

BOARD OF ADJUSTMENT NUMBER 1

AGENDA

February 22, 2021

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
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-210001 Isherwood Property

Request: Approval of a variance from section 13.1.3 of the Baldwin County Zoning Ordinance to allow for an accessory dwelling on property located in Planning District 4

Location: The subject property is located at 11031 Quinley Road in Planning District 4

Attachments: Within Report

6. Old Business
7. New Business
8. Adjournment

**Planning and Zoning
Board of Adjustment Number 1
January 20, 2021
Regular Meeting Minutes
Central Annex
Auditorium**

The Board of Adjustment Number 1 met in a regular session on January 20, 2021 at 4:00 p.m., in the Baldwin County Central Annex Auditorium. Mrs. Linda Lee called the meeting to order. Members present included: Charmein Moser, Mary Shannon Hope, Michael Cochran, John Cooper, Carolyn King and Rosellen Coggin. Staff members present were Linda Lee, Planner, Celena Boykin, Senior Planner and Matthew Brown, Interim Planning and Zoning Director.

Election of Officers for 2021

The first order of business was election of officers for 2021. The floor was opened for nominations. Ms. Hope nominated Brandon Bias for chairman. The motion was seconded by Mr. Cooper and carried unanimously. Mr. Cochran nominated John Cooper for vice-chairman. The motion was seconded by Ms. Coggin and carried unanimously.

Approval of Previous Meeting Minutes

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

SE-21001, Hwy 225 Storage LLC Property

Mrs. Boykin presented the applicant's request for a special exception to allow for the expansion of an RV/Boat Storage Facility.

Staff recommended approval of the special exception request 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.

Mr. Les Parnell answered questions from board members.

Board Member Michael Cochran made a motion to approve the special exception request. The motion received a second from Board Member Charmein Moser and carried unanimously.

V-200036, Benchmark Homes Group LLC Property

Mrs. Lee presented the applicant's request for a variance from the rear yard setback requirement to allow for the construction of a single-family dwelling. The Property Owner's Association submittal approval of the variance request. Due to the irregular shape of the lot, staff recommended approval of the variance request.

Mr. Richard Pierce spoke in opposition to the variance request and answered questions from Board members.

Hunter Smith spoke in favor of the variance request.

Following a lengthy discussion, Board Member Michael Cochran made a motion to approve the variance request. The motion failed due to lack of a second.

V-200037, Benchmark Homes Group LLC Property

Mrs. Lee presented the applicant's request for a variance from the rear yard setback requirement to allow for the construction of a single-family dwelling. Staff recommended approval of the variance request.

Mr. Richard Pierce spoke in opposition to the variance request.

Hunter Smith spoke in favor of the variance request.

Following a short discussion, Board Member Carolyn King made a motion to deny the variance request. The motion received a second from Board Member Mary Hope and carried on a vote of five to one.

New Business – Approval of 2021 Meeting and Deadline Calendar

Mrs. Lee presented the meeting and deadline calendar for 2021. Mr. Cochran made a motion to approve the 2021 calendar. The motion received a second from Ms. King and carried unanimously.

Mr. Matthew Brown, Interim Planning and Zoning Director, introduced himself to the Board members and thanked them for their service.

Adjournment

There being no further business to come before the board the chairman adjourned the meeting at 4:50 p.m.

Respectfully Submitted

Linda Lee, Planner

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

John Cooper, Vice-Chairman



Baldwin County Planning & Zoning Department

Board of Adjustment Number 1

Board of Adjustment Staff Report

Case No. V-210001

Isherwood Property

February 22, 2021

Subject Property Information

Planning District: 4
General Location: Northeast corner of Quinley Road and Leslie Lane
Physical Address: 11031 Quinley Road
PID: 05-22-08-36-0-000-013.000
Zoning: RR, Rural Residential District
Acreage: 4.11± acres
Applicant: Joseph Isherwood
11031 Quinley Road
Bay Minette, AL. 36507
Owner: Joseph Isherwood
Lead Staff: Linda Lee, Planner
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Residential	RR, Rural Residential District
South	Residential	RR, Rural Residential District
East	Residential	RR, Rural Residential District
West	Residential	RR, Rural Residential District

Summary and Recommendation

The applicant is requesting a variance from section 13.1.3 of the Baldwin County Zoning Ordinance to allow an accessory dwelling on property located in Planning District 4. Staff recommends that Case No. V-210001, be **APPROVED** based on the comments contained herein.

Variance Request

The applicant is requesting a variance from section 13.1.3 of the Baldwin County Zoning Ordinance to allow an accessory dwelling on property located in Planning District 4.

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

13.1.3 **Accessory dwellings.** Accessory dwellings are permitted by right as follows: under residential zoning designations; in Planning Districts 12, 20, 22, 26, 29, 30, 32, 33 and in the Spanish Cove Subdivision Development in Planning District 23, provided they do not exceed 60% of the size in square feet of the principal residence; in Planning Districts 10 and 15 unless restricted by a property owners association provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed 60% size, in square feet, of the principal residence; in Planning District 24 provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed 60% of the size, in square feet, of the principal residence; and in Planning District 21 provided they do not exceed 60% of the size, in square feet, of the principal residence up to a maximum of 1200 square 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 consists of approximately 4.11 acres and is currently occupied with a single-family dwelling and accessory structures. Planning District 4 is one of 5 Planning Districts which does not allow accessory dwellings.

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

No exceptional topographic conditions.

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 is established with a single-family dwelling. The applicant is requesting to live in the existing dwelling while building a new dwelling. Upon completion of the new dwelling the applicant plans to demolish the existing dwelling.

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 does not anticipate any adverse impacts.

5.) Other matters which may be appropriate.

Zoning Variance Application Construction Plan

I own and live on the property at 11031 Quinley Rd, Bay Minette, AL. The house is approximately 110 years old. My wife and I purchased this property in February of 2002. The house at the time had a few livable problems presumably from the settling of the piles the house was built on. Over the years, the home has shown to have many severe problems that do to the circumstances with my wife's health, we were unable to solve many of the problems. Now it has come to the house is almost beyond repair and the cost is far more than the replacement. The house is around 2500 square feet after we closed in the carport and turned it into the master bedroom.

My wife passed away this last August. I have paid off all my possessions and have enough money remaining to build a new small home. I plan on building it using a SteelMaster Quonset hut. It meets all the requirements asked for by the City of Bay Minette Building Dept to be used as a home. I live in District 4 of Baldwin County and am zoned as RR. I am only allowed one residence on my property. What I would like to do is to build my new home while I live in the old one. Once I am able to move into the new house, I will begin to tear down the old one with the exception of the master bedroom. If possible, I would like to keep this building to be used as a music studio. I would also like to salvage the bricks and a few other items to be sold as scrap if I don't use them myself.

In the Google Earth picture, the lime green square is where I want to put my new home so it faces the street and my pond. The red rectangle is the current septic leach field that is fairly new and I will tie into it for my new house. The outline in orange is the old structure that will be removed. The attached blue square is the master bedroom that will remain if the removal of the old structure will allow it.

I live in a neighborhood that has homes of all sorts of values from \$50K to \$500K, single and double wide trailers and livestock. The most expensive home is my neighbor and he has 30 goats in the field behind his house. We are not in a subdivision. I have talked with several residents around me and not one person has shown any objections to my new home whether it be a standard house or a Quonset hut.

THIS IS NOT A SUBDIVISION WITH AN HOA.

MAN ml 20/JAN/21

Staff Comments and Recommendation

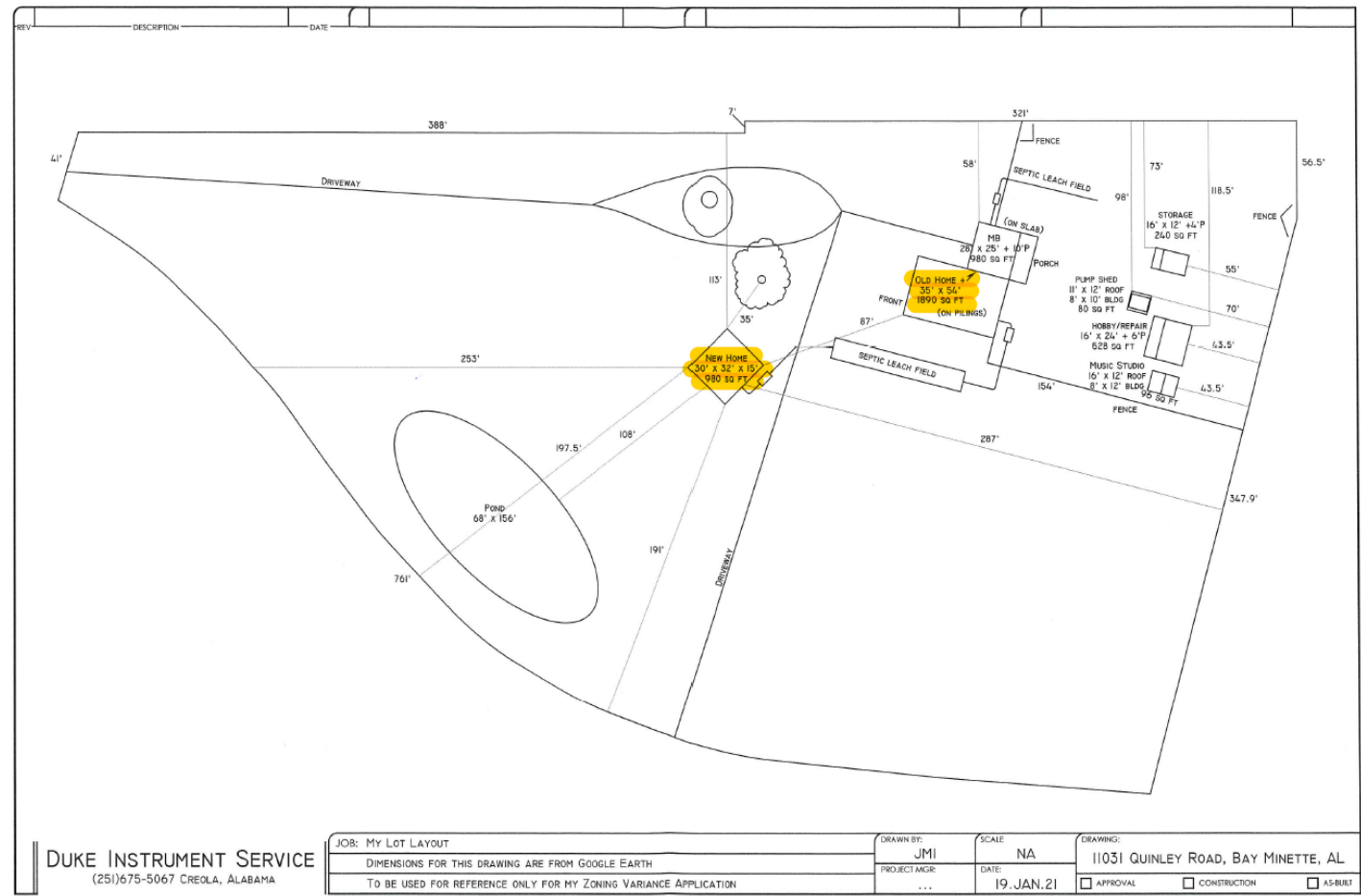
The Standards for Approval are used as a tool to help guide the Board in making decisions, however there may be certain situations of individuals that may not particularly fit any of the standards and consideration should be given to those particular circumstances. Due to the conditions of the existing dwelling and the applicant's plan to remove it with the exception of the master bedroom which will be used as a music studio or shop staff has no objections with this request and recommends the board **APPROVE** the variance.

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.

PROPOSED SITE PLAN





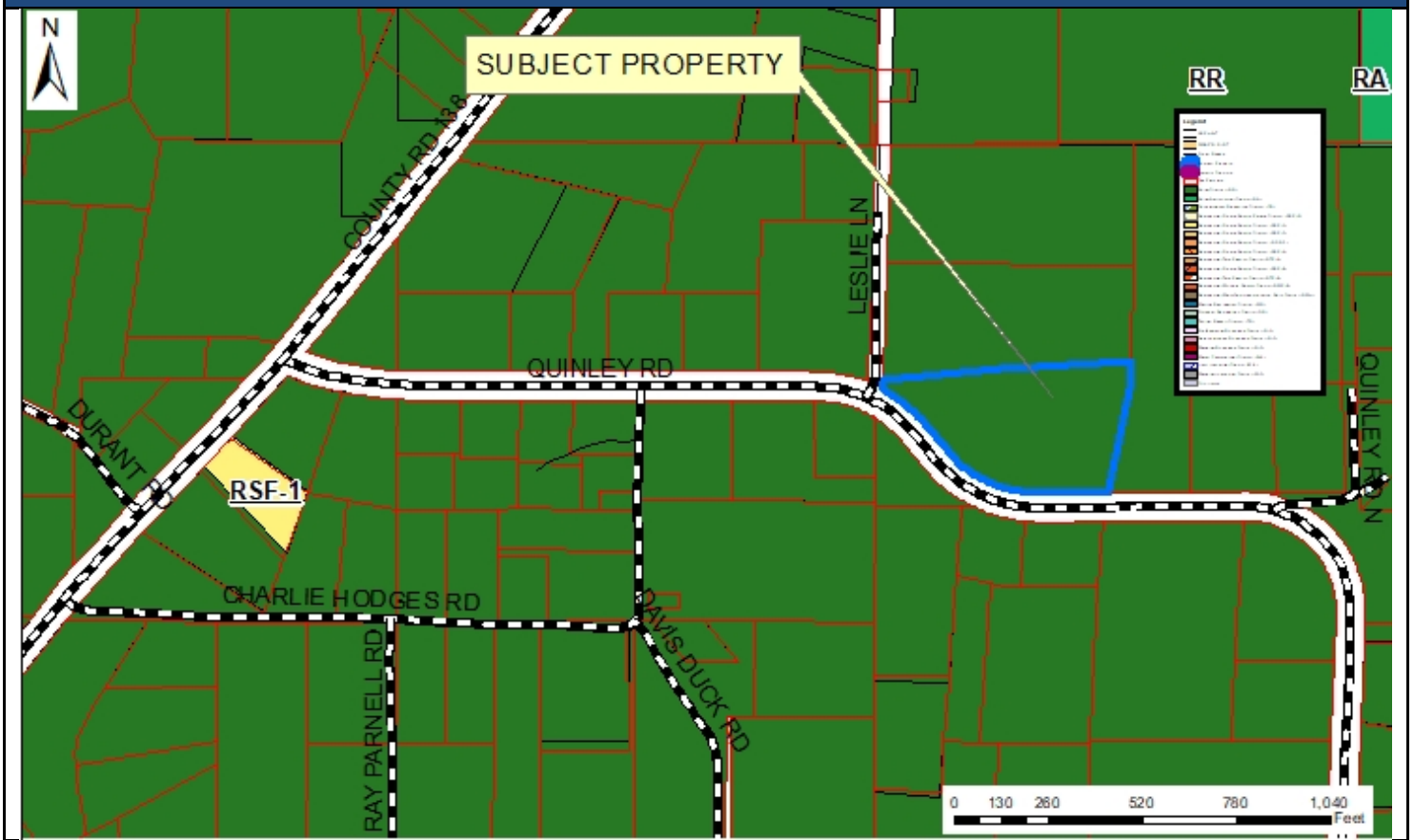
Property Images



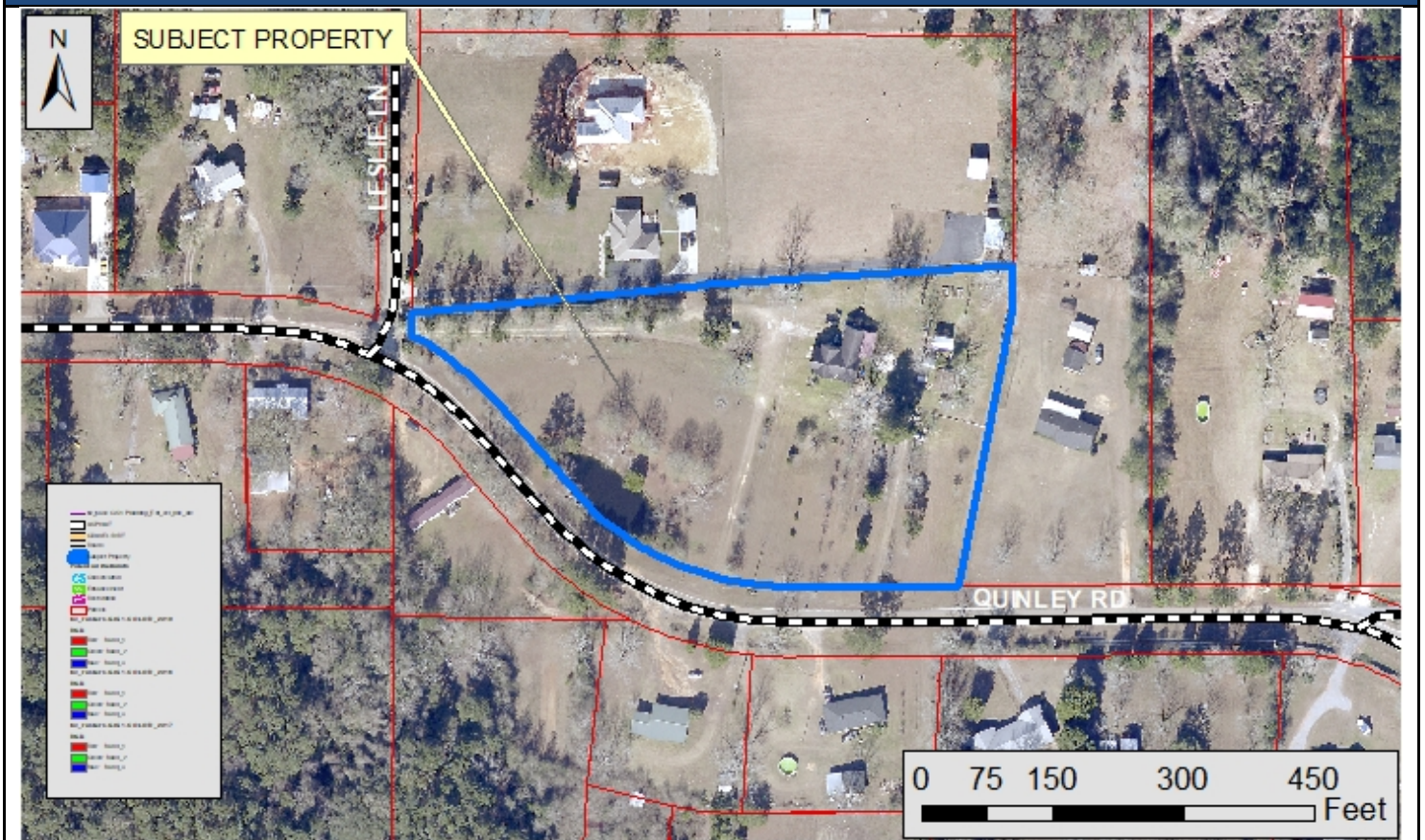




Locator Map



Site Map



Proposed New Dwelling

