



# Baldwin County Commission

## Legislation Details (With Text)

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**File #:** 23-0409      **Version:** 1

**Type:** Consent      **Status:** Agenda Ready

**File created:** 12/16/2022      **In control:** Baldwin County Commission Regular

**On agenda:** 1/17/2023      **Final action:**

**Title:** Baldwin County Commission Board of Adjustment #2 - Board Appointment(s)

**Indexes:**

**Attachments:** 1. Koeppen Resignation PD 21 dated December 8, 2022, 2. Baldwin County Commission Board of Adjustment Number 2 - Active

Date	Ver.	Action By	Action	Result
1/17/2023	1	Baldwin County Commission Regular		

**Meeting Type:** BCC Regular Meeting  
**Meeting Date:** 1/17/2023  
**Item Status:** New  
**From:** Matthew Brown, Planning Director  
**Submitted by:** Paula Bonner, Planning Technician

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### ITEM TITLE

Baldwin County Commission Board of Adjustment #2 - Board Appointment(s)

### STAFF RECOMMENDATION

Related to the Baldwin County Commission Board of Adjustment #2, take the following actions:

- 1) Accept the resignation of Mr. James W. Koeppen, effective February 9, 2023, and thank him for his prior civic service as a regular member (Planning District 21 Designee); and
- 2) Appoint Mr. Michael G. Swansburg as a regular member (Planning District 21 Designee) for a pro-rata reduced three (3) year term, to fill the place seat formerly held by Mr. James W. Koeppen, said term commencing February 9, 2023, and expiring March 16, 2024.

### BACKGROUND INFORMATION

**Previous Commission action/date:** September 20, 2022 - Last BCC board appointment.

#### **Background:**

Planning staff has verified that this appointment meets the qualifications to be appointed to the Baldwin County Commission Board of Adjustment #2.

On May 8, 2020, an amendment (Act #2020-177) to the Baldwin County Planning and Zoning statutes was adopted pertaining to the Boards of Adjustment. The Code Section in question is Alabama Code Title 45, Local Laws Section 45-2-261.10. As approved, the amendment reduced the

number of Boards of Adjustment from four (4) to two (2).

The appointment processes related to the Boards of Adjustment as set forth in the aforementioned Alabama law are as follows:

**Establishment:** The Baldwin County Commission shall appoint two boards of adjustment, and the regulations and ordinances adopted pursuant to the authority of this subpart shall provide that the boards of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, may make special exceptions to the terms of the ordinances and regulations in harmony with their general purposes and interests and in accordance with general or specific rules therein contained.

**Geographic Boundaries:** Board of Adjustment Number One shall serve western, central, and northern Baldwin County and shall include Planning Districts 4, 10, 12, 15, 16, 19, 26, 28, and 31. Board of Adjustment Number Two shall serve southern Baldwin County and shall include Planning Districts 20, 21, 22, 23, 24, 25, 29, 30, 32, and 33. If the majority of qualified electors voting in an election in a territory that is not in a planning district on August 1, 2020, vote to come within the planning and zoning authority and jurisdiction of the Baldwin County Commission in accordance with Section 45-2-261.07, the new planning district shall be under the jurisdiction of the board of adjustment with the closest geographic relationship. Each board of adjustment shall consist of one regular member from each planning district. Each member of a board of adjustment shall be a qualified elector of a planning district within the territory of the respective board of adjustment. Not more than one member of a board of adjustment shall be directly engaged in real estate sales, development, or construction or any directly related field. Each regular member shall be appointed for a term of three years in such a manner to serve staggered terms. A regular member shall continue service until a successor is duly appointed. The members of each board of adjustment shall elect a chair.

**Composition:** In addition to the regular members provided for in this section, the Baldwin County Commission shall appoint alternate members to serve on each board of adjustment. The number of alternate members on each board of adjustment shall be not less than two nor more than the number of regular members on each board. Alternate members may serve in the absence of any regular member and while serving he or she shall have and exercise the authority of a regular member. The alternate member shall have the same qualifications as a regular member and shall be appointed for three terms.

**Qualifications:** Members of each board of adjustment may be removed for cause by the Baldwin County Commission upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each board of adjustment shall adopt bylaws in accordance with any ordinance or regulation adopted pursuant to this subpart. Meetings of each board of adjustment shall be held at the call of the chair of the board and at such other times as each board may determine, provided that no board of adjustment shall meet less than once every three months on a day to be determined by the board. The chair or, in his or her absence, the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the boards of adjustment shall be open to the public. Each board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep records of its examinations and of other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

## **FINANCIAL IMPACT**

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?**  
N/A

### **LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**  
N/A

**Reviewed/approved by:** N/A

**Additional comments:** N/A

### **ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** N/A

**If the proof of publication affidavit is not attached, list the reason:** N/A

### **FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** N/A

**Individual(s) responsible for follow up:** N/A

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**

Send Correspondence to:

Mr. James W. Koeppen  
17158 Cold Mill Loop  
Foley, Alabama 36535

Mr. Michael G. Swansburg  
Post Office Box 711  
Foley, Alabama 36536

**Additional instructions/notes:** Administration - update board list and upload to BCAP, send notification email. Per Planning staff the Alternate PD 21 Designee place seat will remain vacant at this time.