

TOWN OF PERDIDO BEACH ZBA

NOTICE OF PUBLIC HEARING

Case No. PBV-17002

MD Davis Investments LLC & MD Properties LLC Property

Notice is hereby given that the Town of Perdido Beach ZBA, will hold a public hearing on **Wednesday, September 13, 2017** beginning at 6:30 PM at the Town of Perdido Beach Town Hall, located at 9212 County Road 97 Perdido Beach, AL 36530.

The Board will consider a variance application submitted by Richard E. Davis for property located at northeast quadrant of Aniston Drive and State Street in the Town of Perdido Beach. The applicant is requesting a variance from the R-2, single family district minimum lot area requirements of the Town of Perdido Beach Land Use and Zoning Ordinance. The purpose of this variance is to allow for a common lot line movement. The Parcel I.D number is 05-63-03-07-0-000-121.000.

The variance application materials are available for public review at the Town of Perdido Beach Town Hall and offices of the Baldwin County Planning & Zoning Department, 22070 Hwy 59 in Robertsdale, AL and the Foley Satellite Courthouse, 201 East Section Street in Foley, AL, during normal business hours.

Should you wish to comment on the variance, you may address comments to the Town of Perdido Beach, 9212 County Road 97, Perdido Beach, Alabama 36530 or the Baldwin County Planning & Zoning Department, 201 East Section Avenue, Foley, Alabama 36535 or you may fax them to 251.972.8520. If you wish to comment in person, please attend the meeting on the day and time provided above.

Case No.: PBV-17002 Received By: P Rogers Date: 8/21/17
Application Fee: \$250.00 Receipt No: 9339 Date of Meeting: _____



Town of Perdido Beach Zoning Variance Application

Baldwin County Planning & Zoning Dept. (Foley Office)
201 East Section Avenue Foley, Al. 36535
251-972-8523 Fax 251-972-8520

Town of Perdido Beach
9212 CR 97 Perdido Beach, Al. 36530
251-962-2200 Fax 251-962-2206

Applicant

Are you the property owner? yes no
(If you are not the property owner you must submit Owner Authorization Form signed by the property owner)

Name: Richard E. Davis Date: 8/16/17

Mailing Address: P.O. Box 2925

City: Daphne State: AL Zip code: 36526

Telephone: (251) 610-3031 Fax: (251) 621-1520 e-mail: rdavis@davisfields.com

Site Information

Location of Property: NE Quadrant of Anniston Dr. and State Street

Parcel ID Number: 05-63-03-07-0-000-121.000

Legal Description: Lots 27 & 28, Block 12, Soldiers Creek Addition to Perdido Bch, M&H Book 4, pg 102

Flood Zone: N/A Zoning: R-2

The purpose of this Variance is to allow:
To create two reasonably-sized lots by re subdividing one reasonably sized lot and one extremely small lot.

What are the conditions which prevent you from using this property in accordance with its current zoning classification?
One of the two existing lots is non-conforming, less than 50' wide

I, the undersigned applicant, understand that payment of these fees does not entitle me to approval of this variance 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.

Richard E. Davis 8/16/17
Signature of Applicant (Owner of Property or Official Representative of Owner) Date



BALDWIN COUNTY COMMISSION

PLANNING AND ZONING DEPARTMENT

201 East Section Avenue
Foley, Alabama 36535
Telephone: 251.972.8523
Fax: 251.972.8520

TOWN OF PERDIDO BEACH
9212 County Road 97
Perdido Beach, Alabama 36530
Telephone: 251.962.2200
Fax: 251.962.2206

VARIANCE APPLICATION PROCESS SYNOPSIS

Application

All application materials, including parcel numbers, payment of fees, legal descriptions and completed Authorized Agent Forms when appropriate, must be submitted according to the approved application deadline schedule. Incomplete applications will not be processed and will not be scheduled for a public hearing. Irrespective of the outcome, fees will not be refunded once the application has been processed.

Staff Review

Each application for a Variance is reviewed at a staff meeting with planning staff members and other relevant county staff to review and discuss the merits of each application. The Planning Director assigns each case to a staff member. This staff member performs the evaluation of the site and surrounding properties as well as consults all relevant materials including the standards contained in Town of Perdido Beach Land Use & Zoning Ordinance Section 18.5.1. The evaluation process for the property that is the subject of the variance includes a physical inspection of the property by Baldwin County Planning Department Staff. Each case will contain a staff report and a recommendation from the planning staff. The staff member assigned to the case is the point of contact for the application and will prepare the report. Staff reports are mailed to the applicant prior to the public hearing and are also available for public inspection.

Standards for Approval

Section 18.5.1 of the Town of Perdido Beach Land Use & Zoning Ordinance: A variance may be authorized based upon the existence of the conditions listed below. Staff will also review the application for consistency with these conditions:

- (a) If exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of this zoning ordinance or

- (b) exceptional topographic conditions or other extraordinary situation or condition of a specific piece of property make full compliance with this ordinance impossible, so that.....
- (c) the granting of the application for a variance 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 and ...
- (d) the granting of the application for a variance 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 interfere with a necessary Emergency Vehicle Access or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of The Town of Perdido Beach, then.....
- (e) any owner of record of real property upon the date of the adoption by the Town Council of this Land Use and Zoning Ordinance for the planning district in which said property is located shall automatically be granted a variance, if needed, for a single family dwelling on such property.

Public Notification

In accordance with Alabama law, a public notice sign with variance information must be posted on the property for which a variance is requested. A notice is also sent to all adjacent property owners.

Public Hearing

A public hearing on the Variance application will be held by the Town of Perdido Beach Zoning Board in accordance with their approved meeting schedule. The Board of Adjustment receives an agenda with staff reports and supporting materials approximately 1 week prior to the meeting date. The assigned staff member will present the pertinent details of the case as well as the staff recommendation. During the public hearing the applicant is allowed to address the Board of Adjustment. In addition, those for or against the application will also be allowed to address the Board. Please note: Prior to the hearing, each person desiring to address the Board must complete a Speaker Sign Up form. Staff members will be present at the meeting to provide the proper form for you to complete in order to speak. Any written correspondence received in a timely manner will be presented to the Board. At the conclusion of the Board hearing a decision will be rendered.

Acknowledgement

I acknowledge that I have read the information contained herein. I understand that this synopsis is not an exhaustive list of requirements and I have had ample opportunity to inquire and become familiar with the requirements of the entire *Town of Perdido Beach Land use and Zoning Ordinance*.

Rechal Adams
Signature of applicant or authorized agent

8/16/17
Date

CONSENT FOR INSPECTION

I, Richard E. Davis, the owner or authorized agent for the owner of the premises located at in the NE Quadrant of Anniston Dr. and State Streets, Perdido Beach, AL,

do hereby consent to the inspection of said premises and the posting of a public notice sign by an employee of the Baldwin County Planning Department, Baldwin County, Alabama, in conjunction with application for Variance ^{PBV-17002}, without further notice.

I understand that the public notice signs are the property of the Baldwin County Commission and are only to be removed by an employee of the Baldwin County Commission.

Dated this 16th day of August, 2017.

Richard E. Davis 251-610-3031

Signature of Owner or Authorized Agent

Telephone Number

Town of Perdido Beach Agent Authorization



I/We Authorize and permit Richard E. Davis to act as my/our representative and agent in any manner regarding this application which relates to property described as tax parcel ID# 05-63 - 03 - 07 - 0 - 000 - 121 . 000, I/We understand that the agent representation may include but not limited to decisions relating to status, conditions, or withdrawal of this application. In understanding this, I/we release the Town of Perdido Beach and Baldwin County from any liability resulting from actions made on my/our behalf by the authorized agent and representative. *NOTE: All correspondence will be sent to the authorized representative. It will be the representative's responsibility to keep the owner(s) adequately informed as to the status of the application.


PROPERTY OWNER(S)

MD Properties, LLC and MRDAVIS INVESTMENTS, LLC
Name(s) [printed]
pob 2925
Address
Daphne, AL 36526
City/State
251-610-3031 251-621-1520
Phone Fax #
Richard E Davis, Manager and Attorney June 27, 2017
Signature(s) Date

AUTHORIZED AGENT

Richard E. Davis
Name(s) [printed]
POB ~~XXXX~~ ~~XXXX~~ ~~XX~~ 2925
Address
Daphne, AL 36526
City/State
251-610-3031 251-621-1520
Phone Fax #
Richard E Davis 6-27-2017
Signature(s) Date

EXISTING

SURVEY SERVICES P.O. BOX 970 MADONIA SPRINGS, AL 36866 6890-A SHEPHERD ROAD, FOLEY, AL PH. 261-971-2988 FAX: 261-971-2987		 (not valid without original signature)	OWNER N/P: DONNA WARNER	TYPE OF SURVEY: BOUNDARY
I, LAURENCE H. ZANDER, DO HEREBY STATE THAT THIS SURVEY AND DRAWING, TO THE BEST OF MY KNOWLEDGE AND BELIEF, HAVE BEEN COMPLETED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYS IN THE STATE OF ALABAMA.			SURVEY REQUESTED BY: RICHARD DAVIS	PROJECT NO.: 158818
OCTOBER 29, 2015 ALABAMA P.L.S. NO. 25547		STATE: ALABAMA COUNTY: BALDWIN SECTION: 7 TOWNSHIP: 8 SOUTH RANGE: 6 EAST PARCEL #: 65-03-07-0-000-147,000 LOTS: 26-27-28 MAP BOOK 4, PAGE 102	DWN. BY: LHZ	FIELD WORK: 10-17-16
		SUBDIVISION: SOLDIERS CREEK ADDITION TO PERDIDO BEACH ADDRESS: 9024 ANNISTON DR. PERDIDO BEACH 36860	DATED: 10-23-15	

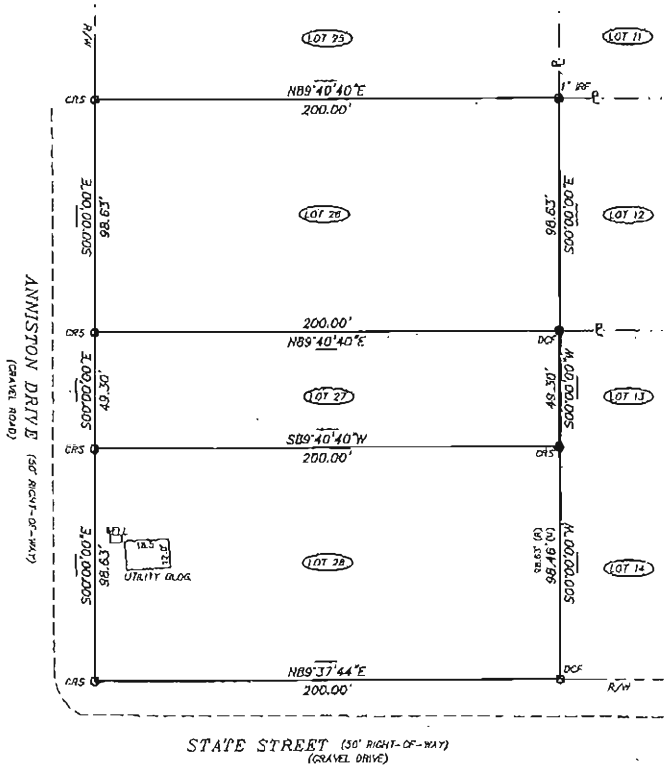
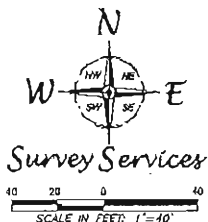
SURVEYOR NOTES

- THE FIELD DATA UPON WHICH THIS PLAT IS BASED EXCEEDS SECOND ORDER CLASS 1 PRECISION AS OUTLINED BY THE AMERICAN CONGRESS ON SURVEY AND MAPPING.
- THE DATA SHOWN ON THIS MAP INDICATING ACTUAL PROPERTY LINES HAS BEEN CALCULATED FOR A CLOSURE AND IS FOUND TO HAVE A CLOSURE PRECISION OF GREATER THAN ONE FOOT IN 10,000.
- THE LINEAR AND ANGULAR MEASUREMENTS NECESSARY FOR THIS SURVEY WERE OBTAINED BY THE FIELD WITH A SPECTRA PRECISION FOCUS 30 ROBOTIC TOTAL STATION.
- THE BASIS OF THE BEARINGS AND NORTH ARROW OF THIS PLAT ARE ASSUMED AND BASED ON THE WEST PROPERTY LINE BEING SOUTH 00°00'00" EAST.
- ALL LINEAR DISTANCES SHOWN ON THIS PLAT ARE HORIZONTAL AND ARE MEASURED AND RECORDED UNLESS OTHERWISE NOTED.
- THIS LAND LIES WITHIN ZONE 7C FOR GRAPHIC LOCATION AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY PANEL NO. 010030290 L, BALDWIN CO. ALABAMA REVISED MAP DATED JULY 17, 2007.
- THIS PLAT IS SUBJECT TO ALL RESTRICTIONS, ENCUMBRANCES AND EASEMENTS WHICH MAY OR MAY NOT BE OF RECORD.
- THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF UTILITIES OR SUB-SURFACE FEATURES.
- NO TITLE SEARCH, OR ABSTRACT WAS FURNISHED TO NOR PERFORMED BY THIS FIRM FOR THE SUBJECT PROPERTY. SUCH A SEARCH OR ABSTRACT COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
- SOURCE OF INFORMATION USED IN PREPARATION OF THIS PLAT PLAT BOOK 4, PAGE 102.

PROPERTY DESCRIPTION

LOTS 26, 27 AND 28 BLOCK 12, SOLDIERS CREEK ADDITION TO PERDIDO BEACH SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 4, PAGE 102 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

- LEGEND**
- DS CAPPED REBAR SET (LIC 1 CA-100)
 - DS' CAPPED REBAR FOUND
 - CP' CAPPED TOP IRON FOUND
 - PF IRON PIPE FOUND
 - RF IRON FOUND
 - PC POINT OF COMMENCEMENT
 - POB POINT OF BEGINNING
 - R/W RIGHT-OF-WAY
 - E PROPERTY LINE
 - EP EDGE OF PAVEMENT
 - U UTILITY POLE
 - OU OVERHEAD UTILITIES
 - AC AIR CONDITIONER
 - X-X- FENCE LINE
 - HYD HYDRANT
 - WM WATER METER
 - ED ELECTRICAL BOX
 - TE TELEPHONE BOX
 - TB TELEVISION BOX
 - BS BUILDING SETBACK LINE



STATE STREET (30' RIGHT-OF-WAY)
(GRAVEL DRIVE)

SURVEY SERVICES

P.O. BOX 970
 MAGNOLIA SPRINGS, AL 36666
 9690-A SHERMAN ROAD, FOLLEY, AL
 PH. 251-971-2088 FAX: 251-971-2087

I, LAURENCE H. ZANDER, DO HEREBY STATE THAT THIS SURVEY AND DRAWING, TO THE BEST OF MY KNOWLEDGE AND BELIEF, HAVE BEEN COMPLETED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA.

JUNE 19, 2017
 LAURENCE H. ZANDER ALABAMA P.L.S. NO. 25847

(not valid without original signature)

OWNER N/F:
 MR DAVIS INVESTMENTS LLC

TYPE OF SURVEY:
 BOUNDARY

SURVEY REQUESTED BY: RICHARD DAVIS

PROJECT NO.: 172972

STATE: ALABAMA COUNTY: BALDWIN

DWN. BY: LHZ

SECTION: 7 TOWNSHIP: 8 SOUTH RANGE: 6 EAST

FIELD WORK: 08-12-17

PARCEL #: 63-03-07-0-000-121.000

DATED: 06-19-17

LOTS: 27 & 28 MAP BOOK 4, PAGE 102

SUBDIVISION: SOLDIERS CREEK ADDITION TO PERDIDO BEACH

ADDRESS: STATE STREET
 PERDIDO BEACH 36590

SURVEYOR NOTES

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED EXCEEDS SECOND ORDER CLASS 1 PRECISION AS OUTLINED BY THE AMERICAN CONGRESS ON SURVEY AND MAPPING.
2. THE DATA SHOWN ON THIS MAP INDICATING ACTUAL PROPERTY LINES HAS BEEN CALCULATED FOR A CLOSURE AND IS FOUND TO HAVE A CLOSURE PRECISION OF GREATER THAN ONE FOOT IN 10,000.
3. THE LINEAR AND ANGULAR MEASUREMENTS NECESSARY FOR THIS SURVEY WERE OBTAINED IN THE FIELD WITH A SPECTRA PRECISION FOCUS 30 ROBOTIC TOTAL STATION.
4. THE BASIS OF THE BEARINGS AND NORTH ARROW OF THIS PLAT ARE ASSUMED AND BASED ON THE NORTH RIGHT-OF-WAY LINE OF STATE STREET BEING SOUTH 89°37'44" EAST.
5. ALL LINEAR DISTANCES SHOWN ON THIS PLAT ARE HORIZONTAL AND ARE MEASURED AND RECORD UNLESS OTHERWISE NOTED.
6. THIS LAND LIES WITHIN ZONE "X" PER GRAPHIC LOCATION AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY PANEL NO. 01003C0980 L, BALDWIN CO. ALABAMA REVISED MAP DATED JULY 17, 2007.
7. THIS PLAT IS SUBJECT TO ALL RESTRICTIONS, ENCUMBRANCES AND EASEMENTS WHICH MAY OR MAY NOT BE OF RECORD.
8. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF UTILITIES OR SUB SURFACE FEATURES.
9. NO TITLE SEARCH, OR ABSTRACT WAS FURNISHED TO NOR PERFORMED BY THIS FIRM FOR THE SUBJECT PROPERTY. SUCH A SEARCH OR ABSTRACT COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
10. SOURCE OF INFORMATION USED IN PREPARATION OF THIS PLAT PLAT BOOK 4, PAGE 102.

"EXEMPT RESUBDIVISION" (MOVEMENT OF A COMMON BOUNDARY LINE)

PROPERTY DESCRIPTION

LOTS 27 AND 28 BLOCK 12, SOLDIERS CREEK ADDITION TO PERDIDO BEACH SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 4, PAGE 102 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

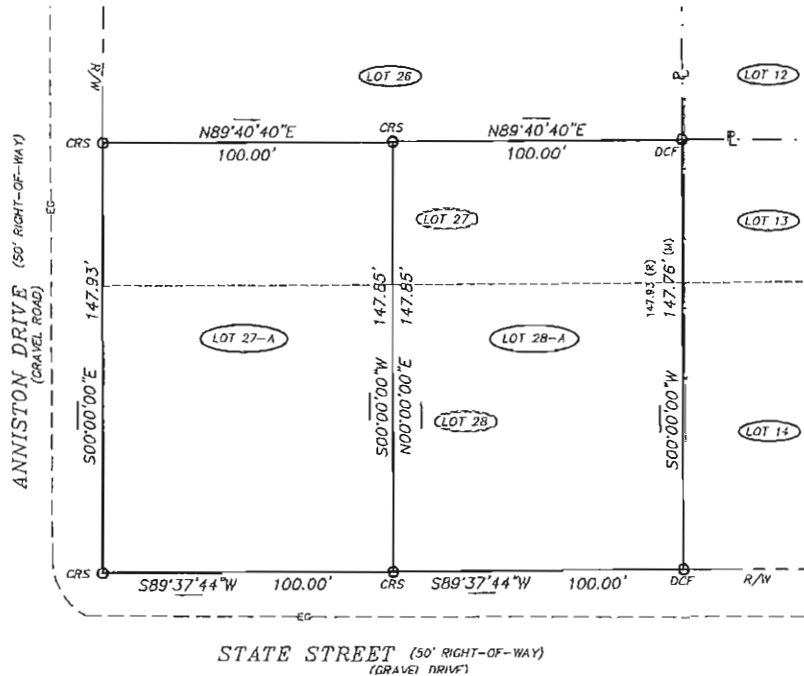
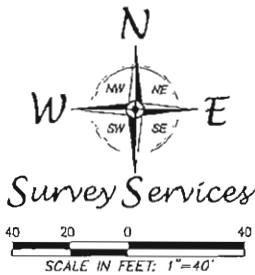
Lot 27-A

The West 100 feet of Lots 27 & 28 of Block 12, of the repartition of Blocks 12,13,14 and 15 in Soldiers Creek Addition to Perdido Beach, being the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Seven (7), and the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Eighteen (18), Township Eight (8) South, Range Six (6) East, according to a plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Map Book 4, Page 102.

Lot 28-A

The East 100 feet of Lots 27 & 28 of Block 12, of the repartition of Blocks 12,13,14 and 15 in Soldiers Creek Addition to Perdido Beach, being the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Seven (7), and the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Eighteen (18), Township Eight (8) South, Range Six (6) East, according to a plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Map Book 4, Page 102.

- LEGEND**
- CRS CLIPPED REBAR SET (LC # CA-700)
 - DCF DIGGER CHAIN FOUND
 - (R) RECORD DIMENSION
 - (M) MEASURED DIMENSION
 - R/W RIGHT-OF-WAY
 - E PROPERTY LINE
 - EG EDGE OF GRAVEL
 - X-X- FENCE LINE



PROPOSED