

**BALDWIN COUNTY COMMISSION DISTRICT 2
BOARD OF ADJUSTMENT**

AGENDA

June 11, 2018

Regular Meeting

4:00 p.m.

Central Annex Auditorium

22251 Palmer Street

Robertsdale, Alabama

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Transcript (May 14, 2018)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-180018 Burdick Property

Request: Approval of a variance from the rear yard setback requirements to allow for a roof addition over an existing slab

Location: The subject property is located at 28407 Bay Branch Drive in Planning District 28

Attachments: *Within Report*

b.) Case No. V-180019 Holk Property

Request: Approval of a variance from the buffer requirements to allow for the addition of three (3) self-storage buildings on the east side of property

Location: The subject property is located at 11423 County Road 64 in Planning District 15

Attachments: *Within Report*

c.) Case No. V-180020 WR Tech Investments Property

Request: Approval of a variance from the number of off-street parking spaces required

Location: The subject property is located at 30852 State Hwy 181 in Planning District 10

Attachments: *Within Report*

6. Old Business
7. New Business
8. Adjournment



Baldwin County Planning & Zoning Department County Commission District #2

Board of Adjustment Staff Report

Case No. V-180018

Burdick Property

Rear Yard Setback Variance

June 11, 2018

Subject Property Information

Planning District: 28
General Location: Bay Branch Estates
Physical Address: 28407 Bay Branch Drive
Parcel Number: 05-43-01-01-0-000-001.033
Zoning: RSF-2, Single Family District
Lot Size: 0.57+/- Acres
Applicant: Douglas Burdick
28407 Bay Branch Drive
Daphne, AL 36526
Owner: Same
Lead Staff: Crystal Bates, Planning Technician
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2
South	Residential	RSF-2
East	Residential	RSF-2
West	Alabama Power Transmission Easement	RSF-2

Summary and Recommendation

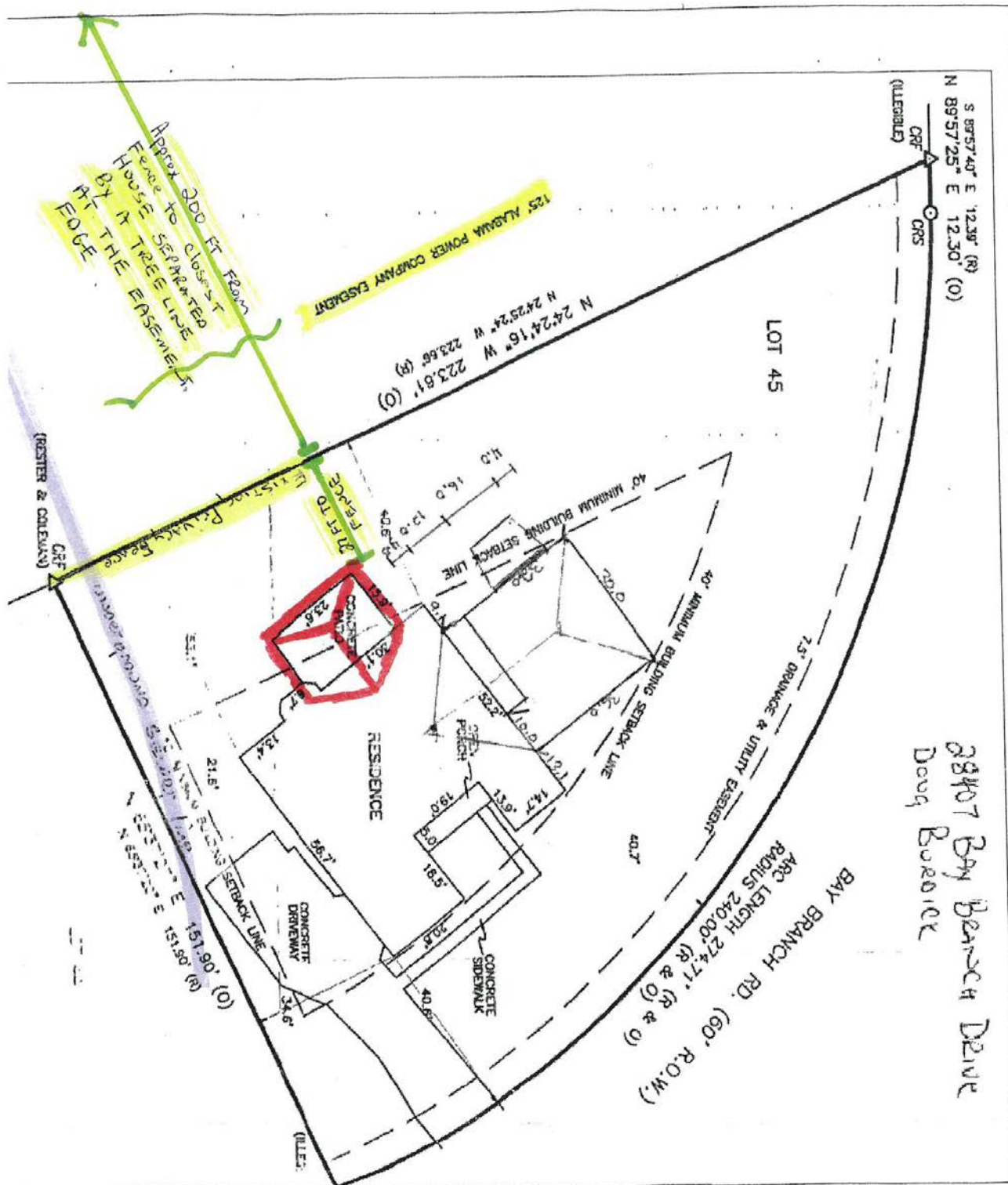
The applicant is proposing to construct a 16' x 24' hip roof covered porch over an existing slab on the rear side of an existing single-family dwelling within the platted setback requirement of 40 foot. The proposed covered porch will be 27 feet to the property line on the closest side. The required rear yard setback is 40 feet, which will put the covered attached porch encroaching 13 feet into the required rear yard. The rear property line abuts an Alabama Power Transmission Easement of 125 Feet.

Staff feels this is a reasonable request and recommends that Case No. V-180018, Burdick Property be **APPROVED.** *

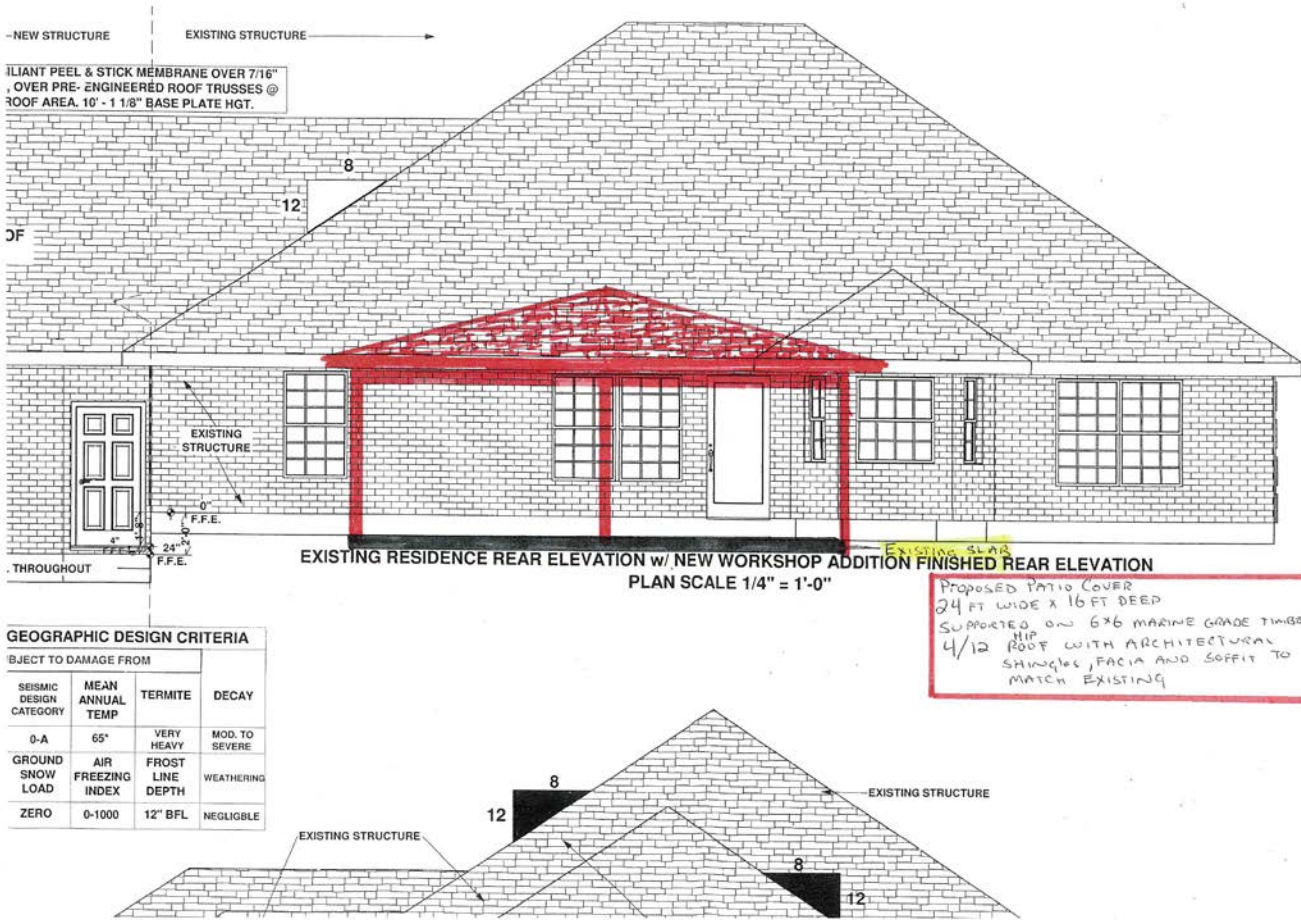
Variance Request

The applicant is requesting a 13-foot variance from the platted setback requirement of 40 feet to allow construction of a 16' x 24' hip roof covered porch over an existing slab on rear side of the existing single-family dwelling within the required rear yard. If permitted, the proposed attached roof cover would be 27 feet to the property line at its closest point.

Proposed Site Plan



Rear Elevations

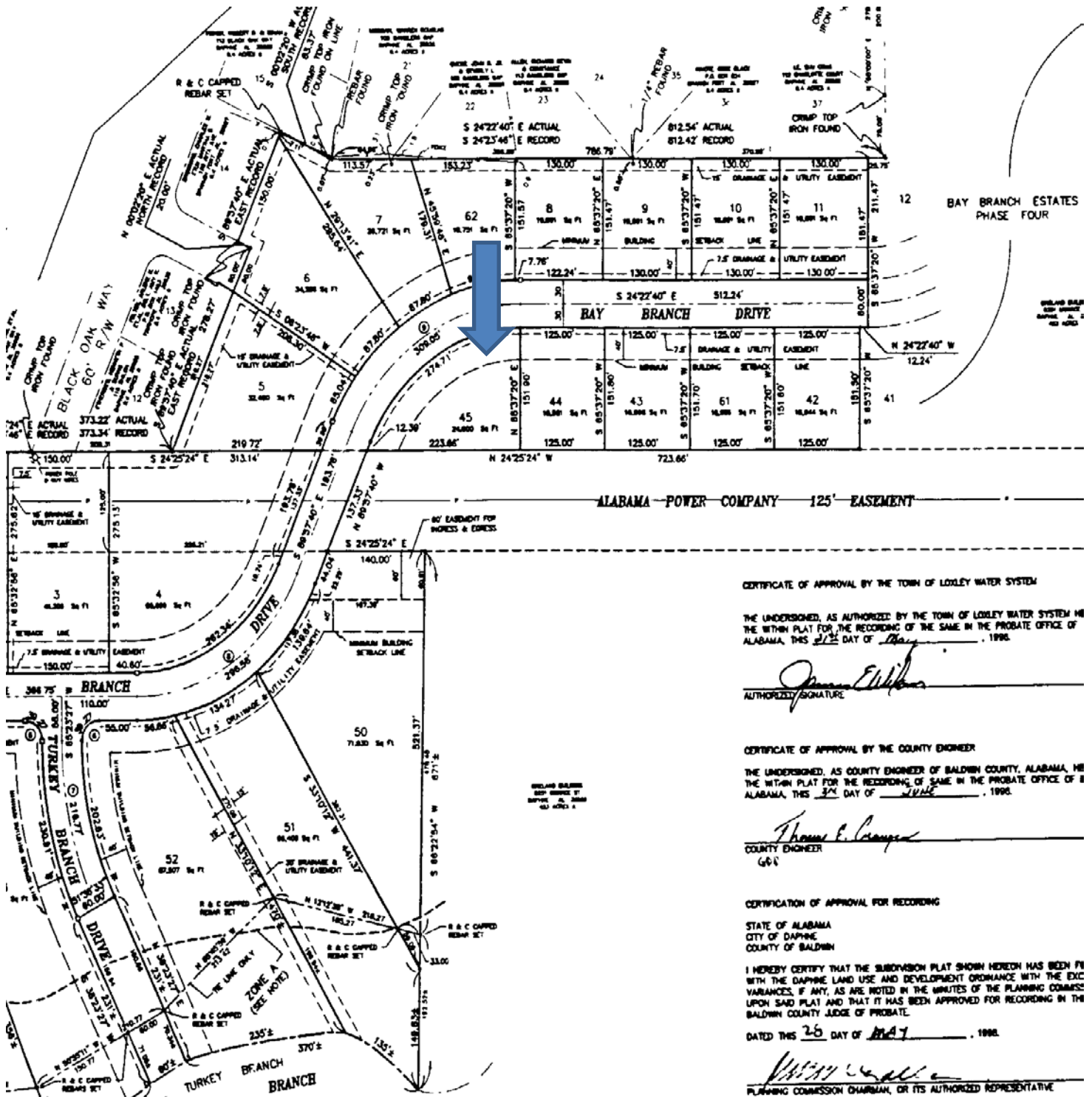


K.a.t. Designs Inc.
Architectural Design • Civil Drafting • Planning Services
18409 Florida Street, Robertsdale, AL 36567
Cell (251) 978-4798 Email kkrfent@earthlink.net

John W. Peterson PE
ENGINEERING • PLANS • CONSULTING

RDICK - PROPERTY OWNER
RES. 24' x 36' DETACHED GARAGE PLAN
1: 28407 BAY BRANCH DRIVE, DAPHNE, AL.
1/4" = 1'

Subdivision Plat



CERTIFICATE OF APPROVAL BY THE TOWN OF LOXLEY WATER SYSTEM

THE UNDERSIGNED, AS AUTHORIZED BY THE TOWN OF LOXLEY WATER SYSTEM, BE THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF ALABAMA, THIS 21ST DAY OF MAY, 1998.

[Signature]
AUTHORIZED SIGNATURE

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, BE THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF ALABAMA, THIS 31ST DAY OF MAY, 1998.

[Signature]
COUNTY ENGINEER
G66

CERTIFICATION OF APPROVAL FOR RECORDING

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FILED WITH THE DAPHNE LAND USE AND DEVELOPMENT ORDINANCE WITH THE EXC. VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION UPON SAID PLAT AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE BALDWIN COUNTY JUDGE OF PROBATE.

DATED THIS 26TH DAY OF MAY, 1998.

[Signature]
PLANNING COMMISSION CHAIRMAN, OR ITS AUTHORIZED REPRESENTATIVE

Section 4.3 RSF-2, Single Family District

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

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

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

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

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

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

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

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

Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	*30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Section 12.5 Yard Requirements

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

(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.

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

Staff Analysis and Findings

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

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

The subject property is approximately 287.1 x 223.7 irregular shape and according to Revenue Commission the house was built around 2003.

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

Staff is not aware of any exceptional topographic conditions on this property.

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

The use of the property has already been established with a single-family dwelling. The proposed porch cover will be over an existing slab.

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.

No adverse impacts.

5.) Other matters which may be appropriate.

There have been several calls on this variance request with no voiced opposition. Adjacent to the rear line is the Alabama Power Transmission Easement of 125'. The POA has granted approval for the construction as well.

Staff feels this is a reasonable request and recommends that Case No. V-180018, Burdick Property, be APPROVED.

GENERAL NOTES {By-laws}

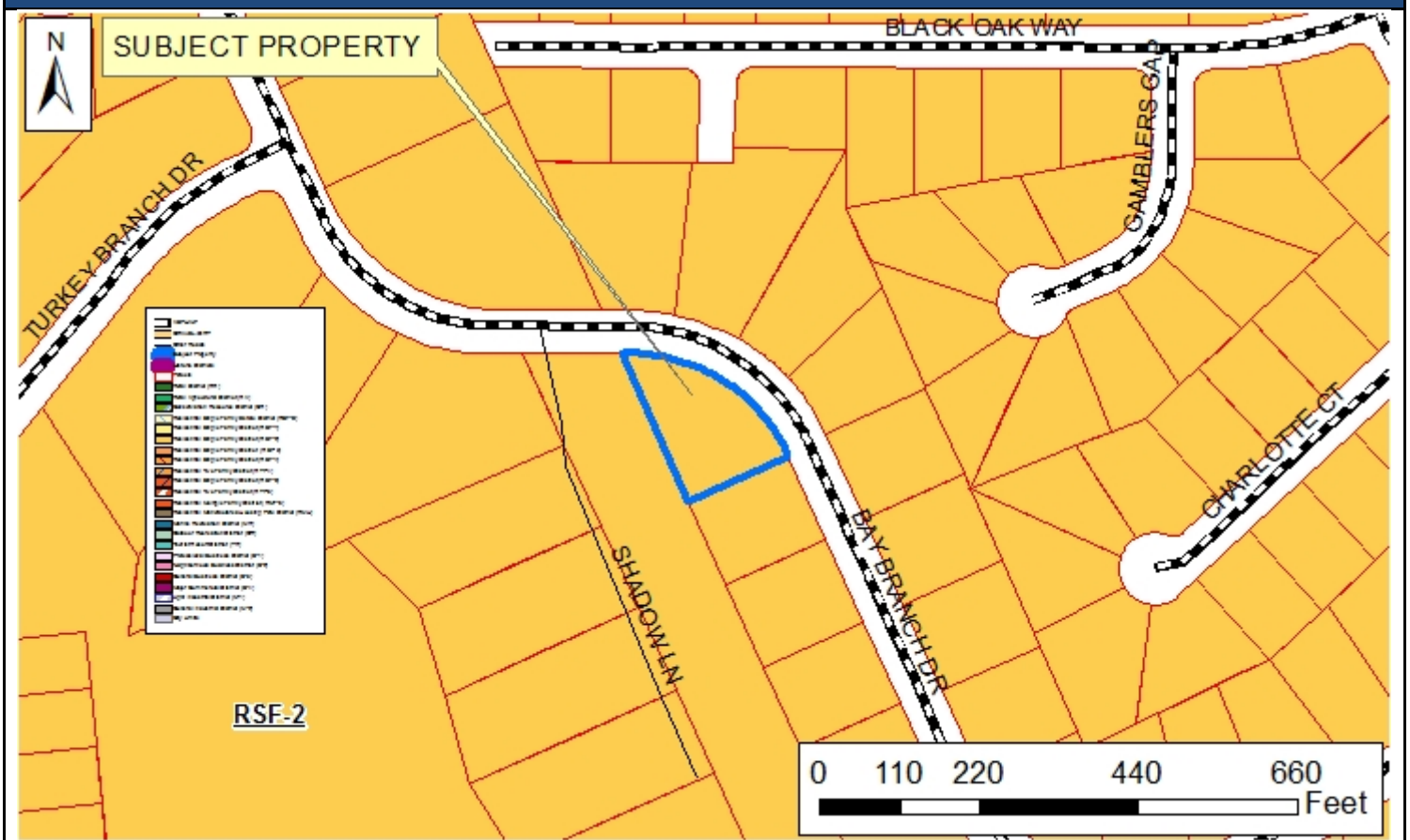
Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board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

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





Locator Map



Site Map



POA Approval

Bay Branch Estates POA, Inc.			
REQUEST FOR APPROVAL TO MODIFY PROPERTY			
To be filled in by applicant (PLEASE PRINT)			
NAME OF APPLICANT(S):	Doug Burdick		
MAILING ADDRESS:	28407 Bay Branch Drive DAPHNE AL 36526		
UNIT NUMBER:	MODEL TYPE:	TELEPHONE:	
	2325 FT ²	251 753 4718	

In accordance with the requirements of the Architectural Review Committee in the Declaration of Protective Covenants of Bay Branch Estates POA, Inc., to which I belong, I hereby request approval for the following modification:
Describe here the modification request)

16x24 covered BACK PATIO over existing SLAB.
SHINGLES, FACIA, SOFFIT TO MATCH EXISTING
ONE CORNER GOES BEYOND SETBACK, Hence
COUNTY HEARING NOTICE

Applicants Signature:

Doug Burdick

Date:

5/21/2018

INSTRUCTIONS

1. Complete all items. Sign where required.
2. Please consult the Declaration of Protective Covenants proper approval procedures.
3. Two complete sets of plans and specifications prepared by an architect, landscape architect, engineer or other qualified person shall be attached to this application.
4. Information contained in these plans and specifications must show the nature, kind, shape, height, materials, color scheme and location of the requested change or alteration, depending on the type of modification requested.
5. As a condition precedent to granting any request for a change, alteration or addition, the applicant, his heirs and assigns, hereby assumes sole responsibility for the repair, maintenance or replacement of any such addition, alteration, or change.
6. The applicant assumes all responsibility for any infringement on or interference with existing facilities and easements on this property.
7. An approval or denial will be delivered within 30 days after request is received.
8. Approval of this request does not constitute approval of the structural integrity of the requested modification, and is intended solely to maintain harmonious visual aesthetics within the community.
9. All applicable governmental permits or approvals must be obtained by the applicant and a copy furnished to the Architectural Review Committee before work is to begin.

Action Taken:

Your request is APPROVED

☐

CONDITIONALLY APPROVED

☐

DISAPPROVED

☐

INCOMPLETE

☐

The following additional information is required or approval is conditional upon:

By: Bay Branch Estates POA, Inc. Board of Directors

Signature:

Date:

Action Taken:

Your request is APPROVED

☒

CONDITIONALLY APPROVED

☐

DISAPPROVED

☐

INCOMPLETE

☐

The following additional information is required or approval is conditional upon:

By: THE ARCHITECTURAL REVIEW COMMITTEE

Signature: ANDERSON,JOHN.MOYLE, JR.1048238498

Date: 5/31/2018

Bay Branch Estates POA, Inc.		
Modification to Property Checklist		
Item	Yes	No
Is the modification to be used for Business or Business activity?		✓
Has the modification been submitted to the Architectural Review Committee?	Now	
Does the modification require the review of a licensed architect or engineer?		NO
Have you or your builder obtained the proper permits to complete this modification?	IN PROCESS	
Is the modification a sign of any kind?		✓
Is the modification a car-port?		✓
Is the modification a detached Garage? If so, is it connected to the dwelling structure by a breezeway or covered walkway?		✓
Is the modification an exterior antenna?		✓
Does the modification alter the drainage easement in Owner's backyard?		✓
If the lot is located at a street intersection, does the modification permit safe sight across the street corners?		✓
Is the modification a fence?		✓
Does the modification include the installation of a window air-conditioning unit?		✓
Does the modification include the erection of additional exterior lights other than a decorative post light or street light?		✓
Is the modification the addition of an exterior sculpture, fountain, flag or similar item?		✓
Does the modification include the addition of Energy Conservation Equipment?		✓
Is the modification the addition of an above-ground pool?		✓
Does the modification require re-painting?		✓
Does the color match the original construction	Yes	
Does the modification include the installation of natural, untreated wood to the exterior?		✓
If so, are the wood exterior painted or stained?		✓
Is the modification the change of color to visible Window Coverings to other than white or off white?		✓
Does the modification have an entrance?	✓	

BURDICK
28407 Bay Branch Drive

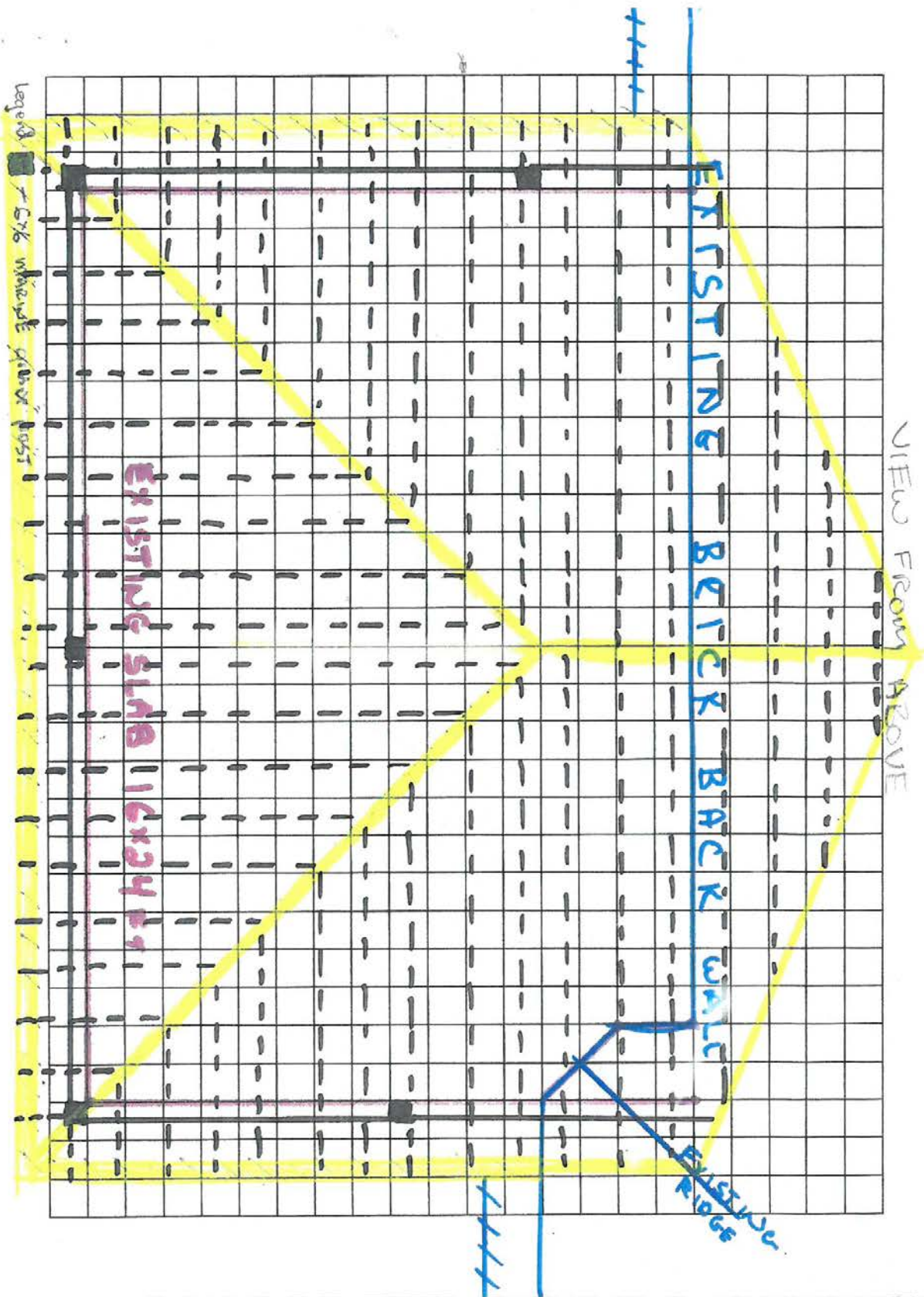
Complete Page 1 on Architectural Request Form

Available on Web Site – www.bbepoa.com

Check Appropriate Box

<input type="checkbox"/>	Landscaping Project - Brief description of project.
<input type="checkbox"/>	Tree Removal - Report removal of dead or diseased trees.
<input type="checkbox"/>	Installation of Fence - Describe location of fence.
<input type="checkbox"/>	Flag Pole Installation
<input type="checkbox"/>	Sign Notification – Political, Yard Sale, etc. - Political signs 45 days prior to election. Remove 24 hours after election.
<input checked="" type="checkbox"/>	Construction of Permanent Structures - Pertaining to Landscaping (Pool area, fountains etc.) Brief description of project.
<input type="checkbox"/>	Yard Sale Notification

COVER BACK PATIO, HIP ROOF - ARCHITECTURE
SHINGLES, FASCIA + SOFFIT TO MATCH
EXISTING.





Baldwin County Planning & Zoning Department

County Commission District #2

Board of Adjustment Staff Report

Agenda Item

Case No. V-180019

Holk Property

Variance from Buffer Requirements

June 11, 2018

Subject Property Information

Planning District: 15
General Location: North side of County Road 64, West of County Road 54 East
Physical Address: 11423 County Road 64
Parcel Number: 05-43-06-13-0-000-017.006
Current Zoning: RR, Rural District
Existing Land Use: Self-Storage Facility
Acreage: 3.3 acres, more or less
Applicant: Robert C. Holk
17860 US Highway 98
Foley, AL 36535
Owner: Same
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial	RA, Rural Agricultural District
South	Residential	RSF-E, Residential Single Family Estate District
East	Agricultural	RR, Rural District
West	CO Rd 55 & Agriculture	RR, Rural District

Summary and Recommendation

The applicant is requesting a variance from the 25-foot Landscaped Buffer Requirement on the east side of the property to allow for the construction of three (3) self-storage buildings. The Board granted Special Exception approval of these self-storage buildings at its May 14, 2018 meeting. The subject property is currently zoned RR, Rural District. According to the zoning ordinance, general business uses when adjacent to rural districts shall require a minimum buffer of 25 feet.

Staff recommends that Case No. V-180019, Holk Property, be **APPROVED** based on information contained herein.*

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

Section 3.1 RR, Rural District

3.1.1 *Generally.* This zoning district is provided to accommodate the rural areas of Baldwin County. Rural District ordinances are designed to protect the rural character of the area.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) Marine recreation uses.
- (d) Outdoor recreation uses.
- (e) The following general commercial uses: animal clinic and/or kennels; farm implement sales; farmer's market/truck crops; nursery; landscape sales.
- (f) Local commercial uses.
- (g) Professional service and office uses.
- (h) The following institutional uses: church or similar religious facility; child care center; child care institution; day care home; fire station; library; post office; school (public or private).
- (i) Agricultural uses.
- (j) Single family dwellings including manufactured housing and mobile homes.
- (k) Accessory structures and uses.

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

- (a) Light industrial uses.
- (b) General commercial uses not permitted by right, except race track.
- (c) Institutional uses not permitted by right, except correctional, detention, or penal institution and sanitarium.
- (d) Boarding house, rooming house, lodging house, or dormitory.
- (e) Fraternity or sorority house.

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

Transportation, communication, and utility uses not permitted by right.

3.1.5 *Area and dimensional ordinances.* Except as provided by Section 2.3: *Establishment of Zoning in Planning Districts*, Section 12.4: *Height Modifications*, Section 12.5: *Yard Requirements*, Section 12.6: *Coastal Areas*,

Section 12.8: Highway Construction Setbacks, Section 18.6 Variances, and Article 20: Nonconformities, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	30-feet
Minimum Rear Yard	30-feet
Minimum Side Yards	10-feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-feet
Minimum Lot Width at Street Line	120-feet

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

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	80-Feet

Section 17.2 Buffers of Unlike Land Uses and Zoning Designations

17.2.1 *Purpose and intent.* Where unlike land uses or zoning designations occur, a buffer shall be required along the entire length of all such common boundaries. Said buffer shall be of the width specified below and shall be planted with canopy trees, understory trees and shrubs of sufficient density and of sufficient height (but in no case less than 8-feet high at the time of planting for canopy trees and 4-feet high at the time of planting for understory trees) to afford adequate sight, sound and debris protection. All screen planting shall be maintained in a clean and healthy condition.

17.2.2 *Buffer Requirements.* Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The required buffer widths are listed below. Additional information may be found at Appendix B:

(c) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of 25-feet.

Staff Analysis and Findings

As stated above, the applicant is requesting a variance from the 25-foot Landscaped Buffer Requirement on the east side of the property to allow for the construction of three (3) self-storage buildings. The Board granted Special Exception approval of these self-storage buildings at its May 14, 2018 meeting. The subject property is currently zoned RR, Rural District. According to the zoning ordinance, general business uses when adjacent to rural districts shall require a minimum buffer of 25 feet.

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

- 1.) **Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.**
- 2.) **Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.**
- 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.**
- 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.**
- 5.) **Any owner of record of real property upon the date of the adoption by the Baldwin County Commission of the zoning ordinances for the planning district in which said property is located shall automatically obtain a variance, if needed, for a single family dwelling notwithstanding the type of dwelling to be placed or constructed on the property.**

The issue with this request is not the area and dimensional requirements, but the buffer requirement. The existing self-storage facility was permitted prior to the enactment of zoning in planning district 15. There is an existing vegetative landscape on the property to the east which was there prior to the construction of the self-storage facility. Staff feels this vegetative landscape is a sufficient buffer. Also, per the site plan submitted, the proposed new buildings access will be on the west side, resulting in no access from the east side of the structures.

Staff Comments and Recommendation

Staff recommends that Case No. V-180019, Holk Property, be **APPROVED** based on information contained herein.*

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

GENERAL NOTES {By-laws}

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal 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.

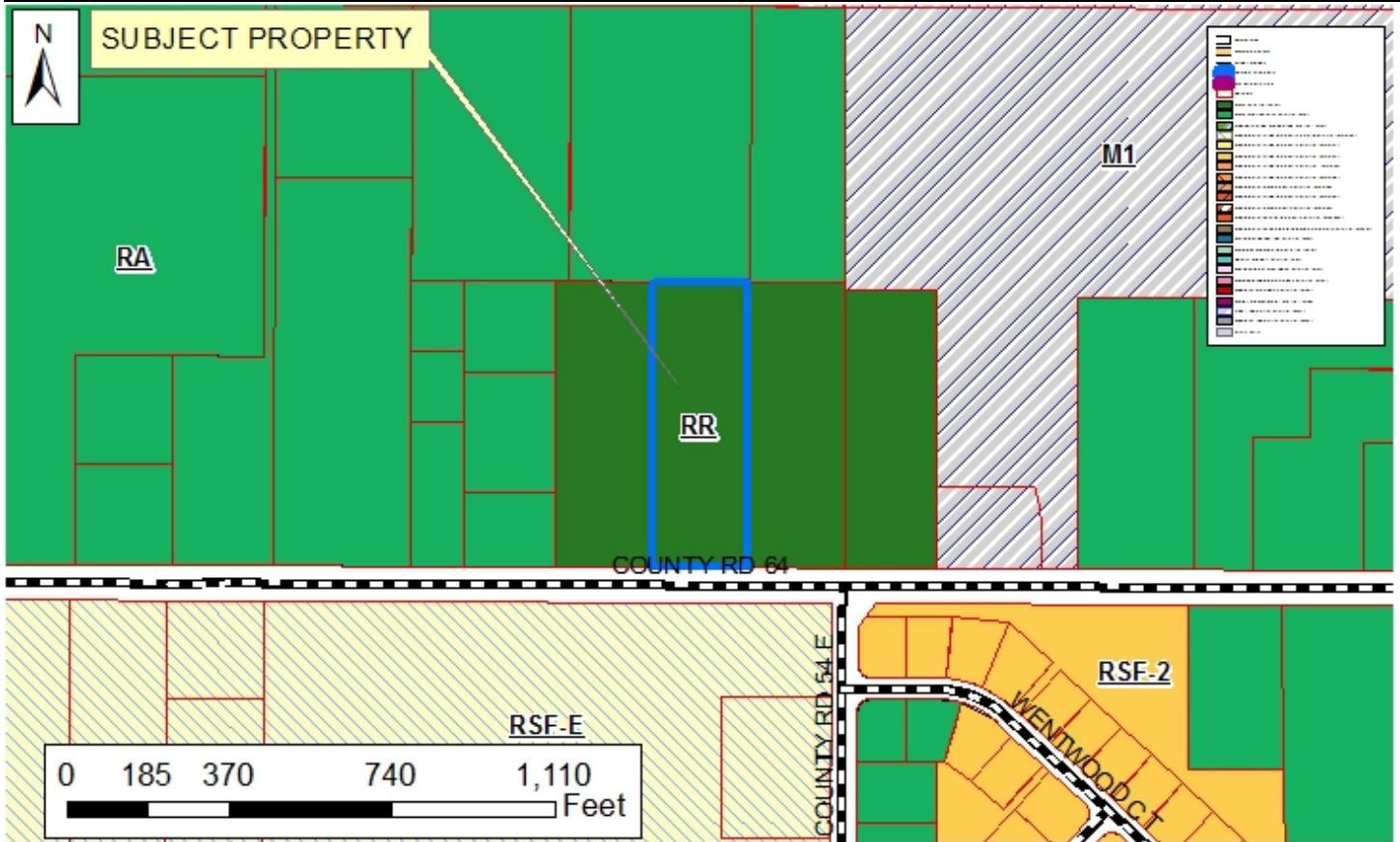
Whenever the Board imposes conditions with respect to a project or Special Exception, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as the conditions upon which it is granted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

Property Images

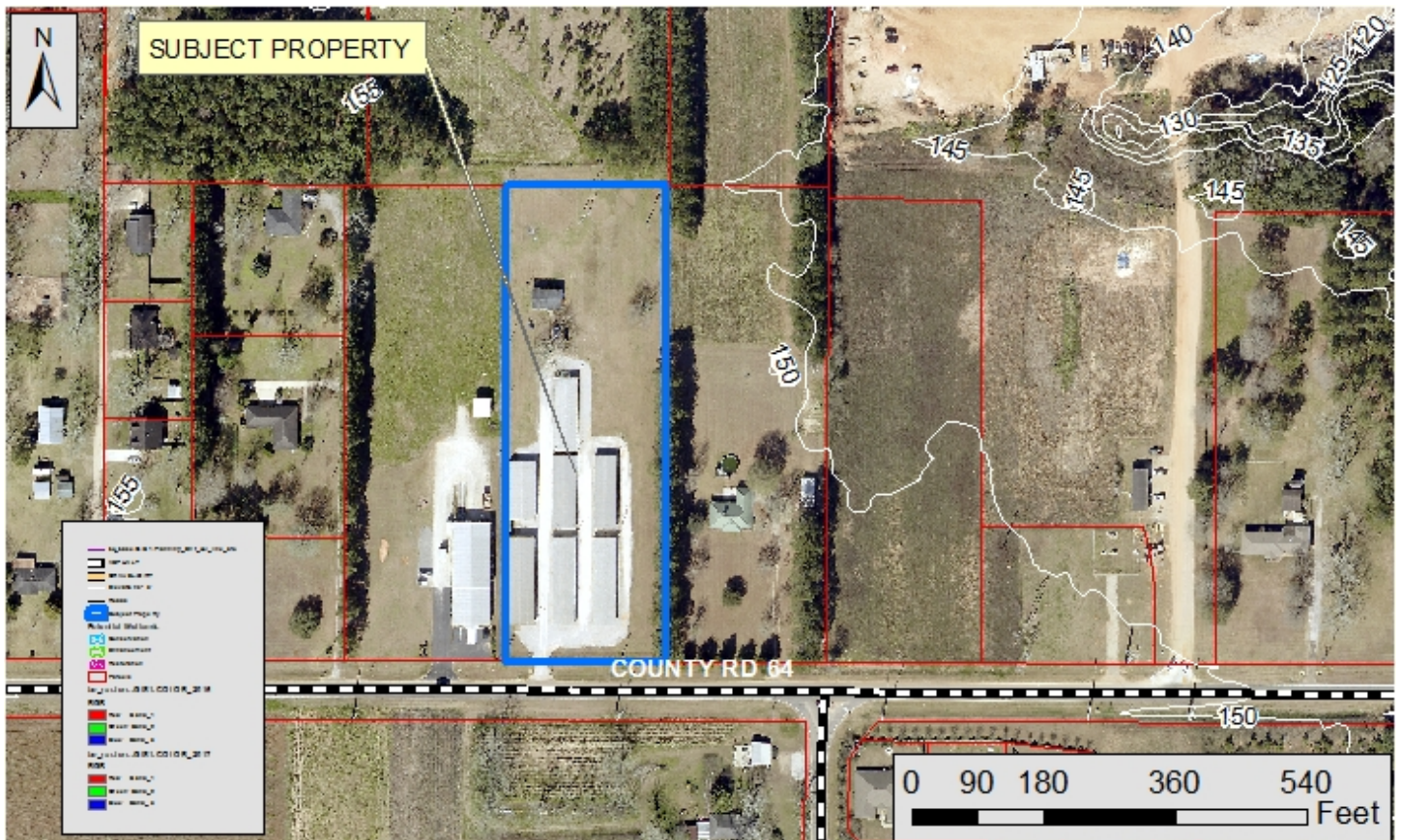




Locator Map



Site Map





Baldwin County Planning & Zoning Department

County Commission District #2

Board of Adjustment Staff Report

Case No. V-180020
W.R. Tech Investments Property
Variance From Off-Street Parking Requirements
June 11, 2018

Subject Property Information

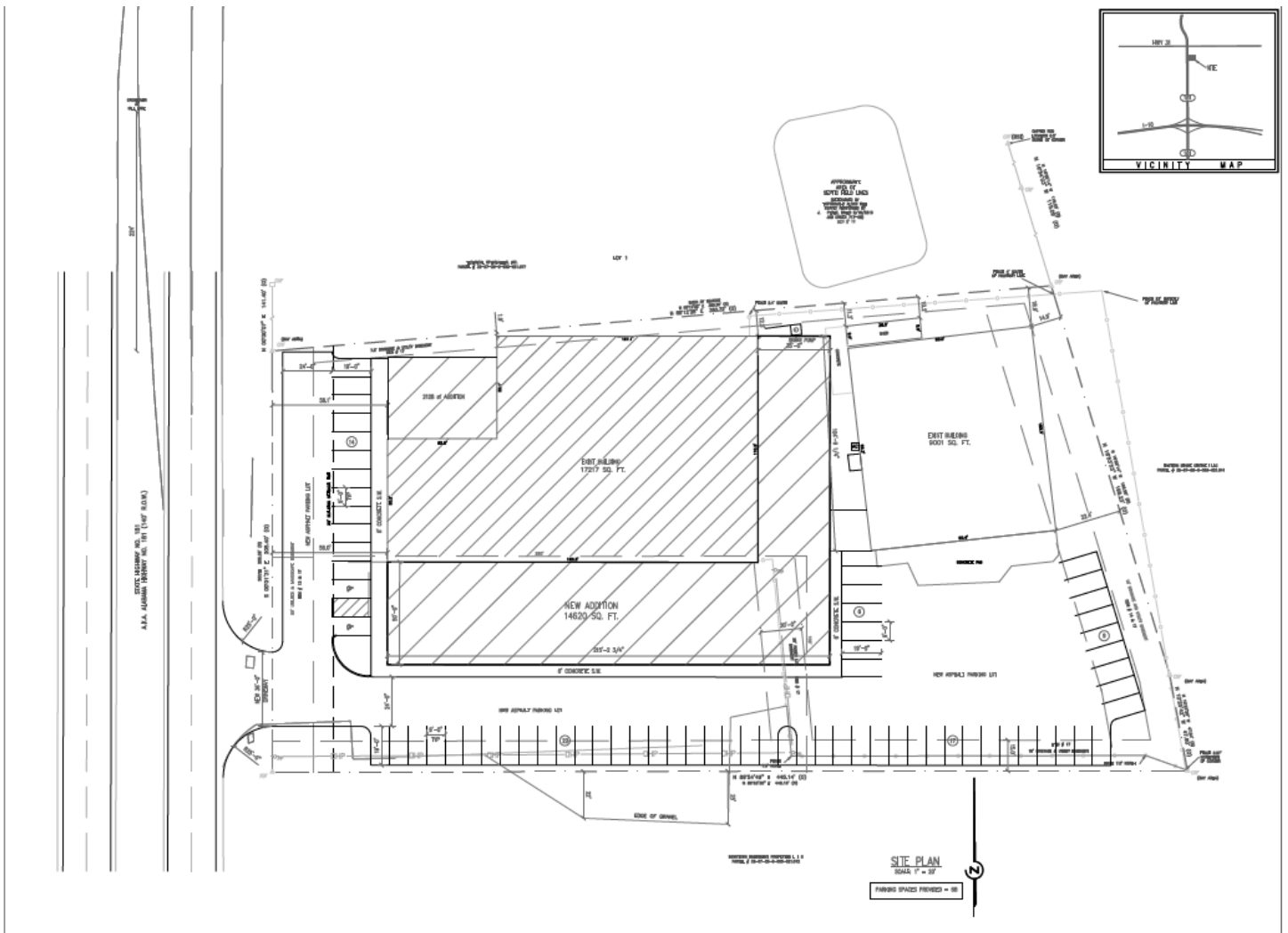
Planning District: 10
General Area: East side of State Highway 181, South of U.S. Highway 31
Physical Address: 30852 State Highway 181
Parcel Number: 05-32-07-26-0-000-021.004
Zoning: M-1, Light Industrial District
Acreage: 2.1 acres, more or less
Applicant: Stephen Roberts, HCB LLLP
5708 Warden Road
Sherwood, AR 72120
Owners: W.R. Tech Investments
30852 State Highway 181
Spanish Fort, AL 36527
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped/Commercial	M-1, Light Industrial
South	Commercial	M-1, Light Industrial
East	Undeveloped	City of Spanish Fort
West	Commercial	City of Daphne

Summary

The applicant is requesting a variance from off-street parking requirements for the subject property. A furniture store is proposed for the existing building. According to the information provided, this building would be expanded to approximately 34,000 square feet which would require 170 parking spaces. In addition, the applicant plans to utilize an existing 9001 square foot warehouse building which would raise the parking ratio by another 10 spaces. The applicant has proposed 68 spaces which is based on previous experience with similar sized stores.

Site Plan Submitted



Zoning Requirements

Section 8.1 M-1, Light Industrial District

8.1.1 *Generally.* The purpose of this zoning district is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic.

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

- The following general industrial uses: extraction or removal of natural resources on or under land.
- Light industrial uses.
- Transportation, communication, and utility uses except landfills and sewer treatment plants.
- Outdoor recreation uses.
- Marine recreation uses.
- General commercial uses except race tracks.
- Local commercial uses.
- Professional service and office uses.
- Institutional uses.
- Agricultural uses.
- Accessory structures and uses.

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

- (a) Transportation, communication, and utility uses not permitted by right per *Section 8.2(c): Permitted uses.*
- (b) General commercial uses not permitted by right per *Section 8.2(f): Permitted uses.*

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

Maximum Height of Structure in Feet	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	40,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	No Minimum

- (a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.
- (b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

Section 15.2 Parking Schedule

15.2.4 *Business and office.*

- (a) *Commercial establishments and offices including but not limited to food stores, banks, furniture stores, or personal service establishments.* One space for each 200 square feet of gross floor area.

15.2.6 *Industrial, warehouse and similar establishments.*

- (b) *Warehouses.* One space for each 1,000 square feet of gross floor area.

Staff Analysis and Findings

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

- 1.) **Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.**
- 2.) **Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.**

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.

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.

5.) Other matters which may be appropriate.

The subject property is currently occupied with two buildings. The property adjoins State Highway 181 to the west. The adjoining properties are vacant and commercial.

This application does not fit neatly into the above listed standards due to the fact that it represents a variance from parking requirements rather than typical area and dimensional standards such as setbacks. Staff has found the County's off-street parking requirements to be somewhat high and often inconsistent with industry standards. In cases such as this, staff looks to information from applicants in terms of their parking needs based on previous experience. The applicant will discuss this information during the public hearing. Approval of this request would result in a variance of 112 spaces. The current requirements are 170 spaces for the retail building (one space for each 200 square feet of gross floor area) and 10 spaces for the warehouse building (one space for each 1,000 square feet of gross floor area), for a total of 180 off-street parking spaces. As stated above, 68 parking spaces have been proposed.

Staff Comments and Recommendation

As stated previously, the applicant is requesting a variance from off-street parking requirements for the subject property. A furniture store is proposed for the existing building. According to the information provided, this building would be expanded to approximately 34,000 square feet which would require 170 parking spaces. In addition, the applicant plans to utilize an existing 9001 square foot warehouse building which would raise the parking ratio by another 10 spaces. The applicant has proposed 68 spaces which is based on previous experience with similar sized stores.

Staff feels that this is a reasonable request and recommends that Case No. V-180020, W.R. Tech Investments Property, be **APPROVED**, based on comments contained herein. The Board should base its decision on the information obtained from the public hearing.

GENERAL NOTES {By-laws}

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

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









