

**Baldwin County Commission District 4, Board of Adjustment**

**July 11, 2019**

**Regular Meeting Minutes  
Foley Satellite Courthouse  
Conference Room**

**ORIGINAL**

The Board of Adjustment for Baldwin County Commission District 4 met in a regular session on July 11, 2019 at 3:30 p.m., in the Baldwin County Foley Satellite Courthouse Conference Room. Chairman, Stuart Arnold called the meeting to order. Members present included: Samuel Mitchell, James Koeppen, Ernie Church, Johanna Moloney, John Hilderbrandt and Younnie Veal. Staff member present was Crystal Bates Planning Technician.

The first order of business was approval of the transcript from the June 13, 2019 meeting. A motion to approve the meeting transcript was made by Mr. Church with a second by Mr. Mitchell and the motion passed unanimously.

Mr. Hilderbrandt arrived shortly after roll call during the approval of minutes from June 13, 2019

**V-190025 Smith Clark, & Associates**

Mrs. Bates presented the applicant's request for a variance to allow a 1.8 -foot encroachment over the 30-foot required setback for a dwelling which was already built to remain. Staff recommended that the Board of Adjustment should base its decision on information provided in the staff report and information provide at public hearing.

Discussion was started by Mr. Arnold about setting a precedent for builders to start coming in asking for forgiveness after instead of before. Why was the mistake made? The site plan submitted with the Land Use Certificate Application and approved by staff showed they were going to meet the setback.

They discussed fines and if we imposed a fine and/or if we could add it to the ordinance to impose a fine for citizens to pay if whatever they built wasn't what we approved in P&Z Dept.

They also had discussion about adding something to our review process that we would collect a letter from the POA stating the house and the design and site plan was ok with them.

Comments were made, And Mr. Arnold & Ms. Bates both agreed that, that would be something to Discuss with Mr. Vince Jackson and Ms. Linda Lee.

The applicant's representative, Daniel Clark, was present and explained the As Built Survey. He answered a few questions related to the survey. There was no one in opposition present.

More discussion took place about how it happens and ways to prevent it from happening.

Discussion was brought up about denying it, approving with conditions, discussion was brought up about a motion to table.

Then a motion to **Approve** was made by Mr. Hilderbrandt and second by Mr. Mitchell. With conditions that this variance to allow a 1.8 -foot encroachment over 30-foot required setback for a dwelling which was already built to remain, would not set a precedent, made by Mr. Arnold.

The motion passed unanimously. Mr. Arnold wanted to come back at August meeting and discuss penalties for infractions for whomever builds something outside of what the Planning Department approves.

**Adjournment**

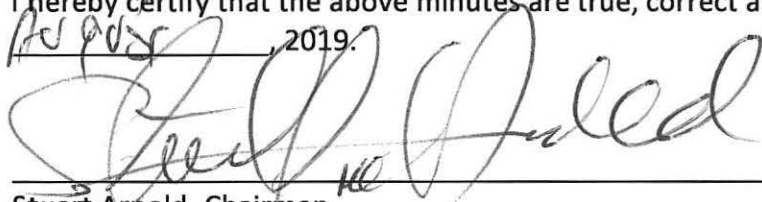
There being no further business to come before the board the meeting was adjourned at 4:11 p.m.

Respectfully Submitted

Crystal Bates, Planning Technician

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I hereby certify that the above minutes are true, correct and approved this 8 day of August, 2019.



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Stuart Arnold, Chairman