

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

**Agenda**

**November 18, 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 (October 21, 2019)
- IV. Announcements/Registration to Address the Board of Adjustment
- V. Consideration of Applications and Request

**ITEMS:**

**a.) Case No. SE-19006, Smith Property (tabled from previous meeting)**

*Request:* A special exception to allow for a resort for Christian and family retreats

*Location:* The subject property is located at 24815 Baldwin Beach Express in Planning District 31

*Attachments:* Within Report

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

**Baldwin County Commission District 3, Board of Adjustment**  
**October 21, 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 October 21, 2019, at 4:00 p.m., in the auditorium of the Baldwin County Central Annex. The meeting was called to order by Chairman Donnie Waters. Members present included, Carolyn King and Rosellen Coggin. Staff members present were Vince Jackson, Planning Director; Celena Boykin, Planner and Linda Lee, Planner.

**Approval of Previous Meeting Minutes**

Ms. Coggin made a motion to approve the minutes of the August 19, 2019, regular meeting. The motion received a second from Ms. King and carried unanimously.

**SE-19006 Smith Property**

Mr. Jackson presented the applicant's request for a special exception to allow for a resort for Christian and family retreats. Staff recommended approval of the request subject to several conditions listed in the staff report. Staff answered questions pertaining to existing structures on the property. The applicant has been informed that the current buildings and RVs are not permitted. Mr. Ellison requested someone provide additional information as to what the resort would consist of and completed as. Michael Smith explained the proposed use and answered questions from board members. Mr. Hankins asked numerous questions concerning fees, access, historical significance, ADEM, wildlife etc. Ms. Cowling-Shumate asked about buffer requirements, year-round operation, noise and business plan. Mr. Meeks asked about length of stay, septic tanks and experience operating this type of venue. Ms. Whalley expressed this is a business not in conjunction with single-family residences. Mr. Smith responded to neighbors' concerns and answered questions from board members. Mr. Jackson addressed concerns pertaining to noise, length of stay, septic tanks, access and landscaped buffers. Ms. Coggin made a motion to table the special exception request until concerns are addressed and a business plan is submitted. The motion received a second from Ms. King and carried unanimously. Mr. Jackson asked neighbors to contact our office and provide their questions so we can obtain answers for the next meeting.

**V-190036 Temple Property**

Mrs. Boykin presented the applicant's request for a variance to allow a travel trailer that is currently on the subject property to be occupied by her son. Valna Hinote and Shane Ellison spoke in opposition to the variance request. Mary Temple spoke in favor of the variance request and answered questions from board members. Mr. Jackson explained about complaints of RVs in this area being occupied and answered questions from board members. Ms. King made a motion to approve the variance request for a period of 18 months to give the applicant time to make other arrangements. The motion received a second from Ms. Coggin and carried unanimously.

**V-190037 McMeans Property**

Mrs. Boykin presented the applicant's request for a variance to allow the property owner to continue occupying a travel trailer that is currently on the subject property. Susan McMeans and Ted McMeans spoke in favor of the variance request and answered questions from board members. Ms. Coggin made a motion to approve the variance request for a period of 18 months

**Baldwin County Commission District 3, Board of Adjustment  
October 21, 2019  
Regular Meeting Minutes**

to give the applicant time to make other arrangements. The motion received a second from Ms. King and carried unanimously.

**New Business**

Ms. Lee reviewed the proposed 2020 Deadline and Meeting Calendar. Ms. King made a motion to approve the 2020 Deadline and Meeting Calendar. The motion received a second from Ms. Coggin and carried unanimously.

**Adjournment**

There being no further business to come before the Board the meeting was adjourned at 5:45 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. SE-19006

Smith Property

Approve Special Exception to Allow the Development of a Resort for Christian and family Retreats

November 18, 2019

### Subject Property Information

**Planning District:** 31  
**General Location:** West side of the Baldwin Beach Express  
**Physical Address:** 24815 Baldwin Beach Express  
**Parcel Number:** 05-41-08-28-0-000-001.002  
**Zoning:** RA, Rural Agricultural District  
**Request:** Special Exception approval to allow for the development of a resort for Christian and family retreats.  
**Applicant:** Michael A. Smith  
24815 Baldwin Beach Express  
Robertsdale, Alabama 36567  
**Owner:** Same  
**Lead Staff:** Vince Jackson, Planning Director  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural and Residential	RA, Rural Agricultural District
South	Agricultural and Residential	RA and RSF-E, Estate Residential
East	Agricultural and Residential	RA, Rural Agricultural District
West	Agricultural and Residential	RA, Rural Agricultural District

### Summary and Discussion

The subject property, which is zoned RA, Rural Agricultural District, consists of approximately 11 acres. The property adjoins the Baldwin Beach Express to the east and is surrounded by agricultural and residential properties which are zoned RA, Rural Agricultural, and RSF-E, Residential Single-Family Estate District. The purpose of the request is to allow for the development of a resort for Christian and family retreats. The Special Exception process is utilized due to analogous uses available under the RA designation.

## 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 subject property, which is zoned RA, Rural Agricultural District, consists of approximately 11 acres. The property adjoins the Baldwin Beach Express to the east and is surrounded by agricultural and residential properties which are zoned RA, Rural Agricultural, and RSF-E, Residential Single-Family Estate District. It includes a single-family dwelling, a pool, a pond and accessory structures.

The purpose of the request is to allow for the development of a resort for Christian and family retreats. As proposed, the development would include the following:

- Ten (10) small cabins (one bathroom with open concept)
- Four (4) one bedroom and one-bathroom tiny houses
- Two (2) 12' x 16' glamping rooms
- Grilling area and outdoor theatre area
- Pergola and group event area
- Pavilion
- Fishing area and public bathroom
- Small vintage camper (to serve as lodging for guest speakers)
- Clubhouse and meeting area
- Pool area
- Main house
- Event parking area
- Maintenance warehouse

The applicant would continue, at least initially, to reside on the subject property.

The proposed use is not listed in the Table of Permitted Uses (Article 23). In such cases, staff determines the appropriate zoning classification based on the most clearly analogous use or uses which are specifically provided. Several of the proposed activities would be covered by the uses which are available under the RA designation. However, because lodging would be included, as with a bed and breakfast establishment or tourist home, the Special Exception process, subject to the approval of the Board of Adjustment, has been recommended. In addition, the stated purpose of the request is to host retreats for Christian and family groups. Although the development would not be affiliated with a specific church, it should be noted that churches and other places of worship are

allowed by right under all zoning designations. The proposed development will not constitute a recreational vehicle park.

In determining whether or not to grant approval, the Board should evaluate the proposal according to the Special Exception standards from the *Baldwin County Zoning Ordinance* 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 Baldwin County Master Plan, 2013, provides a future land use designation of Agricultural for the subject property. 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. The proposed development, if approved would be consistent with the Master Plan.

Furthermore, staff believes that the development will not have a significant negative impact on adjacent properties due to the size of the subject and the size of the adjacent properties. A

landscaped buffer, which would help to mitigate impacts, could be included as condition for approval by the Board.

### **STAFF RECOMMENDATION**

This request was previously considered by the Board on October 21, 2019. At that time, staff recommended approval unless information to the contrary was revealed during the public hearing. A number of concerns were expressed from neighboring residents who attended the meeting, and the Board tabled the request until the next scheduled meeting in order for concerns to be addressed and for a business plan to be submitted. The only follow up information submitted by the applicant is a letter from an engineer pertaining to septic systems. A soil report, mentioned in the letter, was not included. To date, a business plan has not been submitted. As a result, staff will make no further recommendations until the information requested by the Board, including a business plan, is provided. \*

If the Board should see fit to approve this application, approval should be granted subject to the following conditions:

- Approval shall be for this applicant and at this location only.
- A Land Use Certificate and Building Permit shall be obtained within six (6) months from the date of approval. Additional time may be granted by the Board if deemed necessary.
- **A business plan shall be provided.**
- If signage is to be provided, a Sign Permit shall be obtained from the Baldwin County Planning and Zoning Department.
- A minimum of 20 off-street parking spaces shall be provided. Parking areas shall be paved with a suitable hard surface (including gravel or limestone). Parking spaces shall have minimum dimensions of 9' x 19' and shall be designated using wheel stops, railroad ties or similar features.
- Storage buildings, which are not intended for human habitation, shall not be used for lodging. Structures used for lodging shall be permanently affixed.
- Except for the small vintage camper used as lodging for guest speakers, no recreational vehicles shall be placed on the property.
- A landscaped buffer with a minimum width of 25-feet shall be provided where feasible. Privacy fencing may be utilized to provide additional buffering.
- **All concerns expressed by the Board shall be addressed.**
- Expansion of the park as well as changes to the site plan will necessitate further Special Exception review and approval.

*\*A majority vote of the members shall 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.











































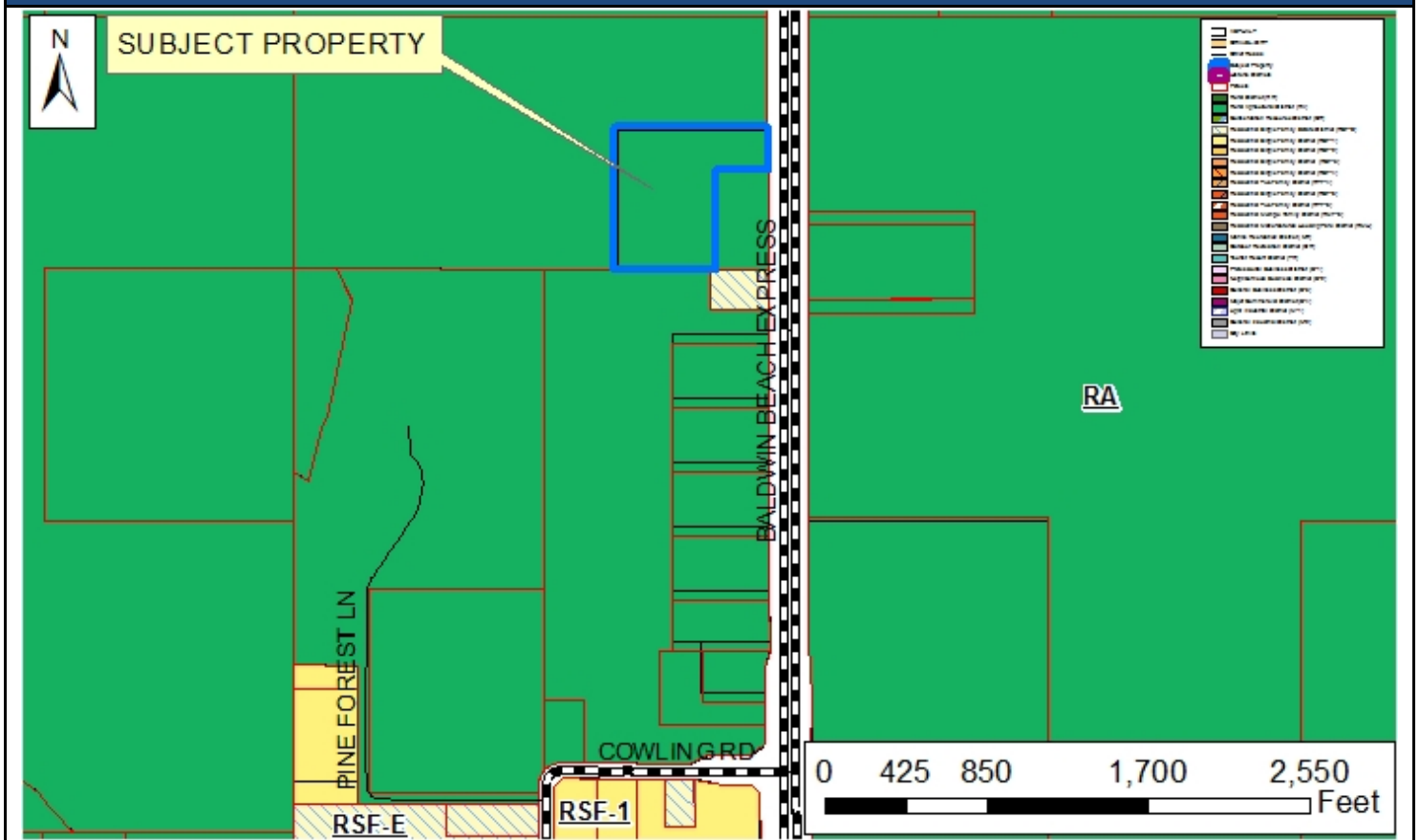




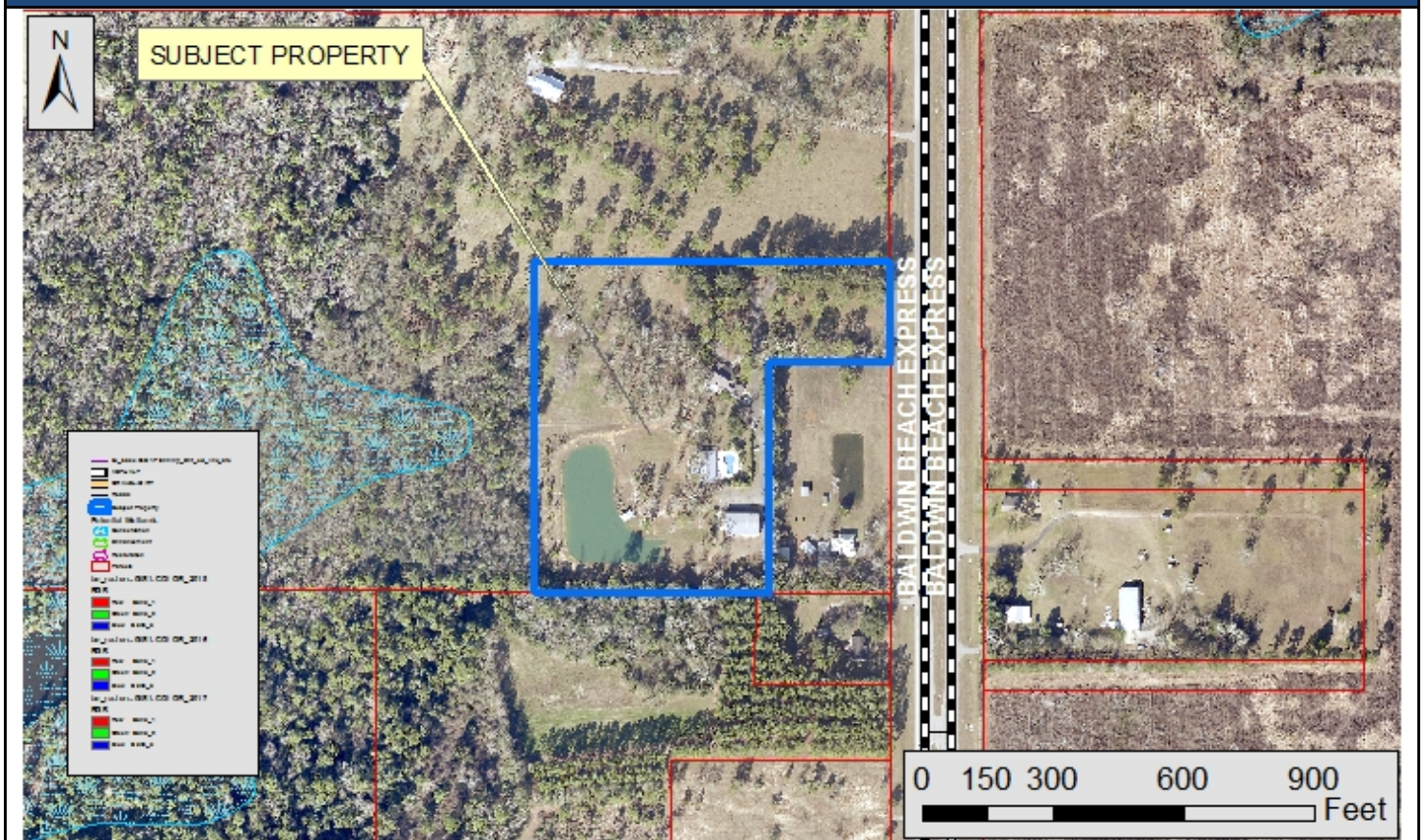




# Locator Map



# Site Map – 2018 Aerial Photography



## Additional Information Provided by Applicant

**L.E. Stiffler, Engineer LLC**

309 West Laurel Avenue Foley, Alabama 36535  
855.943.8501 (o) 251-262.2474 (f) randy@lesengr.com

November 29, 2019

Baldwin County Planning Commission  
22070 Highway 59  
Robertsdale, AL 36567

RE: Michael Smith  
24815 Baldwin Beach Express  
Robertsdale, AL

Planning Commission,

In concern to the suitability of septic systems for the property. The project is to consist of non-mobile RV's or 1 bedroom cabins. According to Appendix A, Table 1 of Rule 420-3-1 Onsite sewage treatment and disposal, the design flow per bedroom is 150 gal/day (BOD/TSS 0.2 lbs/day). This is the same flow per bedroom of a residential structure.

A standard septic tank, 1000 gal will be able to support three (3) one bedroom cabins or 450 gal/day. The soil is Group 2 and is only limited due to the slope of the soil. Fill or stepped drain fields will work. The average system will consist of three lines 86 lf each. The effluent disposal field, EDF will be approximately 29'x86' with a similar size for the 100% alternative EDF site.

Under Rule 420-3-1, the maximum density on the property would be 468,032 SF/ 15,000 SF/DU or 31 DU. Assuming about 60% usable space for lots the density would be approximately 18 DU. Assuming 3 bedrooms per DU it would be the equivalent of 54 non-mobile RV's or cabins.

Using just the soil that is the best fit for septic systems, and assuming the same 15,000 SF/DU. This area is 163,303 SF, excluding the pond and required setbacks. This give a density of 10 DU. Using the assumption of 3 bedrooms per DU this will give a cabin density of 30. If larger septic 1200 gal septic tanks are used then 4 cabins can be connected to each system with only a slightly larger EDF.

Since the desired appearance of the camp is to retain the natural trees and woody environment the number of cabins will be significantly less than what the land and regulations could support. See the attached soil reports for the site.

Please let me know if you have any questions.

Sincerely,

Randy R. Arr P.E.  
Alabama #24556

