

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

AGENDA

August 12, 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 (July 8, 2019)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. SE-19003 GEX Loxley Properties LLC Property

Request: Approval of a special exception to allow for dry bulk storage and construction of a storage silo

Location: The subject property is located at 13045 County Road 64 in Planning District 15

Attachments: Within Report

b.) Case No. V-190020 Montiel Family Investments LTD Property (tabled from June 10, 2019)

Request: Approval of a variance from the north and south side yard setback requirements to allow for the construction of a single-family dwelling

Location: The subject property is located at 24179 Bay Shore Drive in Planning District 16

Attachments: Within Report

c.) Case No. V-190032 Montiel Family Investments LTD Property

Request: Approval of a variance from the north and south side yard setback requirements to allow for the construction of a single-family dwelling

Location: The subject property is located at 24181 Bay Shore Drive in Planning District 16

Attachments: Within Report

6. Old Business
7. New Business
8. Adjournment

Baldwin County Commission District 2, Board of Adjustment

July 8, 2019

Regular Meeting Minutes

Central Annex

Conference Room

The Board of Adjustment for Baldwin County Commission District 2 met in a regular session on July 8, 2019 at 4:15 p.m., in the Baldwin County Central Annex Auditorium. Vice-Chairman Blayne Pierce called the meeting to order. Members present included: Norman Bragg and Gary Cowles. Staff member present was Linda Lee, Planner.

Approval of Previous Meeting Minutes

A motion to approve the meeting transcript with any minor corrections by staff from the June 10, 2019 meeting was made by Mr. Bragg with a second by Mr. Cowles and carried unanimously.

V-190026, McTaggart Property

Mrs. Lee presented the applicant's request for a variance from the jurisdictional wetlands setback requirements to allow for the construction of a single-family dwelling. Staff provided information to the board concerning variances granted for the two dwellings south of the subject property. The applicant requested to revise their variance request to move the proposed dwelling approximately five feet over the wetlands in order to meet the Highway Construction Setback requirement. Staff recommended approval of the variance request with a change in direction of the front stairs to avoid encroaching in the Highway Construction Setback. Staff answered questions from the board members.

Mr. Cameron Reehl spoke in favor of the variance request and addressed the issue of moving the house back over the jurisdictional wetlands. The proposed dwelling would be pile supported and not require a USCOE permit per the applicant.

Mr. Frank Feagin spoke in opposition to the request. Mr. Burton Craige asked which was a better way to go. Mr. McTaggart answered questions from the board and expressed reasons for the variance request.

Board Member Gary Cowles made a motion to table until the final design of stairs out of Highway Construction setback is submitted. The motion failed for the lack of a second. Following further discussion, Board Member Gary Cowles made a motion to approve the variance contingent on the stairs could not be in the DOT construction zone. The motion received a second from Board Member Norman Bragg and carried unanimously.

Old Business

At the May meeting the board tabled case number V-190020 for 60 days which would be August 9th. The August board meeting was scheduled for August 12th. Staff requested that the board approve extending the time to 63 days. Mr. Cowles made a motion to approve the time to 63 days. The motion received a second from Mr. Bragg and carried unanimously.

Adjournment

There being no further business to come before the board the vice-chairman adjourned the meeting at 4:40 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

Agenda Item

Case No. SE-19003

GEX Loxley Properties LLC Property

Special Exception to Allow for the dry bulk storage and construction of a storage Silo

August 12, 2019

Subject Property Information

Planning District: 15
General Location: North side of Co Rd 64
Physical Address: 13045 Co Rd 64
Parcel Number: 05-42-04-17-0-000-001.002
Current Zoning: RR, Rural District
Acreage: 6 acres, more or less
Applicant: GEX Loxley Properties LLC
1510 FM 1185
Lockhart, TX 78644
Owner: Same
Lead Staff: DJ Hart, Planning Technician
Attachments: Within Report

| | Adjacent Land Use | Adjacent Zoning |
|-------|---------------------|------------------------|
| North | Agricultural | RA, Rural Agricultural |
| South | Forested Timberland | RA, Rural Agricultural |
| East | Residential | RA, Rural Agricultural |
| West | Agricultural | RA, Rural Agricultural |

Summary and Recommendation

The applicant is requesting a Special Exception to allow dry bulk concrete storage and a dry bulk storage silo to be constructed on the parcel. According to the Zoning Ordinance, table of permitted uses (Article 23), sand and gravel storage yard may be allowed under the RR designation subject to the Special Exception review and approval of the Board of Adjustment. This is the most analogous to the dry concrete storage that we have in our zoning ordinance.

Staff recommends that Case No. SE-19003, GEX Loxley Properties LLC. Property, be **APPROVED** based on information contained herein*.

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

Section 3.1 RR, Rural District

3.1.1 *Generally.* This zoning district is provided to accommodate the rural areas of Baldwin County. Rural District ordinances are designed to protect the rural character of the area.

3.1.2 *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) Marine recreation uses.
- (d) Outdoor recreation uses.
- (e) The following general commercial uses: animal clinic and/or kennels; farm implement sales; farmer's market/truck crops; nursery; landscape sales.
- (f) Local commercial uses.
- (g) Professional service and office uses.
- (h) The following institutional uses: church or similar religious facility; child care center; child care institution; day care home; fire station; library; post office; school (public or private).
- (i) Agricultural uses.
- (j) Single family dwellings including manufactured housing and mobile homes.
- (k) Accessory structures and uses.

3.1.3 *Special exceptions.* 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 special exceptions:

- (a) Light industrial uses.
- (b) General commercial uses not permitted by right, except race track.
- (c) Institutional uses not permitted by right, except correctional, detention, or penal institution and sanitarium.
- (d) Boarding house, rooming house, lodging house, or dormitory.
- (e) Fraternity or sorority house.

3.1.4 *Conditional use.* 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:

Transportation, communication, and utility uses not permitted by right.

3.1.5 *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 |
| Minimum Front Yard | 30-feet |
| Minimum Rear Yard | 30-feet |
| Minimum Side Yards | 10-feet |
| Minimum Lot Area | 40,000 Square Feet |
| Minimum Lot Width at Building Line | 120-feet |
| Minimum Lot Width at Street Line | 120-feet |

3.1.6 *Area and dimensional modifications.* Within the RR district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

| | |
|------------------------------------|--------------------|
| Minimum Front Yard | 30-Feet |
| Minimum Rear Yard | 30-Feet |
| Minimum Side Yards | 10-Feet |
| Minimum Lot Area | 20,000 Square Feet |
| Minimum Lot Width at Building Line | 80-Feet |
| Minimum Lot Width at Street Line | 80-Feet |

Section 17.2 Buffers of Unlike Land Uses and Zoning Designations

17.2.1 *Purpose and intent.* Where unlike land uses or zoning designations occur, a buffer shall be required along the entire length of all such common boundaries. Said buffer shall be of the width specified below and shall be planted with canopy trees, understory trees and shrubs of sufficient density and of sufficient height (but in no case less than 8-feet high at the time of planting for canopy trees and 4-feet high at the time of planting for understory trees) to afford adequate sight, sound and debris protection. All screen planting shall be maintained in a clean and healthy condition.

17.2.2 *Buffer Requirements.* Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The required buffer widths are listed below. Additional information may be found at Appendix B:

(g) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any residential property shall require a minimum buffer of **75-feet**.

Staff Analysis and Findings

As stated above, the applicant is requesting a Special Exception to allow dry bulk storage of concrete material and construction of a dry bulk silo on the property.

The Board of Adjustment may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a special exception in a particular zoning district; however, the county reserves full authority to deny any request for a special exception, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

18.8.4 *Standards for approval.* A special exception may be approved by the Board of Adjustment only upon determination that the application and evidence presented clearly indicate that all the following standards have been met:

(a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan, these ordinances, or any other official plan, program, map or ordinance of Baldwin County.

The Baldwin County Master Plan, 2013, indicates the subject property as RR, Rural District. The parcel had been previously used for a catering business, which was located on the property prior to District 15 becoming zoned. The Parcel was rezoned to RR, Rural District in January 2019.

(b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.

The applicant has stated that the proposed dry storage material is for the personal use of their gunite business and the stored materials will not be available for retail sale. The company will use the existing building for a break area. No new buildings are proposed, other than the dry storage silo shown on the site plan.

(c) The proposed use shall not unduly decrease the value of neighboring property.

The proposed expansion shouldn't unduly decrease the value of any neighboring properties.

(d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.

If the special exception is granted for the dry bulk storage and silo it should not impose an excessive burden or have a substantial negative impact on adjacent uses. Most of the surrounding property is currently agricultural uses, except for the residential home to the east.

18.8.5 *Conditions and restrictions on approval.* In approving a special exception, the Board of Adjustment may impose conditions and restrictions upon the property benefited by the special exception as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such special exception upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. In approving any special exception, the Board of Adjustment may specify the period of time for which such approval is valid for the commencement of the proposed special exception. The Board of Adjustment may, upon written request, grant extensions to such time allotments not exceeding 6 months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Board of Adjustment shall constitute a violation of these ordinances. Those special exceptions which the Board of Adjustment approves subject to conditions shall have specified by the Board of Adjustment the time allotted to satisfy such conditions.

Staff Comments and Recommendation

Staff recommends that Case No. SE-19003, GEX Loxley Properties LLC Property, be **APPROVED** based on information contained herein*.

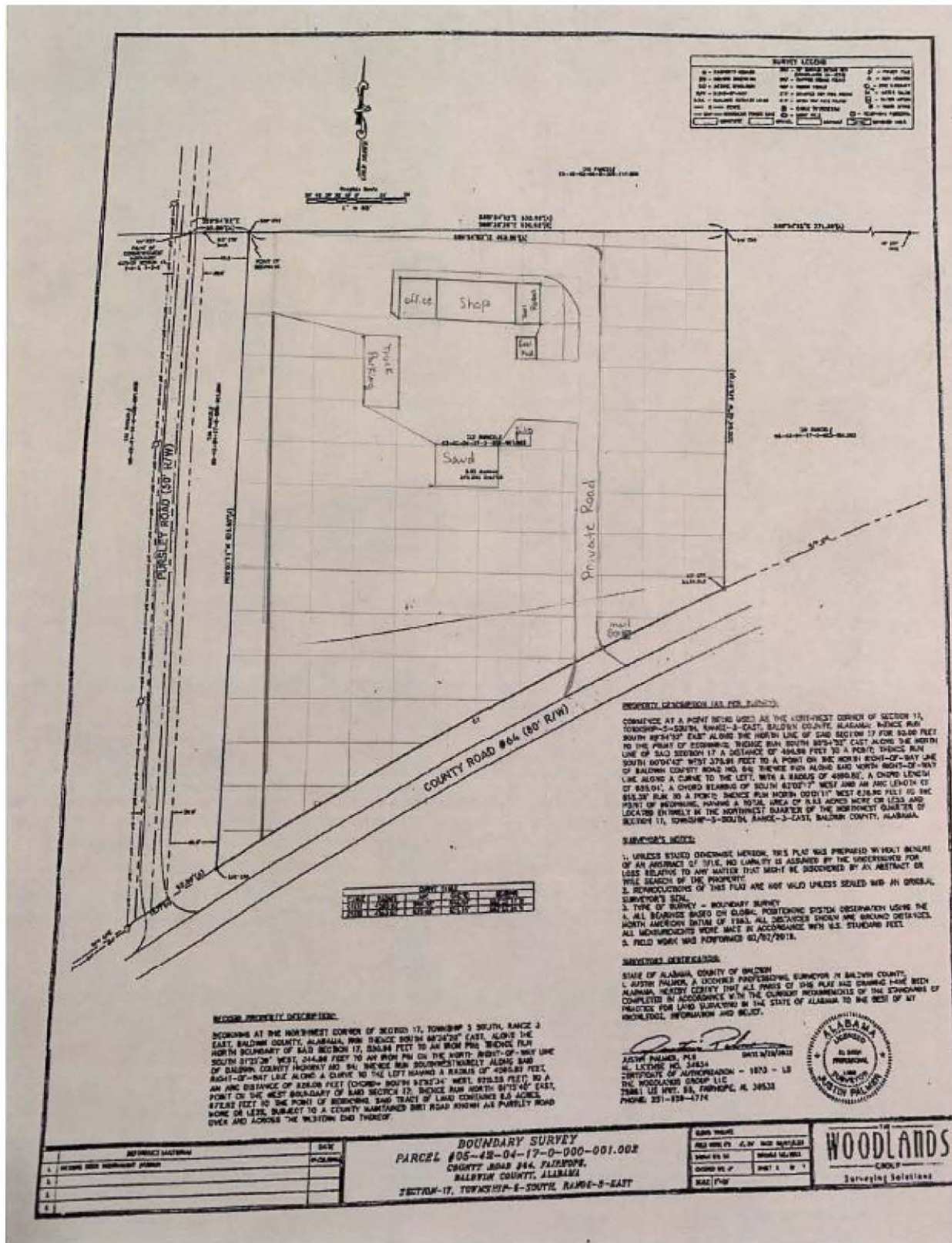
**A majority vote of the board members will be necessary to approve this request.*

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 Special Exception, 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.

Site Plan



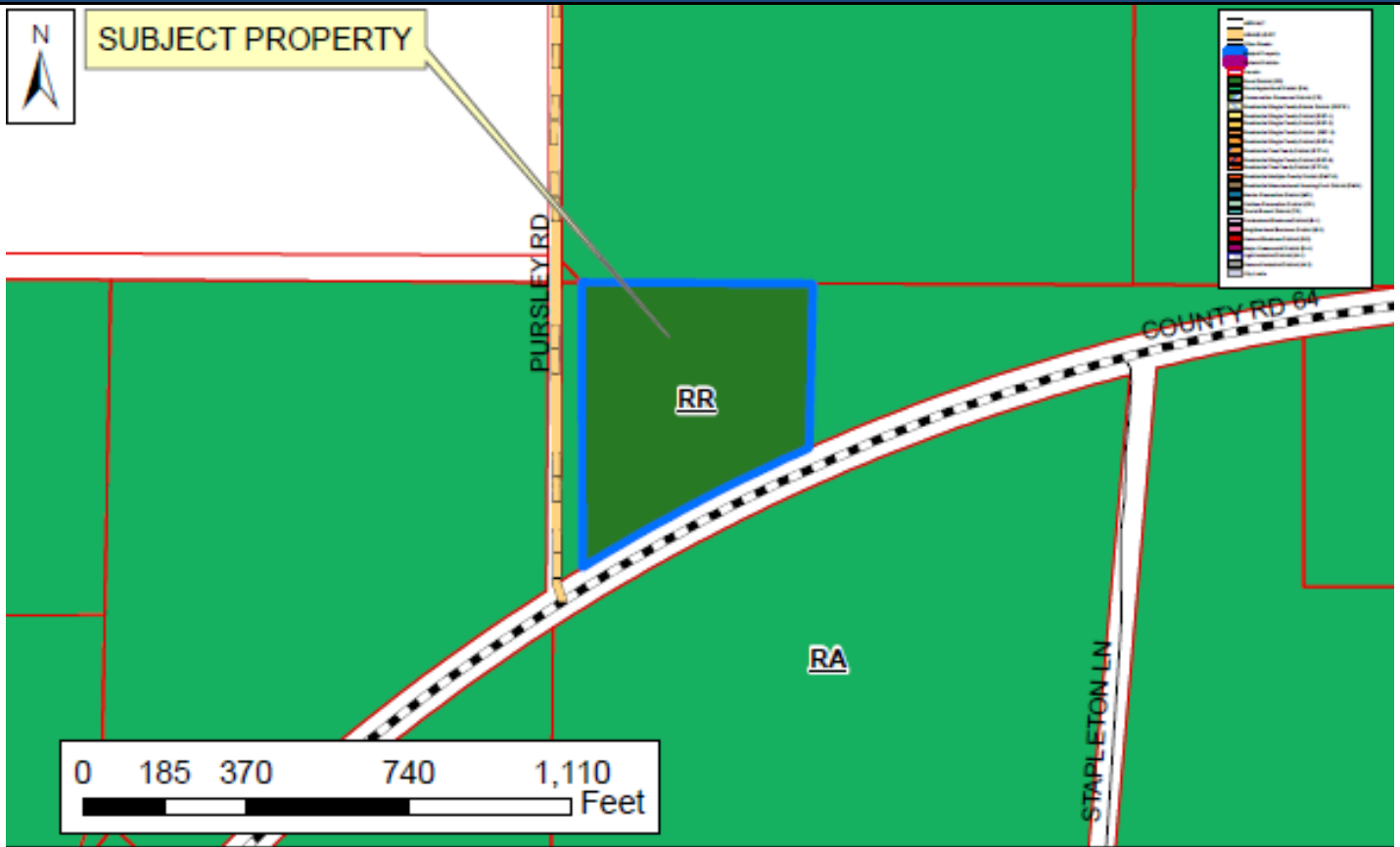
Property Images







Locator Map



Site Map





Baldwin County Planning & Zoning Department County Commission District # 2

Board of Adjustment Staff Report

Case No. V-190020

Montiel Family Investments LTD Property
Variance from the side yard setback requirement
August 12, 2019

Subject Property Information

Planning District: 16
General Location: Red Gulley Subdivision
Physical Address: 24179 Bayshore Drive
Parcel Number: 05-43-09-30-0-000-064.000
Zoning: RSF-2, Single Family District
Lot Size: 0.392 +/- Acres
Applicant: John Allen III
32325 Whimbret Way
Spanish Fort, AL 36527
Owner: Montiel Family Investments LTD Property
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 | Mobile Bay | N/A |

Summary and Recommendation

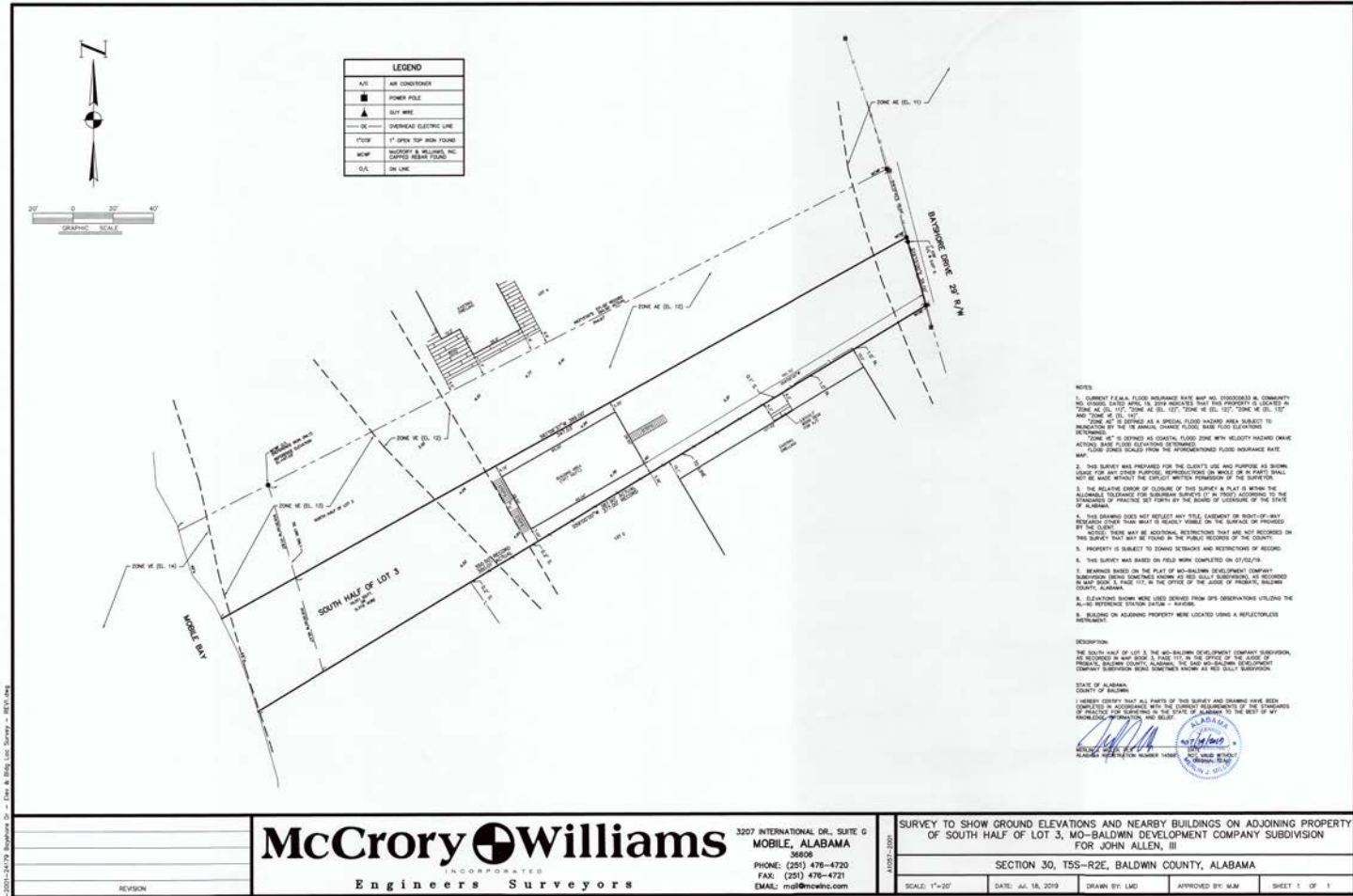
The applicant is requesting a variance from Section 4.3.5 of the Baldwin County Zoning Ordinance pertaining to minimum side yard setback, which is 10 Feet. The applicant is requesting approval to build a home 6.16 foot from the North West side property line and will be 5.35 Foot on the North East property line and 5.36 foot on the South East side property line and 7 foot on the South West property line instead of the required 10 feet from the side property lines.

Staff feels this is a reasonable request and recommends that Case No. V-190020, Montiel Property to be **APPROVED**.

Variance Request

The applicant is requesting a variance from Section 4.3.5 of the Baldwin County Zoning Ordinance, as it pertains to the side yard setbacks, which is 10 Feet. The applicant is requesting approval to build a house 6.16 foot to the North West side property line and will be 5.35 Foot on the North East property line and 5.36 foot to the South East side property line and 7 foot to the South West property line. The reason for the variance request is the applicant would like a 29.50-foot-wide by 65- foot-long total buildable footprint for a dwelling.

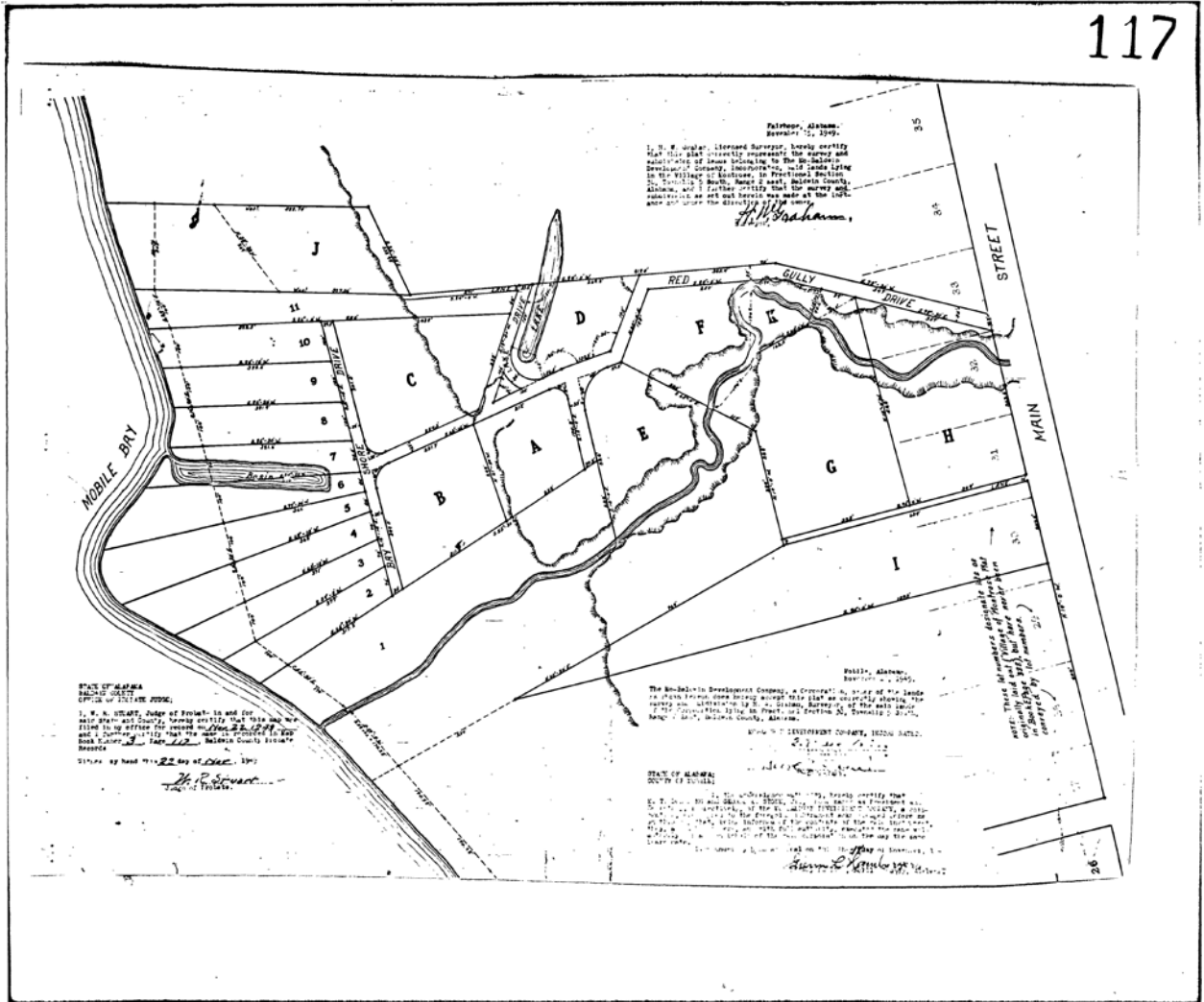
Survey



Subdivision Plat

162A

117



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 |

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 35x480 according to Revenue Commission. The subject property is identified as South half of Lot 3 of Red Gulley Subdivision which was platted in November 1949 prior to the enactment of zoning in Planning District 16 in March 4, 1993. The property is irregular shape and currently unoccupied. The require minimum lot area for RSF-2 zoning designation is 15,000 sq. ft. while the minimum lot width is 80 feet which as a result makes this lot non-conforming. Section 20.2.7 states that any nonconforming lot or parcel may be used as a building site; and, a nonconforming lot or parcel must comply with permitted uses and other standards as described in the zoning ordinances.

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, the VE Flood zone is also located on the property as well.

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.

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.

Photo of lot after heavy rain 7/2019, Provided by the applicant.





5.) Other matters which may be appropriate.

The subject property is 35x480.

Staff Comments and Recommendation

Staff feels this is a reasonable request and recommends that Case No. V-190020, Montiel Property, be APPROVED.

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.





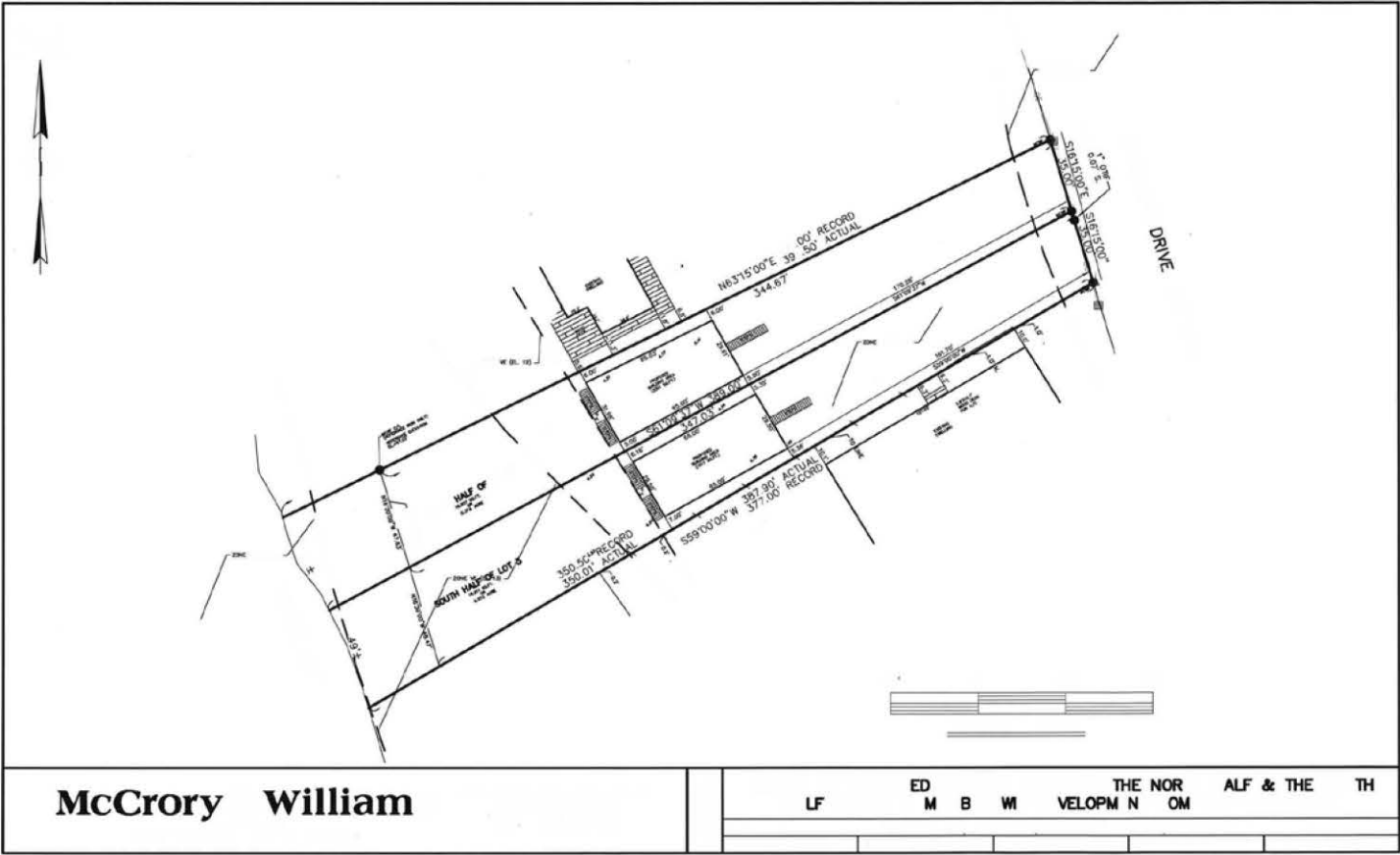
Locator Map



Site Map



Survey showing both lots Red Gulley





Baldwin County Planning & Zoning Department County Commission District #2

Board of Adjustment Staff Report

Case No. V-190032

Montiel Family Investments, LTD Property
Setback Variances for a Proposed Single-Family Dwelling
August 12, 2019

Subject Property Information

Planning District: 16
General Location: North half of lot 3, Red Gulley Subdivision
Physical Address: 24181 Bay Shore Drive
Parcel Number: 05-43-09-30-0-000-063.000
Zoning: RSF-2, Single Family District
Lot Size: Approximately 35' x 424'
Applicant: James Patrick Murphy
206 North Circle
Fairhope, AL 36532
Owner: Montiel Family Investments LTD
1625 Bell Road
Montgomery, AL 36117
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

| | Adjacent Land Use | Adjacent Zoning |
|-------|-------------------|-----------------|
| North | Residential | RSF-2 |
| South | Vacant | RSF-2 |
| East | Residential | RSF-2 |
| West | Mobile Bay | N/A |

Summary and Recommendation

The applicant is requesting a variance to allow for the construction of a new single-family dwelling. The zoning requirement at issue is the north and south side setbacks. The applicant has proposed constructing the dwelling 6 feet from the north property line, which would be a variance of 4 feet and 5 feet from the south property line, which would be a variance of 5 feet.

Staff recommends that Case No. V-190032, Montiel Family Investments Property, be **APPROVED** based on the comments contained herein. *

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

The applicant is requesting a variance to allow for the construction of a new single-family dwelling. The zoning requirement at issue is the north and south side setbacks. The applicant has proposed constructing the dwelling 6 feet from the north property line, which would be a variance of 4 feet and 5 feet from the south property line, which would be a variance of 5 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 vacant. The property adjoins Bay Shore Drive to the east. The adjoining properties are vacant and residential. According to the survey submitted the property is 35-feet wide on the road side and 49-feet wide on the water side. The approximate square footage is 16,307 square feet. The minimum lot width for property zoned RSF-2 is 80 feet at the building line. As a result, the lot is nonconforming. However, due to the fact that the property is a lot of record, which was pre-existing at the time zoning was adopted; it 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.

This lot is located in a 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.

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.

Staff does not anticipate any adverse impacts.

5.) Other matters which may be appropriate.

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 requirement at issue is the north and south side setbacks. The applicant has proposed constructing the dwelling 6 feet from the north property line, which would be a variance of 4 feet and 5 feet from the south property line, which would be a variance of 5 feet.

Staff feels that this is a reasonable request due to the narrowness of the property. Staff recommends that Case No. V-190032, Montiel Family Investments, LTD Property, be **APPROVED** based on the comments contained herein.*

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

GENERAL NOTES {By-laws}

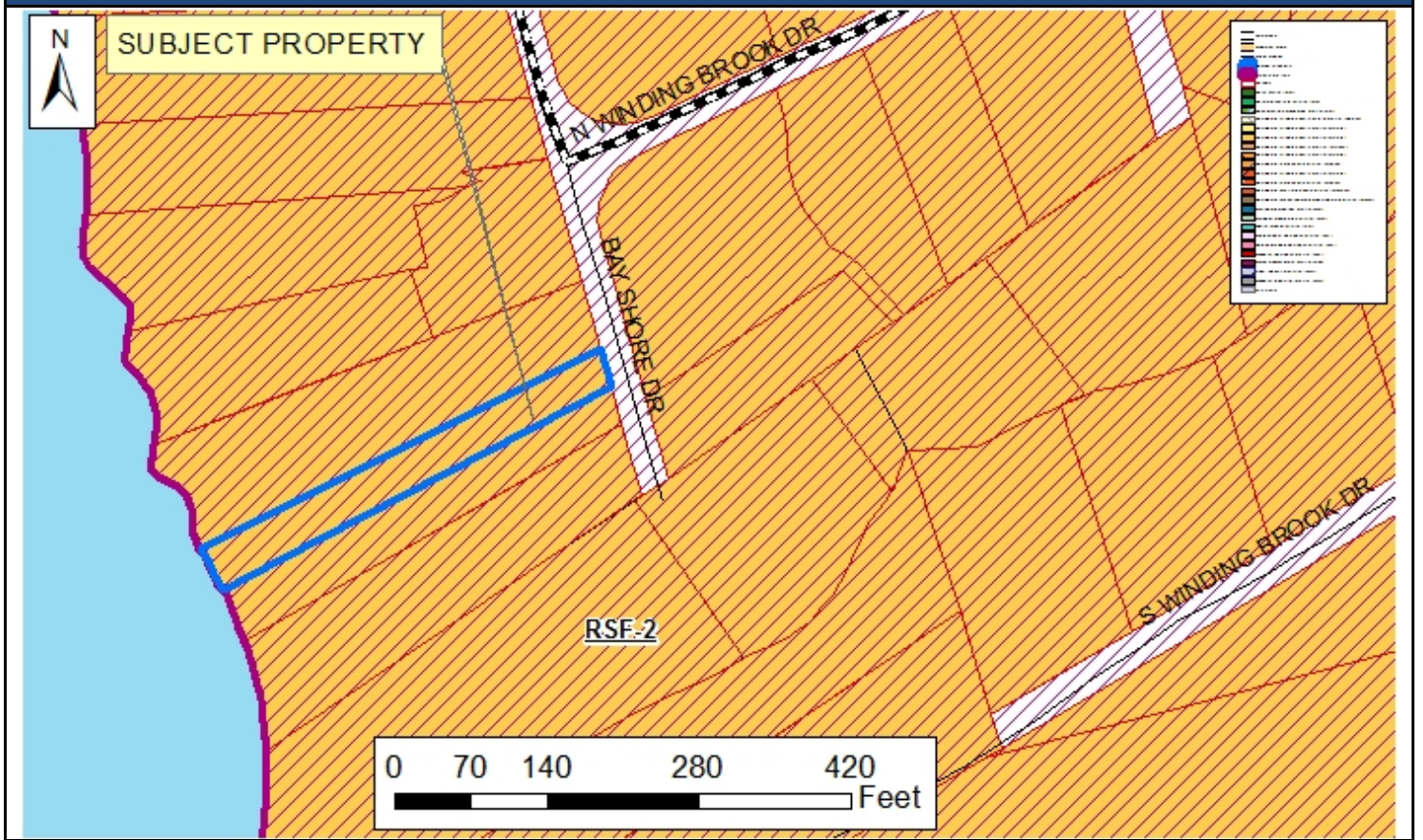
Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board 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.

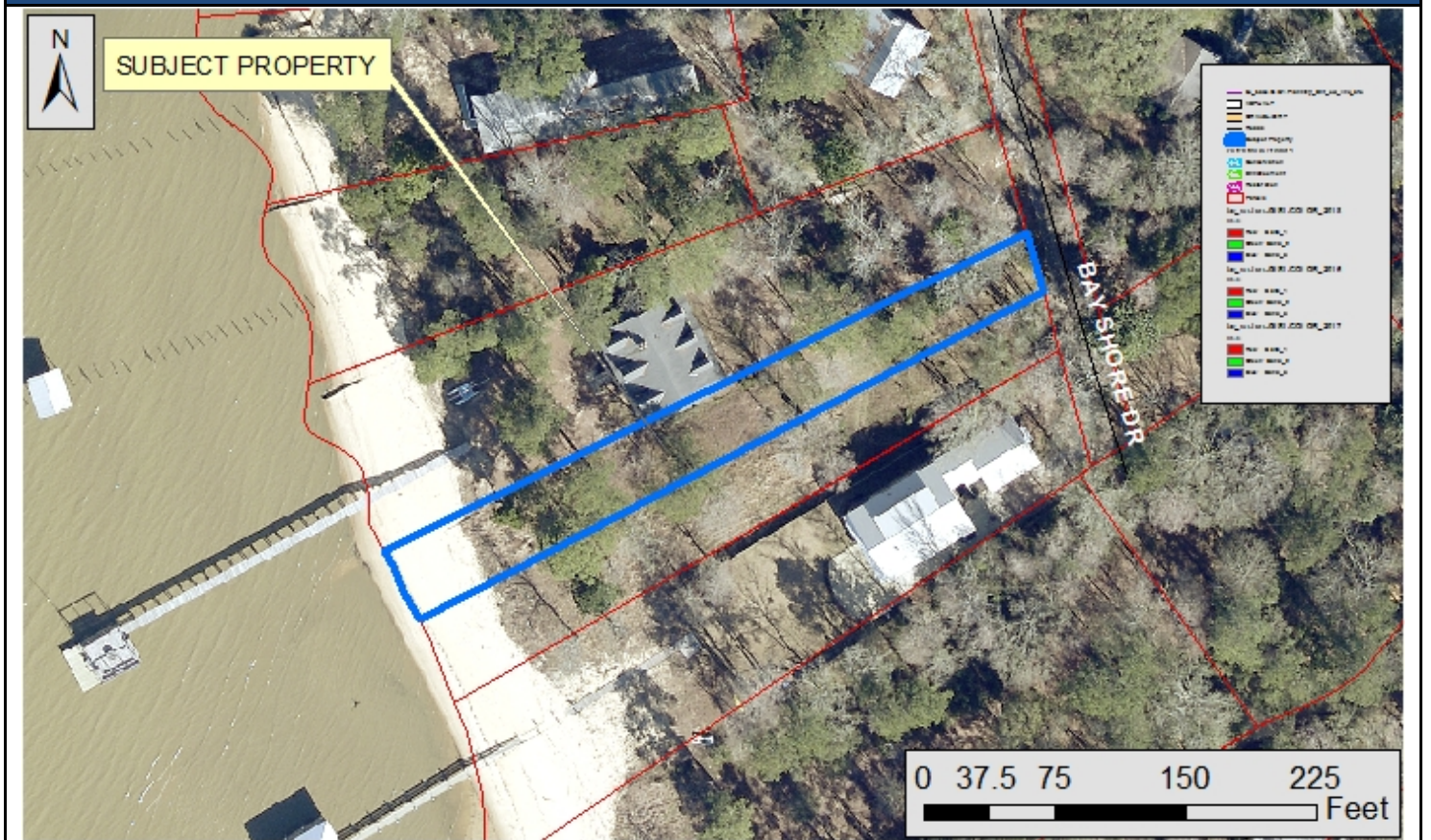




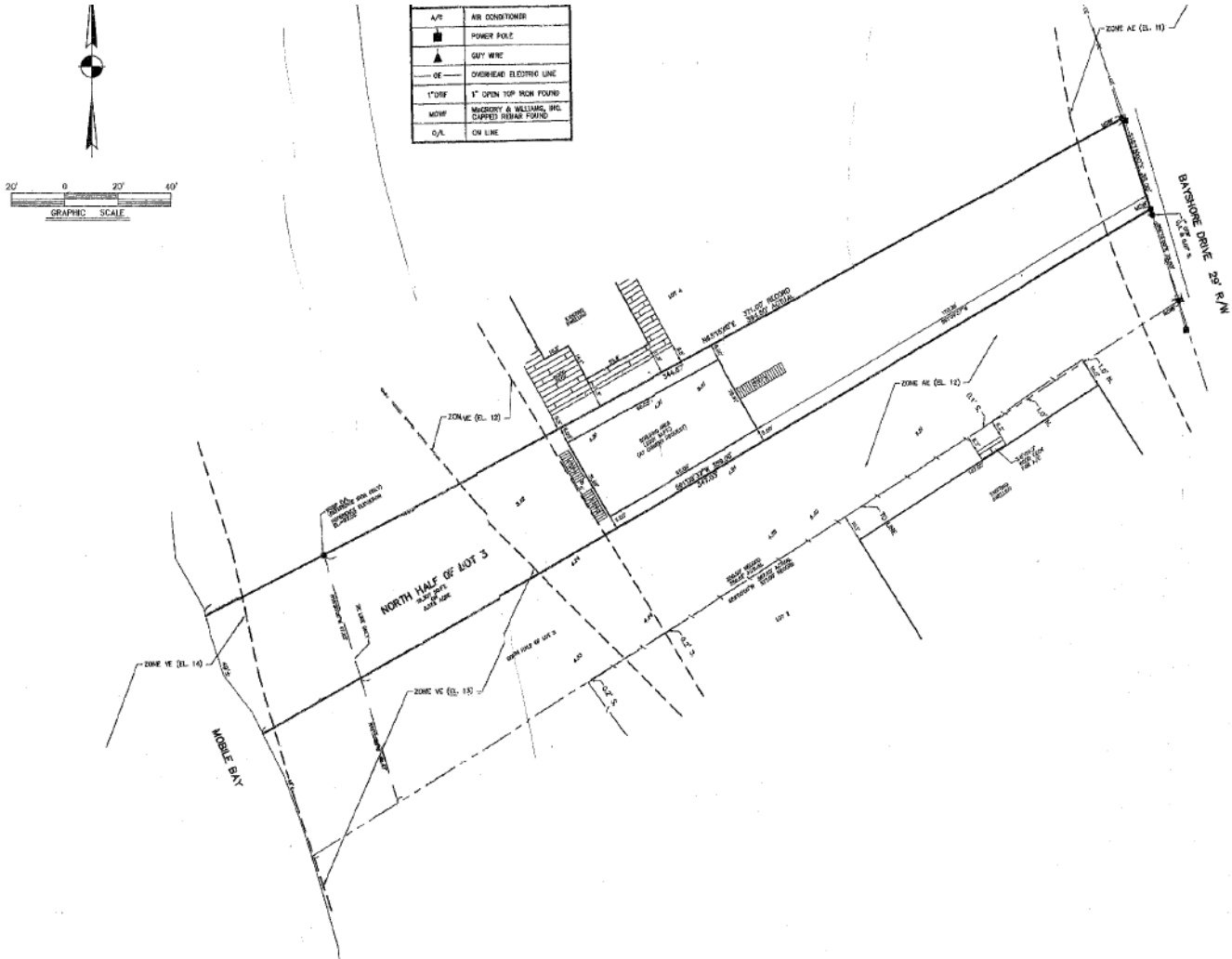
Locator Map



Site Map



Site Plan Submitted



Comments Submitted by Applicant

Owner: Montiel Family Investments LTD Property

Physical Address: 24181 Bay Shore Drive
Daphne, Alabama 36526

Parcel Number: 43-09-30-0-000-063.000

Subdivision: Red Gulley Subdivision (No HOA)

Flood Zone: VE

Planning District: 16

Zoning: RSF-2, Single Family District

Applicant: James Patrick Murphy
206 North Circle
Fairhope, Alabama 36532

The Purpose of the Variance is to allow:

We are requesting a variance from Section 4.3.5 of the Baldwin County Zoning Ordinance pertaining to the side yard setback which is currently 10 feet. We are requesting approval to build a single family home 5 foot from the South East side property line, 5 foot on the South West property line, 6 foot from the North East side property line and 6 foot on the North West property line.

The reason for the variance is to allow for a 29 foot wide by 65 foot long total buildable footprint for the dwelling.

What are the current conditions which prevent you from using this property in accordance with its current zoning classification?

The property is approximately 35 x 424. The property is the north lot of Lot 3 in the Red Gulley Subdivision. The property is irregularly shaped, exceptionally narrow and is currently unoccupied.

In addition to a nonconforming lot, the VE flood zone is located on the property.

Bay Shore Drive 2016 Aerial Photography

