

**Baldwin County Commission District 1, Board of Adjustment
Agenda**

November 30, 2016

10:00 a.m.

**Baldwin County Administration Building
Commission Conference Room
322 Courthouse Square
Bay Minette, AL 36507**

- I. Call to Order
- II. Roll Call
- III. Approval of Previous Meeting Minutes (August 31, 2016)
- IV. Announcements/Registration to Address the Board of Adjustments
- V. Consideration of Applications and Request

ITEMS:

a.) Case No. SE-16003, Gagner Property

Request: A special exception to allow for a general commercial use not permitted by right

Location: The subject property is located at Highway 225 south of County Road 138, in Planning District 4

Attachments: Within Report

b.) Case No. V-160038, Gagner Property

Request: A variance from the off-street parking requirements

Location: The subject property is located at Highway 225 south of County Road 138, in Planning District 4

Attachments: Within Report

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

Baldwin County Commission District 1, Board of Adjustment
August 31, 2016
Regular Meeting Minutes
Baldwin County Administration, Bay Minette

The Board of Adjustment for Baldwin County Commission, District 1 met in a regular session on Wednesday, August 31, 2016, at 10:12 a.m., in the Commission Chambers of the Baldwin County Administration Building in Bay Minette. The meeting was called to order by the Chairman, Mr. Arthur Oken. Members present included Mr. Charles Bankester and Mr. Mitchell Broughton. Also present was Planning Director Vince Jackson.

Approval of Minutes

Mr. Broughton made a motion to approve the minutes of the June 29, 2016 regular meeting. The motion received a second from Mr. Bankester and carried unanimously.

V-160026, Crossroads Church Property

Mr. Jackson presented the applicant's request for a variance from the front yard setback requirements in order to construct a 15' x 35' covered drop off area at the front of the existing church building. A variance from off-street parking requirements was also included for the purpose of addressing conformity issues with zoning requirements and with Highway Construction setback requirements. Staff recommended approval of the variance requests with 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.
- Approval shall be valid for a period of six (6) months in which time construction shall commence.

Chairman Oken opened the public hearing and discussed the registration requirements for those wishing to address the Board.

Richie Nobles, pastor of Crossroads Church, spoke in favor of the request and discussed the safety concerns which have necessitated the proposed drop off. In response to questions, Pastor Nobles stated that sheriff's patrols would be maintained and that the conditions proposed by staff were acceptable. Eleven members of Crossroads Church were present to show their support.

Following a short discussion, Board Member Charles Bankester made a motion to approve the variance request with conditions listed in staff report. The motion received a second from Board Member Mitchell Broughton and carried unanimously.

New Business

Mr. Jackson discussed proposed changes to the By-Laws and stated that staff would seek input on additional changes from each of the four Boards of Adjustment. A formal amendment to the By-Laws would be presented at a later date. Mr. Jackson also discussed the need for three alternate members and an upcoming zoning text amendment pertaining to properties located within

Baldwin County Commission District 1 Board of Adjustment
Regular Meeting
August 31, 2016

developments which are governed by Property Owner's Associations or Architectural Review Committees.

Adjournment

There being no further business to come before the Board, Chairman Oken adjourned the meeting at 10:38 a.m.

Respectfully submitted:

Vince Jackson, Planning Director

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

Arthur Oken, Chairman



Baldwin County Planning & Zoning Department County Commission District #1

Board of Adjustment Staff Report

Agenda Item

Case No. SE-16003

Gagner Property

Special Exception to Allow General Commercial Use (Discount/Variety Store)

November 30, 2016

Subject Property Information

Planning District: 4
General Location: West side of State Highway 225, south of Hurricane
Physical Address: N/A
Parcel Number: 05-22-09-34-0-000-017.001
Current Zoning: RR, Rural District
Existing Land Use: Vacant
Requested Use: General Commercial Use Not Permitted by Right (Discount/Variety Store)
Acreage: 4.77 acres, more or less
Applicant: The Broadway Group, LLC
 216 Westside Square
 Huntsville, AL 35801
Owner: Curtis Miles Gagner, III
 113 Virginia Street
 Prattville, AL 36066
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Mobile (Manufactured) Home Park and Boat Repair Business	RMH, Residential Manufactured Housing Park
South	Vacant	RR, Rural District
East	Agricultural	RR, Rural District
West	Vacant	RR, Rural District
Summary		

The applicant is requesting a Special Exception to allow a 9100-square foot discount/variety store (General Commercial Use). The subject property is zoned RR, Rural District. According to the zoning ordinance Table of Permitted Uses (Article 23), discount/variety stores may be allowed under the RR designation subject to the Special Exception review and approval of the Board of Adjustment.

Section 3.1 RR, Rural District

3.1.1 *Generally.* This zoning district is provided to accommodate the rural areas of Baldwin County. Rural District ordinances are designed to protect the rural character of the area.

3.1.2 *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) Marine recreation uses.
- (d) Outdoor recreation uses.
- (e) The following general commercial uses: animal clinic and/or kennels; farm implement sales; farmer's market/truck crops; nursery; landscape sales.
- (f) Local commercial uses.
- (g) Professional service and office uses.
- (h) The following institutional uses: church or similar religious facility; child care center; child care institution; day care home; fire station; library; post office; school (public or private).
- (i) Agricultural uses.
- (j) Single family dwellings including manufactured housing and mobile homes.
- (k) Accessory structures and uses.

3.1.3 *Special exceptions.* 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 special exceptions:

- (a) Light industrial uses.
- (b) General commercial uses not permitted by right, except race track.
- (c) Institutional uses not permitted by right, except correctional, detention, or penal institution and sanitarium.
- (d) Boarding house, rooming house, lodging house, or dormitory.
- (e) Fraternity or sorority house.

3.1.4 *Conditional use.* 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:

Transportation, communication, and utility uses not permitted by right.

3.1.5 *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	40,000 Square Feet
Minimum Lot Width at Building Line	120-feet
Minimum Lot Width at Street Line	120-feet

3.1.6 *Area and dimensional modifications.* Within the RR district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	80-Feet

Staff Analysis and Findings

As stated above, the applicant is requesting a Special Exception in order to allow a 9100-square foot discount/variety store (General Commercial Use). The property in question is zoned RR, Rural District. According to Article 23, Table of Permitted Uses, a discount/variety store may be allowed as a Special Exception, under the RR designation, subject to the review and approval of the Board of Adjustment.

The subject property is currently vacant. The property adjoins State Highway 225 to the east. The adjoining property to the north is a "Mobile Home Park" and a boat repair business. The adjoining properties to the west and south are vacant. The adjacent property to the east is agriculture. Properties to the northeast are commercial.

The Board of Adjustment may, under prescribed standards and procedures, authorize the construction or initiation of any use that is expressly permitted as a Special Exception in a particular zoning district; however, the county reserves full authority to deny any request for a Special Exception, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

The following standards for approval are found in Section 18.8, Special Exceptions, of the *Baldwin County Zoning Ordinance*. These standards are to be considered and should serve as guidelines when a special exception is being reviewed.

- (a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan, these ordinances, or any other official plan, program, map or ordinance of Baldwin County.
- (b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.
- (c) The proposed use shall not unduly decrease the value of neighboring property.
- (d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.

A Special Exception, by definition is a permitted land use which is somewhat different from the uses permitted by right under the zoning designation and which is desired in the community. Such use may be permitted upon approval of the Board of Adjustment and in compliance with any special conditions which may be required. In approving a Special Exception, the Board of Adjustment may impose conditions and restrictions upon the property benefited as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such Special Exception upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinance. The Board may specify the period of time for which such approval is valid for the commencement of the proposed Special Exception and may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Board shall constitute a violation of the zoning ordinance. Those Special Exceptions which the Board of Adjustment approves subject to conditions shall have specified the time allotted in which to satisfy such conditions.

It should be noted that the applicant has requested a variance from the off-street parking requirements for the proposed use. This variance is discussed in a separate staff report (Case V-160038) which is included on this agenda. Approval or denial of the variance should have no bearing on the approval or denial of the Special Exception.

Staff Comments and Recommendation

Staff feels that this is a reasonable request which meets the standards for approval of Special Exceptions and which will provide for the retail needs of the community. Unless information to the contrary is revealed at the public hearing, Case SE-16003 should be **APPROVED*** and shall be 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.

- An access permit shall be obtained from the Alabama Department of Transportation and shall be submitted to the Planning and Zoning Department along with the required Land Use Certificate application.
- Approval shall be valid for a period of six (6) months in which time construction shall commence.

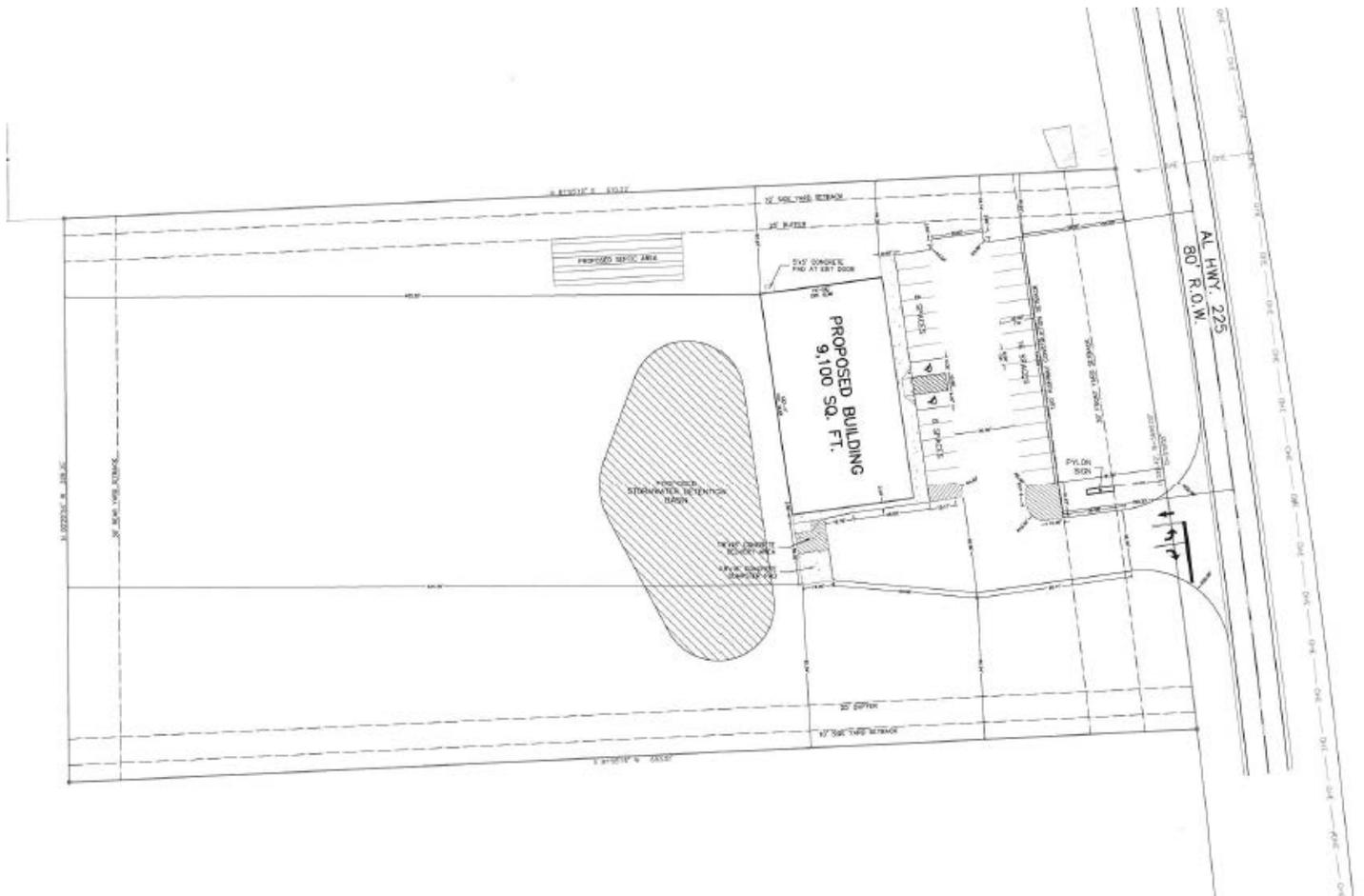
** A majority vote of the board members will be necessary to approve this request.*

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 Special Exception, 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.

Site Plan

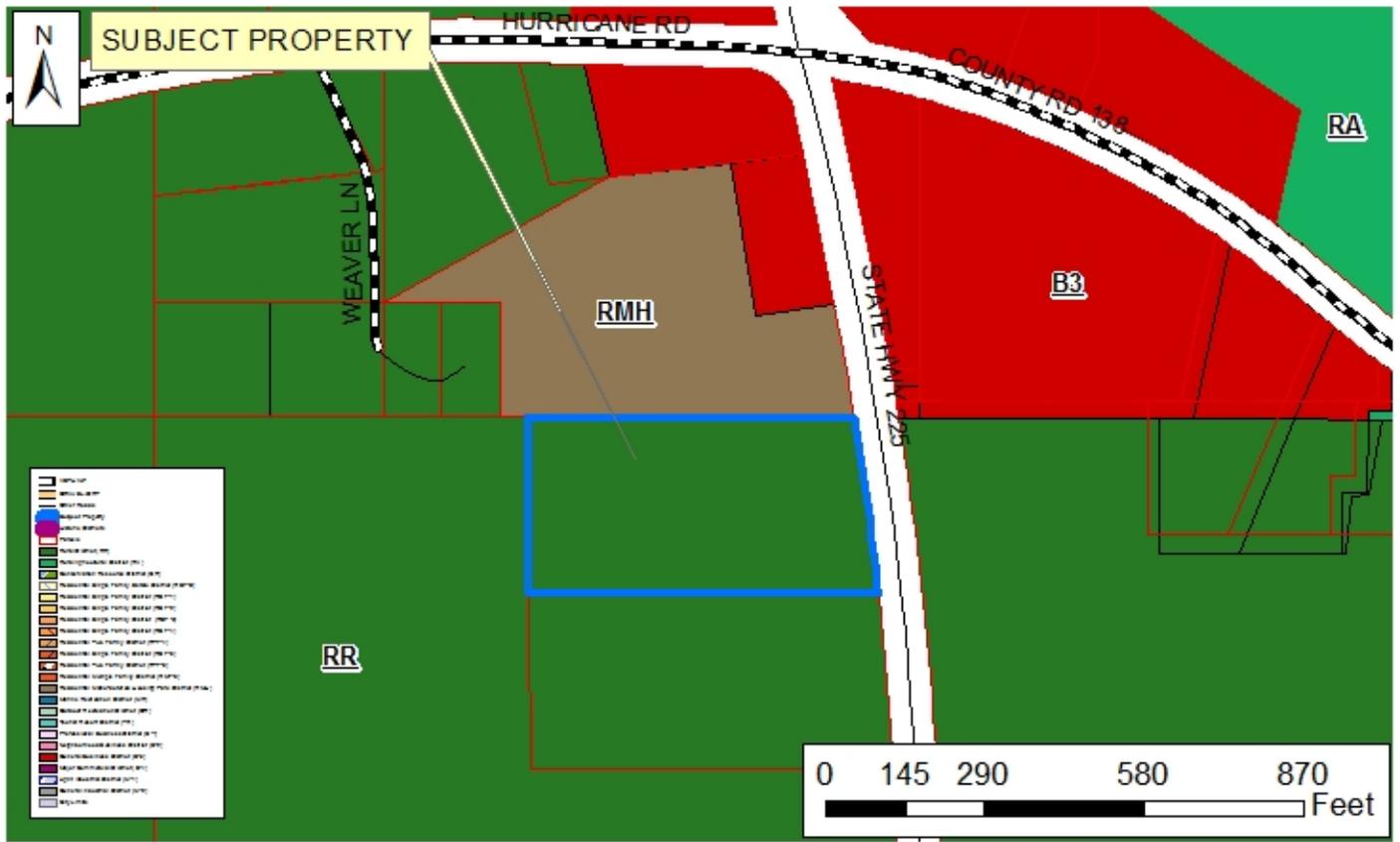








Locator Map



Site Map





Baldwin County Planning & Zoning Department County Commission District #1

Board of Adjustment Staff Report

Agenda Item

Case No. V-160038

Variance From Off-Street Parking Requirements

November 30, 2016

Subject Property Information

Planning District: 4
General Location: West side of State Highway 225, south of Hurricane
Physical Address: N/A
Parcel Number: 05-22-09-34-0-000-017.001
Current Zoning: RR, Rural District
Existing Land Use: Vacant
Requested Variance: Reduction in Off-Street parking requirements from 46 spaces to 30 spaces for a proposed discount/variety store
Acreage: 4.77 acres, more or less
Applicant: The Broadway Group, LLC
 216 Westside Square
 Huntsville, AL 35801
Owner: Curtis Miles Gagner, III
 113 Virginia Street
 Prattville, AL 36066
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Mobile (Manufactured) Home Park and Boat Repair Business	RMH, Residential Manufactured Housing Park
South	Vacant	RR, Rural District
East	Agricultural	RR, Rural District
West	Vacant	RR, Rural District
Summary		

The applicant is requesting a Special Exception (Case SE-16003) to allow a 9100-square foot discount/variety store (General Commercial Use). The subject property is zoned RR, Rural District. According to the zoning ordinance Table of Permitted Uses (Article 23), discount/variety stores may be allowed under the RR designation subject to the Special Exception review and approval of the Board. In addition, the applicant is also requesting a variance from off-street parking requirements in order to reduce the required number of parking spaces from 46 to 30.

Section 3.1 RR, Rural District

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- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) Marine recreation uses.
- (d) Outdoor recreation uses.
- (e) The following general commercial uses: animal clinic and/or kennels; farm implement sales; farmer's market/truck crops; nursery; landscape sales.
- (f) Local commercial uses.
- (g) Professional service and office uses.
- (h) The following institutional uses: church or similar religious facility; child care center; child care institution; day care home; fire station; library; post office; school (public or private).
- (i) Agricultural uses.
- (j) Single family dwellings including manufactured housing and mobile homes.
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The subject property is currently vacant. The property adjoins State Highway 225 to the east. The adjoining property to the north is a "Mobile Home Park" and a boat repair business. The adjoining properties to the west and south are vacant. The adjacent property to the east is agriculture. Properties to the northeast are commercial.

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.
- 2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of 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.
- 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 current required parking ratio for commercial establishments is one space for each 200 square-feet of gross floor area (Section 15.2.4, *Baldwin County Zoning Ordinance*). This would result in a requirement of 46 off-street parking spaces for the proposed discount/variety store. According to the information provided, the proposed tenant is not considered a destination store. Customers typically spend small amounts within these stores, and the parking lots are rarely, if ever, full. As a result, the applicant has proposed constructing 30 spaces, which would represent a ratio of just over one space for each 300 square feet of gross floor area. This appears to be consistent with the applicant's experience regarding the parking needs for different store formats and store sizes. In addition, the ratio appears to be consistent with the parking provisions at discount/variety stores throughout Baldwin County. Many of these stores previously received variances.

It should be noted that the referenced Special Exception application (Case SE-16003) is also included on this agenda.

Staff Comments and Recommendation

Staff feels that this is a reasonable request which meets the standards for approval of variances. Unless information to the contrary is revealed at the public hearing, Case V-160038 should be **APPROVED*** and shall be 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.
- An access permit shall be obtained from the Alabama Department of Transportation and shall be submitted to the Planning and Zoning Department along with the required Land Use Certificate application.
- Approval shall be valid for a period of six (6) months in which time construction shall commence.

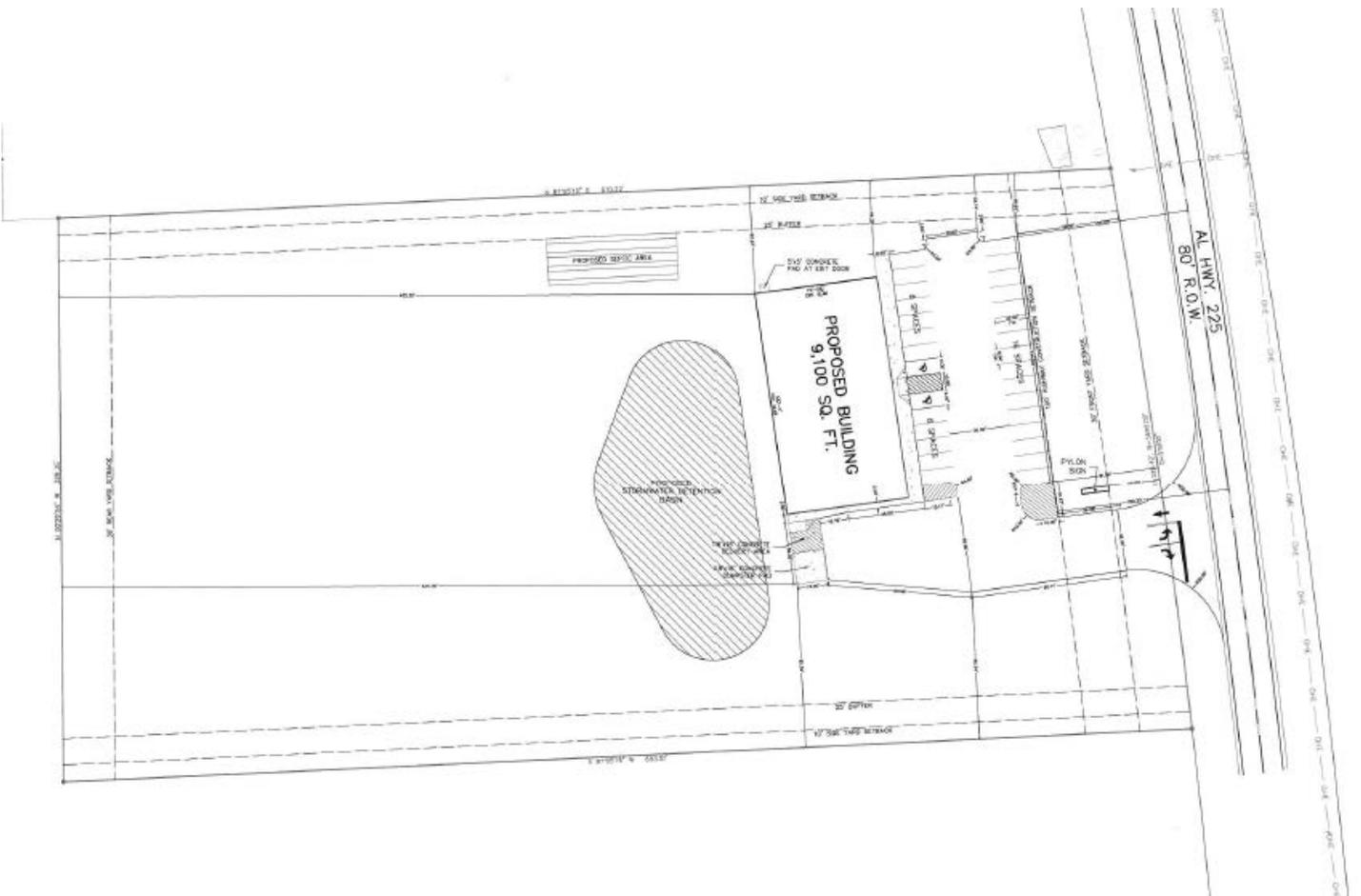
** A majority vote of the board members will be necessary to approve this request.*

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 Special Exception, 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.

Site Plan









**BALDWIN COUNTY COMMISSION #1
PLANNING AND ZONING BOARD OF ADJUSTMENT**

**2017
MEETING DATES
&
APPLICATION DEADLINE DATES**

Meeting time: 10:00 a.m.

Meeting location: Baldwin County Administration Conference Room, Bay Minette

All applications to be considered by the Baldwin County Commission #1 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 25, 2017		January 3, 2017
February 22, 2017		January 31, 2017
March 29, 2017		March 8, 2017
April 26, 2017		April 4, 2017
May 31, 2017		May 9, 2017
June 28, 2017		June 7, 2017
July 26, 2017		July 5, 2017
August 30, 2017		August 9, 2017
September 27, 2017		September 6, 2017
October 25, 2017		October 4, 2017
November 29, 2017		November 3, 2017
December 27, 2017		December 4, 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 1 (North end)\Deadline and Meeting Calendar 2017