



City of Bay Minette

Board of Adjustment

301 D'Olive Street · Bay Minette, Alabama 36507

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

AGENDA

May 5, 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 April 28, 2022 Special Called Meeting
- 5.) Disclosure of Prior Communications and/or Conflicts of Interest
- 6.) Old Business
- 7.) New Business
 - a.) SE-23001, TPQ Special Exception
Disclosure of Prior Communications and/or Conflict of Interest
Request: Special Exception Request to allow a duplex in the R-3, Higher Density Single Family Residential District
Location: Southwest corner of the Clay Street and Moran Street intersection
 - 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 Special Called Meeting Minutes

Minutes April 28, 2022

Special Called Meeting No. 2

The Bay Minette Board of Adjustment met in a Special Called Meeting on Thursday, April 28, 2022. The meeting was called to order at 8:06 a.m., by Chairman, Dr. Abby Hamilton, 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 8:06 a.m. the following members were present:

Dr. Abby Hamilton, Chairman
Ray Clark, Board Member
Willie Walker, BCSO
Liana Barnett, Board Member

Board Member(s) absent:

Shane Hadley, Vice Chairman
John W. Biggs, Supernumerary
Thomas Brown, Supernumerary

Board Member(s) late: None

Other persons in regular attendance:

Scotty Lewis, Attorney
Clair Dorough, City Planner
Jessica Peed, Planning Coordinator

GUESTS Steven Taylor (*SE-22001 Applicant*)

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

ITEM 3. Approval of Minutes for the January 6, 2022 Regular Meeting. Board Member Barnett makes a motion to approve the January minutes as written. The motion was seconded by Board Member Walker and it was unanimously carried.

ITEM 4. Old Business - None

ITEM 5. New Business

SE-22001, Taylor/Calloway Property Special Exception – Public Hearing
Disclosure of Prior Communications and/or Conflicts of Interest: None
Request: Special Exception Request for automobile wrecking and salvage
Location: The subject property is located at 2513 S US Hwy 31

Mrs. Dorough introduces the request, reviewing the staff report including the surrounding properties and compatibility with the proposed salvage yard in the area with nominal impacts, current zoning designation and Table of Permitted Uses requirement for Special Exception approval for operating a salvage yard, multiple

commercial businesses that operate from the property. She states at the previous Planning Commission meeting that was held on March 10, 2022, the Commission made a motion to recommend approval with the condition that adequate screening was provided to the Board of Adjustment for review prior to the meeting, to which the applicant complied. She reviews the proposed screening plan for the North, East, South, and West portions of the proposed area of the property that was previously submitted by the applicant. She includes that Staff received a similar request in 2021, and although the applicant withdrew prior to the Board of Adjustment meeting, the Planning Commission was also concerned about the potential screening issues with that application as well. Chairman Hamilton opened the Public Hearing at 8:17am. The applicant, Steven Taylor, stated some improvements he would prefer including installing a solid metal fence where the Conex boxes are located instead of screened chain link and a wooden fence with only a 3 ft. walk gate across the front and a 20 ft. solid gate that would be located in the back so the salvage yard would essentially never be viewable from the road, with the exception of a tiny portion when vehicles are traveling from Stapleton to Bay Minette. He states he would also like to put a privacy fence in place of the chain link fence between his leased property and the lawn mower shop. Board Member Clark inquires on the proposal to construct a wooden privacy fence instead of metal, to which Mr. Taylor states the privacy would look nicer and would completely enclose the facility. Mr. Taylor describes the pewter/clay color of the proposed metal fence that would be placed along the lawn mower shop side. Board Member Clark states he appreciates the effort to make the property as presentable as possible. Mr. Taylor states the property would essentially be used as a salvage yard and not a wrecker yard and states the differences between the two. Mrs. Dorrough includes the top of the fence/screening would have a razor wire, and the applicant is intending to be put on the State's Rotation list. Board Member Barnett inquires if the razor wire is above the minimum height to which Mr. Taylor states it would be. With no further questions or public comment, Chairman Hamilton closed the Public Hearing at 8:24am. Legal Counsel recommended that for the record, have the applicant confirm that the conditions presented are based on his plans for fencing and not specific requirements imposed by the BOA. The applicant concurred that the conditions listed were based on his plans for installing and maintaining the fencing. Board Member Clark made a motion to approve the request with conditions presented by staff related to fencing plans as stated and confirmed by the applicant:

- 1) Removal of existing chain link fencing along US Hwy 31 and install continuous 6' wood privacy fence with pedestrian access gate facing Hwy 31 to be of same construction.
- 2) Removal of existing gate facing Old Daphne Road and install a 6' metal or privacy fence gate for vehicle access.
- 3) Install 6' solid metal fence along the North Boundary of the property with obligation to maintain the fence in good condition.
- 4) Fence and natural vegetation along the Eastern boundary of the premise to be maintained.
- 5) Maintain existing chain link fence along the Southern Boundary of the property, install green or black mesh with obligation to maintain the mesh and vegetation material in good condition.

Board Member Barnett seconded the motion, and it was unanimously carried.

ITEM 6. Reports and Announcements

a.) Mayor/Council Report - Mayor Wills states Liana Barnett recently joined the City of Bay Minette as the new Human Resources Director and is looking forward to working with her as she has a lot of great experience and works well with the City. He also states along with the other Department Heads and employees, the City has a great team and we "produce for our citizens." Mayor Wills includes that we are waiting for plans for the Justice Center and will hopefully have those soon, and the City held a cleanup day that had a great turnout. Board Member Clark inquires on the previously discussed Piggly Wiggly purchase. There is some discussion to which Mrs. Dorrough states she spoke with the Chamber of Commerce who confirmed Greens purchased the business and not the building. Board Member Clark verified that the Piggly Wiggly building will be left vacant, to which Mrs. Dorrough stated as of now it would be. Board Member Clark states he is pleased the applicant went the extra mile with the

screening plan, as it is a great step forward for Bay Minette in approving our first impressions for people passing through the area.

- b.) Attorney - None
- c.) Chairman - None
- d.) Planning Staff - None

ITEM 7. With no further business, Chairman Hamilton adjourned the meeting at 8:31 am.

DONE THIS THE 28th DAY OF APRIL 2022

Dr. Abby Hamilton, Chairman

ATTEST:

Jessica Peed, Planning Coordinator

Motion Summary:

- 1.) **Minutes:** Approval of the Minutes of the January 6, 2022, Special Called meeting. Board Member Barnett makes a motion to approve the January minutes as written. The motion was seconded by Board Member Walker and it was unanimously carried.
- 2.) **SE-22001, Taylor/Calloway Property Special Exception:** Chairman Hamilton opened the Public Hearing at 8:17am. After discussions with the applicant and no further public comment, Chairman Hamilton closed the Public Hearing at 8:24am. Board Member Clark makes a motion to approve the request with conditions presented by staff related to fencing plans as stated and confirmed by the applicant:
 - a.) Removal of existing chain link fencing along US Hwy 31 and install continuous 6' wood privacy fence with pedestrian access gate facing Hwy 31 to be of same construction.
 - b.) Removal of existing gate facing Old Daphne Road and install a 6' metal or privacy fence gate for vehicle access.
 - c.) Install 6' solid metal fence along the North Boundary of the property with obligation to maintain the fence in good condition.
 - d.) Fence and natural vegetation along the Eastern boundary of the premise to be maintained.
 - e.) Maintain existing chain link fence along the Southern Boundary of the property, install green or black mesh with obligation to maintain the mesh and vegetation material in good condition.

Board Member Barnett seconded the motion, and it was unanimously carried.



City of Bay Minette

Planning & Development Services

BOARD OF ADJUSTMENT STAFF ANALYSIS

Board of Adjustment Meeting Date: May 5, 2023

Case Number: SE-23001

APPLICATION SUMMARY

Project Name: TPQ, LLC Duplex Request
Property Location: SW Corner of Moran St and Clay St
Property PID/PPIN: 05-23-05-16-1-003-001.001 // 34390
Property Size: .379± acres // 16,529± sq ft

Requested Action: Special Exception approval for the construction of a duplex
Applicant: Mike Phillips
Property Owner: TPQ, LLC

Subject Property	Zoning	Existing Land Use
Z-23002	R-3	Vacant Residential
Adjacent Property	Zoning	Existing Land Use
North	R-3	Clay Street, Residential
South	R-3	Residential
East	R-3	Moran Street & Brady Road, Residential, Church
West	R-3	Residential

SITE AND REQUEST SYNOPSIS

The subject property, which consists of one parcel containing .379± acres, is located on the Southwest side of the intersection of Moran Street and Clay Street. This is also the location of the intersection of Bay Street/Brady Road and Stanmeyer Street connects to Clay Street approximately 100 feet to the east. The applicant is Mike Phillips on behalf of the property owner: TPQ, LLC. The request is for Special Exception approval for the construction of a duplex in the R-3, Higher Density Single Family Residential District. The property is cleared but vacant/undeveloped, with 140 feet of frontage on Clay Street and 172 feet of frontage on Moran Street. The duplex is proposed as a 67'2" x 42" structure facing Moran Street with 30-ft setbacks on the front, rear and side along Clay Street with a 10-ft side setback on the southern lot line adjacent to PIN 17762.

ZONING DISTRICT AND TABLE OF PERMITTED USES

ZONING DISTRICT

6.2.4 R-3, Higher Density Single Family Residential District. This district is intended to provide for a higher density of single-family structures on smaller lots than those allowed in the R-1 and R-2 districts. Duplexes will be allowed as a special exception.

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
Dwelling, two-family.				S	R	R	P	P		
Dwelling, multi-family.				R	R	R	P	P		
Accessory buildings and uses, home swimming pools, when located on the same lot or parcel as the principal residential structure or use and customarily incidental thereto, allowed by right provided the requirements in all pertinent sections of this ordinance are met. Accessory buildings and uses, swimming pools, when located on the same lot or parcel as the principal commercial structure or use and customarily incidental thereto, allowed with Planning Commission approval provided the requirements in all pertinent sections of this ordinance are met.	R	R	R	R	R	R	PR	PR	PR	PR

RELATED COMPREHENSIVE PLAN STATEMENTS & STRATEGIES

The City's Comprehensive Plan is a policy document that functions as the long-range plan for future growth and development. It identifies the goals, objectives, and strategies of the community, determined by its residents and property owners. City officials can use the document to make policies that effectively provide a coordinated approach for future growth. Though adopted by the City Planning Commission, the Plan is intended to provide guidance for future legal and policy decisions as determined by City Council and through analysis of existing and predicted conditions. The Plan also serves as the statutory basis for many of the City's land use and subdivision regulations as well as the application of zoning districts, as zoning and future land use must be in accordance with the Comprehensive Plan. The Goals, Objectives, Statements and Strategies below are pulled from the Plan as they are deemed relevant to this specific application by Planning Staff.

Housing

Goal: Provide a wide variety of safe and attractive living environments for all socioeconomic groups.

Statements: "City requires a diversity of housing types and densities to accommodate all socioeconomic groups of a community. The housing supply of a community must support existing and forecasted housing demands to ensure the resident's quality of life and the vitality and growth of the City. A community must foster continued maintenance, rehabilitation, and new construction of their housing stock to maintain the City's sustainability."

"Future residential growth should utilize infill development techniques where possible to prevent residential sprawl away from the community's core of commercial areas, schools, and pedestrian/public transit access. Creating isolated residential neighborhoods only adds stress to the public infrastructure including roads, water and sewer, and City services."

#1 Promote a choice of rural, suburban, and urban living environments and housing types to accommodate all household incomes. This includes anticipating and planning for future land requirements associated with future population projections and projected housing types.

#3 Protect the quality of life in existing and new neighborhoods by implementing subdivision regulations that will: ensure the separation of incompatible land uses; preserve and/or create open spaces and landscaped areas; promote the connectivity of roads, schools, parks, and open spaces; require, where feasible, the installation of sidewalks throughout the development; and prevent stress on the existing public infrastructure and public services.

#10 Maintain the public infrastructure at a level needed to continue adequate service to existing and new residential dwellings. This includes correcting existing deficiencies in infrastructure and upgrading or constructing new infrastructure to accommodate new developments. Deny new development if the infrastructure is not in place to support it without compromising the service to existing housing. Require that all new development be connected to the City's existing public water and sewer lines at the developer's expense.

#12 Identify undeveloped lots within existing residential neighborhoods that would be suitable for residential infill of single family and multifamily developments. Encourage developers to consider these target areas for future residential development.

Land Use

#3 Protect the quality of life of existing and new developments by implementing land use regulations that will: ensure the separation of incompatible land uses; preserve and/or create open spaces and landscaped areas with each new development; promote the connectivity of roads, schools, parks, and open spaces; require, where feasible, the installation of sidewalks throughout the development; and prevent stress on the existing public infrastructure and public services.

#4 Encourage through land use regulations infill development of undeveloped lots as opposed to urban sprawl to support the conservation of rural lands within Bay Minette's planning area.

#5 Increase the diversity of residential land uses by encouraging multi-family residential land uses to locate in the more densely populated center of the City. Discourage multi-family development in the more rural, less dense planning area where agricultural land uses and rural character can be encroached upon. This also decreases the strain of public infrastructure and public service cost.

#6 Ensure, through site plan review and/or subdivision plat review, that all types of land use developments have a design and scale compatible to adjoining properties and are buffered from different incompatible land uses and adverse impact due to encroachment.

DEPARTMENT AND AGENCY COMMENTS

Due to the nature of the special exception request, additional department/agency review may be required when developed.

North Baldwin Utilities – No comments received.

Bay Minette Public Works – See Staff Analysis Item #3

Bay Minette Police Department – Stated No Comments.

Bay Minette Fire Department – Stated No Comments.

Baldwin County E-911 – N/A

ALDOT – N/A

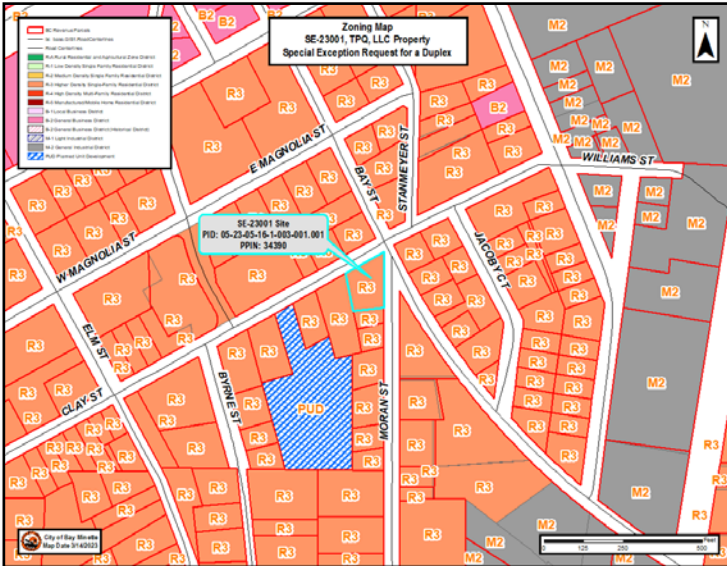
City Engineering Consultants

Civil: Tensaw Engineering, Benjamin White, P.E. – No comments received.

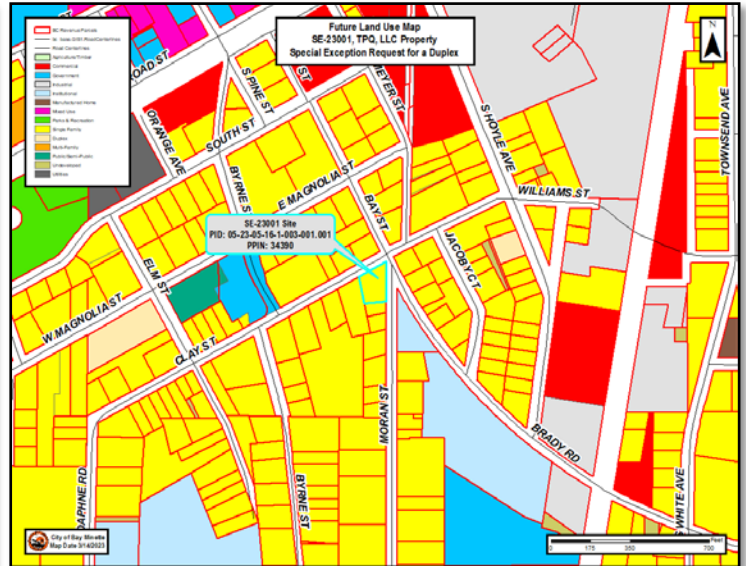
Transportation: Neel-Schaffer, Shane Bergin, PE, PTOE, PTP, RSP1 – Stated No Comments.

MAPPING

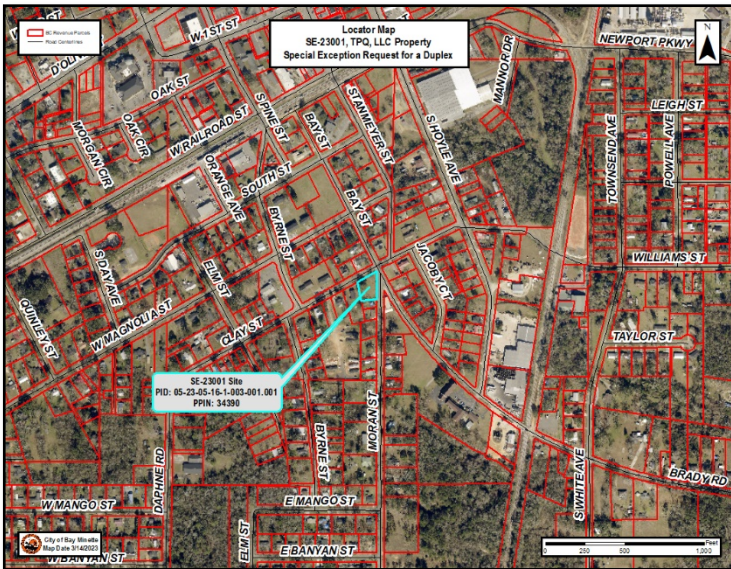
Zoning Map



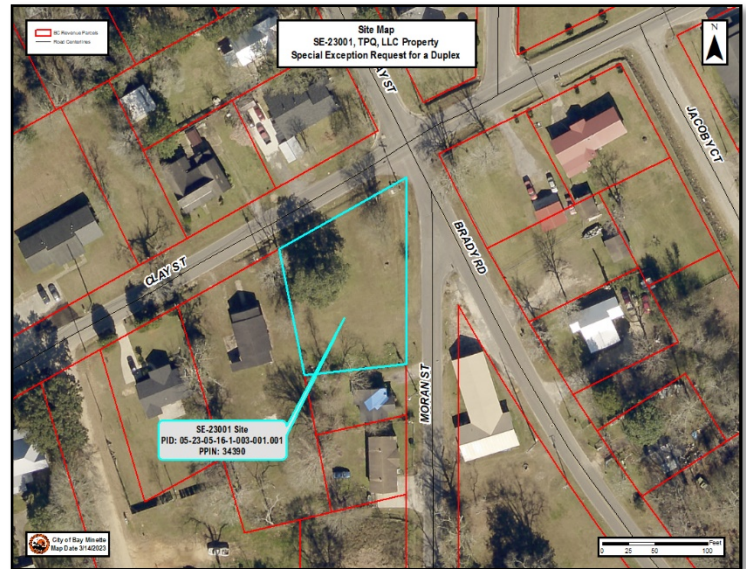
Future Land Use Map



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 Single Family on the Future Land Use Map; as is the bulk of property in the immediate vicinity with the exception of the property being designated Institutional for Faith Community and South Side Baptist Church. However, that same area plus more is currently zoned R-3, Higher Density Single Family, allowing for the two-family use by Special Exception. The

Comprehensive Plan goals, recommendations and strategies listed above include providing a wide variety of safe and attractive living environments for all socioeconomic groups with diversity of housing types and densities, specifically stating that:
“The housing supply of a community must support existing and forecasted housing demands to ensure the resident’s quality of life and the vitality and growth of the City. A community must foster continued maintenance, rehabilitation, and new construction of their housing stock to maintain the City’s sustainability.”

This proposed development is on a vacant/undeveloped parcel in the immediate and general vicinity of other two-family and multi-family dwellings. The Comprehensive Plan further states:
“Future residential growth should utilize infill development techniques where possible to prevent residential sprawl away from the community’s core of commercial areas, schools, and pedestrian/public transit access. Creating isolated residential neighborhoods only adds stress to the public infrastructure including roads, water and sewer, and City services.”

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

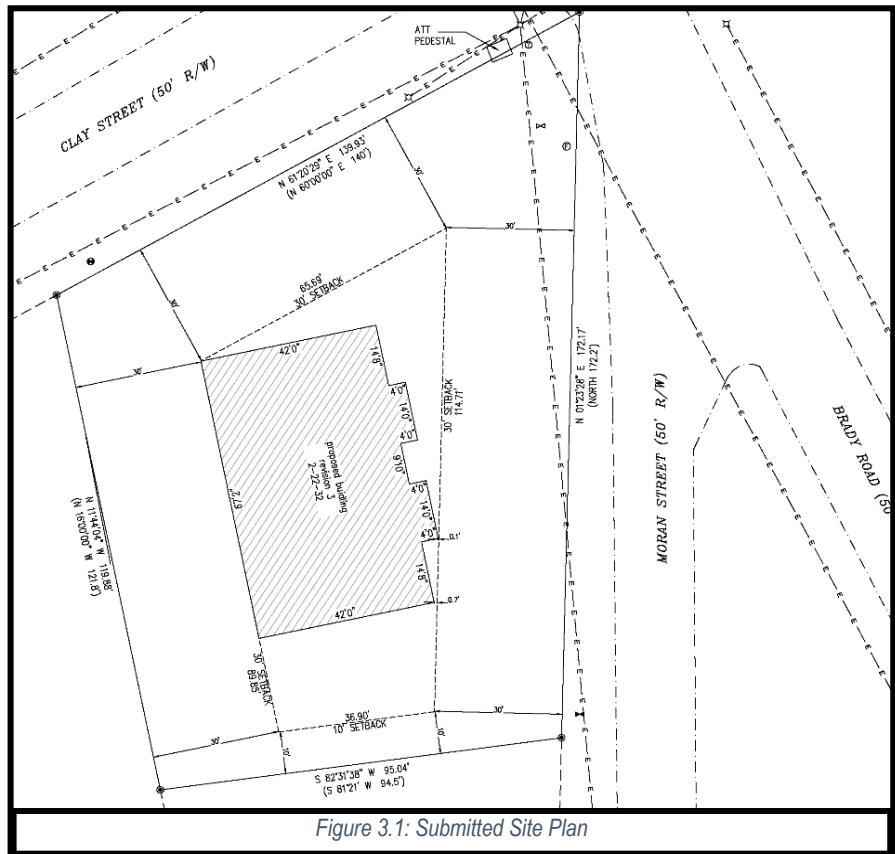
N/A

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

COMPLIANT WITH CONDITIONS

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 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 as the property is currently vacant, development would be beneficial to the area. The submitted site plan (See Figure 3.1) shows the proposed duplex as a 67’2” x 42” (2,821 sq ft) structure fronting Moran Street, which is classified as a Major Collector, with 30-ft setbacks on the front and rear, and a 10-ft side setback on the southern lot line adjacent to PIN 17762. The side yard along Clay Street shows a 30-ft side yard setback, as Clay Street is also considered a Major Collector.



The primary consideration for compliance would be the site access in relation to the property’s proximity to the intersection of Clay St, Bay St and Brady Road and the convergence of Brady Road and Moran Street. As the subject property’s zoning would allow for single family development (and access) by right, the additional impact of a duplex would not have a negative impact to a degree significantly greater than a single-family residence. One- and two-family dwellings are both required to provide a minimum of two off-street parking spaces for each dwelling unit. The submitted site plan (See Figure 3.1) shows the structure facing Moran Street, no access or parking area is shown, but the location of utilities and a ditch along Clay Street would prevent any reasonable access to Clay. The connection of Moran St to Brady Road occurs around the midpoint of the Eastern property line, which could cause potential conflicts if an additional access point is added into the mix. The City’s Public Works Supervisor requested that the site’s access point be located as

close to the southern property line as possible to prevent issues with oncoming traffic. Planning Staff agrees that from a traffic safety stand-point, the area would be better served with an access as far south of the Moran/Brady intersection as possible. (See Figure 3.2). The City's Transportation Engineer consultant stated they had no comments on the application as submitted, but since access was not detailed on the site plan, his review would be beneficial once an access point is determined. As a special exception request, the Planning Commission can recommend, and the Board of Adjustment can impose such conditions and safeguards as are appropriate. Staff recommends:

1. Access be restricted to Moran Street only and located as far south as feasible from the Moran/Brady intersection.
2. Access be restricted to one shared driveway and parking area.
3. Access be reviewed by the City's Transportation Engineer prior to the issuance of a Land Use/Building Permit.

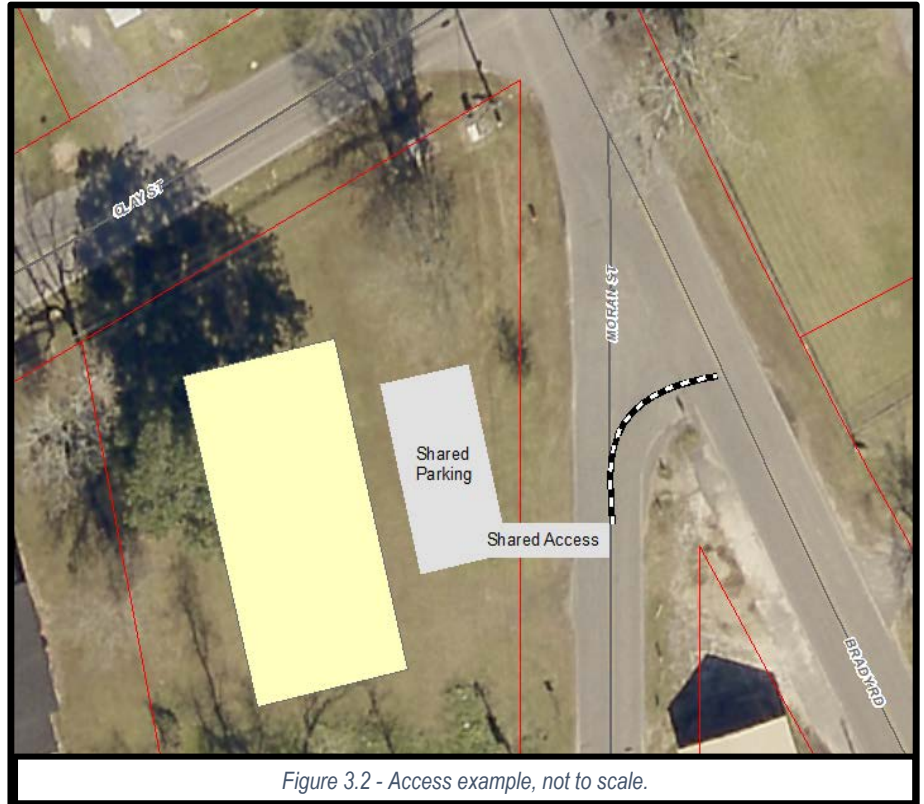


Figure 3.2 - Access example, not to scale.

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

COMPLIANT

The property is adjacent to existing single-family residences in all directions as well as the Faith Community Church to the East across Moran St. Nearby to the Southwest, between the subject property and the intersection of Byrne Street, is the 2.28± acre development that was rezoned from the R-5, Manufactured/Mobile Home Residential District and approved for a PUD in 2019 to construct single family homes similar in size to 'typical' manufactured homes (See Figure 4.1). To date, four have been constructed. On the North side of Clay Street and along Byrne Street is an existing duplex and a multi-family dwelling unit owned by the Housing Authority. One block north at E Magnolia and Byrne Street is another multi-family building and duplex owned by the Housing Authority, with another duplex on the same property facing South Street. Two blocks to the West of the subject property, there is an active rezoning request proposed, Case Z-23002, to rezone .30± acres from R-3 to the R-5 district. Staff is unaware of any other pending development in the immediate vicinity.

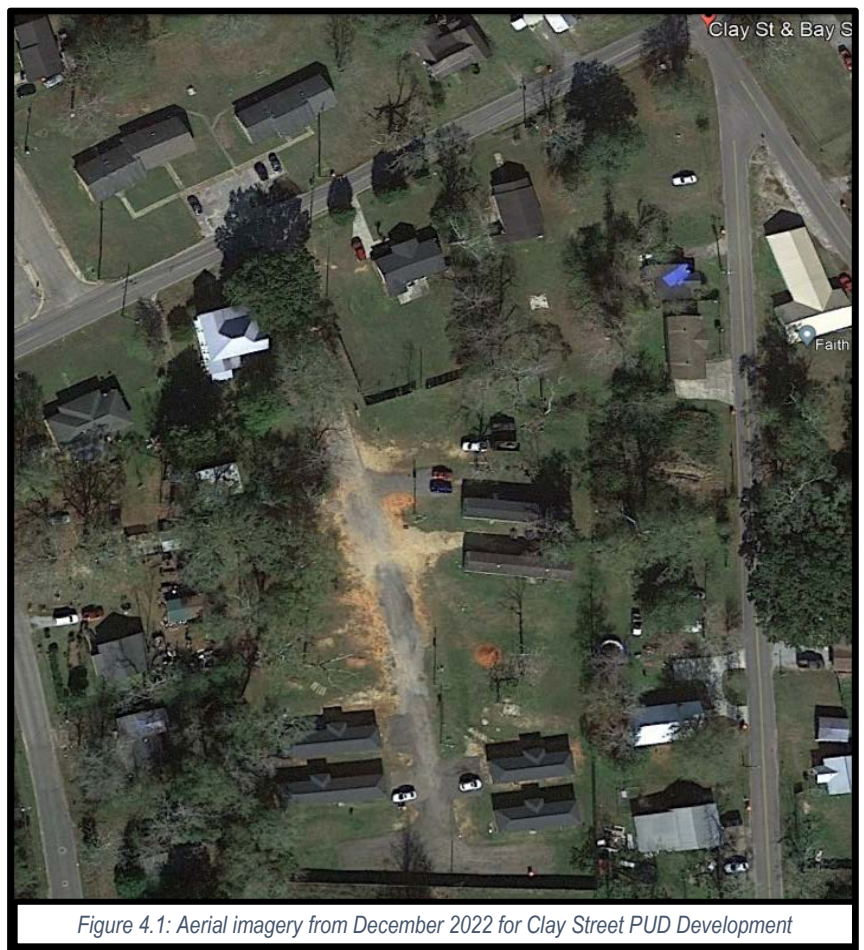


Figure 4.1: Aerial imagery from December 2022 for Clay Street PUD Development

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

The Bay Minette Police Department and Bay Minette Fire Department stated they had no comments on the application. No comments were received from North Baldwin Utilities.

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

Impacts on natural resources are expected to be nominal. The proposed structure is shown at 67'2"x42' for an estimated building size of approximately 2,821 sq ft. The lot coverage maximum is 35%, which would be 5,785sq ft. A single-family residence is allowed by right, which has no minimum or maximum square footage beyond the 30% lot coverage max, which would be 4,958sq ft.

7.) Compliance with other laws and regulations of the City *NOT APPLICABLE*

N/A

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

The subject property sits within the city limits of Bay Minette and falls under the city's jurisdiction.

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 existing residential and there are existing duplex and multi-family uses in the immediate vicinity.

10.) Impacts on the surrounding neighborhood 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 existing residential and there are existing duplex and multi-family uses in the immediate and general vicinity.

11) Overall benefit to the community *COMPLIANT*

The property is currently undeveloped. There is a severe need for housing in the community that this proposal can help alleviate.

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 based on the existing adjacent property, is an orderly progression of development. 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*

If approved, the applicant will be required to submit a Land Use and Building Permit prior to 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 construction of a duplex be:

Approved Subject to the Following Conditions:

1. Access on Moran Street be located as far south as feasible from the Moran/Brady intersection.
2. Access be restricted to one access point per road frontage.
3. Access be reviewed by the City's Transportation Engineer prior to the issuance of a Land Use/Building Permit.

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-23001 application at the April 13, 2023 Regular Meeting, the Planning Commission:

Voted unanimously to recommend approval of the Special Exception Request with the following condition:

All ingress/egress access points must be reviewed and approved by the Traffic Engineer prior to the issuance of a Land Use or Building Permit.

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 the 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 lack of information, with stated factors

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.
















Future Land Use Map
SE-23001, TPQ, LLC Property
Special Exception Request for a Duplex

-  BC Revenue Parcels
-  bc_base.GIS1.RoadCenterlines
-  Road Centerlines
-  Agriculture/Timber
-  Commercial
-  Government
-  Industrial
-  Institutional
-  Manufactured Home
-  Mixed Use
-  Parks & Recreation
-  Single Family
-  Duplex
-  Multi-Family
-  Public/Semi-Public
-  Undeveloped
-  Utilities

SE-23001 Site
 PID: 05-23-05-16-1-003-001.001
 PPIN: 34390

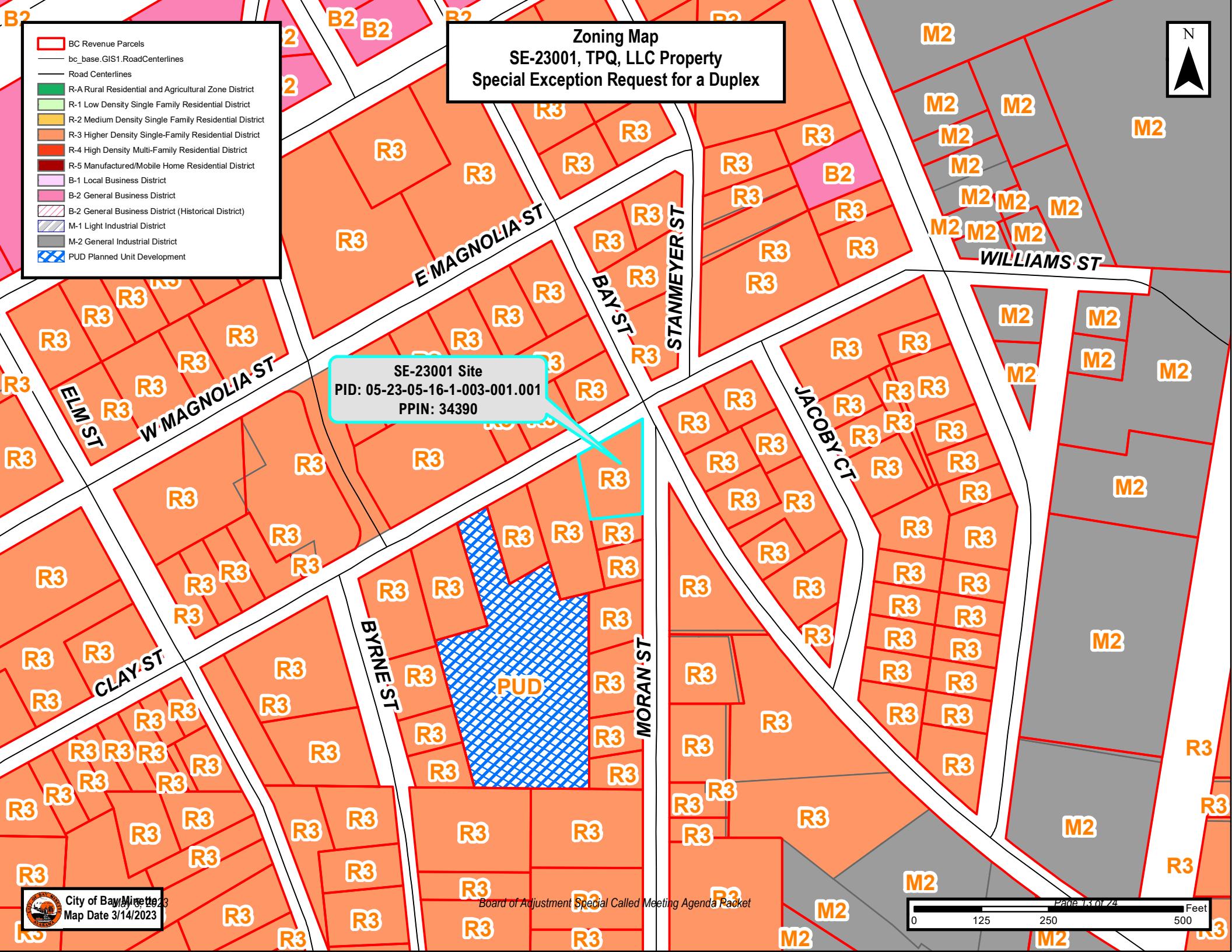




Zoning Map
SE-23001, TPQ, LLC Property
Special Exception Request for a Duplex

-  BC Revenue Parcels
-  bc_base.GIS1.RoadCenterlines
-  Road Centerlines
-  R-A Rural Residential and Agricultural Zone District
-  R-1 Low Density Single Family Residential District
-  R-2 Medium Density Single Family Residential District
-  R-3 Higher Density Single-Family Residential District
-  R-4 High Density Multi-Family Residential District
-  R-5 Manufactured/Mobile Home Residential District
-  B-1 Local Business District
-  B-2 General Business District
-  B-2 General Business District (Historical District)
-  M-1 Light Industrial District
-  M-2 General Industrial District
-  PUD Planned Unit Development

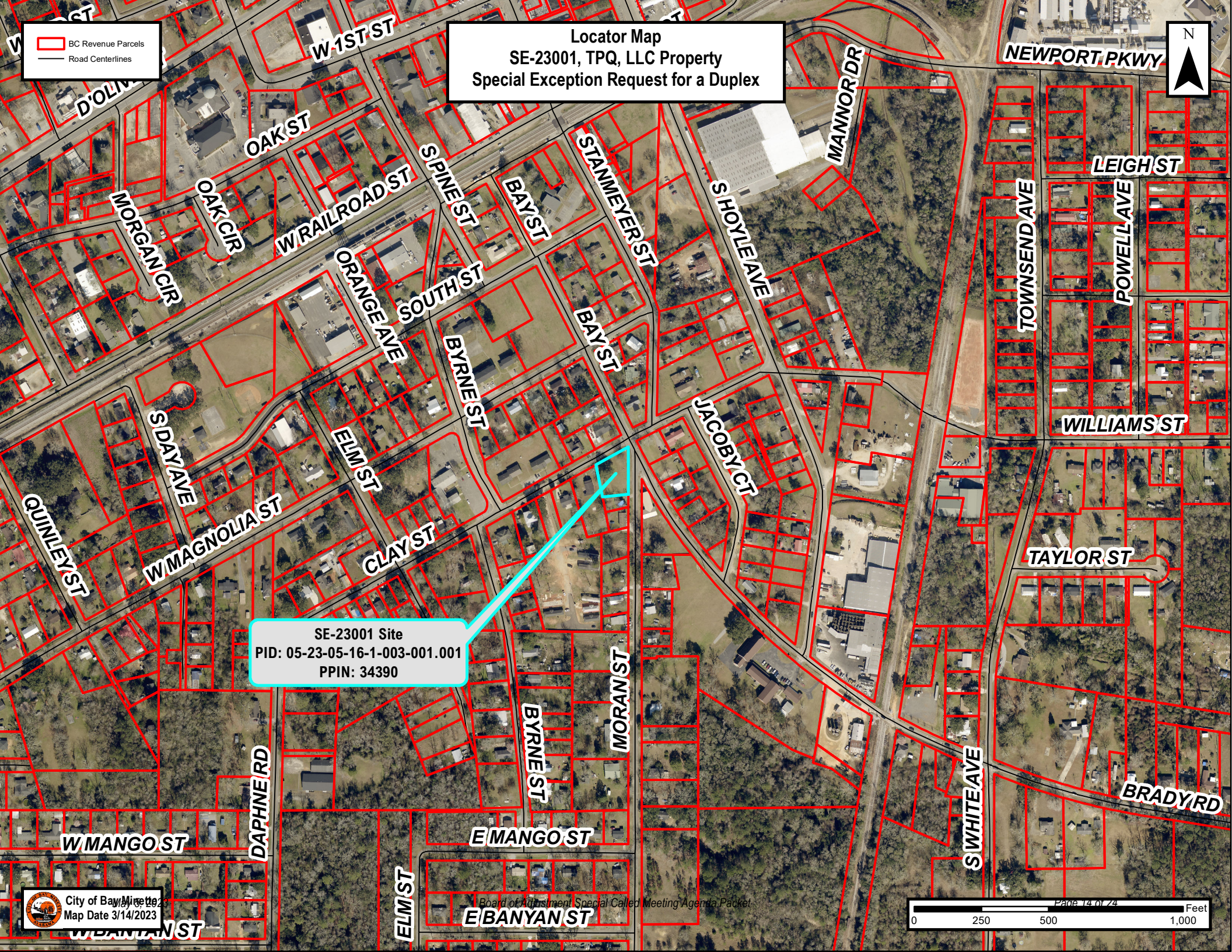


SE-23001 Site
 PID: 05-23-05-16-1-003-001.001
 PPIN: 34390



 BC Revenue Parcels
 Road Centerlines

Locator Map
SE-23001, TPQ, LLC Property
Special Exception Request for a Duplex



SE-23001 Site
PID: 05-23-05-16-1-003-001.001
PPIN: 34390

BC Revenue Parcels
Road Centerlines

Site Map
SE-23001, TPQ, LLC Property
Special Exception Request for a Duplex



CLAY ST

MORAN ST

BRADY RD

JACOBY CT

SE-23001 Site
PID: 05-23-05-16-1-003-001.001
PPIN: 34390



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 - 23001
 Fee: \$300 + \$10 per Certified Letter
 Paid: Cash Credit Card
 Check - # 1283
 Date Paid: 3/9/2023
\$370.00

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: TPQ LLC Date: 3/9/23

Mailing Address: 10631 Durant Road

City: Bay Minette State: AL Zip Code: 36507

Phone Number: 251-937-9098 Email: mikep@reedconstruct.com

Site Information

Property Address: 304 Moran Street

or Property Location: Corner of Moran Street and Clay Street

*Parcel No.: 23-05-16-1-003-001.001 *PPIN No.: 34390

**Parcel or PPIN information must be completed*

Current Zoning: R3

The purpose of this Special Exception is to allow:

To construct a duplex

What grounds or conditions exist to warrant the approval of the Special Exception?

**Special Exception ordinance excerpt and review criteria is included in packet*

Zoning

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.

3-9-23

Signature of Applicant (Owner of Property or Authorized Agent)

Date

Submittal Requirements

- Application
- Fee \$300 + \$10 x 7 Letters = \$370.00
- 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 23001

I/We hereby appoint and designate Mike Phillips ("Agent") to act as my/our-agent in all matters concerning this application/permit which relates to property described as tax parcel PPIN# 34390. 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)

TPQ,LLC
Name(s) - Printed
10631 Durant Road
Mailing Address
Bay Minette, AL
City/State
251-937-9098 mikep@reedconstruct.com
Phone Email
[Signature] 3/9/23
Signature(s) Date

AUTHORIZED AGENT

Mike Phillips
Name(s) - Printed
114 North Hoyle Ave
Mailing Address
Bay Minette, AL 36507
City/State
251-379-1779 mikep@reedconstruct.com
Phone Email
[Signature] 3/9/23
Signature(s) Date

Adjacent Property Owners:

Parcel Number: 05-23-05-16-1-003-001.000
PIN: 17762
Owner Name: GAINES, MARILYN
Address: 403 E HICKORY ST
City: BAY MINETTE
State: AL

Parcel Number: 05-23-05-16-1-003-002.000
PIN: 45586
Owner Name: BRADLEY, RANDY ETAL BRADLEY, VALERIE
Address: 1332 COPPERSTONE LN
City: KNOXVILLE
State: TN

Parcel Number: 05-23-05-16-1-001-069.000
PIN: 9452
Owner Name: ASSEMBLY OF PRAISE CHURCH OF THE LORD JE AND SUS CHRIST MINISTRIES INC
Address: P O BOX 96
City: BAY MINETTE
State: AL

Parcel Number: 05-23-05-16-1-001-061.000
PIN: 36578
Owner Name: WILLIAMS, JAMES E SR ETAL WILLIAMS, ALIC AND E F
Address: 402 CLAY ST
City: BAY MINETTE
State: AL
Zip: 36507

Parcel Number: 05-23-05-16-1-002-084.000
PIN: 42911
Owner Name: GRAVES, PATRICIA
Address: 401 CLAY ST
City: BAY MINETTE
State: AL
Zip: 36507

Parcel Number: 05-23-05-16-1-002-078.000
PIN: 118694
Owner Name: PEAK, DAVE F ETAL PEAK, PATRICIA
Address: P O BOX 85
City: BAY MINETTE
State: AL
Zip: 36507

Parcel Number: 05-23-05-16-1-002-077.000
PIN: 33113
Owner Name: HOLT, TIFFANY ANN
Address: 11960-A CO RD 138
City: BAY MINETTE
State: AL
Zip: 36507

LEGAL DESCRIPTION	140' X 172.2' BEG AT NE COR OF LOT 1 RUN TH S 172.2', TH W 9 4.2', TH N 121.8 TH E .140' TO THE POB SEC 16-T2S-R3E (CORR D) IN#1846678
--------------------------	--

From: [Steven W. Stewart](#)
To: [Jessica Peed](#); [AL Tolbert](#); [Jason Padgett](#); [Mike Minchew](#); [Rob Madison](#); [Tammy S. Smith](#); shane.bergin@neel-schaffer.com
Cc: [Clair Dorough](#)
Subject: RE: SE-23001, TPQ LLC- Duplex
Date: Wednesday, March 15, 2023 9:33:22 AM
Attachments: [image001.png](#)

No comments from Fire

From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>
Sent: Wednesday, March 15, 2023 9:23 AM
To: AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <JPadgett@NBUMAIL.COM>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Mike Minchew <MMINCHEW@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith <TSmith@CITYOFBAYMINETTEAL.GOV>; shane.bergin@neel-schaffer.com
Cc: Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>
Subject: SE-23001, TPQ LLC- Duplex

Good morning,

Please see the attached Special Exception application submittals and Site Map for the property located at the corner/intersection of Clay St, Moran St, and Brady Rd, PIN 34390. Applicant is requesting Special Exception approval for the purpose of constructing a duplex in a R-3, Higher Density Single Family Residential zoning designation, per the Zoning Ordinance Table of Permitted Uses.

If you have any questions or comments, please let me know.

Thank you,

Jessica Peed
Planning Coordinator

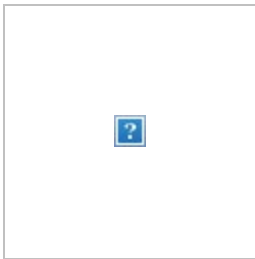
City of Bay Minette
Planning & Development Services Department
[301 D'Olive Street](#)
[Bay Minette, AL 36507](#)
(251) 580-1650, Ext. 7065
cityofbayminetteal.gov
[Planning & Development Services Department Site](#)



From: [AL Tolbert](#)
To: [Jessica Peed](#)
Cc: [Jason Padgett](#); [Steven W. Stewart](#); [Mike Minchew](#); [Rob Madison](#); [Tammy S. Smith](#); shane.bergin@neel-schaffer.com; [Clair Dorough](#)
Subject: Re: SE-23001, TPQ LLC- Duplex
Date: Wednesday, March 15, 2023 10:30:33 AM
Attachments: [image001.png](#)

BMPD is good.

Chief Al Tolbert
Bay Minette Police Department
300 North Hoyle Ave
Bay Minette, AL 36507
Office: 251-580-1682/ 251-580-2559
Cell Phone: 251-239-0554
Email:al.tolbert@cityofbayminetteal.gov



This message is confidential and is intended only for the named recipients, and may contain information that is privileged, or exempt from disclosure under applicable law. If you are not the intended recipients of the email, you are hereby notified that the dissemination, distribution, or copying of this email or its contents is strictly prohibited. If you receive this email in error, please notify the sender at either the email address or the phone number above and delete this email from your computer.

On Mar 15, 2023, at 9:23 AM, Jessica Peed
<Jessica.Peed@cityofbayminetteal.gov> wrote:

Good morning,

Please see the attached Special Exception application submittals and Site Map for the property located at the corner/intersection of Clay St, Moran St, and Brady Rd, PIN 34390.

From: [Shane Bergin](#)
To: [Jessica Peed](#); [AL Tolbert](#); [Jason Padgett](#); [Steven W. Stewart](#); [Mike Minchew](#); [Rob Madison](#); [Tammy S. Smith](#)
Cc: [Clair Dorough](#)
Subject: RE: SE-23001, TPQ LLC- Duplex
Date: Wednesday, March 15, 2023 11:25:02 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I don't have any comments.

SHANE BERGIN, PE, PTOE, PTP, RSP₁

Senior Project Manager



CELEBRATING FORTY YEARS 1983-2023

Neel-Schaffer, Inc.

851 East I-65 Service Road, Suite 1000

Mobile, AL 36606

Office: 251.471.2000

Fax: 251.471.5997

Mobile: 251.545.1219

www.neel-schaffer.com



From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>

Sent: Wednesday, March 15, 2023 9:23 AM

To: AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <JPadgett@NBUMAIL.COM>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Mike Minchew <MMINCHEW@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith <TSmith@CITYOFBAYMINETTEAL.GOV>; Shane Bergin <shane.bergin@neel-schaffer.com>

Cc: Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>

Subject: SE-23001, TPQ LLC- Duplex

Good morning,

Please see the attached Special Exception application submittals and Site Map for the property located at the corner/intersection of Clay St, Moran St, and Brady Rd, PIN 34390. Applicant is requesting Special Exception approval for the purpose of constructing a duplex in a R-3, Higher Density Single

City of Bay Minette Planning Commission
Voting Sheet

Case # SE-23001
TPQ, LLC Property

April 13, 2023

Special Exception Request To Construct a Duplex in the R-3, Higher Density
Single Family Residential Zoning District

Motion: **Recommend approval to the Board of Adjustment with the requirement that the Traffic Engineer review and approve all access points prior to construction.**

Made by: **Earl Emmons**

Motion Seconded by: **Mayor Bob Wills**

Result of the Vote: **Motion carried with 5 affirmative votes, 0 opposed and 0 abstaining**

MEMBERSHIP	NAME	MOTION	SECOND	AFFIRMATIVE	OPPOSITION	OTHER
Appointed – Chairman*	Todd Stewart*					
Mayor – Ex-Officio	Bob Wills		X	X		
City Council Member – Ex-Officio	William Taylor			X		
Administrative Official – Ex-Officio	Rob Madison			X		
Appointed	Scotty Langham					Absent
Appointed	Ray Clark					Absent
Appointed	Earl Emmons	X		X		
Appointed	Neal Covington					Absent
Appointed	Hiram Templeton			X		



City of Bay Minette

Planning & Development Services

301 D'Olive Street · Bay Minette, Alabama 36507

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

April 25, 2023

TPQ, LLC
10631 Durant Rd
Bay Minette, AL 36507

RE: SE-23001, Special Exception Request

Jurisdiction: **Bay Minette City Limits**

Address/Location: **Southwest corner of Clay Street and Moran Street**

PID: **05-23-05-16-1-003-001.001**

PIN: **34390**

Dear Applicant,

On April 13, 2023, the Bay Minette Planning Commission reviewed your Special Exception request (SE-23001) related to property located at the southwest corner of Clay Street and Moran Street, in the city limits of Bay Minette, specifically identified as Parcel I.D. 05-23-05-16-1-003-001.001, PIN 34390 to allow for the construction of a duplex in the R-3, Higher Density Single Family Residential Zoning District.

For SE-23001, the Planning Commission voted unanimously to recommend approval of the Special Exception Request to the Board of Adjustment with the following condition:

- All ingress/egress access points must be reviewed and approved by the Traffic Engineer prior to construction.

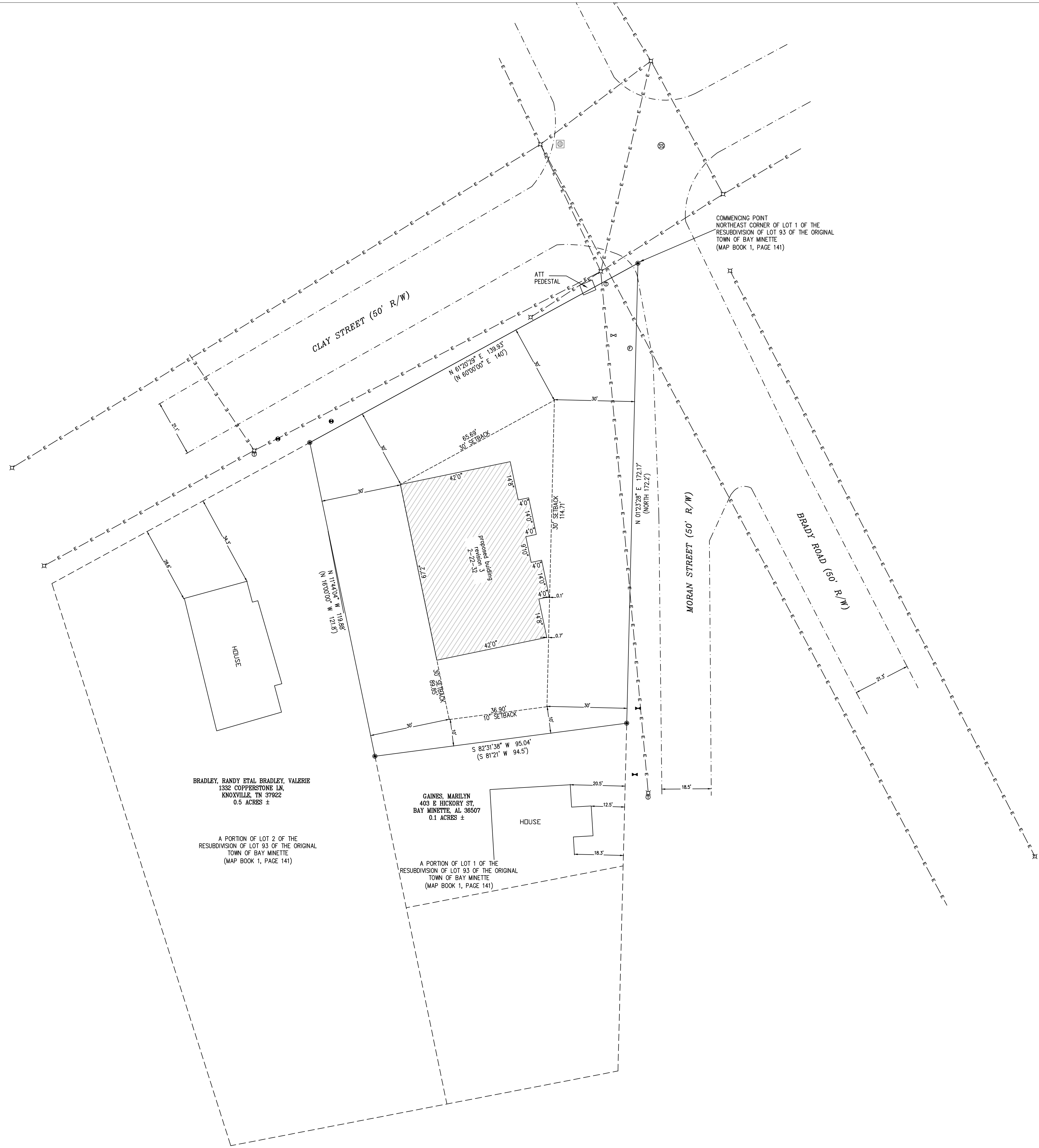
This notice serves as your confirmation of Planning Commission action. A Public Hearing is scheduled with the Board of Adjustment for final decision on May 5, 2023 at 8:00 a.m. in the Bay Minette Council Chambers. You or an authorized agent knowledgeable of the request are required to be in attendance.

If you have any questions or need additional information, please do not hesitate to contact me at (251) 580-1650 or COBM_Planning@cityofbayminetteal.gov.

Sincerely,



Clair Dorrough
City Planner



BRADLEY, RANDY ETAL, BRADLEY, VALERIE
 1332 COPPERSTONE LN,
 KNOXVILLE, TN 37922
 0.5 ACRES ±

A PORTION OF LOT 2 OF THE
 RESUBDIVISION OF LOT 93 OF THE ORIGINAL
 TOWN OF BAY MINETTE
 (MAP BOOK 1, PAGE 141)

GAINES, MARILYN
 403 E. HICKORY ST.
 BAY MINETTE, AL 36507
 0.1 ACRES ±

A PORTION OF LOT 1 OF THE
 RESUBDIVISION OF LOT 93 OF THE ORIGINAL
 TOWN OF BAY MINETTE
 (MAP BOOK 1, PAGE 141)