



BOARD OF ADJUSTMENT NUMBER 1

AGENDA

May 16, 2023

Regular Meeting

4:00 p.m.

Central Annex Auditorium

22251 Palmer Street

Robertsdale, Alabama

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

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (April 18, 2023)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. AAD23-01, DR Horton Property

Request: Appealing the administrative decision to apply Section 21.3.8 of the Baldwin County Zoning Ordinance as it the pertains to the required double permit fee as a reduced fine.

Location: The subject property is located within Fairhope Falls in Planning District 37.

Attachments: *Within Report:*

b.) Case No. ZVA23- 18, Coastal Sports Academy Property

Request: Approval of variance from Section 15.2.5 (a) of the Baldwin County Zoning Ordinance as it relates to Parking schedule.

Location: The subject property is located at 13621 Co Rd 64 in Planning District 15.

Attachments: Within Report

c.) Case No. ZVA23-19, Dawson Property

Request: Approval of variance from Section 12.5.2 (d) yard requirements of the Baldwin County Zoning Ordinance as it pertains to the corner lot setback requirement.

Location: The subject property is located at 13601 Cedar St in Planning District 15.

Attachments: Within Report:

d.) Case No. ZVA23-24, Zuercher Property

Request: Approval of variance from Section 2.3.10.3.J (d) of the Baldwin County Zoning Ordinance as it pertains to the Local Provisions for Planning District 10 for the open mesh design.

Location: The subject property is located at 2 Armadillo Run in Planning District 10.

Attachments: Within Report:

6. Old Business
7. New Business
8. 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 1
Regular Meeting Minutes
Tuesday April 18, 2023**

I. Call To Order

The Board of Adjustment Number one met in a regular session on April 18, 2023, at 4:00 p.m., in the Baldwin County Central Annex Auditorium.

II. Roll Call

The meeting was called to order by Jamal Allen. Members present included: James Guffy, Charmein Moser, Jamal Allen, Norman Bragg, Rosellen Coggin, Tracey Frost, Leslie Stejskal, Brandon Bias. Staff members present were Crystal Bates, Planning Technician II, Corey Rhodes, Planner and Buford King, Deputy Planning Director

III. Approval of Minutes

A motion to approve the previous meeting minutes was made by Leslie Stejskal with a second by Brandon Bias and carried unanimously.

IV. Consideration of Applications and Request

1) ZVA22-103 Stor Loxal 59-LLC Property

Mr. Matthew Brown presented the applicants request for variance ZVA22-103 from Section 13.14.2 (f) of the Baldwin County Zoning Ordinance as it relates to buffering and 13.14.2 (e) as it pertains to Access and Section 13.14.2 (g) as it pertains to Design and other requirements for fencing.

Chairman called the applicant Kirk Mattei to the podium to speak on project he stated we have legal counsel here and invited Nicholas Ostrye to the podium to speak about the project. They spoke about the agreement with the conditions and the overall project. Chairman then called Phillip Cramer to the podium to speak, he just stated he would answer any more questions that anyone had. Chairman called Robert Wright adjacent property owner to the south to the podium to speak about project he stated other issues that they have had in past about water and drainage issues. He spoke about how the applicant met with him and his wife and discussed the drainage

issues and how the applicant will resolve them and spoke about the fencing that will be put in place. Chairman asked if anyone else is present that would like to speak.

Board member Leslie Stejskal made a motion to approve the staff's recommendation with conditions for case number ZVA22-103 and second by Brandon Bias the motion passed to a 10 to 0 vote.

2) ZVA23-06 Fairhope Assembly of God Church Property

Mr. Bulford King presented the applicants request for variance ZVA23-06 from Section 3.2.5 of the Baldwin County Zoning Ordinance as it pertains to the rear yard building setback of 40' and Section 12.5.1 yard requirements as it relates to yard requirements.

Chairman called pastor Johnny Hunt to podium to speak, and he spoke about upcoming project and the reason the variance is needed he also spoke about previous public hearings on the variance. Chairman called Deborah Ramage to podium to speak, she spoke about the unopened right away and who has been maintaining it throughout the years.

Board member Brandon Bias made a motion to approve staff's recommendation to approve with conditions for case ZVA23-06 and second by Tracy Frost the motion passed to a 9 to 1 vote.

3.) ZVA23-12 Torres Property

Mrs. Crystal Bates presented the applicants request for variance ZVA23-12 from Section 17.2.2 (c) of the Baldwin County Zoning Ordinance as it pertains to the to the required 25' landscape buffer.

Chairman called the applicant Seth Moore to the podium to speak he spoke on the overall project and plan. Then Chairman called Jorge Roberts to the podium to speak on the project and the process.

Board member Tracy Frost made a motion to approve case number ZVA23-12 with staff conditions second by Leslie Stejskal motion passed to a 10 to 0 vote.

4.) ZVA23-14 Hutchinson Homes Property

Mrs. Crystal Bates presented the applicants request for variance from Section 10.4.4 of the Baldwin County Zoning ordinances as it pertains to the required 30' non-disturb wetland setback.

Chairman called the applicant John Hutchison to the podium to speak he spoke briefly on the overall project.

Board member Brandon Bias made a motion to approve case number ZVA23-14 second by Rosellen Coggin motion passed to a 10 to 0 vote.

V. Old Business

VI. New Business

VII. Adjournment

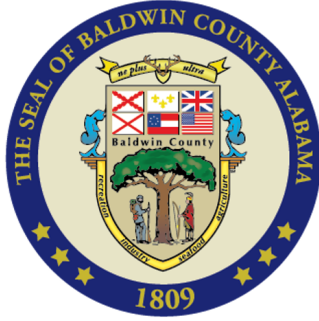
The meeting adjourned at 5:44 p.m.

Respectfully Submitted,

Crystal Bates, Planning Technician

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2023.

Jamal Allen, Chairman



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

MAY 16, 2023

BALDWIN COUNTY CENTRAL ANNEX

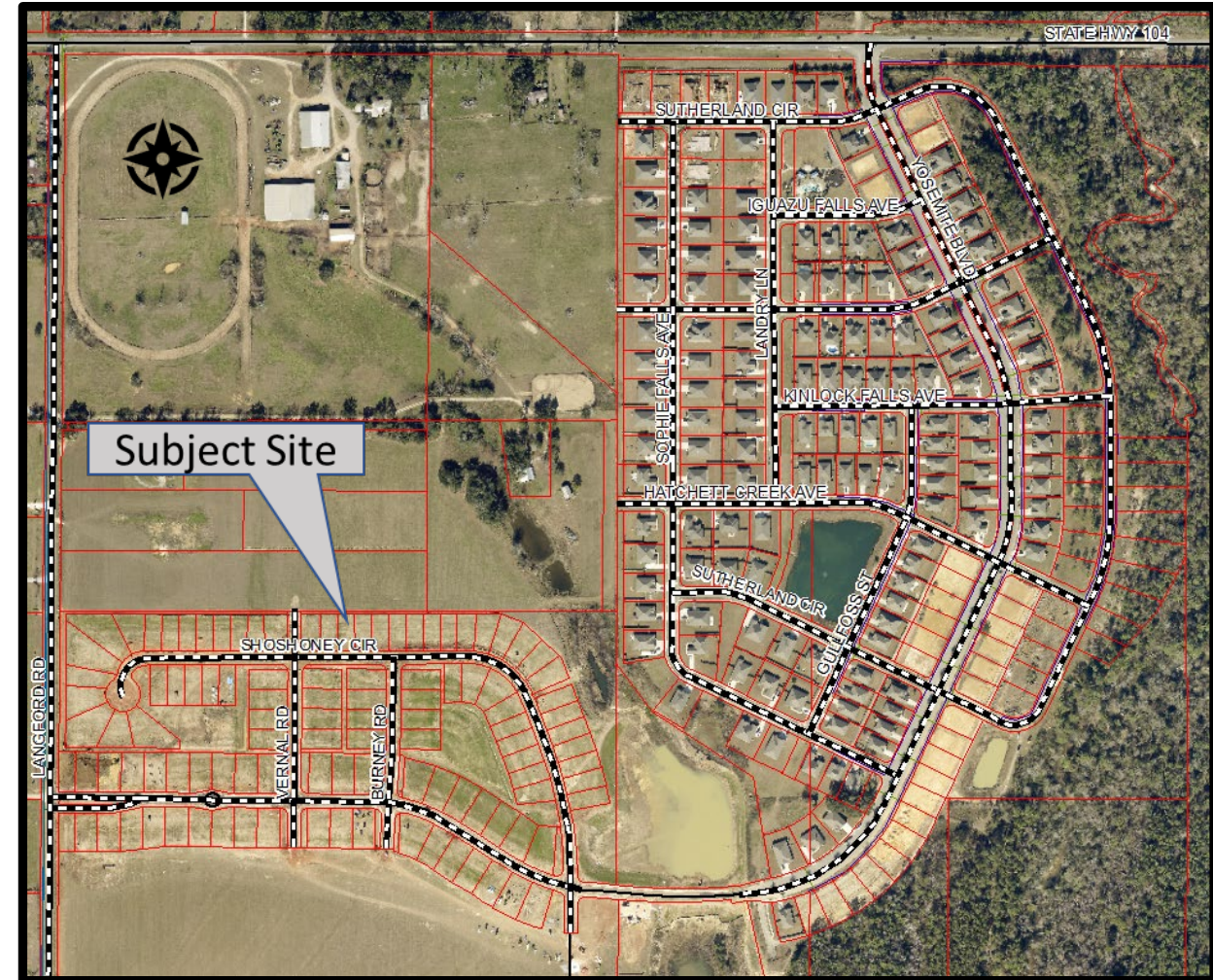
ROBERTSDALE, AL

AAD23-01 D. R. HORTON INC

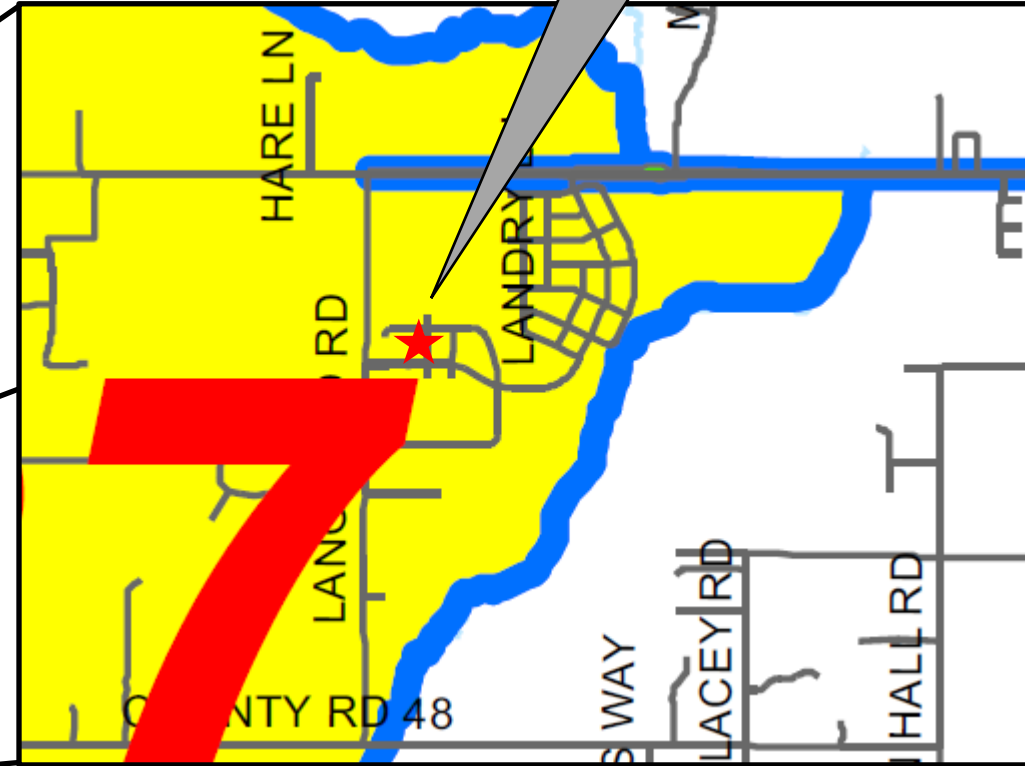
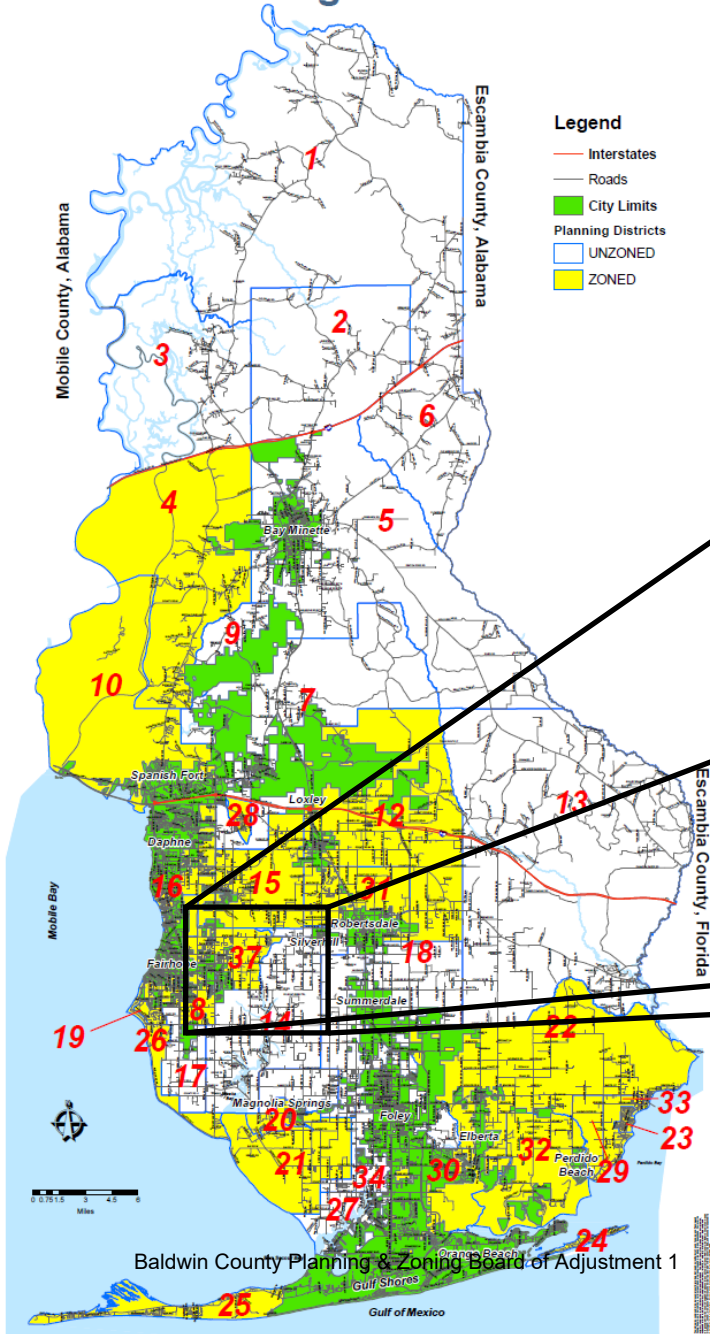
APPEAL OF ADMINISTRATIVE DECISION

Lead Staff: Robert Brown, Code Enforcement Officer

- **Planning District:** 37 **Zoned:** RSF-3
- **PID:** (68) Individual Parcels, Listed Below
- **Applicant:** D. R. Horton INC
- **Owner:** D. R. Horton INC



Baldwin County, Alabama Planning Districts



May 16, 2023

AAD23-01 D. R. HORTON INC

APPEAL OF ADMINISTRATIVE DECISION

Lead Staff: Robert Brown, Code Enforcement Officer

Planning and Zoning received a complaint for parcels that Building Permits had been issued by the Town of Silverhill without the required Zoning Site Plans. After an investigation, the code enforcement officer felt there was sufficient evidence to issue an NOV "Notice of Violation" for not obtaining the required Zoning Site Plan permits. The property owner requested the Planning Director not apply the double permit fee, which was administratively denied. The property owner is appealing the Administrative decision to apply Section 21.3.8 of the Baldwin County Zoning Ordinance as it the pertains to the required double permit fee as a reduced fine. The applicant is requesting to be charged \$25 per Zoning Site Plan in lieu of \$50 per Zoning Site Plan.

Staff feels that that there were no errors committed in Issuing the NOV or Administrative Decision and recommends for Case AAD23-01 the Administrative Decision be **Upheld** and the appeal be **Denied**.



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.

AAD23-01 D. R. HORTON INC

APPEAL OF ADMINISTRATIVE DECISION

Lead Staff: Robert Brown, Code Enforcement Officer

- **21057 YOSEMITE BLVD - 05-47-03-07-0-000-002.119 - Lot 228**
- **21043 YOSEMITE BLVD - 05-47-03-07-0-000-002.120 - Lot 229**
- **21029 YOSEMITE BLVD - 05-47-03-07-0-000-002.121 - Lot 230**
- **21021 YOSEMITE BLVD - 05-47-03-07-0-000-002.122 - Lot 231**
- **21007 YOSEMITE BLVD - 05-47-03-07-0-000-002.123 - Lot 232**
- **20993 YOSEMITE BLVD - 05-47-03-07-0-000-002.124 - Lot 233**
- **20975 YOSEMITE BLVD - 05-47-03-07-0-000-002.125 - Lot 234**
- **20961 YOSEMITE BLVD - 05-47-03-07-0-000-002.126 - Lot 235**
- **20945 YOSEMITE BLVD - 05-47-03-07-0-000-002.127 - Lot 236**
- **20794 YOSEMITE BLVD - 05-47-03-07-0-000-002.130 - Lot 239**
- **20992 YOSEMITE BLVD - 05-47-03-07-0-000-002.131 - Lot 240**
- **21006 YOSEMITE BLVD - 05-47-03-07-0-000-002.132 - Lot 241**
- **21020 YOSEMITE BLVD - 05-47-03-07-0-000-002.133 - Lot 242**
- **21028 YOSEMITE BLVD - 05-47-03-07-0-000-002.134 - Lot 243**
- **21042 YOSEMITE BLVD - 05-47-03-07-0-000-002.135 - Lot 244**

- **21056 YOSEMITE BLVD - 05-47-03-07-0-000-002.136 - Lot 245**
- **13050 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.147 - Lot 256**
- **13074 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.149 - Lot 258**
- **13102 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.152 - Lot 261**
- **13132 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.154 - Lot 263**
- **13144 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.155 - Lot 264**
- **13156 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.156 - Lot 265**
- **13164 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.157 - Lot 266**
- **13172 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.158 - Lot 267**
- **13180 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.159 - Lot 268**
- **13192 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.160 - Lot 269**
- **13204 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.161 - Lot 270**
- **13216 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.162 - Lot 271**
- **13228 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.163 - Lot 272**
- **13240 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.164 - Lot 273**

AAD23-01 D. R. HORTON INC

APPEAL OF ADMINISTRATIVE DECISION

Lead Staff: Robert Brown, Code Enforcement Officer

- 13264 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.167 - Lot 276
- 13282 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.168 - Lot 277
- 13304 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.169 - Lot 278
- 13326 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.170 - Lot 279
- 13362 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.173 - Lot 282
- 13386 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.175 - Lot 284
- 13416 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.177 - Lot 286
- 13432 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.179 - Lot 288
- 13440 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.180 - Lot 289
- 12450 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.182 - Lot 291
- 13455 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.184 - Lot 293
- 13407 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.185 - Lot 294
- 13377 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.187 - Lot 296
- 13449 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.189 - Lot 298
- 21583 VERNAL RD - 05-47-03-07-0-000-002.190 - Lot 299
- 21571 VERNAL RD - 05-47-03-07-0-000-002.191 - Lot 300
- 21557 VERNAL RD - 05-47-03-07-0-000-002.192 - Lot 301
- 21543 VERNAL RD - 05-47-03-07-0-000-002.193 - Lot 302
- 21542 VERNAL RD - 05-47-03-07-0-000-002.194 - Lot 303
- 21556 VERNAL RD - 05-47-03-07-0-000-002.195 - Lot 304
- 21570 VERNAL RD - 05-47-03-07-0-000-002.196 - Lot 305
- 21582 VERNAL RD - 05-47-03-07-0-000-002.197 - Lot 306
- 21581 BURNEY RD - 05-47-03-07-0-000-002.198 - Lot 307
- 21569 BURNEY RD - 05-47-03-07-0-000-002.199 - Lot 308
- 21555 BURNEY RD - 05-47-03-07-0-000-002.200 - Lot 309
- 21541 BURNEY RD - 05-47-03-07-0-000-002.201 - Lot 310
- 21540 BURNEY RD - 05-47-03-07-0-000-002.202 - Lot 311
- 21554 BURNEY RD - 05-47-03-07-0-000-002.203 - Lot 312
- 21568 BURNEY RD - 05-47-03-07-0-000-002.204 - Lot 313
- 21580 BURNEY RD - 05-47-03-07-0-000-002.205 - Lot 314

AAD23-01 D. R. HORTON INC

APPEAL OF ADMINISTRATIVE DECISION

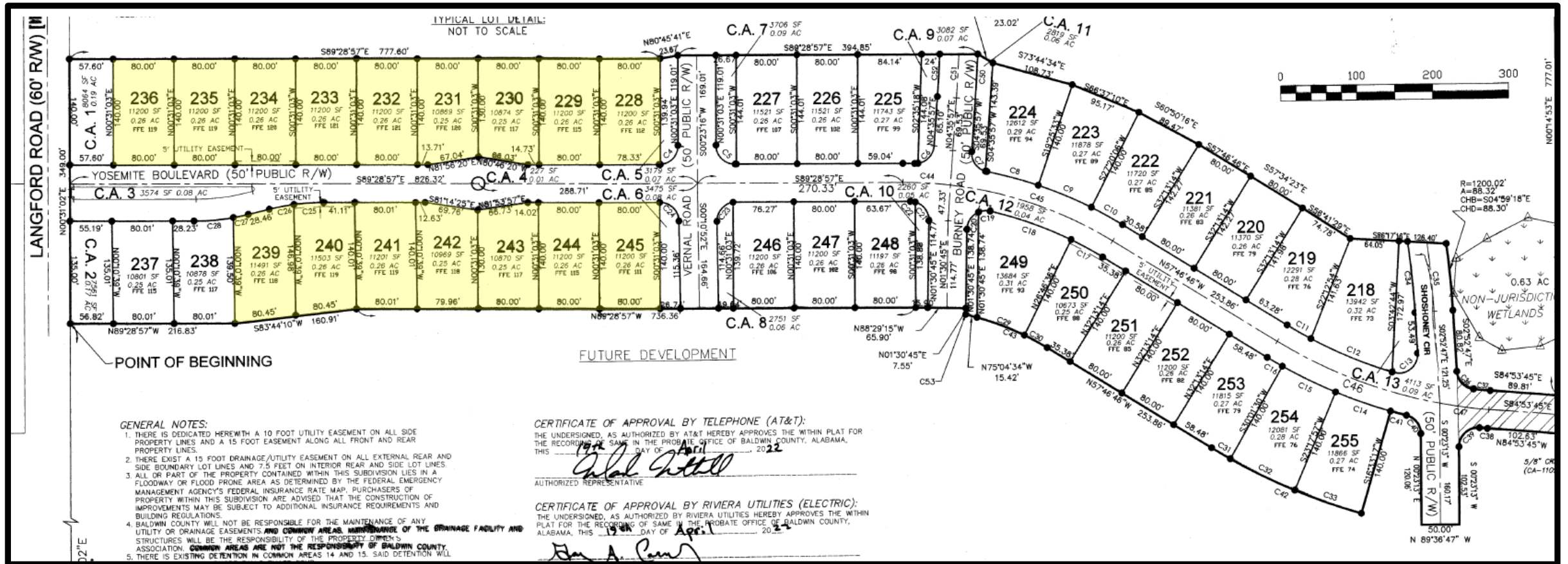
Lead Staff: Robert Brown, Code Enforcement Officer

- **13187 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.206 - Lot 315**
- **13169 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.207 - Lot 316**
- **13147 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.208 - Lot 317**
- **13125 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.209 - Lot 318**
- **13113 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.210 - Lot 319**
- **13101 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.211 - Lot 320**
- **13093 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.212 - Lot 321**
- **13075 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.213 - Lot 322**

AAD23-01 D. R. HORTON INC - PHASE 4

APPEAL OF ADMINISTRATIVE DECISION

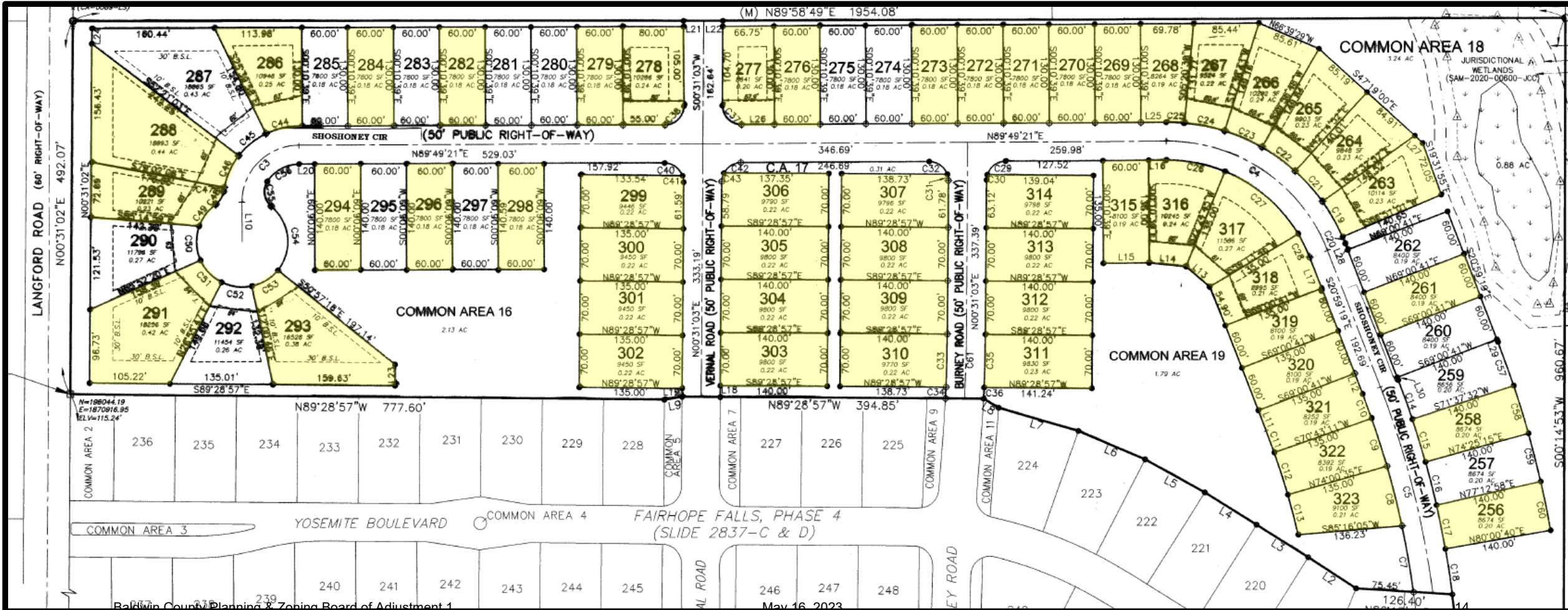
Lead Staff: Robert Brown, Code Enforcement Officer



AAD23-01 D. R. HORTON INC – PHASE 5

APPEAL OF ADMINISTRATIVE DECISION

Lead Staff: Robert Brown, Code Enforcement Officer



Building Permits Issued by Town of Silverhill by Issued Date

7/19/2022 District 37 Adopted by Baldwin County Commission

- **9/8/2022 Building Permits Issued For Lot 240**
- **10/6/2022 Building Permits Issued For Lots 230, 231, 239, 242, 243**
- **10/11/2022 Building Permits Issued For Lots 228, 229, 232, 233, 234, 235, 236, 241, 244, 245**
- **12/6/2022 Building Permits Issued For Lots 304, 306, 307, 310, 311, 313**
- **12/8/2022 Building Permits Issued For Lots 299, 301, 309, 314**
- **12/15/2022 Building Permits Issued For Lots 258, 263, 264, 267, 268, 271, 273, 276, 278, 279, 282, 284, 286, 292, 316, 319, 321**
- **12/20/2022 Building Permits Issued For Lots 256, 261, 264, 266, 269, 270, 288, 289, 291, 294, 296, 298, 303, 305, 308, 312, 315, 317, 320, 322**
- **1/5/2023 Building Permits Issued For Lot 272**
- **1/24/2023 Building Permits Issued For Lot 318**
- **1/26/2023 Building Permits Issued For Lots 300, 302**
- **1/31/2023 Building Permits Issued For Lot 277**

Notice of Violation – 3/14/2023



Baldwin County Commission

Department of Planning & Zoning

22251 Palmer St, Robertsdale AL, 36567

Phone: (251)580-1655

Email: planning@baldwincountyal.gov

NOTICE OF ZONING VIOLATION

Property Owner: D.R. Horton

Date of Notice: **March 14, 2023**

Owner's Address: 25366 Profit Dr
Daphne, AL 36526

File Number: 23-002087

YOU ARE HEREBY NOTIFIED THAT:

Pursuant to the Baldwin County Zoning Ordinance, Sec. 21.3, notice is hereby given that you are in violation of the *Baldwin County Zoning Ordinances*.

LOCATION OF VIOLATION:

The subject property is situated in Planning District 37, zoned RSF-3, Single Family District, and is located at:

Street Address: See Below
Fairhope, AL 36532

Parcel #: 21057 YOSEMITE BLVD - 05-47-03-07-0-000-002.119 - Lot 228, Silverhill Building Permit # (22823)
21043 YOSEMITE BLVD - 05-47-03-07-0-000-002.120 - Lot 229, Silverhill Building Permit # (22824)
21029 YOSEMITE BLVD - 05-47-03-07-0-000-002.121 - Lot 230, Silverhill Building Permit # (22786)
21021 YOSEMITE BLVD - 05-47-03-07-0-000-002.122 - Lot 231, Silverhill Building Permit # (22787)
21007 YOSEMITE BLVD - 05-47-03-07-0-000-002.123 - Lot 232, Silverhill Building Permit # (22825)
20993 YOSEMITE BLVD - 05-47-03-07-0-000-002.124 - Lot 233, Silverhill Building Permit # (22826)
20975 YOSEMITE BLVD - 05-47-03-07-0-000-002.125 - Lot 234, Silverhill Building Permit # (22827)
20961 YOSEMITE BLVD - 05-47-03-07-0-000-002.126 - Lot 235, Silverhill Building Permit # (22828)
20948 YOSEMITE BLVD - 05-47-03-07-0-000-002.127 - Lot 236, Silverhill Building Permit # (22829)
20794 YOSEMITE BLVD - 05-47-03-07-0-000-002.130 - Lot 239, Silverhill Building Permit # (22785)
20992 YOSEMITE BLVD - 05-47-03-07-0-000-002.131 - Lot 240, Silverhill Building Permit # (22573)
21006 YOSEMITE BLVD - 05-47-03-07-0-000-002.132 - Lot 241, Silverhill Building Permit # (22830)
21020 YOSEMITE BLVD - 05-47-03-07-0-000-002.133 - Lot 242, Silverhill Building Permit # (22782)
21028 YOSEMITE BLVD - 05-47-03-07-0-000-002.134 - Lot 243, Silverhill Building Permit # (22783)
21042 YOSEMITE BLVD - 05-47-03-07-0-000-002.135 - Lot 244, Silverhill Building Permit # (22831)
21056 YOSEMITE BLVD - 05-47-03-07-0-000-002.136 - Lot 245, Silverhill Building Permit # (22832)
13050 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.147 - Lot 256, Silverhill Building Permit # (23375)
13074 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.149 - Lot 258, Silverhill Building Permit # (23315)
13102 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.152 - Lot 261, Silverhill Building Permit # (23376)
13132 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.154 - Lot 263, Silverhill Building Permit # (23316)
13144 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.155 - Lot 264, Silverhill Building Permit # (23377)
13156 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.156 - Lot 265, Silverhill Building Permit # (23317)
13164 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.157 - Lot 266, Silverhill Building Permit # (23378)

13172 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.158 - Lot 267, Silverhill Building Permit # (23318)
13180 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.159 - Lot 268, Silverhill Building Permit # (23319)
13192 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.160 - Lot 269, Silverhill Building Permit # (23403)
13204 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.161 - Lot 270, Silverhill Building Permit # (23404)
13216 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.162 - Lot 271, Silverhill Building Permit # (23320)
13228 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.163 - Lot 272, Silverhill Building Permit # (23489)
13240 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.164 - Lot 273, Silverhill Building Permit # (23321)
13264 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.167 - Lot 276, Silverhill Building Permit # (23322)
13282 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.168 - Lot 277, Silverhill Building Permit # (23749)
13304 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.169 - Lot 278, Silverhill Building Permit # (23323)
13326 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.170 - Lot 279, Silverhill Building Permit # (23324)
13362 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.173 - Lot 282, Silverhill Building Permit # (23325)
13386 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.175 - Lot 284, Silverhill Building Permit # (23326)
13416 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.177 - Lot 286, Silverhill Building Permit # (23327)
13432 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.179 - Lot 288, Silverhill Building Permit # (23379)
13440 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.180 - Lot 289, Silverhill Building Permit # (23380)
12450 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.182 - Lot 291, Silverhill Building Permit # (23381)
13455 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.184 - Lot 293, Silverhill Building Permit # (23328)
13407 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.185 - Lot 294, Silverhill Building Permit # (23382)
13377 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.187 - Lot 296, Silverhill Building Permit # (23383)
13449 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.189 - Lot 298, Silverhill Building Permit # (23384)
21583 VERNAL RD - 05-47-03-07-0-000-002.190 - Lot 299, Silverhill Building Permit # (23264)
21571 VERNAL RD - 05-47-03-07-0-000-002.191 - Lot 300, Silverhill Building Permit # (23713)
21557 VERNAL RD - 05-47-03-07-0-000-002.192 - Lot 301, Silverhill Building Permit # (23263)
21543 VERNAL RD - 05-47-03-07-0-000-002.193 - Lot 302, Silverhill Building Permit # (23714)
21542 VERNAL RD - 05-47-03-07-0-000-002.194 - Lot 303, Silverhill Building Permit # (23405)
21556 VERNAL RD - 05-47-03-07-0-000-002.195 - Lot 304, Silverhill Building Permit # (23228)
21570 VERNAL RD - 05-47-03-07-0-000-002.196 - Lot 305, Silverhill Building Permit # (23406)
21582 VERNAL RD - 05-47-03-07-0-000-002.197 - Lot 306, Silverhill Building Permit # (23229)
21581 BURNEY RD - 05-47-03-07-0-000-002.198 - Lot 307, Silverhill Building Permit # (23230)
21569 BURNEY RD - 05-47-03-07-0-000-002.199 - Lot 308, Silverhill Building Permit # (23407)
21555 BURNEY RD - 05-47-03-07-0-000-002.200 - Lot 309, Silverhill Building Permit # (23262)
21541 BURNEY RD - 05-47-03-07-0-000-002.201 - Lot 310, Silverhill Building Permit # (23231)
21540 BURNEY RD - 05-47-03-07-0-000-002.202 - Lot 311, Silverhill Building Permit # (23232)
21554 BURNEY RD - 05-47-03-07-0-000-002.203 - Lot 312, Silverhill Building Permit # (23408)
21568 BURNEY RD - 05-47-03-07-0-000-002.204 - Lot 313, Silverhill Building Permit # (23233)
21580 BURNEY RD - 05-47-03-07-0-000-002.205 - Lot 314, Silverhill Building Permit # (23258)
13187 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.206 - Lot 315, Silverhill Building Permit # (23385)
13169 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.207 - Lot 316, Silverhill Building Permit # (23329)
13147 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.208 - Lot 317, Silverhill Building Permit # (23386)
13125 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.209 - Lot 318, Silverhill Building Permit # (23691)
13113 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.210 - Lot 319, Silverhill Building Permit # (23330)
13101 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.211 - Lot 320, Silverhill Building Permit # (23387)
13093 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.212 - Lot 321, Silverhill Building Permit # (23331)
13075 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.213 - Lot 322, Silverhill Building Permit # (23388)

Inspection Date: **March 14, 2023**

NATURE OF VIOLATION:

Working without a zoning site plan approval.

CORRECTIVE ACTION:

Apply for a Zoning Site Plan Approval within **30 days** of receipt of this notice. You can find the application at the Baldwin County website (<https://www.baldwincountyal.gov/citizenserve-portal>). If you have any questions, you may call 251-580-1655.

Notice of Violation – 3/14/2023

Article 18 Administration

Section 18.2 Site Plan Approvals

18.2.1 *Authorization.* A Site Plan Approval shall be obtained from the Zoning Administrator prior to the commencement of development and issuance of any associated building permits.

Article 22 Definitions

Section 22.2 Words and Terms Defined

Development. The construction, reconstruction, repair, demolition, conversion, structural alteration, relocation, removal, or enlargement of any building or structure; any extension of utilities; any construction of streets; any construction of drainage structures; any mine, excavation, land fill, or land disturbance; and/or any change in use, or alteration or extension of the use, of land.

Site Plan Approval – An approval granted to confirm that the proposed use for a site conforms with the Zoning Ordinance, a prerequisite to issuance of a building permit.

- **Site Plan Approval, Administrative** - A land use approval issued by the Zoning Administrator indicating that a proposed use of land is in conformity with the Zoning Ordinance, a prerequisite to issuance of a building permit.

ENFORCEMENT PENALTIES:

Failure to comply within the time specified above will subject you to penalties in accordance with Sec. 21.3 of the *Baldwin County Zoning Ordinances*

Article 21 Enforcement

Section 21.3 Notice of Violation

21.3.1 *Issuance.* The Planning and Zoning Director or his/her designee shall issue a written notice of violation upon receipt of a complaint or knowledge of violation, to all persons in violation. The Notice of Violation may be served by certified mail, return receipt requested, or pursuant to Alabama Rules of Civil

Procedure. The Notice of Violation shall allow a reasonable time to correct or

abate such violation.

21.3.2 *Notice requirements.* The Notice of Violation shall ("Notice") clearly identify the property and particular alleged violation involved, the action necessary to correct it, the time permitted for such correction, and penalties for failure to comply. The Notice shall include but not be limited to:

- (a) A description of the location of the property involved, either by street address or by legal description.
- (b) A statement indicating the nature of the violation.
- (c) A statement showing the time within which all necessary remedial action must be accomplished, which time may not be less than 10 days nor more than 90 days from the date of such written Notice.
- (d) The name of the person(s) upon whom the Notice of Violation is served.
- (e) A statement advising that upon the failure to comply with requirements of the Notice, such enforcement procedure as may be required under these zoning ordinances shall be taken.

21.3.8 *Fines.* Any person(s) violating any of the provisions herein shall be fined not more than \$150.00 for each separate violation, plus all costs of court, with each day such violation continues constituting a separate violation. The fines provided for herein shall commence and accrue upon receipt of the Notice of Violation or the expiration of the allowed period for correction, whichever is later. Said fines shall continue to accrue until paid, but shall not accrue on days during which the violation is properly on appeal.

If you believe the activities or conditions described above are not in violation of the *Baldwin County Zoning Ordinance*, you may provide supporting documentation or other materials to the Planning and Zoning Department at 22251 Palmer Street, Robertsdale, Alabama 36567, within 7 days of receipt of this notice.

Please note: This determination may be appealed to the appropriate Board of Adjustment. Appeals shall be filed within (15) fifteen days of the Date of Notice above, on forms provided by the Planning and Zoning Department.

Appeals must be filed with the Board of Adjustment by delivery of the appeal form to the Planning and Zoning Director at his/her office at 22251 Palmer Street, Robertsdale, Alabama 36567. Appeal forms are available on the County website at the following address: www.baldwincountyal.gov/departments/planning-zoning/forms-applications/permits-forms or by scanning the QR Code below:

Sincerely,



Robert Brown
Code Enforcement
Planning and Zoning Department

cc: Matthew Brown, P.E., Planning Director



Appeal of Administrative Decision – 3/29/2023

Office Use Only

Case No. _____

Accepted By: Callie McKenry

Date: 3/30/23

Application Fee: 250.00

☒ Paid

Baldwin County Appeal of Administrative Decision

Mailing Address

201 East Section Avenue

Foley, AL 36532

Phone: (251) 972-8523 Fax: (251) 972-8520

Appellant

Are you the property owner? ☐ Yes ☐ No

(If you are not the property owner, you must submit Owner Authorization Form signed by the property owner)

Appellant Name: DR Horton, Inc. - Birmingham Date: 3-29-23

Mailing Address: 25366 Profit Dr

City: Daphne State: AL Zip code: 36526

Telephone: (251) 316-5426 Fax: () - e-mail: ablevins@drhorton.com

Owner

Name: DR Horton, Inc. - Birmingham Date: 3-29-23

Mailing Address: 25366 Profit Drive

City: Daphne State: AL Zip code: 36526

Telephone: (251) 316-5426 Fax: () - e-mail: ablevins@drhorton.com

Site Information

Parcel ID Number: 05-47-03-07-0-000-002-119
(please see attached for rest of parcel numbers)

Zoning Classification: RSF-3 Planning District: 37

Appeal

Basis and Facts of Appeal: This property was zoned into District 37 prior to DR Horton owning the H.B. We were not aware the lots needed a land disturbance permit prior to receiving the building permit.

Requested Action: We request the board to waive double permit fee and/or any fees associated with attached NOV.

Basis and Facts of Appeal:

This property was zoned into District 37 prior to DR Horton owning the H.B. We were not aware the lots needed a land disturbance permit prior to receiving the building permit.

Requested Action:

We request the board to waive double permit fee and/or any fees associated with attached NOV.

(Over, Please Continue to Reverse Side)

Page 1 of 2

Appeal of Administrative Decision – 3/29/2023

Conditions of the Appeals Process

- The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or other administrative official in the enforcement of these zoning regulations.

- Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or department of Baldwin County affected by any decision of any administrative officer representing the County in an official capacity in the enforcement of these zoning regulations. Such appeal shall be taken within 30 days of said decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board of Adjustment all papers constituting the record upon which the action was taken.

- An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court on application and notice to the officer from whom the appeal is taken and on due cause shown.

- Any party aggrieved by a final judgment or decision of the Board of Adjustment may, within 15 days thereafter, appeal therefrom to the Circuit Court of Baldwin County, Alabama, by filing with the Circuit Court and the Board of Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, the Board of Adjustment shall cause a transcript of the proceedings and the action to be certified to the Court to which the appeal is taken, and the action of such court shall be tried de novo.

(Baldwin County Zoning Regulations Section 18.10)

I have read the above conditions and understand them and agree to abide by them. 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 any approval and any work performed will be at the risk of the applicant.

Applicant Signature: _____

Date: _____

3-29-23

Office Use Only

Date of Hearing: _____

Board Decision: _____

Conditions: _____

Chairman's Signature: _____

Date: _____

Page 2 of 2



Baldwin County Commission

Department of Planning & Zoning

22251 Palmer St, Robertsdale AL, 36567

Phone: (251) 580-1655

Email: planning@baldwincountyal.gov

NOTICE OF ZONING VIOLATION

Property Owner: D.R. Horton

Date of Notice: **March 16, 2023**

Owner's Address: 25366 Profit Dr
Daphne, AL 36526

File Number: **23-002087**

YOU ARE HEREBY NOTIFIED THAT:

Pursuant to the Baldwin County Zoning Ordinance, Sec. 21.3, notice is hereby given that you are in **violation** of the *Baldwin County Zoning Ordinances*.

LOCATION OF VIOLATION:

The subject property is situated in Planning District 37, zoned RSF-3, Single Family District, and is located at:

Street Address: See Listed Lots Below
Fairhope, AL 36532

*Additional lots not listed
are attached.*

Parcel #: 21057 YOSEMITE BLVD - 05-47-03-07-0-000-002.119 - Lot 228, Silverhill Building Permit # (22823)
21043 YOSEMITE BLVD - 05-47-03-07-0-000-002.120 - Lot 229, Silverhill Building Permit # (22824)
21029 YOSEMITE BLVD - 05-47-03-07-0-000-002.121 - Lot 230, Silverhill Building Permit # (22786)
21021 YOSEMITE BLVD - 05-47-03-07-0-000-002.122 - Lot 231, Silverhill Building Permit # (22787)
21007 YOSEMITE BLVD - 05-47-03-07-0-000-002.123 - Lot 232, Silverhill Building Permit # (22825)
20993 YOSEMITE BLVD - 05-47-03-07-0-000-002.124 - Lot 233, Silverhill Building Permit # (22826)
20975 YOSEMITE BLVD - 05-47-03-07-0-000-002.125 - Lot 234, Silverhill Building Permit # (22827)
20961 YOSEMITE BLVD - 05-47-03-07-0-000-002.126 - Lot 235, Silverhill Building Permit # (22828)
20945 YOSEMITE BLVD - 05-47-03-07-0-000-002.127 - Lot 236, Silverhill Building Permit # (22829)
20794 YOSEMITE BLVD - 05-47-03-07-0-000-002.130 - Lot 239, Silverhill Building Permit # (22785)
20992 YOSEMITE BLVD - 05-47-03-07-0-000-002.131 - Lot 240, Silverhill Building Permit # (22573)
21006 YOSEMITE BLVD - 05-47-03-07-0-000-002.132 - Lot 241, Silverhill Building Permit # (22830)
21020 YOSEMITE BLVD - 05-47-03-07-0-000-002.133 - Lot 242, Silverhill Building Permit # (22782)
21028 YOSEMITE BLVD - 05-47-03-07-0-000-002.134 - Lot 243, Silverhill Building Permit # (22783)
21042 YOSEMITE BLVD - 05-47-03-07-0-000-002.135 - Lot 244, Silverhill Building Permit # (22831)
21056 YOSEMITE BLVD - 05-47-03-07-0-000-002.136 - Lot 245, Silverhill Building Permit # (22832)
13050 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.147 - Lot 256, Silverhill Building Permit # (23375)
13074 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.149 - Lot 258, Silverhill Building Permit # (23315)
13102 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.152 - Lot 261, Silverhill Building Permit # (23376)
13132 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.154 - Lot 263, Silverhill Building Permit # (23316)
13144 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.155 - Lot 264, Silverhill Building Permit # (23377)
13156 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.156 - Lot 265, Silverhill Building Permit # (23317)
13164 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.157 - Lot 266, Silverhill Building Permit # (23378)

Appeal of Administrative Decision – 3/29/2023

13172 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.158 - Lot 267, Silverhill Building Permit # (23318)
13180 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.159 - Lot 268, Silverhill Building Permit # (23319)
13192 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.160 - Lot 269, Silverhill Building Permit # (23403)
13204 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.161 - Lot 270, Silverhill Building Permit # (23404)
13216 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.162 - Lot 271, Silverhill Building Permit # (23320)
13228 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.163 - Lot 272, Silverhill Building Permit # (23489)
13240 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.164 - Lot 273, Silverhill Building Permit # (23321)
13264 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.167 - Lot 276, Silverhill Building Permit # (23322)
13282 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.168 - Lot 277, Silverhill Building Permit # (23749)
13304 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.169 - Lot 278, Silverhill Building Permit # (23323)
13326 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.170 - Lot 279, Silverhill Building Permit # (23324)
13362 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.173 - Lot 282, Silverhill Building Permit # (23325)
13386 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.175 - Lot 284, Silverhill Building Permit # (23326)
13416 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.177 - Lot 286, Silverhill Building Permit # (23327)
13432 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.179 - Lot 288, Silverhill Building Permit # (23379)
13440 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.180 - Lot 289, Silverhill Building Permit # (23380)
13460 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.182 - Lot 291, Silverhill Building Permit # (23381)
13466 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.184 - Lot 293, Silverhill Building Permit # (23328)
13407 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.185 - Lot 294, Silverhill Building Permit # (23382)
13377 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.187 - Lot 296, Silverhill Building Permit # (23383)
13449 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.189 - Lot 298, Silverhill Building Permit # (23384)
21583 VERNAL RD - 05-47-03-07-0-000-002.190 - Lot 299, Silverhill Building Permit # (23264)
21571 VERNAL RD - 05-47-03-07-0-000-002.191 - Lot 300, Silverhill Building Permit # (23713)
21567 VERNAL RD - 05-47-03-07-0-000-002.192 - Lot 301, Silverhill Building Permit # (23263)
21543 VERNAL RD - 05-47-03-07-0-000-002.193 - Lot 302, Silverhill Building Permit # (23714)
21542 VERNAL RD - 05-47-03-07-0-000-002.194 - Lot 303, Silverhill Building Permit # (23405)
21566 VERNAL RD - 05-47-03-07-0-000-002.195 - Lot 304, Silverhill Building Permit # (23228)
21570 VERNAL RD - 05-47-03-07-0-000-002.196 - Lot 305, Silverhill Building Permit # (23406)
21582 VERNAL RD - 05-47-03-07-0-000-002.197 - Lot 306, Silverhill Building Permit # (23229)
21581 BURNEY RD - 05-47-03-07-0-000-002.198 - Lot 307, Silverhill Building Permit # (23230)
21569 BURNEY RD - 05-47-03-07-0-000-002.199 - Lot 308, Silverhill Building Permit # (23407)
21565 BURNEY RD - 05-47-03-07-0-000-002.200 - Lot 309, Silverhill Building Permit # (23262)
21541 BURNEY RD - 05-47-03-07-0-000-002.201 - Lot 310, Silverhill Building Permit # (23231)
21540 BURNEY RD - 05-47-03-07-0-000-002.202 - Lot 311, Silverhill Building Permit # (23232)
21554 BURNEY RD - 05-47-03-07-0-000-002.203 - Lot 312, Silverhill Building Permit # (23408)
21568 BURNEY RD - 05-47-03-07-0-000-002.204 - Lot 313, Silverhill Building Permit # (23233)
21580 BURNEY RD - 05-47-03-07-0-000-002.205 - Lot 314, Silverhill Building Permit # (23258)
13187 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.206 - Lot 315, Silverhill Building Permit # (23385)
13169 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.207 - Lot 316, Silverhill Building Permit # (23329)
13147 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.208 - Lot 317, Silverhill Building Permit # (23386)
13125 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.209 - Lot 318, Silverhill Building Permit # (23691)
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Inspection Date: March 14, 2023

NATURE OF VIOLATION:

Working without a zoning site plan approval.

CORRECTIVE ACTION:

Apply for a Zoning Site Plan Approval within 30 days of receipt of this notice. You can find the application at the Baldwin County website (<https://www.baldwincountyal.gov/citizenserve-portal>). If you have any questions, you may call 251-580-1655.

Fairhope Falls West

Lots missing from list:

Lot 257-13062 Shoshoney Cir	05-47-03-07-0-000-002.148
Lot 259-13086 Shoshoney Cir	05-47-03-07-0-000-002.150
Lot 260-13094 Shoshoney Cir	05-47-03-07-0-000-002.151
Lot 262-13120 Shoshoney Cir	05-47-03-07-0-000-002.153
Lot 274-13248 Shoshoney Cir	05-47-03-07-0-000-002.165
Lot 275-13256 Shoshoney Cir	05-47-03-07-0-000-002.166
Lot 280-13338 Shoshoney Cir	05-47-03-07-0-000-002.171
Lot 281-13350 Shoshoney Cir	05-47-03-07-0-000-002.172
Lot 283-13374 Shoshoney Cir	05-47-03-07-0-000-002.174
Lot 287-13424 Shoshoney Cir	05-47-03-07-0-000-002.178
Lot 290-13446 Shoshoney Cir	05-47-03-07-0-000-002.181
Lot 292-13454 Shoshoney Cir	05-47-03-07-0-000-002.183
Lot 295-13393 Shoshoney Cir	05-47-03-07-0-000-002.186
Lot 297-13363 Shoshoney Cir	05-47-03-07-0-000-002.188

Appeal of Administrative Decision – 3/29/2023

Article 18 Administration

Section 18.2 Site Plan Approvals

18.2.1 *Authorization.* A Site Plan Approval shall be obtained from the Zoning Administrator prior to the commencement of development and issuance of any associated building permits.

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Site Plan Approval – An approval granted to confirm that the proposed use for a site conforms with the Zoning Ordinance, a prerequisite to issuance of a building permit.

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ENFORCEMENT PENALTIES:

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Article 21 Enforcement

Section 21.3 Notice of Violation

21.3.1 *Issuance.* The Planning and Zoning Director or his/her designee shall issue a written notice of violation upon receipt of a complaint or knowledge of violation, to all persons in violation. The Notice of Violation may be served by certified mail, return receipt requested, or pursuant to Alabama Rules of Civil

Procedure. The Notice of Violation shall allow a reasonable time to correct or

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- (a) A description of the location of the property involved, either by street address or by legal description.
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- (c) A statement showing the time within which all necessary remedial action must be accomplished, which time may not be less than 10 days nor more than 90 days from the date of such written Notice.
- (d) The name of the person(s) upon whom the Notice of Violation is served.
- (e) A statement advising that upon the failure to comply with requirements of the Notice, such enforcement procedure as may be required under these zoning ordinances shall be taken.

21.3.8 *Fines.* Any person(s) violating any of the provisions herein shall be fined not more than \$150.00 for each separate violation, plus all costs of court, with each day such violation continues constituting a separate violation. The fines provided for herein shall commence and accrue upon receipt of the Notice of Violation or the expiration of the allowed period for correction, whichever is later. Said fines shall continue to accrue until paid, but shall not accrue on days during which the violation is properly on appeal.

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Please note: This determination may be appealed to the appropriate Board of Adjustment. Appeals shall be filed within (15) fifteen days of the Date of Notice above, on forms provided by the Planning and Zoning Department.

Appeals must be filed with the Board of Adjustment by delivery of the appeal form to the Planning and Zoning Director at his/her office at 22251 Palmer Street, Robertsdale, Alabama 36567. Appeal forms are available on the County website at the following address: www.baldwincountyal.gov/departments/planning-zoning/forms-applications/permits-forms or by scanning the QR Code below:

Sincerely,



Robert Brown
Code Enforcement
Planning and Zoning Department

cc: Matthew Brown, P.E., Planning Director



Email Communication With Building Official – 4/26/2023

From: Building Department <buildingdept@townofsilverhill.org>
Sent: Wednesday, April 26, 2023 11:32 AM
To: Robert Brown
Subject: RE: Fairhope Falls

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

These lots have not received Building permits yet.

Thank you,

Bert Campbell

Town of Silverhill
Building Department
15965 Silverhill Avenue
PO Box 309
Silverhill, AL 36576
Phone (251) 945-5198
Fax (251) 945-5199



From: Robert Brown <Robert.Brown@baldwincountyal.gov>
Sent: Wednesday, April 26, 2023 11:21 AM
To: Building Department <buildingdept@townofsilverhill.org>
Subject: Fairhope Falls

Bert,

Thank you for taking the time to speak with me. Per our conversation, please find the attached Excel spreadsheet. I appreciate your help with these permit #'s.

Thank you,

Robert Brown

Code Enforcement Officer
Baldwin County Planning & Zoning Board of Adjustment 1
Baldwin County Planning and Zoning

Parcel #	Address / Parcel / Lot	Planning Permit	Building Permit
05-47-03-07-0-000-002.148	13062 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.148 - Lot 257, Silverhill Building Permit # (XXXXX)	ZSP23-000436	XXXXX
05-47-03-07-0-000-002.150	13086 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.150 - Lot 259, Silverhill Building Permit # (XXXXX)	ZSP23-000439	XXXXX
05-47-03-07-0-000-002.151	13094 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.151 - Lot 260, Silverhill Building Permit # (XXXXX)	ZSP23-000483	XXXXX
05-47-03-07-0-000-002.153	13120 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.153 - Lot 262, Silverhill Building Permit # (XXXXX)	ZSP23-000485	XXXXX
05-47-03-07-0-000-002.165	13248 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.165 - Lot 274, Silverhill Building Permit # (XXXXX)	ZSP23-000442	XXXXX
05-47-03-07-0-000-002.166	13256 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.166 - Lot 275, Silverhill Building Permit # (XXXXX)	ZSP23-000443	XXXXX
05-47-03-07-0-000-002.171	13338 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.171 - Lot 280, Silverhill Building Permit # (XXXXX)	ZSP23-000448	XXXXX
05-47-03-07-0-000-002.172	13350 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.172 - Lot 281, Silverhill Building Permit # (XXXXX)	ZSP23-000449	XXXXX
05-47-03-07-0-000-002.174	13374 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.174 - Lot 283, Silverhill Building Permit # (XXXXX)	ZSP23-000451	XXXXX
05-47-03-07-0-000-002.178	13424 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.178 - Lot 287, Silverhill Building Permit # (XXXXX)	ZSP23-000455	XXXXX
05-47-03-07-0-000-002.181	13446 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.181 - Lot 290, Silverhill Building Permit # (XXXXX)	ZSP23-000458	XXXXX
05-47-03-07-0-000-002.183	13454 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.183 - Lot 292, Silverhill Building Permit # (XXXXX)	ZSP23-000460	XXXXX
05-47-03-07-0-000-002.186	13393 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.186 - Lot 295, Silverhill Building Permit # (XXXXX)	ZSP23-000463	XXXXX
05-47-03-07-0-000-002.188	13363 SHOSHONEY CIRCLE - 05-47-03-07-0-000-002.188 - Lot 297, Silverhill Building Permit # (XXXXX)	ZSP23-000468	XXXXX

May 16, 2023

22

Baldwin County Zoning Ordinance

Section 18.2 Site Plan Approvals

18.2.1 *Authorization.* A Site Plan Approval shall be obtained from the Zoning Administrator prior to the commencement of development and issuance of any associated building permits.

Section 21.3 Notice of Violation

21.3.8 *Fines.* Any person(s) violating any of the provisions herein shall be fined not more than \$150.00 for each separate violation, plus all costs of court, with each day such violation continues constituting a separate violation (see 21.2.3, above). The fines provided for herein shall commence and accrue upon receipt of the Notice of Violation or the expiration of the allowed period for correction, whichever is later. Said fines shall continue to accrue until paid, but shall not accrue on days during which the violation is properly on appeal.

When a violation results from a person's failure to obtain a permit or approval required by this Ordinance, and the person subsequently submits an application for the required permit, the Planning Director may waive the daily fee and shall instead require double the normally required permit application fee as a reduced fine.

Baldwin County Zoning Ordinance

Section 18.3 Appeals to the Board of Adjustment

18.3.1 The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or other administrative official in the enforcement of these zoning ordinances.

18.3.2 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or department of Baldwin County affected by any decision of any administrative officer representing the County in an official capacity in the enforcement of these zoning ordinances. Such appeal shall be taken within thirty (30) calendar days of said decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board of Adjustment all papers constituting the record upon which the action was taken.

AAD23-01 D. R. HORTON INC

APPEAL OF ADMINISTRATIVE DECISION

Lead Staff: Robert Brown, Code Enforcement Officer

Staff feels that due to the length of time between the election and adoption of Planning District 37, and issuance of the Building Permits, that there is a reasonable expectation that the applicant should be aware of any applicable regulations.

Appeal of Administrative Decision

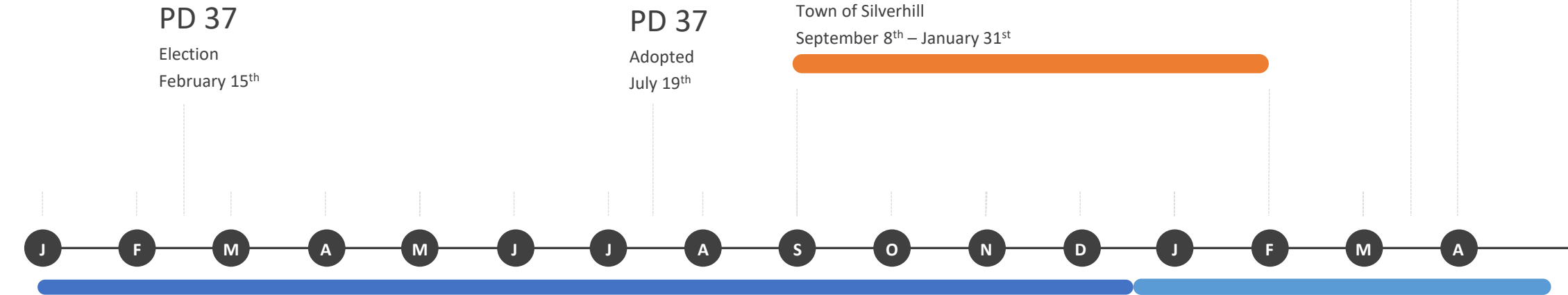
Request to Waive double Permit Fees
March 29th

Notice of Violation

Permits Without Site Plans
March 14th

Building Permits Issued

Town of Silverhill
September 8th – January 31st



AAD23-01 D. R. HORTON INC

APPEAL OF ADMINISTRATIVE DECISION

Lead Staff: Robert Brown, Code Enforcement Officer

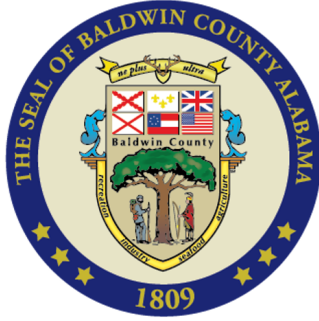
Planning and Zoning received a complaint for the previously discussed parcels that Building Permits had been issued by the Town of Silverhill without the required Zoning Site Plans. After an investigation, the code enforcement officer felt there was sufficient evidence to issue an NOV “Notice of Violation” for not obtaining the required Zoning Site Plan permits. The property owner requested the Planning Director not apply the double permit fee, which was administratively denied. The property owner is appealing the Administrative decision to apply Section 21.3.8 of the Baldwin County Zoning Ordinance as it the pertains to the required double permit fee as a reduced fine. The applicant is requesting to be charged \$25 per Zoning Site Plan in lieu of \$50 per Zoning Site Plan.

Staff feels that that there were no errors committed in Issuing the NOV or Administrative Decision and recommends for Case AAD23-01 the Administrative Decision be **Upheld** and the appeal be **Denied**.



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

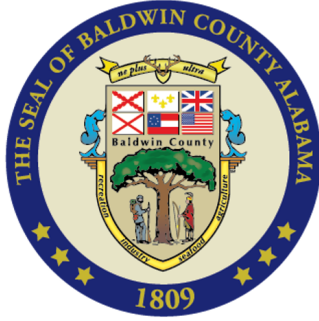
BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

MAY 16, 2023

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL



BALDWIN COUNTY, ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

MAY 16, 2023

BALDWIN COUNTY CENTRAL ANNEX

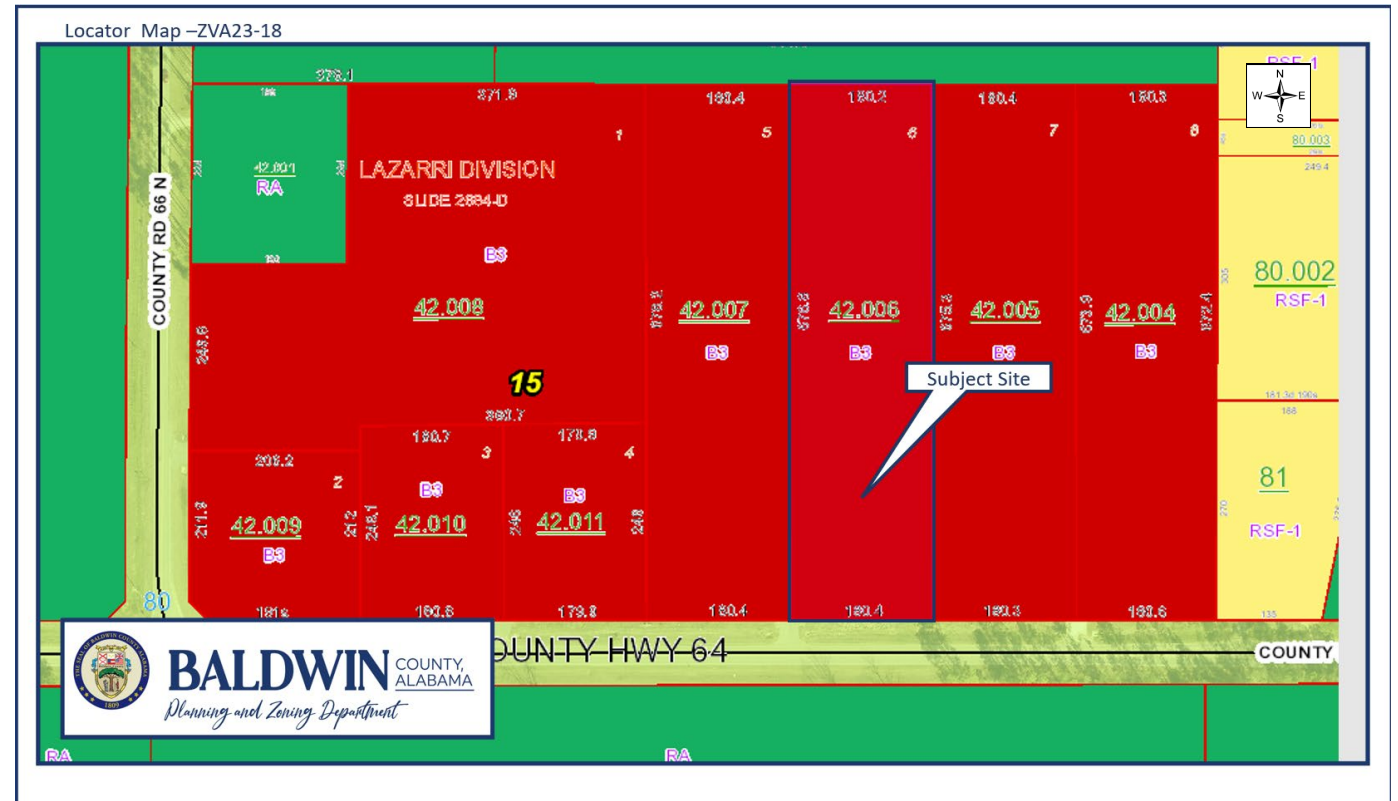
ROBERTSDALE, AL

ZVA23-18 COASTAL SPORTS ACADEMY, LLC

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 15 **Zoned:** B-3
- **Location:** Subject property is located north of CR 64 and west of CR 66N in Loxley
- **PID:** 05-42-03-08-0-000-042.006
- **PPIN:** 382515
- **Acreage:** 2.75 acres
- **Physical Address:** 13621 County Road 64 Loxley, AL 36551
- **Applicant:** Thomas Granger
- **Owner:** Coastal Sports Academy, LLC



ZVA23-18 COASTAL SPORTS ACADEMY, LLC

VARIANCE REQUEST

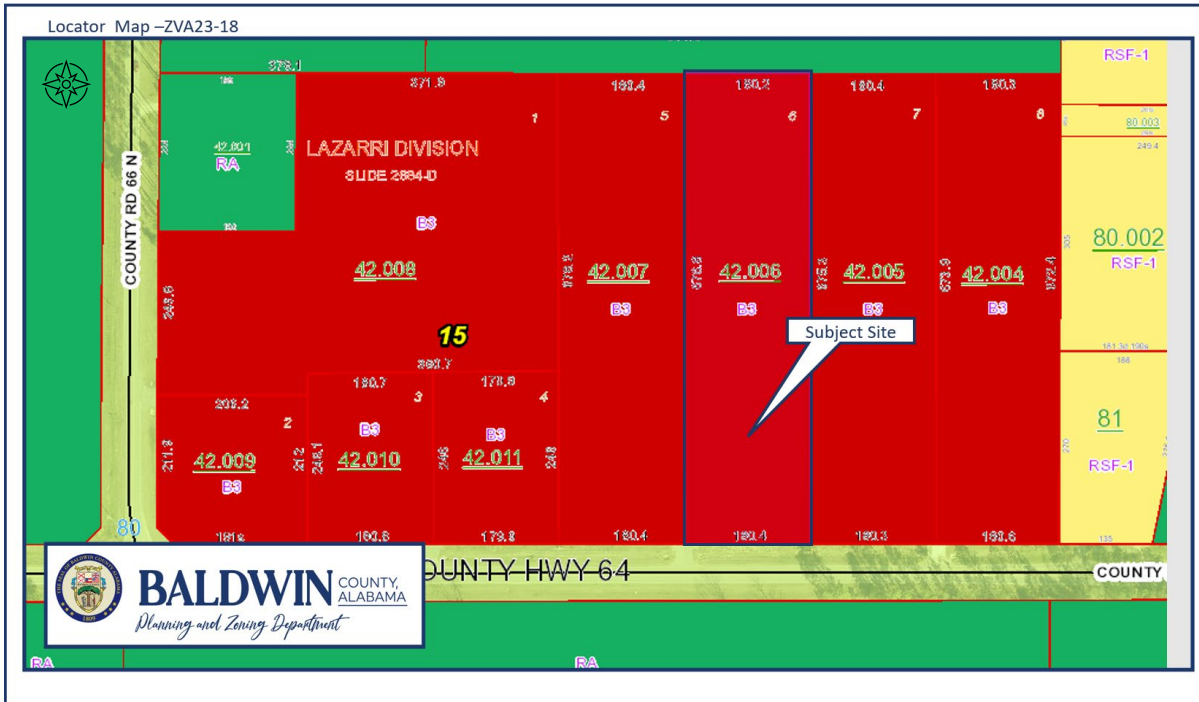
Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 15.2.5(a) of the Baldwin County Zoning Ordinance as it pertains to the Parking Schedule in order to reduce the number of required spaces from 59 to 40.

Staff perceives no hardship on the subject property and recommends case ZVA23-18 be **DENIED** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	RA, Rural Agricultural District	Agricultural
South	RA, Rural Agricultural District	Residential
East	B-3, General Business District	Vacant
West	B-3, General Business District	Vacant

Property Images

May 2, 2023 at 8:42:23 AM
7° N



Property Images

May 2, 2023 at 8:42:38 AM
6° N

Adjoining Property
to The East



Property Images

May 2, 2023 at 8:42:51 AM
187° S



Property Images

May 2, 2023 at 8:43:18 AM
355° N

Adjoining Property
to The West



Zoning Requirements

Section 5.3 B-3, General Business District

5.3.1 Purpose and intent. The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a

precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

- | | |
|--|--|
| (a) All uses permitted by right under the B-2 zoning designation | (cc) Funeral home |
| (b) Air conditioning sales and service | (dd) Golf course |
| (c) Amusement arcade | (ee) Golf driving range |
| (d) Animal clinic/kennel | (ff) Grocery store |
| (e) Arboretum | (gg) Landscape sales |
| (f) Auto convenience market | (hh) Marine store and supplies |
| (g) Automobile service station | (ii) Miniature golf |
| (h) Bakery, wholesale | (jj) Mini warehouse |
| (i) Ball field | (kk) Night club, bar, tavern |
| (j) Bicycle sales and service | (ll) Nursery |
| (k) Bowling alley | (mm) Office equipment and supplies sales |
| (l) Business machine sales and service | (nn) Park or playground |
| (m) Business school or college | (oo) Pawn shop |
| (n) Butane gas sales | (pp) Pet shop |
| (o) Cemetery | (qq) Plumbing shop |
| (p) City hall or courthouse | (rr) Printing/publishing establishment |
| (q) Country club | (ss) Restaurant sales and supplies |
| (r) Department store | (tt) Riding academy |
| (s) Discount/variety store | (uu) Rug and/or drapery cleaning service |
| (t) Drug store | (vv) Seafood store |
| (u) Elevator maintenance service | (ww) Sign shop |
| (v) Exterminator service office | (xx) Skating rink |
| (w) Farmer's market/truck crops | (yy) Stone monument sales |
| (x) Firing range | (zz) Swimming pool (outdoor) |
| (y) Fitness center or gym | (aaa) Taxidermy |
| (z) Florist | (bbb) Teen club or youth center |
| (aa) Fraternity or sorority house | (ccc) Tennis court (outdoor) |
| (bb) Fruit and produce store | (ddd) Wildlife sanctuary |
| | (eee) YMCA, YWCA |

5.3.3 Conditional Use Commission Site Plan Approval. The following uses are permissible as Commission Site Plan Approval uses in the B-3: General Commercial District, subject to the standards and procedures established in Section 18.9: Commission Site Plan Approval:

Zoning Requirements (continued)

- | | |
|--|---|
| (a) Airport | (y) Landfill |
| (b) Ambulance/EMS service | (z) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies |
| (c) Amusement Park | (aa) Manufactured housing sales, service and repair |
| (d) Armory | (bb) Marina |
| (e) Auditorium, stadium, coliseum | (cc) Motorcycle sales service and repair |
| (f) Automobile parts sales | (dd) Movie theatre |
| (g) Automobile repair (mechanical and body) | (ee) Radio/television tower |
| (h) Automobile storage (parking lot, parking garage) | (ff) Railroad facility |
| (i) Barge docking | (gg) Recreational vehicle park |
| (j) Boat sales and service | (hh) Recreational vehicle sales service, and repair |
| (k) Broadcasting station | (ii) Restaurant, drive-in |
| (l) Building materials | (jj) Restaurant, fast-food |
| (m) Bus and railroad terminal facility | (kk) Sewage treatment plant |
| (n) College or university | (ll) Taxi dispatching station |
| (o) Convalescent or nursing home | (mm) Taxi terminal |
| (p) Correctional or penal institution | (nn) Telephone exchange |
| (q) Dog pound | (oo) Water or sewage pumping station |
| (r) Electric power substations | (pp) Water storage tank |
| (s) Farm implements | (qq) Wireless telecommunication facility |
| (t) Flea market | (rr) Zoo |
| (u) Freight depot, rail or truck | |
| (v) Home improvement center | |
| (w) Hotel or motel | |
| (x) Hospital | |

5.3.4 Area and dimensional ordinances.

Maximum Height of Structure	40-Feet
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.3.5 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one

foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.3.6 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers.*

Parent Number: 05-42-03-08-0-000-042.006
 PIN: 382515
 Owner Name: COASTAL SPORTS ACADEMY L.L.C.
 Address: 11771 JENCHO DR
 City: DAPHNE
 State: AL
 Zip: 36529

15' SIDE SETBACK
 10' FRONT SETBACK
 10' REAR SETBACK

PROPOSED BUILDING
 11,880 S.F.
 11'0" CONC. WALK
 PARKING SPACES
 LANDSCAPE BELT
 ACCESS DRIVE

COUNTY ROAD 64 (180' RW)

1" = 30'

PRELIMINARY SITE PLAN
 COASTAL SPORTS ACADEMY
 CO. RD. 64, DAPHNE, AL.

PARKING SPACES PROVIDED: 40

GRAPHIC SCALE
 1" = 30'

May 16, 2023



Parking Requirements

15.2.5 Recreation and amusement.

- (a) *Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements.* One space for each 200 square feet of floor area.
- (b) *Bowling alleys.* 4 spaces for each alley.
- (c) *Marinas.* One space for each slip or berth plus 1 space for each 500 square feet of dry boat storage area.
- (d) *Golf course.* 4 spaces per golf hole.
- (e) *Golf driving range.* One space for each driving tee area.
- (f) *Amusement park.* One space per 200 square feet of area within enclosed buildings, plus One space for every 3 persons that the outdoor facilities are designed to accommodate.

The required number of 9' x 19' parking spaces for the 11,800 square foot facility is 59. The applicant is requesting a reduction in the amount of parking spaces to 40.

No Active Association

May 2, 2023

Crystal Bates, Planning Technician
Baldwin County Planning and Zoning
22251 Palmer Street
Robertsdale, AL 36567

RE: Coastal Sports Academy
Case No: ZVA23-18
Planning District 15
Parking Variance Request

Dear Miss Bates:

As the Owner of Lot 6 of the Lazzari Subdivision (recorded at S2684D), I hereby confirm that there is no Property Owner's Association and the restrictions placed on this Subdivision are presented in the Declaration of Covenants and Restrictions applicable to Lazzari Division.

Please let me know if you need any additional information to supplement my request.

Sincerely,



Matt Pockrus
30500 Hwy 181 #228
Spanish Fort, AL 36527

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 15 was adopted by the County Commission on August 1, 2006. Per the submitted Site Plan, the parcel is 119,790 square feet (2.75 acres). The required minimum lot size for B-3 is 20,000 square feet with an 80' minimum lot width at building line. Staff does not perceive any exceptional narrowness, shallowness, or shape of the subject property that would require a variance. Furthermore, staff perceives the evaluation of this section as not applicable to the requested variance.

B-3 Required minimum lot size: **20,000 sf**

Actual size: **119,790 sf** (2.75 acres)

Lot size hardship: **NONE**

B-3 Required minimum width at street line: **60'**

Actual lot width: **180.40'**

Lot width hardship: **NONE**

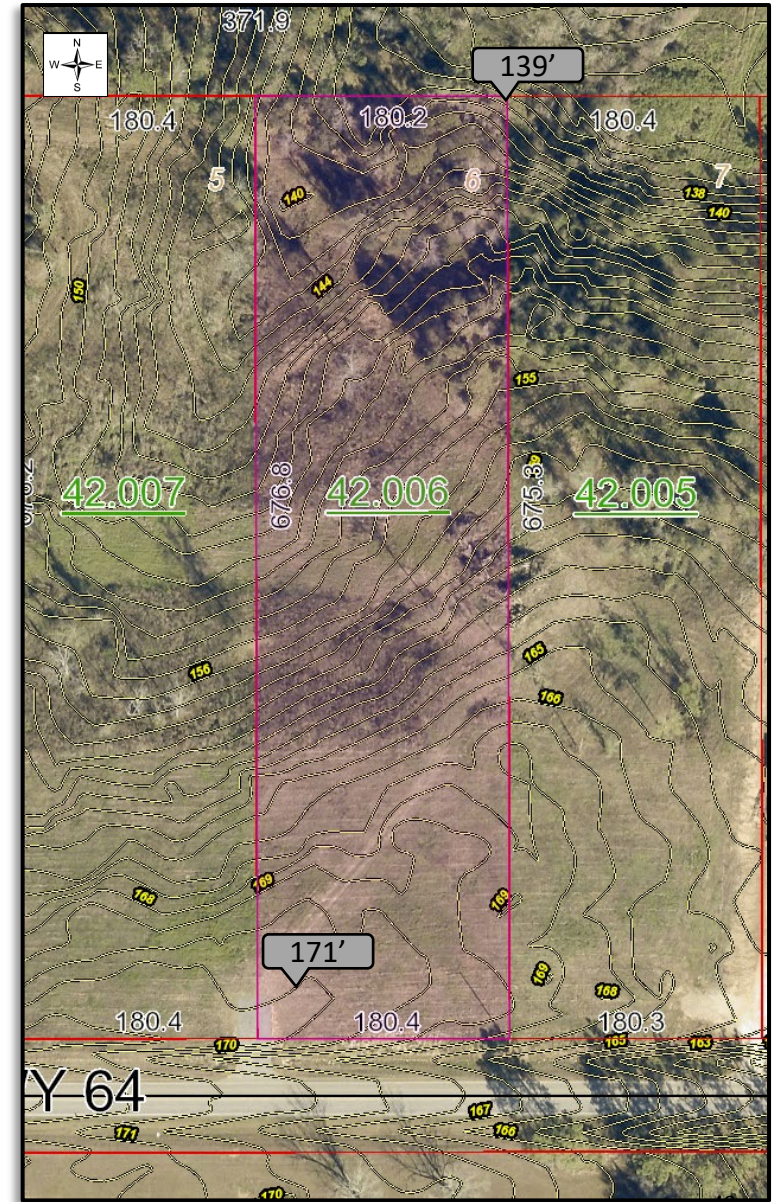
2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.

Staff reviewed the elevation contours within the Baldwin County Parcel Viewer (image excerpt on following slide). Subject property slopes downward from the southwest at an elevation of approximately 171' to a low area of approximately 139' near the northeast corner of the property. The gradual sloping of the lot has not affected the ability of the lot to allow for construction of the proposed facility. As a result, staff does not perceive an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which would justify a variance to allow for a reduction in the number of required parking spaces.

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 B-3, General Business District which allows for recreational facilities such as a baseball/softball training academy. Staff believes the requested variance is a “for convenience” request that does not qualify as a hardship per the Baldwin County Zoning Ordinance.



Staff Analysis and Findings

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 believe the granting of this application, **in general**, 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County. *However, staff is unable to determine if approved the requested variance will unreasonably diminish or impair established property values within the surrounding areas because it is not feasible to gather sufficient data to make that determination for presentation at the public hearing.*

5.) Other matters which may be appropriate.

ZVA23-18 COASTAL SPORTS ACADEMY, LLC

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

GENERAL NOTES {By-laws}

Any party aggrieved by a final judgment or decision of the Board of Adjustment may within fifteen (15) days thereafter, appeal the final judgment to the Circuit Court of Baldwin County, Alabama, by filing with the Circuit Court and the Board of Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, the Board of Adjustment shall cause a transcript of the proceedings and the action to be certified to the Court where the appeal is taken.

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.



ZVA23-18 COASTAL SPORTS ACADEMY, LLC

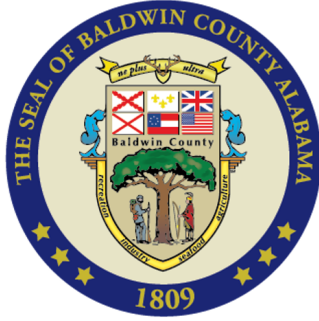
VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 15.2.5(a) of the Baldwin County Zoning Ordinance as it pertains to the Parking Schedule in order to reduce the number of required spaces from 59 to 40.

Staff perceives no hardships on the subject property and recommends Case ZVA23-18 be **DENIED** unless information otherwise is revealed at the public hearing.





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

NEXT REGULAR MEETING

JUNE 13, 2023 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

MAY 16, 2023

BALDWIN COUNTY CENTRAL ANNEX

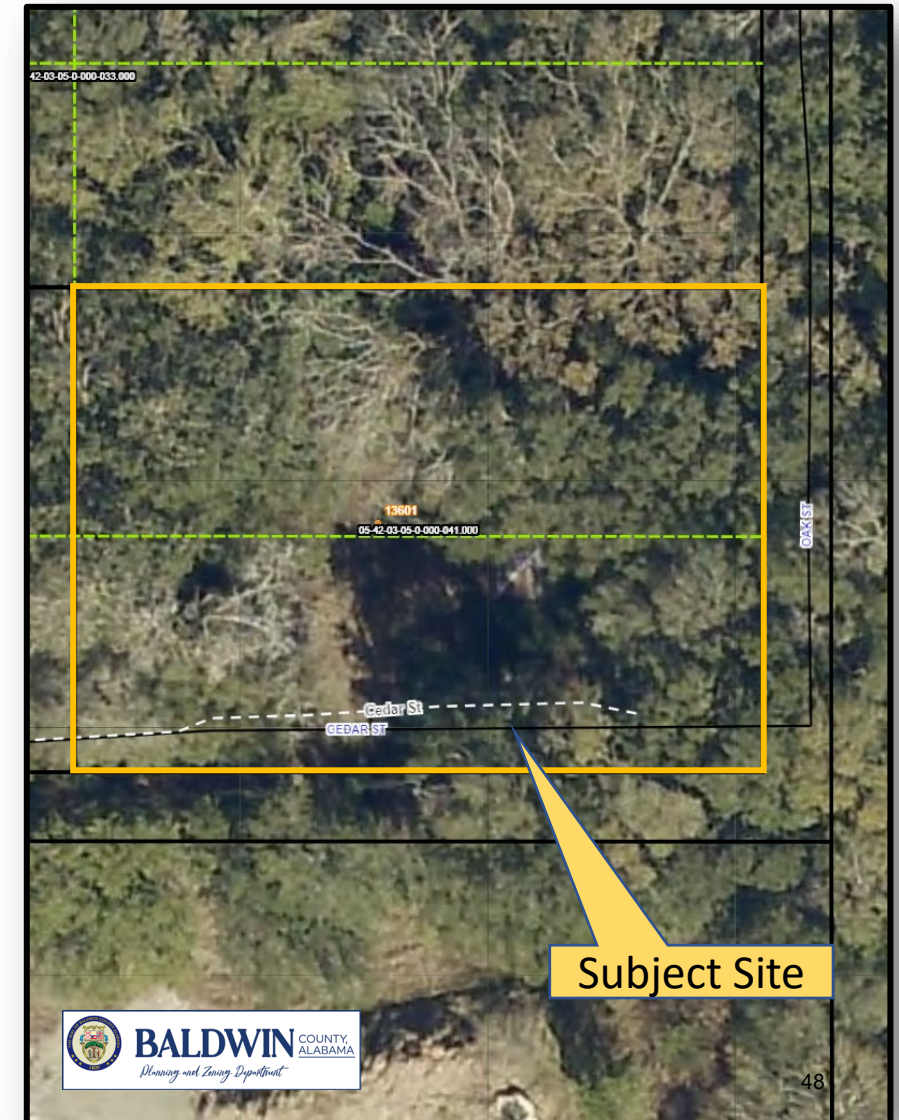
ROBERTSDALE, AL

ZVA23-19 DAWSON PROPERTY

VARIANCE REQUEST

Lead Staff: Fabia Waters, Planning Technician

- **Planning District:** 15 **Zoned:** RSF-1 Residential Family District
- **Location:** Lots 14 & 15 Loxley Heights Block 2
- **PID:** 05-42-03-05-0-000-041.000
- **PPIN:** 21792
- **Acreage:** 0.34 +/- acres
- **Physical Address:** 13601 Cedar Street, Loxley
- **Applicant:** Gay Dawson
- **Owner:** Gay Dawson



ZVA23-19 DAWSON PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

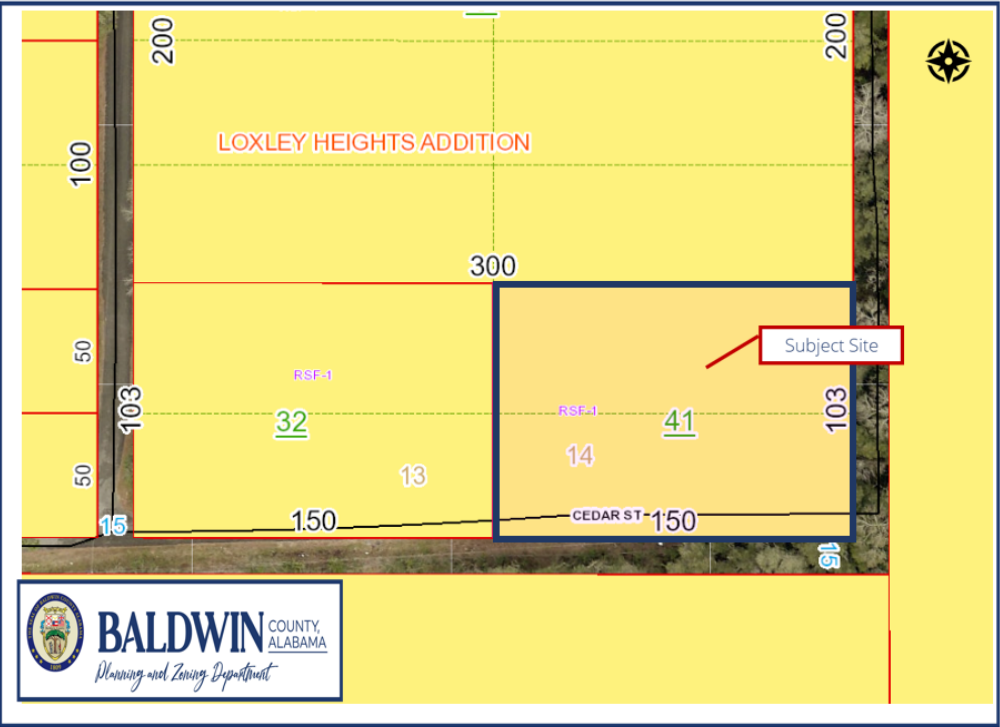
Lead Staff: Fabia Waters, Planning Technician

The applicant is requesting a variance from Section 12.5.2(d) as it pertains to the side yard setback requirements to allow for a single-family dwelling.

Staff could not establish a hardship on the property therefore recommends Case ZVA23-19 to be **DENIED** unless information otherwise is revealed at the public hearing.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF1- Single Family District	Residential
South	RSF1- Single Family District	Commercial
East	RSF1- Single Family District	Residential
West	RSF1- Single Family District	Residential

Property Images



Subject Property

May 2, 2023 at 8:56:05 AM
67° NE

Dilapidated
structure

VARIANCE
PROPOSED
FOR THIS PROPERTY
ZVA23 - 000019
(251) 580-1655

Property Images

Subject Property

May 2, 2023 at 8:56:34 AM
99° E

Dilapidated
structure



Property Images

Adjoining Property to the North

May 2, 2023 at 9:01:08 AM
68° E



Property Images

Adjoining Property to the South

May 2, 2023 at 9:04:06 AM
22° N



Property Images

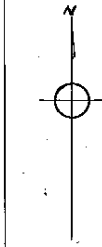
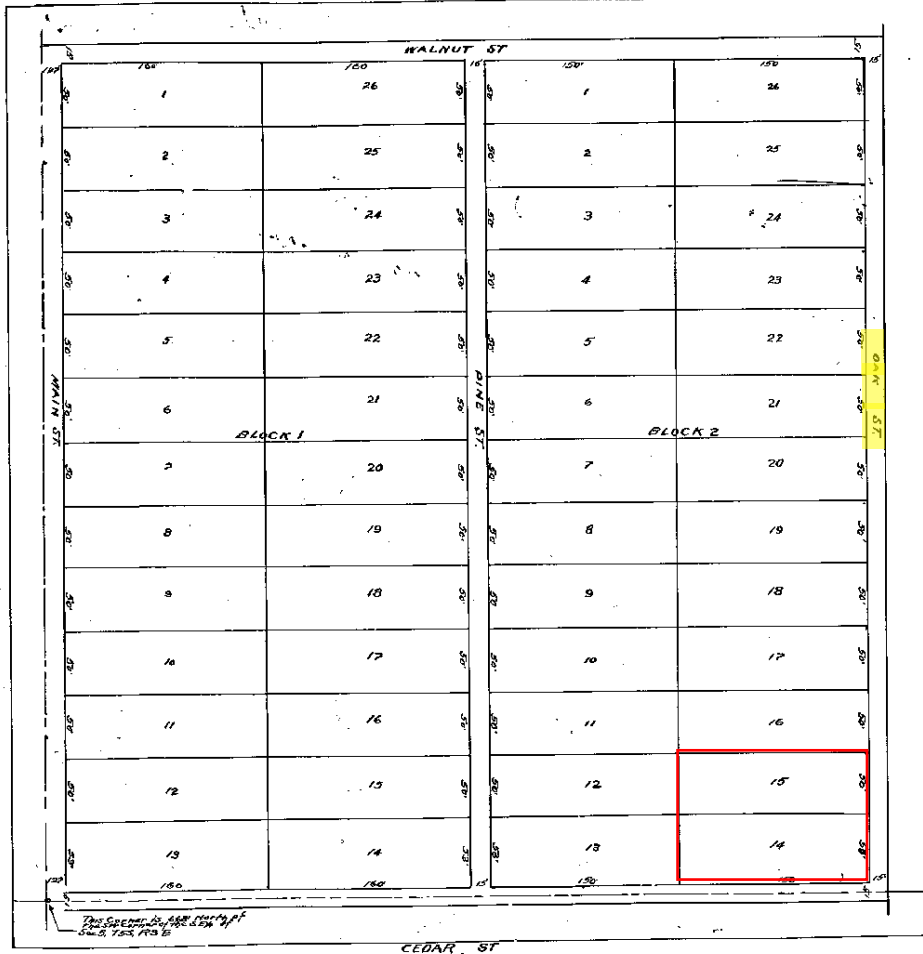
Adjoining Property to the West

May 2, 2023 at 8:58:47 AM
0° N



Original Recorded Plat - 2/14/75

107A



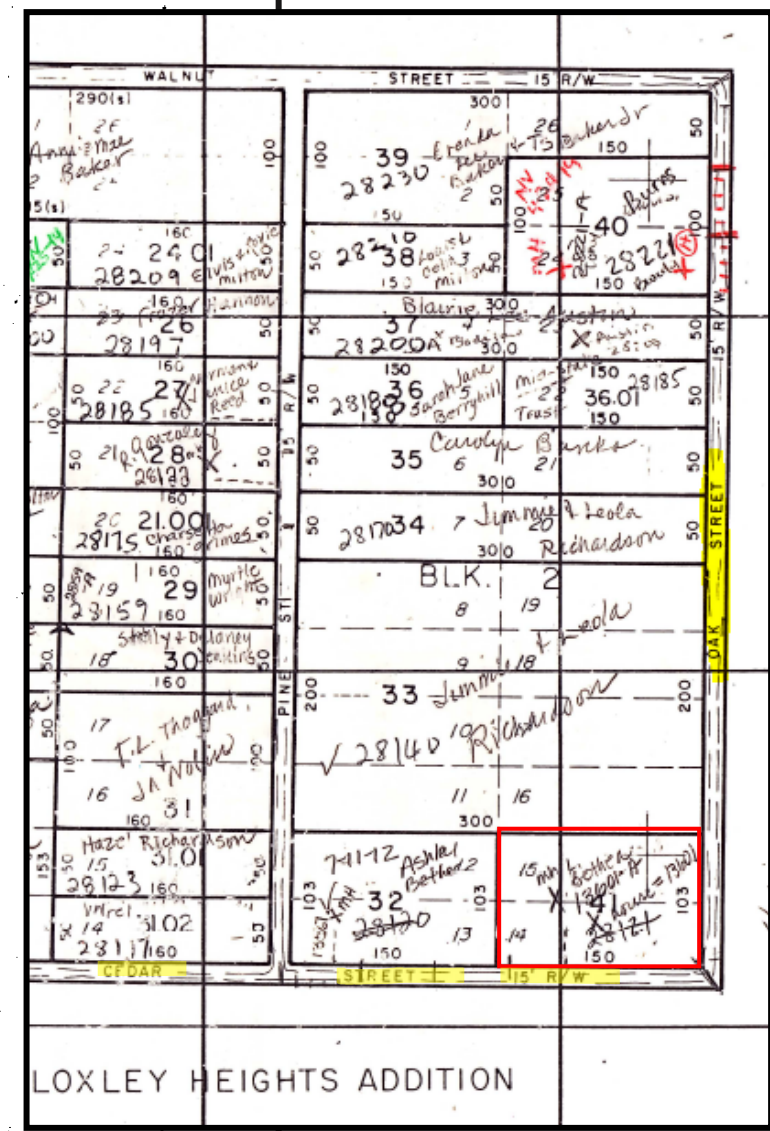
Filed June 28, 1976
Recorded June 28, 1976
Book 10, Page 107A

State of Alabama,
County of Baldwin,
I, M.A. Horn, a Notary Public, in and for said
County in said State, hereby certify that Larence Kibbey whose
name is signed as approving the above plat and survey as
the owner of said plat and survey, and who is the owner of
this day that being informed of the approval and draft
of said plat and survey, and ratifying the same relation
to, on the day the same were made.

Given under my hand, this 14th day of June, 1975
M.A. Horn, Notary Public, Baldwin
County, Alabama

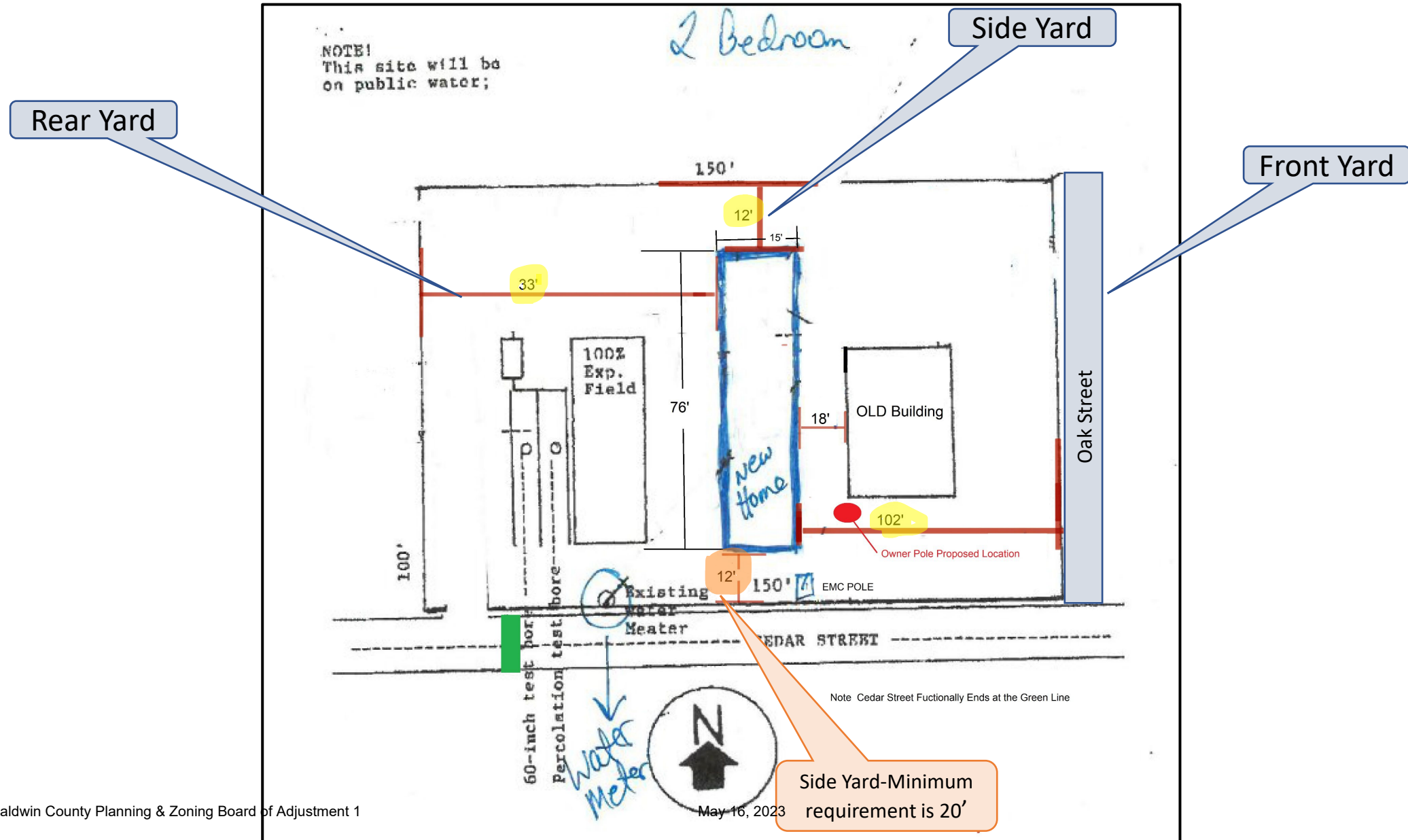
Being a Subdivision of the NW 1/4 of the SE 1/4 of the SE 1/4 of
Section 5, Township 3 South, Range 3 East, Baldwin County
Alabama
State of Alabama
County of Baldwin, I hereby certify that I have surveyed the land
described in the caption to the plat hereon drawn, and have sub-
divided the same into blocks and lots as shown on the accompa-
nying plat, which is a true and correct representation of said sub-
division and subdivisions, measurements being in feet and inches, to each
of as far as 1 inch.

Fairhope, Alabama, June 19, 1975, Fred H. Wilson,
Surveyor, No. License #245,
I approve of the above survey, Larence Kibbey, Owner.



LOXLEY HEIGHTS ADDITION

Site Plan



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. Per Revenue the parcel consists of Lots 14 & 15 Loxley Heights block 2 approximately 0.34+- acres with 150 'x 100' approximately 15,000sq. Planning District 15 came into effect on August 1, 2006. The minimum required lot size for RSF1 is 30,000sqft, and thus subject property does not meet the minimum required lot size. The applicant proposes to place a manufactured home on the subject property.

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 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 does not believe the granting of this application, **in general**, 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. **However, staff cannot specifically assure and makes no warranty or guarantee that if granted the resultant variance will or will not 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 because the effect of the variance cannot be quantified at the time of consideration.**

Staff Analysis and Findings

5.) Other matters which may be appropriate.

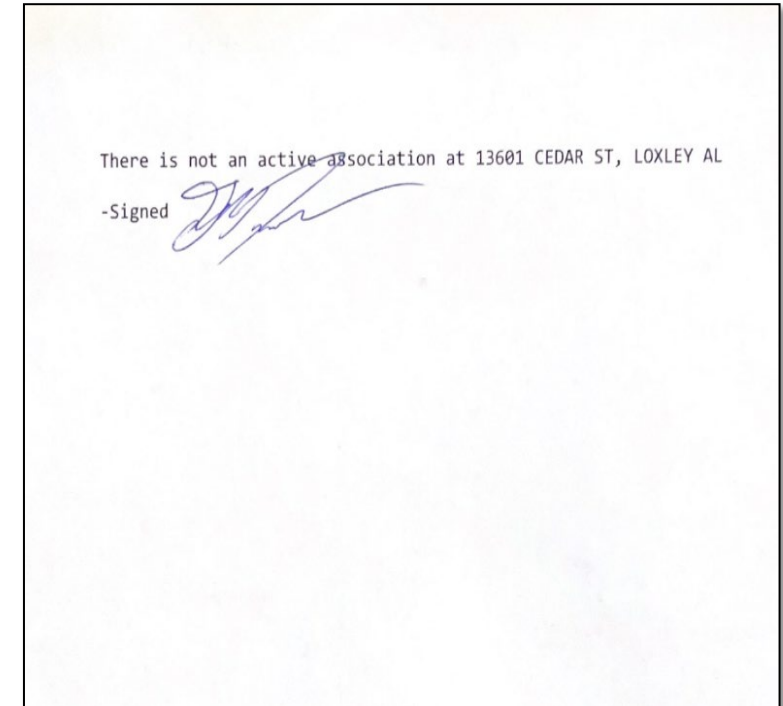
Section 12.5 Yard Requirements

12.5.1 Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than 2-feet beyond the yard area requirements. (For additional provisions see *Section 22.2, Definitions* “Accessory Structure” and “Structure”) 12.5.2 Yard requirements shall be modified subject to the following conditions:

- (a) Through lots shall provide the required front yard on each street.
- (b) Decks and unroofed porches may project into a required front yard for a distance not to exceed 5-feet and a required rear yard not to exceed 10-feet.
- (c) Uncovered steps and handicap ramps may project into a required front, or side yard for a distance not to exceed 5-feet and a rear yard not to exceed 10-feet.
- (d) On a corner lot, the side yard from the side lot line which abuts a street shall be a minimum of 20-feet.

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.



ZVA23-19 DAWSON PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Fabia Waters, Planning Technician

The applicant is requesting a variance from Section 12.5.2(d) as it pertains to the side yard setback requirements to allow for a single-family dwelling.

Staff could not establish a hardship on the property therefore recommends Case ZVA23-19 to be **DENIED** unless information otherwise is revealed at the public hearing.



ZVA23-19 DAWSON PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

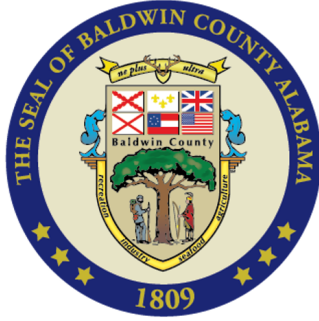
Lead Staff: Fabia Waters, Planning Technician

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 #1

REGULAR MEETING

MAY 16, 2023

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

ZVA22-81 ZUERCHER PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates Planning Technician II

Parcel#: 05-32-04-39-0-000-001.297

PIN: 248143

Planning District: 10 **Zoning:** RSF-2
Residential Single Family

Subdivision: Lot 20, Phase One, Twenty-Fourth Addition, Spanish Fort Estates

Lot size: 17,261sf

Physical Address: 2 Armadillo Run

Applicant: Daniel Zuercher

Owner: Daniel Zuercher

Baldwin County Planning & Zoning Board of Adjustment 1

May 16, 2023



ZVA22-81 ZUERCHER PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates Planning Technician II

The applicant is requesting a variance from Section 2.3.10.3. J (d) of the *Baldwin County Zoning Ordinance* related to the required open mesh design in Planning District 10. The applicant has built a 6-foot-tall fence on a corner lot which exceeds the requirements of the local provisions of Planning District 10 which limits fences on corner lots to 4 feet. The applicant will cut the fence down to 4 feet tall but would like a variance from the open mesh design.

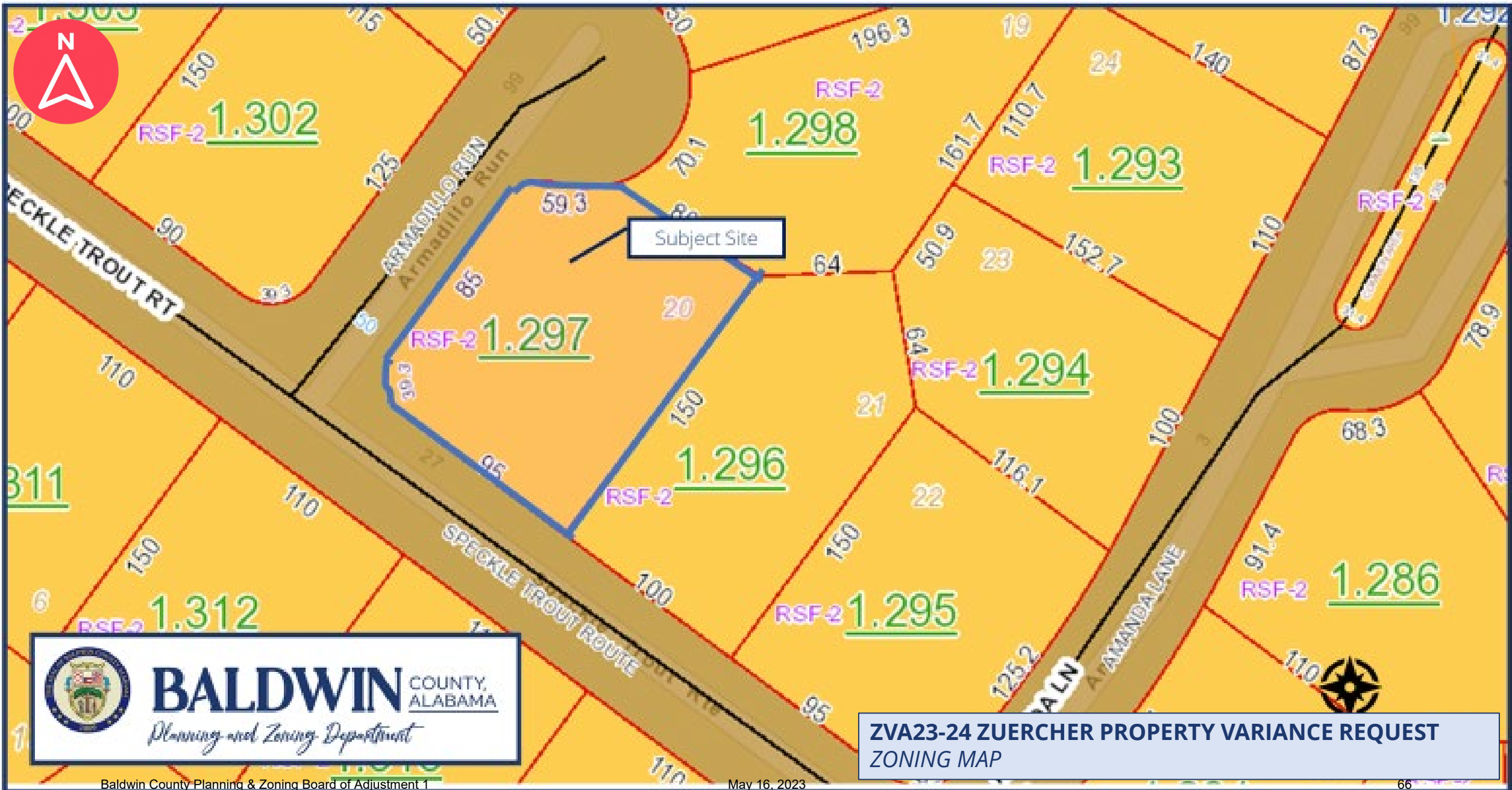
It appears the fence was installed without first obtaining a building permit and thus the fence was installed without a zoning site plan review which would have identified the fence height requirement as well as the fencing material requirement.

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

Baldwin County Planning & Zoning Board of Adjustment 1

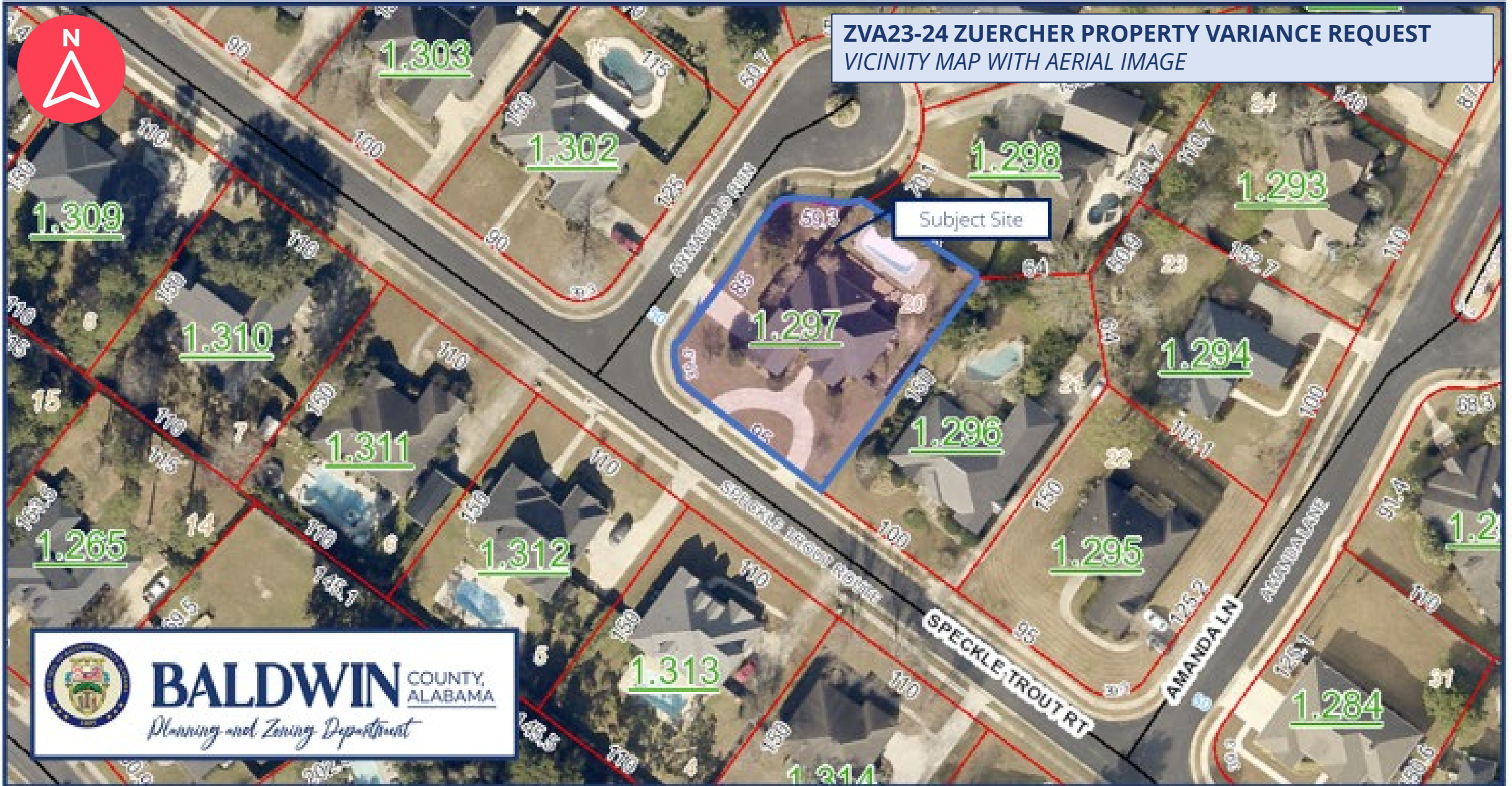
May 16, 2023





BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

ZVA23-24 ZUERCHER PROPERTY VARIANCE REQUEST
ZONING MAP



ZVA23-24 ZUERCHER PROPERTY VARIANCE REQUEST
VICINITY MAP WITH AERIAL IMAGE

Subject Site



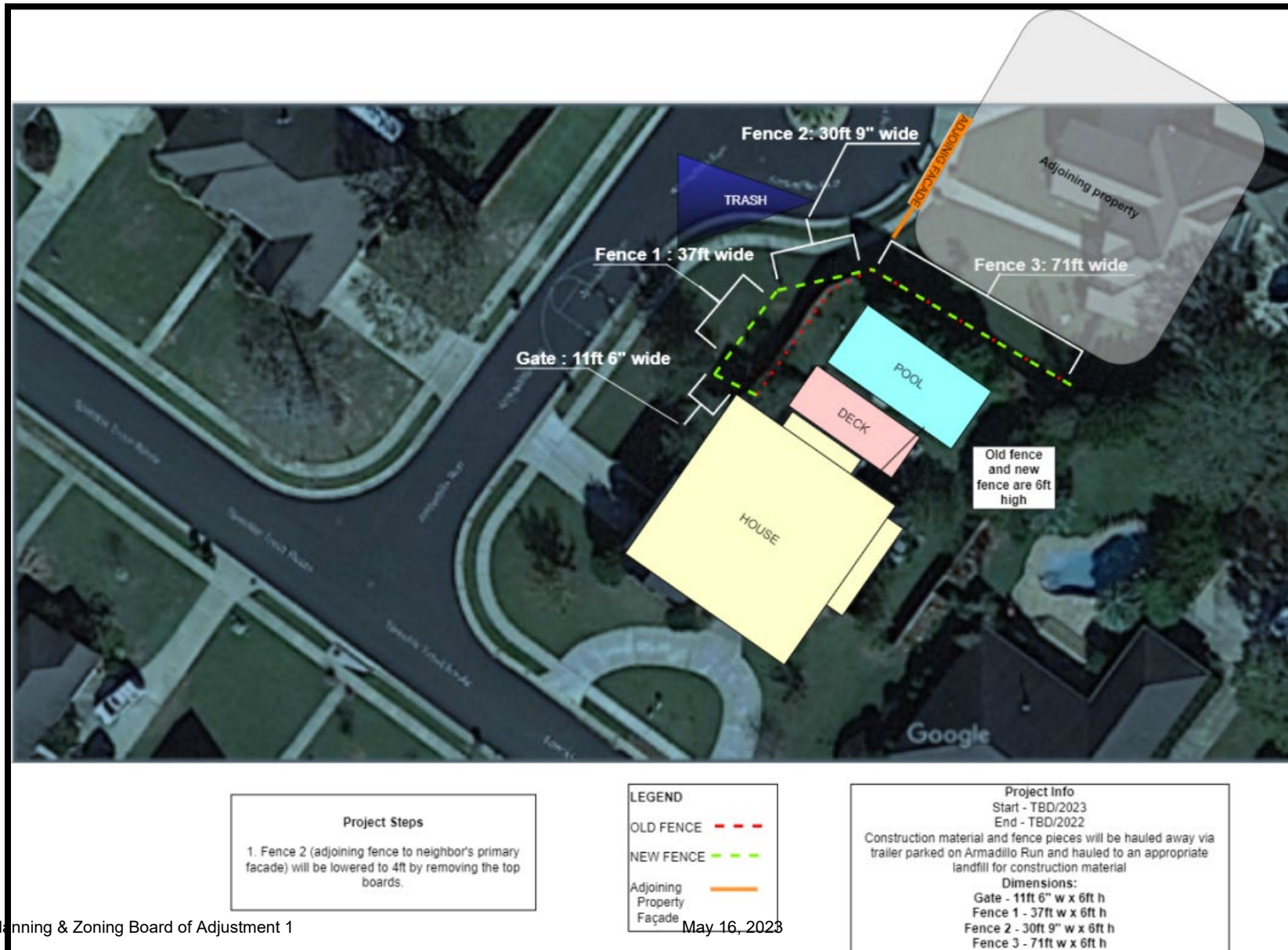
Locator Map

Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-2 Single Family District	Residential
South	RSF-2 Single Family District	Residential
East	RSF-2 Single Family District	Residential
West	RSF-2 Single Family District	Residential

Site Plan



Site Plan



Site Plan



Subject
Property

2058-A

2058 A

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

2004 October -10 2:28PM

Instrument Number	629573	Pages
Recording		1.00
Band	21.00	Min Tax
Index	3.00	BP
Archive		

William T. Johns, Judge of Probate

2058 A

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

2001 October -10 2:25PM

Instrument Number 629575 Pages 1
Recording Mortgage 1.00
Bond 31.00 Min Tax
Index 3.00 BP
Archive
Adrian T. Johns, Judge of Probate


VICINITY MAP

Age Group	Percent
18-24	10
25-34	15
35-44	20
45-54	25
55-64	28
65-74	25
75-84	15
85+	5

GAPS TABLE		
3K	4K	5K
180'00"00"	80'00"00"	80'00"00"
25.00	25.00	25.00
	25.00	25.00
78.54	58.27	58.27
8K		
8'33"10"		
25.00		
25.49		
58.95		

SETBACK FROM ALL SIDE LOT LINES

EXCEPT AS SHOWN:

4  DENOTES CONCRETE MONUMENT
5 R & C CAPPED REBAR LOCATED AT ALL CORNERS EXCEPT
6 WHERE CONCRETE MONUMENTS WERE SHOWN
7 ALL LOTS ARE SINGLE FAMILY RESIDENTIAL
8 SMALLEST LOT SIZE = 15,000 SQ. FT
9 TOTAL NUMBER OF LOTS = 57
10 TOTAL LINEAR FEET OF STREETS = 3,996.75'
11 NO ACCESS TO ALABAMA STATE HIGHWAY NO. 225 EXCEPT
12 VIA GENERAL CANNIB BOULEVARD
13 [4] DENOTES STREET ADDRESS

SPANISH FORT ESTATES
TWENTY-FOURTH ADDITION, PHASE ONE

RESTER AND COLEMAN
ENGINEERS, INC.

66 MIDTOWN PARK WEST MOBILE, ALABAMA 36606-4148
TELEPHONE NO. (334)-479-4518
FAX NO. (334)-479-4522

DWG BY:	DATE:	REVISIONS						SCALE
DW	4/5/00	BY:	DATE:	BY:	DATE:	BY:	DATE:	1"=10'
CHKD BY:	DATE:	DW	4/5/00					FILE NO
DEC	5/8/00	DW	5/8/00					S-22

**ZVA23-24 ZUERCHER
PROPERTY VARIANCE
REQUEST**
*RECORDED SUBDIVISION
PLAT*

7

August 16, 2022

Open mesh fence
design required by
Planning District 10
local provisions

**ZVA23-24 ZUERCHER
PROPERTY VARIANCE
REQUEST**
*SUBJECT PROPERTY LOOKING
SOUTHEAST FROM CUL DE SAC*

Previous Fence Image



**ZVA23-24 ZUERCHER PROPERTY
VARIANCE REQUEST**
*SUBJECT PROPERTY LOOKING SOUTHEAST
FROM CUL DE SAC*

Zoning Requirements and POA Letter

2.3.10 Planning District 10.

4. Height

A. *Determination of Height.* The height of fences and walls shall be measured from the ground level at the fence location. However, if the Planning Director determines that ground levels have been altered so as to provide for a higher fence, the Planning Director shall determine the ground level for the purposes of measuring the fence or wall height. In determining whether the ground level has been altered to increase height, the Planning Director may consider, but will not be limited to, the following:

- i. General ground elevation of the entire lot
- ii. Average elevation over the length of the fence
- iii. Ground elevation on both sides

B. *Front Yard.* A fence or wall located in the front yard shall not exceed four (4) feet in height and shall not be constructed in a manner in which results in a solid wall or fence. The fence or wall should be of an open mesh design.

For the purposes of this section, open mesh design may include picket type fencing provided that the minimum space between vertical members must be of one and one-half times the width and thickness of the vertical members or bars. In no case may the space between vertical members or bars be less than four inches.

C. *Side and Rear Yard.* A fence or wall located in the side or rear yard shall not exceed eight (8) feet in height and may be constructed in a manner in which a solid wall or fence is created.

D. *Corner lots and Double Frontage Lots.* On lots which have frontage on more than one street, fence in the front yards shall not exceed a maximum height of four (4) feet. A fence or wall in a side yard shall not exceed a maximum height of four (4) feet, forward of the front primary façade of adjoining homes or structures and must be of open mesh design.

A primary façade is the side of a building that faces the roadway or has the primary entrance. For the purposes of side yard fencing, the line which delineates the primary façade shall be drawn from a point of the façade which has the greatest length facing the roadway or side which includes the primary entrance.

E. *Decorative Features.* Decorative caps or ornamental features of up to twelve (12) inches may be added along the top of fence posts.

2 Armadillo Run

Daphne, AL 36527

The above property is not part of an active neighborhood association. Spanish Fort Estates is not run by an association so no approval from the association for this property.

Sincerely,



Recoverable Signature

X

Daniel Zuercher

Signed by: cf35dffa-0de5-48ba-96f3-1781e70acbcf

Public Comments

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 10 was adopted by the County Commission on May 15, 2007. According to the subdivision plat for Lot 20, Phase One, Twenty-Fourth Addition, Spanish Fort Estates, subject property is 17,261sf in size, and thus exceeds the lot size requirement of RSF-2 zoning. Further, subject property is 95' wide along Speckle Trout Route, and thus exceeds the lot width requirements of RSF-2 zoning. Subject property contains some radiused lot lines but is generally a typical rectangular-shaped lot. The shape and size of the lot have not prevented the use of the lot for a single-family residential home that includes a swimming pool. Though the subdivision pre-dates the adoption of zoning, the information included on subdivision slide # 2058-A, recorded October 10, 2001 exceeds the requirements of RSF-2 zoning. Staff does not perceive any exceptional narrowness, shallowness, or shape of the subject property that justifies a variance to allow the non-compliant fence to remain in place. The subdivision in which subject property is located pre-dates the establishment of zoning in Planning District 10, but exceeds the zoning requirements as described above.

RSF-2 Required minimum lot size: 15,000sf	Actual size: 17,261sf	Lot shape hardship:	NONE
RSF-2 Required minimum lot width: 80ft	Actual lot width: 95ft	Lot narrowness/shallowness hardship:	NONE

Staff Analysis and Findings

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

As mentioned previously, the subdivision plat was recorded in 2001 and the subdivision plat would not have been recorded unless all the necessary improvements required for the development to function were installed. This development includes sidewalks, curb and gutter, etc. for which the original developer would have been required to furnish and install as well as conduct necessary grading and earthwork so that the storm drainage system for the development would function to the satisfaction of the County Engineer. The topography lines from the parcel viewer appear to show the lot sloping from an elevation of 107' near the existing home to an elevation of 102' at the edge of curb along Armadillo Run. This topography was likely a result of the drainage requirements of the original development to sheet flow storm water from the lot to the curb and gutter so that storm water would be handled by the stormwater drainage system. Staff perceives that improvements made by a developer to a lot within a subdivision for which those improvements were installed prior to the construction of homes do not qualify for a hardship. Because those improvements were necessary to meet a technical engineering standard, staff asserts those improvements are a self-created or self-imposed condition not created by the land itself. **As a result, staff does not perceive that the subject property establishes exceptional topographic conditions or other extraordinary situations, or conditions contained on the subject property which require a variance to allow the non-compliant fence to remain.**

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-2, Single Family District which allows for single-family dwelling and related accessory uses. A single-family residential home as well as a swimming pool are currently in place on subject property and thus the property has successfully accomplished the land use allowed by RSF-2 zoning. Staff perceives the request to allow the fence with its height and configuration not in conformance with the zoning ordinance as a convenience for subject property. The non-compliant fence is not required to preserve a property right on the subject property because the subject property is already in use as allowed by RSF-2 zoning. Further, denial of the variance does not prevent utilization of the property for single family residential purposes because the single-family residential use is currently in operation.

Staff Analysis and Findings

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 believe the granting of this application, **in general**, 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

However, staff is unable to determine if approved the requested variance will unreasonably diminish or impair established property values within the surrounding areas because it is not feasible to gather sufficient data to make that determination for presentation at the public hearing. The effect of allowing a “for convenience” item not otherwise allowed by the zoning ordinance may affect the property value of subject property and surrounding properties in a way that cannot be reasonably quantified for a variance request public hearing. Further, in many cases it is not possible to conduct an exhaustive search of prior records regarding local provisions of planning districts that were approved several years in the past, a present that information to a BOA in the time allotted to prepare staff reports. Staff examined the meetings minutes of both the County Commission meeting and the Planning Commission meeting at which Planning District 10 was adopted and found no explanation for the fencing height requirements of the local provisions. Staff may possibly be able to verbalize more information regarding the origin of the fencing requirements of Planning District 10’s local provisions at the Board of Adjustment meeting. It is possible the lower fence height is required to improve natural surveillance within Planning District 10, but that information could not be found from a cursory review of the minutes of prior meetings.

Staff Analysis and Findings

5.) Other matters which may be appropriate. The property is not part of an active neighborhood association per correspondence from the applicant. Per tax records, the swimming pool was built in 2003 prior to zoning to the adoption of Planning District 10. If the previous fence was installed prior to the adoption of zoning, the previous fence was “grandfathered” and was an existing nonconformity. However, because the previous fence was demolished the replacement fence is required to comply with the zoning ordinance.

ZVA23-24 ZUERCHER PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates Planning Technician II

The applicant is requesting a variance from Section 2.3.10.3 of the *Baldwin County Zoning Ordinance* related to the fence material required by the local provisions of Planning District 10.

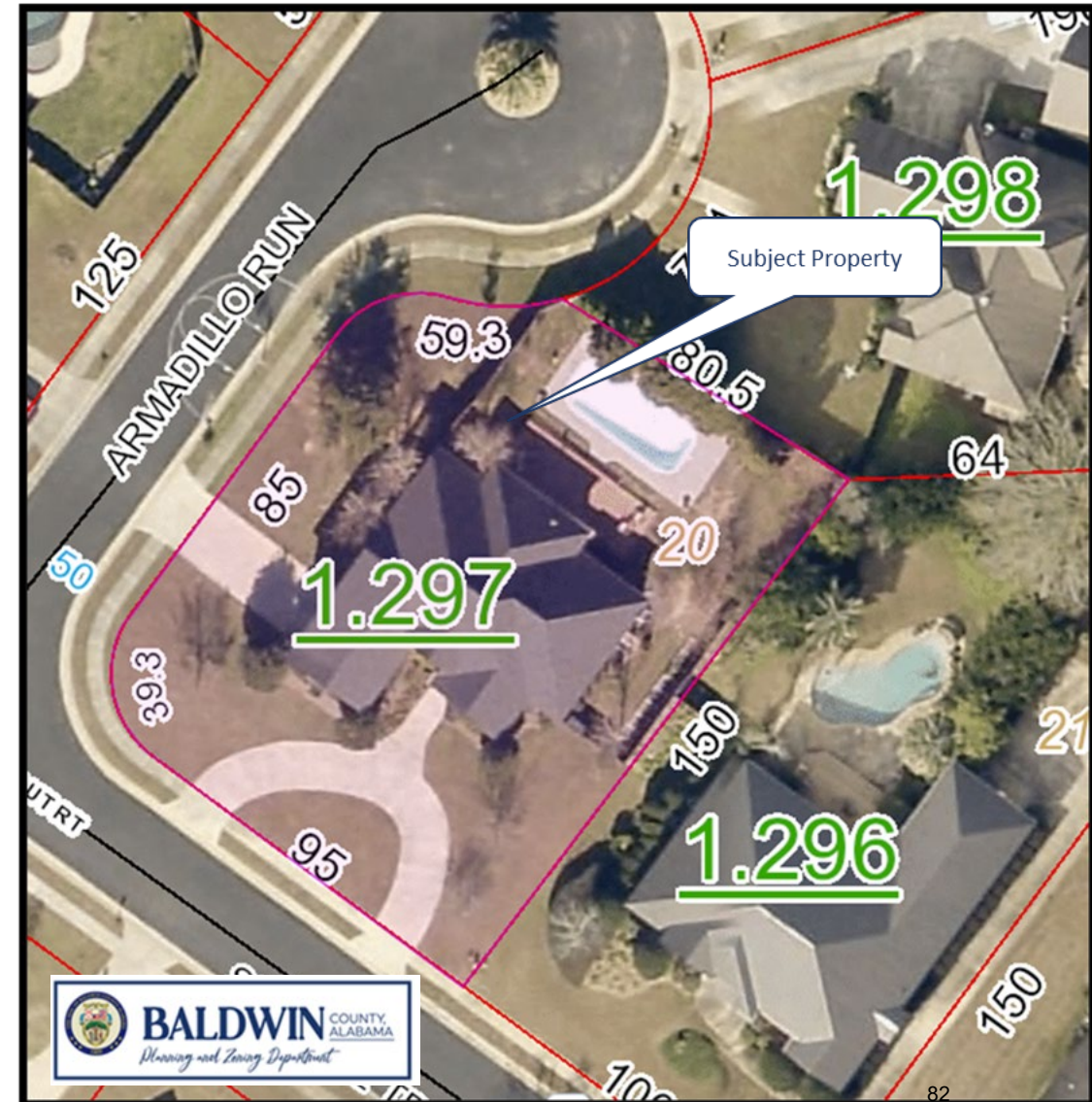
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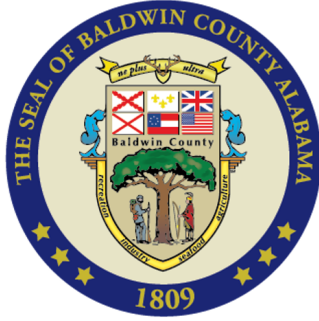
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May 16, 2023





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

NEXT REGULAR MEETING

JUNE 8, 2023 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL