



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Work Session Minutes
Thursday, November 9, 2023**

I. OPENING

Staff opened the Baldwin County Planning and Zoning Commission Board of Adjustment Number 2 at 2:03p.m. on November 9, 2023, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue, Foley, Alabama.

II. ATTENDANCE

The following board members were present: Chairman David Brown, John Slaats, Michael Swansburg, Harold Stephens, and Tracey Gambill.

Staff present included Buford King, Ashley Campbell, Cory Rhodes, Ben Guerrero, and Brittany Epling.

III. DISCUSSION ITEMS

- (1) Review of agenda items:
 - (a) AAD23-05 T&M 36 Properties, LLC Appeal
 - (b) ZVA23-69 Sherrill Property
 - (c) ZVA23-58 Napp Property
- (2) Ms. Campell spoke on lot-level drainage
- (3) Mr. King provided training on subdivisions by reviewing a subdivision staff report from a prior Planning Commission Meeting

IV. ADJOURNMENT

As there were no further items to discuss, the work session adjourned at 2:53p.m.

Respectfully Submitted,

Cory Rhodes, Planner

I hereby certify that the above minutes are true, correct and approved this 14th day of December, 2023.

David Brown
David Brown, Chairman



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Regular Meeting Minutes
Thursday, November 9, 2023**

I. Call To Order

Chairman David Brown opened the Baldwin County Board of Adjustment Number 2 meeting at 3:00 p.m. on November 9, 2023, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue in Foley, Alabama.

II. Opening

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

III. Roll Call

The following Board members were present: Chairman David Brown, John Slaats, Michael Swansburg, Harold Stephens, and Tracey Gambill.

Staff present included Buford King, Ashley Campbell, Cory Rhodes, Ben Guerrero, and Brittany Epling.

IV. Approval of Minutes

Mr. Slaats made a motion to approve the September 14, 2023 and October 12, 2023 meeting minutes. Ms. Gambill seconded the motion. All members voted aye. **Motion to approve the September 14, 2023 minutes and October 12, 2023 minutes carried.**

V. Consideration of Applications and Requests

1) AAD23-05 T&M 36 Properties, LLC Property Appeal

Mr. Guerrero presented the appeal from administrative decision to apply Section 20.2.6(a) of the Baldwin County Zoning Ordinance as it pertains to a fourth dwelling on the property. Staff recommended the case be upheld and the appeal be denied.

Mr. Thomas Rishe spoke in favor of the appeal. No one spoke in opposition.

After discussion Mr. Stephens made a motion to approve the appeal request with conditions set forth by staff. Ms. Gambill seconded the motion. Three members voted aye while two members voted nay. **Motion to approve case AAD23-05 appeal request with the conditions listed below carried.**

- 1. Memorialize that ONLY the Proposed Dwelling #4 will be restored as a grandfathered structure with all the rights of an existing non-conformity.**

- a) **This appeal does not exempt the subject property from the Baldwin County Subdivision Regulations.**
- b) **The appeal being approved, the Site Plan Approval process would continue as per standard procedure for #ZSP23-001078.**
- 2. **Memorialize that this variance is specific to this property and for this applicant only.**
- 3. **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.**

2) ZVA23-58 Napp Property

Ms. Rhodes presented the applicant's request for a variance from Section 4.2.5 and Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to minimum front yard setback requirements and encroachment into the 30' non-disturbed wetland buffer setback to allow for the construction of a single-family dwelling. Staff recommended the case be tabled to the December 14, 2023 meeting to allow the applicant time to contact the appropriate utility companies to determine if any easement is required along the front property line.

Mr. Joshua Napp spoke in favor of the request. Ms. Jamie Strategier spoke in opposition.

After discussion Mr. Slaats made a motion to table the variance request to the December 14, 2023 meeting as recommended by staff. Mr. Stephens seconded the motion. All members voted aye.

Motion to table case ZVA23-58 variance request to the December 14, 2023 meeting carried.

3) ZVA23-63 Diffley Property

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

Mr. Matthew Diffley spoke in favor of the request. Ms. Jamie Strategier and Mr. Michael Ludvigsen spoke in opposition.

After discussion Mr. Slaats made a motion to approve the variance request with conditions set forth by staff. Mr. Stephens seconded the motion. All members voted aye. **Motion to approve case ZVA23-63 variance request with the conditions listed below carried.**

- 1. **If approved, the variance is limited to the fill amount as shown on the Department of the Army Nationwide General Permit, File Number SAM-2023-00629-JEF.**
- 2. **No wetland Fill will be allowed in the R.O.W. for either the driveway or the sidewalk.**
- 3. **Updated site plan with the amended sidewalk shall be sent to the USACE for approval.**
 - a) **An updated USACE Nationwide General Permit shall be included with the ZSP application.**
- 4. **A turnout permit shall be submitted with the ZSP application.**
- 5. **White sand is the wetland fill type required for this project.**
- 6. **This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway or turnout permit), or requirements of other agencies.**

4) ZVA23-65 Hyking Property

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

Mr. Robert Newman spoke in favor of the request. Ms. Shannon Tyndale, Ms. Katherine Nichols, and Ms. Jamie Strategier spoke in opposition.

After discussion Mr. Slaats made a motion to approve the request with staff conditions. Ms. Gambill seconded the motion. All members voted aye. **Motion to approve case ZVA23-65 variance request with the conditions listed below carried.**

- 1. If approved, the variance is limited to the request of encroaching into the wetland setbacks *only* as shown on the Site Plan.**
- 2. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway or turnout permit), or requirements of other agencies.**

5) ZVA23-69 Sherrill Property

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

Mr. Aubrey Bennett spoke in favor of the request. Ms. Leslie Pappas, Ms. Shannon Tyndale, Ms. Katherine Nichols, Ms. Jamie Strategier, and Mr. Ken Hollon spoke in opposition.

After discussion Mr. Slaats made a motion to approve the request with staff conditions. Mr. Stephens seconded the motion. All members voted aye. **Motion to approve case ZVA23-69 variance request with the conditions listed below carried.**

- 1. If approved, the variance is limited to the fill amount as shown on the Department of the Army Nationwide General Permit, File Number SAM-2023-00355.**
- 2. White sand is the wetland fill type required for this project.**
- 3. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway or turnout permit), or requirements of other agencies.**

VI. Old Business

The Board voted unanimously to approve the 2024 Meeting Calendar.

VII. New Business

There was no new business to discuss.

VIII. Adjournment

As there were no further items to discuss, the meeting adjourned at 6:27 p.m.

Respectfully Submitted,

Cory Rhodes, Planner

I hereby certify that the above minutes are true, correct and approved this 14th day of December, 2023.

David Brown

David Brown, Chairman