

**Baldwin County Commission District 1, Board of Adjustment  
Agenda**

**September 26, 2018**

**10:00 a.m.**

**Baldwin County Administration Building  
Commission Conference Room  
322 Courthouse Square  
Bay Minette, AL 36507**

- I. Call to Order
- II. Roll Call
- III. Approval of Previous Meeting Minutes (August 29, 2018)
- IV. Announcements/Registration to Address the Board of Adjustments
- V. Consideration of Applications and Request

**ITEMS:**

**a.) Case No. V-180029, Burnett Property**

*Request:* A variance from the side yard setback requirement to allow for the construction of an accessory structure (detached carport)

*Location:* The subject property is located at 7027 Cloverleaf Landing Road, in Planning District 4

*Attachments:* Within Report

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

# **Baldwin County Commission District 1, Board of Adjustment**

**August 29, 2018**

## **Regular Meeting Minutes**

**Baldwin County Administration, Bay Minette**

The Board of Adjustment for Baldwin County Commission, District 1 met in a regular session on Wednesday, August 29, 2018, at 10:00 a.m., in the Commission Conference Room of the Baldwin County Administration Building in Bay Minette. The meeting was called to order at 10:07 a.m., by the Chairman, Mr. Arthur Oken. Members present included Mr. Mitchell Broughton and Ms. Charmein Moser. Also present was Planning Director Vince Jackson.

### **Election of Officers for 2018**

Ms. Moser made a motion to nominate Mr. Oken to serve as Chairman for 2018. The motion received a second from Mr. Broughton and carried unanimously.

Ms. Moser made a motion to nominate Mr. Broughton to serve as Vice Chairman for 2018. The motion received a second from Mr. Oken and carried unanimously.

### **Approval of Minutes**

Mr. Broughton made a motion to approve the minutes of the December 27, 2017 regular meeting. The motion received a second from Ms. Moser and carried unanimously.

### **Announcements**

Mr. Jackson informed that Board that they would have a case to consider on September 26, 2018 and also discussed the need for more alternates.

### **Adjournment**

There being no further business to come before the Board, Chairman Oken adjourned the meeting at 10:14 a.m.

Respectfully submitted:

Vince Jackson, Planning Director

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

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Arthur Oken, Chairman



# Baldwin County Planning & Zoning Department

## County Commission District #1

### Board of Adjustment Staff Report

**Case No. V-180029**  
**Burnett Property**  
**Variance from Side Setback Requirements for an Accessory Structure**  
**September 26, 2018**

### Subject Property Information

**Planning District:** 4  
**General Area:** Lot 3, Cloverleaf Landing Subdivision,  
0.7 Miles West of Highway 225 on Cloverleaf Landing Road  
**Physical Address:** 7027 Cloverleaf Landing Road  
**Parcel Number:** 05-29-09-42-0-000-003.037  
**Zoning:** RSF-1, Single Family District  
**Acreage:** 1.30 acres, more or less  
**Applicant:** Matthew Burnett  
7027 Cloverleaf Landing Road  
Bay Minette, AL 36507  
**Owner:** Same  
**Lead Staff:** Vince Jackson, Planning Director  
**Attachments:** *Within Report*

|       | Adjacent Land Use | Adjacent Zoning           |
|-------|-------------------|---------------------------|
| North | Residential       | RSF-E, Estate Residential |
| South | Residential       | RSF-1, Single Family      |
| East  | Residential       | RSF-1, Single Family      |
| West  | Residential       | RSF-1, Single Family      |

### Summary

The applicant is requesting a variance from side setback requirements in order to allow for the construction of an accessory structure (detached carport) on an existing slab. According to the zoning ordinance, an accessory structure shall not be closer than 5-feet to a side lot line. As proposed, the detached carport would be constructed 2-feet from the side (west) line which would result in a variance of 3-feet if the request is approved.

The application is quoted as follows:

The lot width of 140.7' is not wide enough to allow for the construction of a double car width detached carport while utilizing the full potential of an aesthetically pleasing look. The detached structure would not be visually appealing constructed any closer to the home than the current distance the slab is poured.

## **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                |

## Article 22 Definitions

### Section 22.1 Usage

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "building" includes "structure." The words "shall" and "will" are always mandatory. The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied."

### Section 22.2 Words and Terms Defined

**Accessory structure.** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. Except as provided in *Section 10.4, Wetland Protection Overlay District*, bulkheads, fences, walls, retaining walls, fountains, trellises, pergolas, air conditioner platforms, walkways and similar features which provide a decorative, security or support function shall not be considered accessory structures for purposes of these zoning ordinances.

### Section 13.1 Accessory Uses and Structures

**13.1.1 Generally.** Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

- (a) Is customarily incidental to and is maintained and operated as a part of the principal use.
- (b) Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated.
- (c) Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use.
- (d) Is not located in a required yard.

**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.

The subject property is currently occupied with a dwelling. The property adjoins Cloverleaf Landing Road to the south. The adjoining properties are residential.

The approval standards listed below are found in Section 18.6 of the *Baldwin County Zoning Ordinance*. These standards are to be considered when reviewing a variance request.

**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 consists of approximately 1.30 acres with a width of 140.7 feet. This exceeds the area and dimensional standards of the RSF-1 zoning designation. In addition, the dwelling, as constructed, is well within the specified setback requirements. As a result, exceptional narrowness, shallowness or shape are not issues for this parcel.

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

There are no topographic conditions or other extraordinary situations affecting 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 subject property is zoned RSF-1, Single Family District. This designation is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots. The use of the property was established with the construction of the existing dwelling in 2012.

**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.**

If the variance is approved, the carport will be located approximately 2-feet from the west property line. Although this would be less than any setback required by the zoning ordinance, the impact on adjacent property should be minimal. The other owners in the subdivision, including the owner of the adjacent parcel to the west, have expressed no opposition to the variance.

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

The existing slab which is mentioned in this application is actually an extension of the driveway which appears to have been added after the dwelling was constructed. Driveways are not considered to be structures and are not subject to the setback requirements of the zoning ordinance.



As stated previously, the applicant is requesting a variance from side setback requirements in order to allow for the construction of an accessory structure (detached carport) on an existing slab. According to the zoning ordinance, an accessory structure shall not be closer than 5-feet to a side lot line. As proposed, the detached carport would be constructed 2-feet from the side (west) line which would result in a variance of 3-feet if the request is approved. A copy of the site plan showing the proposed location of the carport is included.

Staff has concerns with this request due to the fact that there is more than enough room to construct a detached carport which would meet all zoning requirements without the need for variances. Although the staff understands the desire for a visually appealing appearance, aesthetics are not a consideration for the approval of variance and zoning cases. As a result, staff recommends that Case V-180029 be **DENIED**. If the Board, however, should find approval of this request to be warranted, a decision should be made based upon the information obtained from the public hearing. \*

\* A concurring vote of the majority of the Board members shall 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.

### **Property Images**



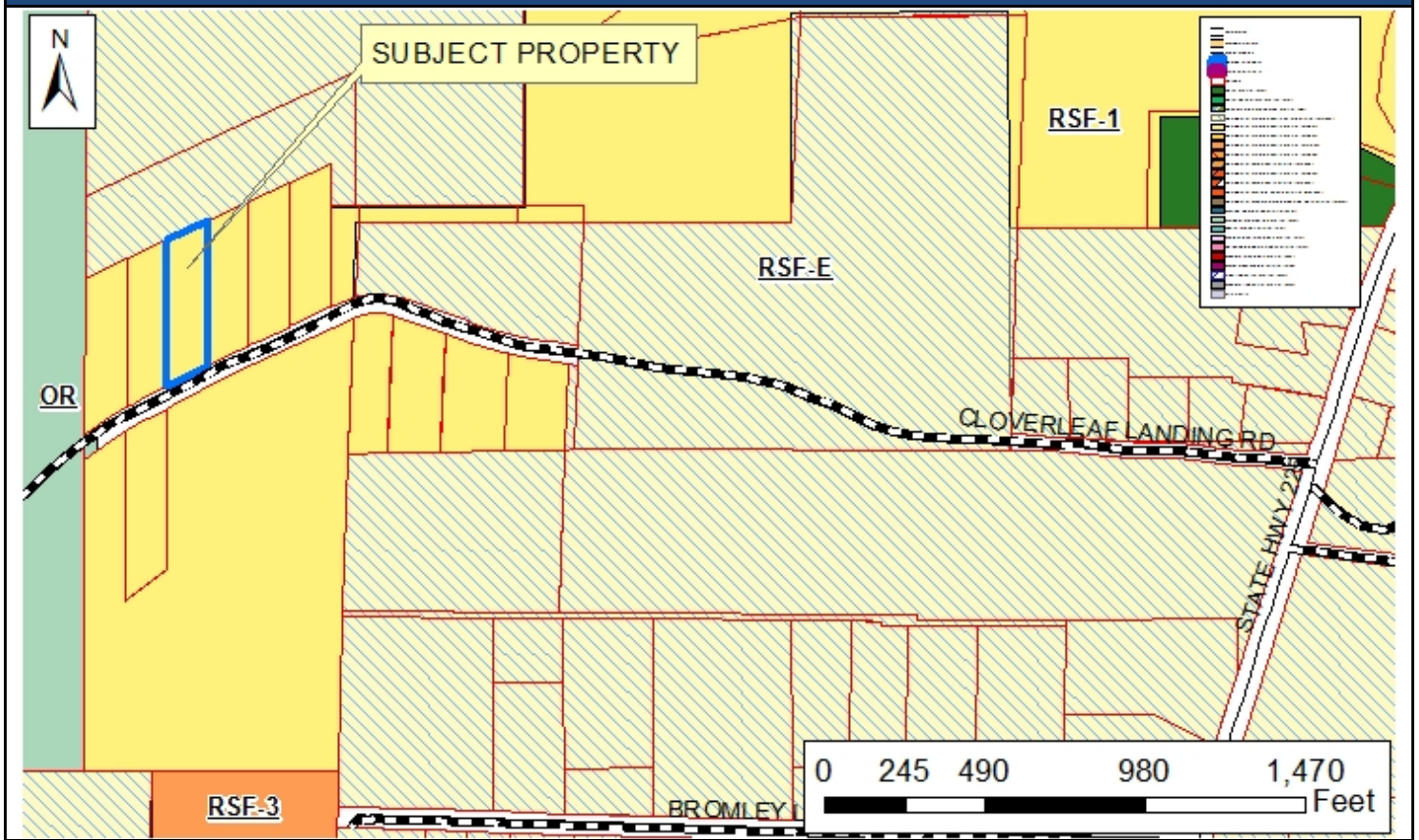








# Locator Map



# Site Map – 2018 Aerial Photography





## Property Owners Association Statement

I, Matt Burnett, reside in Cloverleaf Landing Subdivision on Cloverleaf Landing Road and we do not have an active POA.

M. B. —  
8/22/18


## Neighbors Statements

To whom it may concern on the Baldwin County Zoning Board:

My name is Wade Dooley and I am neighbors with Matt Burnett. My home borders the west side of Mr. Burnett's property on Parcel #05-29-09-42-0-000-003.036/Lot #2 on the boundary survey. My address is 7003 Cloverleaf Landing Road, Bay Minette, AL 36507.

Mr. Burnett has informed me of his plans to construct a detached carport on the existing slab that is a continuation of his driveway. I have no objection despite any zoning ordinance or other requirements that Mr. Burnett construct the detached carport within the 5' set back.

Regards,

  
Wade Dooley

*Sharon McKay  
my commission expires:  
3.26.2022*

To whom it may concern on the Baldwin County Zoning Board:

My name is George Brown and I reside on the property east of Matt Burnett's property. My parcel number is 05-29-09-42-0-000-003.038/Lot #4 on the boundary survey. Mr. Burnett has informed me of his plans to construct a detached carport on the existing slab that is a continuation of his driveway. I have no objection despite any zoning ordinance or other requirements that Mr. Burnett construct the detached carport within the 5' set back.

Regards,

  
George Brown

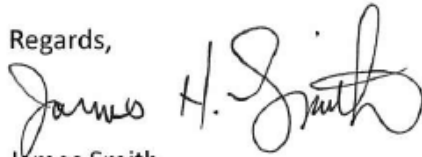


To whom it may concern on the Baldwin County Zoning Board:

My name is James Smith and I am neighbors with Matt Burnett. My home/property is south of Mr. Burnett's property across Cloverleaf Landing Road on Parcel #05-29-09-42-0-000-003.039. My address is 7072 Cloverleaf Landing Road, Bay Minette, AL 36507.

Mr. Burnett has informed me of his plans to construct a detached carport on the existing slab that is a continuation of his driveway. I have no objection despite any zoning ordinance or other requirements that Mr. Burnett construct the detached carport within the 5' set back.

Regards,



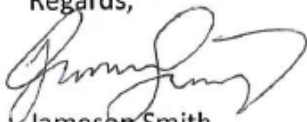
James Smith

To whom it may concern on the Baldwin County Zoning Board:

My name is Jameson Smith and I am neighbors with Matt Burnett. My home/property is south of Mr. Burnett's property across Cloverleaf Landing Road on Parcel #05-29-09-42-0-000-003.040. My address is 7030 Cloverleaf Landing Road, Bay Minette, AL 36507.

Mr. Burnett has informed me of his plans to construct a detached carport on the existing slab that is a continuation of his driveway. I have no objection despite any zoning ordinance or other requirements that Mr. Burnett construct the detached carport within the 5' set back.

Regards,




Jameson Smith

To whom it may concern on the Baldwin County Zoning Board:

My name is Mark Revere and I own the property that borders the south side of Mr. Burnett's property. My Parcel #05-29-09-42-0-000-003.046.

Mr. Burnett has informed me of his plans to construct a detached carport on the existing slab that is a continuation of his driveway. I have no objection despite any zoning ordinance or other requirements that Mr. Burnett construct the detached carport within the 5' set back.

Regards,



Mark Revere



## Site Plan Submitted

Designer M. Burnett Date            Sheet No.            of             
Checker            Date            Job No.             
Description 7027 Cloverleaf Landing Road

