



## **BOARD OF ADJUSTMENT NUMBER 1**

### **AGENDA**

**January 20, 2026**

**Regular Meeting**

**4:00 p.m.**

**Central Annex Auditorium**

**22251 Palmer Street**

**Robertsdale, Alabama**

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

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes December 16, 2025
4. Election of Officers for 2026
5. Announcements/Registration to Address the Board of Adjustment
6. Consideration of Applications and Requests

### **ITEMS:**

#### **a.) Case No. ZVA25- 68 Vallee Property, 13095 County Road 1**

*Request:* Approval of variance from Section 13.1.2. (a) Rural and Residential Districts as it pertains to the accessory structure setbacks.

Location: The subject property is located at 13095 Co Rd 1 Ln Fairhope AL, Planning District 37.

#### **b.) Case No. ZVA25- 70 Charvim LLC Property, 8986 Tapis Ln**

*Request:* Approval of variance from Section 2.3.37 (e) Local Provisions as it pertains to the required setbacks.

Location: The subject property is located at 8986 Tapis Ln Fairhope AL, Planning District 37.

#### **c.) Case No. ZVA25- 71 Lieb Property, 0 County Road 34**

*Request:* Approval of variance from Section 17.3 (i) Landscape Buffers as it pertains to landscape buffers for subdivisions and Section 17.3.2 Purpose and Intent of the Landscaping Buffers in order to allow for a different design of landscaping.

Location: The subject property is located at 0 County Road 34 Ln Fairhope AL, Planning District 8.

*Attachments: Within Report:*

- d) Old Business
- e) New Business
- f) Adjournment



**Baldwin County Planning and Zoning  
Board of Adjustment Number 1  
Regular Meeting Minutes  
Tuesday, December 16, 2025**

**I. Call To Order**

The Board of Adjustment Number One met in a regular session on December 16, 2025, at 4:00 p.m., in the Baldwin County Central Annex Auditorium.

**II. Roll Call**

The meeting was called to order by Vice Chair Mary Shannon Hope. Members present included: Norman Bragg, Leslie Stejskal, Thomas Kiel, Marla Barnes, Doug Ward, Melissa Hadley, and Greg Benjamin. Staff members present were Crystal Bates, Planning Technician II, Celena Boykin, Planning Manager.

**III. Approval of Minutes**

Mr. Leslie Stejskal made a motion to approve November 18, 2025, meeting minutes. Mr. Norman Bragg second the motion. All members voted aye. Motion to approve November 18, 2025, minutes carried anonymously.

**IV. Consideration of Applications and Request**

**a.) ZVA25- 62, LBJR LLC Property, 25255 State Hwy 59**

Mrs. Crystal Bates presented the applicant's request for variance ZVA25-62 from Section 15.2.4 (a) of the Baldwin County Zoning Ordinance as they pertain required parking schedule for commercial establishments to allow for reduced number of parking spaces to be built.

The Vice-Chairman invited Tara Bennett with the Broadway Group LLC to the podium she spoke about the project and stated why the company needed the parking variance. Following this, there was a discussion between board members and staff on the commercial project. The Vice Chairman asked if any further questions or anymore wanted to speak on the behalf and closed the public hearing.

Board members Marla Barnes made a motion to APPROVE the variance case ZVA25-62 seconded by Thomas Kiel. The motion passed to APPROVE the variance case with a 5 to 3 vote.

**b.) ZVA25- 64, Pacey Property, 15750 Scenic Hwy 98**

Mrs. Crystal Bates presented the applicant's request for variance ZVA25-64 from Section 2.3.26.3 (a) of the Baldwin County Zoning Ordinance as they pertain to the accessory dwellings and the wetland fill in order to construct an accessory single-family dwelling on the property. The Vice-Chairman invited Chris Pacey to the podium he spoke on the project and the timeline and why he needed the variance. Following this, there was a discussion between board members and staff. The Vice Chairman asked if any further questions or anymore wanted to speak on the behalf and closed the public hearing.

Board member Norman Bragg made a motion to DENY the variance case ZVA25-64 seconded by Leslie Stejskal. The motion passed to DENY the variance case with a 6 to 2 vote.

**V. Old Business**

**VI. New Business**

**VII. Adjournment**

The meeting adjourned at 4:59 p.m.

Respectfully Submitted,

Crystal Bates, Planning Technician

I hereby certify that the above minutes are true, correct, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

---

Mary Shannon Hope, Vice- Chair





**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

**BALDWIN COUNTY BOARD OF ADJUSTMENT #1**

**REGULAR MEETING**

**JANUARY 20, 2026**

**BALDWIN COUNTY CENTRAL ANNEX**

**ROBERTSDALE, AL**

# ZVA25-68 VALLEE PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 26
- **Zoned:** RSF-2, Residential Single-Family District
- **Location:** The subject property is located on the west side of County Road 1
- **PID:** 05-56-04-19-0-000-089.000
- **PPIN:** 24921
- **Acreage:** **Physical Address:** 13095 County Road 1
- **Applicant:** Joseph & Patricia Valle'e
- **Owner:** Joseph & Patricia Valle'e



# ZVA25-68 VALLE'E PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is seeking a variance from Section 13.1.2 (a) of the Baldwin County Zoning Ordinance concerning accessory structure setbacks.

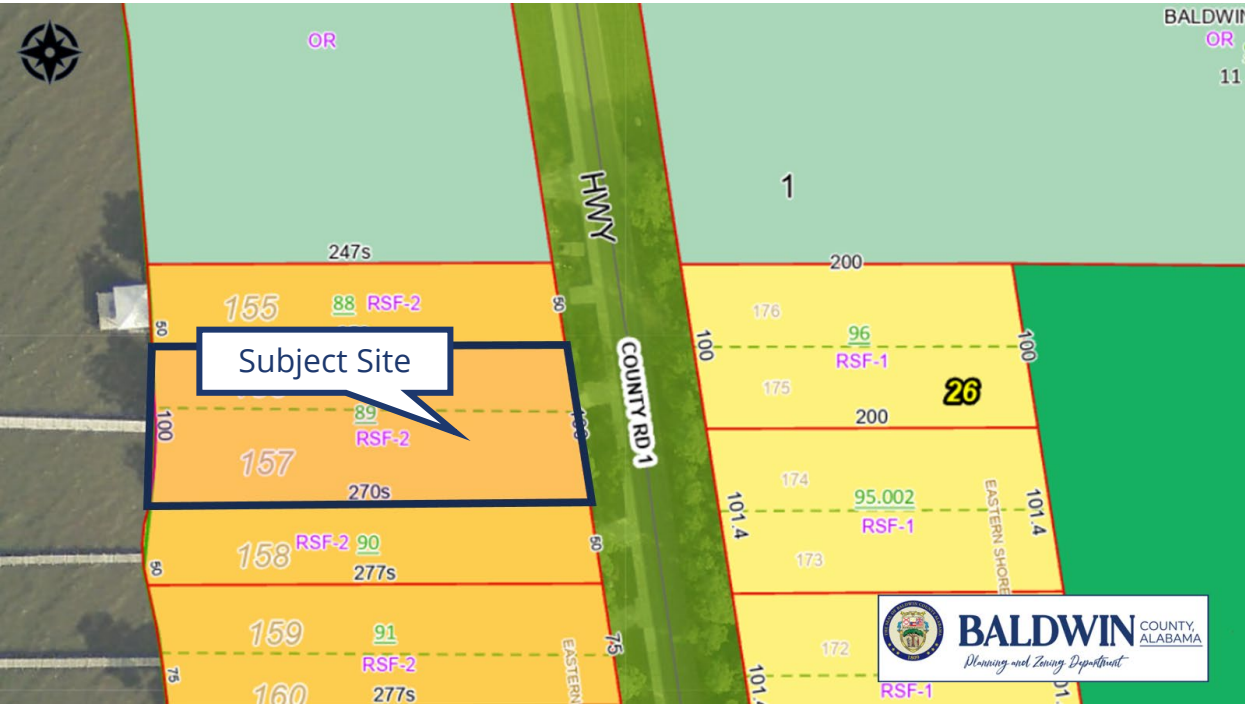
The applicant would like to be 2 feet from the side property line, rather than the standard 5 feet, in order to accommodate a new carport.

Staff perceives no hardship on the subject property and recommends that case ZVA25-68 be **DENIED**.





# Locator Map



# Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-2, Residential Single Family	Residential
South	RSF-2, Residential Single Family	Residential
East	RSF-1, Residential Single Family	Vacant
West	Mobile Bay	Water Body



Subject Property  
PIN: 24921



**VARIANCE PROPOSED  
FOR THIS PROPERTY  
CASE NUMBER**

**ZVA25-000068**



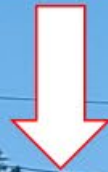
**For Information Contact  
Baldwin County Planning &  
Zoning Department  
(251)580-1655 / (251)972-8523  
(251)990-4623**

Dec 23, 2025 11:12:18 AM  
30°24'55.37322"N 87°54'28.2267"W  
274° W





Adjoining Property  
to the North  
PIN: 35528



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285° W





Adjoining Property  
to the South  
PIN: 18971



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243° SW





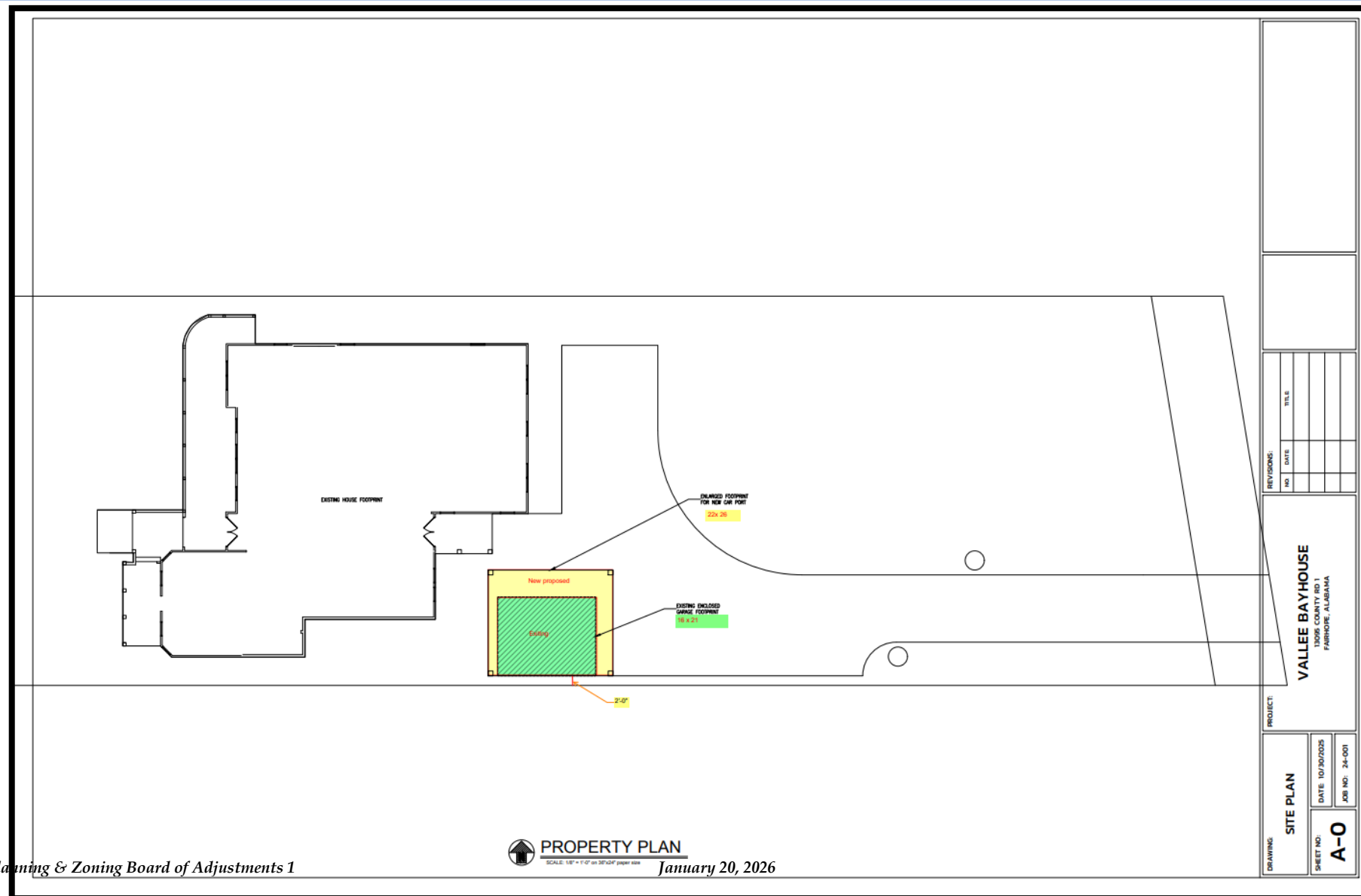
Property to  
the East  
PIN: 24877



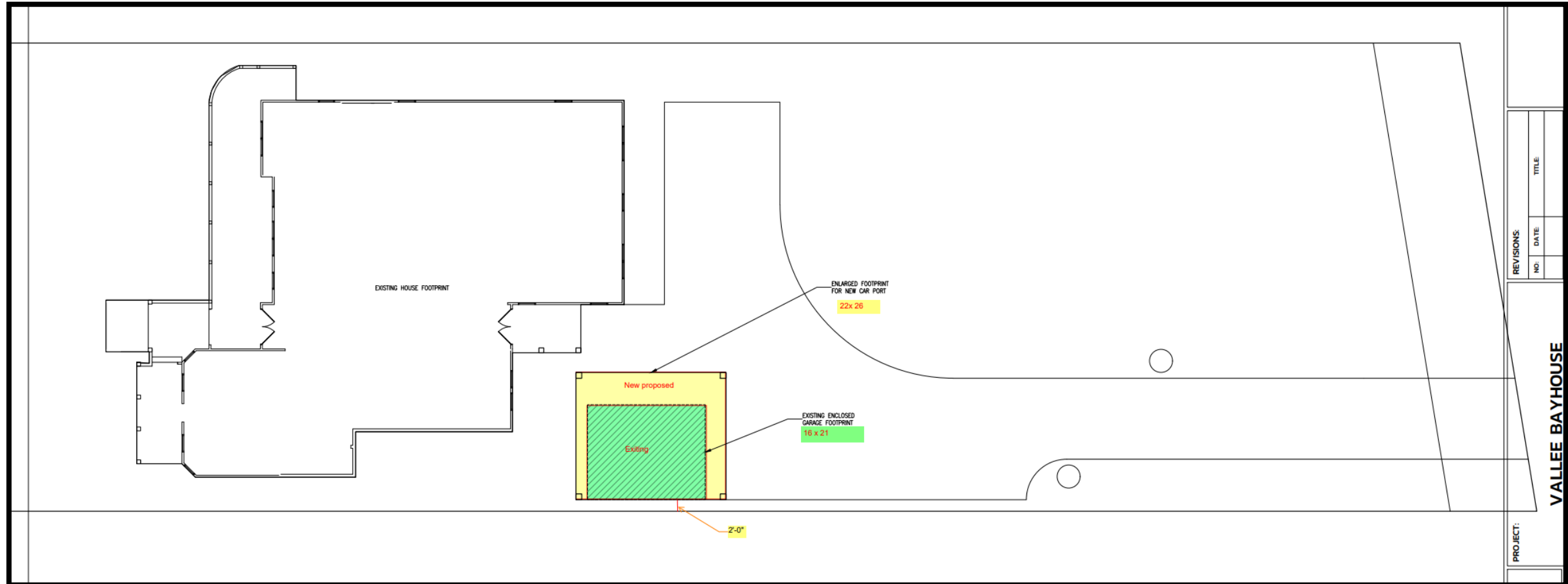
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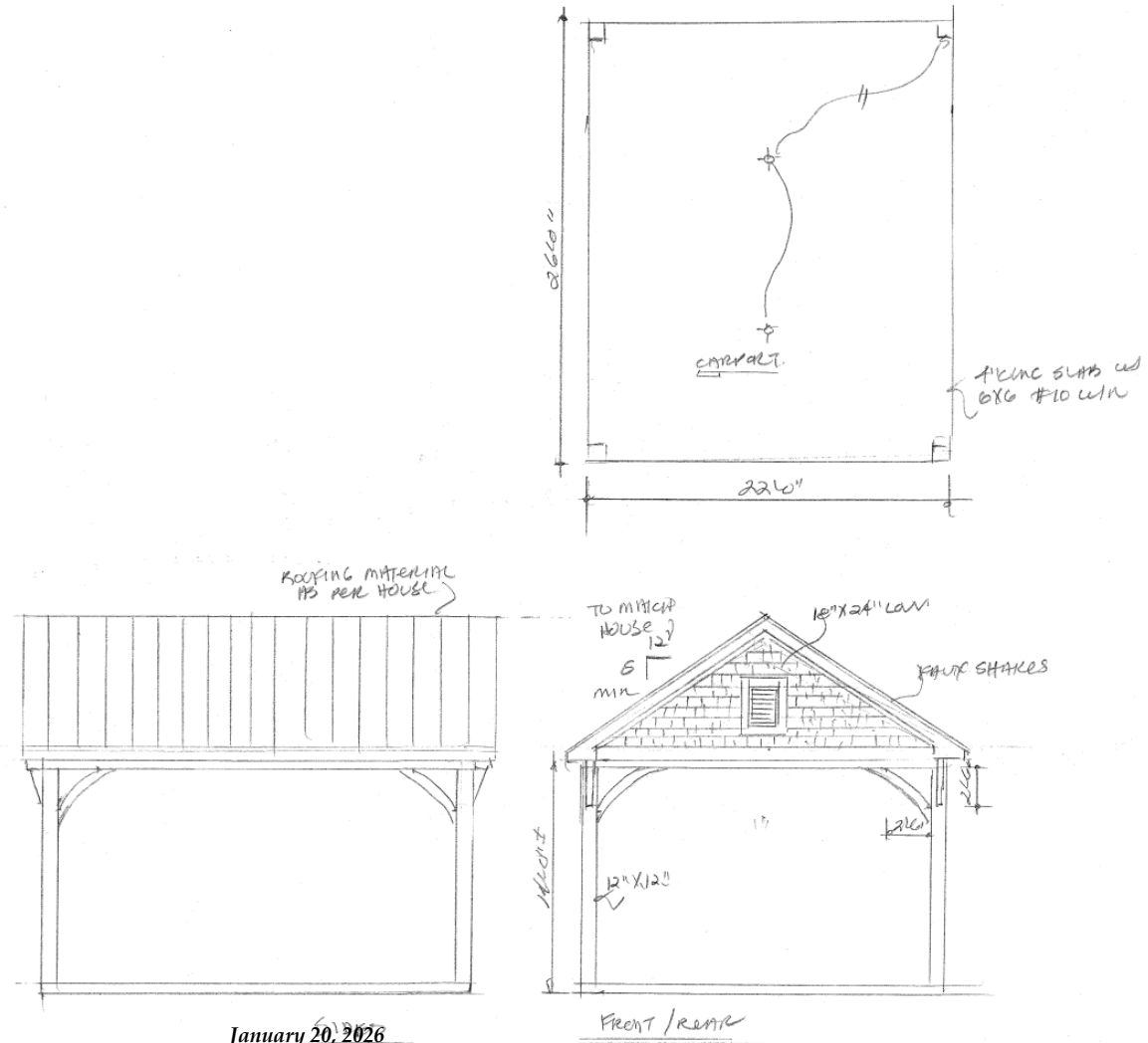
# Site Plan



# Site Plan



# Elevations



# Zoning Requirements

## Article 13 Design Standards

### Section 13.1 Accessory Uses and Structures

**13.1.1 Generally.** Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

- (a) Is customarily incidental to and is maintained and operated as a part of the principal use.
- (b) Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated.
- (c) Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use.
- (d) Is not located in a required yard.

**13.1.2 Rural and Residential districts.** In rural and residential districts an accessory use or structure will conform to the following requirements:

- (a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any lot line.
- (b) Except in rural districts, an accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.
- (c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than 30% of the rear yard.
- (d) Except in rural districts, no accessory structure, other than a pier and boathouse, may be located on a lot by itself.
- (e) Agricultural uses, on RSF-1 and RSF-2 zoned parcels that otherwise meet the minimum area and dimension requirements for Rural Agricultural District under 3.2.6 herein, agricultural uses shall be permitted uses, except that the minimum front yard for barns and other agricultural structures shall be 100 feet when constructed on an RSF-1 zoned parcel where no primary dwelling currently exists.

# 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 June 9, 2025. The lot of record is 100 x 270. The minimum lot size requirement for the RSF-2 zoning designation is 15,000 sq. ft. with a minimum lot width at the building line of 80'. Therefore, staff believes there isn't exceptional narrowness, shallowness, or shape of the subject property that would require a variance.

**Minimum lot size: 15, 000sf Actual lot size: 27,000+sf, Minimum Lot width: 80', Actual Lot Width: 100', Hardship: NO**

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

The subject property doesn't contain jurisdictional wetlands, and the property is relatively flat. 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 RSF-2, Residential Single Family District zoning designation. The applicant is seeking to expand the existing enclosed garage by knocking out the enclosure and attaching a new, larger open carport, which would involve extending on the non-conforming side of the current structure. 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 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.

# POA Statement

To: 13109 Co Rd 1 Neighbors

Attn: Donna Anthony

13109 County Rd 1 Owners, Joe and Patricia Vallee, are proposing a plan to the city for a new car port located in the same spot as the existing enclosed garage. Due to the close proximity to the property line, the city and owners need your written approval to be granted a building permit. The existing enclosed garage is to be demolished, and the new proposed car port is to be located in the same location as the existing garage. The existing garage is ~15'6"x20'5" and the new car port will be 22'x26'. See attached plan for more information.

I am aware and approve of the proposed new car port:

Neighbor Name (Print): Donna Anthony

Neighbor Signature: Donna Anthony

Neighbor Address: 13083 County Road 1, Tallapoosa, AL 36532

Today's Date: 12-8-25



# ZVA25-68 VALLE'E PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is seeking a variance from Section 13.1.2 (a) of the Baldwin County Zoning Ordinance concerning accessory structure setbacks.

The applicant would like to be 2 feet from the side property line, rather than the standard 5 feet, in order to accommodate a new carport.

Staff perceives no hardship on the subject property and recommends that case ZVA25-68 be **DENIED**.

# **ZVA25-68 VALLE'E PROPERTY**

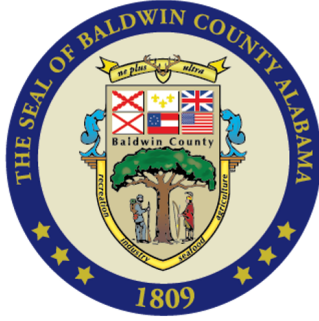
## **VARIANCE REQUEST SUMMARY AND RECOMMENDATION**

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 #1

NEXT REGULAR MEETING

FEBRUARY 24, 2026 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

**BALDWIN COUNTY BOARD OF ADJUSTMENT #1**

**REGULAR MEETING**

**JANUARY 20, 2026 @ 4:00 PM**

**BALDWIN COUNTY CENTRAL ANNEX**

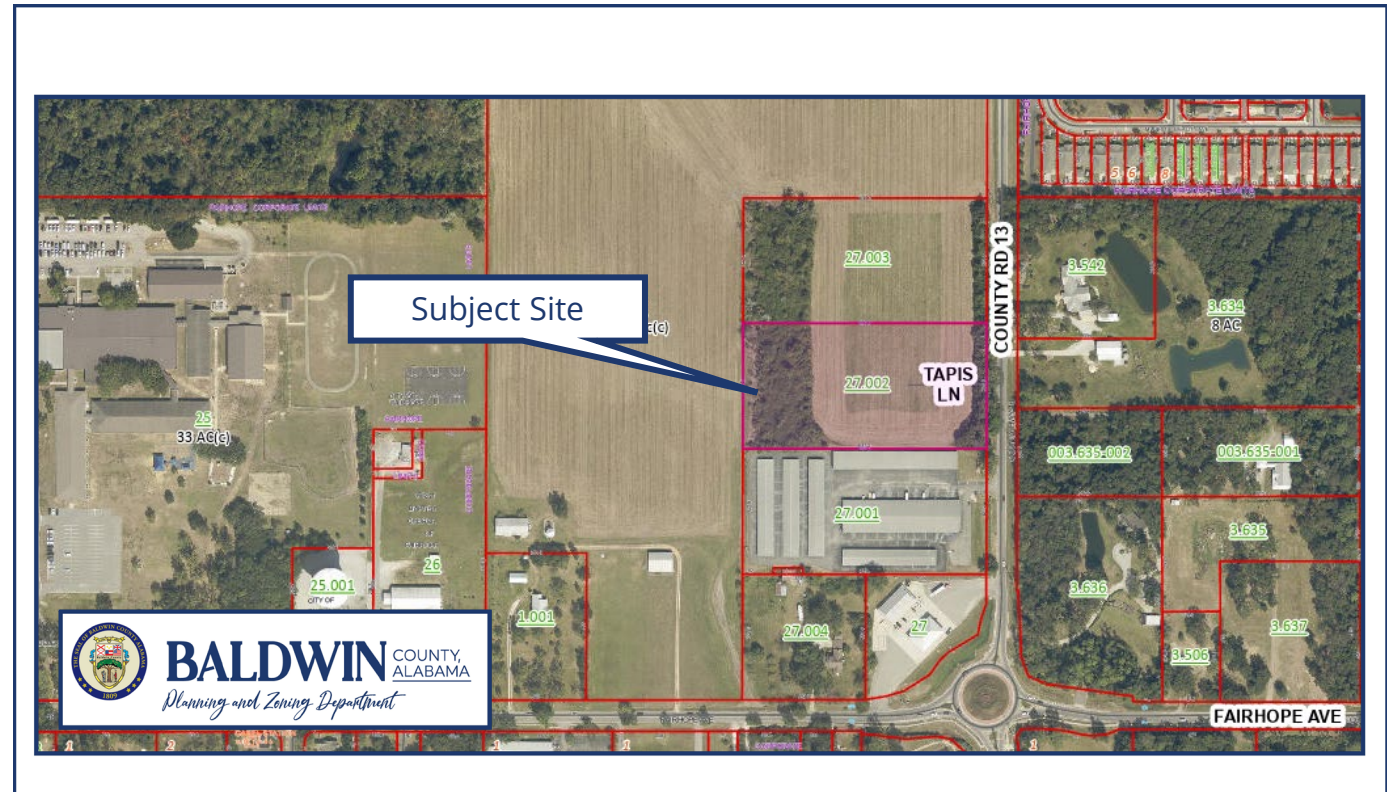
**ROBERTSDALE, AL**

# ZVA25-70 CHAVIM LLC PROPERTY

## VARIANCE REQUEST

Lead Staff: Calla Mckenzie, Planning Technician II

- **Planning District:** 37 **Zoned:** B-2
- **Location:** The subject property is located north of Fairhope Ave and west of County Road 13 in the Fairhope area.
- **PID:** 05-46-05-16-0-000-027.002
- **PPIN:** 42516
- **Acreage:** +/- 4.6 acres
- **Physical Address:** 8985 Tapis Ln
- **Applicant & Owner:** Chavim, LLC – Chad Breaux



# VARIANCE REQUEST

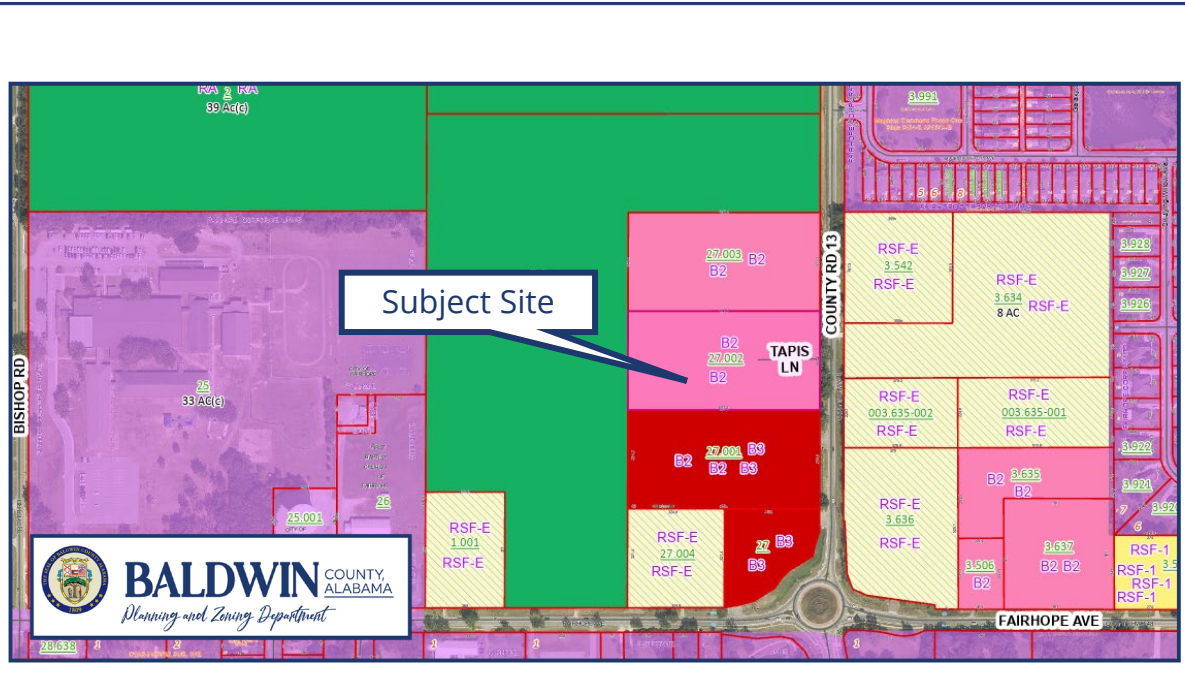
The applicant is requesting a variance from Section 2.3.37 (e) Local Provisions as it pertains to required sidewalks.

Staff recommends that case ZVA25-70 be **APPROVED** unless information to the contrary is revealed at the public hearing.





# Locator Map



# Site Map



	Adjacent Zoning	Adjacent Land Use
North	B-2, Neighborhood Business	Vacant
South	B-3, General Business	Commercial
East	RSF-E, Residential Single-Family Estate	Residential
West	RA, Rural Agricultural	Agricultural





Subject Property  
PIN: 42516



**VARIANCE**  
**PROPOSED**  
**FOR THIS PROPERTY**  
Case Number  
**ZVA25-000070**

Scan 

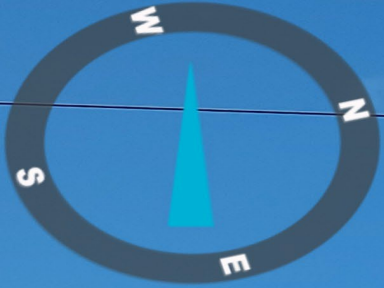
for meeting details  
and upcoming  
agenda (when  
available).

© BALDWIN

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

Dec 23, 2025 10:46:52 AM  
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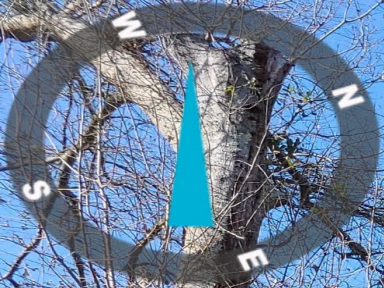


Property to  
the West  
PIN: 24127



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Adjoining Property  
to the North  
PIN: 42054



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Adjoining Property  
to the South  
PIN: 35008



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Property to  
the East  
PIN: 208227



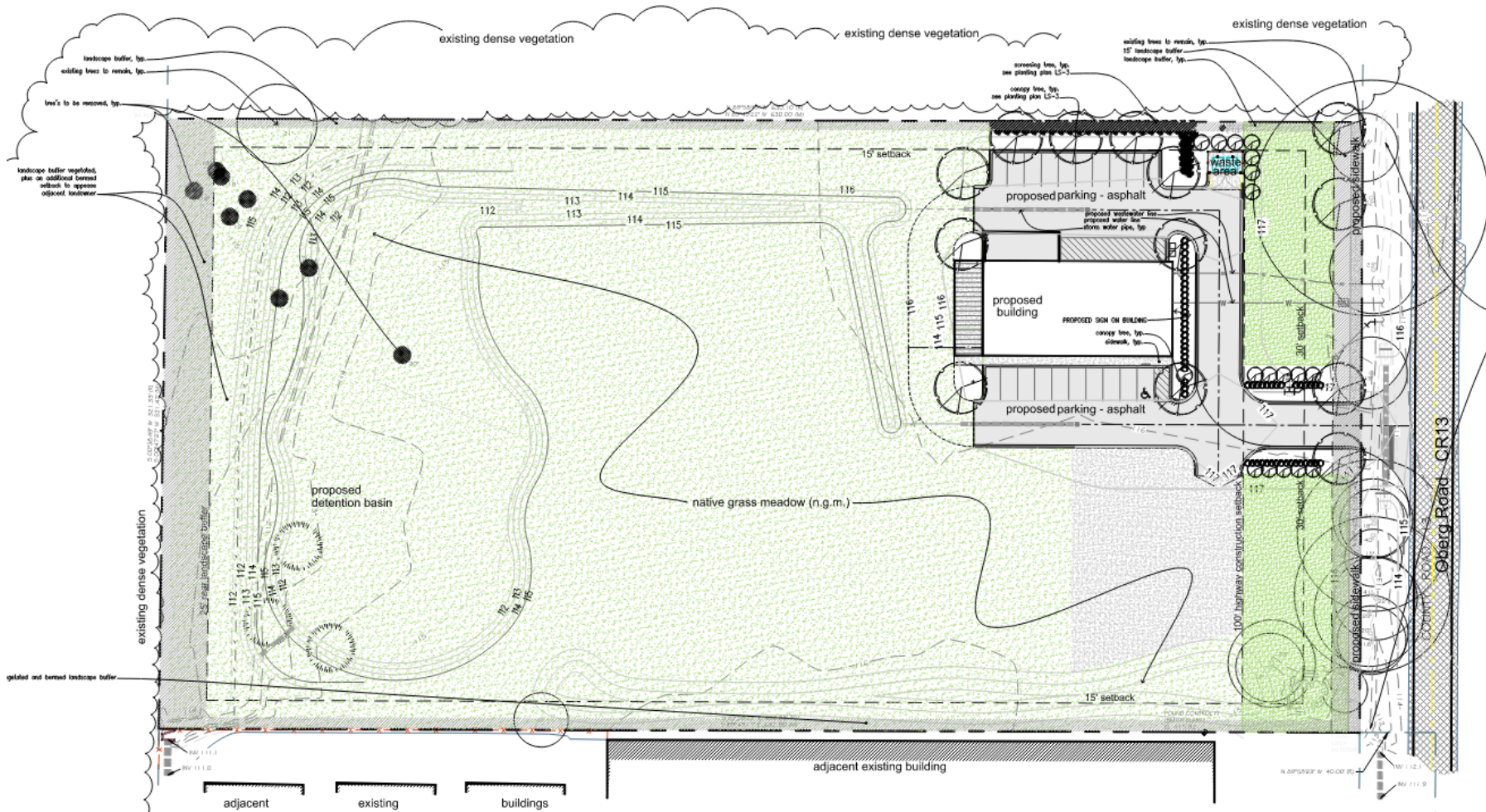
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## 33



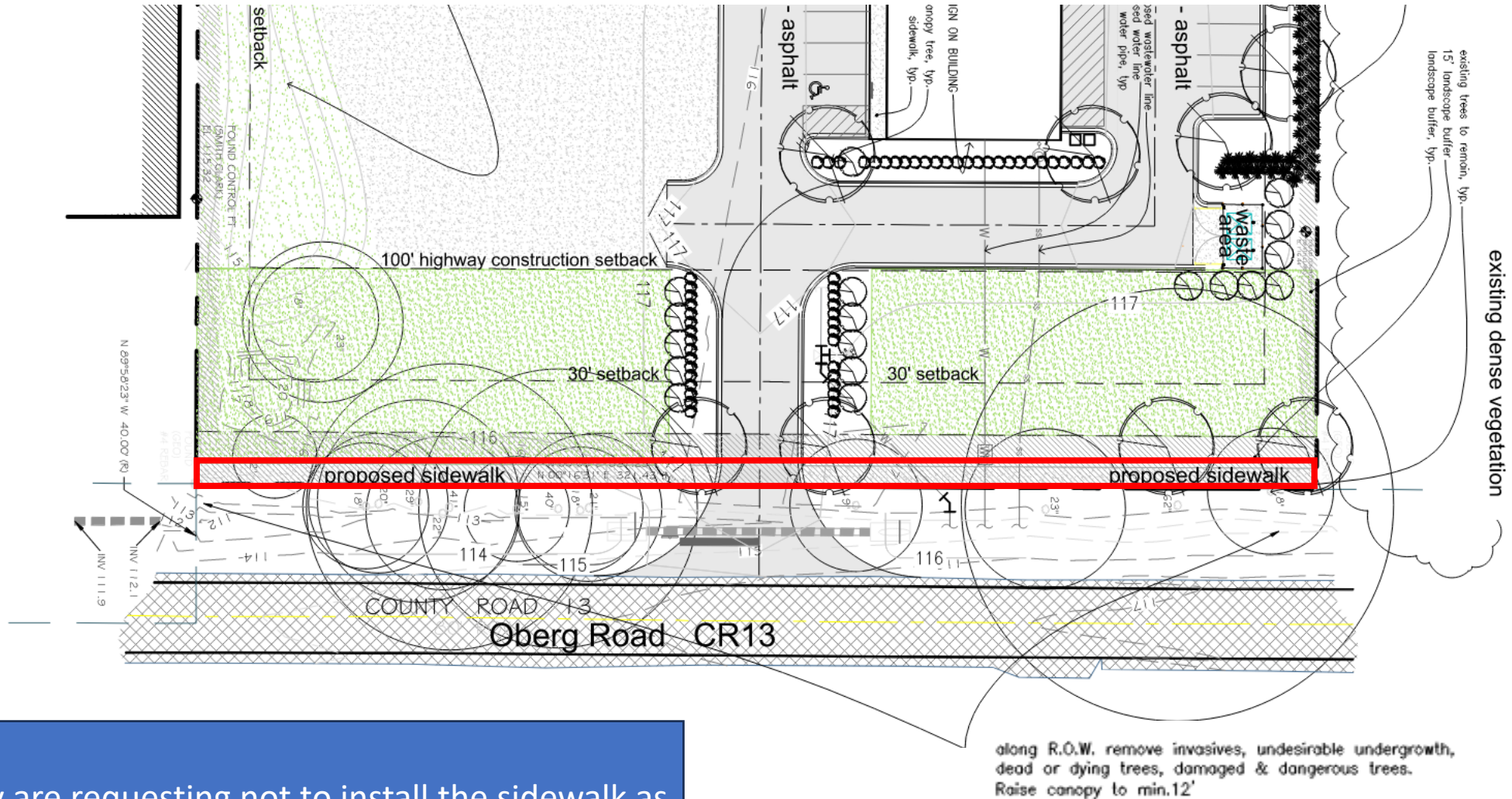
## Overall Site Plan



Please note that this is **NOTE** the Final Landscaping plan. They have revisions that still need to be made for the landscaping plan to comply with the Baldwin County Zoning Ordinance, but they were waiting until this request was heard to see if they could eliminate the sidewalk before making the required changes.



# Site Plan of Area Requesting Variance



They are requesting not to install the sidewalk as required by Section 2.3.37 (e), which is a local provision for Planning District 37.

# Zoning Requirements

## 2.3.37.2 District Boundaries

A legal description of the boundaries for Planning District 37 may be found under Appendix A.

## 2.3.37.3 Local Provisions for Planning District 37

(a) Reserved.

(b) *Landscape Buffers for Major Projects Abutting Primary Roads.* Except as modified in subsection (c) below, a Major Project which abuts a freeway/expressway, arterial, or collector shall maintain a minimum of fifteen (15) feet of the required setback as a buffer along the entire width of the property which abuts said freeway/expressway, arterial, or collector except where curb cuts provide ingress and egress. Said buffer shall be planted with native overstory trees, understory trees, shrubs, and grass so that an attractive appearance is presented as detailed in the required landscape plan.

(d) *Native Plants Required in Landscape Buffers.* In District 37, all required landscape buffers shall be planted with native plants that meet the requirements of the respective landscape buffer provision.

(e) *Sidewalks Required for Major Projects.* A Major Project (including a subdivision falling in this category) requiring a Commission Site Plan, Preliminary Plat, Final Site Plan, or similar approval from a Planning Commission and that abuts a functionally classified road other than an interstate or freeway, shall construct as part of the project, a minimum 5-foot sidewalk along the entire portion of the parcel fronting the functionally classified road.



# Zoning Requirements

## Section 17.2 Landscaping Plan

A landscaping plan is required for all major projects. Such plan shall be submitted in conjunction with an application for a site plan approval as herein provided. The plan shall clearly show what existing trees, shrubbery, and other vegetation will be retained, and what trees, shrubbery, and other vegetation will be added to complete the landscaping of the property. The developers shall attempt to retain as many trees as possible on the property unless the trees are a safety hazard to pedestrians, property, or vehicular traffic, or that their removal is necessary to construct the proposed improvements. In such case, the landscape plan shall indicate replacement trees at least 6 feet tall and one inch in diameter for each indigenous tree of at least three (3) inches in diameter removed, unless the property already has a tree density which does not allow adequate space or light for additional trees. The landscape plan shall show the locations of the proper number of replacement trees. Replacement trees and other vegetation to be installed shall be native species or noninvasive exotics which are not likely to out-compete native vegetation and do not require excessive pesticides, fertilizer, or water to maintain growth.

### 17.3.4 Use of landscaped buffers.


- (a) *Open space.* Landscaped buffers may be counted toward satisfying open space requirements, but not Usable Open Space requirements, and may be used for passive recreation. In no event, however, shall the following uses be permitted in landscaped buffers: playfields, stables, swimming pools, tennis courts, parking lots and vehicular use areas, dumpsters, equipment storage and other open storage, buildings or overhangs.
- (b) *Stormwater retention/detention facilities.* Stormwater retention/detention facilities shall not encroach into landscaped buffers.
- (c) *Ingress and Egress.* Ingress and egress to the proposed use and utilities may cross the buffer provided they minimize the amount of buffer devoted to this use.
- (d) *Lighting, fences, walls and Signs.* Lighting, fences, walls and identification signs may be located within the required buffer.
- (e) *Pedestrian walkways.* Sidewalks, walkways and paths may be allowed within the required buffer, provided that:
  - 1. The total width of buffer is maintained.
  - 2. All other requirements of this ordinance are met.

# HOA Letter

12/16/2025

Re: 8985 Tapis Lane  
Fairhope, AL 36532

There is not an active association for this property.

  
Chavim, LLC

# 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 37 was adopted by the County Commission on July 19, 2022. The parcel is approximately 202,958 sf (4.66 acres). The required minimum lot size for B-2 is 20,000 square feet with an 80' minimum lot width at the building line. The property is more than the minimum lot requirements; therefore, staff does not perceive any exceptional narrowness, shallowness, or shape of the subject property that would require a variance.

B-2 Required minimum lot size: **20,000 s**

Actual size: +/-**202,958 sf**

Lot size hardship: **NONE**

B-2 Required minimum width at street line: **80'**

Actual lot width: **321'**

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.

# 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 B-2, Local Business District, which allows for commercial uses. The property does have an approved commercial use for the property so **staff does not believe that this variance is necessary for the preservation of a property right.**

**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.***

# Staff Analysis and Findings

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

- The other two commercial uses established to the south of this property do not have sidewalks. The properties to the north are undeveloped and currently zoned B-2 and RA, and do not have sidewalks. This means if they install a sidewalk, it will not be attached to any other existing walkway.
- While the Zoning Ordinance does state that existing vegetation should be removed for improvements, it also emphasizes utilizing native trees, shrubs and grasses in landscaping buffers. They would be able to retain more of the native species that already exist on the property if they did not install the sidewalk.



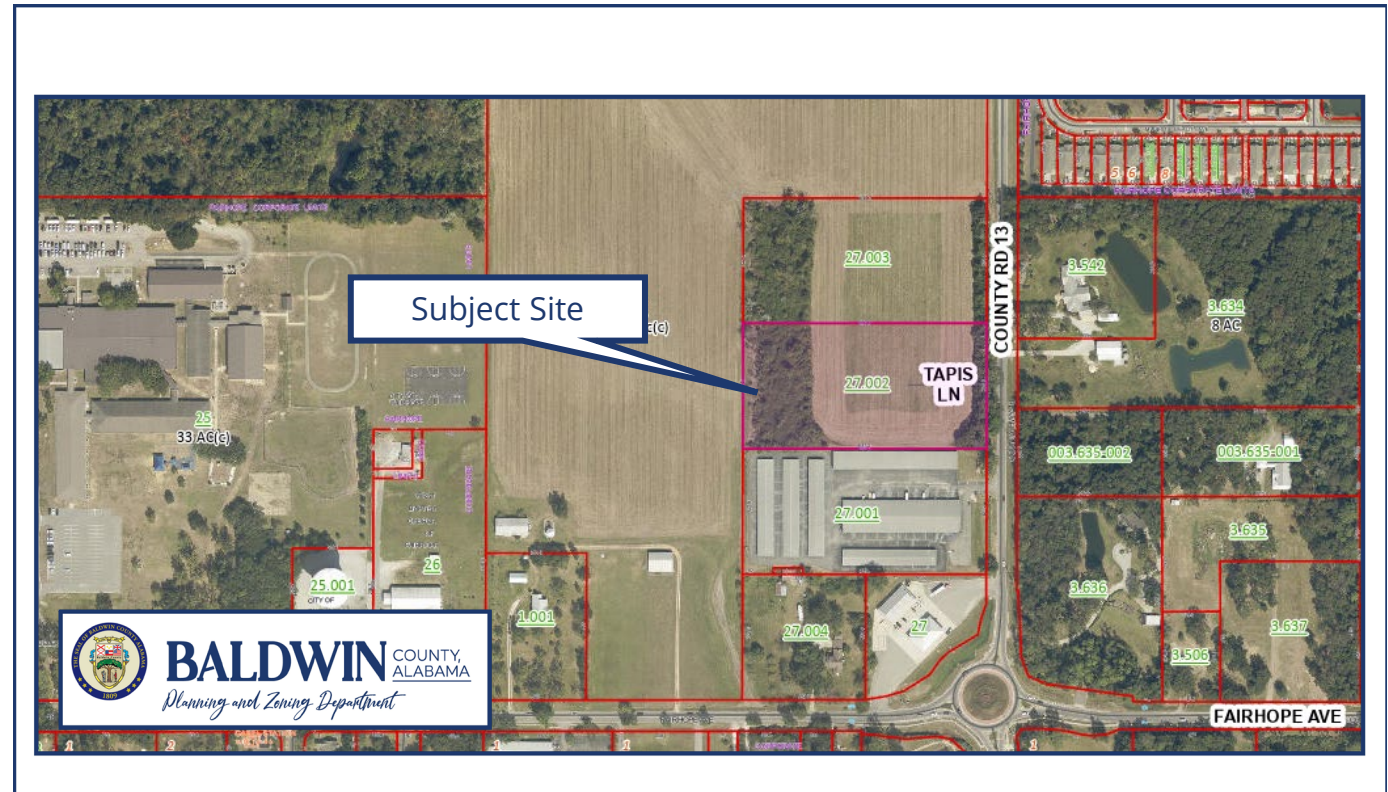
# ZVA25-70 CHAVIM LLC PROPERTY

## VARIANCE REQUEST

Lead Staff: Calla Mckenzie, Planning Technician II

The applicant is requesting a variance from Section 2.3.37 (e) Local Provisions as it pertains to required sidewalks.

Staff recommends that case ZVA25-70 be **APPROVED** unless information to the contrary is revealed at the public hearing.



# ZVA25-70 CHAVIM LLC PROPERTY

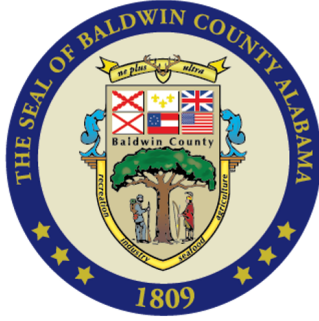
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Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long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



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

**BALDWIN COUNTY BOARD OF ADJUSTMENT #1**

**NEXT REGULAR MEETING**

**FEBRUARY 20, 2026 @ 4:00 PM**

**BALDWIN COUNTY CENTRAL ANNEX**

**ROBERTSDALE, AL**





# BALDWIN COUNTY, ALABAMA

*Planning and Zoning Department*

## BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

JANUARY 20, 2026

BALDWIN COUNTY CENTRAL ANNEX

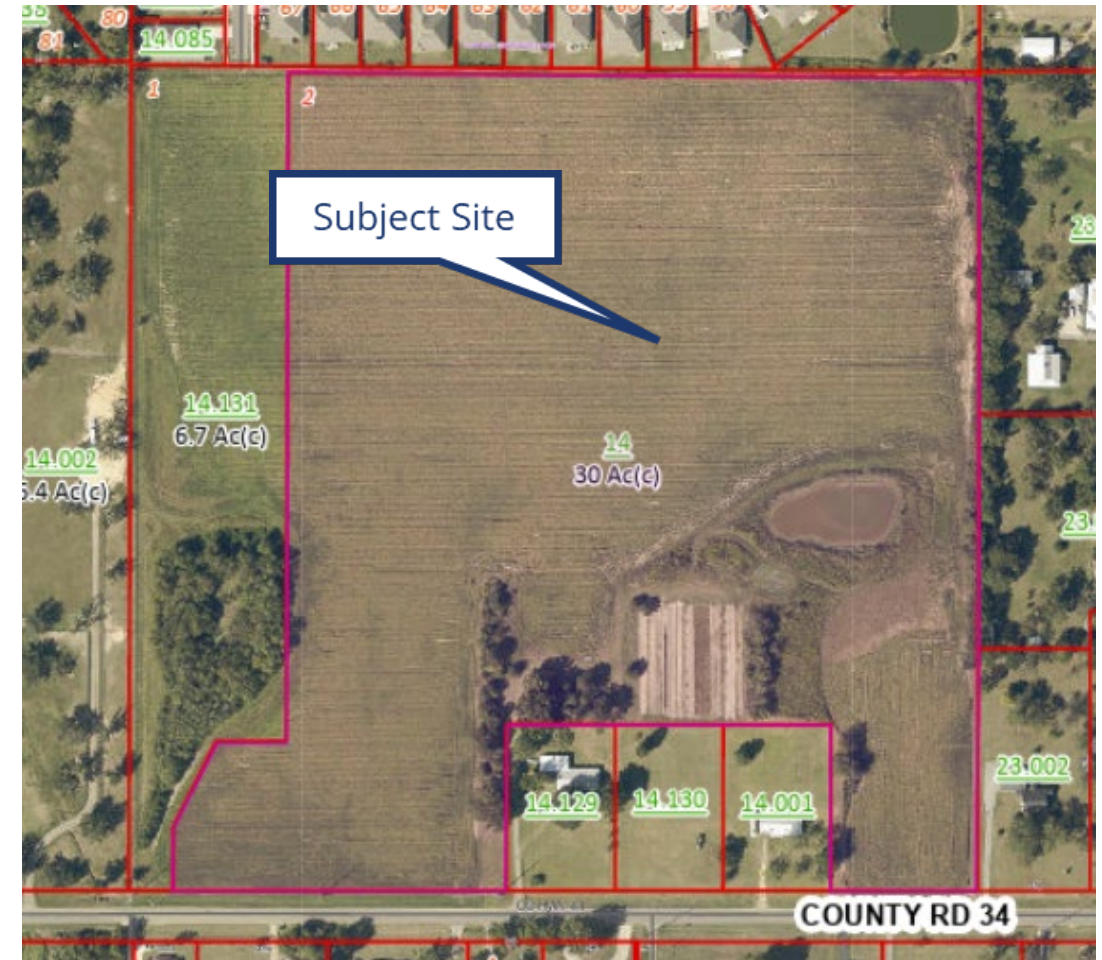
ROBERTSDALE, AL

# ZVA25-71 BURMEISTER PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 8
- **Zoned:** RSF-1, Residential Single-Family District
- **Location:** The subject property is located on the north side of County Road 34
- **PID:** 05-46-08-28-000-014.000
- **PPIN:** 5736
- **Acreage:** 30 ac
- **Physical Address:** County Road 34
- **Applicant:** Lieb Engineering LLC
- **Owner:** BURMEISTER, WILLIAM H OR BONNIE M BURMEISTER OR KATRINA B SCHONEMANN TRUSTEES OR THEIR SUCCESSORS IN TRUST UNDER THE BURMEISTER



# ZVA25-71 BURMEISTER PROPERTY

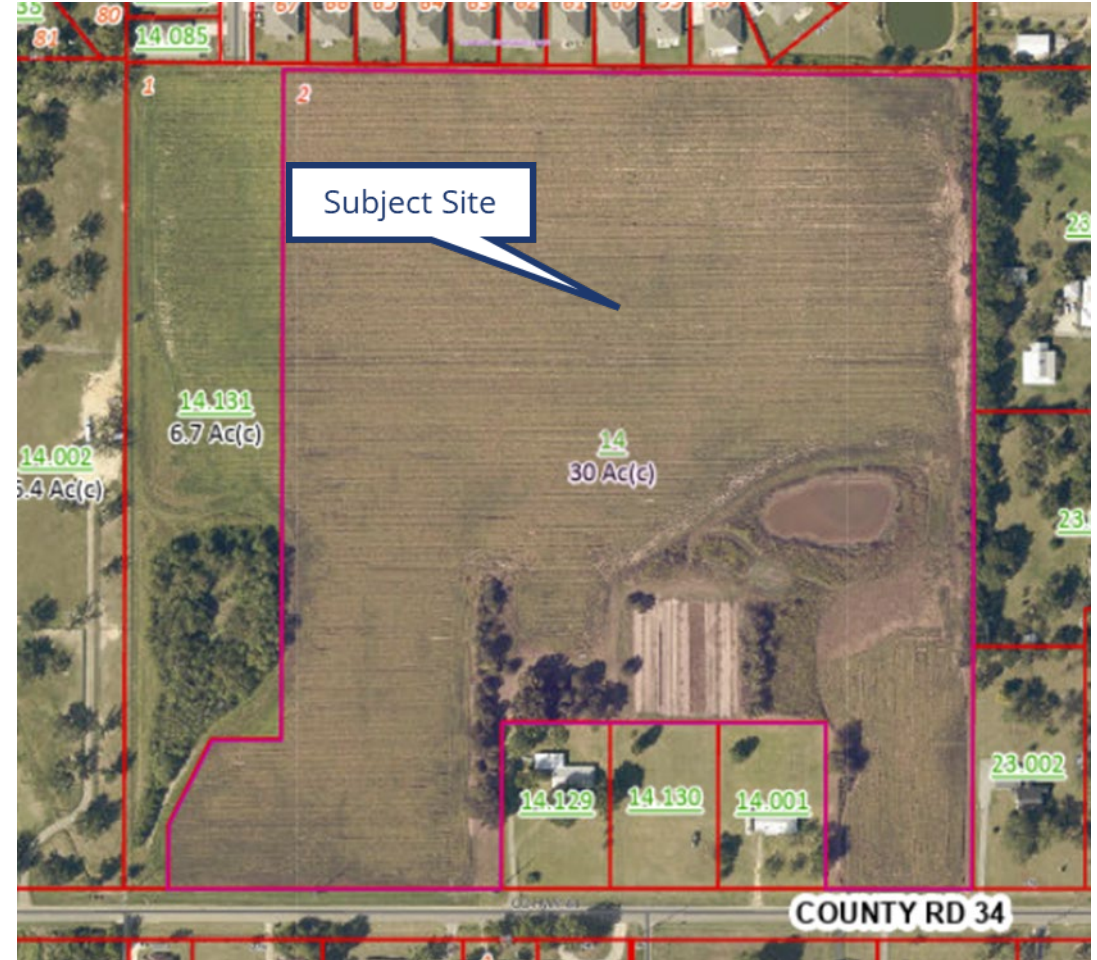
## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Section 17.3.2 ( i ) Landscaping Buffers requirements of the Baldwin County Zoning Ordinance as it pertains to installing landscape buffers for subdivisions and Section 17.3.1 Purpose and Intent of the Landscaping Buffer in order to allow for a different design of landscaping.

The applicant requests that landscaping not be installed according to our original design. The design in the zoning ordinance reads that the buffer area should be constructed with the width specified below and planted with canopy trees, understory trees, and shrubs that are sufficiently dense and of appropriate height. As an alternative, the applicant proposes using oak trees exclusively on the west side and Leyland cypress along the east and north sides. They also would like a variance from the east and west side from the 20' in width of the buffers.

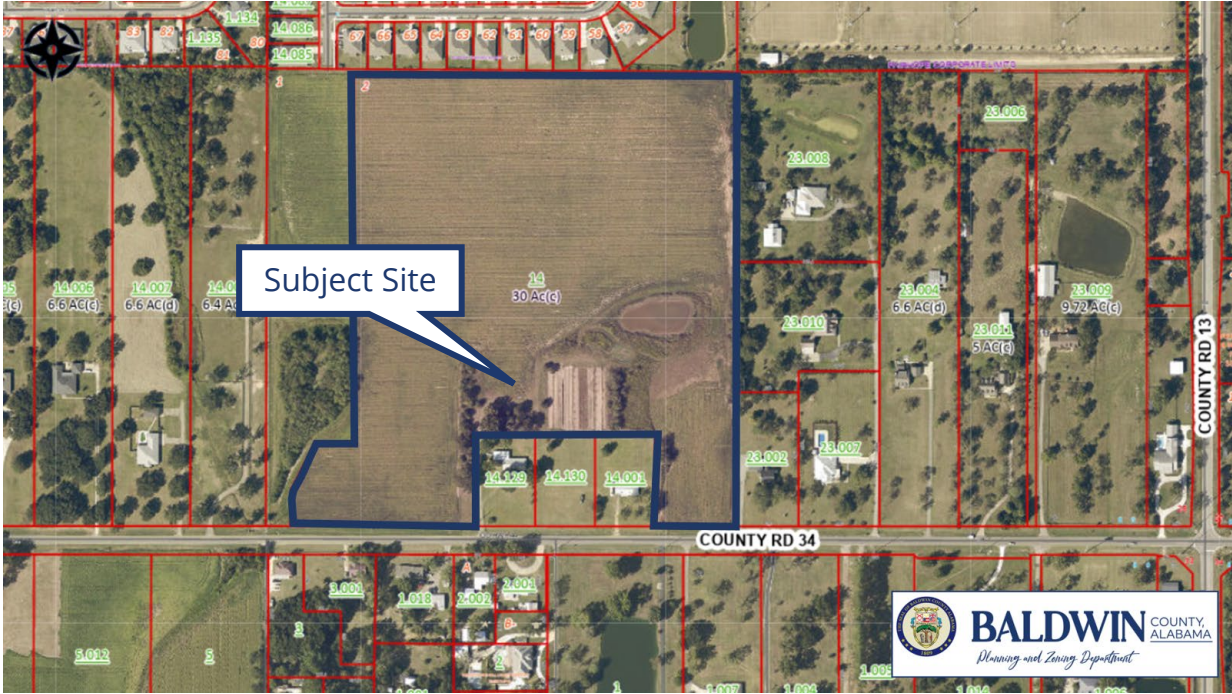
Staff perceives no hardship on the subject property and recommends that case ZVA25-71 be **DENIED** unless information to the contrary is revealed at the public hearing.





# Locator Map

# Site Map



	Adjacent Zoning	Adjacent Land Use
North	B2, Neighborhood Business District	Commercial
South	RSF-1, Residential Single Family 1	Residential
East	RA, Rural Agriculture	Vacant
West	B2, Neighborhood Business District	Vacant



Subject Property  
PIN: 5735



**VARIANCE**  
PROPOSED  
FOR THIS PROPERTY  
Case Number  
**ZVA25-000071**  
For information Contact  
Baldwin County Planning &  
Zoning Department  
(251) 580-1655 / (251) 990-4623  
(251) 972-8523

Dec 29, 2025 3:04:25 PM  
8600 County Road 34  
Fairhope  
Baldwin County  
Alabama



Adjoining Property  
to the North  
PIN: 364109



Dec 29, 2025 3:18:05 PM  
254 Silo Loop  
Fairhope  
Baldwin County  
Alabama



Property to  
the South  
PIN: 634489



Dec 29, 2025 3:04:35 PM  
8600 County Road 34  
Fairhope  
Baldwin County  
Alabama






Adjoining Property  
to the East  
PIN: 49091

Dec 29, 2025 3:11:38 PM  
8809 County Road 34  
Fairhope  
Baldwin County  
Alabama



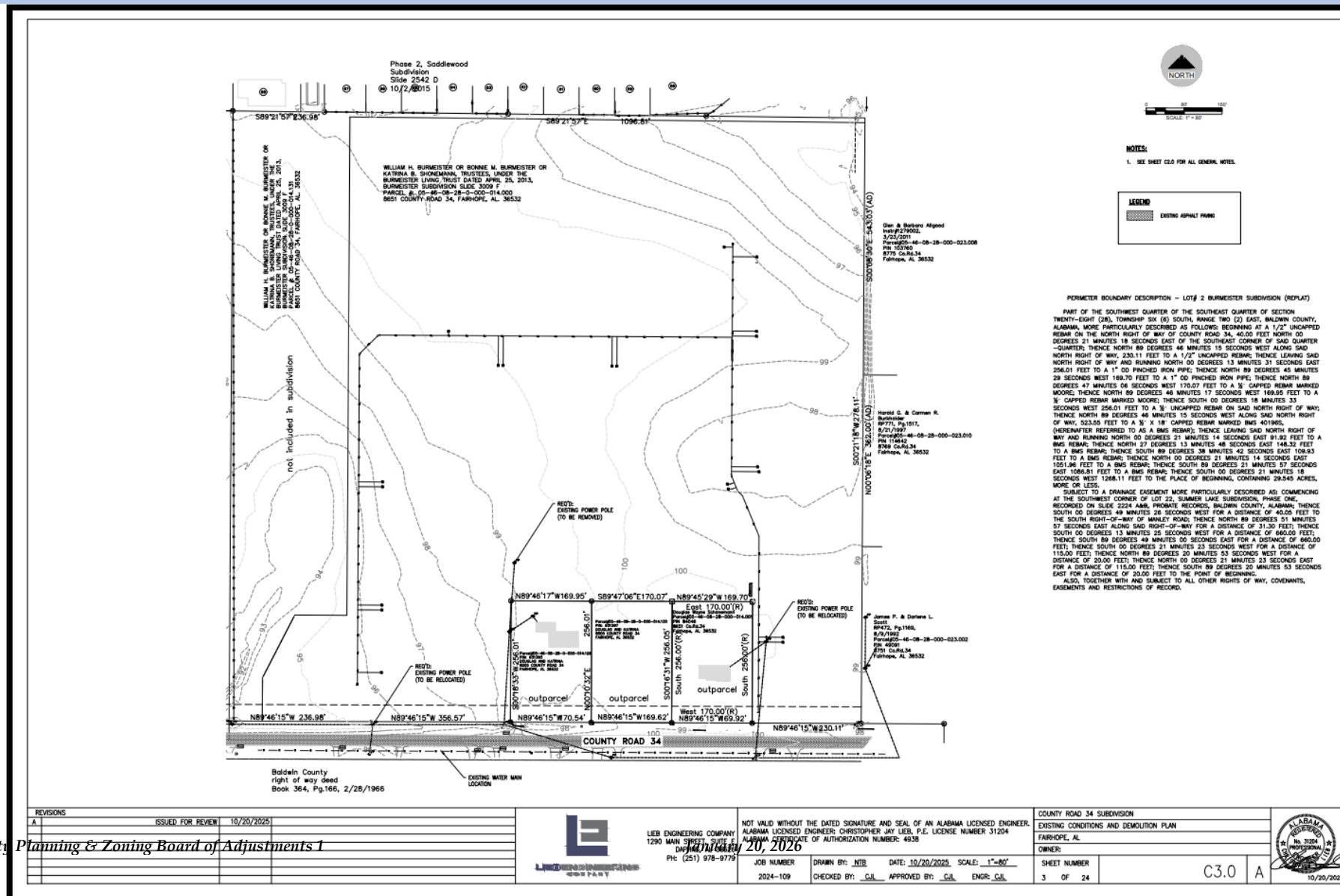


Property to  
the West  
PIN: 106169

Dec 29, 2025 3:06:52 PM  
8461 County Road 34  
Fairhope  
Baldwin County  
Alabama

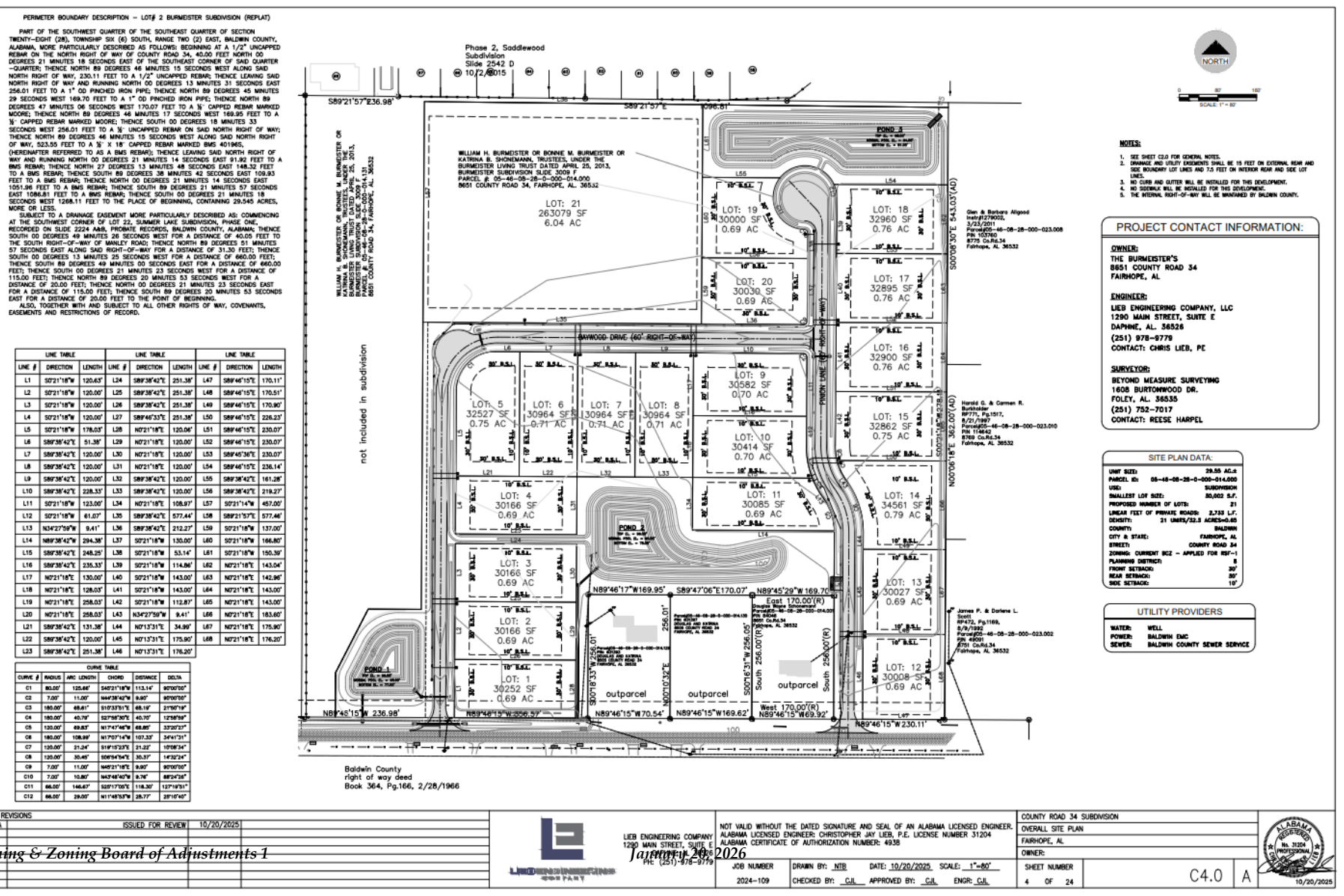


# Site Plan

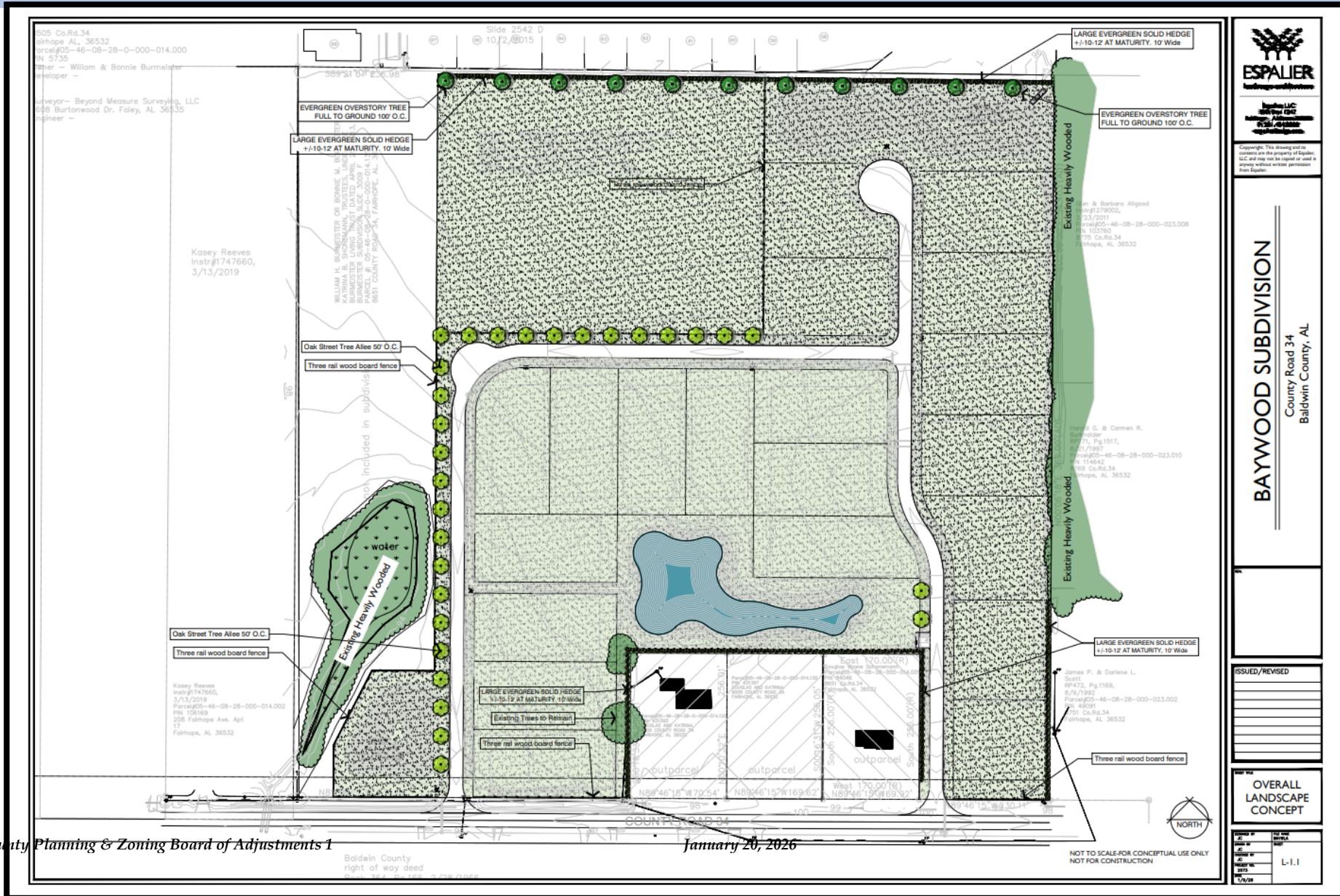




# Site Plan



# Proposed Site Plan





# Zoning Requirements

## Section 17.2 Landscaping Plan

A landscaping plan is required for all major projects. Such plan shall be in conjunction with an application for a site plan approval as herein provided. The plan shall clearly show what existing trees, shrubbery, and other vegetation will be removed and what trees, shrubbery, and other vegetation will be added to complete the landscaping of the property. The developers shall attempt to retain as many trees as possible on the property unless the trees are a safety hazard to pedestrians or vehicular traffic, or that their removal is necessary to construct the proposed improvements. In such case, the landscape plan shall indicate replacement trees at least 6 feet tall and one inch in diameter for each indigenous tree of at least 6 inches in diameter removed, unless the property already has a tree density that does not allow adequate space or light for additional trees. The landscape plan shall show the locations of the proper number of replacement trees. Replacement trees and other vegetation to be installed shall be native species or noninvasive exotics unlikely to out-compete native vegetation and do not require excessive pesticides, fertilizer, or water to maintain growth.

(a) A major project which abuts a freeway/expressway, arterial or collector shall maintain a minimum of ten (10) feet of the required setback along the entire width of the property which abuts said freeway/expressway or collector except where curb cuts provide ingress and egress. Trees shall be planted with trees, shrubs and grass or other ground cover to provide an attractive appearance is presented as detailed in the required landscaping plan.

(b) A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of existing landscape facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the monotony of the contiguous parking areas and to present an attractive appearance as determined by the Zoning Administrator. Adjacent property owners shall agree on the establishment of a common landscaped area between the properties that meets the requirement of this Section; provide written agreement and the planting and maintenance of the common landscaped area binding upon both parties and their successors, interests and assigns.

(c) Junk yards shall be buffered with vegetation so as to achieve a visual screen of the yard and its ancillary operations.

## Section 17.3 Buffers of Unlike Land Uses and Zoning Designations

**17.3.1 Purpose and intent.** Where unlike land uses or zoning designations are adjacent, a buffer shall be required along the entire length of all such common boundary. The buffer shall be of the width specified below and shall be planted with canopy trees, understory trees and shrubs of sufficient density and of sufficient height to provide a visual screen of the adjacent uses.

less than 8-feet high at the time of planting for canopy trees (or 4-feet high for understory trees) to afford adequate screening. All screen planting shall be maintained in a clear and healthy condition.

**17.3.2 Buffer Requirements.** Landscaped buffers shall be required for any building site for any given use, and shall not be less than the minimum buffer of-way. The required buffer widths are listed below in Table 17.3.2 at Appendix B:

(a) Multiple Family uses (RMF-6) when adjacent to any other use, Residential Single Family Estate District (RSF-1, RSF-2, RSF-3, RSF-4) shall require a minimum buffer of **25-feet**.

(b) Multiple Family uses (RMF-6) when adjacent to any other use and RTF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(c) Institutional uses, Professional Business District (B-2), General Business uses (B-3), Marine Recreation (MR) uses when adjacent to any other use, CR), Residential Single Family Estate District (RSF-1, RSF-2, RSF-3, RSF-4) shall require a minimum buffer of **25-feet**.

(d) Institutional uses, Professional Business District (B-2), General Business uses (B-3), Marine Recreation (MR) uses when adjacent to any other use and RTF-6) or Multiple Family District (B-1) shall require a minimum buffer of **10-feet**.

(e) Manufactured Housing Parks (RMH) adjacent to any other use, Family Estate District (RSF-E) or Single-Family Residential District (B-1, B-2, B-3, RSF-4 and RSF-6) shall require a minimum buffer of **10-feet**.

(f) Manufactured Housing Park (RMH) adjacent to any other use, (RTF-4 and RTF-6), Multiple Family District (B-1) shall require a minimum buffer of **10-feet**.

(g) Light Industrial uses (M-1), General Business District (B-2), Communication and Utility uses when adjacent to any other use shall require a minimum buffer of **75-feet**.

(h) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any Business District (B-1, B-2, B-3 and B-4) shall require a minimum buffer of **50-feet**.

(i) **Landscape Buffers for Subdivisions Adjacent to Rural Zonings, Agricultural Uses, and Lower Intensity Residential Zonings.** The following minimum buffers shall be required prior to Final Plat approval for any subdivision that meets the definition of a Major Project:

	Ag Use*	RR	RA	CR	BCZ	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6
Ag Use*	0	0	0	0	0	0	40	40	40	40	40	40
RR	0	0	0	0	0	0	20	20	20	20	20	20
RA	0	0	0	0	0	0	20	20	20	20	20	20
CR	0	0	0	0	0	0	20	20	20	20	20	20
BCZ	0	0	0	0	0	0	20	20	20	20	20	20
RSF-E	0	0	0	0	0	0	20	20	20	20	20	20
RSF-1	40	20	20	20	20	20	0	10	15	20	20	20
RSF-2	40	20	20	20	20	20	10	0	10	15	20	20
RSF-3	40	20	20	20	20	20	15	10	0	10	15	20
RSF-4	40	20	20	20	20	20	20	15	10	0	10	15
RTF-4	40	20	20	20	20	20	20	20	15	10	0	10
RSF-6	40	20	20	20	20	20	20	20	20	15	10	0

The Zoning Administrator shall have discretion to reduce the minimum size requirements of plantings under this subsection (i) given the potential volume of plants required to meet the requirements of this provision.

\*Ag Use. Agricultural Use as defined in Article 22.

### 17.3.3 Landscaped buffer design and materials.

(a) **Existing native plant material.** The use of existing native species of plant material is strongly encouraged in landscaped buffers. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding within the landscaped buffer. Where the planting requirements of Section 17.3.2 require additional trees or shrubs to be installed in an existing natural area, it should be done in a manner which minimizes disturbances to native species.

(b) **Mixed-use development.** Where a building site is used for a single mixed-use development, landscaped buffers shall not be required between the various constituent uses. Landscaped buffers required at the perimeter of the development shall be maintained in a clear and healthy condition.

# 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 8 came into effect on July 19, 2022. The lot of record is approximately 30 acres. The minimum lot size requirement for RSF-1, Residential Single-Family District, is 30,000 sq. ft. with a minimum lot width at the building line of 100'. Therefore, staff believes there isn't exceptional narrowness, shallowness, or shape of the subject property that would require a variance.

**Minimum lot size: 30, 000sf Actual lot size: 30 acres Minimum Lot width: 100', Actual Lot Width: 500', Hardship: NO**

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

The subject property doesn't contain jurisdictional wetlands, and the property is relatively flat. 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 presently zoned RSF-1, Residential Single-Family District, which aims to support a low-density residential setting with single-family homes on spacious lots. While the applicant has requested a landscaping variance to accommodate a future, larger lot subdivision and has proposed a landscape buffer with a design that differs from the ordinance, staff recognizes the opportunity to consider this request thoughtfully. It is believed that, at this stage, the request may not be deemed essential for the preservation of property rights. 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 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.



# POA Statement

To: Baldwin County Commission

From: Katrina Schonemann

Katrina Schonemann, the sole executor of the Burmeister Trust is confirming that the Parcel ID: 46-08-28-0-000-014.000 with PIN: 5735 does not have any active association to this parcel.

Thank you,

Katrina Schonemann

Signed: 

# ZVA25-71 BURMEISTER PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

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# **ZVA25-71 BURMEISTER 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 #1

NEXT REGULAR MEETING

FEBRUARY 24, 2026 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL