

**Baldwin County Commission District 3
Board of Adjustment**

Agenda

November 21, 2016

4:00 p.m.

**Baldwin County Central Annex
Auditorium**

22251 Palmer Street

Robertsdale, Alabama 36567

- I. Call to Order
- II. Roll Call
- III. Approval of Previous Meeting Minutes (September 19, 2016)
- IV. Announcements/Registration to Address the Board of Adjustment
- V. Consideration of Applications and Request

ITEMS:

a.) Case No. V-160030, Hammons Property

Request: A variance from the front and rear setback requirements to allow a manufactured home to remain in its current position

Location: The subject property is located at 24316 Precious Drive in Planning District 12

Attachments: Within Report

b.) Case No. V-160031, P K Garg LLC Property

Request: A variance from section 17.4 of the Baldwin County Zoning Ordinance pertaining to design and appearance of parking areas

Location: The subject property is located at County Road 49 in Planning District 12

Attachments: Within Report

- VI. Old Business
- VII. New Business
 - a.) Approval of 2017 Meeting and Deadline Calendar
- VIII. Adjournment

Baldwin County Commission District 3, Board of Adjustment
September 19, 2016
Regular Meeting Minutes
Baldwin County Central Annex, Robertsdale

The Board of Adjustment for Baldwin County Commission, District 3 met in a regular session on September 19, 2016, at 4:00 p.m., in the auditorium of the Baldwin County Central Annex. The meeting was called to order by Chairman Donnie Waters. Members present included, Judy Powell and Adam Bertolla. Staff members present were Vince Jackson, Planning Director, Linda Lee, Planner and Celena Boykin, Planner.

Approval of Previous Meeting Minutes

Mr. Bertolla made a motion to approve the minutes of the August 15, 2016, regular meeting. The motion received a second from Ms. Powell and carried unanimously.

V-160023 Terry Property Rehearing Request

Mr. Jackson presented applicant's request for a rehearing of a variance from section 13.1.3 of the Baldwin County Zoning Ordinance pertaining to accessory dwelling size limits. The applicant was unable to attend the August meeting and would like the opportunity to address the board and address concerns from neighboring property owners. Staff recommended the request for a rehearing be granted.

Mr. Lex Terry spoke in favor of the rehearing request. He reviewed his plans for the property.

Mr. Bertolla made a motion to grant the request for a rehearing. The motion received a second from Mr. Waters and carried unanimously.

V-160030 Hammons Property

Ms. Boykin presented the applicant's request for a variance from the front and rear yard setback requirements to allow a manufactured home to remain in its current position. Staff recommended denial of the variance request.

Mr. Jon Leath spoke in favor of the variance and explained the issues with the placement of the mobile home.

The board requested a photo showing the mobile home alignment with existing homes and a letter from the city of Robertsdale stating that movement of the stairs would provide sufficient access to water meter.

Following a lengthy discussion, Mr. Bertolla made a motion to table the variance request until requested information could be submitted. The motion received a second from Ms. Powell and carried unanimously.

New Business

Mr. Jackson reviewed suggested changes to the District 3 Board of Adjustment By-Laws and requested comments from the board members.

Adjournment

There being no further business to come before the Board the meeting was adjourned at 4:45 p.m.

Respectfully submitted:

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2015.

Donnie Waters, Chairman



Baldwin County Planning & Zoning Department

County Commission District #3

Board of Adjustment Staff Report

Case No. V-160030

Hammons Property

Front and Rear Setback Variance

November 21, 2016

Subject Property Information

Planning District: 12
General Location: Lot 62 Crystal Pointe
Physical Address: 24316 Precious Dr., Loxley, AL 36551
PID: 05-42-07-26-0-000-008.170
Zoning: RSF-4, Single Family District
Acreage: 0.17± acres
Applicant: Emerald Homes LLC
 PO Box 2379
 Robertsdale, AL 36567
Owner: Stephen Hammons
Lead Staff: Celena Boykin, Planner
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-4, Single Family District
South	Residential	RSF-4, Single Family District
East	Residential	RSF-4, Single Family District
West	Residential	RSF-4, Single Family District

Summary and Recommendation

The applicant is requesting a 11 foot front yard setback variance and a 6 foot rear yard setback variance to allow for an existing manufactured home to stay on the lot. This application was tabled at the September 19, 2016 meeting. The board requested a letter from the City of Robertsdale and also pictures showing the alignment of neighboring mobile homes. Staff recommends that Case V-160030 be **DENIED** based on comments contained herein.

Variance Request

The applicant is requesting a 11 foot front yard setback variance and a 6 foot rear yard setback variance to allow for an existing manufactured home to stay on the lot. The applicant submitted for a Land Use Certificate in May of this year to put a manufactured home on the subject property. The Land Use Certificate was approved with the submitted site plan showing the manufactured home meeting all the required setbacks (see site plan below). Staff received a complaint from the City of Robertsdale because the steps to the manufactured home went over

Section 4.5 RSF-4, Single Family District

4.5.1 *Generally.* This zoning designation is provided to afford the opportunity for the choice of a moderate density residential development consisting of single family homes.

4.5.2 *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.

4.5.3 *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.

4.5.4 *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*).

4.5.5 *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.

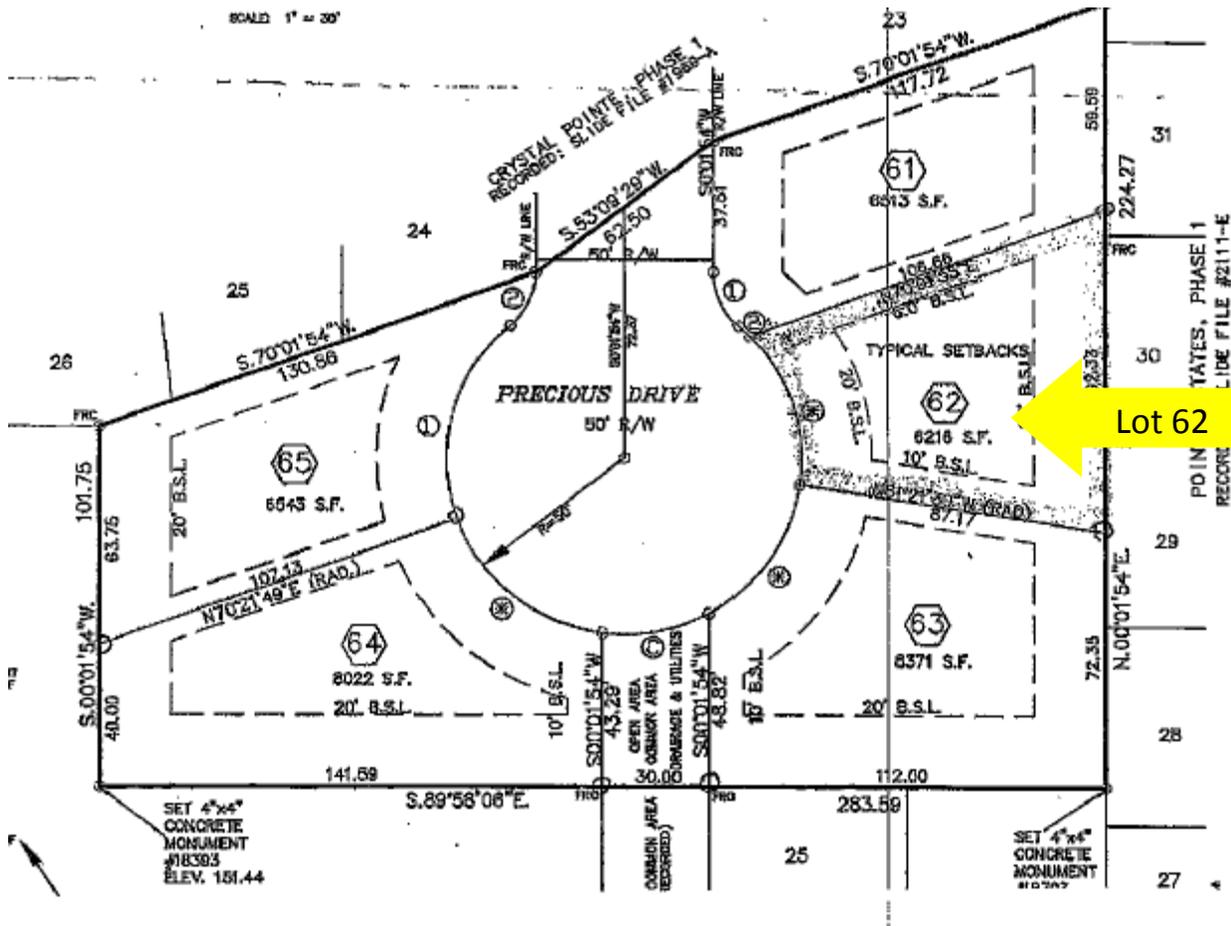
Maximum Height of Structure in Feet	35
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

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.

The subject property currently has a home on it. The adjoining properties are residential. The subject property is lot 62 of Crystal Pointe, Phase II.



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

No topographic conditions.

- 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.

Below is a list of reasons the applicant has listed for their variance request.

Zoning Variance Application

The purpose of this variance is to allow:

The manufactured home on the Lot 62 in Crystal Point Subdivision to remain in its current position.

1. The home is place on an exceptionally irregular lot.
2. The home is placed consistently in line with multiple single section homes on the same street.
3. The home causes no determent to any neighboring homes.
4. The home owners association has no complaint.
5. The home Owner, Rita Hammons is a physical disabled senior citizen and moving the home will cause hardship on her.
6. The manufactured home is set up in accordance with Alabama Manufactured Commission guidelines.
7. The lot is owned by Stephens Hammons, former husband of the Home owner and Mr. Hammons approves the current position of the Home. Mr. Hammons purchased the lot to provide his ex a place to retire.
8. The home was placed 8 feet off the fence owned by Lot 61, north of lot 62, and the as built survey clearly shows encroachment of the fence of 8 feet +- at the rear northeast corner. This placement, using the fence line as guide for consistency in the park, forced the home to be located 8 feet south of the setback line, causing the home to go over the setback lines east and west slightly, due to the setback lines are of irregular shape.
9. The Home is actually 58 feet in actual dwelling length and has an 8 foot porch on the front.
10. The home owner will move the mobile steps if needed coming off the west front porch to face south.
11. The total foot print of the home is 1155 Sq Ft +- and only about 200 Sq feet are over the setback, 140 of which is porch.

What are the conditions which prevent you from using this property in accordance with its current zoning classification.

1. The home is place in a manufactured home subdivision.
2. The irregular lot shape and acute and obtuse setback line angles create a issue with the set back,
3. The property owner on lot 61, the adjoining lot has encroached with a privacy fence the would have to be moved and potentially put his home outside of setback lines.

NOTE: We have also added an option to move the home slightly on the lot which would bring the home to the north along the actual setback line. However, this will require the owner of lot 61 to remove the fence which actually goes over the lot 62 set back line.

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 effect on adjacent properties.

5.) Other matters which may be appropriate.

None

Staff Comments and Recommendation

Staff recommends that Case **V-160030** Hammons Property, be **DENIED** based on the 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.

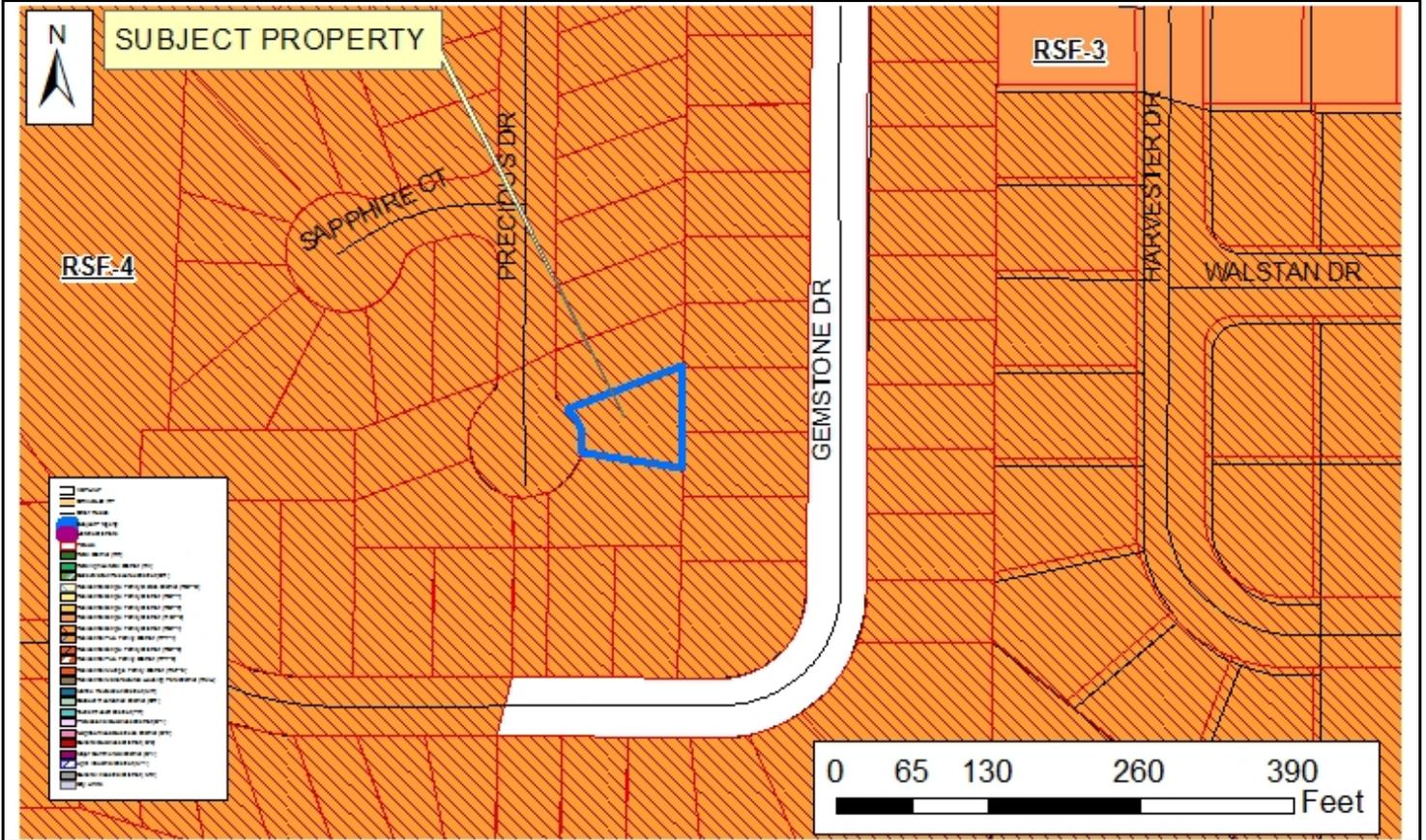
Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as the conditions upon which it is granted and the conditions 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 all necessary permits pursuant thereto within six (6) months of the date of the subject vote taken.

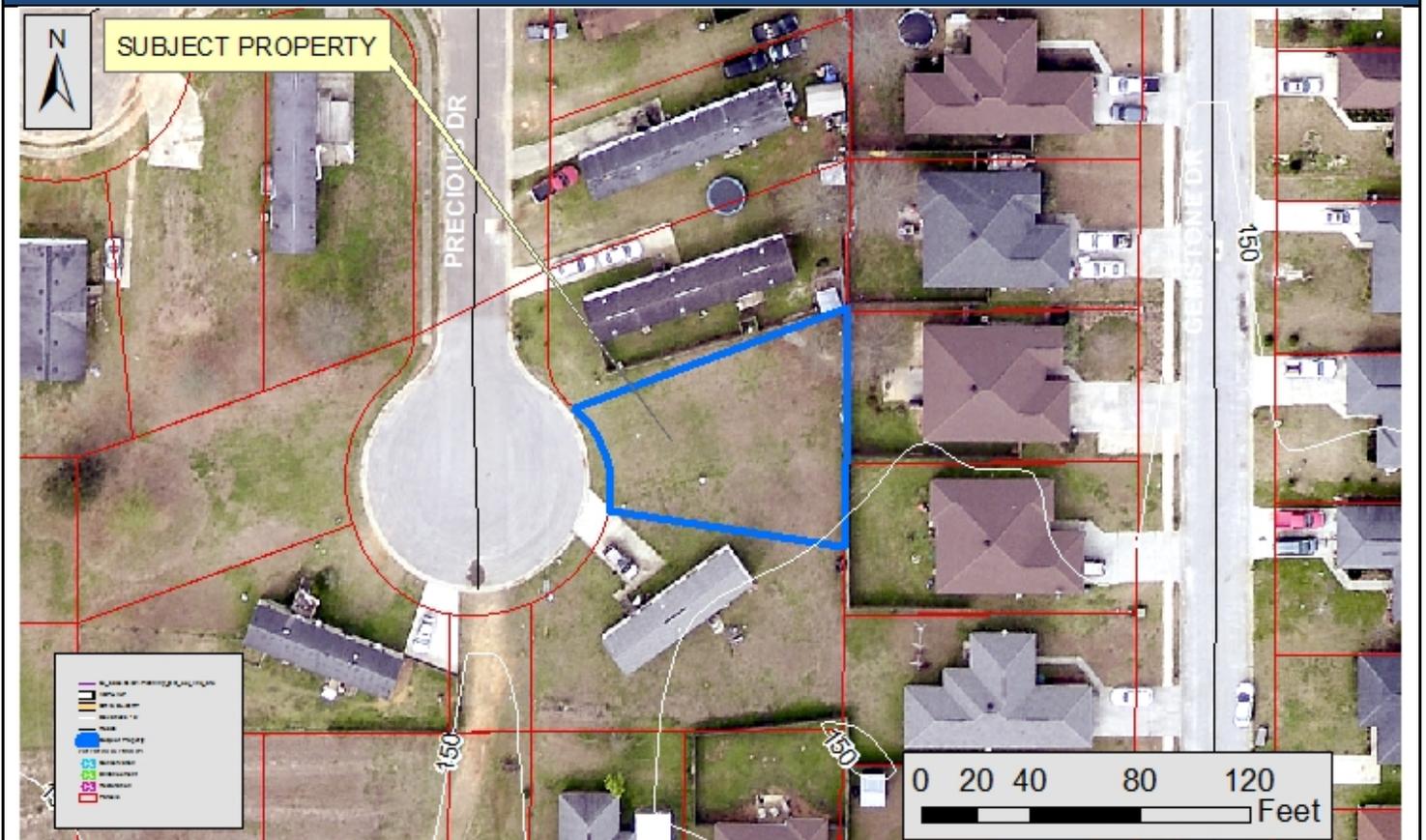




Locator Map



Site Map





Baldwin County Planning & Zoning Department County Commission District #3

Board of Adjustment Staff Report

Agenda Item

Case No. V-160031

P K Garg Family LLC Property

Design and Appearance of Parking Areas Variance

November 21, 2016

Subject Property Information

Planning District: 12

General Location: East side of County Road 49, south of Flying K Road and north of Nandina Road

Physical Address: N/A

Parcel Number: 05-33-08-34-0-000-017.001

Current Zoning: B4, Major Commercial District (Approved by County Commission on November 15, 2016)

Existing Land Use: Vacant

Requested Variance: Variance from design and appearance of parking areas requirement

Acreage: 3.94 acres, more or less

Applicant: Stacy Pippin
Chipola Engineering Group, Inc.
4420 Jackson Street
Marianna, FL 32448

Owners: P. K. Garg Family LLC
5553 Highway 90
Pace, FL 32571

Lead Staff: Linda Lee, Planner

Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial (Motel)	B-4, Major Commercial
South	Agricultural/Commercial (Nursery)	RA, Rural Agriculture District
East	Residential	RA, Rural Agricultural
West	Commercial (Love's Truck Stop)	Town of Loxley

The applicant is requesting a variance from section 17.4 of the Baldwin County Zoning Ordinance pertaining to the design and appearance of parking areas. The applicant is requesting to change the landscape (tree) placement to fit the proposed use. The applicant is proposing to remove the required landscape islands from within the parking area and provide perimeter landscaping in excess of County requirements.

Section 5.4 B-4, Major Commercial District

5.4.1 Purpose and intent. The B-4, Major Commercial District, is intended for business uses which require a location with access to an arterial or major collector road (as defined by the Functional Classification System attached as Appendix) or which have close proximity to major intersections. Due to the nature of the businesses permitted within the B-4 district, this zoning designation should be limited to property fronting on principal arterials, major arterials or minor arterials. Ingress and egress to a roadway should promote safe and smooth traffic flow for the general traveling public. It is also the intent of this district to provide areas for businesses which, because of their intensity, outside storage areas, or large volumes of traffic, would have significant negative impacts on adjoining properties. These uses often have an actual or potential negative impact on surrounding properties due to late hours of operation, noise, and or light.

5.4.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-4, Major Commercial District:

- | | | | |
|-----|--|-----|--|
| (a) | All uses permitted by right under the B-3 zoning designation | (l) | Flea market |
| (b) | Amusement park | (m) | Home improvement center |
| (c) | Auto convenience market | (n) | Hotel or motel |
| (d) | Automobile parts sales | (o) | Manufactured housing sales, service and repair |
| (e) | Automobile repair (mechanical and body) | (p) | Marina |
| (f) | Automobile sales | (q) | Motorcycle sales service and repair |
| (g) | Automobile service station | (r) | Movie theatre |
| (h) | Automobile storage (parking lot, parking garage) | (s) | Recreational vehicle park |
| (i) | Boat sales and service | (t) | Recreational vehicle sales, service and repair |
| (j) | Building materials | (u) | Restaurant, drive-in |
| (k) | Farm implements | (v) | Restaurant, fast food |

5.4.4 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.4.5 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.4.6 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.4.7 *Landscaping and buffering.* All B-4, Major Commercial District, uses shall meet the requirements of *Article 17, Landscaping and Buffers.*

Section 17.4 Parking Lots

The design and appearance of parking areas is intended to be compatible with the character of the community. A landscaping plan shall be submitted for the construction of the off-street parking areas accommodating 6 or more parking spaces. The following standards shall apply:

(a) A landscaped area of at least five (5) feet wide shall be provided between parking areas and any adjacent public streets and contiguous properties. Landscaping shall include the placement of shade trees at intervals of approximately six (6) parking spaces. Such trees shall be a minimum height of six (6) feet at planting.

(b) Interior portions of the parking area shall be broken by provision of landscaped islands (a minimum of six (6) feet wide) between every ten (10) to fifteen (15) spaces. Each island shall provide at least one (1) shade tree having a minimum height of six (6) feet at planting.

(c) A continuous landscape strip a minimum of five (5) feet wide shall be provided between every four (4) rows of parking. Landscaping shall include the placement of shade trees at intervals of approximately six (6) parking spaces. Such trees shall be a minimum height of six (6) feet at planting.

(d) Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.

(e) The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat, and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.

Staff Analysis and Findings

The subject property is currently zoned B-4, Major Commercial District. It consists of approximately 3.94 acres and is vacant. The purpose of the variance request is to allow for the expansion of truck parking for Love's Truck Stop. According to the information provided, the additional parking will allow Love's to provide needed service to its growing customer base. The applicant is requesting a variance from section 17.4 pertaining to design and appearance of parking areas. The applicant is requesting to change the landscape (tree) placement to fit the proposed use. The applicant is proposing to remove the required landscape islands from within the parking area and provide perimeter landscaping in excess of County requirements.

The following standards for approval are found in Section 18.6, Variances of the *Baldwin County Zoning Ordinance*. These standards are to be considered and should serve as guidelines when a variance 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 330'x520' in dimension per the Baldwin County Revenue Commission records.

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

There doesn't appear to be any exceptional topographic conditions on this property.

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 purpose of this request is to provide for the expansion of truck parking for Love's Truck Stop in order to provide needed service to its growing customer base.

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.**

Staff knows of no adverse impacts with regard to this standard.

5.) **Other matters which may be appropriate.**

Staff Comments and Recommendation

Staff feels that this is a reasonable request and recommends Case V-160031 be **APPROVED*** subject to the following conditions:

- Approval shall be for this location only.
- The applicant shall obtain a Baldwin County Land Use Certificate and Building Permit prior to commencement of construction.

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

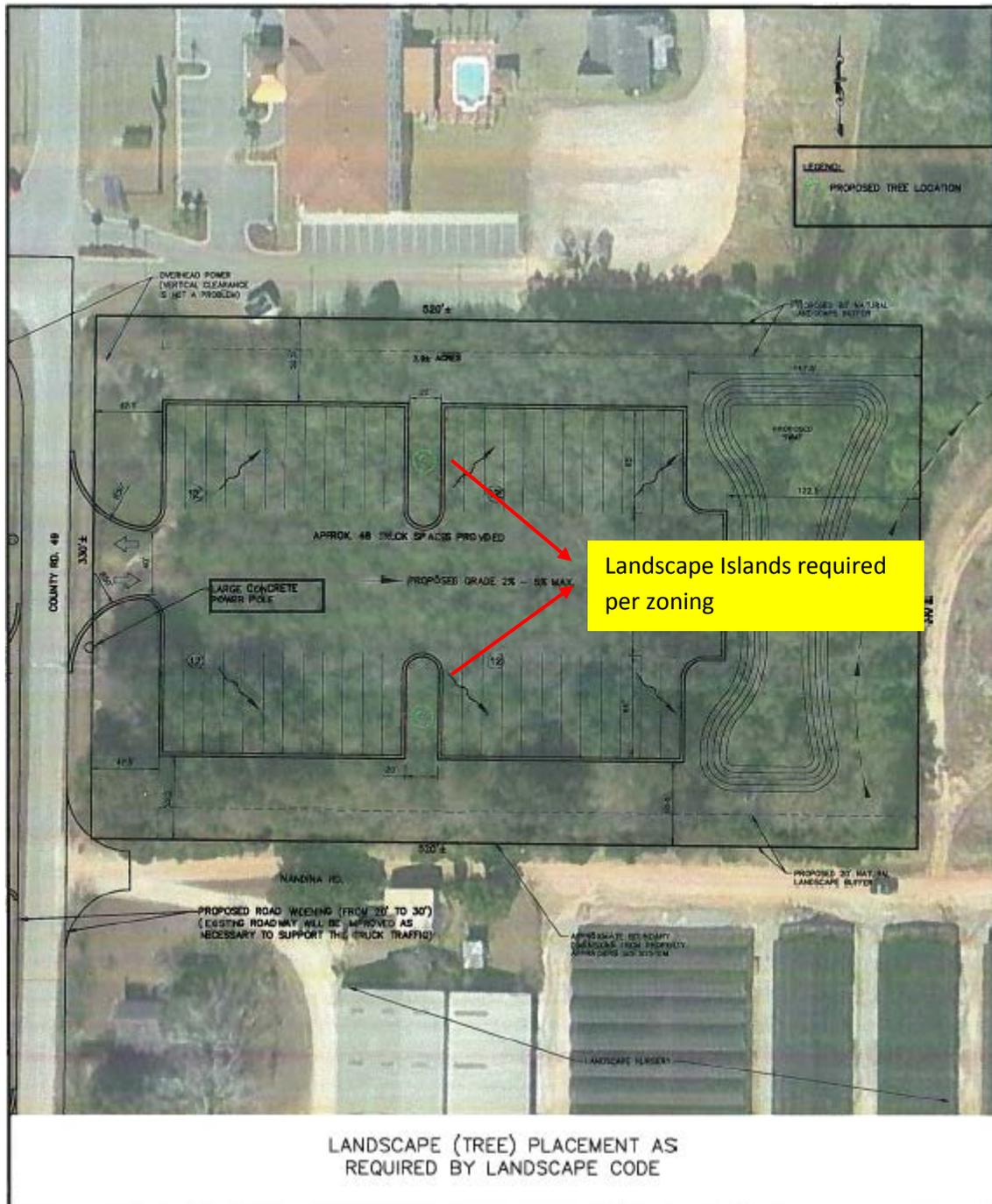
GENERAL NOTES {By-laws}

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.

Landscape Site Plan as Required by Zoning Ordinance

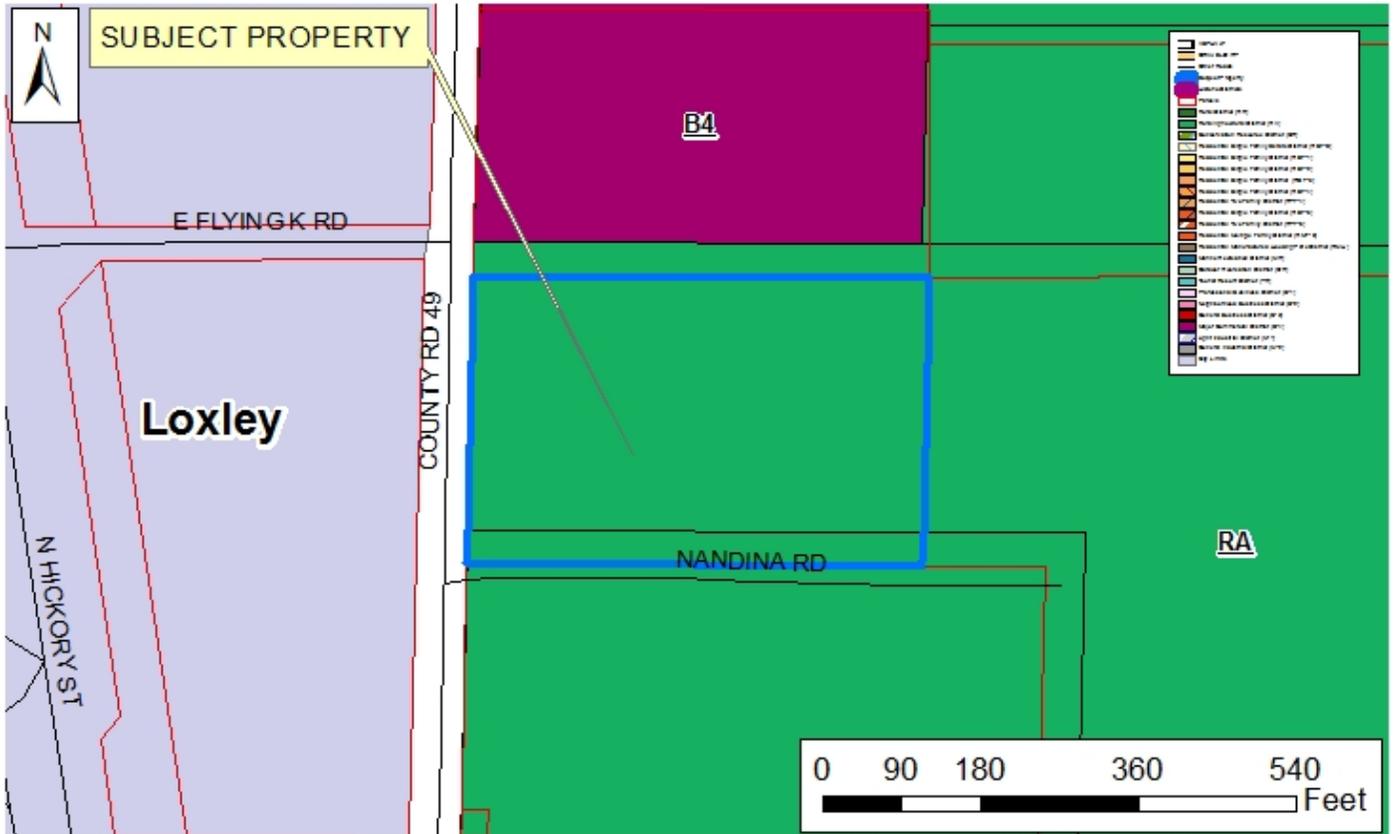


Property Images

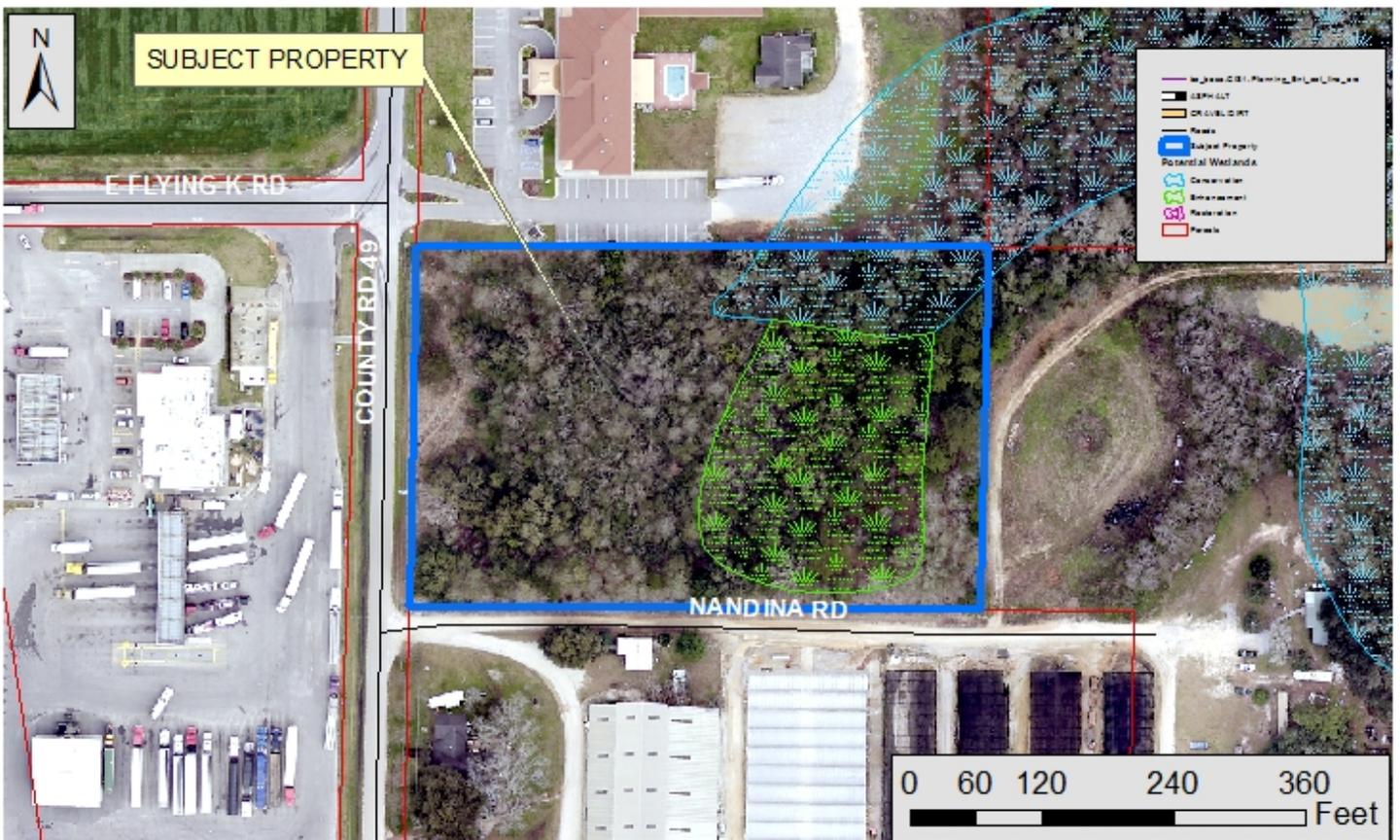




Locator Map



Site Map



**BALDWIN COUNTY COMMISSION #3
PLANNING AND ZONING BOARD OF ADJUSTMENT**

**2017
MEETING DATES
&
APPLICATION DEADLINE DATES**

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

All applications to be considered by the Baldwin County Commission #3 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 23, 2017		December 30, 2016
February 27, 2017		February 3, 2017
March 20, 2017		February 24, 2017
April 17, 2017		March 24, 2017
May 15, 2017		April 24, 2017
June 19, 2017		May 26, 2017
July 17, 2017		June 23, 2017
August 21, 2017		July 31, 2017
September 18, 2017		August 25, 2017
October 16, 2017		September 25, 2017
November 20 2017		October 27, 2017
December 18, 2017		November 27, 2017