AL
DATE:	05/11/2021
SCALE:	1" = 20'
TITLE:	

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DRAWING BY:	JMR
JURISDICTION:	AUBURN, AL
DATE:	05/11/2021
SCALE:	1" = 20'
TITLE:	

LOT 7 VARIANCE SITE PLAN

SHEET NUMBER:

COMMENTS: NOT RELEASED FOR CONSTRUCTION

JOB/FILE NUMBER: 875.001

