

BOARD OF ADJUSTMENT NUMBER 1

AGENDA

September 20, 2021

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 (August 17, 2021)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-210030 Pacey Property

Request: Approval of variances from the wetlands setback requirement to allow for the construction of a single-family dwelling, from section 13.1.2(b) to allow an accessory dwelling in the front yard and from section 13.1.3 to allow an accessory dwelling to exceed the maximum size allowance

Location: The subject property is located at 15750 Scenic Highway 98 in Planning District 26

Attachments: Within Report

b.) Case No. V-210031 Stimpson Property

Request: Approval of a variance from the wetlands setback requirement to allow for wetland fill and the construction of a driveway, parking pad and house

Location: The subject property is located at 14048 Scenic Highway 98 in Planning District 26

Attachments: Within Report

c.) Case No. V-210033 Case Brothers LLC/B4 Holdings LLC Property

Request: Approval of a variance from the wetlands setback requirement to allow for wetland fill and the construction of a driveway and house

Location: The subject property is located at Scenic Highway 98 north of Battles Road in Planning District 26

Attachments: Within Report

d.) Case No. V-210034 O and F Development Property

Request: Approval of a variance from the required number of parking spaces and the off-street loading/unloading space size requirement

Location: The subject property is located at 10213 County Road 64 in Planning District 15

Attachments: Within Report

e.) Case No. V-210035 Edwards Property

Request: Approval of a variance from the rear yard setback requirement to allow for the construction of a single-family dwelling with attached garage

Location: The subject property is located at lot 20 Whitehouse Creek Plantation (Ormond Circle) in Planning District 4

Attachments: Within Report

f.) Case No. V-210037 Beasley Property

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

Location: The subject property is located at 12812 County Road 1 in Planning District 26

Attachments: Within Report and Attached

6. Old Business
7. New Business
8. Adjournment

**Planning and Zoning
Board of Adjustment Number 1
August 17, 2021
Regular Meeting Minutes
Central Annex
Auditorium**

The Board of Adjustment Number 1 met in a regular session on August 17, 2021 at 4:00 p.m., in the Baldwin County Central Annex Auditorium. The meeting was called to order by Chairman Brandon Bias. Members present included: Michael Cochran, Mary Hope, Jamal Allen, Tray Frost and Rosellen Coggin. Staff members present were Crystal Bates, Planning Technician and Linda Lee, Planner.

Approval of Previous Meeting Minutes

A motion to approve the previous meeting minutes was made by Mr. Cochran with a second by Ms. Hope and carried unanimously.

SE-21006, DeFilippi Property

Mrs. Lee presented the applicant's request for a special exception to allow for an RV and Boat Storage Lot. Staff recommended denial of the special exception request.

Mr. David Kirchharr spoke in opposition to the special exception request. The applicant was not present at the meeting. Following a short discussion, Board Member Tracy Frost made a motion to deny the special exception request. The motion received a second from Board Member Michael Cochran and carried unanimously.

V-210016, William A Little & Sons Property

Mrs. Bates presented the applicant's request for a variance from the front and rear setback requirements to allow for the construction of a single-family dwelling on each lot of record. Staff recommended approval of the variance request.

Mr. Corey Swindle and Mr. Trae Corte spoke in favor of the variance request.

Following a short discussion, Board Member Rosellen Coggin made a motion to approve the variance request with the condition the approval is for the site plan as submitted including stairs are to be within footprint shown. The motion received a second from Board Member Michael Cochran and carried unanimously.

V-210028, Durant Chapel Baptist Church Property

Mrs. Lee presented the applicant's request for a variance from section 16.4(f) as it pertains to prohibited signs to allow an electronic sign. Staff recommended the board base its decision on information provided in the staff report and at the public hearing.

Mr. Roger Simmons and Mr. James Butts spoke in favor of the variance request.

Following a short discussion, Board Member Michael Cochran made a motion to approve the variance request. The motion received a second from Board Member Jamal Allen and carried unanimously.

Adjournment

There being no further business to come before the board the chairman adjourned the meeting at 4:50 p.m.

Respectfully Submitted

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this ____ day of _____ 2021.

Brandon Bias, Chairman



Baldwin County Planning & Zoning Department

County Commission District #1

Board of Adjustment Staff Report

Case No. V-210030

Pacey Property

Wetland Setback Requirement Variance, Variance to allow accessory structure in front yard and to be larger than 60% size of main dwelling

September 20, 2021

Subject Property Information

Planning District: 26
General Location: East side of Scenic Highway 98
Physical Address: 15750 Scenic Highway 98
PID: 05-56-03-07-0-000-016.001
Zoning: RSF-1, Residential Single-Family District
Acreage: 1.9 acres
Applicant: Christopher Pacey
P.O. Box 62
Point Clear, AL.
Owner: Christopher Pacey
Lead Staff: D.J. Hart, Planning Technician
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Vacant Land	RSF-2 Single Family District and RA Rural District
South	Vacant Land	RSF-1 Single Family District
East	Vacant Land	RA Rural Agricultural
West	Residential	RSF-2 Single Family District

Summary and Recommendation

The applicant is requesting a variance from the wetland setback requirement to allow for the placement of a modular home and a variance to allow an accessory dwelling to be in the front yard and to be more than 60% the size of the main dwelling. Staff recommends that the request be **DENIED**.

Variance Request

The applicant is requesting a variance from section 10.4.4, Wetland Protection Overlay District, of the *Baldwin County Zoning Ordinance* as it pertains to building setbacks to allow construction of a single-family dwelling and section 13.1.2 and 13.1.3 to allow the accessory dwelling to be in the front yard and be more than 60% the size of the main home.

Section 4.2 RSF-1, Single Family District

4.2.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a low-density residential environment consisting of single-family homes on large lots.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.2.3 *Conditional uses.* 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 conditional uses:

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

4.2.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

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

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
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

Section 10.4 Wetland Protection Overlay District

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.

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

- (a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any side or rear lot line.
- (b) **An accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.**

13.1.3 Accessory dwellings. Accessory dwellings are permitted by right as follows: under residential zoning designations; in Planning Districts 12, 19, 20, 22, 26, 29, 30, 32, 33 and in the Spanish Cove Subdivision Development in Planning District 23, provided they do not exceed 60% of the size in square feet of the principal residence; in Planning Districts 10 and 15 unless restricted by a property owners association provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed 60% of the size, in square feet, of the principal residence; in Planning District 24 provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed 60% of the size, in square feet, of the principal residence; and in Planning District 21 provided they do not exceed 60% of the size, in square feet, of the principal residence up to a maximum of 1200 square feet..

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 currently zoned residential and is occupied with one home. The parcel is 80' wide and approximately 1080' deep and appears to be relatively flat. The parcel has a 100-foot Highway Construction Setback for Scenic Highway 98.

The parcel is almost completely covered in wetlands and an area of the wetlands has been approved to be filled by the Army Corps of Engineers. The approved fill area consists of a 26 x 80 area to place the 16 x 70 modular home and the 20-foot-wide driveway to access the property. The current home was built, according to tax records, in 1950, well before zoning. Staff feels that while wetlands exist on the parcel what is being requested does not meet the above standard for recommendation of approval.

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

Wetlands cover most of the parcel. The Corps of Engineers permit has been approved allowing a small area of fill on the property. The lot appears to be flat, and no other topographic conditions exist on the parcel.

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.

According to the applicant the purpose of this variance is to allow a new modular home to be placed on the property, closer than the required wetland setback allows and will cause the existing home to become the accessory dwelling in the front yard of the lot. The new modular home will not be able to be large enough to meet the 60% size rule because of the allowed fill approved by the Corps of Engineers Permit.

Staff believes that granting this variance will be more of a convenience than to preserve the property rights of the owner.

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 unduly impact the adjacent property owners. The current use has been established as residential and will remain residential. Therefore, the standard for approval has been met.

5.) Other matters which may be appropriate.

a.) Owner Statement

Variance Standards for Approval:

- (a) Lot is very narrow based in its length 80' x 1000'
- (b) All wetlands except for a small portion located at the front of the lot in which the existing structure sits.
- (c) Preservation of property rights as I wish to add a second home on this piece of family property for my daughter.
- (d) This is a tiny house and will not affect anything laid out in section (d)
- (e) A variance is needed to place a 2 second home on the property.

The reason for these requests is so I may place a home for my daughter whom has graduated UAB and is working for a law firm in Miami remotely. We have attempted to find her a place to buy, but with real estate prices where they are, this is not feasible. Rents are also outrageous as I am sure you all know. This property has been in our family since the 40's and we wish to use it to benefit our children in this manner. The impact on the wetlands will be minimal, as we will only fill 1/10th of one acre, with the entire lot being 1.7 acres+/- . These homes will be placed between 250- 300 feet

apart with the second home being accessed from birdwatch lane. This should make the placement of the homes more uniform.

The existing house sits on the front of the lot in the only uplands on the property. The existing house is 689 sq. ft. The proposed new structure is to be 840 sq. ft. and will be in wetlands. This will create the accessory being in the front yard.

I am requesting 3 variances:


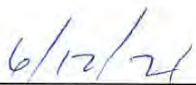
1. Allow placement of an accessory structure larger than 60% of existing structure on the property.
2. Allow accessory structure to be in the front of the lot. If a variance is given the smaller structure will be the one in the "front yard" with the larger structure in the rear.
3. Allow new structure to be placed in the wetlands. I have obtained and paid for mitigations credits to the land bank and received permit from the Corps of Engineers for this project.

b.) POA Statement

To: Baldwin County Property and Zoning Department:

To Whom it May Concern,

The property requesting a variance is located at 15750 Scenic Highway 98, Point Clear, Ala. (Fairhope West neighborhood). There is no neighborhood association.

Christopher D. Pacey
Owner

c.) US Army Corps of Engineers Permit Attached.

d.) Letters of Support attached.

Staff Comments and Recommendation

Staff feels, that while the parcel is almost completely covered with wetlands, there is no hardship on the land to meet the criteria for approval, therefore, staff recommends that in the Case **V-210030** Pacey Property, be DENIED.

GENERAL NOTES {By-laws}

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

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

Property Images







Subject property facing south



Property across the road



Adjacent property to the south

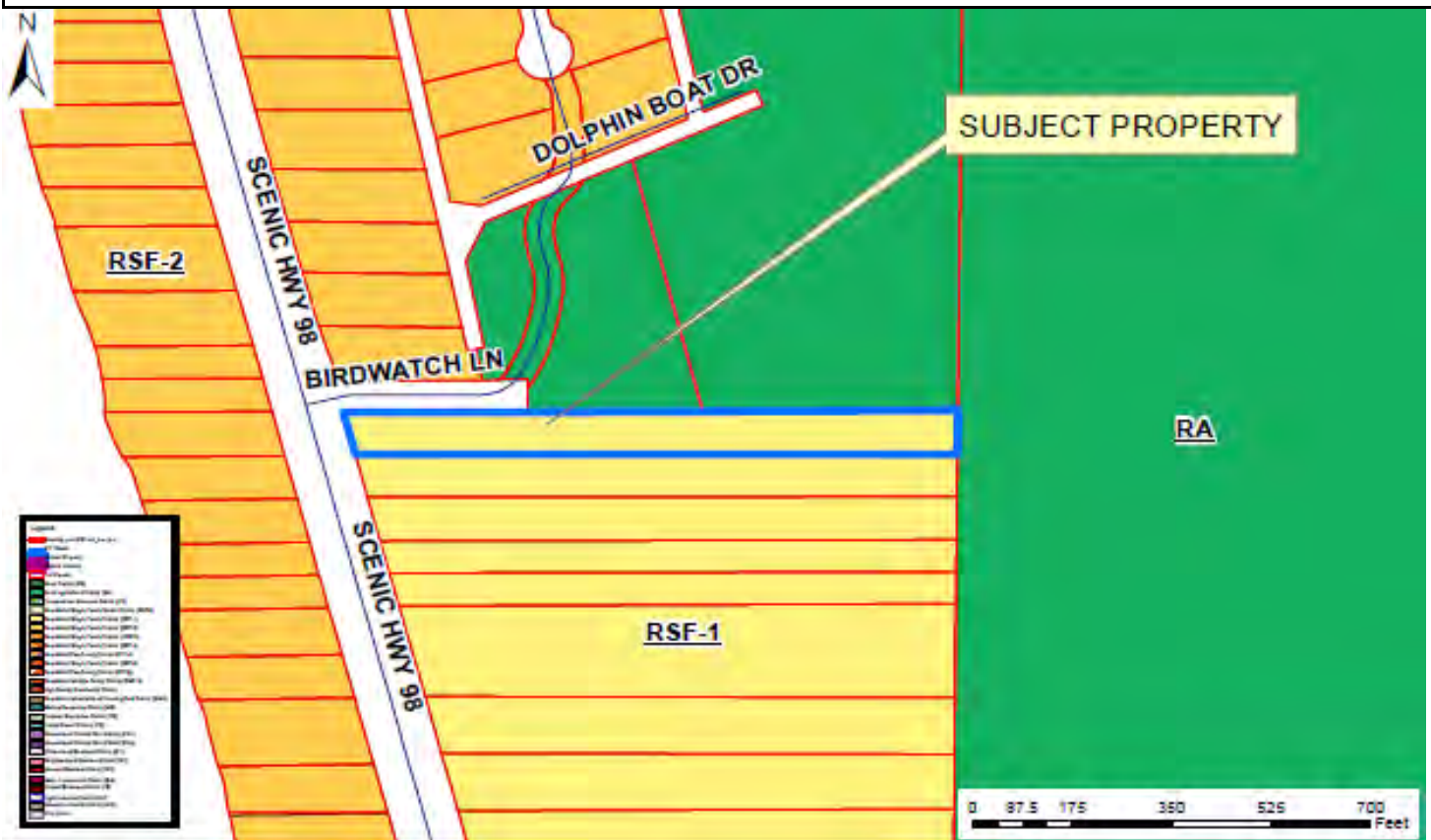
8/2/21



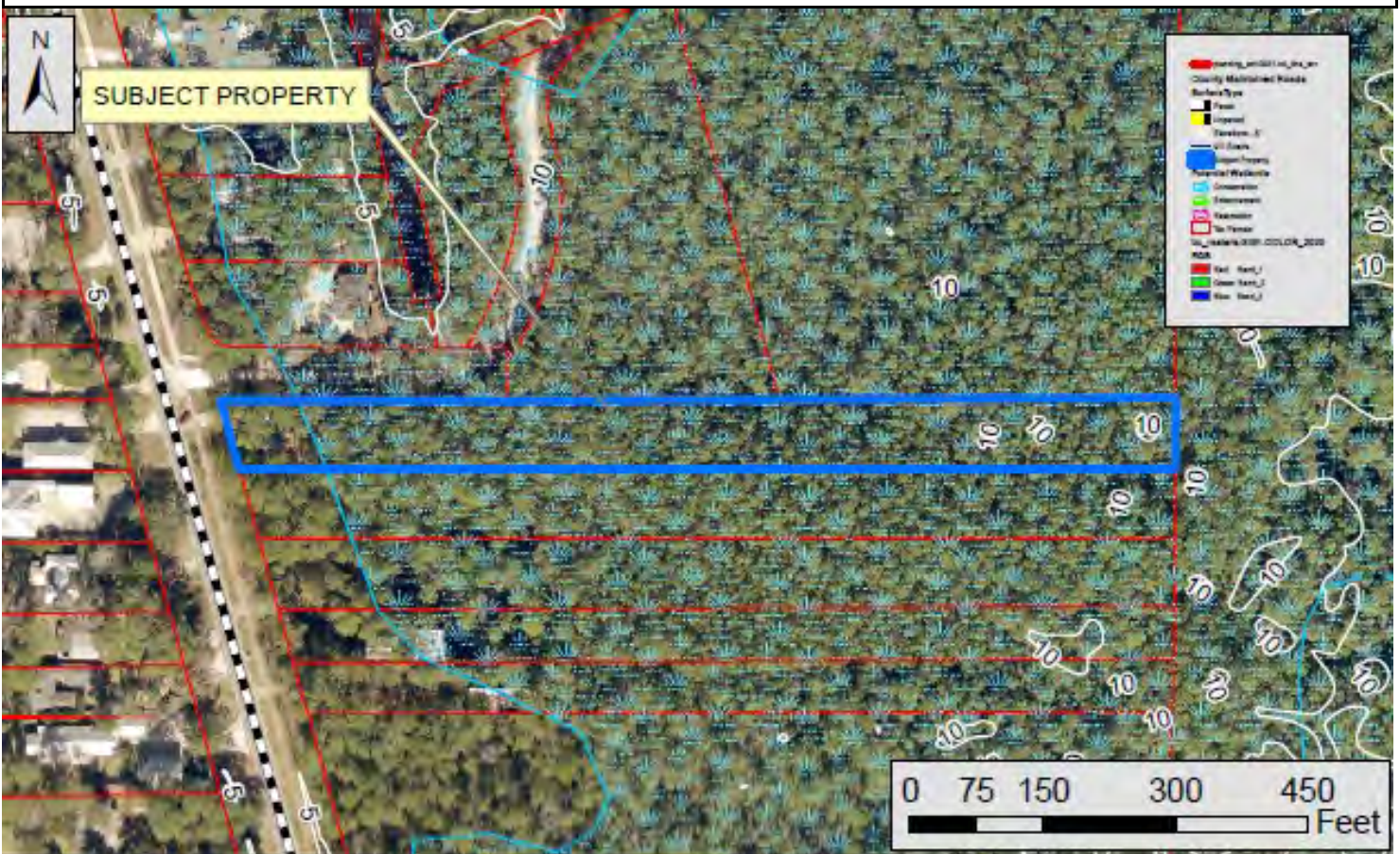
Adjacent property to north

8/2/21

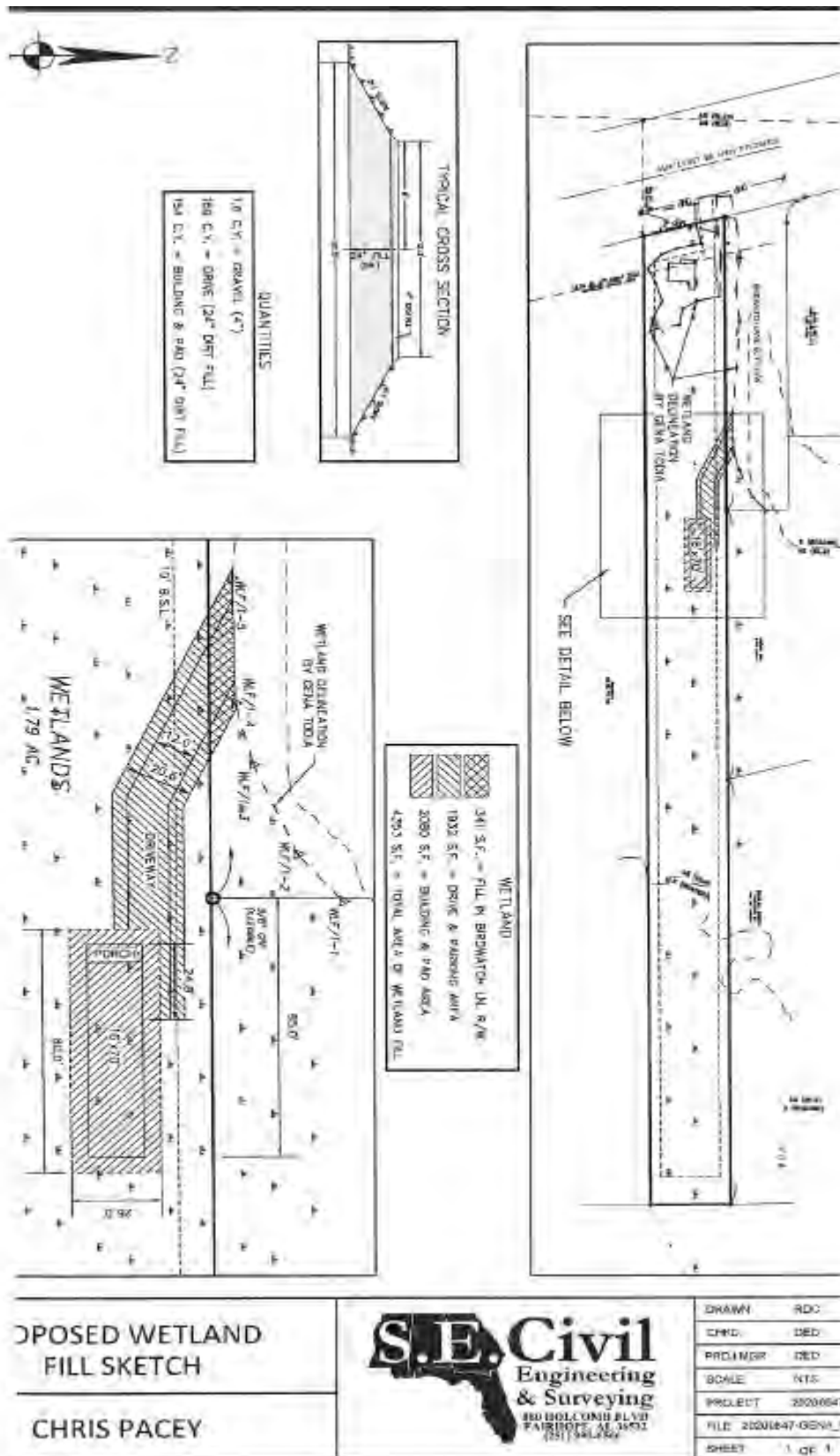
Locator Map

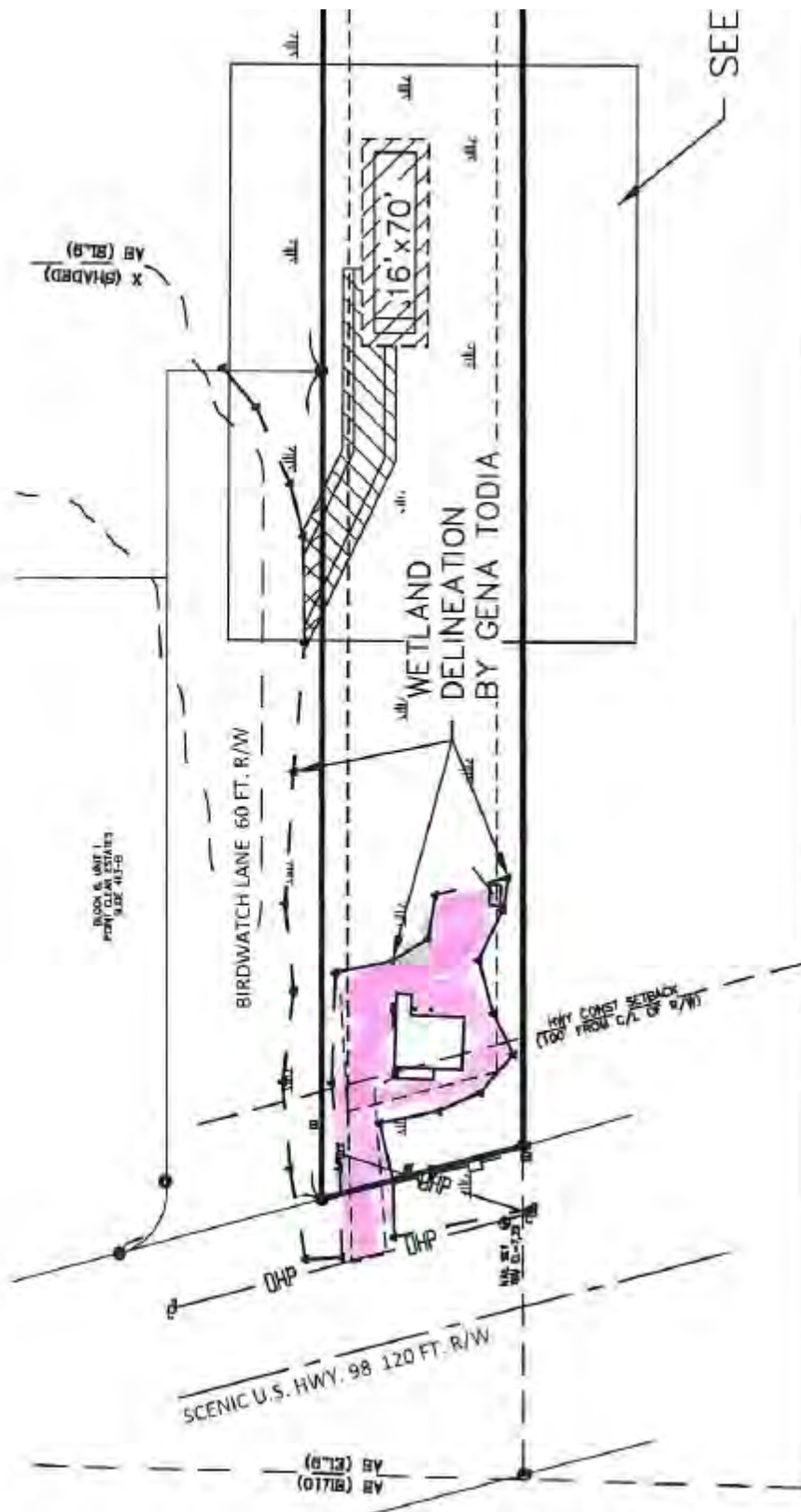


Site Map



Survey and Proposed Site Plan Submitted





TYPICAL CROSS SECTION

c. Corps of Engineers Permit



REPLY TO
ATTENTION OF:

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

May 17, 2021

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit, File Number SAM-2021-00195-LML,
CLP Holdings, LLC, Wetland Fill, Baldwin County

CLP Holdings, LLC
Attention: Mr. Chris Pacey
Email Address: c.pacey@mobilefixture.com
Post Office Box 62
Point Clear, Alabama 36564

Dear Mr. Pacey:

This letter is in response to your request for verification of Department of the Army Nationwide Permit (NWP) authorization to place fill in wetlands near Mobile Bay. The project has been assigned file number **SAM-2021-00195-LML**, which should be referred to in all future correspondence with this office concerning this project. The project is located at 15750 Scenic Highway 98, in Section 7, Township 7 South, Range 2 East, at Latitude: 30.4539° North, Longitude: 87.9139° West, in Point Clear, Baldwin County, Alabama.

Department of the Army permit authorization is necessary because your project involves the discharge of fill material into waters of the United States, including wetlands, under our regulatory jurisdiction. Approximately 315 cubic yards of commercially obtained fill material will be placed within a 4,353 square-foot (0.10 acre) area of jurisdictional wetlands for the purpose of constructing a single-family dwelling and access drive. Fill activities will occur as shown in attached plans.

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

This verification is valid until the Nationwide Permit (NWP) is modified, reissued, or revoked. All of the existing NWPs 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 NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Your use of this Nationwide Permit (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 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 wetland mitigation bank for impacts to 0.1 acre of high quality pine savannah wetlands. 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. Within 30 days of completion of the work authorized, the attached Compliance Certification must be completed and submitted to the USACE.

d. Best management practices shall be implemented to adequately retain fill material minimizing erosion, siltation, turbidity and damage to adjacent wetlands and waters of the United States. Appropriate erosion and siltation control measures must be used and maintained in effective operating condition during construction and shall remain in place until permanent stabilization measures have been installed and have become fully effective. All exposed soil surfaces and fill material must be permanently stabilized at the earliest practicable opportunity.

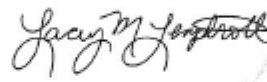
Nothing in this letter shall be construed as excusing you from compliance with other federal, state, or local statutes, ordinances, or regulations which may affect this work. Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, it is recommended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

You are receiving an electronic copy only of this verification letter. If you wish to receive a paper copy, you should send a written request to this office at the following address: U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628. Electronic copies of this verification are also being sent to your agent, Wetland Resources Environmental Consulting, Attention: Ms. Gena Todia at gaet@zebra.net; and the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov.

If you have any questions, please contact me at (251) 694-3779, or by e-mail at lacey.m.leaptrott@usace.army.mil. For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx. 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.

- 3 -

Sincerely,



Date: 2021.05.17

10:42:14 -05'00'

Lacey M. Leaptrott
Project Manager
South Alabama Branch
Regulatory Division

Attachments

COMPLIANCE CERTIFICATION



**U.S. Army Corps of Engineers
Mobile District**

Permit Number: **SAM-2021-00195-LML**

Name of Permittee: **CLP Holdings, LLC (Chris Pacey)**

Date of Issuance: **May 17, 2021**

Upon completion of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

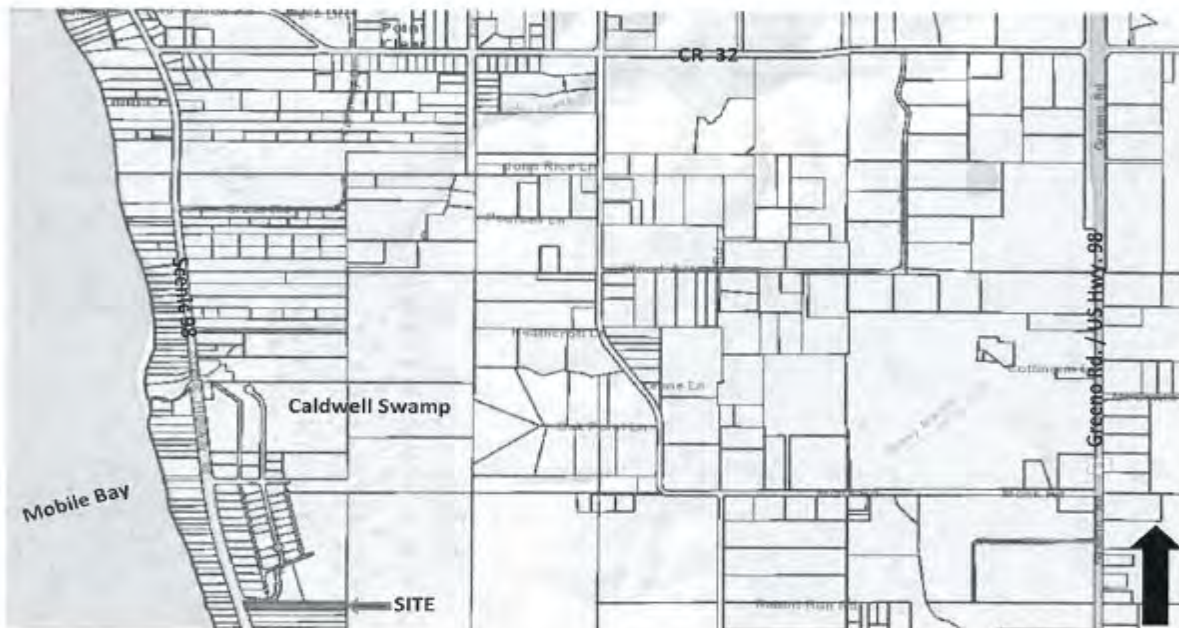
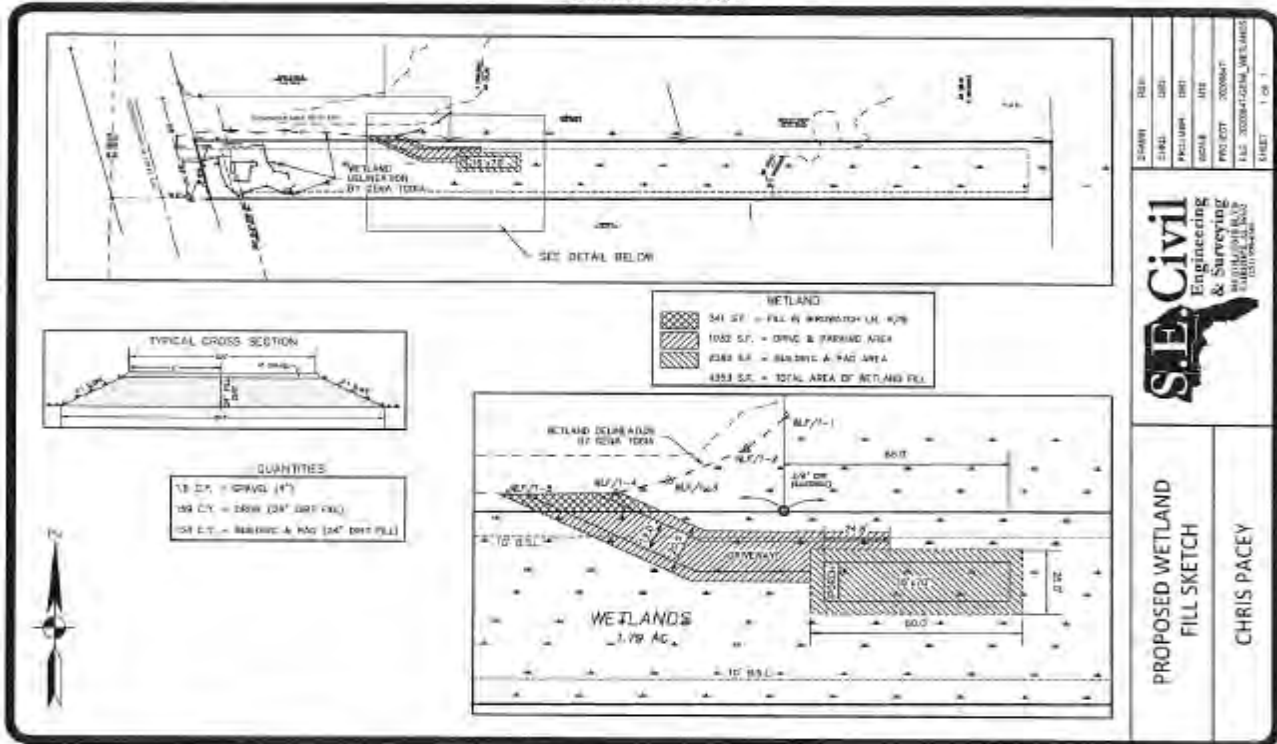
U.S. Army Corps of Engineers
Mobile District
Regulatory Division
Post Office Box 2288
Mobile, Alabama 36628-0001

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and the required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date





US Army Corps
of Engineers

This notice of authorization must be
conspicuously displayed at the site of work.

A permit to perform work authorized by statutes and regulations of the Department of the Army at
15750 Scenic Highway 98, Point Clear, Baldwin County, Alabama

has been issued to CLP Holdings, LLC on May 17, 2021

Address of Permittee: Post Office Box 62, Point Clear, Alabama 36564

Date: 2021.05.17
10:43:32 -05'00'

PERMIT NUMBER

SAM-2021-00195-LML

Lacey Leaptrott, Project Manager
South Alabama Branch, Regulatory Division

For the District Commander

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

Proponent: CECW-O

d. Letters of Support

LETTER OF SUPPORT FROM ADJOINING NEIGHBORS FOR REQUEST A VARIANCE FOR AN ACCESSORY STRUCTURE.

To be completed by the Owner:

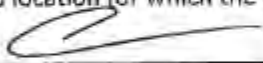
Project Address: 15750 Scenic Hwy 98, Point Clear, AL 36564

Scope of Work: Place an accessory structure on lot where indicated by attached plans

Date:


Consent: Granting a variance to allow an accessory structure to be built as required by Code and as indicated in the attached plans.

I certify that the plans presented to the neighbor for his/her review are identical to those plans and location for which the variance is being requested:

 Signature, Chris Pacey

To be completed by Neighbor:

I, Joseph Soler, am the legal owner of property (Name) located at Lot 20 Birdwell Creek County Fairway, AL 36532 (address - number and street which is an adjoining property (including across the street) to the project address. I am aware that a variance is being requested to build an accessory structure at the subject property and have reviewed the plans presented to me by the petitioner for the proposed construction. I HAVE **NO OBJECTION** TO GRANTING MY CONSENT FOR THE AFOREMENTIONED REQUEST.

Neighbor Signature 

Date: 7-18-21

LETTER OF SUPPORT FROM ADJOINING NEIGHBORS FOR REQUEST A VARIANCE FOR AN ACCESSORY STRUCTURE.

To be completed by the Owner:


Project Address: 15750 Scenic Hwy 98, Point Clear, AL 36564

Scope of Work: Place an accessory structure on lot where indicated by attached plans

Date:

Consent: Granting a variance to allow an accessory structure to be built as required by Code and as indicated in the attached plans.

I certify that the plans presented to the neighbor for his/her review are identical to those plans and location for which the variance is being requested:

 Signature, Chris Pacey

To be completed by Neighbor:

I, Chris Pacey 15834 Sc 98, Fairhope, AL 36532, am the legal owner of property (Name)
located at _____

(address - number and street which is an adjoining property (including across the street) to the project address. I am aware that a variance is being requested to build an accessory structure at the subject property and have reviewed the plans presented to me by the petitioner for the proposed construction. I HAVE **NO OBJECTION** TO GRANTING MY CONSENT FOR THE AFOREMENTIONED REQUEST.

Neighbor Signature _____

Date: 7/8/21

15705 Scenic Hwy 98

LETTER OF SUPPORT FROM ADJOINING NEIGHBORS FOR REQUEST A VARIANCE FOR AN ACCESSORY STRUCTURE.

To be completed by the Owner:

Project Address: 15750 Scenic Hwy 98, Point Clear, AL 36564

Scope of Work: Place an accessory structure on lot where indicated by attached plans

Date:

Consent: Granting a variance to allow an accessory structure to be built as required by Code and as indicated in the attached plans.

I certify that the plans presented to the neighbor for his/her review are identical to those plans and location for which the variance is being requested:

 Signature, Chris Pacey

To be completed by Neighbor:

I, Paul G Pacey am the legal owner of property (Name)
located at 15705 Scenic Hwy 98; Point Clear AL 36564
(address - number and street which is an adjoining property (including across the street) to the project address. I am aware that a variance is being requested to build an accessory structure at the subject property and have reviewed the plans presented to me by the petitioner for the proposed construction. I HAVE **NO OBJECTION** TO GRANTING MY CONSENT FOR THE AFOREMENTIONED REQUEST.

Neighbor Signature Paul G. Pacey

Date: 6/21/21

15721 Birdwatcher Lane

LETTER OF SUPPORT FROM ADJOINING NEIGHBORS FOR REQUEST A VARIANCE FOR AN ACCESSORY STRUCTURE.

To be completed by the Owner:

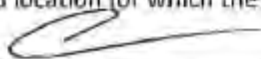
Project Address: 15750 Scenic Hwy 98, Point Clear, AL 36564

Scope of Work: Place an accessory structure on lot where indicated by attached plans

Date:

Consent: Granting a variance to allow an accessory structure to be built as required by Code and as indicated in the attached plans.

I certify that the plans presented to the neighbor for his/her review are identical to those plans and location for which the variance is being requested:

 Signature, Chris Pacey

To be completed by Neighbor:

I, Susan P. Harrison, am the legal owner of property (Name)
located at 15721 Birdwatcher Lane Point Clear AL 36564
(address - number and street which is an adjoining property (including across the street) to the project address. I am aware that a variance is being requested to build an accessory structure at the subject property and have reviewed the plans presented to me by the petitioner for the proposed construction. I HAVE **NO OBJECTION** TO GRANTING MY CONSENT FOR THE AFOREMENTIONED REQUEST.

Neighbor Signature Susan P. Harrison

Date: 6/20/21

LETTER OF SUPPORT FROM ADJOINING NEIGHBORS FOR REQUEST A VARIANCE FOR AN ACCESSORY STRUCTURE.

To be completed by the Owner:

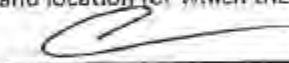
Project Address: 15750 Scenic Hwy 98, Point Clear, AL 36564

Scope of Work: Place an accessory structure on lot where indicated by attached plans

Date:

Consent: Granting a variance to allow an accessory structure to be built as required by Code and as indicated in the attached plans.

I certify that the plans presented to the neighbor for his/her review are identical to those plans and location for which the variance is being requested:

 Signature, Chris Pacey

To be completed by Neighbor:

I, CLP Holding Chris Pacey, am the legal owner of property (Name) located at 15796 Scenic Hwy 98 Point Clear (address - number and street which is an adjoining property (including across the street) to the project address. I am aware that a variance is being requested to build an accessory structure at the subject property and have reviewed the plans presented to me by the petitioner for the proposed construction. I HAVE **NO OBJECTION TO GRANTING MY CONSENT FOR THE** AFOREMENTIONED REQUEST.

Neighbor Signature 

Date: 7/5/21

LETTER OF SUPPORT FROM ADJOINING NEIGHBORS FOR REQUEST A VARIANCE FOR AN ACCESSORY STRUCTURE.

To be completed by the Owner:

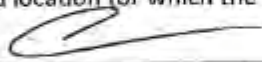
Project Address: 15750 Scenic Hwy 98, Point Clear, AL 36564

Scope of Work: Place an accessory structure on lot where indicated by attached plans

Date:

Consent: Granting a variance to allow an accessory structure to be built as required by Code and as indicated in the attached plans.

I certify that the plans presented to the neighbor for his/her review are identical to those plans and location for which the variance is being requested:

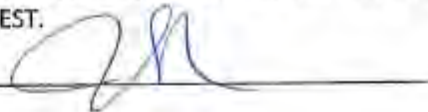


Signature, Chris Pacey

To be completed by Neighbor:

I, Joseph Soles, am the legal owner of property (Name)
located at 15853 B. Silverleaf Lane, Fairhope, AL 36532
(address - number and street which is an adjoining property (including across the street) to the project address. I am aware that a variance is being requested to build an accessory structure at the subject property and have reviewed the plans presented to me by the petitioner for the proposed construction. I HAVE **NO OBJECTION** TO GRANTING MY CONSENT FOR THE AFOREMENTIONED REQUEST.

Neighbor Signature



Date: 7-18-21



Baldwin County Planning & Zoning Department

Board of Adjustment Number 1

Board of Adjustment Staff Report

Case No. V-210031

Stimpson Property

Wetlands Setback Variance to allow for the Construction of a Parking Pad and house and also Fill Dirt
September 20, 2021

Subject Property Information

Planning District: 26
General Location: Lot 4 of Point Clear Reserve
Physical Address: 14048 Scenic 98
Parcel Number: 05-56-04-18-0-000-081.004
Zoning: RSF-1, Single Family District
Lot Size: Approximately 0.258 acres
Applicant: Abby Stimpson
49 Jordan Ln
Mobile, AL 36608
Owner: Same
Lead Staff: Celena Boykin, Senior Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped	RSF-1
South	Residential	RSF-1
East	Timberland	RSF-1
West	Scenic 98/Residential	RSF-2

Summary and Recommendation

The applicant is requesting a variance from the wetlands setback requirement to allow for the construction of a single-family dwelling with parking pad and any proposed fill dirt.

It's not completely clear with the information submitted by the applicant that the base floor area of the home is 1500 square feet. The applicant is proposing to fill 4,329 square feet of wetlands and staff is concerned that this is excessive. Staff recommends **DENIAL** because we believe only the minimum should be filled. If this amount of wetland fill is necessary for a 1,500 square foot house and the applicant can prove this to the board, staff feels that this would be warranted*.

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

Variance Request

The applicant is requesting a variance from the wetlands setback requirement to allow for the construction of a single-family dwelling with parking pad and any proposed fill dirt.

Section 4.2 RSF-1, Single Family District

4.2.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.2.3 *Conditional uses.* 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 conditional uses:

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

4.2.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

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

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
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

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.

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 currently vacant. The adjoining properties are residential and undeveloped. The property adjoins Scenic 98 to the west. County Road 1 is a county maintained paved road. According to the survey submitted the property is 70 feet wide and 163 feet deep. The approximate square footage is 11,410 square feet. The required minimum lot area for the RSF-1 zoning designation is 30,000 square feet and the minimum lot width at building line is 100 feet. As a result, the lot is nonconforming. However, since the property is a lot of record, which was pre-existing at the time zoning was adopted; it may be used as a building site, but must conform to all zoning requirements, with the exceptions of square footage and lot width.

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

Per the site plan submitted, the property is inundated with wetlands. As this variance pertains to wetlands setback requirements, staff believes the location of wetlands on the property does not leave any buildable area to meet the 30-foot wetlands setback requirement. Based on the excessive amount of wetlands, staff believes the property meets the standard of topographic conditions and extraordinary situations and that only the minimum should be filled.

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.

As stated previously, the purpose of this request is to allow for the construction of a single-family which is permitted by the RSF-1 zoning. Due to the presence of wetlands on the property, staff feels the granting of the application is necessary for the preservation of property right but that only the minimum should be filled to build.

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, 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.

5.) Other matters which may be appropriate.

Applicant has received approval from USACOE for a permit to fill a portion of the wetlands and a permit from ADEM.

As stated previously, the applicant is requesting a variance from the wetlands setback requirement to allow for the construction of a single-family dwelling with parking pad and any proposed fill dirt.

It's not completely clear with the information submitted by the applicant that the base floor area of the home is 1500 square feet. The applicant is proposing to fill 4,329 square feet of wetlands and staff is concerned that this is excessive. Staff recommends **DENIAL** because we believe only the minimum should be filled. If this amount of wetland fill is necessary for a 1,500 square foot house and the applicant can prove this to the board, staff feels that this would be warranted*.

** 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 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.

Neighbor's Letter and Pictures

Dear Commissioners,

Please permit me to comment upon the above-referenced variance request.

I own properties adjacent to the subject parcel (both north and east), and while I generally have no objection to this particular variance request, I ask that the Commission make it a requirement of approval that an accurate survey be obtained with boundary lines marked and silt fencing be installed to protect my properties from encroachment by the proposed fill.

The attached photos, taken today, appear to show that clearing of this lot has already taken place, and that there already is encroachment both of land-clearing across my boundary and loose sand settling onto my adjacent parcel to the north.

Thank you very much for permitting me to express my concerns.

Respectfully,

Dave Wirtes

David G. Wirtes, Jr.

Cunningham Bounds, LLC
Phone: (251) 471-6191
Fax: (251) 479-1031
Toll Free: (800) 472-6191
DGW@cunninghambounds.com
www.cunninghambounds.com
Post Office Box 66705
Mobile, AL 36660



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Subject property

September 3, 2021



Adjacent property to the north

September 3, 2021

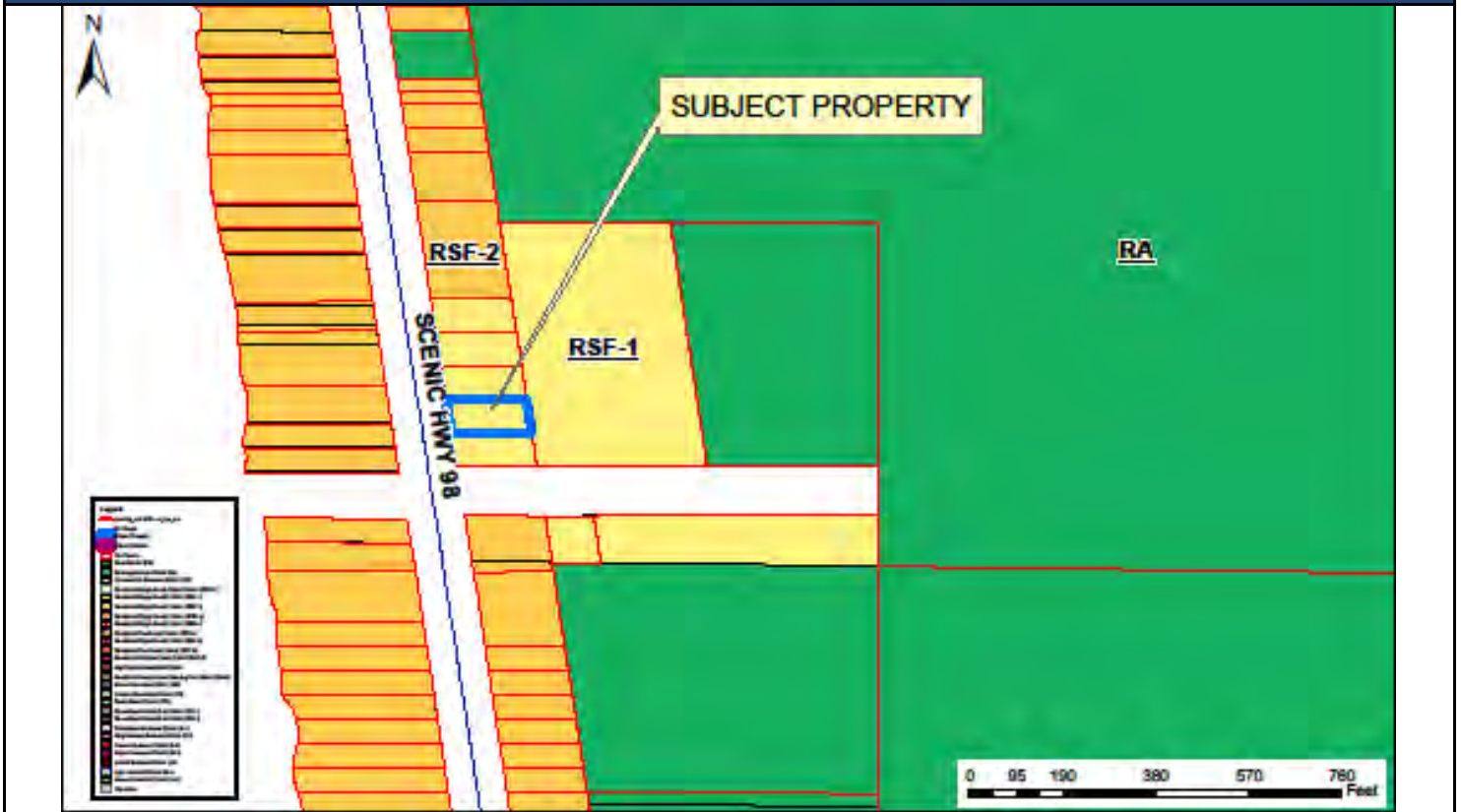




Property to the west- across the street



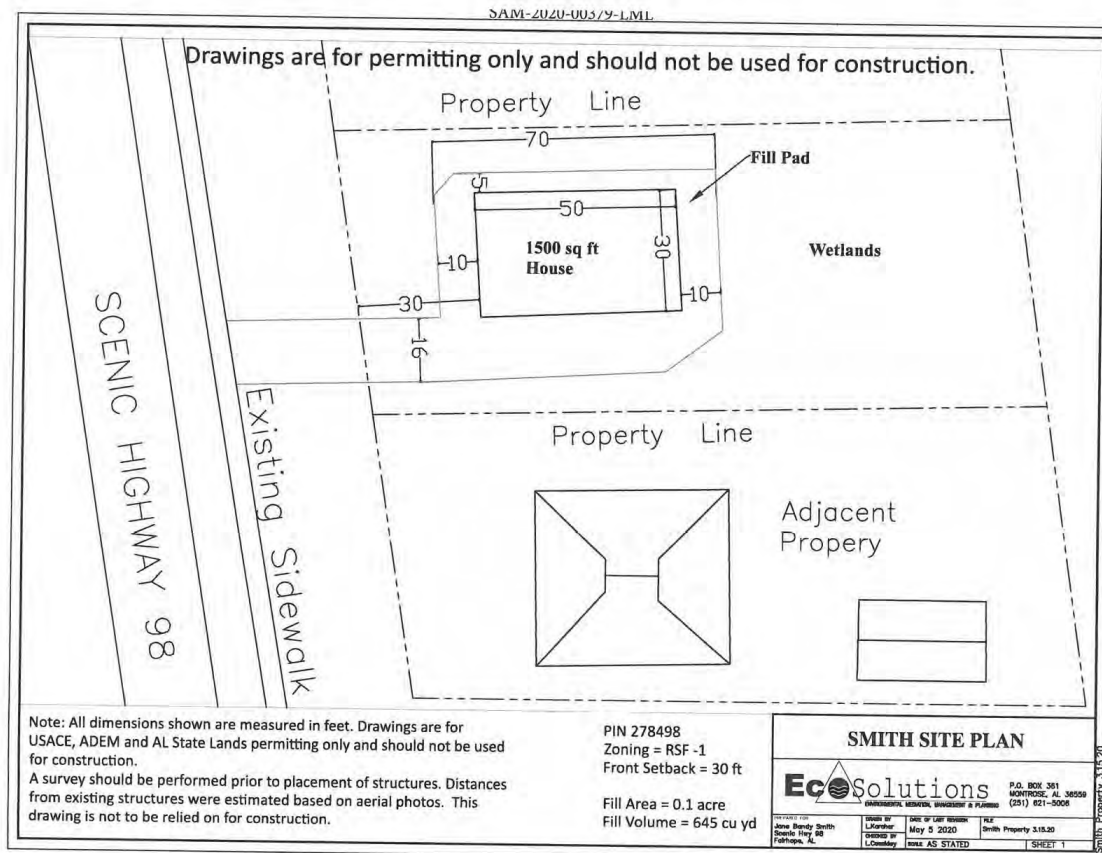
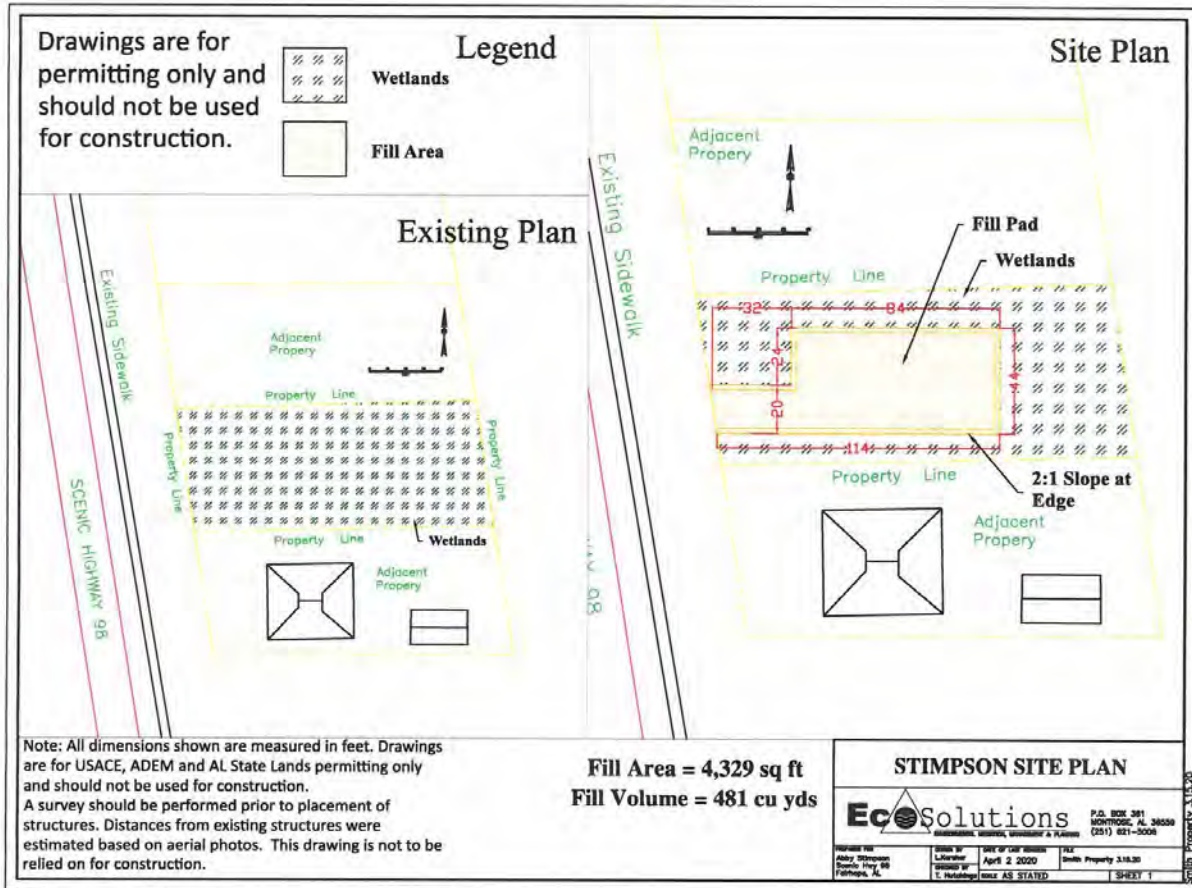
Locator Map



Site Map



Site Plan Submitted with V-210031



COMPLIANCE CERTIFICATION



**US Army Corps of Engineers
Mobile District**

Permit Number: **SAM-2020-00379-LML**

Name of Permittee: **Abby Stimpson**

Date of Issuance: **May 26, 2021**

Upon completion of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

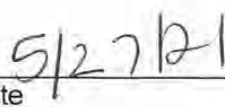
U.S. Army Corps of Engineers
Mobile District
Regulatory Division
Post Office Box 2288
Mobile, Alabama 36628-0001

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit including any general or specific conditions, and the required mitigation was completed in accordance with the permit conditions and documentation required by 33 CFR 332.3(l)(3) has been provided to this office.



Signature of Permittee



Date



COASTAL AREA MANAGEMENT PROGRAM VARIANCE

USE TYPE: ADEM Admin. Code r. 335-8-2-.02
Dredging and/or Filling Coastal Wetlands

APPLICANT: Abby Stimpson

VARIANCE NUMBER: ACAMP-2020-210-VAR

U.S. ARMY CORPS OF ENGINEERS
PROJECT FILE NUMBER: SAM-2020-00379-LML

PROJECT LOCATION: Lot 4 Point Clear Reserve, Hwy 98, Baldwin County, AL
Parcel ID No. 05-45-07-25-0-000-008.000

PROJECT DESCRIPTION: Placement of clean fill into approximately 0.1 acres of coastal wetlands for the purpose of the construction of a drive, parking pad and house.

In accordance with and subject to the provisions of Code of Alabama 1975, §§9-7-10 et. seq. and §§22-22A-1 et. seq. rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this variance, the applicant described in this variance is hereby authorized to conduct the above referenced activities.

CONSTRUCTION/ACTIVITIES AUTHORIZED BY THIS VARIANCE IS VALID FOR A PERIOD OF **5**
YEARS FROM THE DATE OF ISSUANCE.

ISSUED THIS 19th DAY OF May 2021


Abby Stimpson
Alabama Department of Environmental Management



Baldwin County Planning & Zoning Department

County Commission District #1

Board of Adjustment Staff Report

Case No. V-210033

Weir Property

Wetland Setback Requirement Variance

September 20, 2021

Subject Property Information

Planning District: 26
General Location: East side of Scenic Highway 98, just north of Battles Rd.
Physical Address: Scenic Highway 98
PID: 05-45-07-25-0-000-008.000
Zoning: RA, Rural Agricultural
Acreage: 7.8 acres
Applicant: Bowen Weir
B4 Holding's LLC
21009 Ezell Lane
Fairhope, Al.
Owner: B4 Holdings LLC
Lead Staff: D.J. Hart, Planning Technician
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Residential	RA Rural District
South	Vacant Land	RSF-1 Single Family District
East	Residential	City of Fairhope
West	Residential	RSF-1 Single Family District

Summary and Recommendation

The applicant is requesting a variance from the wetland setback requirement to allow for the placement of a driveway and house on the property. It's not completely clear with the information submitted by the applicant that the base floor area of the home is 1500 square feet. The applicant is proposing to fill 4,350 square feet of wetlands and staff is concerned that this is excessive. Staff recommends **DENIAL** because we believe only the minimum should be filled. If this amount of wetland fill is necessary for a 1,500 square foot house and the applicant can prove this to the board, staff feels that this would be warranted*.

The applicant is requesting a variance from section 10.4.4, Wetland Protection Overlay District, of the *Baldwin County Zoning Ordinance* as it pertains to building setbacks to allow construction of a single-family dwelling within the 30-foot wetland setback.

Additional Information

Section 10.4 Wetland Protection Overlay District

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.

Section 3.2 RA Rural Agricultural District

3.2.1 Generally. This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

3.2.2 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) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.

(h) Single family dwellings including manufactured housing and mobile homes.

(i) Accessory structures and uses.

3.2.3 *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:

(a) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).

(b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

3.2.4 *Conditional uses.* 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 conditional uses:

(a) Transportation, communication, and utility uses not permitted by right.

(b) Institutional uses not permitted by right.

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

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

3.2.6 *Area and dimensional modifications.* Within the RA district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

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 currently RA, rural agricultural and RSF-E residential single-family estate and consists of approximately 7.8 acres and is vacant. The area of the parcel approved for fill by the Corps of Engineers is along Scenic Highway 98. The parcel has a 100-foot Highway Construction Setback for Scenic Highway 98. Most of the parcel is covered in wetlands and an area of the wetlands has been approved to be filled by the Army Corp of Engineers. The approved fill area consists of a 4,350 sq ft which includes the building area and the 16-foot-wide driveway to access the property. Staff feels the wetlands on the parcel meets the standard for recommendation of approval but, only the minimum should be filled to build.

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

Per the site plan submitted, the property is inundated with wetlands. As this variance pertains to wetlands setback requirements, staff believes the location of wetlands on the property does not leave any buildable area to meet the 30-foot wetlands setback requirement. Based on the excessive amount of wetlands, staff believes the property meets the standard of topographic conditions and extraordinary situations and that only the minimum should be filled.

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.

According to the applicant the purpose of this variance is to allow a new home to be built on the property, closer than the required wetland setback allows. Due to the presence of wetlands on the property, staff feels the granting of the application is necessary for the preservation of property right but that only the minimum should be filled to build.

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, 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.

5.) Other matters which may be appropriate.

a.) Corps Permit Attached.

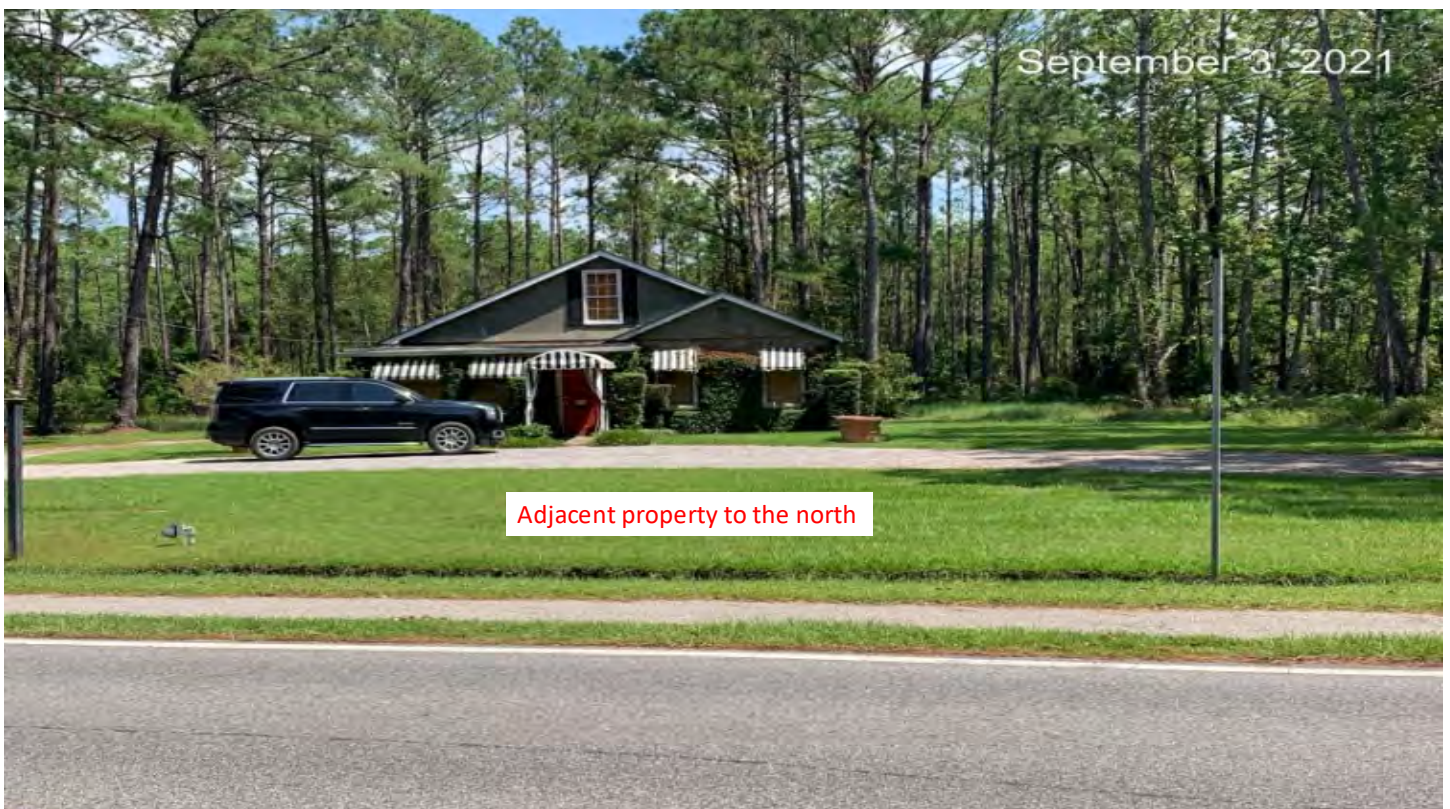
b.) Letters of Opposition and Citizen Comments attached.

As previously stated, it's not completely clear with the information submitted by the applicant that the base floor area of the home is 1500 square feet. The applicant is proposing to fill 4,350 square feet of wetlands and staff is concerned that this is excessive. Staff recommends **DENIAL** of case V-210033 Weir Property because we believe only the minimum should be filled. If this amount of wetland fill is necessary for a 1,500 square foot house and the applicant can prove this to the board, staff feels that this would be warranted*.

GENERAL NOTES {By-laws}

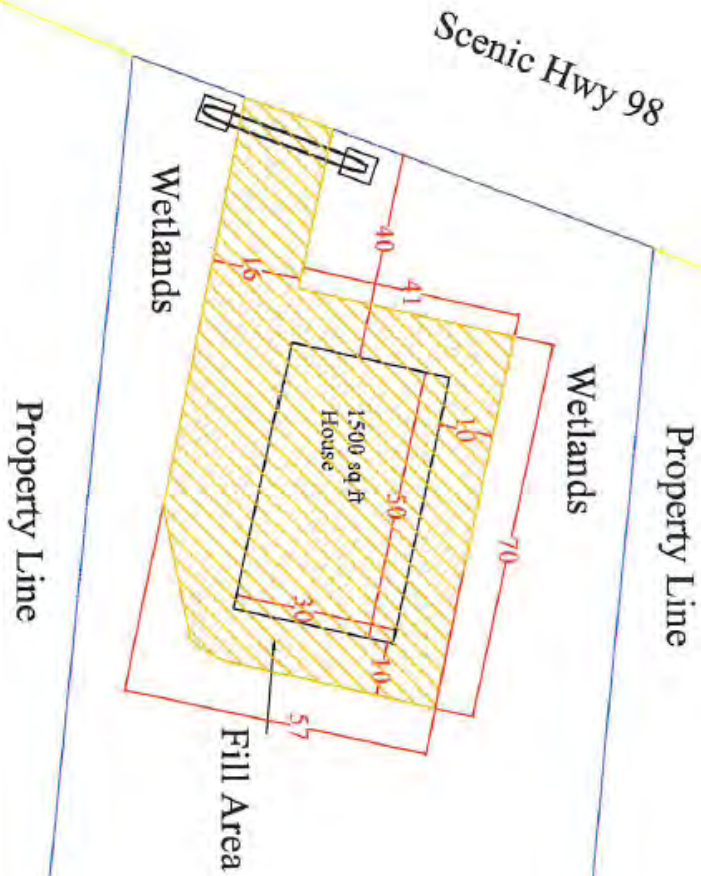
Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board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

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





FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION



Note: All dimensions shown are measured in feet. Drawings are for permitting only and should not be used for construction.
A survey should be performed prior to placement of structures. Distances from existing structures were estimated based on aerial photos. This drawing is not to be relied on for construction.

PIN 1779
Zoning = RA
Front Setback = 40 ft
Fill Area = 4,350 sq ft
Fill Volume = 645 cu yd

Smith Construction Site Layout

Ec
Solutions
P.O. BOX 361
MONTROSE, AL 36559
(251) 821-5006

PROJECT NO.	DATE OF LAST REVISION	FILE
Scenic 98	5/22/2020	Smith Scenic 98 4-5-2020
Port Hope, Alabama	C. Anderson	
	L. Criswell	
	DATE AS STATED	SHEET 1 of 4



August 3, 2021

RE: USACE Permit# SAM-2020-00707-JCC, B4 Holdings, LLC / Case Brothers, LLC

Ms. Jessica Comeaux
USACE, Mobile District
Post Office Box 2288
Mobile, Alabama 36628

Dear Ms. Comeaux:

Please treat this letter as written confirmation that, in accordance with the above referenced permit, B4 Holdings, LLC / Case Brothers, LLC has purchased 0.499 bottomland hardwood mitigation credits from Wetlands Solutions' Lillian Swamp Mitigation Bank.

If you have any questions, please call me at 228.575.7747.

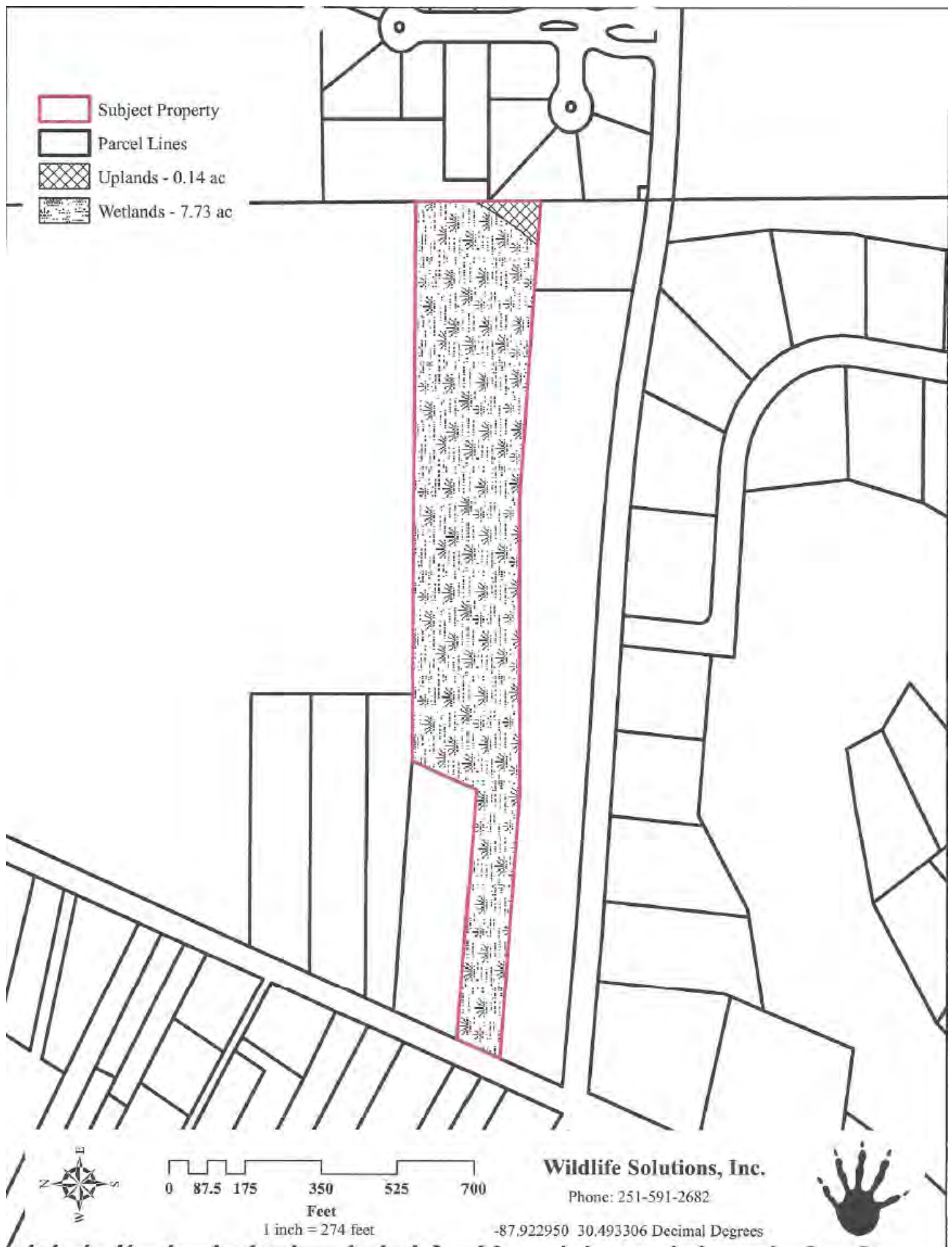
Very truly yours,
WETLANDS SOLUTIONS ALABAMA, LLC
LILLIAN SWAMP MITIGATION HOLDINGS, LLC

A handwritten signature in black ink, appearing to read "B Pike", with a long horizontal flourish extending to the right.

Brandon A Pike

cc: Bowen Weir
B4 HOLDINGS, LLC

Collins B. Case
CASE BROTHERS, LLC



a. Corps of Engineers Permit



REPLY TO
ATTENTION OF

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

July 23, 2021

South Alabama Branch
Regulatory Division

SUBJECT: Transfer of Permit Authorization, Department of the Army Permit, File Number SAM-2020-00707-JCC, B4 Holdings, LLC and Case Brothers LLC, Wetlands near Mobile Bay

B4 Holdings, LLC and Case Brothers LLC
Attention: Bowen Weir and Collins Case
21009 Ezell Lane
Fairhope, Alabama 36532

Dear Mr. Weir and Mr. Case:

Reference is made to your request for transfer of Department of the Army (DA) permit authorization for discharge of 0.0998 acre of fill material within wetlands near Mobile Bay (see attached permit letter). This project was assigned file number SAM-2020-00707-JCC, which should be referred to in all future correspondence with this office concerning this project. The project is located at Baldwin County PPIN 1779 on Scenic Highway 98; in Section 25, Township 6 South, Range 1 East; at Latitude 30.49335° North, Longitude -87.92535° West; in Fairhope, Baldwin County, Alabama.

Mr. Stuart Edwin Smith was originally authorized by the attached permit issued on August 27, 2020. In response to your request, this previous authorization, including all associated terms and conditions, is hereby transferred to you, effective on the date of this letter.

You are receiving an electronic copy only of this letter. If you wish to receive a paper copy, you should send a written request to this office at the following address: U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628. Electronic copies of this letter are also being sent to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov.

If you have any questions, please contact me at (251) 690-3262, or by e-mail at Jessica.C.Comeaux@usace.army.mil. For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx. 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,

Jessica C. Comeaux
Project Manager
South Alabama Branch
Regulatory Division

Digitally signed by Jessica Crochet Comeaux
Date: 2021.07.23 14:06:52 -05'00'

Attachments



REPLY TO
ATTENTION OF

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

August 27, 2020

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit, File Number SAM-2020-00707-JCC, Stuart Edwin Smith, Wetlands near Mobile Bay

Mr. Stuart Edwin Smith
Email Address: ses871@bellsouth.net
Post Office Box 4308
Huntsville, Alabama 35815

Dear Mr. Smith:

This letter is in response to your request for verification of Department of the Army Nationwide Permit (NWP) authorization for minor discharge of fill material in wetlands near Mobile Bay. The project has been assigned file number SAM-2020-00707-JCC, which should be referred to in all future correspondence with this office concerning this project. The project is located at Baldwin County PPIN 1779 on Scenic Highway 98; within Section 25, Township 6 South, Range 1 East; at Latitude 30.49335° North, Longitude -87.92535° West; in Fairhope, Baldwin County, Alabama.

Department of the Army (DA) permit authorization is necessary because your project involves work and the placement of fill in waters of the United States, including wetlands, under our regulatory jurisdiction. Authorized activities include the placement of 645 cubic yards of commercially obtained sandy fill within 4,350 square feet (0.0998 acre) of wetlands for the construction of a driveway and single-family residence. Prior to the discharge of any fill material, proof-of-purchase of the appropriate number of mitigation credits medium quality bottomland hardwood wetlands must be provided. No wetlands outside those specified in the attached site plan drawings may be impacted through this authorization.

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

Your use of this Nationwide Permit (NWP) is subject to the following special conditions:

a. Prior to the discharge of any fill material into waters of the United States, the permittee shall submit to the U.S. Army Corps of Engineers (USACE), Mobile District, proof-of-purchase of the appropriate number of mitigation credits from an approved mitigation bank for impacts to 0.0998 acre of medium-quality bottomland hardwood wetlands. 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 selected bank's approved mitigation banking instrument.

b. Best Management Practices (BMPs) shall be implemented to minimize the loss of turbidity and sediment to adjacent wetlands and waters of the United States. Appropriate erosion, sediment, and turbidity control measures must be utilized and maintained in effective operating condition during construction. All exposed soil surfaces and fill material must be permanently stabilized at the earliest practicable opportunity and all temporary erosion control features shall remain in place until permanent stabilization measures have been completed and become fully effective. 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 Nationwide Permit Program and any applicable State Regional Conditions.

c. The activity shall be conducted in accordance with the information submitted and meet all conditions applicable to the 2017 NWP Program.

d. The Mobile District must be notified of the completion of the authorized work. The attached compliance certification form may be used for that purpose.

e. The attached yellow Notice of Authorization placard must be posted at the site during construction of the permitted activity.

f. Should cultural resources be encountered during project activities, work shall cease and the U.S. Army Corps of Engineers (USACE) Mobile District shall be consulted immediately by telephone at (251) 690-3262 or (251) 690-2658 so that USACE may initiate appropriate federal, state, and tribal coordination to determine appropriate documentation and recovery efforts. This stipulation shall be placed on the construction plans, and it is the permittee's responsibility to ensure that contractors are

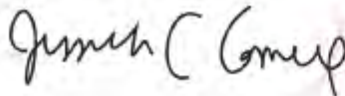
aware of this requirement.

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

You are receiving an electronic copy only of this letter. If you wish to receive a paper copy, you should send a written request to this office at the following address: U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628. Electronic copies of this verification are being sent to your agent, Ecosolutions, Inc, Attention: Thomas Hutchings, at ecosolutionsinc@bellsouth.net; the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov.

If you have any questions, please contact me at (251) 690-3262, or by e-mail at Jessica.C.Comeaux@usace.army.mil. For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx. 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,



Digitally signed by
COMEAX.JESSICA.C.1539451231
Date: 2020.08.27 17:49:03 -05'00'

Jessica Comeaux
Project Manager
South Alabama Branch
Regulatory Division

Attachments

When the structures or work authorized by this NWP (SAM-2020-00707-JCC) are still in existence at the time the property is transferred, the terms and conditions of this NWP, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this NWP and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

COMPLIANCE CERTIFICATION



**U.S. Army Corps of Engineers
Mobile District**

Permit Number: **SAM-2020-00707-JCC**

Name of Permittee: **Stuart Edwin Smith**

Date of Issuance: **August 27, 2020**

Upon completion of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Mobile District
Regulatory Division
Post Office Box 2288
Mobile, Alabama 36628-0001

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and the required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date



US Army Corps
of Engineers

**This notice of authorization must be
conspicuously displayed at the site of work.**

A permit to perform work authorized by statutes and regulations of the Department of the Army at
Baldwin County PPIN 1779 on Scenic Highway 98, Fairhope, Baldwin County, Alabama

has been issued to Stuart Edwin Smith on August 27, 2020

Address of Permittee: Post Office Box 4308 Huntsville, Alabama 35815

PERMIT NUMBER

SAM-2020-00707-JCC

Digitally signed by
COMEAX.JESSICA.C.1539451231
Date: 2020.08.27 17:53:37 -05'00'

Jessica Comeaux, Project Manager

South Alabama Branch, Regulatory Division

For the District Commander

ENG FORM 4356, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

Proponent: CECW-0

b. Letters of Opposition and Citizen Comments

September 13, 2021

From: James and Angela Morgan, 18459 Point Clear Court, Fairhope, AL 36532

jiminpointclear@att.net

angelainpointclear@att.net

TO; PLANNING & ZONING BOARD OF ADJUSTMENT NUMBER 1

Planning@baldwincountyal.gov

RE: CASE NO. V-210033

To Whom It May Concern:

As an adjacent property owner to this Variance Application, I am concerned with the potential impact this proposed change in wetlands status will have on my property, both short and long term. I am also concerned about the impact this could have on all the properties located within the Point Clear Court Property Owners Association.

As you and your engineers well know, we sit on a very high-water table adjacent to the west end of Battles Road (County Road 44). Even today, the city and the county have been unable to prevent flooding along the western end of County Road 44 every time we get heavy rains. The after-effects of torrential downpours during and after major climate events like hurricanes and tropical storms continue to flood the areas adjacent to our property.

Removing more absorbency area from this location will further exacerbate an already crucial drainage and flooding issue. Further, the wetlands area under consideration are fed by two major underground drainage systems and two retention ponds. We need evidence and assurances that what is being proposed will not make the flooding and drainage issues even worse. From an engineering and ecological perspective, removing trees that protect our homes from high winds and storm surges will only add to the vulnerabilities we already face and endure during major storms.

Thank you for your consideration and please advise if you have questions.

James E. Morgan, Jr.

251-751-2164

18459 Point Clear Court, Fairhope, AL 36532

SEPTEMBER 09, 2021

FROM: Louis Mapp, 6054 Point Clear Cove, Fairhope, AL 36532
lmapp@bellsouth.net

TO: PLANNING & ZONING BOARD OF ADJUSTMENT NUMBER 1
BALDWIN COUNTY, AL
planning@baldwincountyal.gov

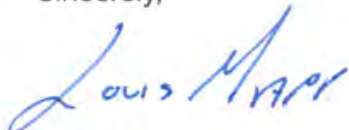
RE: CASE NO. V-210033

As an adjacent property to this Variance Application I am concerned—as I think the property in question is mostly wetlands—7.73 acres of the total of 7.87 acres—according to the enclosed information.

My main concern is what will be the short term—and long term—effect on my property—to the building on this wetlands property. What assurances will I have there will be no short term—or long term—effects on my property.

Thank you for your consideration.

Sincerely,



Louis Mapp

Copy: Sam Irby, Attorney

September 10, 2021

From: Todd M. Landau, 18423 Point Clear Ct., Fairhope, AL 6532

TO: PLANNING & ZONING BOARD OF ADJUSTMENT NUMBER 1
BALDWIN COUNTY, ALABAMA
planning@baldwincountyal.gov

RE: CASE NO. V-210033

Dear Sirs,

As an adjacent property to this Variance Application I am strongly opposed to the proposed variance on the basis of several concerns that potentially and adversely affect my enjoyment of my property.

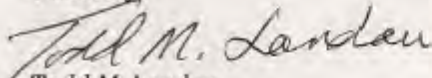
First, over 98% of this nearly 8 acre property (as described in the variance request) is comprised of wooded wetlands that form a significant protective barrier against all major storms, hurricanes, tornados and tidal surges affecting Mobile Bay from Scenic Highway 98 to the intersections of County Road 44 at Twin Beech and Battles Road, and have done so successfully for decades. We have never suffered any major flooding from Mobile Bay, but if this protective forested wetlands barrier is allowed to be eliminated, it is impossible to see how my property would not be adversely affected at some point in the future.

Second, these wetlands are a natural habitat for all kinds of environmentally sensitive wildlife, and have been for decades. Destroying and filling in these wetlands and chopping down the trees, would irrevocably damage natural areas and wildlife that remain a major factor in why Baldwin County and its towns of Fairhope and Point Clear are considered treasured sanctuaries.

Thank you for your consideration.

Please let me know if you have any questions.

Sincerely,


Todd M. Landau

From: [Todd Landau](#)
To: [Planning](#)
Cc: [Louis & Melinda Mapp](#); [Frank Smith](#); [Jim Morgan](#)
Subject: Case No. V-210033 (Additional Point of Law)
Date: Friday, September 10, 2021 7:38:03 PM
Attachments: [TML Letter to Baldwin County.pdf](#)

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Members of the Planning & Zoning Board,

Supplemental to my earlier email (attached) I also wish to express my dismay, as an adjacent property owner, that the applicant violated my rights under the law by never providing me with any timely notification of their proposed application for a variance. If the law requires that they should suffer some penalty for their violation of my rights to receive timely notification, please impose that penalty on the applicant.

Sincerely,

Todd M. Landau
Email: toddmlandau@gmail.com
Cell: (908) 451-6381
Home: (251) 517-7726

Begin forwarded message:

From: Todd Landau <toddmlandau@gmail.com>
Date: September 10, 2021 at 4:11:34 PM CDT
To: planning@baldwincountyal.gov
Cc: Louis Mapp <lmapp@bellsouth.net>, Smith Frank <fsmith@wilkinsmiller.com>, James Morgan <jiminpointclear@att.net>
Subject: Case No. V-210033

Dear Members of the Planning & Zoning Board,

Please see my attached letter in pdf format for your consideration, expressing my strong reservations about the proposed variance application. For the reasons enumerated in my letter, I oppose the granting of this proposed variance.

Although I will not be able to attend the meeting in Robertsdale on September 20, I wanted to make sure that you are in possession of my written concerns regarding the proposal.

Sincerely yours,

Todd M. Landau
18423 Point Clear Ct.
Fairhope, AL 36532
Email: toddmlandau@gmail.com
Cell: (908) 451-6381
Home: (251) 517-7726
18423 Point Clear Ct.
Fairhope, AL 36532-6847

From: Wayne Holder <wayne@brinsoninteriors.com>
Sent: Tuesday, September 14, 2021 9:54 AM
To: Matthew Brown <Matthew.Brown@baldwincountyga.gov>
Subject: Case #V-210033

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Matthew,

I own the adjacent property north of this piece of property and I am not sure what they are applying for. What does "a variance from the wetlands setback requirement to allow for wetland fill" mean? Our current problem in the area on Scenic 98 is the increase in standing water due to lack of proper drainage. I have owned two pieces of property for 25.30 years and they were never as wet as they are now. When I purchased the property I could cut the grass with a riding lawn mower and a push mower and now my yard crew cant even cut the grass because we have had such an increase in standing water in the ditches and on the property. With the addition of the two subdivisions behind my property all the water is now coming thru this entire corner. The drainage under Battles Road does not work nor flow anywhere and I have complained to the county for years with no resolutions. With all the new building of subdivision by private individuals and RSA this corner is a big problem when we have moderately heavy rains and it flows over my driveway and the highway the the corner of Scenic 98 & Battles Road. I think drainage needs to be addressed before any other development is allowed in any area along scenic 98. I would like to fill enough of my yard to keep it dry just so we can cut the grass.

If you can explain to me what they are asking for I would appreciate it. I would like to fill on my property and my thought is if they are allowed to do so then maybe I will be allowed. Have they explained or submitted a plan of how long a drive and how much area they would like to fill. Who has jurisdiction on wetlands in the area. I am not in the city but I know some of the property South of me is in the city.

Thanks and sorry for the lengthy email.



Baldwin County Planning & Zoning Department

Board of Adjustment Number 2

Board of Adjustment Staff Report

Case No. V-210034

O and F Development LLC Property

Variances from number of required parking spaces and off-street loading/unloading space size

September 20, 2021

Subject Property Information

Planning District: 15
General Location: North side of County Road 64 east of State Hwy 181
Physical Address: 10185 County Road 64
Parcel Number: 05-43-06-14-0-000-015.001
Current Zoning: B-3, General Business District
Existing Land Use: Vacant
Acreage: 1.00 acres
Applicant: Sawgrass Consulting LLC
30673 Sgt E.I. Boots Thomas Drive
Spanish Fort, AL 36527
Owner: O and F Development LLC
10185 County Road 64
Daphne, AL 36526
Lead Staff: Celena Boykin, Senior Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-E, Single Family Estate District
South	Residential	RSF-E, Single Family Estate District
East	Residential	RSF-E, Single Family Estate District
West	Residential and Commercial	B-3, General Business District

Summary and Recommendation

The applicant is requesting a variance from the number of required parking spaces and a variance from off-street loading/unloading space size requirement to allow for a drive thru coffee shop. Staff perceives no hardship on the property therefore staff recommends that Case V-210034 O and F Development LLC Property be **Denied**. *

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

- Per the site data table, the wine shop is 1,080 square feet. 1,080 divided by 200 equals 5.4. Since you can't have a fraction of a parking space, it should be rounded up which would be **6** spaces required.
- The wine bar/restaurant is 1,550 square feet. 1,550 divided by 100 equals 15.5. Since you can't have a fraction of a parking space, it should be rounded up which would be **16** spaces required.
- The office space is 2,400 square feet. 2,400 divided by 200 equals **12** spaces required.
- The coffee shop drive thru is 500 square feet. 500 divided by 100 equals **5** spaces required.

Total Parking Spaces Required: 6+16+12+5 = 39

15.2.4 Business and office.

- Commercial establishments and offices including but not limited to food stores, banks, furniture stores, or personal service establishments. One space for each 200 square feet of gross floor area.*
- Restaurants, night clubs, bars, cafes, and similar eating/drinking places. One space for each 100 square feet of gross floor area.*

SITE DATA TABLE	
<u>SITE</u>	
LOT AREA	= 43,539 SQ. FT. (1.0 AC±)
MAXIMUM BUILDING HEIGHT	= 40'
MAX LOT COVERAGE	= 70%
EXISTING/PROPOSED ZONING	= B-3 GENERAL COMMERCIAL
PROPOSED BUILDING/USE	= RESTAURANT/OFFICE BUILDING (5,530 SQ. FT.)
<u>FACILITIES DATA</u>	
PROPOSED BUILDINGS	= 2 RESTAURANT / 2 LEASE/OFFICE SPACE
RESTAURANT FOOTPRINT	= 2,050 S.F.±
LEASE/OFFICE FOOTPRINT	= 3,480 S.F.±
GROSS FLOOR AREA	= 5,530 S.F.±
<u>TOTAL IMPERVIOUS AREA</u>	
(BUILDINGS, ASPHALT, CONCRETE, ETC.)	= 27,633 SQ. FT. (0.63 AC±) (63% OF SITE)
<u>POST DEVELOPMENT</u>	
<u>TOTAL PERVIOUS AREA</u>	
(NATURAL, GRASS, LANDSCAPE, ETC.)	= 15,906 SQ. FT. (0.37 AC±) (37% OF SITE)
<u>PARKING</u>	
RESTAURANT (COFFEE SHOP DRIVE THRU ONLY-500 S.F.)	= 2 (EMPLOYEE PARKING, 5 PM CLOSING)
WINE SHOP (SALES-1,080 S.F.)	= 6 (PEAK HOURS EVENING)
WINE SHOP (BAR/RESTAURANT-1,550 S.F.)	= 16 (PEAK HOURS EVENING)
OFFICE (2,400 S.F.)	= 12
TOTAL REQ'D	= 36 (2-HC)
TOTAL PROVIDED REQ'D	= 36 (2-HC)
<u>SETBACKS</u>	
FRONT	= 40' (100' FROM C/P 64' CENTERLINE)
SIDE	= 15'
REAR	= 25'

- Loading/Unloading space not allowed in the 24-foot access drive

15.3.7 Off-street loading and unloading space. Off-street loading/unloading spaces shall be provided as hereinafter required by this Ordinance.

- Size of spaces.* Each off-street loading/unloading space shall have minimum dimensions of 14-feet in height, 12-feet in width, and 55-feet in length. **However, upon sufficient**

demonstration that a particular loading space will be used exclusively by shorter trucks, the Board of Adjustment may reduce the minimum length accordingly to as little as 35-feet.

(b) *Connection to street or alley.* Each required off-street loading/unloading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.

(c) *Floor area over 10,000 square feet.* There shall be provided for each hospital, institution, hotel, commercial, or industrial building or similar use requiring the receipt or distribution of materials or merchandise and having a floor area of more than 10,000 square feet, at least one off-street loading/unloading space for each 10,000 square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

(d) *Floor area less than 10,000 square feet.* There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than 10,000 square feet, sufficient off-street loading/unloading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

(e) *Bus and trucking terminals.* There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.

(f) *Location.* All required off-street loading/unloading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying said adjacent lot.

(g) *Permanent reservation.* Areas reserved for off-street loading/unloading in accordance with the requirement of these ordinances shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified except where equivalent loading/unloading space is provided and approved by the Board of Adjustments.

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 currently vacant. The property adjoins State Highway 181 to the south. The adjoining properties are residential. The subject property consists of 1 acre and meets the all the requirements of the B-3 area and dimensional ordinances.

5.3.4 Area and dimensional ordinances.

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

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

Staff perceives no exceptional topographic conditions or other extraordinary situations or conditions which require a variance.

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.

This property is zoned for general commercial use. The purpose of the variance request is to allow for the less parking spaces and the reduction of the loading/unloading zone from 55 feet to 35 feet. The applicant stated that the conditions which prevent him from using the property in accordance with the current zoning classification is "Deliveries for the uses currently arrive in van-type vehicles. No large truck or semi vehicles will deliver to this site. The coffee shop is drive-thru only and will be staffed by 2 people. 3 parking spots are provided. There is no inside seating or access for patrons to order on the inside."

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 applicant 's proposed use does meet the B-3 zoning and has received conditional use approval for the drive -thru. Staff does not anticipate any adverse impacts if the applicant only uses small van-type delivery trucks. 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.

5.) Other matters which may be appropriate.

Staff has not received any calls or letters in opposition to the requested variances.

Staff Comments and Recommendation

Staff perceives no hardship on the property therefore staff recommends that Case V-210034 O and F Development LLC Property be **Denied**.

* 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 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.

Subject Property



Subject Property

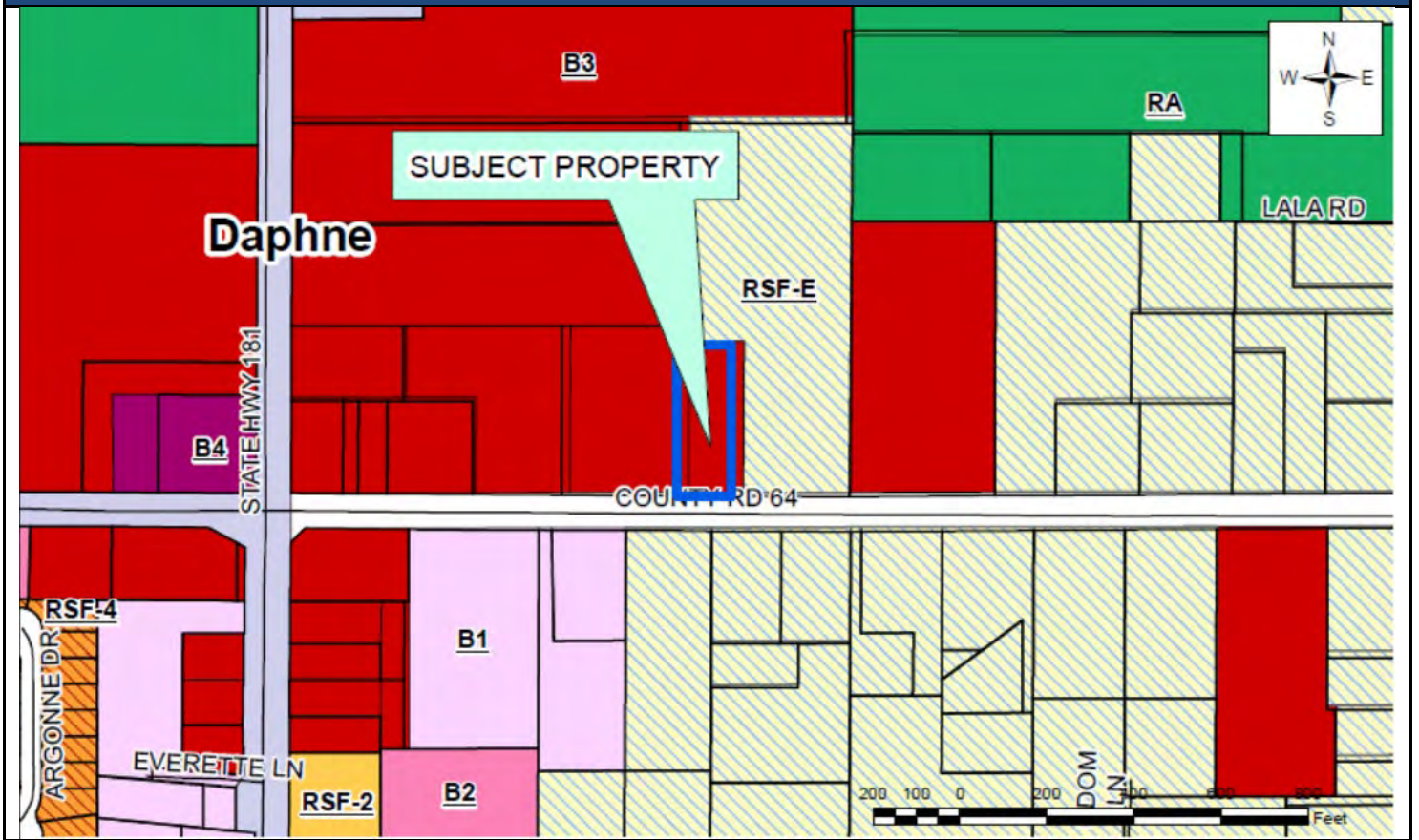




Property Across The Road



Locator Map



Site Map





Baldwin County Planning & Zoning Department

Board of Adjustment Number 1

Board of Adjustment Staff Report

Case No. V-210035
Edwards Property
Variance from rear yard setback to allow attached garage
September 20, 2021

Subject Property Information

Planning District: 4
General Location: Lot 20 Whitehouse Creek Plantation
Physical Address: 0 Ormond Cir
PID: 05-29-08-46-0-000-001.027
Zoning: RSF-2, Residential Single Family
Acreage: 0.42 more or less
Applicant: Marvin Edwards
6650 Cottage Hill Rd Apt 711
Mobile, AL 36695
Owner: Same
Lead Staff: Crystal Bates, Planning Technician
Attachments: *Within Report*

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

Summary and Recommendation

The applicant is requesting a variance from Section 4.2.5 of the Baldwin County Zoning Ordinance as it pertains to rear yard setback requirements to allow for the construction of a single -family dwelling with attached garage.

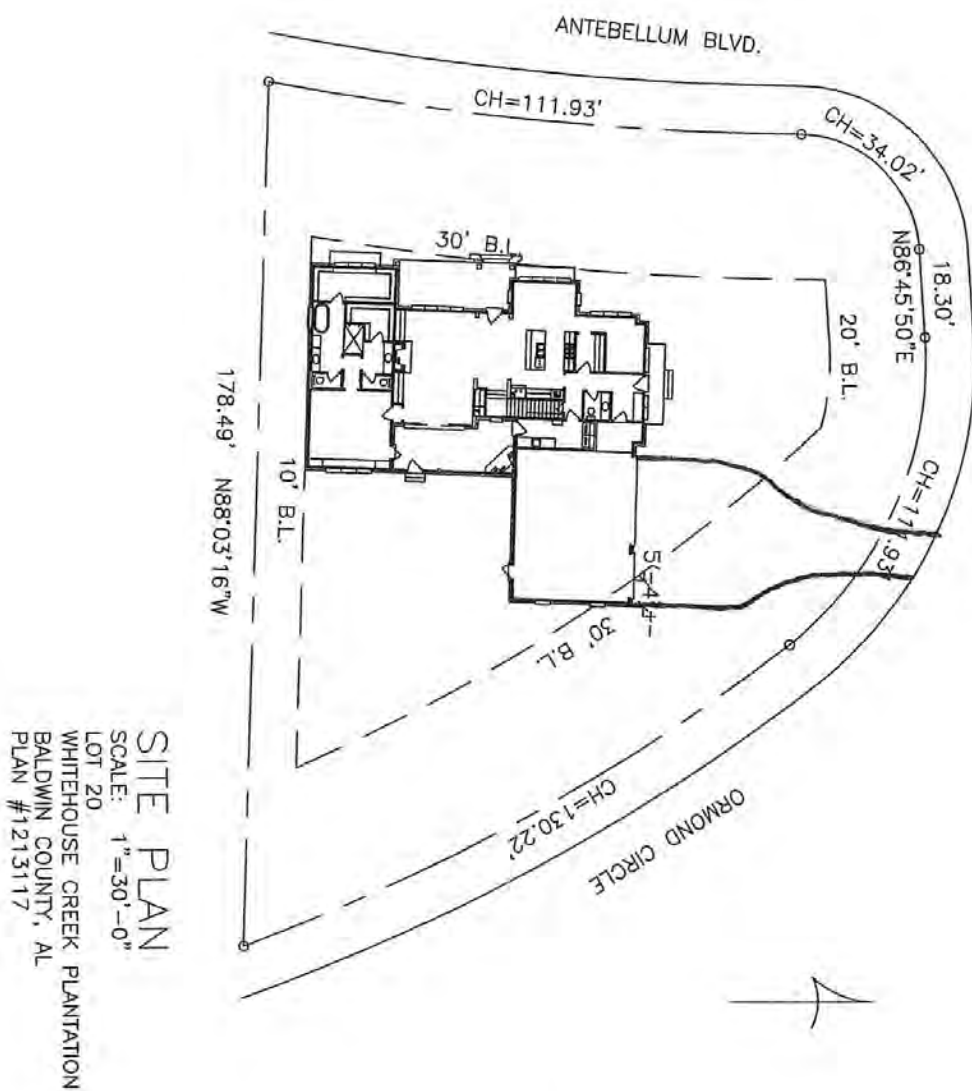
Staff recommends that Case No. V-210035, Edwards Property be **APPROVED**.

Variance Request

The applicant is requesting a variance from the rear setback requirements to allow for the construction of a single-family dwelling with attached garage. The proposed dwelling with attached garage will be 24' from the rear property line instead of the required 30'.

The subdivision association requires an "L" shape garage or carport to be located to the rear of the lot and not visible from the front street. Due to the shape of their lot and where it sits on corner, the 30' rear setback cannot be made.

Proposed Site Plan



SITE PLAN DRAWN FOR:
MARVIN & CHRISTINA EDWARDS

Subdivision plat of Lot



Additional Information

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

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

(e) Where a subdivision has been approved by the Planning Commission in accordance with the *Baldwin County Subdivision Regulations* prior to the enacting of zoning ordinances with front, rear or side yard setbacks different than the minimums required herein, the setbacks as recorded on the plat shall apply.

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 20 of Whitehouse Creek Plantation. The dimensions of the lot are approximately; front 130.3 east side, 128.1, north side, west side 111.5, and south side 179'. The property has an irregular shape corner lot. Due to the irregular shape staff believes the property meets narrowness and shallowness standard.

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

Per the contours layer of the ArcGIS map, the lot has a slight slope. There are no potential wetlands or other topographic conditions shown. Therefore, staff believes the lot does not meet this standard to warrant a variance.

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 home with attached garage which is required by the homeowner's association. Therefore, staff believes the granting of a variance is necessary for the preservation of a property right.

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

Staff does not anticipate any adverse 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.

5.) Other matters which may be appropriate.

The Property Owners Association has approved a variance for garage location.

Lot 20

Architectural Review
IMPROVEMENT TO PROPERTY REQUEST

Community: Whitehouse Creek Plantation
Item to be Approved: NEW HOME + VARIANCE
Property Owner's Name: Marvin and Christina Edwards
Builder or Contractor's Name (if applicable): Brett Easterbrook Homes
Property Address: Ormond Cir phone: (251) 644-3426 email: medwards23@yahoo

Property Owner's Request: (Please submit plans, drawings, sketch, photo, permits, etc. as applicable, with this request. We must know the appearance and location of the item being placed or built)

Due to the unique shape and dimensions of Lot 20, I am requesting an area variance of six feet be allowed into the minimum setback of thirty feet.

Date Submitted: 7/6/21

Property Manager's Comments to Architectural Review Committee:

Property Owner please note: It is the responsibility of the Property Owner to make certain that the improvement(s) being made to their property is done in compliance with Covenants & Restrictions, as it applies to your property.

To obtain a copy of the Covenants and Restrictions please visit www.LandmarkOfAL.com. Click on "Communities & Documents" from the top menu. From there scroll down until you find your neighborhood. Click there and you will find the document(s) you need.

To obtain a copy of the ARC form visit www.LandmarkOfAL.com. Click on "Communities & Documents" and there you will find the ARC Form. Please fill it out and send back with any other documents to ARC@LREGinc.com

Approval for all submittals is effective for nine months following the date it was approved.

VARIANCE APPROVED for garage building location

Review is only for compliance with the requirements of Architectural Review Committee. The Property Owner is responsible for all State, County, and City requirements.

☒ Approved ☐ Approved if Corrected ☐ Revise and Resubmit ☐ Not Approved
By: [Signature] Date: 7/8/21
By: _____ Date: _____
By: _____ Date: _____

Revised 9/18

30820 County Rd. 49, Loxley, AL 36551 • Phone (251) 960-1444 • arc@LREGinc.com

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-210035 Edwards Property 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.

Property Images



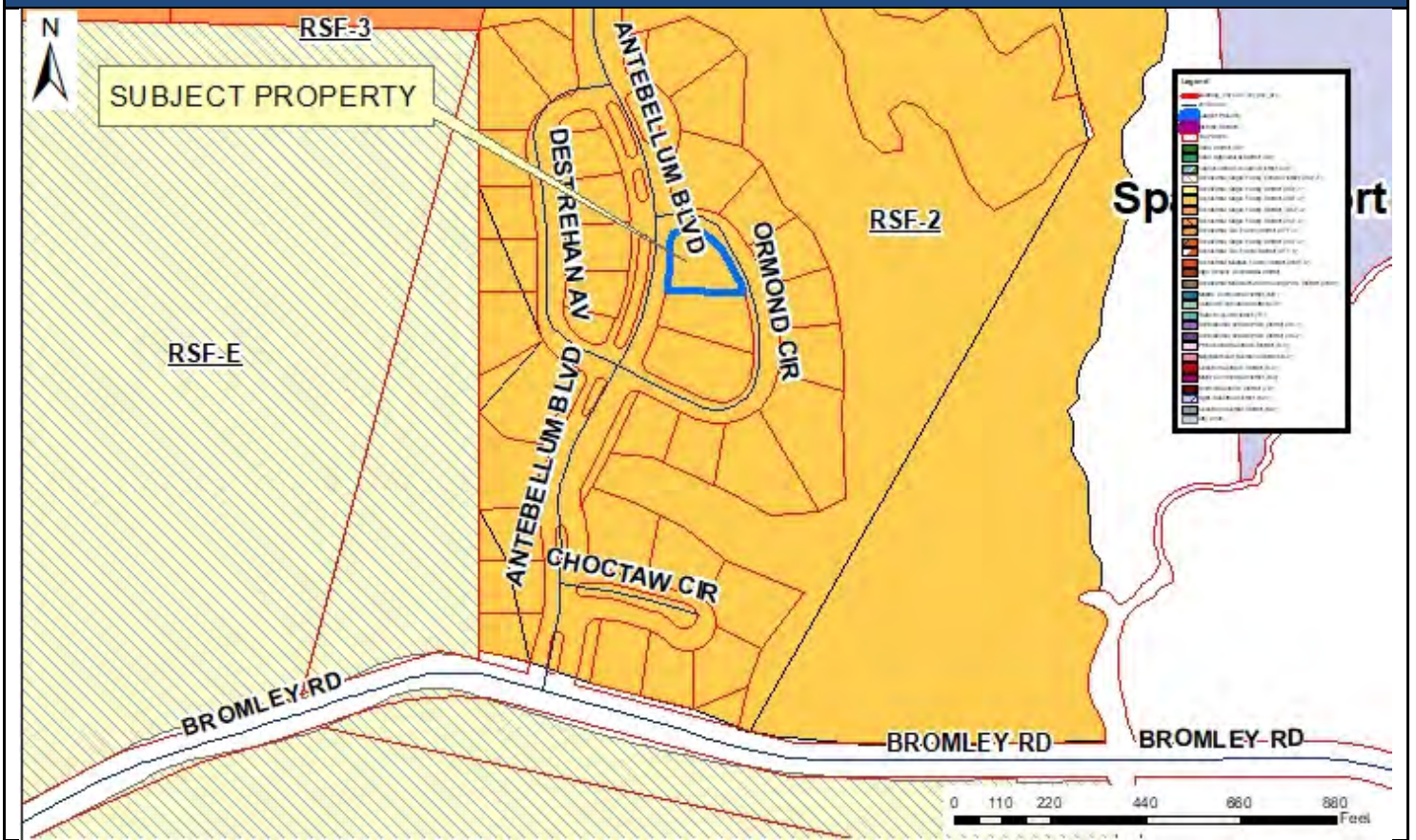
September 3, 2021

Property to the north

September 3, 2021



Locator Map



Site Map – 2020 Aerial Photography





Baldwin County Planning & Zoning Department

Board of Adjustment Number 1

Board of Adjustment Staff Report

Case No. V-210037

Beasley Property

Wetland Setback Requirement Variance

September 20, 2021

Subject Property Information

Planning District: 26
General Location: Lot 4 Mullet Point Court
Physical Address: County Road 1
Parcel Number: 05-56-09-30-0-000-008.000
Zoning: RSF-2, Single Family District
Lot Size: Approximately 50' x 150'
Applicant: Susan Beasley
14708 Hwy 180 W
Gulf Shores, AL 36542
Owner: Same
Lead Staff: Crystal Bates, Planning Technician
Attachments: *Within Report*

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

Summary and Recommendation

The applicant is requesting a variance from the wetland setback requirements to allow for new single-family dwelling to be constructed on the parcel.

Staff recommends that Case No. V-210037, Beasley Property, be **DENIED**, based on the comments contained herein.

Variance Request

The applicant is requesting a variance from Section 10.4.4, Wetland Overlay District, of the Baldwin County Zoning Ordinance as it pertains to building setbacks to allow for the construction of a single-family dwelling. The CORP of Engineers permit has been issued allowing a small area of fill on the property of 4,356 sq. ft. However, the site plan submitted show setbacks different from fill area approved by the CORP.

Section 4.3 RSF-2, Single Family District

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

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.3.3 *Conditional uses.* 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 conditional uses:

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

4.3.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.3.5 *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
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

2.3.26 **Planning District 26**

2.3.26.1 Effective Date

On June 9, 1992, most qualified electors in Planning District 26 voted to institute County Zoning. On September 21, 1993, the County Commission adopted the Planning District 26 Zoning Map and Ordinances.

2.3.26.3 Local Provisions for Planning District 26

(b) The required side yard setbacks for RSF-1 and RSF-2 lots existing on or before May 19, 2020, and which do not meet the minimum lot width requirements for the underlying zoning designation, may be reduced to 3-feet on one side and 10-feet on the other side provided a minimum of 13-feet separation remains between buildings.

Staff Analysis and Findings

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.

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 currently zoned residential and is vacant. The parcel is 50' wide and 150 deep and appears to be flat. The adjoining properties are residential and undeveloped. The property adjoins County Road 1 to the West. County Road 1 is a County maintained paved road. The entire parcel is covered in wetlands and area of wetlands has been filled. Allowing the home built in the filled area will keep down more intrusion into the wetlands therefore, Staff believes the property meets the exceptional narrowness and shallowness standard.

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

Wetlands cover the entire parcel, making it impossible to build 30' from the wetlands. The CORP of engineer's permit has been approved allowing a small area of fill on the property approx. 4,356. Staff therefore believes the wetlands issues meets the standard for approval.

Based on the excessive wetlands, staff believes the property meets the standard of topographic conditions and extraordinary situations.

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.

As stated previously, the purpose of this request is to allow for the construction of a single-family which is permitted by the RSF-2 zoning and CORP permit has been issued. Due to the presence of wetlands on the property, staff feels the granting of the application is necessary for the preservation of a property right.

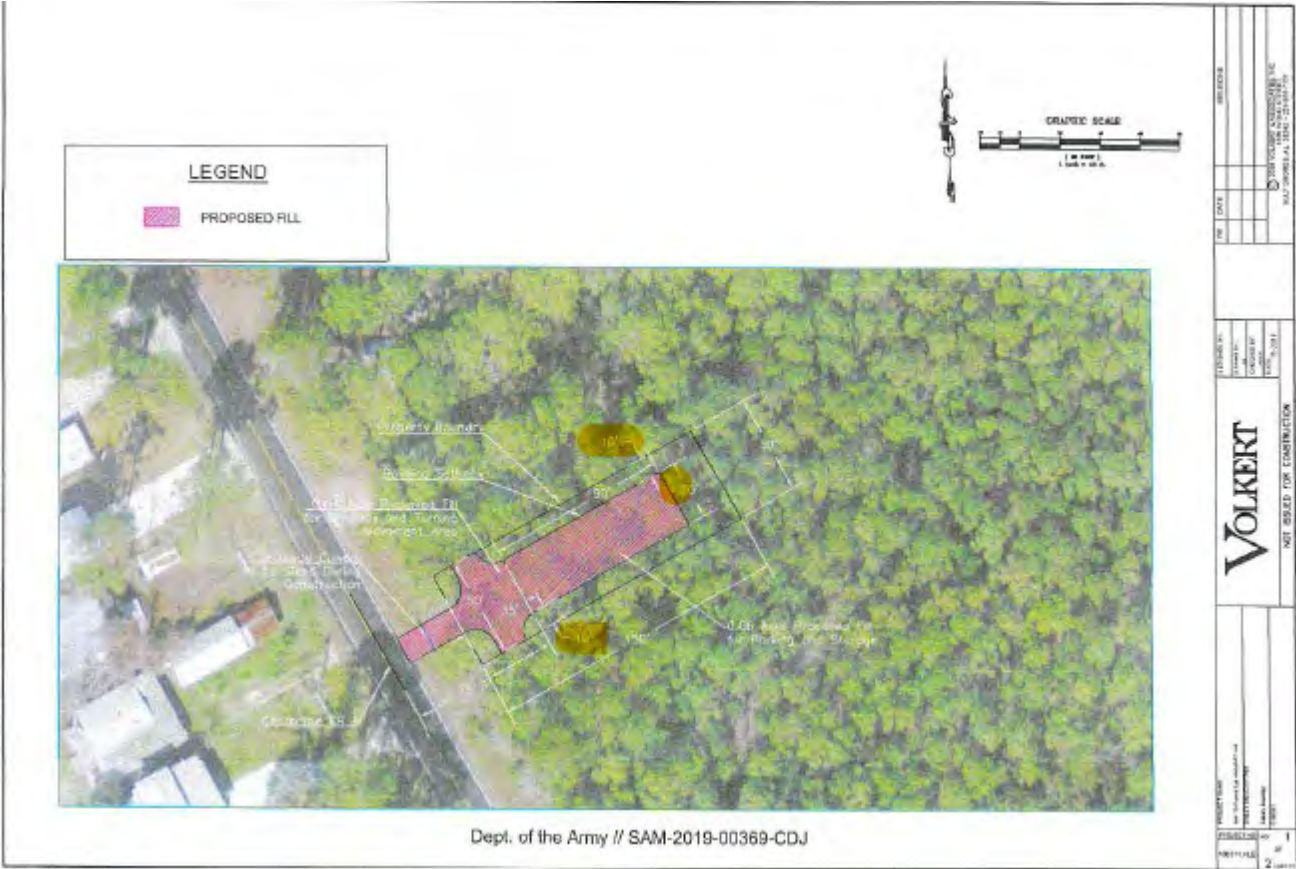
4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas,

or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

Staff does not anticipate any adverse 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.

5.) Other matters which may be appropriate.

The applicant received a Land Disturbance permit to fill wetlands in 2019. The site plan submitted with the Corps permit showed 10-foot side setbacks. The site plan submitted with this variance application shows a structure with side setbacks of 10-feet and 3-feet. Staff feels a wetlands delineation is needed to show the location of existing wetlands.



Staff Comments and Recommendation

Although the applicant was granted a USACE permit to fill wetlands in 2019, the site plan submitted with this variance application appears to show a structure outside of the area approved for wetland fill.

Due to the discrepancy between the current site plan and 2019 map approved by the Corps for wetland fill staff recommends that Case V-210037 Beasley Property be **Denied**.

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





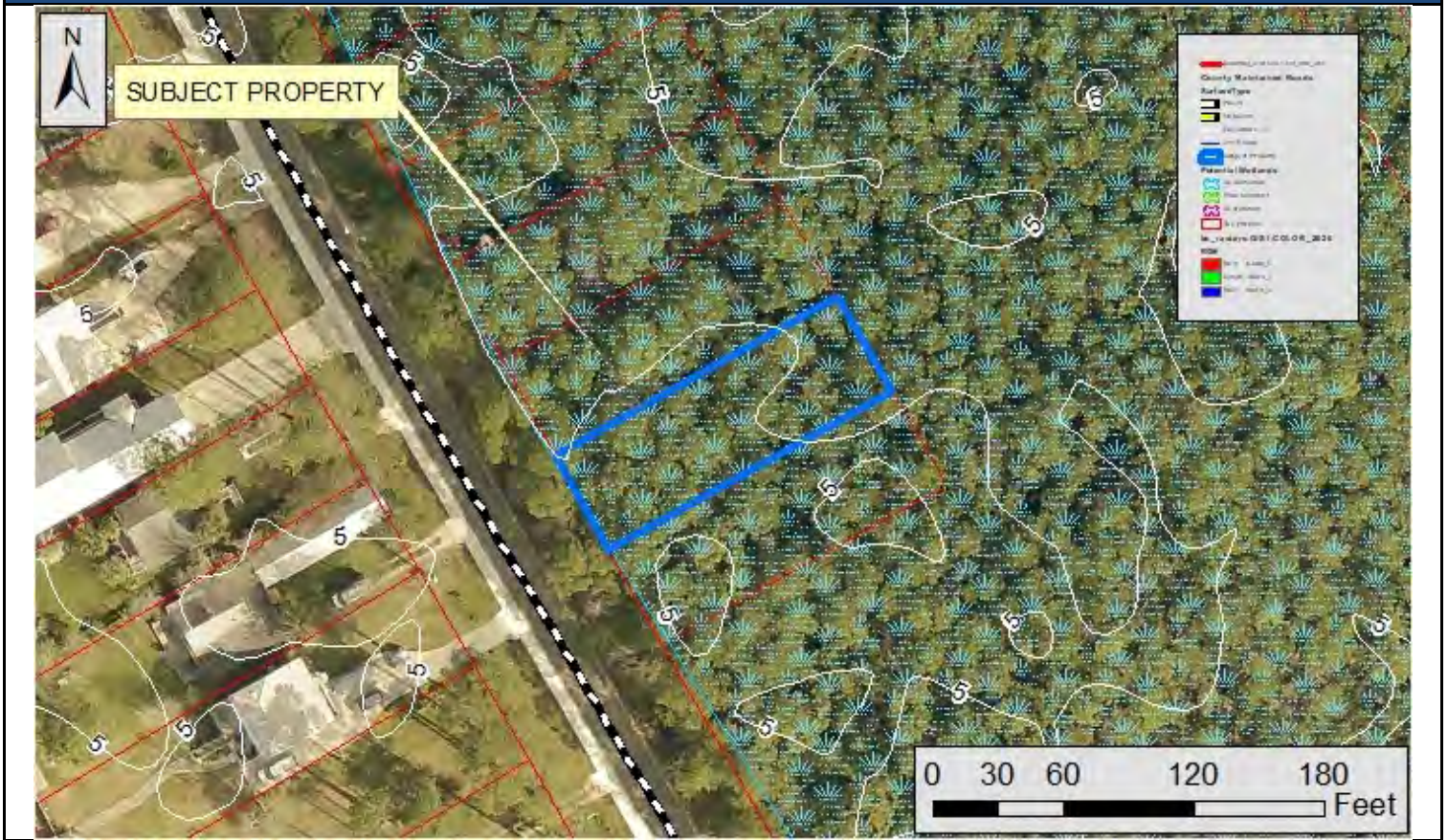
September 3, 2021



Locator Map



Site Map



SURVEY



Excerpt from USACE Permit received with LD-190034



REPLY TO
ATTENTION OF:

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

July 25, 2019

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit, File Number SAM-2019-00369-CDJ,
Susan Beasley, Baldwin County, Alabama

Ms. Susan Beasley
Email Address: susansbeasley@gmail.com
14708 Hwy 180 West
Gulf Shores, Alabama 36542

Dear Ms. Beasley:

This letter is in response to your request for verification of Department of the Army Nationwide Permit (NWP) authorization for wetland fill for residential construction. The project has been assigned file number **SAM-2019-00369-CDJ**, which should be referred to in all future correspondence with this office concerning this project. The project is located on the east side of County Road 1; on Lot #4 of Mullet Point Court; within Section 29, Township 7 South, and Range 2 East; at Latitude 30.411364° North, Longitude -87.906018° West; in Point Clear, Baldwin County, Alabama.

Department of the Army permit authorization is necessary because your project involves the discharge of fill material into waters of the United States, including wetlands, under our regulatory jurisdiction. **The project will include the following work:**

-The placement of 323 cubic yards of clean, commercially obtained, sand fill into 4,356 square feet (0.10 acre) of wetlands for the purpose of constructing an access driveway, turn-around area, and single family house. The fill material will be adequately retained to prevent erosion, siltation, turbidity and damage to adjacent wetlands.

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

This verification is valid until the Nationwide Permit (NWP) is modified, reissued, or revoked. All of the existing NWPs 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 NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are

