

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

AGENDA

September 13, 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 Minutes (August 9, 2018)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-180025, Sanders Property

Request: Approval of a variance from the front yard setback requirement to allow a deck to remain

Location: The subject property is located at 29385 Ono Boulevard in Planning District 24

Attachments: *Within Report*

b.) Case No. V-180028, MNM Properties LLC Property

Request: Approval of a variance to allow an accessory structure (swimming pool) in the front yard

Location: The subject property is located at 2134 State Highway 180 in Planning District 25

Attachments: *Within Report*

6. Old Business
7. New Business
8. Adjournment

Baldwin County Commission District 4, Board of Adjustment

August 9, 2018

Regular Meeting Minutes

Foley Satellite Courthouse

Conference Room

The Board of Adjustment for Baldwin County Commission District 4 met in a regular session on August 9, 2018 at 3:34 p.m., in the Baldwin County Foley Satellite Courthouse Large Meeting Room. Chairman, Stuart Arnold called the meeting to order. Members present included: Samuel Mitchell, Jack Danley, Robert Broseus, Ernie Church, JoAnn Bodree, and John Hilderbrandt. Staff members present were Linda Lee, Planner and Payton Rogers, Planning Technician.

Approval of Previous Meeting Minutes

Mr. Church made a motion to approve the transcript from the May 10, 2018 meeting. The motion received a second from Mr. Mitchell and carried unanimously.

SE-18002, Kieffer Property

Ms. Lee presented the owner's request for approval of a special exception to allow for a two-site family RV park. Staff recommended approval of the special exception request with conditions as stated by staff and answered questions from board members.

Mr. Kieffer spoke in favor of the special exception request and answered questions from board members.

Mr. Church made a motion to approve the special exception request with the conditions as stated by staff. The motion received a second from Mr. Mitchell and carried unanimously.

V-180024, K Developers LLC Property

Following a discussion with Chairman Arnold concerning POA approval and the submitted site plan, Mr. Rogers presented the owner's request for a variance from the rear yard setback requirement to allow for the construction of a single-family dwelling. Staff recommended approval of the variance request and answered questions from board members.

Mr. Jeff Valentine spoke in favor of the variance request and answered questions from board members. Mr. Ron Stewart waived his time to speak.

Mr. Mitchell made a motion to approve the variance request. The motion received a second from Mr. Hilderbrandt and carried unanimously.

Adjournment

There being no further business to come before the board the meeting was adjourned at 3:54 p.m.

Respectfully Submitted,

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2018.

Stuart Arnold, Chairman



Baldwin County Planning & Zoning Department County Commission District #4

Board of Adjustment Staff Report

Case No. V-180025
Sanders Property
Front Yard Setback Variance
September 13, 2018

Subject Property Information

Planning District: 24
General Location: Ono Island
Physical Address: 29385 Ono Blvd
Parcel Number: 05-65-01-01-0-000-001.145
Zoning: RSF-2, Single Family District
Lot Size: 1.42 +/- Acres
Applicant: Michael Sanders
PO Box 6039
Mobile, AL 36660
Owner: Christine Sanders
Lead Staff: Payton Rogers, Planning Technician
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Bayou Saint John	N/A
South	Residential	RSF-2
East	Residential	RSF-2
West	Residential	RSF-2

Summary and Recommendation

The applicant is requesting a variance from the required front yard setback to allow a deck that has already been built to remain.

Based on the information provided in this report staff recommends that Case No. V-180025, Sanders Property, be **DENIED**. *

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

Variance Request

The applicant is requesting a variance from the required front yard setback to allow a deck that has already been built to remain. The applicant cites the surrounding jurisdictional wetlands as a hardship on the land requiring him to build within the required front yard setback.

Additional Information

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:

(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.

Section 13.1 Accessory Uses and Structures

13.1.2 *Residential districts.*

(a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any side or rear lot line.

(b) An accessory structure may not be located in the front yard of a lot, except that on waterfront lots. Accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.

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 79' wide at the street, 94' along the water, 732' along its eastern side, and 759' along the western side. Per the Revenue Commission the house is estimated to have been built around 1996.

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

Per the subdivision plat, jurisdictional wetlands cover a sizable portion of the property between the existing single-family dwelling and the waterfront.

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, and a site plan had previously been approved for the construction of an elevated pool with decking that met all zoning requirements.

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.

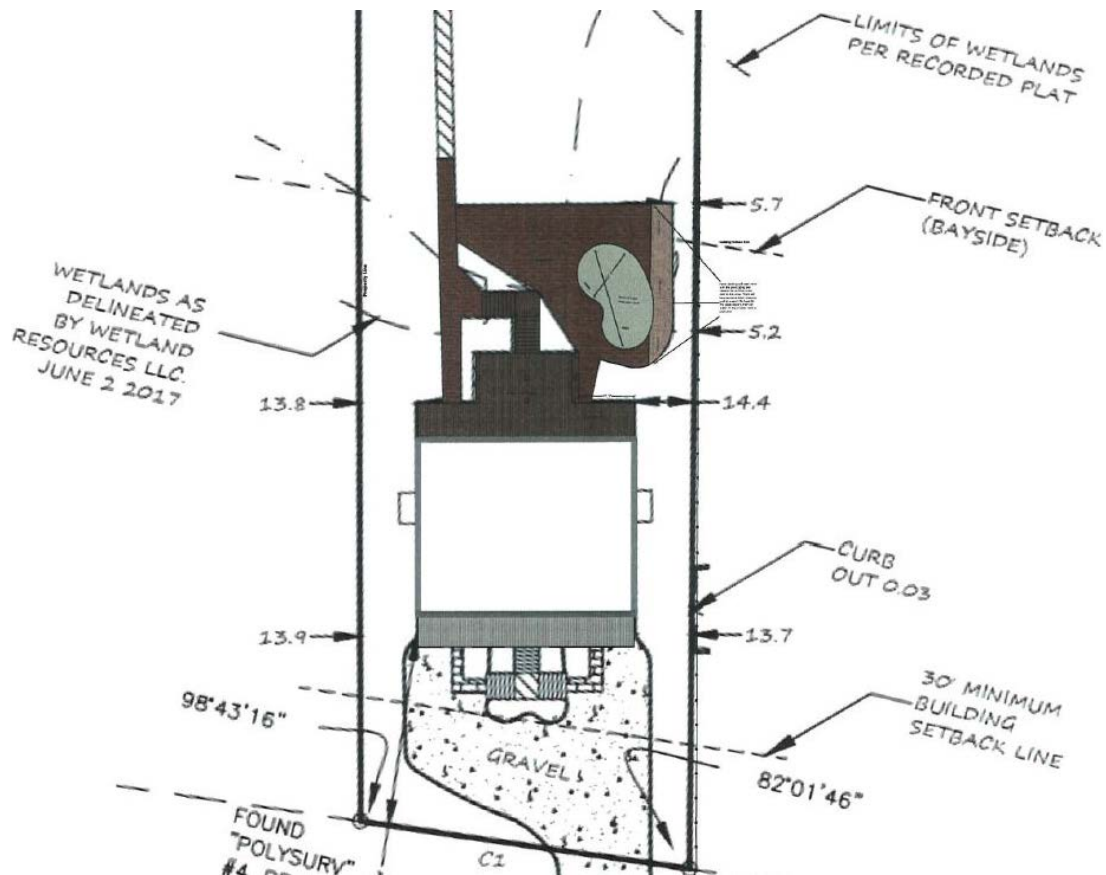
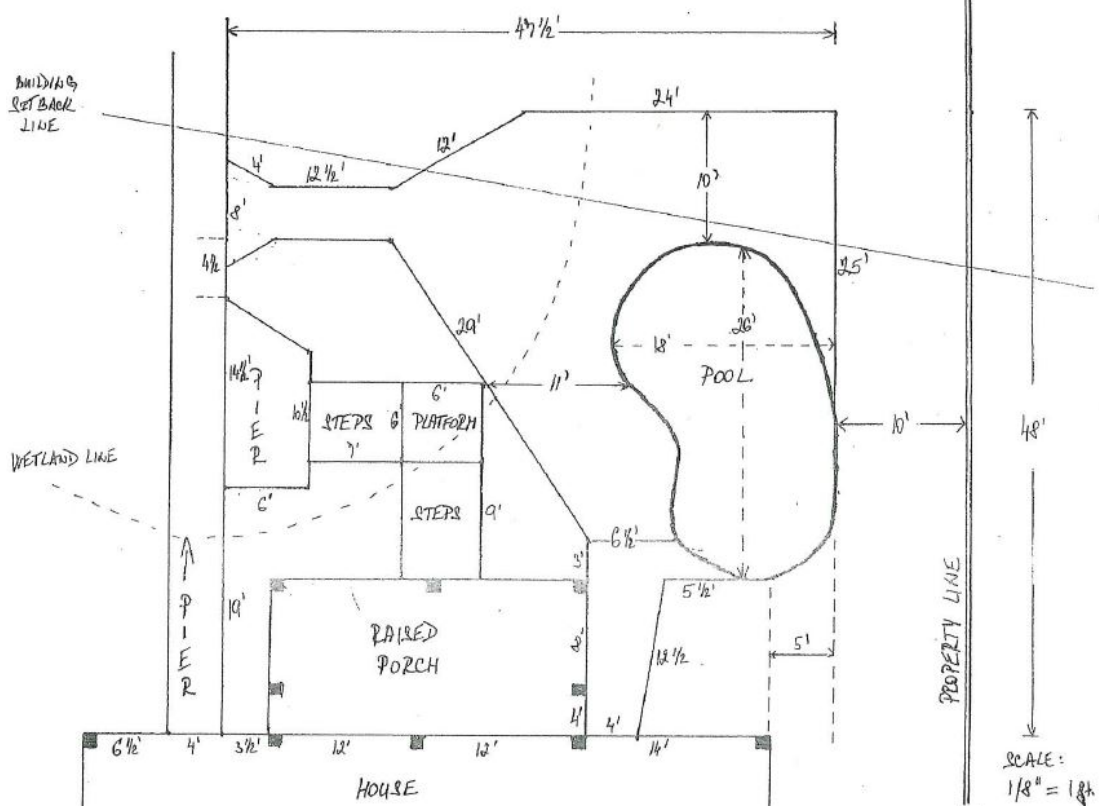
Cox Pools submitted, and staff approved a land use certificate (LU-170403) in July of 2017 for the construction of a 24' x 12' 6" swimming pool with a partially surrounding deck. The plans for which showed the project meeting all zoning requirements (see "additional materials"). A meeting was held on July 24th by the Ono Island ACC to review an "after the fact" variance request from the side and front yard setback requirements. At which the ACC approved the front yard variance request and denied the side yard variance request providing the applicant with two (2) options of how to proceed regarding the side yard non-conformity (see "additional materials").

Staff Comments and Recommendation

On July 5th, 2017 an authorized agent for the applicant submitted to Planning and Zoning staff a land use application (LU-170403) for a 24' x 12' 6" swimming pool with a deck partially surrounding it. The plans provided within the application showed that the proposed pool and deck met all zoning requirements and was therefore approved by staff. At some point after the original site plan was approved the plans for the project changed and no altered plans were submitted to Planning and Zoning or the Ono Island ACC for further review prior to construction. The ACC notified staff on April 12th, 2018 following an inspection by their code compliance officer once construction was completed that what had been built did not coincide with what had been approved. The newly constructed pool and surrounding deck encroached across the required front setback line and into delineated jurisdictional wetlands.

Based on the standards for approval, the information provided in this report, and the applicants original site plan submitted with LU-170403 which showed that the project could be built within the normal requirements of the Zoning Ordinance, staff recommends that Case No. V-180025, Sanders Property, be **DENIED**.

Site Plans

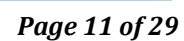


****The above site plans submitted by the applicant illustrate the building setback requirements and deck encroachments as they were built, respectively. Per the county subdivision manager and the subdivisions recorded plat, required building setbacks will be enforced from the building setback line and/or the wetland line where it crosses over the setback line drawn on the plat. To avoid confusion, I've included a third site plan on the next page that I put together compiling the two plans showing the relevant data more clearly.**

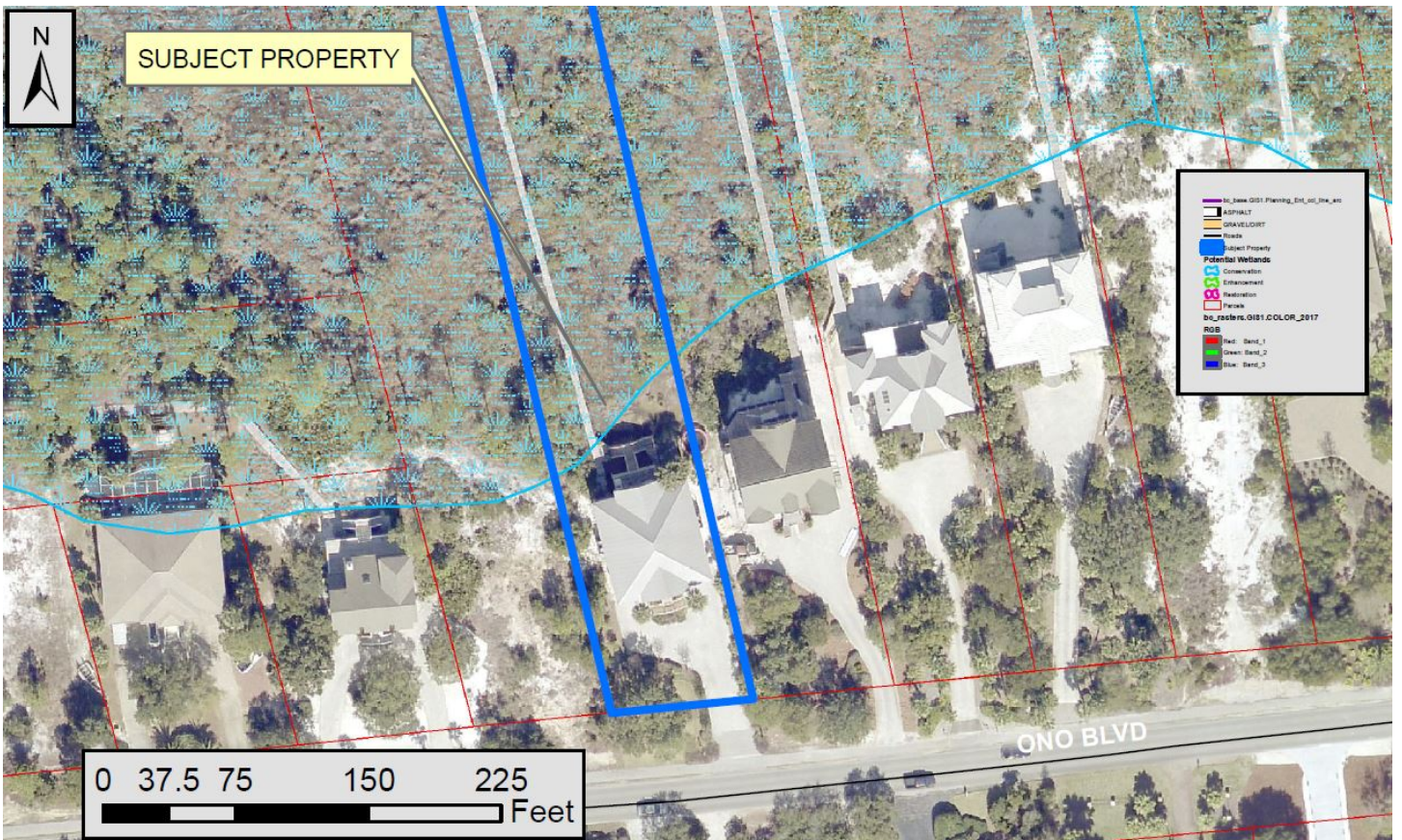
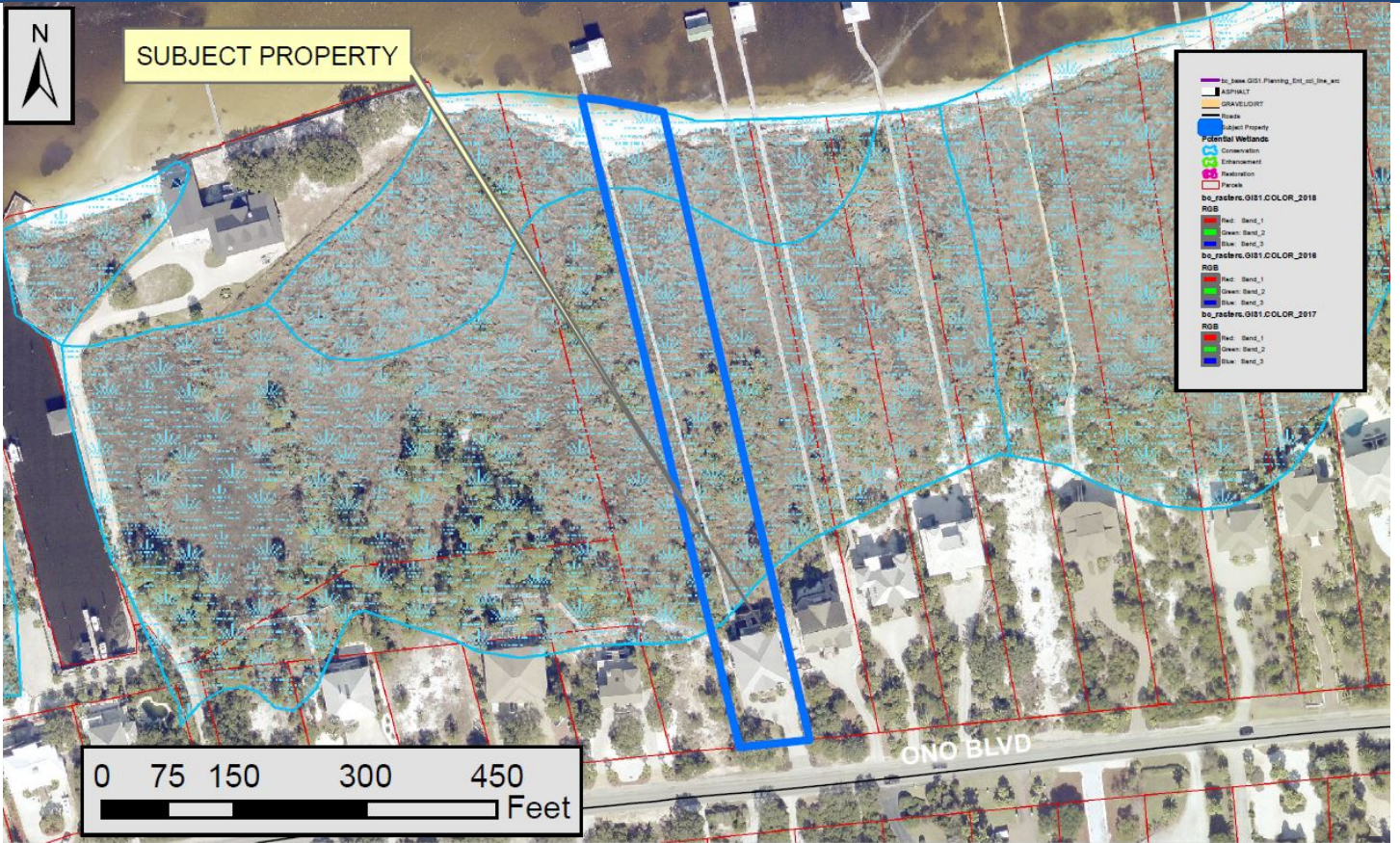
Property Images

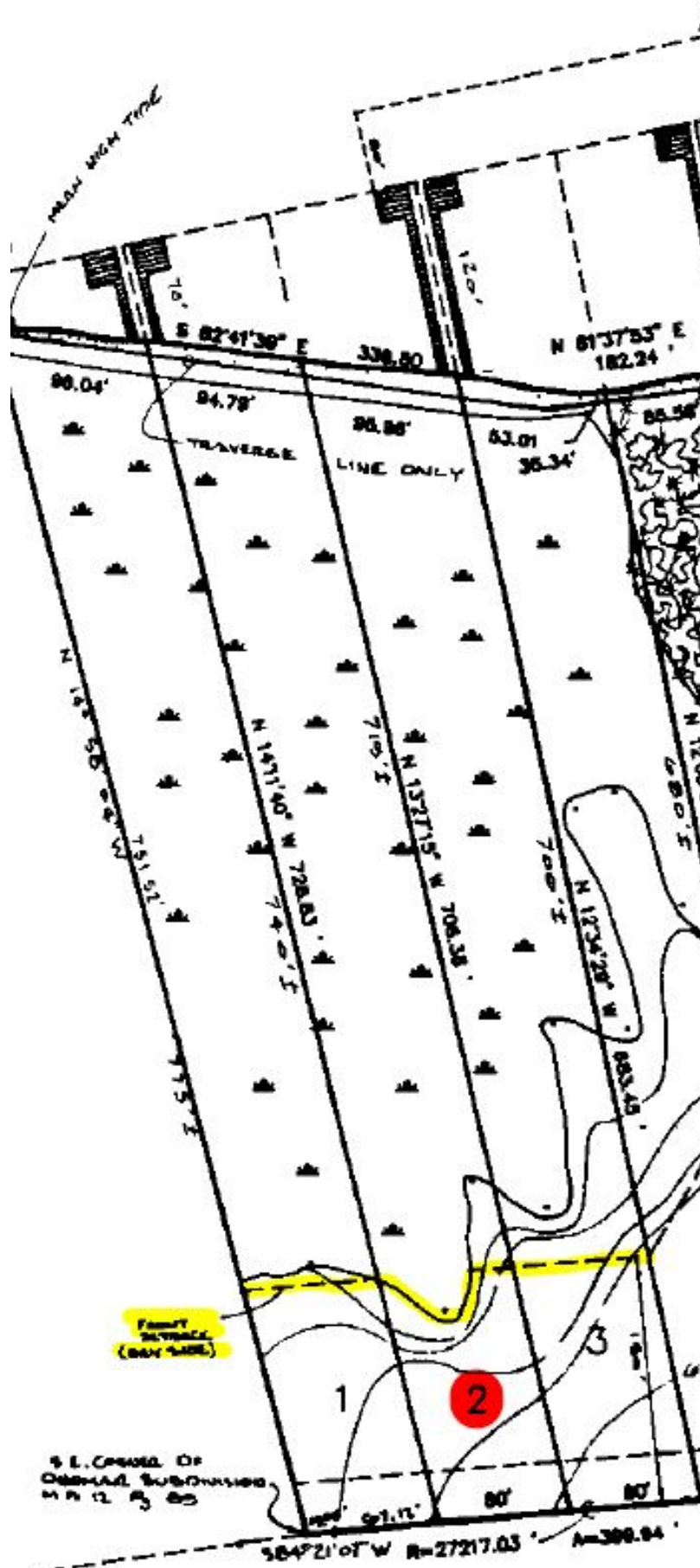






Site Map





Ono Island FINAL Notice of Action



PROPERTY OWNER'S ASSOCIATION OF ONO ISLAND, INC.
28491 Ono Boulevard - Orange Beach, AL 36561
Office: 251-980-5152 / Fax: 251-980-5146

ONO ISLAND ARCHITECTURAL CONTROL COMMITTEE

NOTICE OF ACTION TAKEN APPEAL REGARDING VARIANCE DECISION VARIANCE # V-18-011

DATE OF MEETING: July 24, 2018
HOMEOWNER: Michael Sanders
MAILING ADDRESS: P O Box 6039 - Mobile, AL 36660
WORKSITE ADDRESS: 29385 Ono Blvd - Orange Beach, AL 36561
UNIT / LOT: Unit OSJ/ Lot 2
CONTRACTOR: Cox Pools of the SE
MAILING ADDRESS: 22656 Canal Road - Orange Beach, AL 36561
REVIEW: Variance Regarding - "After the fact" Side yard and front yard pool deck encroachment
ACTION TAKEN BY: Give Options (a) & (b) Below

The pool was not built according to the approved site plan and then a deck was built around the pool causing an encroachment to the side yard setback and front (waterside) yard setback. The ACC approved the front yard setback variance "after the fact" as per the request due to the discrepancy in the wetlands/setback line for this property on the original plat. The side yard variance portion was denied, and the ACC requested that the owner submit a resolution to the encroachment into the side yard setback. After reviewing the proposed resolution to the side yard setback encroachment that was submitted by Cox Pools the ACC voted unanimously to give the following options to the owner:

- (a) Remove side yard setback deck encroachment and replace with paver deck as proposed.*
- (OR)*
- (b) Pay a \$2,500 Violation Fine which is the equivalent of ten (10) days violation fine for Substantive Changes to Work Authorized. The ACC would then note in the property file that the deck was not built according to the approval (making it nonconforming in nature). The deck would be allowed to remain until such time as it is damaged or destroyed beyond 50% of the current Baldwin County appraisal method value according to the nonconforming structure regulations in the current ACC Rules & Regulations. The owner would be responsible for correcting the side yard encroachment prior to the property changing hands OR notifying the new owner of the encroachment prior to the property being sold or any future ownership changes.*

The ACC Shall give 10 days from the date of this notice for the owner to submit in writing the decision regarding which resolution option shall be selected. If not received by 08/06/2018 daily fines may begin accruing at a rate of \$250 per day.

From: Shannon Harrison <shannon@onoislandpoa.com>
Sent: Wednesday, July 25, 2018 12:43 PM
To: Payton Rogers
Subject: RE: LU-180557 Approved

Thank you, Payton!

Mr. Sanders decided on Option B – to pay the violation fine with the understanding that the encroachment has been documented as nonconforming.

- (b) Pay a Violation Fine which is the equivalent of ten (10) days violation fine for Substantive Changes to Work Authorized. The ACC will note in the property file that the deck was not built according to the approval (making it nonconforming in nature). The deck would be allowed to remain until such time as it is damaged or destroyed beyond 50%. The owner would be responsible for correcting the side yard encroachment prior to the property changing hands OR notifying the new owner of the encroachment prior to the property being sold or any future ownership changes.

Shannon L. Harrison

USACE Approval Letter



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

February 16, 2018

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Jurisdictional Number SAM-2018-00091-DCH,
No Permit Required, Michael D. Sanders, Bayou St. John

Mr. Michael D. Sanders
Post Office Box 6039
Mobile, Alabama 36660

Dear Mr. Sanders:

Reference is made to your request for Department of the Army (DA), U.S Army Corps of Engineers (USACE) review of the proposed construction of a pile-supported deck. Specifically, the work would entail installation of a pile-supported deck around an existing pool. Portions of the deck structure would be within delineated wetlands on the property. The proposed work is located at 29385 Ono Boulevard; within Section 1, Township 9 South, Range 5 East; at Latitude 30.285952° North, Longitude -87.523988° West, Orange Beach, Baldwin County, Alabama.

A review of the material submitted revealed that a DA permit pursuant to Section 404 of the Clean Water Act **will not** be required for your project. While the proposed work appears to be within jurisdictional wetlands or waters of the United States, the construction of the proposed pile-supported structure in Section 404 wetlands is a non-regulated activity, as the placement of the pilings would not have the effect of a discharge of fill material. Section 404 of the Clean Water Act prohibits the placement of fill material within waters of the United States subject to USACE regulatory jurisdiction without prior DA authorization. Be advised that any additional construction, discharge of dredged or fill material, grubbing, or other land disturbing activities in the project area may require DA authorization prior to commencement of work.

The statements contained herein do not convey any property rights or any exclusive privileges, and do not authorize any injury to property nor shall it be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect proposed work at this site.

We appreciate your cooperation with the USACE Regulatory Program. Please refer to Number **SAM-2018-00091-DCH**, in all future correspondence regarding this project

or if you have any questions concerning this determination. Also, if the project location or scope of work changes, you are urged to contact this office for a verification of this determination.

If you have any questions, please contact me at (251) 694-3772 or by e-mail at Dylan.C.Hendrix@usace.army.mil. For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will allow us to improve our services.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dylan C. Hendrix", is written over a horizontal line.

Dylan C. Hendrix
Project Manager
South Alabama Branch
Regulatory Division

Citizen Letter to the Board

Jorge A. Alsip, MD
1320 Old County Road
Daphne, Alabama 36526

September 3, 2018

Stuart Arnold, Chair
Baldwin County Zoning Board of Adjustment, District 4
Baldwin County Planning & Zoning Department
201 East Section Avenue
Foley, Alabama 36535

RE: Case No. V-180025

Dear Mr. Arnold:

My wife and I own the home and property at 29411 Ono Boulevard, which borders the East side of the Sanders property that is the subject of the above referenced case, and I am writing to voice our objections to the Sanders' variance request.

As you know, Mr. and Mrs. Sanders built a pool and deck that encroach a significant distance into the minimum side setback. Because the pool is partially above ground, the surrounding pool deck is a raised permanent structure built on timber piers. The deck encroaches approximately 5 feet into the 10-foot side setback, and the easternmost edge of the pool itself crosses the same setback line.

If you had an opportunity to review the original plans Mr. Sanders submitted to the Ono Architectural Control Committee (ACC), you would see that it bears little resemblance to the pool and deck actually built. It is clear Mr. Sanders submitted one set of plans to obtain a permit and then proceeded to build something significantly different, with the pool moved almost 10 feet further to the East and a much larger deck that encroaches upon the side setback and wetlands. The landscaping he had installed as part of this project actually crosses our shared property line, with two palm trees and some ground cover planted on our property.

Mr. Sanders' deviation from the original permitted plans for the pool and deck was so blatant that he was found to be in violation of the Ono ACC rules. He then submitted a variance request, which the ACC rejected in mid-May (email attached). At that time, the ACC ordered Mr. Sanders to modify the deck to eliminate the encroachment, and Mrs. Sanders informed my wife in early July that they had a contractor coming to make the necessary revisions in September. However, I learned a few weeks ago that the ACC agreed to accept what was characterized to me as a "fine" in lieu of requiring Mr. Sanders to comply with the county's setback requirements.

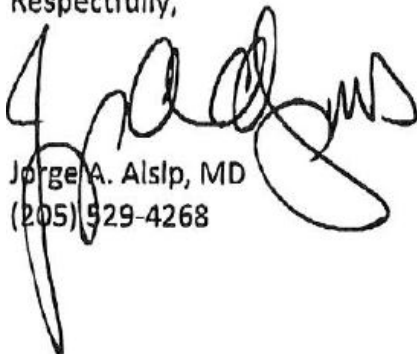
When you compare the original plans to what Mr. Sanders built, it is clear this is not simply a case of a contractor's error inadvertently creating an encroachment. The need for a variance is the result of a situation of Mr. Sanders' own making, and granting this variance would reward his decision to ignore the required approval processes, build a structure he knew encroached upon the setbacks, and create a hardship, which he is now using to apply for a variance after the fact. Mr. Sanders will likely assert that

denial of his variance request will cause a financial hardship. However, in *City of Mobile v. Sorrell*, the court found that, "Mere hardship or inconvenience is not enough to justify the grant of a variance. Moreover, a self-inflicted or self-created hardship cannot be the basis for a variance." The 1998 case, *Asmus v. Ono Island Board of Adjustment* reaffirmed these principles.

The combined effect of the non-complying pool and deck and the landscaping that crosses into our property has been to crowd the county-mandated minimum buffer between our properties and create the appearance that our lot is narrower than it actually is. Failure to rectify these encroachments will negatively impact our property value, and we urge you to take the appropriate action and require the Sanders to make the revisions necessary to eliminate any side setback encroachment of the pool and decking and the property line encroachment from his landscaping.

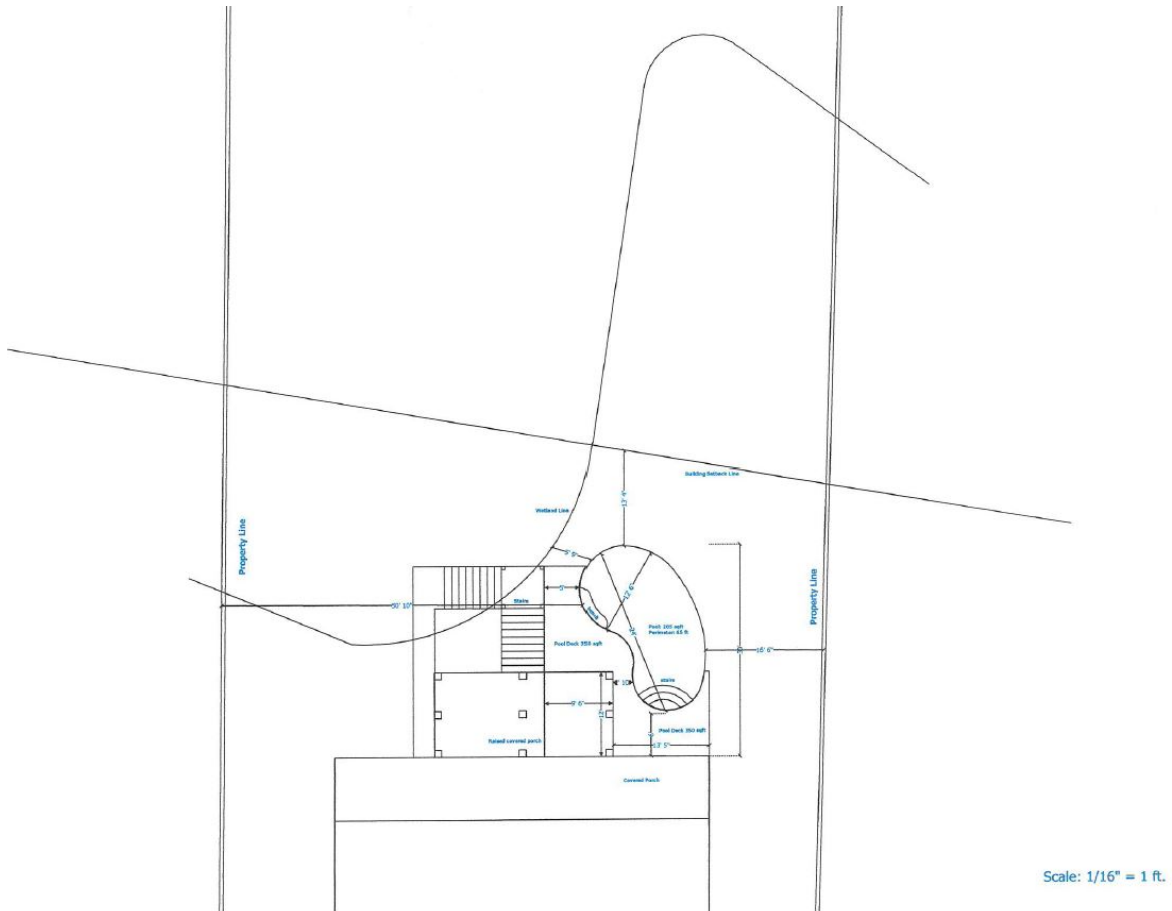
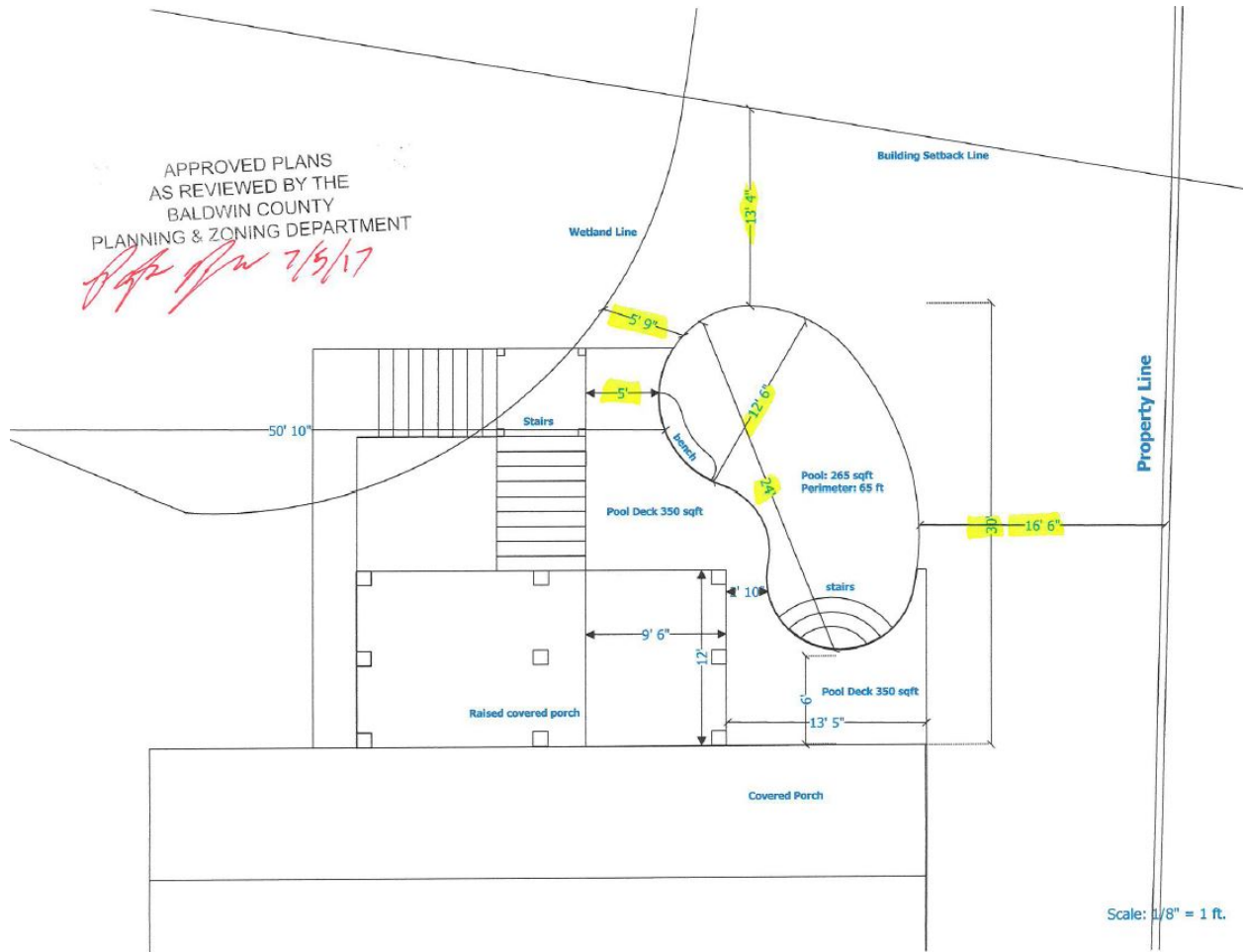
Thank you for your consideration of our concerns.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Alsip', written over the printed name and phone number.

Jorge A. Alsip, MD
(205) 929-4268

Site Plan for Previously Approved Land Use





Baldwin County Planning & Zoning Department County Commission District #4

Board of Adjustment Staff Report

Case No. V-180028

MNM Properties LLC Property

Variance to allow an accessory structure in the front yard

September 13, 2018

Subject Property Information

Planning District: 25
General Location: Pamela Court
Physical Address: 2134 St Hwy 180
Parcel Number: 05-69-08-01-0-004-018.002
Zoning: RSF-2, Single Family District
Lot Size: 0.53 +/- Acres
Applicant: Jeffrey Shy-Cox Pools of the South East
22656-F Canal Rd
Orange Beach, AL 36561
Owner: MNM Properties LLC
Lead Staff: Crystal Bates, Planning Technician
Attachments: *US Fish and Wildlife permit*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RTF-4
South	Residential	RSF-1
East	Residential	RSF-1
West	Residential	RSF-1

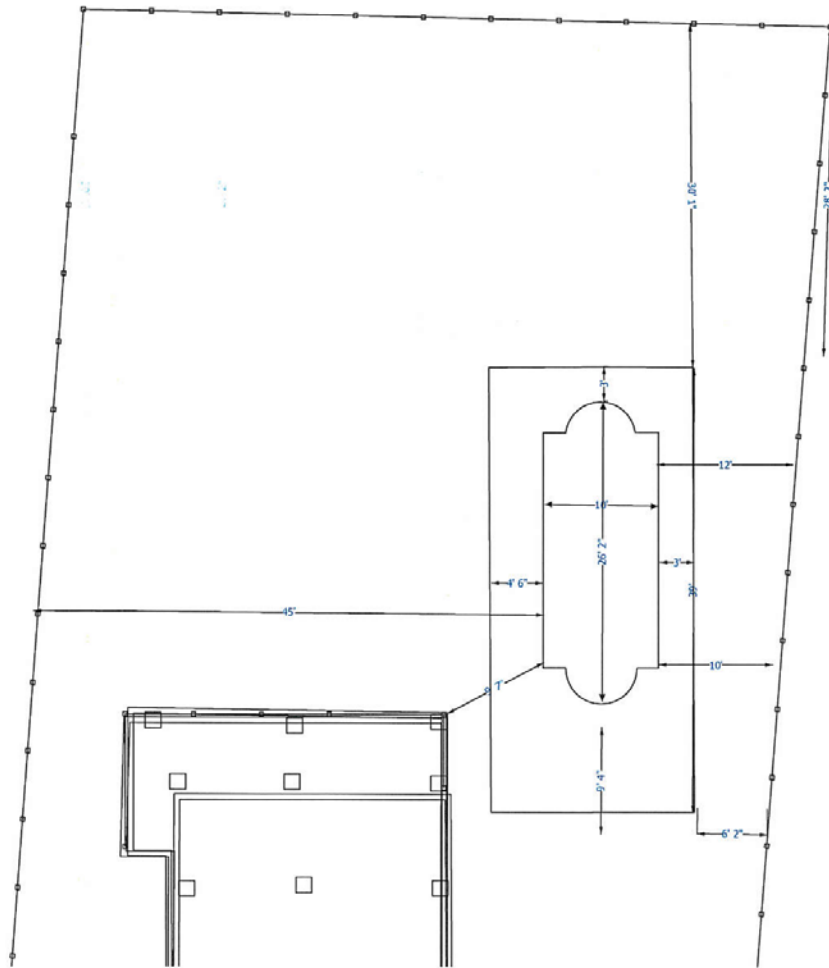
Summary and Recommendation

The applicant is requesting a variance from Section 13.1.2 of the Baldwin County Zoning Ordinance pertaining to accessory structures in the front yard. The applicant is requesting approval to construct a 26.2ft x 10ft swimming pool within a deck 30.1 foot from the front property line. Staff feels this is a reasonable request and recommends that Case No. V-180028, MNM Properties LLC be **APPROVED**.

Variance Request

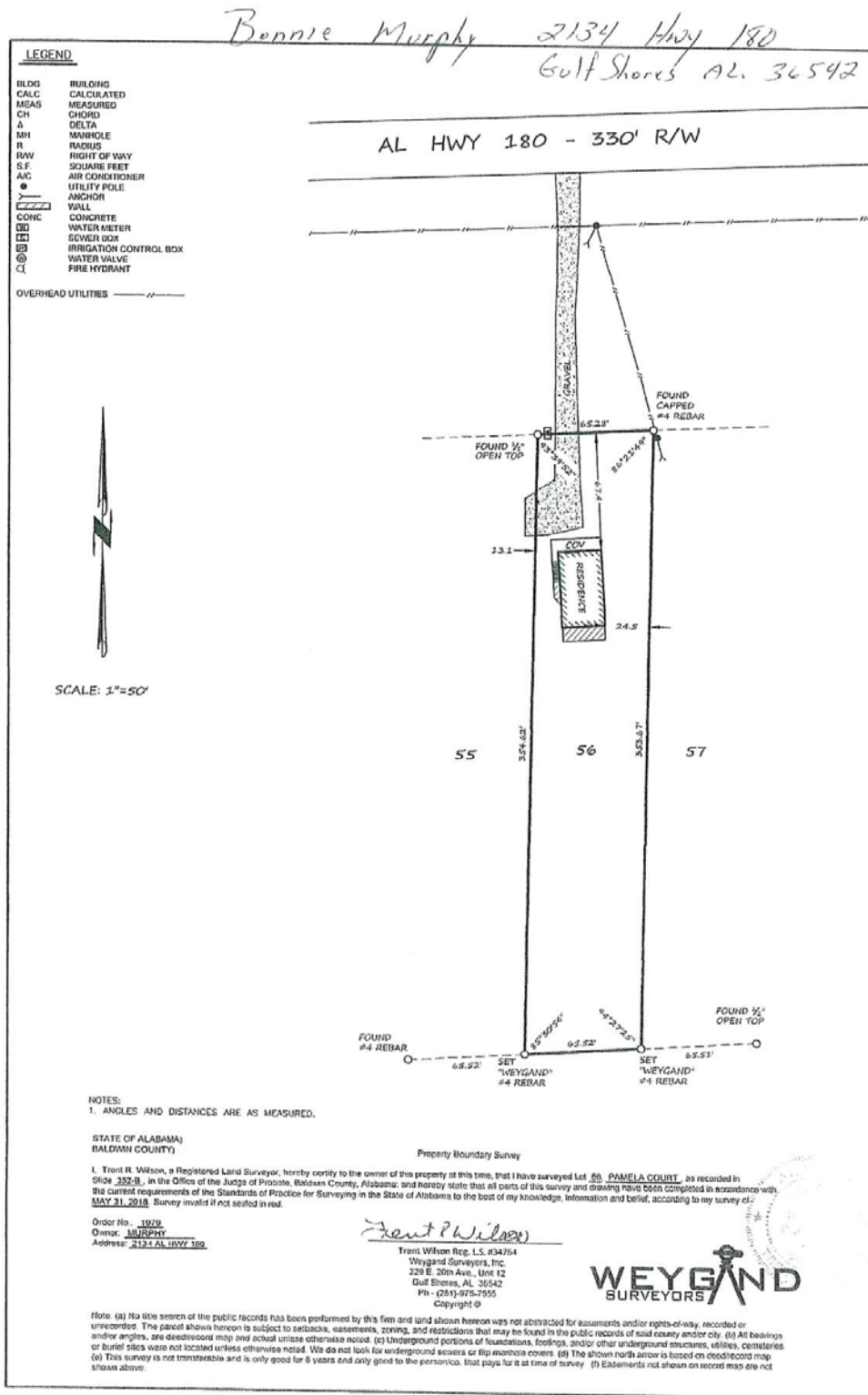
The applicant is requesting a variance from Section 13.1.2 of the Baldwin County Zoning Ordinance. The applicant would like to construct a 26.2ft x 10ft swimming pool within a deck 30.1 foot from the front property line. The reason for the variance request is to avoid impacting the Alabama Beach Mice in the rear yard. US Fish and Wildlife Service has approved the pool to be in the front yard in this location so there is no significant impact on Alabama Beach Mice.

Proposed Site Plan



Scale: 3/32" = 1 ft.

Survey



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 13.1 Accessory Uses and Structures

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

(a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any side or rear lot line.

(b) An accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.

(c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than 30% of the rear yard.

(d) No accessory structure, other than a pier and boathouse, may be located on a lot by itself

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 65.5 x 352.1 and according to Revenue Commission the house was built around 1987 prior to the enactment of zoning.

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. US Fish & Wildlife Service species/critical habitat is in the rear of the property and would require major restoration.

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

The property is zoned for single family use and will be used for that purpose.

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 have any adverse impact on adjacent property owners.

5.) Other matters which may be appropriate.

US Fish & Wildlife approval is attached

Fort Morgan Association Approval VIA EMAIL Below:

August 31, 2018

Linda Lee, Planner
Baldwin County Planning and Zoning Department
20 E. Section Avenue
Foley, AL 36535

llee@baldwincountyal.gov

RE: Case No. V-180028

The Fort Morgan Planning and Zoning Advisory Committee met on August 29, 2018 at the Shell Banks Baptist Church Fellowship Hall to review the above case. Three of the five voting members were present and voted to recommend approval of the variance request.

In attendance: Chan West, Chair, Ernie Church and Thelma Strong.

Submitted by Carol N. Kittrell, Secretary

Staff Comments and Recommendation

Staff feels this is a reasonable request and recommends that Case No. V-180028, MNM Properties 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.

Front Elevations

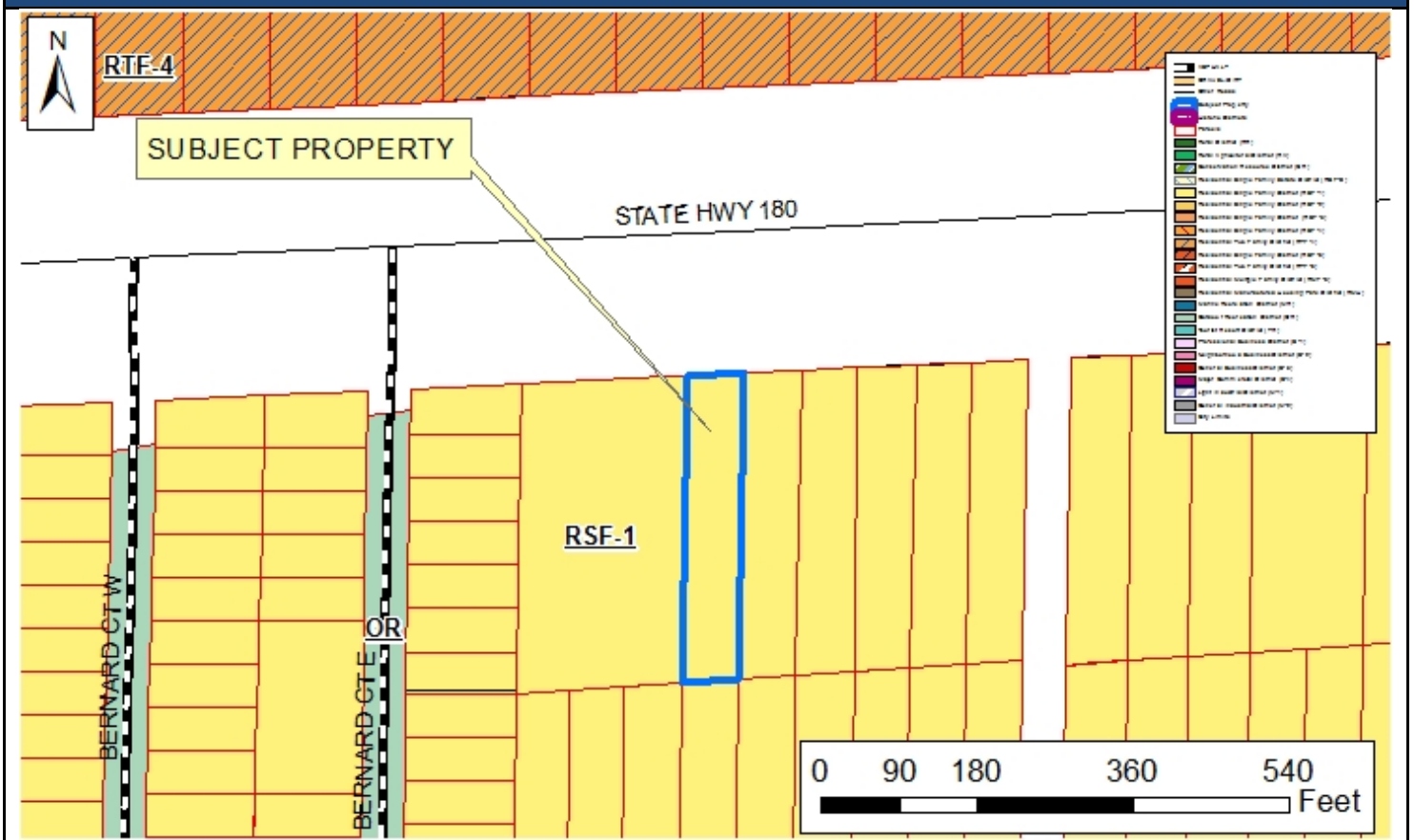


Rear Elevations

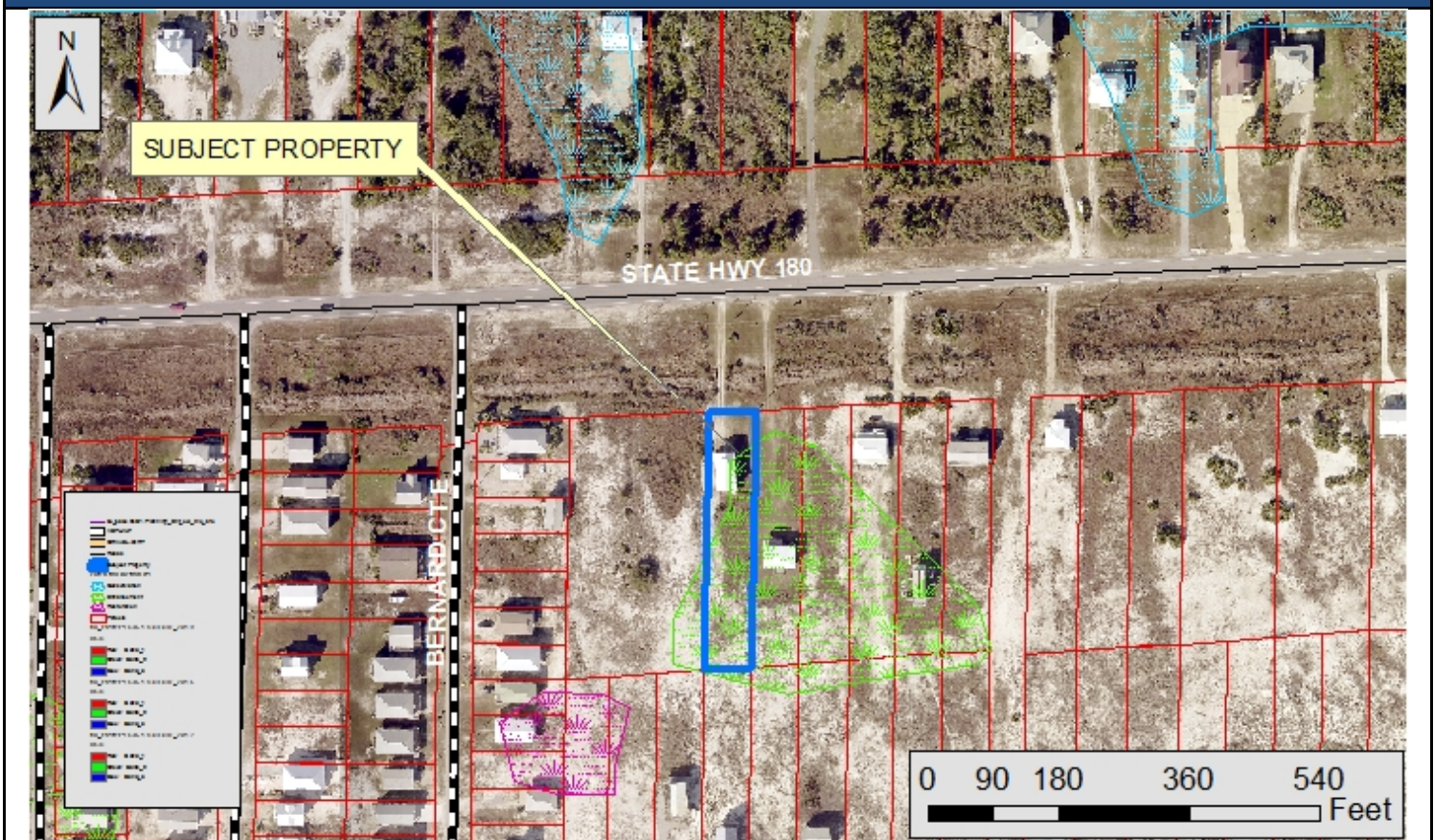




Locator Map



Site Map





You know you want one.

USFWS
Bill Pearson
Field Supervisor
1208 Main Street
Daphne, AL 36526

RECEIVED
JUL 17 2018

BY: *[Signature]*

2018-TA-1042

July 12, 2018

Dear Mr. Pearson:

Cox Pools was requested to install an in ground fiberglass pool by homeowner, Bonnie Murphy in Gulf Shores, AL. Her residence is:

2134 Hwy 180
Lot Number 56
Parcel ID: 6908010004018002
Gulf Shores, AL 36542

The residence lies in an area which is considered to contain elements suitable for the Alabama beach mouse. The homeowner, Bonnie Murphy, requested a review of this area by your organization. Bill Lynn, with ESA permitting and consultation further reviewed this area and informed Mrs. Murphy and Cox Pools the area on the east side of the residence would be suitable for a pool.

We, Cox Pools and Ms. Murphy request a written clearance letter for installation of an in ground pool for this area. If you would please send this clearance letter to the address below to:

Cox Pools of The South East
C/O: Jeffrey Shy
22656 Canal Rd
Orange Beach, AL 36561

Please contact me directly with any questions regarding this matter.

Sincerely,

[Signature]
Jeffrey Shy

Cox Pools Sales and Design Consultant
Office: (251) 974-5244
Cell: (251) 253-3084
Email: jeffrey@coxpoolss.com



U.S. Fish and Wildlife Service
1208-B Main Street - Daphne, Alabama 36526
Phone: 251-441-5181 Fax: 251-441-6222

No federally listed species/critical habitat are known to occur in the project area. As described, the project will have no significant impact on fish and wildlife resources. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. We recommend use of best management practices specific to your project (See <http://www.fws.gov/daphne/section7/bmp.html>).

[Signature]
William J. Pearson, Field Supervisor

Date #3

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