

**PLANNING AND ZONING  
BOARD OF ADJUSTMENT NUMBER 2**

**AGENDA**

**July 15, 2021**

**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 (June 10, 2021)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. V-210008, Cumani Property Management Property**

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

*Location:* The subject property is located at Ponce De Leon Court in Planning District 25

*Attachments:* Within Report and Attached

**b.) Case No. V-210017, Dean Property**

*Request:* approval of a variance from the side yard setback requirements to allow for the relocation of a single-family dwelling

*Location:* The subject property is located at 2948 State Highway 180 in Planning District 25

*Attachments:* Within Report and Attached

**c.) Case No. V-210019, Gulf Shores Yacht Club & Marina Property**

*Request:* approval of a variance from the number of parking spaces required and a variance from the building height requirement to allow for the construction of a dry storage building to replace the one damaged by Hurricane Sally

*Location:* The subject property is located at 1577 State Highway 180 in Planning District 25

*Attachments:* Within Report and Attached

**d.) Case No. V-210020, McInnis Property**

*Request:* approval of a variance from the front yard setback requirement to allow for the construction of a swimming pool

*Location:* The subject property is located at 33398 River Road in Planning District 24

*Attachments:* Within Report and Attached



**e.) Case No. V-210021, Fowler Property**

*Request:* approval of a variance from section 17.2 as it pertains to landscaped buffer requirements to allow for an RV and Boat Storage facility

*Location:* The subject property is located at Hagendorfer Road in Planning District 29

*Attachments:* Within Report and Attached

**f.) Case No. SE-21004, Fowler Property**

*Request:* approval of a special exception to allow for an RV and Boat Storage facility

*Location:* The subject property is located at Hagendorfer Road in Planning District 29

*Attachments:* Within Report and Attached

**g.) Case No. V-210023, Hwy 98 RV & Boat Storage LLC Property**

*Request:* approval of a variance from section 17.2 as it pertains to landscaped buffer requirements to allow for an RV and Boat Storage facility

*Location:* The subject property is located at 31765 US Highway 98 in Planning District 22

*Attachments:* Within Report and Attached

**h.) Case No. SE-21005, Hwy 98 RV & Boat Storage LLC Property**

*Request:* approval of a special exception to allow for an RV and Boat Storage facility

*Location:* The subject property is located at 31765 US Highway 98 in Planning District 22

*Attachments:* Within Report and Attached

**i.) Case No. SE-21003, Tabor Property**

*Request:* approval of a special exception to allow for an RV Park

*Location:* The subject property is located at Highway 98 near Deer Acres Lane in Planning District 22

*Attachments:* Within Report and Attached

6. Old Business
7. New Business
8. Adjournment



**Planning & Zoning Board of Adjustment Number 2**  
**June 10, 2021**  
**Regular Meeting Minutes**  
**Foley Satellite Courthouse, Large Meeting Room**

The Board of Adjustment Number 2 met in a regular session on June 10, 2021 at 3:30 p.m., in the Baldwin County Foley Satellite Courthouse Large Meeting Room. Chairman, Ernie Church called the meeting to order. Members present included: Samuel Mitchell, James Koeppen, Michael Swansburg, Theron Mashburn, John Slaats, Johanna Moloney, Jack Danley, and John Hilderbrandt. Staff members present were Paula Bonner, Planning Technician and Linda Lee, Planner.

**Approval of Previous Meeting Minutes**

The first order of business was approval of the minutes from the May 13, 2021 meeting. Mr. Mitchell made a motion to approve the meeting minutes. The motion received a second from Mr. Koeppen and carried unanimously.

**V-210014 Ryan Property**

Mrs. Bonner presented the applicant's request for approval of a variance from the front and rear setback requirements to allow for the addition of a bath/laundry room and rebuild a damaged screen porch. Staff recommended approval of the variance request.

Mr. James Ryan spoke in favor of the variance request and answered questions from the board.

Mr. Mitchell made a motion to approve the variance request. The motion received a second from Ms. Moloney and carried unanimously.

**V-210015 Flynn Building Specialist, LLC Property**

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

Mr. Christopher Larimer spoke in favor of the variance request and answered questions from the board. Mr. Cliff Blake spoke in opposition to the variance request and answered questions from the board.

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

**New Business – July Meeting Date**

Mrs. Lee informed the board of a scheduling conflict with the Planning Commission meeting. Following a short discussion, the board voted unanimously to move the July 8<sup>th</sup> meeting to July 15<sup>th</sup>.

**Adjournment**

There being no further business to come before the board the meeting was adjourned at 4:03 p.m.

Respectfully Submitted,

Linda Lee, Planner

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

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Ernie Church, Chairman





# Baldwin County Planning & Zoning Department

## Board of Adjustment Number 2

### Board of Adjustment Staff Report

Case No. V-210008  
Cumani Property Management LLC Property  
Rear Yard Setback Variance  
July 15, 2021

### Subject Property Information

Planning District: 25  
General Location: Fort Morgan  
Physical Address: Ponce de Leon Court  
Parcel Number: 05-69-08-01-0-004-043.000 & 05-69-08-01-0004-044.000  
Zoning: RTF-4, Two Family District  
Lot Size: 0.41 +/- Acres per lot  
Applicant: Andrew Lewis  
221 Fairhope Avenue  
Fairhope, Alabama 36532  
Owner: Cumani Property Management, LLC  
Lead Staff: Paula Bonner, Planning Technician  
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Single Family District
South	N/A	Gulf of Mexico
East	Residential	RTF- 4 Two Family District
West	Residential	RTF- 4, Two Family District

### Summary and Recommendation

The applicant is requesting approval of a variance from the rear yard setback requirements (4.6.5) of the Baldwin County Zoning Ordinance to allow for the construction of a single family dwelling and pool on combined lots 1 and 12.

The estimated total building area of the combined lots is 3,872.75 square feet, which staff feels is adequate. Staff also has concerns about the number of proposed drives and the size of the proposed pool deck. Staff feels there is no hardship and recommends that Case V-210008 Cumani Property Management, LLC Property be **Denied**. \*

*\*On Variance applications, the Board of Adjustment makes the final decision*



## Variance Request

The applicant is requesting approval of a variance from Section 4.6.5 of the Baldwin County Zoning Ordinance from the rear yard setback requirement to allow for the construction of one single family dwelling and a pool on combined lots 1 and 12.

## Additional Information

### Section 4.6 RTF- 4, Two Family District

**4.6.1 Generally.** The intent of this zoning designation is to provide the opportunity for two family residential development.

**4.6.2 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) Two family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

**4.6.3 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.

**4.6.4 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*).

**4.6.5 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
Maximum Density	4 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

## Section 22 Definitions

### 22.2 Words and Terms Defined

*Coastal construction line (CCL).* A line in coastal Alabama determined by the Alabama Coastal Area Management Plan (ACAMP) seaward of which no construction is permitted.

*Yard.* A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted and complying with applicable building codes.

*Yard, front.* An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On waterfront lots the front yard shall be considered from the front line of the principal building to the waterfront property line.

*Yard, rear.* An open space on the same lot with the principal building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the principal building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

*Setback line.* A line defining the limits of a yard in which no building or structure, other than an accessory structure, may be located.

## 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 lots 1 and 12 Laine Court Subdivision located on Ponce de Leon Court. The lots are approximately 50 feet wide along the street (rear) lot line with the coastal construction line running along the front (water) lot line. The proposed submitted site plan combines lots 1 and 12 in order to build a single family dwelling and a pool. Staff does not believe the lot is exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance.



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

Staff perceives no exceptional topographic conditions or other extraordinary situations or conditions which require a variance.

**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 for two family dwellings, single family dwellings and accessory structures and uses to that. The subject properties are also regulated by the US Fish and Wildlife Service, the US Army Corps of Engineers, and the Alabama Coastal Area Management Plan. Staff perceives no necessity for preservation of a property right that would require a variance.

**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 anticipates no major 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.**

Planning District 25 zoning became effective on November 16, 1993. According to Baldwin County Probate Deeds and records the deeds to the current owners were recorded on April 5, 2021.

The estimated total building area of combined lots 1 and 12 is 3,872.75 square feet, which staff feels is adequate. Staff also has concerns about the number of proposed drives and the size of the proposed pool deck.

**Staff Comments and Recommendation**

Staff perceives the estimated total building area is adequate and has concerns regarding the number of proposed drives and the size of the proposed pool deck. Staff feels there is no hardship and recommends that Case V-210008 Cumani Property Management, LLC Property be **Denied**.

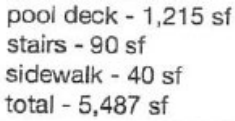
**GENERAL NOTES {By-laws}**

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.



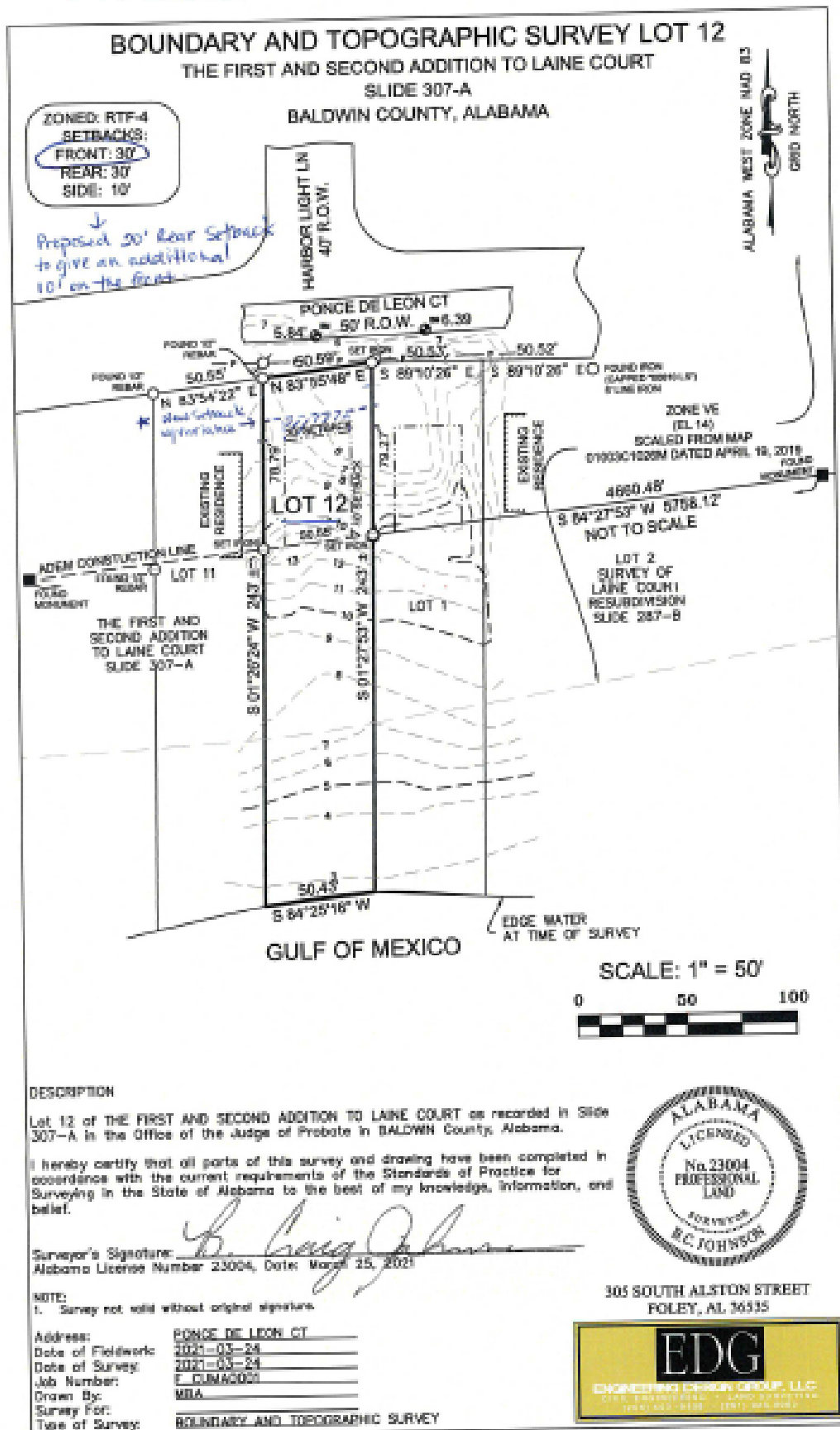
## Site Plan













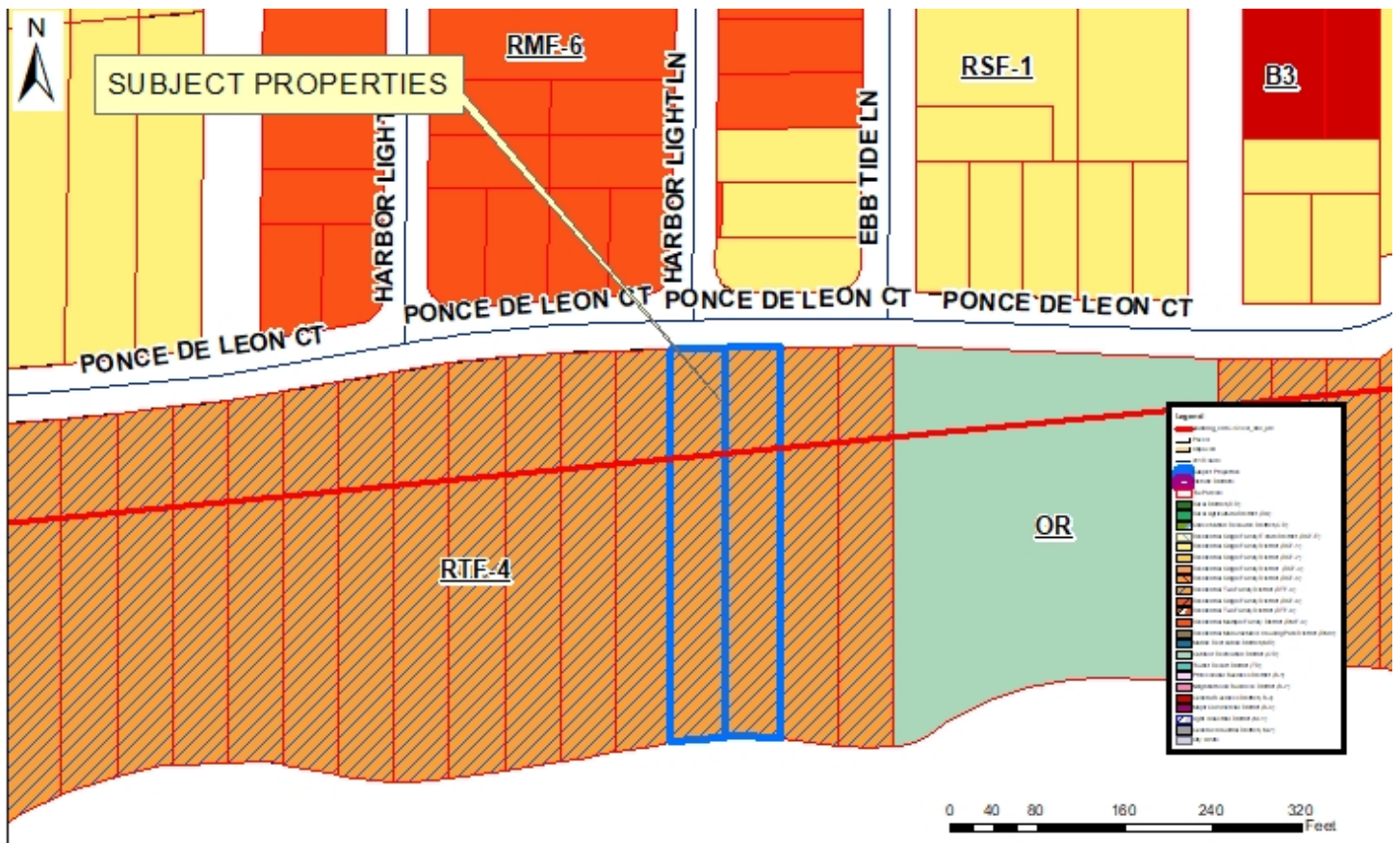




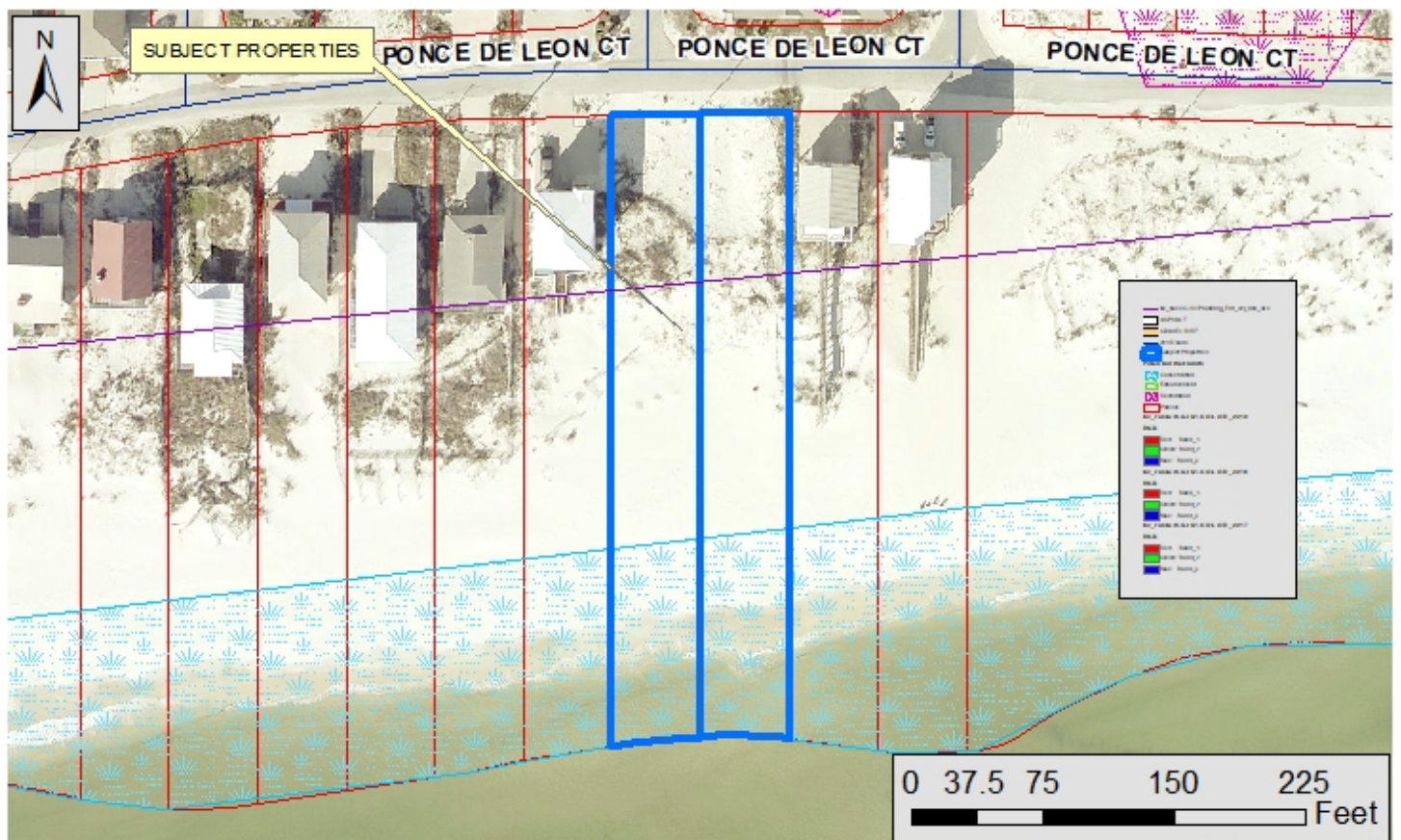




## Locator Map



## Site Map





Dr. Blendi Cumani  
1001 15<sup>th</sup> Ave SE  
Minot, ND 58701


RE: Ponce De Leon Ct, Gulf Shores, AL 36542  
(Lots 1 and 12)

To Whom It May Concern:

To the best of my knowledge, I am not aware of any active associations, boards, or committees governing the lots.

Sincerely,

Dr. Blendi Cumani

 docloop verified  
04/19/21 2:35 PM CDT  
3YKV-LN1L-jGNP-K2KY

**FT MORGAN**

**PLANNING & ZONING ADVISORY COMMITTEE**

Meeting Minutes – Jun 28, 2021

Case V-210008 Cumani Property Management LLC Properties

- \* Motion by Thelma to recommend disapproval. Second by Chan.  
Motion carried.



## Correspondence

July 7, 2021

To: Baldwin County Planning and Zoning Department  
201 East Section Ave  
Foley, Alabama 36535

Planning and zoning board of adjustment number 2

Reference case # V-210008 |

Cumani Property Management, LLC Property

Variance application submitted by Andrew Lewis for property located at Ponce De Leon Court in planning District 25. Request for variance from the rear setback requirement to allow for construction of a single family dwelling.

We are opposed to the request for a variance from the rear setback requirement and all variances that may be associated with these properties as described in the notice that was sent to us. The deviation requested is arbitrary and is not done in accordance with the comprehensive plan.

The lots in this area and attenuate rules, regulations and other associated laws were approved by the Baldwin County authorities after much thought and consideration as to the safety and well being of Baldwin County and specifically these lots and the residents on Ponce De Leon Court. Based on these lot dimensions and attenuate restrictions to include setbacks and other conformities: people purchased land and made further investments. A change to the setbacks would cause irreparable harm to those who have relied on the rules and restrictions set out by Baldwin County and would permanently harm their safety, peace and enjoyment. The process of singling out a small parcel of land for deviations totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners is not in the best interest of Baldwin County and its residents and taxpayers. The subject property was recently purchased with full knowledge of the lot sizes and associated restrictions. If the owner/ purchaser of the property wanted to build a structure that required a certain lot size, setbacks and other factors they should have purchased property that was zoned and restricted to meet there needs.

Additionally, the property is described as a single family dwelling however the owners plans for the property are calling for a multiple family dwelling. The plans show the structure is being architected for separation that will allow for multiple families to occupy the property. There are separate entrances for the east and west side residences and the interior is being designed so that areas can be closed off so that multiple families can reside in separate areas of the structure. What was plotted to be lots for two single residences is now being planned to combine two lots to form one. This also has detrimental effects to the neighborhood and especially adjacent properties. Safety factors that accompany properties that can sleep multiple families and 30 plus occupants are much different than two single family homes. Additional areas of ground are going to be covered that arises with it the increased possibility of flooding. Opening between structures are going to be removed which alters the planned and plotted views for adjacent and other surrounding property owners,

There are many and multiple factors which singly are not good and in multiple will not be good. Granting a variance to these properties, as described above are not in the best interest of Baldwin County and its constituents.

Sincerely,

Raymond Kowalewski  
Veronica Kowalewski  
2501 Ponce De Leon Court



To: Baldwin County Planning and Zoning Department, 201 East Section Avenue, Foley Alabama 36535

Planning and zoning board of adjustment number 2

Reference case # V-210008

Cumani Property Management, LLC Property

variance application submitted by Andrew Lewis for property located at Ponce De Leon Court in Planning District 25. Request for a variance from the rear setback requirement to allow for construction of a single-family dwelling.

We are opposed to the request for a variance from the rear setback requirement and or all variances that may be associated with these properties as described in the notice that was sent to us (notice attached). The deviation requested is arbitrary and it is not done in accordance with the comprehensive plan.

The lots in this area and attenuate rules, regulations and other associated laws were approved by the Baldwin County authorities after much thought and consideration as to the safety and wellbeing of Baldwin County and specifically these lots and the residents on Ponce De Leon. Based on these lot dimensions and attenuate restrictions to include setbacks and other conformities; people purchased land and made further investments. A change to the setbacks would cause irreparable harm to the those who have relied on the rules and restrictions set out by Baldwin County and would permanently harm their safety, peace and enjoyment. The process of singling out a small parcel of land for deviations totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners is not in the best interest of Baldwin County and its residents and taxpayers. The subject property was recently purchased with full knowledge of the lot sizes and associated restrictions. If the owner/purchaser of the property wanted to build a structure that required a certain lot size, setbacks and other factors they should have purchased property that was zoned and restricted to meet their needs.

Additionally, the property is described as a single family dwelling however the owners plans for the property are calling for a multiple family dwelling. The plans show the structure is being architected for separation that will allow for multiple families to occupy the property. There are separate entrances for the east and west side residences and the interior is being designed so that areas can be closed off so that multiple families can reside in separate areas of the structure. What was once plotted to be lots for two single residences is now being planned to combine two lots to form one. This also has detrimental affects to the neighborhood and especially ajacent properties. Safety factors that accompany properties that can sleep multiple families and 30 plus occupants are much different than two single family homes. Additional areas of ground are going to be covered that carries with it the increased possibility of flooding. Openings between structures are going to be removed which alters the planned and plotted views for adjacent and other surrounding property owners.

There are many and multiple factors in this case which singly are not good and in multiple will downgrade the situation further. Granting a variance to these properties, as described above, are not in the best interest of Baldwin County and its constituents.

Sincerely  
  
John Murphy

Owner of 2504 Ponce DE Leon Court





# Baldwin County Planning & Zoning Department

## Board of Adjustment #2

### Board of Adjustment Staff Report

Case No. V-210017  
Dean Property  
Side Yard Setback Variance  
July 15, 2021

### Subject Property Information

Planning District: 25  
General Location: Fort Morgan  
Physical Address: 2948 State Highway 180  
Parcel Number: 05-69-08-01-0-003-007.000  
Zoning: RSF-1, Single Family District  
Lot Size: 0.51 +/- Acres  
Applicant: Russell E. Dean  
2948 State Highway 180  
Gulf Shores, Alabama 36542  
Owner: Russell E. Dean  
Lead Staff: Paula Bonner, Planning Technician  
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant	RTF- 4, Two Family District
South	Residential & Vacant	RSF-1, Single Family District & RTF- 4 Two Family District
East	Vacant	RSF-1. Single Family District
West	Residential	RSF-1, Single Family District

### Summary and Recommendation

The applicant is requesting approval of a variance from the side yard setback requirements (4.2.5) of the Baldwin County Zoning Ordinance to allow for the relocation of a single family dwelling onto lot 194.

Staff recommends that Case V-210017 Dean Property be **Approved.** \*

*\*On Variance applications, the Board of Adjustment makes the final decision*

### Variance Request

The applicant is requesting a variance from Section 4.2.5 of the Baldwin County Zoning Ordinance to allow a variance from the side yard setback requirement to allow for the relocation of a single-family dwelling onto lot 194.



## Section 4.2 RSF-1, Single Family District

**4.2.1 Generally.** This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

**4.2.2 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.

**4.2.3 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.

**4.2.4 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*).

**4.2.5 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	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35



## Section 22 Definitions

### 22.2 Words and Terms Defined

*Setback line.* A line defining the limits of a yard in which no building or structure, other than an accessory structure, may be located.

*Yard.* A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted and complying with applicable building codes.

*Yard, side.* An open, unoccupied space on the same lot with a principal building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

### 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 approximately 50' wide along the southern side, 220' along the eastern side, 230' on western side, and 50' along the northern side. The parcel consists of 2 lots of record, lots 194 and 195 of Gulf Beach Subdivision C. Each lot is approximately 50 feet wide. The current minimum lot width for RSF-1 is 100-feet at the building lined and 50-feet at the street line, therefore staff believes the lot is exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance.

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

Staff perceives no exceptional topographic conditions or other extraordinary situations or conditions which require a variance.

**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 has already been established with a single-family dwelling estimated to be built in 1992 per the Revenue Commission. Staff perceives no necessity for preservation of a property right that would require a variance.

**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 anticipates no major 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.**

The existing structure is currently built over lots 194 and 195 Gulf Beach Subdivision C which was filed with the Baldwin County Judge of Probate on September 10, 1946. Planning District 25 became effective on November 16, 1993. According to Baldwin County Revenue the single family dwelling was estimated to be built in 1992.

**Staff Comments and Recommendation**

Staff perceives the 50' lot width constitutes a hardship, therefore recommends that Case V-210017 Dean Property be **Approved**.

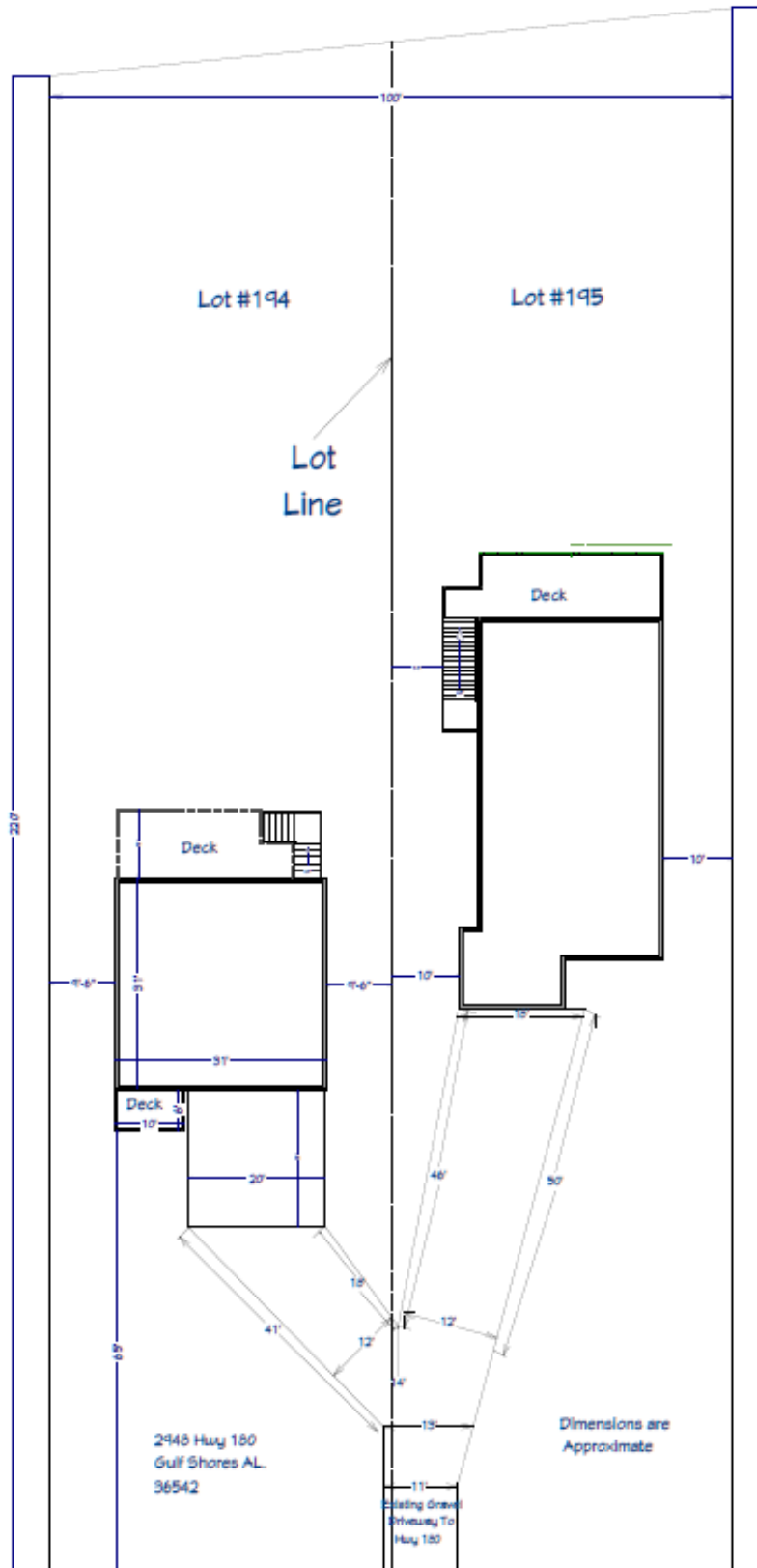
**GENERAL NOTES {By-laws}**

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.



## Site Plan



2948 State Hwy 180 West  
A.K.A. Fort Morgan Hwy  
Gulf Shores 36542



## Property Images





June 8, 2021

Subject Property

Adjoining property  
to the west

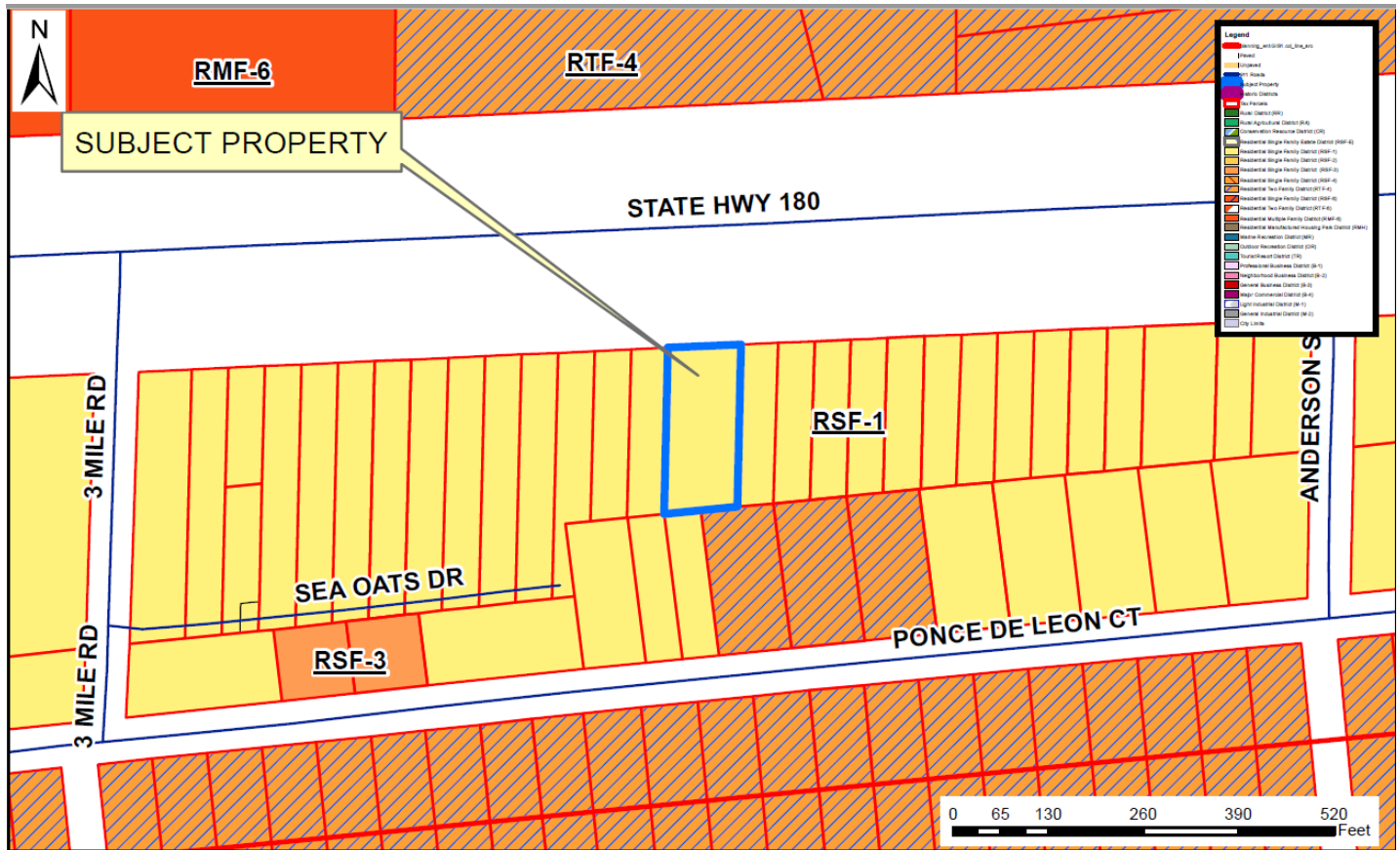
June 8, 2021

Adjoining property  
to the east

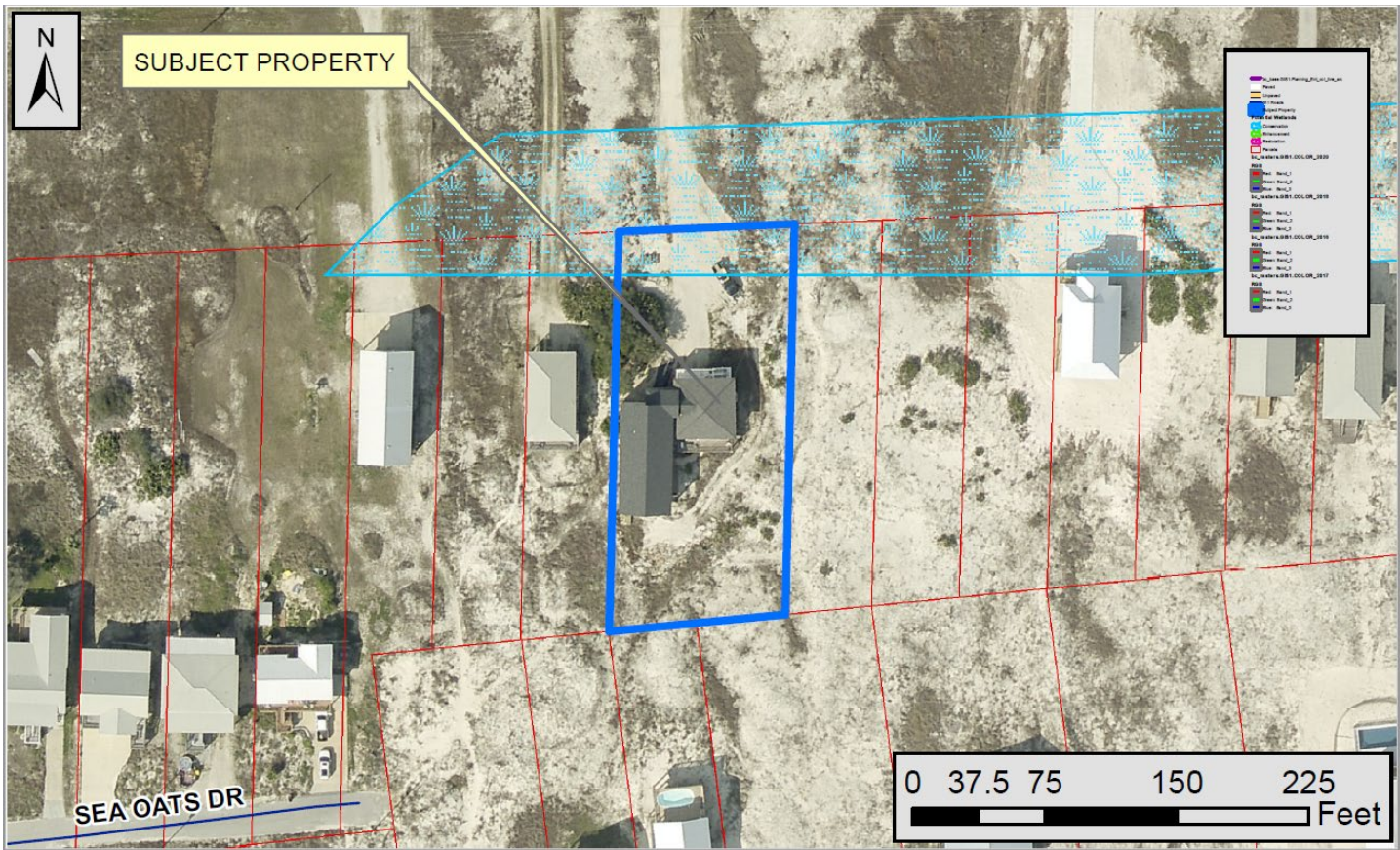
Subject Property



## Locator Map



## Site Map





BALDWIN COUNTY

THERE IS NO ACTIVE HOA FOR THE  
PROPERTY LOCATED @ 2948 HWY 180  
GULF SHORE AL 36542

*Russell*

**FT MORGAN**

**PLANNING & ZONING ADVISORY COMMITTEE**

Meeting Minutes – Jun 28, 2021

Case V-210017 Dean Property

- \* A request for a six (6) inch variance on each side to allow for a house to be moved to an adjacent lot.
- \* Motion by Chan to approve request. Second by Thelma. Motion carried.





# Baldwin County Planning & Zoning Department

## Board of Adjustment Number 2

### Board of Adjustment Staff Report

Case No. V-210019

Gulf Shores Yacht Club & Marina Property

Variances from number of required parking spaces and building height

July 15, 2021

### Subject Property Information

**Planning District:** 25  
**General Location:** North side of State Hwy 180  
**Physical Address:** 1577 State Highway 180  
**PID:** 05-69-08-02-0-006-004.001  
**Zoning:** B-4, Major Commercial District  
**Acreage:** 4.66 acres ±  
**Applicant:** Joseph Harper III, Gulfwide Engineering LLC  
PO Box 57  
Montrose, AL 36559  
**Owner:** Gulf Shores Yacht Club & Marina  
1577 State Highway 180  
Gulf Shores, AL 36542  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** Within Report

	Adjacent Land Use	Adjacent Zoning
North	Mobile Bay	N/A
South	Residential and Vacant	RMF-6, Multi-Family District
East	Vacant	MR, Marine Recreation District
West	Vacant	B-2, Neighborhood Business District

### Summary and Recommendation

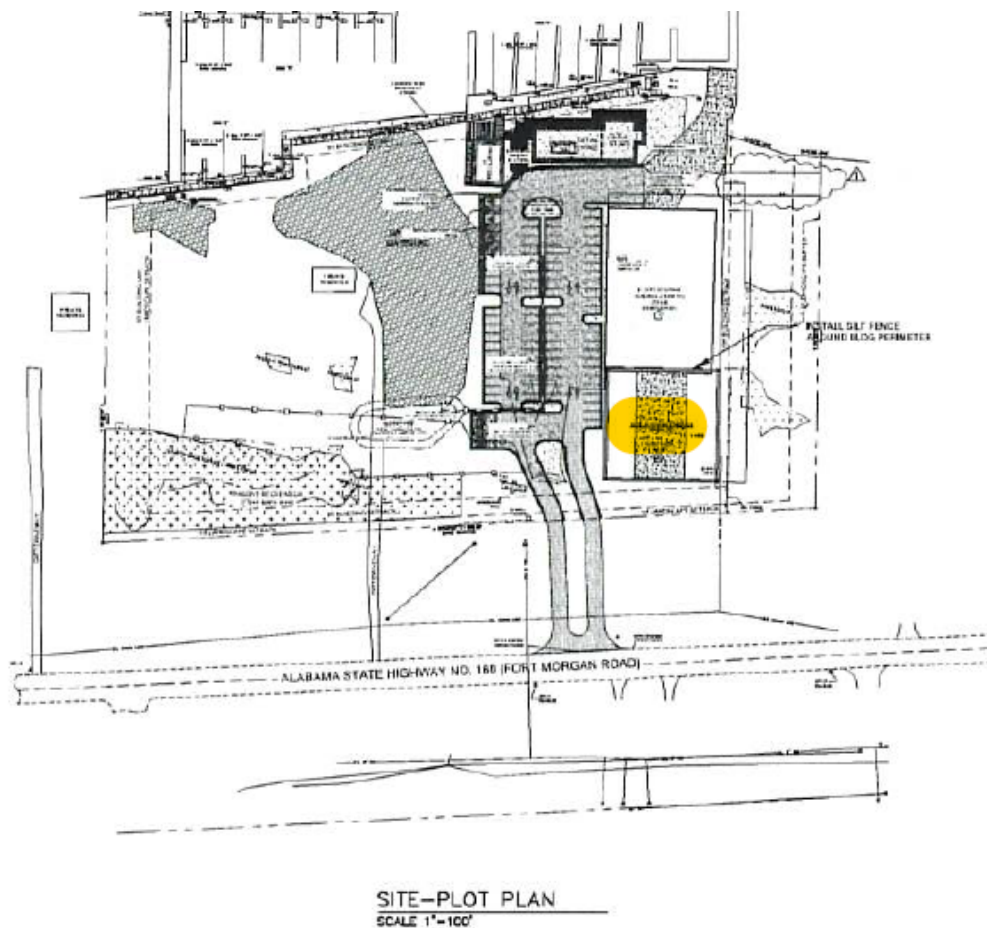
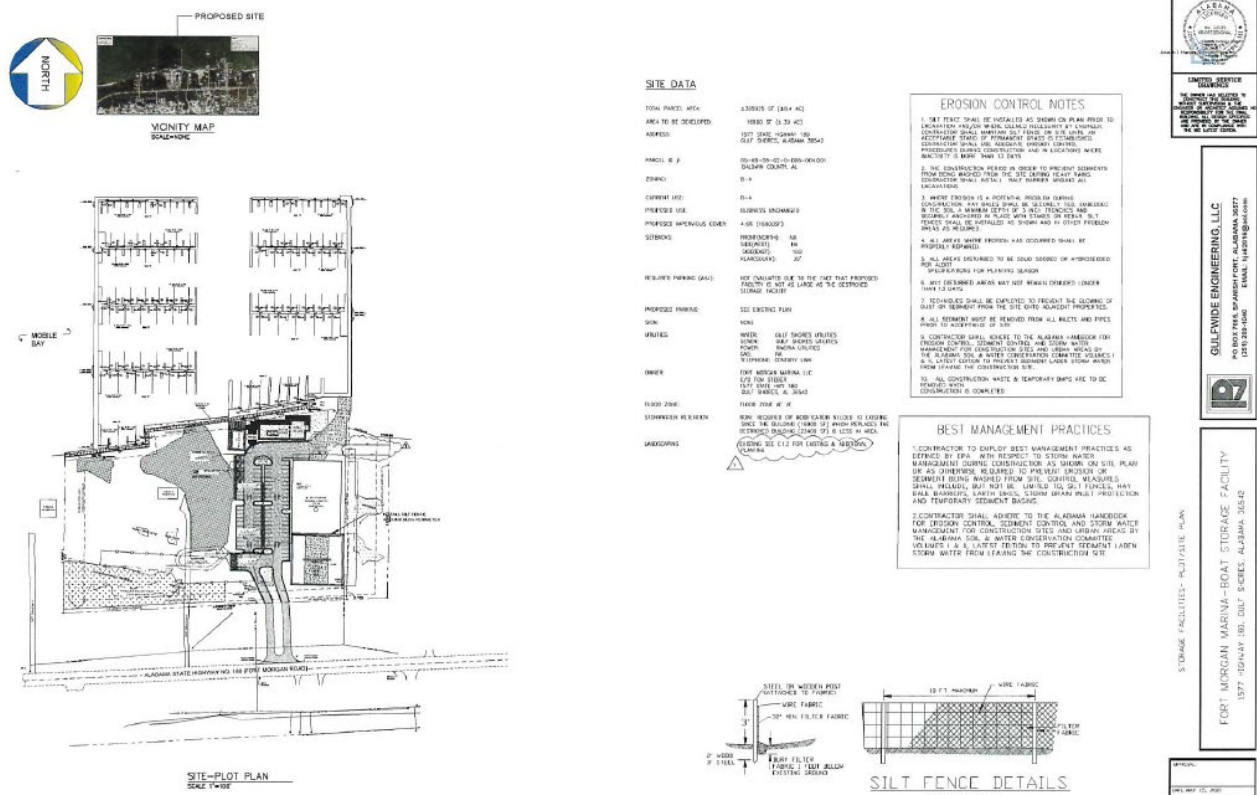
The applicant is requesting a variance from the number of required parking spaces and a variance from the building height requirement to allow for the construction of a dry storage facility to replace the building destroyed by Hurricane Sally. Staff recommends that the Board base its decision on information provided in this staff report and information provided at the public hearing.

### Variance Request

The applicant is requesting a variance from the number of required parking spaces and a variance from the building height requirement to allow for the construction of a dry storage facility to replace the building destroyed by Hurricane Sally.



## Site Plan





## PARKING TABULATION

A - First Floor Bar - 1,417 sf/100 sf Gross	15 - CARS
- Second Floor Restaurant - 1,777 sf/100 Gross	18 - CARS
Second Floor Outdoor Dining - 1,747 sf/100	18 - CARS
Third Floor Outdoor Dining - 594 sf/100	6 - CARS
B - Retail Building	
Second Floor - 5,957 sf/200 Gross	30 - CARS
Third Floor - 5,957 sf/200 Gross	30 - CARS
C - New Bait Shop - 408 sf/ 200	3 - CARS
D - Dry Storage Building - 22,200 sf/500	34 - CARS
E - Wet Slips - 48 - 1 space per slip	48 - CARS
Total Cars Required =	204
Total on Site =	185 CARS

## FORT MORGAN MARINA AREAS:

FIRST FLOOR BAR H&C	1,417 Sq. Ft.
FIRST FLOOR OUTDOOR DINE	2,201 Sq. Ft.
SECOND FLOOR RESTAURANT	1,777 Sq. Ft.
SECOND FLOOR OUTDOOR DINE	1,747 Sq. Ft.
THIRD FLOOR OUTDOOR DINE	594 Sq. Ft.
SECOND FLOOR RETAIL & DOC STORE	5,957 Sq. Ft.
THIRD FLOOR RETAIL BUILDING	5,957 Sq. Ft.
DRY STORAGE BUILDING	22,200 Sq. Ft.
NEW BAIT SHOPS	408 Sq. Ft.

\* PRESENTLY THERE ARE 29 BOAT SLIPS

C1.2 CORRECTED TABLE

## Fort Morgan Advisory Committee Recommendation

### Case V-210019 Gulf Shores Yacht Club & Marina Property

- \* Requesting a variance from the number of parking spaces required and from the (boat storage) building height requirement.
- \* Parking spaces remain the same as they were prior to Hurricane Sally.
- \* Height of the boat storage building to be the same (50 feet) as the old structure.
- \* Thelma made a motion to approve the two variances. Second by Chan. Motion carried.



#### 15.2.5 Recreation and amusement.

(a) *Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements.* One space for each 200 square feet of floor area.

(b) *Bowling alleys.* 4 spaces for each alley.

(c) *Marinas.* One space for each slip or berth plus 1 space for each 500 square feet of dry boat storage area.

(d) *Golf course.* 4 spaces per golf hole.

(e) *Golf driving range.* One space for each driving tee area.

(f) *Amusement park.* One space per 200 square feet of area within enclosed buildings, plus One space for every 3 persons that the outdoor facilities are designed to accommodate.

#### 5.4.4 Area and dimensional ordinances.

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-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 occupied with boat storage, marina, and restaurant. The property adjoins State Highway 180 to the south. The adjoining properties are vacant. The property exceeds the minimum area and dimensional requirements for property zoned B-4. Therefore, staff believes the parcel does not meet the exceptional narrowness, shallowness or shape standard.

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

The north portion of the parcel is located in a VE Zone which is also known as the Coastal High Hazard area. The VE Zone extends from offshore to an inland limit based on mapping criteria. FEMA has established numerous standards intended to minimize storm surge impacts in these sensitive areas. The most important requirements relate to finished floor elevations and other construction standards including foundation design and enclosures. These standards are regulated by the Building Inspection Department. With regard to setbacks, the FEMA regulations only state that a structure should be located landward of the reach of mean high tide. Typically, mean high tide is certified at a bulkhead. However, it can actually be located further out in



the water and will periodically change due to the seasonal nature of tides. The proposed dry storage building is on the south side of the previous dry storage building which was destroyed by Hurricane Sally.

**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 major commercial use. The use of the property has been established with a marina. The purpose of the variance request is to allow for the construction of a dry storage building to replace the previous dry storage building which was destroyed by Hurricane Sally. The new building will be the same height (50-feet) as the previous building but with a smaller square footage. The previous building was 22,200 square feet. The new building will be 16,900 square feet. The purpose of the proposed height is to allow accommodation of larger vessels. The current number of parking spaces do not meet the minimum number of spaces required by the zoning ordinance. New construction requires all aspects of a site to come into compliance.

**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 the proposed dry storage building is the same height as the previous building with a smaller footprint. As to the required number of parking spaces, the applicant states there isn't any property available to provide additional parking spaces and the existing parking spaces were adequate prior to the storm.

**5.) Other matters which may be appropriate.**

Staff has not received any calls or letters in opposition to the requested variances.

**Staff Comments and Recommendation**

The above listed Standards for Approval are used as a tool to help guide the Board in making decisions by serving as the types of issues which could be considered hardships. From time to time, however, there are cases where a variance is warranted, but the standards do not fit the particular situation. In the case at hand the proposed structure is the same height as the previous structure with a smaller footprint. Although staff has no issue with the variances requested, this situation does not meet the standards for approval to allow a recommendation of approval. Therefore, staff recommends that the Board base its decision on information provided in this staff report and information provided at the public hearing.

**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.







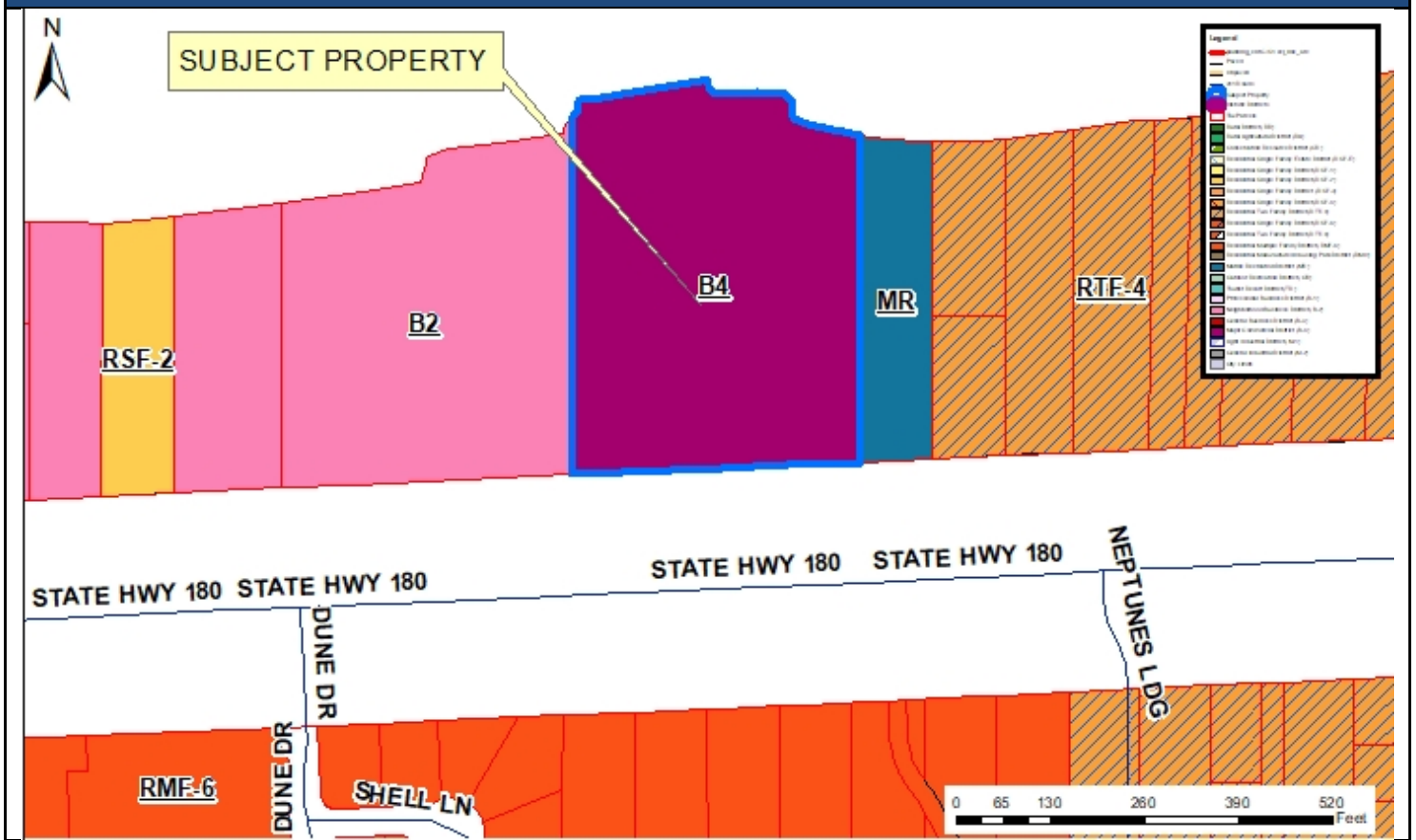








# Locator Map



# Site Map







# Baldwin County Planning & Zoning Department

## Board of Adjustment Number 2

### Board of Adjustment Staff Report

**Case No. V-210020**

**Mcinnis Property**

**Variance from Front yard setback to allow pool**

**July 15, 2021**

### Subject Property Information

**Planning District:** 24  
**General Location:** Lot 21 Sands Point Ono Island, Unit 25  
**Physical Address:** 33398 River Rd  
**PID:** 05-63-08-34-0-000-002.090  
**Zoning:** RSF-2, Residential Single Family  
**Acreage:** 0.588 more or less  
**Applicant:** Charles McInnis  
33398 River Rd  
Orange Beach, AL 36561  
**Owner:** Same  
**Lead Staff:** Crystal Bates, Planning Technician  
**Attachments:** *Within Report*

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

### Summary and Recommendation

The applicant is requesting a variance from the front yard setback requirements to allow for the construction of a pool and patio.

Staff recommends that Case No. V-210020, McInnis Property be **APPROVED**.

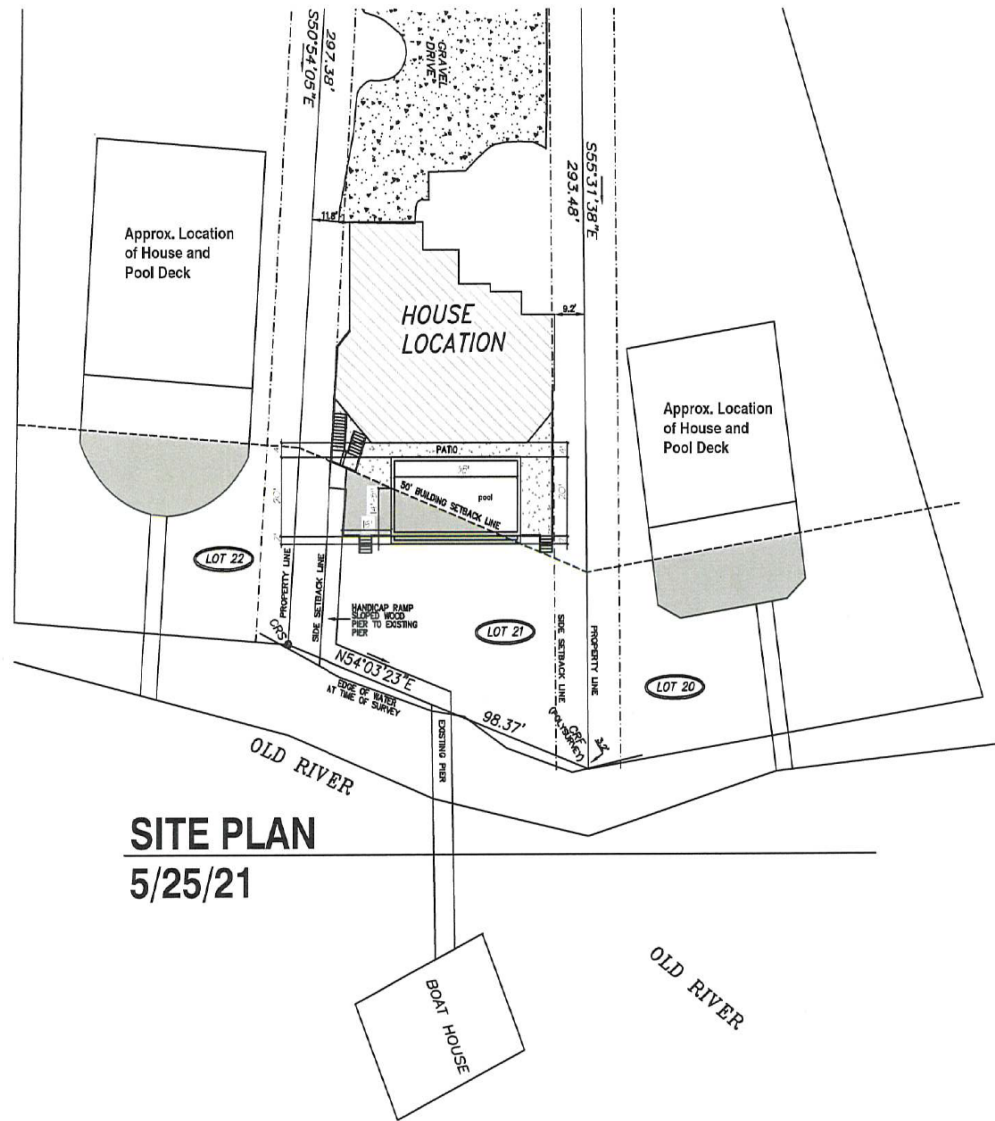
### Variance Request

The applicant is requesting a variance from the front setback requirements to allow for the construction of a pool and patio. The proposed deck is 30'3" from the front property line on the west side, which will result in a variance of 19'7".

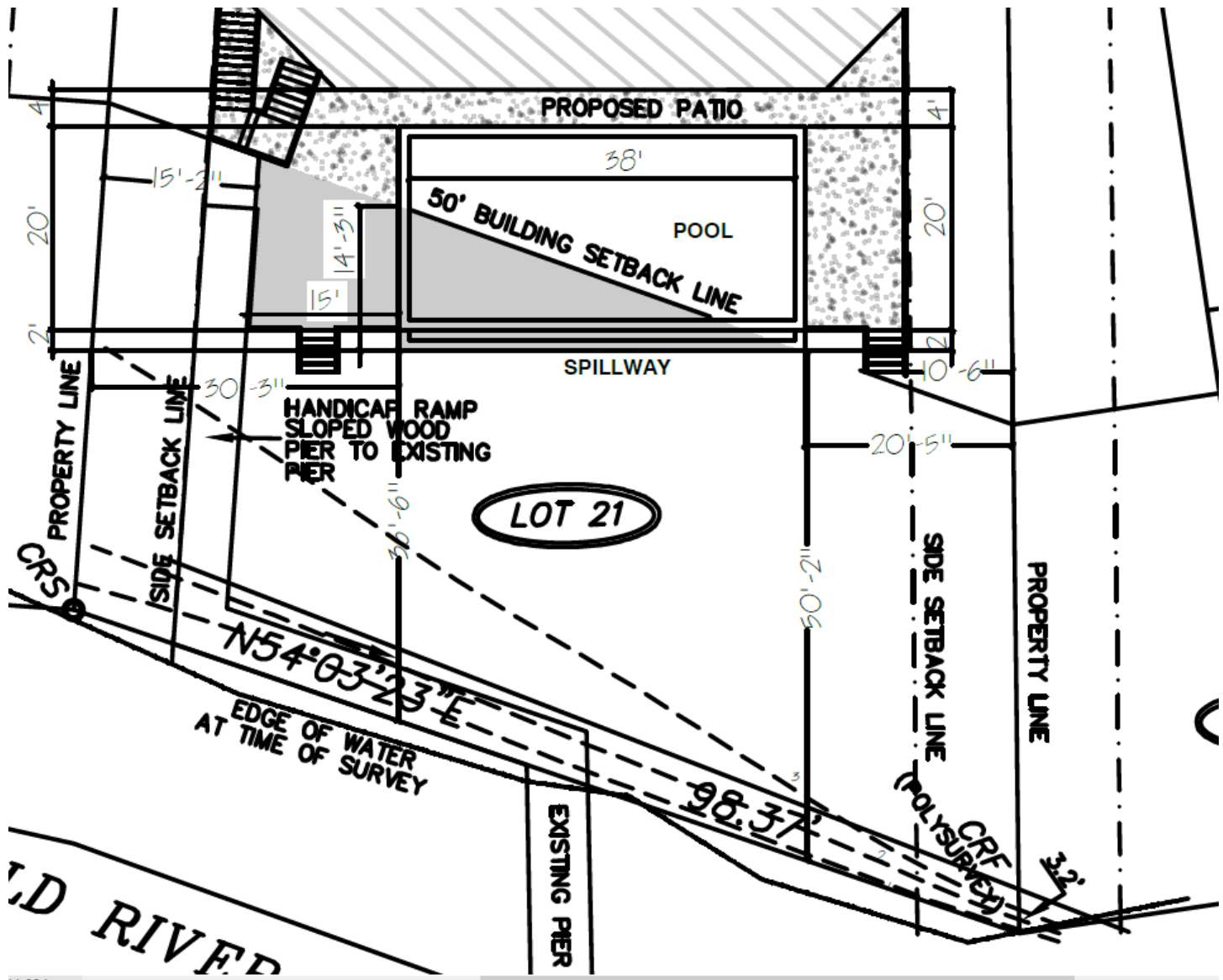
The front of the McInnis property has a 50' platted setback on the Old River side of their property. Due to the shape of their lot and where it sits on Sands Point Ono, the 50' setback line is much closer to the house on the West side of their property than the East side.



## Proposed Site Plan









## Additional Information

The following sections from the *Baldwin County Zoning Ordinance* are relevant to this application:

### **Area and Dimensional Requirements for the RSF-2 Zoning Designation**

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

(e) Where a subdivision has been approved by the Planning Commission in accordance with the *Baldwin County Subdivision Regulations* prior to the enacting of zoning ordinances with front, rear or side yard setbacks different than the minimums required herein, the setbacks as recorded on the plat shall apply.

## 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 Lot 21 of Sands Point Ono Island Unit 25. The dimensions of the lot are approximately; front 100' rear 79.9', west side 297.4 and east side 305'. The subdivision plat was approved in 1988. The property has an irregular shape. Per the applicant. Due to the west shallowness on the west side staff believes the irregular shape is exceptional enough to warrant a variance.

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

Per the contours layer of the ArcGIS map, the lot is flat. There are no potential wetlands or other topographic conditions shown. Therefore, staff believes the lot does not meet this standard to warrant a variance.

### **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 zoned for residential use. The granting of the application will allow the applicant to build a 20 x 36 swimming pool. Donna McInnis suffers from Osteoporosis. Swimming laps will help slow down the advancement of this disease and reduce the symptoms. The 40' width of the pool was to provide a lap lane for Donna to swim laps. Therefore, staff believes the granting of a variance is necessary for the preservation of a property right.

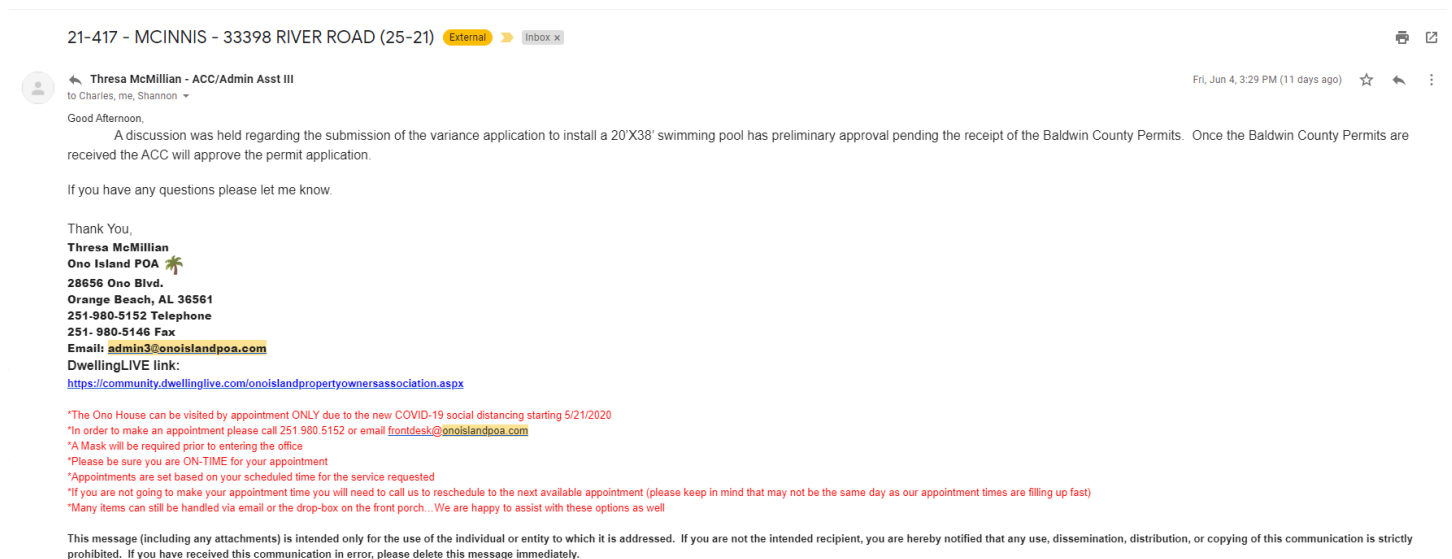
### **4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within 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.

The Property Owners Association has preliminary approval pending the receipt of the Baldwin County permits.



## Staff Comments and Recommendation

Staff feels that this is a reasonable request which meets the standards for approval of variances. Unless information to the contrary is revealed at the public hearing, Case V-210020 should be **APPROVED\***.

*\* 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 there from 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



















# Baldwin County Planning & Zoning Department

## Board of Adjustment Number 2

### Board of Adjustment Staff Report

Case No. V-210021

Fowler Property

Variance from landscaped buffer requirements

July 15, 2021

### Subject Property Information

**Planning District:** 29  
**General Location:** North side of Hagendorfer Road  
**Physical Address:** Hagendorfer Road  
**PID:** 05-52-09-30-0-000-010.017  
**Zoning:** RA, Rural Agricultural District  
**Acreage:** 10.08 acres ±  
**Applicant:** Jeanine Mullek Fowler  
30755 Hagendorfer Road  
Lillian, AL 36549  
**Owner:** Jeanine Mullek Fowler  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** Within Report

	Adjacent Land Use	Adjacent Zoning
North	Mobile Bay	RA, Rural Agricultural District
South	Residential and Vacant	RA, Rural Agricultural District
East	Vacant	RA, Rural Agricultural District
West	Vacant	RA, Rural Agricultural District

### Summary and Recommendation

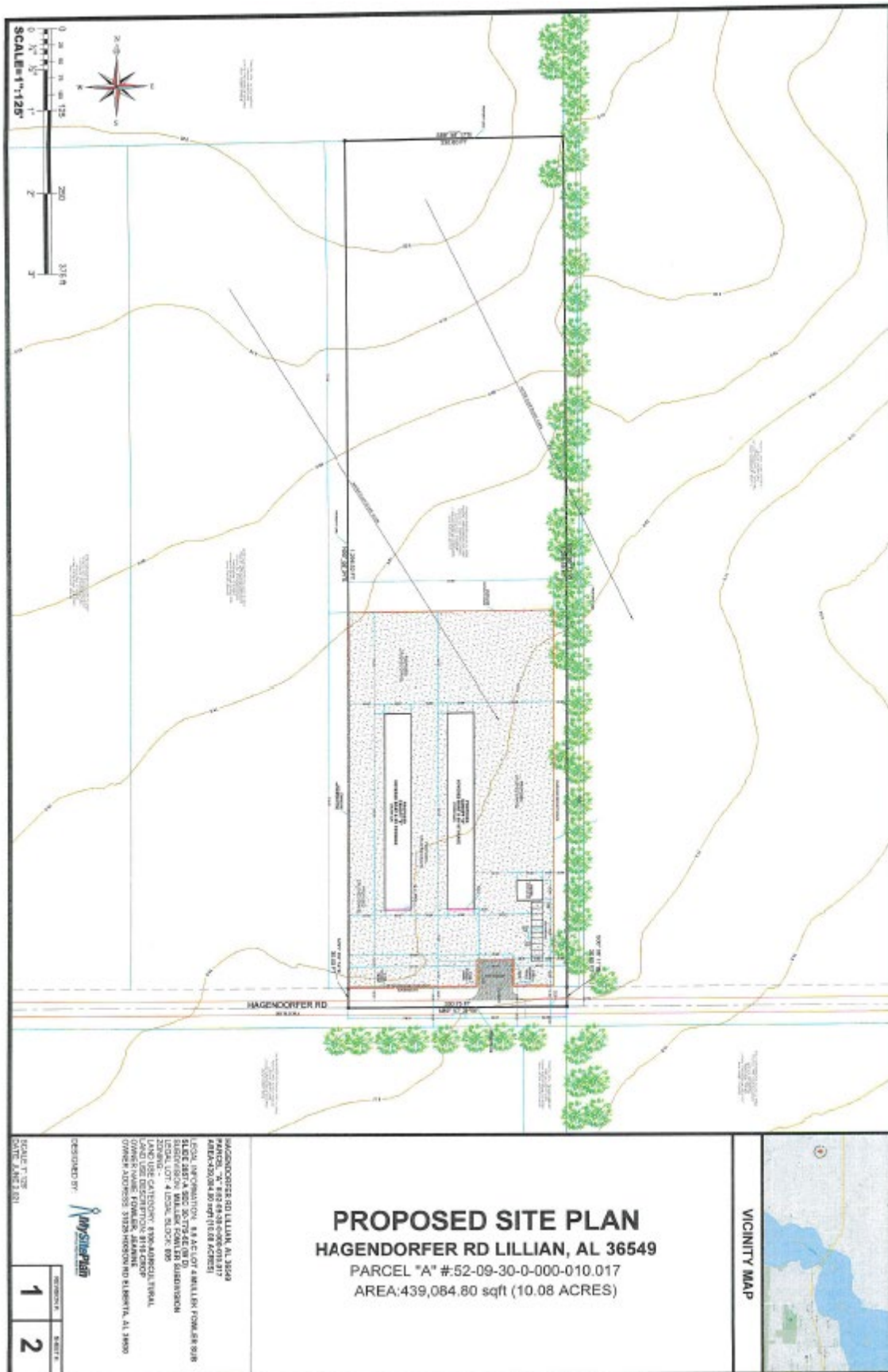
The applicant is requesting a variance from section 17.2 of the Baldwin County Zoning Ordinance as it pertains to landscaped buffer requirements against unlike uses. Staff recommends that Case V-210021 be **DENIED**.

### Variance Request

The applicant is requesting a variance from section 17.2 of the Baldwin County Zoning Ordinance as it pertains to landscaped buffer requirements against unlike uses.



# Site Plan





## Applicant's Comments

**What are the conditions which prevent you from using this property in accordance with its current zoning classification?**

The granting of this variance is to allow for the safe operation of RVs and vehicles towing trailered boats. The width of the property, combined with the proposed facility will hinder the safe operation of large recreational vehicles and trucks pulling large, trailered boats. The proposed facility will consist of two canopy style covers utilized for storage. This will require large drive aisles of a minimum of fifty-five feet in width on each side of the canopies. If the canopies are moved to the east to make room for the landscape buffers, on the west side of the facility, required in Section 17.2 Buffers of Unlike Usage and Zoning Designations, it will make it difficult for RVs and boats to safely navigate through the facility.

Additionally, if the canopies are moved to the east to make room for a landscape buffer on the west, it will place one of the canopies in line with the ingress/egress to the facility making it almost impossible for RVs and boats to enter and exit, safely.

The adjacent property to the west of this property is also owned by me and is used as farmland. This property will continue to be farmed and there are no plans to change its usage. The facility will be roughly 4 acres in size. The remainder of the parcel (close to 6 acres) to the north will, also, continue to be farmed. The adjacent property to the north of this is being farmed and is landlocked and not likely to be developed. The property to the east has an existing natural buffer of canopy trees, understory trees and bushes/shrubs. This natural buffer is another reason it is difficult to alter the proposed plans since it takes up about 40 feet of the eastern side of the parcel making the usable width of the parcel narrower.

### Additional Information

#### **Section 3.2 RA Rural Agricultural District**

**3.2.1 Generally.** This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

**3.2.2 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) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.



3.2.3 *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) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

3.2.4 *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) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

3.2.5 *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	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 *Area and dimensional modifications.* Within the RA 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	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet
Minimum Lot Width at Street Line	60-Feet

## **Section 13.14 Mini-Warehouses**

13.14.1 *Purpose.* The purpose of this section is to establish minimum standards for mini-warehouse facilities.

13.14.2 *Procedures and standards.*

- (a) *Land use certificate required.* All mini-warehouse facilities are subject to the standards contained in this section and will be required to obtain a land use certificate prior to being granted a building permit.
- (b) *Where permitted.* Mini-warehouse facilities are permitted as follows:



1. **Special Exception – RR, Rural District, and RA, Rural Agricultural District**
2. Conditional Use – RMF-6, Multiple Family District, HDR, High Density Residential District, B-1, Professional Business District and B-2, Neighborhood Business District
3. By Right – B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District

(c) *Land area.* The minimum land area of a mini-warehouse facility shall be three (3) acres.

(d) *Coverage.* Building coverage shall not exceed forty (40) percent of the total lot area.

(e) *Access.*

1. No mini-warehouse facility shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.
2. All storage spaces shall be served by an access driveway of 11-feet minimum width for each direction of travel. Access drives shall be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, gravel, limestone or another similar surface.

(f) *Buffering.* In the event a mini-warehouse facility is located adjacent to residentially developed or zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier.

(g) *Design and other requirements.*

1. *Facades.* Facades which are visible from a public right-of-way shall be constructed of masonry, wood or other materials which will present a pleasing appearance and which will be compatible with the surrounding area.
2. *Fencing.* The entire site of a mini-warehouse facility shall be enclosed by security fencing. The minimum height for fencing, along the side and rear property lines, shall be eight (8) feet, for fencing constructed to the exterior of required buffers, or six (6) feet for fencing constructed to the interior of required buffers. Fencing shall be composed of materials designed for such use including masonry, iron, steel, chain link (painted or vinyl coated only), wood or a combination thereof. Fencing along the front of a mini-warehouse facility may be decorative in nature and may be built to a minimum height of four (4) feet.
3. *Lighting.* The maximum height of exterior lights shall be 20-feet. Light fixtures shall be designed to cast light downward. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.
4. *Compartments.* Each storage compartment shall have an independent entrance under the exclusive control of the tenant. The use of storage compartments shall be limited to the storage of personal property and no other use shall be permitted within such compartments.
5. *Outdoor storage.* Outdoor storage of goods and materials, with the exception of boats, recreational vehicles and trailers, shall be prohibited. **Boats, recreational vehicles and trailers may be stored on site only if located in an enclosed building or if**



fully screened from public view by fences, walls, landscaping or a combination thereof.

6. *Parking and landscaping.* Unless otherwise stated herein, all mini-warehouse facilities shall meet the requirements of *Article 15: Parking and Loading Requirements* and *Article 17: Landscaping and Buffers*.

## Section 17.2 Buffers of Unlike Land Uses and Zoning Designations

17.2.1 *Purpose and intent.* Where unlike land uses or zoning designations occur, a buffer shall be required along the entire length of all such common boundaries. Said buffer shall be of the width specified below and shall be planted with canopy trees, understory trees and shrubs of sufficient density and of sufficient height (but in no case less than 8-feet high at the time of planting for canopy trees and 4-feet high at the time of planting for understory trees) to afford adequate sight, sound and debris protection. All screen planting shall be maintained in a clean and healthy condition.

17.2.2 *Buffer Requirements.* Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The required buffer widths are listed below. Additional information may be found at Appendix B:

(a) Multiple Family uses (RMF-6) when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(b) Multiple Family uses (RMF-6) when adjacent to a Two Family District (RTF-4 and RTF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(c) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-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 Hagendorfer Road to the south. The adjoining properties are residential, agriculture, timberland, and a vacant lot. Per the survey submitted, the property is 10.08 acres, more or less, which exceeds the minimum lot area for property zoned RA. Therefore, staff believes the parcel does not meet the exceptional narrowness, shallowness, or shape standard.

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

Per the contours layer of the GIS map, the parcel has a slight slope from 82 feet to 78 feet north to south. Considering the size of the parcel, this slope is relatively small. Therefore, staff feels the property does not meet this standard of exceptional topographic conditions or other extraordinary situations or 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.



This property is zoned for rural agricultural use. The proposed use is an RV and Boat storage facility. Although the use is allowed with Special Exception approval staff does not feel the granting of a variance from the landscaped buffer requirement is necessary for the preservation of 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.**

The purpose of a landscaped buffer is to afford adequate sight, sound and debris protection. The proposed RV and Boat Storage facility would increase the traffic on Hagendorfer Road. The adjacent properties are either farmed or vacant. Property on the east end of Hagendorfer Road is residential.

**5.) Other matters which may be appropriate.**

County Commissioners have received calls concerning the variance request.

### Staff Comments and Recommendation

The applicant is requesting a variance from section 17.2 of the Baldwin County Zoning Ordinance as it pertains to landscaped buffer requirements against unlike uses. Staff recommends that Case V-210021 be **DENIED** due to the applicant has not submitted any information supporting a hardship on the land.

### 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

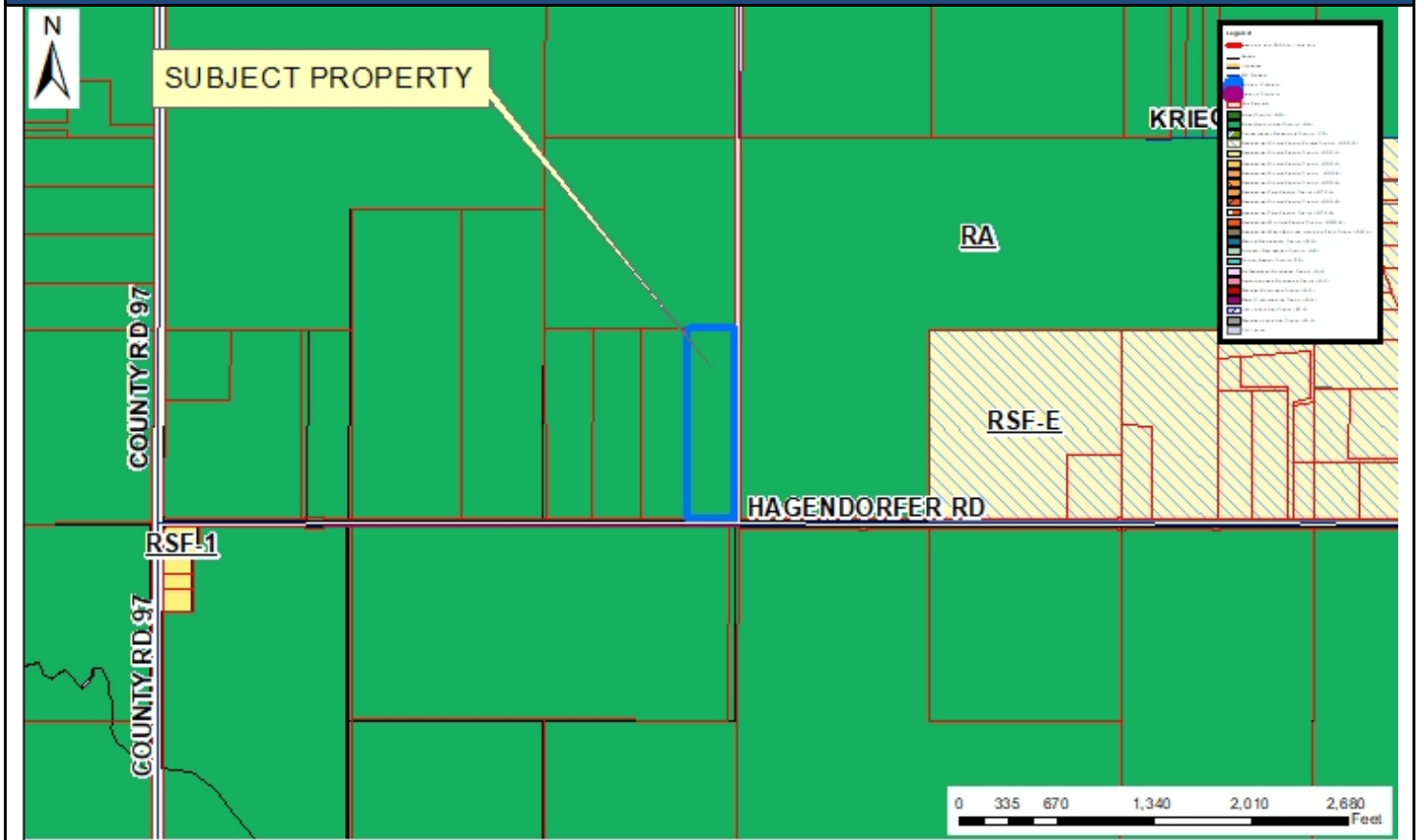








# Locator Map



# Site Map







# Baldwin County Planning & Zoning Department

## Board of Adjustment Number 2

### Board of Adjustment Staff Report

Case No. SE-21004

Fowler Property

Approve Special Exception for RV and Boat Storage Facility

July 15, 2021

### Subject Property Information

**Planning District:** 29  
**General Location:** North side of Hagendorfer Road  
**Physical Address:** Hagendorfer Road  
**PID:** 05-52-09-30-0-000-010.017  
**Zoning:** RA, Rural Agricultural District  
**Acreage:** 10.08 acres ±  
**Request:** Special Exception approval to allow for an RV and Boat Storage Facility  
**Applicant:** Jeanine Mullek Fowler  
30755 Hagendorfer Road  
Lillian, AL 36549  
**Owner:** Jeanine Mullek Fowler  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** Within Report

	Adjacent Land Use	Adjacent Zoning
North	Mobile Bay	RA, Rural Agricultural District
South	Residential and Vacant	RA, Rural Agricultural District
East	Vacant	RA, Rural Agricultural District
West	Vacant	RA, Rural Agricultural District

### Summary and Discussion

The applicant is requesting special exception approval to allow for an RV and Boat Storage Facility. The applicant is proposing to construct a small RV and Boat Storage Facility. It will consist of a gravel parking lot with two (2) canopy style covers. The proposed use is analogous to a mini warehouse which may be allowed under the RA zoning designation with Special Exception approval.

### Current Zoning Requirements

#### Section 3.2 RA Rural Agricultural District

**3.2.1 Generally.** This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

**3.2.2 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) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

**3.2.3 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) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

**3.2.4 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) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

**3.2.5 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	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

**3.2.6 Area and dimensional modifications.** Within the RA 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.







## Section 13.14 Mini-Warehouses

13.14.1 *Purpose.* The purpose of this section is to establish minimum standards for mini-warehouse facilities.

13.14.2 *Procedures and standards.*

(a) *Land use certificate required.* All mini-warehouse facilities are subject to the standards contained in this section and will be required to obtain a land use certificate prior to being granted a building permit.

(b) *Where permitted.* Mini-warehouse facilities are permitted as follows:

1. **Special Exception – RR, Rural District, and RA, Rural Agricultural District**
2. Conditional Use – RMF-6, Multiple Family District, HDR, High Density Residential District, B-1, Professional Business District and B-2, Neighborhood Business District
3. By Right – B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District

(c) *Land area.* The minimum land area of a mini-warehouse facility shall be three (3) acres.

(d) *Coverage.* Building coverage shall not exceed forty (40) percent of the total lot area.

(e) *Access.*

1. No mini-warehouse facility shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.
2. All storage spaces shall be served by an access driveway of 11-feet minimum width for each direction of travel. Access drives shall be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, gravel, limestone or another similar surface.

(f) *Buffering.* In the event a mini-warehouse facility is located adjacent to residentially developed or zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier.

(g) *Design and other requirements.*

1. *Facades.* Facades which are visible from a public right-of-way shall be constructed of masonry, wood or other materials which will present a pleasing appearance and which will be compatible with the surrounding area.
2. *Fencing.* The entire site of a mini-warehouse facility shall be enclosed by security fencing. The minimum height for fencing, along the side and rear property lines, shall be eight (8) feet, for fencing constructed to the exterior of required buffers, or six (6) feet for fencing constructed to the interior of required buffers. Fencing shall be composed of materials designed for such use including masonry, iron, steel, chain link (painted or vinyl coated only), wood or a combination thereof. Fencing along the front of a mini-warehouse facility may be decorative in nature and may be built to a minimum height of four (4) feet.



3. *Lighting.* The maximum height of exterior lights shall be 20-feet. Light fixtures shall be designed to cast light downward. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.
4. *Compartments.* Each storage compartment shall have an independent entrance under the exclusive control of the tenant. The use of storage compartments shall be limited to the storage of personal property and no other use shall be permitted within such compartments.
5. *Outdoor storage.* Outdoor storage of goods and materials, with the exception of boats, recreational vehicles and trailers, shall be prohibited. Boats, recreational vehicles and trailers may be stored on site only if located in an enclosed building or if fully screened from public view by fences, walls, landscaping or a combination thereof.
6. *Parking and landscaping.* Unless otherwise stated herein, all mini-warehouse facilities shall meet the requirements of Article 15: Parking and Loading Requirements and Article 17: Landscaping and Buffers.

## Section 17.2 Buffers of Unlike Land Uses and Zoning Designations

17.2.1 *Purpose and intent.* Where unlike land uses or zoning designations occur, a buffer shall be required along the entire length of all such common boundaries. Said buffer shall be of the width specified below and shall be planted with canopy trees, understory trees and shrubs of sufficient density and of sufficient height (but in no case less than 8-feet high at the time of planting for canopy trees and 4-feet high at the time of planting for understory trees) to afford adequate sight, sound and debris protection. All screen planting shall be maintained in a clean and healthy condition.

17.2.2 *Buffer Requirements.* Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The required buffer widths are listed below. Additional information may be found at Appendix B:

- (a) Multiple Family uses (RMF-6) when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.
- (b) Multiple Family uses (RMF-6) when adjacent to a Two-Family District (RTF-4 and RTF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.
- (c) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

## Baldwin County Highway Department Comments:

Ms. Linda,

They will need to submit a commercial turnout application to HWY (attached).

As far as drainage, what they propose is graveling most of the space used for the storage facility. They will need to mitigate the increase in stormwater runoff rate leaving the site. They are changing the property from a grassed pasture type to almost 4 acres to less pervious and paved materials. This will most likely cause the layout to change, since the most appropriate place for retention is at the south east property corner.

Thanks,  
Weesie



18.8.1 *Authorization.* The Board of Adjustment may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a special exception in a particular zoning district; however, the county reserves full authority to deny any request for a special exception, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

18.8.4 *Standards for approval.* 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 subject property is accessible to Hagendorfer Road. The majority of the surrounding land is agricultural and residential. As a result, the proposed RV and Boat Storage Facility would not be compatible with the surrounding area and could impose negative impacts to traffic, and property values. Finally, the 2013 Master Plan shows a future land use designation of Agricultural.

*Agricultural*

*Agriculture, forestry and similar activities are included with this future land use category. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial or industrial categories. Zoning designations may include RR, CR, RA and RSF-E.*

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

The proposed use would be a commercial use in a rural community. Depending on the volume of traffic generated it could conceivably detract from the public's convenience. Access to the property will require approval from the Baldwin County Highway Department.

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

Staff does not believe that the proposed use will have a significant negative 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 agricultural and farmland and much of it is owned by the applicant. See also the response to item "b" listed above.

18.8.5 *Conditions and restrictions on approval.* 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.

### Staff Comments and Recommendation

A decision should be made based on information heard during the public hearing. If the board should see fit to approve this request, approval should be granted subject to the following conditions.

- Approval shall be for this applicant and at this location only.
- Unless a variance is granted, landscape buffer requirements in section 17.2 shall be met.
- Facility shall be fully screened from public view by fences, walls, landscaping or a combination thereof.
- Expansion of the RV and Boat Storage Facility and/or changes to the site plan will necessitate further Special Exception review and approval.

*\*A majority vote of the 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







# Baldwin County Planning & Zoning Department

## Board of Adjustment Number 2

### Board of Adjustment Staff Report

**Case No. V-210023**

**Hwy 98 RV & Boat Storage LLC Property  
Variance from Landscape Buffer Requirements  
July 15, 2021**

### Subject Property Information

**Planning District:** 22  
**General Location:** North of US Hwy 98 west of County Road 91  
**Physical Address:** 31765 US Highway 98  
**Parcel Number:** 05-52-04-20-0-000-011.000  
**Zoning:** RA, Rural Agricultural District  
**Request:** Special Exception approval to allow for a totally enclosed 50'x190' RV and Boat Storage Facility.  
**Applicant:** Curtis M. Locklin/ Hwy 98 RV & Boat Storage  
30690 Ono North Loop W  
Orange Beach, AL 36561  
**Owner:** Same  
**Lead Staff:** Celena Boykin, Senior Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agriculture and Residential	RA, Rural Agricultural District
South	Agriculture	RA, Rural Agricultural District
East	Agriculture	RA, Rural Agricultural District
West	Agriculture	RA, Rural Agricultural District

### Summary and Recommendation

The applicant is requesting a variance from the landscape buffer requirements to allow for the construction of an RV and Boat Storage Facility.

Staff recommends that Case No. V-210023, Hwy 98 RV & Boat Storage Property be **APPROVED**, with a variance for 15' landscape buffer along the eastside of fence line and 15' landscape buffer on the inside of the west fence line, 25' landscape buffer on the remaining east, west, and north sides, and the required 10' landscape buffer along US Hwy 98 (see staff's recommendation below on site plan). Staff recommends **Denial** of a variance from all buffer requirements.

### Variance Request

As stated above the applicant is requesting a variance from the landscape buffer requirements to allow for the construction of an RV and Boat Storage Facility. The applicant requested Special Exception approval to allow for a totally enclosed 50'x190' RV and Boat Storage Facility. The



proposed use is analogous to a mini warehouse which may be allowed under the RA zoning designation with Special Exception approval. This Special Exception request was approved for an enclosed 50'x96' RV and Boat Storage Facility on February 13, 2020. Since the applicant enlarged his building size, he needs to receive new approval. When applicant received the first approval, he was under the impression that a landscape buffer was not needed and did not show one on his site plan. The applicant stated on his application that because the parcel of land is only 165' wide, a 25' wide landscape buffer on both east and west sides reduces the buildable area to only 115'. This would cause a hardship because 115' is not enough space to successfully complete the project. The 115' will not allow for enough maneuvering room for a 45' motorhome.

#### Additional Information

### Section 17.2 Buffers of Unlike Land Uses and Zoning Designations

**17.2.1 Purpose and intent.** Where unlike land uses or zoning designations occur, a buffer shall be required along the **entire length of all such common boundaries**. Said buffer shall be of the width specified below and shall be planted with canopy trees, understory trees and shrubs of sufficient density and of sufficient height (but in no case less than 8-feet high at the time of planting for canopy trees and 4-feet high at the time of planting for understory trees) to afford adequate sight, sound and debris protection. All screen planting shall be maintained in a clean and healthy condition.

**17.2.2 Buffer Requirements.** Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The required buffer widths are listed below. Additional information may be found at Appendix B:

(a) Multiple Family uses (RMF-6) when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(b) Multiple Family uses (RMF-6) when adjacent to a Two Family District (RTF-4 and RTF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(c) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(d) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Two Family District (RTF-4 and RTF-6) or Multiple Family District (RMF-6) shall require a minimum buffer of **10-feet**.

(e) Manufactured Housing Parks (RMH) when adjacent to a Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(f) Manufactured Housing Park (RMH) when adjacent to a Two Family District (RTF-4 and RTF-6), Multiple Family District (RMF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.



(g) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any residential property shall require a minimum buffer of **75-feet**.

(h) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any Business District (B-1, B-2, B-3 and B-4) shall require a minimum buffer of **50-feet**.

## **Section 17.1      Landscaping Plan**

(a) A major project which abuts a freeway/expressway, arterial or collector shall maintain a minimum of ten (10) feet of the required setback as a buffer along the entire width of the property which abuts said freeway/expressway, arterial or collector except where curb cuts provide ingress and egress. Said buffer shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the required landscape plan.

### **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 is accessed from US Hwy 98. The adjoining properties are agricultural. The property is approximately 170 feet wide and 2160 feet deep. The property consists of approximately 10.18 acres. The required minimum lot width at building line and street line is 210' for RA zoning.

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

None.

#### **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.**

Boat and RV storage is allowed by Special Exception in RA. The lot is narrower than what is required of the RA zoning.

#### **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 have any impact on adjacent property owners. The adjacent properties are either farmed or vacant.

#### **5.) Other matters which may be appropriate.**



Staff recommends that Case No. V-210023, Hwy 98 RV & Boat Storage Property be **APPROVED**, with a variance for 15' landscape buffer along the eastside of fence line and 15' landscape buffer on the inside of the west fence line, 25' landscape buffer on the remaining east, west, and north sides, and the required 10' landscape buffer along US Hwy 98 (see staff's recommendation below on site plan). Staff recommends **Denial** from all buffer requirements.

**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.



Subject property

June 25, 2021



Adjoining property to the west

June 22, 2021





Property across the street

June 22, 2021



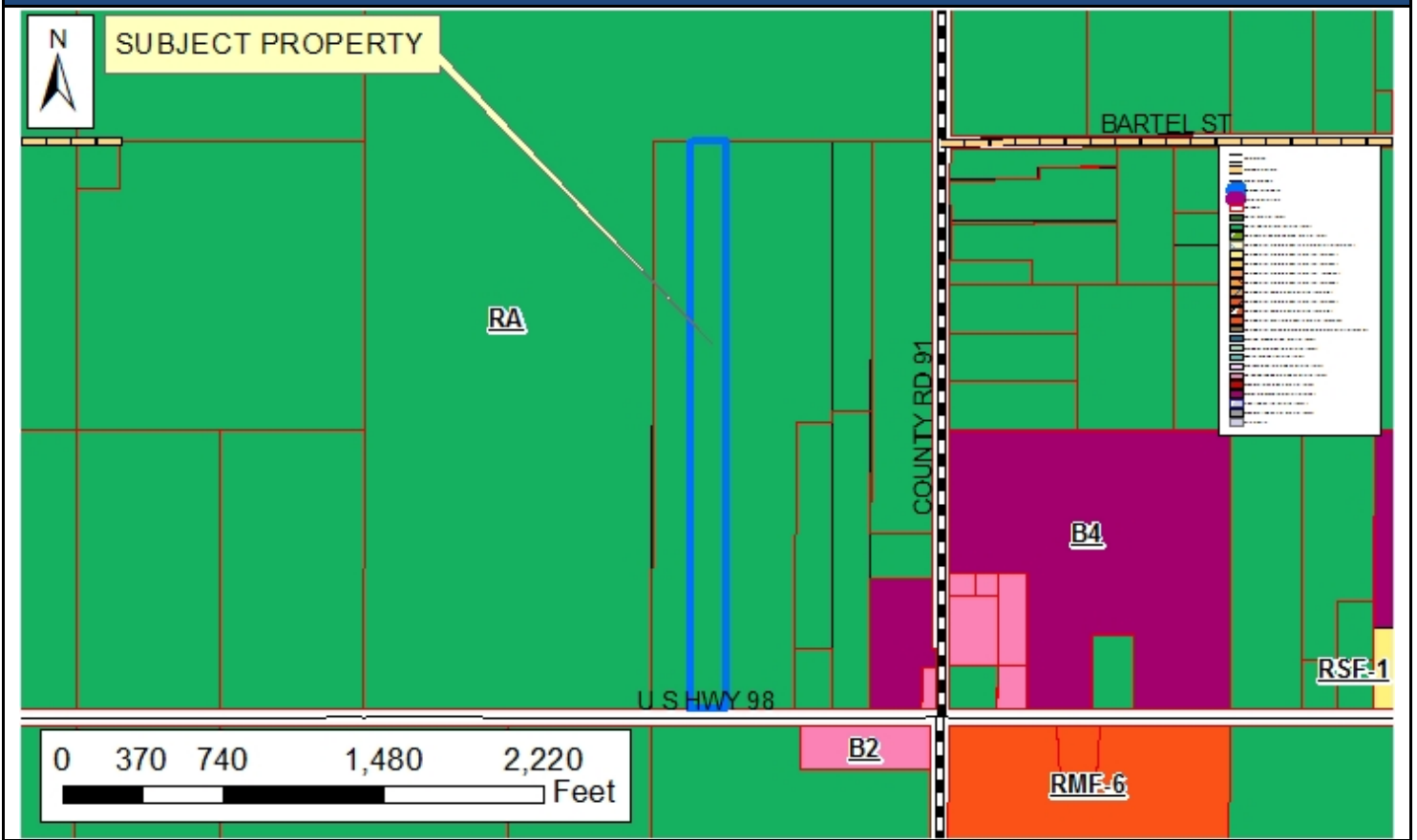
Adjoining property to the east

June 22, 2021

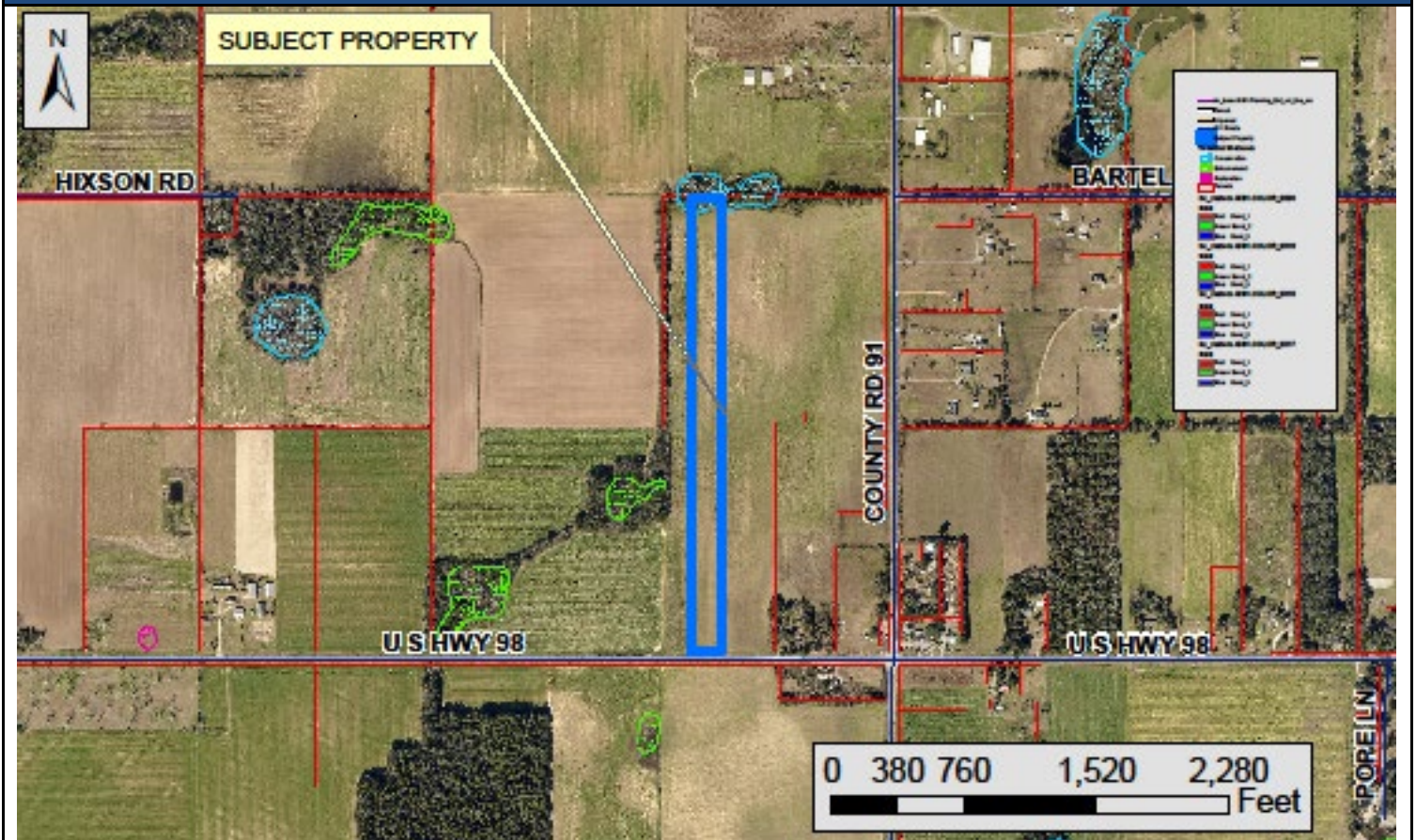




# Locator Map

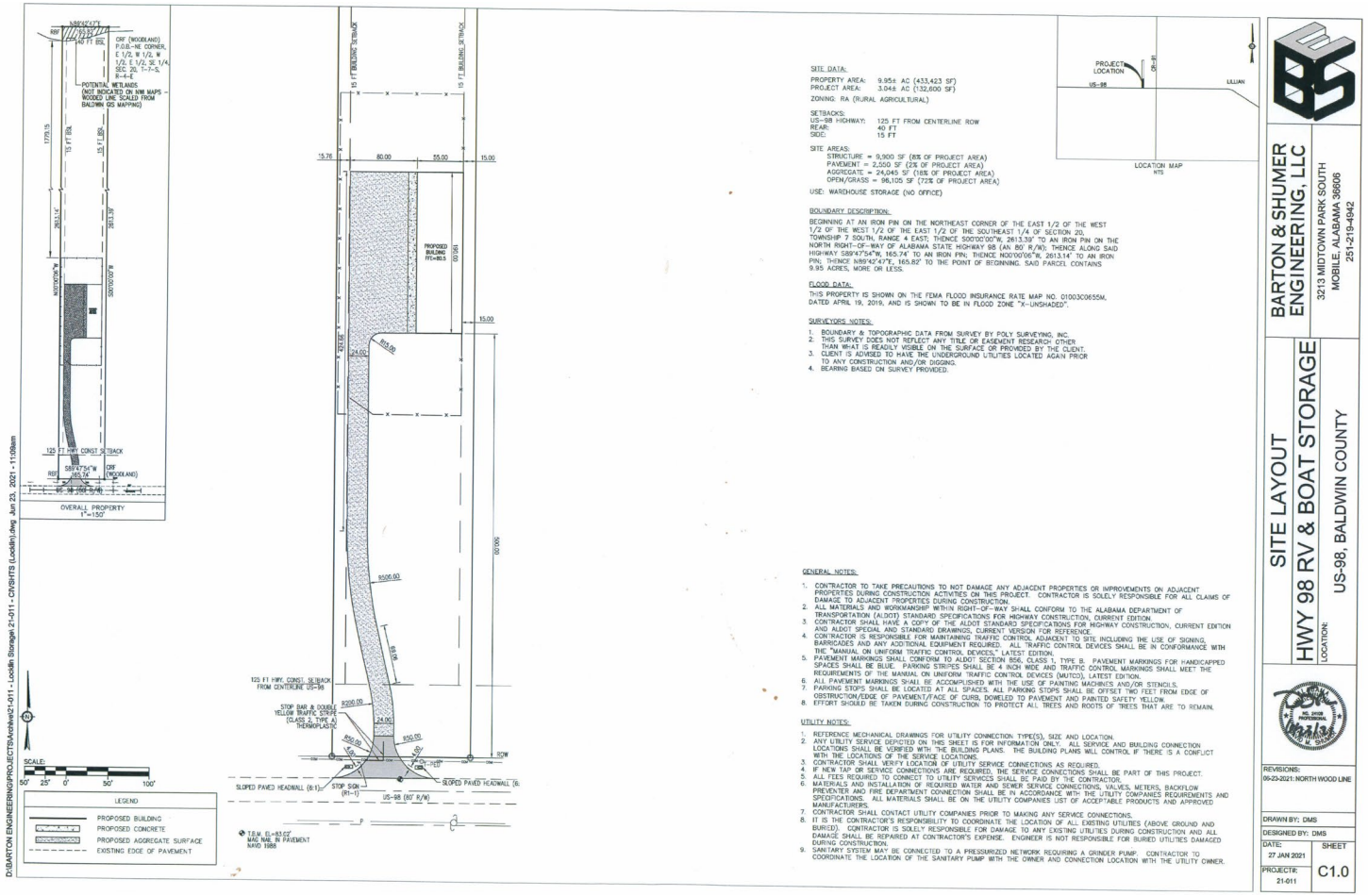


# Site Map – 2020 Aerial Photography



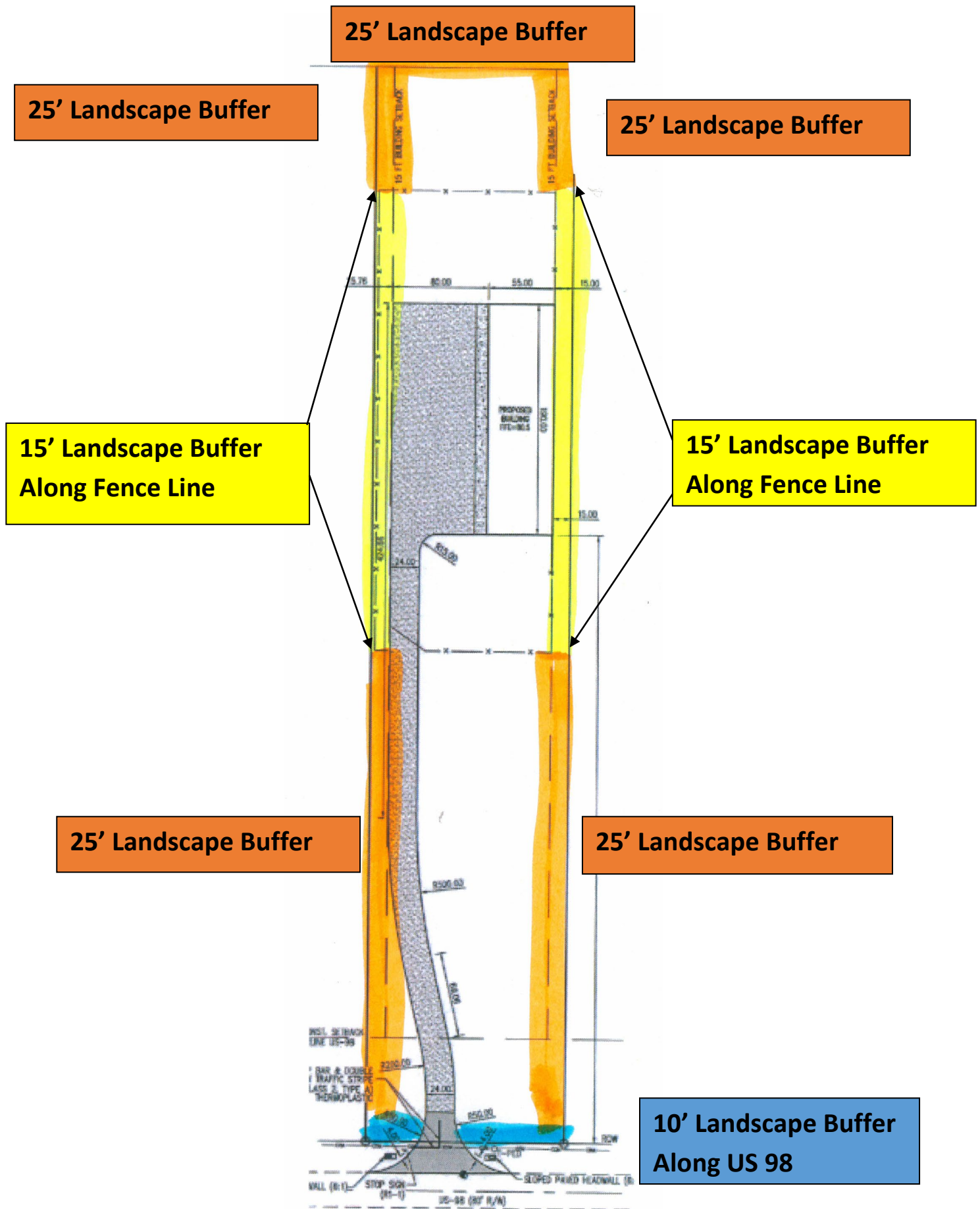


## Proposed Site Plan





### Staff's Recommendation for Landscape Buffer







# Baldwin County Planning & Zoning Department

## County Commission District #2

### Board of Adjustment Staff Report

Case No. SE-21005

Hwy 98 RV & Boat Storage LLC Property

Approve Special Exception for an Enclosed RV and Boat Storage Facility

July 15, 2021

### Subject Property Information

**Planning District:** 22  
**General Location:** North of US Hwy 98 west of County Road 91  
**Physical Address:** 31765 US Highway 98  
**Parcel Number:** 05-52-04-20-0-000-011.000  
**Zoning:** RA, Rural Agricultural District  
**Request:** Special Exception approval to allow for a totally enclosed 50'x190' RV and Boat Storage Facility.  
**Applicant:** Curtis M. Locklin/ Hwy 98 RV & Boat Storage  
30690 Ono North Loop W  
Orange Beach, AL 36561  
**Owner:** Same  
**Lead Staff:** Celena Boykin, Senior Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural and Residential	RA, Rural Agricultural District
South	Agricultural	RA, Rural Agricultural District
East	Agricultural	RA, Rural Agricultural District
West	Agricultural	RA, Rural Agricultural District

### Summary and Discussion

The applicant has requested Special Exception approval to allow for a totally enclosed 50'x190' RV and Boat Storage Facility. The proposed use is analogous to a mini warehouse which may be allowed under the RA zoning designation with Special Exception approval. This Special Exception request was approved for an enclosed 50'x96' RV and Boat Storage Facility on February 13, 2020. Since the applicant enlarged his building, he needs to receive new approval.

### Current Zoning Requirements

#### Section 3.2 RA Rural Agricultural District

**3.2.1 Generally.** This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.



**3.2.2 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) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

**3.2.3 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) The following general commercial uses: recreational vehicle park (see *Section 13.8: Recreational Vehicle Parks*) and mini-warehouses (see *Section 13.14; Mini-Warehouses*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

**3.2.4 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) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

**3.2.5 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	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

**3.2.6 Area and dimensional modifications.** Within the RA 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	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

### Staff Analysis and Findings

As stated above, the applicant has requested Special Exception approval to allow for a totally enclosed 50'x190' RV and Boat Storage Facility.

The subject property, which consists of approximately 9.9 acres is zoned RA, Rural Agricultural District. A mini warehouse may be allowed under the RA designation, subject to Special Exception approval by the Board of Adjustment. According to information submitted by the applicant the RV and Boat Storage Facility will consist of ten (10) stalls, 19'x55' each.

In determining whether or not to grant approval, the Board should evaluate the proposal according to the mini warehouse standards which are set out in Section 13.14 of the *Baldwin County Zoning Ordinance*. The relevant requirements from the section are listed as follows:

#### **Section 13.14 Mini-Warehouses**

**13.14.1 Purpose.** The purpose of this section is to establish minimum standards for mini-warehouse facilities.

**13.14.2 Procedures and standards.**

(a) *Land use certificate required.* All mini-warehouse facilities are subject to the standards contained in this section and will be required to obtain a land use certificate prior to being granted a building permit.

(b) *Where permitted.* Mini-warehouse facilities are permitted as follows:

1. Special Exception – RR, Rural District, and RA, Rural Agricultural District
2. Conditional Use – RMF-6, Multiple Family District, HDR, High Density Residential District, B-1, Professional Business District and B-2, Neighborhood Business District
3. By Right – B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District

(c) *Land area.* The minimum land area of a mini-warehouse facility shall be three (3) acres.

(d) *Coverage.* Building coverage shall not exceed forty (40) percent of the total lot area.

(e) *Access.*

1. No mini-warehouse facility shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.
2. All storage spaces shall be served by an access driveway of 11-feet minimum width for each direction of travel. Access drives shall be improved with a suitable hard



surface permanent type of pavement such as asphalt, concrete, gravel, limestone or another similar surface.

(f) *Buffering.* In the event a mini-warehouse facility is located adjacent to residentially developed or zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier.

(g) *Design and other requirements.*

1. *Facades.* Facades which are visible from a public right-of-way shall be constructed of masonry, wood or other materials which will present a pleasing appearance, and which will be compatible with the surrounding area.
2. *Fencing.* The entire site of a mini-warehouse facility shall be enclosed by security fencing. The minimum height for fencing, along the side and rear property lines, shall be eight (8) feet, for fencing constructed to the exterior of required buffers, or six (6) feet for fencing constructed to the interior of required buffers. Fencing shall be composed of materials designed for such use including masonry, iron, steel, chain link (painted or vinyl coated only), wood or a combination thereof. Fencing along the front of a mini-warehouse facility may be decorative in nature and may be built to a minimum height of four (4) feet.
3. *Lighting.* The maximum height of exterior lights shall be 20-feet. Light fixtures shall be designed to cast light downward. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.
4. *Compartments.* Each storage compartment shall have an independent entrance under the exclusive control of the tenant. The use of storage compartments shall be limited to the storage of personal property and no other use shall be permitted within such compartments.
5. *Outdoor storage.* Outdoor storage of goods and materials, with the exception of boats, recreational vehicles and trailers, shall be prohibited. Boats, recreational vehicles and trailers may be stored on site only if located in an enclosed building or if fully screened from public view by fences, walls, landscaping or a combination thereof.

*Parking and landscaping.* Unless otherwise stated herein, all mini-warehouse facilities shall meet the requirements of *Article 15: Parking and Loading Requirements* and *Article 17: Landscaping and Buffers*.

## **Section 17.2      Buffers of Unlike Land Uses and Zoning Designations**

**17.2.1 Purpose and intent.** Where unlike land uses or zoning designations occur, a buffer shall be required along the entire length of all such common boundaries. Said buffer shall be of the width specified below and shall be planted with canopy trees, understory trees and shrubs of sufficient density and of sufficient height (but in no case less than 8-feet high at the time of planting for canopy trees and 4-feet high at the time of planting for understory trees) to afford adequate sight, sound and debris protection. All screen planting shall be maintained in a clean and healthy condition.

**17.2.2 Buffer Requirements.** Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The required buffer widths are listed below. Additional information may be found at Appendix B:



(a) Multiple Family uses (RMF-6) when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(b) Multiple Family uses (RMF-6) when adjacent to a Two Family District (RTF-4 and RTF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(c) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(d) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Two Family District (RTF-4 and RTF-6) or Multiple Family District (RMF-6) shall require a minimum buffer of **10-feet**.

(e) Manufactured Housing Parks (RMH) when adjacent to a Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(f) Manufactured Housing Park (RMH) when adjacent to a Two Family District (RTF-4 and RTF-6), Multiple Family District (RMF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(g) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any residential property shall require a minimum buffer of **75-feet**.

(h) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any Business District (B-1, B-2, B-3 and B-4) shall require a minimum buffer of **50-feet**.

## **Section 18.8 Special Exceptions**

**18.8.1 Authorization.** The Board of Adjustment may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a special exception in a particular zoning district; however, the county reserves full authority to deny any request for a special exception, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

**18.8.4 Standards for approval.** 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.

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



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

(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.

**18.8.5 Conditions and restrictions on approval.** 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.

The subject property is accessible to US Highway 98, and most of the surrounding land is undeveloped. Per the Federal Highway Administration, the functional classification of US Hwy 98 is principal arterial. Arterials provide a high level of mobility and a greater degree of access control. As such, staff anticipates no major impacts to traffic patterns or congestion. The 2013 Master Plan shows a future land use designation of Agricultural.

#### **Agricultural**

*Agriculture, forestry and similar activities are included with this future land use category. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial or industrial categories. Zoning designations may include RR, CR, RA and RSF-E.*

#### **STAFF RECOMMENDATION**

Staff feels this is a reasonable request and recommends approval of the special exception request with the following conditions:

- Approval shall be for this applicant and at this location only.
- **Receives a variance from the required buffer requirements.**
- Fencing as required in Section 13.14.2(g) must be installed
- Expansion of the RV and Boat Storage Facility and/or changes to the site plan will necessitate further Special Exception review and approval.

*\*A majority vote of the 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

Subject property

June 25, 2021



Adjoining property to the west

June 22, 2021





Property across the street

June 22, 2021



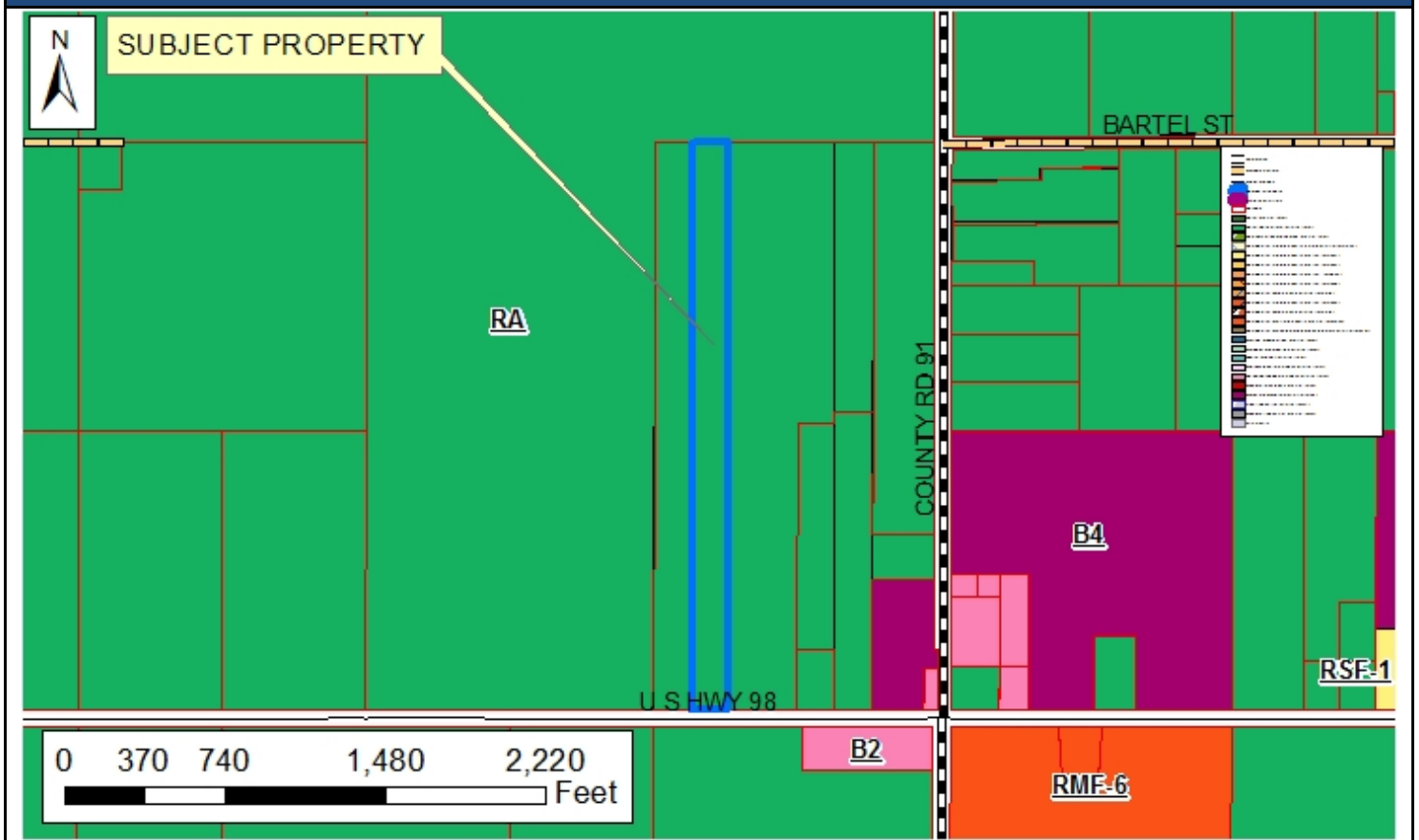
Adjoining property to the east

June 22, 2021

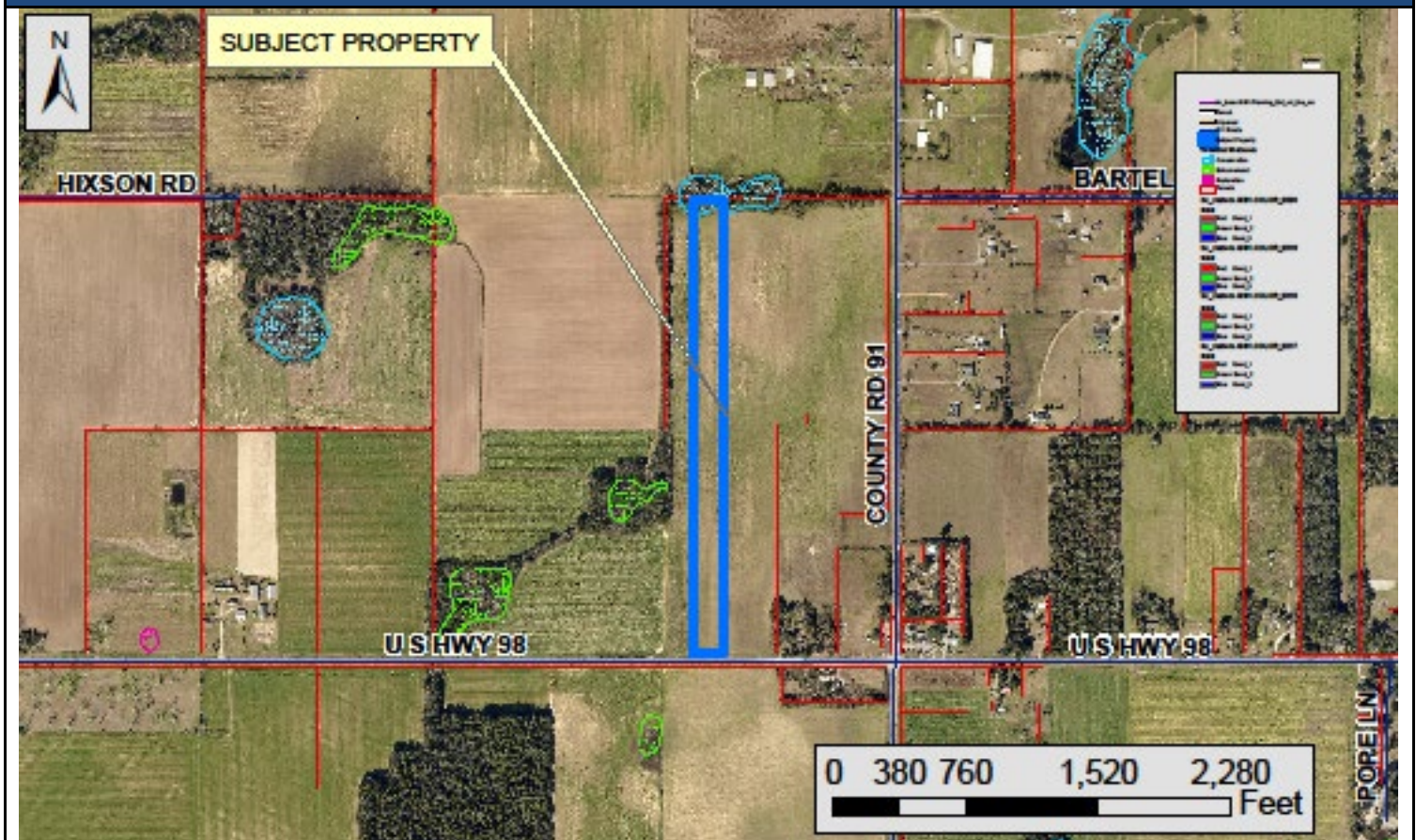




# Locator Map

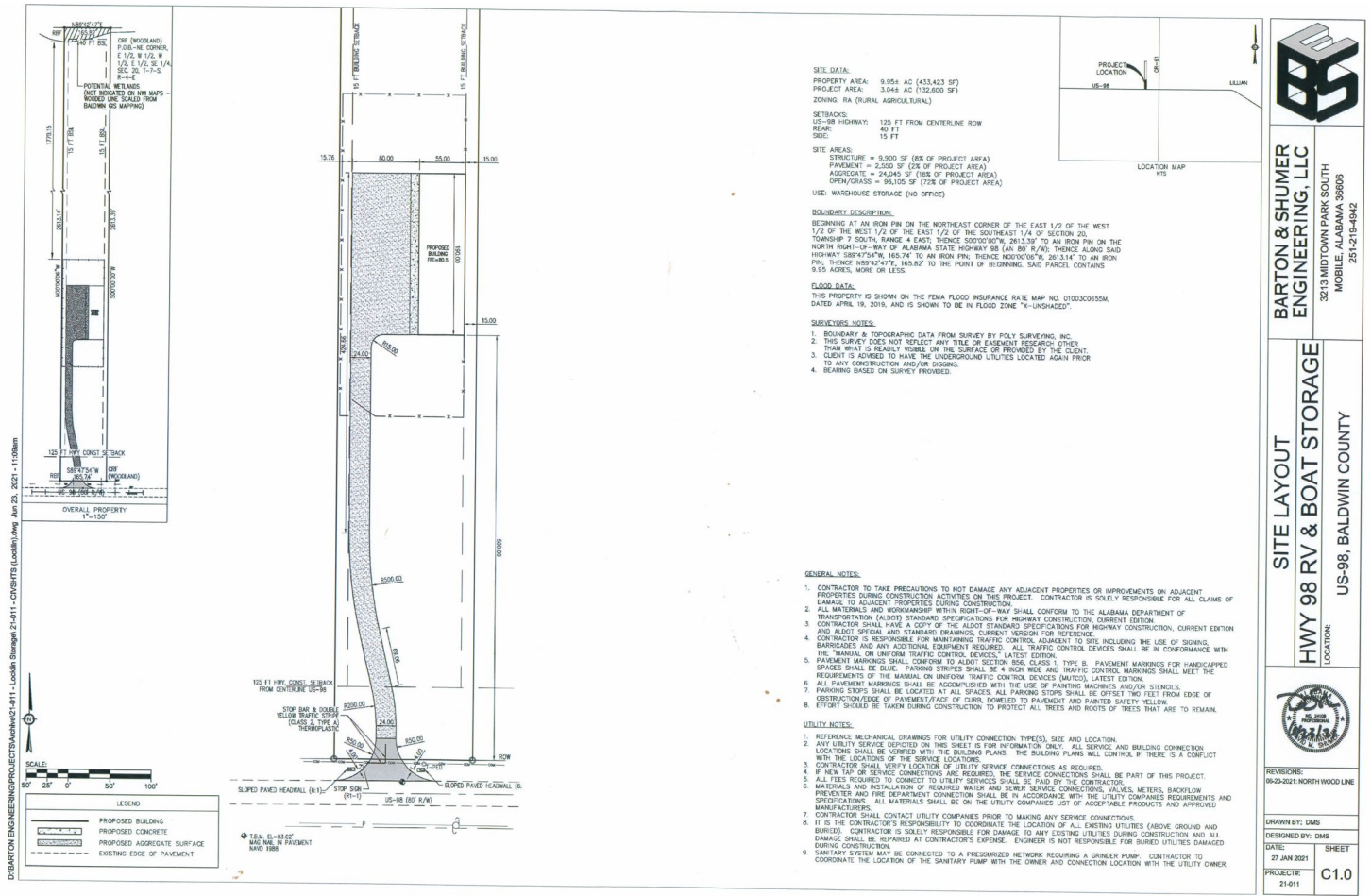


# Site Map – 2020 Aerial Photography





# Proposed Site Plan





## Applicant's Comments

### **Description of the Purpose of this Special Exception Application**

**Parcel ID: 52-04-20-0-000-011-000**

**PPIN: 037889**

**Address: 31765 US Hwy 98, Elberta, AL 36530**

This is a reapplication due to a change in the building size. I have attached a copy of the original approval.

The referenced property is currently Zoned RA and is flat, cleared farmland. My proposed use of the land is for the construction of a totally enclosed, RV and Boat Storage building. The building will measure 190 feet by 55 feet and will be divided into 10 each 19 feet by 55 feet individual storage stalls, each with a rollup door and a walk door.

The project will include a gravel drive and maneuvering area and the perimeter will be fenced as required by the zoning requirements.

The Alabama DOT and ADEM permits have been issued and copies are attached.

The property will NOT be used for outside storage. The site will remain neat and clear of clutter.





# Baldwin County Planning & Zoning Department

## County Commission District #4

### Board of Adjustment Staff Report

Case No. SE-21003

Tabor Property

Approve Special Exception for Recreational Vehicle (RV) Park

July 15, 2021

### Subject Property Information

**Planning District:** 22  
**General Location:** North of US Highway 98 and East of Burroughs Ln  
**Physical Address:** NA  
**Parcel Number:** 05-53-06-24-0-000-008.000  
**Zoning:** RA, Rural Agricultural District  
**Request:** Special Exception approval to allow for a 60 site Recreational Vehicle (RV) Park  
**Applicant:** Lieb Engineering Company, LLC  
1290 Main St Suite E  
Daphne, AL 36526  
**Owner:** Rosemary Tabor  
20611 Keller Rd  
Foley, AL 36535  
**Lead Staff:** Celena Boykin, Senior Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agriculture	B-3, General Business District
South	Timberland	M-1, Light Industrial District
East	Commercial	M-1, Light Industrial District
West	Timberland	M-1, Light Industrial District

### Summary and Discussion

The applicant has requested Special Exception approval to allow for a recreational vehicle (RV) park on 1.29 acres that is zoned RA, Rural Agriculture. The total RV park development consist of 7.53 acres. Of that 7.53 acres, 5.94 acres is zoned M-1, Light Industrial, which an RV park is allowed by right. The small amount of remaining acreage is zoned B-3, General Business, will be used as access to the RV Park. The applicant is only asking for Special Exception approval on the RA portion.



## Section 3.2 RA Rural Agricultural District

3.2.1 *Generally*. This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

3.2.2 *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) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

3.2.3 *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) The following general commercial uses: recreational vehicle park (see *Section 13.8: Recreational Vehicle Parks*).

(b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

3.2.4 *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) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

3.2.5 *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.



Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

### Staff Analysis and Findings

As stated above, the applicant has requested Special Exception approval to allow for a sixty (60) site recreational vehicle (RV) park.

The subject property, which consists of approximately 1.29 acres, is zoned RA, Rural Agricultural District. A recreational vehicle park may be allowed under the RA designation, subject to Special Exception approval by the Board of Adjustment. According to the site plan, the density of the park would be approximately 7.97 campsites per acre.

In determining whether or not to grant approval, the Board should evaluate the proposal according to the recreational vehicle park standards which are set out in Section 13.8 of the *Baldwin County Zoning Ordinance*. The relevant requirements from the section are listed as follows:

#### Section 13.8 Recreational Vehicle (RV) Parks

**13.8.1 Purpose.** The purpose of this section is to establish minimum standards for recreational vehicle parks.

**13.8.2 Procedures and standards.**

(a) *Land use certificate required.* All recreational vehicle parks are subject to the standards contained in this section and will be required to obtain a land use certificate prior to being granted a building permit.

(b) *Where permitted.* Except as provided in *Section 2.3.26.4(b)* and *Section 2.3.31.4*, recreational vehicle parks are permitted as follows:

1. High Density
  - A. RV-1, B-4, M-1 and M-2 by right.
  - B. B-3 by conditional use approval.
  - C. RR, RA and CR by special exception approval.
2. Low Density
  - A. RV-1, RV-2, B-4, M-1 and M-2 by right.
  - B. B-2, B-3 and OR by conditional use approval.
  - C. RR, RA and CR by special exception approval.

(c) *Occupancy.* A recreational vehicle shall not be occupied as a living quarter unless it is located in a recreational vehicle park as herein provided or as provided in *Section 12.2.2*. **No recreational vehicle shall be used as a permanent dwelling. Continuous occupancy extending beyond 4 months in any 12-month period shall be considered permanent occupancy.**



(d) *Storage and parking.* Recreational vehicles may be parked or stored in residential districts as provided in *Section 15.3.9: Storage and parking of trailers and commercial vehicles.*

(e) *Maximum density.*

1. High Density: 15 campsites per acre
2. Low Density: 6 campsites per acre

(f) *Land area.* The minimum land area of a recreational vehicle park shall be three (3) acres.

(g) *Use.* Use of spaces in recreational vehicle parks is limited to recreational vehicles.

(h) *Water and sewer facilities.*

1. *Water.* Each recreational vehicle park shall be served with a public/private water supply system capable of providing domestic water use and fire protection.
2. *Sewer.* Each recreational vehicle park shall be served with sanitary sewer facilities meeting all requirements of the Baldwin County Health Department.

(i) *Setbacks.*

1. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 30-feet of any property line.
2. Recreational vehicles must be separated from each other and from other structures by at least 10-feet.

(j) *Access.*

1. No recreational vehicle park shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.
2. No entrance or exit shall be through an existing residential subdivision.
3. Access drives must be a minimum of 24-feet wide for a two-way street and 12-feet wide for a one-way street and must be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, limestone or other similar surface approved by the Planning Commission.

(k) *Accessory uses.* Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses.

(l) *Sites.*

1. Each recreational vehicle site must be at least 1,600 square feet in area.
2. Each recreational vehicle site must contain a parking pad improved with a suitable all-weather surface.
3. Each recreational vehicle site must contain at least one (1) off-street parking space improved with a suitable all-weather surface.

(m) *Buffering.* In the event a recreational vehicle park is located adjacent to residentially zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient



height to create a visual barrier. No buffer will be required if the recreational vehicle park is located adjacent to agricultural, commercial, industrial or recreational property.

**Next, the Board should consider the Special Exception standards which are listed below.**

### **Section 18.8 Special Exceptions**

**18.8.1 Authorization.** The Board of Adjustment may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a special exception in a particular zoning district; however, the county reserves full authority to deny any request for a special exception, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

**18.8.4 Standards for approval.** 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.
- (b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.
- (c) The proposed use shall not unduly decrease the value of neighboring property.
- (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.

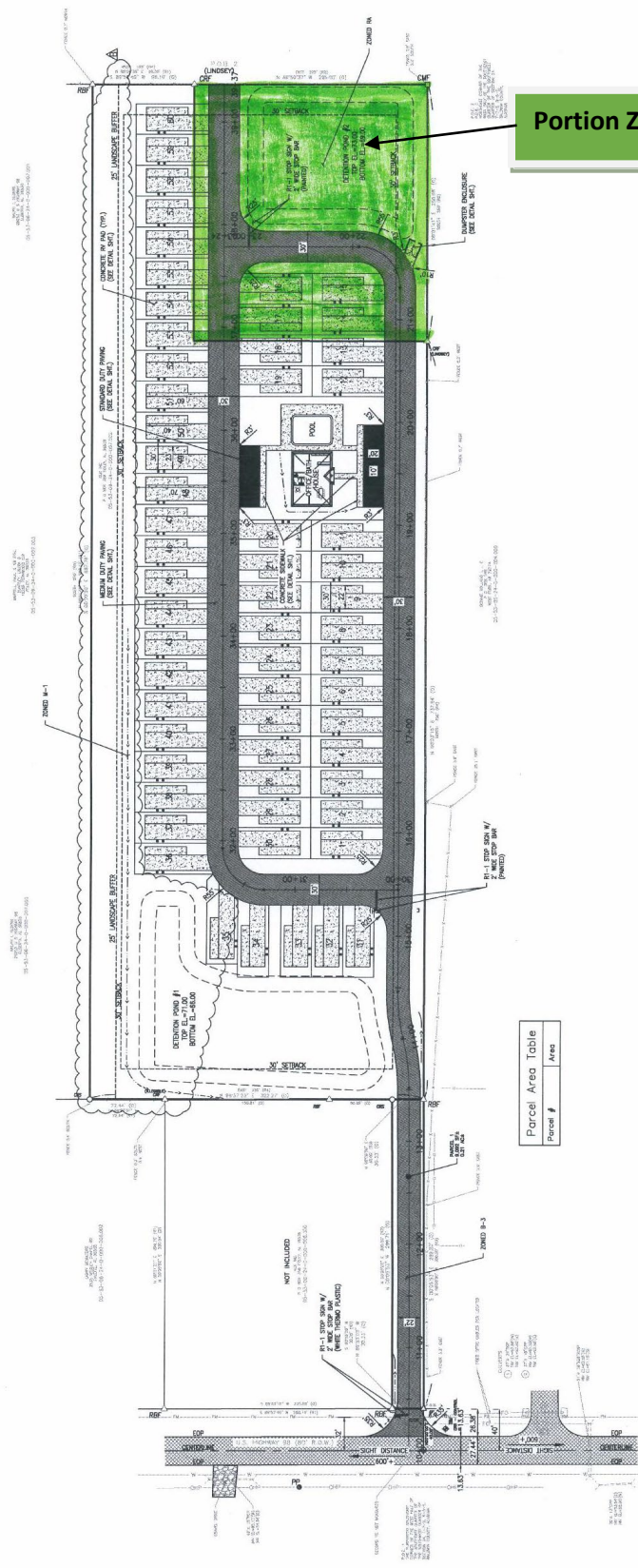
**18.8.5 Conditions and restrictions on approval.** In approving a special exception, the Board of Adjustment may impose conditions and restrictions upon the property benefited by the special exception as may be necessary to comply with the standards set out above, to reduce or minimize any potentially 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.



# Proposed Site Plan

**SITE DATA**

NO.	DESCRIPTION	AMOUNT
1.	PROPOSED USE	RESIDENTIAL
2.	PROPOSED LOT	1.00 AC (108,900 S.F.)
3.	TOTAL AREA	7.53 AC (1,027,000 S.F.)
4.	EXISTING LOT	7.53 AC (1,027,000 S.F.)
5.	SMALLEST LOT SIZE	2,281 S.F.
6.	MINIMUM LOT AREA	2,200 S.F.
7.	MINIMUM LOT WIDTH	22.00 FT
8.	MINIMUM LOT DEPTH	117.00 FT
9.	MINIMUM LOT AREA	117.00 AC (1,617,000 S.F.)
10.	MINIMUM LOT DEPTH	117.00 FT
11.	MINIMUM LOT WIDTH	117.00 FT
12.	MINIMUM LOT AREA	117.00 AC (1,617,000 S.F.)



Portion Zoned RA

**Parcel Area Table**

Parcel #	Area
1	1.00 AC
2	1.00 AC
3	1.00 AC
4	1.00 AC
5	1.00 AC
6	1.00 AC
7	1.00 AC
8	1.00 AC
9	1.00 AC
10	1.00 AC
11	1.00 AC
12	1.00 AC

ISSUED FOR REVIEW

ISSUED FOR REVIEW	6/7/2021		
<p><b>LIES ENGINEERING COMPANY</b>          1250 MASSACHUSETTS AVENUE, SUITE 100          DORSET, AL 35568          PH: (251) 978-9779</p>			
<p>NOT VALID WITHOUT THE DATED SIGNATURE AND SEAL OF AN ALABAMA LICENSED ENGINEER.          ALABAMA LICENSED ENGINEER, CHRISTOPHER JAY LEB, P.E. LICENSE NUMBER 31204          ALABAMA CERTIFICATE OF AUTHORIZATION NUMBER 4935</p>			
<p>OWNER: ZANDER KOZ, LLC          OWNER: ZANDER KOZ, LLC          SHEET NUMBER: 3 OF 10          SCALE: 1"=50'</p>			
<p>DATE: 6/7/2021          DRAWN BY: JLG          CHECKED BY: CUL          APPROVED BY: CUL          ENGR. CUL</p>			





## **STAFF RECOMMENDATION**

The zoning designations in this area are rural agricultural, residential, and commercial. Since the adjacent zoning allows an RV park by right and most of the RA section is a detention pond and roadway, staff feels this is a reasonable request and recommends **APPROVAL**.

If the Board feels this is a reasonable request and approves the special exception request, please consider the following conditions:

- Approval shall be for this applicant and at this location only.
- A variance is received from the minimum lot width of not less than 50-feet for the portion used for entrance and exit.
- All the parcels are combined that are part of the RV park.
- Expansion of the park and/or changes to the site plan will necessitate further Special Exception review and approval.
- All Landscape buffer requirements must be met.

*\*A majority vote of the 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.



Subject property

June 22, 2021



Adjoining property to the east

June 22, 2021





Property across Hwy 98

June 22, 2021



Adjoining property to the west

June 22, 2021





# Locator Map



# Site Map – 2020 Aerial Photography

