



Baldwin County Commission

Legislation Text

File #: 23-0994, **Version:** 1

Meeting Type: BCC Regular Meeting
Meeting Date: 5/2/2023
Item Status: New
From: Matthew Brown, Planning Director
Submitted by: Paula S. Bonner, Planning Technician

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. Lawrence Kern, effective May 2, 2023, and thank him for his prior civic service as a regular member (Planning District 24 Designee) of the board; and
- 2) Appoint Mr. Mark J. Corn, as a regular member (Planning District 24 Designee), for a pro-rata reduced three (3) year term, to fill the place seat formerly held by Mr. Lawrence Kern, said term commencing May 2, 2023, and expiring March 16, 2025.

BACKGROUND INFORMATION

Previous Commission action/date: March 7, 2023 - Last BCC board appointment.

Background: 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, 8, 10, 12, 15, 16, 19, 26, 28, 31, and 37. Board of Adjustment Number Two shall serve southern Baldwin County and shall include Planning Districts 20, 21, 22, 23, 24, 25, 29, 30, 32, 33, and 35. 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.

The Baldwin County Commission appointed Mr. Lawrence Kern to the Baldwin County Commission Board of Adjustment Number 2 as regular member for Planning District 24 in June 2022

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

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

Send Correspondence to:

Mr. Lawrence Kern
29654 Ono Boulevard
Orange Beach, Alabama 36561

Mr. Mark J. Corn
32675 Sandpiper Drive
Orange Beach, Alabama 36561

Additional instructions/notes: Administration - update board list.