

Barry Copeland

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Date: March 12, 2019

LETTER IN OPPOSITION

Baldwin County Planning & Zoning Commission
22251 Palmer Street
Robertsdale, Alabama 36567

Re: Case No. Z-19001; Rezoning Request for Parcel ID No. 05-68-05-22-0-000-001.001

Dear County Commissioners:

I am writing again to oppose the above-referenced rezoning request directed to the southern portion of the homestead property of Al and Diane Sawyer on Fort Morgan Road (the "Sawyer Property"). My wife and I own the property adjoining the Sawyer Property on the west side and are currently building what will be our primary residence for our retirement. I previously submitted my letter dated January 31, 2019, in opposition to the above referenced rezoning request, which I understand has been provided to you for consideration. An opposition letter signed by my neighbor to the west, Tim Ramsey, was also submitted prior to the Planning and Zoning Commission hearing on February 7, 2019, but it appears that his signed letter may not have been provided to you, so I am including a copy with this letter.

Also included with this letter is a copy of a letter from a certified residential real estate appraiser, Betsy Duggar, who concludes that the proposed rezoning of the Sawyer Property would have a significant negative impact on the value of our residential property and of others nearby. A signed original of Ms. Duggar's letter is being hand-delivered to the Foley Planning and Zoning office today.

For all the reasons set forth in the attached letters, my wife and I remain opposed to having any commercial business adjoining our residential lot. We also have to respectfully disagree with the analysis and recommendation of the Baldwin Planning and Zoning Department staff. For almost a mile to the west and about $\frac{3}{4}$ of a mile to the east of the Sawyer Property, the only non-residential zoned property on the north side of Highway 180 is that of Fort Morgan Pizza, which is across Ewing Place to the east. As noted by the staff, there is ample commercially zoned property to the west on the south side of Highway 180, the right-of-way for which provides a suitable buffer to separate the commercial and residential properties. There is no logical reason to extend commercial zoning across Ewing Place, because doing so would remove the only buffer separating the Fort Morgan Pizza property from all of the RSF-1 properties to the west. As noted in Ms. Duggar's letter, the removal of that buffer and the conversion of the Sawyer Property from RSF-1 to commercial would have a dramatic negative effect on the value our adjoining residential property and others nearby.

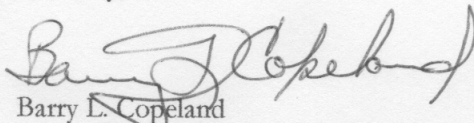
Nevertheless, in the interests of maintaining cordial relations with our immediate neighbor, I contacted Mr. Sawyer yesterday in an attempt to work something out. I offered to drop our opposition if he would seek B-2 Commercial instead of B-3. I explained my understanding that B-2 would allow for his restaurant as a matter of right, and also for his fish market with conditions. He said that he was willing to put up a fence to separate the properties, but he declined to abandon his B-3 application. Our concern of course is that, notwithstanding Mr. Sawyer's sincere intent to work with us, years down the road other owners might not be as considerate and the quiet enjoyment of our home will necessarily be diminished. As a result of



the Sawyers' rezoning request, we have considered selling and starting over. That, however, is not an attractive option. We are currently in the middle of construction, and we would not be able to recoup the time or money we now have invested in planning and building our home. There is no compelling reason for the requested rezoning. In fact, Mr. Sawyer admitted in our conversation yesterday that he might not build the restaurant/seafood market immediately, but that he wanted it rezoned so his kids would have the option to do it later.

In reviewing the standards for rezoning approval, it appears that: 1) the proposed zoning is incompatible with and will negatively impact the surrounding residentially zoned properties; 2) the proposed zoning does not conform to the Master Plan; 3) the proposed zoning is likely to adversely impact traffic patterns or congestion (see e-mail opposition of Gulf Shores Planning and Zoning Director); 4) the proposed zoning is neither consistent with the area development patterns nor a logical extension of adjacent zoning districts; and 5) the proposed change may adversely impact environmental conditions (e.g. wetlands on both the Sawyer Property and our adjoining property), and could adversely affect the health, safety and welfare of residential property owners in the vicinity. Consequently, in the absence of any compelling reason to the contrary – and there isn't any – the rezoning request should be denied. Should the Commission disagree, and believes that commercial zoning is appropriate, we urge the Commission to deny the current request and recommend that the Sawyers re-apply seeking B-2 Commercial as opposed to B-3.

Sincerely,



Barry L. Copeland

Owner – 9917 Fort Morgan Road

Attachments: