

BOARD OF ADJUSTMENT NUMBER 1

AGENDA

June 21, 2022

Regular Meeting

4:00 p.m.

Central Annex Auditorium

22251 Palmer Street

Robertsdale, Alabama

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (April 19, 2022)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. ZVA22-40 Delucia

Request: Approval of variances from the front yard setback requirement, to allow for a single- family dwelling.

Location: The subject property is located at 12008 County Road 64 in Planning District 26

Attachments: Within Report

b.) Case No. ZVA22-41 Guffy Property

Request: Approval of a variance from the front and rear setback requirement to allow for a single-family dwelling.

Location: The subject property is located at 11431 County Road 1 in Planning District 26

Attachments: Within Report

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 and Zoning
Board of Adjustment Number 1
May 17, 2022
Regular Meeting Minutes
Central Annex Auditorium**

The Board of Adjustment Number 1 met in a regular session on May 17, 2022, at 4:00 p.m., in the Baldwin County Central Annex Auditorium. The meeting was called to order by Chairman Brandon Bias. Members present included: Mary Shannon Hope, Gary Cowles, Jamal Allen, Norman Bragg, and Charmein Moser. Staff members present were DJ Hart, Planning Technician, Crystal Bates, Planning Technician, Buford Kind, Deputy Planning Director and Linda Lee, Planner.

Approval of Previous Meeting Minutes

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

ZVA22-22, Pioneer Land & Timber LLC Property

Mrs. Hart presented the applicant's request for variances from the rear yard setback requirement, the landscaped buffer setback requirement, and the required number of parking spaces to allow for an addition to the existing office building. Staff recommended approval of the variance request with condition of applicant install a 15.5-foot vegetative buffer along the east property line.

Mr. Tommy Young spoke in favor of the variance request and answered questions from board members.

Ms. Cyndi Bowman spoke in opposition of the variance request.

Following a short discussion, Board Member Jamal Allen made a motion to approve the request with the condition stated by staff that a 15.5-foot vegetative buffer be installed along the east property line. The motion received a second from Board Member Norman Bragg. **Motion to approve the variance request failed on a vote of three in favor and three against.**

ZVA22-33, Bruscato Property

Mrs. Bates presented the applicant's request for a variance from the wetland buffer setback requirement to allow for the installation of a culvert, driveway, and restoration of unauthorized wetland fill. Staff recommended approval of the variance request and answered questions from board members.

Mr. Jody Bruscato and Mr. Lewis Cassidey spoke in favor of the variance request and answered questions from board members.

Board Member Gary Cowles made a motion to approve the request. The motion received a second from Board Member Charmein Moser. **Motion to approve the variance request carried unanimously.**

Adjournment

Chairman Bias thanked Mrs. Lee for her service to the county. There being no further business to come before the board the chairman adjourned the meeting at 5:10 p.m.

Respectfully Submitted

Linda Lee, Planner

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

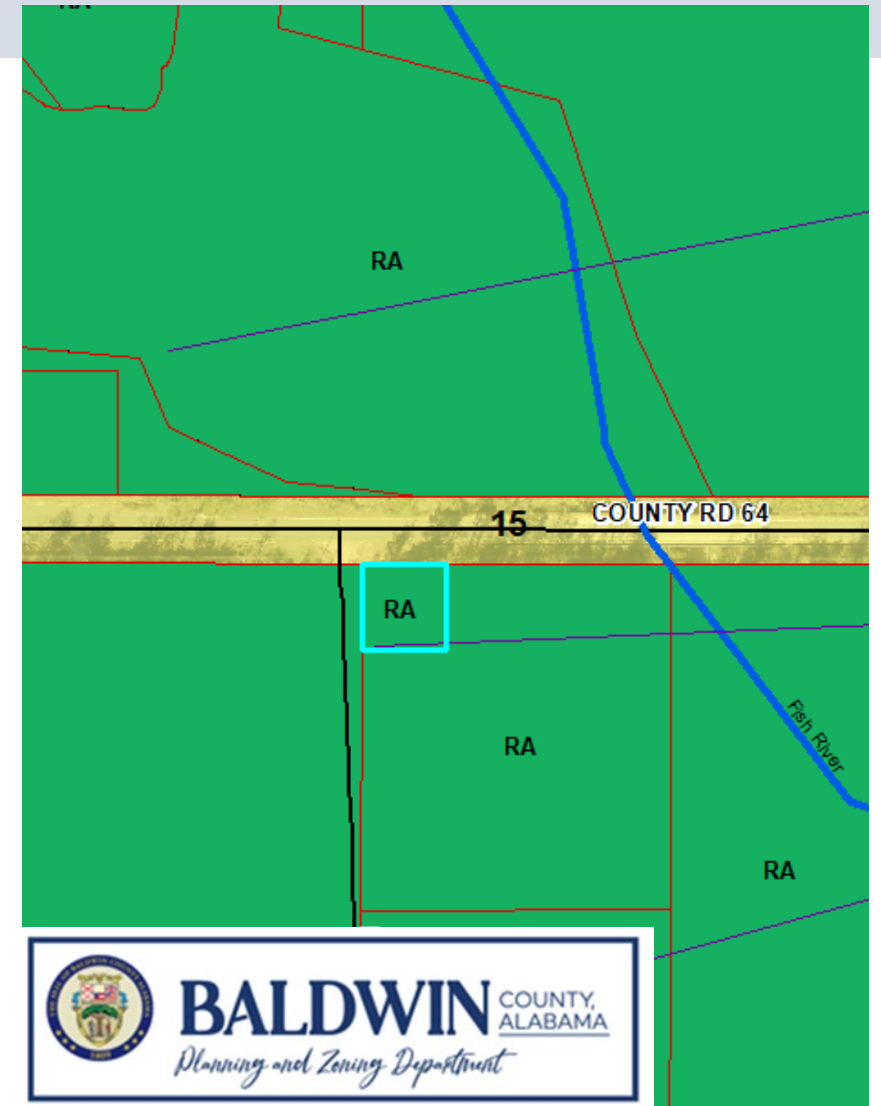
Brandon Bias, Chairman

ZVA22-000040 DeLUCIA PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates Planning Technician

- **Planning District:** 15 **Zoned:** RA
- **Location:** Subject Property is located
- **Acreage:** .23
- **Physical Address:** 12008 Co Rd 64
- **Applicant:** Corey Delucia
- **Owner:** Corey Delucia



ZVA22-000040 DeLUCIA PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

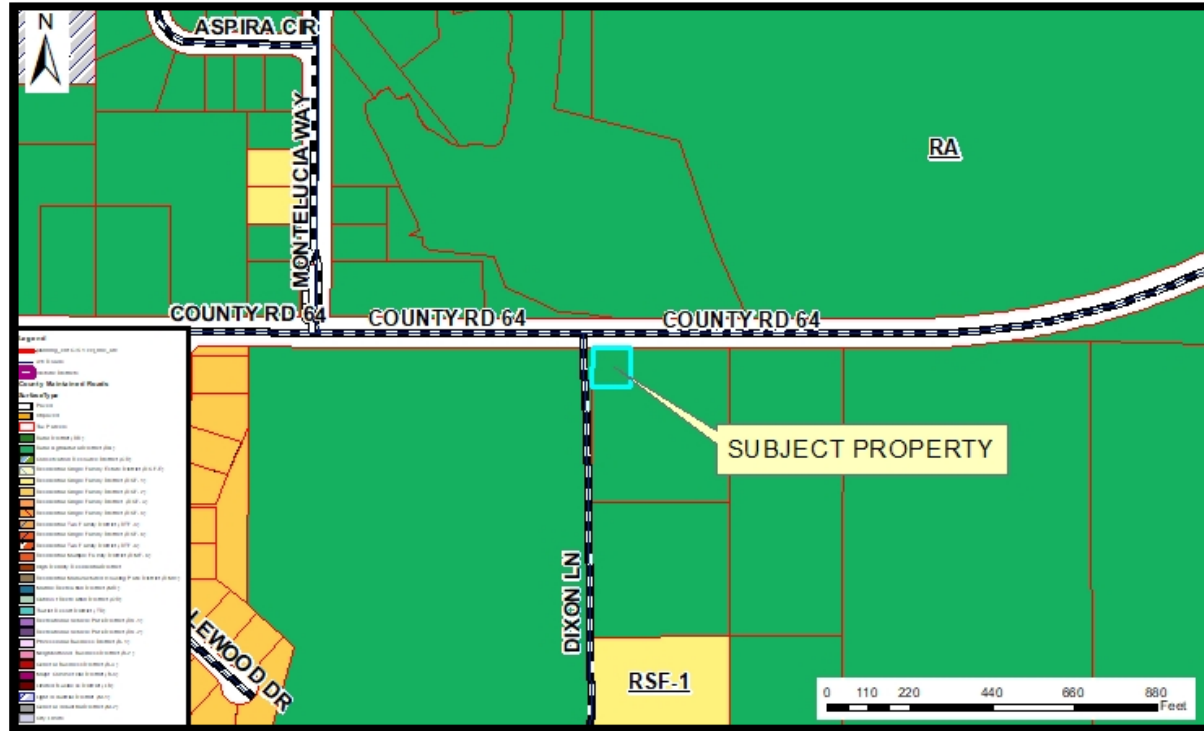
Lead Staff: Crystal Bates, Planning Technician

The applicant is requesting a variance from section 3.2.5 as it pertains to the required front yard setback requirement to allow for a single -family dwelling to remain in its current location. The proposed dwelling was placed on the property without any permits and doesn't meet the front setback. If the applicant is granted the variance, they will need to have a Highway Construction Setback Appeal approval from Planning Commission.

Staff recommends **APPROVAL** of the variance request.



Locator Map



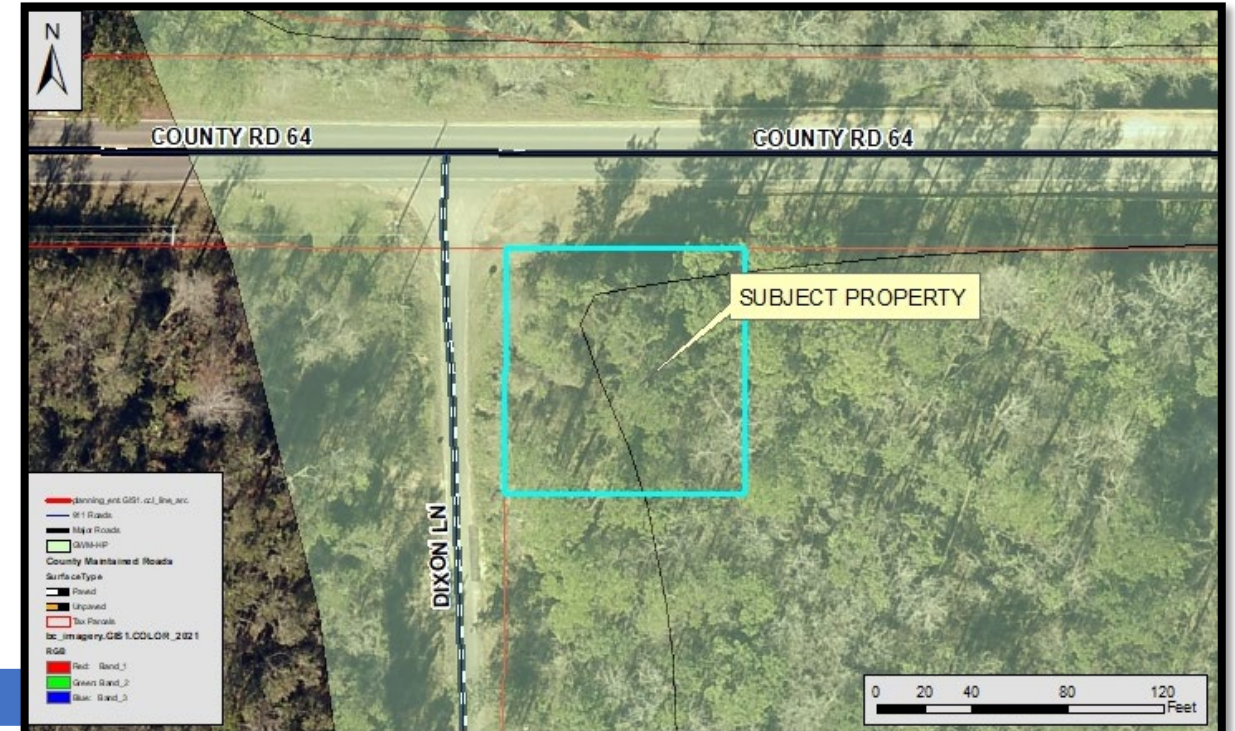
North RA- Rural Agricultural

South RA- Rural Agricultural

East RA- Rural Agricultural

West RA- Rural Agricultural

Site Map



Vacant

Vacant

Vacant

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Property Images



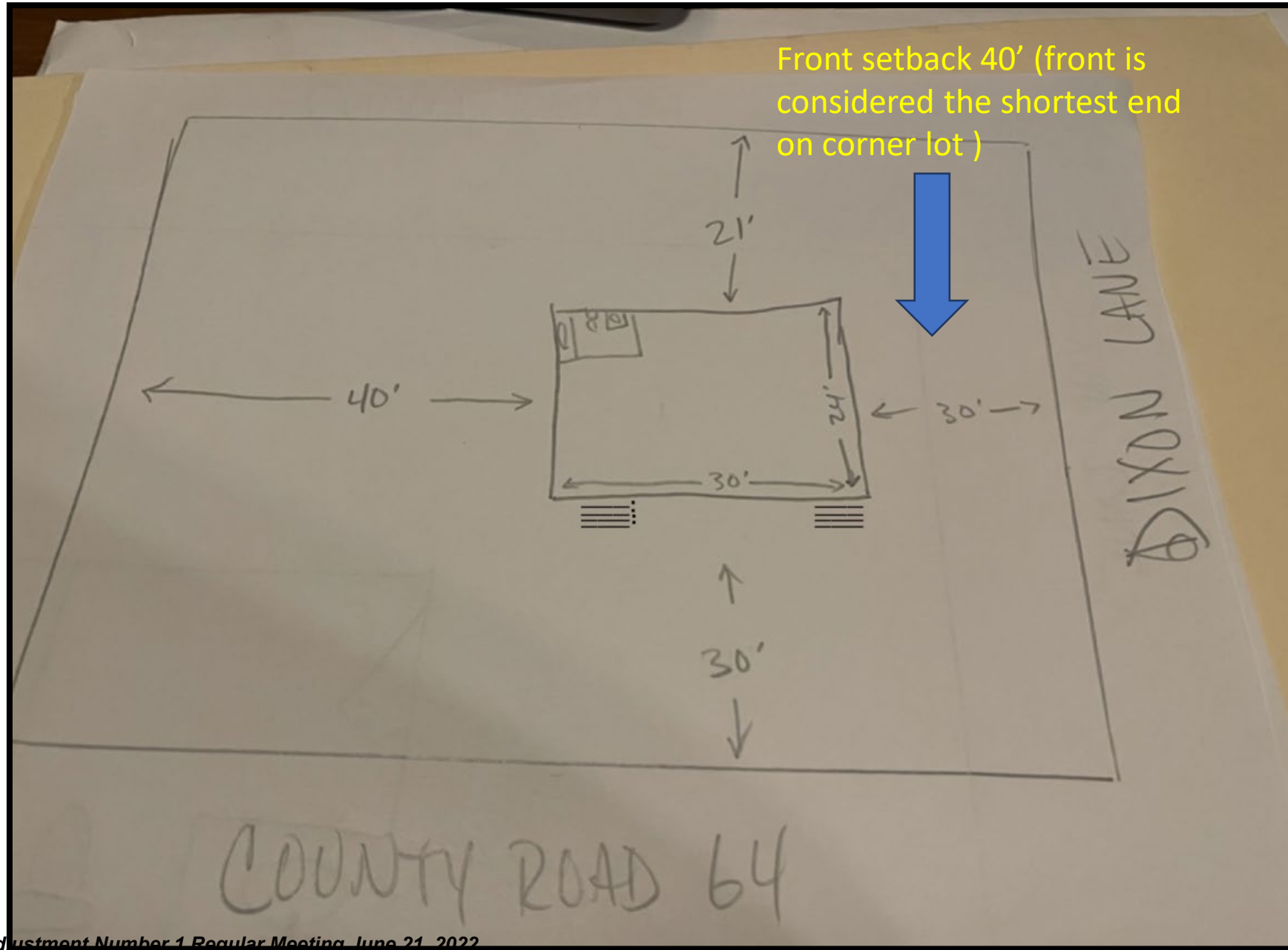


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Site plan



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: Not Applicable

3.2.4 *Commission Site Plan Approval.* 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 by the site plan approval process:

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

(c) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).

(d) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

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 18.4 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

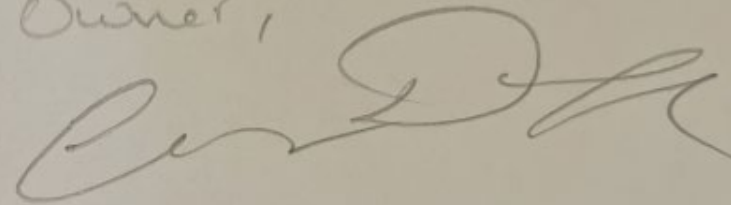
3.2.6 *Area and dimensional modifications.* Within the RA district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals 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

Letter from POA

There is no active associations
for 12008 CR-64 Daphne, AL
36526.

Owner,

A handwritten signature in cursive script, appearing to read "C. J. H.", written in dark ink.

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 located at 12008 Co Rd 68. The property is .24ac , 75' x 100' and 7,500 sq. ft. which doesn't meet the RA standards.

2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property. No potential wetlands.

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 zone residential and will be use for that purpose.

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.

Per information submitted by the applicant, there isn't an active POA, The proposed dwelling was placed on the property without any permits and came in as a violation and doesn't meet the front setback. If the applicant is granted the variance, they will need to have a Highway Construction Setback Appeal approval from Planning Commission as well as a zoning site plan approval and building permit.

ZVA22-000040 DeLUCIA PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates Planning Technician

Staff's Comments and recommendation:

The applicant is requesting a variance from the required 30' minimum front yard setback for construction of single-family dwelling.

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.



ZVA22-47 GUFFY PROPERTY

VARIANCE REQUEST

Lead Staff: Fabia Waters, Planning Technician

- **Planning District:** 26 **Zoned:** RSF-2
- **Location:** Subject property is located on the southwest side of County Rd 1.
- **Parcel:** 05-56-08-33-0-000-060.002
- **Acreage:** 0.28 +/- Acres
- **Physical Address:** 11431 County Rd 1, Fairhope
- **Applicant:** James Guffy
- **Owner:** James Guffy

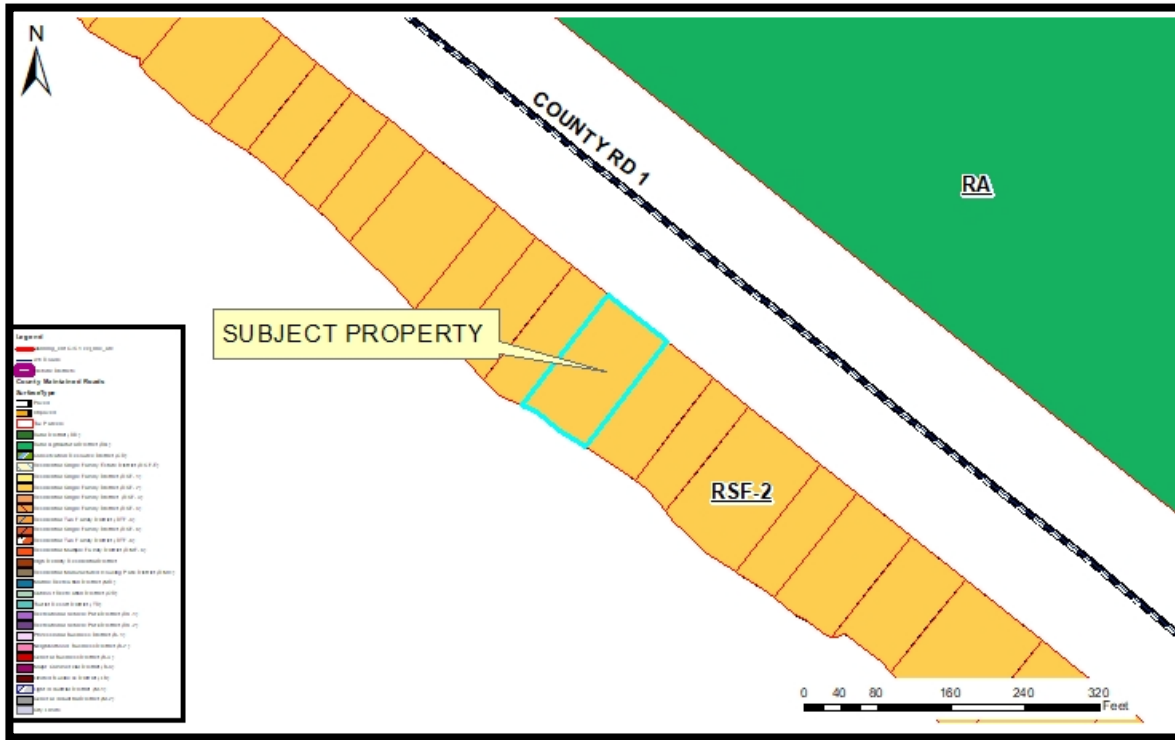


VARIANCE REQUEST SUMMARY AND RECOMMENDATION

The applicant is requesting a variance from section 12.5.2(f) as it pertains to the 50' front yard setback requirement and the rear 30' setback to allow for the construction of Single Family Dwelling. Staff recommends **APPROVAL** of the variance request.



Locator Map



Site Map



Adjacent Zoning

North

RSF2- Residential Single Family District

South

RA- Rural Agricultural

East

Bay

West

RSF-2 Residential Single Family District

Adjacent Land Use

Residential

Vacant

Bay

Residential

Property Images



Property Images



adjoining property to the South

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Property Images



Property Images



Property Images

property across the street

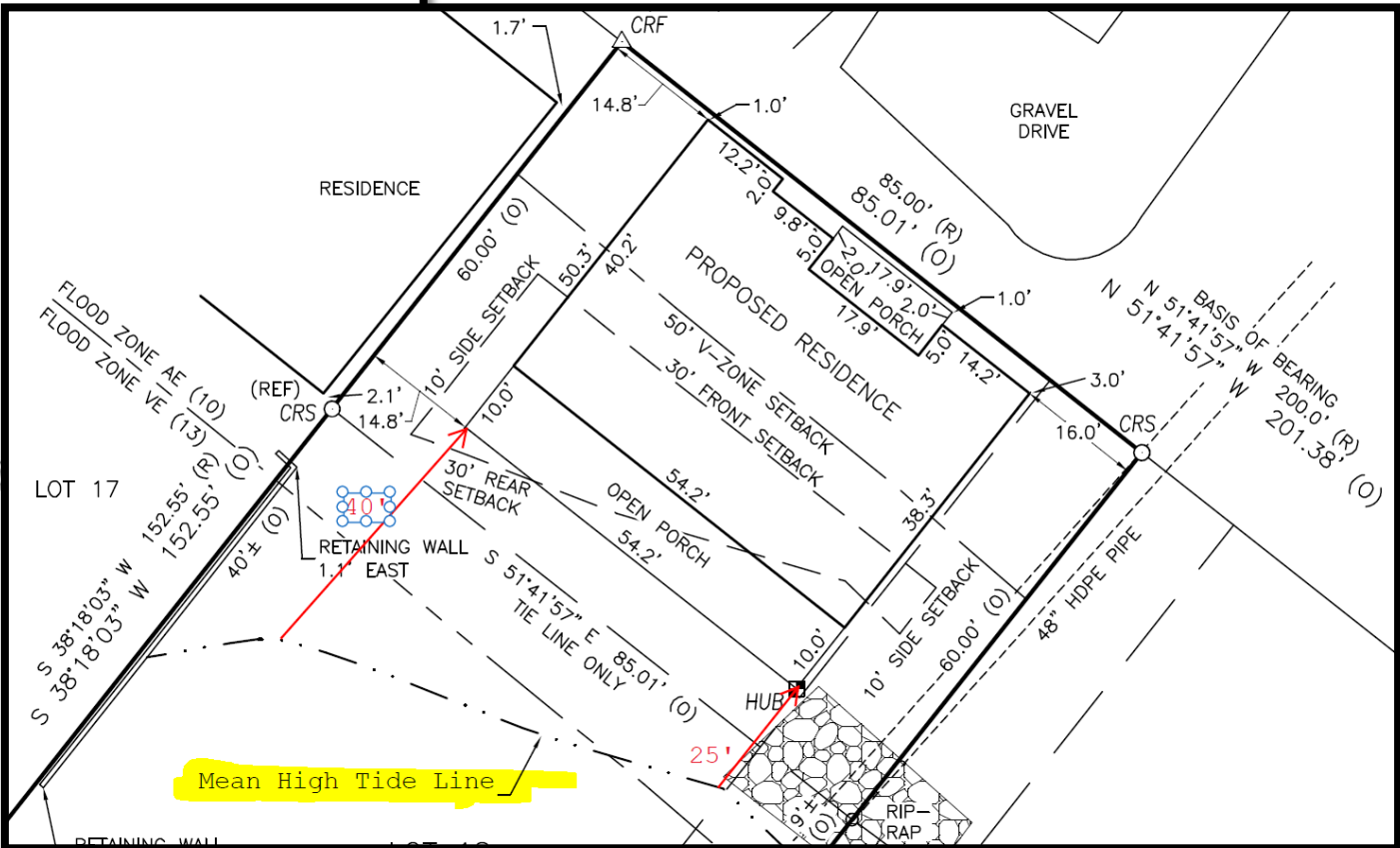
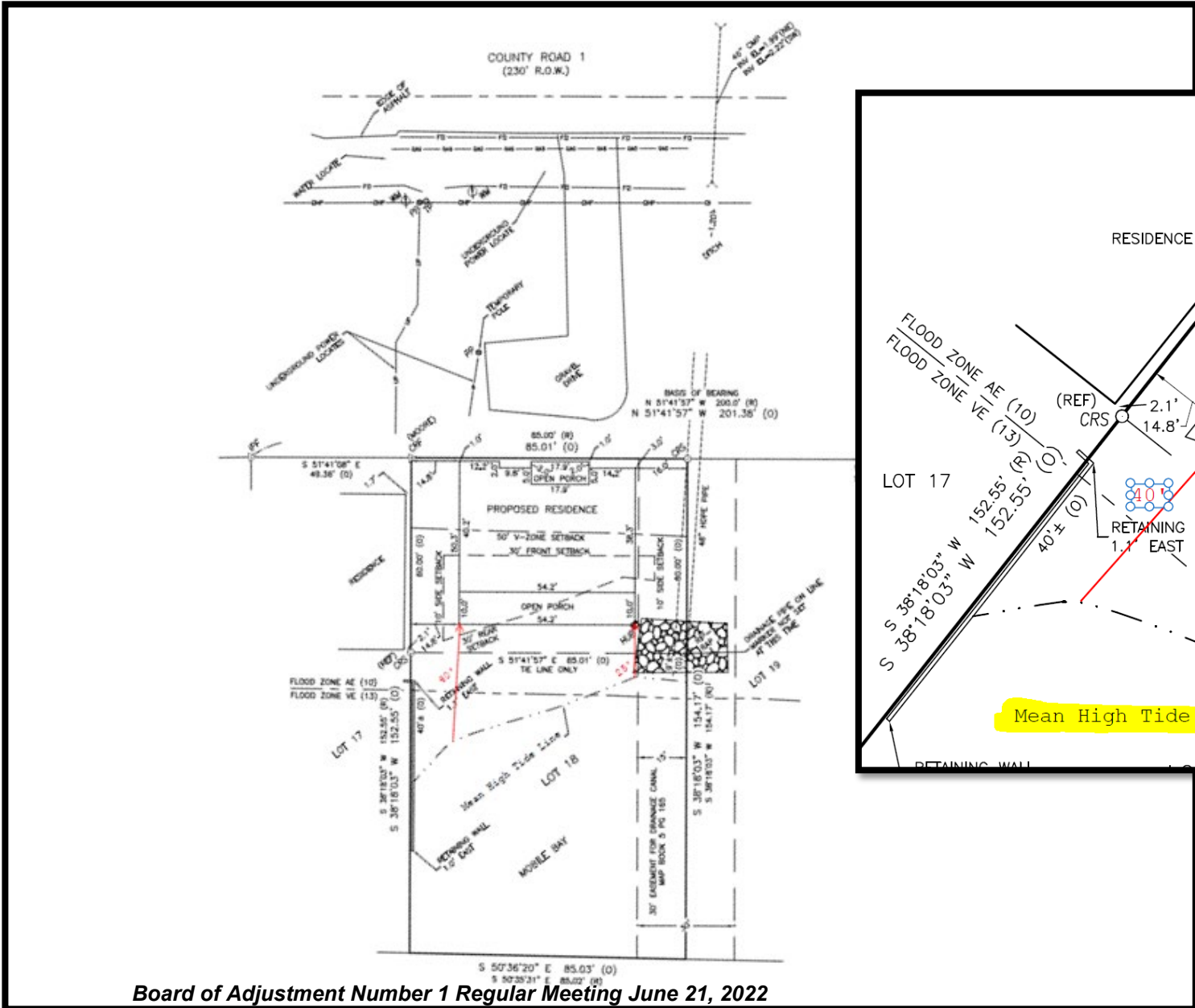


Property Images

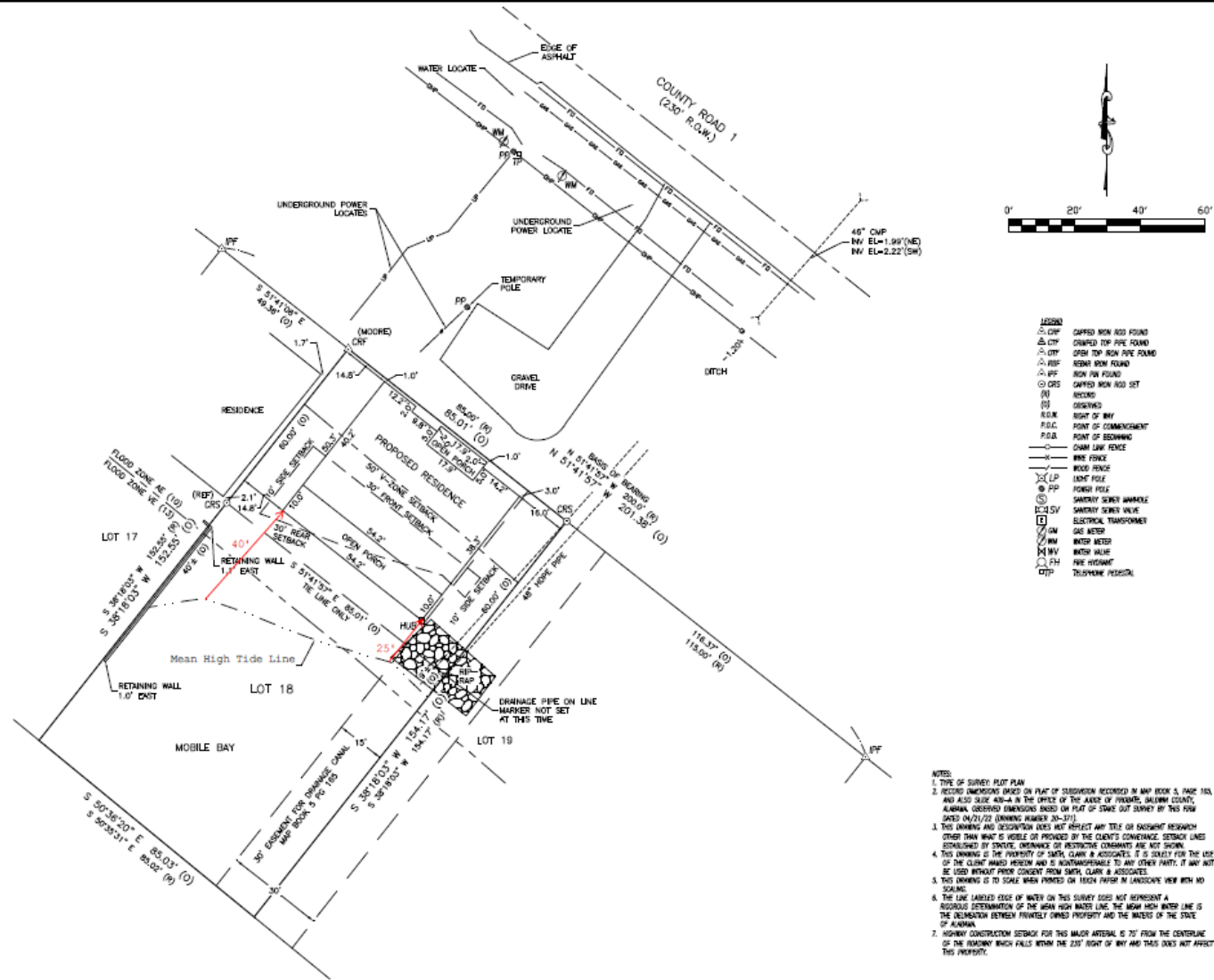



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Site Plan



Site Plan



NOV DATE N/A	NOV BAG	NOV TS	NOV JIM GUFFY		PLOT PLAN INFORMATION DESIGNED HERE FROM EXISTED AND PLAN ONLY
NOV 05/27/22	NOV 1"-20"	NOV PLOT PLAN	11431 COUNTY ROAD 1 FAIRHOPE, ALABAMA		
NOV 200-371	NOV N/A	NOV PLOT PLAN	11431 COUNTY ROAD 1 FAIRHOPE, ALABAMA	Smith Clark Associates 11431 County Road 1 Fairhope, AL 36532 Phone: (904) 965-1100 Fax: (904) 965-1101 Email: info@smithclark.com Website: www.smithclark.com	Smith Clark Associates 11431 County Road 1 Fairhope, AL 36532 Phone: (904) 965-1100 Fax: (904) 965-1101 Email: info@smithclark.com Website: www.smithclark.com

POA Information

5/23/2022

Baldwin County Planning and Zoning
22251 Palmer Street, Robertsdale, AL 36567

Dear Baldwin County Planning and Zoning,

In reference to our property at 11431 County Road 1, Fairhope, AL 36532, parcel # 05-56-08-33-0-000-060.002, we are requesting a variance to accommodate a single-family dwelling on this property.

In addition, the property does not have an active property owners association at this time and is not subject to any restrictions nor covenants.

Warm regards,

A handwritten signature in black ink, appearing to read 'James Guffy', with a stylized, flowing script.

James Guffy
Property Owner

Zoning Requirements

(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.

Section 12.8 Highway Construction Setbacks

In accordance with Act No. 94-572 of the Legislature of Alabama enacted April 21, 1994, the following construction setbacks shall apply from any state or county road or highway:

(a) *Principal arterials*. Principal arterials require a setback of 125-feet from the centerline of the right-of-way.

(b) *Minor arterials*. Minor arterials require a setback of 100-feet from the centerline of the right-of-way.

(c) *Major collectors*. Major collectors require a setback of 75-feet from the centerline of the right-of-way.

(d) *Minor collectors*. Minor collectors require a setback of 50-feet from the centerline of the right-of-way.

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 parcel is currently zoned single-family district and is currently vacant. The parcel is 84' x 153' 0.28 acres. The current zoning on the parcel is RSF-2, the minimum lot size for RSF2 is 15,000 square feet.

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

The property is in a VE Flood Zone. The property also lies below the 10-foot contour. Therefore, staff believes the property meets the exceptional topographic conditions.

3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.

The property is zoned for residential use. The construction of a single-family dwelling will preserve that property right. **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.

The subject property is zoned residential and will be used for that purpose. Therefore, staff believes the granting of a variance is necessary for the preservation of a property right.

5.) Other matters which may be appropriate.

Per the applicant, the property is not subject to an active property owner's association.

ZVA21-00022 GILLIAM PROPERTY

VARIANCE REQUEST

Lead Staff: Fabia Waters, Planning Technician

- **Staff's Comments and recommendation:**

The applicant is requesting a variance from section 12.5.2(f) as it pertains to the 50' front yard setback requirement and the rear 30' setback to allow for the construction of Single Family Dwelling. 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.

Board of Adjustment Number 1 Regular Meeting June 21, 2022

