

**BALDWIN COUNTY COMMISSION DISTRICT 2
BOARD OF ADJUSTMENT**

AGENDA

November 14, 2016

Regular Meeting

4:00 p.m.

Central Annex Auditorium

22251 Palmer Street

Robertsdale, Alabama

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (September 12, 2016)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-160036 McLean Property

Request: Approval of a variance from the rear yard setback requirement

Location: The subject property is located at 12335 County Road 1 in Planning District 26

Attachments: Within Report

6. Old Business
7. New Business
 - a.) Approval of 2017 Meeting and Deadline Calendar
8. Adjournment

Baldwin County Commission District 2, Board of Adjustment

September 12, 2016

Regular Meeting Minutes

Central Annex

Conference Room

The Board of Adjustment for Baldwin County Commission District 2 met in a regular session on September 12, 2016 at 4:00 p.m., in the Baldwin County Central Annex Commission Conference Room. Vice-Chairman Blayne Pierce called the meeting to order. Members present included: Gary Cowles, Norman Bragg and Brandon Bias. Staff member present was Linda Lee, Planner.

Approval of Previous Meeting Minutes

A motion to approve the meeting minutes from the August 8, 2016 meeting was made by Mr. Bragg with a second by Mr. Cowles and carried unanimously.

V-160029, Morgan Property

Mrs. Lee 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, Board Member Gary Cowles made a motion to approve the variance request with the condition that the front setback must be 35 feet from the mean high tide line or edge of water, whichever is further inland. The motion received a second from Board Member Norman Bragg and carried unanimously.

New Business

Mrs. Lee reviewed the proposed changes to the By-Laws.

Adjournment

There being no further business to come before the board Mr. Pierce adjourned the meeting at 4:20 p.m.

Respectfully Submitted

Linda Lee, Planner

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

Michael Cochran, Chairman



Baldwin County Planning & Zoning Department

County Commission District #2

Board of Adjustment Staff Report

Case No. V-160036

McLean Property

Setback Variance for a Proposed Deck Addition

November 14, 2016

Subject Property Information

Planning District: 26
Study Area: 2
General Location: Lots 17, 18 Block A, Jubilee Point on Mobile Bay
Physical Address: 12335 County Road 1
Parcel Number: 05-56-09-32-0-000-058.000
Zoning: RSF-2, Single Family District
Lot Size: Approximately 100' x 173'
Applicant: Diana Jane McLean
 12335 County Road 1
 Fairhope, AL 36532
Owner: Same
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped	RA
South	Mobile Bay	N/A
East	Residential	RSF-2
West	Residential	RSF-2

Summary and Recommendation

The applicant is requesting a variance to allow for a deck addition onto an existing single family dwelling. The zoning requirement at issue is the rear (road side) setback. The applicant has proposed constructing a deck less than 1-foot from the rear property line. The proposed deck is 5'x9' with 13'9" of stairs. The purpose of the proposed deck is to allow for an alternate exit for safety reasons.

Staff recommends that Case No. V-160036, McLean Property, be **APPROVED** based on the comments contained herein. *

* A majority vote of the board members will be necessary to approve this request.

Variance Request

The applicant is requesting a variance to allow for a deck addition onto an existing single family dwelling. The zoning requirement at issue is the rear (road side) setback. The applicant has proposed constructing a deck less than 1-foot from the rear property line. The proposed deck is 5'x9' with 13'9" of stairs. The purpose of the proposed deck is to allow for an alternate exit for safety reasons.

Section 4.3 RSF-2, Single Family District

4.3.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

4.3.2 *Permitted uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.3.3 *Conditional uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.

4.3.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.3.5 *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	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

***Section 12.5 Yard Requirements**

12.5.1 Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than 2-feet beyond the yard area requirements. (For additional provisions see *Section 22.2, Definitions* “Accessory Structure” and “Structure”)

12.5.2 Yard requirements shall be modified subject to the following conditions:

(f) All buildings or structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.

****2.3.26.3 Local Provisions for Planning district 26**

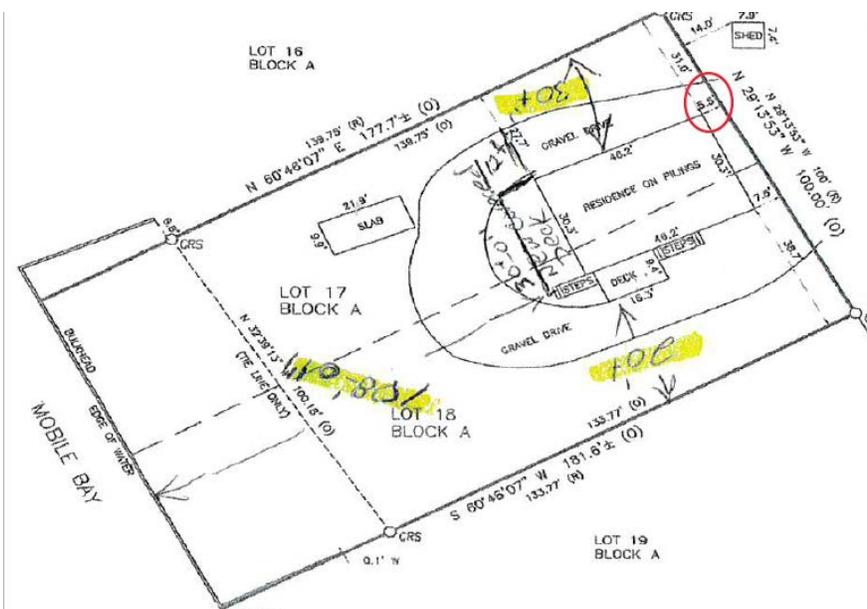
- (a) No cemeteries are allowed.
- (b) No recreational vehicle parks are allowed.
- (c) Accessory dwellings are permitted by right in residential districts, provided they do not exceed 60% of the size, in square feet, of the principal residence.
- (d) The required side yards in the “RSF-2, Single Family” district may be reduced to 3-feet on one side and 10-feet on the other side provided a minimum of 13-foot separation remains between buildings.

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.

The subject property is developed with a single family dwelling. The adjoining properties are residential. The property adjoins County Road 1 to the north east. County Road 1 is a county maintained paved road. According to the survey submitted the property is 100-feet wide and 177-feet deep. The approximate square footage is 17,700 square feet. The existing dwelling was built in 1976 prior to the enactment of zoning and is 5.5 feet from the rear property line.



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

The subject property is located in the Jubilee Point Subdivision. The right-of-way for this stretch of County Road 1 is 230-feet, where other sections of County Road 1 have a more normal right-of-way which ranges from 80 to 100-feet. As a result, the depths of lots in the Jubilee Point area are reduced which in turn decreases buildable area. A substantial number of variances which have been considered and approved in Planning 26 are a direct result of the 230' right-of-way. This is especially true with regard to rear setbacks. Variances which allowed rear setbacks ranging anywhere from 20-feet to a zero lot line have been approved depending on the needs of the particular applicant.

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 use of this property is already established with 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.

No adverse impacts.

5.) Other matters which may be appropriate.

Staff Comments and Recommendation

As stated previously, the applicant is requesting a variance to allow for a deck addition onto an existing single family dwelling. The zoning requirement at issue is the rear (road side) setback. The applicant has proposed constructing a deck less than 1-foot from the rear property line. The proposed deck is 5'x9' with 13'9" of stairs. The purpose of the proposed deck is to allow for an alternate exit for safety reasons.

Staff feels that this is a reasonable request and recommends that Case No. V-160036, McLean Property, be **APPROVED** based on the comments contained herein.*

* A majority vote of the board members will be necessary to approve this request.

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.





**SUBJECT DWELLING
REAR PROPERTY LINE**

10/26/2016

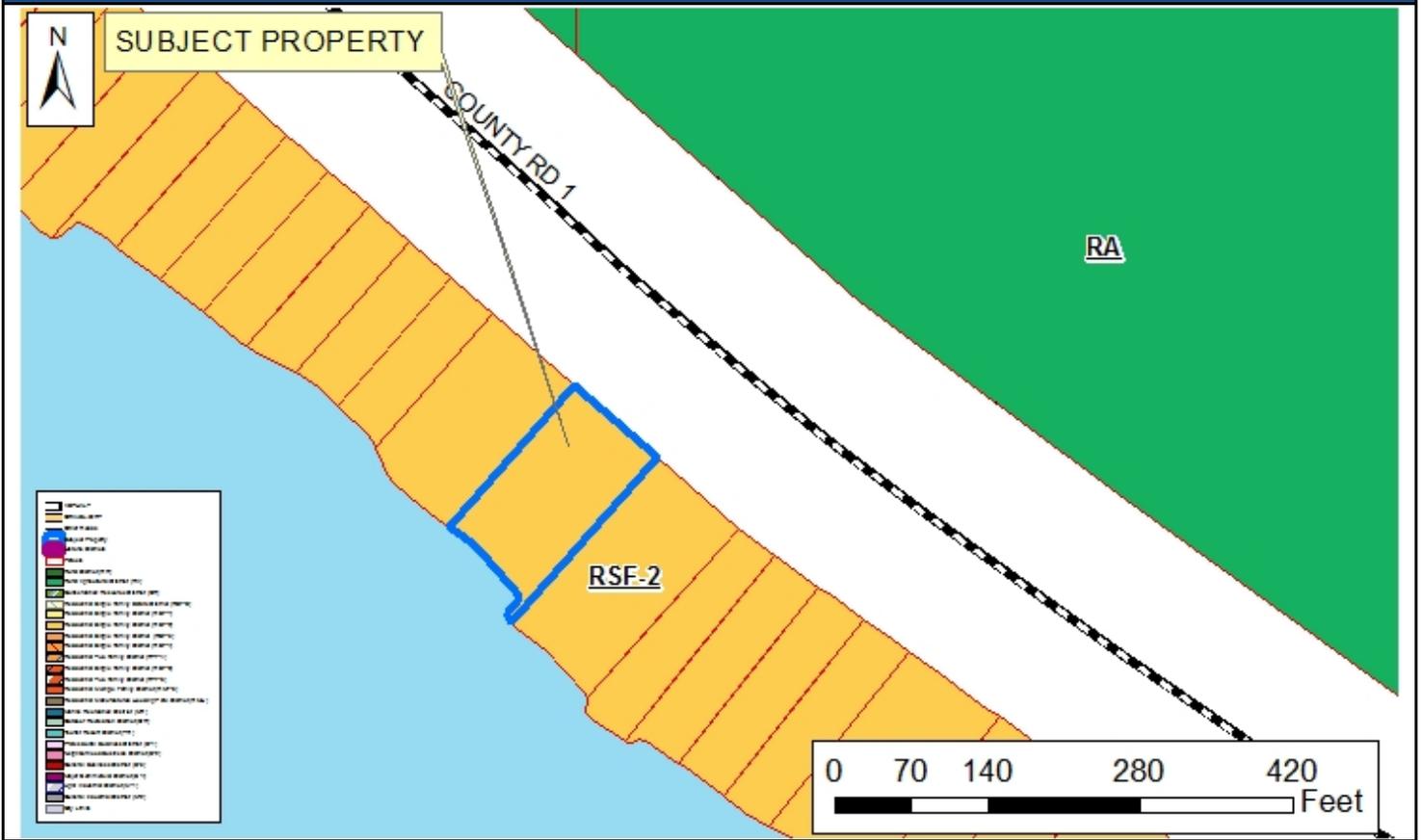


**SUBJECT DWELLING
SOUTH SIDE VIEW
STAIRS & ACCESS**

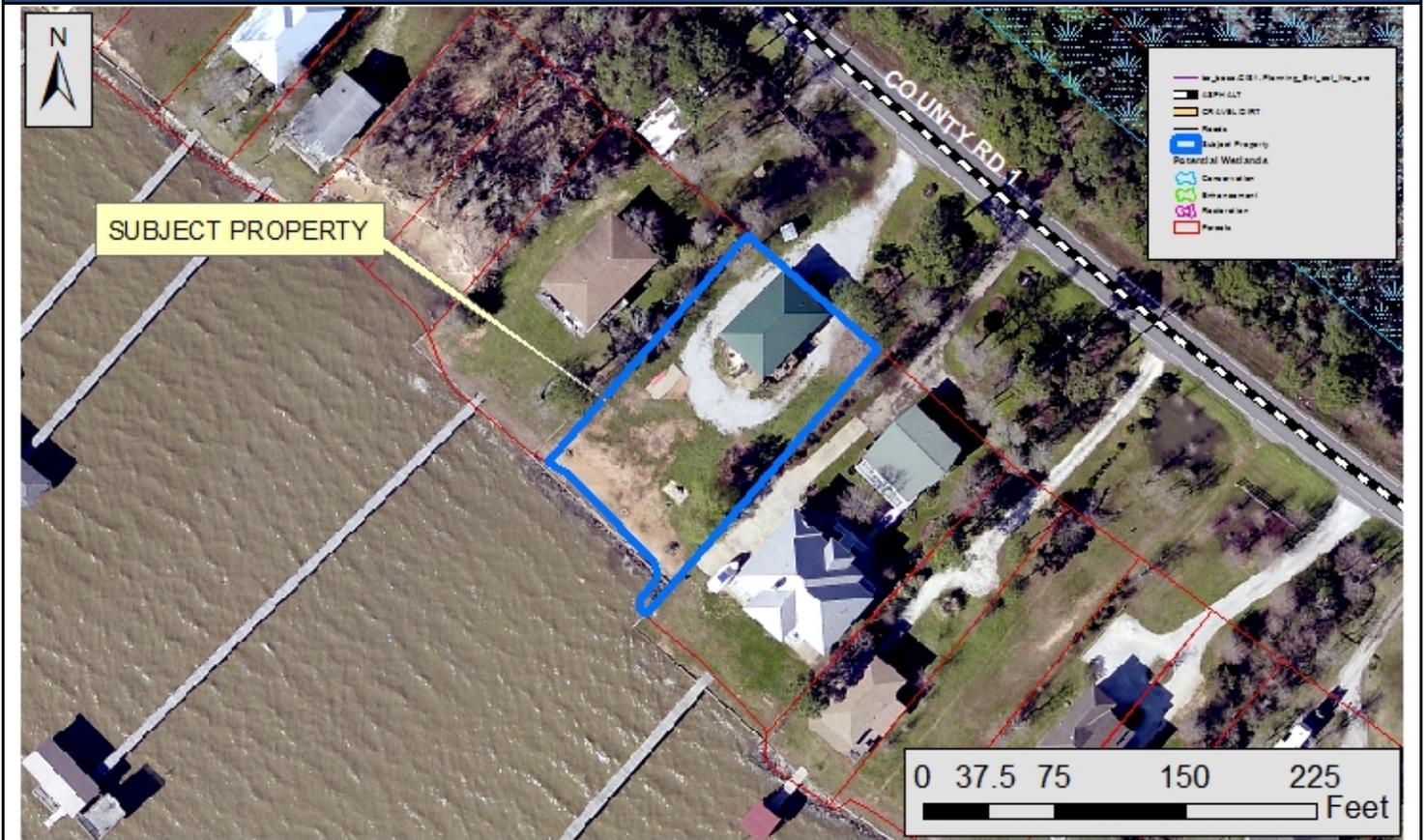
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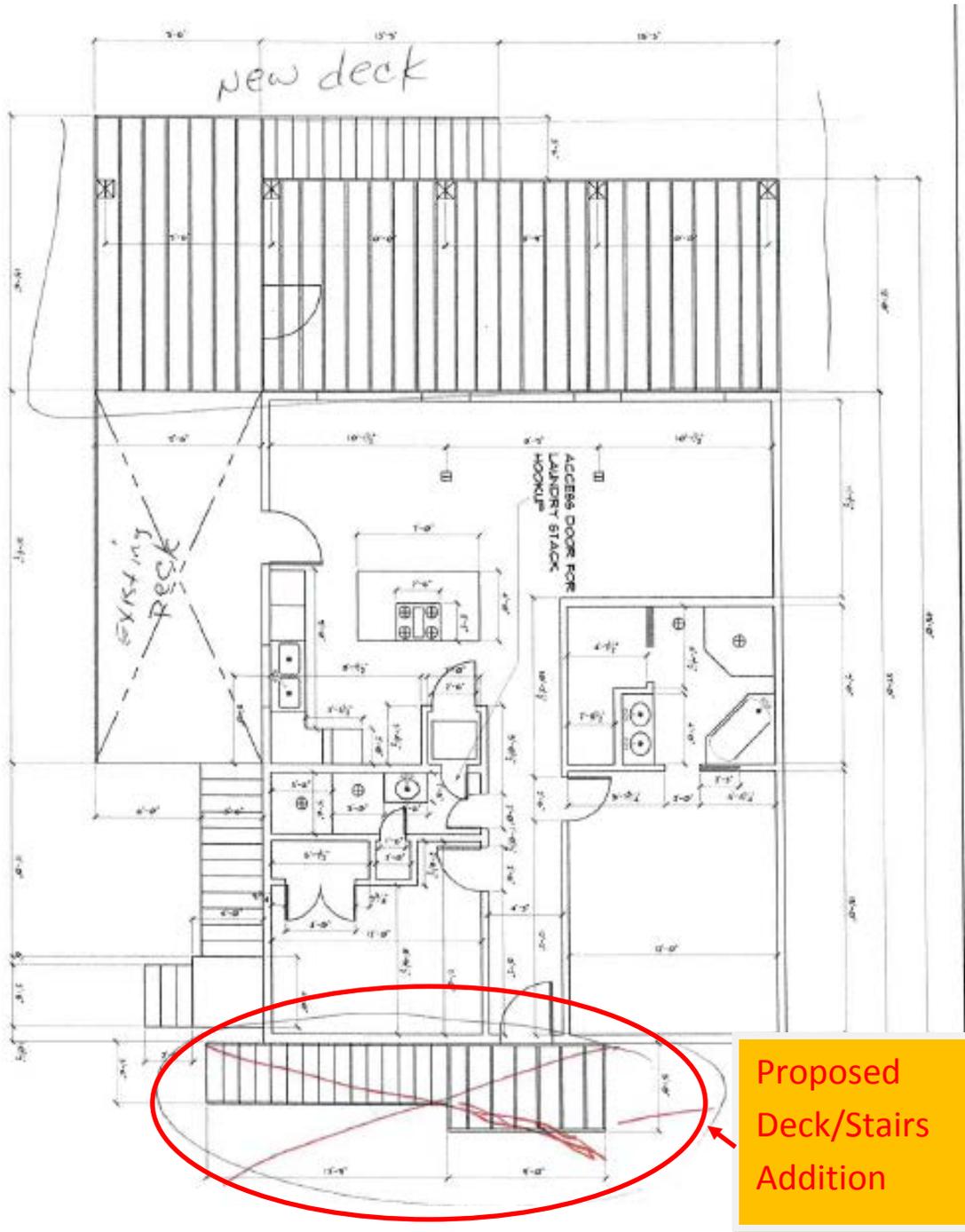
Locator Map



Site Map



Proposed Deck Addition



**BALDWIN COUNTY COMMISSION #2
PLANNING AND ZONING BOARD OF ADJUSTMENT**

**2017
MEETING DATES
&
APPLICATION DEADLINE DATES**

Meeting time: 4:00 p.m.
Meeting location: Baldwin County Central Annex Auditorium

All applications to be considered by the Baldwin County Commission #2 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 9, 2017		December 14, 2016
February 13, 2017		January 23, 2017
March 13, 2017		February 16, 2017
April 10, 2017		March 20, 2017
May 8, 2017		April 17, 2017
June 12, 2017		May 19, 2017
July 10, 2017		June 16, 2017
August 14, 2017		July 24, 2017
September 11, 2017		August 18, 2017
October 9, 2017		September 18, 2017
November 13, 2017		October 20, 2017
December 11, 2017		November 16, 2017