



**BALDWIN COUNTY  
PLANNING AND ZONING  
BOARD OF ADJUSTMENT NUMBER 2**

**WORK SESSION AGENDA**

**Thursday, April 11, 2024**

**Work Session 2:00 p.m.**

**Baldwin County Satellite Courthouse**

**Large Meeting Hall**

**201 East Section Avenue**

**Foley, Alabama**

Email: [planning@baldwincountyal.gov](mailto:planning@baldwincountyal.gov)

1. Call to Order.
2. Discussion of items related to the upcoming agenda and any other necessary items related to Board of Adjustment Number 2.
3. Questions and Concerns.
4. Adjournment.

*To view maps/plats in higher resolution please visit the 'Upcoming Items' Planning and Zoning webpage."*

<https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>

# BALDWIN COUNTY PLANNING AND ZONING BOARD OF ADJUSTMENT NUMBER 2

## 2024 MEETING DATES & APPLICATION DEADLINE DATES

Meeting time: 3:00 p.m.

Meeting location: Foley Satellite Courthouse Large Meeting Room

All applications to be considered by the Baldwin County Board of Adjustment #2 Planning and Zoning Board of Adjustment shall be submitted no later than **12:00 p.m.** on the deadline date listed below. *There will be no exceptions.*

MEETING DATE	STAFF REPORTS DUE	APPLICATION DEADLINE DATE (@ NOON!)
January 11, 2024	January 2, 2024	December 19, 2023
February 8, 2024	January 30, 2024	January 16, 2024
March 14, 2024	March 5, 2024	February 20, 2024
April 11, 2024	April 2, 2024	March 19, 2024
May 9, 2024	April 30, 2024	April 16, 2024
June 13, 2024	June 4, 2024	May 21, 2024
July 18, 2024**	July 9, 2024	June 18, 2024
August 8, 2024	July 30, 2024	July 16, 2024
September 12, 2024	September 3, 2024	August 20, 2024
October 10, 2024	October 1, 2024	September 17, 2024
November 7, 2024	October 29, 2024	October 15, 2024
December 12, 2024	December 3, 2024	November 19, 2024

\*\* Rescheduled due to Planning Commission meeting on July 11, 2024

*Dates may differ from original meeting dates and/or application deadline dates due to holidays and may be subject to change upon request by the Chairman of the Board.*



**BALDWIN COUNTY  
PLANNING AND ZONING  
BOARD OF ADJUSTMENT NUMBER 2**

**AGENDA**

**Thursday, April 11, 2024  
Regular Meeting 3:00 p.m.  
Baldwin County Satellite Courthouse  
Large Meeting Hall  
201 East Section Avenue  
Foley, Alabama  
Email: [planning@baldwincountyal.gov](mailto:planning@baldwincountyal.gov)**

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (March 14, 2024 Work Session and Regular Meeting Minutes)
4. Approval of **Amended** 2024 Calendar
5. Announcements/Registration to Address the Board of Adjustment
6. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. ZVA24-8 Farmer Property**

*Request:* A variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroaching into the non-disturbed 30' wetland setback buffer to allow for the construction of a single family dwelling.

*Location:* The subject property is located at 9097 Woodland Drive in Planning District 32.

*Attachments:* Within Report and Attached

**b.) Case No. ZVA23-44 Westwood Property**

*Request:* A variance from Section 5.1.5 of the Baldwin County Zoning Ordinance as it pertains to the front yard setback for an accessory structure.

*Location:* The subject property is located at 12489 County Road 99 in Planning District 33.

*Attachments:* Within Report and Attached

**c.) Case No. ZVA24-10 Richardson Property**

*Request:* A variance from Section 12.5.2(f) of the Baldwin County Zoning Ordinance as it pertains to reducing the 50' V-zone building setback requirement to 30' from the existing bulkhead located on the property.

*Location:* The subject property is located at 2419 Choctaw Road in Planning District 25.

*Attachments:* Within Report and Attached

**d.) Case No. ZVA24-11 Kriner Property**

*Request:* A variance from Section 13.1.2(b) as it pertains to an accessory structure in the front yard.

*Location:* The subject property is located at 15002 Gates Avenue in Planning District 20.

*Attachments:* Within Report and Attached

**e.) Case No. ZVA24-12 Beaver Property**

*Request:* A variance from Section 4.2.5 and Section 13.1.2(b) of the Baldwin County Zoning Ordinance as it pertains to an accessory structure remaining in the front yard.

*Location:* The subject property is located at 11173-A State Highway 180 in Planning District 25.

*Attachments:* Within Report and Attached

7. Old Business

8. New Business

9. Adjournment

***To view maps/plats in higher resolution please visit the 'Upcoming Items' Planning and Zoning webpage:***

<https://baldwincuntyal.gov/departments/planning-zoning/meeting-agenda>



**Baldwin County Planning and Zoning  
Board of Adjustment Number 2  
Work Session Minutes  
Thursday, March 14, 2024**

**I. OPENING**

Staff opened the Baldwin County Planning and Zoning Commission Board of Adjustment Number 2 at 2:05p.m. on March 14, 2024, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue, Foley, Alabama.

**II. ATTENDANCE**

The following board members were present: Chairman David Brown, Michael Swansburg, Mark Corn, Mackie Ray, Tracey Gambill, Clark Strong, and Wade Mitchell.

Staff present included Celena Boykin, Ashley Campbell, Cory Rhodes, Crystal Bates, and Brittany Epling.

**III. DISCUSSION ITEMS**

Staff opened the floor to any questions regarding the following cases:

- ZVA24-3
- ZVA24-6
- ZVA24-8

**IV. ADJOURNMENT**

As there were no further items to discuss, the work session adjourned at 2:52p.m.

Respectfully Submitted,

Cory Rhodes, Planner

I hereby certify that the above minutes are true, correct and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mark Corn, Chairman



**Baldwin County Planning and Zoning  
Board of Adjustment Number 2  
Regular Meeting Minutes  
Thursday, March 14, 2024**

**I. Call To Order**

Chairman David Brown opened the Baldwin County Board of Adjustment Number 2 meeting at 3:00 p.m. on March 14, 2024, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue in Foley, Alabama.

**II. Opening**

Chairman David Brown opened the meeting with an invocation and the pledge of allegiance.

**III. Roll Call**

The following Board members were present: Michael Swansburg, Chairman David Brown, Mark Corn, Mackie Ray, Tracey Gambill, Clark Strong, and Wade Mitchell.

Staff present included Celena Boykin, Ashley Campbell, Cory Rhodes, Crystal Bates, and Brittany Epling.

**IV. Approval of Minutes**

Mr. Corn made a motion to approve the January 11, 2024 meeting minutes. Mr. Ray seconded the motion. All members voted aye. **Motion to approve the January 11, 2024 minutes carried.**

**V. Election of Officers for 2024**

Mr. Swansburg made a motion to nominate Mr. Corn as the new chairman of the Board. Ms. Gambill seconded this motion. All members voted aye. Mr. Ray made the motion to nominate Ms. Gambill as the new vice chairwoman of the Board. Mr. Corn seconded this motion. All members voted aye. Motion to approve Mr. Corn as the new Chairman and Ms. Gambill as the new Chairwoman carried.

**VI. Consideration of Applications and Requests**

**1) ZVA24-3 Wade Property**

Mrs. Bates presented the applicant's request for a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroaching into the 30' non-disturbed wetland setback buffer to allow for the construction of a single-family dwelling. Staff recommended the variance request be approved.

Mr. John Herron spoke in favor of the request. No one spoke in opposition.

After discussion Mr. Ray made a motion to approve the variance request with conditions recommended by staff. Mr. Corn seconded the motion. Six (6) members voted aye while one (1)

member voted nay. **Motion to approve case ZVA24-3 variance request with the conditions listed below carried.**

1. **The applicant is requesting a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to the 30' wetland setback buffer to allow for a residence. The future residence will not be closer than 2'4" to the closest side of the wetlands.**
2. **This variance doesn't relieve the subject property of no other requirements of the Baldwin County Zoning Ordinance (zoning site plan), Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or license agreement), or requirements of other agencies.**

## **2) ZVA24-6 Werner Property**

Ms. Rhodes presented the applicant's request for a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to the 30' non-disturbed wetland setback buffer to allow for the construction of a single-family dwelling. Staff recommended the variance request be approved.

Mr. John Werner spoke in favor of the request. No one spoke in opposition.

After discussion Mr. Swansburg made a motion to approve the variance request with conditions recommended by staff as well as the additional condition that no concrete shall be poured into the 30' non disturbed wetland buffer setback. Mr. Corn seconded the motion. Five (5) members voted aye while two (2) members voted nay. **Motion to approve case ZVA24-6 variance request with the conditions listed below carried.**

1. **Submission of Zoning Site Plan (ZSP) depicting the site plan included herein within this application.**
2. **If approved, the variance is limited to the request as shown on the Site Plan.**
3. **This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or license agreement), or requirements of other agencies.**

## **3) ZVA24-8 Farmer Property**

Ms. Rhodes presented the applicant's request for approval of a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroaching into the non-disturbed 30' wetland setback buffer to allow for the construction of a single-family dwelling. Staff recommended the variance request be denied.

Mrs. Amanda Farmer and Mr. Rodney Farmer spoke in favor of the request. No one spoke in opposition.

After discussion, Mr. Corn made a motion to table the variance request until the April 11, 2024 meeting so that the applicant can provide greater detail, including a new Site Plan and survey as well as a contour map and options as to the location of their home. Mr. Ray seconded the motion.

All members voted aye. **Motion to table case ZVA24-8 variance request until the April 11, 2024 meeting carried.**

**VI. Old Business**

There were no old business items to discuss.

**VII. New Business**

There were no new business items to discuss.

**VIII. Adjournment**

As there were no further items to discuss, the meeting adjourned at 4:33 p.m.

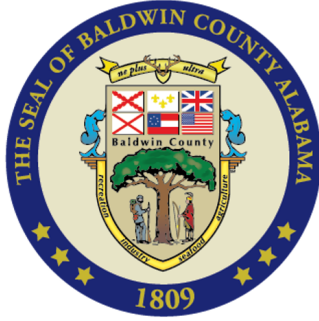
Respectfully Submitted,

Cory Rhodes, Planner

I hereby certify that the above minutes are true, correct and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Mark Corn, Chairman



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

APRIL 11, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

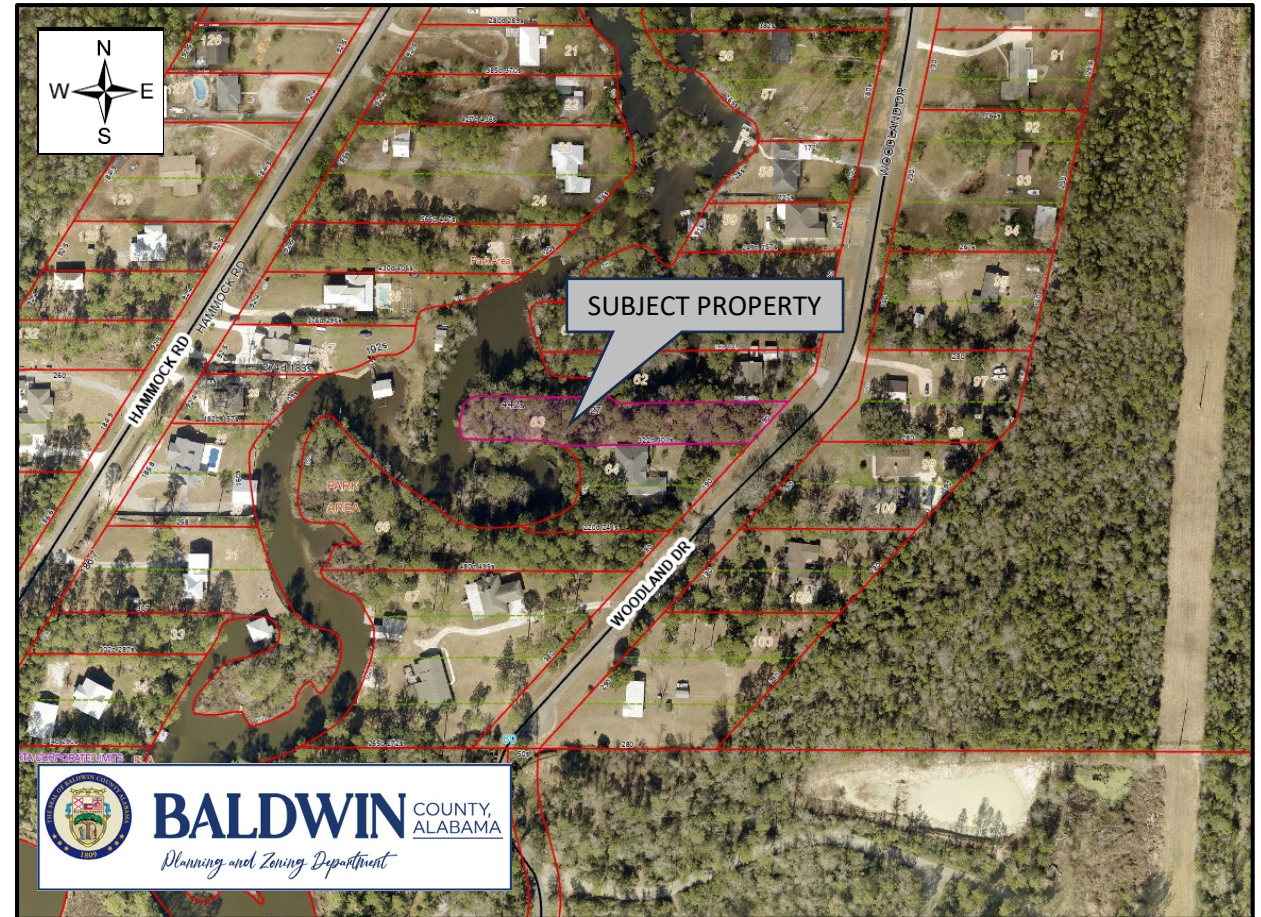
FOLEY, AL

# ZVA24-8 FARMER PROPERTY

## VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 32 **Zoned:** RSF-2, Residential Single-Family District
- **Location:** The subject property is in the Idlewild Estates subdivision, Lot 63, in Elberta
- **PID:** 05-62-02-09-0-001-077.000
- **PPIN:** 37904
- **Acreage:** 0.67 +/- acres (per property survey)
- **Physical Address:** 9097 Woodland Drive, Elberta, AL 36530
- **Applicant:** Rodney Farmer
- **Owner:** Rodney and Amanda Farmer



# ZVA24-8 FARMER PROPERTY

## VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroaching into the non-disturbed 30' wetland setback buffer to allow for the construction of a single-family dwelling.

Due to the availability of uplands on the property to construct a home, staff cannot establish a hardship and therefore recommends Case ZVA24-8 be **DENIED** unless information to the contrary is revealed during the Public Hearing.



# Locator Map

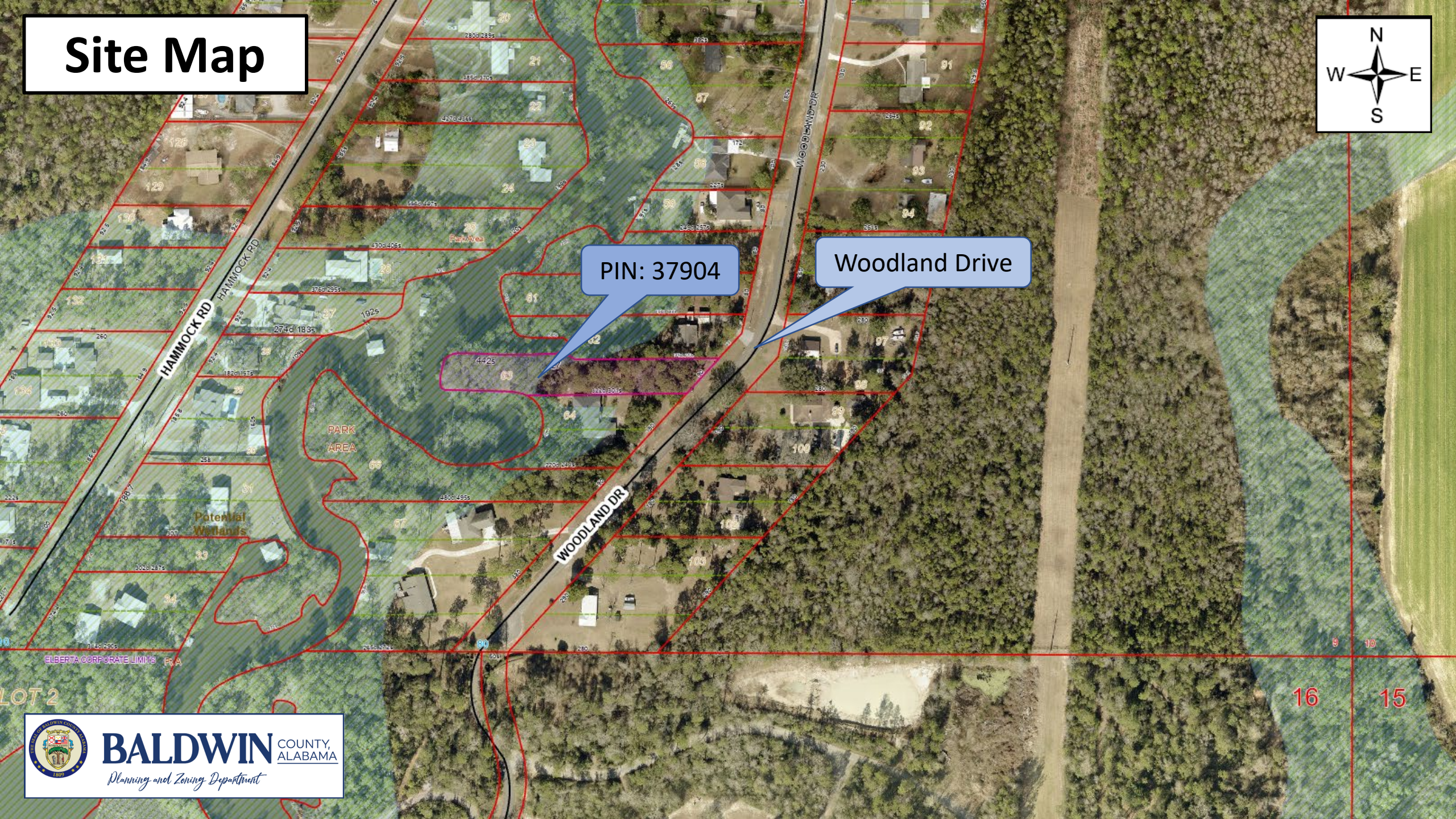


# Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-2, Residential Single-Family District	Residential
South	RSF-2, Residential Single-Family District	Residential
East	RSF-2, Residential Single-Family District	Residential
West	Open Water	Open Water

# Site Map



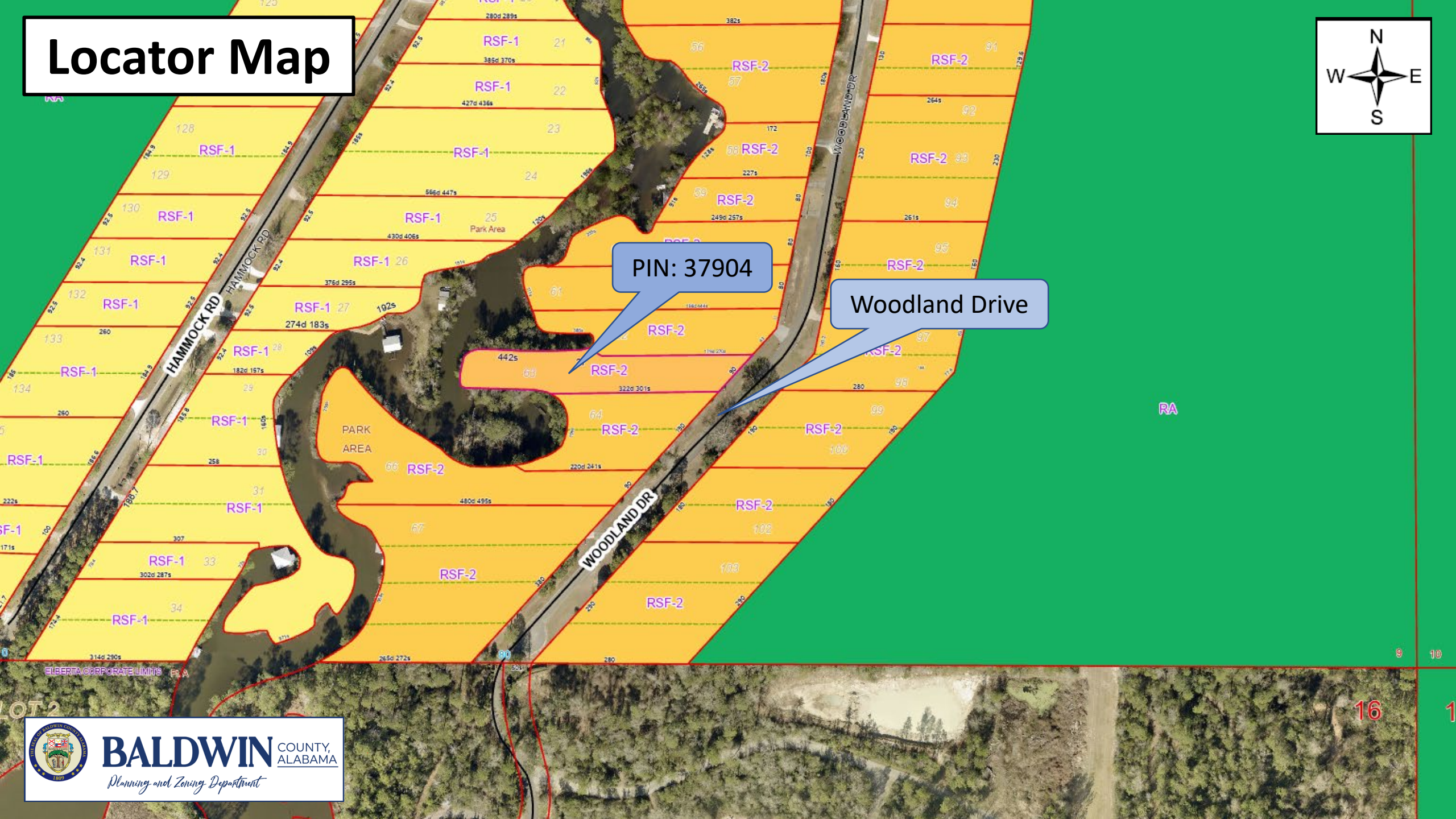
PIN: 37904

Woodland Drive

16

15

# Locator Map



PIN: 37904

Woodland Drive



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*



Subject Property



Subject property looking west  
from Woodland Drive

Feb 28, 2024 1:12:58 PM  
305° NW

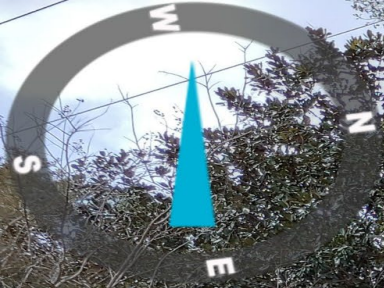


Adjoining Property  
to the North



Property to the north looking  
west from Woodland Drive

Feb 28, 2024 1:21:00 PM  
276° W



Adjoining Property  
to the South



Property to the south looking  
west from Woodland Drive

Feb 28, 2024 1:19:49 PM  
281° W



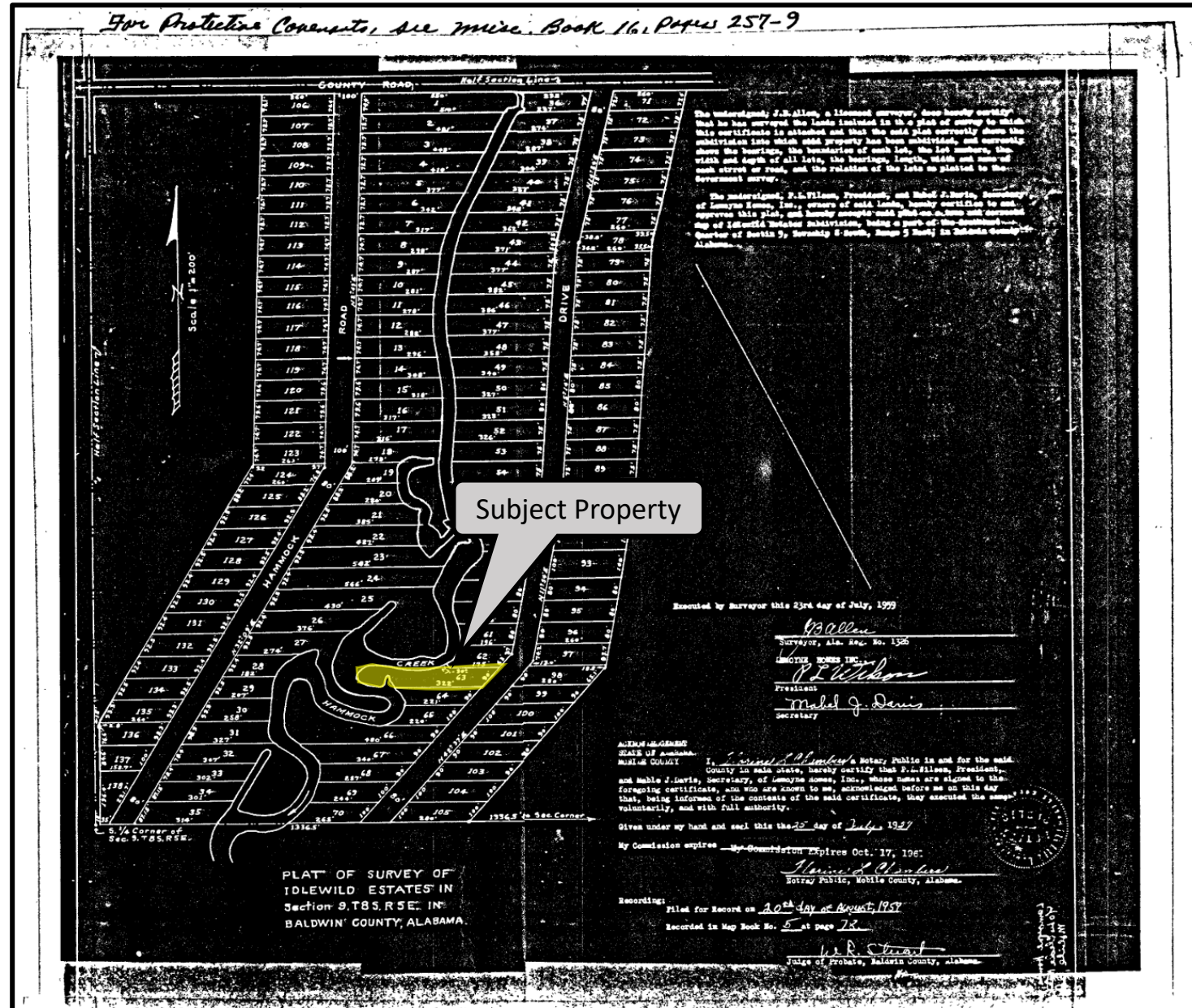
Property Across  
the Street



Property across the street looking  
east from Woodland Drive

Feb 28, 2024 1:21:46 PM  
100° E

# Idlewild Estates Subdivision Recorded Plat



The map displays three adjacent lots: LOT 62, LOT 63, and LOT 64.

- LOT 63:** Contains a "Propose Residence" measuring 9' by 56'. To its right are "Wetlands" with a "Wetland Limits" dashed line and a "Wetland Buffer". A "Found Digger Chain Iron Marker" is located near the creek. The lot is bounded by "UPLANDS" to the north and east.
- LOT 62:** Located to the north and east of Lot 63. It features a "Found Open Top Pipe" and a "Found Re-bar".
- LOT 64:** Located to the south of Lot 63. It has a "Found Digger Chain Iron Marker" and a "Found Re-bar".

**Geographical Features:**

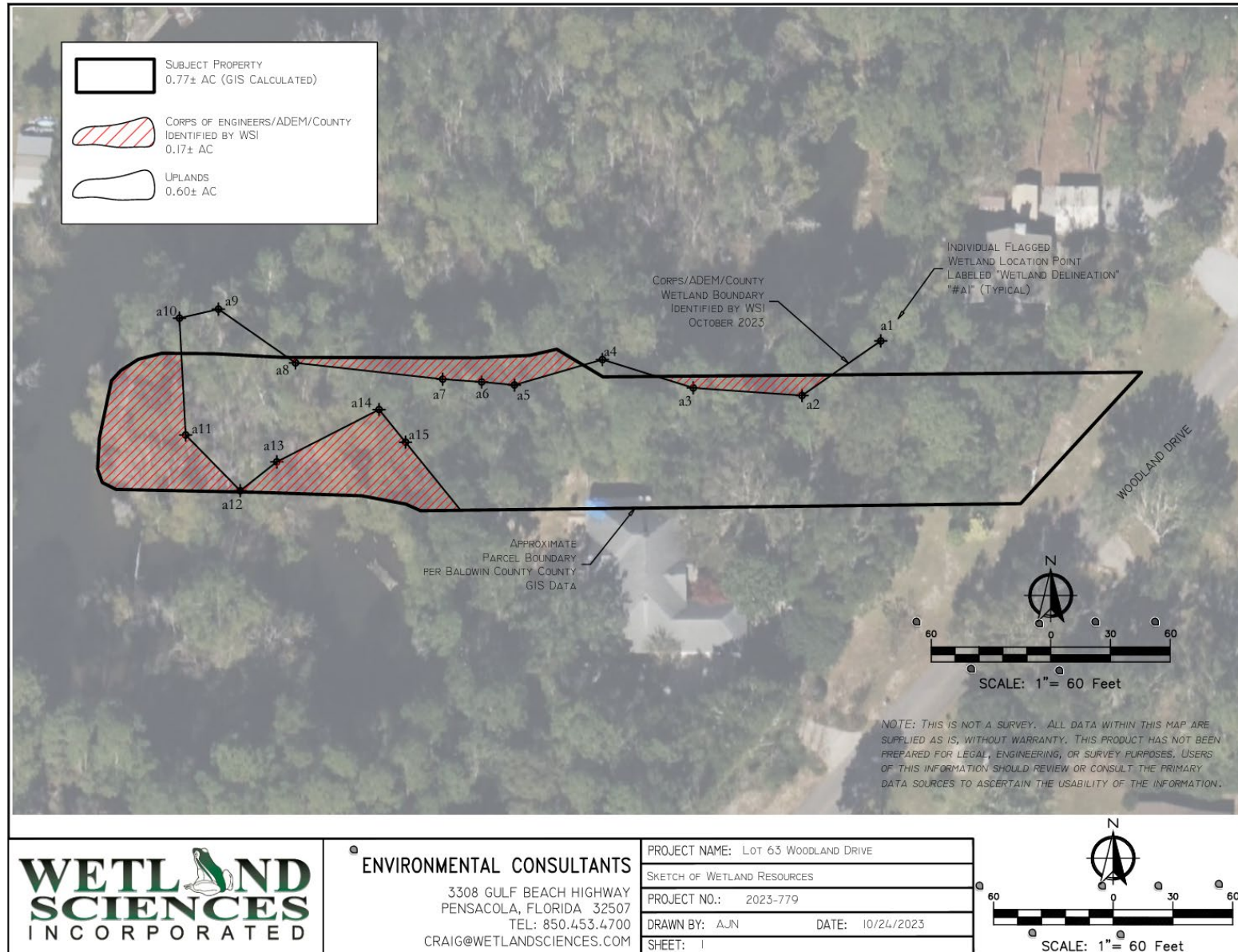
- HAMMOCK CREEK:** Runs along the northern edge of Lot 63. An "Approximate edge of water Not Surveyed" is indicated.
- WOODLAND DRIVE:** Runs along the eastern edge of the lots. It includes an "Edge of Road", an "80' Right-of-way Paved Road", and "Overhead Power" lines.

**Survey Data and Measurements:**

- North Boundary (between Lot 62 and Lot 63):** N 89° 49' 20" W 175.06' Msd 175' Plat; 10' BSL; 30' Wetland Buffer; 10' BSL; 30' BSL; 30' Wetland Buffer; 10' BSL.
- East Boundary (between Lot 62 and Lot 64):** N 42° 37' E 90.0' Plat; N 42° 35' 50" E 90.0' Msd; Found Re-bar; P.P.; Edge of Road.
- South Boundary (between Lot 63 and Lot 64):** S 89° 55' 00" E 305.24'; 311' +/- Msd 322' Plat; 81.68'; 130.96'; 92.6'.
- Other Measurements:** 14' +/- FRBC (MOORE); 30° Angle 27' Plat; 111.24'; 63' Plat; 62.85' Msd; N 42° 42' 20" E; N 11° 54' 00" E 276.8' Msd 277' Plat Basis of Bearings; 15'; 6.8'; 25'; 9'; 6'; 15'; 30' Wetland Buffer; 10' BSL; 30' BSL; 30' Wetland Buffer; 10' BSL.

A north arrow is located at the bottom center of the map.

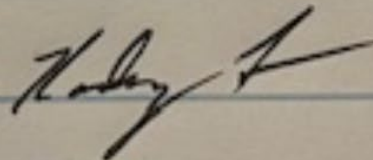
# Wetland Delineation



Total of 7,405.2 square feet (0.17 acre) of wetlands on the subject property.

# HOA/POA Statement

I RODNEY FARMER, OWNER OF LOT # 63  
IDLEWOODS ESTATES, 9097 WOODLAND DR  
ELBERTA, AL 36530 CERTIFY THAT THERE  
ARE NO ACTIVE NEIGHBORHOOD ASSOCIATIONS  
IN MY AREA

SIGNED 

# Staff Analysis and Findings

## 1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.

The subject property is zoned RSF-2, Residential Single-Family District. Per the submitted survey, the parcel consists of approximately 0.67 +/- acres with lot dimensions of approximately 305' x 90' (approximately 27,450 square feet). Planning District 32 came into effect on December 19, 1995. The required minimum lot size for RSF-2 for single-family housing is 15,000 square feet with an 80' minimum lot width at building line and a 40' minimum lot width at street line. **Staff does not perceive the subject parcel to be exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance and thus this criteria is not a factor for consideration of this variance request.**

RSF-2 Required minimum lot size: **15,000 sf**

Actual size: **27,450 sf** (0.67 acres)

Lot size hardship: **NO**

RSF-2 Required minimum width at street line: **40'**

Actual lot width: **90'**

Lot width hardship: **NO**

RSF-2 Required minimum width at building line: **80'**

Actual lot width: **90'**

Lot width hardship: **NO**

## 2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.

**While wetlands are noted on the subject property, staff does not perceive the wetlands to have an exceptional topographic condition on the subject property which would require a variance.** Per the wetland delineation, the property consists of approximately 0.60 acres of uplands. Furthermore, staff perceives there is an adequate amount of uplands to construct a single-family dwelling.

# Staff Analysis and Findings



**3.) The granting of the application 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.**

The subject property is zoned RSF-2, Residential Single-Family District which allows residential uses. While the applicant has submitted a Site Plan showing the delineated wetlands, the amount of uploads on the property would allow for a residential home smaller than the proposed dimensions to be constructed on the site. Therefore, staff perceives proposed single-family home to be constituted as a convenience at the proposed location on the property and not a necessity for preservation of a property right that would require a variance.

# Staff Analysis and Findings

**4.) The granting of this application 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.**

Staff anticipates no major impacts, therefore staff does not believe the granting of this application will 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County. **However, staff cannot specifically assure and makes no warranty or guarantee that if granted the resultant variance will or will not diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County because the effect of the variance cannot be quantified at the time of consideration.**

# Floodway

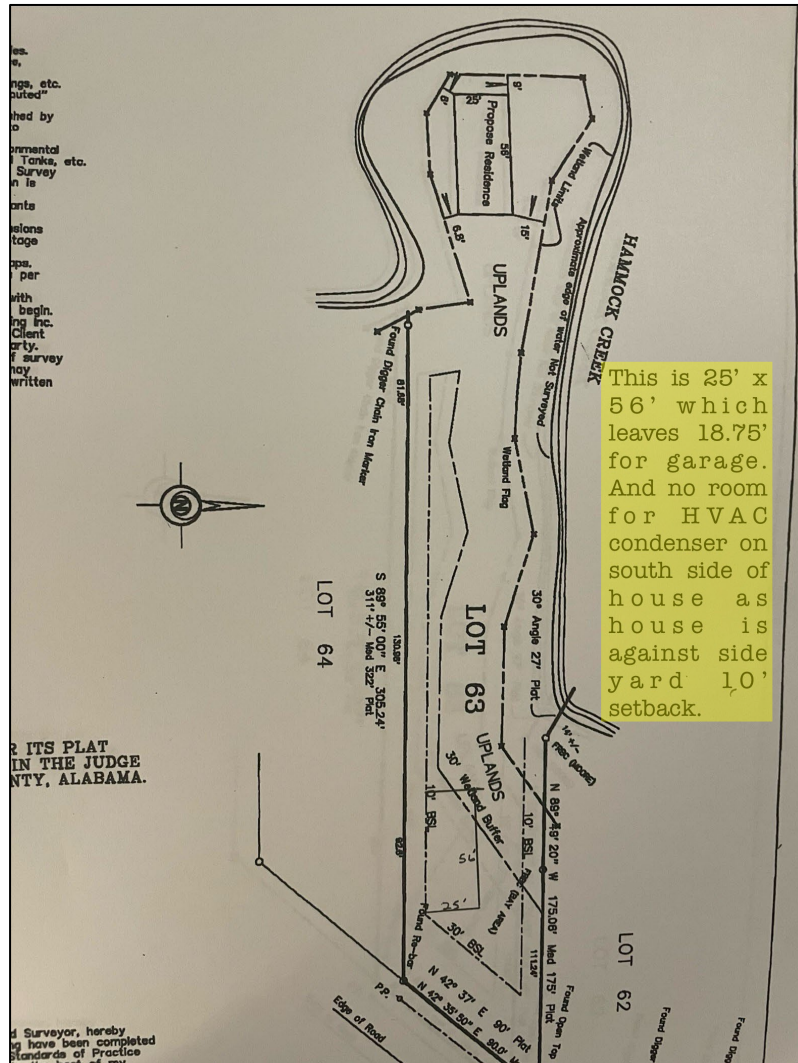
A portion of the subject property where the proposed home is to be constructed is in a floodway. If the home were to be constructed at this location, the following permits will need to be obtained: 1) Building Permit, 2) No-Rise Certificate, and 3) Flood Permit.



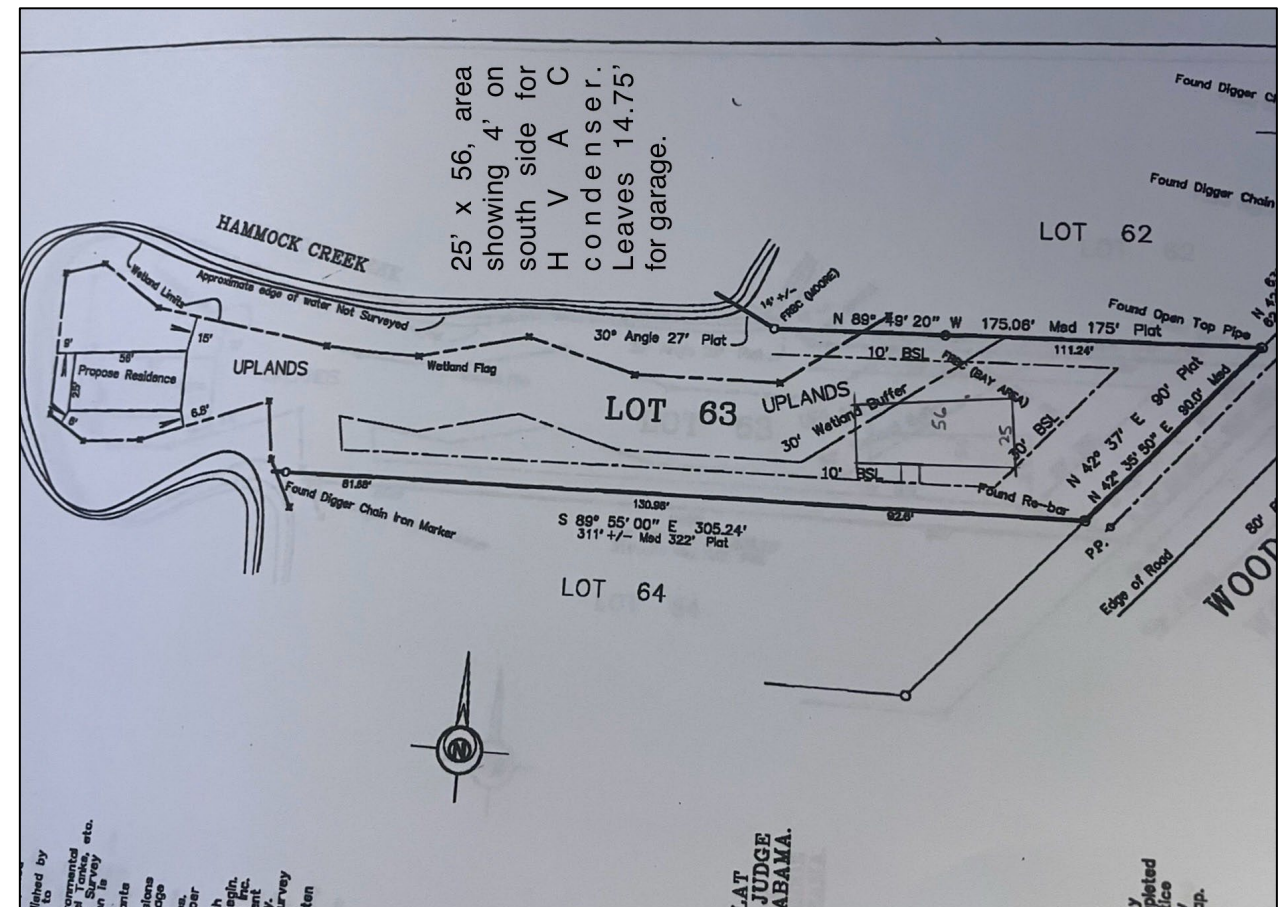
# Staff Analysis and Findings

## 5.) Other matters which may be appropriate.

Images provided by the applicant:



**Accessory structure.** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. Bulkheads, fences, walls, retaining walls, fountains, trellises, pergolas, **air conditioner platforms**, walkways and similar features which provide a decorative, security or support function **shall not be considered accessory structures** for purposes of these zoning ordinances, though may still require compliance with *Section 13.12 and Section 10.4*, if applicable.



# Staff Analysis and Findings

5.) Other matters which may be appropriate. Images provided by the applicant:



Erosion – View from Creek



Aerial View of Property



Proposed Location of Home

# ZVA24-8 FARMER PROPERTY

## VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroachment into the 30' non-disturbed wetland buffer setback to allow for the construction of a single-family home.

Due to the availability of uplands on the property to construct a home, staff cannot establish a hardship and therefore recommends Case ZVA24-8 be **DENIED** unless information to the contrary is revealed during the Public Hearing.

# **ZVA24-8 FARMER PROPERTY**

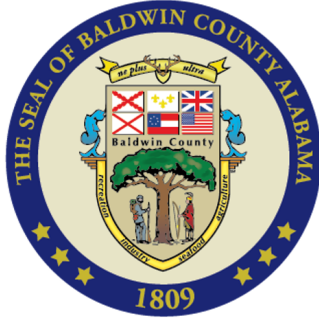
## **VARIANCE REQUEST**

Lead Staff: Cory Rhodes, Planner

### **GENERAL NOTES {By-laws}**

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board.

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

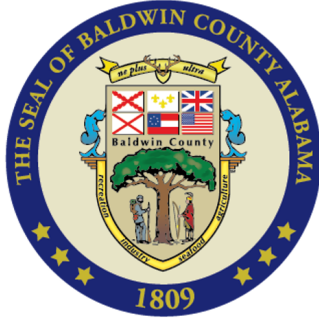
**BALDWIN COUNTY BOARD OF ADJUSTMENT #2**

**NEXT REGULAR MEETING**

**MAY 9, 2024 @ 3:00PM**

**BALDWIN COUNTY SATELLITE COURTHOUSE**

**FOLEY, AL**



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

**BALDWIN COUNTY BOARD OF ADJUSTMENT #2**

**REGULAR MEETING**

**APRIL 11, 2024 @ 3:00PM**

**BALDWIN COUNTY SATELLITE COURTHOUSE**

**FOLEY, AL**

# ZVA23-44 WESTWOOD PROPERTY

## VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 33 **Zoned:** B-1, Professional Business District
- **Location:** The subject property is located at the intersection of County Road 99 and Rosalia Avenue in Lillian
- **PID:** 05-52-07-26-0-002-052.000
- **PPIN:** 44958
- **Acreage:** 0.21 +/- acres
- **Physical Address:** 12489 County Road 99  
Lillian, AL 36549
- **Applicant:** Amber Thompson
- **Owner:** David Westwood



# ZVA23-44 WESTOOD PROPERTY

## VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 5.1.5 of the Baldwin County Zoning Ordinance as it pertains to the front yard setback for an accessory structure.

Due to the irregular shape of the property, staff recommends Case ZVA23-44 be **APPROVED** unless information to the contrary is revealed during the Public Hearing.



# Locator Map



# Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-1, Residential Single-Family District	Residential
South	RSF-3, Residential Single-Family District	Vacant
East	B-1, Professional Business District	Vacant
West	B-1, Professional Business District	Vacant

# Site Map



PIN: 44958

County Road 99



**BALDWIN** COUNTY,  
ALABAMA

Planning and Zoning Department

# Locator Map



Rosalia Avenue

PIN: 44958

County Road 99



**BALDWIN** COUNTY, ALABAMA  
*Planning and Zoning Department*



Subject Property



**PUBLIC HEARING  
PROPOSED  
FOR THIS PROPERTY**  
Case Number  
**ZVA23-000044**  
Baldwin County Planning  
and Zoning Department  
For more information,  
please scan the QR  
code, call, or email.  
(251) 580-1655  
planning@baldwincountyal.gov



Subject property looking west

Mar 21, 2024 10:44:40 AM  
272° W

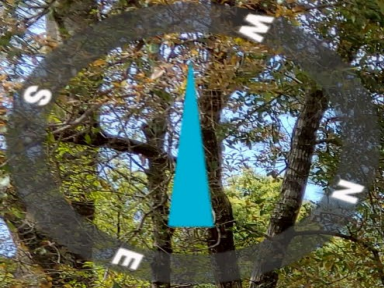


Subject Property



Subject property looking  
south from Rosalia Avenue

Mar 21, 2024 10:47:12 AM  
154° SE



Adjoining Property  
to The West



Property to the west looking west

Mar 21, 2024 10:46:50 AM  
247° SW



Property to  
The North



Property to the north looking  
north from Rosalia Avenue

Mar 21, 2024 10:45:23 AM  
359° N



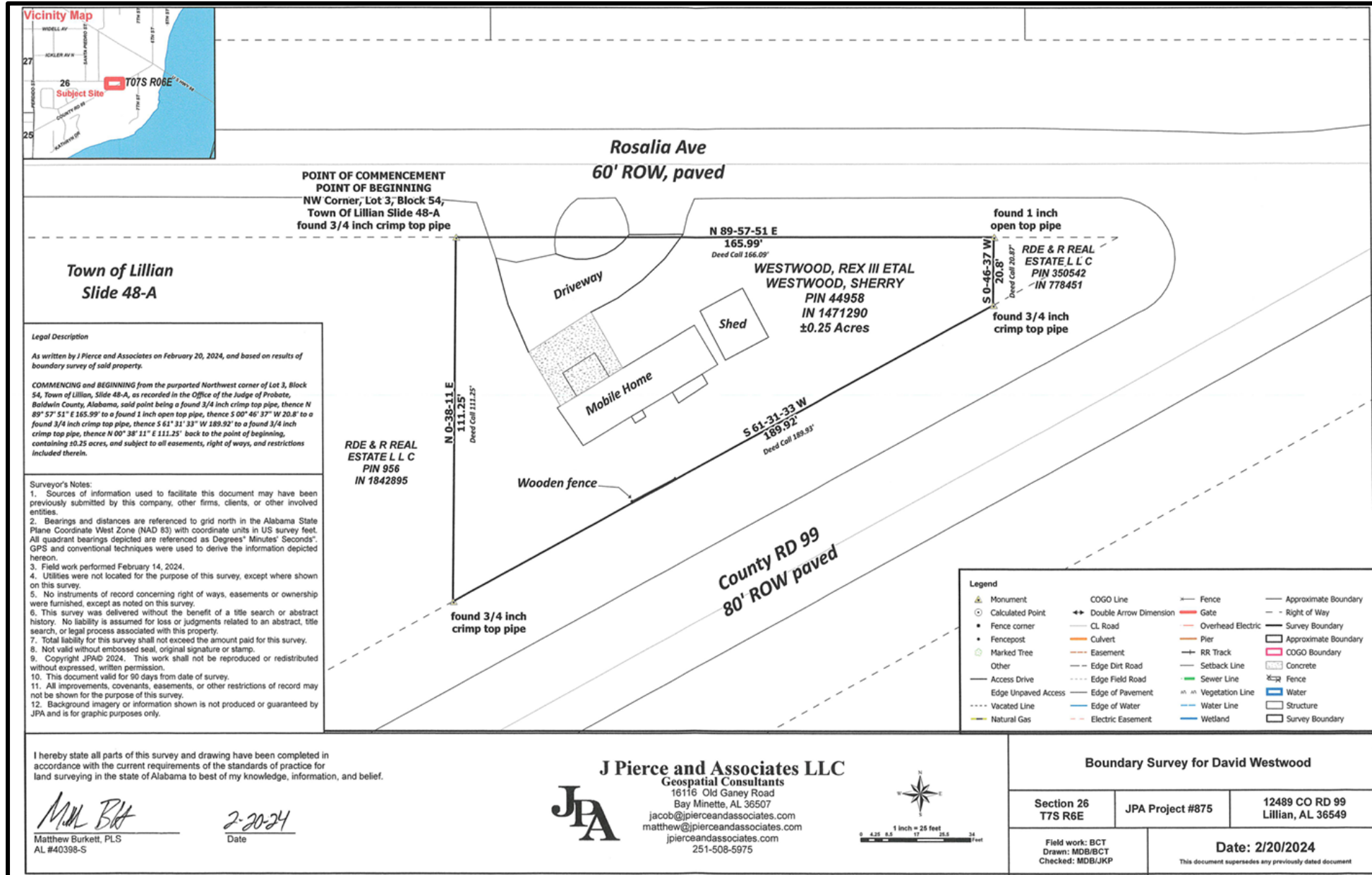
Property to  
The South



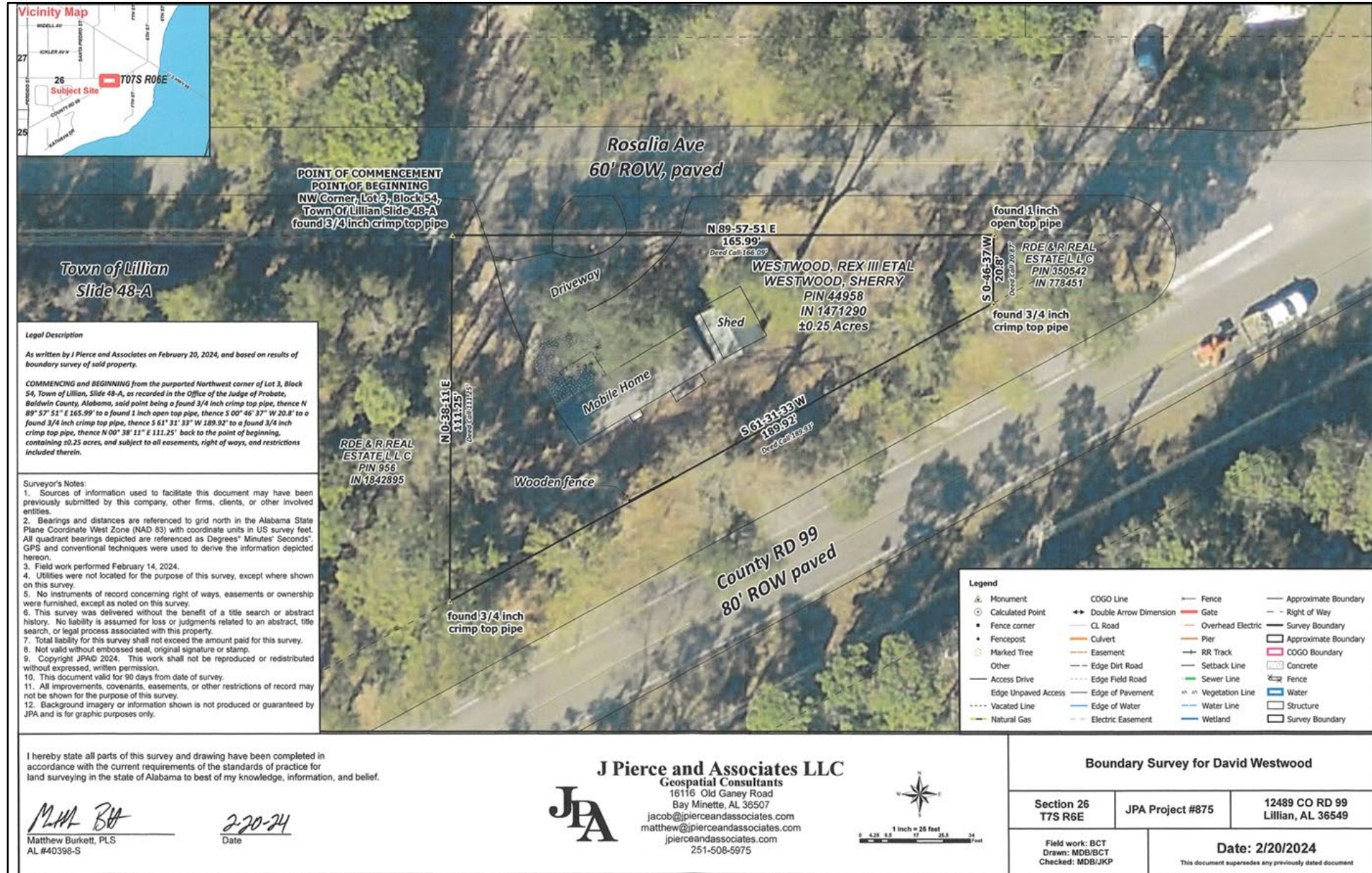
Property to the south looking  
south from County Road 99

Mar 21, 2024 10:45:47 AM  
161° S

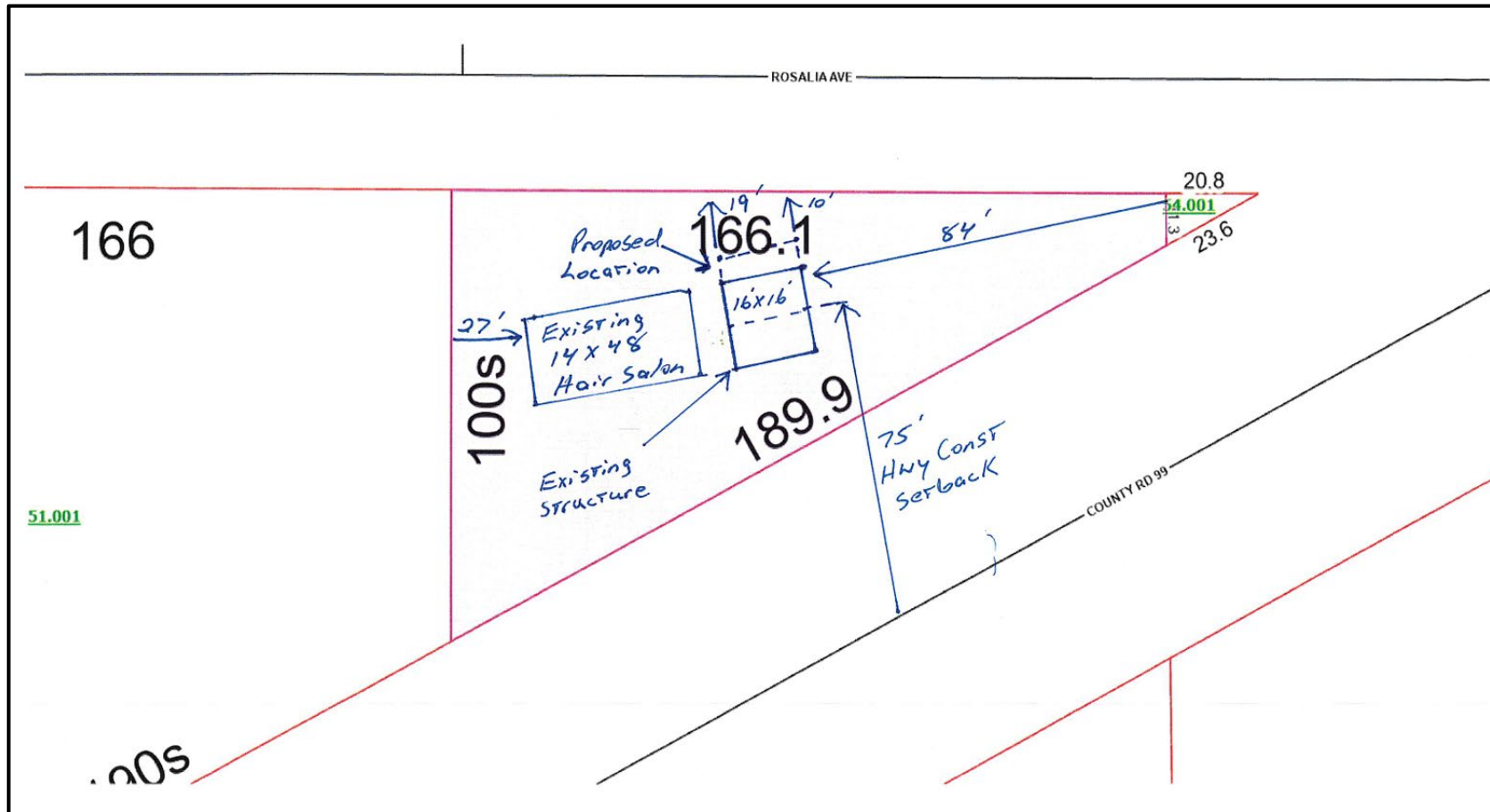
# Site Survey



# Site Survey with Aerial Overlay



# Proposed Movement of Shed



The current location of the shed is within the Highway Construction Setback (HCS). Per Section 5.4(h) of the Baldwin County Subdivision Regulations, no accessory structure, such as a shed, is allowed within the HCS.

The shed will be moved out of the HCS but will encroach into the front yard setback on Rosalia Avenue.

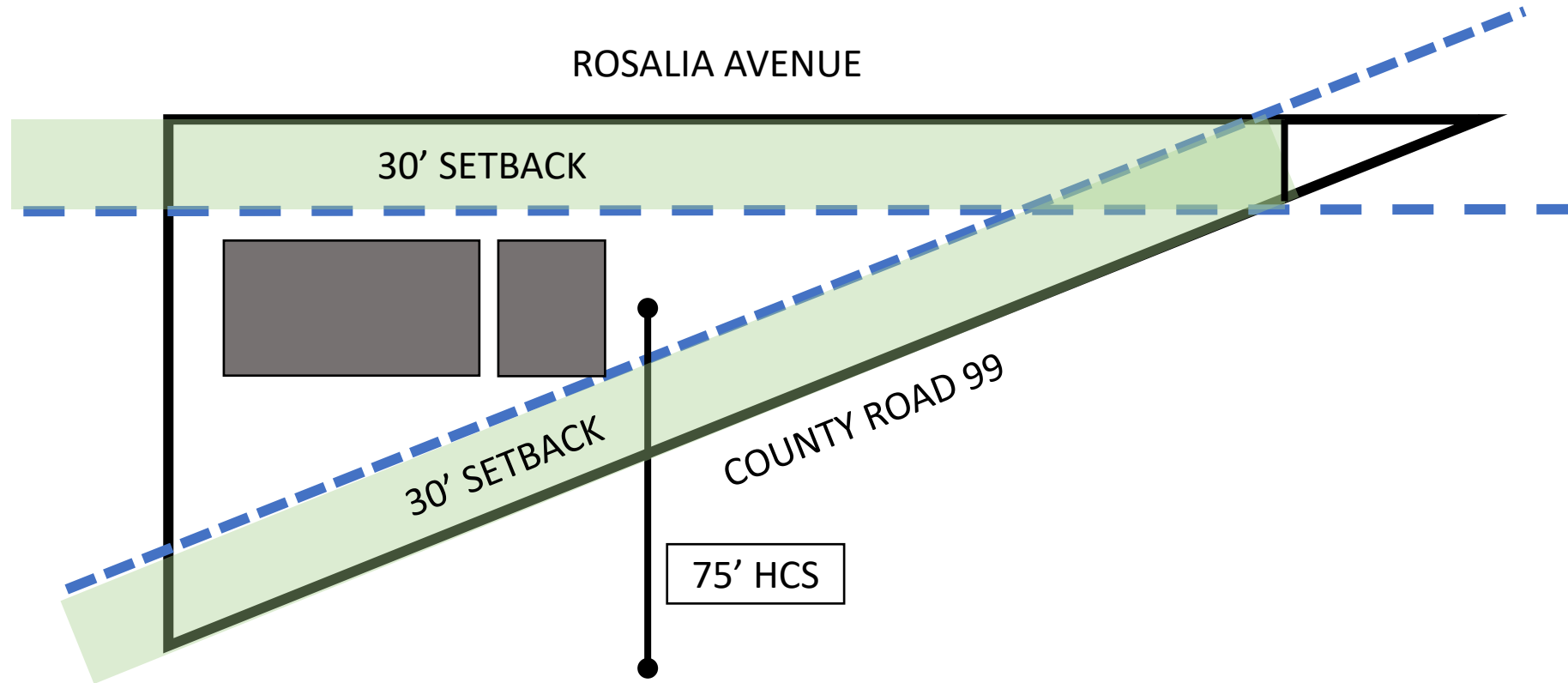
# Zoning Ordinance Requirements

## 5.1.5 *Area and dimensional ordinances.*

Maximum Height of Structure	35-Feet
Maximum Height of Structure in Habitable Stories	2½
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

# Double-Frontage Lot Setbacks

*Lot, through.* A lot, but not a corner lot, that abuts upon two streets, the frontages being noncontiguous.



Not drawn to scale

# HOA/POA Statement

Regarding property located at  
12489 Co. Rd 99 Lillies, AL.  
There is no active HOA, associated  
with this property

David R. Westlund III

11/28/23

# Staff Analysis and Findings

## 1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.

The subject property is zoned B-1, Professional Business District. Per the submitted survey, the parcel consists of approximately 0.25 +/- acres with lot dimensions of approximately 189.9' x 111.3' (approximately 21,135.9 square feet), which narrows to 189.9' x 20.8' (approximately 3,949.92 square feet). Planning District 33 came into effect on August 6, 2002. The required minimum lot size for B-1 zoning is 20,000 square feet with an 80' minimum lot width at building line and a 60' minimum lot width at street line. **Staff perceives the subject parcel's irregular shape to create a hardship on the land that would require a variance.**

RSF-2 Required minimum lot size: **20,000 sf**

Actual size: **21,135,9 sf**

Lot size hardship: **NO**

RSF-2 Required minimum width at street line: **60'**

Actual lot width: **100' to 20'**

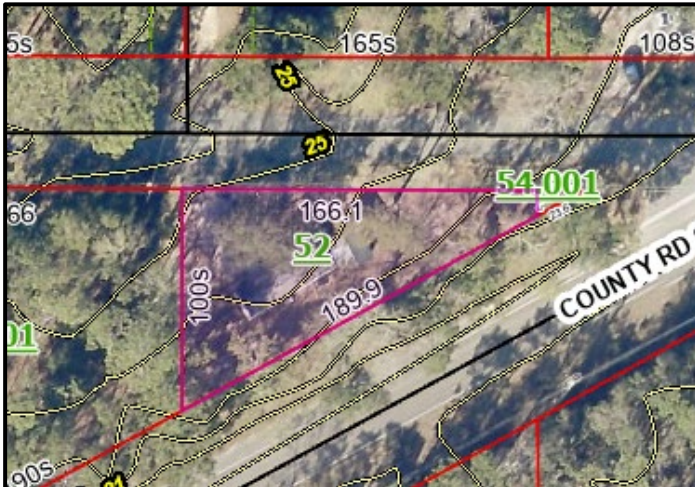
Lot width hardship: **YES**

RSF-2 Required minimum width at building line: **80'**

Actual lot width: **100' to 20'**

Lot width hardship: **YES**

## 2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.



As shown on the contour map to the left, no exceptional topographic conditions exist on the subject property, as the elevation ranges from 21 to 25 feet, indicating a relatively flat surface. Furthermore, there are no wetlands on the subject property. It can be concluded that **this criteria is not a factor for consideration of this variance request.**

# Staff Analysis and Findings

**3.) The granting of the application 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.**

The subject property is zoned B-1, Professional Business District, which allows for business uses, including a barber shop. The applicant has made every effort to move the accessory structure (shed) to another area of the property, but because of the setback requirements and the irregular shape of the lot, has been unsuccessful. The shed will be utilized as storage only for business supplies. Therefore, staff perceives the accessory structure to be necessary for the preservation of a property right at the proposed location on the property which would require a variance.

**4.) The granting of this application 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.**

Staff anticipates no major impacts, therefore staff does not believe the granting of this application will 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County. **However, staff cannot specifically assure and makes no warranty or guarantee that if granted the resultant variance will or will not diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County because the effect of the variance cannot be quantified at the time of consideration.**

**5.) Other matters which may be appropriate.**

# ZVA23-44 WESTWOOD PROPERTY

## VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 5.1.5 of the Baldwin County Zoning Ordinance as it pertains to the front yard setback for an accessory structure.

Due to the irregular shape of the property, staff recommends Case ZVA23-44 be **APPROVED** unless information to the contrary is revealed during the Public Hearing. Staff further memorializes that the shed be utilized for business storage purposes only.

# **ZVA23-44 WESTWOOD PROPERTY**

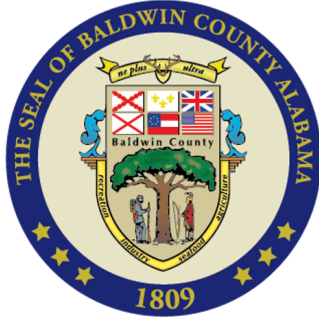
## **VARIANCE REQUEST**

Lead Staff: Cory Rhodes, Planner

### **GENERAL NOTES {By-laws}**

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board.

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

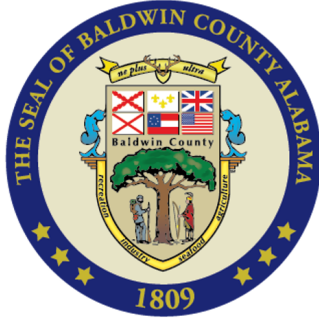
**BALDWIN COUNTY BOARD OF ADJUSTMENT #2**

**NEXT REGULAR MEETING**

**MAY 9, 2024 @ 3:00PM**

**BALDWIN COUNTY SATELLITE COURTHOUSE**

**FOLEY, AL**



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

**BALDWIN COUNTY BOARD OF ADJUSTMENT #2**

**REGULAR MEETING**

**APRIL 11, 2024 @ 3:00PM**

**BALDWIN COUNTY SATELLITE COURTHOUSE**

**FOLEY, AL**

# ZVA24-10 RICHARDSON PROPERTY

## VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Technician II

- **Planning District:** 25   **Zoned:** RSF-1, Single Family District
- **Location:** Fort Morgan Peninsula, North of State Highway 180 on Choctaw Road
- **PID:** 05-06-08-02-0-005-020.000
- **PPIN:** 1565
- **Acreage:** 0.14 +/- Acres
- **Physical Address:** 2419 Choctaw Road, Gulf Shores, AL 36542
- **Applicant:** Richardson Design Build LLC – Glenn Richardson
- **Owner:** Glenn and Kendra Richardson



# ZVA24-10 RICHARDSON PROPERTY

## VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Technician II

The applicant is requesting a variance from Section 12.5.2 (f) of the Baldwin County Zoning Ordinance as it pertains to reducing the minimum building setback line of 50' landward of the reach of the mean high-tide, to allow for the placement of a single-family home.

Staff has established the size and dimensions of the property, as well as the VE flood zone status, to be a hardship and therefore recommends Case ZVA24-10 be **APPROVED** unless information to the contrary is revealed at the public hearing.



# Locator Map



# Site Map



	Adjacent Zoning
North	RSF-1, Single Family District
South	RSF-1, Single Family District
East	RSF-1, Single Family District
West	Water

Adjacent Land Use
Residential
Residential
Residential
Water

# Site Map



Subject Property

2419

05-69-08-02-0-005-020.000 - Lot 11

2417

Choctaw Road

2423

2427

05-69-08-02-0-005-018.000

05-69-08-02-0-005-015.000 - Lot 1

05-69-08-02-0-005-029.000

2446

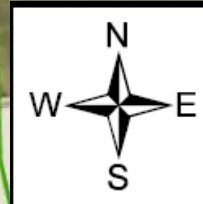
2420

05-69-08-02-0-005-032.000 - Lot 9



**BALDWIN** COUNTY,  
ALABAMA  
*Planning and Zoning Department*

# Locator Map



Subject Property

Choctaw Road



**BALDWIN** COUNTY, ALABAMA  
*Planning and Zoning Department*



Subject Property

State Highway 180





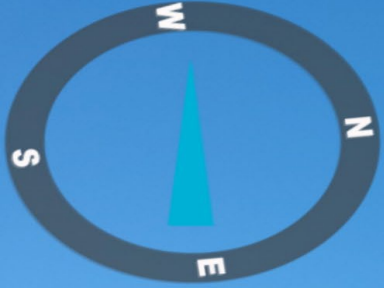
Subject Property



**PUBLIC HEARING  
PROPOSED  
FOR THIS PROPERTY**  
Case Number  
**ZVA24-000010**  
Baldwin County Planning  
and Zoning Department  
For more information,  
please scan the QR  
code, call, or email.  
(251) 580-1655  
[planning@baldwincountyal.gov](mailto:planning@baldwincountyal.gov)



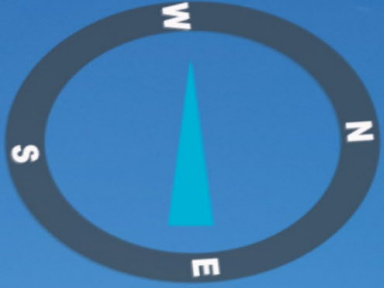
Mar 20, 2024 12:40:22 PM  
277° W



Adjoining Property  
to The South



Mar 20, 2024 12:40:43 PM  
278° W



Adjoining Property  
to The North



Mar 20, 2024 12:41:13 PM  
274° W



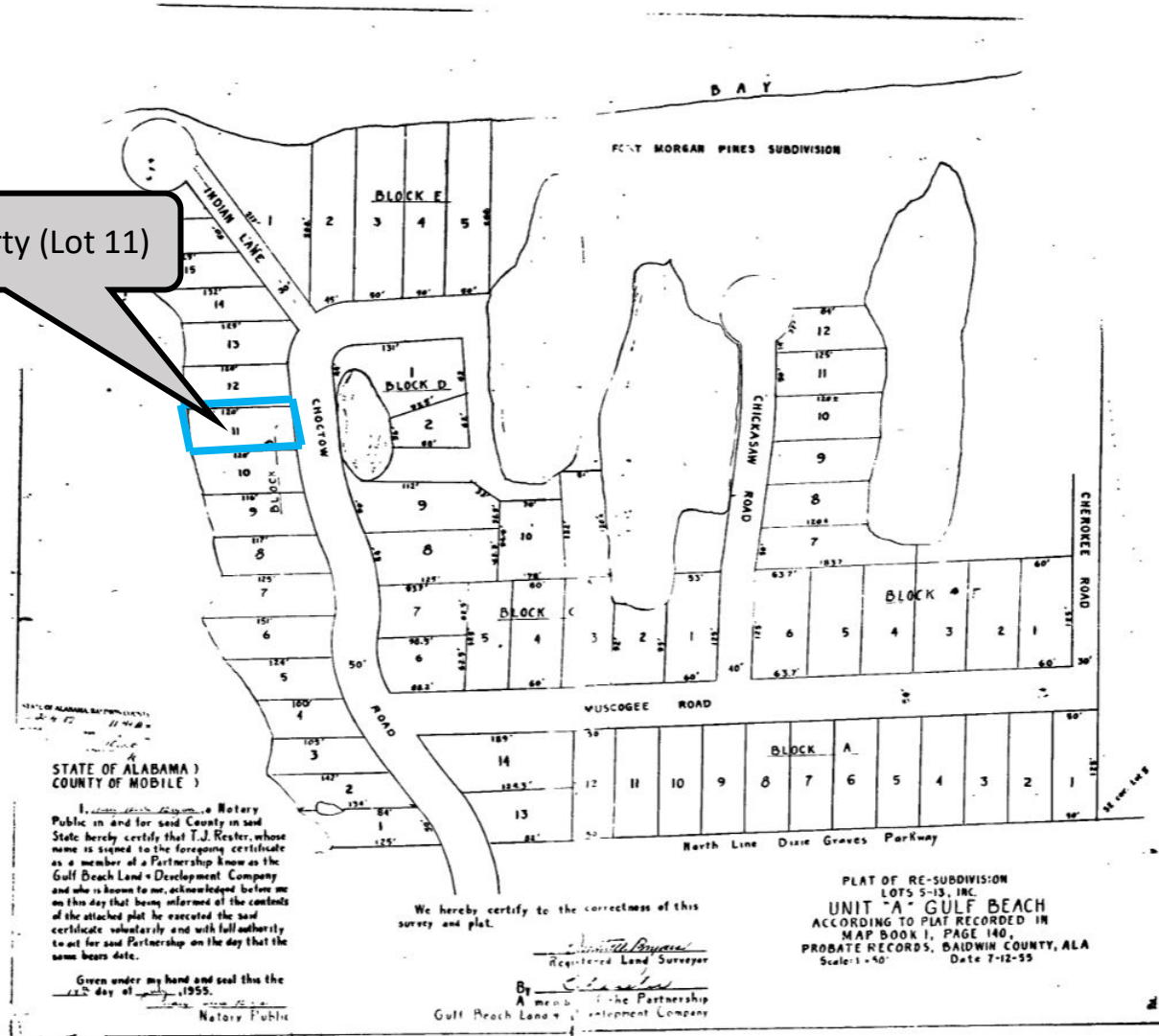
Property Across  
The Street



Mar 20, 2024 12:41:33 PM  
85° E

# Fort Morgan Pines Subdivision Plat

Subject Property (Lot 11)



# Flood Zone Map



Subject Property

Choctaw Road

# Section 4.2.5 and Section 12.5.2 (f)

## Section 4.2 RSF-1, Single Family District

4.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances, and Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

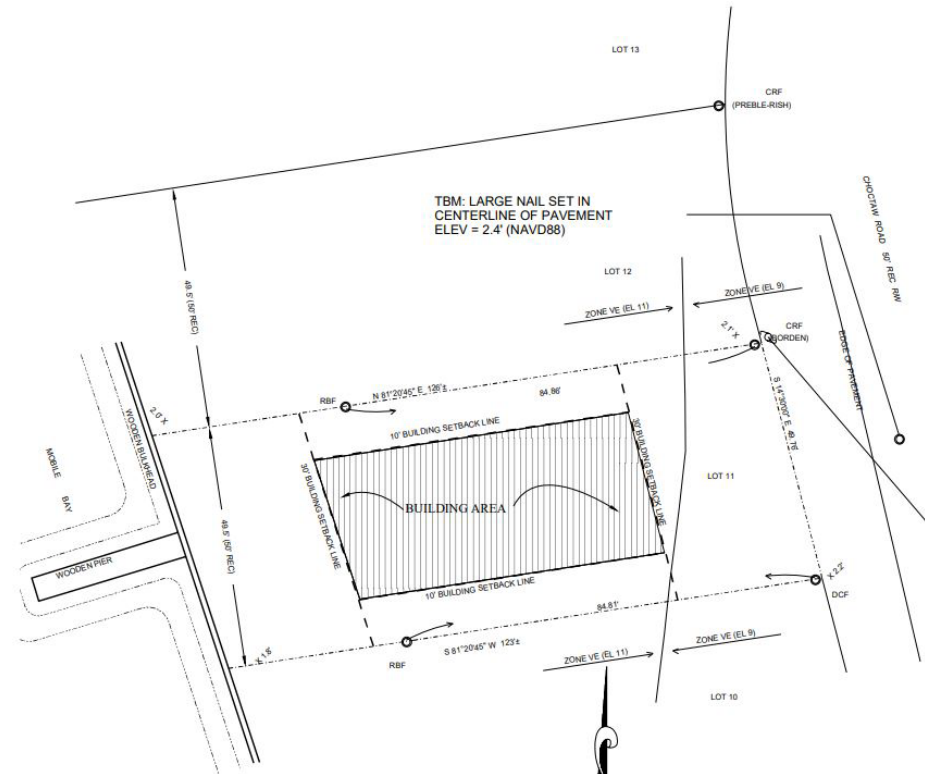
## Section 12.5 Yard Requirements

12.5.1 Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than 2-feet beyond the yard area requirements. (For additional provisions see *Section 22.2, Definitions* "Accessory Structure" and "Structure")

12.5.2 Yard requirements shall be modified subject to the following conditions:

- (a) Through lots shall provide the required front yard on each street.
- (b) Decks and unroofed porches may project into a required front yard for a distance not to exceed 5-feet and a required rear yard not to exceed 10-feet.
- (c) Uncovered steps and handicap ramps may project into a required front, or side yard for a distance not to exceed 5-feet and a rear yard not to exceed 10-feet.
- (d) On a corner lot, the side yard from the side lot line which abuts a street shall be a minimum of 20-feet.
- (e) Where a subdivision has been approved by the Planning Commission in accordance with the *Baldwin County Subdivision Regulations* prior to the enacting of zoning ordinances with front, rear or side yard setbacks different than the minimums required herein, the setbacks as recorded on the plat shall apply.
- (f) All buildings or structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.

# Site Plan



DESCRIPTION FOUND IN RECORDING INSTRUMENT No. 1681261:

LOT 11, BLOCK B, FORT MORGAN PINES, AS RECORDED IN MAP BOOK 4, PAGE 195 OF THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

NOTES:

THIS PROPERTY WAS SCALED ONTO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP NUMBER 01003 C 1026 L (EFFECTIVE JUNE 17, 2002 AND REVISED JULY 17, 2007) AND FOUND TO BE IN ZONES VE (EL 9) AND VE (EL 11).

BEARINGS ARE SCALED, PINNING THE WEST RIGHT OF WAY LINE OF CHOCTAW ROAD TO NORTH 14 DEGREES 30 MINUTES WEST.

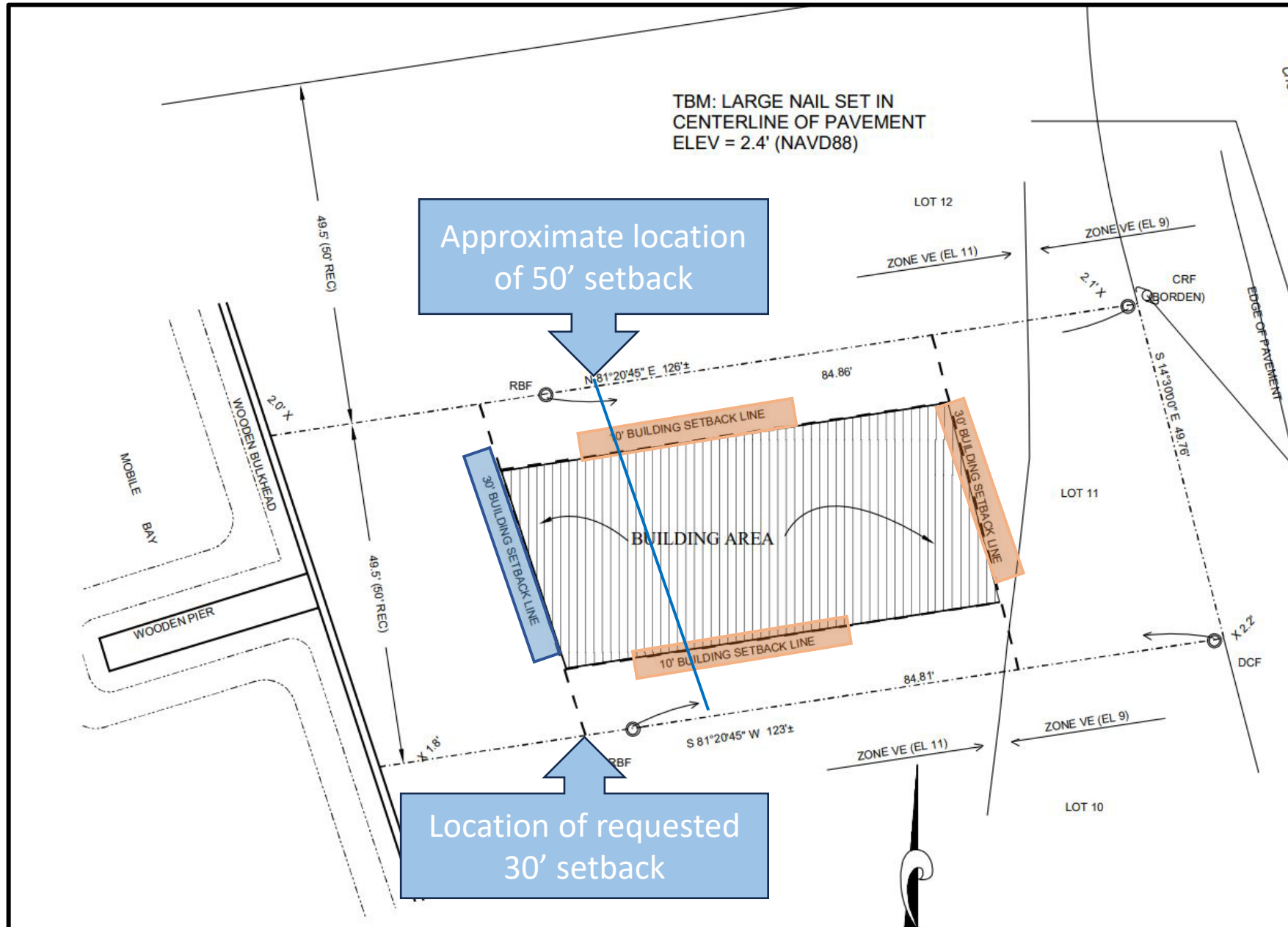
## LEGEND

- CRF - 1/2" DIAMETER REBAR, WITH PLASTIC CAP, FOUND
- DCF - POTATO DIGGER CHAIN LINK FOUND
- E - OVERHEAD ELECTRIC LINES
- RBF - 1/2" DIAMETER REBAR FOUND
- REC - RECORDED
- R/W - RIGHT OF WAY
- X - GROUND ELEVATION
- Utility Pole

## Progress Drawings

This drawing is not intended to be used for contract pricing or fabrication purposes. All content is subject to change.

# Site Plan



# No HOA/POA

Glenn B. Richardson  
641 E 23<sup>rd</sup> Ave., Apt. 12  
Gulf Shores, AL 36542

2/23/2024

Baldwin County Zoning  
201 East Section Avenue  
Foley, AL 36535

Re: POA Statement for 2419 Choctaw Road, Gulf Shore, AL 36542

Zoning Department,

Parcel number: 05-69-08-02-0-005-020.000, Parcel ID: 1565 is not subject to any Property Owners Association.

A handwritten signature in black ink that reads "Glenn B Richardson". The signature is written in a cursive, flowing style.

Glenn B. Richardson

# No ABM Habitat

Glenn Richardson

---

From: Lynn, William (Bill) <william\_lynn@fws.gov>  
Sent: Tuesday, February 27, 2024 11:06 AM  
To: Glenn Richardson  
Subject: Re: [EXTERNAL] Parcel Number: 05-69-08-02-0-005-020.000, PIN 1565

Glenn,

Yes this lot (TAX PIN 1565) does not have any ABM habitat on it.

Thanks,

Bill

\*\*\*\*\*  
Bill Lynn  
Certified Wildlife Biologist  
Alabama ES Field Office  
1208B Main Street  
Daphne, AL 36526  
251-331-2920 Cell  
251-441-5868 Office  
251-441-6222 Fax  
<http://www.fws.gov/daphne/>  
\*\*\*\*\*

**OUR VISION:** "Together, we will connect lands and waters to sustain fish, wildlife and plants by being visionary leaders, bold innovators and trusted partners, working with and for people."

**NOTE:** This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

# Wetland Letter



February 13, 2024

Mr. Glenn Richardson  
641 E. 23<sup>rd</sup> Ave #12  
Gulf Shores, Alabama 36542

**Re: Wetland Assessment Report /Alabama Beach Mouse Absence  
2419 Choctaw Road, Baldwin County, Alabama  
WSI Project #2024-031**

Dear Mr. Richardson,

As requested, Wetland Sciences, Inc. has completed a field wetland delineation on the parcel located at 2419 Choctaw Rd., Fort Morgan, in Baldwin County, Alabama. The property is identified by the Baldwin County Revenue Commission with the Parcel Identification Numbers: (PIN) 1565.



Subject parcel outlined in yellow

## Jurisdictional Wetland Determination

This assessment included an analysis of plant communities, soils, and indirect hydrologic indicators. During this determination, Wetland Sciences, did not identify wetlands which fall within the regulatory jurisdiction of the US Army Corps of Engineers (Corps) and the Alabama Department of Environmental Management (ADEM) under **33 CFR 320-330**. See attached wetland sketch – Exhibit A). The parcel consists entirely in an upland condition.

The assessment was completed by a thorough pedestrian survey covering 100% of the subject property. I personally inspected the property on February 9, 2024. No hydrologic or hydric soil indicators were present with 18" of the soil surface. The soils consist of single grained sands. Vegetation would be characterized as disturbed secondary coastal flats. Torpedo grass (*Panicum spp.*), Marsh hay (*Spartina patens*), Beach panic grass (*Panicum amarum*) and sea oats (*Uniola paniculata*) are the dominant species present.

## Alabama Beach Mouse

During the course of this assessment, it was determined that the subject property is located outside of the federally listed Alabama Beach Mouse (ABM) (*Peromyscus polionotus ammobates*) range. No tracks or burrows were noted by biologists during a field inspection of the property.

Representative site condition photographs are provided within exhibit A.

It is my opinion that the subject parcel does not possess jurisdictional wetlands or Alabama Beach Mice. Although, the statement is made with a high degree of confidence, only the respective regulatory agencies can confirm our findings or conclusions.

If you have any questions, please do not hesitate to contact me at (850) 453-4700.

Respectfully,  
**WETLAND SCIENCES, INC.**

A handwritten signature in black ink, appearing to read 'Craig Martin'.

Craig Martin  
Senior Scientist

# Staff Analysis and Findings

## 1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.

The subject property is zoned RSF-1, Single Family District and is located on the Fort Morgan Peninsula, North of State Highway 180. The parcel consists of approximately 0.14 +/- acres with lot dimensions of 49' x 128' (approximately 6,098 square feet). Planning District 25 came into effect on June 19, 1992. The required minimum lot size for RSF-1 for single-family housing is 30,000 square feet with a 100' minimum lot width at building line and 50' minimum lot width at street line. Staff perceives the subject parcel to be exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance.

RSF-1 Required minimum lot size: 30,000 sf

Actual size: 6,098 sf (0.14 acres)

Lot size hardship: YES

RSF-1 Required minimum width at street line: 50'

Actual lot width: 49'

Lot width hardship: YES

RSF-1 Required minimum width at building line: 100'

Actual lot width: 49'

Lot width hardship: YES

## 2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.

Because the property is located in a VE Flood Zone that requires a 50' front setback instead of the typical 30' setback, staff perceives this property to have an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which requires a variance.

# Staff Analysis and Findings

**3.) The granting of the application 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.**

The subject property is located in Planning District 25 and is zoned RSF-1, Single Family District which allows residential uses. Slide 274-A (Fort Morgan Pines Subdivision) was recorded in 1955, and thus the creation of the lot predates zoning by approximately thirty-seven (37) years. Staff feels the granting of this variance would be a necessity for preservation of a property right that would require a variance.

**4.) The granting of this application 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.**

Staff anticipates no major impacts, therefore staff does not believe the granting of this application will 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County. However, staff cannot specifically assure and makes no warranty or guarantee that if granted the resultant variance will or will not diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County because the effect of the variance cannot be quantified at the time of consideration.

# Staff Analysis and Findings

## 5.) Other matters which may be appropriate for consideration.

### **Comments from Building Department (Floodplain Manager):**

“No concerns with the setbacks being changed. Once they get ready to build, I will need to look at it again for compliance as it is related to new construction or fill.”

### **Fort Morgan Planning and Zoning Advisory Committee Recommendation**

The committee voted YES on this request.  
The request is consistent with the adjacent properties. And no wetlands are impacted.

# ZVA24-10 RICHARDSON PROPERTY

## VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Tech II

The applicant is requesting a variance from Section 12.5.2 of the Baldwin County Zoning Ordinance as it pertains to reducing the minimum building setback line of 50' landward of the reach of the mean high-tide, to allow for the placement of a single-family home.

Staff recommends **APPROVAL** of the variance request with the following conditions and memorialized information:

1. If approved, the variance is limited to the request as shown on the Site Plan.
2. Submission of a Zoning Site Plan application (ZSP) depicting the site plan included with this variance.
3. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway or turnout permit), or requirements of other agencies.

# **ZVA24-10 RICHARDSON PROPERTY**

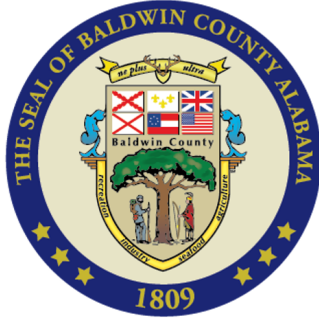
## **VARIANCE REQUEST**

Lead Staff: Brittany Epling, Planning Tech II

### **GENERAL NOTES {By-laws}**

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board.

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

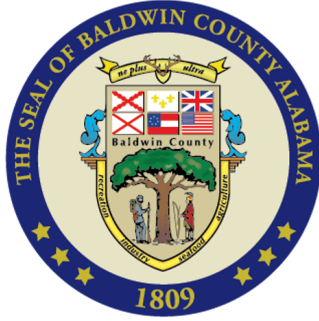
**BALDWIN COUNTY BOARD OF ADJUSTMENT #2**

**NEXT REGULAR MEETING**

**MAY 9, 2024 @ 3:00PM**

**BALDWIN COUNTY SATELLITE COURTHOUSE**

**FOLEY, AL**



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

**BALDWIN COUNTY BOARD OF ADJUSTMENT #2**

**REGULAR MEETING**

**APRIL 11, 2024 @ 3:00PM**

**BALDWIN COUNTY SATELLITE COURTHOUSE**

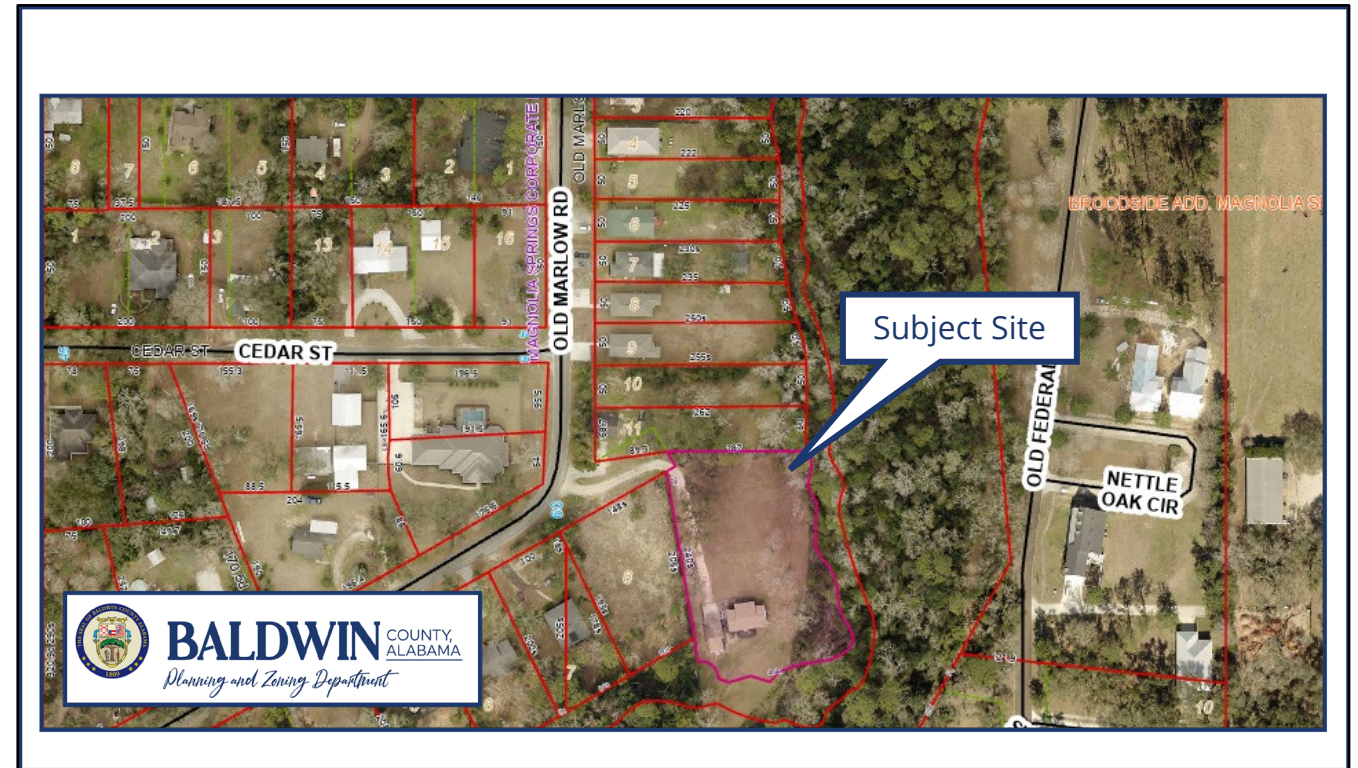
**FOLEY, AL**

# ZVA24-11 KRINER PROPERTY

## VARIANCE REQUEST

Lead Staff: Calla McKenzie, Planning Technician II

- **Planning District:** 20
- **Zoned:** RSF-1, Single Family District
- **Location:** The subject property is located southeast of Old Marlow Rd.
- **PID:** 05-55-08-38-0-000-031.001
- **PPIN:** 83313
- **Acreage:** +/- 4.5 acres
- **Physical Address:** 15002 Gates Avenue
- **Applicant:** Randy Kriner
- **Owner:** Randy and Michelle Kriner



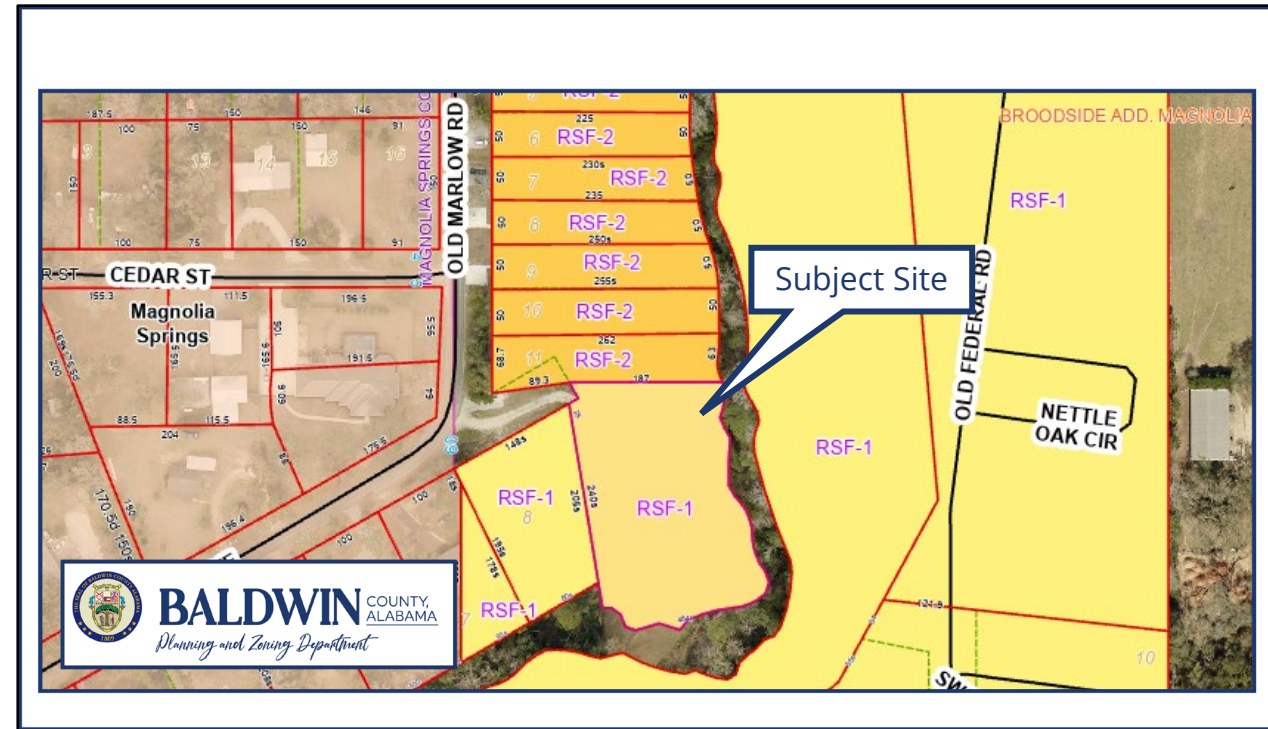
# ZVA24-11 KRINER PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

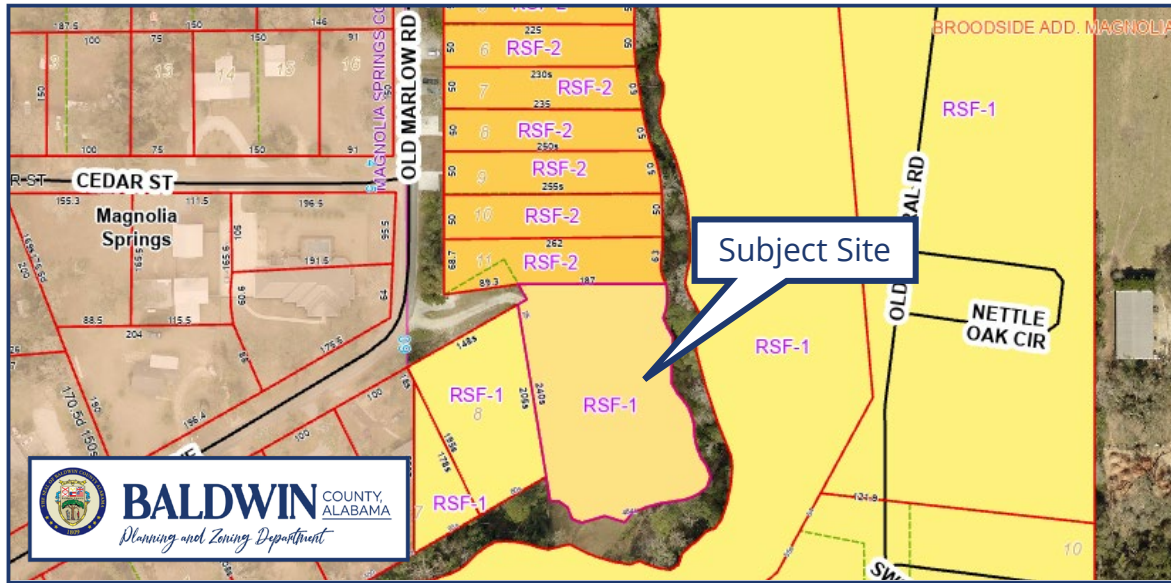
Lead Staff: Calla McKenzie, Planning Technician II

The applicant is requesting a variance from Section 13.1.2(b) of the Baldwin County Zoning Ordinance as it relates to an accessory structure in the front yard.

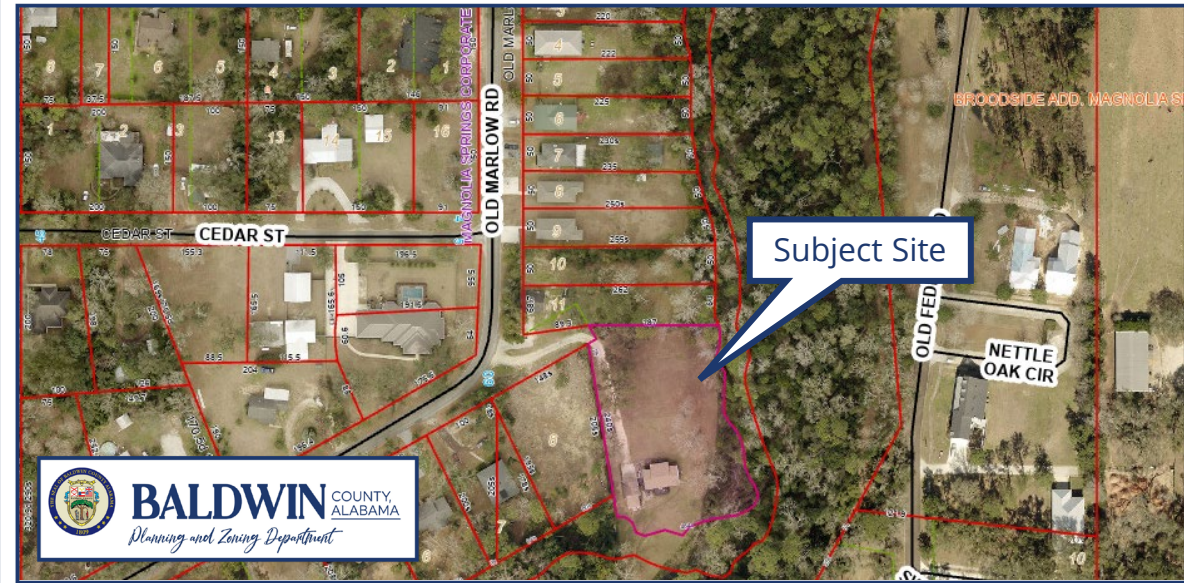
Staff perceives the stream on the east side of the property may establish a hardship on the subject property and therefore recommends ZVA24-11 be **APPROVED** with conditions unless information to the contrary is revealed at the public hearing.



# Locator Map



# Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-2, Residential Single-Family District	Residential
South	RSF-1, Residential Single-Family District	Vacant
East	RSF-1, Residential Single-Family District	Vacant
West	RSF-1, Residential Single-Family District	Vacant

Mar 4, 2024 at 11:45:37 AM  
136° SE

Subject Property



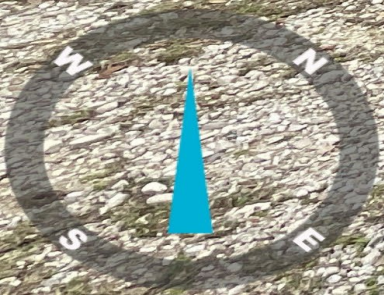
Mar 4, 2024 at 11:48:35 AM  
185° S

Subject Property



Mar 4, 2024 at 11:50:22 AM  
315° NW

Adjoining Property  
to The North

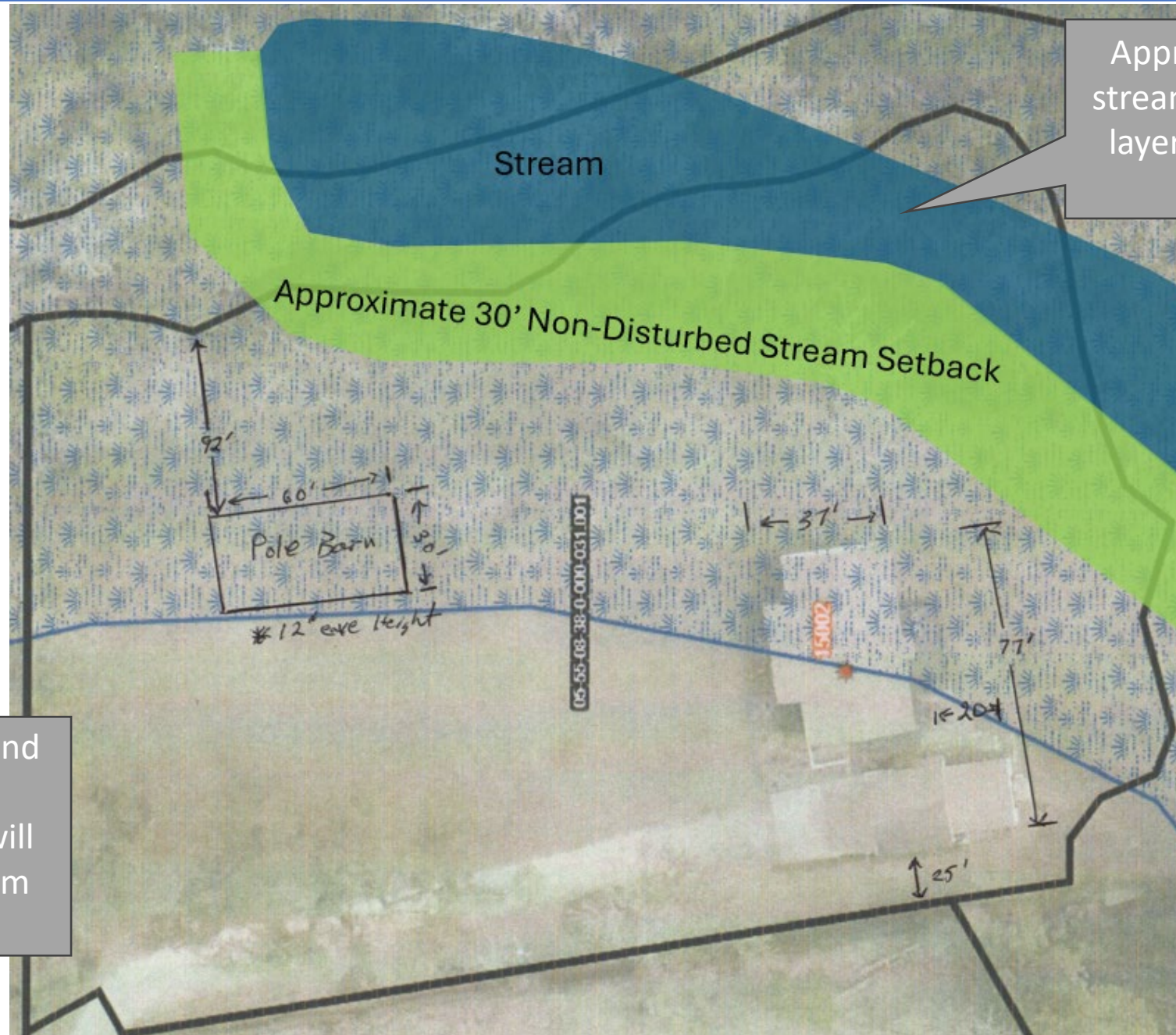


Mar 4, 2024 at 11:50:39 AM  
172° S

Adjoining Property  
to The West



# Site Plan



Approximate location of the stream according to the Hydro layer on the Baldwin County Parcel Viewer

Staff visited the site and confirmed that the proposed structure will be more than 30' from the stream.

\*Not drawn to scale

# Zoning Requirements

13.1.2 *Rural and Residential districts.* In residential districts an accessory use or structure will conform to the following requirements:

- (a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any lot line.
- (b) Except in rural districts, an accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.
- (c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than 30% of the rear yard.
- (d) Except in rural districts, no accessory structure, other than a pier and boathouse, may be located on a lot by itself.

# Staff Analysis and Findings

## 1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.

Zoning in Planning District 20 came into effect on April 2, 2002. Per Revenue Commission records the property is an irregularly shaped lot approximately 187' along the north lot line, 484' along the south line, and 240' along the west line. The required minimum lot size for RSF-1 is 30,000 square feet with a 100' minimum lot width at the building line, and a 50' minimum lot width at the street line. Staff does not perceive any exceptional narrowness, shallowness, or shape of the subject property that would require a variance. However, staff believes that this criteria is **not a factor** to the request at hand.

Minimum lot size: **30,000 sf** Actual lot size: +/- **4.5 acres** Minimum Lot width: **100'** Actual Lot Width: ***Varies but meets requirements***

## 2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.

Staff perceives that the stream located on the eastern side of the subject property may be an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which may qualify for a variance.

# Staff Analysis and Findings

**3.) The granting of the application 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.**

The subject property is zoned RSF-1, Single Family District which allows for residential and accessory uses. The request is to allow for the construction of a pole barn on the property. Staff perceives the granting of the application may be a necessity for the preservation of a property right due to the required 30' non-disturbed stream/wetland setback on the subject property.

**4.) The granting of this application 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.**


Staff does not believe the granting of this application, **in general**, will 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County. However, staff cannot specifically assure and makes no warranty or guarantee that if granted the resultant variance will or will not diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County because the effect of the variance cannot be quantified at the time of consideration.

# Staff Analysis and Findings

## 5.) Other matters which may be appropriate.

- There is a stream located on the east side of the property. Per the Zoning Ordinance, there is a 30' non-disturbed stream/wetland buffer that takes up a good portion of the side and rear yard.
- The property owner has provided documentation stating that there is no POA/HOA.
- No documentation in favor of or opposition to this variance request has been received at the time this staff report was written.
- There is a septic tank located on the east side of the home which further prevents the owner from being able to build in the side yard.

I Randy Kriner have no active HOA or POA.

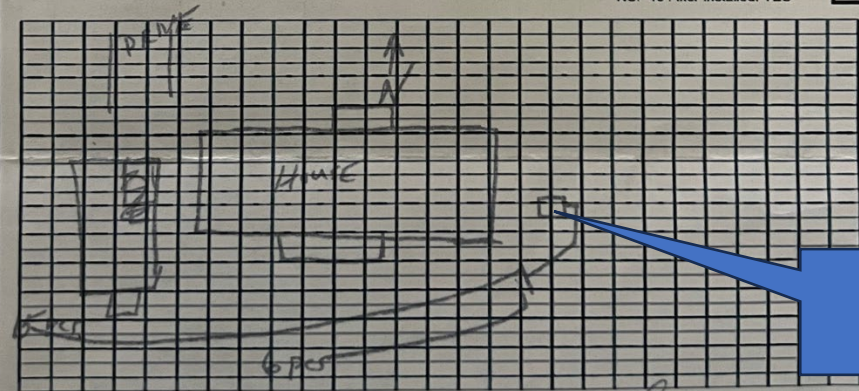
  
Randy Kriner  
SMSgt (R) USAF

**APPROVAL FOR USE OF AN ONSITE SEWAGE DISPOSAL SYSTEM**

☒ System was installed in compliance with requirements of original permit, or ☐ Actual installation consists of \_\_\_ gallon tank, \_\_\_ linear feet of \_\_\_ (product) line \_\_\_ inch wide trench, \_\_\_ linear feet x \_\_\_ inch wide washing machine effluent line.

Sketch Location of Disposal System in Relation to House / Building and Well

NSF 46 Filter Installed: YES ☐



Date Approval for Use Issued: 1-17-12 *SCOTT AM...* Signature Public Health Environmentalist

The issuance of an Approval for Use does not imply or guarantee that the onsite sewage disposal system will function for any specified period of time.

ADPH-CEP-4/Rev. 05/2004 SPECIAL CONDITIONS (See Attached) APPROVAL FOR USE Yellow Copy-HD Pink Copy-Owner

Septic tank  
location

# ZVA24-11 KRINER PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, Planning Technician II

The applicant is requesting a variance from Section 13.1.2(b) of the Baldwin County Zoning Ordinance as it relates to an accessory structure in the front yard.

Staff perceives the stream on the east side of the property may establish a hardship on the subject property and therefore recommends ZVA24-11 be **APPROVED** with the following conditions unless information to the contrary is revealed at the public hearing.

1. If approved, the variance is limited to the accessory structure as shown on the provided site plan.
2. This variance relieves the subject property of no other requirements of the Baldwin County Zoning Ordinance (zoning site plan), Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway or turnout permit), or requirements of other agencies.

# ZVA24-11 KRINER PROPERTY

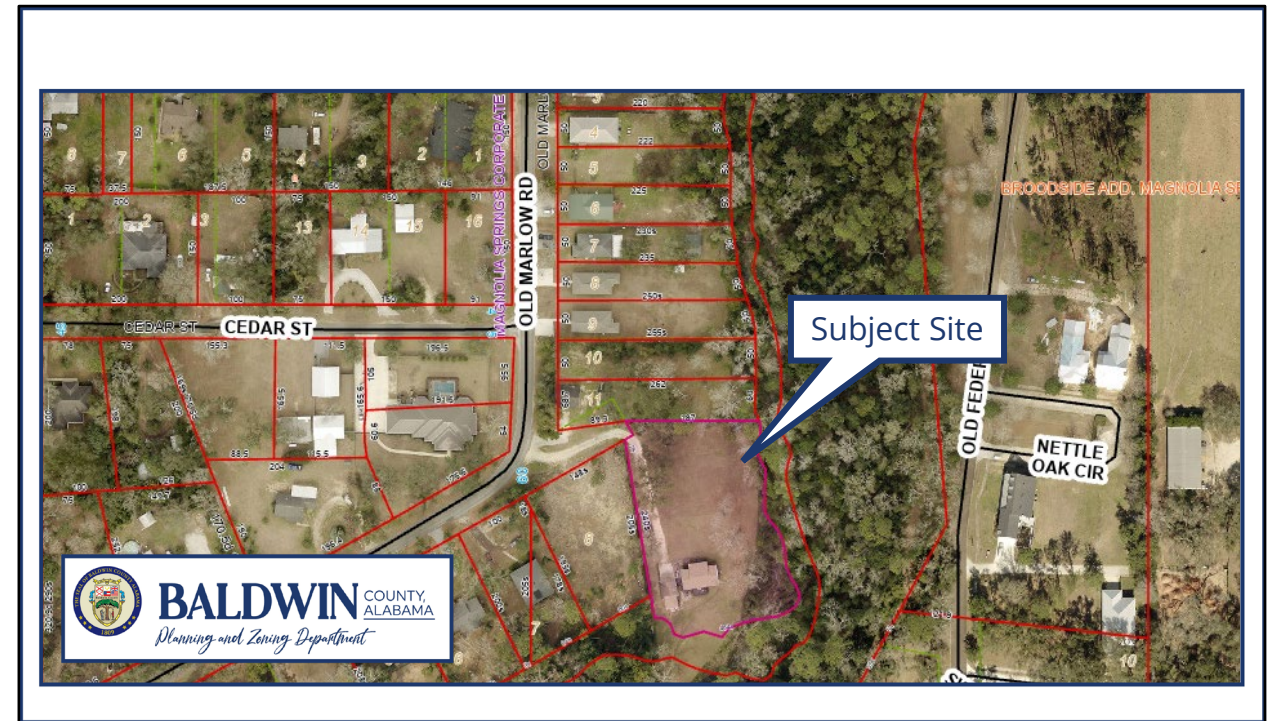
## GENERAL NOTES

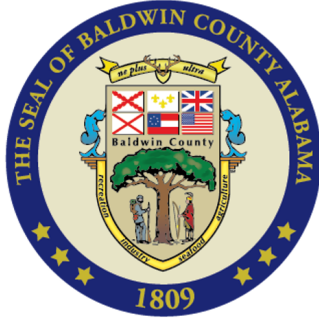
Lead Staff: Calla McKenzie, Planning Technician II

### GENERAL NOTES {By-laws}

Any party aggrieved by a final judgment or decision of the Board of Adjustment may within fifteen (15) days thereafter, appeal the final judgment to the Circuit Court of Baldwin County, Alabama, by filing with the Circuit Court and the Board of Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, the Board of Adjustment shall cause a transcript of the proceedings and the action to be certified to the Court where the appeal is taken.

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.





**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

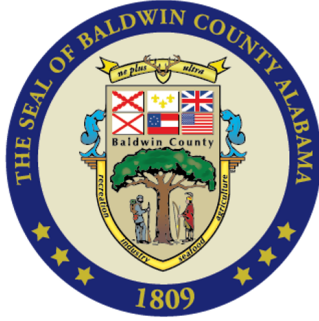
**BALDWIN COUNTY BOARD OF ADJUSTMENT #2**

**NEXT REGULAR MEETING**

**MAY 9, 2024 @ 3:00PM**

**BALDWIN COUNTY SATELLITE COURTHOUSE**

**FOLEY, AL**



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

APRIL 11, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

# ZVA24-12 BEAVER PROPERTY

## VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 25 **Zoned:** RSF-1, Residential Single-Family District
- **Location:** The subject property is in the Shellbanks Subdivision, Lot 3, which is north of State Highway 180 and east of in Gulf Shores
- **PID:** 05-68-06-23-0-002-011.000
- **PPIN:** 44730
- **Acreage:** 0.54 +/- acres
- **Physical Address:** 11173-A State Highway 180 Gulf Shores, AL 36542
- **Applicant:** David Beaver
- **Owner:** Cash Homes Alabama, LLC



# VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Sections 4.2.5 and 13.1.2(b) of the Baldwin County Zoning Ordinance as it pertains to an accessory structure remaining in the front yard.

Staff cannot establish a hardship on the property and therefore recommends Case ZVA24-12 be **DENIED** unless information to the contrary is revealed during the Public Hearing.



# Locator Map



# Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-1, Residential Single-Family District	Residential
South	RSF-1, Residential Single-Family District	Residential
East	RSF-1, Residential Single-Family District	Residential
West	RSF-1, Residential Single-Family District	Residential

# Site Map



PIN: 44730

Leads to an  
unimproved ROW

Malone Lane

2nd Street

State Highway 180

# Locator Map

PIN: 44730

Malone Lane

2nd Street

State Highway 180



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*



Subject Property



PRIVATE  
DRIVE  
PRIVATE  
PROPERTY

**PUBLIC HEARING  
PROPOSED  
FOR THIS PROPERTY**  
Case Number  
**ZVA24-000012**  
Baldwin County Planning  
and Zoning Department  
For more information,  
please scan the QR  
code, call, or email:  
(251) 580-1655  
planning@baldwincountypa.gov

Subject property looking west  
from 2<sup>nd</sup> Street

Mar 20, 2024 1:57:35 PM  
304° NW



Adjoining Property  
to The East

Property to the east looking  
north from 2<sup>nd</sup> Street

Mar 20, 2024 1:57:55 PM  
4° N

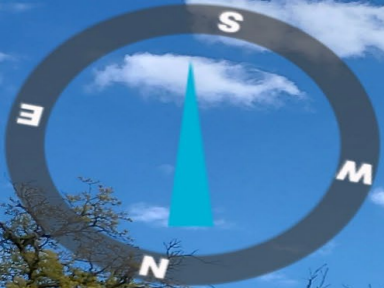


Adjoining Property  
to The North



Property to the north looking  
west from 2<sup>nd</sup> Street

Mar 20, 2024 1:59:04 PM  
286° W



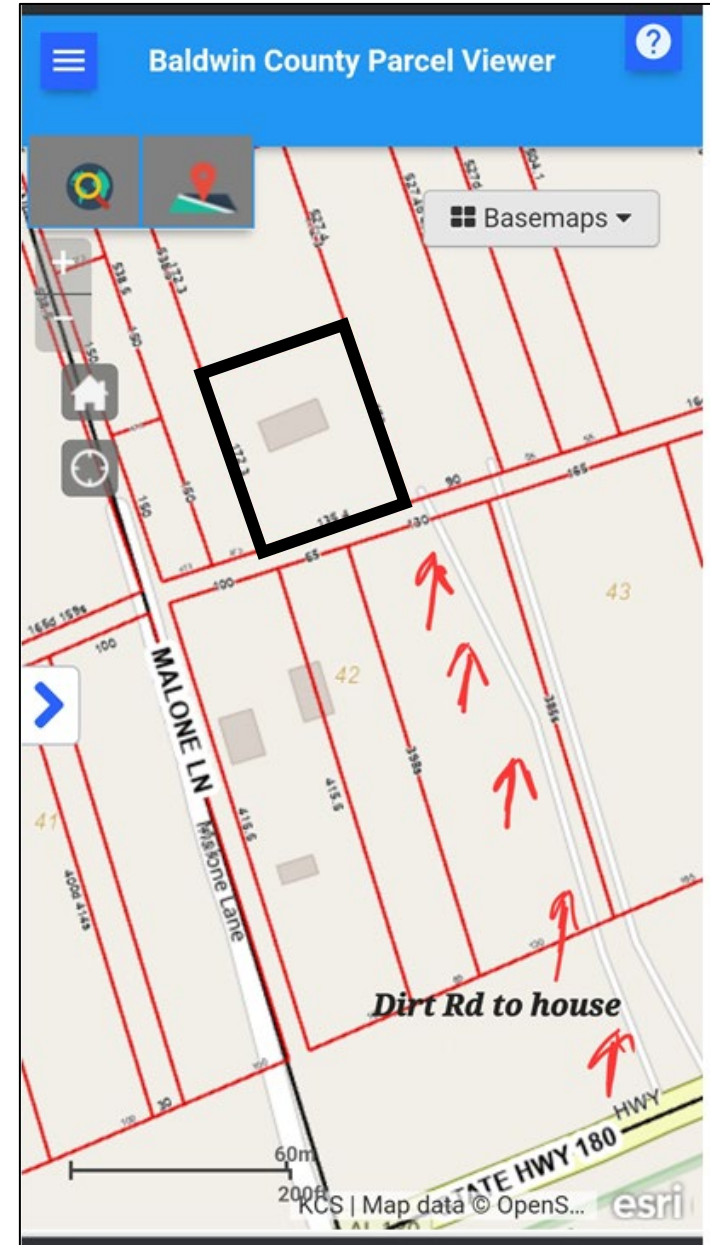
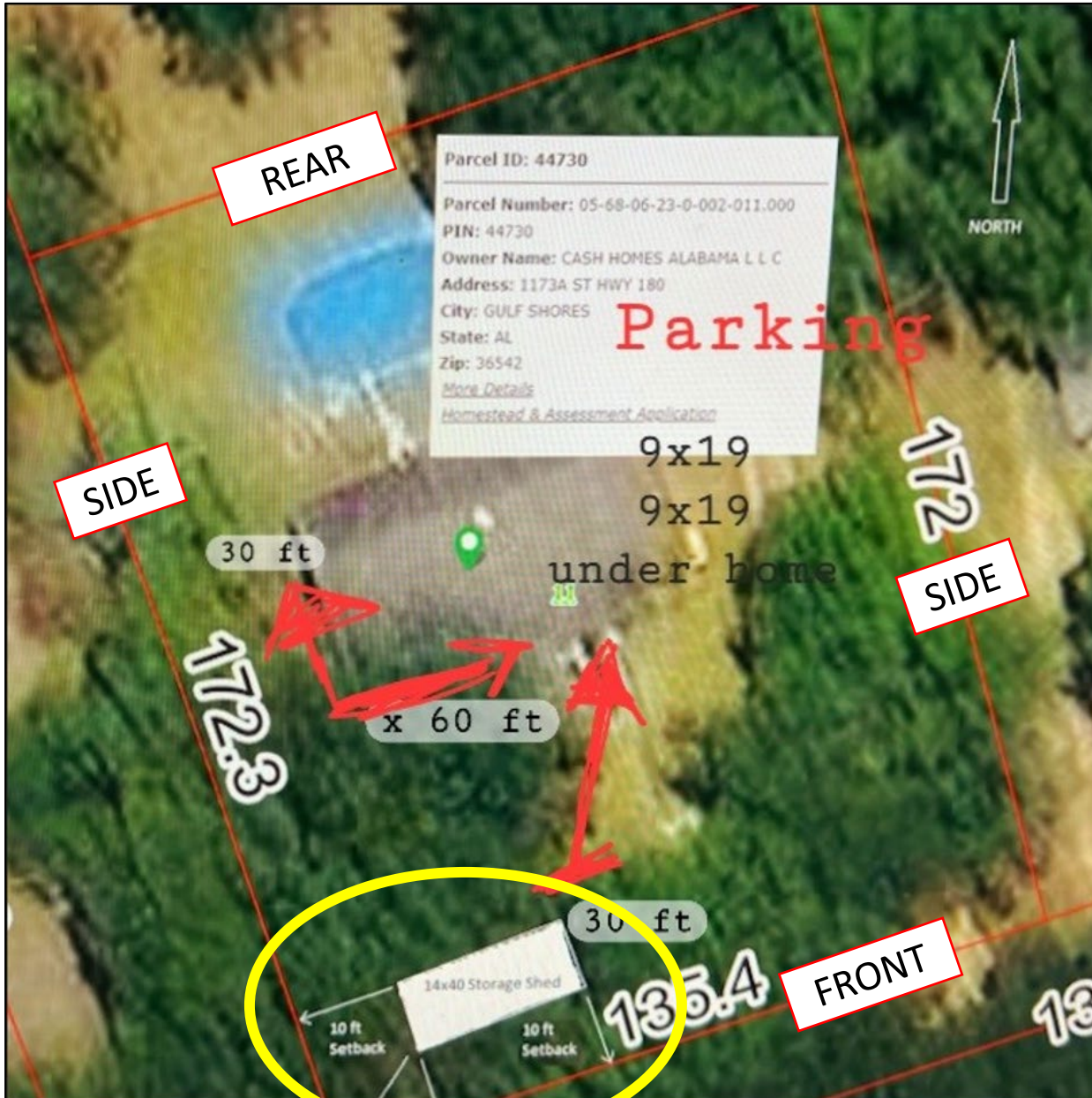
Property to  
The South



Property to the south looking  
south from 2<sup>nd</sup> Street

Mar 20, 2024 2:03:18 PM  
166° S

# Site Plan



# Zoning Ordinance Requirements

4.2.5 *Area and dimensional ordinances.* Except as provided by Section 2.3: *Establishment of Zoning in Planning Districts*, Section 12.4: *Height Modifications*, Section 12.5: *Yard Requirements*, Section 12.6: *Coastal Areas*, Section 12.8: *Highway Construction Setbacks*, Section 18.4 *Variances*, and Article 20: *Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

13.1.2 *Rural and Residential districts.* In residential districts an accessory use or structure will conform to the following requirements:

- (a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any lot line.
- (b) Except in rural districts, an accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.
- (c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than 30% of the rear yard.
- (d) Except in rural districts, no accessory structure, other than a pier and boathouse, may be located on a lot by itself.

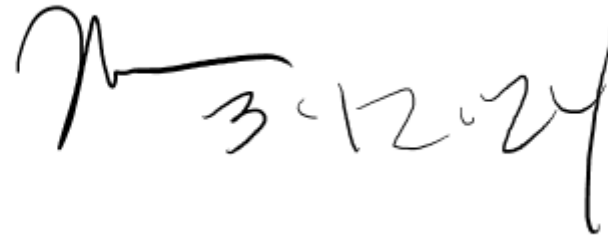
# HOA/POA Statement

There is no active HOA association for area homes.

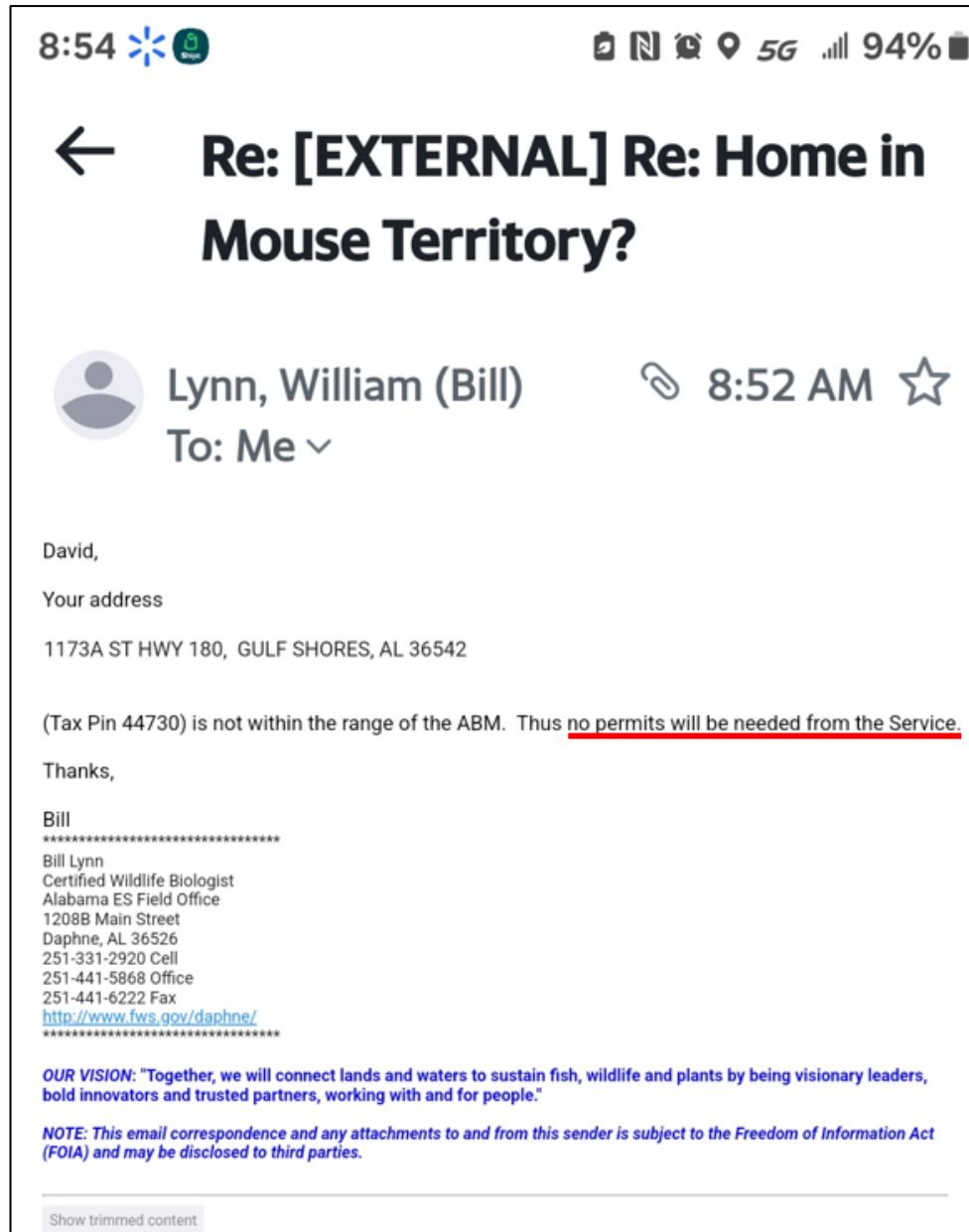
David Beaver

11173A State Highway 180

Gulf Shores, AL 36542

A handwritten signature in black ink, appearing to read "D Beaver", followed by the date "3-12-24" written in a cursive style.

# ABM Statement



# FMPZAC Recommendation

Case No. **ZVA24-12** Setback Variance and Front Yard Setback Variance – 11173-A State Highway 180.

The committee voted **NO** on this request.

This project was started without the required permits and there were complaints and objections from the adjacent property owners.

# Staff Analysis and Findings

## 1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.

The subject property is zoned RSF-1, Residential Single-Family District. Per the Parcel Viewer, the property consists of approximately 0.54 +/- acres with lot dimensions of approximately 135.4' x 172.3' (approximately 23,329.4 square feet). Planning District 25 came into effect on November 16, 1993. The required minimum lot size for RSF-1 zoning is 30,000 square feet with a 100' minimum lot width at building line and a 50' minimum lot width at street line. **Staff perceives no exceptional narrowness, shallowness, or shape on the subject property and thus this factor is not a criteria consideration of this variance request.**

RSF-2 Required minimum lot size: **30,000 sf**

Actual size: **23,329 sf**

Lot size hardship: **NO**

RSF-2 Required minimum width at street line: **50'**

Actual lot width: **135'**

Lot width hardship: **NO**

RSF-2 Required minimum width at building line: **100'**

Actual lot width: **135'**

Lot width hardship: **NO**

## 2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.



As shown on the contour map to the left, no exceptional topographic conditions exist on the subject property, as the elevation ranges from 7 to 8 feet, indicating a flat surface. Furthermore, there are no wetlands on the subject property. It can be concluded that **this criteria is not a factor for consideration of this variance request.**

# Staff Analysis and Findings

**3.) The granting of the application 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.**

The subject property is zoned RSF-1, Residential Single-Family District, which allows for single-family dwelling and accessory structures. Per Section 13.1.2(a) of the Baldwin County Zoning Ordinance, accessory structures may be located in a rear or side yard, provided they are not closer than 5 feet from the property line. Per the submitted Site Plan, the shed may be moved to one of these locations and meet the requirements. Therefore, staff perceives the current location of the accessory structure to be a convenience and not necessary for the preservation of a property right at the proposed location on the property which would require a variance.

**4.) The granting of this application 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.**

Staff anticipates no major impacts, therefore staff does not believe the granting of this application will 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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County. However, staff cannot specifically assure and makes no warranty or guarantee that if granted the resultant variance will or will not diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County because the effect of the variance cannot be quantified at the time of consideration.

# Images of Site from Applicant

## 5.) Other matters which may be appropriate.



# Images of Site from Applicant

5.) Other matters which may be appropriate (*continued*).



LOCATION OF OLD SHED WHILE  
STANDING AT NEW SHED

# ZVA24-12 BEAVER PROPERTY

## VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Sections 4.2.5 and 13.1.2(b) of the Baldwin County Zoning Ordinance as it pertains to an accessory structure remaining in the front yard.

Staff cannot establish a hardship on the property and therefore recommends Case ZVA24-12 be **DENIED** unless information to the contrary is revealed during the Public Hearing.

# **ZVA24-12 BEAVER PROPERTY**

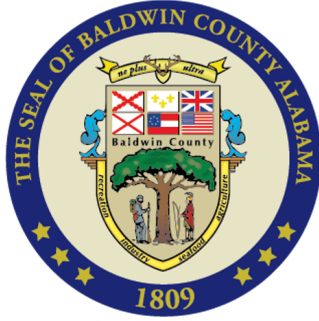
## **VARIANCE REQUEST**

Lead Staff: Cory Rhodes, Planner

### **GENERAL NOTES {By-laws}**

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board.

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

**BALDWIN COUNTY BOARD OF ADJUSTMENT #2**

**NEXT REGULAR MEETING**

**MAY 9, 2024 @ 3:00PM**

**BALDWIN COUNTY SATELLITE COURTHOUSE**

**FOLEY, AL**