

RICHARD B. JOHNSON
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September 28, 2018

35609-0001

Via Fax: 251-972-8520 and

Via Email: paula.bonner@baldwincountyal.gov

Baldwin County Planning and Zoning Commission
Baldwin County Planning and Zoning Department
Attention: Vince Jackson
22251 Palmer Street
Robertsdale, Alabama 36567

Re: Case No. Z-18044
DCF, LLC Property
Planning District 26
5480 Battles Road, Fairhope, Alabama 36532
Parcel Identification No. 05-45-07-25-0-000-061.000
Scheduled Public Meeting: October 4, 2018, 6:00 p.m.

Dear Mr. Jackson:

Phelps Dunbar has the pleasure of representing Ellen Dyas, who owns property at 18261 Scenic Highway 98, Fairhope, Alabama, 36532, which is adjacent to the subject property. On behalf of resident Ellen Dyas, we write in objection to the request submitted by DCF, LLC, the owner of property located at 5480 Battles Road in Planning District 26, for approval to rezone 2.43+/- acres from RSF-1 Single Family District to RSF-2 Single Family District. Ms. Dyas' objection to this improper request by DCF, LLC includes, but is not limited to, the following reasons:

1. The requested change by DCF, LLC is not compatible with existing development pattern and zoning of nearby properties. Specifically, the majority of nearby properties are properly zoned as RSF-1 Single Family District. Pursuant to Baldwin County Zoning Ordinance, Section 4.2.5, properties zoned for RSF-1 Single Family District shall maintain a minimum lot area of 30,000 Square Feet. Conversely, Section 4.3.5 requires that properties zoned for RSF-2 Single Family District shall maintain a minimum lot area of 15,000 Square Feet, half the requirement of RSF-1. Therefore, DCF, LLC's requests to convert a single property, originally zoned as RSF-1 that has approximately 103,000 Square Feet for one (1) residence, would allow up to six (6) residences which would not be compatible with existing development patterns and zoning of nearby properties. A conversion to RSF-2 would consequently disregard Section 4.2.5 minimum lot area requirements.

COUNSELORS AT LAW

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September 28, 2018

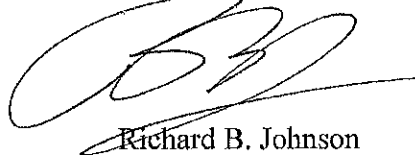
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2. The requested change by DCF, LLC is not supported by a change in the conditions upon which the original zoning designation was based or a change in the use of the land when the zoning was established. Instead, a conversion of the land owned by DCF, LLC from RFS-1 to RFS-2 would create an unwise precedent to all other properties, especially the many estate lots located along Scenic Highway 98.
3. The requested change by DCF, LLC would also create conflict with existing and/or planned public improvements.
4. The requested change by DCF, LLC is not consistent with the development patterns in the area and is inappropriate for orderly development in the community. Allowing this improper conversion creates a negative change of character for the neighborhood. Additionally, there is no guarantee that the alleged "family subdivision" will be kept within the family, as each new residence will be allowed to sell the residence to whomever they wish at a later date. Therefore, this improper conversion would create a devastating effect on the development patterns and orderly development of this community and have an adverse effect on the welfare of the County and surrounding vicinity.
5. The 10ft easement currently used to access this property will not practically accommodate an additional five (5) residences. Ms. Dyas was recently contacted by a member of DCF, LLC requesting use of her driveway for ingress/egress to this proposed "Family Subdivision." She rejected this request. As a result, it seems DCF, LLC has no clear plan to ingress/egress the proposed family subdivision.

Therefore, in light of the above objections, among others, our client, Ellen Dyas, strongly opposes the consideration and approval of the request from DCF, LLC to rezone 2.43+/- acres from RSF-1 Single Family District to RSF-2 Single Family District on property located at 5480 Battles Road in Planning District 26.

Should you have any questions or require additional information, please contact me.

Very truly yours,



Richard B. Johnson

RBJ:BSZ:

Palmer C. Hamilton
11 N Water St Ste 1200
Mobile, Alabama 36602

Ronald A. Snider
11 N Water St Ste 1200
Mobile, Alabama 36602

October 1, 2018

Via Fax: 251.972.8520

Via Email: Paula.bonner@baldwincountyal.gov

Baldwin County Planning and Zoning Commission
Baldwin County Planning and Zoning Department
Attention: Vince Jackson
22251 Palmer Street
Robertsdale, Alabama 36567

Re: Case No. Z-18044
DCF LLC Property
Planning District 26
5480 Battles Road, Fairhope, Alabama
Parcel ID. No. 05-45-07-25-0-000-
061.000
Scheduled Public Hearing:
October 4, 2018, 6:00 p.m.

Re: Case No. V-180026
DCF LLC Property
Planning District 26
5480 and 5490 Battles Road,
Fairhope, Alabama
Parcel ID No. 05-45-07-25-0-000-
061.000 and 05-45-07-25-0-000-
071.000
Scheduled Public Hearing:
October 8, 2018, 6:00 p.m.

Dear Mr. Jackson:

This is a difficult letter for us to send. We have been neighbors and friends of the Dyas family for almost thirty years. Nevertheless we must strongly object to these applications which violate both the spirit and the letter of Baldwin County's zoning policy and regulations.

First, we would note that the applications which the Dyas family have filed are, in essence, a single effort to obtain a variance from the clear standards set in the Baldwin County Subdivision Regulations. The initial step in this effort seeks to reduce the zoning classification of the subject property from RSF-1 to RSF-2 in order to water down the minimum standards for the lots (such as minimum lot area and lot width) which they hope to carve out of the property. Even this watering down by changing the zoning to

RSF-2, however, would not be sufficient. So, their next application seeks to substantially water down the minimum standards set for RSF-2.

Why? Couldn't they have sought a variance from the existing zoning of the property? The end result, if granted, would be the same.

Well, it is clear. The drastic watering down of the County's minimum standards would be less noticeable, it was undoubtedly thought, if done in what was hoped would be two bite-sized pieces.

We would urge the Commission to follow the clear minimum standard mandates on this property.

When we purchased our house, which is immediately adjacent to the Dyas property, we did so not envisioning that the subject property could be subsequently transformed into a subdivision of very small houses on very small lots. We also did not envision our driveway would become a subdivision's thoroughfare. The proposal would transform a shady shell driveway serving three residences into the only means of ingress and egress for our house and what we understand would be eight houses on the Dyas property, all of which houses would each be expected to have multiple vehicles.

The applications should be denied on multiple grounds.

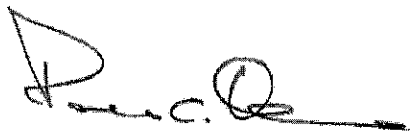
1. The minimum acreage requirement for Planned Residential Development for RSF-1 or RSF-2 is five acres. The property in question is 2.43 acres, not even close to the minimum standards. The variance would require a gutting of this standard, not an adjustment.
2. The applicants have informed some of the neighbors that they intend to subsequently add a third residence on the bay. Again, though, a variance would be necessary, RSF-2 requires 80 foot frontage. RSF-1 is more. The two Dyas lots have frontage of only 180 feet. Why is this not in the variance request? Again, this entire package is designed to make what is being done appear less dramatic.

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3. The applications do not address how the subdivision's houses would obtain ingress and egress. The current drive used by the property would fail to meet the minimum standards required by Section 5.5.17 of the Baldwin County Subdivision Regulations which requires a minimum width of 30 feet. The current drive is less than half this width. How can the Commission be expected to pass on a subdivision when one of the specified requirements for the subdivision is not met nor is the applicant's intent in this regard revealed?
4. The requested change in zoning is not supported by any change in the conditions that led to the original zoning designation. It would create a very unfortunate precedent for larger estate properties in Point Clear and Battles Wharf.
5. The proposed change is totally inconsistent with the development patterns in Battles Wharf.

We will be happy to supplement or respond to any questions. We very much appreciate your consideration of this letter of opposition.

Sincerely,



Palmer C. Hamilton
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Direct Fax: 251.439.7354
PHamilton@JonesWalker.com



Ronald A. Snider
Direct Dial: 251.439.7548
Direct Fax: 251.439.7377
RSnider@JonesWalker.com

**To: Baldwin County Planning & Zoning Department
22251 Palmer Street
Robertsdale, AL 36567**

Date: September 29, 2018

Reference your Notice of Public Hearing on Case No. Z18044, DCF LLC Property, Planning District 26 received by me on 9/24/18.

Our home and land owned by my wife and I at 5530 Battles Road is adjacent to the 2.43 acres for which rezoning from RSF-1 to RSF-2 has been requested by DCF LLC Property to allow for more intense development.

We believe in being good neighbors but certainly would be harmed by such action, and therefore oppose it. A major factor in our establishing our home in May, 1992 in this residential area of large lots near Point Clear was then, and is today, that the applicable Baldwin County Zoning will protect our privacy and peacefulness.

Existing residents certainly need this zoning protection from excess density and the accompanying increased traffic, noise, lights shining on our property, air pollution and other disruptions to us. I believe that the vast majority of people living in this area feel likewise and do not want their properties overcome by higher density developments.

Thanks in advance for your help in this matter,



**Richard Westmoreland
5530 Battles Road
Fairhope, AL 36532
(251)928-5150
nearbay@mchsi.com**