

**PLANNING AND ZONING  
BOARD OF ADJUSTMENT NUMBER 2**

**AGENDA**

**June 10, 2021**

**Regular Meeting 3:30 p.m.**

**Baldwin County Satellite Courthouse**

**Large Meeting Hall**

**201 East Section Avenue**

**Foley, Alabama**

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (May 13, 2021)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. V-210014, Ryan Property**

*Request:* approval of a variance from the front and rear setback requirements to allow for the addition of a bath/laundry room and rebuild a damaged screened porch

*Location:* The subject property is located at 1659 Jackson Court in Planning District 25

*Attachments:* Within Report and Attached

**b.) Case No. V-210015, Flynn Building Specialist, LLC Property**

*Request:* approval of a variance from the front and rear setback requirements to allow for the construction of a single-family dwelling

*Location:* The subject property is located at 32855 Yaupon Drive in Planning District 33

*Attachments:* Within Report and Attached

6. Old Business
7. New Business
8. Adjournment

**Planning & Zoning Board of Adjustment Number 2**  
**May 13, 2021**  
**Regular Meeting Minutes**  
**Foley Satellite Courthouse, Large Meeting Room**

The Board of Adjustment Number 2 met in a regular session on May 13, 2021 at 3:30 p.m., in the Baldwin County Foley Satellite Courthouse Large Meeting Room. Chairman, Ernie Church called the meeting to order. Members present included: James Koeppen, Michael Swansburg, John Slaats, Johanna Moloney, and John Hilderbrandt. Staff member present was Linda Lee, Planner.

**Approval of Previous Meeting Minutes**

The first order of business was approval of the minutes from the April 8, 2021 meeting. Mr. Swansburg made a motion to approve the meeting minutes with a correction to the Board's name in the heading on page 2. The motion received a second from Ms. Moloney and carried unanimously.

**V-210007 Maxwell Property**

Mrs. Lee presented the applicant's request for approval of a variance from the section 13.1.2(b) of the Baldwin County Zoning Ordinance as it pertains to accessory structures in the front yard to allow for the construction of a single-family dwelling and garage. Staff recommended denial of the variance request due to the applicant didn't submit sufficient evidence to show an attached garage could not be constructed on the front of the proposed dwelling.

Mr. Ricky Maxwell spoke in favor of the variance request and answered questions from the board. Mr. David Lawrenz spoke in favor of the variance request.

Mr. Hilderbrandt made a motion to approve the variance request. The motion received a second from Mr. Slaats and carried unanimously.

**New Business – Approval of By-Laws**

Mr. Church explained the only change to the By-Laws was the title, changing the board's name. Ms. Moloney made a motion to approve the By-Laws. The motion received a second from Mr. Koeppen and carried unanimously.

**Adjournment**

There being no further business to come before the board the meeting was adjourned at 4:02 p.m.

Respectfully Submitted,

Linda Lee, Planner

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I hereby certify that the above minutes are true, correct and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Ernie Church, Chairman



# Baldwin County Planning & Zoning Department

## County Commission District #2

### Board of Adjustment Staff Report

Case No. V-210014  
Ryan Property  
Accessory Structure Variance  
June 10, 2021

### Subject Property Information

Planning District: 25  
General Location: Fort Morgan  
Physical Address: 1659 Jackson Court  
Parcel Number: 05-68-06-23-0-002-024.000  
Zoning: RSF-1, Single Family District  
Lot Size: 0.12 +/- Acres  
Applicant: Ellen C. Ryan  
209 Mimosa Drive S. E.  
Rome, Georgia 30161  
Owner: Ellen C. Ryan  
Lead Staff: Paula Bonner, Planning Technician  
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Single Family District
South	Vacant	RSF-1, Single Family District
East	Residential	RSF-1, Single Family District
West	Residential	RSF-1, Single Family District

### Summary and Recommendation

The applicant is requesting approval of a variance from the front and rear yard setback requirements (4.2.5) of the Baldwin County Zoning Ordinance to allow for the addition of a bath/laundry room and rebuild a damaged screened porch.

Due to the size of the lot and location of the road Staff recommends that Case V-210014 Ellen C Ryan Property be **Approved**. \*

*\*On Variance applications, the Board of Adjustment makes the final decision*

### Variance Request

The applicant is requesting a variance from Section 4.2.5 of the Baldwin County Zoning Ordinance to allow a variance from the front and rear yard setback requirement to allow for a bath/laundry addition and to allow a damaged screen porch to be rebuilt.

**Section 4.2 RSF-1, Single Family District**

4.2.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

4.2.2 *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.

4.2.3 *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.

4.2.4 *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*).

4.2.5 *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	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

## Section 22 Definitions

### 22.2 Words and Terms Defined

*Setback line.* A line defining the limits of a yard in which no building or structure, other than an accessory structure, may be located.

*Yard.* A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted and complying with applicable building codes.

*Yard, front.* An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On waterfront lots the front yard shall be considered from the front line of the principal building to the waterfront property line.

*Yard, rear.* An open space on the same lot with the principal building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the principal building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

### Staff Analysis and Findings

The following standards for approval are found in Section 18.6, Variances of the *Baldwin County Zoning Ordinance*. These standards are to be considered when a variance request is being reviewed.

**1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.**

The subject property is approximately 50' wide along the southern side, 100' along the eastern side, 100' wide on western side, and 50' along the northern side. The lot area for this parcel is approximately 5,000 square feet which is well below the minimum lot area of 30,000 square feet for RSF-1 zoning, therefore staff believes the lot is exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance.

**2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.**

Staff perceives no exceptional topographic conditions or other extraordinary situations or conditions which require a variance.

**3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.** The use of the property has already been established with a single-family dwelling estimated to be built in 1960 per the Revenue Commission. Staff perceives no necessity for preservation of a property right that would require a variance.

**4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established**

**property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.**

Staff anticipates no major impacts, therefore staff does not believe the granting of this application will impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

**5.) Other matters which may be appropriate.**

The existing structure was built prior to Planning District 25 zoning which became effective on November 16, 1993. The damage to the screened porch on the south side of the existing structure was due to Hurricane Sally. The front and rear yard setback requirements exceed the depth of the lot.

**Staff Comments and Recommendation**

Staff perceives the size of the lot and location of the right-of-way (Jackson Court) constitutes a hardship, therefore recommends that Case V-210014 Ryan Property be **Approved**.

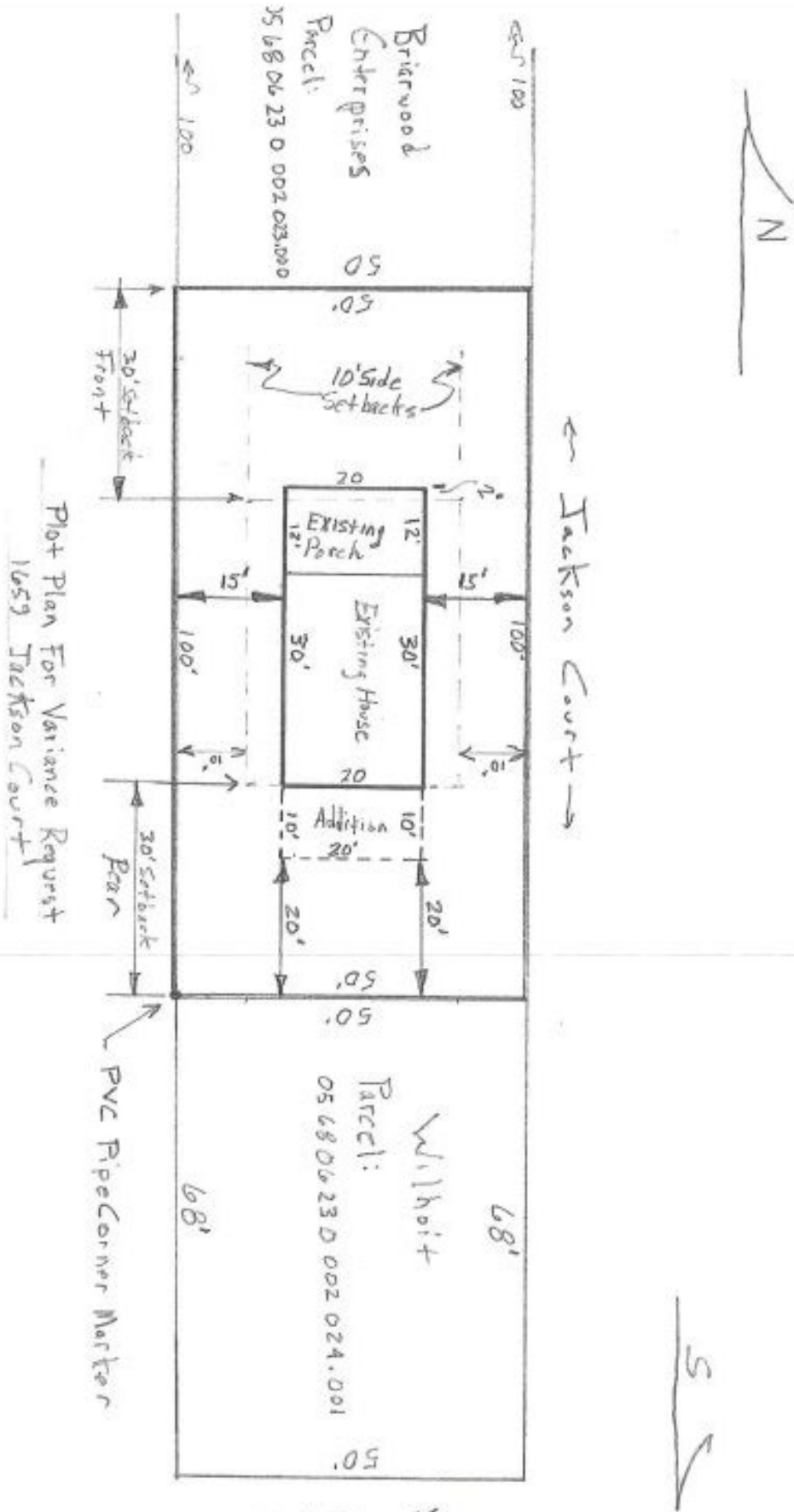
**GENERAL NOTES {By-laws}**

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board or in a trial de novo.

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as the conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.

Unless otherwise specifically stated by the Board, a variance authorized by the Board shall expire if the applicant fails to obtain appropriate permits pursuant thereto within six (6) months and construction must begin from the date of authorization of the variance.

# Site Plan



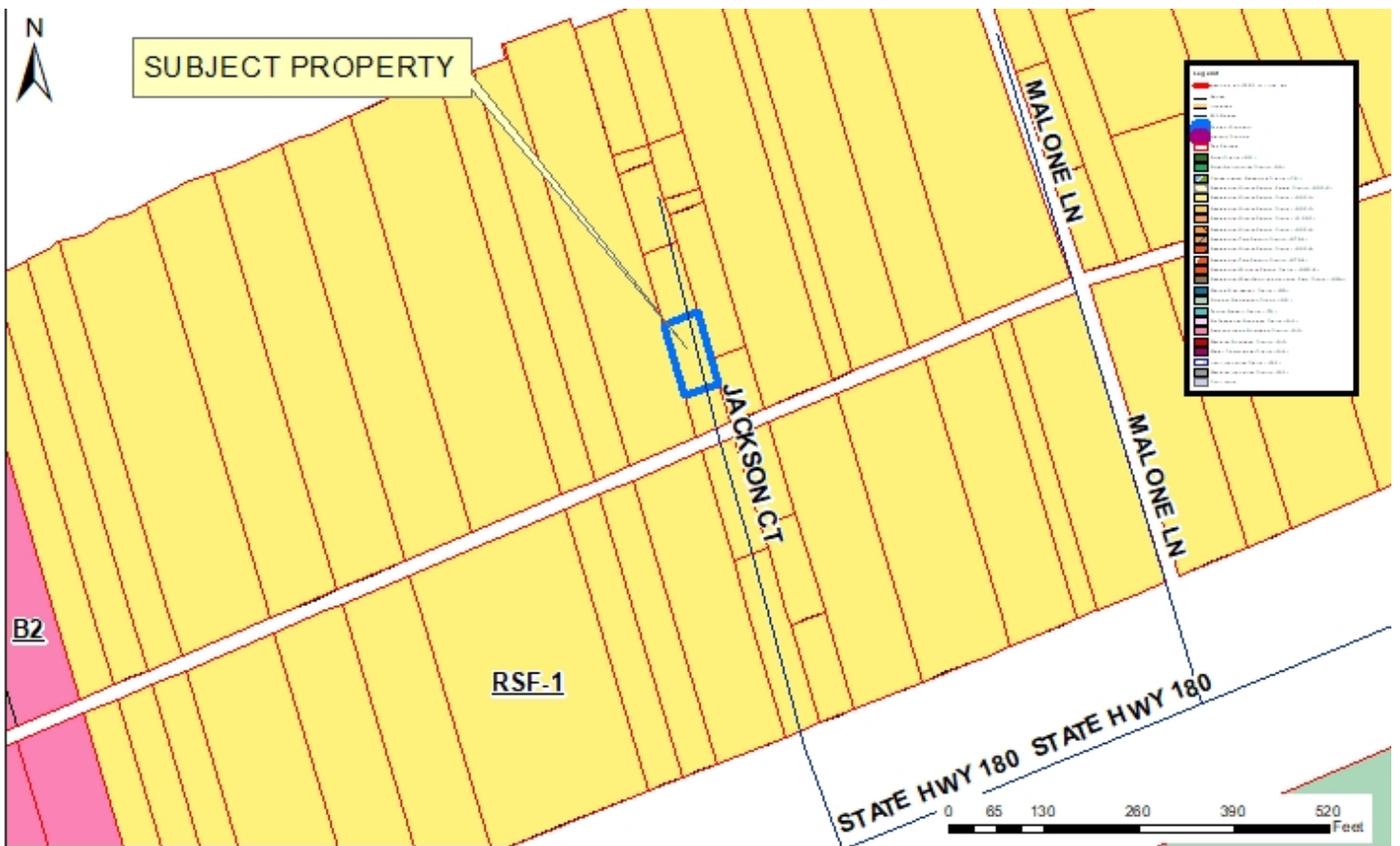
Property Images







# Locator Map



# Site Map



V-210014 Ellen Ryan

LAND USE ANALYSIS

The subject property has a residential structure currently on it. The property is located on Jackson Ct. The adjoining properties are residential.

The Fort Morgan planning and zoning advisory committee met this morning and voted unanimously to recommend approval of the setback variances sought in case V-210014.

Ernie Church, Chair

There are no active neighborhood associations, boards or committees having jurisdiction in the Jackson Court Neighborhood of the Shellbanks Subdivision.

Signed: 

Date: 4/28/21

Ellen C. Ryan, Property Owner  
1659 Jackson Court, Gulf Shores AL 36542

THIS DRAWING IS THE PROPERTY OF KH DESIGNS. NO PART OF THIS DRAWING OR INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KH DESIGNS.

**Project Description:**  
"THE OYSTER" RENOVATION & ADDITION  
1659 Jackson Court  
Gulf Shores, AL 36542



**NEW FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

DATE:	
SCALE:	
PROJECT NO.:	
DRAWN BY:	
CHECKED BY:	
DATE:	
<b>A-1</b>	
1 OF 1	
NEW FLOOR PLAN	

FOR CONSTRUCTION

## 1659 Jackson Court Variance Application Additional Information Narrative

The Property Address is 1659 Jackson Court which is our property. Parcel # 05 68 06 23 0 002 024 000 Property Owner - Ellen C Ryan; Spouse James P. Ryan

Post Hurricane Sally, in January of this year we mailed in a Land Use Certificate Application to the address shown on the form as "22251 Palmer Street Robertsdale, AL 36567". The form we used was one of the attachments to an email that was distributed by Joe Emerson to those of us members of the Fort Morgan Civic Association. The form contained a box to check stating "*I will pick up the approved application after I have been contacted*". We checked that box. The email also provided instructions to homeowners regarding cleanup and repairs while permits were being processed who had experienced property damage due to Hurricane Sally.

In the interim, after mailing the form and through the early part of March on weekends and holidays, we began cleanup and repairs with the goal of having a temporary roof cover to "dry in" the structure which had sustained wind and water damage to the roof system and considerable tree damage to the existing screen porch. We also completed the initial slab and framing work for the Laundry/Bath Addition on the south side of the property (see photo).

Having received no response to the initial Land Use Certificate application, we contacted that office to inquire about the status of that application. On March 16 we spoke to Ms. Crystal Bates and she checked all of the records available to her and advised me that there was no record of that application in the system. She also advised that we should re-apply and do so through the CitizenServe Portal, which we did on March 19. When she received the second application and the plot plan she emailed back to advise of the 30 foot front and back setback requirements. Thus we have constructed the structural portion only of bath/laundry addition approximately 20 feet from the line, in violation of those requirements. It should also be noted that the 12 x 20 screen porch on the north side of the property was rebuilt in its original location after an uprooted tree during Hurricane Sally damaged the floor slab beyond repair. Measurements indicate the existing porch was approximately 28 feet from the North property line since its construction in the 1970's. We have stopped all work since we learned of the setback issue.

We admit that in our haste, we may have gone beyond the guidance provided with Mr. Emerson's email in regards to "cleanup and repairs". We continued work under the assumption that the application process was bogged down due to not only the current building boom in the area but the added surge of applications post Hurricane Sally. We also did not understand that the necessary applications could only be submitted through the portal. We only learned that from my conversations with Ms. Bates in March of this year.

We respectfully request your review and approval of this Variance request and are prepared to provide any additional information that would be beneficial to you during this process. As evidenced by the attached photo of the property when we purchased it in early 2020, we feel that our efforts will result in a significant improvement to the neighborhood as a whole.

Attachments herewith include: Photos (2), Parcel Location Map, Plot Plan with dimensions and setback lines, Construction Floor Plan with Dimensions



# Baldwin County Planning & Zoning Department Board of Adjustment Number 2

## Board of Adjustment Staff Report

**Case No. V-210015**

**Flynn Building Specialist, LLC Property  
Variance from Front and Rear Setback Requirements  
June 10, 2021**

## Subject Property Information

**Planning District:** 25  
**General Location:** Lot 29 Block A, Arbor Ridge Subdivision  
**Physical Address:** 32855 Yaupon Drive  
**PID:** 05-63-02-03-0-000-037.077  
**Zoning:** RSF-2, Residential Single Family  
**Acreage:** 0.31, more or less  
**Applicant:** Flynn Building Specialist, LLC  
 1300 E Olive Road  
 Pensacola, FL 32514  
**Owner:** Same  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped	RSF-1, Residential Single-Family
South	Vacant	RSF-2, Residential Single-Family
East	Residential	RSF-2, Residential Single-Family
West	Residential	RSF-2, Residential Single-Family

## Summary and Recommendation

The applicant is requesting a variance from the front and rear setback requirements to allow for the construction of a single-family dwelling.

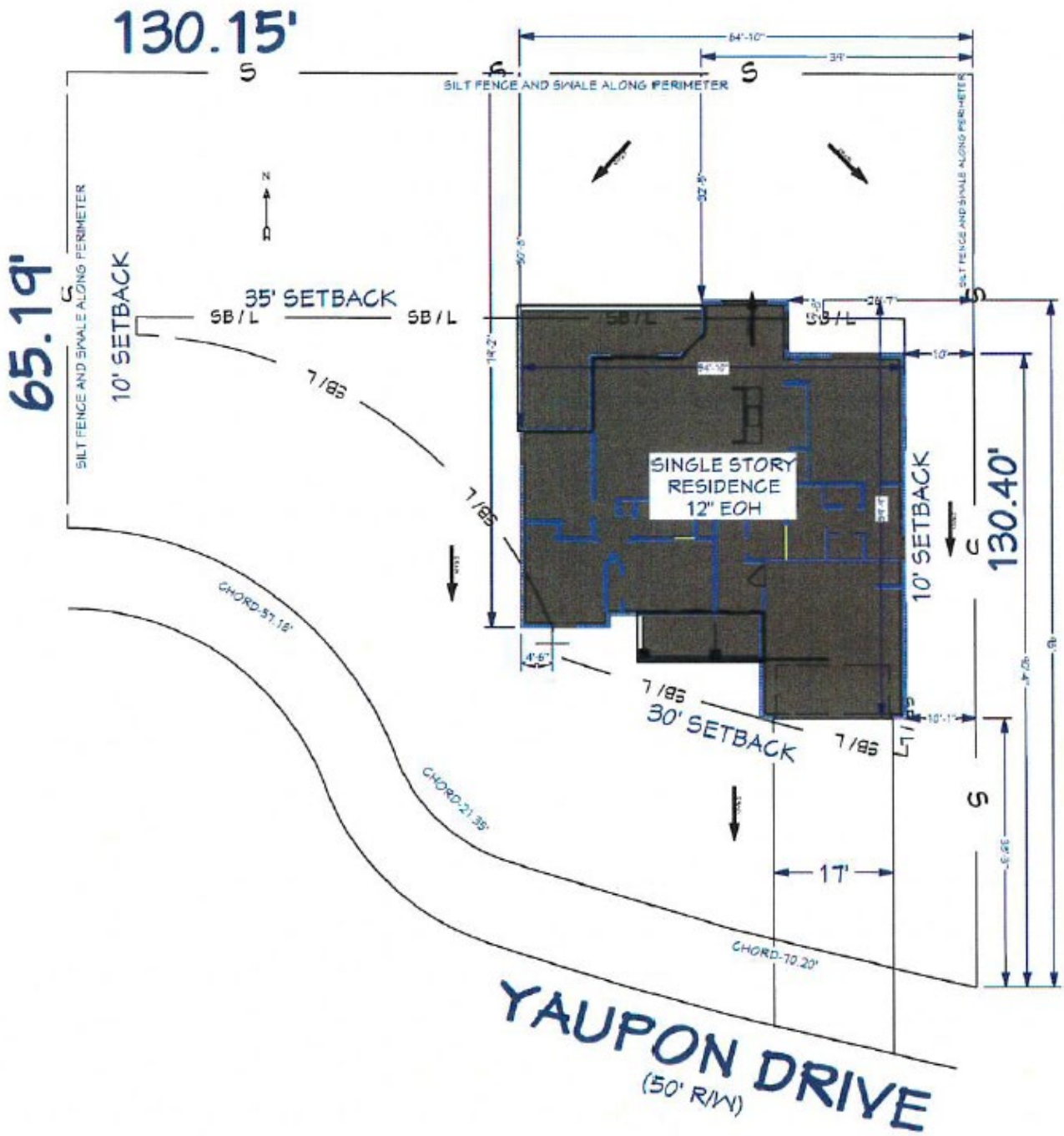
Staff recommends that Case No. V-210015, Hamilton Property be **APPROVED**.

## Variance Request

The applicant is requesting a variance from the front and rear setback requirements to allow for the construction of a single-family dwelling.

Per the applicant, the front and rear setbacks are too large for their floorplan.

Proposed Site Plan



## Additional Information

The following sections from the *Baldwin County Zoning Ordinance* are relevant to this application:

### **Area and Dimensional Requirements for the RSF-2 Zoning Designation**

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
Maximum Ground Coverage Ratio	.35

(e) Where a subdivision has been approved by the Planning Commission in accordance with the *Baldwin County Subdivision Regulations* prior to the enacting of zoning ordinances with front, rear or side yard setbacks different than the minimums required herein, the setbacks as recorded on the plat shall apply.

## Staff Analysis and Findings

The following standards for approval are found in Section 18.6, Variances of the *Baldwin County Zoning Ordinance*. These standards are to be considered when a variance request is being reviewed.

### **1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.**

The subject property is Lot 29 Block A, Arbor Ridge Subdivision. The dimensions of the lot are approximately; front 152.9', rear 130', west side 65.4' and east side 130.4'. The subdivision plat was approved in 1998 prior to the enactment of zoning in Planning District 33 in 2002. The property has an irregular shape. Per the applicant it has a buildable area of approximately 3,660 square feet. Due to the west shallowness on the west side staff believes the irregular shape is exceptional enough to warrant a variance.

### **2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.**

Per the contours layer of the ArcGIS map, the lot is flat. There are no potential wetlands or other topographic conditions shown. Therefore, staff believes the lot does not meet this standard to warrant a variance.

### **3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.**

The property is zoned for residential use. The granting of the application will allow the applicant to build a single-family dwelling. Therefore, staff believes the granting of a variance is necessary for the preservation of a property right.

### **4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.**



Staff does not anticipate any adverse impacts, therefore staff does not believe the granting of this application will impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

**5.) Other matters which may be appropriate.**

The Property Owners Association has taken a neutral position with respect to the setback encroachments.

**From:** Steve Lowe <slowe722@outlook.com>  
**Sent:** Wednesday, May 19, 2021 8:17 PM  
**To:** Pat Guice; Permits  
**Subject:** Re: Arbor Ridge Subdivision-Flynn Building Specialist

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Renee,  
Per Baldwin County Zoning Ordinance 18..7.2 (e) "Association approval. Prior approval from active neighborhood associations, boards or committees, if applicable, shall accompany all Board of Adjustment applications and requests."

The ARHOA Architectural Control Committee has reviewed your submission for a request to build your "Baylor" plan home on the lot at 32855 Yapon Dr. The planned dwelling meets the size specification and architectural harmony requirements of the Association and do thereby approve the plan based on those criteria.

We understand the limitations of the lot geometry with respect to the square footage requirements and do not wish to impede progress based on those limitations. At this point the Association is taking a neutral position with respect to the small encroachments into the building setback requirements. We will abide with decisions of the Baldwin County, AL Board of Adjustments decision on this matter.

Steve Lowe  
ARHOA Architectural Control  
575-644-7245

**Staff Comments and Recommendation**

Staff feels that this is a reasonable request which meets the standards for approval of variances. Unless information to the contrary is revealed at the public hearing, Case V-210015 should be **APPROVED\***.

*\* A majority vote of the board members will be necessary to approve this request.*

**GENERAL NOTES {By-laws}**

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal there from to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board or in a trial de novo.

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as the conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.

**Property Images**



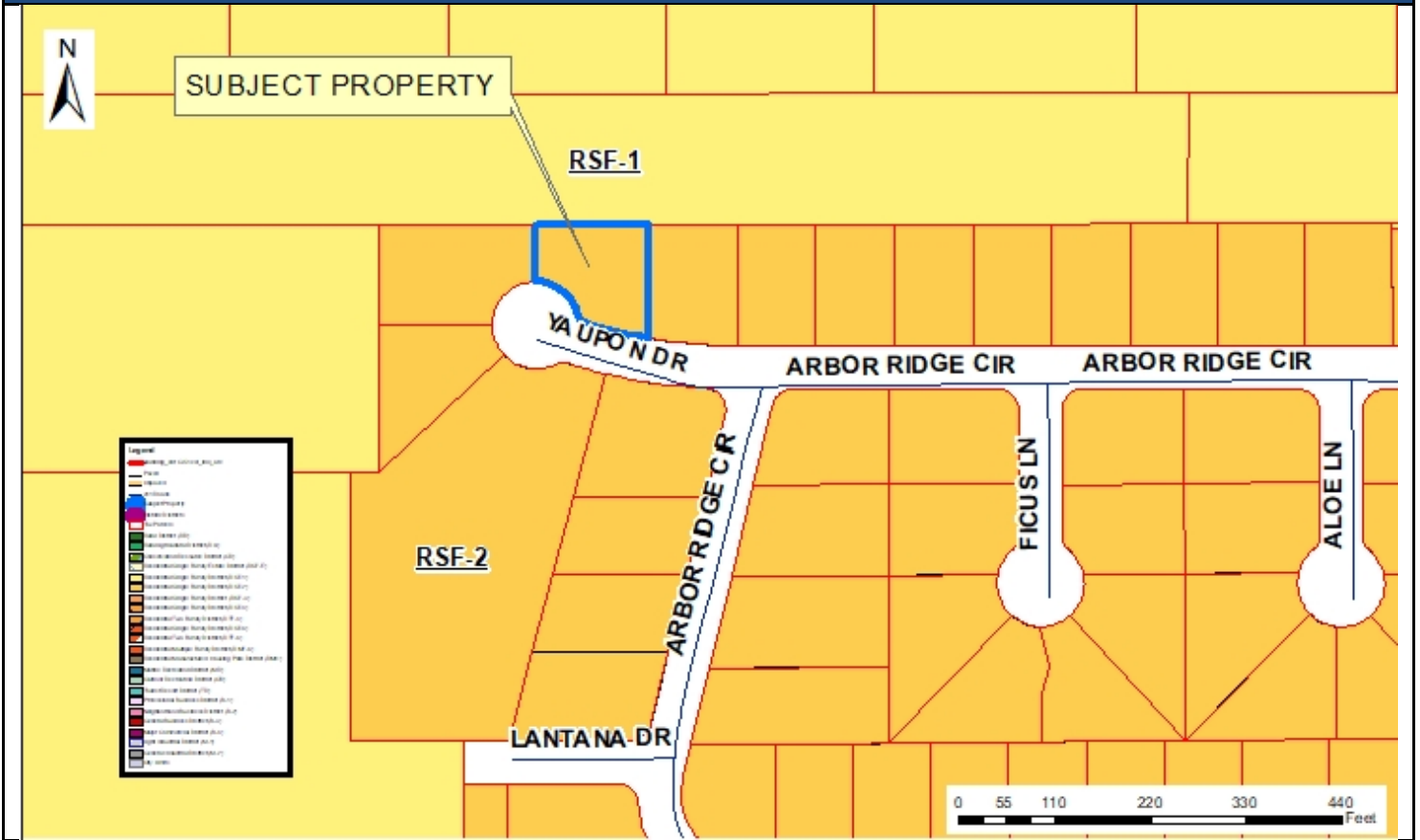
May 24, 2021



May 24, 2021



Locator Map



Site Map – 2020 Aerial Photography

