

BOARD OF ADJUSTMENT NUMBER 2

AGENDA
November 13, 2025
Regular Meeting
3:00 p.m.
n County Satellite Co

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 (October 9, 2025, Work Session and Regular Meeting Minutes)
- 5. Announcements/Registration to Address the Board of Adjustment
- 6. Consideration of Applications and Requests

ITEMS:

a.) Case No. ZVA25-55 Wright Property, 35458 Rester Ave

Request: Approval of variance from Section 4.2.5 Area and Dimensional Ordinance of the Baldwin County Zoning ordinance as it pertains to the building height in order to construct a single-family dwelling.

Location: The subject property is located at 35458 Rester Ave Lillian, Al, Planning District 22. *Attachments: Within Report:*

- d) Old Business
- e) New Business
 - a.) Approval of the 2026 Board of Adjustment 2

Calendar

f) Adjournment

To view maps/plats in higher resolution please visit the 'Upcoming Items' Planning and Zoning webpage' https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda



Baldwin County Planning and Zoning Board of Adjustment Number 2 Work Session Minutes Thursday, October 9, 2025

I. OPENING

Tracey Gambill opened the Baldwin County Planning and Zoning Board of Adjustment Number 2 Work Session at 2:00 p.m. on October 9, 2025, 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 Chairman Wade Mitchell, Samuel Swindle, Clark Strong, Mackie Ray.

Staff present included: Crystal Bates, Calla Shields, Celena Boykin

III. DISCUSSION ITEMS

Staff opened the floor to questions regarding the following cases:

- ZVA25-48 Shoenight Property
- ZVA25-49 South Alabama Investment Group Property

IV. ADJOURNMENT

As there were no further questions, the work session adjourned at 2:20 p.m.

Respectfully Submitted,

Crystal Bates, Planning Technician II

I hereby certify that the above minutes are true, correct and approved this 13th day of November 2025.

Tracey Gambill, Chairman



Baldwin County Planning and Zoning Board of Adjustment Number 2 Regular Meeting Minutes Thursday October 9, 2025

I. Call To Order

Chairwoman Tracey Gambill opened the Baldwin County Board of Adjustment Number 2 meeting at 3:00 p.m. on October 9, 2025, 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. Crystal Bates presented the meeting Preamble.

III. Roll Call

The following Board members were present during roll call: Chairwoman Tracey Gambill, Wade Mitchell, Clark Strong, Samuel Swindle, Mackie Ray.

Staff present included Crystal Bates, Celena Boykin and Calla Shields

IV. Approval of Minutes

Mr. Mackie Ray made a motion to approve September 11, 2025, meeting minutes. Mr. Clark Strong seconded the motion. All members voted aye. **Motion to approve September 11, 2025, minutes carried.**

Consideration of Applications and Requests

1.) ZVA25-48 Shoenight Property, 20524 County Road 12

Mrs. Crystal Bates presented the applicant's request for the variance from Section 13.14.2 (f) of the Baldwin County Zoning Ordinance as it pertains to the 30-foot landscape buffer on the rear in order for boat/rv storage to be built.

The chairwoman invited Mr. Paul Shoenight to the podium, where he shared details about his project and available options. The board members appreciated the presentation and took the opportunity to ask Mr. Shoenight a few questions.

Board member Samuel Swindle made the motion to DENY the variance and was seconded by Clark Strong. The motion to DENY variance case ZVA25-48 with a 5-0 vote.

2.) ZVA25-49 South Alabama Investment Group LLC Property, 8618 Lockridge Rd

Mrs. Calla Shields presented the applicant's request for the variance from Section 4.4.5 Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance as it pertains to the building setbacks in order to construct a single-family dwelling.

The Board invited Laura Thomas from the Design Engineer Group to the podium to share her insights on the project. She kindly explained the reasons behind their request for the variance to proceed with the house construction. There were no additional questions or comments at this time.

Board member Mackie Ray made the motion to DENY the variance and was seconded by Clark Strong. The motion passed to DENY with a 5-0 vote.

V. Old Business

VI. New Business

VII. Adjournment

As there were no further items to discuss, the meeting adjourned at 3:30 p.m.

Respectfully Submitted,

Crystal Bates, Planning Technician II

I hereby certify that the above minutes are true, correct, and approved on this 9th day of October 2025.

Tracey Gambill, Chairwoman

BALDWIN COUNTY PLANNING AND ZONING BOARD OF ADJUSTMENT NUMBER 2

2026 MEETING DATES & APPLICATION DEADLINE DATES

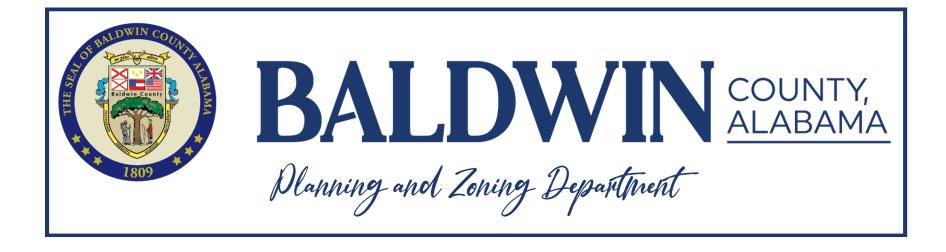
Meeting time: 3:00 p.m.

Meeting location: Foley Satellite Courthouse Large Meeting Room

All applications to be considered by the Baldwin County Board of Adjustment #2 Planning and Zoning Board of Adjustment shall be submitted no later than 12:00 p.m. on the deadline date listed below. *There will be no exceptions*.

MEETING DATE	APPLICATION DEADLINE DATE (@ NOON!)	
January 15, 2026	December 19, 2025	
February 12, 2026	January 22, 2026	
March 12, 2026	February 19, 2026	
April 9, 2026	March 18, 2026	
May 14, 2026	April 23, 2026	
June 11, 2026	May 21, 2026	
July 16, 2026	June 24, 2026	
August 13, 2026	July 23, 2026	
September 10, 2026	August 19, 2026	
October 8, 2026	September 17, 2026	
November 12, 2026	October 21, 2026	
December 10, 2026	November 17, 2026	

^{**}Date Moved due to a Holiday & avoid Planning Commission meeting date**



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

NOVEMBER 13, 2025

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

ZVA25-55 WRIGHT PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

• Planning District: 22

• Zoned: RSF-1

 Location: The subject property is located on the south side of Rester Ave

PID: 05-52-06-24-0-001-017.013

Physical Address: 35458 Rester Ave

• **Applicant:** David Wright

• Owner: David Wright



ZVA25-55 WRIGHT PROPERTY

Variance Request Summary and Recommendation

Lead Staff: Crystal Bates, Planning Technician II

The applicant is seeking a variance from Section 4.2.5 Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance, as it pertains to the height of a proposed dwelling.

The applicant is proposing to construct a piling house on this property, which is located within an X flood zone. Per the zoning ordinance definition of building height, the height is measured from the average elevation of the proposed finished grade to the mean height between eaves and ridge. The maximum height allowed for RSF-1 is 35 feet. The proposed house is reaching approximately 40 feet to the mean roof height and a total height of 45'11".

Unless information to the contrary is revealed at the public hearing, staff recommends that ZVA25-55 be denied due to hardships on the land would affect setbacks not height.



Locator Map

Site Map





	Adjacent Zoning	Adjacent Land Use	
North	RA, Rural Agricultural	Vacant- Conservation Swamp	
South	RSF-1, Residential Single Family	Residential	
East	RSF-1, Residential Single Family	Vacant	
West	RSF-1, Residential Single Family	Under Construction	
D 11 1 0 1 D1	sing 8 Zoning Board of Adjustments 2	_	



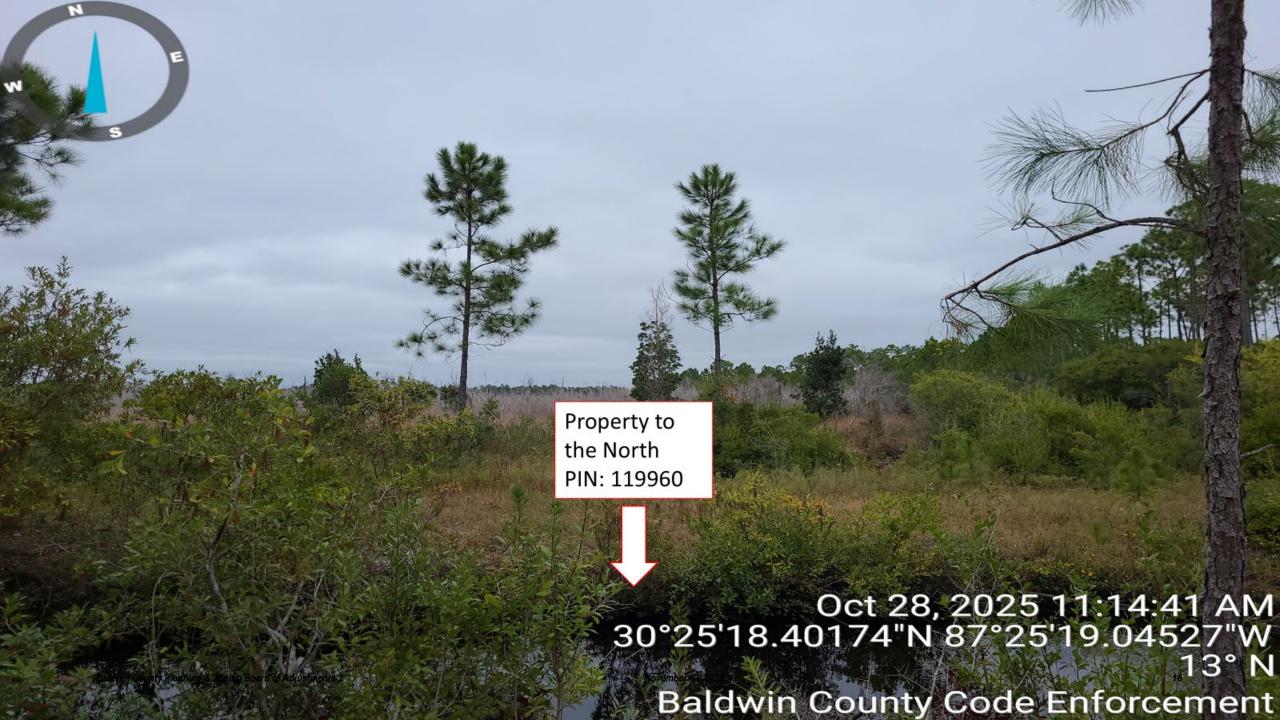


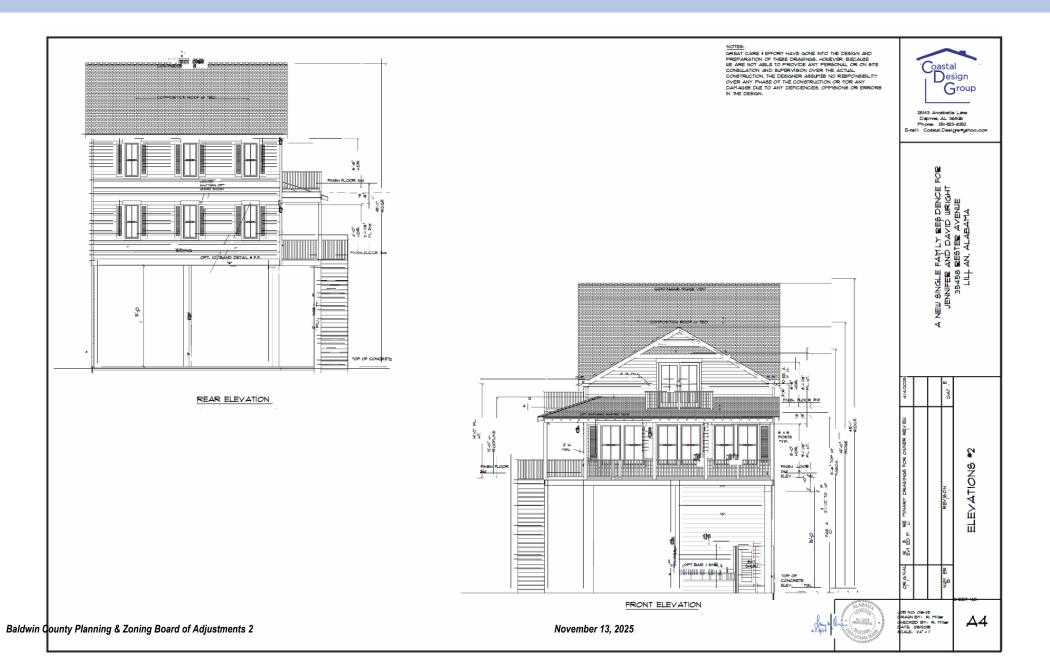


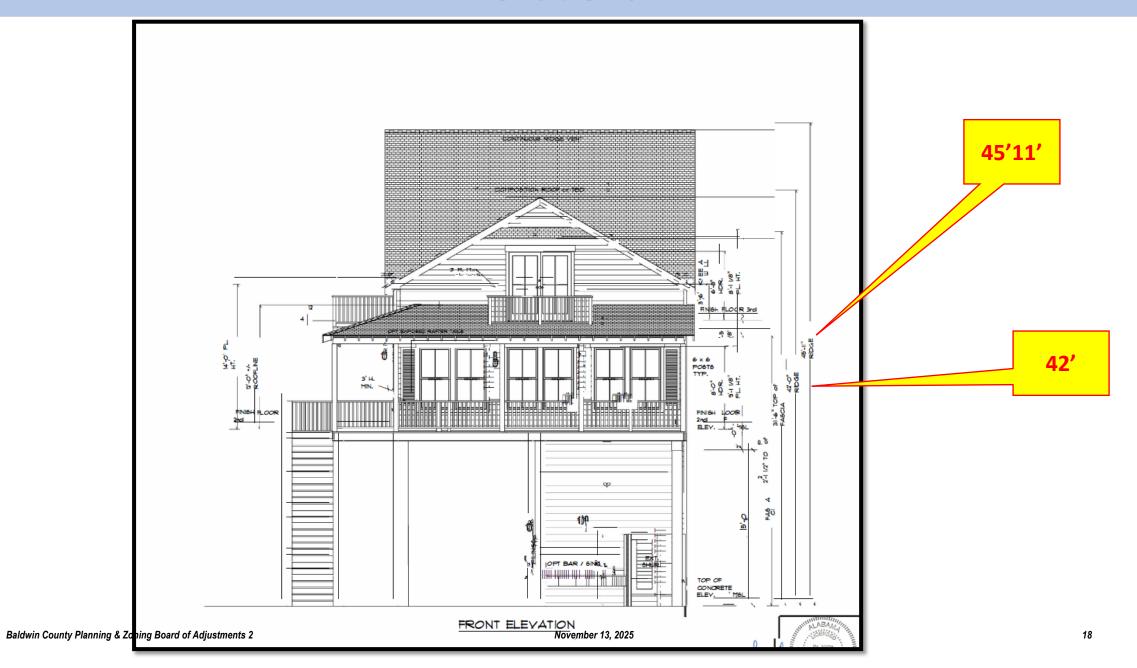


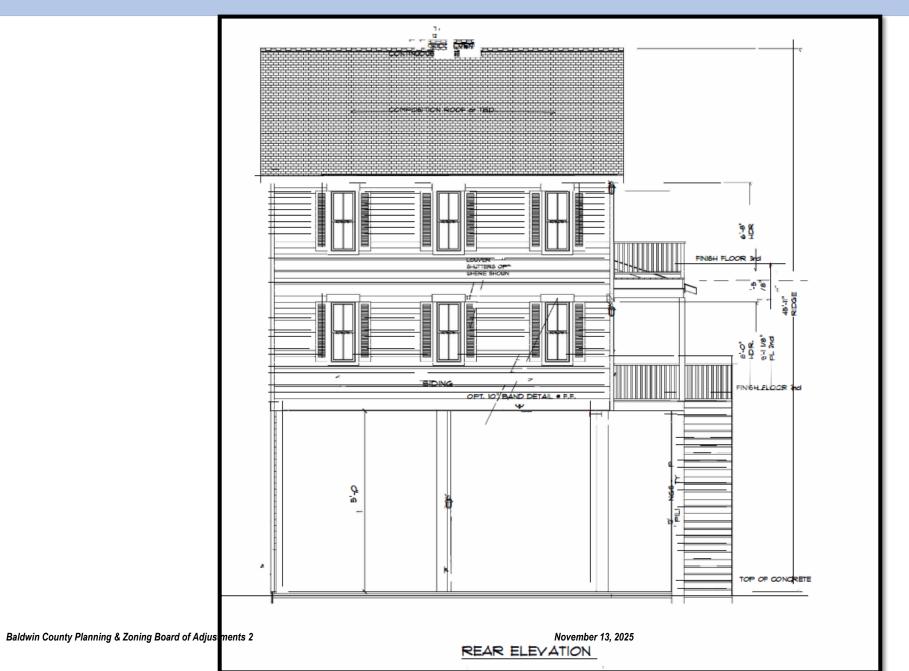












GREAT CARE & EFFORT HAVE GONE INTO THE DESIGN AND PREPARATION OF THESE DRAININGS, HOLEVER, BECAUSE LIE ARE NOT ABLE TO PROVIDE ANY PERSONAL OR ON SITE CONSULATION AND SUPERVISION OVER THE ACTUAL. CONSTRUCTION, THE DESIGNER ASSUMES NO RESPONSIBILITY OVER ANY PHASE OF THE CONSTRUCTION OR FOR ANY DAMAGES DUE TO ANY DEFICIENCES, OMMISIONS OR ERRORS IN THE PAGE OF THE CONSTRUCTION OR FOR ANY DEFICIENCES, OMMISIONS OR ERRORS

- EXTERIOR ELEVATION NOTES:

 1. CONTRACTOR TO VIRRIEY ALL WINDOW AND DOOR STYLIES AND SIZES PRIOR TO CONSTRUCTION.
- 2. PROVIDE STEPS AS PER CODE. PROVIDE STEPS AS PIER COURT.
 GROUND INES SHOUN FOR REFERENCE ONLY AND YARY DEPENDING ON SITE CONDITIONS.
 ALL FINSH MATERIAL TO BE VERIFIED BY CONTRACTOR.
 REFER TO TYPICAL WALL DETAIL FOR FRAMING METHODS
- AND OTHER MISC. INFORMATION.
 6. CONTRACTOR TO PROVIDE ADEQUATE ROOF VENTILATION AS REQUIRED BY CURRENT CODES.

EXPOSURE B CATEGORY ALL UINDOU AND EXTERIOR DOOR OPENINGS TO BE IMPACT RATED.

SHINGLE ROOF COVERING MUST BE CLASS HIHIGH

ROOF MOUNTED VENTS INCLUDING BUT NOT LIMITED TO RIDGE VENTS AND TURBINES MUST BE FLORIDA BULDING CODE TAS IOO(A) APPROVED



RIGHT ELEVATION



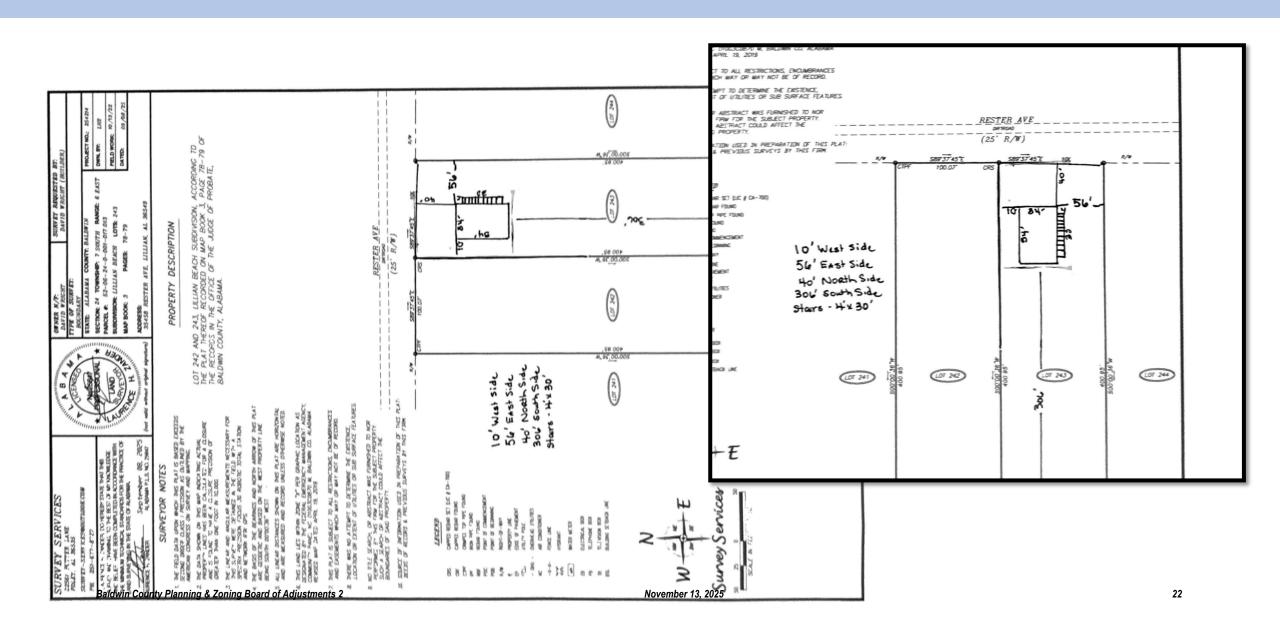
28143 Arnabelle Lane Daphne, AL 36526 Phone: 251-923-8292 E-mail: Coastal.Designs9yshop.com

EVATIONS

A3-A



Site Plan



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.

Building height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs. In A-zones building height will be measured from the finished floor elevation. In V-zones building height will be measured from the bottom of the lowest supporting girder.

- (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 3.2.6 herein, agricultural uses shall be permitted uses, except that the minimum front yard for barns and other agricultural structures shall be 100 feet when constructed on an RSF-1 zoned parcel where no primary dwelling currently exists.
- 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 18.5: 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
	Square Feet
Minimum Lot Width at Building Line	100-Feet
Maximum Ground Coverage Ratio	.35

CORP PERMIT



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-001

February 26, 2024

South Alabama Branch Regulatory Division

SUBJECT: Department of the Army Nationwide Permit, File Number SAM-2023-01067

David Wright 271 Ridgeview Lake Road Alabaster, Alabama 35007 Dw1455@bellsouth.net

Dear Mr. Wright,

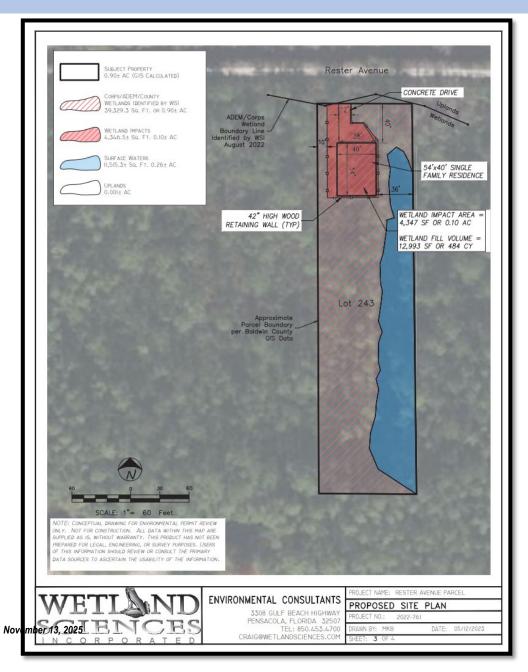
This letter is in response to your request for verification of a Department of the Army (DA) Nationwide Permit (NWP) 18 authorizing the placement of fill material within jurisdictional wetlands for construction of a single-family residence with associated driveway and retaining wall. This project has been assigned Department of the Army file number SAM-2023-01067, which should be referred to in all future correspondence with this office concerning this project. The project is located approximately one mile to the northeast of the unincorporated community of Lillian, directly south of Rester Avenue, on Lot 243 of the Lillian Beach subdivision, centered at latitude 30.4215532°, longitude -87.422132°, in Baldwin County, Alabama.

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

-- The permanent discharge of 484 cubic yards of fill material within 4,356 square feet (0.1 acre) of palustrine forested wetlands. The fill is required for construction of a 54-foot by 40-foot single family residence and an associated 40-linear-foot concrete driveway varying in width from 12 feet to 38 feet. A 42-inch-tall wood retaining wall will be installed to encompass and contain the fill.

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. The enclosed 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 have



Staff Analysis and Findings

1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.

Zoning in Planning District 30 came into effect on September 25, 2001. The lot described is 100 x 400.95 feet and is approximately 40,000 Square Feet. The minimum lot size requirement for RSF-1, Residential Single-Family District, is 30,000 sf, with a Minimum Lot Width at the Building Line of 100'.

Minimum lot size: 30,000 sf, Actual lot size: 40,000 sf, Minimum Lot width at building line: 100', Actual Lot Width: 100', Hardship: No

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

The property contains jurisdictional wetlands and has received a U.S. Army Corps of Engineers permit to fill the minimum necessary area. The Zoning Land Disturbance was approved on August 14, 2024. Therefore, staff may identify exceptional topographical conditions or other unique situations or circumstances on the property that might necessitate a variance; however, these are not relevant to the current situation.

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.

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. The applicant has requested a height variance in accordance with the Baldwin County zoning ordinance. Our method of measuring height is based on flood elevations; however, this particular parcel falls within flood elevation zone X, which is not designated as a flood zone area. Therefore, we measure height from the finished grade level upward. Staff believes that the granting of the application is not necessary for the preservation of a property right but merely to serve as a convenience to the applicant or based solely upon economic loss.

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

Staff does not believe the granting of this application, **in general**, will impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County. However, staff cannot specifically assure and makes no warranty or guarantee that if granted the resultant variance will or will not diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County because the effect of the variance cannot be quantified at the time of consideration.

Staff Analysis and Findings

5.) Other matters which may be appropriate.

- * The applicant has submitted a written document stating there is no active homeowner association for the subject property.
- * No documentation in favor of or opposition to this variance request has been received at the time this staff report was written.

POA Statement

9/30/2025

To whom it may concern:

Rester Ave is within the Lillian Beach Subdivision and we were provided with a copy of the HOA rules by Baldwin County, however, this HOA is not active. There have been no meetings in a number of years and there is no HOA president or anyone else that governs the HOA.

Also, if you read the HOA bylaws Baldwin County may want to stop distributing it. There is some very discriminatory language in it. I'm not sure when it was written but it is unconstitutional.

David Wright
David Wright

ZVA25-55 WRIGHT PROPERTY

Variance Request Summary and Recommendation

Lead Staff: Crystal Bates, Planning Technician II

The applicant is seeking a variance from Section 4.2.5 Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance, as it pertains to the height of a proposed dwelling.

The applicant is proposing to construct a piling house on this property, which is located within an X flood zone. Per the zoning ordinance definition of building height, the height is measured from the average elevation of the proposed finished grade to the mean height between eaves and ridge. The maximum height allowed for RSF-1 is 35 feet. The proposed house is reaching approximately 40 feet to the mean roof height and a total height of 45'11".

Unless information to the contrary is revealed at the public hearing, staff recommends that ZVA25-55 be denied due to hardships on the land would affect setbacks not height.

If the board decides to grant the variance request, staff recommends the following conditions:

- 1. If approved, the variance is limited to the site plan as shown and provided herein.
- 2. This variance doesn't relieve the subject property of any 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.

ZVA25-55 WRIGHT PROPERTY

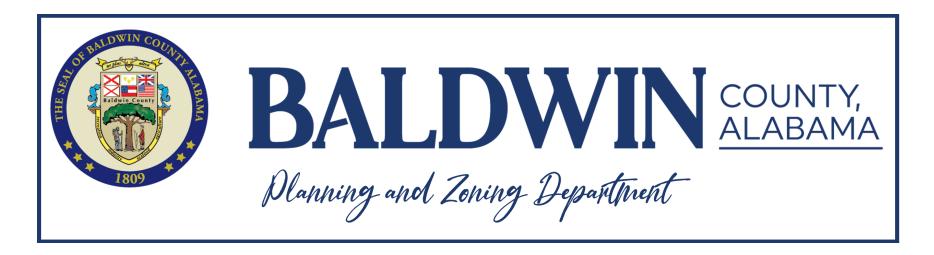
Variance Request Summary and Recommendation

Lead Staff: Crystal Bates, Planning Technician II

GENERAL NOTES {By-laws}

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

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



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

DECEMBER 11, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL