

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

**AGENDA**

**February 10, 2020**

**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 (January 13, 2020)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. V-200004 Laurence Property**

*Request:* Approval of a variance from sections 13.8.2(c) and 15.3.9(a)3 of the Baldwin County Zoning Ordinance as they pertain to occupancy of a recreational vehicle to allow owners to live in an RV while new dwelling is constructed

*Location:* The subject property is located at 10813 County Road 1 in Planning District 26

*Attachments:* Within Report

6. Old Business
7. New Business
8. Adjournment

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

**January 13, 2020**

**Regular Meeting Minutes**

**Central Annex**

**Conference Room**

The Board of Adjustment for Baldwin County Commission District 2 met in a regular session on January 13, 2020 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 member present was Linda Lee, Planner.

**Election of Officers for 2020**

The first order of business was election of officers for 2020. The floor was opened for nominations. Mr. Cochran nominated Brandon Bias for chairman. The motion was seconded by Ms. Hope and carried unanimously. Mr. Pierce nominated Michael Cochran for vice-chairman. The motion was seconded by Ms. Hope and carried unanimously.

**Approval of Previous Meeting Minutes**

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

**V-200003, Young Owen LLC Property**

Mrs. Lee presented the applicant's request for a variance from the minimum lot width for proposed parcel A2 and a variance from the west side (corner) setback for proposed parcel A1 to allow for a proposed subdivision of land.

Staff recommended that the variance be denied based on the applicant had not submitted any information supporting a hardship on the land.

Walter Killingsworth and Baker Davis spoke in favor of the variance requests and answered questions from the board.

Randall Vinson and Robert McCafferty spoke in opposition to the variance request.

Board Member Michael Cochran made a motion to deny the variance request. 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 4:25 p.m.

Respectfully Submitted

Linda Lee, Planner

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I hereby certify that the above minutes are true, correct and approved this 10<sup>th</sup> day of February 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-200004**

**Laurence Property**

**February 10, 2020**

### Subject Property Information

**Planning District:** 26  
**General Location:** South side of County Road 1 west of Mary Ann Beach Road  
**Physical Address:** 10813 County Road 1  
**PID:** 05-59-02-03-0-000-037.000  
**Zoning:** RSF-2, Single Family District  
**Acreage:** 0.68 ± acres  
**Applicant:** William and Amanda Laurence  
10813 County Road 1  
Fairhope, AL 36532  
**Owner:** William and Amanda Laurence  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2, Single Family District
South	Mobile Bay	N/A
East	Residential	RSF-2, Single Family District
West	Residential	RSF-2, Single Family District

### Summary and Recommendation

The applicant is requesting a variance from sections 13.8.2(c) and 15.3.9(a)3 of the Baldwin County Zoning Ordinance to allow for the occupancy of a Recreational Vehicle while a dwelling is being constructed. Staff recommends that Case V-200004, Laurence Property variance request 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 sections 13.8.2(c) and 15.3.9(a)3 of the Baldwin County Zoning Ordinance to allow for the occupancy of a Recreational Vehicle while a dwelling is being constructed.

### **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 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*.

### 15.3.9 *Storage and parking of trailers and commercial vehicles.*

(a) Recreational vehicles, trailers and commercial vehicles shall not be parked or stored on any lot in any residential district except in accordance with the following requirements:

- 1. No more than one commercial vehicle per dwelling shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
- 2. Recreational vehicles, trailers and commercial vehicles may not be parked within a required front or side yard.
- 3. Recreational vehicles shall not be occupied either temporarily or permanently while parked or stored in any residential district except as provided by *Section 12.2.2: Temporary Structures*.
- 4. A recreational vehicle, trailers or commercial vehicle may not be located on a lot in any residential district by itself.

(b) Junked vehicles or automotive vehicles without current license plates shall not be parked or stored in any residential district other than in completely enclosed buildings.

12.2.2 A recreational vehicle may be occupied as living quarters on a temporary basis for up to 18 months pending the repair or rebuilding of a **primary dwelling** following any disaster which may render the **primary dwelling** uninhabitable. A recreational vehicle, when used as temporary living quarters, may only be occupied by the owner/occupant of the primary dwelling being repaired or rebuilt, and must be located on the same parcel with the subject primary dwelling. In addition, the recreational vehicle must meet the location and setback requirements specified for accessory structures in residential districts (See *Section 13.1.2 (a)*). An approved land use certificate (See *Section 18.2*) shall be obtained from the Planning and Zoning Department, prior to the use of a recreational vehicle as temporary living quarters in order to ensure compliance with these ordinances.

### 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 30,000 square feet and is occupied with a recreational vehicle. The property dimensions are approximately 100'x300' which exceeds the minimum lot width and area requirements for property zoned RSF-2. The property adjoins County Road 1 to the north. The adjoining properties are residential. Planning District 26 Zoning Map and Ordinance was adopted by the County Commission on June 9, 1992. 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 property is zoned for a single-family dwelling. The applicant is proposing to reside in a recreational vehicle while a new single-family dwelling is being constructed.

**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.**

The applicant purchased this property in June 2017. According to records of the Revenue Commission Office, this property became the applicant's homestead (primary residence) in June 2019.

A Land Use Certificate was issued to demolish the existing dwelling on December 10, 2019. Said structure has been demolished. The applicant has the option of renting a space in a Recreational Vehicle Park or possibly renting a house nearby while the new dwelling is being constructed.

The proposed variance is a 'use' variance. **Baldwin County statute does not allow for a use variance.**



## Section 18.6 Variances

18.6.1 *Authorization.* The Board of Adjustment shall authorize upon application in specific cases such variance from the terms of these zoning ordinances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these zoning ordinances will result in unnecessary hardship and so that the spirit of these zoning ordinances shall be observed and substantial justice done; provided, however, that the foregoing provisions shall not authorize the Board of Adjustment to approve a use or structure in a zoning district restricted against such use or structure.

### Information Submitted By Applicant

**From:** [William Laurence](#)  
**To:** [Linda Lee](#)  
**Subject:** RE: Variance Site Plan  
**Date:** Friday, January 31, 2020 3:41:50 PM  
**Attachments:** [image005.png](#)

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Linda,  
Sorry to get back to you so late.

We bought the house in the summer of 2017. We believe the home was about 60 years old at the time of purchase.

Tropical storm Gordon hit around September 4<sup>th</sup>, 2018 and caused some significant damage to the undercarriage of the home. During that storm several of the girders supporting the house to the pile did partially pull away from the pile at the connections. We did our best to pull the girder/pile connections back together, but we were only slightly successful. We found that it was very difficult to pull the girders back to the pile because they were still loaded (carrying the house) and the connection hardware had deformed during the storm. We added new fasteners, but we did not come close to returning the connection to its original load carrying capacity. The work that would have been required to properly correct the damage would not have made commercial sense due to the age of the structure.

I am a professional engineer that works primarily on special structures. In my opinion, the house would have been extremely lucky to survive another storm.

However,

Regards,

William Laurence - PE/MBA

Laurence and Associates, LLC  
918 Government Street  
Mobile, Alabama 36604

Mobile: (251)554-7652  
Email: [williaml@la-llc.com](mailto:williaml@la-llc.com)

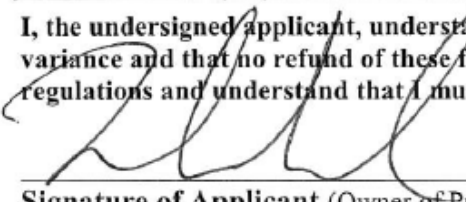
**The purpose of this Variance is to allow:**

For the installation of a recreational vehicle on the subject property for a period of about 12 months for use as a temporary living quarters for the lot owners while their primary residence is reconstructed. The existing primary residence has sustained damage that is not repairable requiring its reconstruction.

**What are the conditions which prevent you from using this property in accordance with its current zoning classification?**

The existing primary residence has sustained damage from multiple storms that is not repairable requiring its reconstruction. Additionally, the residence has deteriorated due to lack of maintenance by the previous owners which has complicated attempts to make repairs. While the residence is reconstructed the owner requires a place to live and proposes to do so in the recreational vehicle.

**I, the undersigned applicant, understands that payment of these fees does not entitle me to approval of this variance and that no refund of these fees will be made. I have reviewed a copy of the applicable zoning regulations and understand that I must be present on the date of the meeting.**

  
Signature of Applicant (Owner of Property or Official Representative of Owner)

  
Date

**Staff Comments and Recommendation**

As stated previously, the applicant is requesting a variance from sections 13.8.2(c) and 15.3.9(a)3 of the Baldwin County Zoning Ordinance to allow for the occupancy of a Recreational Vehicle while a dwelling is being constructed.

Staff recommends that Case V-200004, Laurence Property variance request be **DENIED** based on the applicant has not submitted any information supporting a hardship on the land.

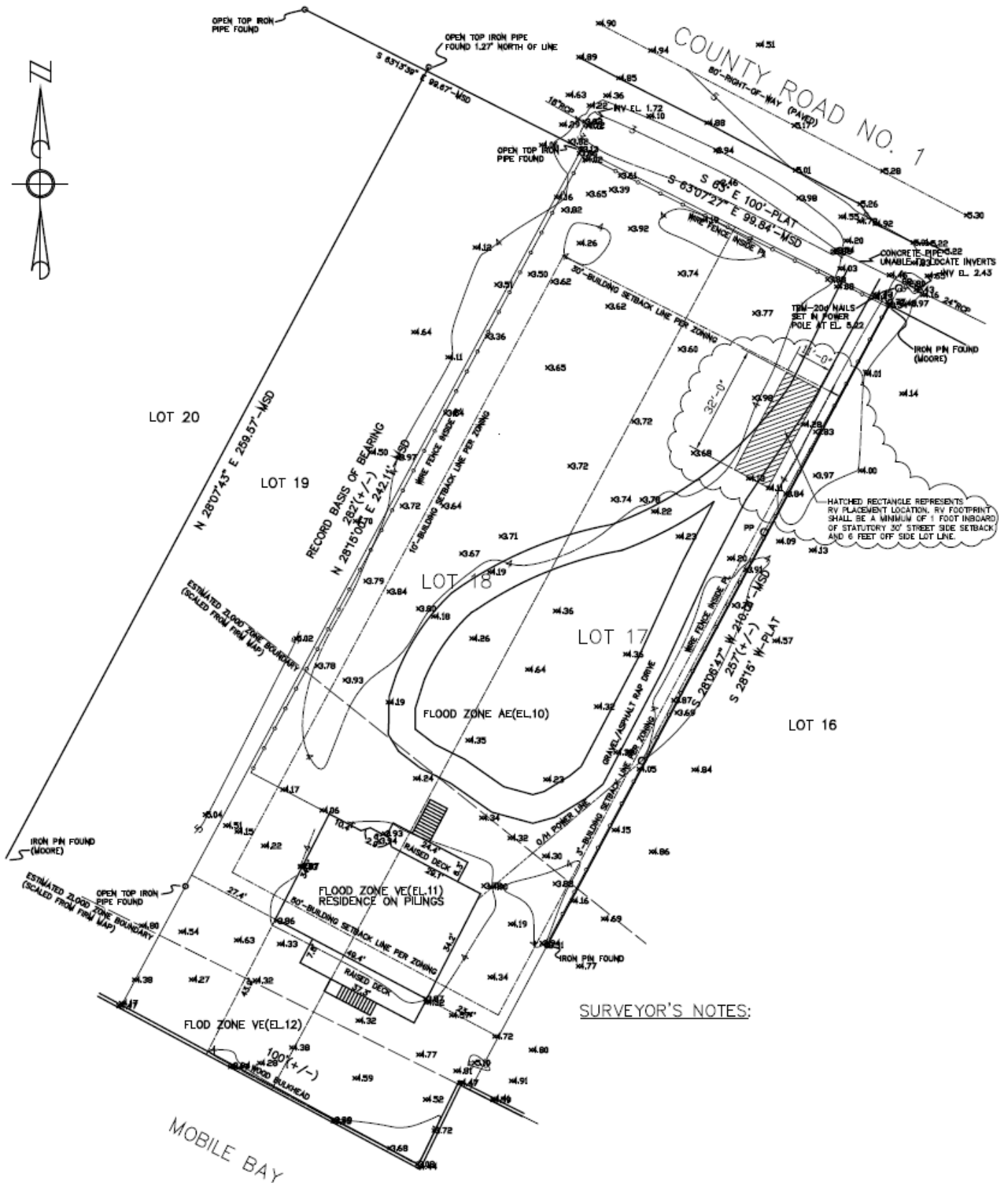
**GENERAL NOTES {By-laws}**

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.



# Site Plan Submitted for RV









**SUBJECT PROPERTY**

01/27/2020



**ADJOINING PROPERTY  
TO THE WEST**

01/27/2020



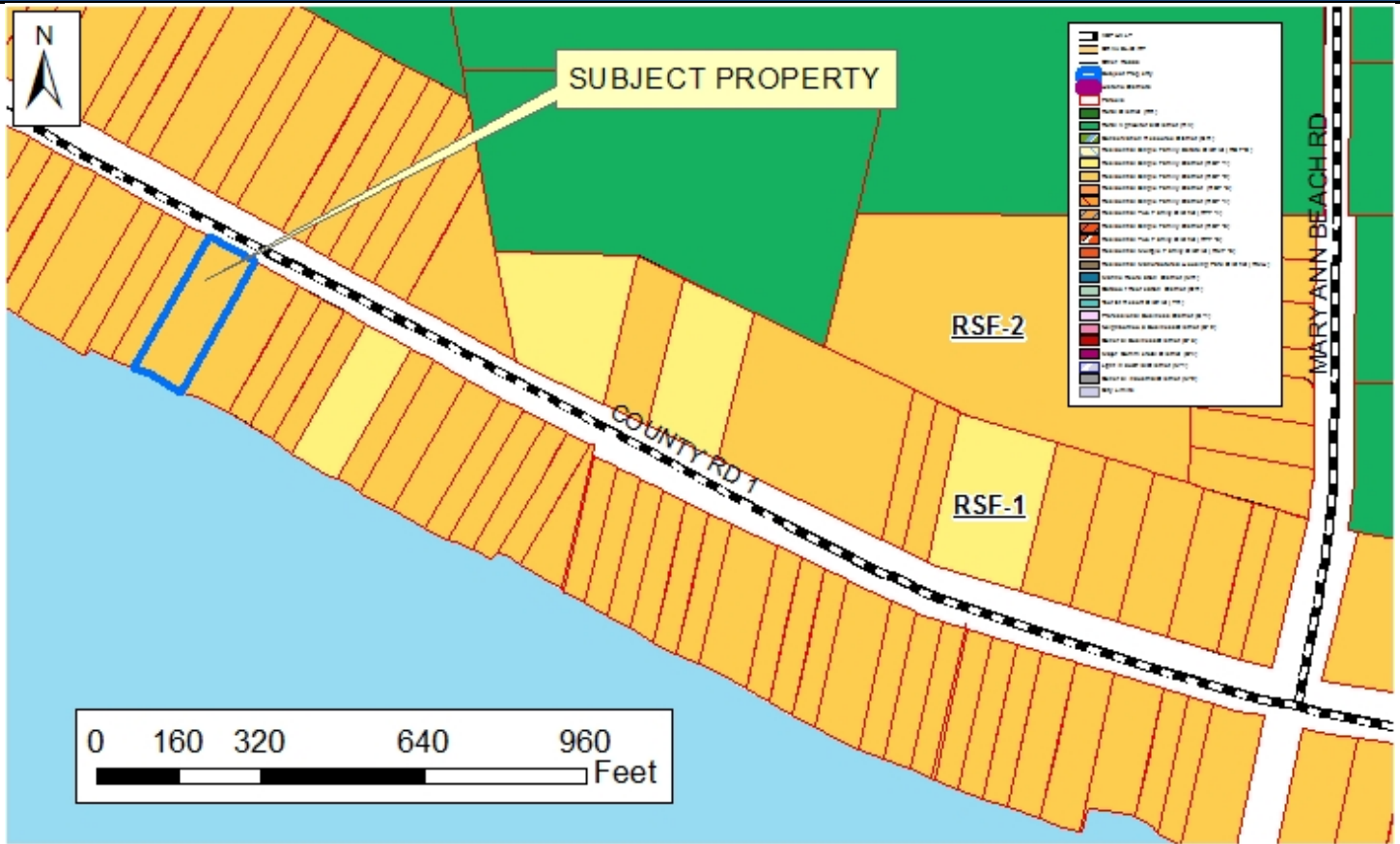


**2011 Google Earth Imagery**





## Locator Map



## Site Map





## Letters in Support of Variance Request

January 24, 2020

Baldwin County Commission  
Planning and Zoning Department  
22251 Palmer Street  
Robertsdale, AL 36567

Subject: Laurence Residence Reconstruction – RV Installation Variance  
10813 County Road 1, Fairhope AL 36532  
Parcel ID 05-59-02-03-0-000-037.000

Attention: Vince Jackson – Planning Director

Mr. Jackson,

We understand that Amanda and William Laurence intend to utilize an RV on their property as a primary residence on a temporary basis until their home has been reconstructed and have requested a variance to current zoning ordinances that may disallow such use of an RV. Furthermore, we understand that the reconstruction work may take around (12) months to complete.

We have been advised that your office is interested in our opinion of their variance request. For your information, we take no exception to their use of an RV for their primary residence during the reconstruction of their home.

Sincerely,

*Aimee Christen*  
10805 County Rd 1  
Fairhope, AL 36532  
251-377-4688

January 24, 2020

Baldwin County Commission  
Planning and Zoning Department  
22251 Palmer Street  
Robertsdale, AL 36567

Subject: Laurence Residence Reconstruction – RV Installation Variance  
10813 County Road 1, Fairhope AL 36532  
Parcel ID 05-59-02-03-0-000-037.000

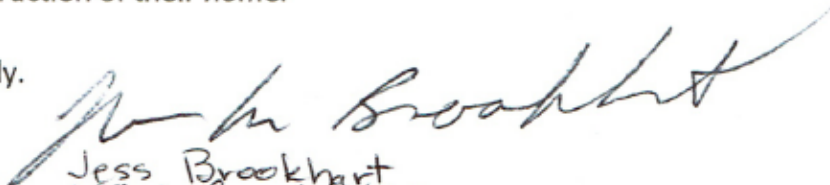
Attention: Vince Jackson – Planning Director

Mr. Jackson,

We understand that Amanda and William Laurence intend to utilize an RV on their property as a primary residence on a temporary basis until their home has been reconstructed and have requested a variance to current zoning ordinances that may disallow such use of an RV. Furthermore, we understand that the reconstruction work may take around (12) months to complete.

We have been advised that your office is interested in our opinion of their variance request. For your information, we take no exception to their use of an RV for their primary residence during the reconstruction of their home.

Sincerely,

  
Jess Brookhart  
10814 County Rd 1  
Fairhope, AL 36532  
251-979-4854

Baldwin County Commission  
Planning and Zoning Department  
22251 Palmer Street  
Robertsdale, AL 36567

Subject: Laurence Residence Reconstruction – RV Installation Variance  
10813 County Road 1, Fairhope AL 36532  
Parcel ID 05-59-02-03-0-000-037.000

Attention: Vince Jackson – Planning Director

Mr. Jackson,

We understand that Amanda and William Laurence intend to utilize an RV on their property as a primary residence on a temporary basis until their home has been reconstructed and have requested a variance to current zoning ordinances that may disallow such use of an RV. Furthermore, we understand that the reconstruction work may take around (12) months to complete.

We have been advised that your office is interested in our opinion of their variance request. For your information, we take no exception to their use of an RV for their primary residence during the reconstruction of their home.

Sincerely,

*Mr. & Mrs. Jonathan P. Kuttrell*  
*10828 County Rd. 1*  
*FAIRHOPE, AL 36532*  
*251-554-7532*