

BOARD OF ADJUSTMENT NUMBER 1

AGENDA

June 15, 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 (May 18, 2021)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-210013 Stein Property

Request: Approval of a variance from the side and rear yard setback requirement to allow for the construction of an accessory dwelling

Location: The subject property is located at 12391 County Road 1 in Planning District 26

Attachments: Within Report

6. Old Business
7. New Business
8. Adjournment

**Planning and Zoning
Board of Adjustment Number 1
May 18, 2021
Regular Meeting Minutes
Central Annex
Auditorium**

The Board of Adjustment Number 1 met in a regular session on May 18, 2021 at 4:00 p.m., in the Baldwin County Central Annex Auditorium. The meeting was called to order by Chairman Brandon Bias. Members present included: Mary Hope, Tommy Springer, Jr., Michael Cochran, Gary Cowles and Rosellen Coggin. Staff members present were Linda Lee, Planner and DJ Hart, Planning Technician.

Approval of Previous Meeting Minutes

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

V-210009, Farmer 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.

The adjacent property owner to the south submitted a letter requesting the board and applicant consider the future home be situated such that placement would allow an additional amount of space along the south property line. Staff explained to the board that this would be up to the applicant as there is only one foot available to move the structure to the north.

Mr. Brett Farmer spoke in favor of the variance request and answered questions from Board members.

Following a short discussion, Board Member Gary Cowles made a motion to approve the variance request. The motion received a second from Board Member Tommy Springer and carried unanimously.

V-210011, Constantine Property

Mrs. Hart presented the applicant's request for a variance from the north side yard and rear yard setback requirements to allow for the construction of a single-family dwelling. Staff recommended approval of the variance request.

Mr. Gary Constantine spoke in favor of the variance request and answered questions from Board members.

Following a short discussion, Board Member Michael Cochran made a motion to approve the variance request. The motion received a second from Board Member Rosellen Coggin and carried unanimously.

V-210012, Stewart 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 and any proposed fill dirt. Staff recommended approval of the variance request with the condition all conditions listed with case V-200025 shall be met.

Following a short discussion, Board Member Gary Cowles made a motion to approve the variance request with conditions stated by staff and an added condition that applicant shall have a USACOE permit prior to issuance of a Land Use Certificate. The motion received a second from Board Member Michael Cochran and carried unanimously.

Old Business

Mrs. Lee updated the board concerning a request for a rehearing pertaining to two lots in Lakeland Subdivision. Due to no information submitted to justify the granting of a rehearing, applicant withdrew the request.

New Business

Mrs. Lee explained the only change to the By-Laws was the title, changing the board's name. Mr. Cochran made a motion to approve the By-Laws. The motion received a second from Mr. Cowles and carried unanimously.

Adjournment

There being no further business to come before the board the chairman adjourned the meeting at 4:30 p.m.

Respectfully Submitted

Linda Lee, Planner

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

Brandon Bias, Chairman



Baldwin County Planning & Zoning Department

Board of Adjustment Number 1

Board of Adjustment Staff Report

Case No. V-210013

Stein Property

A Side and Rear Yard Setback Variance to allow for the Construction of an Accessory Dwelling

June 15, 2021

Subject Property Information

Planning District: 26
General Location: Lot 7 Block S, Jubilee Point Subdivision
Physical Address: 12391 County Road 1
Parcel Number: 05-56-09-29-0-000-066.000
Zoning: RSF-2, Single Family District
Lot Size: Approximately 50' x 190' (9500 square feet)
Applicant: Pam M. Stein
3770 Claridge Road N
Mobile, AL 36608
Owner: Same
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped	RSF-1
South	Mobile Bay	N/A
East	Residential	RSF-2
West	Residential	RSF-2

Summary and Recommendation

The applicant is requesting a variance to allow for the construction of an accessory dwelling. The zoning requirements at issue are the side and rear (roadside) setback requirements for accessory structures. The applicant is requesting a northwest side setback of 3 feet, which would be a 2-foot variance and a rear (roadside) setback of zero, which would be a 5-foot variance.

Staff recommends that Case No. V-200013, Stein Property, be **DENIED** 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 the construction of an accessory dwelling. The zoning requirements at issue are the side and rear (roadside) setback requirements for accessory structures. The applicant is requesting a northwest side setback of 3 feet, which would be a 2-foot variance and a rear (roadside) setback of zero, which would be a 5-foot variance.

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

13.1.2 *Residential districts.* In residential districts an accessory use or structure will conform to the following requirements:

- (a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any side or rear lot line.
- (b) An accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.
- (c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than 30% of the rear yard.
- (d) No accessory structure, other than a pier and boathouse, may be located on a lot by itself.

****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.

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 occupied with a single-family dwelling. 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 Revenue Commission records the property is 50-feet wide and 190-feet deep. The approximate square footage is 9,500 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. Staff believes the property meets the exceptional narrowness standard but not the shallowness or shape standard.

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

Although the property is located on the portion of County Road 1 with a right-of-way of 230 feet and there is some VE Flood zone on the property, the property has been developed with a single-family dwelling. The existing dwelling appears to be approximately 90 plus feet from the bulkhead well pass the required 50-foot V-Zone setback.

The property is relatively flat; therefore, staff believes the property does not meet the standard of extraordinary situations.

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 property is currently developed with a single-family dwelling. Staff feels the granting of a variance to allow for an accessory dwelling is not necessary to preserve a property right.

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, therefore staff does not believe the granting of this application will 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.

5.) Other matters which may be appropriate.

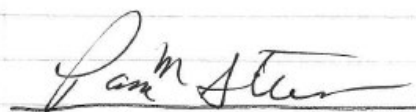
As stated previously, the lot has been developed with a single-family dwelling. Any hardship was self-imposed with the location of the existing dwelling.

Staff researched variances granted in this area from 2006 to the present and they were all for principal dwellings.

Per the applicant there is not an active Property Owners Association, board or committee.

Pam M. Stein
3770 Claridge Rd North
Mobile, AL 36608

This letter is to state that to my
knowledge there is no active neighborhood
association, board or committees, for
the property Town @ 12391 County Road 1
Frishtope, AL, 36532.


Pam M. Stein 4/30/21

Applicant's Statement

Pam Stein
12391 County Road 1
Fairhope, AL 36532

5/30/2021

I would propose to build a detached structure, similar type construction to my primary residence with the dimensions to be 30 ft x 30ft. In the area indicated on the drawing.

I would need a 3ft setback to my north neighboring property, a 0 ft setback to rear, an a 10ft setback to the south neighboring property.

Thank you for your consideration

Pam Stein

Staff Comments and Recommendation

As stated previously, the applicant is requesting a variance to allow for the construction of an accessory dwelling. The zoning requirements at issue are the side and rear (roadside) setback requirements for accessory structures. The applicant is requesting a northwest side setback of 3 feet, which would be a 2-foot variance and a rear (roadside) setback of zero, which would be a 5-foot variance.

Staff recommends that Case No. V-200013, Stein Property, be **DENIED** based on the applicant has not submitted any information supporting a hardship on the land.

* 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.

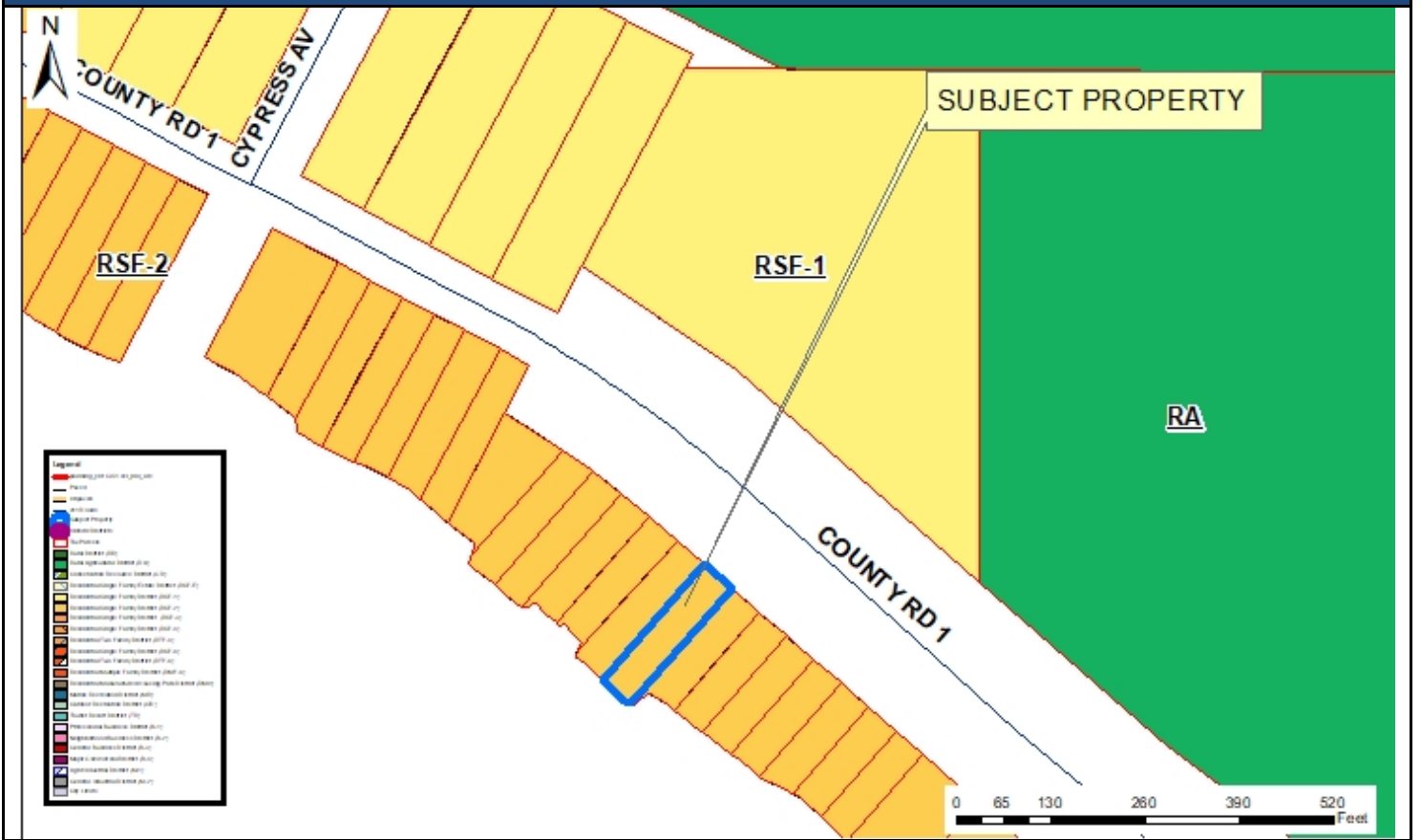
Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as the conditions upon which it is granted and the conditions imposed by the Zoning Ordinance are adhered to.

Property Images

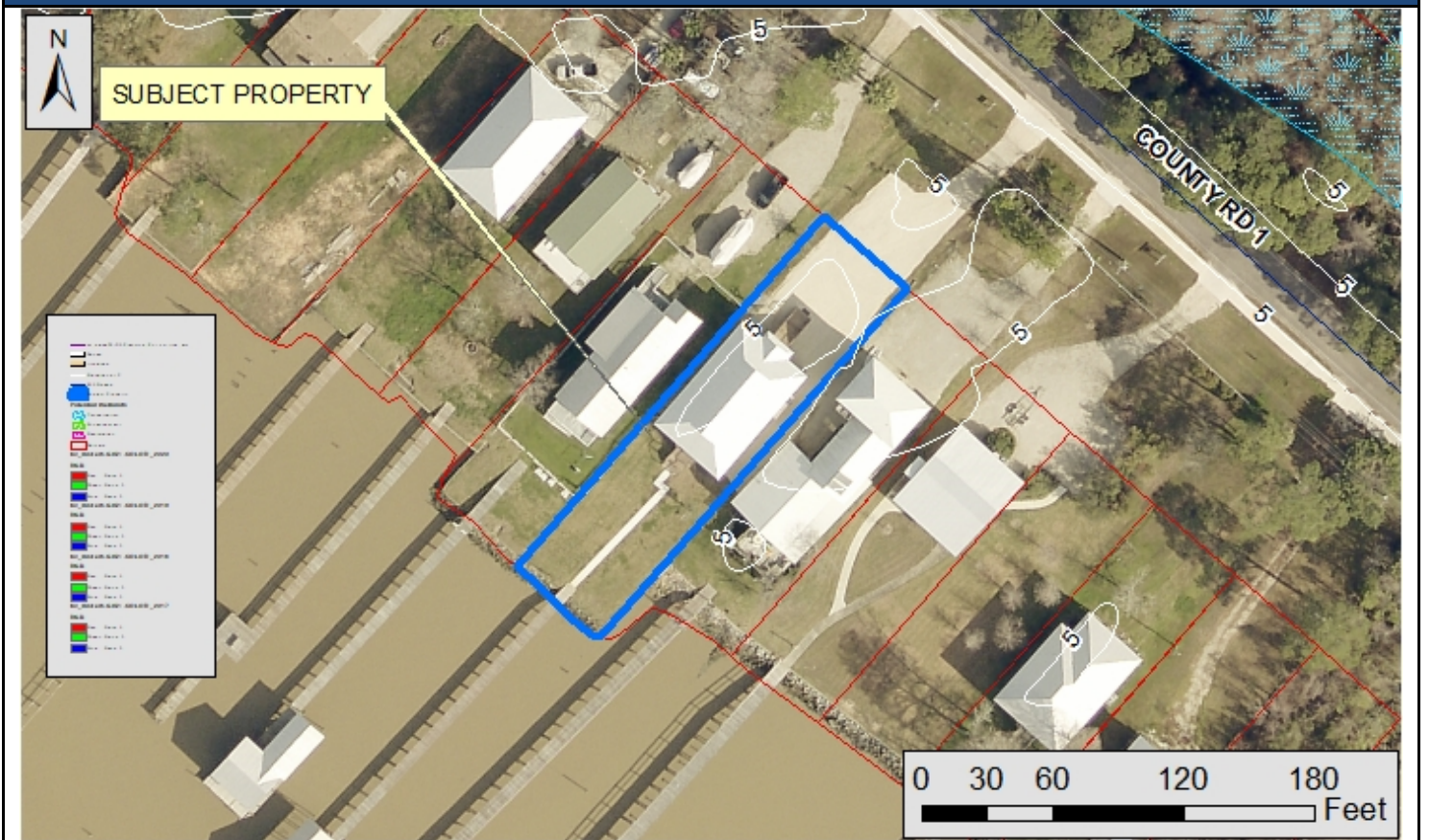




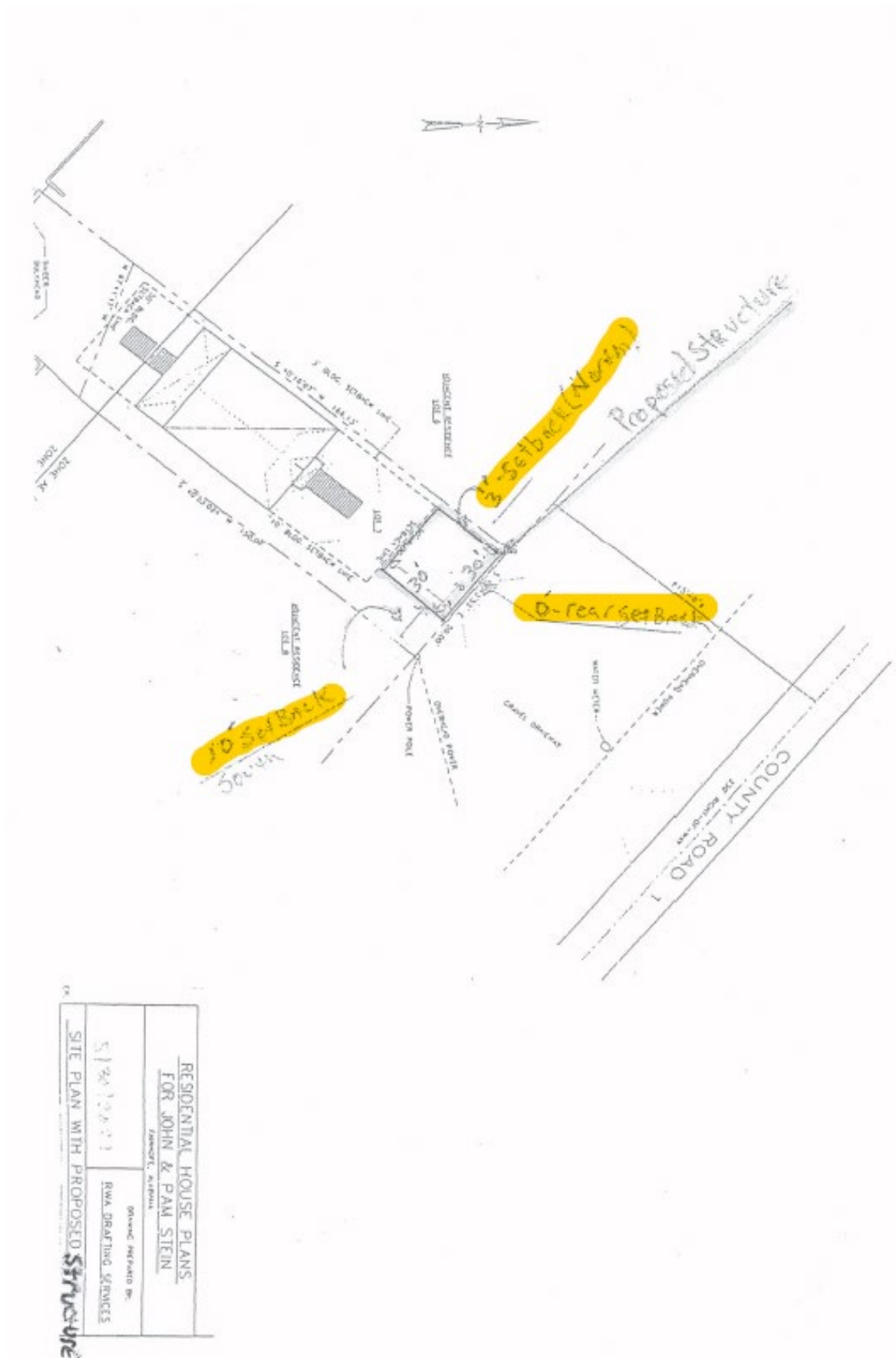
Locator Map



Site Map



Site Plan Submitted



Lot is 50' wide – setbacks shown, and width of proposed structure only add up to 43 feet.