



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.k

Case No. Z-21027

Leech Property

Rezone RSF-2, Single Family District to RSF-4, Single Family District

August 5, 2021

Subject Property Information

Planning District: 32
General Location: East Side of Spring Branch Rd on the Bay
Physical Address: 7674 Spring Branch Rd, Elberta
Parcel Numbers: 05-63-04-19-0-000-037.000
Existing Zoning: RSF-2, Single Family District
Proposed Zoning: RSF-4, Single Family District
Existing Land Use: Residential
Proposed Land Use: Residential Subdivision
Acreage: 0.45± acres
Applicant: John Leech
15139 County Rd 9
Summerdale, AL 36580
Owner: Same
Lead Staff: Celena Boykin, Senior Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2, Single Family District
South	Residential	RSF-2, Single Family District
East	Water	Water
West	Timberland	Spring Branch Rd and RA, Rural Agricultural District

Summary

The subject property, which consists of approximately 0.45 acres and is currently zoned RSF-2, Residential Single Family District. The designation of RSF-4, Residential Single Family District, has been requested for the purpose of dividing the lot into two lots, resulting in both lots being 50'x240'. The lot is owned by a brother and sister and they would like to split the lot so each can have their own waterfront lot. There is currently a home on the subject property, but it has to be demolished due to damage from storms. If the rezoning is approved the applicant will also have to receive a variance from the lot width at building line which is 60'.

Section 4.3 RSF-2, Single Family District

4.3.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

4.3.2 *Permitted uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.3.3 *Conditional uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.

4.3.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.3.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35-Feet
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet

Proposed Zoning Requirements

Section 4.5 RSF-4, Single Family District

4.5.1 *Generally*. This zoning designation is provided to afford the opportunity for the choice of a moderate density residential development consisting of single family homes.

4.5.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

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Maximum Height of Structure in Feet	35
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

Agency Comments

Baldwin County Highway Department – Weesie Jeffords: I have the following comments for the proposed rezoning case:

1. Spring Branch Road is County maintained and access for residential driveway turnouts could be applied for through Area 300 Highway Maintenance facility.
2. Proposed division of property between family members would be through a family subdivision with the Planning and Zoning department.

Mary Booth, Subdivision Coordinator: No comment received.

ADEM, Scott Brown: Regarding Case No. Z-21027 Leech Property, if the lot is subdivided each sub parcel resulting therefrom must have sufficient buildable uplands which supports construction or other reasonable use (ADEM Admin. Code r. 335-8-2-.11(2)). That is, the subdivision must not result in creation of a sub parcel that is comprised wholly or almost entirely of wetlands such that construction or some other reasonable use would then require wetlands fill in order to be accomplished. In the plainest of terms, the subdivision must not create a wetland sub parcel that is un-usable unless wetlands thereon are filled. That stated, from my desktop review I could not ascertain whether or not 05-63-04-19-0-000-037.000 contains wetlands so my comment may be moot.

Eric Buckelew: Neither of these sites appear to have any wetlands based upon a review of recent aerial photographs. However, a site inspection requested by the property owner would be required for a definitive assessment.

This response is based upon a review of available on-line data and should in no way be considered an official wetland jurisdictional determination for either of these lots.

Staff Analysis and Findings

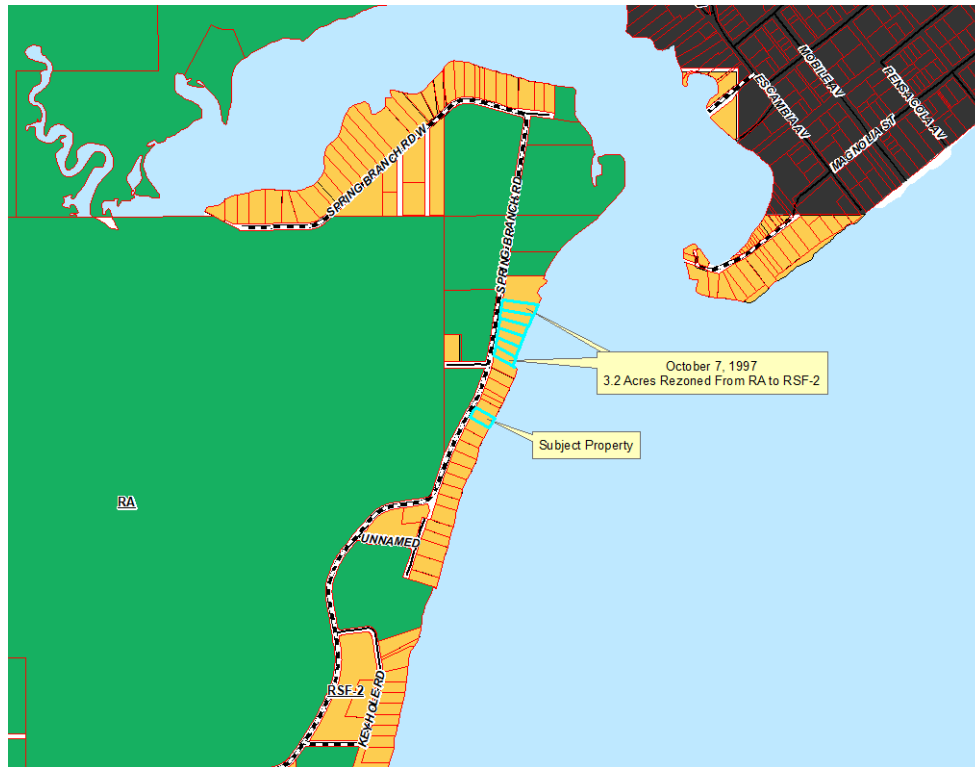
The following factors for reviewing zoning amendments are found in Section 19.6 of the *Baldwin County Zoning Ordinance*. These factors are to be considered when an application is being reviewed for rezoning.

1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The subject property is residential. The property adjoins Spring Branch Rd to the west. The adjoining properties are residential and timberland. RSF-2 and RA are the only zonings in this area.

2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?

The subject property has always been zoned RSF-2, Residential Single Family District since Planning District 32 became zoned on December 19, 1995. There has been only 1 rezoning in the immediate area, 3.2 acres rezoned from RA to RSF-2.



3.) Does the proposed zoning better conform to the Master Plan?

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

A future land use designation of Residential has been provided for the subject property. The residential category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, RMH and PRD.

Approval of the rezoning would not result in an amendment of the Future Land Use Map.

4.) Will the proposed change conflict with existing or planned public improvements?

Staff is not aware of any conflicts.

5.) Will the proposed change adversely affect traffic patterns or congestion?

Per the Federal Highway Administration, the functional classification of Spring Branch Road is local. Locally classified roads account for the largest percentage of all roadways in terms of mileage. They are not intended for use in long distance travel, except at the origin or destination end of the trip, due to their provision of

direct access to abutting land. Bus routes generally do not run on Local Roads. They are often designed to discourage through traffic. As public roads, they should be accessible for public use throughout the year. Access to this site would require approval from the Baldwin County Highway Department.

6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

There hasn't been much development in this area. Most of the lots in this area, along the bay, are 0.45 acres or more.

7.) Is the proposed amendment the logical expansion of adjacent zoning districts?

This area of Planning District 32 consists mostly of residential and agricultural zoning districts. Adjacent properties are zoned for residential and agricultural uses. The adjacent zonings are RA and RSF-2. Therefore, staff believes the proposed rezoning is not a logical expansion of adjacent zoning districts due to the size of the proposed lots.

8.) Is the timing of the request appropriate given the development trends in the area?

Staff believes that timing is not a factor because there hasn't been much development in this area.

9.) Will the proposed change adversely impact the environmental conditions of the vicinity or the historic resources of the County?

Staff is unaware of any environmental conditions or historic resources that would be adversely impacted by this request. The Alabama Department of Environmental Management (ADEM) did provide comments (see above).

10.) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

The applicant received 4 letters of support from neighbors (see attached).

Staff Comments and Recommendation

As stated previously, the subject property, which consists of approximately 0.45 acres and is currently zoned RSF-2, Residential Single Family District. The designation of RSF-4, Residential Single Family District, has been requested for the purpose of dividing the lot into two lots, resulting in both lots being 50'x240'. The lot is owned by a brother and sister and they would like to split the lot so each can have their own waterfront lot. There is currently a home on the subject property, but it has to be demolished due to damage from storms. If the rezoning is approved the applicant will also have to receive a variance from the lot width at building line which is 60'.

Unless information to the contrary is revealed at the public hearing, staff feels this rezoning application should be recommended for **DENIAL**.*

**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

Property Images



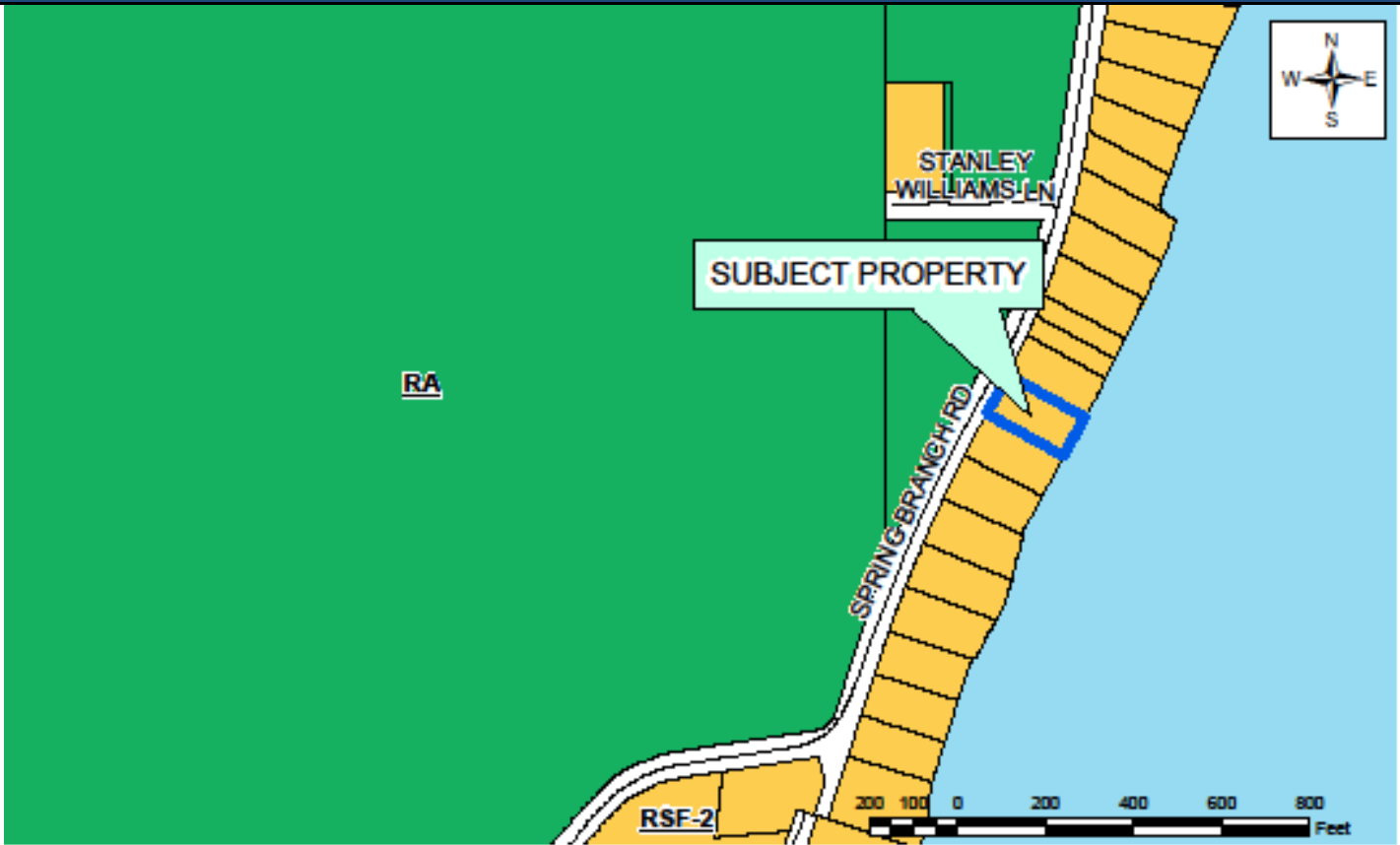
July 15, 2021



July 15, 2021



Locator Map



Site Map



Letters from Applicant's Neighbors

BALDWIN County Commission
PLANNING AND ZONING Department.

RE: Property AT : 7674 Spring Branch Road
Elberta, AL 36530

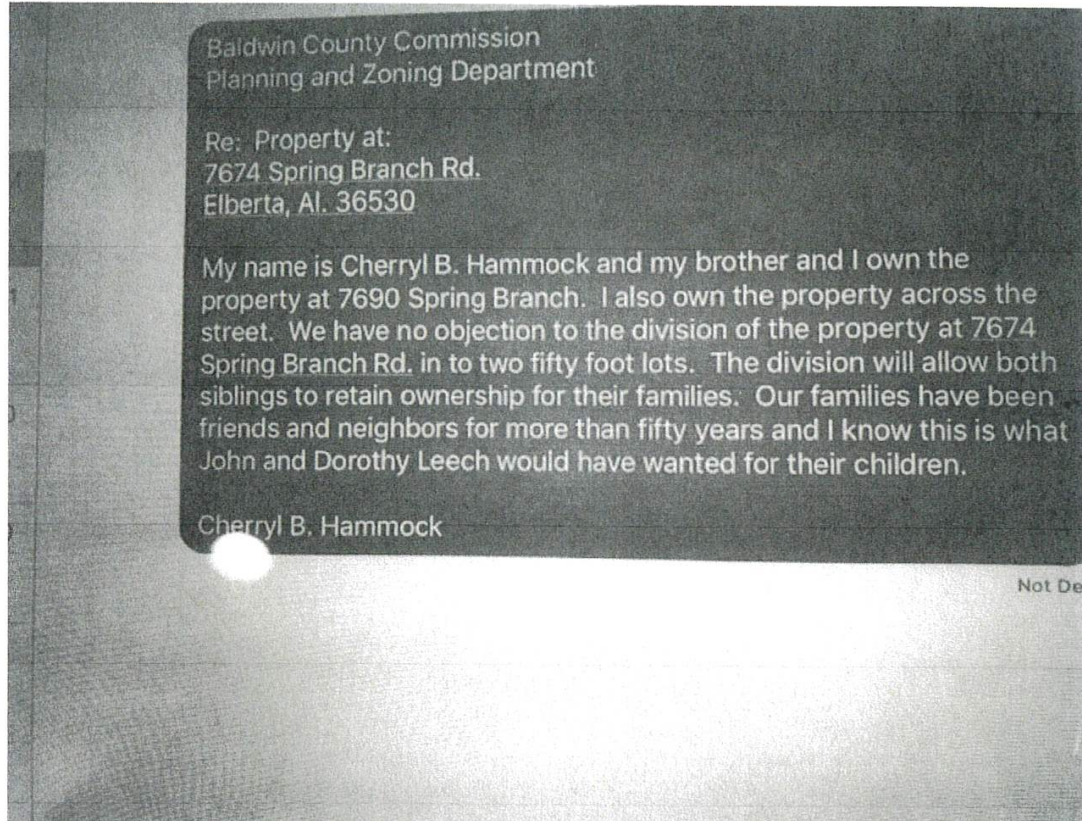
Property owner to South, owner Jessica Lamb Vander
of 7646 Spring Branch Rd, does not take
issue with the division of 7674 in
half.

Jessica Vander

LOT 31.001

From: Cherryl Hammock cherrylhammock@yahoo.com
Date: Jun 26, 2021 at 12:17:29 PM
To: Geneleech52@gmail.com

Sent from my iPhone.



LOT-34

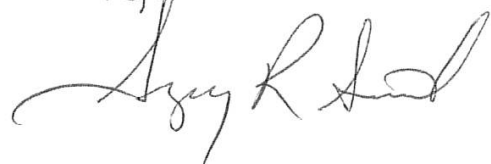
Baldwin County Commission
Planning & Zoning Dept.

June 26, 2021

Re: Property at:
7674 Spring Branch Rd
Elberta, AL 36530

We own the property at 7694 Spring Branch Road. We have no objection to the division of the above-referenced property into two fifty foot lots.

Gregg Smith (205) 217-5514
Donna Nelson (205) 389-0888

Donna Nelson


LOT 35

Baldwin County Commission
Planning & Zoning Dept.

June 26, 2021

Re: Property St:

7674 Spring Branch Road
Elberta, AL 36530

Randall & Debbie Smith own the property
at 7698 Spring Branch Road. We have
no objection to the above-referenced
property into two fifty foot lots.

~~Debbie Smith~~
~~Randall Smith~~

Debbie Smith (334) 728-1545
Randall Smith (334) 728-0958

LOT 35.001.