



BOARD OF ADJUSTMENT NUMBER 1

AGENDA

April 16, 2024

Regular Meeting

4:00 p.m.

Central Annex Auditorium

22251 Palmer Street

Robertsdale, Alabama

Email-planning@baldwincountyal.gov

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes March 19, 2024
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. ZVA24-13 Soles Property, 6628 County Road 32

Request: Approval of a Variance from Section 2.3.26.3 (a) Local Provisions for Planning District 26 as it pertains to the accessory dwelling size.

Location: The subject property is located at 6628 County Road in Fairhope, AL in Planning District 26.

b.) Case No. ZVA24-17, Silver Property, 24271 Blake Ln

Request: Approval of a Variance from Section 4.3.4 area and dimensional ordinance of the Baldwin County Zoning Ordinance as it pertains to the front yard setback requirements to allow for an addition to a single-family dwelling.

Location: The subject property is located at 24271 Blake Ln in Fairhope, AL in Planning District 16.

Attachments: Within Report:

6. Old Business
7. New Business
8. 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 1
Regular Meeting Minutes
Tuesday March 19, 2024**

I. Call To Order

The Board of Adjustment Number One met in a regular session on March 19, 2024, at 4:00 p.m., in the Baldwin County Central Annex Auditorium.

II. Roll Call

The meeting was called to order by Jamal Allen, Chair. Members present included: Leslie Stejskal, Doug Ward, Norman Bragg, Mary Shannon Hope, Marla Barnes, and Thomas Kiel. Staff members present were Crystal Bates, Planning Technician II, Calla McKenzie, Planning Technician II, Cory Rhodes, Planner and Celena Boykin, Senior Planner.

III. Approval of Minutes

IV. Consideration of Applications and Request

a.) ZVA24-2 Nemer Property, 23811 Grant Dr

Ms. Calla McKenzie presented the applicant's request for variance ZVA24-2 from Section 13.1.2 (b) of the Baldwin County Zoning Ordinance as it pertains to the accessory structures located in the required front yard to allow for a screen over an existing pool.

The chairman called the applicant Alice Nemer to the podium to speak on her project she explained the reasoning why the variance was needed and why the screen had to be around the pool. The chairman called Brandon Myers to the podium to speak he stated the reasons why the applicants needed the screen around the pool. The chairman asked if anyone else was present who wanted to speak.

Board member Leslie Stejskal made a motion to follow the staff recommendation to deny the case seconded by Mary Shannon Hope the motion passed to deny a 7 to 0 vote.

b.) ZVA24-5 Alexander Property, 14167-A US Hwy 90

Ms. Cory Rhodes presented the applicant's request for variance ZVA24-5 from Section 16.5.5 one-family and two-family residences of the Baldwin County Zoning Ordinances as it pertains to the sign's square feet and height and Section 13.3.1(c) of the Baldwin County Zoning Ordinance as it pertains to the Home Occupation display. The chairman asked if anyone else was present who wanted to speak.

The chairman called the owner Steve Alexander to the podium to speak he stated why they would like the variance.

Board member Marla Barnes made a motion to follow staff recommendation to deny the variance case ZVA24-5 and seconded by Norman Bragg the motion passed to deny a 5 to 2 vote.

c.) ZVA24-9 Coheley Property, 6801 Cedar Run

Mrs. Crystal Bates presented the applicant's request for variance ZVA24-9 from Section 4.3.4 area and dimensional ordinances of the Baldwin County Zoning Ordinance as it pertains to the rear yard setback back requirements and section 12.5(d)-yard requirements to allow for an addition to a single-family dwelling.

The chairman called the applicant Jacon Coheley to the podium to speak on his project and he explained the reasoning why the variance was needed. The chairman called Andrew McCullough he stated he was there if they had any questions on the architecture. The chairman asked if anyone else was present who wanted to speak.

Board member Mary Shannon Hope made a motion to follow the staff's recommendation to Approve the case seconded by Norman Bragg the motion passed to deny a 7 to 0 vote.

V. Old Business

VI. New Business

VII. Adjournment

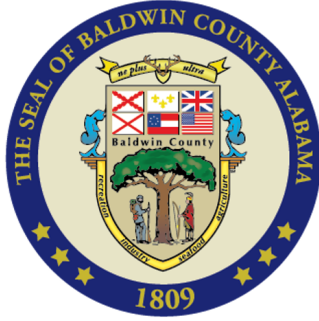
The meeting adjourned at 4:47 p.m.

Respectfully Submitted,

Crystal Bates, Planning Technician

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

Jamal Allen, Chairman



BALDWIN

COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

APRIL 16, 2024

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

ZVA24-13 SOLES PROPERTY

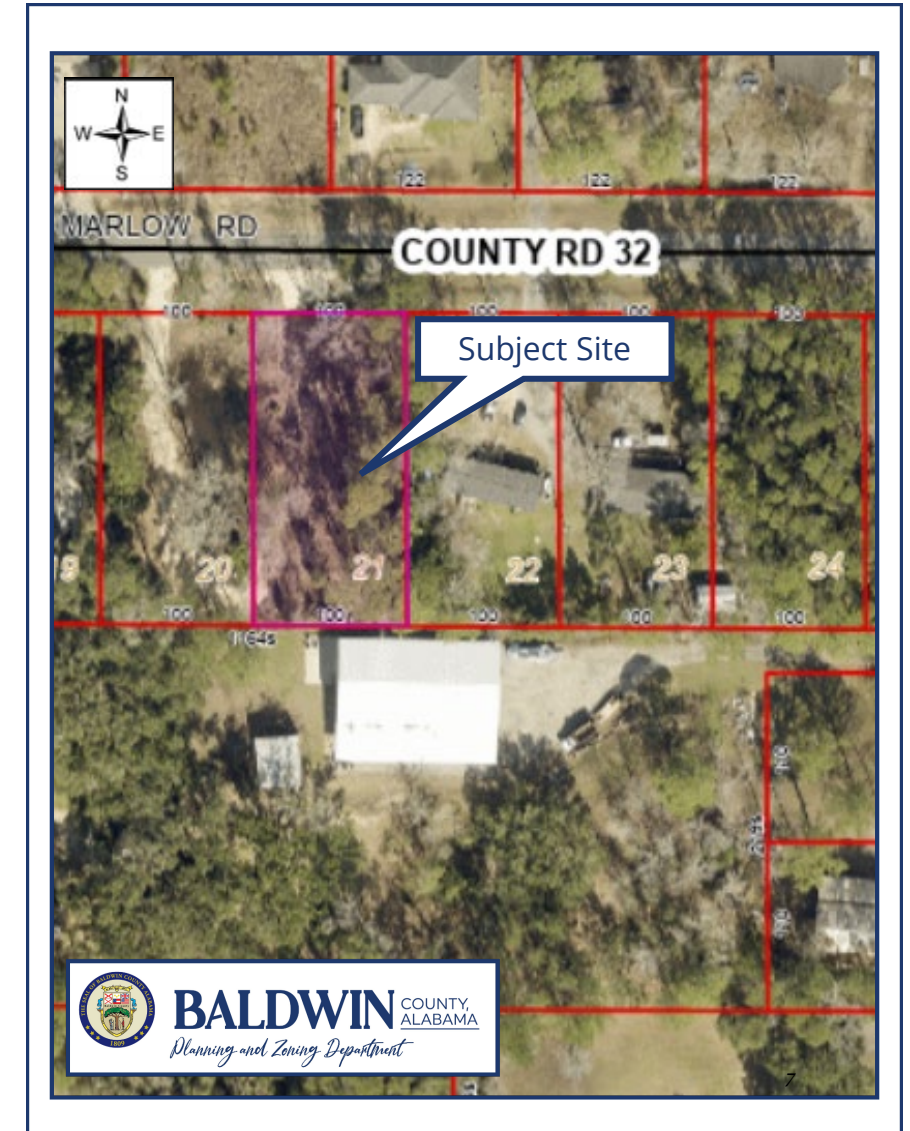
VARIANCE REQUEST

Lead Staff: Calla McKenzie, Planning Technician II

- **Planning District:** 26
- **Zoned:** RSF-2, Single Family District
- **Location:** Lot 21 of Turnbull Subdivision Point Clear
- **PID:** 05-56-03-31-0-000-009-002
- **PPIN:** 41967
- **Acreage:** +/- 0.47
- **Physical Address:** 6632 County Rd 32
- **Applicant:** Joseph Soles
- **Owner:** Joseph Soles

Baldwin County Planning & Zoning Board of Adjustment

April 16, 2024



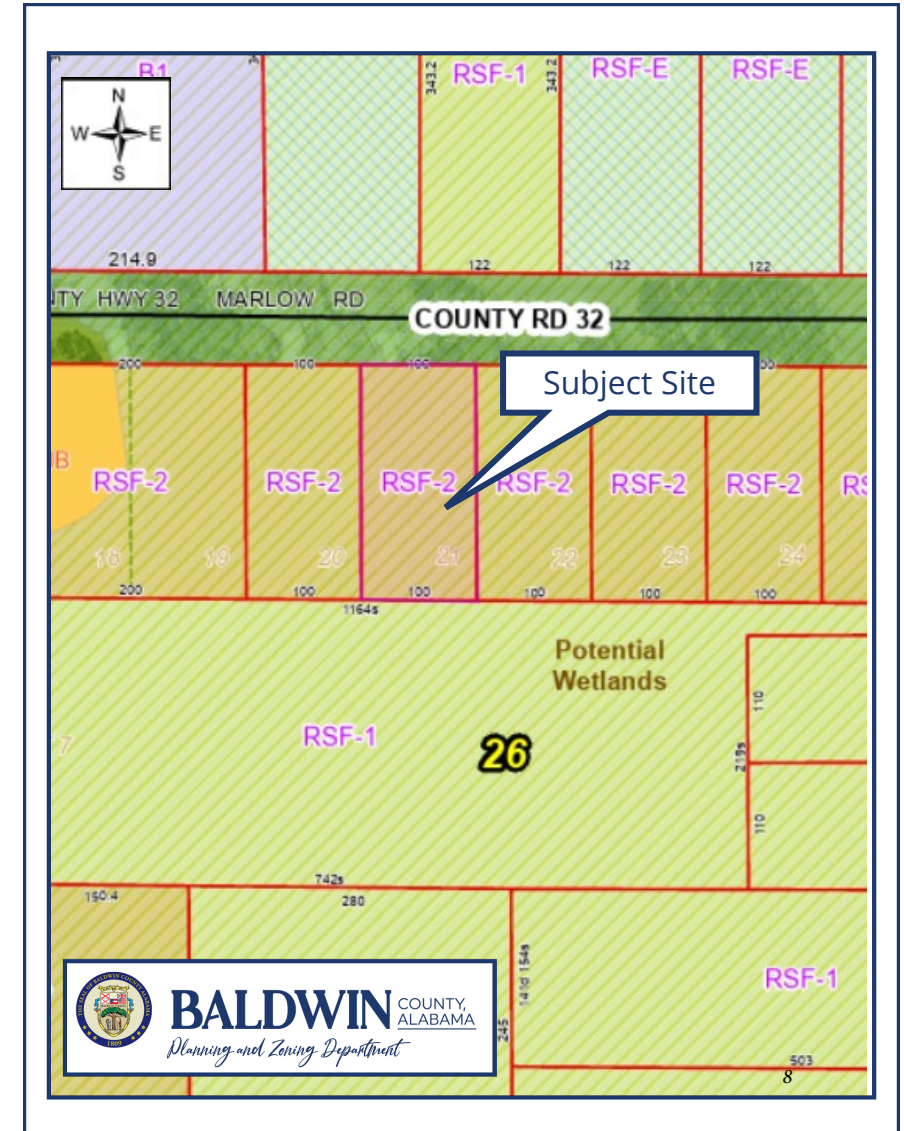
ZVA24-13 SOLES PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

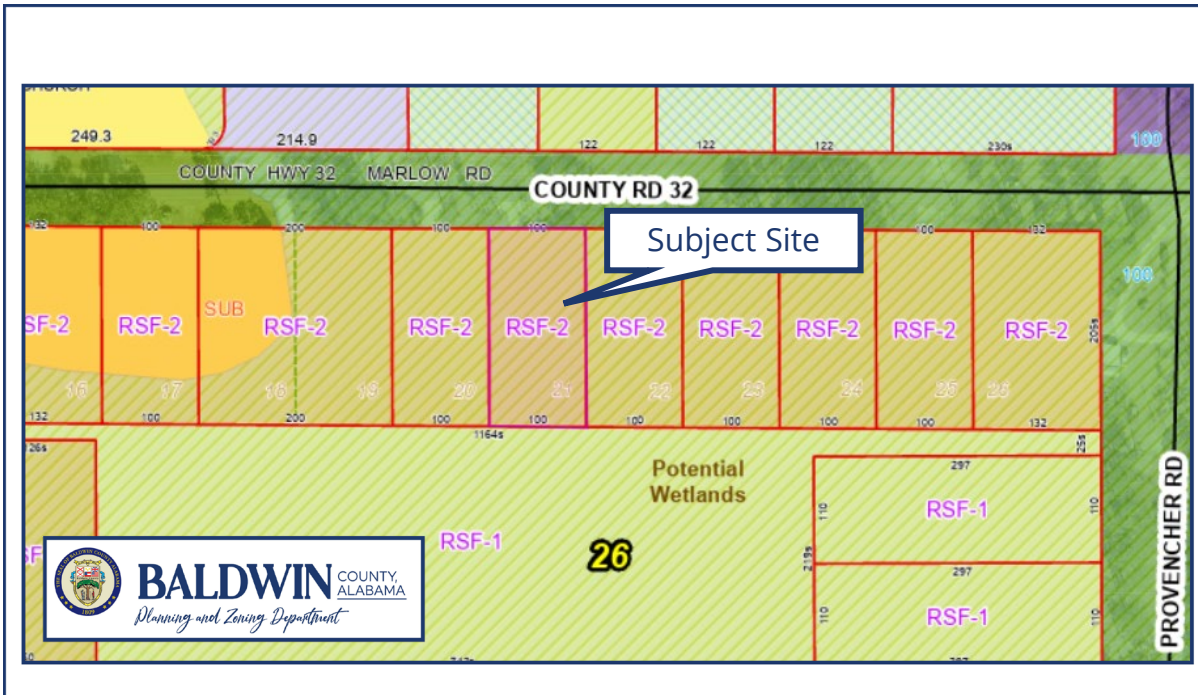
Lead Staff: Calla McKenzie, Planning Technician II

The applicant is requesting a variance from Section 2.3.26.3 (a) Local provisions for Planning District 26 as it pertains to the accessory dwelling size to allow for a second dwelling of the same size.

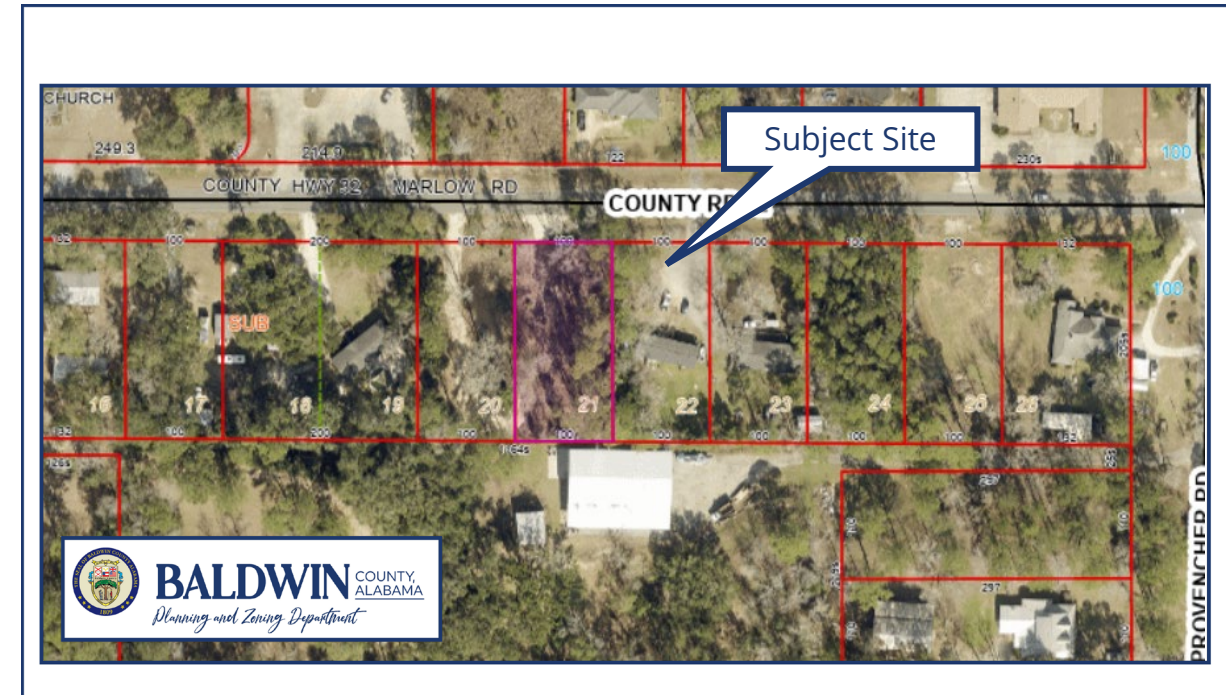
Staff perceives the wetlands do establish a hardship on the subject property and therefore recommends ZVA24-13 be **APPROVED** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-1, Residential Single Family	Residential
South	RSF-1, Residential Single Family	Residential
East	RSF-2, Residential Single Family	Residential
West	RSF-2, Residential Single Family	Residential



Subject Property



**PUBLIC HEARING
PROPOSED
FOR THIS PROPERTY**
Case Number
ZVA24-000013
Baldwin County Planning
and Zoning Department
For more information,
please scan the QR
code, call, or email
(251) 560-1655
<https://www.baldwincountyga.gov/planning>



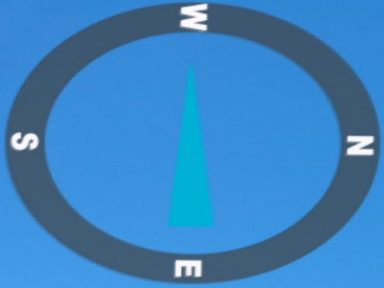
Adjoining Property
to West





Adjoining Property
to The East





Adjoining Property
to The South



Mar 28, 2024 12:15:36 PM
270° W



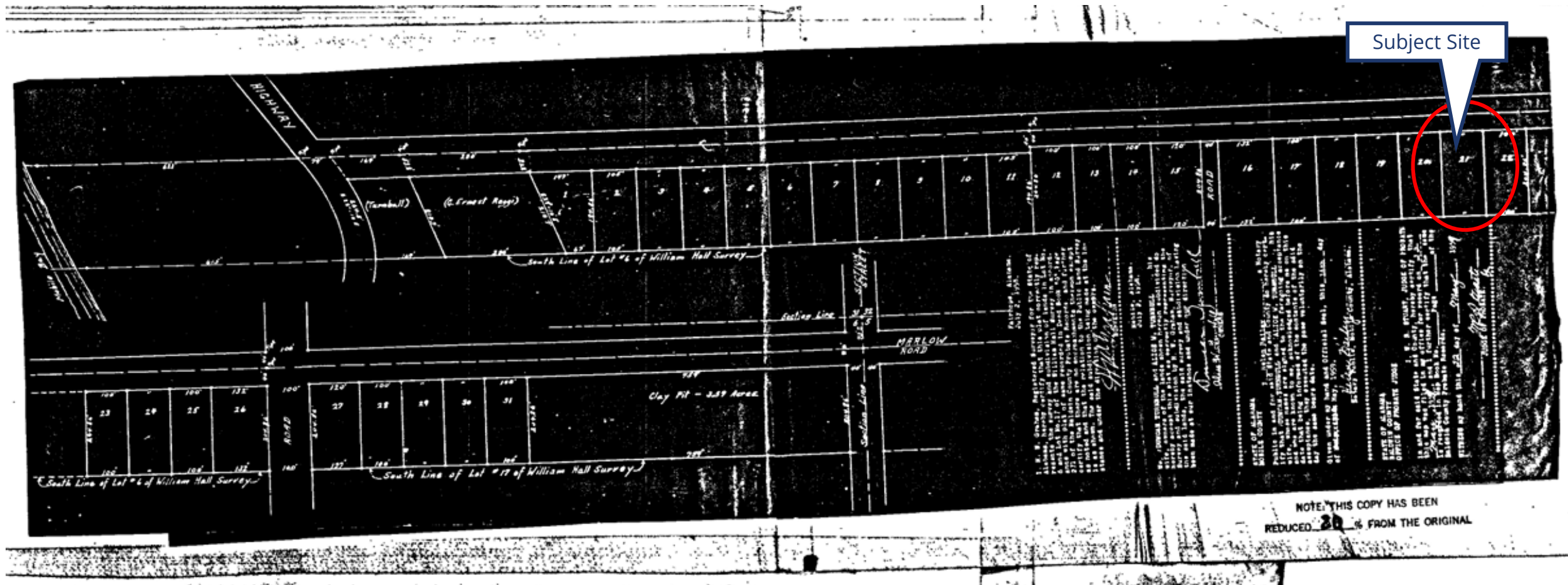
Property to
The North



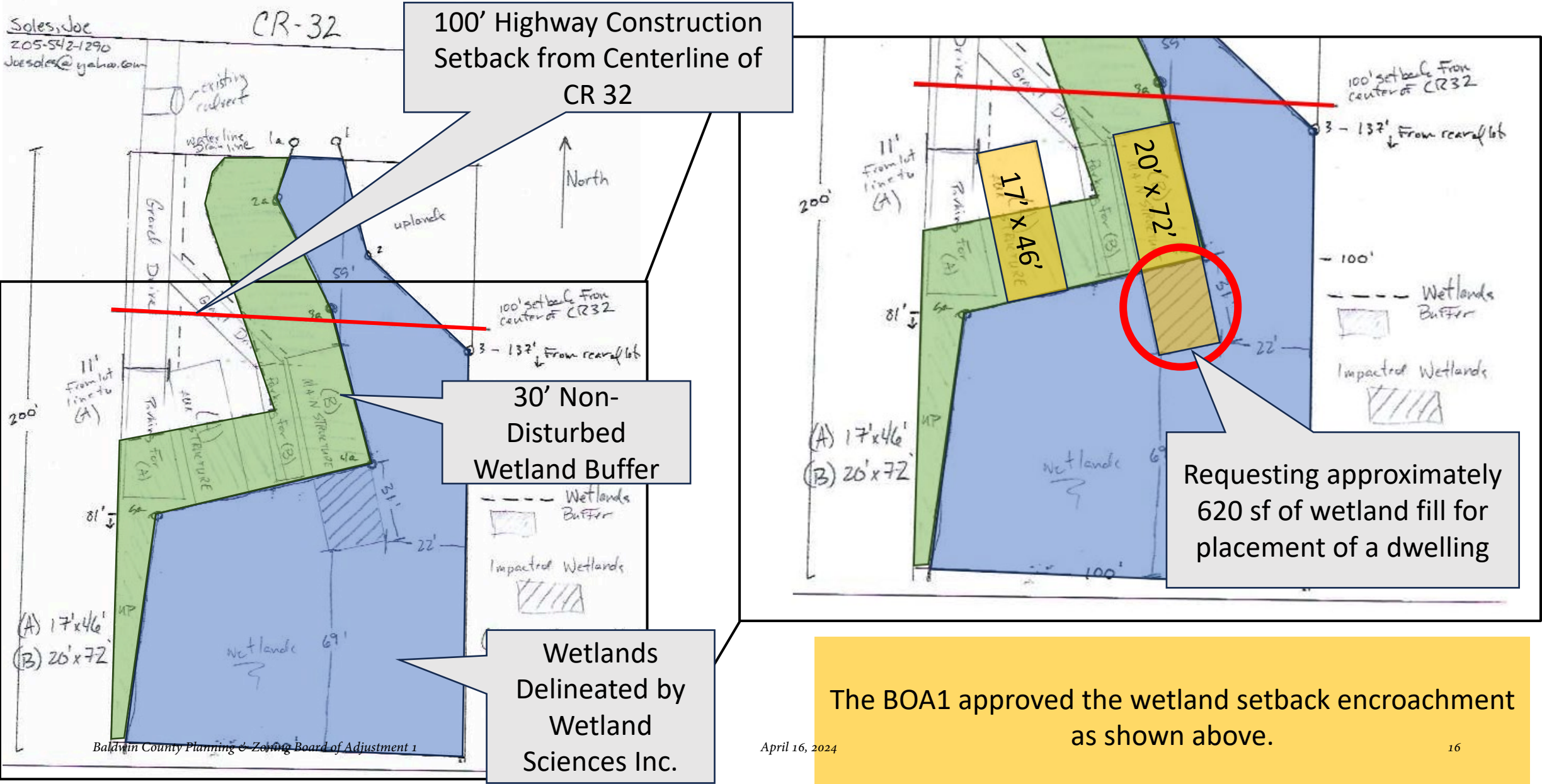
Survey Plat



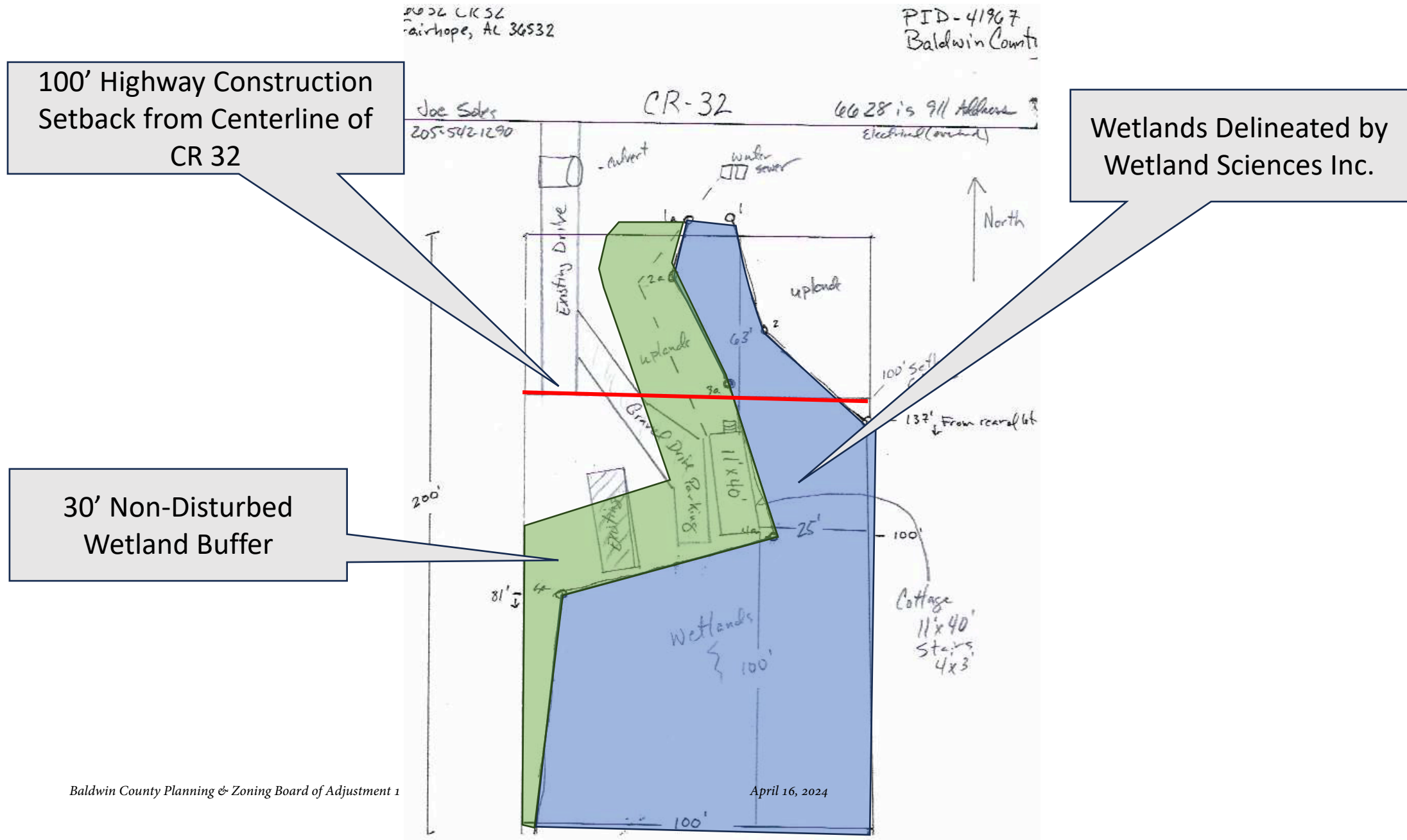
Subject Site



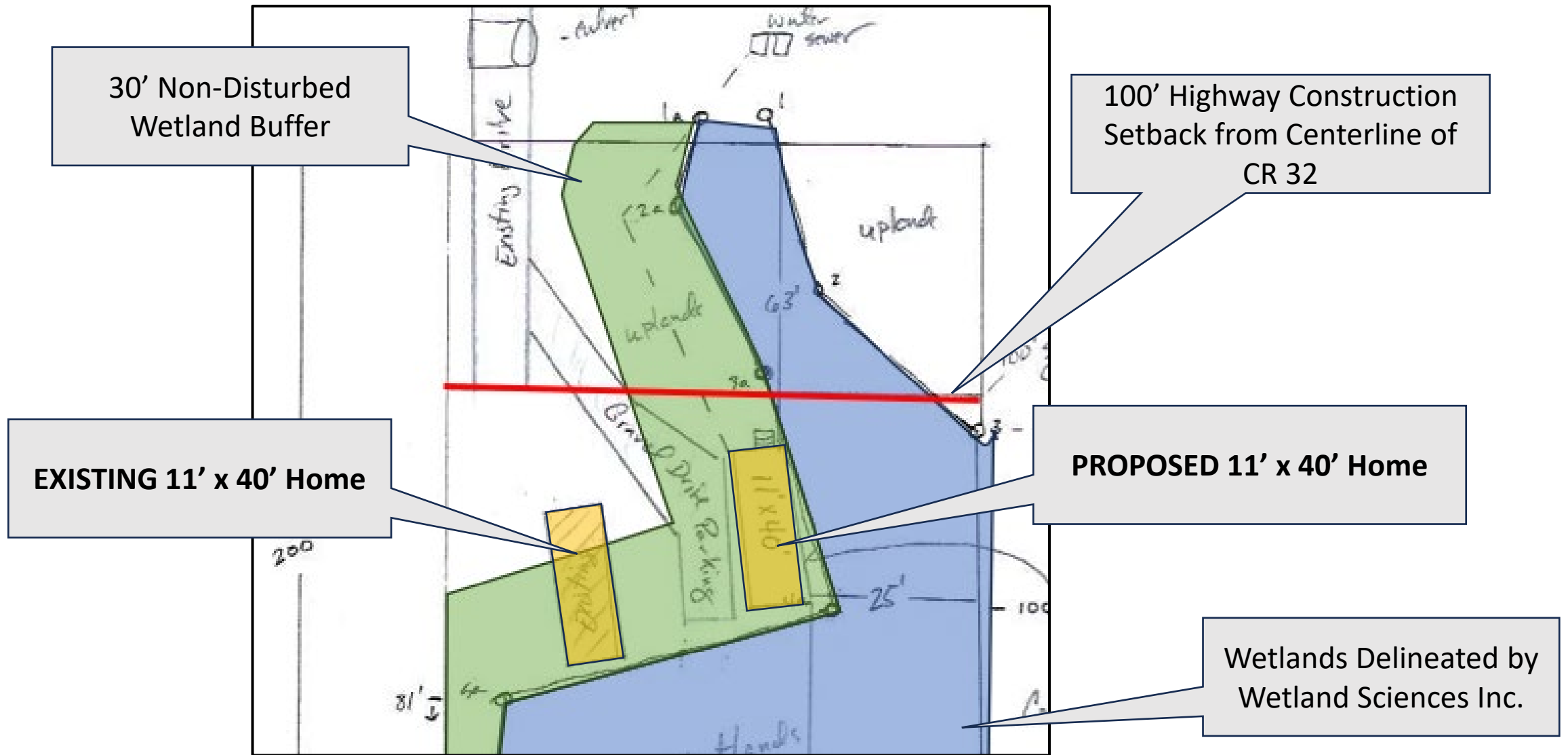
Previously Approved Site Plan (ZVA23-38)



Site Plan

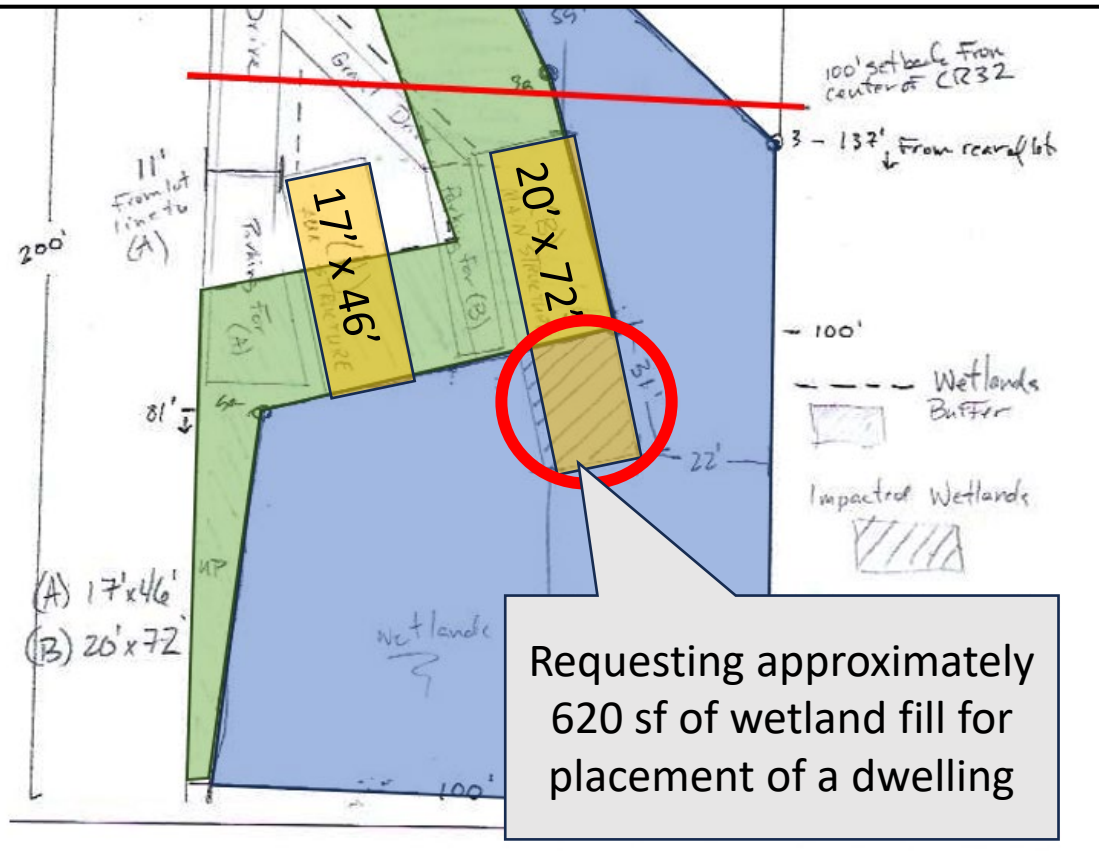


Enlarged Site Plan

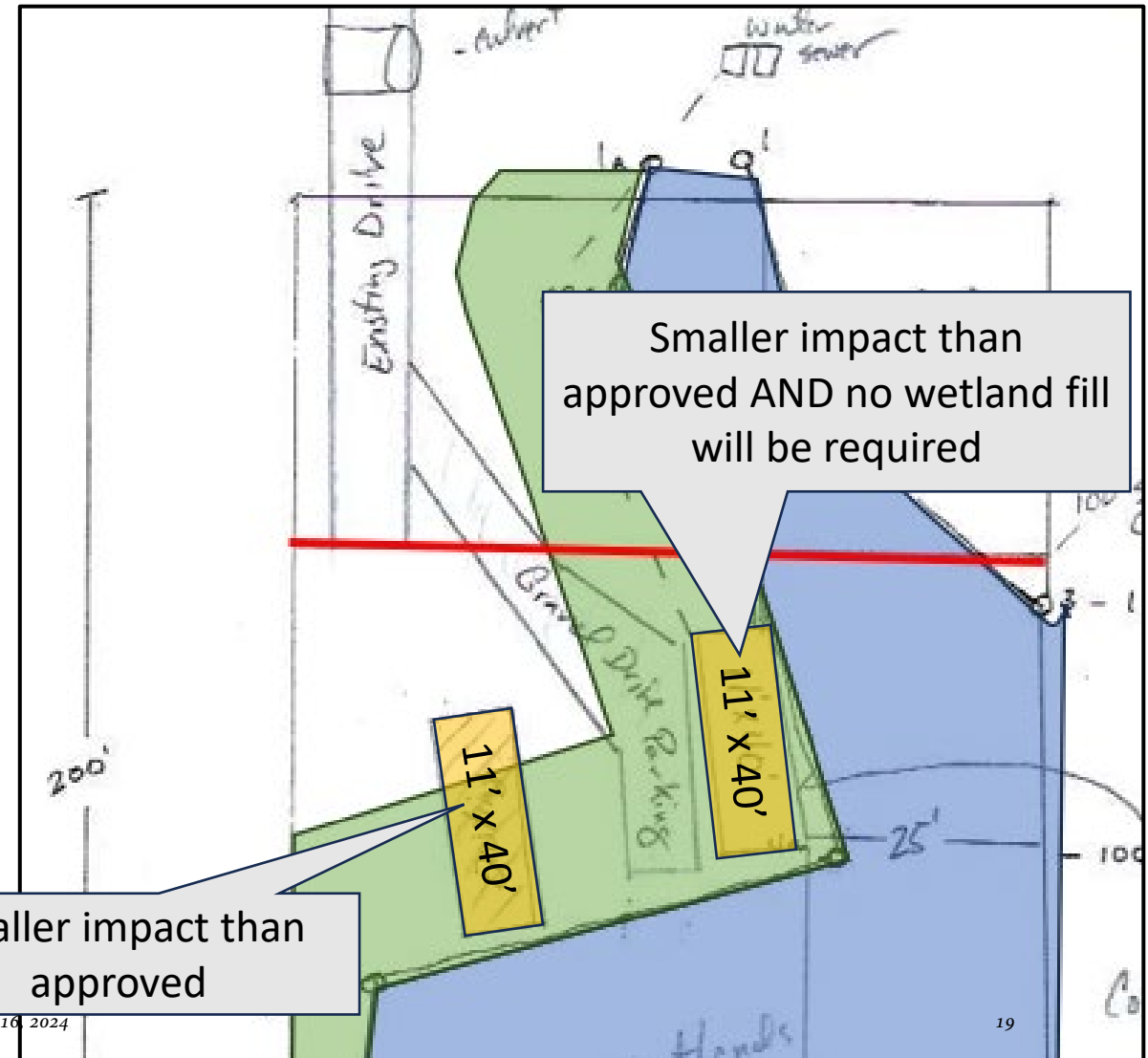


Site Plan Differences

Original Approved Plans



Revised Plans



Wetland Delineation



Army Corps of Engineers Nationwide Permit

- 1 -



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

August 18, 2023

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit, File Number SAM-2023-00291-JEB, Joseph K. Soles, Fairhope, Baldwin County, Alabama

Mr. Joseph K. Soles
Email Address: joesoles@yahoo.com
15853 Birdwatch Lane
Fairhope, Alabama 36532

Dear Mr. Soles:

This letter is in response to your request for verification of Department of the Army Nationwide Permit (NWP) authorization to fill wetlands for the construction of two small cottages including driveways and parking areas in Fairhope, Alabama. The project has been assigned file number SAM-2023-00291-JEB, which should be referred to in any future correspondence with this office concerning this project. The project is located at 6652 CR 32 within Section 31, Township 7 South, Range 2 East; at Latitude 30.472315° North and Longitude -87.908865° West; in Fairhope, Baldwin County, Alabama. **This letter supercedes the permit previously issued on May 26, 2023.**

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

-- Fill 0.014-acres of medium quality hardwood wetlands for the purpose of constructing two small single family cottages, including driveways and parking areas.

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

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

April 16, 2024

Zoning Requirements

Section 4.3 RSF-2, Single Family District

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

2.3.26.3 Local Provisions for Planning District 26

- (a) One accessory dwelling per lot shall be permitted by right in the RSF-1 and RSF-2 districts, provided the accessory dwelling does not exceed 60% of the size, in gross floor area, of the principal dwelling, except that no accessory dwellings or structures shall be permitted that require the filling of jurisdictional wetlands.

Staff Analysis and Findings

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

Zoning in Planning District 26 came into effect on September 21, 1993. Per Revenue Commission records the property is approximately 0.47 acres with approximately 100' along the north and south lot lines and 194' along the east and west lot line. The required minimum lot size for RSF-2 is 15,000 square feet with an 80' minimum lot width at the building line, and a 40' minimum lot width at the street line. Staff does not perceive any exceptional narrowness, shallowness, or shape of the subject property that would require a variance. However, staff believes that this criteria is **not a factor** to the requested variance.

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

Staff perceives the +/- 0.29 acres 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 may qualify for a variance due to a hardship created by the land.

Staff Analysis and Findings

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

The subject property is zoned RSF-2, Single Family District which allows for residential and accessory uses. The request is to allow for the placement of a second dwelling on the property. The property previously obtained a Wetland Setback Variance to allow a primary and accessory dwelling to be placed on the property, so staff does not believe that this Variance is necessary for the preservation of a property right.

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

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

Staff Analysis and Findings

5.) Other matters which may be appropriate.

- A wetland delineation has been provided by Wetland Sciences, Inc showing that approximately **0.29 acres** of wetlands on the subject property.
- County Rd 32 is a Minor Arterial roadway that requires a **100-ft setback** from the centerline of the right of way.
- **US Army Corps of Engineers (USACE) granted permission for the applicant to fill wetlands AND the applicant has received a Variance to encroach into the required wetland buffer. However, if this request is approved it would eliminate the need to fill wetlands and lessen the encroachment into the wetland buffer. Therefore, staff is okay with the equal size smaller structures as it protects the wetlands.**
- The applicant has submitted a written document stating there is no active homeowner association.
- No documentation in favor of or opposition to this variance request has been received at the time this staff report was written.



ZVA24-13 SOLES PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla McKenzie, Planning Technician II

The applicant is requesting a variance from Section 2.3.26.3 (a) Local provisions for Planning District 26 as it pertains to the accessory dwelling size to allow for a second dwelling of the same size.

Staff perceives the wetlands do establish a hardship on the subject property and therefore recommends ZVA24-13 be **APPROVED** with the following conditions unless information to the contrary is revealed at the public hearing.

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

ZVA24-13 SOLES PROPERTY

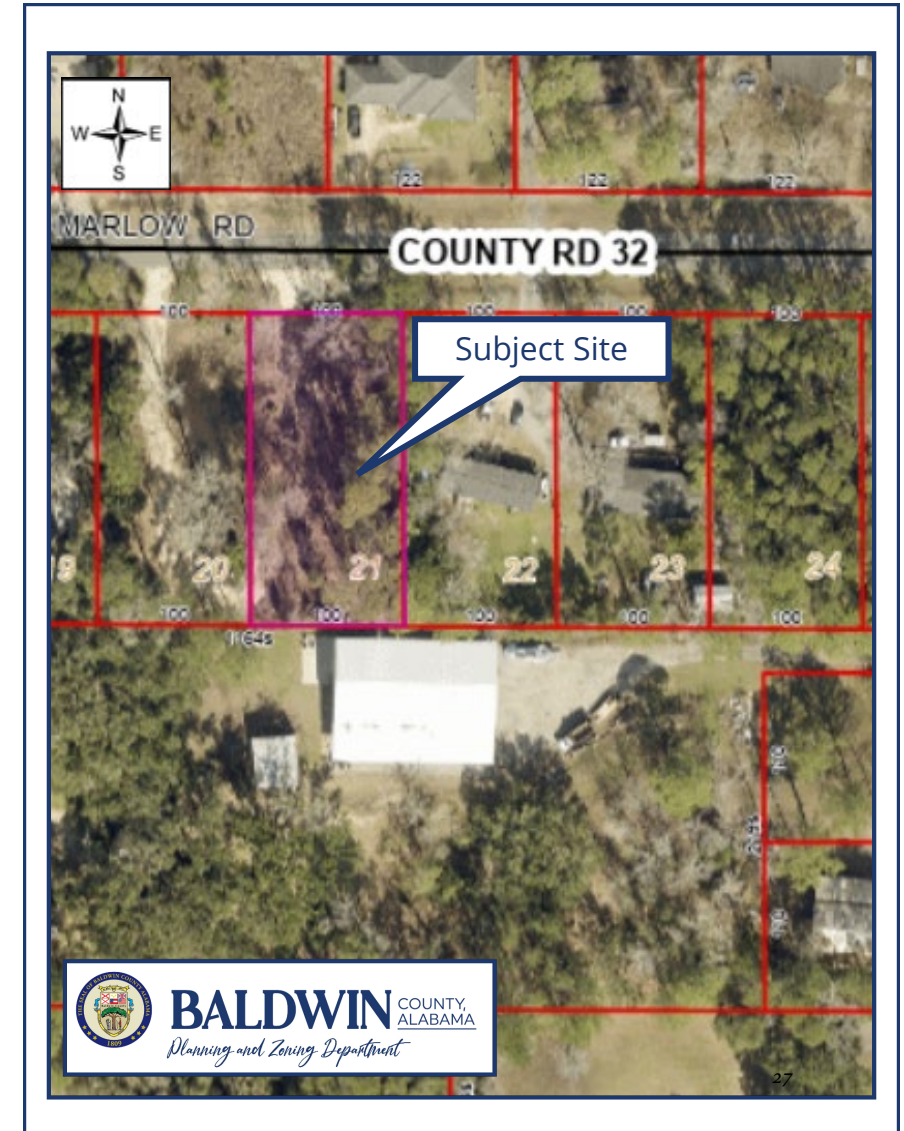
VARIANCE REQUEST SUMMARY AND RECOMMENDATION

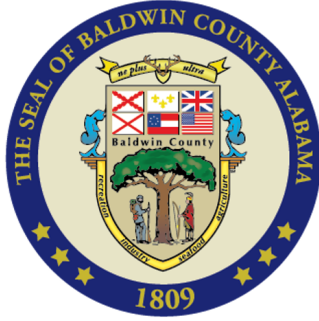
Lead Staff: Calla McKenzie, Planning Technician II

GENERAL NOTES {By-laws}

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

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





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

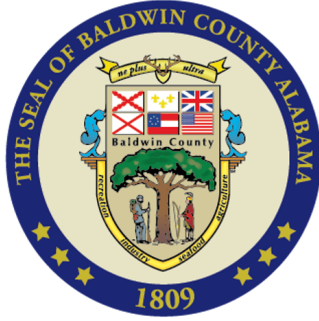
BALDWIN COUNTY BOARD OF ADJUSTMENT #1

NEXT REGULAR MEETING

MAY 21, 2024 @ 4:00 PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL



BALDWIN COUNTY, ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

APRIL 16, 2023

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

ZVA24-17 SILVER PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 16 **Zoned:** RSF-2
- **PID:** 05-43-09-30-0-000-041.001
- **PPIN:** 104000
- **Location:** The subject property is located in Historic Montrose off Blake Ln
- **Acreage:** 0.42 ac
- **Physical Address:** 24271 Blake Ln
- **Applicant:** William Silver
- **Owner:** William Silver



ZVA24-17 SILVER PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

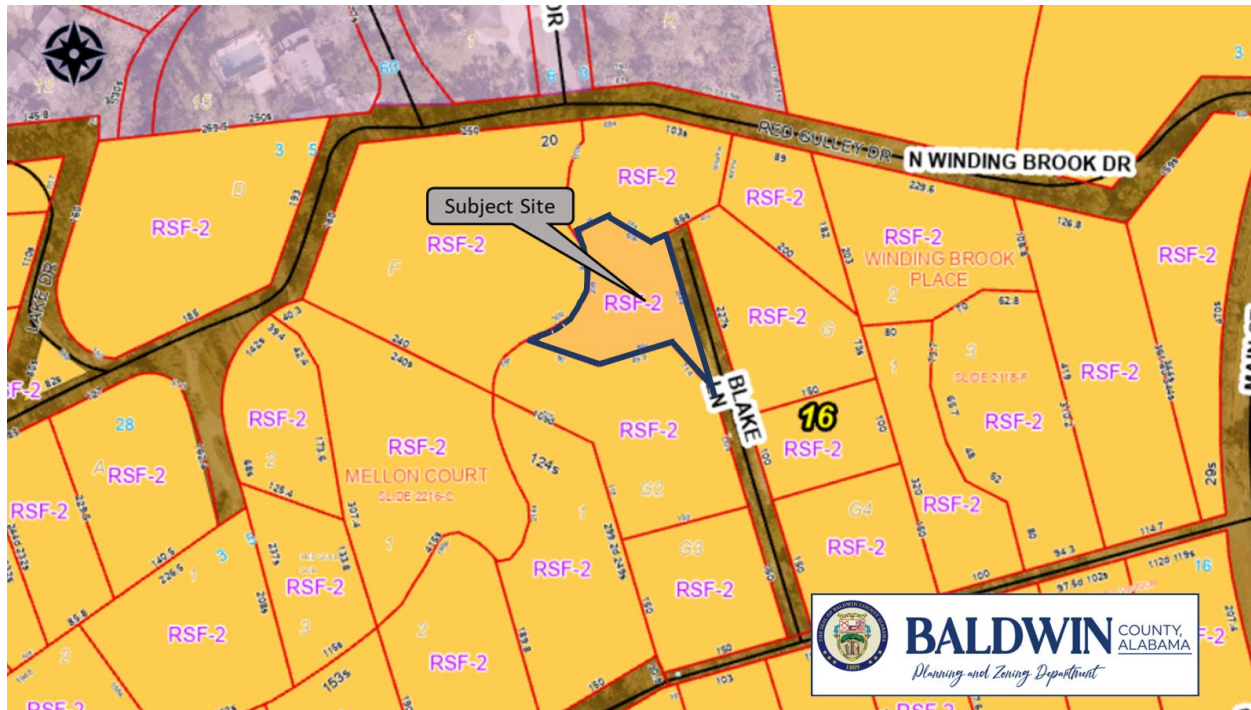
The applicant is requesting a variance from Section 4.3.4 Area and Dimensional Ordinance of the *Baldwin County Zoning Ordinance* as it pertains to the 30' front yard setback requirement to allow for an addition to a single-family residence.

The applicant would like to be 21.39 feet on the closest side from the front property line instead of the required 30 feet.

Staff recommends that Case ZVA24-17 be **Approved**.



Locator Map



Site Map

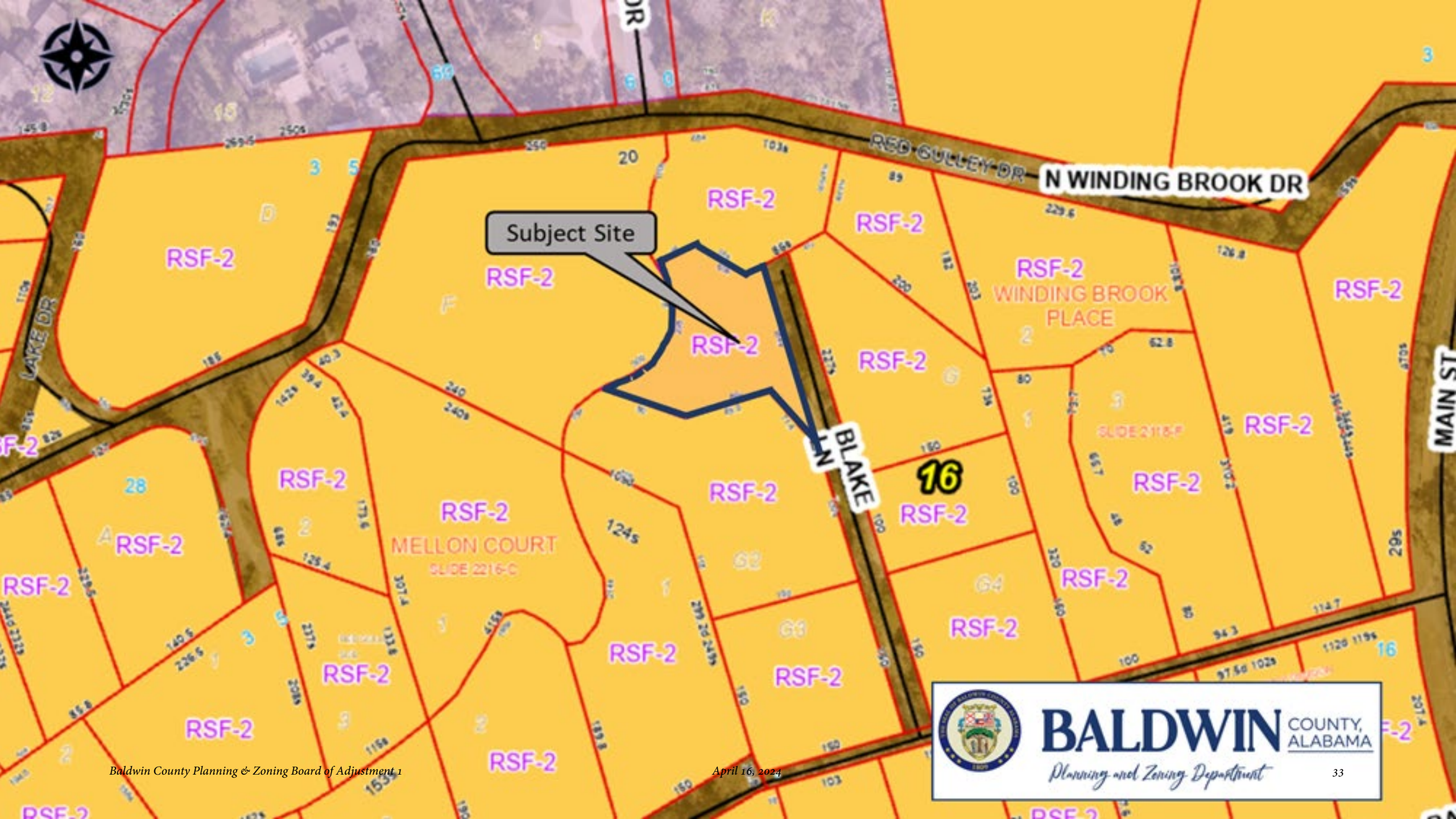


Adjacent Zoning

North	RSF-2, Residential Single Family
South	RSF-2, Residential Single Family
East	RSF-2, Residential Single Family
West	RSF-2, Residential Single Family

Adjacent Land Use

Residential
Residential
Residential
Residential



Subject Site



BALDWIN COUNTY, ALABAMA
Planning and Zoning Department



Subject Site

WINDING BROOK PLACE

MELLON COURT



BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

Property Images





Adjoining Property
to West





Adjoining Property
to The South





Adjoining Property
to The North

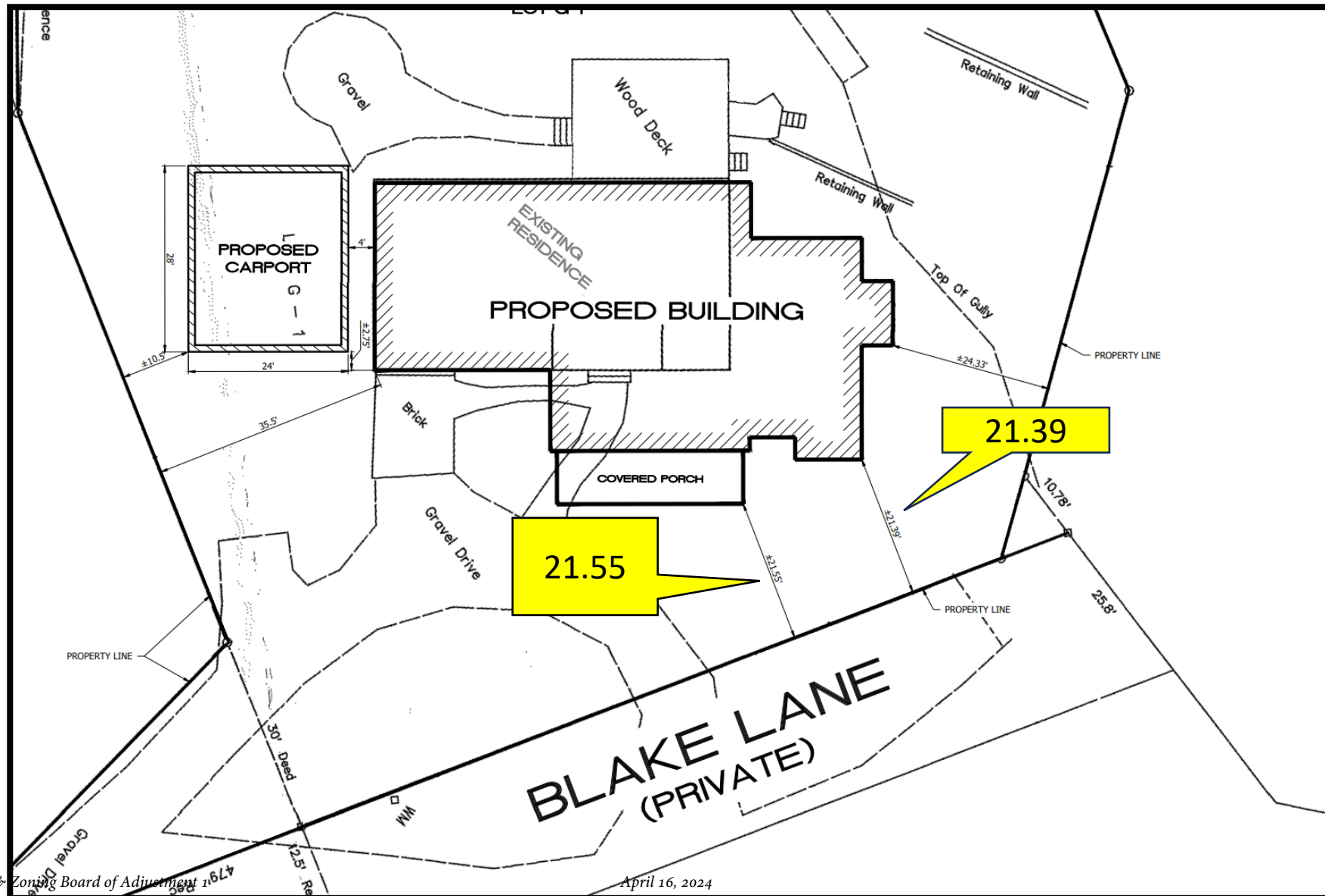




Property to
The East



Enlarged Site Plan



POA Statement/ARB Approval

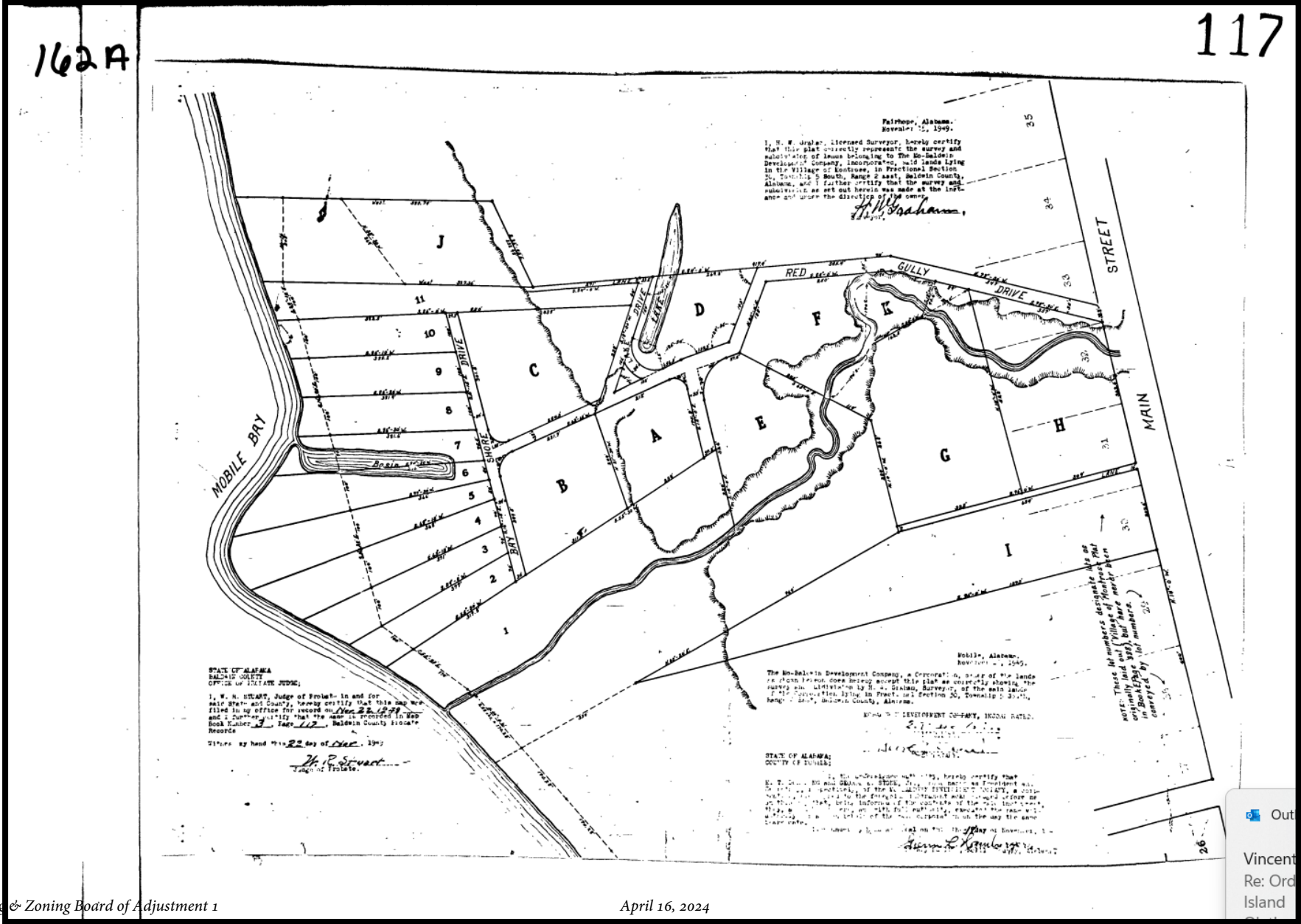
William & Lisa Silver
24271 Blake Ln
Fairhope AL 36532

Re: Zoning Variance related to Front Setback.

A home owner association does not exist
for this address.

William Silver
March 25, 2024

Survey Plat



Zoning Requirements

Section 4.3 RSF-2, Single Family District

4.3.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.
- (g) Agricultural uses, on RSF-2 zoned parcels that otherwise meet the minimum area and dimension requirements for Rural Agricultural District under Section 3.1.5 herein, agricultural uses shall be permitted uses, except that the minimum front yard for barns and other agricultural structures shall be 100 feet when constructed on an RSF-2 zoned parcel where no primary dwelling currently exists.

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

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

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

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

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

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

Staff Analysis and Findings

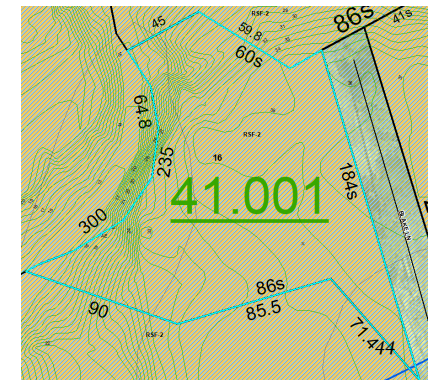
1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.

Per Revenue Commission records the parcel is an irregular shaped lot consisting of approximately 185 feet of road frontage on Blake Lane. The Zoning in Planning District 16 came into effect on March 4, 1993. The required minimum lot size for RSF-2 Single Family District is 15,000 square feet and a minimum lot width of 80' at the building line, an 80' minimum lot width at the street line. Staff perceives the subject parcel's irregular shape to create a hardship on the land that would require a variance.

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

Staff perceives the contours, shape, and size of the subject property to be an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which requires a variance.

Shown on the map to the right the elevation starts to slope in the rear of the parcel.



Staff Analysis and Findings

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

The subject property is zoned RSF-2, Single-family District which allows for residential uses. The request is to allow for an addition to the single-family dwelling. Due to the irregular shape and size of the lot **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.

Staff Analysis and Findings

5.) Other matters which may be appropriate.

- The applicant has submitted written documentation stating there is no POA for the subject property.
- The applicant has Architectural Review Board Approval
- Staff perceives the shape of the subject property could establish a hardship, therefore staff recommends Case ZVA24-17 be approved.

ZVA24-17 SILVER PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Section 4.3.4 Area and Dimensional Ordinance of the *Baldwin County Zoning Ordinance* as it pertains to the 30' front yard setback requirement to allow for an addition to a single-family residence.

The applicant would like to be 21.39 feet on the closest side from the front property line instead of the required 30 feet.

Staff recommends that Case ZVA24-17 be **Approved with the following conditions.**

1. If approved the variance is limited to the requested encroachment of 21.39 feet on the closest side from the front property line instead of the required 30 feet.
2. This variance doesn't relieve the subject property of any other requirements of the Baldwin County Zoning Ordinance (zoning site plan), Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or license agreement), or requirements of other agencies.

ZVA24-17 SILVER PROPERTY

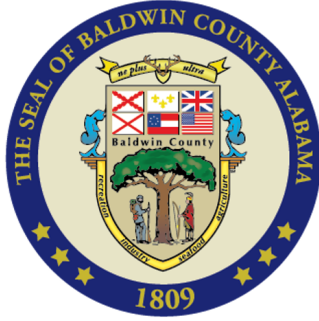
VARIANCE REQUEST

Lead Staff: Crystal Bates, 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 or in a trial de novo.

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 # 1

NEXT REGULAR MEETING

MAY 21, 2023

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL