

## **AUBURN BOARD OF ZONING ADJUSTMENT**

**October 6, 2021**

### **MINUTES**

The Auburn Board of Zoning Adjustment (BZA) met in a regular session on October 6, 2021 at 4:30 p.m. in the City Council Chambers of the Public Safety Building located at 141 North Ross Street.

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

**ALSO PRESENT** Steve Foote, Katie Robison, Logan Kipp, Jay Howell, Stephanie Canady, Amber English, Scott Cummings

**ABSENT** Clint Wilson

### **APPROVAL OF MINUTES**

Ms. Rollins made a motion to approve the minutes of the September 1, 2021 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 in attendance would vote unless noted otherwise.

### **OLD BUSINESS**

### **NEW BUSINESS**

#### **1. Variance to Section 511, Accessory Uses, of the *City of Auburn Zoning Ordinance* PL-2021-00588**

Mr. Howell stated the request was for a variance to allow an accessory structure to be placed 15 feet in front of the front building line when it is required to be no closer than 10 feet to the rear of the front building line. The subject property was located at 1137 Owens Road in the Neighborhood Conservation (NC-18) zoning district. The zoning ordinance requires that accessory structures relating to residential uses shall be placed no less than ten (10) feet to the rear of the front building line. The property owner installed an accessory structure (lawn shed) approximately 15 feet in front of their home in summer of 2021. The shed is approximately eight feet by eight feet and sits at the top of the owner's driveway, adjacent to the road. The necessary building permit was not applied for and, therefore, no site review

for conformance was conducted. A permit was subsequently applied for simultaneous to this variance request. Six neighbors had corresponded in support of the request. Staff recommended denial.

Charles Savrda, the applicant, explained that the shed would be surrounded and obscured on three sides by trees and bushes, and visibility of the shed from adjacent properties and from Owens Road would be minimal. He was unable to locate the shed in a location that lies 10 feet behind the house front owing to the property/house configuration.

Mr. Goodner opened the public hearing.

Public comment was provided by the following individuals:

- Chad Cunningham, 516 Owens Road, opposed the request.

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

Mr. Goodner felt there was no compelling reason to support the variance request.

**Mr. Goodner made a motion to deny Case PL-2021-00588, 1137 Owens Road, a request for a variance to allow an accessory structure to be placed 15 feet in front of the front building line when it is required to be no closer than 10 feet to the rear of the front building line.**

**Ms. Sorrells seconded the motion.**

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

**2. Variance to Table 5-2, Lot area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District, of the *City of Auburn Zoning Ordinance* PL-2021-00607**

Ms. English stated the request was for a variance of 5 feet to the minimum required 35-foot front setback to allow a front setback of 30 feet. The subject property was located at 1321 East University Drive in the Neighborhood Conservation (NC-15) zoning district. The property did possess unique circumstances due to the flood plain, as well as the triangular shape of the lot. The property did possess unnecessary hardships in that there is a significant elevation change in the rear portion of the property. A majority (62%) of the lot is also located within the 100-year flood plain. Staff recommended approval.

Mike Maher with Precision Surveying, LLC represented the applicant. he stated the reason for the smaller front setback was to allow a home to be built with spacing in the rear to offset from the 100-year flood plain and placement of a foundation at the top of a sloped bank instead of partially down the bank. The proposed home would match the existing homes and dwellings in the surrounding neighborhood. The home would be in accordance with the future land use plan and with the existing zoning.

Ms. Sorrells did not think the variance would cause the house to be out of character with the existing homes in the area.

Public comment was provided by the following individuals:

- Jason Flowers, 1329 East University Drive, supported the request. He acknowledged that the rear of the property was prone to flooding.

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

Ms. White noted that there were unique circumstances and a hardship was present.

**Ms. White made a motion to approve Case PL-2021-00607, 1321 East University Drive, a request for a variance of 5 feet to the minimum required 35-foot front setback to allow a front setback of 30 feet.**

**Ms. Sorrells seconded the motion.**

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

**3. Variance to Table 5-3, Development and Design Standard Requirements Within the Urban Core (UC),  
of the *City of Auburn Zoning Ordinance* PL-2021-00615**

Ms. Robison stated the request was for a variance to allow a freestanding sign to be placed 2 feet from the front property line when 10 feet is required. The subject property was located at 100 North Gay Street in the Urban Core (UC) zoning district. Auburn Bank enhanced the downtown streetscape plan on their corner by providing on-street parking, a wider sidewalk, and adding street furniture in addition to the street trees and decorative pedestrian lights. The 10-foot setback for their freestanding sign falls within the sidewalk at the approach of the ADA ramp of the crosswalk that bisects the internal drive. Staff recommended approval with the condition that construction should substantially follow the plans provided to the Board.

Taylor Herren with Taylor & Mathis, Inc. represented the applicant. The variance was sought due to the site's existing hardships. If the sign was placed 10 feet behind the right-of-way, it would be directly in the middle of the sidewalk and disrupt the flow of pedestrian foot traffic. Additionally, at 10 feet behind the right-of-way, the sign's footing would interfere with an underground stormwater structure and main as well as an underground utility duct bank.

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

Mr. Goodner thought the request was reasonable.

Ms. Rollins was comfortable with the variance as long as there were no safety concerns.

**Mr. Goodner made a motion to approve Case PL-2021-00615, 100 North Gay Street, a request for a variance to allow a freestanding sign to be placed 2 feet from the front property line when 10 feet is required, subject to construction substantially following the plans provided to the Board.**

**Ms. Sorrells seconded the motion.**

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

**4. Variance to Table 5-2, Lot area, Setback, Bulk Regulations and Parking Requirements: Neighborhood  
Conservation District, of the *City of Auburn Zoning Ordinance* PL-2021-00616**

Mr. Kipp stated the request was for a variance of 5 feet to the minimum required 35-foot front setback to allow a front setback of approximately 30 feet. The subject property was located at 126 Norwood Avenue in the Neighborhood Conservation (NC-15) zoning district. There were no unique circumstances relating to the property. Staff worked with the applicant to review the possibility of creating an additional bedroom above the existing detached garage; however, the zoning ordinance required accessory dwelling units to be set back further than where the garage was located. There were large specimen hardwood trees located on the property, as well as other improvements, which would require removal in order to build an addition. There was no unnecessary hardship through the application of the ordinance. However, the City recognized the importance of mature, specimen trees such as the ones described on the property and encourages the preservation of such trees, when feasible. Staff recommended denial. However, should the Board grant the variance, staff recommended that the approval should be conditioned on being built as represented by the applicant.

David Ficken, the applicant, stated the variance was being requested to add a necessary bedroom. The addition had been designed by an architect with the goal of achieving the necessary space while enhancing the appeal of the home. Details would be incorporated to accentuate the "English-cottage" look and feel of the home and all work will be done in line with the character of the neighborhood and surrounding area. There were two mature hardwood trees that bordered the front and rear of the home. These trees gave the property and the neighborhood its character. All attempts had been made to design around these trees, which left the front area as the only remaining buildable area.

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

Mr. Goodner appreciated the desire for tree preservation.

Ms. Rollins questioned if all design possibilities had been explored and if there was truly a hardship.

Ms. Sorrells commented that the proposed addition was not overly large.

**Mr. Goodner made a motion to approve Case PL-2021-00616, 126 Norwood Avenue, a request for a variance of 5 feet to the minimum required 35-foot front setback to allow a front setback of approximately 30 feet, subject to the addition being constructed as represented by the applicant.**

**Ms. Sorrells seconded the motion.**

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

**5. Variance to Table 5-2, Lot area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District, of the *City of Auburn Zoning Ordinance* PL-2021-00624**

Ms. Canady stated the request was for two variances for property located at 534 Carlisle Drive in the Neighborhood Conservation (NC-9) zoning district. The specific variances were for:

- To allow an accessory structure to be placed approximately 10 feet in front of the front building line when it is required to be no closer than ten (10) feet to the rear of the front building line.
- To allow an accessory structure to be placed approximately 2 feet from the eastern property line when the minimum setback is 5 feet.

The lot was 70 feet wide with the principal structure being centered and 43.5 feet wide. This left 13.5 feet between the principal structure and the eastern property line where the driveway was located. To place a carport over the driveway behind the front building line could therefore not meet the accessory structure regulations to be 10 feet from the principal structure and 5 feet from the eastern property line either. An attached carport would be required to meet the minimum side yard setback for the NC-9 district of 12 feet. The applicant would therefore not be able to construct an attached carport without the granting of a variance. The rear yard provided space for the proposed structure. Based on staff's analysis we cannot recommend approval of the requested variances.

Robert Williams, the applicant, explained that the proposed location in the front of the primary structure and near the eastern property line is the best location due to the existing driveway and vehicle parking. The carport was needed to protect vehicles from debris coming from adjacent properties.

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

Mr. Goodner was hesitant to allow such a large structure in the front yard.

Ms. Sorrells thought it was best to put the structure in the back yard.

- a. Mr. Goodner made a motion to deny Case PL-2021-00624, 534 Carlisle Drive, a request for a variance to allow an accessory structure to be placed approximately 10 feet in front of the front building line when it is required to be no closer than ten (10) feet to the rear of the front building line.**

**Ms. Sorrells seconded the motion.**

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

- a. Mr. Goodner made a motion to deny Case PL-2021-00624, 534 Carlisle Drive, a request for a variance to allow accessory structure to be 2 feet from property line when the minimum setback is 5 feet.**

**Ms. Sorrells seconded the motion.**

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

#### **OTHER BUSINESS**

#### **CHAIRMAN'S COMMUNICATION**

#### **STAFF COMMUNICATION**

The meeting was adjourned at 5:42 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-2021-00588

APPLICANT: Charles and Diane Savrda

REQUEST: Variance to Section 511.03(G), Use Limitations, of the *City of Auburn Zoning Ordinance* to allow an accessory structure to be placed 15 feet in front of the front building line when it is required to be no closer than ten (10) feet to the rear of the front building line

LOCATION: 1137 Owens Road

**ACTION OF BOARD**

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Charles and Diane Savrda requesting a variance to Section 511.03(G), Use Limitations, of the *City of Auburn Zoning Ordinance* to allow an accessory structure to be placed 15 feet in front of the front building line when it is required to be no closer than ten (10) feet to the rear of the front building line is **DENIED**.

I, Steve Foote, 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 6, 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 15<sup>th</sup> day of October, 2021.

A handwritten signature in black ink, reading "Steve Foote", is written over a horizontal line.

Steve Foote, AICP, Director of Planning

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2021-00607

APPLICANT: Ramirez Morales

REQUEST: Variance to Table 5-2: Lot Area, Setback, Bulk Regulations: Neighborhood Conservation District, of the *City of Auburn Zoning Ordinance* of 5 feet to the minimum required 35-foot front setback to allow a front setback of 30 feet


LOCATION: 1321 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 Ramirez Morales requesting a variance to Table 5-2: Lot Area, Setback, Bulk Regulations: Neighborhood Conservation District, of the *City of Auburn Zoning Ordinance* of 5 feet to the minimum required 35-foot front setback to allow a front setback of 30 feet is **APPROVED**.

I, Steve Foote, 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 6, 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 15<sup>th</sup> day of October, 2021.



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Steve Foote, AICP, Director of Planning

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2021-00615

APPLICANT: AuburnBank

REQUEST: Variance to Section 605.01(D), Freestanding Signs in the Urban Core, Urban Neighborhoods, and Corridor Redevelopment Districts – East and West, of the *City of Auburn Zoning Ordinance* to allow a freestanding monument sign placed two (2) feet from the North Gay Street property line when 10 feet is required

LOCATION: 100 North Gay Street

**ACTION OF BOARD**

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from AuburnBank requesting a variance to Section 605.01(D), Freestanding Signs in the Urban Core, Urban Neighborhoods, and Corridor Redevelopment Districts – East and West, of the *City of Auburn Zoning Ordinance* to allow a freestanding monument sign placed two (2) feet from the North Gay Street property line when 10 feet is required is **APPROVED, subject to:**

1. Construction shall substantially follow the plans provided to the Board.

I, Steve Foote, 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 6, 2021 meeting, and as same appears on record in the Official Minutes of said Board.

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Steve Foote, AICP, Director of Planning



**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2021-00616

APPLICANT: David and Beverly Ficken

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 5 feet to the minimum front yard setback of 35 feet to allow a front yard setback of approximately 30 feet in order to build an addition

LOCATION: 126 Norwood Avenue

**ACTION OF BOARD**

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from David and Beverly Ficken 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 5 feet to the minimum front yard setback of 35 feet to allow a front yard setback of approximately 30 feet in order to build an addition is **APPROVED, subject to:**

1. Construction shall substantially follow the plans provided to the Board.

I, Steve Foote, 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 6, 2021 meeting, and as same appears on record in the Official Minutes of said Board.

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Steve Foote, AICP, Director of Planning

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2021-00624

APPLICANT: Robert Williams

REQUEST: Variances to Section 511.03, Accessory Uses, of the *City of Auburn Zoning Ordinance*

LOCATION: 534 Carlisle Drive

**ACTION OF BOARD**


BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Robert Williams requesting variances to Section 511.03, Accessory Uses, of the *City of Auburn Zoning Ordinance* is **DENIED, subject to:**

The following variances are denied:

- Variance to allow an accessory structure to be placed approximately 10 feet in front of the front building line when it is required to be no closer than ten (10) feet to the rear of the front building line
- Variance to allow an accessory structure to be placed approximately 2 feet from the eastern property line when the minimum setback is 5 feet

I, Steve Foote, 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 6, 2021 meeting, and as same appears on record in the Official Minutes of said Board.

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Steve Foote, AICP, Director of Planning