

**BALDWIN COUNTY COMMISSION DISTRICT 4
BOARD OF ADJUSTMENT**

AGENDA

**November 10, 2016
Special Meeting 3:30 p.m.
Baldwin County Satellite Courthouse
Large Meeting Hall
201 East Section Avenue
Foley, Alabama**

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (October 13, 2016)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-160037, Miller Property

Request: Approval of a variance from the 30-foot wetlands setback requirement and a variance from the 100-foot water body setback requirements to allow for the construction of a single-family dwelling

Location: The subject property is located at 11322 County Road 26 in Planning District 21

Attachments: *Within Report*

6. Old Business
7. New Business
 - a.) Approval of 2017 Deadline and Meeting Calendar
 - b.) Review of Proposed Changes to By-Laws
8. Adjournment

Baldwin County Commission District 4, Board of Adjustment

October 13, 2016

Regular Meeting Minutes

Foley Satellite Courthouse

Conference Room

The Board of Adjustment for Baldwin County Commission District 4 met in a regular session on October 13, 2016 at 3:30 p.m., in the Baldwin County Foley Satellite Courthouse Large Meeting Room. Chairman, Stuart Arnold called the meeting to order. Members present included: Samuel Mitchell, Jack Danley, Hugh Helms, Marcia Van Cleve, Johanna Moloney and John Hilderbrandt. Staff members present were Celena Boykin, Planner and Linda Lee, Planner.

The first order of business was approval of the minutes from the September 8, 2016 meeting. A motion to approve the meeting minutes was made by Mr. Mitchell with a second by Mr. Hilderbrandt and carried unanimously.

V-160032, Simpson Property

Ms. Lee presented the applicant's request for a variance from the front yard setback requirement to allow for the relocation of a dwelling onto the subject property. Staff recommended approval of the variance request.

Mr. Thomas Martin spoke in favor of the variance and answered questions from the board.

Following a short discussion, Mr. Mitchell made a motion to approve the variance request. The motion received a second from Mr. Helms and carried on a vote of six in favor and one against.

V-160034 Finn Property

Ms. Lee presented the applicant's request for a variance from the rear yard (road side) setback requirement to allow for the construction of a single-family dwelling landward of the Coastal Construction Control Line. Staff recommended approval of the variance request.

Ms. Kourtnei Flynn spoke in favor of the variance request. Ms. Nelwyn Sellers and Mr. Steve Williams spoke against the variance request and answered questions from the board.

Following a short discussion, Mr. Mitchell made a motion to approve the request with a second from Ms. Moloney. The motion passed unanimously.

V-160035 Pierce Property

Ms. Boykin presented the applicant's request for a variance from the front and rear yard setback requirements to allow for the construction of a single-family dwelling. Staff recommended approval of the variance request.

Following a short discussion, Mr. Mitchell made a motion to approve the request. The motion received a second from Mr. Danley and carried unanimously.

Adjournment

There being no further business to come before the board the meeting was adjourned at 4:18 p.m.

Respectfully Submitted,

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2016.

Stuart Arnold, Chairman



Baldwin County Planning & Zoning Department

County Commission District #4

Board of Adjustment Staff Report

Case No. V-160037

Miller Property

Wetlands and Water Body Setback Variances

November 10, 2016

Subject Property Information

Planning District: 21
General Area: West side of County Road 26/Weeks Bay Road
Physical Address: 11322 County Road 26
PID: 05-59-01-05-0-001-002.001
Zoning: RSF-1, Residential Single Family District
Acreage: 1.88± acres
Applicant: John D. Miller
 14028 State Hwy 181
 Fairhope, AL 36532
Owner: John D. Miller
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant/Residential	RSF-1, Single Family District
South	Residential	RSF-1, Single Family District
East	Vacant/Residential	RSF-1, Single Family District CR, Conservation District
West	Weeks Bay	N/A

Summary and Recommendation

The applicant is requesting a variance from the Planning District 21 Water Body Setback requirement of 100 feet and a variance from the Wetlands setback requirement of 30 feet to allow for the construction of a new single family dwelling.

Staff recommends that Case No. V-160037, Miller Property be **APPROVED**, based on comments contained herein.

Variance Request

The applicant is requesting a variance from the Planning District 21 Water Body Setback requirement of 100 feet and a variance from the Wetlands setback requirement of 30 feet to allow for the construction of a new single family dwelling.

maps: BC Hydro Shape file by Woolpert and Associates, USGS or the Soil Survey. In the event there is a permanent stream or waterway or standing water body on, adjacent to or within the setback distance of a parcel, the set back shall be 100-foot perpendicular distance, measured from the mean high tide line.

For the purposes of this section, the following definition shall apply:

Water body. Any bay, bayou, lagoon, inlet, pond, lake, or other area with a discernable shoreline that ordinarily or intermittently contains water, or a river, stream, or creek with permanent flow. The term does not include storm water detention, retention facilities, or artificial pond, lake, or reservoir.

The following activities are allowed within the setback area:

- (1) Boardwalks;
- (2) Nature trails;
- (3) Other conservation relates or open space related structure;
- (4) Roads and Bridges;
- (5) Vehicular Access ways (minimum necessary to provide access to a site);
- (6) Utility Installation;
- (7) Storm water management facilities when no other viable alternative exists;
- (8) Docks, piers and boat launching areas.

Section 10.4 Wetland Protection Overlay District

10.4.1 *Purpose.* The wetlands within Baldwin County, Alabama are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition wise use of forested wetlands is essential to the economic well-being of Baldwin County. A considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare. It is therefore necessary for Baldwin County to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.

The purpose of the wetland protection overlay district is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values and to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge and wildlife habitat.

10.4.2 *Area of application.* The wetland protection overlay district applies to wetlands under the planning and zoning jurisdiction of Baldwin County. The Generalized Wetland Map adopted as part of these zoning ordinances shows the general location of wetlands and should be consulted by persons contemplating activities in or near wetlands. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be

a part of these zoning ordinances. The Generalized Wetland Map shall be kept on file in the offices of the Planning & Zoning Department.

10.4.3 *Wetland protection district boundaries.* The Generalized Wetland Map is a general reference document and wetland boundaries indicated on the map are approximations. The Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 permit will be required prior to any activity. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within the jurisdiction of Baldwin County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this section does not relieve the land owner from federal or state permitting requirements.

10.4.4 *Permit requirements.* A U.S. Army Corps of Engineers wetlands jurisdictional determination if the proposed planned development contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map as defined herein, or through a site visit by County Staff. **The setback for development from a wetland must be a minimum of 30 feet.**

If the area proposed for development is located in or within the wetland protection district boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers jurisdictional determination shall be required prior to the issuance of a Land Use Certificate. If the Corps determines that wetlands are present on the proposed development site and that a Section 404 Permit or Letter of Permission is required, a Land Use Certificate will be issued only following issuance of the Section 404 Permit or Letter of Permission. Any application for subdivision approval on property which contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map defined herein through a site visit by County Staff, will have to obtain a U.S. Army Corps of Engineers wetlands jurisdictional determination. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, development may not proceed until the Section 404 Permit or Letter of Permission is issued.

10.4.5 *Subdivisions in the Wetland Protection Overlay District.* Where a parcel of land proposed to be subdivided contains an area of wetlands delineated as jurisdictional by the Army Corps of Engineers, said wetlands shall be subject to Section 404(b)(1) guidelines concerning fill material disposal into wetlands. Lots may be platted where sufficient upland areas exist to provide a building site for the principal structure and necessary ancillary facilities. Fill may be used where necessary to provide access to lots where approval for such fill has been received from the Army Corps of Engineers and other appropriate governmental agencies.

Wetlands delineated as jurisdictional by the Army Corps of Engineers and not permitted for fill shall be set aside as common area or shall be contained within an easement dedicated to protect the wetland. Said common area or maintenance easement shall extend a minimum of 30-feet beyond the limits of the wetland. Maintenance responsibility shall be vested in the trustees of the subdivision, by virtue of the trust indenture.

Section 4.2 RSF-1, Single Family District

4.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.6 Variances, and Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

Staff Analysis and Findings

The following standards for approval are found in Section 18.6, Variances of the *Baldwin County Zoning Ordinance*. These standards are to be considered when a variance request is being reviewed.

1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.

According to the tax records the parcel is approximately 266' x 347'. However, according to the plat submitted a large portion of the property appears to be wetlands.

2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.

According to information submitted by the applicant, a substantial portion of the parcel is covered in wetlands. Also, the applicant states that there are several oak trees that they would like to preserve. The preservation of these oak trees necessitates the water body setback variance.

3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.

The granting of this application is necessary to allow for the construction of a single family dwelling.

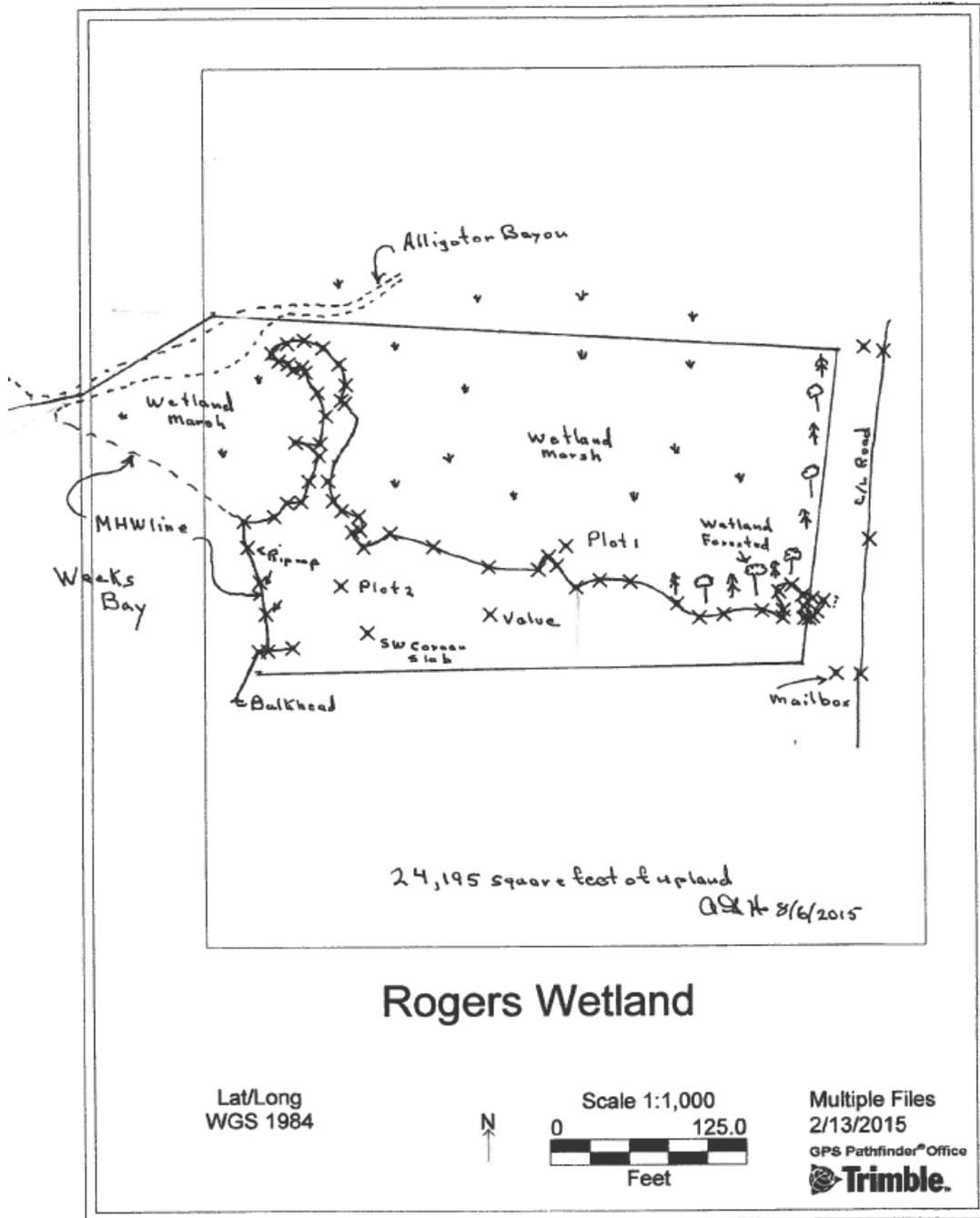
4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

The granting of this application should not have any significant impact on adjacent property owners.

5.) Other matters which may be appropriate.

See Department of the Army Jurisdictional Determination attached to this report.

Wetland Delineation



Staff Comments and Recommendation

Staff feels this is a reasonable request and recommends that Case No. V-160037, Miller Property be **APPROVED**, based on comments contained herein.

GENERAL NOTES {By-laws}

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board or in a trial de novo.

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as the conditions upon which it is granted and the conditions imposed by the Zoning Ordinance are adhered to.

Unless otherwise specifically stated by the Board, a variance authorized by the Board shall expire if the applicant fails to obtain appropriate permits pursuant thereto within six (6) months and construction must begin from the date of authorization of the variance.

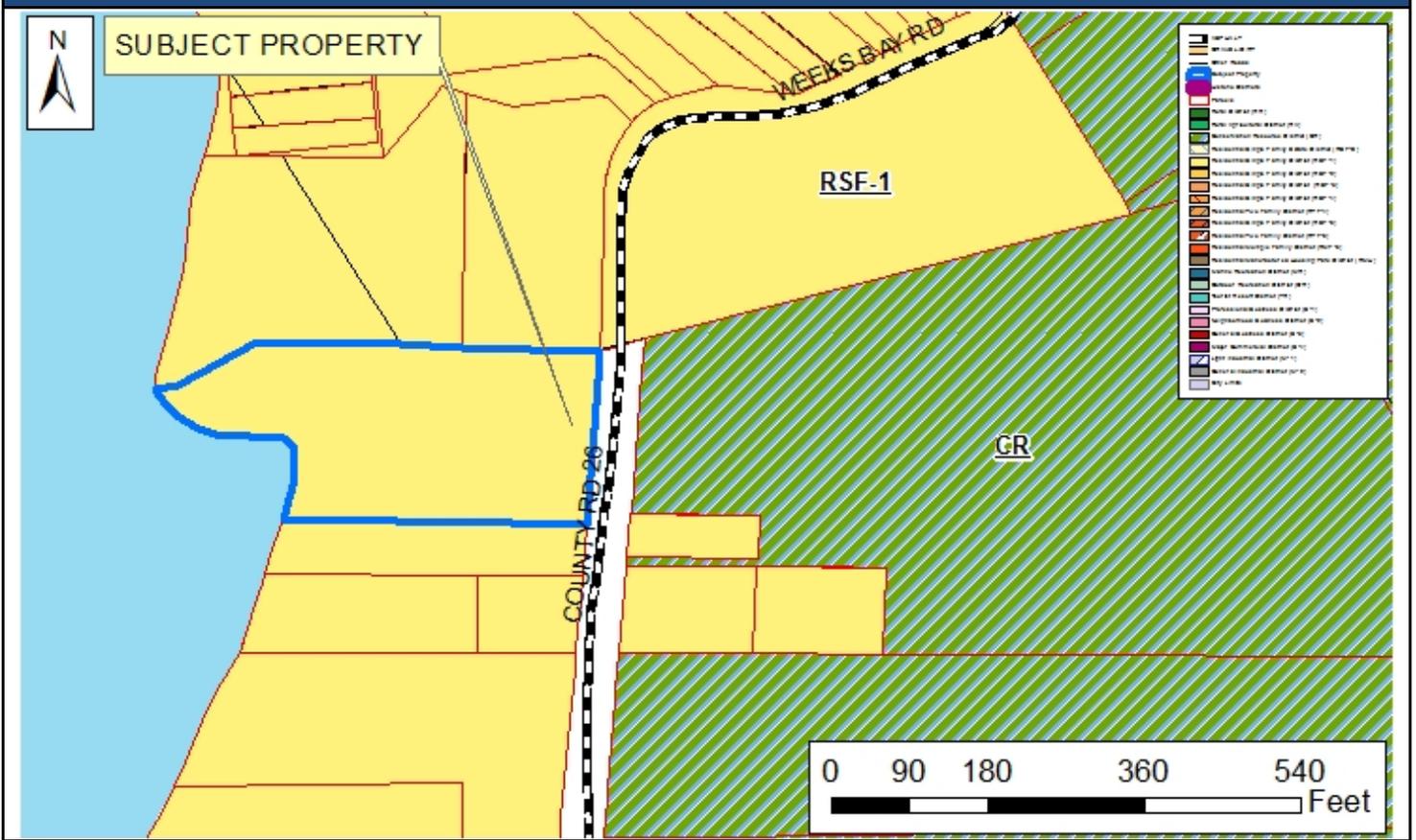
Property Images







Locator Map



Site Map

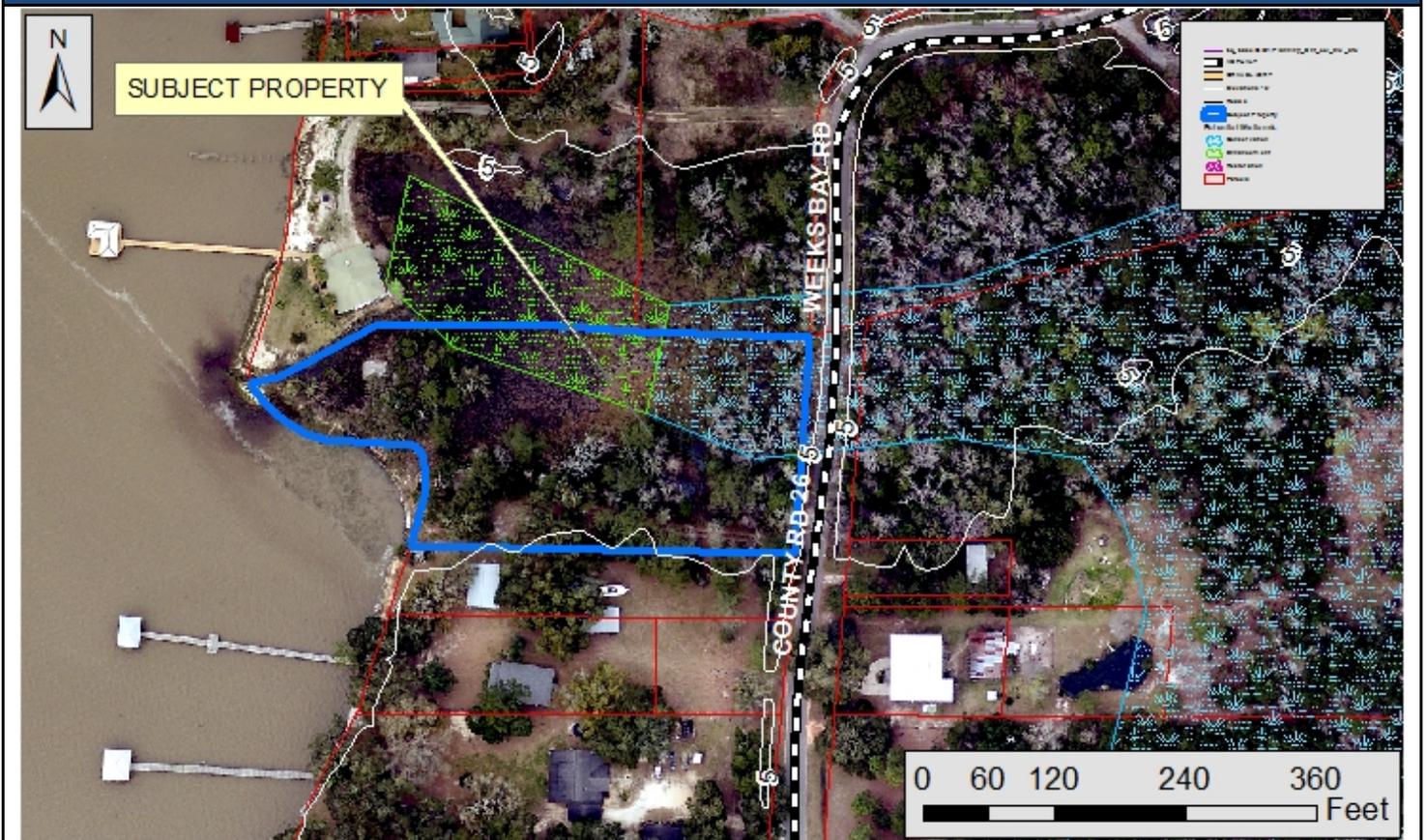


Exhibit C



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

July 8, 2015

South Alabama Branch
Regulatory Division

Subject: Department of the Army Jurisdictional Determination, File Number
SAM-2014-00581-JEB, Elaine Rogers, Baldwin County, Alabama.

Ms. Elaine Rogers
25918 Chamberlain Drive
Daphne, Alabama 36526

Dear Ms. Rogers:

This is in response to your consultants April 6, 2015 request for a Department of the Army, Corps of Engineers (DA or USACE) approved jurisdictional determination concerning your property located near Weeks Bay. Specifically the wetland delineation tract is located at 11322 County Road 26 within Section 36, Township 7 South, Range 2 East at latitude 30.3820° North and longitude -87.8305° West, Baldwin County, Alabama.

Based on our review of the information furnished, information available to our office, and a site visit conducted on April 29, 2015 we have determined that the above-referenced property contains wetlands and other waters of the United States under the U.S. Army Corps of Engineers' regulatory jurisdiction. The wetland/upland boundary, as shown on the enclosed GPS wetland delineation and flagged on the property, has been determined to be accurate. Based upon criteria contained in the U.S. Army Corps of Engineers' 1987 Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0), the review area was found to contain approximately 2.25 acres of jurisdictional wetlands which are subject to Federal permitting authority pursuant to Section 404 of the Clean Water Act of 1977 (33 U.S.C. 1344). In these areas, land clearing operations involving vegetation removal with mechanized equipment such as front-end loaders, backhoes, or bulldozers with sheer blades, rakes, or discs; windrowing vegetation; land leveling; or other soil disturbance or introduction of material in these areas would be considered placement of dredged or fill material subject to USACE jurisdiction.

This property was reviewed pursuant to Section 404 of the Clean Water Act, which requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into "waters of the United States", including wetlands, prior to

ARTHUR MOSEY

conducting the work (33 U.S.C. 1344). For regulatory purposes, the USACE defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. If future development plans include a discharge of dredged and/or fill material into the jurisdictional wetlands located on the property, a DA permit would be required prior to initiating work.

This letter contains an Approved Jurisdictional Determination for your subject site. If you object to this determination, you may request an administrative appeal under USACE regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the South Atlantic Division Office at the following address: Mr. Jason W. Steele, Regulatory Appeals Review Officer, Telephone: 404-562-5137, Facsimile: 404-562-5138, South Atlantic Division, 60 Forsyth Street SW (Room 10M15), Atlanta, Georgia 30303-8801.

In order for an RFA to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by September 8, 2015.

It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This approved jurisdictional determination is based on current policy and regulation and is valid for a period of five (5) years from the date of this letter. If after the 5-year period this jurisdictional determination has not been specifically revalidated by the Corps, it shall automatically expire.

This letter grants no property rights nor shall it be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect any proposed work at this site.

A copy of this letter is being provided to Hosey Environmental, LLC, Post Office Box 464 Daphne, Alabama 36526.

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please refer to file number **SAM-2014-00581-JEB** in all future correspondence regarding this property or if you have any questions concerning this determination.

Pictures of Trees Submitted by Applicant









BALDWIN COUNTY COMMISSION #4 PLANNING AND ZONING BOARD OF ADJUSTMENT

2017 MEETING DATES & APPLICATION DEADLINE DATES

Meeting time: 3:30 p.m.
Meeting location: Foley Satellite Courthouse Large Meeting Hall

All applications to be considered by the Baldwin County Commission #4 Planning and Zoning Board of Adjustment shall be submitted no later than 4:30 p.m. on the deadline date listed below. *There will be no exceptions.*

MEETING DATE	STAFF REPORTS DUE	APPLICATION DEADLINE DATE
January 12, 2017		December 19, 2016
February 9, 2017		January 19, 2017
March 9, 2017		February 14, 2017
April 13, 2017		March 23, 2017
May 11, 2017		April 20, 2017
June 8, 2017		May 17, 2017
July 13, 2017		June 21, 2017
August 10, 2017		July 20, 2017
September 14, 2017		August 23, 2017
October 12, 2017		September 21, 2017
November 9, 2017		October 19, 2017
December 14, 2017		November 21, 2017

Dates may differ from original meeting dates and/or application deadline dates due to holidays, and may be subject to change upon request by the Chairman of the Board.

U:\Zoning\Board of Adjustment - Baldwin County Commission 4 (South end)\Deadline and Meeting Calendar 2017

BY LAWS
OF THE
BALDWIN COUNTY
COMMISSION DISTRICT FOUR
ZONING BOARD OF ADJUSTMENT



Section 1.1 General Governing Rules

The Board of Adjustment hereinafter also referred to as the “Board” and the “BOA”, along with the business thereof, shall be governed by, without limitation, both the provisions of Ala. CODE 1975 § 45-2-261 to -261.18, also at Act 91-917, as amended, and as may be amended from time to time by the Alabama Legislature and by the Zoning Ordinance of Baldwin County, as may be amended from time to time by the Baldwin County Commission.

Section 2.1 Officers and Duties

2.1.1 Chairperson and Vice-Chairperson

A Chairperson and Vice-Chairperson shall be elected annually by a majority vote of the Board and shall serve for the calendar year unless otherwise determined. The Chairperson, or in his absence, Vice-Chairperson, shall preside at all meetings of the Board, and subject to these rules, shall decide all points of procedure including without limitation the setting of agenda.

2.1.2 Secretary

The Secretary shall be a person chosen from the Baldwin County Planning & Zoning Department staff. The Secretary, subject to the direction of the Board shall keep all minutes, records, shall manage all correspondence and shall prepare, distribute and publish all required notices.

2.1.3 Minutes of Proceedings

The Board of Adjustment 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. In addition, the Board shall keep records of its examinations and of other official actions, all of which shall immediately be filed in the office of the Baldwin County Planning & Zoning Department, and shall be a public record.

2.1.4 Inspections

Whenever the Board of Adjustment deems it necessary to inspect the premises involved in an application for appeal of an administrative decision or variance, the Chairperson shall designate not less than two (2) members to make such inspection; provided, however, that such designation shall not preclude any or all other Board members from attending the subject inspection.

Section 3.1 Meetings

3.1.1 Time of Meetings

Meetings of the Board shall be held at the call of the Chair, and at such other times as the Board may determine according to the procedures found herein, provided that no Board shall meet less than once every three months on a day to be determined by the Board. Regular meetings of the Board shall be held on the designated date, time and location as established and approved by the Board at the first regular meeting. The first regular meeting of each year shall constitute the Annual meeting of the Board. Special meetings shall also be called upon a written request of at least two (2) members of the Board. The request by two Board members for a special meeting shall be delivered to the Chairperson, or in his absence, to the Vice-Chairperson, and a copy of such request shall be delivered to the Secretary.

3.1.2 Notice of Board Members

Notice of the time set for special meetings shall be given to each member not less than 48 hours in advance. With the consent of at least four (4) members, a meeting may be held with less than a 48 hours notice.

3.1.3 Conduct of Meetings

All meetings of the Board shall be open to the public.

(a) *Quorum.* A majority of the regular members of the Board present shall constitute a quorum. In the event a regular member cannot attend, the designated alternate shall be considered a regular member for purposes of determining a quorum. A vote of the majority of the members of the Board ~~who are present and voting~~ shall be necessary to: 1) reverse any order, requirement, decision, or determination of any administrative official; to, 2) decide in favor of the applicant on any matter upon which it is required to act or; to 3) approve a variance from the terms of the zoning regulations adopted pursuant to this act.

(b) *Order of business.* The order of business at meetings shall be substantially as follows:

- (1) Roll call.
- (2) Reading of Minutes of Preceding Meeting
- (3) Hearing of Variances or Appeals
- (4) Unfinished business.
- (5) New business.
- (6) Adjournment.

(c) *Minutes.* The Secretary shall keep the minutes of the Board showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of examinations and other official actions.

(d) *Agenda.* If a properly submitted application exists on any agenda of the Board and is not disposed of by the Board during the time allotted to that respective agenda, then such application shall be carried on the agenda of the Board at each succeeding meeting until finally disposed of by the Board.

(e) All meetings shall be in concurrence with the Roberts Rule of Order, latest edition.

Section 4.1 Appeals and Applications

4.1.1 Form of Appeal or Application

The Board shall not hear any appeal unless a notice of appeal was properly made on forms furnished for that purpose, and the original shall be signed by the appellant.

4.1.2 Required Components of Appeal of Application or Variance

The Board shall not consider the appeal or application for variance as complete until all of the following has been properly submitted according to the Baldwin County Zoning Regulations:

- (a) *Application form.*
- (b) *Plans and specifications.*
- (c) *State and Federal permits.*
- (d) *Application fee.*

Section 5.1 Hearings

5.1.1 Conduct of Hearings

The Board may allow any person to appear either in person or by agent or attorney at the hearing.

5.1.2 Rehearing

The Board shall have the discretion, without notice or public hearing, to consider ~~applications-requests~~ for rehearing or new applications on the same issue, sooner than twelve (12) months from the date of the original hearing. If the Board should find a rehearing or new application to be warranted, said rehearing or new application shall be properly noticed and heard at the next regularly scheduled meeting of the Board. Unless

necessitated by litigation, no more than one rehearing or new application, per property shall be granted.

5.1.3 Postponements and Withdrawals

(a) Postponements

Any application may be postponed at the discretion of the applicant initiating the request, and upon written notice to the Baldwin County Planning and Zoning Department. A request for postponement must be submitted no later than two (2) business days prior to the date and time of the scheduled hearing. If a request for postponement is submitted less than two (2) business days prior to the hearing, the decision on whether or not to accept the request will rest with the Board. No more than one request for postponement shall be granted.

(b) Withdrawals

~~Any application may be withdrawn prior to action thereon at the discretion of the applicant initiating the request upon written notice to the Baldwin County Planning and Zoning Department within 24 hours of the date and time of the subject hearing. Should the request to withdraw not be submitted prior to the 24 hour period, the request to withdraw may be denied by the Board.~~

Any application may be withdrawn at the discretion of the applicant initiating the request, and upon written notice to the Baldwin County Planning and Zoning Department. A request for withdrawal must be submitted no later than two (2) business days prior to the date and time of the scheduled hearing. If a request for withdrawal is submitted less than two (2) business days prior to the hearing, the decision on whether or not to accept the request will rest with the Board.

Section 6.1 Determinations

6.1.1 Form of Decision

The final decision of the Board upon any appeal or application shall be made by a written order, duly entered and signed by the Secretary, or in his/her absence, by the Planning Director/Zoning Administrator. Such order shall show the reasons for the determination along with any conditions imposed by the Board.

6.1.2 Notice of Decision

The Secretary shall notify interested parties of the decision of the Board and shall transmit to the appellant or applicant a copy of the written order of the Board.

6.1.3 Conditions Imposed by Board Determination

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in any subject permit(s) issued by the administrative officer in questions.

~~6.1.4 Time Limitation on Obtaining Permit~~

~~Unless otherwise specifically stated by the Board, a variance authorized by the Board shall expire if the applicant fails to obtain all necessary permits pursuant thereto within six (6) months of the date of the subject vote taken.~~

Section 7.1 General Rules

7.1.1 General Authority

The Board shall have and exercise all rights, authority and powers presently or hereafter provided by law. The adoption of rules by the Board shall not constitute or be construed as a limitation or restriction in any manner whatsoever.

7.1.2 Amendment and Revocation

These Rules of the Board may be amended or revoked at any meeting by the majority of the members of the Board. Prior notice of intention to amend or revoke the rules must be given by the Chairperson to all members prior to the meeting. These rules shall be filed in the office of the Baldwin County Planning and Zoning Department and shall be a public record and shall be available for examination as provided by law.

7.1.3 Records and Decisions Public

Every decision and all minutes, proceedings, and orders of the Board shall be filed in the Office of the Baldwin County Planning and Zoning Department and shall be public records.

7.1.4 Attendance

If a member should miss three (3) or more meetings within a six (6) month period, without prior notification to the Secretary or without an acceptable excuse, said member may be removed from the Board subject to the policies and procedures of the Baldwin County Commission.

Section 8.1 Ethics

Each Board member shall identify any conflict of interest, whether proprietary, financial or otherwise he or she may have in regard to any and all matters coming before the Board. Each Board member having a conflict of interest should recuse himself or herself from the subject matter.

These By-Laws were adopted this _____ day of _____, 2016 by the Baldwin County Planning (Zoning) District Board of Adjustment (Commission District 4).

SIGNATURE OF CHAIRMAN

DATE