



# Baldwin County Commission

## Legislation Text

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**File #:** 20-0106, **Version:** 1

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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 11/5/2019

**Item Status:** New

**From:** Wayne Dyess, County Administrator; Linda Lee Planner

**Submitted by:** Victoria Key, Administrative Support Specialist II

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### **ITEM TITLE**

Baldwin County Commission District No. 4 Planning (Zoning) District Board of Adjustment (Greater South Baldwin County Area) - Board Appointment(s)

### **STAFF RECOMMENDATION**

Related to the Baldwin County Commission District No. 4 Planning (Zoning) District Board of Adjustment (Greater South Baldwin County Area), take the following action:

1) Appoint Mr. Michael G. Swansburg as an Alternate Member to Mr. James Koeppen (Planning District 21 designee), to fill the vacant place seat formerly held by Mr. James Edward Sullivan, Jr., for a pro-rata reduced (3) year term, said term commencing November 5, 2019, and expiring on February 17, 2021.

### **BACKGROUND INFORMATION**

**Previous Commission action/date:** October 1, 2019 - Last BCC action

**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 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 if 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.

### **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:

Mr. Michael G. Swansburg  
PO Box 711  
Foley, Alabama 36536

cc: Linda Lee  
Vince Jackson

**Additional instructions/notes:** N/A