

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

AGENDA

February 13, 2020

Regular Meeting 3:30 p.m.

Baldwin County Satellite Courthouse

Large Meeting Hall

201 East Section Avenue

Foley, Alabama

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

ITEMS:

a.) Case No. SE-20001, McBrien Property

Request: Approval of a special exception to allow for an enclosed RV and Boat Storage Facility

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

Attachments: *Within Report*

b.) Case No. V-200005, Seaman Capital LLC Property

Request: Approval of a variance from the number of off street parking spaces required to allow for the construction of a retail store

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

Attachments: *Within Report*

6. Old Business
7. New Business
8. Adjournment

Baldwin County Commission District 4, Board of Adjustment
January 9, 2020
Regular Meeting Minutes
Foley Satellite Courthouse
Large Meeting Room

The Board of Adjustment for Baldwin County Commission District 4 met in a regular session on January 9, 2020 at 3:30 p.m., in the Baldwin County Foley Satellite Courthouse Large Meeting Room. Chairman, Stuart Arnold called the meeting to order. Members present included: James Koeppen, Jack Danley, Robert Broseus, Ernie Church, Harold Stephens and Johanna Moloney. Staff member present was Linda Lee, Planner.

The first order of business was approval of the minutes from the December 12, 2019 meeting. Mr. Koeppen made a motion to approve the meeting minutes. The motion received a second from Mr. Church and carried unanimously.

Election of Officers

The next order of business was election of officers for 2020. The floor was opened for nominations. Mr. Arnold was nominated for chairman by Mr. Church with a second from Ms. Moloney. There were no other nominations for chairman. The motion for chairman carried unanimously. Mr. Church was nominated for Vice Chairman by Ms. Moloney with a second from Mr. Broseus. There were no other nominations for vice chairman. The motion for vice-chairman carried unanimously.

V-20001 Property Owners Association of Ono Island Property

Mrs. Lee presented the applicant's request for approval of a variance from the east side yard setback and rear yard setback requirements to allow for an addition to the southeast side of the existing fire station. The purpose of the addition is to allow housing for a third fireman per Orange Beach request. Staff recommended approval of the variance request.

There was no one in attendance to speak for or against this request.

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

V-20002 Sedrak Property

Mrs. Lee presented the applicant's request for approval of a variance from the maximum height of a single-family structure being limited to two (2) habitable stories in planning district 25. The purpose of the variance request was to allow for the construction of a single-family dwelling with three (3) habitable stories.

The Fort Morgan Advisory committee recommended denial of the request. The board received five letters in opposition to this request.

Staff recommended denial of the variance request due to the applicant had not submitted any information supporting a hardship on the land. Staff answered questions from the board.

Mr. Kris Anderson, attorney for the property owner, spoke in favor of the variance request. Mr. Anderson stated that Mr. Sedrak purchased the property and spent a substantial amount of money on plans and engineering in reasonable reliance on the zoning ordinances as they existed prior to September of this pass year when they were changed relative to the story ordinance. Mr. Anderson stated that Alabama law does provide for vested rights. He requested that the board allow Mr. Sedrak to do what he had already started.

He referenced section 18.6(c) as it pertains to preservation of a property right. Per Mr. Anderson, his client had already spent a lot of money because he bought this property for a residence on the gulf and when you spend a lot of money on a lot that's gulf front you want to get your money's worth and that's what he planned to do. His client does have vested property rights and they are requesting that he can complete that. He stated that all the county has submitted relevant to this concern is about fire safety. He referenced section 18.6(d) and stated in the record before the board there is only one objection stated to this. He stated that there was no argument that light or air was affected. He expressed that someone stated their view was going to be affected, however a view isn't protected under Alabama law. In reference to the concern of the volunteer fire department that they do not have a ladder that could reach a third story, his client authorized him to make an offer that as a condition to the granting of the variance request, his client would agree to install commercial grade sprinklers or a fire escape to resolve this fire concern. He stated that per the ordinance his client could still build thirty-five feet high and that's exactly what he intends to do if this variance is not granted. He won't put a third habitable story up there, he'll just put a third story up there and at some point in the future when the law changes again he will add what he wanted to do in the first place. But, if the board approves this variance today, allow his client to finish what he started, he will go above and beyond to make this the safest single-family residence out there by doing one of those two things. Mr. Anderson answered questions from the chairman pertaining to his client building four stories. He stated that his client would not violate the law by adding a third habitable story. He will build what he's authorized to do under the law and then pursue appropriate damages in another form. He went on to answer a question from a board member pertaining to the height. He stated the height would be thirty-five feet.

Ms. Linda Willingham spoke in opposition to the variance request. She expressed concerns related to parking issues.

Mrs. Lee stated that in response to Mr. Anderson's comments on the granting of the application is necessary for the preservation of a property right, no one is denying the owner the right to build a dwelling on the property. Limiting the number of stories does not negate his right to a single-family dwelling or a two-family dwelling. As to the safety issue, those would be great, however, none of that supports a hardship on the land. What is wrong with that land, that you cannot build and meet the zoning ordinance? Their desire to get value for what they spent is not a hardship on the land.

Following a short discussion, Mr. Church made a motion to deny the variance request. The motion received a second from Ms. Moloney and carried unanimously.

Adjournment

There being no further business to come before the board the meeting was adjourned at 4:05 p.m.

Respectfully Submitted,

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2020.

Stuart Arnold, Chairman



Baldwin County Planning & Zoning Department

County Commission District #4

Board of Adjustment Staff Report

Case No. SE-20001

McBrien Property

Approve Special Exception for Enclosed RV and Boat Storage Facility

February 13, 2020

Subject Property Information

Planning District: 22
General Location: US Hwy 98 west of County Road 91
Physical Address: US Highway 98
Parcel Number: 05-52-04-20-0-000-011.000
Zoning: RA, Rural Agricultural District
Request: Special Exception approval to allow for a totally enclosed 50'x96' RV and Boat Storage Facility.
Applicant: Curtis M. Locklin
30690 Ono North Loop W
Orange Beach, AL 36561
Owner: Ralph M. McBrien Revocable Trust
71 Clairview Road
Grosse Pointe Shores, MI 48236
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural and Residential	RA, Rural Agricultural District
South	Agricultural	RA, Rural Agricultural District
East	Agricultural	RA, Rural Agricultural District
West	Agricultural	RA, Rural Agricultural District

Summary and Discussion

The applicant has requested Special Exception approval to allow for a totally enclosed 50'x96' RV and Boat Storage Facility. The proposed use is analogous to a mini warehouse which may be allowed under the RA zoning designation with Special Exception approval.

Current Zoning Requirements

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*) and mini-warehouses (see *Section 13.14: Mini-Warehouses*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

3.2.4 Conditional uses. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

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

3.2.5 Area and dimensional ordinances. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 Area and dimensional modifications. Within the RA district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related

family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

Staff Analysis and Findings

As stated above, the applicant has requested Special Exception approval to allow for a totally enclosed 50'x96' RV and Boat Storage Facility.

The subject property, which consists of approximately 9.9 acres is zoned RA, Rural Agricultural District. A mini warehouse may be allowed under the RA designation, subject to Special Exception approval by the Board of Adjustment. According to information submitted by the applicant the RV and Boat Storage Facility will consist of six (6) stalls, 16'x50' each.

In determining whether or not to grant approval, the Board should evaluate the proposal according to the mini warehouse standards which are set out in Section 13.14 of the *Baldwin County Zoning Ordinance*. The relevant requirements from the section are listed as follows:

Section 13.14 Mini-Warehouses

13.14.1 Purpose. The purpose of this section is to establish minimum standards for mini-warehouse facilities.

13.14.2 Procedures and standards.

(a) *Land use certificate required.* All mini-warehouse facilities 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.* Mini-warehouse facilities are permitted as follows:

1. Special Exception – RR, Rural District, and RA, Rural Agricultural District

2. Conditional Use – RMF-6, Multiple Family District, HDR, High Density Residential District, B-1, Professional Business District and B-2, Neighborhood Business District

3. By Right – B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District

(c) *Land area.* The minimum land area of a mini-warehouse facility shall be three (3) acres.

(d) *Coverage.* Building coverage shall not exceed forty (40) percent of the total lot area.

(e) *Access.*

1. No mini-warehouse facility shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.

2. All storage spaces shall be served by an access driveway of 11-feet minimum width for each direction of travel. Access drives shall be improved with a suitable hard

surface permanent type of pavement such as asphalt, concrete, gravel, limestone or another similar surface.

(f) *Buffering.* In the event a mini-warehouse facility is located adjacent to residentially developed or zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier.

(g) *Design and other requirements.*

1. *Facades.* Facades which are visible from a public right-of-way shall be constructed of masonry, wood or other materials which will present a pleasing appearance and which will be compatible with the surrounding area.
2. *Fencing.* The entire site of a mini-warehouse facility shall be enclosed by security fencing. The minimum height for fencing, along the side and rear property lines, shall be eight (8) feet, for fencing constructed to the exterior of required buffers, or six (6) feet for fencing constructed to the interior of required buffers. Fencing shall be composed of materials designed for such use including masonry, iron, steel, chain link (painted or vinyl coated only), wood or a combination thereof. Fencing along the front of a mini-warehouse facility may be decorative in nature and may be built to a minimum height of four (4) feet.
3. *Lighting.* The maximum height of exterior lights shall be 20-feet. Light fixtures shall be designed to cast light downward. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.
4. *Compartments.* Each storage compartment shall have an independent entrance under the exclusive control of the tenant. The use of storage compartments shall be limited to the storage of personal property and no other use shall be permitted within such compartments.
5. *Outdoor storage.* Outdoor storage of goods and materials, with the exception of boats, recreational vehicles and trailers, shall be prohibited. Boats, recreational vehicles and trailers may be stored on site only if located in an enclosed building or if fully screened from public view by fences, walls, landscaping or a combination thereof.

Parking and landscaping. Unless otherwise stated herein, all mini-warehouse facilities shall meet the requirements of *Article 15: Parking and Loading Requirements* and *Article 17: Landscaping and Buffers*.

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 subject property is accessible to US Highway 98, and most of the surrounding land is undeveloped. Per the Federal Highway Administration, the functional classification of US Hwy 98 is principal arterial. Arterials provide a high level of mobility and a greater degree of access control. As such, staff anticipates no major impacts to traffic patterns or congestion. The 2013 Master Plan shows a future land use designation of Agricultural.

Agricultural

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

STAFF RECOMMENDATION

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

- Approval shall be for this applicant and at this location only.
- Approval subject to issuance of access permit from ALDOT
- Fencing as required in Section 13.14.2(g) must be installed
- Expansion of the RV and Boat Storage Facility and/or changes to the site plan will necessitate further Special Exception review and approval.

**A majority vote of the members will be necessary to approve this request.*

GENERAL NOTES {By-laws}

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

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

Property Images







ADJOINING PROPERTY
TO THE EAST

01/27/2020

Applicant's Comments

Description of The Purpose of this Special Exception Application

Parcel ID: 52-04-20-0-000-011.000

PPIN: 037889

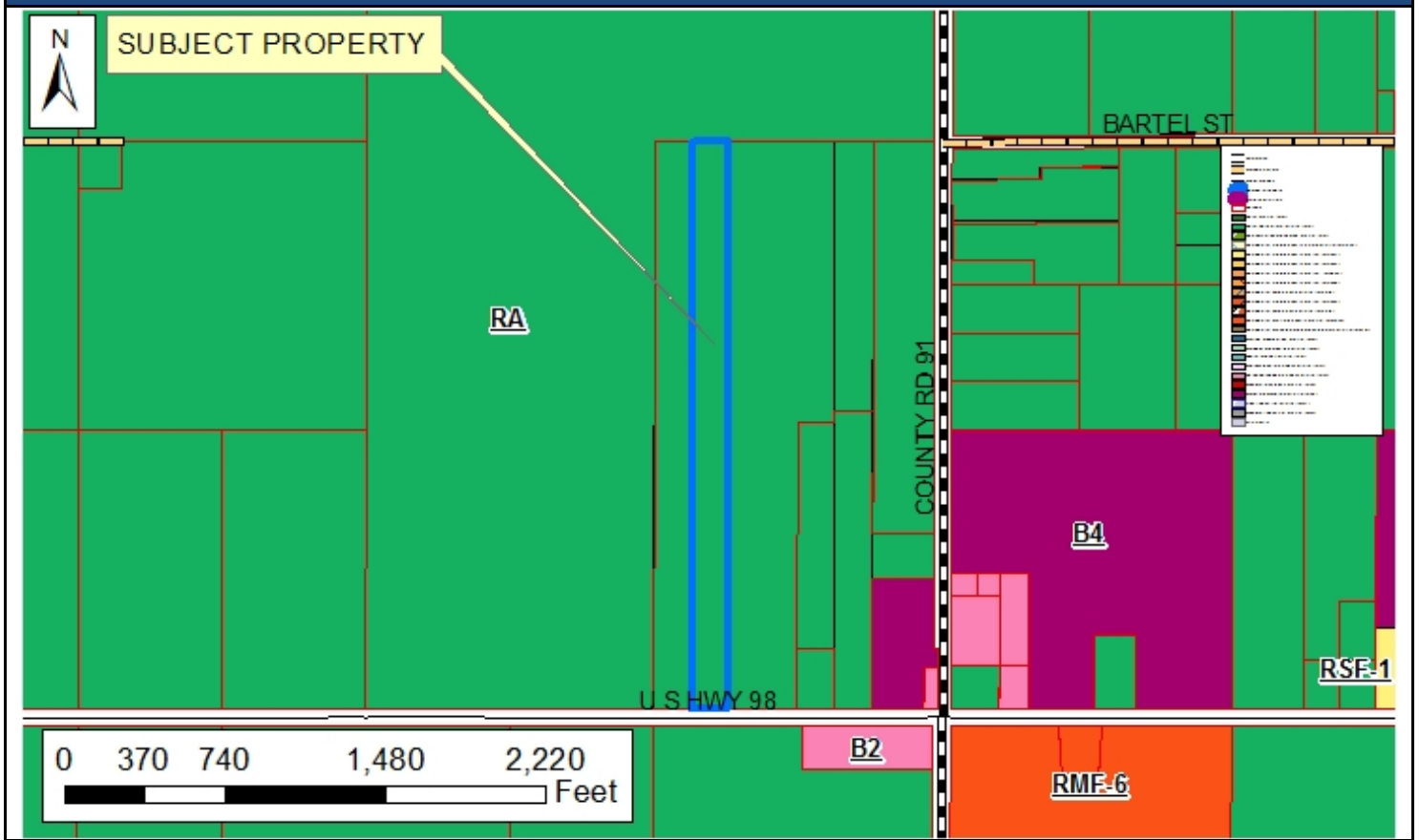
The referenced property is currently Zoned RA, and is flat, cleared, Farm Land. My proposed use of the property will be for Totally Enclosed RV and Boat Storage. In the first phase, I propose to Construct a 50' x 96' metal building. The building will be divided into 6 stalls, 50' x 16' each with a 12' x 14' roll-up door and one walk door. The eve height of the building will be 16'. The entrance drive and turn-around area will all be gravel.

The property WILL NOT be used for outdoor RV and Boat Storage. The site will remain neat and clear of clutter. In other words, it will be first class storage. The storage building or buildings will eventually have a fence around the perimeter.

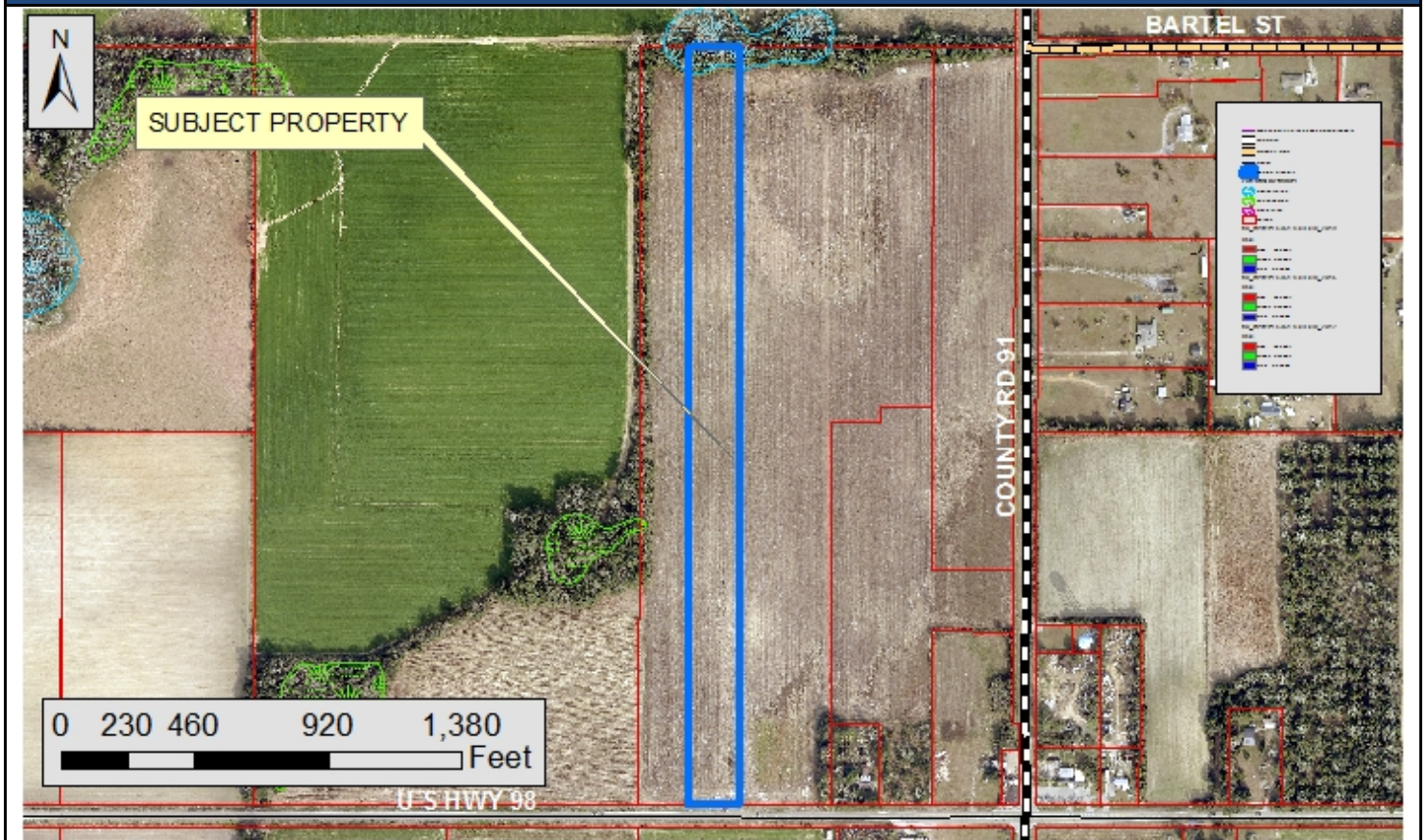
I propose to construct the first building with a 300' set back from Hwy 98. This will allow possible future development directly on Hwy 98 for some possible future venture which would benefit from the direct highway exposure.

If the first phase is successful, I envision constructing another duplicate building.

Locator Map



Site Map – 2018 Aerial Photography



Highway 98

NORTH

Proposed Site Plan
Scale 1" = 20'

Parcel ID: 52-04-20-0-000-011, 000
PIN: 037B9

Special Exception Application By:
Curtis M. Lookin
Phone: (850) 221-9408
Email: clookin@earthlink.net



Baldwin County Planning & Zoning Department

County Commission District #4

Board of Adjustment Staff Report

Agenda Item

Case No. V-200005

Variance From Off-Street Parking Requirements

February 13, 2020

Subject Property Information

Planning District: 22
General Location: Corner of US Highway 98 and County Road 97
Physical Address: N/A
Parcel Number: 05-52-09-30-0-000-010.008
Current Zoning: B-2, Neighborhood Business District
Existing Land Use: Vacant
Requested Variance: Reduction in Off-Street parking requirements from 46 spaces to 30 spaces for a proposed discount/variety store
Acreage: 2.25 acres, more or less of a 6.96 acre tract
Applicant: The Broadway Group, LLC
PO Box 18968
Huntsville, AL 35804
Owner: Seaman Capital LLC
3 Chery Hills
Shoal Creek, AL 35242
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential and Commercial	B3, General Business District RA, Rural Agricultural District
South	Vacant	B2, Neighborhood Business District
East	Agricultural	RA, Rural Agricultural District
West	Vacant	B4, Major Commercial District

Summary and Recommendation

The applicant is requesting a variance from off-street parking requirements in order to reduce the required number of parking spaces from 46 to 30. The applicant is proposing to construct a 9100 square foot retail store.

Staff feels this is a reasonable request and recommends approval of the variance request.

Section 5.2 B-2, Neighborhood Business District

5.2.1 Purpose and intent. The purpose and intent of the B-2 Neighborhood Business District is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit.

5.2.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-2, Neighborhood Business District:

- | | |
|--|--|
| (a) All uses permitted by right under the B-1 zoning designation | (v) Floor covering sales or service |
| (b) Antique store | (w) Florist |
| (c) Apparel and accessory store | (x) Fraternity or sorority house |
| (d) Appliance store including repair | (y) Fruit and produce store |
| (e) Art gallery or museum | (z) Gift shop |
| (f) Art supplies | (aa) Hardware store, retail |
| (g) Bait store | (bb) Ice cream parlor |
| (h) Bakery retail | (cc) Interior decorating shop |
| (i) Bed and breakfast or tourist home | (dd) Laundry, self service |
| (j) Bicycle sales and service | (ee) Lawnmower sales and service |
| (k) Boarding, rooming or lodging house, dormitory | (ff) Locksmith |
| (l) Book store | (gg) Music store |
| (m) Café | (hh) Neighborhood convenience store |
| (n) Camera and photo shop | (ii) News stand |
| (o) Candy store | (jj) Paint and wallpaper store |
| (p) Catering shop or service | (kk) Picture framing and/or mirror silvering |
| (q) Copy shop | (ll) Restaurant |
| (r) Delicatessen | (mm) Shoe repair shop |
| (s) Discount/variety store (not to exceed 8,000 square feet) | (nn) Shoe store |
| (t) Drug store (not to exceed 8,000 square feet) | (oo) Sign shop |
| (u) Fixture sales | (pp) Sporting goods store |
| | (qq) Tailor shop |
| | (rr) Tobacco store |
| | (ss) Toy store |

5.2.3 Conditional uses. The following uses are permissible as conditional uses in the B-2, Neighborhood Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- | | |
|--|--|
| (a) Air conditioning sales and service | (j) Drug store (exceeding 8,000 square feet) |
| (b) Amusement arcade | (k) Exterminator service office |
| (c) Animal clinic/kennels | (l) Golf course |
| (d) Arboretum | (m) Liquor store |
| (e) Ball field | (n) Mini-warehouse |
| (f) Business machine sales and service | (o) Night club, bar, tavern |
| (g) Car wash | (p) Office equipment and supplies sales |
| (h) Country club | (q) Park or playground |
| (i) Discount/variety store (exceeding 8,000 square feet) | (r) Pawn shop |

- | | |
|---|---|
| (s) Pet shop | (z) Tennis court (outdoor) |
| (t) Plumbing shop | (aa) Water storage tank |
| (u) Restaurant sales and supplies | (bb) Wildlife sanctuary |
| (v) Riding academy | (cc) Wireless telecommunication facility |
| (w) Rug and/or drapery cleaning service | (dd) Dwellings, in combination with commercial uses, subject to the standards listed under <i>Section 5.2.4: Mixed uses</i> |
| (x) Seafood store | |
| (y) Swimming pool (outdoor) | |

5.2.4 *Mixed uses*. Mixed residential and commercial uses may be permissible as conditional uses in the B-2 Neighborhood Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*, and subject to the following criteria:

- (a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks and type of equipment.
- (b) The residential uses shall be designed so that they are compatible with the commercial uses.
- (c) Residential and commercial uses shall not occupy the same floor of a building.
- (d) Residential and commercial uses shall not share the same entrances.
- (e) The number of residential dwelling units shall be controlled by the dimensional standards of the B-2 district. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet devoted to commercial uses shall be allowed one dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed use project exceed 4 dwelling units per acre.
- (f) Building height shall not exceed three stories.
- (g) A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained).
- (h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible.
- (i) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (*See Article 15: Parking and Loading Requirements*).

5.2.5 Area and dimensional ordinances.

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.2.6 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.2.7 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.2.8 *Landscaping and buffering.* All B-2, Neighborhood Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Staff Analysis and Findings

As stated above, the applicant is requesting a variance from off-street parking requirements in order to reduce the required number of parking spaces from 46 to 30.

The subject property is currently vacant. The property adjoins US Highway 98 to the north and County Road 97 to the east. The adjoining properties are residential, commercial, and agricultural.

The following standards for approval are found in Section 18.6, Variances of the *Baldwin County Zoning Ordinance*. These standards are to be considered and should serve as guidelines when a variance 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.
- 2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of 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.
- 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 current required parking ratio for commercial establishments is one space for each 200 square-feet of gross floor area (Section 15.2.4, *Baldwin County Zoning Ordinance*). This would result in a requirement of 46 off-street parking spaces for the proposed discount/variety store. According to the information provided, the proposed tenant is not considered a destination store. Customers typically spend small amounts of time within these stores, and the parking lots are rarely, if ever, full. As a result, the applicant has proposed constructing 30 spaces, which would represent a ratio of approximately one space for each 300 square feet of gross floor area. This appears to be consistent with the applicant's experience regarding the parking needs for different store formats and store sizes. In addition, the ratio appears to be consistent with the parking provisions at discount/variety stores throughout Baldwin County. Many of these stores previously received variances.

1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations

The proposed site is approximately 280 feet wide by 350 feet deep. This exceeds the minimum area requirements for property zoned B-2, Neighborhood Business District.

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

Staff is unaware of any topographic conditions or other extraordinary situations for this piece of 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.

Per the applicant, the reduction in parking will help the site drain properly to the detention pond and reduce the impervious pavement onsite and allow for more green space.

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.

As stated previously, the proposed tenant is not considered a destination store. Customers typically spend small amounts of time within these stores, and the parking lots are rarely, if ever, full. Therefore it is staff's opinion that there shouldn't be any adverse effects by the granting of this application.

5.) Other matters which may be appropriate.

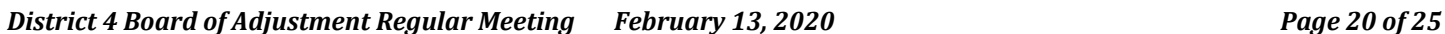
Staff Comments and Recommendation

Staff feels that this is a reasonable request which meets the standards for approval of variances. Unless information to the contrary is revealed at the public hearing, Case V-200005 should be **APPROVED***.

** A majority vote of the board members will be necessary to approve this request.*

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.

Site Plan



Property Images



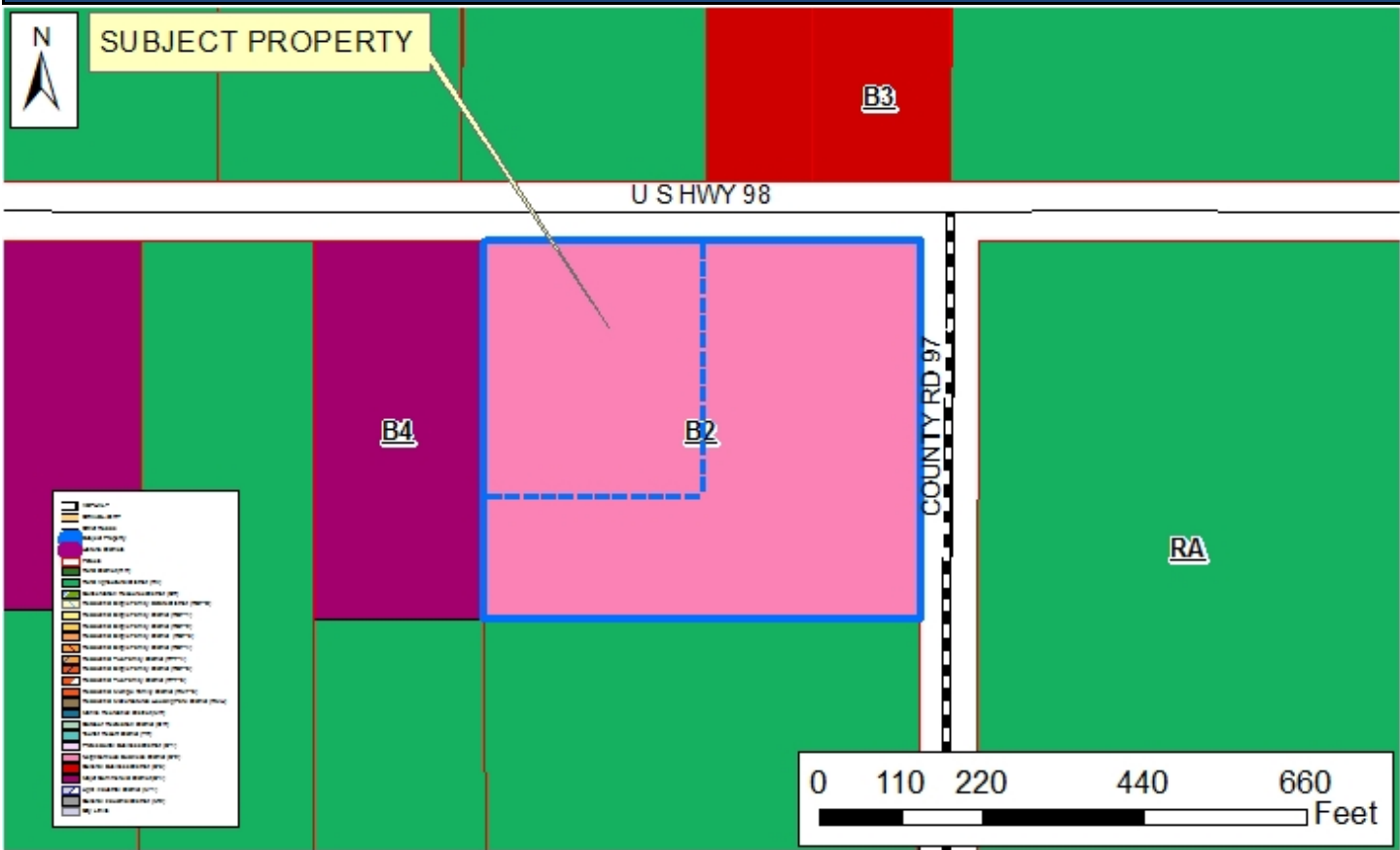




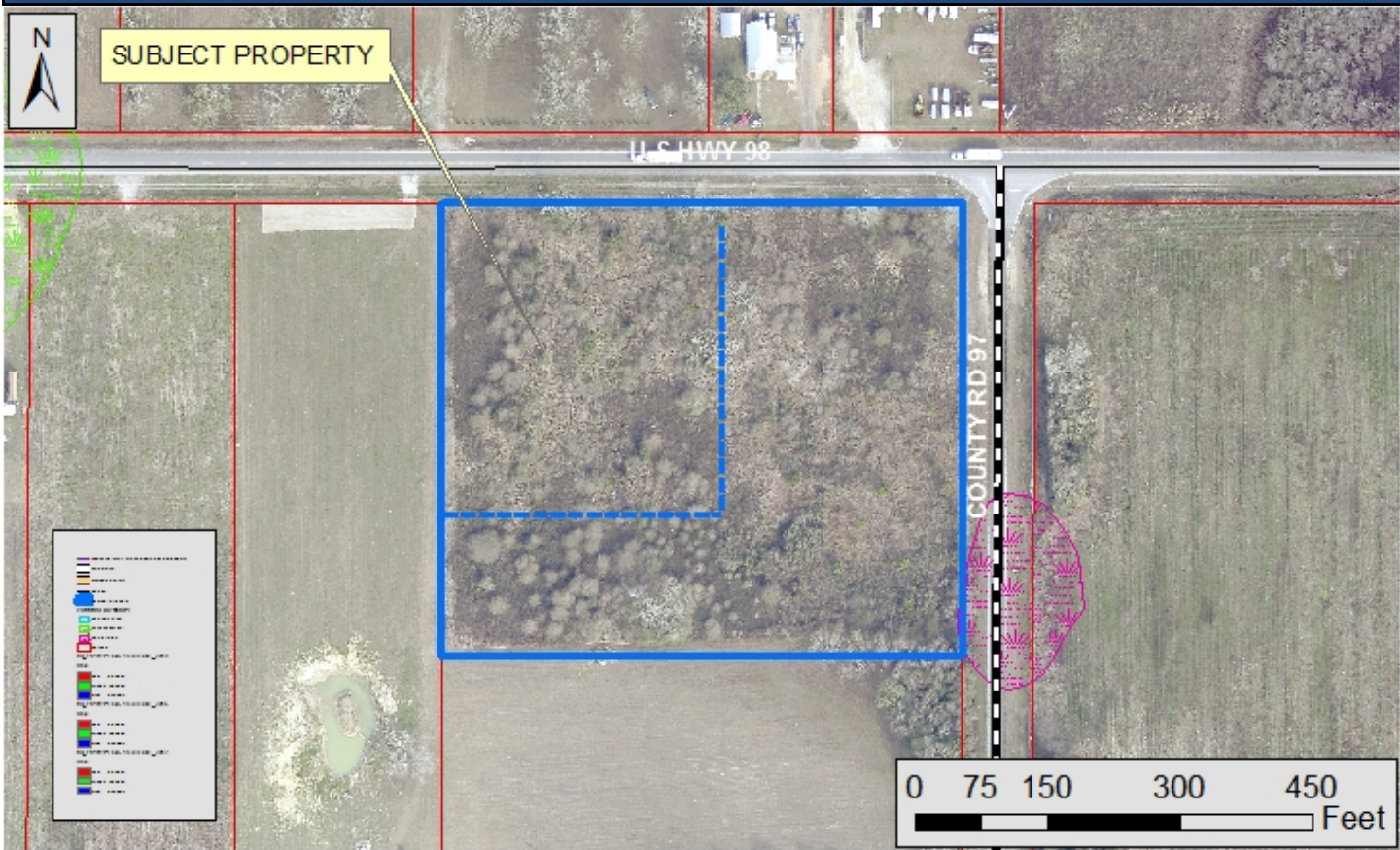
**ADJOINING PROPERTY
TO THE WEST**

01/27/2020

Locator Map



Site Map



Comments from Retail Store

DOLLAR GENERAL

Dollar General Corporation
100 Mission Ridge
Goodlettsville, TN 37072

1/21/2020
Baldwin County
201 E Section Ave.
Foley, AL 36535

Re: Parking requirements at the proposed Dollar General at Hwy 98 Elberta, AL

To Whom It May Concern:

Through the years, Dollar General has refined the design criteria for new store development. With over 16,000 stores in productive operation, we have gathered significant data.

One area which we are balanced between development cost and customer need is parking requirements and accessibility for our build-to-suit locations. Our stores average 15 to 20 transactions per hour. We have estimated and confirmed that 30 spaces will accommodate the customer flow rate that our business generates. This standard has also been sufficient for traffic generated at the peak Christmas season levels.

Thanks for your consideration and feel free to contact me with any other questions you may have.

Best Regards,

Sarah James Myatt

Dollar General Corporation
Plan Coordinator Southeast Region
615.855.5223
smyatt@dollargeneral.com