

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

**AGENDA**

**January 13, 2020**

**Regular Meeting**

**4:00 p.m.**

**Central Annex Auditorium**

**22251 Palmer Street**

**Robertsdale, Alabama**

1. Call to Order
2. Roll Call
3. Election of Officers for 2020
4. Approval of Previous Meeting Minutes (December 9, 2019)
5. Announcements/Registration to Address the Board of Adjustment
6. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. V-200003 Young Owen LLC Property**

*Request:* Approval of a variance from the minimum lot width of parcel A2 and a variance from west side (corner) setback for parcel A1 to allow for a proposed subdivision of land

*Location:* The subject property is located at 32216 Buzbee Road in Planning District 10

*Attachments:* *Within Report*

7. Old Business
8. New Business
9. Adjournment

**Baldwin County Commission District 2, Board of Adjustment**

**December 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 December 9, 2019 at 4:00 p.m., in the Baldwin County Central Annex Auditorium. Chairman Brandon Bias called the meeting to order. Members present included: Mary Hope, Michael Cochran and Blayne Pierce. Staff members present were Crystal Bates, Planning Technician and Linda Lee, Planner.

**Approval of Previous Meeting Minutes**

A motion to approve the previous meeting minutes was made by Mr. Pierce with a second by Mr. Cochran and carried unanimously.

**V-190042, Woody Property**

Mrs. Bates presented the applicant's request for a variance to allow for a recreational vehicle to be occupied by the owners while building their residence. Staff recommended the board base their decision on information provided in the staff report and at the public hearing. Staff also recommended that if the board decides to approve the request approval should be subject to an 18-month time limit.

Ms. Sheri Woody and Mr. Richard Woody spoke in favor of the variance request and answered questions from the board.

Board Member Michael Cochran made a motion to approve the variance with an 18-month time limitation. 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 chairman adjourned the meeting at 4:08 p.m.

Respectfully Submitted

Linda Lee, Planner

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I hereby certify that the above minutes are true, correct and approved this 13<sup>th</sup> day of January, 2020.

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Brandon Bias, Chairman



# Baldwin County Planning & Zoning Department

## County Commission District #2

### Board of Adjustment Staff Report

**Case No. V-200003**  
**Young Owen LLC Property**  
**January 13, 2020**

### Subject Property Information

**Planning District:** 10  
**General Location:** North side of Buzbee Road West of Sibley Creek Road  
**Physical Address:** 32216 Buzbee Road  
**PID:** 05-32-05-16-0-000-015.000  
**Zoning:** RSF-2, Single Family District  
**Acreage:** 2.04 ± acres  
**Applicant:** Young Owen LLC  
PO Box 7664  
Spanish Fort, AL 36577  
**Owner:** Young Owen LLC  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant	RSF-2, Single Family District
South	Residential	RSF-2, Single Family District
East	Residential	RSF-2, Single Family District
West	Residential	RSF-2, Single Family District

### Summary and Recommendation

The applicant is requesting a variance from the minimum lot width for proposed parcel A2 and a variance from the west side (corner) setback for proposed parcel B1 to allow for a proposed subdivision of land. Staff recommends that Case V-200003, Young Owen LLC Property variance requests be **DENIED** based on the applicant has not submitted any information supporting a hardship on the land.

### Variance Request

The applicant is requesting a variance from the minimum lot width for proposed parcel A2 and a variance from the west side (corner) setback for proposed parcel B1 to allow for a proposed subdivision of land.

### **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:

- (a) Through lots shall provide the required front yard on each street.
- (b) Decks and unroofed porches may project into a required front yard for a distance not to exceed 5-feet and a required rear yard not to exceed 10-feet.
- (c) Uncovered steps and handicap ramps may project into a required front, or side yard for a distance not to exceed 5-feet and a rear yard not to exceed 10-feet.
- (d) On a corner lot, the side yard from the side lot line which abuts a street shall be a minimum of 20-feet.
- (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.
- (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.**

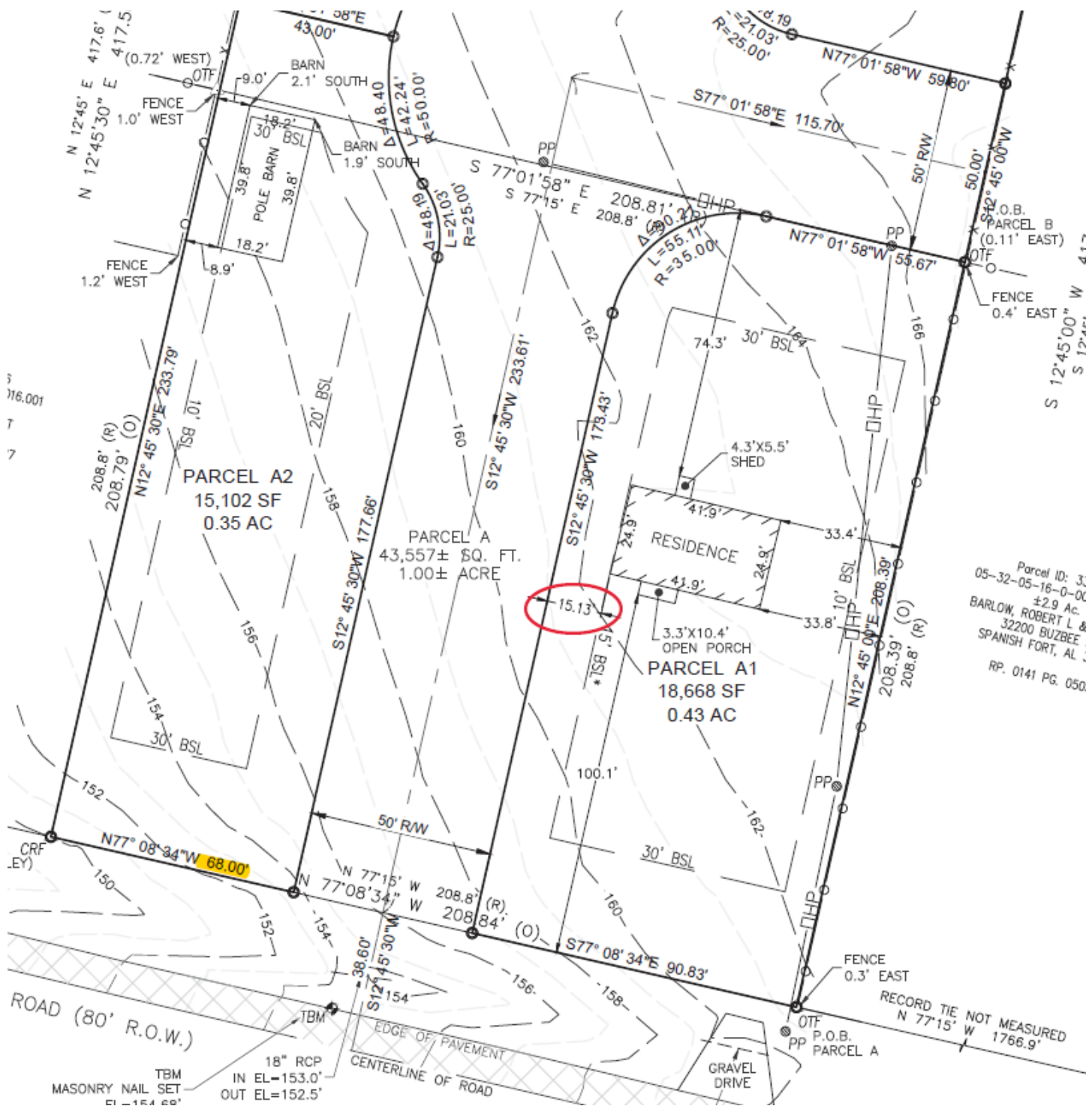
The subject property consists of approximately 87,237 square feet and is occupied with a single-family dwelling and accessory structure. The property dimensions are approximately 208.8'x417.8' which exceeds the minimum lot width requirement for property zoned RSF-2. The property adjoins Buzbee Road to the south. The adjoining properties are residential. Planning District 10 Zoning Map and Ordinance was adopted by the County Commission on May 15, 2007. There has been no change to the shape of the property since zoning was adopted.

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

There are no exceptional topographic conditions on 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 the property is established with the existing single-family dwelling. The applicant is requesting to subdivide the property into four parcels. Due to the road requirements of the Subdivision Regulations, two of the proposed parcels would not meet zoning requirements.



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 effects from the proposed subdivision.

5.) Other matters which may be appropriate.

Subdivision regulations requires the installation of a 50-foot right of way.

As stated previously, applicant is requesting a variance from the minimum lot width for proposed parcel A2 and a variance from the west side (corner) setback for proposed parcel B1 to allow for a proposed subdivision of land.

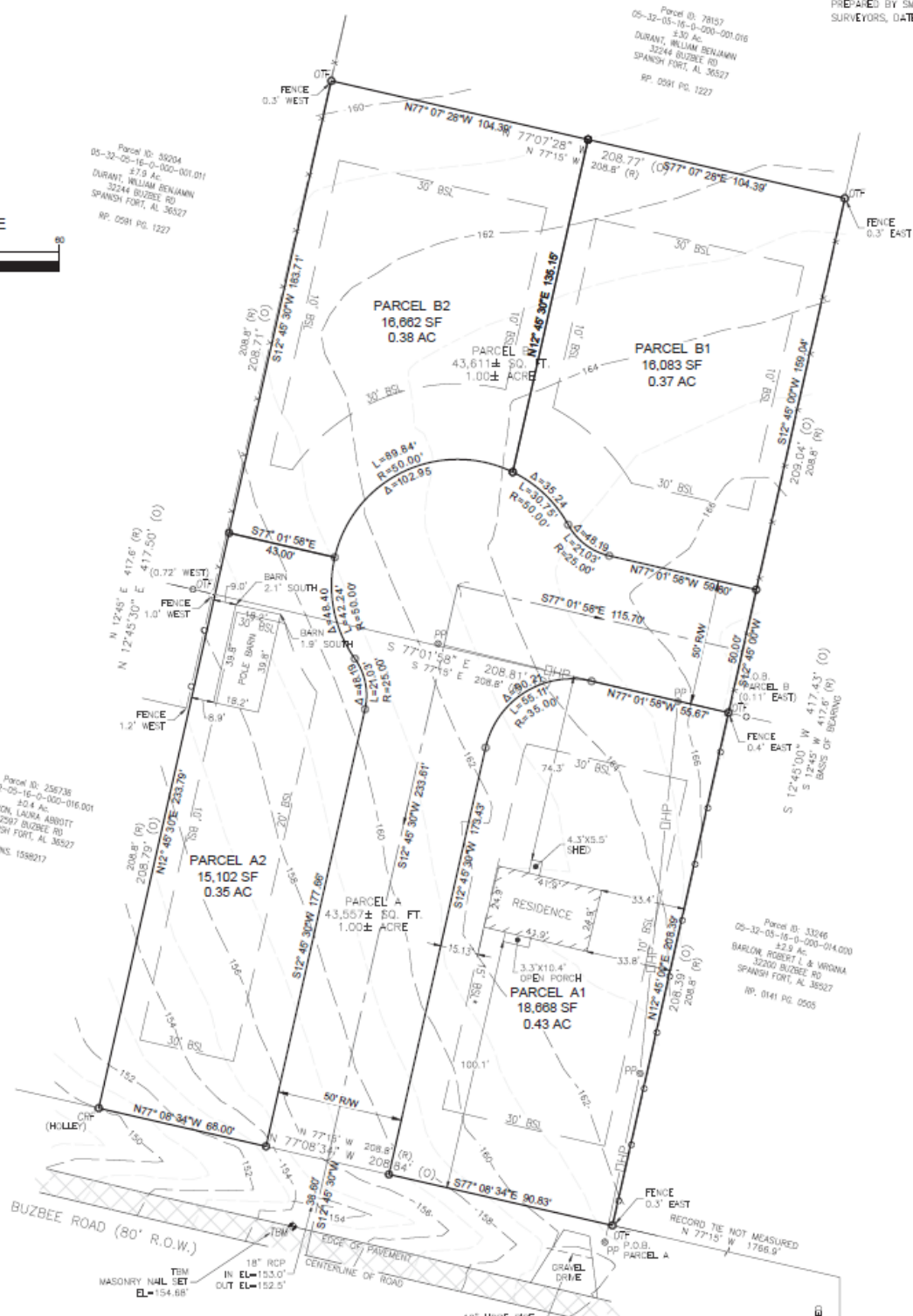
Staff recommends that Case V-200003, Young Owen LLC Property be **DENIED** based on the applicant has not submitted any information supporting a hardship on the land.

**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.

NOTES:  
1. REFERENCE BOUNDARY & TOPOGRAPHIC SURVEY  
PREPARED BY SMITH CLARK & ASSOCIATES LAND  
SURVEYORS, DATED 11-01-2019











**ADJOINING PROPERTY  
TO THE WEST**

**12/27/2019**

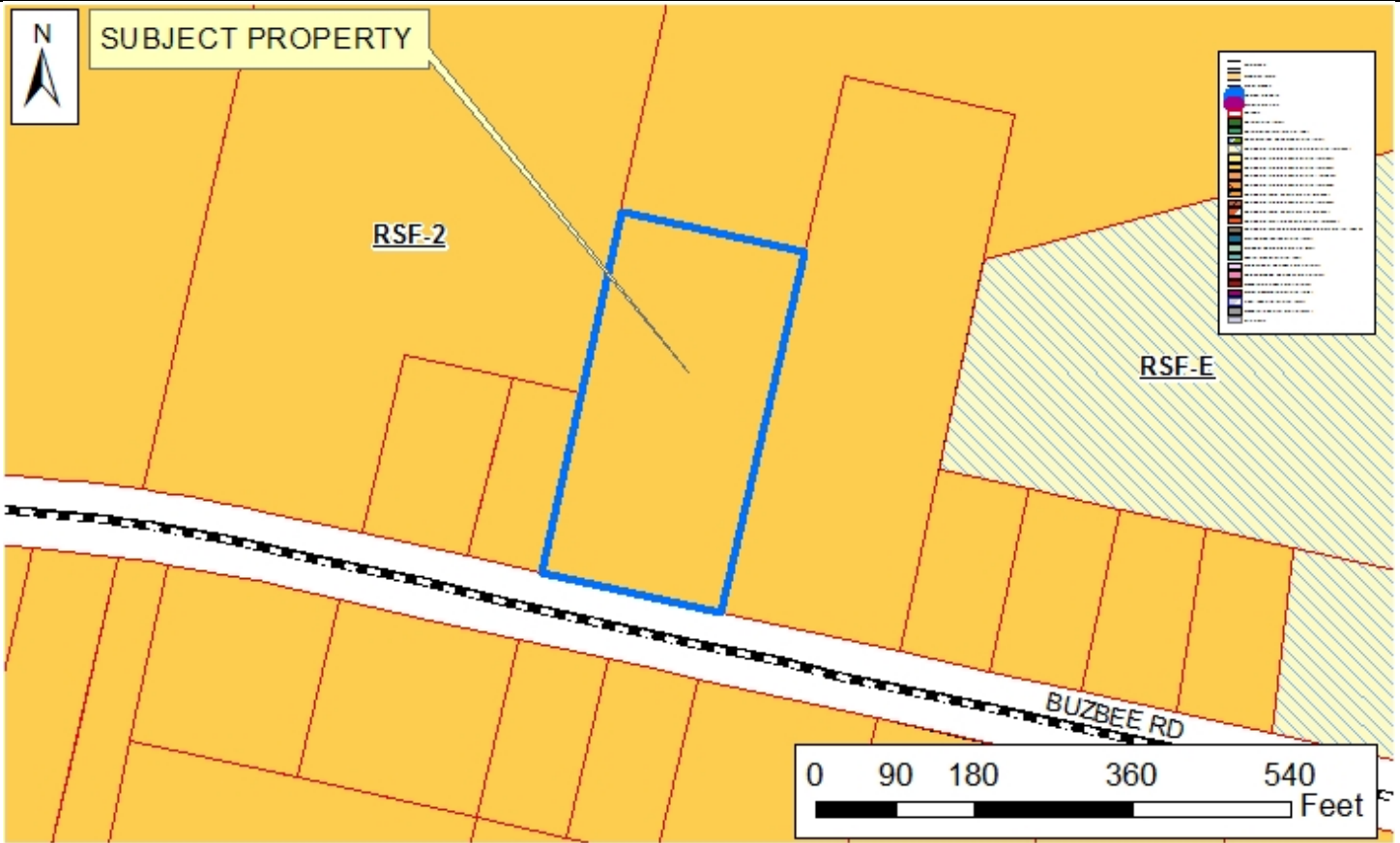


**ADJOINING PROPERTY  
TO THE EAST**

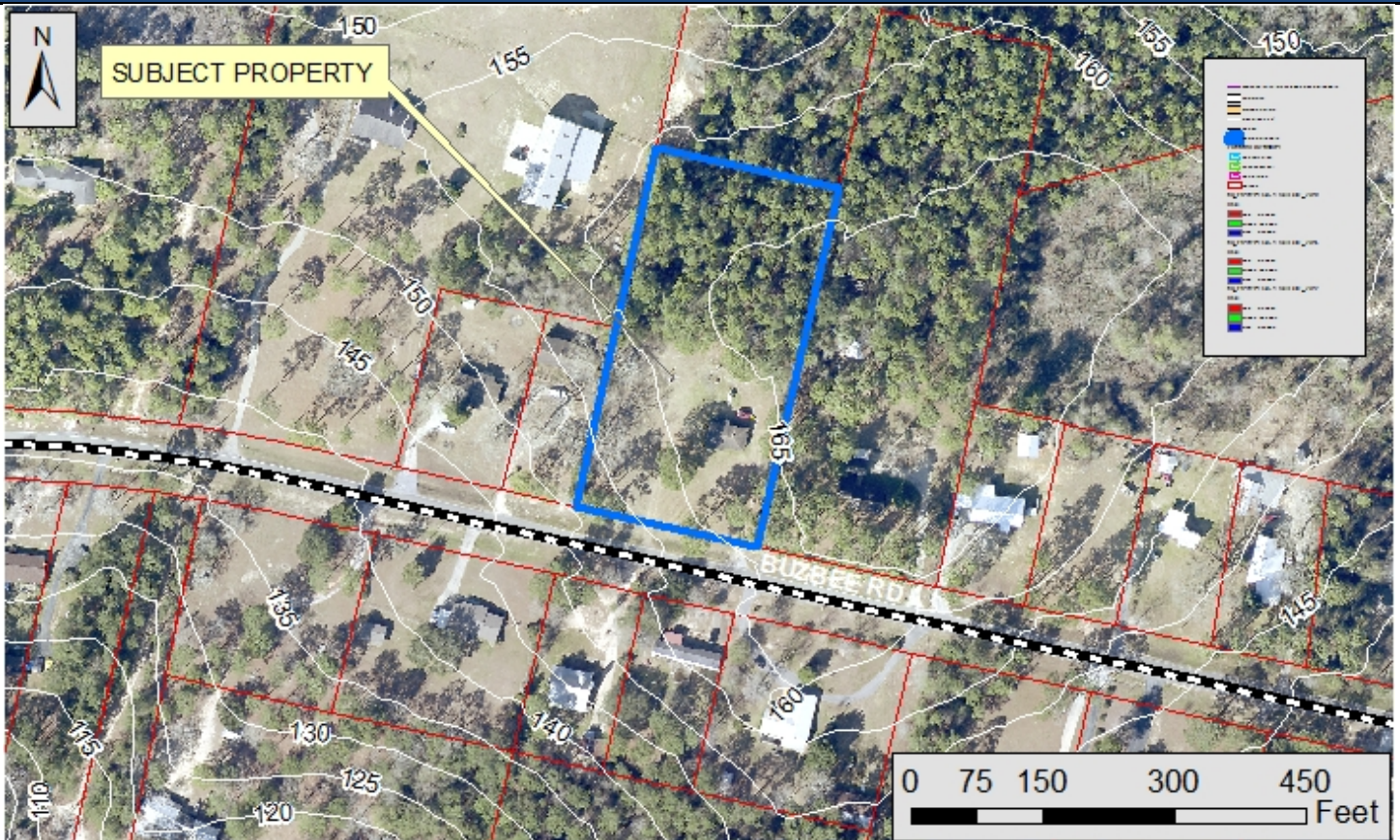
**12/27/2019**



## Locator Map



## Site Map





**DIVERGENT ENGINEERING**  
CONSULTING CIVIL ENGINEERS

December 24, 2018

Linda Lee, Planner  
Baldwin County Planning & Zoning Department  
201 East Section Avenue  
Foley, AL 36532

Re: Variance Request – Young-Owen, LLC: Proposed Minor Subdivision of Parcel A and B  
Located at 23316 Buzbee Road, Spanish Fort, AL 36577  
Parcel ID No. 05-32-05-16-0-000-015.000 (PPIN #33246)

Ms. Lee,

Young-Owen LLC is the owner of the above referenced properties is proposing to subdivide the two 1-acre parcels totaling 2-acres into (4) four parcels. The properties are within the Baldwin County zoning district with a use classification of RSF-2, Single Family District. The properties currently are currently recorded and described as Parcels A and B in the Office of the Judge of Probate within Quitclaim Deed Recorded as Instrument Number 1686471. Attached is a recent Boundary and Topographic Survey and copy of the aforementioned Record Instrument for reference. There is no desire to change the zoning classification and use of the properties from RSF-2.

The project proposed desires to subdivide the properties into 4-parcels for the purpose of building 3-additional single-family residential homes on each of the 3-parcels created as depicted on the attached Preliminary Plat/Site Plan attached with this letter. The parcels are labeled as Parcels A1, A2, B1, and B2 respectively. Parcel A1 will incorporate the current residence of the Owner which he intends to retain as his residence. Parcels A2, B1, and B2 are planned to construct new homes which the current owner will retain ownership of and provide as long-term rental housing. The maintenance responsibilities for these facilities, when established will be managed and maintained by the current owner of the properties.

The owner desires to make requests for consideration of the Baldwin County Planning and Zoning Board of Adjustments of Variance Request to be allowed. The first request is in regards to Parcel A1 to allow for a reduction in the side yard setback requirement for a double frontage lot to be reduced from 20' to 15' and Second, as relates to Parcel A2 to allow for the proposed 68' wide lot which is less than the minimum 80' wide requirement of the Baldwin County Zoning Ordinances. However, with the layout attempting to maximizing the width of Parcel A2 to be as wide as possible it will be wider than the minimum lot width of 60' wide as required of the Subdivision Regulations.

Therefore, due to the existing home location and the minimum right-of-way width required to provide for access and 911 addressing to Parcels A2, B1 and B2, these variance requests would like to be considered for approval.

Sincerely,



T. Baker Davis, PE

Civil Engineer  
(251) 747-7859  
[bakerd@divgeng.com](mailto:bakerd@divgeng.com)

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