

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

AGENDA

June 9, 2022

**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 (May 12, 2022)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. ZVA22-38, R & R Beach House Rentals Property

Request: approval of a variance from section 2.3.25.3(f)3 of the Baldwin County Zoning Ordinance to allow for the construction of a dune walkover

Location: The subject property is located at 2340 Ponce De Leon Court in Planning District 25

Attachments: Within Report and Attached

b.) Case No. ZVA22-39, Newcomb Property

Request: approval of a variance from the maximum building height requirement to allow for the construction of a single-family dwelling

Location: The subject property is located at 6904 Sea Shell Drive in Planning District 25

Attachments: Within Report and Attached

c.) Case No. ZVA22-42, F Development Group, LLC Property

Request: approval of a variance from the required number of parking spaces, the landscaped buffer requirements, and the off-street loading/unloading space requirement

Location: The subject property is located at 5160, 5180, and 5200 State Highway 180 in Planning District 25

Attachments: Within Report and Attached

d.) Case No. ZVA22-46, Allison Property

Request: approval of a variance from section 12.5.2(d) of the Baldwin County Zoning Ordinance as it pertains to the setback for a side street to allow for the construction of a single-family dwelling.

Location: The subject property is located at 2517 Muscogee Road in Planning District 25

Attachments: Within Report and Attached

6. Old Business
7. New Business
8. Adjournment

To view maps/plats in higher resolution please visit the
‘Upcoming Items’ Planning and Zoning webpage”

<https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>

Planning & Zoning Board of Adjustment Number 2
May 12, 2022
Regular Meeting Minutes
Foley Satellite Courthouse, Large Meeting Room

The Board of Adjustment Number 2 met in a regular session on May 12, 2022, at 3:30 p.m., in the Baldwin County Foley Satellite Courthouse Large Meeting Room. Chairman David Brown called the meeting to order at 3:30p.m. with a prayer and the pledge of allegiance. Members present included: James Koeppen, Samuel Mitchell, Robert Broseus, John Slaats, Michael Swansburg, Vicki Matranga, and Harold Stephens. Staff members present were Crystal Bates, Planning Technician, Paula Bonner, Planning Technician, Buford King, Deputy Planning Director and Linda Lee, Planner.

Approval of Previous Meeting Minutes

The next order of business was approval of the minutes from the April 14, 2022, meeting. Mr. Slaats made a motion to approve the meeting minutes. The motion received a second from Mr. Mitchell and carried unanimously.

ZVA22-30 South Sand Condo Property

Mrs. Bonner presented the applicant's request for approval of a variance from the rear setback requirement to allow for the rebuilding of a duplex destroyed by fire. Staff recommended that the variance request be approved.

Mr. Aubrey Bennett spoke in favor of the variance request.

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

ZVA22-32 Lipscomb Property

Mrs. Hart presented the applicant's request for approval of a variance from the required number of parking spaces to allow for the construction of a retail store. Staff recommended that the variance request be denied.

Ms. Alyssa Hailey spoke in favor of the variance request and answered questions from the board.

Following a short discussion, Mr. Koeppen made a motion to approve the variance request. The motion received a second from Mr. Swansburg and carried unanimously.

ZVA22-34 Harmon Property

Mrs. Bates presented the applicant's request for approval of a variance from the wetlands buffer setback requirement to allow for the construction of a single-family dwelling and driveway. Staff recommended that the variance request be approved.

Mr. Ernest Lee spoke in favor of the variance request and answered questions from the board.

Following a short discussion, Ms. Matranga made a motion to approve the variance request. The motion received a second from Mr. Mitchell and carried unanimously.

ZVA22-35 Henderson Property

Mrs. Hart presented the applicant's request for approval of a variance from the wetland buffer setback requirement to allow for proposed land disturbance. Staff recommended that the variance request be approved.

Mr. Alan Dykes 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 Mr. Swansburg and carried unanimously.

ZVA22-36 Boston Property

Mrs. Bonner presented the applicant's request for approval of a variance from the front, rear and wetland buffer setback requirements to allow for the construction of a single-family dwelling. Staff recommended that the variance request be approved.

Mr. Joseph Faircloth and Mr. Ernest Lee 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 Mr. Swandburg and carried unanimously.

ZVA22-37 Gilley Property

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

Ms. Sandra Gilley spoke in favor of the variance request and answered questions from the board.

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

New Business

Mrs. Lee said her goodbyes to the board members and expressed her appreciation for their service. Mr. King and Chairman Brown gave words of expression to Mrs. Lee.

Adjournment

There being no further business to come before the board the meeting was adjourned at 4:28 p.m.

Respectfully Submitted,

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2022.

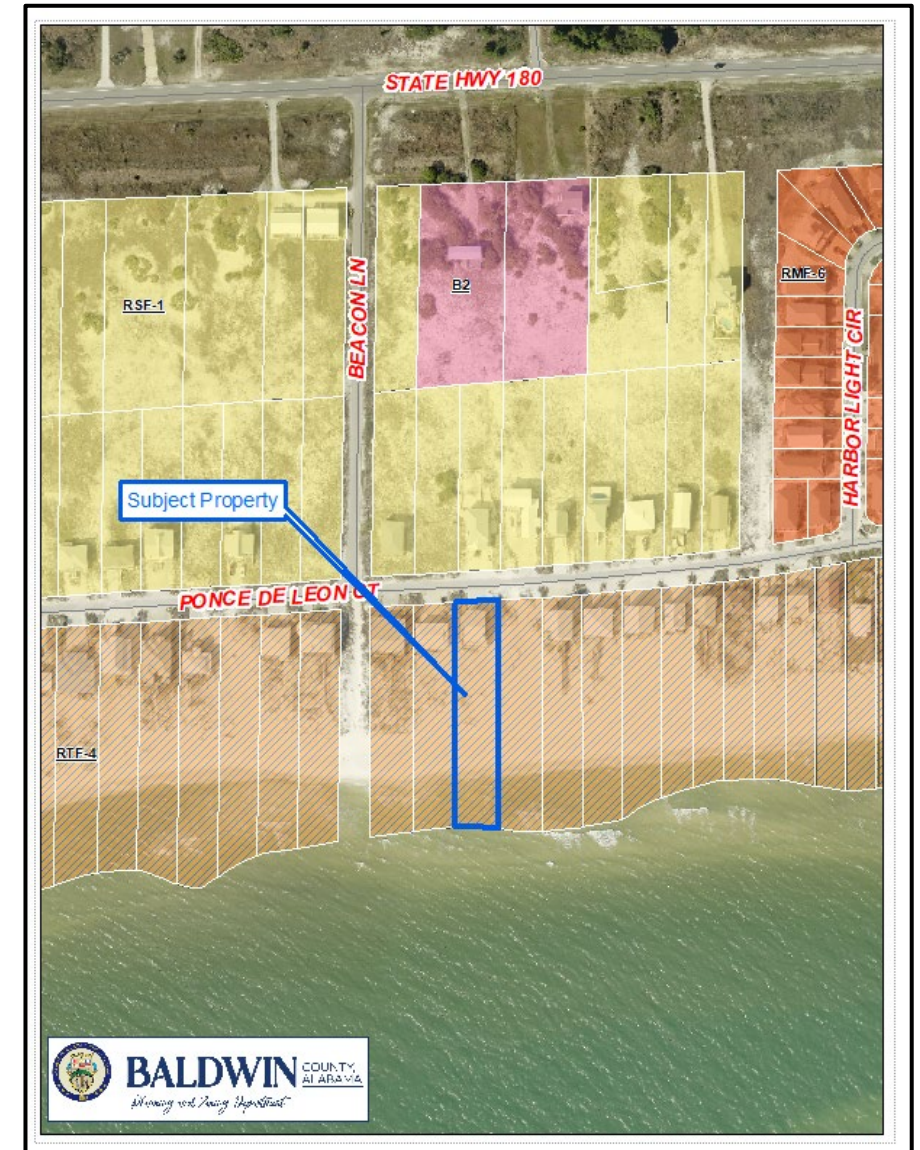
David P. Brown, Chairman

ZVA22-38 R & R BEACH HOUSE RENTAL

VARIANCE REQUEST

Lead Staff: Celena Boykin, Senior Planner

- **Planning District:** 25 **Zoned:** RTF-4
- **Location:** Subject property is located on the south side of Ponce de Leon Court in the Fort Morgan area.
- **PID:** 05-69-08-01-0-004-057.000
- **Acreage:** 0.60 +/-
- **Physical Address:** 2340 Ponce de Leon Court
- **Applicant:** Kerry Raynor
- **Owner:** Same



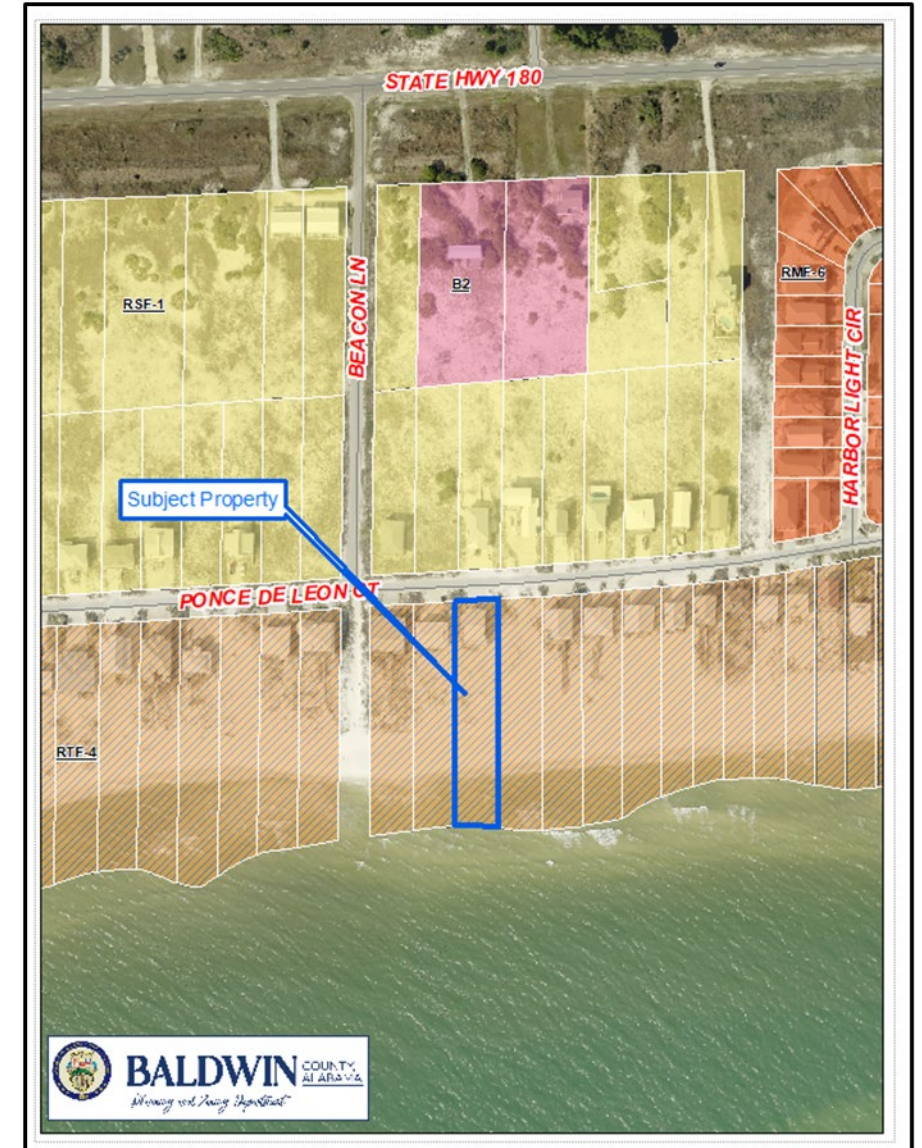
ZVA22-38 R & R BEACH HOUSE RENTAL

VARIANCE REQUEST

Lead Staff: Celena Boykin, Senior Planner

The applicant is requesting a variance from section 2.3.25.3(f)3 of the Baldwin County Zoning Ordinance to allow for the construction of a dune walkover.

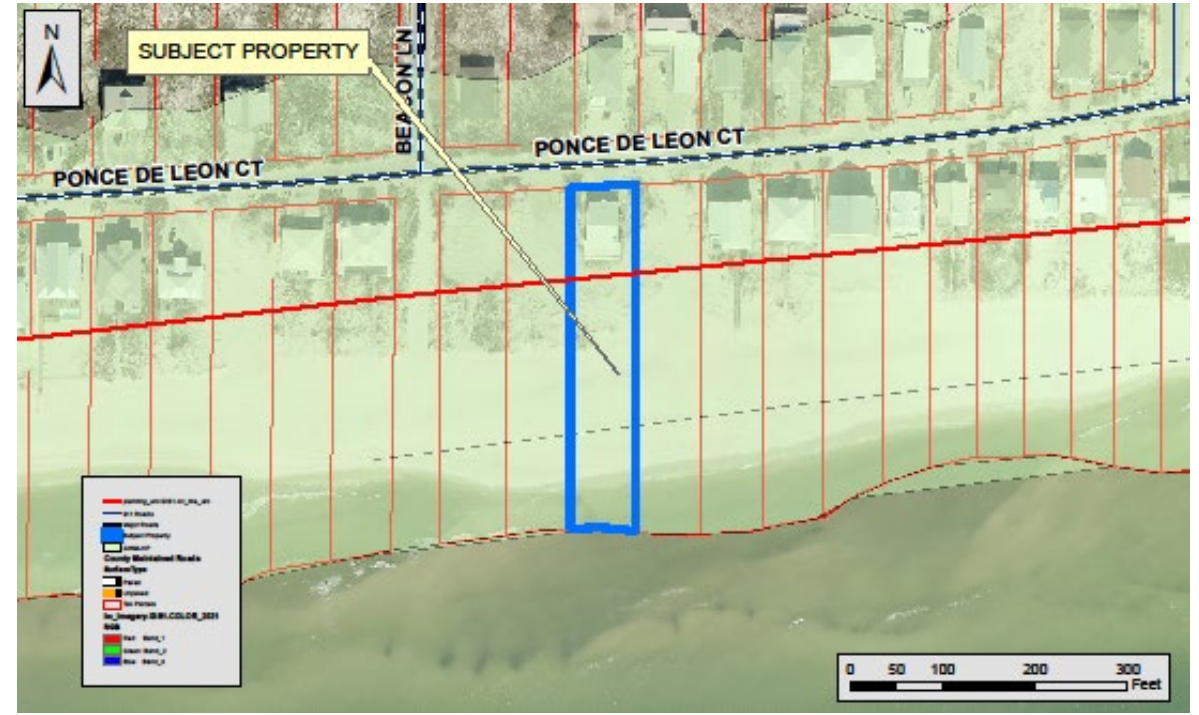
Staff feels this is not a reasonable request and recommends Case ZVA22-38 be **Denied** unless information otherwise is revealed at the public hearing.



Locator Map



Site Map



Adjacent Zoning

North	RSF-1 Residential Single Family
South	N/A
East	RTF-4, Two Family District
West	RTF-4, Two Family District

Adjacent Land Use

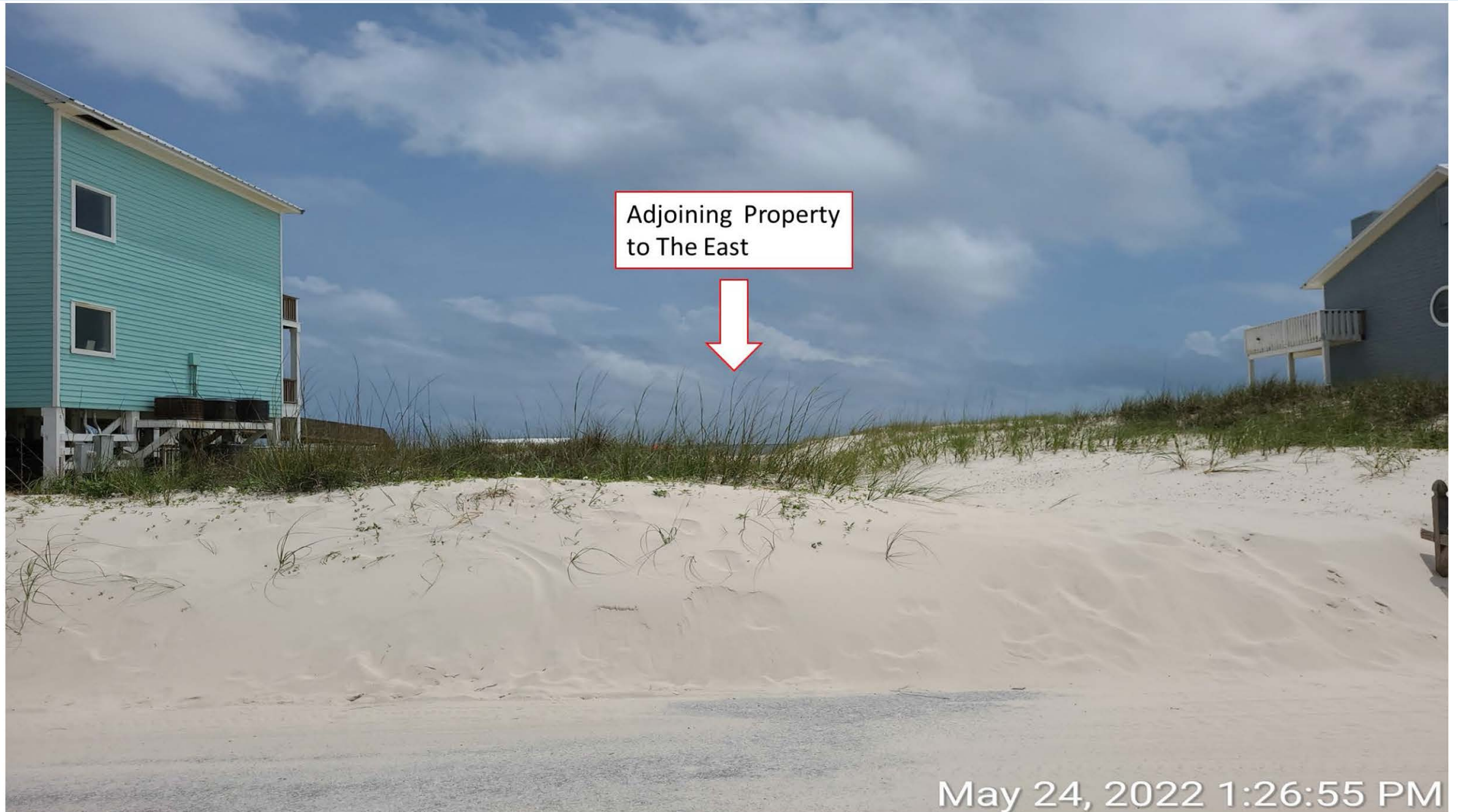
Residential
Gulf of Mexico
Vacant
Residential

Property Images



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Property Images



Property Images



May 24, 2022 1:27:12 PM

Property Images

Adjoining Property
to The West



May 24, 2022 1:27:56 PM

Property Images

Property Across
The Street



May 24, 2022 1:28:48 PM

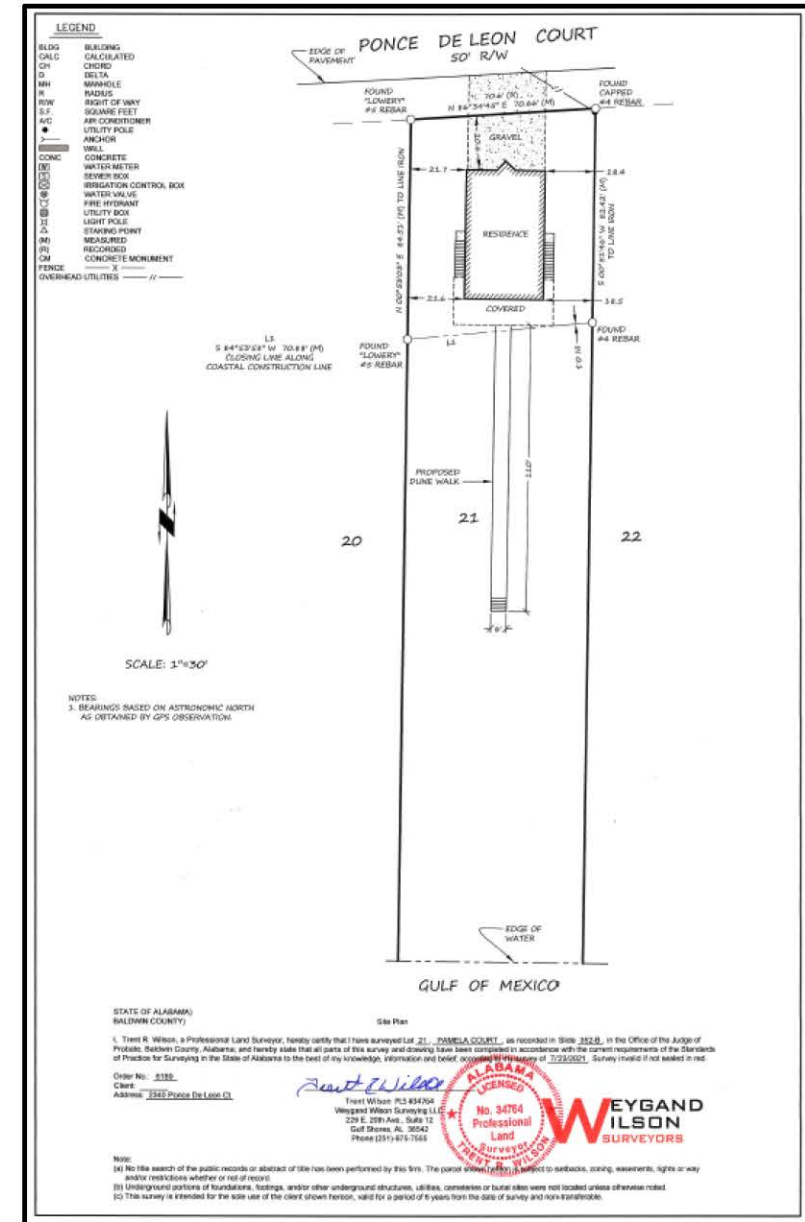
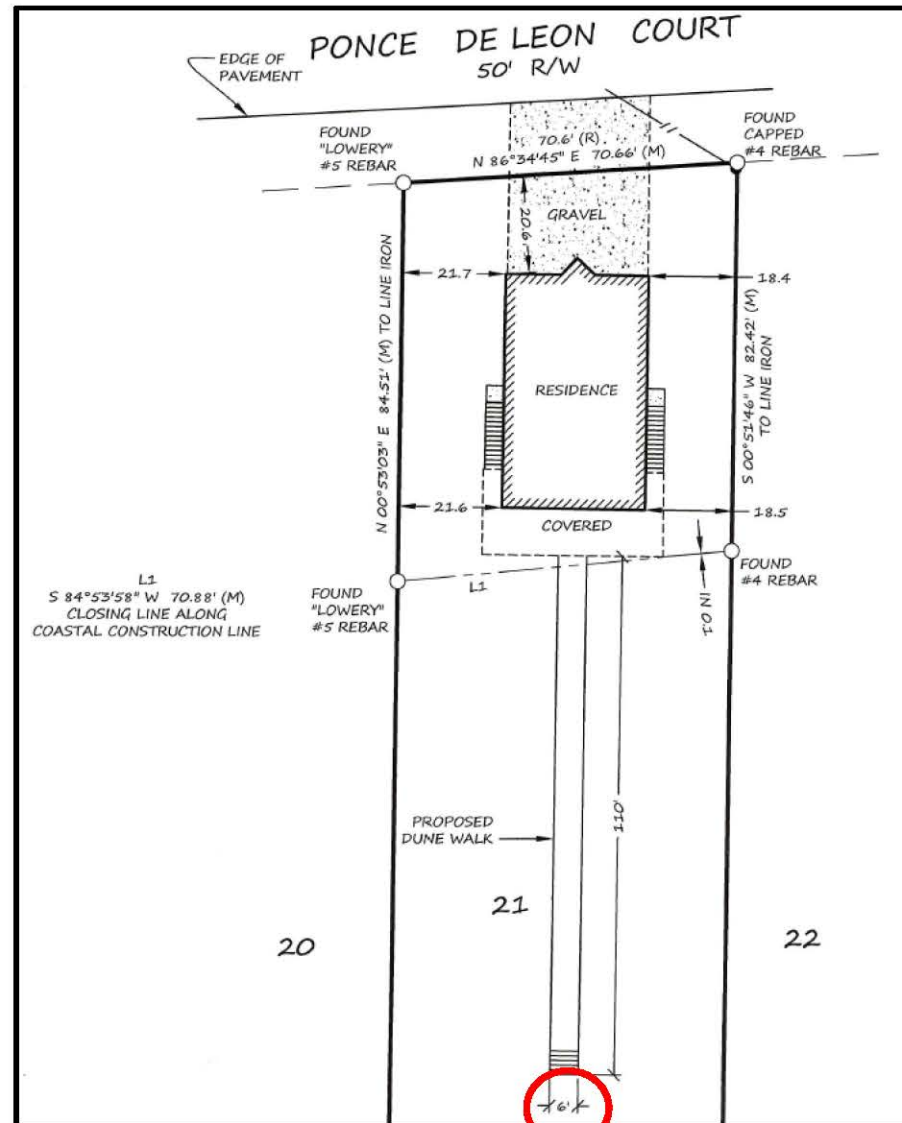
Property Images



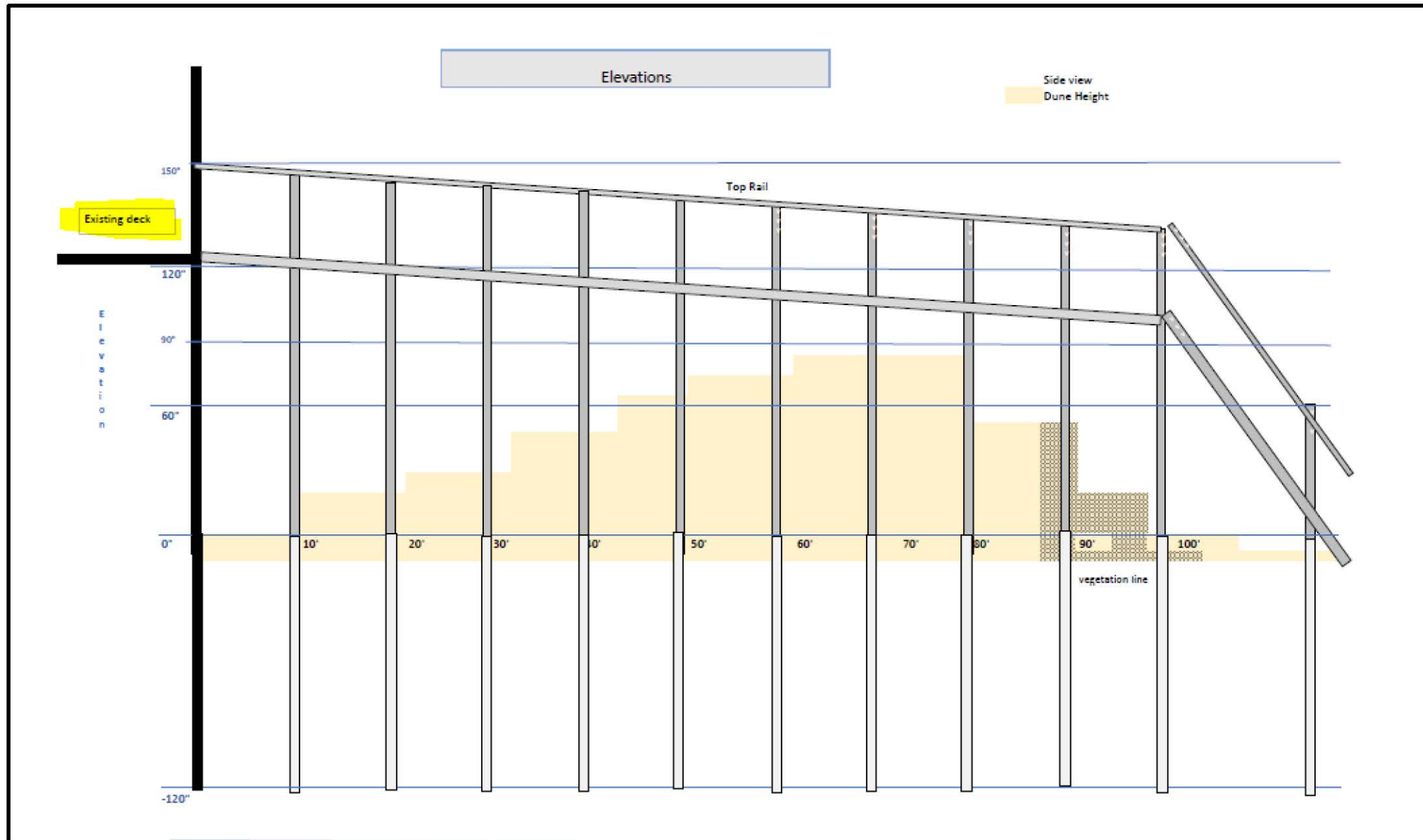
Staff Analysis and Findings

3. A dune walkover shall be constructed to the following standards:
 - A. There shall be no more than one (1) dune walkover per parcel.
 - B. Dune walkovers shall begin at the existing ground level elevation of the principal landward structure.
 - C. The maximum width of the dune walkover structure shall be no more than four (4) feet for single family/two family structures and no more than six (6) feet for multiple family/commercial/public structures. Maximum widths shall be applicable to all sections of the dune walkover structure, including but not limited to steps, ramps, landings and decks.
 - D. The elevation from the bottom of floor joists of the dune walkover shall be no less than one (1) foot and no more than three (3) feet above the maximum elevation of the dune system being traversed.
 - E. No vertical or horizontal structures shall be allowed above thirty-eight (38) inches from the walking surface, i.e., roofs, walls, pergolas, etc.
 - F. Handrails, if any, shall be no higher than thirty-six (36) to thirty-eight (38) inches above the walking surface for Single- and Two-Family Dwellings.
 - G. The dune walkover shall terminate ten (10) feet seaward of the vegetative line of the dune.
 - H. The location and length of the dune walkover is to be coordinated through and approved by the delegated authority of the Alabama Department of Environmental Management (ADEM) and the U.S. Fish and Wildlife Service.
 - I. No lighting shall be utilized on a dune walkover.

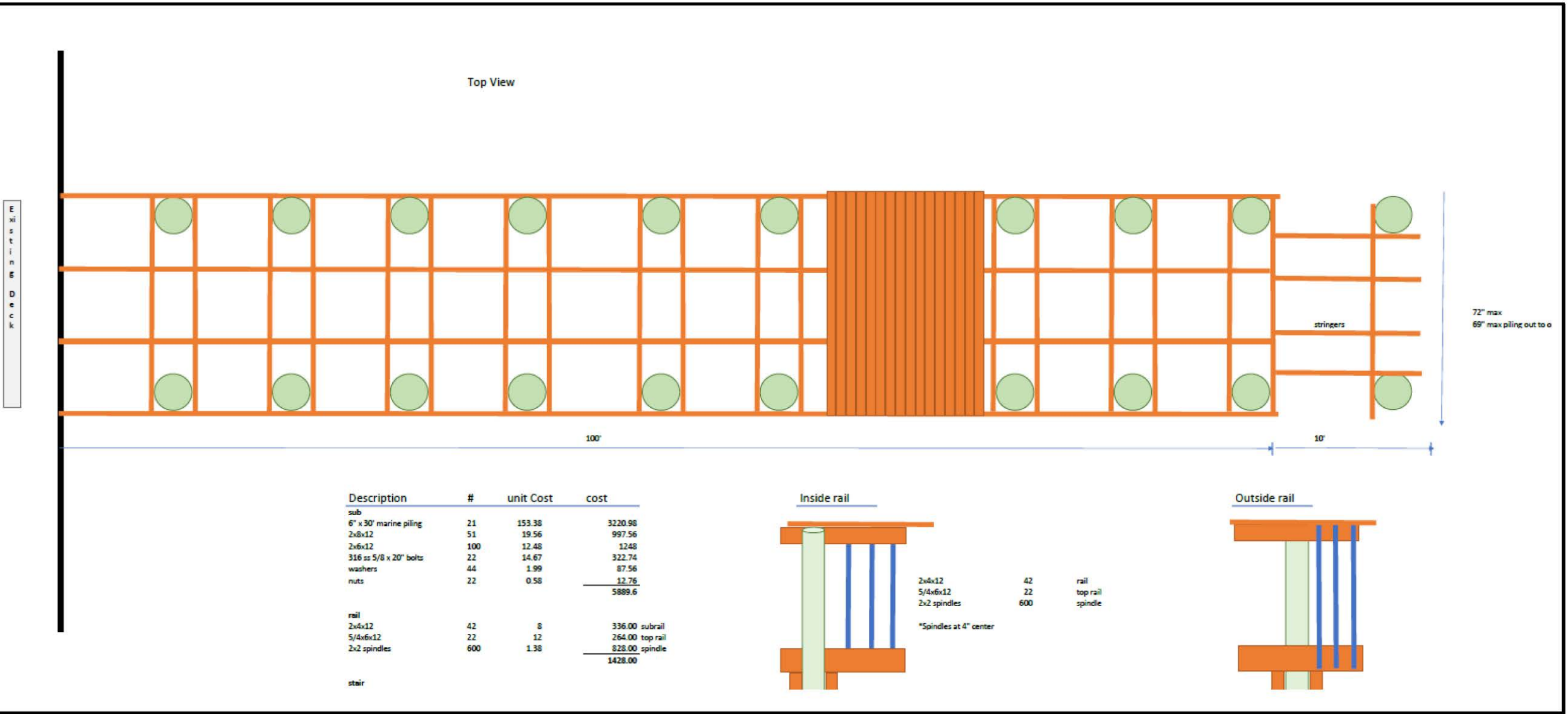
Site Plan



Elevation Plan



Construction Plan



USFW & Coastal Documents

BCCAP

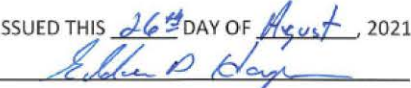
BALDWIN COUNTY COASTAL AREA PROGRAM

COASTAL AREA MANAGEMENT PROGRAM NON-REGULATED USE PERMIT

USE TYPE: Residential Dune Walkover
PERMITEE: Kerry Raynor
PERMIT NUMBER: BCCAP 20-009
PROJECT LOCATION: 2340 Ponce De Leon Ct, Gulf Shores
Fort Morgan Peninsula, Baldwin County, AL
Parcel # 05-69-08-01-0-004-057.000
PPIN # 22769
PROJECT DESCRIPTION: Construction of a Residential Dune Walkover

In accordance with and subject to the provisions of CODE of Alabama 1975, Section 9-7-10 et. Seq. and Section 22-22A-1 et. Seq. rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the permittee described in this permit is hereby authorized to conduct the above referenced activities.

CONSTRUCTION AUTHORIZED BY THIS PERMIT SHALL BE COMPLETED WITHIN 3 YEARS FROM THE DATE OF ISSUANCE.

ISSUED THIS 26th DAY OF August, 2021

BALDWIN COUNTY COASTAL AREA PROGRAM

From: Lynn, William <william.lynn@fws.gov>
Sent: Tuesday, August 3, 2021 7:34 AM
To: Janie Joiner <Janie.Joiner@baldwincountyal.gov>
Cc: Raynor, Kerry <kerry.raynor@eyonik.com>
Subject: Fw: [EXTERNAL] Dune Walk approval

[Email from external Sender]

Janie,

I have no concerns with Mr. Raynor's attached plan to construct this boardwalk after sea turtle nesting season ends if it meets all State of Alabama and Baldwin County Regulations.

Thanks,

Bill

Bill Lynn
Certified Wildlife Biologist
Alabama ES Field Office
1208B Main Street
Daphne, AL 36526
251-331-2920 Cell
251-441-5868 Office
251-441-6222 Fax
<http://www.fws.gov/daphne/>

OUR VISION: "Together, we will connect lands and waters to sustain fish, wildlife and plants by being visionary leaders, bold innovators and trusted partners, v

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

Miscellaneous Documents

Permit Number: BCCAP 20-009
Address: 2340 Ponce De Leon Ct, Gulf Shores
Owner: Kerry Raynor

SPECIFIC PERMIT CONDITIONS

1. The activities authorized by this permit are limited to those normal and customary to the construction of a Residential Dune Walkover on the property described on the survey dated July 23, 2021 and received by the Baldwin County Coastal Area Program on August 4, 2021.
2. The permittee bears full responsibility for the accurate determination of the location of the Construction Control Line (CCL) and the location of all structures on the property specified in this permit, and may be subject to administrative action for the construction of any structure not in conformance with Specific Condition # 1 and any structures seaward of the CCL.
3. The permittee shall obtain a permit modification from the Baldwin County Coastal Area Program prior to making any changes to the project depicted on the site plan cited in Specific Permit Condition # 1 above. Changes requiring a permit modification include, but are not limited to, a change in the number, footprint or location of structures, including roads, parking areas, habitable structures, swimming pools, decks, gazebos or other similar structures, a change in the number, boundaries, and designated buildable space of any subdivisions or sub-parcels, or any other similar changes. An application for a permit modification may require the submission of additional information and/or a new permit application, and additional fees may also be required.
4. Should cultural resources be encountered during project activities, all construction activities must cease and the permittee shall contact the Baldwin County Coastal Area Program and the Alabama Historical Commission immediately. This condition should be placed on the construction plans to ensure contractors are aware of it (see attached letter from Alabama Historical Commission).
5. During construction activities, a copy of this permit must be kept on site at all times and must be made available for inspection by the Baldwin County Coastal Area Program or its representative upon request.

GENERAL PERMIT CONDITIONS

1. This permit is conditioned upon continued compliance with the Baldwin County Coastal Area Program.
2. No construction materials or debris may be stored or placed seaward of the Construction Control Line (CCL).
3. No sand shall be removed from the construction site. Any excess sand shall be placed in areas designated by the Baldwin County Coastal Area Program and/or its contractor.
4. Unless specifically authorized by this permit, no equipment shall be operated seaward of the CCL except that essential to the construction of dune walkovers, and pumping water to set pilings. All runoff water from the jetting of pilings shall be directed and contained landward of the CCL. The permittee shall restore any disturbed areas seaward of the CCL and outside the "footprint" of construction to pre-project conditions. All restoration work is subject to review and approval by the Baldwin County Coastal Area Program and/or its contractor.

Permit Number: BCCAP 20-009
Address: 2340 Ponce De Leon Ct, Gulf Shores
Owner: Kerry Raynor

5. This permit does not relieve the applicant or permittee of the responsibility to comply with all applicable federal, state, county laws, rules, or ordinances nor to obtain any other licenses or permits which may be required thereby.
6. The permittee shall provide the Baldwin County Coastal Area Program or its contractors written notice of the start and completion of construction within thirty (30) days of the beginning and ending of construction, respectively. Notification of completion shall include a certification that all activities have been performed in compliance with the approved project plans and all conditions et forth herein.
7. Any fill materials used in undertaking the activities authorized by this permit shall be free of construction debris, rocks, or other foreign matter and shall consist of sand which is similar to that existing on the site in both coloration and grain size. No clay materials may be used unless specifically approved by the Baldwin County Coastal Area Program or its contractor.
8. The permittee shall allow any duly authorized employee of the Baldwin County Coastal Area Program or its contractors, or Attorney General or District Attorney to enter upon the premises associated with the project authorized by this permit for the purposes of ascertaining compliance with the terms and conditions of the permit and with the rules and regulations of the Baldwin County Coastal Area Program.
9. This permit does not authorize any activity or result therefrom not specified herein, nor does this permit convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorized any injury to persons or property or invasion of other rights or any infringement of federal, state, or local laws or regulations.
10. This permit is not transferrable without prior written notice and approval of the Baldwin County Coastal Area Program. Upon such notice, the Director may require the submission of additional information and/or a new permit application and additional fees may be required.
11. The permittee shall make all reasonable attempts to control "free-roaming" cats and provide enclosed containers for refuse on the project site.
12. The permittee shall not commence construction of any house, building, or other structures until the permittee has received a building permit from the appropriate local or county authority responsible for implementation of the National Flood Insurance Act of 1968, as amended, and regulations adopted thereunder.
13. The construction activities authorized by this permit shall commence within twelve (12) months of the date of issuance and shall be completed within thirty-six (36) months of the date of issuance of this permit. The permittee may request extensions by providing written notice to the Baldwin County Coastal Area Program within sixty (60) days prior to the time limitations specified above. Upon such notice, the Director may require the submission of additional information and/or a new permit application and additional fees may be required.

Miscellaneous Documents

Fort Morgan Advisory Committee Recommendations

Paula,

The Fort Morgan Planning and Zoning Advisory Committee met this morning

All 5 members were present. Four in person and one via written proxy

Here are the results ,with comments as required, of this meeting

Case ZVA22-38 DENIED 5-0

This request was for a Dune walkover

It was presented in a manner making it difficult to determine if this was to originate at deck level

It was put on a temporary hold until that was verified

Upon verification that this was for a deck height ramp all members strongly opposed this variance

A homeowner near this location also spoke in objection

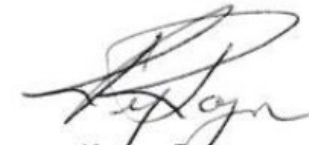
Case ZVA22-39 DENIED 5-0

This request was for an exception to building height in new construction

After a personal inspection of this property, exception is taken to the POA letter as well

No reason was presented other than personal preference

There are no active associations.



Kerry Raynor

2340 Ponce Deleon Ct

Gulf Shores 36542

Staff Analysis and Findings

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 has a rectangular shape. The property is developed with a single-family dwelling. The lot dimensions are approximately 70' x 374' per the Revenue Commission records. This is an approximate lot area of 26,136 square feet. The proposed addition is over an existing deck. Therefore, staff feels the property does not meet this standard.

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

Staff could not establish any exceptional topographic conditions or other extraordinary situations, or conditions contained on the subject property 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 property is already developed with a single-family dwelling. A wider and taller dune walkover is more of a convenience to the owner. As the property is currently developed, staff believes the granting of this variance is not necessary to preserve a property right.

Staff Analysis and Findings

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.

In the past we have had complaints about dune walkovers being too high and coming out too far. That is why we added the dune walkover regulations to the County Zoning Ordinance.

5.) Other matters which may be appropriate.

The dune walkover requirements were adopted by the County Commission on October 15, 2019. There are numerous dune walkovers that do not meet the Zoning Ordinance because the County didn't start enforcing dune walkover until the end of 2019.

ZVA22-38 R & R BEACH HOUSE RENTAL

VARIANCE REQUEST

Lead Staff: Celena Boykin, Senior Planner

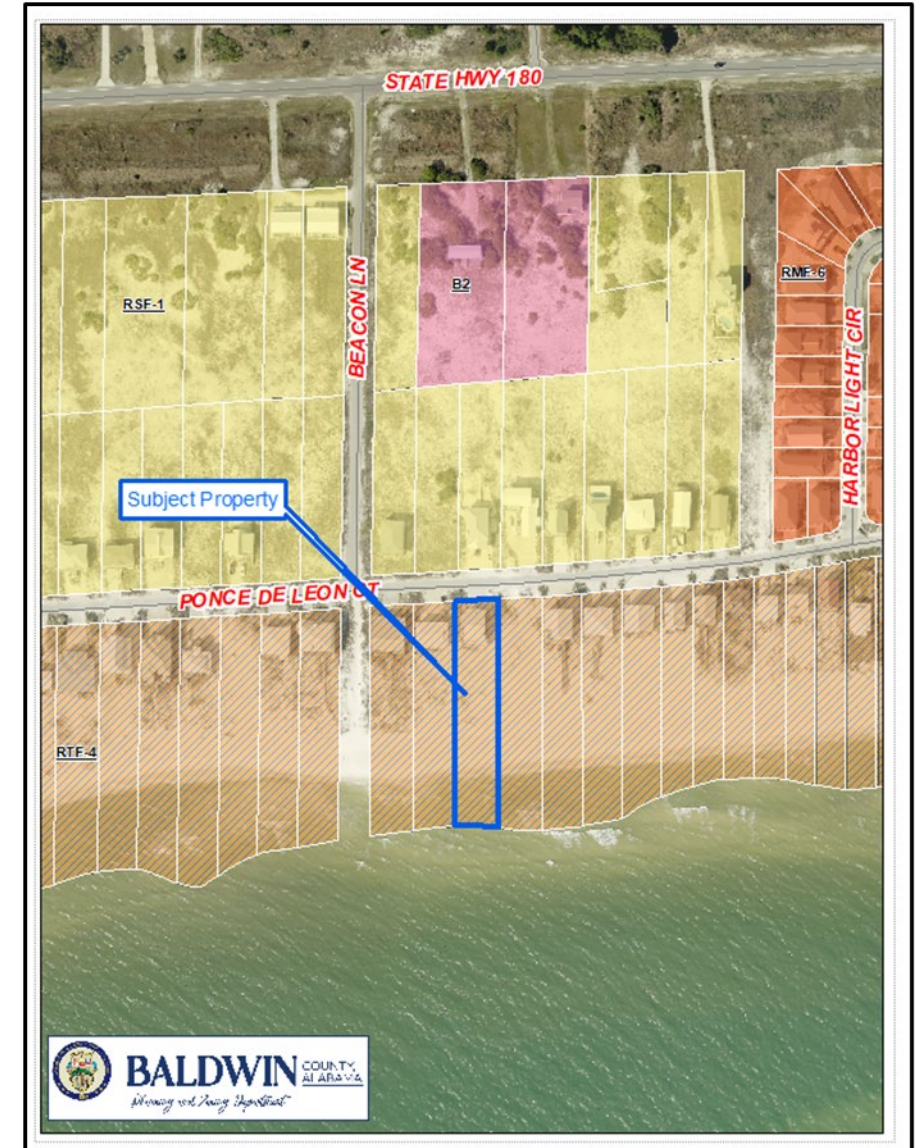
The applicant is requesting a variance from section 2.3.25.3(f)3 of the Baldwin County Zoning Ordinance to allow for the construction of a dune walkover that exceeds allowed width, the height over dunes, and not starting at ground level.

Staff feels there is no hardship on the land and recommends Case ZVA22-38 be **Denied** unless information otherwise is revealed 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 conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.



ZVA22-39 NEWCOMB PROPERTY

VARIANCE REQUEST

Lead Staff: Paula Bonner, Planning Technician

- **Planning District:** 25 **Zoned:** RSF-1
- **Location:** Subject property is located on the south side of Sea Shell Drive east of Surfside Drive in the Fort Morgan area.
- **PID:** 05-68-09-30-0-001-190.001
- **Acreage:** 0.54 +/-
- **Physical Address:** 6904 Sea Shell Drive
- **Applicant:** McCurley & Associates, LLC
- **Owner:** Jeff Newcomb



ZVA22-39 NEWCOMB PROPERTY

VARIANCE REQUEST

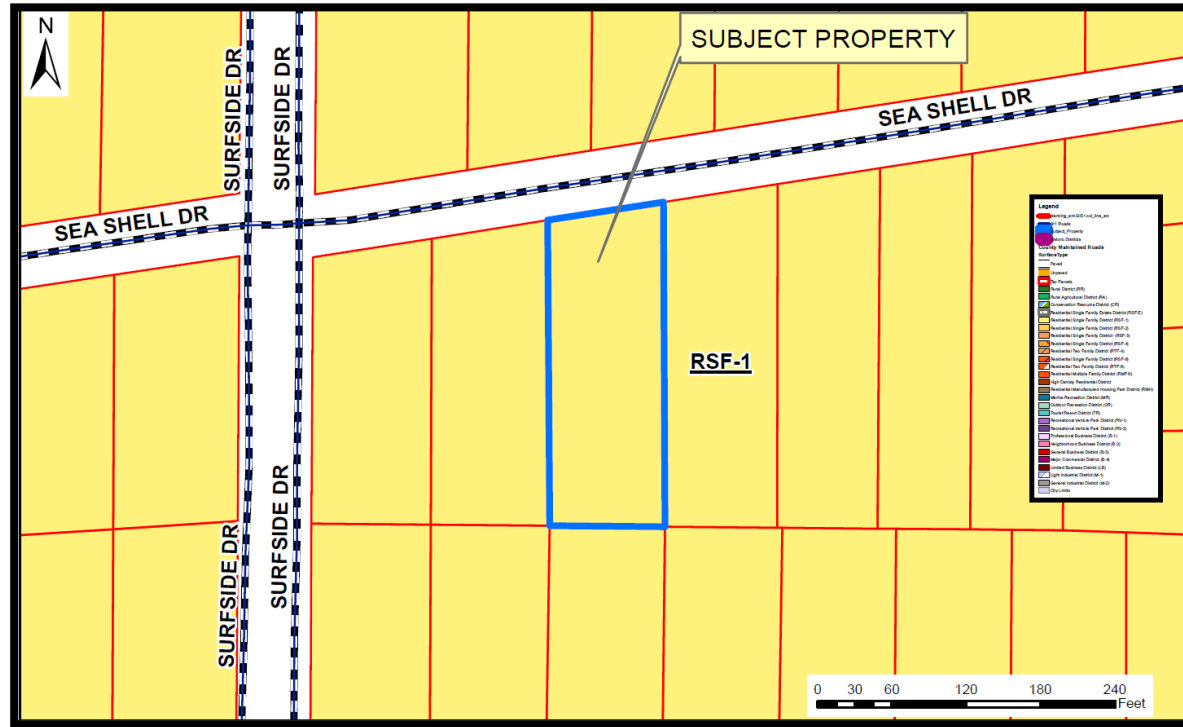
Lead Staff: Paula Bonner, Planning Technician

The applicant is requesting a variance from the **maximum height requirement** to allow for the construction of a single-family dwelling.

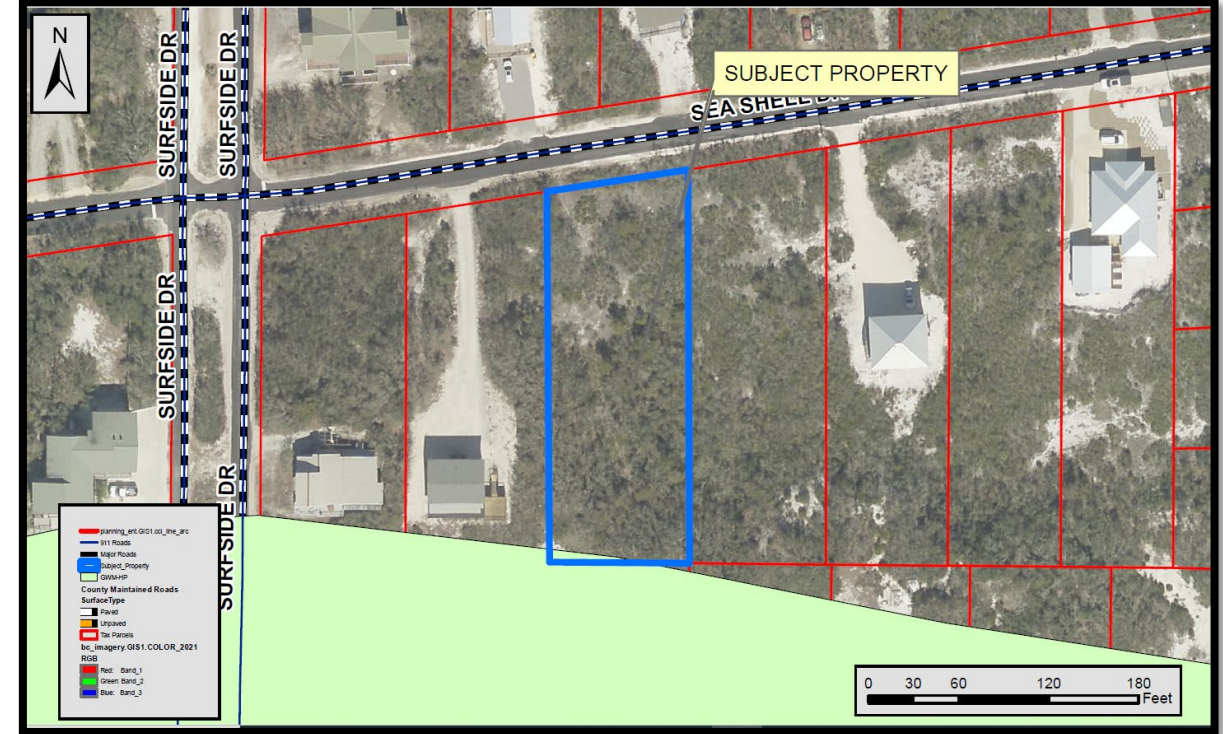
Staff could not establish a hardship on the property therefore recommends Case ZVA22-39 be **Denied** unless information otherwise is revealed at the public hearing.



Locator Map



Site Map



Adjacent Zoning

North

RSF-1 Single Family District

South

RSF-1 Single Family District

East

RSF-1 Single Family District

West

RSF-1 Single Family District

Adjacent Land Use

Residential

Residential

Vacant

Residential

Property Images



Property Images



Property Images



Property Images



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Property Images



Staff Analysis and Findings

4.9.5 *Area and dimensional ordinances (single family and two family).* 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 18.4 *Variances*, and Article 20: *Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
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	6 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

- (e) The maximum height of single family and two-family structures shall be limited to two (2) habitable stories.

Staff Analysis and Findings

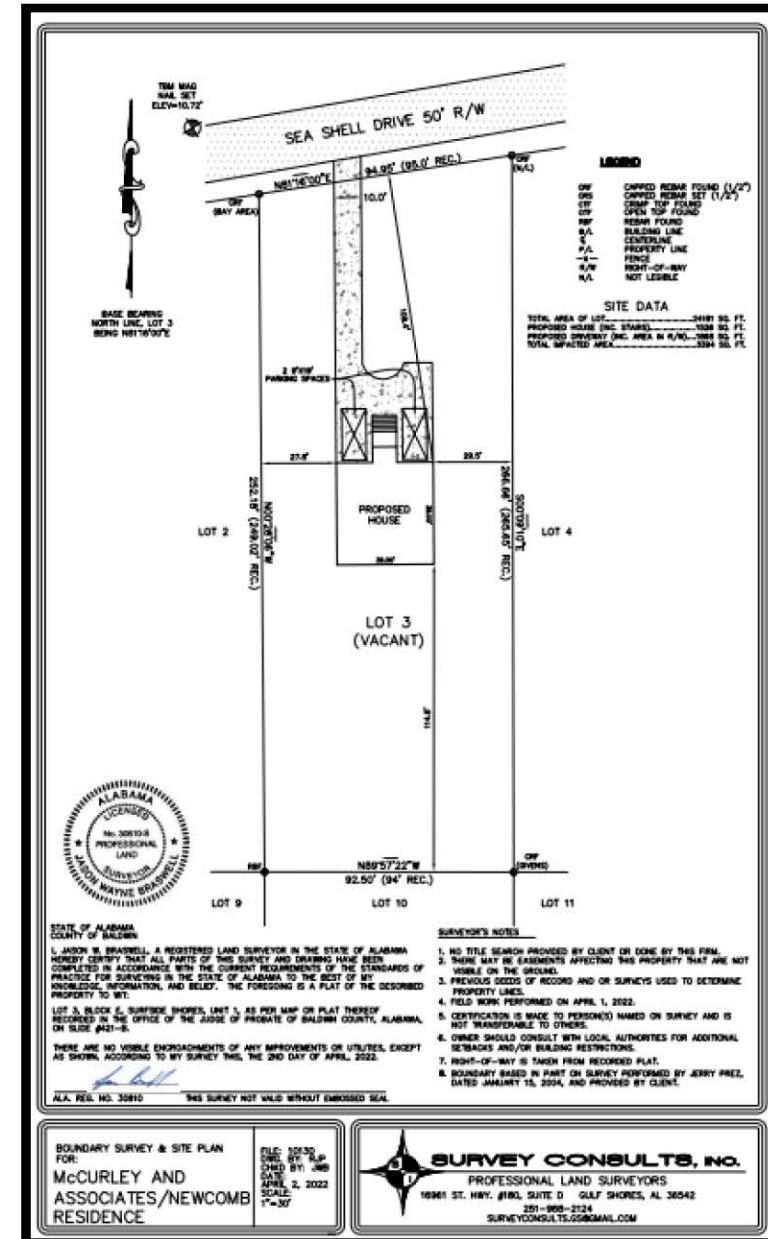
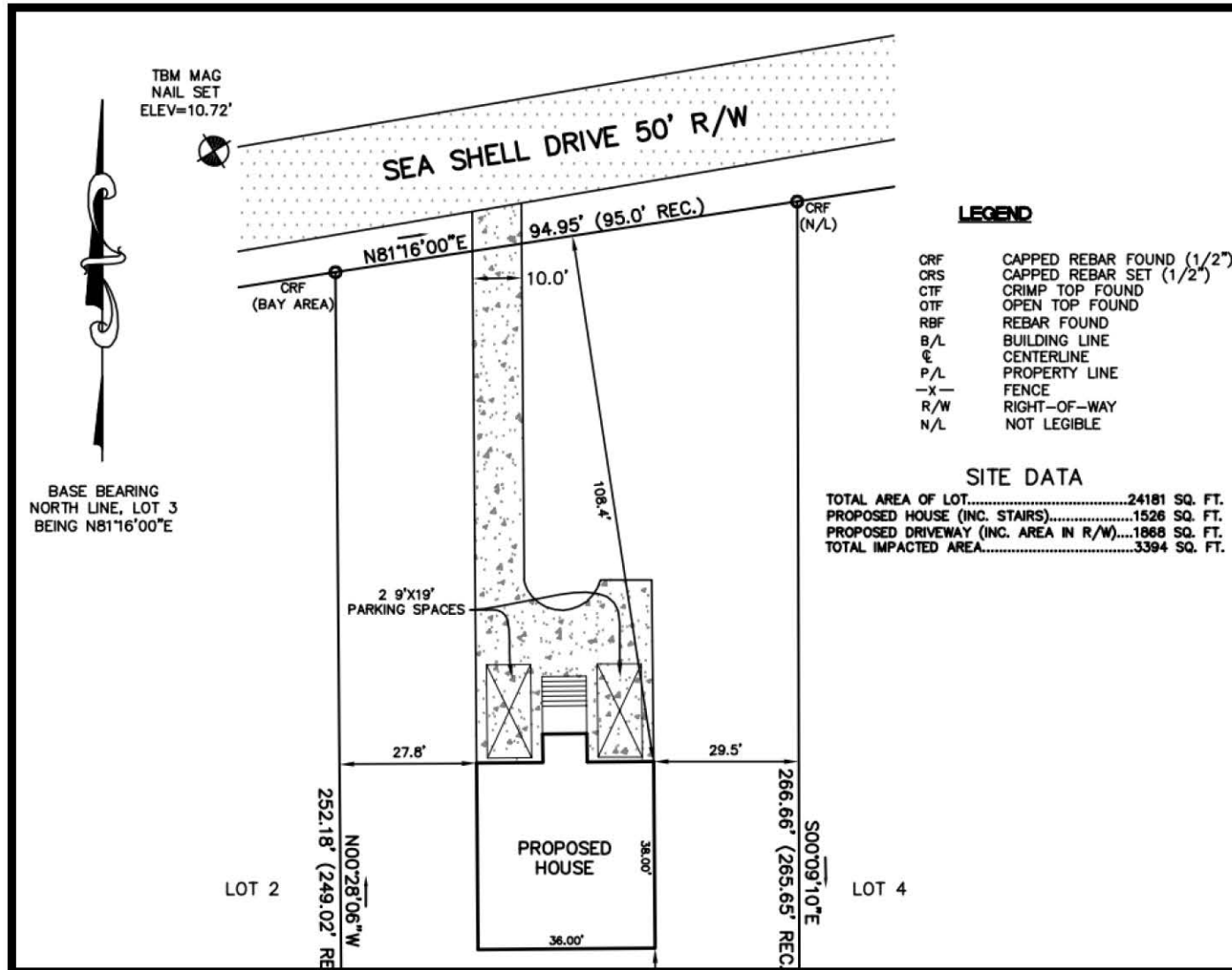
Article 22 Definitions

Section 22.2 Words and Terms Defined

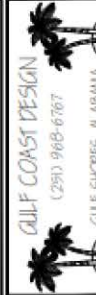
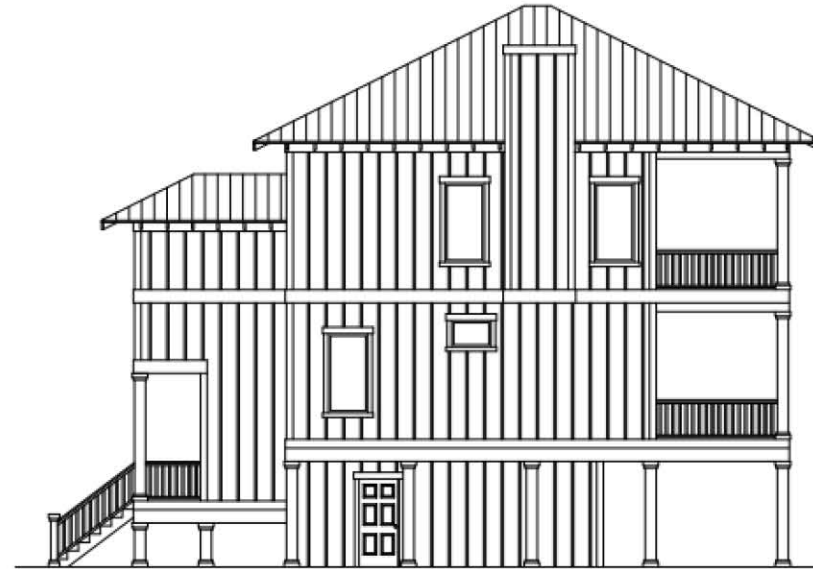
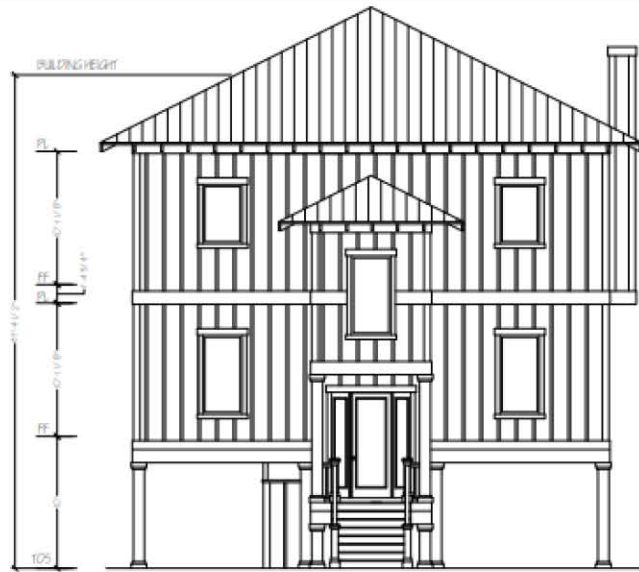
As used in these ordinances, the following words and terms shall have the meaning defined:

Building height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs. In A-zones building height will be measured from the finished floor elevation. In V-zones building height will be measured from the bottom of the lowest supporting girder.

Site Plan



Proposed Elevations



GULF COAST DESIGN
(251) 968-6767
GULF SHORES, ALABAMA

The NEWCOMB RESIDENCE
FORT MORGAN, ALABAMA

DATE:
2025

REV:
11/9/20

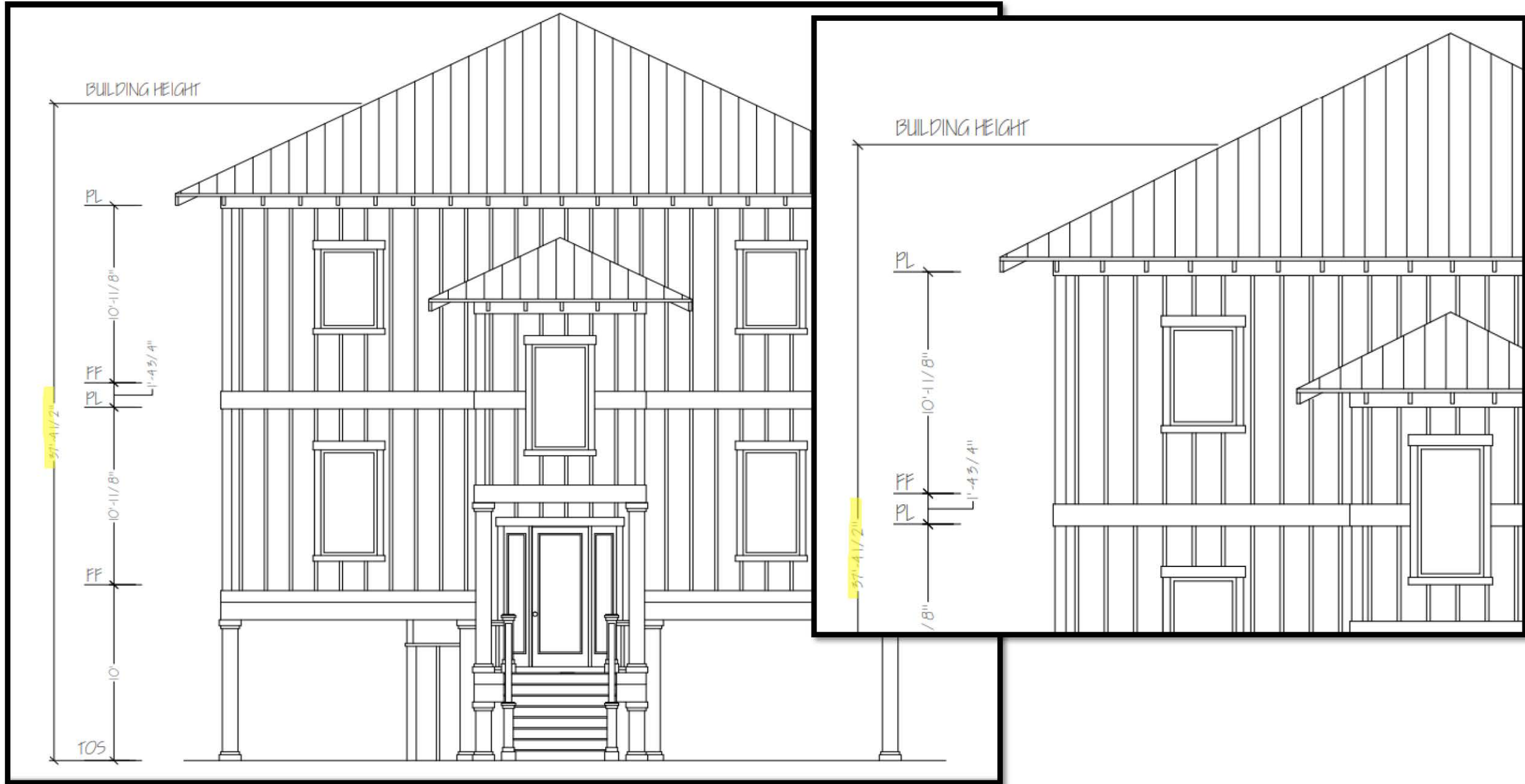
SCALE:
1/4" = 1'-0"

REVISION:

SHEET NO.:


A6
OF
A6

Proposed Elevations



Miscellaneous Documents

Page 1 of 7



NATIVE ENDANGERED SP. HABITAT CONSERVATION PLAN

Permit Number: ES56449D

Version Number: 0

Effective: 2021-11-15 **Expires:** 2071-11-15

Issuing Office:
Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
ES Atlanta Permit Office
1875 Century Boulevard
Atlanta, Georgia 30345
permitsR4ES@fws.gov

WILLIAM PEARSON

Field Supervisor, Alabama Ecological Services Field Office, Daphne, Alabama

Digitally signed by
WILLIAM PEARSON
Date: 2021.11.12
13:58:21 -06'00'

Permittee:
Mary K Newcomb
712 Cleermont Drive SE
Huntsville, AL 35801
US

Authority: Statutes and Regulations: 16 U.S.C. 1539 (a) 50 CFR 17.22, 50 CFR 13

Location where authorized activity may be conducted:

Lot 3, Block E, is located at 6904 Sea Shell Dr., Gulf Shores, Alabama or Parcel ID # 05-68-09-30-0-001-190.001 (Tax Pin 15859).

Reporting requirements:

Reports will be provided to the U.S. Fish and Wildlife office appearing in Condition K of this Permit.

Authorizations and Conditions:

A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.

THIS PERMIT CONSISTS OF CONDITIONS A - K (5 PAGES TOTAL) AND TWO APPENDICES (2 PAGES TOTAL).

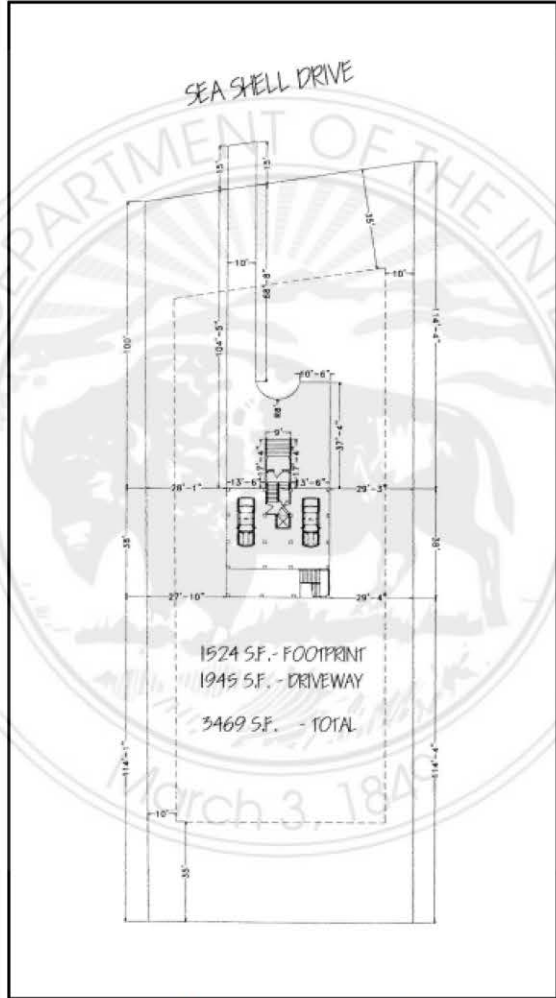
Page 6 of 7

Mary K. Newcomb
712 Cleermont Dr. SE
Huntsville, AL 35801
Telephone: 719-491-0859

ES56449D-0

APPENDIX PAGE 1

SEA SHELL DRIVE



1524 SF. - FOOTPRINT
1945 SF. - DRIVEWAY
3469 SF. - TOTAL

Total Impacts: 3,469 square feet

Miscellaneous Documents

Fort Morgan Advisory Committee Recommendations

The Fort Morgan Planning and Zoning Advisory Committee met this morning

All 5 members were present. Four in person and one via written proxy

Here are the results ,with comments as required, of this meeting

Case ZVA22-39 DENIED 5-0

This request was for an exception to building height in new construction

After a personal inspection of this property, exception is taken to the POA letter as well

No reason was presented other than personal preference

All members were in strong opposition to this variance request

Miscellaneous Documents

Surfside Shores POA

May 3, 2022

This letter serves as a building covenant review for 6904 Sea Shell in the Surfside Shores Subdivision. After review of elevations and site plan for this residence, I can see no conflicts with our covenants or building regulations. The 37 foot height will not interfere with line of sight from adjacent properties any more than a 35 foot height would.

It is the opinion of the POA that a variance be granted for this issue.

Sincerely

Dr. Joel Nickles

Verified by pdfFiller

Dr. Joel Nickles

05/03/2022

President

Miscellaneous Documents

From: John Voychick <voychinvestments@gmail.com>

Sent: Thursday, May 26, 2022 3:16 PM

To: Planning <Planning@baldwincountyal.gov>

Subject: Zva22-000039

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I received a notice that the property being build behind mind is asking to waive the maximum height requirement.

I do not want to allow this.

I own a property with a pool just behind it and there is a bluff for privacy. If the variance is allowed, this will directly impact my dwelling in a negative way.

Please let me know what will happen

John Voychick

Miscellaneous Documents

June 01, 2022

Faxed To: 251-972-8520

From: John Marshall
6876 Sea Shell Drive
Gulf Shores, AL 36542
662-378-9180


To: Planning and Zoning Board of Adjustment Number 2
Re: CASE NUMBER: ZVA22-000039 - 6904 Sea Shell Drive

Board Members,

I am not sure why a height variance is needed. Since construction has not started it seems the architect/builder could easily make the house conform to the 35 foot height requirement.

I will be unable to attend the hearing to learn the reason for the request. Without more information I will leave it to the Board to determine if there is a compelling reason to exceed the 35 foot height limit.

Cordially,

A handwritten signature in black ink, appearing to read "John Marshall". The signature is written in a cursive, flowing style. A long, thin vertical line extends downwards from the left side of the signature, possibly indicating a signature strip or a correction.

Staff Analysis and Findings

1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.

Per Revenue the subject property is Lot 3 Block E Unit 1 Surfside Shores and was recorded with the Baldwin County Judge of Probate on June 12, 1962. Planning District 25 came into effect on November 16, 1993. Per the survey submitted by the applicant the parcel consists of approximately 24,181 square feet with approximately 94.95' along the front (Sea Shell Drive) lot line, approximately 252.18' along the west lot line, approximately 92.50' along the south lot line, and approximately 266.66' along the east lot line. The required minimum lot size for RSF-1 is 30,000 square feet with a 100' minimum lot width at building line, and a 50' minimum lot width at street line therefore staff does not perceive the subject parcel to be 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 could not establish exceptional topographic conditions or other extraordinary situations, or conditions contained on the subject property which require a variance.

Staff Analysis and Findings

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 RSF-1, Single Family District which allows for single-family dwellings. The applicant proposes to build a single-family dwelling on the subject property therefore **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.

Staff Analysis and Findings

5.) Other matters which may be appropriate.

- The applicant has submitted written **approval** of the variance request from the Surfside Shores **POA**.
- The Fort Morgan **Advisory Committee** has recommended **denial** of the variance request.
- We have received **two (2) letters** from neighboring property owners.

ZVA22-39 NEWCOMB PROPERTY

VARIANCE REQUEST

Lead Staff: Paula Bonner, Planning Technician

The applicant is requesting a variance from the maximum height requirement to allow for the construction of a single-family dwelling.

Staff could not establish a hardship on the property therefore recommends Case ZVA22-39 be **Denied** unless information otherwise is revealed 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 conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.

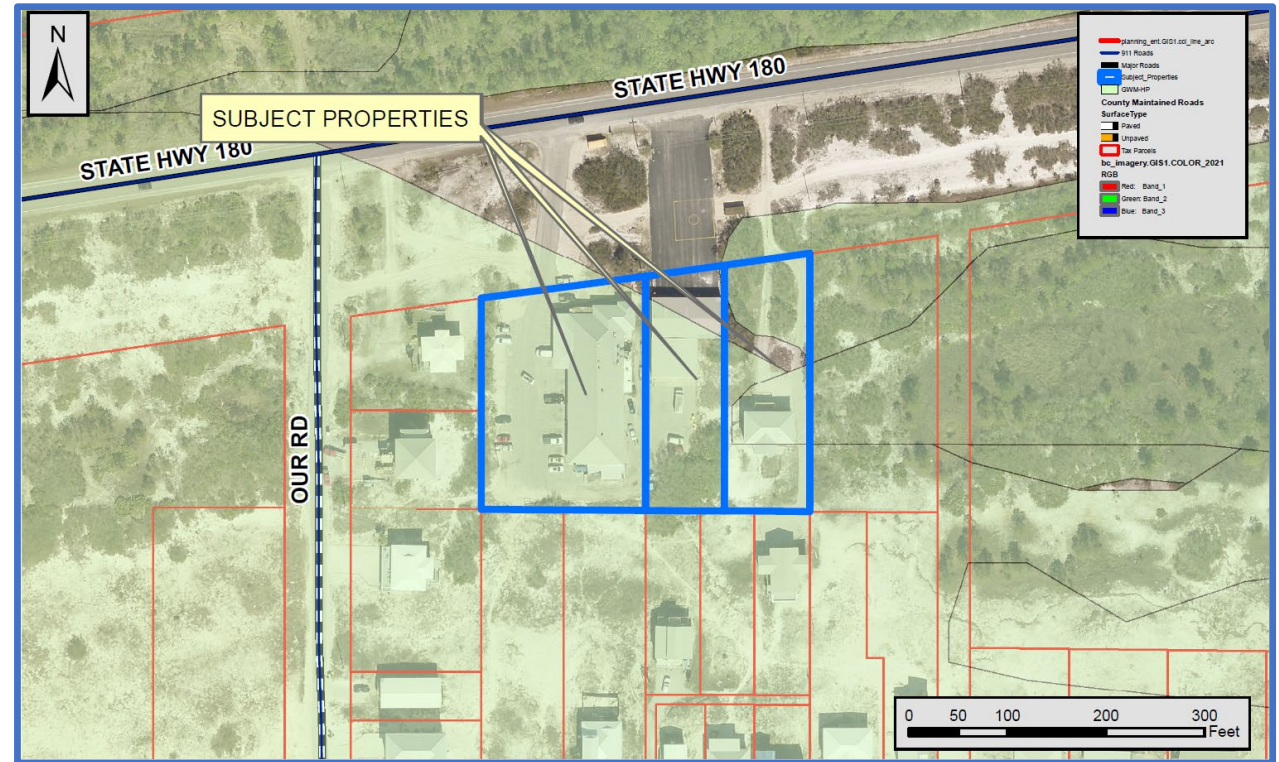


ZVA22-42 F DEVELOPMENT GROUP LLC

VARIANCE REQUEST

Lead Staff: DJ Hart, Planning Tech

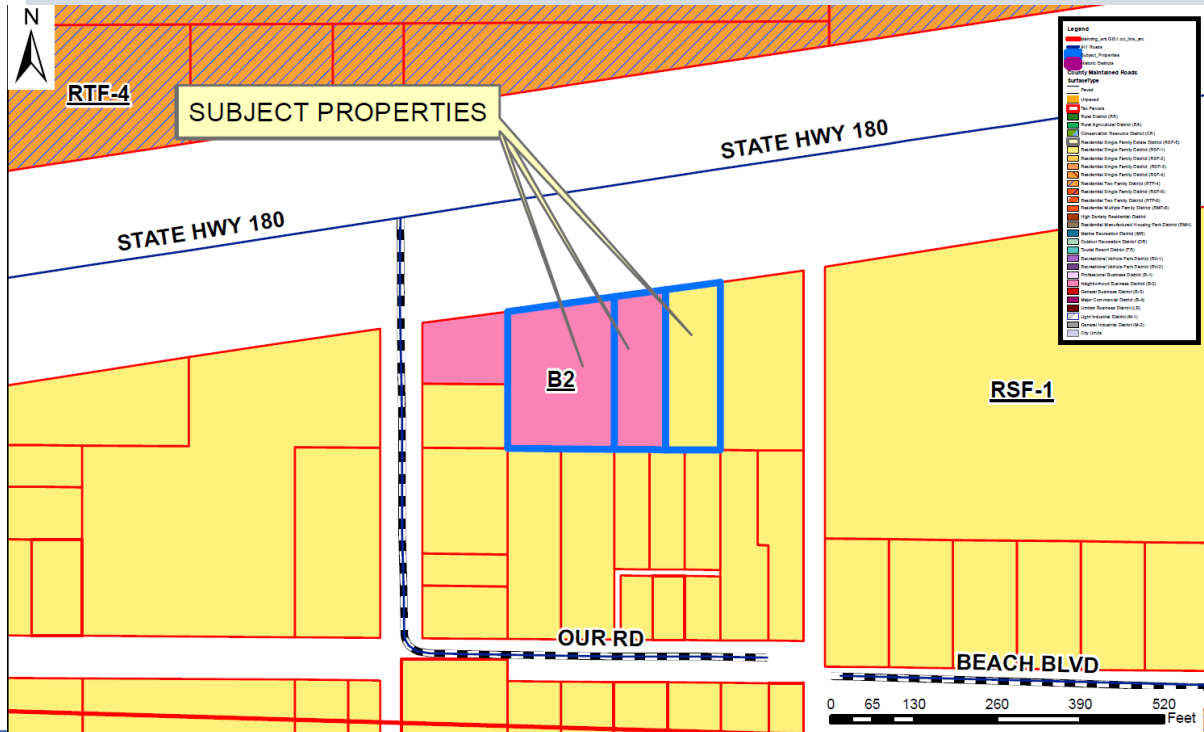
- **Planning District:** 25 **Zoned:** B-2 & RSF-1
- **Parcel Number:** 05-69-07-25-0-000-013.000, 05-69-07-25-0-000-014.000 & 4.001
- **Location:** The parcel is located on the south side of St Hwy 180, east of Our Road.
- **Acreage:** 1.81+/- acres
- **Physical Address:** 5160, 5180 & 5200 St Hwy 180 Gulf Shores, AL 36542
- **Applicant:** Walcott, Adams & Verneuille Architects
- **Owner:** F Development Group LLC



ZVA22-42 F DEVELOPMENT GROUP LLC

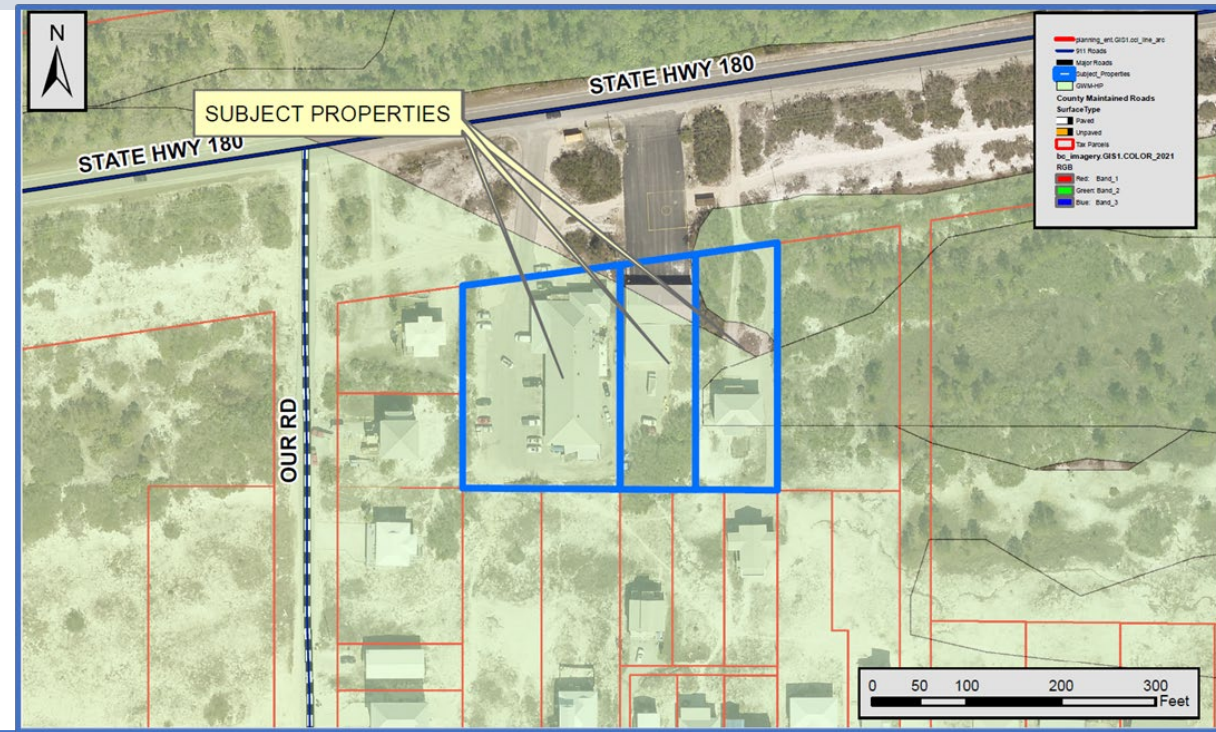
VARIANCE REQUEST

Lead Staff: DJ Hart, Planning Tech



Adjacent Zoning

North	RTF-4, Two Family District
South	RSF-1, Single-Family District
East	RSF-1, Single-Family District
West	RSF-1 and B-2, District



Adjacent Land Use

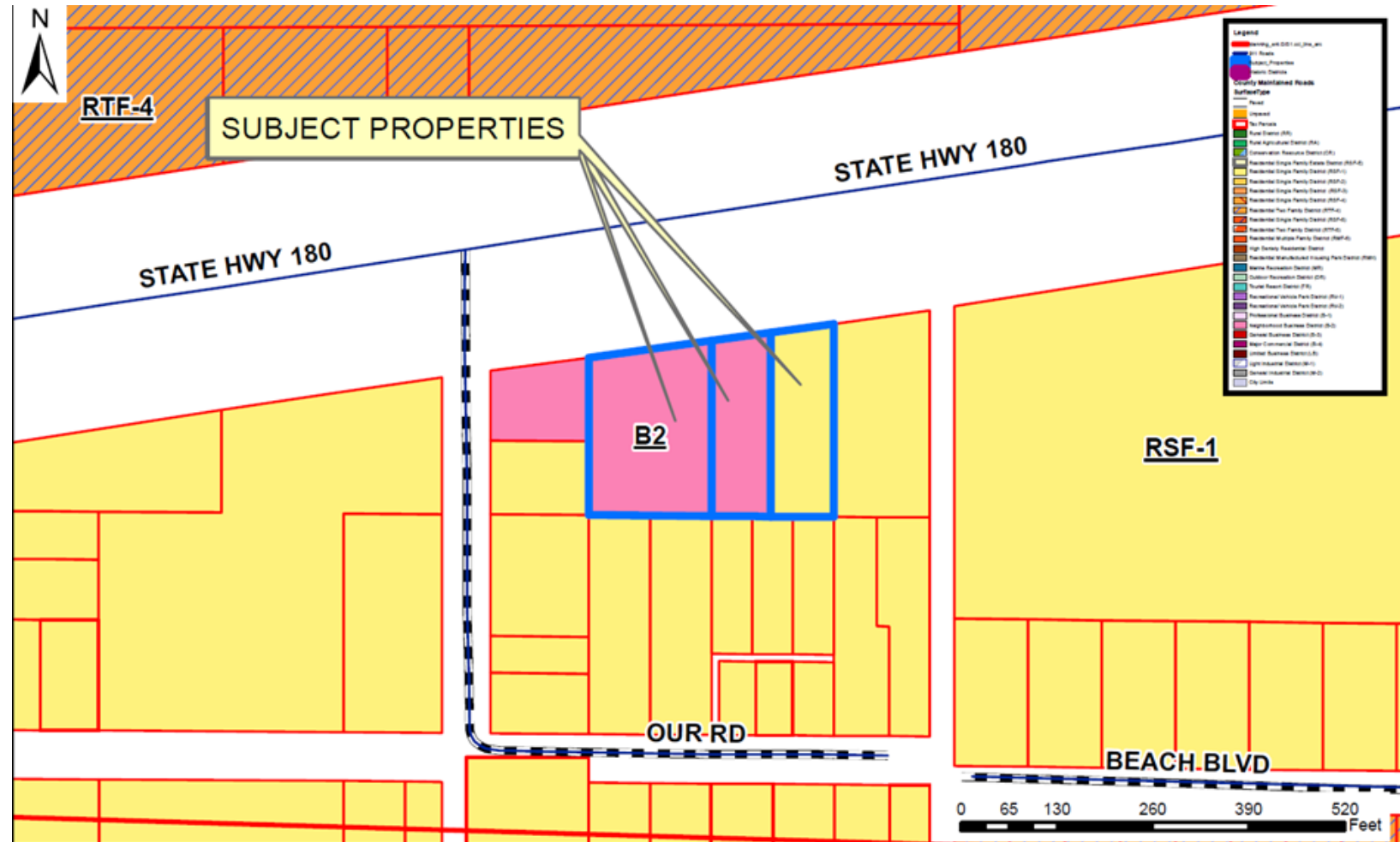
Vacant
Residential
Residential
Residential

ZVA22-42 F DEVELOPMENT GROUP LLC

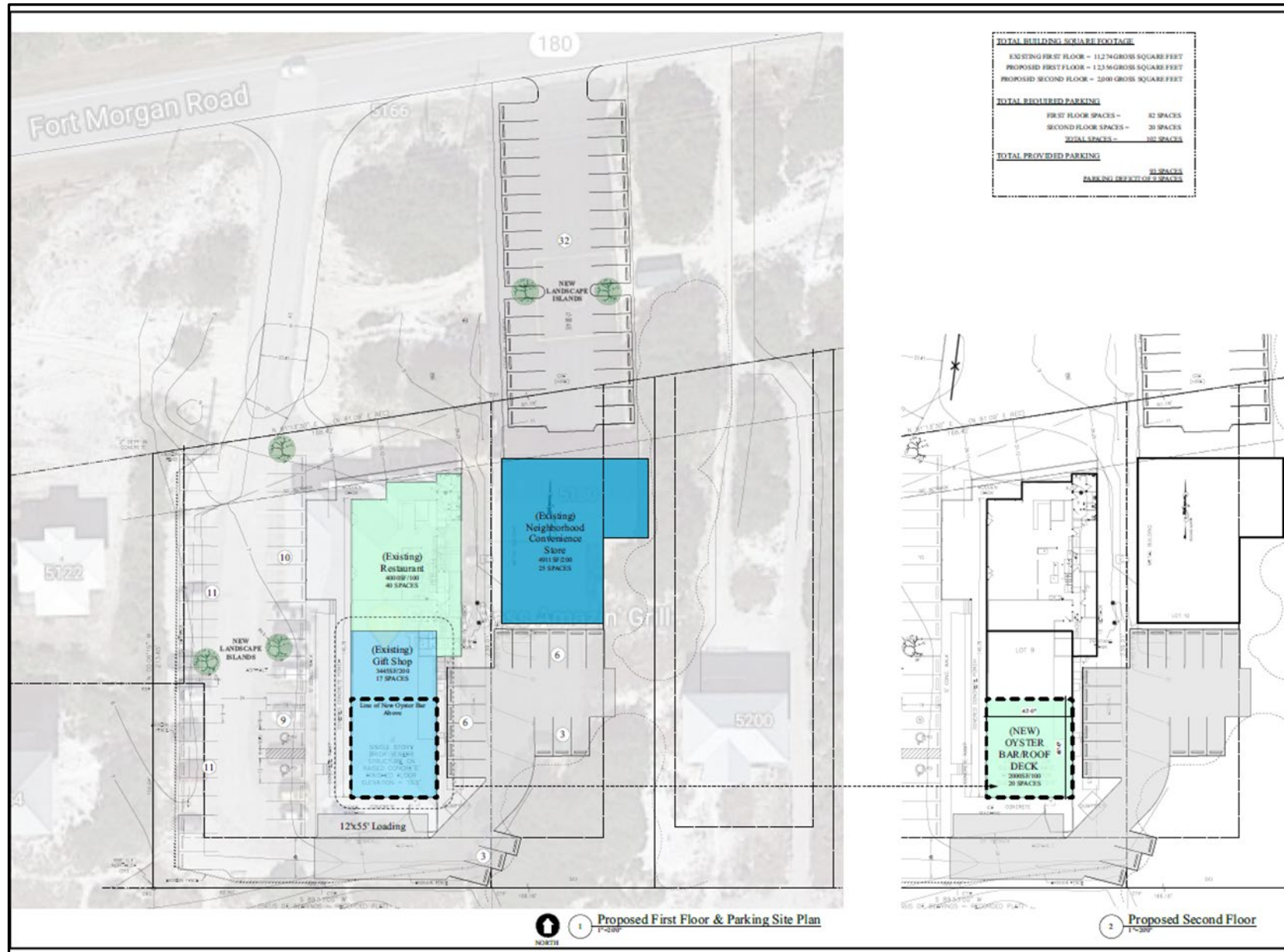
VARIANCE REQUEST

Lead Staff: DJ Hart, Planning Tech

The applicant is requesting a **variance** from the required number of parking spaces, the landscape buffer requirements and the off-street loading/unloading space requirement to allow an addition to an existing restaurant.



Site Plan



Variance Information:

The applicant is proposing 93 parking spaces instead of the required 102 spaces. They stated that this is sufficient for the use.

The required 25' buffer to the south and east would interfere with the beach mouse habitat.

The Zoning Ordinance requirement for loading and unloading space is 2 spaces, there is only room for one space in the area that is already paved. They stated that this is Sufficient for deliveries.

Property Images





Fort Morgan Advisory Committee Action

CASE ZVA-42 APPROVED 4-0(one member abstained due to direct conflict)

4 members of the community were present for this hearing

The Principal owner, 2 known community activists, and a property owner from Our Road

We received several inquiries after posting the meeting notice on Facebook
I had also personally spent about 1 1/2 hours on Sunday with the owner onsite

The property owner from Our Road was given all the time requested and expressed satisfaction
and agreement regarding this variance request.

Statement of Homeowners Association

May 18, 2022


Baldwin County Commission
Board of Adjustments
201 East Section Avenue
Foley, Alabama 36535


Re: Sassy Bass Variance Application
Property Owner's Association

To Whom it May Concern:

To the best of my knowledge there is not an active property owner's association, board or committee for the property at 5160 Hwy 180, Gulf Shores, Alabama and described as tax parcel ID# 05-69-07-25-0-000-013.000.

Sincerely,


Mark Frohlich
Owner, F Development Group, LLC


WALCOTT
ADAMS
VERNEUILLE
ARCHITECTS
One South School Street
Fairhope, AL 36532
251-928-6041
FAX 251-928-6045
www.wavarchitects.com

Staff Analysis and Findings

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 rectangular in shape and contains approximately 1.8 acres. The parcel exceeds the minimum lot area and lot width at building line requirements. Although the property meets the minimum lot area and lot width requirements for property zoned B-2, the presence of beach mouse habitat on the property has caused a hardship. Therefore, staff feels the property meets this standard.

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

The property has no topographic conditions that would restrict the requested use but, the beach mouse habitat causes a portion of the property to be unavailable for development. Therefore, staff believes the property does meet the extraordinary conditions standard.

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 proposed use is an addition to an existing restaurant. This use is allowed by right in the B-2 zoning designation and there is currently a restaurant operating on the parcel. Staff believes the granting of this variance is necessary to preserve a property right.

Staff Analysis and Findings

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.

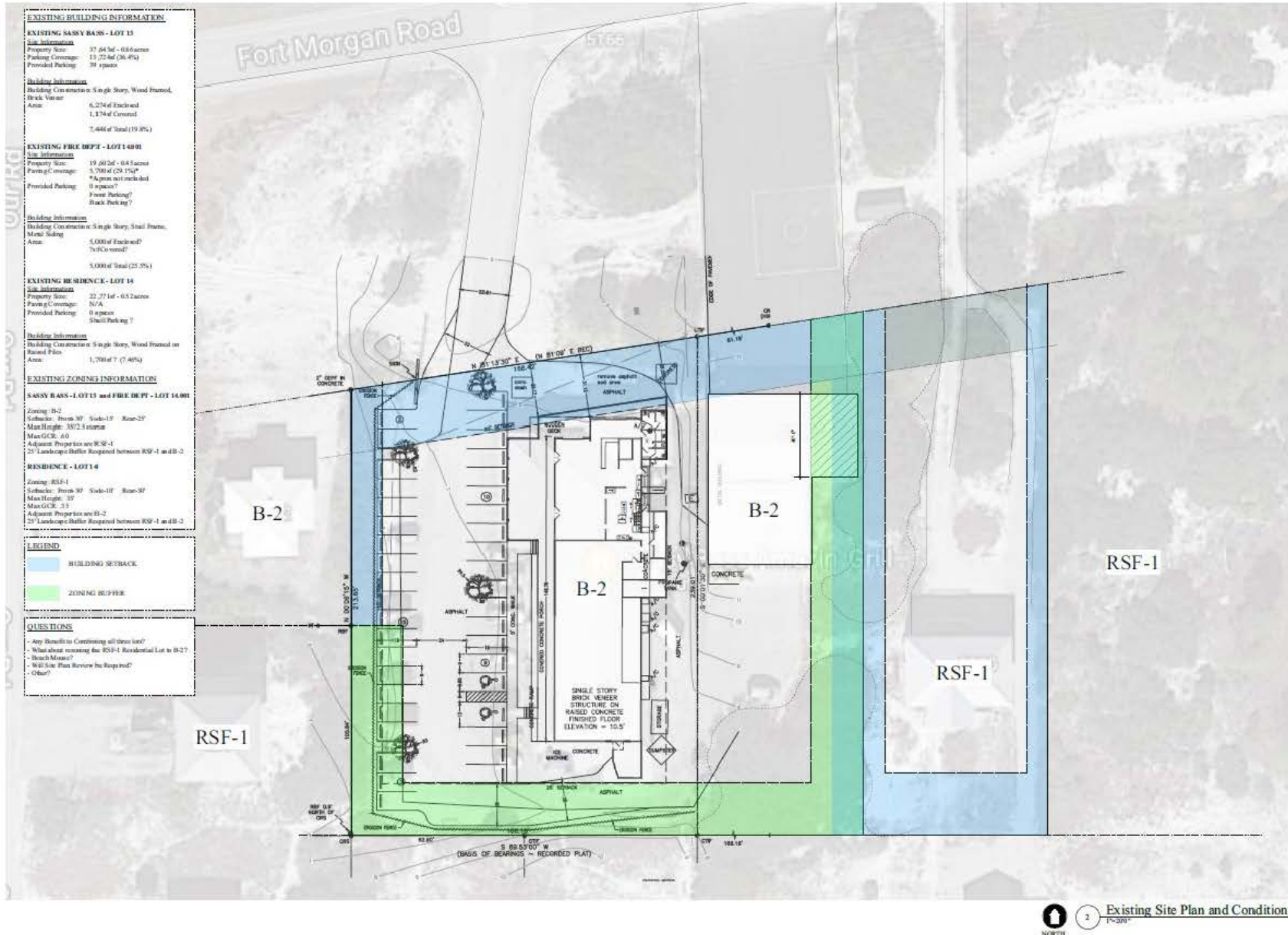
5.) Other matters which may be appropriate.

Please see information provided on the following slides.

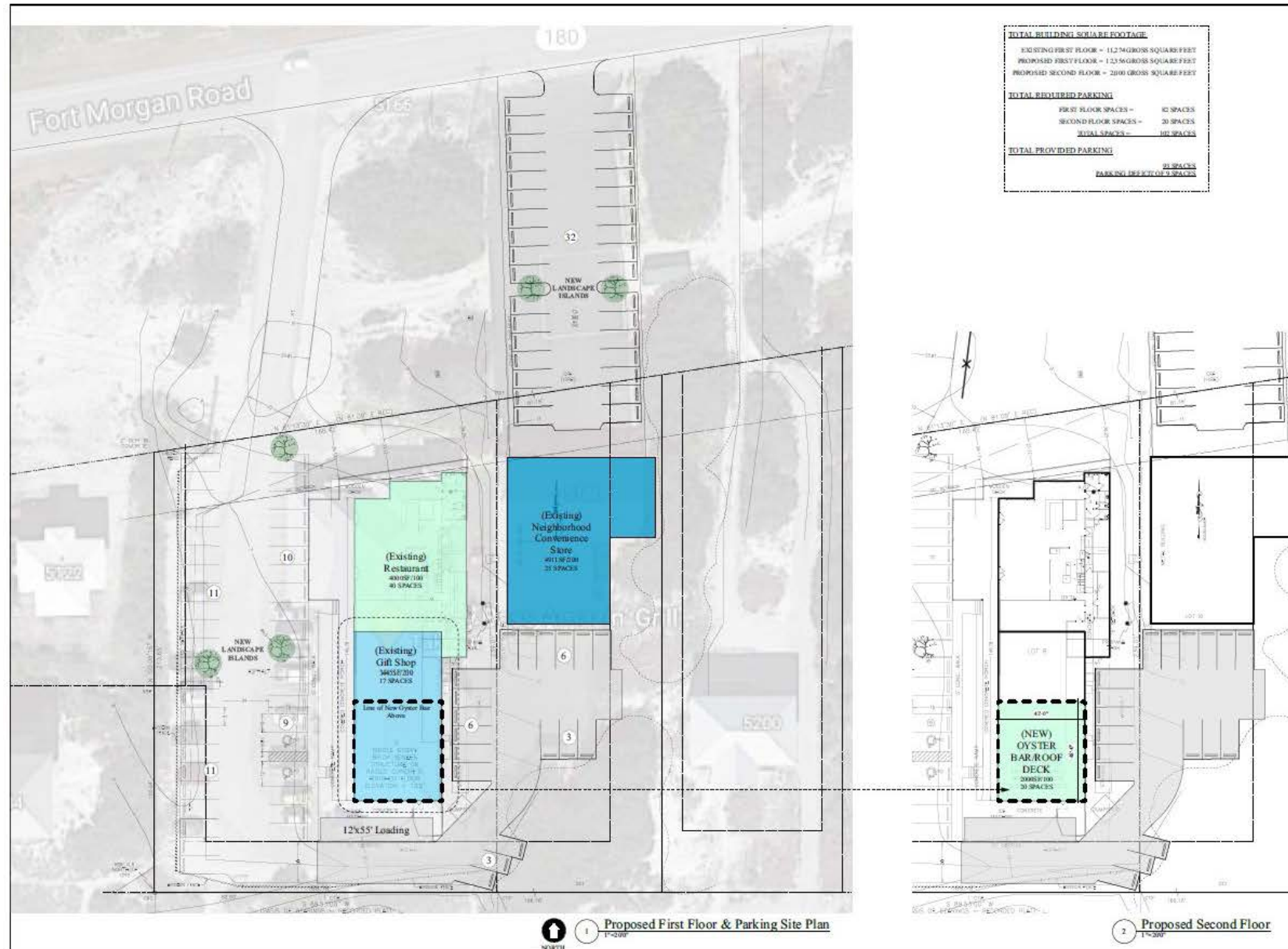


*Preliminary Site Studies for
Sassy Bass Center*

Existing Conditions



Proposed



ZVA22-42 F DEVELOPMENT GROUP LLC

VARIANCE REQUEST

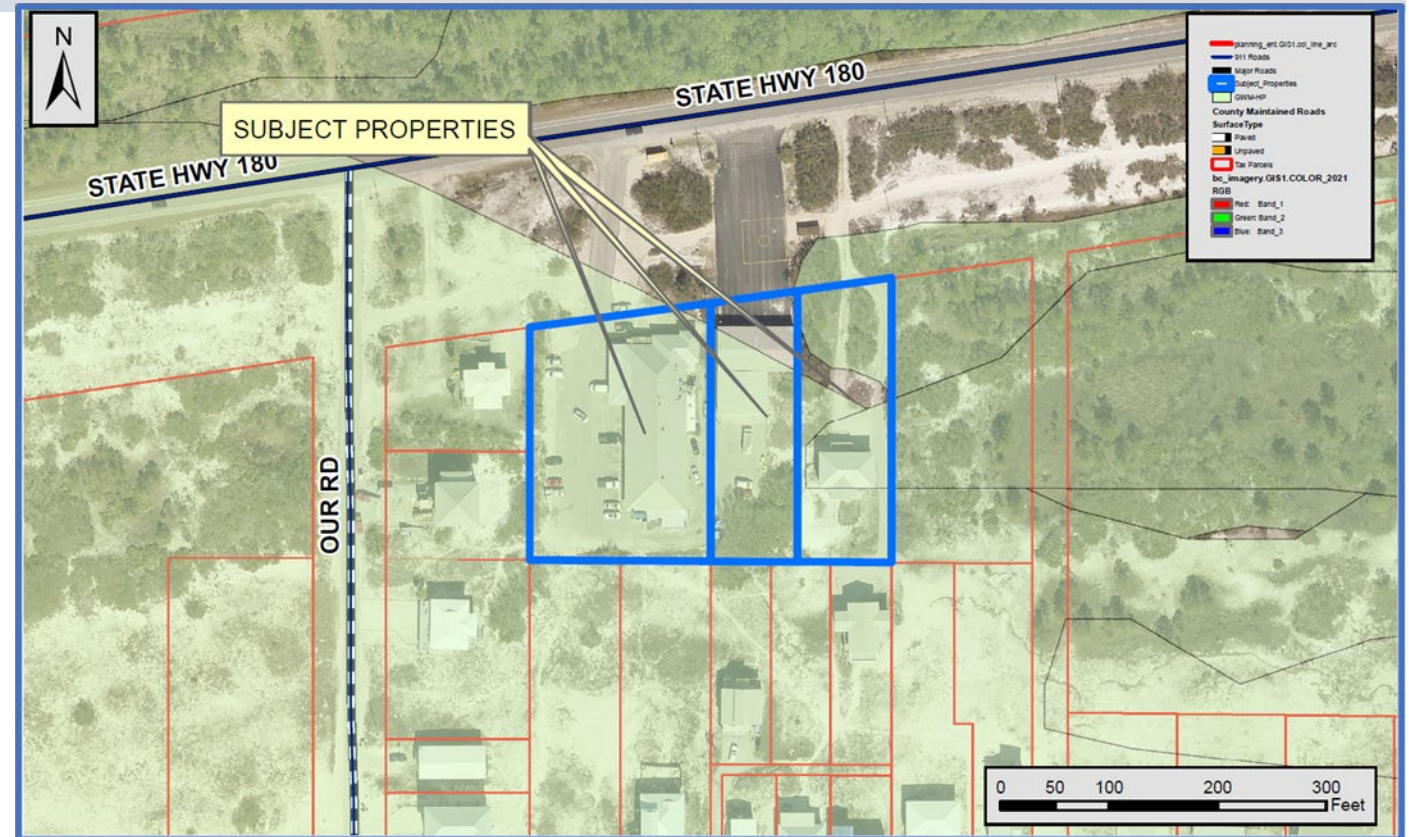
Lead Staff: DJ Hart, Planning Tech

Staff's Comments and Recommendation:

The subject property is currently zoned B-2, and RSF-1. The property is currently occupied with a restaurant and old fire department building.

As stated previously, the applicant is requesting a **variance** from the required number of parking spaces, the landscape buffer requirements and the off-street loading/unloading space requirement to allow an addition to an existing restaurant.

Staff recommends **APPROVAL** of the variance 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.

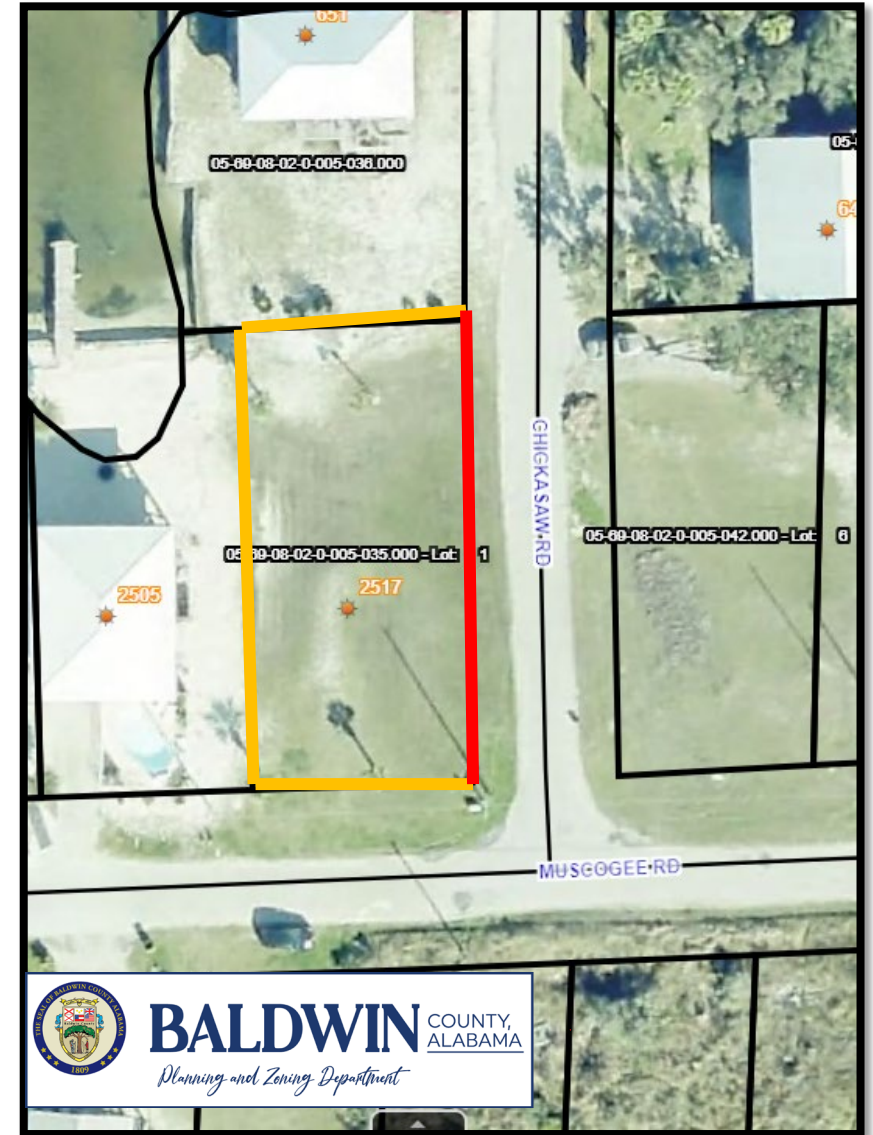
Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as conditions upon which it is granted, and the conditions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

ZVA22-46 ALLISON PROPERTY

VARIANCE REQUEST

Lead Staff: Fabia Water, Planning Tech

- **Planning District:** 25 **Zoned:** RSF-1
- **Location:** Subject property is located on the south side of Fort Morgan Pines
- **PID:** 05-69-08-02-0-005-035.000
- **PPIN:** 1860
- **Acreage:** 0.17 +/-
- **Physical Address:** 2517 Muscogee Rd, Gulf Shores AL 36542
- **Applicant:** Aubrey Bennett- OBA Builders LLC
- **Owner:** Morgan Allison



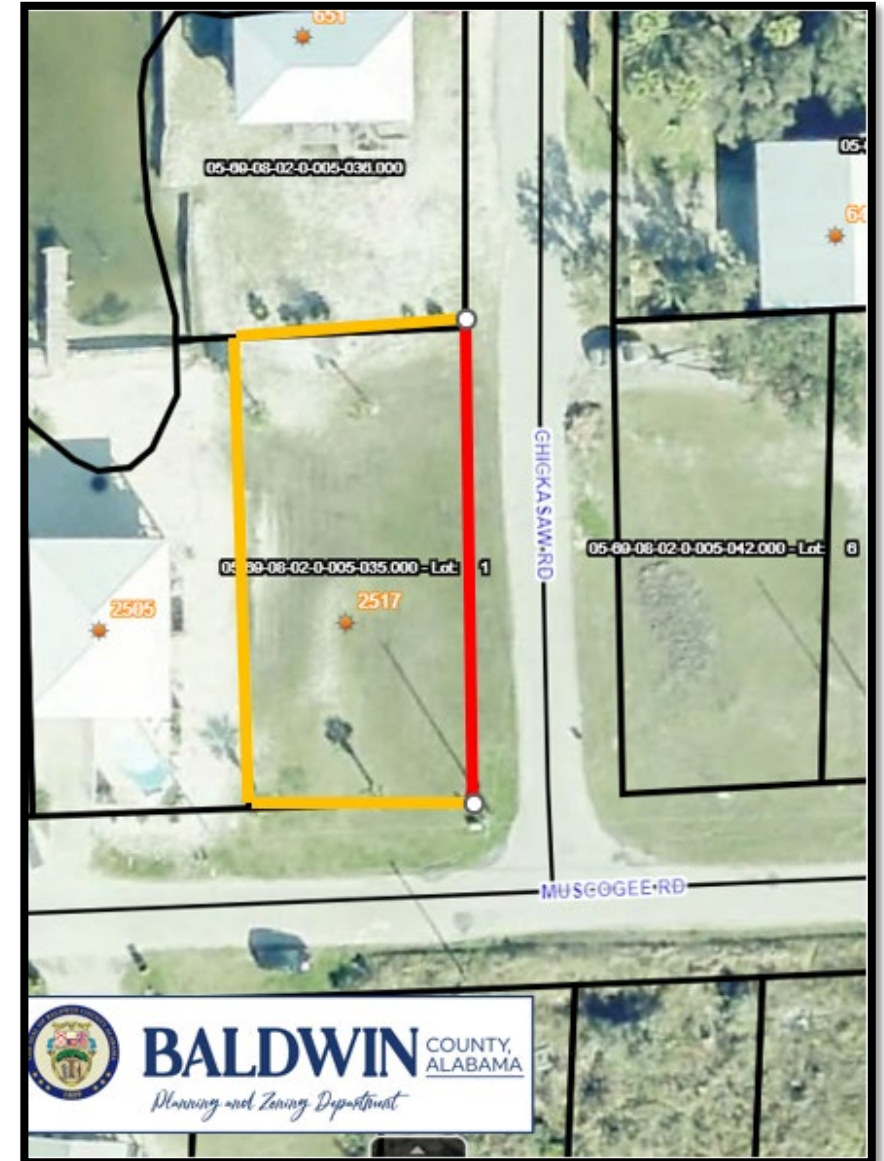
ZVA21-46 ALLISON PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

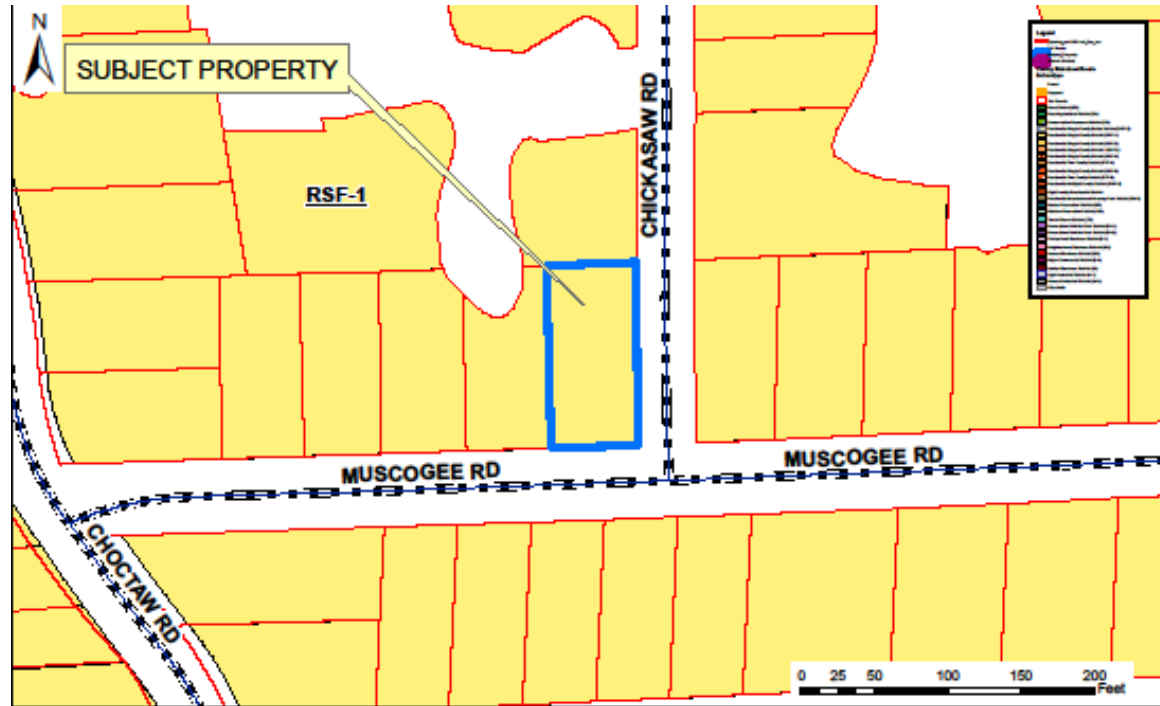
Lead Staff: Fabia Waters, Planning Tech

The applicant is requesting a variance from the 20' side yard setback requirements on a corner lot to allow for construction of a single family dwelling.

Staff could not establish a hardship on the property therefore recommends Case ZVA22-46 be **Denied** unless information otherwise is revealed at the public hearing.



Locator Map



Site Map



Adjacent Zoning

North

RSF-1

South

RSF-1

East

RSF-1

West

RSF-1

Adjacent Land Use

Vacant

Residential

Vacant

Residential

Property Images



Property Images

Adjoining Property to the West



Property Images



Property Images



Property to the East
across Chickasaw Rd

May 24, 2022 1:43:31 PM

Property Images



Property to the East

May 24, 2022 1:44:06 PM

Property Images



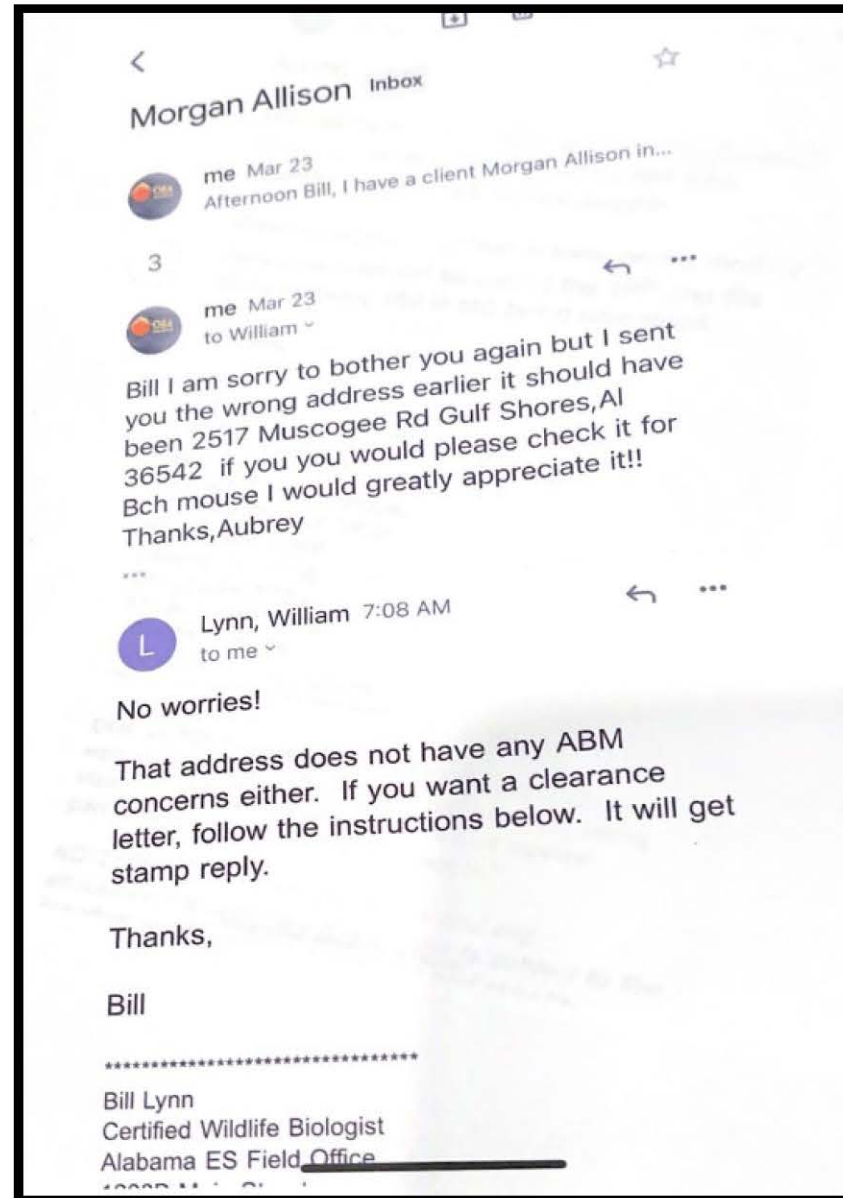
Property Images

Property across the street



May 24, 2022 1:45:30 PM

Additional Information



Additional Information

May, 18TH 2022

The lot located at 2517 Muscogee Rd, Gulf Shores, AL 36542 is NOT located in a neighborhood with an active homeowners association.

Parcel#: 69-08-02-0-005-035.000

PPIN#: 001860

Address#: 2517 Muscogee Rd. Gulf Shores, AL 36542

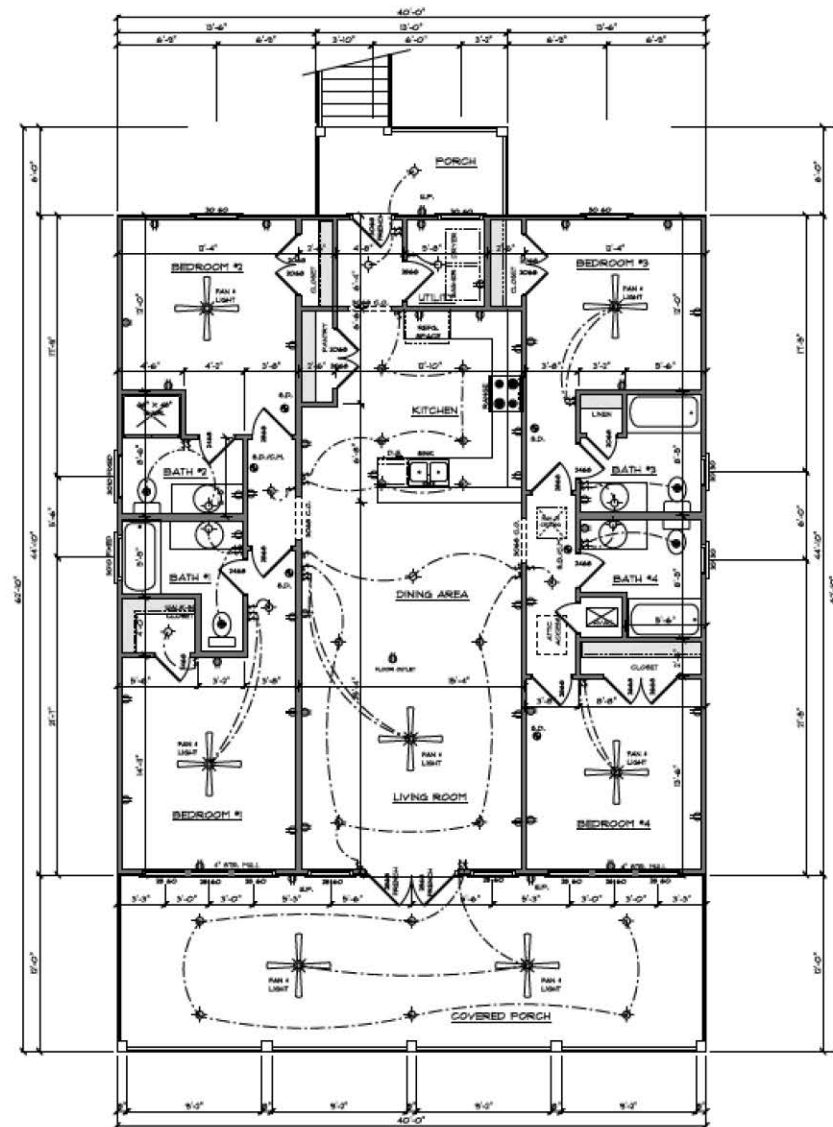
Owner: Morgan Allison

M. Allison

Date: May 18TH 2022

5-18-22

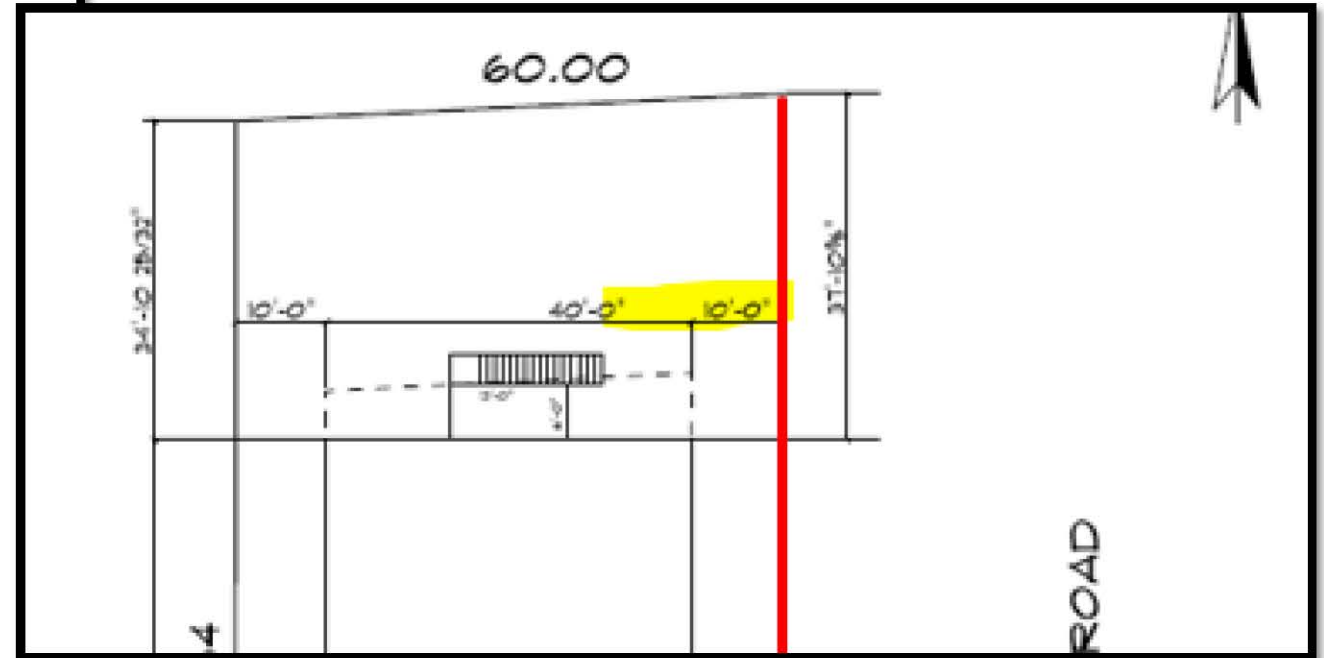
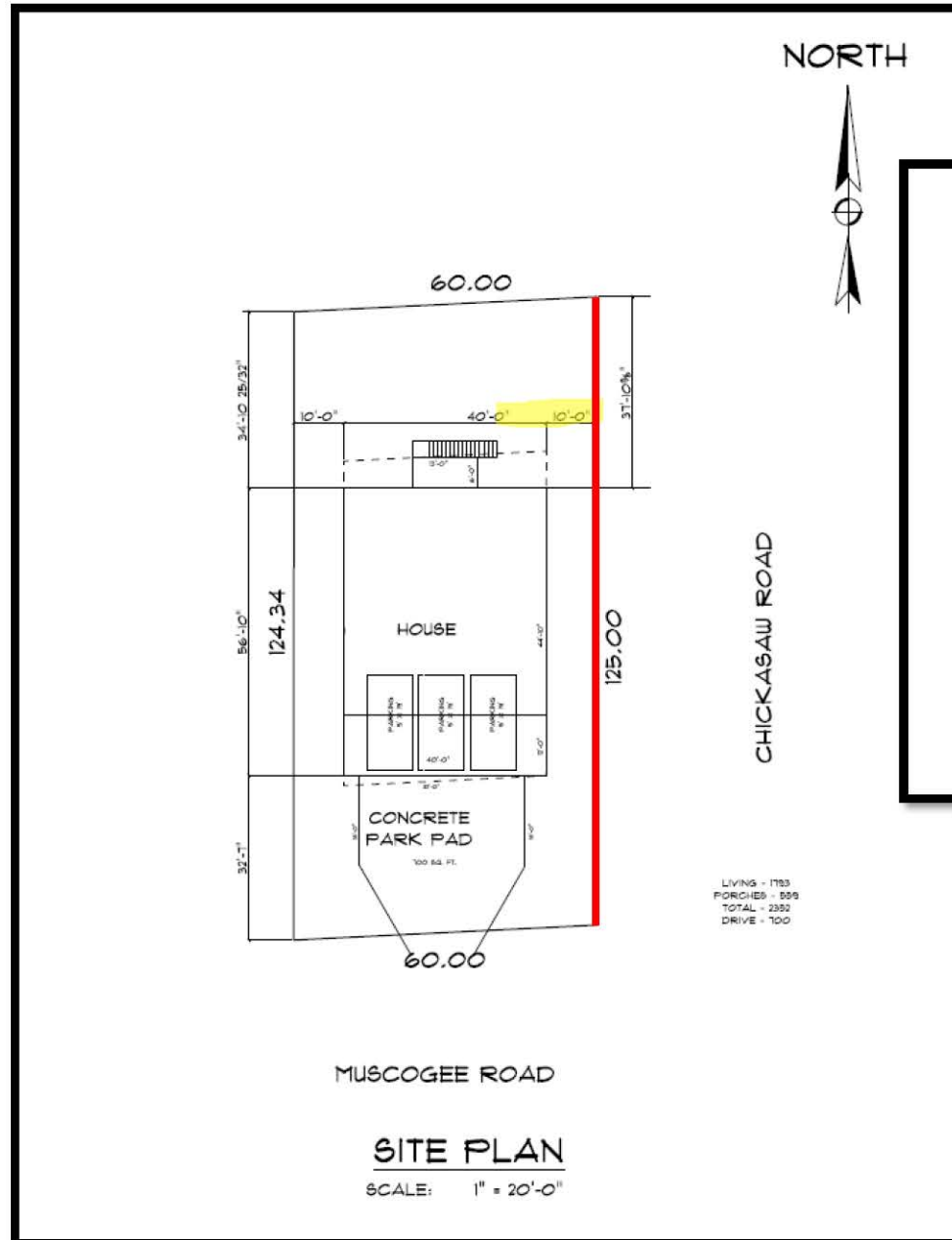
Floor Plan



NAME	AREA
LIVING	1793.0 sq. ft.
COVERED PORCHES	569.0 sq. ft.
TOTAL UNDER ROOF	2362.0 SQ. FT.

FLOOR PLAN
SCALE: 1/4" = 1'-0"

Site Plan



Staff Analysis and Findings

Section 12.5 Yard Requirements

12.5.2 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 required 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 structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.

Staff Analysis and Findings

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 zoned RSF-1 and is located on the south side of Fort Morgan Pines. Per Revenue the parcel consists of approximately 0.17+- acres with 61' x 125' lot 1 Block C . Planning District 25 came into effect on November 16, 1993. The required minimum lot size for RSF-1 is 30,000 square feet therefore staff does not perceive the subject parcel to be 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 could not establish exceptional topographic conditions or other extraordinary situations, or conditions contained on the subject property which require a variance.

Staff Analysis and Findings

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 RSF-1, Single Family District which allows for single-family dwellings. The applicant proposes to build a single-family dwelling on the subject property therefore 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.

ZVA21-46 PROPERTY

VARIANCE REQUEST

Lead Staff: Fabia Waters, Planning Tech

- Staff's Comments and recommendation:**

The applicant is requesting a variance from the 20' side yard setback requirement on a corner lot to allow for the construction of a single-family dwelling.

Staff could not establish a hardship on the property therefore recommends Case ZVA22-46 be **Denied** unless information otherwise is revealed 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.

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