



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 1, 2025

Regular Meeting

8:00 a.m.

City Hall Conference Room

301 D'Olive Street, Bay Minette

- 1.) Call to Order**
- 2.) Invocation and Pledge**
- 3.) Announcements & Registration to Address the Commission**
- 4.) Approval of Minutes for May 2, 2024, Regular Meeting**
- 5.) Disclosure of Prior Communications and/or Conflicts of Interest**
- 6.) Old Business**
 - a.) Board of Adjustment By-Law Revision**
- 7.) New Business**
 - a.) Election of Officers**
 - b.) Updates & Upcoming Cases**
- 8.) Reports & Comments**
 - a.) Mayor/Council/Administration**
 - b.) Attorney**
 - c.) Board Member Commission**
 - d.) Planning Staff**
 - e.) Citizen Comments**
- 9.) Adjournment**



Bay Minette Board of Adjustment Regular Meeting Minutes

Minutes May 2, 2024

Meeting No. 1

The City of Bay Minette Board of Adjustment met in a Regular Meeting on Thursday, May 2, 2024. The meeting was called to order at 8:02 a.m., by Chairman, Dr. Abby Hamilton, in the Second (2nd) Floor Conference Room 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 8:02 a.m. the following members were present:

Dr. Abby Hamilton, Chairman
Shane Hadley, Vice Chairman
Willie Walker, Board Member
Liana Barnett, Board Member

Board Member(s) absent:

Ray Clark, Board Member

Board Member(s) late:

John W. Biggs, Supernumerary Board Member

Other persons in regular attendance:

Clair Dorrough, City Planner
Paula Bonner, Planner Associate

GUESTS None

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

ITEM 3. Announcements & Registration to Address the Board

ITEM 4. Approval of Minutes for the November 2, 2023, Special Called Meeting. Board Member Barnett made a motion to approve the November minutes as written. The motion was seconded by Board Member Walker which carried unanimously.

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

ITEM 6. Old Business - None

ITEM 7. New Business

a.) Election of Officers

Current Chairman Hamilton opened the floor for Chairman nominations. Vice-Chairman Hadley nominated Dr. Abby Hamilton to continue as chairman. As there were no more nominations, Chairman Hamilton closed the floor for nominations. Vice-Chairman Hadley made a motion to re-

elect Dr. Hamilton as Chairman. Board Member Walker seconded the motion which carried unanimously.

Chairman Hamilton opened the floor for Vice-Chairman nominations. Vice-Chairman Hadley stated he would be willing to be re-elected. As there were no more nominations, Chairman Hamilton closed the floor for Vice-Chairman nominations. Vice-Chairman Hadley made a motion to continue his position. Chairman Hamilton seconded the motion, which carried unanimously.

b.) Updates & Upcoming Cases – Mrs. Dorough reported the following:

- The ordinance for the Old Towne Commons PUD and Masterplan, located south of Holly Hills had been approved.
- The application submittal for a 180-lot subdivision.
- The creation of a Downtown Redevelopment Authority and Cooperative District in relation to downtown redevelopment.
- Volkert Engineering is currently working on updating the City's Comprehensive Plan.
- The resignation of employee Jessie Peed and upcoming job posting.

ITEM 8. Reports and Announcements

a.) Mayor/Council/Administration - None

b.) Attorney – None

c.) Board Member - Vice-Chairman Hadley inquired about training sessions exclusively for the City of Bay Minette Board of Adjustment and Planning Commission lead by Mrs. Dorough. Mrs. Dorough expressed her intention to arrange training sessions featuring speakers from legal counsel and a wetland/natural resource specialist, but she hasn't had the opportunity to schedule them yet.

Board Member Barnett asked for an update on the Chuck Stevens Ford Sign. Mrs. Dorough Stated that the applicant withdrew the variance request and decided to leave the sign in its current location.

Supernumerary Member Biggs arrived at 8:12am

Board Member Walker pointed out that the driveways of the duplex on Moran Street do not appear to be located in the areas approved in the Special Exception. Mrs. Dorough stated staff and code enforcement will investigate further.

Supernumerary Member Biggs inquired about the Old Towne Commons development and after a brief discussion, Vice Chairman Hadley made a motion to adjourn. Board Member Walker seconded the motion, which carried unanimously.

d.) Planning Staff - None

ITEM 9. With no further business, the Chairman adjourned the meeting at 8:21 am.

DONE THIS THE 2nd DAY OF May 2024,

Dr. Abby Hamilton, Chairman

ATTEST:

Paula Bonner, Planner Associate

Motion Summary:

- 1.) **Minutes:** Approval of Minutes for the November 2, 2023 Special Called Meeting. Board Member Barnett made a motion to approve the November minutes as written. The motion was seconded by Board Member Walker and it was carried unanimously.
- 2.) **Election of Officers:** Vice-Chairman Hadley made a motion to re-elect Dr. Hamilton as Chairman. Board Member Walker seconded the motion, which carried unanimously.

Vice-Chairman Hadley made a motion to continue his position as Vice-Chairman. Chairman Hamilton seconded the motion, which carried unanimously.
- 3.) **Adjourn:** Vice Chairman Hadley made a motion to adjourn. Board Member Walker seconded the motion, which carried unanimously. With no further business, the Chairman adjourned the meeting at 8:21 am.

City of Bay Minette

Board of Adjustment



By-Laws of the Board of Adjustment

Article I – Objectives

The objectives of the Board of Adjustment are to hear appeals from decisions of municipal administrative officers relating to the application of municipal zoning regulations, to grant variances and to authorize uses permitted on appeal. The City of Bay Minette's Board of Adjustment shall in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the zoning ordinance in harmony with its general purposes and interests and in accordance with general or specific rules therein contained by the City of Bay Minette.

The powers and duties of the Board of Adjustment shall be as set forth in Title 11, Chapter 52, Code of Alabama, 1975, as amended.

Article II – Members

The Board of Adjustment shall consist of five (5) regular members and two (2) supernumerary members appointed by the Mayor. All members of the Board of Adjustment shall be ~~bona-fide residents~~ full-time residents and qualified electors of the City of Bay Minette.

Article III – Terms of Office

The Board of Adjustment members shall be appointed by the Mayor for overlapping terms of three (3) years.

Article IV – Vacancies

Any vacancy among the Board membership caused by death, resignation or removal for cause shall be filled for the unexpired term by appointment by the Mayor. Members shall be removed for cause by the Mayor upon written charges and after a public hearing thereon.

Article V – Compensation

All members of the Board of Adjustment serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

Article VI – Officers

The Board of Adjustment shall elect a Chairman and Vice-Chairman from among the membership. The terms of office of these two elected officers shall be one year or until re-elected or a successor is elected.

The officers shall be elected in the following order: the Chairman and then the Vice-Chairman. A voice vote shall be conducted until a nominee receives a majority vote. Officers shall assume their duties immediately upon election.

The Chairman shall set the agenda and preside at the meetings of the Board of Adjustment; special meetings as required in accordance with the By-Laws; sign documents of the Board of Adjustment, decide all points of order and see that all actions of the Board of Adjustment are properly taken. The Chairman, or in their absence the acting chairman, may administer oaths and compel the attendance of witnesses.

A member of the Planning & Community Development Department Staff shall serve as Secretary of the Board of Adjustment. The Secretary shall maintain a public record of the agenda, proceedings, and findings and voting records for each meeting of the Board of Adjustment; see that the minutes of all meetings of the Board of Adjustment are recorded and kept in an appropriate location, and give notices required by law or these by-laws.

The Vice-Chairman shall, during the absence, disability or disqualification of the Chairman, exercise and perform all of the powers and duties and be subject to all responsibilities of the Chairman. The Vice-Chairman shall succeed the Chairman if the Chairman vacates his office before his term is completed. In that event, a new Vice-Chairman shall be elected by the Board of Adjustment members at the next regular meeting of the Board of Adjustment to fill the unexpired term.

If the Chairman and Vice-Chairman are not able to preside at any meeting of the Board of Adjustment and a quorum is present, an Acting Chairman to serve only at the meeting shall be elected by a majority of the quorum present.

Article VII – Conduct of Members

No member of the Board of Adjustment shall represent any applicant before the Board and any member with any direct or indirect interest in any business brought before the Board shall

immediately recuse themselves prior to deliberation or voting on any such matter. In addition, any member with any relationship to any party having interest in any matter brought before the Board, whether directly or indirectly, shall immediately recuse themselves prior to deliberation or voting so as to prevent any appearance of impropriety. In addition, all members of the Board shall abide by the provisions of Title 36 of The Code of Alabama, Chapter 25, hereafter referred to as the Code of Ethics. Members of the Board of Adjustment shall have authority only when acting as a body legally assembled.

Article VIII – Meetings

Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board may determine by a majority vote upon giving of a forty-eight (48) hour notice to each member. All meetings of the Board of Adjustment are open to the Public. The regular meeting in ~~July~~ May of each year shall be the annual meeting at which elections of officers shall take place. The Board of Adjustment may convene executive sessions in accordance with applicable laws.

No member shall be absent more than three (3) consecutive or a maximum of five (5) regularly scheduled Board meetings per fiscal year. The Board shall recommend to the Mayor the dismissal of a member. Then the Mayor, at his/her discretion, shall coordinate the member's replacement and the appointment of a new member.

Article IX – Quorum

A quorum for the official transaction of business by the Board of Adjustment shall consist of four (4) members. A concurring vote of four (4) members of the Board shall be necessary to take official action on matters presented to the Board, pursuant to Section 11-52-80, the Code of Alabama (1975). Each member of the Board of Adjustment shall have one (1) vote. Voting shall be by voice vote.

Article X – Powers and Duties

The Board of Adjustment shall have the authority to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City Zoning Ordinance or of any ordinance adopted pursuant thereto.

The Board of Adjustment shall authorize upon request in specific cases such variance from the terms of the City Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the City Zoning Ordinance would result in unnecessary hardship.

The City of Bay Minette's Board of Adjustment shall hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of the City Zoning Ordinances; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under City Zoning Ordinance, or to deny special exception when no in harmony with the purpose and intent of the Zoning Ordinance.

The Board of Adjustment shall exercise all other authority as set forth in Title 11, Chapter 52 of the Code of Alabama and the City of Bay Minette Zoning Ordinance.

Article XI – Order of Business

Roberts Rules of Order shall normally govern the conduct of business of the Board of Adjustment.

The order of Business at Board of Adjustment meetings, unless altered at the discretion of the Board, shall generally be as follows:

- A. Call to Order
- B. Invocation/Pledge of Allegiance
- C. Approval of minutes from previous meeting
- D. Consideration of new applications and requests
- E. Reports and Announcements
- F. Miscellaneous Items
- G. Public Participation
- H. Adjournment

During the consideration of variance requests, special exception applications or any other matter requiring a public hearing, the following procedure shall normally be observed; however, it may be rearranged at the discretion of the Chairman for the expeditious conduct of business.

- A. Before any application requiring Board of Adjustment approval is considered, the engineer, developer, owner or designated representative of the engineer, developer or owner shall be present at such hearing to present the submittal to the Board. In the absence of such engineer, developer, owner, or designated representative, an application request shall not be heard.
- B. The Board of Adjustment members ask questions concerning the presentation.
- C. Planning Staff will be asked to present their recommendations.
- D. Statements or questions will be accepted from the general public with the approval of the Chairman or Vice-Chairman.
- E. The Board of Adjustment members may ask any final questions that they may have of the applicant, City Staff or the Public and then public participation is closed.
- F. The Board of Adjustment members s deliberate and vote on the issue.

In order to be placed on a Board of Adjustment agenda, applicants must submit complete applications, together with all required supporting documentation and payment of required fees, on or before the submission deadline as set forth in the City's Zoning Ordinance.

All applicants, or their designated representative, shall attend the meeting(s) where their application is placed on the Board of Adjustment Agenda.

Article XII – Electronic Meeting Policy

Section 12.1 Electronic Attendance

Occasionally, situations may occur when a member of the Board of Adjustment is unable to be physically present at a meeting due to illness. In accordance with Section 36-25A-5.2 of The Code of Alabama, Board of Adjustment members may participate in a meeting by means of telephone conference, video conference, or other similar communications equipment that allows all participants to hear one another at the same time; provided, that both of the following are fulfilled:

- 1.) No less than a quorum of the members of the Board of Adjustment are physically present at the physical location.
- 2.) The member(s) of the Board of Adjustment participating by electronic means are unable to be physically present at the meeting due to illness.

12.1.1 Participation by electronic means in compliance with this section shall constitute presence in person at the meeting for all purposes, except for the establishment of a quorum.

12.1.2 Each meeting in which members of a governmental body are participating by electronic means in accordance with this section shall be held at a physical location available for persons wishing to be physically present, at which any interested member of the public shall be able to hear all persons who are participating remotely.

12.1.3 Any vote taken at a meeting utilizing electronic communication equipment shall be taken as a roll call vote that allows each participant to vote individually in a manner audible to all persons participating or present at the physical location of the meeting.

12.1.1.4A member participating in a meeting by electronic means as provided by this section may not claim any form of reimbursement for expenses relating to that meeting, including mileage.

Section 12.2 Communications Equipment and Electronic Meeting Participation Policy & Procedures

12.2.1 Communications Equipment. “Communications Equipment” means any tools, devices, hardware, software, or other things necessary to facilitate communication among meeting participants who are in different physical locations, including telephone conference, video conference, or other similar communications equipment; and that allows all participants to hear one another at the same time.

12.2.2 Member Unable to Be Physically Present Due to Illness. If a member of the Board of Adjustment is unable to be physically present at a meeting of Board of Adjustment due to illness, and he or she wishes to participate electronically in the meeting, then the member shall provide notice to the to the Chairman and City Planner on or before the day of the meeting. If the member who is unable to be physically present at the meeting is the Chairman, then the

Chairman shall provide notice to the Vice Chairman and City Planner on or before the day of the meeting.

12.2.3 Quorum Required. A member who is unable to be physically present due to illness may only participate electronically in a meeting if a quorum of the Board of Adjustment is physically present at the meeting location.

12.2.4 Participation by Electronic Means. Consistent with Section 36-25A-5.2 of The Code of Alabama, participation by electronic means shall constitute presence in person at the meeting for all purposes, except for the establishment of a quorum.

12.2.5 Public Access. All regular meetings of the Board of Adjustment shall be open to the public as required by the Alabama Open Meetings Act. All regular meetings of the Board of Adjustment will be conducted in a building that is open to the public. At this physical location of the meeting, all members of the public shall be able to hear all persons who are participating electronically in the meeting.

12.2.6 To allow a member to participate electronically in a meeting, the Planning Commission will use either of the following methods:

1.) A conference phone with a dial-in number, microphone(s), a set of speakers and any other necessary teleconferencing communications equipment. The member who is not physically present will receive the dial-in number in advance to facilitate his or her participation in the meeting. At the physical meeting location, there will be

a.) a microphone that allows members who are physically present at the meeting location to speak to the member who is participating electronically, and

b.) a set of speakers that allows those who are physically present at the meeting location to hear the member who is participating electronically.

2.) A computer or laptop utilizing video-conferencing software, microphone(s), a webcam, a set of speakers, and any other necessary video-conferencing equipment. The member who is not physically present will receive a dial-in number or weblink in advance of the meeting to facilitate his or her participation in the meeting. To the extent possible, the webcam will be situated in the physical meeting location in such a way that the physically present members may be seen by the member who is participating electronically. A microphone will be set up to allow members who are physically present to speak to the member who is participating electronically.

12.2.7 Testing the Communications Equipment. Immediately before the commencement of a meeting at which a member participates through electronic means, the communication equipment shall be tested to verify: 1) All participants will be able to hear one another at the same time, and 2) Interested members of the public who are present at the physical meeting

location will be able to hear those who are participating electronically in the meeting.

12.2.8 Roll Call Voting. Any vote taken at a meeting utilizing communication equipment described in this Electronic Meetings Policy shall be taken as a roll call vote that allows each member to vote individually in a manner audible to all persons participating or present.

12.2.9 Recordkeeping. Documentation of the member's request to participate electronically due to illness shall be kept in the records of the Board of Adjustment. Additionally, the following information will be noted in the meeting minutes for a meeting in which there is participation by electronic means:

- 1.) The communication equipment was tested immediately before the meeting for sufficient compliance with these requirements: 1) All participants will be able to hear one another at the same time, and 2) Interested members of the public who are present at the physical meeting location will be able to hear those who are participating electronically in the meeting.
- 2.) The names of the members who were physically present at the meeting location.
- 3.) Whether a quorum of members was physically present at the meeting location.
- 4.) The names of the member(s) who participated electronically in the meeting due to illness and that the member(s) who participated electronically were absent due to illness.

Article XIII – Amendment

These by-laws may be amended at any regular or special meeting of the Board of Adjustment by a concurring vote of four (4) members of the Board provided that five (5) days advance notice of any proposed change shall be given to all members.

Article XIV– Adoption

These By-Laws were reviewed, approved and officially adopted by the City of Bay Minette Board of Adjustment. All previous By-Laws of the Board are hereby repealed.

Date of Adoption

Abby Hamilton, Chairman

Clair Dorough, City Planner