



City of Bay Minette

Board of Adjustment

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM_Planning@cityofbayminetteal.gov

AGENDA

November 2, 2023

Special Called Meeting

8:00 a.m.

City Hall Council Chambers
301 D'Olive Street, Bay Minette

- 1.) Call to Order
- 2.) Invocation and Pledge
- 3.) Announcements & Registration to Address the Board
- 4.) Approval of Minutes for the July 27, 2023, Special Called Meeting
- 5.) Disclosure of Prior Communications and/or Conflicts of Interest
- 6.) Old Business
- 7.) New Business
 - a.) SE-23002, Graham Property Special Exception
Disclosure of Prior Communications and/or Conflict of Interest
Request: Special Exception Request to allow a residential use for an existing structure in a M-2, General Industrial District
Location: 1124 North US Highway 31
 - b.) Updates & Upcoming Cases
- 8.) Reports & Comments
 - a.) Mayor/Council/Administration
 - b.) Attorney
 - c.) Commissioners
 - d.) Planning Staff
 - e.) Citizen Comments
- 9.) Adjournment

Bay Minette Board of Adjustment Regular Meeting Minutes

Minutes July 27, 2023

Meeting No. 2

The Bay Minette Board of Adjustment met in a Regular Meeting on Thursday, July 27, 2023. The meeting was called to order at 8:01 a.m., by Vice-Chairman, Shane Hadley, in the Council Chambers located in Bay Minette City Hall, in Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

IN ATTENDANCE At 8:01 a.m. the following members were present:

Shane Hadley, Vice Chairman (*Acting Chair in absence of Chair*)
Ray Clark, Board Member
Liana Barnett, Board Member
John W. Biggs, Supernumerary Board Member

Board Member(s) absent:
Dr. Abby Hamilton, Chairman
Willie Walker, Board Member

Board Member(s) late:
None

Other persons in regular attendance:
Lauren Collinsworth, Attorney
Paula Bonner, Planner Associate
Jessica Peed, Planning Coordinator

GUESTS None

INVOCATION Board Member Clark gave the invocation, followed by Board Member John Biggs leading the pledge.

ITEM 3. Announcements & Registration to Address the Board

ITEM 4. Approval of Minutes for the May 5, 2023 Special Called Meeting. Board Member Barnett makes a motion to approve the May minutes as written. The motion was seconded by Board Member Clark and it was unanimously carried.

ITEM 5. Disclosure of Prior Communications and/or Conflicts of Interest

ITEM 6. Old Business - None

ITEM 7. New Business

a.) Election of Officers

Vice Chair Shane Hadley stated that since Chairman Hamilton would not be in attendance today, he spoke with her prior to the meeting to discuss her thoughts on another term as Chairman and she readily agreed to continue should she be nominated. The Vice Chairman then opened the floor to nominations for upcoming Chair, Board Member Biggs nominated Dr. Hamilton and Board Member Clark seconded the nomination. With no other nominations, Vice Chair Hadley closed the floor. Present members voted unanimously for Dr. Hamilton to remain as Chair for the upcoming year.

November 2, 2023
Vice Chair Hadley opened the floor for Vice Chairman nominations. Board Member Ray Clark nominated Shane Hadley and Board Member Johnny Biggs seconded. With no other nominations, Vice Chair Hadley closed to floor for
Board of Adjustment Special Called Meeting Agenda Packet Page 2 of 12

nominations. Present members voted unanimously for Shane Hadley to remain as Vice Chairman for the upcoming year.

b.) Board of Adjustment By-Law Revision Discussion

The Vice Chairman introduced Item 7b. and Staff Member Paula Bonner reviewed the proposed draft of the revised By-laws, including the expanded Member Responsibilities and clarifications in the Conflicts of Interest section. Discussion ensued regarding the term of office appointment terminology and clarification on attendance and dismissal. Vice Chairman Hadley requested a revised copy of the by-laws be sent out to the members for review with the discussed changes.

c.) Updates & Upcoming Cases

- Variance for a sign at Ford Chuck Stevens- Mrs. Bonner reviews the previous variance for the sign that was granted in 2002 and includes the applicant did not abide by the allocated height limitation that was approved, and explains the applicants wish to now move the sign to a different part of the property. Mr. Clark discusses information he gathered from the previous Planning Commission meeting and expressed his potential opposition to the request due to the applicant exceeding the approved height limit to the previous variance request.
- Additional discussion ensues regarding the new ordinance revisions pertaining to temporary workforce housing, and the proposed Dickman Road project that prompted the revisions to the proposed ordinance.

ITEM 8. Reports and Announcements

- a.) Mayor/Council Report - None
- b.) Attorney - None
- c.) Chairman - None
- d.) Planning Staff - None

ITEM 9. With no further business, Vice Chairman Hadley adjourned the meeting at 8:31 am.

DONE THIS THE 27th DAY OF JULY 2023,

Shane Hadley, Vice-Chairman

ATTEST:

Jessica Peed, Planning Coordinator

Motion Summary:

- 1.) **Minutes:** Approval of Minutes for the May 5, 2023 Special Called Meeting. Board Member Barnett makes a motion to approve the May minutes as written. The motion was seconded by Board Member Clark and it was unanimously carried.
- 2.) **Election of Officers:** The Vice Chairman then opened the floor to nominations for upcoming Chair, Board Member Biggs nominated Dr. Hamilton and Board Member Clark seconded the nomination. With no other nominations, Vice Chair Hadley closed the floor. Present members voted unanimously for Dr. Hamilton to remain as Chair for the upcoming year.

Vice Chair Hadley opened the floor for Vice Chairman nominations. Board Member Ray Clark nominated Shane Hadley and Board Member Johnny Biggs seconded. With no other nominations, Vice Chair Hadley closed to floor for nominations. Present members voted unanimously for Shane Hadley to remain as Vice Chairman for the upcoming year.



City of Bay Minette

Planning & Development Services

BOARD OF ADJUSTMENT STAFF ANALYSIS

Board of Adjustment Meeting Date: November 2, 2023

Case Number: SE-23002

APPLICATION SUMMARY

Project Name: Graham Property Residential Use Request
Property Location: 1124 North US Highway 31
Property PID/PPIN: 05-23-02-10-1-000-038.002 // 66138
Property Size: .22± acres // 9,583.2± sq ft

Requested Action: Special Exception to allow a residential use for an existing structure
Applicant: Kathy L. Bryars
Property Owner: Barbara A. Graham

Subject Property	Zoning	Existing Land Use
SE-23002	M-2	Vacant, Residential
Adjacent Property	Zoning	Existing Land Use
North	M-2 / R-5	Non-conforming Mobile Home Park
South	M-2	Single Family Residential
East	M-2	Vacant Convenience Store / Service Station
West	M-2	Single Family Residential

SITE AND REQUEST SYNOPSIS

The subject property, which consists of one parcel containing approximately .22± acres, is located on the south side of North US Highway 31, west of the County Road 112 and North US Highway 31 intersection. The applicant is Kathy L. Bryars on behalf of the property owner Barbara A. Graham. The request is for Special Exception approval to allow residential use on the M-2, General Industrial District zoned property. The property is for sale and contains an abandoned single-family dwelling which the future owner would like to restore for residential use. Per Baldwin County Revenue Commission records the existing structure is estimated to have been built in 1950 on the approximately 9,583.2+/- square foot lot. The applicant/owner has a concurrent rezoning request (Z-23006) for the adjacent property to the east to be rezoned from M-2, General Industrial District to B-2, General Business District to allow the vacant structure on the property to be restored back to a convenience store.

ZONING DISTRICT AND TABLE OF PERMITTED USES

ZONING DISTRICT

6.4.2 M-2, General Industrial District. It is the intent of this district to provide opportunity for the location of industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic. Access to major transportation facilities is usually needed. Locations should be in accordance with comprehensive plans and special review is required for some.

TABLE OF PERMITTED USES

The proposed use and similar/related land uses from Section 8.10 Table of Permitted Uses are listed below. Opposite each land use, in the appropriate district column or columns, the letter “R” identifies those districts in which a particular land use is permitted by right and the letters “S” identifies those districts in which a particular land use is permitted only by special exception. The letter “P” identifies those uses that must be reviewed and approved by the Planning Commission.

Table of Permitted Uses and Conditions	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
Dwelling, one-family.	R	R	R	R	R	R	S	S	S	S

DEPARTMENT AND AGENCY COMMENTS

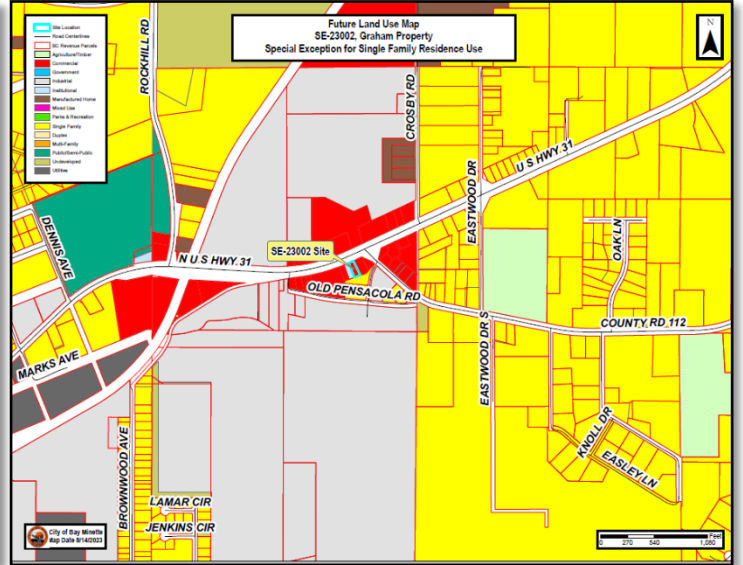
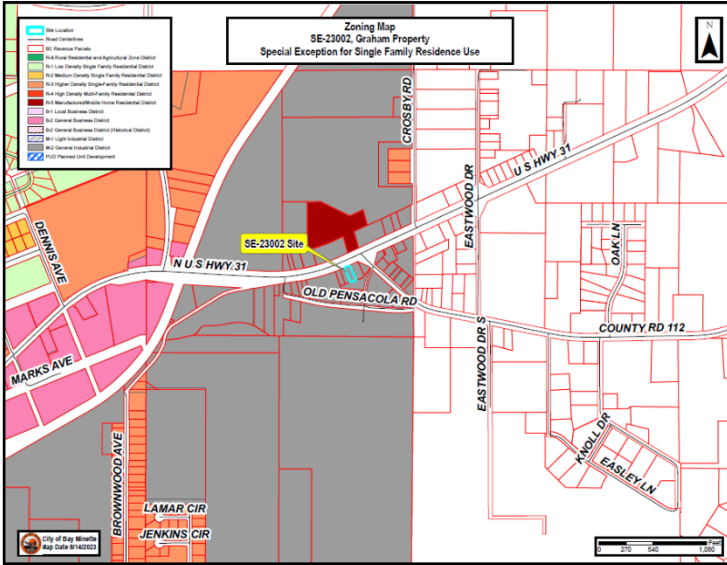
North Baldwin Utilities – No comments received.
 Bay Minette Public Works – No comments received.
 Bay Minette Police Department – No comments received.
 Bay Minette Fire Department – No comments received.
 Baldwin County E-911 – Verified 1124 North US Highway 31 as the correct address.

ALDOT – No comments received.
 City Engineering Consultants
 Civil: Tensaw Engineering, Benjamin White, P.E. – No comments received.
 Transportation: Neel-Schaffer, Shane Bergin, PE, PTOE, PTP, RSP1 – No comments received.

MAPPING

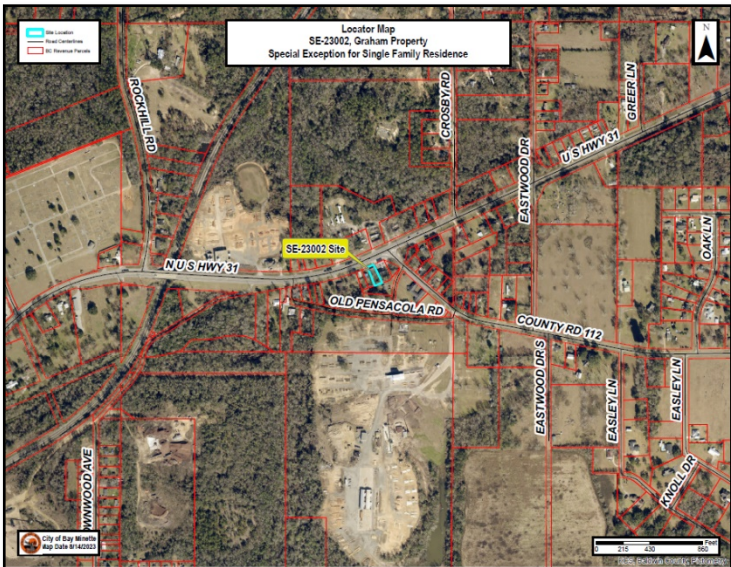
Zoning Map

Future Land Use Map



Locator Map

Site Map



STAFF ANALYSIS

The following standards for reviewing special exception requests are found in **Section 14.4 Establishment and Membership of the Board of Adjustment** of the *Zoning Ordinance of the City of Bay Minette*. These factors are to be considered when an application is being reviewed for a Special Exception request. The Planning Commission will review the request against the criteria below and submit an advisory recommendation to the Board of Adjustment. The BOA shall review the request against the criteria below and, after a public hearing, make the final decision only upon the concurring vote of four Board members.

1.) Compliance with the Comprehensive Plan *COMPLIANT*

The property is designated as Commercial on the Future Land Use Map as are the adjacent properties fronting North US Highway 31 in the immediate vicinity with the exception of the adjacent property to the west being designated as Industrial. However, the adjacent property to the south is designated as Single Family on the Future Land Use Map and the manufactured/mobile home park directly across the street on the north side of North US Highway 31 is designated as Commercial on the Future Land Use Map.

2.) Compliance with any other approved planning document *NOT APPLICABLE*

N/A

3.) Compliance with the standards, goals and intent of this ordinance *COMPLIANT*

The Zoning Ordinance was intended to promote the health, safety, convenience, order, prosperity, and general welfare of the residents; to lessen congestion in the street; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, and parks; to facilitate initiation of the comprehensive plan, and other public requirements.

The City of Bay Minette Zoning Ordinance allows the use of a one-family dwelling as a Special Exception in the M-2, General Industrial District in which the subject parcel is zoned. The proposed use is compatible with the surrounding property based on the previous use and current existing adjacent uses.

4.) The character of the surrounding property, including any pending development activity *COMPLIANT*

The subject property is adjacent to existing single-family residences to the south and an existing manufactured/mobile home park to the north across North US Highway 31. The parcel adjacent to the west of the subject property contains a single-family dwelling. To the southeast is the intersection of North US Highway 31 and County Road 112. The single-family dwellings fronting the east side of County Road 112 are currently zoned M-2, General Industrial District but the future land use designation is Commercial. The west side of County Road 112 consists of single-family dwellings and a church. Those parcels are also currently zoned M-2, General Industrial District. The future land use designation for the parcel containing the church is Industrial and the Future Land Use Map designation for the properties containing dwellings is single-family.

5.) Adequacy of public infrastructure to support the proposed development *COMPLIANT*

Impacts on public infrastructure are expected to be nominal. The parcel fronts North US Highway 31 which is regulated by the Alabama Department of Transportation. The Bay Minette Fire Department stated they had no comments on the application. No comments were received from the Bay Minette Police Department or North Baldwin Utilities.

6.) Impacts on natural resources, including existing conditions and ongoing post-development conditions *COMPLIANT*

The renovation of an existing single-family structure for residential use is expected to have nominal impacts on natural resources.

7.) Compliance with other laws and regulations of the City *COMPLIANT WITH CONDITIONS*

The applicant will be required to submit a Land Use application and Building Permit application prior to any construction.

8.) Compliance with other applicable laws and regulations of other jurisdictions *COMPLIANT WITH CONDITIONS*

The subject property sits within the city limits of Bay Minette and falls under the City's jurisdiction. The subject property fronts North US Highway 31 which may require access approval from the Alabama Department of Transportation.

9.) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values *COMPLIANT*

Negative impacts are expected to be minimal as this property is adjacent to residential use and the structure is existing with only renovations proposed.

10.) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values *COMPLIANT*

As stated previously, negative impacts are expected to be minimal as the proposed use is residential and the construction will consist of renovations to an existing structure.

11) Overall benefit to the community **COMPLIANT**

The proposed use is residential, and there is a need for need for housing in the community that this proposal can help alleviate. The renovation and occupancy of the vacant structure will be an asset to the area.

12.) Compliance with sound planning principles **COMPLIANT**

The intent of this ordinance, among others, is to provide for the orderly development of the city, in order to promote the health, safety, convenience, order, prosperity and general welfare of the residents. This proposed use is compatible with the surrounding property and uses. The existing zoning designation allows for the use through the Special Exception process and no obvious reasons for denial have surfaced.

13.) Compliance with the terms and conditions of any zoning approval **NOT APPLICABLE**

N/A

14.) Any other matter relating to the health, safety and welfare of the community **NOT APPLICABLE**

N/A

15.) Other matters which may be appropriate **COMPLIANT WITH CONDITIONS**

If approved, the applicant will be required to submit a Land Use and Building Permit prior to any construction.

STAFF RECOMMENDATION

Based on the information submitted by the applicant, City Staff and Consultant input and the analysis above, staff recommends the Special Exception request for the one-family dwelling use be **Approved**.

PLANNING COMMISSION ACTION

The Planning Commission does not hold a public hearing on Special Exceptions but makes an advisory recommendation to the Board of Adjustment.

After reviewing the SE-23002 application at the October 12, 2023, Regular Meeting, the Planning Commission:
Voted unanimously to recommend approval of the Special Exception

BOARD OF ADJUSTMENT ACTION

The Board of Adjustment makes the final decisions on Special Exception Requests after holding a public hearing. In accordance with State Code Section 11-52-80(E), **FOUR** affirmative votes are required to approve a Special Exception request.

The Board of Adjustment has to option to:

- Approve the Special Exception
- Approve the Special Exception with Conditions
- Deny the Special Exception, with stated factors for the denial
- Table the application due to a lack of information

Code of Alabama 1975, Section 11-52-81: Any party aggrieved by any final judgment or decision of the Board of Adjustment may within 15 days after the decision, appeal the BOA decision to the circuit court by filing with the BOA/City Planning Staff a written notice of appeal specifying the judgment or decision from which the appeal is taken.

14.4.2.2(f) Limitation on resubmittal. An application for the same parcel of land shall not be submitted within 365 days of the final decision of the Board of Adjustment. Any application may be withdrawn without prejudice prior to the opening of the hearing by the Board of Adjustment. All notices to withdraw shall be submitted in writing.



City of Bay Minette

Special Exception Application

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM_Planning@cityofbayminetteal.gov

Office Use Only	
SE -	<u>23002</u>
Fee:	\$300 + \$10 per Certified Letter
Paid:	<input type="checkbox"/> Cash <input type="checkbox"/> Credit Card
	<input checked="" type="checkbox"/> Check - # <u>22-040339513</u>
Date Paid:	<u>9/12/23</u>

Are you the property owner? Yes No
(If you are not the property owner you must submit an Agent Authorization Form signed by the property owner)

Name: Kathy L. Bryars Date: 8/24/23
Mailing Address: PO Box 306
City: Bay Minette State: AL Zip Code: 36507
Phone Number: 251-423-1416 Email: KathyBryars@gmail.com

Site Information

Property Address: 1124 US Hwy 31 N. Bay Minette AL
or Property Location: _____

*Parcel No.: _____ *PPIN No. 66138
**Parcel or PPIN information must be completed*

Current Zoning: M-2

The purpose of this Special Exception is to allow:
Single Family Residence

What grounds or conditions exist to warrant the approval of the Special Exception?
**Special Exception ordinance excerpt and review criteria is included in packet*
There is an existing single family residence on the property

I, the undersigned applicant, understands that payment of these fees does not entitle me to approval of this Special Exception and that no refund of these fees will be made. I have reviewed a copy of the applicable zoning regulations and understand that I must be present on the date of the meeting. I understand and authorize City Staff to conduct site visits, as needed, in relation to this request.
Kathy L Bryars 8/24/23
Signature of Applicant (Owner of Property or Authorized Agent) Date

- Submittal Requirements**
- Application
 - Fee
 - Agent Authorization Form (if applicant is not the owner)
 - Complete Legal Description of Property
 - Plot Plan or Survey – indicating any existing structures, proposed structures, and setbacks from property lines.



City of Bay Minette Agent Authorization Form

Office Use Only
Case No. SE-23002

I/We hereby appoint and designate Kathy L. Bryars ("Agent") to act as my/our-agent in all matters concerning this application/permit which relates to property described as tax parcel PPIN#24297 and 66138. I/We understand that the scope of the agency designation granted herein is general in nature and includes, without limitation, all decision-making authority relating to submittals, status, conditions, or withdrawal of this application/permit. To the fullest extent permitted under Alabama law, I/we release and agree to hold the City of Bay Minette harmless from and against any liability resulting from acts or omissions of our Agent. I/We warrant and certify to the City of Bay Minette that I/we are the owner(s) of the real property identified herein, and that I/we have fully authority to make the agency designation herein. I/We further certify that the information stated on and submitted with this application/permit is true and correct. I also understand that the submittal of incorrect information will result in the revocation of this application/permit and any work performed will be at the risk of the applicant. I understand further that any changes which vary from the approved plans will result in the requirement of a new application/permit.

**NOTE: All correspondence will be sent to the authorized Agent. It will be the Agent's responsibility to keep the owner(s) adequately informed as to the status of the application.*

PROPERTY OWNER(S)

Barbara Graham

Name(s) - Printed

2401 Bradley Avenue

Mailing Address

Bay Minette, AL

City/State

251-656-4068

Phone

Email

Barbara Graham

07/19/23

Signature(s)

Date

AUTHORIZED AGENT

Kathy L. Bryars

Name(s) - Printed

P.O. Box 306

Mailing Address

Bay Minette, AL

City/State

251-423-1416

kathybryars@gmail.com

Phone

Email

Kathy L. Bryars

07/19/23

Signature(s)

Date

Lot 4, and the West 7' of Lot 3, Block 3 in a subdivision of the Southeast Quarter of the Northeast Quarter of Section 10, Township 2 South Range 3 East according to the official or plat thereof recorded in Map Book 1 at page 122, Baldwin County.

STATE OF ALABAMA
COUNTY OF BALDWIN

WARRANTY DEED

Know All Men by These Presents: That for and in consideration of Ten Dollars, to the undersigned Grantor, DECOLA G. YOUNG, a single woman, in hand paid by, Grantee, GEORGE DENNY GRAHAM, SR. a married man, the said Grantor, does hereby GRANT, BARGAIN, SELL and CONVEY unto the said Grantee, in fee simple, the following described real property located in Baldwin County, Alabama, to-wit:

Lot four (4), and the West seven (7) feet of lot three (3) in block 3 of the E.G. Miller, Subdivision, a part of the Southeast Quarter of the Northeast Quarter of Section 10, Township 2 South, Range 3 East, according to the official map or plat of said subdivision which is recorded in Map Book 1, page 122, Baldwin County, Alabama records in the Office of the Judge of Probate.

SUBJECT TO:

Any and all Restrictive Covenants, reservations, easements, rights of way, if any, of record in the Office of the Judge of Probate, Baldwin County, Alabama.

PREVIOUS DEED REFERENCE: Real Property Book 414, Page 1996.

TOGETHER WITH ALL AND SINGULAR, the rights, members, privileges and appurtenances thereunto belonging or in anywise appertaining:

To Have and to hold unto the Grantee and his heirs and assigns forever.

And, except as to the above and the taxes hereafter falling due, the said GRANTOR, her personal representatives, successors and assigns, do hereby covenant with the said GRANTEE, his heirs, personal representatives, successors, and assigns, that the GRANTOR, is seized of an indefeasible estate in fee simple in and to said property; that she has a good and lawful right to sell and convey the same; that said property is free and clear from all encumbrances and that the GRANTOR does hereby WARRANT and WILL FOREVER DEFEND the title to the said property unto the GRANTEE and unto his heirs, personal representatives, successors and assigns, against the lawful claim of all persons, whomsoever.

In Witness Whereof, she has hereunto set her hands and seals, this 11 day of May, 2012.



DECOLA G. YOUNG

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 5/11/2012 10:04 AM
DEED TAX \$ 10.00
TOTAL \$ 22.00
2 Pages

1338369



THE STATE OF ALABAMA
COUNTY OF BALDWIN

COURT OF PROBATE
CASE NO. 37441

LETTERS TESTAMENTARY

The Will of **GEORGE DENNY GRAHAM, SR.** having been duly admitted to record in said county, **Letters Testamentary** are hereby granted to **BARBARA A. GRAHAM,** the Personal Representative named in said will, who has complied with the requisitions of the law and is authorized to administer the estate. Subject to the priorities stated in Code of Alabama (1975, as amended) § 43-8-76, the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers, without limitation, authorized in transactions under Code of Alabama (1975, as amended) § 43-2-843.

WITNESS my hand, and dated this 7th day of October, 2019.


JUDGE OF PROBATE