



BOARD OF ZONING ADJUSTMENT REGULAR MEETING AGENDA

Wednesday, November 06, 2024 – 4:30 p.m.
City Council Chamber, 141 N. Ross Street, Auburn, AL

Frost Rollins (Chair)

Laticia Smith (Vice Chair)

Will Faulkner

Emmy Sorrells

Marty Heffren

Mary Boyd, Supernumerary

Charles Dan Berry Jr, Supernumerary

ROLL CALL

APPROVAL OF MINUTES

BZA Meeting – October 02, 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 Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District, in the *City of Auburn Zoning Ordinance* **BZ-2024-011**

Request: Variance of 2' to the required 14' side setback to allow a side setback of 12'

General Location: 204 Lee Drive

Zoning District: Neighborhood Conservation District (NC-15)

Applicant: Richard Guether

OTHER BUSINESS

CHAIRMAN'S COMMUNICATION

STAFF COMMUNICATION

ADJOURNMENT

AUBURN BOARD OF ZONING ADJUSTMENT
October 02, 2024
MINUTES

The Auburn Board of Zoning Adjustment (BZA) met in a regular session on October 02, 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; Katie Robison, Principal Planner; Tracy Whitest, Planner Tech; Stephen Clay, City Attorney, and Paul Clark, City Attorney.

APPROVAL OF MINUTES

Chair Rollins made a motion to approve the minutes of the June 05, 2024, meeting.

BZA Member Faulkner 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 5-3 & Table 5-6 1 per Bedroom & 1.1 per Bedroom Urban Core/Urban Neighborhood West District of the *City of Auburn Zoning Ordinance* **BZ-2024-008****

Planning Director Wahid Cotton presented the case for a variance to Section 502.06. G Performance Residential Development, Multiple Unit Development. The subject property is located at 141 Wright Street and 134/140/150 Toomer Street in the Urban Core/Urban Neighborhood West zoning district. The applicant is

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requesting a variance required parking on-site. Currently, the UN-W district requires one parking space per bedroom for every 10 bedrooms.

Planning Director Wahid Cotton stated that the applicant is claiming that onsite flooding makes it cost prohibitive to build enough parking with sufficient mater mitigation to combat the onsite flooding. They are asking for a 20% reduction in the parking requirement. With their current configuration 864 parking spaces will be required, and they would like a reduction to 692 parking spaces.

Planning Director Wahid Cotton also stated that the required parking of 864 parking spaces would require them to go further underground, and they are claiming that onsite flooding would make that cost prohibitive.

Planning Director Wahid Cotton stated he reached out to the Public Works and Engineering Departments regarding the storm water concerns. He also stated that they are not aware of any concerns regarding any flooding on site.

Applicant Brett Basquin (Foresite Group LLC) and Eric Lee (Landmark Properties) presented a PowerPoint for case BZ-2024-008.

The following was presented:

- Request due to existing hardship.
- Hardship for existing easement challenges
- Hardship for stormwater flooding
- Parking compatible properties
- Proposed Use
- History of Landmark Properties
- Renderings and Site Plan
- Drainage, water, and sewer map
- Stormwater and sanitary map
- Parking data
- Density

BZA Member Sorrells and Chair Rollins asked the question about the height of the building and wanted clarity.

Vicechair Smith asked questions about the current easements and stormwater.

Vicechair Smith also wanted clarity regarding the data that was presented.

Property owner Van Northcutt spoke in favor of case BZ-2024-008.

Chair Rollins asked has anyone reported the issue to the city.

Vicechair Smith state her concerns about parking.

Brett Basquin explained in depth the parking of each unit of the property.

Mr. Van Northcutt also presented to the board members of a photo in his phone of the water drainage from 2022.

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Eric Lee (Landmark Properties) spoke in favor of the variance.

BZA Member Heffren asked the question about parking.

Chair Rollins opened the public hearing.

Member of the public who spoke in opposition to the variance:

- Jason Keller, 2660 Danbury Drive

Chair Rollins closed the public hearing after no further comments.

BZA members deliberated on case BZ-2024-008

Planning Director Wahid Cotton explained the zoning ordinance would require the building to be broken into 240ft façade lengths already.

Chair Rollins made a motion to deny case BZA-2024-008

Vicechair Smith seconded the motion.

A vote was taken, and the motion passed with a vote of 5-0, to deny request BZ-2024-008.

2. Variance to Section 502.01, Table 5-2: Lot Area Setback, Bulk Regulation and Parking Requirements: Neighborhood Conservation District of the *City of Auburn Zoning Ordinance* *BZ-2024-009*

Planner Whitlow stated that the request was for a variance of ten feet to the required 35-foot minimum setback for a front yard to allow a minimum setback of 25-feet. The subject property is located at 508 Cary Drive in the Neighborhood Conservation (NC-18) zoning district.

Planner Whitlow explained that applicant's stated hardship was the home's current garage has a front entrance that makes it difficult for other cars to park in the driveway and blocks access to the garage bays. The applicant claims that this feature creates a hardship on the property and warrants a variance. A variance, if granted, would help relocate the existing garage and driveway to enter at the center of the property and create more parking on the property rather than on Cary Drive.

Planner Whitlow stated that a neighbor had concerns about how a new driveway would impact existing trees.

Planner Whitlow provided photos of the proposed property.

BZA Member Sorrells asked about when the house was built and the current zoning of the property.

Applicant Bud Worthy stated that the proposed garage addition would reconfigure the driveway and garage entrance as shown on the survey. The existing driveway entrance would be removed, and the new driveway would enter at the center of the property and allow for more trees to be preserved. Bud Worthy would like this variance to be granted.

BZA Member Sorrells asked the applicant about the curb-cut and driveway.

Vice Chair Smith asked about other configurations regarding the property.

Planning Director Wahid Cotton explained the Impervious Surface Ratio (ISR).

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BZA member Faulkner asked if there were any way to add additional parking to the lot.

Applicant Bud Worthy explained that the proposed site would still have a two-car garage.

Chair Rollins opened the public hearing.

Chair Rollins closed the public hearing after seeing no request to speak.

BZA Member Heffren asked how busy Cary Drive was and what the setback of the house was.

Chair Rollins made a motion to deny case BZA-2024-009

Vicechair Smith seconded the motion.

A vote was taken, and the motion passed with a vote of 3-2, BZA Member Sorrells and Heffren voted no.

3. Variance to Table 5-1 Lot Area, Maximum Impervious Surface, and Parking Requirements for Conventional Subdivision: Rural District of the *City of Auburn Zoning Ordinance* **BZ-2024-010**

Planner English stated that the request was for a variance of 11' to the required 40' rear setback to allow a rear setback of 29'. The subject property is located at 471 Ogletree Road in the Rural (R) zoning district.

Planner English stated that the subject property is approximately 2.07 acres in size. A certificate of occupancy was issued for a single-family residence on the property in 1993. According to the Lee County Tax Assessor's office, the home is 2,126 square feet and has been under the same ownership since 1984. There is a significant amount of mature tree-growth on the subject property, as well as the adjacent property on all sides.

Planner English also stated the applicant wishes to construct an addition on the rear of the existing home to provide a bedroom, bathroom, and laundry area. The enclosure would create an additional 648 square feet of heated and cooled space, for a total of 2,774 square feet.

Applicant Adrienne Aldridge spoke in detail about the history of the subject property, and why the variance should be granted.

Chair Rollins asked applicant about the foundation of the property.

Ms. Aldridge explained that the house was on its original foundation.

Mike Maher (Precision Survey) gave history of the proposed property. He also outlined the GIS issue.

Chair Rollins opened the public hearing.

- Bill Burns, spoke as a neighbor of the property owners.

Chair Rollins closed the public hearing after no further comments.

Chair Rollins made a motion to approve case BZA-2024-010

Vicechair Smith seconded the motion.

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

OTHER BUSINESS

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10/02/2024

CHAIRMAN'S COMMUNICATION

STAFF COMMUNICATION

Planning Director Wahid Cotton explained the process of a variance request.

The meeting was adjourned at 5:52 p.m.

Frost Rollins, Chair

Laticia Smith, Vice Chair

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: BZ-2024-008

APPLICANT: Foresite Group. LLC

REQUEST: Variance to Table 5-3, Development and Design Standard Requirements within the Urban Core (UC) District, & Table 5-6, Development and Design Standard Requirements within the Urban Neighborhood West District (UN-W) to reduce the required parking by 20%.

LOCATION: 141 Wright St, 134/140/150 Toomer St

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Foresite Group. LLC, Variance to Table 5-3, Development and Design Standard Requirements within the Urban Core (UC) District, & Table 5-6, Development and Design Standard Requirements within the Urban Neighborhood West District (UN-W) to reduce the required parking by 20%, 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 October 2, 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 2nd day of October, 2024.



Justice Wahid Cotton, AICP, Director of Planning

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: BZ-2024-009

APPLICANT: Bud Worthy

REQUEST: Variance to Section 502.01, Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements for the Neighborhood Conservation District of the *City of Auburn Zoning Ordinance* that requires a front setback of 35 feet of 10 feet to the required 35-foot front setback to allow a front setback of 25 feet.

LOCATION: 508 Cary Drive

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Bud Worthy, requesting a variance to Section 502.01, Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements for the Neighborhood Conservation District of the *City of Auburn Zoning Ordinance* that requires a front setback of 35 feet of 10 feet to the required 35-foot front setback to allow a front setback of 25 feet, 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 October 2, 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 2nd day of October, 2024.



Justice Wahid Cotton, AICP, Director of Planning

**BOARD OF ZONING ADJUSTMENT
CITY OF AUBURN**

CASE NO: BZ-2024-010

APPLICANT: Adrienne Aldridge on behalf of the estate of Sandra Aldridge

REQUEST: Variance to Table 5-1: Lot Area, Maximum Impervious Surface, and Parking Requirements for Conventional Subdivisions requires a rear setback of 40' for properties 40,000 square feet or greater, of the *City of Auburn Zoning Ordinance* of 11' to the required 40' rear setback to allow a rear setback of 29'

LOCATION: 471 Ogletree Road

ACTION OF BOARD

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Auburn, Alabama, that the application from Adrienne Aldridge, on behalf of the estate of Sandra Aldridge, requesting a variance to Table 5-1: Lot Area, Maximum Impervious Surface, and Parking Requirements for Conventional Subdivisions of the *City of Auburn Zoning Ordinance*, which requires a rear setback of 40' for properties 40,000 square feet or greater, of 11' to the required 40' rear setback to allow a rear setback of 29', is **APPROVED**.

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 October 2, 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 2nd day of October, 2024.



Justice Wahid Cotton, AICP, Director of Planning

**City of Auburn Board of Zoning Adjustment
 BZ-2024-011
 204 Lee Drive**



Meeting Date: November 6, 2024

Property Owner(s): Richard Guether

Request: Variance of 2’ to the required 14’ side setback to allow a side setback of 12’

Zoning Ordinance: Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District requires a side setback of 14’ for properties in the NC-15 zoning district.

Location: 204 Lee Drive

Review by: Arindam Roy, Planner

Current Zoning: **Neighborhood Conservation 15 (NC-15)**

Surrounding Zoning/Use:

Direction	Zoning	Land Use
North	NC-15	Single-family residential
South	NC-15	Single-family residential
East	NC-15	Single-family residential
West	NC-15	Single-family residential

Property Description: The subject property is approximately .36 acres (15, 682 square feet) in size. The residence was constructed in 1972 and was remodeled in 2018. The current owners acquired the property in 2018. According to the Lee County Tax Assessor’s office, the home is 1956 square feet. There is currently a paved driveway on the east side of the property.

Discussion: The applicant wishes to construct a carport on the east side of the existing structure, over the driveway. The distance from the structure to the lot line is 21.8’. The required setback distance in the NC-15 zoning district is 14 feet. The proposed carport is a continuation from the existing structure, and hence cannot be considered as an accessory structure.

If built separately, the carport can be considered as an accessory structure that should be at a minimum distance of 10 feet from the existing structure, and 5 feet from the lot line.

The applicant is proposing a 9-10 feet wide carport from the existing structure, that will leave a 12 feet setback distance, which is 2 feet less than the regulation of 14 feet setback.

Prior Action Related to this Site: The property is part of the Cloverleaf subdivision plat, which was platted in 1969, constructed in 1972, and remodeled in 2018.

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 responses from the applicant and staff comments (*italicized*). The zoning ordinance requires that the applicant meet all of 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 the structure will be 12 feet from the property line and will only consist of 3 support posts and a shingled roof to match the existing house.

The Neighborhood Conservation (NC) District is intended to preserve the character of existing neighborhoods and developments under construction at the time of adoption of this Ordinance. It is designed to prevent these neighborhoods and subdivisions from becoming nonconforming under the terms of the Zoning Ordinance.

The zoning ordinance states in Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District that the minimum side setback should be 14'. Currently the home conforms to this requirement with a side setback of 21.8'. In terms of lot area which is 15886 sft, and other regulations, currently there are no other non-conformities.

The proposed plan to construct a carport requires a variance of 2 feet, along the east side of the structure. A majority of the proposed carport is within the required setback. The entirety of the addition lengthwise would encroach 2 feet within the setback.

The property most affected by the variance is to the east at 210 Lee Drive. The adjacent home is located in an angular lot, with its western-most edge being at a distance of 14' from the property line, and about 35' from the subject property as existing. The proposed carport will leave a distance of 26' between the two adjacent homes.

- 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 it is correct and this variance is solely intended for adding one covered parking space for the homeowners.

Single-family homes and carports are permitted uses in the NC-15 zoning 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 there is not another space on the property to accommodate a covered parking spot and there is not enough room between the house and current setback to build an adequate structure.

The home is located on a rectangular shaped lot. The property owners bought the property in 2018 and there has been no change to the setback regulations since then. The side setbacks of the building does not provide room for a carport. This is common for a number of other properties in the vicinity of the neighborhood that are similar in lot area, with a similar building orientation and footprint. So, there are no unique circumstances.

- 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 to meet this condition as there is no covered parking with access to the house.

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. The hardship in this case is self-created.

- 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 this condition is met.

The granting of the variance is not needed for the reasonable use of the land as a single-family residence. A variance of up to 2' is the minimum needed to allow construction of the proposed carport on the east side of the existing structure.

- 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.**

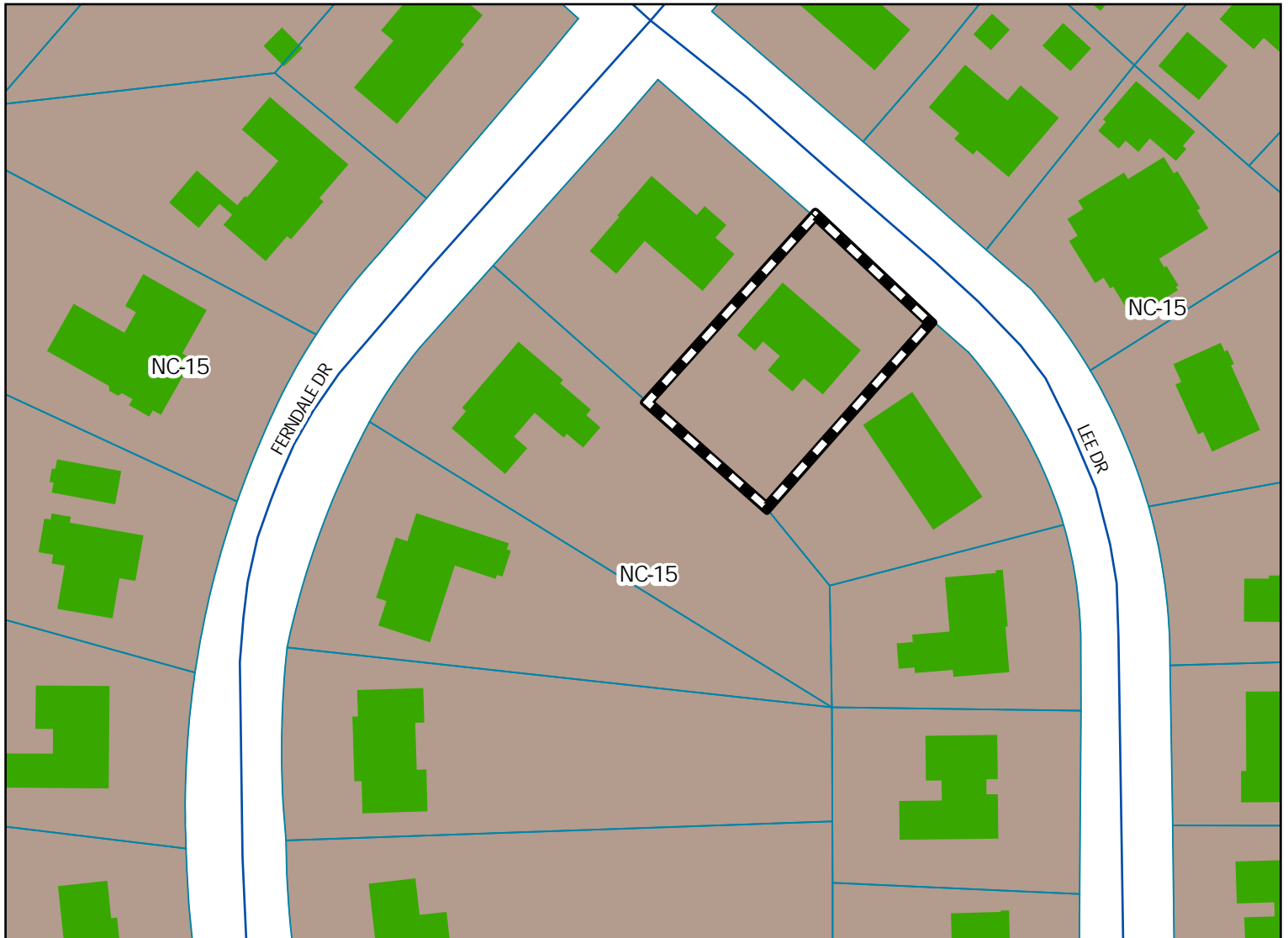
The applicant states to meet this requirement as the carport is a cover only with no solid walls and will match the existing roof structure.

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 to meet this requirement.

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



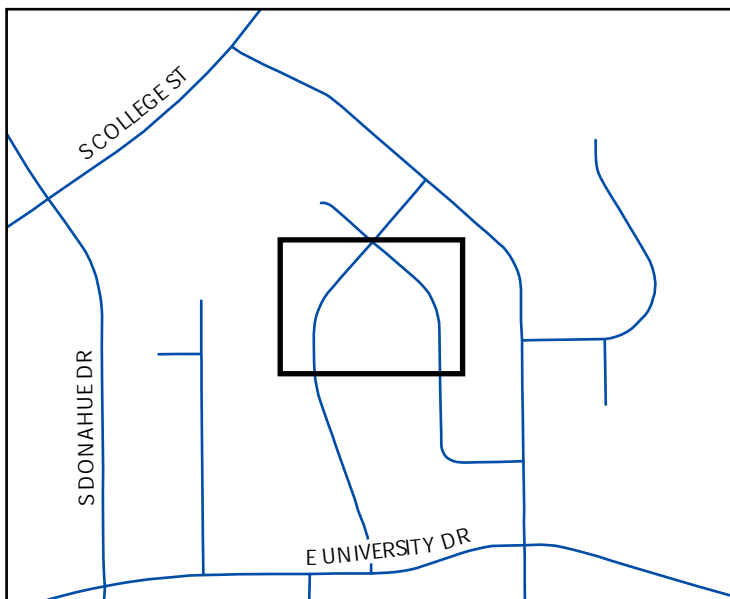
 Subject Property



0 20 40 80
Feet

Planning Dept.
10/24/2024

Vicinity Map



The Board of Zoning Adjustment will consider a request for a variance from Sect on 502.01 of the Zoning Ordinance that requires a side setback of 14 feet in NC-15 zoning district, to allow a side setback of 12 feet. The subject property is located at 204 Lee Drive in the NC-15 zoning district.

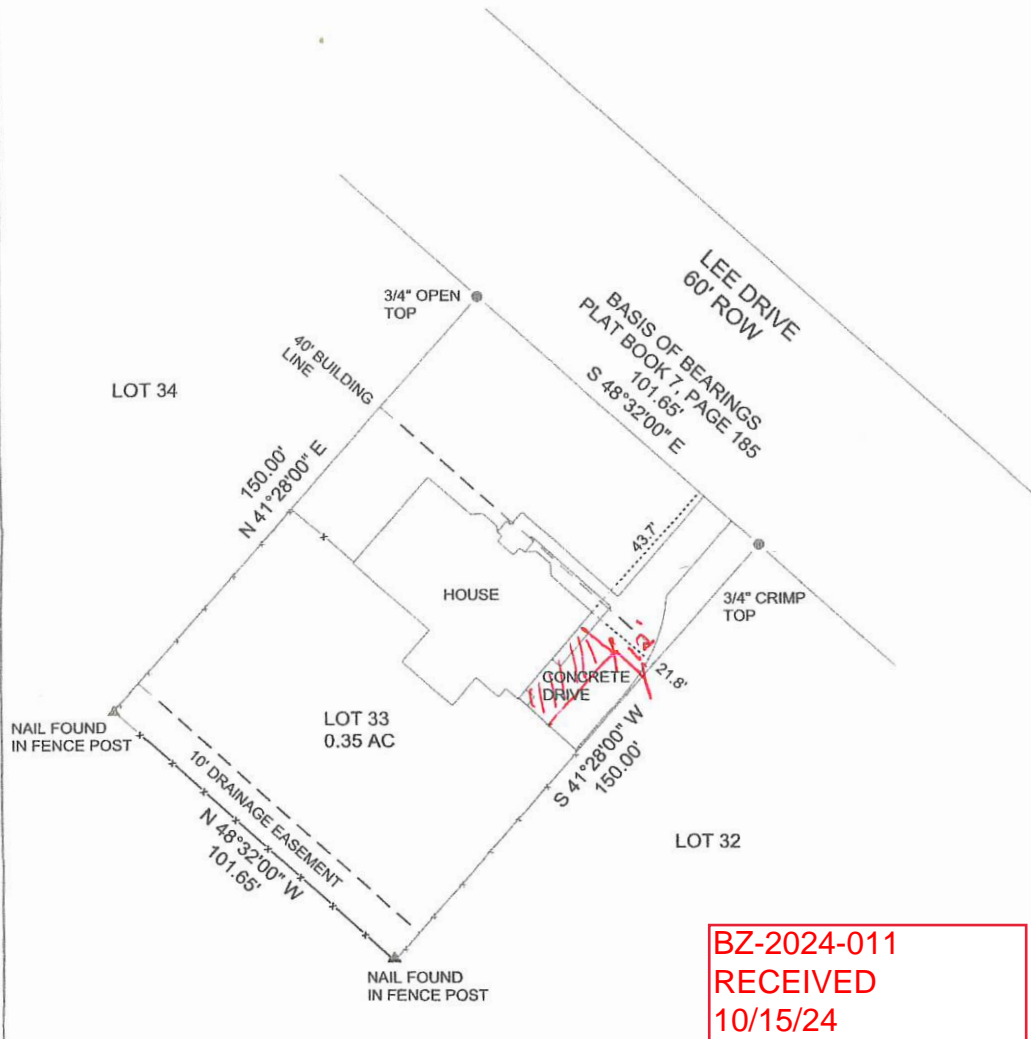
PUBLIC HEARING NOTICE

The Board of Zoning Adjustment will meet November 6, 2024 in the Council Chambers at 141 N. Ross St. at 4:30 PM. Please call Arindam Roy with the City of Auburn Planning Department at (334)501-3040 for additional information.

The entire BZA packet can be found at 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/pc/>

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.

BOUNDARY SURVEY FOR RICHARD GUETHER
OF LOT 33, CLOVERLEAF SUBDIVISION
PLAT BOOK 7, PAGE 185
LOCATED IN SECTION 31, T-19-N, R-26-E,
IN THE CITY OF AUBURN, LEE COUNTY, ALABAMA
ADDRESS: 204 LEE DRIVE, AUBURN, AL.

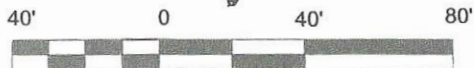
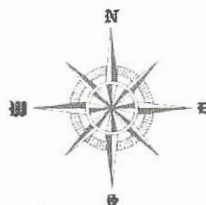


Notes:

1. Subject to all easements, rights-of-way, and restrictions pertaining to this property.
2. This plat is invalid without the surveyor's original signature and seal.
3. All pins set are 1/2" rebar with "ZDS 12933" on cap.
4. Assumed north is based on bearing as shown.
5. No easements were delivered to the surveyor. Surveyor is not liable for undisclosed easements or those not readily visible.
6. Field work completed 9-4-2018.
Office work completed 9-4-2018.

LEGEND

- IRON PIN FOUND
- ▲ NAIL FOUND
- FENCE



I 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

ZACK SPRAYBERRY PLS AL REG. NO. 12933 DATE

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