

**Baldwin County Commission District 1, Board of Adjustment
Agenda**

September 30, 2020

10:00 a.m.

**Baldwin County Administration Building
Commission Conference Room
322 Courthouse Square
Bay Minette, AL 36507**

- I. Call to Order
- II. Roll Call
- III. Approval of Previous Meeting Minutes (September 2, 2020)
- IV. Announcements/Registration to Address the Board of Adjustments
- V. Consideration of Applications and Request

ITEMS:

a.) Case No. V-200028, Bush Property

Request: A variance from the front, rear and side setback requirements to allow for construction of a single-family dwelling

Location: The subject property is located at 41941 Bayou Road, in Planning District 4

Attachments: Within Report

- VI. Old Business
- VII. New Business
- VIII. Adjournment

Baldwin County Commission District 1, Board of Adjustment
September 2, 2020
Special Meeting Minutes
Baldwin County Administration, Bay Minette

The Board of Adjustment for Baldwin County Commission, District 1 met in a special session on Wednesday, September 2, 2020, at 10:00 a.m., in the Commission Conference Room of the Baldwin County Administration Building in Bay Minette. The meeting was called to order by the Vice Chairman, Ms. Charmein Moser. Members present included Ms. Nancy Mackey and Ms. Christine Sullivan. Also present was Planner Director, Vince Jackson.

Approval of Minutes

Ms. Mackey made a motion to approve the minutes of the December 18, 2019, regular meeting. The motion received a second from Ms. Sullivan and carried unanimously.

SE-20004, Hwy 225 Storage LLC Property

Mr. Jackson presented the request for a special exception to allow for the expansion of an RV/Boat Storage facility. Staff recommended approval of the special exception.

Mr. Parnell, the applicant, answered questions and spoke in support of the request.

Board Member Nancy Mackey made a motion to approve the special exception request subject to conditions listed in staff report. The motion received a second from Board Member Christine Sullivan and carried unanimously.

New Business

Mr. Jackson announced the resignation of board member Nancy Mackey. Mr. Jackson also discussed the upcoming reorganization of boards.

Election of Officers for 2020

The following were elected as officers for the 2020 calendar year:

Chairman – Charmein Moser
Vice Chair – Christine Sullivan

Adjournment

There being no further business to come before the Board, Chairman Moser adjourned the meeting at 10:45 a.m.

Respectfully submitted:

Linda Lee, Planner

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

Charmein Moser, Chairman



Baldwin County Planning & Zoning Department

County Commission District #1

Board of Adjustment Staff Report

Case No. V-200028

Bush Property

Variance from Front, Rear and Side Setback Requirements to allow for a Single-Family Dwelling

September 30, 2020

Subject Property Information

Planning District: 4
General Area: Tensaw Island
Physical Address: 41941 Bayou Road
Parcel Number: 05-22-05-08-0-000-036.121
Zoning: MR, Marine Recreation District
Acreage: 0.11 acres, more or less
Applicant: Cindy Bush
42521 Pine Grove Road
Bay Minette, AL 36507
Owner: Same
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	MR, Marine Recreation District
South	Residential	MR, Marine Recreation District
East	Vacant	MR, Marine Recreation District
West	Tensaw River	NA

Summary

The applicant is requesting a variance from the front, rear and side setback requirements to allow for the construction of a single-family dwelling. The proposed structure would have a 30'x70' building footprint.

Zoning Requirements

Section 6.1 MR, Marine Recreation District

6.1.1 *Generally.* This zoning district is intended to provide for water related recreation activities.

6.1.2 *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) Marine recreation uses.
- (d) Outdoor recreation uses.
- (e) The following general commercial uses: country club; hotel or motel; night club, bar, tavern.
- (f) The following local commercial uses: bed and breakfast or tourist home; cafe; convenience store; delicatessen; gift shop; restaurant.
- (g) The following professional service and office uses: office.
- (h) The following institutional uses: church or similar religious facility.
- (i) The following agricultural uses: Silviculture.
- (j) Single Family dwellings including manufactured housing and mobile homes.
- (k) Accessory structures and uses.

6.1.3 *Conditional use.* 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 a conditional use:

The following institutional uses: day care home.

6.1.4 *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	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	80,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	No Minimum

The subject property is currently vacant. The property adjoins Bayou Road to the west. The adjoining properties are residential and vacant.

The approval standards listed below are found in Section 18.6 of the *Baldwin County Zoning Ordinance*. These standards are to be considered when reviewing a variance request.

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 0.11 acres with dimensions of approximately 50 feet wide and 100 feet long for a total area of approximately 5,000 square feet. Per the survey submitted, the width on the road side is 48.6 feet. The minimum lot area for property zoned MR is 80,000 square feet and the minimum lot width is 165 feet. Based on those requirements the property meets the exceptional narrowness and shallowness standard.

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

The property is in the AE flood zone and below the 5-foot contour. The ArcGIS wetlands layer does not indicate any potential wetlands.

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 subject property is zoned MR, Marine Recreation District. This designation is intended to provide for water related recreation activities. Single-family dwellings are permitted by right in this zoning designation. According to Section 12.9 of the zoning ordinance, 'Where a lot of record at the time of the effective date of these zoning ordinances had less area or width than herein required for the zoning district in which it is located, said lot may nonetheless be used as a building site.' Despite this provision, the setback requirements of the underlying zoning must still be met.

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 is unaware of any impacts to surrounding areas.

5.) Other matters which may be appropriate.

As stated previously, the applicant is requesting a variance from the front, rear and side setback requirements to allow for the construction of a single-family dwelling. The proposed structure would have a 30'x70' building footprint.

Staff sees no major issues with this request and recommends that Case V-200028, Bush Property, be **APPROVED**. *

** A concurring vote of the majority of the Board members shall 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.

Code Enforcement Officer was unable to access island to post sign and take pictures

[illegible]

Site Map – 2018 Aerial Photography

SUBJECT PROPERTY

BAYOU RD

Legend:

- Bayou (Blue line)
- Water (Blue area)
- Vegetation (Green area)
- Other (Yellow area)

Scale: 0 30 60 120 180 Feet

Property Owners Association Statement

September 1, 2020

To: Baldwin County Planning and Zoning

From: Tony Rand
42331 Bayou Road
Bay Minette, AL 36507

I have no opposition to the variance requested by Cindy L. Bush for construction of home located at 41941 Bayou Road, Bay Minette.



Tony Rand
President of Tensaw Island Land Owners Association

President of Association
+ property owner

Neighbors Statements

September 3, 2020

To: Baldwin County Planning and Zoning

From: David D. Thomas
41923 Bayou Road
Bay Minette, AL 36507

We have no opposition to the variance requested by Cindy L. Bush for construction of home
Located at 41941 Bayou Road, Bay Minette.


David D. Thomas

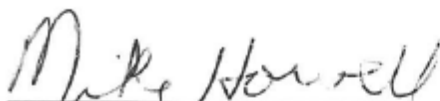
Adjacent property owner
to my lot

September 1, 2020

To: Baldwin County Planning and Zoning

From: Mike Howell
42129 Bayou Road
Bay Minette, AL 36507

I have no opposition to the variance requested by Cindy L. Bush for construction of home
located at 41941 Bayou Road, Bay Minette.


Mike Howell

September 3, 2020

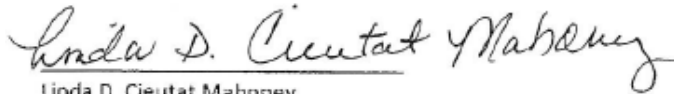
To: Baldwin County Planning and Zoning

From: Joseph A. and Linda D. Cieutat Mahoney
41945 Bayou Road
Bay Minette, AL 36507

We have no opposition to the variance requested by Cindy L. Bush for construction of home
Located at 41941 Bayou Road, Bay Minette.



Joseph A. Mahoney



Linda D. Cieutat Mahoney

Adjacent property owner
to my lot

September 3, 2020

To: Baldwin County Planning and Zoning

From: Ralph M. Hall Sr.
42151 Bayou Road
Bay Minette, AL 36507

We have no opposition to the variance requested by Cindy L. Bush for construction of home
Located at 41941 Bayou Road, Bay Minette.



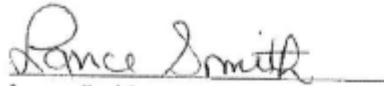
Ralph M. Hall Sr.

September 1, 2020

To: Baldwin County Planning and Zoning

From: Lance Smith
42225 Bayou Road
Bay Minette, AL 36507

I have no opposition to the variance requested by Cindy L. Bush for construction of home located at 41941 Bayou Road, Bay Minette.


Lance Smith

Site Plan Submitted

