

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

Agenda

January 28, 2019

4:00 p.m.

**Baldwin County Central Annex
Auditorium**

22251 Palmer Street

Robertsdale, Alabama 36567

- I. Call to Order
- II. Roll Call
- III. Election of Officers for 2019
- IV. Approval of Previous Meeting Minutes (December 17, 2018)
- V. Announcements/Registration to Address the Board of Adjustment
- VI. Consideration of Applications and Request

ITEMS:

a.) Case No. V-190002, Shatner Property

Request: A variance from the rear yard setback requirement to allow for an enclosed screen porch addition

Location: The subject property is located at 16121 Masada Court in Planning District 12

Attachments: Within Report

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

Baldwin County Commission District 3, Board of Adjustment
December 17, 2018
Regular Meeting Minutes
Baldwin County Central Annex, Robertsdale

The Board of Adjustment for Baldwin County Commission, District 3 met in a regular session on December 17, 2018, at 4:00 p.m., in the auditorium of the Baldwin County Central Annex. The meeting was called to order by Chairman Donnie Waters. Members present included, Judy Powell, Tommy Springer, Jr., and Adam Bertolla. Staff member present was Linda Lee, Planner.

Approval of Previous Meeting Minutes

Mr. Bertolla made a motion to approve the transcript of the November 19, 2018, regular meeting. The motion received a second from Mr. Springer and carried unanimously.

V-180038 Buc-ee's Alabama LLC Property

Mrs. Lee presented the applicant's variance request from section 16.4(h) of the Baldwin County Zoning Ordinance as it pertains to prohibited signs. The purpose of the variance is to allow for temporary pennant banners to be displayed during the grand opening for a period not to exceed 30 days. Ms. Kelly Botkin answered questions from the board members. Mr. Springer made a motion to approve the variance request. The motion received a second from Mr. Bertolla and carried unanimously.

Adjournment

There being no further business to come before the Board the meeting was adjourned at 4:05 p.m.

Respectfully submitted:

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2019.

Donnie Waters, Chairman



Baldwin County Planning & Zoning Department

County Commission District #3

Board of Adjustment Staff Report

Case No. V-190002

Shatner Property

Rear Yard Setback Variance

January 28, 2019

Subject Property Information

Planning District: 12
General Location: Lot 117 Lakeland Phase 3 Unit 1
Physical Address: 16121 Masada Court
PID: 05-42-06-23-0-000-039.112
Zoning: RSF-2, Single Family District
Acreage: 0.25± acres
Applicant: Jack Hartley
PO Box 1887
Fairhope, AL 36533
Owner: Elliott and Maria Shatner
16121 Masada Court
Loxley, AL 36551
Lead Staff: Linda Lee, Planner
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2, Single Family District
South	Residential	RSF-2, Single Family District
East	Residential	RSF-2, Single Family District
West	Residential	RSF-2, Single Family District

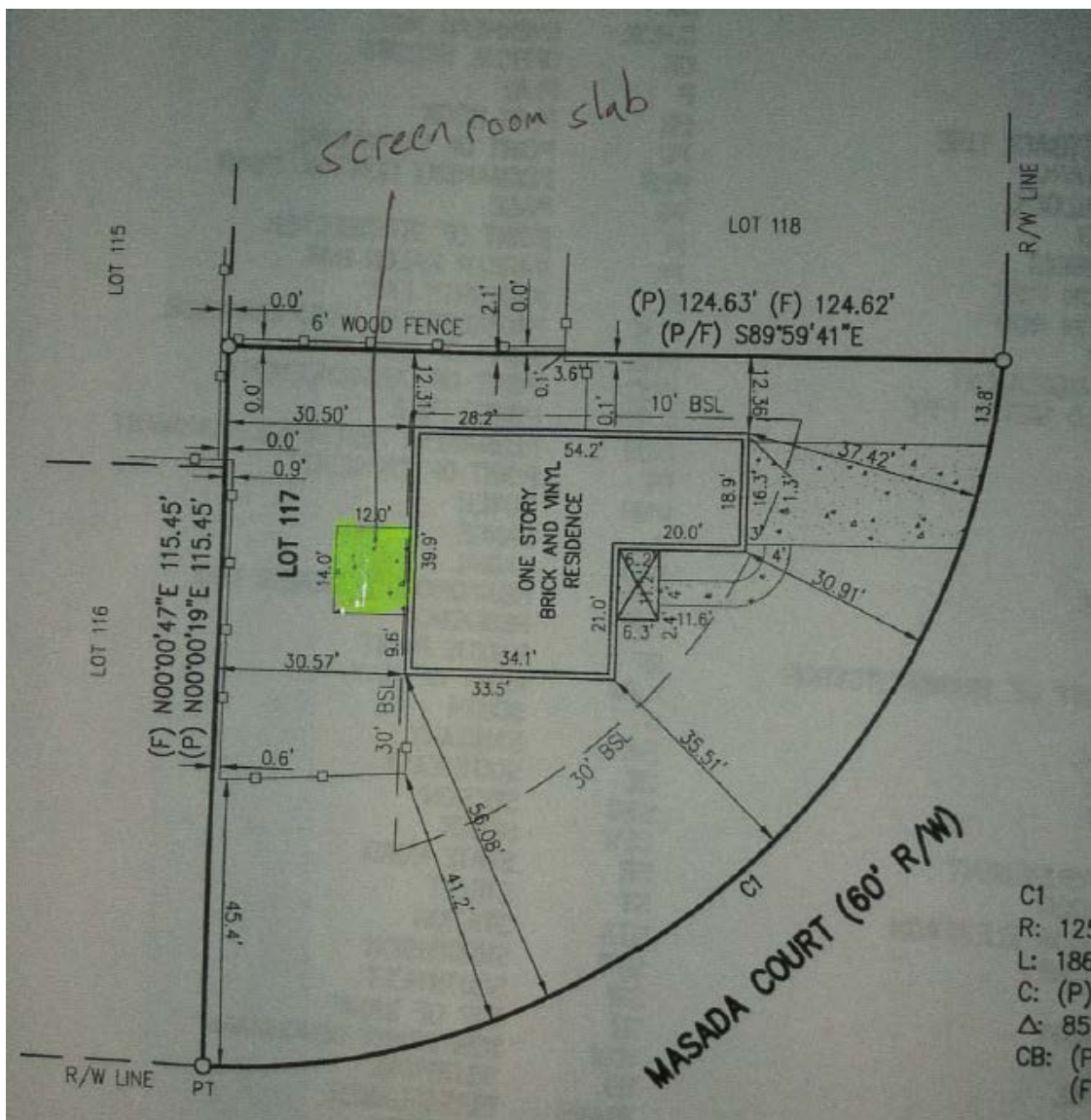
Summary and Recommendation

The applicant is requesting a 12-foot rear yard setback variance to allow for the construction of a 12-foot x 14-foot screen porch addition onto an existing slab. Staff recommends that Case V-190002 be **DENIED** based on the applicant did not submit any information supporting a hardship on the land.

Variance Request

The applicant is requesting a 12-foot rear yard setback variance to allow for the construction of a 12-foot x 14-foot screen porch addition onto an existing slab. Staff recommends that Case V-190002 be **DENIED** based on the applicant did not submit any information supporting a hardship on the land.

Site Plan Submitted



Additional Information

Section 4.3 RSF-2, Single Family District

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

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 currently occupied with a single dwelling. The property adjoins Masada Court to the south and east. The adjoining properties are residential. The subject property rear property line is approximately 115.45 feet wide. The Subdivision final plat was recorded in November 2003 prior to the enactment of zoning in Planning District 12.

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

No 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.

The use of this property was established in 2017 with the construction of a single-family dwelling.

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 effect on adjacent properties.

5.) Other matters which may be appropriate.

Looking at the aerial photography most of the dwellings on shallow lots in this area appear to be very close to the 30-foot rear setback line.



Staff Comments and Recommendation

Staff recommends that Case **V-190002** Shatner Property, be **DENIED** based on the applicant did not submit any information supporting a hardship on the land.

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.

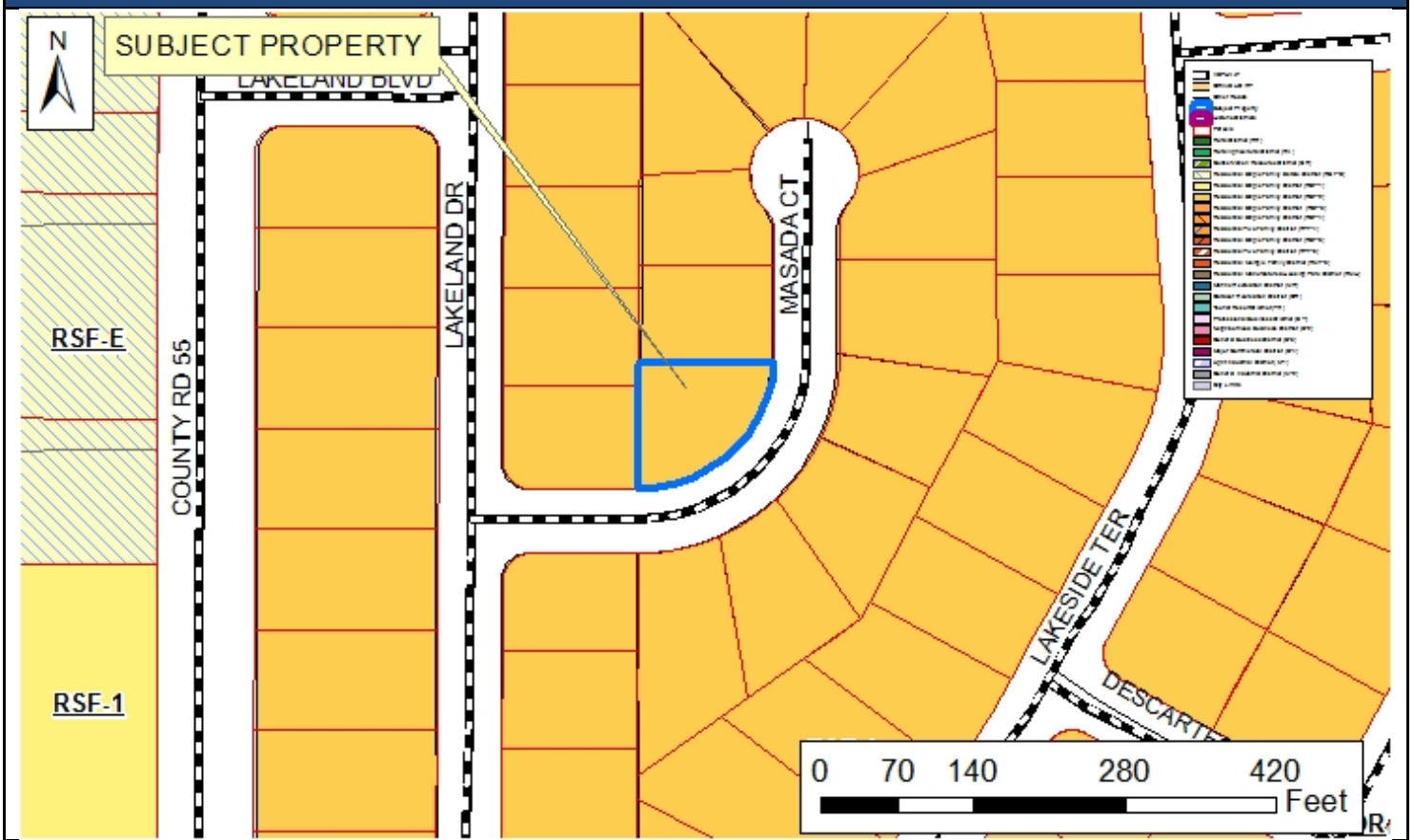
Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as the conditions upon which it is granted and the conditions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

Property Images

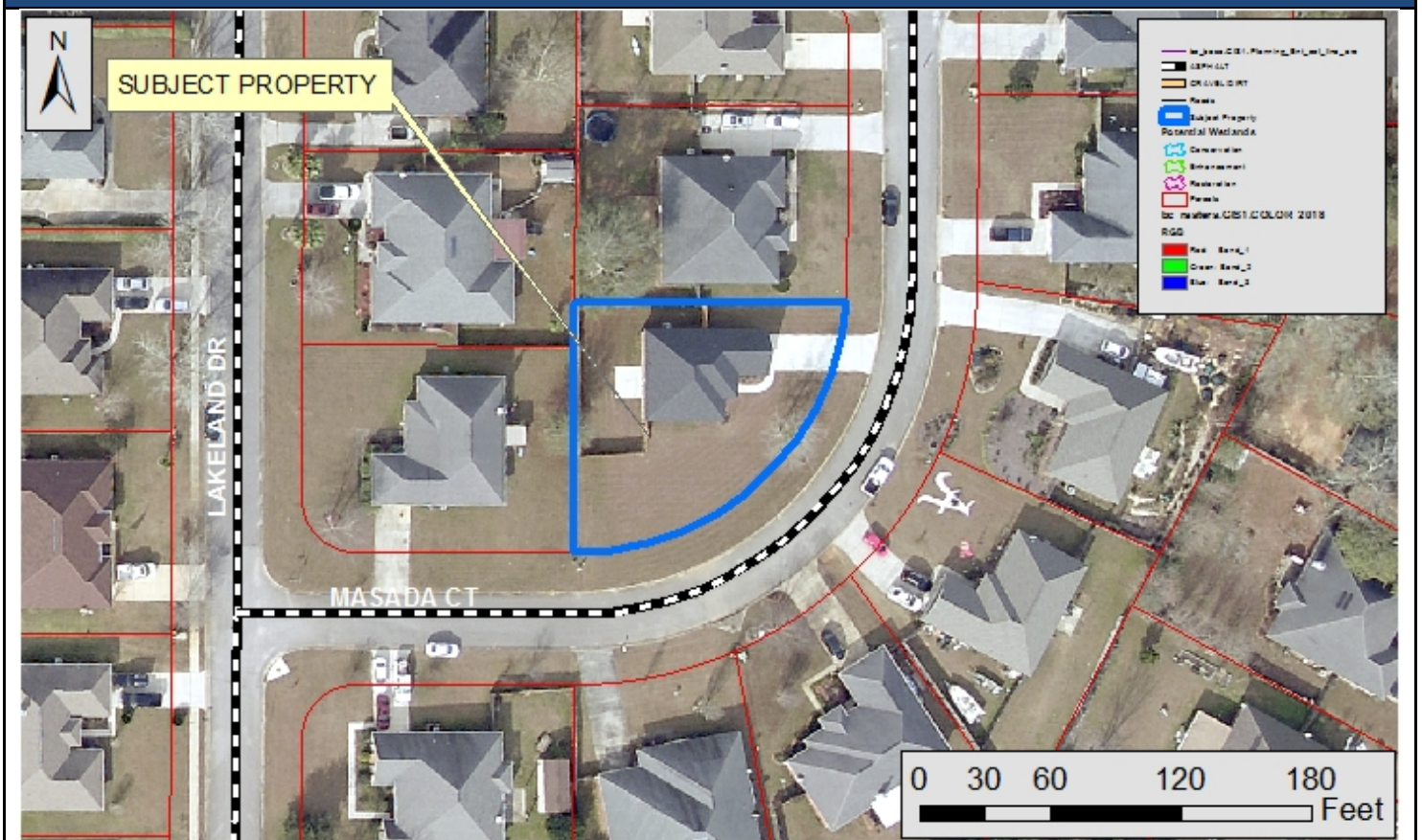




Locator Map



Site Map



Lakeland Homeowner's Association Approval

JACK HARTLEY

Jack Hartley

Cell
(251) 421-9254
Mobile
(251) 694-9398
Eastern Shore
(251) 990-4788
Montgomery
(334) 612-2179
Toll Free
(877) 990-4788

**FACTORY
DIRECT
SUNROOMS**



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55
Lakeland

LAKELAND 55 SUB Existing Homeowner Building Application

Applicant: Elliot & Maria Shatner Phone: 251-259-3326 Address: 16121 Masada at Loxley Al 36551 Lot# 117

Please Check the Type of Structure You Plan to Build:

Utility Building/Shed: _____

These are the guidelines for outdoor utility buildings that are currently in force in the Lakeland 55 Subdivision:

- Roofs to be asphalt shingle and color compatible with the house.
- Roofs to be gabled with boxed eaves and fascia. (No flat roofs)
- Maximum height=10ft. (peak roof to ground)
- Maximum floor area 300 sq. ft. (20x14, 17x17)
- Siding to be brick, hardboard, or equivalent and color compatible with the house.
- To be located at the rear of the lot and totally enclosed by a 6-foot privacy fence.
- Please provide pictures or drawings with dimensions

Fence: _____

- All fences shall be decorative style, matching the existing architectural style of the neighborhood
- Please describe the fence. Composition, style, size etc. Attach picture if possible

- Shall not extend beyond the front line of the house.
- Chain link or any other wire fences shall not be permitted.
- Shall be subject to approval of the Architectural Review Board.

Sunroom ☒

1. Please give a description or attach pictures or drawings with dimensions.

Screen enclosure on back of home
due to corner lot we will need to get a zoning variance

HOA approval is the first of many steps

Deck _____

Must be at rear of the house

Please give a description or attach pictures or drawings with dimensions.

Modification of Main Structure _____

- Repairs to existing roof must be the same type and color of existing shingles.
- New Roofs must be asphalt Architectural roofing shingles

New Home Construction _____

- All homes shall contain no less than 1600 sq. ft. of living area
- Must be made of similar brick construction as the existing homes in the Subdivision
- No vinyl siding shall be used on the main body of homes, except, it may be utilized in the entries, gables, soffits, accents and chimneys)
- All houses must comply with each section of ARTICLE IV - RESTRICTIONS, COVENANTS AND CONDITIONS.
- A full set of Architect's approved blueprints showing all details and setbacks must be provided with the application.

I hereby certify that the information provided herein is true and accurate. The granting of this permit does not presume or give authority to violate or cancel the provisions of any other state, or local law regarding construction or the performance of construction.

Applicant Signature: [Signature] Date: 11-30-18 By signing this request I agree that no construction will begin until written approval has been given.

Review Committee Only: Approved X Disapproved _____ Date: 12-11-18

Final Approval: Carrie Chandler Date: 12-11-18 Lakeland 55 Architectural Review/Control Board. This application is approved with the documents that have been provided to the ACR/ARB committee and approval is granted with the expectation that all Lakeland 55 Covenants and By-laws are observed during the building process.

Mail form to: Lakeland 55 Homeowner's Association • P.O. Box 1215 • Loxley, Alabama 36551