

**BALDWIN COUNTY COMMISSION DISTRICT 4
BOARD OF ADJUSTMENT**

AGENDA

March 12, 2020

Regular Meeting 3:30 p.m.

Baldwin County Satellite Courthouse

Large Meeting Hall

201 East Section Avenue

Foley, Alabama

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (February 13, 2020)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-200006, Robins Property

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

Location: The subject property is located at 29198 Rosemary Lane in Planning District 32

Attachments: Within Report

b.) Case No. V-200007, Morris Property

Request: Approval of a variance from the jurisdictional wetlands setback requirements to allow for a 12'x24' deck addition

Location: The subject property is located at 707 Gulf View Drive in Planning District 25

Attachments: Within Report

c.) Case No. V-200008, Sekeres Property

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

Location: The subject property is located at 660 Veterans Road Drive in Planning District 25

Attachments: Within Report

6. Old Business
7. New Business
8. Adjournment

Baldwin County Commission District 4, Board of Adjustment
February 13, 2020
Regular Meeting Minutes
Foley Satellite Courthouse
Large Meeting Room

The Board of Adjustment for Baldwin County Commission District 4 met in a regular session on February 13, 2020 at 3:30 p.m., in the Baldwin County Foley Satellite Courthouse Large Meeting Room. Chairman, Stuart Arnold called the meeting to order. Members present included: Samuel Mitchell, James Koeppen, Jack Danley, Robert Broseus, Ernie Church, Harold Stephens and Johanna Moloney. Staff member present was Linda Lee, Planner.

The first order of business was approval of the minutes from the January 9, 2020 meeting. Mr. Church made a motion to approve the meeting minutes with one spelling correction – change ‘pass’ to ‘past’. The motion received a second from Mr. Broseus and carried unanimously.

SE-20001 McBrien Property

Mrs. Lee presented the applicant’s request for approval of a special exception to allow for an entirely enclosed RV and Boat Storage Facility. Staff recommended approval of the special exception request subject to conditions listed in the staff report. Staff answered questions from the chairman.

Mr. Curtis Locklin spoke in favor of the special exception and answered questions from the board.

Mr. Church made a motion to approve the special exception request subject to conditions listed in staff report. The motion received a second from Ms. Moloney and carried unanimously.

V-200005 Seaman Capital LLC Property

Mrs. Lee presented the applicant’s request for approval of a variance from off-street parking requirements to reduce the required number of parking spaces from 46 to 30. Staff recommended approval of the variance request. Staff answered questions from the board.

Ms. Alyssa Carter spoke in favor of the variance request and answered questions from the board.

Mr. Church made a motion to approve the variance request. The motion received a second from Ms. Moloney and carried unanimously.

Adjournment

There being no further business to come before the board the meeting was adjourned at 3:51 p.m.

Respectfully Submitted,

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this _____ day of _____, 2020.

Stuart Arnold, Chairman



Baldwin County Planning & Zoning Department

County Commission District #4

Board of Adjustment Staff Report

V-200006

Robbins Property

Variance from Jurisdictional Wetlands Setback Requirements

March 12, 2020

Subject Property Information

Planning District: 32
General Location: Lot 15 Holies Replat of Climes Addition
Physical Address: 29198 Rosemary Ln
PID: 05-62-07-25-0-000-062.000
Zoning: RSF-2, Single Family Residential
Acreage: .33± acres
Applicant: Andrew Robbins
16596 Scenic Hwy 98
Fairhope, AL 36532
Owner: Andrew Robbins
16596 Scenic Hwy 98
Fairhope, AL 36532
Lead Staff: Crystal Bates Planning Technician
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Vacant	RA
South	Bay La Launch	N/A
East	Vacant	RSF-2
West	Residential	RSF-2

Summary and Recommendation

The applicant is requesting a variance from the jurisdictional wetlands setback requirements to allow for the construction of a single-family dwelling. The proposed dwelling will be 6 foot to the wetlands instead of the required 30 feet from said wetlands as submitted on site plan.

Staff recommends that Case V-200006 Robbins Property, be **APPROVED**, based on the comments contained herein.

Variance Request

As stated above the applicant is requesting a variance from jurisdictional wetlands setback requirements to allow for the construction of a single-family dwelling. Per site plan submitted the proposed dwelling would be 6 foot to said wetlands.

Section 4.2 RSF-1, Single Family District

4.2.5 *Area and dimensional ordinances.* Except as provided by Section 2.3: *Establishment of Zoning in Planning Districts*, Section 12.4: *Height Modifications*, Section 12.5: *Yard Requirements*, Section 12.6: *Coastal Areas*, Section 12.8: *Highway Construction Setbacks*, Section 18.6 *Variances*, and Article 20: *Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

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

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 15 of Hoiles Replat of Climes Addition. The property dimensions are 50x332. The adjoining properties are residential.

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

According to the submitted site plan jurisdictional wetlands run along the West side property line.

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 applicant is proposing to build a single-family dwelling extending into the wetland setback 24 feet making the home 6 foot to the wetlands with the home meeting the 10 foot side building setback.

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.

The granting of this application should not have any impact on adjacent property owners.

5.) Other matters which may be appropriate.

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

Staff Comments and Recommendation

Staff recommends that Case V-200006 Robbins 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.

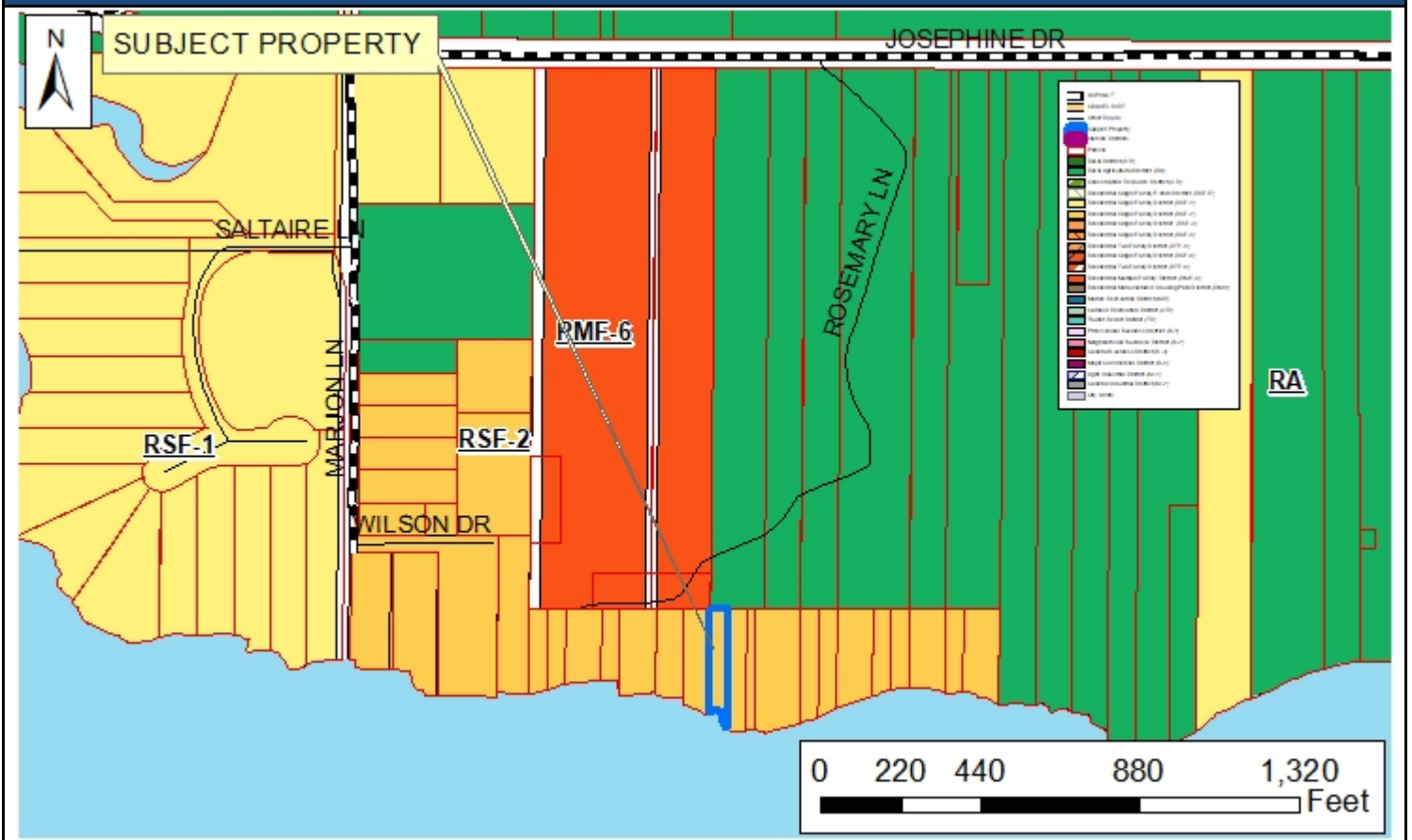
Property Images



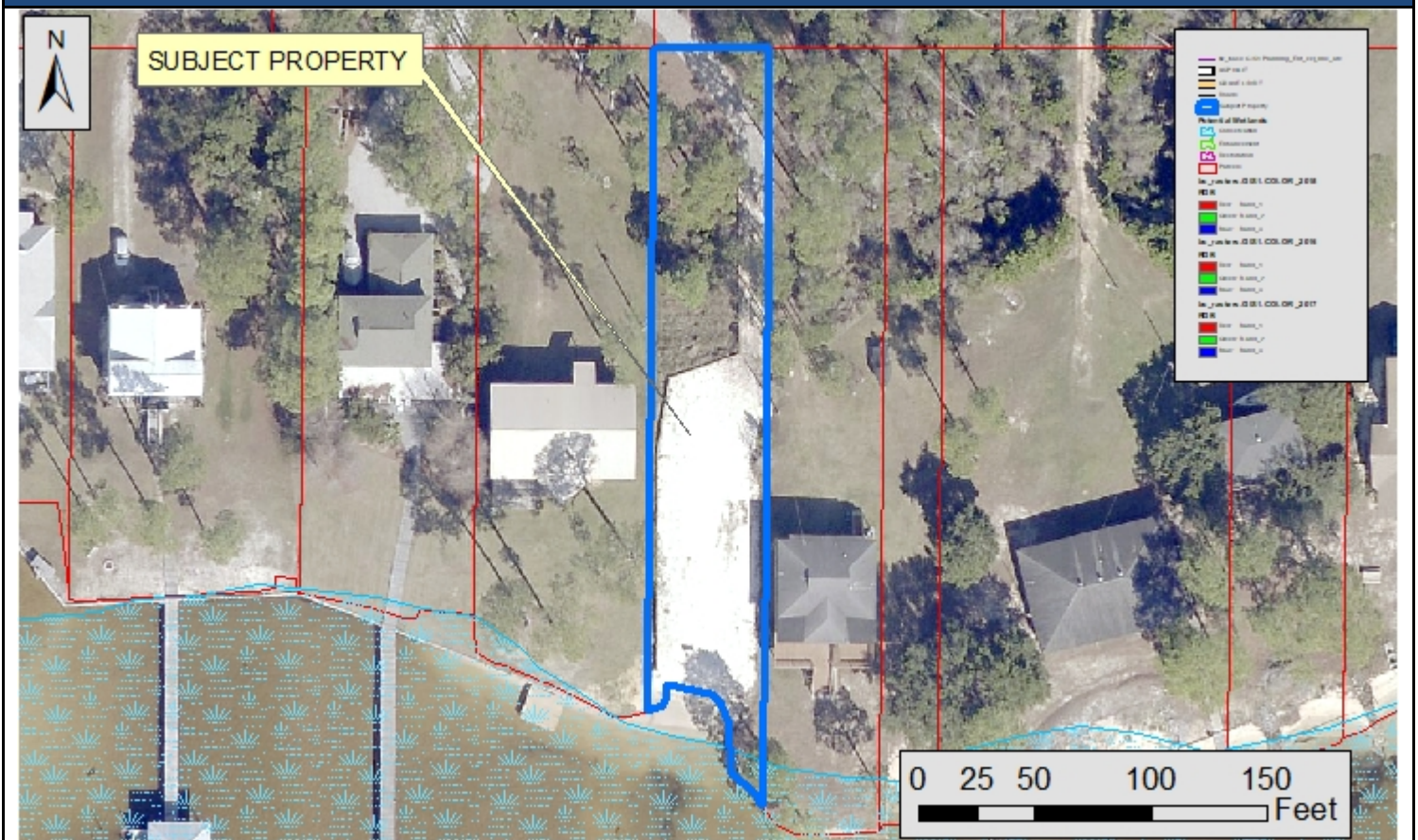




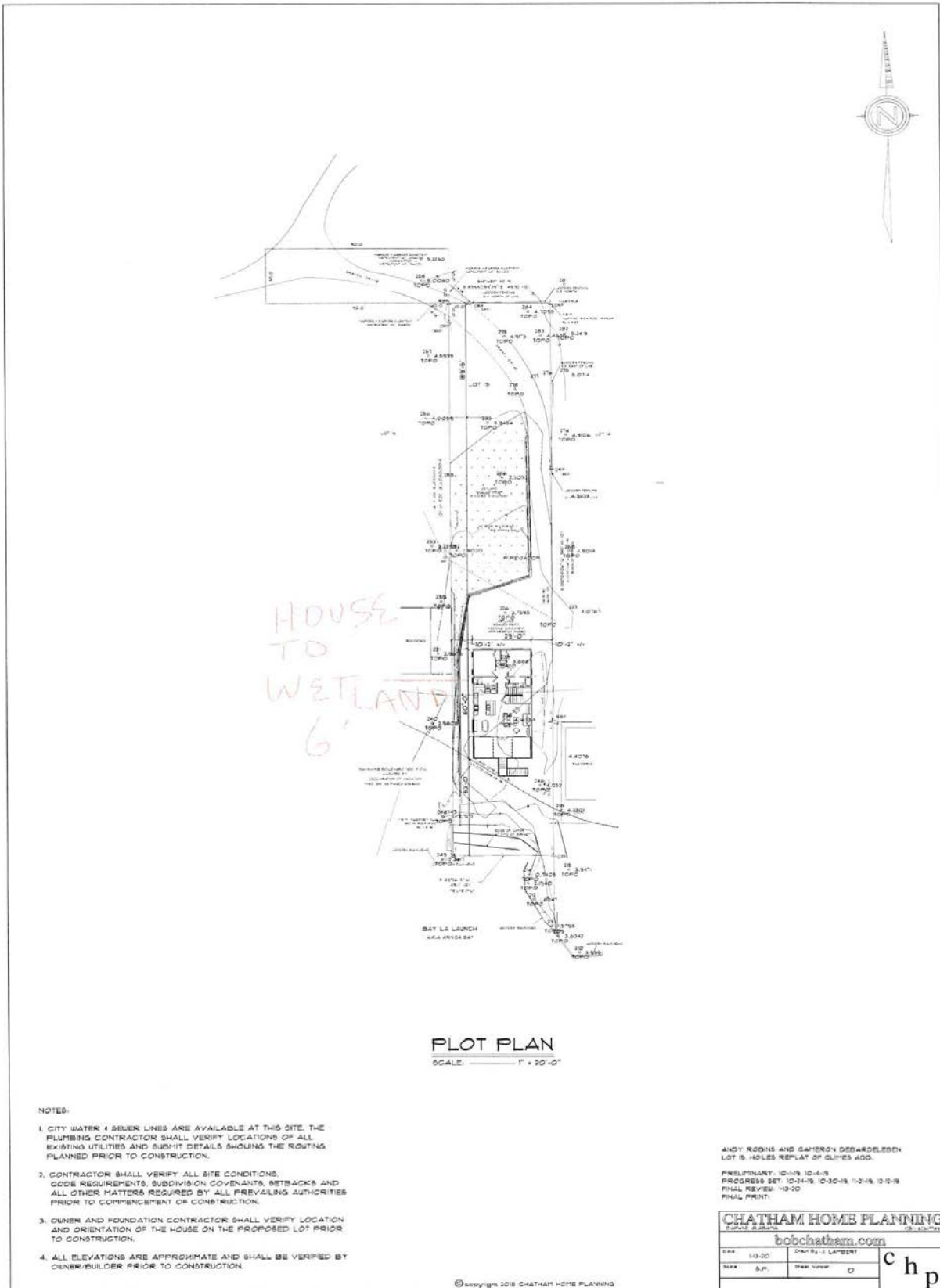
Locator Map



Site Map

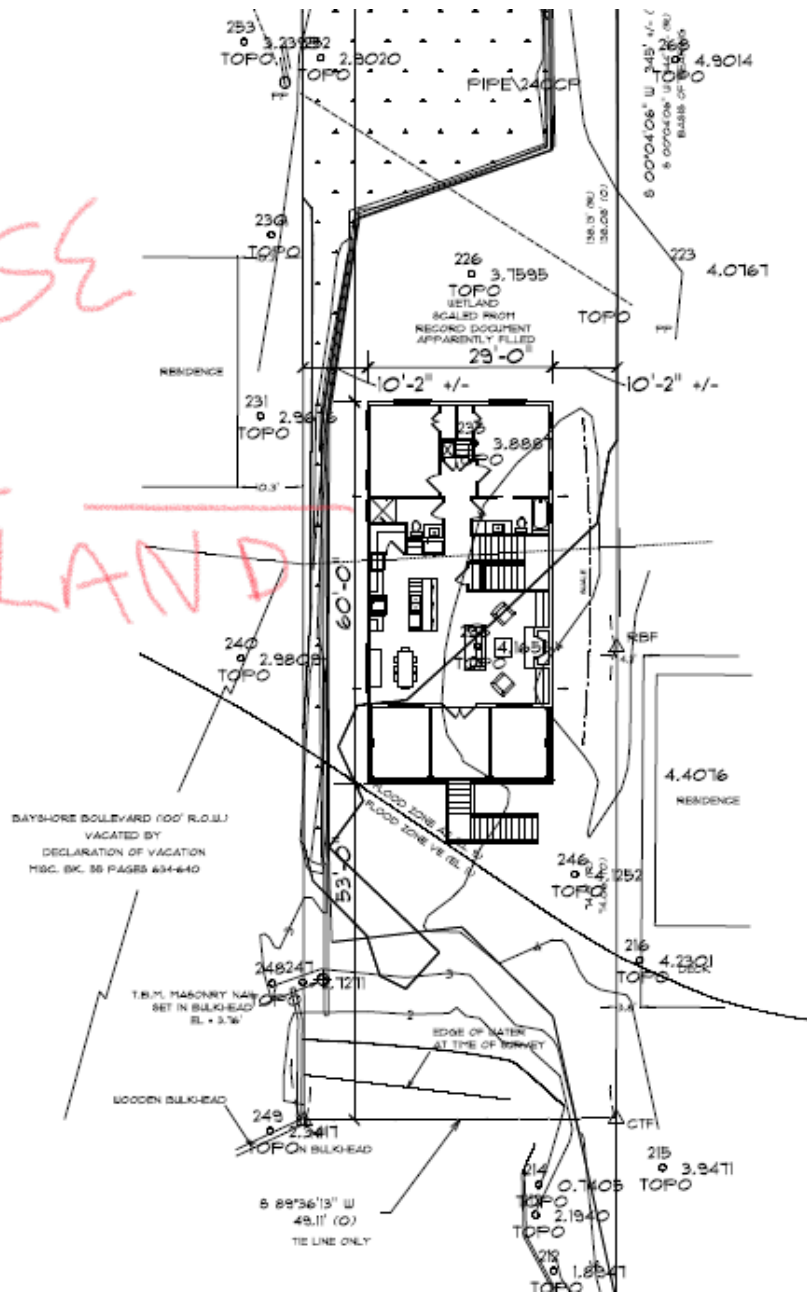


Site Plan



ENLARGED SITE PLAN

HOUSE
TO
WETLAND
6'



FRONT ELEVATIONS



REAR ELEVATIONS



LETTER

03 Feb 2020

There is no active association, board, or committee for my property located at 29198 Rosemary Lane, Josephine Al.

A handwritten signature in black ink, appearing to read "A. L. Robins". The signature is fluid and cursive, with the first name "A." and last name "Robins" clearly distinguishable.

Andrew L. Robins



Baldwin County Planning & Zoning Department

County Commission District #4

Board of Adjustment Staff Report

Case No. V-200007

Morris Property

Variance from Jurisdictional Wetlands Setback Requirements

March 12, 2020

Subject Property Information

Planning District: 25
Study Area: 4
General Location: Surfside Shores Subdivision, at the west end of Palmetto Drive on the west side of Gulfview Drive
Physical Address: 707 Gulfview Drive
PID: 05-68-09-30-0-001-075.000
Zoning: RSF-1, Residential Single Family
Acreage: 0.46, more or less – 101.20' x 200'
Applicant: G. Allen Morris
108 Lucerne Boulevard
Homewood AL 35209
Owner: G. Allen Morris
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant	RSF-1, Residential S/F
South	Vacant	RSF-1, Residential S/F
East	Vacant	RSF-1, Residential S/F
West	Vacant	RSF-2, Residential S/F

Summary and Recommendation

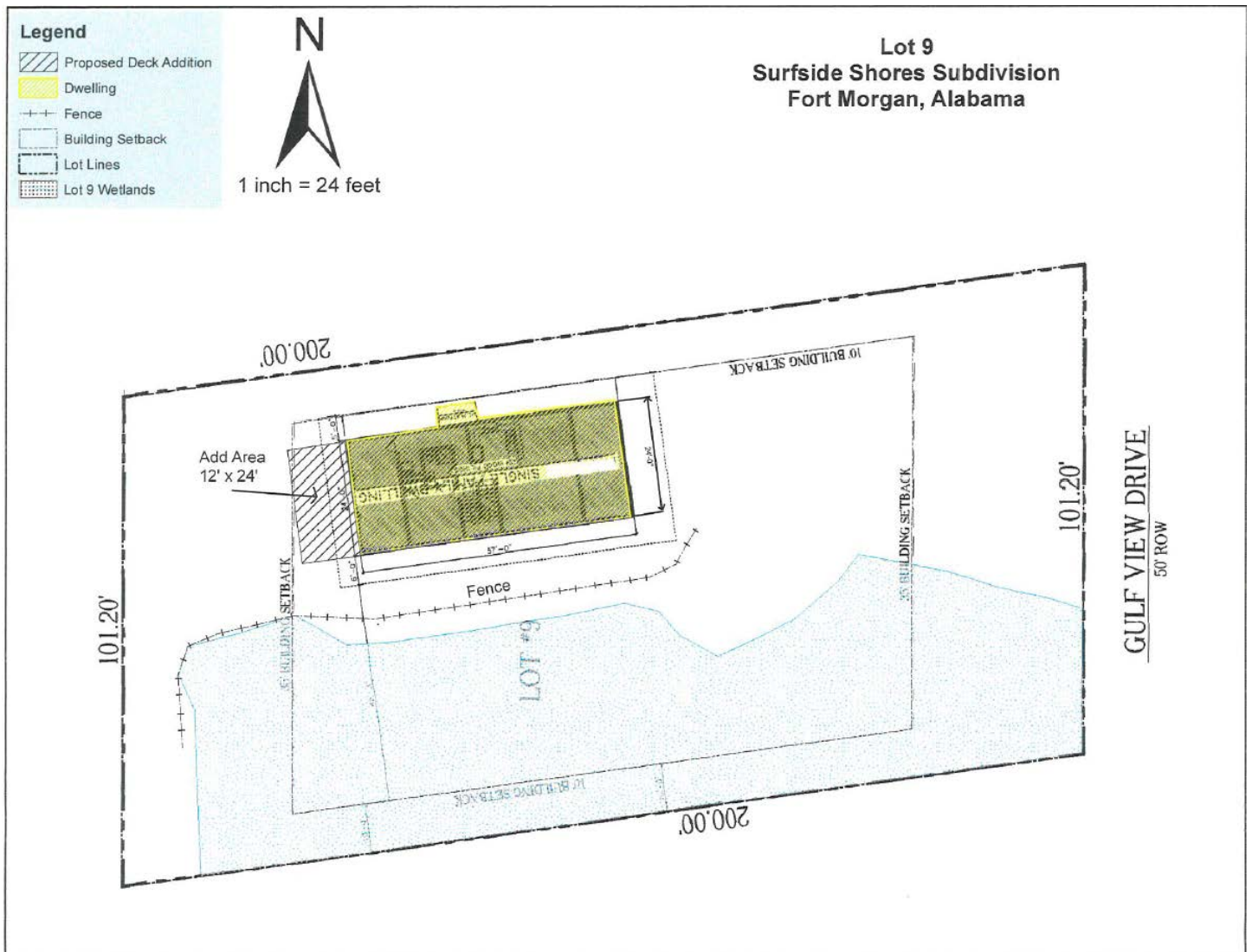
The applicant is requesting a variance to allow for the addition of a 12'x24' deck to the existing dwelling within 30-feet of jurisdictional wetlands. Per the applicant, the existing dwelling is approximately 15-feet from jurisdictional wetlands and the proposed deck addition will be the same. The Board of Adjustment granted a variance for the existing dwelling in October 2011.

Staff recommends that Case No. V-200007, Morris Property be **APPROVED**.

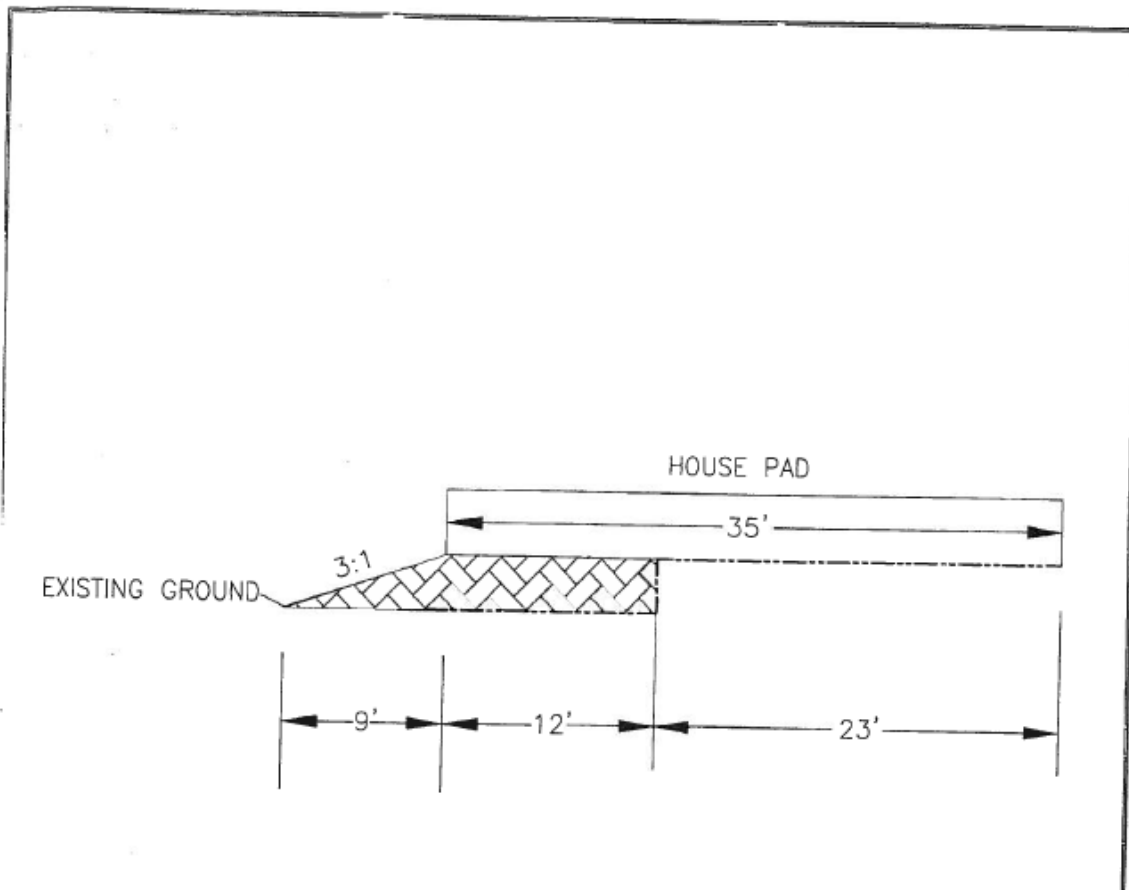
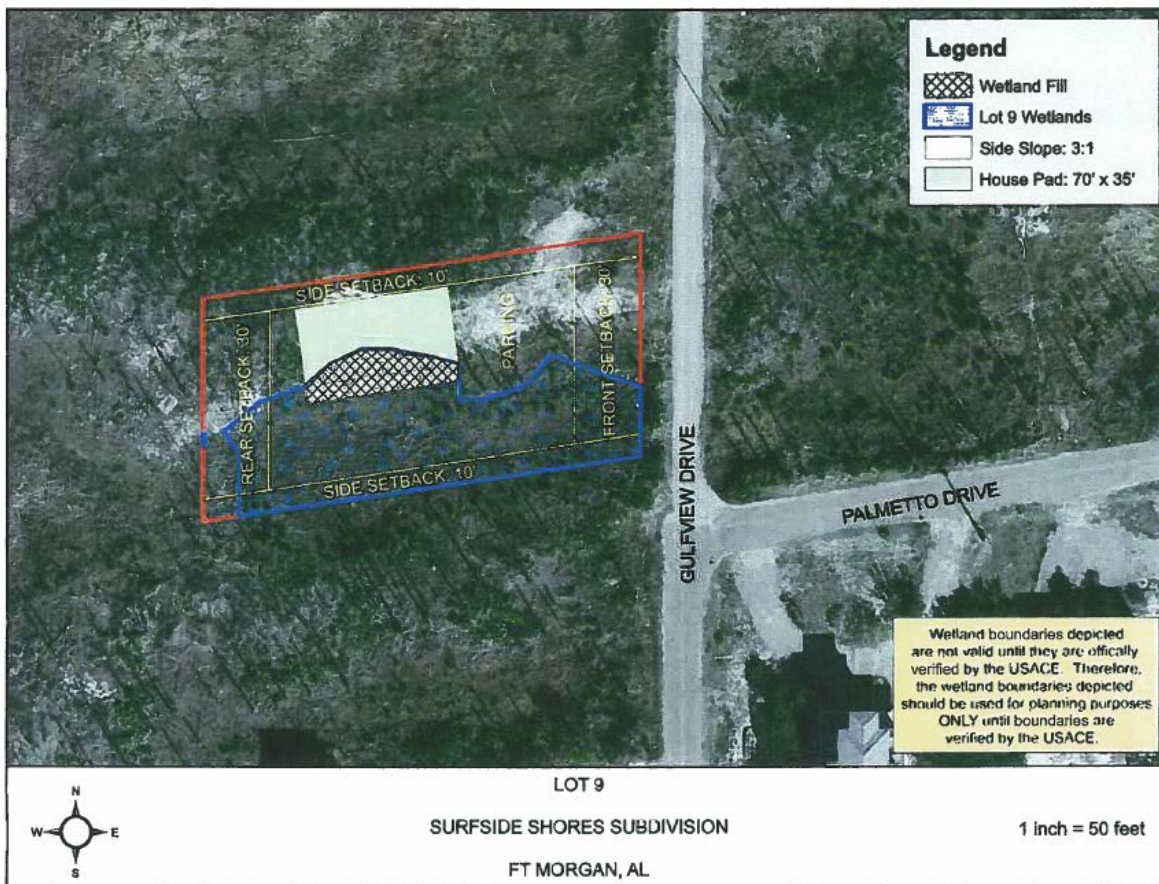
Variance Request

The applicant is requesting a variance to allow for the addition of a 12'x24' deck to the existing dwelling within 30-feet of jurisdictional wetlands.

Proposed Site Plan



Wetlands Delineation and Fill Approved by USACOE 2011



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 landowner 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.

Area and Dimensional Requirements for the RSF-1 Zoning Designation

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

2.3.25.3 Local Provisions for Planning District 25

- (a) Multiple family buildings in the “RMF-6, Multiple Family” district may be erected to a maximum height or seven (7) habitable stories. The required side yards shall be increased by 4-feet for each additional story over two (2) habitable stories. The maximum impervious surface ratio shall not exceed .50.
- (b) No PRD development is allowed to exceed maximum height requirements by more than 10-feet or 1 story.
- (c) Off-street Parking.

As a supplement to Section 15.2, Parking Schedule, the following off-street parking requirements shall be applicable to single family dwellings and two-family dwellings:

- 1. Up to Four (4) Bedrooms: Two (2) spaces per dwelling unit.
- 2. Up to Six (6) Bedrooms: Three (3) spaces per dwelling unit.
- 3. Seven (7) Bedrooms and more: Four (4) spaces per dwelling unit, plus one (1) additional space per dwelling unit for every bedroom over eight (8).

- (d) HDR, High Density Residential District, shall not be available in Planning District 25.

- (e) The maximum height of single family and two-family structures shall be limited to two (2) habitable stories.

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 9, Block Q of Surfside Shores Subdivision. The subdivision was recorded in the mid 60's with lots sizes of less than the minimum required for the current RSF-1 designation. The lot has a width of 101.20 and a depth of 200 feet. In addition, there were no setbacks noted on the plat. As such, the minimum setbacks of 30-foot front and rear, and 10-foot side yards, as outlined in the *Baldwin County Zoning Ordinance* for property designated as RSF-1 shall apply, as well as a minimum 30-foot setback from jurisdictional wetlands.

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

Jurisdictional wetlands are on the south side 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 use of the property has been established with a single-family dwelling constructed in 2012. Per the applicant, the proposed deck addition is to allow for a swimming pool.

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 anticipate any adverse impacts. Property surrounding the subject property is vacant.

5.) Other matters which may be appropriate.

Fort Morgan Planning & Zoning Advisory Committee Recommendation

Case V-200007 Morris Property

The committee reviewed the case and unanimously voted to recommend denial of the variance due to insufficient info: no specifics of original variance and how it ties into this request; no specificity (i.e. wetland survey) in site plan with regards to exiting deck and proposed deck.

Staff Comments and Recommendation

Staff recommends that Case No. V-200007, Morris Property be **APPROVED**.

* A majority vote of the board members will be necessary to approve this request.

GENERAL NOTES {By-laws}

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal there from 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







[illegible]

Site Map – 2017 Aerial Photography

N

SUBJECT PROPERTY

GULF VIEW DR

bc_june01_Plotting_Eri_col_01_01

ASPHALT

GRAVEL/DIRT

Pavement

Subject Property

Pavement

bc_may01a_GIS1COLOR_2017

RGB

Red: Band_1

Green: Band_2

Blue: Band_3

0 15 30 60 90 Feet

Statements from Applicant

From: [allen](#)
To: [Linda Lee](#)
Subject: RE: Variance Application, Lot 9, Surfside Shores Subdivision
Date: Tuesday, February 25, 2020 12:44:50 PM

Ms. Lee,

Under Corps of Engineers Nationwide Permit 18 (SAM-0210-01390-DEM), I was allowed to fill a portion of jurisdictional wetlands located on the subject Lot 9. After purchasing .09 acres (3,300 sq. ft.) of wetland credits from the Alabama Port Mitigation Bank, I was allowed to fill .03 acres (1,100 sq. ft.) of wetlands located on the south side of Lot 9. Subsequently, I applied for a variance from jurisdictional wetlands setback requirements to allow for construction of a single family dwelling at the subject site. My variance request (Case No. V-110023, Morris Property) was heard and approved by the Baldwin County Commission #4 Board of Adjustment on October 13, 2011.

Pursuant to the Corps of Engineers Permit, the south boundary of the permitted fill area is located fifteen (15) feet south of my existing house, so the edge of the wetlands is at least fifteen (15) feet from the edge of the footprint of my house. The proposed deck would be a twelve (12) foot extension of the footprint of my house, on the west/back side, and the footprint of the deck would maintain an estimated fifteen (15) foot distance from the wetlands.

The proposed deck would be elevated approximately ten (10) feet above the ground surface, and the only disturbance of the ground surface would be for placement of the pilings to support the deck. The buffer area between the house and proposed deck addition is currently covered with grass and shrubs, which protect the wetlands from siltation. The grass and shrub area will be maintained during and after any construction.

I hope that this email will answer the question that has been posed. Should you have additional questions, please let me know.

Allen Morris

From: allen
Sent: Thursday, February 13, 2020 5:00 PM
To: llee@baldwincountyal.gov
Subject: Variance Application, Lot 9, Surfside Shores Subdivision

Dear Ms. Lee,

Attached is my Zoning Variance Application to add a 12' x 24' deck to the existing deck on my house located at 707 Gulfview Drive, Gulf Shores, Alabama 36542. Also attached is the plot plan; Consent for Inspection; and evidence of County, State, and Federal permits issued prior to the construction of my house. **There is no approval required by an owners association, board, or committee pertaining to the proposed deck addition.**

When my wife and I visited your office on January 21, 2020, we left our check No. 9219 to cover the \$250.00 application fee.

I believe all of the required supporting information is attached with my application. However, should additional information be needed, or should there be any questions regarding the application, please contact me by phone at (205) 960-1742, or by email at gam525@aol.com. I plan to visit your office on Tuesday, February 18th to drop of the original of the variance application and supporting information.

Thank you for your assistance in this matter.

G. Allen Morris



Baldwin County Planning & Zoning Department

County Commission District #4

Board of Adjustment Staff Report

Case No. V-200008

Sekeres Property

Variance from Jurisdictional Wetlands Setback Requirements

March 12, 2020

Subject Property Information

Planning District: 25
General Location: Lot 31-2 of J M Land Subdivision, a re-sub of lot 31 Gov't Subdivision.
Northeast corner of Veterans Road and Adair Lane
Physical Address: 660 Veterans Road
PID: 05-68-08-27-0-000-035.001
Zoning: RSF-1, Residential Single Family
Acreage: 1.02, more or less – 148.7' x 299.7'
Applicant: Diane C. Sekeres
5605 Inverness Place
Northport, AL 35473
Owner: Diane C. Sekeres
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

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

Summary and Recommendation

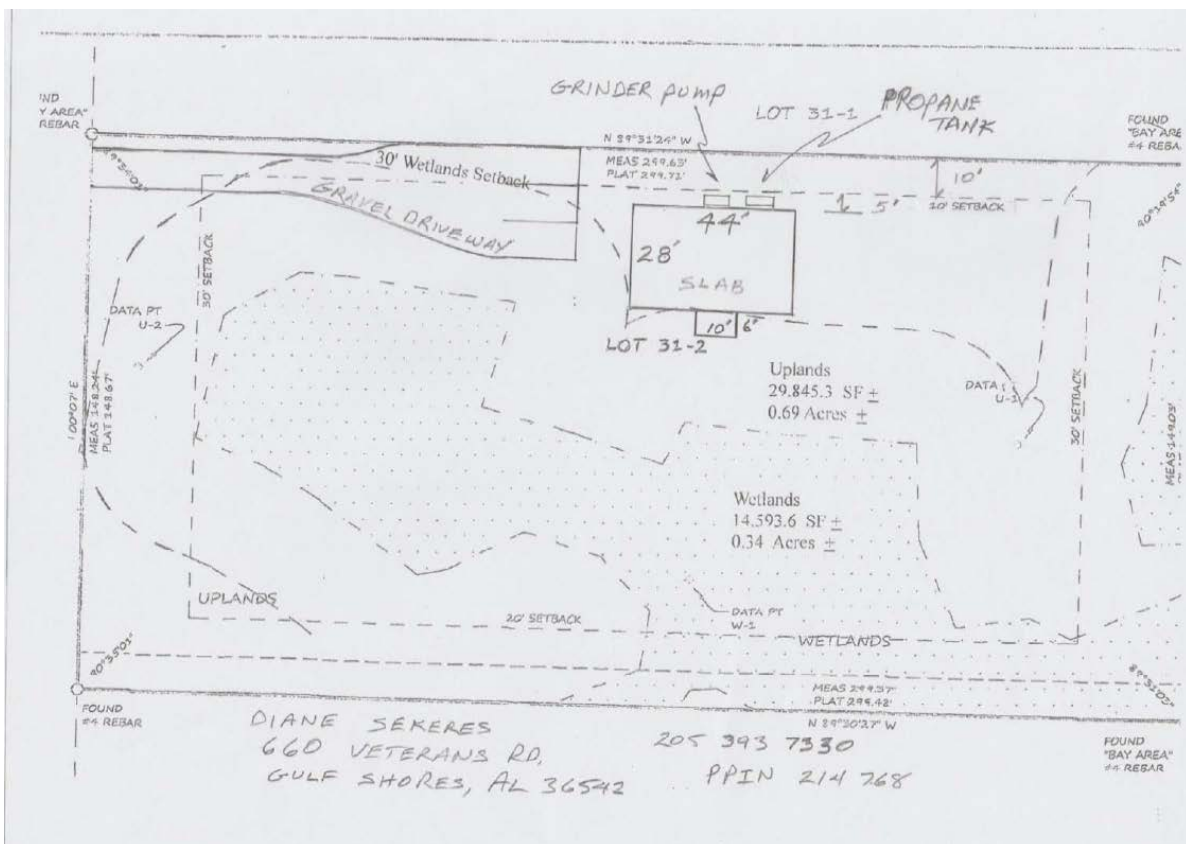
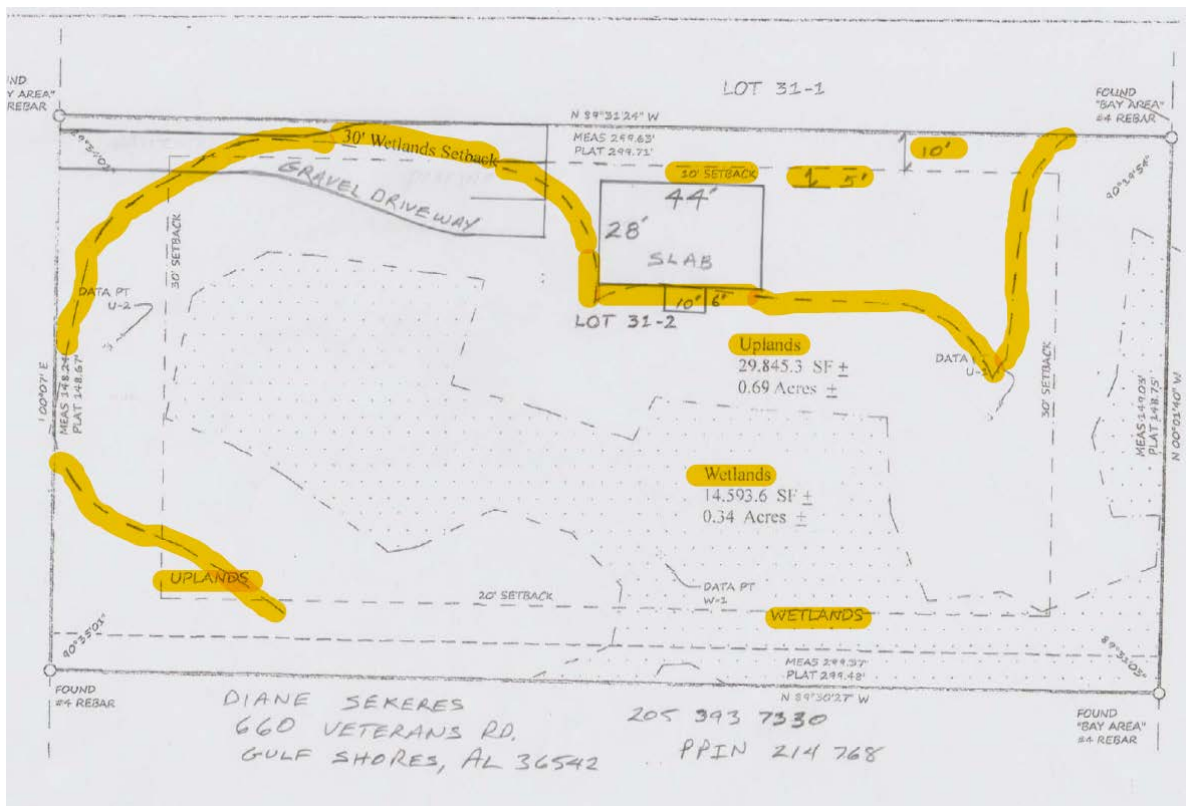
The applicant is requesting a variance from the jurisdictional wetlands setback requirements to allow for the construction of a single-family dwelling. The proposed dwelling will meet the wetlands setback requirements except for a 6'x10' porch.

Staff recommends that Case No. V-200008, Sekeres Property be **APPROVED**.

Variance Request

The applicant is requesting a variance from the jurisdictional wetlands setback requirements to allow for the construction of a single-family dwelling. The proposed dwelling will meet the wetlands setback requirements except for a 6'x10' porch.

Proposed Site Plan



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 landowner 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.

Area and Dimensional Requirements for the RSF-2 Zoning Designation

Maximum Height of Structure in Feet	35-Feet
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

2.3.25.3 Local Provisions for Planning District 25

(a) Multiple family buildings in the “RMF-6, Multiple Family” district may be erected to a maximum height or seven (7) habitable stories. The required side yards shall be increased by 4-feet for each additional story over two (2) habitable stories. The maximum impervious surface ratio shall not exceed .50.

(b) No PRD development is allowed to exceed maximum height requirements by more than 10-feet or 1 story.

(c) Off-street Parking.

As a supplement to Section 15.2, Parking Schedule, the following off-street parking requirements shall be applicable to single family dwellings and two-family dwellings:

- 1. Up to Four (4) Bedrooms: Two (2) spaces per dwelling unit.
- 2. Up to Six (6) Bedrooms: Three (3) spaces per dwelling unit.
- 3. Seven (7) Bedrooms and more: Four (4) spaces per dwelling unit, plus one (1) additional space per dwelling unit for every bedroom over eight (8).

(d) HDR, High Density Residential District, shall not be available in Planning District 25.

(e) The maximum height of single family and two-family structures shall be limited to two (2) habitable stories.

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 31-2 of J. M. Land Subdivision. The lot has a width of 148.67 feet and a depth of 299.48 feet. Setbacks shown on the plat are 35 feet from the south, east and west property lines and 10 feet from the north property line. The minimum 30-foot setback from jurisdictional wetlands applies to this property.

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

Jurisdictional wetlands are on the south side of the subject property. Per the applicant, space is needed on the north side of the proposed dwelling for a grinder pump and underground gas tank.

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 property is zoned for residential use. The granting of the application will allow the applicant to build a single-family dwelling in the uplands with a small porch encroachment over the wetlands setback line.

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 anticipate any adverse impacts.

5.) Other matters which may be appropriate.

Per the applicant, this property is not part of a Homeowner's Association.

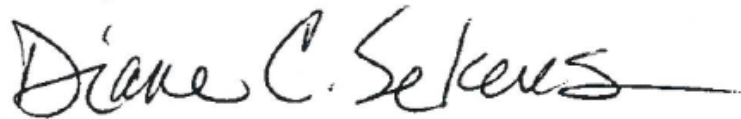
Mrs. Diane C. Sekeres
5605 Inverness Place
Northport, AL 35473

Ms. Linda Lee
Planning and Zoning Department
201 East Section Avenue
Foley, AL 36535

Dear Ms. Lee,

The property at 660 Veterans Rd., Gulf Shores, AL 36542 is not part of a Homeowner's Association. To be sure, my husband talked to Mr. Vince Jackson, who looked at the tax map and confirmed that the property was not in a subdivision, per se.

Thank you,



Diane C. Sekeres

From: [Diane Sekeres](#)
To: [Linda Lee](#); [Tom Martin](#)
Subject: Re: Variance Request
Date: Friday, March 6, 2020 6:29:55 AM

Our intent is to leave the ground behind the house natural and not to extend the crushed gravel drive past the area noted on the drawing of the house that I sent. The land behind the house is drivable if or when there is a need to get a vehicle to the east side of the house, especially in the construction phase. It is free of vegetation and consists of a deep cover of pine needles over sand.

I am sending a copy of your email and my reply to our agent Tom Martin, so that he will be aware of your concerns.

Thank you,
Diane Sekeres

Fort Morgan Planning & Zoning Advisory Committee Recommendation

Case V-200008 Sekeres Property

Mr. and Mrs. Sekeres were present and presented information regarding their variance request. The committee unanimously recommended approval of the variance based on the applicants' optimization of use of their lot and resultant minimal impact on wetlands.



United States Department of the Interior

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

IN REPLY REFER TO:
2019-TA-0183

NOV 16 2018

Mrs. Diane Sekeres
5605 Inverness Place
Northport, AL 35473

Dear Mrs. Sekeres:

Thank you for your recent letter received by this office on October 29, 2018. This is the report of the Fish and Wildlife Service (Service) concerning a request for an endangered species consultation for a new residence, located at the corner of Veterans Road and Adair Lane (PID # 05-68-08-27-0-000-035.001) in Gulf Shores, Baldwin County, Alabama. It is prepared in accordance with the requirements of the Endangered Species Act (ESA), as amended (16 U.S.C. 1531-1543).

We have reviewed the request related to construction of a residence at the referenced location. The proposal is to construct a new residence consisting of a house, a front deck, front stairs, and a driveway. A Service biologist reviewed the proposed site plan and conducted a site inspection of the property on November 8, 2018. The lot is in a wetland. Based on the site inspection, we believe Alabama beach mouse (ABM) (*Peromyscus polionotus ammobates*) habitat exists in the subdivision around this lot, but not within this lot.

If you can build the residence without disturbing any area outside of this lot, and implement standard ABM conservation measures (below) to minimize indirect effects to the ABM, we do not believe take of the ABM would occur, and a permit will not be needed. A copy of the proposed site plan and wetland map is attached with this letter.

The recommended conservation measures include:

- We recommend you contact the Army Corps of Engineers and the Alabama Department of Environmental Management to see if any additional wetland permitting is necessary.
- Addition of beach-quality sand to build the lot up is allowed.
- All lumber, metal, or bulk materials, other than building materials used during construction, will be stored within the proposed project footprint.
- Construction debris will be placed in approved dumpsters on a daily basis and dumpsters will be emptied often enough to prevent overflow.
- Exterior lighting will not be used for decorative purposes. All exterior lighting will be fully shielded and will use no greater than 40 watt bulbs.

PHONE: 251-441-5181

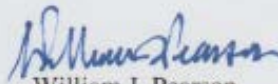
FAX: 251-441-6222

- Tinted windows will be installed to reduce the impact of interior lighting on adjacent dune habitats.
- The presence or support of free-roaming cats will not be allowed on the property.
- Property owners will ensure pets are kept on a leash while outside.
- Only native plants will be used for landscaping from the attached list (2017 Native Plant List).
- Household refuse will be disposed of in containers that are rodent and scavenger-proof.
- Contact a designated representative of the Service at the Alabama Ecological Services Field Office if any killed or injured ABM is found on the property.

If the above measures are acceptable, no further endangered species consultation is required unless: 1) the identified action is subsequently modified in a manner that causes an effect on listed species or designated critical habitat; 2) new information reveals the identified action may affect Federally protected species or designated critical habitat in a manner or to an extent not previously considered; or 3) a new species is listed or critical habitat is designated under the ESA that may be affected by the identified action. If any of these measures is triggered an Incidental Take Permit (ITP) from the Service may be needed before proceeding.

For details, questions or further discussion, please contact Mr. Bill Lynn of my staff at (251) 441-5868.

Sincerely,



William J. Pearson
Field Supervisor
Alabama Ecological Services Field Office

Attachment:
Proposed site plan and wetland map
2017 Native Plant List

cc: Ms. Kim Nelson, Baldwin Building Department, 201 E. Section Ave., Foley, AL

Staff Comments and Recommendation

Staff feels that this is a reasonable request which meets the standards for approval of variances. Unless information to the contrary is revealed at the public hearing, Case V-200008 should be **APPROVED***.

** A majority vote of the board members will be necessary to approve this request.*

GENERAL NOTES {By-laws}

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal there from 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.





Locator Map



Site Map – 2017 Aerial Photography

