



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

**WORK SESSION AGENDA
Thursday, August 8th, 2024
Work Session 2:00 p.m.
Baldwin County Satellite Courthouse
Large Meeting Hall
201 East Section Avenue
Foley, Alabama
Email: planning@baldwincountyal.gov**

1. Call to Order.
2. Discussion of items related to the upcoming agenda and any other necessary items related to Board of Adjustment Number 2.
3. Questions and Concerns.
4. Adjournment.

To view public documents for upcoming meetings, maps/plats, and staff reports, visit the 'Upcoming Meeting Items' on the Planning and Zoning webpage.

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



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

AGENDA

**Thursday, August 8th, 2024
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 (July 18th, 2024 Work Session and Regular Meeting Minutes)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. ZVA24-31: Johnson Property

Request: A variance from Section 3.2.5, Minimum Lot Width Requirements, as it pertains to Section 4.2.2 (g) to allow for a barn to be placed on an RSF-1 zoned property by itself.

Location: The subject property is located at 8874 Red Fish Point Road, Lillian, AL 36549.

Attachments: Within Report and Attached

b.) Case No. ZVA24-40: Ruder Property

Request: A variance from Section 4.6.5 as it pertains to the minimum side yard setback requirements to allow for an existing home to remain in place and be lifted above the flood zone.

Location: The subject property is located at 4590 State Highway 180, Gulf Shores, AL 36542.

Attachments: Within Report and Attached

c.) Case No. ZVA24-43: Wilmott Property

Request: A variance from Section 13.1.2 (b) to allow for an accessory dwelling to be placed in the front yard of a lot in a residential district.

Location: The subject property is located at 12352 – B Juniper Creek Road, Elberta, AL 36530.

Attachments: Within Report and Attached

6. Old Business
7. New Business
8. Adjournment

To view public documents, maps/plats, and staff reports for these cases, please visit the ‘Upcoming Meeting Items’ on the Planning and Zoning webpage.”

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



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Work Session Minutes
Thursday, July 18, 2024**

I. OPENING

Chairwoman Gambill opened the Baldwin County Planning and Zoning Commission Board of Adjustment Number 2 at 2:01p.m. on July 18, 2024, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue, Foley, Alabama.

II. ATTENDANCE

The following board members were present: Chairwoman Tracey Gambill, Michael Swansburg, Wade Mitchell, Sammy Swindle, and Clark Strong.

Staff present included Buford King, Cory Rhodes, Jade Dixon, Ashley Campbell, and Brittany Epling.

III. DISCUSSION ITEMS

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

- ZVA24-26
- ZVA24-29

IV. ADJOURNMENT

The work session adjourned at 2:53 p.m.

Respectfully Submitted,

Brittany Epling, Planning Technician II

I hereby certify that the above minutes are true, correct and approved this 8th day of August 2024.

Tracey Gambill, Chairman



**Baldwin County Planning and Zoning
Board of Adjustment Number 2
Regular Meeting Minutes
Thursday, July 18, 2024**

I. Call To Order

Chairwoman Tracey Gambill opened the Baldwin County Board of Adjustment Number 2 meeting at 3:00 p.m. on July 18, 2024, at the Foley Satellite Courthouse Large Meeting Room located at 201 East Section Avenue in Foley, Alabama.

II. Opening

Chairwoman Tracey Gambill open the meeting with the pledge of allegiance.

III. Roll Call

The following Board members were present: Michael Swansburg, Chairwoman Tracey Gambill, Harold Stephans, Clark Strong, Samuel Swindle, and Wade Mitchell.

Staff present included Buford King, Ashley Campbell, Cory Rhodes, Jade Dixon, and Brittany Epling.

IV. Approval of Minutes

Mr. Swindle made a motion to approve the June 13, 2024 meeting minutes. Mr. Strong seconded the motion. All members voted aye. **Motion to approve the June 13, 2024 minutes carried.**

V. Approval of new 2024 Meeting Calendar

Mr. Swindle made a motion to approve the revised 2024 Meeting Calendar. Mr. Strong seconded the motion. All members voted aye. **Motion to approve the revised 2024 Meeting Calendar passed.**

VI. Consideration of Applications and Requests

1) ZVA24-26 Lankford Property

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

Mrs. Lankford spoke in favor of the request. No one spoke in opposition.

After discussion Mr. Swindle made a motion to approve the variance request. Mr. Mitchell seconded the motion. All members voted aye. **Motion to approve case ZVA24-26 variance request carried.**

2) ZVA24-29 Bruckmann Property

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

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

After discussion Mr. Swindle made a motion to approve the variance request. Mr. Strong seconded the motion. All members voted to aye. **Motion to approve case ZVA24-29 variance request carried.**

VII. Old Business

There were no old business items to discuss.

VIII. New Business

There were no new business items to discuss.

IX. Adjournment

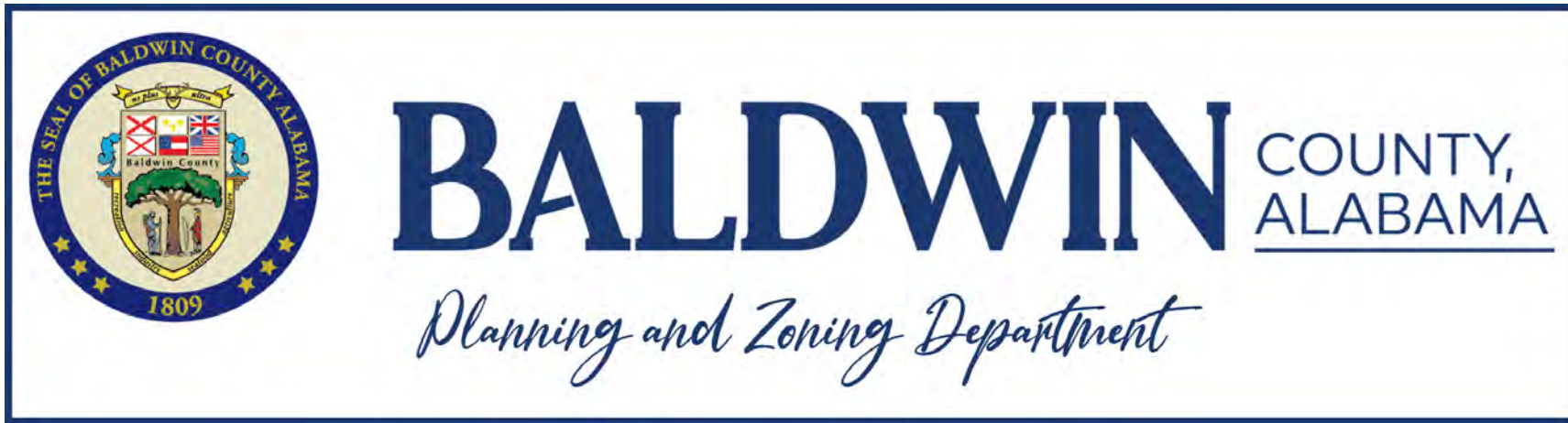
As there were no further items to discuss, the meeting adjourned at 3:31 p.m.

Respectfully Submitted,

Brittany Epling, Planning Technician II

I hereby certify that the above minutes are true, correct and approved on this 8th day of August, 2024.

Tracey Gambill, Chairman



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

AUGUST 8, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

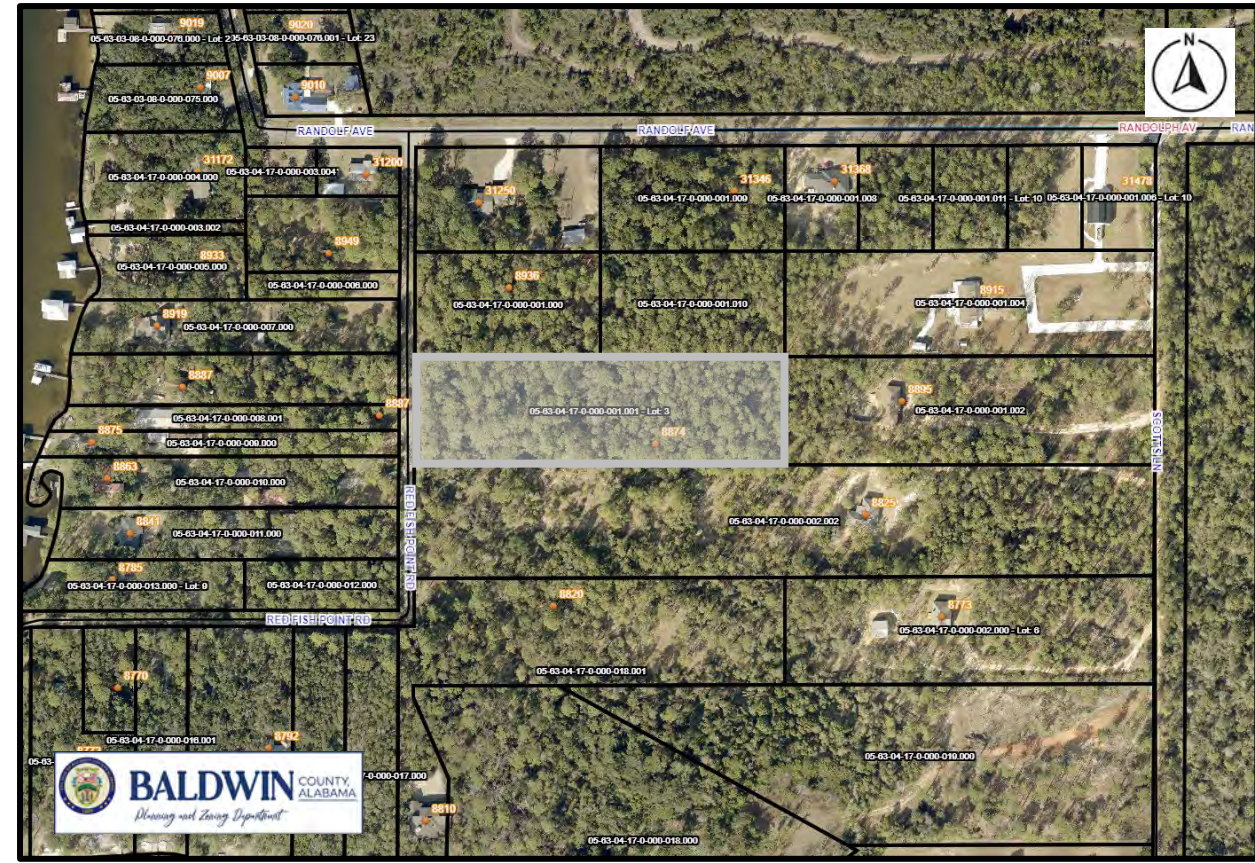
FOLEY, AL

ZVA24-31 JOHNSON PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Planning District:** 29 **Zoned:** RSF-1, Single Family District
- **Location:** The subject property is Lot 3 of Block 2 within the Perdido Heights subdivision, which is located near the Town of Perdido Beach
- **PID:** 05-63-04-17-0-000-001.001
- **PPIN:** 39133
- **Acreage:** 3.2 +/- acres
- **Physical Address:** 8874 Red Fish Point Road Lillian, AL 36549
- **Applicant:** Susan Johnson
- **Owner:** Gary & Susan Johnson
- **Code Cases/NOV'S:** None



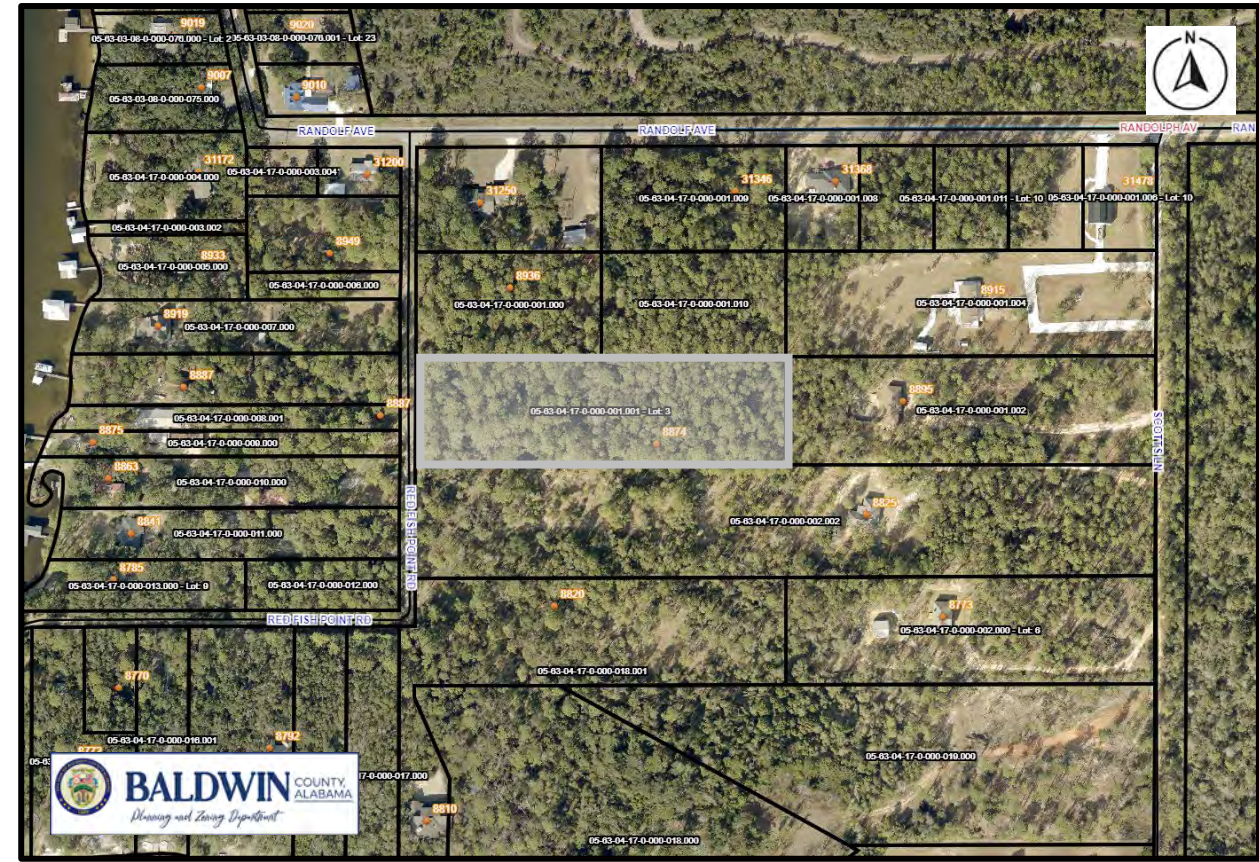
ZVA24-31 JOHNSON PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

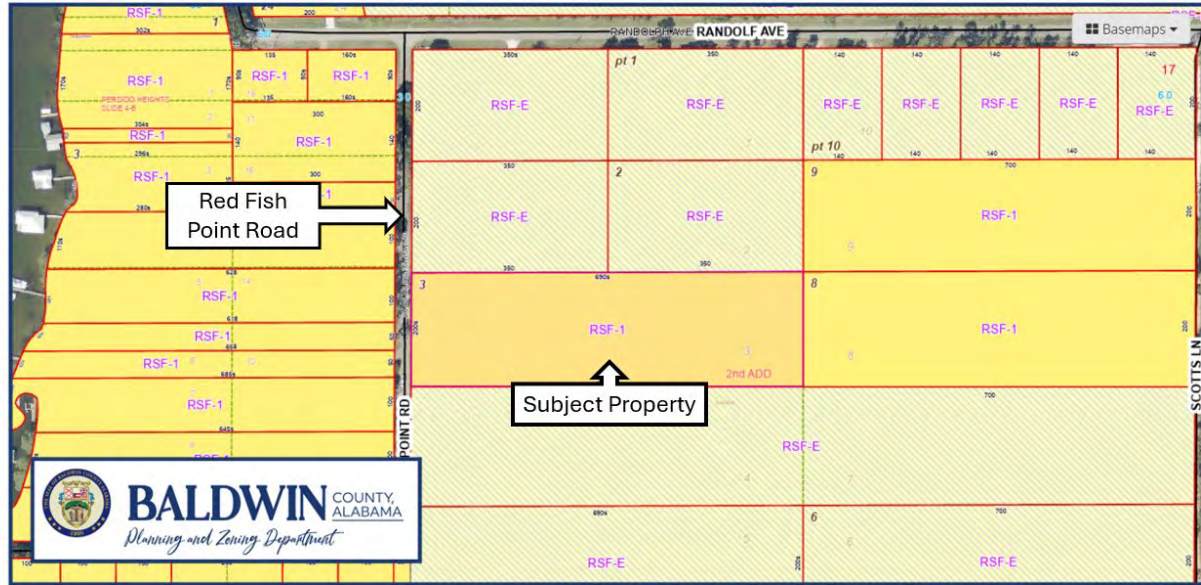
The applicant is requesting a variance from Section 3.2.5, Minimum Lot Width Requirements, as it pertains to Section 4.2.2(g) to allow for a barn to be placed on RSF-1 zoned property by itself.

Staff has established the property width to be a hardship and therefore recommends Case ZVA24-31 be **APPROVED WITH CONDITIONS** unless information to the contrary is revealed at the public hearing.



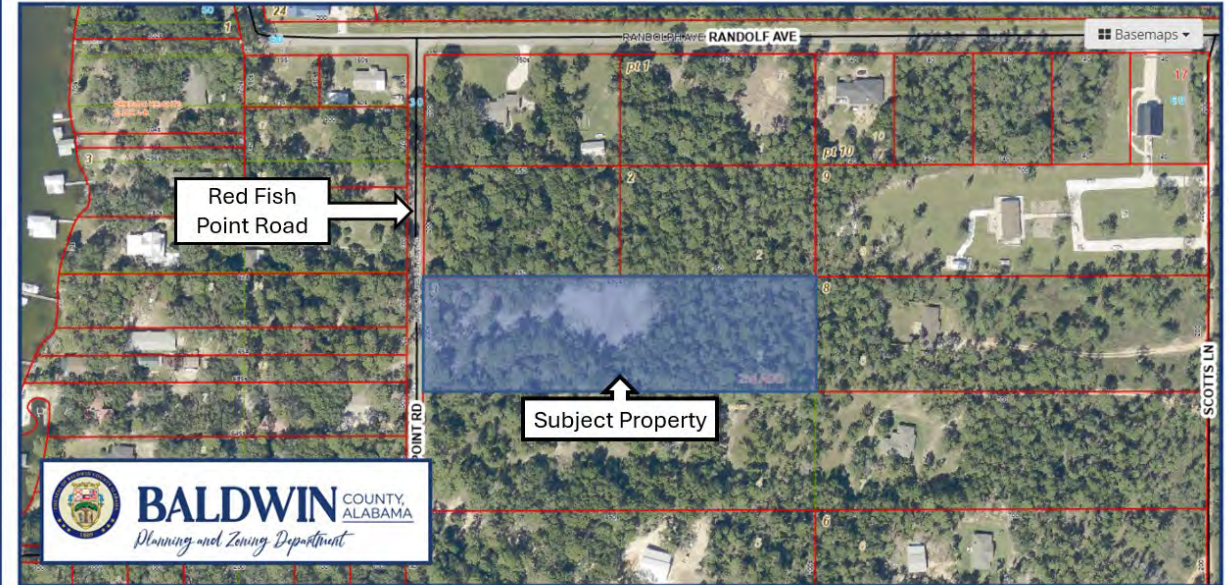
Locator Map

Locator Map – ZVA24-31



Site Map

Site Map – ZVA24-31



Adjacent Zoning

North

RSF-E, Residential Single-Family Estate District

South

RSF-E, Residential Single-Family Estate District

East

RSF-1, Residential Single-Family District

West

RSF-1, Residential Single-Family District

Adjacent Land Use

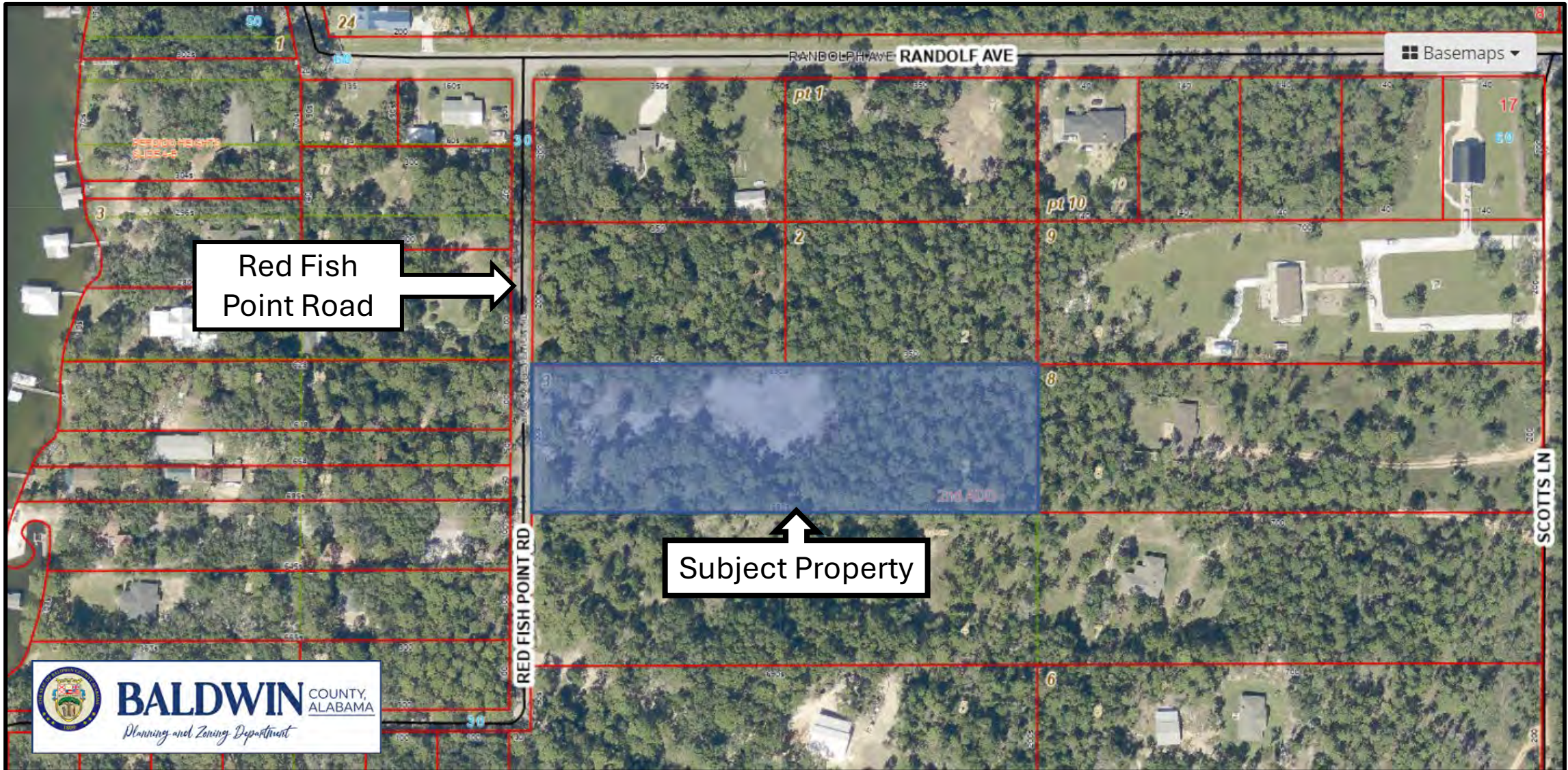
Residential

Residential

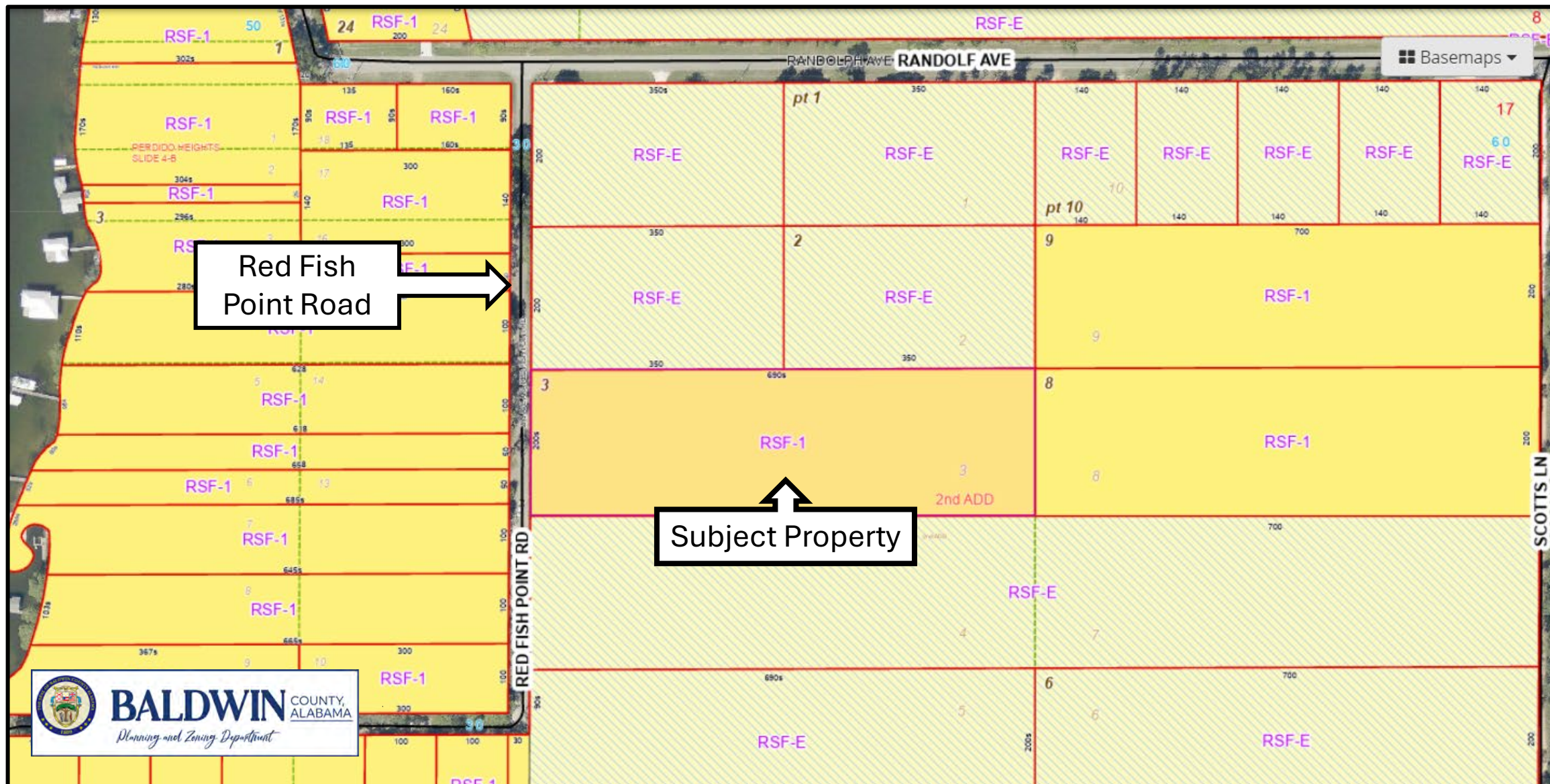
Residential

Residential

Site Map



Locator Map





Subject Property
PIN: 39133



PUBLIC HEARING
PROPOSED
FOR THIS PROPERTY
Case Number
ZVA24-000031
Barren County Planning
and Zoning Department
For more information,
please visit the QR
code, call, or email:
(251) 880-1655
pz@barrencountymn.gov





Adjoining Property
to the North
PIN: 38014



Jul 16, 2024 3:01:35 PM
55° NE



Adjoining Property
to the East
PIN: 49785



Jul 16, 2024 3:10:05 PM
307° NW

Property to
the West
PIN: 41341



Jul 16, 2024 3:05:34 PM
169° S



Adjoining Property
to the South
PIN: 285037



Jul 17, 2024 2:16:24 PM
244° SW

Permit Requirements

Section 4.2 RSF-1, Single Family District

3.2.5

4.2.2 Permitted uses.

Agricultural uses, on RSF-1 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-1 zoned parcel where no primary dwelling currently exists.

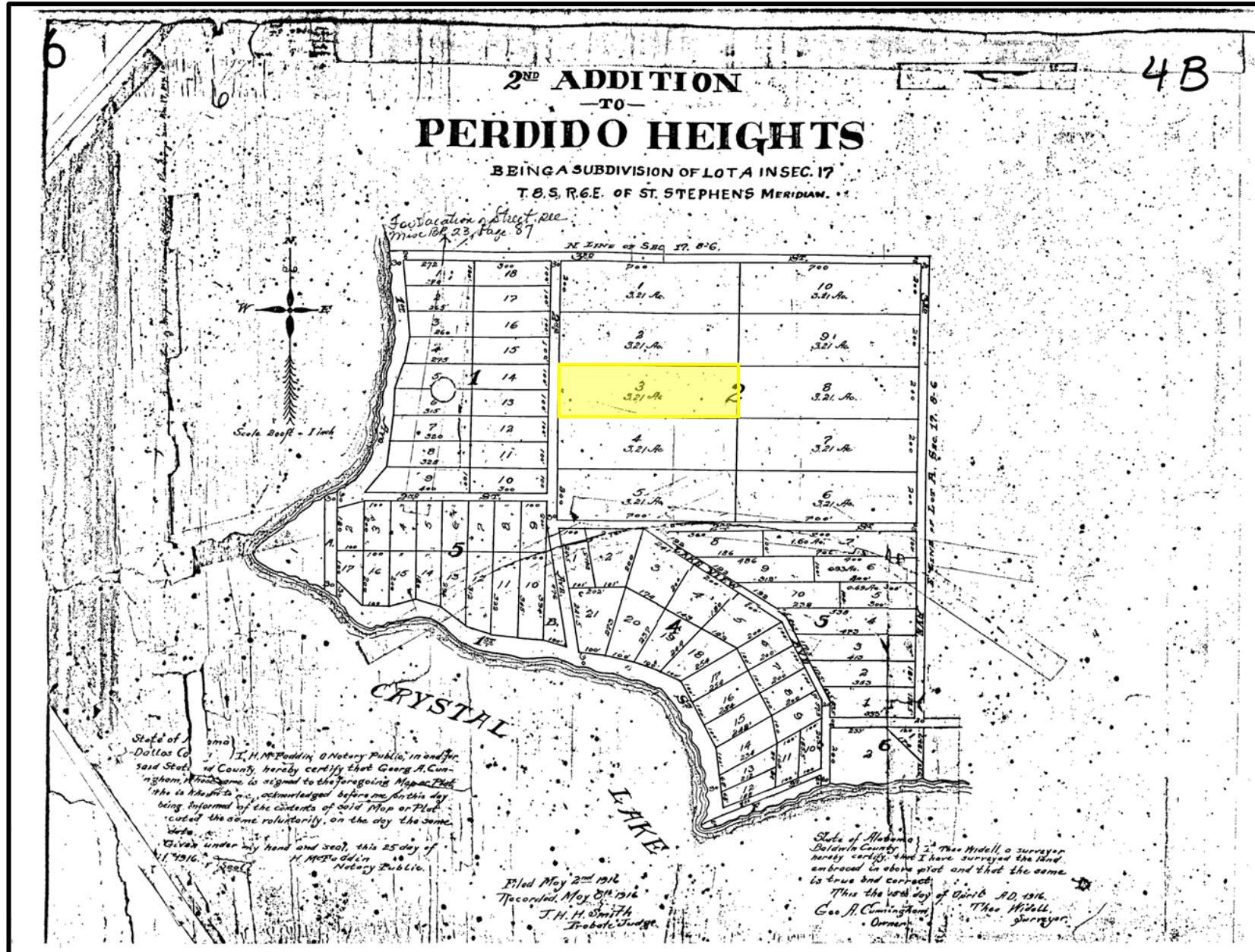
Section 3.2 RA Rural Agricultural District

3.2.5 *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.

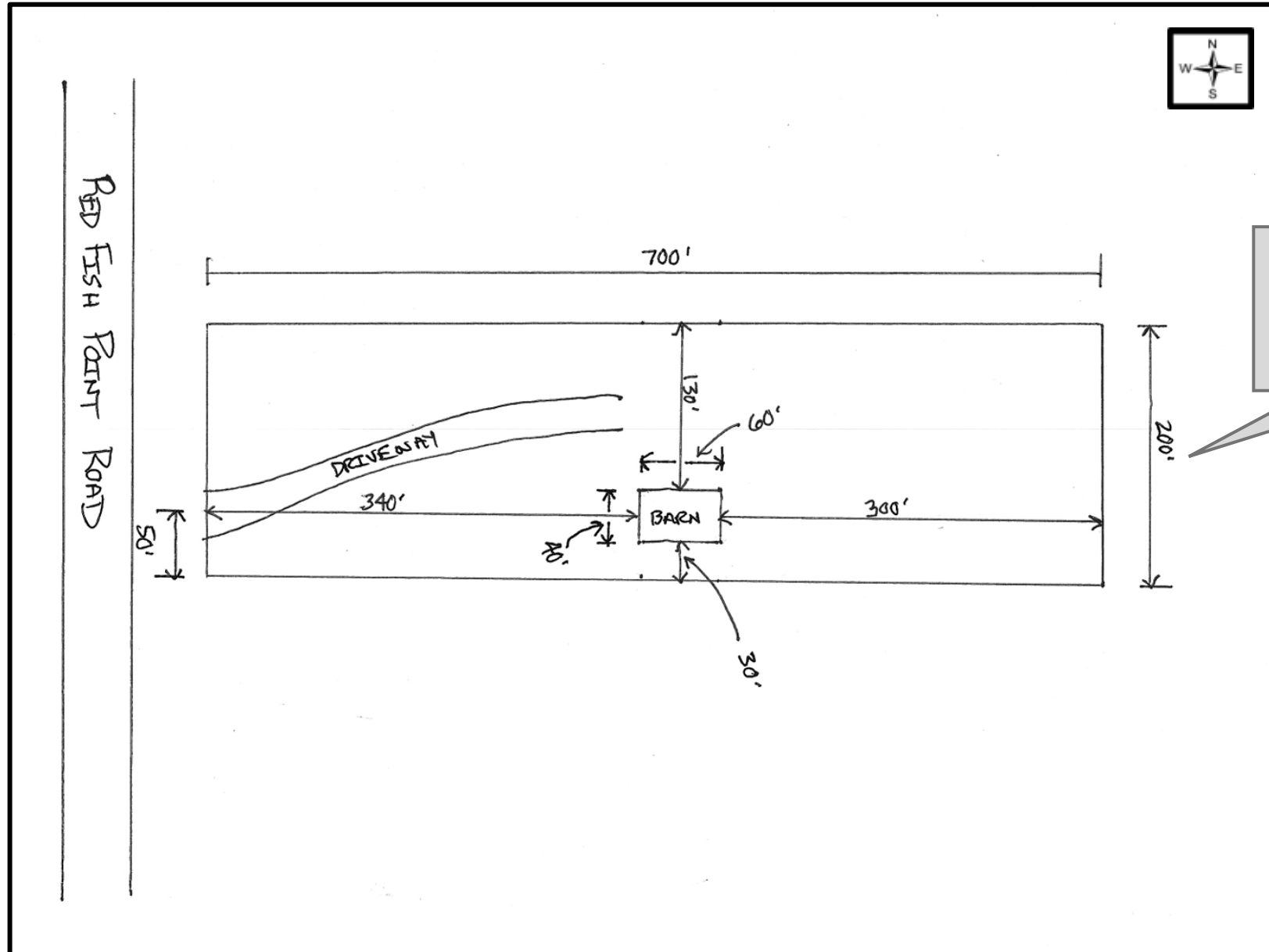
Agriculture/agricultural uses. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and related accessory uses.

Maximum Height of Structure	35-Feet
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

2nd Addition to Perdido Heights Subdivision



Site Plan



Minimum lot width
should be 210' to meet
Section 4.2.2(g)
requirements

No HOA or POA

There is no active homeowners association for our property at 8874 Red Fish Point Road.

Gary Johnson

Gary Johnson 7/16/24
Susan Johnson 7/16/24

Staff Analysis and Findings

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

The subject property is zoned RSF-1, Residential Single-Family District and is located on Red Fish Point Road. Per the requirements outlined within Section 4.2.2(g), the area and dimension requirements for RSF-1 zoning should meet RA area and dimension requirements in order for a barn to be located on a property by itself. The width of the property does not meet these requirements; therefore, a variance is required to utilize the property as outlined in Section 4.2.2(g).

RA Required minimum lot size: **3 acres**

Actual size: **3.2 acres**

Lot size hardship: **NO**

RA Required minimum width at street line: **210'**

Actual lot width: **200'**

Lot width hardship: **YES**

RA Required minimum width at building line: **210'**

Actual lot width: **200'**

Lot width hardship: **YES**

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

No potential wetlands or steep slopes are present on the property. Therefore, staff perceives no exceptional topographic conditions or other extraordinary situation contained on the subject property which would require a variance to utilize the property for the requested 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, Residential Single-Family District which allows for a barn on RSF-1 property granted the size and area dimensions of RA zoning are met. The 2nd Addition of Perdido Heights subdivision was recorded in **1916**, when zoning was nonexistent. The applicant has **submitted a Site Plan** supporting an area hardship on the land. Therefore, staff feels the granting of this variance would be a necessity for the preservation of a property right which would require a variance.

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

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

Staff Analysis and Findings

5.) Other matters which may be appropriate for consideration.

Committee Members,

Susan and I apologize that we can not attend this variance hearing. Unfortunately, we had a camping trip in Colorado with our daughter planned and paid for many months ago that conflicted with the date of this meeting. We have asked our metal building contractor (Valor Steel Buildings) to represent us at the hearing and have provided Valor all of the pertinent details concerning our application so that they might answer any questions the committee members have.

The Background:

On April 22, 2024 we made an offer on the property at 8874 Red Fish Point Road (3.2 acres, 700' deep and 200' wide). Our offer provided for a week of due diligence to confirm that our intended use for the property was allowable, given that the property was zoned Single Family Residential. Our realtor (Cody Maley with Scout South in Elberta) suggested that we contact the Baldwin County Zoning department to discuss our intended use of the property. On or about April 25, 2024, my wife Susan Johnson and myself placed a call to the Foley office of the Baldwin County Building Department to discuss our intended use of the property. We spent approximately 20 minutes on the phone with a permit technician. We provided her the Parcel ID and a detailed description of our intended use of the property (build a 40' x 60' metal building to use as a shop and build a large garden). The permit technician was very helpful. She looked up our property and reviewed the relevant statutes associated with a 3+ acre single family zoned property, and she assured us that due to a recent change in the counties building department rules, our intended use of the property was within the counties rules. Subsequent to this conversation, we proceeded to close on the property and designed / contracted a building for our shop on the site.

Our contractor (Valor Steel Buildings) submitted the plans for permitting and we received an email indicating that our intended use of the property was not allowed by the county's statutes. My wife and I spoke with the permit technician (Calla McKenzie) to discuss why she had denied our permit application and why the permit technician we spoke with prior to purchasing the property was not aware of this. Mrs. McKenzie relayed to us that the statute (Section 4.2 RSF-1, Single Family District) indicates that agricultural uses can be permitted if the property meets the minimum area and dimension requirements for Rural Agricultural Districts. To prove her position, Mrs. McKenzie sent a screen shot of the statute (4.2.2 g), which states:

Agricultural uses, on RSF-1 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-1 zoned parcel where no primary dwelling currently exists.

Then she also sent a copy of Section 3.2.5 (Area and Dimensional ordinances). This section indicates that the property must be a minimum of 210' wide (our property is 200' wide).

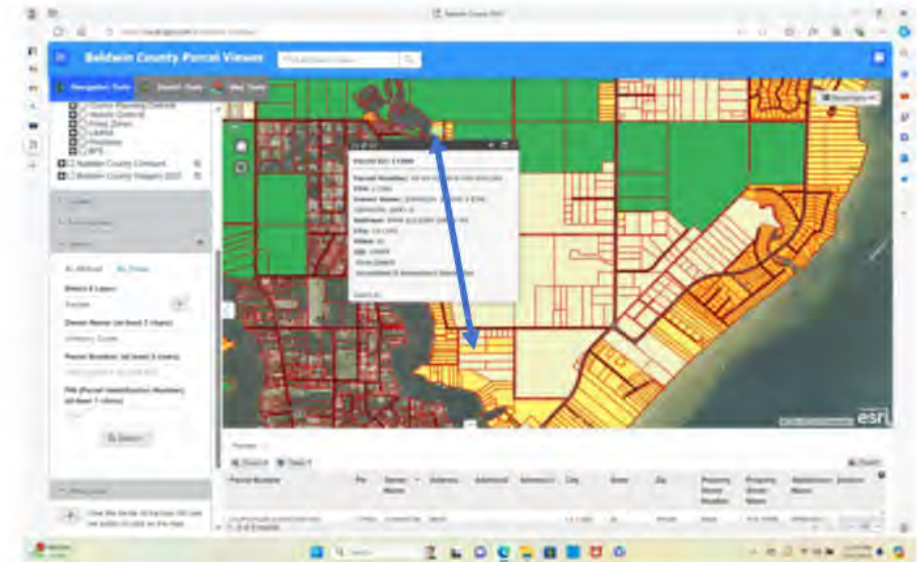
When we asked Mrs. McKenzie why she has sent Section 3.2.5 instead of the Section 3.1.5 which is listed in 4.2.2 g, she indicated that 3.1.5 was a typographical error, and that the statute was supposed to say 3.2.5 instead of 3.1.5. I am not sure how we could have possibly known this prior to her telling us.

We believe we did everything we could have done to confirm that our intended use of the property was allowed prior to purchasing the property. Based on the actual written statute, which states 3.1.5 as the dimension requirements for Agricultural use, we meet those requirements. The only requirement we do

not meet, based on the typographical error in the statute, is that our lot is 200' wide instead of 210' wide. Based on this evidence, we would respectfully like to request a variance to allow us to build our shop on our property.

Additional information:

Our primary residence is at 9949 Soldier Creek Road (approximately 1 mile from the 8874 Red Fish Point Road site, see map picture below). We have no intention of using the 8874 Red Fish Point Road property as a residence, and have no need for a kitchen, bedroom or bathroom in the structure. The building will be used exclusively as a shop. We will store our boats there in the event of storms and my tractor, tools, etc... will be there for my use in gardening on the property.



Staff Analysis and Findings

5.) Other matters which may be appropriate for consideration.

There are several metal buildings near the 8874 Red Fish Point Road site which are similar to the building we propose to build (see pictures below). The building we intend to build will look exactly the same from the exterior, whether it has a kitchen, bedroom and bathroom inside of it or not. The cost of installing the kitchen, bedroom and bathroom will simply be wasted money.



Storage barn on property 2 parcels south



Barndominium on property 2 parcels north (fronting Randolph Ave)

The positioning of our building on the property (approximately 340' back on the property off the street with the 40' side of the building facing the street) will allow for ample landscaping to provide cover from the street. We are positioning the building far back on the lot to allow for a residence to be built in front of the building if desired by a future owner.



Subject property with building location being cleared approximately 340' with buffer.

Thank you for your consideration.

Gary and Susan Johnson

Staff Analysis and Findings

5.) Other matters which may be appropriate for consideration.

Clarification of photos uploaded as neighboring properties:

ZVA24-31

Land Use



Both of these neighboring properties are accessed from Scotts Lane. The view from Red Fish Point Road is wooded. The back of these houses is what adjoins our Red Fish Point property. Without this context, one could assume that to enter our property you would drive passed these houses, but that is not the case.

ZVA24-31 JOHNSON PROPERTY

VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

The applicant is requesting a variance from Section 3.2.5, Minimum Lot Width Requirements, as it pertains to Section 4.2.2(g) to allow for a barn to be placed on RSF-1 zoned property by itself.

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

1. If approved, the variance is limited to the request as shown on the site plan provided herein.
2. Submission of a Zoning Site Plan application depicting the Site Plan included with this variance.
3. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or licensing agreement), or requirements of other agencies.

ZVA24-31 JOHNSON PROPERTY

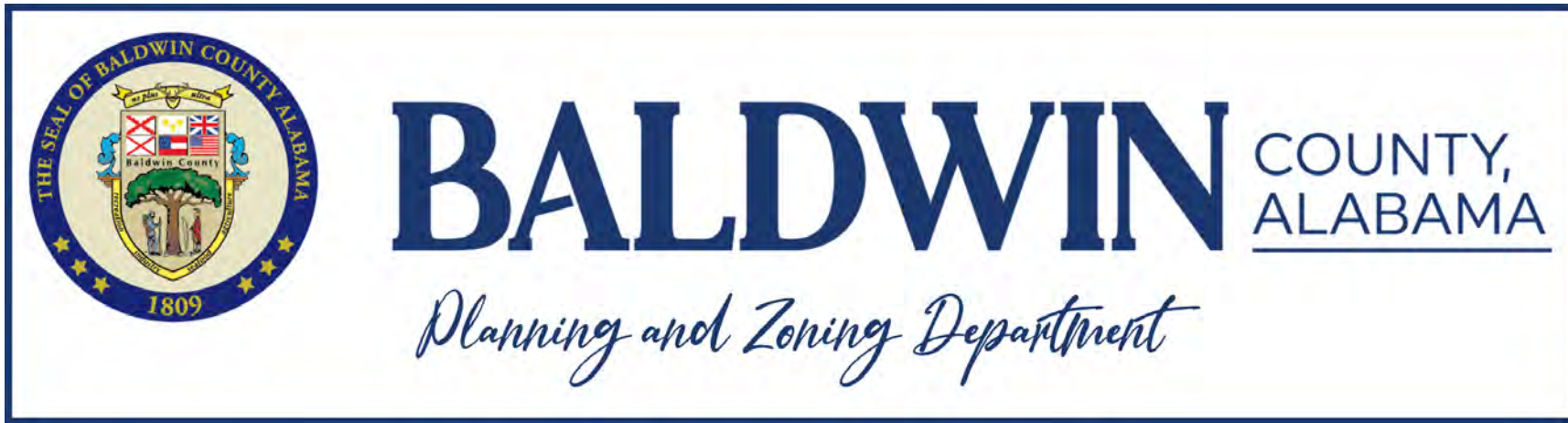
VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

GENERAL NOTES {By-laws}

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

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



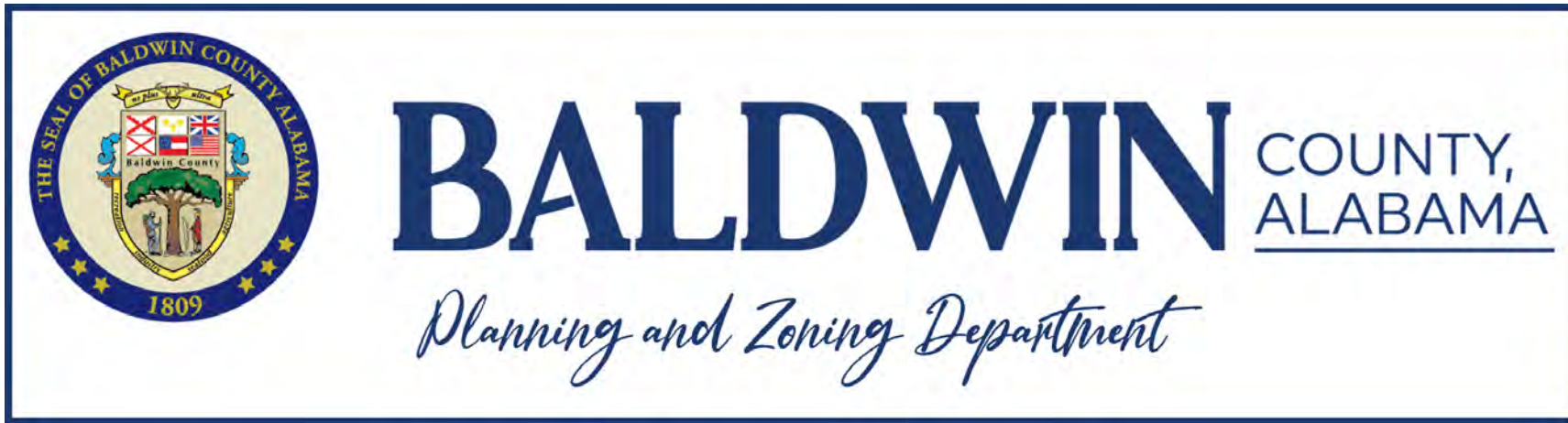
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

SEPTEMBER 12, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

AUGUST 8, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

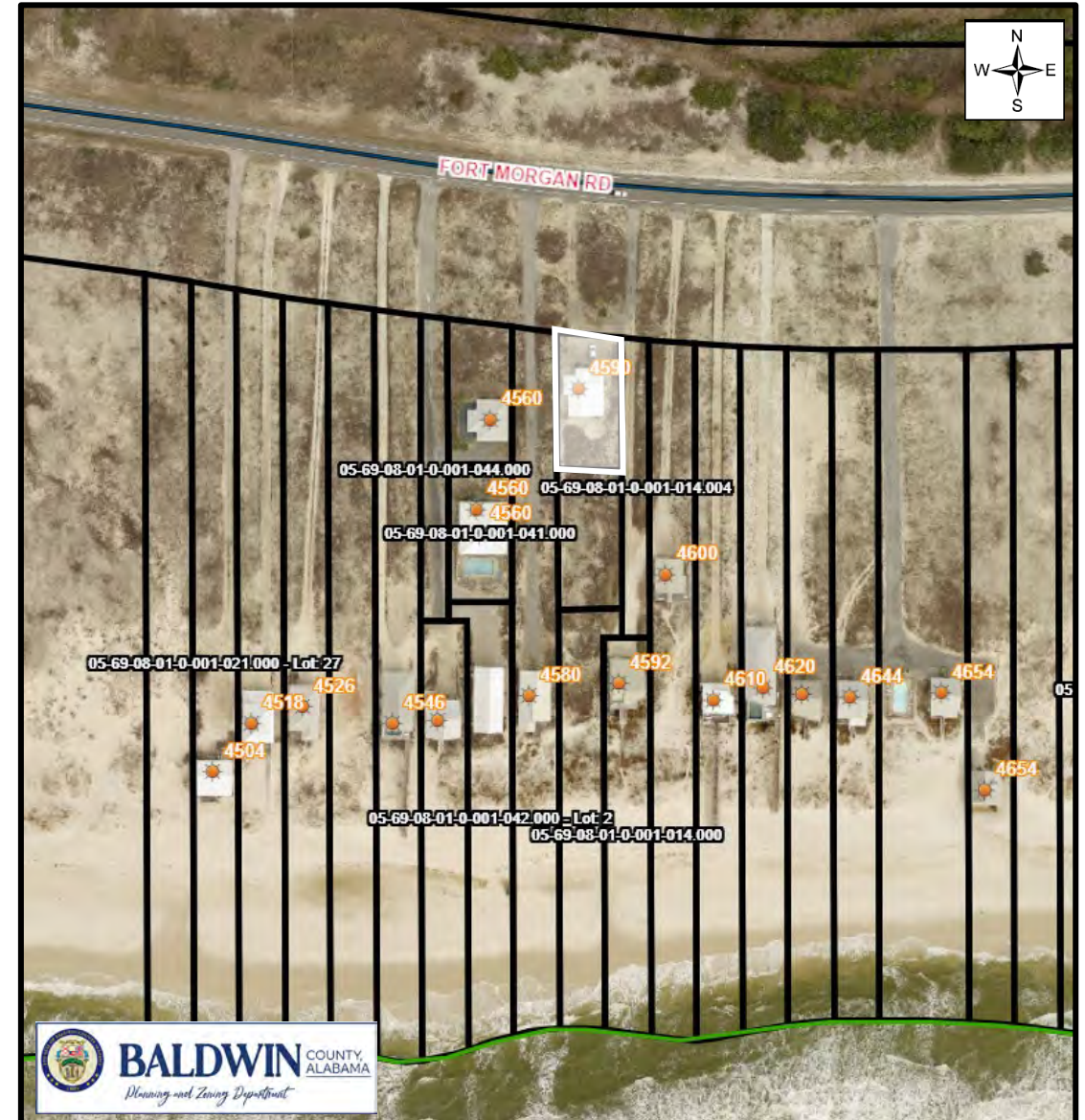
FOLEY, AL

ZVA24-40 RUDER PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Technician II

- **Planning District:** 25 **Zoned:** RTF-4, Residential Two-Family District
- **Location:** The subject property is located on the Fort Morgan Peninsula, South of State Highway 180.
- **PID:** 05-69-08-01-0-001-014.003
- **PPIN:** 91495
- **Acreage:** 0.24 +/- Acres
- **Physical Address:** 4590 State Highway 180, Gulf Shores, AL 36542
- **Applicant:** Michael and Aileen Ruder
- **Owner:** Jon Unrath –Heirloom Design & Build, LLC
- **Code Cases/NOV's:** None



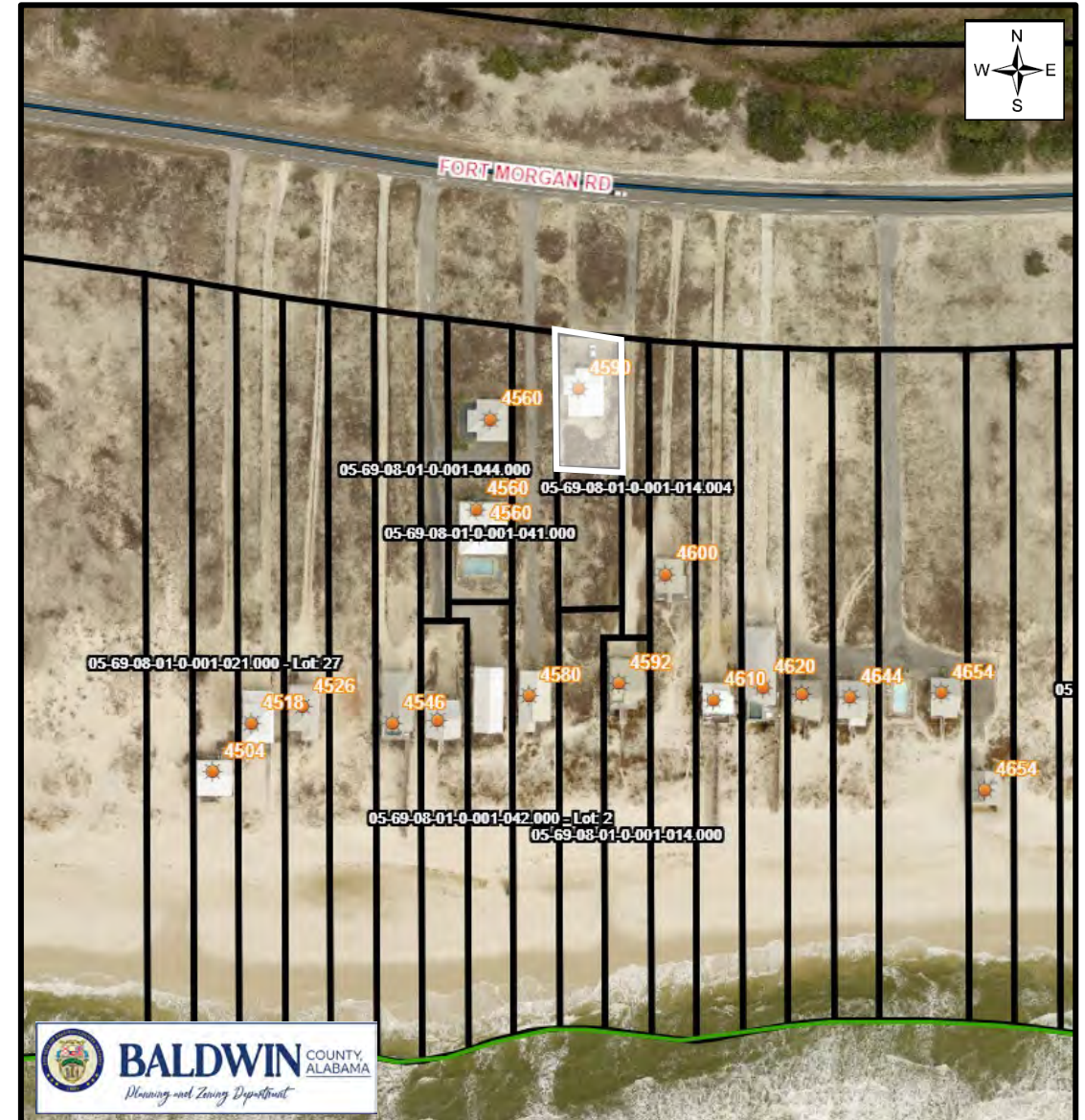
ZVA24-40 RUDER PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Technician II

The applicant is requesting a variance from Section 4.6.5 and Section 20.2.6 (a) of the Baldwin County Zoning Ordinance as it pertains to reducing the minimum side yard setback requirements and altering an existing non-conforming structure by more than an apparent 50% of the fair market value to allow for a home to be lifted above the flood zone and to add a deck addition.

Staff cannot establish a hardship on the property and recommends Case ZVA24-40 be **DENIED** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	RMF-6, Residential Multiple-Family District	Vacant
South	RTF-4, Residential Two-Family District	Vacant
East	RTF-4, Residential Two-Family District	Vacant
West	RTF-4, Residential Two-Family District	Residential

Site Map

State Highway 180



FORT MORGAN RD

Subject Property



BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

Locator Map

RMF-6

RTF-4
Baser



State Highway 180

STATE HWY 180

Subject Property

35

34

28

27

RTF-4

RTF-4

6-A

3

RSF-1

RSF-1

RSF-1

RSF-1

RSF-1

RSF-1

RSF-1

4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

RTF-4

OR



BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

50

30.2

70.3

50

70

30

50

50

50

50

158.7

40

150

**Zone AE
(EL 12)**

14.003

150

145

332.4

332.4

328.7

69.7

4

3

4

69.7

3

315

3

14.004

3

**BALDWIN** COUNTY,
ALABAMA

Planning and Zoning Department

41

50

20

10



Subject Property
PIN: 91495



**PUBLIC HEARING
PROPOSED
FOR THIS PROPERTY**
Case Number
ZVA24-000040
Baldwin County Planning
and Zoning Department
For more information,
please scan the QR
code, call, or email.
(251) 580-1655
planning@baldwincountyal.gov



Jul 16, 2024 1:31:52 PM
211° SW



Property Boundary Marker

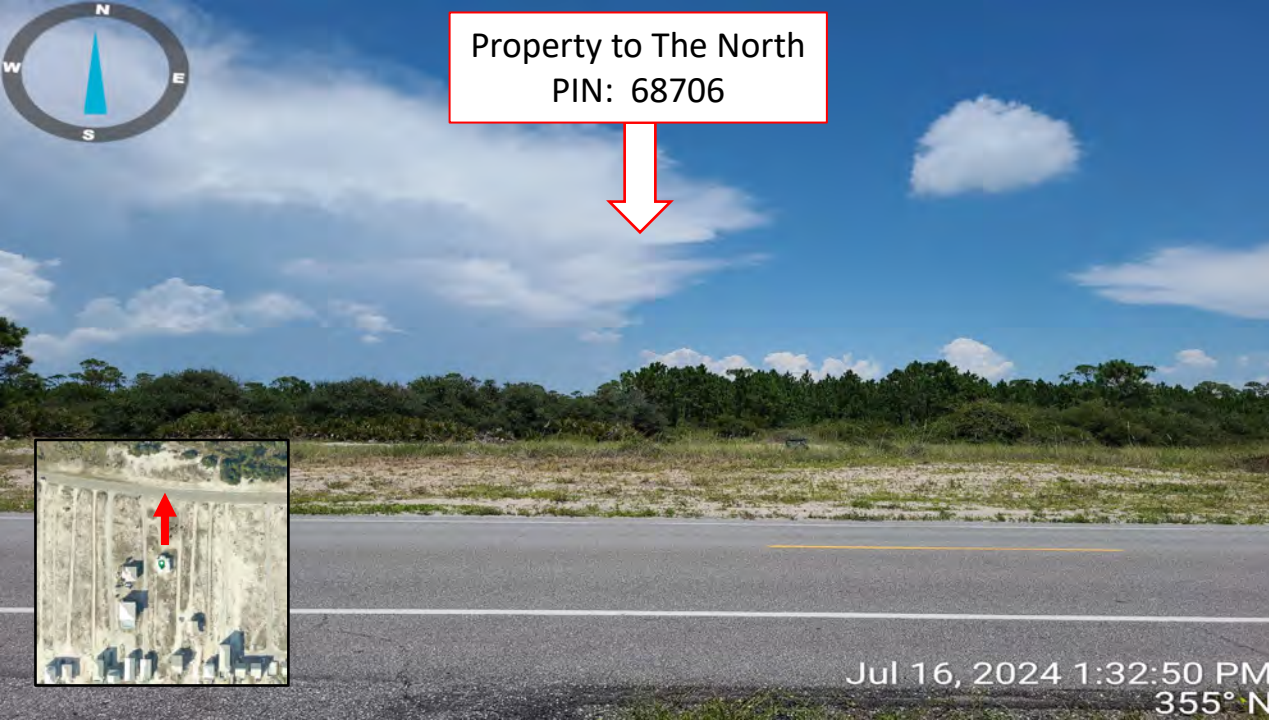
Subject Property
Proposed Deck Area



Jul 16, 2024 1:34:03 PM
240° SW



Property to The North
PIN: 68706



Jul 16, 2024 1:32:50 PM
355° N



Adjoining Property to The East
PIN: 91493



Jul 17, 2024 1:09:47 PM
186° S



Adjoining Property to The West
PIN: 25360



Jul 16, 2024 1:36:09 PM
192° S



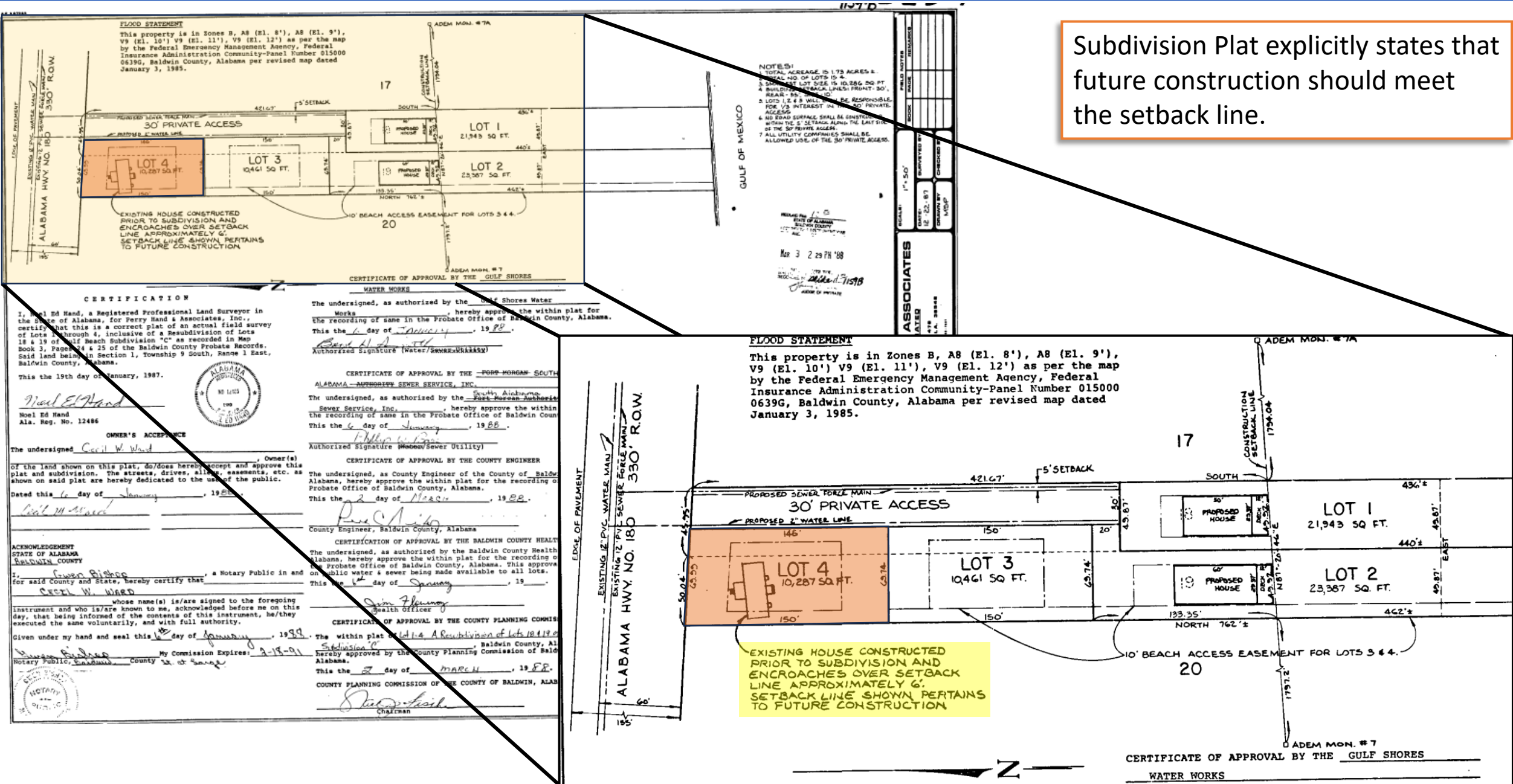
Adjoining Property to The South
PIN: 91497



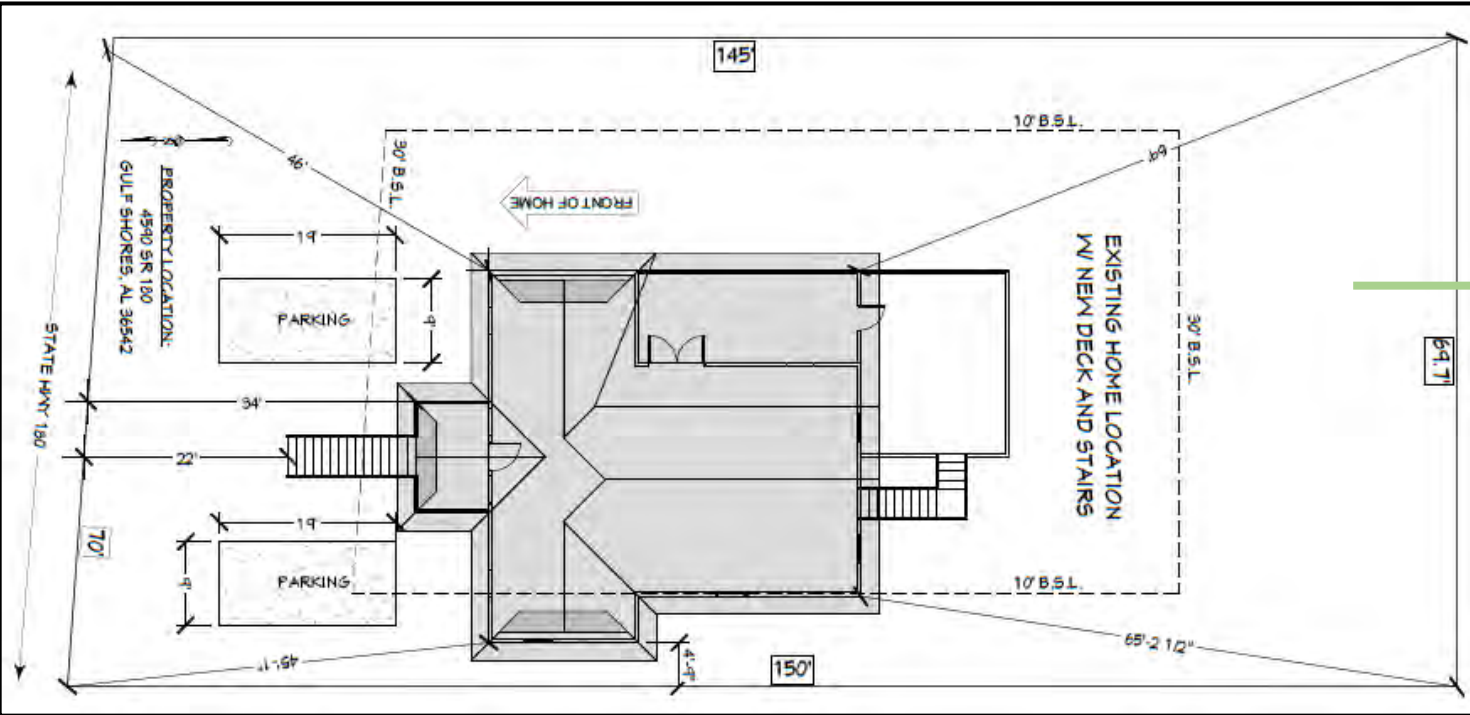
Jul 16, 2024 1:42:59 PM
192° S

Gulf Beach Subdivision Replat of Lots 1-4

Subdivision Plat explicitly states that future construction should meet the setback line.

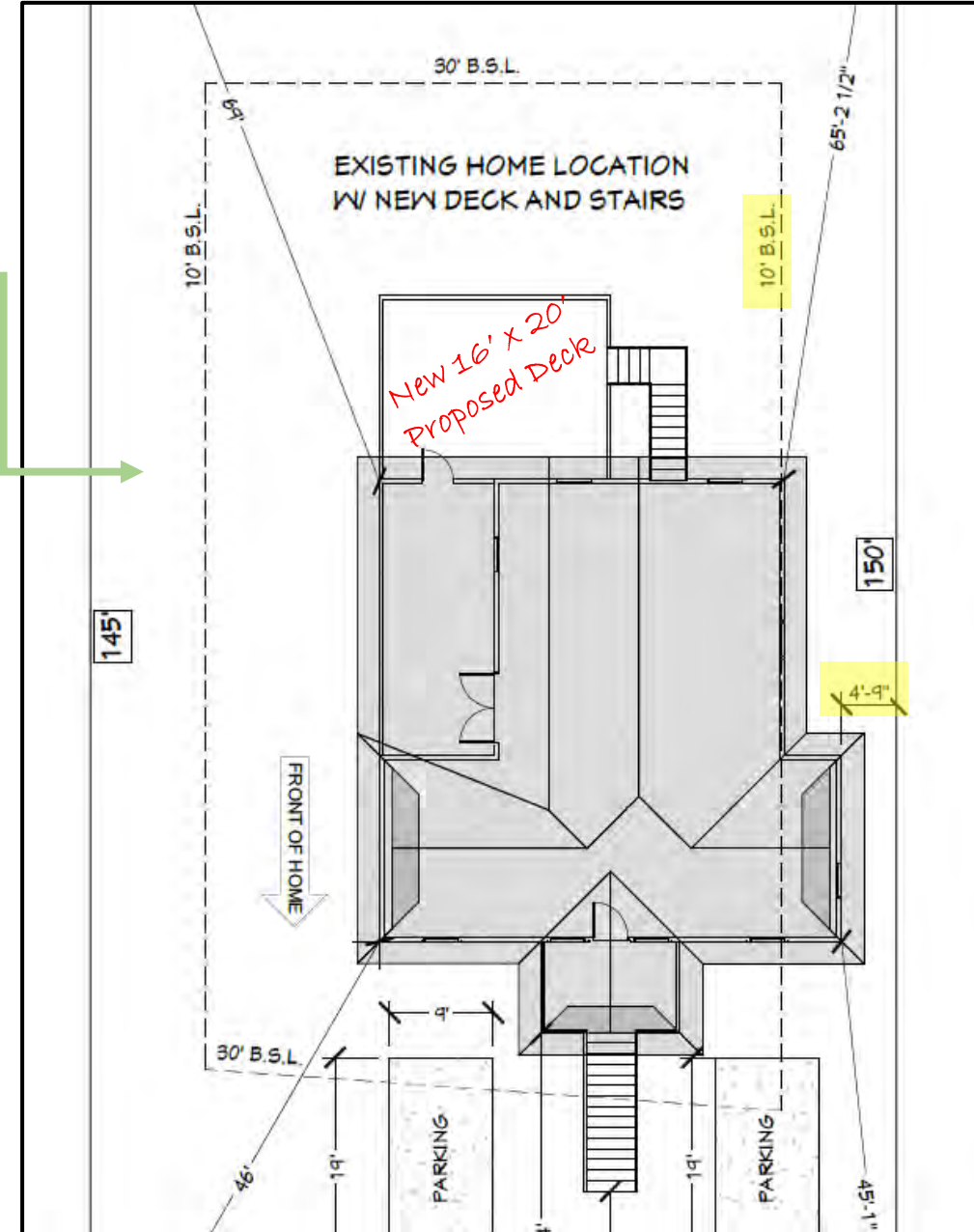


Site Plan and Zoning Requirements



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

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Maximum Density	4 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Ground Coverage Ratio	.35



House Plans



EXISTING CONDITIONS



LIFTED CONDITIONS

Nonconformities

Article 20 Nonconformities

Section 20.1 Intent

In the County, there exists uses, structures and combinations of such which were lawful before the adoption of these ordinances or amendments thereto, but which would be prohibited, regulated or restricted under the terms of these ordinances or amendments thereto. It is the intent of this section to permit them to continue with restrictions until they are removed or destroyed, but not to encourage their survival. It is further the intent of these ordinances that such nonconformities shall not be enlarged, expanded or intensified, nor shall they be used as grounds for adding other structures. Changes in nonconformities other than their discontinuance shall be discouraged. Article 20 is modified as provided in Section 10.6 for structures, lots, and uses within the Family Heritage Overlay District. The Family Heritage Overlay District currently exists only in District 19.

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.

ITP/Beach Mouse Permit Application

HABITAT CONSERVATION PLAN for the ALABAMA BEACH MOUSE (*Peromyscus polionotus ammobates*) Under the General Conservation Plan

1

1.0 COMPLETE DESCRIPTION OF THE ACTIVITY SOUGHT TO BE AUTHORIZED (50 CFR 17.22(b)(1)(I))

We Michael & Aileen Ruder (name) propose to construct a single-family / duplex (circle one) dwelling on a lot measuring 69.9 by 145 feet, totaling approximately 10,135 square feet. The lot, in part or in its entirety, lies within an area which is considered habitat for the Alabama beach mouse, *Peromyscus polionotus ammobates* (ABM). The lot contains elements of suitable ABM habitat, including open sandy areas in the process of dune formation, interdunal areas, and associated natural vegetation. The habitat may be occupied by the ABM. Construction of the residence and eventual occupancy may result in the incidental take of ABM, and thus potentially expose the applicant to a potential violation of Section 9 of the Endangered Species Act. Authorization, therefore, is sought for any incidental taking of ABM that may result from the construction and occupancy of the proposed residence. The lot may also be located all, or in part, within designated Critical Habitat for the ABM.

1.01 The lot is located at (Provide parcel ID number, tax pin, street address of lot, legal description (ie Lot # and Subdivision), and any other pertinent information. Include map showing location of lot.)...

Parcel - 69-08-01-0-001-014.003, Pin - 91495, 4590 ST Highway 180, Gulf Shores
69.9' x 145' Lot 4 of Resub of lot 18 & 19 Gulf Beach Sub C Slide 1159-C GR SEC 1-9-1 (WD/Survivorship)

1.02 The lot is bordered on the west by single family dwelling,
on the east by single family dwelling,
on the north by road/highway 180,
and on the south by appears to be undeveloped - existing home has straight view to the gulf.
(i.e., undeveloped lot, single family dwelling, condominium, road, etc.).

1.03 Describe all structures proposed to be built, including driveway, parking pad, storage buildings, amenity features, etc., and their location within the lot (i.e. distance from property lines, Coastal Construction Control Line (CCCL), other natural features) Please include drawing indicating the proposed development features within the lot.

Lifting and putting the existing house on stilts. Adding 16x20 deck; adding stairs to deck and front porch to match the height of the new lifted home. Adding outdoor storage and shower below the home once lifted. Adding driveway to comply with ABM HCP requirement

1.04 Vegetation on the lot consists of (Describe vegetation, including species, abundance,

Revised version 03.12.2012

location, etc.)

Native dune plants like sea oats and sunflowers

2

2.0 COMMON AND SCIENTIFIC NAMES OF THE SPECIES SOUGHT TO BE COVERED BY THE PERMIT, AS WELL AS THE NUMBER, AGE, AND SEX OF SUCH SPECIES, IF KNOWN (50 CFR 17.22(B)(1)(II))

2.01 Incidental take of the Alabama beach mouse (*Peromyscus polionotus ammobates*) is sought to be covered by the subject permit. Incidental take is difficult to detect for a species such as the ABM and is therefore based on the take of all ABM within a specified amount of habitat impacted. Loggerhead (*Caretta caretta*) and Kemps' Ridley (*Lepidochelys kempi*) sea turtles may also use the lot for nesting purposes; however impacts to nesting sea turtles must be avoided.

2.02 The US Fish and Wildlife Service (Service) has determined that the habitat in this area is capable of supporting ABM, therefore occupancy by ABM is considered likely. Because ABM have home ranges larger than the lot, it is always possible that mice could occur on the construction site during construction and thus be exposed to a taking. Even though ABM are nocturnal and not likely to be out of their burrows during daylight construction periods, construction activities could result in harassment, harm, or death of an ABM in a burrow.

3.0 HABITAT CONSERVATION PLAN (50 CFR 17.22 (b)(iii)(a)-(c)) THE IMPACT THAT WILL LIKELY RESULT FROM THE PROPOSED TAKING (50 CFR 7.22(b)(1)(iii)(a))

3.01 Construction is on the (Insert the cardinal direction) south(deck) portion of the lot. The area to be permanently altered (number of square feet permanently altered) will consist of 416 square feet for the driveway (include impacts in the affected right-of-way), parking area, residence, and attached amenity features (deck, pool, pump house, etc.). The driveway will be of the minimum size to allow access from the main road (include impacts within the road right-of-way), 184 feet long and 24 feet wide. Parking will also utilize the parking pad underneath the dwelling. The total amount of permanent impact is _____ square feet.

3.02 Temporary habitat impacts will be limited to a minimal temporary construction workspace around the residence and installation of utilities. Utilities to the residence will be above (under/above) ground. If underground, n/a square feet of habitat will be temporarily impacted and restored to pre-project conditions after utilities are installed. An estimate of the total amount of temporary habitat impacts is 300 square feet.

3.03 This residence will be used as a vacation retreat (permanent residence /weekend or vacation retreat/rental unit). (If residence will be rented, additional measures

Revised Version October 20, 2020



United States Department of the
Interior



U.S. FISH AND WILDLIFE SERVICE

Thank you for your application submission,
CS7301558, to the U.S. Fish and Wildlife Service.
Your submission was received on 2024-06-06
18:06:22 PDT and is in the queue for processing.

If you've submitted a permit application or renewal,
please allow at least [60] days before checking on
the status of your submission.

Please note application fees submitted with an
application or renewal are processing fees and are
non-refundable per 50 CFR 13.11(d).

If you discover you have additional documents you
need to submit with your permit application, please
login and use the paperclip icon you see at this link
CS7301558 to upload the documents. Before you can
access this specific page, you will need to login to
your account.

If you have any questions, please contact our office.

Thank you.

Ref:MSG1424042_yRaBUDeDn5cnpdID91CG

We are asking for a setback variance on a property that will be left in its original location. We are only raising the existing house on its original footprint. The existing house was constructed PRIOR to subdivision. At no fault of our client/homeowner, these setbacks would force moving the entire home, versus lifting in the existing location. The cost to move the home to a new location would be extremely prohibitive and unnecessary. Also, we are at the maximum buildable square footage for this property. If no variance is granted, we will exceed the maximum buildable footage, as the driveway would have to be extended to reach a new house location. Driveway is required according to Fish & Wildlife regulation, due to Alabama Beach Mouse habitat. The new required driveway, as house currently stands, will be at the maximum footage in compliance with Fish & Wildlife. Also, by leaving house in existing location, we will not be encroaching on any Alabama Beach Mouse habitat. Lastly, this variance will allow us to keep original electrical service to the house, and not be forced to extend a large amount of electrical beyond original location. We only desire to raise existing home in existing location, and a setback variance would allow homeowners to access the view they desire, protect home from potential future flooding, and maintain the original footprint location. All together, this variance is extremely crucial for not only the homeowner, but preservation of the area. We appreciate the understanding and consideration regarding this property.

Gulf Shores Alabama

Baldwin County

HOMOWNERS AFFIDAVIT

DATE: 6/26/24

I, Aileen Ruder herby certify that I am the owner/occupant of the single-family dwelling located at 4590 State Highway 180, Gulf Shores, AL 3654 and are not part of any active homeowners association.



Signature of Owner/Occupant

636-357-0861

Telephone Number

Staff Analysis and Findings

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

The subject property is zoned RTF-4, Residential Two-Family District and is located on the Fort Morgan Peninsula. The parcel consists of approximately 0.24 +/- acres with lot dimensions of 70' x 150' (approximately 10,287 square feet). Planning District 25 came into effect on June 19, 1992. The required minimum lot size for RTF-4 for single-family housing is 7,500 square feet with a 60' minimum lot width at building line and 30' minimum lot width at street line. **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.**

RSF-1 Required minimum lot size: **7,500 sf**

Actual size: **10,287 sf**

Lot size hardship: **No**

RSF-1 Required minimum width at street line: **30'**

Actual lot width: **50'**

Lot width hardship: **No**

RSF-1 Required minimum width at building line: **60'**

Actual lot width: **70'**

Lot width hardship: **No**

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

The subject property is located in Flood Zone AE (EL 12). **In the case of this variance request, the flood zone does not constitute a hardship as it applies to building the home within the correct setbacks for the zoning designation.**

Staff Analysis and Findings

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

The subject property is zoned RTF-4, Residential Two-Family District and is located on the Fort Morgan Peninsula. Planning District 25 came into effect on June 19, 1992. Slide 1159-B (Replat of Gulf Beach Subdivision) was recorded in 1988, and thus the creation of the lot predates zoning by approximately four (4) years. In this case, the existing home was built prior to subdivision and zoning. As it stands today, it is a legal non-conforming structure. However, if the applicant wishes to alter the structure beyond ordinary repairs and maintenance, it is staff's recommendation that it conform to today's setbacks. **The request appears to serve merely as a convenience to the applicant and basely mostly on economic hardship, in which case it is staff's analysis that approval of this variance is not a necessity for preservation of a property right.**

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

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

ZVA24-40 RUDER PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Tech II

The applicant is requesting a variance from Section 4.6.5 and Section 20.2.6 (a) of the Baldwin County Zoning Ordinance as it pertains to reducing the minimum side yard setback requirements and altering an existing non-conforming structure by more than an apparent 50% of the fair market value to allow for a home to be lifted above the flood zone and to add a deck addition.

Staff recommends **DENIAL** of this variance request.

ZVA24-29 BRECKENRIDGE PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling,
Planning Technician II

GENERAL NOTES {By-laws}

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

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

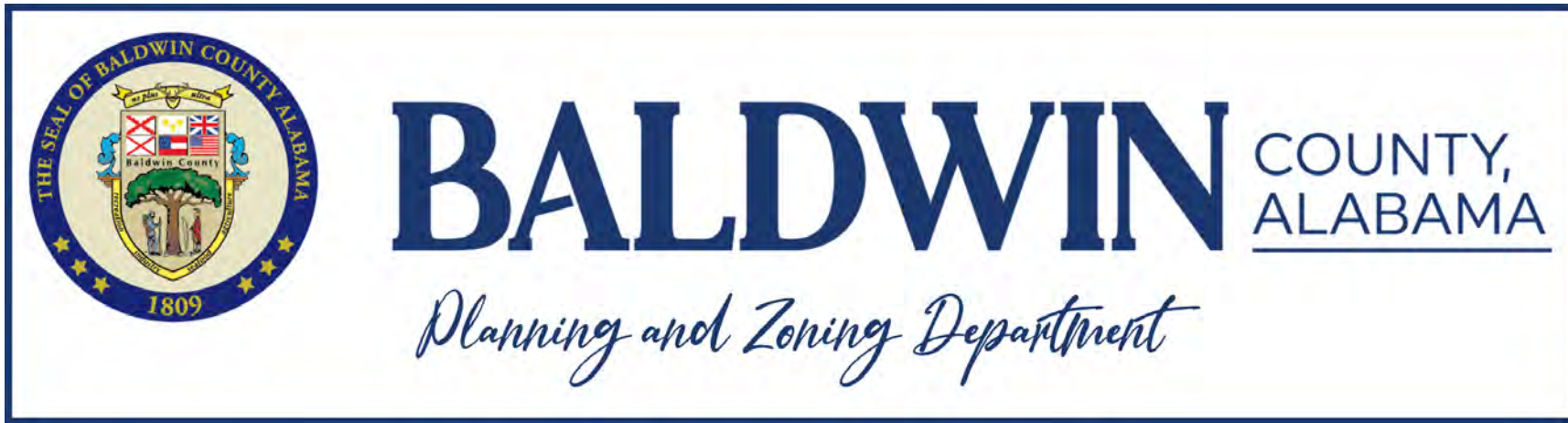
ZVA24-40 RUDER PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Tech II

If it is of the pleasure of the Board of Adjustments to approve this variance request, staff recommends the following conditions of approval:

1. If approved, the variance is limited to the request as shown on the Site Plan included within this staff report .
2. Submission and approval of Zoning Site Plan application (ZSP) depicting the site plan included with this variance.
3. Submission of the approved ITP Permit approving the site plan shown herein with the Zoning Site Plan application.
4. This variance relieves subject property of no other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway or turnout permit), or requirements of other agencies.



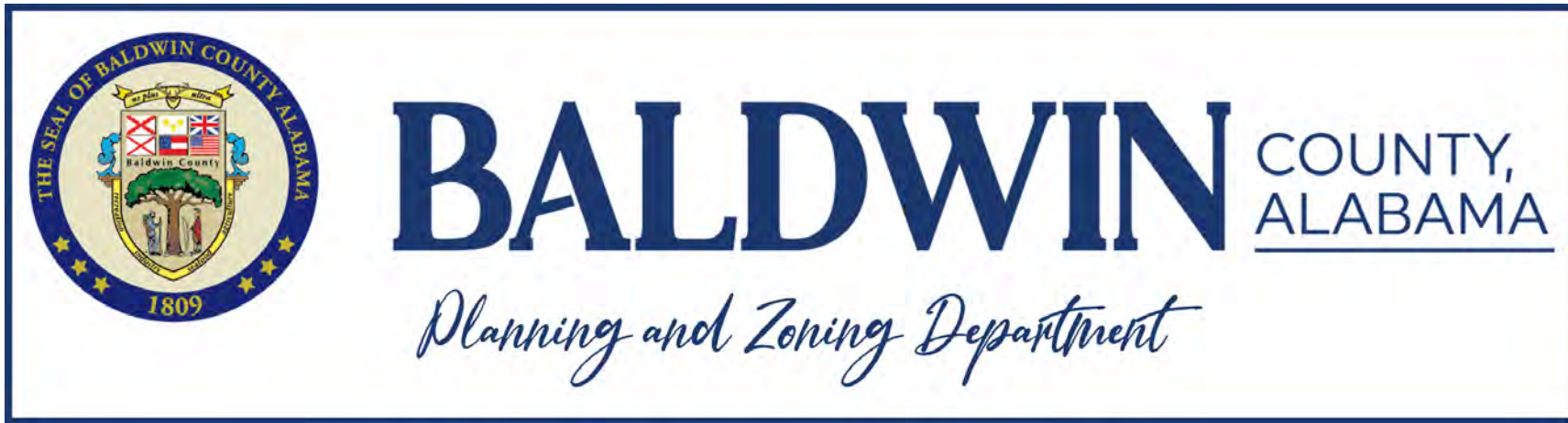
BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

SEPTEMBER 12, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL



BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

AUGUST 8, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

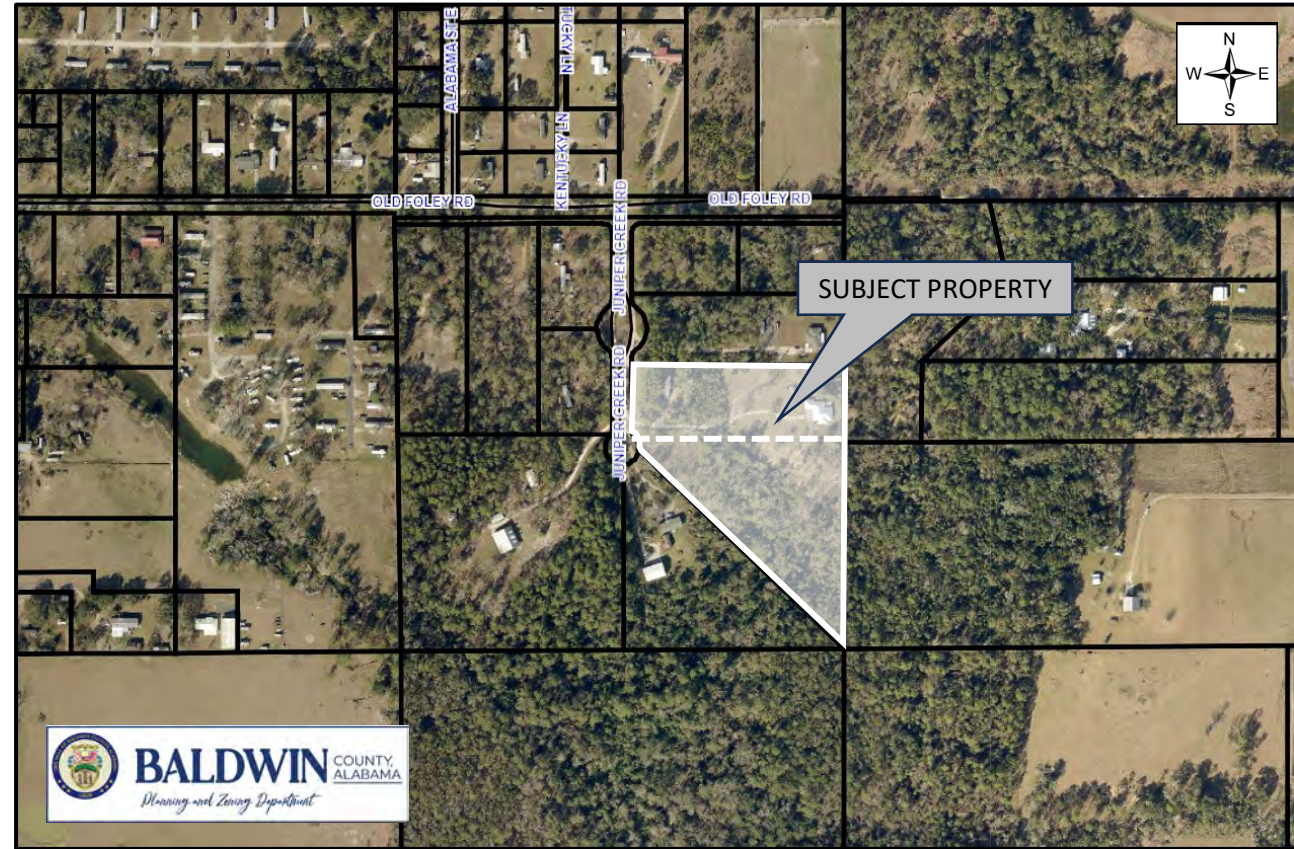
FOLEY, AL

ZVA24-43 WILMOTT PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Technician II

- **Planning District:** 22 **Zoned:** RSF-1, Residential Single-Family District
- **Location:** The subject property is located just outside Elberta in the Juniper Creek Subdivision, Lot 6, off Old Foley Road.
- **PID:** 05-53-09-29-0-000-018.006
- **PPIN:** 112130
- **Acreage:** 3 Acres
- **Physical Address:** 12352-B Juniper Creek Road, Elberta, AL 36530
- **Applicant:** Mike Booker – Spartan Homes LLC
- **Owner:** Kathrine and Mitch Wilmott
- **Code Cases/NOV's:** None



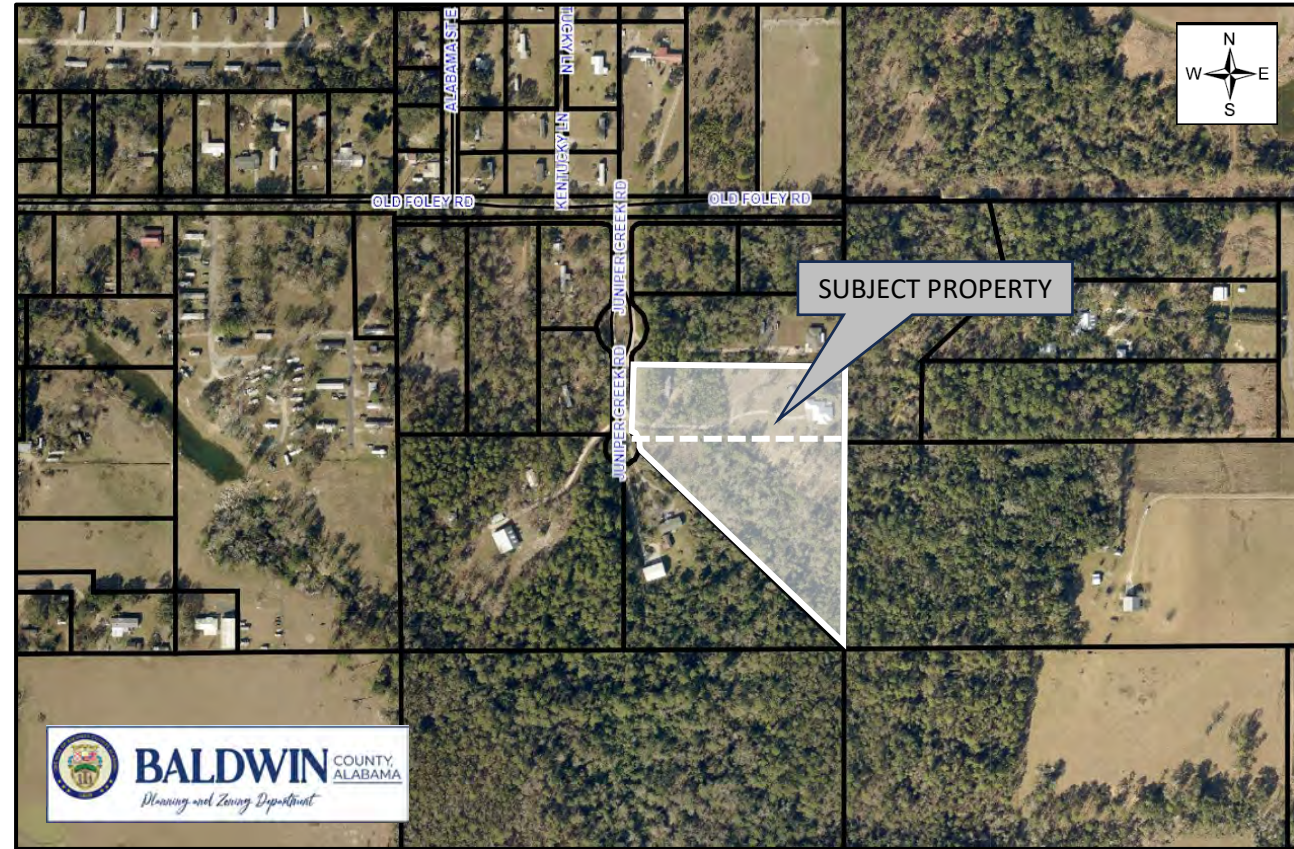
ZVA24-43 WILMOTT PROPERTY

VARIANCE REQUEST

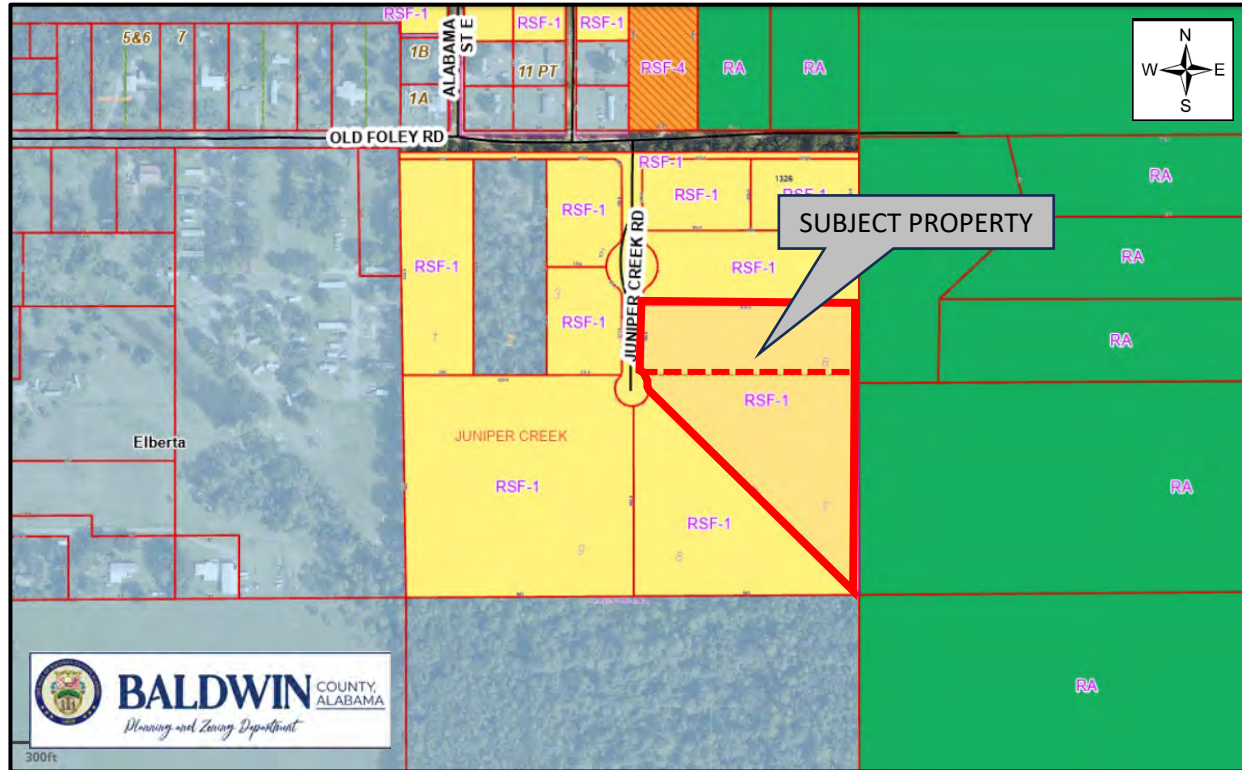
Lead Staff: Brittany Epling, Planning Technician II

The applicant is requesting a variance from Section 13.1.2 (b) to allow for an accessory dwelling to be placed in the front yard of a lot in a residential district.

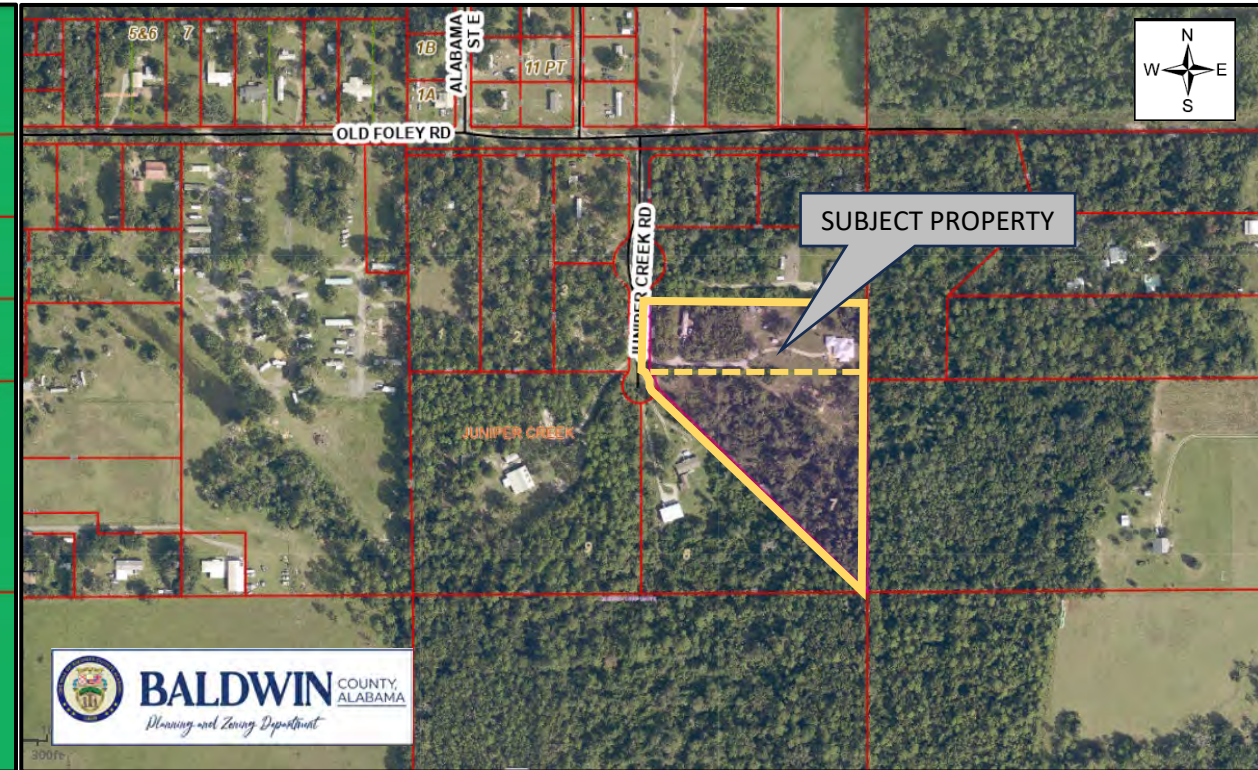
Staff cannot establish a hardship on the property and therefore recommends Case ZVA24-43 be **DENIED** unless information to the contrary is revealed during the Public Hearing.



Locator Map



Site Map



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

Site Map

Old Foley Road

Juniper Creek Road

Subject Property

Previous Mobile Home (which was an existing legal non-conformity prior to removal) and Location of Proposed New Mobile Home

Existing Primary Dwelling

AE Flood Zone

Floodway



BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

Site Map

Old Foley Road

OLD FOLEY RD

Juniper Creek Road

JUNIPER CREEK RD

Subject Property

Applicant owns
Lot 6 (3 acres) and
Lot 7 (5.03 acres)

Elberta



BALDWIN COUNTY,
ALABAMA
Planning and Zoning Department



POWERED BY

KCS | KCS, Pictometry

es



Subject Property
PIN: 112130



**PUBLIC HEARING
PROPOSED
FOR THIS PROPERTY**
Case Number
ZVA24-000043
Walden County Planning
and Zoning Department
For more information,
please scan the QR
code, call, or email.
(251) 580-1655
planning@waldencountyga.gov



Jul 16, 2024 3:41:49 PM
106° E



Primary Dwelling

Accessory Dwelling
Location



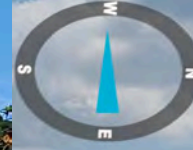
Jul 17, 2024 2:44:25 PM
35° NE



Adjoining Property to The North
PIN: 112129



Jul 16, 2024 3:47:54 PM
82° E



Adjoining Property to The East
PIN: 84562



Jul 16, 2024 3:57:36 PM
269° W

Property to The West
PIN: 112127



Jul 16, 2024 3:43:57 PM
205° SW



Adjoining Property to The South
PIN: 112132

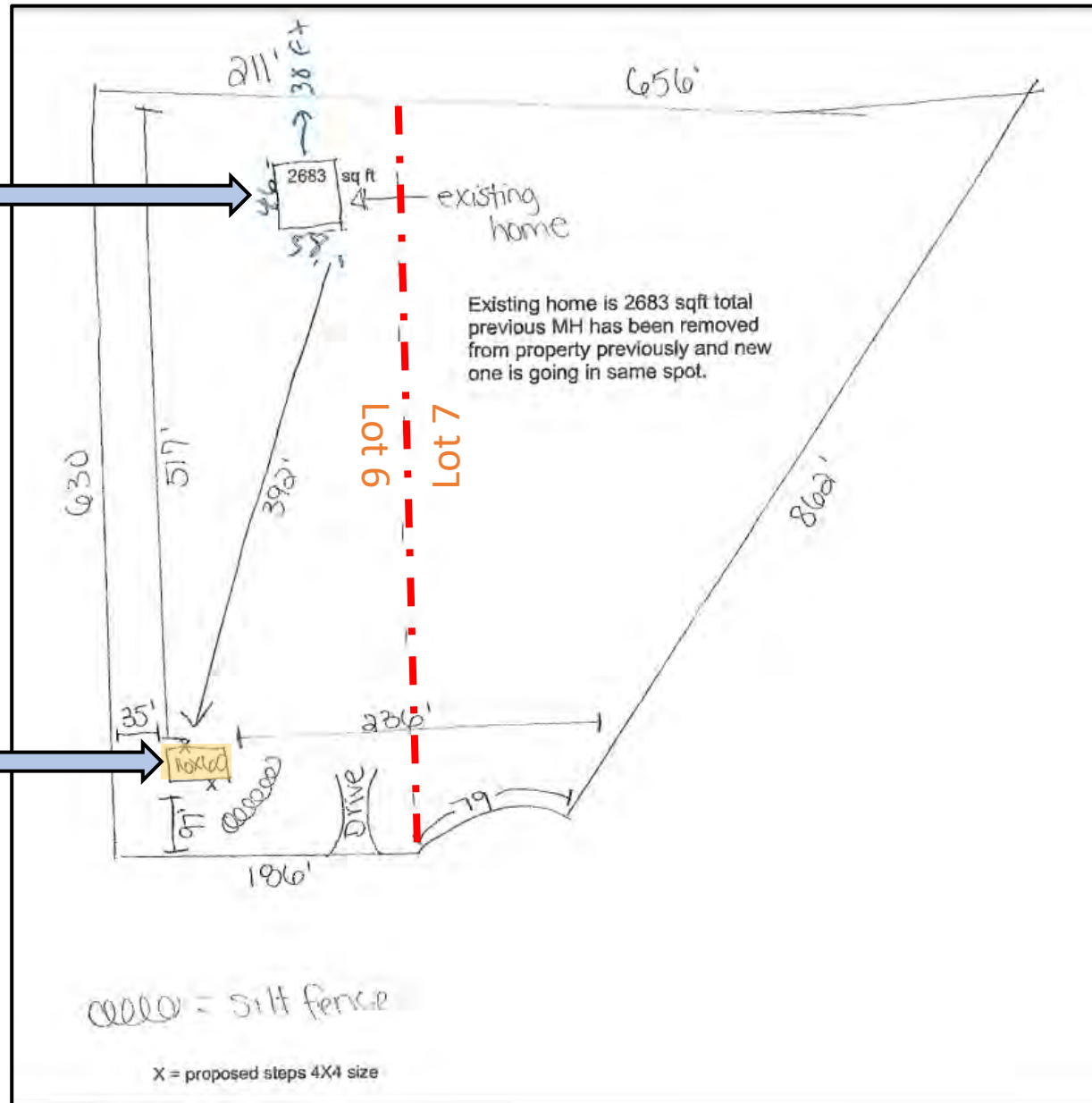


Jul 16, 2024 3:42:37 PM
155° SE

Site Plan

Existing Primary Residence

Proposed Mobile Home

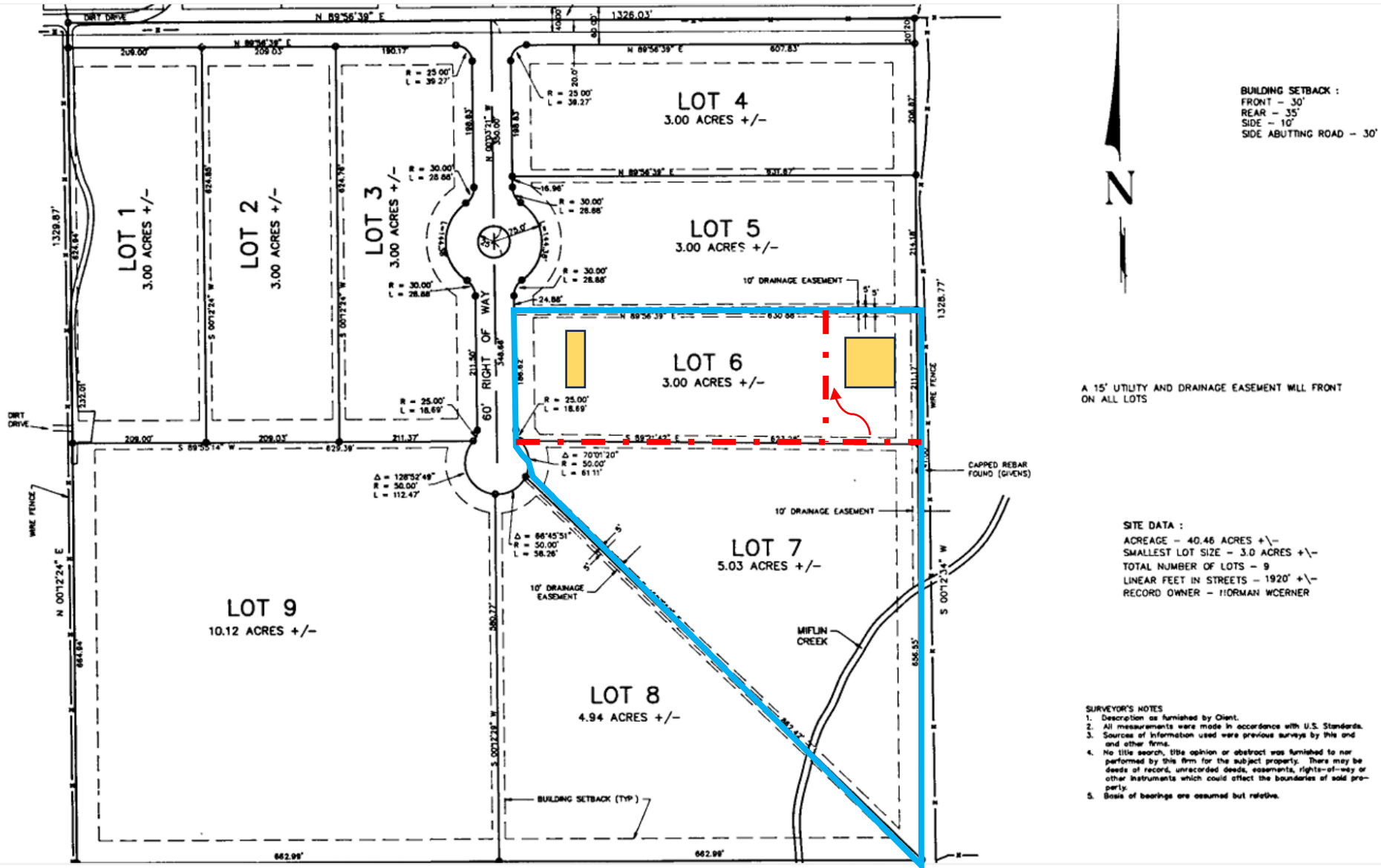


Zoning Ordinance Requirements

13.1.2 *Rural and Residential districts.* In residential districts an accessory use or structure will conform to the following requirements:

- (a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any lot line.
- (b) Except in rural districts, an accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.
- (c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than 30% of the rear yard.
- (d) Except in rural districts, no accessory structure, other than a pier and boathouse, may be located on a lot by itself.

Juniper Creek Subdivision Plat (1991)

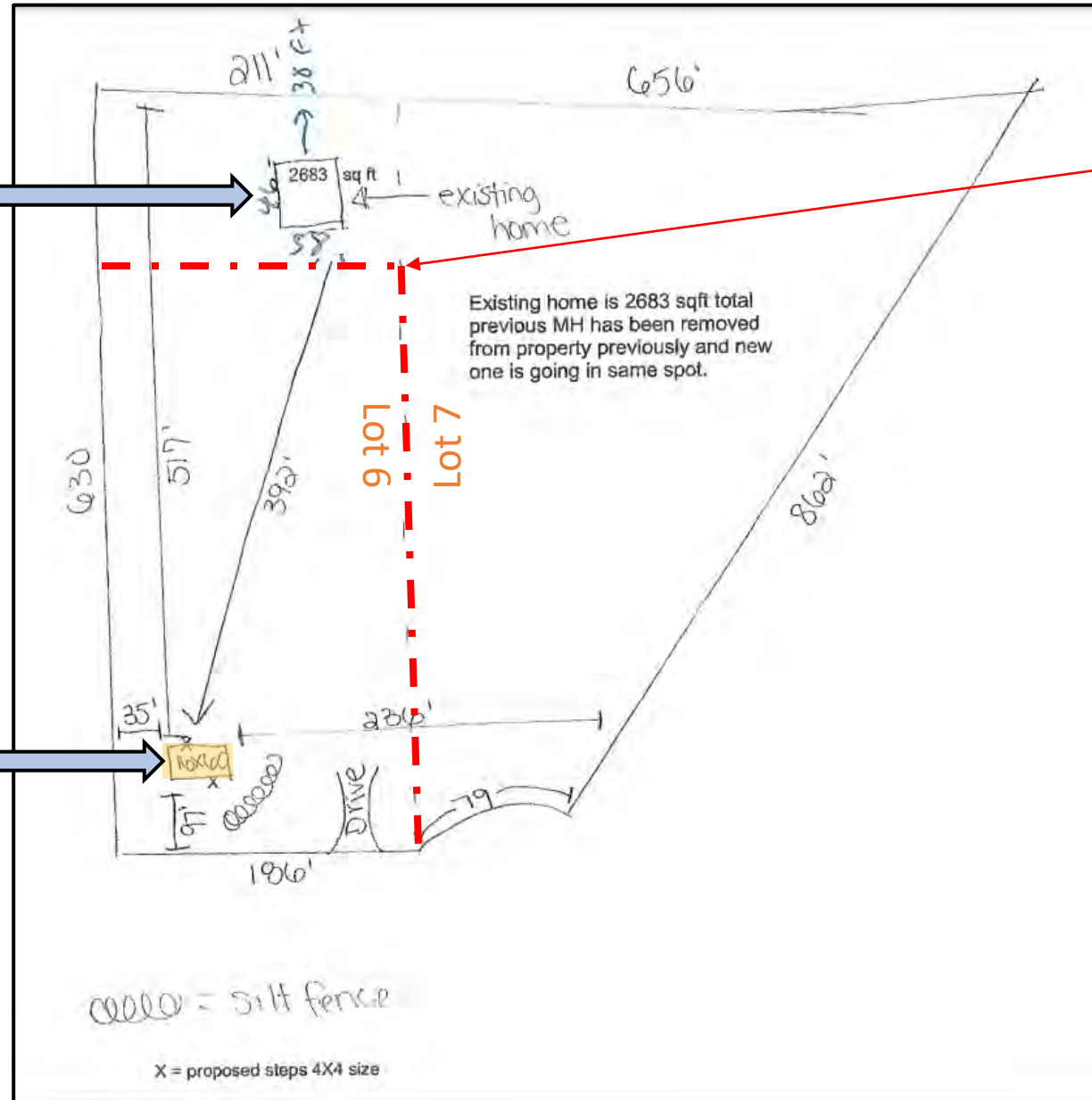


Applicant owns both Lot 6 & Lot 7. The primary home and proposed mobile home are on Lot 6. The applicant can do a common lot line move exempt subdivision so the mobile home and house would be on separate lots.

Site Plan

Existing Primary Residence

Proposed Mobile Home



With a common lot line move (exempt subdivision), the primary home and mobile home can be on their own separate lots.

No HOA

We Have no homeowners association on this property 12348 juniper creek road Elberta Al 36530

Thanks

Katherine Walcott

Agency and Public Comments

Janie Joiner, *Baldwin County Building Department*: “If the structure touches the floodway, then they would have to provide a No-Rise Certification from an Engineer.”

Ashley Campbell, *Natural Resource Planner*: “If they will relocate the mobile home to the south then a wetland delineation may be required.”

Robert Brown, *Code Enforcement Officer*: (Performed a wetland Review Site Inspection on 7/19/2024 to determine if a delineation would be required to place the mobile home in the rear.) “No delineation Required.”

In reference to case # ZVA24-000043

I am Robert Freitag. My address is 12340 Juniper Creek Rd. I am the neighbor next to the adjoining property at 12352 Juniper Creek Rd. who is asking for a variance. I am responding to letter sent regarding variance hearing for replacement of mobile home.

I have no issue with with a mobile home being put in. Thank you.

Staff Analysis and Findings

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

The subject property is zoned RSF-1, Residential Single-Family District. Per the Parcel Viewer, the property (Lot 6) consists of approximately 3 acres (approximately 130,680 square feet). Planning District 22 came into effect on September 25, 2001. The required minimum lot size for RSF-1 zoning is 30,000 square feet with a 100' minimum lot width at building line and a 50' minimum lot width at street line. **Staff perceives no exceptional narrowness, shallowness, or shape on the subject property and thus this factor is not a criteria consideration of this variance request.**

RSF-2 Required minimum lot size: **30,000 sf**

Actual size: **130,680 sf**

Lot size hardship: **NO**

RSF-2 Required minimum width at street line: **50'**

Actual lot width: **Varies**

Lot width hardship: **NO**

RSF-2 Required minimum width at building line: **100'**

Actual lot width: **Varies**

Lot width hardship: **NO**

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

There is a floodway and flood zone in the rear of the property, however there appears to be enough space to relocate the mobile home to the side of and/or in the rear of the house without intercepting the floodway. Further, there is likely another method for creating a situation where the mobile home may be placed in the proposed location without a variance (common lot line movement). For these reasons, **a topographical hardship cannot be established.**

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, Residential Single-Family District, which allows for single-family dwellings and accessory structures, as well as one accessory dwelling provided it does not exceed 60% the size, in gross floor area, of the primary dwelling. Per Section 13.1.2(b) of the Baldwin County Zoning Ordinance, accessory structures/dwellings may not be located in the front yard of a lot, except in rural districts. Since the mobile home may be relocated to meet the zoning ordinance without a variance, and the mobile home can remain in the proposed location if they request a common lot line move, **staff perceives this variance request to be a convenience and not necessary for the preservation of a property right. Further, the mobile home that was removed could have been maintained as an existing non-conformity but could not be replaced or altered by more than 50% of the fair market value.**

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

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

ZVA24-43 WILMOTT PROPERTY

VARIANCE REQUEST

Lead Staff: Brittany Epling, Planning Tech II

The applicant is requesting a variance from Section 13.1.2 (b) of the Baldwin County Zoning Ordinance to allow for an accessory dwelling to be placed in the front yard of a lot in a residential district.

Staff recommends **DENIAL** of the variance request.

ZVA24-43 WILMOTT 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.

ZVA24-43 WILMOTT PROPERTY

VARIANCE REQUEST

If it is of the pleasure of the Board of Adjustments to approve this variance request, staff recommends the following conditions of approval:

1. If approved, the variance is limited to the request as shown on the Site Plan include within this staff report .
2. Submission of Zoning Site Plan application (ZSP) depicting the site plan included with this variance.
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.



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

SEPTEMBER 12, 2024 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL