

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

**Agenda  
August 19, 2019  
4:00 p.m.**

**Baldwin County Central Annex  
Auditorium  
22251 Palmer Street  
Robertsdale, Alabama 36567**

- I. Call to Order
- II. Roll Call
- III. Approval of Previous Meeting Minutes (May 20, 2019)
- IV. Announcements/Registration to Address the Board of Adjustment
- V. Consideration of Applications and Request

**ITEMS:**

**a.) Case No. V-190031, Neal Property**

*Request:* A variance from Section 13.1.2(b) of the Baldwin County Zoning Ordinance pertaining to accessory structures in the front yard and a variance from Section 12.5.2 (e) pertaining to platted setbacks to allow a storage building for personal use in the front yard

*Location:* The subject property is located at 25570 Dawson Road in Planning District 12

*Attachments:* Within Report

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

**Baldwin County Commission District 3, Board of Adjustment**  
**May 20, 2019**  
**Regular Meeting Minutes**  
**Baldwin County Central Annex, Robertsdale**

The Board of Adjustment for Baldwin County Commission, District 3 met in a regular session on May 20, 2019, at 4:10 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, and Adam Bertolla. Staff members present were Linda Lee, Planner and Celena Boykin, Planner.

**Approval of Previous Meeting Minutes**

Mr. Springer made a motion to approve the minutes of the April 15, 2019, regular meeting. The motion received a second from Mr. Bertolla and carried unanimously.

**V-190016 Hein Property**

Mrs. Lee presented the applicant's request for a variance to allow a travel trailer to be occupied so someone can live on her property to assist her when she falls. Staff recommended denial of the request based on the applicant did not submit any information supporting a hardship on the land. Janet Hein, Amy Allen, Sam Sciple and Charles Allen spoke in favor of the variance request. Raymond Nieder spoke in opposition to the variance request. Following a lengthy discussion, Mr. Springer made a motion to deny the variance request. The motion received a second from Mr. Bertolla and failed on a vote of two to one. Mr. Waters made a motion to approve. This motion failed for a lack of a second. The variance was denied.

**V-190021 Aventura Associates LLC Property**

Mrs. Boykin presented the applicant's request for a 20-foot rear yard setback variance for lots 164 through 174 of Cottages of Aventura Phase III due to a required common area adjacent to the lots. Staff recommended approval of the request. Michael Thomas spoke in favor of the variance request. Mr. Bertolla made a motion to approve the variance request. The motion received a second from Mr. Springer and carried unanimously.

**Adjournment**

There being no further business to come before the Board the meeting was adjourned at 4:39 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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Donnie Waters, Chairman



# Baldwin County Planning & Zoning Department

## County Commission District #3

### Board of Adjustment Staff Report

Case No. V-190031

Neal Property

A variance to allow an accessory structure in front yard and within the required platted setback requirement

August 19, 2019

### Subject Property Information

**Planning District:** 12  
**General Location:** Loxley  
**Physical Address:** 25570 Dawson Rd Loxley  
**PID:** 05-42-06-23-0-000-018.009  
**Zoning:** RSF-1  
**Acreage:** 4.88 acres  
**Applicant:** Jeffery Neal  
25570 Dawson Rd  
Loxley, AL 36551  
**Owner:** Jeffery & Marissa Neal  
**Lead Staff:** Crystal Bates, Planning Technician  
**Attachments:** Within Report

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Single Family District
South	Residential	RSF-3, Single Family District
East	Residential	RSF-1, Single Family Dwelling
West	Residential	RSF-1, Single Family District

### Summary and Recommendation

The applicant is requesting a variance from Section 12.5.2 (e) as it pertains to platted setbacks and a variance from 13.1.2 (b) as it pertains to accessory structure being located in the front yard in order to allow a storage building for personal use.

Staff recommends that Case **V-190031** be **APPROVED**.

### Variance Request

The applicant is requesting to construct a 30'x 50' storage building on an existing slab in the required platted setback and to allow for an accessory structure to be in the front yard. The proposed structure will be 23.6 foot to the front property line on the North West corner and 53.6 foot on South West corner of the storage building. The required front yard setback is 100 feet, which will put the storage building encroaching 76.4 foot on the South West corner and 46.4 foot on the North West corner. The applicant stated that the reason for this variance



to allow an accessory structure in the required front yard setback because the elevation of the property starts to slope on the South side of the house and gets lower the closer you get to the 20' drainage easement. The applicant also stated that he could not build the storage shed on side of the home because the septic tank and septic lines were located on that South side of the home, which would make the front yard the only buildable space for an accessory structure.

**Proposed Site Plan**



## 1445B

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POA APPROVAL

7/18/2019

To Whom It May Concern,

Currently there are no active HOA's or POA's for the subdivision Land of Promise, Dawson Rd Loxley, AL.

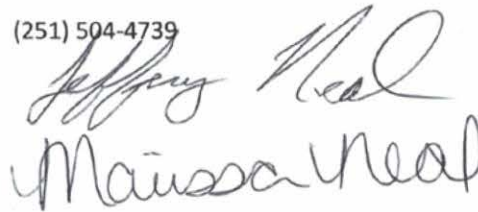
Thank You,

Jeffery Neal

25570 Dawson Rd Loxley, AL 36551

[peachstateautocenter@windstream.net](mailto:peachstateautocenter@windstream.net)

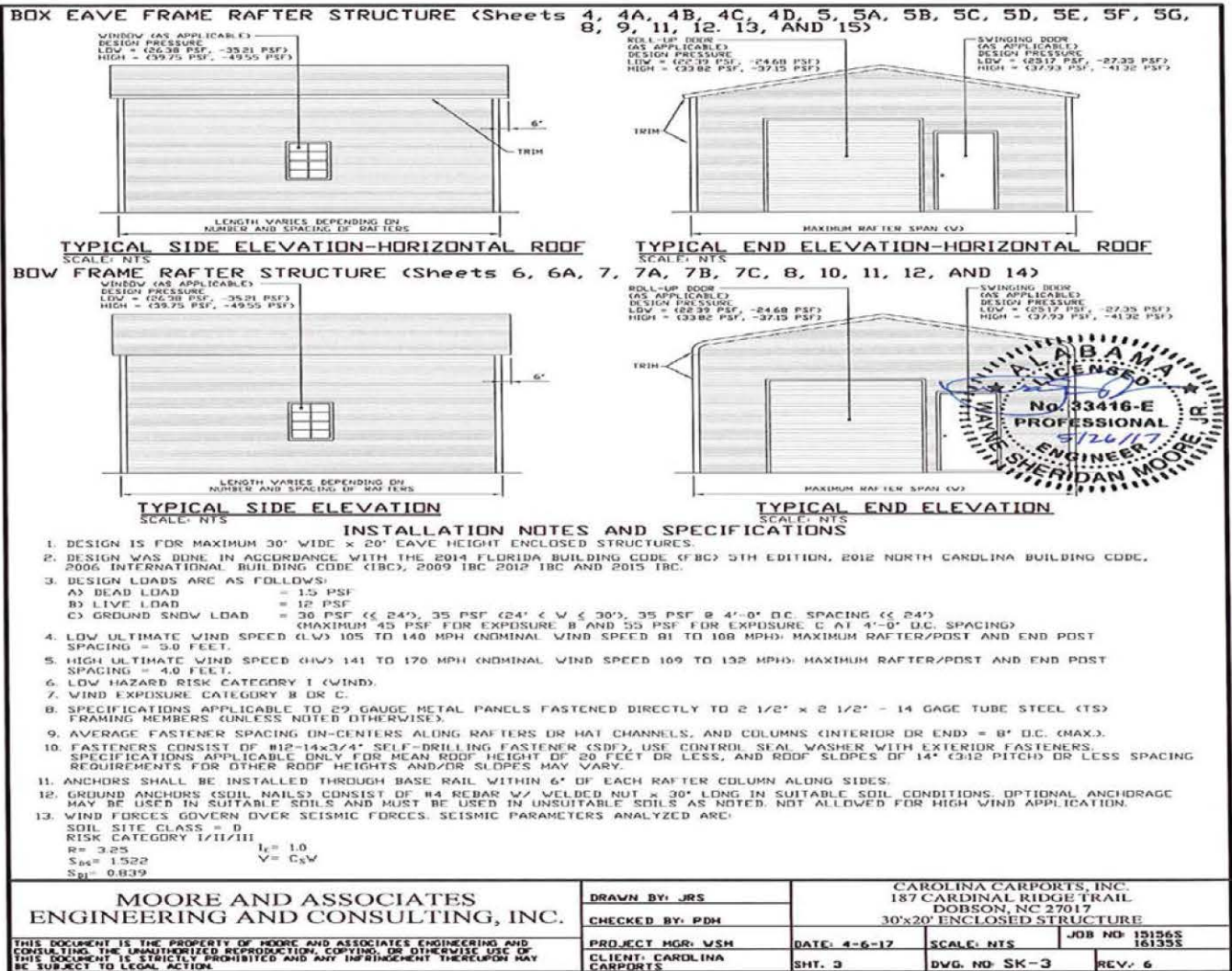
(251) 504-4739

The block contains two handwritten signatures in black ink. The top signature is 'Jeffery Neal' and the bottom signature is 'Marissa Neal'. Both are written in a cursive, flowing style.

Marissa Neal

(251) 504-5282

## Elevations



## Section 12.5 Yard Requirements

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

(e) Where a subdivision has been approved by the Planning Commission in accordance with the *Baldwin County Subdivision Regulations* prior to the enacting of zoning ordinances with front, rear, or side yard setbacks different than the minimums required herein, the setbacks as recorded on the plat shall apply.

## Section 13.1 Accessory Uses and Structures

**13.1.2 Residential districts.** In residential districts an accessory use or structure will conform to the following requirements:

(b) An accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.

## 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. The adjoining properties are residential.

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

Property starts to slope down starting at the South side of the home and there is a 20' platted drainage easement on the rear of the 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 use of property has already been established with a single- family dwelling. The proposed storage building will be over an existing slab.

**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. All the owners in the subdivision Land of Promise was provided with proposed site plan and has signed a signature page agreeing to the placement of the storage building.

7/11/2019

We are seeking a zoning variance to allow us to build a storage building/garage to house our boat in the front yard. Current setbacks & zoning laws require it to be in the side or the rear of the property but because of the slope of our property on the side & rear it doesn't make it feasible or cost effective. The land currently has a lot of water runoff that makes us concerned about flooding & would limit our accessibility to it. It also would require the expenditure of large sums of money in order to build it up & make it usable. We are needing signatures from the owners of the 7 lots in the Land of Promise subdivision. By signing below you are stating that you agree with the proposed zoning variance & placement of our building/garage. Thank you for your help!

Date: 7-12-19 Richard Hall Deborah Hall  
Richard & Deborah Hall (Lot 1)

Date: 7-12-19 Phillip & Jennifer McCoy  
Phillip & Jennifer McCoy (Lot 2)

Date: 7-15-19 Roger Oden & Phyllis Lorri Valentine  
Roger Oden & Phyllis Lorri Valentine (Lot 3)

Date: 7-12-19 Ty & Kimberly Justus  
Ty & Kimberly Justus (Lot 4 & 5)

Date: 7-12-19 Jeffery Neal Marissa Neal  
Jeffery & Marissa Neal (Lot 6)

Date: 7-12-19 Patrick M. Duck Anita P. Duck  
Patrick & Anita Duck (Lot 7)

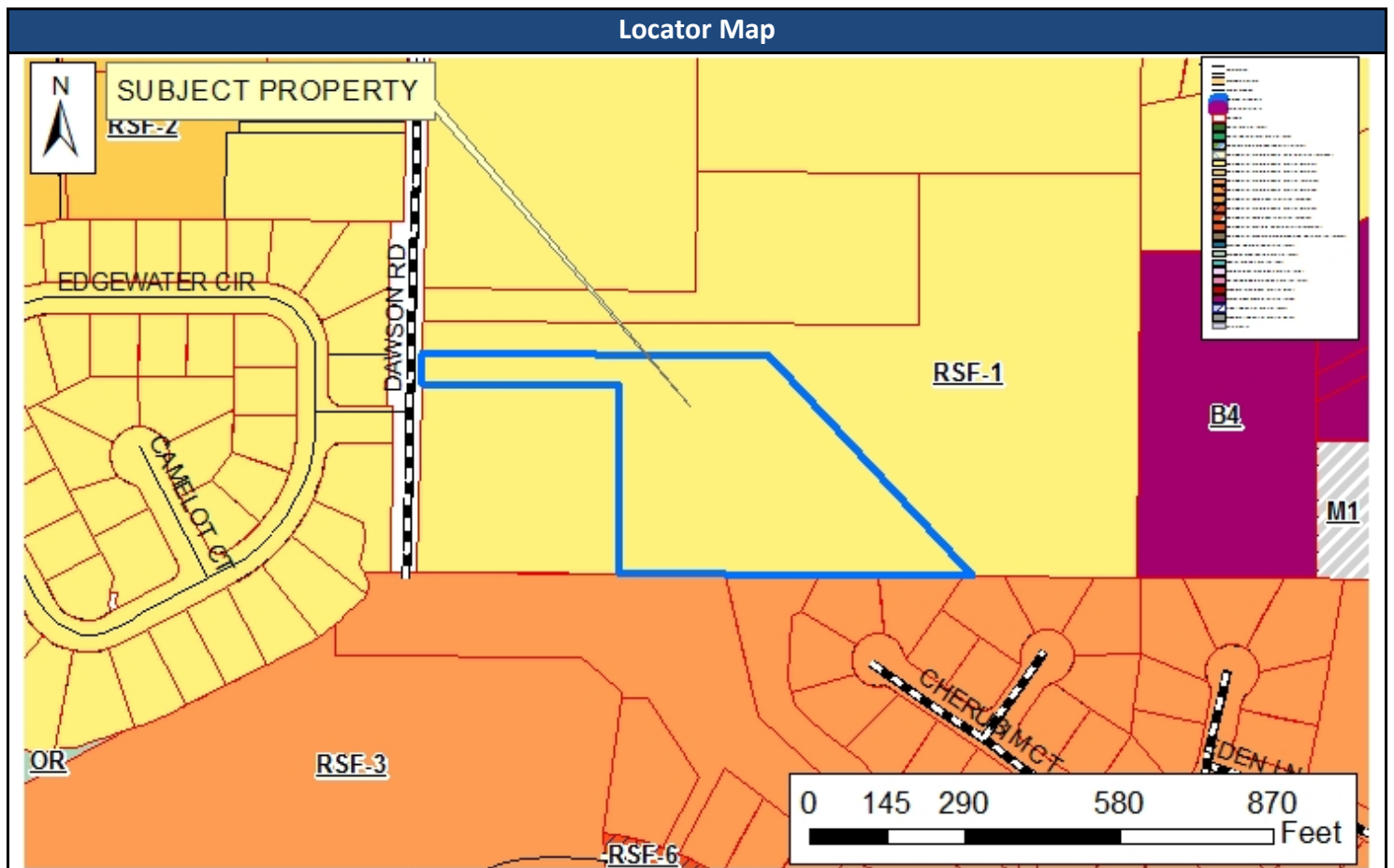
**5.) Other matters which may be appropriate.**





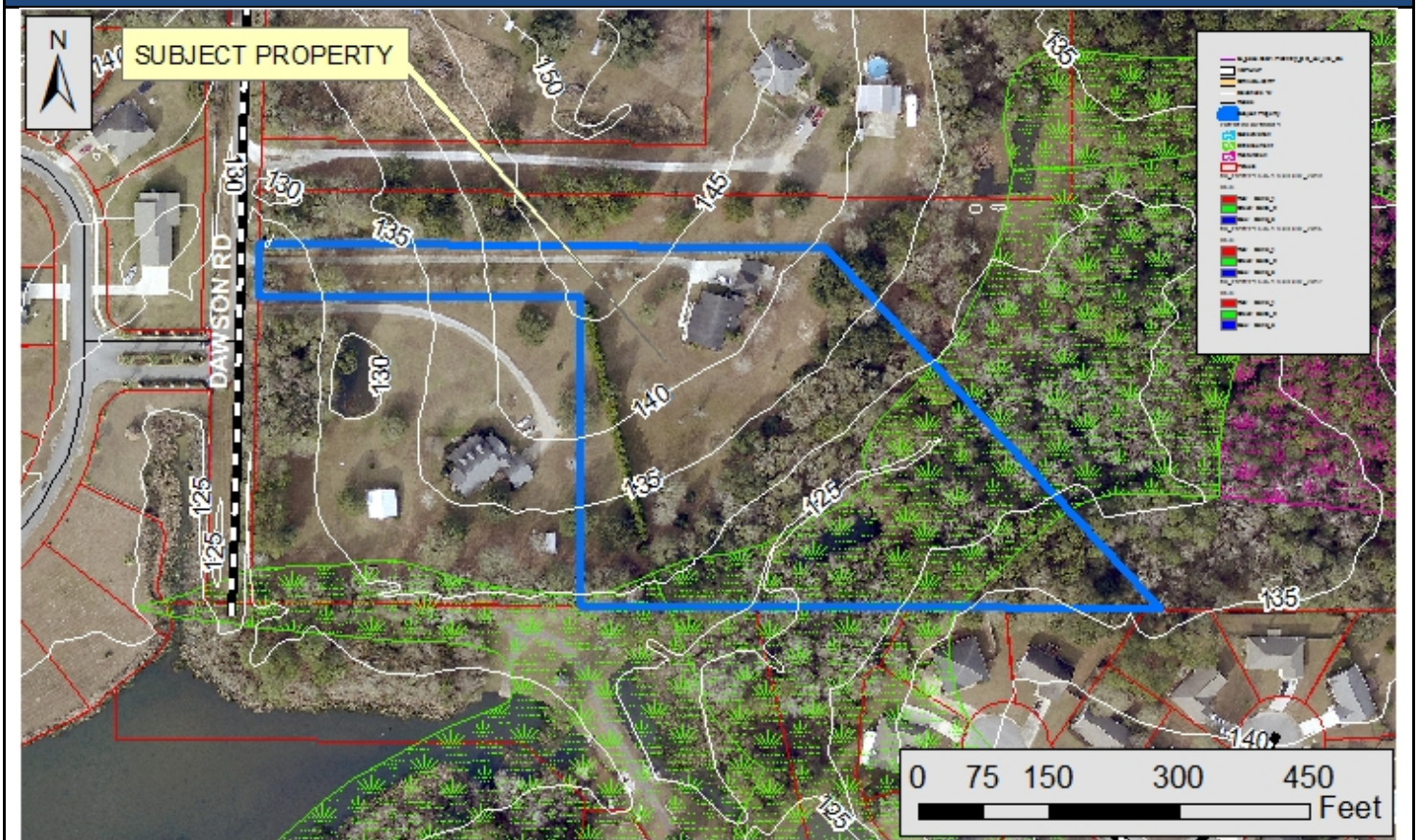








## Site Map



## Staff Comments and Recommendation

Staff recommends that Case **V-190031** Neal 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.