

1 the compound is already fenced, we may not need it.

2 Y'all good with that?

3 CHAIRMAN SAM DAVIS: Spence?

4 COMMISSION MEMBER SPENCE MONROE: I'll make  
5 that motion on the proposed, too.

6 MR. VINCE JACKSON: Okay.

7 CHAIRMAN SAM DAVIS: Okay. All right. Is  
8 there a second?

9 COMMISSION MEMBER ART HOSEY: I'll second.

10 CHAIRMAN SAM DAVIS: All right. We have a  
11 motion and a second to approve. All in favor, say aye.

12 (Some Commission Members say "aye" in unison.)

13 CHAIRMAN SAM DAVIS: All opposed?

14 COMMISSION MEMBER DALE MARSTON: Opposed.

15 CHAIRMAN SAM DAVIS: All right. It's motion  
16 carried with one opposition.

17

18 **8-C - CASE Z-16031 CARTER PROPERTY**

19 CHAIRMAN SAM DAVIS: Okay. The next case is  
20 Z-16031, Carter property. Can we have a staff report?

21 MS. CELENA BOYKIN: All right. This is a  
22 request to re-zone point-three-five-nine (.359) acres  
23 located in Planning District 16 on the north side of  
24 Graham Street and just west of US Highway 98.

25 The subject property is currently zoned RSF-2. And  
26 the applicant is asking that it be re-zoned to RSF-4. As  
27 you can see on the zoning map, the subject property to  
28 the north -- to the north and the east of the subject

1 property is commercial, to the south and west is  
2 residential, zoned residential.

3 Currently, the applicant is living on the subject  
4 property. And her request for the RSF-4 is so she can do  
5 a family division and divide this piece of property in  
6 half so her daughter can build a house on the other half.

7 Staff has recommended approval and sees no major  
8 issues. There was an issue brought up with the sewer.  
9 And I called the City of Daphne. And they do not provide  
10 sewer. They do provide water to the subject property.  
11 And the City of Fairhope does not provide sewer in this  
12 area, either. The applicant currently has a septic tank  
13 to her house.

14 CHAIRMAN SAM DAVIS: Any questions for staff?

15 COMMISSION MEMBER DALE MARSTON: Yeah, I have a  
16 couple questions. Where is the nearest R-4 designation  
17 to this property?

18 MS. CELENA BOYKIN: All I have is the zoning  
19 map right in front of me, the one that's in the staff  
20 report. There is no RSF-4 shown on there.

21 I mean, there are many lots in that area that do not  
22 meet that RSF-2. And there is a lot of RSF-2 zonings in  
23 that area. Some of the lots are smaller than -- than the  
24 required minimum lot area. But as far as on the zoning  
25 map in the staff report, there is no RSF-4 in that area  
26 shown.

27 COMMISSION MEMBER DALE MARSTON: Okay. So, if  
28 this lot is divided, whether it's -- let's just say it's

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1 divided in two, equally. All right.

2 So, we're talking one-point-eight (1.8) acres per  
3 lot, which, from my understanding of septic tanks and  
4 field lines, that's not enough room just to put the  
5 septic tank and field lines on it, much less a house on  
6 top of it. So --

7 MS. CELENA BOYKIN: The applicant can speak. I  
8 believe she said her brother had lived there at one time  
9 where her daughter plans to put a house. There were two  
10 homes on that lot at one time.

11 COMMISSION MEMBER DALE MARSTON: That may be  
12 the case, but -- I -- I just -- and I'll ask the  
13 applicant. I'm just stating a point of conversation  
14 amongst this -- this group here. There is no way to fit  
15 a septic tank and field lines on one-point-eight (1.8)  
16 acres.

17 CHAIRMAN SAM DAVIS: Dale, I'll have to  
18 disagree with you on that, because I'm not a septic  
19 engineer. But before she can get a permit to build a  
20 house, she'd have to get that permitted through the  
21 proper authorities. So, unless, you know -- unless you  
22 are certified in septic tanks, I don't know that you make  
23 that statement.

24 COMMISSION MEMBER DALE MARSTON: Well, we could  
25 have Seth here to discuss it, if he's -- if he's here to  
26 discuss how this would work.

27 MS. CELENA BOYKIN: I believe Seth has already  
28 left. If they get this re-zoning, then they would go

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1 through Seth for the subdivision process.

2 COMMISSION MEMBER DALE MARSTON: That's a  
3 family subdivision. It wouldn't come in front of this  
4 board, a family subdivision would not.

5 MS. CELENA BOYKIN: Correct.

6 COMMISSION MEMBER DALE MARSTON: Seth isn't  
7 here to discuss this. I -- I suggest that we move to  
8 delay it until he can be here to discuss this with us.

9 CHAIRMAN SAM DAVIS: Let's see if Vince can  
10 help out before we do that.

11 MR. VINCE JACKSON: I can help out a little. I  
12 can't really talk about subdivision requirements. But  
13 one of the things that -- if -- if the property is  
14 re-zoned, if they approve the family division of the  
15 property, when they want to build on this resulting lot,  
16 if it's ultimately approved, when we go through our land  
17 use approval, part of what we're looking for is water and  
18 sewer releases.

19 If sewer is not available, then we're looking for  
20 septic approval from the health department. If we get  
21 that, we approve the dwelling. If we don't, we don't  
22 approve the dwelling.

23 COMMISSION MEMBER DALE MARSTON: Then they're  
24 stuck with two lots that's too small and unmarketable,  
25 unless somebody buys both of the lots.

26 MR. VINCE JACKSON: Well --

27 COMMISSION MEMBER DALE MARSTON: So, this is  
28 kind of the cart before the horse here.

1 MR. VINCE JACKSON: It -- I mean, it's -- it's  
2 up to y'all if y'all feel like additional time is  
3 necessary. I think you probably need to hear from the  
4 applicants first to hear what they have to say.

5 But, you know, whether or not a family division on  
6 the property can be approved is -- is really a different  
7 issue. The main issue that's before you is the  
8 re-zoning.

9 There, you know -- it's -- it's been pointed out  
10 there is not RSF-4 right around here. But if you look  
11 across Highway 98, there is RTF-4. Now, there -- they  
12 are bigger lots, because they're duplexes.

13 But in terms of 4 zoning, there is some nearby. You  
14 know, this is a -- this is an unusual area, because just  
15 eyeballing this, a lot of these lots don't meet RSF-2  
16 standards. But that's designation that was put on them.  
17 These were lots of record before zoning.

18 But, you know, it's up to you-all, as the Planning  
19 Commission. If you are -- if you feel like additional  
20 time is needed so that we can have Seth here to address  
21 the subdivision questions, I think it's -- it's perfectly  
22 fine to delay it in that way.

23 But I would suggest you hear from the applicants  
24 before, you know, making a decision to table this.

25 ATTORNEY DAVID CONNER: Let me add one more to  
26 that, if I can. I want to make sure I'm doing my math  
27 right. You say they've got point-three-five-nine  
28 (.359) acres; is that right, Vince?

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1 MR. VINCE JACKSON: Yes.

2 ATTORNEY DAVID CONNER: So that would be  
3 fifteen thousand, six hundred and seventy (15,670) square  
4 feet. And under R-4, the minimum lot size is  
5 seventy-five hundred (7,500) square feet; right?

6 MS. CELENA BOYKIN: Correct.

7 ATTORNEY DAVID CONNER: So that would be  
8 seventy-eight thirty-five (7,835) if it's divided equally.  
9 So, there would be -- if you re-zoned it, there would be  
10 enough land to have the minimum lot size.

11 In order to get a subdivision and actually build on  
12 it, you would ultimately have to have the health  
13 department release and all that kind of stuff to do it.  
14 But there would be enough land there to have lots with  
15 minimum lot size, if it's re-zoned.

16 COMMISSION MEMBER DALE MARSTON: But if -- but  
17 if -- if the health department says no, then you've  
18 got -- they're going to be back here wanting to rejoin  
19 them together again.

20 ATTORNEY DAVID CONNER: Yeah, but it's not  
21 being divided today. It's not being divided today. This  
22 is -- this is just a recommendation to the County  
23 Commission to consider the re-zoning.

24 MR. VINCE JACKSON: And if something did happen  
25 down the road where they had to be put back together,  
26 that would not come before y'all. There is a process for  
27 that. So, it would not come here.

28 ATTORNEY DAVID CONNER: I just want to make

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1 sure we're clear. It's not -- it's not being divided  
2 today.

3 COMMISSION MEMBER DALE MARSTON: I understand  
4 that.

5 ATTORNEY DAVID CONNER: Okay.

6 COMMISSION MEMBER DALE MARSTON: But the  
7 zoning -- there is no R-4 around there.

8 ATTORNEY DAVID CONNER: Okay. And that's --  
9 that's -- that's -- that's potentially a discussion. The  
10 question of whether or not R-4 is appropriate for this  
11 location is -- is certainly things you consider, looking  
12 at surrounding zoning, absolutely.

13 COMMISSION MEMBER SPENCE MONROE: So, let me --  
14 let me ask a question. Did you check with Fairhope about  
15 the sewer?

16 MS. CELENA BOYKIN: Yes. They don't have sewer  
17 lines there.

18 COMMISSION MEMBER DEWANE HAYES: How close are  
19 they?

20 COMMISSION MEMBER SPENCE MONROE: They're a  
21 block or two down Graham Street, I believe.

22 COMMISSION MEMBER DALE MARSTON: There is no --

23 AN AUDIENCE MEMBER: Can I speak?

24 COMMISSION MEMBER DALE MARSTON: There is now  
25 sewer available anywhere.

26 CHAIRMAN SAM DAVIS: You can in a minute.

27 MS. CELENA BOYKIN: I'm not sure what street  
28 they run to.

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1 CHAIRMAN SAM DAVIS: All right. Any other  
2 questions for staff at this time?

3 (No response.)

4 CHAIRMAN SAM DAVIS: All right. Thank you  
5 Celena.

6 We'll open the public hearing at this point. There  
7 is no opposition to this request. Are you Ms. Bowie?

8 MS. TARA L. BOWIE: Yes. I'm the daughter, and  
9 this is my mom.

10 CHAIRMAN SAM DAVIS: All right. If you would,  
11 come up to the mic.

12 MS. GENEVA CARTER: Good afternoon -- evening.

13 CHAIRMAN SAM DAVIS: You've got the mic, so  
14 whatever you'd like to say.

15 MS. GENEVA CARTER: Oh, okay. I like to know  
16 what is your question? It was a dwelling there back in  
17 the '70s. We've always had septic tanks before we got  
18 sewer.

19 I'm in a residence where I'm right off 3rd Street.  
20 I have a doctor behind me. I'm on Graham. Where he's  
21 talking about the tower, I'm across the street.

22 The lady that was here before me, she's my neighbor.  
23 And it's always been residential. And it was owned by  
24 varies [sic]. My mother gave me my spot. That's where I  
25 build a Jim Walter Home.

26 Okay. Where my brother was, I had the house  
27 removed. Because it was dwelling that no one lived in  
28 was why. So now my daughter wants to build. And it's

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 10/06/2016

1 plenty of property. And it shouldn't bother nobody. And  
2 having septic tank shouldn't bother nobody. I've had one  
3 for years.

4 CHAIRMAN SAM DAVIS: All right. Ms. Bowie, the  
5 daughter.

6 MS. TARA L. BOWIE: I think Mr. Monroe, he  
7 actually spoke on the sewage part of it, how Fairhope nor  
8 Daphne do that area.

9 It's crazy because Fairhope, if you need to call the  
10 police, they come there. And Daphne, we go through water  
11 and lights through Daphne.

12 So it's kind of conflicting, when you think about  
13 it. That's when we started questioning, like a couple  
14 blocks ahead, you're like, wait. But that's the reason  
15 why Daphne nor Fairhope do sewage in that area. And  
16 that's why the septic tank has to go there.

17 But, like she said, there was a house there. So,  
18 therefore, there was a septic tank there.

19 CHAIRMAN SAM DAVIS: All right. Any questions  
20 for these ladies?

21 COMMISSION MEMBER DALE MARSTON: I have -- I  
22 have just a couple questions. I know you don't have the  
23 ability to see what I'm seeing. But this is just an  
24 overhead picture of your lot.

25 MS. TARA L. BOWIE: I do. I have the paperwork  
26 with me.

27 COMMISSION MEMBER DALE MARSTON: It appears  
28 your house is on the east side, that the existing

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1 residence is on the east side of that lot on the right  
2 side, the existing structures. Do you see that?

3 MS. TARA L. BOWIE: Yes.

4 COMMISSION MEMBER DALE MARSTON: And there is a  
5 lot of room on the left side of the house.

6 MS. TARA L. BOWIE: Yes.

7 COMMISSION MEMBER DALE MARSTON: Correct?

8 MS. TARA L. BOWIE: Yes.

9 COMMISSION MEMBER DALE MARSTON: Do you know  
10 where the field lines for this existing residence and the  
11 septic tank is on this property at all?

12 MS. TARA L. BOWIE: On that?

13 COMMISSION MEMBER DALE MARSTON: Do you know  
14 where the field lines and the tank is?

15 MS. GENEVA CARTER: On mine? Yes.

16 COMMISSION MEMBER DALE MARSTON: Could you tell  
17 me where it --

18 MS. GENEVA CARTER: And --

19 COMMISSION MEMBER DALE MARSTON: -- is compared  
20 to where your house is?

21 MS. GENEVA CARTER: It's to the left and the  
22 back.

23 COMMISSION MEMBER DALE MARSTON: To the left --

24 MS. GENEVA CARTER: And the back.

25 COMMISSION MEMBER DALE MARSTON: -- and the  
26 back.

27 MS. GENEVA CARTER: Yeah.

28 COMMISSION MEMBER DALE MARSTON: So in the

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 10/06/2016

1 northwest corner of --

2 MS. GENEVA CARTER: Yes.

3 COMMISSION MEMBER DALE MARSTON: -- your --

4 MS. GENEVA CARTER: Yes.

5 COMMISSION MEMBER DALE MARSTON: -- of your  
6 property?

7 MS. GENEVA CARTER: Yes.

8 COMMISSION MEMBER DALE MARSTON: So, if -- if  
9 you were to subdivide that lot, your field lines and  
10 septic tank would be on the other lot --

11 MS. GENEVA CARTER: Yes.

12 COMMISSION MEMBER DALE MARSTON: -- next to  
13 you? And -- and you would have to get a -- a new tank  
14 and field lines for yourself?

15 MS. TARA L. BOWIE: Yes.

16 COMMISSION MEMBER DALE MARSTON: Okay. I -- I  
17 just want to make sure. Right now the field lines and  
18 septic tanks are on the west part of the property, of  
19 which would probably be divided in a family subdivision.  
20 And then the owner of that lot would need to construct  
21 one as well as the owner on -- of the existing residence  
22 would have to build one as well?

23 MS. GENEVA CARTER: Yes.

24 MS. TARA L. BOWIE: Yes.

25 COMMISSION MEMBER DALE MARSTON: Okay.

26 CHAIRMAN SAM DAVIS: Spence.

27 COMMISSION MEMBER SPENCE MONROE: The building  
28 in front of you has sewer, does it not?

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 10/06/2016

1 MS. GENEVA CARTER: It's behind me. Doctor --

2 COMMISSION MEMBER SPENCE MONROE: Right.

3 MS. GENEVA CARTER: It's behind me. It's on  
4 facing 98.

5 COMMISSION MEMBER SPENCE MONROE: Right. Does  
6 he have --

7 COMMISSION MEMBER DALE MARSTON: (Inaudibly  
8 talking to Commission Member Spence Monroe.)

9 COMMISSION MEMBER SPENCE MONROE: Man, let me  
10 ask the question.

11 Do you know whether he has sewer or not in his  
12 building?

13 MS. GENEVA CARTER: I really don't.

14 COMMISSION MEMBER SPENCE MONROE: Okay.

15 Because if he does --

16 MS. GENEVA CARTER: But the land --

17 COMMISSION MEMBER SPENCE MONROE: -- it would  
18 be easy for you-all to tie into it. So I was just  
19 throwing that out there.

20 MS. GENEVA CARTER: I could ask him, but I  
21 don't know. I can't say yes. But I can ask.

22 CHAIRMAN SAM DAVIS: All right. Any other  
23 questions for these ladies?

24 (No response.)

25 CHAIRMAN SAM DAVIS: Okay. Thank y'all.

26 MS. GENEVA CARTER: Thank you.

27 CHAIRMAN SAM DAVIS: All right. Does staff  
28 have anything else to add?

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 10/06/2016

1 MS. CELENA BOYKIN: No, sir.

2 CHAIRMAN SAM DAVIS: Okay. We'll close the  
3 public hearing at this point.

4 Staff has found this to be a reasonable request.  
5 They're recommending that we -- we recommend it for  
6 approval to the County Commission. Is there a motion to  
7 do so.

8 MS. BARBARA CRAWFORD: Just before we close,  
9 can I answer that last question for you?

10 CHAIRMAN SAM DAVIS: No, ma'am. You're not  
11 signed up.

12 MS. BARBARA CRAWFORD: Oh, okay.

13 CHAIRMAN SAM DAVIS: And I already closed the  
14 public hearing.

15 MS. BARBARA CRAWFORD: Okay.

16 CHAIRMAN SAM DAVIS: All right. Is there a  
17 motion to recommend this for approval to the County  
18 Commission?

19 COMMISSION MEMBER SPENCE MONROE: So moved.

20 CHAIRMAN SAM DAVIS: All right. Is there a  
21 second?

22 COMMISSION MEMBER DEWANE HAYES: I'll second.

23 CHAIRMAN SAM DAVIS: All right. All in favor,  
24 say aye.

25 (Some Commission Members say "aye" in unison.)

26 CHAIRMAN SAM DAVIS: All opposed?

27 COMMISSION MEMBER DALE MARSTON: Oppose.

28 CHAIRMAN SAM DAVIS: Motion carries with one

1 opposition, one person in opposition.

2

3

**8-D - CASE Z-16032 WATTS PROPERTY**

4

CHAIRMAN SAM DAVIS: All right. The next case  
5 is Z-16032, Watts property. Can we have a staff report?

6

MR. VINCE JACKSON: Yes, sir. And this is  
7 actually our third case tonight in Planning District 16,  
8 not too terribly far from --

9

CHAIRMAN SAM DAVIS: Vince, let me interrupt  
10 you for just a second.

11

David.

12

13

**8-C - CASE Z-16031 CARTER PROPERTY (REVISITED)**

14

ATTORNEY DAVID CONNER: We just want to make  
15 sure you understand this the first step in a two-step  
16 process.

17

MS. TARA L. BOWIE: Yes, sir.

18

ATTORNEY DAVID CONNER: That you have to --  
19 there will be a public hearing at the County Commission  
20 level as well.

21

MS. TARA L. BOWIE: Okay.

22

ATTORNEY DAVID CONNER: And, so, you'll need to  
23 attend that. Okay?

24

MS. TARA L. BOWIE: All right. Thank you very  
25 much.

26

ATTORNEY DAVID CONNER: Thank you.

27

28

**8-D - CASE Z-16032 WATTS PROPERTY (REVISITED)**