



**BOARD OF ADJUSTMENT NUMBER 1  
AGENDA**

**April 15, 2025**

**Regular Meeting**

**4:00 p.m.**

**Central Annex Auditorium**

**22251 Palmer Street**

**Robertsdale, Alabama**

[Email-planning@baldwincountyal.gov](mailto:Email-planning@baldwincountyal.gov)

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes March 18, 2025
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. ZVA25-13 Wescott Property, 16246 Honey Road**

*Request:* Approval of a Variance from Section 3.4.5 Area and Dimension ordinance in the Baldwin County Zoning Ordinance as it pertains to the front yard setback in order to allow for a Single family dwelling to remain.

Location: The subject property is located at 16246 Honey Road, Fairhope, AL in Planning District 14.

**b.) Case No. ZVA25-14 Creel Construction LLC Property, 16236 Ferry Rd**

*Request:* Approval of a Variance from Section 3.4.5 (a) Area and Dimension ordinance of the Baldwin County Zoning Ordinance as it pertains to the side yard setback in order to allow for a Single-Family Dwelling.

**c.) Case No. ZVA25-19 McCrary Property, 23591 River Road**

*Request:* Approval of a Variance from Section 2.3.15.3 (f) Local Provisions for Planning District 15 in the Baldwin County Zoning Ordinance as it pertains to accessory dwellings to allow for a single-family dwelling.

Location: The subject property is located at 23591 River Road Daphne, Al in Planning District 15.

*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 18, 2025**

**I. Call To Order**

The Board of Adjustment Number One met in a regular session on March 18, 2025, at 4:00 p.m., in the Baldwin County Central Annex Auditorium.

**II. Roll Call**

The meeting was called to order by Norman Bragg the acting chair for the meeting. Members present included: Doug Ward, Norman Bragg, Leslie Stejskal, James Guffy, Thomas Kiel, Marla Barnes, Melissa Hadley, and Greg Benjamin. Staff members present were Crystal Bates, Planning Technician II, Celena Boykin, Senior Planner.

**III. Approval of Minutes**

Mr. Thomas Kiel made a motion to approve the February 18, 2024, meeting minutes. Mr. Norman Bragg second the motion. All members voted aye. Motion to approve February 18, 2024, minutes carried anonymously.

**IV. Consideration of Applications and Request**

**a.) ZVA24- 11 Seifert Property, 13753 Scenic Hwy 98**

Mrs. Crystal Bates presented the applicant's request for variance ZVA24-11 from Section 12.5 (f) of the Baldwin County Zoning Ordinance as it pertains to the front yard setback in order to allow for an addition to a single-family dwelling.

The chairman called Elizabeth Seifert Dupree to the podium to speak she stated the reasons why the variance was needed. The chairman and board asked questions of her and the staff, The Chairman then asked if anyone else was present who wanted to speak.

Board member Doug Ward made a motion to Approve the variance ZVA24-11 seconded by James Guffy. The motion passed to Approve the variance with a 6 to 2 vote.

**b.) ZVA24-12 Cummings Property, 13880 County Road 66**

Mrs. Crystal Bates presented the applicant's request for variance ZVA24-12 from Section 2.3.12 Local provisions ordinance as it pertains to size of an accessory dwelling.

The chairman invited Mr. Mickey Skipper to the podium. Mr. Skipper discussed the property and mentioned that this might be the most suitable way to accommodate a home on the site. A conversation ensued between the board members and Mr. Skipper. The chairman and board asked questions of him and the staff, The Chairman then asked if anyone else was present who wanted to speak.

Board member Thomas Kiel made a motion to Approve the variance and follow staff recommendation for case ZVA24-12 and seconded, by Doug Ward. The motion passed to Approve the variance with a 8-1 vote.

**V. Old Business**

**VI. New Business**

**VII. Adjournment**

The meeting adjourned at 4:35 p.m.

Respectfully Submitted,

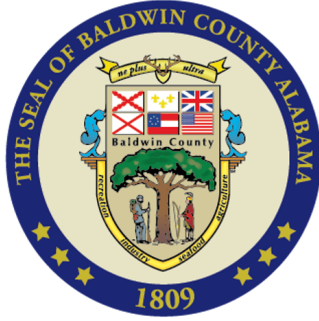
Crystal Bates, Planning Technician

I hereby certify that the above minutes are true, correct, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

---

Jamal Allen, Chairman





**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

**BALDWIN COUNTY BOARD OF ADJUSTMENT #1**

**REGULAR MEETING**

**APRIL 15, 2025 @ 3:00PM**

**Central Annex**

**Robertsdale, AL**

# ZVA25-13 WESCOTT PROPERTY

## VARIANCE REQUEST

Staff: Jenny Mosley , Planning Technician I

- **Planning District:** 14 **Zoned:** BCZ, Base Community Zoning
- **Location:** Subject property is located west of County Rd 9 and North of Honey Rd in the Summerdale community
- **PID:** 05-55-03-05-0-002-062.000
- **PPIN:** 30350
- **Acreage:** .53 +/- Acres
- **Physical Address:** 16246 HONEY RD SUMMERDALE AL 36580
- **Applicant:** Curtis Wescott
- **Owner:** Curtis Wescott
- **Code Cases or Notices of Violation:** No

Baldwin County Planning & Zoning Board of Adjustments



# ZVA25-13 WESCOTT PROPERTY

## VARIANCE REQUEST

Staff: Jenny Mosley, Planning Technician I

The Applicant is requesting a variance from **Section 3.4.5 (a) BCZ, Base Community Zoning, Area and dimensional regulations** of the Baldwin County Zoning Ordinance as it pertains to the area & dimensional ordinances (setbacks) for the Primary Structure.

The Applicant is requesting a variance from required front setbacks & allow the Mobile Home to remain in current location and requesting to add a porch within the required setbacks.

Staff could not identify a hardship. As a result, Staff recommends case **ZVA25-13** be **Denied** unless information to the contrary is revealed during the public hearing.





# Locator Map



# Site Map



	Adjacent Zoning	Adjacent Land Use
North	BCZ, Base Community Zoning	Residential Use
South	BCZ, Base Community Zoning	Public Boat Launch
East	BCZ, Base Community Zoning	Residential Use
West	BCZ, Base Community Zoning	Residential Use

# Site Map ZVA25-13

Subject Property



**BALDWIN** COUNTY, ALABAMA

*Planning and Zoning Department*

Baldwin County Planning & Zoning Board of Adjustments

April 15, 2025

9

# Locator Map ZVA25-13



Subject Property

14

HONEY RD

COUNTY RD 9 - GOUNT



**BALDWIN** COUNTY, ALABAMA  
*Planning and Zoning Department*

Baldwin County Planning & Zoning Board of Adjustments

April 15, 2025



Subject Property  
PIN: 30350



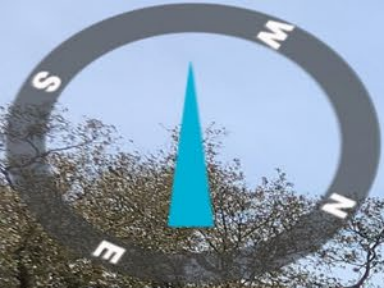
**VARIANCE PROPOSED  
FOR THIS PROPERTY  
CASE NUMBER  
ZVA25-000013**

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

Scan 

Mar 27, 2025 12:14:11 PM  
30°27'41.63389"N 87°48'1.27544"W  
6° N





Property to The  
South  
PIN: 29884



Mar 27, 2025 12:16:42 PM  
30°27'41.4869"N 87°48'1.53587"W  
245° SW





Adjoining Property  
to The East  
PIN: 7075



Mar 27, 2025 12:14:55 PM  
30°27'40.97506"N 87°48'0.25009"W  
59° NE





Adjoining Property  
to the West  
PIN: 9390



Mar 27, 2025 12:17:35 PM  
30°27'42.35281"N 87°48'3.31553"W  
58° NE





Adjoining Property  
to the North  
PIN: 265324





## Permit Requirements

**3.4.5 Area and dimensional regulations.** Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, and unless a change is triggered by *Section 3.4.2(i)*, the area and dimensional ordinances set forth below shall be observed for new construction:

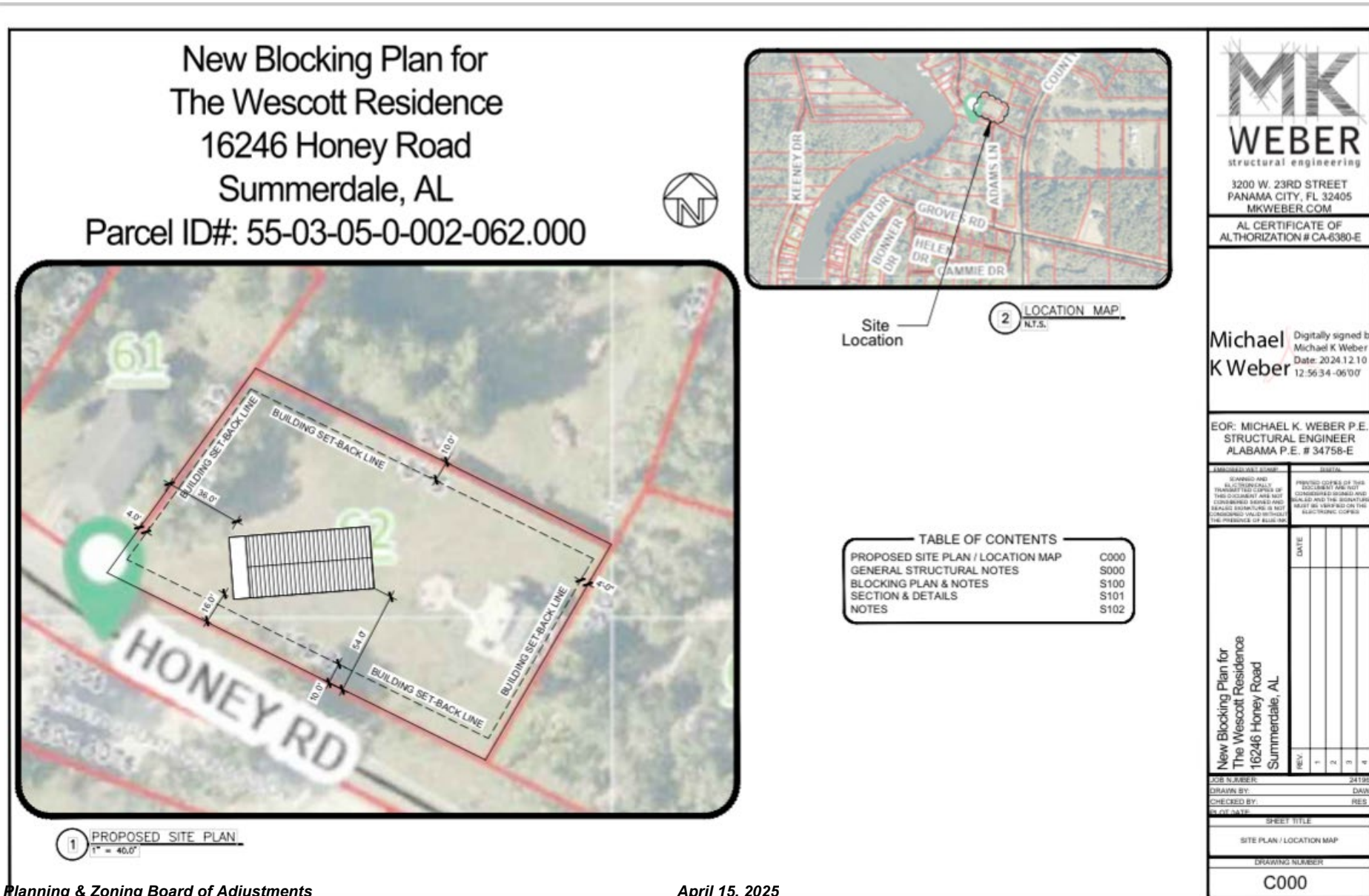
**(a) Primary Structures:**

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

## PROPERTY HISTORY

- **FLD24-000079:** Approved **Flood Land Disturbance (FLD)** 2/4/24, Mobile Home Install: Applicant-Spartan Homes of Summerdale. Applicant submitted a Site Plan meeting setbacks for **Section 3.4.5 (a) BCZ, Base Community Zoning, Area and dimensional regulations**.
- **BPR25-000087:** Created on 1/13/25, Pending Building Department Approval: Property Owner applied for **FLD** approval for the accessory structure on the northwest corner of subject property. The permit was approved by Planning and Zoning on 2/10/2025.
- **BPR25-000455:** Created on 2/24/25, Not Approved Per Ordinance: Property Owner applied for **FLD** approval for the addition of 2 porches on the Approved Mobile Home Install **FLD24-000079**. Owner submitted site plan showing area of proposed disturbance and Staff discovered the placement of the Mobile Home approved under FLD24-000079 did not match the approved site plan and did not meet the zoning front setbacks for **Section 3.4.5 (a) BCZ, Base Community Zoning, Area and dimensional regulations**. Owner stated he was unaware of the approved site plan from FLD24-000079 as Spartan Homes of Summerdale applied for the permit on his behalf and did not place the Mobile Home as stated on the Approved Site Plan, resulting in Mobile Home not following the zoning setbacks.

# Original Site Plan Proposal sent to Property Owner by Spartan Homes





# FLD24-79: Approved Site Plan from Spartan Homes for Principal Dwelling



## 3.4.5 Area and dimensional regulations.

### (a) Primary Structures:

- 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



# Statement from Property Owner

03/19/25

TO WHOM THIS MAY CONCERN:

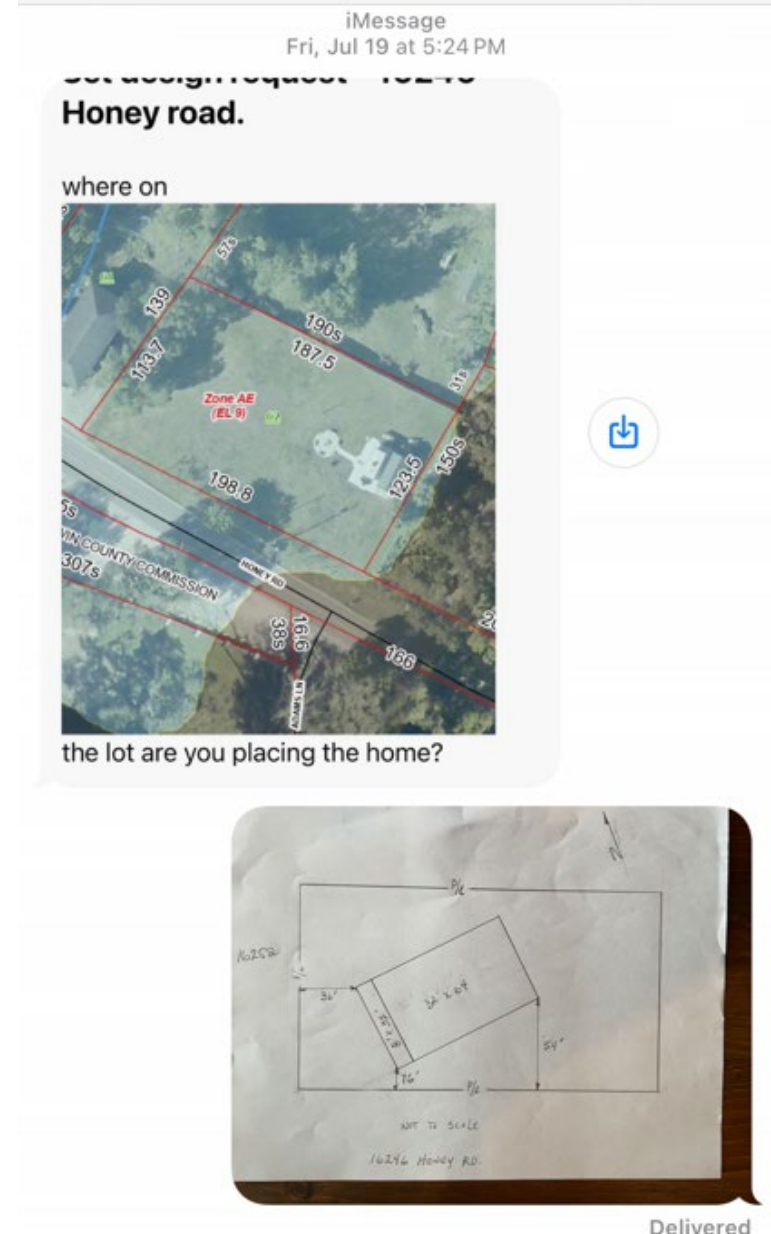
I DO NOT KNOW HOW A SITE PLAN WAS GIVEN TO THE COUNTY. SHOWING THE HOME PLACED ON THE SOUTHEAST CORNER OF THE PROPERTY. I WAS CLEAR WITH SPARTAN HOMES WHERE I WANTED IT PLACED AND PROVIDED A SITE PLAN. I WAS NOT AWARE OF THIS APPROVED SITE PLAN UNTIL I TRIED TO GET A PERMIT FOR MY PORCHES. SPARTAN HOME HANDLED ALL THE PERMITS FOR THE HOME.

I HAD A ENGINEERED FOUNDATION WITH SITE PLAN. I WAS TOLD THAT IT WAS APPROVED BY THE COUNTY INSPECTOR. AFTER THE CONCRETE WAS POURED IT WAS CHECKED BY THE ENGINEER AND THEN APPROVED ~~THE~~ BY THE COUNTY INSPECTOR.

I PURCHASED THIS PROPERTY EARLY IN 2019 AND HAVE BEEN PLANNING SENSE.

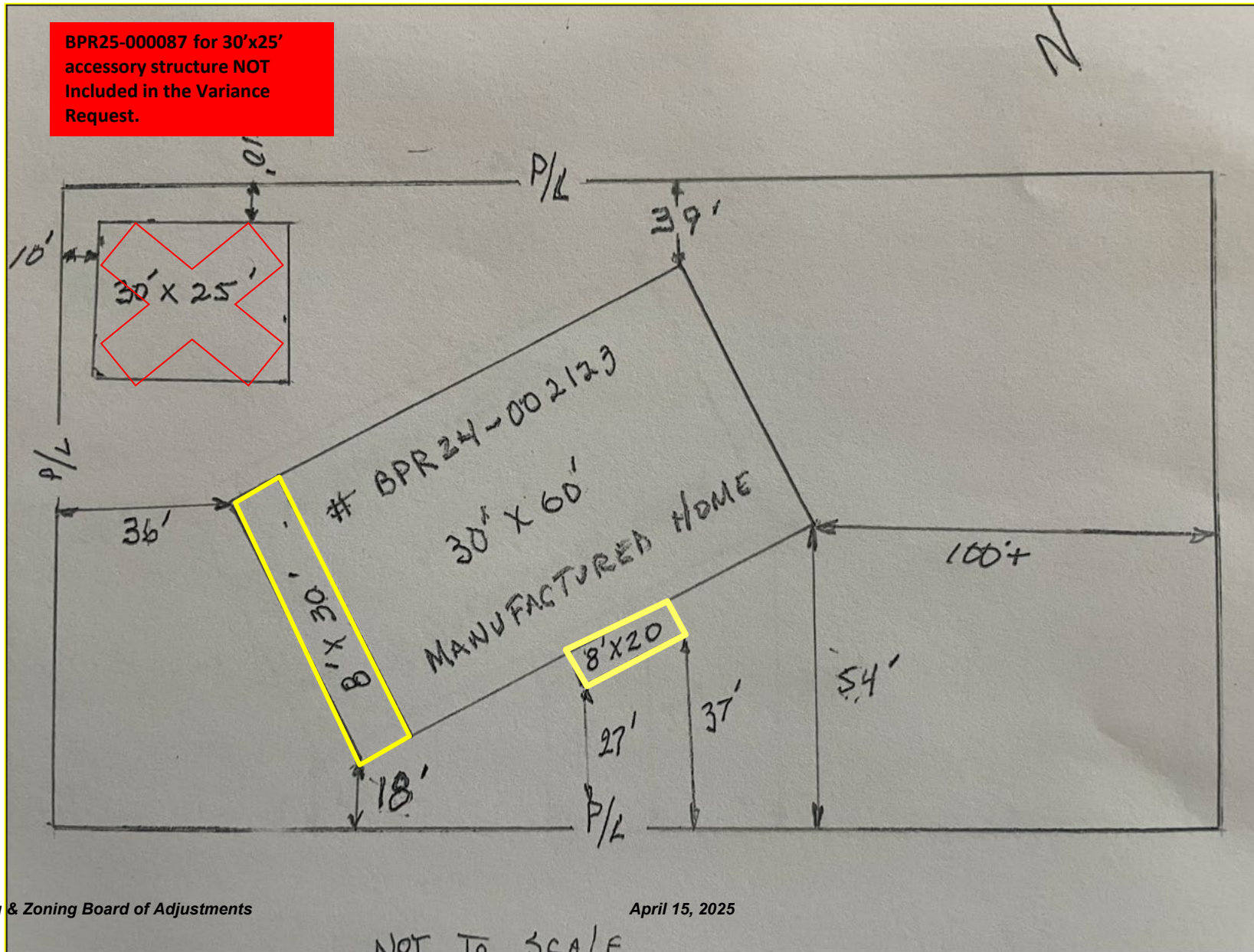
I HAVE JUST OVER 1/2 ACRE AND A GOOD VIEW OF THE RIVER. WHY WOULD I WANT THE HOME ON TOP OF MY EXISTING STRUCTURES.

WE ARE MOVED IN AND ARE DEALING WITH STEPS THAT ARE TOO LOW. TO MOVE THIS HOME WOULD BE VERY COSTLY AND AN EXTREME HARDSHIP. I AM RETIRED AND 72 YEARS OLD THIS IS GOING TO BE MY FINAL HOME.





# Variance Proposed Site Plan with Porches



# No HOA/POA

No active POA  
on this parcel.

A handwritten signature in blue ink, appearing to read "J. H. Smith".

# 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 **BCZ, Base Community Zoning** and is located west of the city Summerdale, west of County Road 9. The parcel consists of approximately .53 +/- acres with lot dimensions of 198'(S) X 123.5'(S) IRR (approximately 23,086.8 square feet). Planning District 14 came into effect on June 6, 2023. The Subject Property meets the required minimum lot size, area and dimensional requirements of Section 5.4(a) of the Baldwin County Subdivision Regulations. **The subject property does not present a notable hardship** that would impact the ability to comply with setbacks or Section 3.4.5 (a) BCZ, Base Community Zoning, Area and dimensional regulations . Therefore, staff does not believe this factor should be considered in this request.

BCZ Required minimum lot size: **7,500 sf (.172 +/- acres)**

Actual size: **23,086.8 sf (.53 +/- acres)**

Lot size hardship: **NO**

BCZ Required minimum width at building line: **80'**

Actual lot width: **198.8'**

Lot width hardship: **NO**

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

**Staff does not perceive this property to have any 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 BCZ, Base Community Zoning and is in Planning District 14, which allows Mobile Homes as Primary Dwellings by right. BCZ zoning requires minimum setbacks for the Primary Structure of Minimum Front Yard 30-Feet, Minimum Rear Yard 30-Feet and Minimum Side Yards 10-Feet. A Flood Land Disturbance (FLD) was submitted on 2/4/24 meeting all regulations and local provisions for the principal residence and was approved with FLD24-000079. A second application, BPR25-000455, created on 2/24/25 requesting a FLD for the addition of porches brought to the staff's attention that the setbacks and site plan for FLD24-000079 were not followed with the installation of the mobile home by Spartan Homes. Staff believes that allowing relief from **Section 3.4.5 (a) BCZ, Base Community Zoning, Area and dimensional regulations of the Baldwin County Zoning Ordinance as it pertains to the area & dimensional ordinances (setbacks) for the Primary Structure** is not necessary for the preservation of a property right. Not adhering to the zoning ordinance setbacks for BCZ, Base Community Zoning appears to serve merely as a convenience and based primarily on economic loss.

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

Staff 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.**

The Applicant is requesting a variance from Section 3.4.5 (a) BCZ, Base Community Zoning, Area and dimensional regulations of the Baldwin County Zoning Ordinance as it pertains to the area & dimensional ordinances (setbacks) for the Primary Structure, to allow the existing Mobile Home to remain & allow the construction of the proposed porches within the required setbacks of the BCZ zoning ordinance as stated in Section 3.4.5 (a).

Staff perceives no hardship and therefore recommends **Denial** of the variance request.

### **GENERAL NOTES {By-laws}**

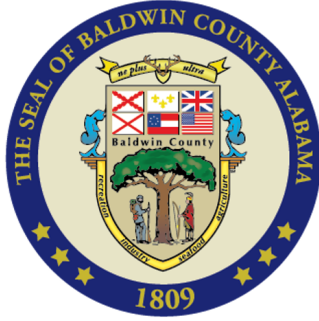
Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board.

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.



**If it is of the pleasure of the Board to Approve this variance, staff recommends the following conditions and memorialized information:**

1. If approved, the variance is limited to the request as shown on the Site Plan.
2. Submission of a Flood Land Disturbance (FLD) for review and approval by staff depicting the site plan included within the variance for the Primary Structure with proposed porch additions and meeting all remaining requirements not excluded with variance approval.
  - a. Any deviations within the FLD from the site plan included in the approved ZVA may require additional variances.
  - b. Staff memorializes that the site plan provided with the variance request is not stamped by a licensed professional engineer or surveyor and has not been presented as nor approved as engineering or survey data.
  - c. Staff reserves the right to require corrective action in lieu of allowing additional variance requests should a blatant disregard for the provisions of an approved ZVA occur.
  - d. Approval of BPR25-000087 for the accessory structure in Northwest corner of property is Excluded from this Variance request.
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.



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

NEXT REGULAR MEETING

MAY 20, 2025 @ 3:00PM

Central Annex

Robertsdale, AL





# BALDWIN COUNTY, ALABAMA

*Planning and Zoning Department*

## BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

APRIL 15, 2025

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

# ZVA25-14 CREEL CONSTRUCTION LLC PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 39
- **Zoned:** BCZ, Base Community Zoning
- **Location:** The subject property is located on east side of Ferry Road at the end on Fish River
- **PID:** 05-55-03-06-0-001-040.003
- **PPIN:** 388022
- **Acreage:** 0.98
- **Physical Address:** 16236 Ferry Road
- **Applicant:** Ryan Creel
- **Owner:** Creel Construction LLC, Ryan Creel



# ZVA25-14 CREEL CONSTRUCTION LLC PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Section 3.4.5 (a) Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance regarding side setbacks to allow for a single-family dwelling.

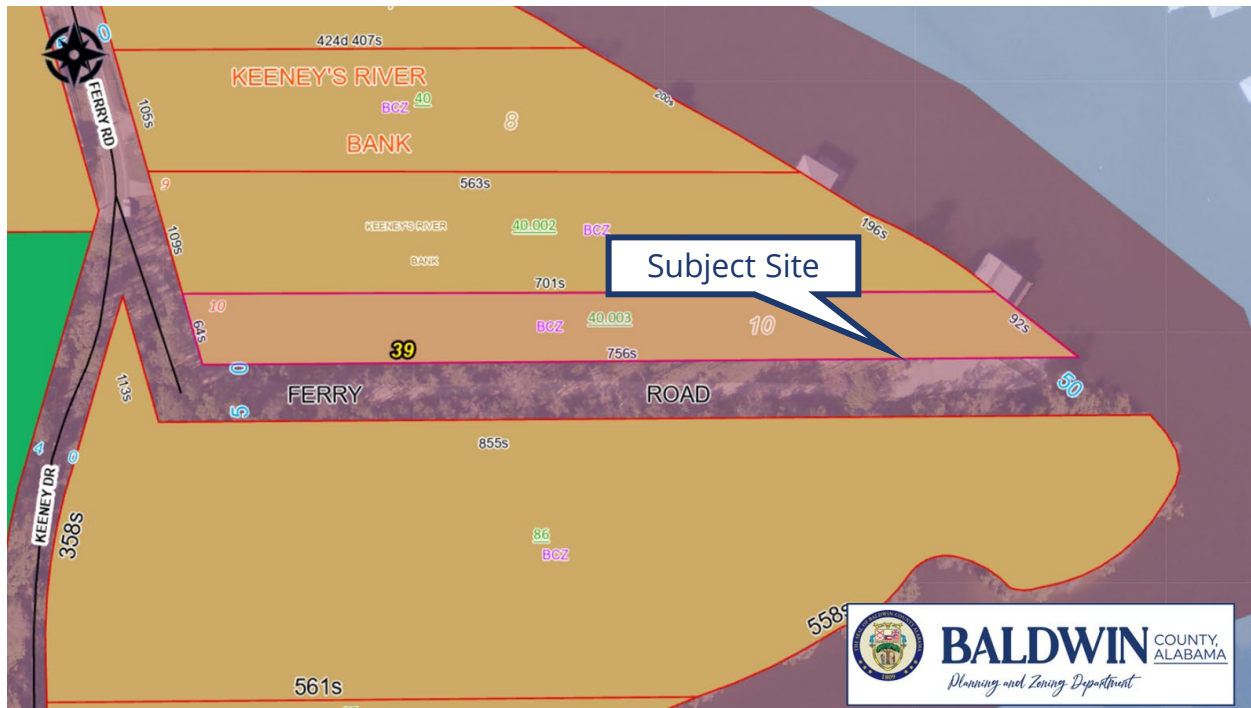
The applicant is asking for a variance on the side property line to be 5' instead of the required 10'

Staff recommends that ZVA25-16 be Approved.

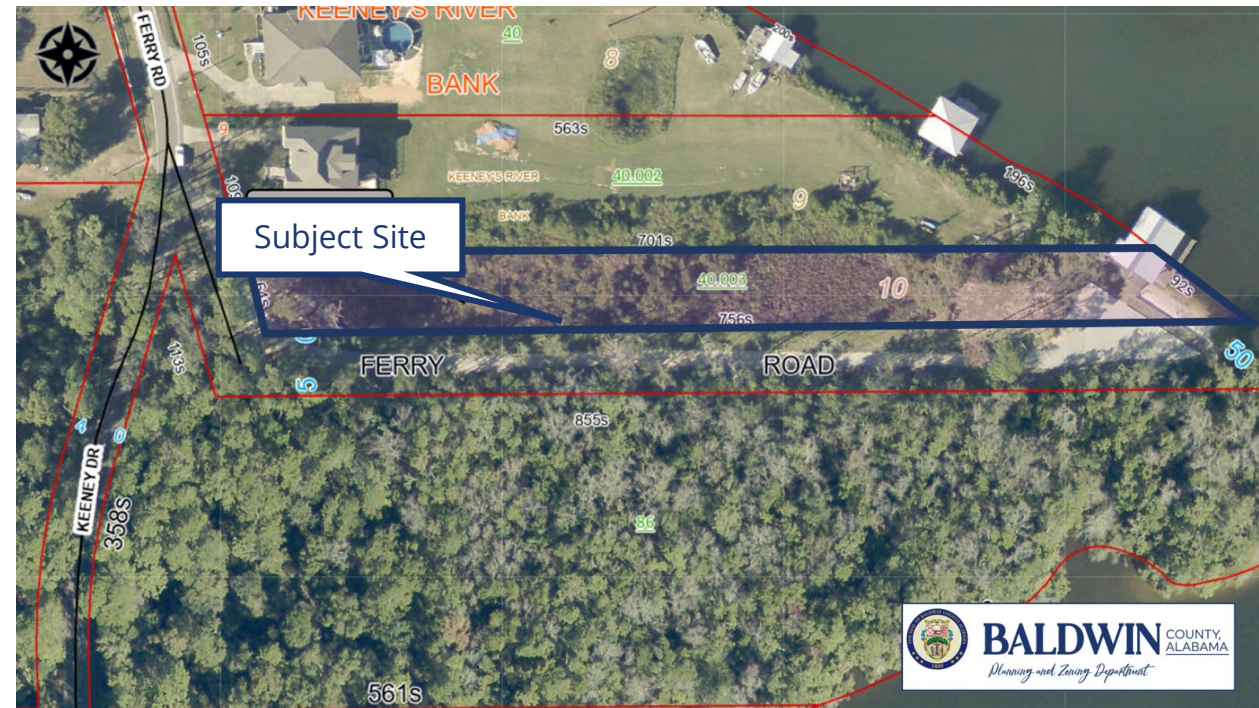




# Locator Map



# Site Map



	Adjacent Zoning	Adjacent Land Use
North	BCZ, Base Community Zoning	Residential
South	BCZ, Base Community Zoning	Vacant
East	RA, Rural Agriculture	Vacant
West	BCZ, Base Community Zoning	Residential





Subject Property  
PIN: 388022



**VARIANCE**  
**PROPOSED**  
**FOR THIS PROPERTY**  
Case Number  
**ZVA25-000014**

For information Contact  
Baldwin County Planning &  
Zoning Department  
**(251) 580-1655**

Scan 

Mar 26, 2025 1:45:42 PM  
30°27'42.37517"N 87°48'17.24447"W  
153° SE





Adjoining Property  
to The North  
PIN: 234619



Mar 26, 2025 1:46:01 PM

30°27'42.94206"N 87°48'17.43581"W

85° E

34





Property to The  
West  
PIN: 304794



Mar 26, 2025 1:48:08 PM  
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117° SE



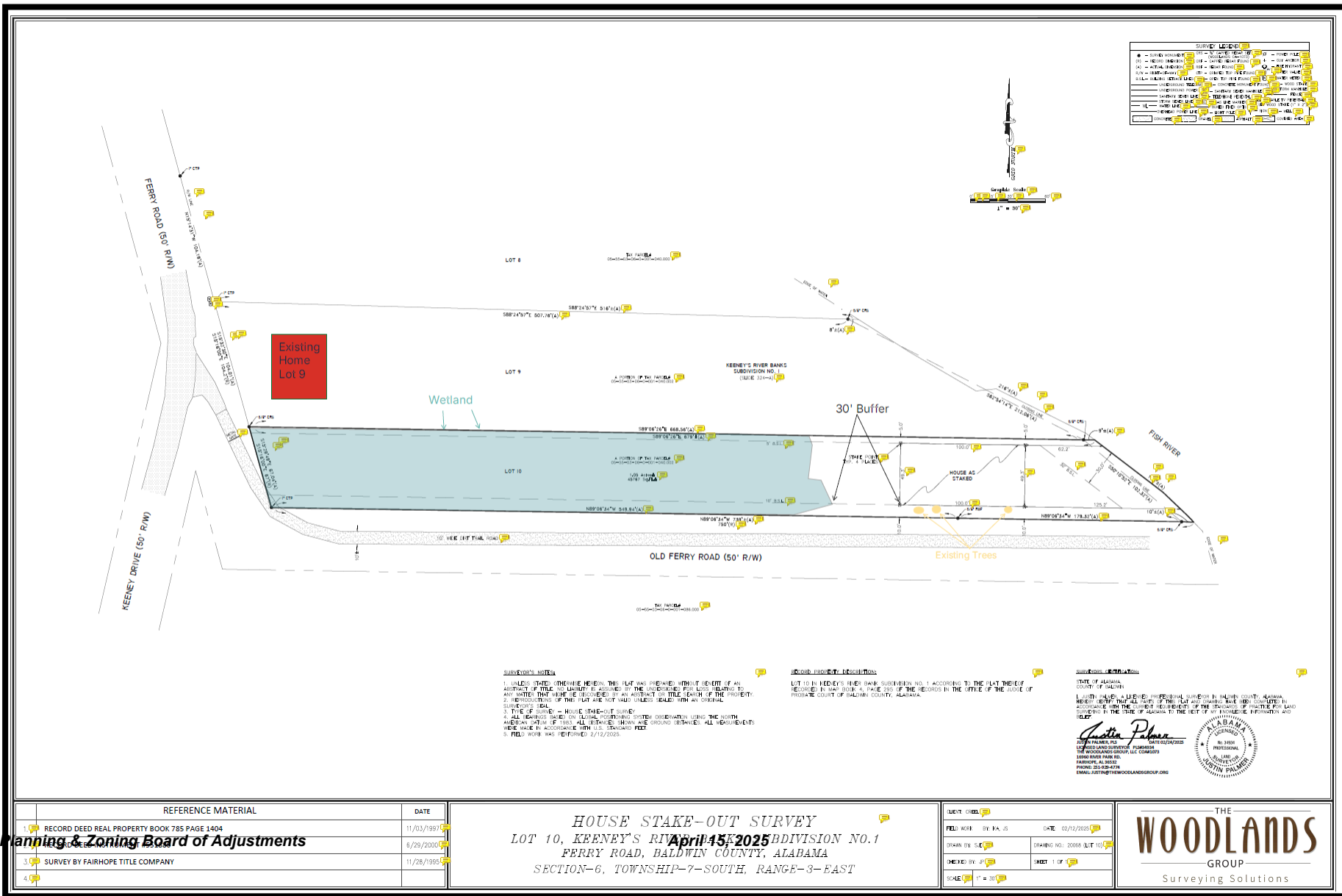
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250° W

Property to The  
South  
PIN: 304796

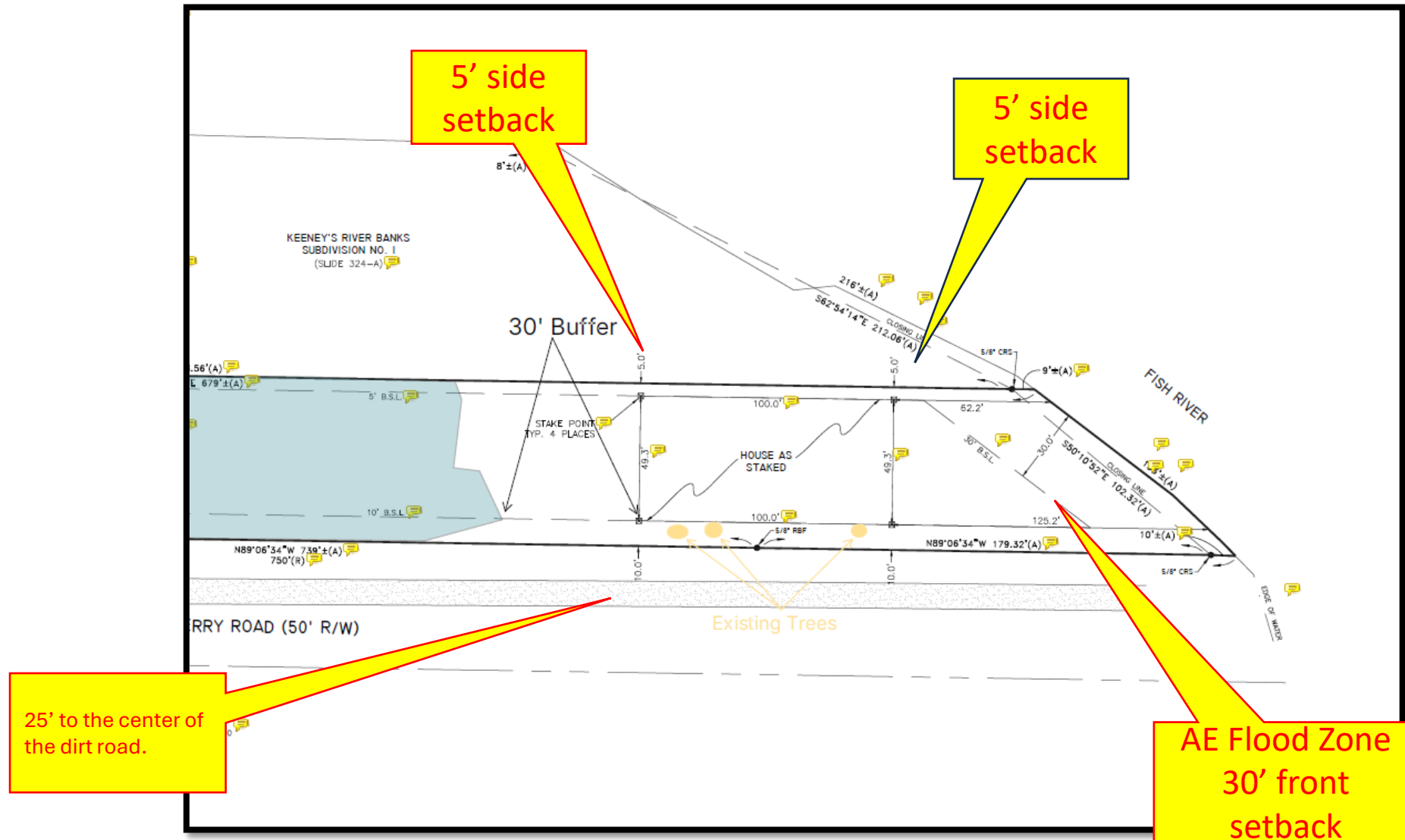




# Site Plan



# Site Plan Enlarged



# Wetland Delineation assessment



May 26, 2022

Ryan Creel  
Creel Construction, LLC  
PO Box 175  
Montrose, AL 36559

**Re: Wetland Assessment Report**  
**16236 Ferry Road, Fairhope, Baldwin County, AL**  
**WSI Reference #2022-452**

Dear Mr. Creel,

As requested, Wetland Sciences, Inc. has completed a field wetland delineation located at 16236 Ferry Road, in Fairhope, Baldwin County, Alabama. The parcels are identified by the Baldwin County Revenue Commission with the Parcel Identification Numbers (PIN): 388022. This assessment included an analysis of plant communities, soils, and indirect hydrologic indicators. During this determination, Wetland Sciences, did identify wetlands which fall within the regulatory jurisdiction of the US Army Corps of Engineers (Corps) and the Alabama Department of Environmental Management (ADEM) under **33 CFR 320-330**. See attached wetland sketch – Exhibit A). The following is a summary of our findings.

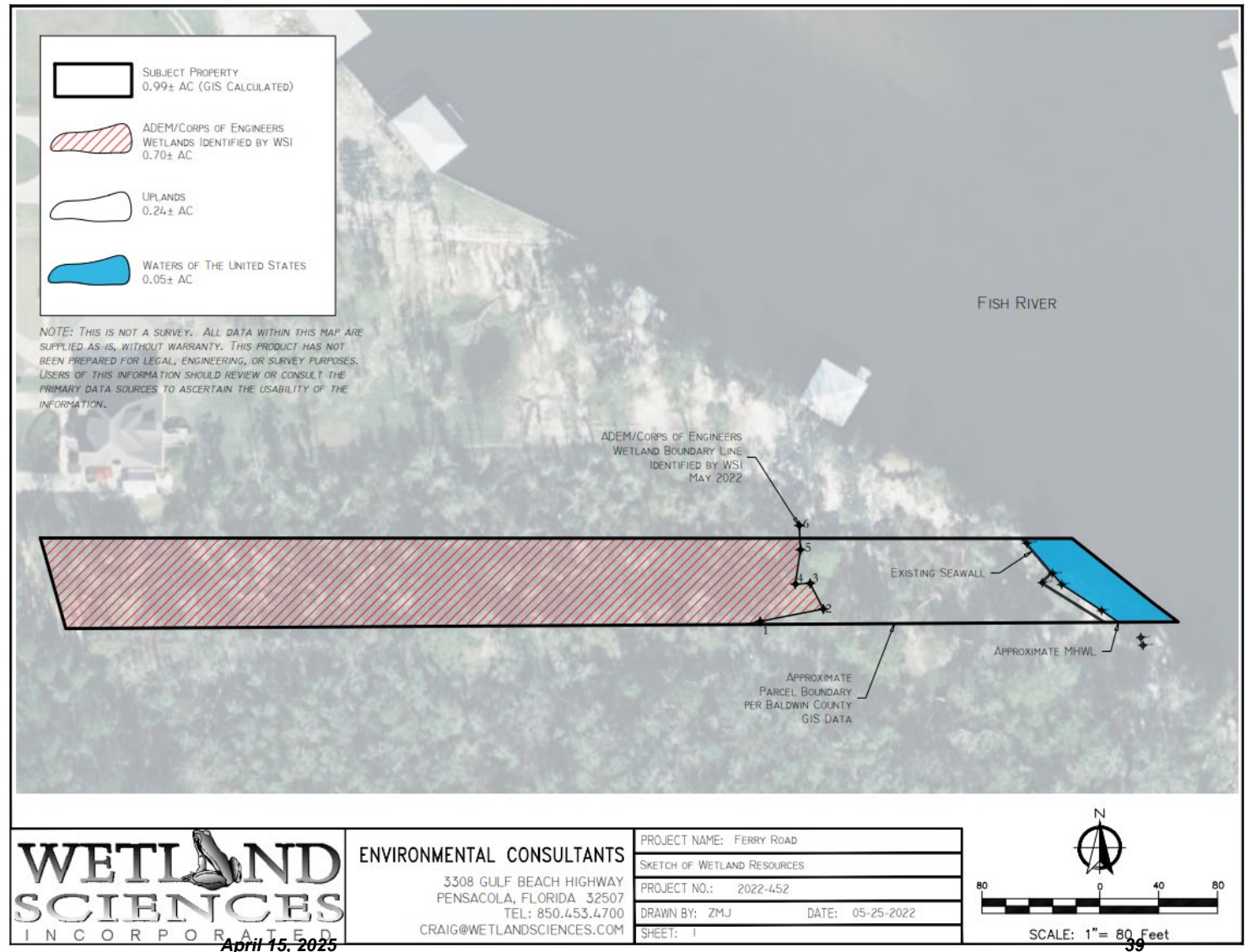
The assessment was completed by a thorough pedestrian survey covering 100% of the subject property. I personally inspected the property on May 25, 2022. The wetland boundaries shown on the attached sketch were delineated in accordance with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). There are three primary agencies which regulate wetland resources: Federal (Department of the Army Corps of Engineers – Corps), the Alabama Department of Environmental Management (ADEM) and Baldwin County. Additionally, Baldwin County may require a 30-ft setback for development from wetlands.

The wetland boundaries shown on the attached sketch were delineated in accordance with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Federal – Corps). The wetland boundary was identified in the field by progressively locating points along the upland/wetland boundary at 15-20-ft. intervals or corresponding with directional changes with the boundary. Each point was identified and located by an experienced wetland scientist. Pink flags were placed at each point clearly marked "Wetland Delineation". Each flagged point also contains specific alpha numeric designator for later tracking of its location. Wetland Sciences, Inc. used a Trimble Geo7x GNSS system to locate each point. Data was collected using Trimble's TerraSync Professional Software with further data refinement using Trimble's Pathfinder Professional Software. Please keep in mind that there are many variables that affect the accuracy of the GPS data used to generate the attached sketch. This sketch should be considered approximate unless verified by a survey or other appropriate means.

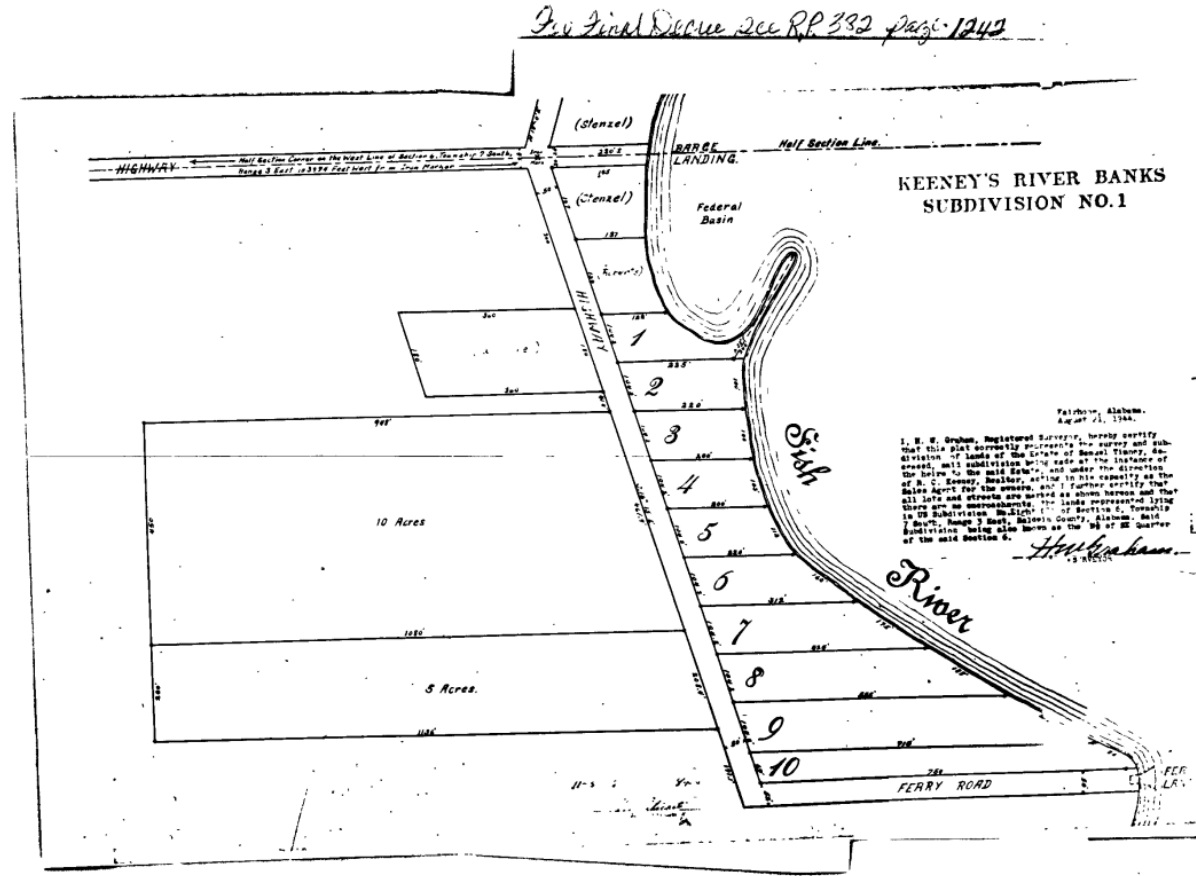
The boundary of jurisdictional wetland as depicted in the exhibits of this report are not final or "binding" until such time as they are confirmed by the USACE through field inspection. As such, the depicted wetland boundary may be subject to minor changes upon such inspection/approval.

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

**Baldwin County Planning & Zoning Board of Adjustments**



# SUBDIVISION PLAT





# Zoning Requirements

## Section 3.4 BCZ, Base Community Zoning

**3.4.1 Generally.** This zoning district is designed to preserve the character and sense of place in Baldwin County's unique communities and natural resource areas. As a result, the district may be applied to a wide variety of lot sizes and uses located within rural and suburban communities. Thus, the Base Community Zoning District places an emphasis on ensuring changes from the existing state do not disrupt the character and quality of life in a rural or suburban community. The appropriate time to apply a Base Community Zoning designation will generally be at the inception of zoning in a new Planning District.

**3.4.2 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 institutional uses: church or similar religious facility; school (public or private).
- (d) Agricultural uses.
- (e) On parcels that are three (3) acres or greater in size, up to two (2) single family dwellings.
- (f) On parcels that are less than three (3) acres in size, a single-family dwelling and one accessory dwelling with a gross floor area no greater than 60% of the gross floor area of the primary dwelling.
- (g) Accessory structures and uses including a residential accessory structure on a vacant parcel.

(h) A Home Occupation that conforms with Section 13.3 of the Baldwin County Zoning Ordinance.

(i) All existing uses, unless one of the following changes is proposed:

- 1. A change that would trigger a Commission Site Plan Approval under *Section 18.10.3 Applicable Uses*.
- 2. Any division of land except an exempt division of land under Section 4.2 of the Baldwin County Subdivision Regulations or a division where each resulting parcel meets the minimum area and dimension requirements for Residential Single Family Residential Estate (RSF-E) District under Section 4.1.5 herein.

Under Base Community Zoning, a use that has been abandoned for a period of five (5) years shall no longer be considered an existing use. The intent to abandon shall be presumed from the cessation of business or the removal of equipment, goods, structures, or other aspects of such nonconforming use of the property.

**3.4.3 Special exceptions.** 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 as special exceptions: Not Applicable

**3.4.4 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: Not Applicable

**3.4.5 Area and dimensional regulations.** Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, and unless a change is triggered by *Section 3.4.2(i)*, the area and dimensional ordinances set forth below shall be observed for new construction:

(a) Primary Structures:

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

(b) Accessory Structures are not permitted in the front yard and shall be a minimum of 5-feet from property when located within the side or rear yard.

# 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 39 came into effect on July 18, 2023. The lot recorded is 92' x 756' IRR ft Lot 10 of Keeney's River Bank Subdivision. It is .98 acres and the minimum lot size requirement for BCZ, Base Community Zoning District is 40,000 sf with a Minimum Lot Width at the Building Line of 120'. The subject property does not meet the minimum lot width of the parcel.

Staff believes that this is a hardship since the lot width at the building line is 64.5 feet wide.

Minimum lot size: **40,000sf** Actual lot size: **69,552 sf** Minimum Lot width: **120'** Actual Lot Width: **96'** Hardship: **YES**

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

The subject property does contain jurisdiction wetlands on the property or any other apparent exceptional topographic conditions.

Therefore, staff could establish exceptional topographical conditions or other extraordinary situations, or conditions contained on the property that would require a variance; however, the requested variance does not necessarily contemplate a hardship due to topographic conditions and thus this section is **not a factor** in the consideration of a zoning 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 currently zoned RSF-2, designated for Residential Single-Family, which permits a variety of residential and accessory uses. The applicant's request to construct a 5-foot setback instead of the standard 10-foot on the south side lot line appears to be reasonable, particularly considering that the opposite side borders an unopened county right-of-way intended for public access.

Due to some other factors and requirements for the property, staff believes that 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.

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

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

# Staff Analysis and Findings

## 5.) Other matters which may be appropriate.

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



# POA Statement

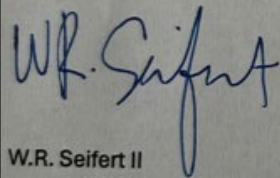
William R. Seifert II  
P.O. Box 283  
Point Clear, AL 36564  
251.610.2938

February 21, 2024

To Whom it may concern:

To my knowledge, there is no existing neighborhood association with rules & restrictions governing our property located at 13753 Scenic Highway 98 in Fairhope, AL.

Respectfully,

  
W.R. Seifert II

# ZVA25-14 CREELE CONSTRUCTION LLC PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Section 3.4.5 (a) Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance regarding side setbacks to allow for a single-family dwelling.

The applicant is asking for a variance on the side property line to be 5' instead of the required 10'

Staff recommends that ZVA25-14 be Approved with the following conditions,

1. If approved, the variance is limited to the request as shown on the site plan provided herein.
2. All previous stop work orders shall be cleared up with the Baldwin County Building Department pertaining to the boathouse/bulkhead.
3. This variance doesn't relieve the subject property of any other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or licensing agreement), or requirements of other agencies.
4. All previous and proposed work will need to be compliant with ADEM and USCE requirements before any during

# ZVA25-14 CREEL CONSTRUCTION LLC PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

### **GENERAL NOTES {By-laws}**

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

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





**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

NEXT REGULAR MEETING

MAY 20, 2025 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL



# BALDWIN

COUNTY,  
ALABAMA

*Planning and Zoning Department*

## BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

APRIL 15, 2025

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL



# ZVA25-19 McCRARY PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 15
- **Zoned:** RSF-E, Residential Single-Family Estate
- **Location:** The subject property is located on the west side River Road North, Lot 3 Brookins Subdivision
- **PID:** 05-42-09-32-0-000-005.002
- **PPIN:** 375521
- **Acreage:** 2.09
- **Physical Address:** 23591 River Rd N
- **Applicant:** McCrary Matthew and Andrea
- **Owner:** McCrary Matthew and Andrea



# ZVA25-19 McCRARY PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Local Provisions Section 2.3.15 of the Baldwin County Zoning Ordinance as it pertains to accessory dwellings to allow for a single-family dwelling.

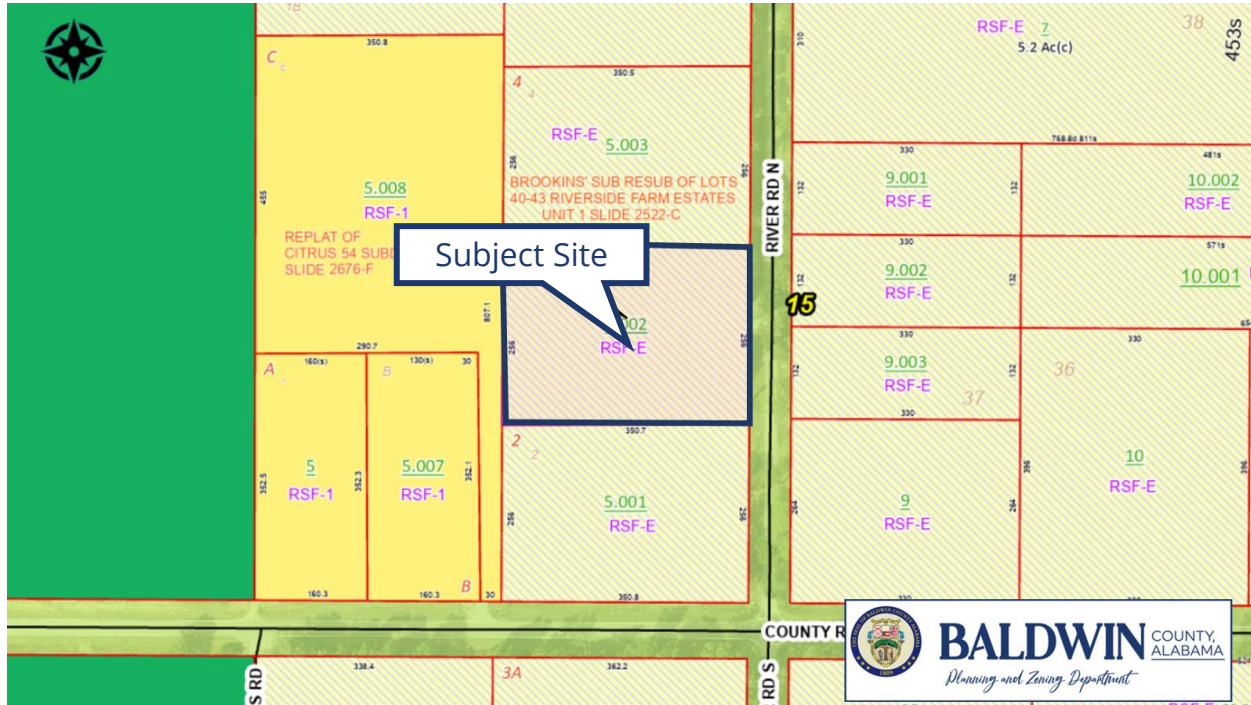
The applicant is asking to build a 2<sup>nd</sup> detached accessory dwelling on the property which would not meet the Planning District 15 requirement of an accessory dwelling being entirely contained within the structure of a single-family dwelling.

Staff recommends ZVA25-19 be **denied due to the lack of a qualifying hardship** unless information to the contrary is revealed at the public hearing.

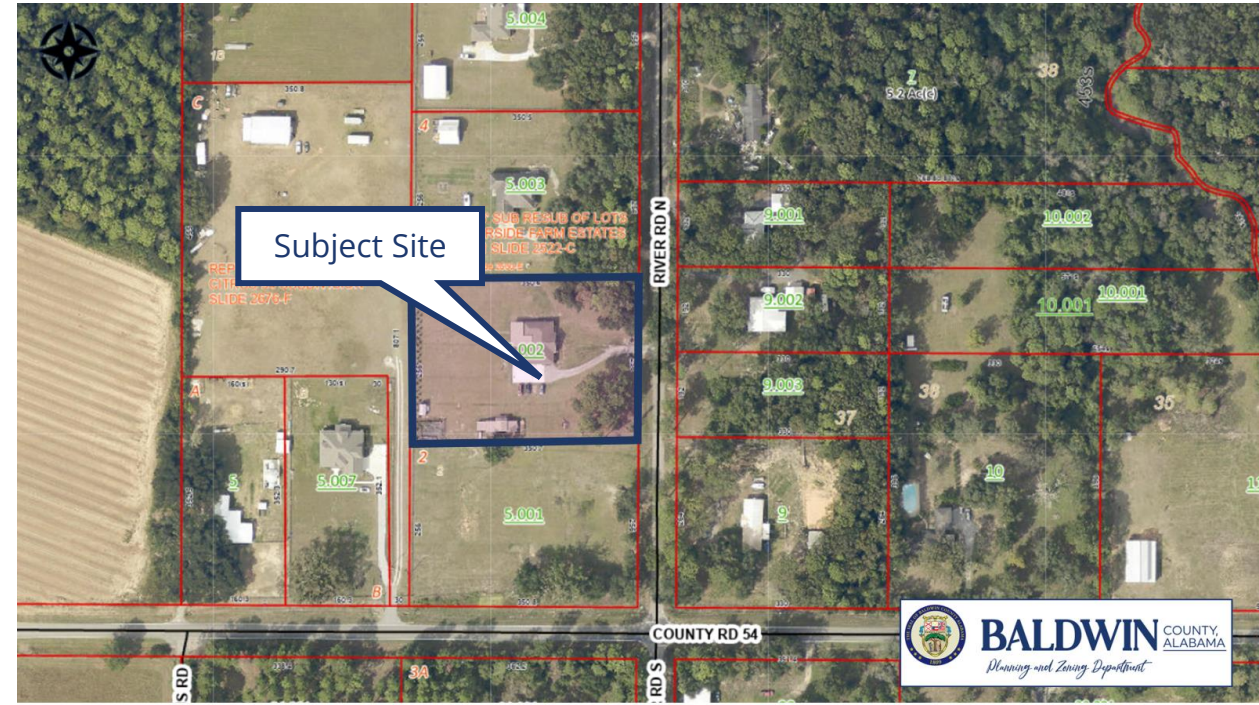




# Locator Map



# Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-E , Residential Single-Family Estate	Residential
South	RSF-E, Residential S Single- Family Estate	Vacant
East	RSF-E, Residential Single-Family Estate	Residential/Vacant
West	RSF-1, Residential Single Family 1	Residential

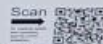




Subject Property  
PIN: 357721



VARIANCE PROPOSED  
FOR THIS PROPERTY  
CASE NUMBER  
**ZVA25-000019**  
For Information Contact  
Baldwin County Planning &  
Zoning Department  
(251)580-1655 / (251)972-8523  
(251)990-4623



Mar 27, 2025 11:36:15 AM  
30°34'6.19928"N 87°47'57.37448"W  
276° W





Adjoining Property  
to The North  
PIN: 357722



Mar 27, 2025 11:41:02 AM  
30°34'8.74607"N 87°47'56.84773"W  
54° NE





Adjoining Property  
to The South  
PIN: 357720



Mar 27, 2025 11:37:08 AM  
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253° W





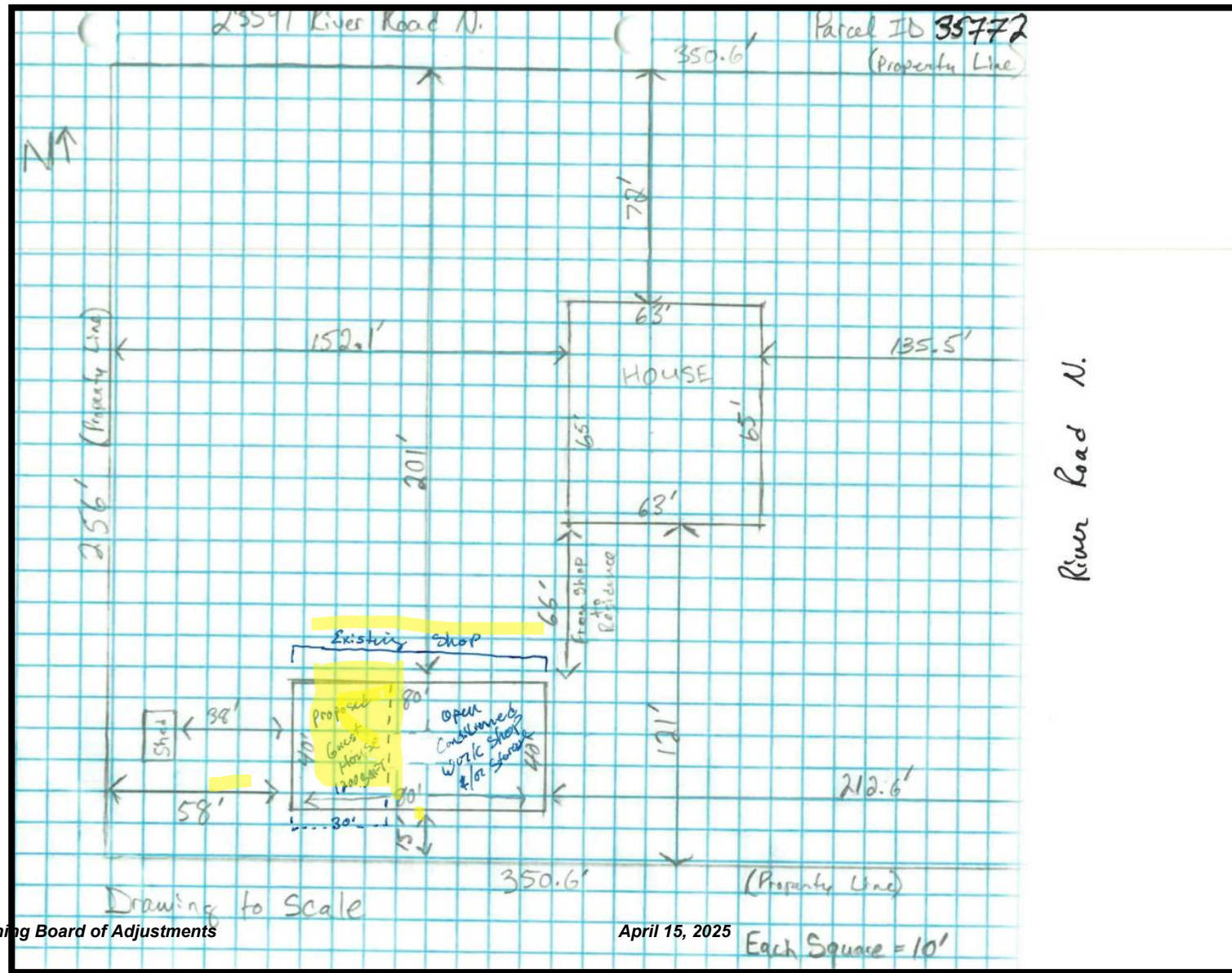
Property to The  
East  
PIN: 234261



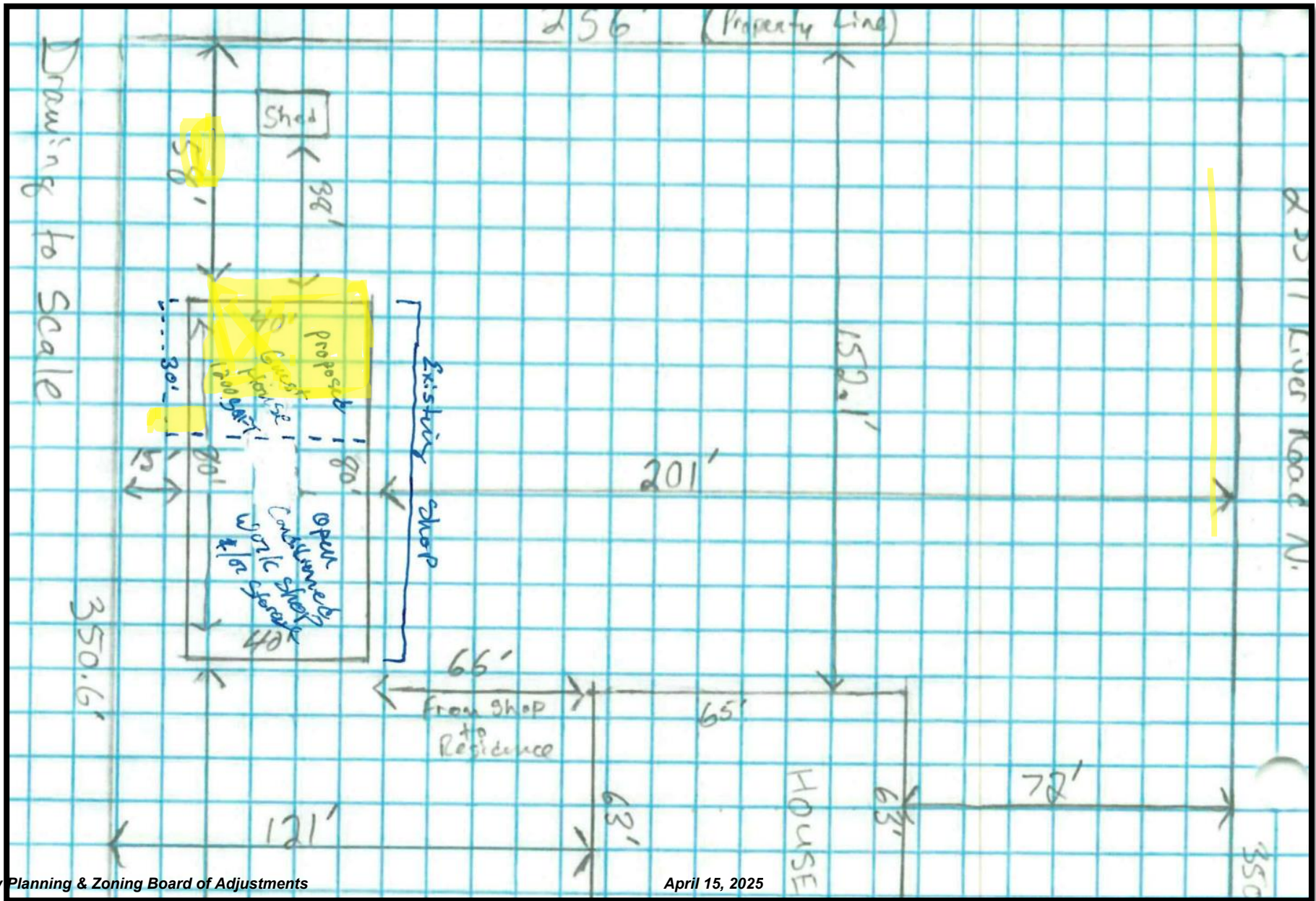
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102° E



# Site Plan







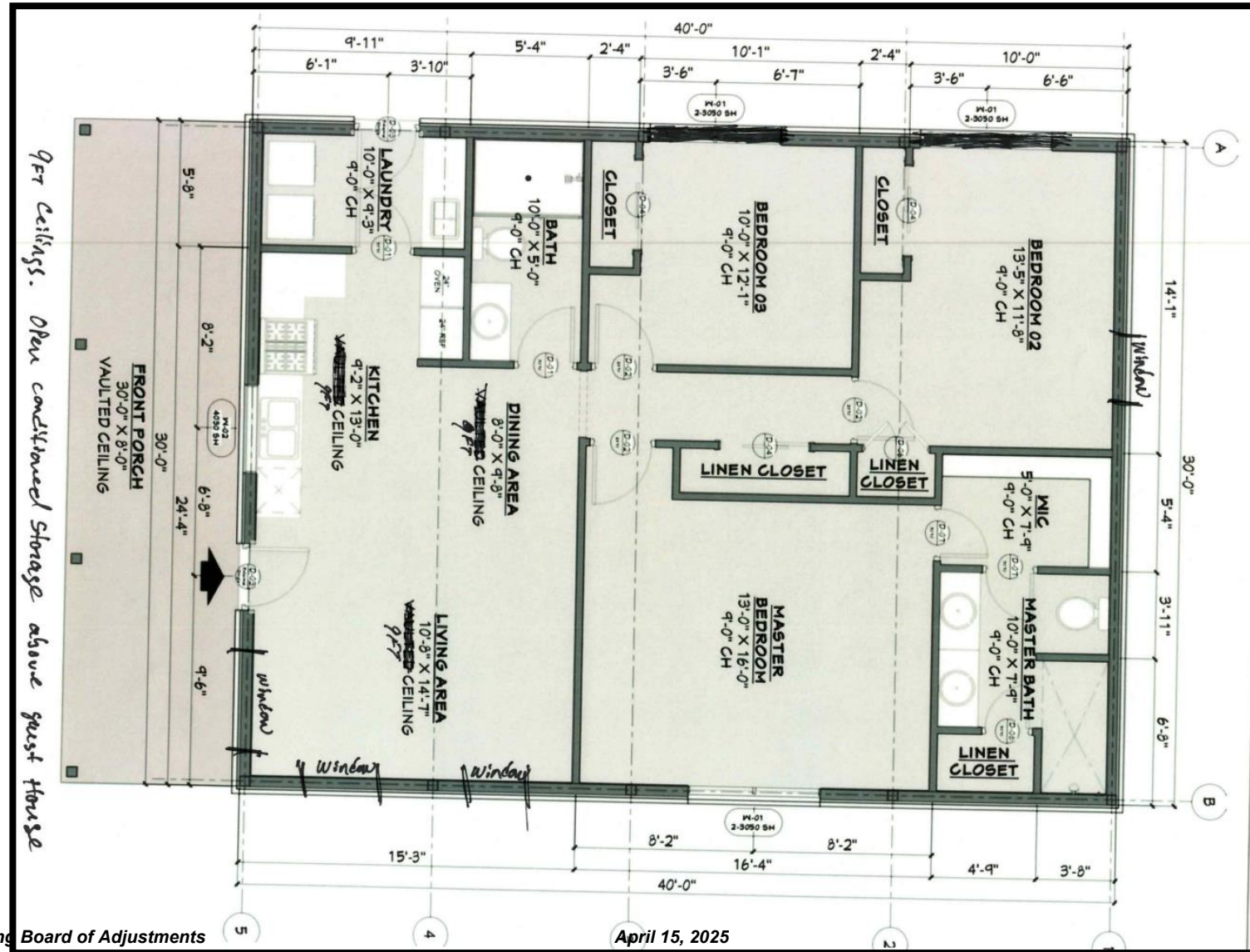
# ELEVATIONS





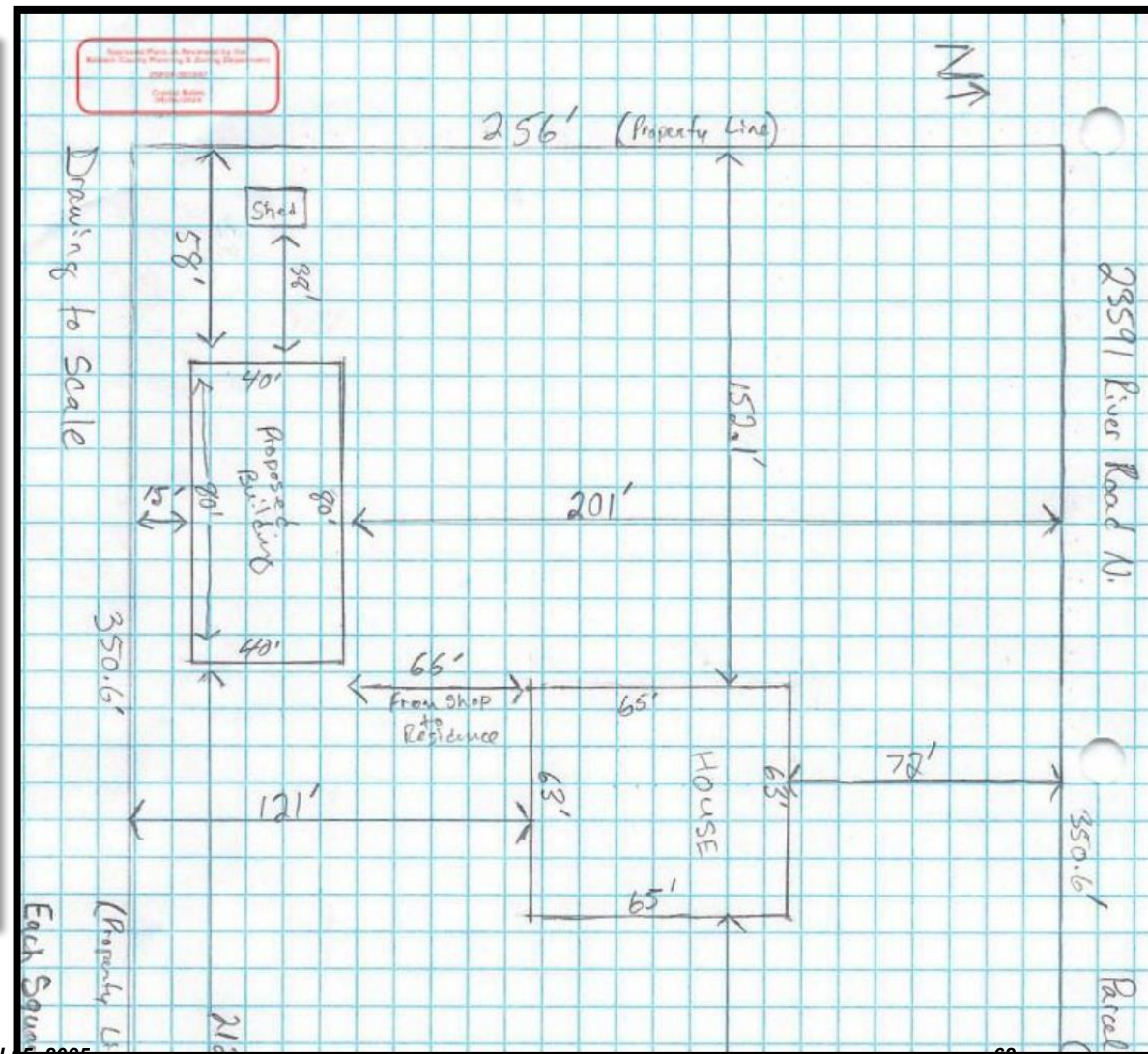
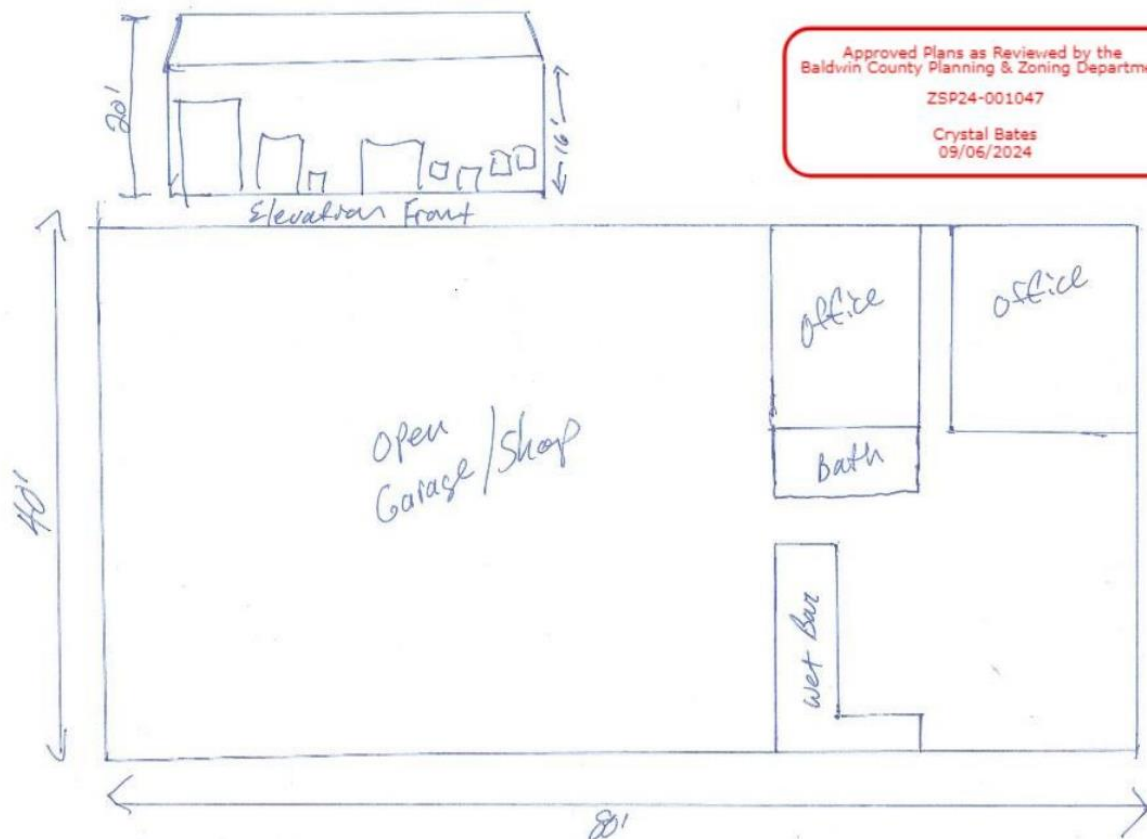


# Floor Plans





Approved Plans as Reviewed by the  
Midwin County Planning & Zoning Department  
ZSP24-001047  
Crystal Bates  
09/06/2024



# Zoning Requirements

## 2.3.15 *Planning District 15.*

### 2.3.15.1 Effective Date

On February 21, 2006, a majority of qualified electors in Planning District 15 voted to institute County Zoning. On August 1, 2006, the County Commission adopted the Planning District 15 Zoning Map and Ordinances.

### 2.3.15.2 District Boundaries

A legal description of the boundaries for Planning District 15 may be found under Appendix A.

### 2.3.15.3 Local Provisions for Planning District 15

#### (a) Advisory Committee Philosophy.

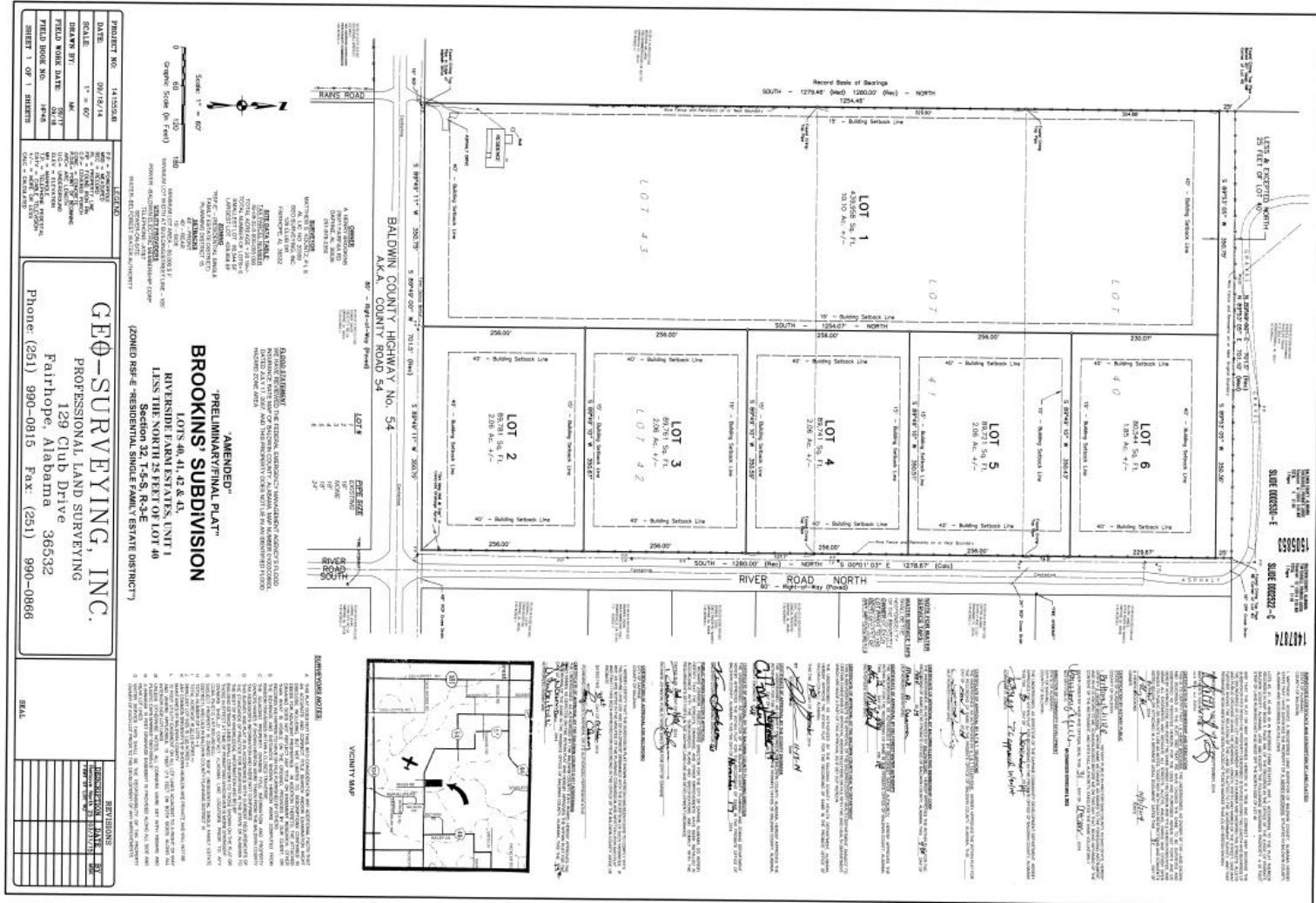
It is the intent of the District 15 Advisory Committee to encourage residential zoning for the vast majority of District 15, and furthermore, to encourage zoning in the areas of RSF-E, Residential Single Family Estate District, and

RSF-1, Single Family District, when possible, in order to protect the values of homes and properties already established throughout the district. While we understand the need for affordable housing and commercial growth when properly zoned, we believe that protecting property values should be higher priority in making future zoning decisions.

- (b) Industrial uses shall not discharge into any river or natural surface body of water including wetlands.
- (c) No additional Landfills.
- (d) All utilities for new major subdivisions shall be placed underground.
- (e) No additional recreation vehicle parks allowed.
- (f) Accessory dwellings are permitted by right in the residential districts in Planning District 15 unless restricted by a property owners association and provided they are contained entirely within the structure of a single-family dwelling and provided they do not exceed 60% of the size, in gross floor area, of the principal residence.
- (g) Cemeteries shall be allowed by right in the RA, Rural Agriculture District and the RSF-E, Residential Single Family Estate District.
- (h) Off premise signs are prohibited. For the purposes of this section an offpremise sign is defined as a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. However, exempt signs contained in Section 16.3 are also exempt from this section.



# SUBDIVISION PLAT



# 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 15 came into effect on August 1, 2006. The lot as recorded is 256' x 350.7' IRR ft. Lot 3 in Brookins Subdivision S2530-E was platted in November 2014 and is 2.09 acres. The minimum lot size requirement for RSF-E, Residential Single Family Estate District zoning is 80,000 sf with a Minimum Lot Width at the Building Line of 165'. Therefore, the staff believes there isn't an exceptional narrowness, shallowness, or shape of the subject property that would require a variance.

Minimum lot size: **80,000 sf** Actual lot size: **89,600 sf** Minimum Lot width: **165'** Actual Lot Width: **256'** Hardship: **No**

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

The subject property doesn't contain jurisdiction wetlands on the property or any other apparent exceptional topographic conditions. Therefore, staff could not establish exceptional topographical conditions or other extraordinary situations, or conditions contained on the property which would require a variance; however, the requested variance does not necessarily contemplate a hardship due to topographic conditions and thus this section is **not a factor** in the consideration of a zoning 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 currently zoned RSF-E, designated for Residential Single-Family Estate, which permits a variety of residential and accessory uses. The applicant's request is to allow for a detached accessory dwelling, 60 percent in size, in gross floor area, of the principal residence that isn't contained entirely within the structure of the single-family dwelling.

**Staff perceives that the granting of the application is not necessary for the preservation of a property right and is merely to serve as a convenience to the applicant because the property has been successfully developed for single-family residential purposes.**

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

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

# Staff Analysis and Findings

## 5.) Other matters which may be appropriate.

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



# POA Statement

To whom it may concern,

There is not an active HOA associated with the property. There is a covenant stating you will not place a mobile home on the property for more than one year while you build a home, but there is no active HOA.



Signed:

Matthew McCrary

Property Owner

# ZVA25-19 McCrary Property

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Local Provisions Section 2.3.15 of the Baldwin County Zoning Ordinance as it pertains to accessory dwellings to allow for a single-family dwelling.

The applicant is asking to build a 2<sup>nd</sup> detached accessory dwelling on the property which would not meet the Planning District 15 requirement of an accessory dwelling being entirely contained within the structure of a single-family dwelling.

Staff recommends ZVA25-19 be **denied due to the lack of a qualifying hardship** unless information to the contrary is revealed at the public hearing.



# **ZVA25-19 McCrary Property**

## **VARIANCE REQUEST SUMMARY AND RECOMMENDATION**

Lead Staff: Crystal Bates, Planning Technician II

### **GENERAL NOTES {By-laws}**

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

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



**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

NEXT REGULAR MEETING

MAY 20, 2025 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL