



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Work Session Minutes
Thursday, December 14, 2023**

I. OPENING

Staff opened the Baldwin County Planning and Zoning Commission Board of Adjustment Number 2 at 2:03p.m. on December 14, 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, Mark Corn, Mackie Ray, and Tracey Gambill.

Staff present included Buford King, Ashley Campbell, Cory Rhodes, Ben Guerrero, and Crystal Bates.

III. DISCUSSION ITEMS

The following staff reports were discussed:

- ZVA23-70
- ZVA23-71
- AAD23-06
- ZVA23-73

Mr. King also provided a brief training that reviewed subdivisions and plats

IV. ADJOURNMENT

As there were no further items to discuss, the work session adjourned at 2:54p.m.

Respectfully Submitted,

Cory Rhodes, Planner

I hereby certify that the above minutes are true, correct and approved this 11th day of January, 2024.


David Brown, Chairman



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Regular Meeting Minutes
Thursday, December 14, 2023**

I. Call To Order

Chairman David Brown opened the Baldwin County Board of Adjustment Number 2 meeting at 3:02 p.m. on December 14, 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: Michael Swansburg, Chairman David Brown, Mark Corn, Mackie Ray, Tracey Gambill, and John Slaats.

Staff present included Buford King, Ashley Campbell, Cory Rhodes, Ben Guerrero, and Crystal Bates.

IV. Approval of Minutes

Ms. Gambill made a motion to approve the November 9, 2023, meeting minutes. Mr. Slaats seconded the motion. All members voted aye. **Motion to approve the November 9, 2023 minutes carried.**

V. Consideration of Applications and Requests

1) AAD23-06 Lewis Property Appeal

Mr. King presented the appeal from administrative decision to apply Section 13.1.2(b) of the Baldwin County Zoning Ordinance as it pertains to an accessory structure in the front yard. Staff recommended the case be upheld and the appeal be denied.

No one spoke in favor or opposition of the appeal.

After discussion Mr. Slaats made a motion to deny the appeal request. Mr. Ray seconded the motion. All members voted aye. **Motion to deny case AAD23-06 appeal request carried.**

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 variance request be approved.

Mr. Napp and Mr. Ludvigsen spoke in favor of the request. No one spoke in opposition.

After discussion Mr. Ray made a motion to approve the variance request with conditions recommended by staff. Mr. Slaats seconded the motion. All members voted aye. **Motion to approve case ZVA23-58 variance request with the conditions listed below carried.**

1. A 10' front building setback line shall be observed in lieu of the required 30' front building setback line.
2. Encroachment into the wetland setback shall be as indicated in the "revised" site plan included herein.
3. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or license agreement), or requirements of other agencies.

3) ZVA23-70 Long Property

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

Mr. Richard Cucchiara spoke in favor of the request. No one spoke in opposition.

Mr. Corn made a motion to approve the variance request with conditions recommended by staff. Mr. Slaats seconded the motion. All members voted aye. **Motion to approve case ZVA23-70 variance request with the conditions listed below carried.**

1. If approved, the variance is limited to the request for a wetland setback encroachment as shown on the Site Plan.
 - a. Wetlands are not proposed to be filled.
2. Submission of Zoning Site Plan (ZSP) depicting the site plan included herein within this application.
3. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or license agreement), or requirements of other agencies.

4) ZVA23-71 Green Property

Mr. King presented the applicant's request for approval of a variance from Section 4.2.5 of the Baldwin County Zoning Ordinance as it pertains to reducing the rear building setback requirements to allow for the construction of a single-family dwelling. Staff recommended the variance request be approved.

No one spoke in favor or opposition of the request.

After discussion Mr. Ray made a motion to approve the request with staff conditions. Mr. Slaats seconded the motion. All members voted aye. **Motion to approve case ZVA23-71 variance request with the conditions listed below carried.**

1. If approved, the variance is limited to the request to observe a 10' front building setback as shown on the site plan included herein in lieu of the required 30' front building required by RSF-1 zoning.
 - a. The ZSP approval will "establish" the front setback in an area that would otherwise be the rear building setback line on a property fronting the Gulf of Mexico.
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 permit, turnout permit, or license agreement), or requirements of other agencies.
3. The site plan included with the application depicts several features not considered and not approved by this variance including, but not limited to, a dune walkover, a "ROW Easement" and a driveway across an apparent unopened, unimproved County right-of-way (ROW).
 - a. An approved license agreement with the Baldwin County Highway Department shall be included with the application for Zoning Site Plan (ZSP) to construct the driveway depicted on the site plan included herein.

5) ZVA23-72 Mitchell Property

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

No one spoke in favor or opposition of the request.

Mr. Ray made a motion to approve the variance request with conditions recommended by staff. Mr. Corn seconded the motion. All members voted aye. **Motion to approve case ZVA23-72 variance request with the conditions listed below carried.**

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

6) ZVA23-73 Vail Property

Mrs. Bates presented the applicant's request for approval of a variance from Section 13.1.2(b) of the Baldwin County Zoning Ordinance as it pertains to placement of an accessory structure in the front yard. Staff recommended the variance request be denied.

Mr. Paul Vail and Mrs. Jamie Smith both spoke in favor of the request. No one spoke in opposition.

Ms. Gambill made a motion to approve the variance request with conditions recommended by staff. Mr. Corn seconded the motion. All members voted aye. **Motion to approve case ZVA23-73 variance request with the conditions listed below carried.**

1. If approved, the variance is limited to the specific site plan within this staff report.

2. If approved, the applicant will be required to apply for a zoning site plan for an accessory structure. Potential wetlands are located on the west side of subject property.
3. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or license agreement), or requirements of other agencies.

7) **ZVA23-77 Limitless Homes, LLC Property**

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

Mr. Carlton Stanford spoke in opposition to the request.

Mr. Ray made a motion to approve the variance request with conditions recommended by staff. Mr. Corn seconded the motion. All members voted aye. **Motion to approve case ZVA23-77 variance request with the conditions listed below carried.**

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

8) **ZVA23-80 Coumanis Property**

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

Mr. Chad Loper spoke in favor of the request while Mr. Doug Terreson spoke in opposition to the request.

Mr. Ray made a motion to approve the variance request with conditions recommended by staff. Mr. Corn seconded the motion. All members voted aye. **Motion to approve case ZVA23-80 variance request with the conditions listed below carried.**

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

9) ZVA23-81 Armar Property

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

Ms. Summer Dornstadter spoke in favor of the request. No one spoke in opposition.

Mr. Swansburg made a motion to approve the variance request with conditions recommended by staff. Mr. Corn seconded the motion. All members voted aye. **Motion to approve case ZVA23-81 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-2023-00775.**
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 permit, turnout permit, or licensing agreement), or requirements of other agencies.**

10) ZVA23-84 Guevara Property

Mr. King presented the applicant's request for approval of a variance from Section 4.2.5 of the Baldwin County Zoning Ordinance as it pertains to reducing the rear building setback requirements to allow for the placement of a single-family dwelling. Staff recommended the variance request be approved.

No one spoke in favor or opposition of the request.

Mr. Ray made a motion to approve the variance request with conditions recommended by staff. Mr. Slaats seconded the motion. All members voted aye. **Motion to approve case ZVA23-84 variance request with the conditions listed below carried.**

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

VI. Old Business

A member of the public spoke regarding an Old Business item that had already been considered during the regular meeting.

VII. New Business

There were no new business items to discuss.

VIII. Adjournment

As there were no further items to discuss, the meeting adjourned at 5:38 p.m.

Respectfully Submitted,

Cory Rhodes, Planner

I hereby certify that the above minutes are true, correct and approved this 11th day of January, 2024.

David Brown
David Brown, Chairman