

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

AGENDA

September 14, 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 (July 13, 2020)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-200025 Stewart Property

Request: Approval of a variance from the front and rear setback requirements to allow for future development of the lot

Location: The subject property is located at lot 46 Block D Jubilee Point Subdivision (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

July 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 July 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: Michael Cochran and Blayne Pierce. Staff member present was Celena Boykin, Senior Planner.

Approval of Previous Meeting Minutes

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

V-200019, Rogers Property

Mrs. Boykin presented the applicant's request for a variance from the rear yard setback requirement to allow for an existing sunroom and deck to remain. Staff recommended that the variance be approved.

Mr. Daniel Hart spoke in support of the variance request.

Board Member Michael Cochran made a motion to approve the variance request. The motion received a second from Board Member Blayne Pierce and carried unanimously.

V-200021, McManigle Property

Mrs. Boykin presented the applicant's request for a variance from the front yard setback requirement to allow for the construction of a swimming pool. Staff recommended that the board base its decision on information provided in the staff report and at the public hearing.

One letter was submitted with questions pertaining to environmental issues.

Mr. Cameron Rhodes addressed concerns in the letter and reasons why the variance is needed.

Board Member Blayne Pierce made a motion to approve the variance request as plan was submitted. The motion received a second from Board Member Michael Cochran and carried unanimously.

Adjournment

There being no further business to come before the board the chairman adjourned the meeting at 4:18 p.m.

Respectfully Submitted

Linda Lee, Planner

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

Brandon Bias, Chairman



Baldwin County Planning & Zoning Department County Commission District #2

Board of Adjustment Staff Report

Case No. V-200025

Stewart Property

Setback Variances to allow for future residential development of lot

September 14, 2020

Subject Property Information

Planning District: 26
General Location: Lot 46 Block D, Jubilee Point Subdivision on Mobile Bay
Physical Address: County Road 1
Parcel Number: 05-56-08-33-0-000-037.000
Zoning: RSF-2, Single Family District
Lot Size: Approximately 50' x 128'
Applicant: Bertrand E. Stewart
5625 E. McKellips Road #2215
Mesa, AZ 85215
Owner: Same
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped	RSF-2
South	Residential	RSF-2
East	Undeveloped	RA
West	Mobile Bay	N/A

Summary and Recommendation

The applicant is requesting a variance to allow for future residential development. The zoning requirement at issue is the front (water side) setback and the rear (roadside) setback. The applicant has a rear (roadside) setback of zero, which would be a variance of 30 feet and a front (water side) setback of 10 feet which would be a variance of 40 feet.

Staff recommends that Case No. V-200025, Stewart Property, be **APPROVED** with conditions listed later in staff report based on the comments contained herein. *

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

Variance Request

The applicant is requesting a variance to allow for future residential development. The zoning requirement at issue is the front (water side) setback and the rear (roadside) setback. The applicant has a rear (roadside) setback of zero, which would be a variance of 30 feet and a front (water side) setback of 10 feet which would be a variance of 40 feet.

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
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

***Section 12.5 Yard Requirements**

12.5.1 Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than 2-feet beyond the yard area requirements. (For additional provisions see *Section 22.2, Definitions* “Accessory Structure” and “Structure”)

12.5.2 Yard requirements shall be modified subject to the following conditions:

(f) All buildings or structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.

****2.3.26.3 Local Provisions for Planning district 26**

- (a) One accessory dwelling per lot shall be permitted by right in the RSF-1 and RSF-2 districts, provided the accessory dwelling does not exceed 60% of the size, in square feet, of the principal dwelling.
- (b) The required side yard setbacks for RSF-1 and RSF-2 lots existing on or before May 19, 2020, and which do not meet the minimum lot width requirements for the underlying zoning designation, may be reduced to 3-feet on one side and 10-feet on the other side provided a minimum of 13-feet separation remains between buildings.
- (c) The following zoning districts shall not be available in Planning District 26, and all references in the zoning ordinance to such districts are deleted, except as to lots or parcels included in such districts as of May 19, 2020:
 - 1. RSF-3, Single Family District
 - 2. RSF-4, Single Family District
 - 3. RTF-4, Two Family District
 - 4. RSF-6, Single Family District
 - 5. RTF-6, Two Family District
 - 6. RMF-6, Multiple Family District
 - 7. HDR, High Density Residential District
- (d) Planned Residential Development (PRD) Districts, Article 9, shall not be available in Planning District 26, and all references to Planned Residential Districts, for Planning District 26, in the zoning ordinance are deleted.
- (e) The following uses shall not be allowed either as a Permitted Use, Conditional Use or Special Exception in any commercial district in Planning District 26:
 - 1. Boarding, rooming or lodging house, dormitory
 - 2. Car wash
 - 3. Cemetery
 - 4. Discount/variety store
 - 5. Drug store
 - 6. Laundry, self service
 - 7. Mini-warehouse
 - 8. Neighborhood convenience store, greater than 4,000 square feet
 - 9. Nightclub, bar, tavern
 - 10. Recreational vehicle park
 - 11. Restaurant, drive-in
 - 12. Restaurant, fast food

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 adjoining properties are residential and undeveloped. The property adjoins County Road 1 to the north east. County Road 1 is a county maintained paved road. According to the survey submitted the property is 50-feet wide and 62-feet deep. The approximate square footage is 3,100 square feet. The required minimum lot area for the RSF-2 zoning designation is 15,000 square feet. As a result, the lot is nonconforming. However, due to the fact that the property is a lot of record, which was pre-existing at the time zoning was adopted; it may be used as a building site, but must conform to all zoning requirements, with the exceptions of square footage and lot width.

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

In addition to the fact that the lot is nonconforming, several topographic conditions affect buildable area on the subject property.

1.) Excessive Right-of-Way

The subject property is located in the Jubilee Point Subdivision. The right-of-way for this stretch of County Road 1 is 230-feet, where other sections of County Road 1 have a more normal right-of-way which ranges from 80 to 100-feet. As a result, the depths of lots in the Jubilee Point area are reduced which in turn decreases buildable area. A substantial number of variances which have been considered and approved in Planning 26 are a direct result of the 230' right-of-way. This is especially true with regard to rear setbacks. Variances which allowed rear setbacks ranging anywhere from 20-feet to a zero-lot line have been approved depending on the needs of the particular applicant.

2.) V-Zone Setback

This lot is located in a VE Zone which is also known as the Coastal High Hazard area. The VE Zone extends from offshore to an inland limit based on mapping criteria. FEMA has established numerous standards intended to minimize storm surge impacts in these sensitive areas. The most important requirements relate to finished floor elevations and other construction standards including foundation design and enclosures. These standards are regulated by the Building Inspection Department. With regard to setbacks, the FEMA regulations only state that a structure should be located landward of the reach of mean high tide. Typically, mean high tide is certified at a bulkhead. However, it can actually be located further out in the water and will periodically change due to the seasonal nature of tides. The applicant is proposing to locate the proposed dwelling a minimum of 10 feet from the shoreline.

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.

As stated previously, the purpose of this request is to allow for future residential development of the lot which is permitted by the RSF-2 zoning.

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.

No adverse impacts.

5.) Other matters which may be appropriate.

Lots on County Road 1 are subject to numerous topographic as well as area and dimensional issues which make building difficult. This is particularly true of rear setbacks in the Jubilee Point area. Staff has examined ways to address these issues, but under the current ordinance, the primary means by which property owners may obtain relief is through the variance process.

According to the survey this property is covered in wetlands. Development of this property will require approval of a variance from the wetlands setback requirements which was not requested with this application.

Staff Comments and Recommendation

As stated previously, the applicant is requesting a variance to allow for future residential development. The zoning requirement at issue is the front (water side) setback and the rear (roadside) setback. The applicant has a rear (roadside) setback of zero, which would be a variance of 30 feet and a front (water side) setback of 10 feet which would be a variance of 40 feet. **In reviewing the submitted survey, it appears that the applicant's request is based on the 50-foot measurement to the traverse line instead of the 62-foot measurement to the shoreline.**

Staff feels that this is a reasonable request due to the fact that it is consistent with previous variance approvals and due also to the presence of area and topographic factors including the size of the property, the right-of-way on County Road 1 and the V Zone setback.

As a result, staff recommends that Case No. V-200025, Stewart Property, be **APPROVED** with conditions listed below based on the comments contained herein.*

- Any roadside stairs would have to come off the east side or go under the house.
- No deck or stairs will be allowed over the front setback line.
- The air conditioning unit must be located within the 10-foot side setback.
- Approval is for proposed buildable area of 36' x 40'.

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

GENERAL NOTES {By-laws}

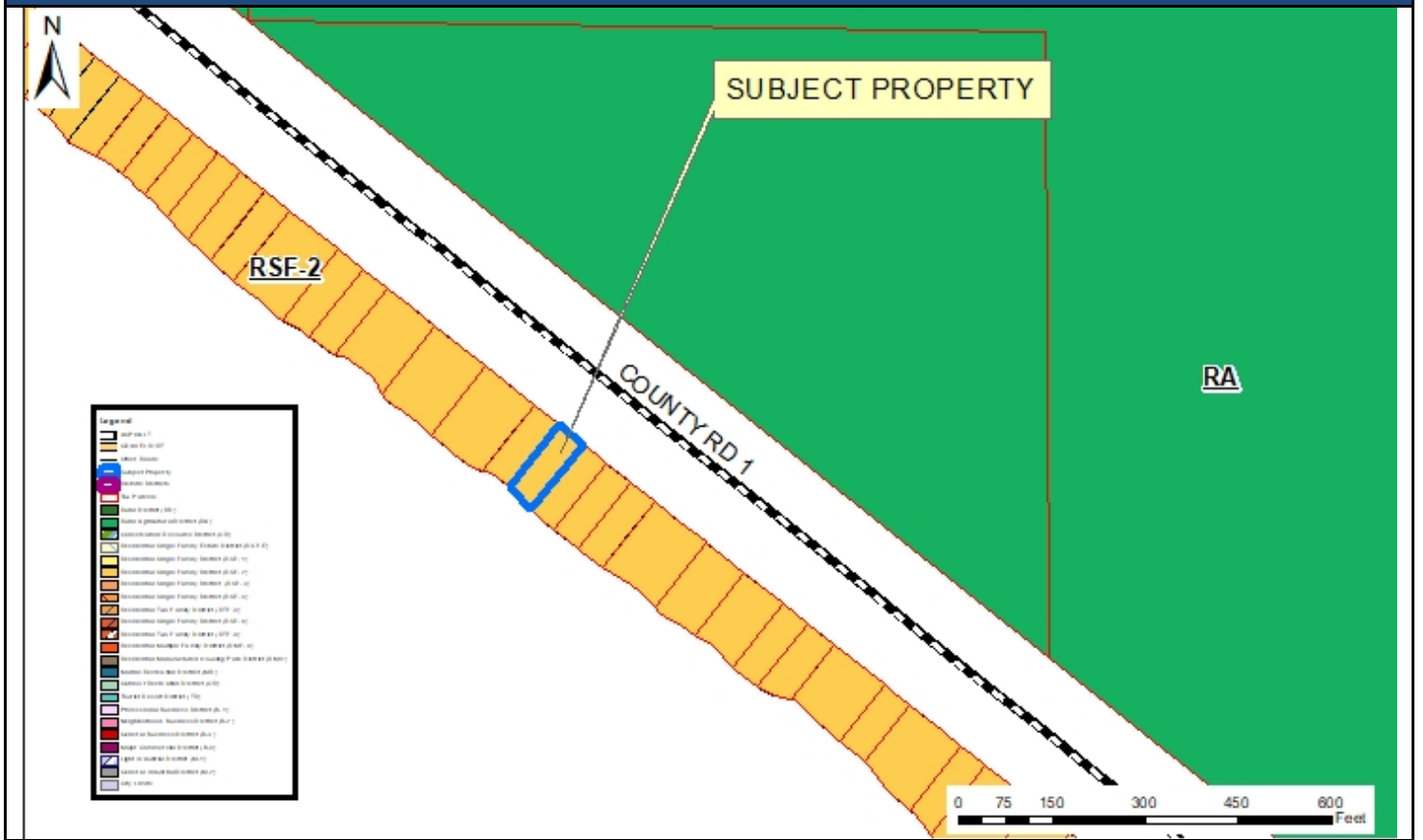
Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board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

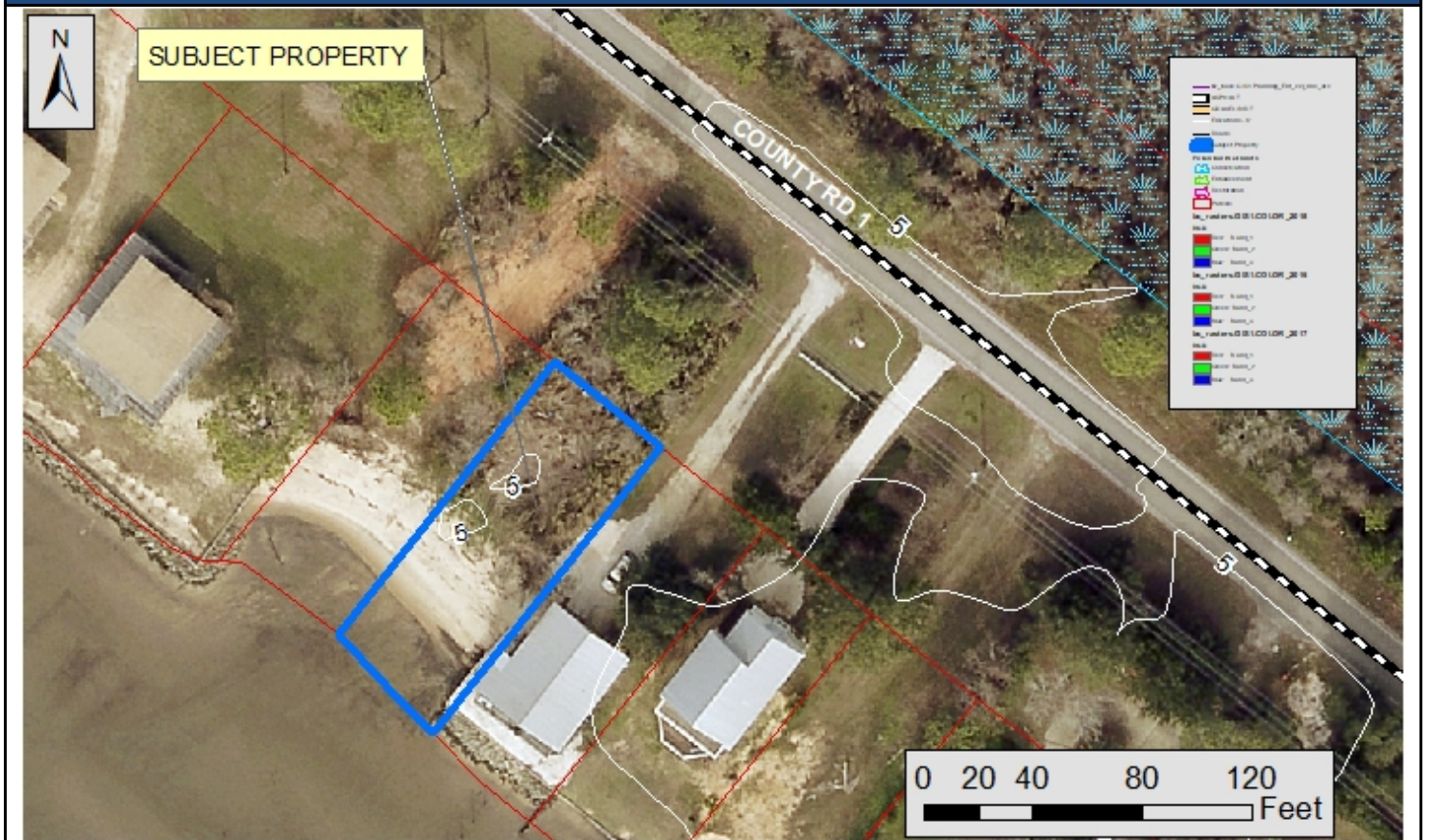




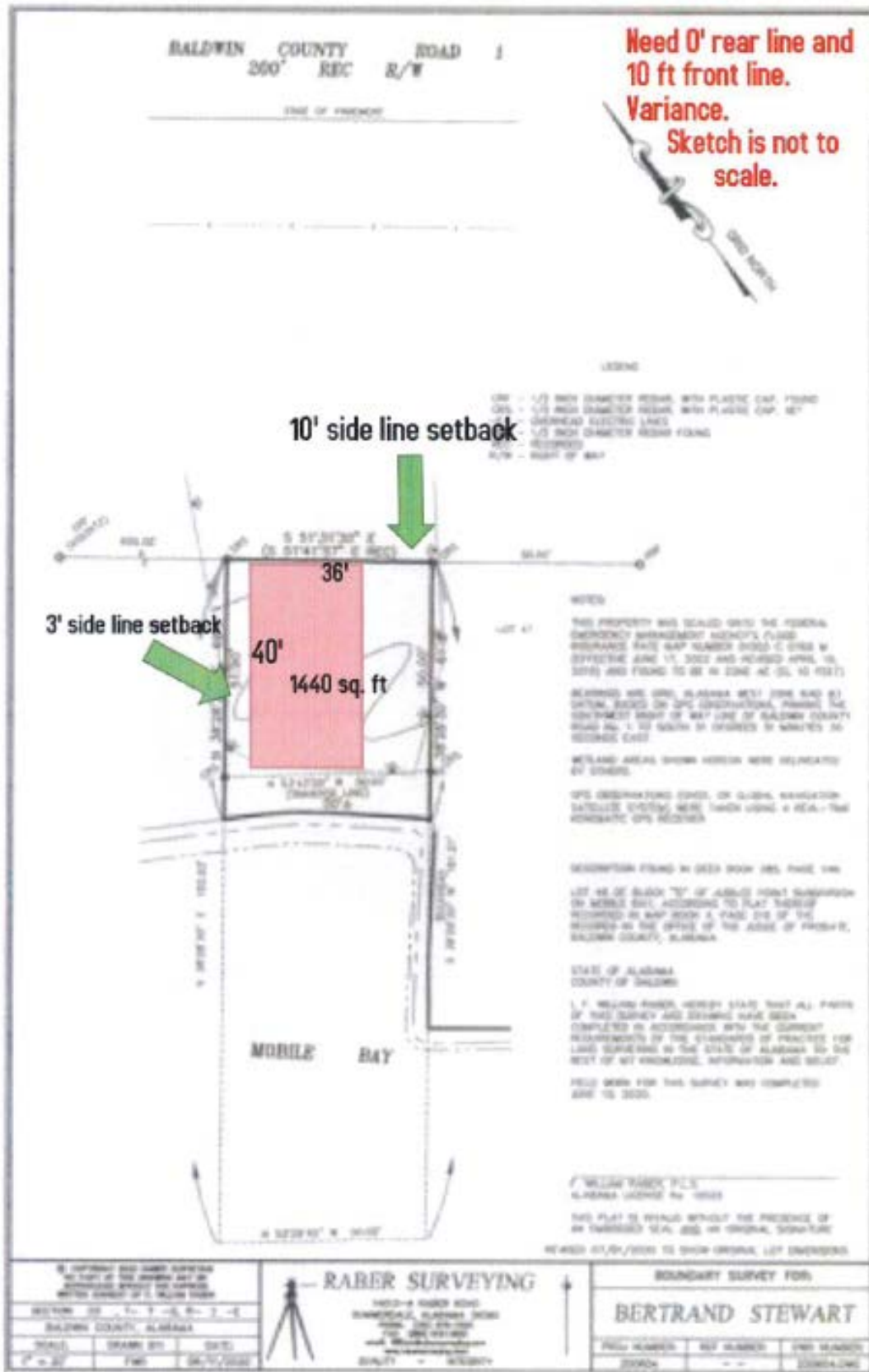
Locator Map



Site Map



Site Plan Submitted



Survey

