

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

AGENDA

May 13, 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 (March 11, 2019)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-190018 Hollinger Property

Request: Approval of a variance from the front and rear setback requirements to allow for the construction of a single-family dwelling

Location: The subject property is located at Jubilee Point on Mobile Bay Block D, Lot 19 in Planning District 26

Attachments: Within Report

6. Old Business
7. New Business
8. Adjournment

Baldwin County Commission District 2, Board of Adjustment

March 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 March 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 February 11, 2019 meeting was made by Mr. Pierce with a second by Mr. Cochran and carried unanimously.

V-190012, Johnson Property

Mrs. D J Hart presented the applicant's request for a variance from the north side yard setback requirement to cover an existing deck and a variance from the 13-feet of separation between dwellings requirement to allow for a bedroom addition to the existing dwelling. Staff recommended approval of the 13-feet of separation request and denial of the north side yard setback request. Staff answered questions from the board members.

Mr. Ryan Lee Johnson and Mrs. Leslie Johnson spoke in favor of the variance request.

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

Adjournment

There being no further business to come before the board the chairman adjourned the meeting at 4:13 p.m.

Respectfully Submitted

Linda Lee, Planner

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

Brandon Bias, Chairman



Baldwin County Planning & Zoning Department

County Commission District #2

Board of Adjustment Staff Report

Case No. V-190018

Hollinger Property

Setback Variances for a Proposed Single-Family Dwelling

May 13, 2019

Subject Property Information

Planning District: 26
General Location: West side of County Road 1 in the Jubilee Point area.
Physical Address: County Road 1
Parcel Number: 05-56-08-33-0-000-019.000
Zoning: RSF-2, Single Family District
Lot Size: Approximately 50' x 119'
Applicant: Brian Wright
6641 Willowbridge Drive
Fairhope, AL. 36532
Owner: S F & Fran Hollinger
60 White Avenue
Fairhope, AL. 36532
Lead Staff: DJ Hart, Planning Technician
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2
South	Vacant	RSF-2
East	Vacant	RA
West	Mobile Bay	NA

Summary and Recommendation

The applicant is requesting a variance to allow for the construction of a new single-family dwelling. The zoning requirements at issue are the rear (road side) setback and front (water side) setback. Regarding the rear setback, the applicant has proposed constructing the dwelling two feet from the rear property line, which would be a variance of 28-feet. For the front setback, a variance of 35.9-feet has been requested from the southwest side of the bulkhead. This would provide a setback of 14.1-feet.

Staff recommends that Case No. V-190018, Hollinger Property, be **APPROVED** based on the comments contained herein. *

* A majority vote of the members present will be necessary to approve this request.

Variance Request

The applicant is requesting a variance to allow for the construction of a new single-family dwelling. The zoning requirements at issue are the rear (road side) setback and front (water side) setback. Regarding the rear setback, the applicant has proposed constructing the dwelling two feet from the rear property line, which would be a variance of 28-feet. For the front setback, a variance of 35.9-feet has been requested from the southwest side of the bulkhead. This would provide a setback of 14.1-feet.

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**

12.5.1 Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than 2-feet beyond the yard area requirements. (For additional provisions see *Section 22.2, Definitions* “Accessory Structure” and “Structure”)

12.5.2 Yard requirements shall be modified subject to the following conditions:

(f) All buildings or structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.

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 unoccupied. The property adjoins County Road 1 to the east. County Road 1 is a county maintained paved road. The adjoining property to the north is residential and the property to the south is currently undeveloped. The property is 50-feet wide and approximately 119-feet deep containing approximately .136 acres. The required minimum lot area for the RSF-2 zoning designation is 15,000 square feet while the minimum lot width at the building line is 80-feet. As a result, the lot is nonconforming. However, the property is a lot of record and may be used as a building site, but must conform to all zoning requirements, with the exceptions of square footage and lot width.

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

In addition to the fact that the lot is nonconforming, several topographic conditions affect buildable area on the subject property.

1.) Excessive Right-of-Way

The right-of-way for this stretch of County Road 1 is 230-feet, where other sections of County Road 1 have a more normal right-of-way which ranges from 80 to 100-feet. As a result, the depths of lots in the Jubilee Point area are reduced which in turn decreases buildable area. A substantial number of variances which have been considered and approved in Planning 26 are a direct result of the 230' right-of-way. This is especially true of the rear setbacks. Variances which allowed rear setbacks ranging anywhere from 20-feet, to a zero-lot line, have been approved depending on the needs of each applicant.

2.) V-Zone Setback

This lot is in the VE Zone which is also known as the Coastal High Hazard area. The VE Zone extends from offshore to an inland limit based on mapping criteria. FEMA has established numerous standards intended to minimize storm surge impacts in these sensitive areas. The most important requirements relate to finished floor elevations and other construction standards including foundation design and enclosures. These standards are regulated by the Building Inspection Department. FEMA regulations only state that a structure should be located landward of the reach of mean high tide. Typically, mean high tide is certified at a bulkhead. However, it can be located further out in the water and will periodically change due to the seasonal nature of tides. In the case at hand, the applicant has requested a front setback of 14.1-feet, where a setback of 50-feet would normally be required. Although less common than rear setback variances, several setback variances on the Bay side of properties have been approved.

3.) Erosion

Many of the lots along County Road 1 have suffered from shore erosion on Mobile Bay. In the case at hand, the Revenue Commission appraisal record indicates that the depth of the lot is 119-feet on the north and south side. Based on the site plan submitted, however, the depth has been reduced approximately 25-feet by the erosion, leaving approximately 95 feet. When you take out the required 50-foot and 30-foot building setbacks it only leaves 15 feet of buildable area.

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.

As stated previously, the purpose of this request is to allow for the construction of a single-family dwelling which is permitted by the RSF-2 zoning.

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.

No adverse impacts.

5.) Other matters which may be appropriate.

Lots on County Road 1 are subject to numerous topographic as well as area and dimensional issues which make building difficult. This is particularly true of rear setbacks in the Jubilee Point area. Staff has examined ways to address these issues, but under the current ordinance, the primary means by which property owners may obtain relief is through the variance process.

Staff Comments and Recommendation

As stated previously, the applicant is requesting a variance to allow for the construction of a new single-family dwelling. The zoning requirements at issue are the rear (road side) setback and front (water side) setback. Regarding the rear setback, the applicant has proposed constructing the dwelling two feet from the rear property line, which would be a variance of 28-feet. For the front setback, a variance of 35.9-feet has been requested from the southwest side of the bulkhead. This would provide a setback of 14.1-feet.

Staff feels that this is a reasonable request and is consistent with previous variance approvals and due also to the presence of area and topographic factors including the small size of the property, the right-of-way on County Road 1 and the V Zone setback. As a result, staff recommends that Case No. V-190018, Hollinger Property, be **APPROVED** based on the comments contained herein.

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.





PHOTOS PROVIDED BY APPLICANT







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