



**BOARD OF ADJUSTMENT NUMBER 2
AGENDA**

September 11, 2025

Regular Meeting

Regular Meeting 3:00 p.m.

Baldwin County Satellite Courthouse

Large Meeting Hall

201 East Section Avenue

Foley, Alabama

Email-planning@baldwincountyal.gov

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Previous Meeting Minutes (August 14, 2025, Work Session and Regular Meeting Minutes)
5. Announcements/Registration to Address the Board of Adjustment
6. Consideration of Applications and Requests

ITEMS:

a.) Case No. ZVA25-38 Stewart Property, 28078 Freshwater Ln

Request: Approval of a Variance from Section 15.2.4 (a) of the Baldwin County Zoning Ordinance as it pertains to the parking schedule for commercial establishments to allow for a reduced number of parking spaces to be built.

Location: The subject is located at 28070 Freshwater Ln, Elberta AL in Planning District 32.

b.) Case No ZVA25-39 Kruger Property, 0 Baudin Ln

Request: Approval of a Variance from Section 3.3.5 Area and Dimensional ordinance of the Baldwin County Zoning Ordinance as it pertains to the building setbacks in order to construct a single-family dwelling.

Location: The subject is located at Baudin Ln Foley, AL in Planning District 21.

c.) No ZVA25-45 Kanha Developers LLC Property, 28068 US Hwy 98

Request: Approval of a Variance from Section 17.3.2 (c) buffer requirements ordinance of the Baldwin County Zoning Ordinance as it pertains to the 25’ landscape buffers setbacks in order to construct a convenience store/gas station.

Location: The subject is located at 28068 US Hwy 98, Elberta AL in Planning District 22.

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



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Work Session Minutes
Thursday, August 14, 2025**

I. OPENING

Mackie Ray opened the Baldwin County Planning and Zoning Board of Adjustment Number 2 Work Session at 2:00 p.m. on August 14, 2025, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue, Foley, Alabama.

II. ATTENDANCE

The following board members were present: Michael Swansburg, Clark Strong, Mackie Ray with Vice Chairman Wade Mitchell joining later in work session.

Staff present included: Crystal Bates, Celena Boykin

III. DISCUSSION ITEMS

Staff opened the floor to questions regarding the following cases:

- ZVA25-29 Holder Property

IV. ADJOURNMENT

As there were no further questions, the work session adjourned at 2:23p.m.

Respectfully Submitted,

Crystal Bates, Planning Technician II

I hereby certify that the above minutes are true, correct and approved this 11th day of September 2025.

Tracey Gambill, Chairman



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Regular Meeting Minutes
Thursday August 14, 2025**

I. Call To Order

Vice Chairman Wade Mitchell opened the Baldwin County Board of Adjustment Number 2 meeting at 3:00 p.m. on August 14, 2025, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue in Foley, Alabama.

II. Opening

Vice Chairman Wade Mitchell opened the meeting with the pledge of allegiance. Crystal Bates presented the meeting Preamble.

III. Roll Call

The following Board members were present during roll call: Vice Chairman Wade Mitchell, Clark Strong, Mackie Ray,

Staff present included Crystal Bates, Celena Boykin and Shelby Coulson

IV. Approval of Minutes

Mr. Mackie Ray made a motion to approve April 10, 2025, meeting minutes. Mr. Clark Strong seconded the motion. All members voted aye. **Motion to approve August 14, 2025, minutes carried.**

Consideration of Applications and Requests

1) ZVA25-29 Holder Property, 2405 Choctaw Rd

Mrs. Crystal Bates presented the applicant's request for the variance from Section 12.5.2 (f) of the Baldwin County Zoning Ordinance as it pertains to the VE 50' setback from the mean high tide line in order to build a single-family dwelling.

The board had discussion then chairman called Dustin Blount to the podium to speak on the project he stated he didn't need to speak unless there were any questions. There were no questions from board.

Board member Clark Strong made the motion to approve variance with staff recommendations and was seconded by Mackie Ray. The motion passed to Approve with staff conditions 3-0.

V. Old Business

VI. New Business

VII. Adjournment

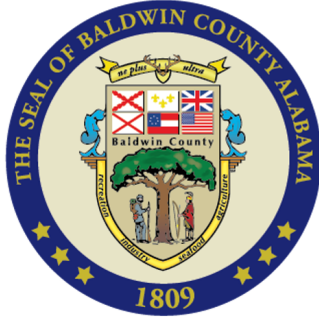
As there were no further items to discuss, the meeting adjourned at 3:09 p.m.

Respectfully Submitted,

Crystal Bates, Planning Technician II

I hereby certify that the above minutes are true, correct, and approved on this 11th day of September 2025.

Tracey Gambill, Chairwoman



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

SEPTEMBER 11, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

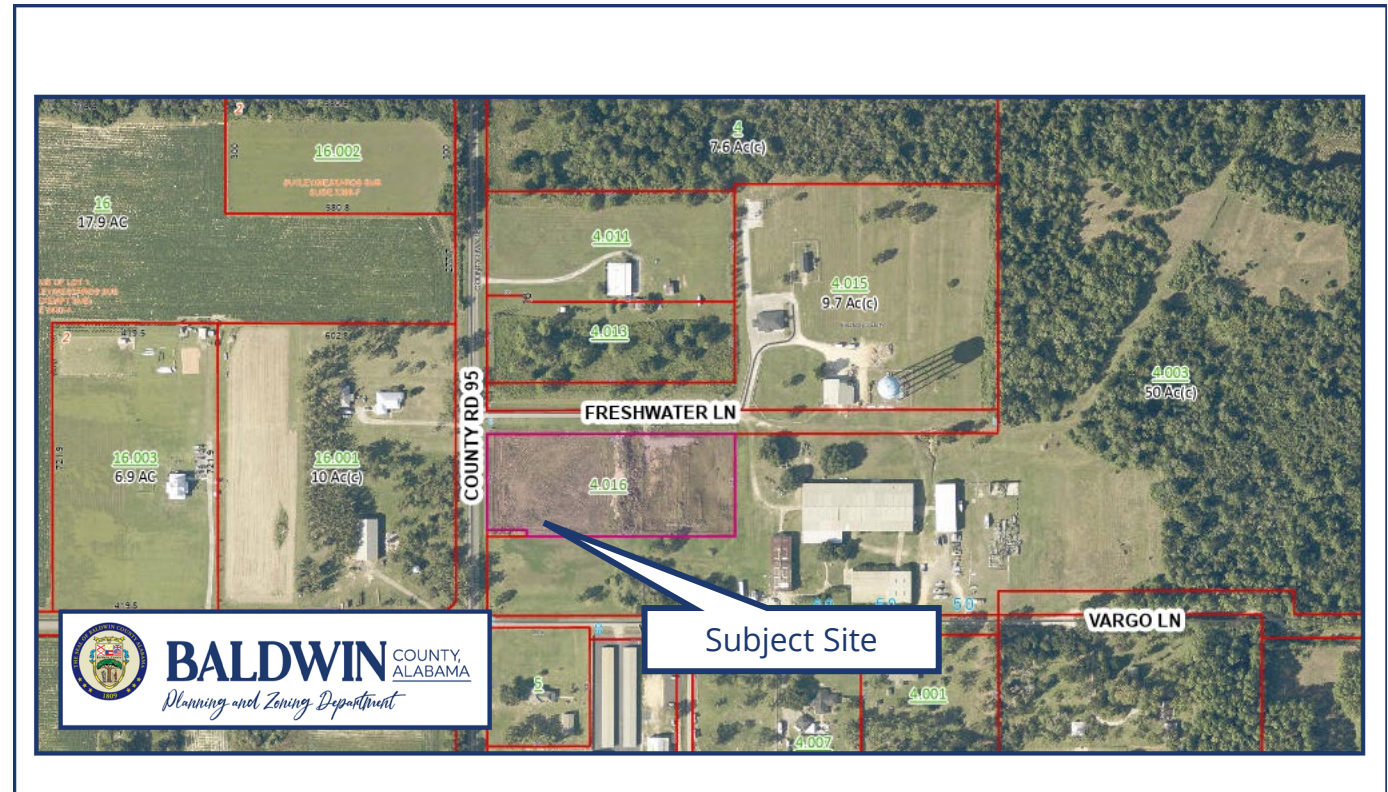
FOLEY, AL

ZVA25-38 STEWART PROPERTY

VARIANCE REQUEST

Lead Staff: Calla Mckenzie, Planning Technician II

- **Planning District:** 32 **Zoned:** M-1
- **Location:** Subject property is located south of Freshwater Lane and east of County Road 95 in Elberta.
- **PID:** 05-62-01-02-0-000-004.016
- **PPIN:** 209160
- **Acreage:** 1.82 acres – Currently 3.9 acres (Property is being subdivided)
- **Physical Address:** 28078 Freshwater Ln
- **Applicant:** Broadway Construction Company, LLC – Robert Broadway
- **Owner:** Charles & Ann Stewart



ZVA25-38 STEWART PROPERTY

VARIANCE REQUEST

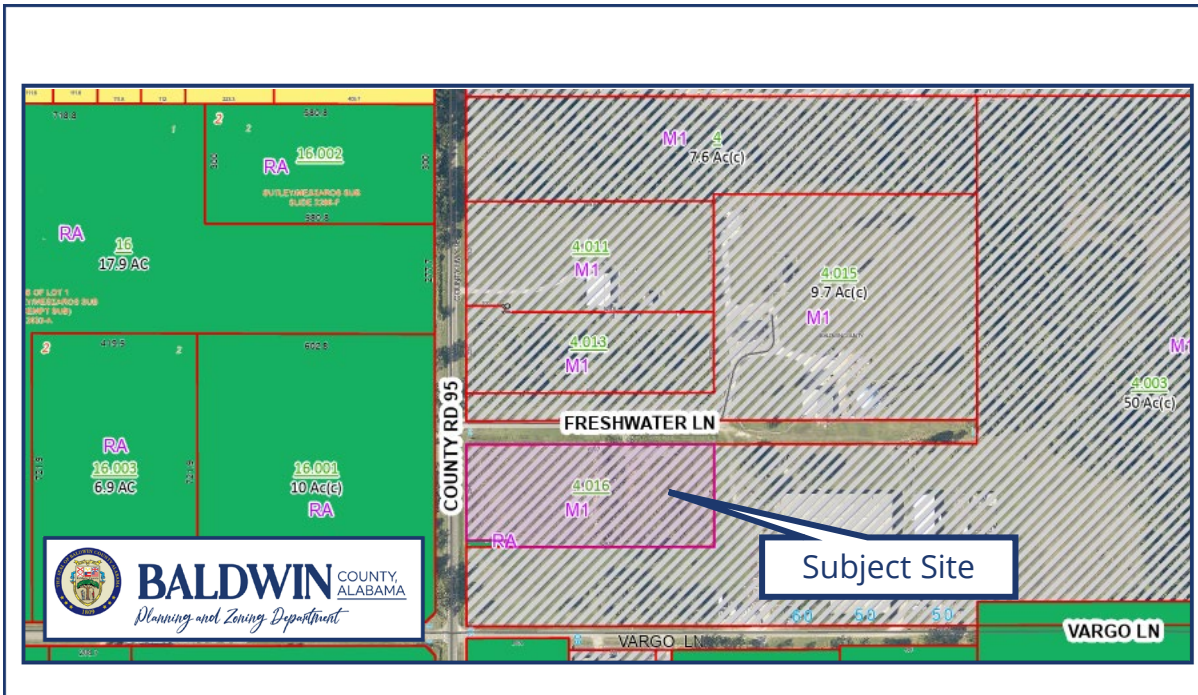
Lead Staff: Calla Mckenzie, Planning Technician II

The applicant is requesting a variance from Section 15.2.4 (a) of the Baldwin County Zoning Ordinance as it pertains to the Parking Schedule for a proposed discount/variety store to reduce the number of required spaces from 54 to 35.

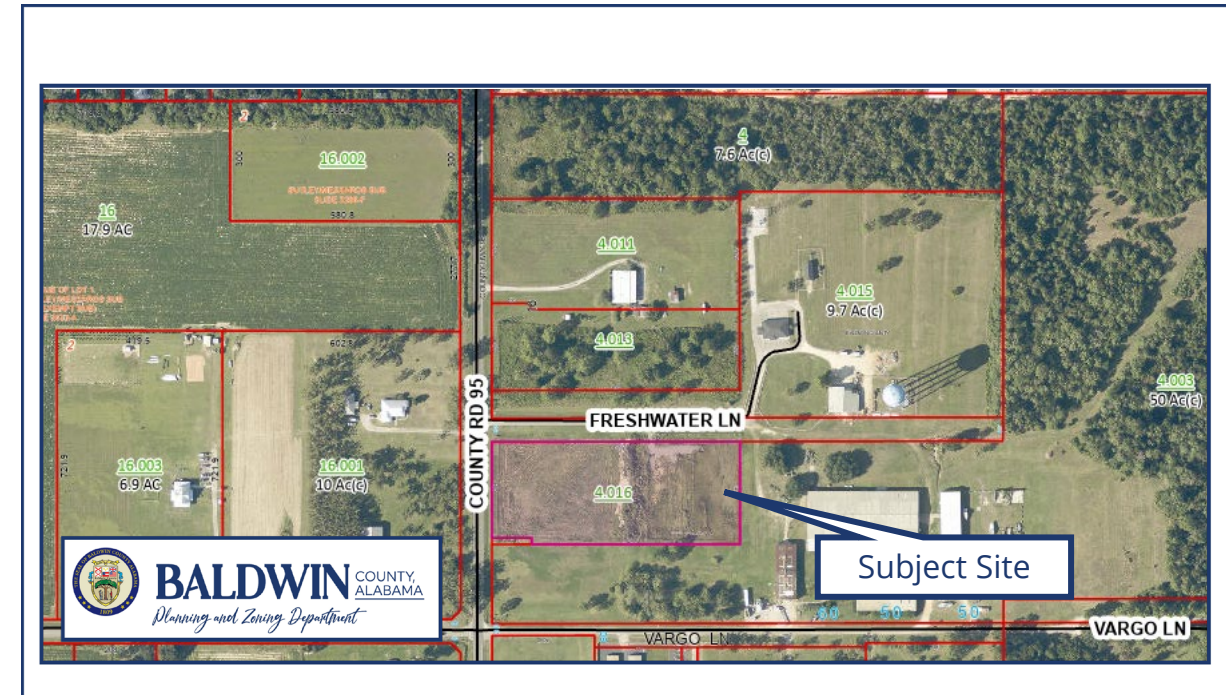
Staff perceives no hardship on the subject property and recommends that case ZVA25-38 be **DENIED** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	M-1, Light Industrial	Commercial
South	M-1, Light Industrial	Commercial
East	M-1, Light Industrial	Commercial
West	RA, Rural Agricultural	Agricultural



15.1285
THERN
EHOUSE
RAGE, & SHARED WORKSPACES

Subject Property
PIN: 209160



**VARIANCE
PROPOSED
FOR THIS PROPERTY**

Case Number

ZVA25-000038

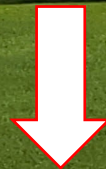


For information Contact
Baldwin County Planning &
Zoning Department
(251) 580-1655

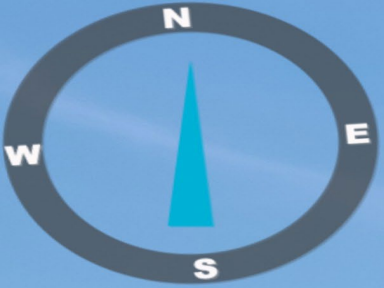
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164° S



Adjoining Property
to The South
PIN: 120908



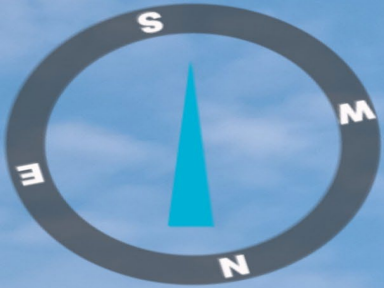
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88° E



Property to The
North
PIN: 209159



Aug 27, 2025 11:19:31 AM
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5° N



Property to The
East
PIN: 231190



Aug 27, 2025 11:18:57 AM
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194° S

Zoning Requirements

Article 8 Industrial Districts

Section 8.1 M-1, Light Industrial District

8.1.1 Generally. The purpose of this zoning district is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic.

8.1.2 Permitted uses. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted, conditioned on the *Commission Site Plan Approval requirements of Section 18.10*:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) Light industrial uses.
- (c) Transportation, communication, and utility uses except landfills and sewer treatment plants.
- (d) Outdoor recreation uses.
- (e) Marine recreation uses.
- (f) General commercial uses except racetracks.
- (g) Local commercial uses.
- (h) Professional service and office uses.
- (i) Institutional uses.
- (j) Agricultural uses.
- (k) Accessory structures and uses.

8.1.3 Conditional Use Commission Site Plan Approval. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as Commission Site Plan Approval uses:

- (a) Transportation, communication, and utility uses not permitted by right per 8.2.2(c): Permitted uses.

8.1.4 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 18.5: Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	45-Feet
Maximum Height in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Maximum Impervious Surface Ratio	.80

- (a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.
- (b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

Parking Requirements

15.2.4 Business and office.

- (a) Commercial establishments and offices including but not limited to food stores, banks, furniture stores, or personal service establishments. One space for each 200 square feet of gross floor area.
- (b) Restaurants, night clubs, bars, cafes, and similar eating/drinking places. One space for each 100 square feet of gross floor area.
- (c) Shopping centers. One space per 200 square feet of gross floor area.

The required number of 9' x 19' parking spaces for the proposed 10, 640 square foot discount/variety store is 54. The applicant is requesting a reduction in the amount of parking spaces to 35.

HOA Letter

From: Blaine Stewart [mailto:stewartblaine@ymail.com]
Sent: Tuesday, July 22, 2025 10:23 AM
To: Stuart LaGroue <stuart@selfstorage.com>
Subject: Re: Authorized Agent Forms For Elberta, AL Perdido Beach

Email has been going to junk mail, sorry.

There is no HOA on the parcel of property that I have on Freshwater Ln.

Thanks

Blaine Stewart
Charlie's Diesel and Marine
251-979-6334

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 within Planning District 32 was adopted by the County Commission on December 19, 1995. Per the submitted Site Plan, the parcel is 79,490 square feet (1.82 acres). The required minimum lot size for M-1 is 40,000 square feet with a 120' minimum lot width at the building line. The property meets the minimum lot requirements; therefore, **staff does not perceive any exceptional narrowness, shallowness, or shape of the subject property that would require a variance.**

M-1 Required minimum lot size: **40,000 sf**

Actual size: **79,490**

Lot size hardship: **NONE**

M-1 Required minimum width at street line: **120'**

Actual lot width: **223'**

Lot width hardship: **NONE**

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

Staff does not perceive an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which would justify a variance to allow for a reduction in the number of required parking spaces.

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 M-1, Light Industrial District, which allows for commercial facilities such as a discount/variety store. Staff believes the requested variance is a “for convenience” request that does not qualify as a hardship per the Baldwin County Zoning Ordinance.

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 in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County. *However, staff is unable to determine if the approved requested variance will unreasonably diminish or impair established property values within the surrounding areas because it is not feasible to gather sufficient data to make that determination for presentation at the public hearing.*

5.) Other matters which may be appropriate.

N/A

ZVA25-38 STEWART PROPERTY

VARIANCE REQUEST

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.

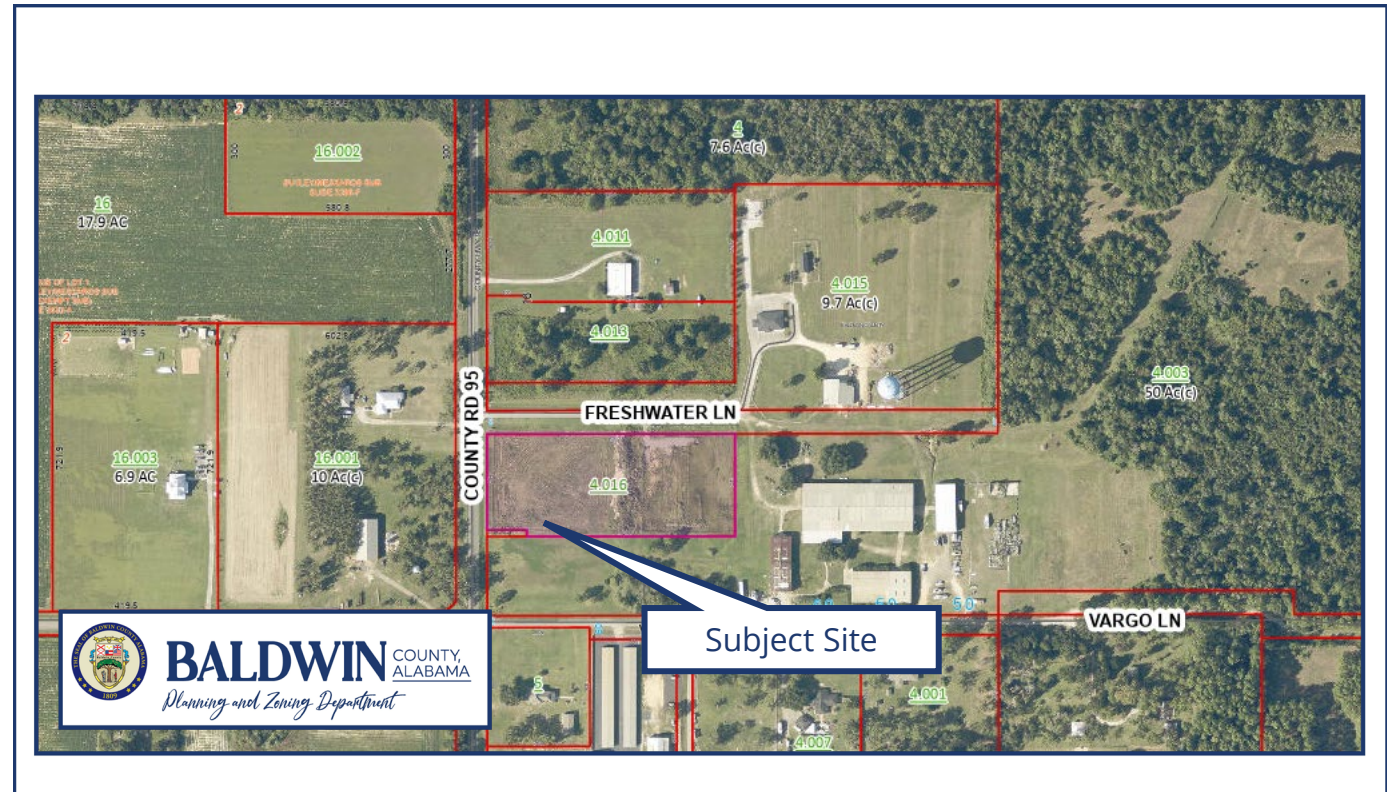
ZVA25-38 STEWART PROPERTY

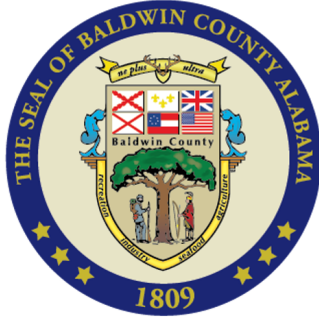
VARIANCE REQUEST

Lead Staff: Calla Mckenzie, Planning Technician II

The applicant is requesting a variance from Section 15.2.4 (a) of the Baldwin County Zoning Ordinance as it pertains to the Parking Schedule for a proposed discount/variety store to reduce the number of required spaces from 54 to 35.

Staff perceives no hardship on the subject property and recommends that case ZVA25-38 be **DENIED** unless information to the contrary is revealed at the public hearing.





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

OCTOBER 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

SEPTEMBER 11, 2025

BALDWIN COUNTY SATELLITE COURTHOUSE

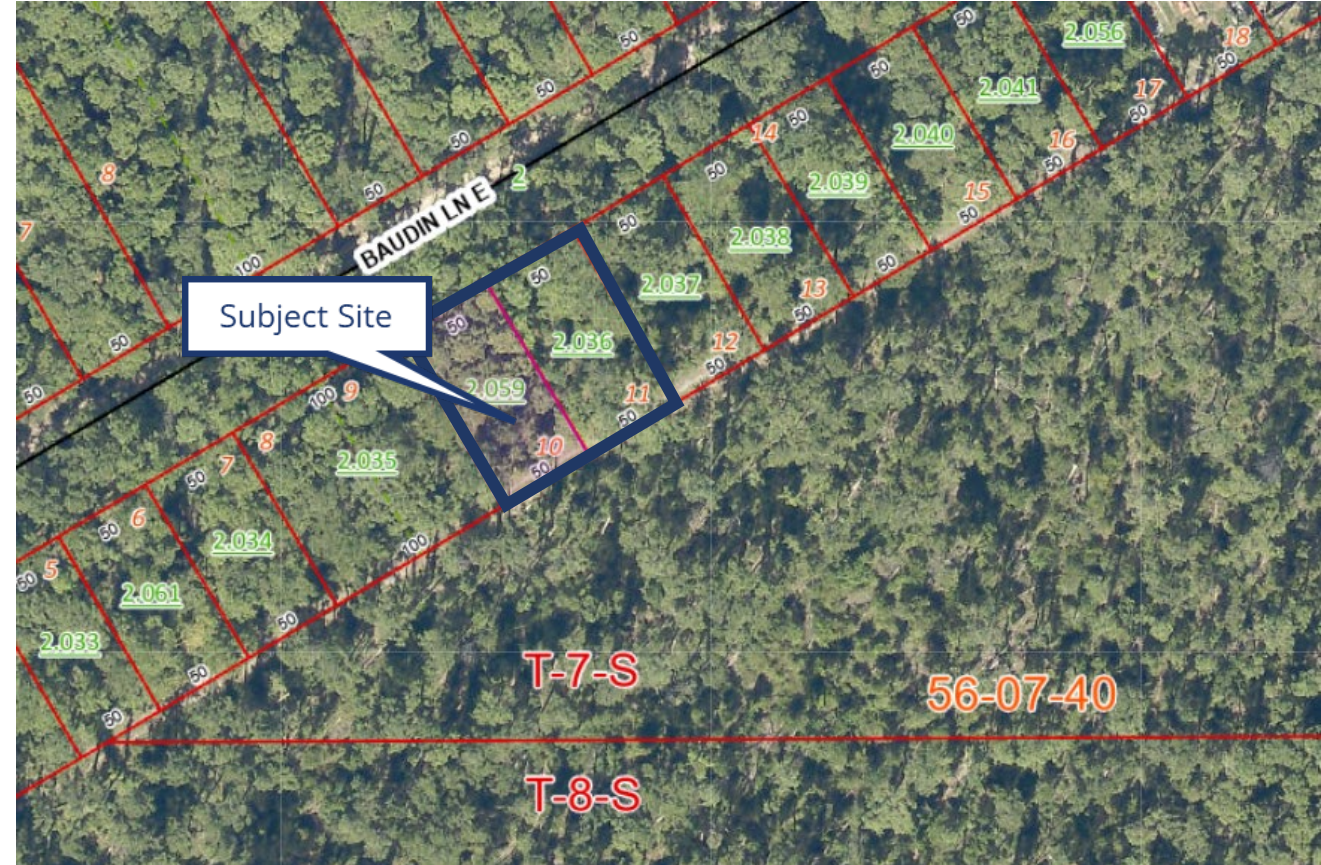
FOLEY, AL

ZVA25-39 KRUEGER PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 21
- **Zoned:** CR, Conservation Resource
- **Location:** The subject property is located on the east side of Baudin Lane
- **PID:** 05-56-07-40-0-001-002.059 & 0556-07-40-0-001-002.036
- (in process of being platted together into one lot)
- **Acreage:** 0.23
- **Physical Address:** Baudin Ln
- **Applicant:** Aimee Krueger
- **Owner:** David Lynn Krueger



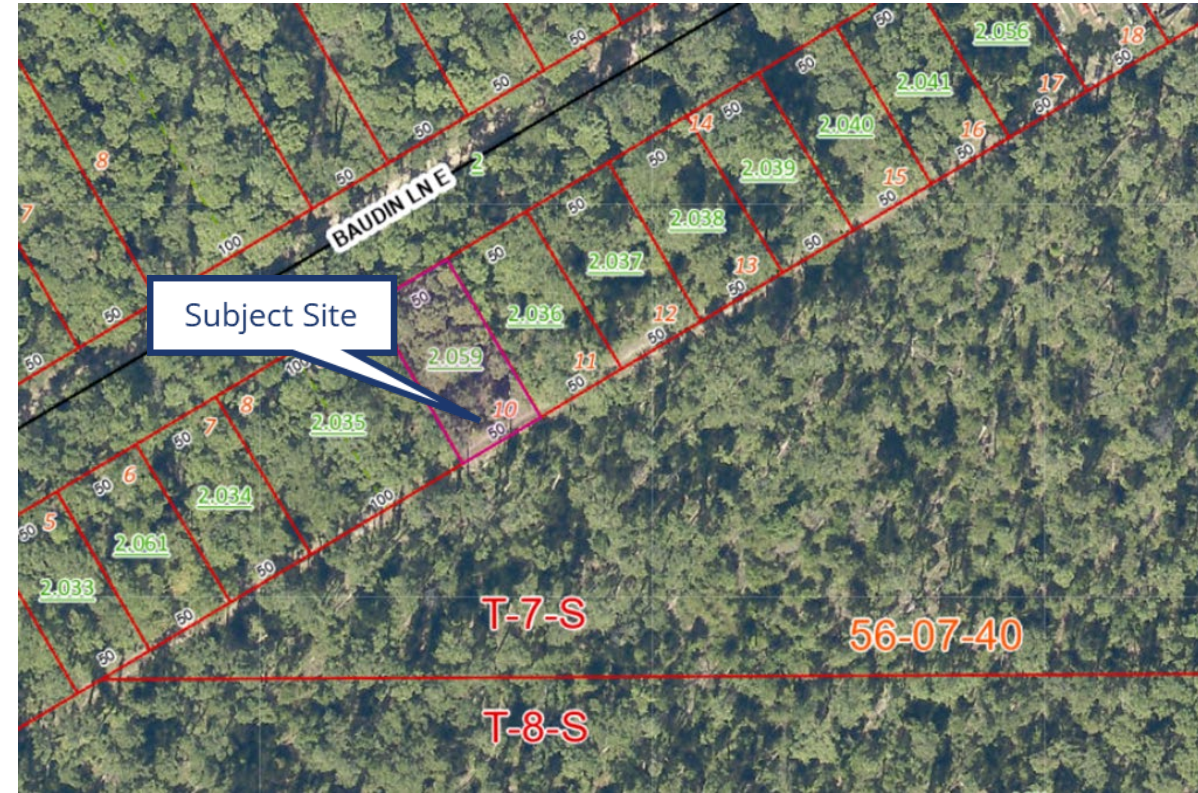
ZVA25-39 KRUEGER PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

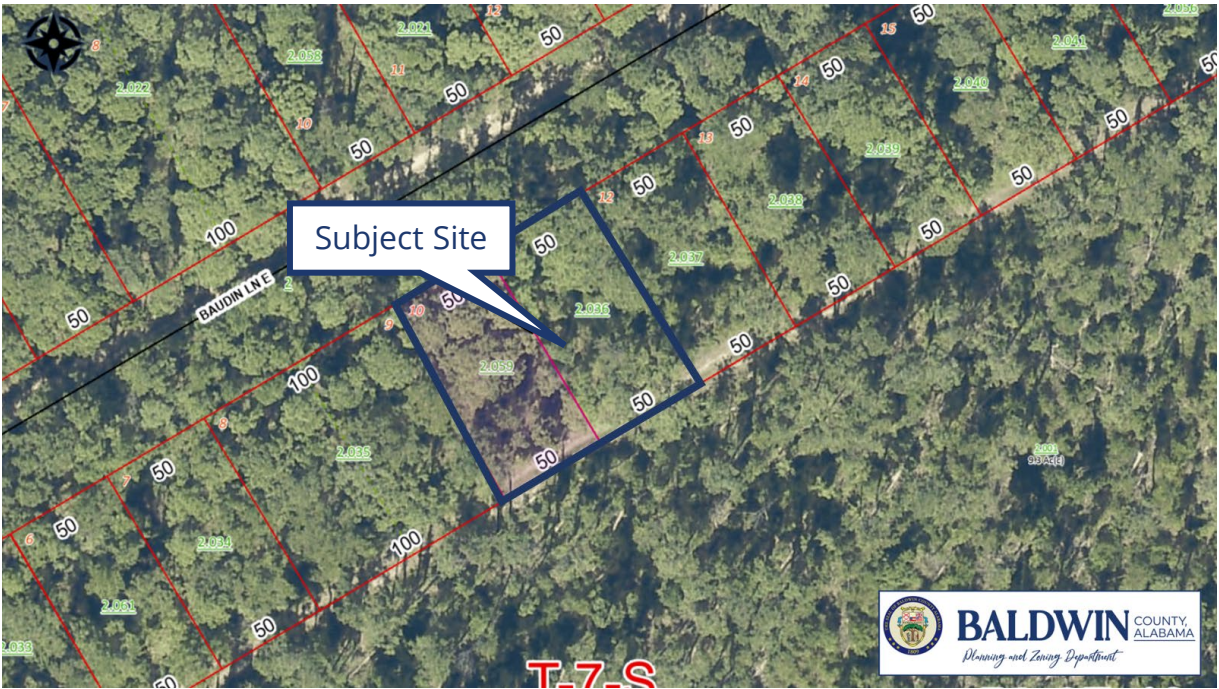
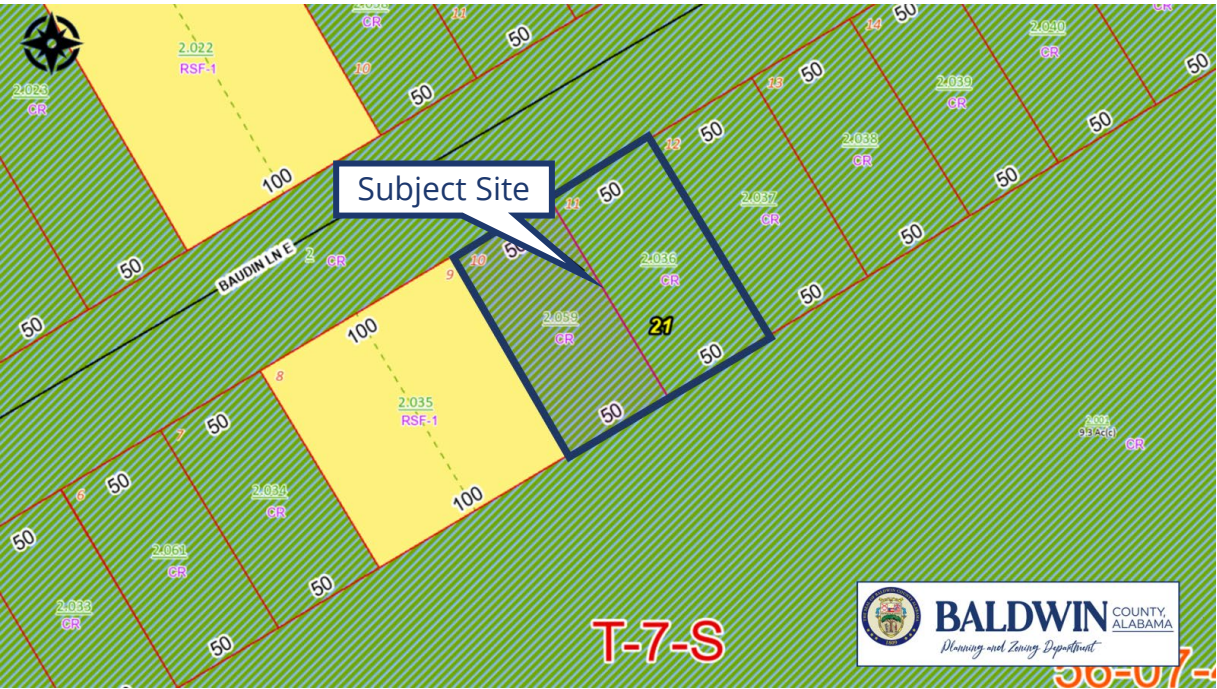
The applicant is seeking a variance from Section 3.3.5 Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance, as it pertains to the front, rear, and side yard setback requirements in order to allow for a single-family dwelling.

Staff recommends that ZVA25-39 be Approved.



Locator Map

Site Map



	Adjacent Zoning	Adjacent Land Use
North	CR, Conservation Resources	Vacant
South	CR, Conservation Resources	Vacant
East	CR, Conservation	Vacant
West	Weeks Bay	water body



Subject Site

BAUDIN LN E

T-7-S



Subject Property
PIN: 219509



**VARIANCE PROPOSED
FOR THIS PROPERTY
CASE NUMBER
ZVA25 -000039**

*For Information Contact
Baldwin County Planning &
Zoning Department
(251)580-1655 / (251)972-8523
(251)990-4623*



Aug 28, 2025 11:56:56 AM
30°23'7.36267"N 87°49'18.37909"W
158° S



Adjoining Property
to The East
PIN: 73720



Aug 28, 2025 11:57:44 AM
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122° SE



Adjoining Property
to The West
PIN: 74146



Aug 28, 2025 11:58:33 AM
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159° S



Property to The
North
PIN: 219506



Aug 28, 2025 11:58:57 AM
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353° N

KRUEGER RESIDENCE
11899 BAUDIN LANE EAST
MAGNOILIA SPRINGS, AL 36555

DRAWING SCHEDULE

TITLE PAGE

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ARCHITECTURAL

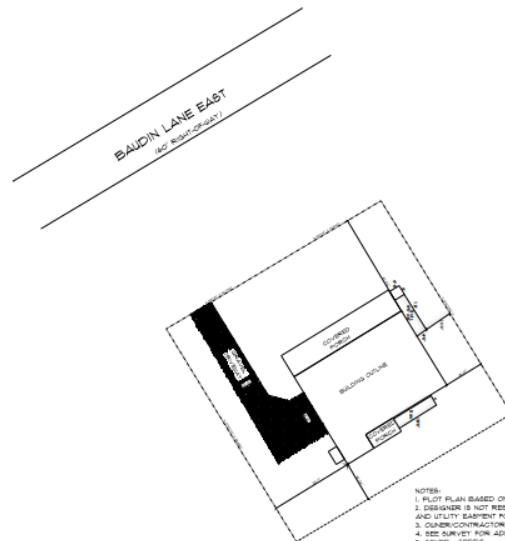
FOUNDATION LAYOUT _____ AI

MAIN FLOOR PLAN _____ A2

FRONT & LEFT ELEVATIONS _____ A3

REAR & RIGHT ELEVATION_____A4

ROOM FINISH SCHEDULE, TYPICAL DETAILS & INTERIOR ELEVATIONS____ A5



NOTES:
1. PLOT PLAN BASED ON INFORMATION FROM UTILITY SURVEYORS.
2. DESIGNER IS NOT RESPONSIBLE FOR VERIFYING BUILDING SETBACKS, DRAINAGE
AND UTILITY EASMENT FOR LOT.
3. OWNER/CONTRACTOR TO VERIFY INFORMATION IS CORRECT PRIOR TO CONSTRUCTION.
4. SEE SURVEY FOR ADDITIONAL INFORMATION NOT SHOWN ON THIS PLOT PLAN.
5. SEWER - SEPTIC

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CONTRACTORS SHALL ASSUME RESPONSIBILITY FOR ALL OPERATIONS AND CONDITIONS ON THE JOB. THE DESIGNER SHALL BE NOTIFIED AND CONSENT TO ANY VARIATION FROM PLANS SET

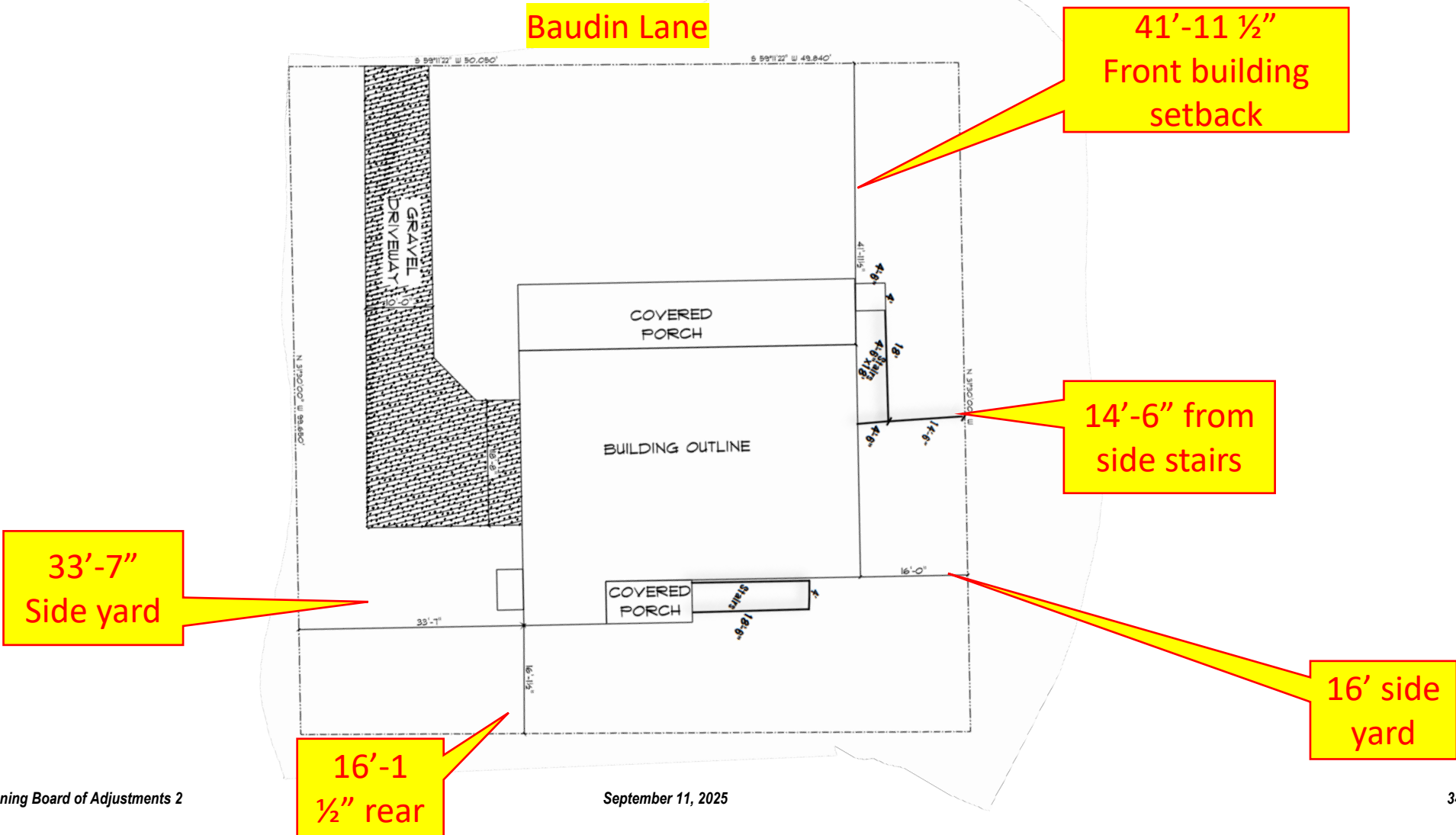
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© copyright 2020 WREST CREATION DESIGNS, LLC

25-002 Krusger Residence



Site Plan Enlarged



Zoning Requirements

Section 3.3 CR, Conservation Resource District

3.3.1 Generally. This zoning district provides for large, open, unsubdivided land which is environmentally constrained and that is vacant or is being used for agricultural, forest or other rural purposes.

3.3.2 Permitted uses. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).

- (c) Outdoor recreation uses.
- (d) The following local commercial uses: fruit and produce store.
- (e) The following institutional uses: church or similar religious facility; school (public or private).
- (f) Agricultural uses.
- (g) Single family dwellings including manufactured housing and mobile homes.
- (h) Accessory structures and uses.

3.3.3 Special exceptions. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: Not Applicable

3.3.4 Conditional Use Commission Site Plan Approval. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

- (a) Institutional uses not permitted by right.
- (b) The following general commercial uses: low density recreational vehicle park (see *Section 13.8: Recreational Vehicle Parks*).
- (c) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

3.3.5 Area and dimensional regulations. 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 18.5: Variances*, and *Article 20: Nonconformities*, the area and dimensional regulations set forth below shall be observed.

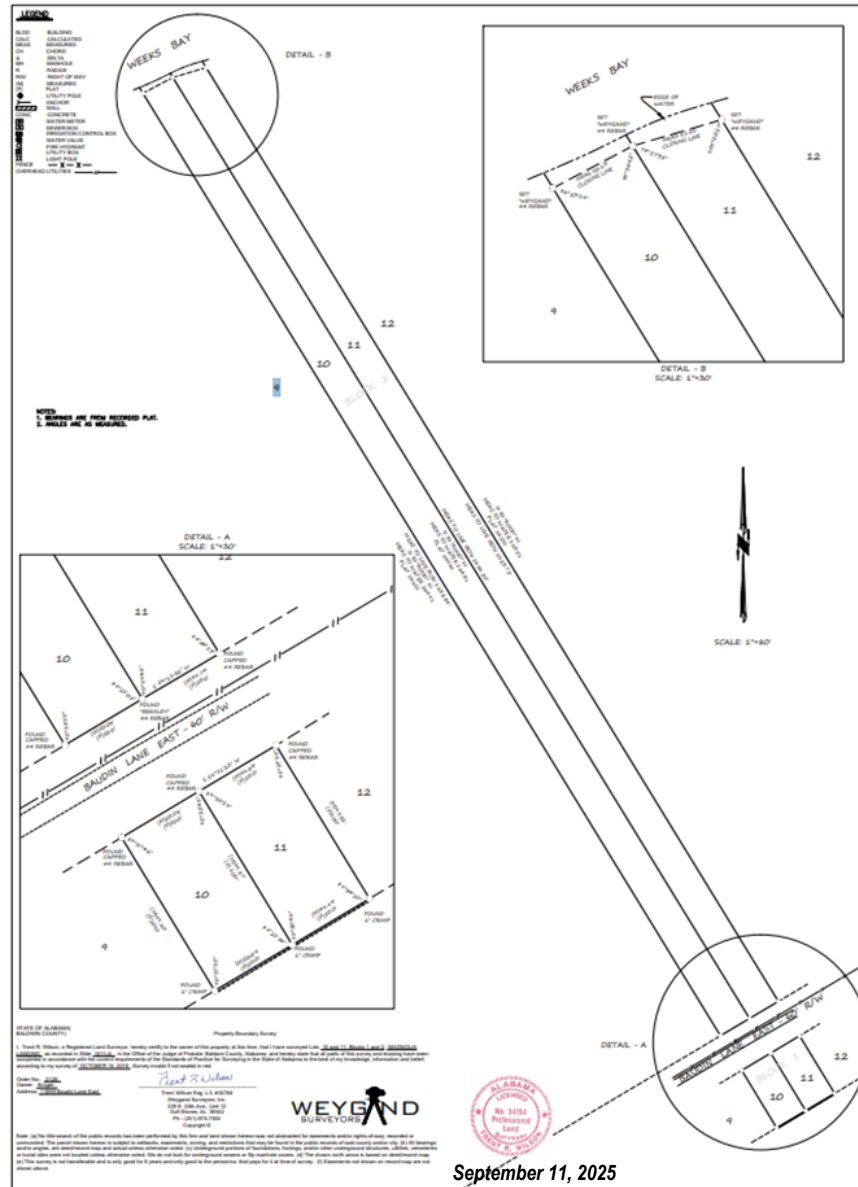
Maximum Height of Structure	35-Feet
Minimum Front Yard	100-Feet
Minimum Rear Yard	100-Feet
Minimum Side Yards	50-Feet
Minimum Lot Area	5 Acres
Minimum Lot Width at Building Line	250-Feet

194

~~Baldwin County Planning & Zoning Board of Adjustments 2~~

~~September 11, 2025~~

Original Survey



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 21 came into effect on June 2, 2009. The lot described is 100 x 100' (after two lots combined), Lot 10 and Lot 11 of Magnolia Landing. It is 0.23 acres. The minimum lot size requirement for CR, Conservation Resources District, is 5 ac with a Minimum Lot Width at the Building Line of 250'.

Minimum lot size: **5 acres, 130,680sf** Actual lot size: **10,000+/- sf**, Minimum Lot width at building line: **250'**, Actual Lot Width: **100'**, Hardship: **YES**

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

The subject property does not contain any jurisdictional wetlands. Therefore, staff could not establish exceptional topographical conditions or other extraordinary situations or conditions contained on the property that would require 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 currently zoned CR, Conservation Resource District. This zoning district provides for large, open, unsubdivided land which is environmentally constrained and that is vacant or is being used for agricultural, forest, or other rural purposes. CR allows single-family dwellings, residential uses, and accessory structures. The applicant is proposing to construct a single-family home on the two lots, which will be combined and re-platted into a single parcel. The intended dwelling will be situated on the upland area of the combined parcels. Across the street from the Bay lots. Staff believes that 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.

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.

Wetland Delineation



July 24, 2020

Ms. Amice Krueger
5495 BEAR POINT AVE
ORANGE BEACH, AL 36561

RE: Wetland Delineation of Parcels on Baudin Lane East

Ms. Krueger,

EcoSolutions Inc. was asked to conduct a wetland delineation of the parcels on, Baudin Lane East with the following numbers PIN: 54043, 219506, 219509, 73720. The field work was conducted on July 22, 2020 by Evan Wood. The large lots north of Baudin Lane (PIN 54043 and 219506) met the definition of a wetland as defined by the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual. The smaller lots south of Baudin Lane with PIN 219509, 73720 are not wetlands, see attached map and data sheets.

The subject area is parcel numbers 05-56-07-40-0-001-002.036, 05-56-07-40-0-001-002.059, 05-56-07-40-0-001-002.058, 05-56-07-40-0-001-002.021, located south of Weeks Bay on Baudin Lane East in Baldwin County, AL. The total area of the parcels are 4.1 acres. The parcels are covered with mature pine forest including tree species such as Slash Pine (*Pinus elliottii*) and Water Oaks (*Quercus nigra*). The north end of the parcels near Weeks Bay has saw grass (*Cladium mariscus*) in the understory so it is characterized as a coastal marsh wetland.

The site was evaluated for jurisdictional wetland areas as defined by the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual and all, supplements and amendments thereto. The majority of the parcels met the USACE criteria for wetlands. All comments are based on the professional judgment of the inspector and the conditions that existed on the site at the time of the inspection.

Please give us a call (251-621-5006) or email Lewis@EcoSolutionsinc.net if you have any questions or need any additional information.

Best regards,

Lewis Cassidey
EcoSolutions, Inc.



POA Statement

Baldwin County Planning and Zone,

I would like to confirm there is not an HOA in the Magnolia Landing subdivision where the parcels 10 & 11 Baudin Lane are located.

Please let me know if you have any questions or need anything else.

Thank you,



Aimee Krueger on behalf of David Krueger

August 14, 2025

ZVA25-39 KRUEGER PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is seeking a variance from Section 3.3.5 Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance, as it pertains to the front, rear, and side yard setback requirements in order to allow for a single-family dwelling.

Staff recommends that ZVA25-39 be Approved with the following conditions,

1. If approved, the variance is limited site plan as shown and provided herein.
2. A replat must be circulated in the Planning Department and recorded with Probate before a zoning site plan can be approved.
3. This variance doesn't relieve the subject property of any 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 licensing agreement), or requirements of other agencies.

ZVA25-39 KRUEGER PROPERTY

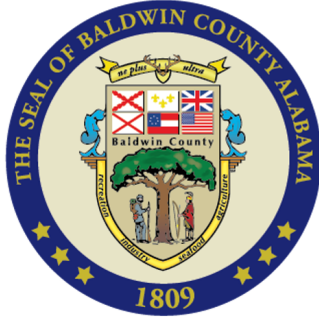
VARIANCE REQUEST SUMMARY AND RECOMMENDATION

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,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

OCTOBER 9, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

SEPTEMBER 11, 2025

BALDWIN COUNTY SATELLITE COURTHOUSE

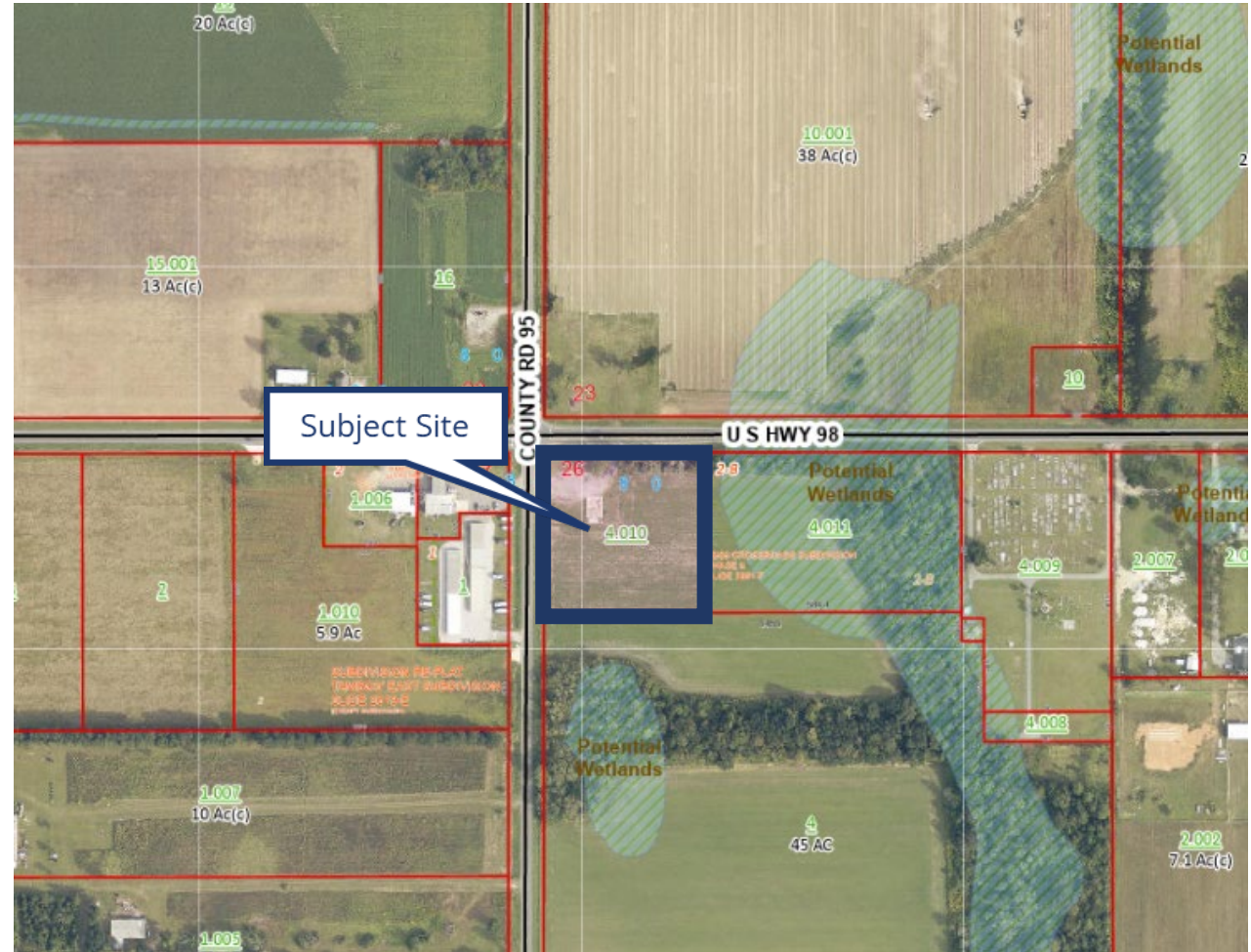
FOLEY, AL

ZVA25-45 KANHA DEVELOPERS LLC PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 22
- **Zoned:** B3, General Business
- **Location:** The subject property is located on the south side of US Hwy 98
- **PID:** 05-53-07-26-0-000-004.010
- **Acreage:** 3 acres
- **Physical Address:** 28068 US Hwy 98
- **Applicant:** Jon Archer Commercial Leasing LLC
- **Owner:** Kanaha Developer LLC



ZVA25-45 KANHA DEVELOPERS LLC PROPERTY

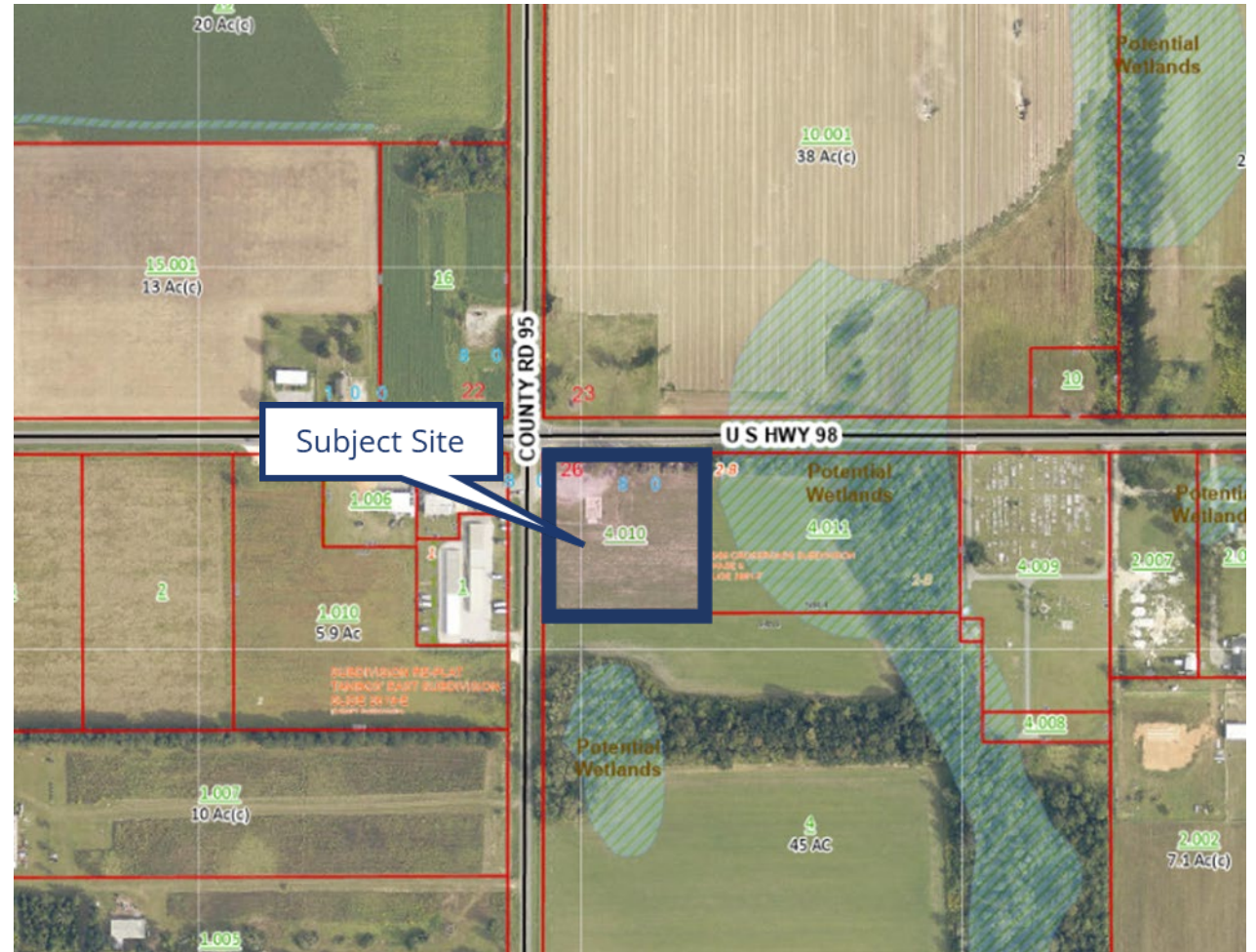
VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is seeking a variance from Section 17.3.2 (c) buffer requirements of the Baldwin County Zoning Ordinance, as it pertains to the 25' landscape buffer to allow for a convenience store/gas station.

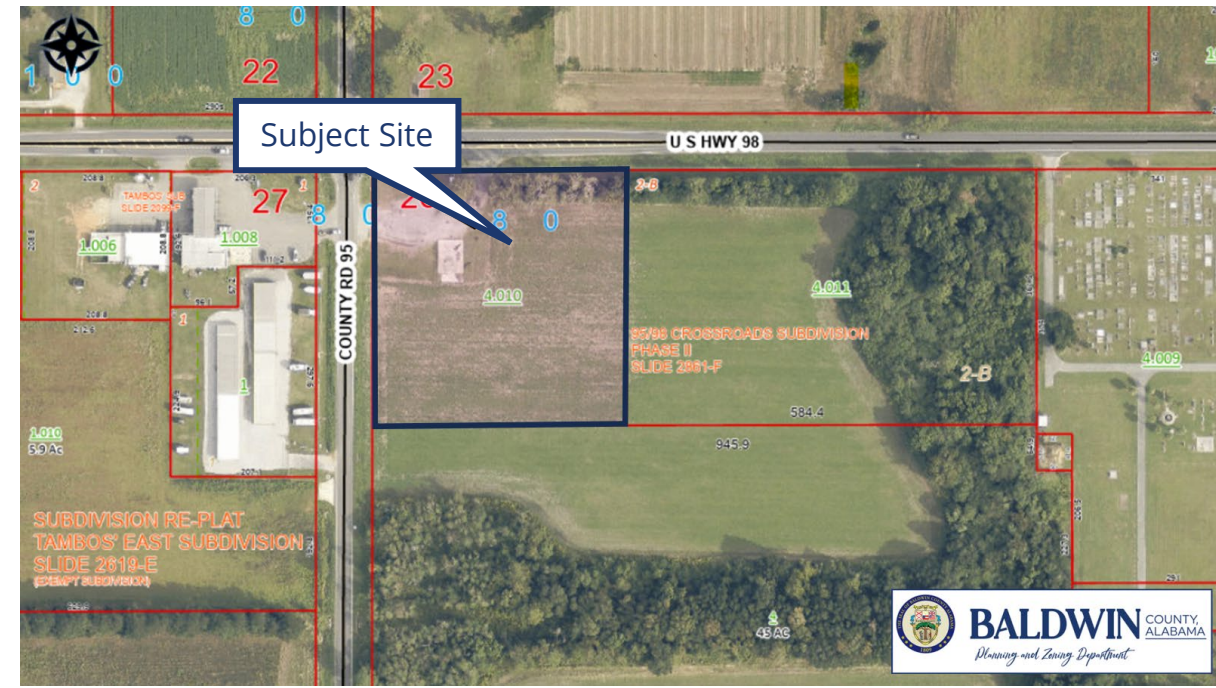
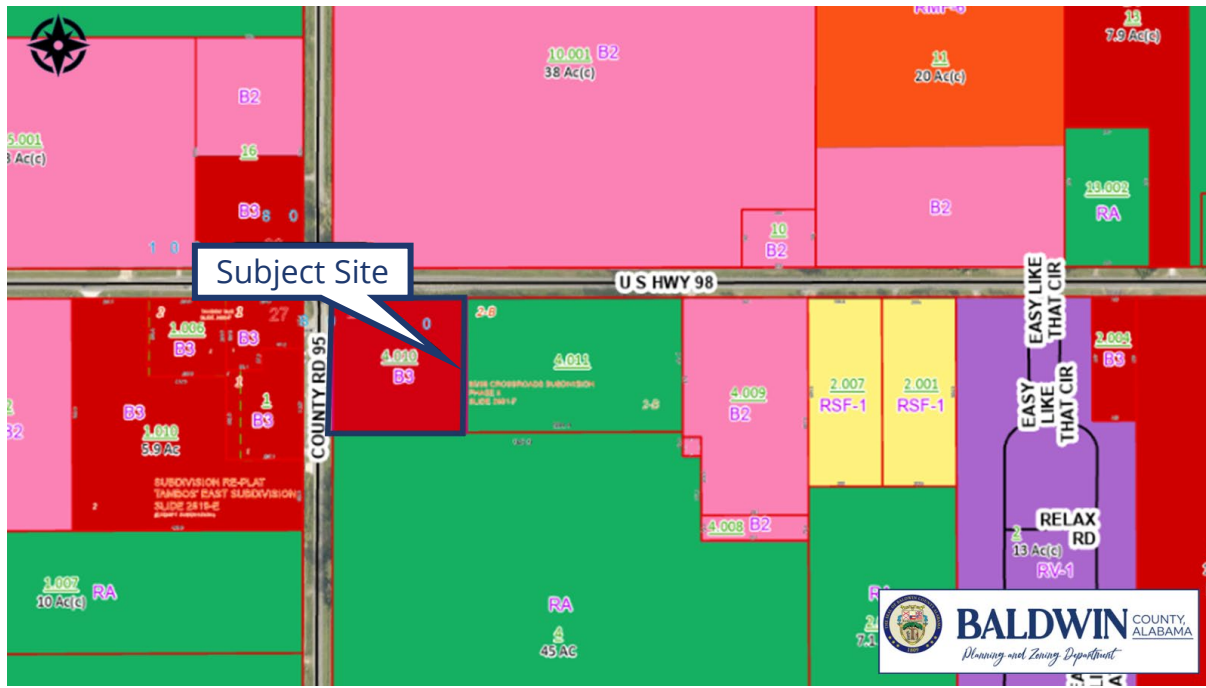
The applicant would like to avoid the installation of the south side landscape buffer of 25' that is required.

Staff recommends that ZVA25-45 be Approved.



Locator Map

Site Map



	Adjacent Zoning	Adjacent Land Use
North	B2, Neighbor Business	Vacant
South	RA, Rural Agriculture	Vacant
East	RA, Rural Agriculture	Vacant
West	B3, General Business	Convenience Gas Station



Subject Site

U S HWY 98

COUNTY RD 95

SE/98 CROSSROADS SUBDIVISION
PHASE II
SLIDE 2081-F

2-B

SUBDIVISION RE-PLAT
TAMBO'S EAST SUBDIVISION
SLIDE 2619-E
(EMPTY SUBDIVISION)



BALDWIN COUNTY, ALABAMA

Planning and Zoning Department



Subject Site

U S HWY 98

COUNTY RD 95

EASY LIKE THAT CIR
EASY LIKE THAT CIR

RELAX RD



BALDWIN COUNTY, ALABAMA
Planning and Zoning Department



Subject Property
PIN: 398365



**VARIANCE PROPOSED
FOR THIS PROPERTY**
CASE NUMBER

ZVA25-000045

*For Information Contact
Baldwin County Planning &
Zoning Department*

**(251)580-1655 / (251)972-8523
(251)990-4623**



Aug 27, 2025 10:58:26 AM
30°24'51.87722"N 87°32'49.08581"W
199° S



Adjoining
Property to The
West
PIN: 618487



Aug 27, 2025 11:03:29 AM
30°24'51.91196"N 87°32'43.04954"W
194° S



Adjoining Property
to The South
PIN: 66253



Aug 27, 2025 11:00:29 AM
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76° E



Property to The
North
PIN: 170193



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346° N

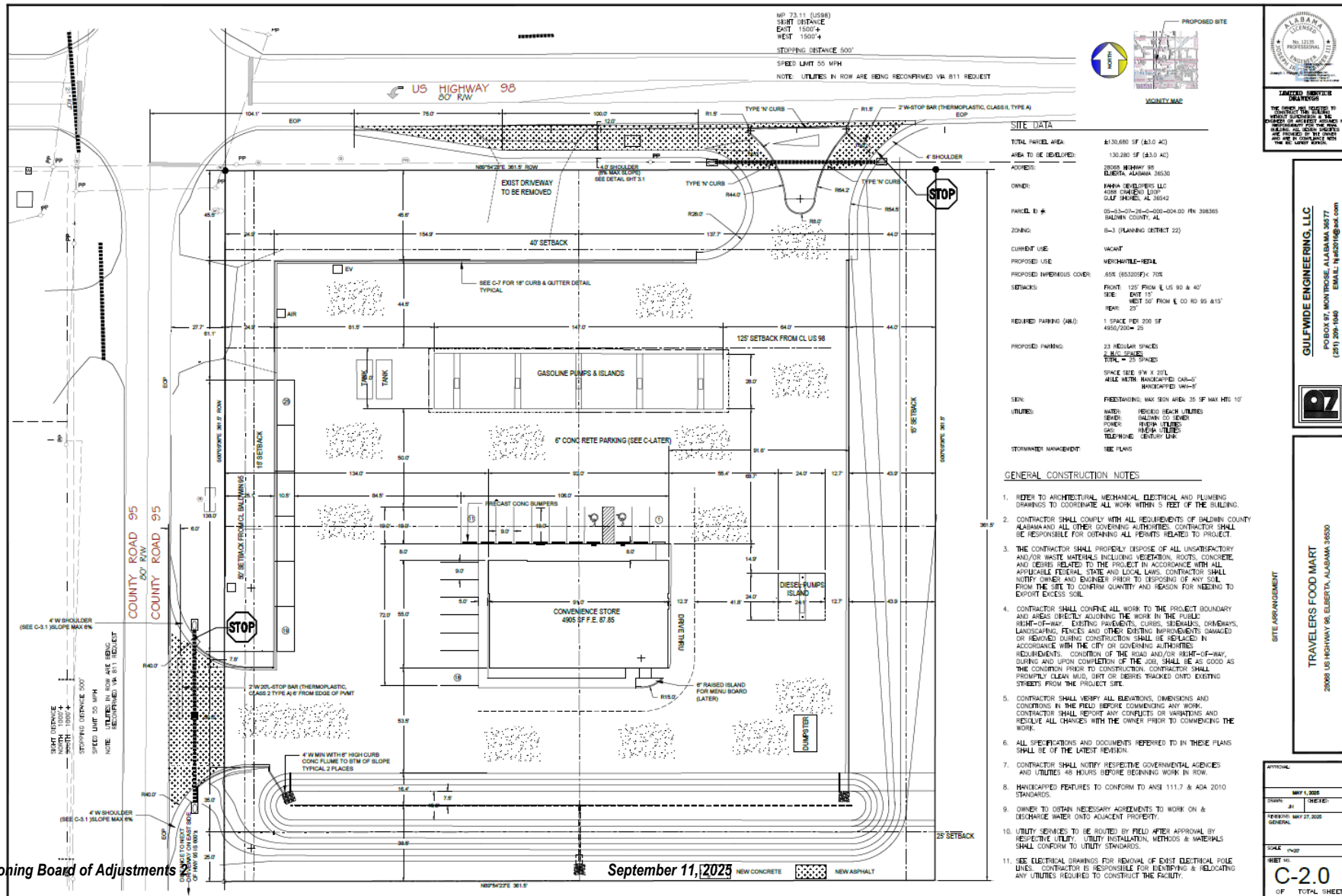


Property to The
East
PIN: 66251

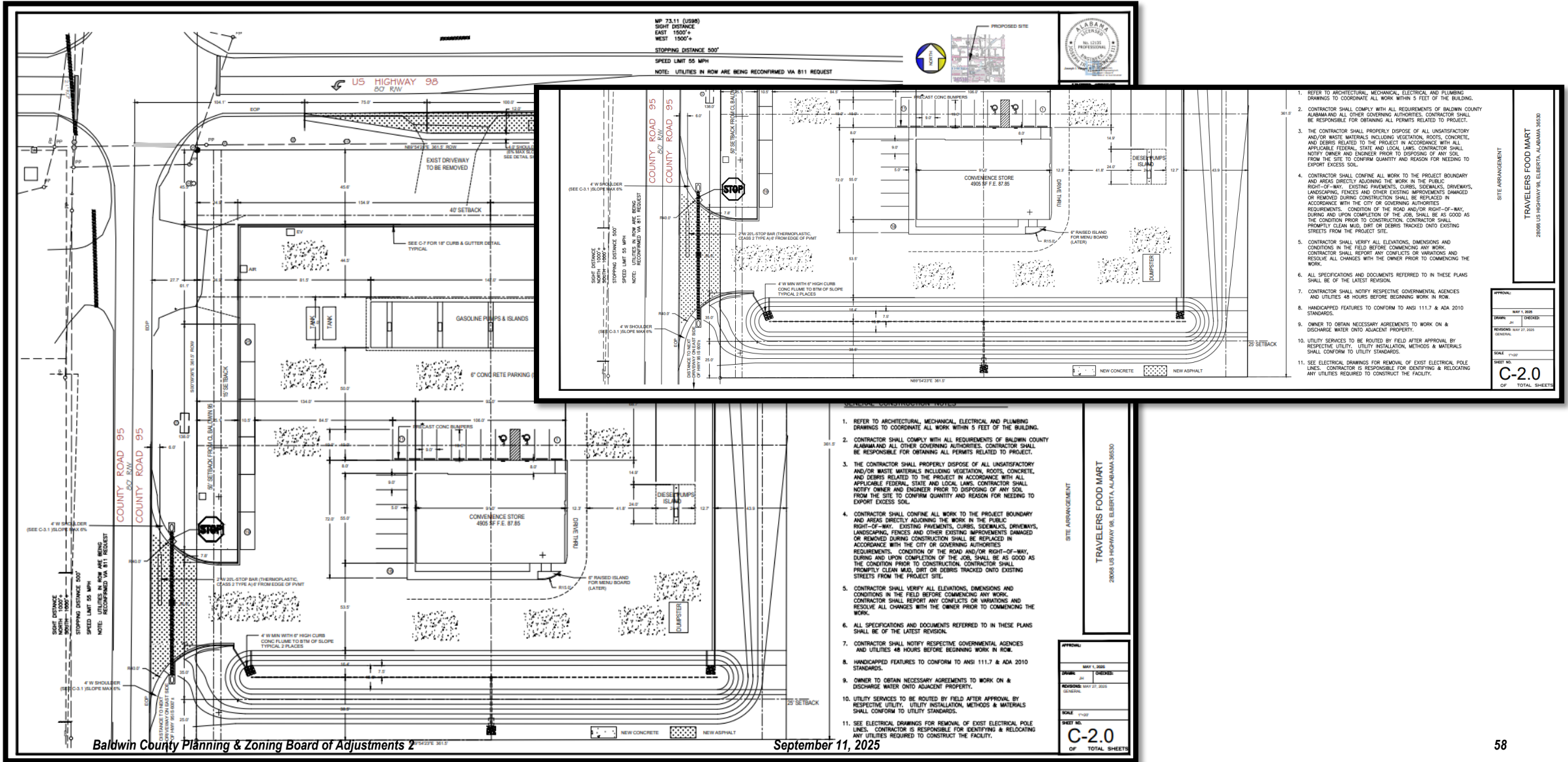


Aug 27, 2025 11:02:10 AM
30°24'48.9037"N 87°32'51.66334"W
286° W

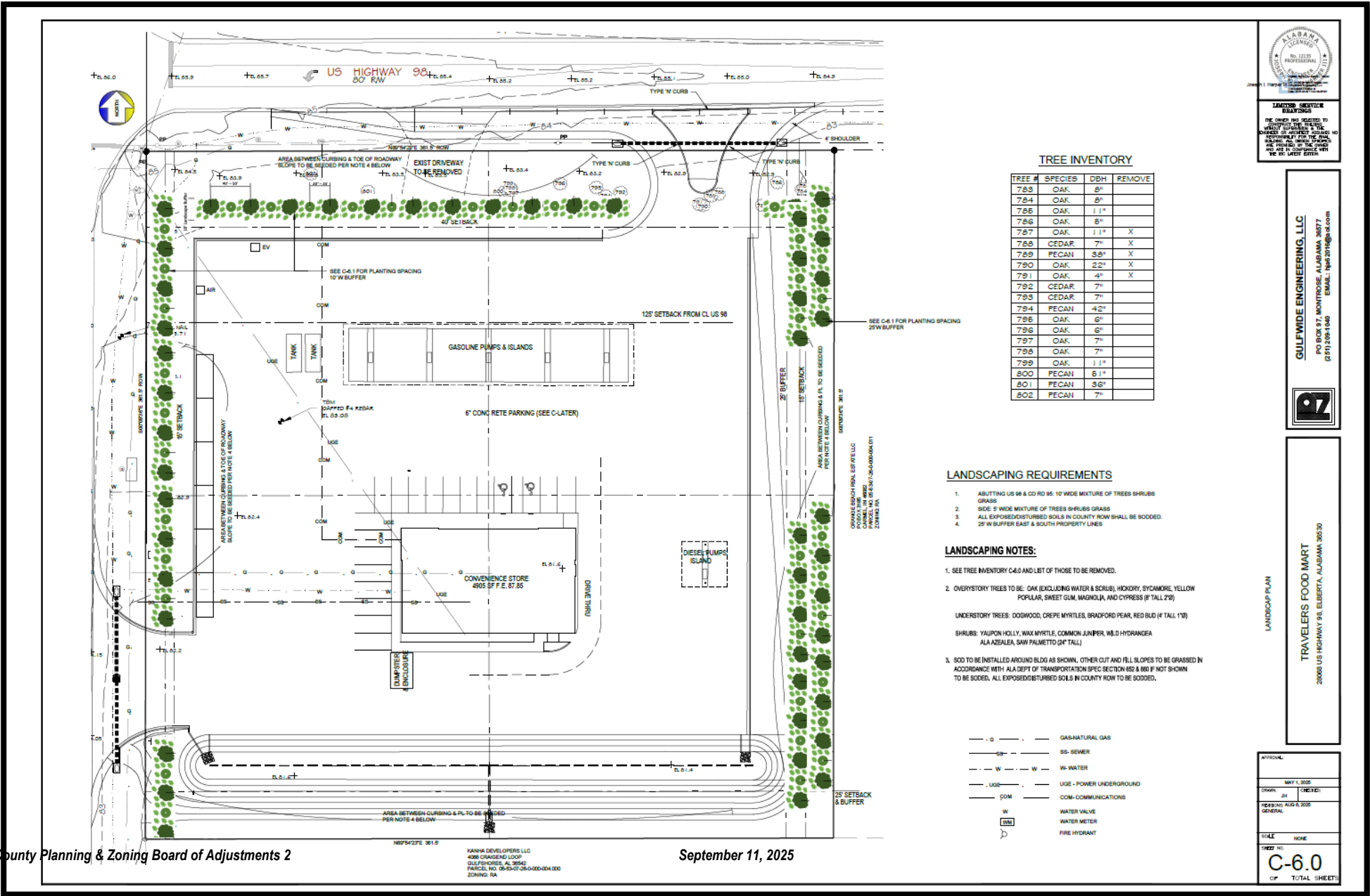
Site Plan



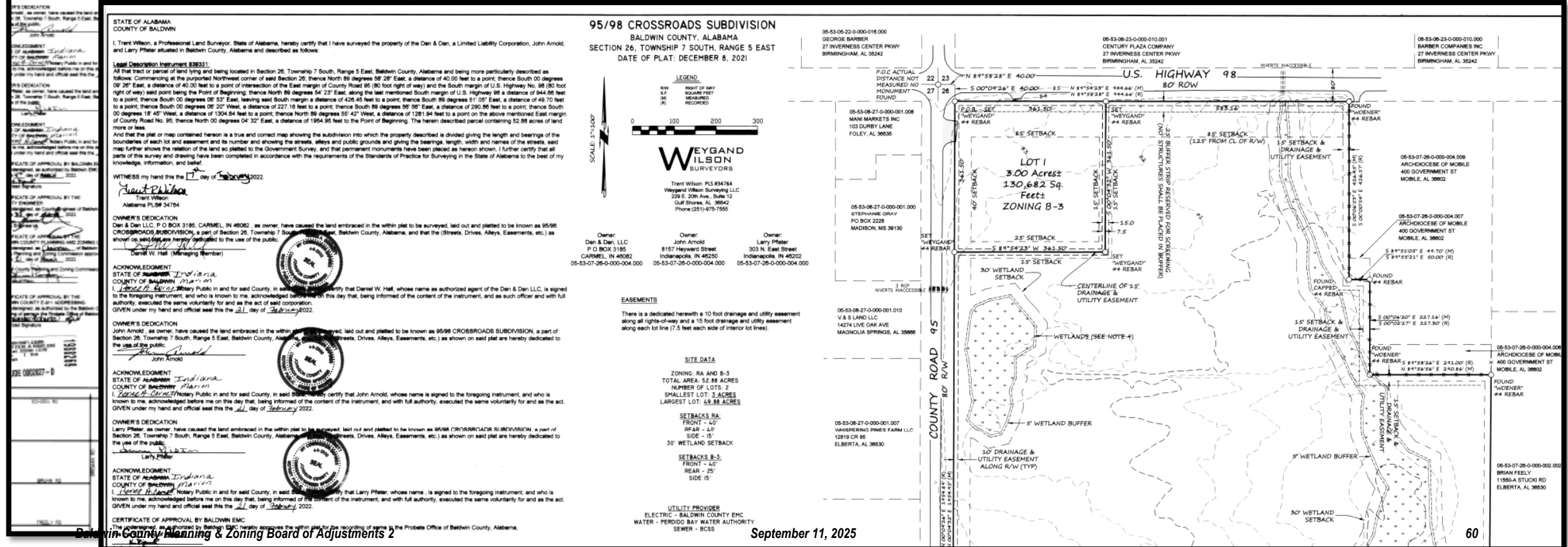
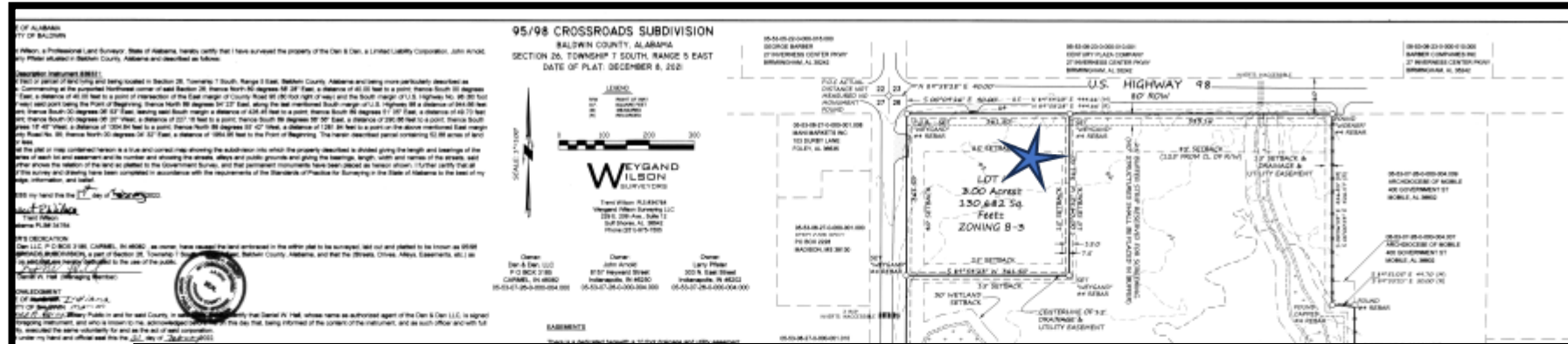
Site Plan Enlarged



Landscape Plan



SUBDIVISION PLAT



County Turnout for CO RD 95

BALDWIN
— COUNTY, ALABAMA —

Navigate to... ▾

 **VIEW PERMIT**

Home / Services / P&Z Dept / Hwy Dept / View Permit

 Request an inspection

 Upload documents

 Leave message

Translate:

Select Language ▾

Make sure to check both the "Status" and the "Issue Date" fields.
An application only becomes a valid permit once an issue date is listed.
However, keep in mind that the status may change later (for example, to "Cancelled" or "Expired"), which can override the issue date and affect whether the permit is still considered valid.

Permit #: DPC25-000005
Project #: 25-003476
Status: Approved with Conditions
Address: 28068 U.S. Highway 98
Description: REQUEST FOR A COMMERCIAL DRIVEWAY PERMIT

Permit Reviews Documents Inspections

ALDOT TURNOUT US Hwy 98

Form BM-111
Revised May 2017

Page 1 of 5

ALABAMA DEPARTMENT OF TRANSPORTATION PERMIT TO CONSTRUCT A TURNOUT TO PROVIDE ACCESS TO A STATE HIGHWAY

County Baldwin County, AL

Route Number US Highway 98

Milepost 73.11

FOR OFFICIAL USE ONLY

DATE RECEIVED FROM APPLICANT: / /

PERMIT NUMBER:

Bonding Agency Later Bond Number

Associated Permits and/or Documents Later

Name of APPLICANT Kanha Developers, LLC

Address 28068 US Highway 98, Elberta, AL 36530 (Site 911 Address)

Description of Work: ☒ Commercial ☐ Residential or Small Church or Small Farm

Construct commercial turnout into convenience store

The APPLICANT hereby requests permission of the Alabama Department of Transportation, hereinafter referred to as ALDOT, to permit APPLICANT to construct a turnout to the highway above noted and agrees with ALDOT that upon approval of this request by ALDOT, the permission for the APPLICANT to construct, maintain and/or use such turnout shall be subject at all times to revocation by ALDOT, and the permission to construct, maintain and/or use the turnout by the APPLICANT, shall be especially subject to the following terms and conditions as respectively applicable, and that such permission will be revoked or denied by ALDOT at any time the APPLICANT fails to comply with any such term or condition hereinafter stated:

1. The turnout shall be in compliance with applicable provisions of Chapter 4 of ALDOT Access Management Manual, ALDOT Permit Manual, ALDOT current highway design standards, and with the drawing(s) attached hereto (Information is available from any ALDOT District Administrator to assist APPLICANT in this regard).

2. The access turnout will be constructed in such a manner that no damage will be occasioned to the state highway, and no hazard to the traveling public will be created.

POA Statement

August 18, 2025

Via Citizen Serve Portal

Baldwin County Planning Commission

Re: *Permit Application CSP25-000024 - Site Plan Application – Kanha Developers, LLC*

Baldwin County Planning Commission:

I am the managing member of Kahha Developers LLC. Please allow this letter to serve as written confirmation that there is no property owners association for LOT 1 of 95/98 Crossroads Subdivision a.k.a. 28068 U.S. Highway 98, Elberta, AL 36530. (Plat attached).

OWNER: KANHA DEVELOPERS, LLC

By: 
Binta Patel

Its President

8/18/25
Date

Zoning Requirements

17.3.2 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 residential property shall require a minimum buffer of **75-feet**.

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 22 came into effect on November 19, 2001. The lot described is 361.5' x 361.5' and is 3 acres. The minimum lot size requirement for B3, General Business District, is 20,000sf, with a Minimum Lot Width at the Building Line of 80'.

Minimum lot size: **20, 000sf** Actual lot size: **3 acres, 130,680 sf**, Minimum Lot width at building line: **80'**, Actual Lot Width: **361.5'**,
Hardship: **No**

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

The subject property does not contain any jurisdictional wetlands. Therefore, staff could not establish exceptional topographical conditions or other extraordinary situations, or conditions contained on the property that would require 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 purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. The applicant has requested to avoid the 25-foot landscaped buffer. The Highway Department has noted that the County Road 95 turnout should remain in the location indicated on the site plan, in accordance with the new Highway Access Management Plan. Additionally, the drainage system has been designed in the most practical area for the project. Given the positions of the driveway and drainage, we understand that providing the full 25-foot landscape buffer may present some challenges. Staff believes that 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.

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.

ZVA25-45 KANHA DEVELOPERS LLC PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is seeking a variance from Section 17.3.2 (c) buffer requirements of the Baldwin County Zoning Ordinance, as it pertains to the 25' landscape buffer to allow for a convenience store/gas station.

The applicant would like to avoid the installation of the south side landscape buffer of 25' that is required.

Staff recommends that ZVA25-45 be Approved with the following conditions,

1. If approved, the variance is limited site plan as shown and provided herein.
2. This variance doesn't relieve the subject property of any 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 licensing agreement), or requirements of other agencies.

ZVA25-45 KANHA DEVELOPERS PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

GENERAL NOTES {By-laws}

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BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

OCTOBER 9, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL