



**BOARD OF ADJUSTMENT NUMBER 1  
AGENDA**

**February 18, 2025**

**Regular Meeting**

**4:00 p.m.**

**Central Annex Auditorium**

**22251 Palmer Street**

**Robertsdale, Alabama**

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

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes December 17, 2024
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. ZVA24-75 Zavala Property, 18830 Cherished Place**

*Request:* Approval of a Variance from Section 13.1.3. in the Baldwin County Zoning Ordinance as it pertains to the accessory dwellings and the size in order to allow for a Single-family dwelling.

Location: The subject property is located at 18830 Cherished Place, Robertsdale, AL in Planning District 31.

**b.) Case No. ZVA24-77 Welch Property, 23841-E Cumberland Rd**

*Request:* Approval of a Variance from Section 2.3.12 Local provisions ordinance of the Baldwin County Zoning Ordinance as it pertains to the size of accessory dwellings.

Location: The subject property is located at 23841- E Cumberland Rd in Robertsdale, AL in Planning District 12.

**c.) Case No. ZVA25-07 J & S Land LLC & Triple K Mining LLC Property, 0 Bonaventure Ave**

*Request:* Approval of a Variance from Section 17.2.2 (g) of the Baldwin County Zoning Ordinance as it pertains to the 75’ buffer requirement.

Location: The subject property is located at 0 Bonaventure Ave in Daphne, AL in Planning District 15.

*Attachments: Within Report:*

6. Old Business
7. New Business
8. 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 1  
Regular Meeting Minutes  
Tuesday, December 17, 2024**

**I. Call To Order**

The Board of Adjustment Number One met in a regular session on December 17, 2024, at 4:00 p.m., in the Baldwin County Central Annex Auditorium.

**II. Roll Call**

The meeting was called to order by Jamal Allen the Chair. Members present included: Mary Shannon Hope Vice-Chairman, Doug Ward, Norman Bragg, Leslie Stejskal, Rosellen Coggin, and Thomas Kiel. Staff members present were Crystal Bates, Planning Technician II, Buford King Deputy Planning Director,

**III. Approval of Minutes**

**IV. Consideration of Applications and Request**

**a.) ZVA24-70 Gregware Property, 19900 E Silverhill Ave**

Mrs. Crystal Bates presented the applicant's request for variance ZVA24-70 from Section 4.3.4 Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance as it pertains to the minimum rear yard building setback in order to allow for a Single-family dwelling.

The board asked the staff questions, and chairman called Lauren Hultz to the podium to speak on the project. She explained the reason why the variance was needed and the replacement of the newer home. Chair asked if anyone else was present who wanted to speak.

Board member Thomas Kiel made a motion to approve the variance with the following site plan submitted for ZVA24-70 seconded by Rosellen Coggin. The motion passed to Approve the variance with a 7 to 0 vote.

**b.) ZVA24-73 Gustin Property, 12351 County Road 1**

Mrs. Crystal Bates presented the applicant's request for variance ZVA24-73 from Section 12.5.2(c) Area and dimensional ordinance as it pertains to uncovered stair requirements.

The Chair called Allan Gustin to the podium to speak. He stated why they would like the variance and spoke about the project and the previous approve variance for wetlands with the previous owner. Chair asked if anyone else was present who wanted to speak.

Board member Doug Ward made a motion to follow staff recommendation to Approve the variance case ZVA24-73 and seconded, by Rosellen Coggin. The motion to Approve was passed with a 6-1 vote.

**V. Old Business**

**VI. New Business**

**VII. Adjournment**

The meeting adjourned at 4:38 p.m.

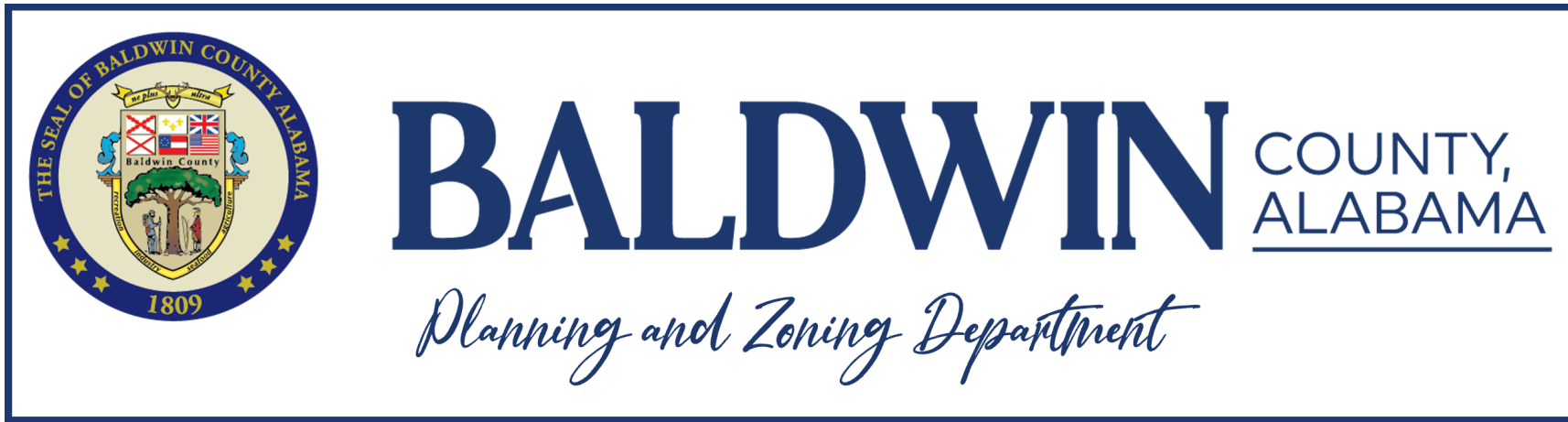
Respectfully Submitted,

Crystal Bates, Planning Technician

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

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Jamal Allen, Chairman



# BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

FEBRUARY 18, 2025

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

# ZVA24-75 ZAVALA PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 31
- **Zoned:** RSF-E, Residential Single-Family Estate
- **Location:** The subject property is located on the south side of Cherished Place
- **PID:** 05-41-04-19-0-000-018.002
- **PPIN:** 110211
- **Acreage:** 3.78
- **Physical Address:** 18830 Cherished Pl
- **Applicant:** Zavala Hector
- **Owner:** Zavala Hector



# ZVA24-75 ZAVALA PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Section 13.1.3.1 as it pertains to accessory dwellings and the size in order to allow for a single-family dwelling.

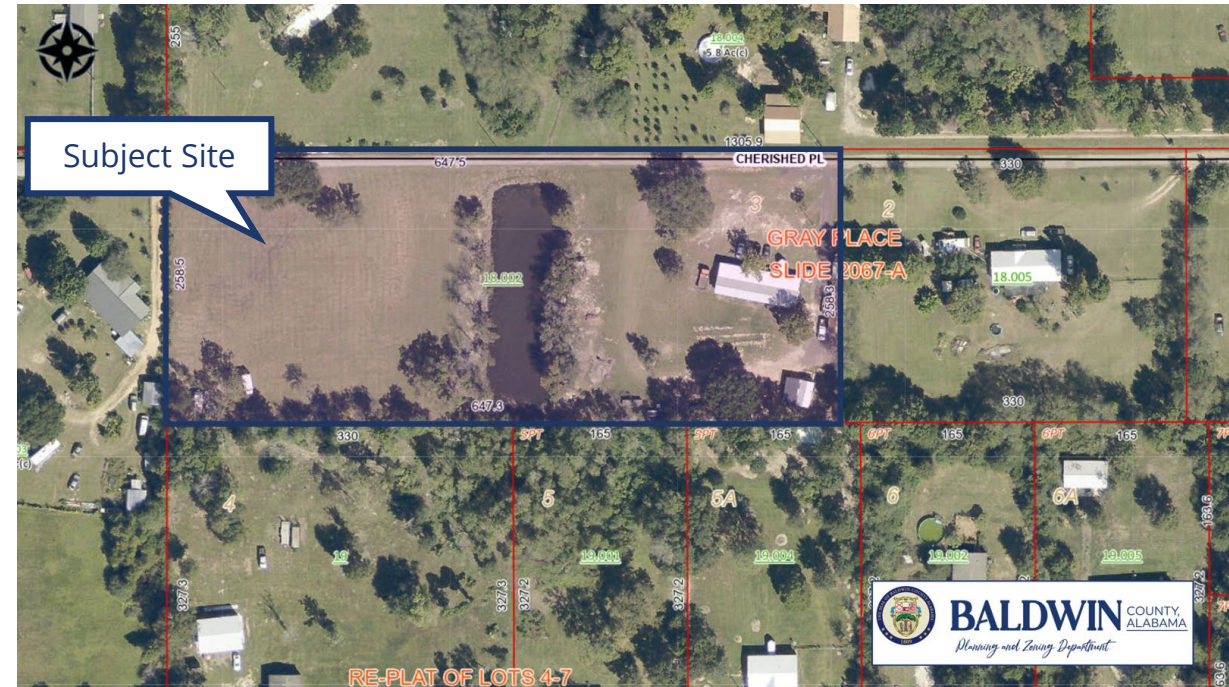
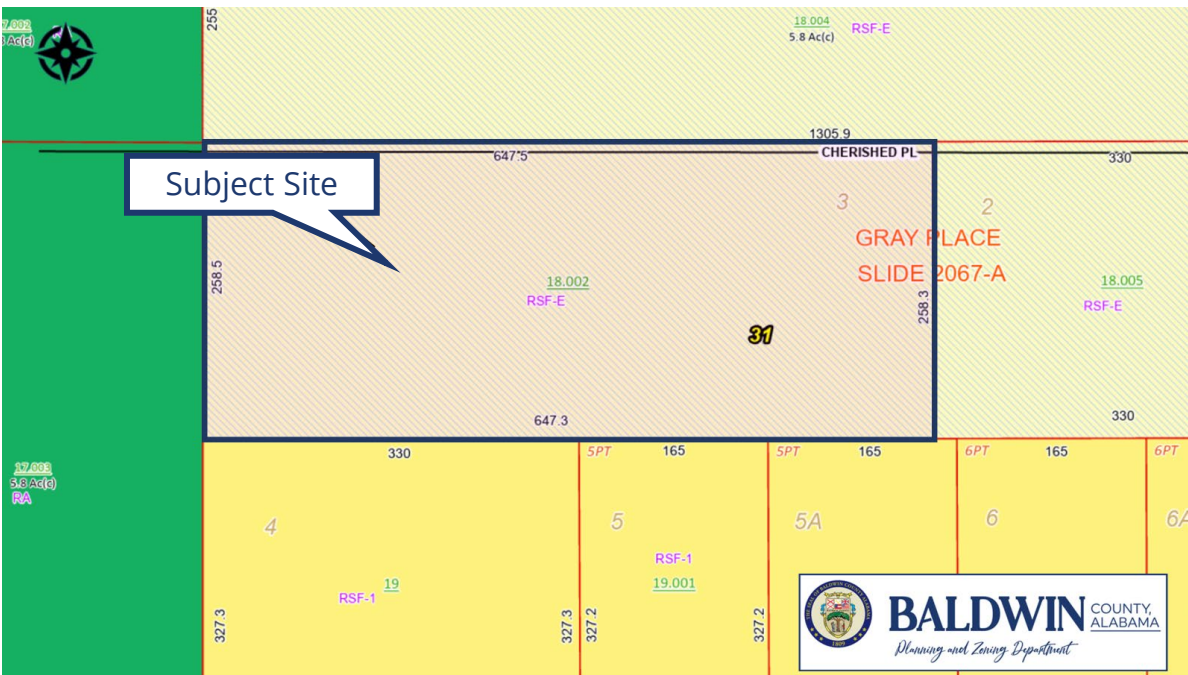
The applicant is requesting permission to add a second mobile home, measuring 28x50, to the parcel, while not conforming to the 60 percent rule.

Staff recommends ZVA24-75 be **Denied** unless information to the contrary is revealed at the public hearing.



# Locator Map

# Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-E, Residential Single-Family Estate	Residential
South	RSF-1, Residential Single Family	Residential
East	RSF-E, Residential Single-Family Estate	Residential
West	RA, Rural Agriculture	Residential





Subject Property  
PIN: 110211



**PUBLIC HEARING  
PROPOSED  
FOR THIS PROPERTY**  
Case Number  
**ZVA24-000075**  
Baldwin County Planning  
& Zoning Department  
For more information,  
please scan the QR  
code, visit, or email.  
(251) 588-1655  
planning@baldwincountyal.gov

PRIVATE  
PROPERTY

Baldwin County Code Enforcement  
Dec 31, 2024 12:40:03 PM  
30°35'27.03775"N 87°42'13.2543"W  
252° W



Property to  
The North  
PIN: 234284



Dec 31, 2024 12:41:05 PM  
30°35'26.88158"N 87°42'12.74627"W  
347° N



Adjoining Property  
to The West  
PIN: 118903



Dec 31, 2024 12:42:09 PM  
30°35'26.91535"N 87°42'14.81724"W  
238° SW

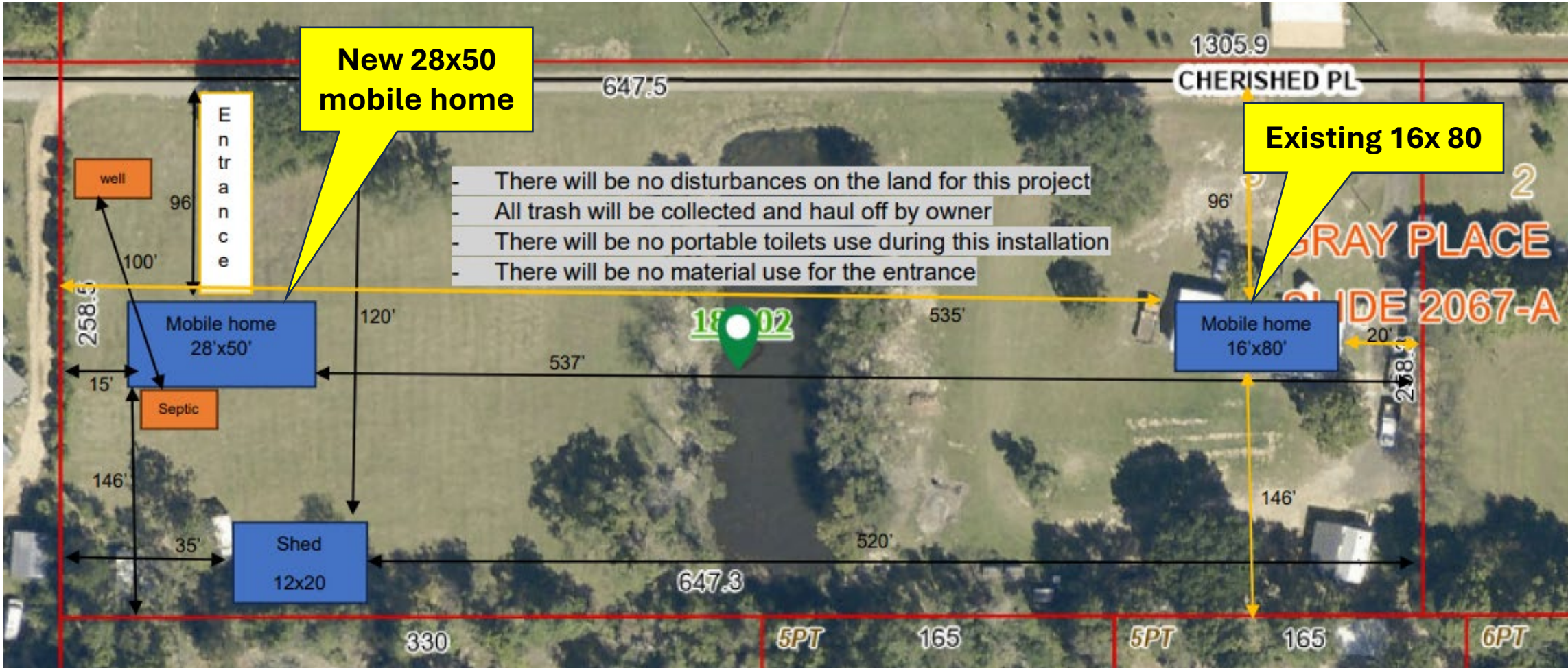


Adjoining  
Property to  
The East  
PIN: 247735



Dec 31, 2024 12:44:20 PM  
30°35'27.11227"N 87°42'5.67907"W  
149° SE

# Site Plan



# Zoning Requirements

13.1.3 *Accessory dwellings.* Accessory dwellings are permitted by right as follows:

13.1.3.1 *In Residential Zoning Designations.* Unless prohibited or restricted by a local provision in Article 2, in all Planning Districts, provided they do not exceed 60% of the size in gross floor area of the principal residence; in Planning Districts 10 and 15 unless restricted by a property owners association provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed 60% of the size, in gross floor area, of the principal residence; in Planning District 24 provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed 60% of the size, in gross floor area, of the principal residence; and in Planning District 21 provided they do not exceed 60% of the size, in gross floor area, of the principal residence up to a maximum of 1200 square feet. In Planning District 25, accessory dwellings are prohibited. The applicant will be responsible for confirming that accessory dwellings are not disallowed by restrictive covenants on the parcel where the use is proposed.







# 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 31 came into effect on November 21, 1995. The lot as recorded is 647.3 x 258.5 +/- ft. 3.78 acres and the minimum lot size requirement for RSF-E, Residential Single Family District zoning is 80,000 sf with a Minimum Lot Width at the Building Line of 165' and a Minimum Lot Width at the Street Line of 165 '. Therefore, staff believes there isn't an expectational narrowness, shallowness, or shape of the subject property that would require a variance.

Minimum lot size: **80,000 sf** Actual lot size: **+130,680 sf** Minimum Lot width: ' **Actual Lot Width: 647.3** Hardship: **No**

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

The subject property features a sizable pond located centrally within the parcel. However, the staff was unable to determine that this pond constitutes exceptional topographical conditions or other extraordinary circumstances that would necessitate 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-E, Residential Single-Family Estate District, which permits residential uses. The request involves placing a second single-family home on the property; however, it does not align with the 60 percent rule in terms of size. Staff believes that the approval of this application may not be essential for preserving property rights and may serve primarily as a convenience for the applicant or be influenced by economic considerations.

**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.

\* The applicant has submitted a written document stating there is no active homeowner association for the subject property.

\* We have received letters in opposition to this variance request at the time this staff report was written.

\* We received a complaint the applicant was running a business on the property after further inspection no evidence of a business was being operated.

\* We received a call that the applicant was living in sheds after further inspection we should see any evidence.

# ZVA24-75 ZAVALA PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Section 13.1.3.1 as it pertains accessory dwellings and the size in order to allow for a single-family dwelling.

The applicant is asking to add a 2<sup>nd</sup> mobile home to the parcel and not meet the 60 percent rule.

Staff recommends ZVA24-75 be **Denied** unless information to the contrary is revealed at the public hearing.

# ZVA24-75 ZAVALA PROPERTY

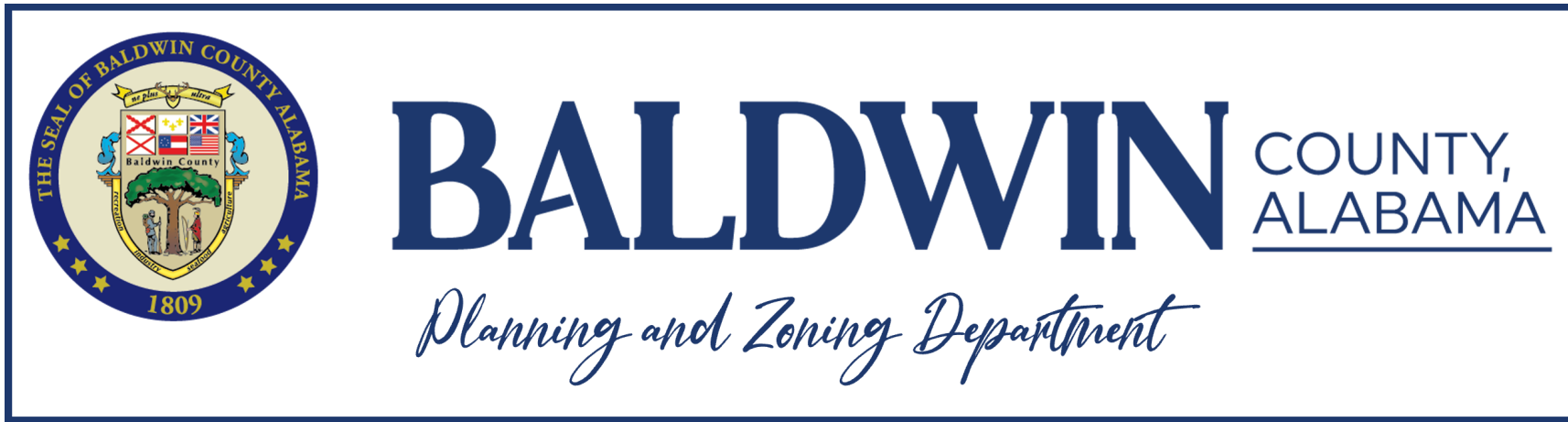
## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, 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.



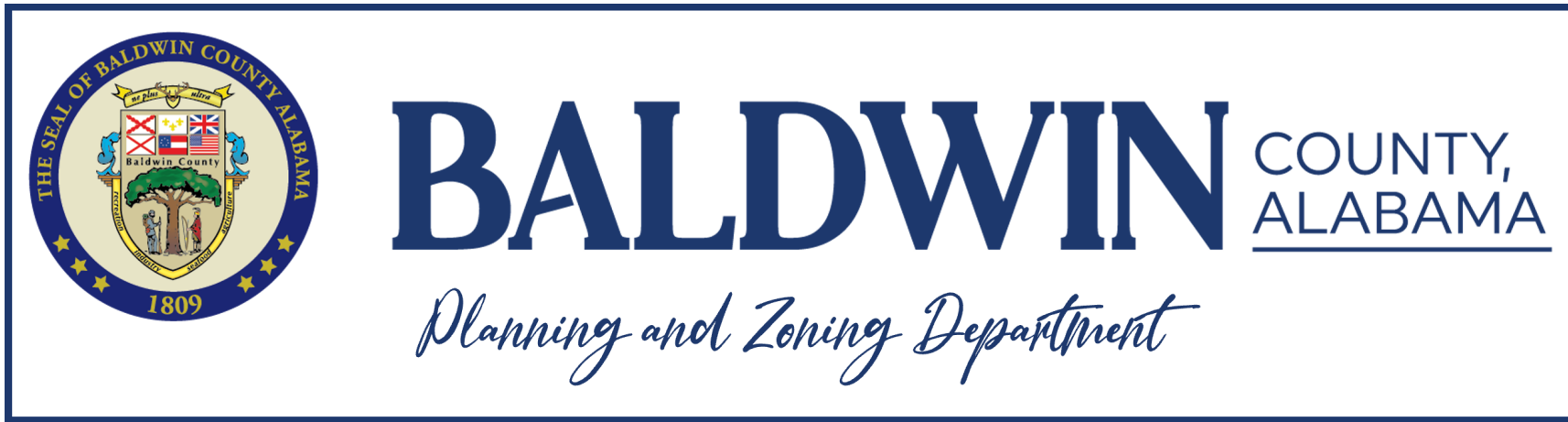
# BALDWIN COUNTY BOARD OF ADJUSTMENT #1

NEXT REGULAR MEETING

MARCH 18, 2025 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL



# BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

FEBRUARY 18, 2025

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

# ZVA24-77 WELCH PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 12
- **Zoned:** RSF-E, Residential Single-Family Estate
- **Location:** The subject property is located on the west side of Cumberland Road
- **PID:** 05-41-07-36-0-000-004.043
- **PPIN:** 214962
- **Acreage:** 3.02
- **Physical Address:** 23841 Cumberland Road
- **Applicant:** Constance Welch
- **Owner:** Constance Welch and Josiah David Welch and Erica Michelle Welch





# ZVA24-77 WELCH PROPERTY

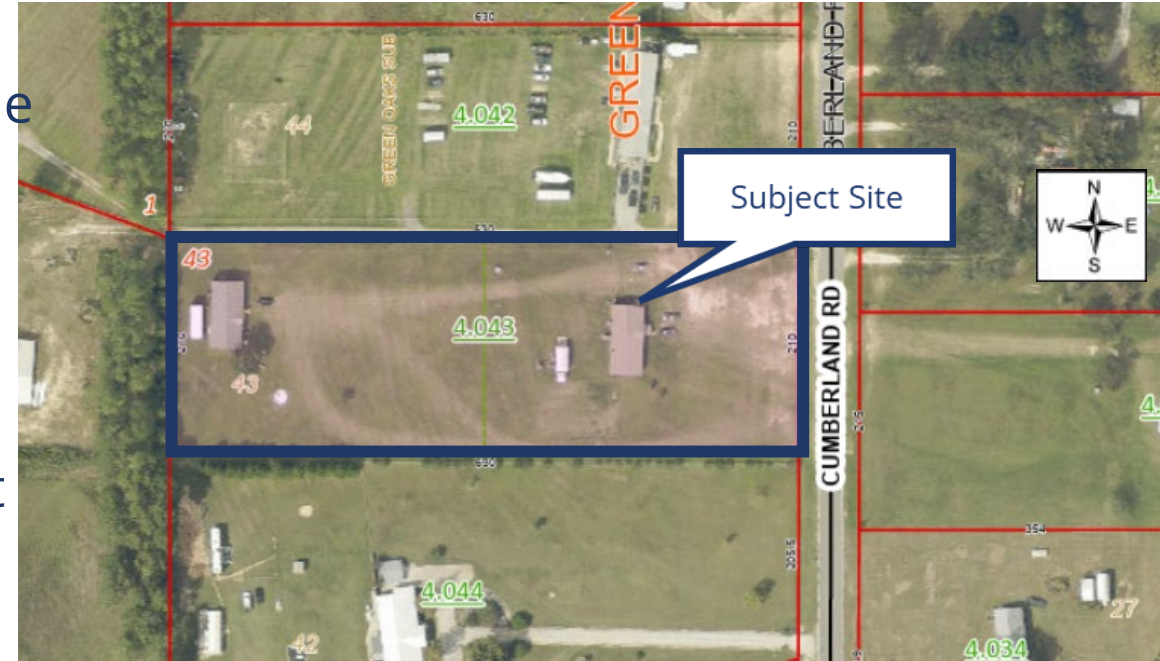
## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Section 2.3.12.3 (d) as it pertains to accessory dwellings and the size in order to allow for a 2<sup>nd</sup> single-family dwelling.

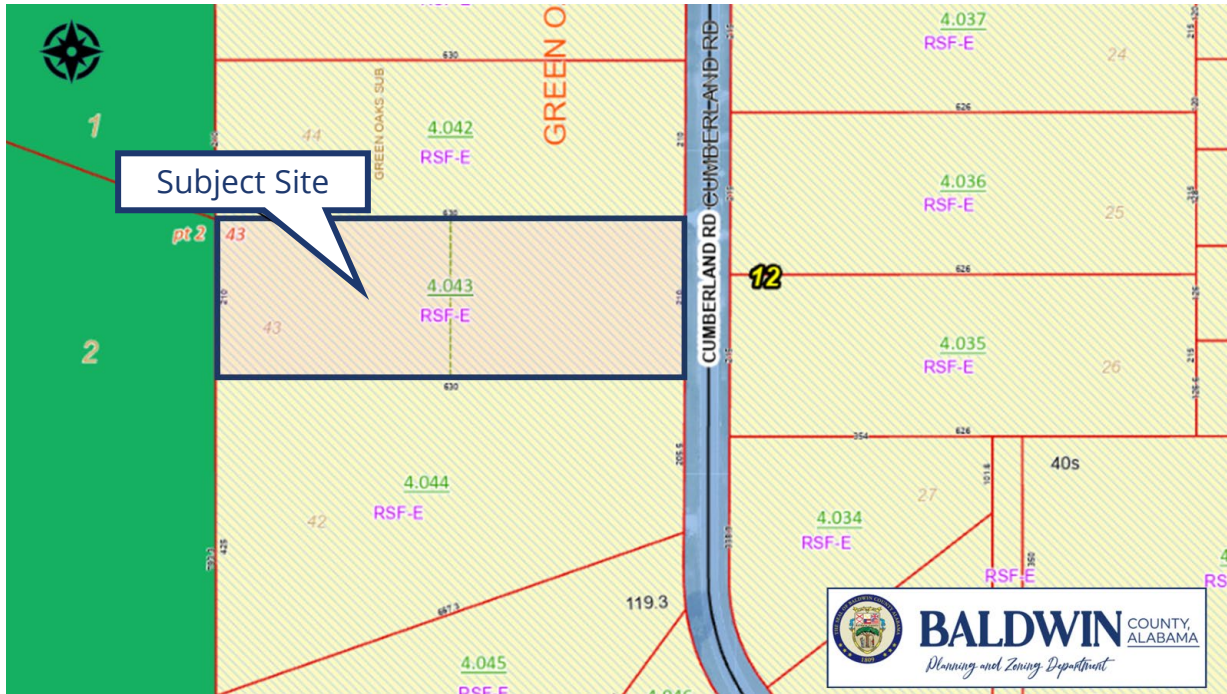
The applicant is requesting to remove a damaged mobile home and replace it with another mobile that will result in two, same-sized mobile homes on the same lot, and thus non-compliant with the “60 percent rule”

Staff recommends ZVA24-77 be **denied due to a lack of a qualifying hardship** unless information to the contrary is revealed at the public hearing.



# Locator Map

# Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-E, Residential Single-Family Estate	Residential
South	RSF-E, Residential Single Family	Vacant
East	RSF-E, Residential Single-Family Estate	Residential
West	RA, Rural Agriculture	Residential



Subject Property  
PIN: 214962



**PUBLIC HEARING  
PROPOSED  
FOR THIS PROPERTY**  
Case Number  
**ZVA24-000077**  
Baldwin County Planning  
and Zoning Department  
For more information,  
please scan the QR  
code, call, or email.  
(251) 580-1655  
planning@baldwincountyga.gov

Dec 31, 2024 1:04:34 PM  
30°34'20.76121"N 87°37'37.47245"W  
277° W



Property to  
The East  
PIN: 214954



Dec 31, 2024 1:05:14 PM  
30°34'20.39603"N 87°37'37.29749"W  
89° E



Adjoining Property  
to The South  
PIN: 214963



Dec 31, 2024 1:05:52 PM  
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265° W

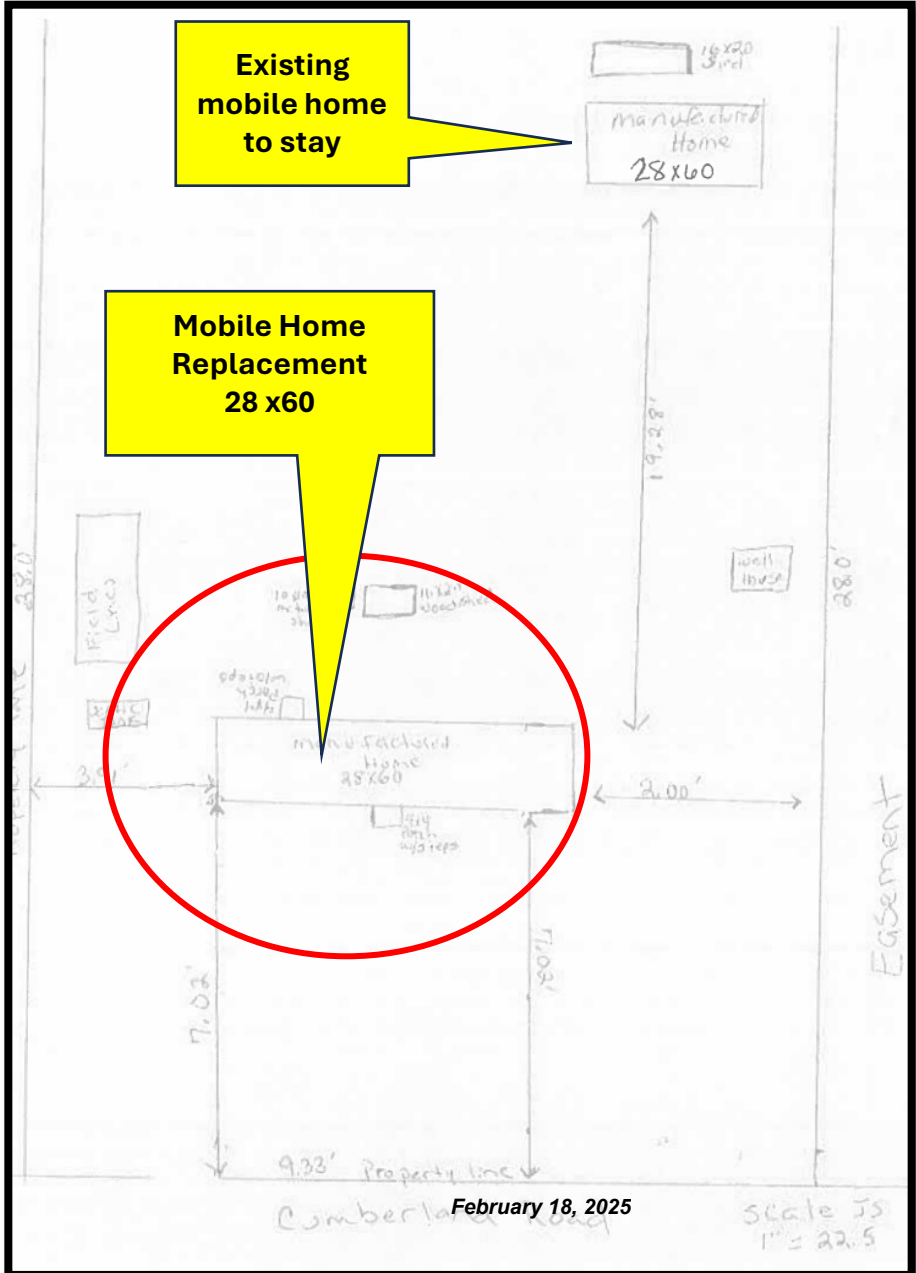


Adjoining  
Property to  
The North  
PIN: 214961



Dec 31, 2024 1:10:14 PM  
30°34'21.98464"N 87°37'37.36373"W  
291° W

# Site Plan



# Zoning Requirements

## 2.3.12 *Planning District 12.*

### 2.3.12.1 Effective Date

On June 20, 2006, a majority of qualified electors in Planning District 12 voted to institute County Zoning. On November 7, 2006, the County Commission adopted the Planning District 12 Zoning Map and Ordinances.

### 2.3.12.2 District Boundaries

A legal description of the boundaries for Planning District 12 may be found under Appendix A

### 2.3.12.3 Local Provisions for Planning District 12

- (a) Industrial uses shall not discharge into any river or natural surface body of water including wetlands.
- (b) No additional Landfills.
- (c) All utilities for new subdivisions shall be placed underground.
- (d) Accessory dwellings are permitted by right in residential districts provided they do not exceed sixty (60) percent of the size, in square feet, of the principal residence.



# 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 12 came into effect on June 20, 2006. The lot of recorded is 210 x 640+/- ft. 3.02 acres and the minimum lot size requirement for RSF-E, Residential Single Family District zoning is 80,000 sf with a Minimum Lot Width at the Building Line of 165' and a Minimum Lot Width at the Street Line of 165'. Therefore, staff believes there isn't an expectational narrowness, shallowness, or shape of the subject property that would require a variance.

Minimum lot size: **80,000 sf** Actual lot size: **+130,680 sf** Minimum Lot width: 165' **Actual Lot Width: 210** Hardship: **No**

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

The subject property doesn't contain jurisdictional wetlands or any other apparent exceptional topographic conditions. Therefore, staff could not establish exceptional topographical conditions or other extraordinary situations, or conditions contained on the property which would require a variance; however, the requested variance does not necessarily contemplate a hardship due to topographic conditions and thus this section is not a factor in the consideration of a zoning 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 currently zoned RSF-E, Residential Single-Family Estate which allows for residential uses along with accessory uses. The applicant is asking for allowance of an accessory dwelling to match the size of the existing dwelling on the property, rather than adhering to the "60 percent" size requirement of the primary dwelling.

Staff perceives that the granting of the application is not necessary for the preservation of a property right and is merely to serve as a convenience to the applicant because the property has been successfully developed for single family residential purposes.

**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.

- The applicant has submitted a written document stating there is no active homeowner association for the subject property.
- No documentation in favor of or opposition to this variance request has been received at the time this staff report was written.
- The applicant has been awarded a new mobile home through the AI HRAP (Home Recovery Alabama Program) The existing, older mobile home was damaged by a hurricane and is eligible for replacement. The mobile home was on parcel prior to zoning and was permitted to continue in its location as a “grandfathered” existing nonconformity. Once the home was damaged the nonconformity status appears to be lost unless the existing mobile home may be repaired as permissible by Article 20 of the Baldwin County Zoning Ordinance.

# ZVA24-77 WELCH PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Section 2.3.12.3 (d) as it pertains to accessory dwellings and the size in order to allow for a 2<sup>nd</sup> single-family dwelling.

The applicant is asking to add a 2<sup>nd</sup> mobile home to the parcel and not meet the 60 percent rule.

Staff recommends ZVA24-77 be **denied due to a lack of a qualifying hardship** unless information to the contrary is revealed at the public hearing.

# ZVA24-77 WELCH PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

If the board **approves** ZVA24-77 be staff request the following conditions to be placed on the **approval**.

1. If approved, the variance is limited to the mobile home and setbacks AS SHOWN on the provided site plan.
2. This variance relieves 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.

# ZVA24-77 WELCH PROPERTY

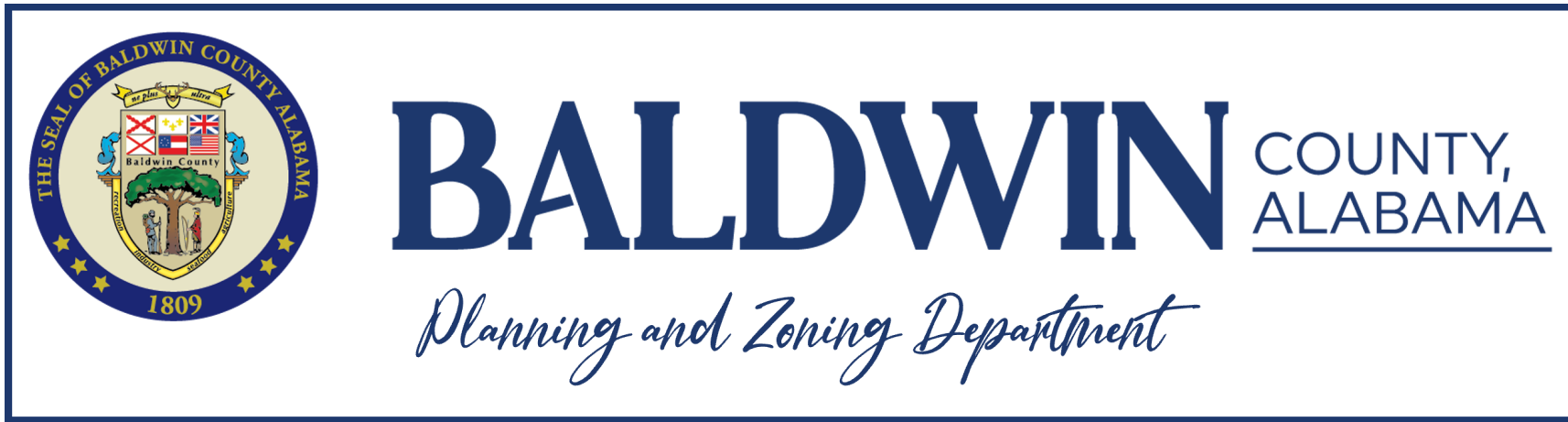
## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

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

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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.



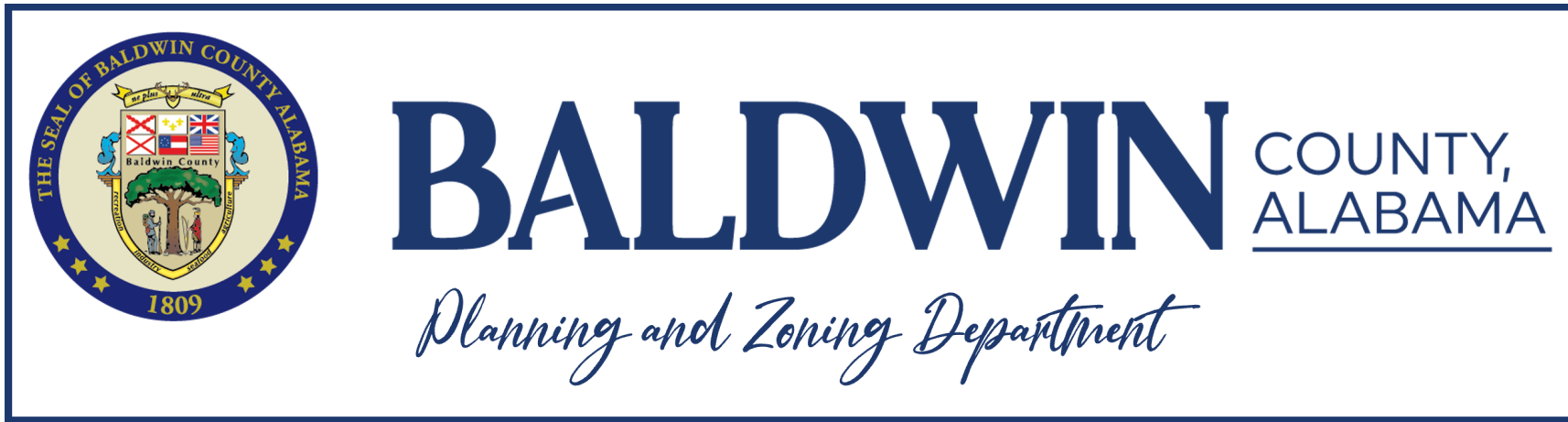
# BALDWIN COUNTY BOARD OF ADJUSTMENT #1

NEXT REGULAR MEETING

MARCH 18, 2025 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL



# BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

FEBRUARY 18, 2025

BALDWIN COUNTY CENTRAL ANNEX I

ROBERTSDALE, AL



# ZVA25-07 BELFOREST WATER

Presented by: J. Buford King

## VARIANCE REQUEST

**Planning District:** 15

**Zoned:** RSF-2 Single Family Residential District with PRD

**Location:** Common Area "G" of Savannah Estates Subdivision, Phase 1, Slide 2973 A-D

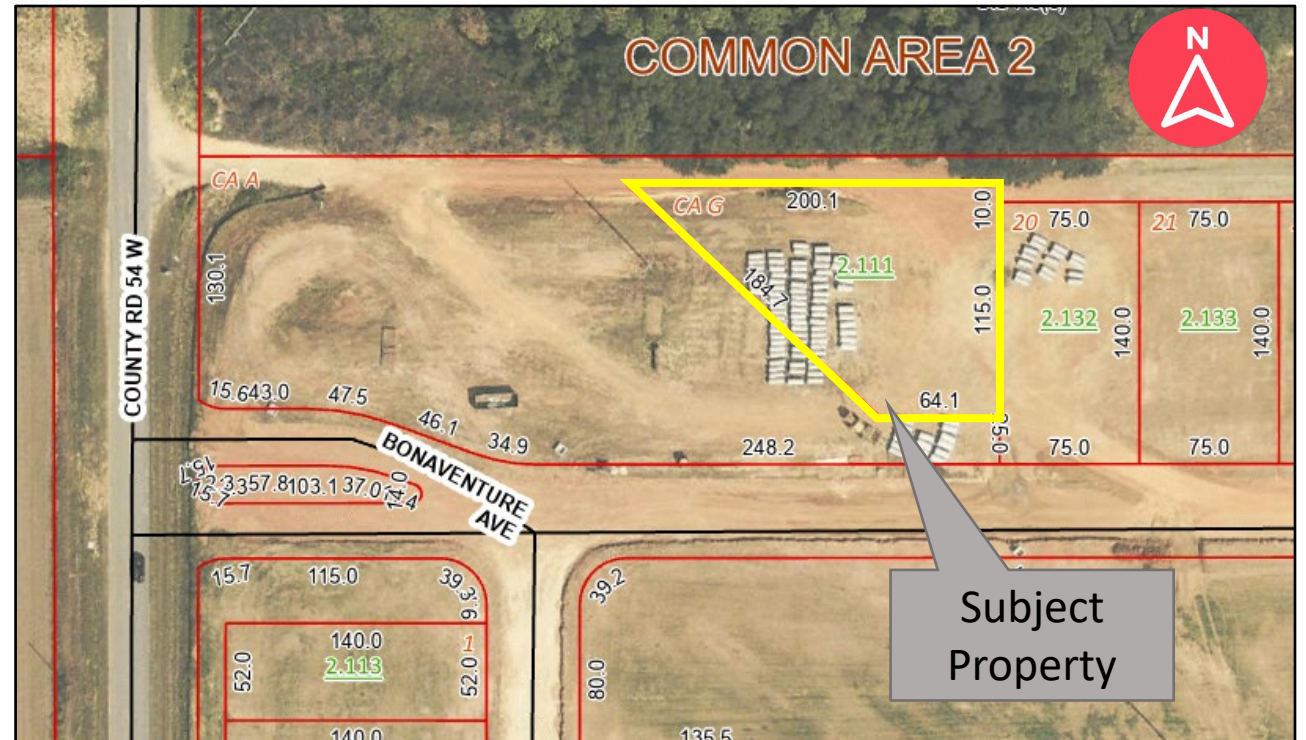
**PID:** 05-43-06-13-0-000-002.111

- **PPIN:** 629006

**Acreage:** 0.38 +/- acres

**Applicant:** Belforest Water System

**Owner:** J&S Land, LLC and Triple "K" Mining, LLC

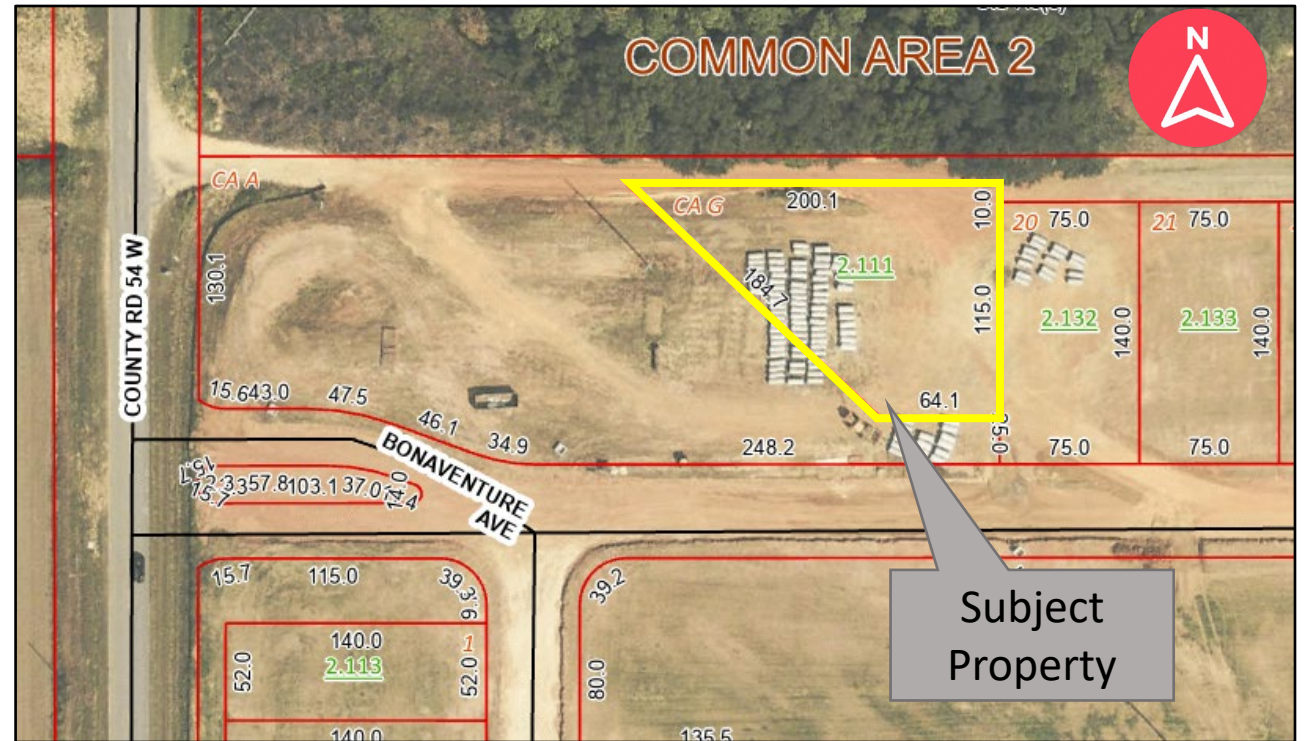


# ZVA25-07 BELFOREST WATER

## VARIANCE REQUEST

The applicant is requesting a variance from Section 17.2.2(g) of the Baldwin County Zoning Ordinance as it pertains to reducing the width of the required 75' wide landscape buffer required for any Transportation, Communication, or Utility use (in this case a water well) adjacent to any residential property.

Staff concedes that a hardship on the property does not specifically appear that would prevent construction of a 75' wide landscape buffer on subject property. However, staff further concedes this matter probably should have been identified in the development of the Planned Residential Development (PRD) where setback and buffer requirements may have been altered as a function of the PRD adoption in May 2020. Further, staff also asserts that the requirements of section 17.2.2(g) are likely in need of modernization: a water well constructed in contemporary times likely does not create the same land use compatibility issues that would be created by a water well erected at the time of the creation of the zoning ordinance. As a result, and so that Belforest Water may have the ability to install a vital piece of infrastructure for the Daphne community as well as have room for future expansion of the well site, staff recommends **Approval with Conditions** of Case ZVA25-07 unless information to the contrary is revealed at the public hearing.



# ZVA25-07 BELFOREST WATER

## VARIANCE REQUEST

TRANSPORTATION, COMMUNICATION & UTILITY USES	RR	RA	CR	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB	LB	MR	OR	TR	M-1	M-2	
Airport	C	C															C	C								P	P	
Armory	C	C															C	C								P	P	
Broadcasting station	C	C															C	C								P	P	
Taxi dispatching station	C	C															C	C								P	P	
Taxi terminal	C	C															C	C								P		
Telephone exchange	C	C															C	C								P	P	
Water plant	C	C															C	C								P	P	
Water storage tank	C	C														C	C	C						C		P	P	
Water or sewage pumping station	C	C															C	C								P	P	
Water well (public or private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless telecommunication facilities (see Section 13.9)	C	C														C	C	C								P	P	

**A PUBLIC OR PRIVATE WATER WELL IS A TRANSPORTATION, COMMUNICATION, OR UTILITY USE**

# ZVA25-07 BELFOREST WATER

## VARIANCE REQUEST

17.2.2 *Buffer Requirements.* Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The required buffer widths are listed below. Additional information may be found at Appendix B:

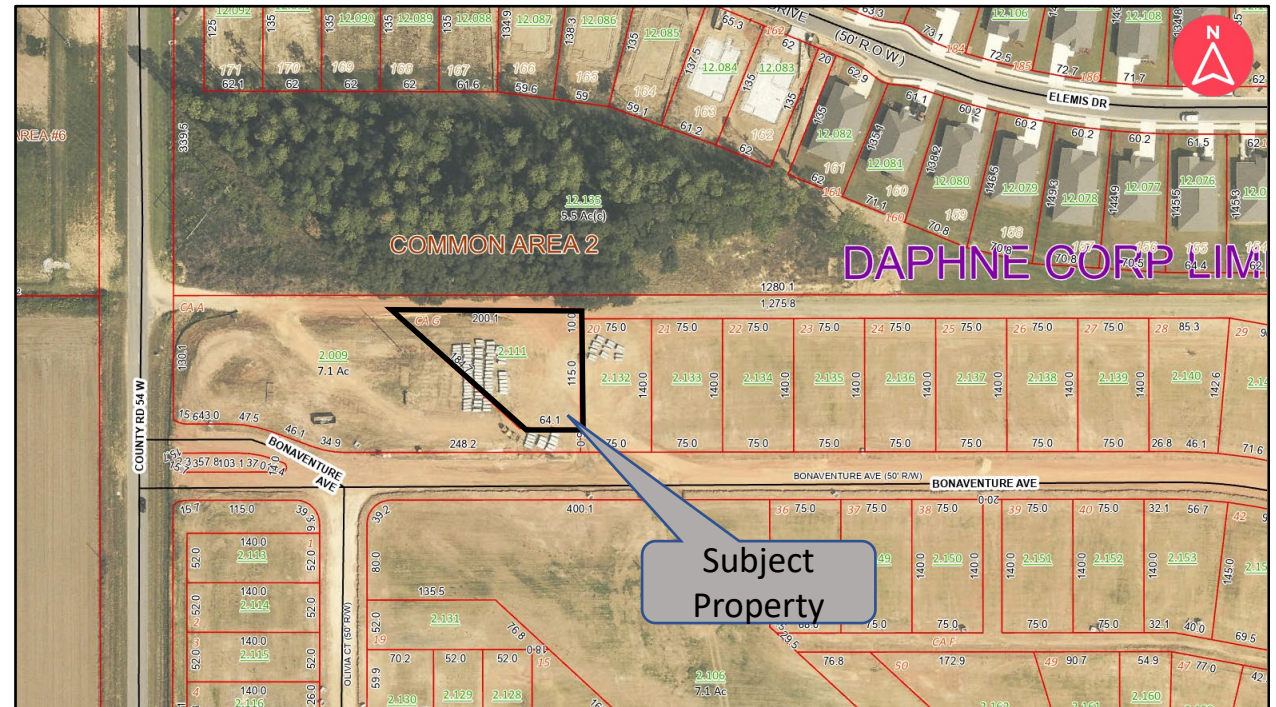
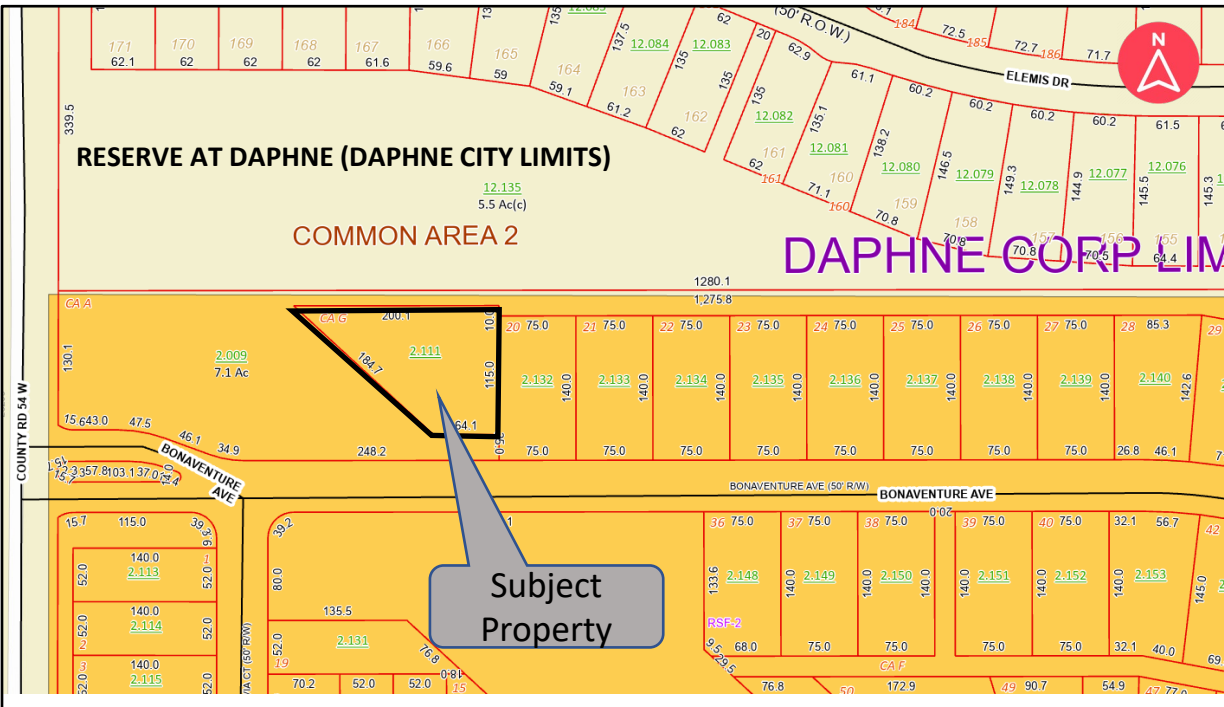
- (a) Multiple Family uses (RMF-6) when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.
- (b) Multiple Family uses (RMF-6) when adjacent to a Two Family District (RTF-4 and RTF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.
- (c) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.
- (d) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Two Family District (RTF-4 and RTF-6) or Multiple Family District (RMF-6) shall require a minimum buffer of **10-feet**.
- (e) Manufactured Housing Parks (RMH) when adjacent to a Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.
- (f) Manufactured Housing Park (RMH) when adjacent to a Two Family District (RTF-4 and RTF-6), Multiple Family District (RMF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.
- (g) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any

Barrow County Planning & Zoning Board of Adjustments of **75-feet**.

## LANDSCAPE BUFFER REQUIREMENTS FROM ARTICLE 17 OF THE ZONING ORDINANCE

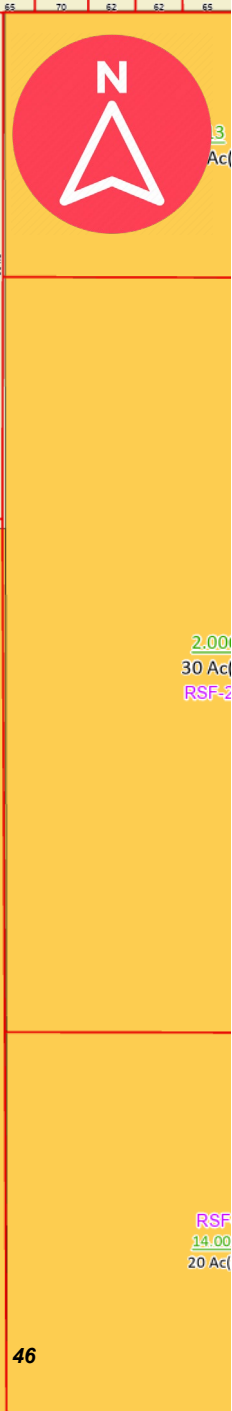
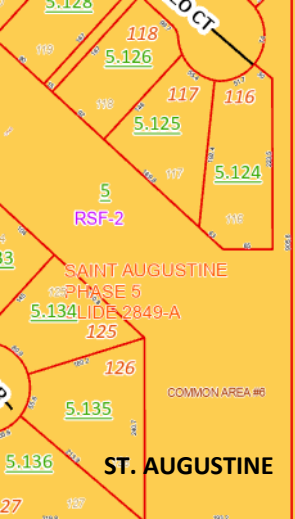
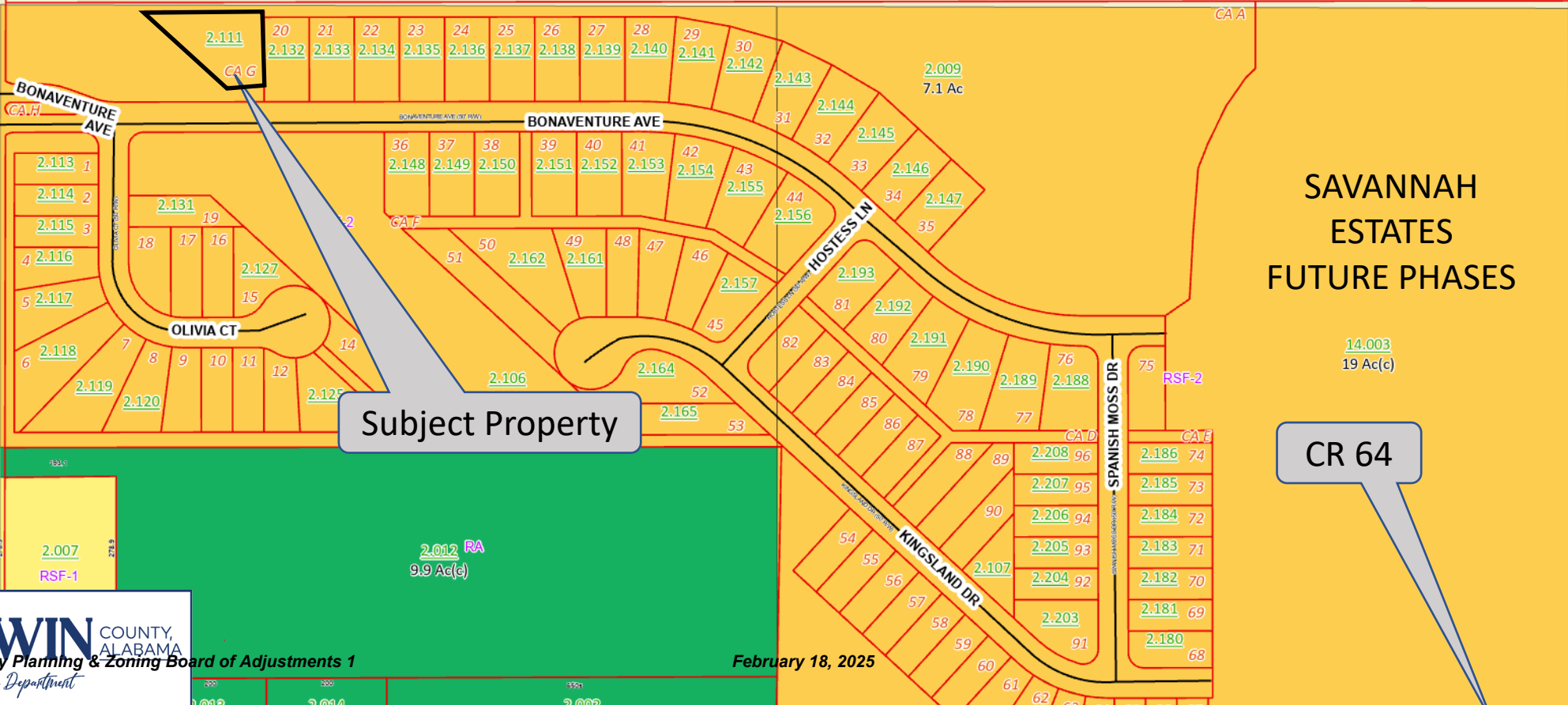
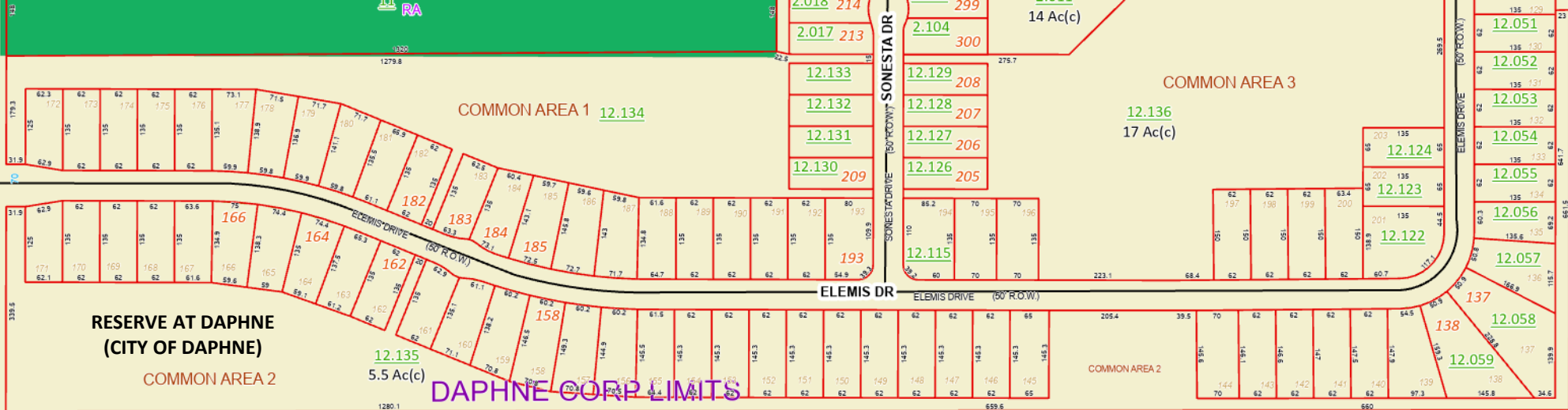
# Locator Map

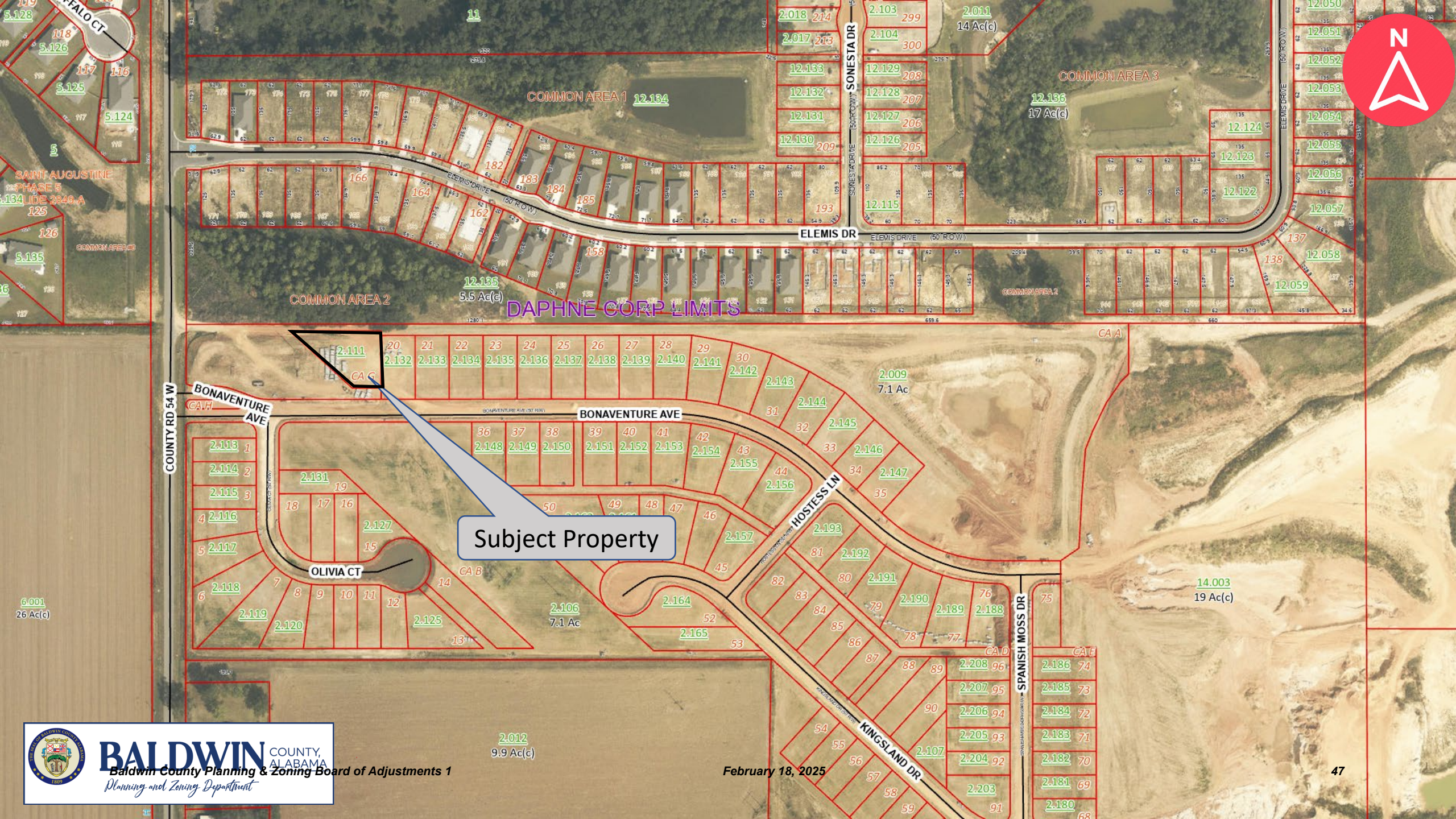
# Site Map



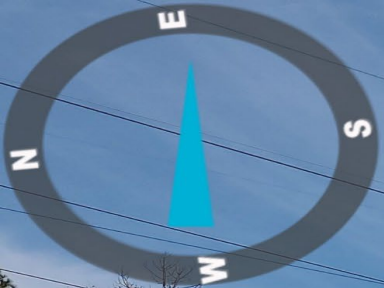
	Adjacent Zoning
North	City of Daphne (Reserve at Daphne)
South	RSF-2
East	RSF-2
West	RSF-2

	Adjacent Land Use
North	Residential
South	Common Area
East	Residential (home under construction)
West	Common Area





Subject Property



PIN 629027 BEYOND  
LOOKING EAST

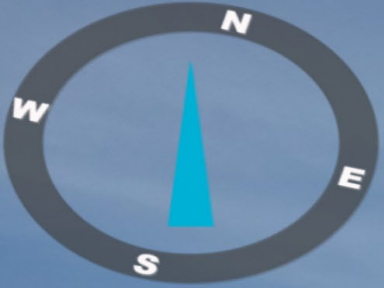
Subject Property  
PIN: 629006



**VARIANCE**  
PROPOSED  
FOR THIS PROPERTY  
Case Number  
**ZVA25-000007**  
For information Contact  
Baldwin County Planning &  
Zoning Department  
(251) 580-1655 / (251) 990-4623  
(251) 972-8523

Jan 29, 2025 11:07:30 AM  
30°36'39.56249"N 87°50'6.22331"W  
97° E





Adjacent Property  
to the East  
PIN: 629027



Jan 29, 2025 11:11:05 AM  
30°36'38.24528"N 87°50'0.77384"W  
344° N



Adjoining Property  
to the West  
PIN: 213760



Jan 29, 2025 11:12:24 AM  
30°36'38.37136"N 87°50'1.78804"W

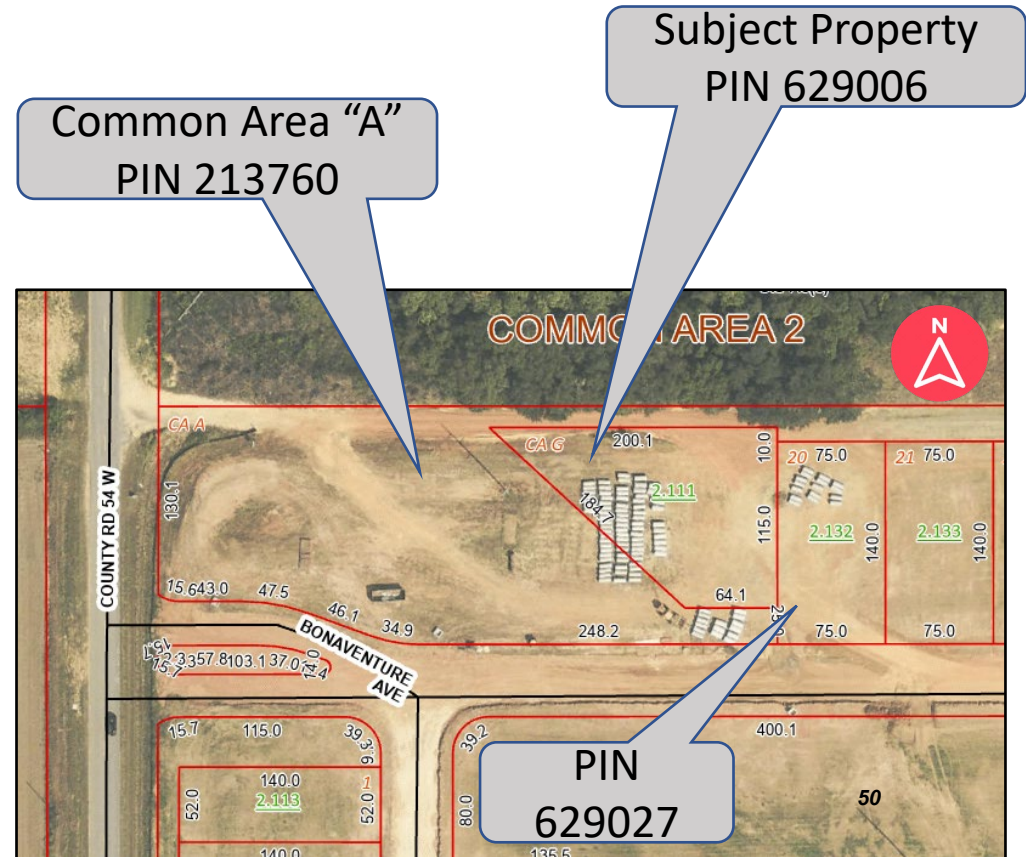
351° N

Baldwin County Planning & Zoning Board of Adjustments 1

February 18, 2025

Baldwin County Code Enforcement

Photo at left looking North into PIN 213760  
(Common area "A") from Bonaventure  
Avenue. PIN 213760 wraps around subject  
property PIN 6290069 on three sides (north,  
west, and south)





Property to The South  
PIN: 629001  
Common Area "B"  
traversed by Power  
Lines

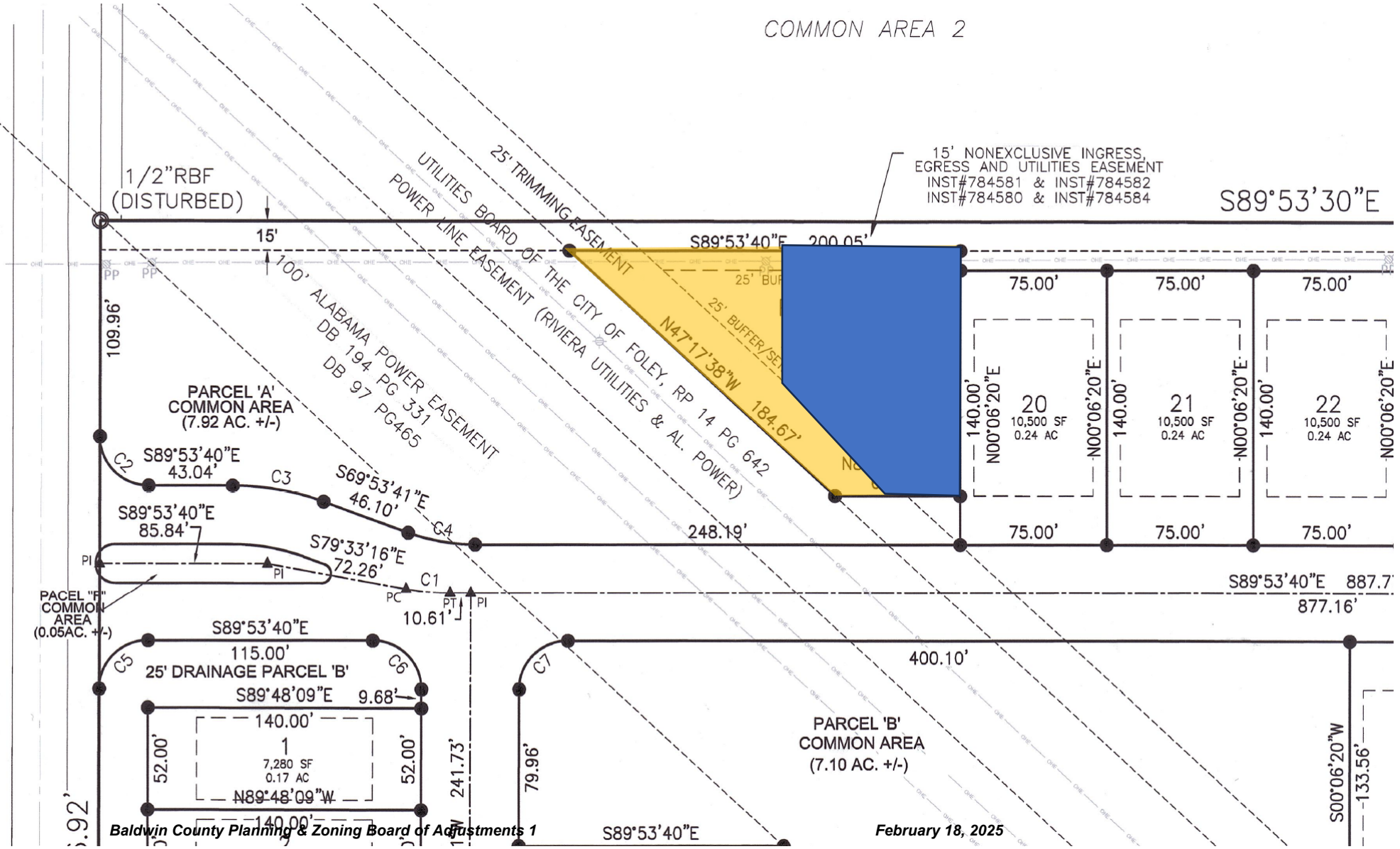


Jan 29, 2025 11:11:56 AM  
30°36'38.17465"N 87°50'0.79706"W  
216° SW

# ZVA25-07 BELFOREST WATER

## EXCERPT OF RECORDED SUBDIVISION PLAT

COMMON AREA 2



Enforcement of a 75' wide landscape buffer along all adjacent residential property renders subject property essentially unavailable for building of any kind

There is an active homeowner's association as part of the Savannah Estates Development, but upon Belforest Water System's purchase of Common Area G, which is located at 0 Bonaventure Avenue, Daphne, Alabama 36526 and further identified by Parcel Identification No.: 05-43-06-1-0-000-002.111, will not be subject to the rules, regulations, or oversight of the homeowner's association.

I, Kevin Kirchharr, attest that the homeowner's association belonging to the Savannah Estates development does not currently object and will not object in the future to Belforest Water System purchasing the parcel of real property, applying for a variance from Section 17.2.2(g) of the Baldwin County Zoning Ordinance, and installing a water well on the parcel.



KEVIN KIRCHHARR



p.(251) 626-5554  
f.(251) 626-5540  
9080 County Rd 64 • Daphne, AL 36526  
[www.belforestwater.com](http://www.belforestwater.com)

January 27, 2025

No state or federal permits are required at this time for the installation of a water well on Common Area G in Savannah Estates development, further identified by PIN: 629006 and Parcel Identification Number: 05-43-06-13-0-000-002.111. If a variance from Section 17.2.2(g) Baldwin County Zoning Ordinance is granted, Belforest Water System will install a water well on the property. At that time, all required state and federal permits will be applied for and a copy supplied to Baldwin County Planning and Zoning Department along with our plat approval for the parcel.

Thank you,



Marinda Turner  
Business Manager



Planning and Zoning Department

Authorized Agent Form

I/We authorize and permit Belforest Water System to act as my/our representative and agent in any manner regarding the issuance of this application which relates to property described as the tax parcel ID # listed below.

I/We understand that the agent representation may include but not be limited to decisions relating to the submittal, status, or conditions of this application. In understanding this, I/we release Baldwin County from any liability resulting from actions made on my/our behalf by the authorized agent and representative. I hereby certify that the information stated on and submitted with this application is true and correct. I also understand that the submittal of incorrect information will result in the revocation of this application and any work performed will be at the risk of the property owner/applicant.

**\*NOTE: All correspondence will be sent to the authorized representative. It will be the representative's responsibility to keep the owner(s) adequately informed as to the status of the application.**

Parcel ID #: 05-43-06-13-0-000-002-111

911 Property Address (include City) 0 Bonaventure Avenue, Daphne, Alabama 36526

<u>Authorized Agent</u>	<u>Property Owner</u>
Printed Name: Belforest Water System	Printed Name: <u>Kevin Kirchharr</u>
Mailing Address: 9080 County Road 64 Daphne	Mailing Address: <u>8477 A County Rd 68</u>
Telephone Number: 251-626-5554	Telephone Number: <u>251-979-4329</u>
Email: <u>marinda@belforestwater.com</u>	Email: <u>Kevin@TKCO.com</u>
Signature and Date: <u>Marinda Turner 1/27/25</u>	Signature and Date: <u>[Signature]</u>

Baldwin County Planning and Zoning Department

Main Office  
22251 Palmer Street  
Robertsdale, 36567 AL

Foley Office  
201 East Section Avenue  
Foley, 36355 AL

## **Non-exhaustive Summary of PRD approval process** *(resolutions on next slide)*

- 12/17/2019 – Z-19054 rezoning of five parcels of various zoning types, including the soil borrow pit north of CR64 east of CR54 to RSF-2 Single Family.
  - BCC agenda action: Baldwin County Commission - File #: 20-0445 (legistar.com)
- 5/19/2020 – Z-2007 creation of a PRD on 05-43-06-13-0-000-002.009, 05-43-06-13-0-000-014.003, 05-43-06-13-0-000-013.000, 05-43-06-13-0-000-002.006 and 05-43-06-13-0-000-014.004 that received zoning change approval on 12/17/2019. BCC agenda: Baldwin County Commission - File #: 20-1119 (legistar.com)

STATE OF ALABAMA

COUNTY OF BALDWIN

RESOLUTION # 2020-033

DETERMINATION OF THE BALDWIN COUNTY COMMISSION, REGARDING **Case No. Z-19054, Kircharr Property**, SUCH DETERMINATION AS AUTHORIZED PURSUANT TO ACT NO. 91-719, AS AMENDED.

**WHEREAS**, Kevin Kircharr, as owner of J & S Land Company, LLC, and on behalf of Triple K Mining, LLC, has petitioned the Baldwin County Commission to rezone certain properties, in Planning (Zoning) District No. 15, for properties identified herein and described as follows:

**22 AC COM AT THE SW COR OF SEC 13 RUN TH N 1904.6', TH E 29.4' FOR POB TH RUN N 736.7', TH E 1304.9', TH S 736.7', TH W 1300.7' TO POB SEC 13-T55-R2E (WD); 40 AC THE NE ¼ OF SW ¼ OF SEC 13-T55-R2E (VL); 10 AC N1/2 OF S ¼ OF SW ¼ OF NE ¼ SEC 13-5-2 (WD); 30 AC N ¼ OF NW ¼ OF SE ¼ & S ¼ OF SW 1/4 OF NE ¼ DB523 PG988 SEC13-T55-R2E (WD); 20 AC THE S ½ OF NW ¼ OF SE ¼ OF SEC 13-T55-R2E (VLD)**

Said properties consisting of approximately 122.3 acres.

Otherwise known as tax parcel numbers **05-43-06-13-0-000-002.009, 05-43-06-13-0-000-014.003, 05-43-06-13-0-000-013.000, 05-43-06-13-0-000-002.006** and **05-43-06-13-0-000-014.004** as found in the office of the Revenue Commissioner of Baldwin County, Alabama; and

**WHEREAS**, the petitioner has requested that the properties herein identified be rezoned from RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District, to RSF-2, Single Family District; and

**WHEREAS**, the Baldwin County Planning and Zoning Commission held a public hearing on November 7, 2019, and voted to recommend **APPROVAL** to the Baldwin County Commission; and

**WHEREAS**, the Baldwin County Commission held a public hearing on December 17, 2019; and

**WHEREAS**, the requirements of Act No. 91-719, as amended by Act No. 93-668, as amended by Act No. 98-665, as amended by Act No. 2006-609, and further amended by Act No. 2010-719, regarding procedures to consider this rezoning request, which would affect the Planning (Zoning) District Boundary designations of the Planning (Zoning) District No. 15 Official Map, have been met; now therefore

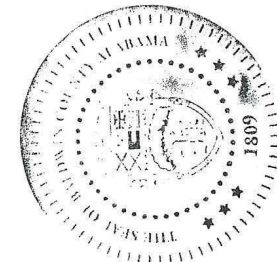
**BE IT RESOLVED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED**, That the petitioner's request to rezone the properties (Case No. Z-19054, Kircharr Property) as herein identified and described and as found within the confines of Planning (Zoning) District No. 15 from to RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District, to RSF-2, Single Family Park District, ~~Baldwin County Planning & Zoning Board of Adjustments~~ of the Planning (Zoning) District No. 15 Official Map, is hereby **APPROVED**.

DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the 17<sup>th</sup> day of December, 2019.

  
Honorable Billie Jo Underwood, Chairman

ATTEST:

  
Wayne A. Dyess, County Administrator



STATE OF ALABAMA

COUNTY OF BALDWIN

## RESOLUTION # 2020-075

DETERMINATION OF THE BALDWIN COUNTY COMMISSION, REGARDING **Case No. Z-20007, Savannah Estates Planned Residential Development (PRD) Site Plan Approval**, SUCH DETERMINATION AS AUTHORIZED PURSUANT TO ACT NO. 91-719, AS AMENDED.

**WHEREAS**, Kevin Kircharr, as owner of J & S Land Company, LLC, and on behalf of Triple K Mining, LLC, has petitioned the Baldwin County Commission for Planned Residential Development (PRD) Site Plan Approval pertaining to certain properties, in Planning (Zoning) District No. 15, for properties identified herein and described as follows:

**22 AC COM AT THE SW COR OF SEC 13 RUN TH N 1904.6', TH E 29.4' FOR POB TH RUN N 736.7', TH E 1304.9', TH S 736.7', TH W 1300.7' TO POB SEC 13-T5S-R2E (WD); 40 AC THE NE ¼ OF SW ¼ OF SEC 13-T5S-R2E (VL); 10 AC N1/2 OF S ¼ OF SW ¼ OF NE ¼ SEC 13-5-2 (WD); 30 AC N ¼ OF NW ¼ OF SE ¼ & S ¼ OF SW 1/4 OF NE ¼ DB523 PG988 SEC13-T5S-R2E (WD); 20 AC THE S ½ OF NW ¼ OF SE ¼ OF SEC 13-T5S-R2E (VLD)**

**Said properties consisting of approximately 122.3 acres.**

Otherwise known as tax parcel numbers **05-43-06-13-0-000-002.009, 05-43-06-13-0-000-014.003, 05-43-06-13-0-000-013.000, 05-43-06-13-0-000-002.006** and **05-43-06-13-0-000-014.004** as found in the office of the Revenue Commissioner of Baldwin County, Alabama; and

**WHEREAS**, the petitioner has requested Planned Residential Development (PRD) Site Plan Approval for the properties herein identified; and

**WHEREAS**, the Baldwin County Planning and Zoning Commission held a public hearing on March 5, 2020, and voted to recommend **APPROVAL** to the Baldwin County Commission; and

**WHEREAS**, the Baldwin County Commission held a public hearing on May 19, 2020; and

**WHEREAS**, the requirements of Act No. 91-719, as amended by Act No. 93-668, as amended by Act No. 98-665, as amended by Act No. 2006-609, and further amended by Act No. 2010-719, regarding procedures to consider this PRD Site Plan Approval request, which would affect the Planning (Zoning) District Boundary designations of the Planning (Zoning) District No. 15 Official Map, have been met; now therefore

**BE IT RESOLVED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED**, That the petitioner's request for Planned Residential Development (PRD) Site Plan Approval (Case No. Z-19055, Savannah Estates PRD) as herein identified and described and as found within the confines of Planning (Zoning) District No. 15 and which amends the Planning (Zoning) District Boundary Designations of the Planning (Zoning) District No. 15 Official Map, is hereby **APPROVED**.

DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the 19<sup>th</sup> day of May, 2020.

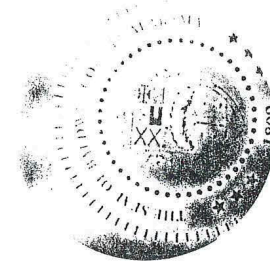


Honorable Billie Jo Underwood, Chairman

ATTEST:



Wayne A. Dyess, County Administrator





# 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 Single Family Residential District and is located on the north side of Bonaventure Avenue, approximately 350' east of CR54. Per recorded plat (Slide 2973 A-D) the parcel consists of approximately 16,553sf (0.38 acres +/-) with an irregular physical shape as depicted elsewhere in this staff report. The zoning map and local provisions for Planning District 15 were adopted by the Baldwin County Commission on August 1, 2006. The required minimum lot size for RSF-2 zoning is 15,000 sf with 40' required width at the street line and 80' required width at the building line. Subject property meets the minimum required lot size and lot width. However, a tree trimming easement associated with the existing overhead power lines that predates the development and likely predates Planning District 15 zoning affects subject property and will create a scenario where if the full 75' width of the landscape buffer is enforced, the property will likely be unusable for a water well (or development of any kind). **Though staff concedes the lot size and lot width of the property complies with the size and width requirements of the zoning ordinance, the irregular shape of the property may support an area variance to reduce the landscape buffer width when all other variance criteria are evaluated.**

RSF-2 Required minimum lot size: <b>15,000 sf</b>	Actual lot size: <b>16,553 sf</b> (0.38 acres)	Lot size hardship:	<b>NONE</b>
RSF-2 Required minimum width: <b>40' (street line)</b>	Actual lot width: <b>64.1'</b>	Lot width hardship:	<b>NONE</b>

# Staff Analysis and Findings

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

Staff does not perceive the subject property to have an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which require a variance. However, topography is not under evaluation for this variance and staff considers this section **not a factor** in the evaluation of the variance.

## **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 public or private water wells as a permitted land use. In this case, the water well is proposed for construction within Common Area "G" of an existing subdivision in which the common area was reserved with its own parcel lines so that Common Area "G" may be conveyed to Belforest Water for the eventual construction of a water well. The water well itself may be erected on subject property without requiring a variance. Staff asserts that a reasonable argument is available that the shape of subject property, combined with the large landscape buffer width and the utility company tree trimming easement creates a situation where the available area for construction of a water well may create a property rights issue when accounting for a water well as a permitted use within the table of permitted uses. Further, staff concedes that that an oversight may have occurred at the time of the preparation of the Planned Residential Development (PRD) site plan in May 2020 that may have allowed the accommodations for water well landscape buffers to be accounted for in the PRD site plan in lieu of approaching the Board of Adjustment to request a zoning area 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.**

Since reviewing case ZVA23-37 in July 2023, staff has had the opportunity to research the land use implications of water wells not only with Belforest Water but as well as with other utilities. Further, staff has verbalized to Riviera Utilities since July of 2023 staff would support a variance to reduce the 75' Transportation, Communications, and Utility Use landscape buffer to 25' in a similar situation. Ultimately, Riviera Utilities was able to annex the subject properties into one of the cities in which the landscape buffer requirement was substantially less than that of the County and did not require a variance process. Further, staff has learned that modern electric motors used for well pumps are likely much quieter in their operation in contemporary times than when the Baldwin County Zoning Ordinance was written and it is likely the zoning ordinance requires revisions to reduce the landscape buffer requirement for water wells, but retain the 75' wide landscape buffer for higher intensity uses such as wastewater treatment plans. **Although staff supports the requested variance and recommends approval, 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 fully quantified at the time of consideration but it is possible that noise pollution may escape subject property.**

# Staff Analysis and Findings

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

- Zoning variances are **SITE SPECIFIC** to the subject property for which the variance is requested
  - Due to the site-specific nature of a variance, an action by the Board of Adjustment *does not necessarily set a precedent* or a standard for interpretation, because the underlying policy does not change – actions by the Board of Adjustment **do not revise or amend** the zoning ordinance
  - Potential violations on other properties are generally **irrelevant** to the specific case before the Board of Adjustment because the subject matter request is **site specific**
    - An apparent violation by today's standards may pre-date zoning in an area, or may have been an allowable use, structure, or lot/parcel in an older version of the zoning ordinance (grandfathered)
    - Oftentimes an applicant may cite apparent violations on other properties as justification for a variance approval on subject property. Because variances are **site specific**, any bona fide complaint submitted by a citizen, including the variance applicant, will be investigated separately to determine what, if any action is required
- Staff tends to be especially cautious when a variance may affect a right-of-way (ROW), utility easement, or utility infrastructure for which there could be consequences with future roadway or utility improvements.

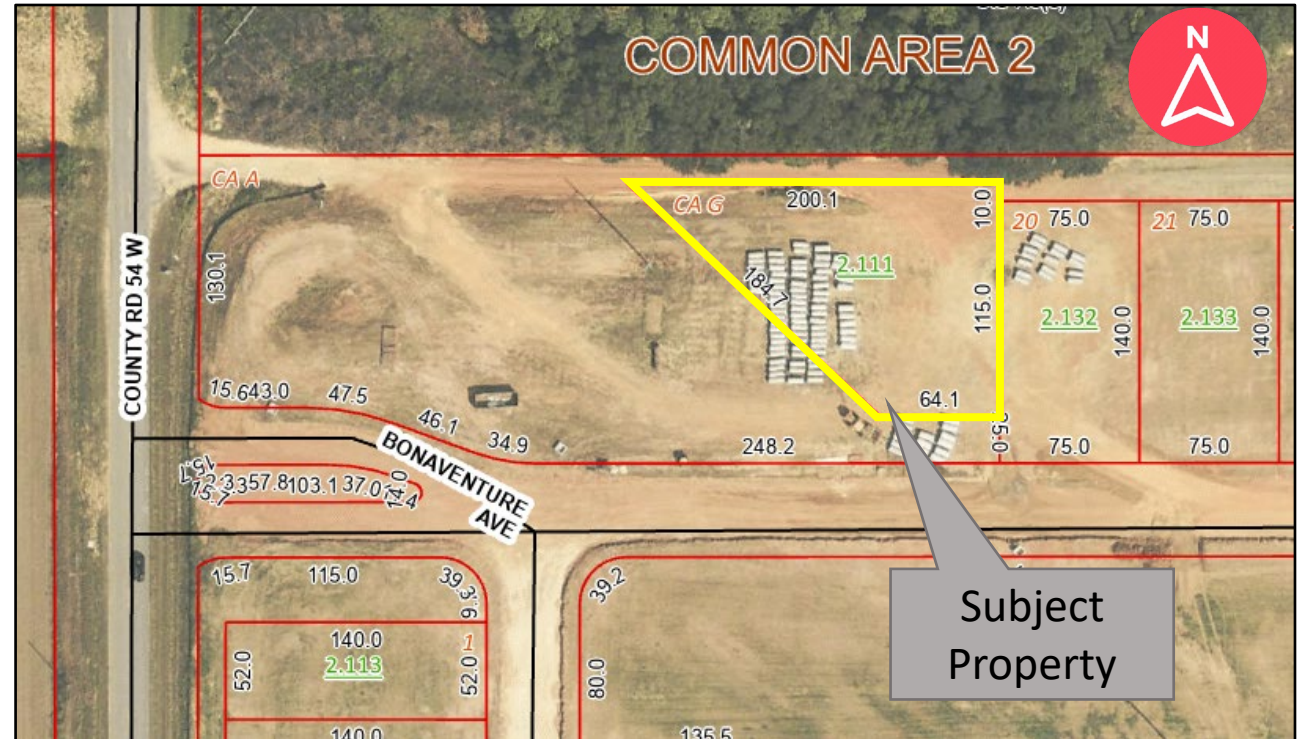
# ZVA25-07 BELFOREST WATER

## VARIANCE REQUEST

### 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.

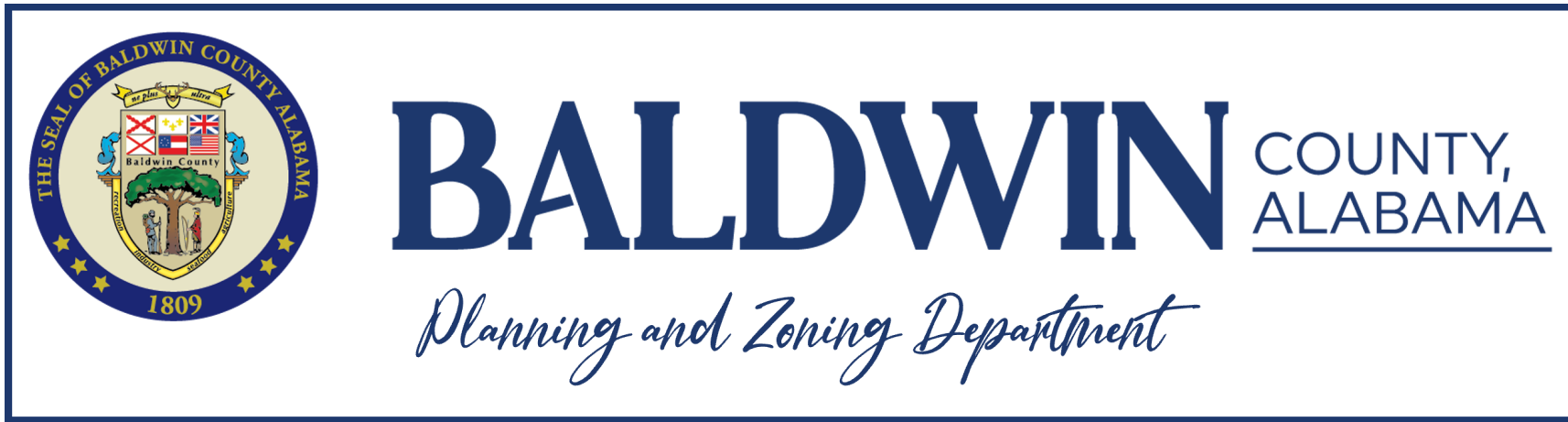
Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as conditions upon which it is granted, and the conditions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



The applicant is requesting a variance from Section 17.2.2(g) of the Baldwin County Zoning Ordinance as it pertains to the required 75' wide landscape buffer required for any Transportation, Communication, or Utility use (in this case a water well) adjacent to any residential property.

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

1. Memorialize that a Commercial Site Plan (CSP) request shall be submitted and approved by staff prior to submission of any request for building permits to the Baldwin County Building Department.
2. The 75' wide landscape buffer along the EAST property line shall be reduced to 25' wide.
3. The 75' wide landscape buffers along the North, South, and West property lines shall be eliminated and the 25' building and tree trimming setback lines indicated on recorded plat Slide 2973 A-D shall be observed.



BALDWIN COUNTY BOARD OF ADJUSTMENT #1

NEXT REGULAR MEETING

MARCH 18, 2025 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX I

ROBERTSDALE, AL