



Baldwin County Commission

Legislation Text

File #: 19-1767, **Version:** 1

Meeting Type: BCC Regular Meeting

Meeting Date: 8/6/2019

Item Status: New

From: Wayne Dyess, County Administrator; Vince Jackson, Planning Director

Submitted by: Vince Jackson, Planning Director

ITEM TITLE

Baldwin County Commission District No. 3 Board of Adjustment (Central Baldwin County Area) - Board Appointments

STAFF RECOMMENDATION

Related to the Baldwin County Commission District No. 3 Board of Adjustment (Central Baldwin County Area), take the following actions:

- 1) Appoint Ms. Rosellen E. Coggin, as a regular member (Planning District 12 designee), to fill the place seat formerly held by Mr. Adam Pasqual Bertolla, for a pro-rata reduced three (3) year term, said term commencing on August 6, 2019, and expiring on January 2, 2021; and
- 2) Appoint Mr. John M. Cooper, as a regular member (Planning District 31 designee), to fill the place seat formerly held by Mr. James Hanson Hardy, for a pro-rata reduced three (3) year term, said term commencing on August 6, 2019, and expiring on January 2, 2021; and
- 3) Appoint Ms. Carolyn C. King, as a regular member (Planning District 12 designee), to fill the place seat formerly held by Ms. Judy Powell, for a pro-rata reduced three (3) year term, said term commencing on August 6, 2019, and expiring on January 2, 2022. Approval of this appointment will change the designation of this place seat from Planning District 31 to Planning District 12.

BACKGROUND INFORMATION

Previous Commission action/date: July 2, 2019

Background: 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. 2017-719 during the 2010 Regular Session of the Alabama Legislature.

The appointment process 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 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 if 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 chargers 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.

The Planning and Zoning staff has verified that the above listed nominees meet all requirements for appointment to the Baldwin County Commission District No. 3 Board of Adjustment. According to the Code of Alabama, 1975, Section 45-2-261.10, 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. The certification provided by Ms. Rosellen E. Coggin states that she is actively involved in real estate sales and holds a real estate and/or broker license. Approval of the appointment of Ms. Coggin will be consistent with the stipulations established by the Code of Alabama, 1975, Section 45-2-261.10.

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: Commission Administration Office

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

Appointment letter to:

Ms. Rosellen E. Coggin
26735 Ard Road
Robertsdale, Alabama 36567

Mr. John M. Cooper
20840 County Road 62
Robertsdale, Alabama 36567

Ms. Carolyn C. King
27495 County Road 71
Robertsdale, Alabama 36567

CC: Linda Lee
Vince Jackson

Additional instructions/notes: N/A