

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

AGENDA

October 14, 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 (September 9, 2019)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-190038 Troyke Property

Request: Approval of a variance from the rear yard setback requirement to allow for the construction of a single-family dwelling

Location: The subject property is located at 12059 County Road 1 in Planning District 26

Attachments: *Within Report*

b.) Case No. V-190039 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*

c.) Case No. V-190040 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 24179 Bay Shore Drive in Planning District 16

Attachments: *Within Report*

6. Old Business
7. New Business
 - a.) Approval of 2020 Meeting and Deadline Calendar
8. Adjournment

Baldwin County Commission District 2, Board of Adjustment

September 9, 2019

Regular Meeting Minutes

Central Annex

Conference Room

The Board of Adjustment for Baldwin County Commission District 2 met in a regular session on September 9, 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: Mary Hope and Michael Cochran. Staff members present were Crystal Bates, Planning Technician and Linda Lee, Planner.

Approval of Previous Meeting Minutes

A motion to approve the previous meeting transcript was made by Mr. Cochran with a second by Ms. Hope and carried unanimously.

V-190034, Rester Property

Mrs. Lee presented the applicant's request for a variance from the north side yard setback requirement to allow for the construction of a single-family dwelling. Staff received one letter in opposition to the variance request. Staff felt that a reasonably sized dwelling could be built without a variance and therefore recommended denial of the variance request.

Ms. Lucy Barr spoke in favor of the variance request.

Board Member Michael Cochran made a motion to deny the variance per staff's recommendation. The motion received a second from Board Member Mary Hope and carried unanimously.

V-190032, Montiel Family Investments Property

Mrs. Lee presented the applicant's request for a re-hearing of a variance from the north and south side yard setback requirements. The initial variance was denied by the Board on August 12, 2019. The applicant requested a copy of the information submitted at the public hearing by Mr. Koby. Upon review of the site plan, the applicant felt the board's decision may have been influenced by inaccurate information. Staff recommended that the request for a re-hearing be **GRANTED**. Staff also recommended that the board request the applicant provide a survey with the mean high tide line, the 50-foot required setback line and width measurements of the lot at 20-foot intervals.

Mr. Murphy spoke in favor of the re-hearing request and answered questions from the board. Mr. Murphy stated there are no houses 25-feet wide in this neighborhood.

Board Member Michael Cochran made a motion to grant the re-hearing request subject to the applicant providing a survey with the lot width at 20-foot increments, the mean high tide line and 50-foot setback. The motion received a second from Board Member Mary Hope and carried unanimously.

V-190020, Montiel Family Investments Property

Mrs. Bates presented the applicant's request for a re-hearing of a variance from the north and south side yard setback requirements that was denied at the previous meeting. Staff reviewed the proposed site plan submitted at the last meeting by the adjacent property owner. The applicant felt the decision of the Board to deny the variance application may have been influenced by this inaccurate site plan.

Staff recommended that the request for a re-hearing be **GRANTED**.

Mr. Allen spoke in favor of the re-hearing request.

Board Member Michael Cochran made a motion to grant the re-hearing request subject to the applicant providing a survey with the lot width at 20-foot increments, the mean high tide line and 50-foot setback. The motion received a second from Board Member Mary Hope and carried unanimously.

Adjournment

There being no further business to come before the board the vice-chairman adjourned the meeting at 4:33 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-190038

Jones Property

Rear Setback Variance for a Proposed Single-Family Dwelling

October 14, 2019

Subject Property Information

Planning District: 26
Study Area: 2
General Location: Lot 1 Block C, Jubilee Point Subdivision on Mobile Bay
Physical Address: 12059 County Road 1
Parcel Number: 05-56-09-32-0-000-002.000
Zoning: RSF-2, Single Family District
FLU: Residential
Lot Size: Approximately 50' x 124.12'
Applicant: Kenny Roberson
Roberson General Contractors, LLC
PO Box 1174
Gulf Shores, AL 36547
Owner: Anthony and Janet Troyke
320 W. Oneida Avenue
Bartlett, IL 60103
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

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

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 rear (road side) setback. The applicant has proposed constructing the dwelling 18 feet from the rear property line, which would be a variance of 12-feet. This property was approved for a 20-foot rear setback in 2014 (case V-140004). The proposed dwelling has a 2-foot cantilevered bathroom on the rear that requires the additional approval.

Staff recommends that Case No. V-190038, Troyke 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 rear (road side) setback. The applicant has proposed constructing the dwelling 18 feet from the rear property line, which would be a variance of 12-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.

**2.3.26.3 Local Provisions for Planning district 26

- (a) No cemeteries are allowed.
- (b) No recreational vehicle parks are allowed.
- (c) Accessory dwellings are permitted by right in residential districts, provided they do not exceed 60% of the size, in square feet, of the principal residence.
- (d) The required side yards in the “RSF-2, Single Family” district may be reduced to 3-feet on one side and 10-feet on the other side provided a minimum of 13-feet separation remains between buildings.

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 north east. County Road 1 is a county maintained paved road. The adjoining properties to the east and west are residential. The property is 50-feet wide and approximately 124-feet deep. The approximate square footage is 6,200 square feet. 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, 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.

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 subject property is located in the Jubilee Point Subdivision. 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 with regard to 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 the particular applicant.

2.) V-Zone Setback

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. With regard to setbacks, the 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 actually be located further out in the water and will periodically change due to the seasonal nature of tides. In order to meet the V-Zone setback requirement the applicant is proposing to construct the residence closer to the rear property line.

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.

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 rear (road side) setback. The applicant has proposed constructing the dwelling 18 feet from the rear property line, which would be a variance of 12-feet.

Staff feels that this is a reasonable request due to the fact that it 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-190038, Troyke 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}

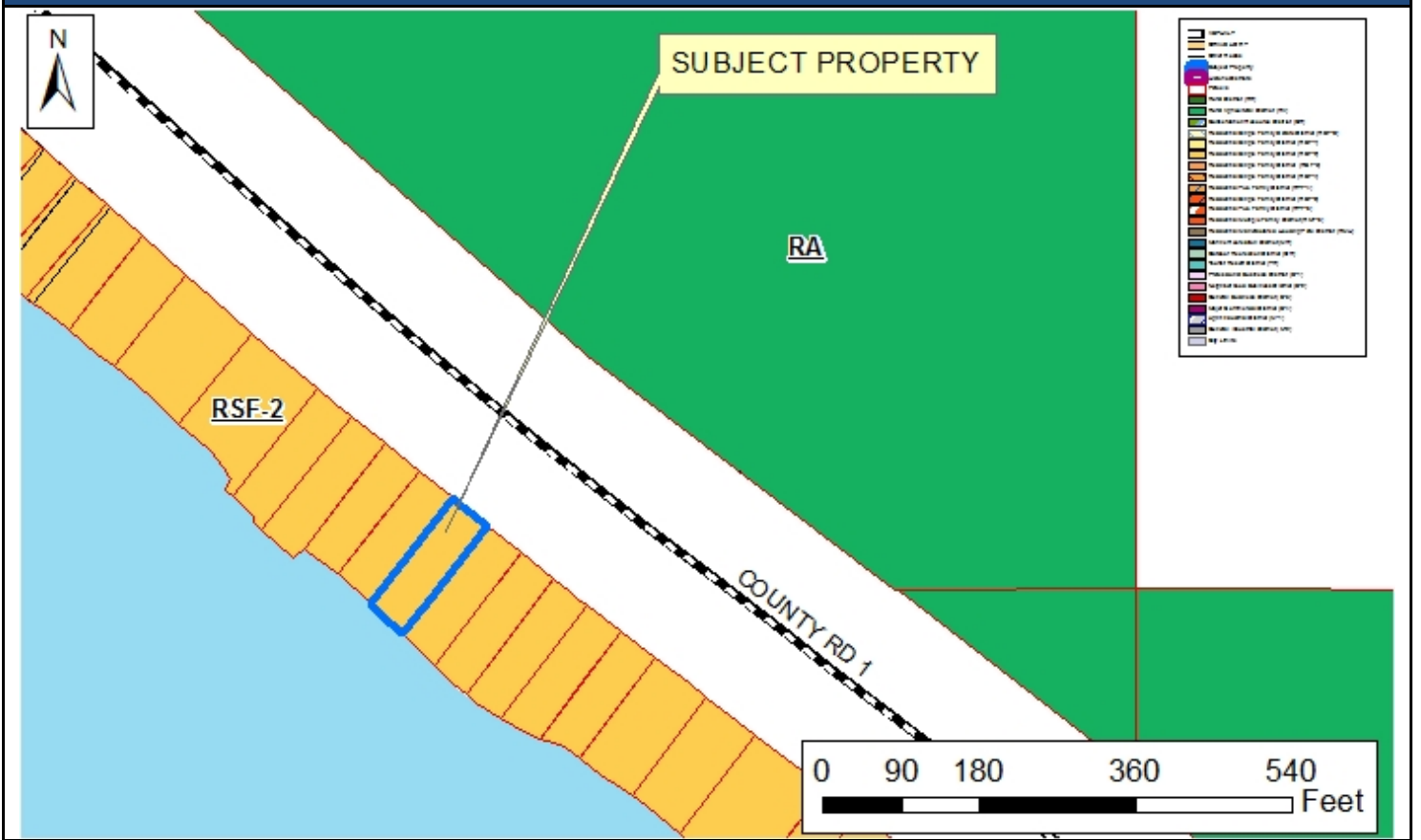
Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board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





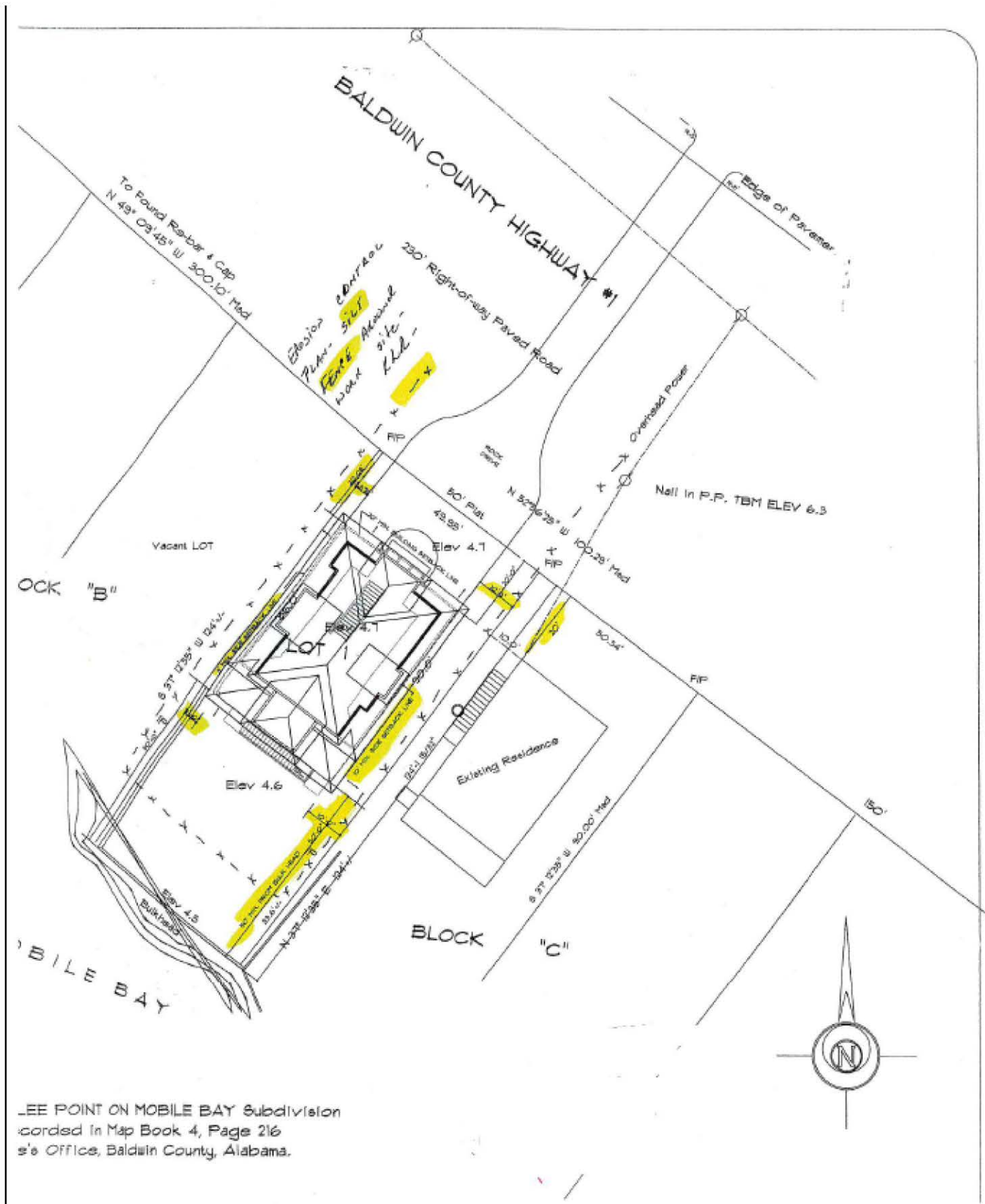
Locator Map



Site Map



Site Plan Submitted with Application





Baldwin County Planning & Zoning Department County Commission District #2

Board of Adjustment Staff Report

Case No. V-190039

Montiel Family Investments, LTD Property
Setback Variances for a Proposed Single-Family Dwelling
October 14, 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 5.92 feet from the northeast property line, which would be a variance of 4.08 feet, 7.44 feet from the northwest property line, which would be a variance of 2.56 feet and 5 feet from the south property line, which would be a variance of 5 feet.

Staff recommends that Case No. V-190039, 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 5.92 feet from the northeast property line, which would be a variance of 4.08 feet, 7.44 feet from the northwest property line, which would be a variance of 2.56 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

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- (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.

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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.

At the location of the proposed dwelling, the lot width ranges from 40.61 feet to 42.97 feet per the survey provided.

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 5.92 feet from the northeast property line, which would be a variance of 4.08 feet, 7.44 feet from the northwest property line, which would be a variance of 2.56 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-190039, 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}

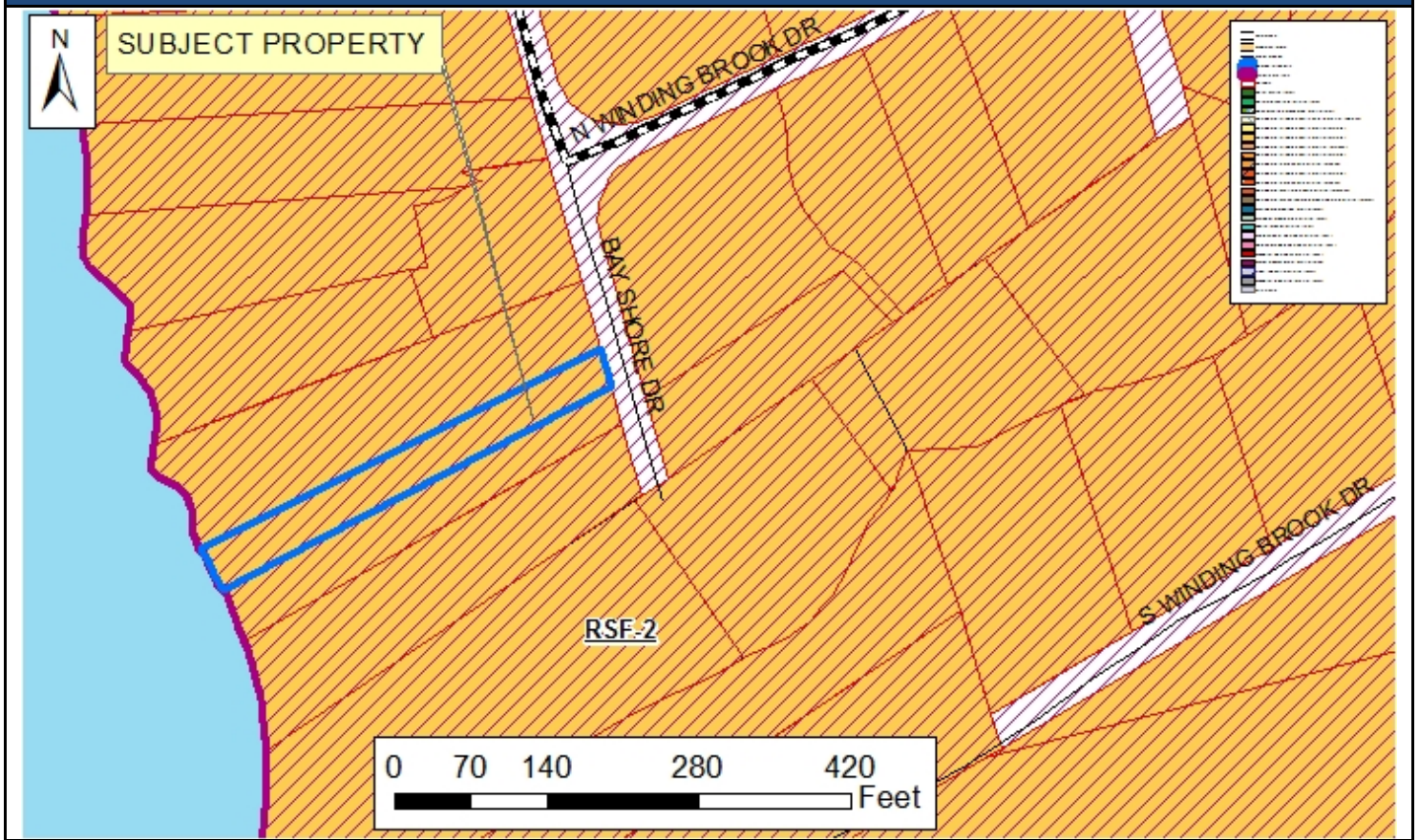
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Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long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

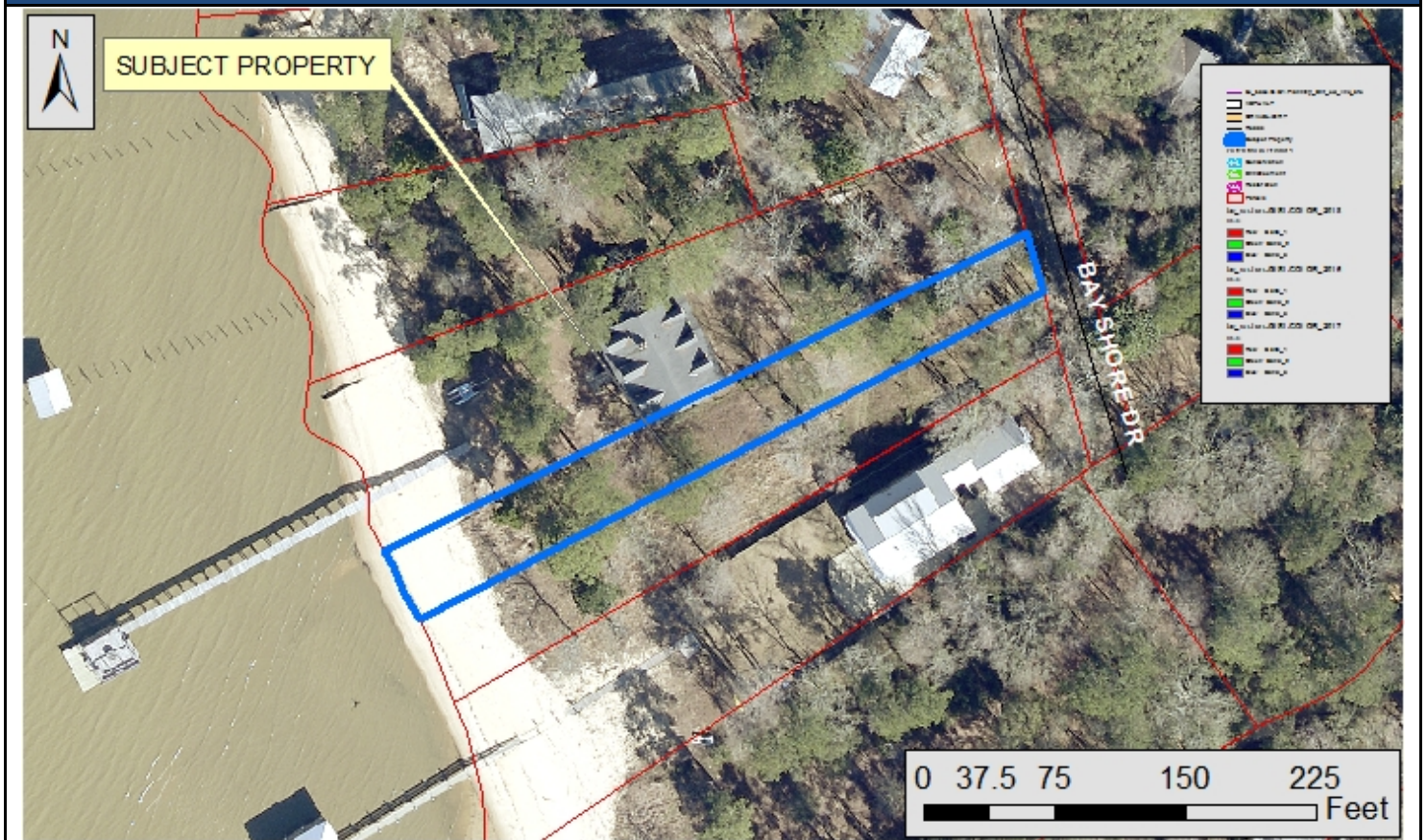




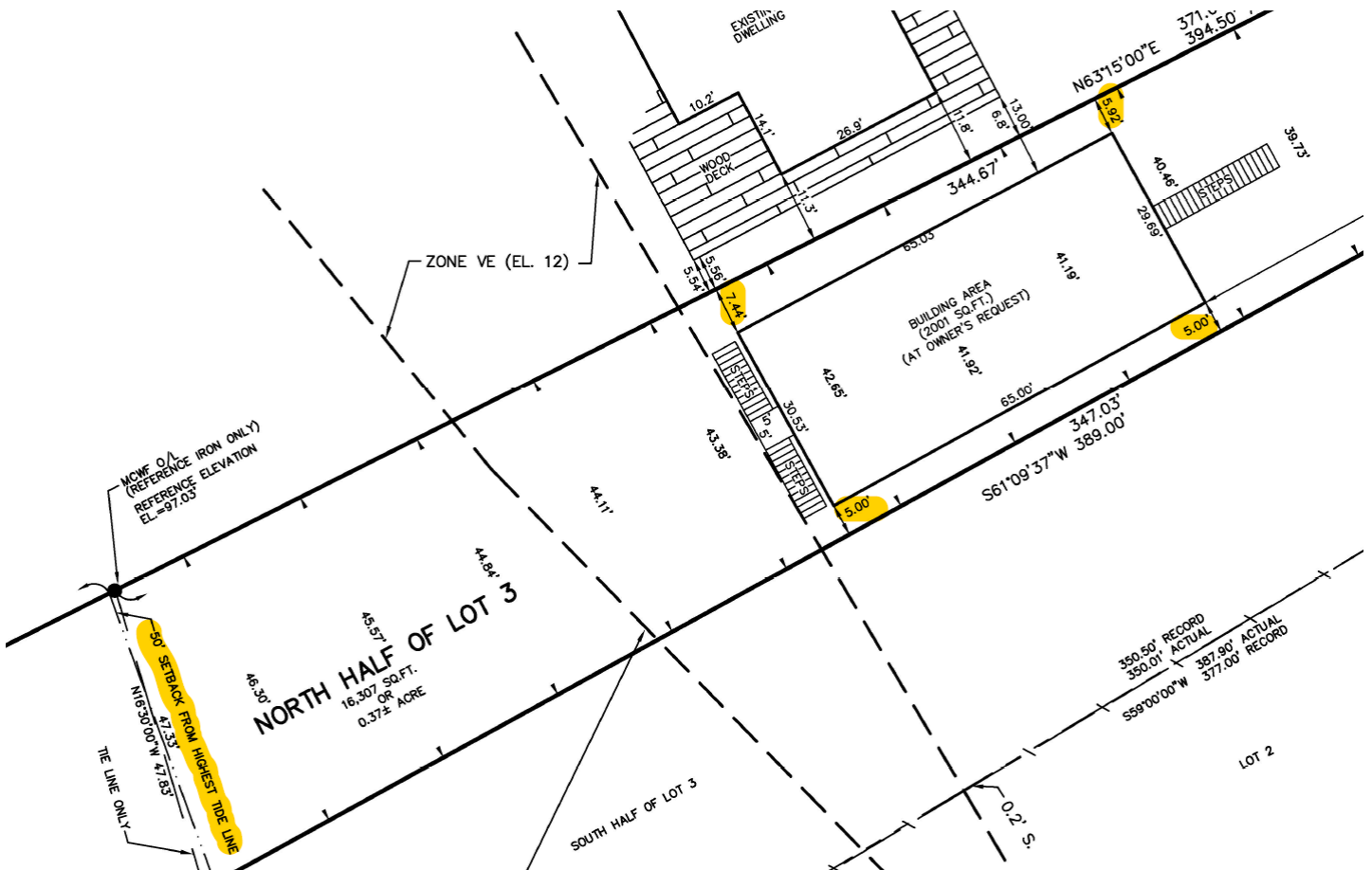
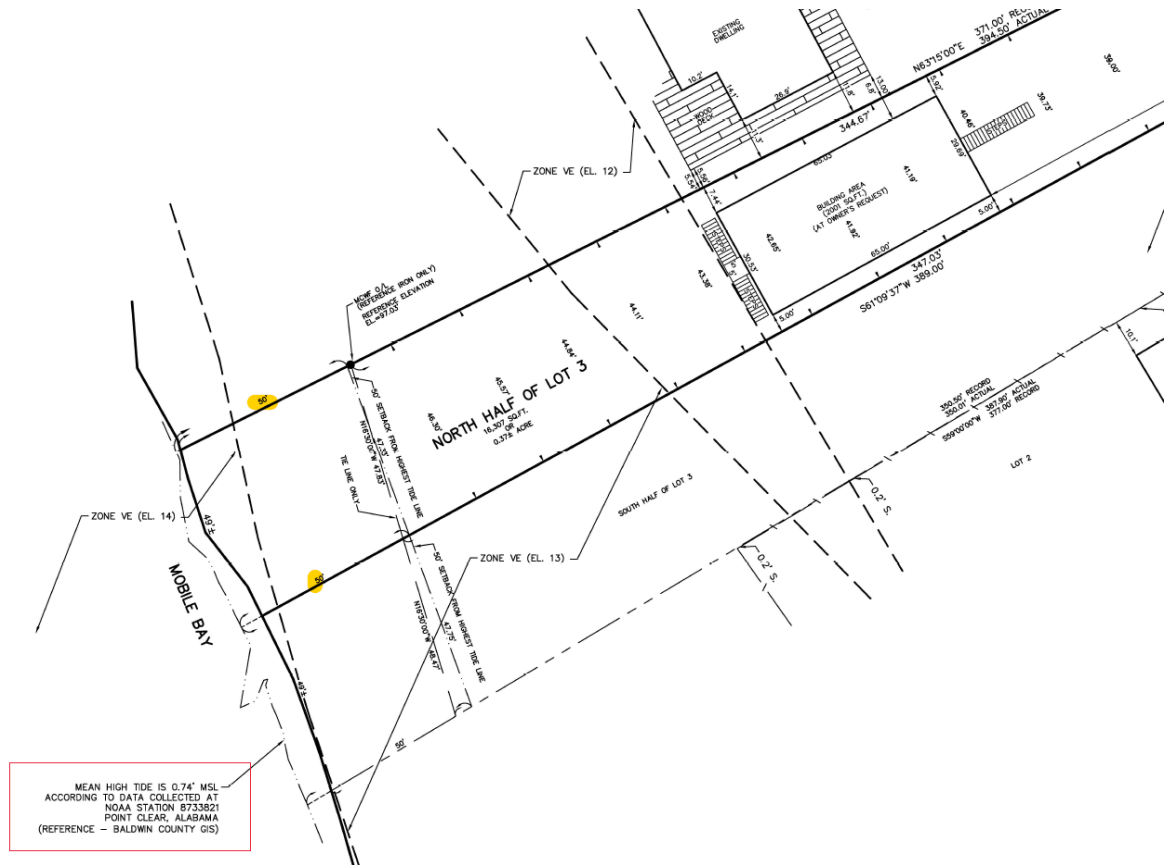
Locator Map



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, 5.92 foot from the North East side property line and 7.44 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.

Bay Shore Drive 2016 Aerial Photography



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Baldwin County Planning & Zoning Department County Commission District # 2

Board of Adjustment Staff Report

Case No. V-190040

Montiel Family Investments LTD Property

Variance from the side yard setback requirement

October 14, 2019

Subject Property Information

Planning District: 16
General Location: Red Gulley Subdivision
Physical Address: 24179 Bayshore Dr
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	Residential	RSF-2

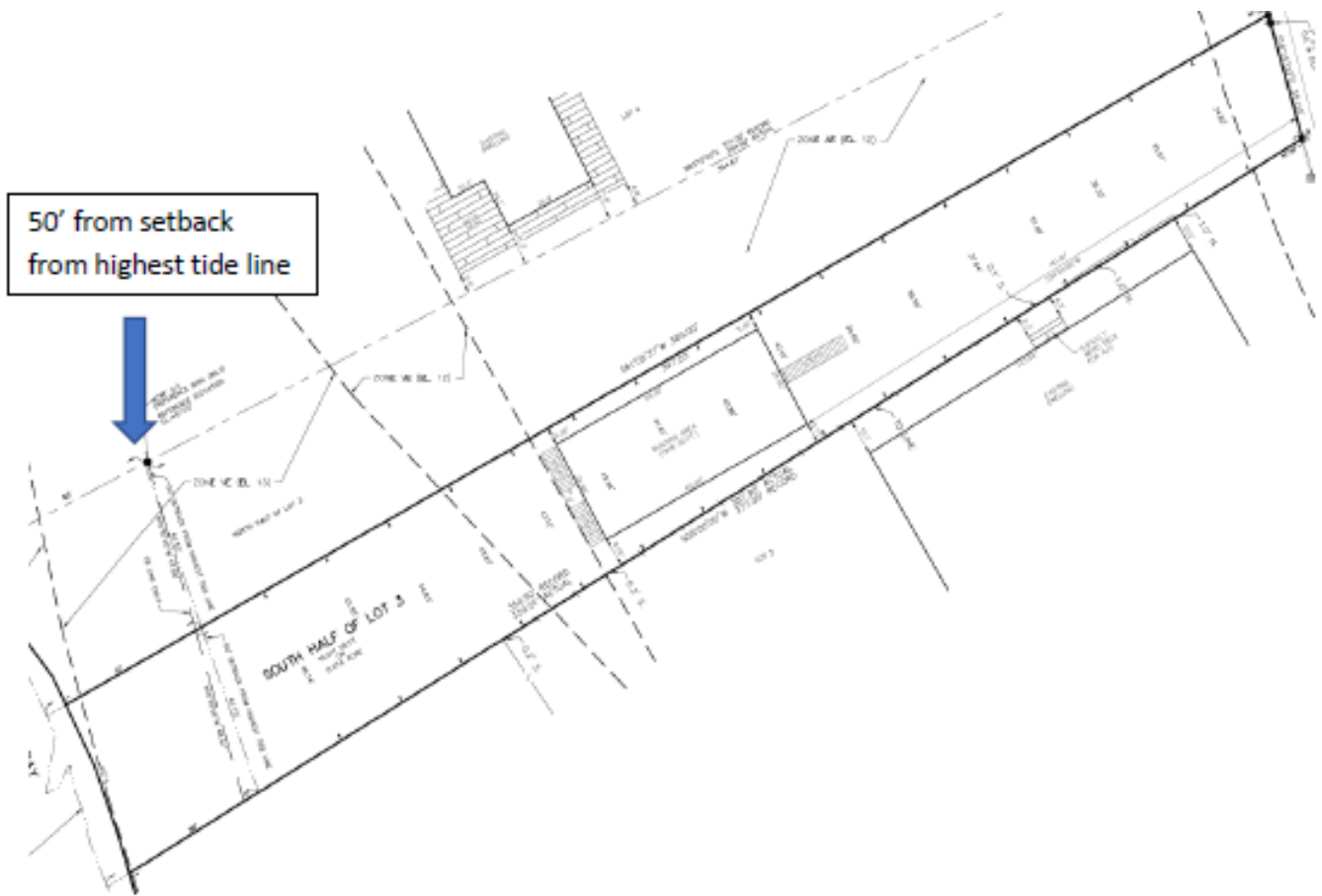
Summary and Recommendation

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 5 foot from the North East side property line, 5 Foot on the North West property line and 5.71 foot on the South East side property line and 8.16 foot on the South West side instead of the required 10 feet from the side property lines. Staff feels this is a reasonable request and recommends that Case No. V-190040, 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 5 foot to the North East side property line and 5 Foot on the North West property line and 5.71 foot to the South East side property line and 8.16 foot to the South West side. The reason for the variance request is the applicant would like a 29.50-foot-wide by 65.00 -foot-long total buildable footprint for a dwelling.

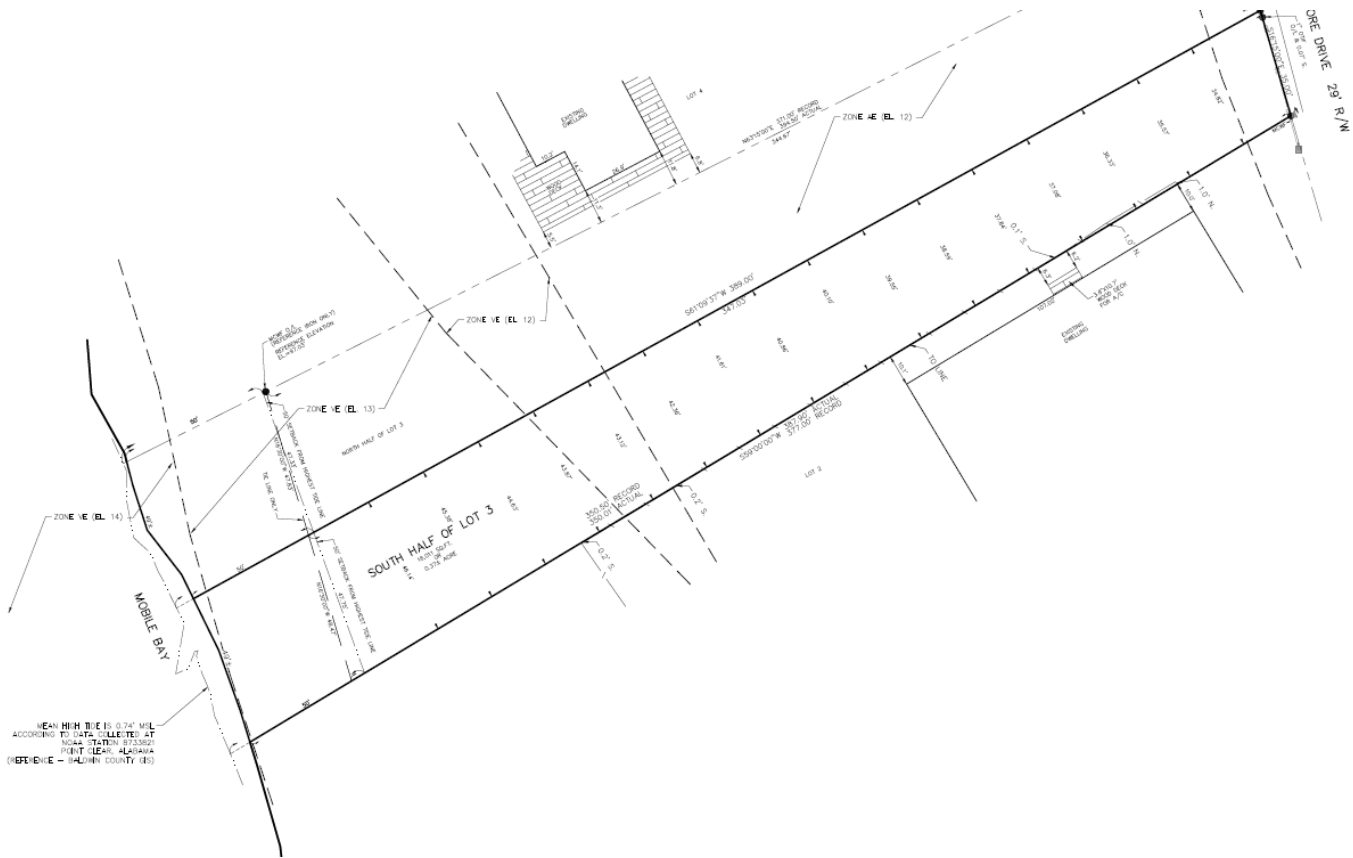
Survey with house



Closer view proposed dwelling



Survey without house



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

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 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 lot is in a VE Flood zone which is also known as the Coastal High Hazard 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

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.

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-190040, 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.

Property Images





Locator Map



Site Map



Bay Shore Drive 2016 Aerial Photography



BALDWIN COUNTY COMMISSION #2 PLANNING AND ZONING BOARD OF ADJUSTMENT

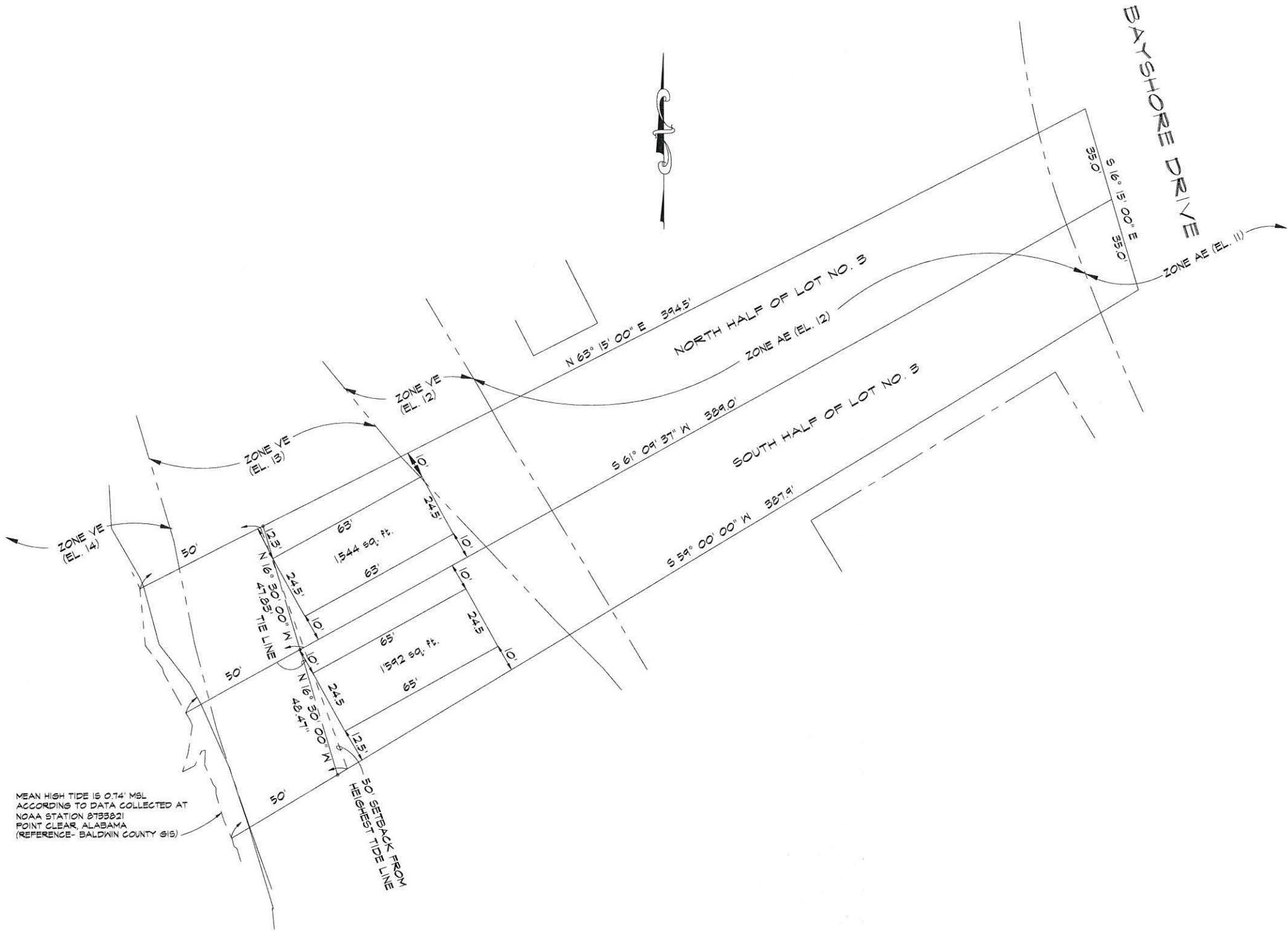
2020 MEETING DATES & APPLICATION DEADLINE DATES

Meeting time: 4:00 p.m.
Meeting location: Baldwin County Central Annex Auditorium

All applications to be considered by the Baldwin County Commission #2 Planning and Zoning Board of Adjustment shall be submitted no later than 4:30p.m. on the deadline date listed below. *There will be no exceptions.*

MEETING DATE	STAFF REPORTS DUE	APPLICATION DEADLINE DATE
January 13, 2020		December 27, 2019
February 10, 2020		January 17, 2020
March 9, 2020		February 14, 2020
April 13, 2020		March 20, 2020
May 11, 2020		April 20, 2020
June 8, 2020		May 15, 2020
July 13, 2020		June 19, 2020
August 10, 2020		July 20, 2020
September 14, 2020		August 21, 2020
October 12, 2020		September 21, 2020
November 9 2020		October 19, 2020
December 14, 2020		November 19, 2020

Exhibit Submitted by Sam Koby



STEWART PLANNING SERVICE, INC. 601 BEL AIR BLVD., SUITE 400 MOBILE, ALA. 36608 PHONE: 251-478-8015	
ROGER KOBY NORTH AND SOUTH HALFS OF LOT 3 SECTION 30, T5S-R2E BALDWIN CO., AL.	
Sheet Title: SITE PLAN	
IT IS THE INTENT OF THESE DOCUMENTS TO PROVIDE SUFFICIENT INFORMATION TO THE EXPERIENCED BUILDER TO CONSTRUCT THE PROJECT SHOWN. IT IS THEREFORE HIS RESPONSIBILITY TO VERIFY ALL CONDITIONS, DIMENSIONS AND COMPLIANCE WITH ALL REGULATORY AGENCIES PRIOR TO CONSTRUCTION. THEIR REQUIREMENTS MUST TAKE PRECEDENCE OVER THOSE SHOWN AND FIELD ADJUSTMENTS MADE ACCORDINGLY.	
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Scale: 1" = 20'	
Plan No: KOBY	
Date: OCTOBER 2019	
Sheet No: S-2	