

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

AGENDA

October 10, 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 Minutes (September 12, 2019)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. SE-19004, Alston's Rental Inc., Property

Request: Approval of an amendment to a previously approved special exception to allow for a Recreational Vehicle (RV) Park

Location: The subject property is located at US Highway 98 in Planning District 22

Attachments: Within Report

6. Old Business
7. New Business
8. Adjournment

Baldwin County Commission District 4, Board of Adjustment

September 12, 2019

Regular Meeting Minutes

Foley Satellite Courthouse

Large Meeting Room

The Board of Adjustment for Baldwin County Commission District 4 met in a regular session on September 12, 2019 at 3:30 p.m., in the Baldwin County Foley Satellite Courthouse Large Meeting Room. Chairman, Stuart Arnold called the meeting to order. Members present included: James Koeppen, Jack Danley, JoAnn Bodree, Ernie Church, Johanna Moloney, Harold Stephens and John Hilderbrandt. Staff members present were Vince Jackson, Planning Director and Linda Lee, Planner.

The first order of business was approval of the transcript from the August 8, 2019 meeting. Mr. Church made a motion to approve the meeting transcript. The motion received a second from Mr. Stephens and carried unanimously.

AD-19002 Cesario Property

Mr. Jackson presented the applicant's request for an appeal to an administrative decision pertaining to a cease and abate notice that was issued for the occupancy of a recreational vehicle on property zoned for single family residential use. Staff recommended that the issuance of the cease and abate notice be upheld and the appeal denied.

Mr. Cesario addressed the board with reasons why he felt the accessory structure should be allowed to remain and provided a petition signed by neighbors requesting he be allowed to keep the structure.

Michael Swansburg, Antony Morris and Ralph Reynolds spoke in favor of the cease and abate notice and in opposition to allowing the structure to remain.

Following a lengthy discussion, Mr. Church made a motion to uphold the cease and abate notice and deny the appeal. The motion received a second from Mr. Koeppen and carried unanimously.

V-190035, Loane Property

Ms. Lee presented the applicant's request for a variance from the front yard setback requirement to allow for an addition to a single-family dwelling. Staff recommended that the variance request be approved.

Ms. Kristen Coll spoke in favor of the variance request. There was no one in opposition present.

Mr. Koeppen made a motion to approve the request. The motion received a second from Mr. Church and carried unanimously.

Old Business

V-190011 Busbin Property

Ms. Lee presented the applicant's request for an amendment to a previously approved variance from the jurisdictional wetlands setback requirement to allow for the construction of a single-family dwelling. The original footprint did not show stairs. The applicant stated they were not aware that the term 'footprint' included stairs. Staff recommended approval of the amended site plan.

Mr. Carey Busbin spoke in favor of the amended variance request.

Ms. Moloney made a motion to approve the amended variance request. The motion received a second from Mr. Church and carried unanimously.

Adjournment

There being no further business to come before the board the meeting was adjourned at 4:27 p.m.

Respectfully Submitted

Linda Lee, Planner

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

Stuart Arnold, Chairman



Baldwin County Planning & Zoning Department

County Commission District #4

Board of Adjustment Staff Report

Case No. SE-19004

Alston's Rental Inc., Property

Approve Special Exception for Recreational Vehicle (RV) Park

October 10, 2019

Subject Property Information

Planning District: 22
General Location: US Hwy 98 west of County Road 91
Physical Address: US Highway 98
Parcel Number: 05-52-04-20-0-000-009.000 and portion of 05-52-04-20-0-000-008.000
Zoning: RA, Rural Agricultural District
Request: Special Exception approval to allow for a thirty-six (36) site recreational vehicle (RV) park.
Applicant: Karen Alston (Alston's Rental Inc.)
264 Ridge Crest Drive
Macon, GA 31210
Owner: Alston's Rental Inc.
264 Ridge Crest Drive
Macon, GA 31210
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural and Residential	RA, Rural Agricultural District
South	Commercial	B-2, Neighborhood Business District
East	Vacant	B-4, Major Commercial District RA, Rural Agricultural District
West	Residential	RA, Rural Agricultural District

Summary and Discussion

The applicant has requested approval of to amend a previously approved Special Exception to allow for recreational vehicle (RV) park. The previous approval was for a fifty-four (54) site RV Park with an entrance from US Highway 98. The amended proposal is for a thirty-six (36) site RV Park with an entrance from County Road 91.

Section 3.2 RA Rural Agricultural District

3.2.1 Generally. This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

3.2.2 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) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

3.2.3 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) The following general commercial uses: recreational vehicle park (see *Section 13.8: Recreational Vehicle Parks*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

3.2.4 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) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

3.2.5 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	40-Feet

Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 *Area and dimensional modifications.* Within the RA 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	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

Staff Analysis and Findings

As stated above, the applicant has requested Special Exception approval to allow for a fifty-four (54) site recreational vehicle (RV) park.

The subject property, which consists of approximately 10.93 acres for the proposed RV park, is zoned RA, Rural Agricultural District. A recreational vehicle park may be allowed under the RA designation, subject to Special Exception approval by the Board of Adjustment. According to the site plan, the density of the park would be approximately 3.29 sites per acre.

In determining whether or not to grant approval, the Board should evaluate the proposal according to the recreational vehicle park standards which are set out in Section 13.8 of the *Baldwin County Zoning Ordinance*. The relevant requirements from the section are listed as follows:

Section 13.8 Recreational Vehicle (RV) Parks

13.8.1 *Purpose.* The purpose of this section is to establish minimum standards for recreational vehicle parks.

13.8.2 *Procedures and standards.*

(a) *Land use certificate required.* All recreational vehicle parks are subject to the standards contained in this section and will be required to obtain a land use certificate prior to being granted a building permit.

(b) *Where permitted.* Except as provided in Section 2.3.26.4(b) and Section 2.3.31.4, recreational vehicle parks are permitted as follows:

1. High Density
 - A. RV-1, B-4, M-1 and M-2 by right.
 - B. B-3 by conditional use approval.
 - C. RR, RA and CR by special exception approval.
2. Low Density
 - A. RV-1, RV-2, B-4, M-1 and M-2 by right.
 - B. B-2, B-3 and OR by conditional use approval.
 - C. RR, RA and CR by special exception approval.

(c) *Occupancy.* A recreational vehicle shall not be occupied as a living quarter unless it is located in a recreational vehicle park as herein provided or as provided in *Section 12.2.2.* **No recreational vehicle shall be used as a permanent dwelling. Continuous occupancy extending beyond 4 months in any 12-month period shall be considered permanent occupancy.**

(d) *Storage and parking.* Recreational vehicles may be parked or stored in residential districts as provided in *Section 15.3.9: Storage and parking of trailers and commercial vehicles.*

(e) *Maximum density.*

1. High Density: 15 campsites per acre
2. Low Density: 6 campsites per acre

(f) *Land area.* The minimum land area of a recreational vehicle park shall be three (3) acres.

(g) *Use.* Use of spaces in recreational vehicle parks is limited to recreational vehicles.

(h) *Water and sewer facilities.*

1. *Water.* Each recreational vehicle park shall be served with a public/private water supply system capable of providing domestic water use and fire protection.

2. *Sewer.* Each recreational vehicle park shall be served with sanitary sewer facilities meeting all requirements of the Baldwin County Health Department.

(i) *Setbacks.*

1. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 30-feet of any property line.
2. Recreational vehicles must be separated from each other and from other structures by at least 10-feet.

(j) *Access.*

1. No recreational vehicle park shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.
2. No entrance or exit shall be through an existing residential subdivision.
3. Access drives must be a minimum of 24-feet wide for a two-way street and 12-feet wide for a one-way street and must be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, limestone or other similar surface approved by the Planning Commission.

(k) *Accessory uses.* Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses.

(l) *Sites.*

1. Each recreational vehicle site must be at least 1,600 square feet in area.
2. Each recreational vehicle site must contain a parking pad improved with a suitable all-weather surface.

3. Each recreational vehicle site must contain at least one (1) off-street parking space improved with a suitable all-weather surface.

(m) *Buffering.* In the event a recreational vehicle park is located adjacent to residentially zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier. No buffer will be required if the recreational vehicle park is located adjacent to agricultural, commercial, industrial or recreational property.

The proposed site plan appears to meet the recreational vehicle site requirements and setback requirements.

Next, the Board should consider the Special Exception standards which are listed below.

Section 18.8 Special Exceptions

18.8.1 *Authorization.* 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 of 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.
- (b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.
- (c) The proposed use shall not unduly decrease the value of neighboring property.
- (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.

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.

The applicant is proposing to access the property from County Road 91. Most of the surrounding land is undeveloped. Per the Federal Highway Administration, the functional classification of County Road 1 north of US Hwy 98 is local. Locally classified roads account for the largest percentage of all roadways in terms of mileage. They are not intended for use in long distance travel, except at the

origin or destination end of the trip, due to their provision of direct access to abutting land. Bus routes generally do not run on Local Roads. They are often designed to discourage through traffic. As public roads, they should be accessible for public use throughout the year.

Agricultural

Agriculture, forestry and similar activities are included with this future land use category. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial or industrial categories. Zoning designations may include RR, CR, RA and RSF-E.

STAFF RECOMMENDATION

Staff feels this is a reasonable request and recommends approval of the amended special exception request with the following conditions:

- Approval shall be for this applicant and at this location only.
- Approval subject to issuance of access permit from Baldwin County Highway Department
- Expansion of the park and/or changes to the site plan will necessitate further Special Exception review and approval.

**A majority vote of the 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.

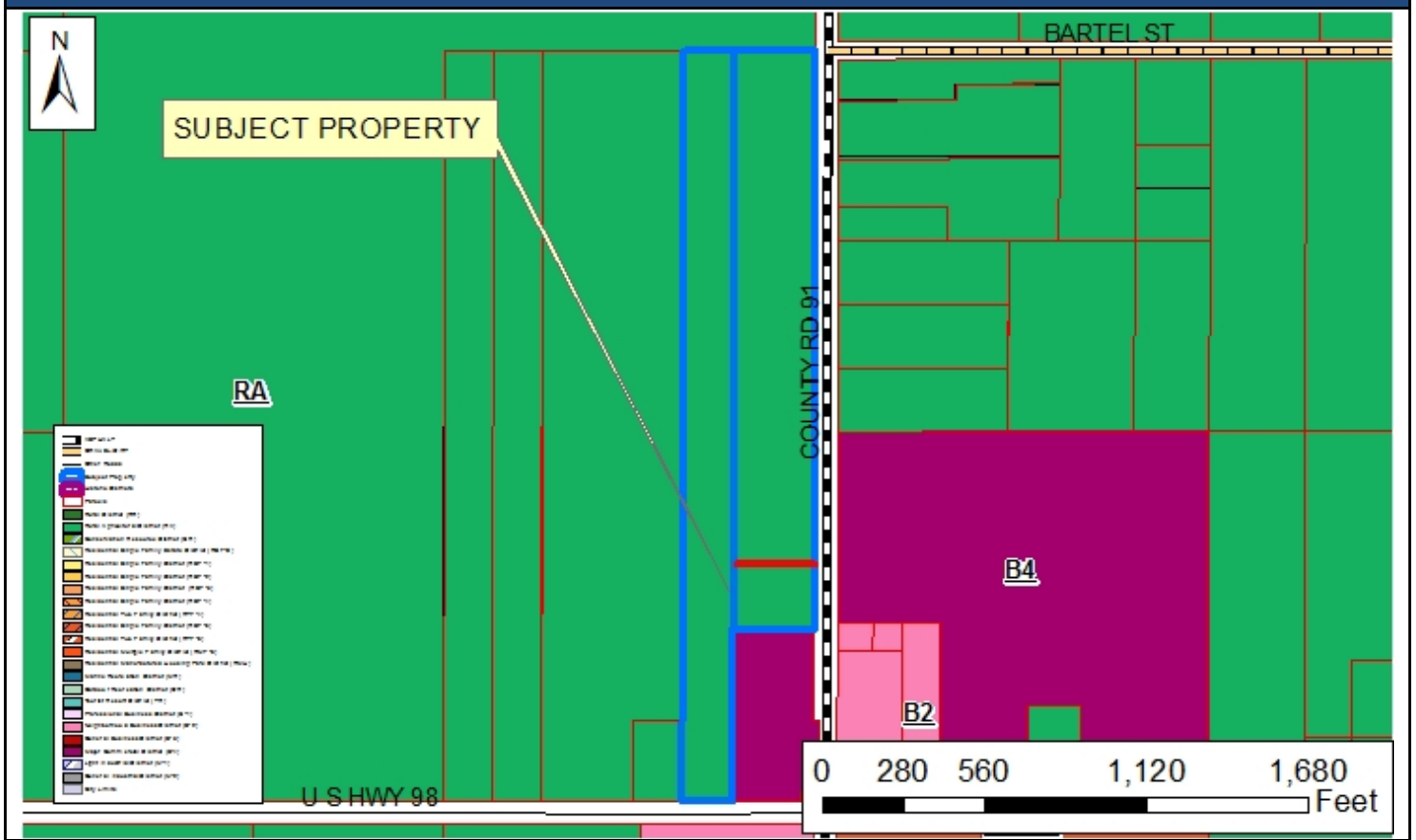
Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as the conditions upon which it is granted and the conditions imposed by the Zoning Ordinance are adhered to.



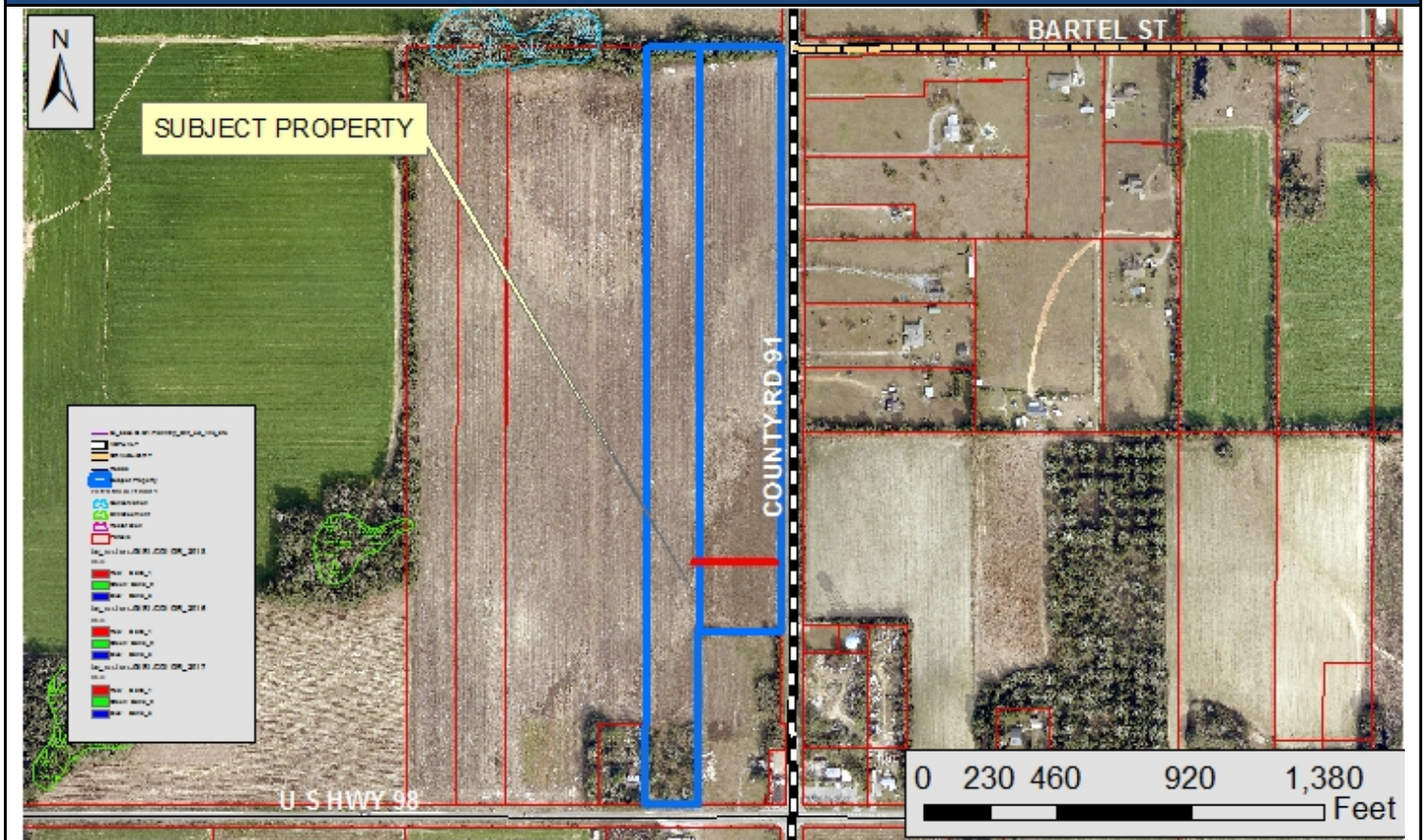




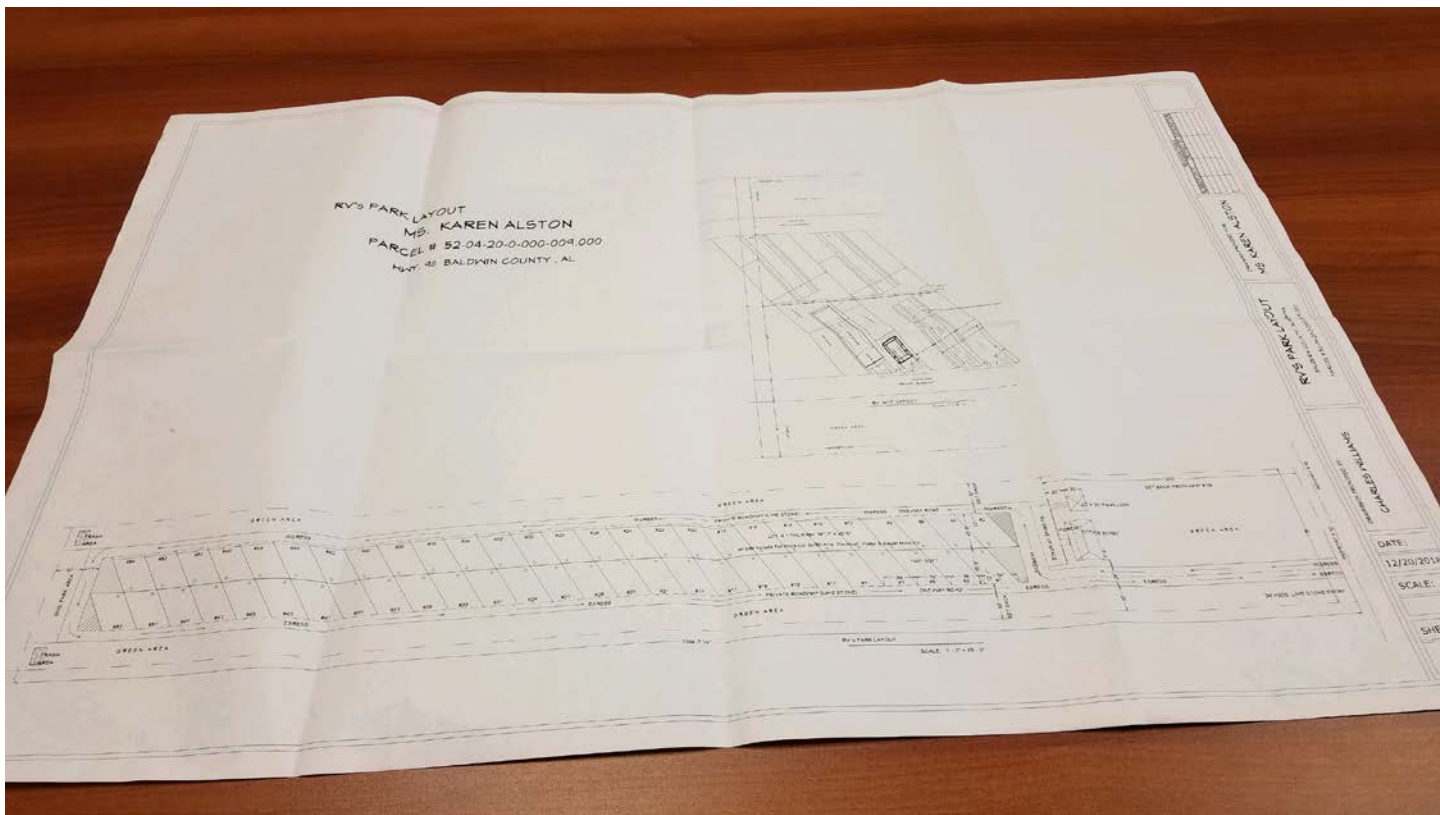
Locator Map



Site Map – 2018 Aerial Photography



Previously Approved Site Plan



New Proposed Site Plan

