

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

**AGENDA**

**September 9, 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 (August 12, 2021)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. AD-21002, Harper Property**

*Request:* appealing the issuance of a Notice of Violation for the Occupancy of a Recreational Vehicle outside of a recreational vehicle park

*Location:* The subject property is located at 11950 Bay Road West in Planning District 21

*Attachments:* Within Report and Attached

**b.) Case No. SE-21007, Hyche Imagination LLC Property**

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

*Location:* The subject property is located at 8622 Sherman Road in Planning District 21

*Attachments:* Within Report and Attached

**c.) Case No. SE-21008, Fowler Property**

*Request:* approval of a special exception to allow for an increase to structure size for a previously approved RV & Boat Storage Facility

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

*Attachments:* Within Report and Attached

**d.) Case No. V-210032, Jordan Property**

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

*Location:* The subject property is located at 12955 6<sup>th</sup> Street in Planning District 22

*Attachments:* Within Report and Attached

6. Old Business
7. New Business
8. Adjournment

**Planning & Zoning Board of Adjustment Number 2**  
**August 12, 2021**  
**Regular Meeting Minutes**  
**Foley Satellite Courthouse, Large Meeting Room**

The Board of Adjustment Number 2 met in a regular session on August 12, 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: James Koeppen, Michael Swansburg, John Slaats, Vickie Matranga and Johanna Moloney. 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 July 15, 2021 meeting. Mr. Koeppen made a motion to approve the meeting minutes. The motion received a second from Ms. Moloney and carried unanimously.

**Announcements**

Mrs. Lee introduced alternate board member Vickie Matranga.

**V-210026 Easley Equipment & Storage LLC Property**

Mrs. Bonner presented the applicant's request for approval of a variance from the side yard setback requirement to allow for a building destroyed by Hurricane Sally to be rebuilt on an existing slab. Staff recommended denial of the variance request.

Mr. Richard Easley spoke in favor of the variance request and answered questions from the board.

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

**V-210027 Acadian Designs LLC Property**

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

Mr. Mark Frost spoke in favor of the variance request and answered questions from the board.

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

**V-210029 Perdido Cottage LLC Property**

Mrs. Lee presented the applicant's request for approval of variances from the minimum lot width at the street line and at the building line to allow for a family division of land. Staff recommended the board base its decision on information provided in the staff report and at the public hearing.

Mr. Thomas Garth spoke in favor of the variance request and answered questions from the board. Mr. Ike Williams stated he had no opposition to the variance request.

Mr. Koeppen made a motion to approve the variance request with the condition that no additional variances would be granted. The motion received a second from Ms. Moloney and carried unanimously.

**Adjournment**

There being no further business to come before the board the meeting was adjourned at 4:05 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 Staff Report

Case No. AD-21002

Harper Property

Appeal of Administrative Decision (Notice of Violation for occupying a recreational vehicle outside of a recreational vehicle park)

September 9, 2021

### Subject Property Information

**Planning District:** 21  
**General Location:** West of John Hall Ln, south of Bay Rd W, in Foley  
**Physical Address:** 11950 Bay Rd W  
**Parcel Number:** 05-59-01-12-0-001-001.001  
**Existing Zoning:** RR, Rural District  
**Existing Land Use:** Occupying an RV and a dwelling  
**Square Footage:** 3.10 acres ±  
**Appellant:** Deborah Harper  
6782 Lakeshore Drive  
Gulf Shores, AL 36542  
**Owner:** Same  
**Lead Staff:** Orie King, Code Enforcement Officer  
**Attachments:** *Within Report*

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

### Summary and Recommendation

Planning and Zoning received the first complaint for this property on 4/29/2019. After an investigation the code enforcement officer felt there was enough evidence to issue a NOV "Notice of Violation" for occupying a recreational vehicle outside of a recreational vehicle park. On 5/2/2019 a NOV case E-19016 was sent to the property owner (NOV letter attached). A follow up inspection was conducted around 5/9/2019 and it was determined the owner unhooked the utilities from the RV and it was no longer being occupied. On 9/16/2019 staff received another complaint on the property for the same issue. An investigation was completed and found no one was occupying the RV. On 6/16/2021 we received another complaint and conducted a site inspection. During the inspection people were seen exiting the RV and there was evidence people had been occupying the RV. A NOV (case E-21046, attached) was issued on July 23, 2021 to Deborah Harper. The violation was for occupying a recreational vehicle outside of a recreational vehicle park. Once the owner received the last NOV



they admitted the RV had been occupied but stated the RV was being lived in prior to zoning and felt it should be grandfathered.

Planning and Zoning staff reached out to the County Revenue officer to see what was appraised on the property prior to December 30, 2008 when it was approved to institute zoning for this district. Based on the 2007 real property appraisal no RV hookup was recorded (attached for reference).

In accordance with Section 18.5 of the zoning ordinance, the appellant, Deborah Harper, has appealed the Notice of Violation.

Staff recommends that the Notice of Violation for occupying a RV outside of a recreational RV park be **UPHELD** and the appeal **DENIED**, and the property owner unhook the RV from utilities and stop occupying it within 15 days of this meeting. \*

*\*A majority vote of the members of the Board will be necessary to reverse the administrative decision (issuance of the Notice of Violation).*

## Current Zoning Requirements

### 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 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.

## Staff Analysis and Findings

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

## Section 18.5 Appeals to the Board of Adjustment

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

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

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

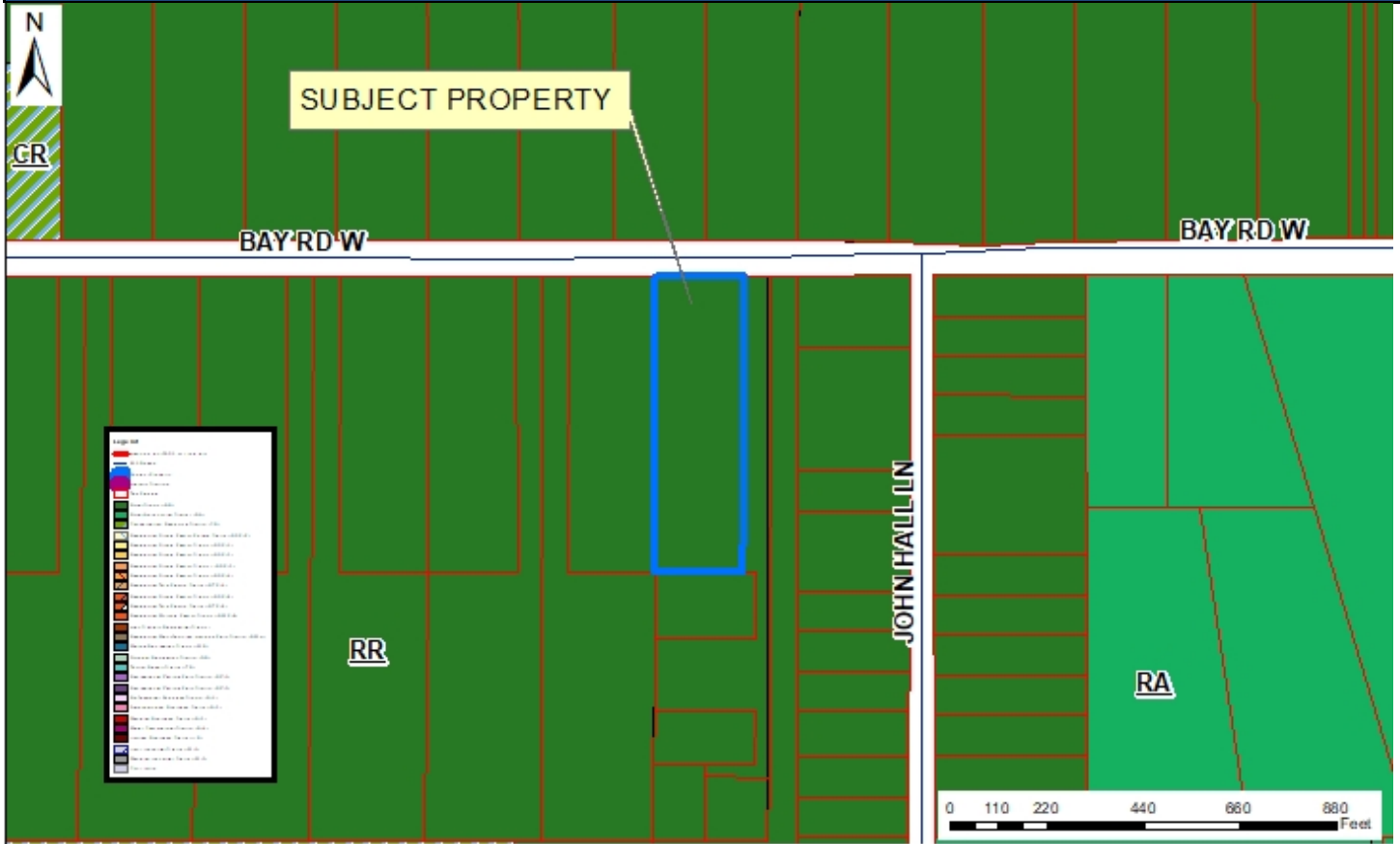
In submitting this appeal, Deborah Harper has stated that she is requesting grandfathered status because the property was purchased prior to zoning being implemented.

### Property Image

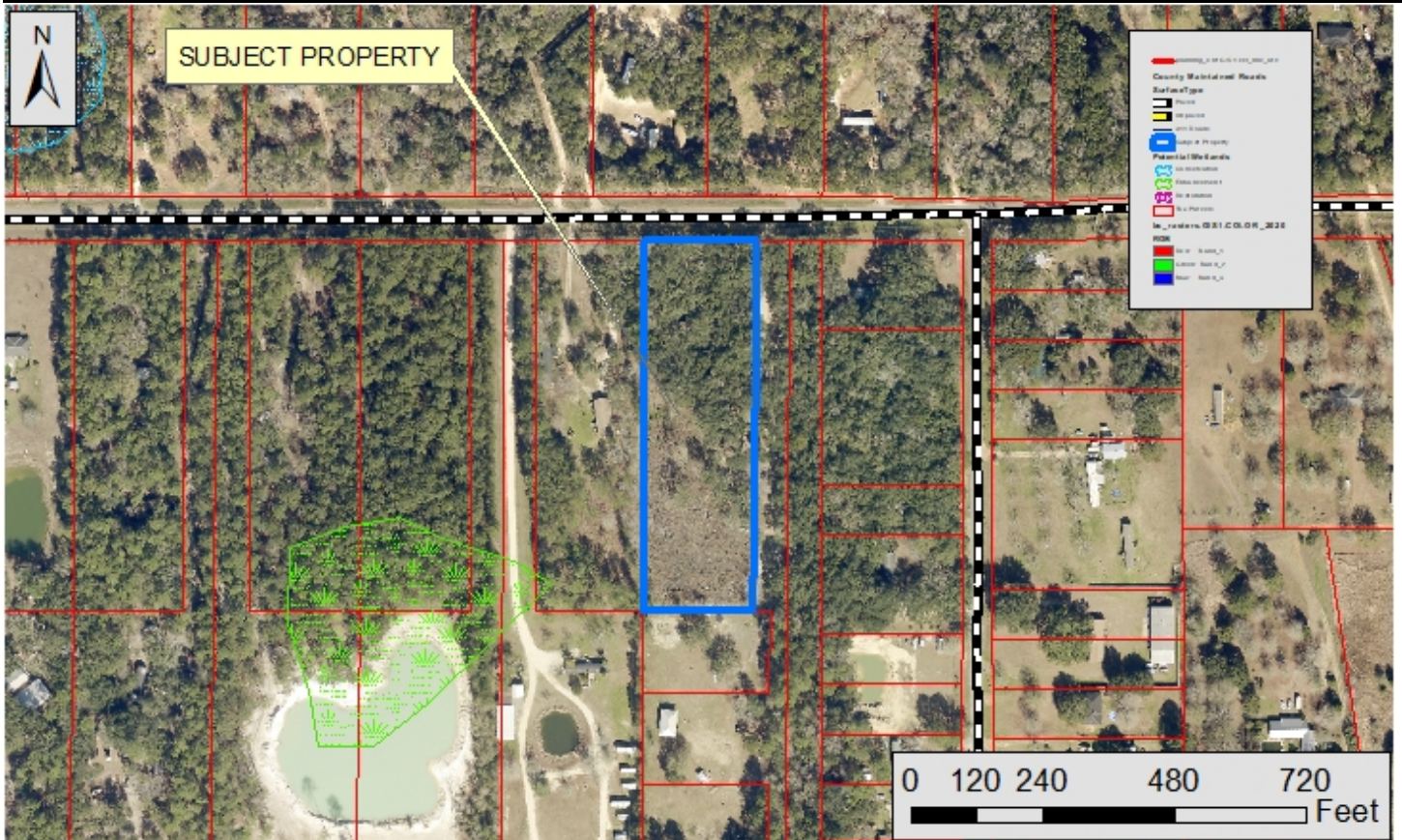




## Locator Map



## Site Map



# NOTICE OF ZONING VIOLATION

Baldwin County Planning and Zoning Department

**Certified Mail**

**Date of Notice**     May 2, 2019

Deborah Harper  
6782 Lakeshore Drive  
Gulf Shores, AL 36542

**RE: E-19016**

**YOU ARE HEREBY NOTIFIED THAT:**

Pursuant to the Baldwin County Zoning Ordinance, Sec. 21.3, notice is hereby given that you are in **violation** of the *Baldwin County Zoning Ordinance*.

**LOCATION OF VIOLATION:**

The subject property is situated in Planning District 21, and is zoned RR, Rural District, and is located at:

<b>Street Address:</b>	<u>11950 Bay Road West</u>
<b>Tax Parcel#:</b>	<u>59-01-12-0-001-001.001</u>
<b>Date of Inspection</b>	<u>May 1, 2019</u>

**NATURE OF VIOLATION:**

**A “Recreational Vehicle” is parked on the subject property and is being occupied.**

**According to the Baldwin County Zoning Ordinance a “Recreational Vehicle” shall not be occupied as a living quarter unless it is located in a recreational vehicle park.**

**CORRECTIVE ACTION:**

**Discontinue the occupation of the Recreational Vehicle located on the subject property within 15 days of receipt of this notice of violation. The Recreational Vehicle may not be connected to any utilities.**

**Baldwin County Zoning Ordinances**

**Article XII General Requirements**

**Section 12.2 Temporary Structures**

12.2.1 Temporary structures for use incidental to construction work shall be permitted in any district during the period that construction work is in progress.

12.2.2 A recreational vehicle may be occupied as living quarters on a temporary basis for up to 18 months pending the repair or rebuilding of a primary dwelling following any disaster which may render the primary dwelling uninhabitable. A recreational vehicle, when used as temporary living quarters, may only be occupied

by the owner/occupant of the primary dwelling being repaired or rebuilt, and must be located on the same parcel with the subject primary dwelling. In addition, the recreational vehicle must meet the location and setback requirements specified for accessory structures in residential districts (See Section 13.1.2 (a). An approved land use certificate (See Section 18.2) shall be obtained from the Planning and Zoning Department, prior to the use of a recreational vehicle as temporary living quarters in order to ensure compliance with these regulations.

## **Article 13 Design Standards**

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

#### *13.8.2 Procedures and standards.*

(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.

## **Article XV Parking and Loading Requirements**

### **Section 15.3 Design Standards and Improvement Requirements**

#### *15.3.9 Storage and parking of trailers and commercial vehicles.*

- (a) Recreational vehicles, trailers and commercial vehicles shall not be parked or stored on any lot in any residential district except in accordance with the following requirements:
  2. Recreational vehicles, trailers, and commercial vehicles may not be parked within a required front or side yard.
  3. Recreational vehicles shall not be occupied either temporarily or permanently while parked or stored in any residential district except as provided by *Section 12.2.2: Temporary Structures*.
  4. A recreational vehicle, trailers or commercial vehicle may not be located on a lot in any residential district by itself.

## **Article XVIII Administration**

### **Section 18.1 Administration, Interpretation and Enforcement**

#### **Section 18.2 Land Use Certificates**

**18.2.1 Authorization.** A land use certificate shall be obtained from the Zoning Administrator prior to the commencement of development and issuance of any building permit including electrical, HVAC and plumbing permits.

#### **ENFORCEMENT PENALTIES:**

Failure to comply within the time specified above will subject you to penalties in accordance with Sec. 21.3 and Sec. 21.4 of the *Baldwin County Zoning Ordinances*

**21.3.8 Fines.** Any person(s) violating any of the provisions herein shall be fined not more than \$150.00 for each separate violation, plus all costs of court, with each day such violation continues constituting a separate violation. The fines provided for herein shall commence and accrue upon receipt of the Notice of Violation or the expiration of the allowed period for correction, whichever is later. Said fines shall continue to accrue until paid, but shall no accrue on days during which the violation is properly on appeal.



If you believe the activities or conditions described above are not in violation of the *Baldwin County Zoning Regulations*, you may provide supporting documentation or other materials to the Planning and Zoning Department at 312 Courthouse Square, Bay Minette, Alabama, 36507, within 7 days of receipt of this notice.

- Please note: This determination may be appealed to the appropriate Board of Adjustment. Appeals shall be filed within (15) fifteen days of the Date of Notice above, on forms provided by the Planning and Zoning Department. Appeals must be filed with the Board of Adjustment by delivery of the appeal form to the Planning and Zoning Director at his/her office in Robertsedale, Alabama, 22070 Highway 59, Robertsedale, Alabama 36567 (physical address) or 22251 Palmer Street, Robertsedale, Alabama 36567 (mailing address). Appeal forms are available at the Planning and Zoning Department in Robertsedale, the Foley Satellite Courthouse, or at the County website at the following address: [www.planning.co.baldwin.al.us](http://www.planning.co.baldwin.al.us). Copies of the Baldwin County Zoning Ordinance are also available at the Foley Satellite Courthouse.

Sincerely,

Joe Ryan

Code Enforcement Officer

cc: Vince Jackson, Planning Director

Blackburn & Conner, P.C., Legal Counsel

Picture of RV sent with NOV in 2019



# NOTICE OF ZONING VIOLATION

Baldwin County Planning and Zoning Department

**Certified Mail**

**Date of Notice**     **July 23, 2021**

Deborah Harper  
6782 Lakeshore Dr  
Gulf Shores, AL 36542

**RE: E-21046**

**YOU ARE HEREBY NOTIFIED THAT:**

Pursuant to the Baldwin County Zoning Ordinance, Sec. 21.3, notice is hereby given that you are in **violation** of the *Baldwin County Zoning Ordinance*.

**LOCATION OF VIOLATION:**

The subject property is situated in Planning District 21, and is zoned RR Rural District, and is located at:

<b>Street Address:</b>	<b>11950 Bay Rd W</b>
<b>Tax Parcel#:</b>	<b><u>05-59-01-12-0-001-001.001</u></b>
<b>Date of Inspection</b>	<b><u>July 19, 2021</u></b>

**NATURE OF VIOLATION:**

**“Recreational Vehicles” are parked on the subject property and are being occupied.**

**According to the Baldwin County Zoning Ordinance, “Recreational vehicles” 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.**

**CORRECTIVE ACTION:**

**Discontinue occupying the recreational vehicle within 30 days of receipt of this notice. The recreational vehicle’s may not be connected to utilities.**

**Baldwin County Zoning Ordinances**

**Article XII General Requirements**

**Section 12.2 Temporary Structures**

12.2.1 Temporary structures for use incidental to construction work shall be permitted in any district during the period that construction work is in progress.

12.2.2 A recreational vehicle may be occupied as living quarters on a temporary basis for up to 18 months pending the repair or rebuilding of a primary dwelling following any disaster which may render the primary dwelling uninhabitable. A recreational vehicle, when used as temporary living quarters, may only be occupied by the owner/occupant of the primary dwelling being repaired or rebuilt, and must be located on the same parcel with the subject primary dwelling. In addition, the recreational vehicle must meet the location and setback requirements specified for accessory structures in residential districts (See Section 13.1.2 (a). An approved land use certificate (See Section 18.2) shall be obtained from the Planning and Zoning Department, prior to the use of a recreational vehicle as temporary living quarters in order to ensure compliance with these regulations.

## **Article 13 Design Standards**

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

#### **13.8.2 Procedures and standards.**

(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.

## **Article 18 Administration**

### **Section 18.1 Administration, Interpretation and Enforcement**

#### **Section 18.2 Land Use Certificates**

**18.2.1 Authorization.** A land use certificate shall be obtained from the Zoning Administrator prior to the commencement of development and issuance of any building permit including electrical, HVAC and plumbing permits.

### **ENFORCEMENT PENALTIES:**

Failure to comply within the time specified above will subject you to penalties in accordance with Sec. 21.3 and Sec. 21.4 of the *Baldwin County Zoning Ordinances*

**21.3.8 Fines.** Any person(s) violating any of the provisions herein shall be fined not more than \$150.00 for each separate violation, plus all costs of court, with each day such violation continues constituting a separate violation. The fines provided for herein shall commence and accrue upon receipt of the Notice of Violation or the expiration of the allowed period for correction, whichever is later. Said fines shall continue to accrue until paid, but shall not accrue on days during which the violation is properly on appeal.

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Sincerely,

Orie King

Code Enforcement Officer

cc: Matthew Brown, P.E., Planning Director

Picture of RV sent with NOV in 2021



Real estate property appraisal from 2007

APMAP001 BALD2007		REAL PROPERTY APPRAISAL		APWAPQ96/R3	
59-01-12-0-001-001.001		HARPER, DEBORAH C		115684 02	
Lot Dimension 200'X675'					
Neighborhood 59015_12NC		59-01-05_12-NON-CONFORMING		Item 1 of 2	
Property Class RS Sub Class NON				115684	
				115684	
Type Ref Method		Description		Use TC HsPn Value	
1) LAND	1 MA MA-10,000	3.00 acres CF		1410 2 N N	45000
2) BLDG	1 M M199816X80	MANUFACTURED HOUSING		101 2 N N	15600
3)					
4)					
5)					
6)					
7)					
8)					
9)					
10)					
Market Value		Acres	Use Value	Acres	
Land	45000 Total	3.00	Use		BOE
Bldg	15600 Timber		Mkt		Developer
Total	60600		Tot		



# Baldwin County Planning & Zoning Department

## Board of Adjustment Number 2

### Board of Adjustment Staff Report

Case No. SE-21007

Hyche Property

Approve Special Exception for Recreational Vehicle (RV) Park

September 9, 2021

### Subject Property Information

**Planning District:** 21  
**General Location:** East side of Sherman Road south of County Road 12 S  
**Physical Address:** 8622 Sherman Road  
**PID:** 05-60-05-15-0-000-008.000  
**Zoning:** RA, Rural Agricultural District  
**Acreage:** 19.92 acres ±  
**Request:** Special Exception approval to allow for an RV Park  
**Applicant:** Bart Hyche  
8622 Sherman Road  
Foley, AL 36535  
**Owner:** Hyche Imagination LLC  
24800 Perdido Beach Blvd., Apt. #105  
Orange Beach, AL 36561  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** Within Report

Adjacent Land Use		Adjacent Zoning
North	Residential Subdivision and Vacant	RSF-3, Single Family District and RA, Rural Agricultural District
South	Agricultural	RA, Rural Agricultural District
East	Residential and Agricultural	RA, Rural Agricultural District
West	Residential and Agricultural	RA, Rural Agricultural District

### Summary and Discussion

The applicant is requesting special exception approval to allow for an RV Park. The applicant is proposing to construct a high-density RV park. Per information submitted by the applicant, the RV Park will consist of approximately 188 sites with a density of 9.4 sites per acre. The proposed use 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 13.8: 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.

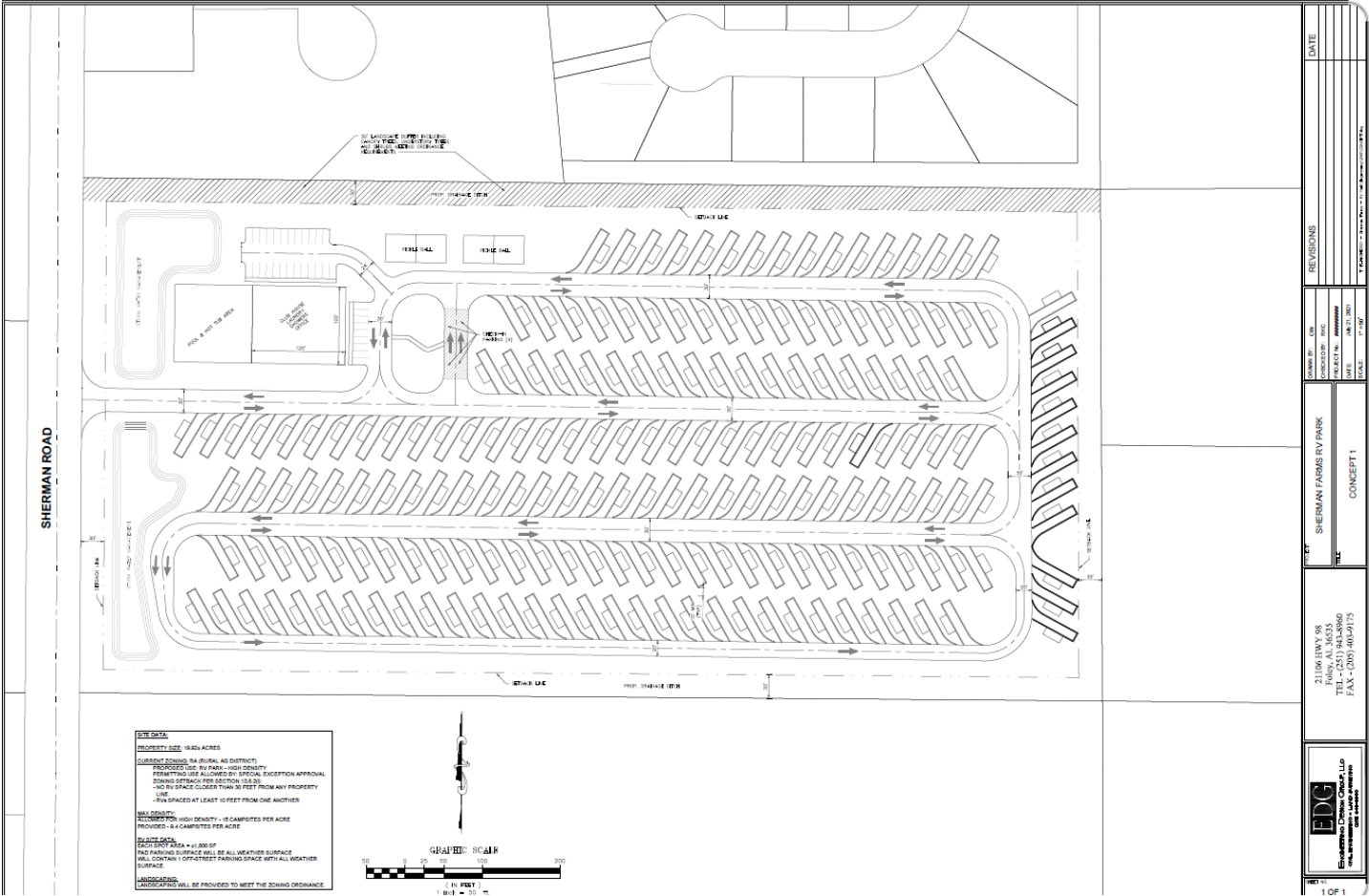
Maximum Height of Structure in Feet	35
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

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

Site Plan



Additional Information

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.

(n) *Existing recreational vehicle parks.* Recreational vehicle parks which exist at the time of zoning adoption or amendment are grandfathered and may continue to operate lawfully provided that the operation is not discontinued for more than one (1) calendar year or 365 consecutive days. The owner of an existing RV park may conduct maintenance and repairs which may include the replacement of accessory structures, hook-ups and utilities subject to the following conditions:

1. The cost of replacement shall not exceed 50 percent of the value of the park.
2. The recreational vehicle park shall not be expanded.
3. The footprints of accessory structures shall not be enlarged or moved.
4. The number of recreational vehicle spaces shall not be increased.

If the owner of an existing recreational vehicle park wishes to expand the recreational vehicle park, construct additional spaces and facilities or re-arrange spaces and facilities, the park shall at that time be brought into conformity with all requirements of this section.

## **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:**

#### **Staff Analysis and Findings**

**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 Sherman Road. The majority of the surrounding land is agricultural and residential. Hawthorn Subdivision is adjacent to the subject property to the north. Summer Crest Subdivision is northwest of the subject property. As a result, the proposed RV Park 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 and residential 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 believes that the proposed use could 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 residential. Staff believes the proposed use could impose an excessive burden or have a substantially negative impact on surrounding or adjacent uses or on the 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.

**Staff Comments and Recommendation**

The zoning designations in this area are rural agricultural, and residential. Due to the residential uses adjacent to the subject property staff feels this is not an appropriate location for an RV Park and recommends the applicant's special exception request be **DENIED**.

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 location only.
- Approval subject to issuance of a commercial turnout permit from the Baldwin County Highway Department
- The Applicant will be required to submit a subsequent land-use certificate application to the planning and zoning department, which must include a site plan that substantially conforms with the site plan that is part of this approval and meets all the requirements of the Zoning Ordinance.
- Expansion of the park and/or changes to the site plan will necessitate further Special Exception review and approval.
- A 30' landscaped buffer on the north side of the subject property adjacent to residentially developed or zoned property and a 25' landscaped buffer on the east and south sides of the subject property adjacent to rural zoned property.
- Approval shall be subject to the receipt of an approved Planned Development under the Subdivision Regulations, and any other requirements of those regulations or the Zoning Ordinance.

*\*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.

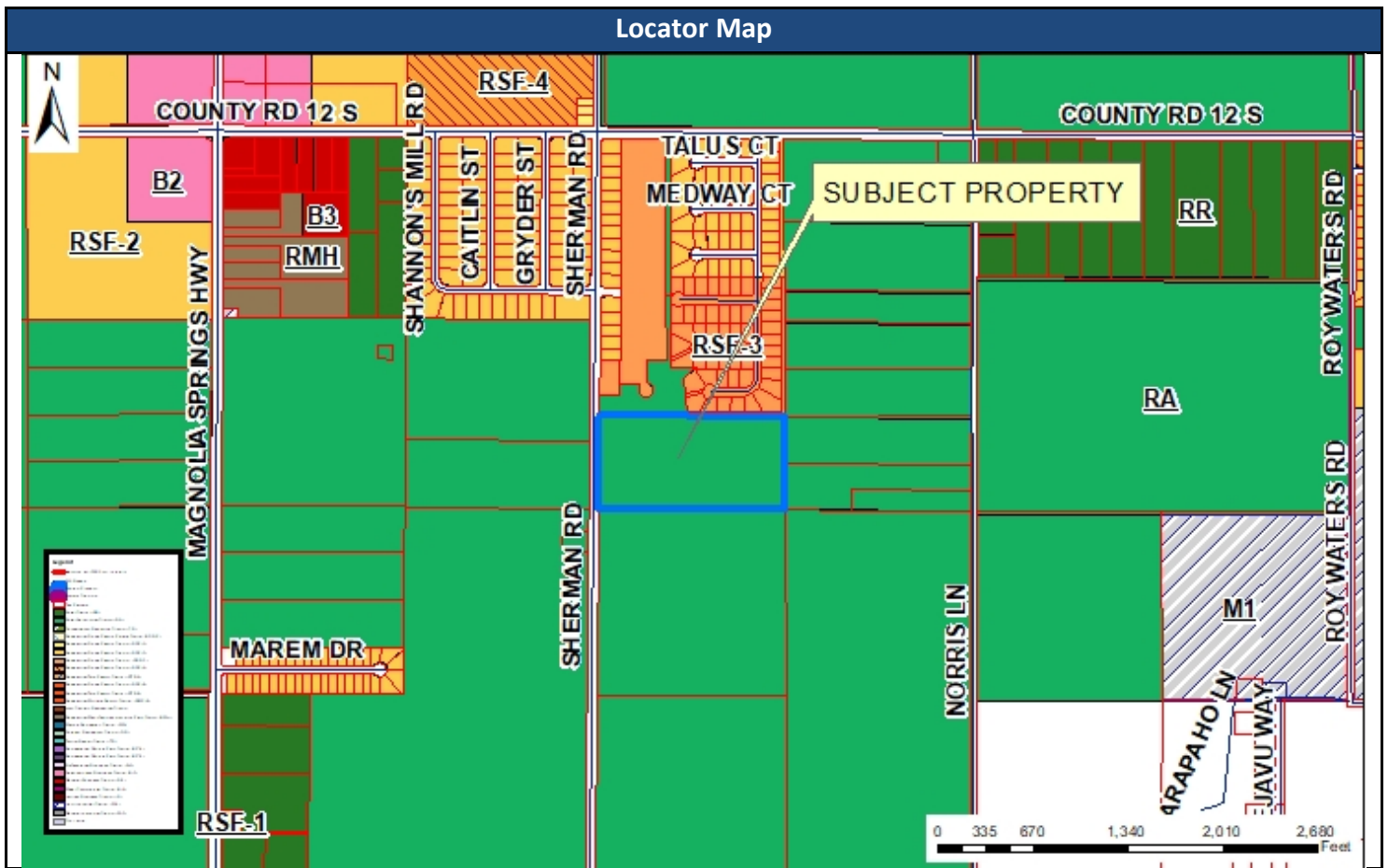
### Property Images











## Note:

The proposed RV Park would place a high density (intensity) use between very low density and moderate density uses.

### 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.

### Section 4.4 RSF-3, Single Family District

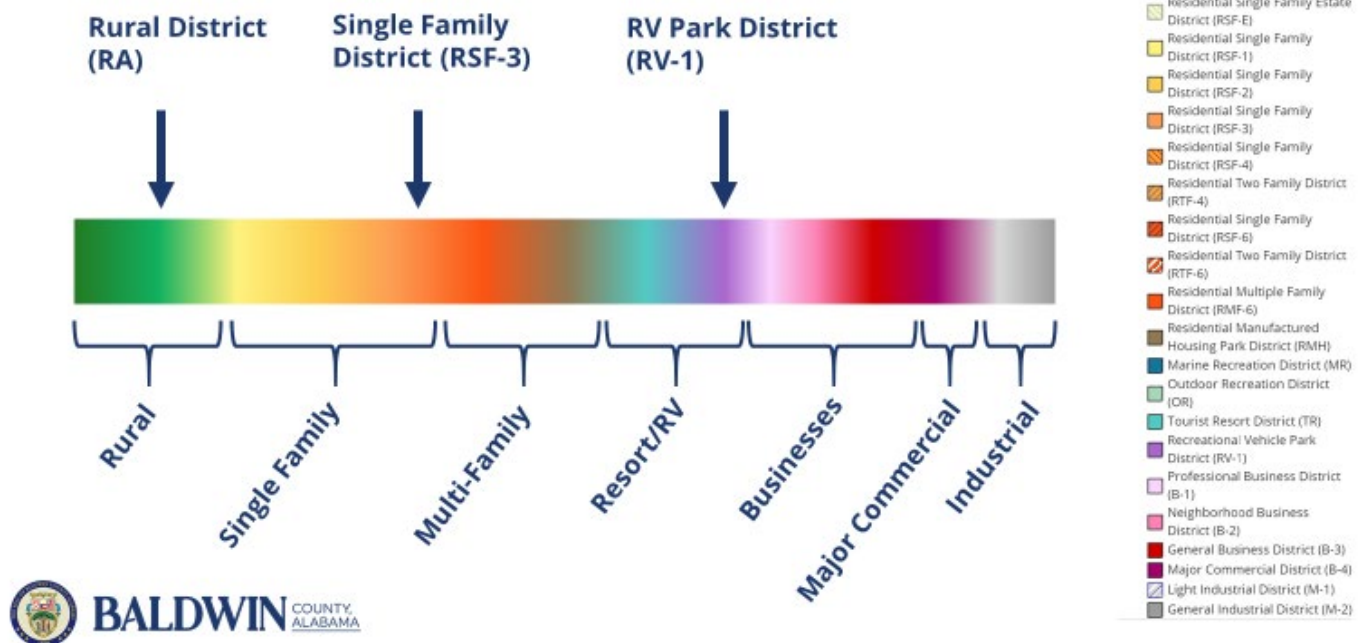
4.4.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single-family homes.

### Section 5.5 RV-1, Recreational Vehicle Park District

5.5.1 *Purpose and intent.* The purpose of this section is to establish a zoning designation for recreational vehicle parks.

5.5.3 *Density.* The maximum number of recreational vehicle sites developed under RV-1 shall be 15 sites per acre. (High Density)

## BALDWIN COUNTY ZONING





# Baldwin County Planning & Zoning Department

## Board of Adjustment Number 2

### Board of Adjustment Staff Report

Case No. SE-21008

Fowler Property

Approve Special Exception for RV and Boat Storage Facility (Increase to Size of Structures)

September 9, 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:** Approval of Increase to Size of Structures  
**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 increase to the size of the structures for a previously approved RV and Boat Storage Facility. The original submittal showed the structures to be 40'x300'. The applicant is requesting to change the size of the structures to 45'x300'. An increase of 1,500 square feet per structure.

### 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.

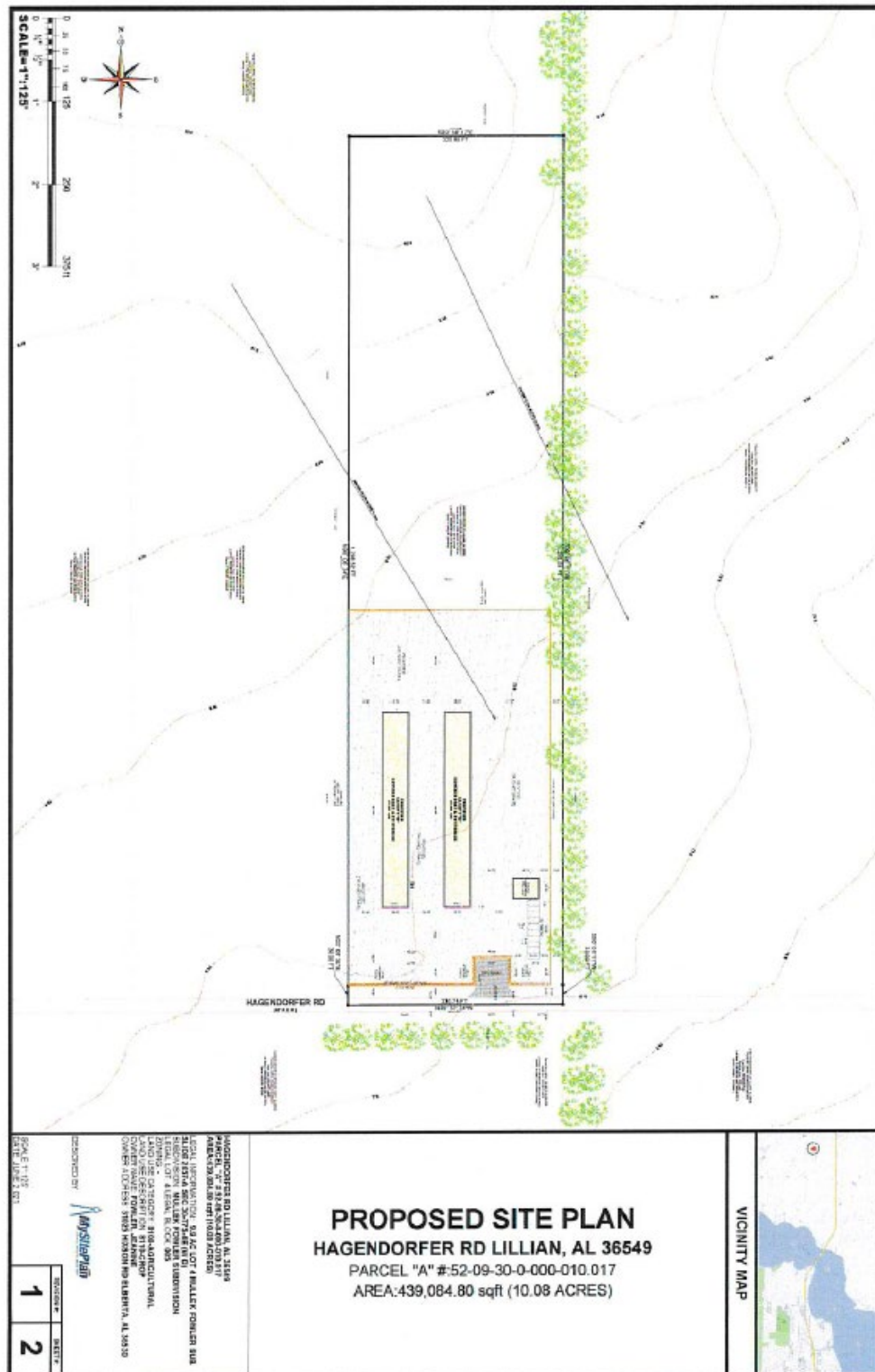
Maximum Height of Structure in Feet	35
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

**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.



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

### Site Plan



## 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

The Board of Adjustment approved the proposed RV and Boat Storage Facility at its July 15, 2021 meeting with the following conditions.

- Approval shall be for this location only.
- 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.

Staff has no issues with the increase in size of the structures and recommends that the requested change in size be **APPROVED**.

*\*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





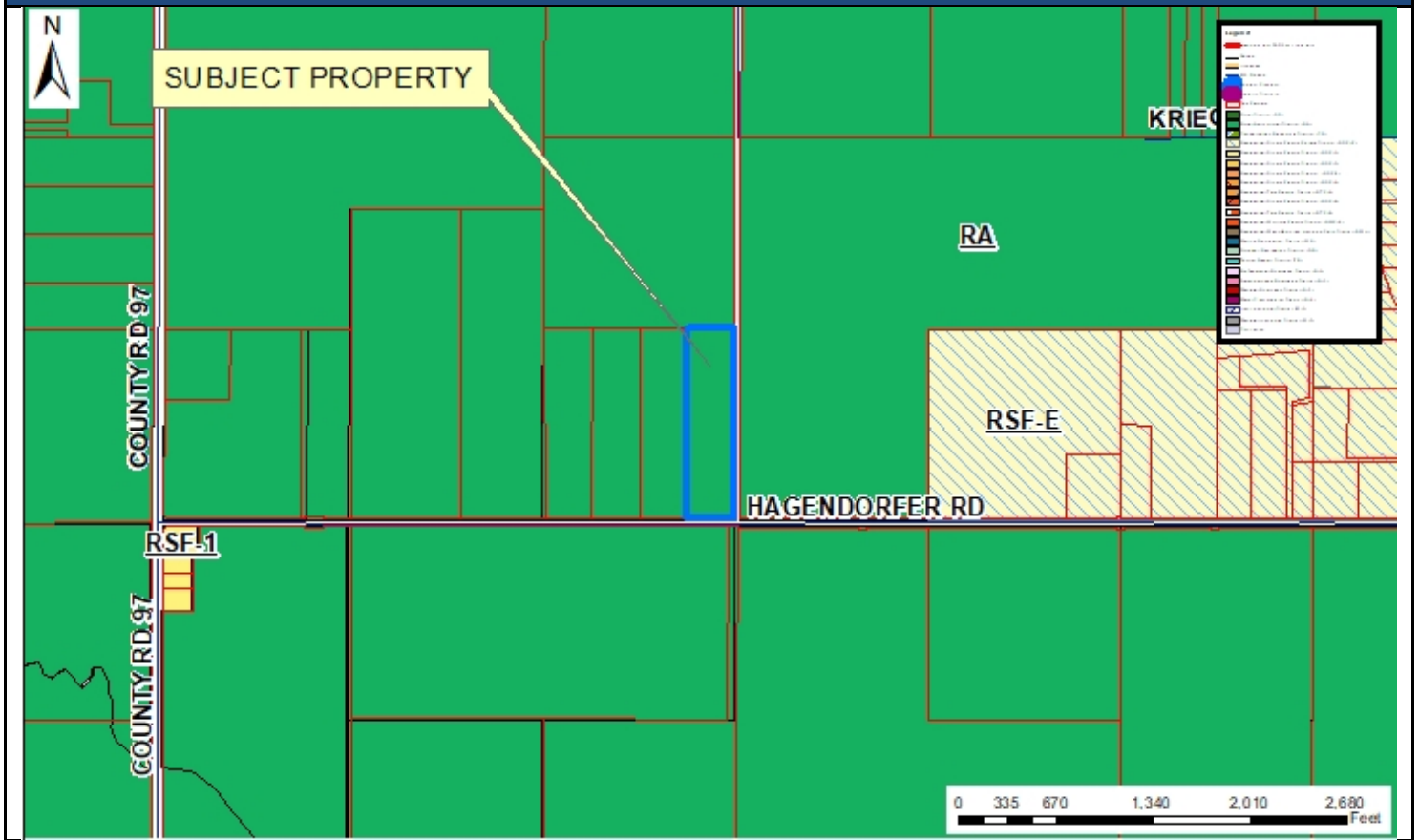








# Locator Map



# Site Map





# Baldwin County Planning & Zoning Department

## Board of Adjustment #2

### Board of Adjustment Staff Report

Case No. V-210032  
Jordan Property  
Side Yard Setback Variance  
September 9, 2021

### Subject Property Information

Planning District: 22  
General Location: Foley  
Physical Address: 12955 6<sup>th</sup> Street  
Parcel Number: 05-52-07-26-0-001-049.000  
Zoning: RSF-1, Single Family District  
Lot Size: .68 +/- Acres  
Applicant: Robert E. Jordan  
143 Johnny Rigney Road  
Stateline, Mississippi 39362  
Owner: Robert E. Jordan  
Lead Staff: Paula Bonner, Planning Technician  
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Single Family District
South	Vacant	RSF-1, Single Family District
East	Residential	RSF-1, Single Family District
West	Vacant	RSF-1, Single Family District

### Summary and Recommendation

The applicant is requesting approval of a variance from the side yard setback requirements (3.1.5) of the Baldwin County Zoning Ordinance to allow for a single family dwelling.

Staff has no issue with the request and recommends that the Board base it's decision on information provided in this staff report and information provided at the public hearing. Should the variance request be approved it shall be contingent upon the tree remaining.

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

### Variance Request

The applicant is requesting a variance from Section 3.1.5 of the Baldwin County Zoning Ordinance to allow for a single family dwelling to be placed on the property.

## 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 13.10: 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 12.5 Yard Requirements**

12.5.1 Yard requirements shall be modified subject to the following conditions:

- (a) Through lots shall provide the required front yard on each street.
- (b) Decks and unroofed porches may project into a required front yard for a distance not to exceed 5-feet and a rear yard not to exceed 10-feet.
- (c) Uncovered steps and handicap ramps may project into a required front, or side yard for a distance not to exceed 5-feet and a rear yard not to exceed 10-feet.
- (d) On a corner lot, the side yard from the side lot line which abuts a street shall be a minimum of 20-feet.
- (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.
- (f) All buildings or structure located within the coastal high hazard area (V-zones) shall be located 50-landward of the reach of the mean high tide.

## **Section 22 Definitions**

### **22.2 Words and Terms Defined**

*Lot, corner.* A lot abutting upon 2 or more streets at their intersection or upon 2 parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

*Right-of-way.* A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

*Street.* The full right-of-way of a thoroughfare which affords the principal means of access to abutting property.

*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.

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 150' wide along the northern side, 50' along the eastern side, 150' wide along the southern side, and 50' along the western side. The parcel consists of approximately .68 acres. The current minimum lot width for RSF-1 is 100-feet at the building line and 50-feet at the street line. The current minimum lot size for RSF-1 is 30,000 square feet and the subject parcel consists of 7,500 square feet, therefore staff believes the lot could be considered exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance.

The north lot line abuts a platted right-of-way. If this were a named right-of-way a 20-foot setback rather than a 10-foot setback would be required. Staff did not enforce the 20-foot setback as the right-of-way is only 10-feet, unnamed, and not likely to be developed.

**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 lot 22, block 14 Townsite of Lillian Subdivision as recorded in the office of the Judge of Probate of Baldwin County. The subdivision was filed with the Baldwin County Judge of Probate 03/14/1911. Planning District 22 Zoning came into effect November 19, 2002. 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.**

On 07/27/2021 Land Use Certificate number LU21-000714, which met the required 10' side yard setback, was issued to the applicant to place a mobile home on the property. On 07/29/2021 Building Permit number MH21-000137 was also issued to the applicant for the mobile home. The applicant has requested a variance to move the mobile home closer to the side lot line due to a tree which the applicant feels will be too close to the proposed mobile home and need to be cut down.

## Staff Comments and Recommendation

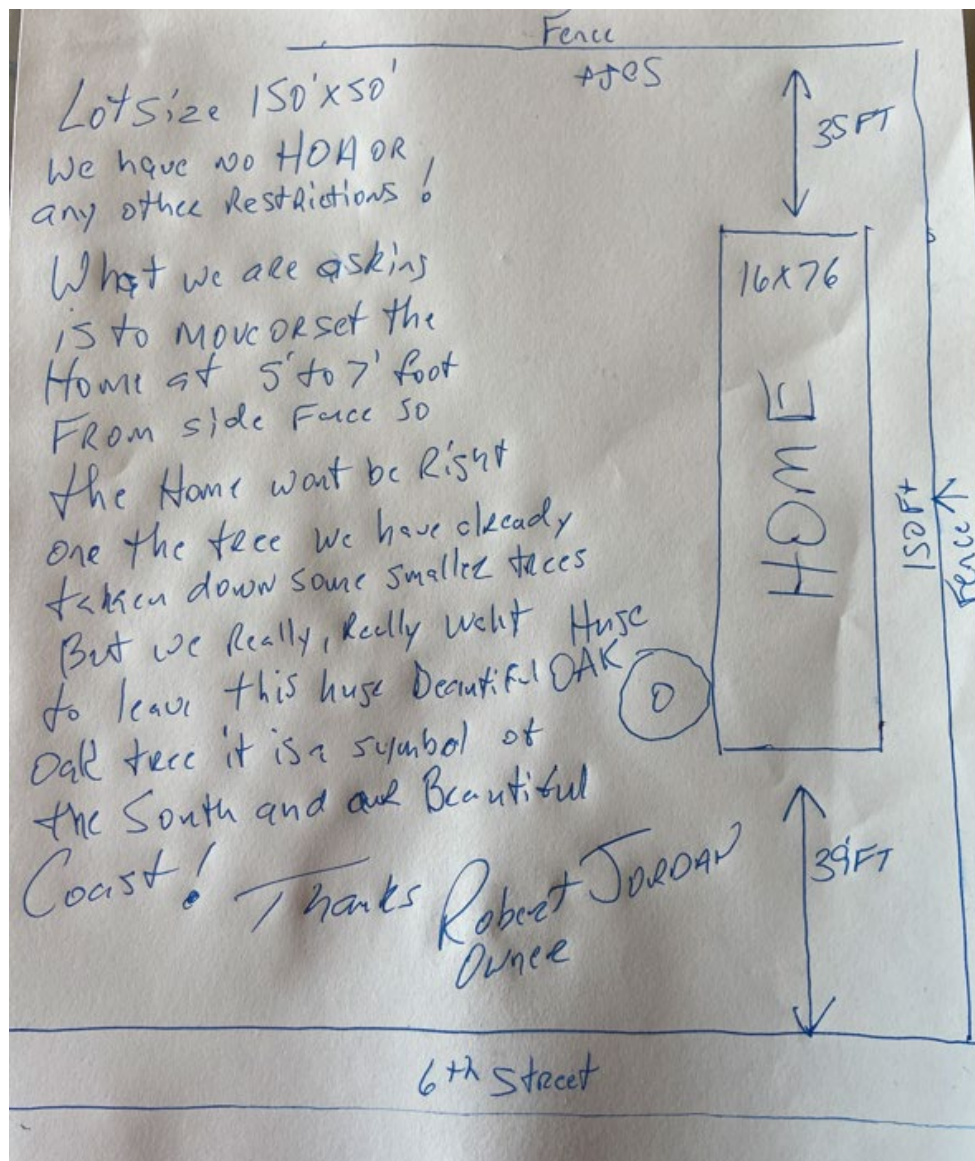
Staff has no issue with the request and recommends that the Board base it's decision on information provided in this staff report and information provided at the public hearing.

### 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.

## Site Plan







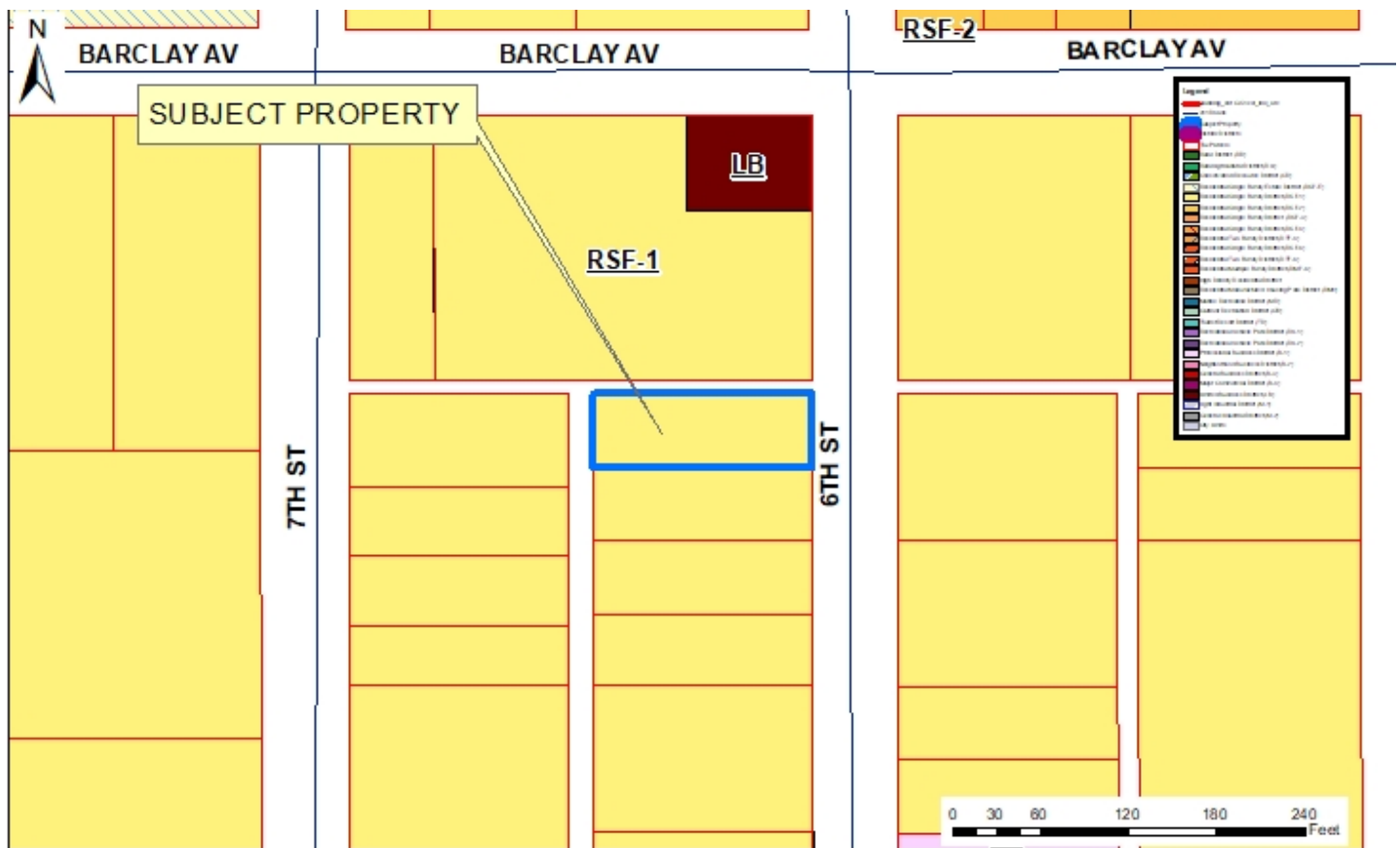








## Locator Map













August 9, 2021

There is no active homeowner associations or committees concerning property located at 12955 6th Street, Lillian Alabama 36549.

  
Robert E Jordan