

**BOARD OF ZONING ADJUSTMENT  
November 7, 2012 - Regular Meeting  
MINUTES**

The Auburn Board of Zoning Adjustment (BZA) met in a regular session on November 7, 2012 at 4:30 p.m. in the City Council Chambers at the Public Safety Building.

**PRESENT** Robert Cochran, Joan Penrod, Trey Rankin, Tom Vaughan, Sean Foote, Jay Jennings

**ALSO PRESENT** Forrest Cotten, Justin Steinmann, Cathy Cooper, Matt Mosley, Amber English

**ABSENT** J.R. Smith

**APPROVAL OF MINUTES**

Mr. Cochran made a motion to approve the minutes of the September 5, 2012 meeting.

Mr. Jennings seconded the motion. The motion passed with a vote of 5-0.

**CHAIRMAN'S COMMUNICATION**

Mr. Rankin 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 in attendance and one supernumerary would vote.

**OLD BUSINESS**

**NEW BUSINESS**

**Variance to Section 605.01.D, Freestanding Signs in the Urban Core (UC), of the *City of Auburn Zoning Ordinance* PL-2012-00880**

Ms. Cooper stated the request was for a variance of 8' to the required minimum setback of 10' from the front property line for a freestanding sign in order to allow a freestanding monument sign to be located 2' from the East Magnolia Avenue right-of-way (a.k.a. property line). The subject property was located at 100 North Gay Street in the Urban Core (UC) zoning district. The new Super Six drive through and ATM are set back a good distance within the subject property. Signage on the drive through would do little to direct customers appropriately to the drive through or ATM since building visibility from the street is limited. A freestanding sign is the logical choice for visibility purposes. Because the drive through is set back so far from the street, it is necessary for the freestanding sign to be as close to the entrance as possible, so that vehicular traffic would know how to access the drive through and ATM.

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

**Mr. Vaughan made a motion to approve Case PL-2012-00880, 100 North Gay Street, a request for a variance of 8' to the required minimum setback of 10' from the front property line for a freestanding sign in order to allow a freestanding monument sign to be located 2' from the East Magnolia Avenue right-of-way (a.k.a. property line).**

**Mr. Jennings seconded the motion.**

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

**Variance to Section 429.06.C, Garages, Car Washes and Service Bays, of the *City of Auburn*  
*Zoning Ordinance* PL-2012-00939**

Mr. Mosley stated the request was for a variance to the requirement that all garage/car wash/service bay openings be oriented at not less than right angles to the primary public street frontage in order to allow a service door to face South Donahue Drive. The subject property was located at 196 East University Drive in the Comprehensive Development District (CDD) zoning district. A general retail use was planned for the property. The applicant noted the site was difficult to layout due to the topography, an elevation change from the front to rear, which limited where the delivery door could be placed. The applicant further states that the delivery door has a set location on this store.

Mr. Rankin asked about the topography of the lot.

Mr. Mosley said the front was fairly flat, but the elevation fell towards the back of the property.

Mr. Jennings asked where the dumpster bay would be.

Mr. Mosley said it would be in front of the service bay.

Mr. Foote asked if it would be enclosed.

Mr. Mosley said it would be enclosed in a brick structure.

Mr. Cochran asked if the number of parking spaces shown was the minimum required or if the number exceeded requirements.

Mr. Mosley said the shown parking exceeded requirements by approximately ten spaces.

Lee McKay with The Broadway Group, LLC represented the applicant. He provided a rendering that showed the elevation decline of the property from the East University property line. He explained there was a detention facility in the rear of the property. The building would be entirely brick with the exception of the glass store opening. Mr. McKay stated the service door would be covered by the façade of the fully bricked dumpster enclosure. He offered to add increased landscaping to make sure the door was completely hidden from the road.

Mr. Rankin opened the public hearing.

Russell Balch, 416 Joye Pass, expressed concern that the request did not comply with the standards for granting variances and would contradict the purpose of the corridor overlay district, which was to preserve the aesthetic integrity of main corridors. Mr. Balch said the current aesthetics of the area were essentially residential with the exception of the credit union across the street, and he felt that the proposed use was essentially a light industrial one. He spoke on behalf of area residents who felt approval of the variance would be injurious to the adjacent neighborhood. Mr. Balch said denial of the request would not mean the store could not be built, and he stressed that economic hardship was not grounds for granting a variance. He also pointed out the staff report noted there were other possible configurations that would obviate the need for a variance. He felt there was no choice but to deny the variance request.

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2012-00880

APPLICANT: Auburn Bank

REQUEST: Variance to Section 605.01.D, Freestanding Signs in the Urban Core (UC), of the *City of Auburn Zoning Ordinance* of 8' to the required minimum setback of 10' from the front property line for a freestanding sign in order to allow a freestanding monument sign to be located 2' from the East Magnolia Avenue right-of-way (a.k.a. property line)

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 Auburn Bank requesting a variance to Section 605.01.D, Freestanding Signs in the Urban Core (UC), of the *City of Auburn Zoning Ordinance* of 8' to the required minimum setback of 10' from the front property line for a freestanding sign in order to allow a freestanding monument sign to be located 2' from the East Magnolia Avenue right-of-way (a.k.a. property line) is **APPROVED**.

I, Forrest E. Cotten, 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 November 7, 2012 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 November, 2012.



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Forrest E. Cotten, AICP, Director of Planning

Bruno Ulrich, 1518 Stuart Circle, commented that he worked as the construction director for the Tiger Town development. One of the primary goals of the project was to provide an attractive development that, among other guidelines, screened all truck traffic from public view. He thought this particular project would expose that traffic to two main corridors.

Scott Fuller, 204 Kimberly Drive, questioned what benefit would be gained from approval of the variance request. He said the applicant chose the site, so the problem was self-inflicted. He thought the information that had been provided posed more questions than it did give answers.

Jennifer Dempsey, 311 Canterbury Court, read the definition of the adjective 'aesthetics' and commented that the variance request was essentially a request to overlook the beautiful and the pleasing and to disregard requirements that the City Council and other governing members of Auburn had already put in place.

Brian Mosholder, 1522 Benedict Place, asked if there was any way to stop the project.

Mr. Cotten explained that the use was permitted by right in the CDD zoning district.

Mr. Mosholder asked the Board to deny the variance request. He said the damage that will already be done in the neighborhood would only be exacerbated by approval of the request. He asked the Board to take into consideration Auburn's beauty and the regulations in place to preserve that beauty.

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

Mr. Rankin explained that the Board's only charge was to make a decision on the specific request presented. He expected the land at the intersection to be developed at some time, and he urged residents to look at the zoning ordinance to see what is permitted in the district and what, at some point, might be developed in the future. He added that strict adherence to the zoning ordinance would not allow any variances at any time.

Mr. Foote agreed. He emphasized that the use could still locate on the site without a variance if the site could be reconfigured.

Mr. Cochran agreed with Mr. Balch's comments in their entirety.

Mr. Foote felt there were ways the door's aesthetics could be addressed directly, so it might look like another part of the building. Given the placement of the door and site buffers, he did not anticipate the location of the service door being the eyesore it was perceived to be.

**Mr. Foote made a motion to approve Case PL-2012-00939, 196 East University Drive, a request for a variance to the requirement that all garage/car wash/service bay openings be oriented at not less than right angles to the primary public street frontage in order to allow a service door to face South Donahue Drive, with the condition that the service door match the storefront.**

**The motion failed due to lack of a second.**

**Mr. Cochran made a motion to deny Case PL-2012-00939, 196 East University Drive, a request for a variance to the requirement that all garage/car wash/service bay openings be oriented at not less than right angles to the primary public street frontage in order to allow a service door to face South Donahue Drive.**

**Mr. Vaughan seconded the motion.**

**A vote was taken, and the motion passed with a vote of 4-1. Mr. Foote voted against the motion.**

**BOARD OF ZONING ADJUSTMENT  
CITY OF AUBURN**

CASE NO: PL-2012-00939

APPLICANT: Pace Brothers, Inc.

REQUEST: Variance to Section 429.06.C, Corridor Overlay Area Regulations - Garages, Car Washes, and Service Bays of the *City of Auburn Zoning Ordinance*, to the requirement that all garage/car wash/service bay openings be oriented at not less than right angles to the primary public street frontage in order to allow a service door to face South Donahue Drive, with the condition that the service door match the storefront

LOCATION: 196 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 Pace Brothers, Inc. requesting a variance to Section 429.06.C, Corridor Overlay Area Regulations - Garages, Car Washes, and Service Bays of the *City of Auburn Zoning Ordinance*, to the requirement that all garage/car wash/service bay openings be oriented at not less than right angles to the primary public street frontage in order to allow a service door to face South Donahue Drive, with the condition that the service door match the storefront is **DENIED**.

I, Forrest E. Cotten, 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 November 7, 2012 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 November, 2012.



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Forrest E. Cotten, AICP, Director of Planning

**OTHER BUSINESS**

**CHAIRMAN'S COMMUNICATION**

**STAFF COMMUNICATION**

The meeting was adjourned at 5:26 p.m.

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Trey Rankin, Chairman

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J.R. Smith, Vice Chairman