

**BALDWIN COUNTY COMMISSION DISTRICT 4  
BOARD OF ADJUSTMENT**

**AGENDA**

**August 9, 2018**

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

**Baldwin County Satellite Courthouse**

**Large Meeting Hall**

**201 East Section Avenue**

**Foley, Alabama**

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Transcript (May 10, 2018)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. SE-18002, Kieffer Property**

*Request:* Approval of a special exception to allow for a two-site family RV Park

*Location:* The subject property is located at 12845 County Road 97 in Planning District 22

*Attachments:* Within Report

**b.) Case No. V-180024, K Developers LLC Property**

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

*Location:* The subject property is located at lot 13, Unit 2 Surfside Shores, Beach Shore Drive in Planning District 25

*Attachments:* Within Report

6. Old Business
7. New Business
8. Adjournment



# Baldwin County Planning & Zoning Department

## County Commission District #4

### Board of Adjustment Staff Report

Case No. SE-18002

Kieffer Property

Approve Special Exception for Recreational Vehicle (RV) Park

August 9, 2018

### Subject Property Information

**Planning District:** 22  
**General Location:** County Road 97 South of US Hwy 98  
**Physical Address:** 12845 County Road 97  
**Parcel Number:** 05-52-09-30-0-000-010.015  
**Zoning:** RA, Rural Agricultural District  
**Request:** Special Exception approval in order to allow a two (2) site family recreational vehicle (RV) park.  
**Applicant:** Rafael Kieffer  
12845 County Road 97  
Elberta, AL 36530  
**Owner:** Same  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant	B-2, Neighborhood Business District B-4, Major Commercial District
South	Vacant	RA, Rural Agricultural District
East	Vacant	RA, Rural Agricultural District
West	Vacant	RA, Rural Agricultural District

### Summary and Discussion

The applicant has requested Special Exception approval to allow for a two (2) site family recreational vehicle (RV) park.

### Current Zoning Requirements

#### Section 3.2 RA Rural Agricultural District

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

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

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

(a) The following general commercial uses: recreational vehicle park (see *Section 13.8: Recreational Vehicle Parks*).

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

3.2.4 *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.
- (b) Institutional uses not permitted by right.

3.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 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	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

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

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

### Staff Analysis and Findings

As stated above, the applicant has requested Special Exception approval to allow for a two (2) site family recreational vehicle (RV) park.

The subject property, which consists of approximately 7.8 acres, is zoned RA, Rural Agricultural District. A recreational vehicle park may be allowed under the RA designation, subject to Special Exception approval by the Board of Adjustment. According to the site plan, the density of the park would be approximately 1 site per 3.4 acres with site 1 consisting of 1600 square feet and site 2 consisting of 3600 square feet.

In determining whether or not to grant approval, the Board should evaluate the proposal according to the recreational vehicle park standards which are set out in Section 13.8 of the *Baldwin County Zoning Ordinance*. The relevant requirements from the section are listed as follows:

#### Section 13.8 Recreational Vehicle (RV) Parks

13.8.1 *Purpose*. The purpose of this section is to establish minimum standards for recreational vehicle parks.

13.8.2 *Procedures and standards*.

(a) *Land use certificate required*. All recreational vehicle parks are subject to the standards contained in this section and will be required to obtain a land use certificate prior to being granted a building permit.

(b) *Where permitted*. Except as provided in Section 2.3.26.4(b) and Section 2.3.31.4, recreational vehicle parks are permitted as follows:

1. High Density
  - A. RV-1, B-4, M-1 and M-2 by right.
  - B. B-3 by conditional use approval.
  - C. RR, RA and CR by special exception approval.
2. Low Density
  - A. RV-1, RV-2, B-4, M-1 and M-2 by right.
  - B. B-2, B-3 and OR by conditional use approval.
  - C. RR, RA and CR by special exception approval.

(c) *Occupancy*. A recreational vehicle shall not be occupied as a living quarter unless it is located in a recreational vehicle park as herein provided or as provided in Section 12.2.2. **No recreational vehicle shall be used as a permanent dwelling. Continuous occupancy extending beyond 4 months in any 12-month period shall be considered permanent occupancy.**

(d) *Storage and parking*. Recreational vehicles may be parked or stored in residential districts as provided in Section 15.3.9: *Storage and parking of trailers and commercial vehicles*.

(e) *Maximum density.*

1. High Density: 15 campsites per acre
2. Low Density: 6 campsites per acre

(f) *Land area.* The minimum land area of a recreational vehicle park shall be three (3) acres.

(g) *Use.* Use of spaces in recreational vehicle parks is limited to recreational vehicles.

(h) *Water and sewer facilities.*

1. *Water.* Each recreational vehicle park shall be served with a public/private water supply system capable of providing domestic water use and fire protection.
2. *Sewer.* Each recreational vehicle park shall be served with sanitary sewer facilities meeting all requirements of the Baldwin County Health Department.

(i) *Setbacks.*

1. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 30-feet of any property line.
2. Recreational vehicles must be separated from each other and from other structures by at least 10-feet.

(j) *Access.*

1. No recreational vehicle park shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.
2. No entrance or exit shall be through an existing residential subdivision.
3. Access drives must be a minimum of 24-feet wide for a two-way street and 12-feet wide for a one-way street and must be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, limestone or other similar surface approved by the Planning Commission.

(k) *Accessory uses.* Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses.

(l) *Sites.*

1. Each recreational vehicle site must be at least 1,600 square feet in area.
2. Each recreational vehicle site must contain a parking pad improved with a suitable all-weather surface.
3. Each recreational vehicle site must contain at least one (1) off-street parking space improved with a suitable all-weather surface.

(m) *Buffering.* In the event a recreational vehicle park is located adjacent to residentially zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier. No buffer will be required if the recreational vehicle park is located adjacent to agricultural, commercial, industrial or recreational property.

***The proposed site plan appears to meet the recreational vehicle site requirements and setback requirements.***

Next, the Board should consider the Special Exception standards which are listed below.

## **Section 18.8 Special Exceptions**

**18.8.1 Authorization.** The Board of Adjustment may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a special exception in a particular zoning district; however, the county reserves full authority to deny any request for a special exception, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

**18.8.4 Standards for approval.** A special exception may be approved by the Board of Adjustment only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- (a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan, these ordinances, or any other official plan, program, map or ordinance of Baldwin County.
- (b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.
- (c) The proposed use shall not unduly decrease the value of neighboring property.
- (d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.

**18.8.5 Conditions and restrictions on approval.** In approving a special exception, the Board of Adjustment may impose conditions and restrictions upon the property benefited by the special exception as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such special exception upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. In approving any special exception, the Board of Adjustment may specify the period of time for which such approval is valid for the commencement of the proposed special exception. The Board of Adjustment may, upon written request, grant extensions to such time allotments not exceeding 6 months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Board of Adjustment shall constitute a violation of these ordinances. Those special exceptions which the Board of Adjustment approves subject to conditions shall have specified by the Board of Adjustment the time allotted to satisfy such conditions.

The subject property is accessible to County Road 97, and the majority of the surrounding land is undeveloped. As a result, the potential impacts on traffic, property values and the surrounding area should be minimal. Finally, the 2013 Master Plan shows a future land use designation of Agricultural.

### **Agricultural**

*Agriculture, forestry and similar activities are included with this future land use category. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial or industrial categories. Zoning designations may include RR, CR, RA and RSF-E.*

## **STAFF RECOMMENDATION**

Staff feels this is a reasonable request and recommends approval of the special exception request with the following conditions:

- Approval shall be for this applicant and at this location only.
- Expansion of the park and/or changes to the site plan will necessitate further Special Exception review and approval.

*\*A majority vote of the 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 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.





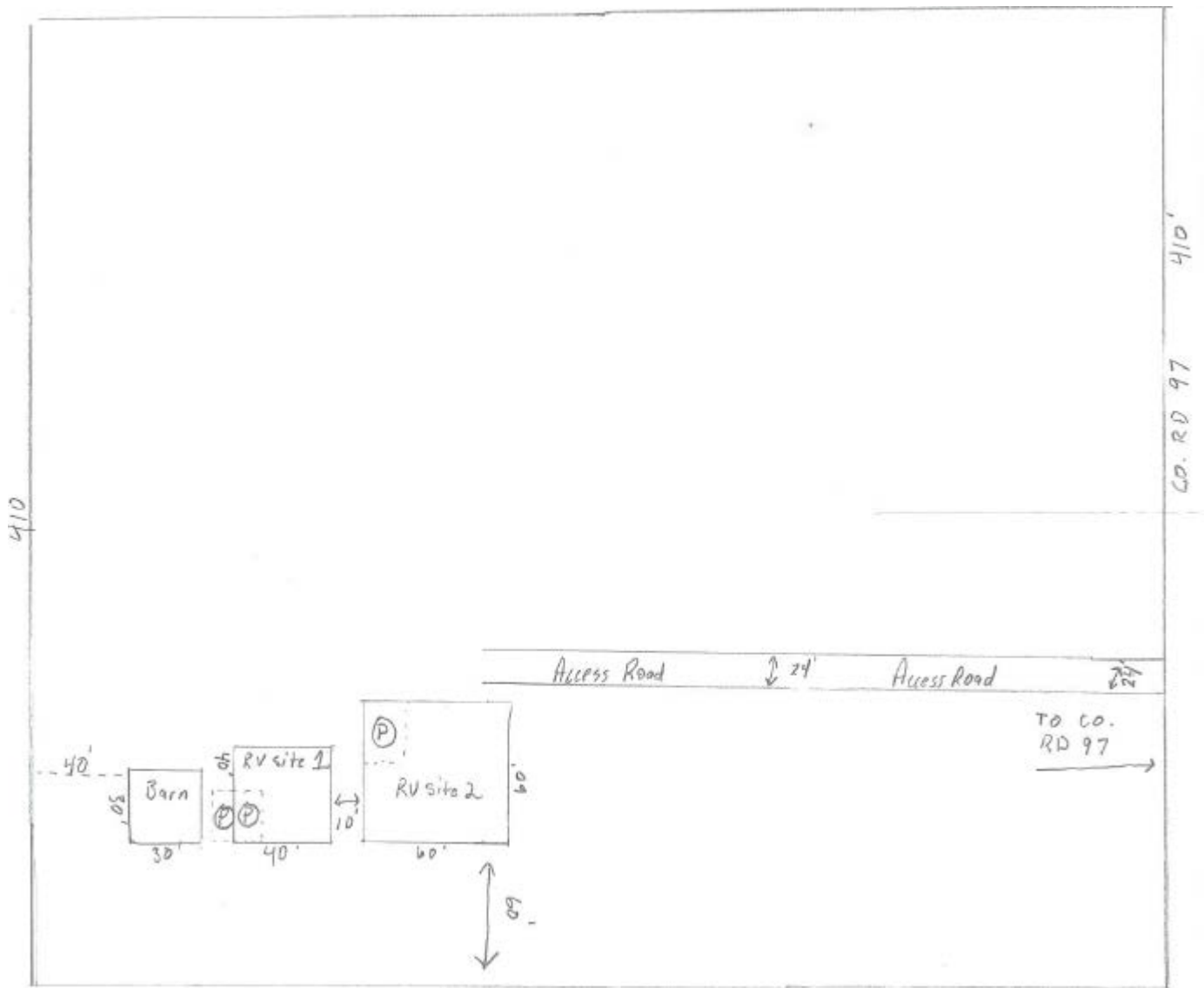








## Proposed Site Plan



### Applicant's Statement

Application for RV Park Special Exception

Property Owner - Rafael Kieffer

Location - 12845 County Rd. 97

Zoning - RA (special exception approval requested)

Occupancy - Continuous occupancy not to extend beyond 4 months in any 12 month period

Number of RV Sites Requested - Two (2)

Property Land Area - Approximately 8.7 acres  
(meets maximum density of 6 sites per acre for Low Density parks)

Use - Spaces are to be used for RVs for personal and family use

Water - Supplied by existing well

Sewer - 1,000 gallon septic system on-site

Setbacks - RV sites are > 30' of any property line  
(site 1 & 2 are 60' from nearest property line)

- RV sites are separated by 10' between site 1 and 2

- RV site 1 is separated by approximately 14' from the existing barn structure

Access - Direct access by private road to paved County Rd. 97 with lot width of 410'. Access road is 24' wide.

Sites - are > 1,600 sF in area

- Site 1 = 1,600 sF

- Site 2 = 3,600 sF

- Each site has 1 off-street gravel parking space

Buffering N/A - adjacent to agricultural property



## Baldwin County Planning & Zoning Department County Commission District #4

### Board of Adjustment Staff Report

Case No. V-180024  
K Developers, LLC Property  
Rear Yard Setback Variance  
August 9, 2018

### Subject Property Information

Planning District: 25  
General Location: Fort Morgan  
Physical Address: Beach Shore Drive  
Parcel Number: 05-68-09-30-0-001-225.000  
Zoning: RSF-1, Single Family District  
Lot Size: 0.51 +/- Acres  
Applicant: Jeff Valentine  
15946 Keeney Drive  
Fairhope, AL 36532  
Owner: K Developers, LLC  
Lead Staff: Payton Rogers, Planning Technician  
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1
South	Gulf of Mexico	N/A
East	Residential	RSF-1
West	Residential	RSF-1

### Summary and Recommendation

The applicant is requesting a 10' variance from the required rear yard setback for the construction of a new single-family residence.

Staff feels this is a reasonable request and recommends that Case V-180024, K Developers, LLC Property, be **APPROVED**.\*

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



The applicant is requesting a 10' variance from the required rear yard setback for the construction of a new single-family residence. Stating that the current setbacks when taken into consideration with the CCL line do not allow for a house footprint that will accommodate a home similar in size to the most recent homes built in the community.

## Additional Information

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

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

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

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

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

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

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

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

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

Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

## 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 75' wide at the street, 294' along the eastern side, 75' wide on the water, and 297' along the northern side. Staff does not feel the property is exceptionally narrow.

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

There is a CCL line bisecting the subject property 220' into the parcel from the gulf side (front) property line and 70' from the road side (rear) property line.

**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.**

Currently the property sits vacant and no principal use of the property has been established. The Zoning Ordinance establishes the construction of a single-family dwelling as the principal use for properties zoned RSF-1.

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

Staff anticipates no major impacts.

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

Other variances have been granted in similar cases due to the encroachment of the CCL line. Per the applicant Surfside Shores has no active HOA.

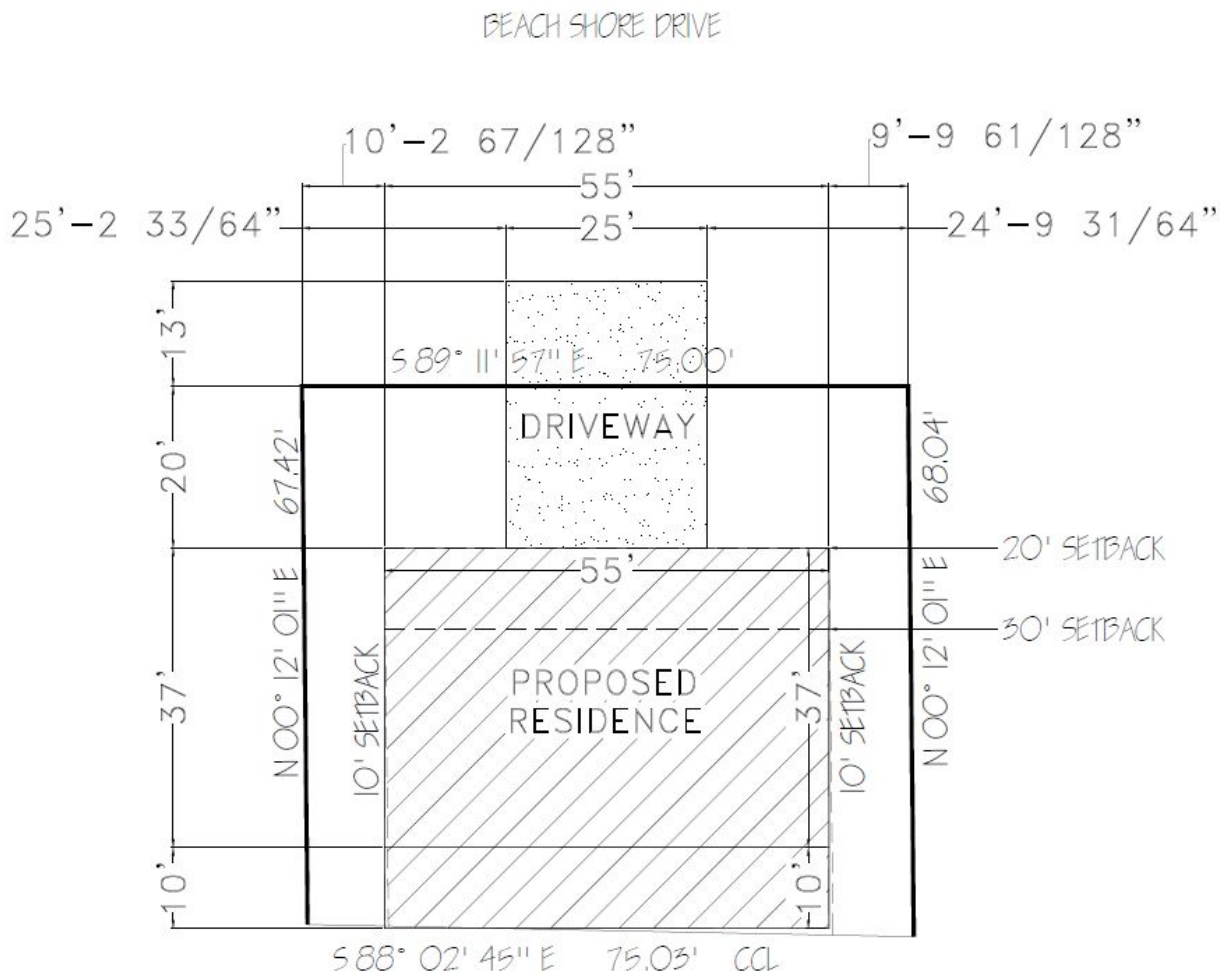
Taking current setback requirements into consideration with where the CCL line crosses the subject property and the lack of an established principal use, staff feels this is a reasonable request and recommends that Case No. V-180024, K Developers, LLC property be **APPROVED**.

**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.

# Site Plan



The VALENTINE RESIDENCE  
FARHOPE, ALABAMA

JOB NO.  
1807  
DATE  
7/25/18  
SCALE  
NTS  
REVISION  
SHEET NO.  
AI  
OF  
AI

Final Proposed Site Plan

7/26/18

Jeff Valentine

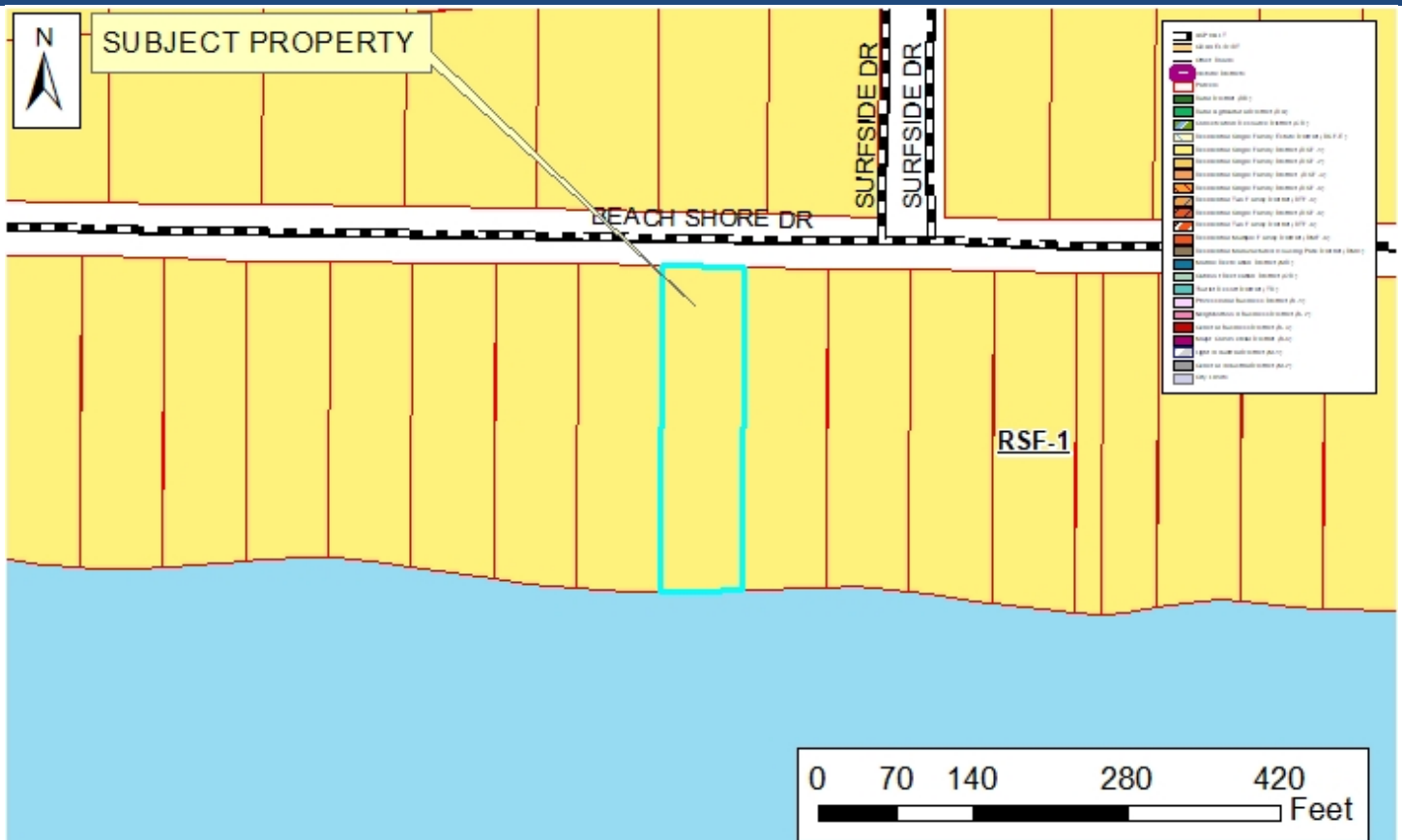




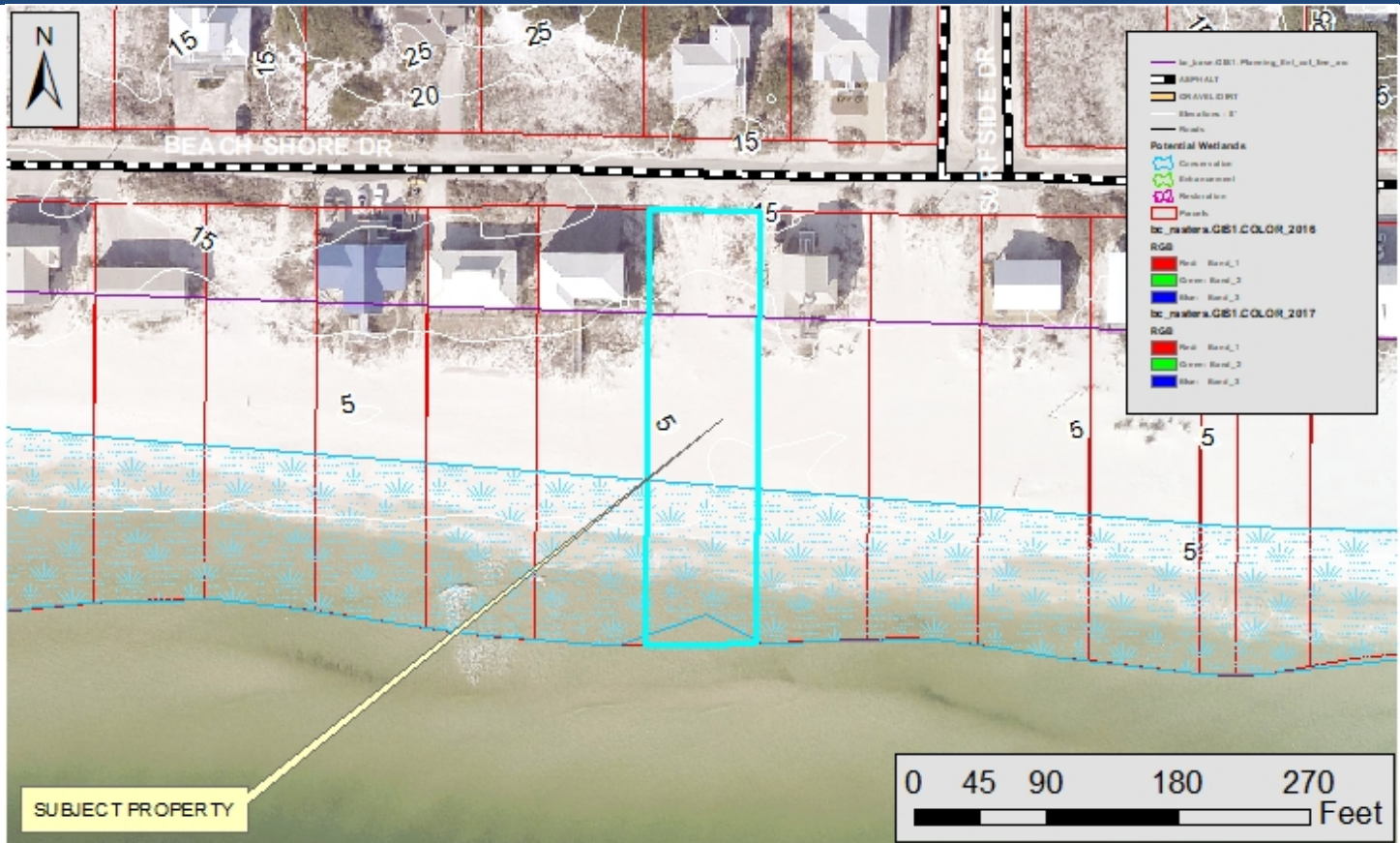




### Locator Map



## Site Map



## Additional Materials

### Payton Rogers

**From:** Jeff Valentine <jvbeach@yahoo.com>  
**Sent:** Thursday, July 19, 2018 11:34 AM  
**To:** Payton Rogers  
**Subject:** Surfside shores

Payton,

I'm writing to confirm that there is no active HOA in Surfside Shores. I have confirmed this from 3 different sources. Please proceed with my variance application.

I will get you an updated site plan next week.

thanks,  
 Jeff Valentine  
 251-581-3932