



Baldwin County Commission

Legislation Text

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Meeting Type: BCC Regular Meeting

Meeting Date: 7/3/2018

Item Status: New

From: Vince Jackson, Planning Director

Submitted by: Christel Carpenter, Administrative Support Specialist III

ITEM TITLE

Baldwin County Commission District No. 3 Planning (Zoning) District Board of Adjustment (Central Baldwin County Area) - Board Appointment

STAFF RECOMMENDATION

As relates to the Baldwin County Commission District No. 3 Planning (Zoning) District Board of Adjustment, approve the following action:

Appoint Bellmont Tommy Springer, Jr., as an alternate member to Peggy Pittman Branch (Planning District 12 Designee), for a pro-rata reduced three (3) year term to coincide with the term of Peggy Pittman Branch, said term commencing on July 3, 2018, and expiring on January 2, 2019.

BACKGROUND INFORMATION

Previous Commission action/date: N/A

Background:

PART I - GENERAL BACKGROUND - BOARD(S) OF ADJUSTMENT:

Section 45-2-261 through Section 45-2-261.28 of the Code of Alabama 1975 (Baldwin County's enabling planning and zoning local legislation), sets forth, among other numerous things, the background on, and authority of, Board(s) of Adjustment. The last amendments to the aforementioned law were adopted by the Alabama Legislature through Act No. 2010-719 during the 2010 Regular Session of the Alabama Legislature.

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 provide for the appointment of boards of adjustment ... [to,] ... in appropriate cases and subject to appropriate conditions and safeguards ... make special exceptions to the terms of the ordinances and regulations ..."

Number: Geographic Boundaries: "Four district boards of adjustment shall be appointed by the Baldwin County Commission with the same boundaries as the county commission districts as currently provided for by law ..."

Jurisdiction: "If a planning district is in more than one commission district, the board of adjustment for the planning district shall be the board of adjustment for the county commission district which contains the greatest part of the planning district."

Composition: "Each board of adjustment shall consist of not less than three and not more than the same number of regular members as the number of planning districts within the jurisdiction of a board of adjustment."

"The board of adjustment for each county commission district shall be composed of at least one member from each planning district and shall reflect as nearly as practical the diversity of land use in the commission district."

Qualifications: "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 a directly related field."

Terms of Office: (Regular Members) "Each regular member shall be appointed for a term of three years in such manner to serve staggered terms. A regular member shall continue service until a successor is duly appointed."

(Alternate Members) "In addition to the regular members provided for in this section, one alternate member for each regular member shall be appointed to serve on each board of adjustment only in the absence of the regular member for the place for which he or she was appointed an alternate and while serving shall have and exercise authority of a regular member. The alternate member shall have the same qualifications as a regular member and shall serve for a term concurrent with the regular member for the district."

Removal: "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: "Vacancies shall be filled for the unexpired term of any member whose term becomes vacant."

Initial Appointment: "The initial appointment of members of boards of adjustment and the alternates provided by Act 2006-609 shall be from nominations by the boards of adjustment of the local planning districts on April 26, 2006."

This requirement only applies to the initial appointment of the boards of adjustment. After the terms expire, the Baldwin County Commission may appoint persons meeting the appropriate qualifications

(Staff note).

PART II - BACKGROUND ON BALDWIN COUNTY COMMISSION DISTRICT NO. 3 PLANNING (ZONING) DISTRICTS BOARD OF ADJUSTMENT [CENTRAL BALDWIN COUNTY AREA]:

This recommendation relates to the "Baldwin County Commission District No. 3 Planning (Zoning) Districts Board of Adjustment."

The Jurisdiction of this board of adjustment includes the following Planning (Zoning) Districts: 12, 13, 18 & 31. However, of this number of Planning (Zoning) Districts and at this time, only the following are active "zoned" Districts [which total two (2) in number]: Planning (Zoning) District No. 12 & 31.

At this time, the composition of this board of adjustment is five (5) Regular Members and five (5) Alternate Members. Of the total number of Regular Members, three (3) persons shall be representative of Planning (Zoning) District No. 31 and two (2) persons shall be representative of Planning (Zoning) District No. 12; further, of the total number of Alternate Members, three (3) persons shall be representative of Planning (Zoning) District No. 31 and two (2) persons shall be representative of Planning (Zoning) District No. 12. Lastly, all ten (10) Regular & Alternate Members shall be qualified electors. Furthermore, while the board of adjustment will be composed of a total of ten (10) Regular & Alternate Members, since the Regular Membership remains only five (5) in number there shall be no more the one (1) member of this total number who is directly engaged in real estate sales, development, or construction or a directly related field.

The Terms of Office for each of the five (5) Regular Members and five (5) Alternate Members are required to be three (3) years each; however, the initial terms of office for some of the members were staggered to meet the intent of the requirement for staggered terms. All of the appointments to which this agenda item refers shall be for three (3) year terms of office each.

PART III - BACKGROUND ON PROPOSED RE-APPOINTMENTS TO BALDWIN COUNTY COMMISSION DISTRICT NO. 3 PLANNING (ZONING) DISTRICTS BOARD OF ADJUSTMENT:

Commissioner Dorsey has nominated the person identified in the staff recommendation for reappointment to the Baldwin County Commission District #3 Planning (Zoning) District Board of Adjustment.

Staff has verified that the nominee is 1) qualified elector (i.e. registered voter) within the territory of the respective board of adjustment 2) as found within each and respective "active" Planning (Zoning) District within the Jurisdiction of this board of adjustment and 3) that no current incumbent member or nominee is directly engaged in real estate sales, development, or construction or a directly related field. Therefore, staff confirms that the nominee meets the requirements set forth in Section 45-2-261 through Section 45-2-261.28 of the Code of Alabama 1975.

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: Administration.

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

Correspondence to:

Bellmont Tommy Springer, Jr.

25318 Raynagua Blvd.

Loxley, Alabama 36551

CC: Vince Jackson

Linda Lee

Additional instructions/notes: N/A