

**BALDWIN COUNTY COMMISSION DISTRICT 2  
BOARD OF ADJUSTMENT**

**AGENDA**

**March 11, 2019**

**Regular Meeting**

**4:00 p.m.**

**Central Annex Auditorium**

**22251 Palmer Street**

**Robertsdale, Alabama**

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (February 11, 2019)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. V-190012 Johnson Property**

*Request:* Approval of a variance from section 2.3.26.3(d) of the Baldwin County Zoning Ordinance as it pertains to 13-feet of separation between buildings and a variance from the north side yard setback requirement to allow for additions to the existing dwelling

*Location:* The subject property is located at 13565 County Road 1 in Planning District 26

*Attachments:* Within Report

6. Old Business
7. New Business
8. Adjournment

**Baldwin County Commission District 2, Board of Adjustment**

**February 11, 2019**

**Regular Meeting Minutes**

**Central Annex**

**Conference Room**

The Board of Adjustment for Baldwin County Commission District 2 met in a regular session on February 11, 2019 at 4:00 p.m., in the Baldwin County Central Annex Auditorium. Chairman Brandon Bias called the meeting to order. Members present included: Michael Cochran and Blayne Pierce. Staff members present were Celena Boykin, Planner and Linda Lee, Planner.

**Approval of Previous Meeting Minutes**

A motion to approve the meeting minutes from the January 14, 2019 meeting was made by Mr. Cochran with a second by Mr. Pierce and carried unanimously.

**V-190003, Chalhub Property**

Mrs. Linda Lee presented the applicant's request for a variance from the corner lot side setback requirements to allow for an addition onto an existing single-family dwelling. Staff recommended denial of the variance request based on the applicant had not submitted any information supporting a hardship on the land. Staff answered questions from the board. Elias Chalhub spoke in favor of the variance request.

Following a short discussion, Board Member Michael Cochran made a motion to approve the request. The motion received a second from Board Member Blayne Pierce and carried unanimously.

**SE-19002, Gleaves Property**

Mrs. Celena Boykin presented the applicant's request for approval of a special exception to allow for the expansion of an existing storage facility. Staff answered questions from the board. Mrs. Lee stated that any further expansion of the storage facility would require additional review and approval by this board. Special Exception approvals are site plan specific.

Board Member Michael Cochran made a motion to approve the request. The motion received a second from Board Member Blayne Pierce and carried unanimously.

**V-190008, Kirk Property**

Mrs. Linda Lee presented the applicant's request for a variance from the front and rear setback requirements to allow for the construction of a single-family dwelling. Staff recommended approval of the variance request.

Board Member Blayne Pierce made a motion to approve the variance request. The motion received a second from Board Member Michael Cochran and carried unanimously.

**Adjournment**

There being no further business to come before the board the chairman adjourned the meeting at 4:19 p.m.

Respectfully Submitted

Linda Lee, Planner

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

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Brandon Bias, Chairman



# Baldwin County Planning & Zoning Department

## County Commission District #4

### Board of Adjustment Staff Report

Case No. V-190012

Johnson Property

Rear and Side Yard Setback Variance

March 11, 2019

### Subject Property Information

**Planning District:** 26  
**General Location:** West side of County Road 1, just south of the intersection of US Hwy 98  
**Physical Address:** 13526 County Road 1  
**PID:** 05-56-04-19-0-000-059.000  
**Zoning:** RSF-2, Residential Single-Family District  
**Acreage:** .35 acre  
**Applicant:** Ryan Lee Johnson  
19851 Gunnison Rd  
Fairhope, Al. 36532  
**Owner:** Leslie L. Johnson  
**Lead Staff:** D.J. Hart, Planning Technician  
**Attachments:** Within Report

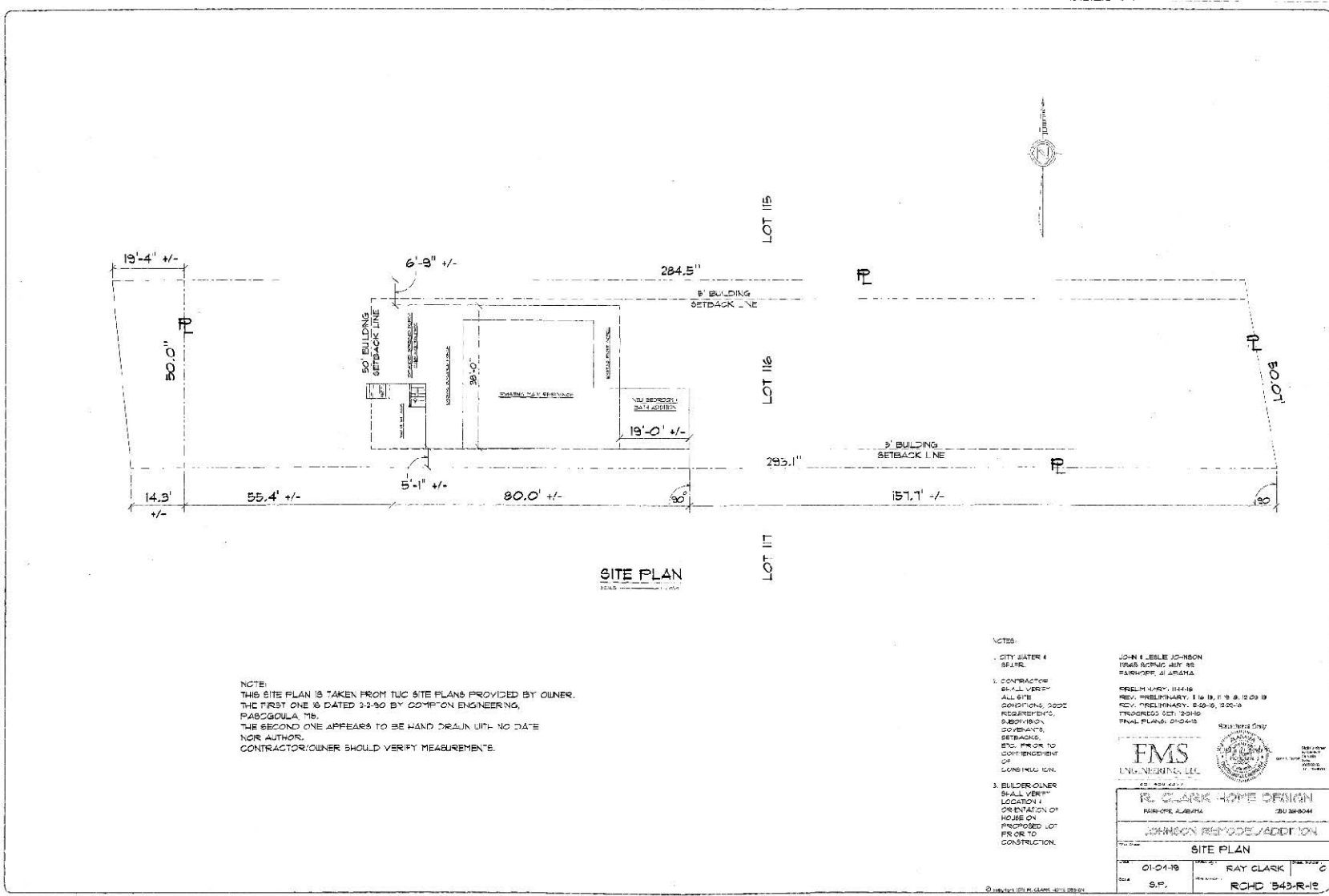
|       | Adjacent Land Use | Adjacent Zoning              |
|-------|-------------------|------------------------------|
| North | Residential       | RSF-2 Single Family District |
| South | Residential       | RSF-2 Single Family District |
| East  | Residential       | RSF-2 Single Family District |
| West  | Mobile Bay        |                              |

### Summary and Recommendation

The applicant is requesting a side yard setback variance and a variance from the 13 feet of required separation between buildings to allow additions to an existing home. Staff recommends that the request from the 13 feet of separation between buildings be **APPROVED** but, the request to cover the existing deck which is only 6'9" from the property line be **DENIED**.

### Variance Request

The applicant is requesting a variance from section 2.3.26.3(d) of the Baldwin County Zoning Ordinance as it pertains to 13-feet of separation between buildings and a variance from the north side yard setback requirement to allow for additions to the existing dwelling. Staff feels the variance for the 13 feet of separation between buildings is a reasonable request and recommends the variance request be **APPROVED** however, staff feels the variance to allow the deck on the front of the home to be covered should be **DENIED**.





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                |

#### 2.3.26.1 Effective Date

On June 9, 1992, a majority of qualified electors in Planning District 26 voted to institute County Zoning. On September 21, 1993, the County Commission adopted the Planning District 26 Zoning Map and Ordinances.

#### 2.3.26.2 District Boundaries

A legal description of the boundaries for Planning District 26 may be found under Appendix A.

#### 2.3.26.3 Local Provisions for Planning district 26

- (a) No cemeteries are allowed.
- (b) No recreational vehicle parks are allowed.
- (c) Accessory dwellings are permitted by right in residential districts, provided they do not exceed 60% of the size, in square feet, of the principal residence.
- (d) The required side yards in the "RSF-2, Single Family" district may be reduced to 3-feet on one side and 10-feet on the other side provided a minimum of 13-feet separation remains between buildings.

### 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 zoned residential and is occupied with a single-family dwelling. The parcel is 50' wide and approximately 317' deep and appears to be relatively flat. Tax records show the home was constructed in 1992, before zoning was adopted in Planning District 26.

#### 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 bedroom addition to the south side of the existing home and covering the existing deck on the north side of the home. The home has setbacks of 6'9" on the north side and 5'1" on the south side. The district allows one side setback of 10' and one side setback of 3' as long as there is 13' of separation between dwellings. This home does not meet the 10' setback on either side.

**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 current use has been established as residential and will remain residential.

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

From: Joe Ryan  
To: Linda Lee  
Subject: RE: V-190012  
Date: Friday, February 22, 2019 7:31:24 AM

Linda,  
Distance between dwellings  
North side - 17 ft. 9 in.  
South side - 7 ft. 8 in.

Joe Ryan  
Baldwin County Planning & Zoning Dept.

From: Ryan Johnson  
To: Linda Lee  
Subject: <EXTERNAL> Re: Johnson Variance  
Date: Thursday, February 21, 2019 8:59:12 AM

On the south side there is 9 ft 9 inches between houses but no structure where the proposed addition is going. On the north side there is 17 ft 9 inches between houses.

**Staff Comments and Recommendation**

Staff recommends that in the Case **V-190012** Johnson Property, the variance from 13 feet of separation for the bedroom addition be **APPROVED** based on comments contained herein, but the request to cover the existing deck on the north side yard be **DENIED**.

**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 conditions upon which it is granted and the conditions imposed by the Zoning Ordinance are adhered to.









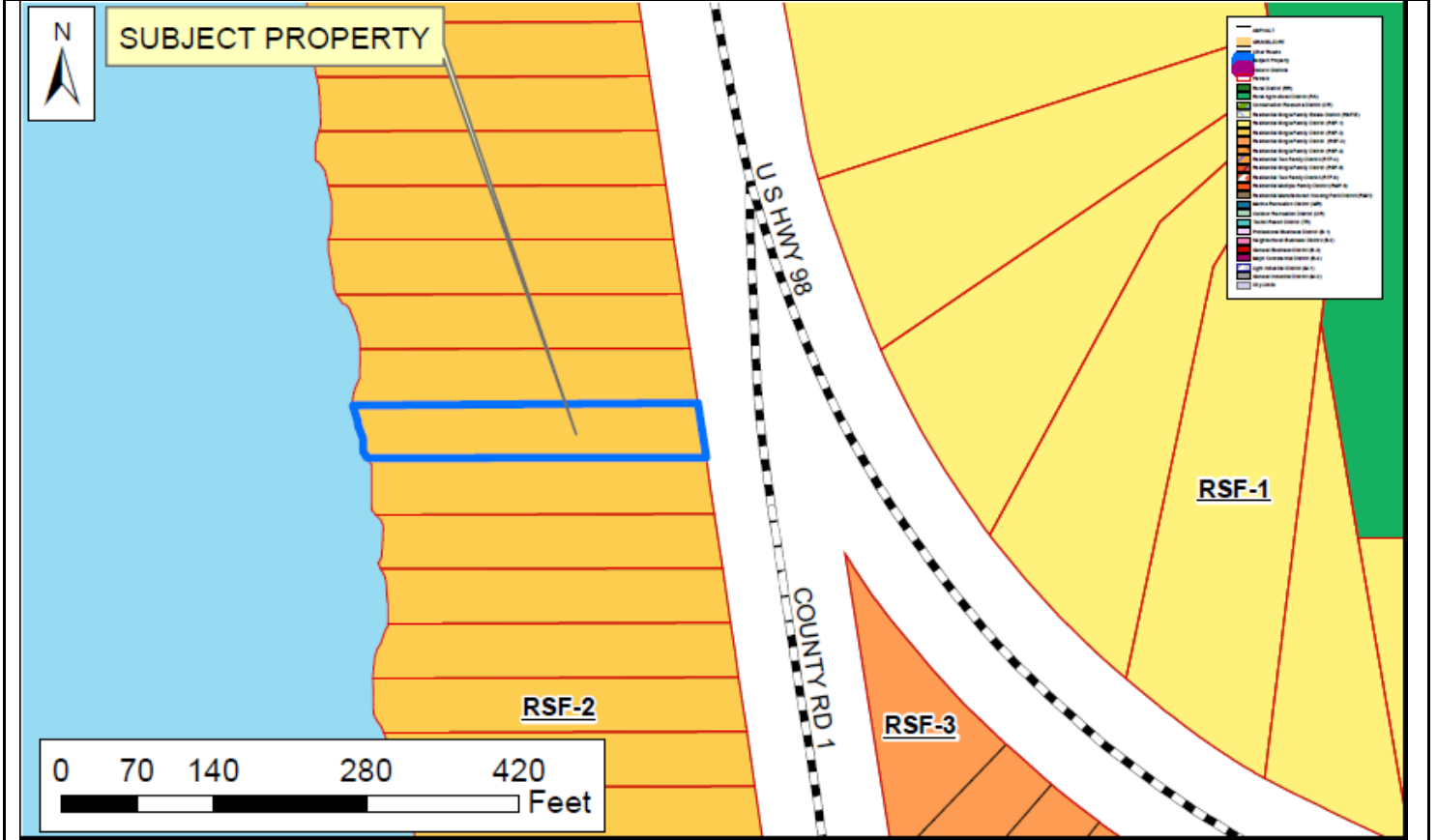








# Locator Map



# Site Map

