

**Baldwin County Commission District 3  
Board of Adjustment**

**Agenda**

**June 18, 2018**

**4:00 p.m.**

**Baldwin County Central Annex  
Auditorium  
22251 Palmer Street  
Robertsdale, Alabama 36567**

- I. Call to Order
- II. Roll Call
- III. Approval of Previous Meeting Transcript (May 21, 2018)
- IV. Announcements/Registration to Address the Board of Adjustment
- V. Consideration of Applications and Request

**ITEMS:**

**a.) Case No. V-180021, D R Horton Inc., Property**

*Request:* A variance from the front yard setback requirement to allow for the construction of a single-family dwelling

*Location:* The subject property is located at 24281 Harvester Drive in Planning District 12

*Attachments:* Within Report

- VI. Old Business
- VII. New Business
- VIII. Adjournment

PROCEEDINGS HELD BEFORE THE  
BALDWIN COUNTY COMMISSION DISTRICT #3  
PLANNING (ZONING) DISTRICT BOARD OF ADJUSTMENT  
May 21, 2018

The following proceedings were held on this the 21st day of May, 2018, at the Baldwin County Central Annex, Main Auditorium, 22251 Palmer Street, Robertsdale, Alabama, before Susan C. Andrews, Certified Court Reporter Number 287.

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A P P E A R A N C E

BOARD OF ADJUSTMENT MEMBERS PRESENT

- Donnie Waters, Chairman Planning District 31
- Adam Pasqual Bertolla, Planning District 12
- Jimmy Hardy, Planning District 31
- Judy Powell, Planning District 31

BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT PRESENT

- Vince Jackson, Director
- Linda Lee, Planner

ALSO PRESENT:

- Commissioner Tucker Dorsey

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I N D E X

1 - Call to Order.....	4
2 - Roll Call.....	4
3 - Approval of Previous Meeting Minutes (April 16, 2018).....	4
(Approved)	
4 - Announcements/Registration to Address the Board of Adjustment	
5 - Consideration of Applications and Requests	
5-A - Case No. V-180007, D R Horton Inc., Property (Request For Rehearing).....	5
(Approved)	
6 - Old Business.....	10
7 - New Business.....	10
8 - Adjournment.....	11

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P R O C E E D I N G S

1 - CALL TO ORDER

BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS:

We're ready to call it?

MS. LINDA LEE: Yes, sir.

BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS:

Okay. Call it to order.

2 - ROLL CALL

BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS: If you will, give us -- check us out.

MS. LINDA LEE: Ms. Powell.

BOARD OF ADJUSTMENT MEMBER JUDY POWELL: Here.

MS. LINDA LEE: Mr. Hardy.

BOARD OF ADJUSTMENT MEMBER JIMMY HARDY: Here.

MS. LINDA LEE: Mr. Waters.

BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS:

Here.

MS. LINDA LEE: Mr. Bertolla.

BOARD OF ADJUSTMENT MEMBER ADAM PASQUAL

BERTOLLA: Here.

MS. LINDA LEE: Mr. Chairman, you have a quorum.

3 - APPROVAL OF PREVIOUS MEETING MINUTES (APRIL 16, 2018)

BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS:

Okay. I guess we start with anyone want to speak?

## BALDWIN COUNTY COMMISSION DISTRICT #3 BOARD OF ADJUSTMENT 05/21/2018

1 MS. LINDA LEE: No, sir. We need to approve  
2 the minutes from the April 16th meeting.

3 BOARD OF ADJUSTMENT MEMBER JIMMY HARDY: I make  
4 a motion we approve the motion -- the minutes -- of the  
5 April 16th meeting.

6 BOARD OF ADJUSTMENT MEMBER ADAM PASQUAL  
7 BERTOLLA: I second.

8 MS. LINDA LEE: All in favor?

9 (Board of Adjustment Members say "aye" in unison.)  
10

11 **5-A - CASE NO. V-180007, D R HORTON INC., PROPERTY (REQUEST FOR**  
12 **REHEARING)**

13 MS. LINDA LEE: Okay. Mr. Jackson is going to  
14 present the Case Number V-180007, D R Horton property,  
15 request for rehearing.

16 MR. VINCE JACKSON: Good afternoon. It's good  
17 to see you all. It's been a while since I've been to one  
18 of the meetings.

19 Uh, before I get started, I want to introduce and  
20 welcome Commissioner Tucker Dorsey. We're glad -- we're  
21 glad to have him.

22 Uh, the item that's before you today is a request  
23 for rehearing. This is not an actual variance request.  
24 Uh, this is a case that you, uh, heard at the most recent  
25 meeting.

26 And although, uh, the -- uh, the majority of votes  
27 at that meeting were for approval, the votes for approval  
28 did not meet the threshold to actually receive approval.

**BALDWIN COUNTY COMMISSION DISTRICT #3 BOARD OF ADJUSTMENT 05/21/2018**

1 Um, you have five (5) regular members on this board.  
2 And a quorum of your members is three (3). But the way  
3 the, um, state legislation, which creates the Board of  
4 Adjustment, it requires that it is a majority of the  
5 entire board. The vote of a majority is needed for  
6 anything to pass.

7 So even though a quorum is three (3) members, a  
8 simple majority of that quorum is not sufficient in order  
9 to gain approval. So if you only have three (3) members  
10 here, all three (3) have to vote the same way.

11 And that is a super majority requirement. It's  
12 actually somewhat common with Boards of Adjustment for  
13 the County level and also at the Municipal level.

14 And so what we're -- what we have before you today  
15 is a request for rehearing. We are not hearing the  
16 variance today. We provide you the information from the  
17 previous hearing for your convenience.

18 Um, if you vote to allow them to come back, then  
19 this will come back on your next meeting agenda, which I  
20 believe is June 21st.

21 So, and I apologize also that we don't have pictures  
22 and a presentation. We are having some issues with the  
23 computer this afternoon. Normally we would still have  
24 the -- the PowerPoint as with a normal application.

25 But, um, the ability to grant a rehearing is  
26 provided in your by-laws. If the board -- The only other  
27 way would be for them to wait an entire year before  
28 coming back, which can be a bit punitive sometimes.

## BALDWIN COUNTY COMMISSION DISTRICT #3 BOARD OF ADJUSTMENT 05/21/2018

1 So, we have this provision where the board can  
2 actually vote to allow them to come back. And, you know,  
3 one of the issues, uh, in this case they would like to be  
4 able to come back when they have at least four (4)  
5 members present to actually be here and vote on their  
6 case. Because then the chances of them getting the  
7 required three (3) votes is safe -- is better.

8 And there are places that actually will -- will  
9 provide an automatic option, you know, to carryover in  
10 the event that, um, the appropriate number of votes might  
11 difficult.

12 I've seen that before. It's not something we have  
13 available, but it may be something that we want to look  
14 at in the future.

15 But, uh, that's what we're here today, is to ask the  
16 board to -- if they will agree to rehear the case  
17 Mr. Sprigs is here with D R Horton. And I believe he  
18 would like to address you.

19 Those are all the comments I have at this time,  
20 unless you have any questions of me.

21 BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS:  
22 (Indicates negatively.)

23 MR. VINCE JACKSON: Okay. I'll turn it over to  
24 Mr. Sprigs.

25 MR. BILL SPRIGS: Good afternoon or evening.  
26 How are you y'all? I'm probably loud enough not to use  
27 that.

28 I -- I mainly wanted to ask if there was any

1 questions or concerns that you had with the variance that  
2 we're requesting.

3 To sum it up, it's basically -- if y'all seen the  
4 property or seen the photographs, the guy that -- that  
5 was here before had flipped the house, flip-flopped it,  
6 like he reversed it, because there was a fire hydrant.  
7 And he missed by about not quite two (2) feet, right at  
8 two(2) feet on the corner.

9 And it's the last lot in the entire subdivision.  
10 We've sold out of everything except that one. It is a  
11 two-story house, which there are a couple of two-stories  
12 in there.

13 And when he flip-flopped it, if you looked at other  
14 survey, if he hadn't of done that, the fire hydrant would  
15 have been right in the way of the driveway. So when he  
16 did that, you know, he just made a mistake.

17 And, to us, it's so important for us so that we do  
18 not have a cloud on our title. So this variance request  
19 helps us and allows us to convey that property without a  
20 cloud. That's the corner of that house is encroached in  
21 the setback.

22 So, any questions or anything at all with that?

23 BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS:

24 (Indicates negatively.)

25 MR. BILL SPRIGS: Okay.

26 MR. VINCE JACKSON: Any questions of me about  
27 the procedure for rehearings or anything else?

28 BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS:

## BALDWIN COUNTY COMMISSION DISTRICT #3 BOARD OF ADJUSTMENT 05/21/2018

1 Are we allowed to make that call today, or is he just  
2 requesting to come back later?

3 MR. VINCE JACKSON: The way it's written in the  
4 board by-laws he would have to come back at the next  
5 meeting. Basically what you're voting on today is to  
6 say, yes, we will rehear this. And if you vote yes, then  
7 they will put it back on the agenda for, ah, June. And  
8 I -- I misspoke. I believe it's June 18th not June 21st.

9 BOARD OF ADJUSTMENT MEMBER ADAM PASQUAL

10 BERTOLLA: So we need to make a motion to grant for  
11 rehearing?

12 MR. VINCE JACKSON: Yes.

13 MS. LINDA LEE: We need to officially close the  
14 public hearing and, yes, open for a motion.

15 BOARD OF ADJUSTMENT MEMBER ADAM PASQUAL

16 BERTOLLA: I make a motion for the rehearing of it.

17 MS. LINDA LEE: Do we have a second?

18 BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS:  
19 Yeah, I'll second it.

20 BOARD OF ADJUSTMENT MEMBER ADAM PASQUAL

21 BERTOLLA: I will say this. I -- I agree with the four  
22 (4). And we need to make sure four (4) is coming before  
23 the three (3) of us come.

24 MS. LINDA LEE: Okay.

25 We going to do a rollcall vote. Mr. Hardy.

26 BOARD OF ADJUSTMENT MEMBER JIMMY HARDY: No.

27 MS. LINDA LEE: Ms. Powell.

28 BOARD OF ADJUSTMENT MEMBER JUDY POWELL: Could

## BALDWIN COUNTY COMMISSION DISTRICT #3 BOARD OF ADJUSTMENT 05/21/2018

1 you repeat the question?

2 MS. LINDA LEE: The question is whether or not  
3 you are in favor or not in favor of granting a rehearing.  
4 Yes or no?

5 BOARD OF ADJUSTMENT MEMBER JUDY POWELL: Yes.

6 MS. LINDA LEE: I can't hear you.

7 BOARD OF ADJUSTMENT MEMBER ADAM PASQUAL

8 BERTOLLA: She said yes.

9 MS. LINDA LEE: I'm sorry.

10 Mr. Bertolla.

11 BOARD OF ADJUSTMENT MEMBER ADAM PASQUAL

12 BERTOLLA: Yes.

13 MS. LINDA LEE: Mr. Waters.

14 BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS:

15 Yes.

16 MS. LINDA LEE: The motion passes.

17 MR. BILL SPRIGS: Thank you.

18 MR. VINCE JACKSON: So we'll have this on the  
19 agenda for June 18th.

20

21 **6 - OLD BUSINESS**

22

23 **7 - NEW BUSINESS**

24 MS. LINDA LEE: We have no old business or new  
25 business. So, Mr. Chairman, you can adjourn the meeting.

26 BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS: Do  
27 what, now?

28 MS. LINDA LEE: We have no old business or new

## BALDWIN COUNTY COMMISSION DISTRICT #3 BOARD OF ADJUSTMENT 05/21/2018

1 business, so -- Oh, excuse me. Commissioner Dorsey wants  
2 to speak?

3 COMMISSIONER TUCKER DORSEY: I will.

4 MS. LINDA LEE: Oh, I'm sorry.

5 COMMISSIONER TUCKER DORSEY: If I'm between  
6 y'all and dinner, I'll be quick. I just haven't come by  
7 to see y'all in a while. And we've been a couple  
8 reappointments.

9 Thank y'all for serving on this board. I know it  
10 takes time, especially to run over here for sometimes  
11 little or no action.

12 I have provided a couple other names so that,  
13 hopefully, we'll have a better job and able to get more  
14 folks here for the -- y'all's meetings.

15 Again, thanks for serving on this board. And I  
16 appreciate it very much.

17

18 **8 - ADJOURNMENT**

19 MS. LINDA LEE: Okay. And now, Mr. Chairman,  
20 you may adjourn the meeting.

21 BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS: Is  
22 that all we do?

23 MS. LINDA LEE: Yes, sir.

24 BOARD OF ADJUSTMENT CHAIRMAN DONNIE WATERS: I  
25 make a motion to quit. We're going to make a motion to  
26 quit.

27 MS. LINDA LEE: Thank you for your time.

28 COMMISSIONER TUCKER DORSEY: Don't quit. Don't

## BALDWIN COUNTY COMMISSION DISTRICT #3 BOARD OF ADJUSTMENT 05/21/2018

1 quit.

2 MS. LINDA LEE: Meeting is adjourned at 4:19

3 thank you.

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5 (The Baldwin County Commission District 3 Board of Adjustment  
6 meeting was adjourned at 4:19 p.m.)

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## C E R T I F I C A T E

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3 STATE OF ALABAMA)

4 BALDWIN COUNTY )

5  
6 I hereby certify that the above and foregoing  
7 transcript was taken down by me in stenotype and the  
8 proceedings were transcribed by means of computer-aided  
9 transcription, and that the foregoing represents a true  
10 and correct transcript of the meeting given by said  
11 parties upon said meeting.

12 I further certify that I am neither of counsel  
13 nor of kin to the parties, nor am I in anywise interested  
14 in the result of said proceedings.

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*Susan C. Andrews*

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SUSAN C. ANDREWS,  
Certified Court Reporter,  
Certification No. 287

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C E R T I F I C A T E

I, Donnie Waters, Chairman of the Baldwin County Commission #3 Board of Adjustment, do hereby certify that the foregoing transcript of the minutes of the May 21, 2018, Monthly Meeting are a true and correct transcription of the minutes as prepared by Susan C. Andrews, Alabama Certified Court Reporter, License No. 287.

I, Donnie Waters, do hereby affix my signature on this, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Donnie Waters, Chairman,  
Baldwin County Commission #3  
Board of Adjustment



# Baldwin County Planning & Zoning Department County Commission District #3

## Board of Adjustment Staff Report

**Case No. V-180021**  
**D R Horton Property**  
**Front Yard Setback Variance**  
**June 18, 2018**

## Subject Property Information

**Planning District:** 12  
**General Location:** Lot 59 in Harvest Meadows Subdivision in the Robertsdale area  
**Physical Address:** Harvester Drive, Robertsdale, AL 36567  
**PID:** 05-42-07-26-0-000-015.062  
**Zoning:** RSF-4, Single Family District  
**Acreage:** .43 acres  
**Applicant:** D R Horton  
 25366 Profit Drive  
 Daphne, AL 36526  
**Owner:** D R Horton  
**Lead Staff:** Vince Jackson, Planning Director  
**Attachments:** Within Report

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-4 Single Family District
South	Residential	RSF-4 Single Family District
East	Residential	RSF-4 Single Family District
West	Residential	RSF-4 Single Family District

## Summary

The applicant is requesting a front yard setback variance to allow for the construction of a new single-family dwelling, which is now completed. Per the submitted site plan the southeast corner of the dwelling is located approximately 2-feet over the building setback line. The request was previously considered by the Board on April 16, 2018 (Case Z-180007). At that time the application failed to receive the required number of affirmative votes for passage. A rehearing was granted by the Board on May 21, 2018, in accordance with the Board's by-laws.

**Section 4.5 RSF-4, Single Family District**

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

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

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

4.5.3 *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.

4.5.4 *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*).

4.5.5 *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 per Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

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 irregular in shape and a single-family dwelling is currently under construction (now completed). The parcel is part of platted subdivision Harvest Meadows Phase 3A. The parcel contains 9388 square feet according to the recorded plat.

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

There are no exceptional topographic conditions.

**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.**

According to the applicant the purpose of this variance is to allow a two-story, single-family dwelling to be built on the lot. The southeast corner of the existing dwelling encroaches into the required building setback.

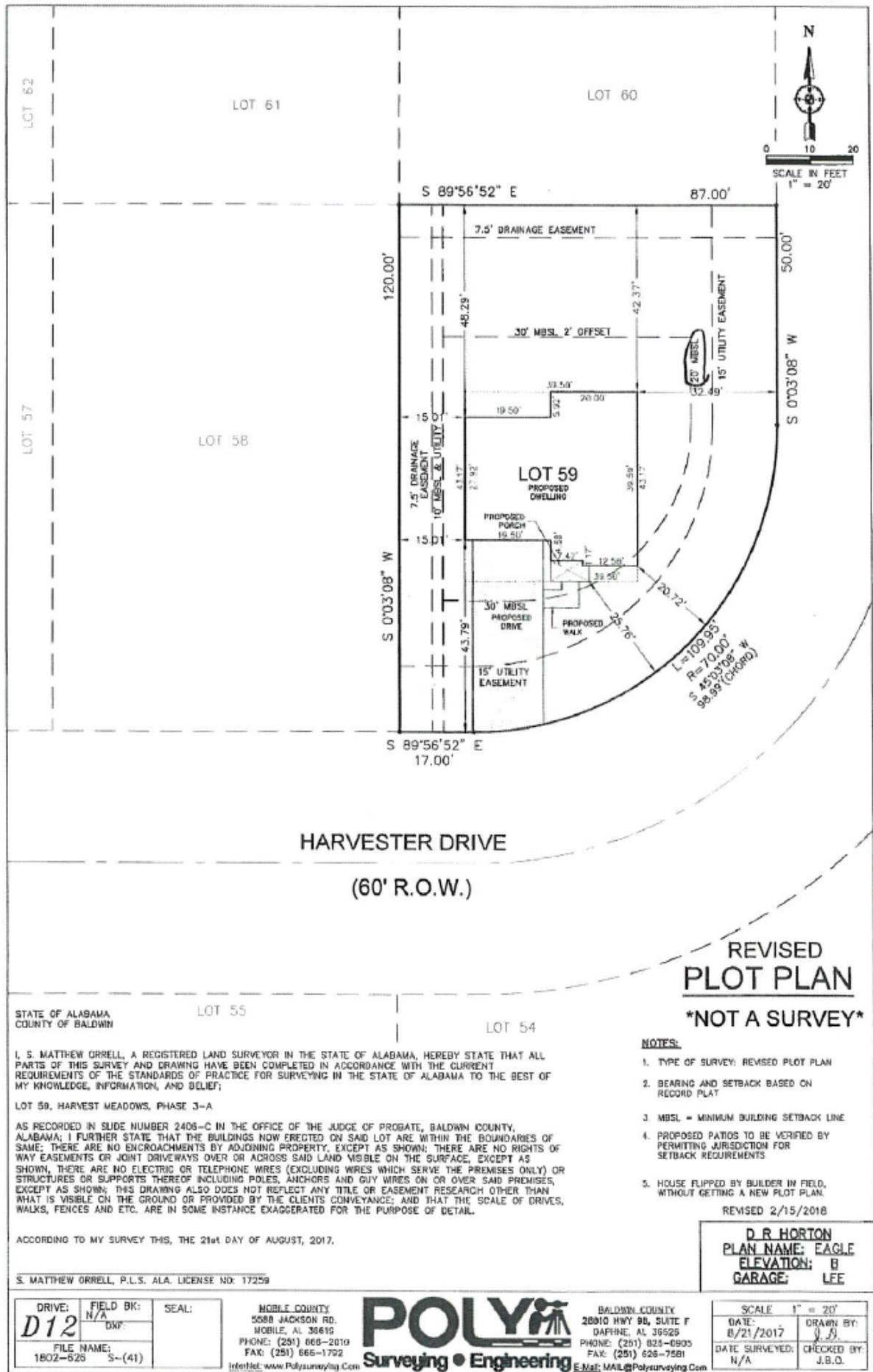
**4. The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within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

The granting of this application should not unduly impact the adjacent property owners. The use of the property has been established for a single-family dwelling. Single family dwellings are in the surrounding vicinity, therefore established property values should not be diminished or impair any unsafe conditions.

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

- a.) This is one of the smaller lots in the subdivision, containing only 9388 square feet. The corner lot adjacent to the north, lot 60, contains 11,523 square feet.
- b.) Covenants and deed restrictions for Harvest Meadows Subdivision allows for a minimum of 1,100 square feet of heated and cooled living area.
- c.) The house as constructed was “flipped” from the one that was approved on LU-170744. The applicant did not submit a revised site plan prior to starting construction. If a new site plan had been reviewed the problem with the building setback would have been determined before construction began.
- d.) Variance V-170014 for this same lot and same request was DENIED at a meeting on April 17, 2017. A second request, Case V-180007, was considered by the Board on April 16, 2018, but failed to receive the required affirmative votes for passage. A rehearing was granted on May 21, 2018.

**SITE PLAN SHOWING LOCATION OF HOME UNDER CONSTRUCTION (NOW COMPLETED)**



STATE OF ALABAMA  
COUNTY OF BALDWIN

LOT 55

LOT 54

I, S. MATTHEW ORRELL, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF;

LOT 59, HARVEST MEADOWS, PHASE 3-A

AS RECORDED IN SLIDE NUMBER 2408-C IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; I FURTHER STATE THAT THE BUILDINGS NOW ERECTED ON SAID LOT ARE WITHIN THE BOUNDARIES OF SAME; THERE ARE NO ENCROACHMENTS BY ADJOINING PROPERTY, EXCEPT AS SHOWN; THERE ARE NO RIGHTS OF WAY EASEMENTS OR JOINT DRIVEWAYS OVER OR ACROSS SAID LAND VISIBLE ON THE SURFACE, EXCEPT AS SHOWN; THERE ARE NO ELECTRIC OR TELEPHONE WIRES (EXCLUDING WIRES WHICH SERVE THE PREMISES ONLY) OR STRUCTURES OR SUPPORTS THEREOF INCLUDING POLES, ANCHORS AND GUY WIRES ON OR OVER SAID PREMISES, EXCEPT AS SHOWN; THIS DRAWING ALSO DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENTS CONVEYANCE; AND THAT THE SCALE OF DRIVES, WALKS, FENCES AND ETC. ARE IN SOME INSTANCES EXAGGERATED FOR THE PURPOSE OF DETAIL.

ACCORDING TO MY SURVEY THIS, THE 21st DAY OF AUGUST, 2017.

S. MATTHEW ORRELL, P.L.S. ALA. LICENSE NO: 17259

DRIVE: <b>D12</b>	FIELD BK: N/A	SEAL:
FILE NAME: 1802-626	DXF: S--(41)	

MOBILE COUNTY  
5588 JACKSON RD.  
MOBILE, AL 36610  
PHONE: (251) 666-2019  
FAX: (251) 666-1792  
InfoTel: www.Polysurveying.com



BALDWIN COUNTY  
28010 HWY 98, SUITE F  
DAFNE, AL 36528  
PHONE: (251) 826-6905  
FAX: (251) 626-7581  
E-MAIL: MAIL@Polysurveying.com

SCALE 1" = 20'	DRAWN BY: J.B.D.
DATE: 8/21/2017	CHECKED BY: J.B.D.
DATE SURVEYED: N/A	

**REVISED PLOT PLAN**

**\*NOT A SURVEY\***

**NOTES:**

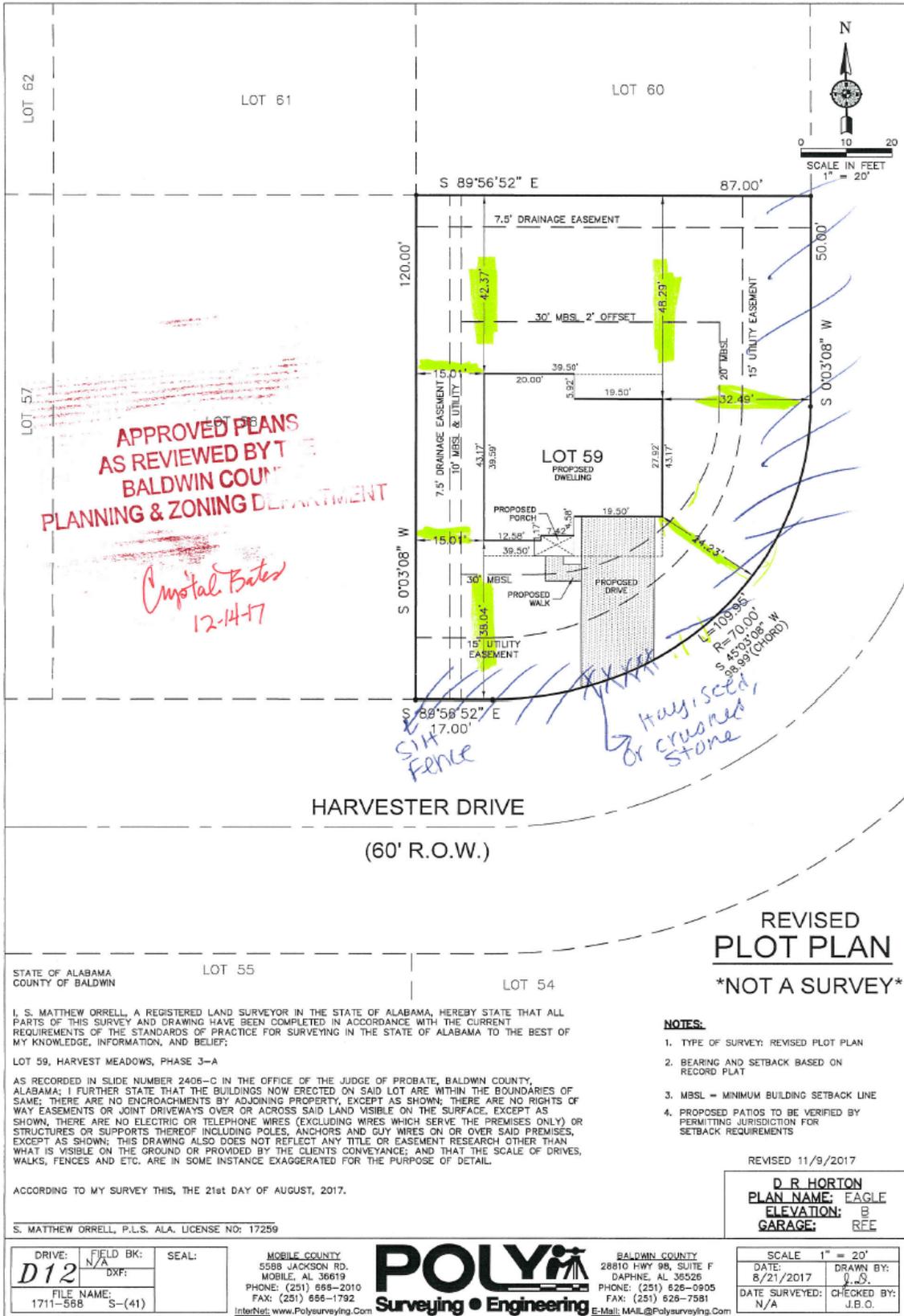
1. TYPE OF SURVEY: REVISED PLOT PLAN
2. BEARING AND SETBACK BASED ON RECORD PLAT
3. MBSL = MINIMUM BUILDING SETBACK LINE
4. PROPOSED PATIOS TO BE VERIFIED BY PERMITTING JURISDICTION FOR SETBACK REQUIREMENTS
5. HOUSE FLIPPED BY BUILDER IN FIELD, WITHOUT GETTING A NEW PLOT PLAN.

REVISED 2/15/2018

**D R HORTON**  
PLAN NAME: EAGLE  
ELEVATION: B  
GARAGE: LEE

NOTE: ONLY ORIGINAL EMBOSSED DRAWINGS ARE TO SCALE

**SITE PLAN SUBMITTED WITH LAND USE 170744 ON DECEMBER 14, 2017**



Lot 59

**Harvest Meadows Phase 3 - Architectural Review  
IMPROVEMENT TO PROPERTY REQUEST**

Item to be Approved: Variance to construct a home that will encroach over the 30 ft MBSL 5 ft at furthest point on SE Corner.

Property Owner's Name: DR Horton

Builder or Contractor's Name (if applicable): DR Horton

Property Location: Lot 59 Harvest Meadows Phase 3A, Loxley, AL

Property Owner's Request: (Please submit plans, drawings, sketch, photo, permits, etc. as applicable, with this request.)

Please see attached plot plan. Portion of home to encroach over MBSL in RED.

DR Horton is submitting this request to the Baldwin County Planning and Zoning Department for approval.

Case # V-170014.

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\_\_\_\_\_  
\_\_\_\_\_

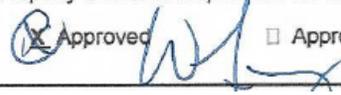
Date Submitted: 4-10-2017

Property Manager's Comments to Architectural Review Committee: This is a minor encroachment over the 30 ft MBSL. The home to be constructed, the "Aria", is an approved design being built on other lots in the community. Manager recommends approval of the variance. Otherwise the builder will be compelled to build a 2-story home which would be the only one in the community and not in conformity with the rest of the community.

Property Owner please note: It is the responsibility of the Property Owner to make certain that the improvement(s) being made to their property is done in compliance with Covenants & Restrictions, as it applies to your property. (You can obtain a copy of the Covenants and Restrictions from the Owners Association Board of Directors or Manager. (Contact the Owners Association at [mgr@LREGinc.com](mailto:mgr@LREGinc.com) if you have any questions.) Approval for all submittals is effective for nine months following the date it was approved.

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Review is only for compliance with the requirements of the Harvest Meadows Phase 3 Architectural Review Committee. The Property Owner is responsible for all State, County, and City requirements.

By:   Approved  Approved if Corrected  Revise and Resubmit  Not Approved  
Date: 4-10-17

**Harvest Meadows Phase 3 Owners Association, Inc.,  
32128 Broken Branch Circle  
Spanish Fort, AL 36527**

April 2, 2018

Mr. Scott Whitehurst  
D. R. Horton, Inc.,  
Division President  
25366 Profit Drive  
Daphne, AL 36526

Dear Mr. Whitehurst:

The undersigned parties hereby approve the following houseplan (the "Approved Plans") for use on the lots within Harvest Meadows Subdivision:

1. Eagle – two story

The undersigned parties represent and warrant that they have the right and authority to give the approvals set forth in this letter on behalf of the Harvest Meadows Phase 3 Owners Association, Inc., (the HOA), and Harvest Meadows Architectural Control Board its Architectural Review Board ("ARB"). No party has the right or authority to approve or deny approval of the Approved Plans or to prevent D. R. Horton, Inc., ("D R Horton") from construction homes on the lots in accordance with the Approved Plans, except for governmental authorities having jurisdiction over the Subdivision.

D R Horton is permitted to erect houses constructed in accordance with the Approved Plans at its sole discretion on any lots now or hereafter owned by D R Horton or its affiliates in the Subdivision. D R Horton may reverse the elevation, alter exterior materials and colors and make other modification to the Approved Plans that are consistent with the overall design scheme presented in the Approved Plans and such modification are not subject to further approval by the HOA, the ARB or the Subdivision's Declarant. D R Horton does not have to submit to a site plan, landscaping plan or any further documentation to the HAO, the ARB or the Subdivision's Declarant prior to construction a home on any lot in accordance with this letter.

The undersigned parties also agree to provide additional documentation of this approval if requested by D R Horton.

Sincerely,

Harvest Meadows Phase 3 Owners Association, Inc., and Harvest Meadows Architectural Control Board

BY:



Print Name

CHARLES DOODSON

BY:



Print Name

WILL LOWERY

BY:



Print Name

MATT LOMAX

As stated previously, the applicant is requesting a front yard setback variance for the existing new single-family dwelling. Per the submitted site plan the southeast corner of the dwelling will be located approximately 2-feet over the building setback line. The request was previously considered by the Board on April 16, 2018 (Case Z-180007). At that time the application failed to receive the required number of affirmative votes for passage. A rehearing was granted by the Board on May 21, 2018, in accordance with the Board's by-laws.

Although staff has expressed concerns about this request and how it came about, staff does not wish to see the County put in a difficult situation in the event that the dwelling might need to be removed. As a result, staff recommends that Case V-180021 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.

Property Images











