

**AUBURN BOARD OF ZONING ADJUSTMENT**  
**January 5, 2022**  
**MINUTES**

The Auburn Board of Zoning Adjustment (BZA) met in a regular session on January 5, 2022 at 4:30 p.m. in the City Council Chambers of the Public Safety Building located at 141 North Ross Street.

**MEMBERS PRESENT** Emmy Sorrells, Kim White, Clint Wilson, John Huff, Laticia Khalif

**MEMBERS ABSENT** Drew Goodner, Frost Rollins

**STAFF PRESENT** Scott Cummings, Executive Director of Development Services; Steve Foote, Planning Director; Katie Robison, Principle Planner; Logan Kipp, Principle Planner, Jay Howell, Planner; Amber English, Planner; Morgan Shepard, Planner, Jessica Harmon, Administrative Assistant

**APPROVAL OF MINUTES**

Ms. White made a motion to approve the minutes of the December 1, 2021 meeting.

Mr. Wilson 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."

**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-2021-00709****

Mr. Howell presented the request for a variance of 3' to the required minimum set setback of 14' to allow a minimum side setback of 11', a variance of 1' to the required total side setback of 30' to allow a total side setback of 29', and a variance of 0.06 to the Impervious Surface Ratio (ISR) maximum of 0.36 to allow an ISR of 0.42. The subject property is located at 1415 Marion Circle in the Neighborhood Conservation (NC-14) zoning district. Mr. Howell provided a review of the minimum standards required to approve a variance. Staff believed that the request would not create a detrimental situation for the community and recommended approval based on the circumstances.

Anna Solomon, the applicant, explained that the variance would allow for construction of an additional large bedroom downstairs. The overall aesthetic would stay the same. The character of the house would not change and would still look colonial.

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

Mr. Wilson thought the standards had been met to grant the variance.

Ms. White agreed.

**Mr. Wilson made a motion to approve Case PL-2021-00709, 1415 Marion Circle, a variance of 3' to the required minimum set setback of 14' to allow a minimum side setback of 11' as recommended by staff with the following conditions;**

- 1. Construction shall be substantially consistent with the plans provided with this application.**

**Ms. White seconded the motion.**

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

**Mr. Wilson made a motion to approve Case PL-2021-00709, 1415 Marion Circle, a variance of 1' to the required total side setback of 30' to allow a total side setback of 29', and a variance of 0.06 to the Impervious Surface Ratio maximum of 0.36 to allow an ISR of 0.42 as recommended by staff with the following conditions;**

- 1. Construction shall be substantially consistent with the plans provided with this application.**

**Ms. White seconded the motion.**

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

**Mr. Wilson made a motion to approve Case PL-2021-00709, 1415 Marion Circle, a variance of 0.06 to the Impervious Surface Ratio maximum of 0.36 to allow an ISR of 0.42 as recommended by staff with the following conditions;**

- 1. Construction shall be substantially consistent with the plans provided with this application.**

**Ms. White seconded the motion.**

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

**2. Variance to Section 604, Prohibited Signs, of the *City of Auburn Zoning Ordinance* PL-2021-00776**

The applicant requested to postpone the request until the Board's February 2, 2022 meeting.

**Mr. Wilson made a motion to postpone until February 2, 2022 Case PL-2021-00776, 1415 Opelika Road, a request for a variance to allow a mural.**

**Ms. White recused herself from this case**

**Ms. Sorrells seconded the motion.**

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

#### **NEW BUSINESS**

**3. 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-2021--00843**

Mr. Kipp presented the request for a variance to reduce the front setback from 25' to 20'. The subject property is located at 2245 Morgan Drive in the Development District Housing (DDH) zoning district. Mr. Kipp provided a review of the minimum standards required to approve a variance. Staff recommended denial based on the circumstances and lack of hardship.

Donnie Agnew, the applicant, explained that the variance of 5' would allow a new build for a house that is consistent with the character and size of the other houses in the neighborhood.

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

Ms. White agreed with staff's recommendation for denial.

**Ms. Sorrells made a motion to approve Case PL-2021-00847, 2245 Morgan Drive, a request for a variance of 5' to the required front set back with the condition that the construction be consistent with the provided site plan.**

**Ms. White seconded the motion.**

**A vote was taken, and the motion failed with a vote of 2-3. The variance was denied.**

**Members Emmy Sorrells and Laticia Khalif voted for the motion.**

**Members Kim White, Clint Wilson, and John Huff voted against the motion.**

#### **OTHER BUSINESS**

- 1. Mr. Foote mentioned that the term for members Huff and Wilson were expiring and thanked them for their service.**
- 2. Mr. Foote reminded the Board that the election of officers would be on the February Agenda.**
- 3. Mr. Foote introduced new staff members, Morgan Shepard and Jessica Harmon.**

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

#### **STAFF COMMUNICATION**

The meeting was adjourned at 5:00 p.m.

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Drew Goodner, Chair

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Clint Wilson, Vice Chair