

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

**AGENDA**

**July 11, 2019**

**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 Transcript (June 13, 2019)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. V-190025, Benchmark Home Group LLC Property**

*Request:* Approval of a variance from the rear yard setback requirement to allow for a recently constructed dwelling to remain

*Location:* The subject property is located at 16515 Cold Mill Loop in Planning District 21

*Attachments: Within Report*

6. Old Business
7. New Business
8. Adjournment



## Baldwin County Planning & Zoning Department County Commission District # 4

### Board of Adjustment Staff Report

Case No. V-190025

Benchmark Home Group LLC Property  
Variance from the rear setback requirement

July 11, 2019

### Subject Property Information

**Planning District:** 21  
**General Location:** Lot 8 Greystone Farms Subd  
**Physical Address:** 16515 Cold Mill Loop  
**Parcel Number:** 05-60-06-14-0-000-002.009  
**Zoning:** RSF-2, Single Family District  
**Lot Size:** 0.2145 +/- Acres  
**Applicant:** Smith Clark & Associates  
P.O. Box 7082  
Spanish Fort, AL 36577  
**Owner:** Benchmark Home Group LLC  
**Lead Staff:** Crystal Bates, Planning Technician  
**Attachments:** Within Report

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2
South	Residential	RSF-2
East	Residential	RSF-2
West	Residential	RR

### Summary and Recommendation

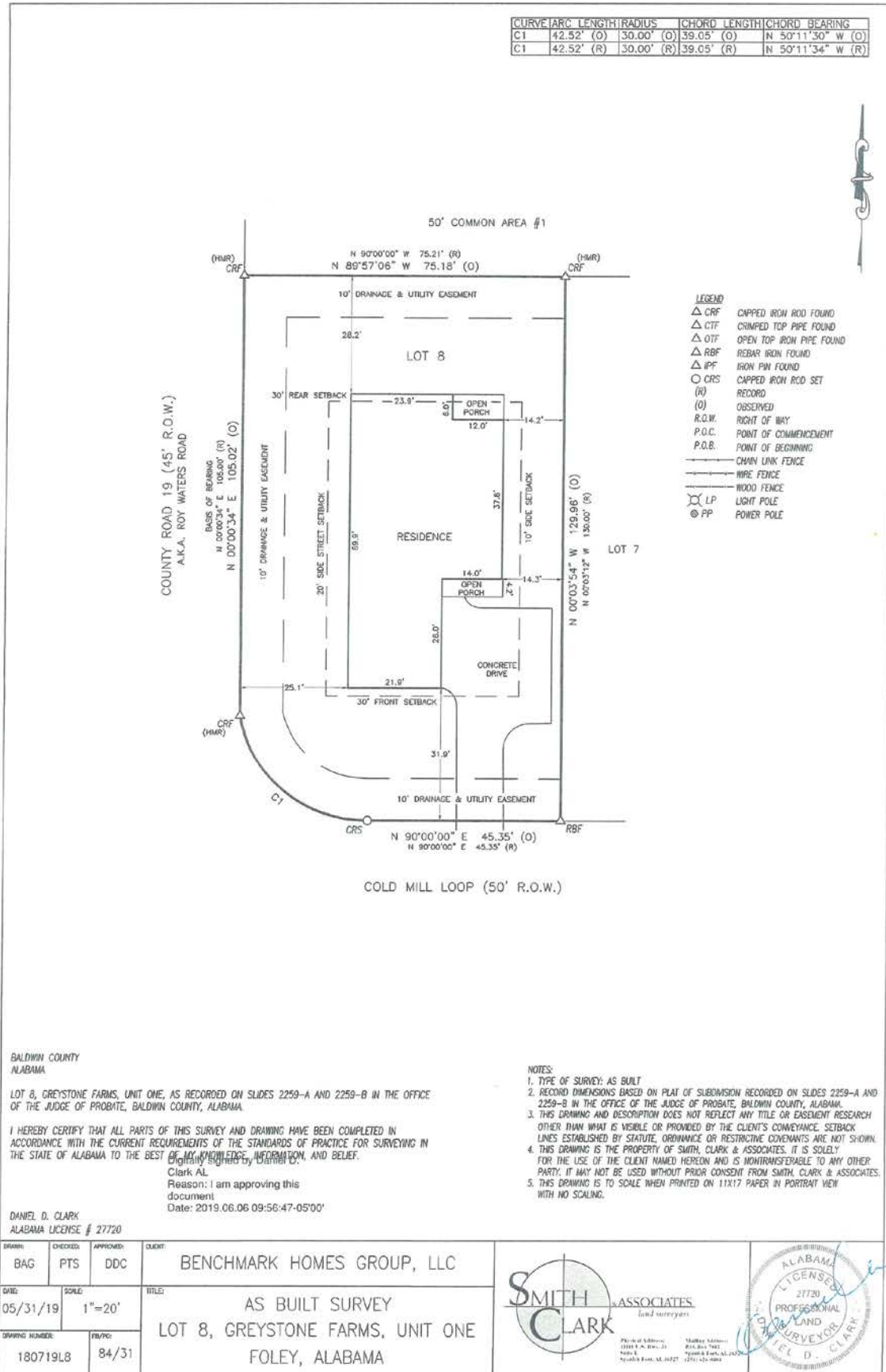
The applicant is requesting a variance from rear setback requirement in order to allow for a dwelling which is already built to remain. According to the information provided, reductions of the 30 foot rear setback to 28.2 foot are being requested due to the fact the residence is already completed. A land use certificate (LU-180612), which indicated that the dwelling would meet all setbacks requirements, was approved by County staff on 11-6-18. A survey completed after construction, however revealed that the dwelling was 28.2 feet to the rear property line instead of the required 30 foot. As a result, the subject property variance application has been submitted for a 1.8-foot variance from the rear yard setback requirement. And a copy of the survey is attached to the staff report.

The Board of Adjustment should base its decision on information provided in this staff report and information provided at the public hearing.

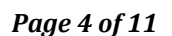
### Variance Request

As stated above the applicant is requesting for a rear yard setback variance of 1.8 foot in order to allow a dwelling which is already built to remain.

# Survey



## 2259



**POA APPROVAL**


June 20, 2019

RE: 16515 Cold Mill Loop, Foley, AL 36535  
Lot 8 Greystone Farms

The Greystone Farms Homeowner's Association approves a 2' variance for the rear building setback on the above referenced lot.

  
Signature

Date

  
Position Held on HOA

### 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

### 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 45.4' x 130' according to Revenue Commission. The subject property is identified as Lot 8 of Greystone Farms Subdivision.

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

There are no exceptional topographic conditions or other situations affecting the subject 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 property is zoned for single family use and will be used for that purpose, and the dwelling is currently completed.

**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 and would make this non-conforming dwelling legal. The rear property line abuts a 50-foot strip owned by the Greystone Farms Property Owners Association.

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

As stated above, a land use certificate (LU-180612), which indicated that the dwelling would meet all setback requirements, was approved by County staff on November 6, 2018. A variance would make this non-conforming dwelling conforming.

There is no hardship in this case which should justify the approval of variances. The lot has sufficient size for a dwelling to be constructed which would meet all zoning requirements, but it appears that the dwelling was simply placed too far to the rear of the property. Having said that the dwelling is completed, and the encroachments are minimal, the repercussions which might result from disapproval of this request, could be more severe than the repercussions of setting a precedent. If the board should see fit to approve this request, approval be based on the information obtained at the public hearing.

**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











**SUBJECT PROPERTY  
REAR YARD**

**06/18/2019**

