



# Baldwin County Planning & Zoning Department

## Baldwin Planning Commission Staff Report

### Agenda Item

Case No. Z-20009

### Hrabovsky Property

Rezone RSF-4, Single Family District to RSF-E, Residential Single Family Estate District

August 4, 2020

### Subject Property Information

**Planning District:** 15  
**General Location:** South and west of Yorkshire Subdivision  
**Physical Address:** 27473 Yorkshire Drive, Loxley  
**Parcel Number:** 05-42-03-08-0-000-005.004  
**Existing Zoning:** RSF-4, Single Family District  
**Proposed Zoning:** RSF-E, Residential Single Family Estate District  
**Existing Land Use:** Agricultural  
**Proposed Land Use:** Agricultural and Residential  
**Acreage:** 23 acres +/-  
**Applicants:** Steven and Cheryl Hrabovsky  
28708 Bay Branch Drive  
Daphne, Alabama 36526  
**Owners:** Same  
**Lead Staff:** Vince Jackson, Planning Director  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1 and RSF-4, Single Family
South	Residential and Agricultural	RSF-1 and RSF-2, Single Family
East	Residential	RSF- 1, Single Family District
West	Residential and Agricultural	RSF-1, Single Family District

### Summary

The subject property, which consists of approximately 23 acres, is currently zoned RSF-4, Single Family District. The designation of RSF-E, Residential Single Family Estate District, has been requested. According to the information provided, the purpose of this application is to use the land as a family farm. Plans include construction of a dwelling, growing various trees and plants, and raising poultry and possibly other livestock. The majority of the property will continue to be used for timber growth.

## Section 4.5 RSF-4, Single Family District

4.5.1 *Generally.* This zoning designation is provided to afford the opportunity for the choice of a moderate density residential development consisting of single family homes.

4.5.2 *Permitted uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.5.3 *Conditional uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.

4.5.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

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

4.5.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

## Section 4.1 RSF-E, Residential Single Family Estate District

4.1.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a very low density residential environment consisting of single family homes on estate size lots.

4.1.2 *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) Agricultural uses.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.1.3 *Conditional uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.

4.1.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

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

4.1.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	80,000 Square Feet
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	165-Feet
Maximum Ground Coverage Ratio	.35

4.1.6 *Area and dimensional modifications.* Within the RSF-E 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

#### Agency Comments

**Baldwin County Highway Department (Tyler Mitchell, P.E., Construction Manager):**

Connection to existing roads within Yorkshire would need to be coordinated with the Baldwin County Highway Department.

**Planning & Zoning/Subdivisions (Mary Booth, Subdivision Coordinator):** No comments.

**ADEM:** No comments received.

**ALDOT:** No comments received.

**Town of Loxley:** No comments received.

#### Staff Analysis and Findings

The following factors for reviewing zoning amendments are found in Section 19.6 of the *Baldwin County Zoning Ordinance*. These factors are to be considered when an application is being reviewed for rezoning.

**1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?**

The subject property is currently occupied with one accessory structure and chicken coops. The property adjoins Yorkshire Drive to the north. The adjoining properties are residential and agricultural. Adjacent zoning designations are RSF-1 and RSF-2.

**2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?**

The zoning for Planning District 15 was adopted by the County Commission on August 1, 2006. The original zoning designation which was granted for the subject property was R-1(a). This designation is now known as RSF-1. On August 18, 2009, the Commission approved the rezoning of the subject property to R-4(sf). Six additional parcels, three of which were located in Yorkshire Subdivision Unit One, were included. The purpose of the rezoning was to allow the for the construction of Yorkshire Subdivision Unit 2 (Case Z-09016, Resolution #2009-120). This section of the subdivision, however, was never completed.

### **3.) Does the proposed zoning better conform to the Master Plan?**

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

A future land use designation of Residential is provided for the subject property. This category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. Agricultural uses may also be included. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, HDR, RMH and PRD. If the rezoning is approved, the Future Land Use Map will remain unchanged. Adjacent parcels also carry the residential future land use designation.

### **4.) Will the proposed change conflict with existing or planned public improvements?**

Staff knows of no conflicts with existing or planned public improvements. As stated previously, connection to existing roads within Yorkshire would need to be coordinated with the Baldwin County Highway Department

### **5.) Will the proposed change adversely affect traffic patterns or congestion?**

Traffic patterns or congestion should not be adversely affected by this proposed rezoning. It should be noted that under the current zoning, the property could potentially be subdivided into a maximum of 133 lots. This type of development would have a much more significant traffic impact.

### **6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.**

The primary surrounding land uses are residential and agricultural. Please also see the response to Standard 1.

### **7.) Is the proposed amendment the logical expansion of adjacent zoning districts?**

Surrounding properties are zoned RSF-1, RSF-2 and RSF-4. There are no adjacent parcels which are zoned RSF-E. The applicants originally intended to request RA, Rural Agricultural District. Staff, however, suggested RSF-E due to the fact that it is primarily a single family designation which would also allow the agricultural uses desired by the applicants.

### **8.) Is the timing of the request appropriate given the development trends in the area?**

Timing is not a factor with this request.

**9.) Will the proposed change adversely impact the environmental conditions of the vicinity or the historic resources of the County?**

Baldwin County GIS indicates a small area of potential wetlands at the eastern edge of the subject property. A 30' development setback from wetlands is required, according to the zoning ordinance. With the plans proposed, wetland impacts are unlikely. Staff knows of no other adverse impacts to environmental conditions or historic resources.

**10.) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?**

Staff knows of no adverse affects.

**11.) Other matters which may be appropriate.**

A rezoning of this type is considered down zoning. Such requests are typically approved without controversy. In the case at hand, staff has received calls and emails expressing concerns with this request. Staff anticipates that citizens will be present at the public hearing in order to voice these concerns.

**Staff Comments and Recommendation**

As stated above, the subject property, which consists of approximately 23 acres, is currently zoned RSF-4, Single Family District. The designation of RSF-E, Residential Single Family Estate District, has been requested. According to the information provided, the purpose of this application is to use the land as a family farm. Plans include construction of a dwelling, growing various trees and plants, and raising poultry and possibly other livestock. The majority of the property will continue to be used for timber growth.

Unless information to the contrary is revealed during the public hearing, this case should be **APPROVED**. \*

*\*On rezoning applications, the County Commission will have the final decision.*



## Property Images

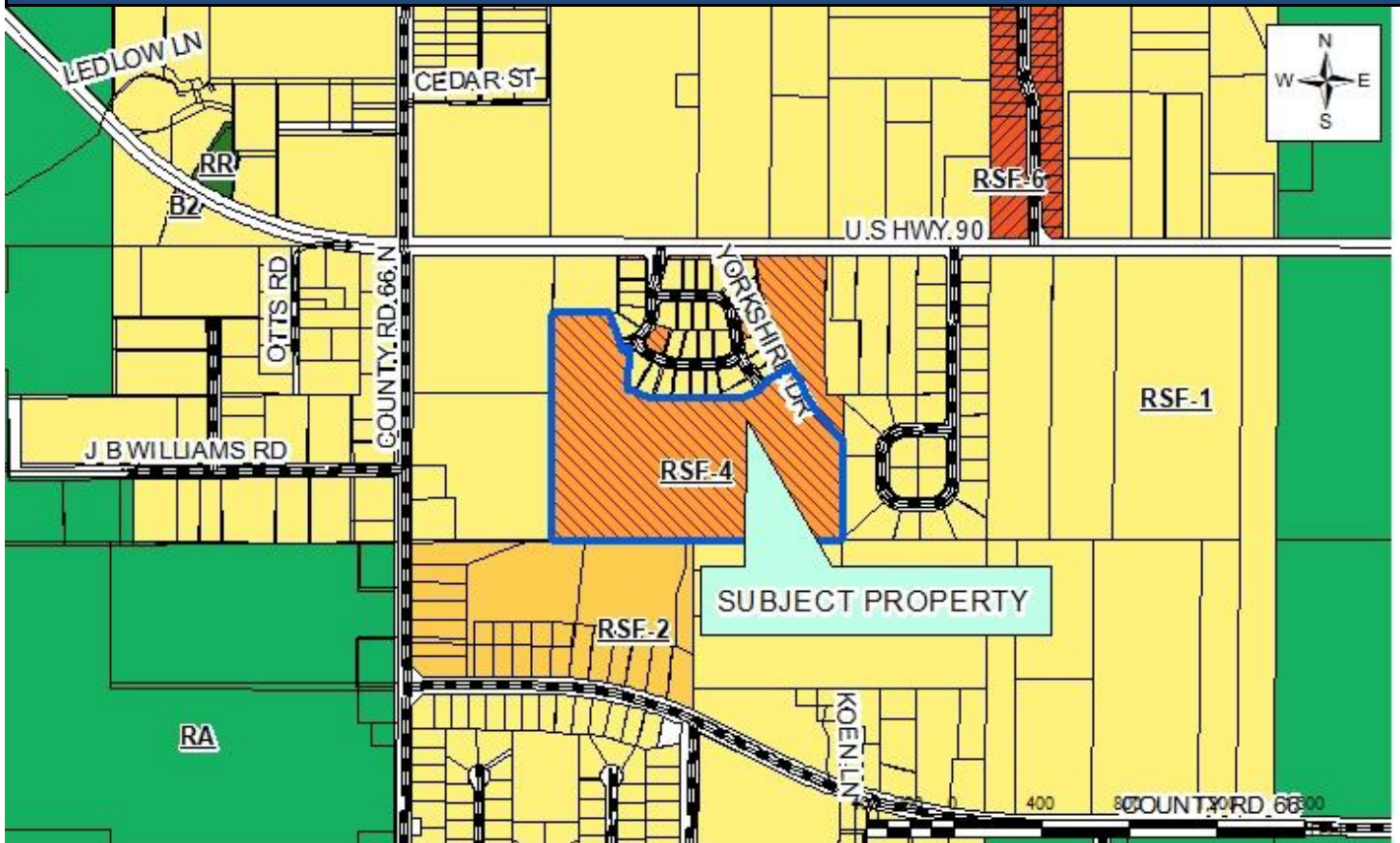








Locator Map



Site Map



Angela and Chuck Tracy

27433 Yorkshire Drive

Loxley, AL 36551

RE: Concerns about the rezoning, case Z-20009

My husband and I have lived in the neighborhood for 12 years. When we first moved to Yorkshire, we were encouraged that a second phase of the neighborhood would be developed within a few years. Regrettably the economic downturn in 2008 put the developers out of business. Since that time we have had concerns over the future of the 25 acres requesting rezoning.

The owners/visitors consistently drive too fast placing everyone in danger, particularly children in Yorkshire. Their property was/is in our covenants and restrictions yet they do not pay dues to help with the upkeep of the neighborhood.

I am a member of the Board of Yorkshire and have had complaints of all kinds regarding the property.

Examples:

Unlawful fishing in the residential pond.

Loud parties during the night.

Rooster crowing all day.

Speeding through the neighborhood.

Menacing guns being shot of at all hours.

Broken down cars dumped at the property

We directed our ownership to contact Loxley Police to handle these complaints rather than posturing with owners of the property.

I am personally concerned about rezoning and the effect on our property values in Yorkshire. I am further concerned as a Board member if they could continue the use of our entrance to their property. It does not seem reasonable or fair that they should be able to do so without contributing to the upkeep of the general property areas.

Speaking as a member of the Board and as an owner, my husband and I WANT THE ZONING REQUEST TO BE DENIED.

There are ENDLESS questions that need to be answered to even begin to consider rezoning what was planned to be developed as residential including the following:

Alternate ingress/egress besides the Yorkshire entrance.

What type of farm?

Restrictions that would come into play regarding the property (seems they have NONE at the moment).

Would there be a buffer zone between the property line and WHATEVER they are planning to construct?

Are the owners willing to pay dues to the Association if there is no other ingress/egress and how would that be assessed considering the size of the property?

Do they intend to clean up the current entrance to the property?

Again, we are vehemently OPPOSED TO THE REZONING REQUEST.

Thanks for your consideration in this matter.

Angela Tracy

Yorkshire Homeowner



Burl and Ann Barbour  
27447 Yorkshire Drive  
Loxley, AL 36551

RE: Concerns about the rezoning, case Z-20009

WE are very concerned about the above mentioned rezoning and what an approval for the case would do to our neighborhood. The owners have already shown they have very little respect for our subdivision and its residents.

We, along with other residents of Yorkshire have had several issues with the owners of this property. Our HOA President, Angela Tracy, was contacted in December by a couple who lives 2 houses east of Yorkshire on highway 90. Part of the rear of their property touches the property to be rezoned. They were upset and disturbed by the playing of loud music and guns being fired on the property. So concerned they called the Loxley Police and Zoning Department to ask for help. We, too, have been disturbed by the parties, loud music, gunshots and the revving up motor noise from motorcycles, etc. The music is so loud a times you can hear the base sound inside our house. They have "spend the night" parties right at the edge of our subdivision too (lots of vehicles when that happens), also noisy. When the party goers get up in the morning, yes they sleep down there/no bathroom and start leaving during the next day, they also go too fast through our subdivision. The owners have trespassed on Yorkshire common areas and have also been seen fishing in Yorkshire's lake. The owners, along with their visitors speed though our neighborhood. So if they are allowed to have "farm animals" we can only imagine the problems that will create. They currently have a chicken pen and lots of loud chickens that make noise all during the day/night. So, with all this going on there are numerous trips daily through Yorkshire. They have erected a tacky wire fence with orange ribbons/ties tied on it. Along with the fence and the junked vehicle they have parked, those are the first things you see when traveling south on Yorkshire Drive on the eastern side of our neighborhood. The residents of Yorkshire take pride in their property and this area is an eyesore for all of us. The owners of the property knew when they bought the property what is was zoned for. WE do not need other farm animals in addition to the existing chickens so close to our homes. WE should have the right to enjoy our subdivision without all these disturbances and eyesores. Residents should also be able to enjoy peace and quiet, especially when we try to go to sleep at night.

WE don't need farm equipment, logging trucks ,construction equipment and who knows what else going through our subdivision. It will be hard on our streets and dangerous for our residents. They do not have a paved entrance to their property so when it rains, the mud is carried through our streets creating a big mess.....this is also an ongoing concern.

We are appreciate all your consideration and ask that this request for rezoning be turned down.

Thank you in advance for your attention to our request.

Burl and Ann Barbour