



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

WORK SESSION AGENDA

January 12, 2023

Work Session 2:00 p.m.

Baldwin County Satellite Courthouse

Large Meeting Hall

201 East Section Avenue

Foley, Alabama

[Email-.planning.baldwincountyal.gov](mailto:planning.baldwincountyal.gov)

1. Call to Order.
2. Roll Call.
3. Training.
4. Discussion of items related to the upcoming agenda and any other necessary items related to the Board of Adjustment Number 2.
5. Questions and Concerns.
6. Adjournment.

To view maps/plats in higher resolution please visit the 'Upcoming Items' Planning and Zoning webpage"

<https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>



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

AGENDA

January 12, 2023

Regular Meeting 3:00 p.m.

Baldwin County Satellite Courthouse

Large Meeting Hall

201 East Section Avenue

Foley, Alabama

[Email-planning.baldwincountyal.gov](mailto:planning.baldwincountyal.gov)

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (December 8, 2022)
4. Announcements/Registration to Address the Board of Adjustment
5. Election of Officers
6. Consideration of Applications and Requests

ITEMS:

a.) Case No. ZVA22-97, Powers Property

Request: Approval of a variance from Section 4.2.5 of the Baldwin County Zoning Ordinance as it pertains to the side yard setback to allow for a porch addition to an existing single-family dwelling.

Location: The subject property is located at 618 Gulf Way Drive in Planning District 25.

Attachments: Within Report and Attached

b.) Case No. ZVA22-99, Miller Property

Request: Approval of a variance from Section 13.1.2(b) of the Baldwin County Zoning Ordinance as it pertains to the location of an accessory structure for the construction of a three-car garage.

Location: The subject property is located at 32095 Jessup Lane in Planning District 33.

Attachments: Within Report and Attached

c.) Case No. ZVA22-105, Semiklose Property

Request: Approval of a variance from Section 13.1.2(b) of the Baldwin County Zoning Ordinance as it pertains to the location of an accessory structure to allow for the construction of a pool to extend past the front yard setback.

Location: The subject property is located at 31735 Shoalwater drive in Planning District 24.

Attachments: Within Report and Attached

d.) Case No. ZVA22-108, GFML LLC Property

Request: Approval of a variance from Section 3.2.5 of the Baldwin County Zoning Ordinance as it pertains to rear yard setbacks to allow for a mobile home to be placed on the property.

Location: The subject property is located at 9781 Wilson Road in Planning District 30.

Attachments: Within Report and Attached

e.) Case No. ZVA22-109, Buona Vita Holdings LLC Property

Request: Approval of a variance from Section 12.5.2(f) of the Baldwin County Zoning Ordinance as it pertains to the V-zone setback to replace a deck on an existing single-family dwelling.

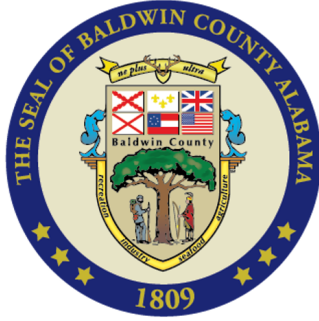
Location: The subject property is located at 29018 Wilson Drive in Planning District 32.

Attachments: Within Report and Attached

7. Old Business
8. New Business
9. Adjournment

To view maps/plats in higher resolution please visit the ‘Upcoming Items’ Planning and Zoning webpage”

<https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

JANUARY 12, 2023

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

ZVA22-97 POWERS PROPERTY

VARIANCE REQUEST

Lead Staff: Paula Bonner, Planning Technician

- **Planning District:** 25 **Zoned:** RSF-1
- **Location:** Subject property is located south of State Highway 180 on the east side of Gulf Way Drive in Fort Morgan.
- **PID:** 05-68-09-29-0-000-033.001
- **PPIN:** 59834
- **Acreage:** 0.46 +/-
- **Physical Address:** 618 Gulf Way Drive
- **Applicant:** Rayborn Construction, Inc.
- **Owner:** Richard and Mary Powers



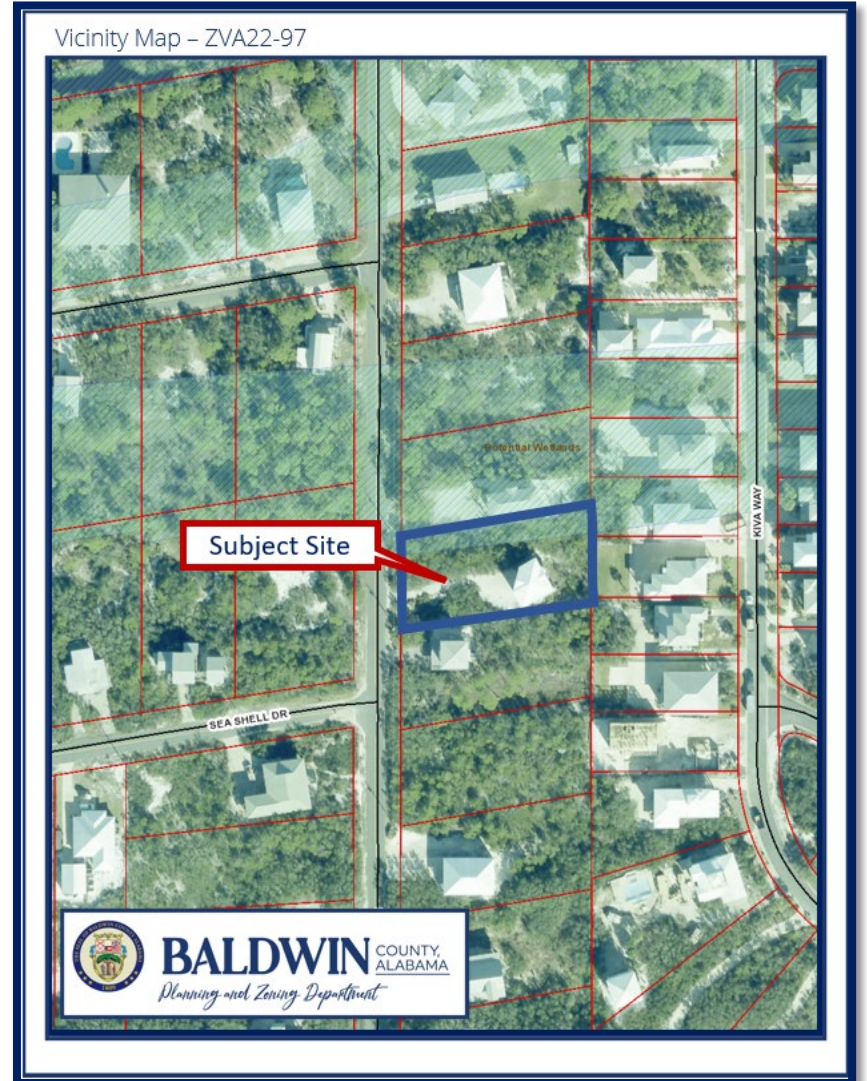
ZVA22-97 POWERS PROPERTY

VARIANCE REQUEST

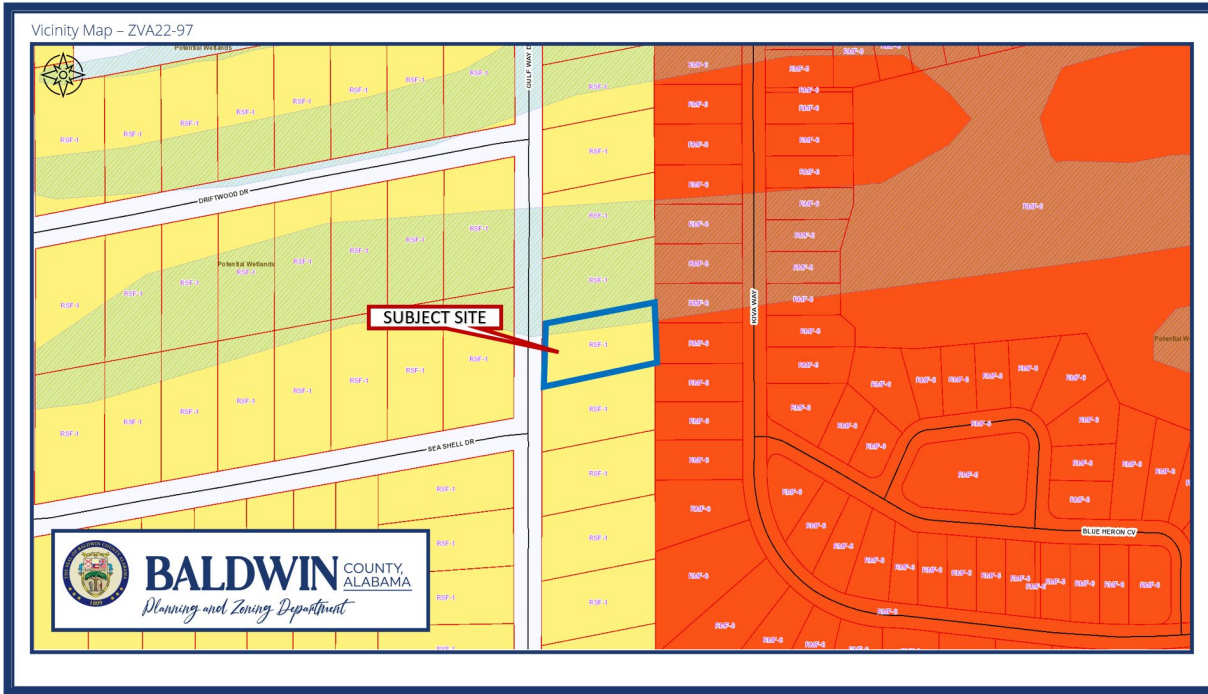
Lead Staff: Paula Bonner, Planning Technician

The applicant is requesting a variance from Section 4.2.5 of the Baldwin County Zoning Ordinance as it pertains to the side yard setback to allow for a porch addition to an existing single-family dwelling.

Staff could not establish a hardship on the subject property therefore recommends Case ZVA22-97 be **denied** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



Adjacent Zoning

North

RSF-1 Single Family District

South

RSF-1 Single Family District

East

RMF-6 Multiple Family District

West

RSF-1 Single Family District

Adjacent Land Use

Residential

Residential

Residential

Vacant

Property Images

Dec 30, 2022 at 10:15:45 AM

Subject Property



Property Images

Dec 30, 2022 at 10:16:03 AM

Adjoining Property
to The South



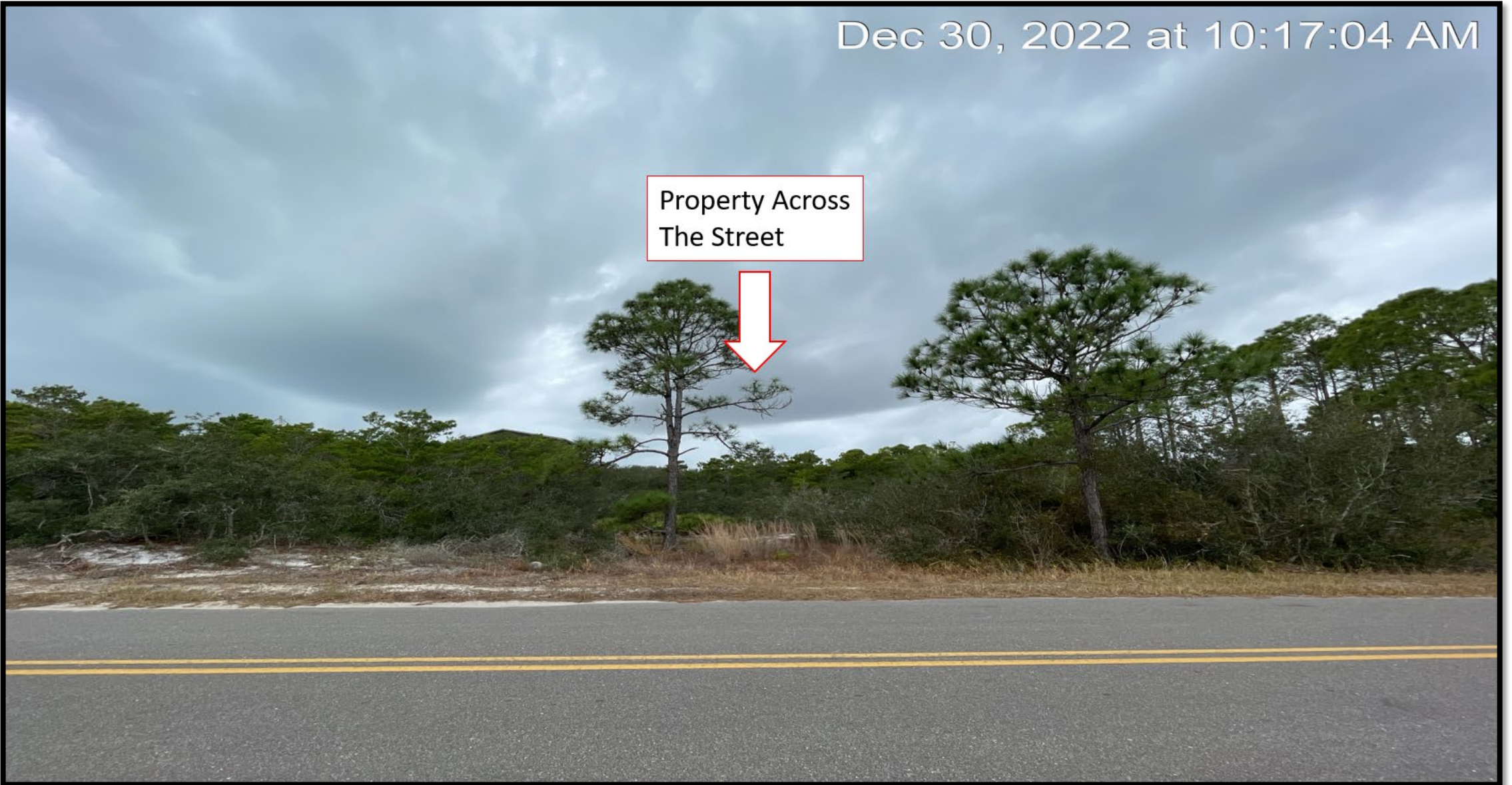
Property Images



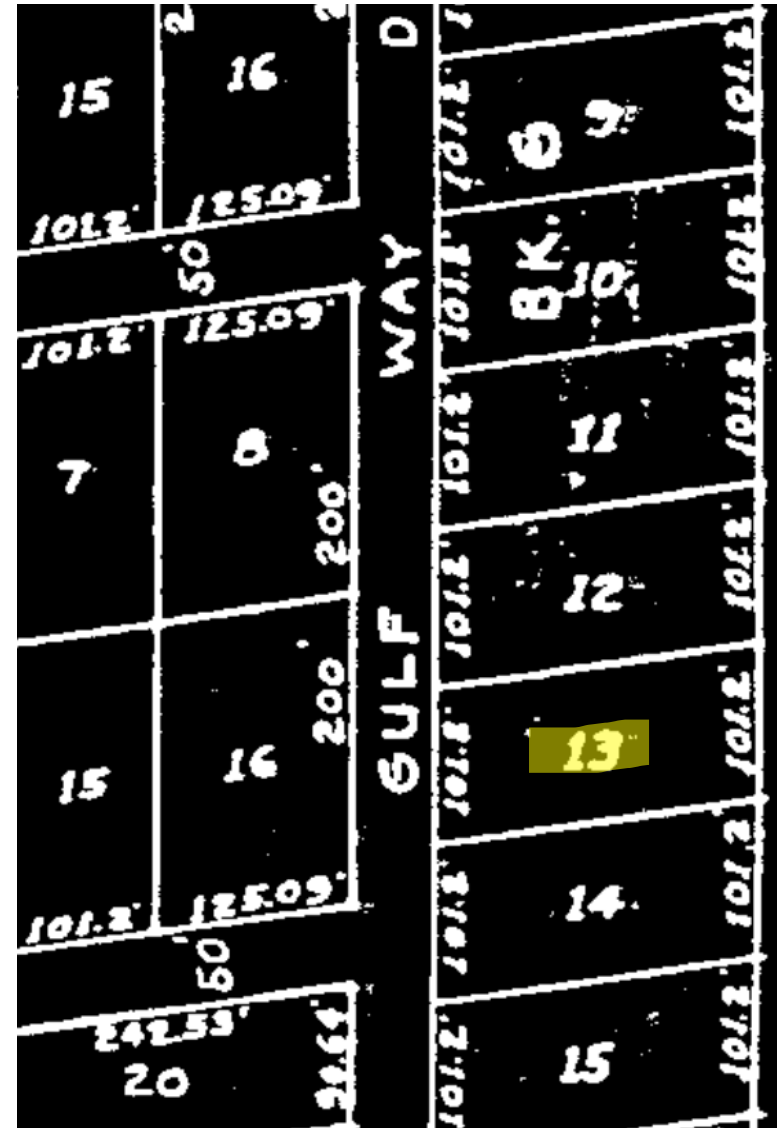
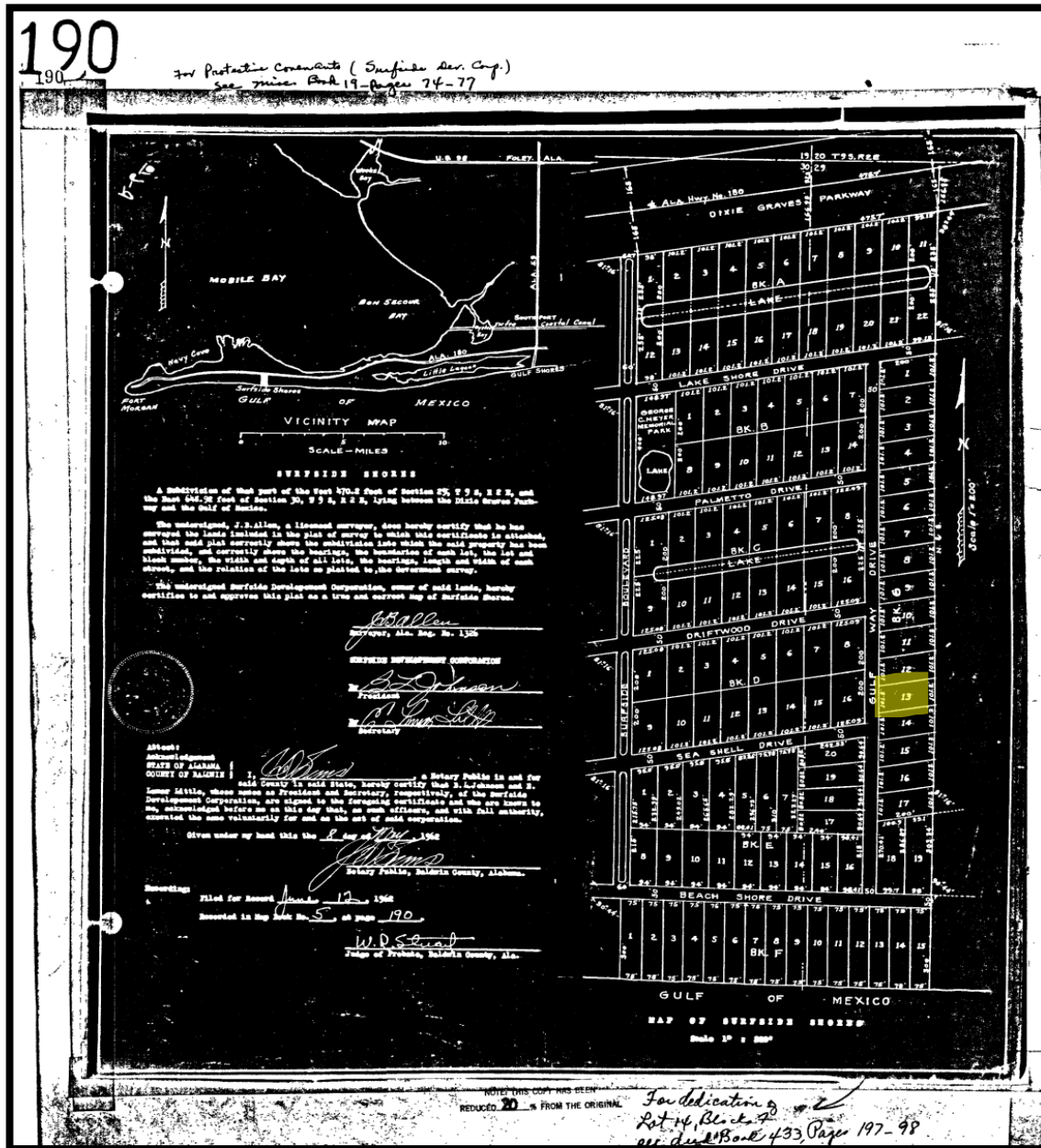
Property Images

Dec 30, 2022 at 10:17:04 AM

Property Across
The Street



Surfside Shores Subdivision Plat



Site Plan

| APPLICABLE BUILDING CODES | | | |
|--|--------------------------------|------|-----------------------------|
| LOCAL OFFICIAL HAVING JURISDICTION IS GULF SHORES, ALABAMA | | | |
| 2021 | INTERNATIONAL RESIDENTIAL CODE | 2018 | INTERNATIONAL PLUMBING CODE |
| 2021 | INTERNATIONAL RESIDENTIAL CODE | 2021 | MECHANICAL CODE |
| 2021 | INTERNATIONAL FUEL GAS CODE | 2020 | NATIONAL ELECTRICAL CODE |

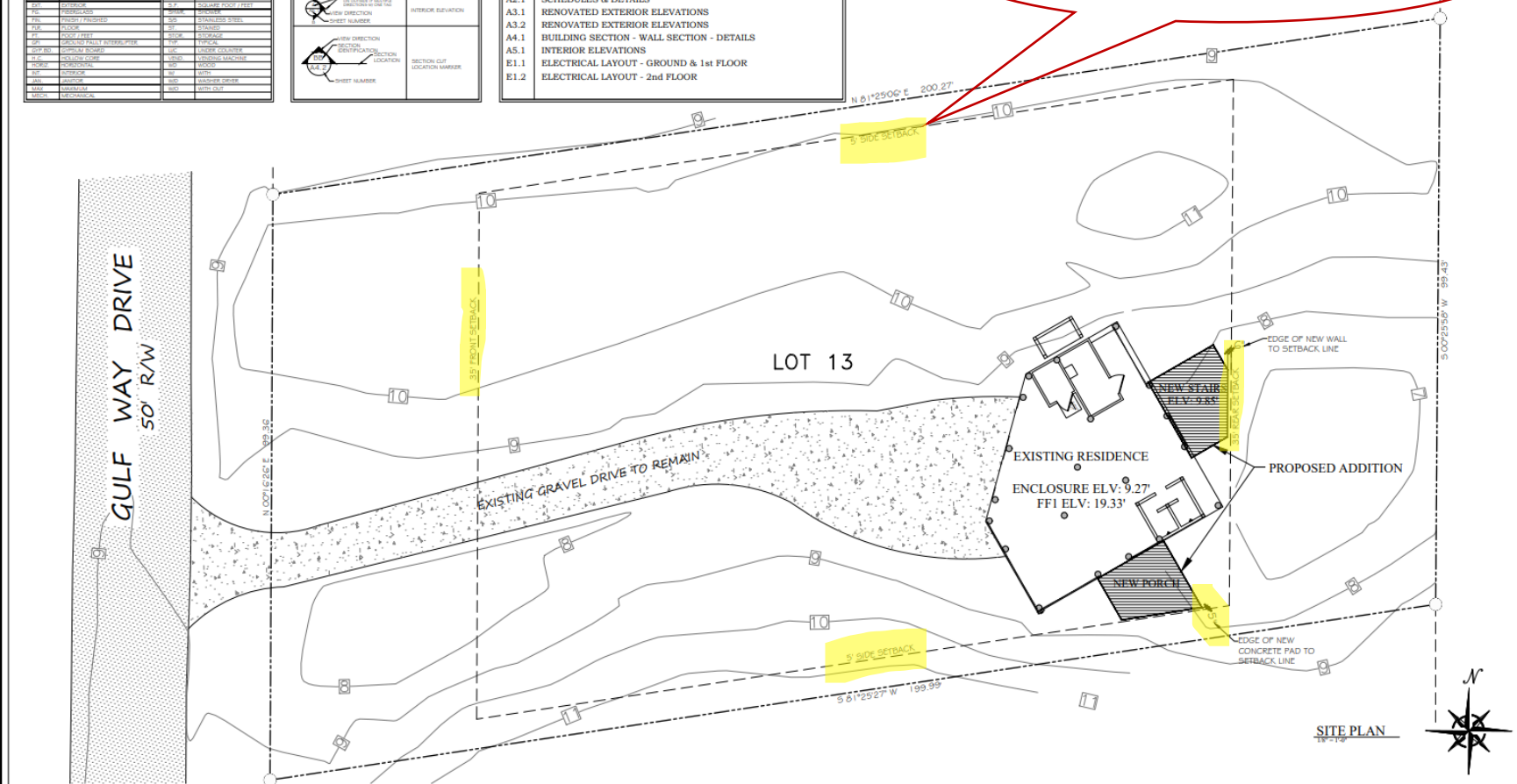
| ABBREVIATION LEGEND | | | |
|---------------------|----------------------------------|--------|-------------------|
| ABBRV. | TERM | ABBRV. | TERM |
| AC | ARCHITECTS WITH DISABILITIES ACT | AC | ARCHITECTS |
| AD | ADULT DAY CARE | AD | ADULT DAY CARE |
| AL | ALUMINUM | AL | ALUMINUM |
| AS | ASBESTOS | AS | ASBESTOS |
| CC | COMMON CORE | CC | COMMON CORE |
| CE | CEILING | CE | CEILING |
| CF | CEILING FAN | CF | CEILING FAN |
| CH | CHIMNEY | CH | CHIMNEY |
| CL | CLADDING | CL | CLADDING |
| CM | COMMON CORE | CM | COMMON CORE |
| CS | CERAMIC TILE | CS | CERAMIC TILE |
| CT | CONCRETE | CT | CONCRETE |
| CU | CUPBOARD | CU | CUPBOARD |
| DA | DATA | DA | DATA |
| DB | DATA BASE | DB | DATA BASE |
| DC | DATA CENTER | DC | DATA CENTER |
| DE | DECK | DE | DECK |
| DF | DATA FLOOR | DF | DATA FLOOR |
| DI | DATA INTERFERENCE | DI | DATA INTERFERENCE |
| DM | DATA MANAGEMENT | DM | DATA MANAGEMENT |
| DN | DATA NETWORK | DN | DATA NETWORK |
| DO | DATA OFFICE | DO | DATA OFFICE |
| DP | DATA PROCESSING | DP | DATA PROCESSING |
| DR | DATA ROOM | DR | DATA ROOM |
| DS | DATA STORAGE | DS | DATA STORAGE |
| DT | DATA TERMINAL | DT | DATA TERMINAL |
| DU | DATA UNIT | DU | DATA UNIT |
| EV | ELEVATOR | EV | ELEVATOR |
| EX | EXTERIOR | EX | EXTERIOR |
| FL | FLOOR | FL | FLOOR |
| FR | FURNITURE | FR | FURNITURE |
| GA | GAZON | GA | GAZON |
| GL | GLASS | GL | GLASS |
| GR | GRASS | GR | GRASS |
| GS | GRASS | GS | GRASS |
| HA | HANDICAP | HA | HANDICAP |
| HE | HEATING | HE | HEATING |
| HO | HOT | HO | HOT |
| HT | HOT | HT | HOT |
| IB | INTERIOR | IB | INTERIOR |
| IC | INTERIOR | IC | INTERIOR |
| IE | INTERIOR | IE | INTERIOR |
| IF | INTERIOR | IF | INTERIOR |
| IG | INTERIOR | IG | INTERIOR |
| IL | INTERIOR | IL | INTERIOR |
| IM | INTERIOR | IM | INTERIOR |
| IN | INTERIOR | IN | INTERIOR |
| IO | INTERIOR | IO | INTERIOR |
| IP | INTERIOR | IP | INTERIOR |
| IS | INTERIOR | IS | INTERIOR |
| IT | INTERIOR | IT | INTERIOR |
| IV | INTERIOR | IV | INTERIOR |
| IX | INTERIOR | IX | INTERIOR |
| IZ | INTERIOR | IZ | INTERIOR |
| JA | JANITOR | JA | JANITOR |
| JB | JANITOR | JB | JANITOR |
| JC | JANITOR | JC | JANITOR |
| JD | JANITOR | JD | JANITOR |
| JE | JANITOR | JE | JANITOR |
| JF | JANITOR | JF | JANITOR |
| JG | JANITOR | JG | JANITOR |
| JH | JANITOR | JH | JANITOR |
| JI | JANITOR | JI | JANITOR |
| JO | JANITOR | JO | JANITOR |
| JP | JANITOR | JP | JANITOR |
| JS | JANITOR | JS | JANITOR |
| JT | JANITOR | JT | JANITOR |
| JV | JANITOR | JV | JANITOR |
| JW | JANITOR | JW | JANITOR |
| JX | JANITOR | JX | JANITOR |
| JY | JANITOR | JY | JANITOR |
| JZ | JANITOR | JZ | JANITOR |

| PLAN MARKER/TAG LEGEND | |
|------------------------|-----------------------------|
| ① | DOOR TYPE |
| ② | WINDOW TYPE |
| ③ | ELEVATION MARKER |
| ④ | WATER ELEVATION |
| ⑤ | SECTION CUT LOCATION MARKER |

| INDEX TO DRAWINGS | |
|-------------------|--|
| SHEET NO. | 00001 0000 |
| C1.1 | SITE PLAN - SHEET INDEX - BUILDING CODES |
| STRUCTURAL | |
| S0.0 | GENERAL NOTES |
| S0.1 | GENERAL NOTES |
| S1.0 | FOUNDATION PLAN |
| S2.0 | 1st FLOOR FRAMING PLAN |
| S3.0 | 1st FLOOR CEILING FRAMING PLAN/ 2nd FLOOR FRAMING PLAN |
| S4.0 | 2nd FLOOR CEILING FRAMING PLAN |
| S5.0 | ROOF FRAMING PLAN |
| S6.0 | GROUND FLOOR SHEAR WALL PLAN |
| S7.0 | 1st FLOOR SHEAR WALL PLAN |
| S8.0 | 2nd FLOOR SHEAR WALL PLAN |
| S9.0 | FRAMING SECTIONS AND DETAILS |
| S9.1 | FRAMING SECTIONS AND DETAILS |
| ARCHITECTURAL | |
| D1.1 | DEMO PLANS - GROUND AND 1st FLOOR |
| D1.2 | DEMO PLANS - 2nd FLOOR AND ROOF PLAN |
| A1.1 | RENOVATED PLANS - GROUND & 1st FLOOR |
| A1.2 | RENOVATED PLANS - 2nd FLOOR & ROOF PLAN |
| A2.1 | SCHEDULES & DETAILS |
| A3.1 | RENOVATED EXTERIOR ELEVATIONS |
| A3.2 | RENOVATED EXTERIOR ELEVATIONS |
| A4.1 | BUILDING SECTION - WALL SECTION - DETAILS |
| A5.1 | INTERIOR ELEVATIONS |
| E1.1 | ELECTRICAL LAYOUT - GROUND & 1st FLOOR |
| E1.2 | ELECTRICAL LAYOUT - 2nd FLOOR |

A RENOVATION FOR POWERS RESIDENCE 618 GULF WAY DRIVE GULF SHORES, ALABAMA

The setbacks drawn on this site plan are not correct



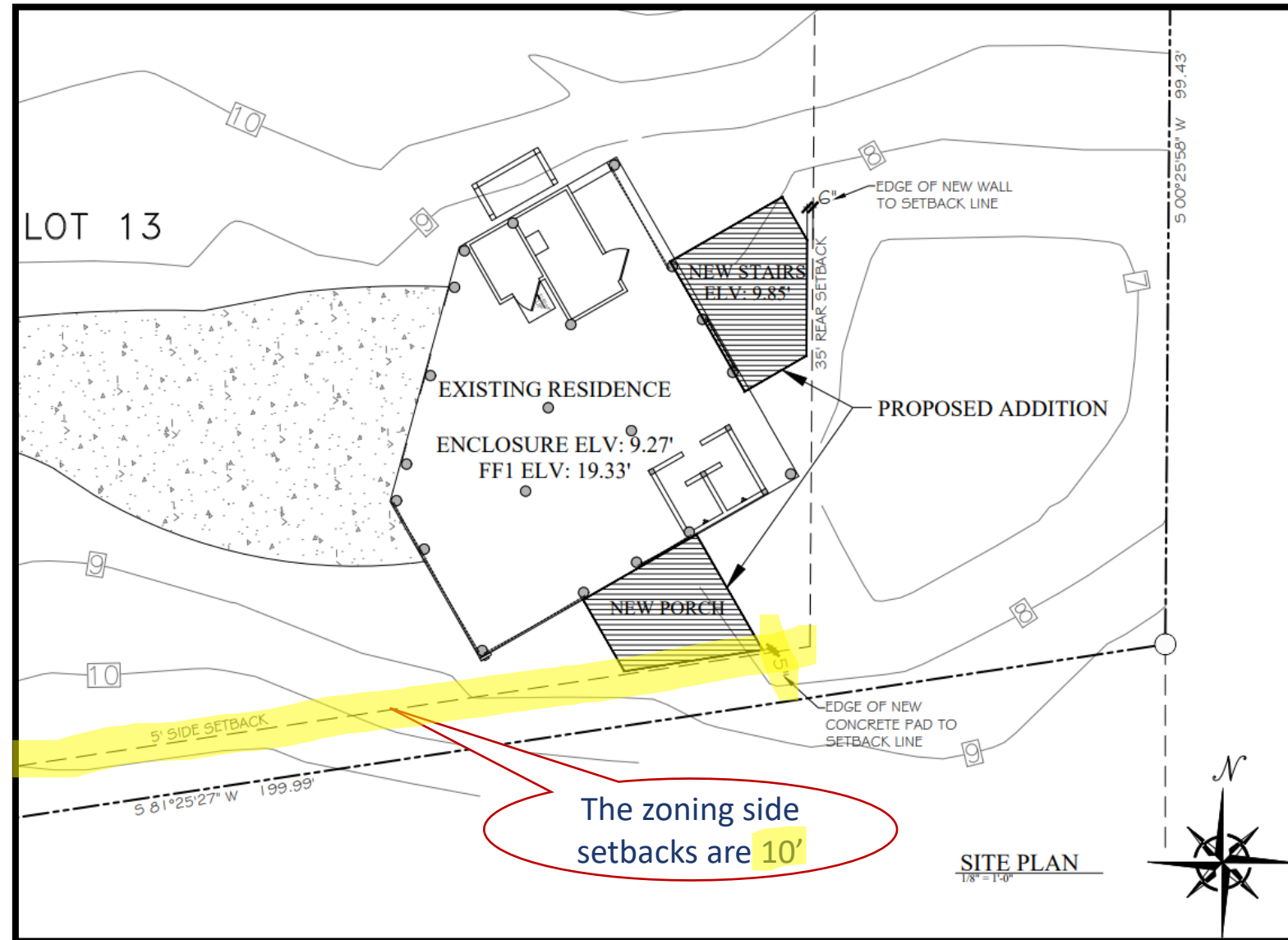
A RENOVATION FOR
FOR
RICHARD & MARY POWERS
618 GULF WAY DRIVE
GULF SHORES, ALABAMA

JOB NO.:
DRAWN: JAG
CHECKED: SBM
DATE: 2022.09.30
REVISION:

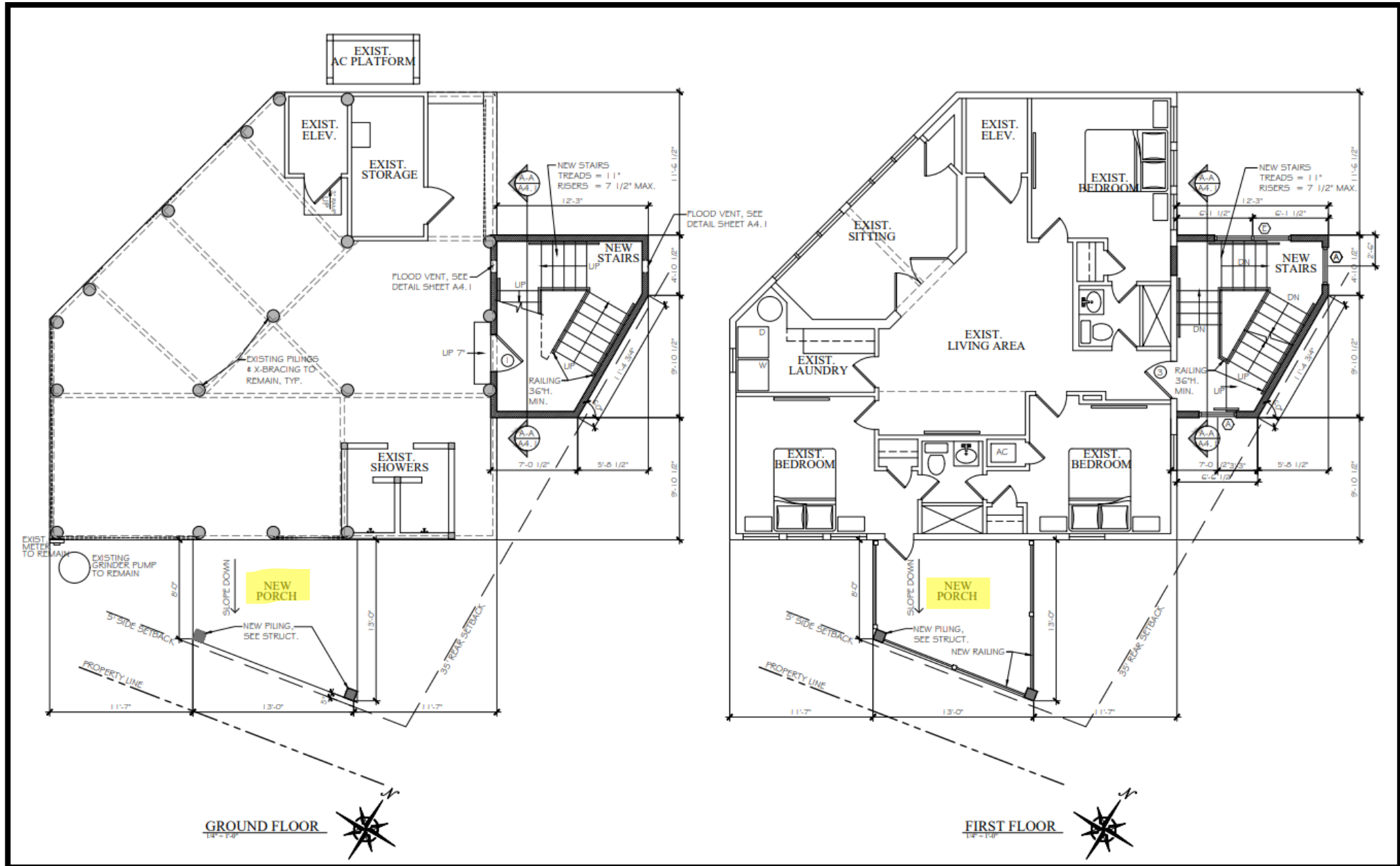
SCALE: 1/8" = 1'-0"

SHEET NO.:
C1.1
SITE PLAN - SHEET INDEX
BUILDING CODES

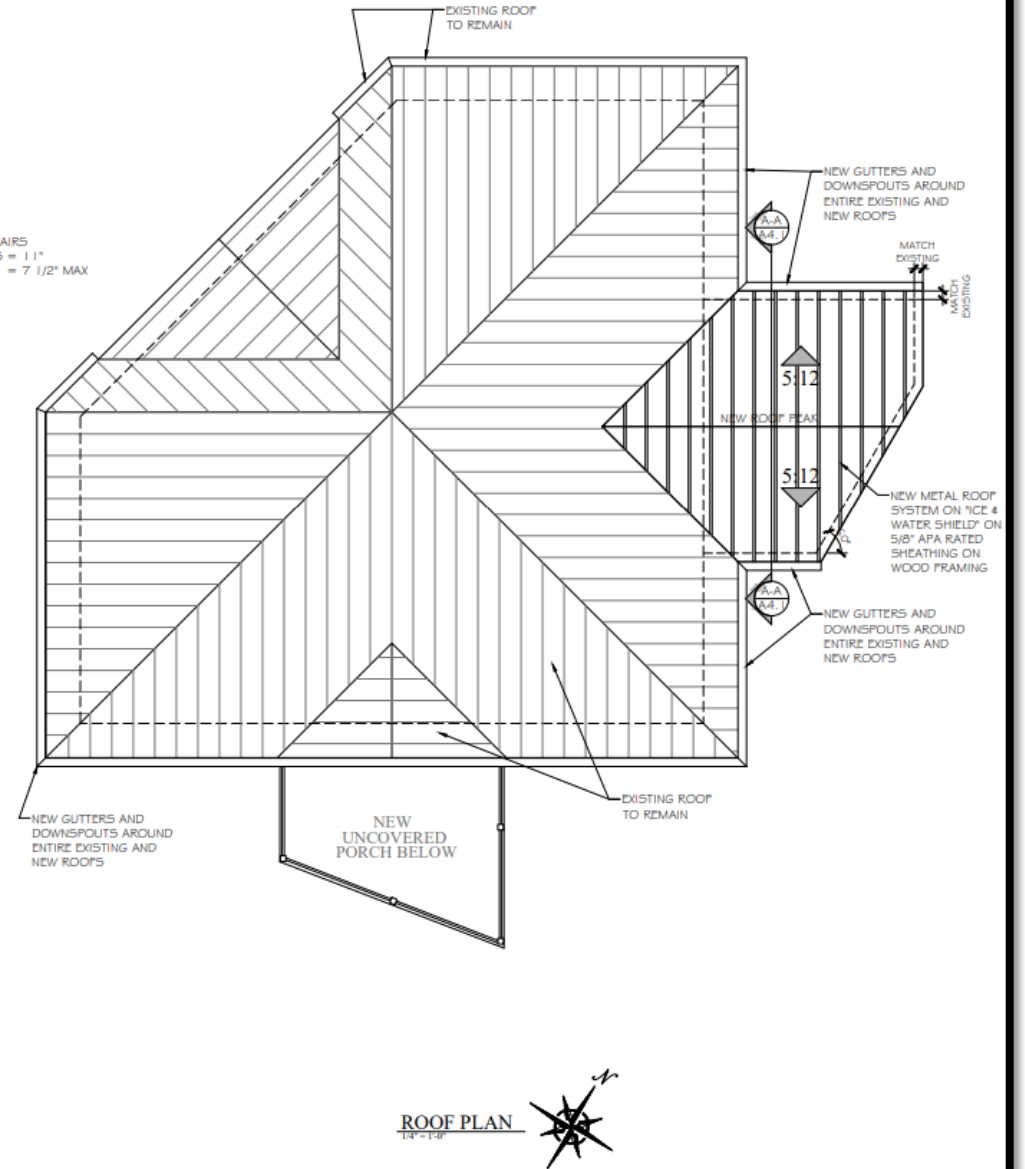
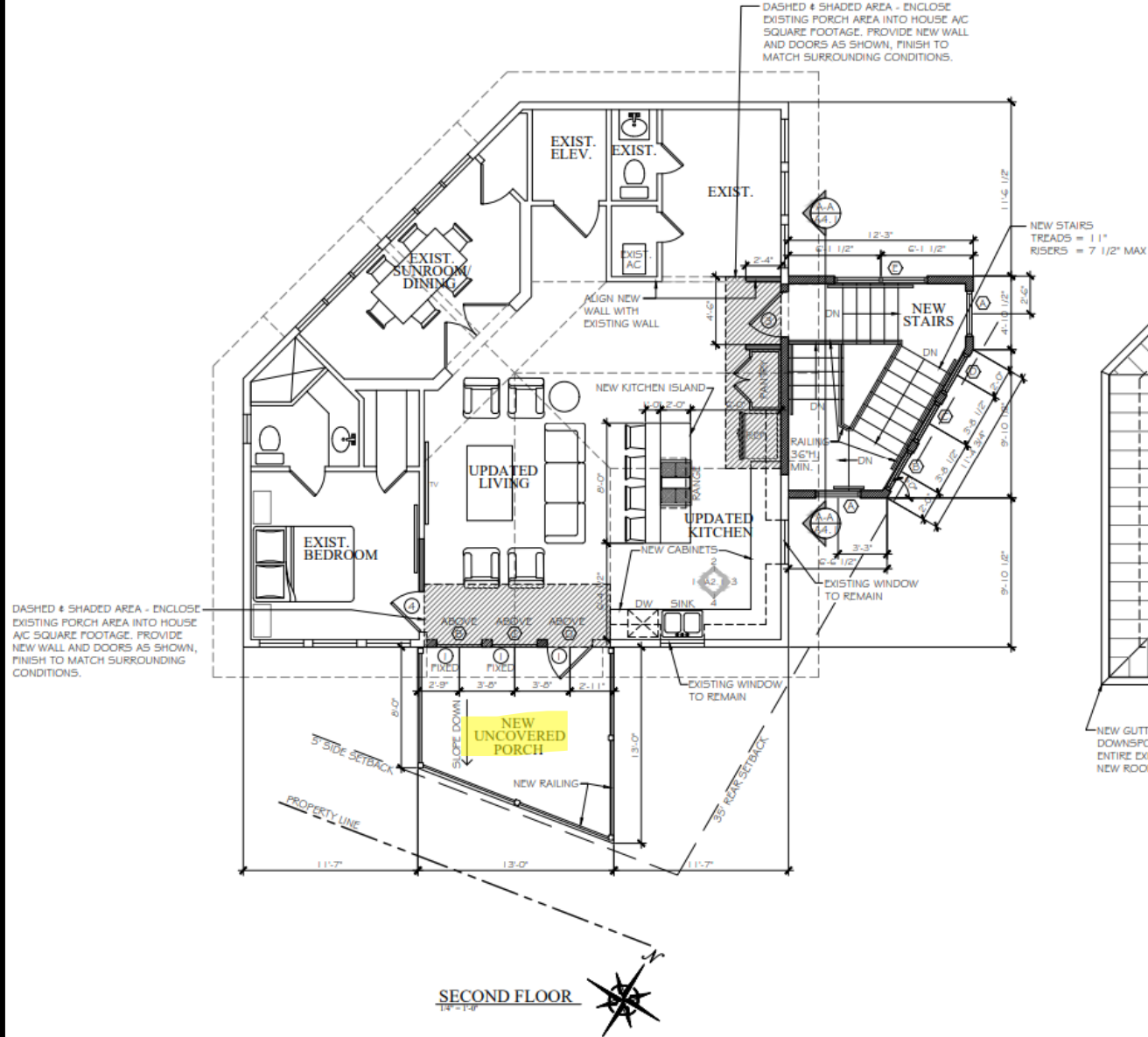
Enlarged Site Plan



Floor Plans



Floor Plans



Elevations

NEW WINDOWS AS SCHEDULED, SEE SHEET A2.1

NEW HARDIE LAP SIDING (MATCH EXIST.) ON 5/8" ZIP WALL SYSTEM BY HUBER, OR EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS, ON 2x6 WOOD STUDS @ 16" O.C. WITH R-19 BATT INSULATION, ZIP LIQUID FLASH ALL SHEATHING NAIL HEADS.

NEW TREX RAIN ESCAPE DECK DRAINAGE SYSTEM, OR EQUAL, BETWEEN PORCH JOISTS. COORDINATE WITH OWNER FOR DOWNSPOUT LOCATION(S). INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS

EXIST. PILING & X-BRACING TO REMAIN, TYP.

NEW CONC. PAD TO BE FLUSH WITH EXIST. HOUSE SLAB

NEW PILING, SEE STRUCT.

SOUTHEAST ELEVATION

NEW GUTTERS AND DOWNSPOUTS AROUND ENTIRE EXISTING AND NEW ROOFS.

EAVE HEIGHT OF NEW ROOF TO MATCH EXISTING EAVE HEIGHT

NEW METAL ROOF SYSTEM ON ZIP SYSTEM FEEL & STICK UNDERLAYMENT ON 5/8" ZIP ROOF SYSTEM BY HUBER, OR TYVEK OR OTHER EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS

NEW HARDIE LAP SIDING (MATCH EXIST.) ON 5/8" ZIP WALL SYSTEM BY HUBER, OR EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS, ON 2x6 WOOD STUDS @ 16" O.C. WITH R-19 BATT INSULATION, ZIP LIQUID FLASH ALL SHEATHING NAIL HEADS.

NEW WINDOW AS SCHEDULED

NEW PORCH TO BE 2" BELOW FLOOR LEVEL (TYP. BOTH UPPER FLOOR PORCHES)

STAIR TOWER GROUND FLOOR 4" ABOVE EXIST. GROUND FLOOR

NEW METAL ROOF SYSTEM ON ZIP SYSTEM FEEL & STICK UNDERLAYMENT ON 5/8" ZIP ROOF SYSTEM BY HUBER, OR TYVEK OR OTHER EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS

NEW GUTTERS AND DOWNSPOUTS AROUND ENTIRE EXISTING AND NEW ROOFS.

BEARING

NEW HARDIE LAP SIDING (MATCH EXIST.) ON 5/8" ZIP WALL SYSTEM BY HUBER, OR EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS, ON 2x6 WOOD STUDS @ 16" O.C. WITH R-19 BATT INSULATION, ZIP LIQUID FLASH ALL SHEATHING NAIL HEADS.

NEW WINDOW AS SCHEDULED

NEW WINDOW AS SCHEDULED

STAIR TOWER GROUND FLOOR 4" ABOVE EXIST. GROUND FLOOR

EXISTING MECH. PLATFORM TO REMAIN

NORTHWEST ELEVATION

NEW GUTTERS AND DOWNSPOUTS AROUND ENTIRE EXISTING AND NEW ROOFS.

NEW METAL ROOF SYSTEM ON ZIP SYSTEM FEEL & STICK UNDERLAYMENT ON 5/8" ZIP ROOF SYSTEM BY HUBER, OR TYVEK OR OTHER EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS

NEW WINDOWS AS SCHEDULED

NEW HARDIE LAP SIDING (MATCH EXIST.) ON 5/8" ZIP WALL SYSTEM BY HUBER, OR EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS, ON 2x6 WOOD STUDS @ 16" O.C. WITH R-19 BATT INSULATION, ZIP LIQUID FLASH ALL SHEATHING NAIL HEADS.

EAVE HEIGHT OF NEW ROOF TO MATCH EXISTING EAVE HEIGHT

EXISTING TO REMAIN

NEW WINDOW AS SCHEDULED, TRIM TO MATCH EXISTING

EXISTING TO REMAIN

NEW WINDOW AS SCHEDULED, TRIM TO MATCH EXISTING

EXIST. AC TO REMAIN

STAIR TOWER GROUND FLOOR 4" ABOVE EXIST. GROUND FLOOR

NEW FLOOD VENT SEE DETAIL ON SHEET A4.1

EXIST. PILING & X-BRACING TO REMAIN, TYP.

NORTHEAST ELEVATION

EXISTING TO REMAIN

BEARING

EXISTING TO REMAIN

2ND FLOOR

EXISTING TO REMAIN

1ST FLOOR

EXIST. AC TO REMAIN

EXISTING TO REMAIN

GROUND FLOOR

NEW GUTTERS AND DOWNSPOUTS AROUND ENTIRE EXISTING AND NEW ROOFS.

NEW UNCOVERED PORCH

NEW WOOD RAILING

NEW PORCH TO BE 2" BELOW FLOOR LEVEL

TREX RAIN ESCAPE DECK DRAINAGE SYSTEM, OR EQUAL, BETWEEN PORCH JOISTS. COORDINATE WITH OWNER FOR DOWNSPOUT LOCATION(S). INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS

NEW WOOD RAILING

NEW PORCH TO BE 2" BELOW FLOOR LEVEL

NEW PILING, SEE STRUCT.

NEW CONC. PAD TO BE FLUSH WITH EXIST. HOUSE SLAB

SOUTHWEST ELEVATION

Staff Analysis and Findings

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 18.4 Variances, and Article 20: Nonconformities, the area and dimensional ordinances set forth below shall be observed.

| | |
|-------------------------------------|--------------------|
| Maximum Height of Structure | 35-Feet |
| Maximum Height in Habitable Stories | 2 ½ |
| 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 |

2.3.25 Planning District 25

(e) The maximum height of single family and two-family structures shall be limited to two (2) habitable stories.

Staff Analysis and Findings

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

Per Revenue Commission records the subject property is Lot 13 Block G Surfside Shores Subdivision and was registered with the Baldwin County Judge of Probate June 12, 1962. Zoning in Planning District 25 came into effect on November 16, 1993. Per Revenue Commission records the parcel consists of approximately 20,037.6 square feet with approximately 101' along the front (Gulf Way Drive) lot line, approximately 200' along the north lot line, approximately 101' along the rear lot line, and approximately 200' along the south lot line. The required minimum lot size for RSF-1 is 30,000 square feet with a 100' minimum lot width at building line, and a 50' minimum lot width at street line therefore staff does not perceive the subject parcel to be 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 does not perceive an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which would require a variance.

Staff Analysis and Findings

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 subject property is zoned RSF-1, Single Family District which allows for single-family dwellings and accessory uses to that. The request is to allow for the construction of a porch addition to extend beyond the 10' side yard setback. There is currently a single-family dwelling on the subject property, therefore **staff does not perceive the granting of the application is 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.

Staff Analysis and Findings

5.) Other matters which may be appropriate.

The applicant has submitted a written document stating there is **no active** homeowner association for the subject property.

Written **approval** from USFW regarding an ITP permit.

The Fort Morgan Advisory Committee has recommended **approval** of the variance request.

No documentation **in favor or opposition** of this variance request has been received at the time this staff report was written.

The FMPZAC met this morning with
4 members present

We unanimously voted **to support this variance request**

I conducted a physical inspection and walk around of the property

The committee found no basis to contest this request

The land use on the back corners of the house and
property seem reasonable

Kiva filed no objections, to our knowledge

Chuck

November 4, 2022

Richard and Mary Powers
618 Gulf Way Dr Gulf Shores, AL

To whom it may concern, there is **not an active association** in Surfside Shores.

Mary Powers

dotloop verified
11/04/22 2:39 PM CDT
LSQR-QUIB-BJP-Q7HB

From: Lynn, William william_lynn@fws.gov
Subject: Re: [EXTERNAL] Follow up
Date: December 2, 2021 at 9:00 AM
To: Mary Powers marybpowers@gmail.com

Mary,

Your proposed project will not **result in an increase** in footprint size so, you will still be within your permitted footprint. **We approve.**

Thanks,

Bill

Bill Lynn
Certified Wildlife Biologist
Alabama ES Field Office
1208B Main Street
Daphne, AL 36526
251-331-2920 Cell
251-441-5868 Office
251-441-6222 Fax

<http://www.fws.gov/daphne/>

ZVA22-97 POWERS PROPERTY

VARIANCE REQUEST

Lead Staff: Paula Bonner, Planning Technician

The applicant is requesting a variance from Section 4.2.5 of the Baldwin County Zoning Ordinance as it pertains to the side yard setback to allow for a porch addition to an existing single-family dwelling.

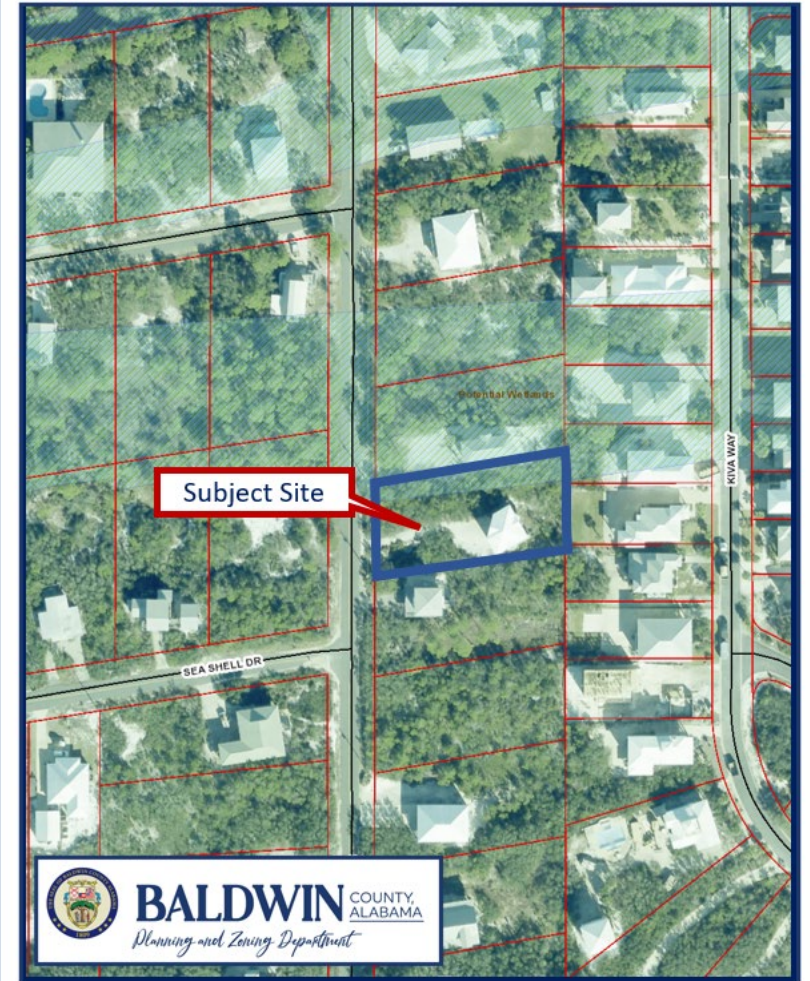
Staff could not establish a hardship on the subject property therefore recommends Case ZVA22-97 be **denied** unless information to the contrary is revealed at the public hearing.

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 conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.

Vicinity Map – ZVA22-97





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

JANUARY 12, 2023

FOLEY SATELLITE COURTHOUSE

FOLEY, AL

ZVA22-99 MILLER PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 33 **Zoned:** RSF-E
- **PID:** 05-63-02-04-0-000-040.002
- **PPIN:** 114251
- **Acreage:** 1.20
- **Physical Address:** 32095 Jessup Ln
- **Applicant:** Kyle & Rebecca Miller
- **Owner:** Kyle & Rebecca Miller



ZVA22-99 MILLER PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Section 13.1.2 of the Baldwin County Zoning Ordinance. As related to the accessory structure located in the front yard of a lot. The applicant is proposing to build a 1200 sq. ft. three car (3) garage with attached covered porch in the front yard.

Staff recommends DENIAL of this variance request due to lack of hardship on the land.



Locator Map



Site Map



| | Adjacent Zoning | Adjacent Land Use |
|-------|---|-------------------|
| North | RSF-E, Residential Single-Family Estate | Vacant |
| South | RSF-E, Residential Single-Family Estate | Residential |
| East | RSF-E, Residential Single-Family Estate | Residential |
| West | RSF-E, Residential Single-Family Estate | Residential |

Property Images



Dec 28, 2022 1:06:08 PM

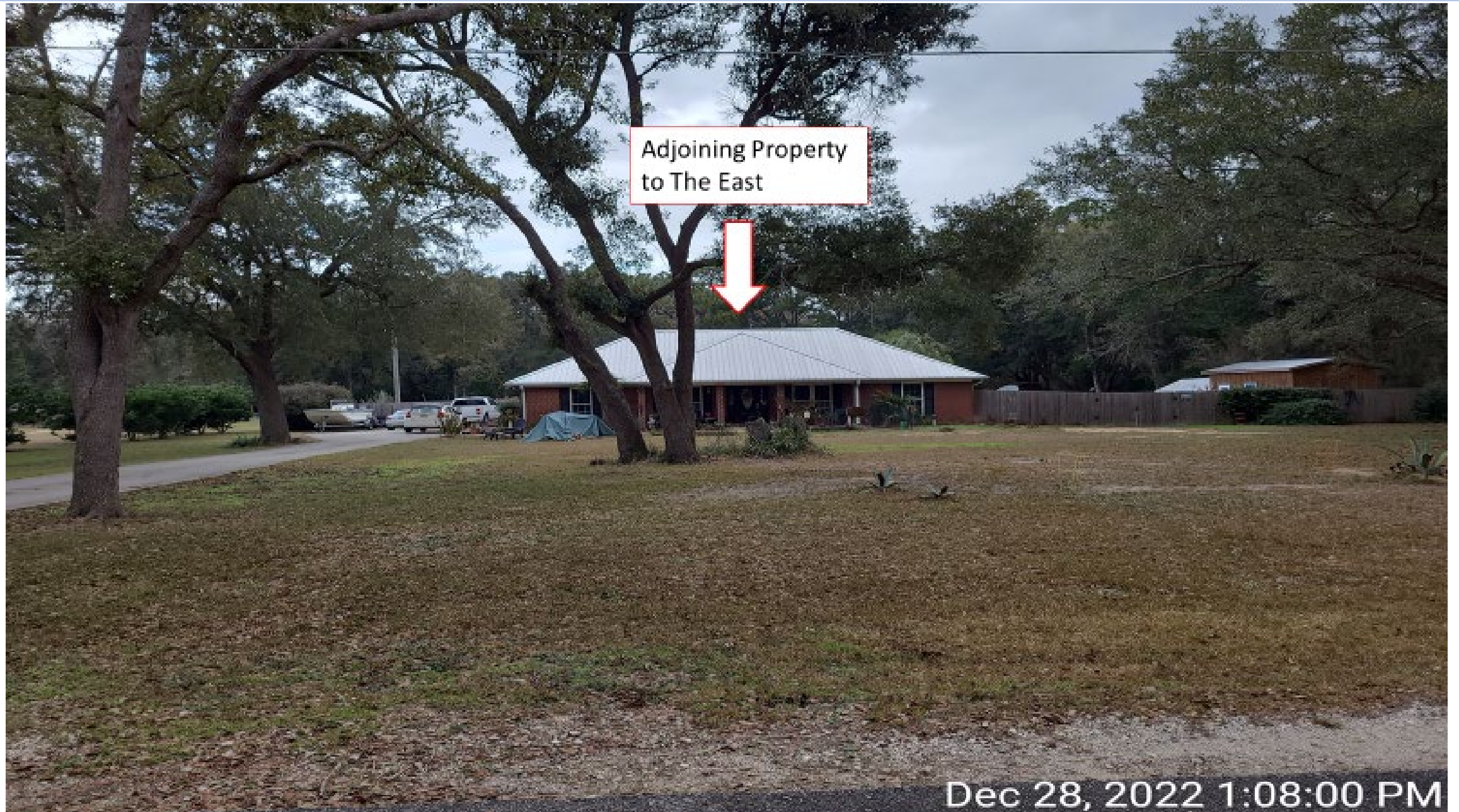
Property Images

Adjoining Property
to The West



Dec 28, 2022 1:06:47 PM

Property Images



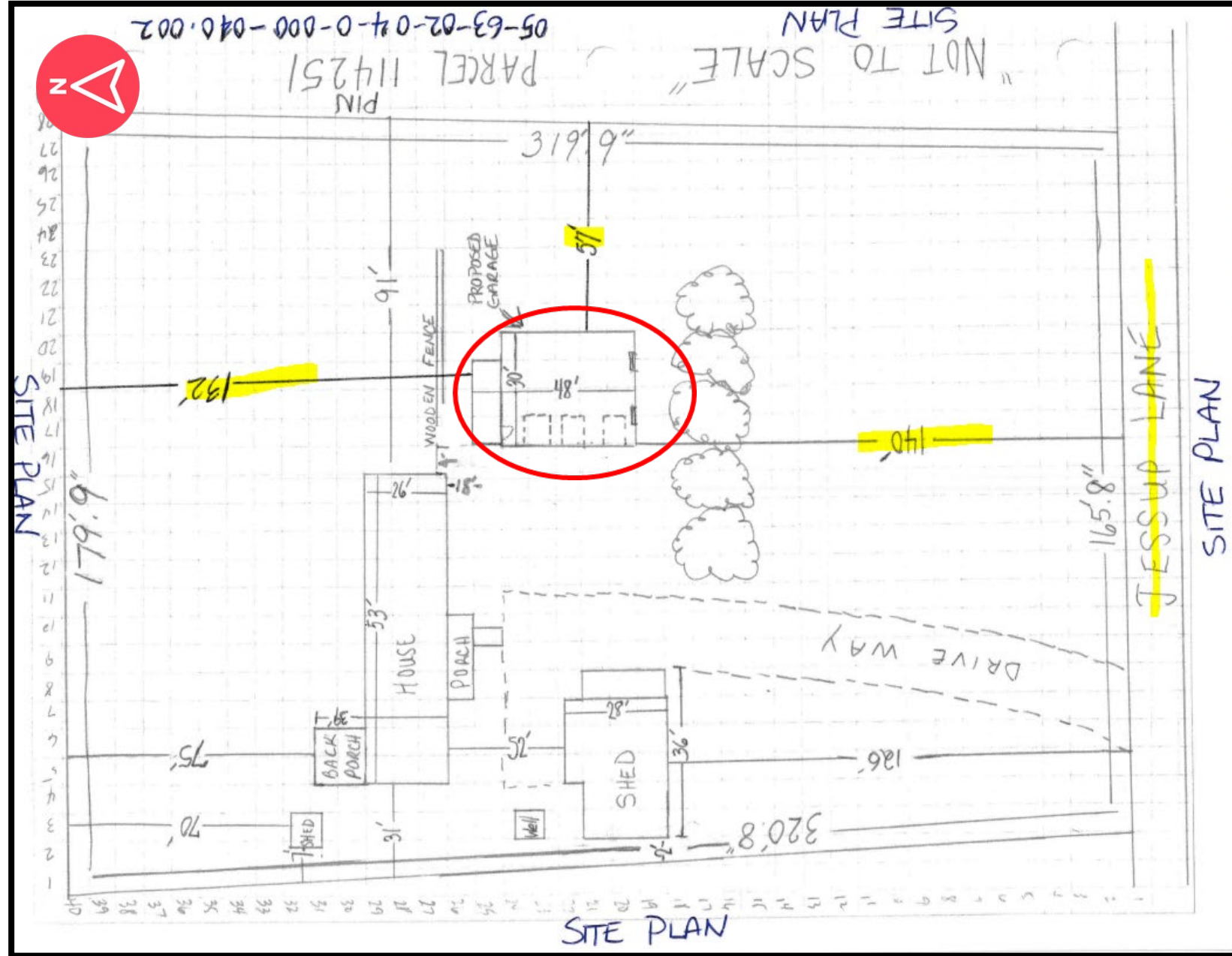
Dec 28, 2022 1:08:00 PM

Property Images



Dec 28, 2022 1:08:11 PM

Site Plan



Miscellaneous Documents

11/14/22

To whomever this may concern,

To our knowledge there is no HOA
currently or ever has been in our
neighborhood.

Sincerely,

Rebecca Kay Miller, owner
Kyle E Miller, owner

Address: 32095 Jessup Lane
Lillian, AL 36549

Phone: 574-952-6863 (R)
574-952-6973 (K)

Zoning Requirements

4.1.5 *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 18.4 *Variances*, and Article 20: *Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

| | |
|-------------------------------------|--------------------|
| Maximum Height of Structure | 35-Feet |
| Maximum Height in Habitable Stories | 2 ½ |
| Minimum Front Yard | 40-Feet |
| Minimum Rear Yard | 40-Feet |
| Minimum Side Yards | 15-Feet |
| Minimum Lot Area | 80,000 Square Feet |
| Minimum Lot Width at Building Line | 165-Feet |
| Minimum Lot Width at Street Line | 165-Feet |
| Maximum Ground Coverage Ratio | .35 |

4.1.6 *Area and dimensional modifications.* Within the RSF-E district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

| | |
|------------------------------------|--------------------|
| Minimum Front Yard | 30-Feet |
| Minimum Rear Yard | 30-Feet |
| Minimum Side Yards | 10-Feet |
| Minimum Lot Area | 40,000 Square Feet |
| Minimum Lot Width at Building Line | 120-Feet |
| Minimum Lot Width at Street Line | 120-Feet |

13.1.2 *Rural and Residential districts.* In residential districts an accessory use or structure will conform to the following requirements:

- (a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any lot line.
- (b) Accept in rural districts, an accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.
- (c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than 30% of the rear yard.
- (d) Accept in rural districts, no accessory structure, other than a pier and boathouse, may be located on a lot by itself.

Staff Analysis and Findings

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

Zoning in Planning District 33 came into effect on December 18, 2001. Per Revenue Commission records the parcel consists of approximately 1.20 acres with approximately 165.8' along the front (Jessup Ln) lot line, approximately 320.8' along the North and South lot lines. The required minimum lot size for RSF-E is 80,000 square feet with a 165' minimum lot width at building line, and a 165' minimum lot width at street line. **Therefore, staff does not perceive the subject parcel to be exceptionally narrow, shallow, or otherwise configured to create 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. The GIS map shows potential wetlands on the property. An environmental review was performed by staff it was determined that the property did not contain wetlands. **Therefore, staff believes the property does not meet the exceptional topographic or other extraordinary conditions standard.**

Staff Analysis and Findings

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 currently developed with a single- family dwelling. Accessory structures are allowed in the rear yard and side yards in residential districts. The applicant has not submitted any information supporting a hardship on the land to necessitate locating the proposed garage in the front yard. Therefore, staff feels the granting of this variance would serve as a convenience to the applicant and not necessary to preserve 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. As a result, staff does not anticipate any adverse impacts and 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

Staff Analysis and Findings

5.) Other matters which may be appropriate.

-The applicant has submitted written documentation stating that the parcel is not within a property owners association.

Staff recommends **DENIAL** of the variance request due to the lack of hardship on the land.

ZVA22-99 MILLERS PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

Staff's Comments and recommendation:

The applicant is requesting a variance from Section 13.1.2 of the Baldwin County Zoning Ordinance. Related to the accessory structure located in the front yard of a lot. The applicant is proposing to build a 1200 Sq. Ft. three car (3) garage with attached covered porch in the front yard.

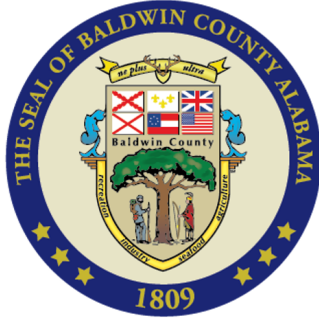
Staff recommends **DENIAL** of this variance request due to lack of hardship on the land.

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 conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

JANUARY 12, 2023

BALDWIN COUNTY SATELLITE COURTHOUSE

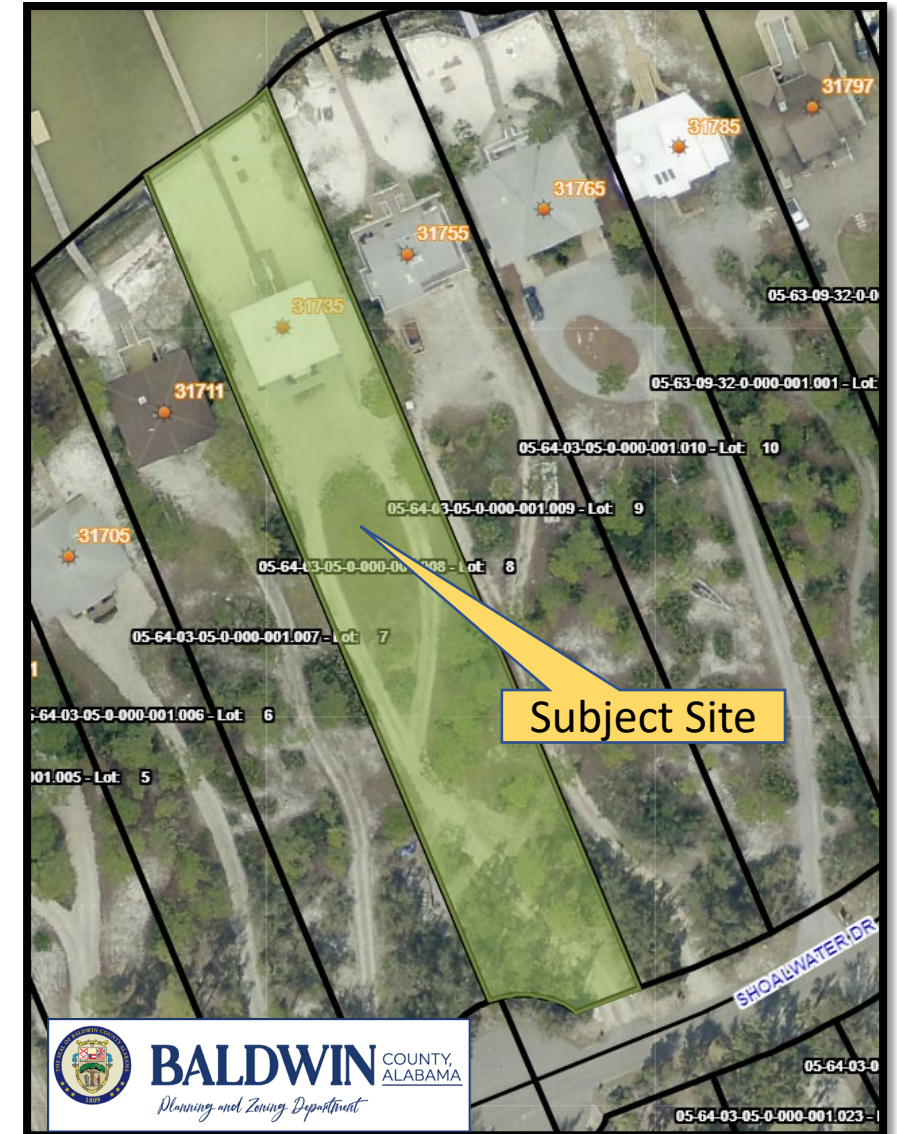
FOLEY, AL

ZVA22-105 SEMIKLOSE PROPERTY

VARIANCE REQUEST

Lead Staff: Fabia Water, Planning Tech

- **Planning District:** 24 **Zoned:** RSF-2
Residential Family District
- **Location:** Lot 8 of Ono Island
- **PID:** 05-64-03-05-0-000-001.008
- **PPIN:** 75628
- **Acreage:** 0.61 +/- acres
- **Physical Address:** 31735 Shoalwater Dr,
Ono
- **Applicant:** COX Pools
- **Owner:** Daniel Semiklose



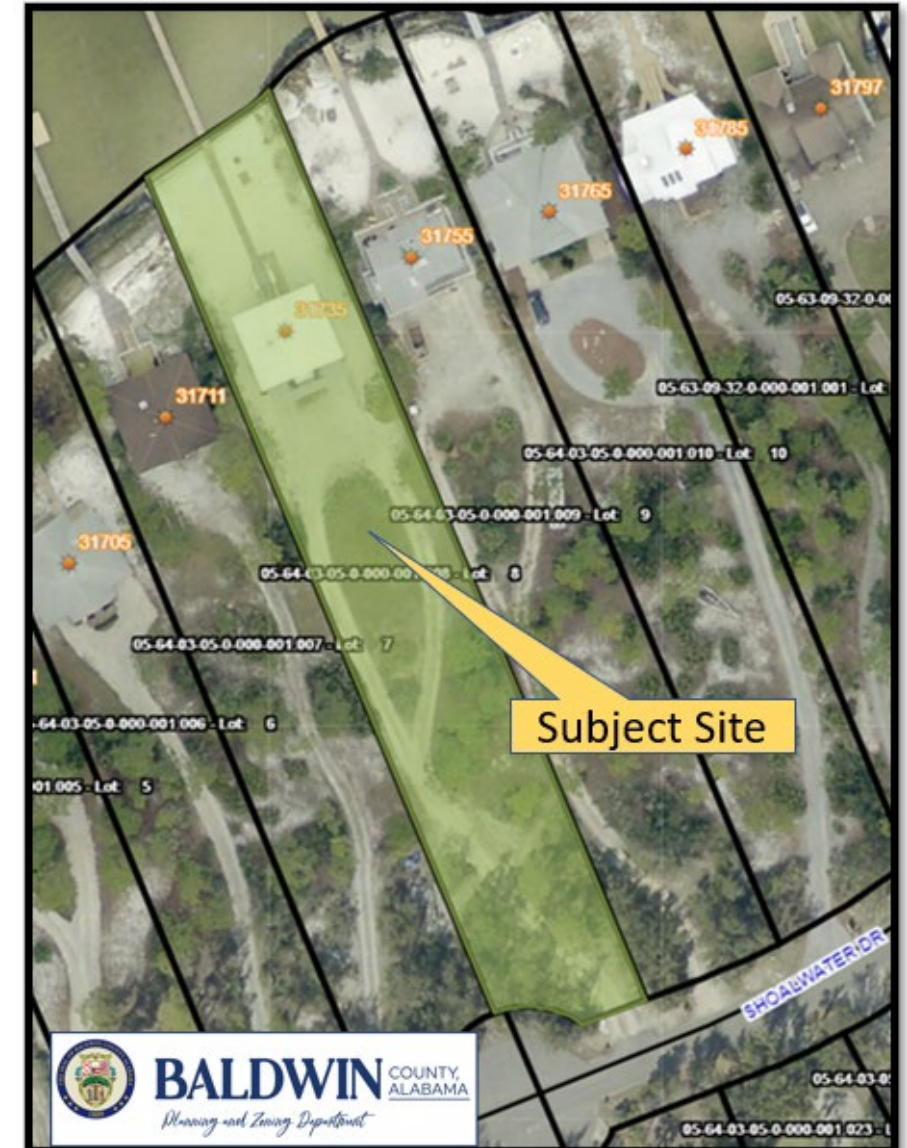
ZVA22-105 SEMIKLOSE PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Fabia Waters, Planning Tech

The applicant is requesting a variance from Section 13.1.2(b) to allow for the construction of a swimming pool which extends past the front yard setback.

Staff could not establish a hardship on the property therefore recommends Case ZVA22-105 to be **DENIED** unless information otherwise is revealed at the public hearing.



Locator Map



Site Map



Adjacent Zoning

North

South

East

West

RSF1- Single Family District

RSF1- Single Family District

RSF1- Single Family District

Adjacent Land Use

Vacant

Residential

Residential

Residential

Property Images

Subject Property

Dec 30, 2022 at 11:24:46 AM



Property Images

Adjoining Property to the West

Dec 30, 2022 at 11:26:13 AM



Property Images

Adjoining Property to the East

Dec 30, 2022 at 11:25:10 AM

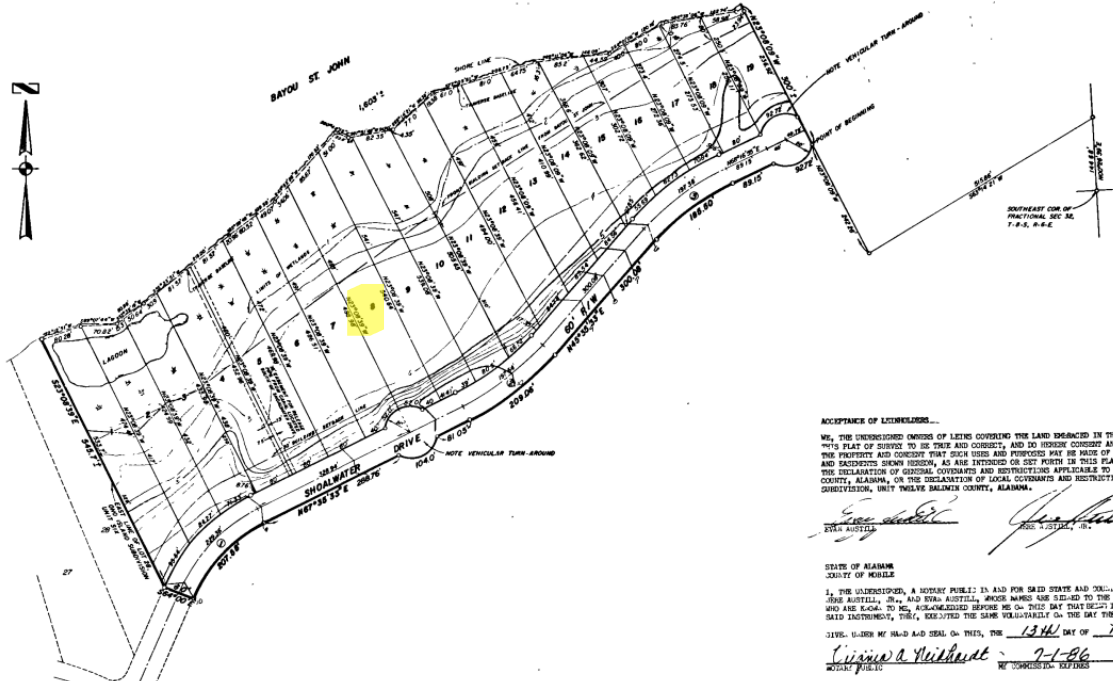


Property Images

Adjoining Property Across the Street

Dec 30, 2022 at 11:25:34 AM



[illegible][illegible]

| CURVE DATA | | | |
|------------|-----------|------------|-----------|
| NO | DELTA | RADIUS | TANGENT |
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| 2 | 22°00'00" | 515. 46' E | 100.00' E |
| 3 | 82°41'23" | 498. 42' E | 100.00' E |

SUPERVISOR'S CERTIFICATE - SIGNED BY OWNER

[illegible]

[Signature]

OWNER: ONO DEVELOPMENT CO., INC.

ONE DEVELOPMENT CO., INC., AN ALABAMA CORPORATION, OWNER OF THE LANDS SHOWN ON THIS PLAN, HEREBY CERTIFIES THAT IT HAS CAUSED THE SAME TO BE SURVEYED BY SIDNEY J. ORRILL, JR., A REGISTERED LAND SURVEYOR (ALA. REG. NO. 9902) AND HAS CAUSED THIS PLAN OR MAP OF SAID LAND TO BE MADE, SHOWING THE SUBDIVISIONS INTO WHICH IT IS DIVIDED, AND HEREBY ACCEPTS THIS PLAN OR MAP AS A TRUE, CORRECT AND COMPLETED PLAN OF SUCCESSION OF SAME.

RE: Gene Karpis
AS THE DEFENDANT

STATE OF ALABAMA

1. THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, DO HEREBY CERTIFY THAT JESSE AUSTELL, JR., AND EVAN AUSTELL, WERE NAMED AS PRESIDENT AND SECRETARY RESPECTIVELY OF ONE DEVELOPMENT CO., INC., AND SAID COMPANY WAS INCORPORATED IN GEORGIA, SAID MEMBERS, AND WHO ARE KNOWN TO ME RESIDE HEREIN BEFORE ME ON THIS DATE THAT BEING THE FACT OF SAID MEMBERSHIP OF SAID COMPANY, OWNED, TOOK, AS SUCH OFFICERS AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID DEVELOPMENT.

GIVEN UNDER MY HAND AND SEAL THIS 13th DAY OF March 1945.

Virginia A. Heidhardt
NOTARY PUBLIC

APPROVAL OF ADDITION TO EXISTING PROPERTY

PURSUANT TO THE PROVISIONS OF THE DECLARATION OF GENERAL COVENANTS REFERRED TO UPON THIS PLAT, GND. DEVELOPMENT CO., INC., DOES HEREBY GIVE IT'S APPROVAL IN WRITING OF THE ADDITION OF THE LANDS COMPRISING ONE ISLAND SUBDIVISION, UGHTAWELE TO THE EXISTING PREPARED* AS DEFINED IN THE AROUNDING* DECLARATION OF GENERAL COVENANTS.

GND DEVELOPMENT CO., INC.

THE LANDS CONTAINED WITHIN THIS SUBDIVISION ARE AN ADDITION TO THE "EXISTING PROPERTIES" OF ONE ISLAND SUBDIVISION AS DEFINED IN ARTICLE II, SECTION 4 OF THE AFORESAIDED DECLARATION OF GENERAL COVENANTS. OWNERS OF LOTS HEREIN WILL AUTOMATICALLY BE MEMBERS OF THE PROPERTY OWNERS ASSOCIATION OF ONE ISLAND, INC., AND SHALL BE OBLIGATED TO PAY ALL MAINTENANCE ASSESSMENTS LEVIED AGAINST SAID LOTS AS PROVIDED IN ARTICLE V OF SAID DECLARATION OF GENERAL COVENANTS, AS LAST

NOTES AND LIMITING CONDITIONS:

1. EASTING Y FOR INCREASE PIPE EXTENDS TO MEAN SEA LEVEL
2. DISTANCES ALONG LOT-LINES TO SHORE LINE MEASURED JUNE 6-8, 1984.
3. CONTOURS TRACED FROM 1977 MAPS INTERPRETED TO THE 1 STREET GRIDS.

APPROVED: HALEWIN COUNTY CLERK

BY: Chad Jones

DATE: 24.

APPROVED: _____ RALPH W. COUNTY BUILDING INSPECTOR

REF: 100-100000
DATE: 4-4-65

APPROVED: BALDWIN COUNTY PLANNING COMMISSION
BY: *Carl W. Barr*

DATE: 4/19/75

REF: William Cabanis
DATE: 4/12/85

APPROVED: BALTIMORE COUNTY ENGINEERING DEPARTMENT

DATE: MAR 1

ALL OF THIS SUBDIVISION (ONO ISLAND, UNIT TWELVE) IS LOCATED IN FLOOD HAZARD AREA ZONE "A-4" AS DEFINED BY THE FEDERAL INSURANCE ADMINISTRATION BALDWIN COUNTY, ALABAMA (F.I.A. FLOOD HAZARD BOUNDARY MAPS, DATE OF IDENTIFICATION JANUARY 3, 1985.)

ONE ISLAND SUBDIVISION, UNIT TWELVE
LOCATED IN BALDWIN COUNTY, ALABAMA

POLYSURVEYING OF MOBILE
2400 GOVERNMENT BOULEVARD
MOBILE, ALABAMA

NUMBER OF LOTS - 12
SHEET 1 OF 1

SCALE 1" = 100' DATE MAY, 1961

MOBILE, ALABAMA

NUMBER OF LOTS = 10
SHEET 1 OF 1

SCALE 1" = 100' DATE MAY, 1961

A vicinity map showing the location of the Bay La Launch site. The map is oriented with the Gulf of Mexico to the south. The coastline of Bay St. John and Old River is depicted. A small area on the northern shore of Bay St. John is marked with a triangle and labeled 'BAY LA LAUNCH SITE'. Other labels include 'BAY ST. JOHN', 'OLD RIVER', 'LAUNCH', and 'VICINITY MAP'.

LEGAL DESCRIPTION

[illegible]

SURVEYOR'S CERTIFICATE - SIGNED BY OWNER

[illegible]

OWNER: OMI DEVELOPMENT CO., INC.

ACCEPTANCE BY OWNER

AND DEVELOPMENT CO., INC., AN ALABAMA CORPORATION, OWNER OF THE LANDS SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT IT HAS CAUSED THE SAME TO BE SURVEYED BY STUART J. ORRILL, JR., A REGISTERED LAND SURVEYOR (ALA. REG. NO. 9982) AND HAS CAUSED THIS PLAT OR MAP OF SAID LAND TO BE MADE, SHOWING THE SUBDIVISIONS INTO WHICH IT IS DIVIDED, AND HEREBY ACCEPTS THIS PLAT OR MAP AS A TRUE, CORRECT AND COMPLETED PLAT OF SURVEY OF SAID LAND.

By Leslie H. Jones

STATE OF ALABAMA
COUNTY OF MOBILE

I, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, DO HEREBY CERTIFY THAT JOHN AUSTELL, JR., and EVAN AUSTELL, whose names as President and Secretary respectively of ORO DEVELOPMENT CO., INC. are shown on the acceptance in question, signed and who are known to me personally before me on this day that being informed of the contents of said acceptance by reading the same, and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN UNDER MY HAND AND SEAL THIS, 13th DAY OF March, 1980

Crime & Field Unit 7-1-66
NOTARIAL PUBLIC W/ COMMISSION EXPIRES

APPROVAL OF ADDITION TO EXISTING PROPERTY

MUNICIPAL TO THE PROVISIONS OF THE DECLARATION OF GENERAL COVENANTS EXPRESSED TO UPON THIS PLAN, LAND DEVELOPMENT CO., INC., DOES HEREBY GIVE ITS APPROVAL IN WRITING OF THE ASSIGNMENT OF THE LANDS COVERING ONE (1) AND SUBDIVISION (1) TO THE TRADING PROPERTIES AS DEFINED IN THE FOREGOING DECLARATION OF GENERAL COVENANTS.

AND TRUTH SERVICE CO., INC.

THE LANDS CONTAINED WITHIN THIS SUBDIVISION ARE IN ADDITION TO THE "EXISTING PROPERTIES" OF OAK ISLAND SUBDIVISION AS DEFINED IN ARTICLE II, SECTION 4 OF THE AFORESAID DECLARATION OF TENDRAL COVEYANTS. OWNERS OF LOTS HEREIN WITH APPURTAINANCES BE MEMBERS OF THE PROPERTY OWNERS ASSOCIATION OF OAK ISLAND, INC., AND SHALL BE OBLIGATED TO PAY ALL MAINTENANCE ASSESSMENTS LEVIED AGAINST SAID LOTS AS PROVIDED IN ARTICLE V OF SAID DECLARATION OF GENERAL COVEYANTS, AS LAST AMENDED.

NOTES AND LIMITING CONDITIONS:

1. EASEMENT FOR RELEASE PIPE EXTENDS TO MEAN SEA LEVEL.
2. DISTANCES ALONG LOT LINES TO SHORE LINE MEASURED JUNE 6-8, 1981.
3. DITCHES DRAINED FROM 1972 MAPS INTERPRETED TO THE NEAREST GRADES.

APPROVED: DALE W. JOHNSON
MEMBER OF CONGRESS
BY: [Signature]
DATE: 2 Apr 55

APPROVED: BALDWIN COUNTY SHERIFF DEPT. INSPECTOR
BY: Benjamin J. Quinn
DATE: 4-4-85

APPROVED: BALWIN COUNTY PLANNING COMMISSION
BY: Carl E. Barr
DATE: 4/19/85

APPROVED: BALTIMORE COUNTY ~~HEALTH~~ DEPARTMENT
 BY: William Sharpe
 DATE: 4/2/95

APPROVED: BALTIMORE COUNTY ~~ENGINEERING~~ DEPARTMENT
BY: Per [Signature]
DATE: 9/9

ACCEPTANCE OF LATIN ELDERS...

WE, THE UNDERSIGNED OWNERS OF LOTS COVERING THE LAND DESCRIBED IN THIS PLAN OF SURVEY HEREBY ACCEPT THIS PLAN OF SURVEY TO BE TRUE AND CORRECT, AND DO HEREBY CONSENT AND AGREE TO THE SUBDIVISION OF THE PROPERTY AND CONSENT THAT SUCH USES AND PURPOSES MAY BE MADE OF ALL STREETS, ALLEYS, COMMONS AND EASEMENTS SHOWN HEREON, AS ARE INTENDED OR SET FORTH IN THIS PLAN OF SURVEY OR AS SET FORTH IN THE DECLARATION OF GENERAL COVENANTS AND RESTRICTIONS APPLICABLE TO ONE ISLAND SUBDIVISION, BALMAIN COUNTY, ALABAMA, OR THE DECLARATION OF LOCAL COVENANTS AND RESTRICTIONS APPLICABLE TO TWO ISLAND SUBDIVISION, UNIT TWELVE BALMAIN COUNTY, ALABAMA.

STATE OF ALABAMA
COUNTY OF MOBILE

I, the undersigned, a Notary Public in and for said State and County, do hereby certify that JOHN AUSTELL, JR., and EVELYN AUSTELL, whose names are signed to the foregoing lastment, and who are known to me, acknowledged before me on this day that being imposed of the contents of said instrument, they, executed the same voluntarily on the day the same bears date.

1886 Day of March 1905

GIVEN UNDER MY HAND AND SEAL ON THIS, THE 13th DAY OF
January 1986
William A. Reichardt - 7-1-86
NOTARY PUBLIC ME COMPLESS ID. EXP. 1988

STATE OF ALABAMA
COUNTY OF MOBILE

I, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY, DO HEREBY CERTIFY THAT BERNARD A. WOODS, III, WHOSE NAME AS VICE PRESIDENT OF AN SOUTH BANK, N.A., A NATIONAL BANKING ASSOCIATION, IS SIGNED TO THE FOREGOING INSTRUMENT AND IS KNOWN TO ME, ADJUDICATED BEFORE ME ON THIS DAY, THAT BEING INFORMED OF THE CONTENTS OF SAID INSTRUMENT, HE, AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID ASSOCIATION, ON THE DAY THE SAME BEARS DATE.

GIVEN UNDER MY HAND AND SEAL THIS 17TH DAY OF MARCH, 1984

Virginia A. Rischardt NOTARY PUBLIC

ALL OF THIS SUBDIVISION (NO ISLAND, UNIT TWELVE) IS LOCATED IN FLOOD HAZARD AREA ZONE "A-4" AS DEFINED BY THE FEDERAL INSURANCE ADMINISTRATION BALDWIN COUNTY, ALABAMA (F.I.A. FLOOD HAZARD BOUNDARY MAPS, DATE OF IDENTIFICATION JANUARY 3, 1955.)

REVISED PLAT

ONO ISLAND SUBDIVISION, UNIT TWELVE
LOCATED IN BALDWIN COUNTY, ALABAMA

POLYSURVEYING OF MOBILE
2400 GOVERNMENT BOULEVARD

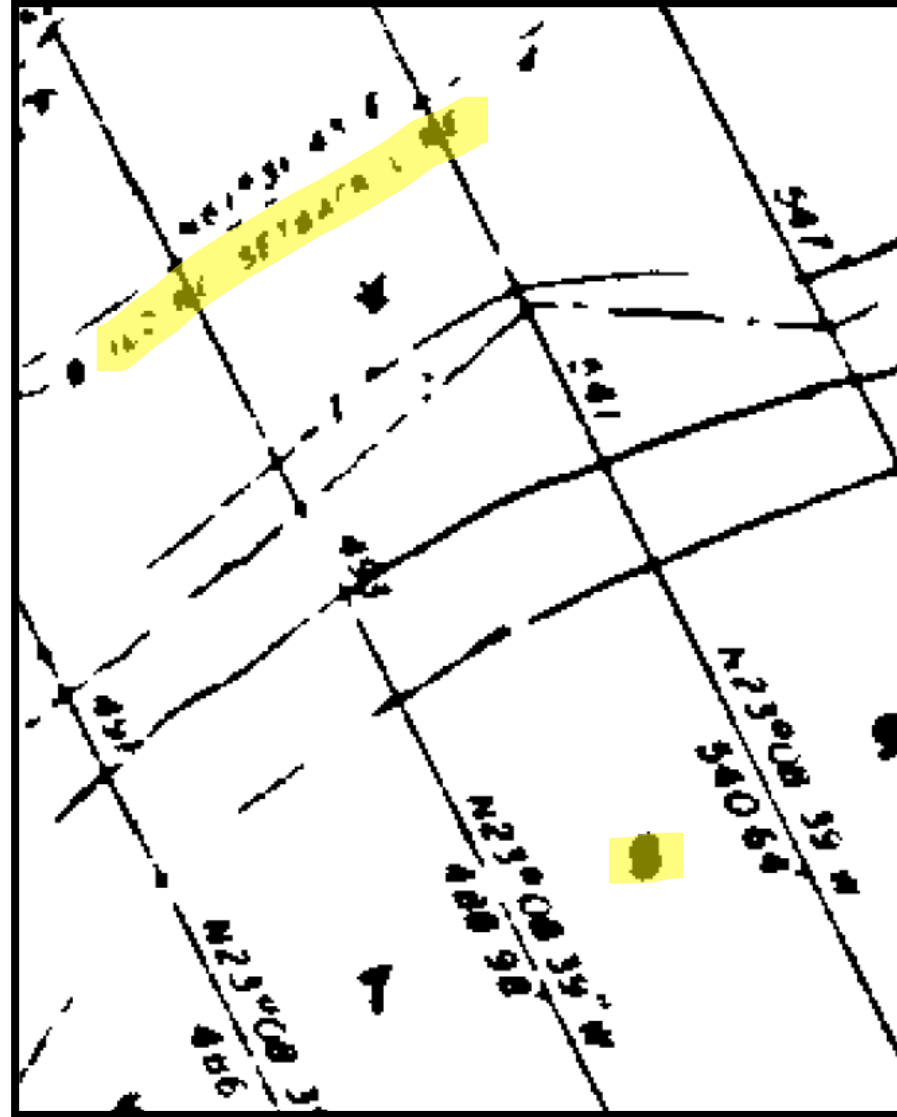
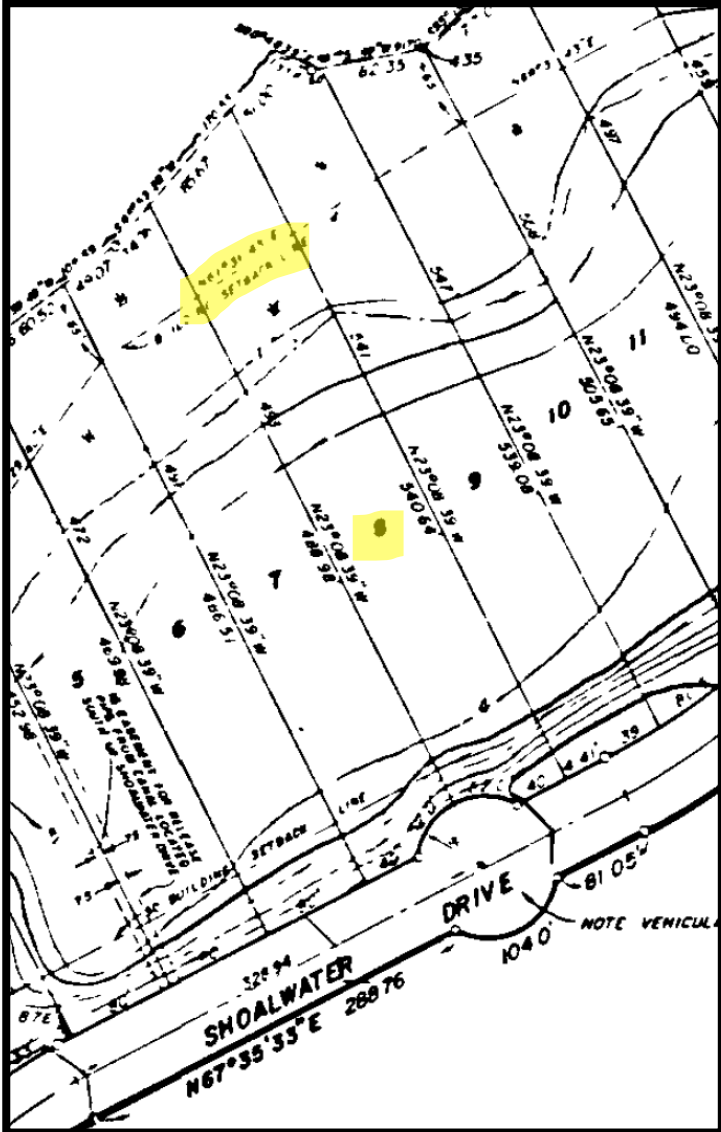
MOBILE, ALABAMA

NUMBER OF LOTS = 9
SHEET 1 OF 1

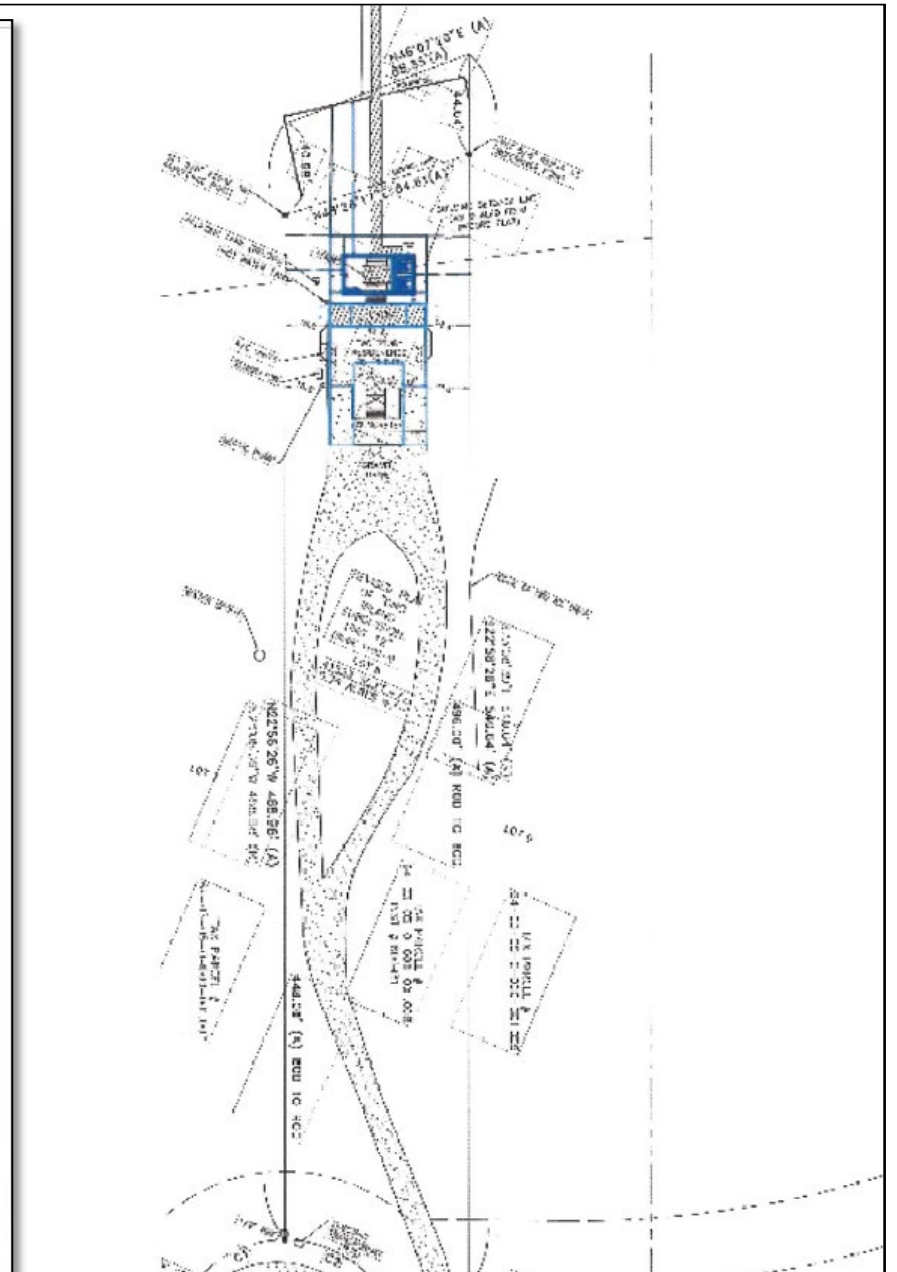
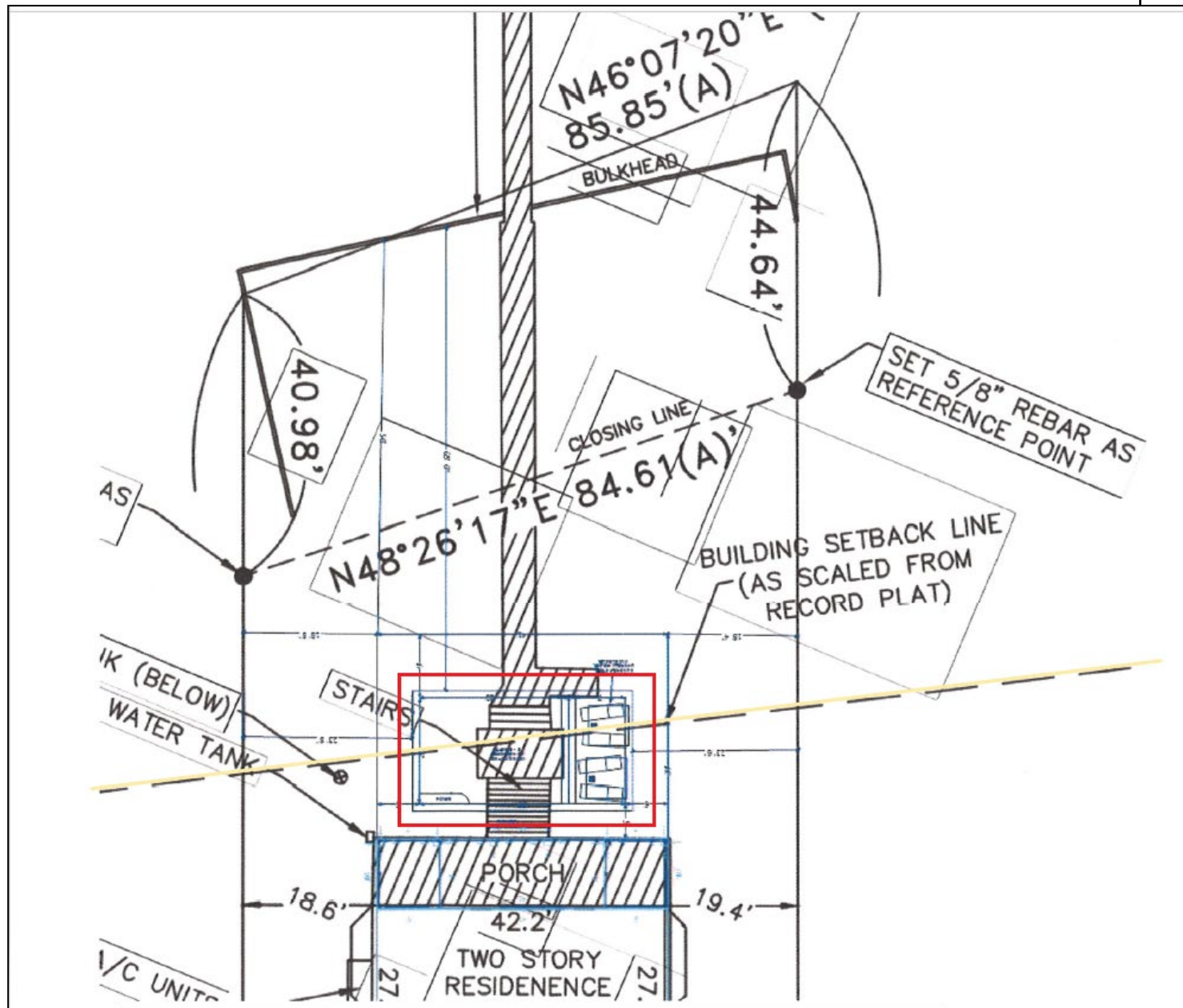
SCALE: 1" = 100' DATE: MAY, 1980

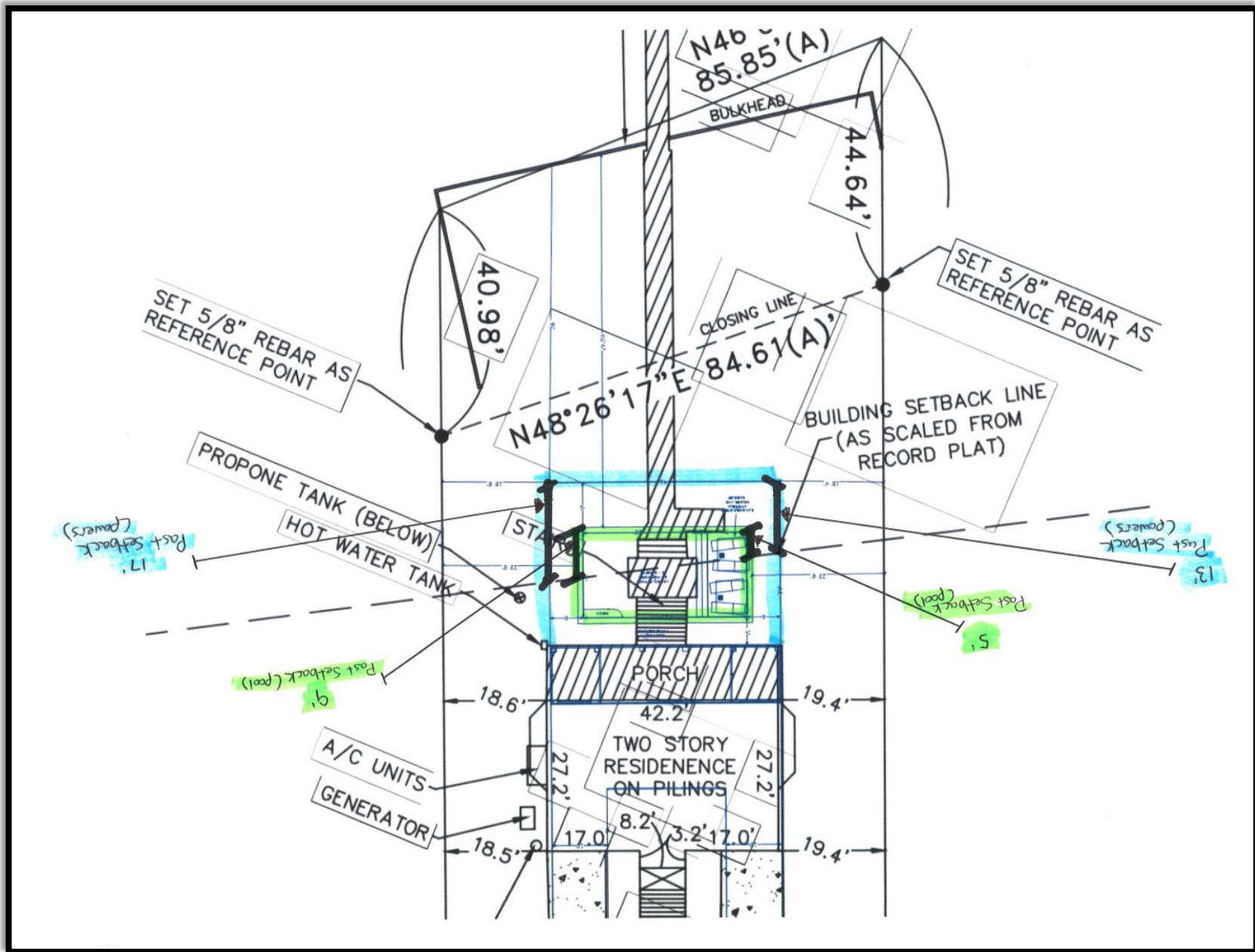
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| 2 | 22° 05' 00" | 515.46' E | 100.00' E |
| 3 | 87° 41' 25" | 400.45' E | 100.00' E |

Lot 8 Enlarged Revised Recorded Plat



Site Plan





Site Plan

Additional Information



Baldwin County Planning and Zoning Department Agent Authorization Form

I/We authorize and permit Cox Pools of the SE to act as my/our representative and agent in any manner regarding this application which relates to property described as tax parcel ID# 05-64-03-05-0-000-001.008, I/We understand that the agent representation may include but not be limited to decisions relating to the submittal, status, conditions, or withdrawal of this application. In understanding this, I/we release Baldwin County from any liability resulting from actions made on my/our behalf by the authorized agent and representative. I hereby certify that the information stated on and submitted with this application is true and correct. I also understand that the submittal of incorrect information will result in the revocation of this application and any work performed will be at the risk of the applicant. I understand further that any changes which vary from the approved plans will result in the requirement of a new Land Use Certificate.

*NOTE: All correspondence will be sent to the authorized representative. It will be the representative's responsibility to keep the owner(s) adequately informed as to the status of the application.

PROPERTY OWNER(S)

Daniel Aaron Semiklose

Name(s) [printed]

31735 Shoalwater Drive

Mailing Address

Orange Beach, AL 36561

City/State

850-384-9600

Phone

NA

Fax #

Signature(s)

12/8/2022

Date

AUTHORIZED AGENT

COX POOLS OF THE SE

Name(s) [printed]

22656 CANAL RD

Mailing Address

ORANGE BEACH/ALABAMA

City/State

251-974-5244

Phone

251-974-5344

Fax #

Ryan Wood

Signature(s)

07.23.2021

Date

rev. 10/9/2015



PROPERTY OWNER'S ASSOCIATION OF ONO ISLAND, INC.

28656 Ono Boulevard - Orange Beach, AL 36561

Office: 251-980-5152 / Fax: 251-980-5146

ONO ISLAND

ARCHITECTURAL CONTROL COMMITTEE

NOTICE OF ACTION TAKEN

PERMIT # 22-690

DATE OF MEETING: December 28, 2022

HOMEOWNER: Aaron Semiklose

MAILING ADDRESS: 31735 Shoalwater Drive Orange Beach, AL 36561

WORKSITE ADDRESS: 31735 Shoalwater Drive

UNIT / LOT: Unit 12 / Lot 8

CONTRACTOR: Cox Pools of the SE

REVIEW: New 15'X29' Swimming Pool with Paver Decking

ACTION TAKEN:

A discussion was held regarding the permit application submitted for the installation of a New 15' X 29' Swimming Pool with Paver Decking and has been preliminarily approved with the provision the Paver Decking, Pool, and Future Fencing do not exceed more than 30' beyond the waterside required building setback, may not exceed the height limit, and may not occupy more than 30% of the rear yard. This letter is authorization to proceed with Baldwin County permitting process.

The ACC and its members rely exclusively on the complete accuracy of all plans, surveys, permits, reports, and other documents submitted to it in connection with the issuance of this Permit and assumes the professional competence of those persons preparing any such document. The ACC does not conduct any independent investigation of such matters and DISCLAIMS any responsibility for that accuracy or competence. This Permit is issued for the sole benefit of Property Owner's Association of Ono Island, Inc. and no third party are authorized to rely on the issuance of this Permit for any purpose.

Signature Theresa McMillian Date

December 28, 2022 ADDITIONAL INFORMATION: If you have any question, please feel free to contact Theresa McMillian at Ono House - admin3@onoislandpoa.com

Staff Analysis and Findings

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 zoned RSF1 Single Family District and is located in Ono Island. Per Revenue the parcel consists of approximately 0.49+- acres with 80' x 540' lot 23 Block 1 . Planning District 24 came into effect on April 7th,1993. The required minimum lot size for RSF1 is 30,000 acres therefore staff does not perceive the subject parcel to be 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 could not establish exceptional topographic conditions or other extraordinary situations, or conditions contained on the subject property which require a variance.

Staff Analysis and Findings

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 subject property is zoned RSF1, Single Family District which allows accessory structures on the waterfront lots, should they meet the required setback. The applicant proposes to build a swimming pool on the subject property. The use of the property has been established with the single-family dwelling. The applicant has not submitted any information supporting a hardship on the land therefore staff feels the granting of this variance would serve as a convenience to the applicant and does not perceive 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.

Staff Analysis and Findings

5.) Other matters which may be appropriate.

Section 12.5 Yard Requirements

12.5.2 Yard requirements shall be modified subject to the following conditions:

- (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.

13.1.2 Rural and Residential districts. In residential districts an accessory use or structure will conform to the following requirements:

- (a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any lot line.
- (b) Accept in rural districts, an accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.
- (c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than 30% of the rear yard.
- (d) Accept in rural districts, no accessory structure, other than a pier and boathouse, may be located on a lot by itself.

ZVA22-105 SEMIKLOSE PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Fabia Waters, Planning Tech

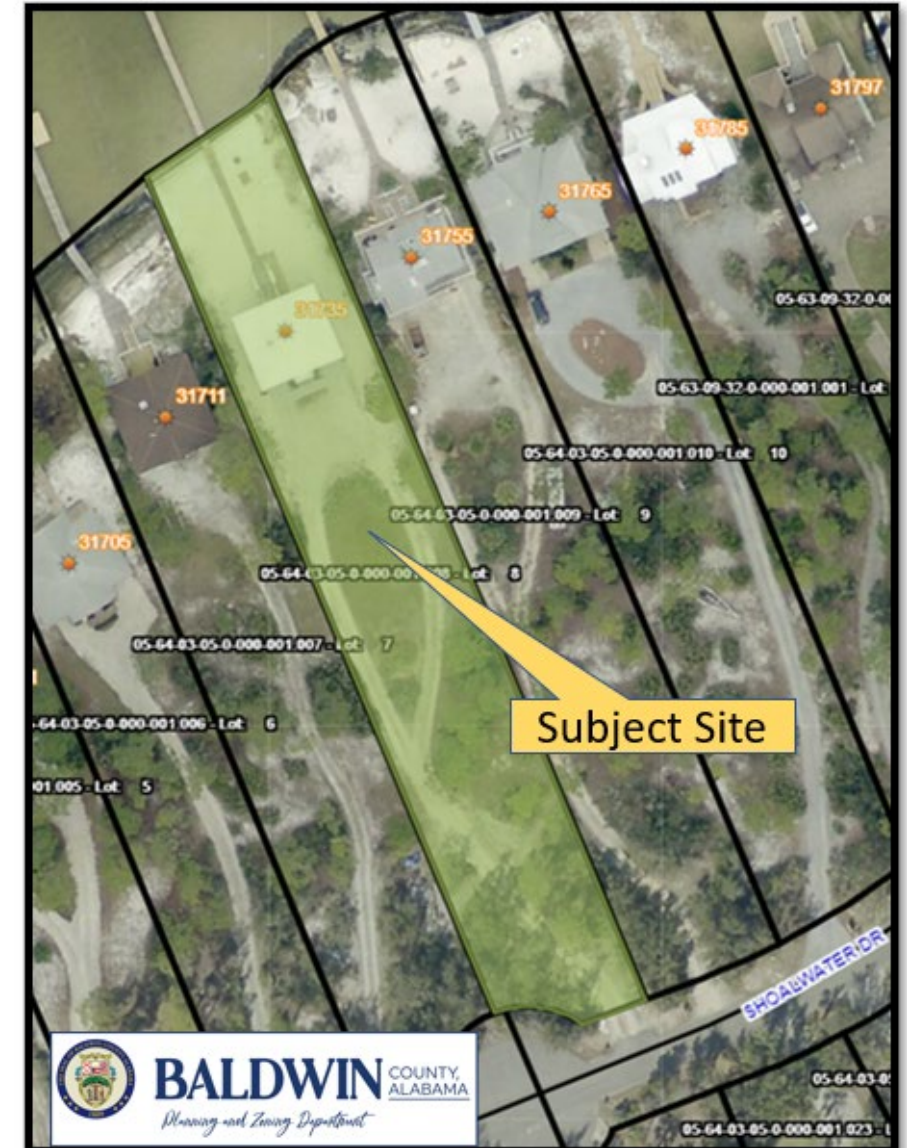
The applicant is requesting a variance from Section 13.1.2(b) to allow for the construction of a swimming pool which extends past the front yard setback.

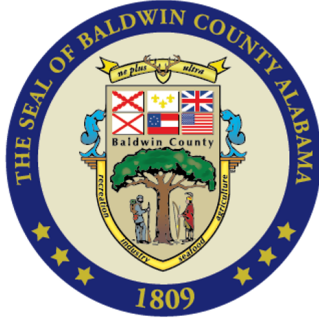
Staff could not establish a hardship on the property therefore recommends Case ZVA22-105 to be **DENIED** unless information otherwise is revealed at the public hearing.

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 conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

JANUARY 12, 2023

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

ZVA22-108 GFML, LLC

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 30 **Zoned:** RA
- **Location:** Subject property is located west of Wilson Road in Elberta
- **PID:** 05-61-01-12-0-000-006.002
- **PPIN:** 99177
- **Acreage:** 0.80 acres
- **Physical Address:** 9781 Wilson Road
Elberta, AL 36530
- **Applicant:** Anne Jindrich
- **Owner:** GFML, LLC



ZVA22-108 GFML, LLC

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

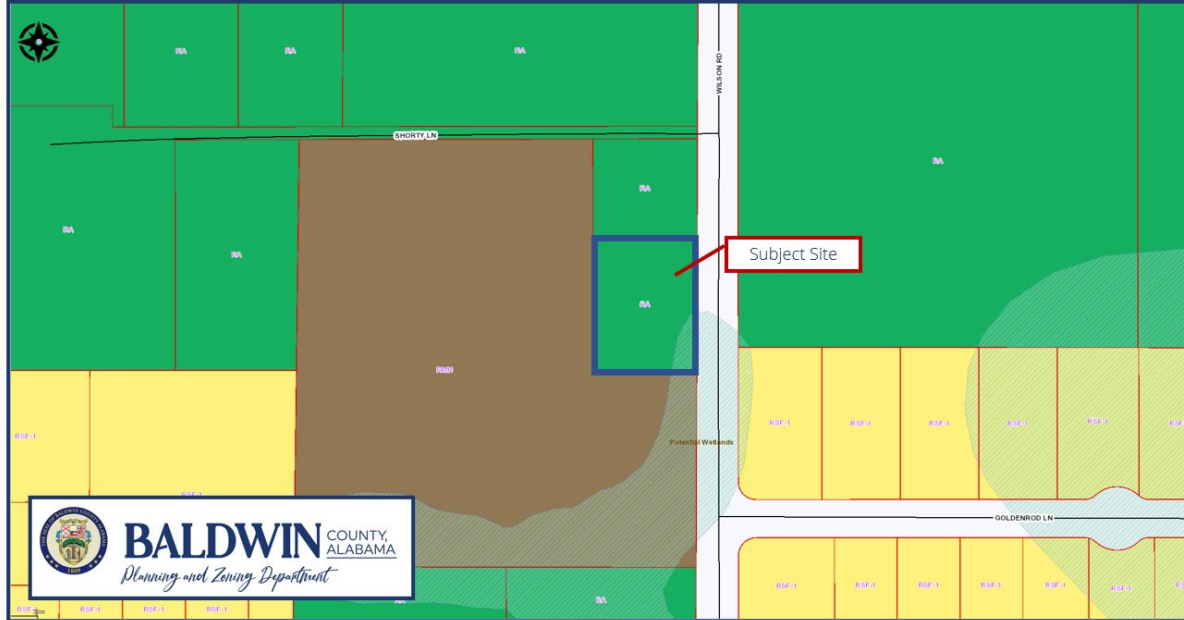
The applicant is requesting a variance from Section 3.2.5 of the Baldwin County Zoning Ordinance as it pertains to the rear yard setback to allow for a mobile home to be placed on the property.

Staff perceives no hardship on the property therefore recommends Case ZVA22-108 be **DENIED** unless information otherwise is revealed at the public hearing.



Locator Map

Vicinity Map – ZVA22-108



Site Map

Vicinity Map – ZVA22-108



Adjacent Zoning

North

RA, Rural Agricultural District

South

RMH, Residential Manufactured Housing Park District

East

RA, Rural Agricultural District

West

RMH, Residential Manufactured Housing Park District

Adjacent Land Use

Residential

Residential

Vacant

Residential

Property Images



Dec 28, 2022 11:46:59 AM

Property Images



Adjoining Property
to The North



Dec 28, 2022 11:47:37 AM

Property Images



Property Images



Property Across
The Street

Dec 28, 2022 11:48:17 AM

Zoning Requirements

Section 3.2 RA Rural Agricultural District

3.2.1 *Generally*. This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

3.2.2 *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) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

3.2.3 *Special exceptions*. 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 special exceptions: Not Applicable

3.2.4 *Conditional Use Commission Site Plan Approval*. 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 by the site plan approval process:

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.
- (c) The following general commercial uses: low density recreational vehicle park (see Section 13.9: *Recreational Vehicle Parks*).

- (d) The following local commercial uses: bed and breakfast or tourist home (see Section 13.10: *Bed and Breakfast Establishments*).

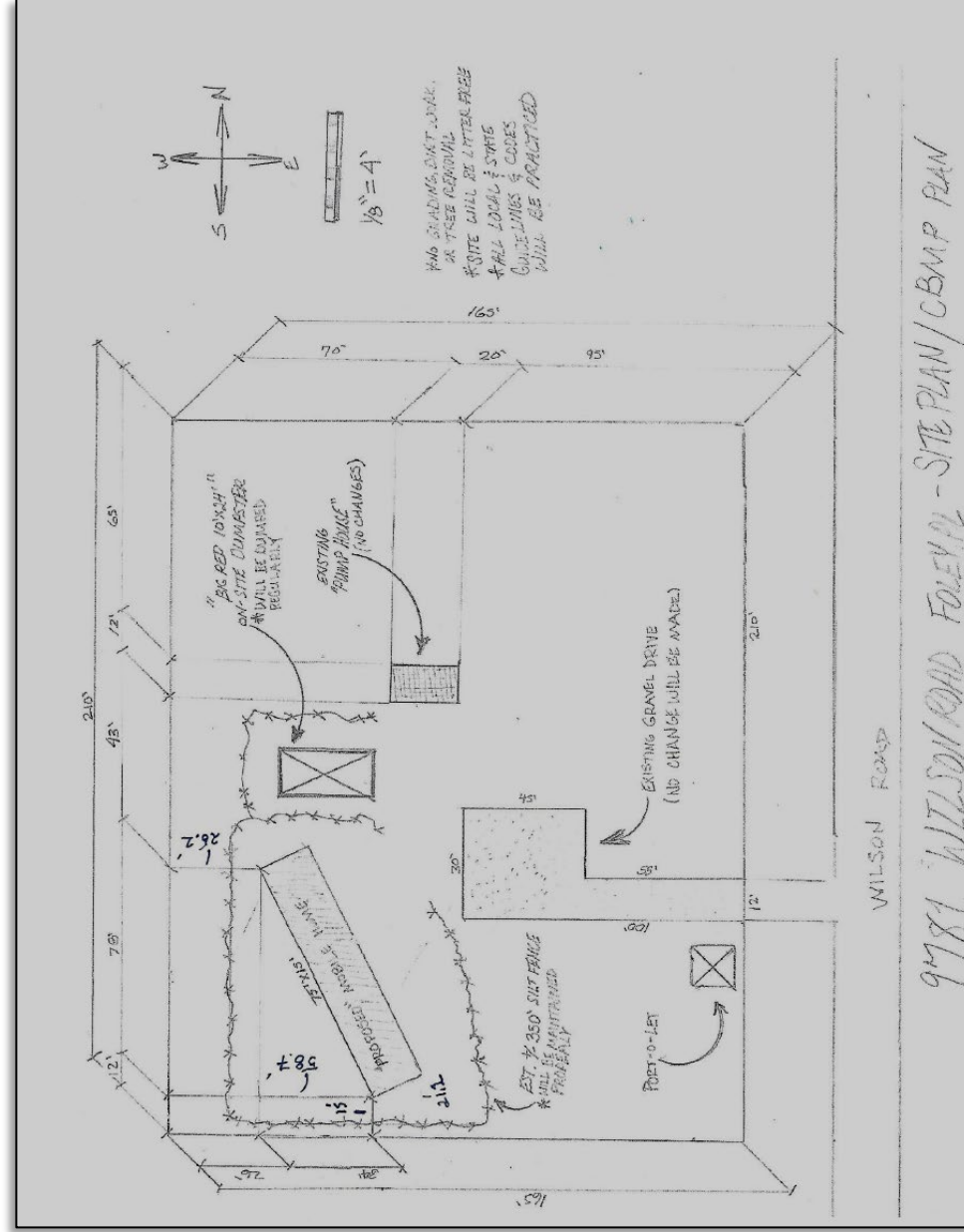
3.2.5 *Area and dimensional ordinances*. Except as provided by Section 2.3: *Establishment of Zoning in Planning Districts*, Section 12.4: *Height Modifications*, Section 12.5: *Yard Requirements*, Section 12.6: *Coastal Areas*, Section 12.8: *Highway Construction Setbacks*, Section 18.4 *Variances*, and Article 20: *Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

| | |
|------------------------------------|----------|
| Maximum Height of Structure | 35-Feet |
| Minimum Front Yard | 40-Feet |
| Minimum Rear Yard | 40-Feet |
| Minimum Side Yards | 15-Feet |
| Minimum Lot Area | 3 Acres |
| Minimum Lot Width at Building Line | 210-Feet |
| Minimum Lot Width at Street Line | 210-Feet |

3.2.6 *Area and dimensional modifications*. Within the RA district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

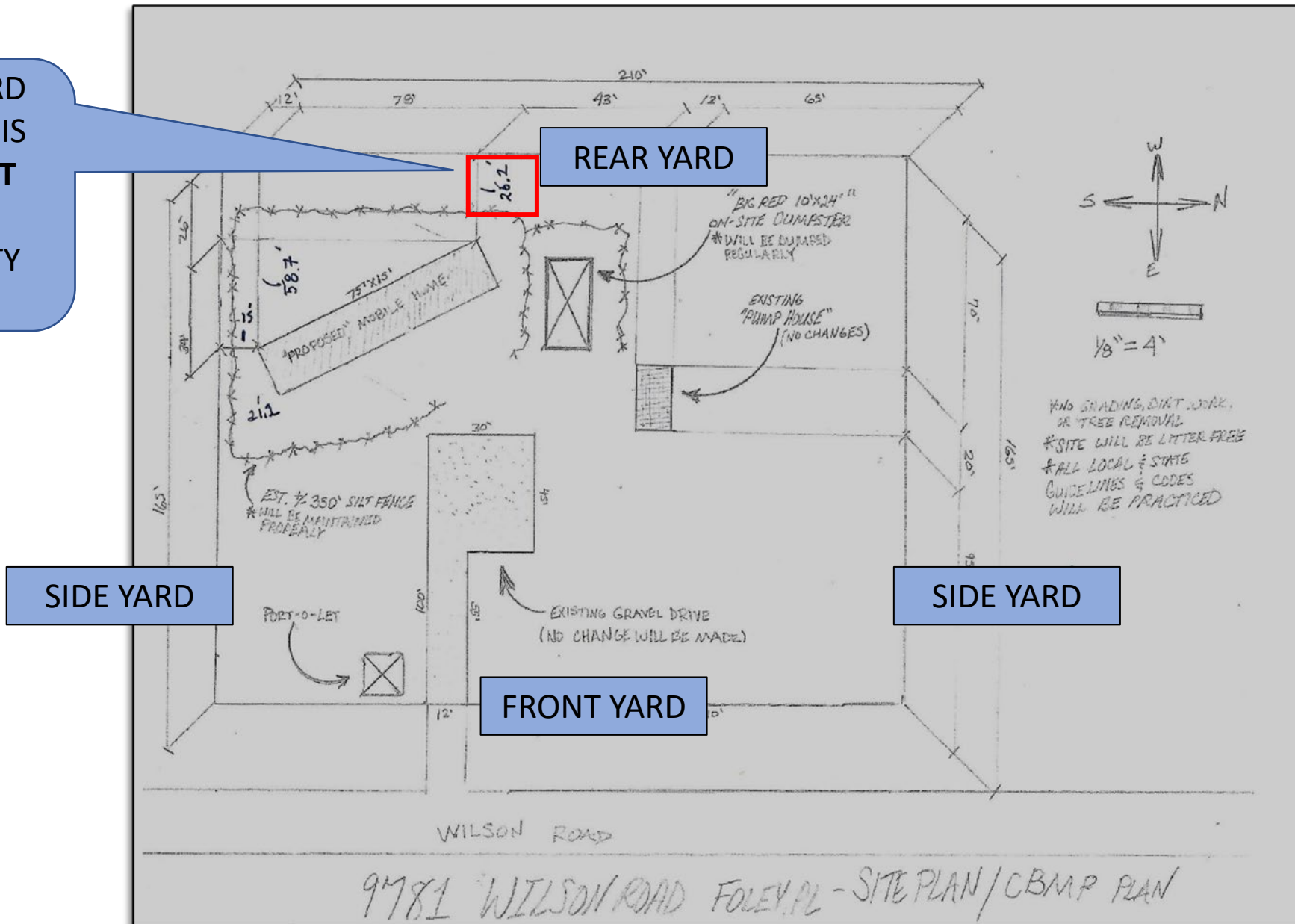
| | |
|------------------------------------|--------------------|
| Minimum Front Yard | 30-Feet |
| Minimum Rear Yard | 30-Feet |
| Minimum Side Yards | 10-Feet |
| Minimum Lot Area | 40,000 Square Feet |
| Minimum Lot Width at Building Line | 120-Feet |
| Minimum Lot Width at Street Line | 120-Feet |

Site Plan / CBMPP



Rotated and Zoomed Site Plan / CBMPP

REAR YARD
SETBACK IS
25.2 FEET
FROM
PROPERTY
LINE



No Active HOA

TO WHOM IT MAY CONCERN:

THERE ARE NOT ANY ACTIVE HOMEOWNER'S
ASSOCIATIONS FOR THIS PROPERTY!

Anne J. J. J.

12/14/2022

Staff Analysis and Findings

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

Zoning within Planning District 30 was adopted by the County Commission on February 21, 1995. Per the Site Plan submitted by the applicant, the parcel is 34,650 square feet, measuring approximately 165' along the north and south lot lines, and 210' along the east and west lot lines. The required minimum lot size for RA is 3 acres with a 210' minimum lot width at building line, and a 210' minimum lot width at street line. The subject property has been zoned RA since zoning came into effect within Planning District 30. Although the property area is much less than required by the RA zoning designation, staff feels that the property area is more than sufficient for a mobile home to meet the required setbacks. Therefore, staff does not perceive any exceptional narrowness, shallowness, or shape of the subject property.

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 contained on the subject property that would require a variance.

Staff Analysis and Findings

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 subject property is zoned RA, Rural Agricultural District which allows for single-family dwellings including manufactured housing and mobile homes. Staff feels that the granting of a variance is not necessary to preserve a property right as single family dwellings are allowed by right in the RA zoning designation. The applicant has not submitted any information supporting a hardship on the land therefore the granting of this variance request would merely serve as a convenience to the applicant.

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.

Per the applicant, all existing structures that appear on the current Site Map have been demolished other than an old well and well house (pump house). The demolition permit was approved in December 2022 (ZSP22-001376).

ZVA22-108 GFML, LLC

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 3.2.5 of the Baldwin County Zoning Ordinance as it pertains to the rear yard setback to allow for a mobile home to be placed on the property.

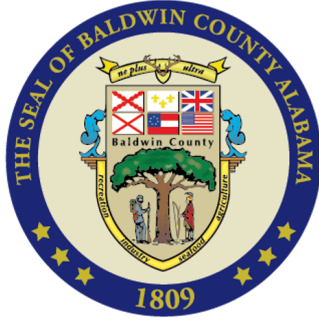
Staff perceives no hardship on the property therefore recommends Case ZVA22-108 be **DENIED** unless information otherwise is revealed at the public hearing.

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 conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

JANUARY 12, 2023

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

ZVA22-97 POWERS PROPERTY

VARIANCE REQUEST

Lead Staff: Paula Bonner, Planning Technician

- **Planning District:** 25 **Zoned:** RSF-1
- **Location:** Subject property is located south of State Highway 180 on the east side of Gulf Way Drive in Fort Morgan.
- **PID:** 05-68-09-29-0-000-033.001
- **PPIN:** 59834
- **Acreage:** 0.46 +/-
- **Physical Address:** 618 Gulf Way Drive
- **Applicant:** Rayborn Construction, Inc.
- **Owner:** Richard and Mary Powers



ZVA22-97 POWERS PROPERTY

VARIANCE REQUEST

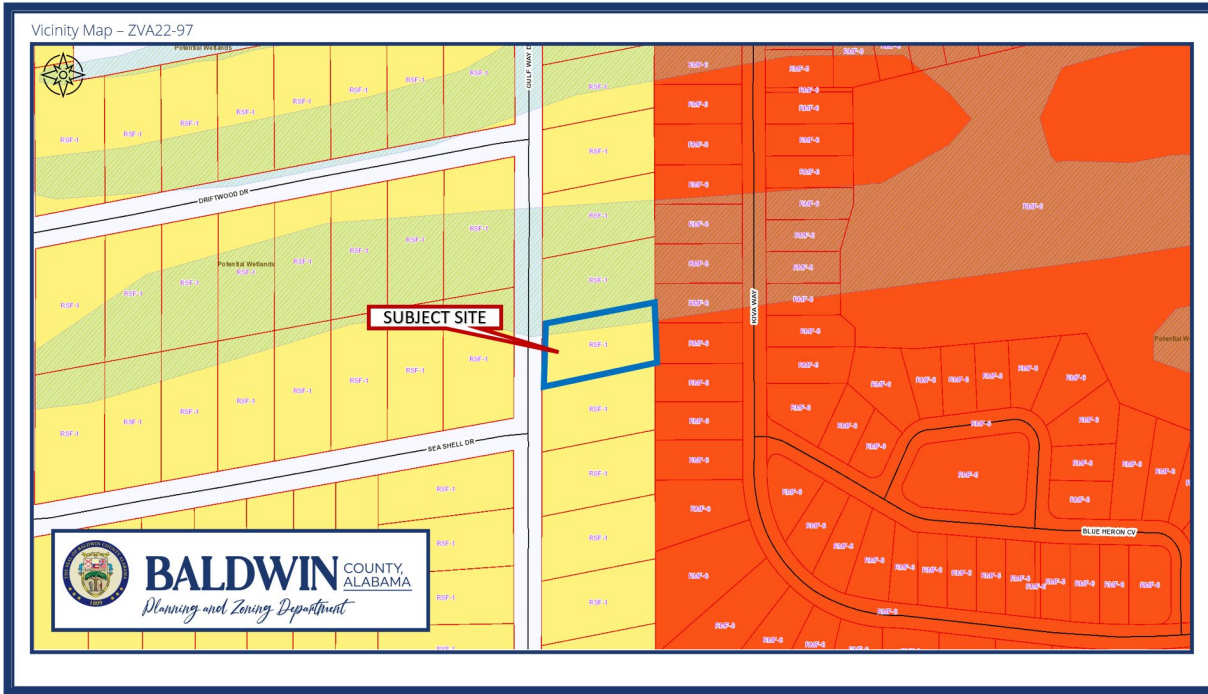
Lead Staff: Paula Bonner, Planning Technician

The applicant is requesting a variance from Section 4.2.5 of the Baldwin County Zoning Ordinance as it pertains to the side yard setback to allow for a porch addition to an existing single-family dwelling.

Staff could not establish a hardship on the subject property therefore recommends Case ZVA22-97 be **denied** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



Adjacent Zoning

North

RSF-1 Single Family District

South

RSF-1 Single Family District

East

RMF-6 Multiple Family District

West

RSF-1 Single Family District

Adjacent Land Use

Residential

Residential

Residential

Vacant

Property Images

Dec 30, 2022 at 10:15:45 AM

Subject Property



Property Images

Dec 30, 2022 at 10:16:03 AM

Adjoining Property
to The South



Property Images



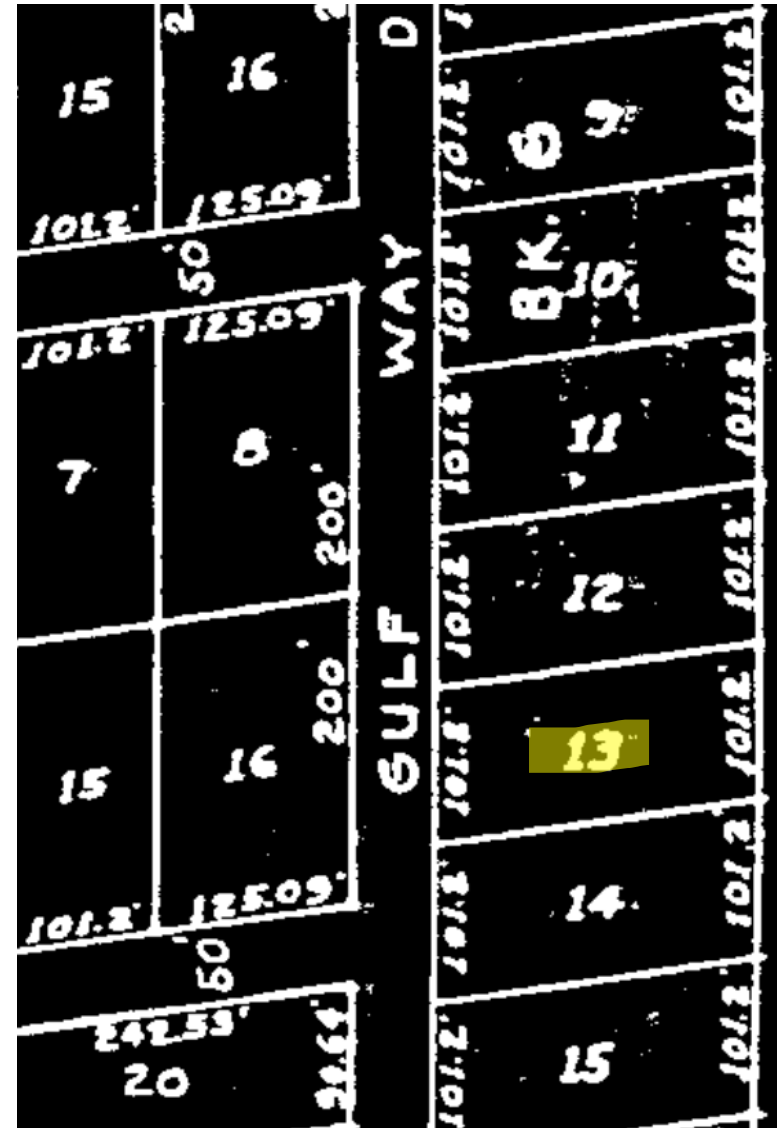
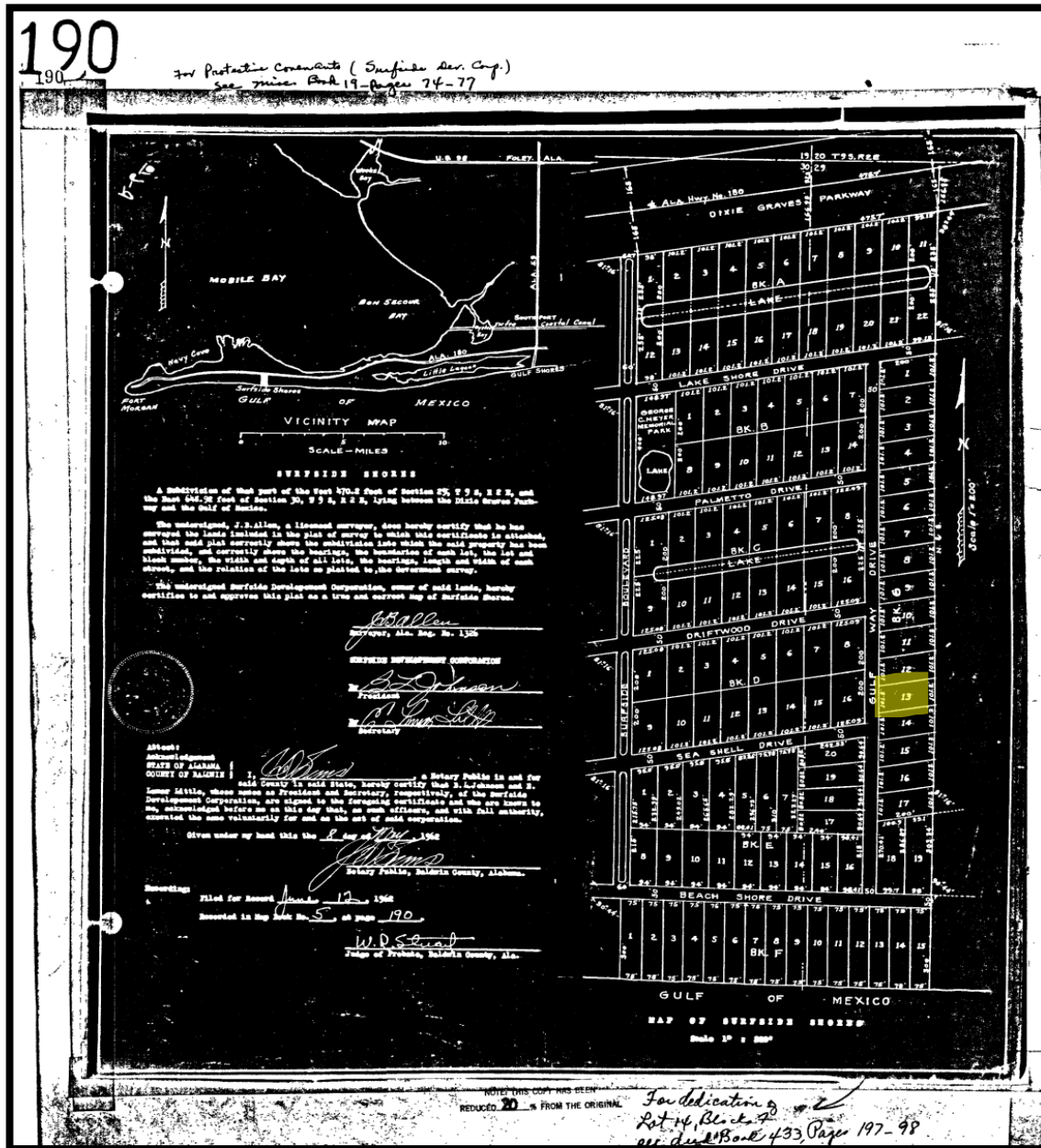
Property Images

Dec 30, 2022 at 10:17:04 AM

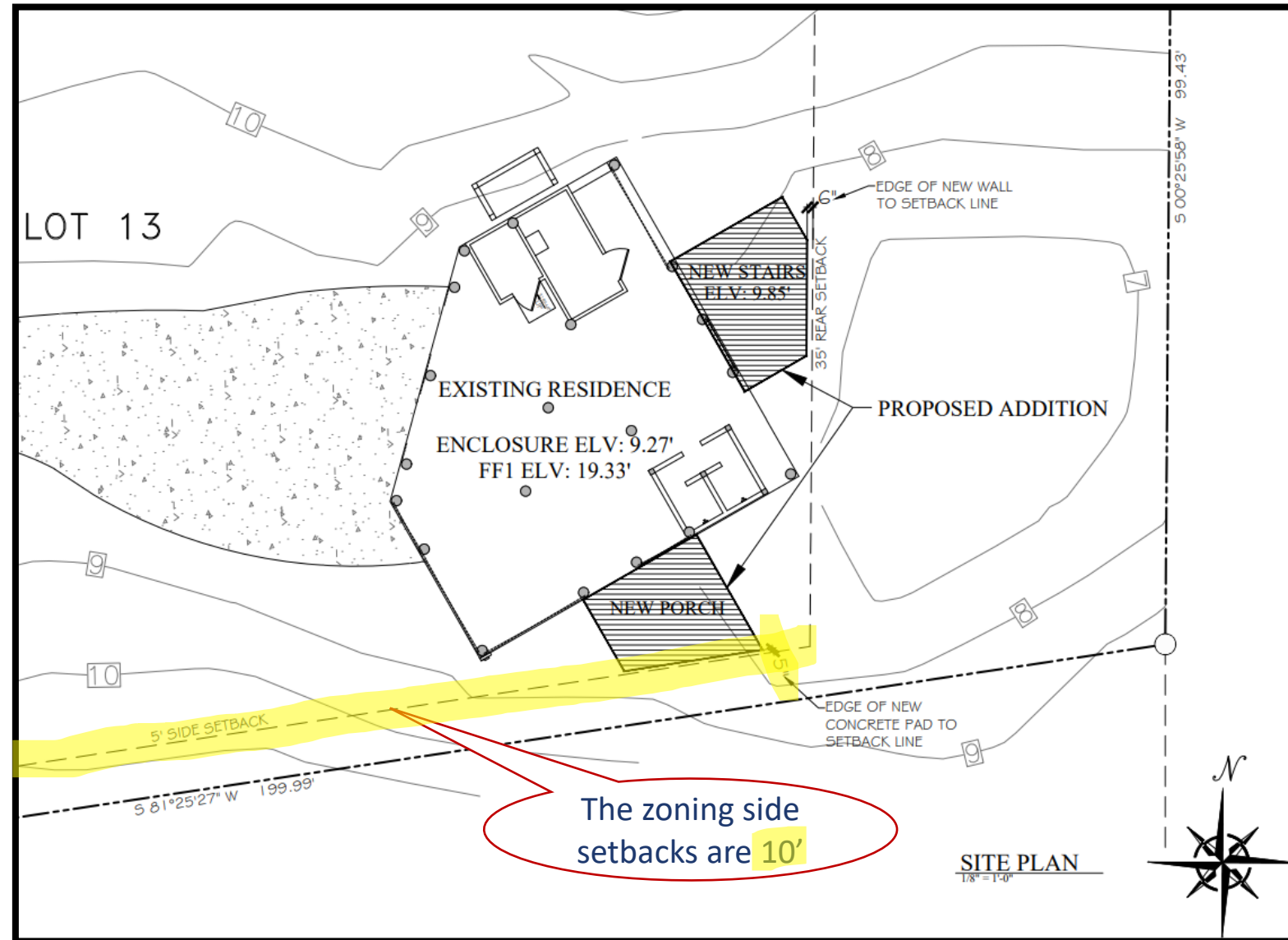
Property Across
The Street



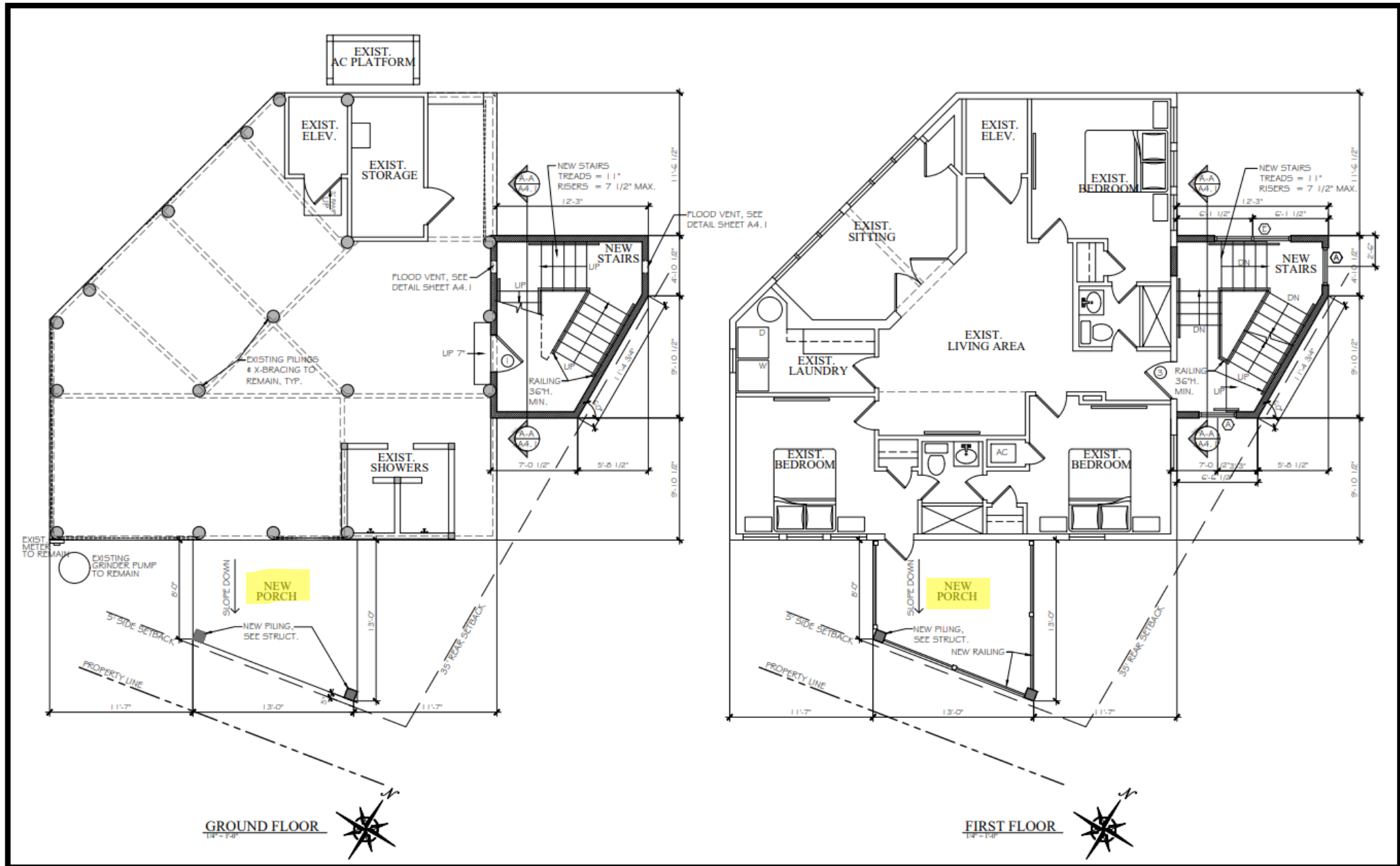
Surfside Shores Subdivision Plat



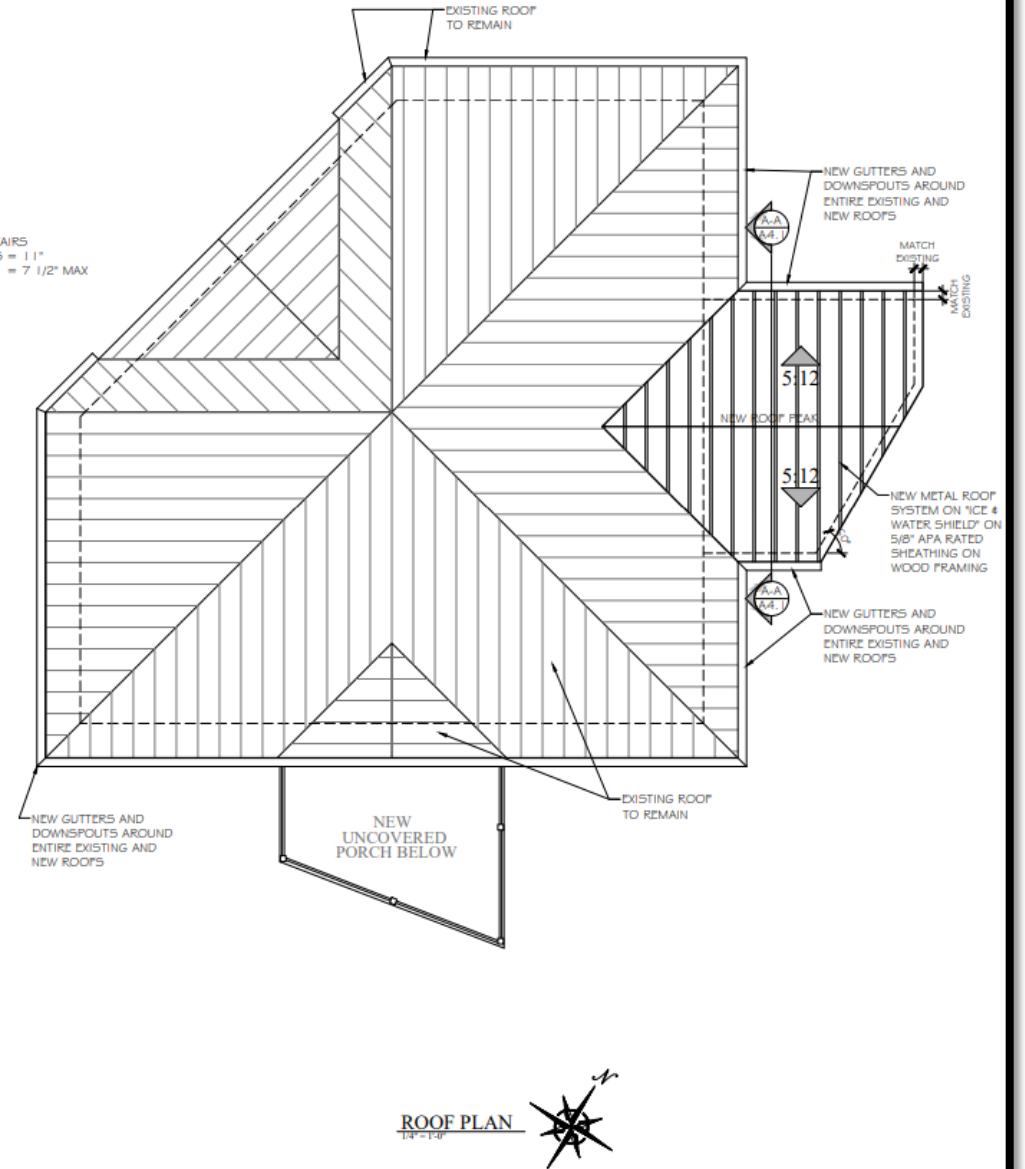
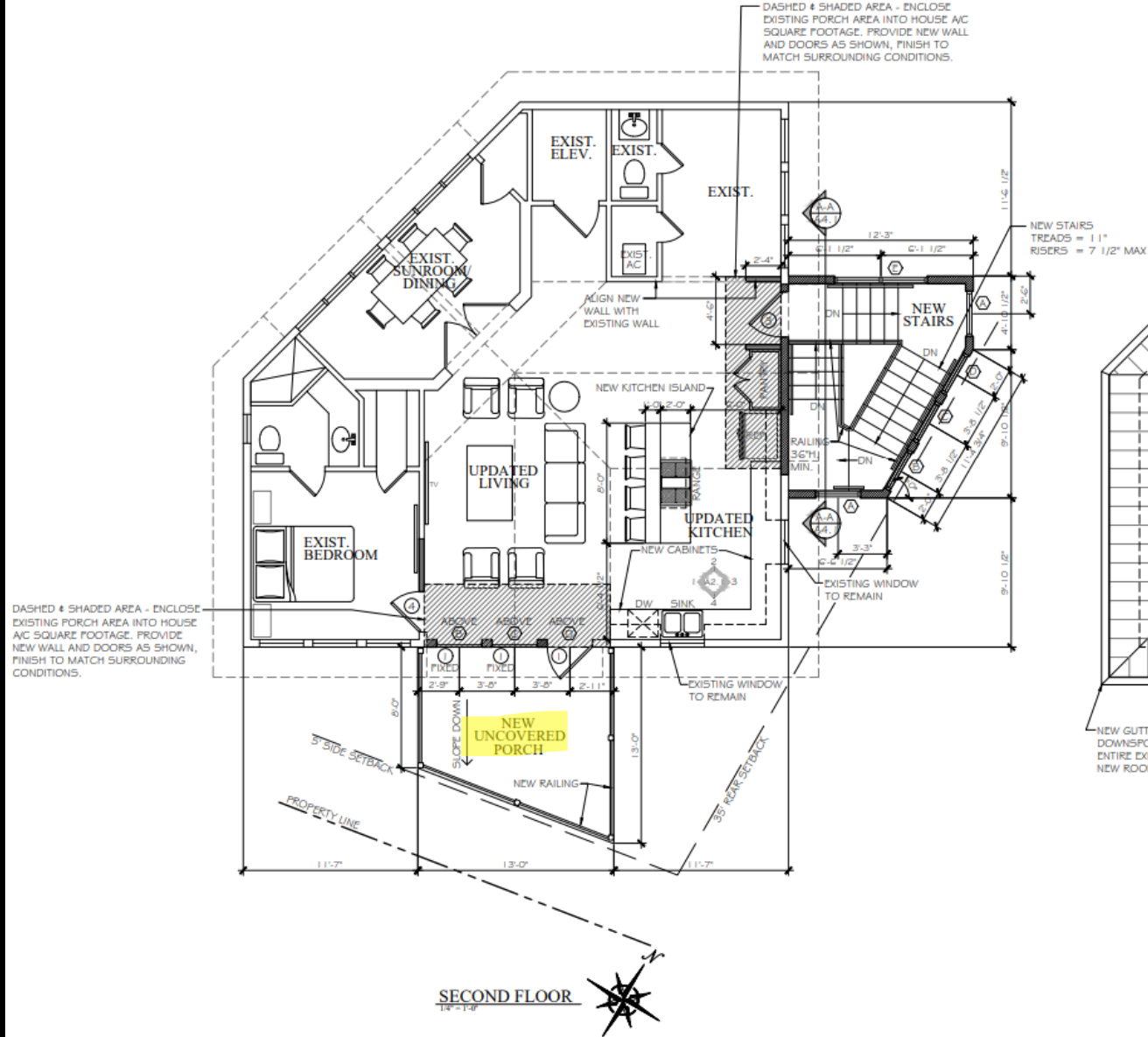
Enlarged Site Plan



Floor Plans



Floor Plans



Elevations

NEW WINDOWS AS SCHEDULED, SEE SHEET A2.1

NEW HARDIE LAP SIDING (MATCH EXIST.) ON 5/8" ZIP WALL SYSTEM BY HUBER, OR EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS, ON 2x6 WOOD STUDS @ 16" O.C. WITH R-19 BATT INSULATION, ZIP LIQUID FLASH ALL SHEATHING NAIL HEADS.

NEW TREX RAIN ESCAPE DECK DRAINAGE SYSTEM, OR EQUAL, BETWEEN PORCH JOISTS. COORDINATE WITH OWNER FOR DOWNSPOUT LOCATION(S). INSTALL IN STRICT ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS

EXIST. PILING & X-BRACING TO REMAIN, TYP.

NEW CONC. PAD TO BE FLUSH WITH EXIST. HOUSE SLAB

NEW PILING, SEE STRUCT.

SOUTHEAST ELEVATION

14'-1 1/2"

NEW GUTTERS AND DOWNSPOUTS AROUND ENTIRE EXISTING AND NEW ROOFS.

EAVE HEIGHT OF NEW ROOF TO MATCH EXISTING EAVE HEIGHT
NEW METAL ROOF SYSTEM ON ZIP SYSTEM FEEL & STICK UNDERLAYMENT ON 5/8" ZIP ROOF SYSTEM BY HUBER, OR TYVEK OR OTHER EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS

NEW HARDIE LAP SIDING (MATCH EXIST.) ON 5/8" ZIP WALL SYSTEM BY HUBER, OR EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS, ON 2x6 WOOD STUDS @ 16" O.C. WITH R-19 BATT INSULATION, ZIP LIQUID FLASH ALL SHEATHING NAIL HEADS.

NEW WINDOW AS SCHEDULED
NEW PORCH TO BE 2" BELOW FLOOR LEVEL (TYP. BOTH UPPER FLOOR PORCHS)

STAIR TOWER GROUND FLOOR
2'-7" ABOVE EXIST. GROUND FLOOR

NEW METAL ROOF SYSTEM ON ZIP SYSTEM FEEL & STICK UNDERLAYMENT ON 5/8" ZIP ROOF SYSTEM BY HUBER, OR TYVEK OR OTHER EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS

NEW GUTTERS AND DOWNSPOUTS AROUND ENTIRE EXISTING AND NEW ROOFS.

EAVE HEIGHT OF NEW ROOF TO MATCH EXISTING EAVE HEIGHT

NEW HARDIE LAP SIDING (MATCH EXIST.) ON 5/8" ZIP WALL SYSTEM BY HUBER, OR EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS, ON 2x6 WOOD STUDS @ 16" O.C. WITH R-19 BATT INSULATION, ZIP LIQUID FLASH ALL SHEATHING NAIL HEADS.

NEW WINDOW AS SCHEDULED

NEW WINDOW AS SCHEDULED

STAIR TOWER GROUND FLOOR
2'-7" ABOVE EXIST. GROUND FLOOR

EXISTING MECH. PLATFORM TO REMAIN

NORTHWEST ELEVATION

14'-1 1/2"

NEW GUTTERS AND DOWNSPOUTS AROUND ENTIRE EXISTING AND NEW ROOFS.

NEW METAL ROOF SYSTEM ON ZIP SYSTEM FEEL & STICK UNDERLAYMENT ON 5/8" ZIP ROOF SYSTEM BY HUBER, OR TYVEK OR OTHER EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS

NEW WINDOWS AS SCHEDULED

NEW HARDIE LAP SIDING (MATCH EXIST.) ON 5/8" ZIP WALL SYSTEM BY HUBER, OR EQUAL, INSTALL IN STRICT ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS, ON 2x6 WOOD STUDS @ 16" O.C. WITH R-19 BATT INSULATION, ZIP LIQUID FLASH ALL SHEATHING NAIL HEADS.

EAVE HEIGHT OF NEW ROOF TO MATCH EXISTING EAVE HEIGHT

EXISTING TO REMAIN

NEW WINDOW AS SCHEDULED, TRIM TO MATCH EXISTING

EXISTING TO REMAIN

NEW WINDOW AS SCHEDULED, TRIM TO MATCH EXISTING

EXIST. AC TO REMAIN

EXIST. PILING & X-BRACING TO REMAIN, TYP.

STAIR TOWER GROUND FLOOR
2'-7" ABOVE EXIST. GROUND FLOOR

NEW FLOOD VENT SEE DETAIL ON SHEET A4.1

NORTHEAST ELEVATION

14'-1 1/2"

EXISTING TO REMAIN

EXISTING TO REMAIN

EXISTING TO REMAIN

EXISTING TO REMAIN

EXISTING TO REMAIN

EXISTING TO REMAIN

EXISTING TO REMAIN

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EXISTING TO REMAIN

NEW GUTTERS AND DOWNSPOUTS AROUND ENTIRE EXISTING AND NEW ROOFS.

NEW UNCOVERED PORCH

NEW WOOD RAILING

NEW PORCH TO BE 2" BELOW FLOOR LEVEL

TREX RAIN ESCAPE DECK DRAINAGE SYSTEM, OR EQUAL, BETWEEN PORCH JOISTS. COORDINATE WITH OWNER FOR DOWNSPOUT LOCATION(S). INSTALL IN STRICT ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS

NEW WOOD RAILING

NEW PORCH TO BE 2" BELOW FLOOR LEVEL

NEW PILING, SEE STRUCT.

NEW CONC. PAD TO BE FLUSH WITH EXIST. HOUSE SLAB

SOUTHWEST ELEVATION

14'-1 1/2"

Staff Analysis and Findings

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 18.4 Variances, and Article 20: Nonconformities, the area and dimensional ordinances set forth below shall be observed.

| | |
|-------------------------------------|--------------------|
| Maximum Height of Structure | 35-Feet |
| Maximum Height in Habitable Stories | 2 ½ |
| 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 |

2.3.25 Planning District 25

(e) The maximum height of single family and two-family structures shall be limited to two (2) habitable stories.

Staff Analysis and Findings

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

Per Revenue Commission records the subject property is Lot 13 Block G Surfside Shores Subdivision and was registered with the Baldwin County Judge of Probate June 12, 1962. Zoning in Planning District 25 came into effect on November 16, 1993. Per Revenue Commission records the parcel consists of approximately 20,037.6 square feet with approximately 101' along the front (Gulf Way Drive) lot line, approximately 200' along the north lot line, approximately 101' along the rear lot line, and approximately 200' along the south lot line. The required minimum lot size for RSF-1 is 30,000 square feet with a 100' minimum lot width at building line, and a 50' minimum lot width at street line therefore **staff does not perceive the subject parcel to be 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 does not perceive an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which would require a variance.

Staff Analysis and Findings

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 subject property is zoned RSF-1, Single Family District which allows for single-family dwellings and accessory uses to that. The request is to allow for the construction of a porch addition to extend beyond the 10' side yard setback. There is currently a single-family dwelling on the subject property, therefore **staff does not perceive the granting of the application is 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.

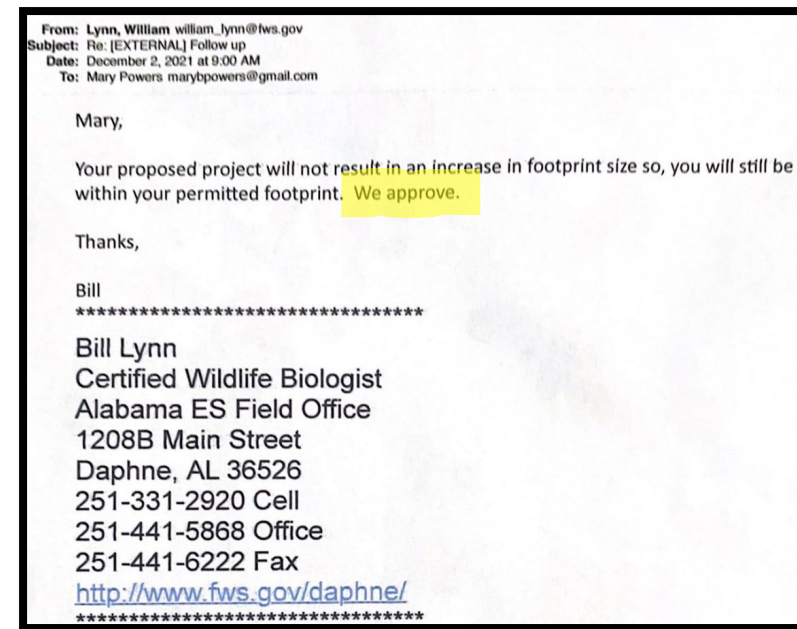
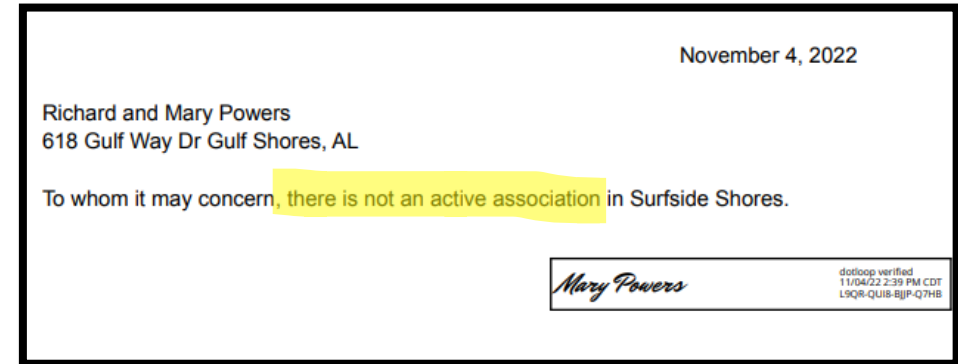
Staff Analysis and Findings

5.) Other matters which may be appropriate.

The applicant has submitted a written document stating there is **no active homeowner association** for the subject property.

No documentation in **favor or opposition** of this variance request has been received at the time this staff report was written.

Written **approval** from USFW regarding an ITP permit.



ZVA22-97 POWERS PROPERTY

VARIANCE REQUEST

Lead Staff: Paula Bonner, Planning Technician

The applicant is requesting a variance from Section 4.2.5 of the Baldwin County Zoning Ordinance as it pertains to the side yard setback to allow for a porch addition to an existing single-family dwelling.

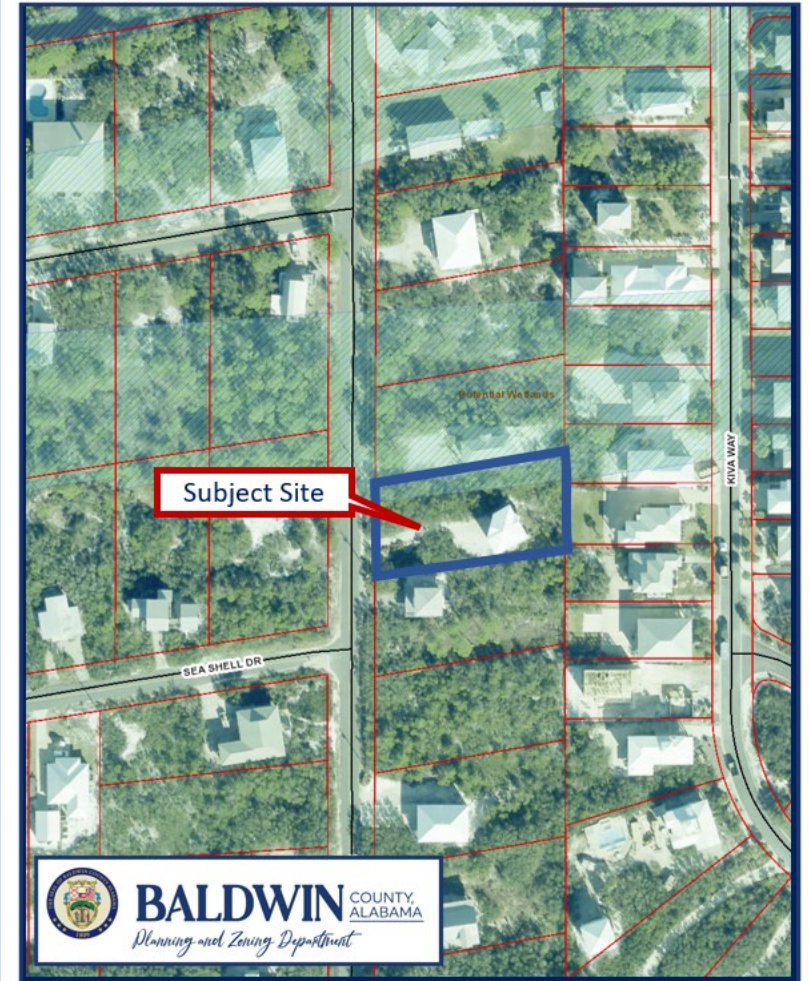
Staff could not establish a hardship on the subject property therefore recommends Case ZVA22-97 be **denied** unless information to the contrary is revealed at the public hearing.

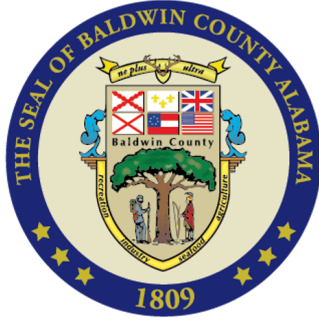
GENERAL NOTES {By-laws}

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Vicinity Map – ZVA22-97





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

FEBRUARY 9, 2023 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL