

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

AGENDA

October 8, 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 (September 10, 2020)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. AD-20002, F Family South LLC Property

Request: appealing the determination concerning subject property being located in Planning District 24 and subject to zoning regulations applicable to District 24.

Location: The subject property is located at 1 Island Lane in Planning District 24

Attachments: Within Report and Attached

6. Old Business
7. New Business
 - a.) Approval of 2021 Meeting and Deadline Calendar
8. Adjournment

Baldwin County Commission District 4, Board of Adjustment
September 10, 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 September 10, 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: Samuel Mitchell, Michael Swansburg, Jack Danley, Harold Stephens and Johanna Moloney. Staff members present were Linda Lee, Planner and Celena Boykin, Senior Planner.

The first order of business was approval of the minutes from the August 13, 2020 meeting. Mr. Mitchell made a motion to approve the meeting minutes. The motion received a second from Ms. Moloney 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 25 feet and rear setbacks of 25 feet on all lots. Staff recommended approval of the variance request.

Mr. James Butler spoke in favor of the variance request.

Mr. Mitchell made a motion to approve the 25-foot front yard setbacks and the 25-foot rear yard setbacks as presented by staff in case V-200024 regarding Sarah Farms Subdivision, Phase II with the stipulation that no future setback variances of any type shall be considered for any of the 91 lots herein contained at any point in the future. The motion received a second from Ms. Moloney and carried unanimously.

V-200026 Giles Property

Mrs. Boykin presented the applicant's request for 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. Mrs. Boykin reviewed the previous variance request for the property. Staff recommended denial of the variance request. Staff answered questions from board members.

Mr. Paul Giles spoke in favor of the variance request and answered questions from the board. Mr. Ed Dismukes spoke in favor of the variance request.

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

New Business

Mrs. Lee updated the board on legislative changes to the Boards of Adjustment. There will be only two boards and the alternates on each board will serve as supernumerary alternate members in that they will be allowed to serve in the absence of any regular member.

Adjournment

There being no further business to come before the board the meeting was adjourned at 4:08 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

Board of Adjustment Staff Report

Case No. AD-20002

F Family South, LLC, Property

Appeal of Administrative Decision Pertaining to Applicability of Zoning to the Subject Property

October 8, 2020

Subject Property Information

Planning District: 24
General Location: Ono Island canal system, south of Ono Island Subdivision, Unit 14
Physical Address: 1 Island Lane, Orange Beach, Alabama 36561
Parcel Number: 05-65-01-01-0-000-001.000
Existing Zoning: RSF-2, Single Family District
Existing Land Use: Undeveloped (Boathouse under construction, five (5) townhomes proposed)
Square Footage: 439' x 814', Irregular
Appellant: F Family South, LLC
30021 Heron Court
Orange Beach, Alabama 36561
Owner: Same
Lead Staff: Vince Jackson, Development Review Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2, Single Family
South	Residential	RSF-2, Single Family
East	Residential	RSF-2, Single Family
West	Residential	RSF-2, Single Family

Staff Analysis and Findings

This Appeal of an Administrative Decision is related to the applicability of zoning to the subject property.

On July 13, 2020, the property owner submitted a building permit application for the construction of five (5) townhomes. Email correspondence from the property owner to the Planning and Zoning staff included the following:

As you may know, the island was separated from Ono Island in the late 1980's when the canal system was developed. Later, Baldwin County was given zoning authority which eventually included Ono Island, which is referred to in the County Zoning Regulations as "Planning District 24". The online version of the Zoning Regulations which I found define Planning District 24 as "Ono Island", which clearly excludes our property. The Ono POA has historically treated the island as not being subject to the POA's covenants, as we have never been assessed dues by the POA since we acquired the island several years ago.

On August 14, 2020, a zoning determination letter was issued which stated the following:

Recently, you inquired as to the applicability of zoning to the above referenced parcel. A townhome development, consisting of five (5) units, is proposed. I have researched the information and have discussed the issues with the County Attorney. It is my determination, as Zoning Administrator for the Baldwin County Commission, that the property in question is part of Ono Island (Planning District 24) and is therefore subject to the requirements of the *Baldwin County Zoning Ordinance*.

The property is zoned RSF-2, Single Family District. This designation does not allow townhomes. If you wish to proceed with the proposed development, you will need to apply to have the property rezoned to a designation which would permit townhomes at the desired density. In addition, the *Baldwin County Subdivision Regulations* are also applicable to this property. Townhomes require final site plan approval by the Baldwin County Planning and Zoning Commission in accordance with Section 5.17 of the subdivision regulations.

This determination may be appealed to the Board of Adjustment for County Commission District 4. Please refer to Section 18.5 of the zoning ordinance for provisions related to appeals. If you wish to file an appeal, you may obtain the required forms from the offices of the Planning and Zoning Department or from the county website.

The Zoning Map and Ordinances for Planning District 24 were adopted by the Baldwin County Commission on April 7, 1993. The legal description for the district is "Ono Island". This description refers to Ono Island as an entity and does not reference any subdivision on the island. It is the understanding of staff that the property in question is an intertidal mound which was created, as a requirement of the Corps of Engineers, with the construction of the canal system. It is fully within the canal system and within the boundaries of Ono Island. Staff is aware that the property is not included in an Ono Island subdivision, but as stated previously, the legal description references the island rather than any specific subdivision. As a result, staff believes that the property is part of Planning District 24 and is therefore subject to the requirements of the *Baldwin County Zoning Ordinance*.

Current Zoning Requirements

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

Appeal Authorization

The Baldwin County Zoning Ordinance expressly provides for an appeals process when it is believed that the Zoning Administrator (Planning Director), or other administrative official, has erred in any “order, requirement, decision, or determination”.

Section 18.5 Appeals to the Board of Adjustment

18.5.1 The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or other administrative official in the enforcement of these zoning ordinances.

18.5.2 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or department of Baldwin County affected by any decision of any administrative officer representing the County in an official capacity in the enforcement of these zoning ordinances. Such appeal shall be taken within 30 days of said decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board of Adjustment all papers constituting the record upon which the action was taken.

18.5.3 An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record on application and notice to the officer from whom the appeal is taken and on due cause shown.

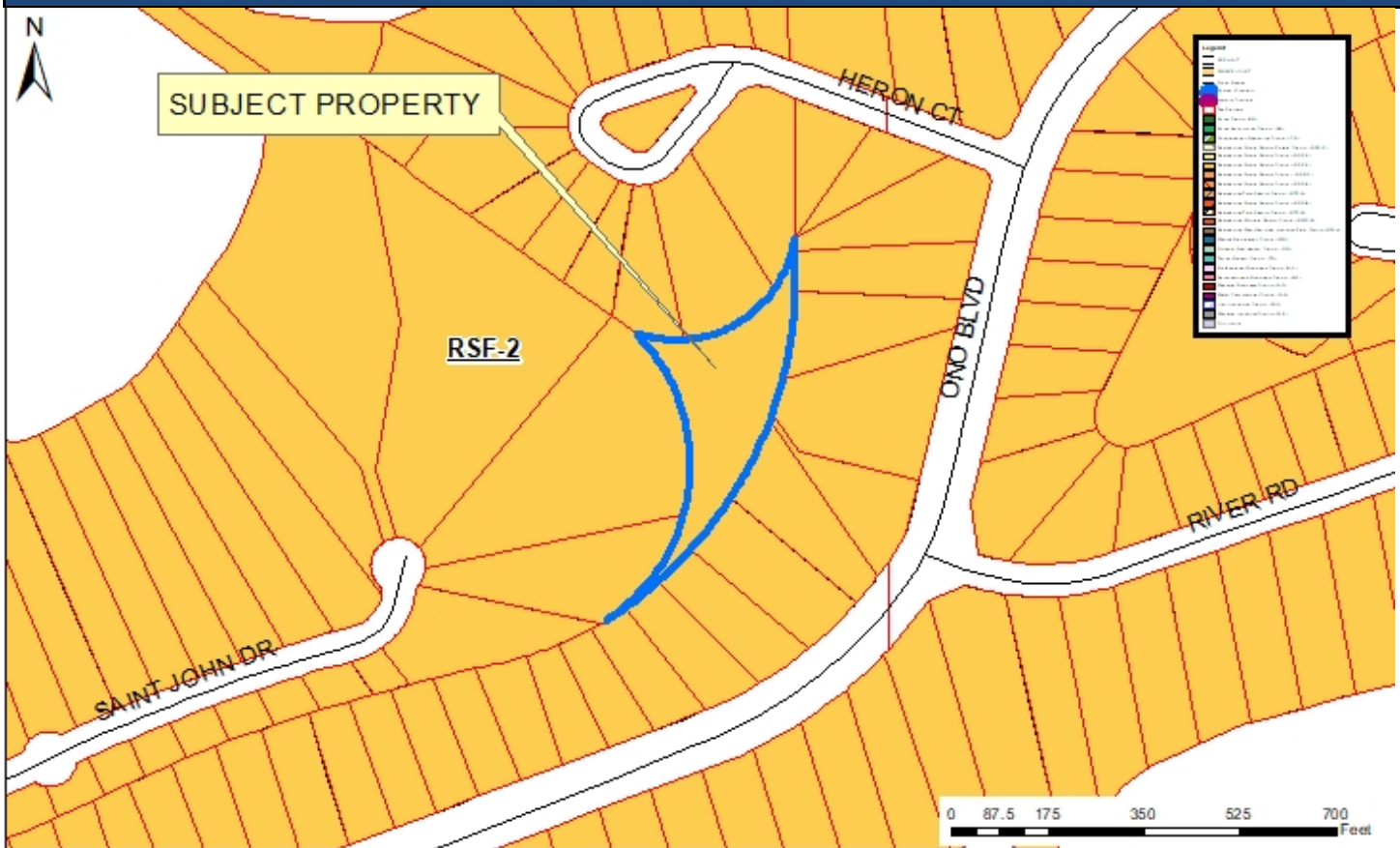
Summary and Recommendation

As stated previously, this Appeal of an Administrative Decision is related to the applicability of zoning to the subject property. The Zoning Administrator has determined that the property is part of Planning District 24 and is subject to the requirements of the zoning ordinance. In submitting the appeal, the property owner has requested that the Board overturn administrative decision and determine that the subject property is not in Planning District 24 and is not subject to the zoning regulations applicable to Planning District 24.

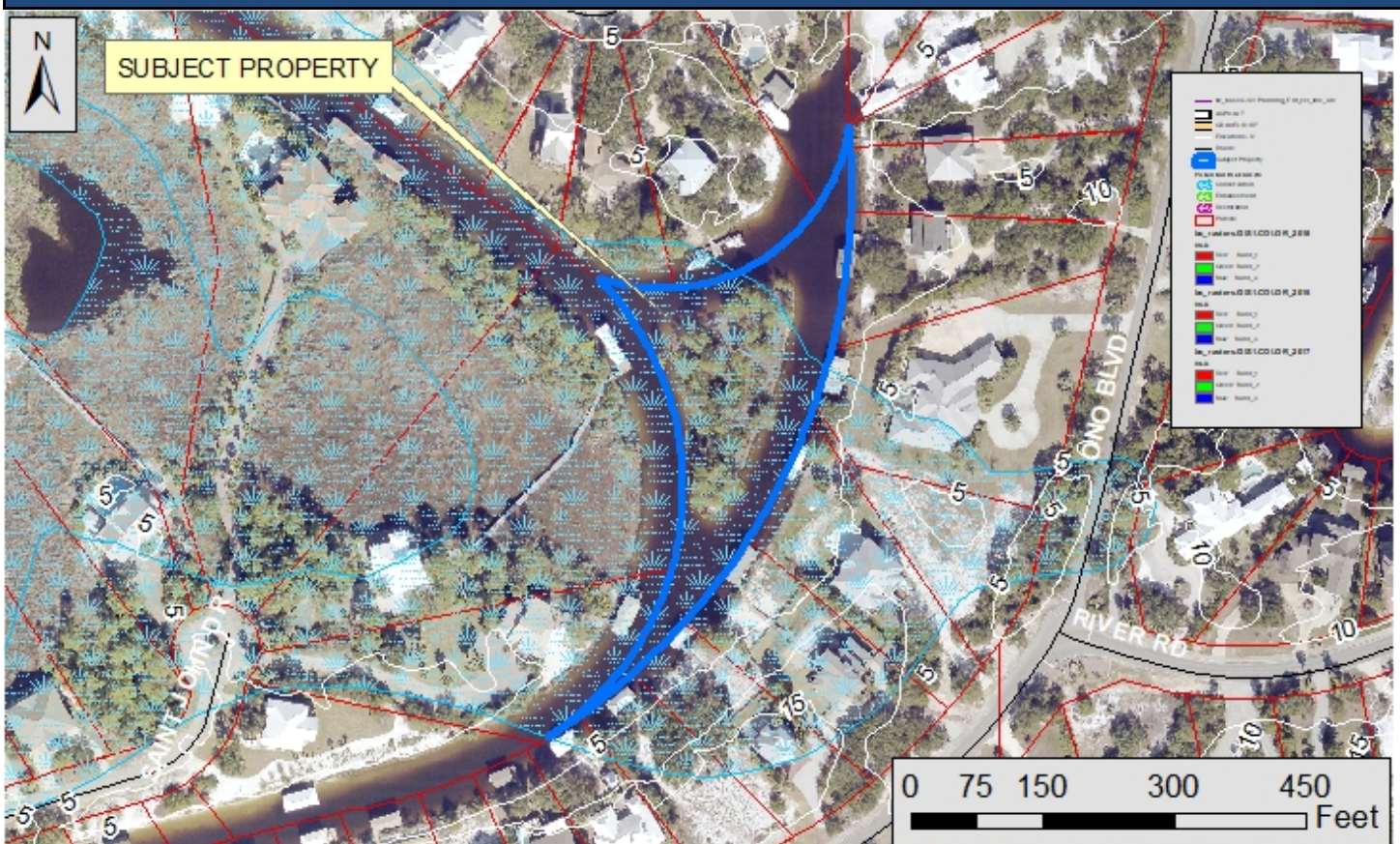
Staff recommends that the Administrative Decision of the Zoning Administrator be **UPHELD**, and the appeal **DENIED**, based on the comments contained herein. *

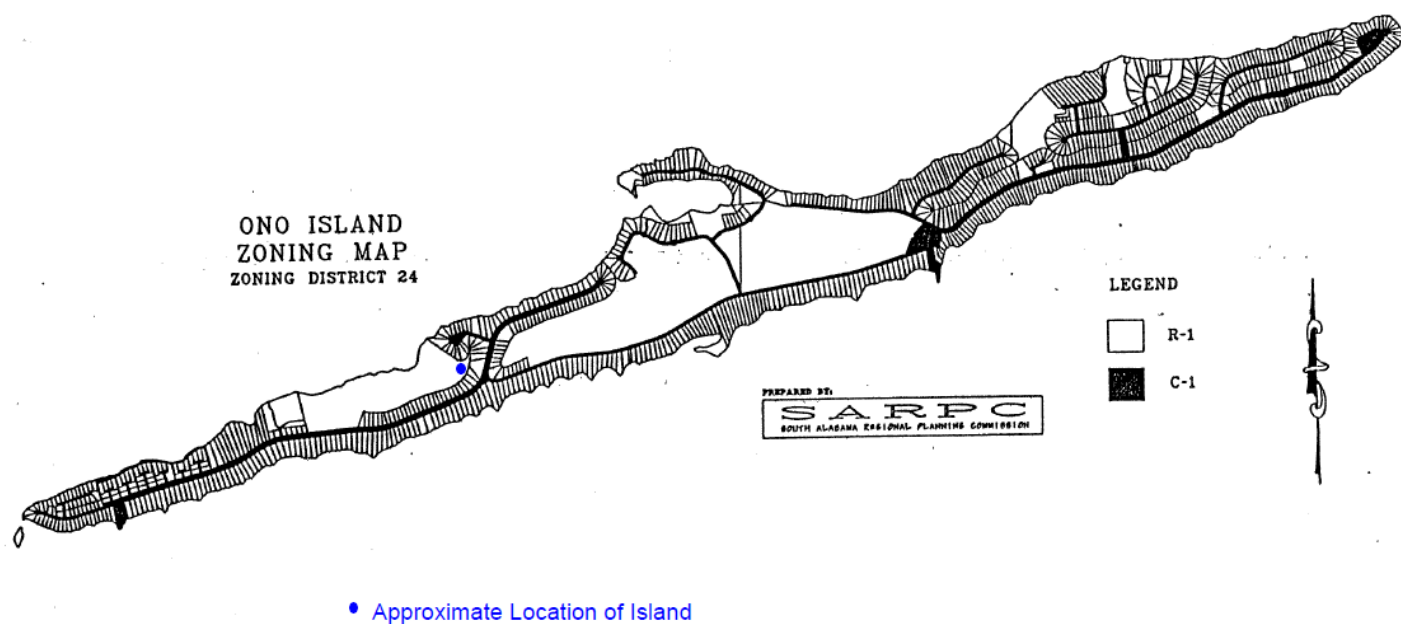
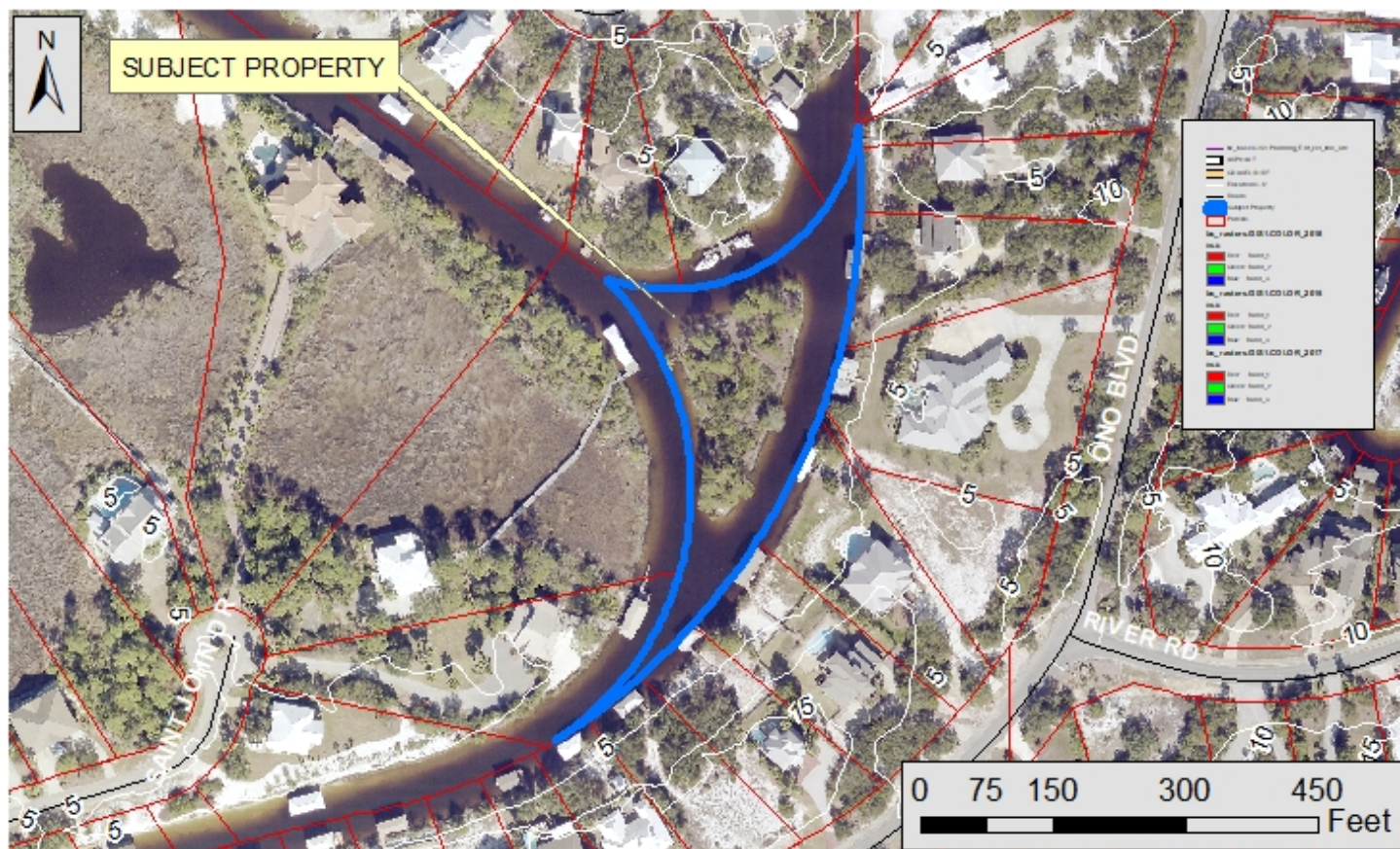
**A majority vote of the members of the Board will be necessary to reverse the administrative decision.*

Locator Map



Site Map







BALDWIN COUNTY COMMISSION

PLANNING AND ZONING DEPARTMENT

Main Office (Physical)
22070 Highway 59
Robertsdale, AL 36567
Phone: (251) 580-1655
Fax: (251) 580-1656

Main Office (Mailing)
22251 Palmer Street
Robertsdale, AL 36567

Foley Office
201 East Section Avenue
Foley AL 36535
Phone: (251) 972-8523
Fax: (251) 972-8520

www.planning.baldwincountyal.gov

August 14, 2020

Mr. Jeffrey I. Friedman
F Family South, LLC
30021 Heron Court
Orange Beach, Alabama 36561

RE: Parcel #05-65-01-01-0-000-001.000

Dear Mr. Friedman:

Recently, you inquired as to the applicability of zoning to the above referenced parcel. A townhome development, consisting of five (5) units, is proposed. I have researched the information and have discussed the issues with the County Attorney. It is my determination, as Zoning Administrator for the Baldwin County Commission, that the property in question is part of Ono Island (Planning District 24) and is therefore subject to the requirements of the *Baldwin County Zoning Ordinance*.

The property is zoned RSF-2, Single Family District. This designation does not allow townhomes. If you wish to proceed with the proposed development, you will need to apply to have the property rezoned to a designation which would permit townhomes at the desired density. In addition, the *Baldwin County Subdivision Regulations* are also applicable to this property. Townhomes require final site plan approval by the Baldwin County Planning and Zoning Commission in accordance with Section 5.17 of the subdivision regulations.

This determination may be appealed to the Board of Adjustment for County Commission District 4. Please refer to Section 18.5 of the zoning ordinance for provisions related to appeals. If you wish to file an appeal, you may obtain the required forms from the offices of the Planning and Zoning Department or from the county website.

If you should have questions or should need additional information, please email me or give me a call at (251) 580-1655 extension 7238.

Thank you.

Sincerely,

Vince Jackson, Planning Director/Zoning Administrator
Baldwin County Planning and Zoning Department

**BALDWIN COUNTY BUILDING INSPECTION DEPARTMENT
RESIDENTIAL PERMIT APPLICATION**

OWNERS NAME: F Family South, LLC

MAILING ADDRESS: 30021 Heron Court, Orange Beach, AL 36561
(CITY, STATE, ZIP)

PHONE: (216) 401-3537 EMAIL: Jeff.Friedman@JIFInvestment.com

PROPERTY ADDRESS: 1 Island Lane, Orange Beach, AL 36561
(CITY, STATE, ZIP)

SUBDIVISION AND LOT # N/A

PARCEL: 05- 65 - 01 - 01 - 0 - 000 - 001 - 000

CONTRACTOR: Persons Services Corp. AHBLB # 26127 (AL GC License No.)

PHONE: (251) 423-1154 FAX: n/a E-MAIL: buddy@personsservices.com

ELECTRIC SERVICE PROVIDER: Baldwin EMC

ELECTRICAL CONTRACTOR: Robinson Electric

PLUMBING CONTRACTOR: GNG Plumbing

HVAC CONTRACTOR: Roberts Air Conditioning

CLASS OF WORK: (CHECK ONE)

NEW ☒
ADDITION/ALTERATION ☐
REPAIRS ☐
ACCESSORY STRUCTURE ☐

CONTRACT PRICE: Cost Plus

INSULATION TYPE: (CHECK ONE) BATT ☒ FOAM ☐ CELLULOSE ☐

SQ FT HEATED AREA: 6,880 SQ FT UNHEATED AREA: 3,133

DESCRIPTION OF WORK (ADDITION OR REPAIRS) Construction of five (5)
single-family townhomes

SIGNATURE [Signature] DATE 7-13-20

FOR OFFICE USE ONLY

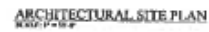
HEALTH DEPT/SEWER RELEASE _____ WATER RELEASE _____ DATE RECEIVED _____

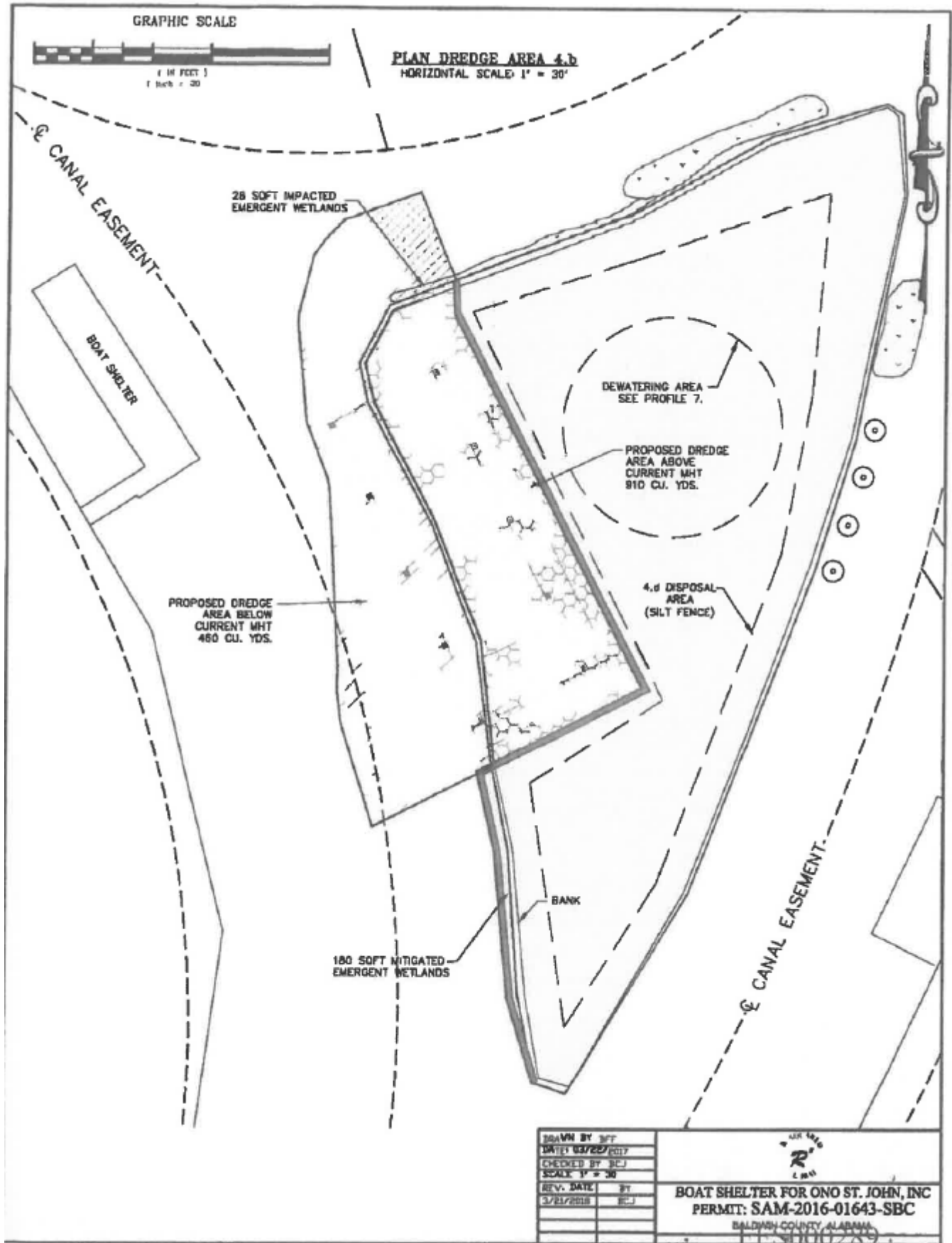
OWNER CONTRACTOR FORM _____ DRIVEWAY PERMIT _____ CHECKED BY _____

THIS FORM MUST BE FILLED OUT COMPLETELY

REVISED 5/29/2020

COPYRIGHT 2020. M





**BALDWIN COUNTY COMMISSION #4
PLANNING AND ZONING BOARD OF ADJUSTMENT**

**2021
MEETING DATES
&
APPLICATION DEADLINE DATES
OPTION 1**

Meeting time: 3:30 p.m.

Meeting location: Foley Satellite Courthouse Large Meeting Hall

All applications to be considered by the Baldwin County Commission #4 Planning and Zoning Board of Adjustment shall be submitted no later than 4:30 p.m. on the deadline date listed below. *There will be no exceptions.*

MEETING DATE	STAFF REPORTS DUE	APPLICATION DEADLINE DATE
January 14, 2021		December 21, 2020
February 11, 2021		January 21, 2021
March 11, 2021		February 18, 2021
April 8, 2021		March 17, 2021
May 13, 2021		April 22, 2021
June 10, 2021		May 19, 2021
July 8, 2021		June 16 2021
August 12, 2021		July 22, 2021
September 9, 2021		August 18, 2021
October 14, 2021		September 23, 2021
November 4, 2021		October 14, 2021
December 9, 2021		November 16, 2021

Dates may differ from original meeting dates and/or application deadline dates due to holidays and may be subject to change upon request by the Chairman of the Board.

U:\Zoning\Board of Adjustment - Baldwin County Commission 4 (South end) Deadline and Meeting Calendar 2021

**BALDWIN COUNTY COMMISSION #4
PLANNING AND ZONING BOARD OF ADJUSTMENT**

**2021
MEETING DATES
&
APPLICATION DEADLINE DATES
OPTION 2**

Meeting time: 3:30 p.m.

Meeting location: Foley Satellite Courthouse Large Meeting Hall

All applications to be considered by the Baldwin County Commission #4 Planning and Zoning Board of Adjustment shall be submitted no later than 4:30 p.m. on the deadline date listed below. *There will be no exceptions.*

MEETING DATE	STAFF REPORTS DUE	APPLICATION DEADLINE DATE
January 14, 2021		December 21, 2020
February 11, 2021		January 21, 2021
March 11, 2021		February 18, 2021
April 8, 2021		March 17, 2021
May 13, 2021		April 22, 2021
June 10, 2021		May 19, 2021
July 8, 2021		June 16 2021
August 12, 2021		July 22, 2021
September 9, 2021		August 18, 2021
October 14, 2021		September 23, 2021
November 18, 2021		October 27, 2021
December 9, 2021		November 16, 2021

Dates may differ from original meeting dates and/or application deadline dates due to holidays and may be subject to change upon request by the Chairman of the Board.

U:\Zoning\Board of Adjustment - Baldwin County Commission 4 (South end) Deadline and Meeting Calendar 2021