

**BALDWIN COUNTY COMMISSION DISTRICT 2
BOARD OF ADJUSTMENT**

AGENDA

September 10, 2018

Regular Meeting

4:00 p.m.

Central Annex Auditorium

22251 Palmer Street

Robertsdale, Alabama

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (July 9, 2018)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-180027 Johnson Property

Request: Approval of a variance from the jurisdictional wetlands setback requirements to allow for the construction of a new single-family dwelling

Location: The subject property is located at 12674 County Road 1 in Planning District 26

Attachments: *Within Report*

6. Old Business
7. New Business
8. Adjournment

Baldwin County Commission District 2, Board of Adjustment

July 9, 2018

Regular Meeting Minutes

Central Annex

Conference Room

The Board of Adjustment for Baldwin County Commission District 2 met in a regular session on July 9, 2018 at 4:00 p.m., in the Baldwin County Central Annex Auditorium. Chairman Brandon Bias called the meeting to order. Members present included: Michael Cochran and Gary Cowles. Staff member present was Linda Lee, Planner.

Approval of Previous Meeting Minutes

A motion to approve the meeting transcript from the June 11, 2018 meeting was made by Mr. Cochran with a second by Mr. Cowles and carried unanimously.

V-180022, Hearn Property

Mrs. Linda Lee presented the applicant's request for a variance from the jurisdictional wetlands setback requirement to allow for the construction of a new single-family dwelling.

Tom Hearn spoke in favor of the variance request. Burton Craig and Frank Feagin asked questions concerning granting a variance from wetlands. Their main concerns pertained to all the lots in that area and the setting of a precedence. Board members explained that they look at a hardship on the land. Mrs. Lee explained that staff would rather the board grant a variance from the county's wetlands setback requirement than have the applicant fill any more wetlands than necessary. The purpose of the wetlands setback is to protect the wetlands.

Following a lengthy discussion, board Member Gary Cowles made a motion to approve the variance request. The motion received a second from Board Member Michael Cochran and carried unanimously.

Adjournment

There was a discussion concerning the board's meeting time. The members decided to keep the current time until we have a more complete membership then make a decision based on what time is best for everyone.

There being no further business to come before the board the chairman adjourned the meeting at 4:25 p.m.

Respectfully Submitted

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2018.

Brandon Bias, Chairman



Baldwin County Planning & Zoning Department

County Commission District #2

Board of Adjustment Staff Report

V-180027

Johnson Property

Variance from Jurisdictional Wetlands Setback Requirements

September 10, 2018

Subject Property Information

Planning District: 26
General Location: Lot 618 Eastern Shore Pkwy Subdivision
Physical Address: 12674 County Road 1
PID: 05-56-09-30-0-000-005.000
Zoning: RSF-1, Single Family Residential
Acreage: .92± acres
Applicant: Jimmy Wynn
200 Parma Drive Unit P4
Daphne, AL 36526
Owner: Dana Johnson Wynn
Lead Staff: Linda Lee, Planner
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Vacant	RSF-1
South	Vacant	RSF-1
East	Vacant	RSF-1
West	Residential	RSF-2

Summary and Recommendation

The applicant is requesting a variance from jurisdictional wetlands setback requirements to allow for the construction of a single-family dwelling less than 30 feet from said wetlands as submitted on site plan approved by the USACE. Staff recommends that Case V-180027 Johnson Property, be **APPROVED**, based on the comments contained herein.

Variance Request

The applicant is requesting a variance from jurisdictional wetlands setback requirements to allow for the construction of a single-family dwelling less than 30 feet from said wetlands as submitted on site plan approved by the USACE.

The following sections from the *Baldwin County Zoning Ordinance* are relevant to this application:

Section 10.4 Wetland Protection Overlay District

10.4.1 Purpose. The wetlands within Baldwin County, Alabama are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, wise use of forested wetlands is essential to the economic well-being of Baldwin County. A considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare. **It is therefore necessary for Baldwin County to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.**

The purpose of the wetland protection overlay district is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values and to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge and wildlife habitat.

10.4.2 Area of application. The wetland protection overlay district applies to wetlands under the planning and zoning jurisdiction of Baldwin County. The Generalized Wetland Map adopted as part of these zoning ordinances shows the general location of wetlands and should be consulted by persons contemplating activities in or near wetlands. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of these zoning ordinances. The Generalized Wetland Map shall be kept on file in the offices of the Planning & Zoning Department.

10.4.3 Wetland protection district boundaries. The Generalized Wetland Map is a general reference document and wetland boundaries indicated on the map are approximations. The Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 permit will be required prior to any activity. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within the jurisdiction of Baldwin County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this section does not relieve the land owner from federal or state permitting requirements.

10.4.4 Permit requirements. A U.S. Army Corps of Engineers wetlands jurisdictional determination if the proposed planned development contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map as defined herein, or through a site visit by County Staff. **The setback for development from a wetland must be a minimum of 30 feet.**

If the area proposed for development is located in or within the wetland protection district boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers jurisdictional determination shall be required prior to the issuance of a Land Use Certificate. If the Corps determines that wetlands are present on the proposed development site and that a Section 404 Permit or Letter of Permission is required, a Land Use Certificate will be issued only following issuance of the Section 404 Permit or Letter of Permission.

Any application for subdivision approval on property which contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map defined herein through a site visit by County Staff, will have to obtain a U.S. Army Corps of Engineers wetlands jurisdictional determination. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, development may not proceed until the Section 404 Permit or Letter of Permission is issued.

10.4.5 Subdivisions in the Wetland Protection Overlay District. Where a parcel of land proposed to be subdivided contains an area of wetlands delineated as jurisdictional by the Army Corps of Engineers, said wetlands shall be subject to Section 404(b)(1) guidelines concerning fill material disposal into wetlands. Lots may be platted where sufficient upland areas exist to provide a building site for the principal structure and necessary ancillary facilities. Fill may be used where necessary to provide access to lots where approval for such fill has been received from the Army Corps of Engineers and other appropriate governmental agencies.

Wetlands delineated as jurisdictional by the Army Corps of Engineers and not permitted for fill shall be set aside as common area or shall be contained within an easement dedicated to protect the wetland. Said common area or maintenance easement shall extend a minimum of 30-feet beyond the limits of the wetland. Maintenance responsibility shall be vested in the trustees of the subdivision, by virtue of the trust indenture.

Staff Analysis and Findings

The following standards for approval are found in Section 18.6, Variances of the *Baldwin County Zoning Ordinance*. These standards are to be considered when a variance request is being reviewed.

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 lot 618 of the Eastern Shore Pkwy Subdivision platted in 1945. The property dimensions are 100' x 400'.

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

According to the applicant jurisdictional wetlands cover most of the subject property.

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 was platted prior to the enactment of zoning in planning district 26. The purpose of this variance request is to allow for a single-family dwelling to be constructed on the lot with minimal disturbance to the jurisdictional wetlands.

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.

No adverse impacts.

5.) Other matters which may be appropriate.

Per the applicant there isn't an active Property Owners Association

-----Original Message-----

From: Jimmy Wynn [mailto:jimmybuilderservices@gmail.com]

Sent: Wednesday, August 15, 2018 3:08 PM

To: Crystal N. Bates <CBATES@baldwincountyal.gov>

Subject: No active POA

Per Mr. Whitley the community leader he stated to me that there is no active POA thanks

Jimmy Wynn Builder Services

205 239-0977

200 Parma drive unit P-4

Daphne al 36526

Staff Comments and Recommendation

Staff recommends that Case V-180027 Johnson Property, be **APPROVED**, based on the comments contained herein.

GENERAL NOTES {By-laws}

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

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

Property Images

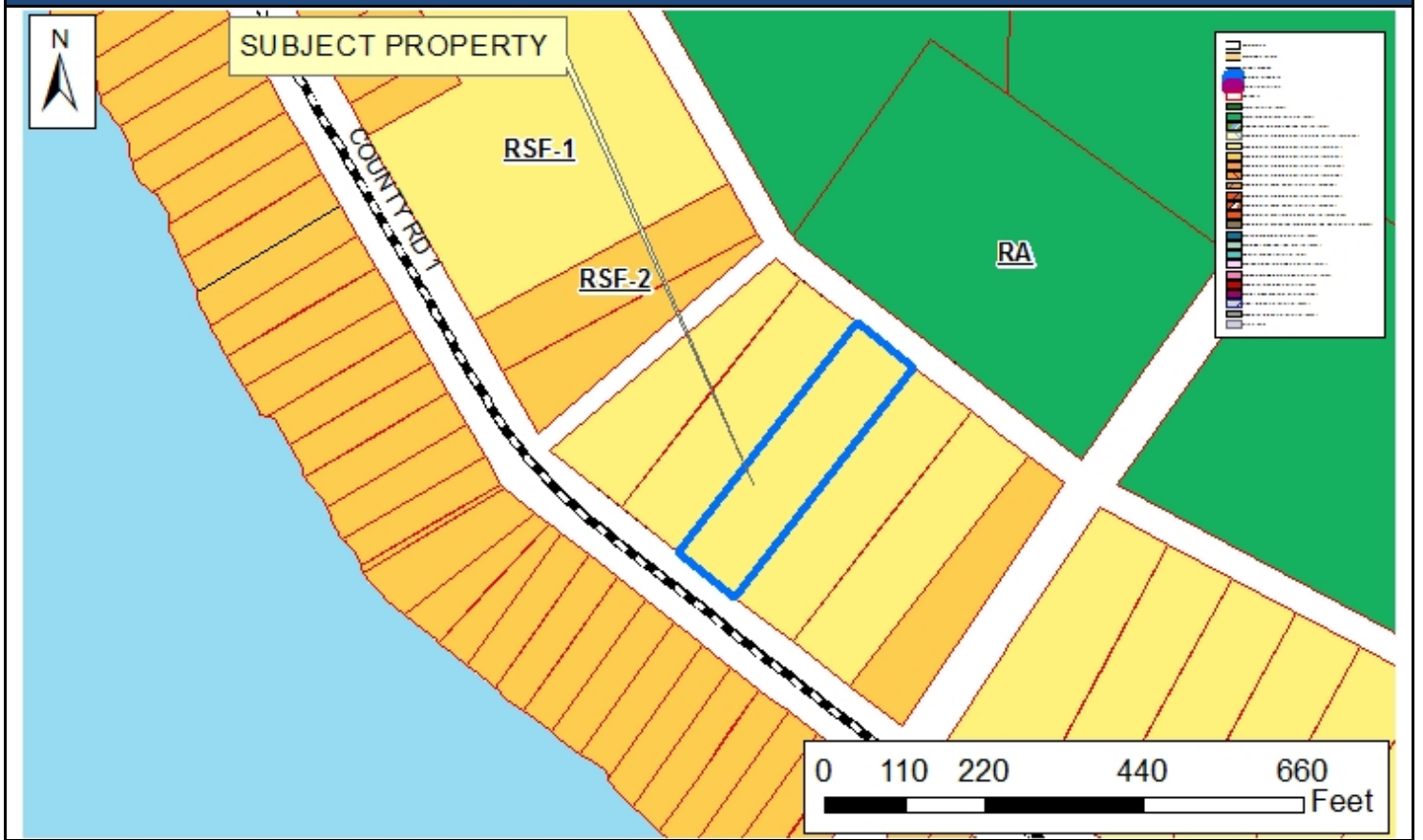




Two Dwellings to the South



Locator Map



Site Map





REPLY TO
ATTENTION OF

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

August 6, 2018

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit, File Number SAM-2017-00846-JEB, Dana Johnson Wynn, Baldwin County, Alabama

Ms. Dana Johnson Wynn
200 Parma Drive, Unit P-4
Daphne, Alabama 36526

Dear Ms. Wynn:

This letter is in response to your request for verification of Department of the Army Nationwide Permit (NWP) authorization to construct a single-family dwelling and associated driveway, parking, and utility infrastructure in jurisdictional wetlands. The project has been assigned Number SAM-2017-00846-JEB, which should be referred to in all future correspondence with this office concerning this project. The project is located at Lot 618, Eastern Shore Parkway Subdivision, 12674 County Road 1; within section 29, Township 7 South, Range 2 East; Latitude 30.409796° North, Longitude -87.904280° West; Fairhope, Baldwin County, Alabama.

Department of the Army (DA) permit authorization is necessary because your project involves the discharge of fill material into waters of the United States. Project activities include the following:

- a. Retention of a culverted driveway crossing previously constructed in 0.007-acre (300 square feet) of wetlands within a drainage ditch along County Road 1.
- b. Construction of a single-family dwelling and associated driveway and parking facilities. The work will involve the permanent discharge of gravel fill material into 0.048-acre (2,075 square feet) of forested wetlands on the west side of the subject lot for a driveway, parking area, and single-family dwelling.
- c. Installation of private water and sewage utility lines from existing utility infrastructure along County Road 1 to service the subject dwelling. The work will involve the temporary trenching and side-cast of earthen fill material in 0.005-acre (200 square feet) of forested wetlands.

The project will result in the permanent discharge of fill material into a total of 0.055-acre (2,375 square feet) of forested wetlands on the subject lot.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed drawings, is authorized by NWP 12, *Utility Line Activities*, and NWP 18, *Minor Discharges*, in accordance with 33 CFR Part 330 of our regulations. These NWPs and their associated Regional and General Conditions are enclosed, and are also available on our website at www.sam.usace.army.mil/Missions/Regulatory/NWP/, for your review and compliance.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing Nationwide Permits (NWP) are scheduled to be modified, reissued, or revoked prior to March 18, 2022. It is incumbent upon you to remain informed of changes to the Nationwide Permit. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the Nationwide Permit to complete the activity under the present terms and conditions of these NWPs.

Your use of these Nationwide Permits (NWP) is subject to the following special conditions:

a. The activity shall be conducted in accordance with the information submitted and meet the conditions applicable to the NWP, as described at Parts B and C of the NWP Program and State Regional Conditions.

b. Prior to the discharge of any fill material into waters of the United States, the permittee shall purchase a sufficient number of wetland mitigation credits to compensate for impacts to 0.055-acre of medium quality pine savannah wetlands. The permittee shall submit to the U.S. Army Corps of Engineers (USACE), Mobile District proof-of-purchase of the appropriate number of wetland mitigation credits from an approved mitigation bank. The number of credits purchased shall include any additional credits that may be required due to the need to apply Proximity Factor calculations or other bank-specific multipliers as specified in the approved mitigation banking instrument for the selected bank.

c. The permittee shall remove all temporary fill material generated by construction activities upon completion of construction activities at the project site, and all disturbed areas shall be returned to pre-construction elevations and revegetated, as appropriate. Temporary trenches excavated for utility line installation shall be backfilled using only topsoil excavated from the trench.

d. The disposal of trees, brush and other project related debris in any wetland, stream corridor or other surface water is prohibited. Trees, brush, other debris, excess soil and other materials generated from project construction must be removed to an upland disposal area.

e. No building materials, tools or other equipment associated with project construction shall be stockpiled in wetlands or other waters of the United States. All excess materials, tools, and equipment shall be removed immediately upon completion of the activity.

f. It is the permittee's responsibility to ensure the contractors working on this project are aware of all general and special permit conditions.

g. Within 30 days of completion of the work authorized, the enclosed Compliance Certification form must be completed and submitted to the USACE, Mobile District.

Enclosed with this verification that your project is authorized under NWP 12 and NWP 18 is a yellow Notice of Authorization card that must be posted at the site during construction of the authorized activity.

Nothing in this letter shall be construed as excusing you from compliance with other federal, state, or local statutes, ordinances, or regulations which may affect this work. Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, it is recommended that you coordinate with us prior to proceeding with the work.

A copy of this letter is being sent to your agent, Mr. Jimmy Wynn, 200 Parma Drive, Unit P-4, Daphne, Alabama 36526; and the Alabama Department of Environmental Management, Mobile Branch, Coastal Section, Attention: Ms. Lacey Leaptrott, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

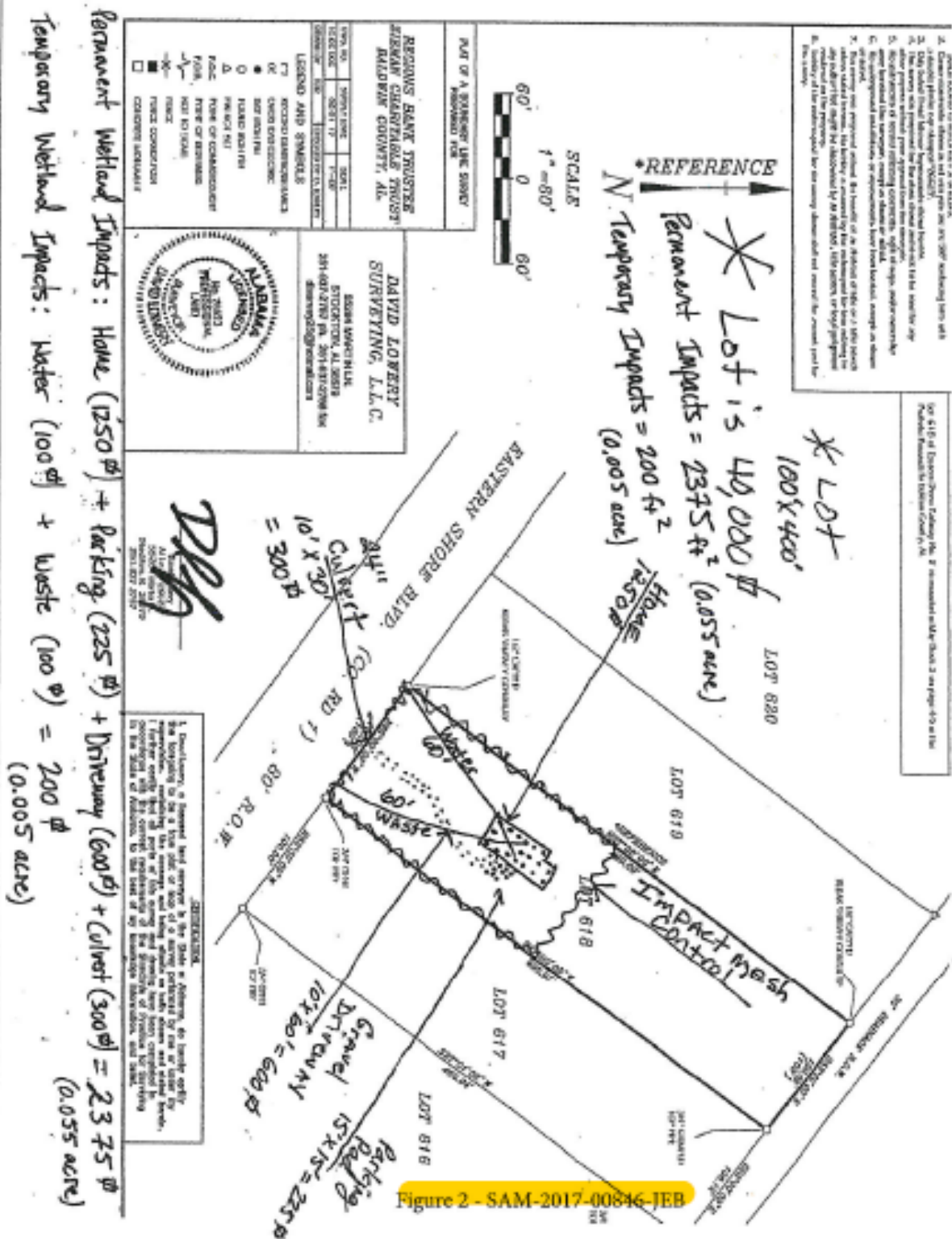
Should you have any questions, please contact me at (251) 694-3772 or by e-mail at Dylan.C.Hendrix@usace.army.mil. You can visit our website at www.sam.usace.army.mil/Missions/Regulatory.aspx for additional information about our Regulatory Program. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will allow us to improve our services.

Sincerely,

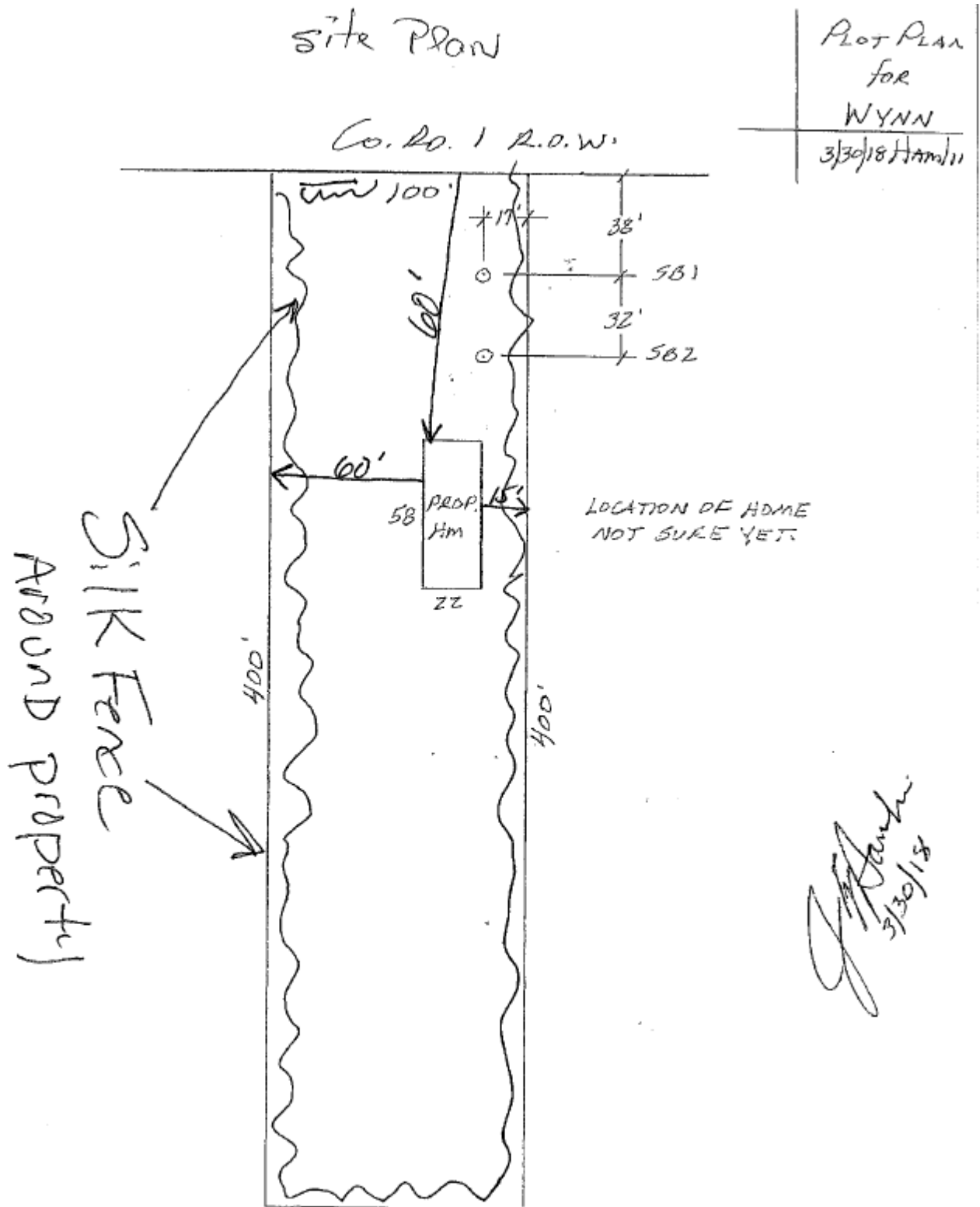
A handwritten signature in black ink, appearing to read 'Dylan C. Hendrix', with a stylized flourish at the end.

Dylan C. Hendrix
Project Manager
South Alabama Branch
Regulatory Division

Enclosures



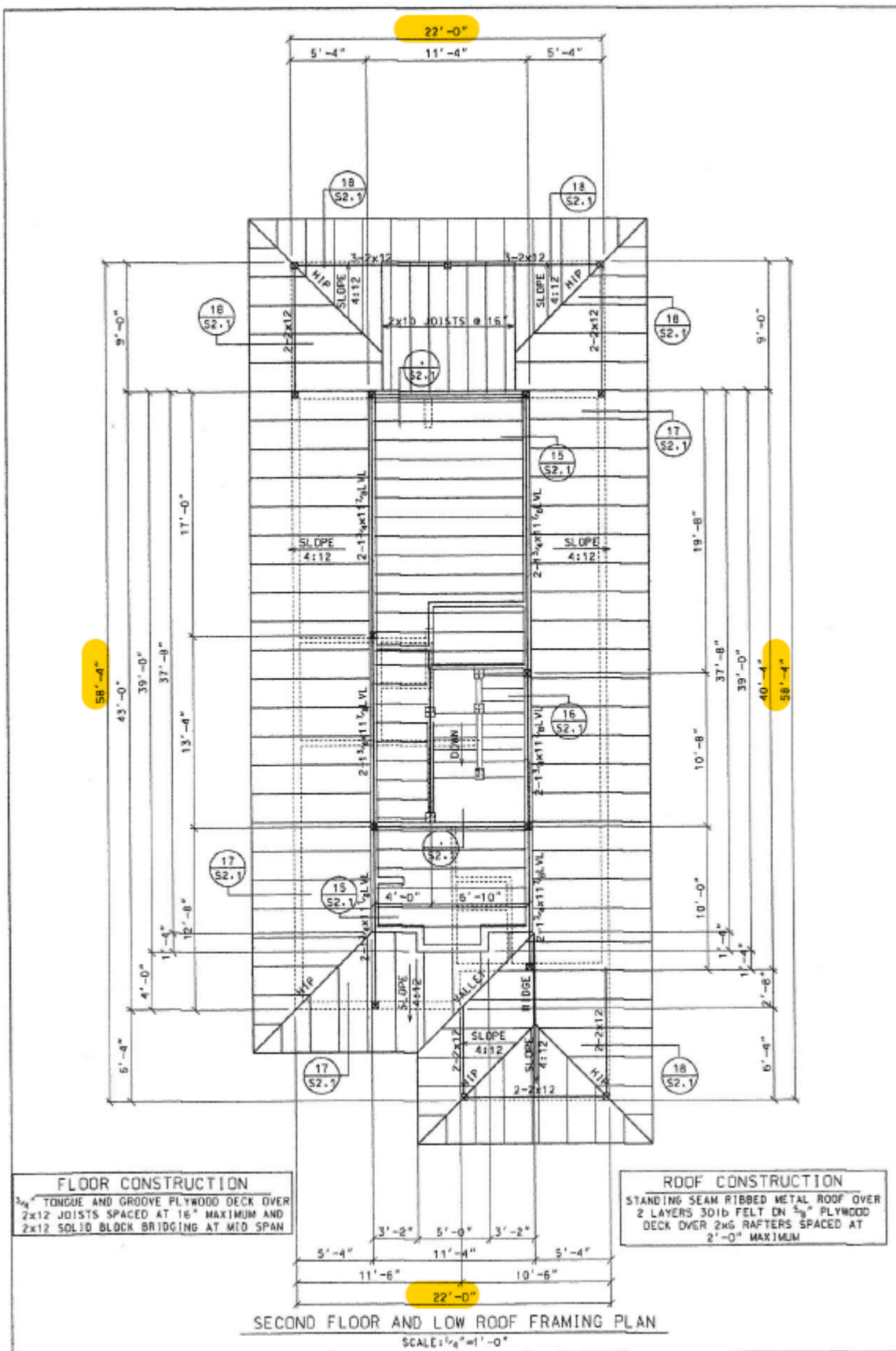
Site Plan Submitted by Applicant

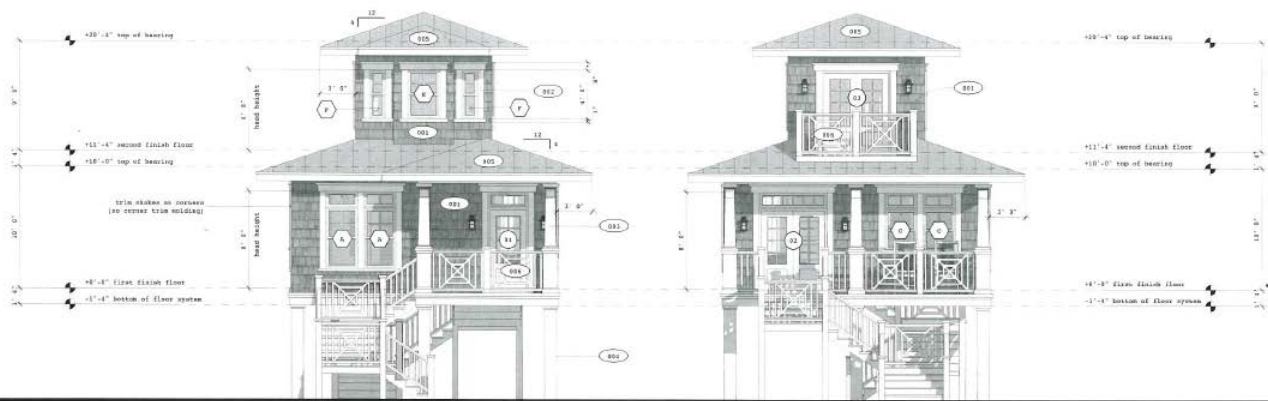


PLAN
1"=50'

FLOOR CONSTRUCTION
 $\frac{3}{4}$ " TONGUE AND GROOVE PLYWOOD DECK
 OVER 16" PREFABRICATED WOOD TRUSSES
 SPACED AT 16" MAXIMUM

FIRST FLOOR FRAMING PLAN
 SCALE: $\frac{1}{8}"=1'-0"$



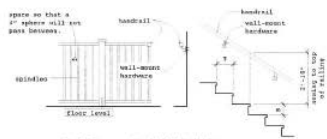


Front Exterior Elevation
scale: 1/4" = 1'-0"

Rear Exterior Elevation
scale: 1/4" = 1'-0"

Finish Schedule

Symbol	Description
001	under white-line
002	2x wood stairs with painted white
003	exposed square column over structural joist
004	wood pilings (per to structural engineer)
005	standing seam metal roofing (all/mc)
006	42" high railing system (cascual styling)
007	-



Stair Detailing
not to scale



Left Side Exterior Elevation
scale: 1/4" = 1'-0"