



# BOARD OF ZONING ADJUSTMENT REGULAR MEETING AGENDA

Wednesday, September 04, 2024 – 4:30 p.m.  
City Council Chamber, 141 N. Ross Street, Auburn, AL

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Frost Rollins (Chair)

Laticia Smith (Vice Chair)

Will Faulkner

Emmy Sorrells

Marty Heffren

Mary Boyd, Supernumerary

Charles Dan Berry Jr, Supernumerary

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## ROLL CALL

## APPROVAL OF MINUTES

BZA Meeting – June 06, 2024

## 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.”

## NEW BUSINESS

### **1. Variance to Section 711.02 Nonconforming Lots of Record: of the *City of Auburn Zoning Ordinance* BZ-2024-007**

Request:	Variance to the minimum lot width for a nonconforming lot of record for a residential use
General Location:	Terminus of Hollins Road
Zoning District:	Comprehensive Development District (CDD)
Applicant:	Wilmar Moises Gonzalez

## OTHER BUSINESS

## CHAIRMAN’S COMMUNICATION

## STAFF COMMUNICATION

## ADJOURNMENT

**AUBURN BOARD OF ZONING ADJUSTMENT**  
**June 05, 2024**  
**MINUTES**

The Auburn Board of Zoning Adjustment (BZA) met in a regular session on June 05, 2024 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, Laticia Smith, Will Faulkner, Marty Heffren, Frost Rollins,  
Supernumerary: Mary Boyd and Charles Berry Jr.

**MEMBERS ABSENT**

**STAFF PRESENT** Scott Cummings, Executive Director of Development Services; Planning  
Director, Justice Wahid Cotton; Arindam Roy, Planner; Connor Muise,  
Planner; John Whitlow, Planner; Tiffany Moore, Administrative; Stephen  
Clay, City Attorney

**APPROVAL OF MINUTES**

Vice Chair Smith made a motion to approve the minutes of the May 01, 2024 meeting.

\*Emmy Sorrells enters at 4:34pm\*

BZA Member Sorrells seconded the motion. The motion passed with a vote of 5-0.

**CHAIRMAN'S COMMUNICATION**

Chair Rollins read the following statement for the record:

"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 supernumeraries in attendance can participate in discussion. Only regular member can vote unless called upon by the Chair to vote.

**NEW BUSINESS**

1. Variance to Table 4-2: Performance Standards of Residential Uses by District: of the City of *Auburn Zoning Ordinance*

BZ-2024-004

Planner Muise presented the case for a variance to table 4-2: Performance Standards for Residential Uses by District. Maximum Gross Density (du/ac); 3-acre minimum lot size. The subject property is located at 250 & 254 Lee Road 18 in the Rural (R) zoning district. The applicant, Bridgette Dowdell is requesting a variance to the 3-acre minimum lot size. The subject property is a legally non-conforming lot of record, as it is already below the required minimum lot size for the zoning district. There is also a legally non-conforming use on the property. There are two detached dwelling units on the lot, classifying it as a multi-unit lot. The applicant wishes to record a subdivision that would grant each dwelling unit separate lots of record.

Planner Muise also stated that the subject property is approximately .85 acres. The adjacent properties and surrounding neighborhood are majority unincorporated land in Lee County.

BZA Member Faulkner asked if there were a reason for the applicant wanting to subdivide the lots.

Planning Director Wahid Cotton explained that the request to subdivide the lots was related to financing aspirations.

Chair Rollins asked a question about the number of houses that will be on the lots based on the side.

BZA Member Heffren asked about the loan on the bank.

City Attorney Clay explained that the applicant still must get approval for the subdivision. City Attorney Clay also stated that a plat hasn't been submitted.

**Chair Rollins opened the public hearing**

**Chair Rollins closed the public hearing**

Planning Director Wahid Cotton explained the process of the subdivision regulation and variances related to subdivisions will start going to Planning Commission first instead of to BZA.

BZA Member Sorrells expressed her concerns regarding case BZ-2024-004.

Planning Director Wahid Cotton explained how the property was annexed.

Vice Chair Smith expressed her concerns regarding case BZ-2024-004.

Planning Director Wahid Cotton explained the process of tabling or withdrawing an application.

**Chair Rollins made a motion to deny case BZA-2024-004**

**BZA Member Faulkner seconded the motion.**

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

**OTHER BUSINESS**

**CHAIRMAN'S COMMUNICATION**

**STAFF COMMUNICATION**

Planning Director Wahid Cotton stated there will be training for the BZA committee.

Planning Director Wahid Cotton introduced Planner Arindam Roy to the BZA committee.

The meeting was adjourned at 4:47 p.m.

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Frost Rollins, Chair

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Laticia Smith, Vice Chair

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: BZ-2024-004

APPLICANT: Bridget Dowdell

REQUEST: Variance to the 3-acre minimum lot size requirement in the Rural (R) zone

LOCATION: 250 & 254 Lee Road 18

**ACTION OF BOARD**

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Bridget Dowdell, requesting a variance to Table 4-2: Performance Standards for Residential Uses by District, of the City of Auburn Zoning Ordinance, to allow lots less than 3-acres in the Rural (R) zone is hereby **DENIED**,

I, Justice Wahid Cotton, 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 5<sup>th</sup>, 2024, 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 5<sup>th</sup> day of June 2024.



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Justice Wahid Cotton, AICP, Director of Planning

**City of Auburn Board of Zoning Adjustment**  
**BZ-2024-007**  
**'Hollins Road'**  
**Variance Request**

**Meeting Date:** September 4, 2024

**Property Owner:** Wilmar Moises Gonzalez

**Request:** Variance to the minimum lot width on a nonconforming lot of record for a residential use

**Zoning Ordinance:** Section 711.02 Nonconforming Lots of Record. Performance residential developments shall be prohibited on development sites smaller than the minimum sizes established in Section 502.02. If permitted in the applicable zoning district, single family dwelling units may be constructed on nonconforming lots of record at least 4,000 square feet in size and 50 feet in width.

**Location:** Terminus of Hollins Road

**Review by:** Connor Muise, Planner

**Current Zoning:** Comprehensive Development District (CDD)

**Surrounding Zoning/Use:**

Direction	Zoning	Land Use
North	Comprehensive Development District (CDD)	Single-family residential
South	Comprehensive Development District (CDD)	Multi-family development
East	Comprehensive Development District (CDD)	Single-family residential
West	Comprehensive Development District (CDD)	Multi-family development

**Property Description:** The subject property is approximately .14 acres (6,098 square feet) and is a remnant parcel left over from the Shelton Mill 1<sup>st</sup> Phase 4 subdivision to the north and the CW subdivision to the south. The property is undeveloped and heavily wooded.

**Discussion:** The applicant is seeking to develop the property into a performance single-family detached residence. The minimum lot size requirement for a performance single family-lot is 5,000 square feet and the minimum lot width is 50. Currently, the property complies with the lot area and lot width requirements. An administrative subdivision is required as the property has not been recorded through a subdivision plat. Approximately 1,600 square feet of the property is comprised of an improved section of Hollins Road. Engineering requires dedication of this portion of Hollins Road to properly square off the city-maintained street, prior to any building permit submittal. However, with the dedication, the subject property's lot width at the right-of-way narrows to approximately 32 feet. The minimum lot width for residential development on a nonconforming lot of record is 50 feet, hence the applicant's request for a variance. An administrative subdivision application has been submitted for the lot showing the dedication.

**Prior Action Related to this Site:**

Date	Action
February 1960	The land that makes up the subject property was annexed into the City as part of Ordinance No. 227.
April 1996	The subdivision Shelton Mill 1 <sup>st</sup> Phase 4 was recorded, north of the subject property.
July 1999	A certificate of occupancy for a single-family detached residence was issued for 853 Hollins Road, immediately adjacent to the subject property to the east.
June 2000	The subdivision Shelton Mill 1 <sup>st</sup> Phase 5 was recorded, northwest of the subject property.
July 2008	The subdivision CW was recorded, south of the subject property.

**Analysis:** Applicable city zoning and state regulations require specific findings to support that a variance request meets the minimum standards for approval. Standards from the zoning ordinance are listed below with applicant provided justification, and staff comments in italics. The zoning ordinance requires that the applicant meet all the following requirements (A-G):

- 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 yes, the variance will be in harmony with the intended ordinance. The applicant intends to build a single-family residence on the property.

*Staff does not make recommendations for variances to the Zoning Ordinance. For decisions made by the Board of Zoning Adjustment, a variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary and exceptional situations or conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner of such property.*

- 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 granting of this variance will not permit the establishment of any use which is not permitted in the district.

*There will be no establishment of any use not permitted in the 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 the lot was essentially “extra” buffer when the subdivision was originally platted. The variance is required to allow for the city to maintain the roadway and allow the

building of a single-family home. This will also improve the access to the property directly across the street.

*The subject property was not formally created through a subdivision plat but rather is a remnant parcel that was created from land not included in adjacent subdivisions. The property has the required 50 feet of frontage along Hollins Road at this time, but the site cannot be developed as it is configured. The development of a single-family detached residence triggers an administrative subdivision plat dedicating right-of-way, which makes the lot width at the road approximately 32 feet, deeming it non-compliant with the Zoning Ordinance without a variance.*

- 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 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 the hardship is due to the property being CDD in nature which is to no fault of the applicant. The hardship is the city requiring 50 feet of road frontage thus requiring a variance for the lot to be sufficient for single family home building.

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- 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 they cannot build a single-family home on the property without the variance.

*The applicant's request is the minimum variance needed to accomplish their development of a single-family detached residence.*

- 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 will not negatively impact the adjacent properties.

*The variance requested 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.*

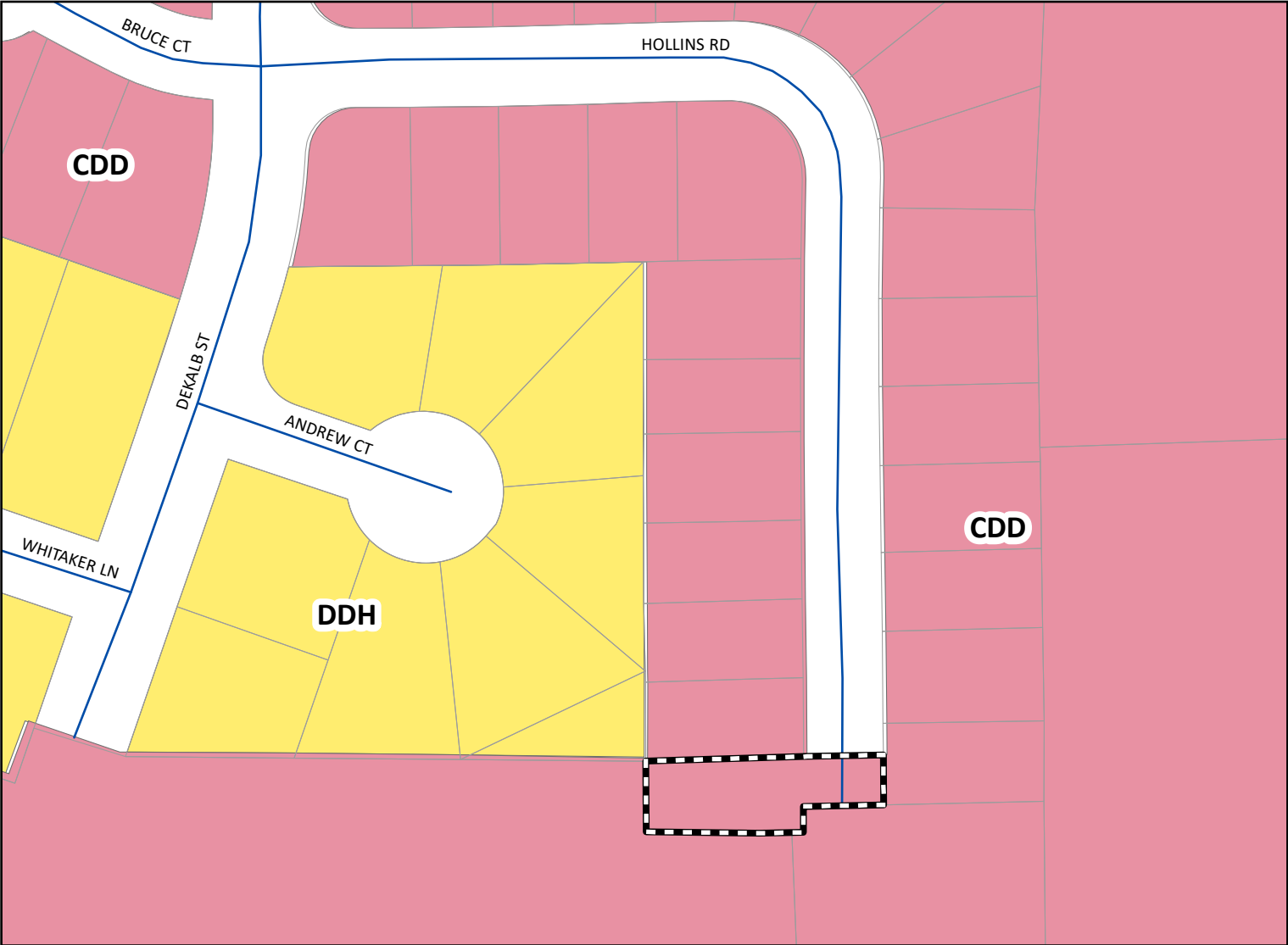



- G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.**

The applicant states that this is a unique circumstance will not have an impact on other properties in the district.

*Variances are considered on a case-by-case basis; the granting of a variance does not establish any precedent. Based on no hardship present that is recognized by the Zoning Ordinance, the granting of this variance would confer special privilege.*

Hollins Road  
Variance Request  
Case # BZ-2024-007

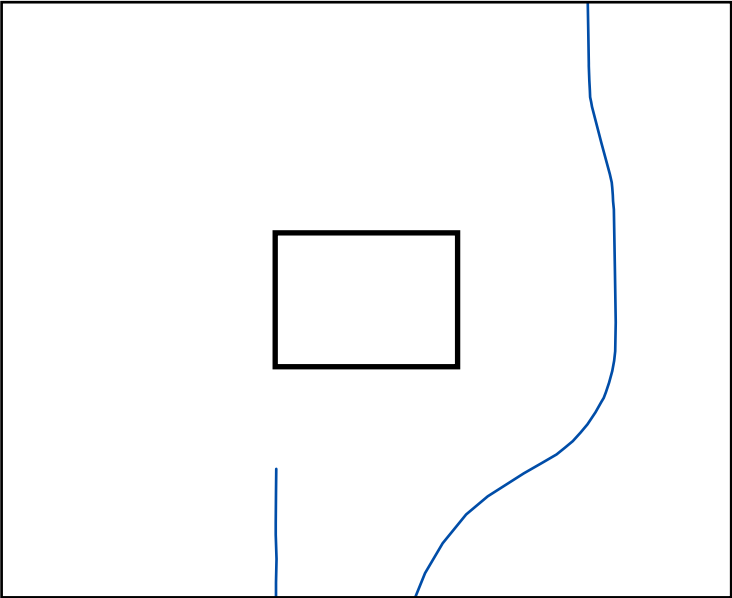


 Subject Property



0 20 40 80  
Feet  
Planning Dept.  
08/21/2024

Vicinity Map



The Board of Zoning Adjustment will consider a request for a variance to allow lot width less than the required 50 feet for a nonconforming lot of record. The subject property is located at the terminus at Hollins Road in the CDD zoning district.

**PUBLIC HEARING NOTICE**  
The Board of Zoning Adjustment will meet **Wednesday, September 4** in the Council Chambers at 141 N. Ross St. at **4:30 PM**. Please call the City of Auburn Planning Department at **(334)501-3040** for additional information.

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.

State of Alabama  
Lee County

I, Michael T Maher, a Professional Licensed Land Surveyor of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of practice for surveying in the State of Alabama to the best of my knowledge, information, and belief.

In witness whereof, I have hereunto set my hand and seal on this  
the \_\_\_\_ day of \_\_\_\_\_, 2024.

Michael T Maher, Alabama License No. 29993  
Not a certified survey unless signed and stamped with my seal.

State of Alabama  
Lee County

I, JUSTINE SLADE YOUNG, owner of the real property shown on this plat, hereby join in the statement of Michael T Maher, and certify that it was and is my purpose to subdivide the lands so platted as shown,

In witness whereof, I have hereunto set my hand on this  
the \_\_\_\_ day of \_\_\_\_\_, 2024.

JUSTINE SLADE YOUNG  
State of Alabama  
Lee County

I, the undersigned authority, a Notary Public in and for said county, in said state, certify that Justine Slade Young, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

In witness whereof, I have hereunto set my hand and seal on this  
the \_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Public: \_\_\_\_\_ My commission expires: \_\_\_\_\_

Approved by the Auburn City Planning Department, Auburn, Alabama:

Planning Director: \_\_\_\_\_ Date: \_\_\_\_\_

Accepted by the Auburn City Council, Auburn, Alabama:

Mayor: \_\_\_\_\_ Date: \_\_\_\_\_

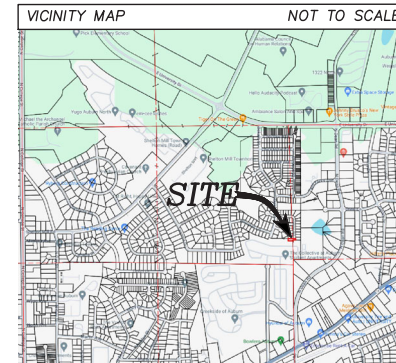
Approved by the Auburn City Engineer, Auburn, Alabama:

City Engineer: \_\_\_\_\_ Date: \_\_\_\_\_

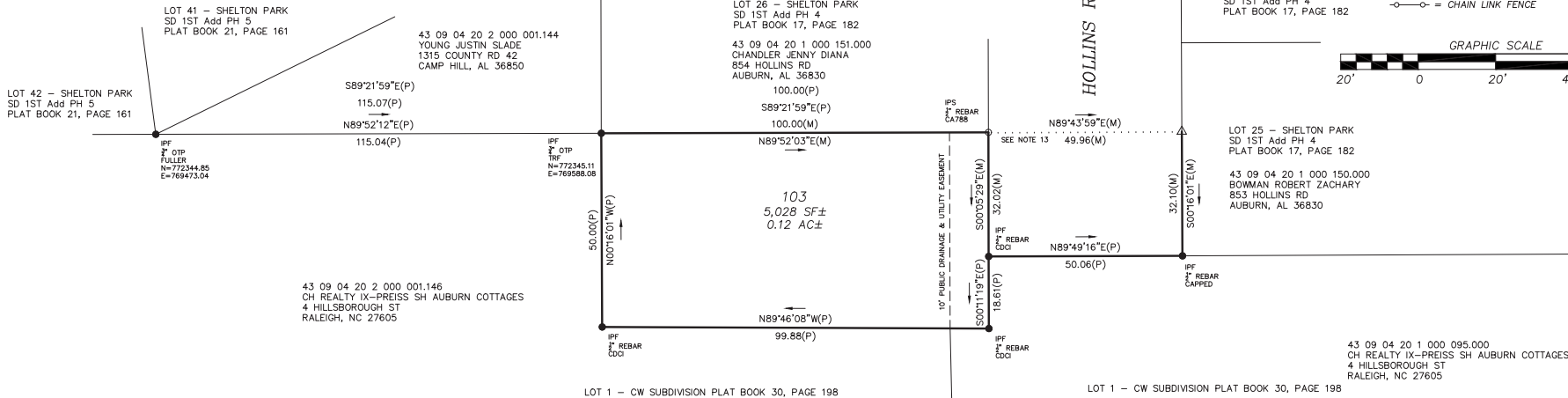
NOTES:

1. BEARINGS BASED ON STATE PLANE COORDINATES, NAD 1983, ALABAMA EAST ZONE, US FOOT. COORDINATES SET USING RTK GPS, ALDOT CORS AS CONTROL.
2. FIELD WORK COMPLETED 8-16-2024
3. OFFICE WORK COMPLETED 8-19-2024
4. SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS OF RECORD WHICH EXIST AS A MATTER OF RECORD OR EXIST DEFACTO.
5. NO PERMANENT STRUCTURES MAY BE CONSTRUCTED OR PLACED ON EASEMENTS. FENCES MAY BE ERECTED PERPENDICULARLY ACROSS THE EASEMENT PROVIDED THERE IS A MINIMUM TWELVE (12) FOOT WIDE ACCESS GATE INSTALLED. IF THE GATE IS TO BE LOCKED THERE MUST BE A CITY APPROVED LOCK INSTALLED IN CONJUNCTION WITH THE OWNERS LOCK. NO CANOPY TREES SHALL BE PLANTED WITHIN TEN (10) FEET OF UTILITIES.
6. BY PLACING OBSTRUCTIONS WITHIN OR ENCRDACHING ONTO THE EASEMENT, THE PROPERTY OWNER(S) DOES FOR ITSELF, ITS SUCCESSORS, AND ASSIGNS AGREE TO INDEMNIFY, HOLD HARMLESS AND DEFEND THE CITY OF AUBURN, ITS OFFICIALS, REPRESENTATIVES, AGENTS, SERVANTS AND EMPLOYEES FROM AND AGAINST ALL LIABILITY AND LOSS WHICH MAY BE SUSTAINED AS A RESULT OF CLAIMS, DEMANDS, COSTS OR JUDGMENTS ARISING OUT OF THE LOCATION OF THE OBSTRUCTION WITHIN THE EASEMENT INCLUDING ITS REASONABLE COSTS IN DEFENDING AGAINST ANY SUCH CLAIMS AND FURTHER AGREES TO RELEASE AND DISCHARGE THE CITY OF AUBURN FROM ANY DAMAGES TO THE OBSTRUCTION ARISING FROM UTILITY MAINTENANCE WORK WITHIN THE EASEMENT OR ANY DAMAGES TO THE OBSTRUCTION RESULTING FROM ITS PLACEMENT IN THE EASEMENT.
7. SOURCES OF INFORMATION: PLAT BOOK 30, PAGE 198 (ADJOINING SOUTH SW SUBDIVISION); PLAT BOOK 17, PAGE 182 (ADJACENT NORTH AND ROW - SHELTON PARK 1ST ADDITION, PHASE 4) DEED BOOK 2358 PAGE 741, (SUBJECT DEED).
8. GROSS AREA = 6631 SQUARE FEET. NO. OF LOTS = 1
9. THIS IS A PERFORMANCE SUBDIVISION.
10. BY PLACING ANY PORTION OF AN IRRIGATION SYSTEM WITHIN THE EASEMENTS OR RIGHT OF WAY, THE PROPERTY OWNER DOES FOR ITSELF, ITS SUCCESSORS AND ASSIGNS AGREES TO HOLD HARMLESS AND DEFEND THE CITY OF AUBURN, ITS OFFICIALS, REPRESENTATIVES, AGENTS, SERVANTS, AND EMPLOYEES FROM AND AGAINST ALL LIABILITY AND LOSS WHICH MAY BE SUSTAINED AS A RESULT OF CLAIMS, DEMANDS, COST OR JUDGMENTS ARISING OUT OF THE LOCATION OF THE OBSTRUCTION WITHIN THE EASEMENTS OR RIGHT OF WAY INCLUDING ITS REASONABLE COST IN DEFENDING AGAINST ANY SUCH CLAIMS. THE PROPERTY OWNER FURTHER AGREES TO RELEASE AND DISCHARGE THE CITY OF AUBURN FROM ANY DAMAGES TO THE IRRIGATION SYSTEM ARISING FROM ANY WORK OR MAINTENANCE WORK WITHIN THE GRANTED EASEMENT OR RIGHT OF WAY OR ANY DAMAGES TO THE IRRIGATION SYSTEM RESULTING FROM ITS PLACEMENT WITHIN THE EASEMENT OR RIGHT OF WAY. IRRIGATION SYSTEMS ARE LIMITED TO ONLY LATERALS BEING PLACED WITHIN ANY EASEMENTS OR RIGHT OF WAY.
11. THERE IS NO FLOOD PLAIN ON THIS SITE BASED ON FEMA FIRM PANEL 01081C0202G DATED 11-2-2011.
12. THE PURPOSE OF THIS SUBDIVISION IS TO DEDICATE THE PUBLIC RIGHT OF WAY FOR HOLLINS ROAD FROM THE NORTH LONE OF LOT 103 TO THE SOUTH END OF LOT 103 WHICH IS A PAVED ROAD MAINTAINED BY THE CITY OF AUBURN.
13. THE DOTTED LINE AT THE NORTHEAST CORNER OF LOT 103 IS THE OLD END OF THE RIGHT OF WAY FOR HOLLINS ROAD AS RECORDED IN PLAT BOOK 17, PAGE 182. THIS LINE IS HEREBY VOIDED AND VACATED AND THE PUBLIC RIGHT OF WAY EXTENDED BY THE RECORDING OF THIS PLAT.

SHELTON PARK SUBDIVISION  
PHASE 4  
1st ADDITION  
SECTION 20 T19N R26E  
AUBURN LEE COUNTY ALABAMA



- LEGEND
- (M) = MEASURED
  - (R) = RECORDED
  - OTP = OPEN TOP PIPE
  - CTP = CRIMPED TOP PIPE
  - IPF = IRON PIN FOUND
  - IPS = IRON PIN SET (CA-788)
  - CA-788 = PRECISION SURVEYING
  - = IRON PIN FOUND
  - = 1/2" REBAR SET (CA-788)
  - = HUB SET
  - = CALCULATED POINT
  - = CONCRETE MONUMENT
  - = POWER POLE
  - x- = WIRE FENCE
  - /- = WOOD FENCE
  - o- = CHAIN LINK FENCE



BZ-2024-007

Received 8/13/24