



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

WORK SESSION AGENDA

November 9, 2023

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. Roll Call.
3. Training.
4. Discussion of items related to the upcoming agenda and any other necessary items related to Board of Adjustment Number 2.
5. Questions and Concerns.
6. 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**

AGENDA

November 9, 2023

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. Approval of Previous Meeting Minutes (September 14, 2023 and October 12, 2023 Work Session Minutes)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. AAD23-05, T&M 36 Properties, LLC Appeal

Request: Approval of an Appeal from administrative decision of the Baldwin County Zoning Administrator regarding the restoration of a 4th dwelling on the property, per Section 20.2.6(a) of the Baldwin County Zoning Ordinance.

Location: The subject property is located at 24750 A South Rolling Green Drive in Planning District 22.

Attachments: Within Report and Attached

b.) Case No. ZVA23-58 Napp Property

Request: A variance from Section 4.2.5 and Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to minimum front yard setback requirements and encroachment into the 30' non-disturbed wetland buffer setback to allow for the construction of a single-family dwelling.

Location: The subject property is located at 8453 Zeanah Road in Planning District 25.

c.) Case No. ZVA23-63 Diffley Property

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

Location: The subject property is located at 864 Veterans Road in Planning District 25.

Attachments: Within Report and Attached

d.) Case No. ZVA23-65 Hyking Property

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

Location: The subject property is located at 6827 Lake Shore Drive in Planning District 25.

Attachments: Within Report and Attached

e.) Case No. ZVA23-69 Sherrill Property

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

Location: The subject property is located at 736 Gulf Way Drive in Planning District 25.

Attachments: Within Report and Attached

6. Old Business

7. New Business

a.) Approval of 2024 Meeting and Deadline Calendar

8. Adjournment

To view maps/plats in higher resolution please visit the ‘Upcoming Items’ Planning and Zoning webpage.”

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



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Work Session Minutes
Thursday, September 14, 2023**

I. OPENING

Staff opened the Baldwin County Planning and Zoning Commission Board of Adjustment Number 2 at 2:05p.m. September 14, 2023, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue, Foley, Alabama.

II. ATTENDANCE

The following board members were present: Mackie Ray, Chairman David Brown, Michael Swansburg, Harold Stephens, Mark Corn, Tracey Gambill, and John Slaats

Staff present included Buford King, Ashley Campbell, Cory Rhodes, Ben Guerrero, and Brittany Epling.

III. DISCUSSION ITEMS – review of the items from the agenda

1. AAD23-03 Hutchison Property Appeal – Mr. Guerrero presented a “dry run” of the case, allowing discussion during the presentation.
2. ZVA23-54 Water’s Edge Condo & Gulf Shores Yacht Club & Marina Property – Discussion only.

IV. ADJOURNMENT

As there were no further items to discuss, the work session adjourned at 2:57p.m.

Respectfully Submitted,

Cory Rhodes, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2023.

David Brown, Chairman



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Regular Meeting Minutes
Thursday, September 14, 2023**

I. Call To Order

Chairman David Brown opened the Baldwin County Board of Adjustment Number 2 meeting at 3:04 p.m. on September 14, 2023, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue in Foley, Alabama.

II. Opening

Chairman David Brown opened the meeting with an invocation and the pledge of allegiance.

III. Roll Call

The following Board members were present: Michael Swansburg, Chairman David Brown, Mark Corn, Mackie Ray, Tracey Gambill, John Slaats, and Harold Stephens.

Staff present included Buford King, Ashley Campbell, Cory Rhodes, Ben Guerrero, and Brittany Epling.

IV. Approval of Minutes

Mr. Slaats made a motion to approve the August 10, 2023, meeting minutes. Ms. Gambill seconded the motion. All members voted aye. **Motion to approve the August 10, 2023 minutes carried.**

V. Consideration of Applications and Requests

1) AAD23-03 Hutchison Property Appeal

Mr. Guerrero presented the appeal from administrative decision to apply Section 15.3.9 of the Baldwin County Zoning Ordinance as it pertains to the storage and parking of trailers and commercial vehicles. Staff recommended the case be upheld and the appeal be denied.

No one spoke in favor or opposition of the appeal.

After discussion Mr. Ray made a motion to deny the appeal request. Mr. Corn seconded the motion. All members voted aye. **Motion to deny case AAD23-03 appeal request carried.**

2) ZVA23-54 Water's Edge Condo & Gulf Shores Yacht Club & Marina

Mr. King presented the applicant's request for a variance from Section 9.3.2 of the Baldwin County Zoning Ordinance as it pertains to the allowable zoning districts that may be requested within a Planned Residential Development (PRD), Section 9.3.3 as it pertains the allowable percentage of commercial land use within a PRD, as well as Section 20.2.1 as it pertains the existing non-conforming residential structure located within B-4 zoning on PIN 311748. The applicant wishes to

submit an application for a PRD to be considered by the Baldwin County Planning Commission and Baldwin County Commission that will include B-2 and B-4 zoning as well as maintaining the existing non-conforming residential use. Staff provided a neutral recommendation to the variance request and deferred entirely to the Board of Adjustment in terms of its decision regarding the requested variance.

Ms. Melissa Currie and Mr. Tom Steber spoke in favor of the request. No one spoke in opposition.

After discussion Ms. Gambill made a motion to approve the variance request with conditions recommended by staff. Mr. Slaats seconded the motion. Five (5) members voted aye while two (2) members voted nay. **Motion to approve case ZVA23-54 variance request with the conditions listed below carried.**

- 1. The variance neither approves nor endorses any type of development activity.**
- 2. A Planned Residential Development (PRD) is considered by the Baldwin County Planning Commission and the Baldwin County Commission, and the variance only alters some of the components of a PRD for subject property.**

3) ZVA23-55 Mixon Property

Ms. Rhodes presented the applicant's request for approval of a variance from Section 13.1.2 of the Baldwin County Zoning Ordinance as it pertains to an unpermitted accessory structure encroaching into the required rear yard setback. Staff recommended the variance request be denied.

After staff's presentation, Mr. Mixon requested the application be withdrawn.

Mr. Corn made a motion to approve the withdrawal request by Mr. Mixon. Ms. Gambill seconded the motion. All members voted aye. **Motion to withdraw case ZVA23-55 variance request carried.**

4) ZVA23-56 Meeks Property

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

Mr. Ernest Lee spoke in favor of the request. No one spoke in opposition.

After discussion Mr. Ray made a motion to approve the request with staff conditions. Mr. Corn seconded the motion. All members voted aye. **Motion to approve case ZVA23-56 variance request with the conditions listed below carried.**

- 1. If approved, the variance is limited to the request of encroaching into the wetland setbacks only as shown on the Site Plan.**
- 2. This variance relieves the 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 or Turnout Permit), or requirements of other agencies.**

VI. Old Business

The Board discussed the note that was presented within case ZVA23-55 regarding an increase in applications for complaints and overbuilding. The Planned Commercial Development (PCD) section in the Baldwin County Zoning Ordinance was also discussed, and it was noted by staff that this section, which is currently blank, will be populated in the future.

During Old Business, Chairman Brown allowed Sharon Garth to speak regarding a case that was presented earlier. Ms. Garth spoke in opposition to case ZVA23-55.

VII. New Business

Mr. King noted that Planning District 14 has completed the Advisory Committee process. The local provisions and zoning map that were created for the new district will be presented during the October 5, 2023 Planning Commission Meeting, with a recommendation to the Baldwin County Commission.

VIII. Adjournment

As there were no further items to discuss, the meeting adjourned at 5:02 p.m.

Respectfully Submitted,

Cory Rhodes, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2023.

David Brown, Chairman



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Work Session Minutes
Thursday, October 12, 2023**

I. OPENING

Staff opened the Baldwin County Planning and Zoning Commission Board of Adjustment Number 2 at 2:03p.m. October 12, 2023, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue, Foley, Alabama.

II. ATTENDANCE

The following board members were present: Mackie Ray, Chairman David Brown, Michael Swansburg, and Harold Stephens.

Staff present included Buford King, Cory Rhodes, Ben Guerrero, and Brittany Epling.

III. DISCUSSION ITEMS

1. Update BOA #2 information on the website
2. Recruiting new members for BOA #2
3. Training by Mr. King, which included a review of the following:
 - (1) Zoning Ordinance
 - (2) Site Plans
 - (3) Exempt Subdivisions

IV. ADJOURNMENT

As there were no further items to discuss, the work session adjourned at 3:25p.m.

Respectfully Submitted,

Cory Rhodes, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2023.

David Brown, Chairman

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

**2024
MEETING DATES
&
APPLICATION DEADLINE DATES**

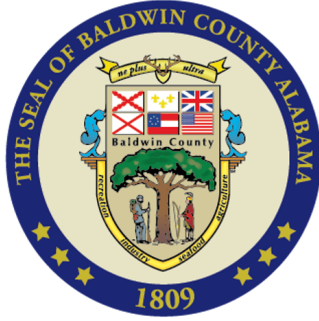
Meeting time: 3:00 p.m.

Meeting location: Foley Satellite Courthouse Large Meeting Room

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

MEETING DATE	STAFF REPORTS DUE	APPLICATION DEADLINE DATE (@ NOON!)
January 11, 2024	January 2, 2024	December 19, 2023
February 8, 2024	January 30, 2024	January 16, 2024
March 14, 2024	March 5, 2024	February 20, 2024
April 11, 2024	April 2, 2024	March 19, 2024
May 9, 2024	April 30, 2024	April 16, 2024
June 13, 2024	June 4, 2024	May 21, 2024
July 11, 2024	July 2, 2024	June 18, 2024
August 8, 2024	July 30, 2024	July 16, 2024
September 12, 2024	September 3, 2024	August 20, 2024
October 10, 2024	October 1, 2024	September 17, 2024
November 7, 2024	October 29, 2024	October 15, 2024
December 12, 2024	December 3, 2024	November 19, 2024

Dates may differ from original meeting dates and/or application deadline dates due to holidays and may be subject to change upon request by the Chairman of the Board.



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

NOVEMBER 9, 2023

BALDWIN COUNTY FOLEY SATELLITE COURTHOUSE

FOLEY, AL

AAD23-05 T&M 36 PROPERTIES LLC APPEAL

APPEAL OF ADMINISTRATION DECISION

Lead Staff: Ben Guerrero, Code Enforcement Planning Technician

Planning District: 22

Zoning: Residential Single Family Estate (RSF-E)

PID: 05-62-03-06-0-001-023.004

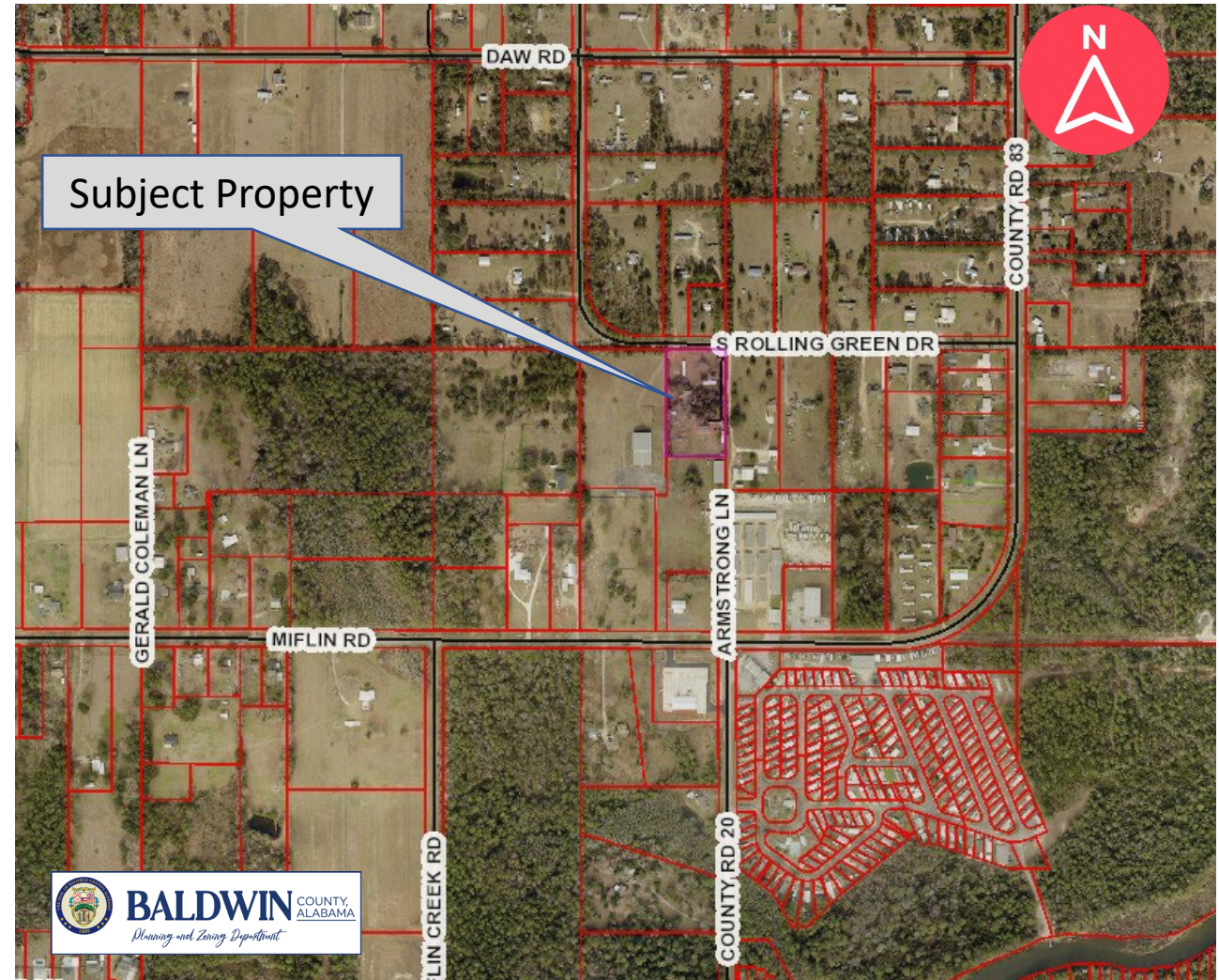
PIN: 111762

Physical Address: 24750 S Rolling Green Dr, Elberta AL 36530

Total Property Area: 131,760 sq ft

Applicant: Thomas Rishe

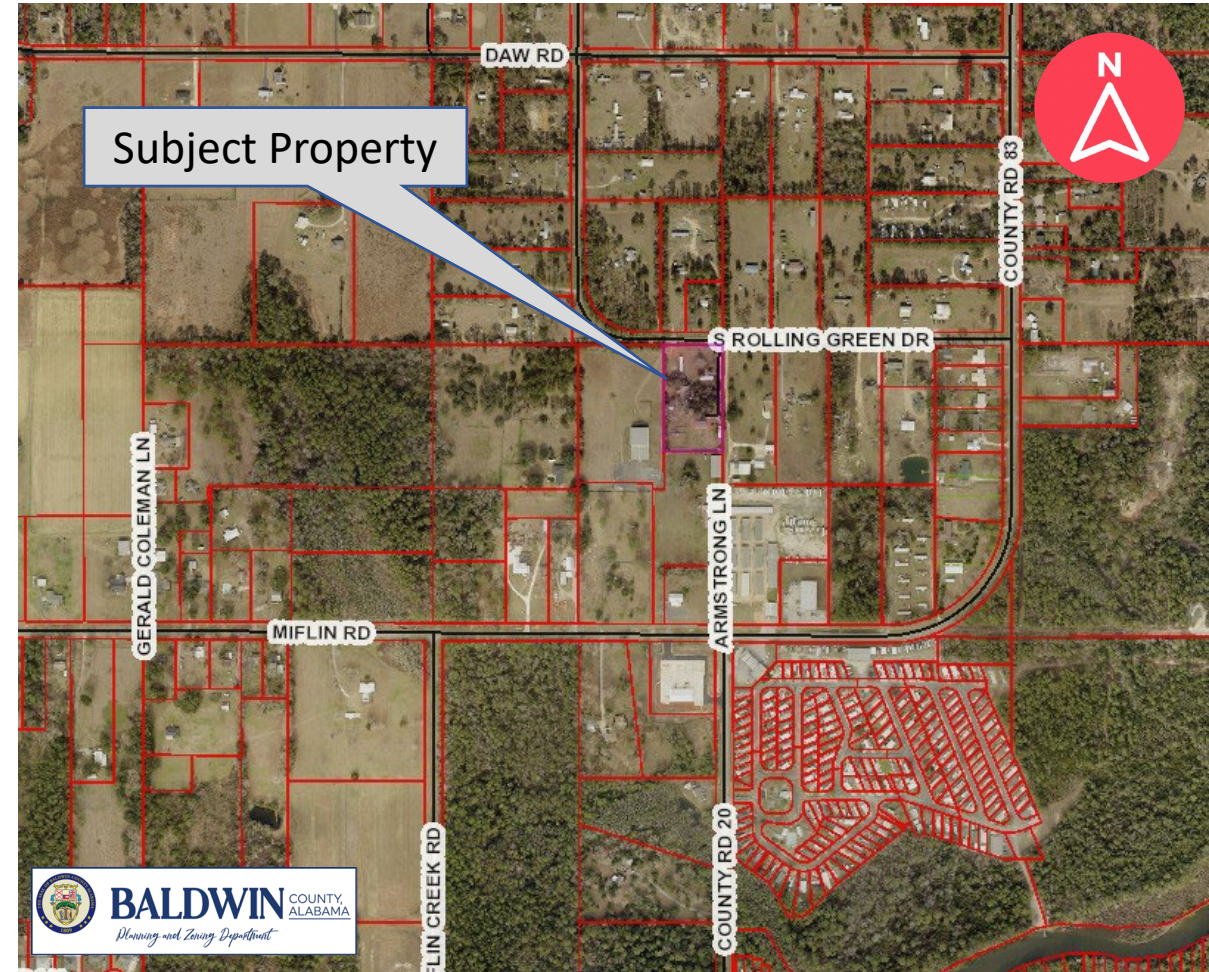
Owner: T&M 36 Properties LLC



AAD23-05 T&M 36 PROPERTIES LLC APPEAL

The applicant has appealed the decision of the Baldwin County Planning and Zoning Department regarding the denial of an application to restore a 4th dwelling on the property because of Section 20.2.6(a) of the Baldwin County Zoning Ordinance.

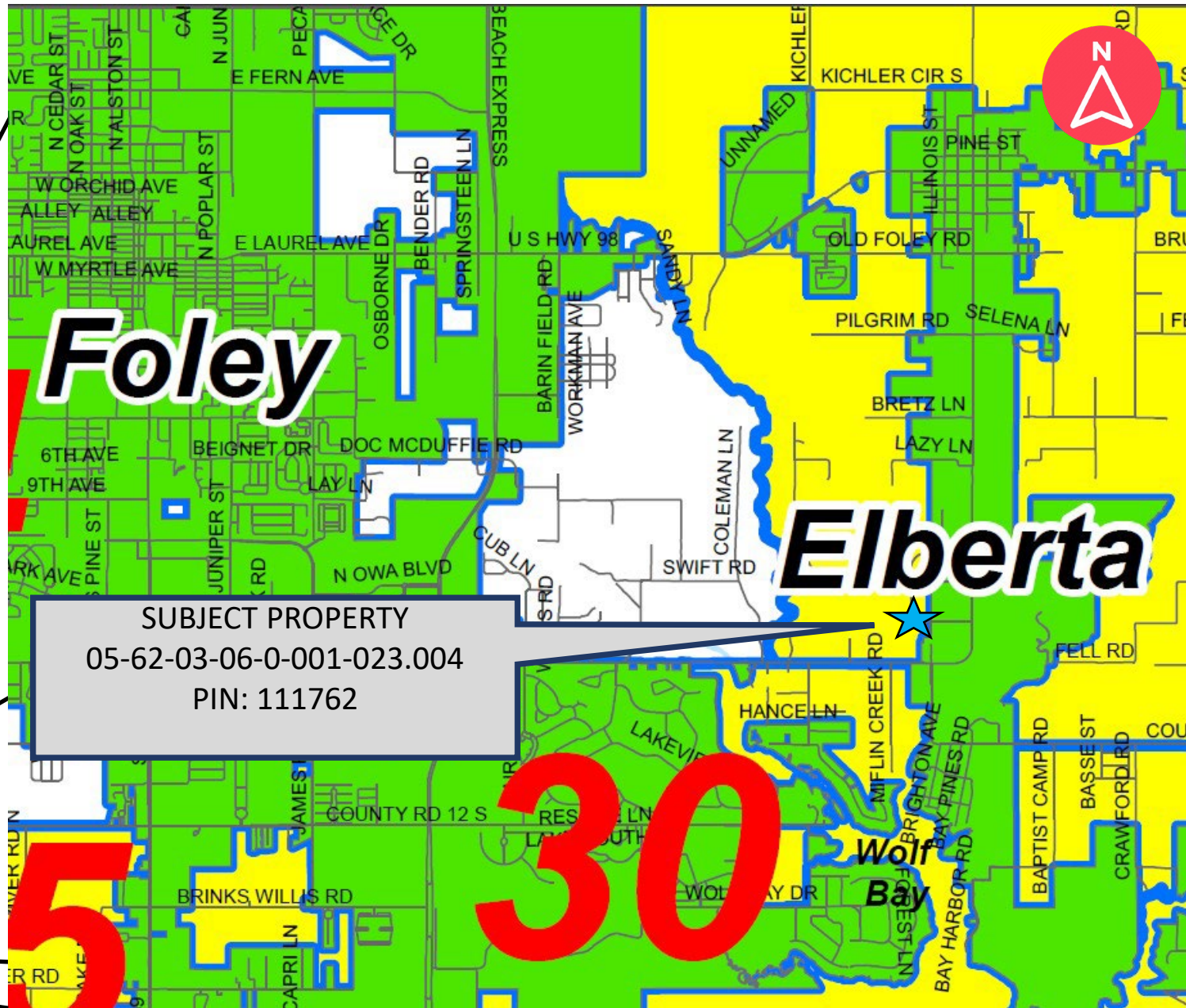
Staff asserts there were no errors committed in the Administrative Decision to prevent the restoration of a 4th dwelling per Section 20.2.6(a) of the Baldwin County Zoning Ordinance and recommends Case AAD23-05 be **Denied**.



Baldwin County, Alabama Planning Districts

Legend

- Interstates
- Roads
- City Limits
- Planning Districts
- UNZONED
- ZONED



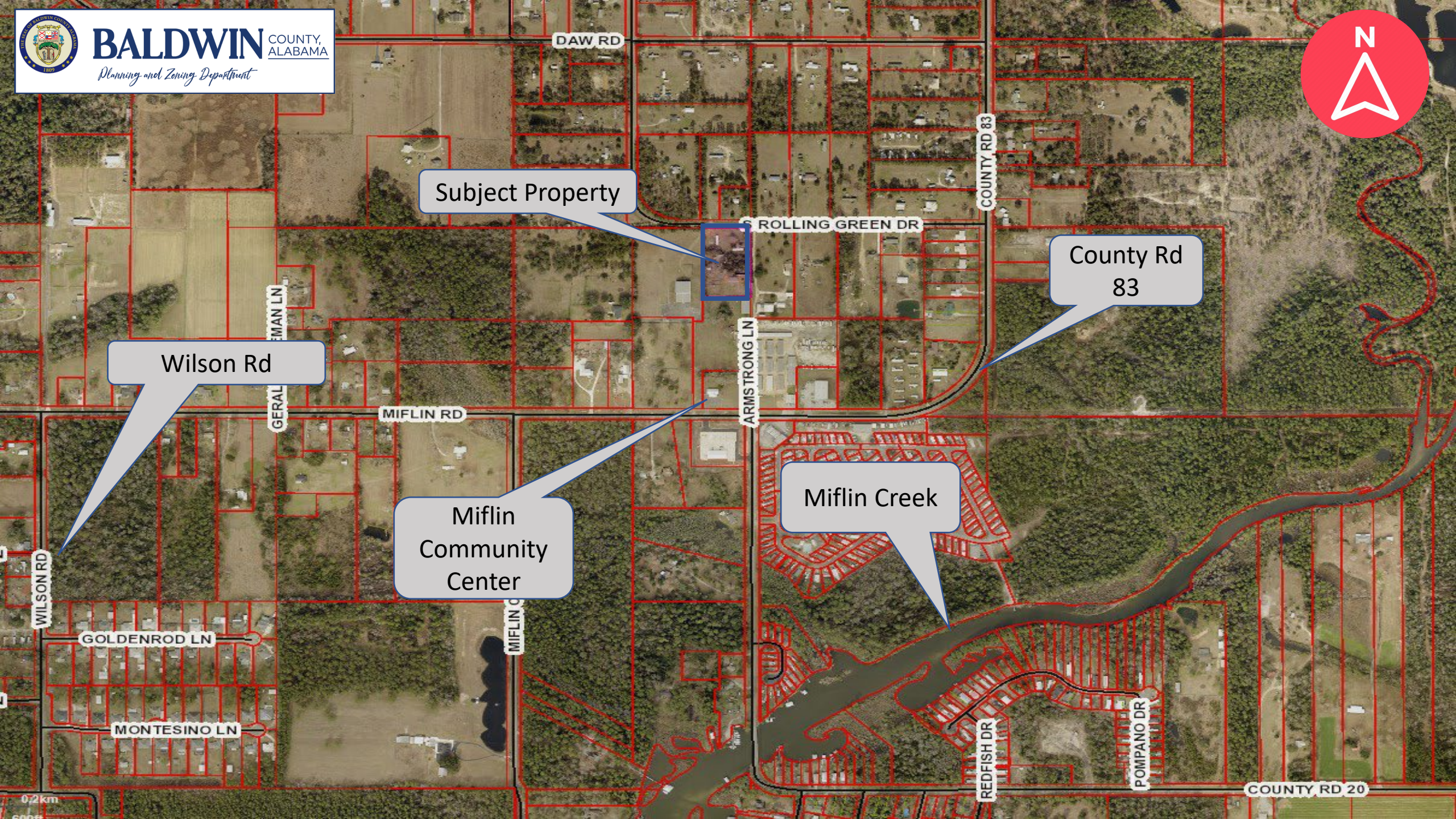
Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-E, Single-Family District	Residential
South	City of Elberta (R-A, Rural Residential Agricultural)	Residential
East	City of Elberta (R-A, Rural Residential Agricultural)	Residential
West	RSF-E, Single-Family District	Institutional



Subject Property

Wilson Rd

Miflin
Community
Center

Miflin Creek

County Rd
83



County Rd
83

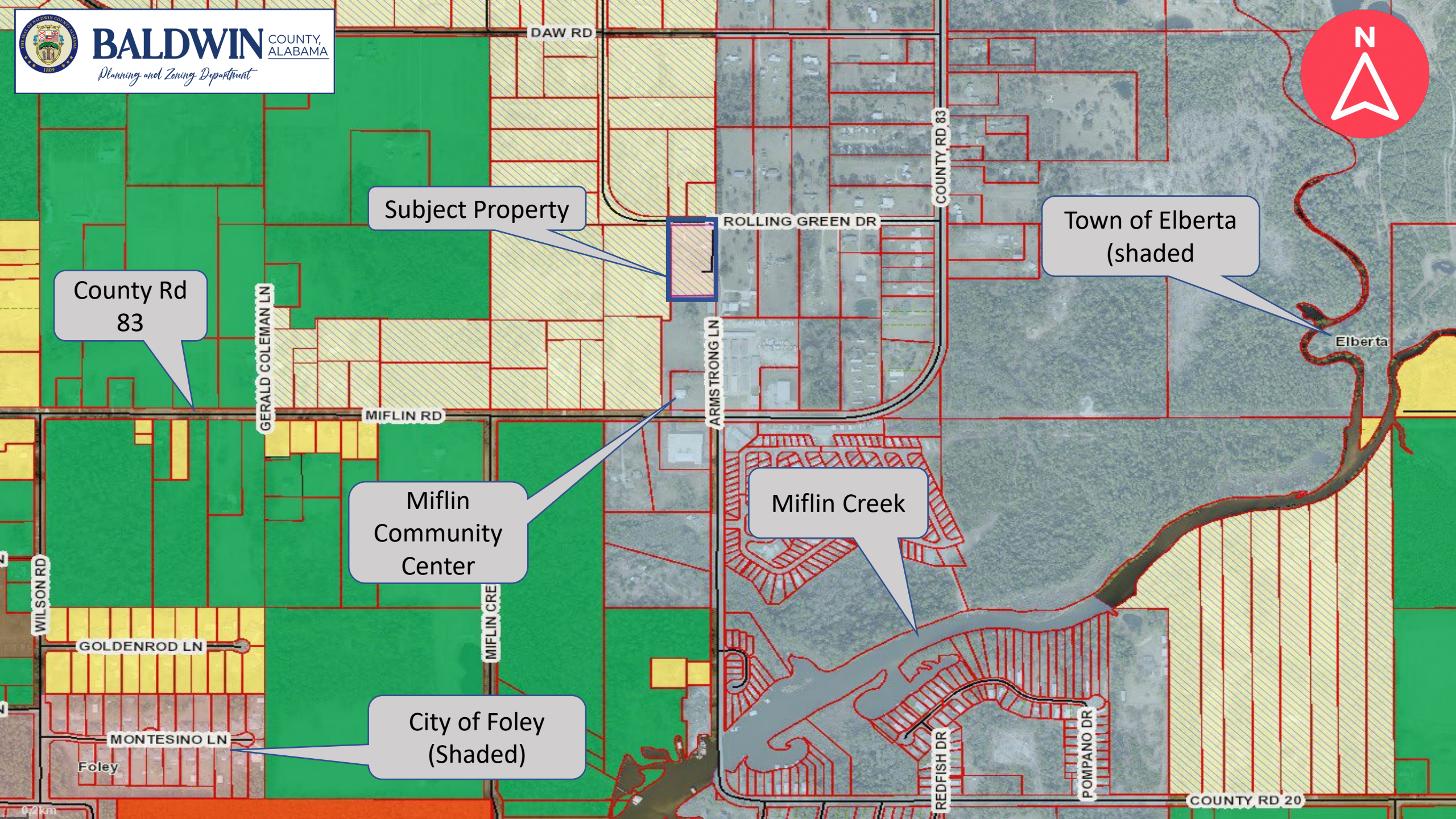
Subject Property

Town of Elberta
(shaded)

Miflin
Community
Center

Miflin Creek

City of Foley
(Shaded)



Sep 21, 2023 at 10:24:59 AM
195° S

S Rolling Green Dr

Public Notice Sign

Dwelling #1

Subject Property
Looking South from S Rolling
Green Dr at Entrance to the
Property

Site Visit September 21, 2023

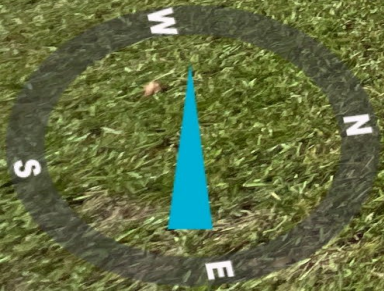
Sep 21, 2023 at 10:25:36 AM
280° W

Dwelling #1

S Rolling Green Dr

Subject Property looking West at
Dwelling #1

Site Visit September 21, 2023



Sep 21, 2023 at 10:26:20 AM
257° W

Dwelling #2



Subject Property looking West at
Dwelling #2

Site Visit September 21, 2023

Sep 21, 2023 at 10:27:26 AM
307° NW

Dwelling #3



Subject Property looking West at
Dwelling #3

Site Visit September 21, 2023



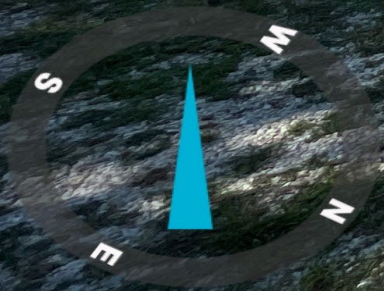
Sep 21, 2023 at 10:28:17 AM
239° SW

Un-Permitted and Non-Conforming Structure:
Proposed Dwelling #4

Structure was placed on
subject property without
site plan approval or a
building permit

Subject Property looking
Southwest at Non-Conforming
Structure

Site Visit September 21, 2023



AAD23-05 T&M 36 PROPERTIES LLC APPEAL

APPEAL OF ADMINISTRATIVE DECISION

Lead Staff: Ben Guerrero, Code Enforcement Planning Technician

Dwelling #1

Dwelling #3

Dwelling #2

Proposed Dwelling #4
installed without a
building permit



AAD23-05 T&M 36 PROPERTIES LLC APPEAL

BALDWIN COUNTY ZONING ORDINANCE

Lead Staff: Ben Guerrero, Code Enforcement Planning Technician

20.2.6 *Destruction, repair or alteration of nonconforming use or structure.* Except as provided in Section 10.6.5(c):

- (a) No building or structure which has been damaged, repaired or altered by any means to an extent of more than fifty percent (50%) of the fair market value of the building or structure immediately prior to damage, repair or alteration, shall be restored except in conformance with these ordinances, and all rights as a nonconforming use or structure are then terminated.
- (b) If a building is damaged, repaired or altered by less than fifty percent (50%), such damage may be repaired to the size and use as before the time of damage, repair or alteration provided that such repair or reconstruction is complete within one (1) calendar year or 365 consecutive days of the date of such damage.
- (c) Historic nonconforming structures or a nonconforming portion of an historic structure over 50 years old may be considered a valid nonconforming structure upon the determination of the Baldwin County Historical Development Commission that said structure is historic in nature and the respective Board of Adjustment confirms the valid nonconforming status. A valid nonconforming status shall permit reconstruction, repair, or alteration irrespective of the fifty percent (50%) rule as given in *Section 20.2.6(a)*.
- (d) Upon the determination by the Planning Director that a structure is potentially damaged, being repaired or altered by more than fifty percent (50%) of the fair market value, the following method shall be employed to make a final determination:

Nonconforming uses. The use of a structure or premises, existing at the effective date of these ordinances, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

Original Dwelling #4 was purportedly destroyed by Hurricane Sally and removed from the subject property.

AAD23-05 T&M 36 PROPERTIES LLC APPEAL

BALDWIN COUNTY SUBDIVISION REGULATIONS

Lead Staff: Ben Guerrero, Code Enforcement Planning Technician

1.2.2

Property on which no habitable improvements are intended to be constructed may be subdivided pursuant to these regulations without approval from the Baldwin County Health Department. Property on which habitable improvements are intended to be constructed shall not be subdivided until proper provision has been made for drainage, water, sewerage disposal and streets, and approval has been granted in accordance with the procedures prescribed in these regulations.

1.2.3

Any owner of land, which lies within the area of jurisdiction of the Baldwin County Commission, who wishes to develop, subdivide, or resubdivide such land into 2 or more lots, plats, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or of building development shall submit to the Baldwin County Planning Director and County Health Department (if individual septic tanks are to be installed) for approval, a plat of the subdivision, which shall conform to the minimum requirements set forth in these regulations. In accordance with Alabama Code §11-24-2, the Baldwin County Engineer has designated the Baldwin County Planning Director to review, approve, or disapprove proposed subdivision plats, to issue notices and certifications, and to exercise the authority granted to the Baldwin County Engineer in Alabama Code §11-24-2.

Notwithstanding the foregoing, in unincorporated areas where the citizens have not voted to come under the zoning jurisdiction of the Baldwin County Commission, the construction or placement of two or less primary structures or buildings on a single parcel of property shall not constitute a subdivision that is subject to these regulations. The placement of three or more dwellings, buildings, units, or structures intended for occupancy on single parcel shall constitute a subdivision that must comply with these regulations.

AAD23-05 T&M 36 PROPERTIES LLC APPEAL

EXISTING NON-CONFORMITIES

Lead Staff: Ben Guerrero, Code Enforcement Planning Technician

2.3.22 *Planning District 22.*

2.3.22.1 Effective Date

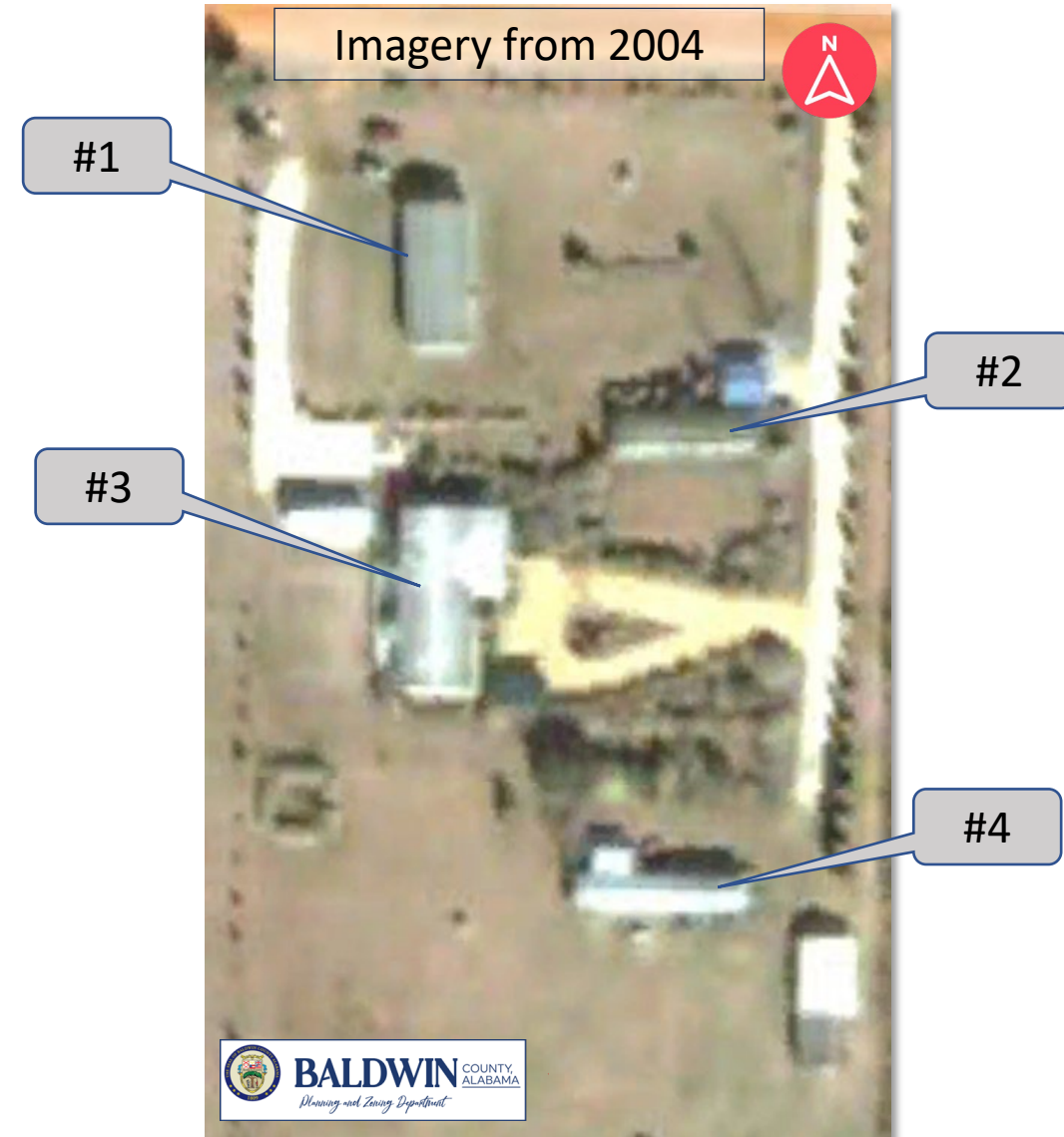
On September 25, 2001, a majority of qualified electors in Planning District 22 voted to institute County Zoning. November 19, 2002, the County Commission adopted the Planning District 22 Zoning Map and Ordinances.

2.3.22.2 District Boundaries

A legal description of the boundaries for Planning District 22 may be found under Appendix A.

2.3.22.3 Local Provisions for Planning District 22

- (a) Accessory dwellings are permitted by right in residential districts, provided they do not exceed 60% of the size, in gross floor area, of the principal residence.
- (b) No PRD development is allowed to exceed maximum height requirements by more than 10-feet.



AAD23-05 T&M 36 PROPERTIES LLC APPEAL

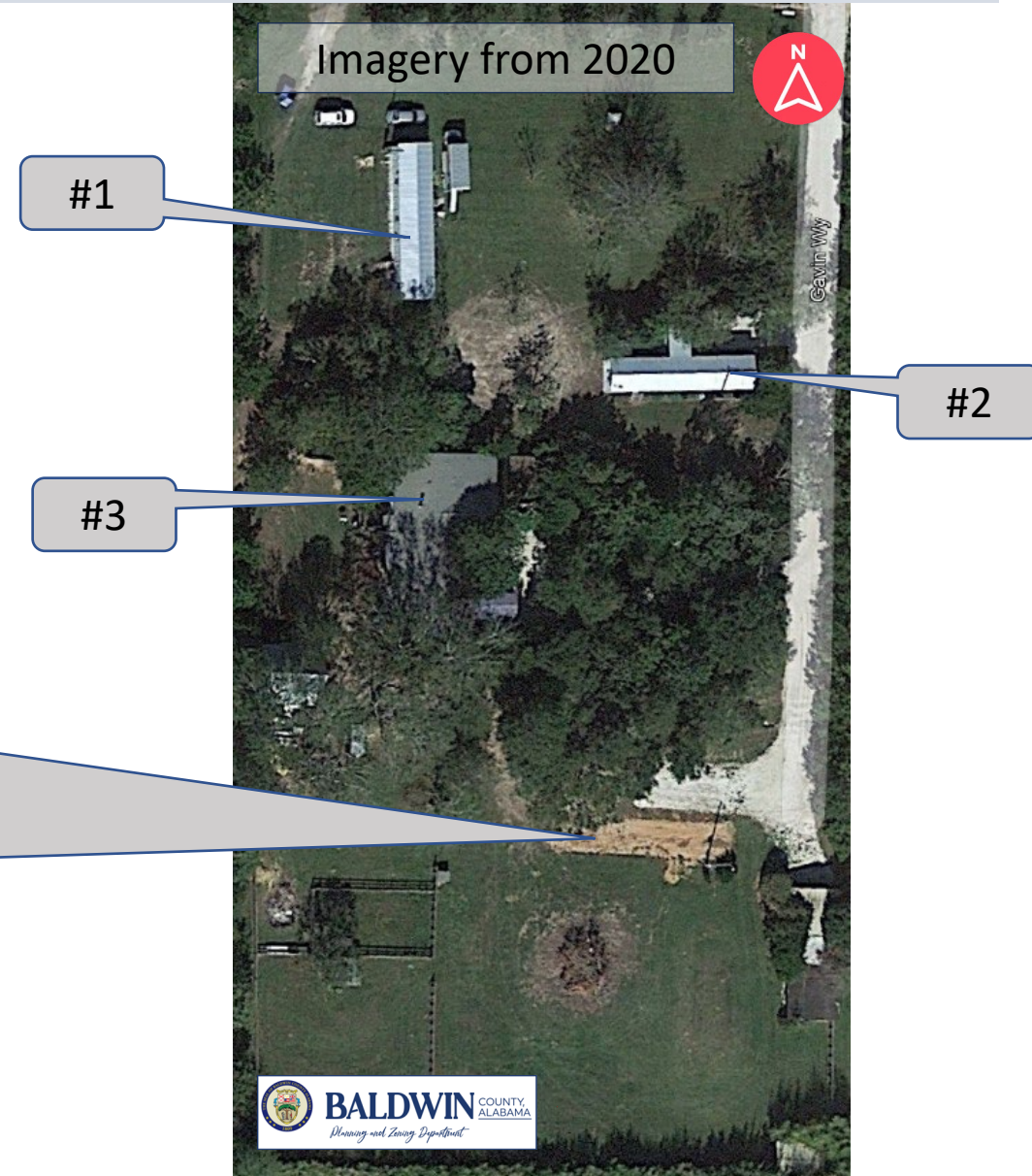
EXISTING NON-CONFORMITIES

Lead Staff: Ben Guerrero, Code Enforcement Planning Technician

20.2.6 *Destruction, repair or alteration of nonconforming use or structure.* Except as provided in Section 10.6.5(c):

- (a) No building or structure which has been damaged, repaired or altered by any means to an extent of more than fifty percent (50%) of the fair market value of the building or structure immediately prior to damage, repair or alteration, shall be restored except in conformance with these ordinances, and all rights as a nonconforming use or structure are then terminated.

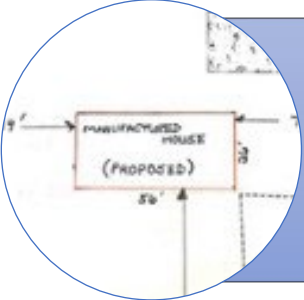
* Dwelling #4 has been altered by more than 50% of the fair market value, all rights as a non-conforming structure have been terminated



Property Application Timeline



6-20-23- Applied for a Variance #ZVA23-000042 from Section 20.2.6 of the Zoning Ordinance to allow a mobile home to be replaced that was destroyed and removed. Staff recommended denial; the variance was withdrawn.



8-22-2023 – Applied for Zoning Site Plan #ZSP23-001078 to place mobile home on property. Permit was denied due to noncompliance with Section 20.2.6 on 8/31/23.



9-05-2023- Appealed the Administrative Decision to deny the zoning site plan, triggering case AAD23-05.

AAD23-05 T&M 36 PROPERTIES LLC APPEAL

REVIEW OF VARIANCE CASE #ZVA23-000042

Lead Staff: Ben Guerrero, Code Enforcement Planning Technician

Site Plan



The mobile homes currently on the property were “grandfathered in” once zoning was adopted. The Zoning Ordinance does not support the continuation of grandfathered situations once a home is damaged or destroyed. Any requests for an additional structure to be built in a zoned area will need to abide by the current Baldwin County Zoning Ordinance.

Furthermore, per Section 1.2.3 of the Baldwin County Subdivision Regulations, “the placement of three or more dwellings, buildings, units, or structures intended for occupancy on a single parcel shall constitute a subdivision that must comply with these regulations.” Placing a fourth dwelling on the subject property would terminate the grandfather status of the existing mobile homes and violate the Baldwin County Subdivision Regulations.

REVIEW OF VARIANCE CASE #ZVA23-000042

Lead Staff: Ben Guerrero, Code Enforcement Planning Technician

The applicant is requesting a variance from Section 20.2.6 of the Baldwin County Zoning Ordinance as it pertains to the destruction, repair or alteration of a nonconforming use or structure to allow for the replacement of a single-family home that was potentially destroyed by Hurricane Sally and removed from the property.

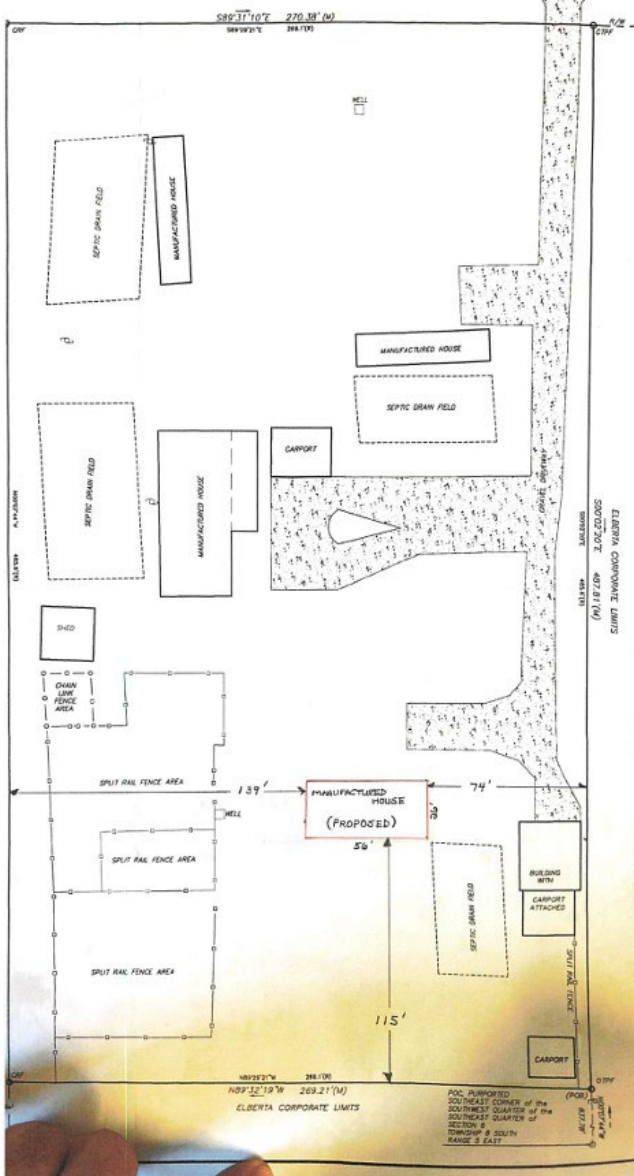
Staff perceives no hardship on the property and therefore recommends Case ZVA23-42 be **DENIED** unless information otherwise is revealed at the public hearing.



AAD23-05 T&M 36 PROPERTIES LLC APPEAL

REVIEW OF ZONING SITE PLAN #ZSP23-001078

Lead Staff: Ben Guerrero, Code Enforcement Planning Technician



Case Number:

ZSP23-001078

Applicant:

Thomas Rishe

Project Address:

10133 S GAVIN WAY, ELBERTA

Parcel Number:

05-62-03-06-0-001-023.004

Project Description:

placing mobile home on property

Case Review Status:

Denied

DO NOT REPLY TO THIS EMAIL: All replies and documents must be submitted through the online Citizenserve Portal.

The Baldwin County Planning & Zoning Department has completed the review of your recent application.

Please review and address any comments generated below:

Site Plan Approval Review: Denied

Completed By: Cory Rhodes, Planner, Planning and Zoning Department

Per Section 1.2.3 of the Baldwin County Subdivision Regulations, "The placement of three or more dwellings, buildings, units, or structures intended for occupancy on a single parcel shall constitute a subdivision that must comply with these regulations." Placing a fourth dwelling on the subject property would terminate the grandfather status of the existing mobile homes and violate the Baldwin County Subdivision Regulations. Therefore, this application will be denied. If desired, you may apply for an appeal to the Board of Adjustment #2 through our CitizenServe portal.

AAD23-05 T&M 36 PROPERTIES LLC APPEAL

REVIEW OF ZONING SITE PLAN #ZSP23-001078

Lead Staff: Ben Guerrero, Code Enforcement Planning Technician

Permit Number: **ZSP23-001078**
Type: New Manufactured (Mobile) Home
Applicant: Thomas Rishe
Application Date: 08/22/2023
Address: 10133 S GAVIN WAY
Description: placing mobile home on property

Your Online Message:

i would like to apply for an appeal to the board of adjustments #2, if you can tell me how to go about that,it would be greatly appreciated
Thanks, Thomas Rishe

Reply to Your Message:

Good morning, Mr. Rishe.
You may apply for an Appeal of Administrative Decision (AAD) in our CitizenServe portal. The fee is the same as a variance fee (\$250) and will be requested once the application has been submitted. The deadline to apply for the October 12, 2023 Board of Adjustment #2 meeting is noon (12pm) on Tuesday, September 19.

AAD23-05 T&M 36 PROPERTIES LLC APPEAL

REVIEW OF ZONING SITE PLAN #ZSP23-001078

Lead Staff: Ben Guerrero, Code Enforcement Planning Technician

Section 18.3 Appeals to the Board of Adjustment

18.3.1 The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or other administrative official in the enforcement of these zoning ordinances.

18.3.2 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or department of Baldwin County affected by any decision of any administrative officer representing the County in an official capacity in the enforcement of these zoning ordinances. Such appeal shall be taken within thirty (30) calendar days of said decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board of Adjustment all papers constituting the record upon which the action was taken.

18.3.3 An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record on application and notice to the officer from whom the appeal is taken and on due cause shown.

AAD23-05 T&M 36 PROPERTIES LLC APPEAL

If it is the pleasure of Board of Adjustment Number 2 to **APPROVE** AAD23-05 , staff memorializes within the meeting minutes the following information:

1. Memorialize that **ONLY** the Proposed Dwelling #4 will be restored as a grandfathered structure with all the rights of an exiting non-conformity.
 - a) This appeal does not exempt the subject property from the Baldwin County Subdivision Regulations.
 - b) The appeal being approved, the Site Plan Approval process would continue as per standard procedure for #ZSP23-001078.
2. Memorialize that this appeal is specific to this property and for this applicant only.
3. This appeal 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 or turnout permit), or requirements of other agencies.

AAD23-05 T&M 36 PROPERTIES LLC APPEAL

GENERAL NOTES {By-laws}

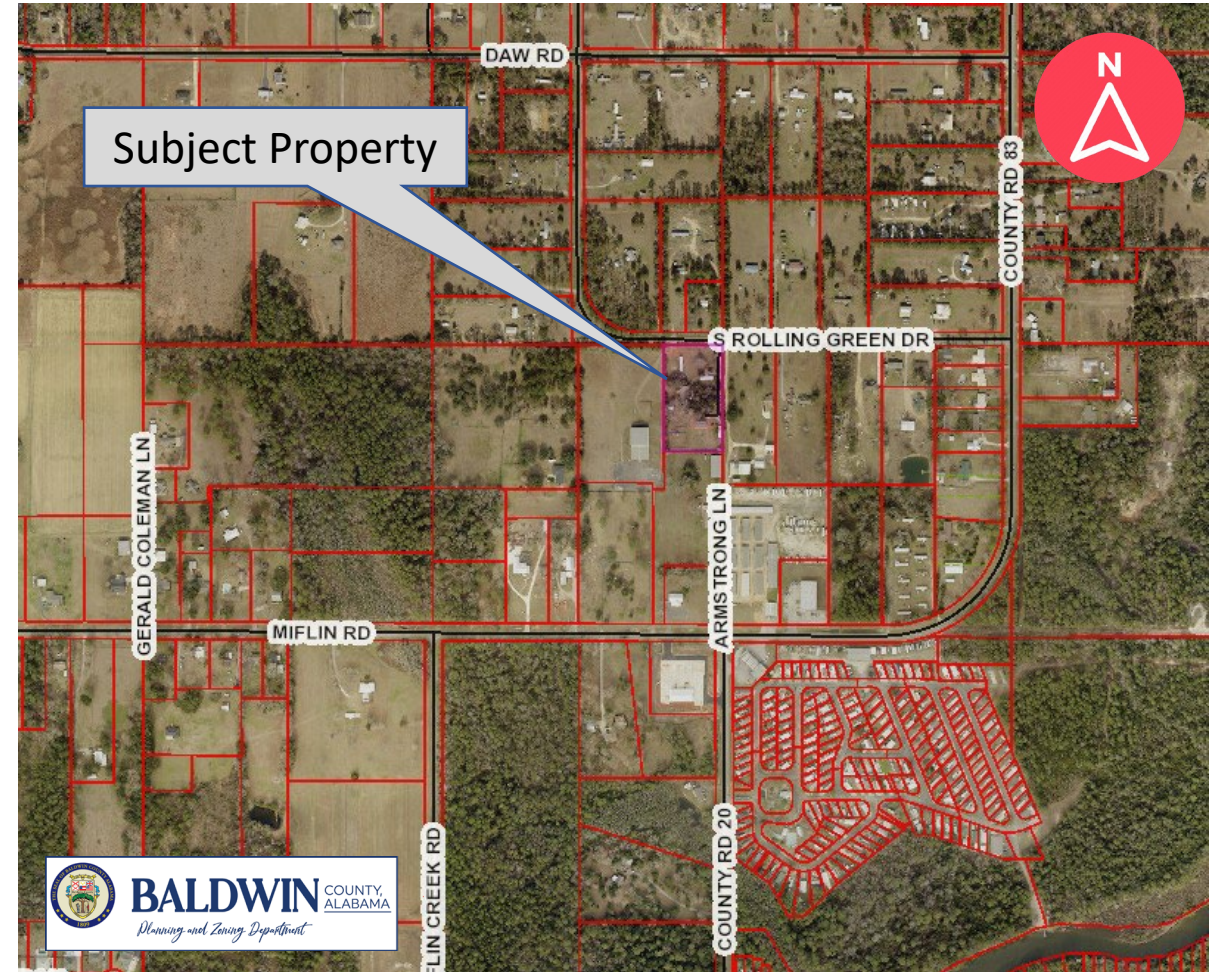
Any party aggrieved by a final judgment or decision of the Board of Adjustment may within fifteen (15) days thereafter, appeal the final judgment to the Circuit Court of Baldwin County, Alabama, by filing with the Circuit Court and the Board of Adjustment a written notice of appeal specifying the judgment 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.

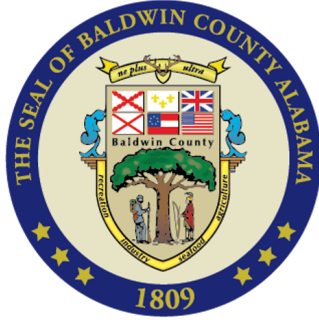
Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as conditions upon which it is granted, and the conditions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

AAD23-03 T&M 36 PROPERTIES LLC APPEAL

The applicant has appealed the decision of the Baldwin County Zoning Administrator regarding the denial of an application to restore a 4th dwelling on the property, per Section 20.2.6(a) of the Baldwin County Zoning Ordinance.

Staff asserts there were no errors committed in the Administrative Decision to prevent the restoration of a 4th dwelling per Section 20.2.6(a) of the Baldwin County Zoning Ordinance and recommends Case AAD23-05 be **Denied.**





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

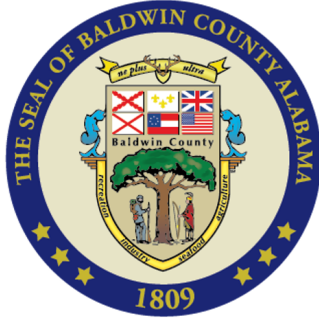
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

DECEMBER 14, 2023 @ 3:00PM

BALDWIN COUTNY FOLEY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

NOVEMBER 9, 2023 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

ZVA23-58 NAPP PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 25 **Zoned:** RSF-1, Single Family District
- **Location:** The subject property is in the Gulf Highlands subdivision, Block 1, Lot 134 on the Fort Morgan peninsula
- **PID:** 05-68-08-28-0-002-056.000
- **PPIN:** 34893
- **Acreage:** 0.14 +/- acres
- **Physical Address:** 8453 Zeanah Road, Gulf Shores, AL 36542
- **Applicant:** Joshua Napp
- **Owner:** Joshua Napp



ZVA23-58 NAPP PROPERTY

VARIANCE REQUEST

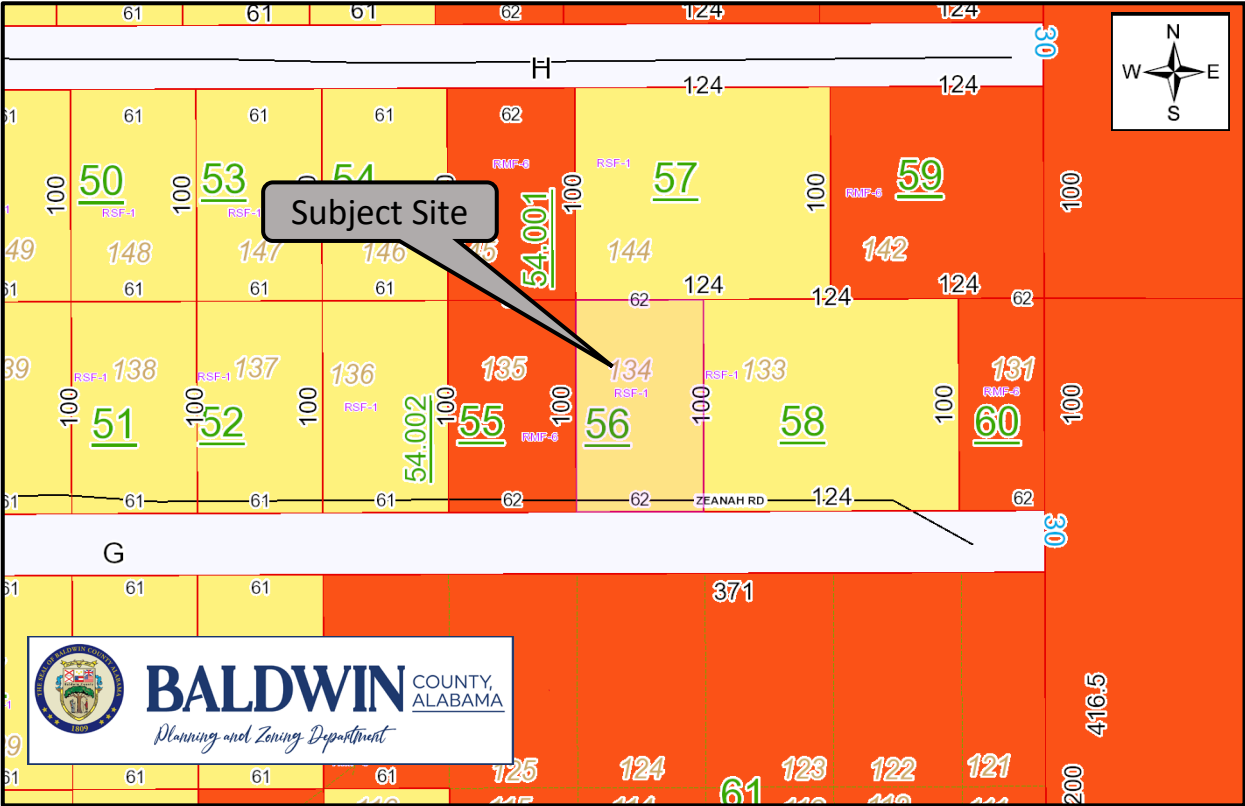
Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 4.2.5 and Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to minimum front yard setback requirements and encroachment into the 30' non-disturbed wetland buffer setback to allow for the construction of a single family home.

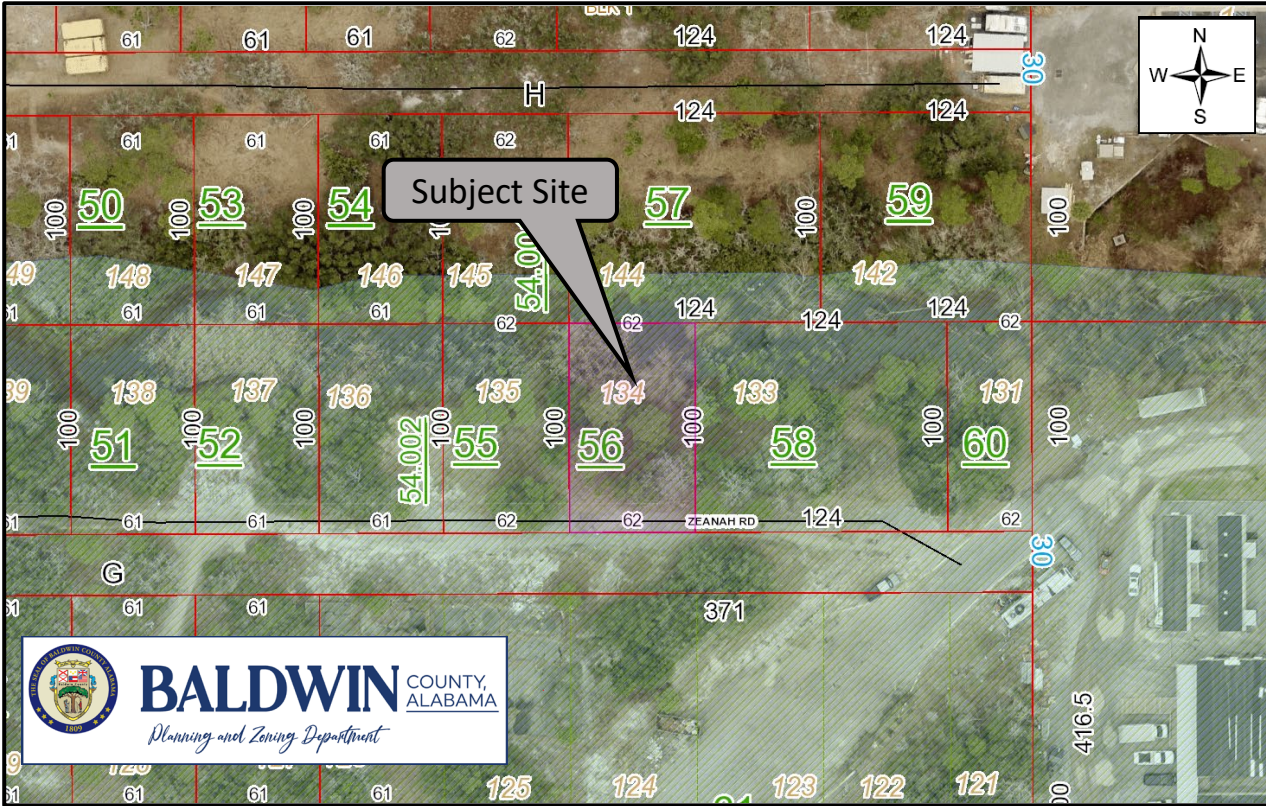
Staff has established the wetlands to be a hardship on the property therefore recommends Case ZVA23-58 be **APPROVED** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



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

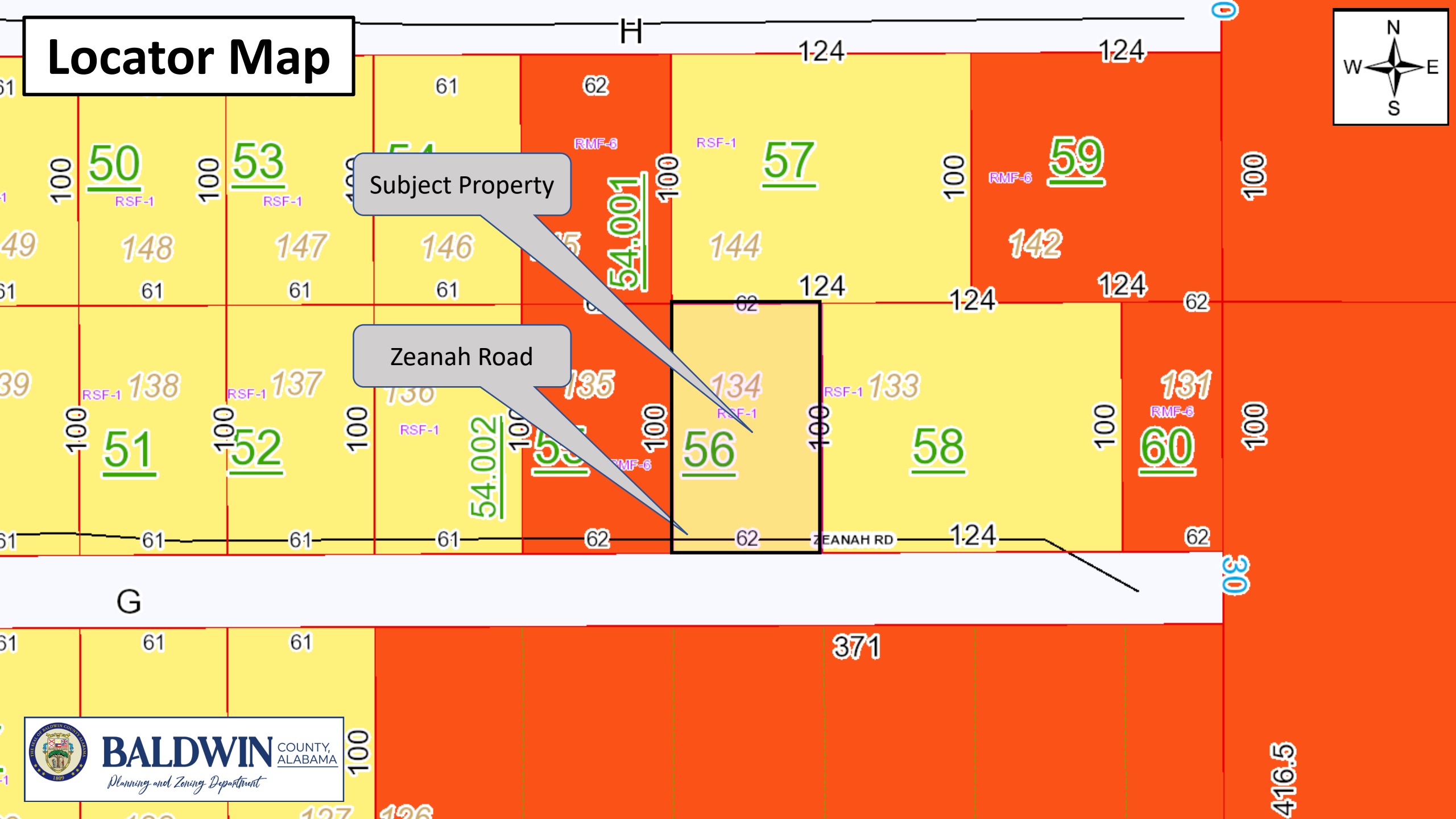
Site Map



Subject Property

Zeanah Road

Locator Map



Subject Property

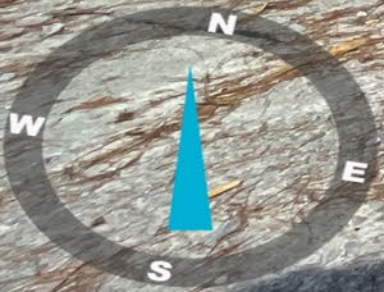
Zeanah Road

Oct 19, 2023 at 9:49:42 AM
349° N

Subject Property



VARIANCE PROPOSED
FOR THIS PROPERTY
CASE NUMBER
ZVA23-000058
For Information Contact
Baldwin County Planning &
Zoning Department
(251)580-1655 / (251)572-8523
(251)590-4623



Subject property looking north
from Zeanah Road

Oct 19, 2023 at 9:53:28 AM
249° W

Subject Property



Subject property looking west
from Zeanah Road



Oct 19, 2023 at 9:55:09 AM
167° S

Adjoining Property
to The North



Property to the north looking
south from H Street



Oct 19, 2023 at 9:58:42 AM
8° N

Adjoining Property
to The East



Property to the east looking
north from Zeanah Road



Oct 19, 2023 at 10:00:23 AM
1° N

Adjoining Property
to the West



Property to the west looking
north from Zeanah Road

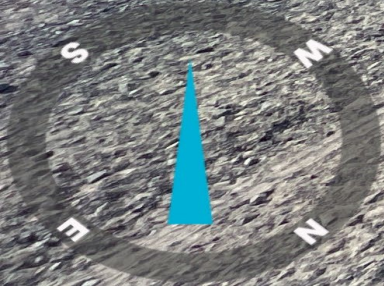


Oct 19, 2023 at 10:05:28 AM
225° SW

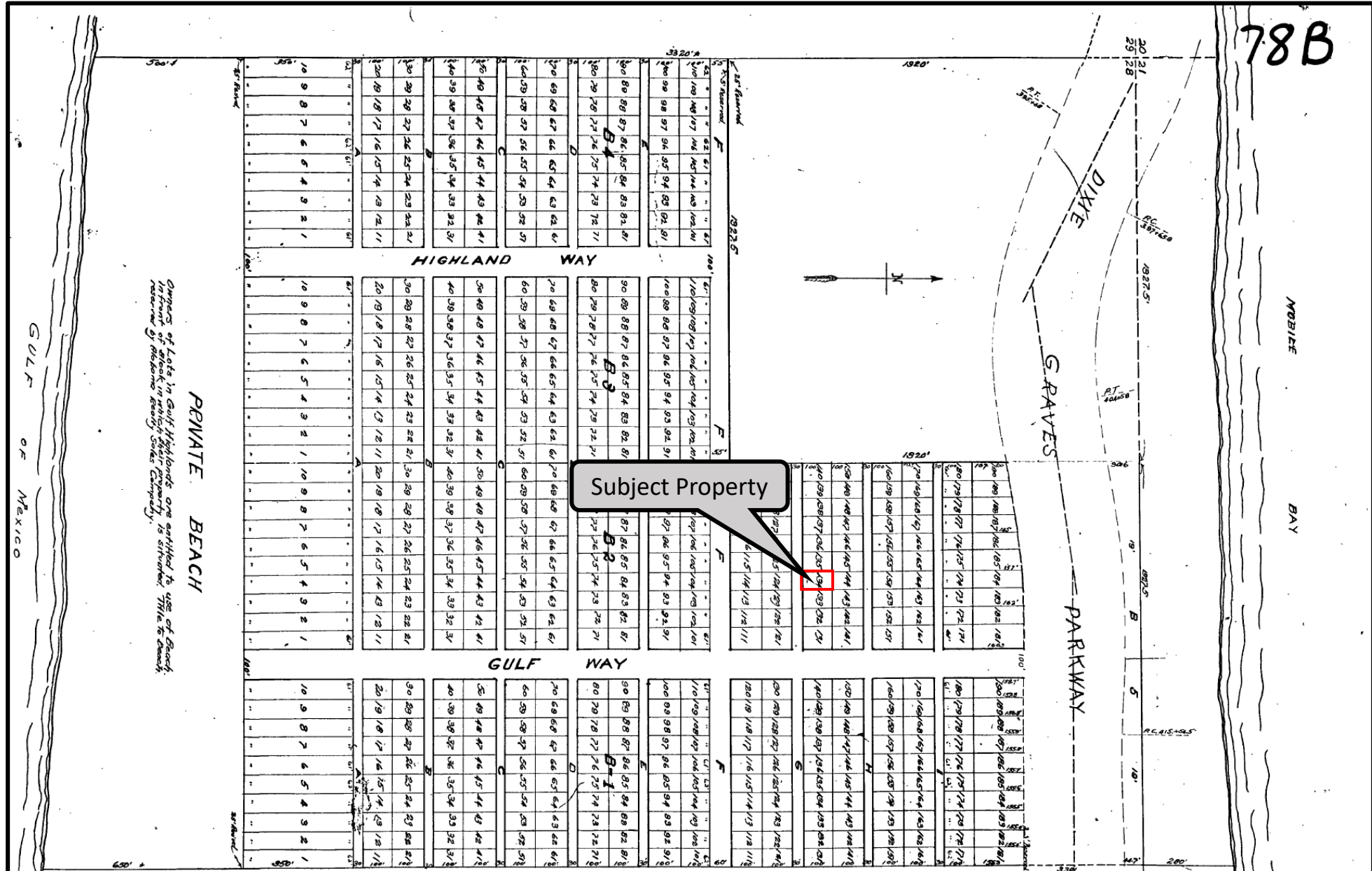
Property Across
The Street



Property across the street looking
south from Zeanah Road



Gulf Highlands Recorded Plat



Site Survey

STATE OF ALABAMA)
BALDWIN COUNTY)

Property Boundary Survey

I, Trent R. Wilson, a Professional Land Surveyor, hereby certify that I have surveyed Lot 134, Block 1, GULF HIGHLANDS, as recorded in Slide 78-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 3/21/2023. Survey invalid if not sealed in red.

Order No.: 8386

Client:

Address: 8453 Zeanah Road

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

**WEYGAND
WILSON**
SURVEYORS

NOTES:

1. BEARINGS BASED ON ASTRONOMIC NORTH AS OBTAINED BY GPS OBSERVATION.
2. OVERLAP IN LOT LINES FOUND TO EXIST ON BOTH SIDES OF LOT 134.
3. DEPENDANT RESURVEY BY PROPORTIONAL MEASUREMENT AS SHOWN.



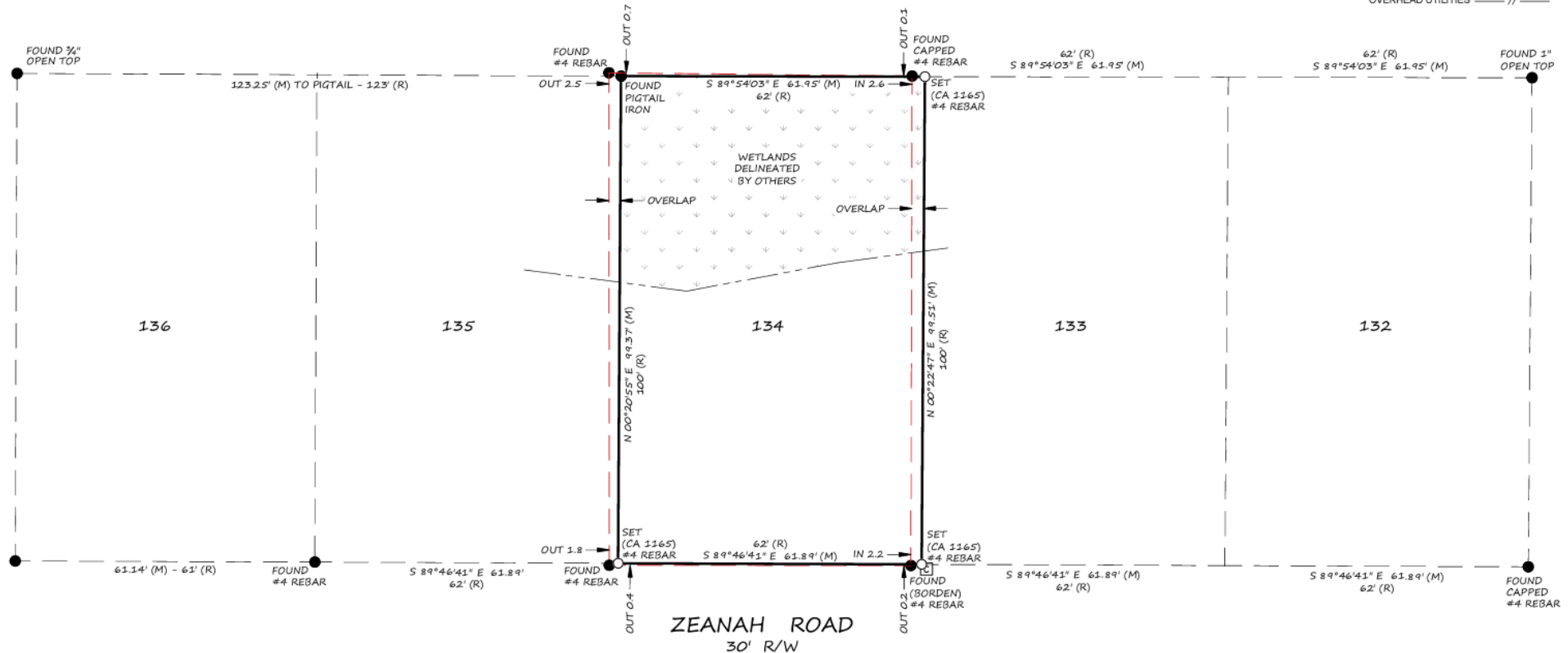
Note:

- (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 6 years from the date of survey and non-transferable.

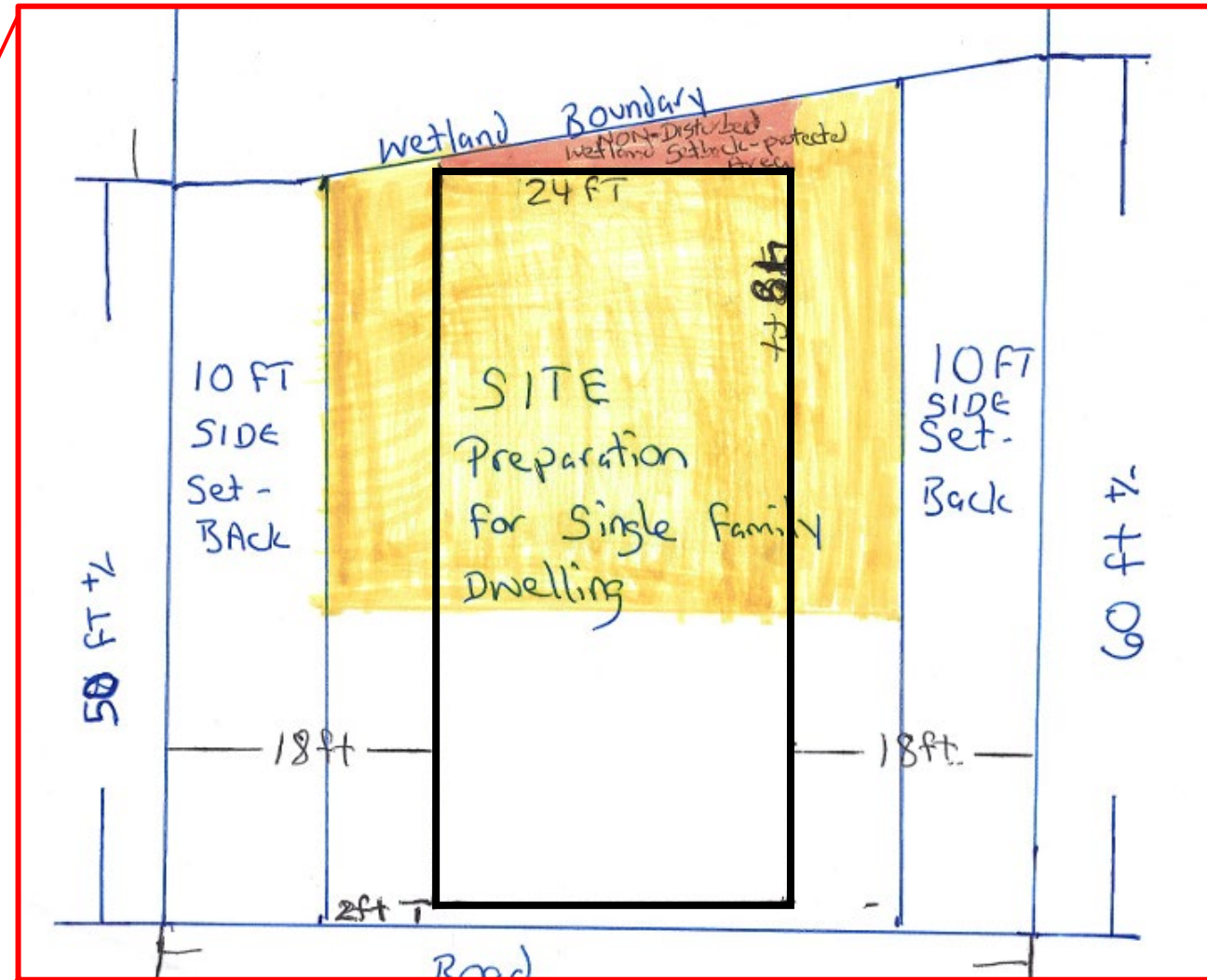
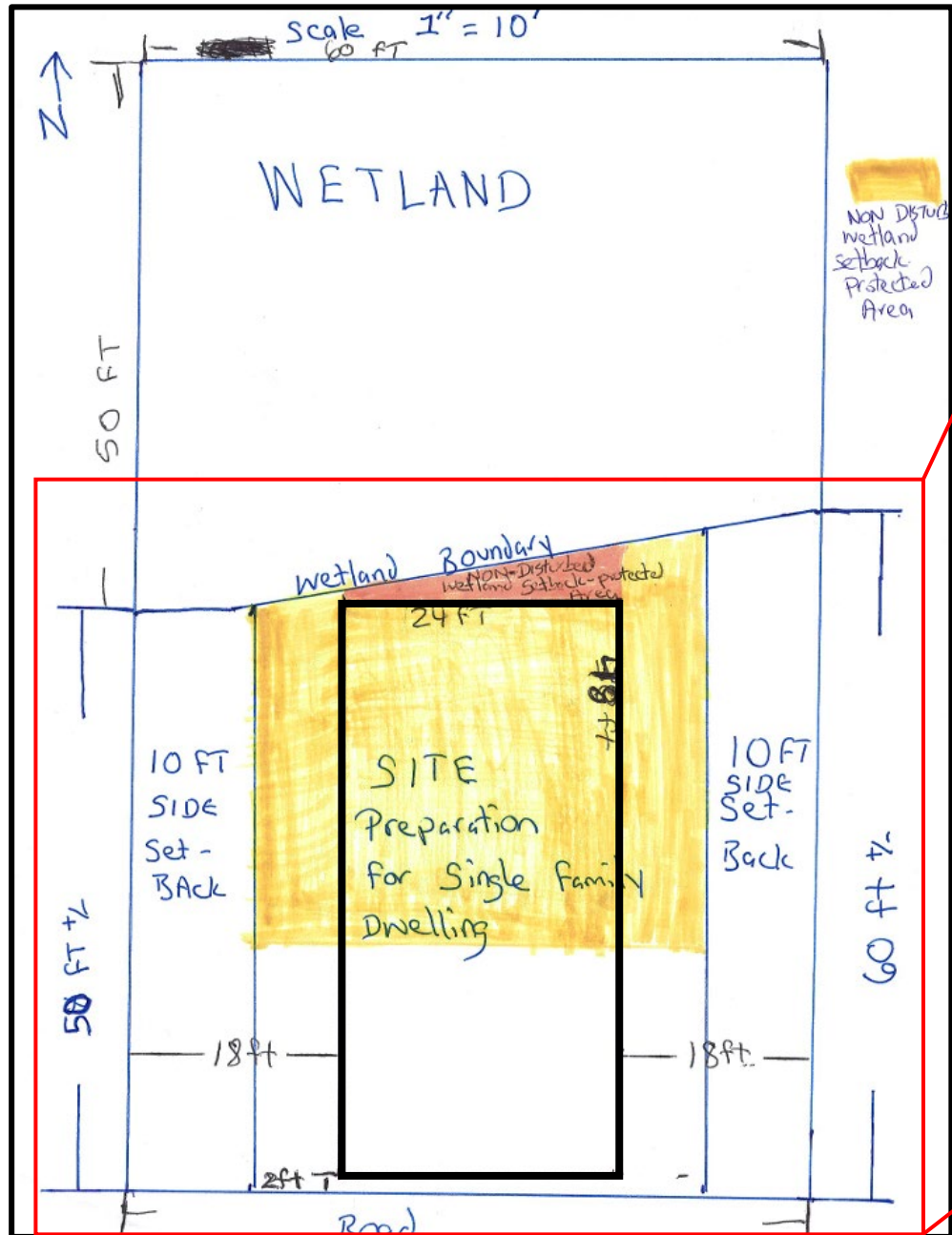
LEGEND

BLDG	BUILDING
CALC	CALCULATED
CH	CHORD
D	DELTA
⊗	MANHOLE
R	RADIUS
RAW	RIGHT OF WAY
S.F.	SQUARE FEET
□	AIR CONDITIONER
○	UTILITY POLE
⊕	ANCHOR
—	WALL
CONC	CONCRETE
⊗	WATER METER
⊗	SEWER BOX
⊗	IRRIGATION CONTROL BOX
⊗	WATER VALVE
⊗	FIRE HYDRANT
⊗	COMMUNICATION BOX
⊗	ELECTRIC BOX
⊗	FIBER OPTIC BOX
⊗	LIGHT POLE
⊗	STAKING POINT
(M)	MEASURED
(R)	RECORDED
CM	CONCRETE MONUMENT
FENCE	— X —
OVERHEAD UTILITIES	— // —

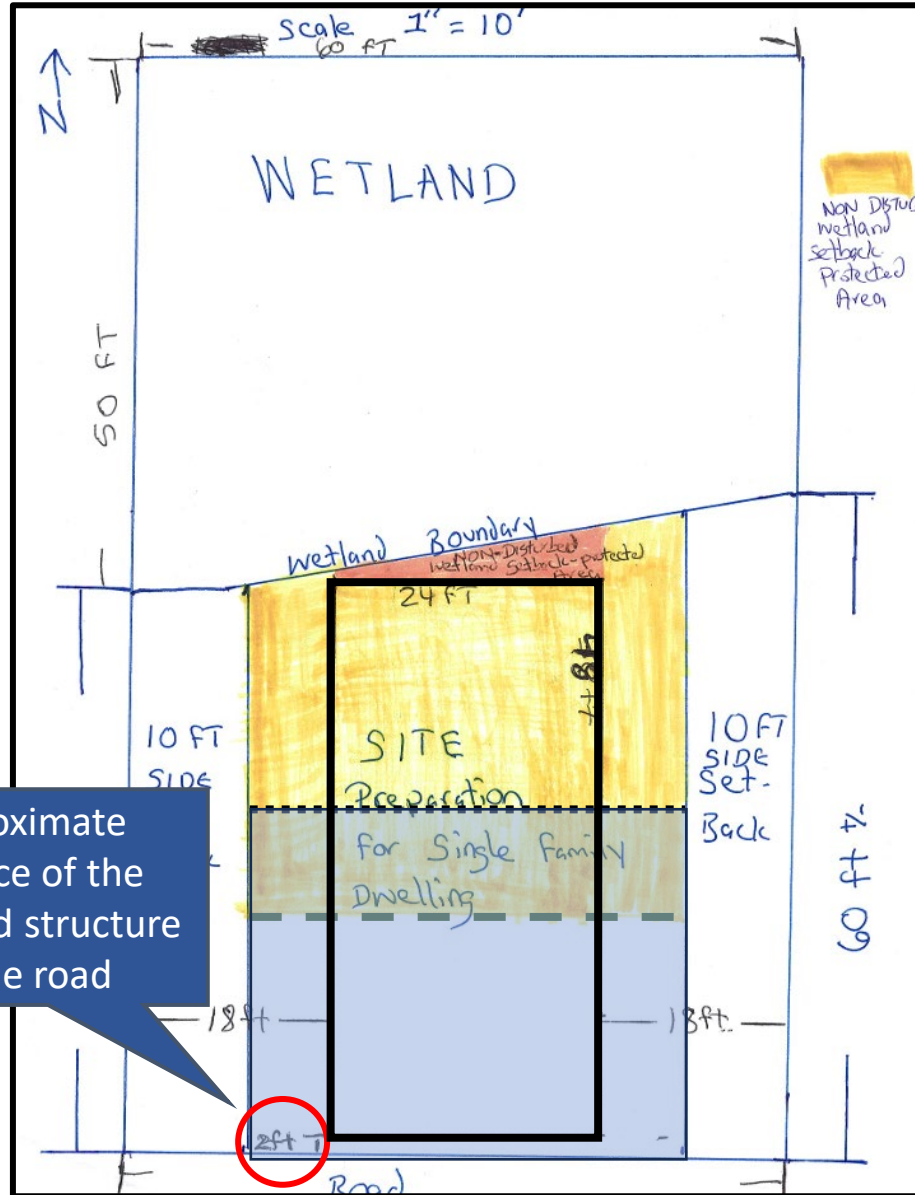
SCALE: 1"=20'



Site Plan



Site Plan



Approximate distance of the proposed structure to the road

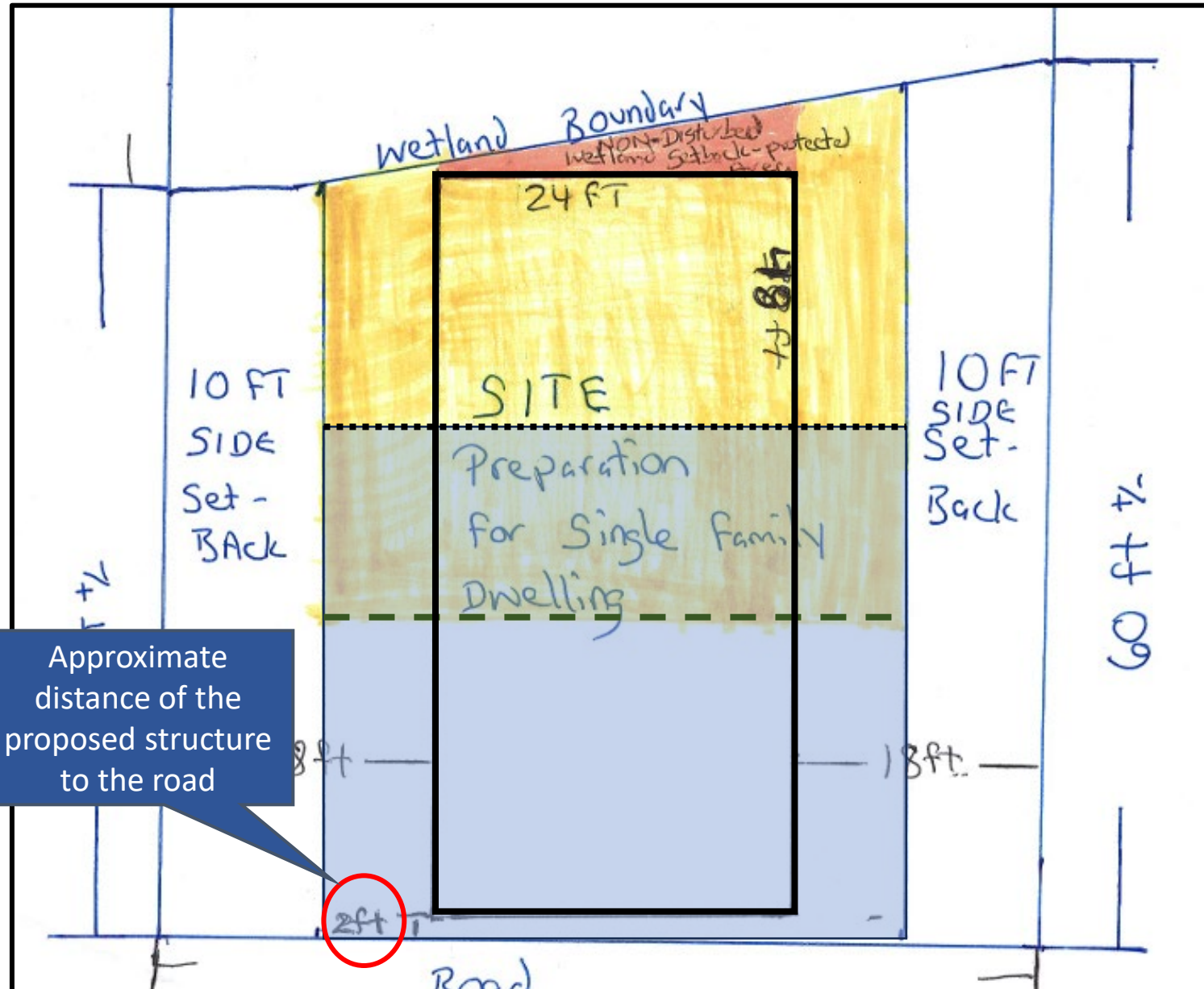
4.2.5 Area and dimensional ordinances. Except as provided by Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.4 Variances, and Article 20: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

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

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.

- Approximate location of 30' non-disturbed wetland setback
- Approximate location of 30' front setback requirement

Site Plan with Setbacks - Zoomed



--- Approximate location of 30' non-disturbed wetland setback

..... Approximate location of 30' front setback requirement

Approximate distance of the proposed structure to the road

Wetlands Delineation

USACE identified approximately ± 0.06 acres of wetlands on the subject property.



ITP Permit



Page 1 of 7

NATIVE ENDANGERED SP. HABITAT CONSERVATION PLAN

Permit Number: ESPER3169546

Version Number: 0

Effective: 2023-08-24 **Expires:** 2073-08-24

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE

ES Atlanta Permit Office
1875 Century Boulevard
Atlanta, Georgia 30345
permitsR4ES@fws.gov

**WILLIAM
PEARSON**

Field Supervisor, Alabama Ecological Services Field Office, Daphne, Alabama

Digitally signed by
WILLIAM PEARSON
Date: 2023.08.23
14:35:54 -05'00'

Permittee:

Joshua Napp
450 Creax Rd
Axis, Alabama 36505
U.S.A.

Authority: Statutes and Regulations: 16 U.S.C. 1539 (a) 50 CFR 17.22, 50 CFR 13

Location where authorized activity may be conducted:

Lot 134 is located on Zeanah Road in Gulf Shores, Alabama or Parcel ID # 05-68-08-28-0-002-056.000 (Tax Pin 34893).

Reporting requirements:

Reports will be provided to the U.S. Fish and Wildlife Office appearing in Condition K of this Permit.

Authorizations and Conditions:

A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance 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.

B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.

THIS PERMIT CONSISTS OF CONDITIONS A - K (5 PAGES TOTAL) AND TWO APPENDICES (2 PAGES TOTAL).



Page 2 of 7

NATIVE ENDANGERED SP. HABITAT CONSERVATION PLAN

Permit Number: ESPER3169546

Version Number: 0

Effective: 2023-08-24 **Expires:** 2073-08-24

C. Valid for use by Permittee named above. 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.

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.

E. The Project area encompasses 0.142 acre (approximately 6,200 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 0.063 acre (2,720.40 square feet) of this habitat within the Project construction footprint, which would be permanently eliminated due to Project construction and site occupancy after construction.

The Permittee, and any authorized agents, are authorized to take the ABM within the Project construction footprint incidental to earth moving, grading, and other land alteration and construction activities necessary to construct a residential structure as described in the Permittee's Habitat Conservation Plan (HCP), and as conditioned herein. This Permit does not authorize take of any covered species outside of the project construction footprint or as a result of unlawful activities. Occupancy of the completed residence, in accordance with the HCP is also authorized.

F. This permit is transferable to subsequent owners of the covered property, however specific steps, per 50 C.F.R. § 13.25, must be undertaken by the Permittee for this to be done. Prior to transference of fee simple title of any portion of the real property, the Permittee and the new property owner must provide signed notification to the Service, identified in Condition K below, that a transfer of ownership is pending. This notification must include the permit number ("TE-----" or "PER-----", as it appears above), seller's name, the tax identification number of the property, and a Form 3-200-56 completed and signed by the buyer. The new owner must also provide a signed agreement stating the buyer is aware of, and agrees to, the terms and conditions of the original Habitat Conservation Plan and this permit. The buyer also agrees not to exceed the incidental take amount allowed in this permit. Failure to follow these guidelines may result in a violation of section 9 of the Endangered Species Act, which may result in legal penalties, and/or the suspension or revocation of the Permit.

G. The following measures must be employed by the Permittee to ensure that take of the ABM is minimized and fully mitigated:

1. Driveways shall be constructed of concrete, asphalt, sand-filled geoweb, or Service-approved polymer-based binder and be of the minimum size practicable. Driveways, including the section crossing the road right-of-way, shall not exceed in width into the setback areas. Driveways longer than 100 feet shall be 12 feet in width. The use of gravel and oyster shells are no longer permitted as driveway materials because hurricane storm surge can move these materials from their source location, contaminating adjacent habitats. Driving and/or parking in natural areas of the Project area, outside of the development footprint, is not permitted.
2. County waste disposal services are available and will be utilized for household garbage. Additionally, no user of the property may accumulate any refuse capable of attracting rodents. All refuse will be disposed of using a

No NOA/POA

8/23/2023

There is no active H&A concerning the property applying for the wetland setback variance.

Property Owner,

Josh Napp



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 0.06 +/- acres with lot dimensions of 60' x 100' (approximately 6,200 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. **Staff perceives the subject parcel to be exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance.**

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

Actual size: **6,200 sf** (0.14 acres)

Lot size hardship: **YES**

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

Actual lot width: **62'**

Lot width hardship: **NONE**

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

Actual lot width: **62'**

Lot width hardship: **YES**

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

Staff perceives the 0.06 acres (approximately 2,613.6 square feet) of wetlands located on the subject property to have an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which requires a variance.

Staff Analysis and Findings

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

The subject property is zoned RSF-1, Single Family District which allows residential uses. The applicant **has submitted a wetlands delineation** supporting a hardship on the land therefore **staff feels the granting of this variance would be a necessity for preservation of a property right that would require a variance.**

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.

Recommendation from the Fort Morgan Advisory Committee

Case No. **ZVA23-58** Wetland Variance and Front Yard Setback Variance – 8453 Zeanah Road.
The committee voted **NO** on this request due to fill having been placed in the lot without a permit.

ZVA23-58 NAPP PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 4.2.5 and Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to minimum front yard setback requirements and encroachment into the 30' non-disturbed wetland buffer setback to allow for the construction of a single family home.

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

1. If approved, the variance is limited to the request as shown on the Site Plan.
2. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway or turnout permit), or requirements of other agencies.

ZVA23-58 NAPP PROPERTY

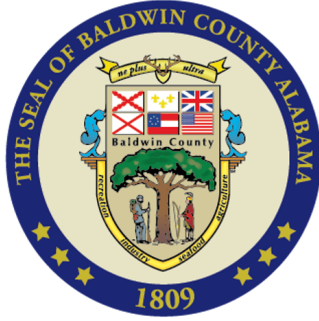
VARIANCE REQUEST

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,
ALABAMA

Planning and Zoning Department

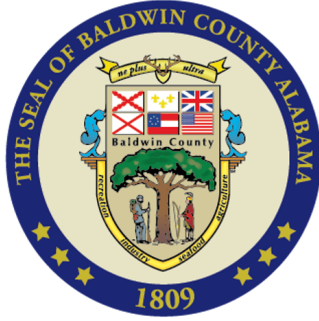
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

DECEMBER 14, 2023 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

NOVEMBER 9, 2023 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

ZVA23-63 DIFFLEY PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling,
Planning Technician II

- **Planning District:** 25 **Zoned:** RSF-2, Single Family District
- **Location:** The subject property is in the Lu Lu's Landing subdivision, Lot 1 on the Fort Morgan peninsula
- **PID:** 05-68-08-27-0-000-013.000
- **PPIN:** 30931
- **Acreage:** 0.73
- **Physical Address:** 864 Veterans Road, Gulf Shores AL, 36542
- **Applicant:** Matthew Diffley
- **Owner:** Matthew Diffley



VARIANCE REQUEST

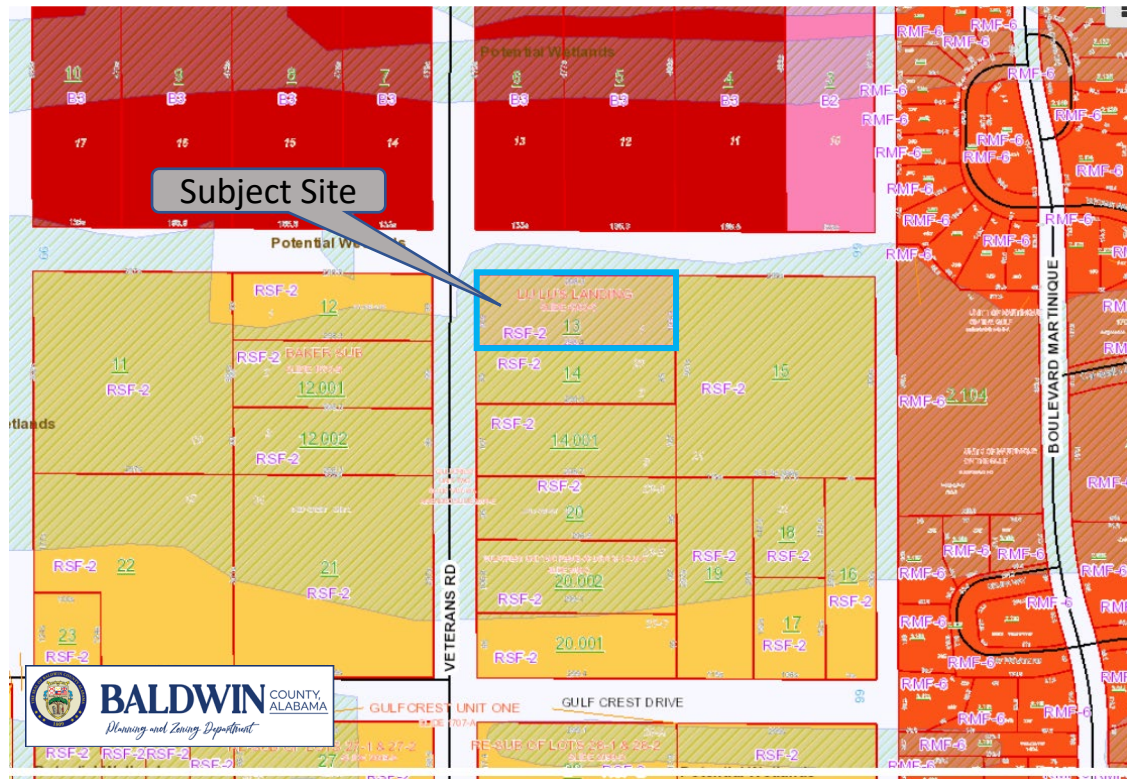
Lead Staff: Brittany Epling,
Planning Technician II

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

Staff has established the wetlands to be a hardship on the property and therefore recommends Case ZVA23-63 be **APPROVED WITH CONDITIONS** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



Adjacent Zoning

North	B-3, General Business District
South	RSF-2, Single Family District
East	RSF-2, Single Family District
West	RSF-2, Single Family District

Adjacent Land Use

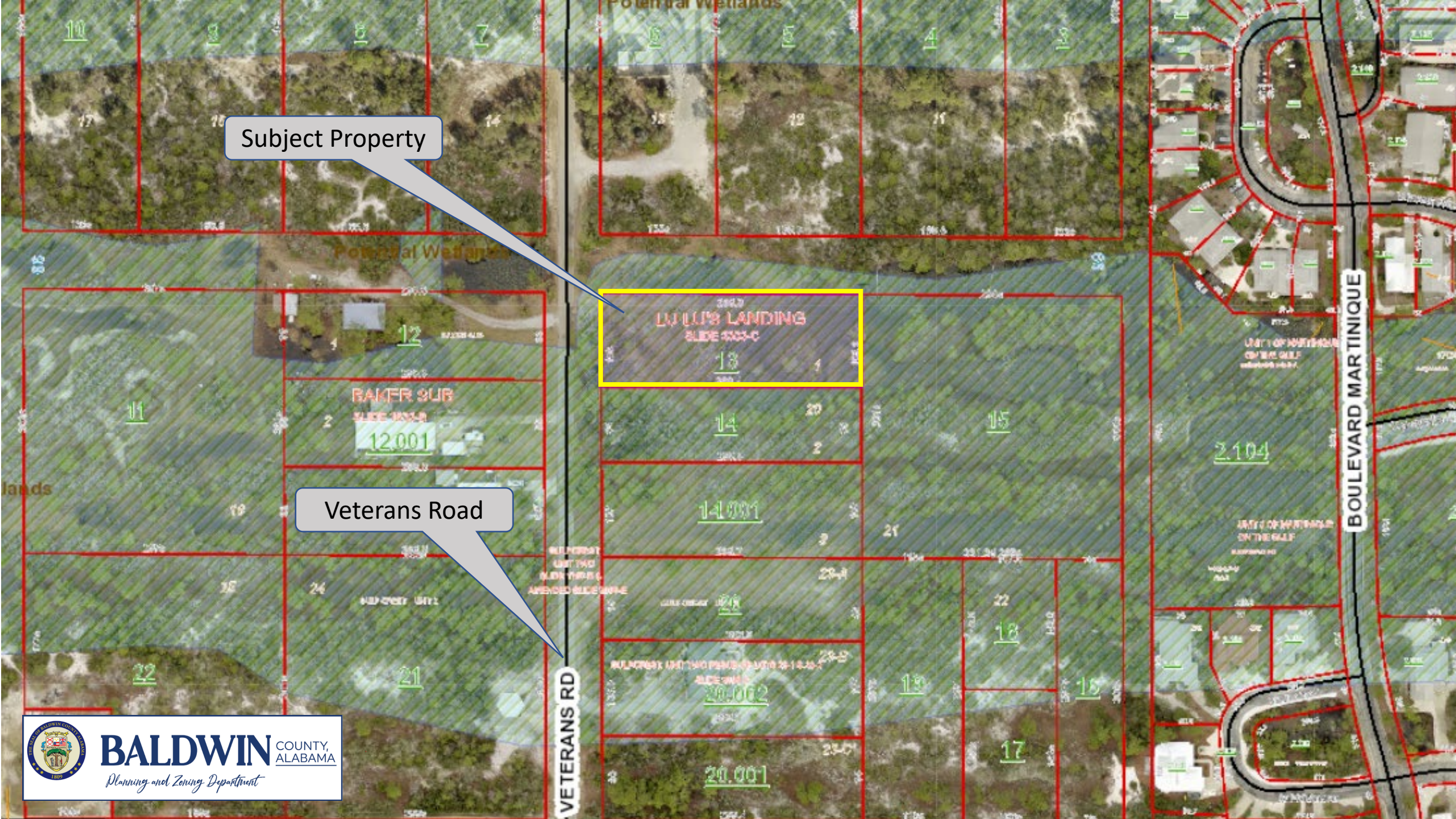
Commercial
Residential
Vacant
Residential

Subject Property

Veterans Road




BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

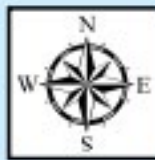


Subject Property

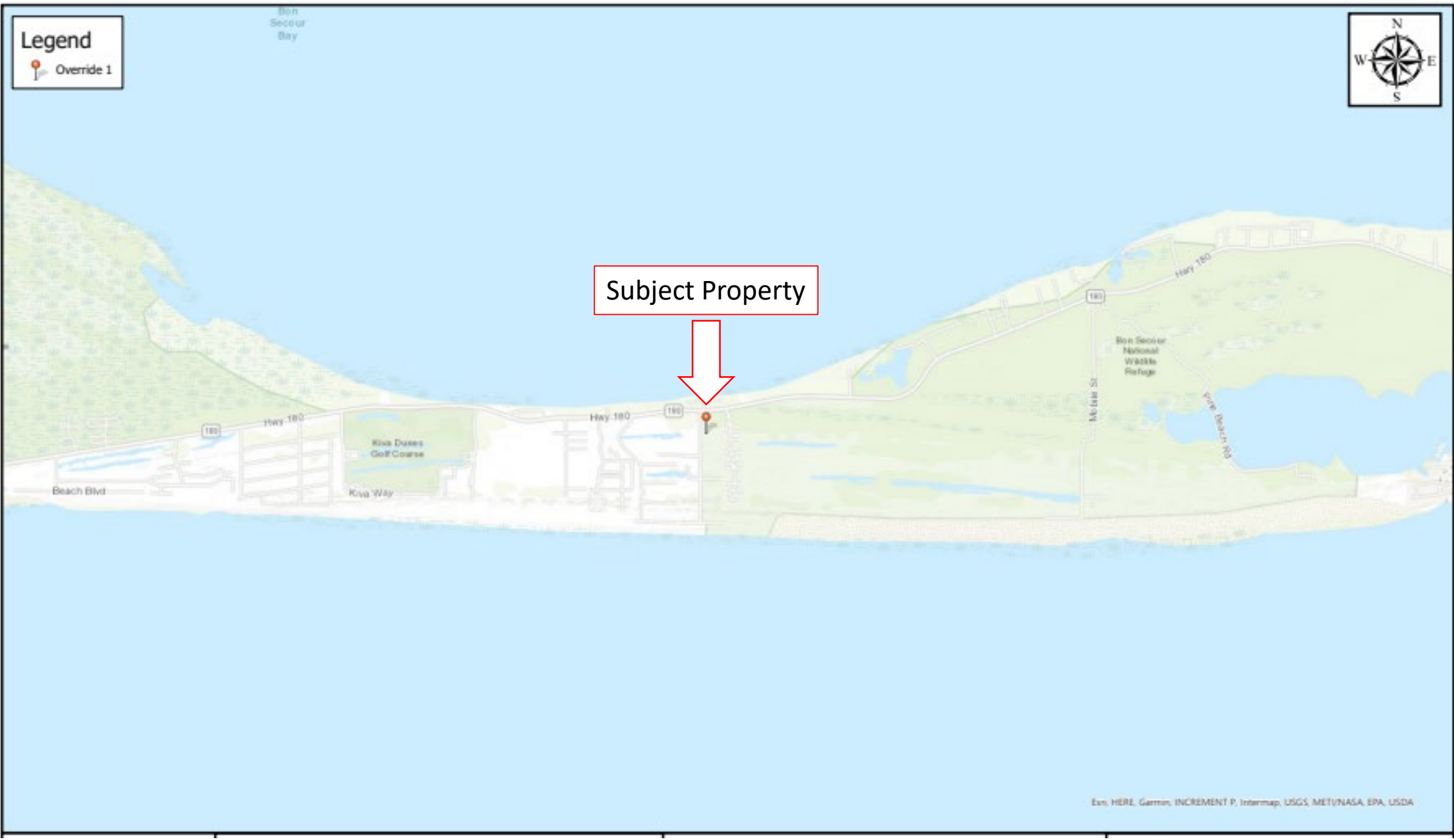
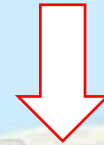
Veterans Road

Legend

 Override 1



Subject Property



Sep 21, 2023 at 9:05:56 AM
86° E

Subject Property



VARIANCE
PROPOSED
FOR THIS PROPERTY
ZVA23-000063
Bartlett Properties, LLC
(251) 580-1655



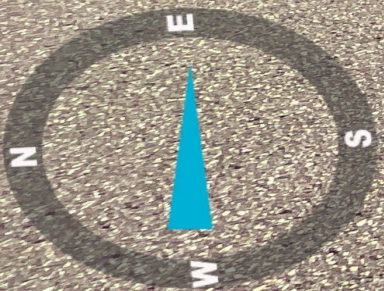
Sep 21, 2023 at 9:09:35 AM
89° E

Subject Property



Sep 21, 2023 at 9:14:11 AM
94° E

Adjoining Property
to The South



Sep 21, 2023 at 9:15:17 AM
51° NE

Adjoining Property
to The North

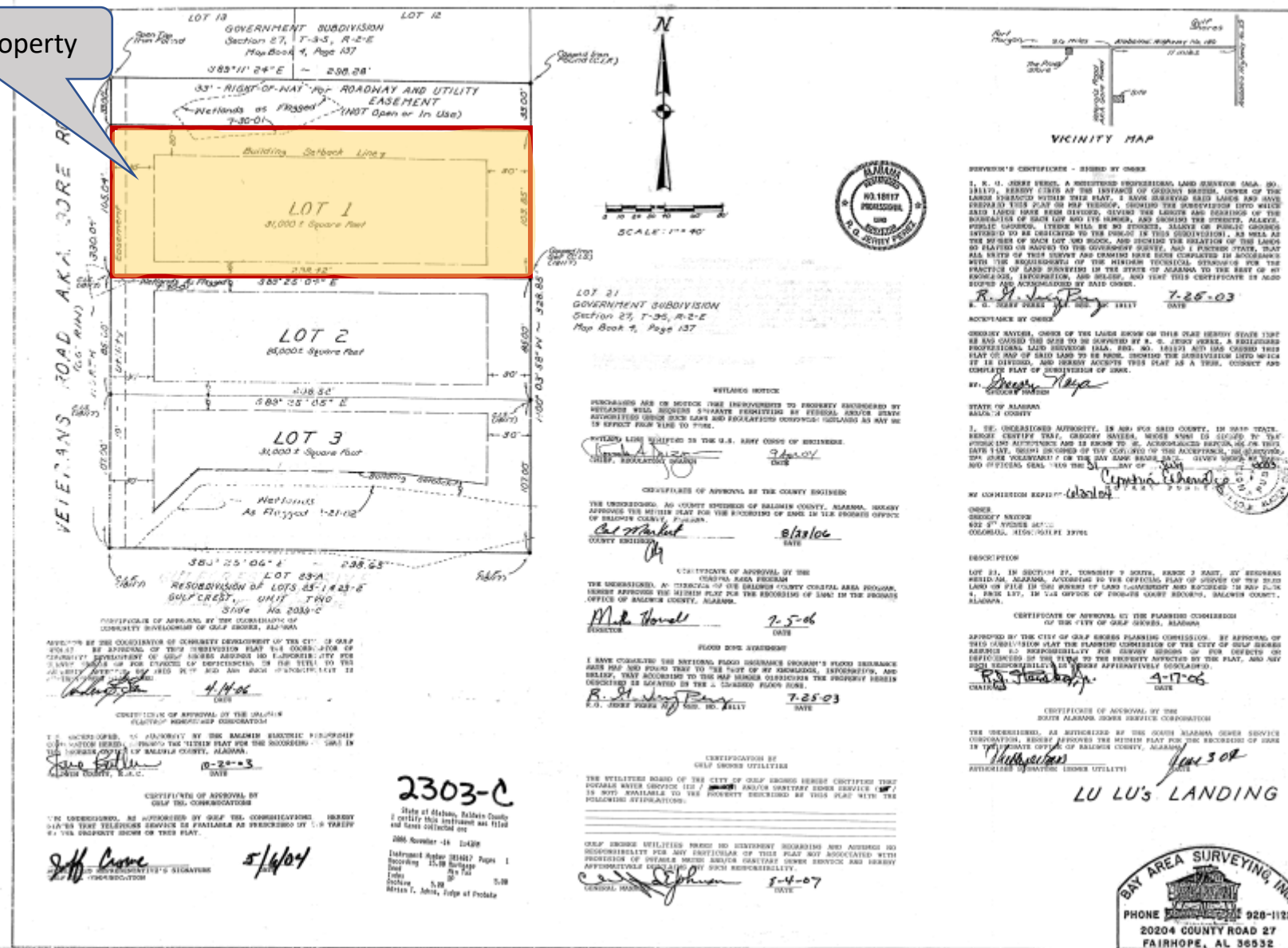


Sep 21, 2023 at 9:13:36 AM
276° W

Property to the
West

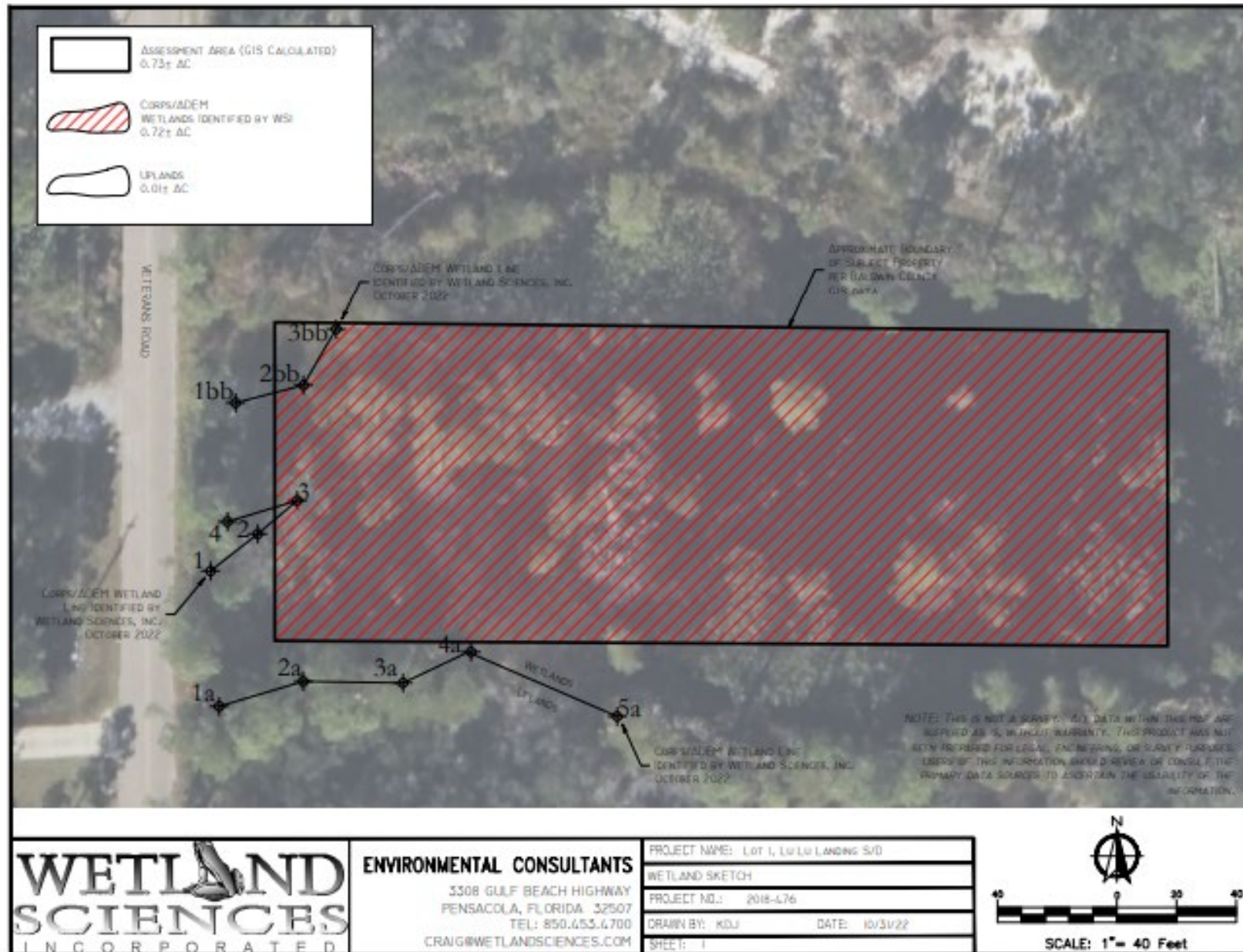


Subject Property



Wetlands Delineation

Wetland Sciences identified approximately 0.72 acres of wetlands and only 0.01 acres of uplands on the subject property.



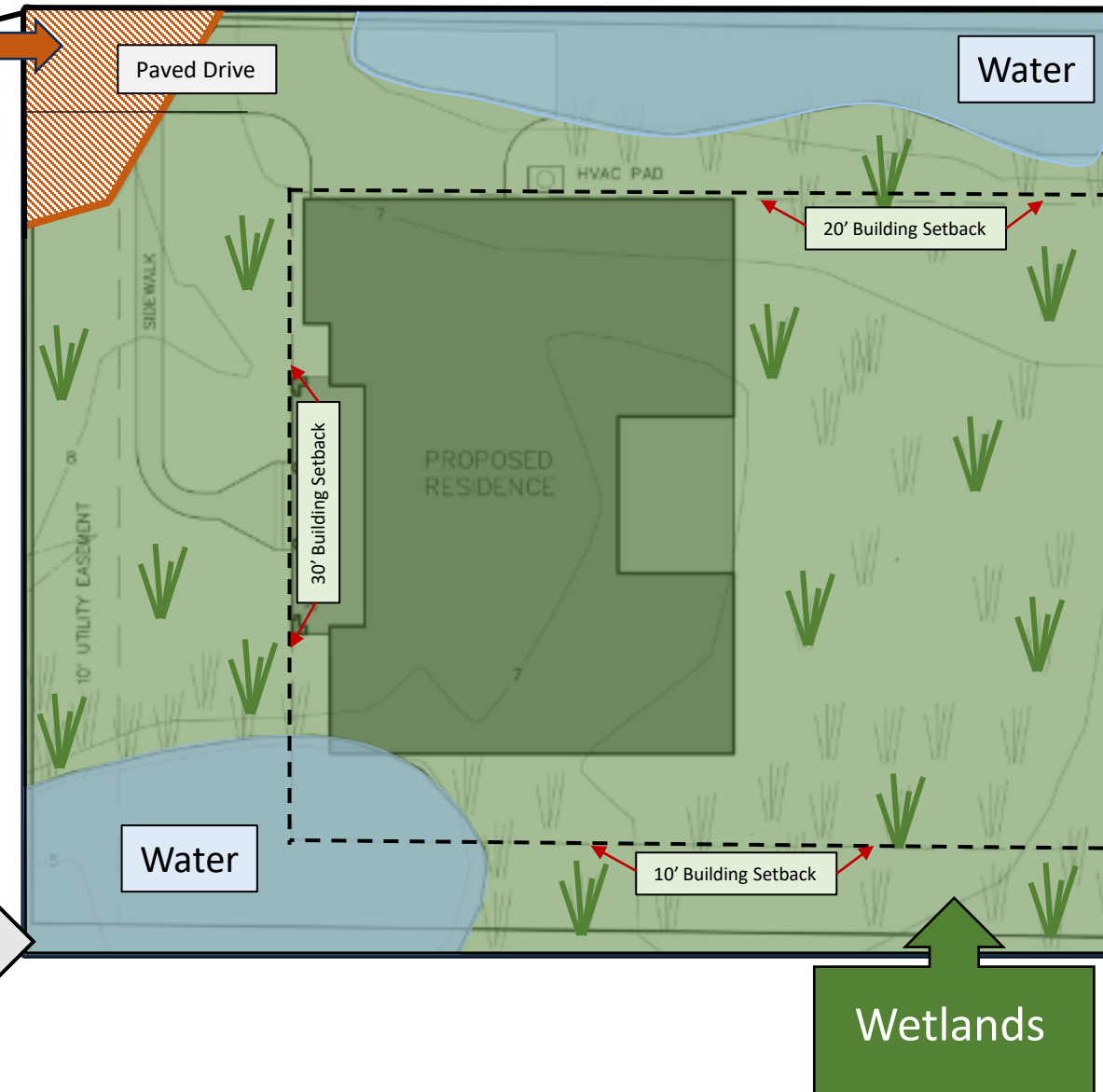
Site Plan

Only Non-Wetland Area

Only Uplands on Property



Areas labeled 'water' hold water for a short amount of time each year; this entire year they have been dry.



Portion of Driveway
in Wetland Buffer

Total Proposed
Wetland Fill:
4,214 Square Feet
(0.097 Acres)

AREA TABULATION

NEW PAVED DRIVE	836 SQ.FT.
BUILDING FOOT PRINT	3,155 SQ.FT.
SIDEWALK	211 SQ.FT.
HVAC PAD	12 SQ.FT.
<u>TOTAL IMPERVIOUS SURFACE</u>	<u>4,214 SQ.FT.</u>
4,214 IMPERVIOUS < 4,356 ALLOWED	



USACE Permit



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

September 06, 2023

Special Projects Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide General Permit, File Number
SAM-2023-00629-JEF, Matthew Diffley, Gulf Shores

Matthew Diffley
1510 Regency Road
Gulf Shores, Alabama 36542
Email Address: chertpit@gmail.com

Dear Mr. Diffley,

Reference is made to your request for a Department of the Army permit to Nationwide Permit (NWP) authorization for the placement of fill in wetlands and streams in Baldwin County, Alabama. The project has been assigned file number SAM-2023-00629-JEF which should be referred to in all future correspondence with this office concerning this project. The project is located at Lulu's Landing Lot Number 1, in Section 27, Township 9 South, Range 2 East; at Latitude 30.3236572° North, Longitude -87.866413° West; in Gulf Shores, Baldwin County, Alabama.

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

- a. Discharge of 430 cubic yards of commercially obtained fill material within 4,214 square feet (0.097 acre) of wet pine savannah wetlands to construct an access drive, sidewalk, and residential house site.

The applicant will mitigate the permanent loss of wetlands by purchasing compensatory mitigation credits from a mitigation bank servicing the project area. The applicant is considering utilizing the Alabama Port Mitigation Bank to purchase the appropriate amount compensatory mitigation wetland credits.

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

This verification is valid until the NWP is modified, reissued, or revoked. All of the

- 2 -

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 0.097 acres of medium-quality wet pine savanna 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. The disposal of trees, brush, and other project related debris in any wetland, stream corridor or other surface water is prohibited. Trees, brush, other debris, excess soil and other materials generated from project construction must be removed to an upland disposal area.
- f. No building materials, tools or other equipment associated with project construction shall be stockpiled in wetlands or other waters of the United States. All excess materials, tools, and equipment shall be removed immediately upon completion of the activity.
- g. 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.
- h. Should historic properties, artifacts, archaeological features, or cultural resources be encountered during project activities, all work shall cease and the USACE, Mobile District shall be consulted immediately, such that appropriate coordination with state, federal, and tribal organizations may be initiated. The USACE, Mobile District must be contacted by telephone at: (251) 694-3664, or (251) 690-2658. This condition shall be included on all construction plans associated with the project.

- 3 -

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 this project are contemplated, it is recommended 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, Craig Martin, Wetland Sciences craig@wetlandsciences.com; to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; Alabama Department of Conservation and Natural Resources, and the State Lands Division, Attention: Mr. Scott Bannon, at scott.bannon@dcnr.alabama.gov.

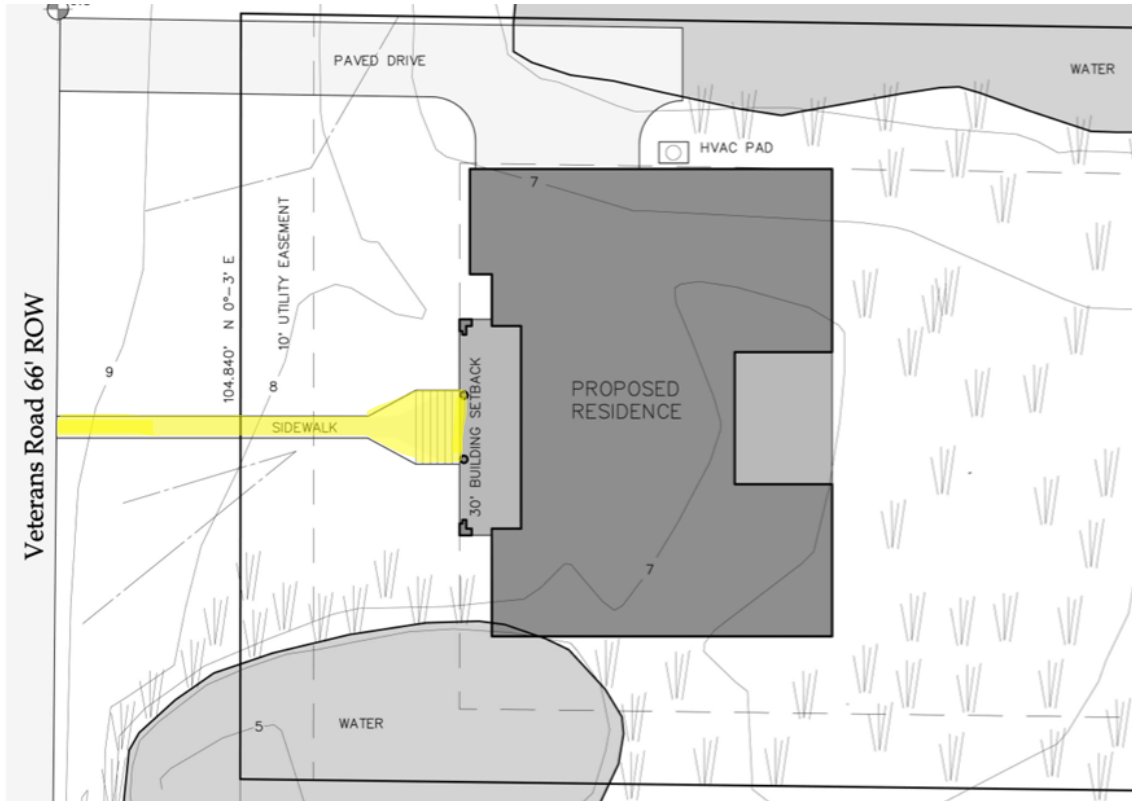
Please contact me at (251) 386-6082, or by e-mail at joseph.e.french@usace.army.mil if you have any questions. For additional information about our Regulatory Program, visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>, and please take a moment to complete our customer satisfaction survey. Your responses are appreciated and will allow us to improve our services.

Sincerely,

Joseph French
Project Manager
Special Projects Branch
Mobile District, Regulatory Division

Attachments

Site Plan Approved by USACE



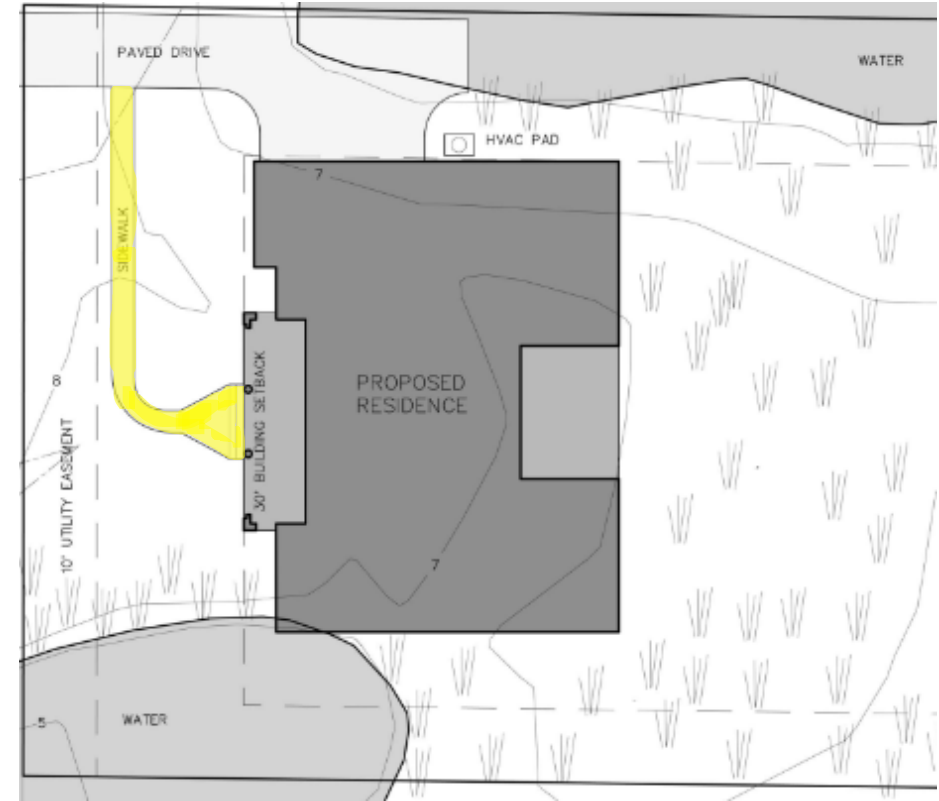
AREA TABULATION

NEW PAVED DRIVE	836 SQ.FT.
BUILDING FOOT PRINT	3,155 SQ.FT.
SIDEWALK	202 SQ.FT.
HVAC PAD	12 SQ.FT.
TOTAL IMPERVIOUS SURFACE	4,205 SQ.FT.
4,214 IMPERVIOUS <	4,356 ALLOWED

Area of Wetland Fill for the Sidewalk Increased by 9 sq ft, which does not exceed the wetland fill allowance permitted by USACE.

*If BOA approves this variance, the property owner shall submit the new site plan to USACE for approval of this minor change to the permit.

Site Plan Submitted with Revised Sidewalk Not in R.O.W.



AREA TABULATION

NEW PAVED DRIVE	836 SQ.FT.
BUILDING FOOT PRINT	3,155 SQ.FT.
SIDEWALK	211 SQ.FT.
HVAC PAD	12 SQ.FT.
TOTAL IMPERVIOUS SURFACE	4,214 SQ.FT.
4,214 IMPERVIOUS <	4,356 ALLOWED

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 # 227 on this day, the 22 of Sept. in the year 2023.

This sale, consisting of 0.291 pine savannah/flatwood credits and/or -0- bottomland hardwood credits, from the Alabama Port Mitigation Bank to Matthew Diffley for the impacts to 0.097 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-2023-00629-JEF project.

*Not Valid Without
Raised Seal*

ALABAMA PORT MITIGATION BANK

Date 09/22/23

A handwritten signature in black ink, likely belonging to Milton L. Brown, the Operations Manager.

Operations Manager

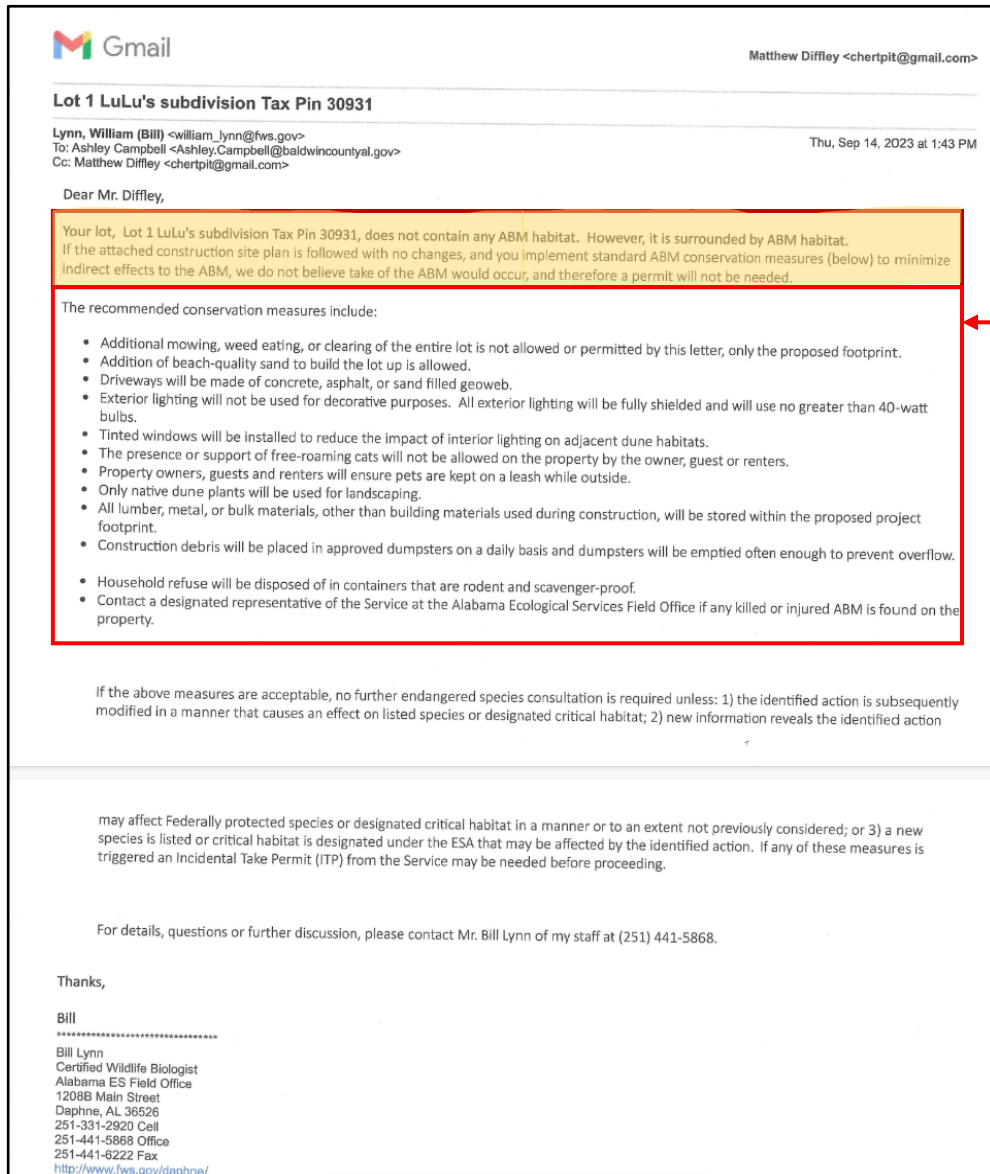
By: Milton L. Brown

Title

The watershed the mitigation bank is located is Mobile Bay 03160205.

No ITP Permit Required

USFWS Comments



Natural Resource Planner Comments

Ashley Campbell's Comments (9/29/23):

"After reviewing the updated site plan, I have the following comments:

1. The sidewalk has been relocated, the USACE will need to approve the change to the Permit Site Plan.
2. The site does not include Alabama Beach Mouse (ABM) habitat. However, ABM habitat is adjacent to the site, Bill Lynn has several recommendations."

No NOA/POA

August 29, 2023

Baldwin County Zoning Board,

I, Matthew and Leisa Diffley, owners of, Lot 1, 864 Veterans Rd, Gulf Shores, AL, verifying there are no HOA organizations, homeowners, neighborhood, or any other neighborhood associations.

Sincerely,

Mathew and Leisa Diffley

Matthew & Leisa Diffley 9-5-23

Leisa Diffley 9/5/23

Staff Analysis and Findings

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

The subject property is zoned RSF-2, Single Family District and is located on the Fort Morgan peninsula. Per the provided Wetland Delineation, the parcel consists of approximately 0.72 +/- acres with lot dimensions of 105' x 298' (approximately 31,798.8 square feet). Planning District 25 came into effect on November 16, 1993. The required minimum lot size for RSF-2 for single-family housing is 15,000 square feet with an 80' minimum lot width at building line and 40' minimum lot width at street line. The actual lot size is larger than the minimum requirements, therefore, staff does not perceive the subject parcel to be exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance and thus **this criteria is not a factor for consideration of this variance request.**

RSF-2 Required minimum lot size: **15,000 sf**

Actual size: **31,798.8 sf** (0.73 acres)

Lot size hardship: **NONE**

RSF-2 Required minimum width at street line: **40'**

Actual lot width: **105'**

Lot width hardship: **NONE**

RSF-2 Required minimum width at building line: **80'**

Actual lot width: **298.3'**

Lot width hardship: **NONE**

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

Staff perceives the 0.72 acres (approximately 31,363.2 square feet) of wetlands located on the subject property to be an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which requires a variance in order to utilize the property for the requested single family residential land use.

Staff Analysis and Findings

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

The subject property is zoned RSF-2, Single Family District which allows residential uses. The applicant **has submitted a wetlands delineation** supporting a hardship on the land therefore **staff feels the granting of this variance would be a necessity for preservation of a property right that would require a variance in order to utilize the property for the requested single family residential land use.**

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

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

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 fill the driveway and construct a single-family dwelling, which is a fairly common request along the Fort Morgan peninsula.
- 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).
- There were additional questions from neighbors concerning where the water will flow after filling the wetlands.

Recommendation from the Fort Morgan Advisory Committee

The consensus from the Fort Morgan Advisory Committee is that the variance be denied due to the amount of wetland fill required and construction within the wetlands.

ZVA23-63 DIFFLEY PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling,
Planning Technician II

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

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

1. If approved, the variance is limited to the fill amount as shown on the Department of the Army Nationwide General Permit, File Number SAM-2023-00629-JEF.
2. No wetland Fill will be allowed in the R.O.W. for either the driveway or the sidewalk.
3. Updated site plan with the amended sidewalk shall be sent to the USACE for approval.
 - a. An updated USACE Nationwide General Permit shall be included with the ZSP application.
4. A turnout permit shall be submitted with the ZSP application.
5. White sands is the wetland fill type required for this project.
6. 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.

ZVA23-63 DIFFLEY PROPERTY

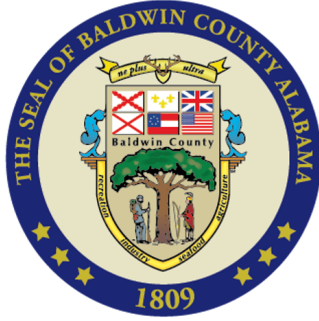
VARIANCE REQUEST

Lead Staff: Brittany Epling,
Planning Technician II

GENERAL NOTES {By-laws}

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board.

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



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

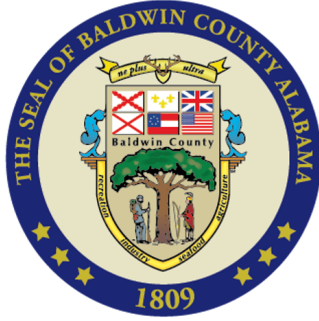
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

DECEMBER 14, 2023 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

NOVEMBER 9, 2023 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

ZVA23-65 HYKING PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 25 **Zoned:** RSF-1, Single Family District
- **Location:** The subject property is in the Surfside Shores subdivision, Unit 2, Block H, Lot 33 on the Fort Morgan peninsula
- **PID:** 05-68-09-30-0-001-043.000
- **PPIN:** 75895
- **Acreage:** 0.46 +/- acres
- **Physical Address:** 6827 Lake Shore Drive, Gulf Shores, AL 36542
- **Applicant:** Robert Newman
- **Owner:** Hayden Hyche - Hyking Holdings, LLC



VARIANCE REQUEST

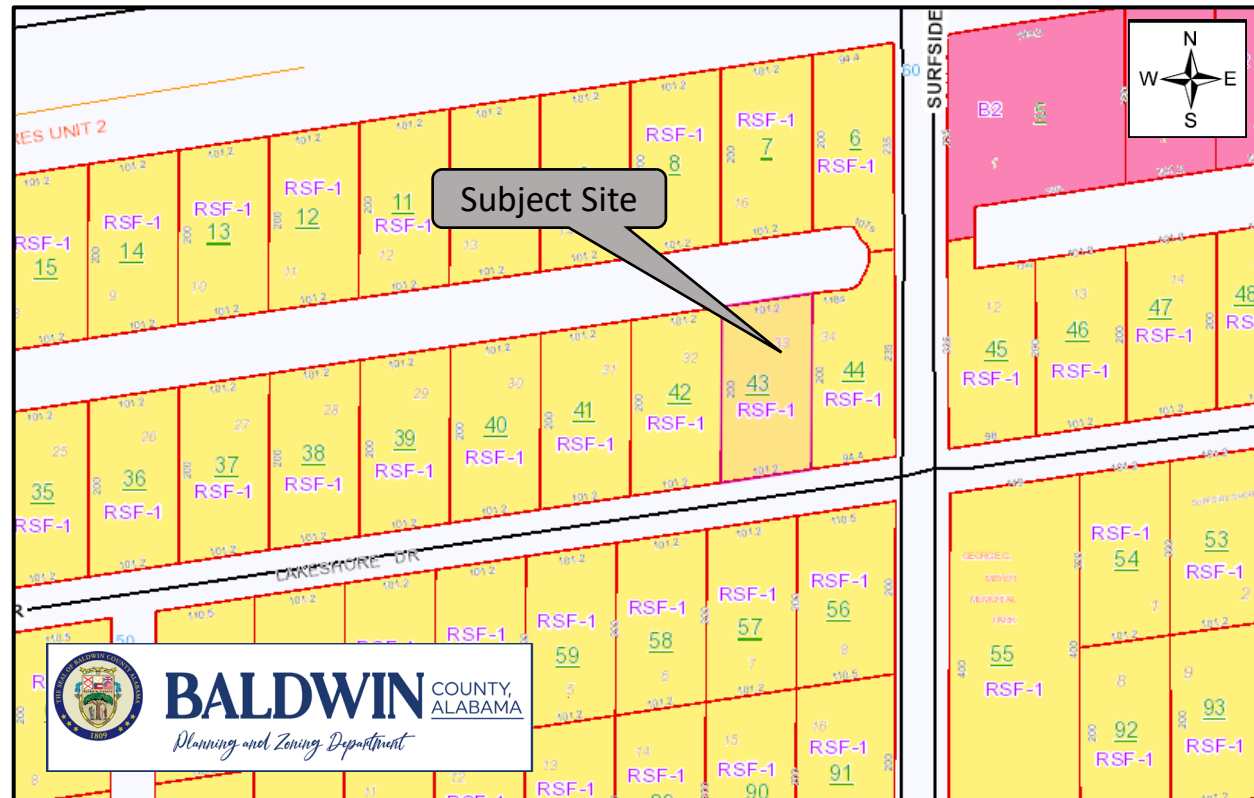
Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains encroachment into the 30' non-disturbed wetland buffer setback to allow for the construction of a single family home.

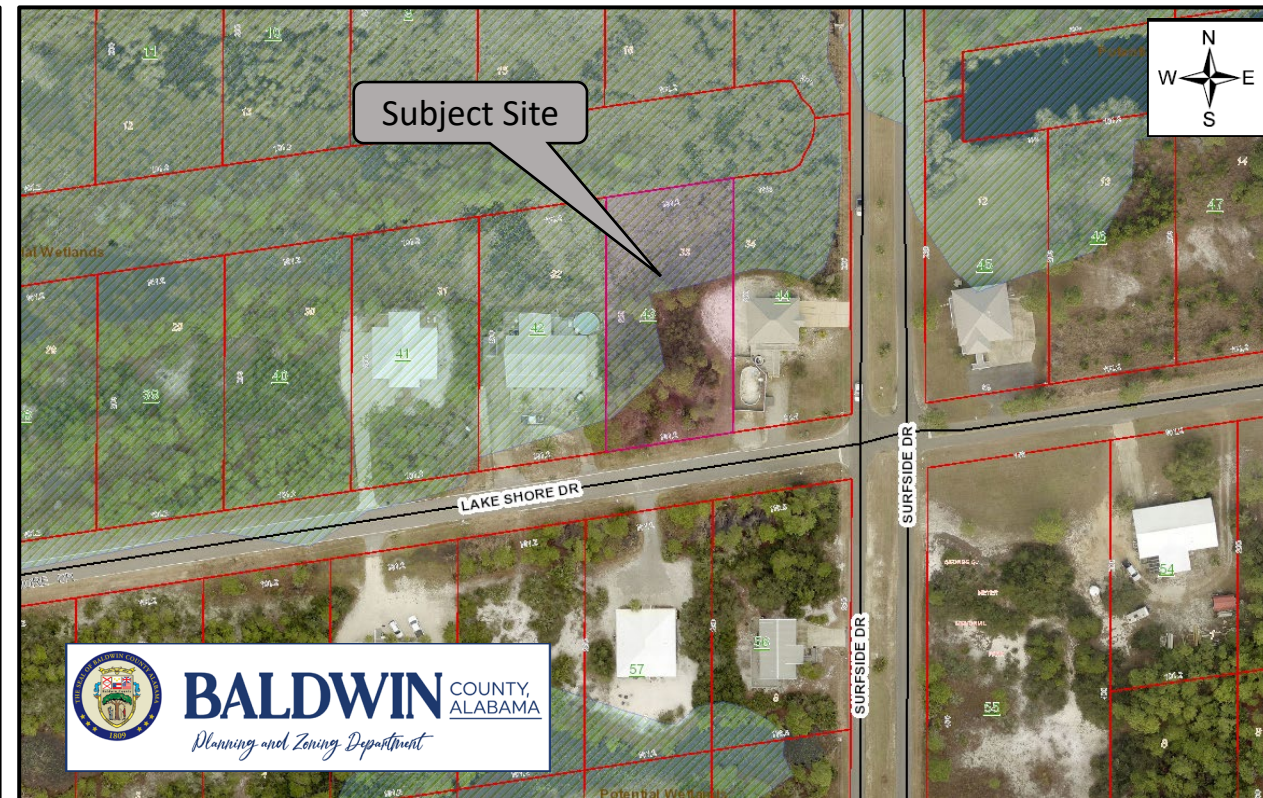
Staff has established the wetlands to be a hardship on the property therefore recommends Case ZVA23-65 be **APPROVED** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



Adjacent Zoning

North

RSF-1, Single Family District

South

RSF-1, Single Family District

East

RSF-1, Single Family District

West

RSF-1, Single Family District

Adjacent Land Use

Vacant

Residential

Residential

Residential

Site Map



Subject Property

Surfside Drive

Lake Shore Drive

LAKE SHORE DR

SURFSIDE DR

SURFSIDE DR



BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

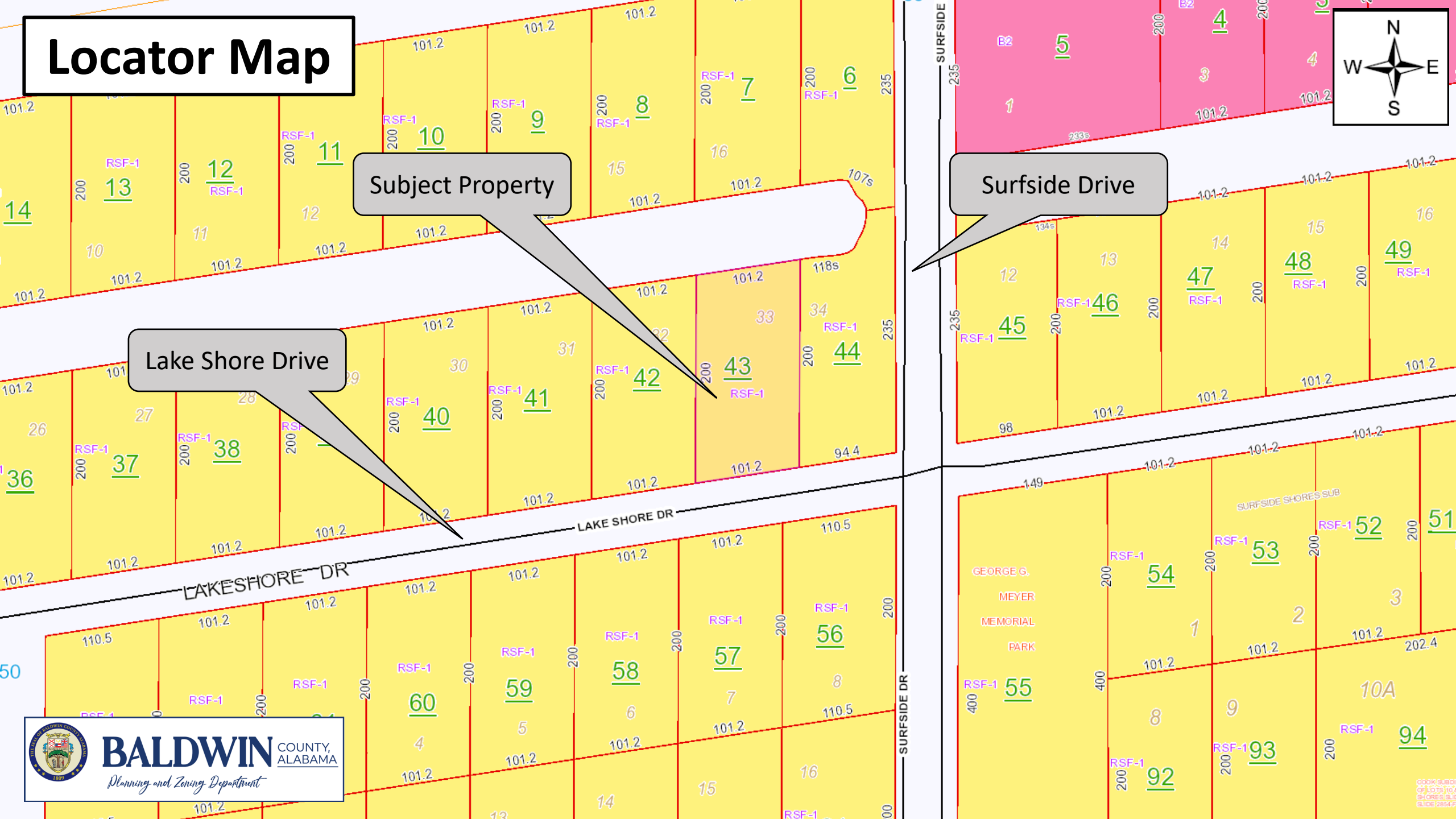
Locator Map



Subject Property

Surfside Drive

Lake Shore Drive

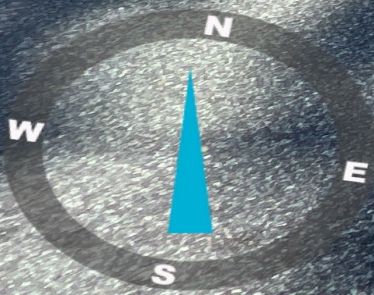


Oct 19, 2023 at 10:23:19 AM
351° N

Subject Property



VARIANCE
PROPOSED
FOR THIS PROPERTY
ZVA23-000065
(251) 580-1655



Subject property looking north
from Lake Shore Drive

Oct 19, 2023 at 10:26:31 AM
49° NE

Subject Property



Subject property looking northeast



Oct 19, 2023 at 10:27:24 AM
183° S

Adjoining Property
to the South



Property across the street looking
south from Lake Shore Drive

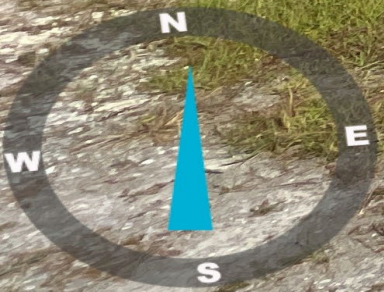


Oct 19, 2023 at 10:27:52 AM
6° N

Adjoining Property
to the East



Property to the east looking
north from Lake Shore Drive



Oct 19, 2023 at 10:28:30 AM
342° N

Adjoining Property
to the West



Property to the west looking
north from Lake Shore Drive

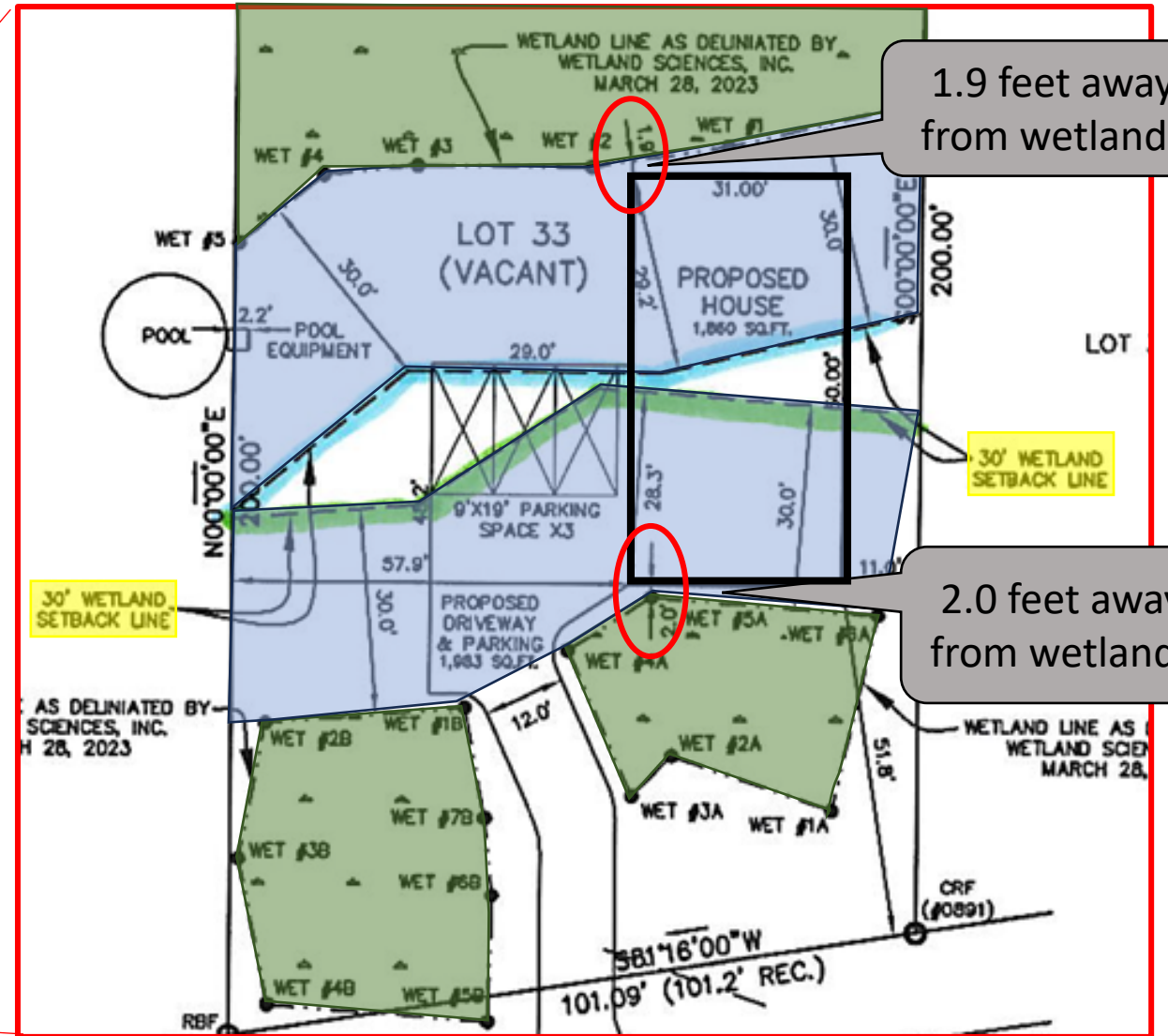
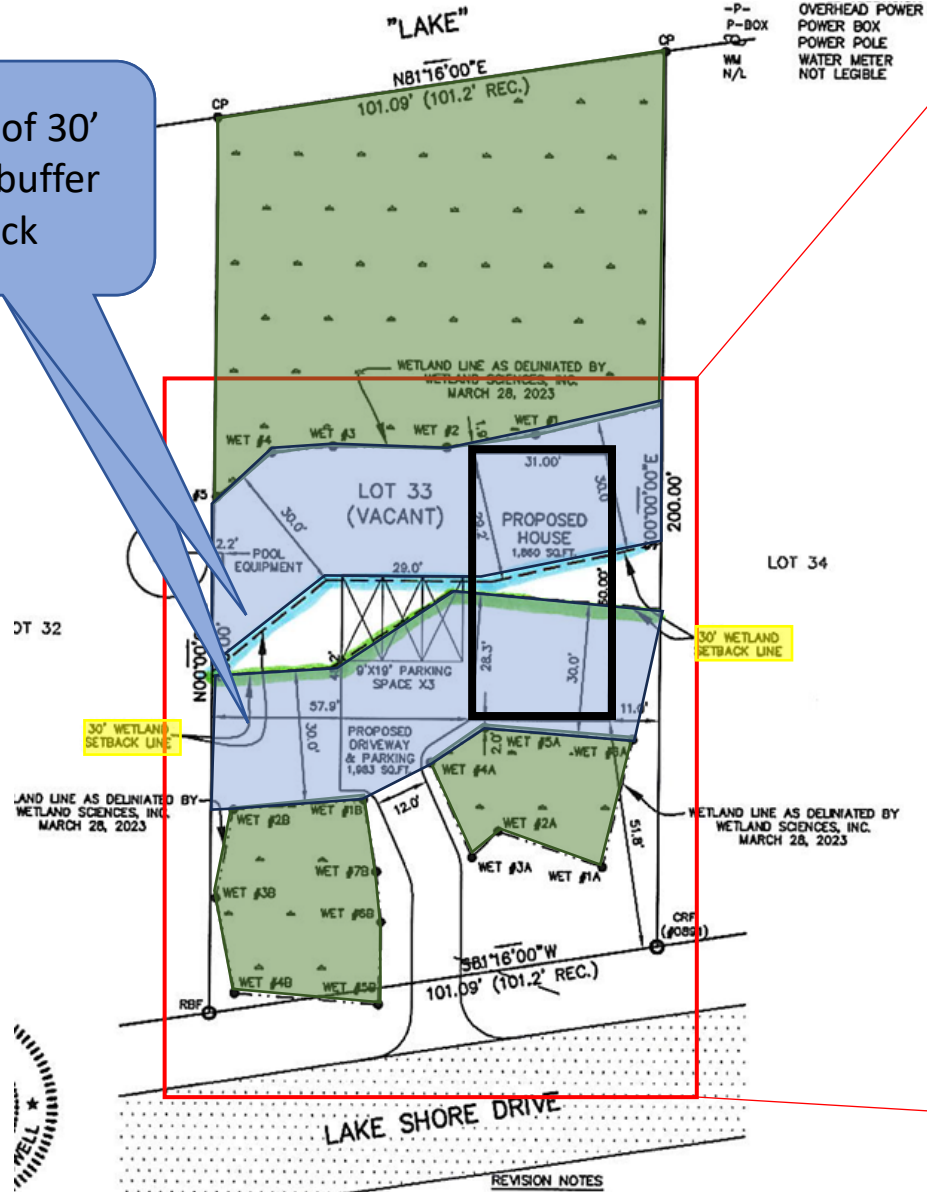


Dedication of Way at PP 28, May 1962



Site Plan

Location of 30' wetland buffer setback



1.9 feet away from wetlands

2.0 feet away from wetlands

30' WETLAND SETBACK LINE

30' WETLAND SETBACK LINE

Wetlands Delineation



March 28, 2023

Hayden Hyche
11418 Crimson Village Circle
Brookwood, AL 35444

Re: Wetland Assessment Report
Lot 15 Lake Shore Drive, Surfside Shores, Fort Morgan, Baldwin County, Alabama
WSI Project #2023-194

Dear Mr. Hyche,

As requested, Wetland Sciences, Inc. has completed a field wetland delineation on Lot 15 Lake Shore Drive, Surfside Shores in Fort Morgan, in Baldwin County, Alabama. The property is identified by the Baldwin County Revenue Commission with the Parcel Identification Numbers: (PIN) 75895. This assessment included an analysis of plant communities, soils, and indirect hydrologic indicators. During this determination, Wetland Sciences, Inc. did identify wetlands which fall within the regulatory jurisdiction of the US Army Corps of Engineers (Corps), the Alabama Department of Environmental Management (ADEM) and Baldwin County within the subject property (See attached wetland sketch – **Exhibit A**). The following is a summary of our findings.

The purpose of performing the wetland assessment was to assess if wetlands or Waters of the United States (WOTUS) are present and, if so, to identify the boundaries. The wetland delineation was performed in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual, the 2012 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic & Gulf Coast Supplement (2010).

During inspection of the property I used technical criteria, field indicators, historic aerial photographs, and other sources of information to assess the site. Wetlands generally have three essential characteristics: hydrophytic vegetation, hydric soils, and wetland hydrology. The techniques for evaluating the plant community, soils, and hydrology are described in the following sections.

Hydric Soils Assessment

Several soil test holes were evaluated to identify field indications of hydric soils. WSI utilized the hydric soil definition provided by the National Technical Committee for Hydric Soils and criteria to determine whether soils within the site are considered hydric. During our field inspection of the property, we verified the presence of hydric soils within wetland complexes located throughout the subject property.

Wetland Hydrology Assessment

Visual indicators of wetland hydrology were evaluated. Examples of primary wetland hydrology indicators include, but are not limited to, surface water, high water table, soil saturation, water marks, sediment deposits, drift deposits, iron deposits, inundation visible on aerial imagery, sparsely vegetated concave surface, and water-stained leaves. If at least one primary or two secondary indicators are observed, the wetland location was considered to support wetland hydrology. Several indicators were noted within the forested wetlands located throughout the property including saturation, drainage patterns, and aquatic fauna.

3308 Gulf Beach Highway | Pensacola, Florida 32507 | 850.453.4700 | craig@wetlandsciences.com

Field Identification of Wetlands

The assessment was completed by a thorough pedestrian survey covering 100% of the subject property. I personally inspected the property on March 28, 2023. 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 wetlands identified within the subject property will be subject to the jurisdiction of the Department of the Army Corps of Engineers (Corps), the Alabama Department of Environmental Management (ADEM) and Baldwin County. 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 Corps/ADEM through field inspection. As such, the depicted wetland boundary may be subject to minor changes upon such inspection/approval.

Alabama Beach Mouse

During the course of this assessment, it was determined that the subject property may contain suitable habitat for the federally listed Alabama Beach Mouse (ABM) (*Peromyscus polionotus ammobates*). Area of suitable beach mouse habitat were determined by Wetland Sciences, Inc. biologists during a field inspection of the property.

The Alabama Beach Mouse is a subspecies of beach mouse indigenous to coastal areas of Alabama and Florida. The ABM was listed in 1985 as endangered and critical habitat was last updated in 2006. They construct extensive burrow systems, with entrances below vegetation on the sides of a dune, often with backdoors to avoid predators. They forage, usually at night, on seeds/fruits of indigenous plants and insects. Food caches are often stored in burrows. The beach mouse is preyed upon primarily by foxes, raccoons, herons, coyotes, and domestic house cats.

As you are aware, a majority of Fort Morgan has been classified by the United States Fish and Wildlife Service (USFWS) as occupied habitat for the Alabama Beach Mouse. Impacts proposed to areas designated as critical habitat will require permitting through USFWS as provided by the recently adopted General Conservation Plan (GCP).

Finally, I have included a statement of our firm for services rendered and expenses incurred associated with this effort. If you find this statement in order, please place it in line for payment. If you have any questions, please do not hesitate to contact me at (850) 453-4700.

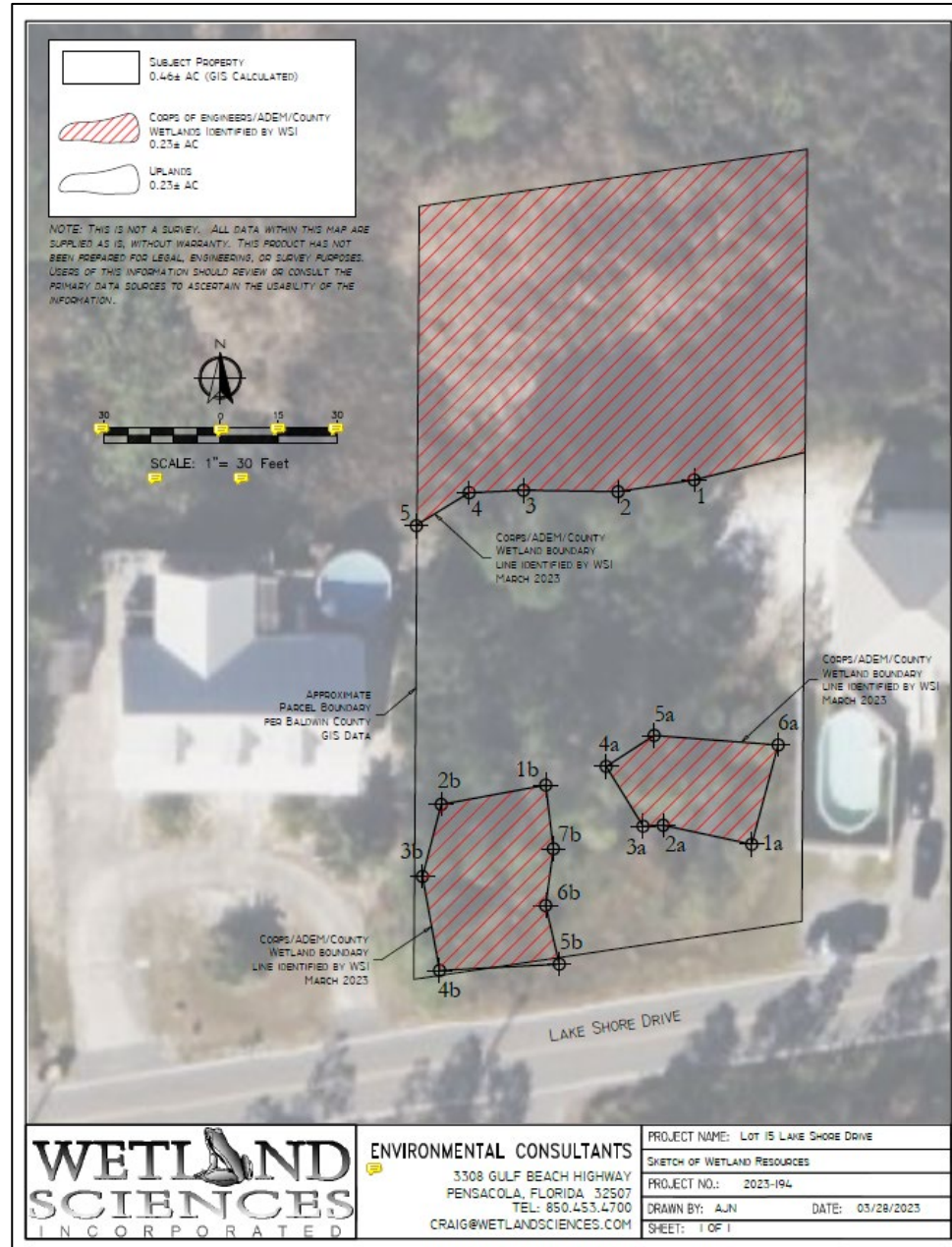
Respectfully,
WETLAND SCIENCES, INC.

A handwritten signature in black ink, appearing to read "Craig Martin".

Craig Martin
Sr. Scientist

3308 Gulf Beach Highway | Pensacola, Florida 32507 | 850.453.4700 | craig@wetlandsciences.com

Wetlands Delineation



ITP Permit Exemption



United States Department of the Interior

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

IN REPLY REFER TO:
2023-0068508

MAY 12 2023

Mr. Hayden Hyche
11418 Crimson Village Circle
Brookwood, AL 35444

Dear Mr. Hyche:

This is the report of the U.S. Fish and Wildlife Service (Service) concerning your request for endangered species clearance letters for the following property:

Tax Pin #75895, Lot 33, Blk H, Surfside Shores, located off Lakeshore Drive (PID# 05-68-09-30-0-001-043.000) in Gulf Shores, Alabama. The owner is Hayden Hyche.

Our report is prepared in accordance with the requirements of the Endangered Species Act (ESA), as amended (16 U.S.C. 1531-1543).

A Service biologist conducted a site inspection of the above property on May 9, 2023. The biologist determined Alabama beach mouse (ABM) (*Peromyscus polionotus ammobates*) habitat does not exist on the property but does exist in the surrounding area. The property is extremely wet and may contain wetlands. If the following conservation measures are implemented, we do not believe "take" of ABM will occur. The conservation measures include:

- We recommend the owner consult with the Army Corps of Engineers (ACOE) and Alabama Department of Environmental Management (ADEM) for possible wetland impacts.
- 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.
- If exterior lighting is proposed for the deck addition, please submit an exterior lighting plan for review and approval by this office.
- 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).

PHONE: 251-441-5181

FAX: 251-441-6222

Mr. Hayden Hyche

2

- Do not allow or support free-roaming cats on the property.
- Keep all pets on a leash while outside.

If the above measures are acceptable, no further endangered species consultation is required unless: 1) the identified action is subsequently modified in a manner that causes an effect on listed species or designated critical habitat; 2) new information reveals the identified action may affect Federally protected species or designated critical habitat in a manner or to an extent not previously considered; or 3) a new species is listed or critical habitat is designated under the ESA that may be affected by the identified action. If any of these measures is triggered an Incidental Take Permit (ITP) from the Service may be needed before proceeding. This letter is good for 2 years from the date stamp on the letter. For details, questions or further discussion, please contact Mr. Bill Lynn of my staff at (251) 441-5868.

Sincerely,

William J. Pearson
Field Supervisor
Alabama Ecological Services Field Office

J. Scott Brown, Chief, Mobile Branch Office, Alabama Department of Environmental Management, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608-1211

U.S. Army Corps of Engineers, Regulatory Division, P.O. Box 2288, Mobile, AL 36628

No NOA/POA

Hyking Holdings
11418 Crimson Village Circle
Brookwood, AL 35444
9/26/2023

Subject: Non-Mandatory HOA Membership

I wish to confirm that my property in Surfside Shores is not subject to a mandatory HOA membership.

Sincerely, Hayden Hyche
HyKing Holdings LLC

A handwritten signature in black ink, appearing to read 'Hayden Hyche', is written over the printed name.

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 0.23 +/- 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. While the actual lot size is smaller than the minimum requirements, **staff does not perceive the subject parcel to be exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance and thus this criteria is not a factor for consideration of this variance request.**

RSF-1 Required minimum lot size: 30,000 sf	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 perceives the 0.23 acres (approximately 10,018.8 square feet) of wetlands located on the subject property to have an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which requires a variance.

Staff Analysis and Findings

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

The subject property is zoned RSF-1, Single Family District which allows residential uses. The applicant **has submitted a wetlands delineation** supporting a hardship on the land therefore **staff feels the granting of this variance would be a necessity for preservation of a property right that would require a variance.**

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 construct a single-family dwelling, which is a fairly common request along the Fort Morgan peninsula.

Recommendation from the Fort Morgan Advisory Committee

Case No. **ZVA23-65** Wetland Variance – 6827 Lake Shore Drive. The committee voted to **table** this variance request until the lots could be located for site review.

ZVA23-65 HYKING PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to encroachment into the 30' non-disturbed wetland buffer setback to allow for the construction of a single family home.

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

1. If approved, the variance is limited to the request of encroaching into the wetland setbacks *only* as shown on the Site Plan.
2. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway or turnout permit), or requirements of other agencies.

ZVA23-65 HYKING PROPERTY

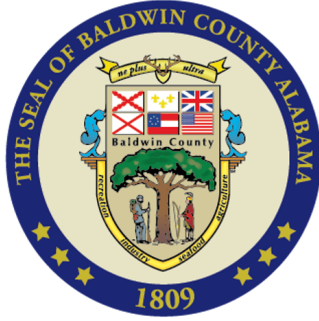
VARIANCE REQUEST

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,
ALABAMA

Planning and Zoning Department

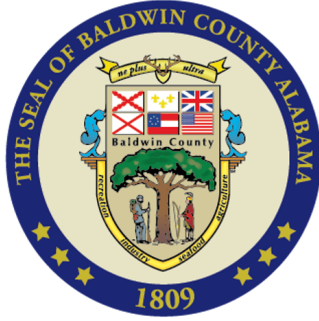
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

DECEMBER 14, 2023 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

NOVEMBER 9, 2023 @ 3:00PM

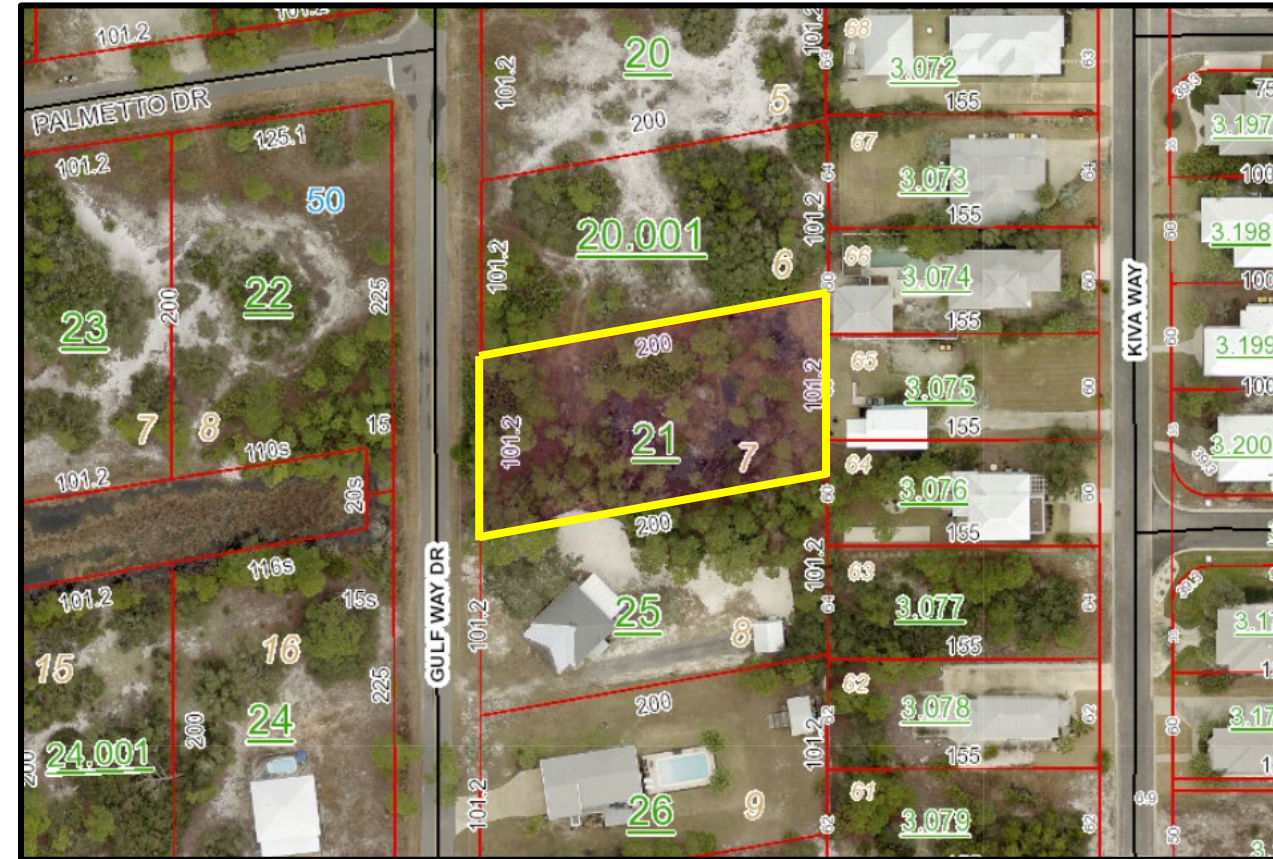
BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

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 – Aubrey Bennett
- **Owner:** Jacob Sherrill



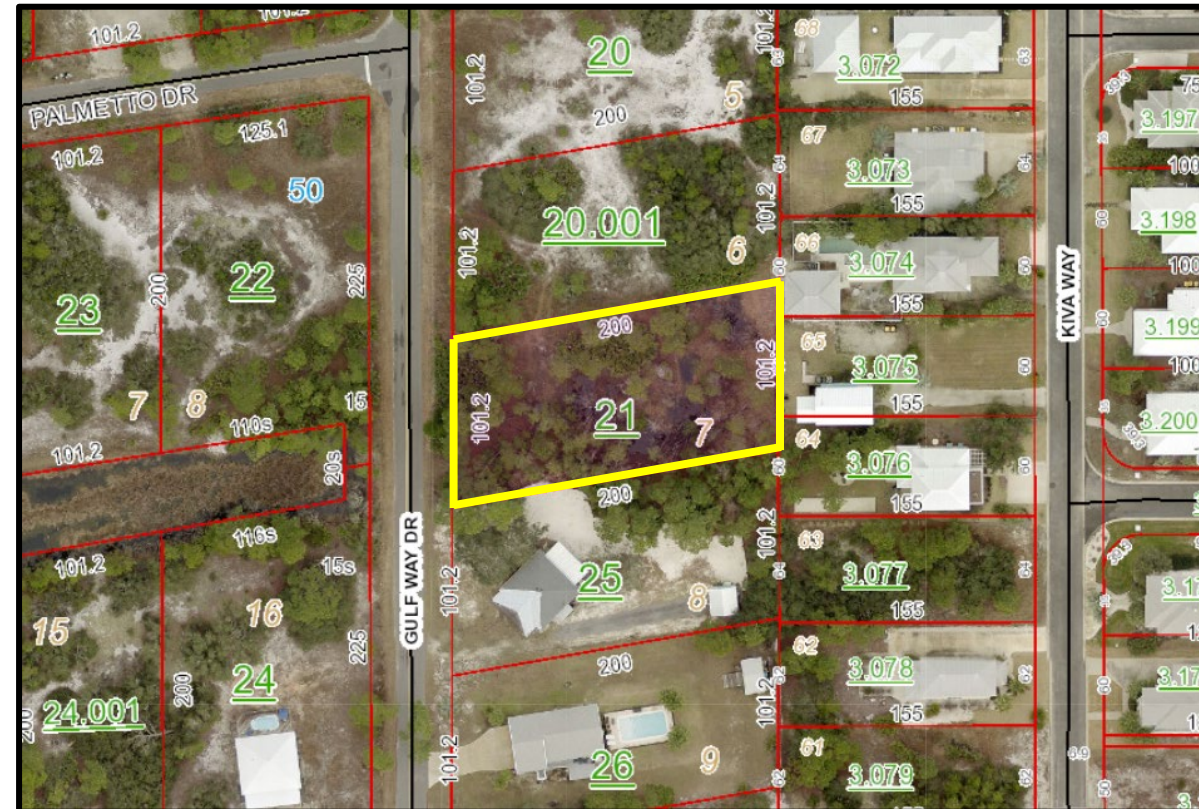
ZVA23-69 SHERRILL PROPERTY

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 setback buffer to allow for the construction of a single-family dwelling.

Staff has established the wetlands to be a hardship on the property and therefore recommends Case ZVA23-69 be **APPROVED WITH CONDITIONS** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



Adjacent Zoning

North

RSF-1, Single Family District

South

RSF-1, Single Family District

East

RMF-6, Multiple Family District

West

RSF-1, Single Family District

Adjacent Land Use

Vacant

Residential

Residential

Residential



Subject Property

Gulf Way Drive



BALDWIN COUNTY, ALABAMA

Planning and Zoning Department



Subject Property

Gulf Way Drive





Oct 19, 2023 at 11:02:02 AM
92° E

Subject Property



VARIANCE
PROPOSED
FOR THIS PROPERTY
ZVA23-000069
For Information Contact
Baldwin County Planning &
Zoning Department
(251) 580-1655



Oct 19, 2023 at 10:56:24 AM
64° NE

Subject Property



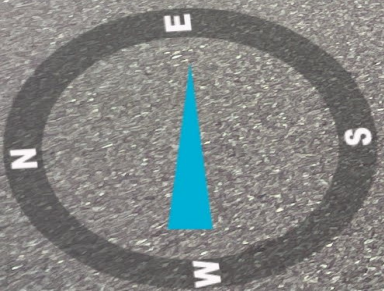
Oct 19, 2023 at 10:57:45 AM
93° E

Adjoining Property
to The North



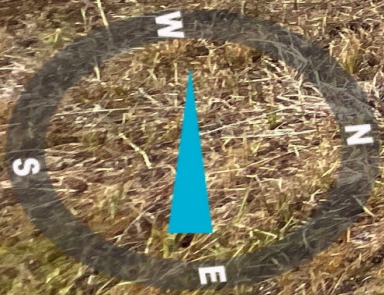
Oct 19, 2023 at 10:59:00 AM
95° E

Adjoining Property
to The South



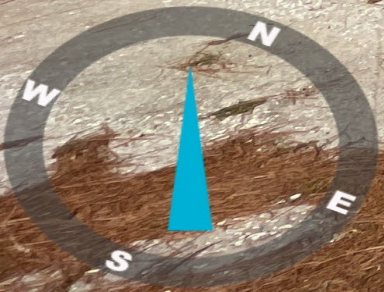
Oct 19, 2023 at 10:58:13 AM
277° W

Property to the West
PIN: 15745



Oct 19, 2023 at 10:59:46 AM
334° NW

Property to the West
PIN:41417



190

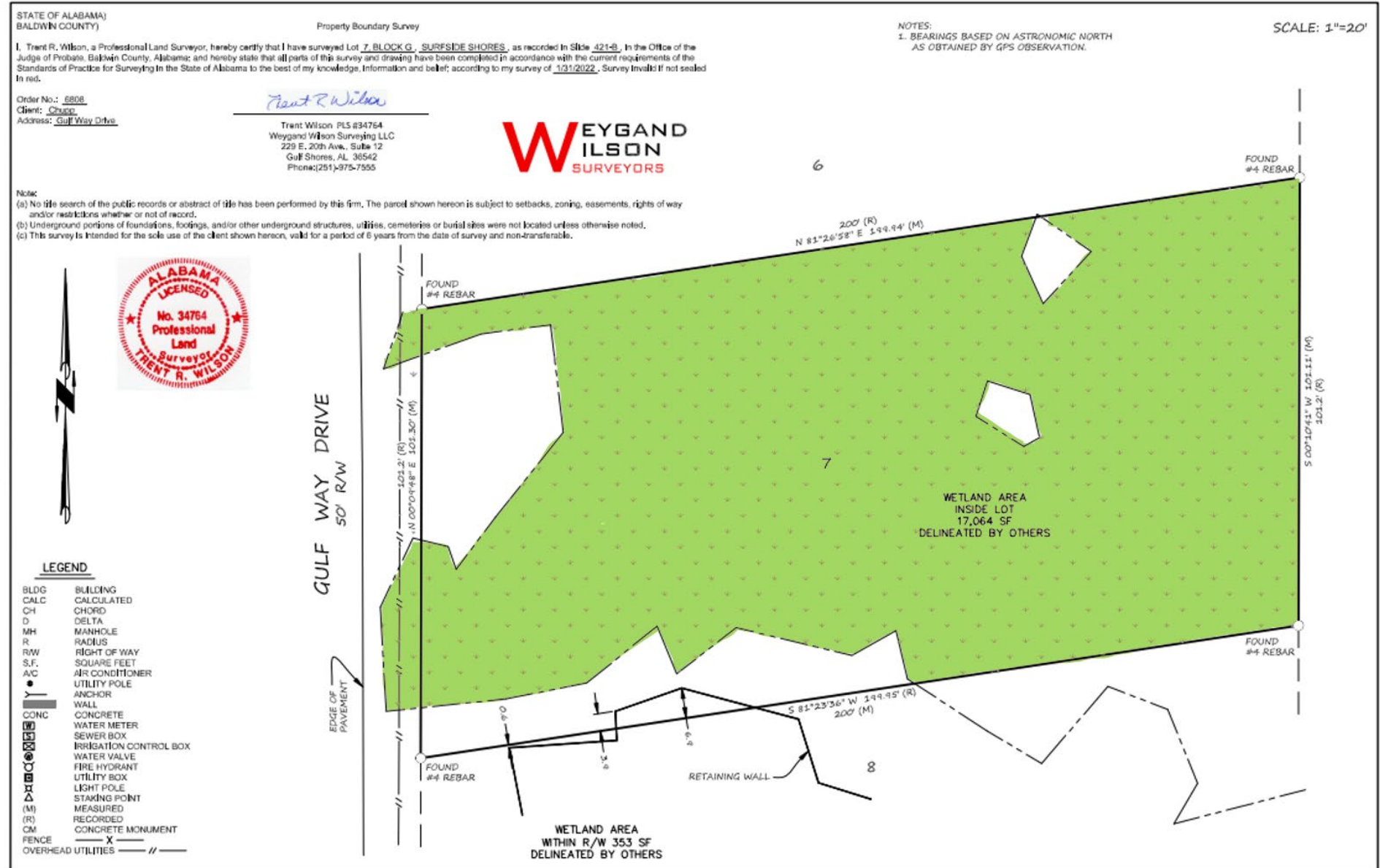
Sub

NOTED DATE COPY MADE
REDUCED 20 % FROM THE ORIGINAL

For Dedication of
Lot of Black
see dark Box #33, Page 197-98

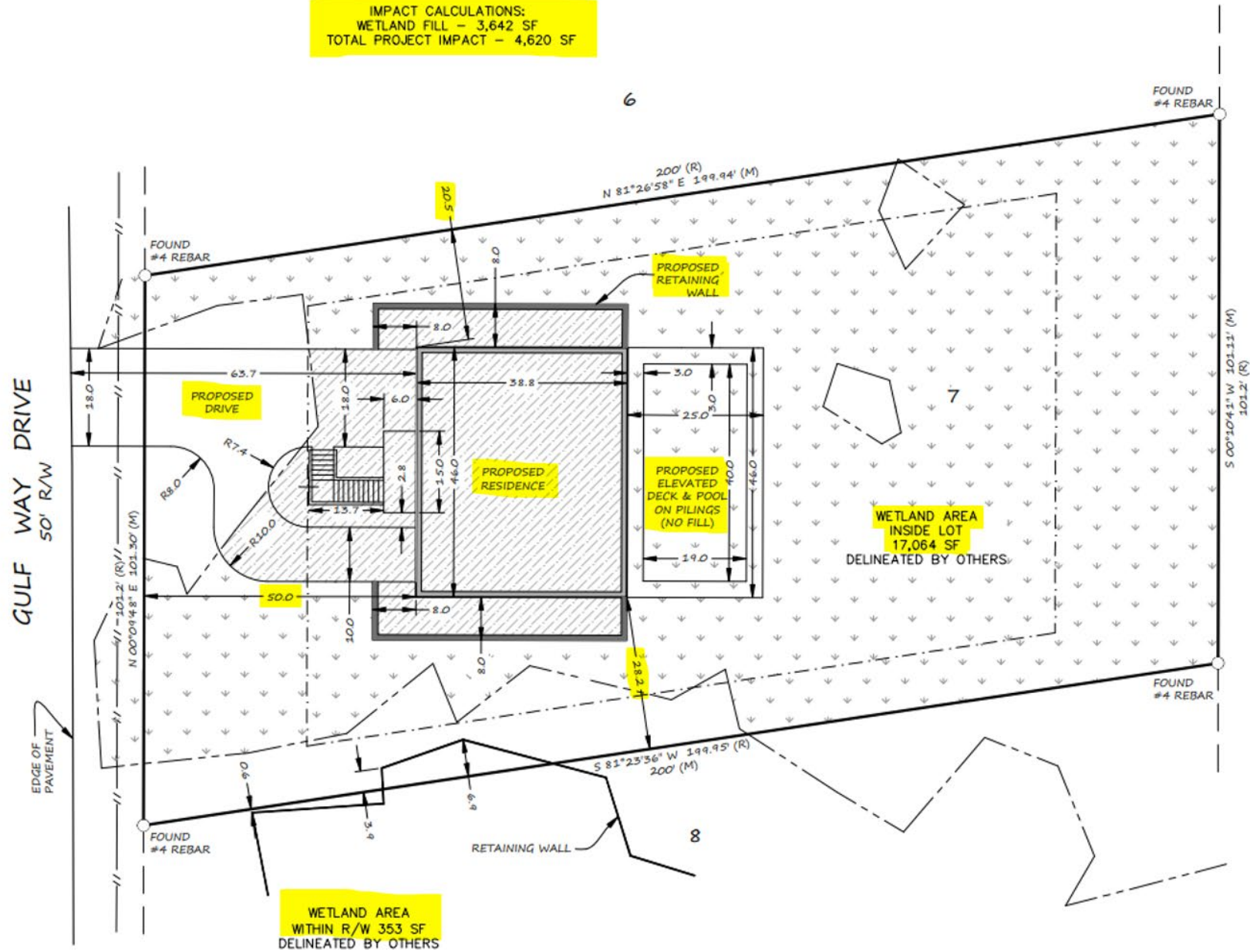
Wetlands Delineation

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



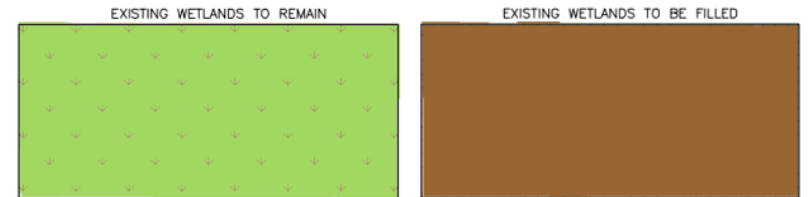
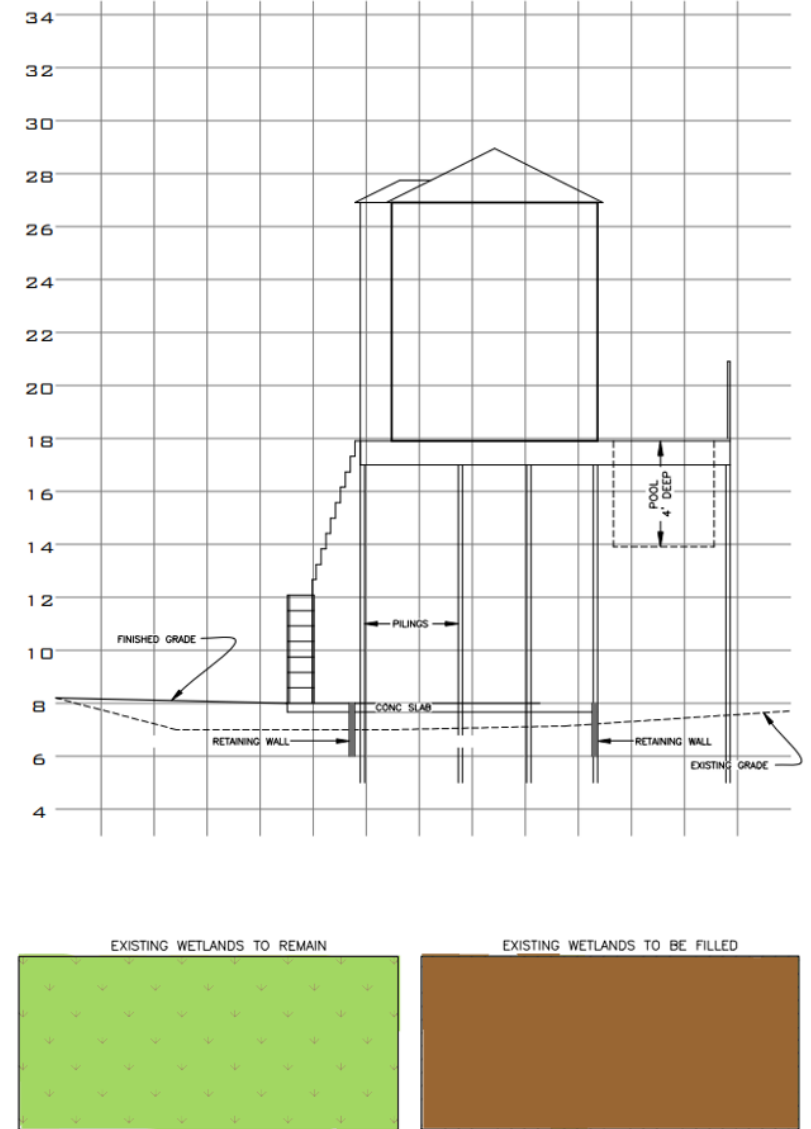
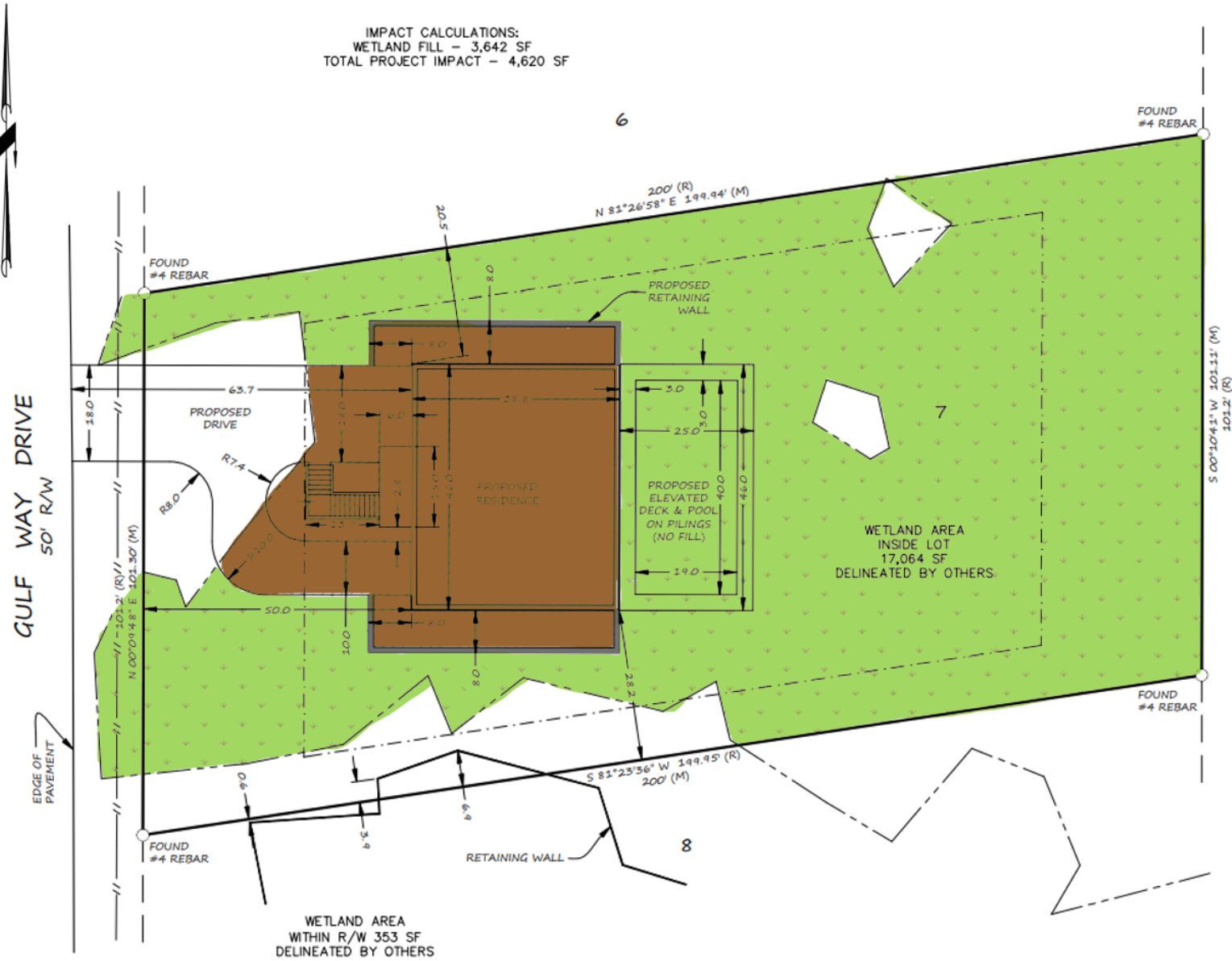
Site Plan

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



Site Plan

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



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

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

By: Milton L. Brown

Operations Manager
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 kempi*) – Endangered

Conservation Measures

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

- Maintain natural topography and vegetation on undeveloped portions of the lot and restore any temporary disturbed areas to pre-impact conditions. The entire lot cannot be cleared.
- Driveway material can be concrete or asphalt.
- Mowing or weed eating of the lot is not allowed.
- Dispose of all refuse in containers that are rodent and scavenger-proof.
- Do not store lumber, metal, or bulk materials on the property, other than building materials used during construction. These materials will not be stored in natural habitat.
- Use only native dune plants for landscaping. We can provide a list of native plants upon request.
- Do not use exterior lighting for decorative purposes.
- All lighting will be directed away from natural dune areas.
- Exterior lighting will be fully shielded and use no greater than an incandescent 60 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.

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,

A handwritten signature in black ink, appearing to read 'Dr. Joel Nickles', written in a cursive style.

Dr. Joel Nickles

President

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 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: YES
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: 200'	Lot width hardship: NONE

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

Staff perceives the 17,064 square feet of wetlands located on the subject property to be an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which **requires a variance** in order to utilize the property for the requested single family residential land use.

Staff Analysis and Findings

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

The subject property is zoned RSF-1, Single Family District which allows residential uses. The applicant **has submitted a wetlands delineation** supporting a hardship on the land therefore **staff feels the granting of this variance would be a necessity for preservation of a property right that would require a variance in order to utilize the property for the requested single family residential land use.**

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

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

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 fill the driveway and construct a single-family dwelling, which is a fairly common request along the Fort Morgan peninsula.
- 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).
- A letter of opposition was submitted from an adjacent property owner because of the increased risk of flooding.

Recommendation from the Fort Morgan Advisory Committee

Members voted to table this request.

ZVA23-69 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 setback buffer to allow for the construction of a single-family dwelling.

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

1. If approved, the variance is limited to the 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.

ZVA23-69 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.

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BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

DECEMBER 14, 2023 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL