

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

AGENDA

September 10, 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 (August 13, 2020)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

Case No. V-200024, Dinger Development, LLC Property

Request: Approval of a variance from the front and rear setback requirements for the Sarah Farms Phase II Subdivision to allow front setbacks of 25 feet and rear setbacks of 25 feet on all lots

Location: The subject property is located at County Road 12 S and Sherman Road in Planning District 21

a.) Case No. V-200026, Giles Property

Request: Approval of a variance from the east side setback requirement to allow for the existing house to be rebuilt with previously approved connector having a length of 32 feet an increase of approximately 13 feet over the previous approval

Location: The subject property is located at 30035 Spring Branch Road W in Planning District 32

Attachments: Within Report

Attachments: Within Report

6. Old Business
7. New Business
8. Adjournment

Baldwin County Commission District 4, Board of Adjustment
August 13, 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 August 13, 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: Michael Swansburg, Jack Danley, Ernie Church, Harold Stephens and Johanna Moloney. Staff members present were Linda Lee, Planner and Paula Bonner, Planning Technician.

The first order of business was approval of the minutes from the July 9, 2020 meeting. Mr. Church made a motion to approve the meeting minutes. The motion received a second from Mr. Danley and carried unanimously.

V-200022 Harris Property

Mrs. Lee presented the applicant's request for approval of a variance from the rear setback requirement to allow for a single-family dwelling to be placed on the lot. Staff recommended approval of the variance request. Staff answered questions from the board.

Mr. Brian Harris spoke in favor of the variance request and answered questions from the board.

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

V-200023 Capital Managing Investments LLC Property

Mrs. Lee presented the applicant's request for approval of a variance from section 12.5.2(d) of the Baldwin County Zoning Ordinance as it pertains to setback from a side street. Staff reviewed history of the parcels and explained the difference between a lot of record and a parcel. Staff recommended denial of the variance request. Staff provided copies of three letters in opposition to the variance request and a response to from Mr. Shumer to the board members. Staff answered questions from the board.

Mr. David Shumer spoke in favor of the variance request and answered questions from the board. Mr. Shumer stated the right of way and trees in the right of way gave a substantial buffer from the paved road.

Kenneth Robinson spoke as the representative for Diane Robinson, Janice DeFrancesco, Mario DeFrancesco, Brad Edwards, Mike Lowitz and himself in opposition to the variance request. Mr. Robinson spoke of minor arterials. Mrs. Lee explained to him that McDonald Road is not a minor arterial, it's a local road. Mrs. Lee reviewed Highway Construction Setback road classifications. Mr. Robinson discussed the condition of McDonald Road. He also stated there is a drainage issue with that property. Someone provided additional comments on the drainage issue. He also asked how they would not disturb the root structure of the live oaks with a structure within ten feet of the trees. Mr. Shumer stated drainage would be the same for three small houses as two large houses. He stated they would be twenty feet from the oak trees.

Following a lengthy discussion, Mr. Swansburg made a motion to deny the variance request. The motion received a second from Mr. Stephens and carried unanimously.

V-200024 Dinger Development, LLC Property

Mrs. Lee presented the applicant's request for approval of a variance from the front and rear setback requirements for the Sarah Farms Phase II Subdivision to allow front setbacks of 20 feet and rear setbacks of 15 feet on all lots. Staff recommended denial of the variance request. Builders stating they need more length is not a hardship on the land. Mrs. Lee explained that zoning did not cause a hardship as the setbacks on the lots were required by the 2006 subdivision regulations.

Mr. James Butler spoke in favor of the variance request and answered questions from the board. He explained that although the roads are not constructed the utilities are installed. The purpose of the variance request is to allow for a variety of plans and not have a cookie cutter development. Trying to upgrade to nicer homes. Mr. Butler stated the problem with the building footprint is it's square. He stated they are asking for grace.

There was a discussion concerning what is a hardship on the land. Mr. Marion Grizzle spoke in support of the variance request.

Ms. Gail Wright asked about the entrance to the subdivision and a turning lane. She also asked about the existing pond on the property. Ms. Evelyn Wright asked about entrances into the subdivision. She had concerns about the entrance being directly across the street from Caitlin Street. Diane Sessions asked for clarification of where the fifteen foot setback would start.

Ms. Moloney made a motion to table the variance request until the September meeting to allow the applicant to submit a revised request. The motion received a second from Mr. Church and carried unanimously.

Adjournment

There being no further business to come before the board the meeting was adjourned at 5:11 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. V-200024

Dinger Development LLC Property
Front and Rear Setback Variances

September 10, 2020

Subject Property Information

Planning District: 21
General Location: County Road 12 and Sherman Road
Physical Address: Sarah Farms Subdivision, Phase II
PID: 05-60-02-10-0-000-019.004
Zoning: RSF-1, Single Family District
Acreage: 26.439 acres ±
Applicant: Dinger Development, LLC
3044 E. Kingsfield Road
Pensacola, FL 32514
Owner: Dinger Development, LLC
Lead Staff: Linda Lee, Planner
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Agricultural	RSF-1, Single Family District and RA, Rural Agricultural
South	Residential (Subdivision)	RSF-2, Single Family District
East	Agricultural	RSF-1, Single Family District and RA, Rural Agricultural District
West	Agricultural	RSF-2, Single Family District

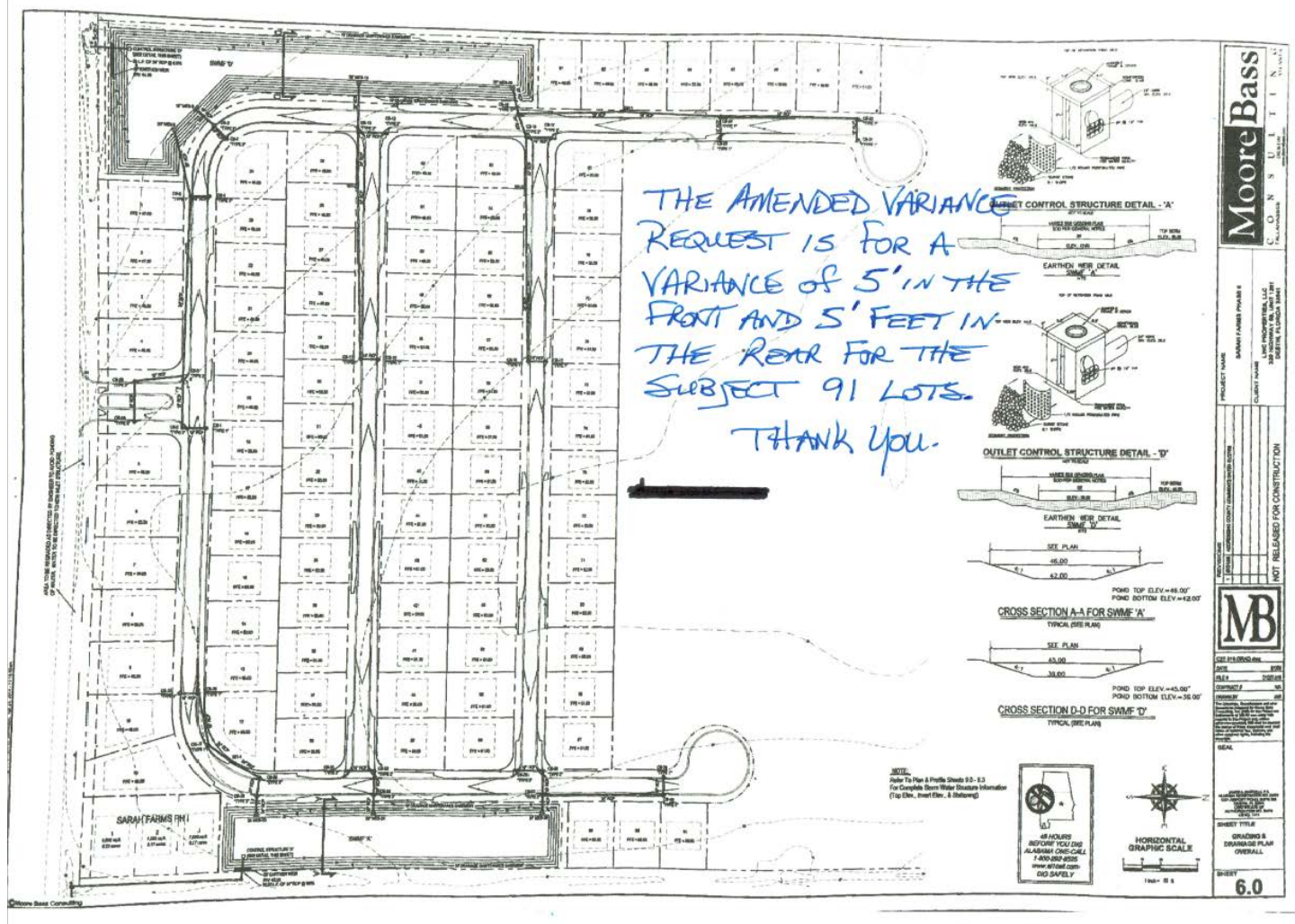
Summary and Recommendation

The applicant is requesting all lots in the subdivision have **25-foot front yard setbacks and 25-foot rear yard setbacks resulting in 5-foot front yard setback variances and 5-foot rear yard setback variances** to allow for single-family dwellings to be constructed. Staff recommends that Case V-200024 be **APPROVED**.

Variance Request

The applicant is requesting all lots in the subdivision have **25-foot front yard setbacks and 25-foot rear yard setbacks resulting in 5-foot front yard setback variances and 5-foot rear yard setback variances** to allow for single-family dwellings to be constructed.

Subdivision Plat



2006 Subdivision Regulations Setback Requirement

(j) In areas which have elected to come within the zoning authority of the Baldwin County Commission, minimum setbacks from property lines shall meet or exceed minimum zoning requirements. In residential subdivisions outside the zoning authority of the Baldwin County Commission, the minimum setback from property lines shall be: from the front and rear lot line, 30 feet; from the side lot line, 10 feet and; from the side lot line which abuts a street, 20 feet.

Additional Information

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
Maximum Height in Habitable Stories	2 1/2
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

Staff Analysis and Findings

The following standards for approval are found in Section 18.6, Variances of the *Baldwin County Zoning Ordinance*. These standards are to be considered when a variance request is being reviewed.

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

The subject property is currently vacant. The property adjoins County Road 12 to the south and Sherman Road to the east. The adjoining properties are residential and agricultural. The lots meet the minimum area and dimensional requirements for property zoned RSF-4. The lots have a minimum building footprint of 2,500 square feet.

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

Staff is unaware of any exceptional topographic conditions or extraordinary conditions for this 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.

This property is zoned for residential single-family dwellings. A builder should be able to design a reasonably sized dwelling to fit within the maximum building footprint.

4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

The granting of this application should not unduly impact the adjacent property owners as all lots would have the same setback requirements. The granting of this application would substantially reduce the size of the rear yards.

5.) Other matters which may be appropriate.

The granting of a variance should be based on a hardship on the land. This subdivision was designed based on subdivision regulations in effect at that time, which required the setbacks shown. Current Zoning Requirements do not exceed the setbacks that were required by the Subdivision Regulations in 2006. Contrary to the statement submitted by the applicant, current zoning requirements did not create a hardship, as the setbacks are the same as what was required in 2006 when the proposed subdivision was submitted for approval.

DINGER DEVELOPMENT, LLC, LLC

3044 E. Kingsfield Rd.
Pensacola, FL 325314

Telephone (850) 637-3689
Fax (850) 968-1318
Email skipbutler@bellsouth.net

7/21/2020

Baldwin County Commission
Planning and Zoning Department
Baldwin County Board of Adjustments
201 East Section Ave.
Foley, AL 36535

RE: Sarah Farms Phase II S/D

Board of Adjustment Members,

This is to attest that the subject property, known as Sarah Farms Phase II S/D (see Exhibit "A"), has no active HOA, board, committee, or association.

If you have any questions or need additional information, please let me know.

Thank you.



Skip Butler
Dinger Development, LLC
(850) 637-3689

Staff Comments and Recommendation

Staff recommends that Case **V-200024** Dinger Development, LLC Property, be **APPROVED**.

GENERAL NOTES {By-laws}

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

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





**ADJOINING RESIDENTIAL SUBDIVISION
TO THE SOUTH**

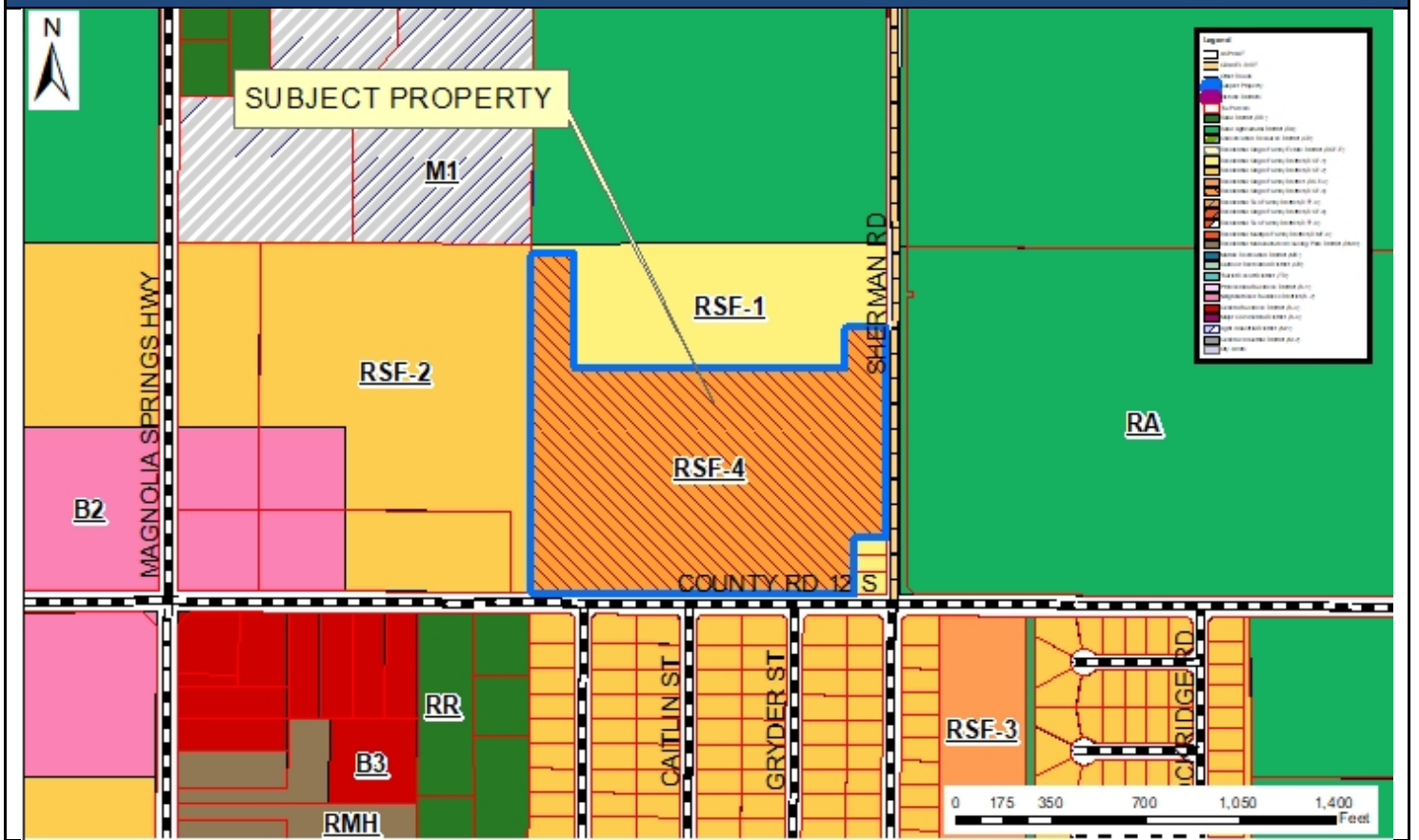
07/28/2020



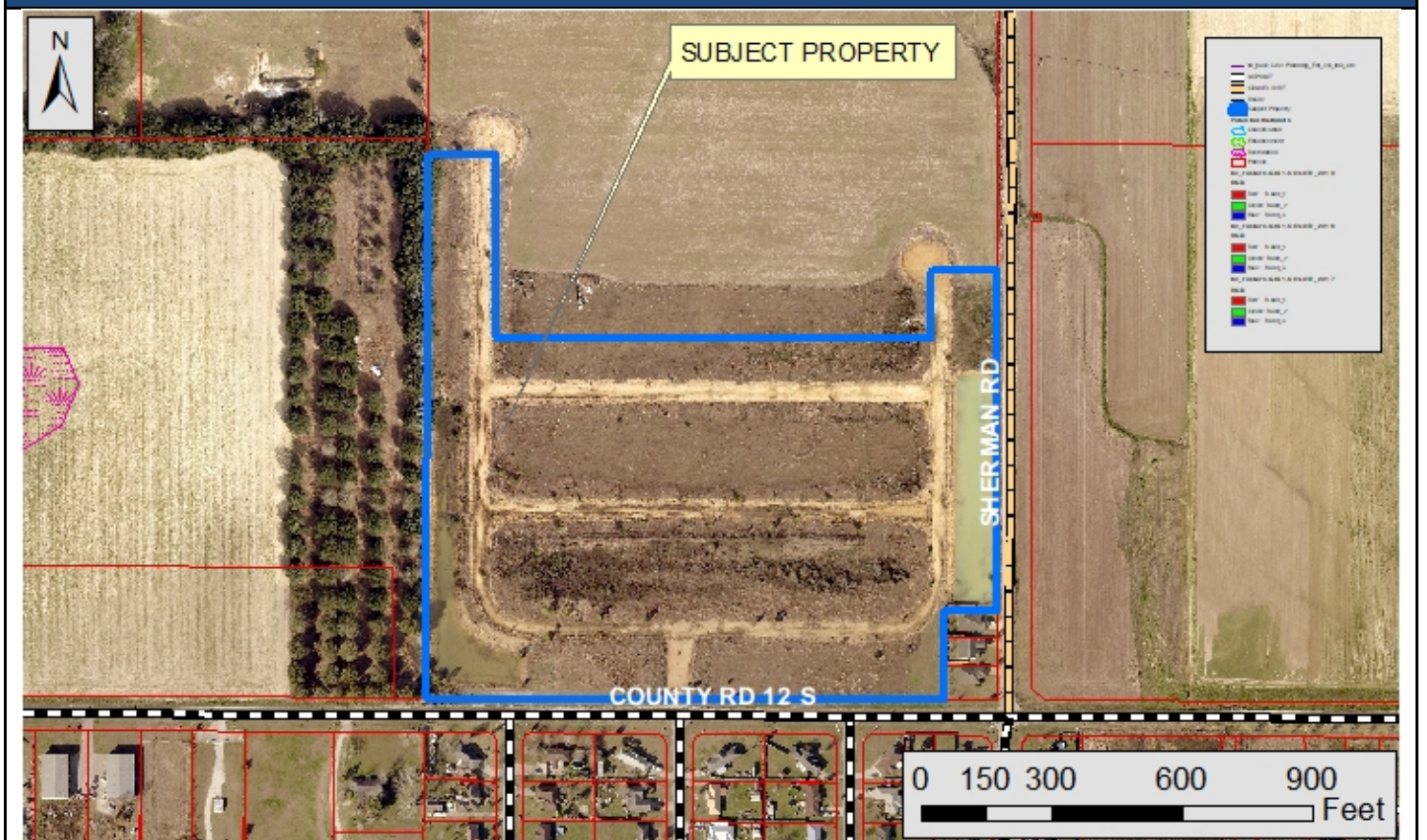
ADJOINING RESIDENCE TO THE EAST

07/28/2020

Locator Map



Site Map



DINGER DEVELOPMENT, LLC

3044 E. Kingsfield Rd.
Pensacola, FL 325314

Telephone (850) 637-3689
Fax (850) 968-1318
Email skipbutler@bellsouth.net

7/21/20

Baldwin County Commission
Planning and Zoning Department
Baldwin County Board of Adjustments
22070 Highway 59
Robertsdale, AL 36567

Re: Variance Request – Sarah Farms Phase II Proposed Subdivision

Board of Adjustment Members,

Please find the enclosed Application package and supporting material for the variance request for the proposed Sarah Farms Phase II subdivision.

Sarah Farms Phase II is a proposed 26-acre subdivision located at the corner of Baldwin County Road 12 and Sherman Road, four miles south of Magnolia Springs. It had a Preliminary Plat approval on May 8, 2007 and was permitted in June of 2007. Due to the extremely difficult market conditions at the time, the project was abandoned, and the permit expired on May 8, 2009. According to a Construction Status Report by Engineering Services, LLC, (which is now Dewberry Engineering) the subdivision is approximately 50% complete. It became a bank owned property. I have included a copy of the original plat. The following construction was completed:

Water and Sewer mains and services were installed.

The roadways were excavated to the top of the subgrade. (No curb or asphalt has been installed.)

The stormwater ponds have been excavated and graded. The storm pipes, headwalls, inlet boxes and junction boxes for the roadway drainage have been installed.

When this subdivision was originally permitted there was no zoning in the area. When zoning expanded, this area was zoned RSF-1. The density for RSF-1 did not allow for the number of lots originally platted in Sarah Farms Phase II. On January 21st of this year the Baldwin County Commission unanimously voted to rezone this property to RSF-4 to accommodate the number of lots already constructed.

As the Commission understood, for the already installed water and sewer services, storm water pipes and ponds, and roads to be utilized, there can be no reconfiguration of the lots. The lot sizes are 70' x 110'. The setback requirements in RSF-4 are 30' in the front and 30' in the rear. Although, theoretically, that would allow a 50' x 50' building pad (including the garage, any porches, decks, etc.), most all builder's products would encompass more depth, even for a 2500 square foot footprint. We have numerous builders that are interested in these lots; however, every builder has stated they need more depth. I have included letters from builders stating so. We are requesting a variance for setback requirements to 20' in the front and 15' in the rear, to facilitate builders' floorplans.

We have communicated with every adjacent property owner concerning this request. The adjacent property owners have stated their support for this variance request.

Clearly, this is a unique circumstance. Certainly, it is no fault of the county; however, this construction was done at a time when there was no zoning and now the setback requirements for RSF-4 create a hardship. This abandoned project has been an eyesore for years. Should we obtain this variance, we will submit a new permit application and are confident the variance will allow us to produce a subdivision that will greatly enhance the area.

We appreciate your consideration. If you need any additional information, please let me know. Thank you.



Skip Butler
Dinger Development, LLC
(850) 637-3689

7/20/2020

James Butler
Dinger Development, LLC
3044 E. Kingsfield Rd.
Pensacola, FL 32514

RE: Sarah Farms S/D

Mr. Butler,

We are definitely interested in purchasing the lots in Sarah Farms subdivision when completed; however, any offer to purchase would have to be contingent upon obtaining a setback variance. The 30' front and rear setbacks do give a potential 2500 square foot building pad; however, it is a square building pad of 50' x 50'. Most any builder's products will require more depth than 50', even if they don't exceed a 2500 square foot home.

Baldwin County has been very reasonable in practical matters. I would anticipate them being quite amicable. If we can be of any assistance in obtaining the variance please let me know. I'll look forward to hearing from you.

Jeff D. Godfrey, General Manager
Flynn Built
1300 E Olive Road
Pensacola, FL 32514
(850)477-6118



Skip,

Unfortunately, while I do have significant interest in the South Baldwin County market and in particular acquiring Sarah Estates, I do not have anything that fits the current footprint of 50'w x 50'd. In order to make the subdivision work I would need 70-75' of depth on my building pads. Should you have success with a variance, which I feel shouldn't be a big ask, I would definitely like to proceed with negotiating terms of a contract.

Please let me know if you have any success with the variance proceedings!

Todd McCrory

A handwritten signature in blue ink, followed by the date "7/17/20" also written in blue ink.

President

Breland Homes Coastal LLC

todd@brelandhomes.com

Flynn Built Plans

THE FAIRPOINT

These sales sheets are for marketing purposes only and not to be relied upon as representations of actual dimensions or specifications

SQUARE FT:
1,740

DEPTH:
50'

WIDTH:
23'

BEDROOM:
3

BATHROOM:
2.5

GARAGE:
12x22



FL: CGC1525721
AL: 24759



THE ESCOLA

These sales sheets are for marketing purposes only and not to be relied upon as representations of actual dimensions or specifications.

SQUARE FT:
1,569

DEPTH:
47'

WIDTH:
22'

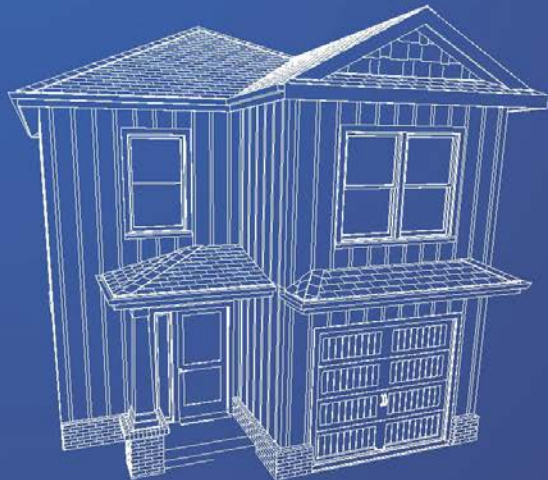
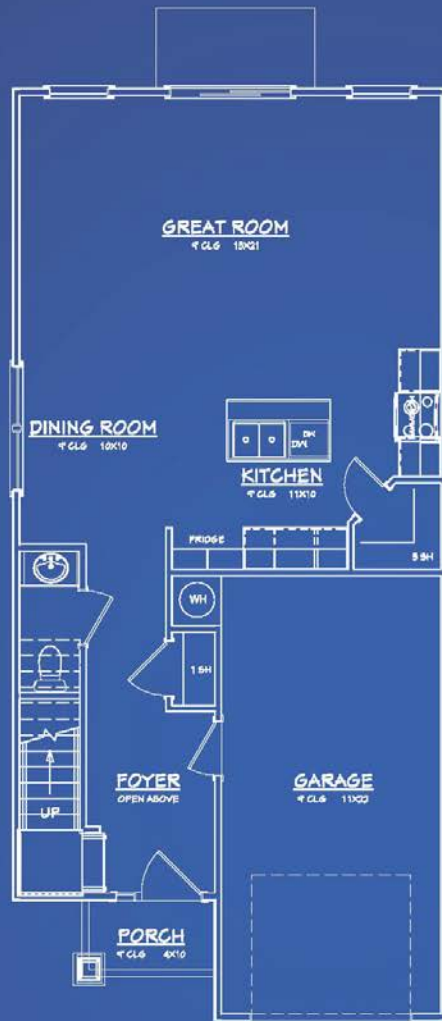
BEDROOM:
3

BATHROOM:
2.5

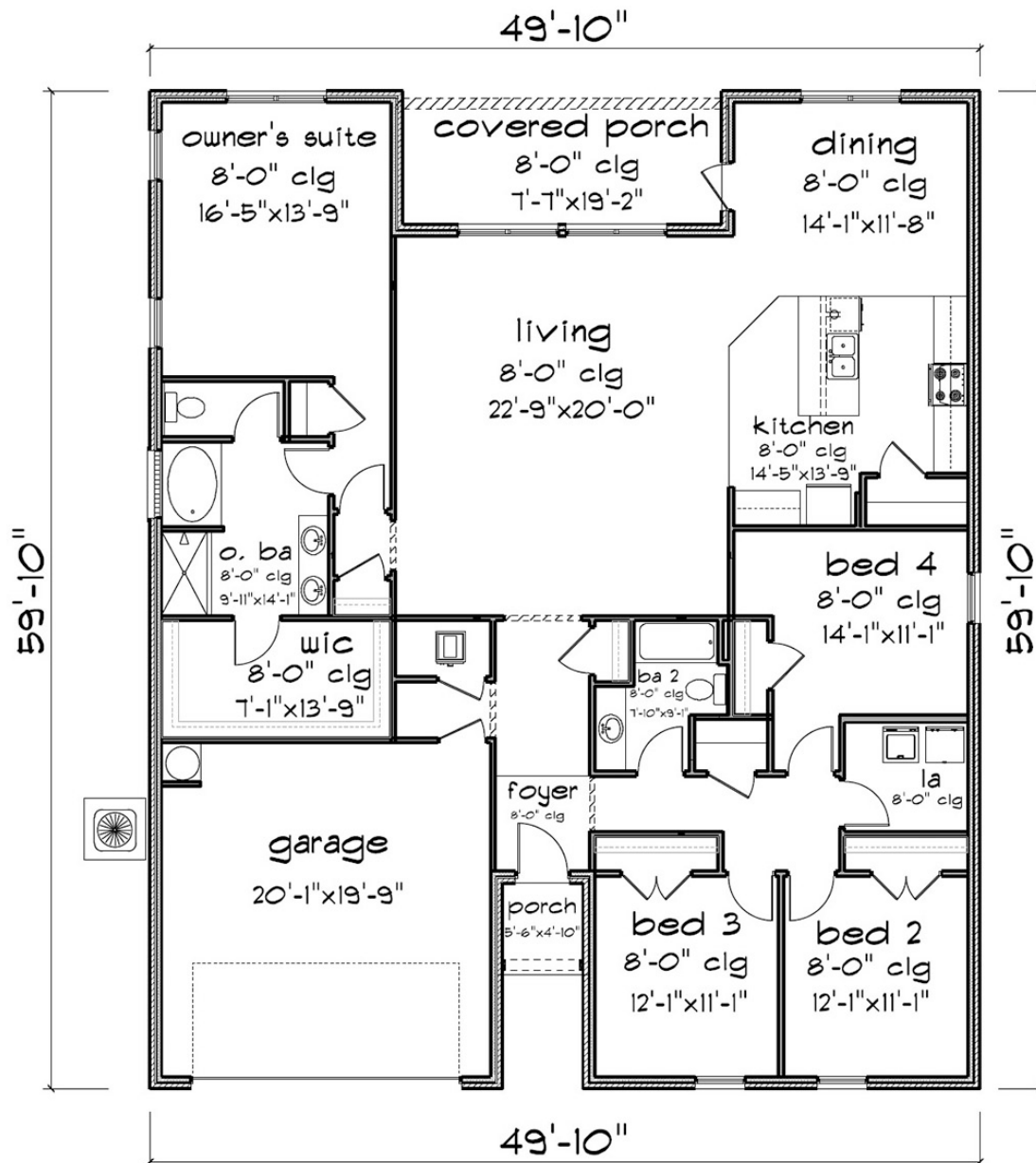
GARAGE:
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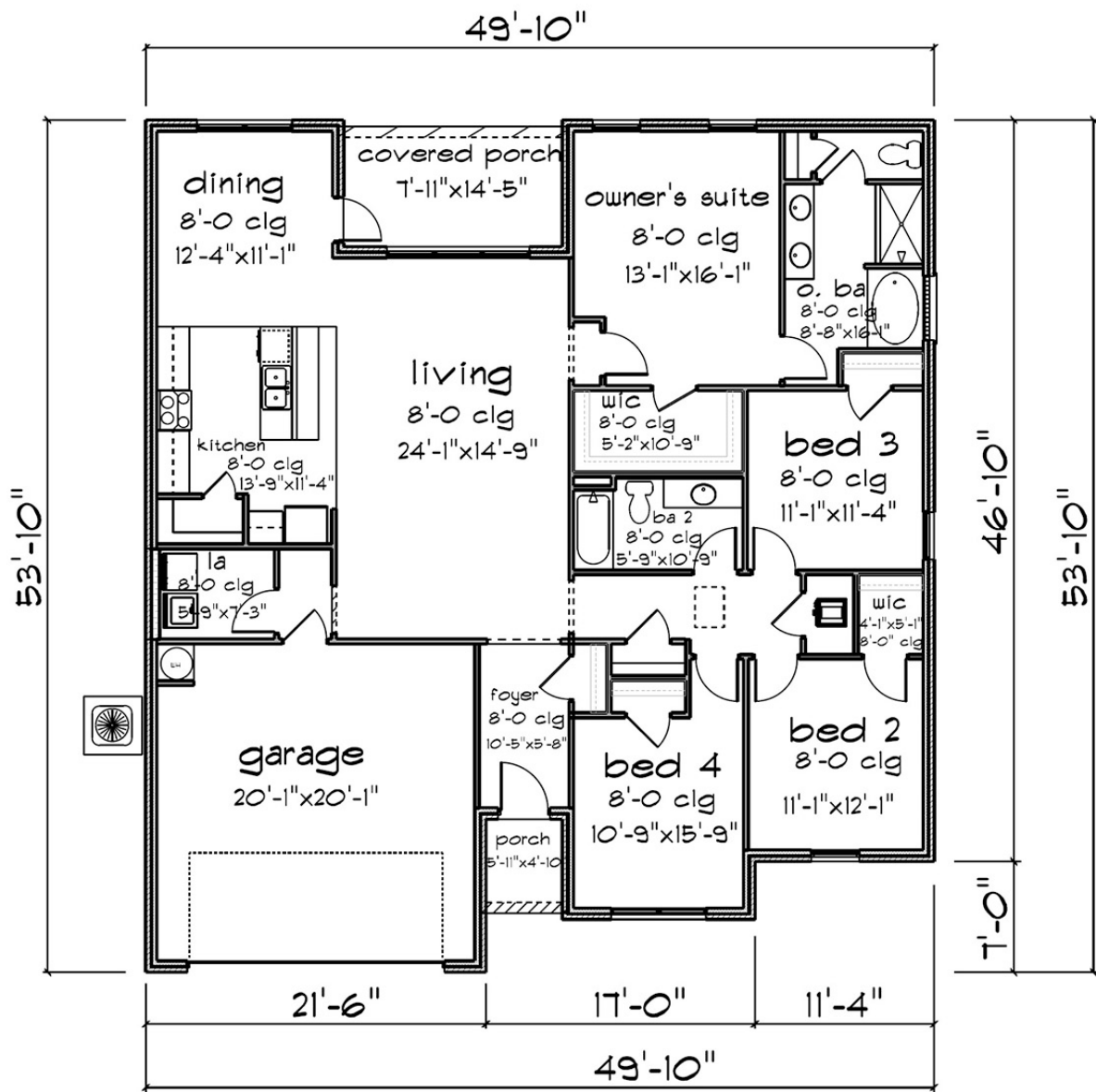


FL: CGC1525721
AL: 24759

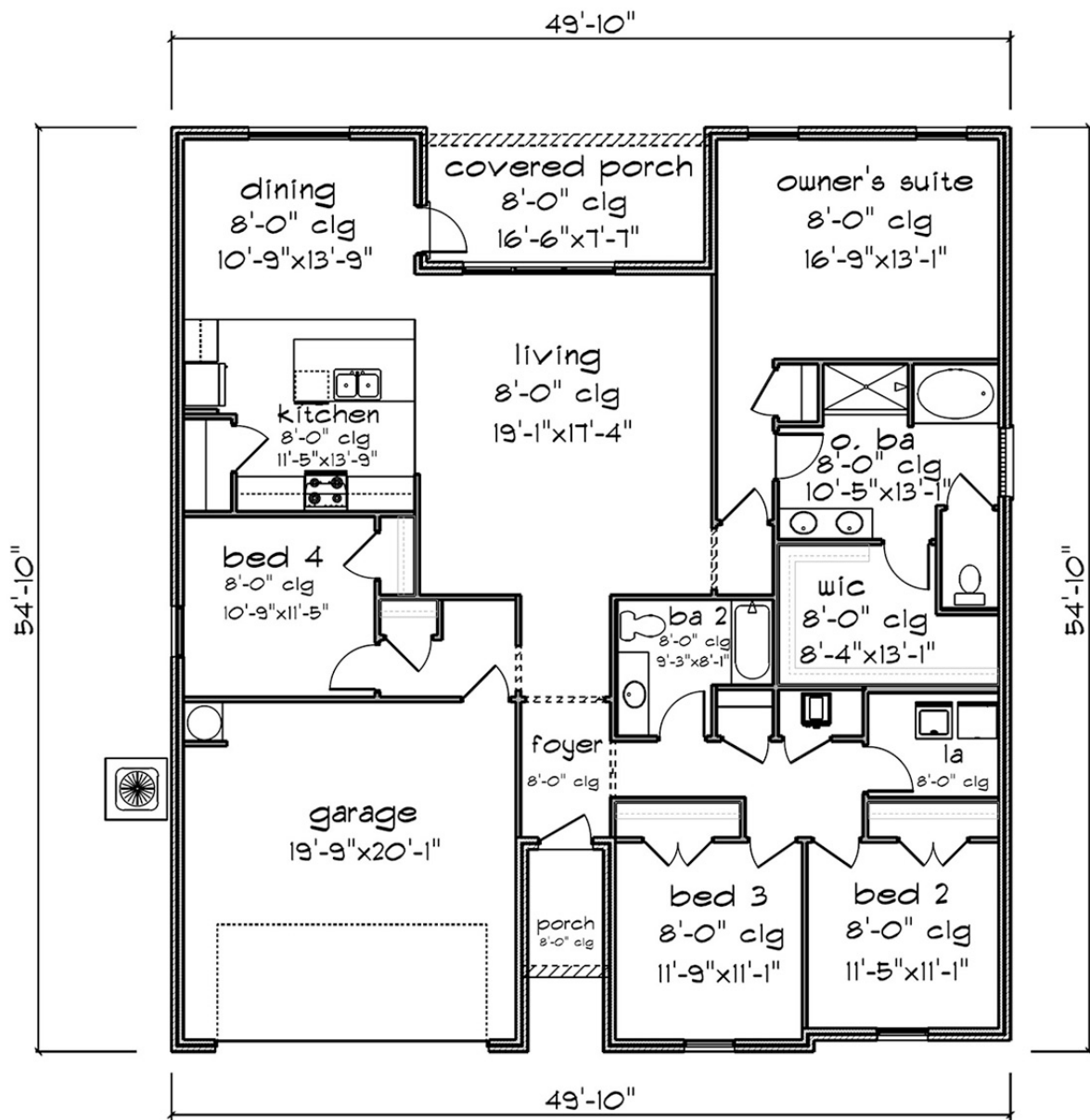


D R Horton Plans

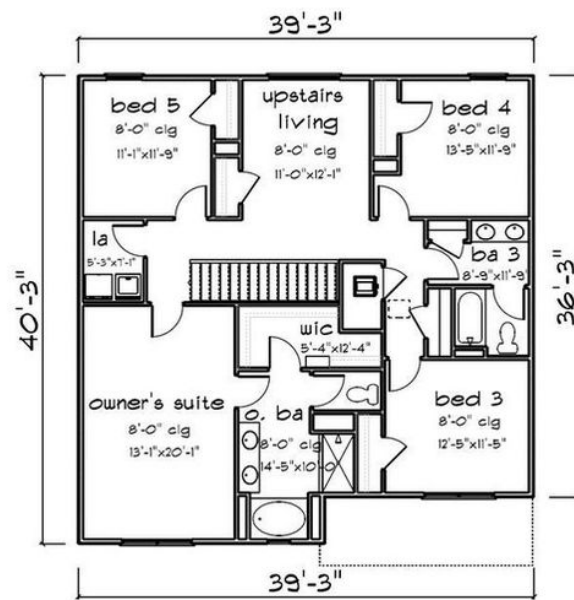
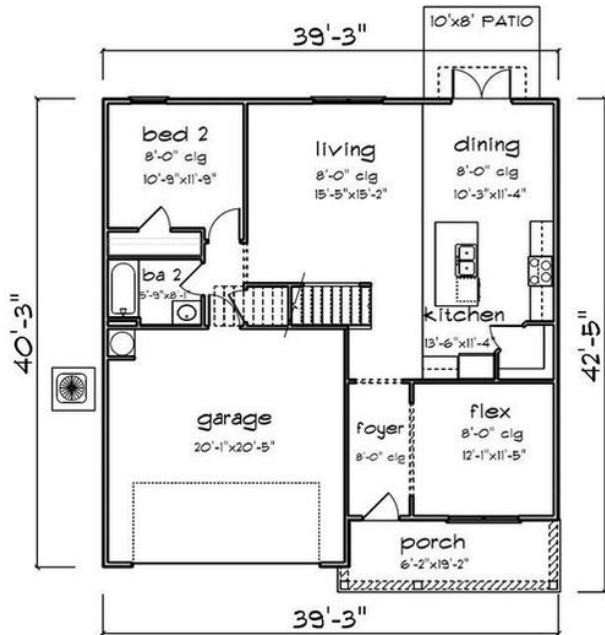
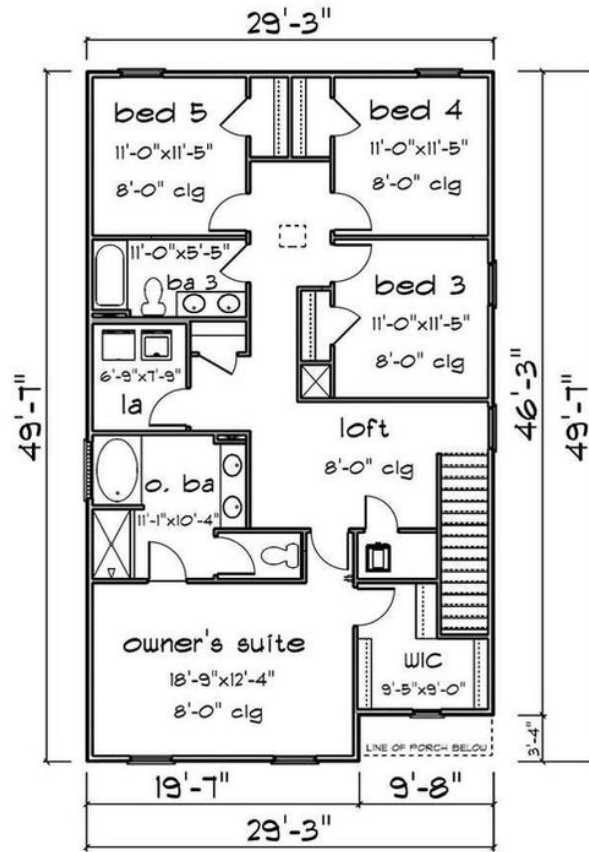
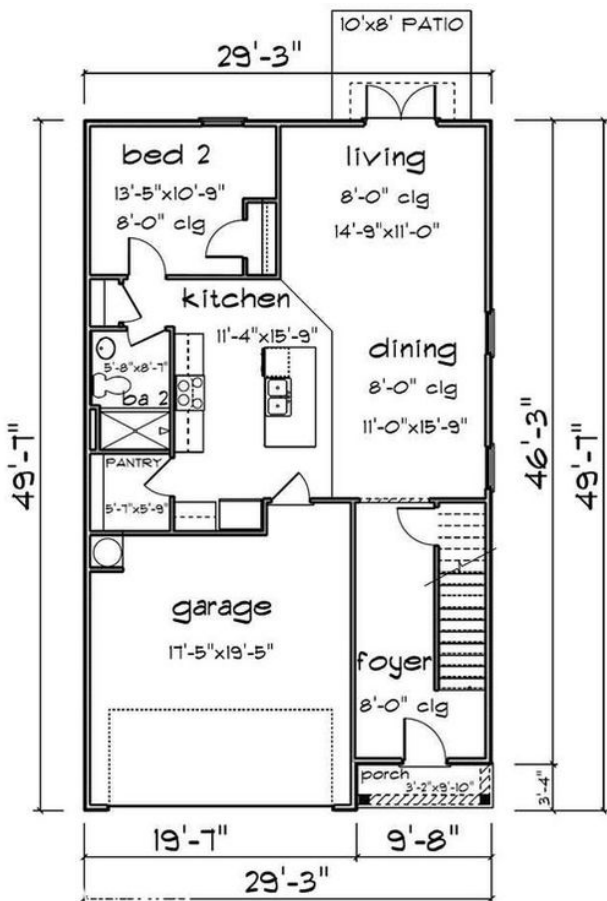




Winged Foot, Daphne, AL



Winged Foot, Daphne, AL





Baldwin County Planning & Zoning Department

County Commission District #4

Board of Adjustment Staff Report

Case No. V-200026

Giles Property

Variance from Side Yard Setback Requirements

September 10, 2020

Subject Property Information

Planning District: 32
General Area: North side of Spring Branch Rd West
Physical Address: 30035 Spring Branch Rd W., Elberta, AL
PID: 05-63-04-18-0-003-054.002
Zoning: RSF-2, Single Family District
Acreage: 0.30± acres,
Applicant: Paul and Kathryn Giles
30035 Spring Branch Rd W.
Elberta, AL 36530
Owner: Same
Lead Staff: Celena Boykin, Senior Planner
Attachments: *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Spring Branch	N/A
South	Residential	RA, Rural Agriculture District
East	Residential	RSF-2, Single Family District
West	Residential	RSF-2, Single Family District

Summary and Recommendation

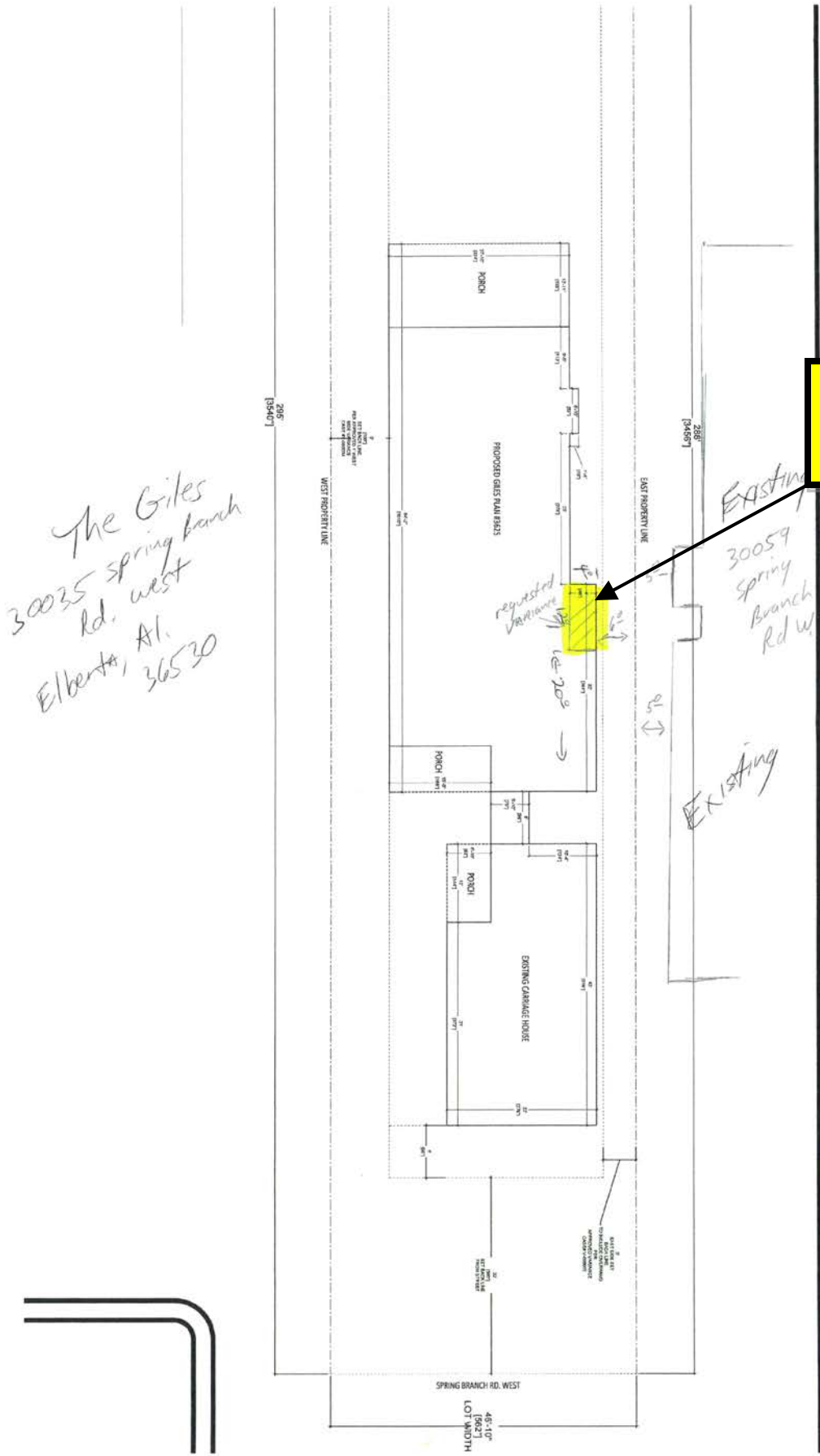
The applicant is requesting a variance from the east side setback requirement to allow for the existing house to be rebuilt with previously approved connector having a length of 32 feet, an increase of approximately 13 feet over the previous approval.

Staff recommends that Case V-200026, Giles Property be **DENIED** based on failure to meet any of the standards for approval of a variance as outlined below.

Variance Request

This is a request submitted by Paul & Kathryn Giles, owners of property located at 30035 Spring Branch Road West in Planning District 32. The applicant is requesting a variance from the east side setback requirement to allow for the existing house to be rebuilt with previously approved connector having a length of 32 feet, an increase of approximately 13 feet over the previous approval.

Proposed Site Plan Submitted with Variance Application



Additional footage to be added to previously approved connector.

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.

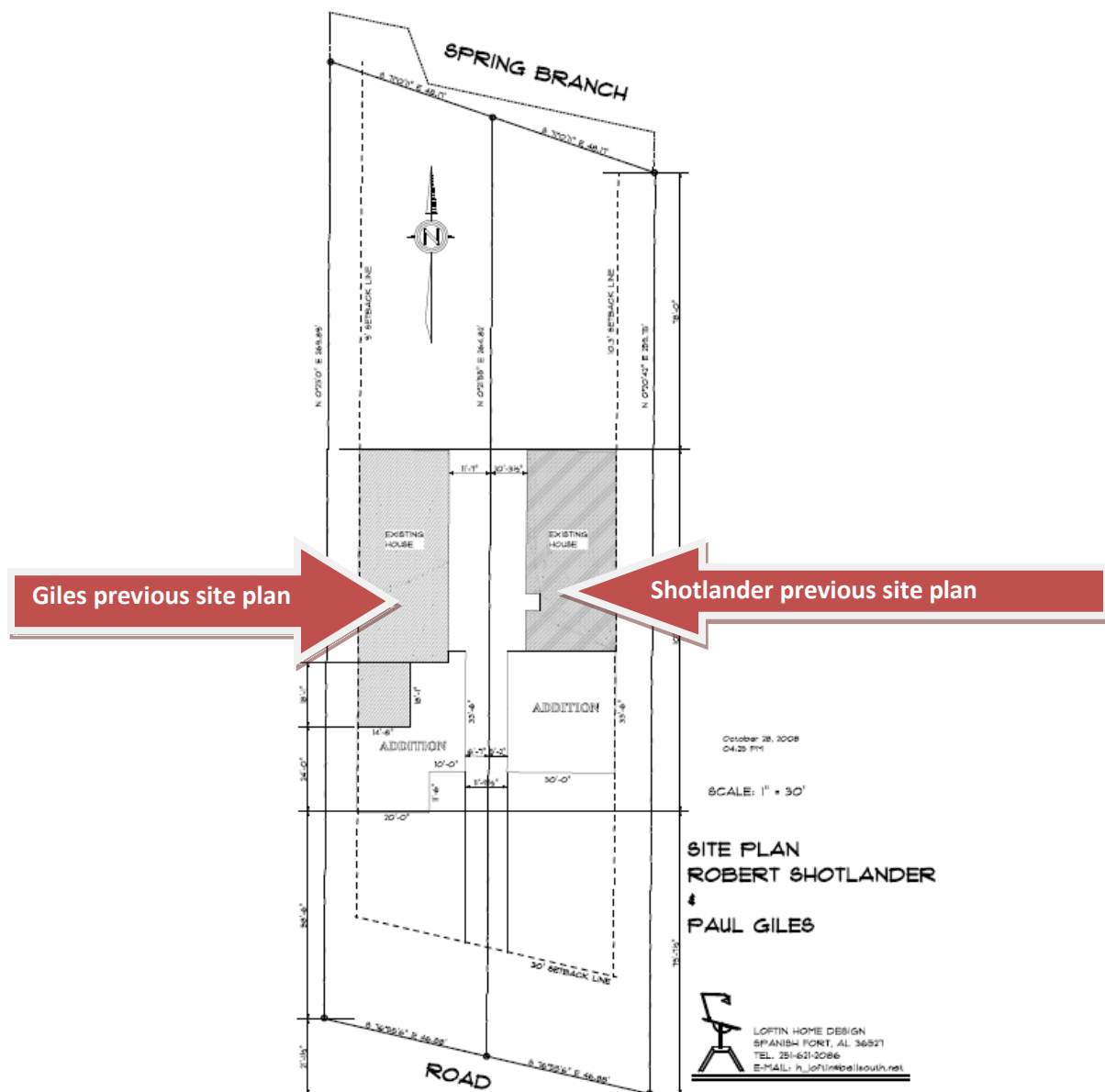
Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Previous Variances for Subject Property

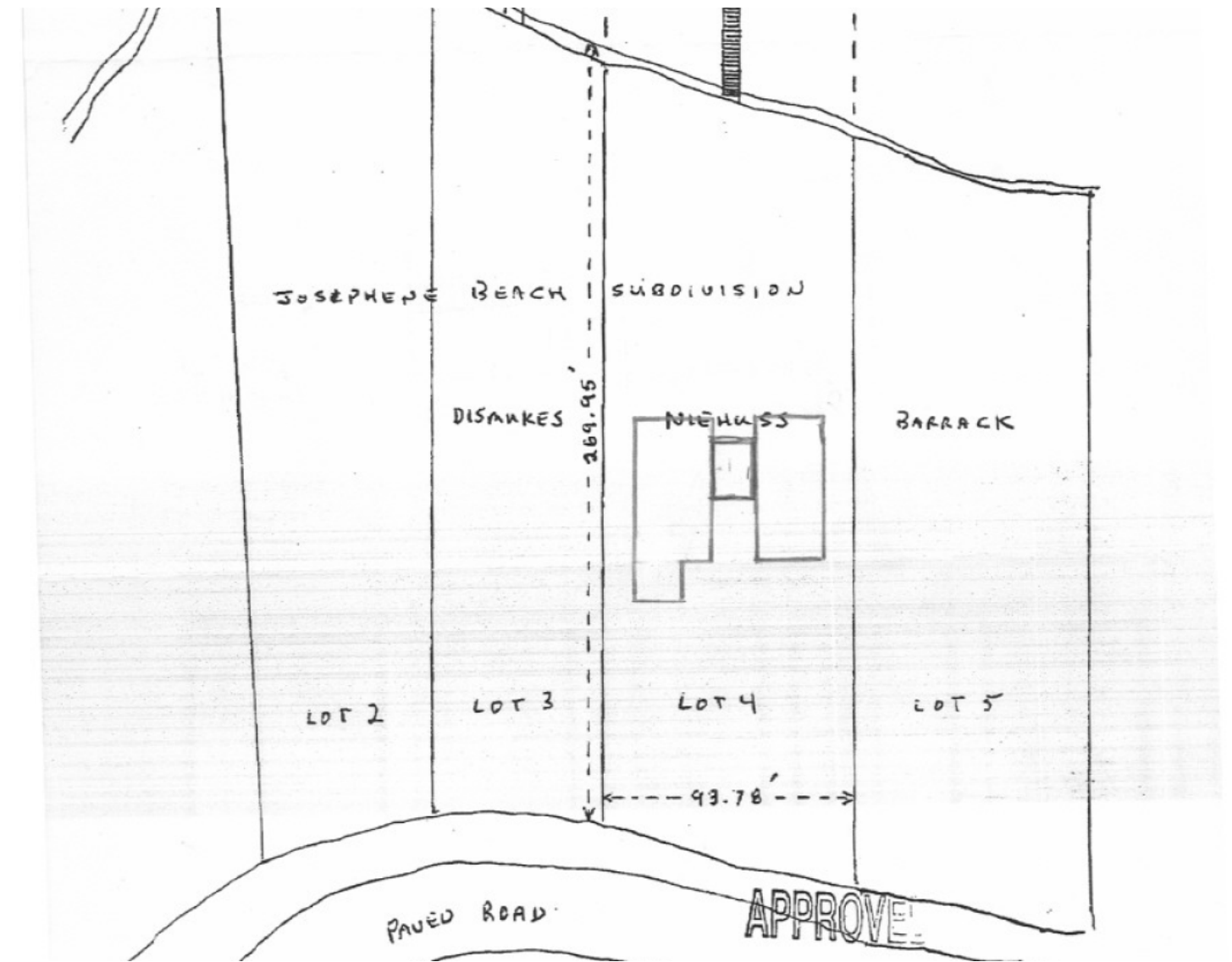
A variance was granted by the Board on **November 13, 2008** for both the subject property and the property adjacent to the lot on the east side. (Case No. V-080034, Shotlander & Giles Property). The approved variance allowed Mr. Giles a 1 foot west side yard setback and a 3'5" east side yard setback for the purpose of adding additional living facilities to the existing dwelling. The variance also allowed Mr. Shotlander, neighbor to the east, a 4'10" west side yard setback variance for an addition onto his existing dwelling. The variances that were granted were conditioned upon the common deck on the water side being removed, the decorative fence in between the structures being removed, and the uncovered patio in between the dwellings being brought into conformity of having at least a 5 foot setback from the common property line.

A variance was granted by the Board on **September 10, 2009** for a 5 foot east side yard setback variance which included the roof overhang. Staff recommended denial because failure to meet any of the standards for approval of a variance. Below is the site plan for this 2009 variance.

2009 Site Plan



In addition to the above, the previous owners applied for a 10-foot east side yard setback variance and a 10 foot west side yard setback variance in February of 2008 (Case No. V-080006, Niehuss Property) to allow for a roof to be constructed over the existing slab that would have connected the two dwellings together. (Site plan below) These variances were denied.



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 parcel was created in 1991 prior to the enactment of zoning for Planning District 32 (December 19, 1995). As such, the parcel is considered a grandfathered lot prior to the enactment of zoning for the district with lot widths and lot sizes less than the minimum required for property designated as RSF-2 (minimum lot width 80' and minimum lot size of 20,000 square feet).

The applicant has indicated the purpose of the variance was due to the narrowness of the lot which is 46.89 feet, as well as having to raise the house to meet new flood zone. The minimum side yard setbacks are 10 foot according to the Baldwin County Zoning Ordinance. It appears that the proposed structure could be designed to meet the required setbacks.

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

Staff is unaware of any exceptional topographic conditions. There are no potential wetlands indicated and the subject parcel is in Flood Zone AE.

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 has been established with a single family dwelling. The dwelling was constructed in 1980 and is approximately 1502 square feet in size. Therefore by allowing a five foot side yard setback for additional living facilities appears to be a convenience to the applicant, one that could be designed for such use without a variance.

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 sees no issues with this standard.

5.) Other matters which may be appropriate.

Statement Concerning Property Owners Association

To whom it may Concern -
There is no Home Owners ASSOC.
for 30035 Spring Branch Rd W, Elberta, AL
36530.

Paul Giles
251-422-2471

Picture Submitted by Applicant

8/19/2020

Cottage

From: pgiles@rcsmith.com,

To: ptgiles@aol.com,

Subject: Cottage

Date: Wed, Aug 19, 2020 1:27 pm

Attachments:



Paul Giles
Vice President-Healthcare Sales
251-422-2471
www.rcsmith.com

<https://mail.snl.com/webmail.cdf/en-us/PrintMessage>

Staff recommends that Case V-200026 Giles Property, be **DENIED** based on comments contained herein.

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.

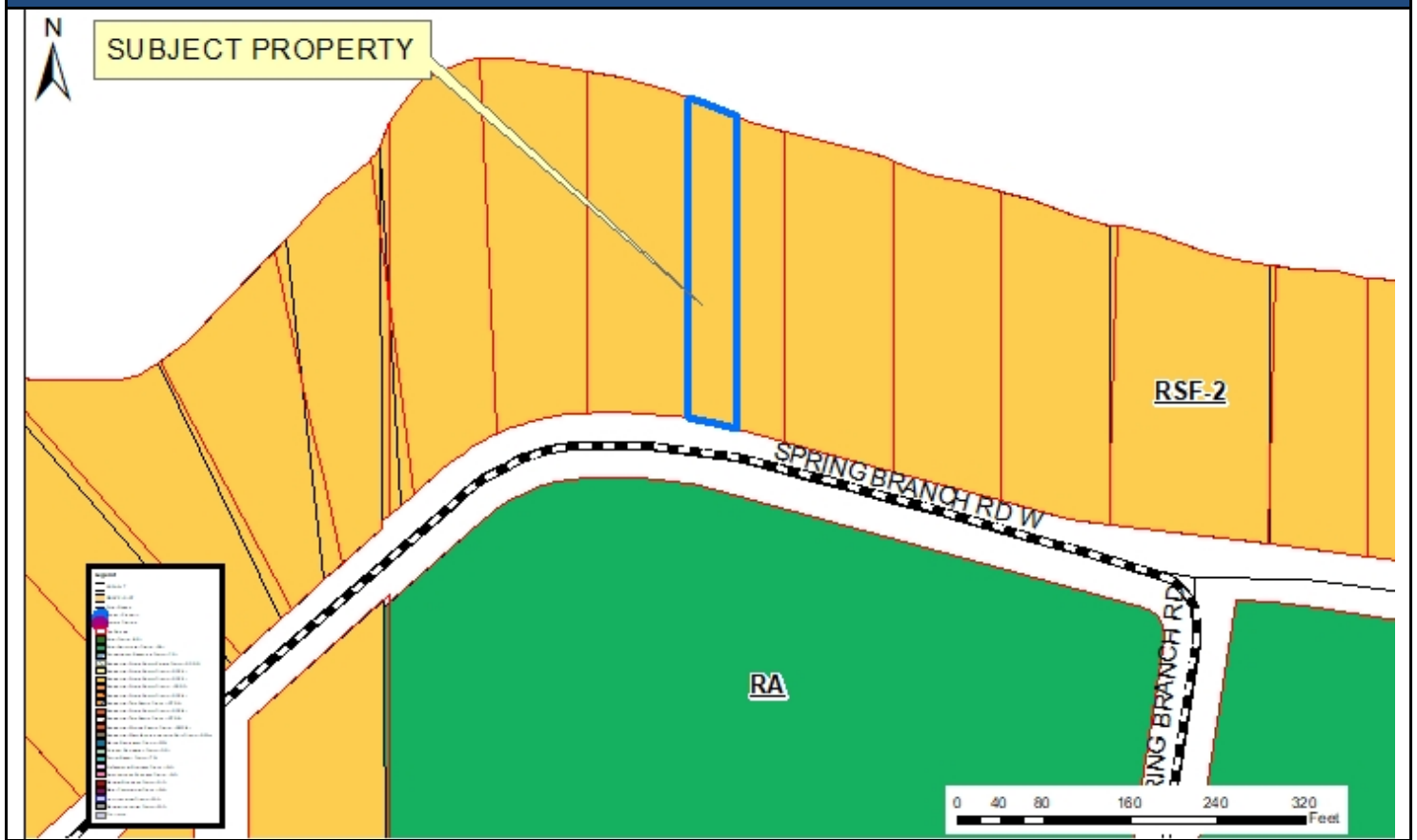
Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as the conditions upon which it is granted and the conditions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



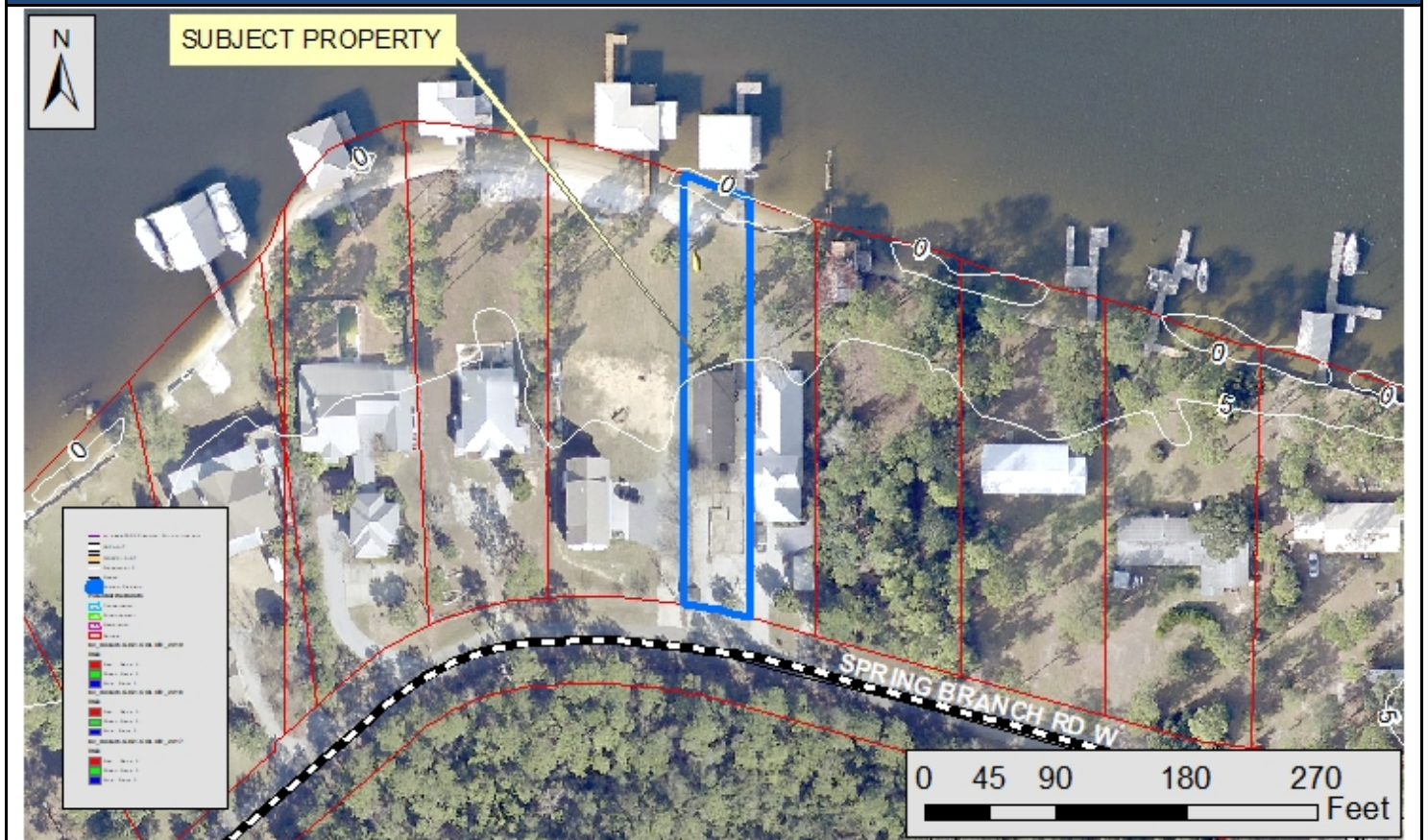




Locator Map



Site Map



Opposition Letters

From: [Veronica Herndon](#)
To: [Linda Lee](#)
Subject: V-200026
Date: Tuesday, September 1, 2020 1:53:54 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Ms. Lee,

Thank you for your time on the telephone answering my questions about the variance request for V-200026. I am writing to urge the board not to support this variance. I am unable to attend the variance review meeting given the pandemic and my age. I appreciate that you will submit this letter in my absence.

I understand that this property and the one to the east have a complicated history, and that each has been allowed previous variances to build the current structures. As you can see from the attached photograph, the distance between the two properties is more akin to an urban environment than spacious Baldwin County.

By reducing the distance between the structures even more, there is a considerable fire safety issue since the access to the water side of the house would be impeded by further shrinking the distance between the two structures. Additionally, we all know that sparks travel in a fire, but we don't often think about the implications of radiating heat on structures close by.

I recognize that the board tries to accommodate reasonable variance requests from property owners. At the same time, the board has the difficult job of weighing potential negative effects on contiguous properties. In this case, I ask that you consider the needs of the neighbors on the east side as much as the desires of the applicants. If I understand the diagram correctly, the variance allows for 48 square feet more (12ft x 4ft). This is a small amount of additional space given a building of the size planned. That desire doesn't seem to acknowledge the implications of 48 square feet in such a tight physical space on the neighbors to the east — in what is already a difficult situation.

Thank you for your consideration.

Veronica Herndon

29833 Spring Branch Road West

—

Veronica Herndon
251.533.3321

Paula Bonner

From: Wayne Morgan <wayne.morgan@hoodcontainer.com>
Sent: Tuesday, August 25, 2020 2:40 PM
To: Paula Bonner
Cc: Kim Morgan
Subject: Variance Request V-200026

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Paula,

Thanks for taking my call concerning the subject variance request V-200026. As I understand, there is a hearing concerning this variance on September 10, 2020 @ 3:30 pm. I am unable to attend but would like to present these comments considering the variance request.

Please pardon my lack of expertise concerning residential zoning.

My wife and I purchased our home at 30059 Spring Branch Road W., Elberta, AL in July of 2013. The lot is 46 ft wide. The lot in question concerning the variance is also that width. The footprint of our structure has remained, as is, since the purchase. We love our home and plan to retire there in a few years.

When we purchased the home we were unaware of any agreements made by the previous owner with our neighbors to the west concerning new construction. Additionally, we were unaware of an existing variance granted to build a garage with an upstairs living space 5 ft from the property line. This structure was built approximately 1.5 years ago fully knowing the close proximity to our existing home.

The resultant structure, in my opinion and as stated by Baldwin County Zoning Rules that mandates 10 ft spacing from the property line, presents a fire hazard, undue safety concerns for my family, and erosion issues, etc, etc to both of our homes. The buildings are simply too close.

The new variance request seeks to continue the 5 ft spacing further to the North, which upon construction, will place both of our structures in even more jeopardy.

Please reconsider the granting of variance V-200026.

Thank you,

Wayne Morgan

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Wayne Morgan
Senior Vice President - Mill Division
Hood Container Corporation
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St. Francisville, LA 70775
225.336.2889