

BOARD OF ADJUSTMENT NUMBER 1

AGENDA

January 20, 2021

Regular Meeting

4:00 p.m.

Central Annex Auditorium

22251 Palmer Street

Robertsdale, Alabama

1. Call to Order
2. Roll Call
3. Election of Officers for 2021
4. Approval of Previous Meeting Minutes (BCC District 1 BOA, October 15, 2020; BCC District 3 BOA, October 19, 2020; BCC District 2 BOA and Board of Adjustment Number 1 December 14, 2020)
5. Announcements/Registration to Address the Board of Adjustment
6. Consideration of Applications and Requests

ITEMS:

a.) Case No. SE-21001, Hwy 225 Storage LLC Property

Request: A special exception to allow for expansion of an RV/Boat Storage Facility

Location: The subject property is located at 36625-A State Hwy 225, in Planning District 4

Attachments: Within Report

b.) Case No. V-200036 Benchmark Homes Group LLC Property

Request: Approval of a variance from the rear yard setback requirement to allow for the construction of a single-family dwelling

Location: The subject property is located at lot 95 Lakeland Subdivision Phase 10 Unit 2 in Planning District 12

Attachments: Within Report

c.) Case No. V-200037 Benchmark Homes Group LLC Property

Request: Approval of a variance from the rear yard setback requirement to allow for the construction of a single-family dwelling

Location: The subject property is located at lot 96 Lakeland Subdivision Phase 10 Unit 2 in Planning District 12

Attachments: Within Report

7. Old Business
8. New Business
2021 Meeting and Deadline Calendar Revised
9. Adjournment

Baldwin County Commission District 1, Board of Adjustment
October 15, 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, October 15, 2020, at 10:00 a.m., in the Personnel Department Conference Room at 105 W 3rd Street in Bay Minette. The meeting was called to order by the Vice Chairman, Ms. Charmein Moser. Members present included Ms. Christine Sullivan and Ms. Nancy Mackey (via Webex). Also present was Development Review Planner, Vince Jackson.

Approval of Minutes

Ms. Sullivan made a motion to approve the minutes of the September 2, 2020, special meeting. The motion received a second from Ms. Mackey and carried unanimously.

V-200028, Bush Property

Mr. Jackson presented the request for a variance from the front, rear and side setback requirements to allow for the construction of a single-family dwelling. Staff recommended approval of the variance request.

Cindy Bush and Johnny Bush spoke in support of the request.

Board Member Christine Sullivan made a motion to approve the variance request. The motion received a second from Board Member Nancy Macker and carried unanimously.

Adjournment

There being no further business to come before the Board, Chairman Moser adjourned the meeting at 10:09 a.m.

Respectfully submitted:

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this ____ day of _____, 2021.

Chairman

Baldwin County Commission District 3, Board of Adjustment
October 19, 2020
Regular Meeting Minutes
Baldwin County Central Annex, Robertsdale

The Board of Adjustment for Baldwin County Commission, District 3 met in a regular session on October 19, 2020, at 4:00 p.m., in the auditorium of the Baldwin County Central Annex. The meeting was called to order at 4:25p.m., by Chairman Donnie Waters. Members present included, John Cooper, Rosellen Coggin and Tommy Springer, Jr. Staff member present was Linda Lee, Planner.

Approval of Previous Meeting Minutes

Mr. Cooper made a motion to approve the minutes of the June 15, 2020, regular meeting. The motion received a second from Mr. Springer and carried unanimously.

New Business

Mrs. Lee reviewed the upcoming changes to the Boards of Adjustment. Beginning in January 2021, we will only have two boards. Alternates will now be supernumerary instead of by district. Current board members will need to decide who will be the regular members for districts 12 and 31 and the remaining regular members will become alternates.

Adjournment

There being no further business to come before the Board the meeting was adjourned at 4:29 p.m.

Respectfully submitted:

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2021.

Chairman

Baldwin County Commission District 2, Board of Adjustment
Board of Adjustment Number 1
December 14, 2020
Regular Meeting Minutes
Central Annex
Auditorium

The Board of Adjustment for Baldwin County Commission District 2 met in a regular session on December 14, 2020 at 4:00 p.m., in the Baldwin County Central Annex Auditorium. Vice-Chairman Michael Cochran called the meeting to order. Members present included: Mary Shannon Hope and Blayne Pierce. Staff members present were Linda Lee, Planner and Vince Jackson, Development Review Planner.

Approval of Previous Meeting Minutes

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

V-200034, Werneth Property

Mrs. Lee presented the applicant's request for a variance from section 12.5.2 as it pertains to through lots to allow for the construction of a carport on an existing slab. Staff recommended approval of the variance request.

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

V-200035, Ray Property

Mrs. Lee presented the applicant's request for a variance from the wetlands setback requirement to allow for the construction of a single-family dwelling.

Staff recommended approval of the variance subject to the following conditions:

- A revised site plan is submitted showing location of stairs and air conditioning unit
- The proposed dwelling setback is moved 10 feet to the west
- A copy of the Corps of Engineers Nationwide permit is submitted

Dr. Richard Cucchiara spoke in favor of the variance request and stated that there is a large magnolia tree on side of where house would be, and they don't want to disturb the roots. Dr. Cucchiara answered questions from the board.

Mr. Brandon Ray spoke in favor of the variance request and answered questions from the board.

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

Board of Adjustment Number 1 Organizational Meeting

The Board of Adjustment Number 1 met for an organizational meeting on December 14, 2020 at 4:25 p.m., in the Baldwin County Central Annex Auditorium. Members present included: Michael Cochran, Norman Bragg, Mary Shannon Hope, Blayne Pierce, Tommy Springer, Jr., John Cooper and Rosellen Coggin. Staff members present were Linda Lee, Planner and Vince Jackson, Development Review Planner.

Ms. Lee introduced the board members and reviewed the composition of the new board of adjustment. Ms. Lee reviewed meeting day options available. The board voted unanimously to hold meetings on the third Tuesday of each month at 4:00pm.

Mr. Jackson discussed the new planning districts that are scheduled to vote for zoning. If Planning District 19 is approved, it will be a part of this board.

Adjournment

There being no further business to come before the board the chairman adjourned the meeting at 4:37 p.m.

Respectfully Submitted

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this ____ day of _____ 2021.

Michael Cochran, Vice-Chairman



Baldwin County Planning & Zoning Department

County Commission District #1

Baldwin County Board of Adjustment Staff Report

Case No. SE-21004
Hwy 225 Storage LLC Property
Special Exception Approval to Allow for the Expansion of a Boat/RV Storage Facility
January 20, 2021

Subject Property Information

Planning District: 4
General Location: West side of State Highway 225
Physical Address: 36625-A State Highway 225
Parcel Number: 05-29-09-42-0-000-003.058
Existing Zoning: RSF-1, Residential Single Family District,
If rezoning is approved on January 19, 2021 the subject property will be zoned **RR, Rural District**
Existing Land Use: Storage Facility
Proposed Land Use: Expanding the storage facility on adjacent parcel
Acreage: 1 acre, more or less
Applicant: Les Parnell
7152 A Cloverleaf Landing Road
Bay Minette, Alabama 36507
Owner: Hwy 225 Storage LLC
Lead Staff: Celena Boykin, Senior Planner
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped	RSF-1, Single Family
South	Residential/Institutional	RSF-E, Estate Single Family
East	Commercial	RR, Rural District
West	Undeveloped	RSF-1, Single Family
Summary		

The applicant is requesting special exception approval to allow for the expansion of an existing storage facility. On December 27, 2017, the Board approved a special exception to allow for the construction of climate controlled storage buildings and boat and rv storage (Case SE-17003). On September 2, 2020, the Board approved a special exception for 2 additional storage buildings (Case SE-20004). The applicant is now adding an additional 1 acre to the current storage site in order to add more boat and RV storage. The subject property is currently zoned RSF-1, Residential Single Family District. The applicant is going through the rezoning process to

rezone the additional 1 acre to RR, Rural District. A storage facility may be allowed under this designation subject to the review and approval of the Board of Adjustment. The rezoning request will go before the County Commission on January 19, 2021.

Current Zoning Requirements

Section 3.1 RR, Rural District

3.1.1 Generally. This zoning district is provided to accommodate the rural areas of Baldwin County. Rural District ordinances are designed to protect the rural character of the area.

3.1.2 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: animal clinic and/or kennels; farm implement sales; farmer's market/truck crops; nursery; landscape sales.
- (f) Local commercial uses.
- (g) Professional service and office uses.
- (h) The following institutional uses: church or similar religious facility; child care center; child care institution; day care home; fire station; library; post office; school (public or private).
- (i) Agricultural uses.
- (j) Single family dwellings including manufactured housing and mobile homes.
- (k) Accessory structures and uses.

3.1.3 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) Light industrial uses.
- (b) General commercial uses not permitted by right, except race track.
- (c) Institutional uses not permitted by right, except correctional, detention, or penal institution and sanitarium.

(d) Boarding house, rooming house, lodging house, or dormitory.

(e) Fraternity or sorority house.

3.1.4 *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 conditional uses:

Transportation, communication, and utility uses not permitted by right.

3.1.5 *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	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

3.1.6 *Area and dimensional modifications.* Within the RR 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	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	80-Feet

According to the Table of Permitted Uses, climate controlled storage and boat and rv storage may be allowed under the RR designation, subject to the Special Exception review and approval of the Board of Adjustment, by virtue of being analogous to the listed “mini-warehouse facility”. For additional information on use provisions, please see Article 23 of the zoning ordinance.

Staff Analysis and Findings

According to Section 18.8.4, Standards for Approval, from the *Baldwin County Zoning Ordinance*, 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.

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt. The Baldwin County Master Plan, 2013, indicates a future land use designation of Residential for the subject property, but if the property is rezoned to RR, the future land use designation will change to Agriculture. Due to the fact that the proposed use may be allowed through the special exception process, it is consistent with the Master Plan.

(b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.

The use is already established with the subject request representing an expansion. A business of this type is intended to serve the local area and generally does not draw a significant amount of traffic. Staff feels that this business serves as a convenience.

(c) The proposed use shall not unduly decrease the value of neighboring property.

Staff does not believe that the use has had a significant impact on property values.

(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.

The adjacent property is largely undeveloped and much of it is owned by the applicant. Adjacent property to the south is the location for a volunteer fire department. See also the response to item "b" listed above.

Staff Comments and Recommendation

As stated previously, the applicant is requesting special exception approval to allow for the expansion of an existing storage facility. On December 27, 2017, the Board approved a special exception to allow for the construction of climate controlled storage buildings and boat and rv storage (Case SE-17003). On September 2, 2020, the Board approved a special exception for 2 additional storage buildings (Case SE-20004). The applicant is now adding an additional 1 acre to the current storage site in order to add more boat and RV storage. The subject property is currently zoned RSF-1, Residential Single Family District. The applicant is going through the rezoning process to rezone the additional 1 acre to RR, Rural District. A storage facility may be allowed under this designation subject to the review and approval of the Board of Adjustment. The rezoning request will go before the County Commission on January 19, 2021. If approved, staff will carefully review all submissions to ensure compliance with the zoning ordinance. A landscaped buffer is not required.

With the above comments in mind, staff recommends that this request be **APPROVED**, subject to the following conditions:

- The rezoning to RR, Rural District, is approved by the County Commission.

- Approval shall be for this location and this applicant only.
- Any changes or additions to the facility shall necessitate additional review and approval by the Board of Adjustment.
- A Baldwin County Land Use Certificate shall be obtained from the Planning and Zoning Department no later than 6 months from the date of approval.
- The Board may impose additional conditions as it sees fit.

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.

Property Images





ADJOINING RESIDENCE
TO THE EAST

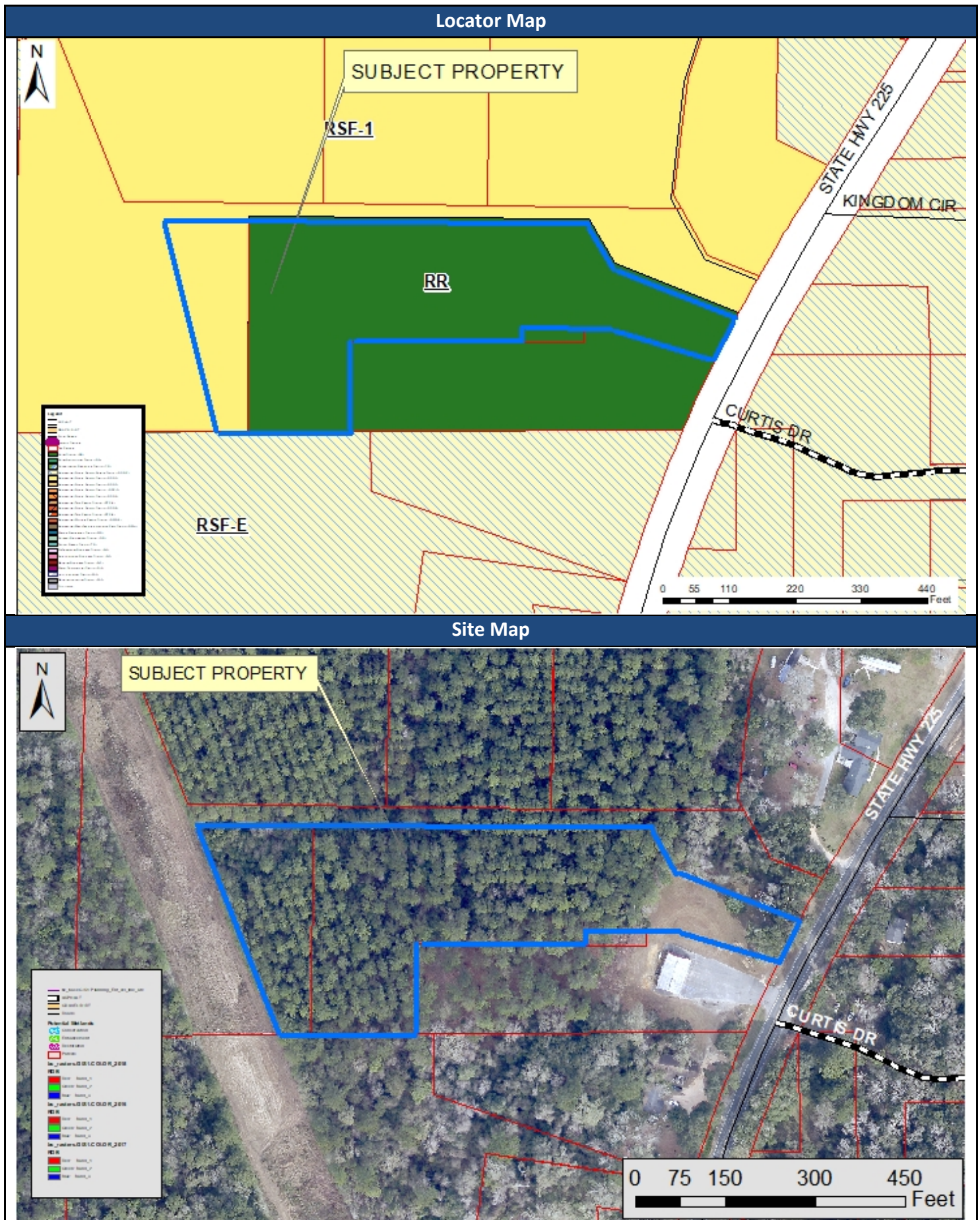
01/04/2021



ADJOINING PROPERTY
TO THE NORTH

REZONING
PROPOSED
FOR THIS PROPERTY
Case Number
Z-20045
For information Contact
Baldwin County Planning &
Zoning Department
(251) 580-1655

01/04/2021





Baldwin County Planning & Zoning Department

Board of Adjustment Number 1

Board of Adjustment Staff Report

Case No. V-200036

Benchmark Homes Group LLC Property

Rear Setback Variance

January 20, 2021

Subject Property Information

Planning District: 12
General Location: Lot 95 Lakeland Subdivision Phase 10 Unit 2
Physical Address: Monarch Court
PID: 05-42-06-23-0-000-036.112
Zoning: RSF-6, Single Family District
Acreage: 0.20 acres ±
Applicant: Smith Clark & Associates LLC
30941 Mill Lane, Suite G Box 258
Spanish Fort, AL 36527
Owner: Benchmark Homes Group LLC
2212 Main Street
Daphne, AL 36526
Lead Staff: Linda Lee, Planner
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-6, Single Family District
South	Residential	RSF-6, Single Family District
East	Vacant	RSF-6, Single Family District
West	Residential	RSF-6, Single Family District

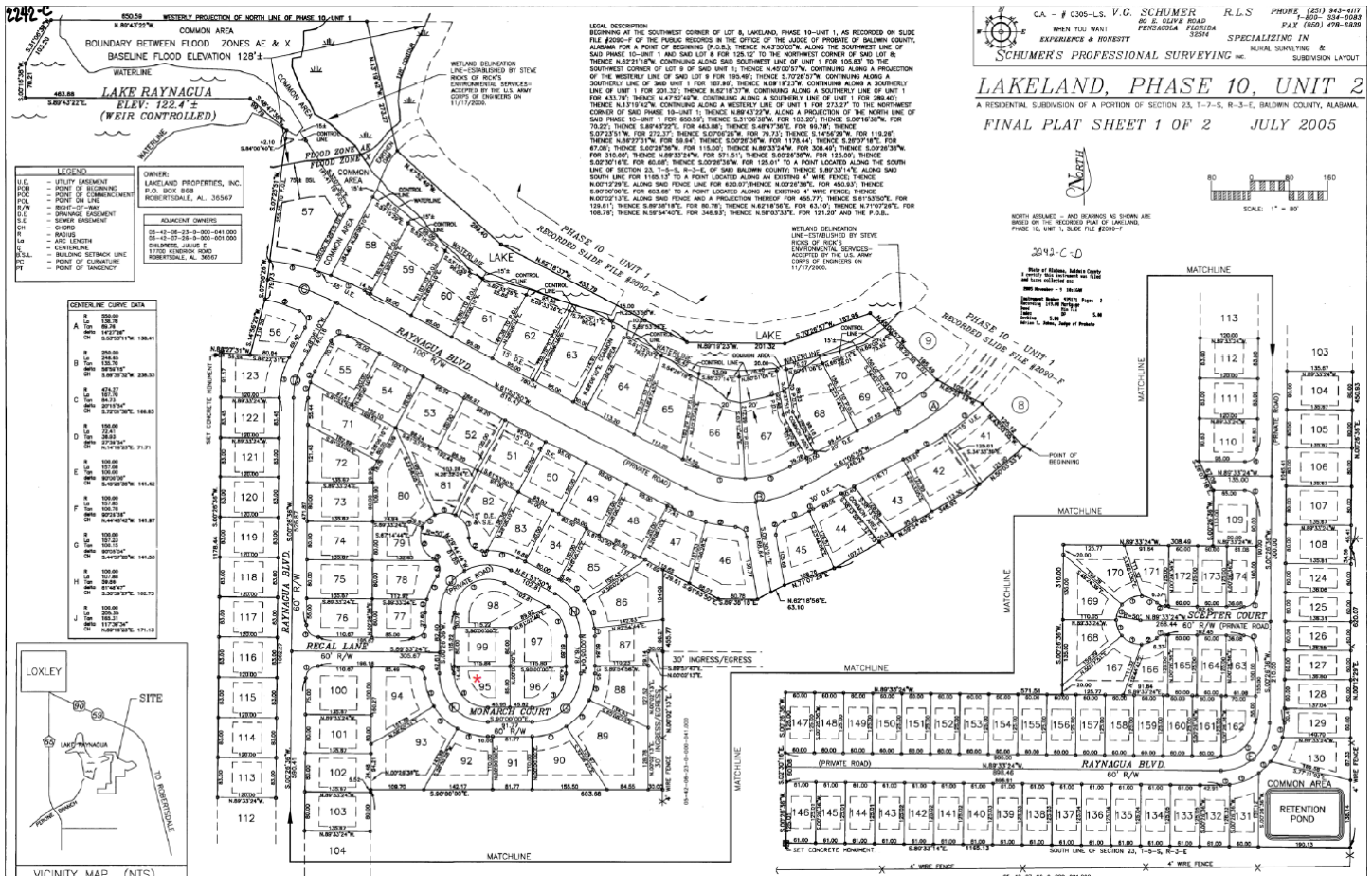
Summary and Recommendation

The applicant is requesting a variance from the rear yard setback requirement to allow for a single-family dwelling to be constructed. The proposed rear setback is 24-feet resulting in a 6-foot variance. Staff recommends that Case V-200036 be **APPROVED**.

Variance Request

The applicant is requesting a variance from the rear yard setback requirement to allow for a single-family dwelling to be constructed. The proposed rear setback is 24-feet resulting in a 6-foot variance.

Subdivision Plat



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

(d) On a corner lot, the side yard from the side lot line which abuts a street shall be a minimum of 20-feet.

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 Monarch Court to the west and south. The adjoining properties are residential and vacant. The lot is a corner lot and therefore the building footprint is somewhat irregular. The lot meets the minimum area and dimensional requirements for property zoned RSF-6. **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. The property appears to be relatively flat.

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.

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.

5.) Other matters which may be appropriate.

The Lakeland Property Owners Association has approved the proposed rear yard encroachment.

Per the applicant the buildable area for lot 95 is approximately 2,449 square feet and the proposed dwelling is 1,977 total square feet with a living area of 1,404 square feet.

LAKELAND PROPERTY OWNERS ASSOCIATION
P.O. BOX 408
LOXLEY, ALABAMA 36551
(251) 504-9106

August 12, 2020

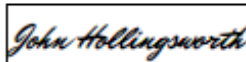
Benchmark Homes Group, LLC
1290 Main Street, Suite E
Daphne, AL 36526

Attn: Tammy Boudreau

The Lakeland Property Owners Board of Directors met on August 11, 2020 to discuss your request for a variance on the rear yard setback for two houses to be erected on Lots 95 & 96 in Lakeland Subdivision on Hw7 59 in Loxley. The subject lots are small, are on a curve in the road and the covenants require at least a 1,400 square foot home. The Board approved your request to encroach on the 30 foot rear yard setback as shown on your plans. Thank you for allowing us to review the plans before applying for a variance.

If you have any questions, please feel free to call me at the above number.

Thanks,

 dotloop verified
12/24/20 9:57 AM CST
4FOV-PWQY-JYPE-MZE1
John Hollingsworth, Administrator
For the LPOA Board of Directors

ARTICLE IV - RESTRICTIONS, COVENANTS AND CONDITIONS

Each Lot within the Subdivision shall be subject to the following restrictions, covenants and conditions:

Section 1. Minimum Square Footage Restrictions. No dwelling of any kind shall be erected, constructed, placed or permitted on any Lot except one single family dwelling not to exceed one story in height, exclusive of basement and attached garage. All dwellings that are on waterfront Lots must have not less than 2,000 square feet of living space. All dwellings not on waterfront Lots must have not less than 1,400 square feet of living space on Lots 60' wide or less (measured at the front Lot line), and not less than 1,600 square feet of living space on lots wider than 60' (measured from front Lot line). Living space shall be exclusive of basements, decks and garages.

Staff Comments and Recommendation

Staff recommends that Case **V-200036** Benchmark Homes Group LLC Property, be **APPROVED**.

GENERAL NOTES {By-laws}

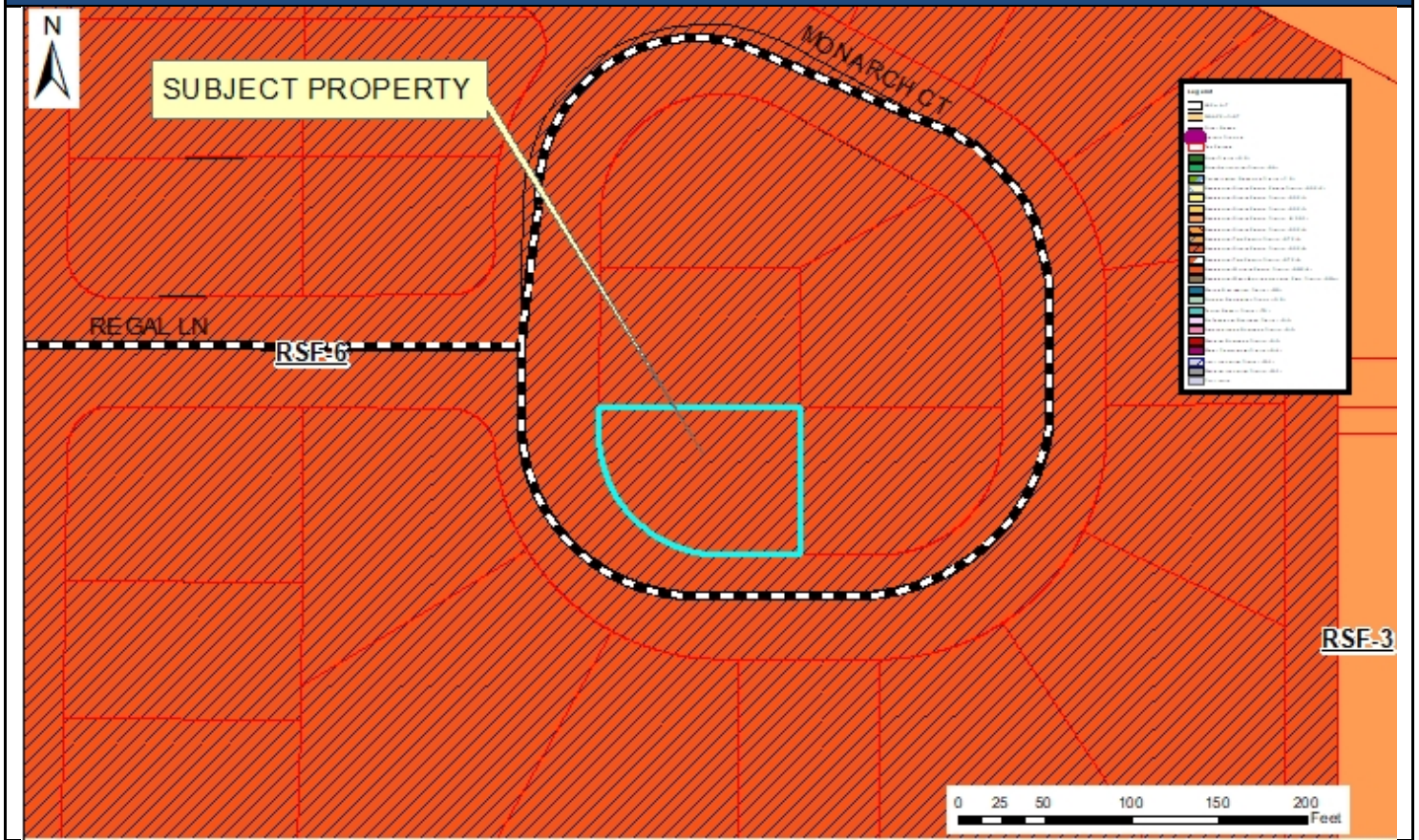
Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board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

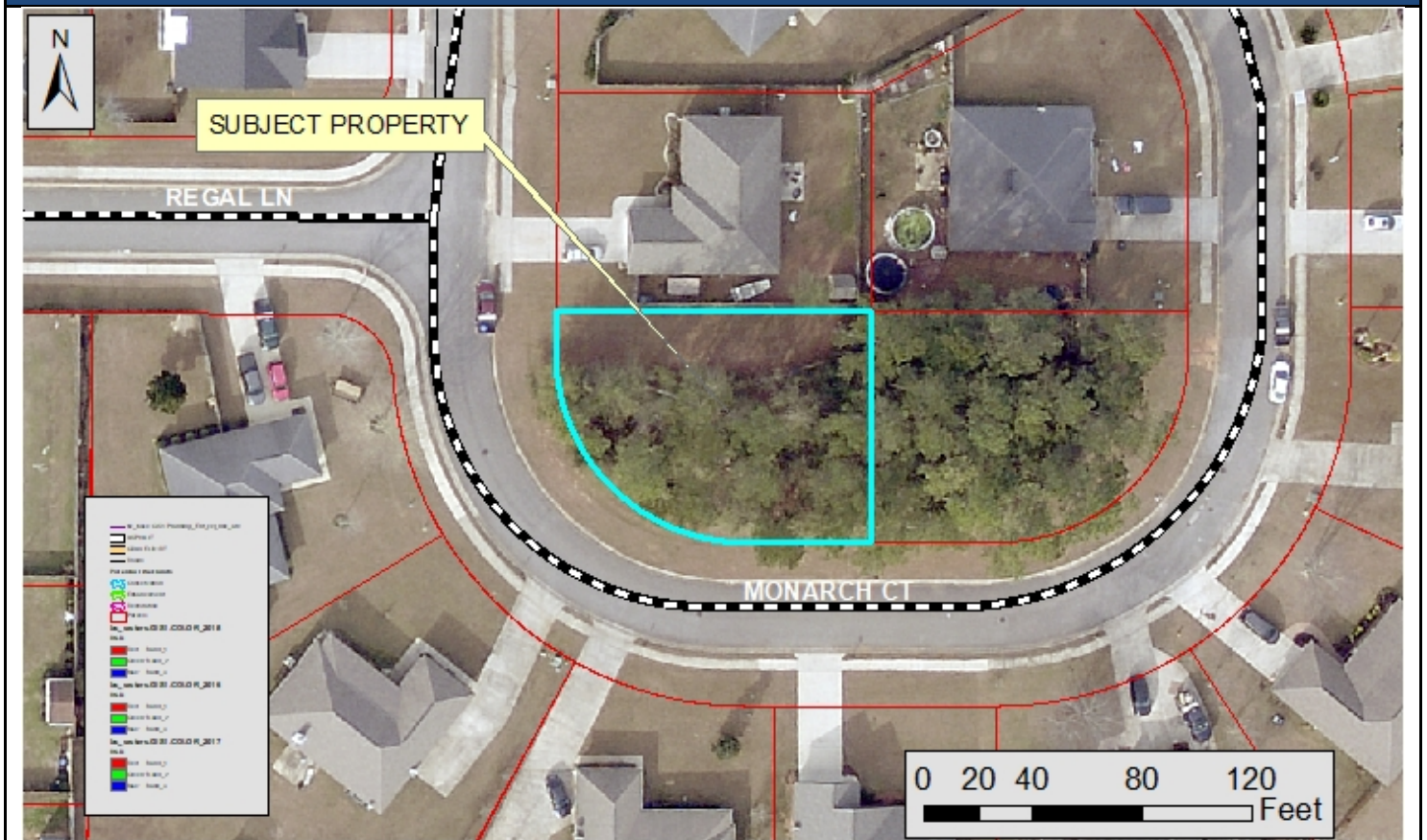
Property Images



Locator Map

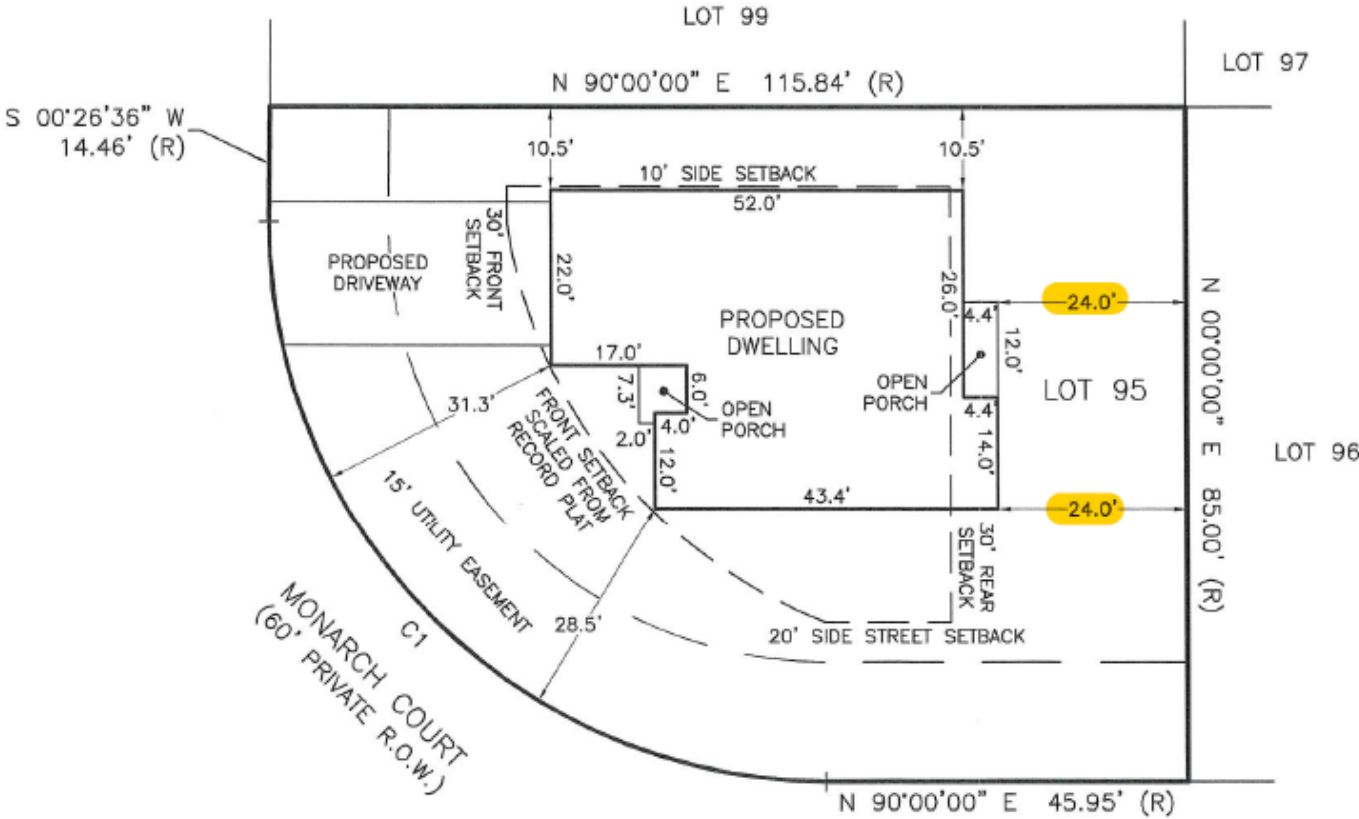


Site Map



Site Plan Submitted

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	110.50' (R)	70.00' (R)	99.38' (R)	S 44°46'42" E





Baldwin County Planning & Zoning Department

Board of Adjustment Number 1

Board of Adjustment Staff Report

Case No. V-200037

Benchmark Homes Group LLC Property

Rear Setback Variance

January 20, 2021

Subject Property Information

Planning District: 12
General Location: Lot 96 Lakeland Subdivision Phase 10 Unit 2
Physical Address: Monarch Court
PID: 05-42-06-23-0-000-036.113
Zoning: RSF-6, Single Family District
Acreage: 0.20 acres ±
Applicant: Smith Clark & Associates LLC
30941 Mill Lane, Suite G Box 258
Spanish Fort, AL 36527
Owner: Benchmark Homes Group LLC
2212 Main Street
Daphne, AL 36526
Lead Staff: Linda Lee, Planner
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-6, Single Family District
South	Residential	RSF-6, Single Family District
East	Residential	RSF-6, Single Family District
West	Vacant	RSF-6, Single Family District

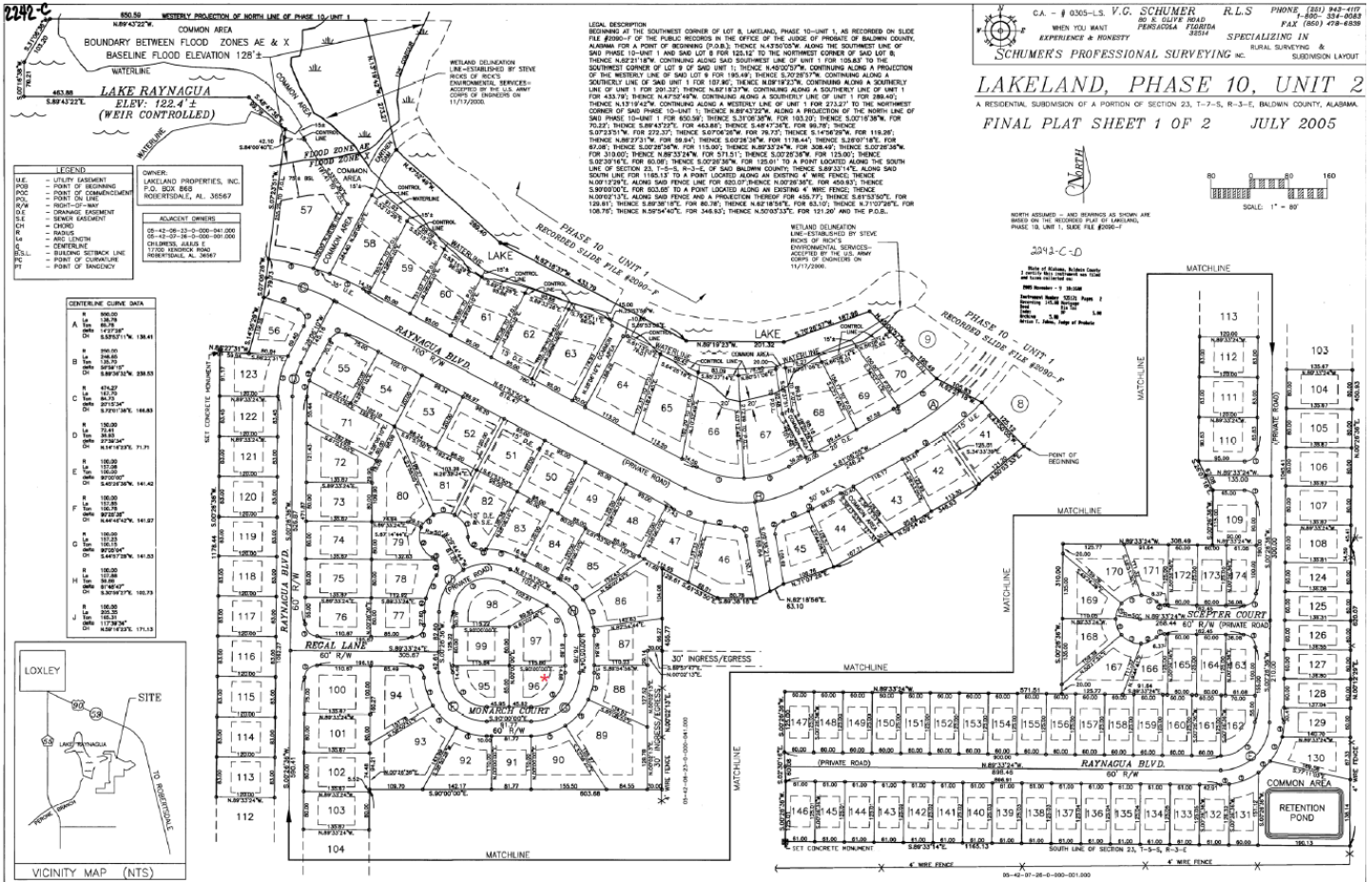
Summary and Recommendation

The applicant is requesting a variance from the rear yard setback requirement to allow for a single-family dwelling to be constructed. The proposed rear setback is 24-feet resulting in a 6-foot variance. Staff recommends that Case V-200037 be **APPROVED**.

Variance Request

The applicant is requesting a variance from the rear yard setback requirement to allow for a single-family dwelling to be constructed. The proposed rear setback is 24-feet resulting in a 6-foot variance.

Subdivision Plat



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

(d) On a corner lot, the side yard from the side lot line which abuts a street shall be a minimum of 20-feet.

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 Monarch Court to the east and south. The adjoining properties are residential and vacant. The lot is a corner lot and therefore the building footprint is somewhat irregular. The lot meets the minimum area and dimensional requirements for property zoned RSF-6. **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. The property appears to be relatively flat.

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.

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.

5.) Other matters which may be appropriate.

The Lakeland Property Owners Association has approved the proposed rear yard encroachment.

Per the applicant the buildable area for lot 96 is approximately 2,441 square feet and the proposed dwelling is 1,977 total square feet with a living area of 1,404 square feet.

LAKELAND PROPERTY OWNERS ASSOCIATION
P.O. BOX 408
LOXLEY, ALABAMA 36551
(251) 504-9106

August 12, 2020

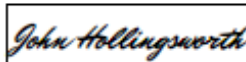
Benchmark Homes Group, LLC
1290 Main Street, Suite E
Daphne, AL 36526

Attn: Tammy Boudreau

The Lakeland Property Owners Board of Directors met on August 11, 2020 to discuss your request for a variance on the rear yard setback for two houses to be erected on Lots 95 & 96 in Lakeland Subdivision on Hw7 59 in Loxley. The subject lots are small, are on a curve in the road and the covenants require at least a 1,400 square foot home. The Board approved your request to encroach on the 30 foot rear yard setback as shown on your plans. Thank you for allowing us to review the plans before applying for a variance.

If you have any questions, please feel free to call me at the above number.

Thanks,

 dotloop verified
12/24/20 9:57 AM CST
4FOV-PWQY-JYPE-MZE1
John Hollingsworth, Administrator
For the LPOA Board of Directors

ARTICLE IV - RESTRICTIONS, COVENANTS AND CONDITIONS

Each Lot within the Subdivision shall be subject to the following restrictions, covenants and conditions:

Section 1. Minimum Square Footage Restrictions. No dwelling of any kind shall be erected, constructed, placed or permitted on any Lot except one single family dwelling not to exceed one story in height, exclusive of basement and attached garage. All dwellings that are on waterfront Lots must have not less than 2,000 square feet of living space. All dwellings not on waterfront Lots must have not less than 1,400 square feet of living space on Lots 60' wide or less (measured at the front Lot line), and not less than 1,600 square feet of living space on lots wider than 60' (measured from front Lot line). Living space shall be exclusive of basements, decks and garages.

Staff Comments and Recommendation

Staff recommends that Case **V-200037** Benchmark Homes Group LLC Property, be **APPROVED**.

GENERAL NOTES {By-laws}

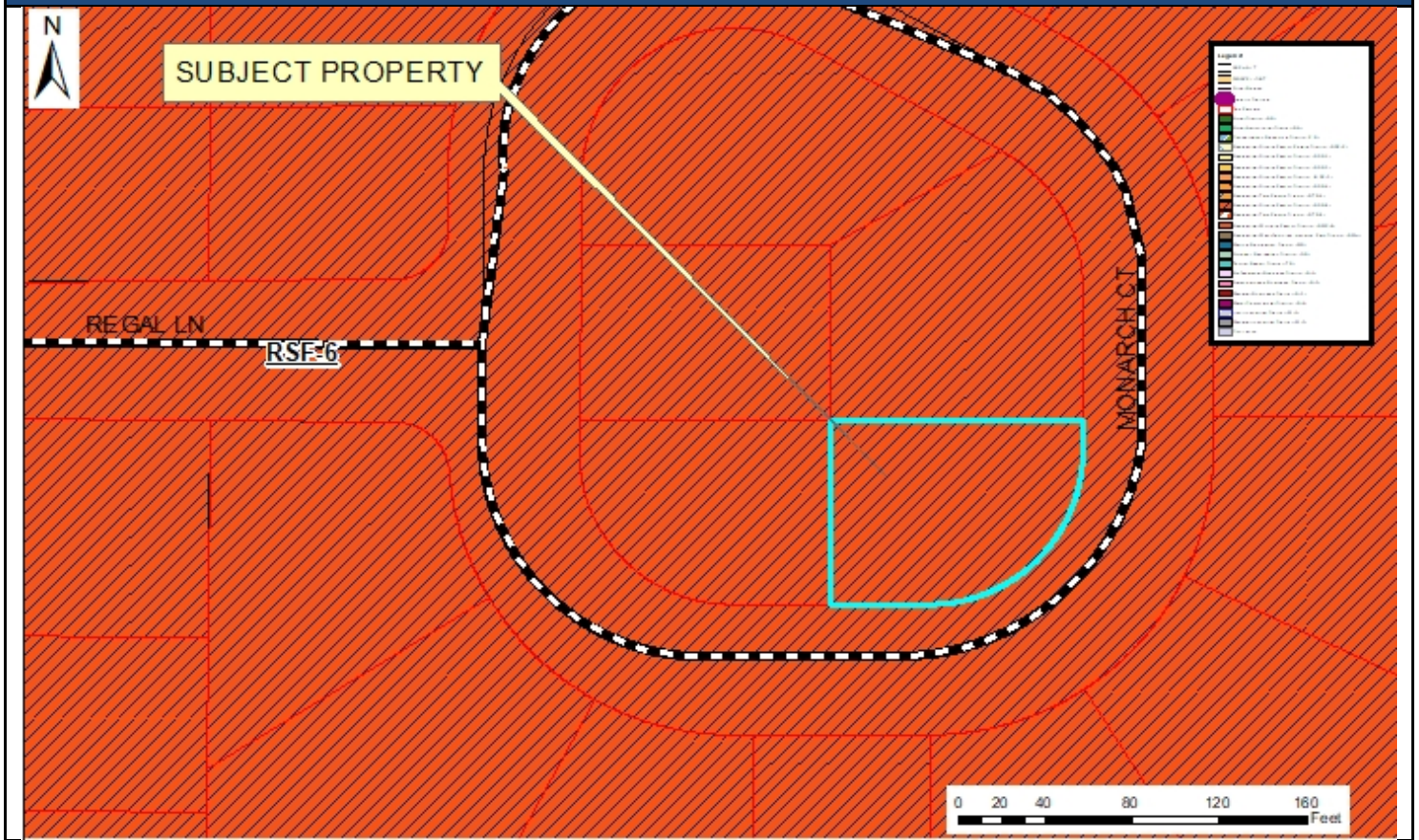
Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board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

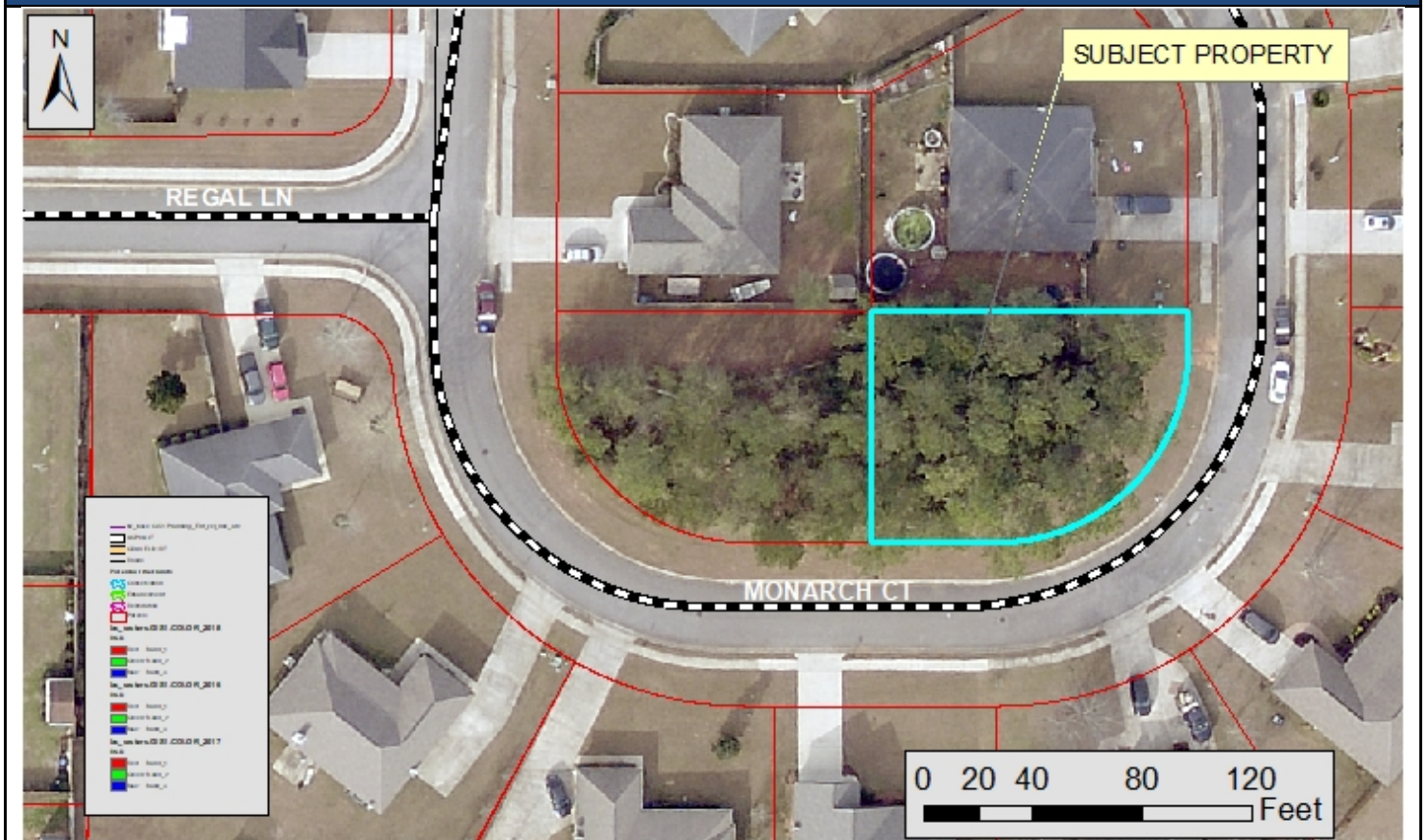
Property Images



Locator Map

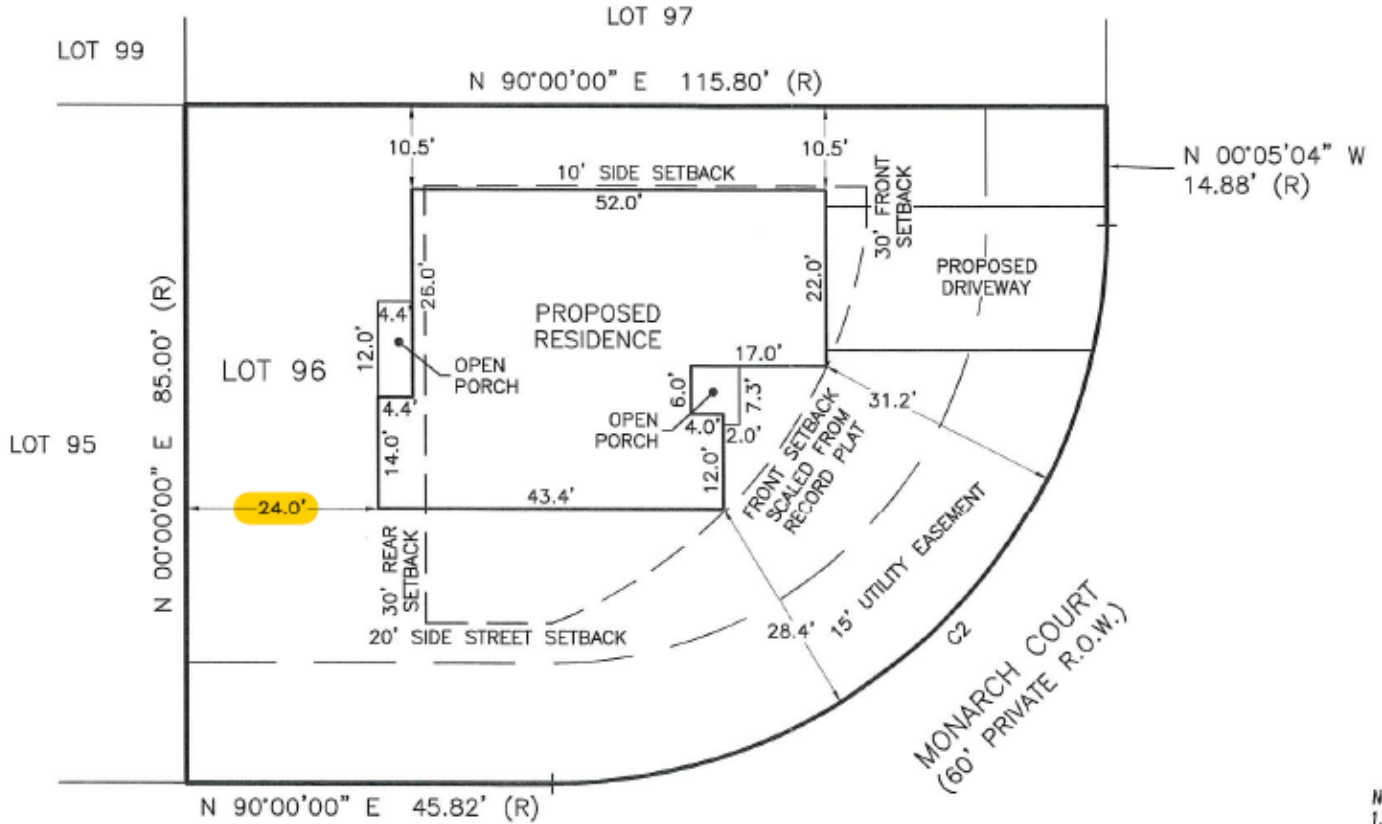


Site Map



Site Plan Submitted

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C2	110.06' (R)	70.00' (R)	99.07' (R)	N 44°57'28" E



N
1.
2

**BALDWIN COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT NUMBER 1**

**2021
MEETING DATES
&
APPLICATION DEADLINE DATES**

Meeting time: 4:00 p.m.
Meeting location: Baldwin County Central Annex Auditorium

All applications to be considered by the Baldwin County Planning and Zoning Board of Adjustment Number 1 shall be submitted no later than 4:30p.m. on the deadline date listed below. *There will be no exceptions.*

MEETING DATE		APPLICATION DEADLINE DATE
*January 20, 2021		December 23, 2020
*February 22, 2021		January 28, 2021
*March 15, 2021		February 22, 2021
April 20, 2021		March 29, 2021
May 18, 2021		April 27, 2021
June 15, 2021		May 24, 2021
July 20, 2021		June 28, 2021
August 17, 2021		July 27, 2021
*September 20, 2021		August 27, 2021
October 19, 2021		September 28, 2021
November 16, 2021		October 26, 2021
December 21, 2021		November 30, 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 Number 1 Deadline and Meeting Calendar 2021