



SMALL TOWN, BIG BEACH™

May 11, 2022

South Alabama Sewer Service Corporation
P.O. Box 1628
Foley, AL 36536

RE: Expansion of a Non-Conforming Use

This letter is written to provide notice of a zoning violation at the South Alabama Sewer Service Plant located at 16763 State Highway 180 West. An additional pond has been constructed along the northwest property line of the facility. Please find Attachment "A" photo from a January 4, 2022, ADEM inspection report indicating a newly-constructed sludge treatment pond. The construction of the sludge pond constitutes a violation of the Zoning Ordinance and is subject to zoning enforcement action to remedy the violation.

The sewer service facility became a nonconforming use as a result of the annexation of the property into the corporate limits of the City in 2011. Upon annexation, the property was zoned R-1-4, Residential/Medium-Density Single Family District. The South Alabama Sewer Service Facility is classified as an Essential Services Facility by the City of Gulf Shores Zoning Ordinance, and this use is not permitted in the R-1-4 Zoning District. The construction of the sludge pond represents an expansion of a nonconforming use, and operation of the pond shall be discontinued immediately.

In addition to the zoning violation, the City has received numerous complaints from residents of Lagoon Mobile Home Park subdivision, located immediately adjacent to the illegal sludge pond. Residents have complained of offensive, noxious odors emitted from the pond that are permeating outdoor and indoor air within homes. I have personally experienced the pungent odors emanating from the new pond while walking and driving within the subdivision. These odors cause unreasonable interference with neighboring property owners' abilities to enjoy their properties and constitute both a public and private nuisance. Immediate steps must be taken by you to eliminate these odors. Failing such immediate action by you, appropriate action by the City to require abatement of the nuisance conditions will be initiated.

In accordance with Article 3-9 of the Zoning Ordinance, this letter serves as a Notice to Cease and Desist the use of the newly-constructed sludge pond. In addition to ceasing operation of the sludge pond, please submit a land disturbance permit application with construction plans for filling the un-permitted pond. A land disturbance permit application checklist is attached to this letter for your convenience. Please contact me upon receipt of this letter to avoid the issuance of a citation which will require your presence in Municipal Court. I can be reached at abauer@gulfshoresal.gov or 251-968-1151.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Bauer", written over a horizontal line.

Andy Bauer, Zoning Administrator

Cc: Justin Clopton, Code Enforcement Officer