



## **BOARD OF ADJUSTMENT NUMBER 1**

### **AGENDA**

**July 16, 2024**

**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 June 18, 2024
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

### **ITEMS:**

#### **a.) Case No. ZVA24-32 Roszkowski Property, 15917 Keeney Dr**

*Request:* Approval of a Variance from Local Provisions Section 2.3.39 (f) Stream buffers of the Baldwin County Zoning Ordinance as it pertains to the building setbacks in order to allow for a pool.

Location: The subject property is located at 15917 Keeney Dr in Fairhope, AL in Planning District 39.

#### **b.) Case No. ZVA24-33 Dyer Property, 12217 Co Rd 1**

*Request:* Approval of a Variance from Section 4.3.4 Area and dimensional ordinance of the Baldwin County Zoning Ordinance as it pertains to the building setbacks for a new single-family dwelling.

Location: The subject property is located at 12217 Co Rd 1 in Fairhope, AL in Planning District 26.



**c.) Case No. ZVA24-34 MW Ventures LC Property, 25402 Lakeside Ter**

*Request:* Approval of a Variance from Section 4.3.4 Area and dimensional ordinance of the Baldwin County Zoning Ordinance as it pertains to the building setbacks for a single-family dwelling.

Location: The subject property is located at 25402 Lakeside Ter in Loxley, AL in Planning District 12.

**d.) Case No. ZVA24-36 Dyson Property, 19387 Scenic Hwy 98**

*Request:* Approval of a Variance from Section 10.4.4 Permit requirements of the Baldwin County Zoning Ordinance as it pertains to the wetland buffer setbacks in order to allow for a single-family dwelling.

Location: The subject property is located at 19387 Scenic Hwy 98 in Fairhope, AL in Planning District 26.

*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, June 18, 2024**

**I. Call To Order**

The Board of Adjustment Number One met in a regular session on June 18, 2024, at 4:00 p.m., in the Baldwin County Central Annex Auditorium.

**II. Roll Call**

The meeting was called to order by May Shannon Hope, Vice Chairman present included: Leslie Stejskal, Doug Ward, Norman Bragg, James Guffy, Rosellen Coggin, Marla Barnes, and Thomas Kiel. Staff members present were Crystal Bates, Planning Technician II, and Celena Boykin, Senior Planner.

**III. Approval of Minutes**

**IV. Consideration of Applications and Request**

**a.) ZVA24-22, Potter Property, 10143 Bayou Cir**

Mrs. Crystal Bates presented the applicant's request for variance ZVA24-22 from Section 13.1.2 (b) and (d) Design standards and Section 4.3.4 Area and Dimensional Ordinance and Section 10.4.4 Permit requirements of the Baldwin County Zoning Ordinance to allow for a storage shed to remain without a primary dwelling.

The board asked the Staff questions, and the chairman called the applicant Mr. Potter to the podium to speak on his project. He explained why the variance was needed. The chairman asked if anyone else was present who wanted to speak.

Board member Doug Ward made a motion to Approve the variance ZVA24-22 with a 3-year period to get a final CO on a new single-family home and move it to meet the building setbacks second by Rosselin Coggin the motion failed to tie 4 to 4.

Board member Thomas Kiel made a motion to follow staff recommendations to DENY the case seconded by Norman Bragg and the motion passed to Deny ZVA24-22 with a 5 to 3 vote.



**V. Old Business**

**VI. New Business**

**VII. Adjournment**

The meeting adjourned at 4:47 p.m.

Respectfully Submitted,

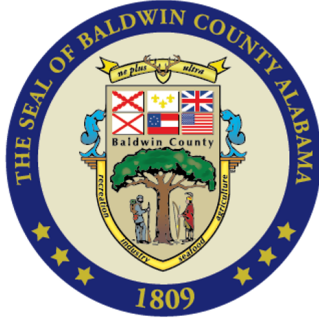
Crystal Bates, Planning Technician

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

---

Mary Shannon Hope, Vice Chairman





**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

**BALDWIN COUNTY BOARD OF ADJUSTMENT #1**

**REGULAR MEETING**

**JULY 16, 2023**

**BALDWIN COUNTY CENTRAL ANNEX**

**ROBERTSDALE, AL**



# ZVA24-32 ROSZKOWSKI PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 39    **Zoned:** BCZ
- **PID:** 05-55-03-07-0-000-024.000
- **Location:** The subject property is located on 15917 Keeney Dr, Keeneys Riverview Sub #4
- **Acreage:** 0.43 ac
- **Physical Address:** 15917 Keeney Dr
- **Applicant:** Nelson Pools Inc, Michael Nelson
- **Owner:** Joseph Roszowski





# ZVA24-32 ROSZKOWSKI PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

The applicant requests a variance from the Local Provisions of Planning District 39, Section 2.3.39 (f) "Stream Buffers". The Baldwin County Zoning Ordinance requires a 100' stream setback in Planning District 39. The variance request, if approved, will allow a reduced stream setback to allow for construction of a pool.

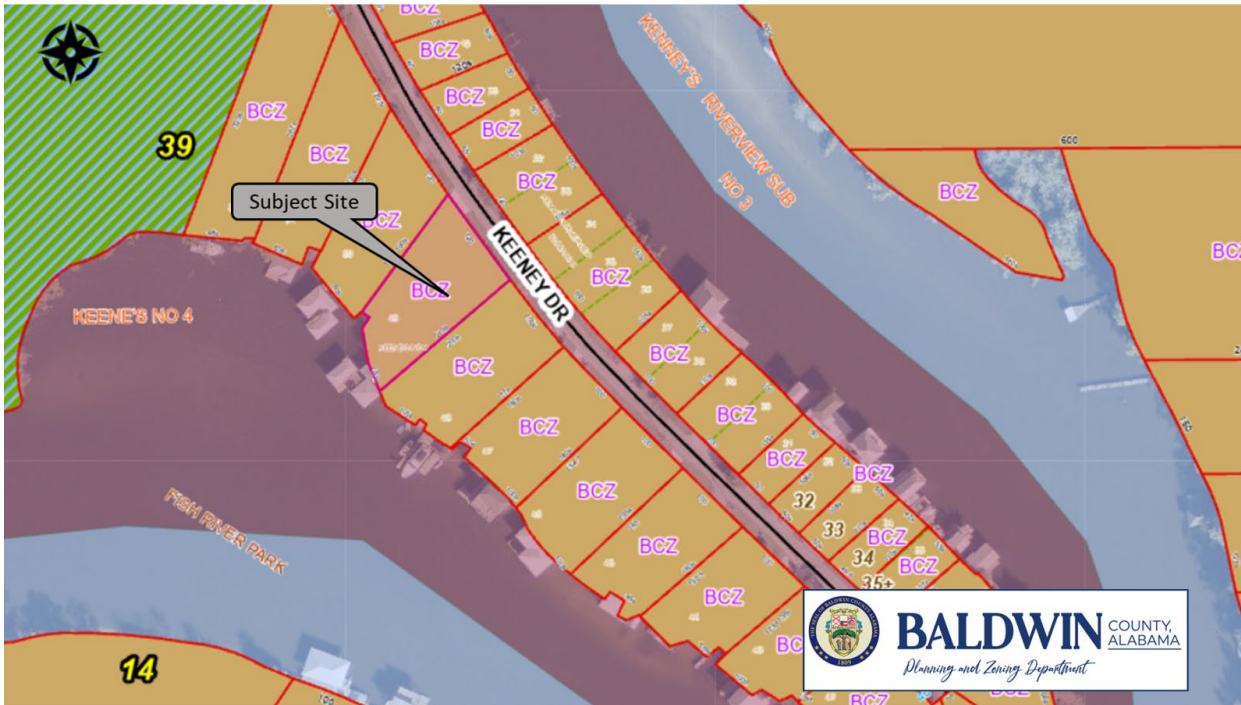
The applicant is further requesting to allow for a pool within a deck to be built in the 100' setback line.

Staff recommends that Case ZVA24-32 be **Denied** due to a lack of a hardship on the land as contemplated by the zoning ordinance, unless information to the contrary is revealed at public hearing.





# Locator Map



# Site Map

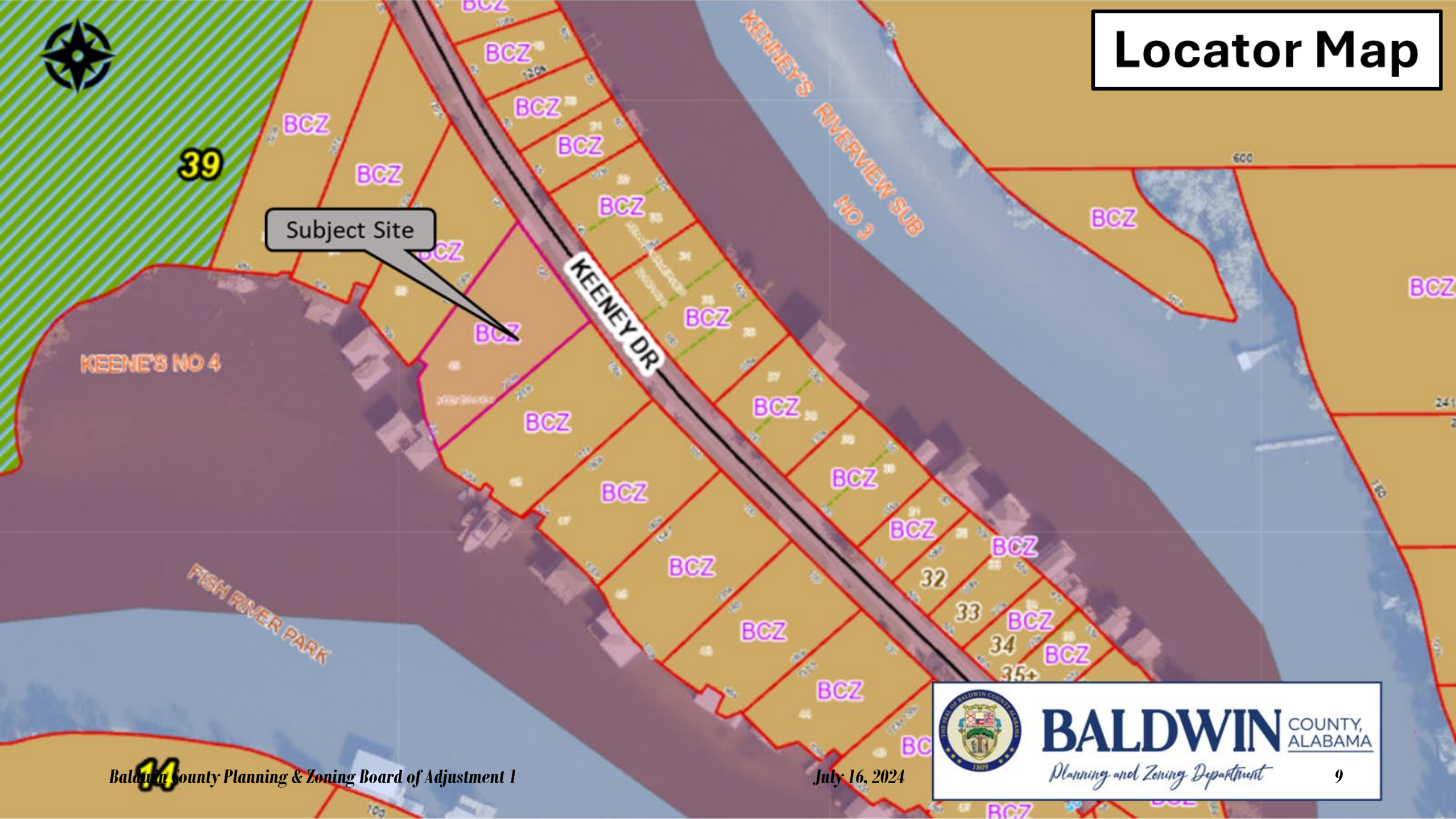


	Adjacent Zoning
North	RSF-2, Residential Single-Family
South	RSF-2, Residential Single-Family
East	RSF-2, Residential Single-Family
West	RSF-2, Residential Single-Family

	Adjacent Land Use
North	Residential
South	Vacant
East	Vacant
West	Residential



# Locator Map





# Site Map

Subject Site



**BALDWIN** COUNTY, ALABAMA

*Planning and Zoning Department*

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Subject Property  
PIN: 44035







Proposed Deck/Pool







Adjoining Property  
to The North  
PIN: 632







Property to  
The East  
PIN: 1479







Adjoining Property  
to The South  
PIN: 23074





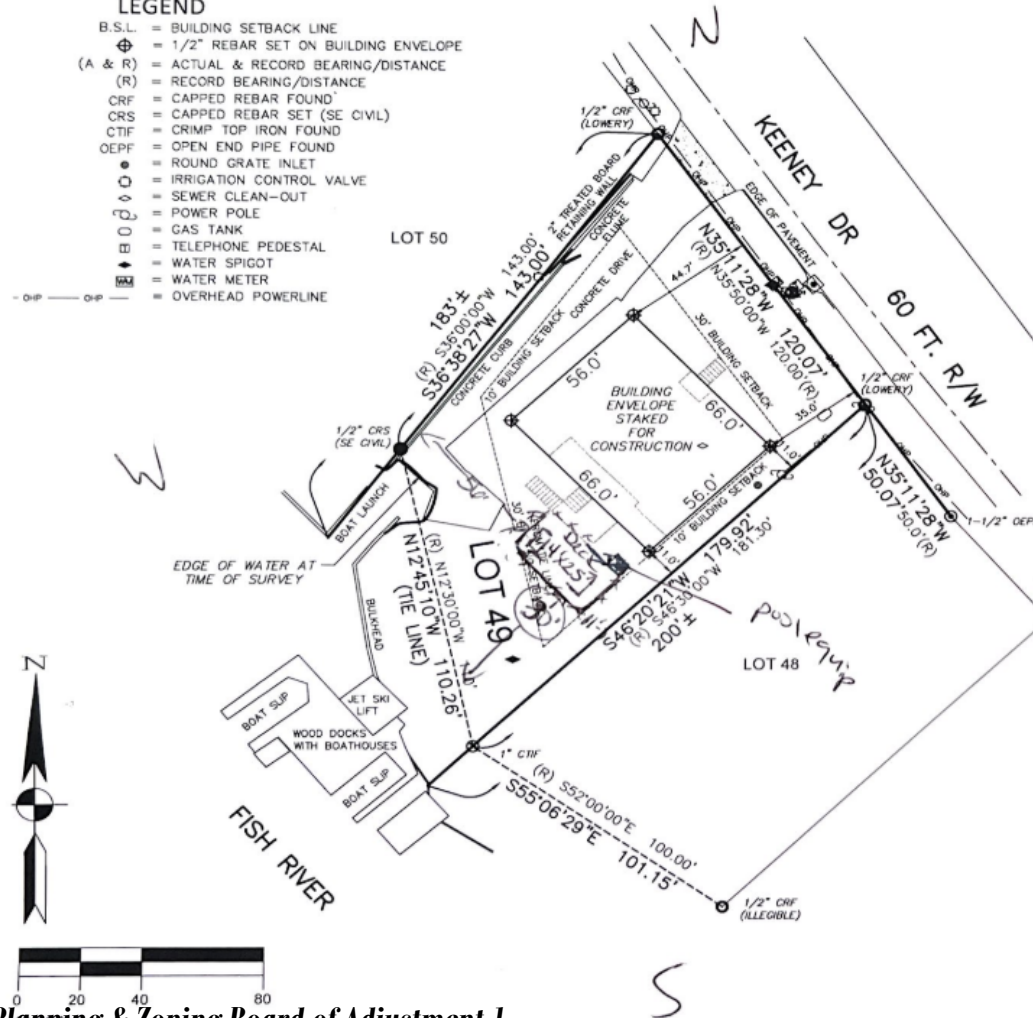
# Site Plan

Joseph Koszowski  
15917 Keeney Drive  
Fairhope, AL 36532

14'x25' reinforced platform pool  
in a deck (fiberglass pool)

## LEGEND

- B.S.L. = BUILDING SETBACK LINE
- ⊕ = 1/2" REBAR SET ON BUILDING ENVELOPE
- (A & R) = ACTUAL & RECORD BEARING/DISTANCE
- (R) = RECORD BEARING/DISTANCE
- CRF = CAPPED REBAR FOUND
- CRS = CAPPED REBAR SET (SE CIVIL)
- CTIF = CRIMP TOP IRON FOUND
- OEPI = OPEN END PIPE FOUND
- = ROUND GRATE INLET
- = IRRIGATION CONTROL VALVE
- = SEWER CLEAN-OUT
- = POWER POLE
- = GAS TANK
- = TELEPHONE PEDESTAL
- = WATER SPIGOT
- = WATER METER
- — — — — = OVERHEAD POWERLINE



## SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

LOT 49, KEENEY'S RIVER VIEW SUBDIVISION NO. 4, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, IN MAP BOOK 5, PAGE 43.

(DESCRIPTION COPIED FROM THAT WARRANTY DEED RECORDED AT REAL PROPERTY BOOK 704, PAGE 162, PROBATE RECORDS)

DAVID E. DIEHL AL. P.L.S. NO. 26014 07-27-2021 DATE

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



## FLOOD STATEMENT

PROPERTY LIES IN A FLOODWAY AREA IN ZONE "AE" ELEVATION 9 AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER 01003C0785M, COMMUNITY NUMBER 015000, PANEL 0785, SUFFIX "M", MAP REVISED APRIL 19, 2019.

## SURVEYOR'S NOTES:

1. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
2. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
3. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
4. SURVEY WAS CONDUCTED ON JULY 2021, AND IS RECORDED IN AN ELECTRONIC FIELD BOOK.
5. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES, AND ARE BASED ON STATE PLANE GRID, ALABAMA WEST ZONE USING GPS OBSERVATIONS.
6. THE UTILITY INFORMATION SHOWN HEREON WAS OBTAINED BY SURVEYING AND PLOTTING THE VISIBLE ABOVE GROUND UTILITY FEATURES.
7. NO TITLE SEARCH OR REPORT WAS PROVIDED FOR THIS SURVEY.
8. THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2017.

DRAWN	RDC
CHKD	JAF
PROJ.MGR	DED
SCALE	1" = 40'
PROJECT	20210971
FILE	20210971

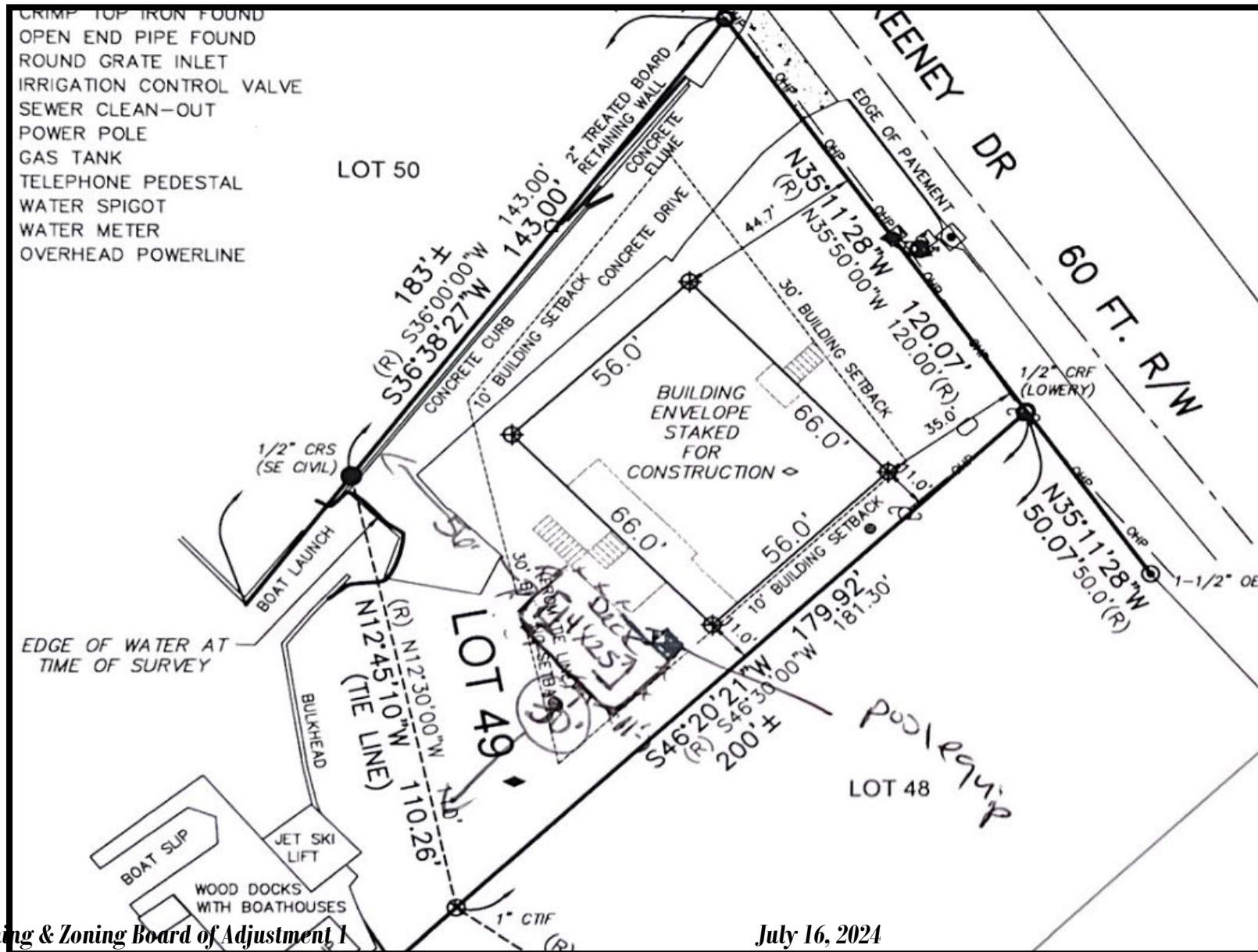
**S.E. Civil**  
Engineering & Surveying  
380 HOLCOMB BLVD  
FAYETTEVILLE, AL 36801

PROPERTY BOUNDARY SURVEY  
& CONTROL SURVEY

INCEPUM D00700101001



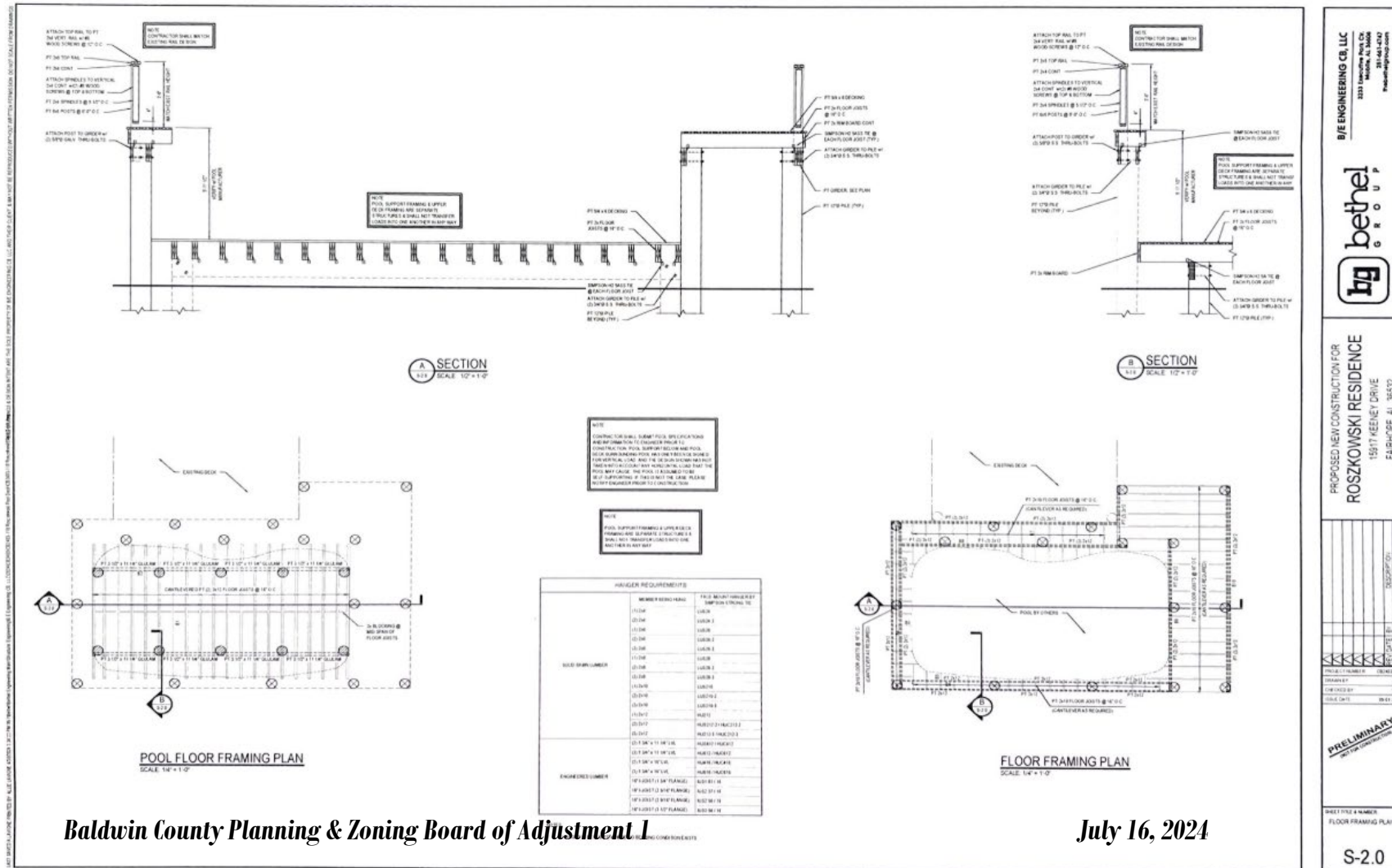
# Enlarged Site Plan





# Elevations

Structure



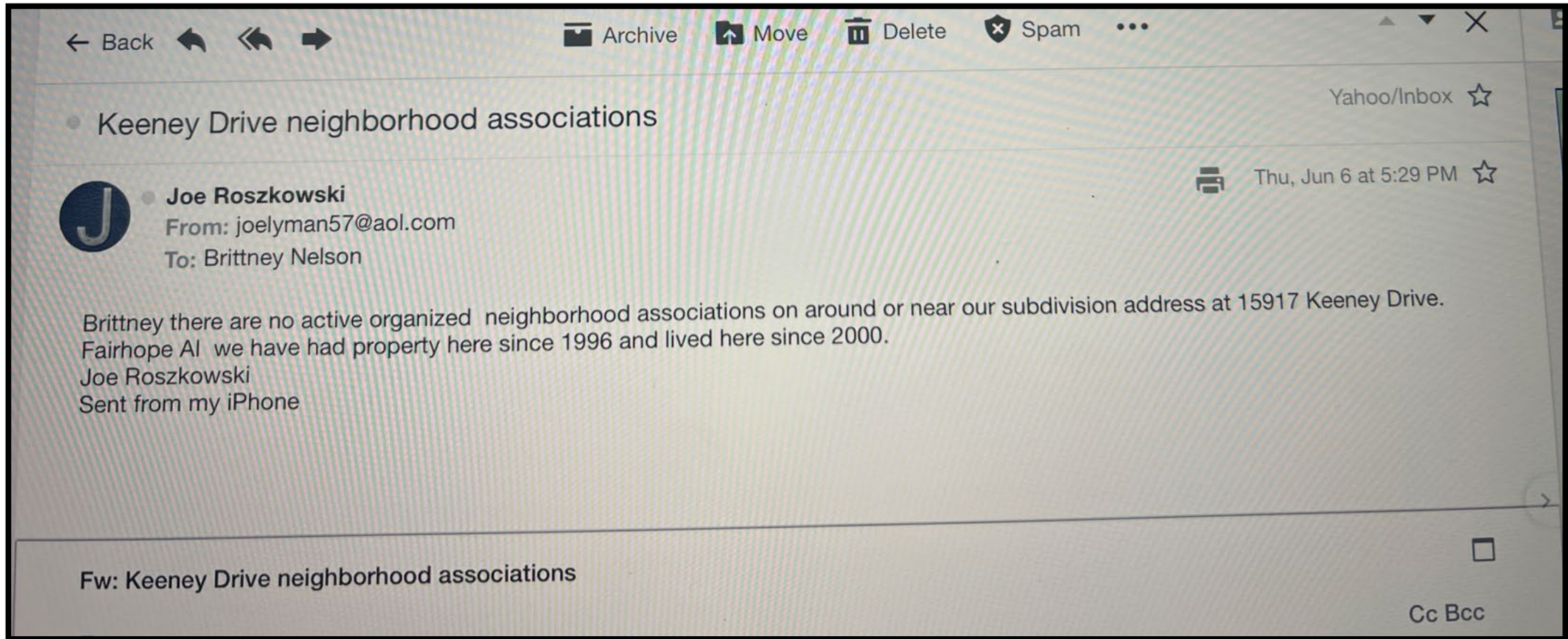


# Action Timeline

DATE	Action
7/28/2021	LU21-753- New Single-Family Dwelling UNZONED NOT GOVERNED BY THE BALDWIN COUNTY ZONING ORDINANCE
9/1/2022	BP21-1150-SFD Certificate of Occupancy Issued
1/8/2024	ULD24-02 Land Disturbance Issued; Approval was for land disturbance ONLY, a building permit to install improvements was neither requested nor approved (This was explicitly stated on the unzoned land disturbance approval letter)
4/30/2024	ZSP24-644 Zoning Site plan submitted in advance of requesting a pool permit
6/14/2024	ZVA24-32 Stream setback variance applied for.



# POA Statement/ARB Approval





# Zoning Requirements

## 2.3.39 *Planning District 39.*

### 2.3.39.1 Effective Date

On February 7, 2023, a majority of qualified electors in Planning District 39 voted to institute County Zoning. On July 18, 2023, the County Commission adopted the Planning District Zoning Map and Ordinance.

### 2.3.39.2 District Boundaries

A legal description of the boundaries for Planning District 39 may be found under Appendix A.

### 2.3.39.3 Local Provisions for Planning District 39

#### (a) Solid Waste & Trash Management.

1. Every resident is responsible for providing adequate storage for his or her

Baldwin County Zoning Ordinance

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(e) *Wetlands to be Set Aside in Common Areas.* Jurisdictional wetlands within any subdivision that meets the definition of a Major Project shall be set aside within a common area. The requirements of this provision shall not apply to manmade wetlands constructed in uplands.

(f) *Stream Buffers.* Except as exempted by Section 10.4.7 of the Baldwin County Zoning Ordinance, in Planning District 39 development may not occur within 100 feet of any stream or river. The required buffer shall not be disturbed and shall be maintained in its natural state, except for the removal of invasive, exotic species. An owner shall be automatically exempt from these requirements for the construction of a single-family residence, only to the extent necessary to meet the minimum required building and highway construction setbacks of the zoning ordinance and shall not be required to obtain a variance. The requirements of this section shall apply to any Major Project unless granted a variance by the Board of Adjustments.

(g) *Special Parking Requirements to Reduce Impacts of Impervious Areas.* To encourage the use of shared parking and reduce the impacts of large impervious parking areas, the requirements of Section 15.2 Parking Schedule, may be substituted by the requirements dictated in a Parking Study prepared by an Alabama Licensed Professional Engineer in accordance with the most recent edition of the ITE Parking Generation Manual. The Planning and Zoning Director may, if he or she determines that the ITE Parking Generation Manual data fails to represent local conditions, require the applicant to collect and use localized parking generation data from similar uses in preparing its parking study.

(h) Single Family District (RSF-3), Single Family District (RSF-4), General Commercial (B-3), and Major Commercial (B-4) Districts shall be clustered at major activity nodes to reduce the spread of traffic congestion throughout the district and lessen the overall burden of commercial development and higher intensity residential development on infrastructure.

An RSF-3, RSF-4, B-3, & B-4 rezoning application may only be submitted for parcels within the radial distances specified below for the various road intersections. A parcel's location within the prescribed radius does not guarantee approval of the requested zoning. Each application shall be reviewed against the factors proscribed in Section 19.6 Factors for Reviewing Proposed Amendments, in the same manner as any other rezoning application.

July 16, 2024



# 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.

Per Revenue Commission records the parcel dimensions are approximately 120' x 219 and is approximately 26,280sf and fronts on Keeney Dr. Zoning in Planning District 39 came into effect on July 18, 2023. The required minimum lot size for BCZ, Base Community Zoning is 20,000 square feet (based upon the available utilities in the area) and a minimum lot width of 80'. While the subject parcel does meet the minimum requirements for BCZ, Staff does not perceive this is a factor relevant to the request at hand. An existing single family residential structure was successfully constructed on the property in 2021 and complies with current zoning standards.

Minimum lot size: 20,000sf   Actual lot size: 26,280sf   Minimum Lot width: 80'   Actual Lot Width: 120'   Lots size or lot width  
Hardship: NONE, however as stated above this section is **not a factor** in the evaluation of the variance request.

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

The subject property doesn't contain jurisdictional wetlands on the property or any other 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.



# 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 BCZ, Base Community Zoning District which allows for residential uses and related accessory uses. The request is to allow for an accessory structure on the parcel within the stream buffer of 100' as stated in the Local Provisions for Planning District 39. Staff perceives the proposed pool/deck within the 100' setback line encroachment as a convenience on the proposed location. As mentioned in item "1", an existing single family residential structure was successfully constructed on the property in 2021 and complies with current zoning standards.

**4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.**

Staff anticipates no major impacts, therefore staff does not believe the granting of this application will impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.



# Staff Analysis and Findings

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

- The applicant has submitted written documentation stating that no POA exists for the subject property.
- No documentation in favor or opposition of this variance request was received by staff at the time the staff report was written.
- Staff perceives the size, shape, and topography of the subject property does not establish a hardship, therefore staff recommends Case ZVA24-32 be Denied unless information to the contrary is revealed at the public hearing.



# ZVA24-32 ROSZKOWSKI PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

The applicant requests a variance from the Local Provisions of Planning District 39, Section 2.3.39 (f) “Stream Buffers”. The Baldwin County Zoning Ordinance requires a 100’ stream setback in Planning District 39. The variance request, if approved, will allow a reduced stream setback to allow for construction of a pool.

The applicant is further requesting to allow for a pool within a deck to be built in the 100’ setback line.

Staff recommends that Case ZVA24-32 be **Denied** due to a lack of a hardship on the land as contemplated by the zoning ordinance, unless information to the contrary is revealed at public hearing.



# ZVA24-32 ROSZKOWSKI PROPERTY

## VARIANCE REQUEST

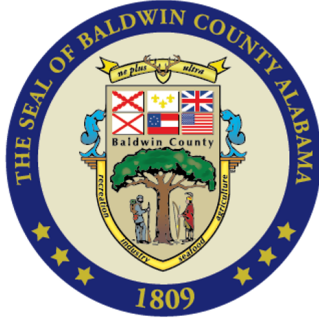
Lead Staff: Crystal Bates, Planning Technician II

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

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

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





**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

BALDWIN COUNTY BOARD OF ADJUSTMENT # 1

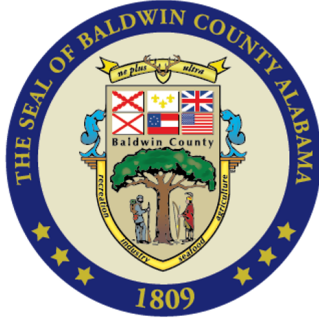
NEXT REGULAR MEETING

AUGUST 20, 2023

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL





# BALDWIN COUNTY, ALABAMA

*Planning and Zoning Department*

## BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

JULY 16, 2024

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

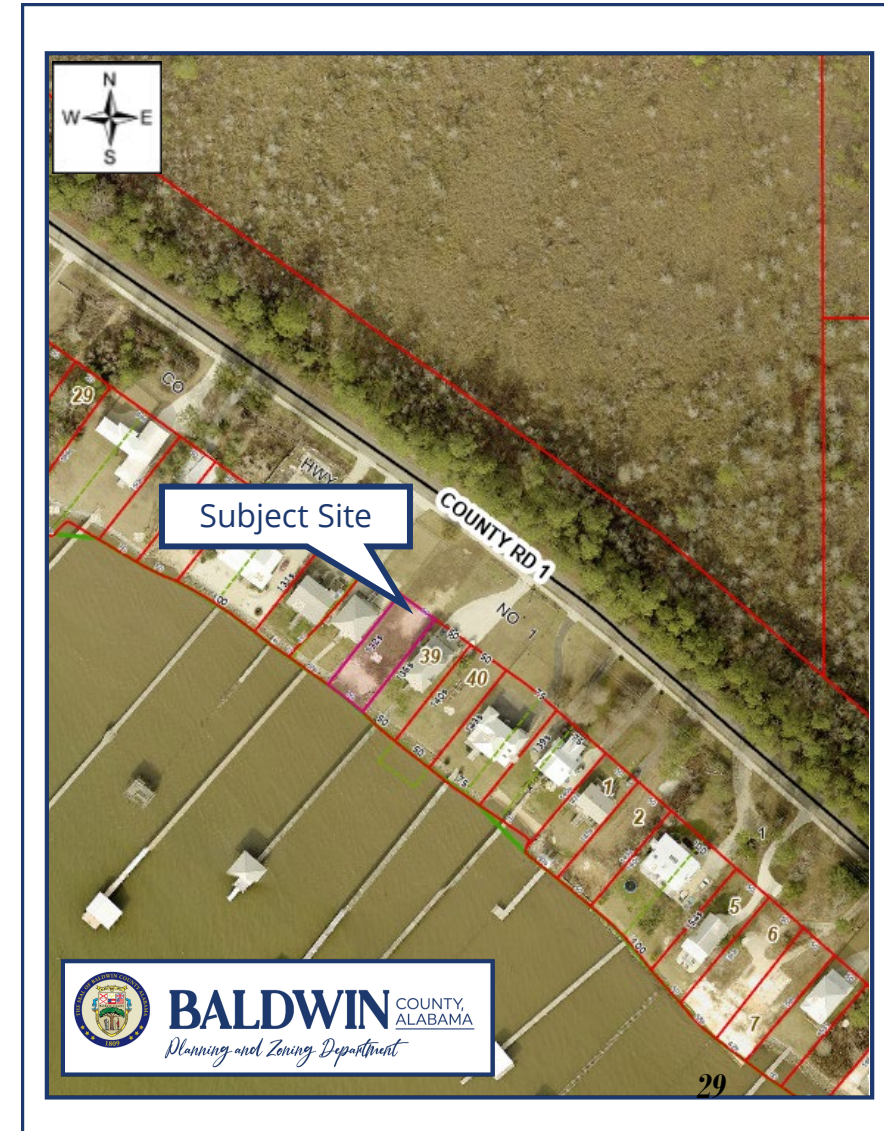


# ZVA24-33 DYER PROPERTY

## VARIANCE REQUEST

Lead Staff: Calla McKenzie, Planning Technician II

- **Planning District:** 26
- **Zoned:** RSF-2, Residential Single Family
- **Location:** The subject property is located along County Rd 1.
- **PID:** 05-56-09-29-0-000-044.000
- **PPIN:** 36881
- **Acreage:** 0.18 +/-
- **Physical Address:** 12217 County Rd 1
- **Applicant & Owner:** Robert and Haley Dyer





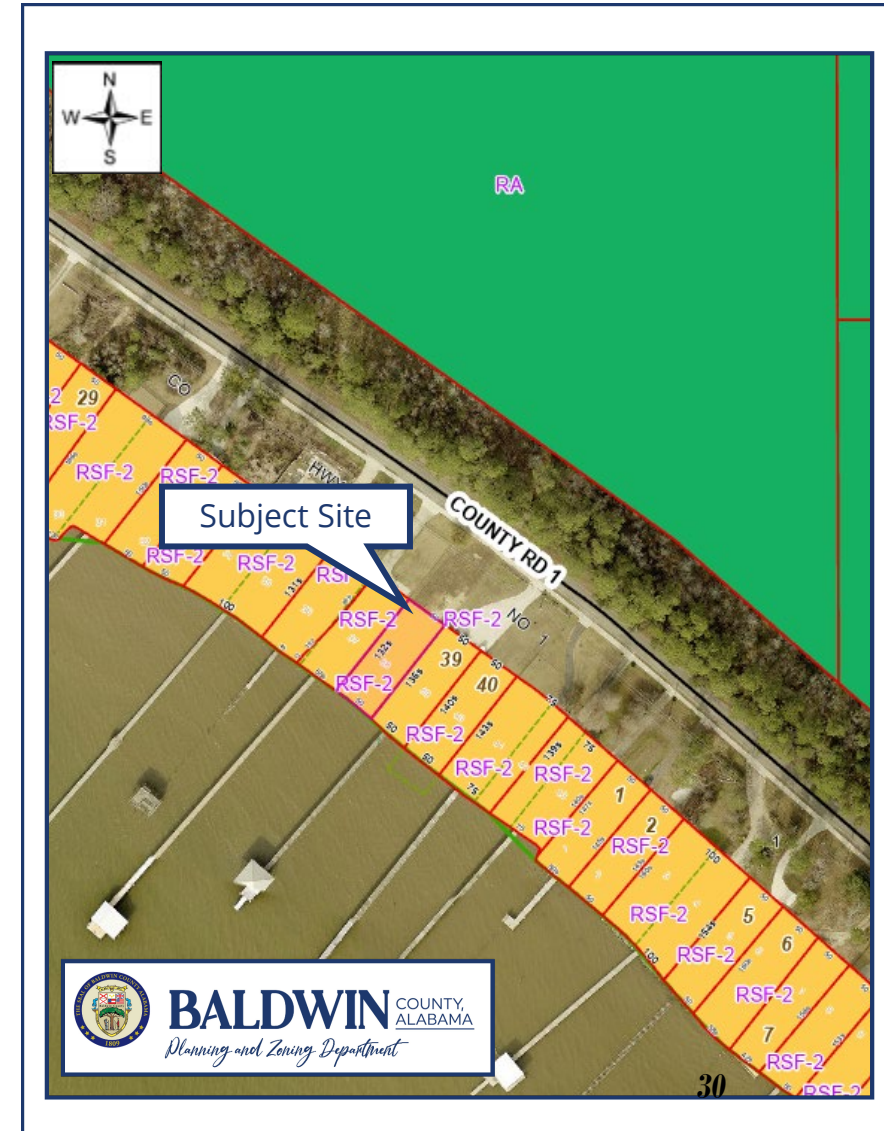
# ZVA24-33 DYER PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, Planning Technician II

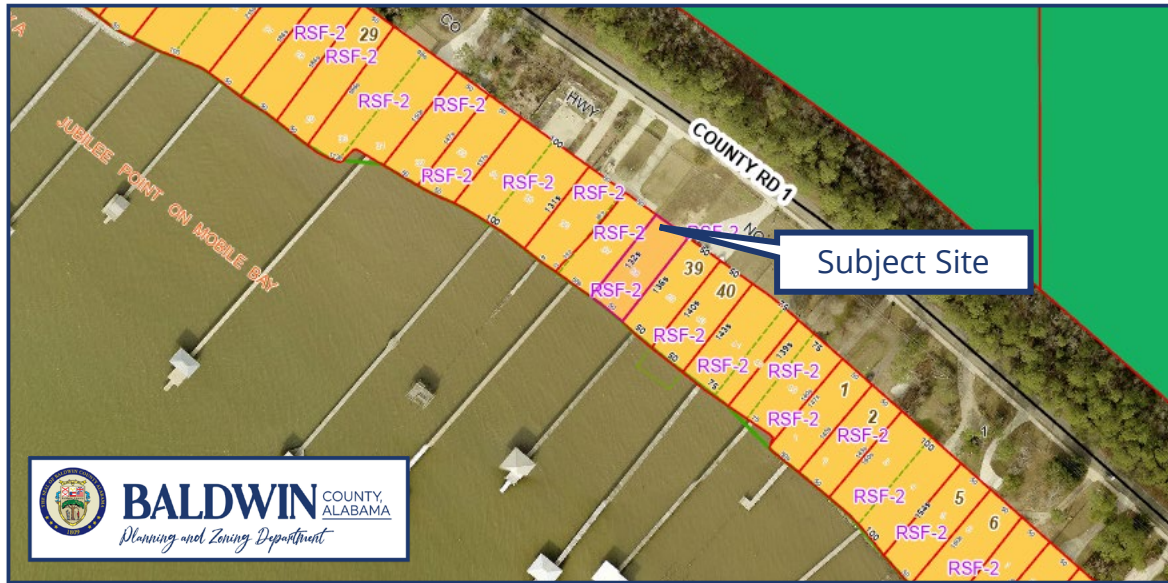
The applicant is requesting a variance from Section 4.3.4 area and dimensional ordinance of the Baldwin County Zoning Ordinance as it pertains to building setbacks for the construction of a single-family dwelling.

Staff recommends ZVA24-33 be **APPROVED** unless information to the contrary is revealed at the public hearing.

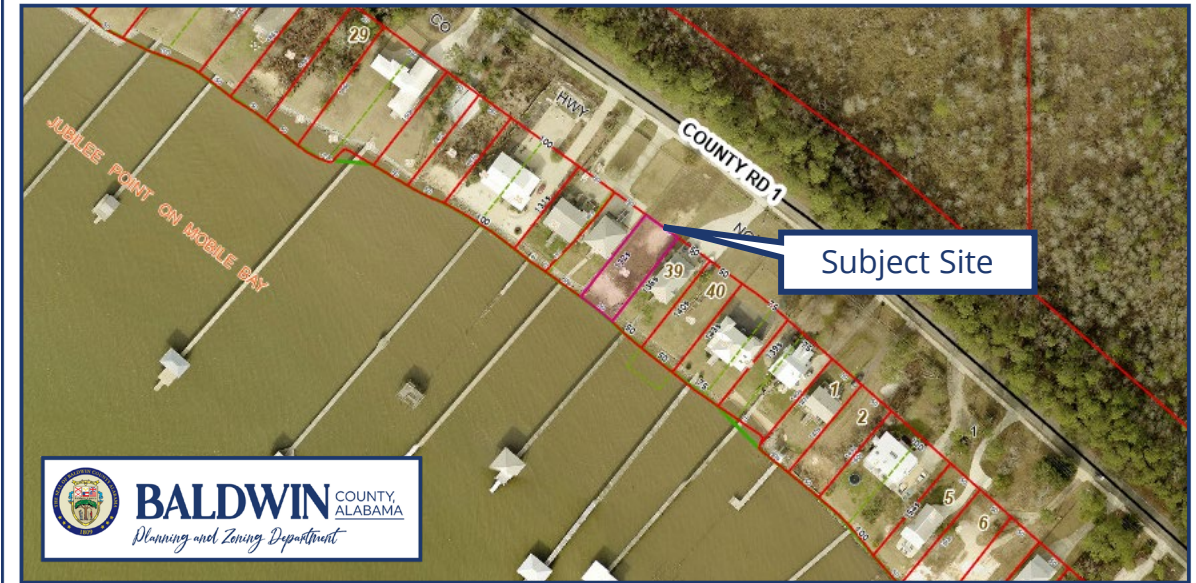




## Locator Map



## Site Map



	Adjacent Zoning	Adjacent Land Use
North	RA, Rural Agriculture	Vacant
South	Water	N/A
East	RSF-2, Residential Single-Family	Residential
West	RSF-2, Residential Single-Family	Residential





Subject Property  
PIN: 36881



**PUBLIC HEARING  
PROPOSED  
FOR THIS PROPERTY**  
Case Number  
**ZVA24-000033**  
Baldwin County Planning  
and Zoning Department  
For more information,  
please scan the QR  
code, call, or email.  
(251) 580-1655  
planning@baldwincountyal.gov







Property to  
The North  
PIN: 7816







Adjoining Property  
to The East  
PIN: 264444



Subject Property







Adjoining Property  
to The West  
PIN: 26246



Subject Property



Jun 26, 2024 2:36:48 PM  
225° SW







# 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 26 came into effect on September 21, 1993. Per Revenue Commission records the property is approximately 50' x 132'. The minimum lot size requirement for RSF-2 zoning is 15,000 sf with a minimum lot width at 80'. The subject property does not meet either of these minimum lot requirements. Therefore, staff believes there is an exceptional narrowness, shallowness, or shape of the subject property that would require a variance.

Minimum lot size: **15,000 sf** Actual lot size: **+/- 7840.8 sf** Minimum Lot width: **80'** Actual Lot Width: **50'** Hardship: **YES**

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

Staff does not perceive that the subject property establishes exceptional topographic conditions or other extraordinary situations, or conditions contained on the subject property which may qualify for a variance.



# Zoning Requirements

## Section 4.3 RSF-2, Single Family District

4.3.4 *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 18.4 *Variances*, and Article 20: *Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

## Section 12.5 Yard Requirements

- (f) All buildings or structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.



# Staff Analysis and Findings

**3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.**

The subject property is zoned RSF-2, Residential Single Family which allows for residential uses. The request is to allow for the construction of a single-family dwelling. Staff perceives that the granting of the application may be necessary for the preservation of a property right and is 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.

10-14-24  
There is no HOA or POA  
on this property @  
12217 County Rd. 1, Fairhope, AL 36532.

Halley Dyer  
Act. Sec.



# ZVA24-33 DYER PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, Planning Technician II

The applicant is requesting a variance from Section 3.2.5 Area and Dimensional Ordinances of the Baldwin County Zoning Ordinance as it pertains to the rear yard setback requirement.

Staff recommends ZVA24-33 be **APPROVED** with the following conditions unless information to the contrary is revealed at the public hearing.

1. If approved, the variance is limited to the encroachment into the required 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.



# ZVA24-33 DYER PROPERTY

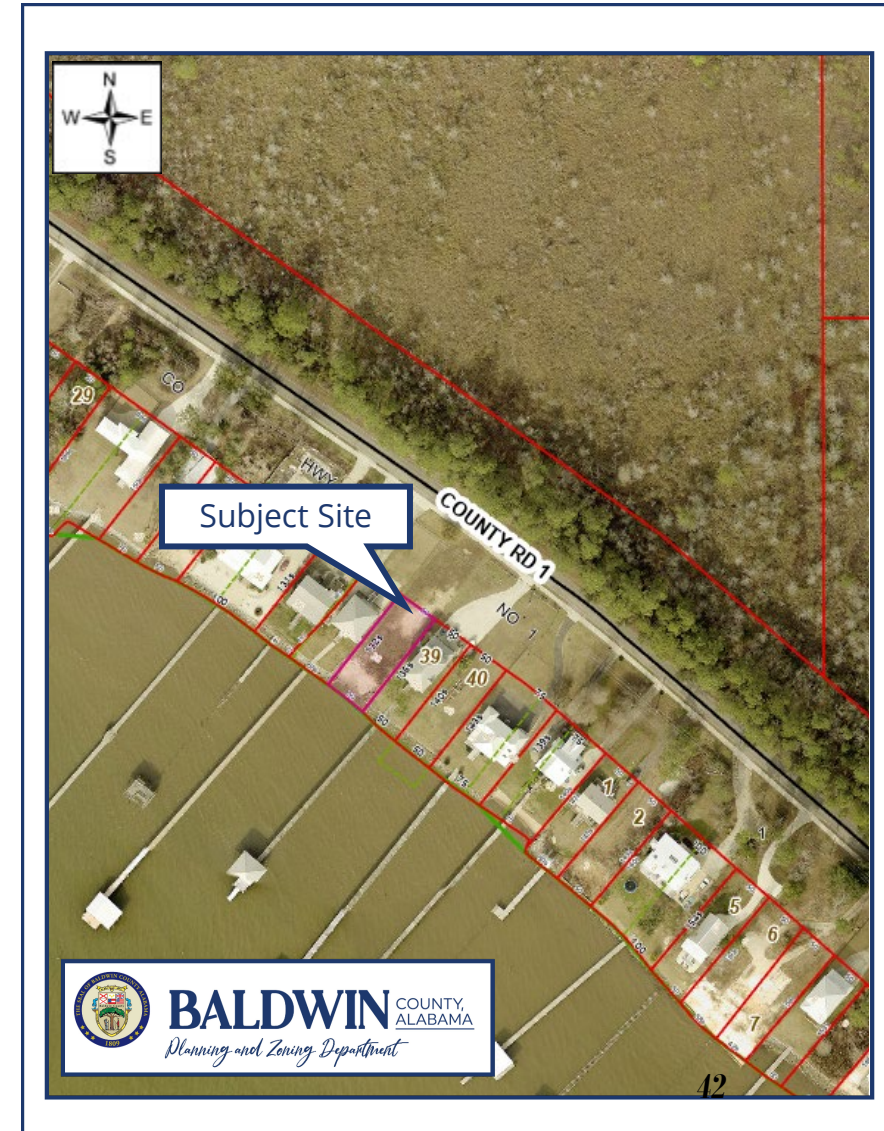
## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, Planning Technician II

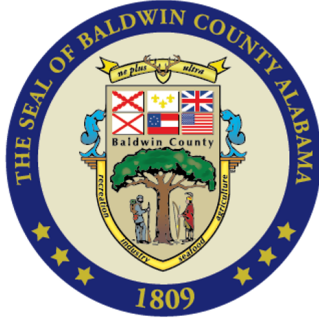
### GENERAL NOTES {By-laws}

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

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







**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

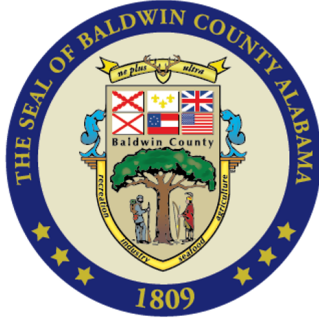
NEXT REGULAR MEETING

AUGUST 20, 2024 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL





# BALDWIN COUNTY, ALABAMA

*Planning and Zoning Department*

## BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

JULY 16, 2024

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

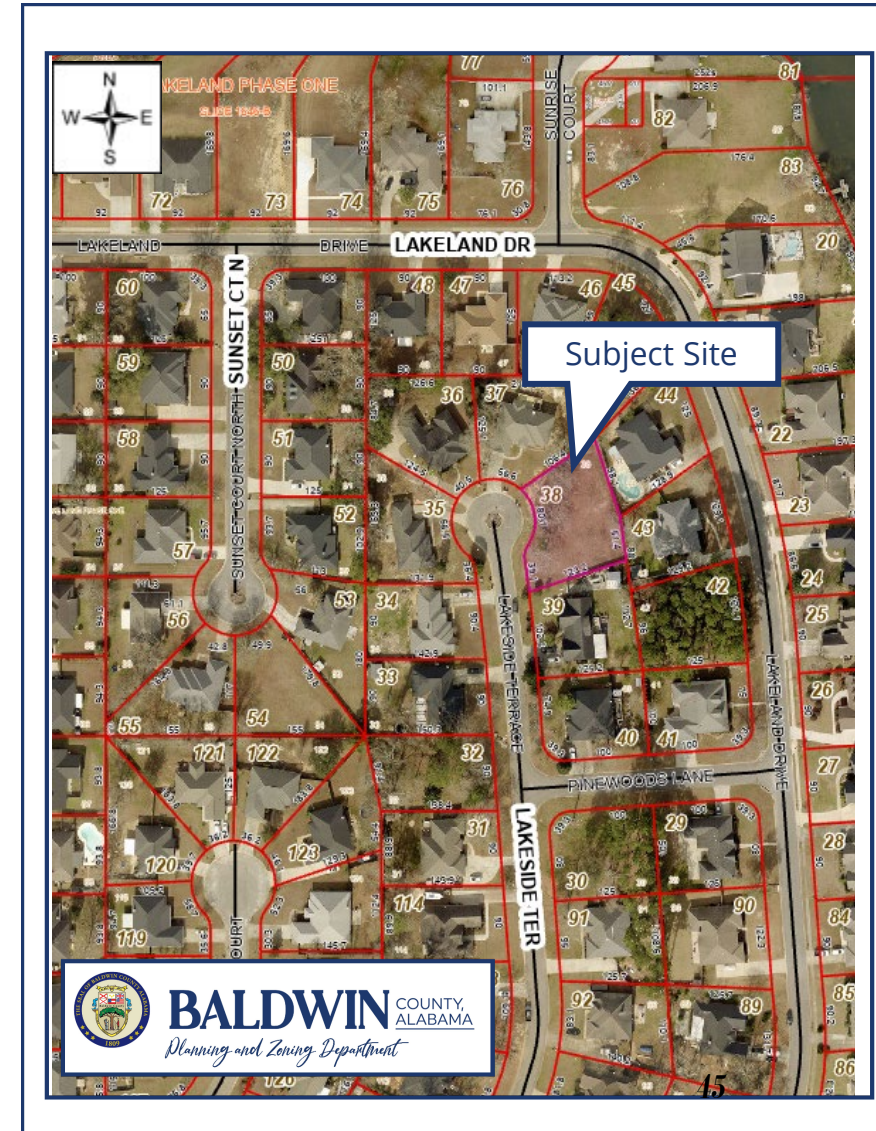


# ZVA24-34 MW VENTURES LLC

## VARIANCE REQUEST

Lead Staff: Calla McKenzie, Planning Technician II

- **Planning District:** 12
- **Zoned:** RSF-2, Residential Single Family
- **Location:** The subject property is located on Lakeside Terrace in the Lakeland Subdivision.
- **PID:** 05-42-06-23-0-000-039.064
- **PPIN:** 208797
- **Physical Address:** 25402 Lakeside Terrace
- **Applicant:** Maronda Homes LLC – Mike Milton
- **Owner:** MW Ventures and George Ward IV





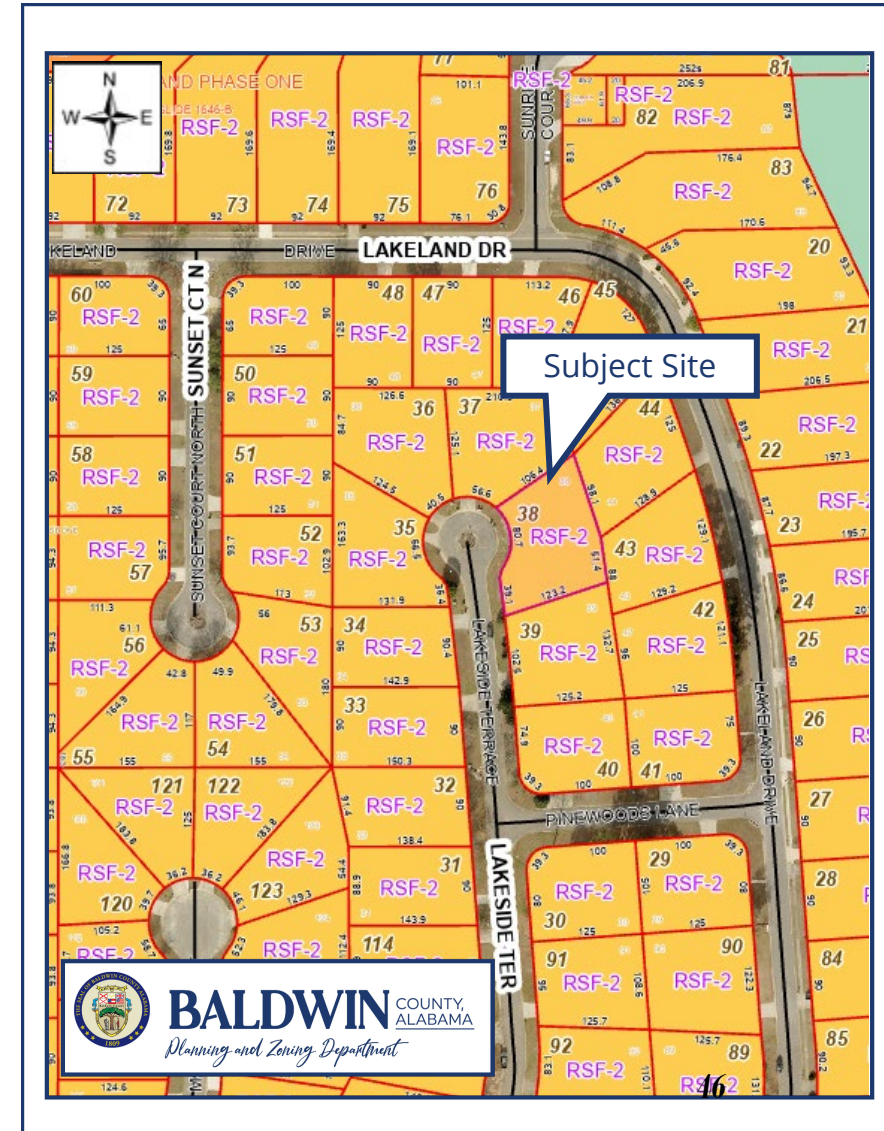
# ZVA24-34 MW VENTURES LLC

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, Planning Technician II

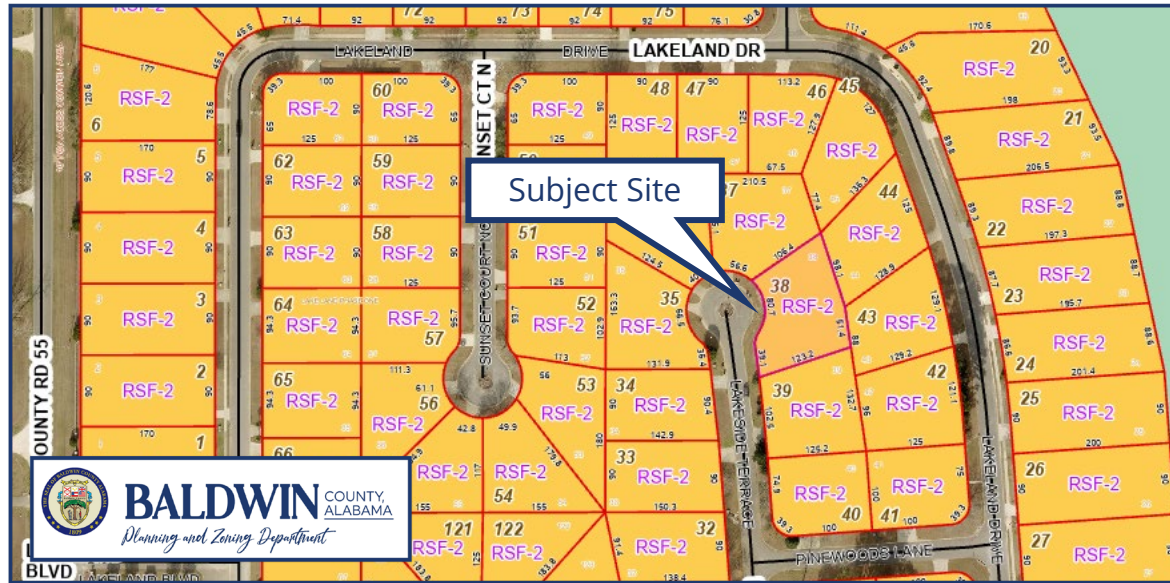
The applicant is requesting a variance from Section 4.3.4 area and dimensional ordinance of the Baldwin County Zoning Ordinance as it pertains to building setbacks for the construction of a single-family dwelling.

Staff recommends ZVA24-34 be **APPROVED** unless information to the contrary is revealed at the public hearing.

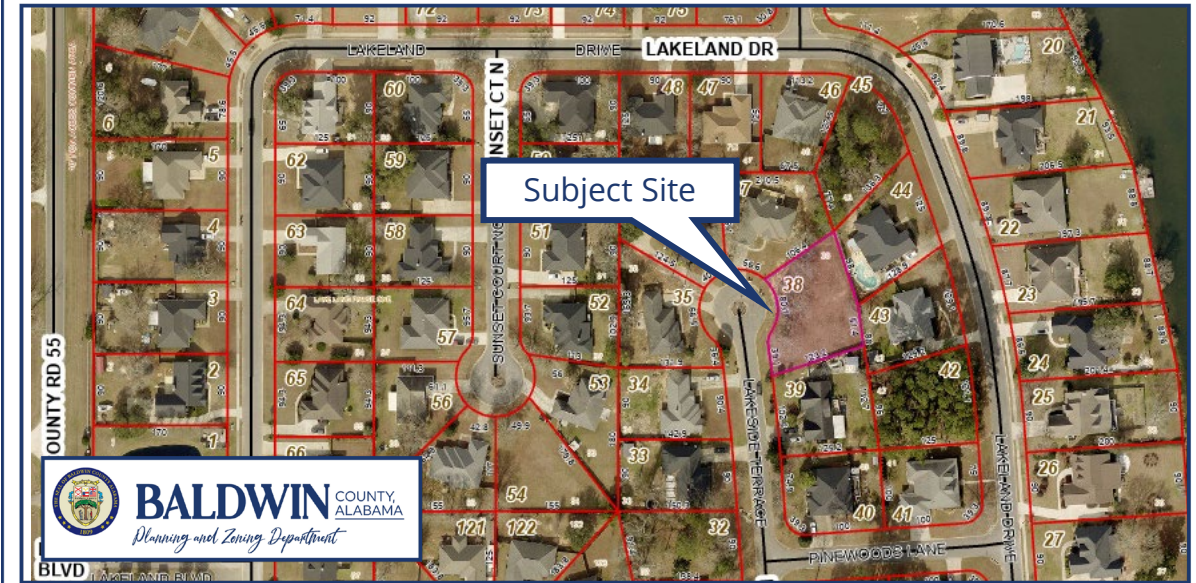




# Locator Map



# Site Map



## Adjacent Zoning

North

RSF-2, Residential Single-Family

South

RSF-2, Residential Single-Family

East

RSF-2, Residential Single-Family

West

RSF-2, Residential Single-Family

## Adjacent Land Use

Residential

Residential

Residential

Residential





Subject Property  
PIN: 208797



**PUBLIC HEARING  
PROPOSED  
FOR THIS PROPERTY**  
Case Number  
**ZVA24-000034**  
Baldwin County Planning  
and Zoning Department  
For more information,  
please scan the QR  
code, call, or email.  
(251) 580-1655  
planning@baldwincountyal.gov







Adjoining Property  
to The North  
PIN: 208798



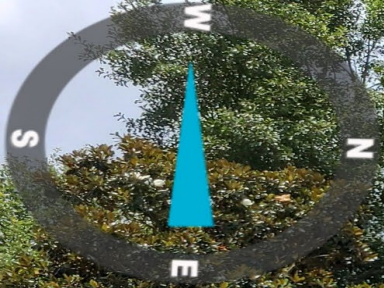




Adjoining Property  
to The East  
PIN: 208791







Property to  
The West  
PIN: 208800



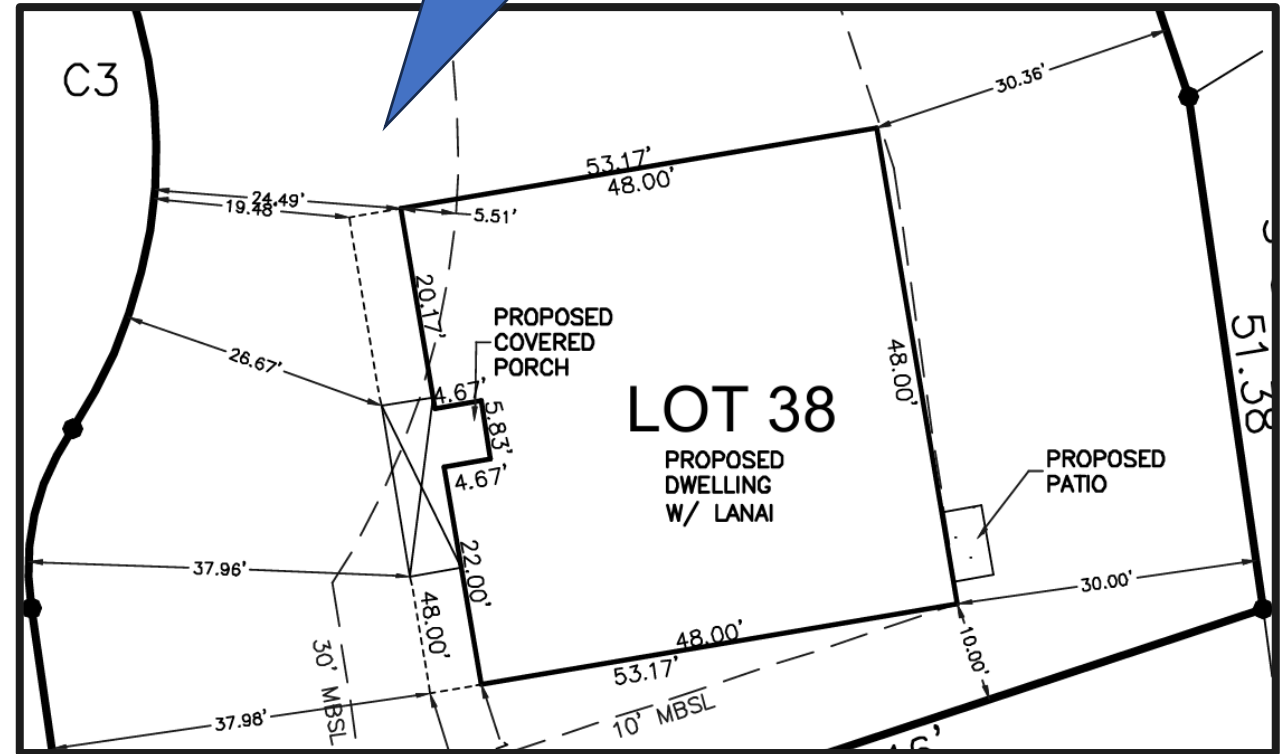
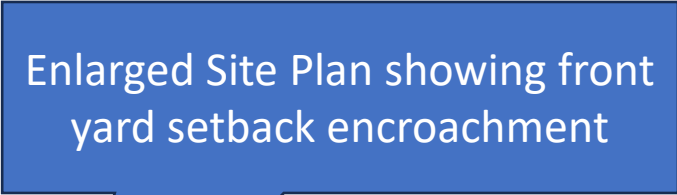




Adjoining Property  
to The South  
PIN: 208796









# Zoning Requirements

## Section 4.3 RSF-2, Single Family District

4.3.4 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 18.4 Variances, and Article 20: Nonconformities, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35



# 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 November 7, 2006. Per Revenue Commission records the property is approximately 0.33 acres (Approximation based on the Baldwin County Parcel Viewer Map Tools). The minimum lot size requirement for RSF-2 zoning is 15,000 sf with a minimum lot width of 80'. The subject property does not meet the minimum lot size. Furthermore, the cul-de-sac takes up a portion of what would have been the front yard leading to a reduction in buildable area on the north end of the property. Therefore, staff perceives that due to the shape of the subject property, a variance may be required.

Minimum lot size: **15,000 sf** Actual lot size: **+/- 14,575 sf** Minimum Lot width: **80'** Actual Lot Width: **109.8'** Hardship:

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

Staff does not perceive that the subject property establishes exceptional topographic conditions or other extraordinary situations, or conditions contained on the subject property which may qualify for a variance.



# Staff Analysis and Findings

**3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.**

The subject property is zoned RSF-2, Residential Single Family which allows for residential uses. The request is to allow for the construction of a single-family dwelling. Staff perceives that the granting of the application may be necessary for the preservation of a property right and is 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 approval of the project from the 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.

### LAKELAND 55 HOA Existing Homeowner Building Application



Applicant: MARONDA HONES LLC OF ALABAMA Phone: 251-990-7436  
Address: TBD LAKESIDE TERRACE Lot# 38  
Email: biggswe@maronda.com  
Date work is to begin: \_\_\_\_\_

Please Check the Type of Structure You Plan to Build:

Utility Building/Shed: \_\_\_\_\_

These are the guidelines for outdoor utility buildings that are currently in force in the Lakeland 55 Subdivision:

- Roofs to be asphalt shingle and color compatible with the house.

I hereby certify that the information provided herein is true and accurate. The granting of this permit does not presume or give authority to violate or cancel the provisions of any other state, or local law regarding construction or the performance of construction.

Applicant Signature: W. Biggs, PERMITTING COORDINATOR Date: 5-8-24 By signing this request I agree that no construction will begin until written approval has been given.

Review Committee Only: Approved ✓ Disapproved \_\_\_\_\_ Date: 5-17-24

Final Approval: [Signature] Date: 5-17-24 Lakeland 55 Architectural Review/Control Board. This application is approved with the documents that have been provided to the ACR/ARB committee and approval is granted with the expectation that all Lakeland 55 Covenants and By-laws are observed during the building process.

Mail form to: Lakeland 55 Homeowner's Association • P.O. Box 1215 • Loxley, Alabama 36551



# ZVA24-34 MW VENTURES LLC

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, Planning Technician II

The applicant is requesting a variance from Section 4.3.4 area and dimensional ordinance of the Baldwin County Zoning Ordinance as it pertains to building setbacks for the construction of a single-family dwelling.

Staff recommends ZVA24-34 be **APPROVED** with the following conditions unless information to the contrary is revealed at the public hearing.

1. If approved, the variance is limited to the encroachment into the required 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.



# ZVA24-34 MW VENTURES LLC

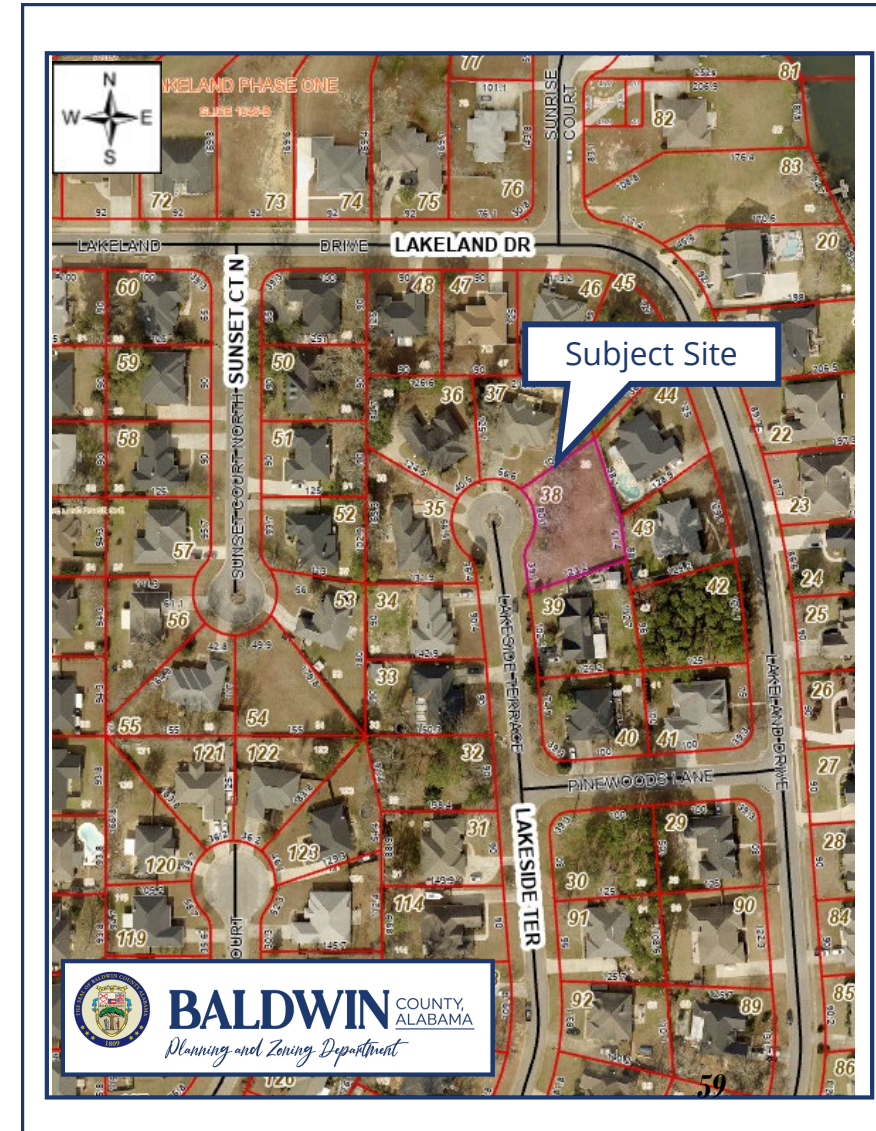
## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, Planning Technician II

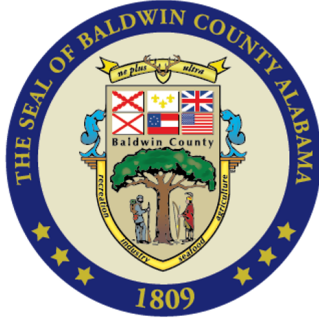
### GENERAL NOTES {By-laws}

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.

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**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

**BALDWIN COUNTY BOARD OF ADJUSTMENT #1**

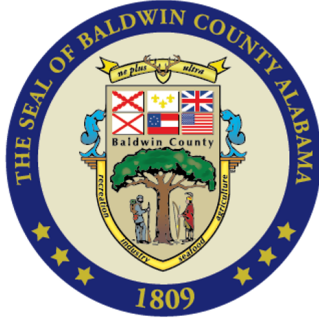
**NEXT REGULAR MEETING**

**AUGUST 20, 2024 @ 4:00PM**

**BALDWIN COUNTY CENTRAL ANNEX**

**ROBERTSDALE, AL**





**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

**BALDWIN COUNTY BOARD OF ADJUSTMENT #2**

**REGULAR MEETING**

**JULY 16, 2024**

**BALDWIN COUNTY CENTRAL ANNEX**

**ROBERTSDALE, AL**

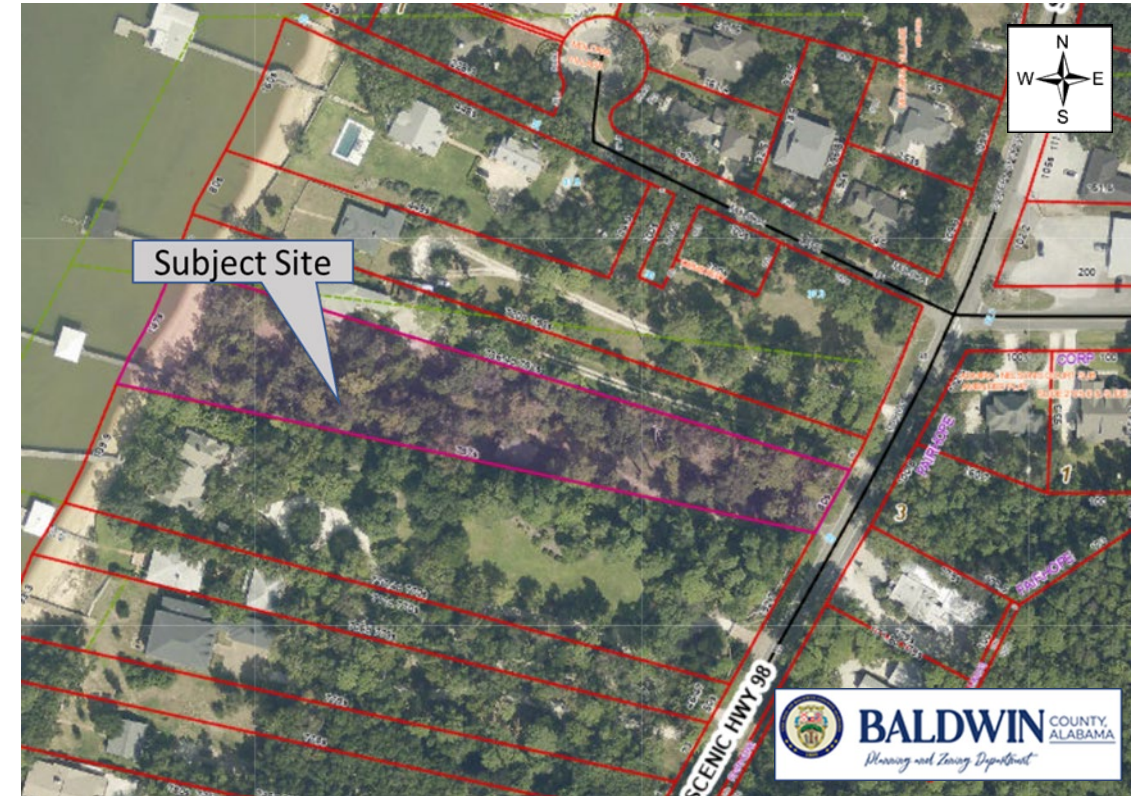


# ZVA24-36 DYSON PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District: 26    Zoned: RSF-1**
- **PID: 05-45-06-24-4-000-009.000**
- **Location: Scenic Hwy 98**
- **Acreage: 2 ac**
- **Physical Address: 19387 Scenic Hwy 98**
- **Applicant: David Dyson**
- **Owner: David Dyson**





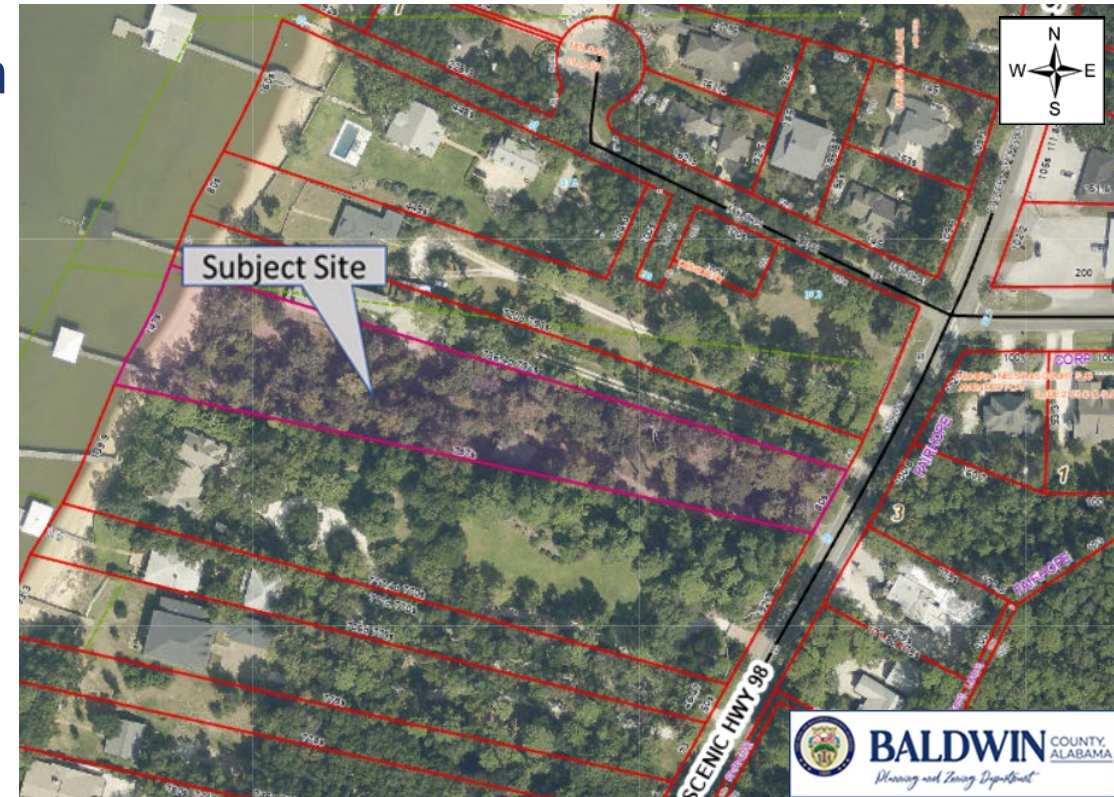
# ZVA24-36 DYSON PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

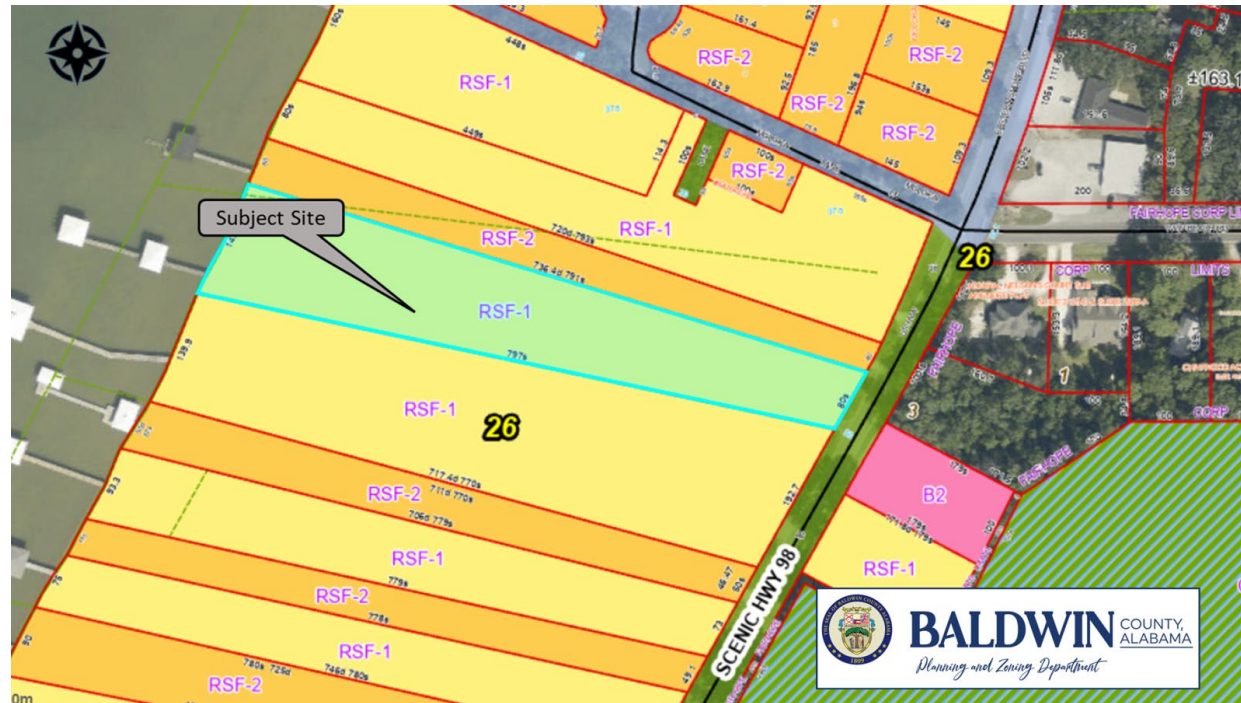
The applicant is requesting a variance from Section 10.4.4 of the *Baldwin County Zoning Ordinance* as it pertains to the 30' wetland setback buffer to allow for a new primary residence. The future residence will not be closer than 10' to the closest side of the wetlands.

Staff recommends Case ZVA24-36 be **Approved**.





# Locator Map



# Site Map



	Adjacent Zoning
North	RSF-2
South	RSF-1, Residential Single Family
East	B2, Neighborhood Business
West	Mobile Bay

	Adjacent Land Use
	Residential
	Residential
	Restaurant
	Mobile Bay





Subject Site







Subject Site







Subject Property  
PIN: 82529



**PUBLIC HEARING  
PROPOSED  
FOR THIS PROPERTY**  
Case Number  
**ZVA24-000036**  
Baldwin County Planning  
and Zoning Department  
For more information,  
please scan the QR  
code, call, or email,  
(251) 580-1655  
planning@baldwincountyga.gov







Wetland Flag



Wetland Flag



Photo Taken In Front  
Of Existing Dwelling





Adjoining Property  
to The North  
PIN: 8178







Adjoining Property  
to The East  
PIN: 32748





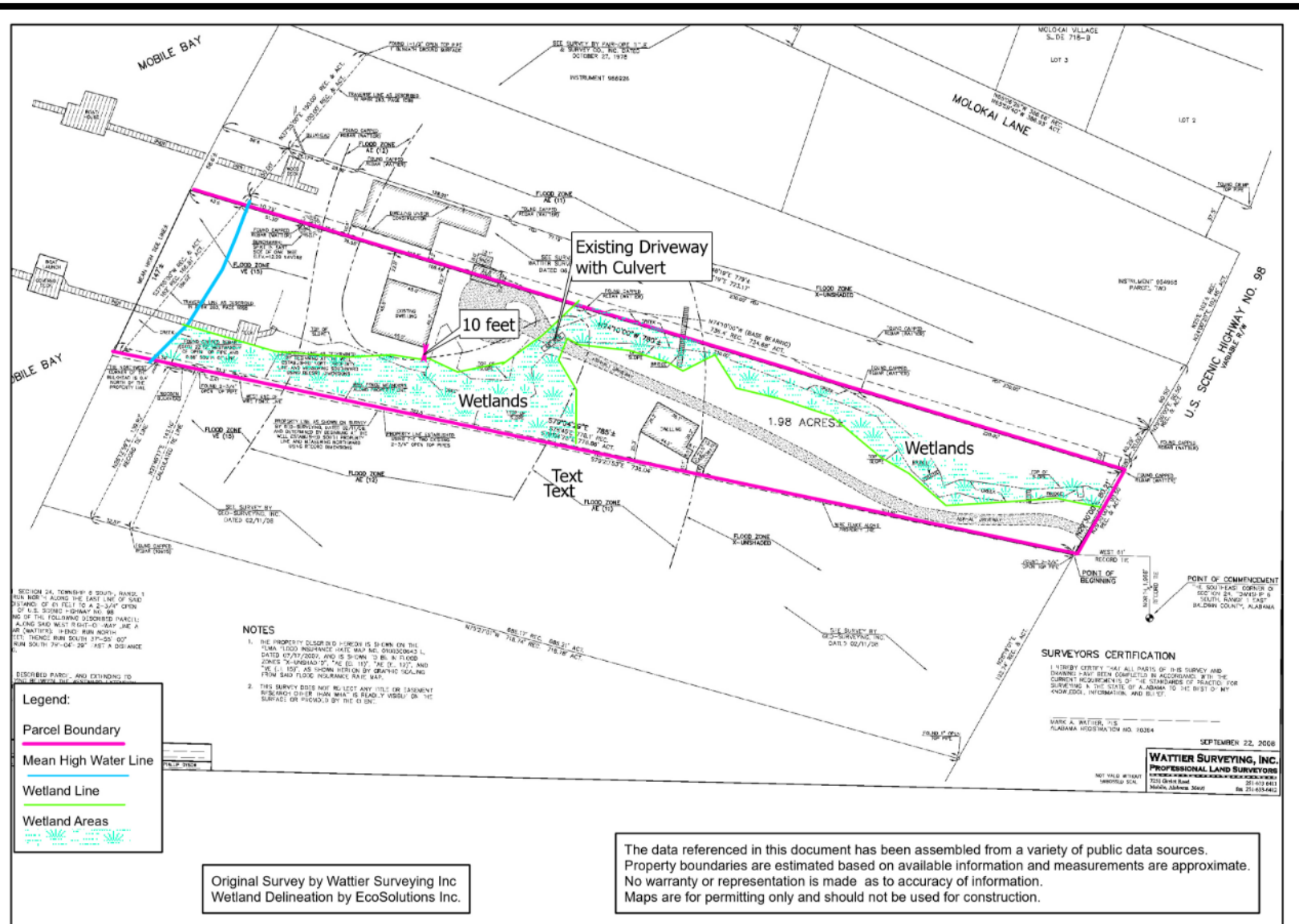


Adjoining Property  
to The South  
PIN: 13579





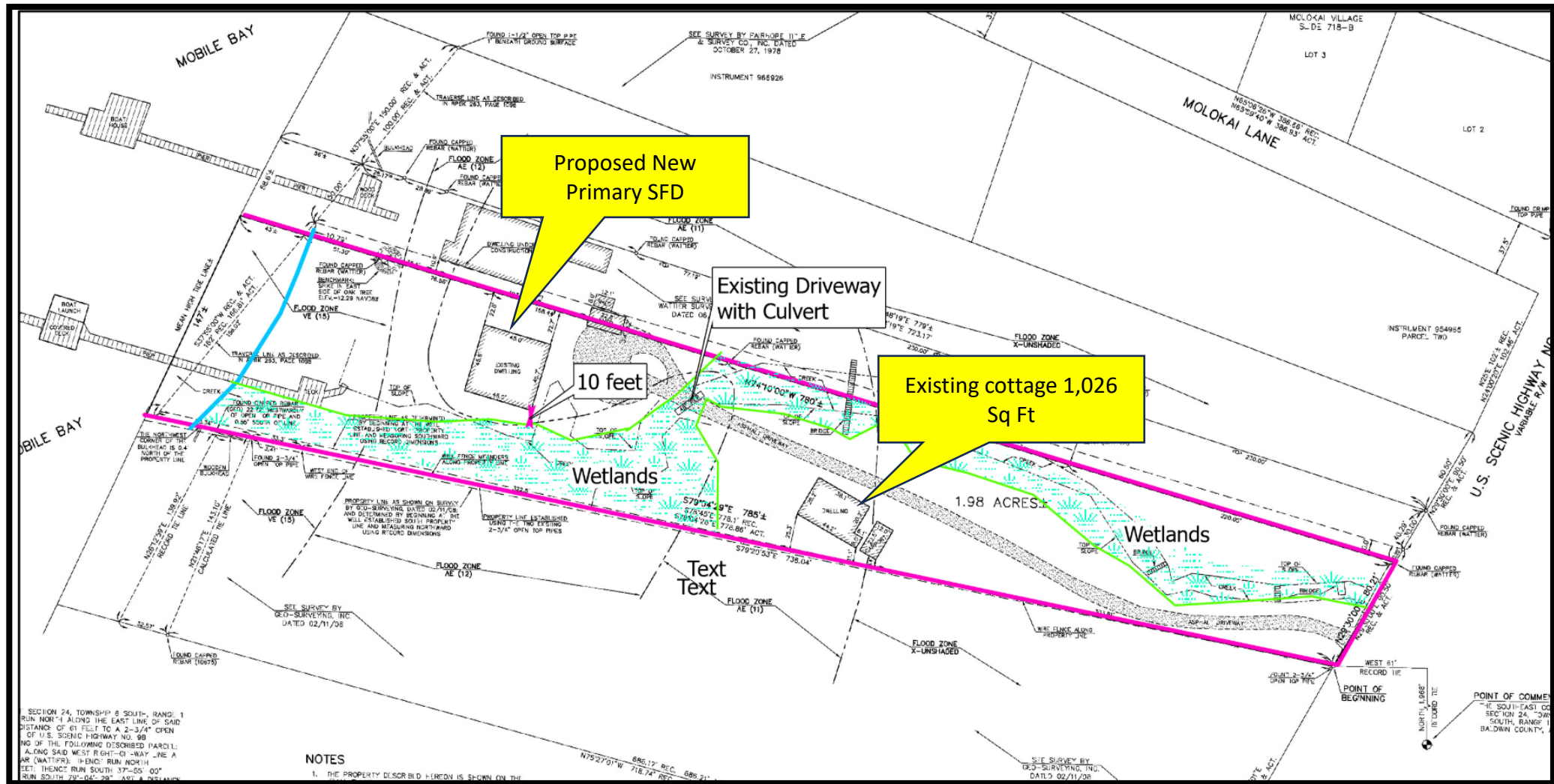
# Site Plan



**EcoSolutions**  
 ENVIRONMENTAL RESTORATION & PLANNING  
 P.O. Box 361 Montrose, AL 36559  
 Phone: 251-675-5006 Fax: 251-675-5058



# Enlarged Site Plan





# Wetlands Report



June 14, 2024

Drew Edgar  
Drew.edgar777@gmail.com

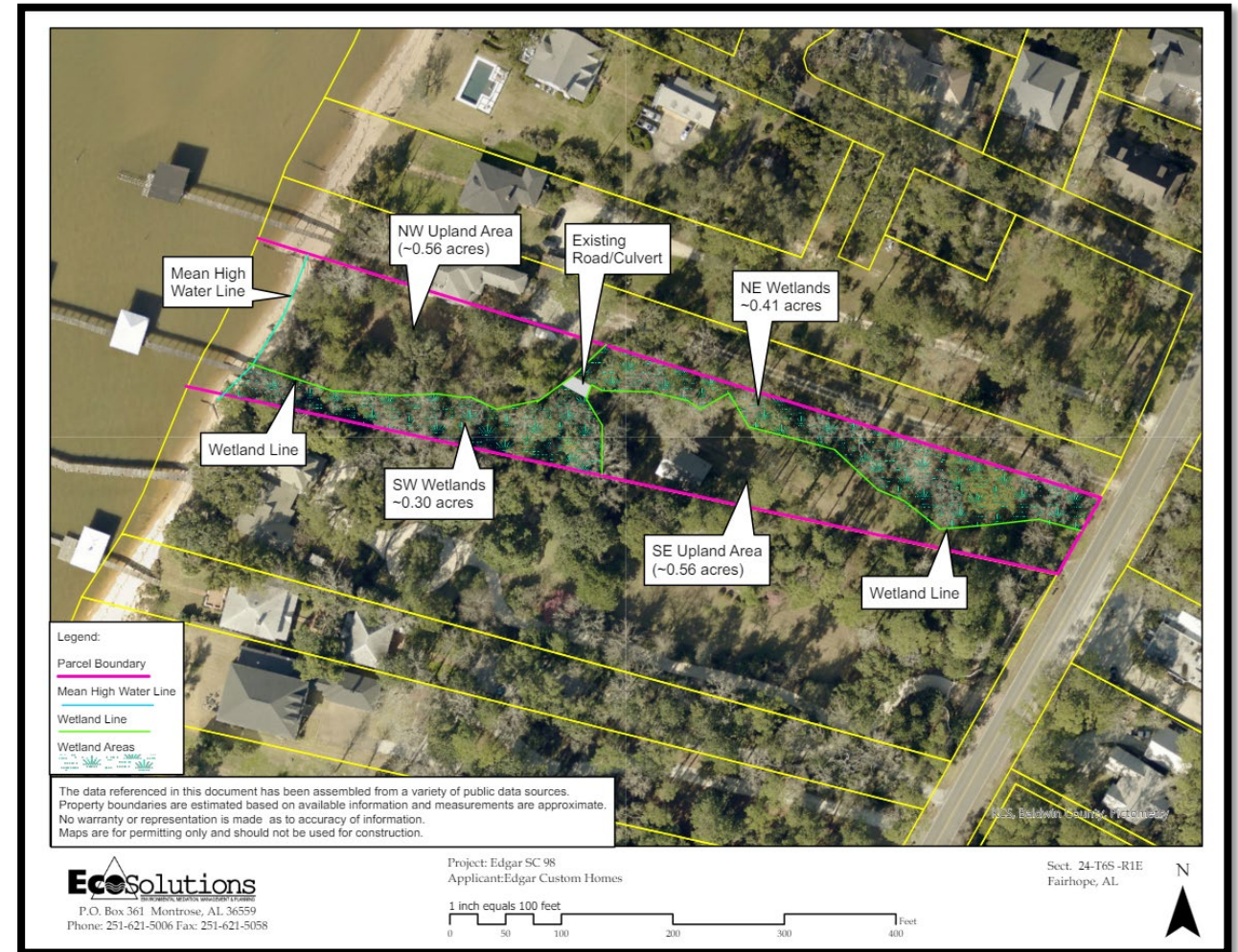
RE: Wetlands Delineation of 19387 Scenic Hwy 98 near Fairhope, AL (PPIN 82529)

Mr. Edgar

EcoSolutions Inc. was asked to conduct a wetland delineation of the parcel (PIN 82529) and the wetland delineation field work was conducted on June 06, 2024. The site consists of one parcels (PPINs 82529) located on the west side of Scenic Highway 98, slightly to the west of the city limits of Fairhope in Baldwin County, AL. The vegetation, soil characteristics, and hydrology of the site were evaluated based on the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual, amendments, regional supplements, and other applicable guidance documents. A portion of the parcel meets the definition of a wetland as defined by USACE Delineation Manual. The wetlands on the parcel appear to be part of a contiguous wetland area that extends off the site to the east and west and is associated with Mobile Bay, but a formal Jurisdictional Determination from USACE is needed to be certain.

The total area of the parcel is approximately 2.04 acres. Approximately 0.72 acres throughout the parcel has met the definition of a wetland as defined by the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual. The wetlands are located at the northeast and southwest areas of the lot. The stream that runs through the wetlands runs into an existing culvert under a road located at the central portion of the parcel and extend off the site to the north. The wetland area contains trees such as Sweet Bay Magnolias (*Magnolia virginiana*) and Bald Cypress (*Taxodium distichum*), shrubs such as Florida Anise (*Illicium floridanum*) and Coral Ardisia (*Ardisia crenata*), and herbaceous layer that includes Virginia Chainfern (*Woodwardia virginica*).

The uplands on the site are regularly mowed and contain trees such as Black Cherry (*Prunus serotina*), and Southern Magnolia (*Magnolia grandiflora*), a herbaceous layer that includes St. Augustine grass (*Stenotaphrum secundatum*) and Largeleaf Pennywort (*Hydrocotyle bonariensis*), with no vine or shrub layer. The soils within the parcel consist of Leon sand. During our field work on site we found sandy soils to be consistent with the mapped soils. The hydrology of the wetland area was ground water driven that flow into an open water stream down to Mobile Bay. The site is within the Coastal Zone. The site is not within the critical habitat of any endangered species, and no signs of





# POA Statement

David S. Dyson  
P.O. Box 1636  
DeFuniak Springs, FL 32435

Drew S. Edgar  
Edgar Custom Homes, LLC  
*Delivered Via Email*

June 22, 2024

Re: 19387 Scenic Highway 98

Dear Drew:

Per our discussion, please be aware that there is no neighborhood association or HOA or equivalent governing my property at 19387 Scenic Highway 98.

Sincerely,

  
David Dyson



# Zoning Requirements

10.4.4 *Permit requirements.* The non-disturbed setback for development from a jurisdictional wetland and/or stream must be a minimum of 30 feet unless exempted by *Section 10.4.7* below. The stream setback shall be from the top of bank on both sides of the waterway. When a stream is located within a gully, the top of bank shall be the top of the bank of the gully.

If the area proposed for development is located within fifty (50) feet of the wetland and stream protection district boundary as determined from the Generalized Wetland Map, the following shall apply:

- (a) For minor projects, a wetland and/or stream assessment performed by a Professional Wetland Delineator shall be required prior to the issuance of a Site Plan Approval, unless, based on clear evidence obtained from a desktop review, Planning & Zoning staff document the absence of wetlands (i.e. properly graded lots in an approved subdivision). If the wetland assessment identifies jurisdictional wetlands and/or jurisdictional streams, the jurisdictional wetlands and/or streams shall be shown on the site plan with the required thirty (30) foot non-disturbed wetland or stream setback. After review of the wetland and/or stream assessment, the Zoning Administrator or his/her designee may determine that a wetland delineation and/or an U.S. Army Corps of Engineers Jurisdictional Determination (JD) is required. In such case, Site Plan Approval will be subject to approval of the Jurisdictional Determination from the U.S. Army Corps of Engineers.



# 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.**

Per Revenue Commission records the parcel consists of approximately 2 acres (147' x 797'). It is an irregularly shaped lot with frontage on Mobile Bay off Scenic Hwy 98. Zoning in Planning District 26 came into effect on September 21, 1993. The required minimum lot size for RSF-1, Single Family District is 30,000 square feet and a minimum lot width of 100' at building line, and a 50' minimum lot width at the street line. Staff perceives the evaluation of this section as not applicable to the requested variance because the requested variance involves a topographical feature of the site and no request related to lot size or lot width was requested.

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

Staff perceives the wetlands located on the subject property to be an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property that requires a variance.



# Staff Analysis and Findings

**3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.**

The subject property is zoned RSF-1, Single Family District which allows for residential uses and accessory uses. The request is to allow for a wetland setback variance to build a primary residence. Staff perceives the wetlands on the subject property constitute a necessity for the preservation of property rights that would require a variance.

**4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.**

Staff anticipates no major impacts, therefore staff does not believe the granting of this application will impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.



# Staff Analysis and Findings

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

- The applicant has submitted written documentation stating there is no POA for the subject property.
- The applicant has a wetland delineation for the subject property.
- Staff perceives the wetlands on the subject property could establish a hardship, therefore staff recommends Case ZVA24-36 be APPROVED.



# ZVA24-36 DYSON PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Section 10.4.4 of the *Baldwin County Zoning Ordinance* as it pertains to the 30' wetland setback buffer to allow for a new primary residence. The future residence will not be closer than 10' to the closest side of the wetlands.

Staff recommends Case ZVA24-36 be **Approved**.



# **ZVA24-36 DYSON PROPERTY**

## **VARIANCE REQUEST**

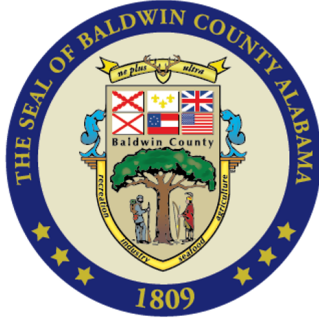
Lead Staff: Crystal Bates, Planning Technician II

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

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

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

AUGUST 20, 2024

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL