



**BALDWIN COUNTY
PLANNING AND ZONING
BOARD OF ADJUSTMENT NUMBER 2**

**WORK SESSION AGENDA
Thursday, December 12th, 2024
Work Session 2:00 p.m.
Baldwin County Satellite Courthouse
Large Meeting Hall
201 East Section Avenue
Foley, Alabama
Email: planning@baldwincountyal.gov**

1. Call to Order.
2. Presentation from Bill Lynn with U.S. Fish and Wildlife Service.
3. Discussion of items related to the upcoming agenda and any other necessary items related to Board of Adjustment Number 2.
4. Questions and Concerns.
5. Adjournment.

To view public documents for upcoming meetings, maps/plats, and staff reports, visit the 'Upcoming Meeting Items' on the Planning and Zoning webpage.

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



**BALDWIN COUNTY
PLANNING AND ZONING
BOARD OF ADJUSTMENT NUMBER 2**

AGENDA

**Thursday, December 12th, 2024
Regular Meeting 3:00 p.m.
Baldwin County Satellite Courthouse
Large Meeting Hall
201 East Section Avenue
Foley, Alabama
Email: planning@baldwincountyal.gov**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Previous Meeting Minutes (November 14th, 2024 Work Session and Regular Meeting Minutes)
5. Announcements/Registration to Address the Board of Adjustment
6. Meeting Preamble
7. Consideration of Applications and Requests

ITEMS:

a.) Case No. ZVA24-65: Sherrill Property

Request: A variance from Section 10.4.4 as it applies to encroachment into the 30' non-disturbed wetland buffer to allow for additional wetland fill and stairs to remain.

Location: The subject property is located at 736 Gulf Way Drive, Gulf Shores, AL 36542.

Attachments: *Within Report and Attached*

b.) Case No. ZVA24-66: LaGrasse Property

Request: A variance from Section 2.3.25.3(f)3.C. to allow for an existing dune walkover to remain exceeding the maximum width allowable by Planning District 25 Local Provisions.

Location: The subject property is located at 1266 State Highway 180, Gulf Shores, AL 36542.

Attachments: *Within Report and Attached*

c.) Case No. ZVA24-68: Blair & Mandel Property

Request: A variance from Section 4.2.5 of the Baldwin County Zoning Ordinance as it pertains to the minimum lot size requirements to allow for a common move of property line.

Location: The subject property is located at 8113 Gulf Beach Lane, Gulf Shores, AL 36542.

Attachments: *Within Report and Attached*

d.) Case No. ZVA24-69: Heron Plume Construction LLC

Request: A variance from Section 10.4.4 as it applies to encroachment into the 30' non-disturbed wetland buffer to allow for the construction of a single-family home, concrete driveway, and parking pad.

Location: The subject property is located at 2295 State Highway 180, Gulf Shores, AL 36542.

Attachments: *Within Report and Attached*

e.) Case No. ZVA24-71: Warhurst Property

Request: A variance from Section 2.3.25.3(f)3.C. to allow for an existing dune walkover to remain exceeding the maximum width allowable by Planning District 25 Local Provisions.

Location: The subject property is located at 2322 Ponce De Leon Court, Gulf Shores, AL 36542.

Attachments: Within Report and Attached

f.) Case No. ZVA24-72: Highway 98 RV & Boat Storage LLC

Request: A variance from Section 17.1 of the Baldwin County Zoning Ordinance as it pertains to the landscape buffer requirements for major projects.

Location: The subject property is located at 31765 U.S. Highway 98, Elberta, AL 36530.

Attachments: Within Report and Attached

8. Old Business
9. New Business
10. Adjournment

To view public documents, maps/plats, and staff reports for these cases, please visit the ‘Upcoming Meeting Items’ on the Planning and Zoning webpage.”

<https://baldwincuntyal.gov/departments/planning-zoning/meeting-agenda>



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Work Session Minutes
Thursday, November 14, 2024**

I. OPENING

Chairwoman Gambill opened the Baldwin County Planning and Zoning Commission Board of Adjustment Number 2 Work Session at 2:01 p.m. on November 14, 2024, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue, Foley, Alabama.

II. ATTENDANCE

The following board members were present: Chairwoman Tracey Gambill, Vice Chair Wade Mitchell, Clark Strong, Michael Swansburg, and Mackie Ray.

Staff present included Cory Rhodes, Buford King, Ashley Campbell, Jenny Mosley, and Brittany Epling.

III. DISCUSSION ITEMS

Mr. Strong discussed State Law 2015.411 and House Bill 605 on the Fort Morgan Planning and Zoning Advisory Committee and the Supreme Court Rulings on variances. Mrs. Epling agreed to supply these materials via email to Board members for further information.

Staff opened the floor to any questions regarding the following cases:

- ZVA24-59
- ZVA24-62
- ZVA24-64
- ZVA24-67

IV. ADJOURNMENT

The work session adjourned at 2:55 p.m.

Respectfully Submitted,

Brittany Epling, Planning Technician II

I hereby certify that the above minutes are true, correct and approved this 12th day of December 2024.

Tracey Gambill, Chairman



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Regular Meeting Minutes
Thursday, November 14, 2024**

I. Call To Order

Chairwoman Tracey Gambill opened the Baldwin County Board of Adjustment Number 2 meeting at 3:00 p.m. on November 14, 2024, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue in Foley, Alabama.

II. Opening

Chairwoman Tracey Gambill opened the meeting with the pledge of allegiance. Buford King presented the meeting Preamble.

III. Roll Call

The following Board members were present during roll call: Chairwoman Tracey Gambill, Vice Chair Wade Mitchell, Michael Swansburg, Clark Strong, and Mackie Ray.

Staff present included Cory Rhodes, Buford King, Ashley Campbell, Jenny Mosley, and Brittany Epling.

IV. Approval of Minutes

Mr. Strong made a motion to approve the October 10, 2024, meeting minutes. Mr. Ray seconded the motion. All members voted aye. **Motion to approve the October 10, 2024, minutes carried.**

VI. Consideration of Applications and Requests

1) ZVA24-59 May Brothers Enterprise LLC

Ms. Rhodes presented the applicant's request for a variance from Section 5.2.5 as it pertains to the required side yard setback for the construction of a commercial building and Section 15.2.4(a) as it pertains to the minimum required off-street parking for commercial establishments.

The applicant, Jonathon Petty, was present and spoke in favor of the request and answered questions from the board. Chuck Anderson, J. Asa Baugher, and Theresa Papa spoke in opposition to the request.

After discussion, Mr. Ray made a motion to approve the variance request. Mr. Strong seconded the motion. All members voted aye. **Motion to approve case ZVA24-59 variance request passed.**

2) ZVA24-62 Broadway Group LLC

Ms. Rhodes presented the applicant's request for a variance from Section 15.2.4(a) as it applies to reducing the minimum parking requirements for a commercial establishment.

Alyssa Hailey, representing the Broadway Group, spoke in favor of the request. No one spoke in opposition of the request.

After discussion, Mr. Ray made a motion to approve the variance request. Mr. Strong seconded the motion. All members voted aye. **Motion to approve case ZVA24-62 variance request passed.**

3) ZVA24-64 Blount Property

Ms. Rhodes presented the applicant's request for a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it applies to constructing a single-family home, pile supported swimming pool, parking pad, and gravel driveway within the 30' non-disturbed wetland buffer.

Dustin Blount spoke in favor of the request. No one spoke in opposition.

After discussion, Mr. Strong made a motion to approve the variance request. Mr. Mitchell seconded the motion. All members voted aye. **Motion to approve case ZVA24-64 variance request passed.**

4) ZVA24-67 Weaver Property

Ms. Mosley presented the applicant's request for a variance from Section 3.2.5 of the Baldwin County Zoning Ordinance as it applies to the minimum rear yard setback to allow the existing pole barn to remain in place.

Ralph Weaver spoke in favor of the request. No one spoke in opposition.

After discussion, Mr. Strong made a motion to deny the variance request. Mr. Mitchell seconded the motion. All members voted aye. **Motion to deny case ZVA24-67 variance request passed.**

VII. Old Business

There were no old business items to discuss.

VIII. New Business

There were no more new business items to discuss.

IX. Adjournment

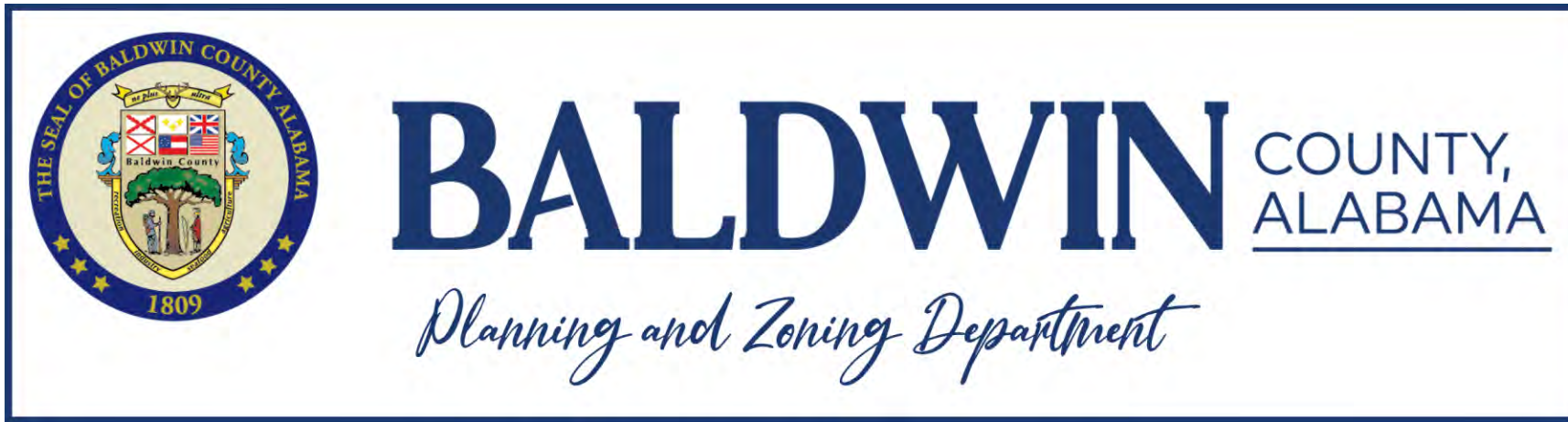
As there were no further items to discuss, the meeting adjourned at 4:13 p.m.

Respectfully Submitted,

Brittany Epling, Planning Technician II

I hereby certify that the above minutes are true, correct, and approved on this 12th day of December, 2024.

Tracey Gambill, Chairman



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

DECEMBER 12, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

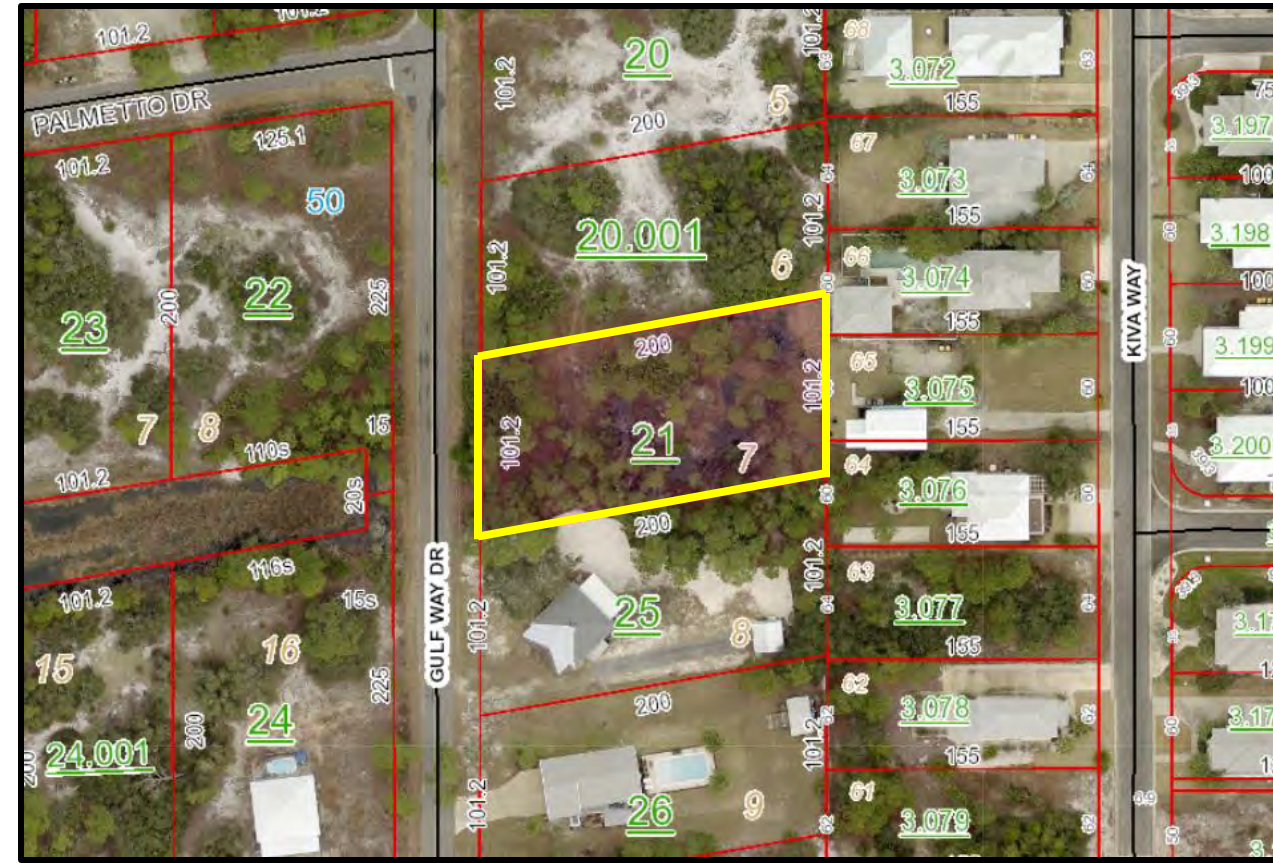
FOLEY, AL

ZVA24-65 SHERRILL PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling,
Planning Technician II

- **Planning District:** 25 **Zoned:** RSF-1, Single Family District
- **Location:** The subject property is in the Surfside Shores subdivision, Lot 7 on the Fort Morgan peninsula
- **PID:** 05-68-09-29-0-000-021.000
- **PPIN:** 59489
- **Acreage:** 0.46
- **Physical Address:** 736 Gulf Way Drive, Gulf Shores, AL, 36542
- **Applicant:** OBA Builders, LLC
- **Owner:** Jacob Sherrill
- **Code Cases/NOV's:** None, however upon P&Z final inspection, slight deviations from the approved site plan have occurred. Final CO has not yet been issued due to noncompliance with Planning and Zoning requirements.



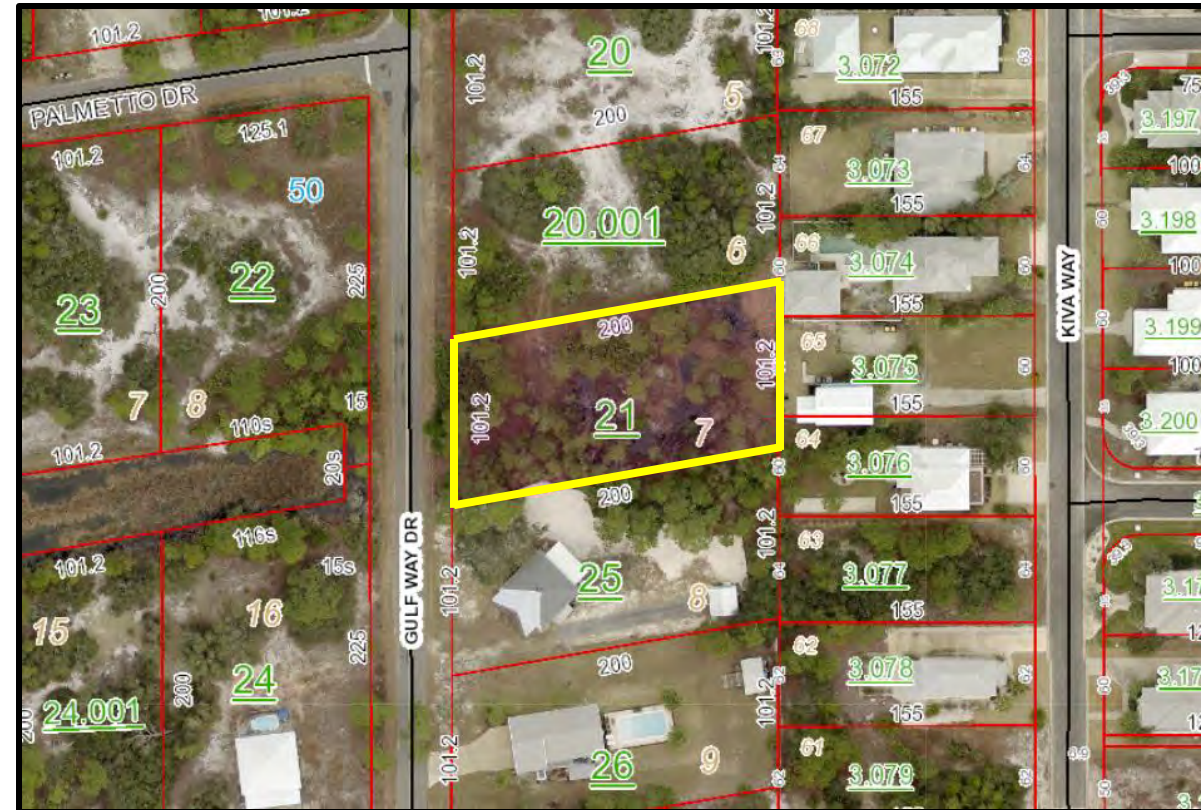
ZVA24-65 SHERRILL PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling,
Planning Technician II

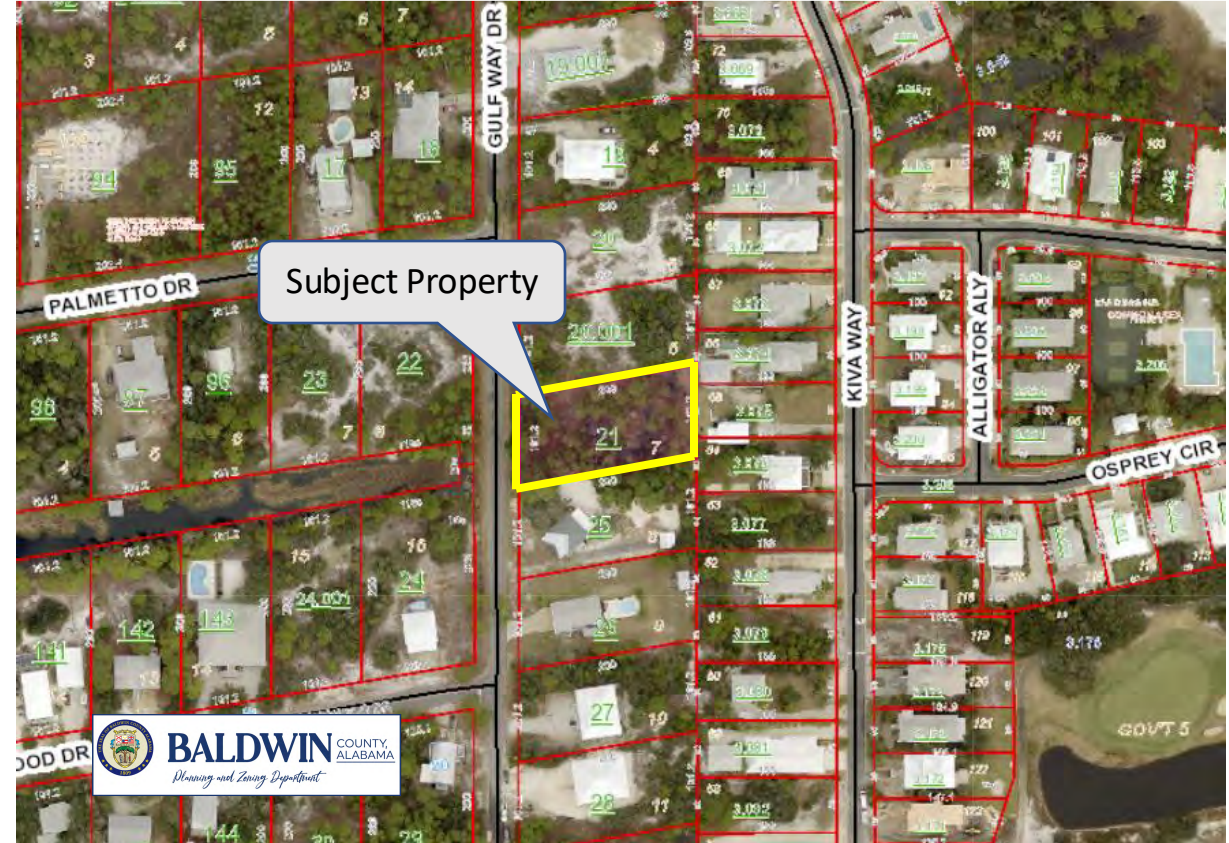
The applicant is requesting a variance from Section 10.4.4 as it applies to encroachment into the 30' non-disturbed wetland buffer to allow a revision to the original approved variance and site plan for additional wetland fill and stairs to remain.

Since the single-family use of the property has already been granted with the original variance and site plan approval, staff was unable to identify a hardship that would require additional variances and therefore recommends **DENIAL** of case ZVA24-65 unless information to the contrary has been revealed at the public hearing.



Locator Map

Site Map



	Adjacent Zoning
North	RSF-1, Single Family District
South	RSF-1, Single Family District
East	RMF-6, Multiple Family District
West	RSF-1, Single Family District

	Adjacent Land Use
North	Vacant
South	Residential
East	Residential
West	Residential

Site Map - ZVA24-65

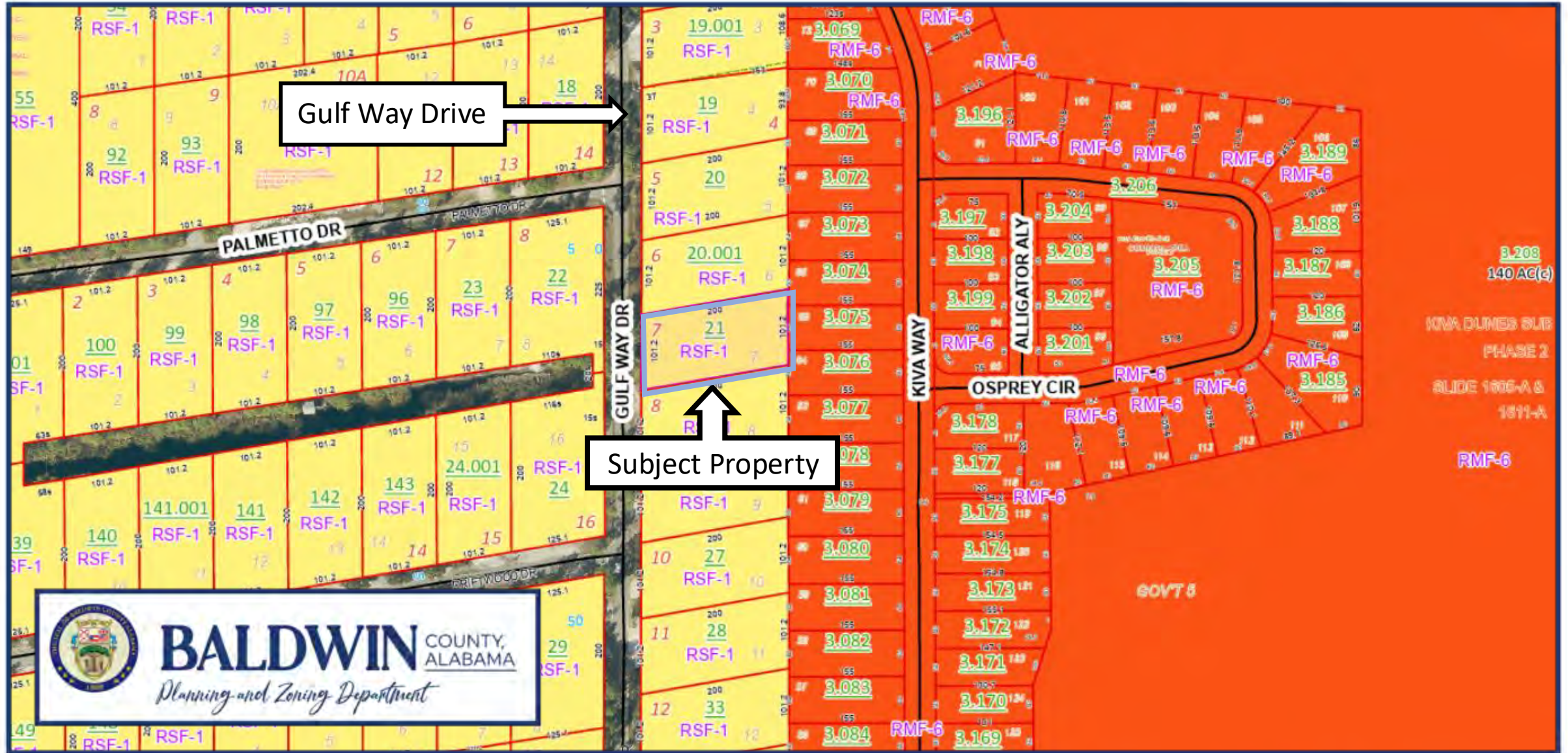


Gulf Way Drive

Subject Property

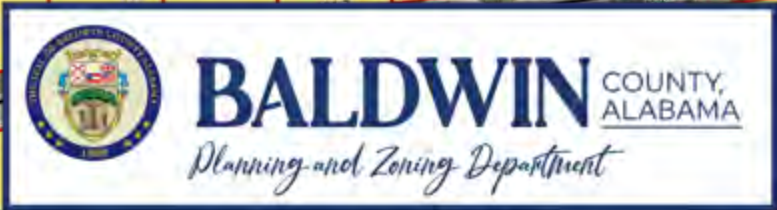
BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

Locator Map – ZVA24-65



Gulf Way Drive

Subject Property



San Gabriel Bay

San Gabriel National Wildlife Refuge

Lot 7



Highway 100

San Gabriel National Wildlife Refuge

Little Lagoon





Subject Property - Front
PIN: 59489



**VARIANCE
PROPOSED
FOR THIS PROPERTY**
Case Number
ZVA24-000065
For Information Contact
Baldwin County Planning &
Zoning Department
(251) 580-1655



Oct 23, 2024 12:55:55 PM
98° E

Subject Property - Rear
PIN: 59489





Adjoining Property to the North
PIN: 252329



Oct 23, 2024 12:58:11 PM
83° E



Property to the West
PIN: 15745



Oct 23, 2024 12:58:41 PM
280° W



Adjoining Property to the South
PIN: 49454



Oct 23, 2024 12:56:46 PM
64° NE



Adjoining Property to the East
PIN: 201011

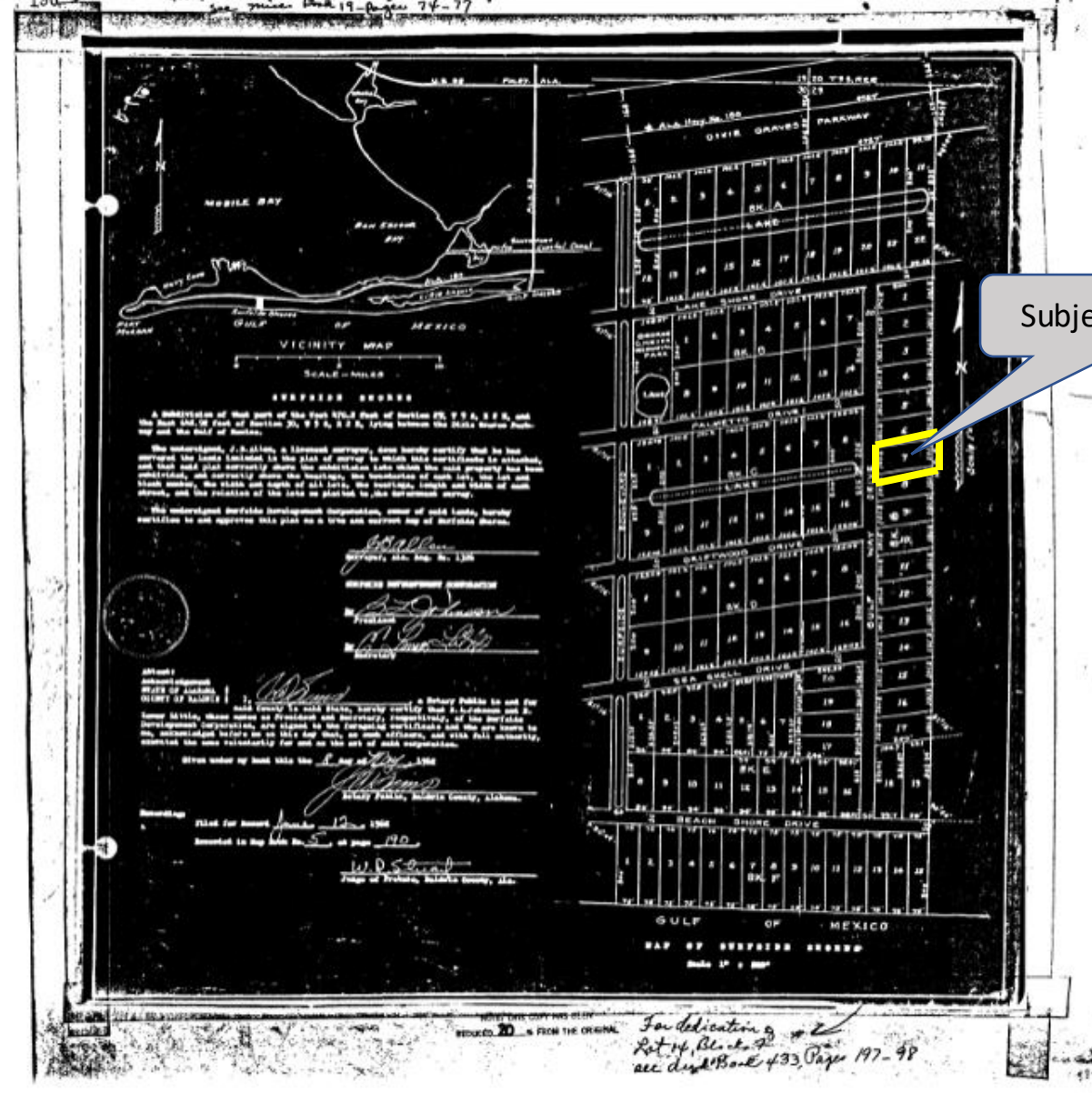


Oct 23, 2024 1:11:19 PM
277° W

Surfside Shores Subdivision

190

For Particular Consideration (Surfside Dev. Corp.)
see index Book 19 - pages 74-77

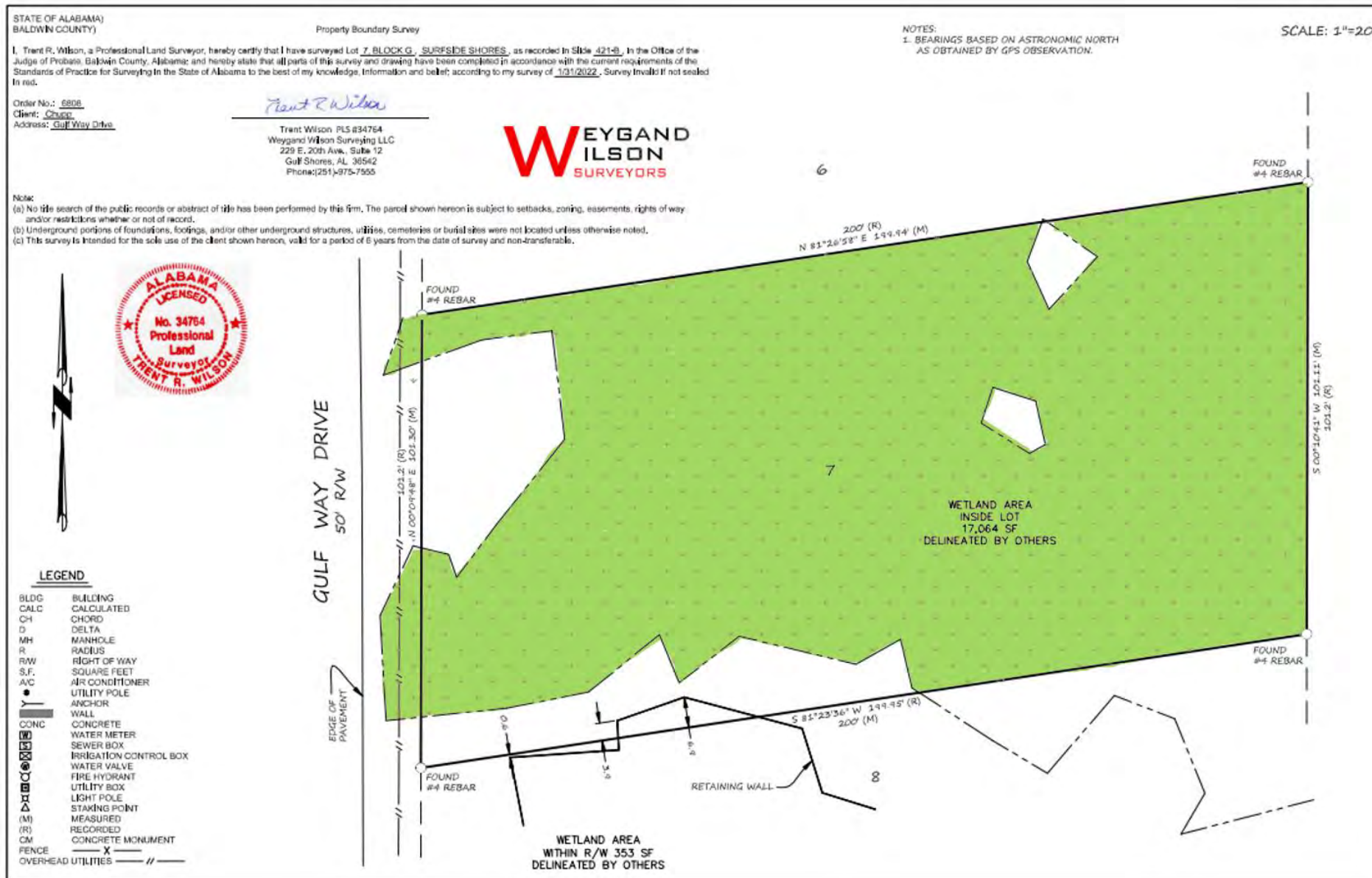


Subject Property

REDUCED TO FROM THE ORIGINAL
For dedication of
Lot 14, Block 2
see dist. Book 433, Page 197-98

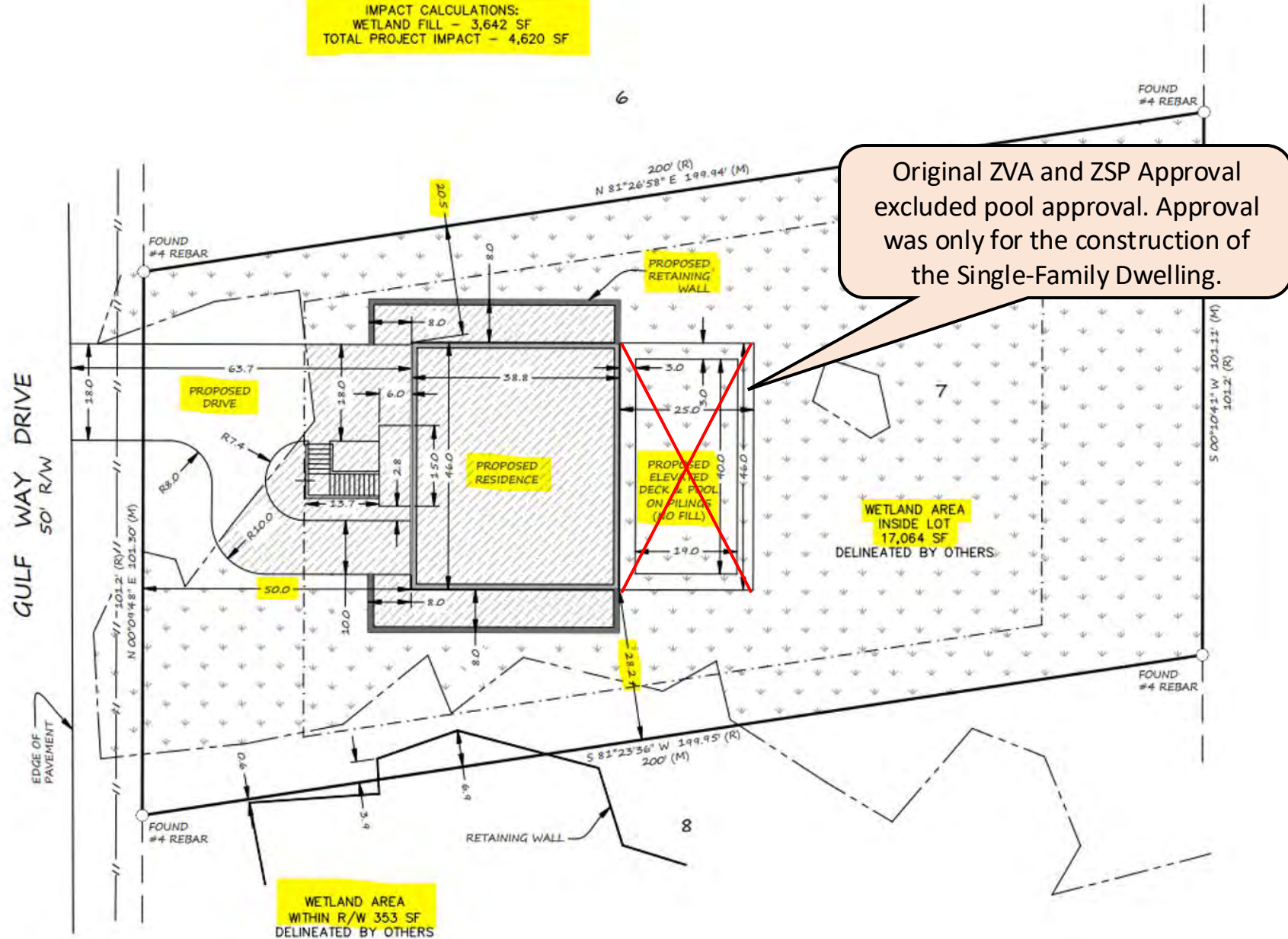
Wetlands Delineation

Wetland Resources and Environmental Consulting identified approximately 17,064 square feet of jurisdictional wetlands on the subject property.



Approved Site Plan per ZVA23-69

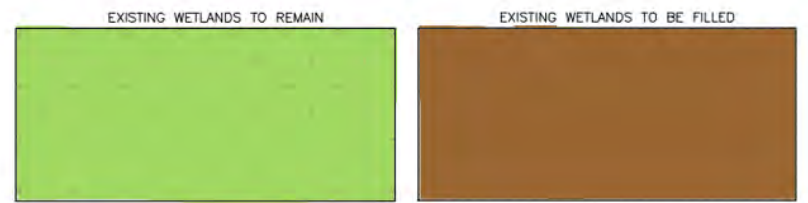
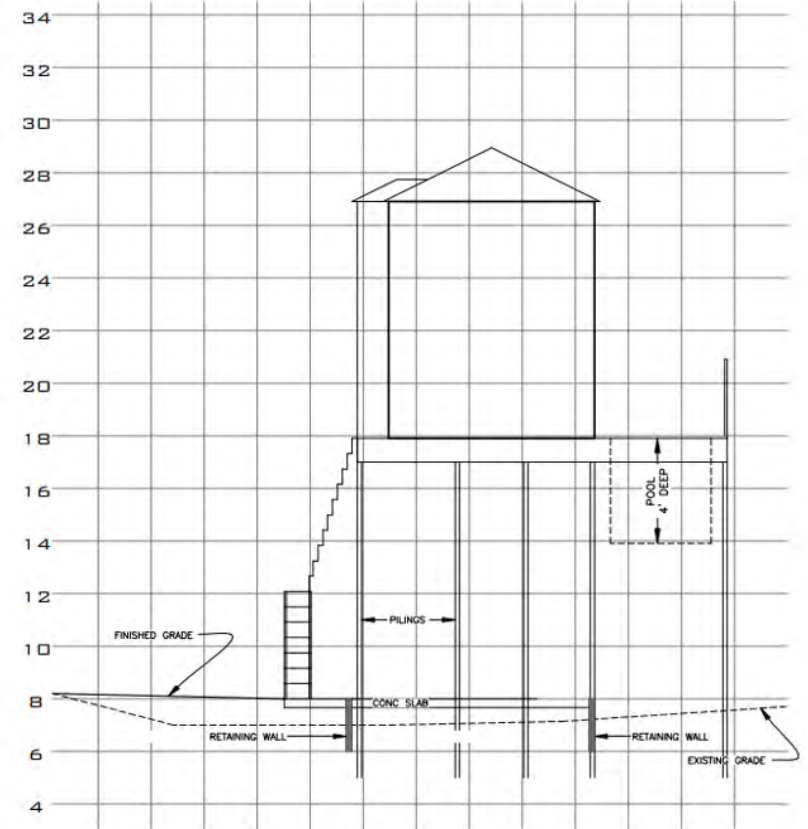
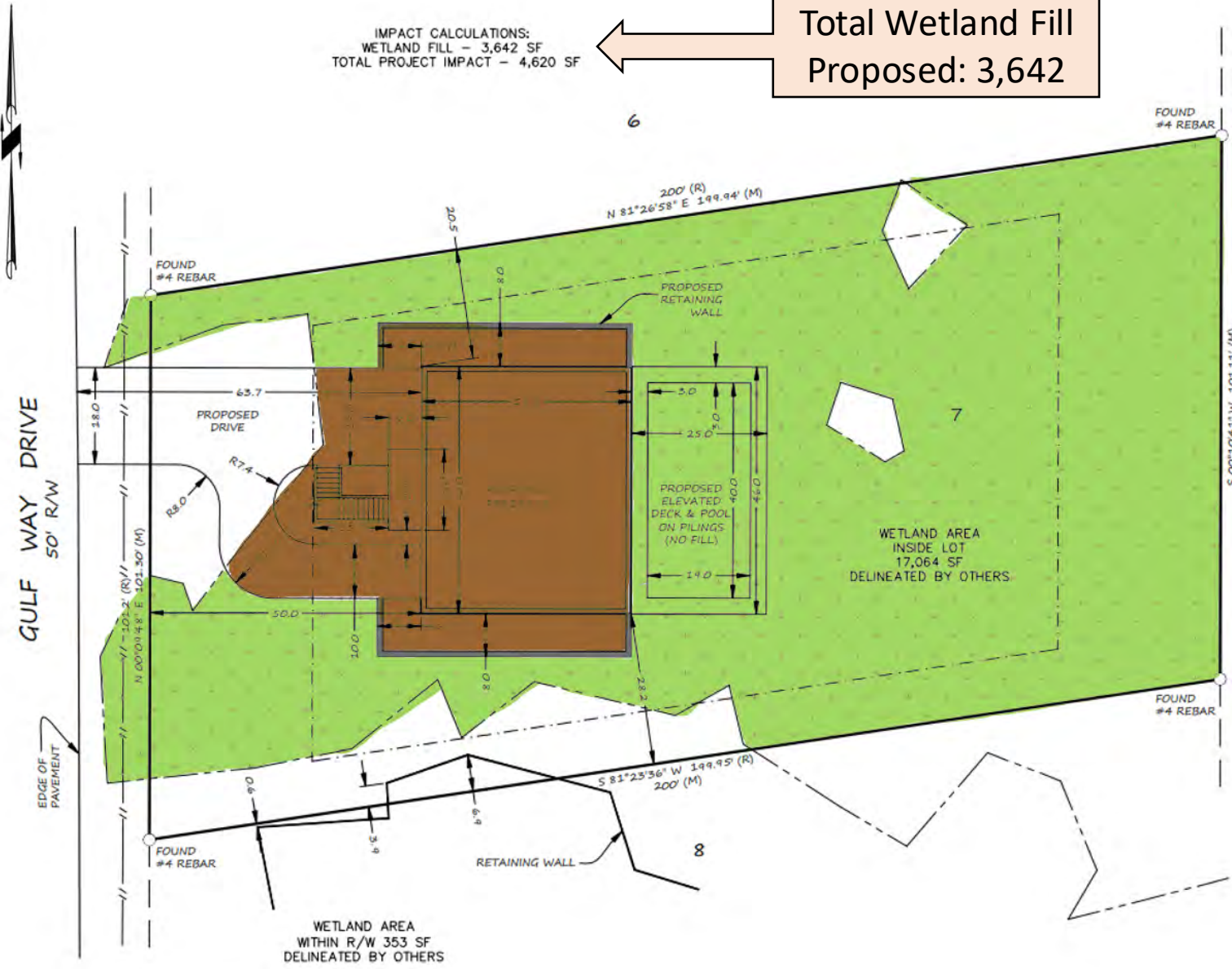
IMPACT CALCULATIONS:
WETLAND FILL - 3,642 SF
TOTAL PROJECT IMPACT - 4,620 SF



Approved Site Plan per ZVA23-69

IMPACT CALCULATIONS:
 WETLAND FILL - 3,642 SF
 TOTAL PROJECT IMPACT - 4,620 SF

Total Wetland Fill
 Proposed: 3,642



USACE Permit



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

July 3, 2023

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit, File Number SAM-2023-00355,
Jacob Sherrill, Baldwin County, Alabama

Jacob Sherrill
Email Address: thestartupmind@gmail.com
605 Ebenezer Road
Roswell, Georgia 30075

Dear Mr. Sherrill:

This letter is in response to your request for verification of Department of the Army Nationwide Permit (NWP) authorization to place fill in wetlands for residential driveway and parking pad construction on Fort Morgan. The project has been assigned file number SAM-2023-00355, which should be referred to in any future correspondence with this office concerning this project. The project is located at Baldwin County PIN 59489 at Lot 7, Block G, in the Surfside Shores Subdivision on Gulf Way Drive, within Section 29, Township 9 South, Range 2 East; at Latitude 30.234649° North and Longitude -87.901741° West; in Fort Morgan, Baldwin County, Alabama.

Department of the Army permit authorization is necessary because your project involves work and the placement of fill in waters of the United States, including wetlands, under our regulatory jurisdiction. The project activities include the placement of approximately 200 cubic yards of commercially obtained clean fill material within 3,642 square feet (0.084-acre) of medium-quality pine savannah wetlands in order to construct a driveway and residential home site. Fill impacts to wetlands will be mitigated through the purchase of an appropriate number of wetland mitigation credits from an approved mitigation bank.

Based upon the information and plans you provided, we hereby verify the work described above, which would be performed in accordance with the attached drawings, is authorized by NWP 18, *Minor Discharges*, in accordance with 33 CFR Part 330 of our regulations. This NWP and associated Regional and General Conditions are attached for your review and compliance.

- 2 -

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 14, 2026. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Your use of this NWP is subject to the following special conditions:

- a. The activity shall be conducted in accordance with the information submitted and meets the conditions applicable to the NWP, as described at Parts B and C of the NWP Program and State Regional Conditions.
- b. Within 30 days of completion of the work authorized, the attached Compliance Certification must be completed and submitted to the USACE.
- c. Prior to the discharge of any fill material into waters of the United States, the permittee shall submit to the U.S. Army Corps of Engineers (USACE), Mobile District, proof-of-purchase of the appropriate number of mitigation credits from an approved mitigation bank for impacts to 0.084-acre of medium-quality pine savannah wetlands. The number of credits purchased shall include any additional credits that may be required due to the need to apply Proximity Factor calculations or other bank specific multipliers as specified in the selected bank's approved mitigation banking instrument.
- d. The attached yellow Notice of Authorization sign must be posted prominently at the site during construction of the permitted activity.
- e. Best Management Practices (BMPs) shall be implemented to minimize the loss of turbidity and sediment to adjacent wetlands and waters of the United States. Appropriate erosion, sediment, and turbidity control measures must be utilized and maintained in effective operating condition during construction. All exposed soil surfaces and fill material must be permanently stabilized at the earliest practicable opportunity and all temporary erosion control features shall remain in place until permanent stabilization measures have been completed and become fully effective.
- f. The disposal of trees, brush and other project related demolition and construction debris in any wetland, stream corridor or other surface water is prohibited. Trees, brush, debris, and other materials from project demolition and construction must be removed to an upland disposal area.

Nothing in this letter shall be construed as excusing you from compliance with other federal, state, or local statutes, ordinances, or regulations which may affect this work. Revisions to your proposal may invalidate this authorization. In the event changes to

- 3 -

this project are contemplated, it is recommended that you coordinate with us prior to proceeding with the work.

You are receiving an electronic copy only of this verification letter. If you wish to receive a paper copy, you should send a written request to this office at the following address:

U.S. Army Corps of Engineers
Mobile District, Regulatory Division
Post Office Box 2288, Mobile, Alabama 36628

Electronic copies of this letter are also being sent to your agent, Ms. Gena Todia, at jaget@zebra.net; and to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov.

Please contact me at (912) 856-6796, or by e-mail at davielle.n.drayton@usace.army.mil if you have any questions. For additional information about our Regulatory Program, visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>, and please take a moment to complete our customer satisfaction survey. Your responses are appreciated and will allow us to improve our services.

Sincerely,

Jessica C. Comeaux
Senior Project Manager
Technical Regional Execution Center
Regulatory Division

Digitally signed by Jessica
Crochet Comeaux
Date: 2023.07.03 14:08:16 -05'00'

Attachments

The USACE approved the filling of 3,642 sf of wetlands in original permit.

Mitigation Credits

CORPS PERMIT # AL98-04437-B



ALABAMA PORT
— MITIGATION BANK —

CERTIFICATE OF SALE

This signed and sealed certificate shall be proof of sale of # 221 on this day, the 11 of July in the year 2023.

This sale, consisting of 0.252 pine savannah/flatwood credits and/or -0- bottomland hardwood credits, from the Alabama Port Mitigation Bank to Jacob Sherrill for the impacts to 0.084 acres of wetlands.

The United States Army Corps of Engineers, Mobile District, has approved this sale for the mitigation of the impacts incurred by the construction and/or filling activities of the SAM-2023-00355-DND project.



ALABAMA PORT MITIGATION BANK

Date 07/11/23

Operations Manager

By: Milton L. Brown

Title

No ITP Permit Required



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Daphne, Alabama 36526

JUN 08 2023

TO BEPLY REFER TO:
2023-0078580

Ms. Gena Todia
Wetland Resources
P.O. Box 2694
Daphne, AL 36526

Dear Ms. Todia:

Thank you for your letter received by this office on May 3, 2023. The U.S. Fish and Wildlife Service (Service) understands your client and property owner, Mr. Jacob Sherrill, proposes to construct a single-family home and driveway on property located along the east side of Gulf Way Drive and south of Palmetto Drive in Surfside Shores. Lot 7 is in Section 29, Township 9 South, Range 2 East, in Gulf Shores, Alabama (PID# 05-68-09-29-0-000-021.000 or Tax Pin #59489). We have reviewed the information and provide the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) (ESA).

Federally Listed Species

This project was reviewed for potential impacts to the following listed species:

- Alabama beach mouse (ABM) (*Peromyscus polionotus ammobates*) – Endangered, Critical Habitat
- Loggerhead Sea Turtle (*Caretta caretta*) – Threatened
- Kemp's Ridley Sea Turtle (*Lepidochelys kempi*) – Endangered

Conservation Measures

A Service biologist has reviewed this project and conducted a site visit. The biologist determined ABM habitat does not exist on the property. However, habitat does exist in the surrounding area. If the following conservation measures are implemented, an Incidental Take Permit (ITP) will not be needed. The recommended conservation measures include:

- Maintain natural topography and vegetation on undeveloped portions of the lot and restore any temporary disturbed areas to pre-impact conditions. The entire lot cannot be cleared.
- Driveway material can be concrete or asphalt.
- Mowing or weed eating of the lot is not allowed.
- Dispose of all refuse in containers that are rodent and scavenger-proof.
- Do not store lumber, metal, or bulk materials on the property, other than building materials used during construction. These materials will not be stored in natural habitat.
- Use only native dune plants for landscaping. We can provide a list of native plants upon request.
- Do not use exterior lighting for decorative purposes.
- All lighting will be directed away from natural dune areas.
- Exterior lighting will be fully shielded and use no greater than an incandescent 60 watt bulbs or their technological equivalent (13-watt CFL or 8.5-watt LED).
- Windows should be sea turtle friendly (45% inside to outside light transmittance) with window treatments (blinds, curtains, etc.)
- If window treatments are not preferred, then windows must be tinted that have an 85% inside to outside light transmittance.
- Do not allow or support free-roaming cats on the property.
- Please re-consult with this office if any nighttime work is expected for this project.
- Contact this office if any killed or injured ABM are found on the property.

POA Letter

PROPERTY OWNERS OF SURFSIDE SHORES

OCT 17, 2023

To whom it my concern,

After reviewing the site plans and house design for the Sherill Residence at Lot 7, Block G in Surfside Shores Subdivision. The committee has found no conflict with the restrictive covenants set forth by our neighborhood.

The Property Owners Association of Surfside Shores fully supports the construction of this home as is set forth in the construction documents.

Respectfully,



Dr. Joel Nickles

President

ZVA23-69 NOA



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

Main Office-251.580.1655
22251 Palmer St., Robertsdale, AL 36567

Foley Office - 251.972.8523
201 East Section Av., Foley, AL 36535

Notice of Action

Planning and Zoning Board of Adjustment Number 2

This zoning variance request is not a permit approval. A Zoning Site Plan Approval is required before applying for a Building Permit.

Meeting Date: November 09, 2023

Case Number: ZVA23-000069

Property Location: 736 GULF WAY DR, GULF SHORES, AL 36542

Planning District: 25: Fort Morgan

Zoning Designation: RSF-1 Single Family District

Applicant:

Aubrey Bennett

P.O. Box 171, Orange Beach , AL 36561

Property Owner:

SHERRILL JACOB

605 EBENEZER RD

ROSWELL, GA 30075

Request:

Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroaching into the non-disturbed 30' wetland setback buffer to allow for the construction of a single-family dwelling

BOA Decision:

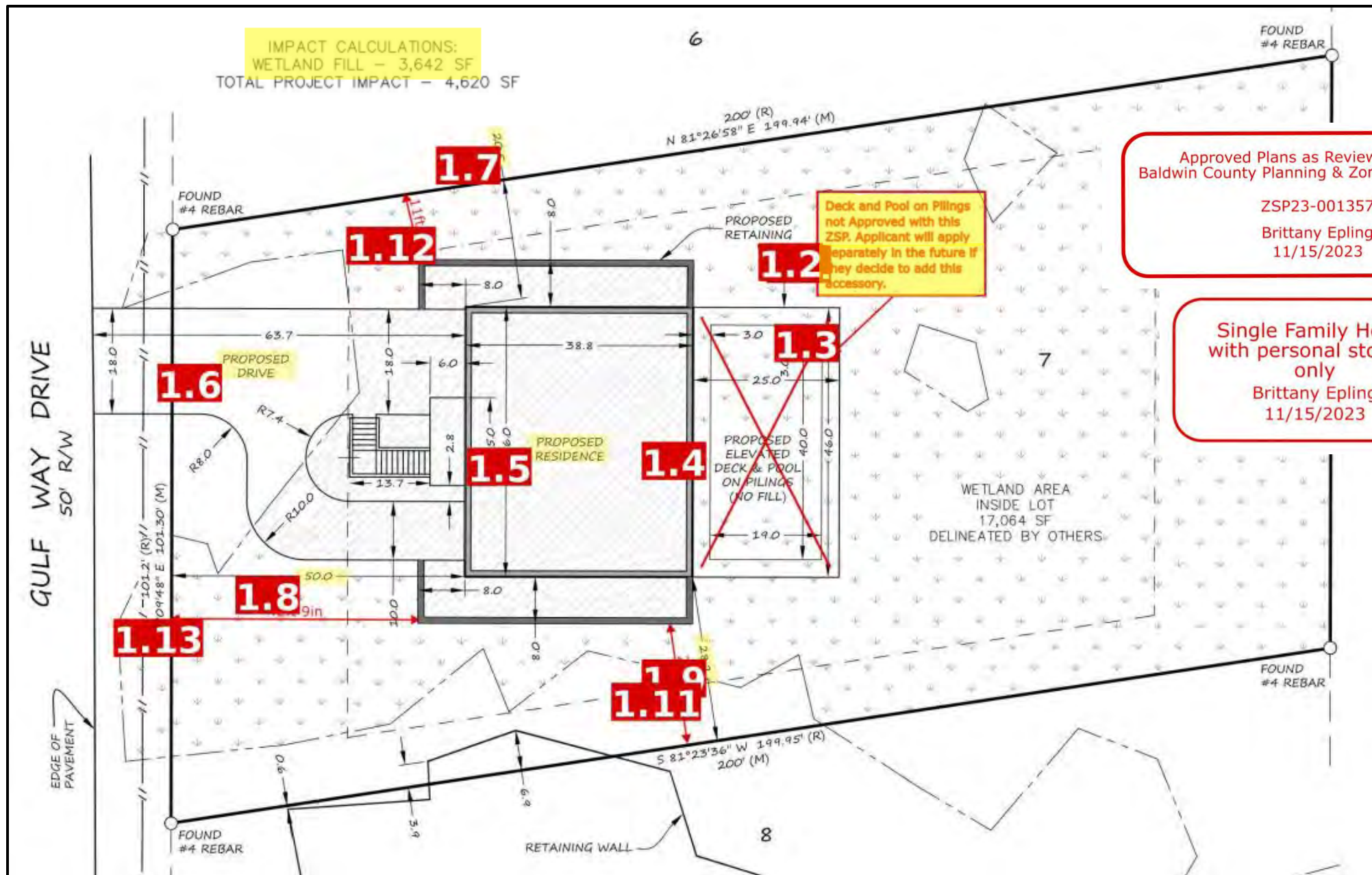
Approval of the request with the following conditions:

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

Brittany Epling

Zoning Administrator or designee

ZSP23-1357 Approval



Approved Plans as Reviewed by the
Baldwin County Planning & Zoning Department

ZSP23-001357
Brittany Epling
11/15/2023

Single Family Home
with personal storage
only

Brittany Epling
11/15/2023

As-Built Site Plan

STATE OF ALABAMA
BALDWIN COUNTY)

As-built Survey

I, Trent R. Wilson, a Professional Land Surveyor, hereby certify that I have surveyed Lot 7, BLOCK G, SURFSIDE SHORES, as recorded in Slide 421-B, in the Office of the Judge of Probate, Baldwin County, Alabama, and 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, according to my survey of 8/28/2024. Survey invalid if not sealed in red.

Order No.: 9533
Client:
Address: Gulf Way Drive

Trent R. Wilson

Trent Wilson PLS #34764
Weygand Wilson Surveying LLC
229 E. 20th Ave., Suite 12
Gulf Shores, AL 36542
Phone: (251)-975-7555



AS-BUILT IMPACT CALCULATIONS IN UPLANDS
STEPS AND LANDINGS - 131 SF
DRIVEWAY WITHIN LOT - 699 SF
DRIVEWAY IN R/W - 188 SF
ISLAND - 224 SF

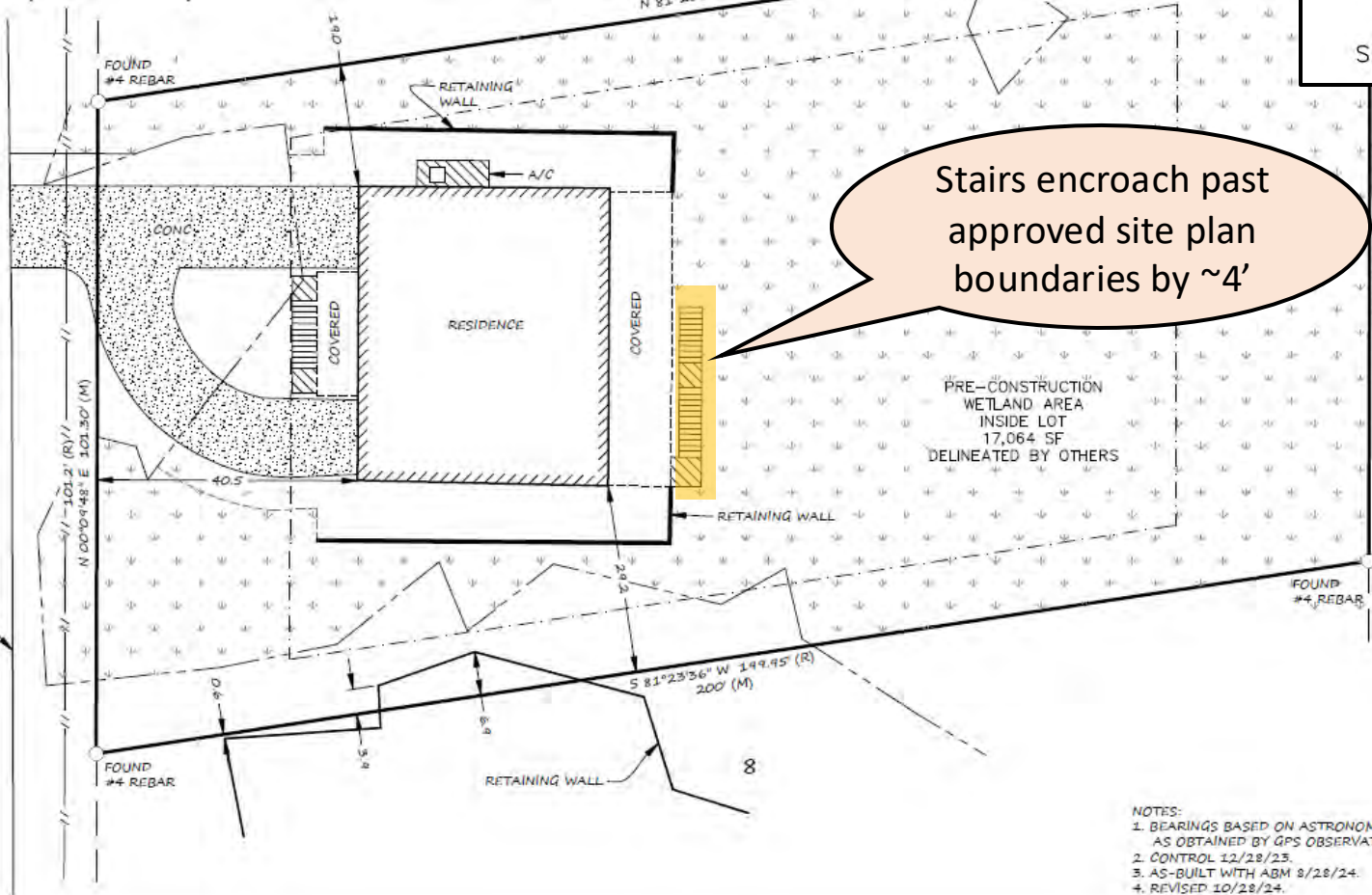
AS-BUILT IMPACT CALCULATIONS IN WETLANDS
RESIDENCE - 1,792 SF
REAR COVERED - 445 SF
FRONT COVERED - 122 SF
REAR STEPS AND LANDINGS - 102 SF
FRONT STEPS AND LANDINGS - 71 SF
RETAINING WALL FILL NORTH - 483 SF
RETAINING WALL FILL SOUTH - 503 SF
DRIVEWAY NORTH - 122 SF
DRIVEWAY SOUTH - 304 SF
SLOPE OUTSIDE OF DRIVEWAY - 149 SQ FT

SCALE: 1"=20'

AS-BUILT IMPACT CALCULATIONS IN WETLANDS

RESIDENCE - 1,792 SF
REAR COVERED - 445 SF
FRONT COVERED - 122 SF
REAR STEPS AND LANDINGS - 102 SF
FRONT STEPS AND LANDINGS - 71 SF
RETAINING WALL FILL NORTH - 483 SF
RETAINING WALL FILL SOUTH - 503 SF
DRIVEWAY NORTH - 122 SF
DRIVEWAY SOUTH - 304 SF
SLOPE OUTSIDE OF DRIVEWAY - 149 SQ FT

Note:
(a) No title search of the public records or abstract of title has been performed by this firm. The parcel shown hereon is subject to setbacks, zoning, easements, rights of way and/or restrictions whether or not of record.
(b) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted.
(c) This survey is intended for the sole use of the client shown hereon, valid for a period of 8 years from the date of survey and non-transferable.



Stairs encroach past approved site plan boundaries by ~4'

Total Fill = 4,093 s.f.
451 s.f. over original permit

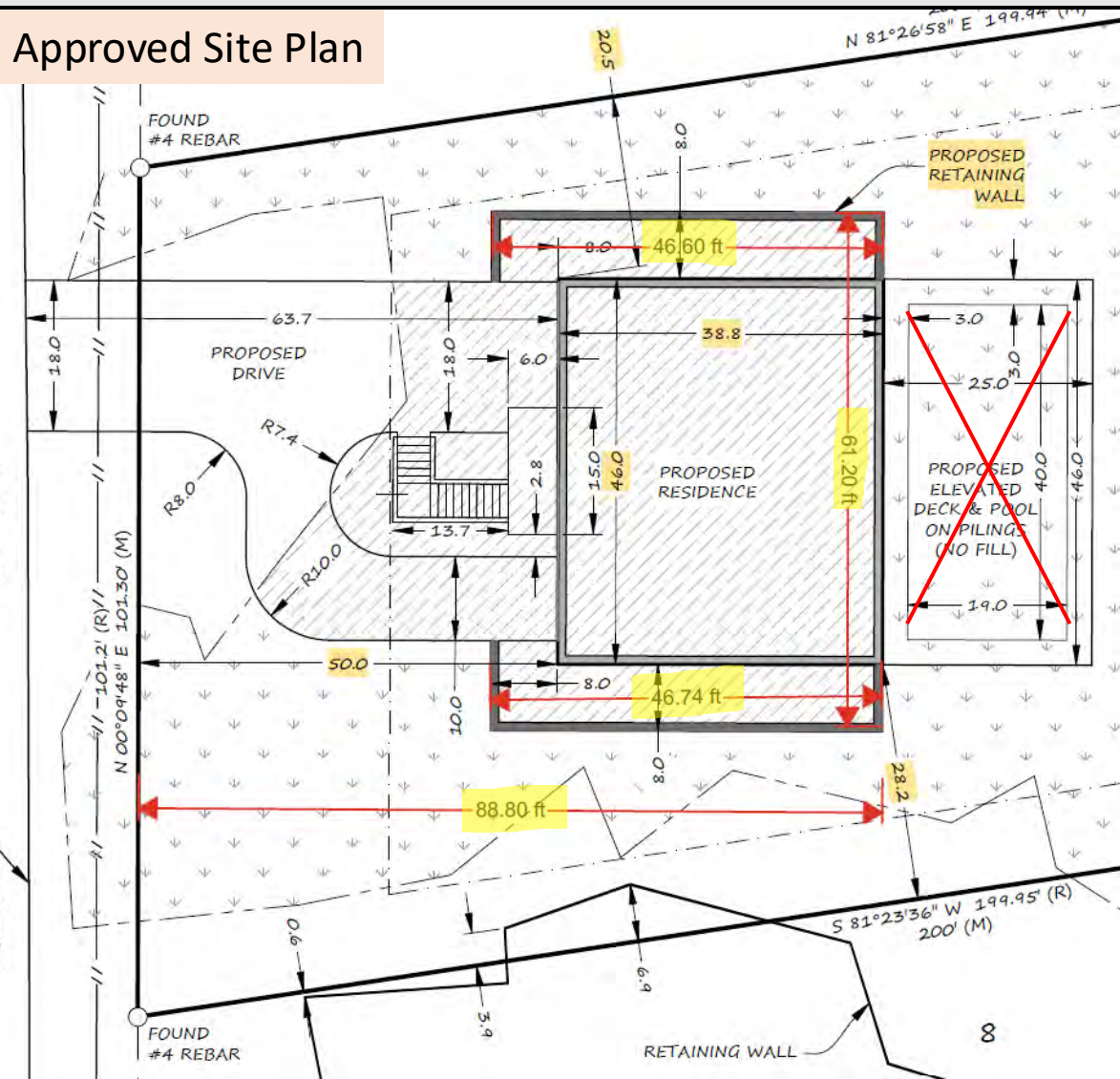
LEGEND

BLDG	BUILDING
CALC	CALCULATED
CH	CHORD
D	DELTA
MH	MANHOLE
R	RADIUS
R/W	RIGHT OF WAY
S.F.	SQUARE FEET
A/C	AIR CONDITIONER
•	UTILITY POLE
•	ANCHOR
—	WALL
CONC	CONCRETE
—	WATER METER
—	SEWER BOX
—	IRRIGATION CONTROL BOX
—	WATER VALVE
—	FIRE HYDRANT
—	UTILITY BOX
—	LIGHT POLE
—	STAKING POINT
(M)	MEASURED
(R)	RECORDED
CM	CONCRETE MONUMENT
FENCE	— X —
OVERHEAD UTILITIES	— // —

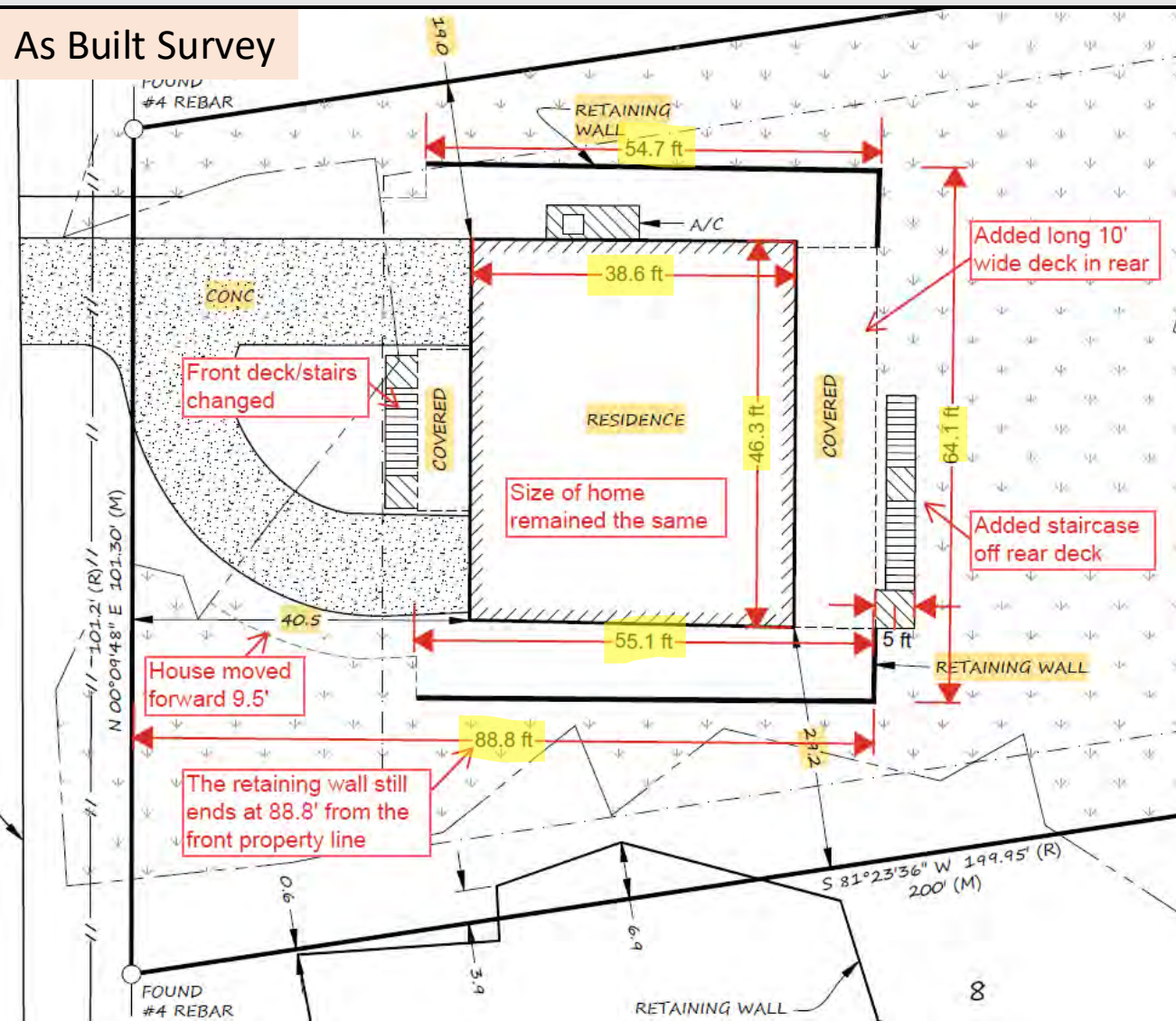
NOTES:
1. BEARINGS BASED ON ASTRONOMIC NORTH AS OBTAINED BY GPS OBSERVATION.
2. CONTROL 12/28/23.
3. AS-BUILT WITH ABM 8/28/24.
4. REVISED 10/28/24.

Changes to the site plan: The home was moved forward 9.5' to add a 10' deck in the rear. The size of the home remained the same, however the retaining wall began closer to the front property line. The original retaining wall was approved to be ~46.8' x 61.2'. The retaining wall was built approximately 55.1' x 64.1'. The back wall of the retaining wall ends at 88.8' from the property line (this did not change). The additional wetland fill likely comes from the areas where the house was moved forward and slight increases in retaining wall size.

Approved Site Plan



As Built Survey



Philip Hegji
Chief, South Alabama Branch
Mobile District, Regulatory Division
Post Office Box 2288
Mobile, Alabama 36628



Subject: Request for Reverification – Nationwide Permit 18
Lot 7, Block G, Surfside Shores (PPIN: 59489)
Fort Morgan, Baldwin County, Alabama
Permittee: Jacob Sherrill, Owner
File Number: SAM-2023-00355

Dear Mr. Hegji:

My client, Mr. Jacob Sherrill, received verification from the Corps of Engineers in a letter dated July 3, 2023 that proposed minor wetland fill on a small residential lot is authorized by Nationwide Permit 18, Minor Discharges. The permit letter is attached. This property is located along the east side of Gulf Way Drive just south of Palmetto Drive in Surfside Shores. It is in Section 29, Township 9 South, Range 2 East, Baldwin Co., Alabama. Approximate center coordinates are 30.23468, -87.901502.

The original plan was to construct a driveway and pile-supported house, which has been completed. Proposed wetland fill was to total 0.082 acre. Minor changes to the site plan were made resulting in total wetland fill of 4,093 SF or 0.094 acre. The actual fill exceeds the originally anticipated fill by 451 SF or 0.01 acre. The as-built survey is attached.

I am requesting that the Corps reverify that this project still fits the conditions of Nationwide Permit 18, Minor Discharges. Written verification is required by Baldwin County Planning and Zoning Department.

To satisfy the ADEM Coastal Program's compensatory mitigation condition on this nationwide permit, an additional 0.03 pine savanna credit will be purchased from the Alabama Port Wetland Mitigation Bank.

If any additional information is needed, please do not hesitate to contact me.

Sincerely,

Gena Todia

Enclosures

CC:
Jacob Sherrill, Owner
Daniel Hicks, OBA Builders, LLC
Scott Brown, ADEM
Ashley Campbell, Baldwin County Planning & Zoning Dept.



Request to revise the applicant's USACE Permit has been made. With the changes, the total wetland fill is still under the Nationwide Permit allowance of 1/10th of an acre.

Acknowledgement from the Corps of Application Submittal

From: **CESAM-RD** <CESAM-RD@usace.army.mil>

Date: Thu, Nov 7, 2024, 1:03 PM

Subject: Acknowledgment Email SAM-2023-00355 (Jacob Sherrill Single Family Residential Construction Lot 7 Block G -Fort Morgan

To: Gena Todia <jaget@zebra.net>, Hegji, Philip Andrew CIV USARMY CESAM (USA) <Philip.A.Hegji@usace.army.mil>, Daniel Hicks <obabuildersllc@gmail.com>, Ashley Campbell <Ashley.Campbell@baldwincountyal.gov>, Brown, Scott <jsb@adem.alabama.gov>, coastal@adem.alabama.gov <coastal@adem.alabama.gov>

The U.S. Army Corps of Engineers (USACE), Mobile District is in receipt of your recent request. This request has been assigned the following file number, which should be referred to in all future correspondence with this office concerning this project:

File Number: SAM-2023-00355

Following an initial review of your request a project manager will contact you if any additional information is required.

The USACE, Mobile District now utilizes paperless communication, and you will receive only electronic copies of any correspondence from us concerning this matter (including any possible permit authorizations), unless a paper copy is specifically requested. If you wish to receive paper copies of our correspondence you should send a written request to this office at the following address:

U.S. Army Corps of Engineers

Mobile District, Regulatory Division (RD-A) Post Office Box 2288 Mobile, Alabama 36628.

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.

The subject property is zoned RSF-1, Single Family District and is located on the Fort Morgan peninsula. Per the provided Wetland Delineation, the parcel consists of approximately 0.46 +/- acres with lot dimensions of 101.2' x 200' (approximately 20,240 square feet). Planning District 25 came into effect on November 16, 1993. The required minimum lot size for RSF-1 for single-family housing is 30,000 square feet with a 100' minimum lot width at building line and 50' minimum lot width at street line. The actual lot size is smaller than the minimum requirements, however, staff does not perceive the subject parcel to be exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance to construct or expand a residential single-family structure, and thus **this criteria is not a factor for consideration of this variance request.**

RSF-1 Required minimum lot size: **30,000 sf** (0.69 acres)

Actual size: **20,240 sf** (0.46 acres)

Lot size hardship: **NONE**

RSF-1 Required minimum width at street line: **50'**

Actual lot width: **101.2'**

Lot width hardship: **NONE**

RSF-1 Required minimum width at building line: **100'**

Actual lot width: **101.2'**

Lot width hardship: **NONE**

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

Staff views the 17,064 square feet of wetlands on the subject property as an exceptional topographic feature or an extraordinary condition that does justify the need for a variance to permit single-family residential use. A variance for this purpose has been previously granted under ZVA23-69 and the as-constructed house exceeded the allowances of the previously-approved 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 permits residential uses. In November 2023, the applicant was granted a variance due to a wetland hardship related to the development of a single-family home. However, the applicant subsequently deviated slightly from the approved site plan, resulting in additional encroachment and wetland fill being placed on the property. Staff believes that this current request is primarily driven by convenience for the applicant and is based solely on an economic hardship, as the labor and cost to remove the additional fill and mitigate the affected areas would be burdensome. Furthermore, staff believes that granting this variance is not necessary for the preservation of the applicant's property rights, as they have already received approval to build a single-family home.

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. 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.

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.

- The applicant is making a request to encroach into the wetland setbacks to allow for the stairs off the back porch to remain, and the additional 451 sf of wetland fill from the home construction to remain.
- The Federal Government (USACE) has granted permission for the applicant to fill jurisdictional wetlands. The zoning variance is required to cross the wetland buffer in order to fill the wetlands (once the wetlands are filled, the wetland buffer is abolished, however the wetlands cannot be filled without crossing the buffer via a zoning variance). The applicant has reached out to USACE and ADEM to revise their permits and approval from both agencies will be required prior to ZSP approval. Additional mitigation required from either agency will also be required.

Recommendation from the Fort Morgan Advisory Committee

Staff Analysis and Findings

5.) Other matters which may be appropriate.

Applicant Statement:

“To start, the survey process my no longer business partner started with a few mistakes on getting the information to the surveyor to get it done on the first try. Which ended in multiple surveys being done. The inability to pay attention to detail and not properly explain which survey was now the correct one to follow, created confusion and they ended up staking out the wrong survey which then the house was built nine foot closer than the submitted survey.

During the calculations for the fill on the submitted survey, they did not calculate the slope on the side driveways, the area between the driveway which is the front stairs and the front porch. We also added a set of rear stairs for access but mostly emergency purposes, seeing how the only access/ exit was through the kitchen. Which would most likely be where I fire [sic] would have started. The inability to pay attention to the details have caused the fill amount that was originally sent in to be short, but it is still under the national fill amount.

If the house was built where the original survey placed it, it would be grossly over the fill amount. Which if the calculations where done correctly this would have shown this from the start.

I have rectified the negligence on my end in parting ways with my business partner to keep this kind of mistakes from happening. I'm in the process of resubmitting the Cor [sic] paperwork.

Thank you
Dan Hicks ”

Staff Analysis and Findings

5.) Other matters which may be appropriate.

Public Comments

Subject: Formal Opposition to Case ZVA24-000065: Encroachment on 30' Wetland Setback in Planning District 25 Fort Morgan

To Whom It May Concern,

I am writing to formally oppose any encroachment into the non-disturbed 30-foot wetland setback adjacent to my property as per previous Case Number ZVA23-000069 and now additional case number ZVA24-000065, Applicant Aubrey Bennett, in Planning District 25 Fort Morgan.

My concerns are primarily rooted in the risk of flooding and subsequent water retention that this development poses to my residence. The area in question already experiences frequent flooding and holds water for an extended period. Allowing for any encroachment in this area increases the likelihood that floodwaters could back up into my home, causing irreparable damage and potentially posing a risk to public safety.

I urge the Baldwin County Planning and Zoning Commission to reconsider any development activities that would encroach on this 30-foot wetland setback.

I am prepared to take further action should the need arise. My address is 6922 Kiva Way, Gulf Shores, AL.

Thank you for your immediate attention to this matter.

ZVA24-65 SHERRILL PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling,
Planning Technician II

The applicant is requesting a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroaching into the 30' non disturbed wetland buffer to allow for additional wetland fill to remain, along with the rear staircase.

Unless information to the contrary is revealed at the public hearing, staff recommends **DENIAL** of this variance request.

- Staff memorializes that a “hold” will be placed on subject property within Citizen Serve and no further permits of any kind will be issued to subject property until corrective measures are carried out.

ZVA24-65 SHERRILL PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling,
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.

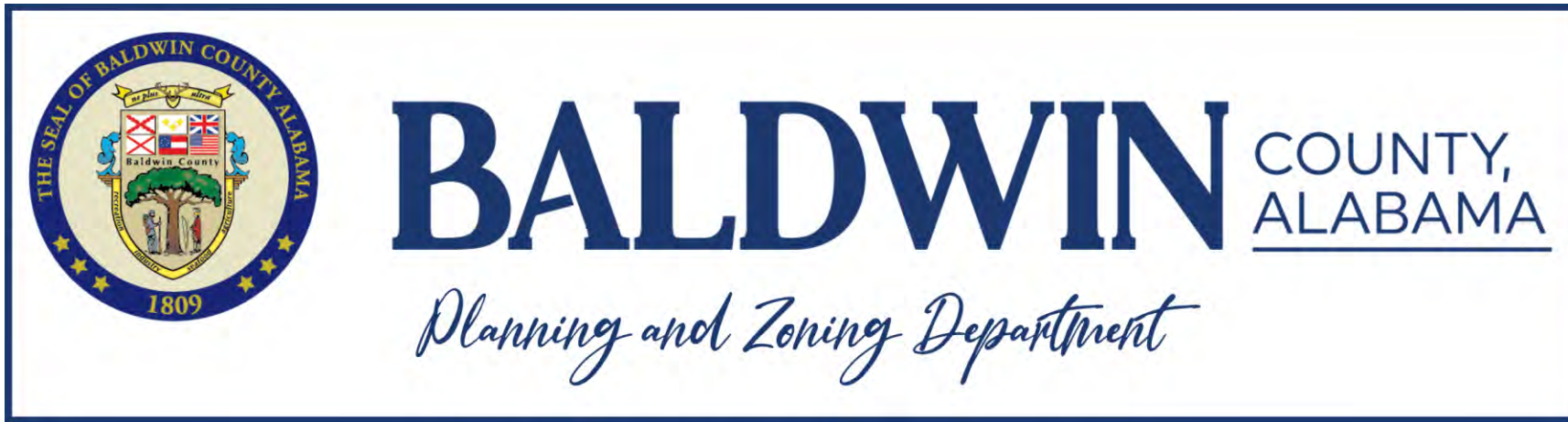
ZVA24-65 SHERRILL PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling,
Planning Technician II

If it is of the pleasure of the Board to approve this variance request, staff recommends the following conditions:

1. If approved, the variance is limited to the request as shown on the as-built site plan shown herein.
 - a. Staff reserves the right to require corrective action in lieu of allowing additional variance requests should a blatant disregard for the provisions of an approved ZVA occur.
2. If approved, the applicant must request a revised ZSP (Zoning Site Plan) Approval for the as-built survey shown within this staff report.
3. The applicant will be required to submit a revised USACE permit and approval from ADEM for the additional wetland fill with the ZSP application, along with additional mitigation if required from either agency.
4. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway or turnout permit), or requirements of other agencies.



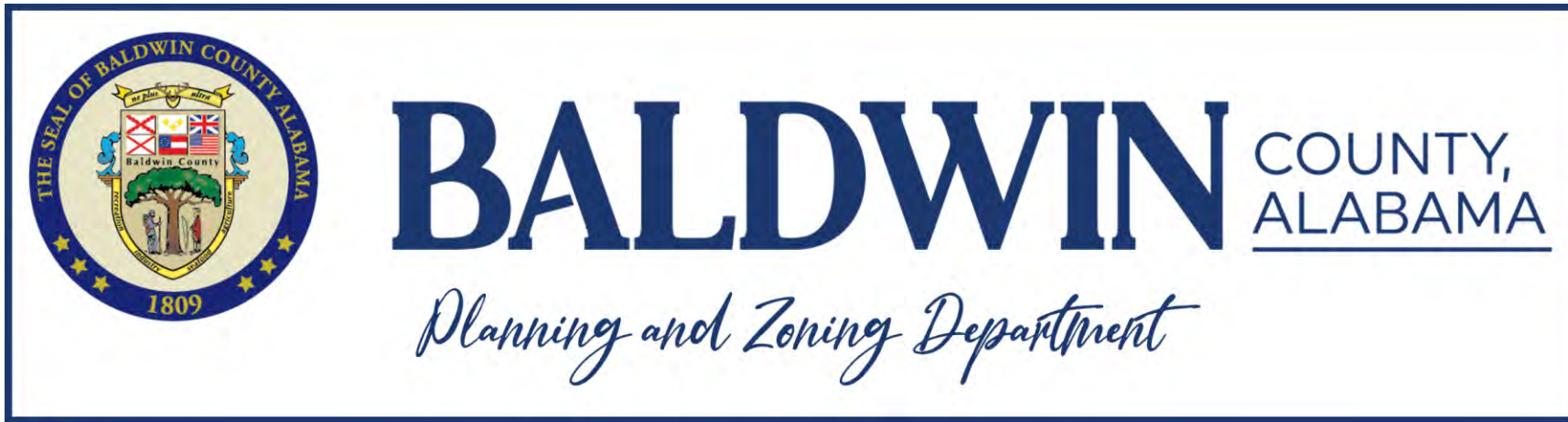
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

JANUARY 16, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

DECEMBER 12, 2024

BALDWIN COUNTY SATELLITE COURTHOUSE

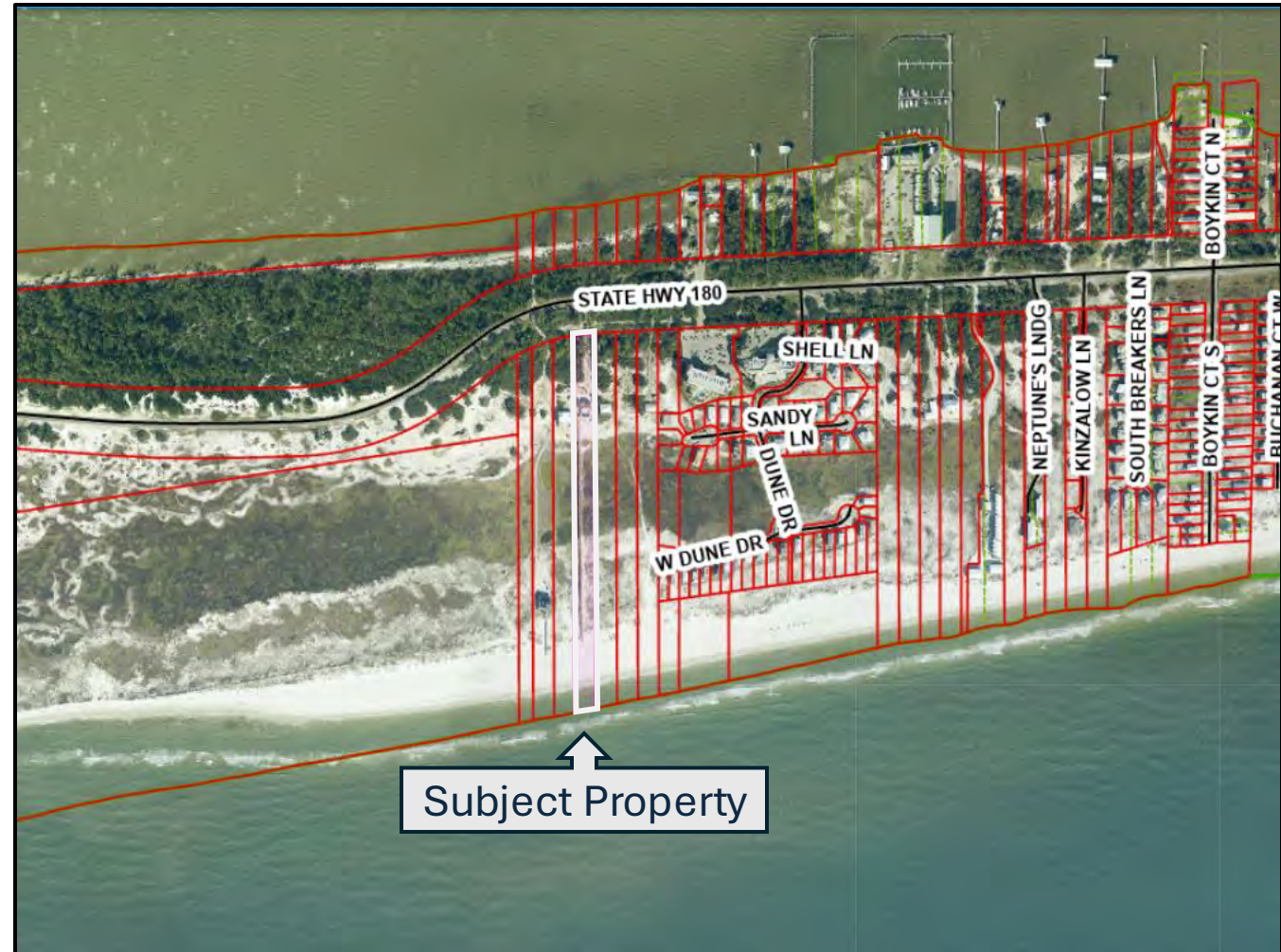
FOLEY, AL

ZVA24-66 LAGRASSE PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Technician II

- **Planning District:** 25 **Zoned:** RTF-4, Residential Two-Family District
- **Location:** The subject property is located on the Fort Morgan Peninsula, south of State Highway 180
- **PID:** 05-69-08-01-0-005-022.000
- **PPIN:** 112731
- **Acreage:** 3.93 acres
- **Physical Address:** 1266 State Highway 180, Gulf Shores, AL 36542
- **Applicant:** L & S Construction – Susan Tillman
- **Owner:** John and Joan LaGrasse
- **Code Cases/NOV'S:** P&Z Natural Resource staff has responded to a complaint from the Fort Morgan Civic Association regarding dune walkovers built in non-compliance. The dune walkover at subject property was discovered to be in violation.



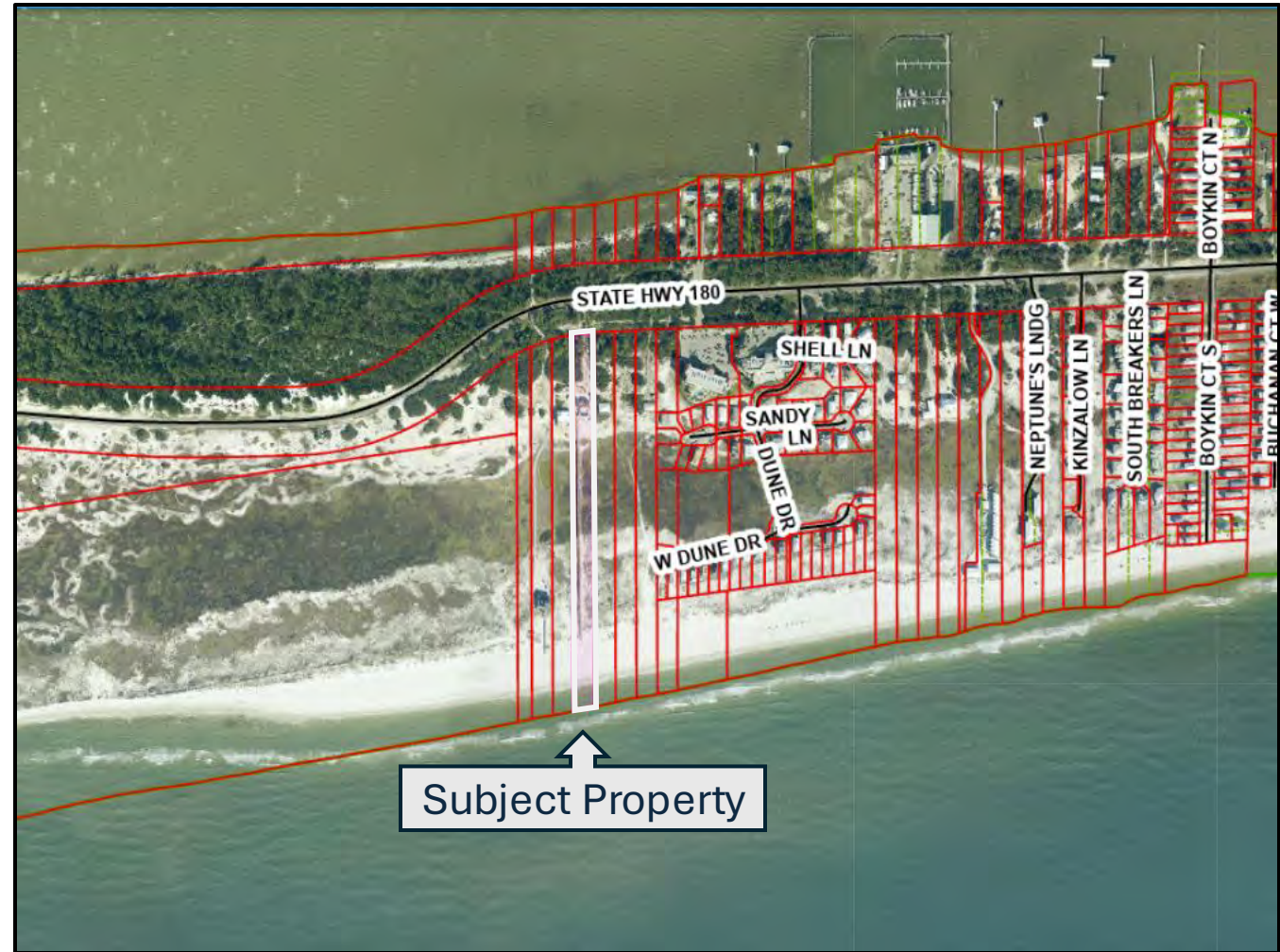
ZVA24-66 LAGRASSE PROPERTY

VARIANCE REQUEST

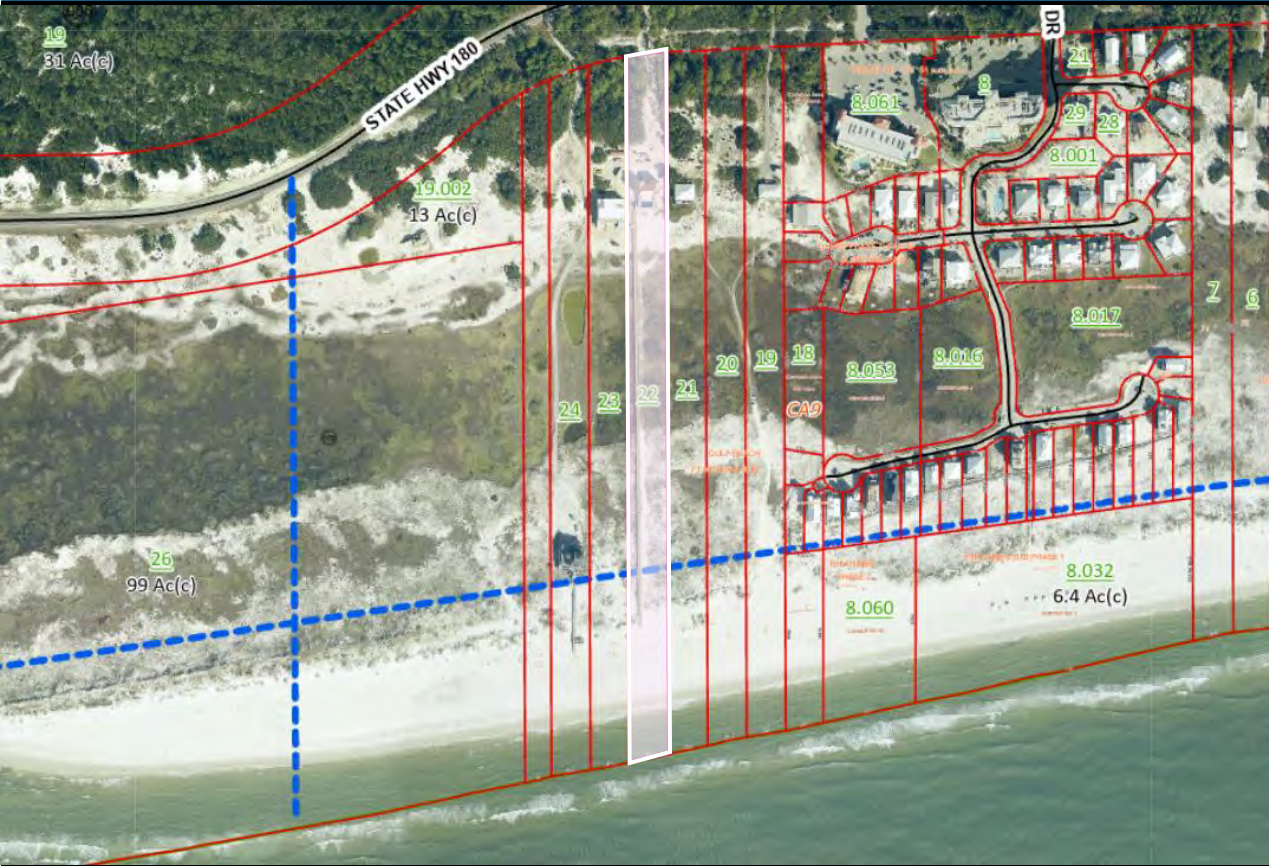
Lead Staff: Brittany Epling, Planning Technician II

The applicant is requesting a variance from Section 2.3.25.3(f) 3. C. as it pertains to allowing an existing dune walkover to remain exceeding the maximum width allowable by Planning District 25 Local Provisions and for the lookout to remain.

Staff could not identify a hardship, and therefore staff recommends that case ZVA24-66 be **DENIED** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	B-2, General Business District	Vacant
South	Gulf of Mexico	Open Water
East	RTF-4, Residential Two-Family District	Residential
West	RTF-4, Residential Two-Family District	Residential

Site Map - ZVA24-66



State Highway 181

Subject Property



BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

100m

Locator Map – ZVA24-66



State Highway 181

Subject Property

BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

100m



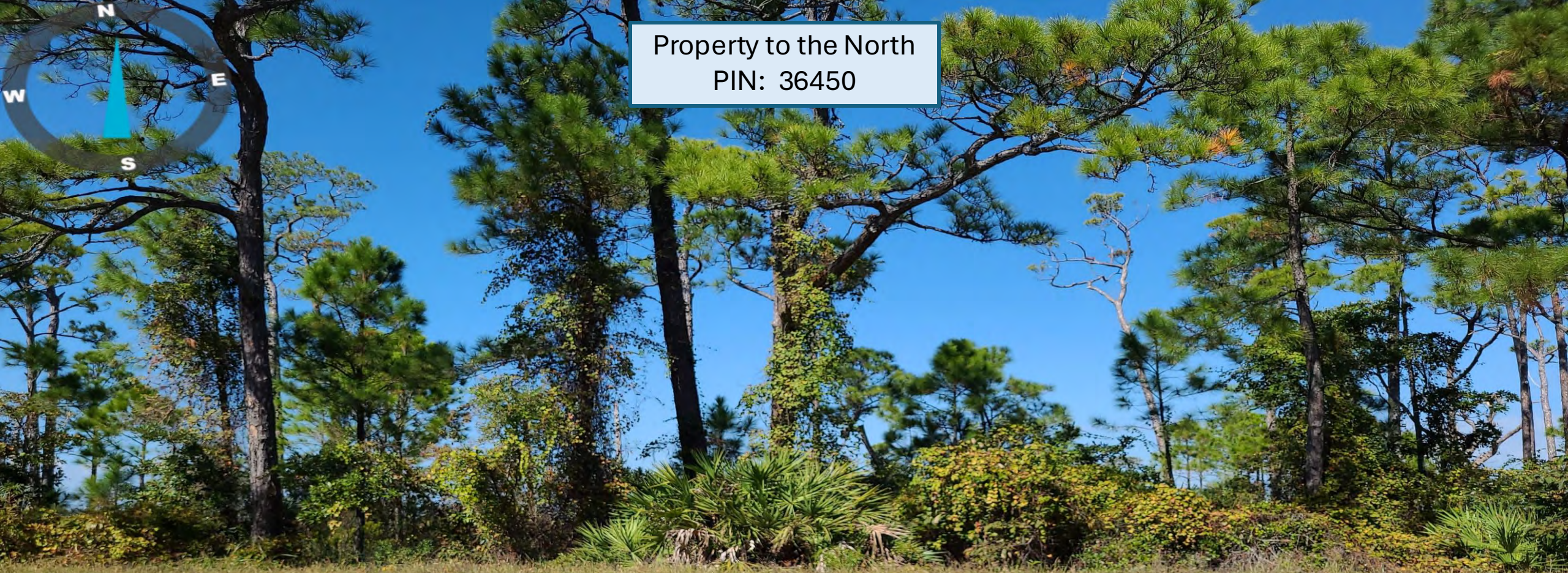
Subject Property
PIN: 112731

VARIANCE PROPOSED
FOR THIS PROPERTY
CASE NUMBER
ZVA24-000066
For Information Contact
Baldwin County Planning &
Zoning Department
(251)580-1655 / (251)972-8523
(251)990-4623

Oct 23, 2024 2:02:47 PM
175° S



Property to the North
PIN: 36450



Oct 23, 2024 2:02:57 PM
7° N



Adjoining Property to the West
PIN: 112732



Oct 23, 2024 1:59:59 PM
196° S



Adjoining Property to the East
PIN: 4230



Oct 23, 2024 1:59:08 PM
174° S

Property History

October 15, 2019: Dune Walkover requirements were adopted by the County Commission. The purpose of these requirements were to address complaints about dune walkovers being too tall or coming too far out.

December 2021: Zoning Site Plan application received by the Planning and Zoning Department for a proposed dune walkover (ZSP21-000256). This application did not meet requirements due to the elevations and applicant was told to apply for a variance.

June 2022: Variance was requested for the dune walkover as it pertains to the elevations:

D. The elevation from the bottom of floor joists of the dune walkover shall be no less than one (1) foot and no more than three (3) feet above the maximum elevation of the dune system being traversed.

Because of the topography of the dunes, the dune walkover exceeded the 3' max elevation above the dunes in some areas.

September 2022: Variance approved (ZVA22-000052).

November 2022: ZSP21-000256 (Dune Walkover Zoning Site Plan) was approved, meeting all dune walkover construction standards aside from (D) above, which the variance was received for.

2023: Dune Walkover constructed.

August 2023: The Fort Morgan Civic Association reached out to the Baldwin County Commission with concerns. One topic of concern were dune walkovers not being built according to approved site plans and Planning District 25 Local Provisions (Dune Walkover Standards).

April 2024: Planning and Zoning Natural Resource staff conducted inspections on all dune walkovers built within the previous year to address dune walkover non-compliance. It was at this time, the dune walkover at 1266 State Highway 180 was discovered to be in violation of deviating from the approved site plan. The violations included maximum width of 4' exceeded as well as the lookout section/deck.

Permit Requirements

(f) Dune Walkovers.

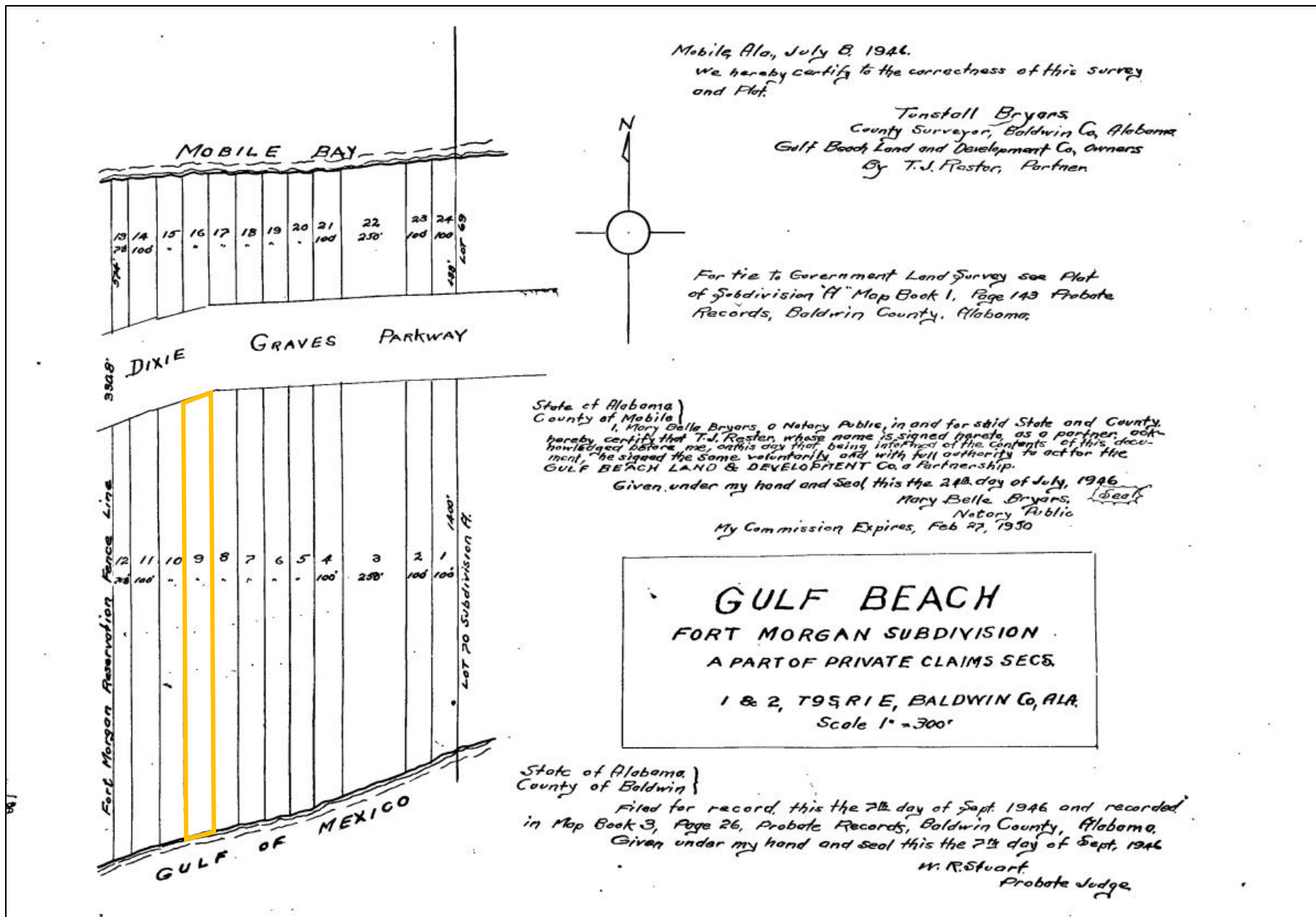
1. As used in this section, the following definition shall apply:

Dune walkover. A raised walkway constructed for the purpose of protecting the beach and dune system between mean high tide and the construction control (CCL) line from damage that may result from anticipated pedestrian traffic to the beach, and which is no more than six (6) feet in width for multiple family/commercial/public structures, no more than four (4) feet in width for single family/two family structures, constructed without roof or walls, elevated at least one (1) foot above the dune, and extends seaward of the vegetation line.

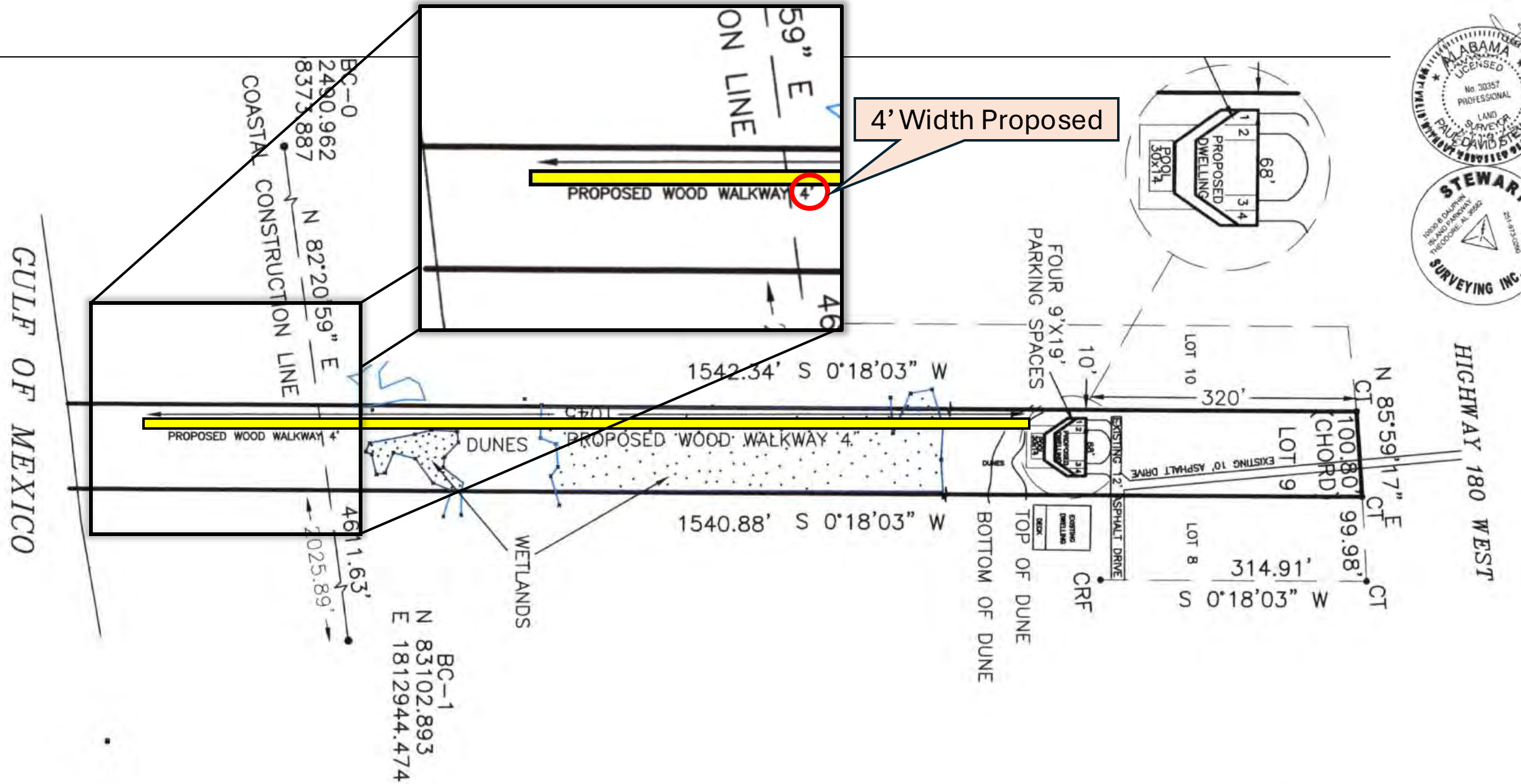
2. Site Plan Approval.

- C. The maximum width of the dune walkover structure shall be no more than four (4) feet for single family/two family structures and no more than six (6) feet for multiple family/commercial/public structures. Maximum widths shall be applicable to all sections of the dune walkover structure, including but not limited to steps, ramps, landings and decks.

Lot 9 in Gulf Beach Subdivision (1946)



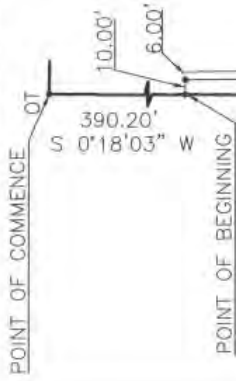
Original Approved Site Plan (ZSP21-256)



Proposed/As-Built Site Plan

HIGHWAY 180 WEST (FORT MORGAN ROAD)

TYPE OF SURVEY: AS-BUILT DUNE WALKOVER
BEARING BASED ON G.P.S. OBSERVATIONS



DESCRIPTION:

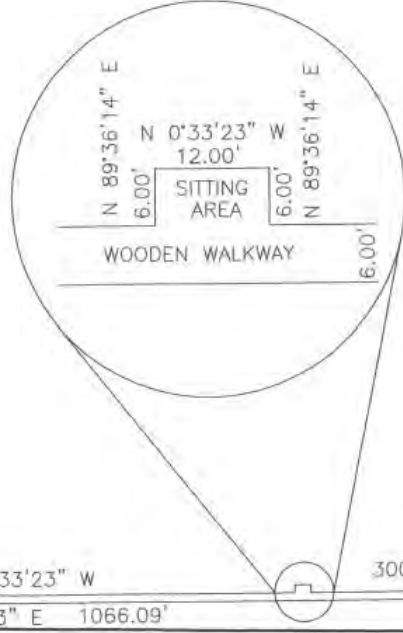
LOT 9 GULF BEACH FORT MORGAN SUB. MAP BOOK 3, PAGE 26 AS RECORDED IN BALDWIN COUNTY ALABAMA PROBATE OFFICE

S 0°18'03" W WEST BOUNDARY LINE OF LOT 9 FORT MORGAN BEACH SUBDIVISION

DESCRIPTION: BEACH ACCESS EASEMENT AND DUNE WALKOVER

COMMENCING AT THE NORTHWEST CORNER OF LOT 9 GULF BEACH FORT MORGAN SUBDIVISION, AS RECORDED IN MAP BOOK 3, PAGE 26, BALDWIN COUNTY ALABAMA PROBATE OFFICE; THENCE RUN S0°18'03"W AND ALONG THE WEST LINE OF SAID LOT 9 FOR 390.2 FEET TO A POINT; THENCE EAST 10.00 FEET TO THE POINT OF BEGINNING OF A 6 FOOT WIDE WALKWAY FOR ACCESS TO THE BEACH; THENCE S0°33'23"E AND ALONG THE TERMINUS OF WALKWAY; THENCE RUN WEST 6.00 FEET TO THE EAST SIDE OF SAID WOODEN WALKWAY; THENCE N0°33'23"W AND ALONG THE EAST SIDE OF WALKWAY FOR 300.70 FEET TO A POINT; THENCE EAST 6.00 FEET TO A POINT; THENCE N0°33'23"W 12.00 FEET TO A POINT; THENCE WEST 6.00 FEET TO THE EAST SIDE OF 6' WIDE WOODEN WALKWAY; THENCE 753.45 FEET TO A POINT; THENCE WEST 6.00 FEET TO THE POINT OF BEGINNING OF THE WALKWAY AND EASEMENT DESCRIBED;

753.45' N 0°33'23" W
S 0°33'23" E 1066.09'



CRFI 25.67'

300.70' N 0°33'23" W

POINT OF TERMINOUS EAST 6.00'



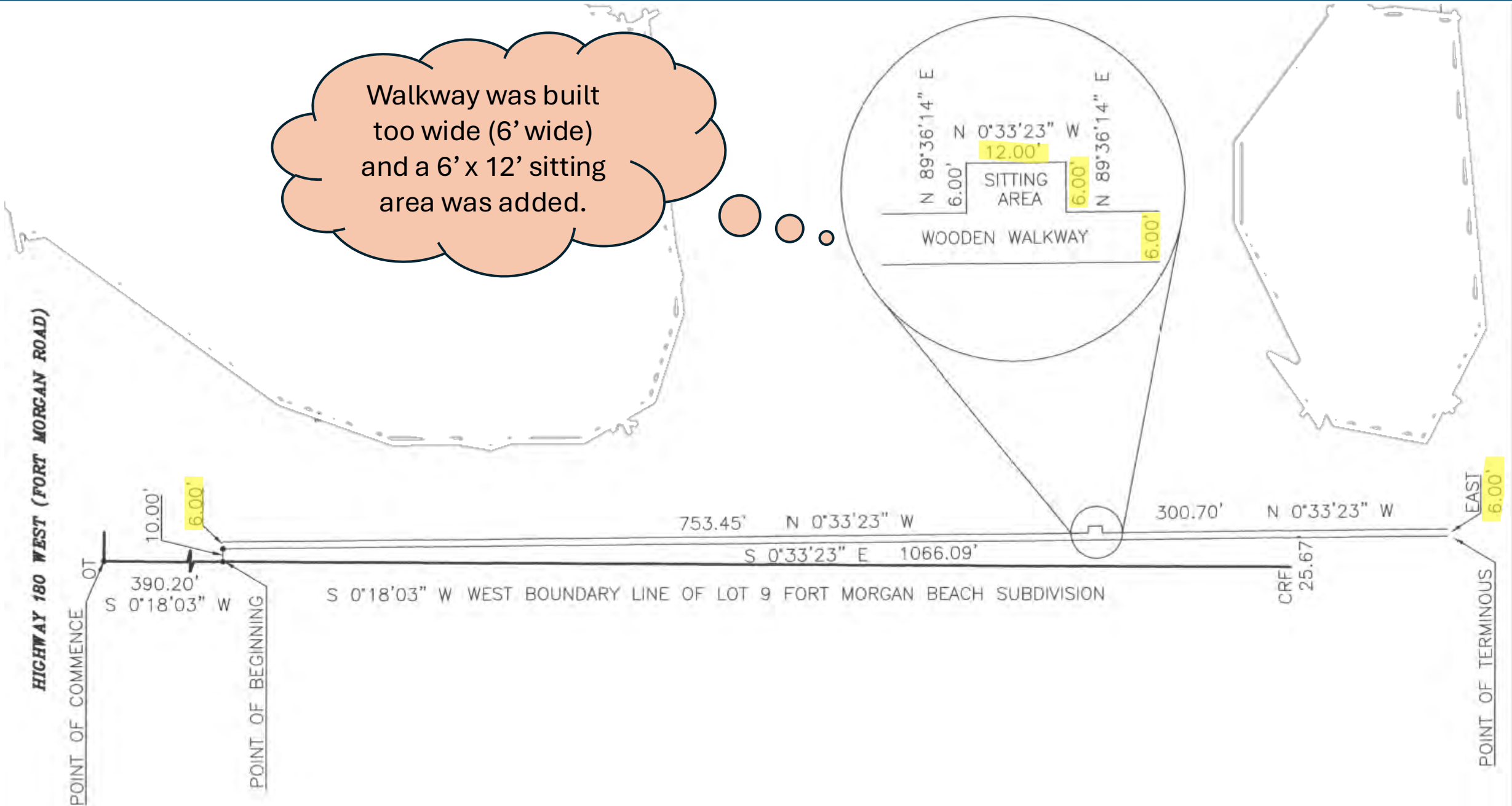
SURVEYOR'S CERTIFICATE - SIGNED BY OWNERS

I, PAUL D. STEWART, A REGISTERED LAND SURVEYOR (ALABAMA, REG. NO. 30357) HEREBY CERTIFY 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.

Paul D. Stewart
PAUL D. STEWART, ALA. REG. NO. 30357

DRAWN BY: JAS	SCALE:	REVISIONS:	PROJECT:	SHT. NAME:	SHT. NO. 1/1
FIELD DATE: 11/09/2024	S-T-R				
DWG. NO.: 2411-009	CLIENT: LoRASSE				
APPROVED BY: PDS	DRAWING DATE: 11/11/2024				

Proposed/As-Built Site Plan



Photos



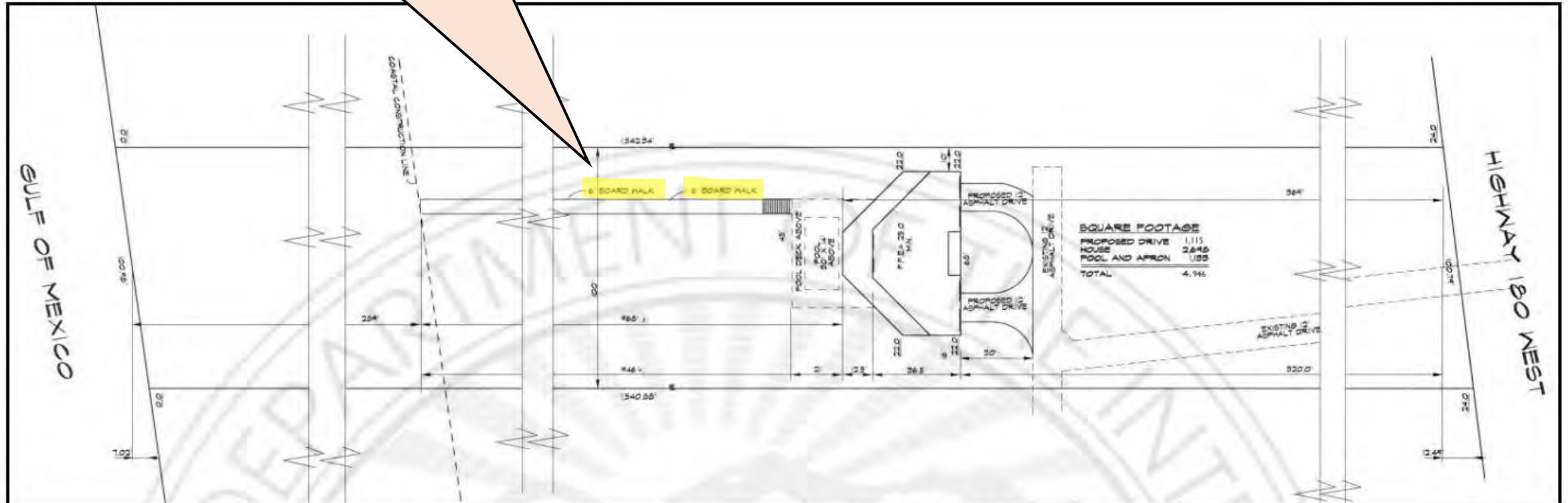
USFW/ITP Permit

John LaGrasse
505 Braylon Circle
Franklin, TN 37064
Telephone: 615-521-5311

ESPER0002996-0

The ITP Permit permitted a 6' Wide Boardwalk since it services multiple households. **However, to conform with County Local Provisions**, it cannot exceed 4' in width for single and two family structures.

APPENDIX PAGE 1



Total Impacts: 4,946 square feet

Coastal Area Permit

BCCAP _____

BALDWIN COUNTY COASTAL AREA PROGRAM

COASTAL AREA MANAGEMENT PROGRAM

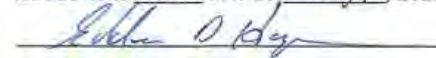
NON-REGULATED USE PERMIT

USE TYPE: Residential Construction on Gulf-Front Property
PERMITEE: John & Joan LaGrasse and L&S Construction
PERMIT NUMBER: BCCAP 20-007
PROJECT LOCATION: 1266 State Hwy 180, Gulf Shores
Fort Morgan Peninsula, Baldwin County, AL
Parcel # 69-08-01-0-005-022.000
PPIN # 112731
PROJECT DESCRIPTION: Construction of a Single-Family Dwelling and Dune Walkover

In accordance with and subject to the provisions of CODE of Alabama 1975, Section 9-7-10 et. Seq. and Section 22-22A-1 et. Seq. rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the permittee described in this permit is hereby authorized to conduct the above referenced activities.

CONSTRUCTION AUTHORIZED BY THIS PERMIT SHALL BE COMPLETED WITHIN 3 YEARS FROM THE DATE OF ISSUANCE.

ISSUED THIS 3rd DAY OF Aug., 2021



BALDWIN COUNTY COASTAL AREA PROGRAM

Code of Alabama; Resolution #2015-011 on Establishing Beach and Dune Walkover Protection and Management Regulations for Baldwin County, Alabama

STATE OF ALABAMA)
COUNTY OF BALDWIN)

RESOLUTION #2015- 011

ESTABLISHING BEACH AND DUNE PROTECTION AND MANAGEMENT REGULATIONS FOR BALDWIN COUNTY, ALABAMA.

WHEREAS, the Baldwin County Commission is committed to the effective management and protection of Baldwin County's beaches and dune resources as per Alabama Department of Environmental Management (ADEM) Admin Code R, 335-8-2.08 Construction and Other Activities on Gulf Front Beach and Dunes; and

WHEREAS, the health, safety and general welfare of Baldwin County, Alabama, and its economy is directly related to the health of the County's beach and dune resources, and the Baldwin County Commission desires to adopt this Beach and Dune Protection and Management Ordinance.

SECTION 1: DEFINITIONS

- a. "agency" means any unit, department, or office of federal, state or local government, including subdivisions thereof.
- b. "Alabama Coastal Area Management Program" or "ACAMP" (see definition of "management program").
- c. "beach" means a sandy shoreline area characterized by low relief, generally of gentle slope, and some vegetation. The beach extends from the waterline to a change in physiographic form such as a dune or bluff, a change in sediment type, such as clay from sand, and/or a change in vegetation type. Gulf beaches are those sand beaches of the mainland and islands in Alabama which are subjected to the direct wave action of the Gulf of Mexico. The upper limit of Gulf beaches is usually a transition from halophytic, succulent, prostrate plant forms such as Hydrocotyle bonariensis (pennywort), Cakile edentula (sea rocket), Iva imbricata (marsh or seashore elder), and Ipomoea stolonifera (seaside morning

- e. All references to monument numbers in "d" above are noted for convenience only. All official submissions to the Department regarding the "construction control line" must be based upon official state plane coordinates as determined by a registered surveyor.
- f. "Department" means the Baldwin County Coastal Area Program
- g. "Department approval" means the approval of the Department or the issuance of any Department permit.
- h. "dune" (see definition of primary dune system).
- i. "dune walkover" means a raised walkway constructed for the purpose of protecting the beach and dune system between mean high tide and the construction control line from damage that may result from anticipated pedestrian traffic to the beach and which is no more than six feet in width, constructed without roof or walls, elevated at least one foot above the dune, and extends seaward of the seaward vegetation line.
- j. "endangered species" means any species, including subspecies and varieties, that are in danger of extinction throughout all or a significant portion of their range in Alabama. Endangered species are those whose prospects for survival are in immediate jeopardy and which must have help or extinction or extirpation from Alabama will probably follow. These species are defined by Code of Federal Regulations 50 CFR 17.11 and 17.12, January 1, 1989, as amended and Alabama Act No. 82-424.
- k. "existing structure" means a structure the construction of which was initiated prior to October 9, 1985, and for which all required state, local and federal authorizations were obtained prior to October 9, 1985.
- l. "footprint" means the ground area covered by a structure when viewed from the top or plan view.
- m. "habitable structure" means any structure which, by virtue of its design, size or appurtenances, is suitable for occupation as a residence on a temporary or permanent basis, or any similar structure used for commercial purposes.

POA Approval

Joan and John LaGrasse
9148 Demery Court
Nashville, TN 37027

January 11, 2022

To Whom It May Concern:

This letter is intended to formally document that we own Lot #9 at:
1266 Highway 180 West
Gulf Shores, AL 36542

Tax Map # 05-69-08-01-0-005-022.000

AND that there is no homeowners' association (HOA) or the like associated with this lot.

Thank you for your attention on this matter.

Sincerely,


Joan and John

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.

The subject property is zoned RTF-4, Residential Two-Family District and is located on the Fort Morgan peninsula. The parcel measures approximately 3.93 acres (100' x 1,725') . Planning District 25 came into effect on November 16, 1993. The required minimum lot size for RTF-4 for single-family housing is 7,500 square feet with a 60' minimum lot width at building line and 30' minimum lot width at street line. **Staff does not perceive the subject property to have any exceptional narrowness, shallowness, or shape to constitute a hardship on the land.**

RTF-4 Required minimum lot size: **7,500 square feet**

Actual size: **171,190 sf**

Lot size hardship: **NO**

RTF-4 Required minimum width at street line: **30 feet**

Actual lot width: **100 feet**

Lot width hardship: **NO**

RTF-4 Required minimum width at building line: **60 feet**

Actual lot width: **100 feet**

Lot width hardship: **NO**

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

While the dune walkover does cross over wetlands on the subject property, **staff believes this factor is not related to the request presented with this 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 RTF-4, Residential Two-Family District and is in Planning District 25, which allows for the construction of dune walkovers. A dune walkover meeting all regulations and local provisions was approved with ZSP21-256. Staff believes that allowing the dune walkover to exceed the allowable width is not necessary for the preservation of a property right, nor is the added deck. **Not bringing the dune walkover into compliance appears to serve merely as a convenience and based primarily on 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 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. **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 for consideration.

Ashley Campbell, Natural Resource Planner:

“If the variance is approved, the applicant will need to submit a new permit application with stamped survey showing the as-built conditions.”

Bill Lynn, USFWS:

“For this variance, the width (6’) of the dune walkover (aka boardwalk) is not a problem for us. It serves two houses, and possibly a third. So, instead of three boardwalks, there is one. Since it serves two houses, the footprint is less than two boardwalks at 4 feet apiece (6 ft vs. 8 ft).

As for the observation deck at the end, this was part of what I approved, and I counted it towards their footprint. I am okay with the variance.”

Janie Joiner, BC Building Department, Coastal Area Program Coordinator:

“Unfortunately, back when this dune walkover was permitted, they were not done in the most sensible order. The coastal permit was being issued before the site plan approval was done so the survey we have on file is different than the P&Z approval. I do not have an issue with how it is constructed because the areas of concern are landward of the CCL, where they are allowed to build. The part of the dune walkover past the CCL is within the scope of what is allowed by the coastal regulations. The only thing might be that it being attached would make it part of the dwelling; however, this was something that had been allowed during the time this dune walkover was approved and constructed. It was not stated in my review, that it could not be attached.”

*Note: If boardwalk exceeds 6’ in width seaward of the CCL line, this would not be allowed by the coastal regulations (CAP).

Applicant Statement:

“Owners are older and needed a resting place to sit after walking down dune walkover they expanded the area.”

ZVA24-66 LAGRASSE PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Technician II

The applicant is requesting a variance from Section 2.3.25.3(f)3.C. as it pertains to allowing an existing dune walkover to remain exceeding the maximum width allowable by Planning District 25 Local Provisions.

Staff is recommending **DENIAL** for case ZVA24-66.

- Staff memorializes that a “hold” will be placed on subject property within Citizen Serve and no further permits of any kind will be issued to subject property until corrective measures are carried out on the dune walkover.
- Staff further memorializes there may be additional violations related to adjacent properties affected by the subject property that are unrealized by staff at the time of this variance consideration.

ZVA24-66 LAGRASSE PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, 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.

ZVA24-66 LAGRASSE PROPERTY

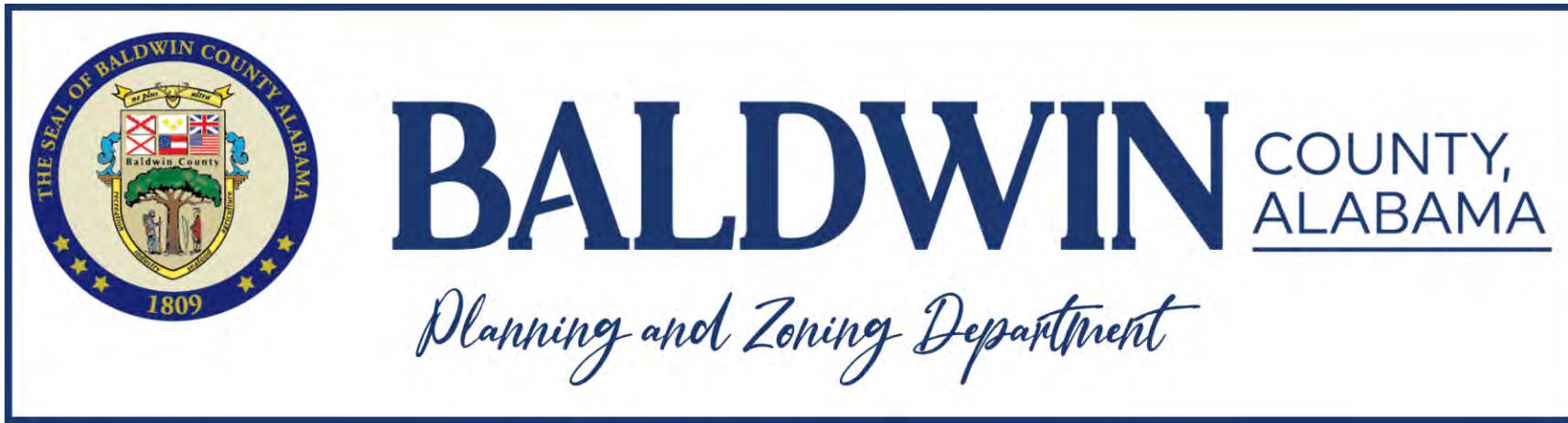
VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Technician II

The applicant is requesting a variance from Section 2.3.25.3(f)3.C. as it pertains to allowing an existing dune walkover to remain exceeding the maximum width allowable by Planning District 25 Local Provisions.

If it is of the pleasure of the Board to approve this variance request, staff recommends the following conditions:

1. If approved, the variance is limited to the request as shown on the site plan provided herein.
2. Zoning Site Plan application shall be submitted with a survey signed and stamped by a professional surveyor licensed in the State of Alabama depicting the as-built conditions.
 - a. The survey shall be a comprehensive site plan reflecting all properties affected by, connecting to, or accessing the subject dune walkover, including any planned or future additions.
3. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or licensing agreement), or requirements of other agencies.



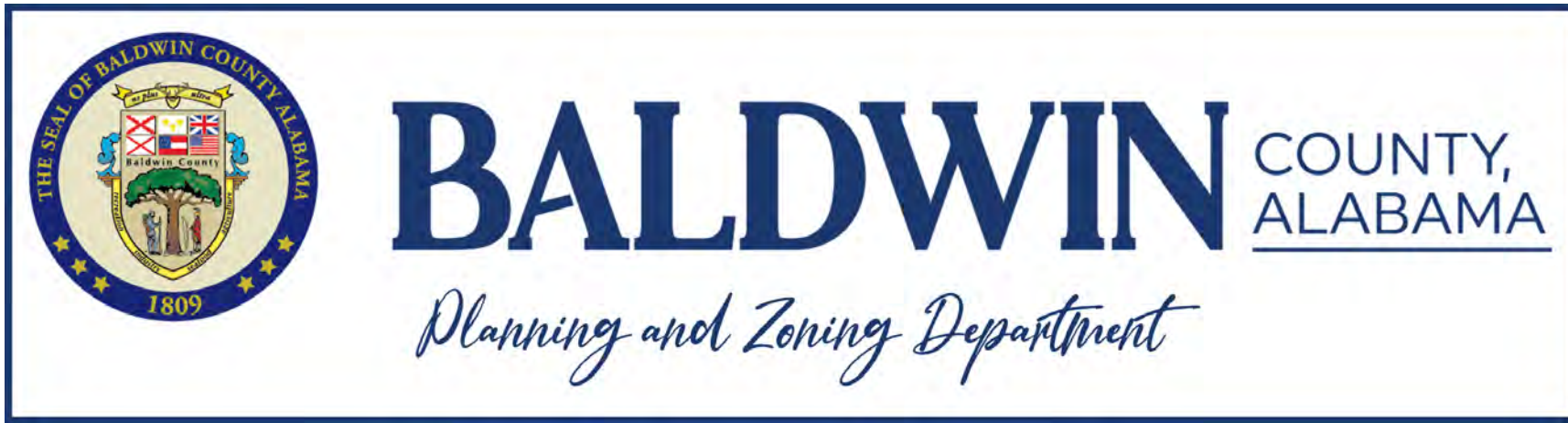
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

JANUARY 16, 2025

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

DECEMBER 12, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

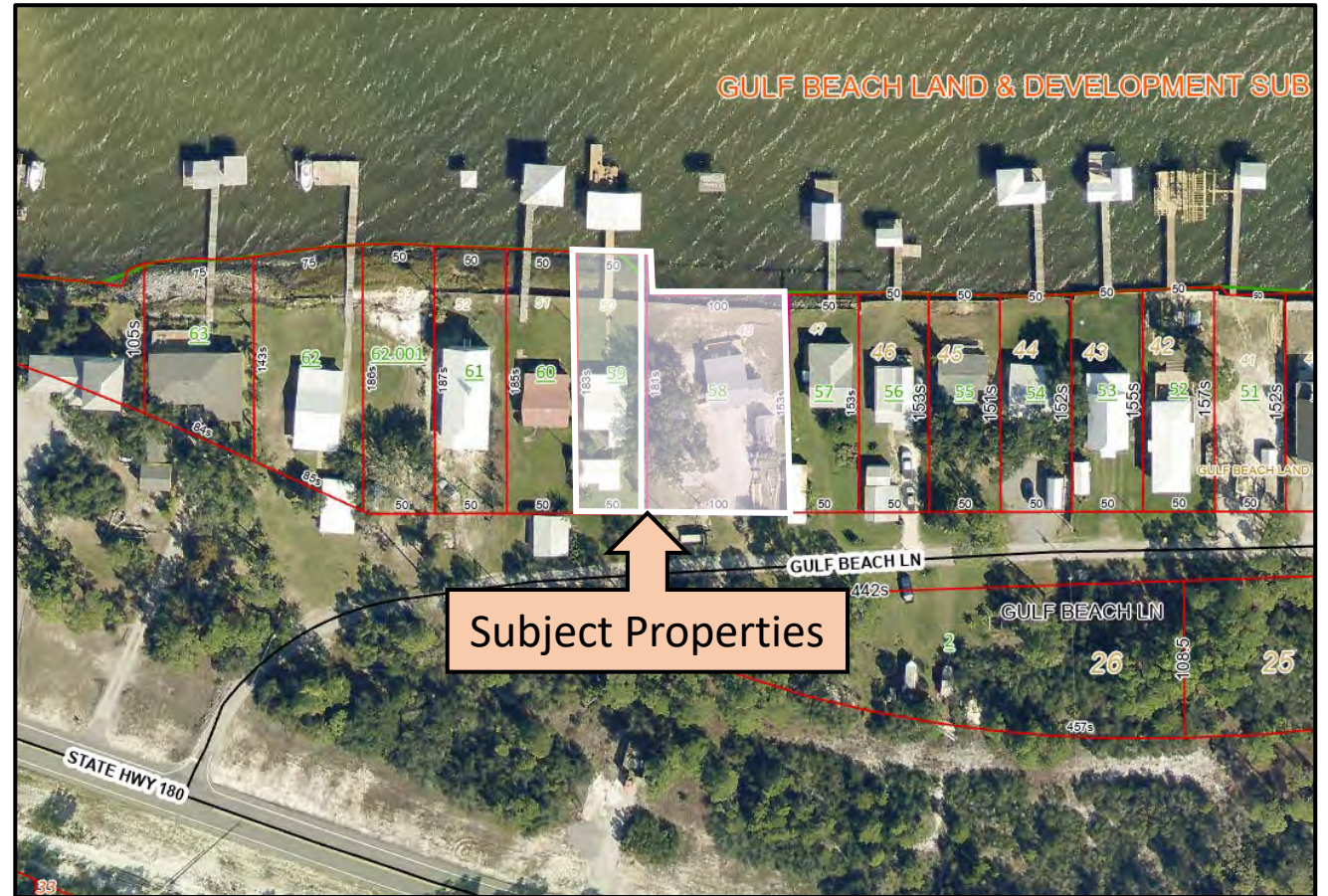
FOLEY, AL

ZVA24-68 BLAIR AND MANDEL PROPERTIES

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 25 **Zoned:** RSF-1, Residential Single-Family District
- **Location:** The subject property is located on Gulf Beach Lane, north of State Highway 180 on the Fort Morgan Peninsula
- **PID:** 05-68-05-21-0-000-058.000 & 05-68-05-21-0-000-059.000
- **PPIN:** 35531 & 28999
- **Acreage:** 0.37 acres & 0.20 acres
- **Physical Address:** 8113 & 8099 Gulf Beach Lane, Gulf Shores, AL 36542
- **Applicant:** Micah Blair
- **Owner:** Micah & Brooke Blair
Anthony & Susan Mandel
- **Code Cases/NOV's:** None



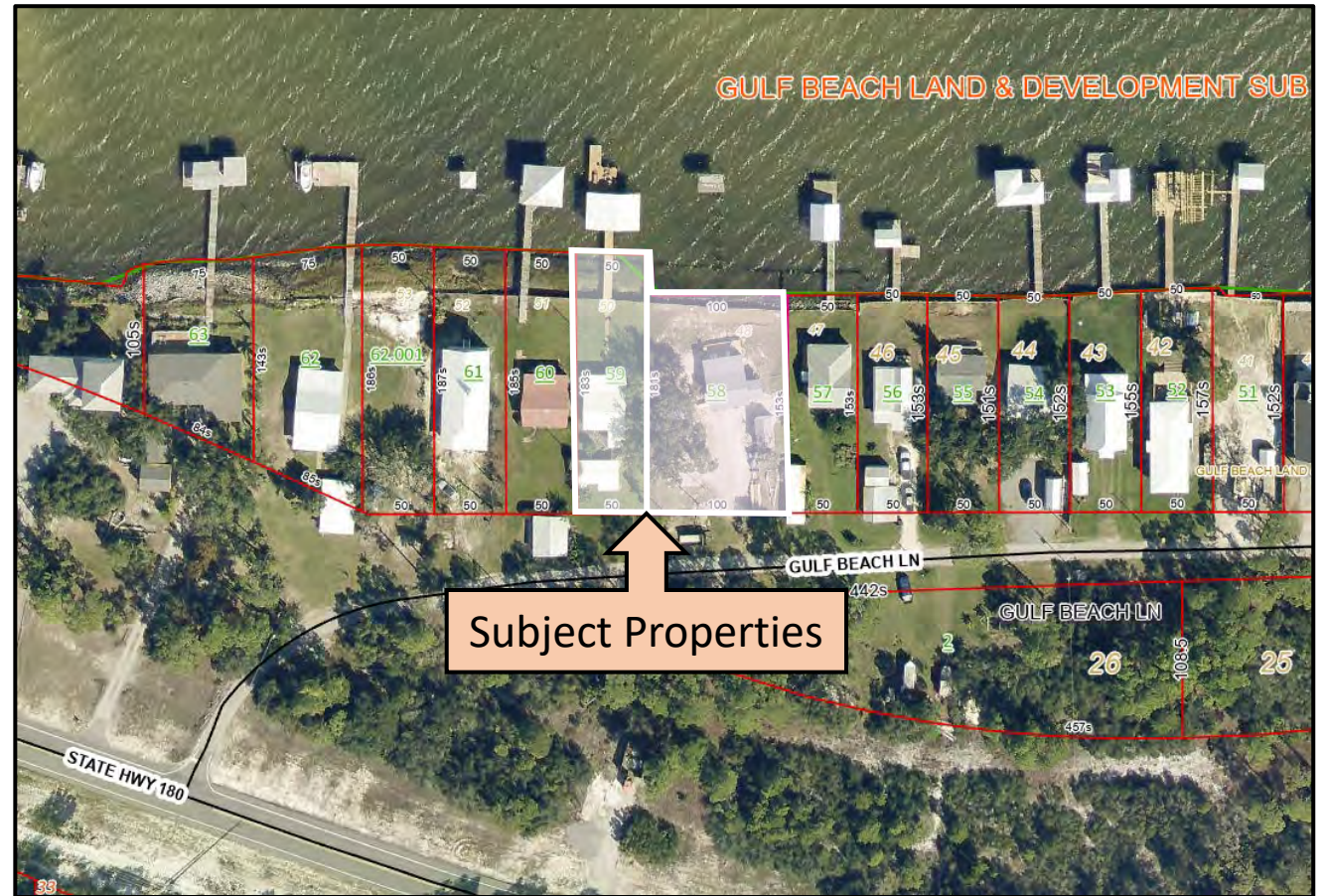
ZVA24-68 BLAIR AND MANDEL PROPERTIES

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 4.2.5 and Section 20.2.8 of the *Baldwin County Zoning Ordinance* as it pertains to the minimum lot size requirements to allow for a common move of property line.

Because the granting of such request would exacerbate an existing nonconformity, staff recommends Case ZVA24-68 be **DENIED** unless information to the contrary is revealed during the Public Hearing.



Locator Map



Site Map



Adjacent Zoning

North

Water

South

RSF-1, Residential Single-Family District

East

RSF-1, Residential Single-Family District

West

RSF-1, Residential Single-Family District

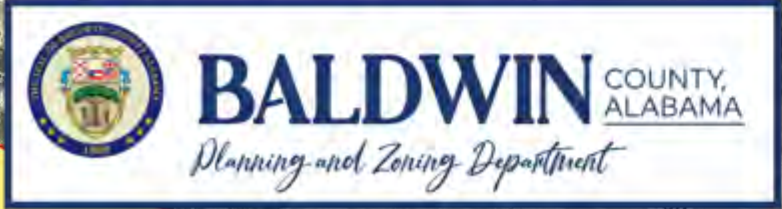
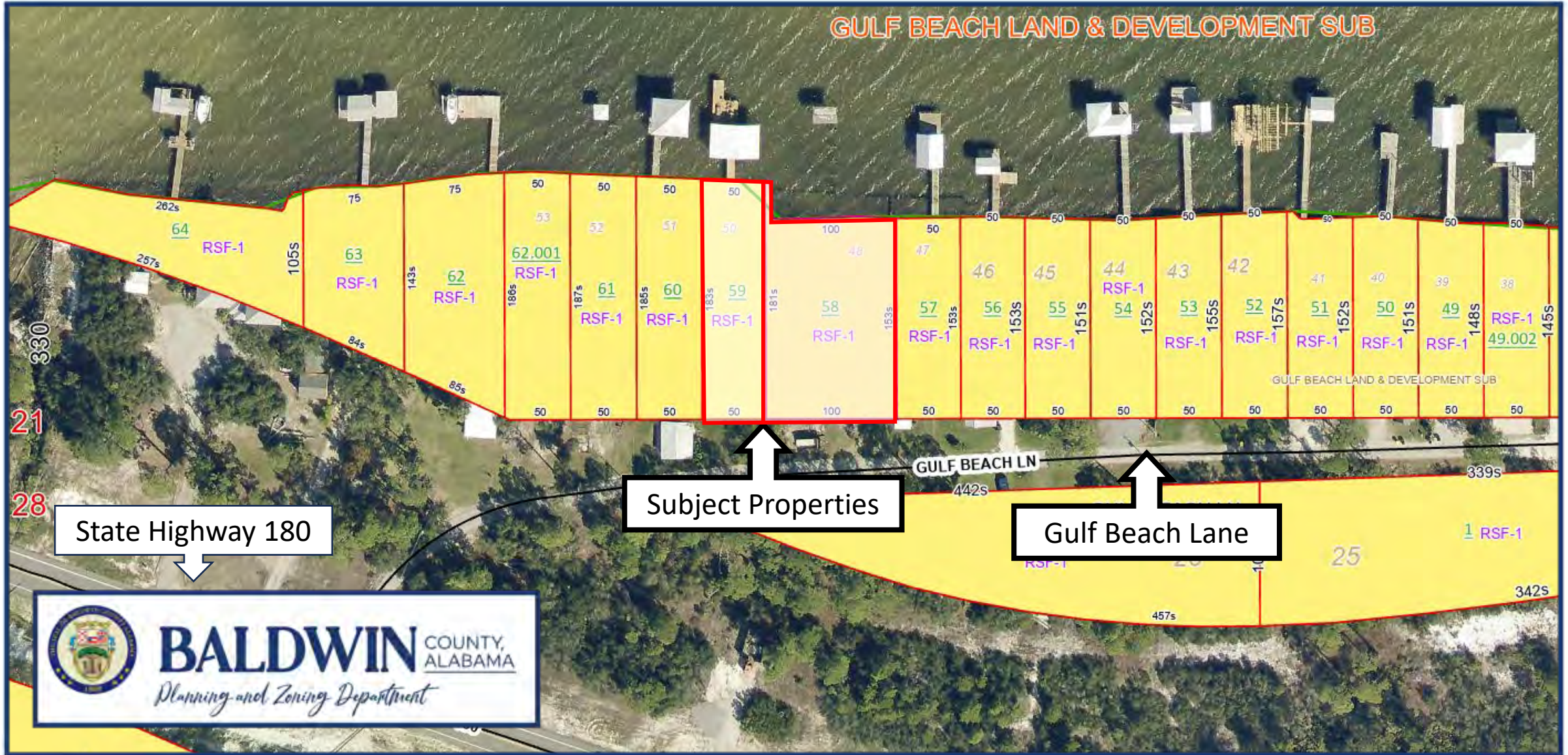
Adjacent Land Use

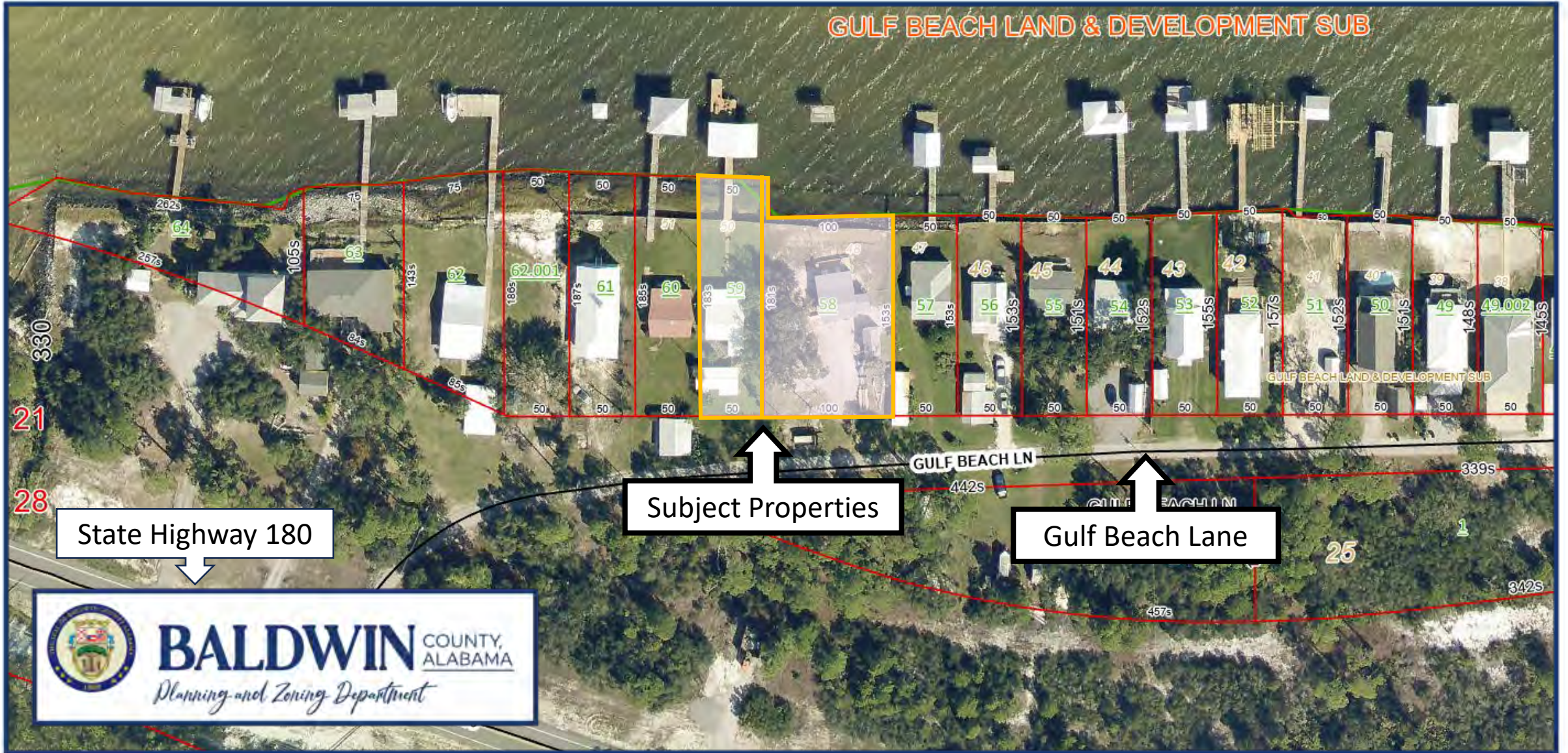
Water

Vacant

Residential

Residential







Subject Property
PIN: 35531



**PUBLIC HEARING
PROPOSED
FOR THIS PROPERTY**
Case Number
ZVA24-000068
Baldwin County Planning
and Zoning Department
For more information,
please scan the QR
code, call, or email.
(251) 560-1655
www.baldwincountyga.gov





Subject Property
PIN: 28999



Nov 21, 2024 3:05:57 PM
355° N



Adjoining Property to the East
PIN: 35887



Nov 21, 2024 3:05:18 PM
8° N

Adjoining Property to the South
PIN: 3413



Nov 21, 2024 3:06:14 PM
171° S

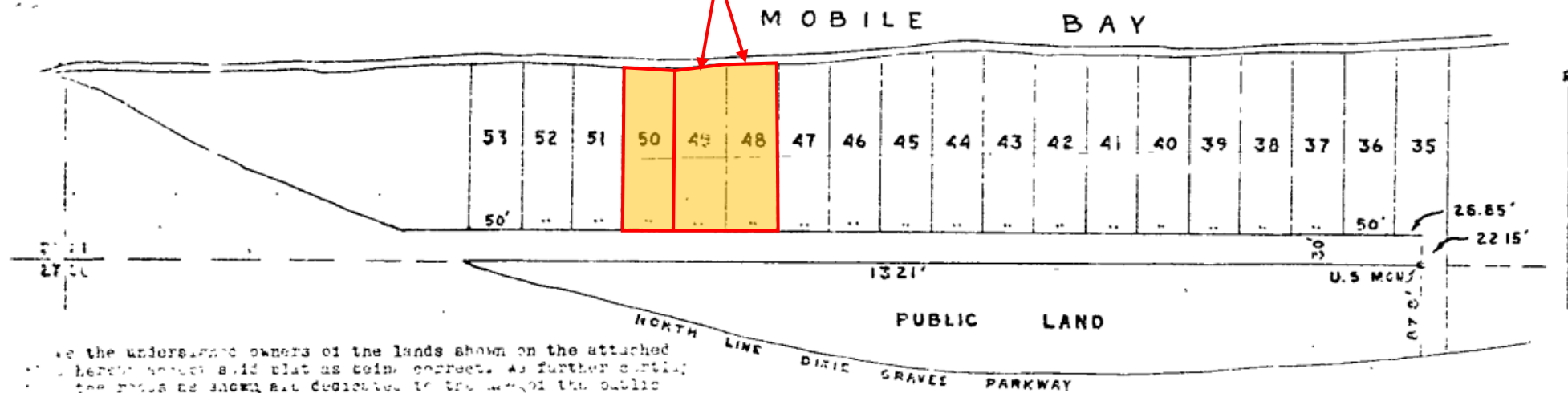
Zoning Ordinance Requirements

4.2.5 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	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

Gulf Beach Land and Development Subdivision Plat (1956)

Lots 48 & 49 have since been combined under one tax parcel ID



Be the undersigned owners of the lands shown on the attached
 hereof, and do hereby certify that the same are correct, as further certified
 the same as shown and dedicated to the use of the public.

GULF BEACH LAND & DEVELOPMENT CO.

[Signature], President

Be hereby certified, to the correctness of this survey, the
 plat.

Surveyor and License No. 1100, Ala.

[Signature]
 Registered Land Surveyor, Ala.

NOTARY PUBLIC

I, *[Signature]*, Notary Public in and
 for said County in 1956, do hereby certify that *[Signature]* whose name
 is shown in the foregoing certificate as a partner in the Gulf Beach
 Land & Development Company, and who is known to me, acknowledged before
 me on this date that being informed of the contents of the attached
 plat he executed the said certificate voluntarily and with full authority
 on the day that the same bears date.

GIVEN under my hand and seal this the _____ day of _____

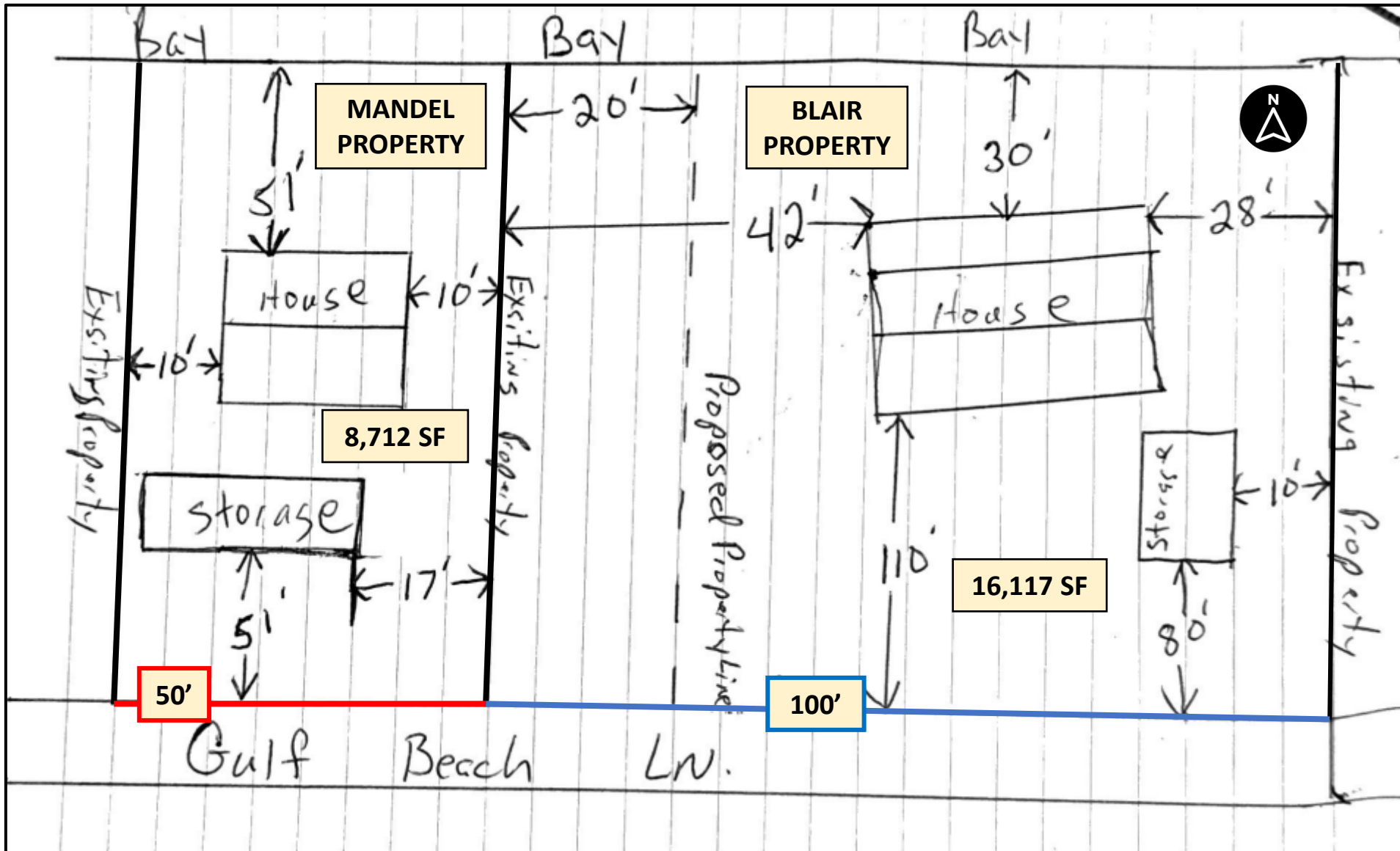
March, 1956.

[Signature]
 Notary Public, Mobile County, Ala.

PLAT OF SURVEY of a subdivision of the fractional
 Southwest 1/4 of the fractional Southwest 1/4 of
 Fractional Section 21, Township 9 South, Range 1
 East, St. Stephens Meridian, Alabama.
 Dts: 3-8-56. Scale: 1"=100'

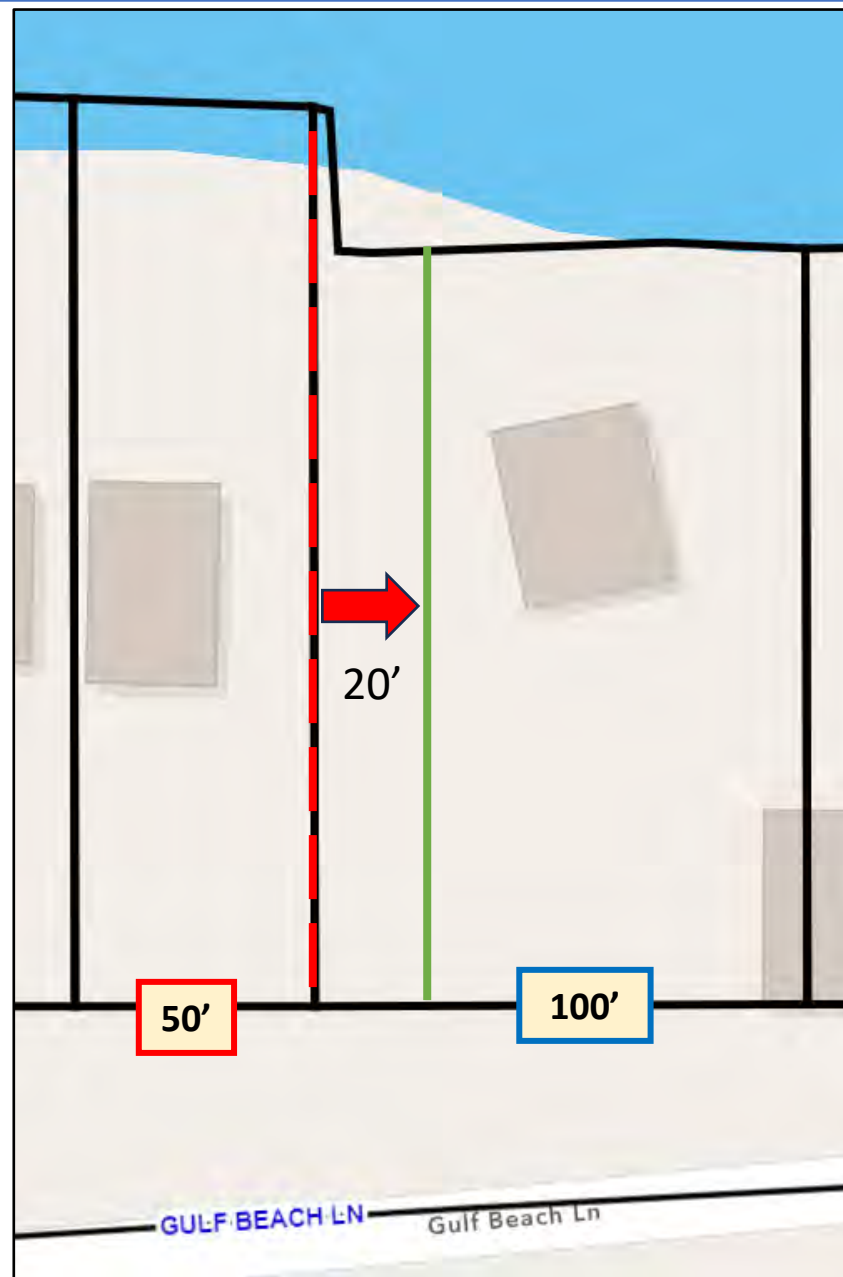
[Handwritten notes]
 1-14-1
 - Mar 1 204

Site Plan



NOT TO SCALE

Site Plan



Line to be moved

New line location

The applicant is requesting to move the shared lot line 20' to the east

The lot widths would be 70' and 80', respectively, which would result in both lots becoming non-conforming.

Article 20 Nonconformities

Section 20.1 Intent.

In the County, there exists uses, structures and combinations of such which were lawful before the adoption of these ordinances or amendments thereto, but which would be prohibited, regulated or restricted under the terms of these ordinances or amendments thereto. It is the intent of this section to permit them to continue with restrictions until they are removed or destroyed, but not to encourage their survival. It is further the intent of these ordinances that **such nonconformities shall not be enlarged, expanded or intensified**, nor shall they be used as grounds for adding other structures. **Changes in nonconformities other than their discontinuance shall be discouraged.**

20.2.7 Nonconforming lots.

A nonconforming lot or parcel is a lot or parcel which fails to meet the dimensional requirements (i.e., minimum lot area, width, frontage etc.) of the zoning ordinances, but was lawfully created according to Alabama State Law and was a lot of record prior to the effective date of the zoning ordinances or any amendments thereto and has been determined to be vested.

- (a) Any nonconforming lot or parcel may be used as a building site.
- (b) A nonconforming lot or parcel must comply with permitted uses and other standards as described in the zoning ordinances.

20.2.8 Subdivision of lots.

No portion of a lot shall be sold or subdivided in a manner which does not comply with the lot width and area requirements established by the zoning ordinances. A nonconforming lot may be increased in size even if such increase does not allow the lot to meet the minimum lot width and lot area requirements established by the zoning ordinances. **Furthermore, the adjoining lot or lots, from which the land is removed to create the increase to the subject lot, shall not become nonconforming or does not increase in nonconformity.**

No Neighborhood Associations

There is not an active neighborhood association at 8113 Gulf Beach Ln Gulf Shores AL 36542.

Micah F. Blair

Micah F. Blair
Property Owner

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.

The subject properties are zoned RSF-1, Residential Single-Family District. Per the Parcel Viewer, the Blair Property (property to the east) consists of approximately 0.37 acres (16,117sf). The Mandel Property (property to the west) consists of approximately 0.20 acres (8,712sf). Planning District 25 came into effect on June 19, 1992. The required minimum lot size for RSF-1 zoning is 30,000 square feet with a 100' minimum lot width at building line and a 50' minimum lot width at street line.

While the original survey from 1956 depicts lot widths of 50', a single-family dwelling currently exists on each parcel and meets the existing building setback requirements for RSF-1 zoning. For this reason, staff does not perceive the subject parcel to be exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance and thus **this criteria is not a factor for consideration of this variance request.**

RSF-1 Required minimum lot size: **30,000 sf**

Actual size: **8,712/16,117sf**

Lot size hardship: **NO**

RSF-1 Required minimum width at street line: **50'**

Actual lot width: **50/100**

Lot width hardship: **NO**

RSF-1 Required minimum width at building line: **100'**

Actual lot width: **50/100**

Lot width hardship: **NO**

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

Staff perceives no topographical hardship on the subject properties.

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, Residential Single-Family District, which allows for single-family dwellings. There currently exists a single-family dwelling on each lot, and therefore staff does not perceive it to be a necessity for preservation of property right for further additions to the dwelling and considers the request to be convenience based.

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. **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.**

ZVA24-68 BLAIR AND MANDEL PROPERTIES

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 4.2.5 and Section 20.2.8 of the *Baldwin County Zoning Ordinance* as it pertains to the minimum lot size requirements to allow for a common move of property line.

Because the granting of such request would exacerbate an existing nonconformity, staff recommends **DENIAL** of the variance request.

ZVA24-68 BLAIR AND MANDEL PROPERTIES

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

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.

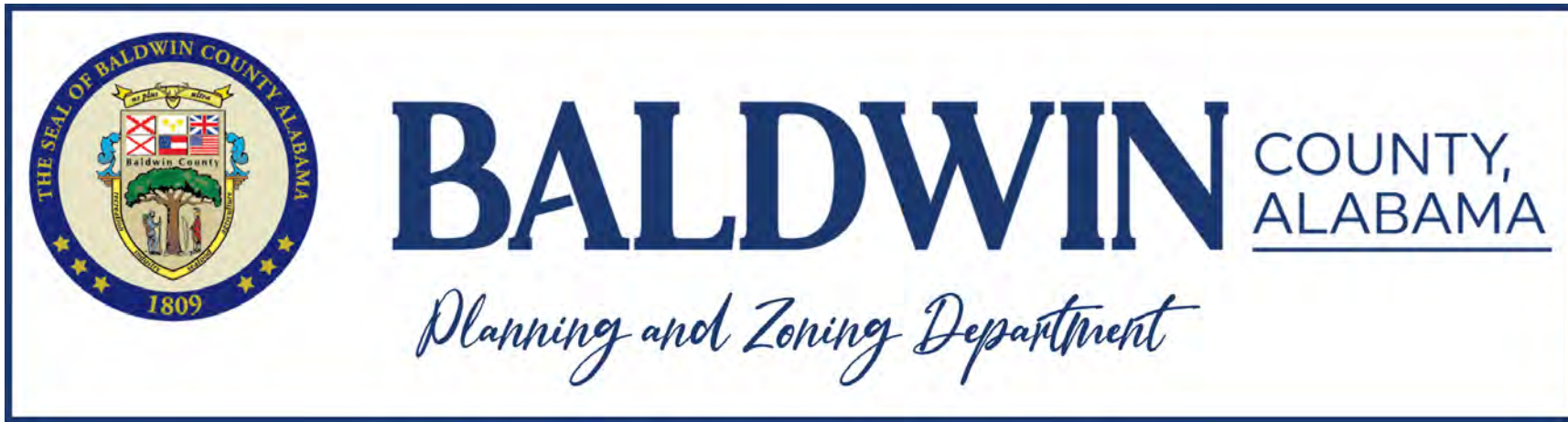
ZVA24-68 BLAIR AND MANDEL PROPERTIES

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

Though staff could not establish a hardship on the subject property, and therefore recommends Case ZVA24-68 be denied unless information to the contrary is revealed at the public hearing, if it is the pleasure of Board of Adjustment Number 2 to **APPROVE** the variance, staff requests the variance include the following conditions:

1. If approved, the variance is limited to the request as shown on the 20' lot line move between the two subject properties.
2. Staff memorializes that if the variance is approved, staff will seek further legal advisement before granting a common lot line movement exemption. It is possible that the requested variance is a substitution for a zoning change. It is possible that the requested common lot line movement may be accomplished in combination with a zoning change in lieu of a variance and thus a variance may be deemed an inappropriate initial action toward requesting a common lot line movement.
3. Submission of Subdivision Exemption (PF) application for the common lot line move, depicting the sketch included with this variance.
4. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway or turnout permit), or requirements of other agencies.



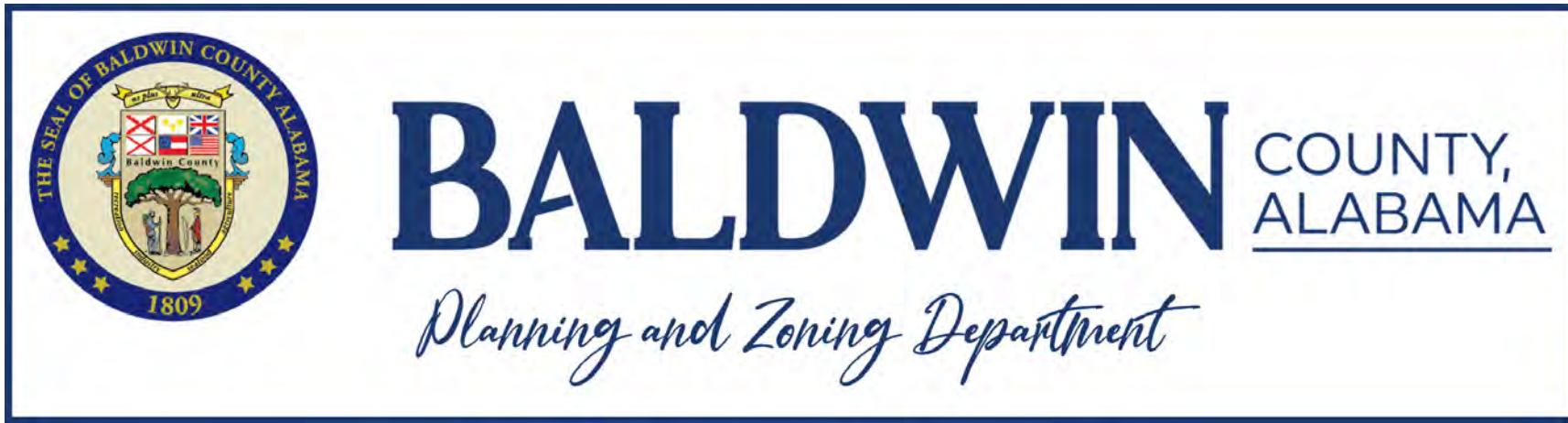
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

JANUARY 16, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

DECEMBER 12, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

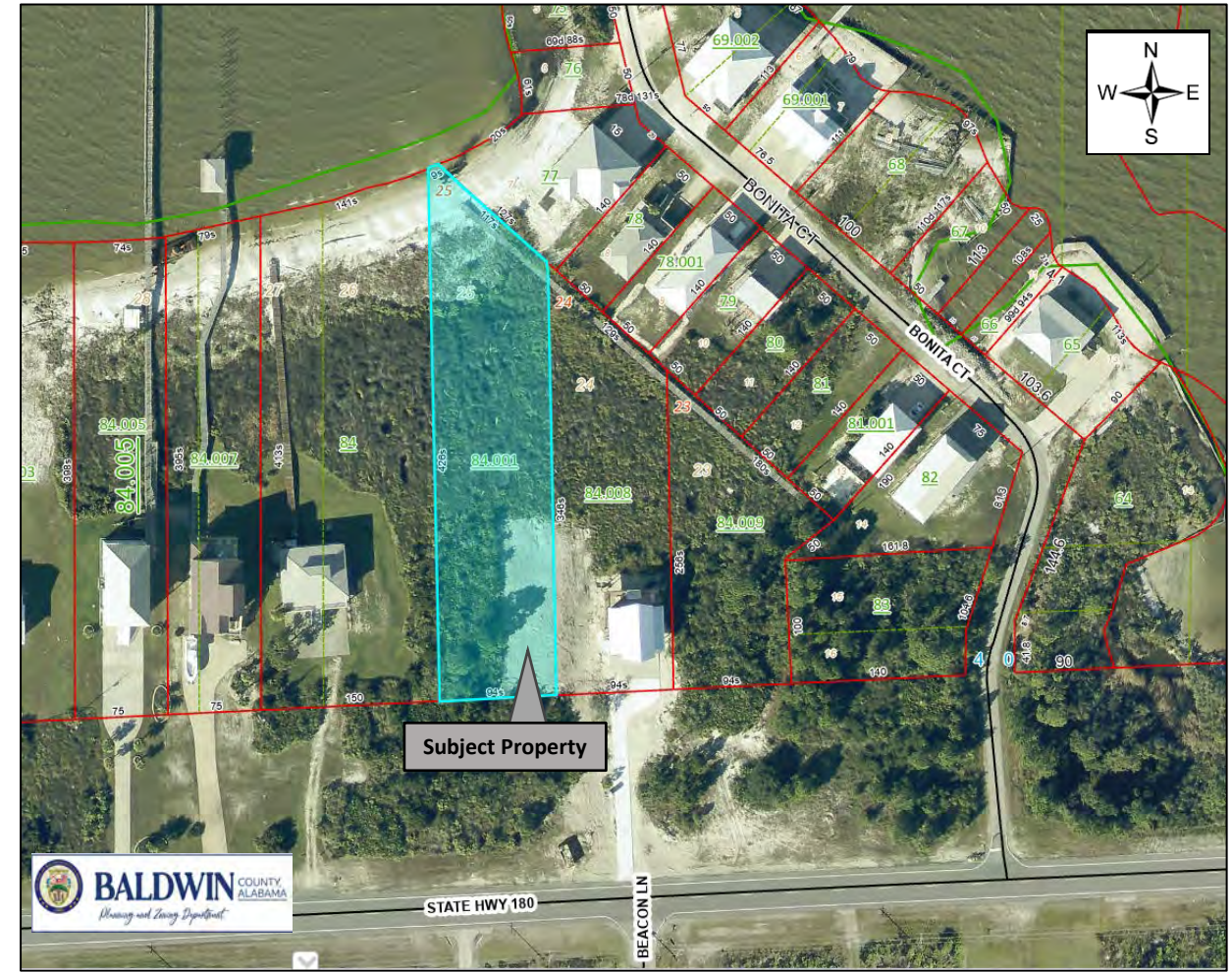
FOLEY, AL

ZVA24-69 HERON PLUME PROPERTIES LLC

VARIANCE REQUEST

Staff: Jenny Mosley , Planning Technician I

- **Planning District:** 25 **Zoned:** RSF-1, Residential Single-Family District
- **Location:** Subject property is located north of State Highway 180 and west of Bonita Court in the Gulf Beach subdivision on the Fort Morgan peninsula
- **PID:** 05-69-08-02-0-005-084.001
- **PPIN:** 42025
- **Acreage:** ± .85 acres (per submitted Site Plan)
- **Physical Address:** 2295 STATE HWY 180 GULF SHORES AL 36542
- **Applicant:** Llama Cove Properties LLC
- **Owner:** Heron Plume Properties LLC
- **Code Cases or Notices of Violation:** No



ZVA24-69 HERON PLUME PROPERTIES LLC

VARIANCE REQUEST

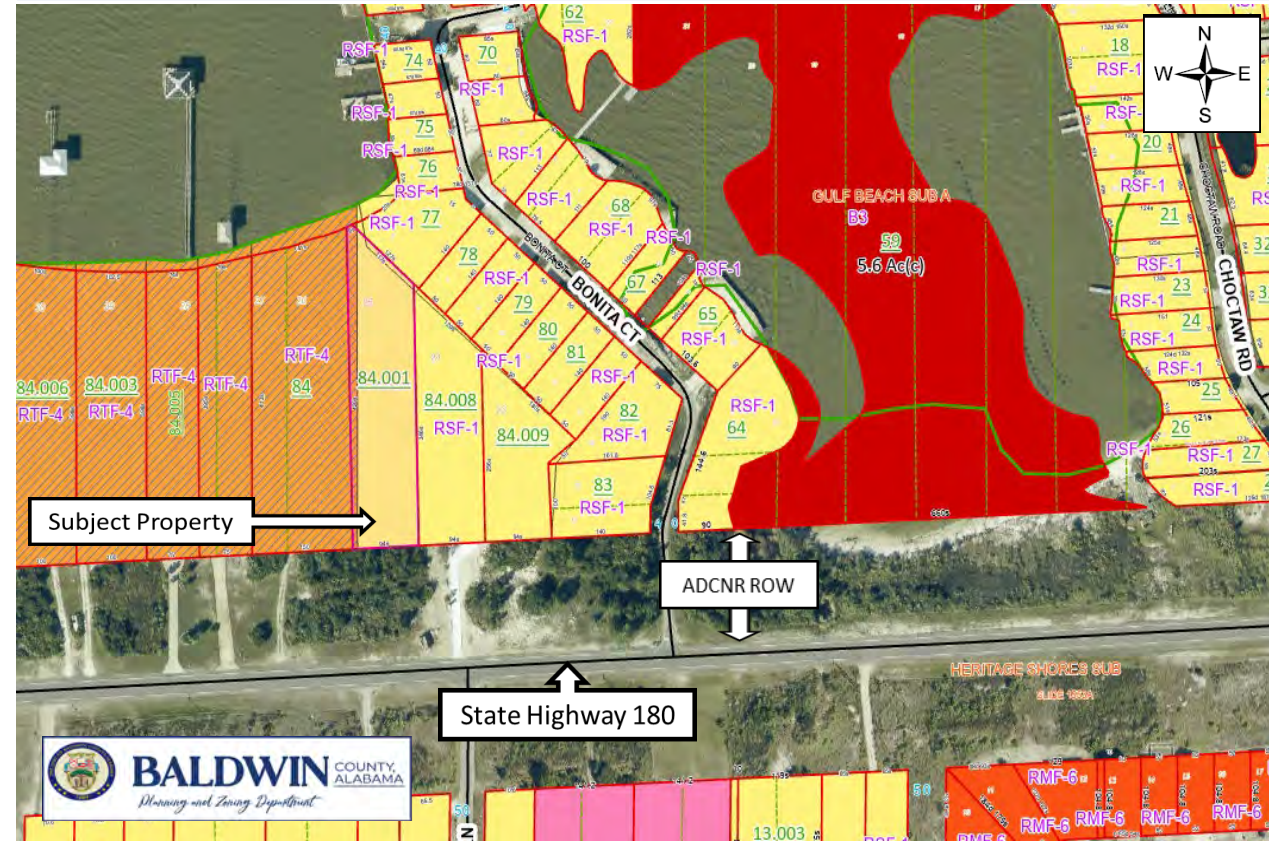
Staff: Jenny Mosley, Planning Technician I

The Applicant is requesting a variance from Section 10.4.4 of the *Baldwin County Zoning Ordinance* as it pertains to encroaching into the 30' non-disturbed wetland buffer for the construction of a single-family pile-supported home, concrete driveway, pile supported swimming pool and parking pad.

Staff perceives the location of the wetlands on the subject property to be a topographic condition that hinders the construction of the home, concrete driveway and parking pad. As a result, Staff recommends case ZVA24-69 be **APPROVED WITH CONDITIONS** unless information to the contrary is revealed during the public hearing.

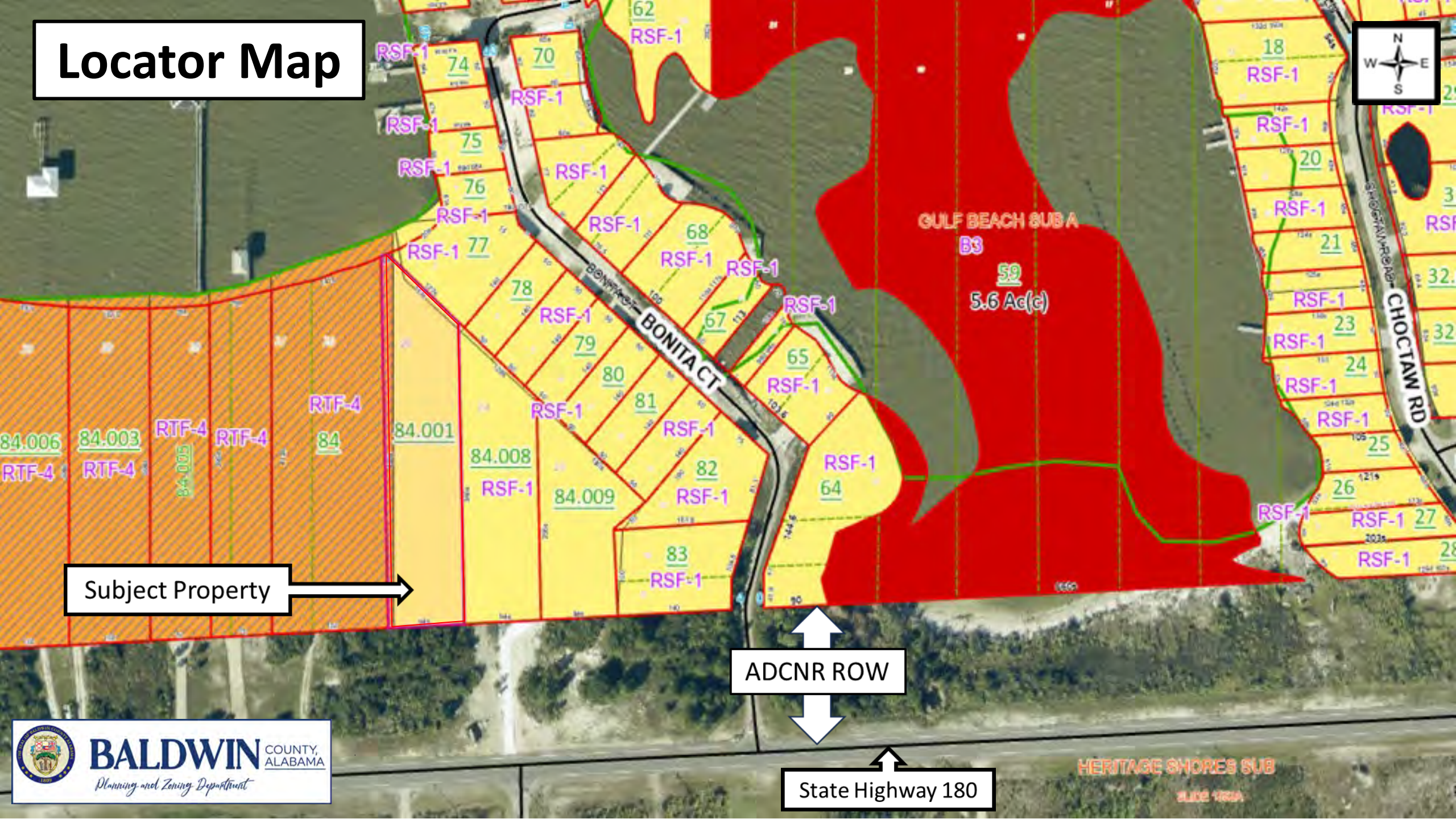
Locator Map

Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-1, Single Family District	Residential
South	RSF-1, Single Family District & B-2 Neighborhood Business District	Residential
East	RTF-4, Residential Two-Family District	Residential
West	RSF-1, Single Family District	Residential

Locator Map



Subject Property →

ADCNR ROW

State Highway 180

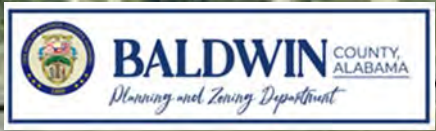
Site Map



Subject Property →

ADCNR ROW

State Highway 180



STATE HWY 180

HERITAGE SHORES SUB
SLIDE 1982A

DI
GRAY
PARKW



Subject Property
PIN: 42025



**PUBLIC HEARING
PROPOSED
FOR THIS PROPERTY**
Case Number
ZVA24-000069
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: 62725



Nov 21, 2024 3:26:15 PM
231° SW



Adjoining Property
to The East
PIN: 396673



Nov 21, 2024 3:21:09 PM
7° N



Property to
The South
PIN: 266229



Nov 21, 2024 3:19:59 PM
168° S



Adjoining Property
to The West
PIN: 71868

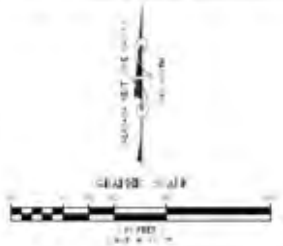


Nov 21, 2024 3:22:49 PM
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Site Survey



ASBUILT SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A"



- 1. THE SURVEY IS THE RESULT OF A RE-SUBDIVISION OF THE BOUNDARY SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" AS SHOWN ON THE AS-BUILT SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" DATED 08/14/2012.
- 2. THE SURVEY IS THE RESULT OF A RE-SUBDIVISION OF THE BOUNDARY SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" AS SHOWN ON THE AS-BUILT SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" DATED 08/14/2012.
- 3. THE SURVEY IS THE RESULT OF A RE-SUBDIVISION OF THE BOUNDARY SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" AS SHOWN ON THE AS-BUILT SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" DATED 08/14/2012.
- 4. THE SURVEY IS THE RESULT OF A RE-SUBDIVISION OF THE BOUNDARY SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" AS SHOWN ON THE AS-BUILT SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" DATED 08/14/2012.
- 5. THE SURVEY IS THE RESULT OF A RE-SUBDIVISION OF THE BOUNDARY SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" AS SHOWN ON THE AS-BUILT SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" DATED 08/14/2012.
- 6. THE SURVEY IS THE RESULT OF A RE-SUBDIVISION OF THE BOUNDARY SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" AS SHOWN ON THE AS-BUILT SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" DATED 08/14/2012.
- 7. THE SURVEY IS THE RESULT OF A RE-SUBDIVISION OF THE BOUNDARY SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" AS SHOWN ON THE AS-BUILT SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" DATED 08/14/2012.
- 8. THE SURVEY IS THE RESULT OF A RE-SUBDIVISION OF THE BOUNDARY SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" AS SHOWN ON THE AS-BUILT SURVEY OF LOT 23, 24, AND 25 GULF RE-SUBDIVISION "A" DATED 08/14/2012.

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EDG
 ENGINEERING & DESIGN GROUP, LLC
 10000 W. ALABAMA HIGHWAY 90
 SUITE 100
 MOBILE, AL 36688
 TEL: (904) 681-1111
 FAX: (904) 681-1112

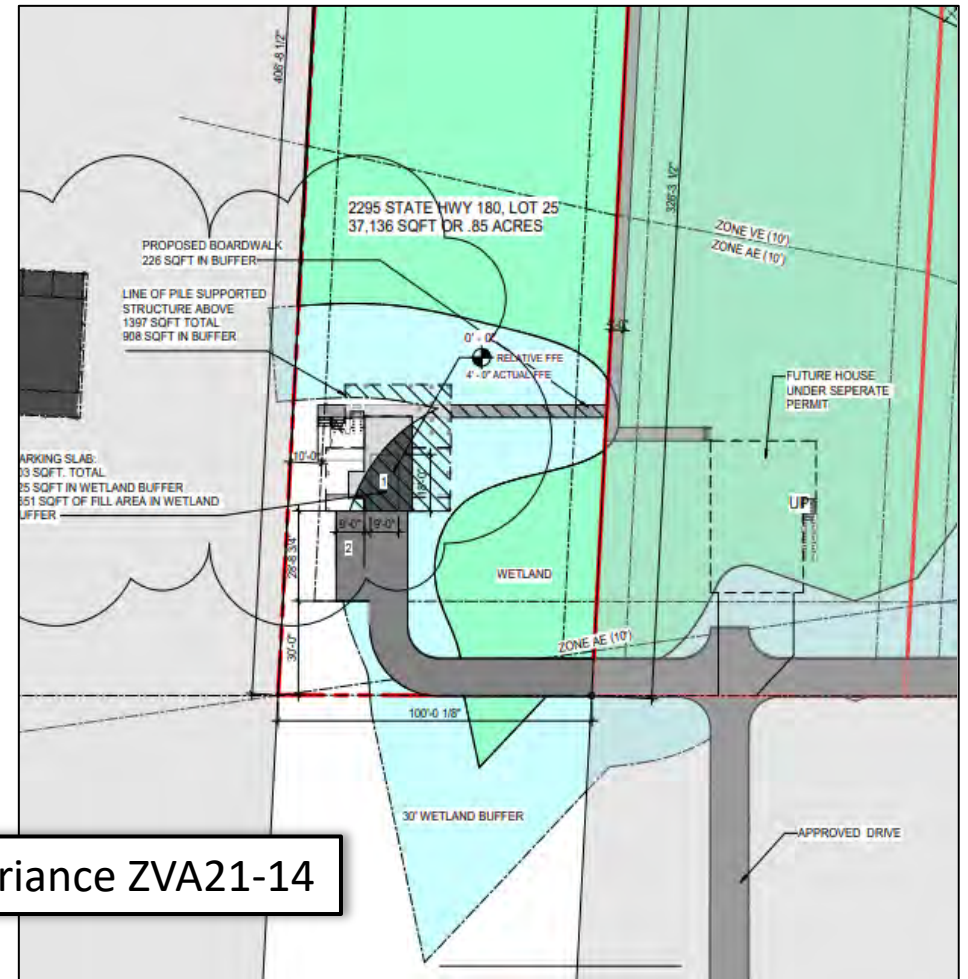
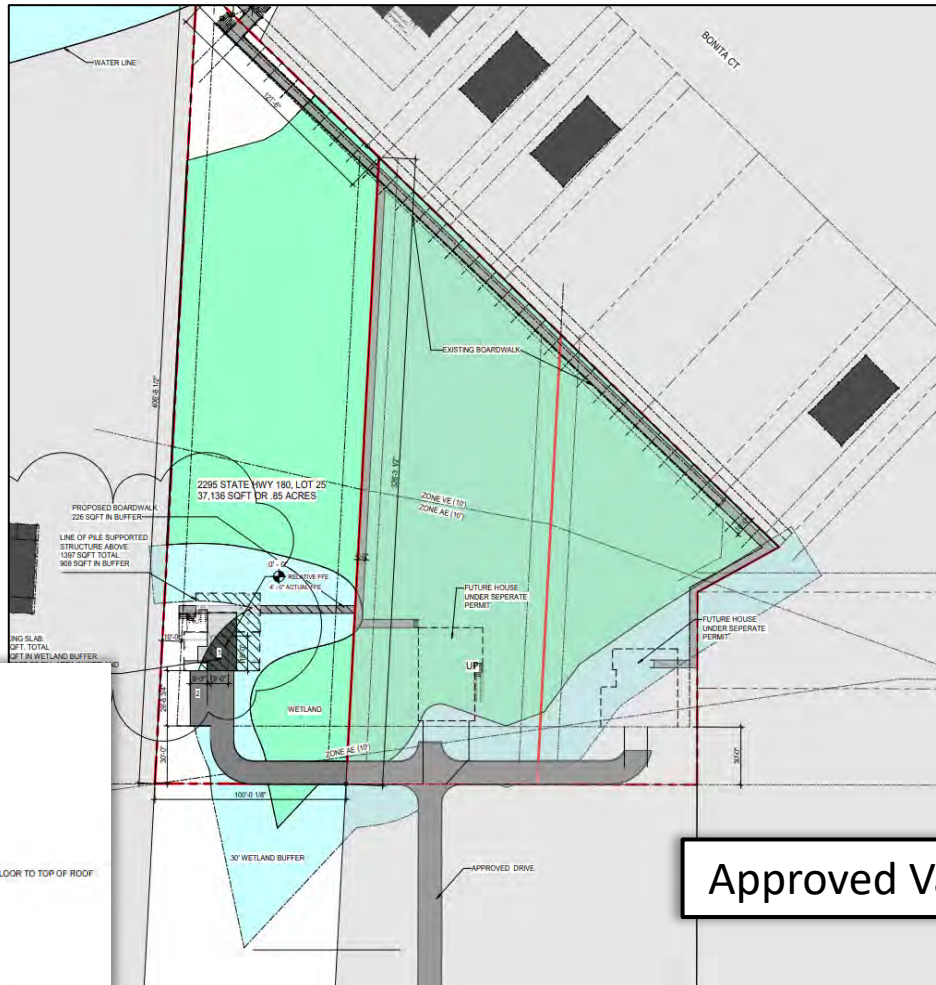
Site Survey

- zoomed

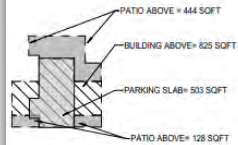


Original Site Plan

Lot #25 includes a prior variance ZVA21-14 which was approved in December of 2021. However, adjustments have been made to the approved Site Plan and a new variance request has been submitted.



Approved Variance ZVA21-14



ZONING DATA:

ZONING = RSP-1
 SETBACKS:
 FRONT (BAYSIDE) = 5'
 SIDE = 10'
 SIDE FOR ACCESSORY STRUCTURES = 5'
 REAR (PORT MORGAN RD) = 30'
 WETLAND BUFFER = 30'
 FLOOD ZONE =
 NORTH HALF IS ZONE VE
 SOUTH HALF IS ZONE AE (ELEV 10')
 BUILDINGS ARE LOCATED IN ZONE AE

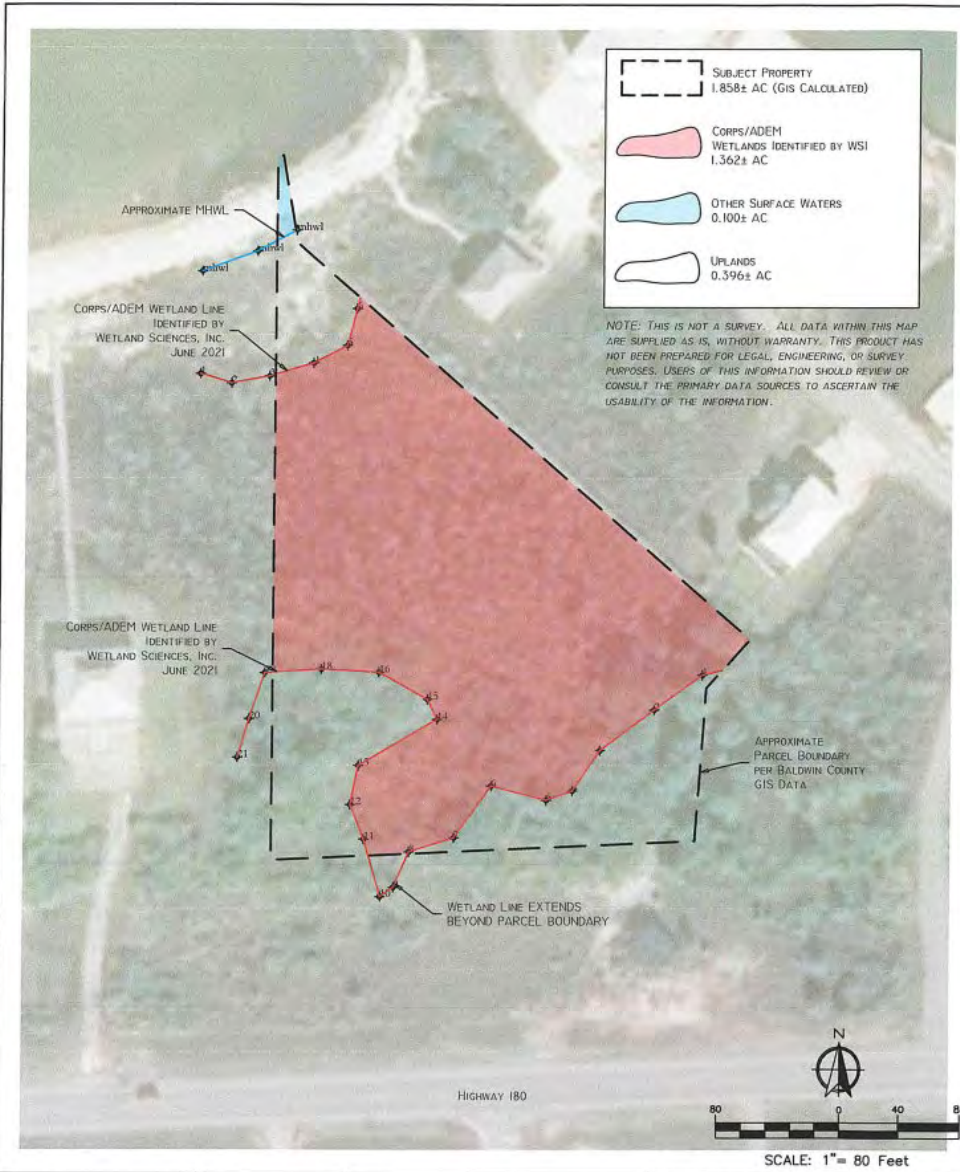
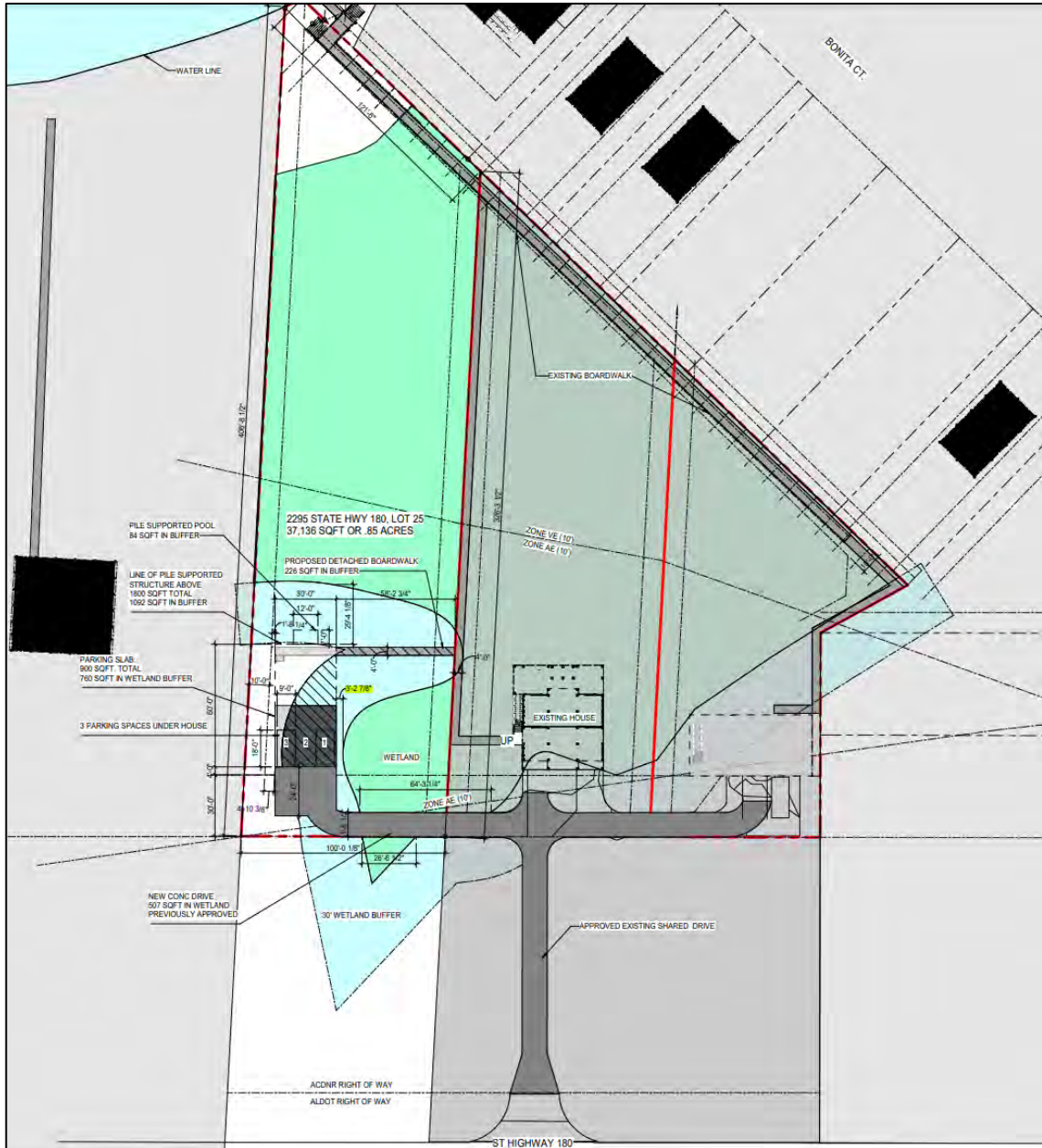
BUILDING HEIGHTS:
 MAX HT = 35' MEASURED FROM THE TOP OF FIRST FINISHED FLOOR TO TOP OF ROOF
 MAX STORIES = 2 1/2 STORIES
 MAX GROUND COVERAGE = .35

PARKING:
 2 SPACES PER DWELLING UP TO 4 BEDROOMS
 2 SPACES PROVIDED

WETLAND BUFFER DATA:

LOT 25:
 325 SQFT OF PARKING SLAB IN BUFFER
 1615 SQFT OF FILL AREA IN BUFFER
 908 SQFT OF PILE SUPPORTED STRUCTURE IN BUFFER
 226 SQFT OF PILE SUPPORTED BOARDWALK IN BUFFER

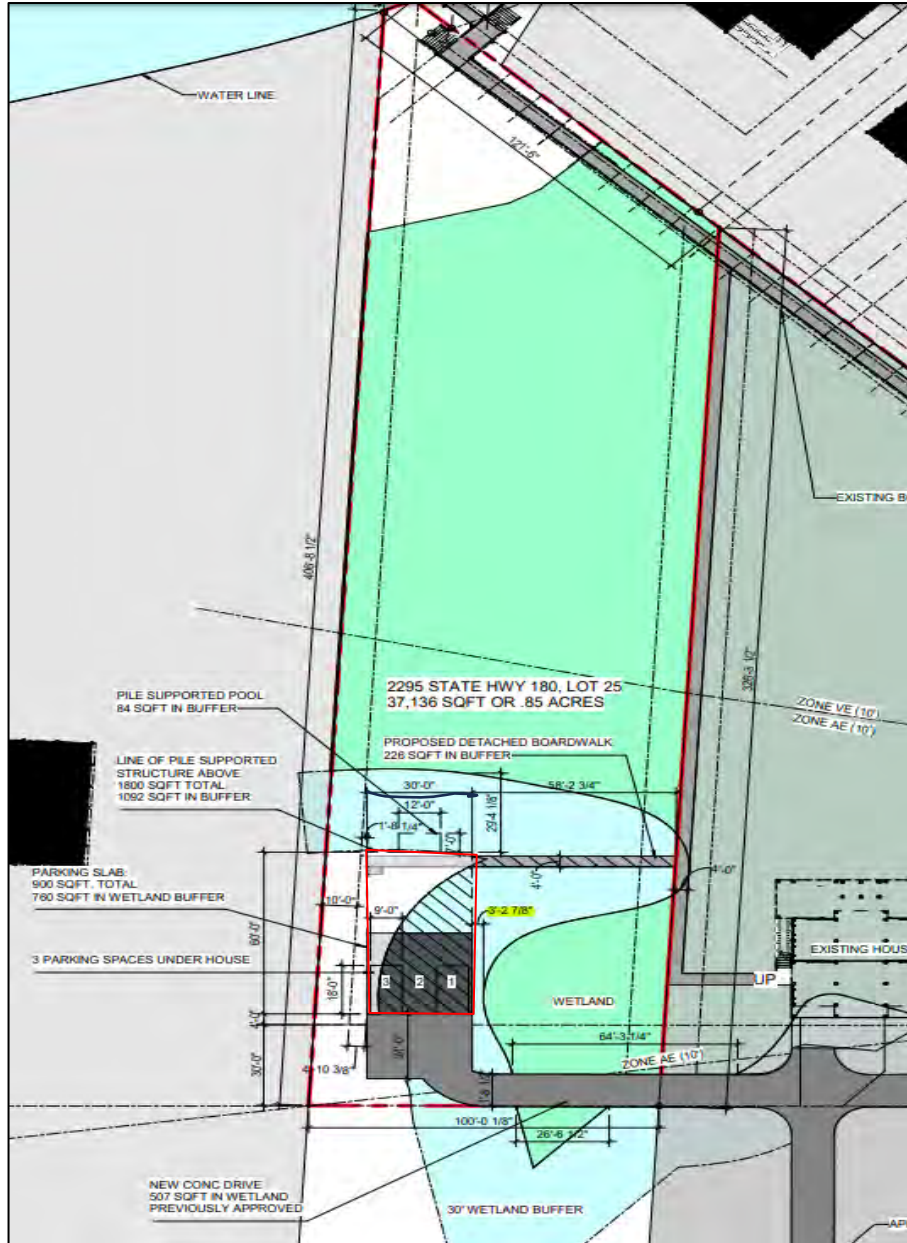
Current Site Plan



- SUBJECT PROPERTY
1.858± AC (GIS CALCULATED)
- CORPS/ADEM WETLANDS IDENTIFIED BY WSI
1.362± AC
- OTHER SURFACE WATERS
0.100± AC
- UPLANDS
0.396± AC

NOTE: THIS IS NOT A SURVEY. ALL DATA WITHIN THIS MAP ARE SUPPLIED AS IS, WITHOUT WARRANTY. THIS PRODUCT HAS NOT BEEN PREPARED FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES. USERS OF THIS INFORMATION SHOULD REVIEW OR CONSULT THE PRIMARY DATA SOURCES TO ASCERTAIN THE USABILITY OF THE INFORMATION.

Current Site Plan



ZONING DATA:

ZONING= RSF-1

SETBACKS:

FRONT (BAYSIDE) = 50'
SIDE = 10'
SIDE FOR ACCESSORY STRUCTURES = 5'
REAR (FORT MORGAN RD) = 30'
WET LAND BUFFER = 30'

FLOOD ZONE =

NORTH HALF IS ZONE VE
SOUTH HALF IS ZONE AE (ELEV 10')
BUILDINGS ARE LOCATED IN ZONE AE

BUILDING HEIGHTS:

MAX HT = 35' MEASURED FROM THE TOP OF FIRST FINISHED FLOOR TO TOP OF ROOF
MAX STORIES = 2 1/2 STORIES

MAX GROUND COVERAGE = .35

PARKING:

2 SPACES PER DWELLING UP TO 4 BEDROOMS
2 SPACES PROVIDED

PROPOSED STRUCTURE:

PILE SUPPORTED HOUSE

1800 SQFT FOOTPRINT
2 STORIES

CONCRETE SLAB ON GRADE

900 SQFT OF PARKING SLAB UNDER HOUSE

WETLAND DATA:

507 SQFT OF CONC. DRIVE

WETLAND BUFFER DATA:

FILL AREA

1615 SQFT OF FILL AREA IN BUFFER (PREVIOUSLY APPROVED)
NO CHANGE BEING PROPOSED

CONCRETE SLAB ON GRADE

325 SQFT OF PARKING SLAB PREVIOUSLY APPROVED
760 SQFT OF PARKING SLAB PROPOSED

PILE SUPPORTED HOUSE


908 SQFT OF PILE SUPPORTED STRUCTURE PREVIOUSLY APPROVED
1092 SQFT OF PILE SUPPORTED STRUCTURE PROPOSED

PILE SUPPORTED POOL

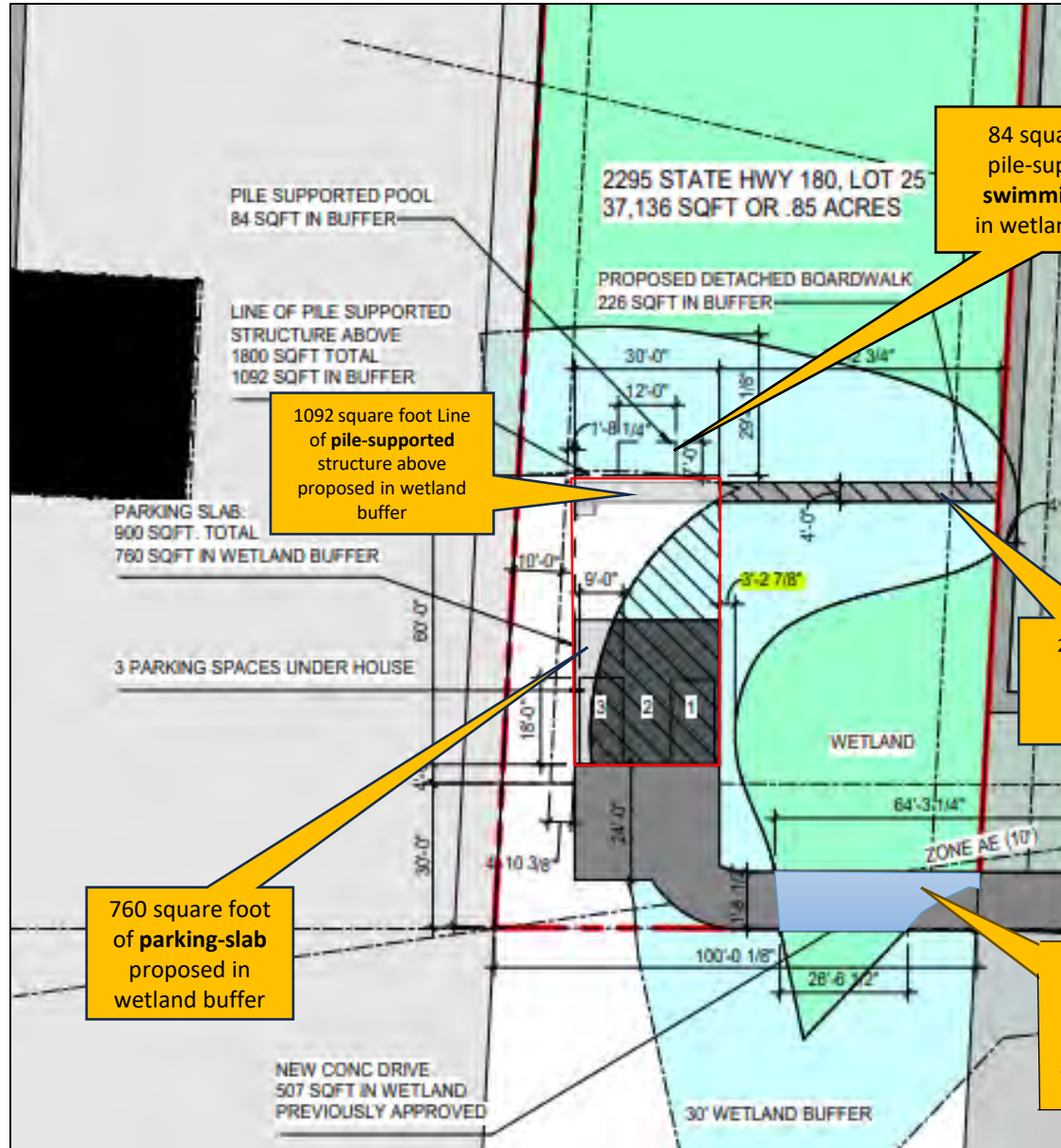
84 SQFT OF PILE SUPPORTED STRUCTURE PROPOSED

PILE SUPPORTED BOARDWALK

226 SQFT OF PILE SUPPORTED BOARDWALK PREVIOUSLY APPROVED
226 SQFT OF PILE SUPPORTED BOARDWALK PROPOSED

 SITE PLAN NOTES LOT25
1" = 30'-0"

Current Site Plan- Zoomed In



84 square foot
pile-supported
swimming pool
in wetland buffer

1092 square foot Line
of **pile-supported**
structure above
proposed in wetland
buffer

760 square foot
of **parking-slab**
proposed in
wetland buffer

226 square foot
of detached
boardwalk in
wetland buffer

DRIVEWAY
507 SQFT IN
WETLAND
29.16 CY of FILL

ZONING DATA:

ZONING= RSF-1

SETBACKS:

- FRONT (BAYSIDE) = 50'
- SIDE = 10'
- SIDE FOR ACCESSORY STRUCTERS = 5'
- REAR (FORT MORGAN RD) = 30'
- WETLAND BUFFER = 30'

FLOOD ZONE =

- NORTH HALF IS ZONE VE
- SOUTH HALF IS ZONE AE (ELEV 10')
- BUILDINGS ARE LOCATED IN ZONE AE

BUILDING HEIGHTS:

- MAX HT = 35' MEASURED FROM THE TOP OF FIRST FINISHED FLOOR TO TOP OF ROOF
- MAX STORIES = 2 1/2 STORIES

MAX GROUND COVERAGE = .35

PARKING:

- 2 SPACES PER DWELLING UP TO 4 BEDROOMS
- 2 SPACES PROVIDED

PROPOSED STRUCTURE:

PILE SUPPORTED HOUSE

- 1800 SQFT FOOTPRINT
- 2 STORIES

CONCRETE SLAB ON GRADE

- 900 SQFT OF PARKING SLAB UNDER HOUSE

WETLAND DATA:

- 507 SQFT OF CONC. DRIVE

WETLAND BUFFER DATA:

FILL AREA

- 1615 SQFT OF FILL AREA IN BUFFER (PREVIOUSLY APPROVED)
- NO CHANGE BEING PROPOSED

CONCRETE SLAB ON GRADE

- 325 SQFT OF PARKING SLAB PREVIOUSLY APPROVED
- 760 SQFT OF PARKING SLAB PROPOSED

PILE SUPPORTED HOUSE

- 908 SQFT OF PILE SUPPORTED STRUCTURE PREVIOUSLY APPROVED
- 1092 SQFT OF PILE SUPPORTED STRUCTURE PROPOSED

PILE SUPPORTED POOL

- 84 SQFT OF PILE SUPPORTED STRUCTURE PROPOSED

PILE SUPPORTED BOARDWALK

- 226 SQFT OF PILE SUPPORTED BOARDWALK PREVIOUSLY APPROVED
- 226 SQFT OF PILE SUPPORTED BOARDWALK PROPOSED

Zoning Requirements

Section 4.2 RSF-1, Single Family District

4.2.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.
- (g) Agricultural uses, on RSF-1 zoned parcels that otherwise meet the minimum area and dimension requirements for Rural Agricultural District under Section 3.1.5 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.

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

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

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

4.2.5 *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	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

Wetland Setback 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.
- (b) For major projects, a wetland and/or stream delineation performed by a Professional Wetland Delineator shall be required prior to the issuance of a Site Plan Approval. If the wetland and/or stream delineation determines that jurisdictional wetlands and/or streams are present on

the proposed development site, the jurisdictional wetlands and/or stream 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 stream delineation, the Zoning Administrator or his/her designee may determine that a 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.

- (c) When the area of proposed development is within fifty (50) feet of the wetland and stream protection district boundary, but on the potential wetlands are located on a different, adjacent property, the applicant shall either:
 1. Include the wetlands on the neighboring property in its required delineation, or
 2. If access to the neighboring property cannot be obtained, perform the required delineation only on the applicant's property and assume the wetlands on the adjacent property are present up to the adjoining property line for the purposes of determining the applicable setback.

When a jurisdictional determination is deemed necessary due to a disagreement about the existence of wetlands, the Planning Director may, in lieu of a jurisdictional determination, accept a second wetland and/or stream delineation prepared by a professional wetland delineator who is not affiliated with the specialist responsible for the original delineation. The Planning Director may still require a Jurisdictional Determination should the two submitted delineations disagree.

If jurisdictional wetlands and/or streams will be filled or altered, then the applicant shall submit a U.S. Corps of Engineers 404 Wetland Permit and, unless exempted under Section 10.4.7, a Baldwin County wetland and/or stream setback variance approval by the Board of Adjustment prior to Site Plan approval.

Wetland Delineation



October 8, 2021

Mr. Bill Lynn
United States Fish and Wildlife Service
Daphne Field Office
1208 Main Street, Suite B
Daphne, AL 36526

**Re: Alabama Beach Mouse Assessment Report
05-69-08-02-0-005-084.001
3 parcels- Ft. Morgan, Baldwin County, AL
WSI Project 2021-426**

Dear Mr. Lynn,

As a component of a driveway permit proposed through-out State property associated with Highway 180; the applicant; Mr. Manley Seale, is requested to provide USFWS concurrence that the driveway will not impact listed species.

The site assessment included the analysis of any potentially occurring ecological constraints associated with the construction of the driveway (s) to access the three subject parcels (Parcels 23-25). The parent parcel Identification number is: 05-69-08-02-0-005-084.001.



Center of subject parcels identified with yellow pin.

The subject parcel (s) were examined for the potential occurrence of endangered species, specifically the Alabama Beach Mouse (ABM) and potential impacts to the species or occupied habitat as associated with the development of the subject parcel.

Wetland Sciences, Inc. performed a pedestrian survey for jurisdictional wetlands and potentially occurring occupied habitat of the ABM within the above referenced property and adjacent ROW of State Road 180 during August 2021. The ROW and subject parcels front extensive marshlands adjacent to Mobile Bay. Upland conditions within the ROW and subject parcels do exist, but conditions are generally not consistent with maintaining PCE's for Alabama Beach Mouse forage, shelter or dispersal.

Subject parcel conditions exhibiting current conditions overlain on a recent aerial photograph are found within **Exhibit A**.

Representative depiction and legal description of the subject driveways are provided within **Exhibit B**.

A visual assessment for tracks or burrows was accomplished within the subject parcel and adjacent ROW was undertaken for the ABM absence/presence review. Overnight lows were in the high seventies, calm winds, and a waning moon condition suggest that there could have been active mice and footprints visible if the ABM were present.

Currently, in my opinion, the subject parcels and adjacent ROW do not maintain ABM or suitable habitat presently. Please consider this assessment requesting USFWS concurrence that no incidental take permitting is required for driveway placement through the State ROW, or for the residential development of the subject lots.

If you have any questions, please do not hesitate to contact me. We appreciate your guidance in this request.

Sincerely,
WETLAND SCIENCES, INC.

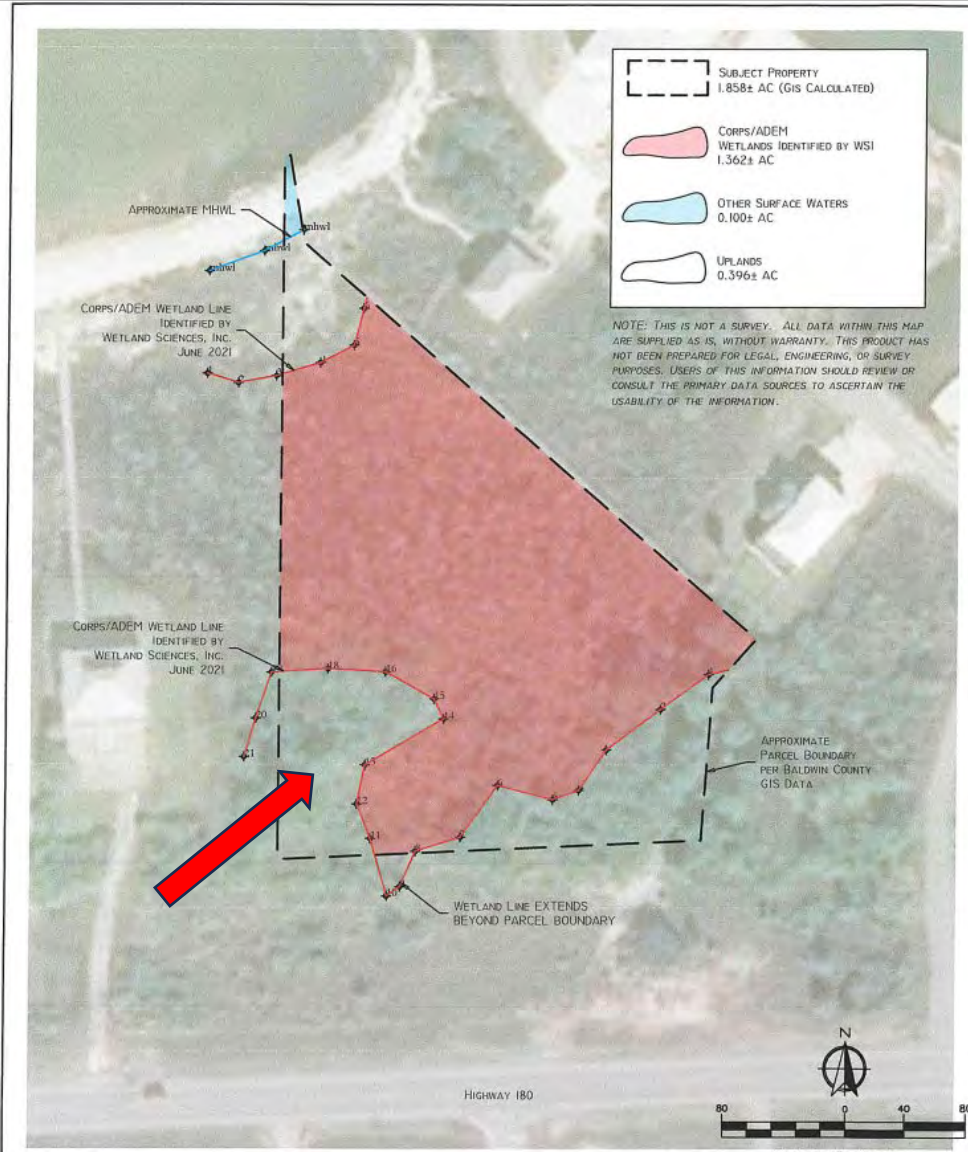
A handwritten signature in black ink that reads "Craig D. Martin".

Craig D. Martin
Environmental Scientist

cc: Mr. Manley Seale, Owner

Enclosures: As indicated

Wetland Delineation




WETLAND
SCIENCES
INCORPORATED

ENVIRONMENTAL CONSULTANTS
3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700
CRAIG@WETLANDSCIENCES.COM

PROJECT NAME: LOT 23-25 FORT MORGAN BAY
WETLAND SKETCH
PROJECT NO.: 2021-446
DRAWN BY: AJN DATE: 06/04/2021
SHEET: 2 OF 2

Mitigation Credits & Corp Permit

CORPS PERMIT # AL98-04437-B




ALABAMA PORT
— MITIGATION BANK —

CERTIFICATE OF SALE


This signed and sealed certificate shall be proof of sale of # 202 on this day, the 3 of August in the year 2022.
This sale, consisting of 0.276 pine savannah/flatwood credits and/or -0- bottomland hardwood credits, from the
Alabama Port Mitigation Bank to Finea Spaces, LLC for the impacts to 0.046 acres of wetlands.

The United States Army Corps of Engineers, Mobile District, has approved this sale for the mitigation of the impacts incurred by
the construction and/or filling activities of the SAM-2021-001301-LML project.

ALABAMA PORT MITIGATION BANK Date 08/03/22



By: Milton I. Brown Title Operations Manager



Not Valid Without
Raised Seal



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

May 19, 2022

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit, File Number SAM-2021-01301-LML,
Finea Spaces, LLC, Baldwin County, Alabama

Finea Spaces, LLC
Attention: Mr. Manley Seale
Email Address: sealm1@gmail.com
900 Riverside Drive
Nashville, Tennessee 37206

Dear Mr. Seale:

This letter is in response to your request for verification of Department of the Army Nationwide Permit (NWP) authorization to fill wetlands in association with a residential development. The project has been assigned file number SAM-2021-01301-LML which should be referred to in any future correspondence with this office concerning this project. The project is located within Baldwin County parcel 05-69-08-02-0-005-084.001, Highway 180; within Section 2, Township 9 South, Range 1 East; at Latitude 30.232242° and Longitude -87.981729°; in Gulf Shores, Baldwin County, Alabama.

Department of the Army (DA) permit authorization is necessary because your project involves work and the placement of fill in waters of the United States, including wetlands, under our regulatory jurisdiction. The project activities include the following:

The project activities include the placement of approximately 176 cubic yards of commercially obtained fill material within 2,023 square feet (0.046 acre) of jurisdictional wetlands in association with construction of an access drive and three single-family dwellings.

Based upon the information and plans you provided, we hereby verify the work described above, which would be performed in accordance with the attached drawings, is authorized by NWP 18, *Minor Discharges*, in accordance with 33 CFR Part 330 of our regulations. This NWP and associated Regional and General Conditions are attached for your review and compliance.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 14, 2026. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date the relevant NWP is modified or revoked, you will

Agreement for Sale of Wetland Mitigation Credits

ALABAMA PORT --- MITIGATION BANK ---

AGREEMENT FOR SALE OF WETLAND MITIGATION CREDITS

This Agreement is made by and between ALABAMA PORT VENTURE, LLC, an Alabama limited liability company, individually and as bank sponsor and operator of Alabama Port Mitigation Bank ("APMB") located at Alabama Port in Mobile County, Alabama, hereinafter referred to as "Sponsor", and Finea Spaces, LLC hereinafter referred to as "Applicant", effective the ___ day of _____, 2022 the ("Effective Date").

Recitals

Sponsor is the owner of the surface rights to approximately 872 acres in Mobile County, Alabama (the "Property"), more particularly described in the Conservation Easement granted by Sponsor to Alabama Department of Conservation and Natural Resources, State Lands Division (the "Grantee"), by instrument dated October, 31, 2003 and recorded in Real Property Book 5490, Page 1671, of the Records in the Office of the Judge of Probate of Mobile County, Alabama (the "Conservation Easement"), and is the bank sponsor for APMB, which has been established and is being operated on the Property by Sponsor pursuant to the Conservation Easement and the underlying Mitigation Banking Instrument ("MBI") on file with the Grantee and the United States Army Corps of Engineers, Mobile District ("Corps"), and the Corps Nationwide No. 27 Permit #AL98-04437-B.

The MBI provides that mitigation credits will be debited from APMB as needed to serve as mitigation for unavoidable impacts caused by authorized dredge and fill activities; that Sponsor will coordinate with applicants and regulatory agencies to provide information on available credits; and that it is the permit applicant's responsibility to demonstrate that use of credits available from the APMB is adequate and appropriate compensation for impacts associated with the permitted activity.

Applicant wishes to purchase pine savannah/flatwood credits and/or bottomland hardwood credits from Sponsor for the impacts to wetlands incurred by the construction and/or filling activities of the project identified in the Certificate of Sale, which has been signed and sealed by Sponsor and shall be delivered to Applicant as proof of sale upon the execution of this Agreement. The Certificate of Sale identifies the project and specifies the number of credits of each type sold to Applicant, and the number of acres of wetlands impacted, and, by reference, is made a part of this Agreement.

The Certificate of Sale states that the Corps has approved the sale for the mitigation of the impacts incurred by the construction and/or filling activities of the project; and Sponsor and Applicant wish to herewith memorialize the terms of sale.

Sponsor and Applicant agree as follows:

1. Sponsor agrees to sell, and Applicant agrees to buy, the credits identified in the Certificate of Sale for the mitigation of the impacts incurred by the construction and/or filling activities of the project, and for no other use or purpose. The total purchase price for the credits sold by Sponsor to Applicant pursuant to this Agreement and the Certificate of Sale shall be **\$2,622.00**, which shall be payable by Applicant to Sponsor in full upon the execution of this Agreement and delivery of the Certificate of Sale. Payment shall be made by certified funds acceptable to Sponsor or by wire transfer of immediately available funds to Sponsor's designated bank account.

2. It shall be solely Applicant's responsibility to determine on its own, without reliance on any information obtained from Sponsor or APMB, and demonstrate that use of the credits purchased is adequate and appropriate compensation for all impacts associated with the permitted activity, and that Applicant's use of the credits will comply with all regulatory and other legal requirements applicable thereto.

A copy of the Certificate of Sale will be provided to the Corps and the Grantee and attached to Applicant's permit instrument.

3. The MBI provides that as credits are released and payment received by Sponsor, a percentage of revenue (estimated to be 5% per credit) will be placed in a long-term maintenance fund to insure the performance and long-term maintenance of the bank, and that, ultimately, all benefits of the fund will be transferred to the Grantee upon the transfer of maintenance responsibility for the bank to the Grantee as long-term steward. As required by the MBI, Sponsor agrees that upon receipt of payment for the credits sold hereunder, it will pay 5% of the total amount received into the long-term maintenance fund to insure the performance and long-term maintenance of the bank until the agreed upon corpus of the fund is attained pursuant to the MBI.

IN WITNESS WHEREOF, Alabama Port Venture, LLC, Individually and for and in behalf of APMB, has caused this Agreement to be executed in the respective names and behalves of each by Sponsor's duly authorized Operations Manager, and Applicant has caused this Agreement to be executed in its name and behalf by its duly authorized officer hereunto appearing, effective the Effective

Alabama Port Venture, LLC,
Individually and for and in Behalf of
Alabama Port Mitigation Bank

By: _____
Milton L. Brown
As Its: Operations Manager

Finea Spaces, LLC

By: _____
Manley Seale
As Its: Owner

Digitally signed by Manley Seale
DN: cn=Manley Seale, email=Manley.Seale@finea.com, o=Finea Spaces, LLC, c=ALABAMA
Date: 2022.07.29 09:53:52-0700

Manley Seale
As Its: Owner

ABM Information



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Dapline, Alabama 36526

FWS Form 1024
2022-TA-0166

DEC 09 2021

Craig Martin
Wetland Sciences, Inc.
3308 Gulf Beach Highway
Pensacola, Florida 32507

Dear Mr. Martin:

Thank you for your letter and plans provided to the Fish and Wildlife Service (Service) on October 12, 2021. The plans detail the planned construction of three new houses utilizing a single driveway entrance for Parcel Number 05-69-08-02-0-005-084.001 or PPIN 4205 in, Gulf Shores, Alabama. We have reviewed the information you enclosed and are providing the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Federally Listed Species

This project was reviewed for potential impacts to the following listed species:

- Alabama beach mouse (ABM) (*Peromyscus polionotus ammohabates*) – Endangered, Critical Habitat

Craig Martin of Wetland Sciences, Inc. conducted a pedestrian survey of the proposed impacts. He did not find any ABM burrow or suitable habitat in the proposed driveways. A Service biologist has reviewed the provided information for this project. ABM habitat does not exist within this lot or the proposed driveways. Thus we do not believe "take" of ABM will occur. We recommend you implement the following conservation measures to minimize indirect effects to ABM:

- Addition of clean Baldwin County approved sand is allowed.
- Avoid disturbing existing dunes or vegetated areas.
- Any remaining natural topography and vegetation disturbed during construction must be restored to pre-impact conditions immediately upon completion of the project.
- Utilize wildlife friendly lighting for any exterior lights.
- Contact this office if any killed or injured ABM are found on the property.
- All refuse will be disposed of in containers that are rodent and scavenger-proof.

No ABM habitat exists within the driveway location

If the above conservation measures are acceptable, no further endangered species consultation is required unless: 1) the identified action is subsequently modified in a manner that causes an effect on listed species or designated critical habitat; 2) new information reveals the identified action may affect federally protected species or designated critical habitat in a manner or to an extent not previously considered; or 3) a new species is listed or critical habitat is designated under the ESA that may be affected by the identified action. Please re-consult with this office if any of these measures cannot be implemented.

For details, questions or further discussion, please contact Mr. Bill Lynn of my staff at (251) 441-5868.

Sincerely,

William J. Pearson
Field Supervisor
Alabama Ecological Services Field Office

CC: Janie Joiner, Coastal Coordinator, Baldwin County Building Department, 201 East Section Avenue, Foley, AL 36535

No HOA/POA

To whom it may concern. There are no HOA's or organized neighborhoods for our build at 2295 State Hwy 180 Gulf Shores, AL 36542. Although, the neighbor, Finea Spaces LLC, has given their blessings.

Thank you



Dustin Blount, owner

Heron Plume

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 25 was adopted by the County Commission on November 16, 1993. Per the submitted Site Plan, the parcel is 17,073 square feet (0.39 acres). The required minimum lot size for RSF-1 is 30,000 square feet with a 100' minimum lot width at building line and 80' lot width at street line. **The parcel meets the minimum lot size or width at building line; therefore, staff believes it meets the required minimum lot size and lot size and/or width are not a factor.**

RSF-1 Required minimum lot size: 30,000 sf	Actual size: 37,136 sf (0.85 acres)	Lot size hardship: NO
RSF-1 Required minimum width at street line: 80'	Actual lot width: 100'	Lot width hardship: NO
RSF-1 Required minimum width at building line: 100'	Actual lot width: 100'	Lot width hardship: NO

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

Per the provided delineation, the original property (now subdivided into three lots) contains approximately ±1.37 acres of wetlands. **As a result, staff perceives the wetlands on the subject property to be an exceptional topographic condition or other extraordinary situation, or condition 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 RSF-1, Residential Single-Family District which allows residential uses permitted by right. The applicant has submitted a wetlands delineation supporting a hardship on the land therefore staff feels the granting of this variance would be a necessity for preservation of a property right that would require a variance to utilize the property for the requested single family residential land use.

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 approved the 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.

ZVA24-69 HERON PLUME PROPERTIES LLC

VARIANCE REQUEST

Staff: Jenny Mosley, Planning Tech I

The applicant is requesting a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroaching into the non-disturbed 30' wetland buffer setback for construction of a pile-supported single-family home, concrete driveway, pile supported swimming pool and parking pad.

Staff perceives that the location of the wetlands on the subject property to be a topographic condition that hinders the construction of the home, accessory structures, and driveway. As a result, staff recommends case ZVA24-69 be **APPROVED** with the following conditions:

1. Applicant shall submit a Zoning Site Plan (ZSP) application containing the site plan shown within this variance request for review and approval by staff. Where applicable, all paperwork shall be transferred into current Owner(s) name and stamped by an Alabama-Licensed professional engineer or surveyor before applying for a ZSP.

ZVA24-69 HERON PLUME PROPERTIES LLC

VARIANCE REQUEST

Staff: Jenny Mosley, Planning Tech I

Conditions, continued:

- a. Any deviations within the ZSP from the site plan included in the approved ZVA may require additional variances.
 - i. Staff reserves the right to allow up to 24” of encroachment tolerance for steps, stairs, HVAC equipment, ADA accessories, and architectural details that may not be fully-dimensioned on a site plan prepared by a surveyor in lieu of preparation by a properly-licensed architect or engineer of record.
 - b. Staff memorializes that the site plan provided with the variance request is not stamped by a licensed professional engineer or surveyor and has not been presented as nor approved as engineering or survey data.
 - c. Staff reserves the right to require corrective action in lieu of allowing additional variance requests should a blatant disregard for the provisions of an approved ZVA occur.
2. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or licensing agreement), or requirements of other agencies.

ZVA24-69 HERON PLUME PROPERTIES LLC

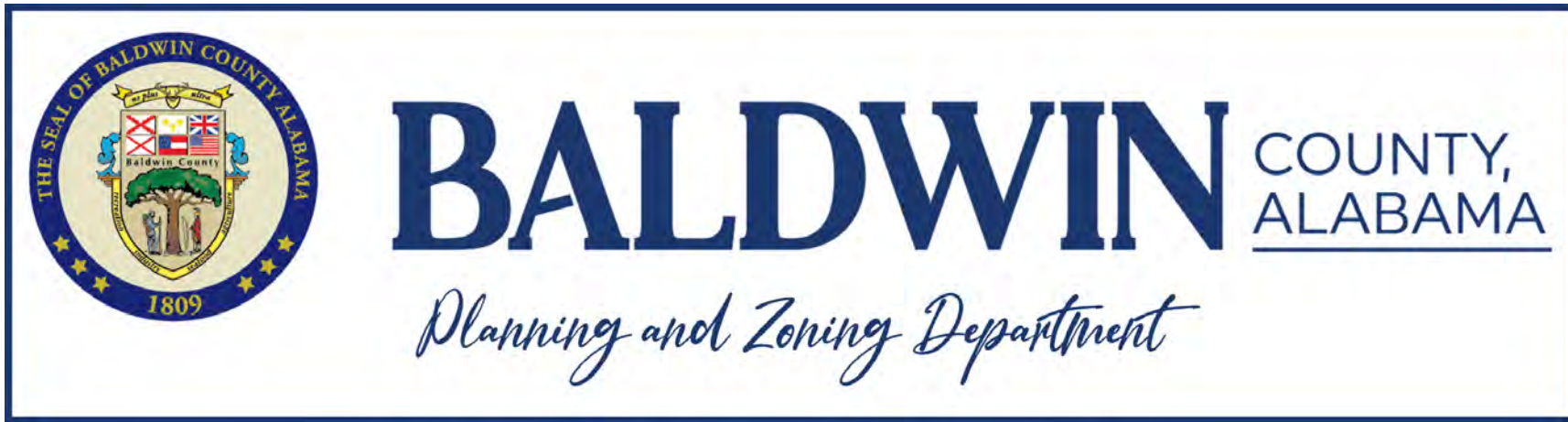
VARIANCE REQUEST

Staff: Jenny Mosley, Planning Tech I

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.



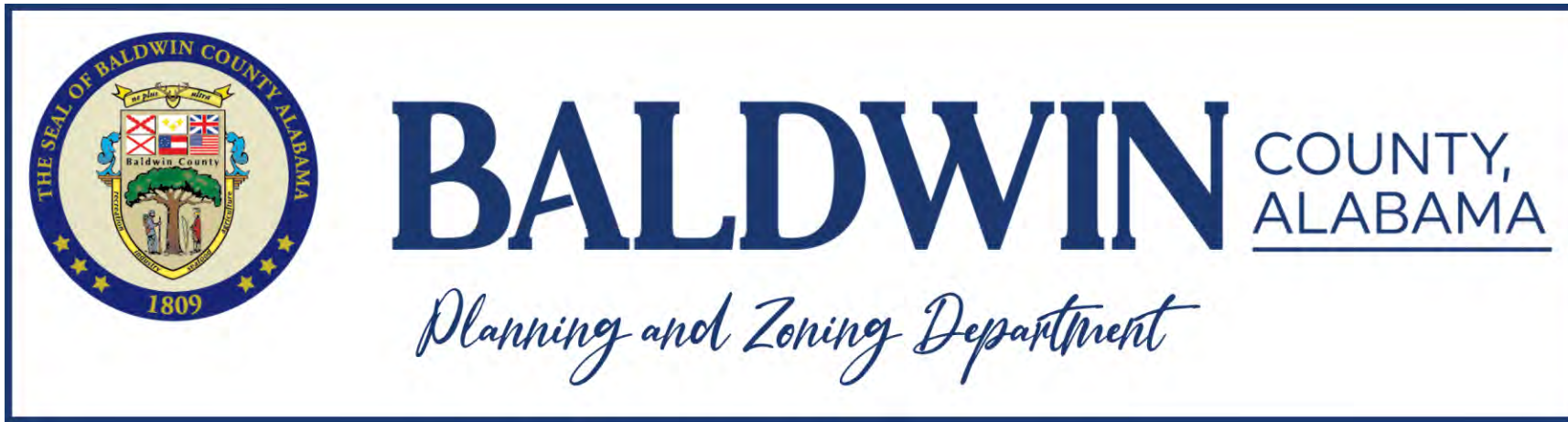
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

JANUARY 16, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

DECEMBER 12, 2024

BALDWIN COUNTY SATELLITE COURTHOUSE

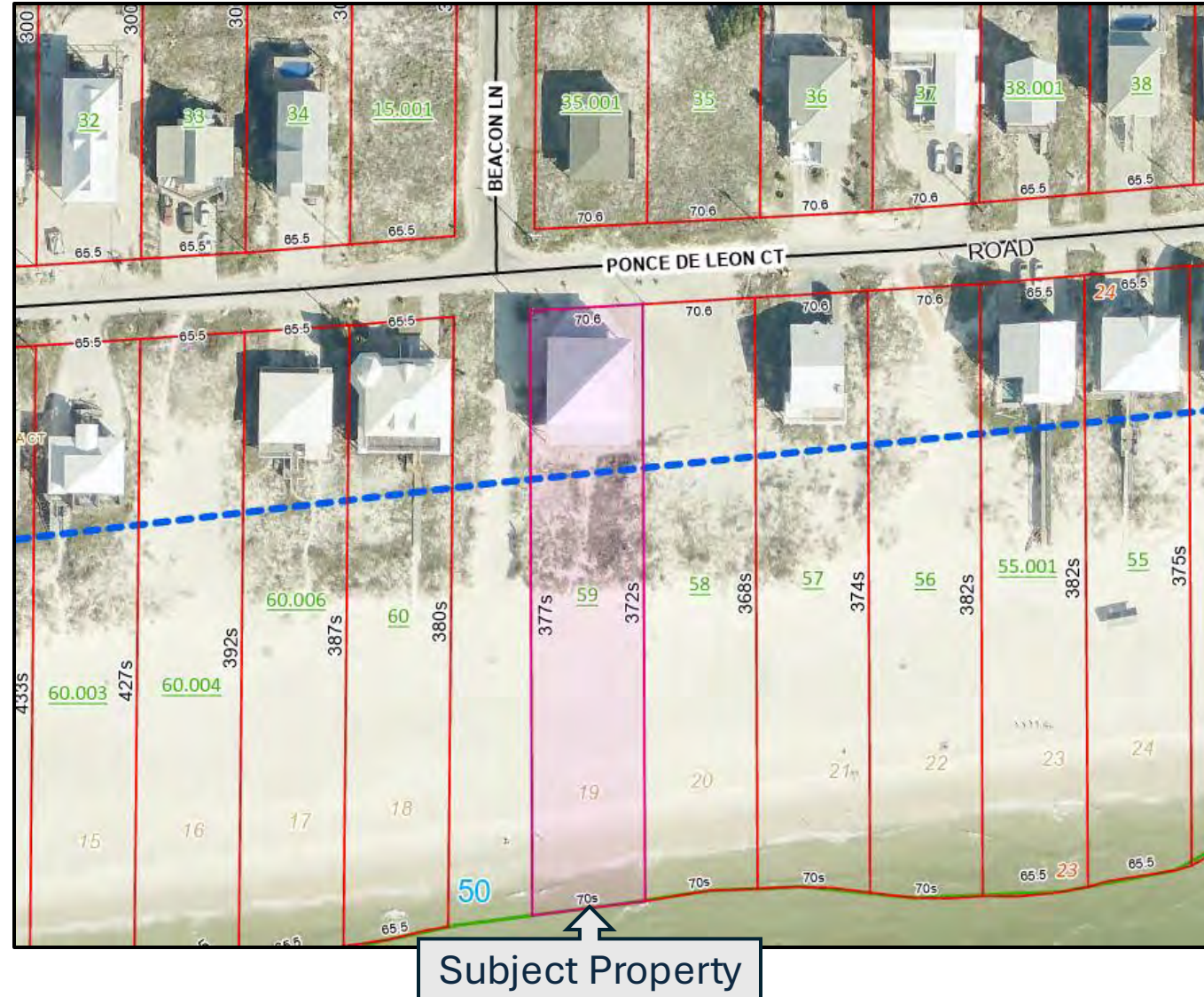
FOLEY, AL

ZVA24-71 WARHURST PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Technician II

- **Planning District:** 25 **Zoned:** RTF-4, Residential Two-Family District
- **Location:** The subject property is located on the Fort Morgan Peninsula, on Ponce De Leon Court
- **PID:** 05-69-08-01-0-004-059.000
- **PPIN:** 44244
- **Acreage:** 0.61 acres
- **Physical Address:** 2322 Ponce De Leon, Gulf Shores, AL 36542
- **Applicant:** OBA Builders LLC
- **Owner:** Lavern and Martha Warhurst
- **Code Cases/NOV'S:** P&Z Natural Resource staff has responded to a complaint from the Fort Morgan Civic Association regarding dune walkovers built in non-compliance. The dune walkover at subject property was discovered to be in violation.



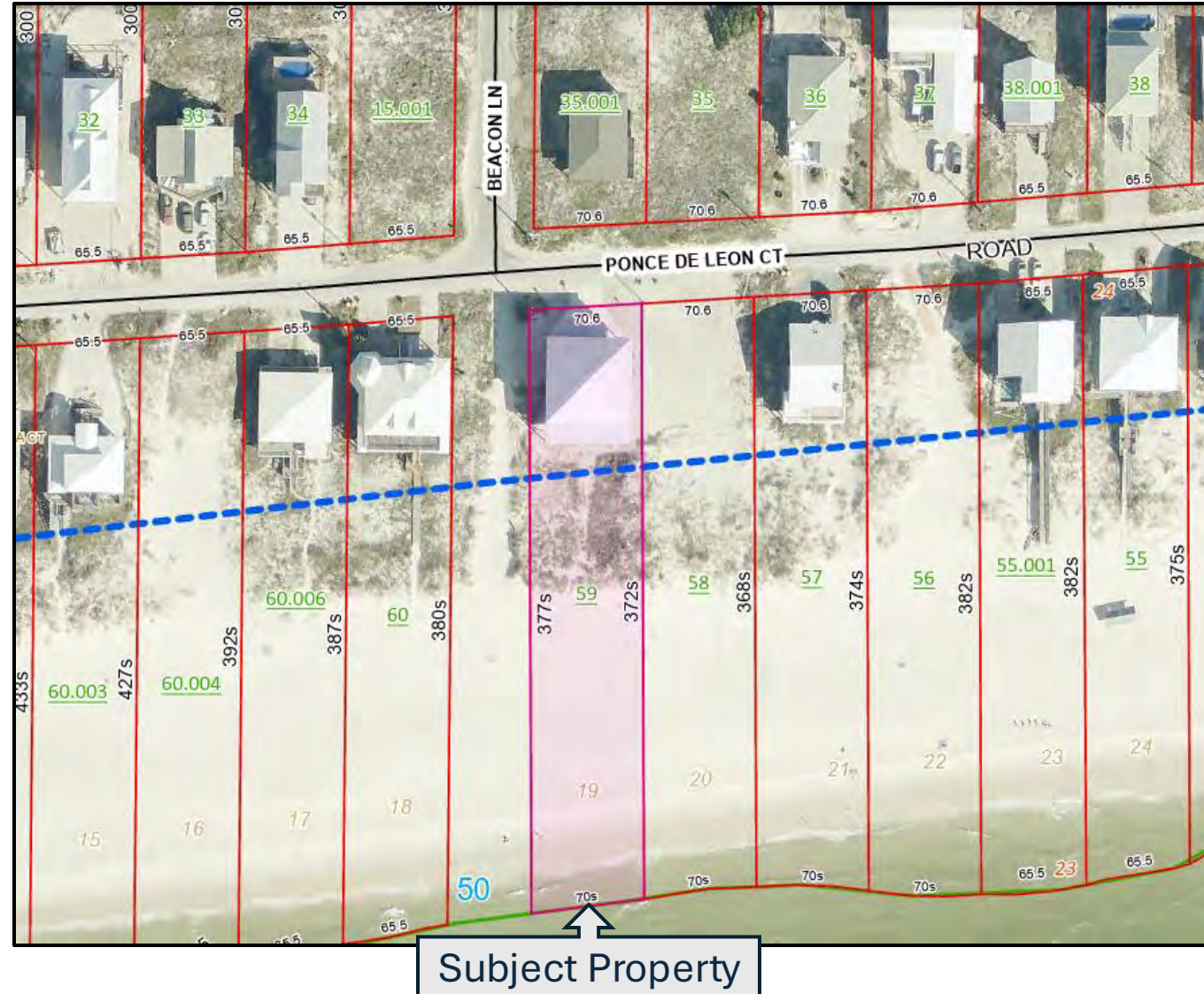
ZVA24-71 WARHURST PROPERTY

VARIANCE REQUEST

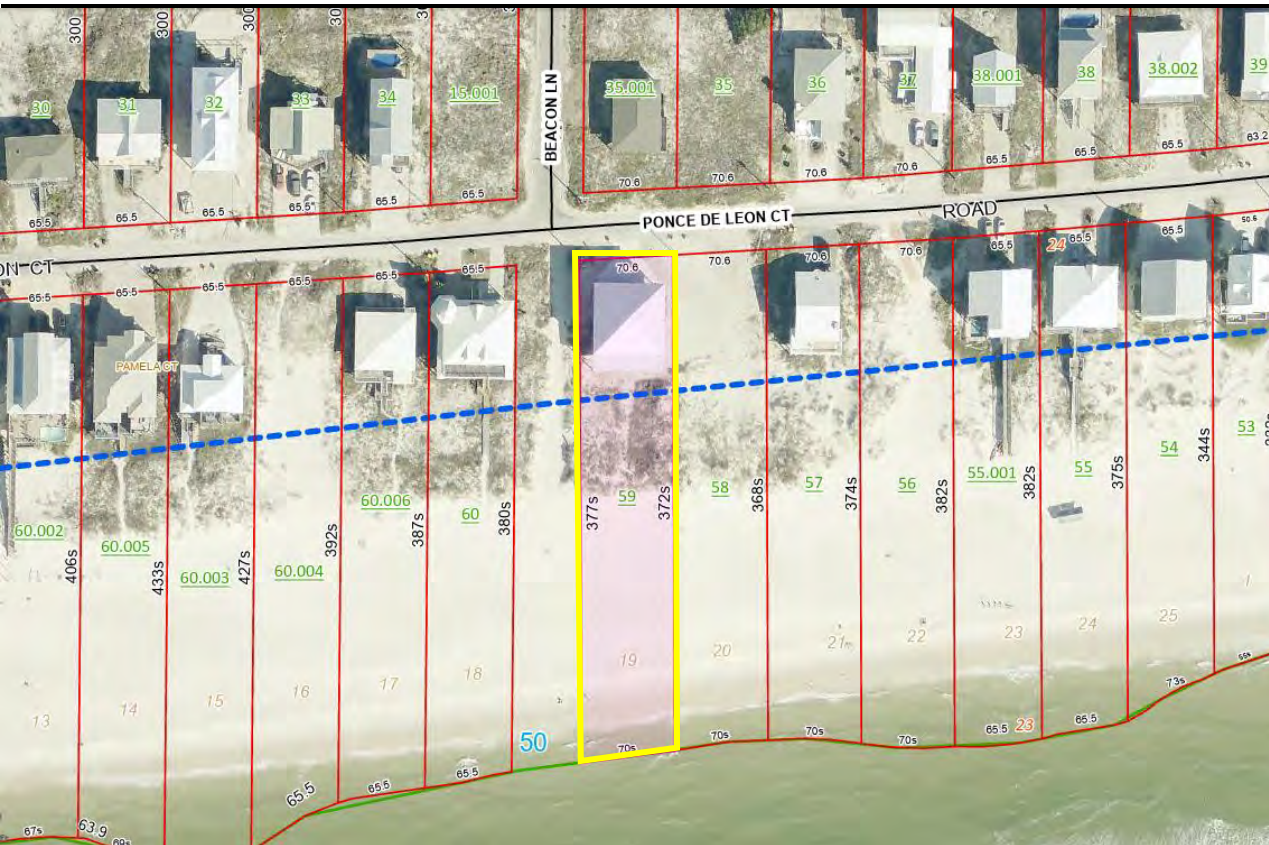
Lead Staff: Brittany Epling, Planning Technician II

The applicant is requesting a variance from Section 2.3.25.3(f) 3. C. as it pertains to allowing an existing dune walkover to remain exceeding the maximum width allowable by Planning District 25 Local Provisions.

Staff could not identify a hardship, and therefore staff recommends that case ZVA24-66 be **DENIED** unless information to the contrary is revealed at the public hearing.



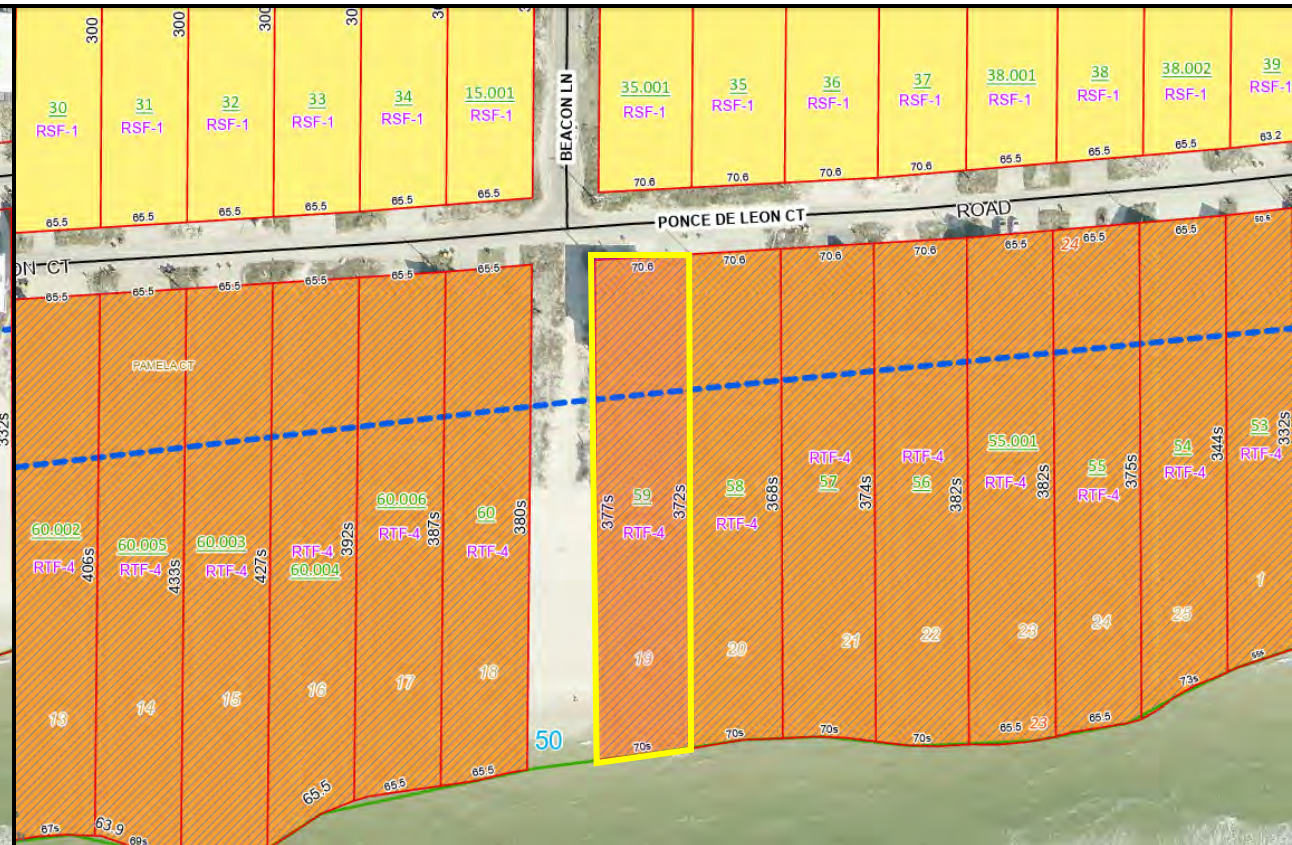
Locator Map



Adjacent Zoning

North	RSF-1 Residential Single Family
South	Gulf of Mexico
East	RTF-4, Residential Two-Family District
West	RTF-4, Residential Two-Family District

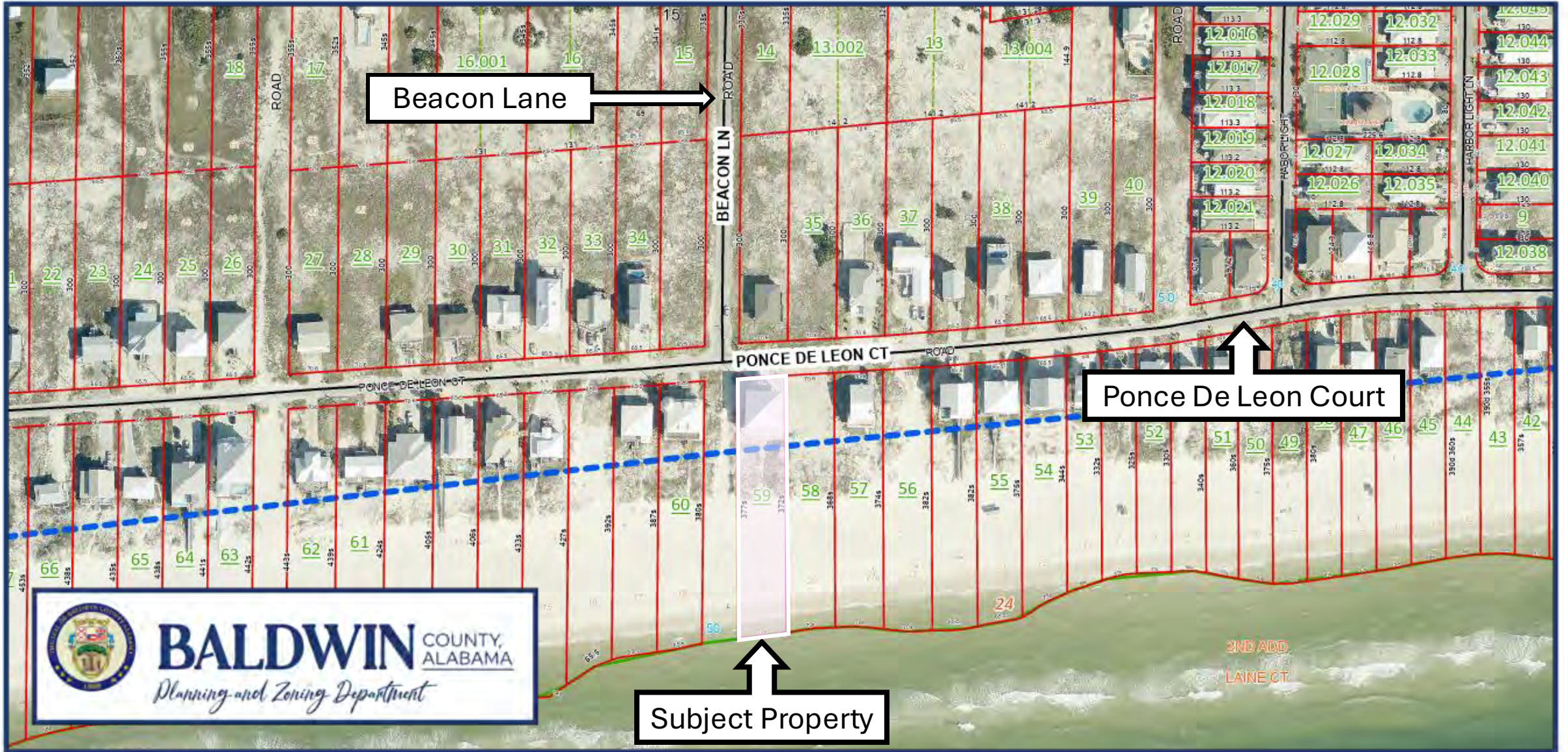
Site Map



Adjacent Land Use

North	Residential
South	Open Water
East	Vacant
West	Residential

Site Map - ZVA24-71



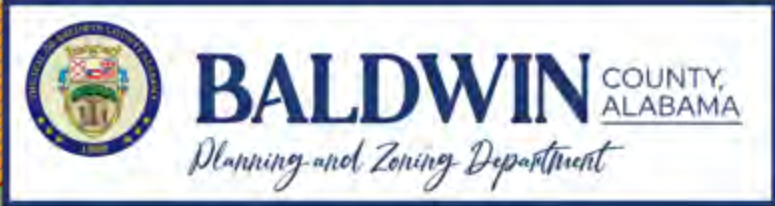
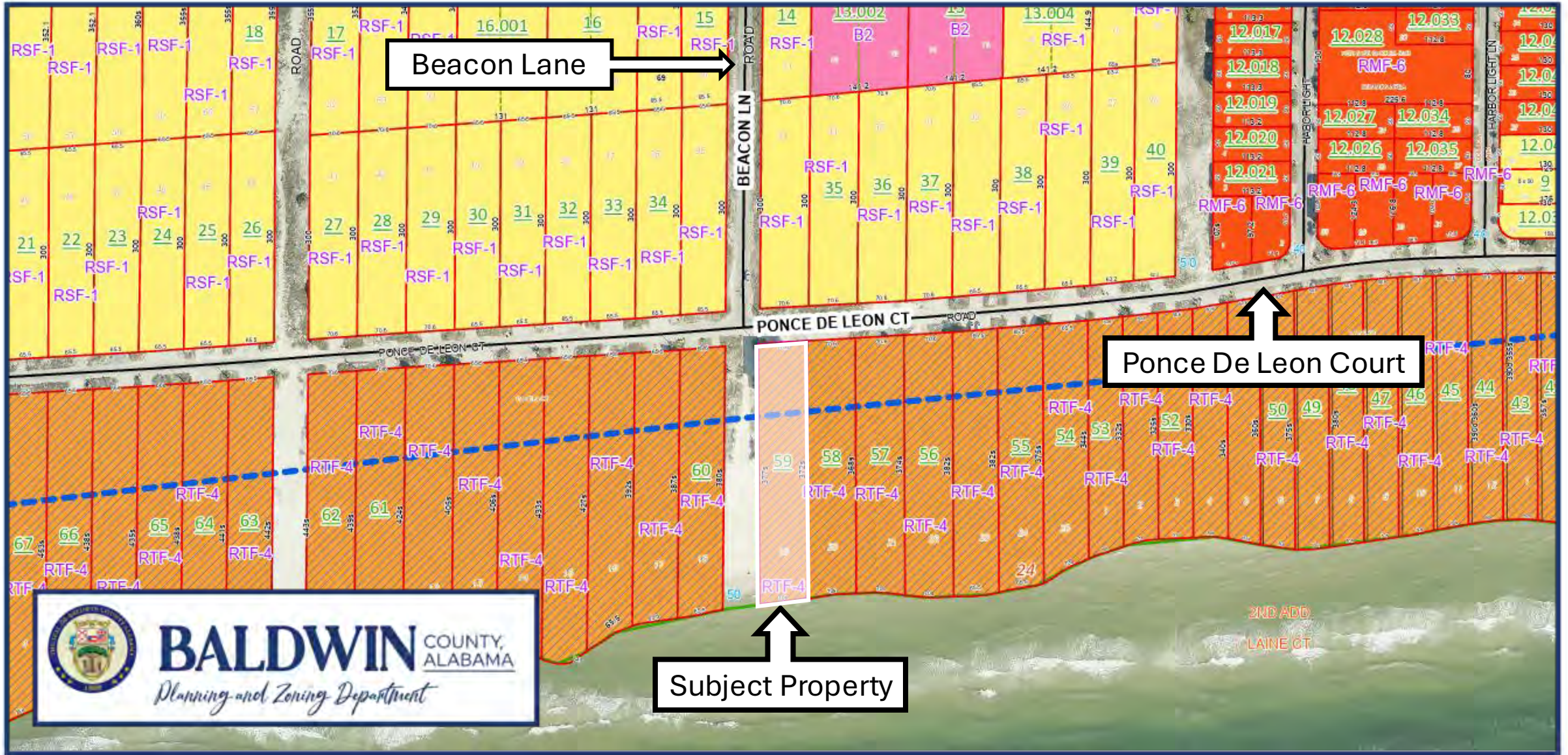
Beacon Lane

Ponce De Leon Court

Subject Property

BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

Locator Map – ZVA24-71



Subject Property



Subject Property
PIN: 44244



PUBLIC HEARING
PROPOSED
FOR THIS PROPERTY
Case Number:
ZVA24-000071
For more information,
please visit the City
website or call the
City Clerk's Office.
252-588-5655




Nov 21, 2024 3:31:55 PM
179° S



Property to the North
PIN: 218145



Nov 21, 2024 3:33:02 PM
1° N



Adjoining Property to the West
PIN: 1253



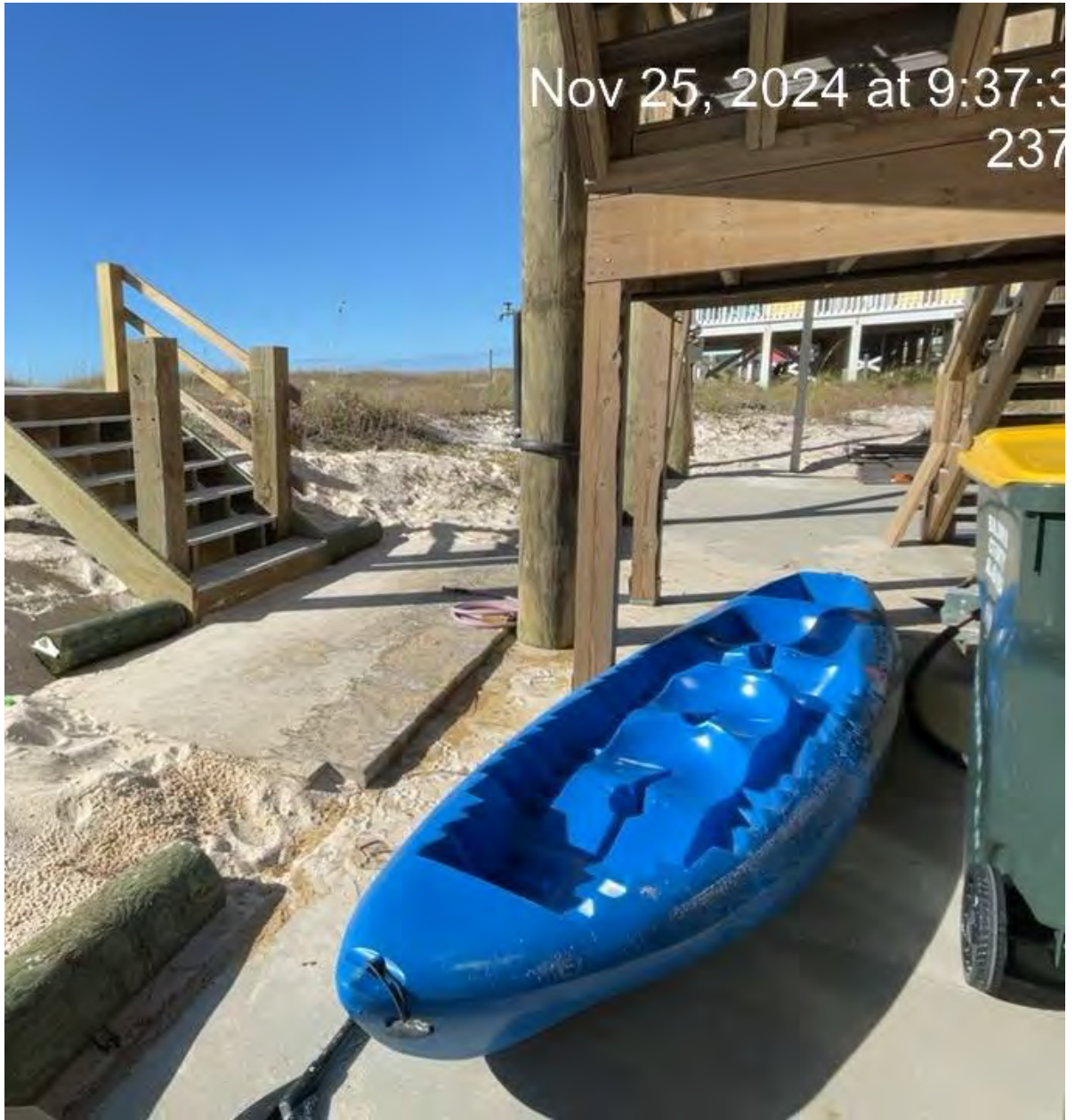
Nov 21, 2024 3:32:30 PM
187° S



Adjoining Property to the East
PIN: 39663 & 22769



Nov 21, 2024 3:33:26 PM
180° S



Property History

October 15, 2019: Dune Walkover requirements were adopted by the County Commission. The purpose of these requirements were to address complaints about dune walkovers being too tall or coming too far out.

November 2023: Zoning Site Plan application received by the Planning and Zoning Department for a proposed dune walkover (ZSP23-001395).

August 2023: The Fort Morgan Civic Association reached out to the Baldwin County Commission with concerns. One topic of concern were dune walkovers not being built according to approved site plans and Planning District 25 Local Provisions (Dune Walkover Standards).

February 2024: ZSP23-001395 (Dune Walkover Zoning Site Plan) was approved, meeting all dune walkover construction standards. Dune walkover construction prior to beginning of sea turtle nesting season in Spring 2024.

April 2024: Prompted by the original complaint on dune walkover non-compliance by the FMCA, Planning and Zoning Natural Resource staff conducted inspections on all dune walkovers built within the previous year to address dune walkover non-compliance. It was at this time, the dune walkover at 2322 Ponce De Leon Court was discovered to be in violation due to the width of the boardwalk exceeding the approved 4' width.

Permit Requirements

(f) Dune Walkovers.

1. As used in this section, the following definition shall apply:

Dune walkover. A raised walkway constructed for the purpose of protecting the beach and dune system between mean high tide and the construction control (CCL) line from damage that may result from anticipated pedestrian traffic to the beach, and which is no more than six (6) feet in width for multiple family/commercial/public structures, no more than four (4) feet in width for single family/two family structures, constructed without roof or walls, elevated at least one (1) foot above the dune, and extends seaward of the vegetation line.

2. Site Plan Approval.

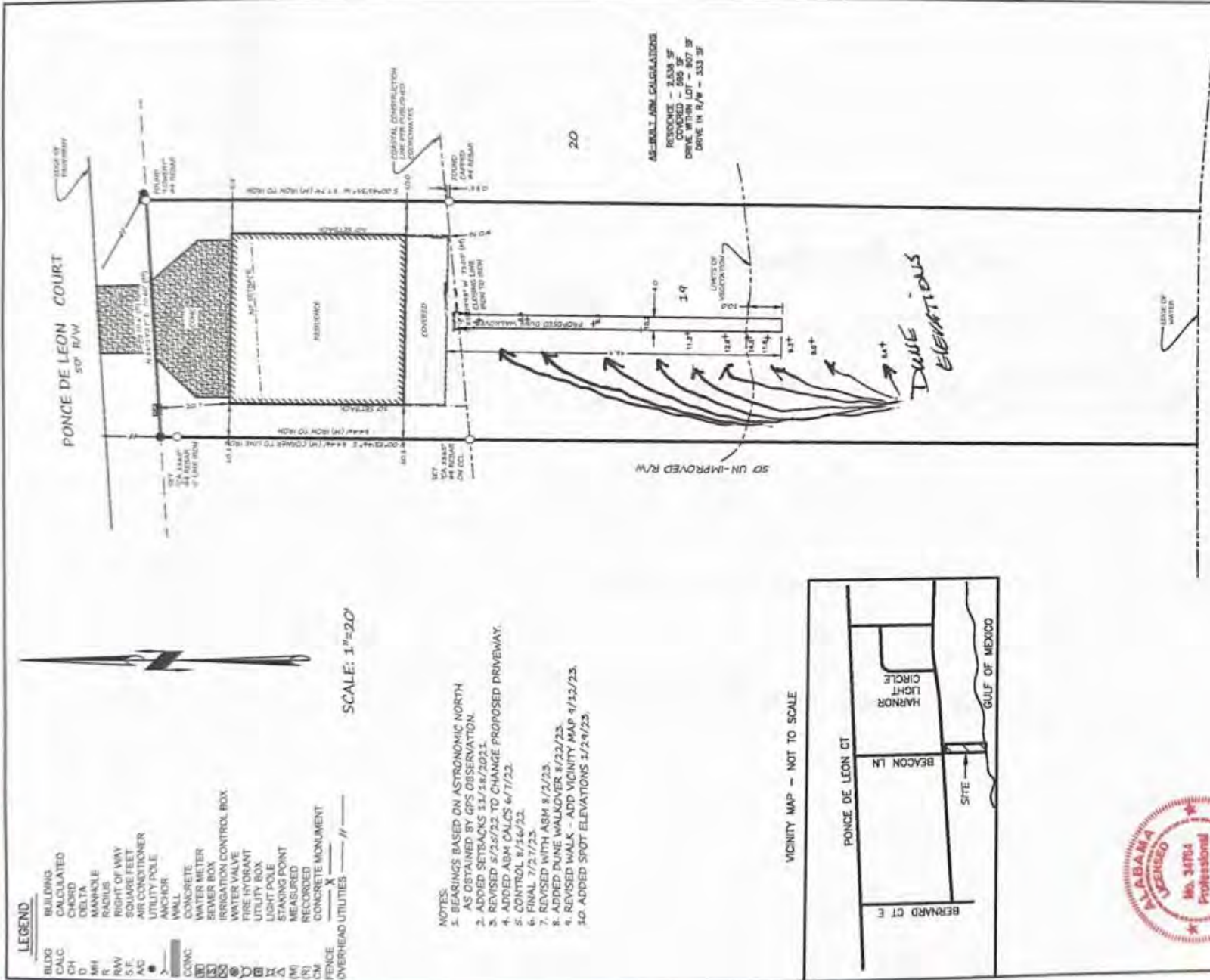
- C. The maximum width of the dune walkover structure shall be no more than four (4) feet for single family/two family structures and no more than six (6) feet for multiple family/commercial/public structures. Maximum widths shall be applicable to all sections of the dune walkover structure, including but not limited to steps, ramps, landings and decks.

Lot 19 in Pamela Court Subdivision (1958)



Original Approved Site Plan (ZSP23-1395)

Approved Plan as Returned to the
 Alabama Surveyors Association
 23022-001205
 Circuit Data
 03/01/2023



GULF OF MEXICO

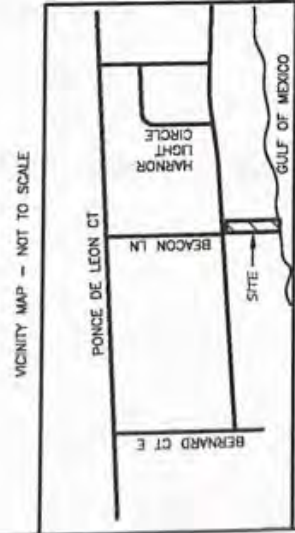
LEGEND

- BLDG CALCULATED
- CHRD DELTA
- MH MANHOLE
- R RADIUS
- RAW RIGHT OF WAY
- SF SQUARE FEET
- ACC AIR CONDITIONER
- UTILITY POLE
- ANCHOR
- WALL
- CONCRETE
- WATER METER
- WATER MAIN
- REGULATION CONTROL BOX
- WATER VALVE
- TIRE HYDRANT
- UTILITY POLE
- LIGHT POLE
- STAKING POINT
- MEASURED
- RECORDED
- CM CONCRETE MONUMENT
- FENCE
- OVERHEAD UTILITIES

SCALE: 1"=20'

- NOTES**
1. BEARINGS BASED ON ASTRONOMIC NORTH
 2. AS OBTAINED BY GPS OBSERVATION.
 3. ADDED SETBACKS 11/14/2021.
 4. REVISED 5/25/22 TO CHANGE PROPOSED DRIVENWAY.
 5. ADDED ABM CALCS 6/7/22.
 6. CONTROL 8/14/22.
 7. FINAL 7/27/23.
 8. REVISED WITH ABM 8/2/23.
 9. ADDED DUNE WALKOVER 8/22/23.
 10. REVISED WALK - ADD VICINITY MAP 9/13/23.
 10. ADDED SPOT ELEVATIONS 1/29/23.

AS-BUILT ABM CALCULATIONS
 RESIDENCE - 2,538 SF
 COVERED - 500 SF
 DRIVE WITHIN LOT - 807 SF
 DRIVE IN R/W - 333 SF



STATE OF ALABAMA
 BALDWIN COUNTY

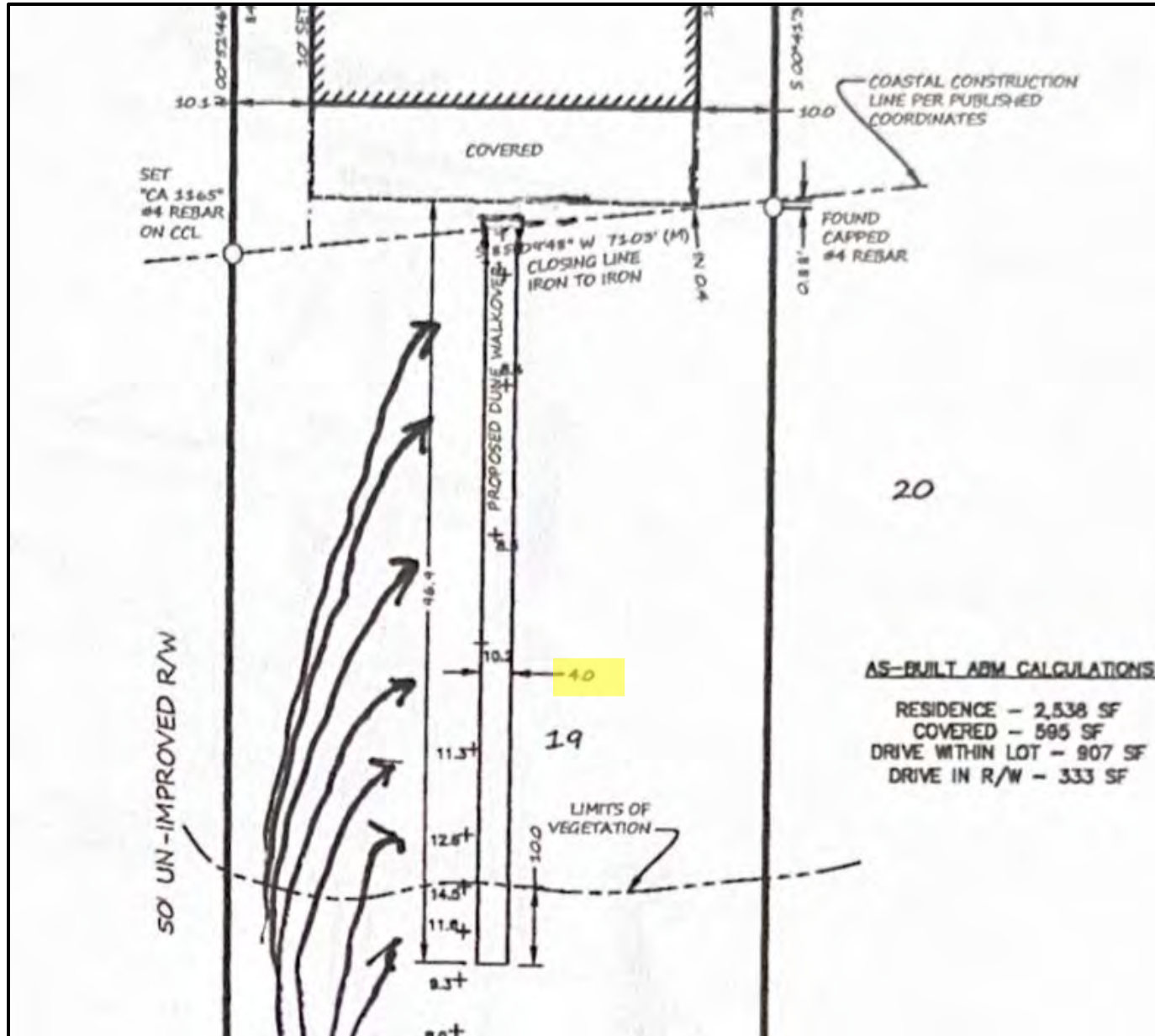
I, Trent E. Wilson, a Professional Land Surveyor, hereby certify that I have surveyed Lot 19, PAMELA COURT, as recorded in Title 352-B, in the Office of the Judge of Probate, Baldwin County, Alabama, and hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of 8/11/2023. Survey invalid if not sealed in red.

Code No.: 6914
 Client: *Wendy Wilson*
 Address: 2820 Ponce De Leon Ct.
 Trent Wilson PLS 834764
 Weyband Wilson Surveying LLC
 229 E. 20th Ave., Suite 12
 Gulf Shores, AL 36542
 Phone: (251) 978-7559

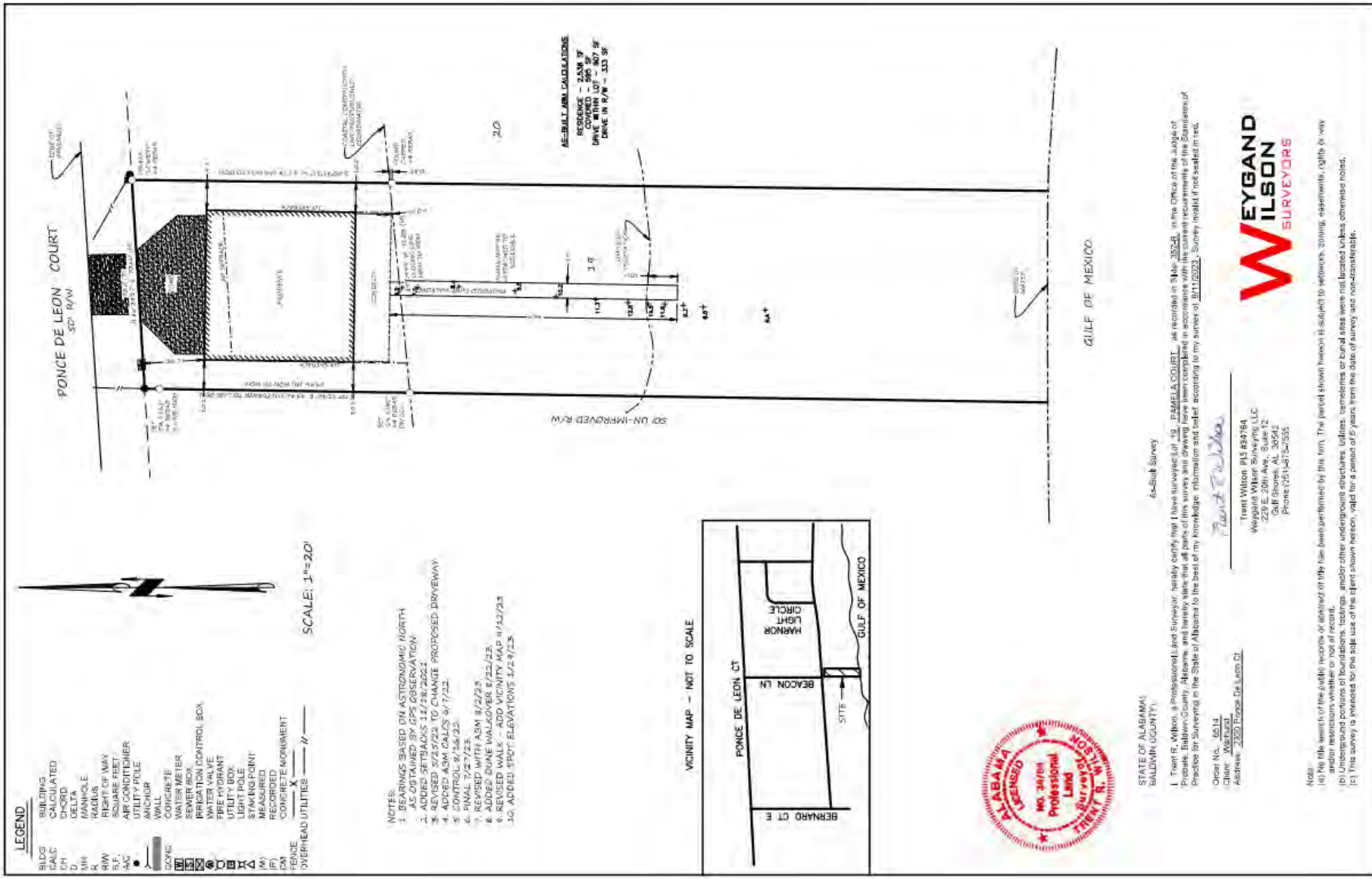


NOTE
 (a) No this search of the public records or abstract of title has been performed by this firm. The parcel shown herein is subject to mortgages, zoning, easements, rights or way and/or restrictions whether or not of record.
 (b) Underground portions of foundations, footings, and/or other underground structures, utilities, easements or burial sites were not located unless otherwise noted.
 (c) This survey is intended for the sole use of the client shown herein, valid for a period of 6 years from the date of survey and non-transferable.

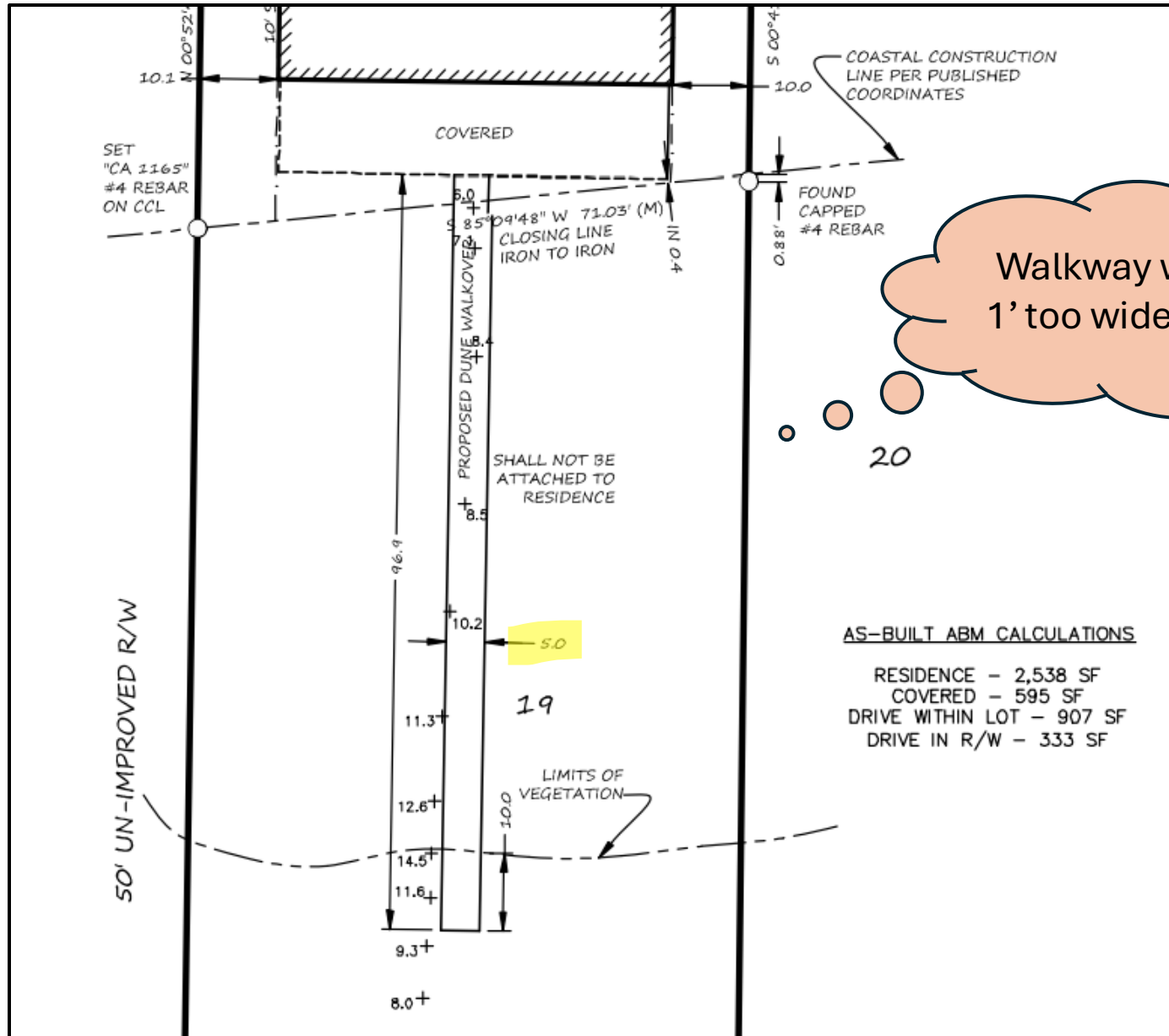
Original Approved Site Plan (ZSP23-1395)



Proposed/As-Built Site Plan



Proposed/As-Built Site Plan



Walkway was built 1' too wide (5' wide)

20

19

5.0

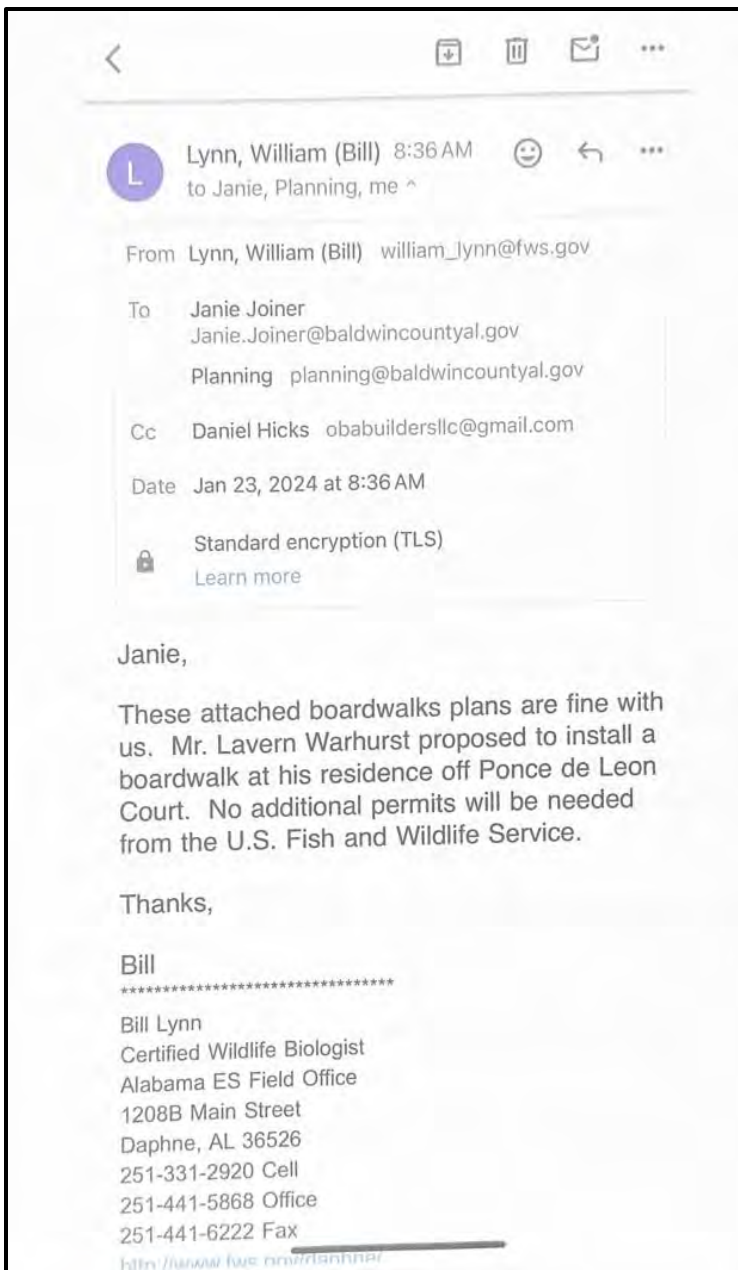
Photos

2322 Ponce De Leon Ct

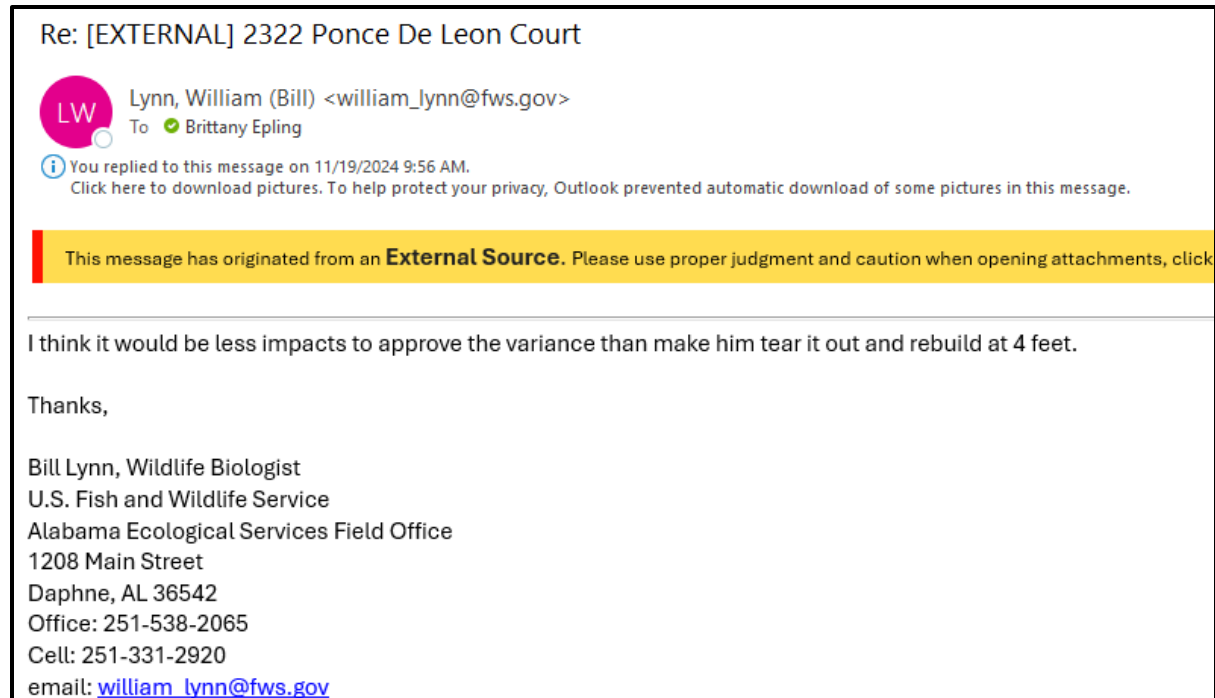


USFW Approval

Initial Dune
Walkover Design
Approval →



Bill Lynn Statement on Variance Request:



Coastal Area Permit

BCCAP

BALDWIN COUNTY COASTAL AREA PROGRAM

COASTAL AREA MANAGEMENT PROGRAM
NON-REGULATED USE PERMIT

USE TYPE: Residential Construction on Gulf-Front Property
PERMITEE: Lavern Warhurst and OBA Builders, LLC
PERMIT NUMBER: BCCAP 21-008
PROJECT LOCATION: 2320 Ponce De Leon Ct, Gulf Shores
Fort Morgan Peninsula, Baldwin County, AL
Parcel # 69-08-01-0-004-059.000
PPIN # 44244
PROJECT DESCRIPTION: Construction of a duplex

In accordance with and subject to the provisions of **CODE of Alabama 1975**, Section 9-7-10 et. Seq. and Section 22-22A-1 et. Seq. rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the permittee described in this permit is hereby authorized to conduct the above referenced activities.

CONSTRUCTION AUTHORIZED BY THIS PERMIT SHALL BE COMPLETED WITHIN 3 YEARS FROM THE DATE OF ISSUANCE.

ISSUED THIS 29th DAY OF June, 2022

Janie Garner
BALDWIN COUNTY COASTAL AREA PROGRAM

Code of Alabama; Resolution #2015-011 on Establishing Beach and Dune Walkover Protection and Management Regulations for Baldwin County, Alabama

STATE OF ALABAMA)
COUNTY OF BALDWIN)

RESOLUTION #2015- 011 _____

ESTABLISHING BEACH AND DUNE PROTECTION AND MANAGEMENT REGULATIONS FOR BALDWIN COUNTY, ALABAMA.

WHEREAS, the Baldwin County Commission is committed to the effective management and protection of Baldwin County's beaches and dune resources as per Alabama Department of Environmental Management (ADEM) Admin Code R, 335-8-2.08 Construction and Other Activities on Gulf Front Beach and Dunes; and

WHEREAS, the health, safety and general welfare of Baldwin County, Alabama, and its economy is directly related to the health of the County's beach and dune resources, and the Baldwin County Commission desires to adopt this Beach and Dune Protection and Management Ordinance.

SECTION 1: DEFINITIONS

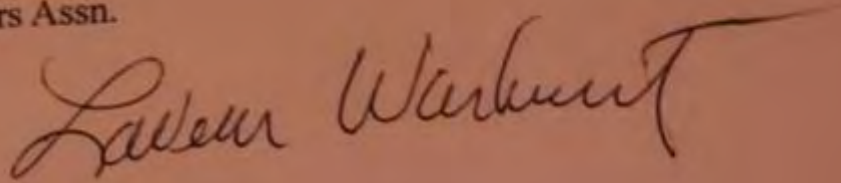
- a. "agency" means any unit, department, or office of federal, state or local government, including subdivisions thereof.
- b. "Alabama Coastal Area Management Program" or "ACAMP" (see definition of "management program").
- c. "beach" means a sandy shoreline area characterized by low relief, generally of gentle slope, and some vegetation. The beach extends from the waterline to a change in physiographic form such as a dune or bluff, a change in sediment type, such as clay from sand, and/or a change in vegetation type. Gulf beaches are those sand beaches of the mainland and islands in Alabama which are subjected to the direct wave action of the Gulf of Mexico. The upper limit of Gulf beaches is usually a transition from halophytic, succulent, prostrate plant forms such as Hydrocotyle bonariensis (pennywort), Cakile edentula (sea rocket), Iva imbricata (marsh or seashore elder), and Ipomoea stolonifera (seaside morning

- e. All references to monument numbers in "d" above are noted for convenience only. All official submissions to the Department regarding the "construction control line" must be based upon official state plane coordinates as determined by a registered surveyor.
- f. "Department" means the Baldwin County Coastal Area Program
- g. "Department approval" means the approval of the Department or the issuance of any Department permit.
- h. "dune" (see definition of primary dune system).
- i. "dune walkover" means a raised walkway constructed for the purpose of protecting the beach and dune system between mean high tide and the construction control line from damage that may result from anticipated pedestrian traffic to the beach and which is no more than six feet in width, constructed without roof or walls, elevated at least one foot above the dune, and extends seaward of the seaward vegetation line.
- j. "endangered species" means any species, including subspecies and varieties, that are in danger of extinction throughout all or a significant portion of their range in Alabama. Endangered species are those whose prospects for survival are in immediate jeopardy and which must have help or extinction or extirpation from Alabama will probably follow. These species are defined by Code of Federal Regulations 50 CFR 17.11 and 17.12, January 1, 1989, as amended and Alabama Act No. 82-424.
- k. "existing structure" means a structure the construction of which was initiated prior to October 9, 1985, and for which all required state, local and federal authorizations were obtained prior to October 9, 1985.
- l. "footprint" means the ground area covered by a structure when viewed from the top or plan view.
- m. "habitable structure" means any structure which, by virtue of its design, size or appurtenances, is suitable for occupation as a residence on a temporary or permanent basis, or any similar structure used for commercial purposes.

POA Approval

We do not have an Owners Assn.

Lavern Warhurst
2320 Ponce Deleon ct
Gulf Shores, Al

A handwritten signature in dark ink that reads "Lavern Warhurst". The signature is written in a cursive style with a long, sweeping tail on the final letter.

3=24-2022

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.

The subject property is zoned RTF-4, Residential Two-Family District and is located on the Fort Morgan peninsula. The parcel measures approximately 0.61 acres (70' x 372') . Planning District 25 came into effect on November 16, 1993. The required minimum lot size for RTF-4 for single-family housing is 7,500 square feet with a 60' minimum lot width at building line and 30' minimum lot width at street line. The subject property exceeds the minimum lot size and width requirements of RTF-4 Zoning, and therefore **staff does not perceive the subject property to be exceptionally narrow, shallow, or shape to constitute a hardship on the land.**

RTF-4 Required minimum lot size: **7,500 square feet**

Actual size: **~26,572 sf**

Lot size hardship: **NO**

RTF-4 Required minimum width at street line: **30 feet**

Actual lot width: **70 feet**

Lot width hardship: **NO**

RTF-4 Required minimum width at building line: **60 feet**

Actual lot width: **70 feet**

Lot width hardship: **NO**

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

The subject property is a Gulf-Front (Tier 1) lot, which contains Alabama Beach Mouse habitat. As a conservation measure, USFWS requires a dune walkover to be constructed. However, **there is no topographic feature, or other extraordinary situation or condition which would require the dune walkover to be built at 5' wide instead of the required 4' width.**

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 RTF-4, Residential Two-Family District and is in Planning District 25, which allows for the construction of dune walkovers. A dune walkover meeting all regulations and local provisions was approved with ZSP23-1395. Staff believes that allowing the dune walkover to exceed the allowable width is not necessary for the preservation of a property right. To tear down and rebuild the dune walkover would be an inconvenience and financial hardship to the property owners and could potentially create more of a negative impact on the beach mouse habitat according to USFWS, however a variance can not be evaluated nor granted on these merits alone.

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. 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 for consideration.

Applicant Statement:

“It is a duplex with two separate noncontact families renting a different times. Which with one family using the walkway it will generally be used in one direction twice during the day. Being that it's a duplex with two families that are not in contact with each other there will be situations when people will be carrying coolers and beach supplies going back and forth. Thus, needing the extra walk room so as to not have to leave the walkway to get out of the way.”

Fort Morgan Planning and Zoning Advisory Committee:

No comments at the time of this staff report.

Rebecca Peacock, on behalf of the Natural Resource Planner:

Site visit, "T" has been taking out, the end of the dune walkover needs to go past the vegetation line and the width is more than 5'. Per Brittany, Mr. Lynn approves the walkover.

ZVA24-71 WARHURST PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Technician II

The applicant is requesting a variance from Section 2.3.25.3(f)3.C. as it pertains to allowing an existing dune walkover to remain exceeding the maximum width allowable by Planning District 25 Local Provisions.

Staff is recommending **DENIAL** for case ZVA24-71.

- Staff memorializes that a “hold” will be placed on subject property within Citizen Serve and no further permits of any kind will be issued to subject property until corrective measures are carried out on the dune walkover.

ZVA24-71 WARHURST PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, 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.

ZVA24-71 WARHURST PROPERTY

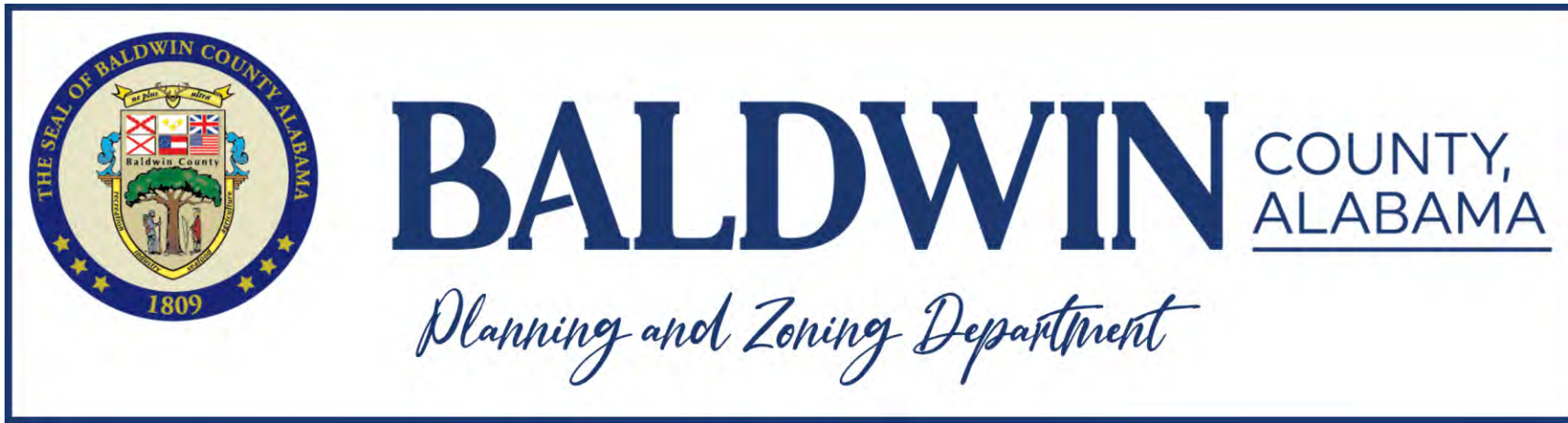
VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Technician II

The applicant is requesting a variance from Section 2.3.25.3(f)3.C. as it pertains to allowing an existing dune walkover to remain exceeding the maximum width allowable by Planning District 25 Local Provisions.

If it is of the pleasure of the Board to approve this variance request, staff recommends the following conditions:

1. If approved, the variance is limited to the request as shown on the site plan provided herein.
 - a. Staff reserves the right to require corrective action in lieu of allowing additional variance requests should a blatant disregard for the provisions of an approved ZVA occur.
2. A Zoning Site Plan (ZSP) application shall be submitted with a survey signed and stamped by a professional surveyor licensed in the State of Alabama depicting the as-built conditions.
3. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or licensing agreement), or requirements of other agencies.



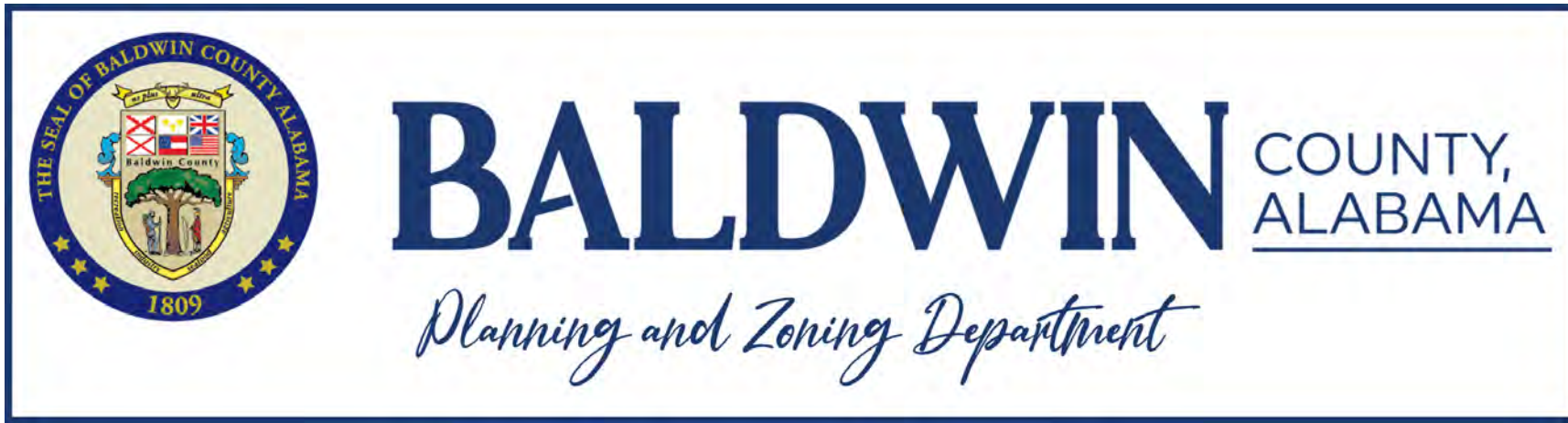
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

JANUARY 16, 2025

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

DECEMBER 12, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

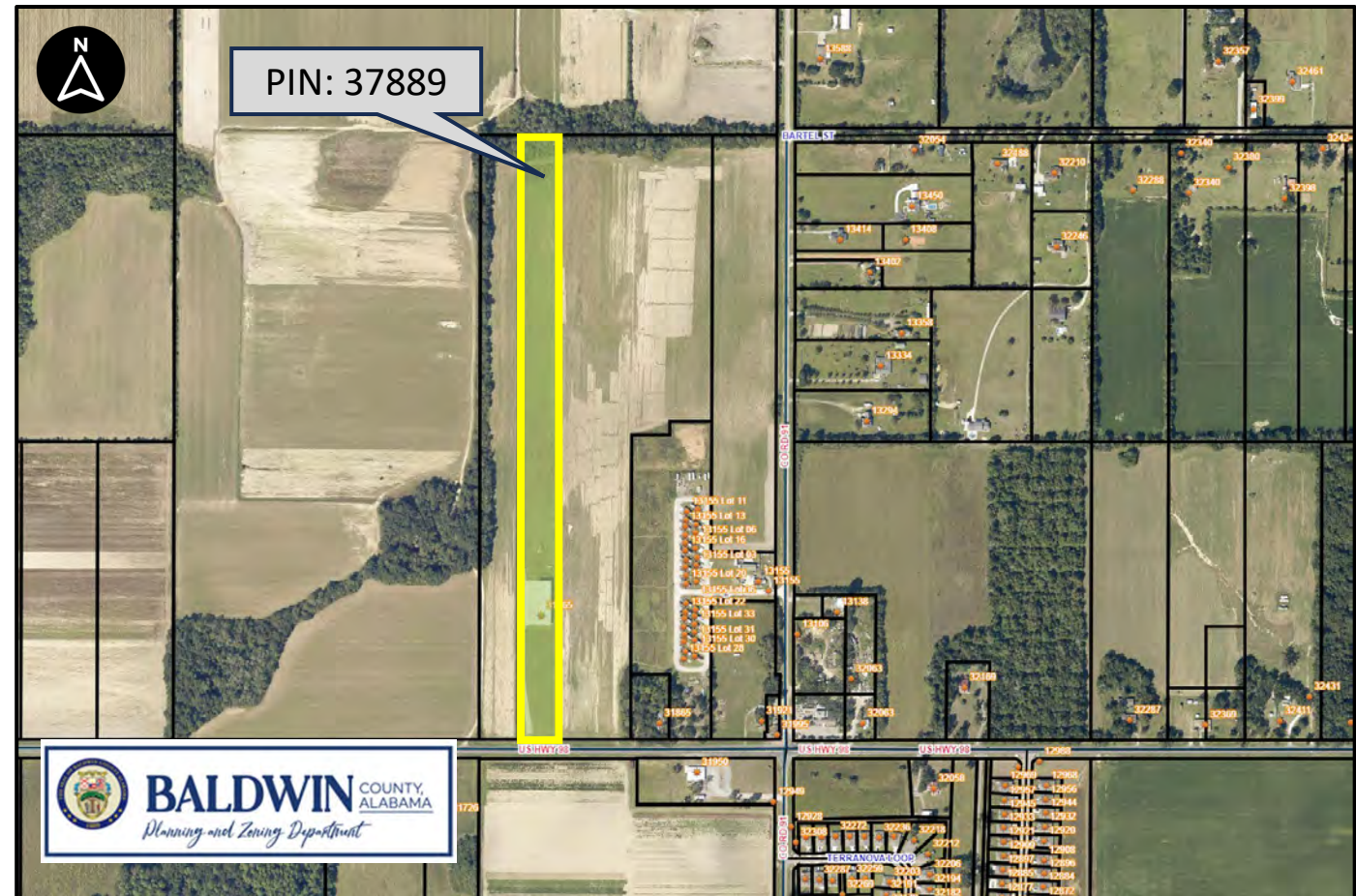
FOLEY, AL

ZVA24-72 HIGHWAY 98 RV & BOAT STORAGE, LLC PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 22 **Zoned:** RA
- **Location:** Subject property is located north of U.S. Highway 98 and west of County Road 91 in the Elberta area
- **PID:** 05-52-04-20-0-000-011.000
- **PPIN:** 37889
- **Acreage:** ±9.95 acres per submitted survey
- **Physical Address:** 131765 U.S. Hwy 98, Elberta, AL 36530
- **Applicant/Owner:** Highway 98 Boat & RV Storage LLC – Curtis Locklin
- **Complaints/NOVs:** None



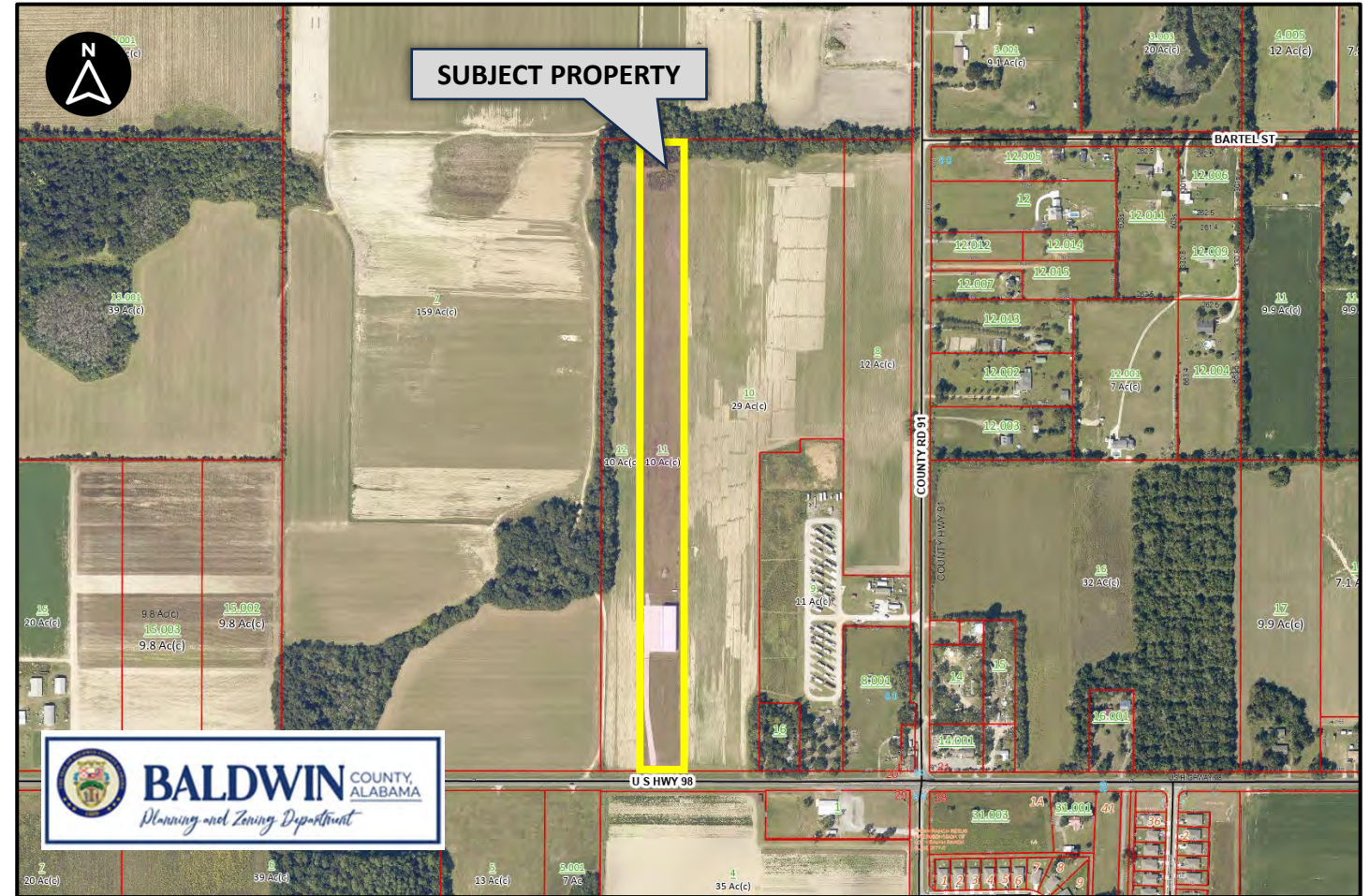
ZVA24-72 HIGHWAY 98 RV & BOAT STORAGE, LLC PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

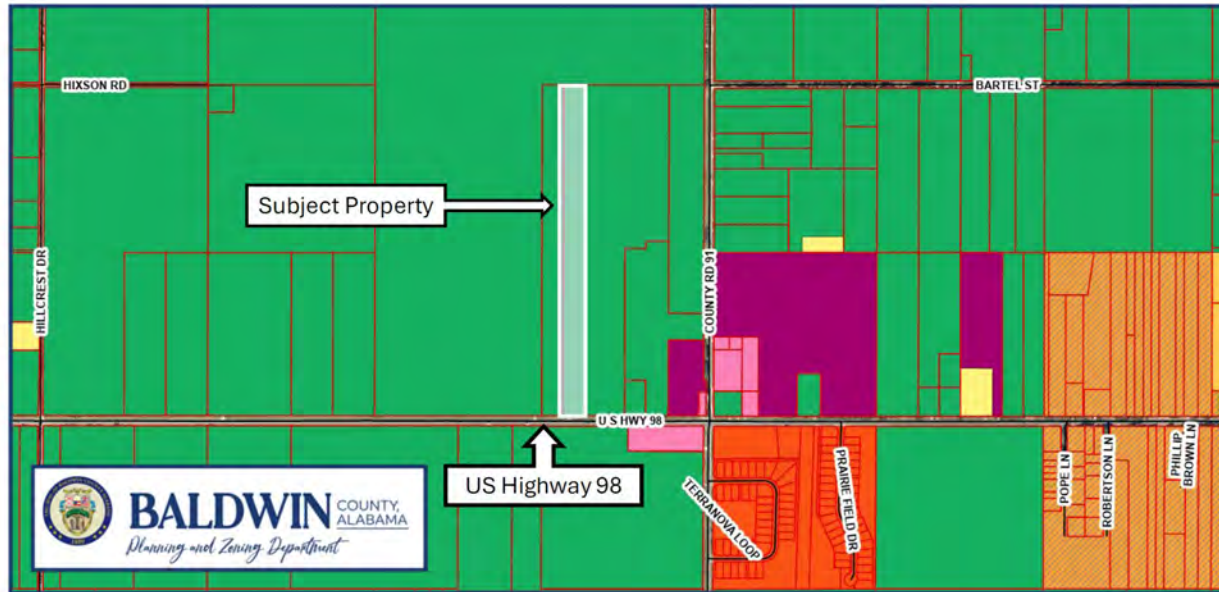
The applicant is requesting a variance from Section 17.1 of the *Baldwin County Zoning Ordinance* as it pertains to omitting the landscape buffer requirements on a property designated for commercial use.

Staff perceives no hardship on the subject property and recommends case ZVA24-72 be **DENIED** unless information to the contrary is revealed at the public hearing.



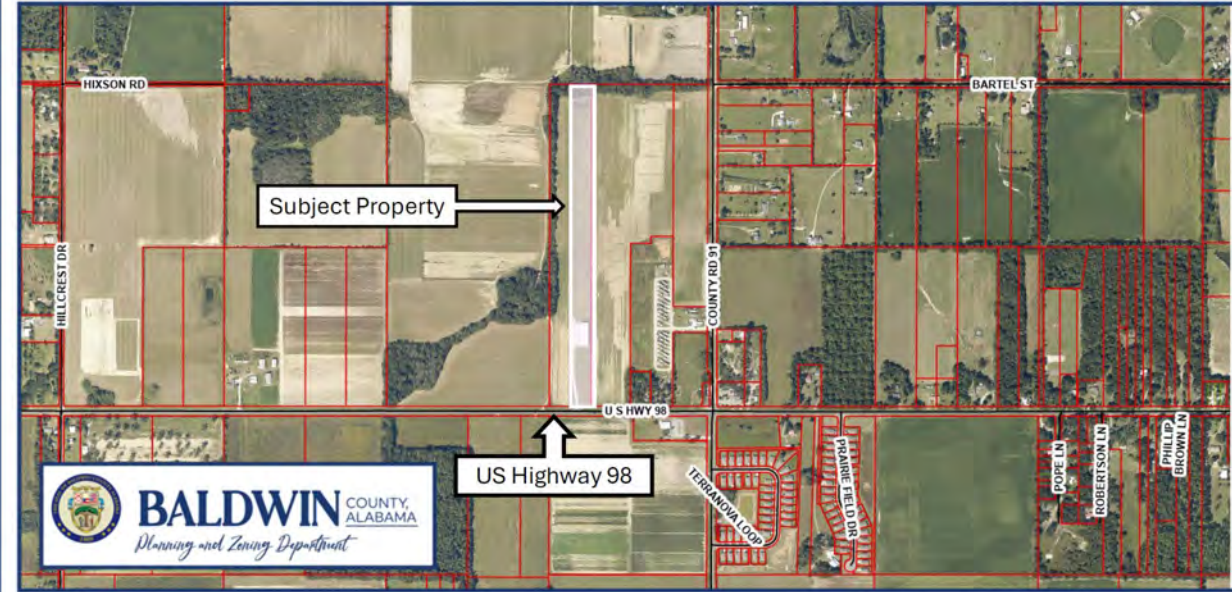
Locator Map

Locator Map – ZVA24-72



Site Map

Site Map – ZVA24-72



	Adjacent Zoning	Adjacent Land Use
North	RA, Rural Agricultural District	Agricultural
South	RA, Rural Agricultural District	Agricultural
East	RA, Rural Agricultural District	Agricultural
West	RA, Rural Agricultural District	Agricultural




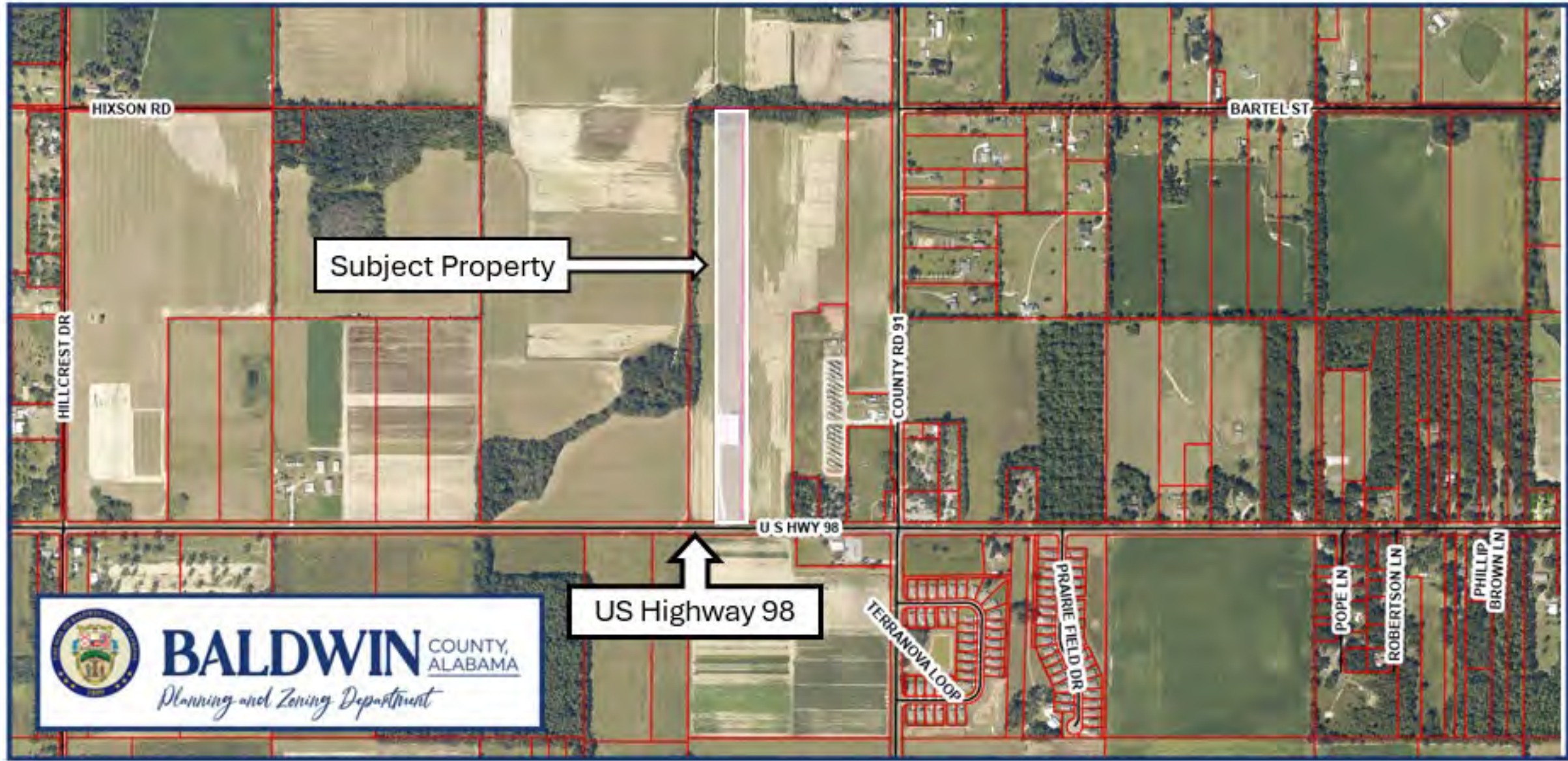
Subject Property

US Highway 98



BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

Site Map - ZVA24-72



BALDWIN COUNTY,
ALABAMA
Planning and Zoning Department

US Highway 98

Subject Property



Subject Property
PIN: 37889



VARIANCE PROPOSED
FOR THIS PROPERTY
CASE NUMBER
ZVA24-000072
For Information Contact
Baldwin County Planning &
Zoning Department
(251)580-1655 / (251)972-8523
(251)990-4623



Adjoining Property
to the West
PIN: 66336



Nov 22, 2024 2:29:02 PM
352° N



Adjoining Property
to the East
PIN: 66335



Nov 22, 2024 2:27:45 PM
14° N



Property to
the South
PIN: 63165



Nov 22, 2024 2:27:14 PM
187° S

Zoning Requirements

Section 3.2 RA Rural Agricultural District

3.2.1 *Generally.* This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

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

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

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

(c) The following general commercial uses: low density recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).

(d) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

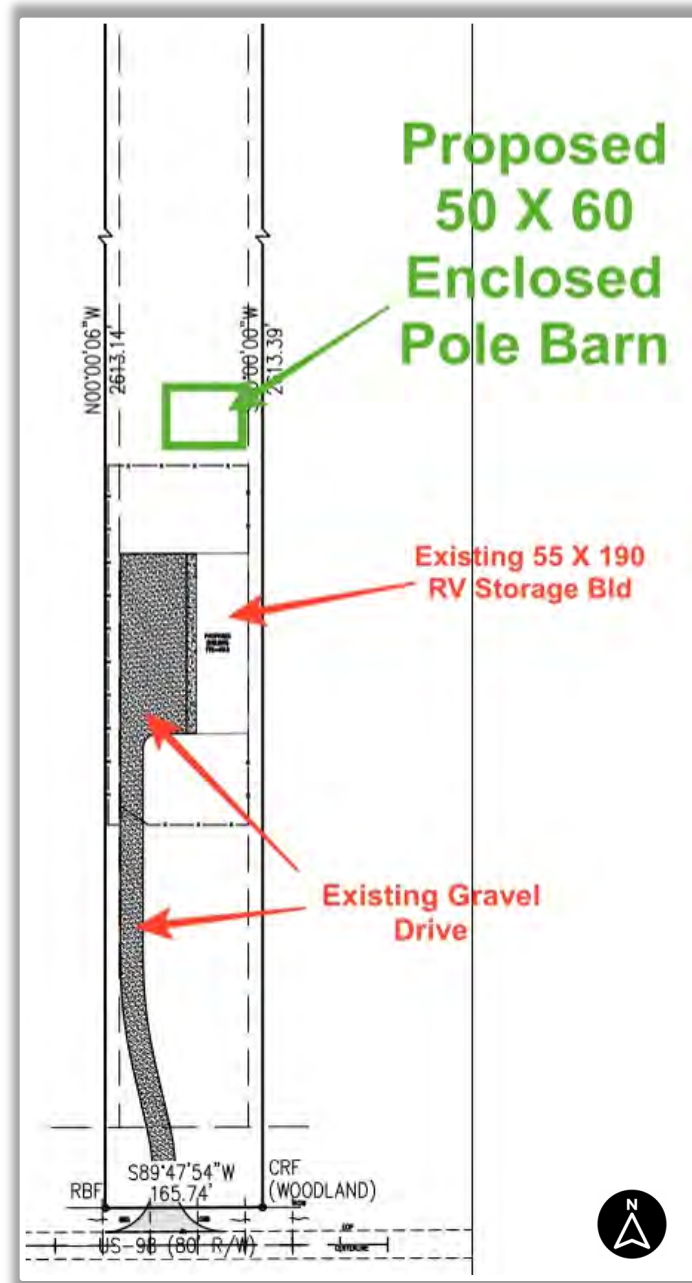
3.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.4 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 *Area and dimensional modifications.* Within the RA district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

Site Plan



Landscape Requirements

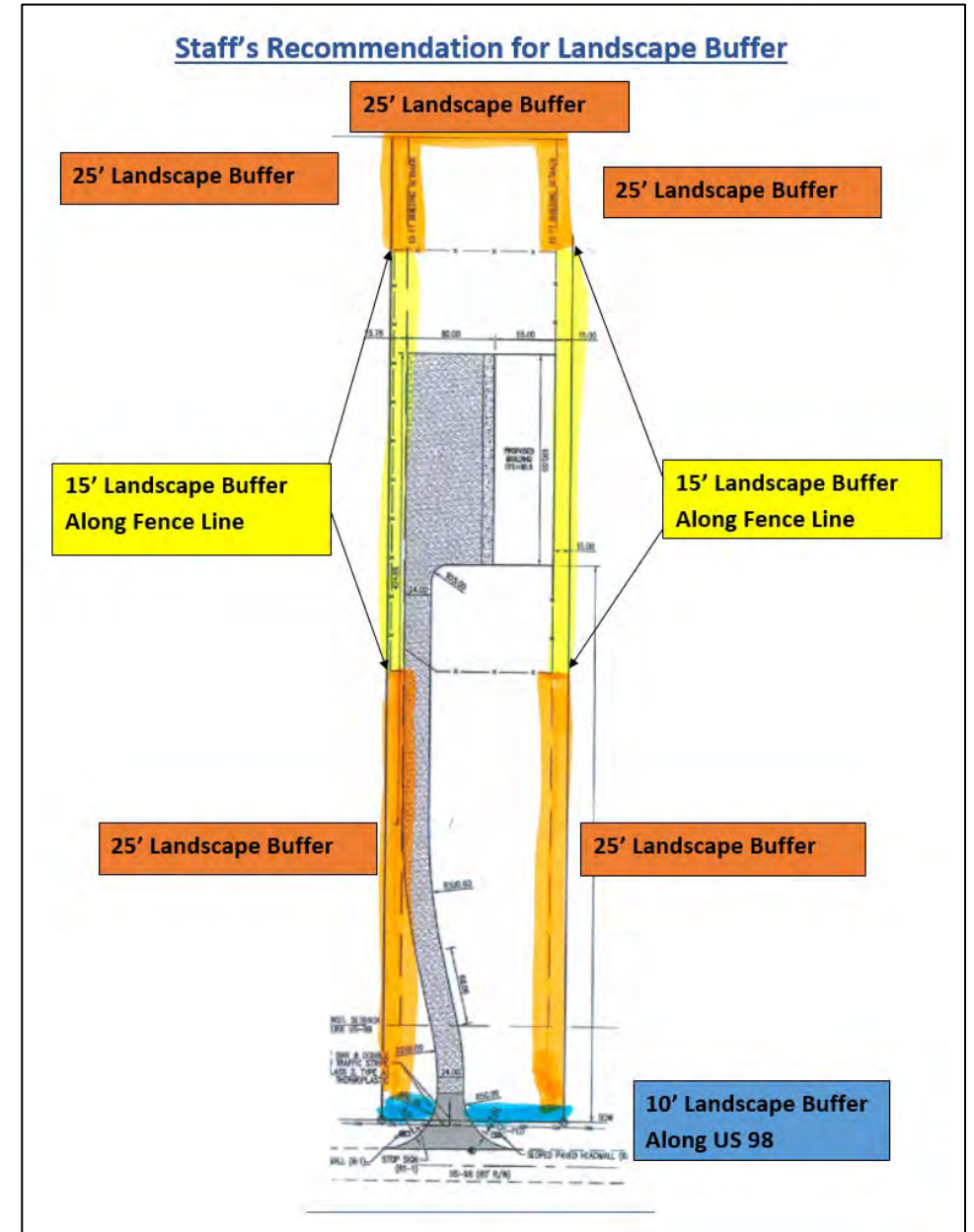
Section 17.1 Landscaping Plan

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.

- (a) A major project which abuts a freeway/expressway, arterial or collector shall maintain a minimum of ten (10) 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 trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the required landscape 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 parking facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Zoning Administrator. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirement of this Section; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors, interests and assigns.
- (c) Junk yards shall be buffered with vegetation so as to achieve a complete visual screen of the yard and its ancillary operations.

Property History

- A Land Use application (LU21-733) was submitted in July 2021 for an RV & boat storage building
- During the Land Use process, a variance (V-210023) was applied for requesting total reprieve from all landscape buffer requirements
- Staff's recommendation for case V-210023 was to deny the complete elimination of the landscape buffer requirements but approve a reduction in the width requirements
- The Board unanimously approved staff's recommendation
- LU21-733 was approved in September 2021
 - LU21-733 pre-dates the more rigorous requirements of the Commission Site Plan (CSP) process currently required by the zoning ordinance



Property History

BALDWIN COUNTY PLANNING & ZONING DEPARTMENT

201 East Section Avenue

Foley, Alabama 36535

Telephone No: 251.972.8523

Fax Transmittal No: 251.972.8520

Website: www.planning.baldwincountyal.gov

PLANNING & ZONING BOARD OF ADJUSTMENT NUMBER 2 NOTICE OF ACTION

MEETING DATE: July 15, 2021

CASE NO: V-210023

PARCEL NO: 05-52-04-20-0-000-011.000

PROPERTY LOCATION: 31765 US Highway 98

PLANNING DISTRICT: District 22

ZONING DESIGNATION: RA - Rural Agricultural

APPLICANT: Curtis M Locklin
30690 Ono North Loop W
Orange Beach, AL 36561

OWNER: Same

REQUEST: a variance from section 17.2 as it pertains to
landscaped buffer requirements to allow for an RV
and Boat Storage facility

ACTION TAKEN BY BOARD: Approved



Zoning Administrator or designee

Any party aggrieved by a final decision of the Board may, within fifteen (15) days after the decision is made, file an appeal to the Circuit Court of Baldwin County and to the Baldwin County Planning and Zoning Department, on behalf of the Planning & Zoning Board of Adjustment Number 2.

No Active Association

Curtis McCall Locklin
30690 Ono North Loop W.
Orange Beach, AL 36561

November 15, 2024

Planning and Zoning
Baldwin County Alabama

Re: Active Neighborhood Association

Dear Sir or Madam;

There are no residential areas adjoining subject property, thus no neighborhood associations.

Thank you,



Curtis M. Locklin
Phone: (850) 221-9406
Email: curtis.locklin@gmail.com

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 22 was adopted by the County Commission on November 19, 2002. Per the submitted Site Survey, the parcel is 75,021 square feet (1.72 acres). The required minimum lot size for RA is 130,680 square feet (3 acres) with a 210' minimum lot width at both building and street lines. While the actual lot size and width are smaller than the minimum requirements, staff does not perceive the subject parcel to be exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance and thus **this criteria is not a factor for consideration of this variance request.**

RA Required minimum lot size: **130,680 sf** (3 acres)

Actual size: **75,021 sf** (1.72 acres)

Lot size hardship: **NO**

RA Required minimum width at street line: **210'**

Actual lot width: **165.47'**

Lot width hardship: **NO**

RA Required minimum width at building line: **210'**

Actual lot width: **165.47'**

Lot width hardship: **NO**

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

Staff reviewed the elevation contours within the Baldwin County Parcel Viewer and **does not perceive any exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which would justify a variance to allow for an elimination of the landscape buffers on the property.**

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 RA, Rural Agricultural which allows for commercial facilities such as RV & Boat Storage. Staff believes the requested variance is a “for convenience” request that does not qualify as a hardship per the Baldwin County Zoning Ordinance.

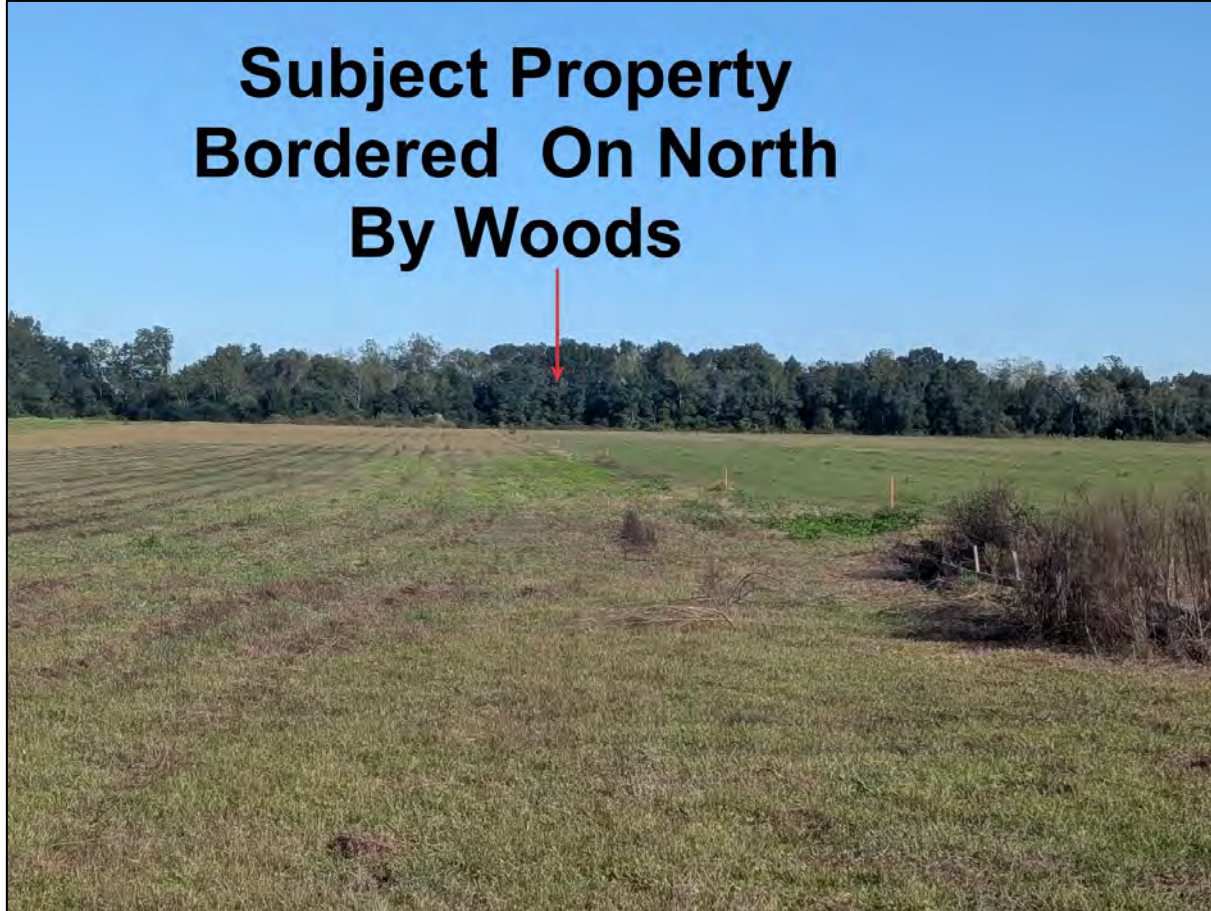
4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within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

Staff does not believe the granting of this application, **in general**, will impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County. *However, staff is unable to determine if approved the 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.

**Subject Property
Bordered On North
By Woods**



**North East View
Showing Tractor
and Farm Impliments
To Be Housed In
Proposed New
Pole Barn**

**Property Adjoined
On East Side By
Sod Farm**



Staff Analysis and Findings

5.) Other matters which may be appropriate.

**East / North East
View Showing
Existing RV Park
With No Landscaping**



**Existing Southern
Exposure View
From Hwy 98**



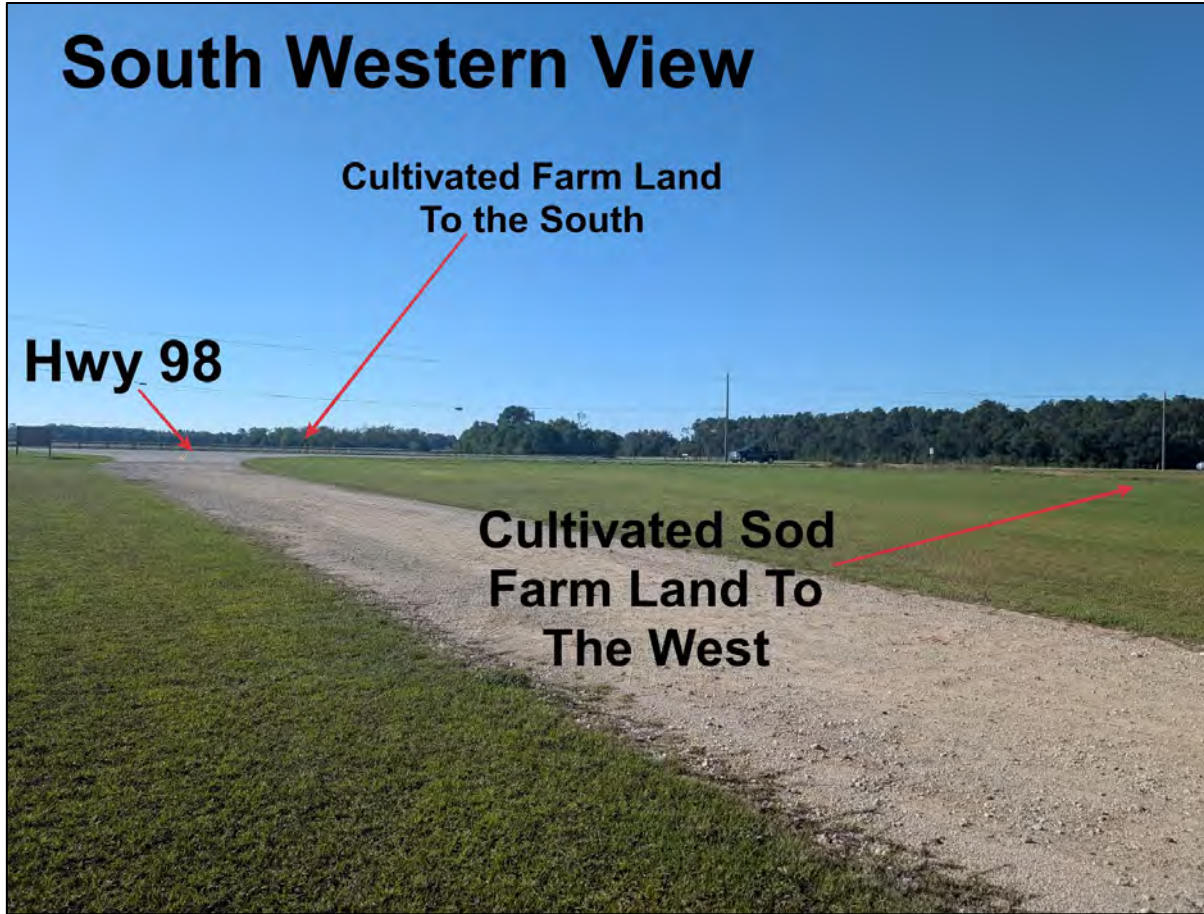
Full Brick On Southern
Wall As Viewed From
Hwy 98

Black Chain Link
Fence Surrounding
Existing Building

Owner Keeps
Property Mowed
and Neat

Staff Analysis and Findings

5.) Other matters which may be appropriate.



Agency Comments

At the time this staff report was written, no agency comments were provided.

ZVA24-72 HIGHWAY 98 RV & BOAT STORAGE, LLC PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

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.

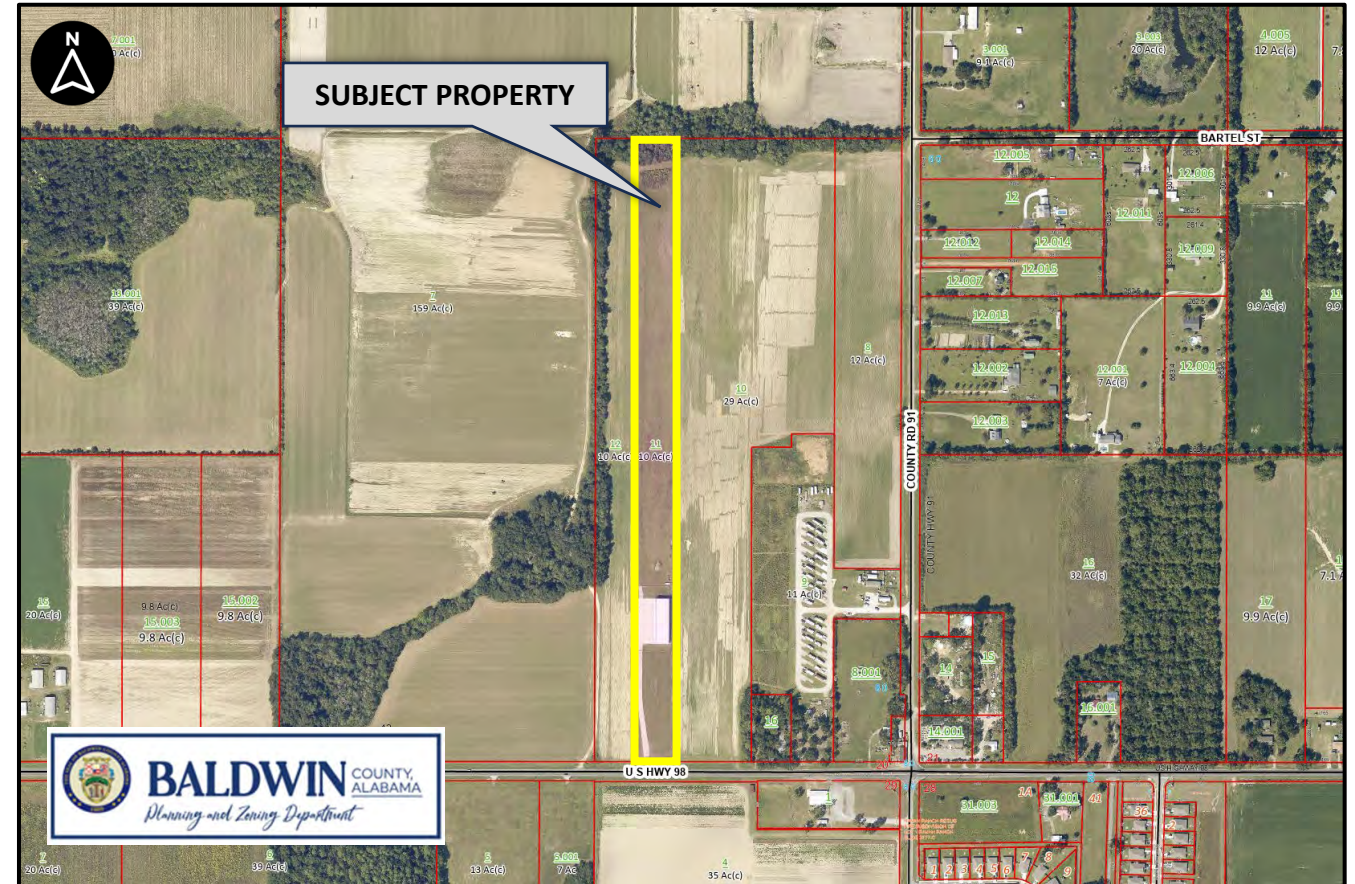
ZVA24-72 HIGHWAY 98 RV & BOAT STORAGE, LLC PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 17.1 of the Baldwin County Zoning Ordinance as it pertains to omitting the landscape buffer requirements on a property designated for commercial use.

Staff perceives no hardships on the subject property and recommends Case ZVA24-72 be **DENIED** unless information otherwise is revealed at the public hearing.



ZVA24-72 HIGHWAY 98 RV & BOAT STORAGE, LLC PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

Though staff could not establish a hardship on the subject property, and therefore recommends Case ZVA24-72 be denied unless information to the contrary is revealed at the public hearing, if it is the pleasure of Board of Adjustment Number 2 to **APPROVE** the variance, staff requests the variance include the following conditions:

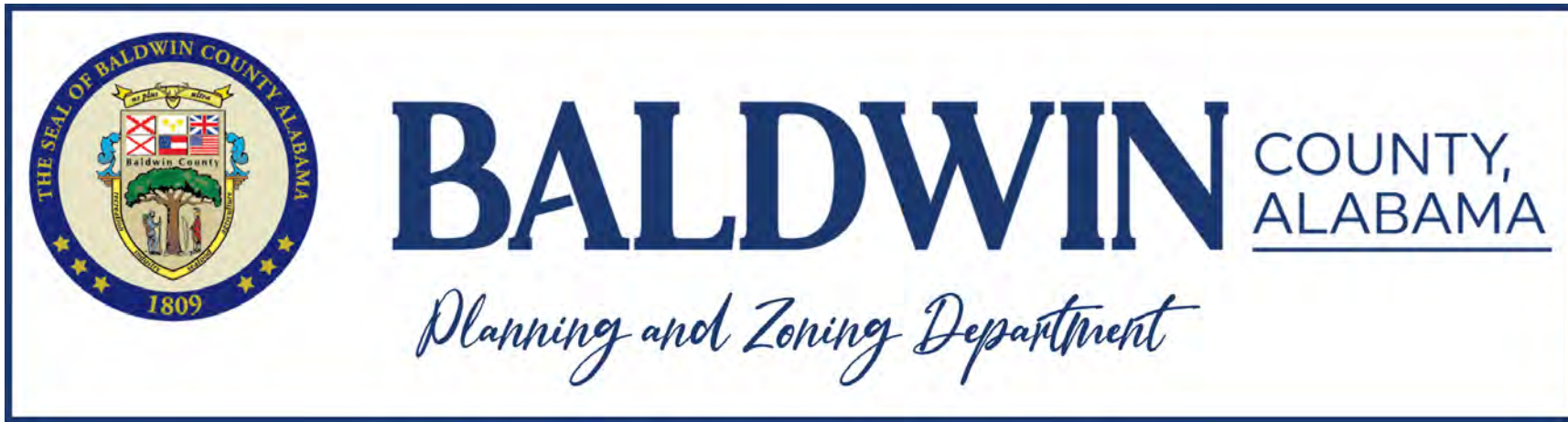
1. The variance approval is limited to the previously approved variance request (V-210023) which allows a 15' landscape buffer along the east side of the fence line, a 15' landscape buffer on the inside of the west fence line, a 25' landscape buffer on the remaining east, west, and north sides, and the required 10' landscape buffer along US Hwy 98.
2. Applicant shall submit a Commission Site Plan (CSP) application to be considered by the Baldwin County Planning Commission containing the site plan shown within this variance request.
 - a) Any deviations within the CSP from the site plan included in the approved ZVA may require additional variances.
 - b) Staff memorializes that the site plan and proposed layout provided with the variance request are not stamped by a licensed professional engineer or surveyor and has not been presented as nor approved as engineering or survey data.

ZVA24-72 HIGHWAY 98 RV & BOAT STORAGE, LLC PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- c) Staff reserves the right to require corrective action in lieu of allowing additional variance requests should a blatant disregard for the provisions of an approved ZVA occur.
 - d) Staff memorializes that landscape buffers not installed following approval of LU21-733 will likely require installation as a component of a future CSP and shall be prerequisite for obtaining a certificate of occupancy (CO) for any structure constructed as a result of a CSP approval.
3. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or licensing agreement), or requirements of other agencies.



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

JANUARY 16, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL