



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

**WORK SESSION AGENDA**

**Thursday, July 18th, 2024**

**Work Session 2:00 p.m.**

**Baldwin County Satellite Courthouse**

**Large Meeting Hall**

**201 East Section Avenue**

**Foley, Alabama**

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

1. Call to Order.
2. Discussion of items related to the upcoming agenda and any other necessary items related to Board of Adjustment Number 2.
3. Questions and Concerns.
4. 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, July 18th, 2024  
Regular Meeting 3:00 p.m.  
Baldwin County Satellite Courthouse  
Large Meeting Hall  
201 East Section Avenue  
Foley, Alabama  
Email: [planning@baldwincountyal.gov](mailto:planning@baldwincountyal.gov)**

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (June 13th, 2024 Work Session and Regular Meeting Minutes)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. ZVA24-26: Lankford Property**

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

*Location:* The subject property is located at 6664 Lake Shore Drive, Gulf Shores, AL 36542.

*Attachments:* Within Report and Attached

**b.) Case No. ZVA24-29: Breckenridge Property**

*Request:* A variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroaching into the 30' non-disturbed wetland setback buffer for the construction of a single-family dwelling.

*Location:* The subject property is located at 6970 Bayou South Drive, Elberta, AL 36530.

*Attachments:* Within Report and Attached

6. Old Business
7. New Business
8. 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, June 13, 2024**

**I. OPENING**

Chairman Corn opened the Baldwin County Planning and Zoning Commission Board of Adjustment Number 2 at 2:11 p.m. on June 13, 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: Chairman Mark Corn, Michael Swansburg, Mackie Ray, and Clark Strong.

Staff present included Celena Boykin, Cory Rhodes, Calla McKenzie, Jade Dixon, and Brittany Epling.

**III. DISCUSSION ITEMS**

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

- ZVA24-4
- ZVA24-18
- ZVA24-20
- ZVA24-23
- ZVA24-24
- ZVA24-25

**IV. ADJOURNMENT**

The work session adjourned at 2:34 p.m.

Respectfully Submitted,

Brittany Epling, Planning Technician II

I hereby certify that the above minutes are true, correct and approved this 18<sup>th</sup> day of July 2024.

---

Tracey Gambill, Chairman



**Baldwin County Planning and Zoning  
Board of Adjustment Number 2  
Regular Meeting Minutes  
Thursday, June 13, 2024**

**I. Call To Order**

Chairman Mark Corn opened the Baldwin County Board of Adjustment Number 2 meeting at 3:00 p.m. on June 13, 2024, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue in Foley, Alabama.

**II. Opening**

Chairman Mark Corn open the meeting with the pledge of allegiance.

**III. Roll Call**

The following Board members were present: Michael Swansburg, Chairman Mark Corn, Mackie Ray, Harold Stephans, Clark Strong, and Wade Mitchell.

Staff present included Celena Boykin, Ashley Campbell, Cory Rhodes, Calla McKenzie, Jade Dixon, and Brittany Epling.

**IV. Approval of Minutes**

Mr. Strong made a motion to approve the May 9, 2024 meeting minutes. Mr. Ray seconded the motion. All members voted aye. **Motion to approve the May 9, 2024 minutes carried.**

**V. Election of Chairs**

Mr. Ray made a motion to elect Tracey Gambill as Chair. Mr. Strong seconded the motion. All members voted aye. **Motion to elect Tracey Gambill as the new Chair passed.**

Mr. Ray made a motion to elect Wade Mitchel as Vice-Chair. Mr. Strong seconded the motion. All members voted aye. **Motion to elect Wade Mitchel as the new Vice-Chair passed.**

**VI. Consideration of Applications and Requests**

**1) ZVA24-4 Clays Property**

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

Mr. Clays spoke in favor of the request. No one spoke in opposition.

After discussion Mr. Strong made a motion to approve the variance request. Mr. Ray seconded the motion. All members voted aye. **Motion to approve case ZVA24-4 variance request carried.**

**2) ZVA24-18 Bruckmann Property**

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

Mr. Loper and Mr. Bruckmann spoke in favor of the request. Mr. Bostick, Mr. Croft, Mr. Davis, Mr. Hall, and Mr. Joseph Busta spoke in opposition of the request.

After discussion Mr. Strong made a motion to deny the variance request. Mr. Ray seconded the motion. All members voted to deny. **Motion to deny case ZVA24-18 variance request carried.**

**3) ZVA24-20 Pannell Property**

Mrs. Epling presented the applicant's request for a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroaching into the non-disturbed 30 foot wetland setback buffer and Section 4.3.5 as it pertains to the minimum front yard setback requirements to allow for the construction of a swimming pool. Staff recommended the variance request be approved.

Mr. Pannell spoke in favor of the request. No one spoke in opposition.

After discussion Mr. Mitchell made a motion to approve the variance request. Mr. Strong seconded the motion. All members voted aye. **Motion to approve case ZVA24-20 variance request carried.**

**4) ZVA24-23 Laubach Property**

Mrs. Epling presented the applicant's request for a variance from Section 4.2.5 of the Baldwin County Zoning Ordinance as it pertains to encroaching on the required 30-foot rear yard setback to build a second story addition to an existing non-conforming single-family residence. Staff recommended the variance request be denied.

Mr. Laubach spoke in favor of the request. No one spoke in opposition.

After discussion, Mr. Laubach requested to withdraw this variance request. **All members agreed to grant the request to withdraw case ZVA24-23 variance request.**

**5) ZVA24-24 Vaughn Property**

Ms. Rhodes presented the applicant's request for a variance from Section 15.2.4(a) of the Baldwin County Zoning Ordinance as it pertains to the parking schedule for commercial establishments to allow for a reduced number of parking spaces to be built. Staff recommended the variance request be denied.

Mrs. Diana Hyche representing the Broadway Group spoke in favor of the request. No one spoke in opposition.

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 ZVA24-24 variance request carried.**

**6) ZVA24-25 Cooper Property**

Ms. McKenzie presented the applicant's request for a variance from Section 13.1.2(a) of the Baldwin County Zoning Ordinance as it pertains to encroaching on the 5-foot side yard setback for the existing shed to remain and be rebuilt, and Section 4.2.5 as it pertains to the required 10-foot side yard setback to allow the attached deck to remain and be rebuilt. Staff recommended the variance request be denied.

Mr. Cooper spoke in favor of the request. Mr. Quinn spoke in opposition to the request.

After discussion Mr. Ray made a motion to approve the variance request for the deck and deny the variance request for the shed. Mr. Stephans seconded the motion. All members voted aye. **Motion to approve the deck and deny the shed in case ZVA24-24 variance request carried.**

**VII. Old Business**

There were no old business items to discuss.

**VIII. New Business**

There were no new business items to discuss.

**IX. Adjournment**

As there were no further items to discuss, the meeting adjourned at 5:24 p.m.

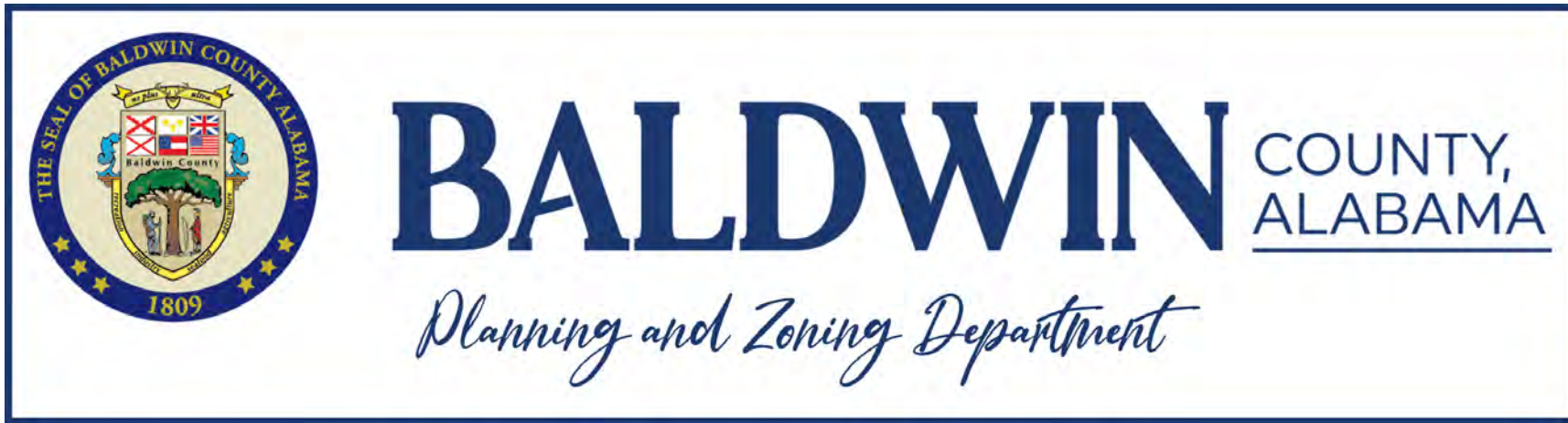
Respectfully Submitted,

Brittany Epling, Planning Technician II

I hereby certify that the above minutes are true, correct and approved on this 18<sup>th</sup> day of July, 2024.

---

Tracey Gambill, Chairman



# BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

JULY 18, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

# ZVA24-26 LANKFORD PROPERTY

## VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 25   **Zoned:** RSF-1, Residential Single-Family District
- **Location:** Lot 7, Block 1 of the Surfside Shores Subdivision on Fort Morgan
- **PID:** 05-68-09-30-0-001-065.000
- **PPIN:** 75907
- **Acreage:** 0.46 +/- Acres
- **Physical Address:** 6664 Lake Shore Drive, Gulf Shores, AL 36542
- **Applicant/Owner:** Rosalind Lankford
- **Complaints/NOVs:** None



# ZVA24-26 LANKFORD PROPERTY

## VARIANCE REQUEST

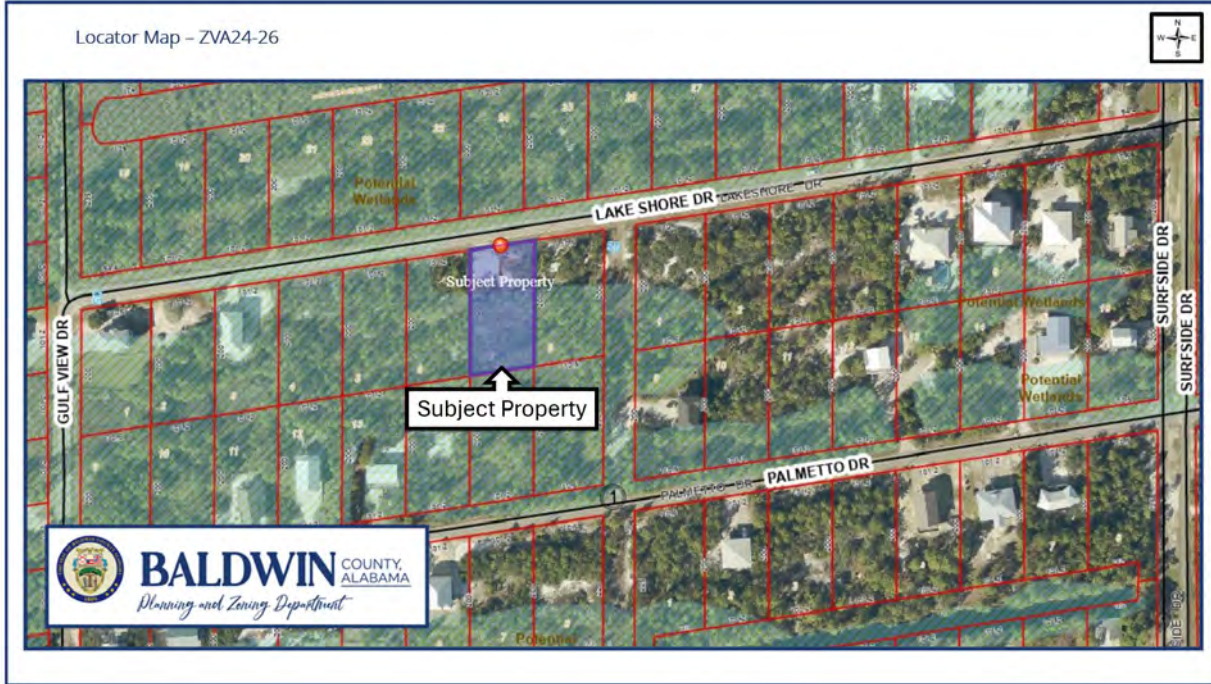
Lead Staff: Cory Rhodes, Planner

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 the construction of a single-family home.

Staff has established the wetlands on the subject property to be a hardship and therefore recommends Case ZVA24-26 be **APPROVED WITH CONDITIONS** unless information to the contrary is revealed at the public hearing.



# Locator Map



# Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-1, Residential Single-Family District	Vacant
South	RSF-1, Residential Single-Family District	Vacant
East	RSF-1, Residential Single-Family District	Vacant
West	RSF-1, Residential Single-Family District	Vacant



Subject Property  
PIN: 75907



**PUBLIC HEARING  
PROPOSED  
FOR THIS PROPERTY**  
Case Number  
**ZVA24-000026**  
Halden County Planning  
and Zoning Department  
For more information,  
please scan the QR  
code, call, or email  
(251) 580-1655  
planning@haldencountygov.net



Jun 20, 2024 12:57:55 PM  
178° S



Property to  
the North  
PIN: 75886



Jun 20, 2024 12:58:12 PM  
1° N



Adjoining Property  
to the East  
PIN: 75906



Jun 20, 2024 12:58:53 PM  
180° S



Adjoining Property  
to the West  
PIN: 75908



Jun 20, 2024 12:59:57 PM  
169° S

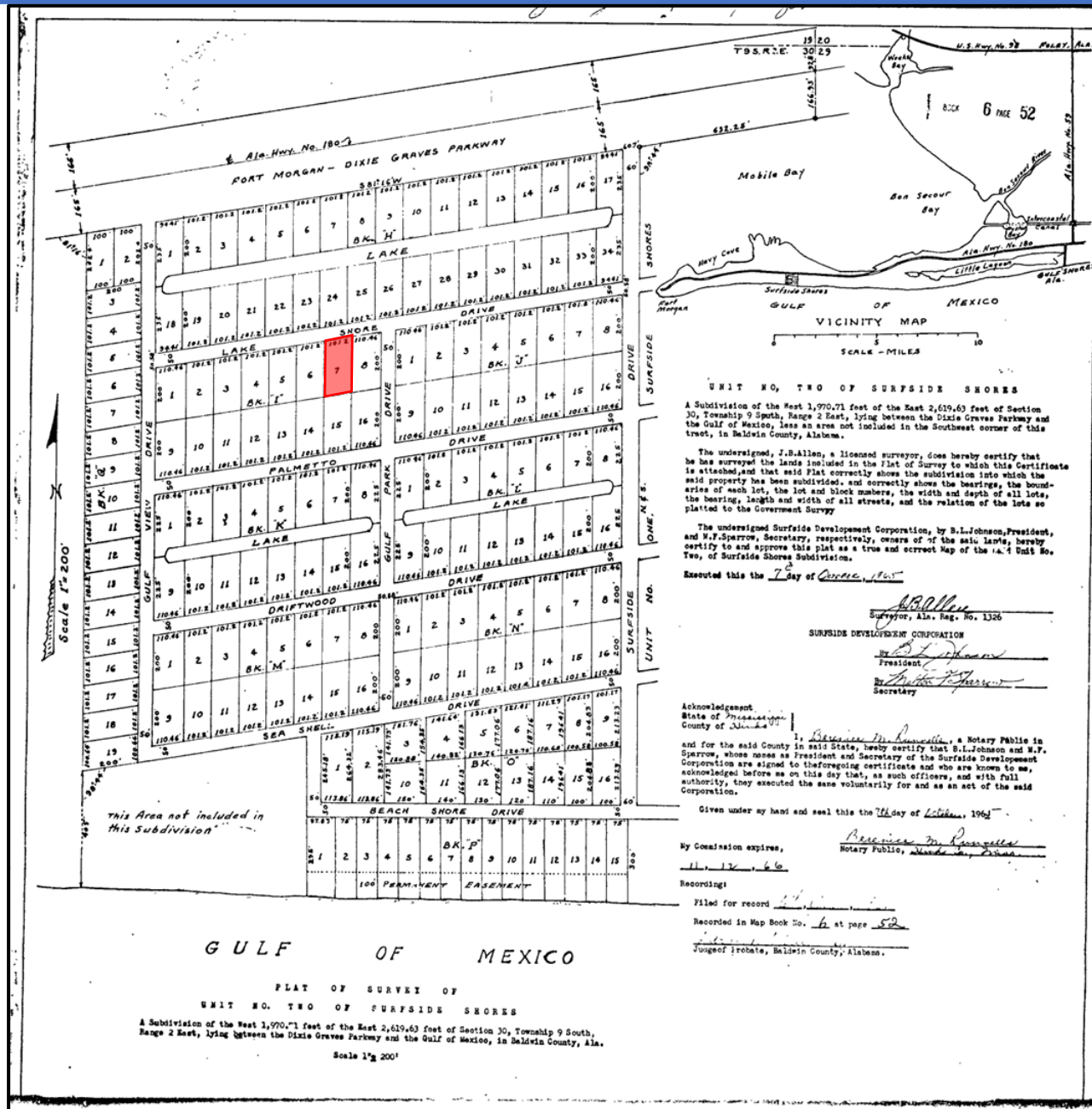


Adjoining Property  
to the South  
PIN: 75924



Jun 20, 2024 1:05:05 PM  
2° N

# Surfside Shores Subdivision Plat



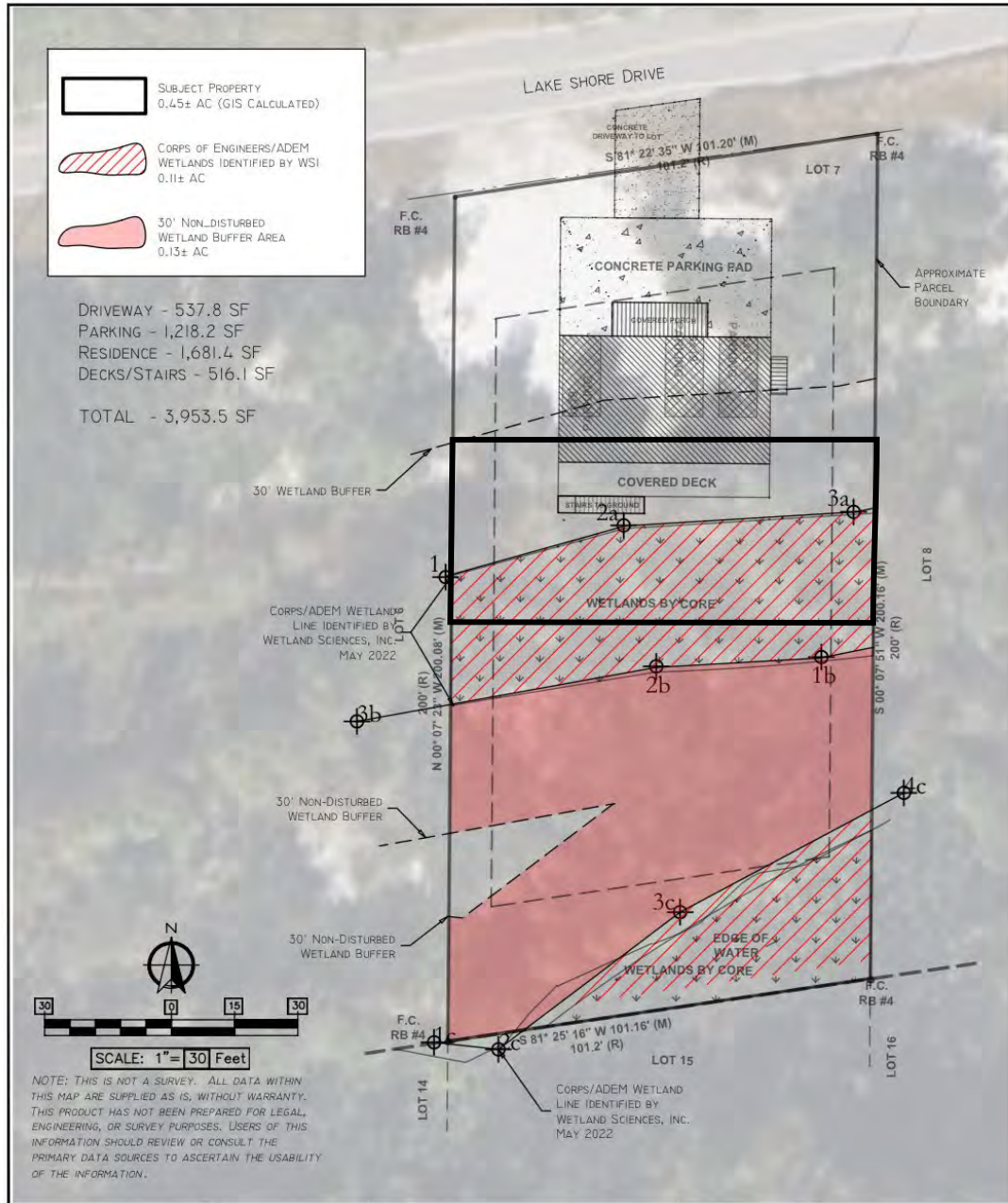
# Zoning Requirements – Section 10.4.4

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.

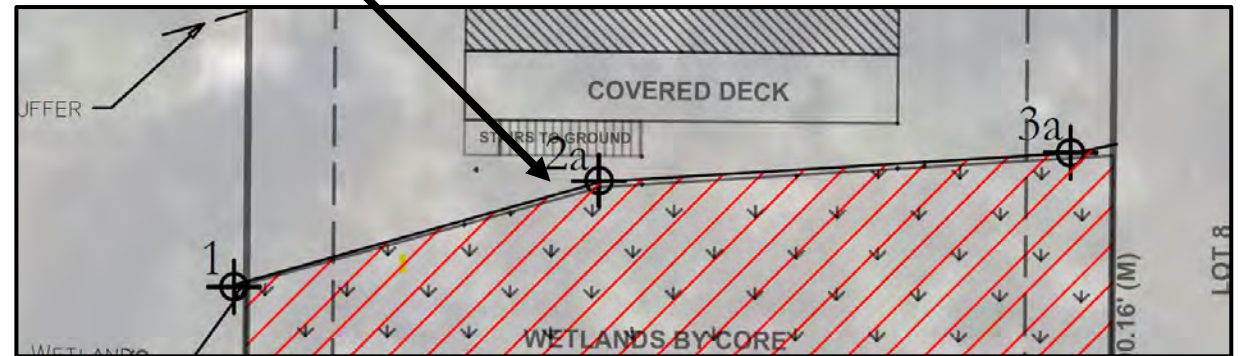
If the area proposed for development is located within fifty (50) feet of the wetland and stream protection district boundary as determined from the Generalized Wetland Map, the following shall apply:

- (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.

# Site Plan

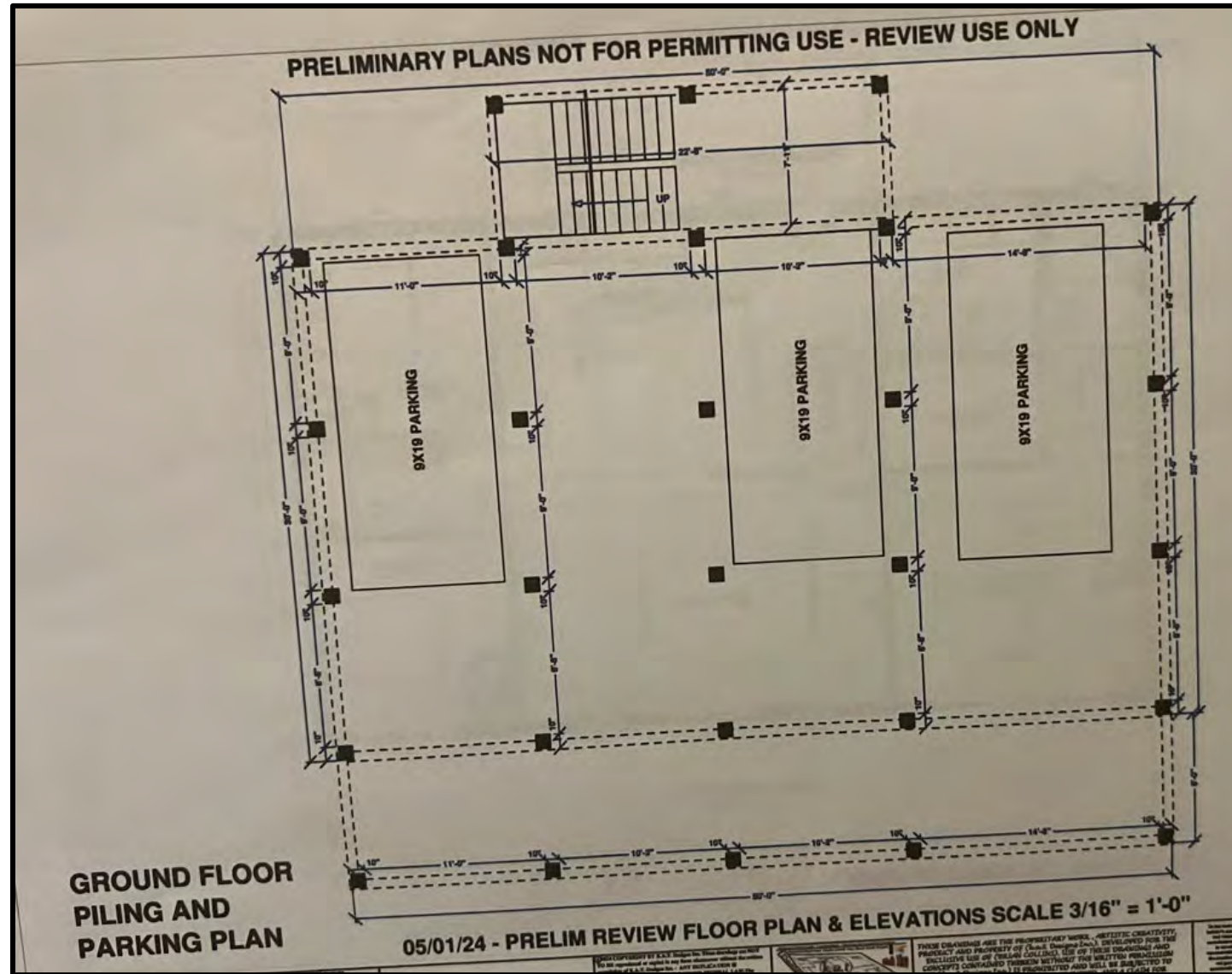


Steps are 2 feet from delineated wetlands



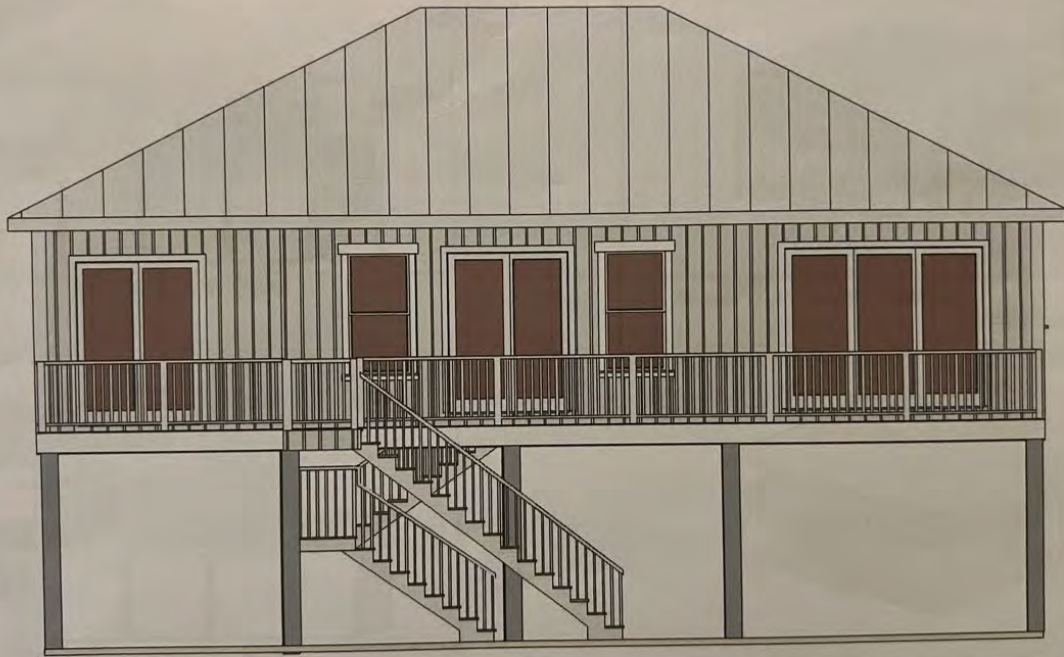
# Parking Plan

**Three 9' x 19'**  
parking spaces  
proposed



# Elevation Plans

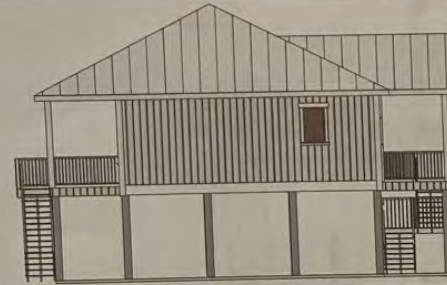
PRELIMINARY PLANS NOT FOR PERMITTING USE - REVIEW USE ONLY



REAR ELEVATION

05/01/24 - PRELIM REVIEW FLOOR PLAN & ELEVATIONS SCALE 3/16" = 1'-0"

PRELIMINARY PLANS NOT FOR PERMITTING USE - REVIEW USE ONLY



LEFTHAND ELEVATION



RIGHT SIDE ELEVATION

05/01/24 - PRELIM REVIEW FLOOR PLAN & ELEVATIONS SCALE 3/16" = 1'-0"

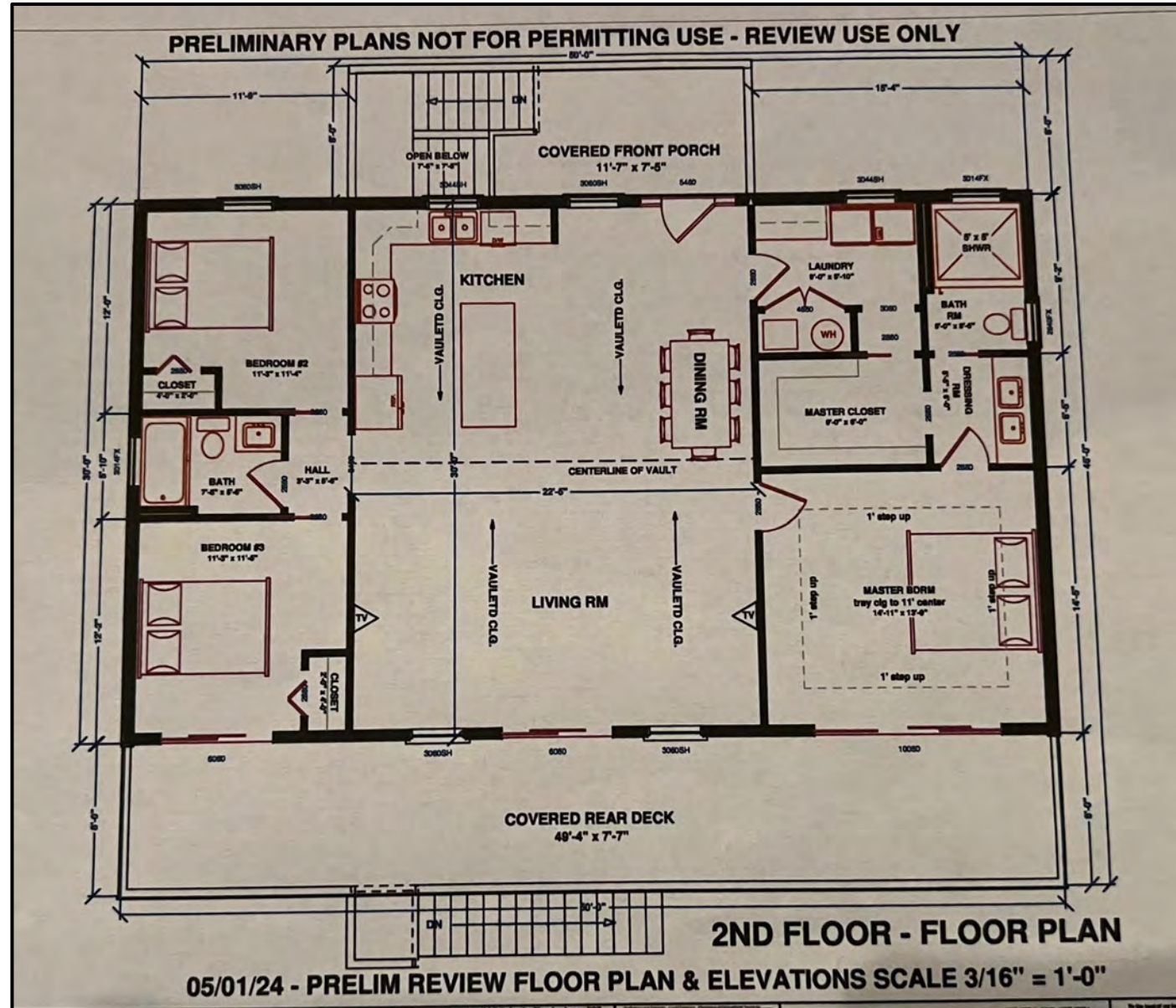


FRONT ELEVATION OVERVIEW



REAR ELEVATION OVERVIEW

# Floor Plans



# Wetland Delineation



May 11, 2022

Angelo & Keri DiLascio  
212 Spring Street  
Mount Kisco, NY 10549

Re: **Wetland Assessment Report**  
**Surfside Shores Unit 2 Blk 1 Lot 7 – Lake Shore Drive, Baldwin County, AL**  
**WSI Reference #2022-363**

Dear Mr. and Mrs. DiLascio,

As requested, Wetland Sciences, Inc. has completed a field wetland delineation located on Lake Shore Drive, Fort Morgan, Baldwin County, AL. The property is described as Lot 7 Surfside Shores Unit 2 Blk 1 and is identified by the Baldwin County Revenue Commission with the Parcel Identification Numbers: (PIN) 075907. This assessment included an analysis of plant communities, soils, and indirect hydrologic indicators. During this determination, Wetland Sciences, did identify wetlands which fall within the regulatory jurisdiction of the US Army Corps of Engineers (Corps) and the Alabama Department of Environmental Management (ADEM) under 33 CFR 320-330. See attached wetland sketch – Exhibit A). The following is a summary of our findings.

The assessment was completed by a thorough pedestrian survey covering 100% of the subject property. I personally inspected the property on May 10, 2022. The wetland boundaries shown on the attached sketch were delineated in accordance with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). There are three primary agencies which regulate wetland resources: Federal (Department of the Army Corps of Engineers – Corps), the Alabama Department of Environmental Management (ADEM) and Baldwin County. Additionally, Baldwin County may require a 30-ft setback for development from wetlands.

The wetland boundaries shown on the attached sketch were delineated in accordance with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Federal – Corps). The wetland boundary was identified in the field by progressively locating points along the upland/wetland boundary at 15-20-ft. intervals or corresponding with directional changes with the boundary. Each point was identified and located by an experienced wetland scientist. Pink flags were placed at each point clearly marked "Wetland Delineation". Each flagged point also contains specific alpha numeric designator for later tracking of its location. Wetland Sciences, Inc. used a Trimble Geo7x GNSS system to locate each point. Data was collected using Trimble's TerraSync Professional Software with further data refinement using Trimble's Pathfinder Professional Software. Please keep in mind that there are many variables that affect the accuracy of the GPS data used to generate the attached sketch. This sketch should be considered approximate unless verified by a survey or other appropriate means.

The boundary of jurisdictional wetland as depicted in the exhibits of this report are not final or "binding" until such time as they are confirmed by the USACE through field inspection. As such, the depicted wetland boundary may be subject to minor changes upon such inspection/approval.

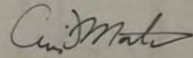
3308 Gulf Beach Highway | Pensacola, Florida 32507 | 850.453.4700 | [craig@wetlandsciences.com](mailto:craig@wetlandsciences.com)

Impacts to wetlands and/or surface waters will require permits from the agencies referenced above. Wetland Sciences, Inc. is keenly aware of this process and can facilitate if necessary. This is a process that is better explained over the telephone or in a person-to-person meeting.

Finally, I have included a statement of our firm for services rendered and expenses incurred associated with this effort. If you find this statement in order, please place it in line for payment.

If you have any questions, please do not hesitate to contact me at (850) 453-4700.

Respectfully,  
**WETLAND SCIENCES, INC.**

  
Craig Martin  
Sr. Scientist

3308 Gulf Beach Highway | Pensacola, Florida 32507 | 850.453.4700 | [craig@wetlandsciences.com](mailto:craig@wetlandsciences.com)



# Cultural Resources Survey

## PHASE I CULTURAL RESOURCES SURVEY LANKFORD BEACH LOT GULF SHORES, BALDWIN COUNTY, ALABAMA

440 W. GULF SHORES ROAD  
GULF SHORES, ALABAMA 36530



Justin S.

Wiregrass Archaeological Consultancy, Inc. (WACI) conducted a cultural resources assessment of a parcel at 6664 Lankford Beach Lot, Gulf Shores, Baldwin County, Alabama (No. 05-68-09-30-0-001-065.000). The assessment was completed by Jenni L. Baggett on June 3, 2024.

Several federal laws require this assessment (the National Historic Preservation Act of 1966, as amended (Part 800); the National Environmental Policy Act of 1969; and the Alabama Historical Commission's (AHC) regulations). This report is hereinafter referred to as AHC Survey Report.

### PROJECT DESCRIPTION

The project tract is in Baldwin County, Alabama, specifically, in the southwest quadrant of the Andrews Bay 7.5' USGS quadrangle. The project is a residential structure development as a residential structure and runs north/south 58 m on the Dunes Golf Course is located to the east and south. Nearby, modern residential development is shown (Figure 2).

### Topography and Geology

The project tract is located north of the mean high water level (AMSL). This part of Fort Mifflin Sea retreated at the end of the last glacial period, leaving alluvial/coastal deposits which have been redeposited and the existing dune process in Baldwin County.

There are no known sources of knappable material within 150 km north of the project tract. Small nodules of quartzite in Baldwin County could have been redeposited and the existing dune process specifically from 1BA134 (Price 2000).

Lankford Beach Lot  
Gulf Shores, Baldwin Co.  
Wiregrass Project No. 2024.042

### CONCLUSIONS AND RECOMMENDATIONS

No cultural resources were identified during this survey. It is, therefore, recommended that no further cultural monitoring or mitigation be required. This recommendation should be considered provisional until accepted or modified by the Alabama State Historical Preservation Office or other relevant oversight agencies. If any prehistoric or historical remains are encountered during any phase of construction or due to any construction activities, those offices should be contacted immediately. The client is responsible for providing copies of this report to the appropriate local, state, and federal agencies if required for permit applications.

### CONCLUSIONS AND RECOMMENDATIONS

No cultural resources were identified during this survey. It is, therefore, recommended that no further cultural monitoring or mitigation be required. This recommendation should be considered provisional until accepted or modified by the Alabama State Historical Preservation Office or other relevant oversight agencies. If any prehistoric or historical remains are encountered during any phase of construction or due to any construction activities, those offices should be contacted immediately. The client is responsible for providing copies of this report to the appropriate local, state, and federal agencies if required for permit applications.

Lankford Beach Lot  
Gulf Shores, Baldwin Co.  
Wiregrass Project No. 2024.042

# State of Alabama Letter



## ALABAMA HISTORICAL COMMISSION

468 South Perry Street  
Montgomery, Alabama 36130-0900

Lisa D. Jones  
Executive Director  
State Historic Preservation Officer

Tel: 334-242-3184  
Fax: 334-242-1083

June 28, 2024

Justin Stickler  
Wiregrass Archaeology  
4555 E. Cottonwood Road  
Dothan, AL 36301

Re: AHC 24-1006  
CRA  
Ph I CBA of Lankford Lot. 6664 Lake Shore Blvd.  
Baldwin County

Dear Mr. Stickler:

Upon review of the cultural resource assessment conducted for the above referenced project, we concur with the author's finding that project activities will have no effect on cultural resources eligible for or listed on the National Register of Historic Places. Therefore, we concur with the determination of No Effect to Historic Properties.

Consultation with the State Historic Preservation Office does not constitute consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public. If archaeological materials are encountered during construction, the procedures codified at 36 CFR 800.13(b) will apply. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal, and glass objects. The federal agency or the applicant receiving federal assistance should contact our office immediately. If human remains are encountered, the provisions of the Alabama Burial Act (Code of Alabama 1975, §13A-7-23.1, as amended; Alabama Historical Commission Administrative Code Chapter 460-X-10 Burials) should be followed. This stipulation shall be placed on the construction plans to ensure contractors are aware of it.

We appreciate your commitment to helping us preserve Alabama's historic archaeological and architectural resources. Should you have any questions, please contact Amanda McBride at 334.230.2692 or [Amanda.McBride@ahc.alabama.gov](mailto:Amanda.McBride@ahc.alabama.gov). Have the AHC tracking number referenced above available and include it with any future correspondence.

Sincerely,

Lee Anne Hewett  
Deputy State Historic Preservation Officer

LAH/amh

Upon review of the cultural resource assessment conducted for the above referenced project, we concur with the author's finding that project activities will have no effect on cultural resources eligible for or listed on the National Register of Historic Places. Therefore, we concur with the determination of No Effect to Historic Properties.

There is no effect to historic properties associated with the variance request.

# Incidental Take Permit

The applicant is in contact with Bill Lynn with US Fish and Wildlife and the Incidental Take Permit application is in progress. This will be a condition upon approval of the request.

# HOA / POA Statement

Begin forwarded message:

**From:** Brenda Easterling  
<[ccpeach516@gmail.com](mailto:ccpeach516@gmail.com)>  
**Date:** May 21, 2024 at 2:13:15 PM  
CDT  
**To:** [Planning@baldwincountyal.gov](mailto:Planning@baldwincountyal.gov)  
**Subject:** 6664 Lake Shore Drive,  
Fort Morgan /Rosalind Langford

Attention : Jenny

The Property Owners Association of  
Surf Side Shores does not object to  
Rosalind Langford building on the  
about referenced property. The  
building however must meet the Surf  
Side Shores Covenant rules/bylaws  
and the Baldwin County building  
code.

Thank you!  
Brenda Easterling  
POA Secretary  
334/652-5357

# 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, Residential Single-Family District and is located on Fort Morgan. The parcel measures approximately 0.46 acres (101.2 x 200) . 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. Staff **does not** perceive the subject property to be exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance. For this reason, this factor is not a criteria in consideration of the request.

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

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

**Lot size hardship: NO**

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

**Actual lot width: 101.2'**

**Lot width hardship: NO**

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

**Actual lot width: 101.2'**

**Lot width hardship: NO**

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

The applicant has provided a wetland delineation which shows approximately 0.11 acres of wetlands. Therefore, staff perceives this property to have an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which requires a variance.

# Staff Analysis and Findings

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

The subject property is located in Planning District 25 and is zoned RSF-1, Residential Single-Family District which allows residential uses. Slide 504-A (Surfside Shores Subdivision) was recorded on June 6, 1966, which predates the adoption of zoning. The applicant has also provided documentation showing delineated wetlands on the property. Therefore, staff feels the granting of this variance would be a necessity for preservation of a property right that would require a variance.

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

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

I will inspect the site next week. It appears that the house could move forward a couple feet without impacting the 30' Building Setback. Do you know why they would not have had the house at the 30' building setback line?

**Fort Morgan Advisory Committee:**

No comments provided at the time this staff report was written.

# ZVA24-26 LANKFORD PROPERTY

## VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

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 the construction of a single-family home.

Staff recommends **APPROVAL** of the variance request with the following conditions and memorialized information:

1. If approved, the variance is limited to the request as shown on the Site Plan.
2. The applicant must submit an Incidental Take Permit (ITP) from USFWS with the Zoning Site Plan (ZSP) application.
3. Submission of a Zoning Site Plan application depicting the Site Plan 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.

# **ZVA24-26 LANKFORD PROPERTY**

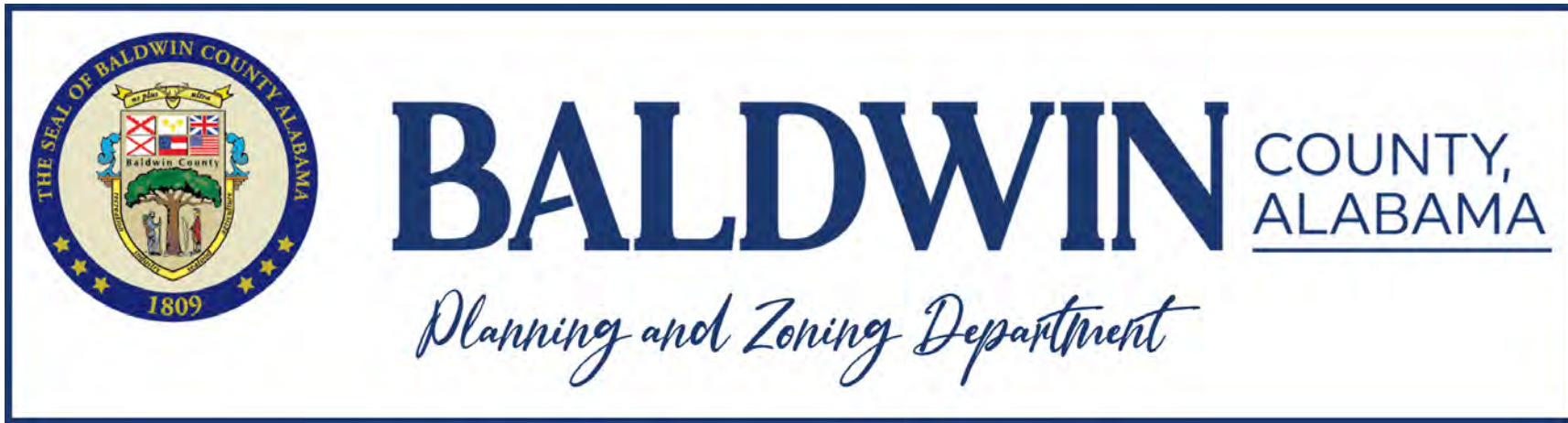
## **VARIANCE REQUEST**

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.



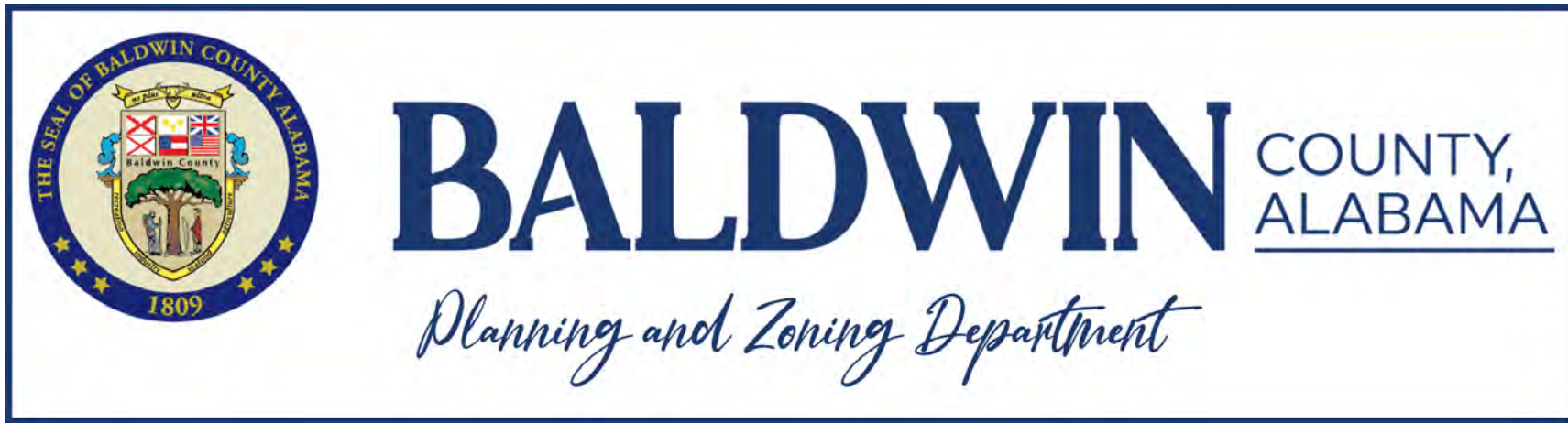
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

AUGUST 8, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



# BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

JULY 18, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

# ZVA24-29 BRECKENRIDGE PROPERTY

## VARIANCE REQUEST

Lead Staff: Brittany Epling,  
Planning Technician II

- **Planning District:** 32   **Zoned:** RSF-2, Single Family District
- **Location:** The subject property is located on South Bayou Drive on Roberts Bayou.
- **PID:** 05-62-07-26-0-000-002.007
- **PPIN:** 378785
- **Acreage:** 0.5 +/- acres
- **Physical Address:** 6970 South Bayou Drive, Elberta, AL 36530
- **Applicant:** Justin Beasley Construction LLC
- **Owner:** Terrence Breckenridge
- **Code Cases/NOV'S:** None



# ZVA24-29 BRECKENRIDGE 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 setback buffer to allow for the construction of a single-family dwelling.

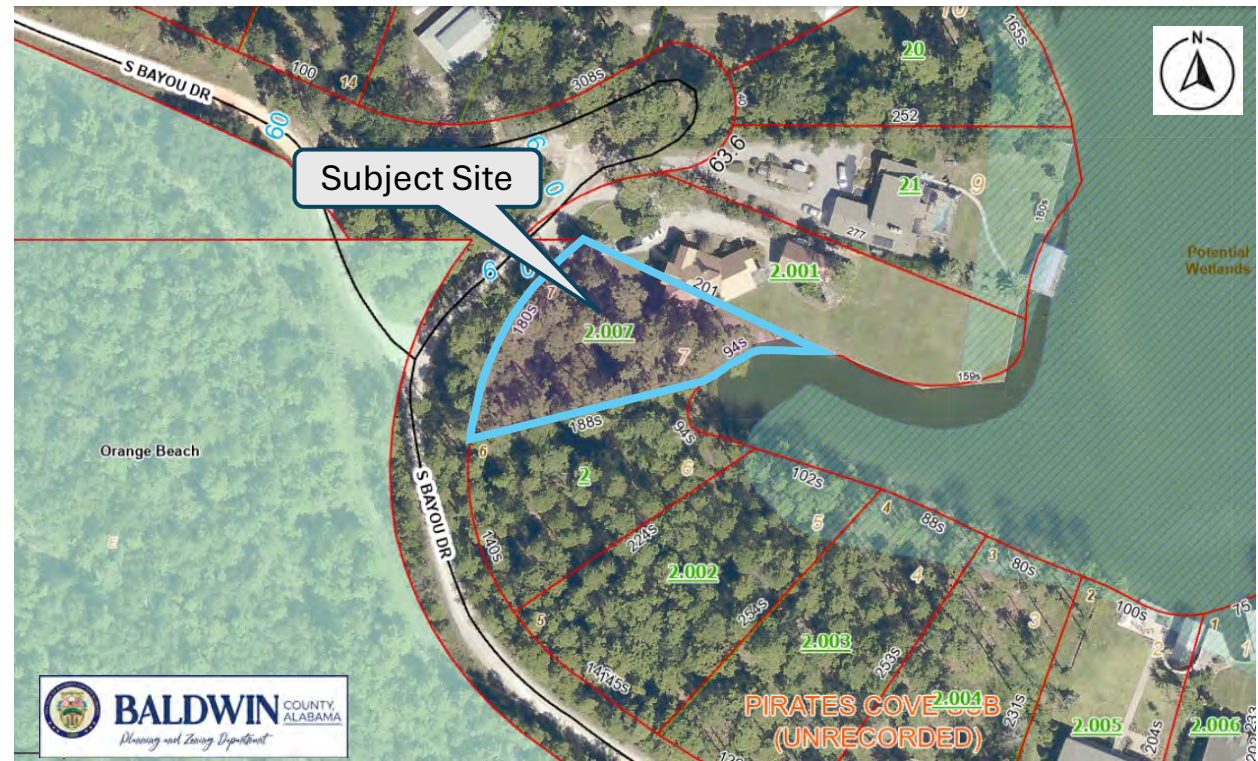
Staff has established the wetlands to be a hardship on the property and therefore recommends Case ZVA24-29 be **APPROVED WITH CONDITIONS** unless information to the contrary is revealed at the public hearing.



# Locator Map



# Site Map



	Adjacent Zoning
North	RSF-2, Single Family District
South	RSF-2, Single Family District
East	Water
West	City of Orange Beach

	Adjacent Land Use
North	Residential
South	Vacant
East	Open Water
West	Vacant

# Site Map



South Bayou Drive

Subject Property

Potential  
Wetlands

Roberts Bayou

Orange Beach

City of Orange Beach

County Road 95

PIRATES COVE SUB  
(UNRECORDED)



**BALDWIN** COUNTY, ALABAMA  
*Planning and Zoning Department*

JOSEPHINE  
BAPTIST  
CHURCH

BAYOU DR

S BAYOU DR

# Locator Map



RA

South Bayou Drive

Subject Property

Roberts Bayou

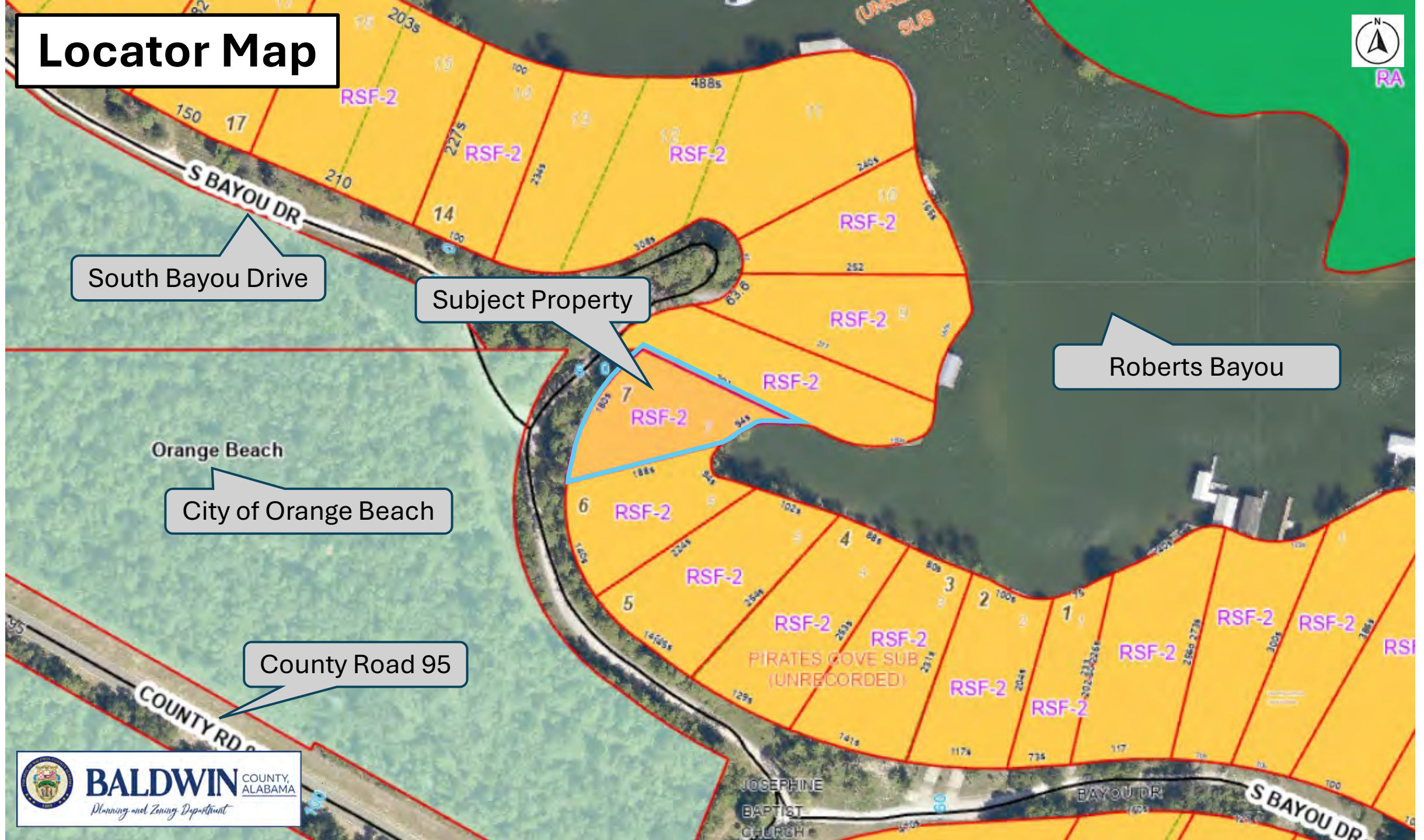
Orange Beach

City of Orange Beach

County Road 95



**BALDWIN** COUNTY, ALABAMA  
Planning and Zoning Department





Subject Property  
PIN: 378785



**PUBLIC HEARING  
PROPOSED  
FOR THIS PROPERTY**  
Case Number  
**ZVA24-000029**  
Baldwin County Planning  
and Zoning Department  
For more information,  
please scan the QR  
code, call, or email.  
(251) 580-1655  
<http://planning.baldwincountyga.gov>



Jun 20, 2024 2:21:55 PM  
133° SE



Adjoining Property  
to The North  
PIN: 82815



Jun 20, 2024 2:23:36 PM  
109° E



Property to  
The West  
PIN: 67246



Jun 20, 2024 2:22:46 PM  
253° W



Adjoining Property  
to The South  
PIN: 67244



Jun 20, 2024 2:25:10 PM  
95° E

# Permit 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.

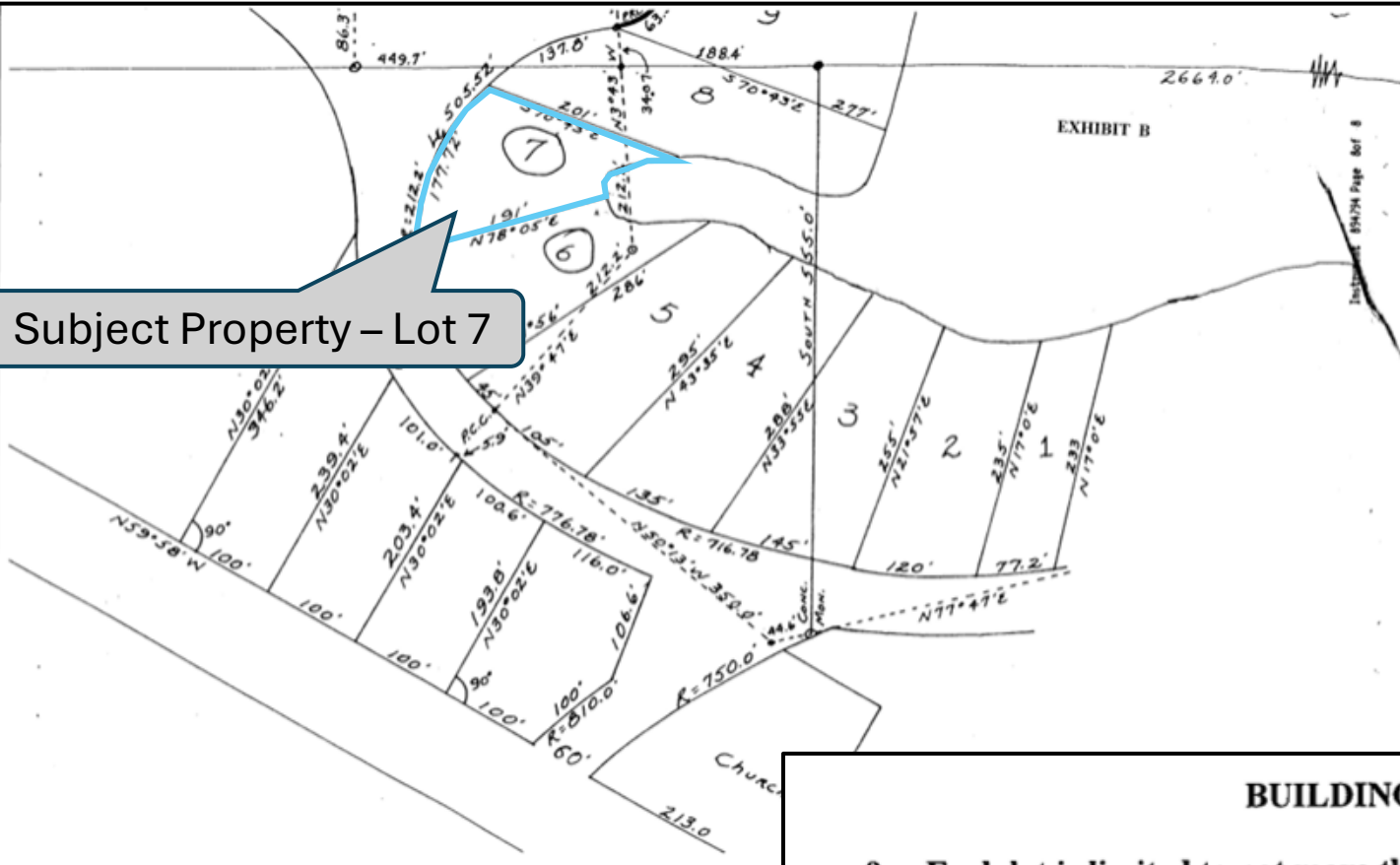
- The applicant is making a request to encroach into the wetland setbacks to fill part of the driveway and construct a single-family dwelling.
- Applicant has submitted an application to the U.S. Army Corps of Engineers to fill 260 square feet of wetlands. The remaining portion of the home will be built in the 30' wetland buffer.

## Section 4.3 RSF-2, Single Family District

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

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

# Pirates Cove Subdivision (Unrecorded)



## Covenants:

### BUILDING DESIGN AND GUIDELINES

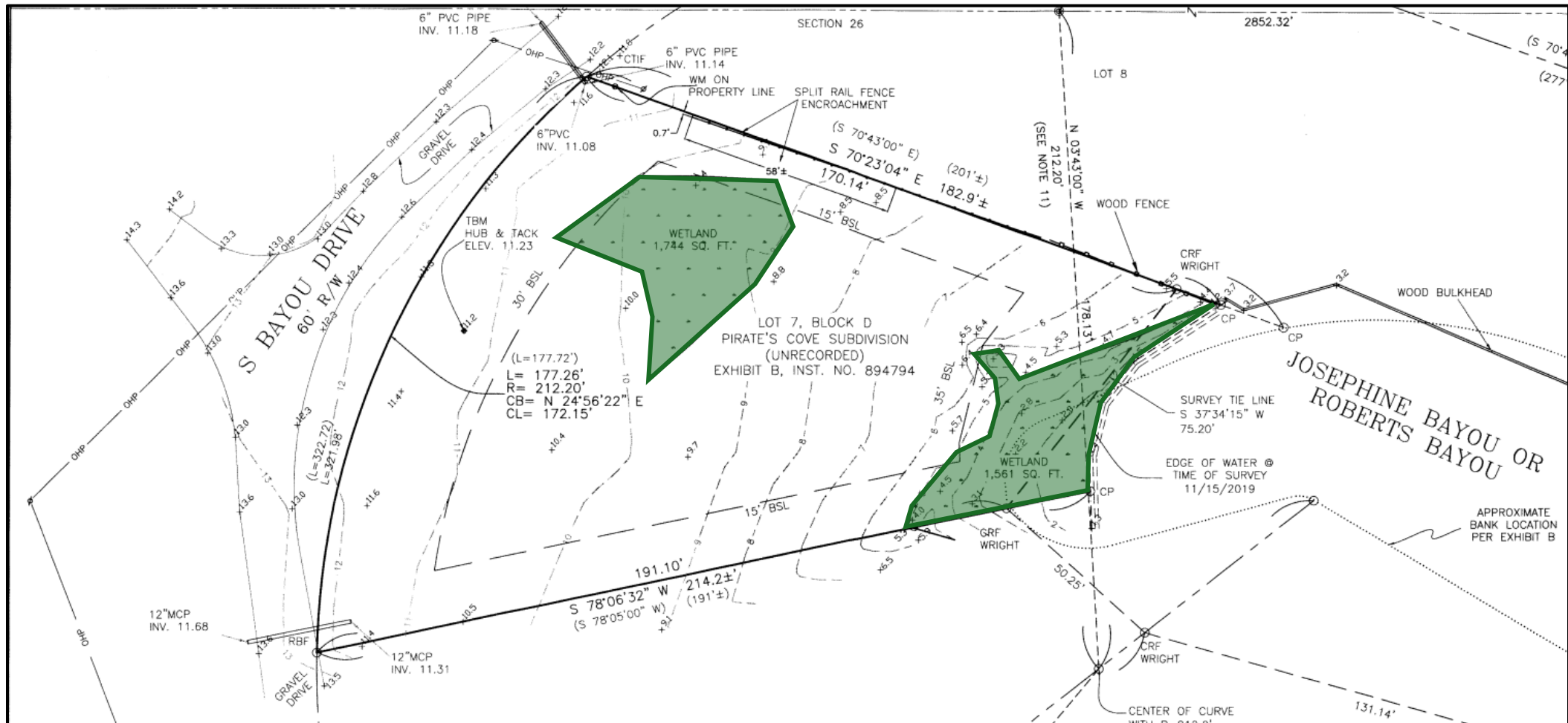
9. Each lot is limited to not more than three separate building structures.
10. No building other than a proper and attractive boathouse or a housing for a water pump shall be located on any lot nearer than **thirty-five (35) feet from the "shoreline control line"** established by the Developer for waterfront lots, nearer than **thirty (30) feet to the back line of any other lot**, nearer than **thirty (30) feet to the front lot line of any lot**, nearer than **fifteen (15) feet to interior, side lot lines**; provided that in the event one residence is to be erected on two or more lots, the fifteen (15) foot restriction as to adjoining lots of the same owner does not apply; nor nearer than thirty (30) feet to the exterior, side lot lines abutting streets.

## Wetland Delineation



Wetlands Delineated by Wetland  
Resources Environmental Consulting

LOT AREA:	21876 SF	0.502 AC
UPLANDS:	18571 SF	0.426 AC
WETLANDS:	3305 SF	0.076 AC



# Site Plan



Wetlands to be filled

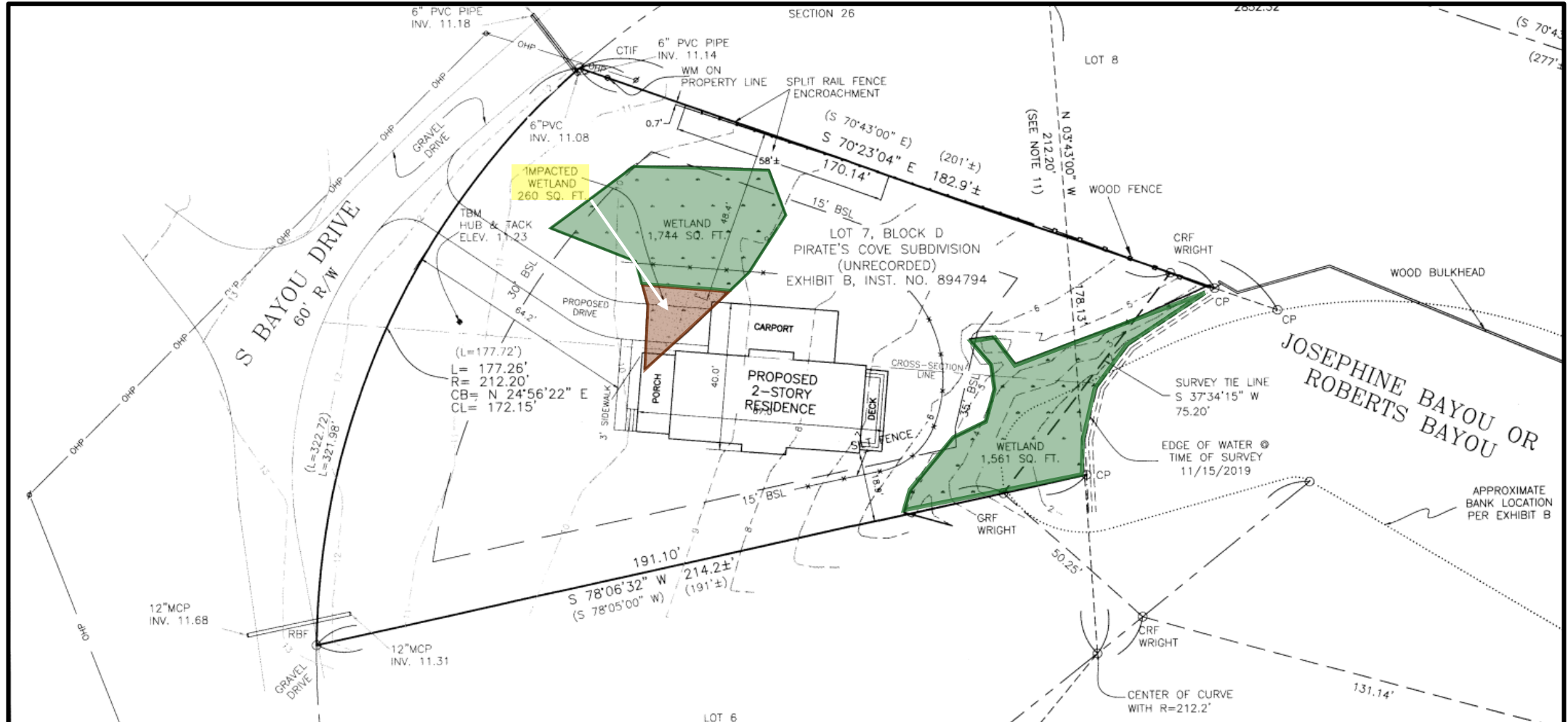


Wetlands to remain

LOT AREA:	21876 SF	0.502 AC
UPLANDS:	18571 SF	0.426 AC
WETLANDS:	3305 SF	0.076 AC
IMPACTED WETLANDS:	260 SF	0.006 AC


FILL TABLE:

WETLAND FILL	15 C.Y.
UPLAND FILL	315 C.Y.
TOTAL FILL	330 C.Y.






# USACE Permit Application

U.S. Army Corps of Engineers (USACE) NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION (PCN) 33 CFR 330, The proponent agency is CEQW-CO-R.		Form Approved - OMB No. 0710-0003 Expires: 02-28-2022
<b>DATA REQUIRED BY THE PRIVACY ACT OF 1974</b>		
<b>Authority</b>	Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332.	
<b>Principal Purpose</b>	Information provided on this form will be used in evaluating the nationwide permit pre-construction notification.	
<b>Routine Uses</b>	This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of the agency coordination process.	
<b>Disclosure</b>	Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.	
The public reporting burden for this collection of information, 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at <a href="mailto:safa.mcaales.eisid.mta.dod-doi-information-requests@mail.mil">safa.mcaales.eisid.mta.dod-doi-information-requests@mail.mil</a> . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.		
PLEASE DO NOT RETURN YOUR RESPONSE TO THE ABOVE EMAIL.		
One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.		
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)		
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED
4. DATE APPLICATION COMPLETE		
(ITEMS BELOW TO BE FILLED BY APPLICANT)		
5. APPLICANT'S NAME First - Terrence Middle - Last - Breckenridge Company - Company Title - E-mail Address - twbreckenridge@gmail.com	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - C/O: Gena Middle - Last - Todia Company - Wetland Resources Environmental Consulting E-mail Address - jaget@zcbra.net	
6. APPLICANT'S ADDRESS: Address- 57 Deerfield Road City - Atmore State - AL Zip - 36502 Country - USA	9. AGENT'S ADDRESS: Address- P.O. Box 2694 City - Daphne State - AL Zip - 36526 Country - USA	
7. APPLICANT'S PHONE NOS. with AREA CODE a. Residence b. Business c. Fax 251-236-0185	10. AGENT'S PHONE NOS. with AREA CODE a. Residence b. Business c. Fax 251-928-6157 251-402-6055	
<b>STATEMENT OF AUTHORIZATION</b> 11. I hereby authorize, <u>Wetland Resources</u> to act in my behalf as my agent in the processing of this this nationwide permit pre-construction notification and to furnish, upon request, supplemental information in support of this nationwide permit pre-construction notification.  <u>5/16/24</u> SIGNATURE OF APPLICANT DATE		
<b>NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY</b>		
12. PROJECT NAME or TITLE (see instructions)  Single-family Residential Home Construction - 6970 South Bayou Drive		

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY		
13. NAME OF WATERBODY, IF KNOWN (if applicable) Roberts Bayou		14. PROPOSED ACTIVITY STREET ADDRESS (if applicable) 6970 South Bayou Drive
15. LOCATION OF PROPOSED ACTIVITY (see instructions) Latitude 30.326258 "N Longitude -87.339912 "W		City: Josephine State: AL Zip: 36530
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID 05-62-07-26-0-000-002.007		Municipality Josephine
Section 26	Township 8 South	Range 5 East
17. DIRECTIONS TO THE SITE. Take U.S. Hwy. 98 east through Elberta and turn south on CR 95. Continue for several miles to Josephine. Turn east on South Bayou Drive. At approx. 0.5 mile turn left. The lot is on the right.		
18. IDENTIFY THE SPECIFIC NATIONWIDE PERMIT(S) YOU PROPOSE TO USE:  NWP 18, Minor Discharges.		
19. DESCRIPTION OF PROPOSED NATIONWIDE PERMIT ACTIVITY (see instructions)  Construction of a single-family house, carport, and driveway.		
20. DESCRIPTION OF PROPOSED MITIGATION MEASURES (see instructions)  Wetland impact has been avoided and minimized by situating the building footprint toward the south side of the lot.		
21. PURPOSE OF NATIONWIDE PERMIT ACTIVITY (Describe the reason or purpose of the project, see instructions)  Construction of a single-family house on a legally platted residential lot.		
22. Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by Proposed Nationwide Permit Activity (see instructions) Acres Linear Feet Cubic Yards Dredged or Discharged 0.006 acre (260 SF) n/a ~20 CY		
Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site.		
23. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project on any related activity (see instructions)  None		
24. If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and requires pre-construction notification, explain how the compensatory mitigation requirement in paragraph (a) of general condition 23 will be satisfied, or explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required for the proposed activity.  Wetland impact is less than 1/10th acre, however, ADEM has conditioned NWP 18 to require compensatory mitigation for any amount of coastal wetland fill. An appropriate amount of wetland credit will be purchased from an approved mitigation bank based on the WRAP score.		

25. Is Any Portion of the Nationwide Permit Activity Already Complete? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe the completed work:	
26. List the name(s) of any species listed as endangered or threatened under the Endangered Species Act that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. (see instructions)  According to the US Fish & Wildlife Service IFC website, the following species potentially occur in this area: Northern Long-eared Bat, Tricolored Bat, Rufa Red Knot, Alligator Snapping Turtle, Eastern Indigo Snake, Monarch Butterfly. The local USFWS office has not been consulted.	
27. List any historic properties that have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic property or properties. (see instructions)  There are no known historic sites or other cultural resources present. A cultural resources assessment has not been conducted.	
28. For a proposed NWP activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, identify the Wild and Scenic River or the "study river".  N/A.	
29. If the proposed NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, have you submitted a written request for section 408 permission from the Corps district having jurisdiction over that project? <input type="checkbox"/> Yes <input type="checkbox"/> No If "yes", please provide the date your request was submitted to the Corps District: N/A	
30. If the terms of the NWP(s) you want to use require additional information to be included in the PCN, please include that information in this space or provide it on an additional sheet of paper marked Block 30. (see instructions)  A wetland delineation was done on this lot in February 2024. A survey plat showing wetlands and wetland determination data forms are attached. Wetland Rapid Assessment Procedure (WRAP) was used to conduct a functional assessment of the wetland area to be filled. The WRAP form is attached.	
31. Pre-construction notification is hereby made for one or more nationwide permit(s) to authorize the work described in this notification. I certify that this information in this pre-construction notification is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.  <u>5/16/24</u> SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE	
The Pre-Construction Notification must be signed by the person who desires to undertake the proposed activity (applicant) and, if the statement in block 11 has been filled out and signed, the authorized agent.	
18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.	

# USACE Permit Application

janet@swiftlumber.com

**From:** jbeasleyconstruction@gmail.com  
**Sent:** Friday, May 31, 2024 11:18 AM  
**To:** Janet Swift  
**Subject:** Fwd: Acknowledgment Email SAM-2024-00514 (Terrence Breckenridge Lot 7 Block D Roberts Bayou)  
**Attachments:** Breckenridge, Terrence (PCN App Package).pdf; Untitled attachment 01520.htm

Sent from my iPhone

Begin forwarded message:

**From:** CESAM-RD <CESAM-RD@usace.army.mil>  
**Date:** May 19, 2024 at 10:08:53 PM CDT  
**To:** Gena Todia <jaget@zebra.net>, "Jordan, C Dianne CIV USARMY CESAM (USA)" <Cynthia.D.Jordan@usace.army.mil>, "Brown, Scott" <jsb@adem.alabama.gov>  
**Cc:** Terrence Breckenridge <twbreckenridge@gmail.com>, Justin Beasley <jbeasleyconstruction@gmail.com>, ADEM - Mobile Branch / Coastal Section <coastal@adem.alabama.gov>  
**Subject:** Acknowledgment Email SAM-2024-00514 (Terrence Breckenridge Lot 7 Block D Roberts Bayou)

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-2024-00514

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.

# Mitigation Credits

If approved, this variance will be conditioned with the purchase of the appropriate amount of mitigation credits, as determined by the U.S. Army Corps of Engineers Nationwide Permit.

# No HOA or POA

6-4-2024

There are no HOA or POA associated with the property 6970 South Bayou Drive Elberta  
Alabama



TERRENCE BRECKOVDRIDGE

251-236-0185

# 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-2, Single Family District and is located on South Bayou Drive along Roberts Bayou. Per the provided Wetland Delineation, the parcel consists of approximately 0.5 +/- acres with variable lot dimensions totaling approximately 21,876 square feet. The required minimum lot size for RSF-2 for single-family housing is 15,000 square feet with a 80’ minimum lot width at building line and 40’ minimum lot width at street line. The actual lot size is larger than the minimum requirements, therefore **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: <b>15,000 sf</b>	Actual size: <b>21,876 sf</b>	Lot size hardship: <b>NO</b>
RSF-1 Required minimum width at street line: <b>40’</b>	Actual lot width: <b>+/-175’</b>	Lot width hardship: <b>NO</b>
RSF-1 Required minimum width at building line: <b>80’</b>	Actual lot width: <b>+/-160 to +/- 80’</b>	Lot width hardship: <b>NO</b>

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

**Staff perceives the 3,305 square feet of wetlands located on the subject property** to be an exceptional topographic condition or other extraordinary situation, contained on the subject property which **requires a variance** in order to utilize the property for the requested single family residential land use.

# Staff Analysis and Findings

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

The subject property is zoned RSF-2, Single Family District which allows residential uses. 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 in order 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 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.**

# ZVA24-29 BRECKENRIDGE 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 setback buffer to allow for the construction of a single-family dwelling.

Staff recommends **APPROVAL** of the variance request with the following conditions:

1. If approved, the variance is limited to the request as shown on the site plan provided herein.
2. Applicant must submit the approved USACE Permit and proof of purchase of mitigation credits as required by the Nationwide Permit with the Zoning Site Plan application.
3. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or licensing agreement), or requirements of other agencies.

# **ZVA24-29 BRECKENRIDGE PROPERTY**

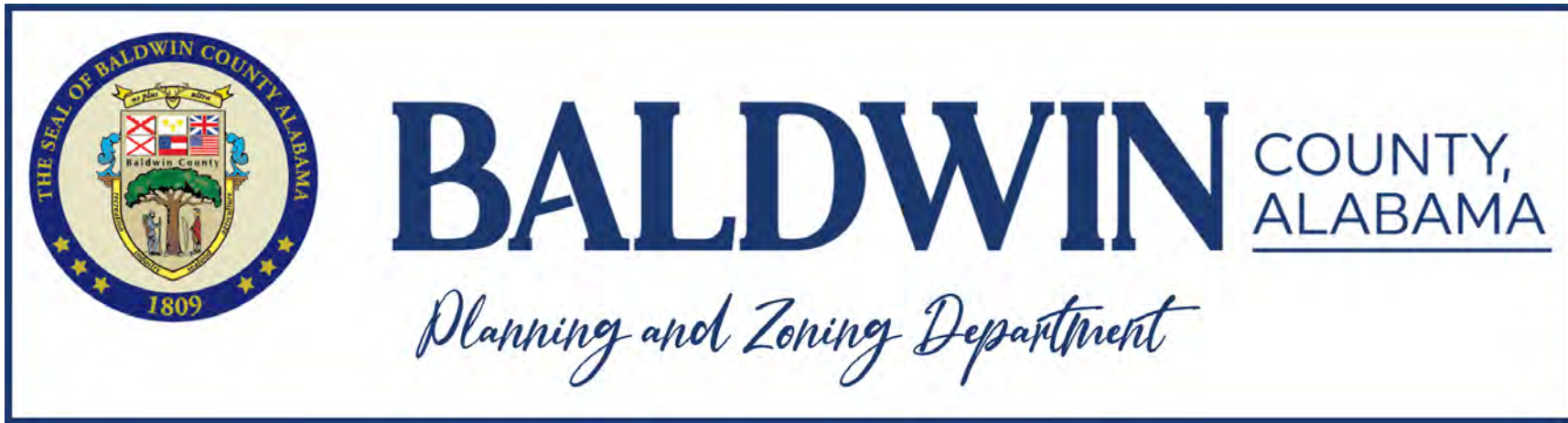
## **VARIANCE REQUEST**

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.



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

AUGUST 8, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL