

# BOARD OF ADJUSTMENT NUMBER 1

## AGENDA

September 20, 2022

Regular Meeting

4:00 p.m.

Central Annex Auditorium

22251 Palmer Street

Robertsdale, Alabama

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

### **ITEMS:**

#### **a.) Case No. ZVA22-67**

*Request:* Approval of variances from the rear yard setback requirement and the side yard setback requirement, to allow for an auditorium for a church.

*Location:* The subject property is located at 8180 Dyer Rd in Planning District 37

*Attachments:* Within Report

7. Old Business
8. New Business

#### a.) 2023 Meeting Calendar

9. Adjournment

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

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

**Planning and Zoning  
Board of Adjustment Number 1  
July 19, 2022  
Regular Meeting Minutes  
Central Annex Auditorium**

The Board of Adjustment Number 1 met in a regular session on July 19, 2022, at 4:00 p.m., in the Baldwin County Central Annex Auditorium. The meeting was called to order John Cooper. Members present included: Mary Shannon Hope, Gary Cowles, Norman Bragg, John Cooper, Jason Gault, Donnie Waters, and Rosellen Coggin. Staff members present were Crystal Bates, Planning Technician, Fabia Waters Planning Technician and Buford King, Deputy Planning Director.

**Approval of Previous Meeting Minutes**

A motion to approve the previous meeting minutes was made by Norman Bragg with a second by Rosellen Coggin and carried unanimously.

**ZVA22-40, Delucia Property**

Mrs. Bates presented the applicant's request for variances from the Front yard setback requirement, to allow for a single- family dwelling to remain. Staff recommended approval of the variance request.

Short discussion with board and staff about variance and if approved by the board then would have to go to Planning Commission for Hwy Construction setback appeal approval.

Mr. Delucia property owner spoke about the size of the lot and made it known he was unaware of having to have permits before he moved the home on the property. He spoke in favor of the variance request and answered questions from board members.

Following a short discussion board member, Board Member Donnie Waters made a motion to approve the request The motion received a second from Board Member Mary Hope. **Motion to approve the variance request failed on a vote of four in favor and two against.**

**ZVA22-41, Guffy Property**

Mrs. Waters presented the applicant's request for a variance from the front and rear setback requirement to allow for the single- family dwelling. Staff recommended approval of the variance request and answered questions from board members.

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

Board Member Donnie Waters made a motion to approve the request. The motion received a second from Board Member Mary Hope. **Motion to approve the variance request carried unanimously.**

**ZVA22-60 Key Property**

Mrs. Bates presented the applicant's request for a variance from the front setback requirement to allow for the accessory structure. Staff recommended approval of the variance request and answered questions from board members.

Mr. Albert Key spoke in favor of the variance request and answered questions from board members.

Board Member Donnie Waters made a motion to approve the request. The motion received a second from Board Member Mary Hope. **Motion to approve the variance request carried unanimously.**

**Adjournment**

There being no further business to come before the board the chairman adjourned the meeting at 4:44 p.m.

Respectfully Submitted

Crystal Bates, Planning Technician

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

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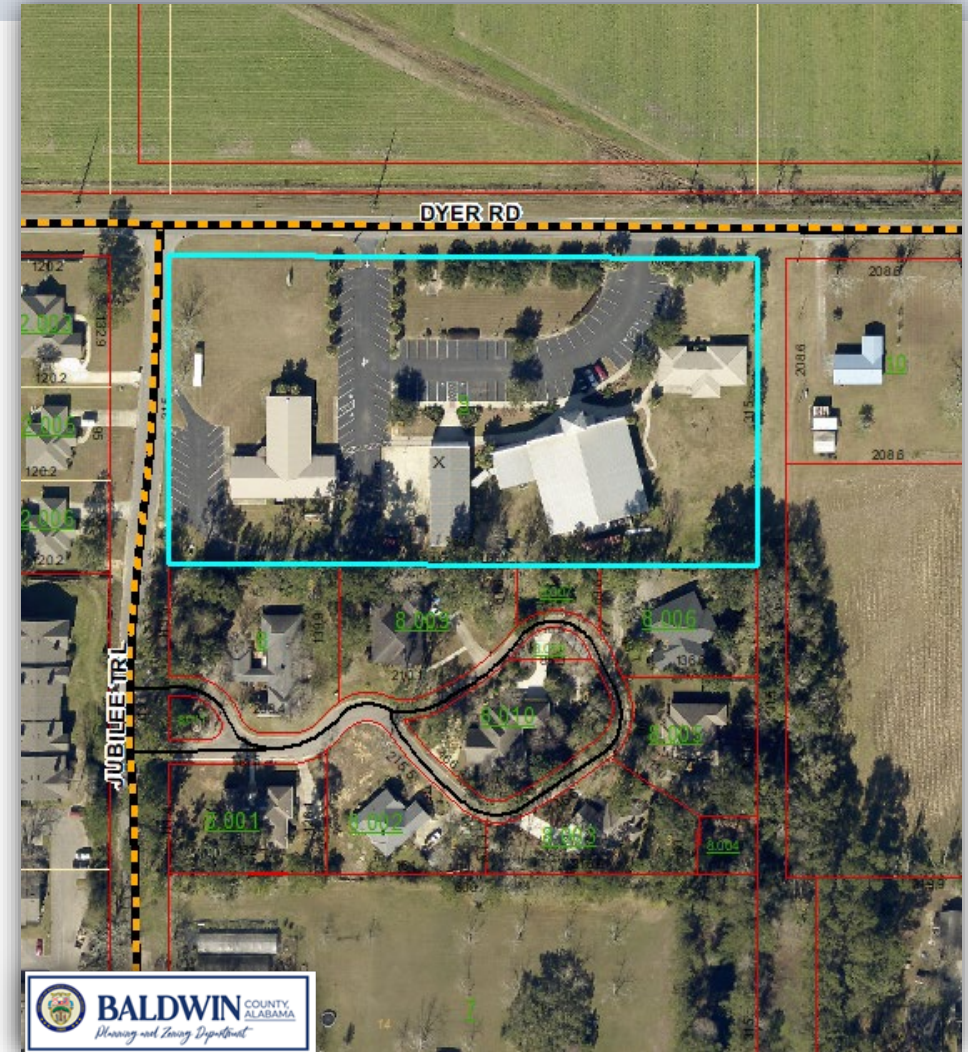
John Cooper, Vice-Chairman

# ZVA22-67 HUNT PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates Planning Technician

- **Parcel#:** 05-46-02-09-0-000-009.000
- **Planning District:** 37    **Zoned:** RA
- **Location:** Subject Property un-named subdivision Lot 16
- **Acreage:** 4.33
- **Physical Address:** 8180 Dyer Rd
- **Applicant:** Driven Engineering- Jonathan Williams
- **Owner:** Fairhope Assembly of God Church Inc





# ZVA22-67 HUNT PROPERTY

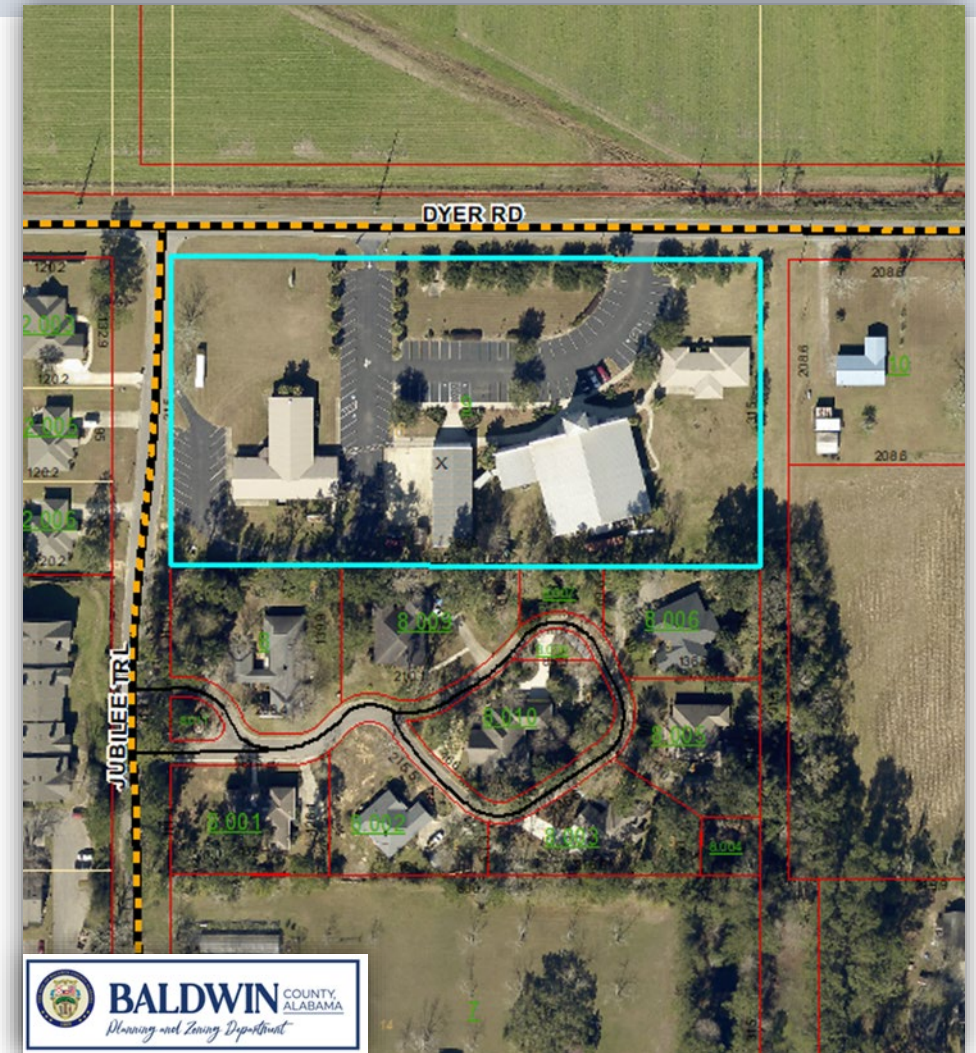
## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician

The applicant is requesting a variance from section 3.2.5 of the Baldwin County Zoning Ordinance as it pertains to the required rear building setback of 40 feet and section 12.5.1 yard requirements as it pertains to the minimum corner lot setback requirement of 20 feet to allow for construction of a Church auditorium.

The applicant is asking to be 10 feet instead of the required 20 feet to the side property line and 30 feet instead of the required 40 feet to the rear property line.

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



# Locator Map



# Site Map



	Adjacent Zoning	Adjacent Land Use
North	RA, Rural Agriculture	Vacant
South	City of Daphne	Residential
East	RSF-1, Residential Single Family 1	Residential
West	City of Daphne,	Residential

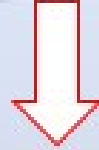


# Property Images





Adjoining Property  
to The East



Aug 25, 2022 8:48:58 AM





Adjoining Property  
to The West



Aug 25, 2022 8:59:02 AM









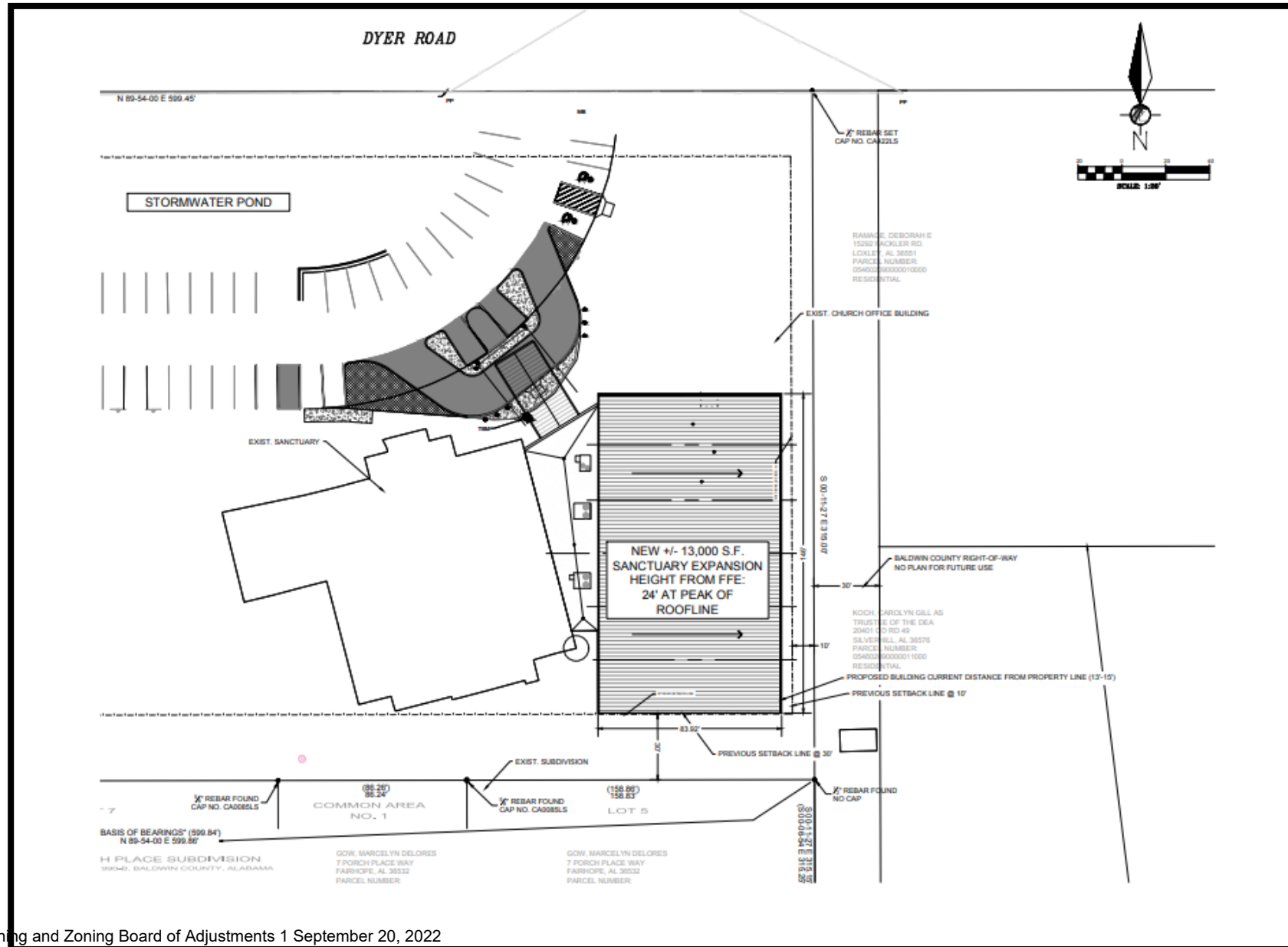


Variance Area

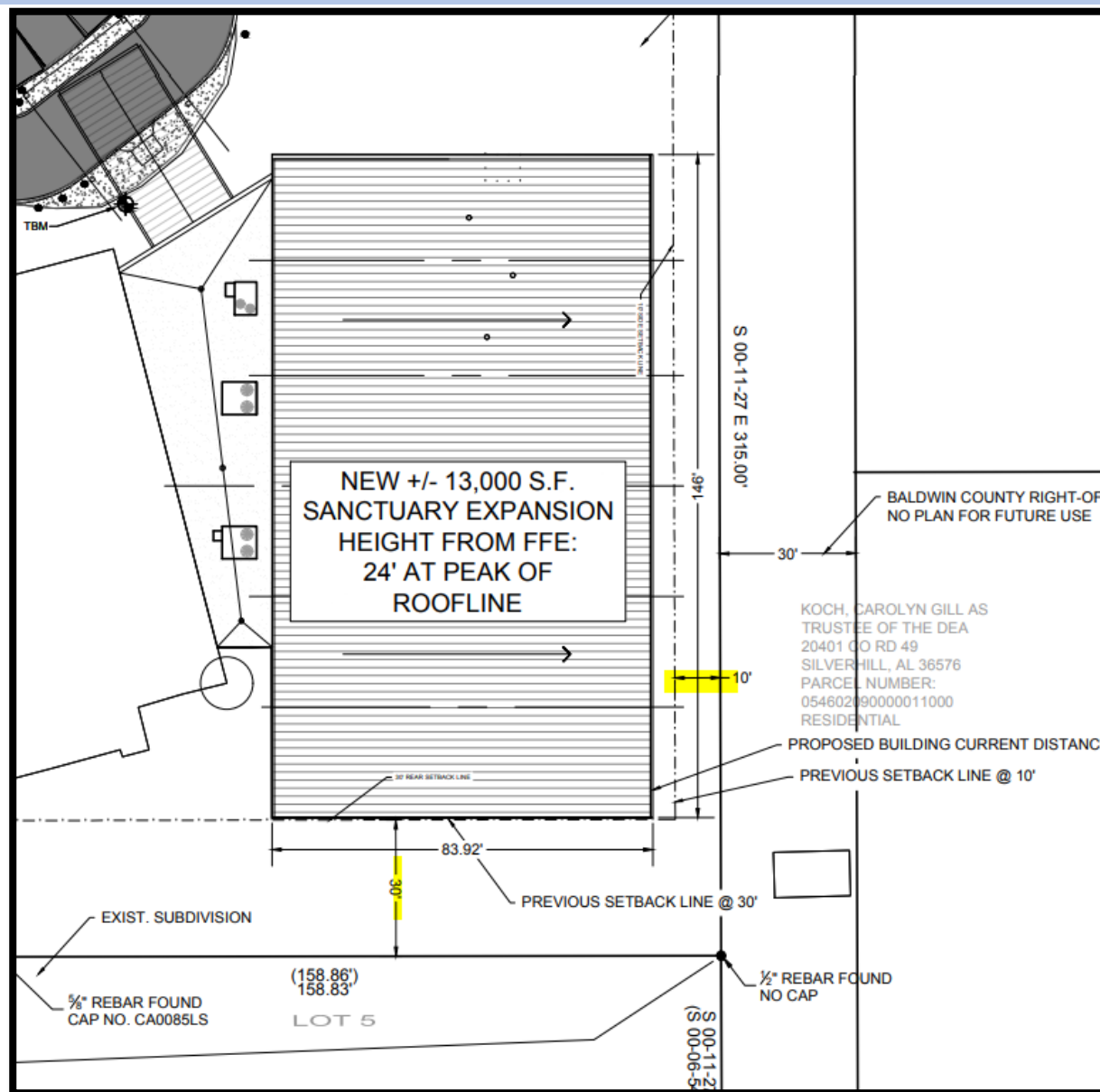


Aug 25, 2022 9:05:48 AM

## Site plan

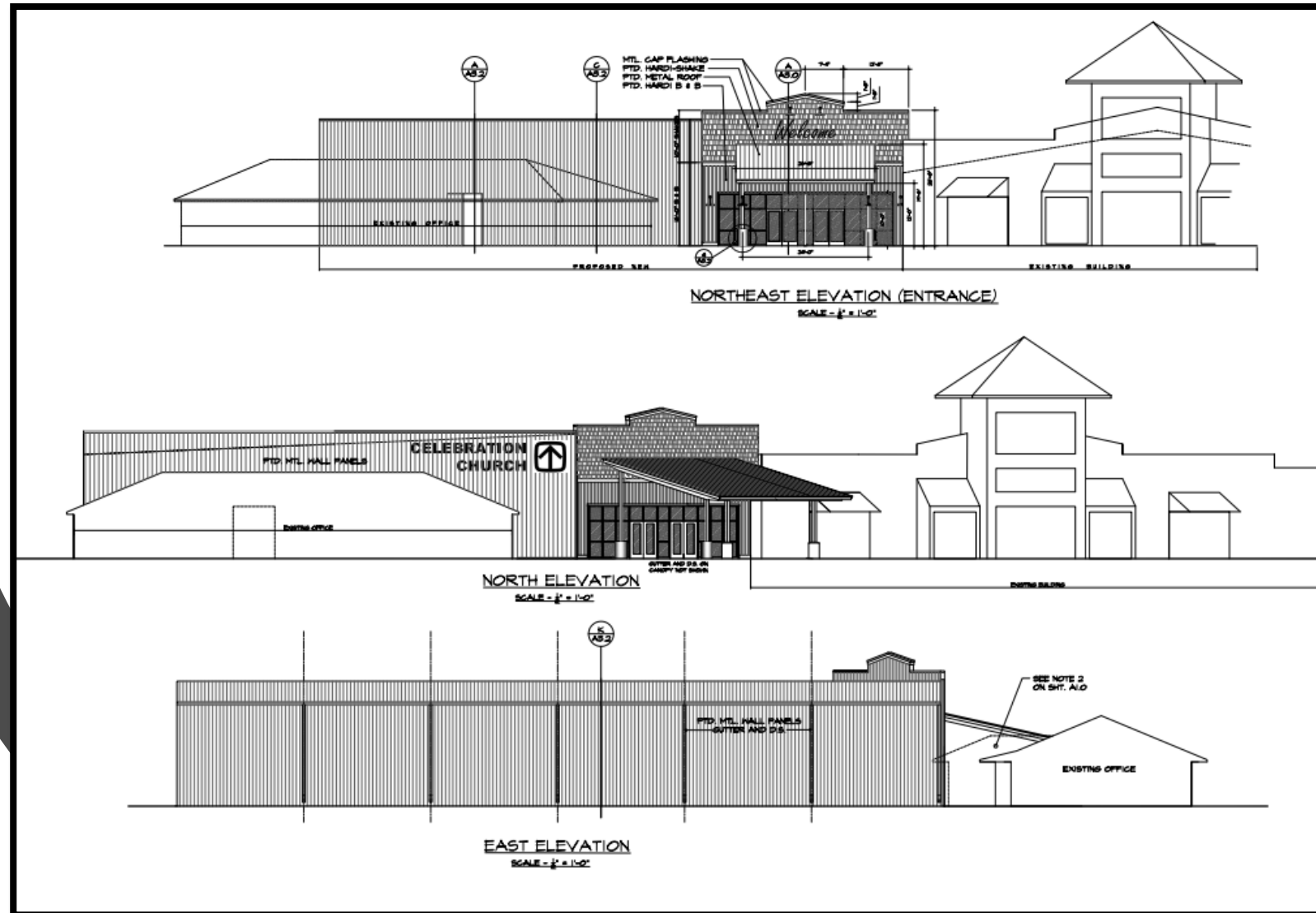


# Zoomed Site Plan





# Elevations



# 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 *Conditional Use 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: low density recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (d) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.10: 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	35-Feet
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

# Zoning Requirements

## Section 12.5 Yard Requirements

12.5.1 Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than 2-feet beyond the yard area requirements. (For additional provisions see *Section 22.2, Definitions* "Accessory Structure" and "Structure")

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.



# Letter from POA



July 28, 2022

Baldwin County Planning and Zoning Dept:

There is no Home Owners Association on the property of Fairhope Assembly of God Church.



Pastor Johnny Hunt

# 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.**

Planning District 37 was adopted on July 19, 2022. The subject property is located at 8180 Dyer Rd. The property is zoned RA Rural Agricultural, 4.33 ac, 600 x 315 and 189,000 sq. ft which exceeds the minimum 3-acre requirement. 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.** No conditions were found. Therefore, staff believes the property does not meet the exceptional topographic or other 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 subject property is zoned RA Rural Agricultural and will be used for the home of Celebration Church. Therefore, staff perceives no necessity for preservation of a property right that would be required for a variance.

# 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.** The applicants purchased the building for the Church auditorium prior to the moratorium on Planning District 37. If the variance is approved a Commission Site Plan approval through the Planning Commission will be required.



# ZVA22-67 HUNT PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates Planning Technician

### Staff's Comments and recommendation:

The applicant is requesting a variance from section 3.2.5 as it pertains to the required rear building setback of 40 feet and section 12.5.1 yard requirements as it pertains to the minimum corner lot setback requirement of 20 feet to allow for construction of auditorium.

Staff recommends **DENIAL** 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.

Baldwin County Planning and Zoning Board of Adjustments 1 September 20, 2022

