



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

**WORK SESSION AGENDA
Thursday, February 13, 2025
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. 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>



**BOARD OF ADJUSTMENT NUMBER 2
AGENDA**

February 13, 2025

Regular Meeting

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 (January 16, 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. ZVA25-02 Clays Property, Magnolia St

Request: Approval of a Variance from Section 10.4.4. of the Baldwin County Zoning Ordinance as it pertains to the 30' non-disturbed wetland setback in order to allow for fill.

Location: The subject property is located at 30484 Magnolia St, Elberta AL in Planning District 32.

b.) Case No. ZVA25-03 Pottinger Property, 0 Beach Dr

Request: Approval of a Variance from Section 4.6.5 Area and Dimensional ordinance of the Baldwin County Zoning Ordinance as it pertains to the rear yard setback requirement for a single-family dwelling.

Location: The subject property is located at 0 Beach Dr, Gulf Shores, AL in Planning District 25.

c.) Case No. ZVA25-04 Sherrill Property, 736 Gulf Way Dr

Request: Approval of a Variance from Section 10.4.4 of the Baldwin County Zoning ordinance as it pertains to the encroachment into the 30’ wetland buffer to allow for revision to the original approve variance and site plan for additional wetland fill and stairs to remain.

Location: The subject property is located at 736 Gulf Way Dr in Gulf Shores, AL in Planning District 25.

d.) Case No. ZVA25-06 Hawkins Property, 6422 County Road 95

Request: Approval of a Variance from Section 12.5 (f) Yard requirements of the Baldwin County Zoning Ordinance as it pertains to the VE 50’ setback from the reach of the high tide line.

Location: The subject property is located at 6422 County Road 95 in Elberta, AL in Planning District 32.

Attachments: Within Report:

7. Old Business
8. New Business
9. 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, January 16, 2025**

I. OPENING

Chairwoman Gambill opened the Baldwin County Planning and Zoning Commission Board of Adjustment Number 2 Work Session at 2:00 p.m. on January 16, 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 Chair Wade Mitchell, Clark Strong, Samuel Swindle, Michael Swansburg, and Mackie Ray.

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

III. DISCUSSION ITEMS

Staff opened the floor to questions regarding the following cases:

- ZVA24-66
- ZVA24-68

IV. ADJOURNMENT

As there were no further questions, the work session adjourned at 2:52 p.m.

Respectfully Submitted,

Brittany Epling, Planning Technician II

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

Tracey Gambill, Chairman



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Regular Meeting Minutes
Thursday, January 16, 2025**

I. Call To Order

Chairwoman Tracey Gambill opened the Baldwin County Board of Adjustment Number 2 meeting at 3:01 p.m. on January 16, 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. 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, Clark Strong, Mackie Ray, Michael Swansburg, and Sammy Swindle.

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

IV. Approval of Minutes

Mr. Swindle made a motion to approve the December 12, 2024, meeting minutes. Mr. Ray seconded the motion. All members voted aye. **Motion to approve the December 12, 2024, minutes carried.**

VI. Old Business

Consideration of Applications and Requests

1) ZVA24-66 LaGrasse Property

Mrs. Epling presented the applicant's request for 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.

The property owners, John & Joan LaGrasse, were present and spoke in favor of the request and answered questions from the board. Lee Tillman (the applicant's builder for the project) also spoke in favor of the request. No one spoke in opposition to the request.

After discussion, Mr. Swindle made a motion to deny the variance request. Mr. Strong seconded the motion. After a roll call, two members voted to deny the variance, and two members voted to approve the variance request. No action was taken. Mr. Mitchell made a motion to approve the variance request with staff conditions, as well as with the condition to remove the lookout deck

within 90 days. Mr. Ray seconded the motion. After a roll call, three members voted aye and one member voted nay. **Motion to approve case ZVA24-66 variance request with conditions passed.**

2) ZVA24-68 Blair & Mandel Properties

Ms. Rhodes presented the applicant's request for 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.

Mr. Blair and Mr. Mandel spoke in favor of the request. Mr. Blair furnished a document for the Board members in support of his request. No one spoke in opposition of the request.

After discussion, Mr. Strong made a motion to deny the variance request. Mr. Ray seconded the motion. After a vote, three members voted aye and one member voted nay. **Motion to deny case ZVA24-68 variance request passed.**

V. New Business

No new business was discussed.

VI. Adjournment

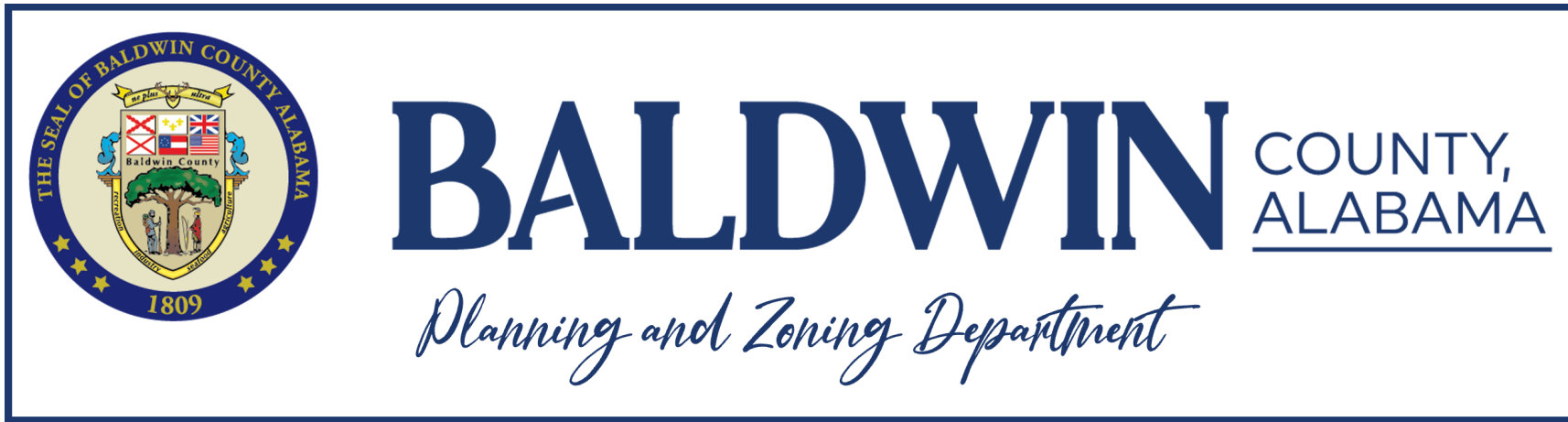
As there were no further items to discuss, the meeting adjourned at 4:11 p.m.

Respectfully Submitted,

Brittany Epling, Planning Technician II

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

Tracey Gambill, Chairman



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

FEBRUARY 13, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

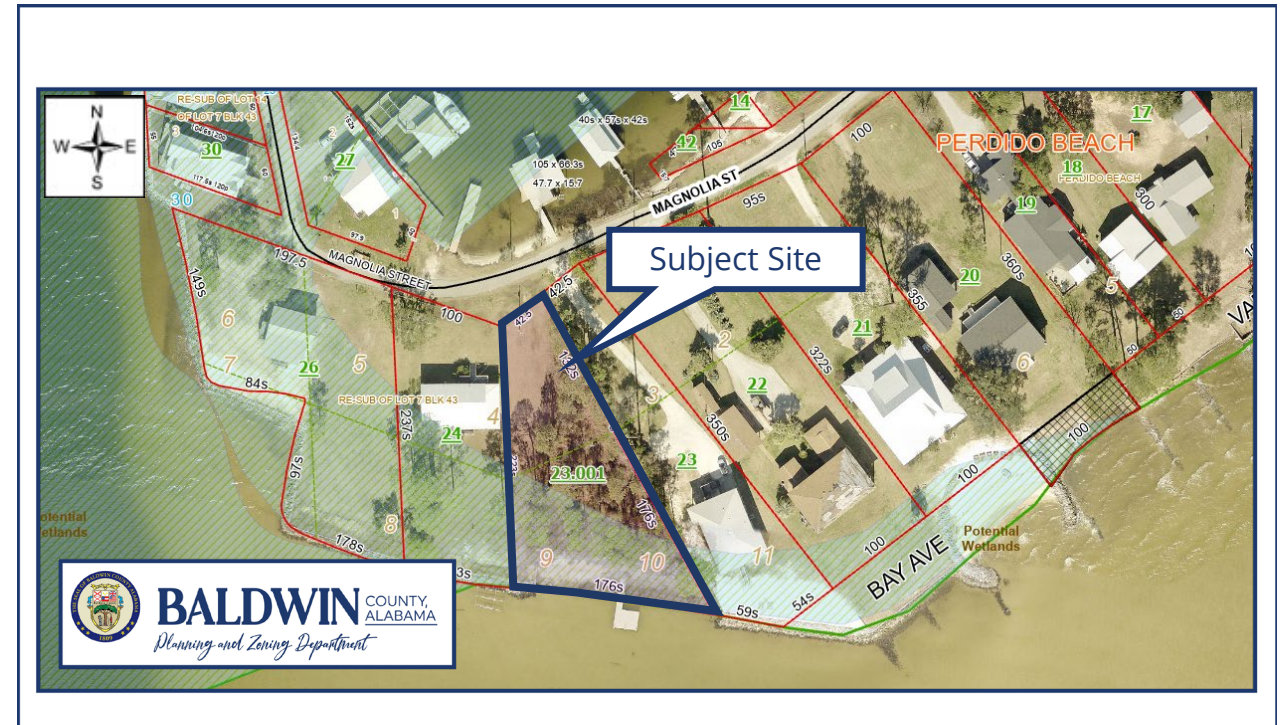
FOLEY, AL

ZVA25-02 CLAYS PROPERTY

VARIANCE REQUEST

Lead Staff: Calla McKenzie, Planning Technician II

- **Planning District:** 32
- **Zoned:** RSF-2, Single Family District
- **Location:** The subject property is located south of Magnolia Street in the Perdido Beach area.
- **PID:** 05-63-04-19-0-000-023.001
- **PPIN:** 65497
- **Acreage:** +/- 0.578 acres
- **Physical Address:** 30484 Magnolia Street
- **Applicant:** Timothy Clays
- **Owner:** Timothy and Michelle Clays



ZVA25-02 CLAYS PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, 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 non-disturbed 30' wetland setback buffer to allow for the construction of a single-family dwelling.

Staff recommends ZVA24-02 be **DENIED** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	Water Body	N/A
South	Water Body	N/A
East	RSF-2, Residential Single Family	Residential
West	RSF-2, Residential Single Family	Residential



Subject Property
PIN: 65497



VARIANCE
PROPOSED
FOR THIS PROPERTY
Case Number
ZVA25-000002 
For information Contact
Baldwin County Planning &
Zoning Department
(251) 580-1655

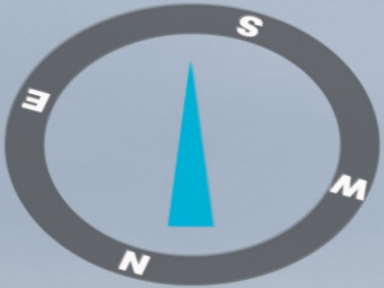
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158° S



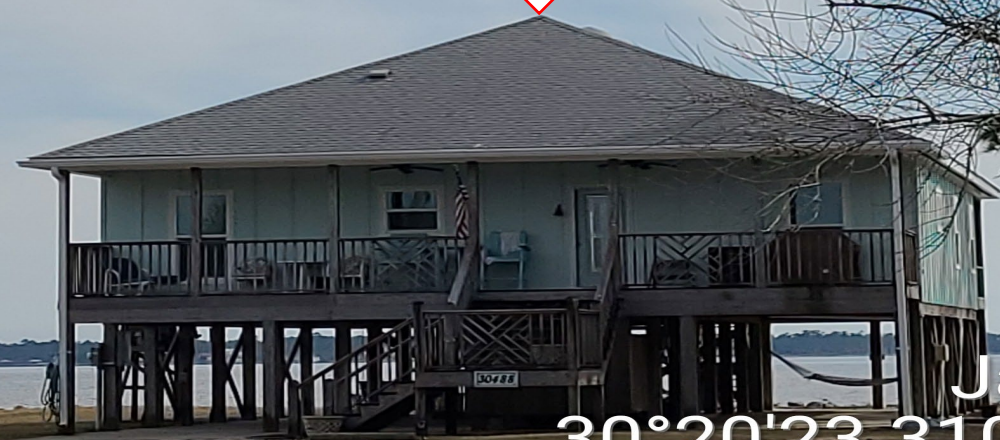
Adjoining
Property to
The West
PIN: 65496



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192° S



Adjoining Property
to The East
PIN: 41217



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159° S

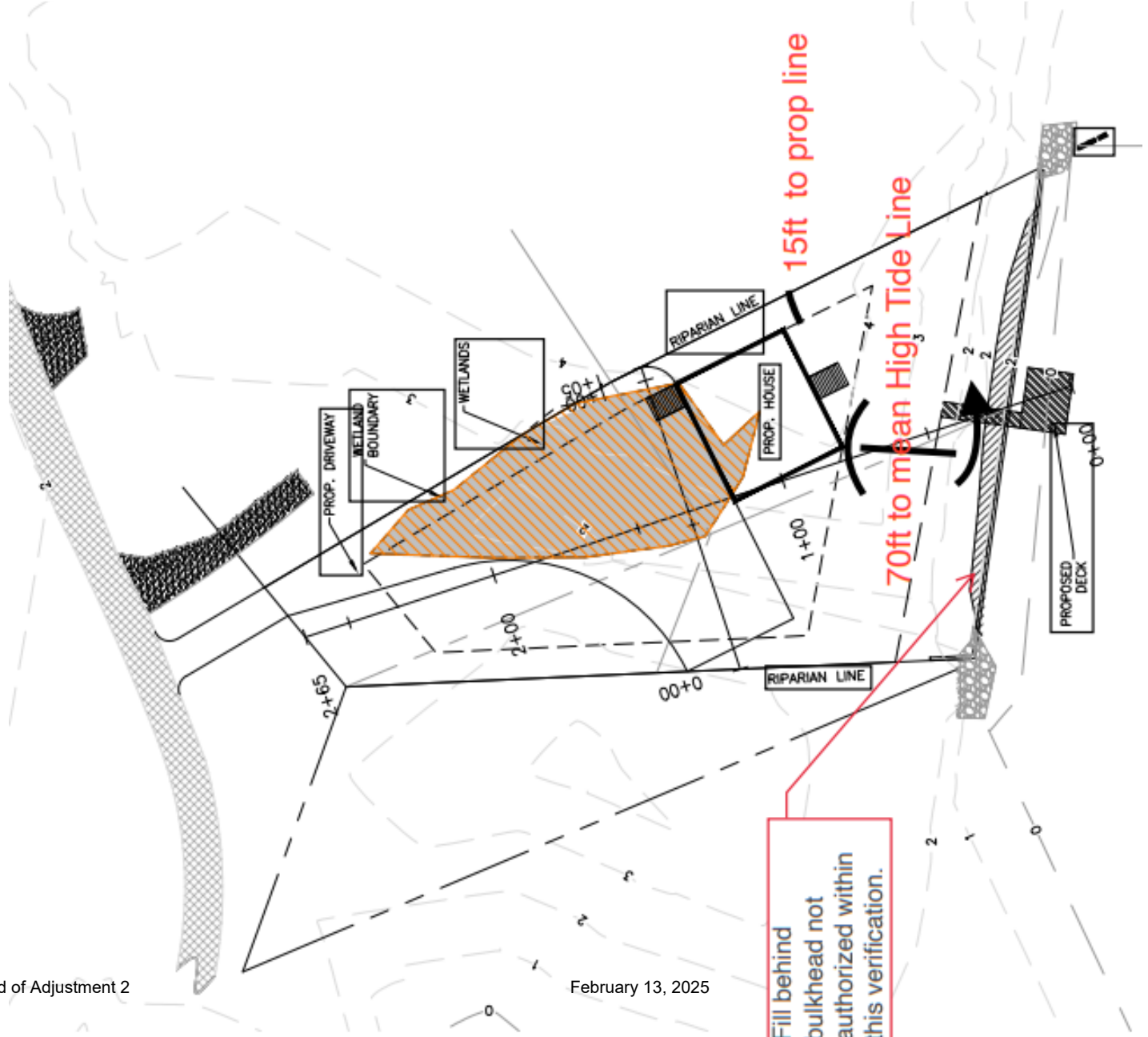


Property to
The North
PIN: 46531

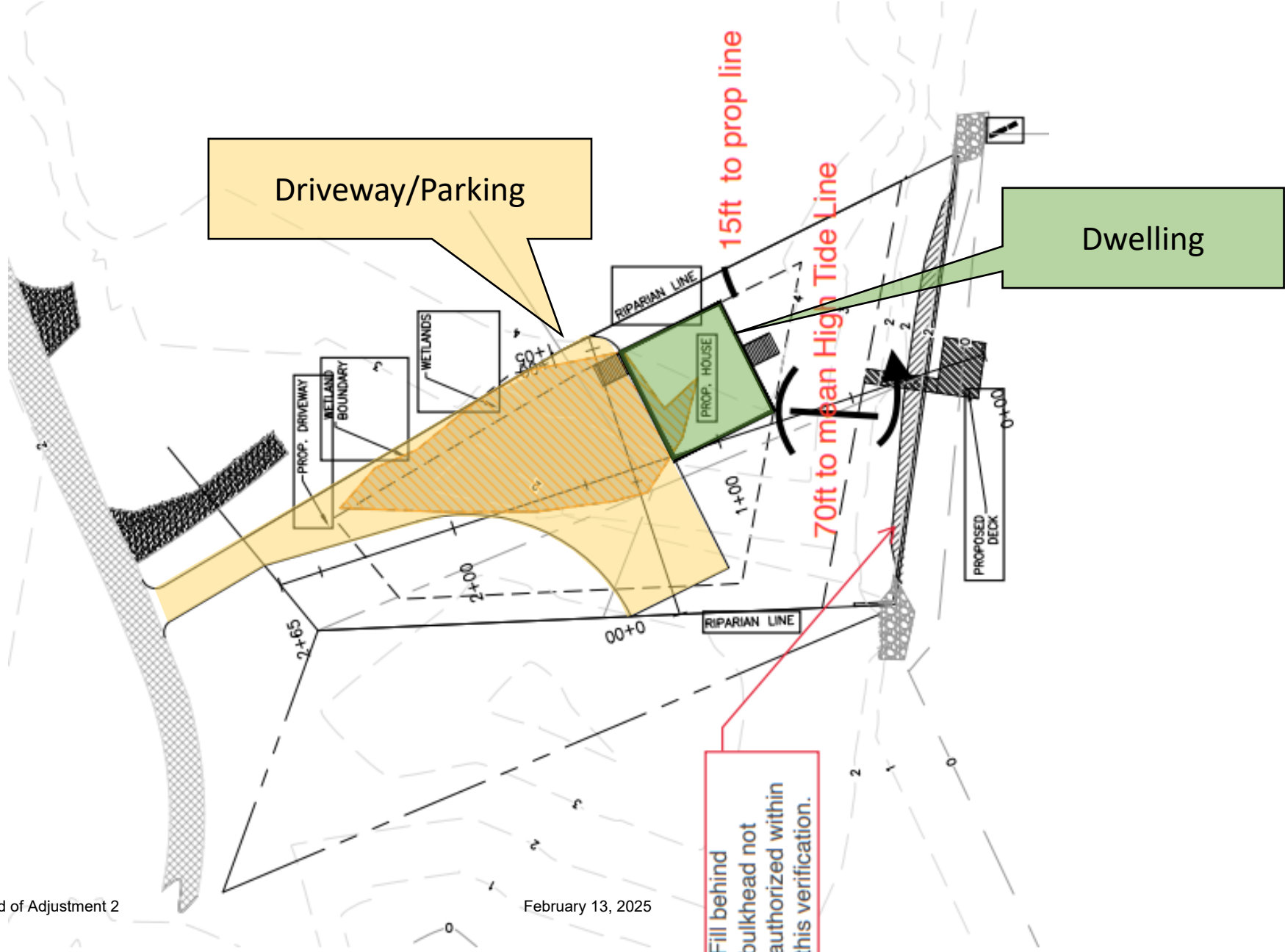


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30°20'23.56616"N 87°30'23.74038"W
311° NW

Site Plan



Site Plan



Wetlands Delineation



December 3, 2021

Timothy Clays
211 Childree Drive
Mobile, AL 36608

Re: **Wetland Assessment Report**
30484 Magnolia Street, Elberta, Baldwin County, AL
WSI Reference #2021-865

Dear Mr. Clays,

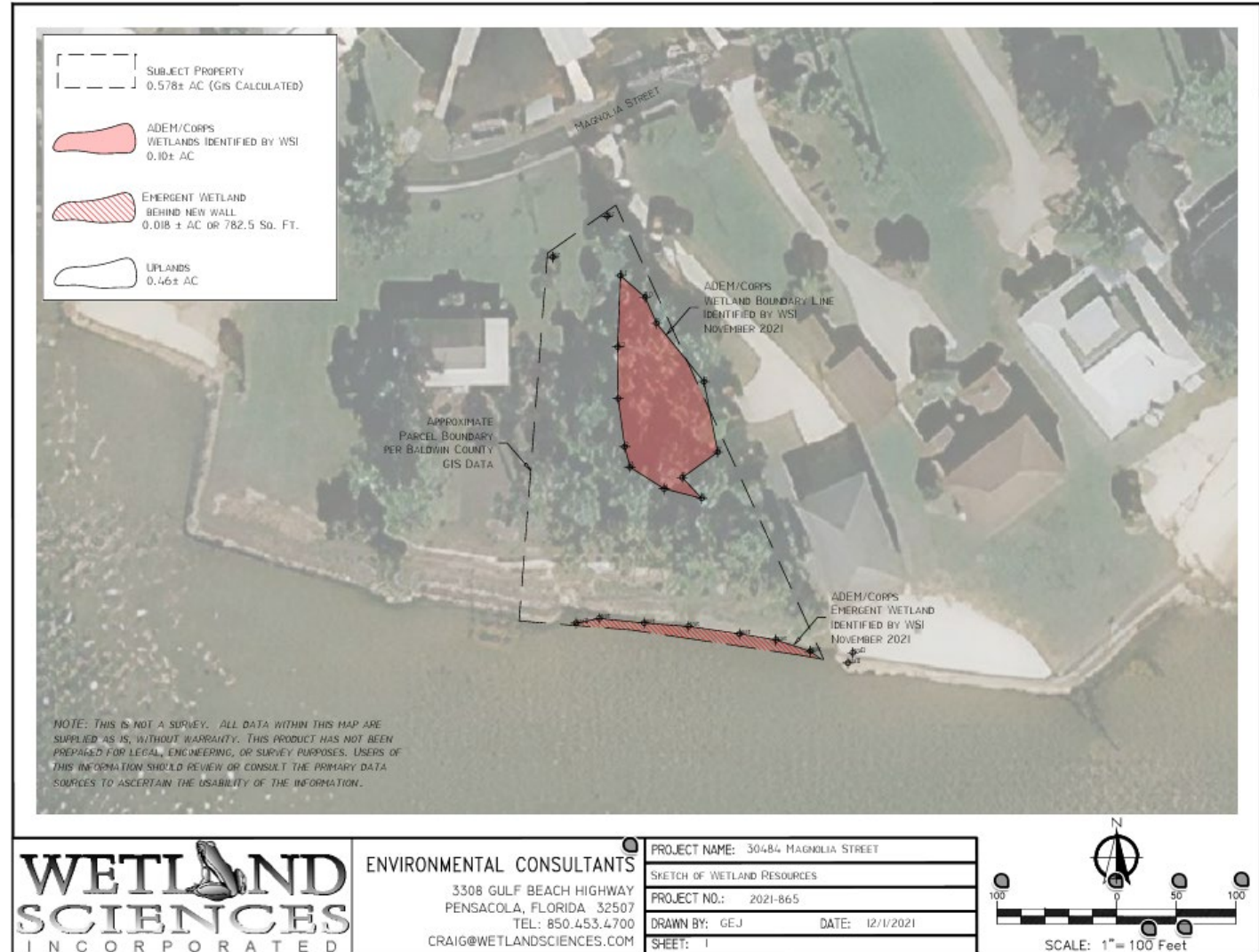
As requested, Wetland Sciences, Inc. has completed a field wetland assessment for the property located at 30484 Magnolia Street, Elberta, Baldwin County, Alabama. The Baldwin County Revenue Commission identifies the parcel with parcel identification numbers: 05-63-04-19-0-000-023.001. This assessment 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).

Wetland Assessment

The assessment was completed by a thorough pedestrian survey covering 100% of the subject property. I personally inspected the property on November 30, 2021. Wetland Sciences, Inc. utilized the Corps of Engineers Wetland Delineation Manual, 1987 and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region, 2010 to determine the federal wetland jurisdictional boundary.

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.



Department of the Army Nationwide Permit (NWP)



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

September 10, 2024

Special Projects Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit, File Number SAM-2019-00187-LML, Timothy Clays Residential Fill Reverification, Baldwin County, Alabama

Attention: Timothy J. Clays
34089 3rd Street
Fairhope, Alabama 36532
Email: claystimm@gmail.com

Dear Mr. Clays

This letter is in response to your request for verification of Department of the Army Nationwide Permit (NWP) authorization to for the placement of fill materials in wetlands. The project has been assigned file number SAM-2019-00187-LML which should be referred to in any future correspondence with this office concerning this project. The project is located at 30484 Magnolia Street along Perdido Bay, in Section 19, Township 8 South, Range 6 East; at Latitude 30.339389° North, Longitude -87.50625° West; in Elberta, 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 following:

- Project activities include the clearing, grubbing, and filling of 4,324 square feet (0.1 acre) of low quality pine savannah wetlands for the construction of a single-family residence and access driveway. Approximately 130 cubic yards of clean fill will be placed for filling activities. Fill impacts to wetlands will be mitigated through the purchase of an appropriate number of wetland mitigation credits from an approved mitigation bank.

Previously, 0.16 credits for impacts to 0.08 acre of authorized impacts have been previously purchased. Mitigation for the difference of 0.02 acre of impacts from the original verification is required. Impacts to additional wetlands outside of the proposed and approved area are not authorized; no deviations from the proposed footprint that would adversely impact local emergent wetlands are authorized.




This notice of authorization must be
conspicuously displayed at the site of work.

A permit to perform work authorized by statutes and regulations of the Department of the Army at
Baldwin County Parcel Number 05-63-04-19-0-000-023.001 (PIN 65497)

has been issued to Timothy Clays on September 10, 2024

Address of Permittee: 24089 3rd Street, Fairhope, Alabama 36532

 2024.09.10
06:32:21 -05'00'

PERMIT NUMBER

SAM-2019-00187-LML

Special Projects Branch
Mobile District, Regulatory Division

For the District Commander

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

Proponent: CECW-0

CORPS PERMIT # AL98-04437-B



ALABAMA PORT
— MITIGATION BANK —


CERTIFICATE OF SALE

This signed and sealed certificate shall be proof of sale of# 239 on this day, the 30 of Nov. in the year 2023.
This sale, consisting of 0.16 pine savannah/flatwood credits and/or 0 bottomland hardwood credits, from the
Alabama Port Mitigation Bank to Mr. Timothy J. Clays for the impacts to 0.08 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-2019-00187-LML project.

ALABAMA PORT MITIGATION BANK Date 11/30/23

Not Valid Without
Raised Seal

By:  Milton L. Brown

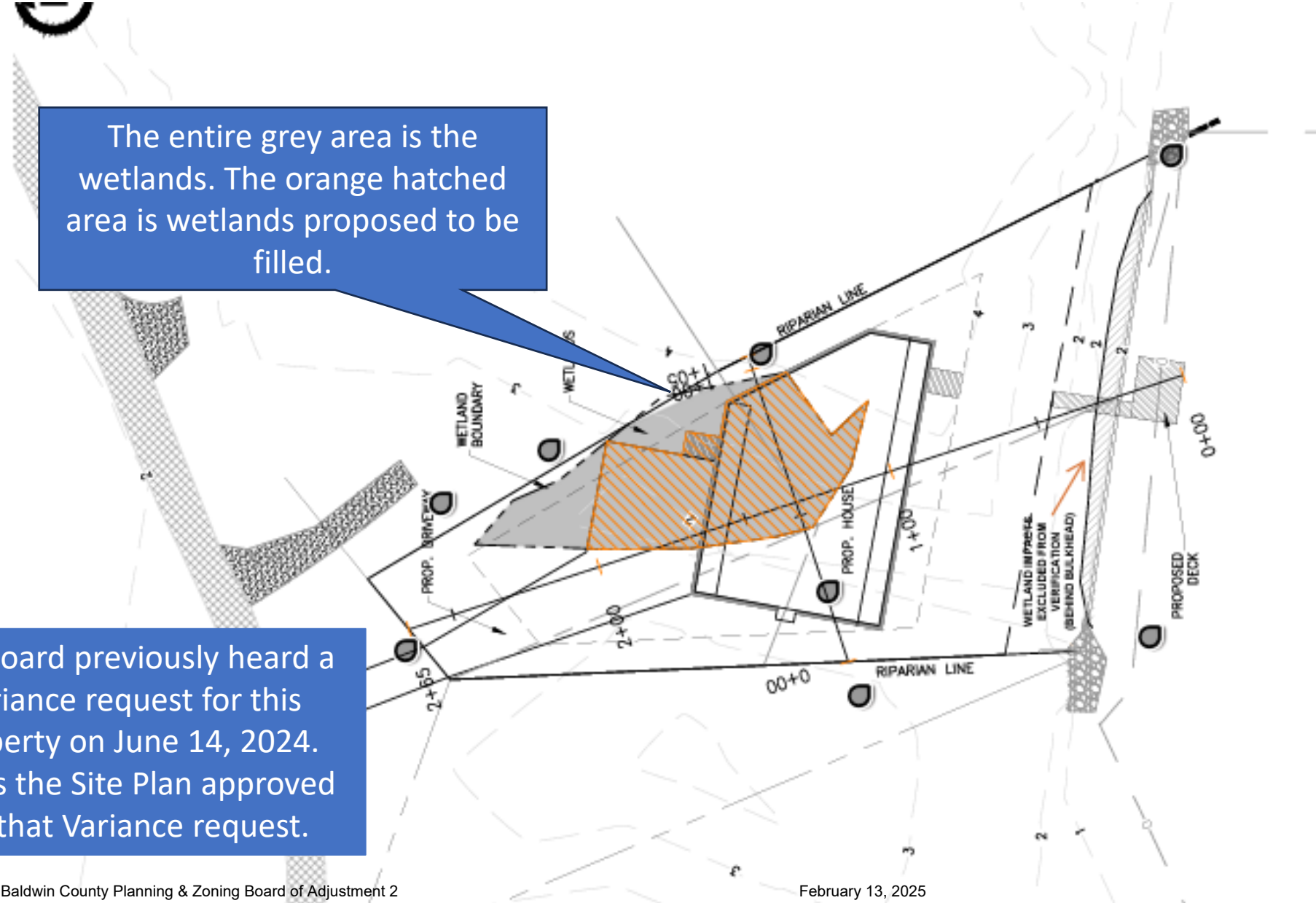
18
Title Operations Manager

February 13, 2025

Previous Variance Approval (ZVA24-04)

The entire grey area is the wetlands. The orange hatched area is wetlands proposed to be filled.

The board previously heard a Variance request for this property on June 14, 2024. This is the Site Plan approved for that Variance request.



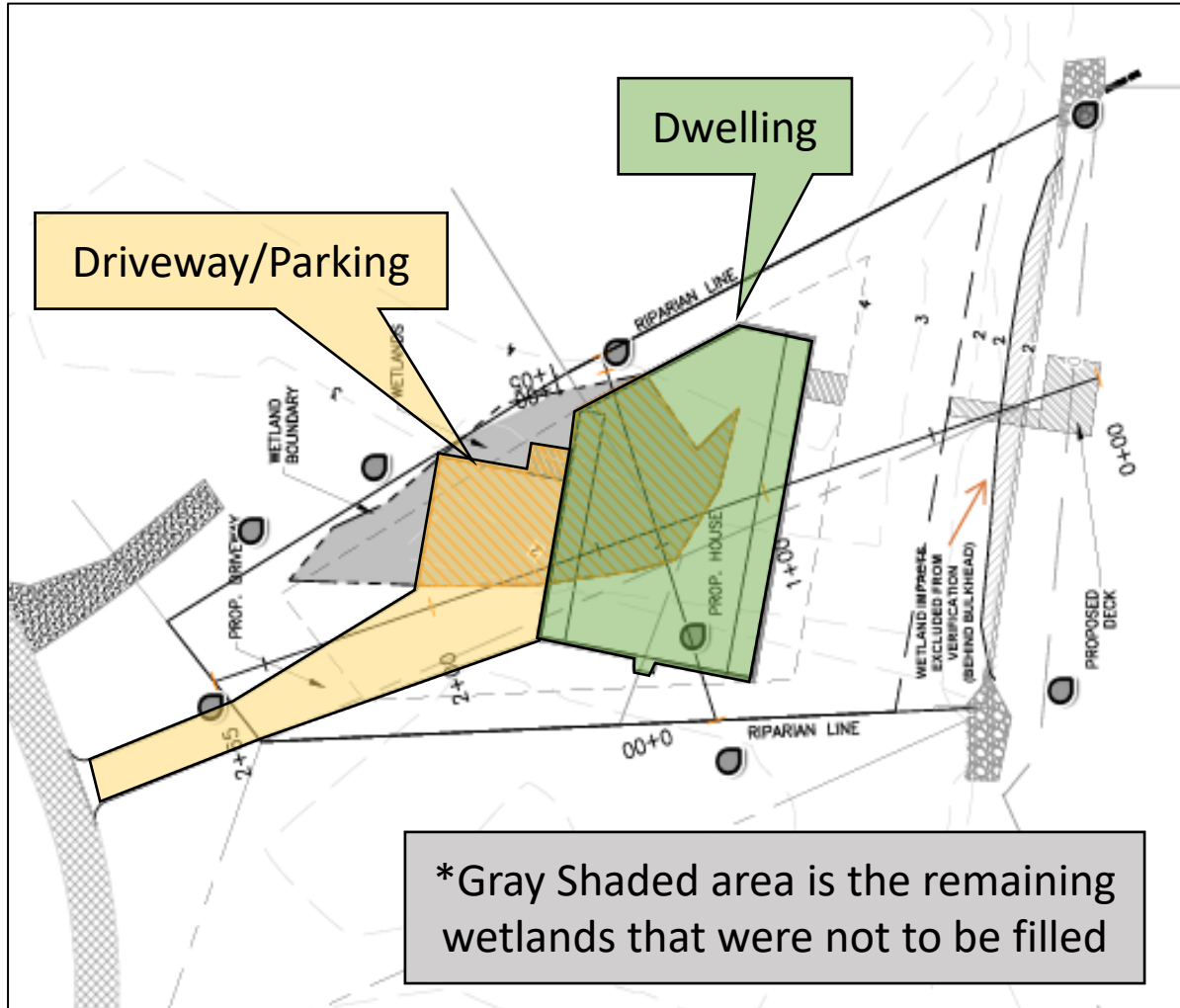
TIMOTHY CLAYS
1286
PERMIT DRAWINGS
PLAN VIEW

OVERSTREET & ASSOCIATES
CONSULTING ENGINEERS
161 Lorraine St., Suite 203 Bldg. MS 39530 228-967-7137
630 Delmar Ave., Suite B Pascagoula, MS 39567 228-967-7137

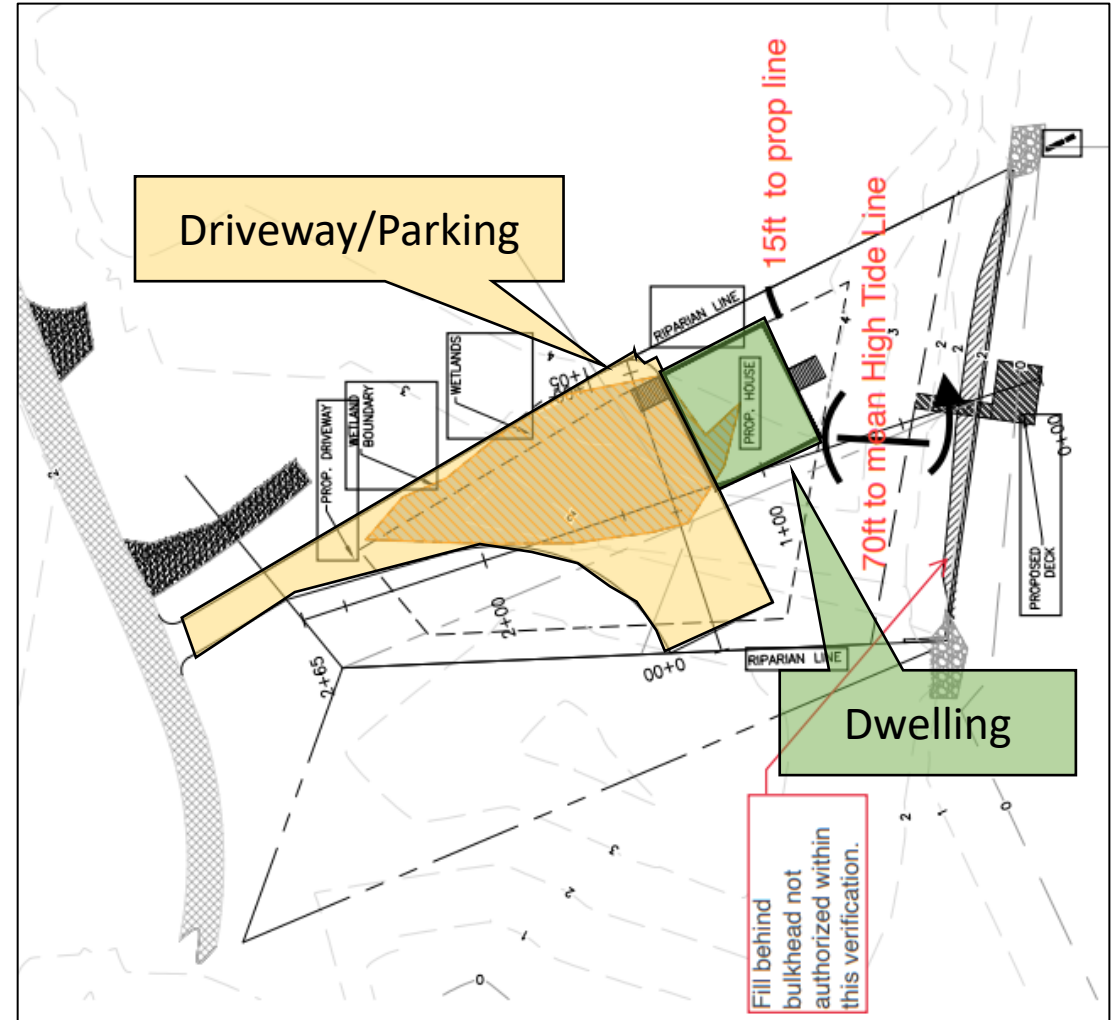
DEPT. OF THE ARMY // SAM-2019-00187-LML

Site Plan Comparison

ZVA24-04 (Previous Variance Request)



ZVA25-02 (Current Variance Request)



Zoning Requirements

Section 4.3 RSF-2, Single Family District

4.3.5 *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	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Section 10.4.4 Wetland and Stream Protection Overlay District

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 10.4.6 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.

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 32 came into effect on December 19, 1995. Per Revenue Commission records the property is approximately 0.99 acres with approximately 42.5' along the north lot line, 176' along the south line, 308' along the east line and 223' along the west line. The required minimum lot size for RSF-2 is 15,000 square feet with an 80' minimum lot width at the building line, and a 40' minimum lot width at the street line. Staff does not perceive any exceptional narrowness, shallowness, or shape of the subject property that would require a variance. However, staff believes that this criteria is **not a factor** to the request at hand.

Minimum lot size: **15,000 sf** Actual lot size: **25,177 sf** Minimum Lot width: **80'** Actual Lot Width: ***Varies but meets requirements***

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

Staff perceives the wetlands located on the subject property to be an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which may qualify for a variance.

Staff Analysis and Findings

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

The subject property is zoned RSF-2, Single Family District which allows for residential and accessory uses. The request is to allow for the construction of a single-family dwelling and driveway. However, the property has already received a Variance and could receive permits to build a single-family home. This new proposal would allow the entire wetland area to be filled even though the applicant showed with the previous request that a home could be built without filling all wetlands. Therefore, staff perceives the granting of this application is not a necessity for preservation of a property right.

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

Staff does not believe the granting of this application, in general, will impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or 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.

- A wetland delineation has been provided by Wetland Sciences, Inc showing that there are wetlands on the subject property.
- **US Army Corps of Engineers (USACE) issued a permit for the applicant to fill in wetlands.**
- The property has already received a Variance from the wetland buffer. The new home proposal is smaller than the original proposed house and would require less fill for the home but with the new proposal the entire wetland area would be filled, unlike the previous variance.
- The property owner has provided documentation stating that there is no POA/HOA.
- No documentation in favor of or opposition to this variance request has been received at the time this staff report was written.

STATEMENT: 7 FEB 2024

There is no neighborhood
association pertaining to this property.

TIM CLAYS
OWNER
30484 MAGNOLIA ST
ELBERTA, AL 36530

February 13, 2025

ZVA25-02 CLAYS PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, 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 non-disturbed 30' wetland setback buffer to allow for the construction of a single-family dwelling.

Staff believes that this request is for convenience rather than out of necessity and therefore recommends ZVA25-02 be **DENIED** unless information to the contrary is revealed at the public hearing.

ZVA25-02 CLAYS PROPERTY

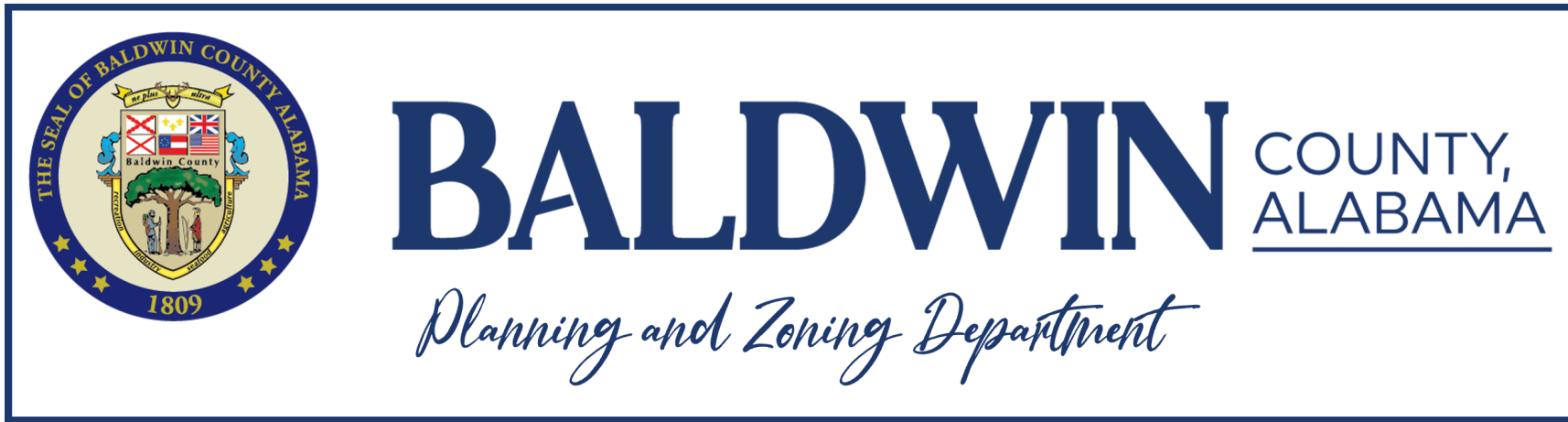
GENERAL NOTES

Lead Staff: Calla McKenzie, Planning Technician II

GENERAL NOTES {By-laws}

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

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



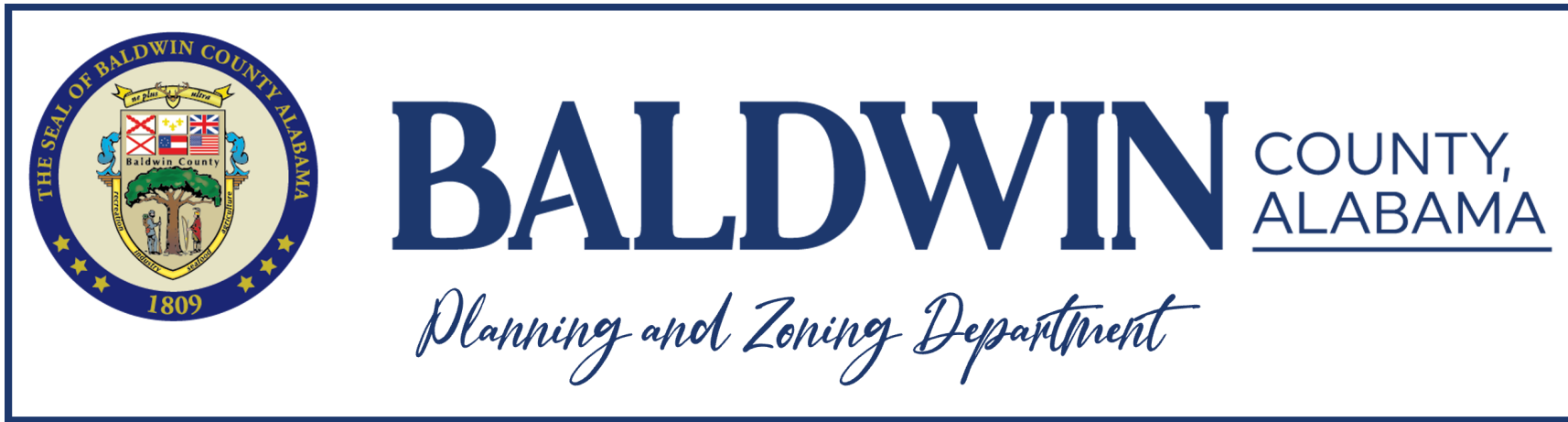
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

MARCH 13, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

FEBRUARY 13, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

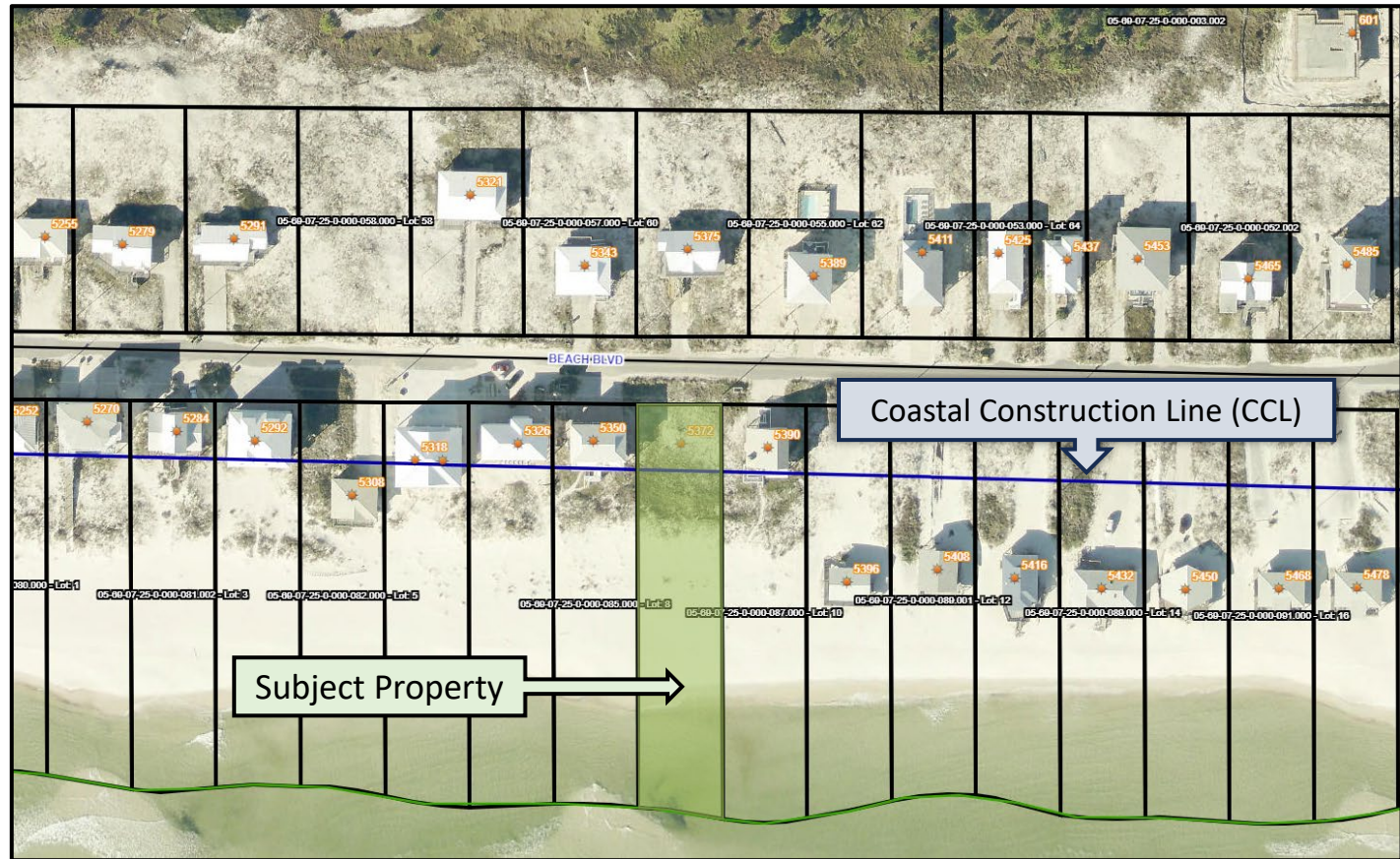
FOLEY, AL

ZVA25-03 POTTINGER PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 25 **Zoned:** RTF-4, Residential Two-Family District
- **Location:** The subject property is located within the Ponce de Leon subdivision (Lot 9) on the Fort Morgan Peninsula
- **PID:** 05-69-07-25-0-000-086.000
- **PPIN:** 42313
- **Acreage:** 0.64 acres per submitted survey
- **Physical Address:** 0 Beach Boulevard, Gulf Shores, AL 36535
- **Applicant:** James Sollie, III
- **Owner:** James and Jill Pottinger
- **Code Cases/NOV's:** None



ZVA25-03 POTTINGER PROPERTY

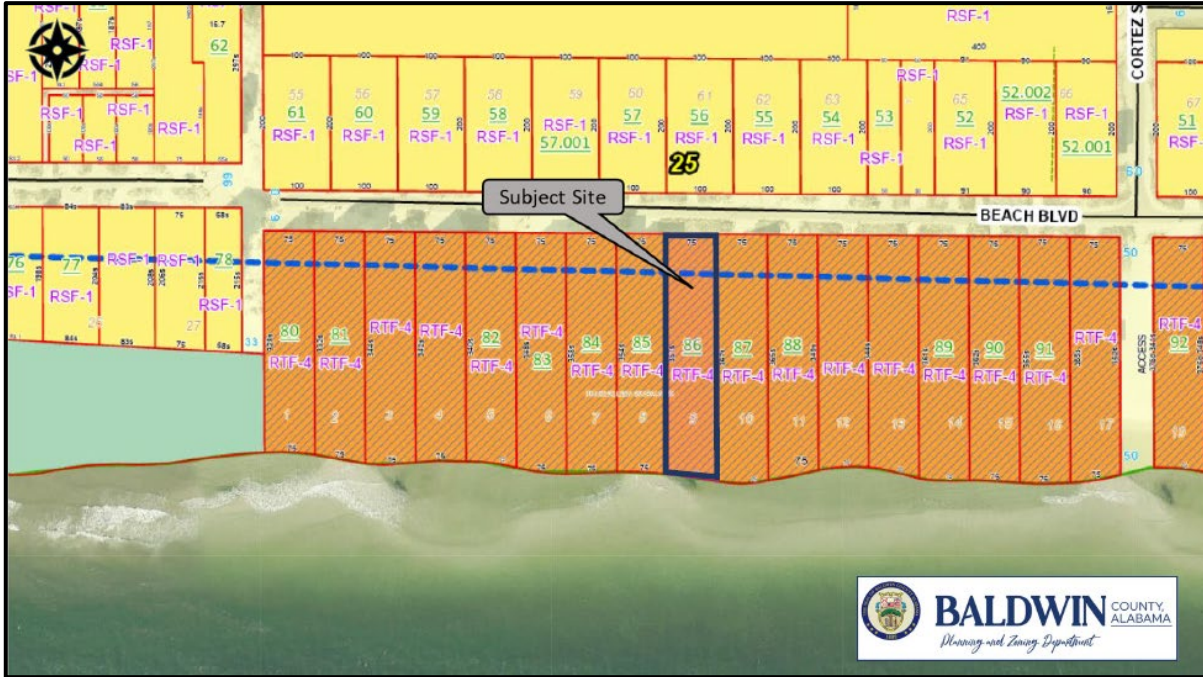
VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 4.6.5 of the Baldwin County Zoning Ordinance as it pertains to the minimum rear yard setback requirements to allow construction of a single-family home. The placement of the Coastal Construction Line (CCL) after the creation of Lot 9 appears to create an artificial building setback line on a property that would otherwise front upon the Gulf of Mexico. The other structures in the vicinity of subject property appear to utilize the CCL as their “artificial” setback line with reduced rear setback lines. Staff asserts the location of the CCL creates a hardship for which a variance is warranted and thus staff recommends **APPROVAL** of the variance request with various conditions.

Locator Map

Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-1, Residential Single-Family District	Residential
South	Water	Water
East	RTF-4, Residential Two-Family District	Residential
West	RTF-4, Residential Two-Family District	Residential



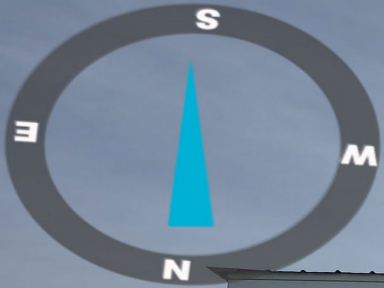
Subject Property
PIN: 30165



VARIANCE PROPOSED
FOR THIS PROPERTY
CASE NUMBER
ZVA25-000003
For Information Contact
Baldwin County Planning &
Zoning Department
(251)580-1655 / (251)972-8523
(251)990-4623



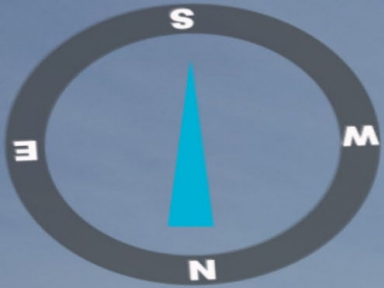
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186° S



Adjoining Property
to the West
PIN: 76179



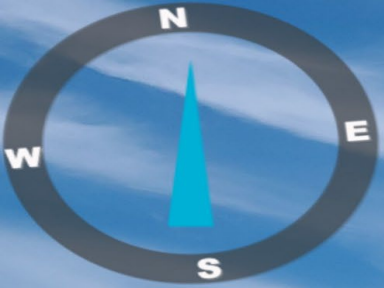
Jan 29, 2025 3:14:16 PM
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172° S



Adjoining Property
to the East
PIN: 39665



Jan 29, 2025 3:13:35 PM
30°13'55.17084"N 87°55'46.32834"W
184° S



Property to
the North
PIN: 41217



Jan 29, 2025 3:14:42 PM
30°13'55.20864"N 87°55'47.17225"W
13° N

Zoning Ordinance Requirements

4.6.5 *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
Maximum Density	4 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Ground Coverage Ratio	.35

Section 12.6 Coastal Areas

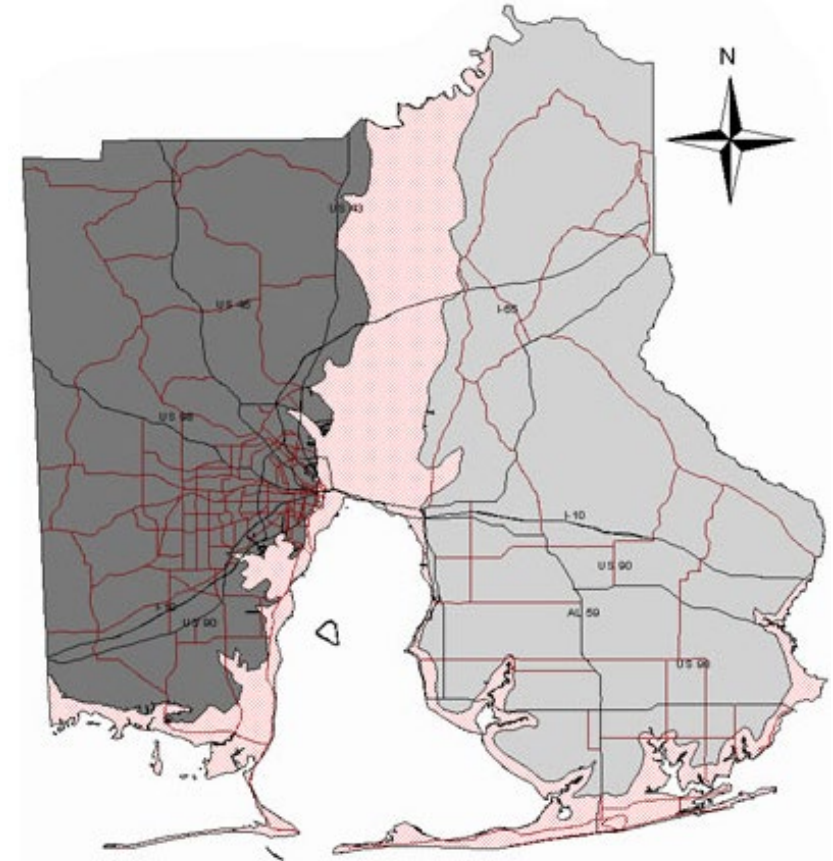
Areas of Baldwin County lying seaward of the continuous 10-foot contour are subject to the requirements of the Alabama Coastal Area Management Program as defined in the Alabama Coastal Area Management Plan (ACAMP) and to the ADEM Division 8 Administrative Code.

ACAMP Background Information

Alabama Coastal Area Management Program (from ADEM website)

Alabama's Coastal Area Management Program (ACAMP) was approved and has been in effect since **1979**. Its purpose is to promote, improve and safeguard the lands and waters located in Alabama's coastal area through a comprehensive and cooperative program designed to preserve, enhance, and develop these valuable resources for present and future generations. The enforceable policies of the program regulate various activities on coastal lands and waters seaward of the continuous **10-foot contour** in Baldwin and Mobile Counties of Alabama.

The ACAMP is a joint effort of the [Alabama Department of Conservation and Natural Resources-State Lands Division](#) and the ADEM Coastal Program. ALDCNR-SLD is responsible for planning and policy development while ADEM is responsible for permitting, monitoring and enforcement activities, as detailed in the ADEM Division 8 Coastal Programs Rules (ADEM Admin. Code R 335-8).

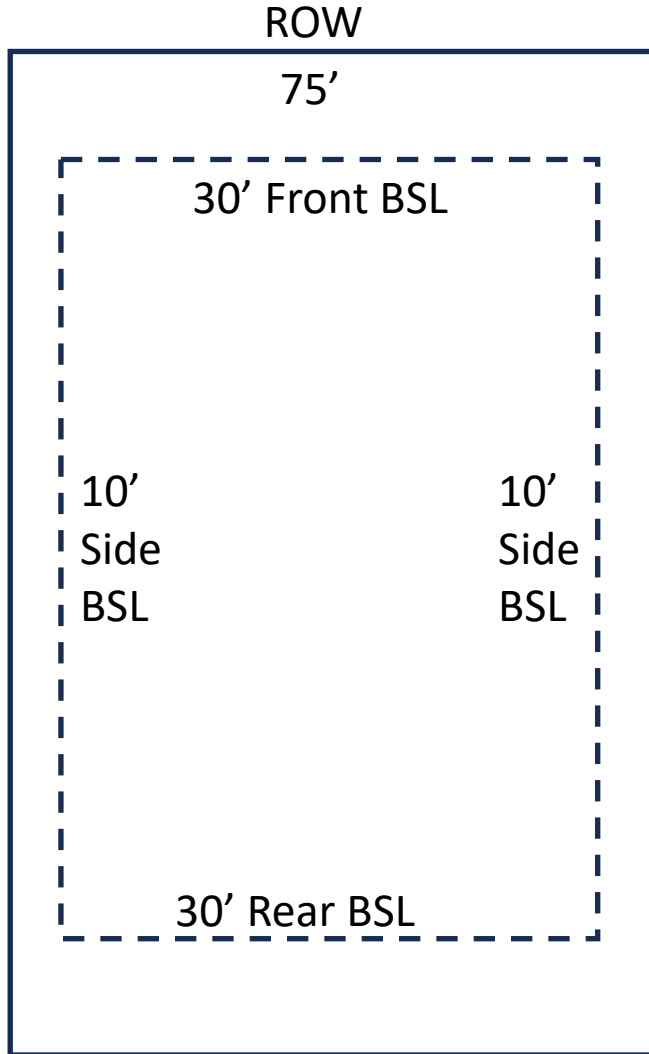


Alabama Coastal Area Management Program Coastal Area Boundary

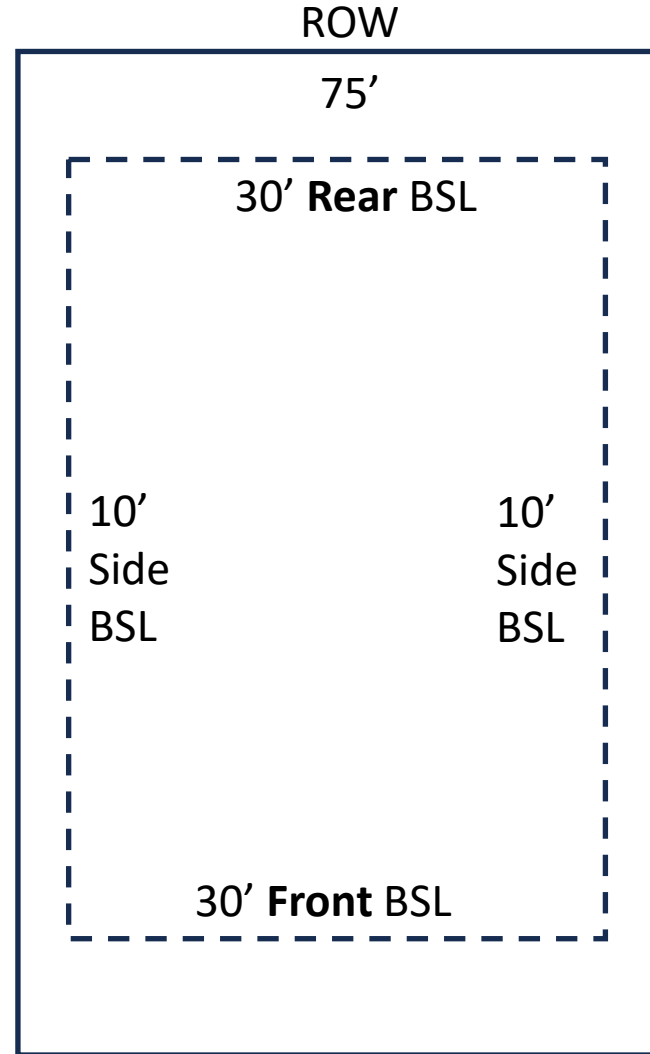
Dark Gray - Mobile Area
Light Gray - Baldwin Area
Dotted Area - Coastal Area

Coastal construction line (CCL). A line in coastal Alabama determined by the Alabama Coastal Area Management Plan (ACAMP) seaward of which no construction is permitted.

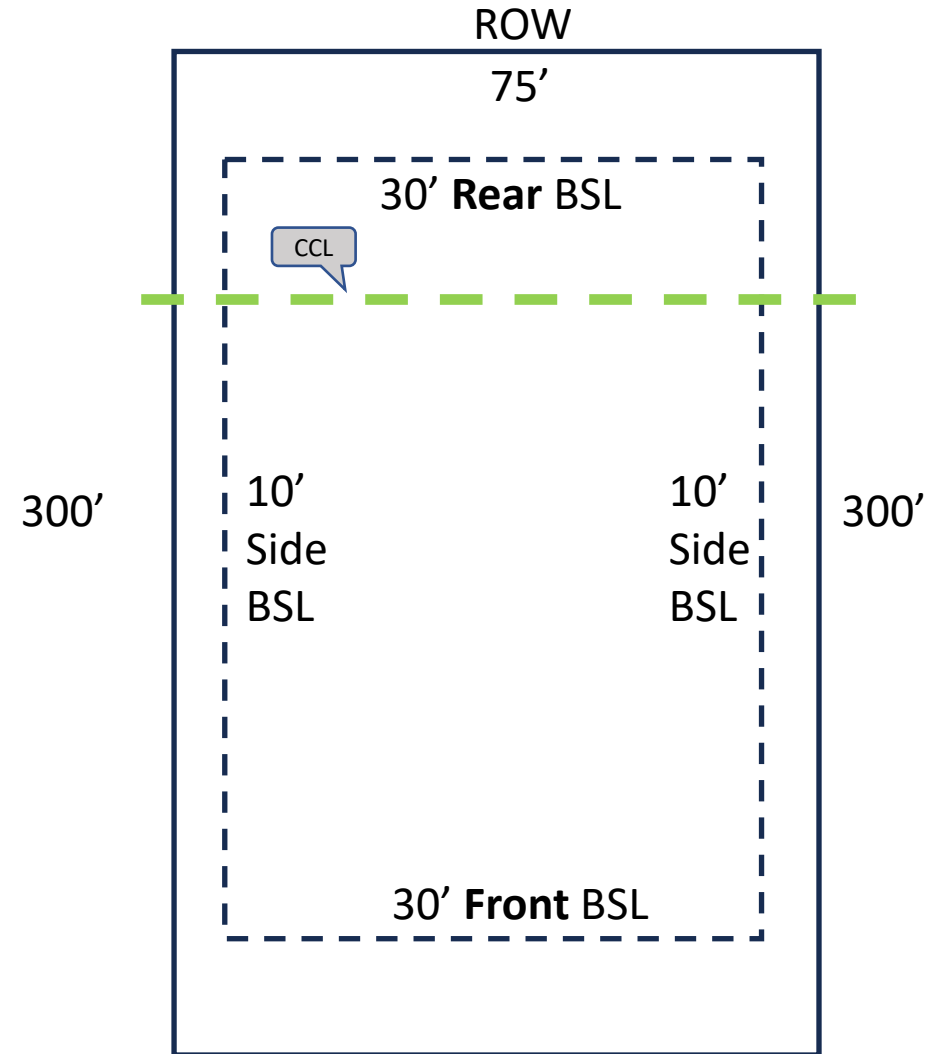
Background Information – Lot Layout Variations



TYPICAL RTF-4 LOT



WATERFRONT RTF-4 LOT

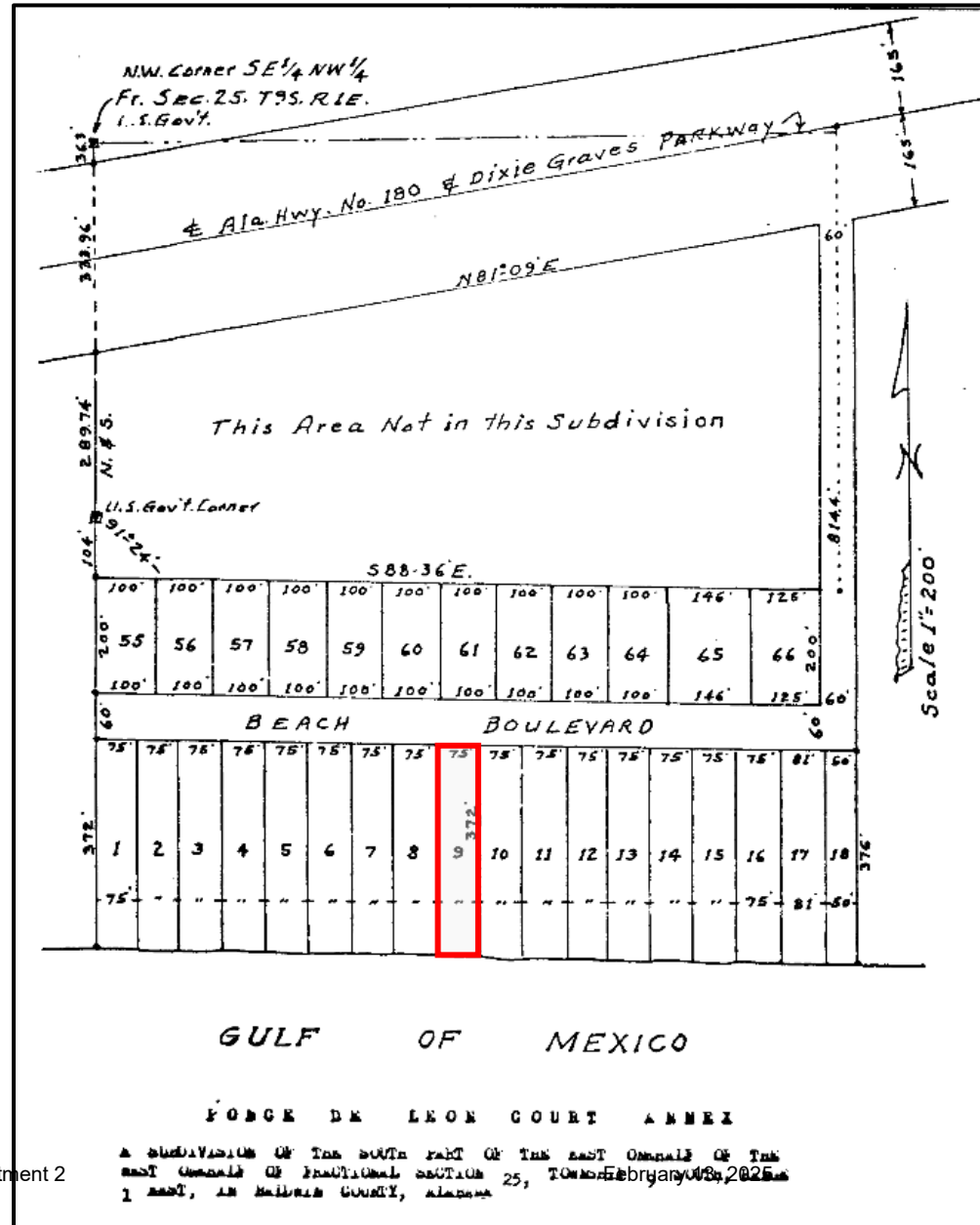


WATERFRONT LOT RTF-4 WITH CCL

Baldwin County Planning & Zoning Board of Adjustment 2
 Coastal construction line (CCL). A line in coastal Alabama determined by the Alabama Coastal Area Management Plan (ACAMP) seaward of which no construction is permitted.
 February 13, 2025

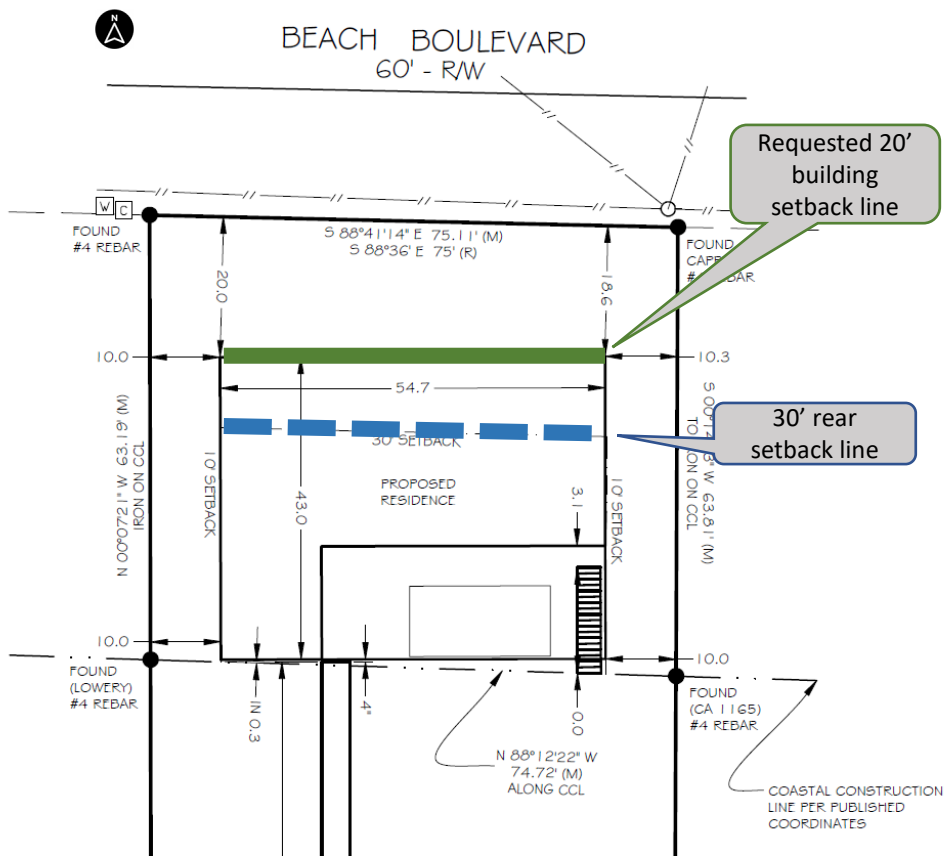
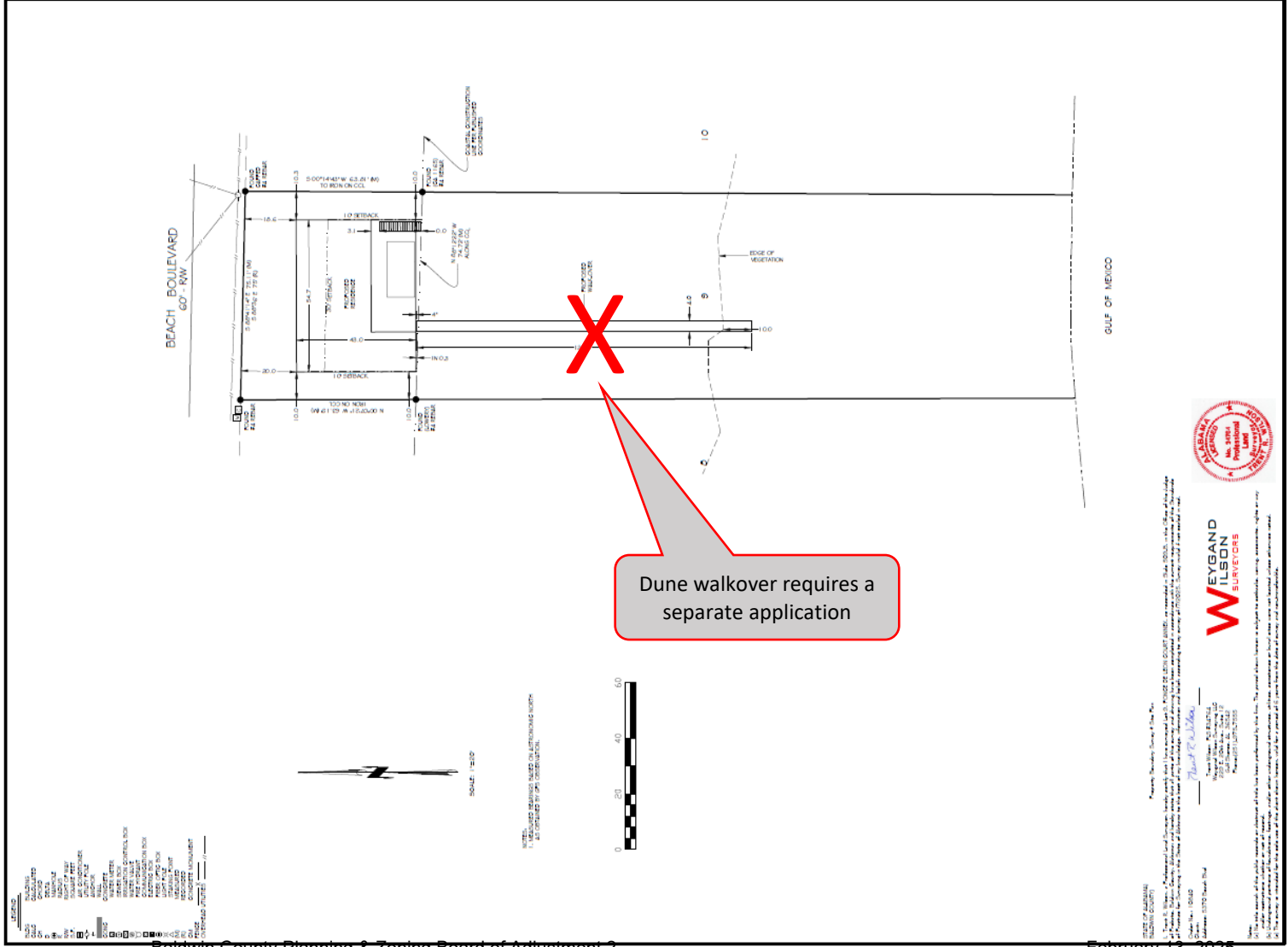
NOT TO SCALE

Ponce de Leon Subdivision Plat (1966)

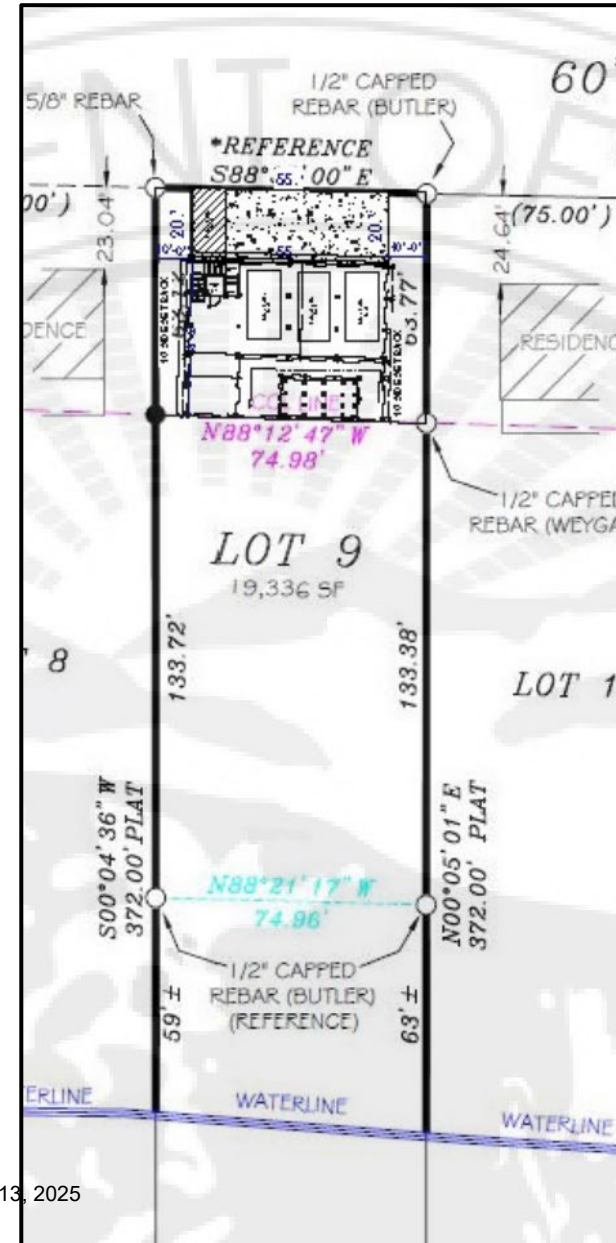
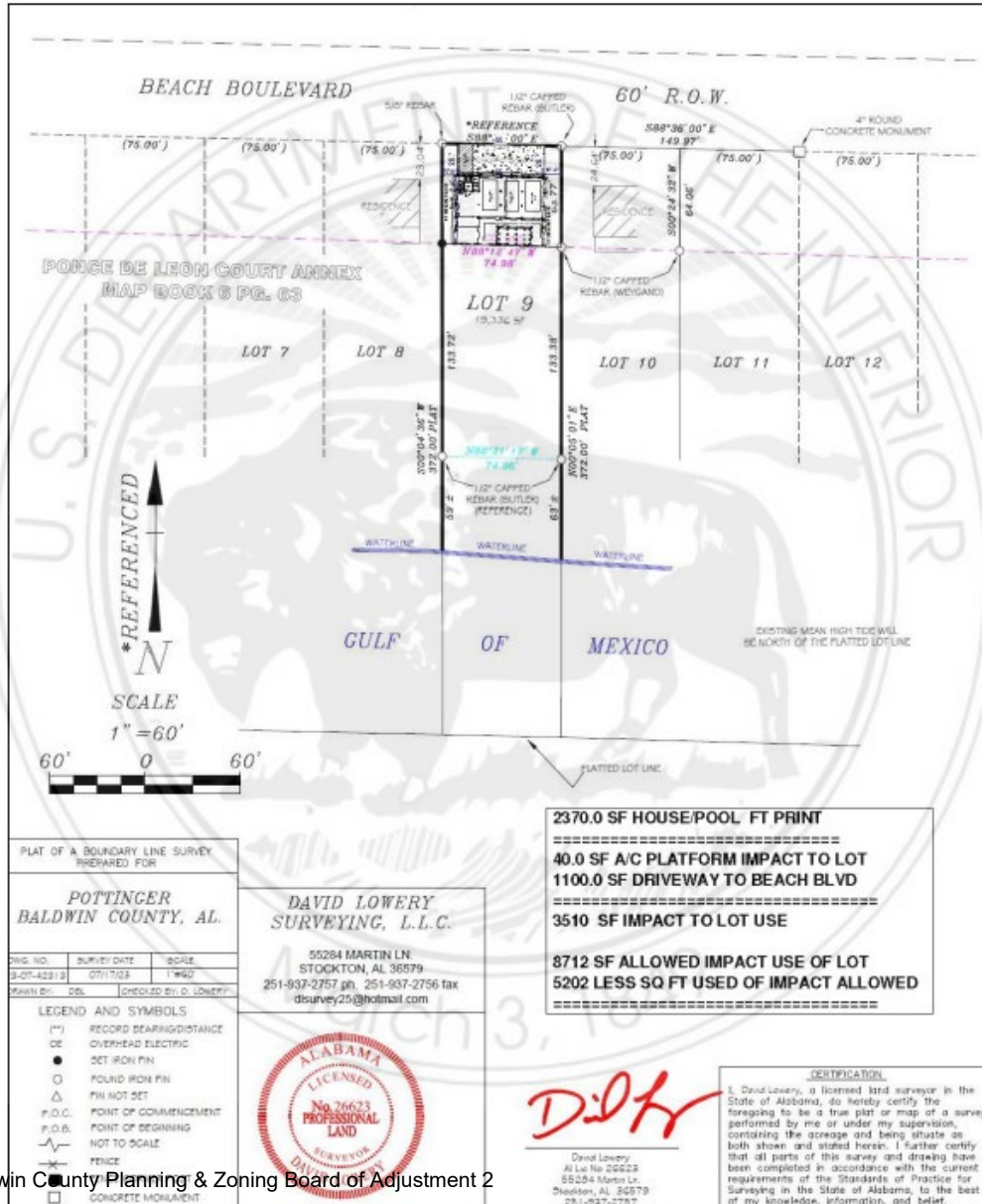


Site Plan

SITE PLAN ROTATED AND ENLARGED TO SHOW DETAILS

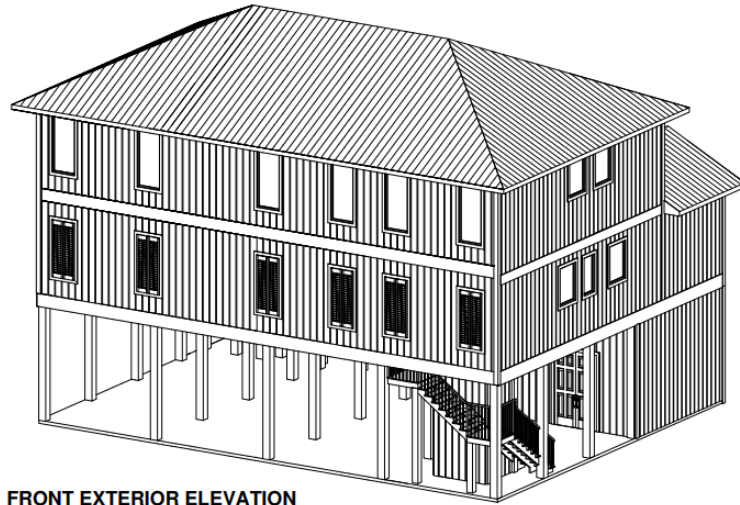


Site Survey & Impacts

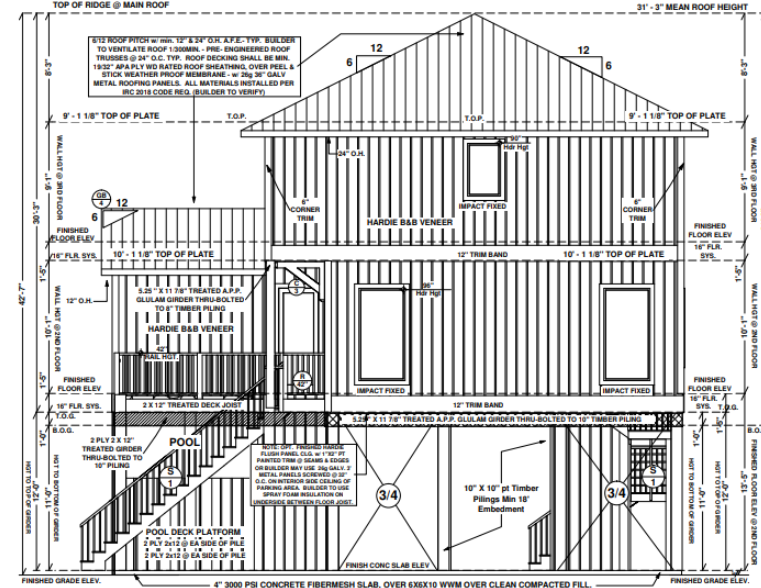


Total Impacts: 4,275 square feet

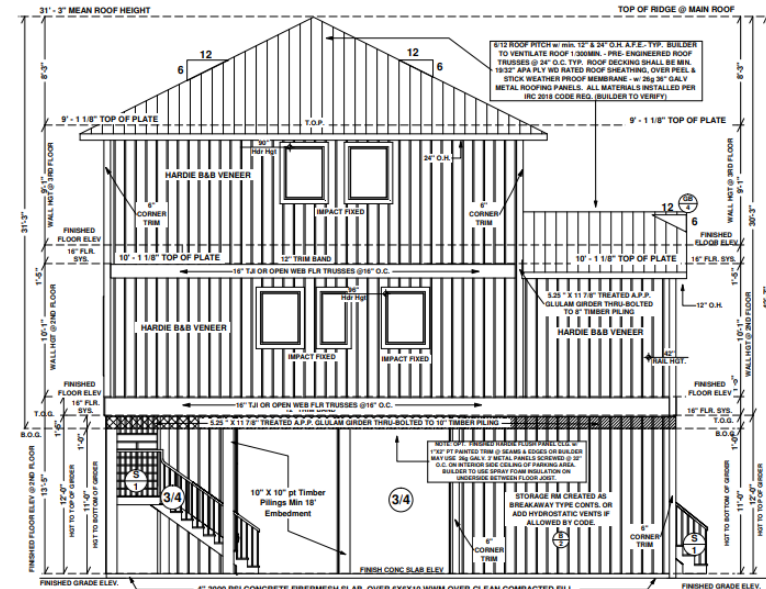
Elevations



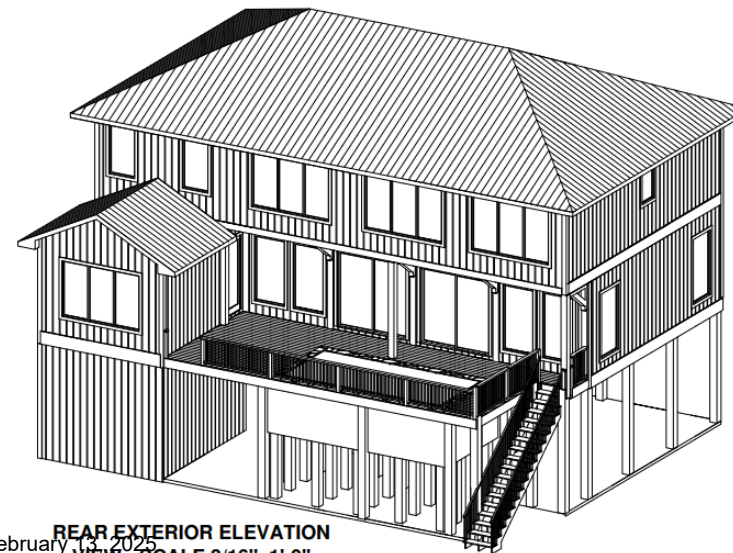
FRONT EXTERIOR ELEVATION
VIEW - SCALE 3/16" 1'-0"



RIGHT SIDE - EAST ELEVATION - HARDIE B&B FIBER CEMENT EXT. VENEER - SCALE 1/4" = 1'-0" (PARKING AREA CLG. SHOWN @ 12'-0" TO TOP OF GIRDER w/ A 12' CEILING HGT BETWEEN PILING BAYS - PARKING AREA CLG. SHALL BE HARDIE PANEL FINISHED CLG. MAIN STRUCTURE SUPPORT SHALL BE MIN. 10' PT SQ. TIMBER PILING MIN 18" Ø EMBEDMENT OR INSTALLED PER LOCAL CODE EMBEDMENT REQ.



LEFT SIDE - WEST ELEVATION - HARDIE B&B FIBER CEMENT EXT. VENEER - SCALE 1/4" = 1'-0" (PARKING AREA CLG. SHOWN @ 12'-0" TO TOP OF GIRDER w/ A 12' CEILING HGT BETWEEN PILING BAYS - PARKING AREA CLG. SHALL BE HARDIE PANEL FINISHED CLG. MAIN STRUCTURE SUPPORT SHALL BE MIN. 10' PT SQ. TIMBER PILING MIN 18" Ø EMBEDMENT OR INSTALLED PER LOCAL CODE EMBEDMENT REQ.



REAR EXTERIOR ELEVATION
VIEW - SCALE 3/16" 1'-0"

10-2-2025

10-2-2025

EXT. LEFT & RIGHT ELEVATIONS
IN PROPERTY LAYOUT & NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
2. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.
3. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
5. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES.
6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES.
7. THE CONTRACTOR SHALL MAINTAIN PROPER EROSION CONTROL MEASURES.
8. THE CONTRACTOR SHALL MAINTAIN PROPER SCHEDULING AND SAFETY MEASURES.
9. THE CONTRACTOR SHALL MAINTAIN PROPER RECORDS AND DOCUMENTATION.
10. THE CONTRACTOR SHALL MAINTAIN PROPER COMMUNICATION WITH THE ARCHITECT.

CONTRACTOR'S REMARKS:
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
2. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.
3. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
5. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES.
6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES.
7. THE CONTRACTOR SHALL MAINTAIN PROPER EROSION CONTROL MEASURES.
8. THE CONTRACTOR SHALL MAINTAIN PROPER SCHEDULING AND SAFETY MEASURES.
9. THE CONTRACTOR SHALL MAINTAIN PROPER RECORDS AND DOCUMENTATION.
10. THE CONTRACTOR SHALL MAINTAIN PROPER COMMUNICATION WITH THE ARCHITECT.

PRINT DATES:
PRINTED: 10-2-2025
DESIGNED: 10-2-2025
DRAWN: 10-2-2025



PROJECT INFORMATION:
PROJECT: 12345 Main Street, Anytown, CA 90123
OWNER: 12345 Main Street, Anytown, CA 90123
ARCHITECT: 12345 Main Street, Anytown, CA 90123
DATE: 10-2-2025
SCALE: AS SHOWN

DESIGNER'S NOTES:
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
2. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.
3. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
5. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES.
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9. THE CONTRACTOR SHALL MAINTAIN PROPER RECORDS AND DOCUMENTATION.
10. THE CONTRACTOR SHALL MAINTAIN PROPER COMMUNICATION WITH THE ARCHITECT.

CUSTOM HOME DESIGN BY
12345 Main Street, Anytown, CA 90123

Page A 1.2

USFWS Correspondence

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH & WILDLIFE SERVICE Ecological Services Permit Office 1875 Century Boulevard Atlanta, GA 30345 permitsR4ES@fws.gov</p>		<p>2. AUTHORITY-STATUTES 16 USC 1539(a)</p> <p>REGULATIONS 50 CFR 17.22</p> <p>50 CFR 13</p>
<p>FEDERAL FISH AND WILDLIFE PERMIT</p> <p>1 PERMITTEE</p> <p>JAMES D. POTTINGER 4 WATERFORDPLACE, SOUTH WEST ROME, GA 30165 U.S.A.</p>		<p>3 NUMBER TE156568-1 AMENDMENT</p> <p>4 RENEWABLE 5 MAY COPY</p> <p>YES YES NO NO</p> <p>6 EFFECTIVE 7 EXPIRES 08/19/2016 12/31/2058</p>
<p>8 NAME AND TITLE OF PRINCIPAL OFFICER (if not business)</p>		<p>9 TYPE OF PERMIT NATIVE ENDANGERED SP. HABITAT CONSERVATION PLAN - E WILDLIFE</p>
<p>10 LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED A 0.640-acre lot, Lot 9, Ponce De Leon Court Annex, Parcel ID# 05-69-07-25-0-000-086.000, Fort Morgan Peninsula, Baldwin County, Alabama.</p>		
<p>11 CONDITIONS AND AUTHORIZATIONS</p> <p>A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 11, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY OR RENEWAL OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.</p> <p>B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.</p> <p>C. VALID FOR USE BY PERMITTEE NAMED ABOVE.</p> <p>The Permittee is defined as those entities which hold, or will hold, any right, title, or interest in any portion of the covered property over the duration of this Permit.</p> <p>D. Acceptance of this Permit serves as evidence that the Permittee and its authorized agents understand and agree to abide by the terms of this Permit and all sections of Title 50 Code of Federal Regulations, Parts 13 and 17, pertinent to issued permits. Section 11 of the Endangered Species Act of 1973, as amended, provides for civil and criminal penalties for failure to comply with permit conditions.</p> <p>BLOCK 11 OF THIS PERMIT CONSISTS OF CONDITIONS A - L (7 PAGES TOTAL) AND TWO APPENDICES (2 PAGES TOTAL).</p> <p><input type="checkbox"/> ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY</p>		
<p>12 REPORTING REQUIREMENTS</p> <p>Reports will be provided to the U.S. Fish and Wildlife office appearing in Condition 11.K of this Permit.</p>		
<p>ISSUED BY </p>	<p>TITLE Field Supervisor, Alabama Ecological Services Field Office, Daphne, Alabama</p>	<p>DATE 08/19/2016</p>

James D. Pottinger
4 Waterford Place, South West
Rome, Georgia 30165
Telephone: 706-346-4232

Page 2 of 7

TE156568-1

Block 11:

E. The Project area encompasses 0.640 acre (approximately 27,900 square feet) where the Permittee proposes construction of a single-family residence as shown in the appended plats. Field surveys indicate that the Project area provides suitable habitat which may be used by the endangered Alabama beach mouse (ABM) (*Peromyscus polionotus ammobates*). **Incidental take of the ABM is restricted to the permanent destruction of approximately 0.098 acre (4,275 square feet) of this habitat within the Project construction footprint, which would be permanently eliminated due to Project construction, and site occupancy after construction.**

Jenny M. Mosley

From: Lynn, William (Bill) <william_lynn@fws.gov>
Sent: Thursday, January 16, 2025 1:13 PM
To: Jenny M. Mosley; John Sollie
Subject: RE: [EXTERNAL] FW: Message from Baldwin County Planning & Zoning Department

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Jenny,

Overall, it is still the same as what I permitted. So, feel free to issue the permit.

Thanks,

Bill Lynn, Wildlife Biologist
U.S. Fish and Wildlife Service
Alabama Ecological Services Field Office
1208 Main Street
Daphne, AL 36542
Office: 251-538-2065
Cell: 251-331-2920
email: william_lynn@fws.gov

From: Jenny M. Mosley <jenny.mosley@baldwincountyal.gov>
Sent: Thursday, January 16, 2025 12:21 PM
To: John Sollie <john@jamesollie.com>; Lynn, William (Bill) <william_lynn@fws.gov>
Subject: RE: [EXTERNAL] FW: Message from Baldwin County Planning & Zoning Department

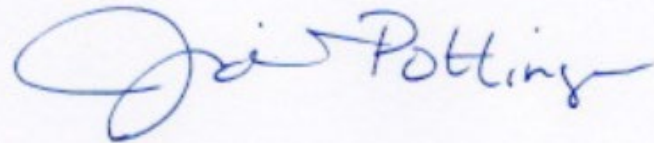
The new site plan shows setbacks of 20 ft and 18.6 ft in the rear (Beach Blvd). I believe this is the difference in what Bill has on record .

No Neighborhood Associations

To whom it concerns,

There is not an active property owners association for Ponce de Leon Ct. Anex, Lot 9

Kindest regards,



Jill Pottinger
770-547-7955

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. Per the provided survey, the property consists of approximately 0.64 acres (27,878.4 square feet). Planning District 25 came into effect on June 19, 1992. The required minimum lot size for RTF-4 zoning is 7,500 square feet/dwelling unit with a 60' minimum lot width at building line and a 30' minimum lot width at street line. The original survey platted in 1966 depicts the property as 27,900 square feet with a 75' lot width. 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.**

RTF-4 Required minimum lot area/dwelling unit: **7,500 sf**

Actual size: **27,878.4 sf**

Lot size hardship: **NO**

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

Actual lot width: **75'**

Lot width hardship: **NO**

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

Actual lot width: **75'**

Lot width hardship: **NO**

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

Staff perceives the placement of the Coastal Control Line (CCL) as required by Division 8 of the Alabama Department of Environmental Management (ADEM) after the creation of the parcel imposes an artificial topographic condition for which a variance is warranted to allow construction of single-family home with a reduced rear building setback line.

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, Two-Family District which allows residential uses. It appears several nearby structures placed forward of the CCL have reduced setbacks to compensate for the CCL, and the structures are loosely aligned. While the reduced setback from 30' to 20' is not ideal, a 20' setback does provide space for utility easements. **Therefore, staff feels the granting of this variance would be a necessity for preservation of a property right that would require a variance due to the possibility of utilizing a property for single family residential purposes while complying with the CCL.**

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.**

ZVA25-03 POTTINGER PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 4.6.5 of the Baldwin County Zoning Ordinance as it pertains to the minimum rear yard setback requirements to allow construction of a single-family home. Staff asserts the location of the CCL creates a hardship for which a variance is warranted and thus staff recommends **APPROVAL** of the variance request with various conditions.

1. If approved, the variance is limited to the request to observe a 20' rear building setback as shown on the site plan included herein in lieu of the 30' setback required by RTF-4 zoning.
 - a) The dune walkover shown on the submitted Site Plan is not included in the approval, as it requires a separate application.
2. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance (zoning site plan), Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or license agreement), or requirements of other agencies.

ZVA25-03 POTTINGER PROPERTY

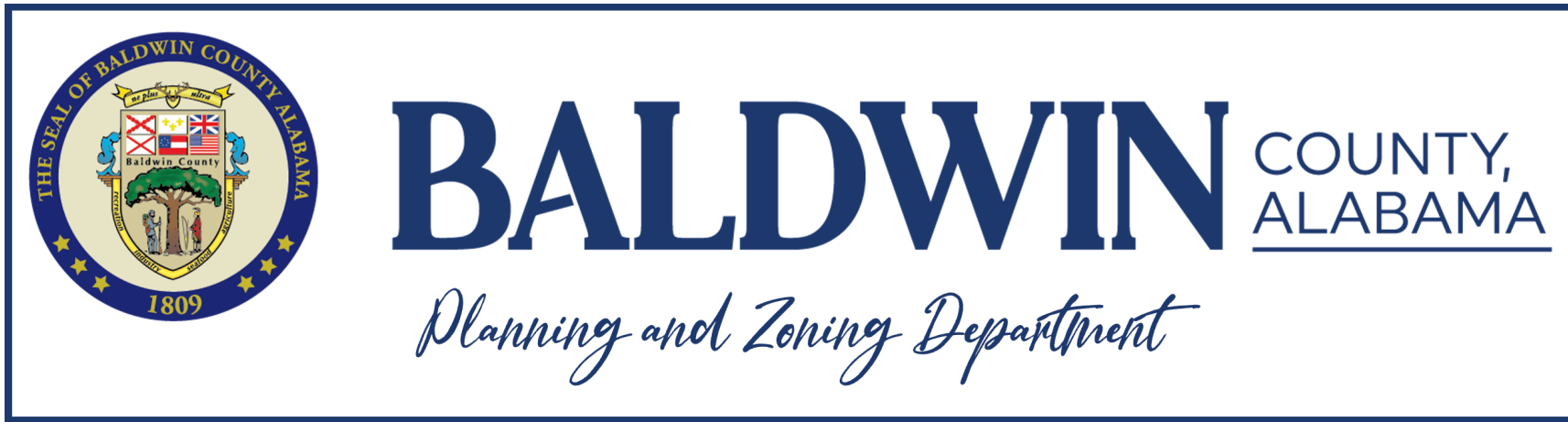
VARIANCE REQUEST

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.



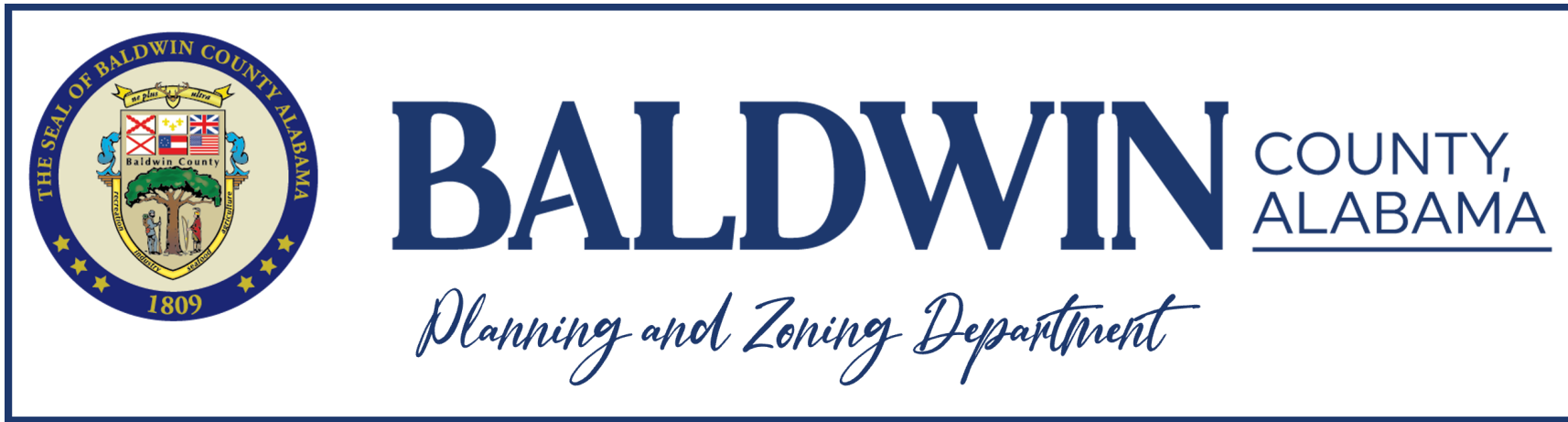
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

MARCH 13, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

FEBRUARY 13, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

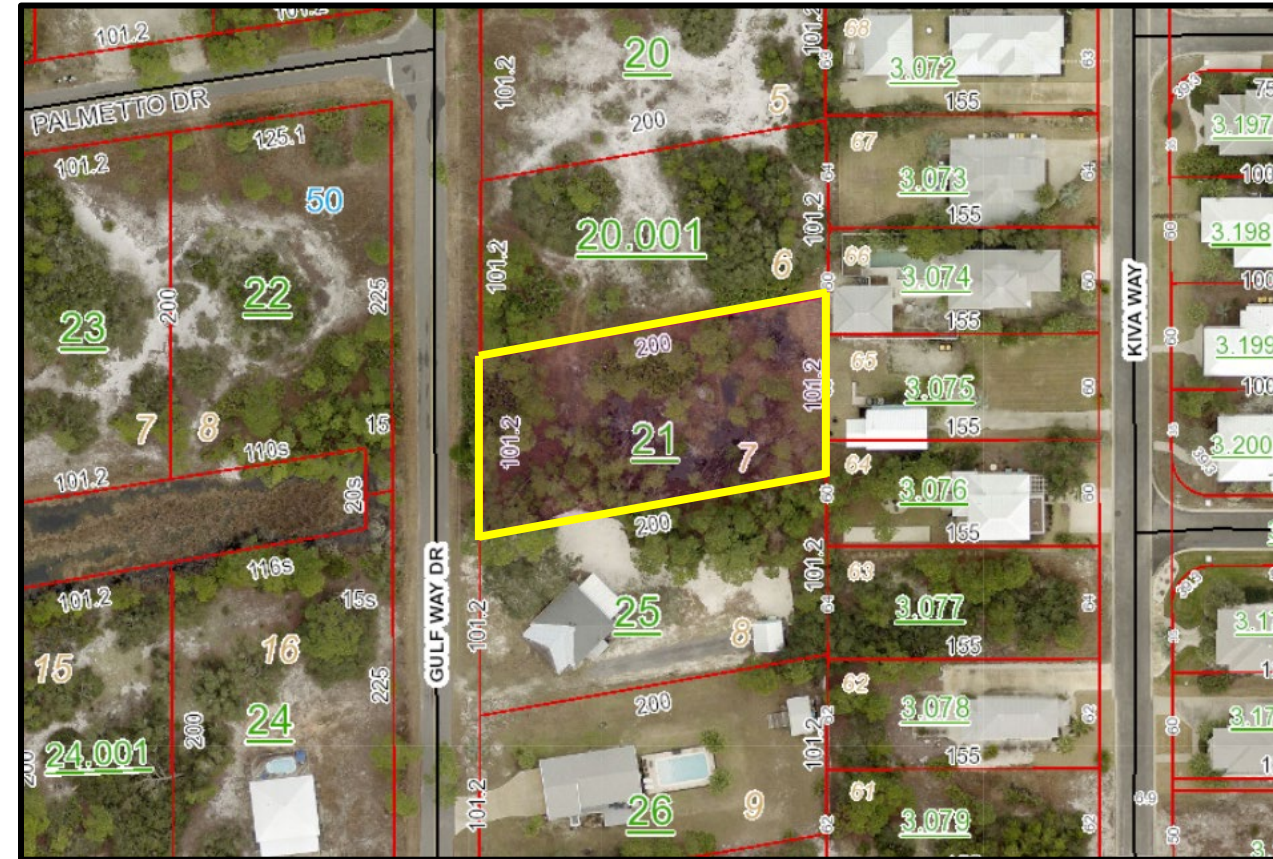
FOLEY, AL

ZVA25-03 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.



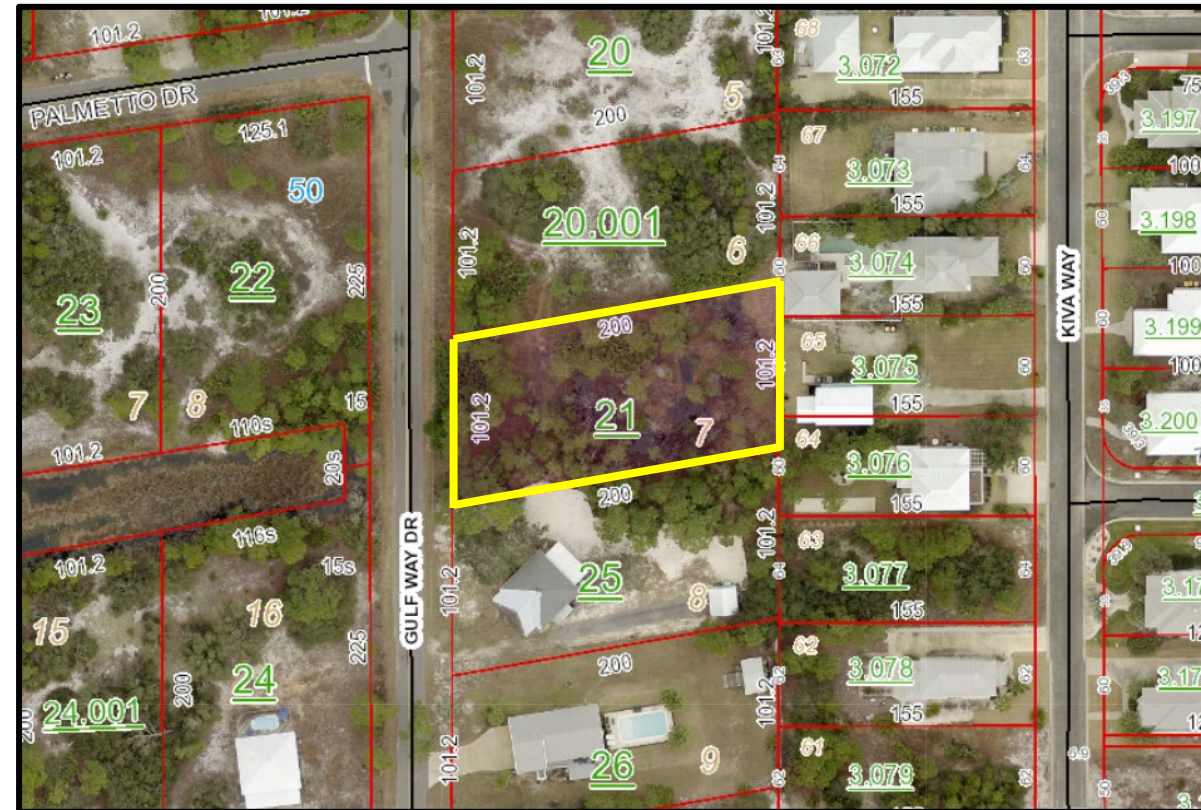
ZVA25-03 SHERRILL PROPERTY

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

Adjacent Land Use

North

RSF-1, Single Family District

Vacant

South

RSF-1, Single Family District

Residential

East

RMF-6, Multiple Family District

Residential

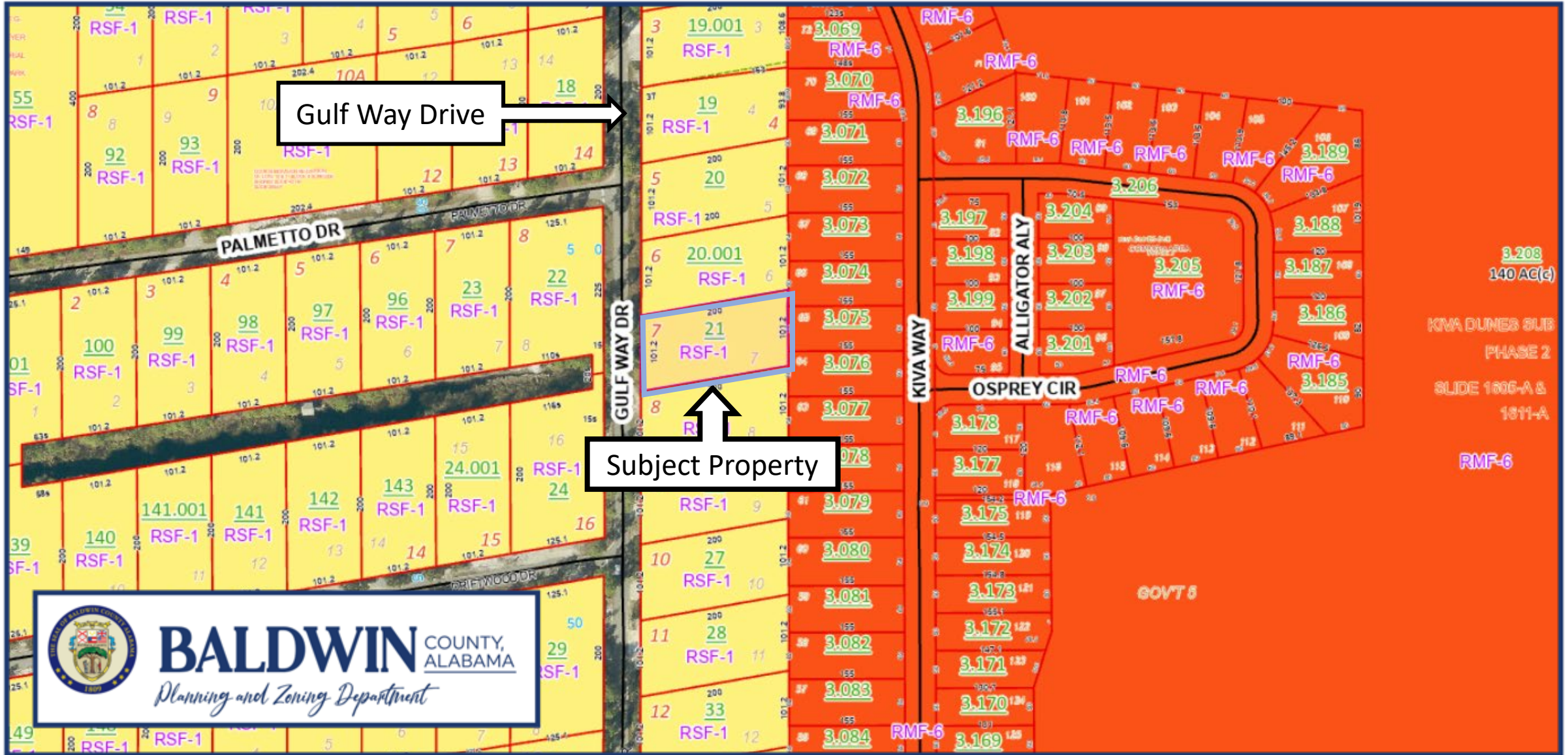
West

RSF-1, Single Family District

Residential



Locator Map – ZVA24-65







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



Subject Property - Rear
PIN: 59489





Adjoining Property to the North
PIN: 252329





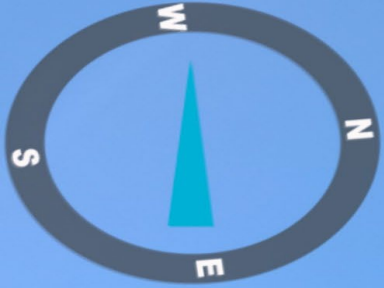
Property to the West
PIN: 15745





Adjoining Property to the South
PIN: 49454





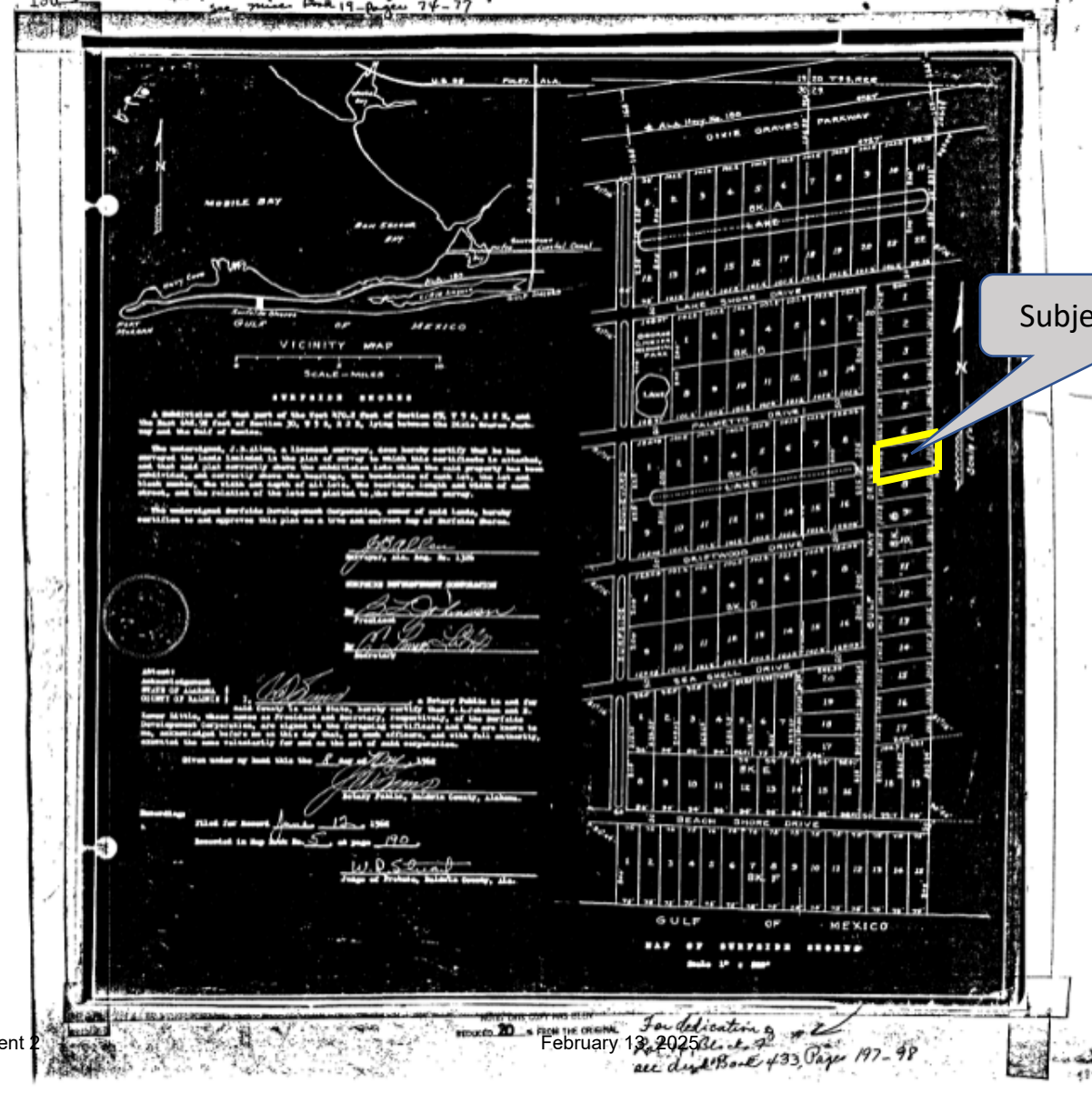
Adjoining Property to the East
PIN: 201011



Surfside Shores Subdivision

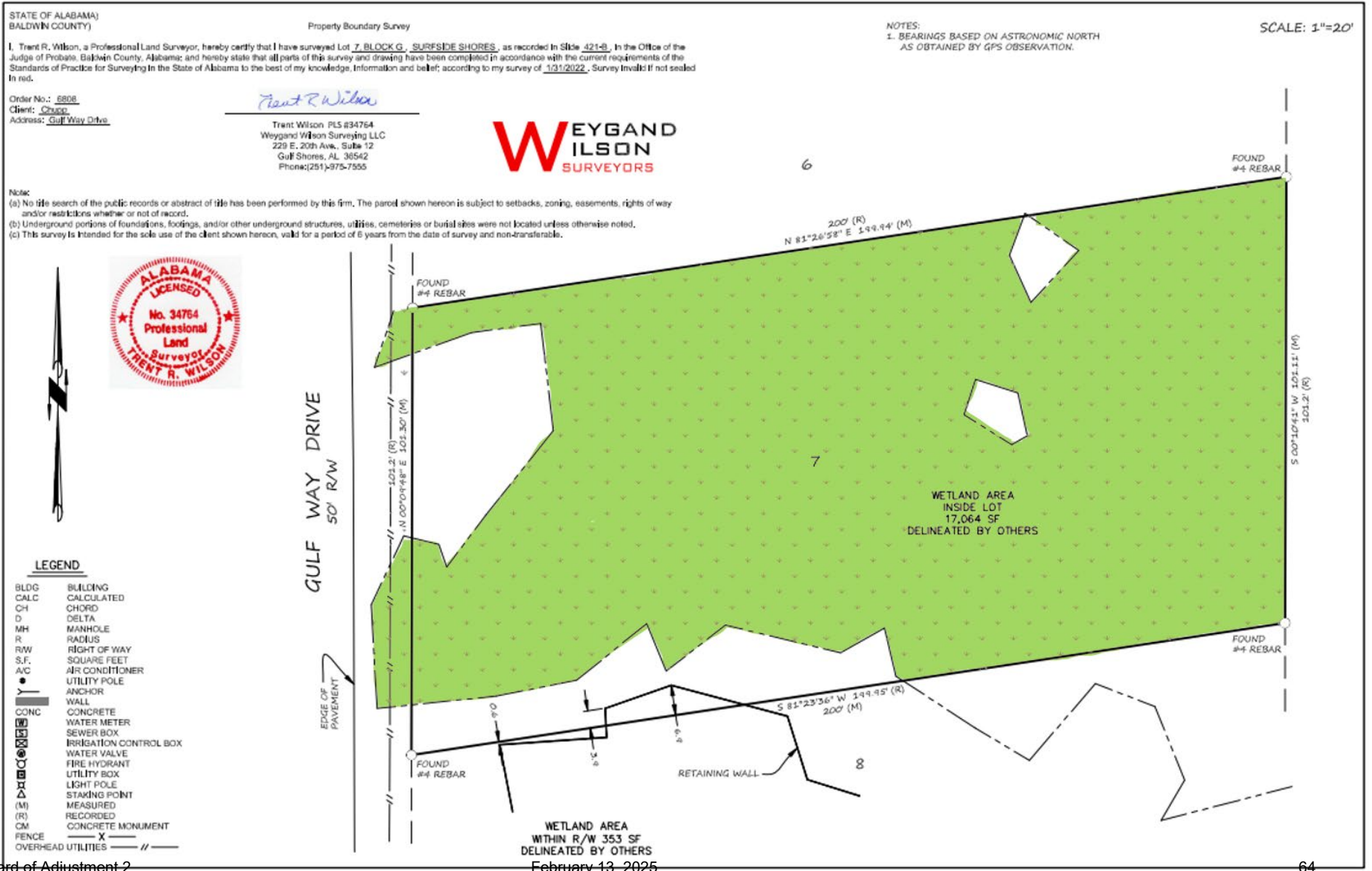
190

For Particulars Consult (Surfside Dev. Corp.)
see plan Book 19 - pages 74-77



Subject Property

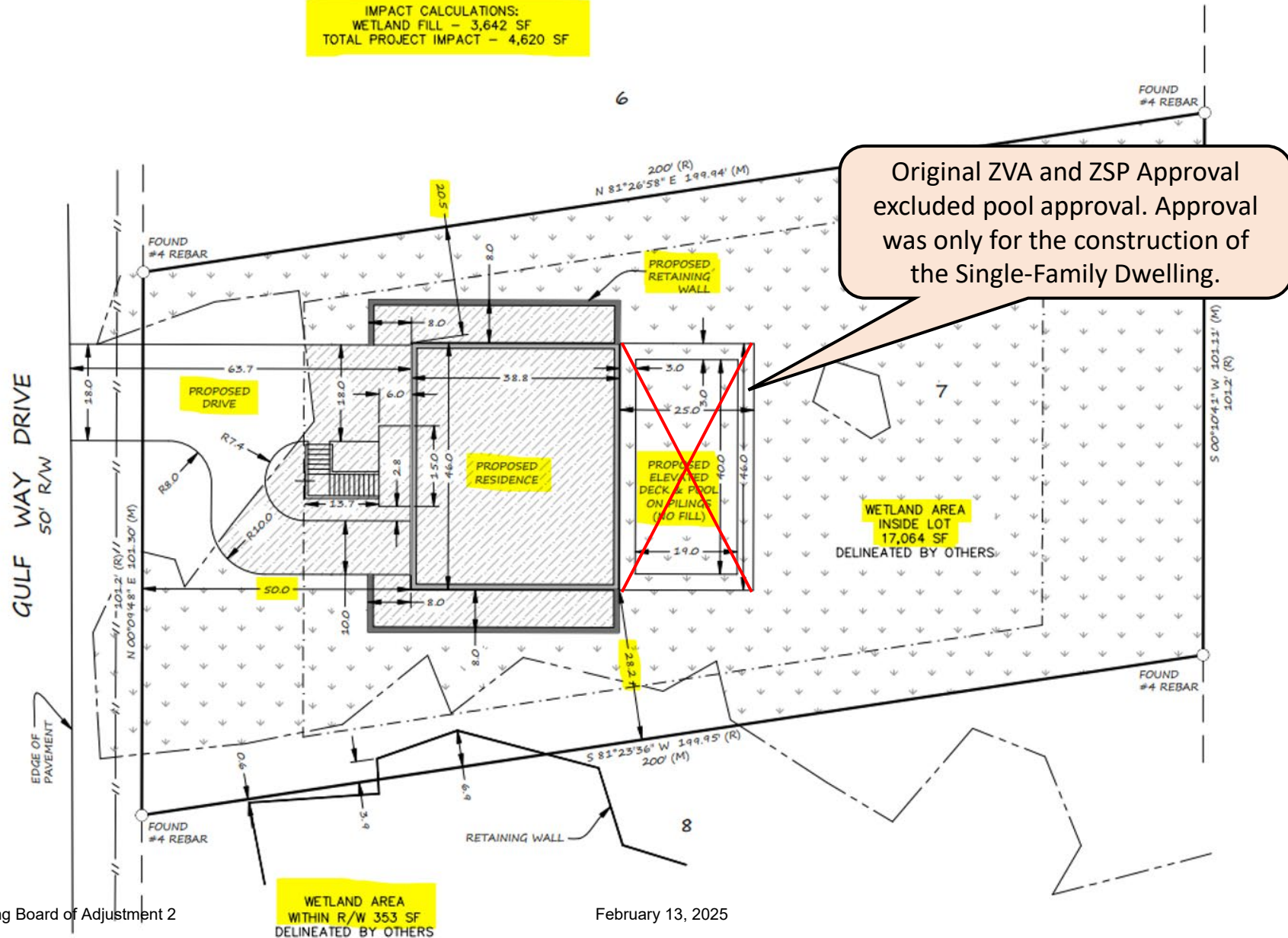
Wetlands Delineation



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

Approved Site Plan per ZVA23-69

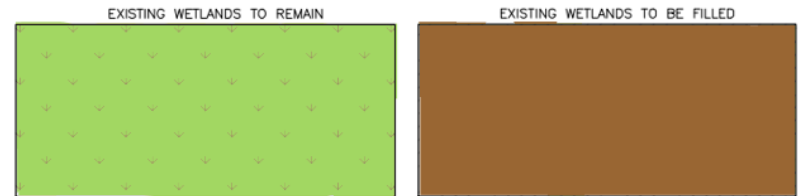
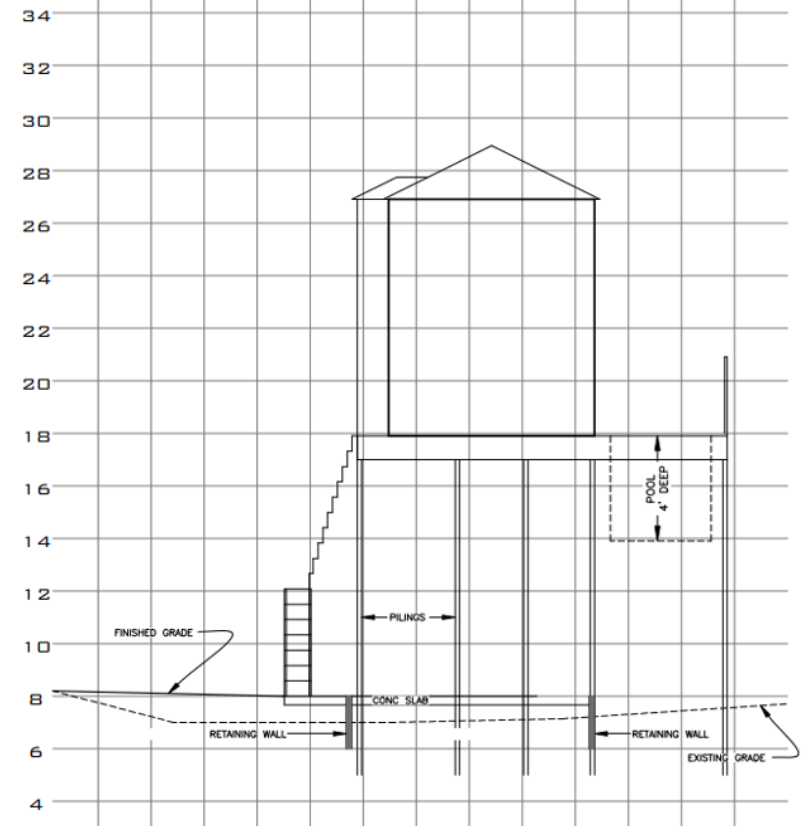
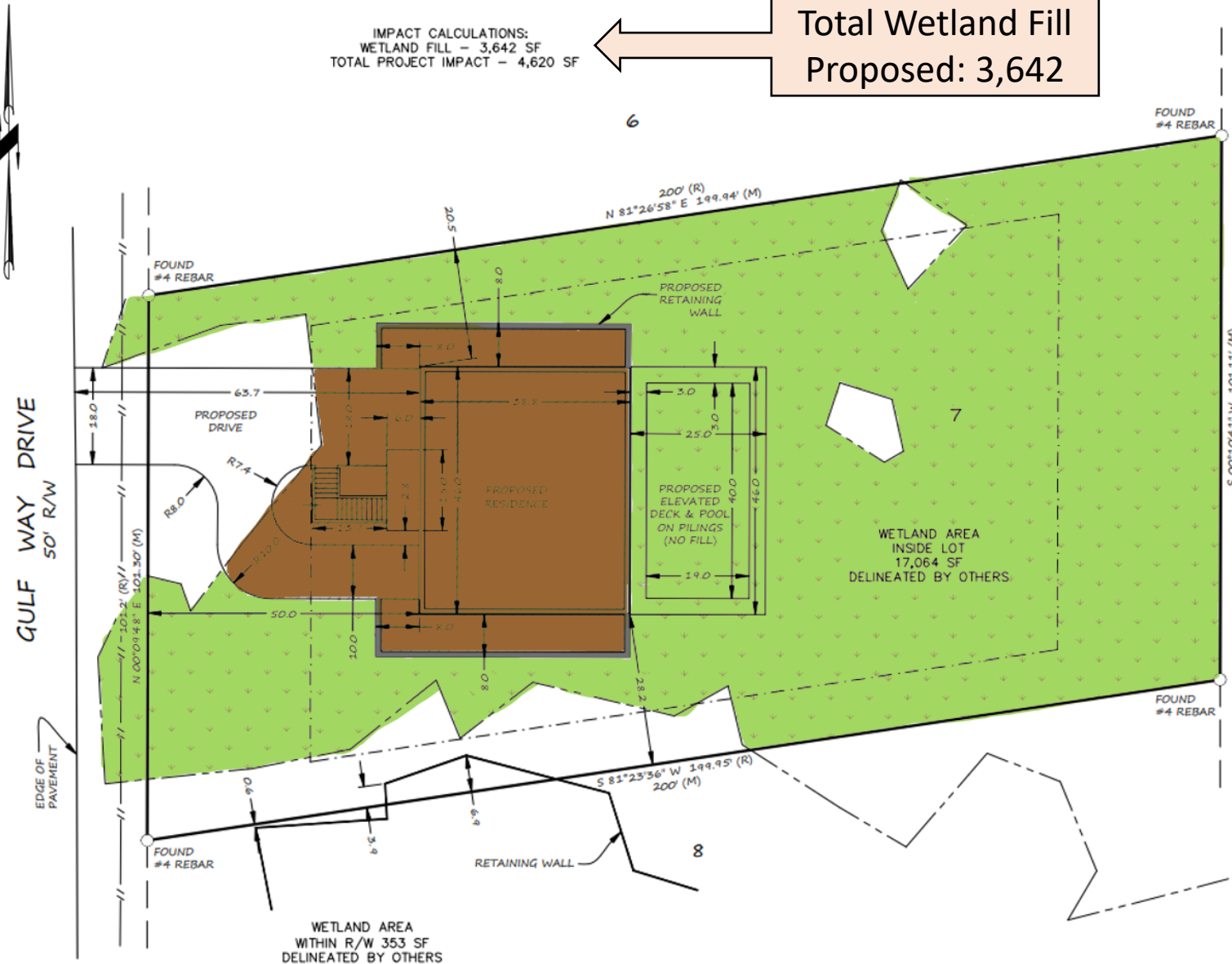
IMPACT CALCULATIONS:
WETLAND FILL - 3,642 SF
TOTAL PROJECT IMPACT - 4,620 SF



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,

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

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

Attachments

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

Baldwin County Planning & Zoning Board of Adjustment

February 13, 2025

67

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

IN REPLY 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 kempii*) – 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 watts 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.

February 13, 2025

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:

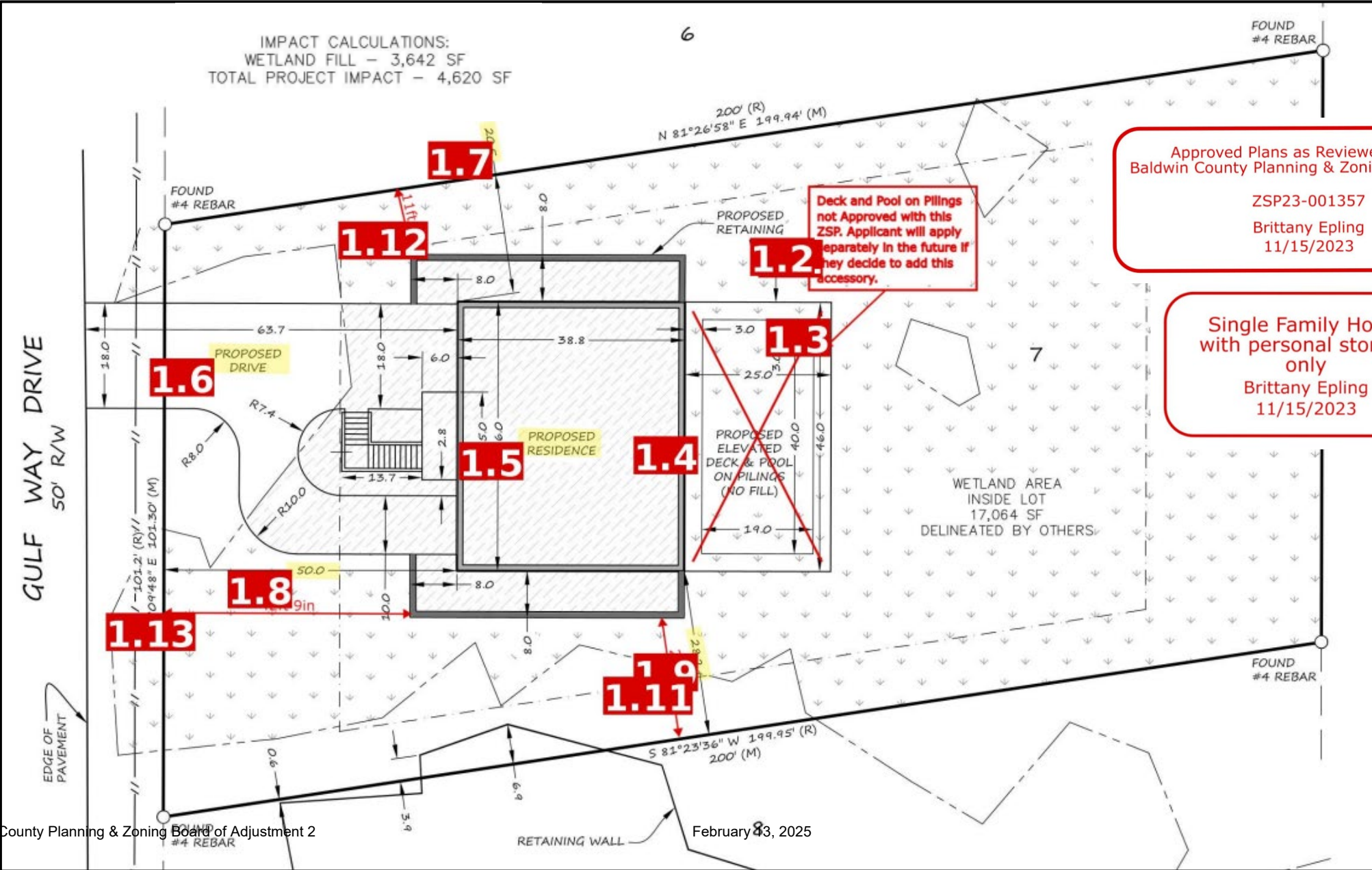
Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroaching into the non-disturbed 30' wetland setback buffer to allow for the construction of a single-family dwelling

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.

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

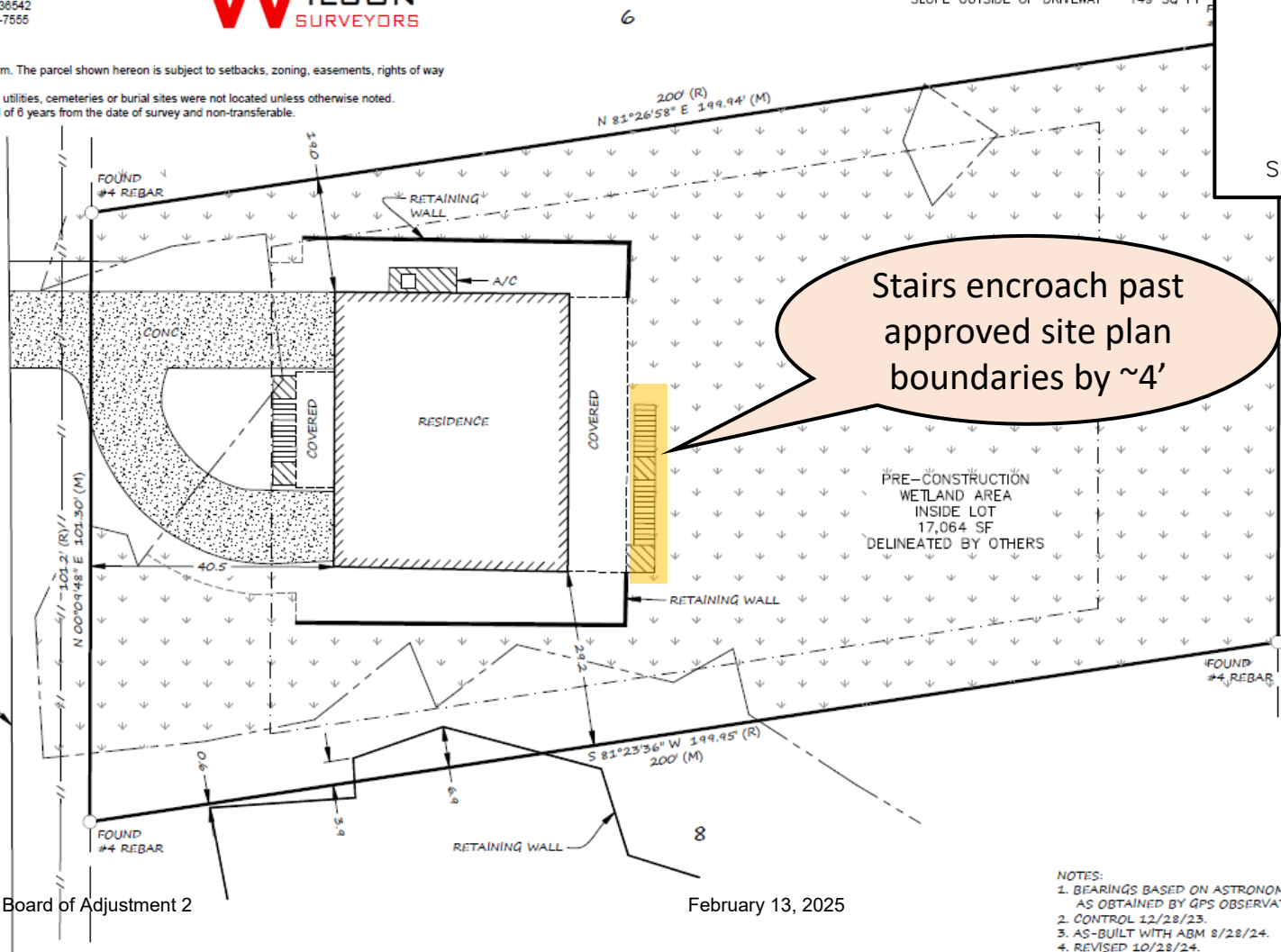
AS-BUILT IMPACT CALCULATIONS IN WETLANDS
RESIDENCE - 1,792 SF
REAR COVERED - 445 SF
FRONT COVERED - 122 SF
REAR STEPS AND LANDINGS - 102 SF
FRONT STEPS AND LANDINGS - 71 SF
RETAINING WALL FILL NORTH - 483 SF
RETAINING WALL FILL SOUTH - 503 SF
DRIVEWAY NORTH - 122 SF
DRIVEWAY SOUTH - 304 SF
SLOPE OUTSIDE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

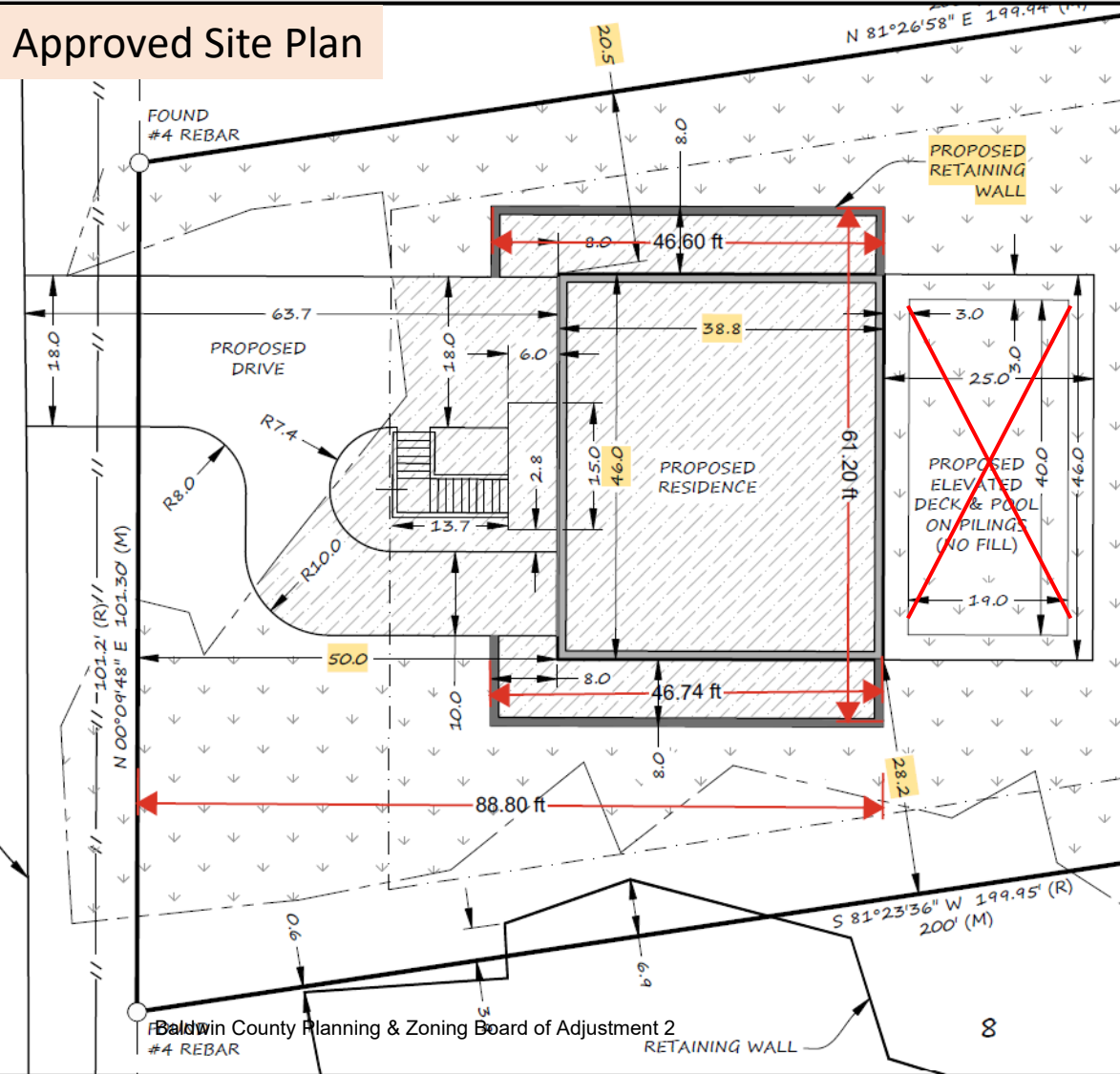
Baldwin County Planning & Zoning Board of Adjustment 2

February 13, 2025

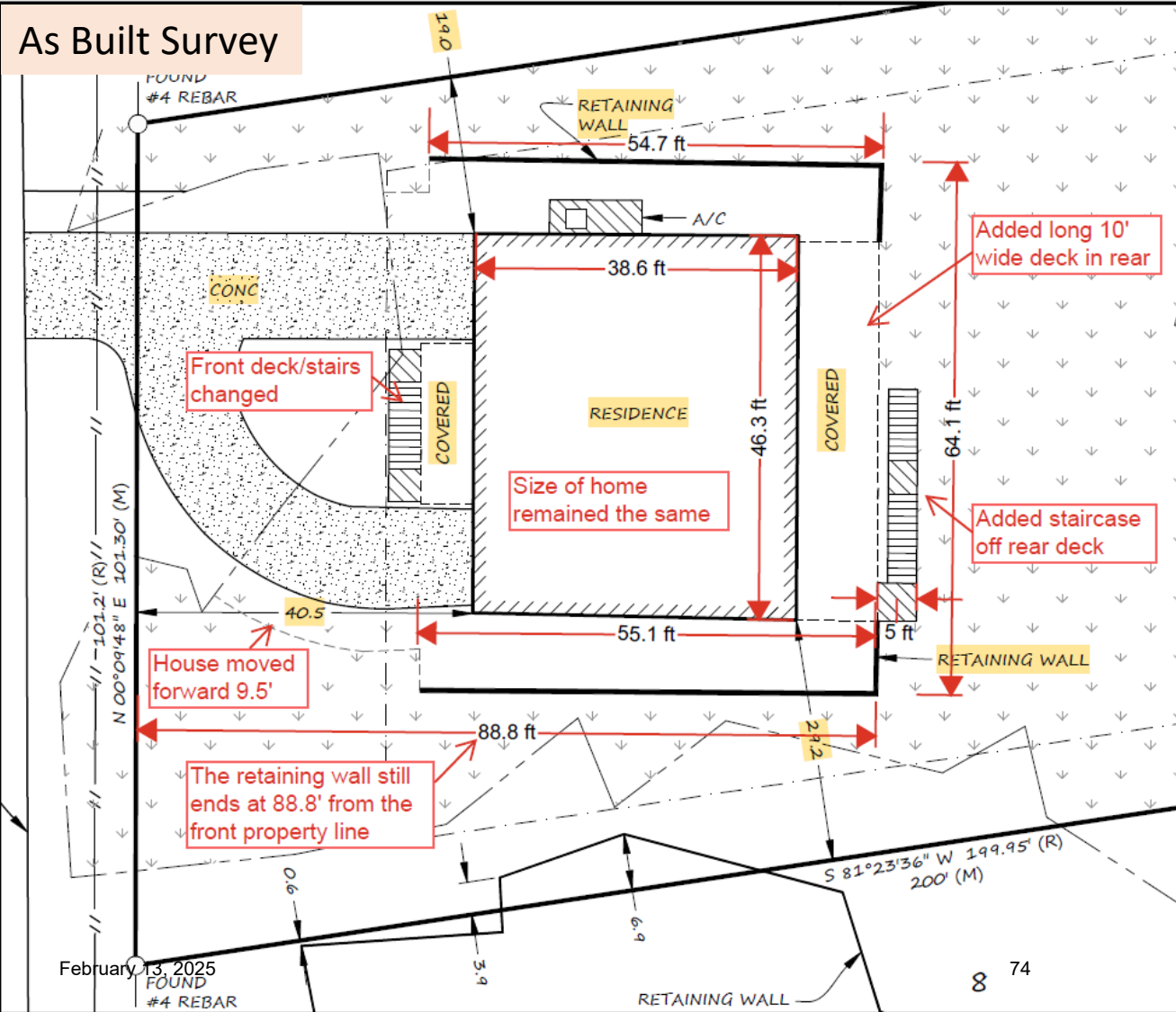
NOTES:
1. BEARINGS BASED ON ASTRONOMIC NORTH AS OBTAINED BY GPS OBSERVATION.
2. CONTROL 12/28/23.
3. AS-BUILT WITH ABM 8/28/24.
4. REVISED 10/28/24.

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.

ZVA25-03 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.

ZVA25-03 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.

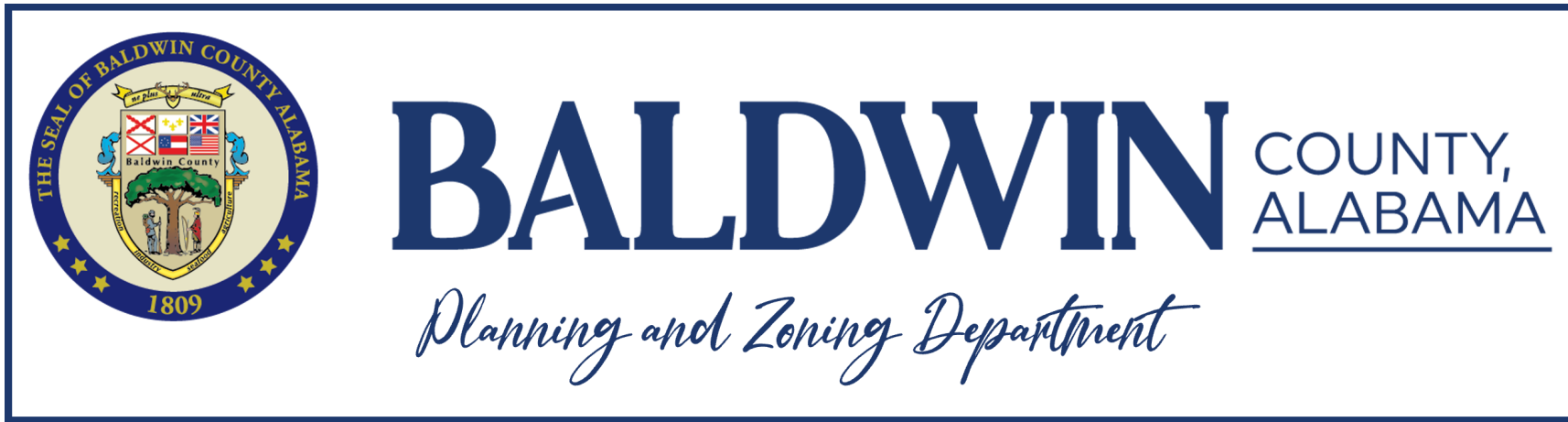
ZVA25-03 SHERRILL PROPERTY

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.



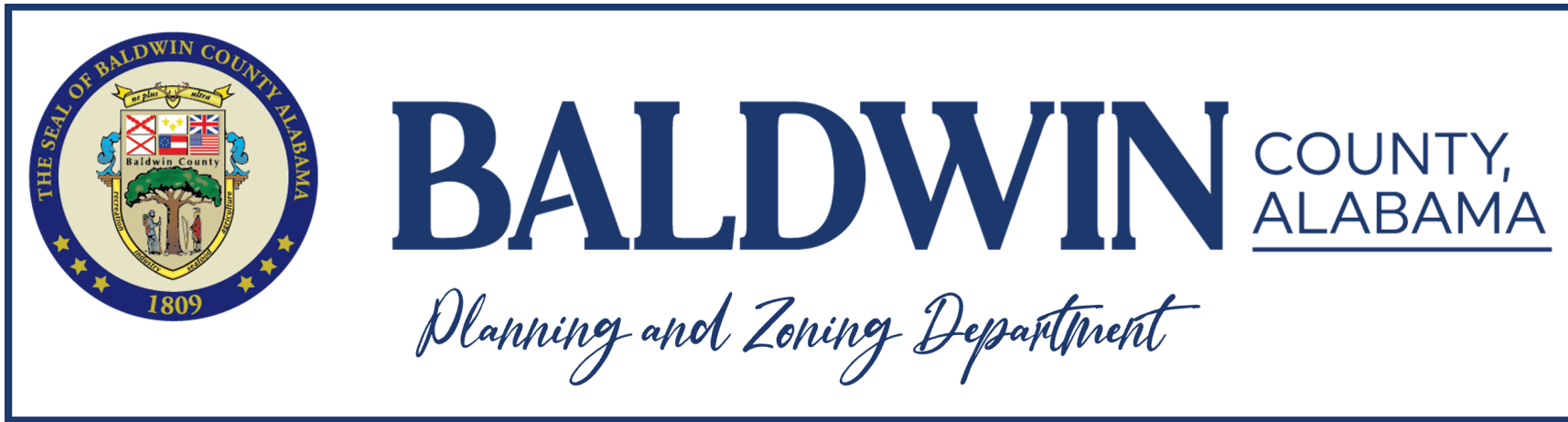
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

JANUARY 16, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

FEBRUARY 13, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

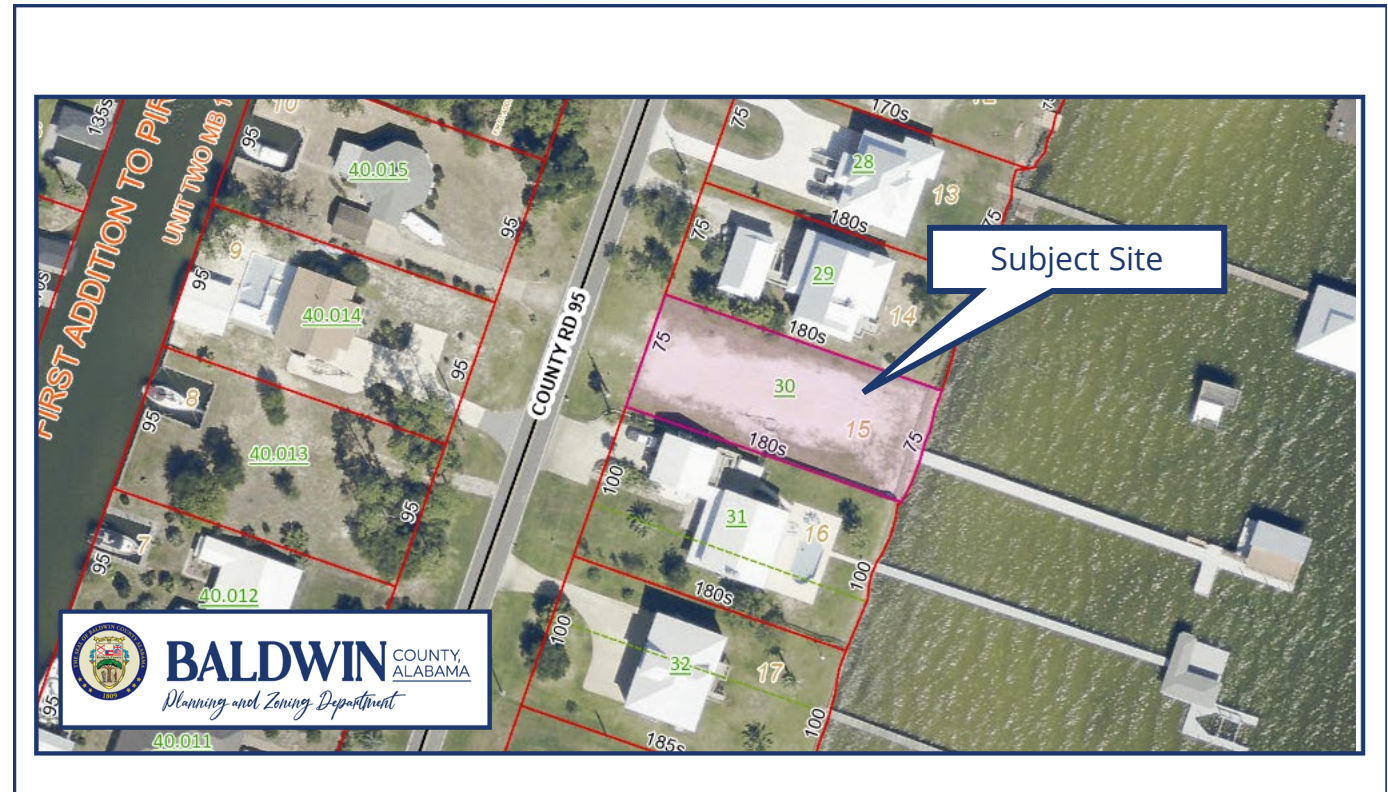
FOLEY, AL

ZVA25-06 HAWKINS PROPERTY

VARIANCE REQUEST

Lead Staff: Calla McKenzie, Planning Technician II

- **Planning District:** 32
- **Zoned:** RSF-2, Single Family District
- **Location:** The subject property is located south of County Rd 95 in the Josephine area.
- **PID:** 05-62-07-26-0-000-030.000
- **PPIN:** 29662
- **Acreage:** +/- 0.31 acres
- **Physical Address:** 6422 County Rd 95
- **Applicant:** Coxs Pools of the Southeast
- **Owner:** James Hawkins



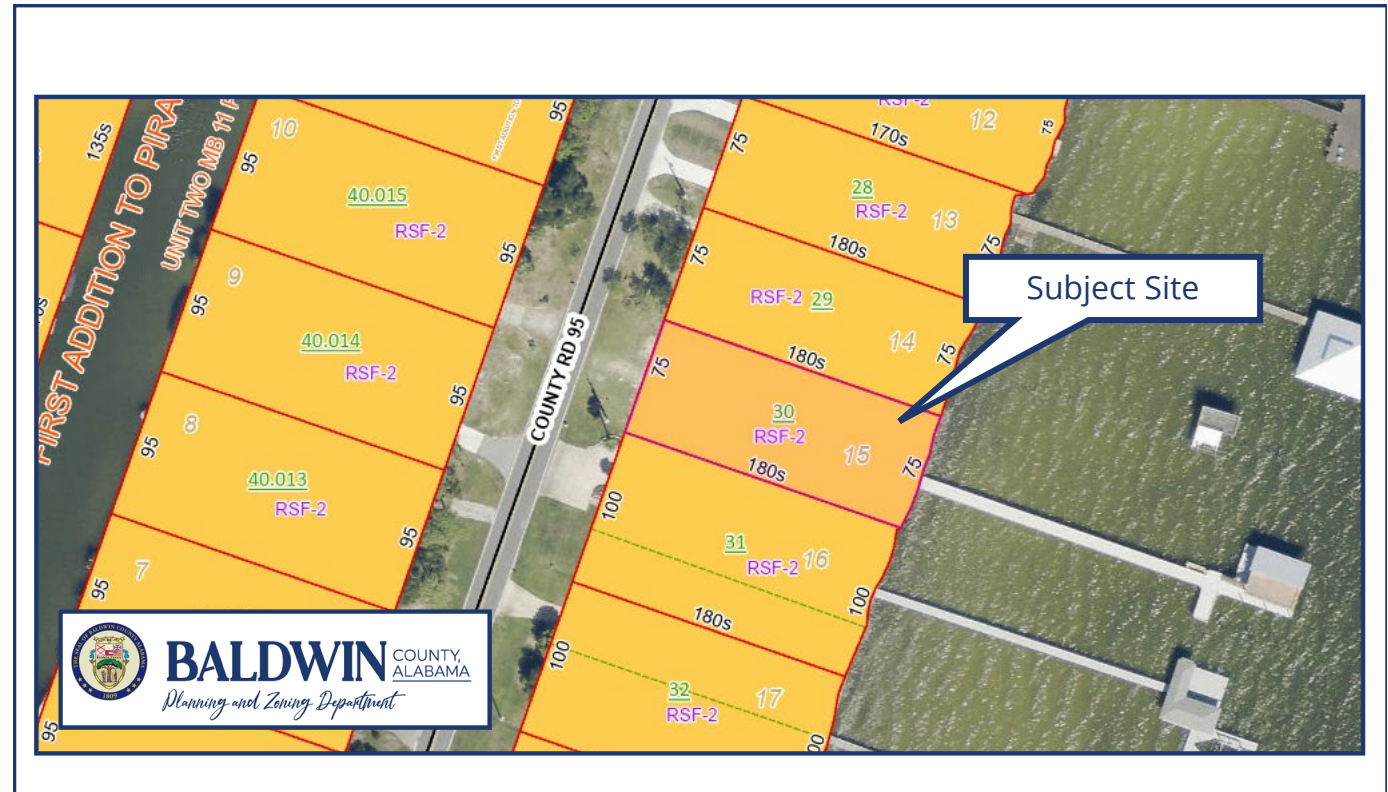
ZVA25-06 HAWKINS PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, Planning Technician II

The applicant is requesting a variance from Section 12.5 (f) Yard requirements as it applies to the VE 50' setback from the reach of the mean high tide line.

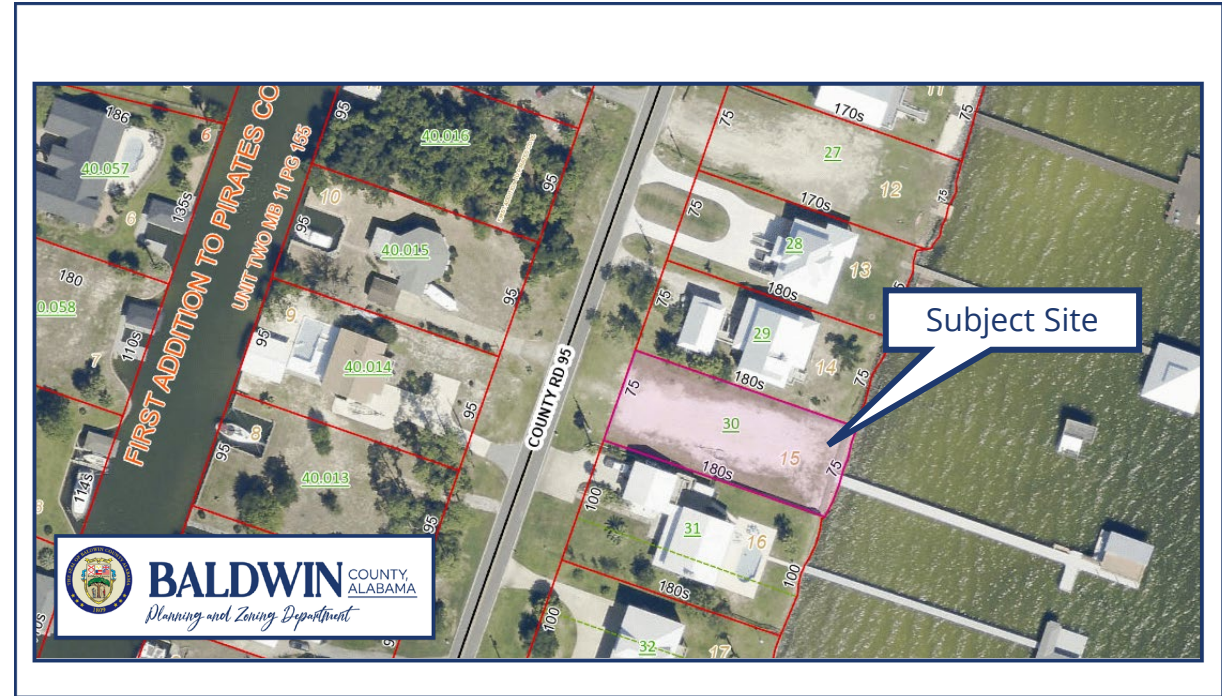
Staff recommends ZVA25-06 be **DENIED** with conditions unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-2, Residential Single Family	Residential
South	RSF-2, Residential Single Family	Residential
East	Water Body	N/A
West	RSF-2, Residential Single Family	Residential



Subject Property
PIN: 29662



**VARIANCE PROPOSED
FOR THIS PROPERTY**
CASE NUMBER
ZVA25-000006

Scan 

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



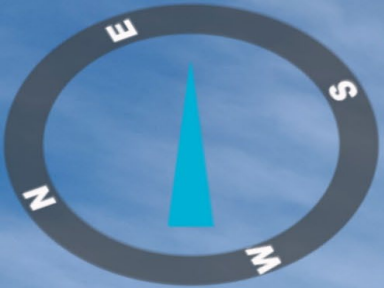
Jan 30, 2025 2:51:43 PM
30°19'5.12288"N 87°32'9.35938"W
121° SE



Adjoining
Property To the
North
PIN: 5623



Jan 30, 2025 2:52:33 PM
30°19'5.51233"N 87°32'9.45485"W
95° E



Adjoining
Property to
The South
PIN: 2458



Jan 30, 2025 2:52:12 PM
30°19'4.64372"N 87°32'9.96414"W
105° E

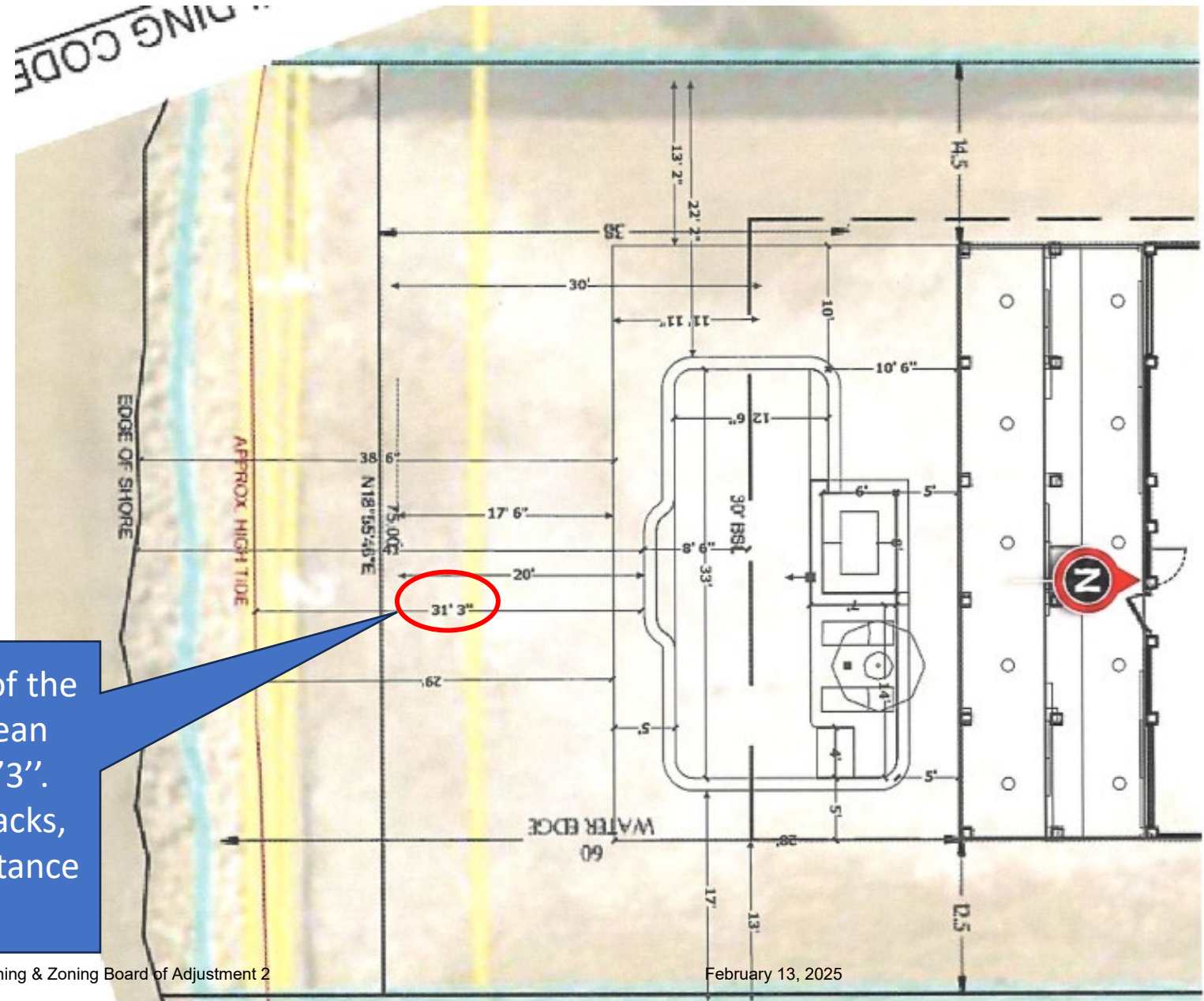


Property to
The West
PIN: 51686



Jan 30, 2025 2:51:57 PM
30°19'5.22566"N 87°32'9.87738"W
306° NW

Enlarged Site Plan



From the edge of the pool to the mean high tide is 31'3". Due to VE setbacks, the required distance is 50'.

Zoning Requirements

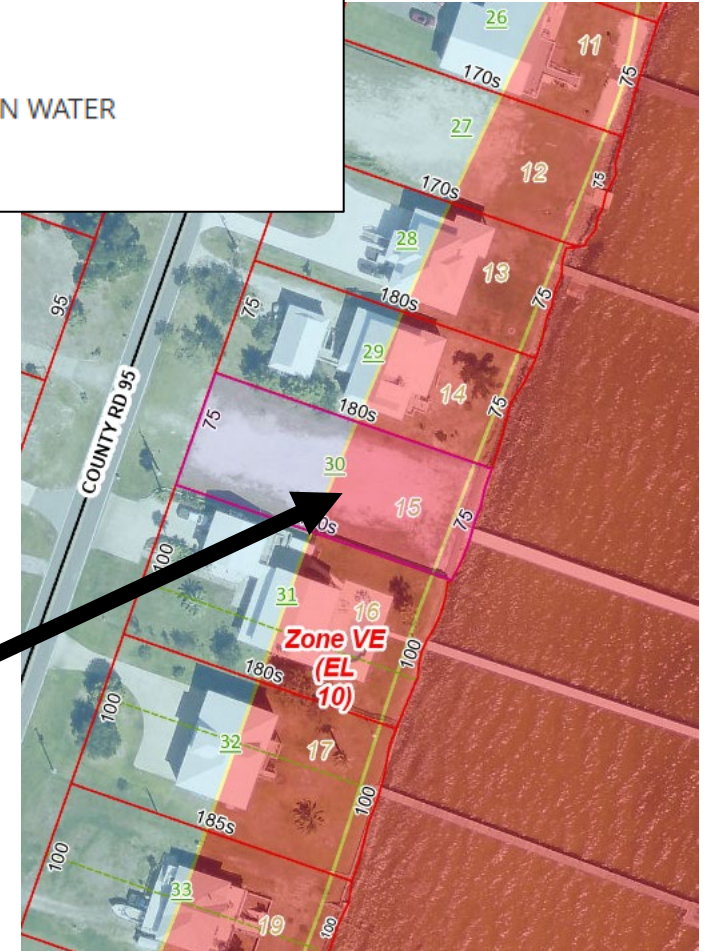
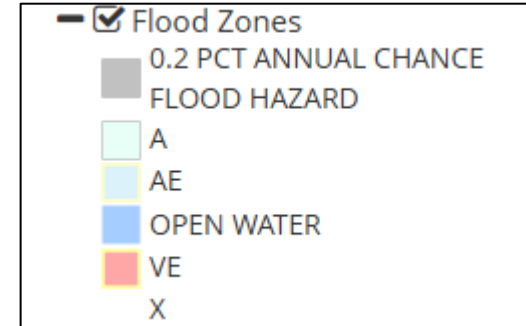
Section 4.3 RSF-2, Single Family District

4.3.5 *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	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Section 12.5 Yard Requirements

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



Staff Analysis and Findings

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 32 came into effect on December 19, 1995. Per Revenue Commission records the property is approximately 0.31 acres, a 75' by 180' lot. The required minimum lot size for RSF-2 is 15,000 square feet with an 80' minimum lot width at the building line, and a 40' minimum lot width at the street line. The subject property does not meet the minimum lot requirements. However, staff believes that this criteria is **not a factor** to the request at hand.

Minimum lot size: **15,000 sf** Actual lot size: **13,503 sf** Minimum Lot width: **80'** Actual Lot Width: **75'**

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

Staff perceives the VE flood zone may be an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which may qualify for a variance.

Staff Analysis and Findings

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

The subject property is zoned RSF-2, Single Family District which allows for residential and accessory uses. The request is to allow for pool within the VE setback, which is 50' landward of the reach of the mean high tide. There is currently a single-family dwelling under construction on the property and once it is complete, the property will have an established use. Therefore, staff does not believe granting of the application is a necessity for the preservation of a property right due to the presence of wetlands on the subject property.

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 property owner has provided documentation stating that there is no POA/HOA.
- No documentation in favor of or opposition to this variance request has been received at the time this staff report was written.

To whom it may concern:

In consideration of our Variance Application for an encroachment into the required 50' setback for a swimming pool at our property/home located at 6422 Co Rd 95 Elberta, AL 36530, there is no active HOA.

Regards,

James Hawkins



ZVA25-06 HAWKINS PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, Planning Technician II

The applicant is requesting a variance from Section 12.5 (f) Yard requirements as it applies to the VE 50' setback from the reach of the mean high tide line.

Staff recommends ZVA25-06 be **DENIED** unless information to the contrary is revealed at the public hearing.

ZVA25-06 HAWKINS PROPERTY

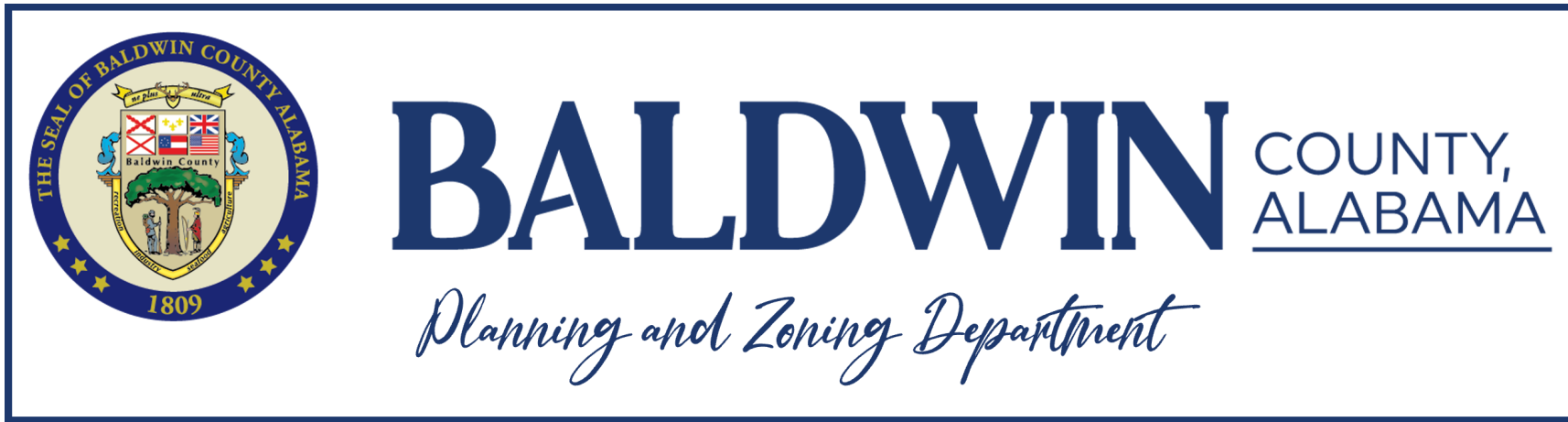
GENERAL NOTES

Lead Staff: Calla McKenzie, Planning Technician II

GENERAL NOTES {By-laws}

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

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



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

MARCH 13, 2025 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL