

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

**AGENDA**

**September 8, 2022**

**Regular Meeting 3:30 p.m.**

**Baldwin County Satellite Courthouse**

**Large Meeting Hall**

**201 East Section Avenue**

**Foley, Alabama**

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (August 11, 2022)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

**ITEMS:**

**a.) Case No. ZVA22-52, LaGrasse Property**

*Request:* approval of a variance from section 2.3.25.3(f) of the Baldwin County Zoning Ordinance as it pertains to the construction of a dune walkover. This application was tabled at the August 11, 2022, meeting for additional documentation.

*Location:* The subject property is located at 1266 State Highway 180 in Planning District 25

*Attachments:* Within Report and Attached

**b.) Case No. ZVA22-56, Bluff of Orange Beach LLC Property**

*Request:* approval of a variance from section 4.6.5 of the Baldwin County Zoning Ordinance as it pertains to the rear (street) yard setback to allow for the construction of a single-family dwelling.

*Location:* The subject property is located at 5326 Beach Boulevard in Planning District 25

*Attachments:* Within Report and Attached

**c.) Case No. ZVA22-68, Onyenwenyi Property**

*Request:* approval of a variance from section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to the setback from a wetland to allow for the construction of a single-family dwelling.

*Location:* The subject property is located at 1372 Sandy Lane, in Planning District 25

*Attachments:* Within Report and Attached

**d.) Case No. ZVA22-69, Parker Property**

*Request:* approval of a variance from section 4.2.5 and section 12.5.2(f) of the Baldwin County Zoning Ordinance as it pertains to the side, and V-Zone setbacks to allow for the construction of a single-family dwelling.

*Location:* The subject property is located on Choctaw Road in Planning District 25

*Attachments:* Within Report and Attached

**e.) Case No. ZVA22-70, Rehwooldt Properties LLC Property**

*Request:* approval of a variance from section 4.2.5 and section 12.5.2(f) of the Baldwin County Zoning Ordinance as it pertains to the side, and V-Zone setbacks to allow for the construction of a single-family dwelling.

*Location:* The subject property is located at 2409 Choctaw Road in Planning District 25

*Attachments:* Within Report and Attached

6. Old Business:

**ITEMS:**

**a) Report from staff regarding dune walkover regulations for Planning District 25**

7. New Business

8. Adjournment

To view maps/plats in higher resolution please visit the ‘Upcoming Items’ Planning and Zoning webpage”

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

**Planning & Zoning Board of Adjustment Number 2**  
**August 11, 2022**  
**Regular Meeting Minutes**  
**Foley Satellite Courthouse, Large Meeting Room**

The Board of Adjustment Number 2 met in a regular session on August 11, 2022, at 3:31 p.m., in the Baldwin County Foley Satellite Courthouse Large Meeting Room. Chairman David Brown called the meeting to order at 3:31p.m. with a prayer and the pledge of allegiance. Members present included: Samuel Mitchell, James Koeppen, Robert Broseus, Lawrence Kern, Noreen Kendle, John Slaats, Michael Swansburg, Harold Stephens, Vickie Matranga, and Chairman David Brown. Staff members present were Celena Boykin, Senior Planner, Crystal Bates, Planning Technician, Paula Bonner, Planning Technician, and Buford King, Deputy Planning Director. Chairman Brown welcomed new member Noreen Kendle representing Planning District 25.

**Approval of Previous Meeting Minutes**

The next order of business was approval of the minutes from the July 14, 2022, meeting. Mr. Mitchell made a motion to approve the meeting minutes. The motion received a second from Mr. Stephens and carried unanimously.

Mr. King announced that the meeting was being recorded as the court reporter was unable to attend.

**ZVA22-52 LaGrasse Property**

Mrs. Boykin presented the applicant's request for approval of a variance from section 2.3.21.3(f) of the Baldwin County Zoning Ordinance as it pertains to the construction of a dune walkover. Staff recommended that the variance request be denied.

Mr. Lee Tillman spoke in favor of the variance request.

After discussion, Mr. Slaats made a motion to table the variance request for clarification of the exact request. The motion received a second from Mr. Koeppen and carried unanimously.

**ZVA22-55 Wilder Property**

In the absence of Planning Technician Fabia Waters, Mrs. Bonner presented the applicant's request for approval of a variance from section 3.3.5 of the Baldwin County Zoning Ordinance as it pertains to the front, rear, and side yard setbacks to allow for the construction of a single-family dwelling. Staff recommended that the variance request be approved.

Lance Wilder spoke in favor of the variance request and answered questions from the board.

Following a short discussion, Mr. Koeppen made a motion to approve the variance request per the site plan submitted. The motion received a second from Ms. Matranga and carried unanimously.

**ZVA22-57 Harrison Property**

Mrs. Bates presented the applicant's request for approval of a variance from section 10.2 of the Baldwin County Zoning Ordinance as it pertains to the 30' wetland setback requirement to allow for a single-family dwelling to be moved on the property. This application was tabled from the July 14, 2022, meeting. Staff recommended that the variance request be approved.

Robert Harrison and Brett Harrison spoke in favor of the variance request and answered questions from the board.

Following a short discussion, Mr. Kern made a motion to approve the variance request. The motion received a second from Mr. Stephens and carried unanimously.

**ZVA22-65 Bose/Palmer Property**

Mrs. Bonner presented the applicant's request for approval of a variance from section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to the setback from a wetland to allow for the construction of a single-family dwelling. Staff recommended that the variance request be approved.

Bruce and Agnes Albrecht about drainage. Natural Resource Planner Ashely Campbell answered board member questions. Mr. Kern explained the Ono Island POA process and requirements. Hunter Allen, and Sheila Palmer spoke in favor of the variance request and answered questions from the board.

Mr. Mitchell made a motion to approve the variance request. The motion received a second from Mr. Stephens and carried unanimously.

**ZVA22-66 Dickey Property**

Mrs. Bonner presented the applicant's request from section 10.4.4 of the Baldwin County Zoning Ordinance as it pertains to the 30' non-disturbed wetland setback. Ashley Campbell explained the process of restoring wetlands. Staff recommended that the variance request be approved.

Mike Harris spoke in favor of the variance request and answered questions from the board.

Mr. Stephens and Mr. Slaats disclosed that they both on the same street as the subject property but have no connections/conflicts to the application. Mr. Mitchell made a motion to approve the variance request. The motion received a second from Ms. Matranga and carried unanimously.

**Old Business**

There was no old business.

**New Business**

Mr. Kern inquired about the reason for the dune walkover requirements. Staff will research and report back to the board at the September meeting.

**Adjournment**

There being no further business to come before the board the meeting was adjourned at 4:46 p.m.

Respectfully Submitted,

Paula S. Bonner, Planning Technician

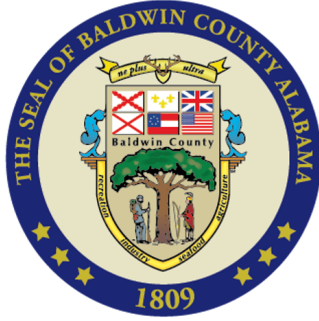
---

I hereby certify that the above minutes are true, correct and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

David P. Brown, Chairman





**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

SEPTEMBER 8, 2022

BALDWIN COUNTY SATELLITE COURTHOUSE

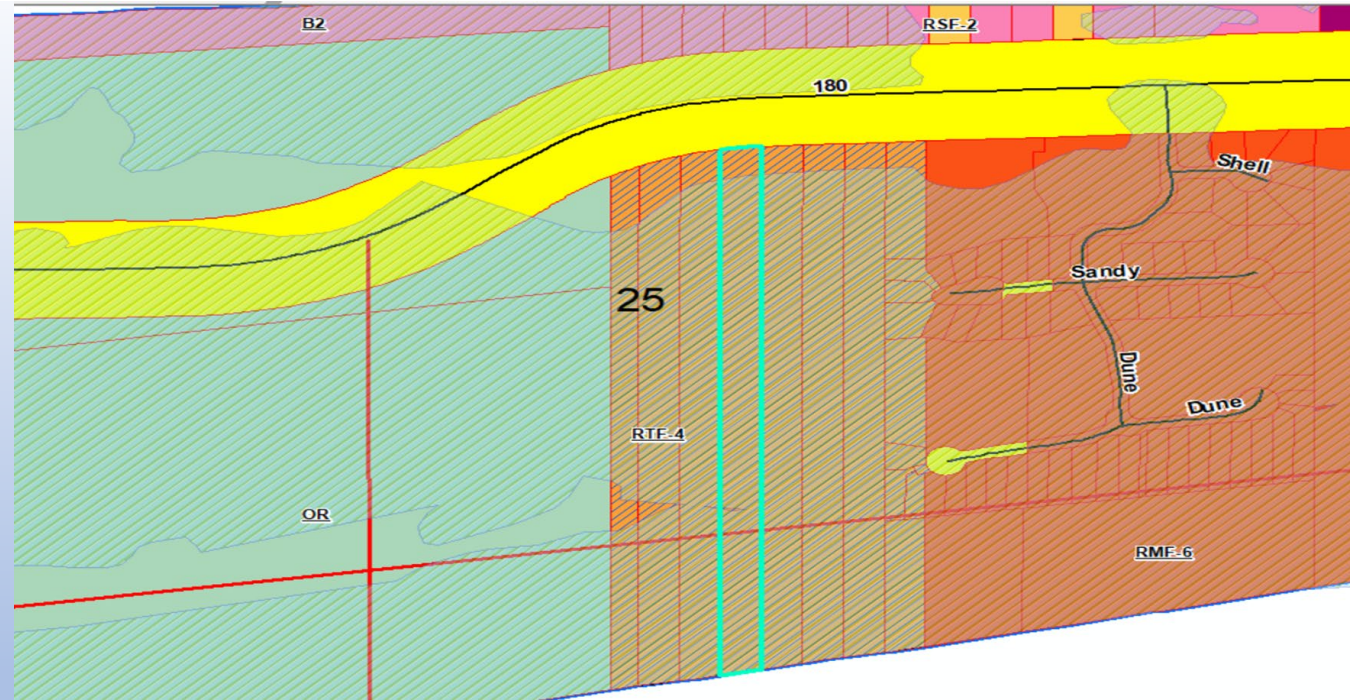
FOLEY, AL

# ZVA22-52 LAGRASSE PROPERTY

## VARIANCE REQUEST

Lead Staff: Celena Boykin, Senior Planner

- **Planning District:** 25 **Zoned:** RTF-4
- **Parcel Number:** 05-69-08-01-0-005-022.000
- **Location:** The parcel is located on the south side of St Hwy 180
- **Acreage:** 4.11+/- acres
- **Physical Address:** 1266 St Hwy 180 Gulf Shores, AL 36542
- **Applicant:** L & S Construction
- **Owner:** John and Joan LaGrasse



The applicant is requesting a variance from section 2.3.21.3(f), the bottom of the floor joists of the dune walkover shall be no more than 3' above the maximum elevation of the dune system being traversed.

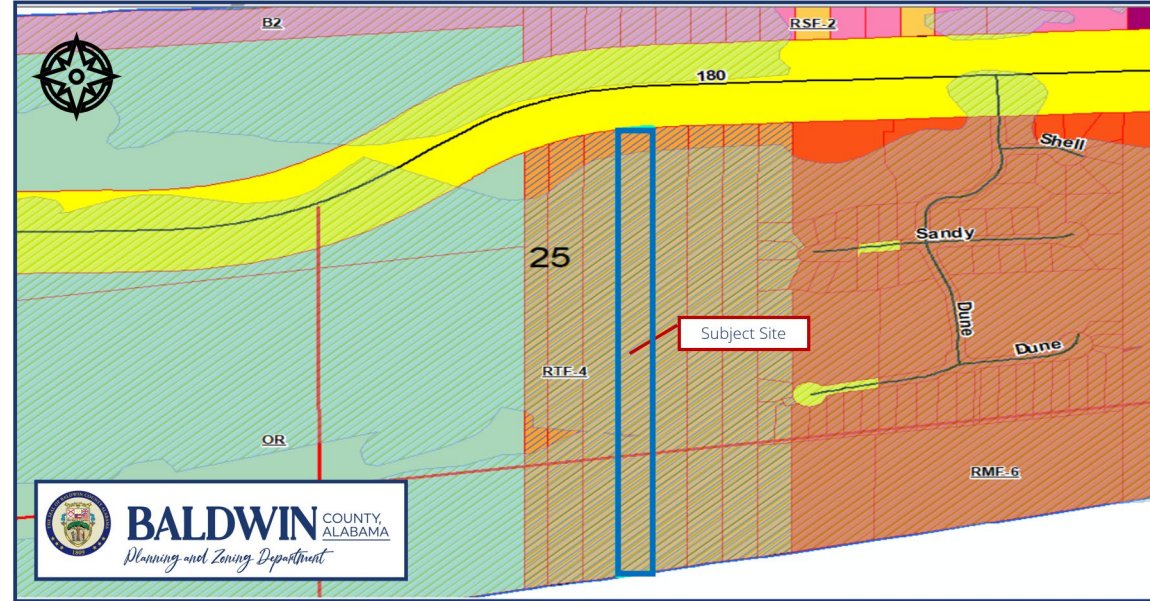


# ZVA22-52 LAGRASSE PROPERTY

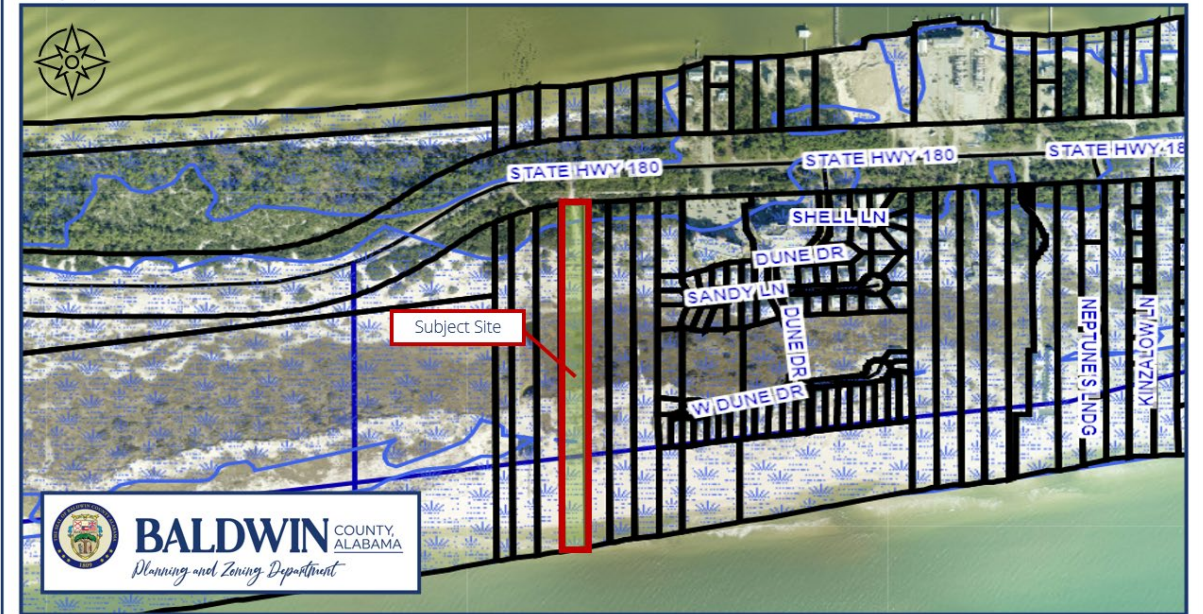
## VARIANCE REQUEST

Lead Staff: Celena Boykin, Senior Planner

Vicinity Map - ZVA22-52



Vicinity Map - ZVA22-52



### Adjacent Zoning

|       |  |
|-------|--|
| North | Hwy 180 & B2, Neighborhood Business District |
| South | NA   |
| East  | RTF-4, Two-Family District                   |
| West  | RTF-4, Two-Family District                   |

### Adjacent Land Use

|                  |
|------------------|
| Hwy 180 & Vacant |
| Gulf of Mexico   |
| Vacant           |
| Vacant           |



# ZVA22-52 LAGRASSE PROPERTY

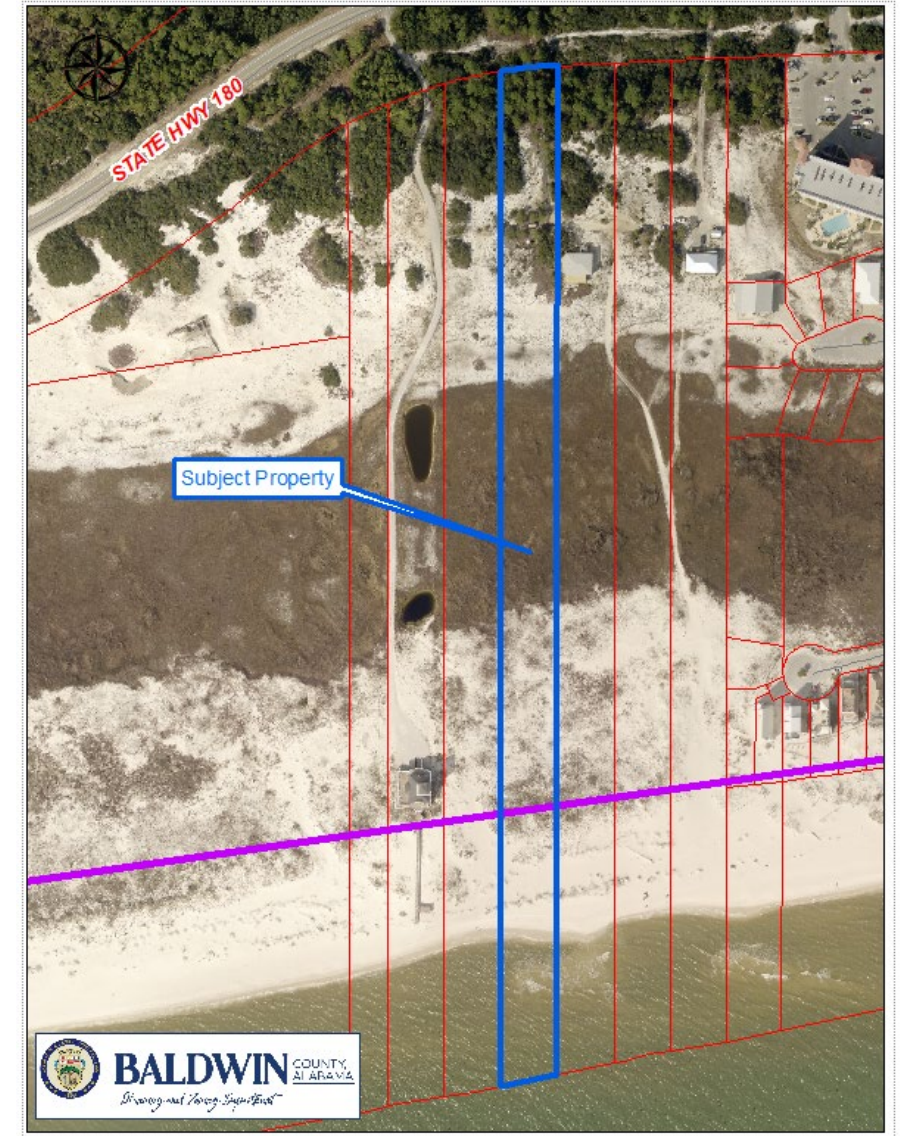
## VARIANCE REQUEST

Lead Staff: Celena Boykin, Senior Planner

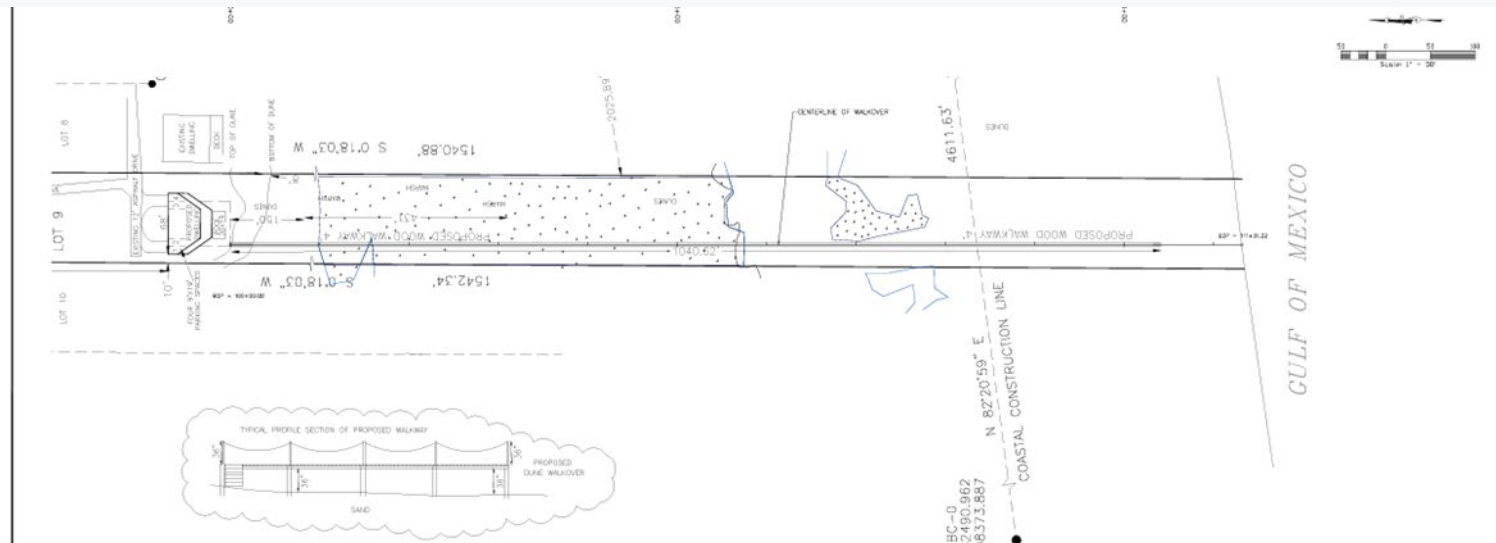
### Variance Information:

The applicant applied for a permit to build a dune walkover. After the initial review it was determined that the dune walkover didn't meet all the requirements of section 2.3.21.3(f) of the Baldwin County Zoning Ordinance.

The applicant stated that they are requesting a **variance** from the required maximum height the dune walkover can be built above the sand dune.



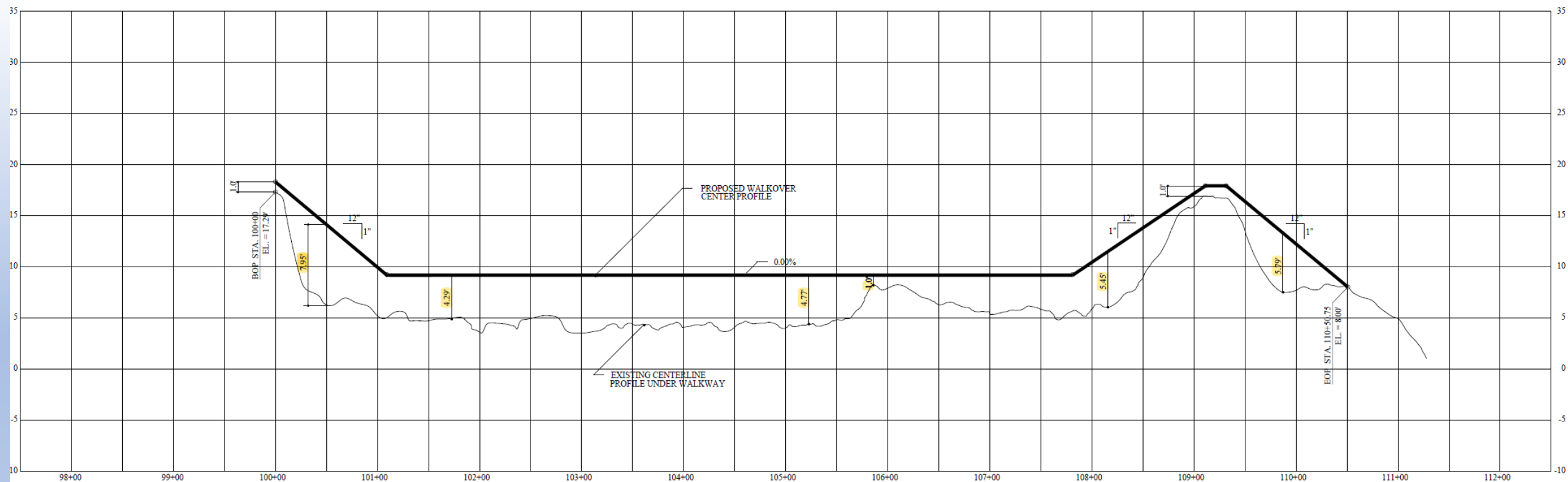
# Site Plan



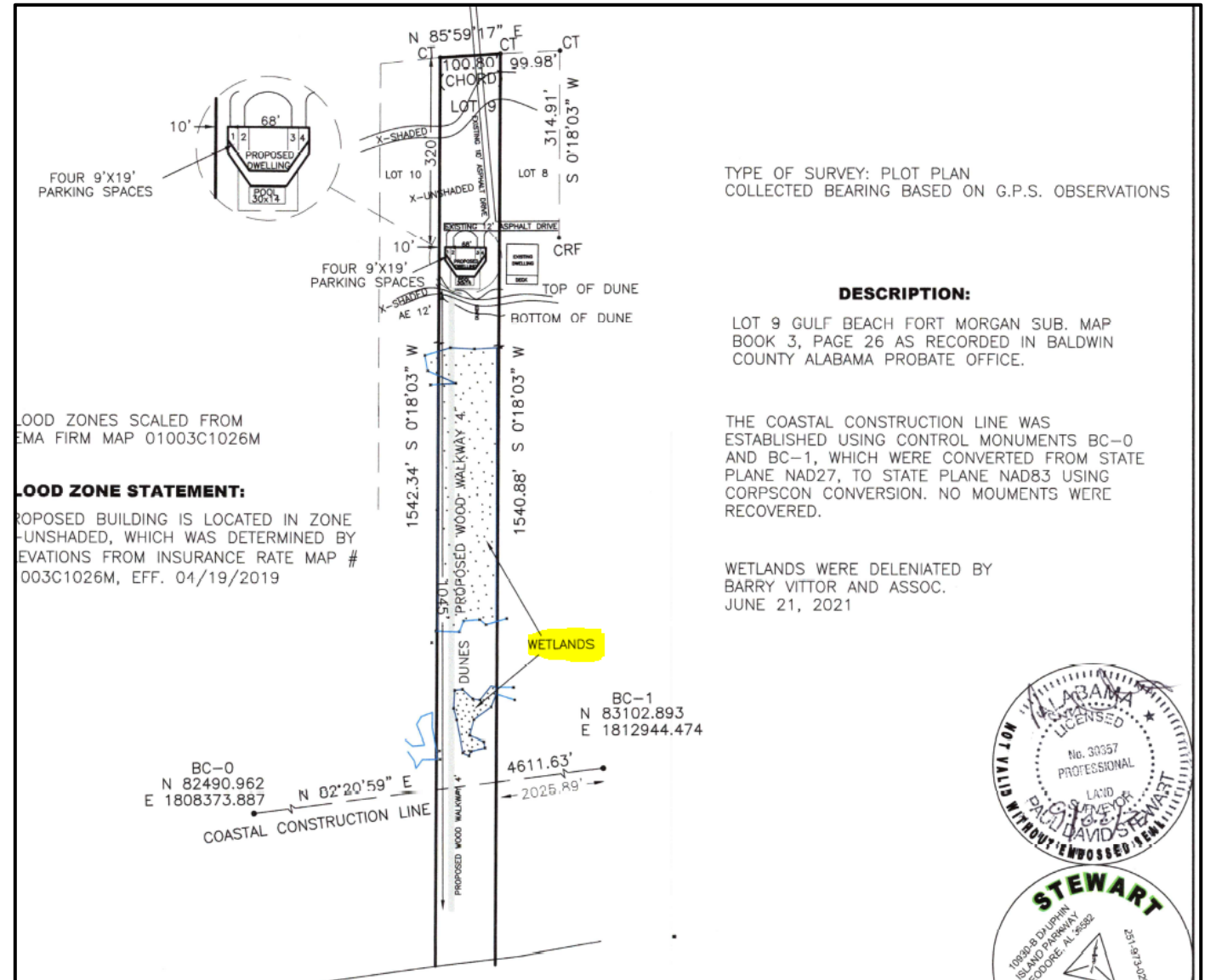
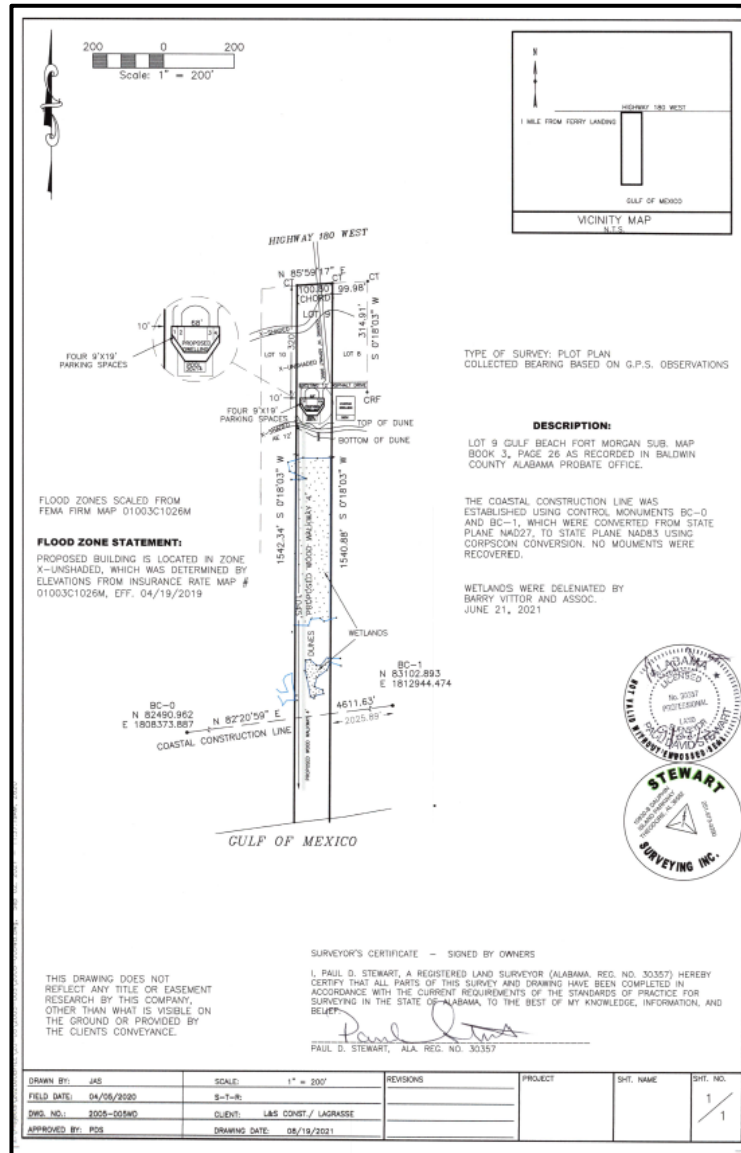
The applicant is proposing to build a dune walkover more than 3' above the dune system being traversed.

The Zoning Ordinance requirement is that the elevation from the bottom of floor joists of the dune walkover shall be no less than one (1) foot and no more than three (3) feet above the maximum elevation of the dune system being traversed.

# Enlarged Centerline Elevation



# Survey

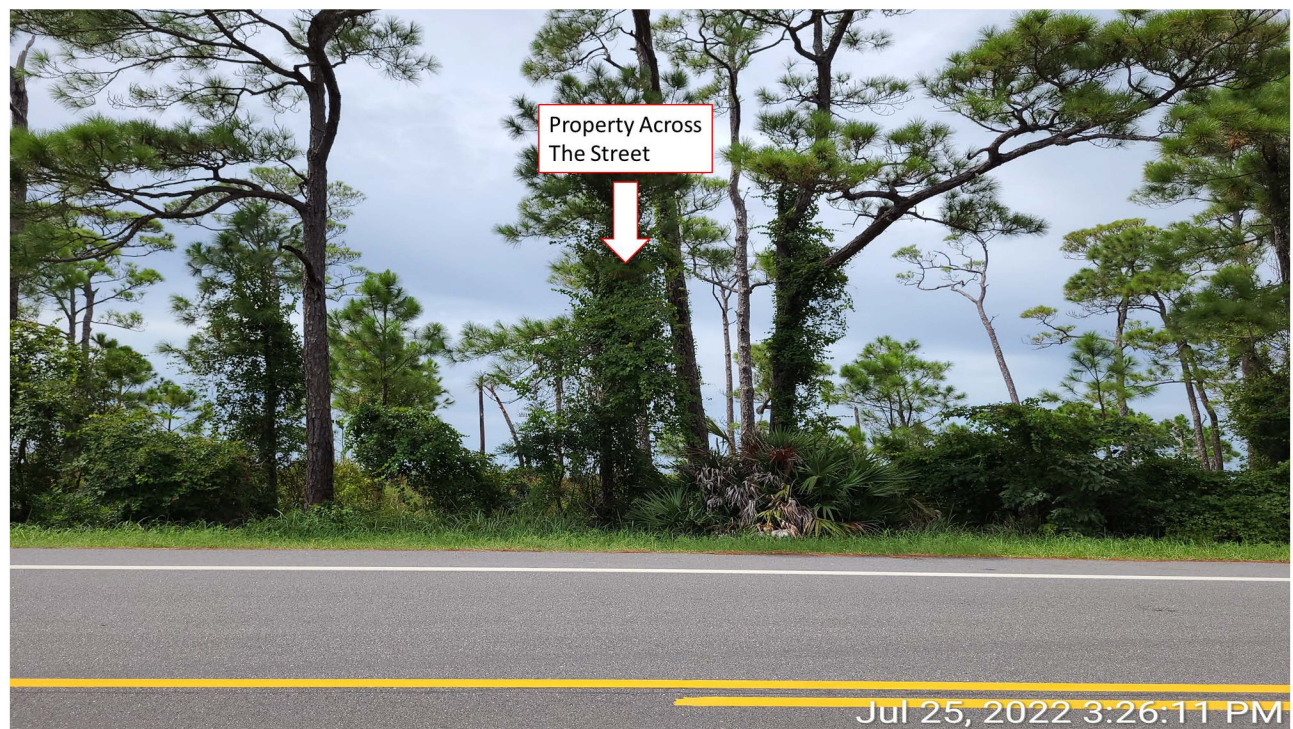




# Property Images









# Staff Analysis and Findings

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

The subject property is rectangular in shape and contains approximately 4.11 acres. This property is developed as single family. Staff feels the property does not meet this standard.

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

Staff could not establish any exceptional topographic conditions or other extraordinary situations, or conditions contained on the subject property 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.**

The property is already developed with a single-family dwelling. As the property is currently developed, staff believes the granting of this variance is not necessary to preserve a property right.

# Staff Analysis and Findings

**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 dune walkover requirements were adopted by the County Commission on October 15, 2019. There are numerous dune walkovers that do not meet the Zoning Ordinance because the County didn't start enforcing dune walkover until the end of 2019. In the past we have had complaints about dune walkovers being too high and coming out to far. That is why the dune walkover regulations were added to the County Zoning Ordinance.

# Staff Analysis and Findings

## 5.) Other matters which may be appropriate. **Dune Walkover Requirements:**

### 3. A dune walkover shall be constructed to the following standards:

- A. There shall be no more than one (1) dune walkover per parcel.
- B. Dune walkovers shall begin at the existing ground level elevation of the principal landward structure.
- C. The maximum width of the dune walkover structure shall be no more than four (4) feet for single family/two family structures and no more than six (6) feet for multiple family/commercial/public structures. Maximum widths shall be applicable to all sections of the dune walkover structure, including but not limited to steps, ramps, landings and decks.
- D. The elevation from the bottom of floor joists of the dune walkover shall be no less than one (1) foot and no more than three (3) feet above the maximum elevation of the dune system being traversed.
- E. No vertical or horizontal structures shall be allowed above thirty-eight (38) inches from the walking surface, i.e., roofs, walls, pergolas, etc.
- F. Handrails, if any, shall be no higher than thirty-six (36) to thirty-eight (38) inches above the walking service for Single- and Two-Family Dwellings.
- G. The dune walkover shall terminate ten (10) feet seaward of the vegetative line of the dune.
- H. The location and length of the dune walkover is to be coordinated through and approved by the delegated authority of the Alabama Department of Environmental Management (ADEM) and the U.S. Fish and Wildlife Service.
- I. No lighting shall be utilized on a dune walkover.
- J. No dune walkover construction shall occur during the sea turtle nesting season from May 1 through November 1.

# Staff Analysis and Findings

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

The deficiencies that was requested of the applicant to address before the application for the dune walkover permit could be approved:

I need a few issues clarified before I can approve the dune walkover.

1.) Show that the dune walkover starts at ground level.

B. Dune walkovers shall begin at the existing ground level elevation of the principal landward structure.

2.) The maximum height the dune walkover can be over sand dune is 3'.

D. The minimum elevation from the bottom of floor joists of the dune walkover shall be no less than one (1) foot and no more than three (3) feet above the maximum elevation of the dune system being traversed.

3.) Need to show the vegetative line on site plan.

G. The dune walkover shall terminate ten (10) feet seaward of the vegetative line of the dune.

## Fort Morgan Advisory Committee Recommendation

ZVA22-52 LaGrasse

We have previously reviewed this case and made the strongest recommendation possible to deny this Variance

It is obvious that the owner has spent a great deal of time, and would assume expense in their efforts to obtain this variance.

This is of course, their right and respect for their effort is acknowledged.

Once again I performed a physical inspection of this property. Unfortunately, I was not able to walk the area where the boardwalk is proposed as it is deep marsh wetland and a fence is built on the West side separating the road to the property known as Sky Walk

Among the issues concerning this committee are:

- interference with wildlife movement as the area is both East and West of established wetlands habitat including deer

- damage done during construction working in deep, traditionally water soaked wetlands

- repairs in maintenance of this type structure with no wind or water protection  
eg: when a board comes off and is 19 yards away who will climb off the boardwalk into the submerged wildlife (snake infested) area and pick up the debris from the wetlands?  
Renters? absentee owner?

- any named storm at Gale force or above would pose a threat to this boardwalk and could easily fill a large wetland area with debris.

In short it appears to be purely a vanity request which could have negative impact on adjoining land

This is an extremely attractive hilltop property with amazing views

Typically with other construction on what is essentially a Tier 4/5 location it is normal and customary to give up close beach access and direct view which is not the case here.

Obviously the esthetics of this boardwalk stretching across hundreds of yards of open wetlands running all the way to the Fort are atrocious

This committee once again recommends denial of this variance by a unanimous 4-0 vote

## Statement of Homeowners Association

Joan and John LaGrasse  
9148 Demery Court  
Nashville, TN 37027

January 11, 2022

To Whom It May Concern:

This letter is intended to formally document that we own Lot #9 at:  
1266 Highway 180 West  
Gulf Shores, AL 36542

Tax Map # 05-69-08-01-0-005-022.000

AND that there is no homeowners' association (HOA) or the like associated with this lot.

Thank you for your attention on this matter.

Sincerely,

  
Joan and John



Page 1 of 5  
NATIVE ENDANGERED SP. HABITAT  
CONSERVATION PLAN  
**Permit Number:** ESPER0002996 **Version**  
**Number:** 0  
**Effective:** 2021-03-26 **Expires:** 2071-03-26

**Issuing Office:**

**Department of the Interior**  
**U.S. FISH AND WILDLIFE SERVICE**  
Ecological Services Permit Office  
1875 Century Boulevard  
Atlanta, Georgia 30345  
permitsR4ES@fws.gov

**WILLIAM  
PEARSON**

Digitally signed by  
WILLIAM PEARSON  
Date: 2021.03.25  
12:03:57 -05'00'

*Field Supervisor, Alabama Ecological Services Field Office, Daphne, Alabama*

**Permittee:**

John LaGrasse  
505 Braylon Circle  
Franklin, Tennessee 37064

**Authority:** Statutes and Regulations: 16 U.S.C. 1539a 50 CFR 17.22, 50 CFR 13

**Location where authorized activity may be conducted:**

The 3.96 acres lot is located off Highway 180 in Gulf Shores, Alabama or Parcel ID # 05-69-08-01-0-005-022.0000 (Tax Pin 112731).

**Reporting requirements:**

Reports will be provided to the U.S. Fish and Wildlife office appearing in Condition K of this Permit.

**Authorizations and Conditions:**

A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.

THIS PERMIT CONSISTS OF CONDITIONS A - K (5 PAGES TOTAL) AND TWO APPENDICES (2 PAGES TOTAL).

# Statement from Fish and Wildlife

**BCCAP** \_\_\_\_\_

**BALDWIN COUNTY COASTAL AREA PROGRAM**

**COASTAL AREA MANAGEMENT PROGRAM  
NON-REGULATED USE PERMIT**

USE TYPE: Residential Construction on Gulf-Front Property  
PERMITEE: John & Joan LaGrasse and L&S Construction  
PERMIT NUMBER: BCCAP 20-007  
PROJECT LOCATION: 1266 State Hwy 180, Gulf Shores  
Fort Morgan Peninsula, Baldwin County, AL  
Parcel # 69-08-01-0-005-022.000  
PPIN # 112731  
PROJECT DESCRIPTION: Construction of a Single-Family Dwelling and Dune Walkover

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

CONSTRUCTION AUTHORIZED BY THIS PERMIT SHALL BE COMPLETED WITHIN 3 YEARS FROM THE DATE OF ISSUANCE.

ISSUED THIS 3<sup>rd</sup> DAY OF Aug., 2021



BALDWIN COUNTY COASTAL AREA PROGRAM

**BCCAP PERMIT**



# Pictures Submitted by Applicant



# ZVA22-52 LAGRASSE PROPERTY

## VARIANCE REQUEST

Lead Staff: Celena Boykin, Senior Planner

### Staff's Comments and Recommendation:

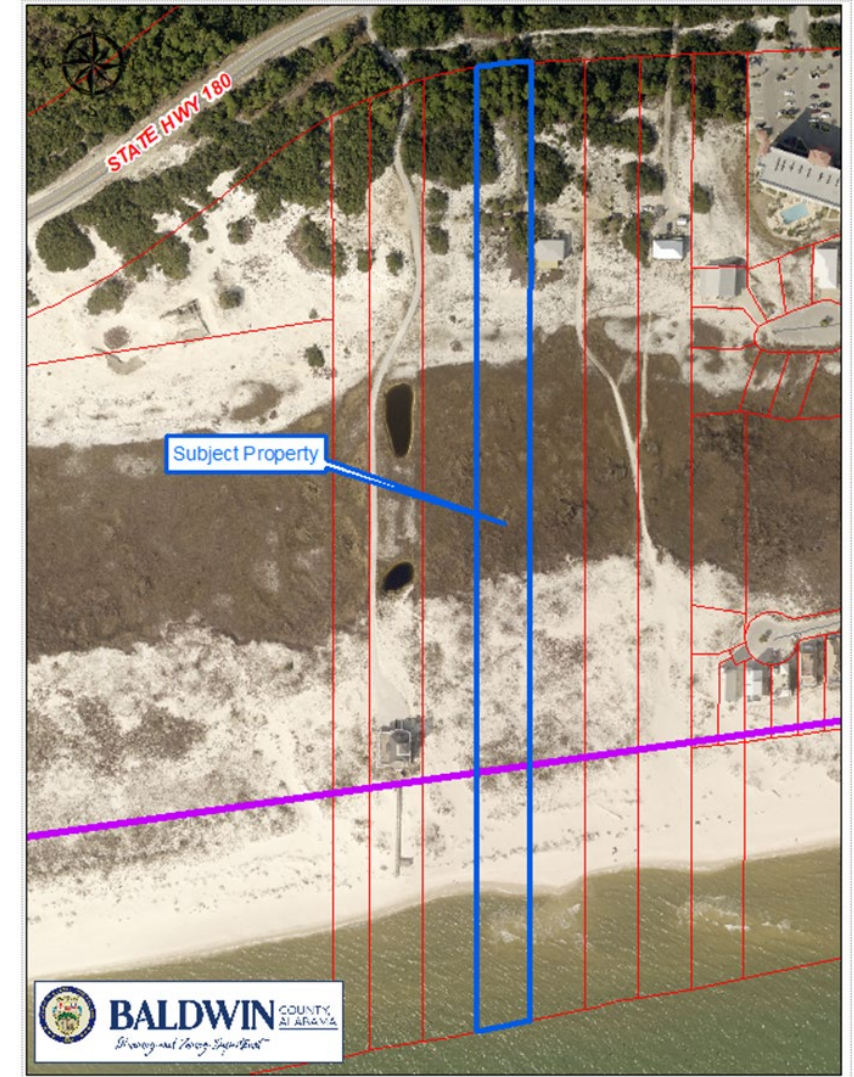
As stated previously, the applicant is requesting a **variance** from the bottom of the floor joists of the dune walkover to be more than 3' above the maximum elevation of the dune system being traversed.

Staff could not establish a hardship on the property therefore recommends Case ZVA22-46 be **Denied** unless information otherwise is revealed at the public hearing.

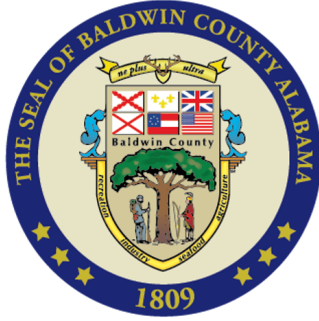
#### GENERAL NOTES {By-laws}

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.







**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

SEPTEMBER 8, 2022

BALDWIN COUNTY SATELLITE COURTHOUSE

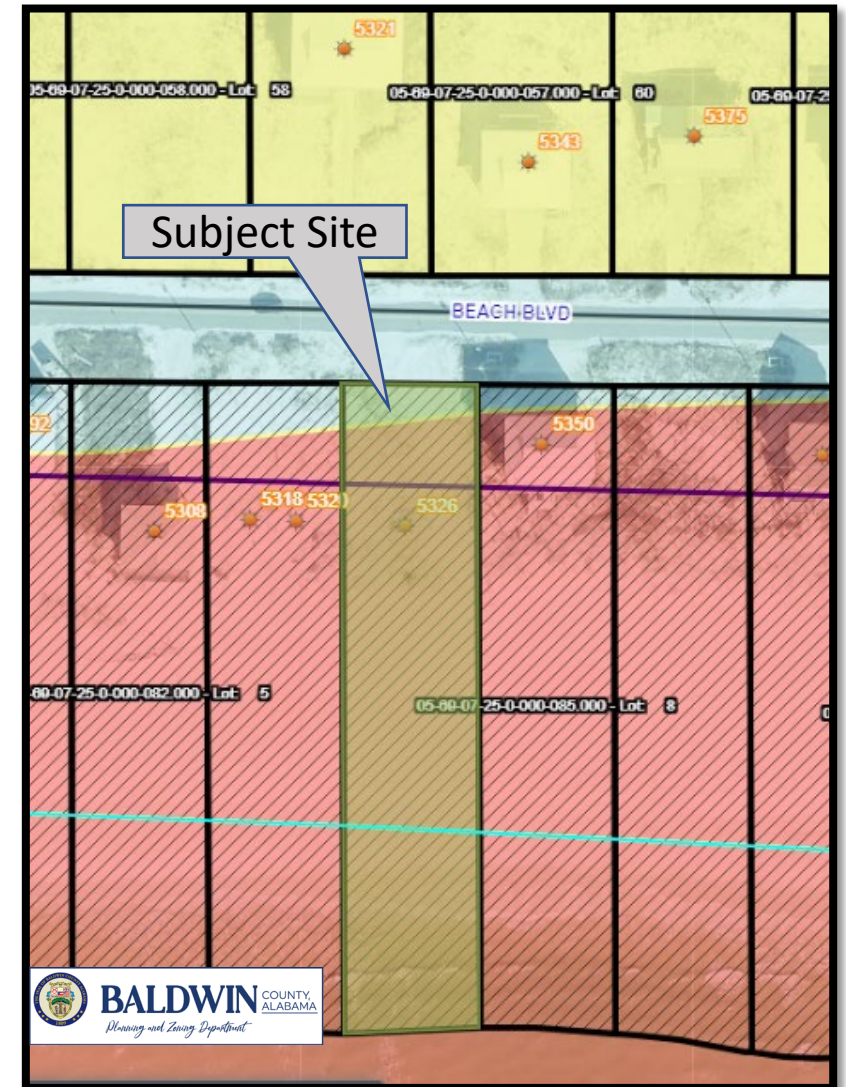
FOLEY, AL

# ZVA22-56 THE BLUFF OF ORANGE BEACH LLC PROPERTY

## VARIANCE REQUEST

Lead Staff: Fabia Water, Planning Tech

- **Planning District:** 25    **Zoned:** RTF-4 Two Family District
- **Location:**
- **PID:** 05-69-07-25-0-000-084.000
- **PPIN:** 26604
- **Acreage:** 0.61 +/- acres
- **Physical Address:** 5326 Beach Blvd, Gulf Shores
- **Applicant:** Jim Brown
- **Owner:** The Bluff of Orange Beach LLC



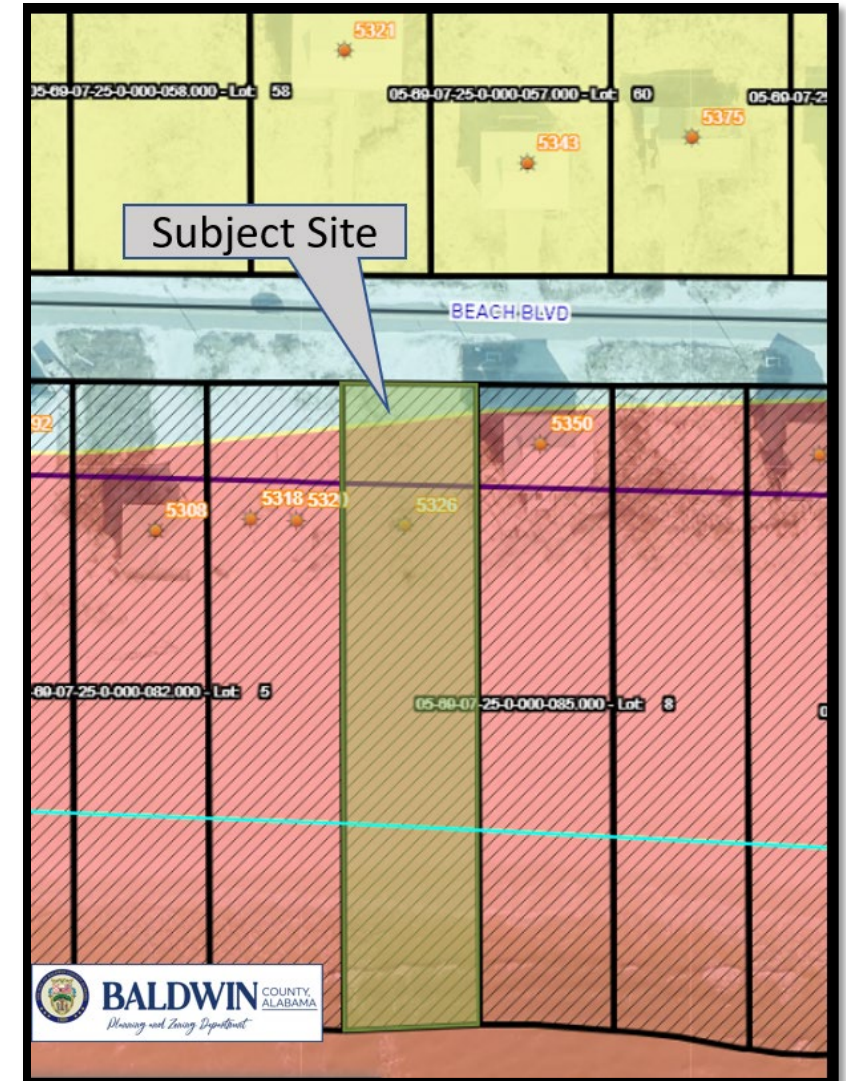
# ZVA22-56 THE BLUFF OF ORANGE BEACH LLC PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Fabia Waters, Planning Tech

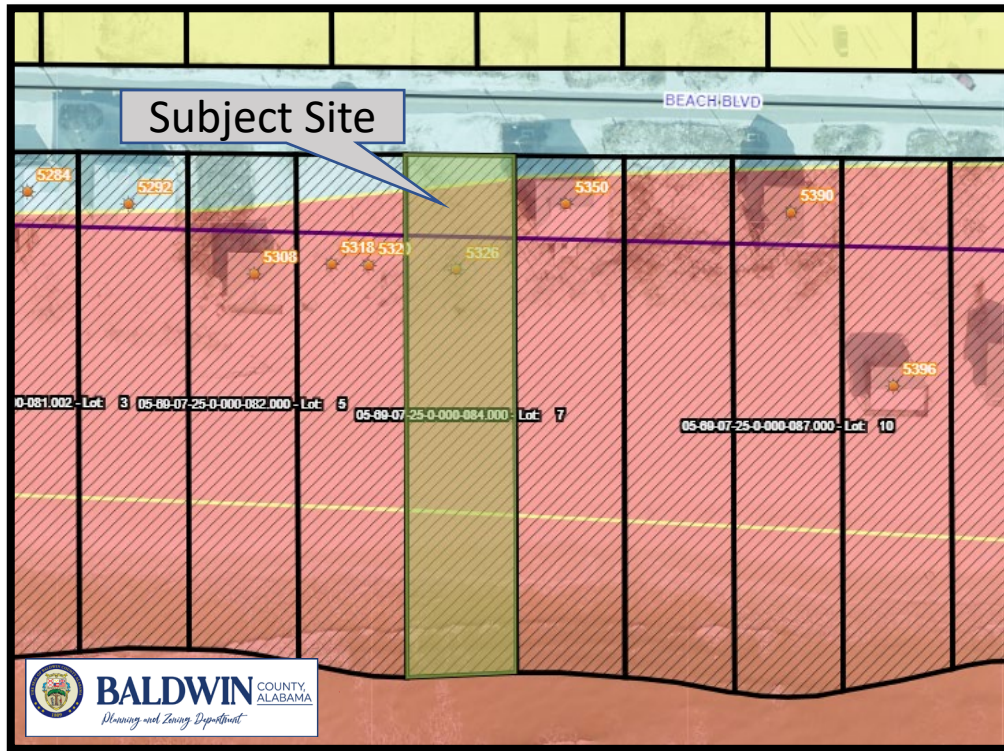
The applicant is requesting a variance from Section 4.6.5 to allow for construction of a Single Family Dwelling.

Staff established a hardship on the property therefore recommends Case ZVA22-56 to be **Approved** unless information otherwise is revealed at the public hearing.

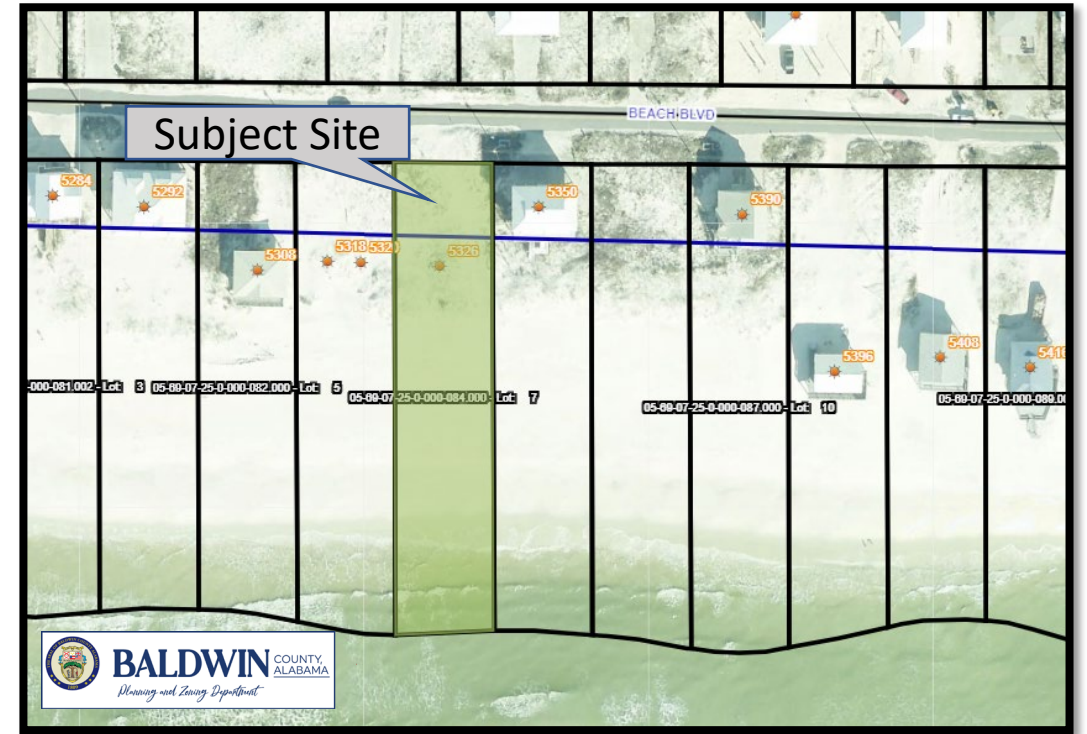




## Locator Map



## Site Map



### Adjacent Zoning

North

RSF1

South

Fort Morgan Beach

East

RTF-4

West

RTF-4

### Adjacent Land Use

Residential

N/a

Residential

Vacant



# Property Images

Subject Property

VARIANCE PROPOSED  
FOR THIS PROPERTY  
CASE NUMBER  
**ZVA22-000056**  
For Information Contact  
Baldwin County Planning &  
Zoning Department  
(251)580-1655 / (251)972-8523  
(251)990-4623

Aug 24, 2022 10:00:17 AM



# Property Images

Adjoining Property to the West



Aug 24, 2022 10:02:28 AM



# Property Images

Adjoining Property to the West



Aug 24, 2022 10:02:54 AM



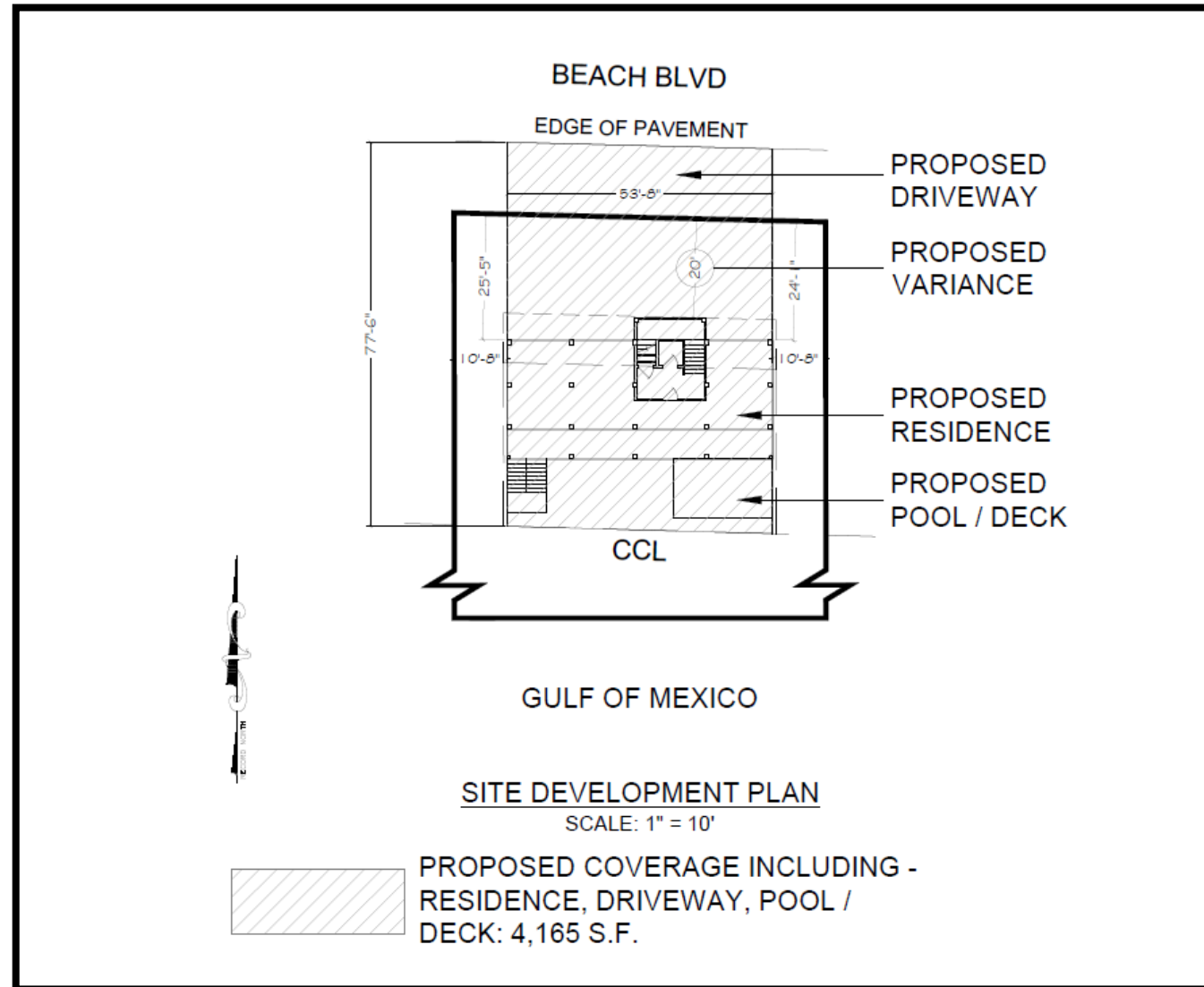
# Property Images

Adjoining Property to the East

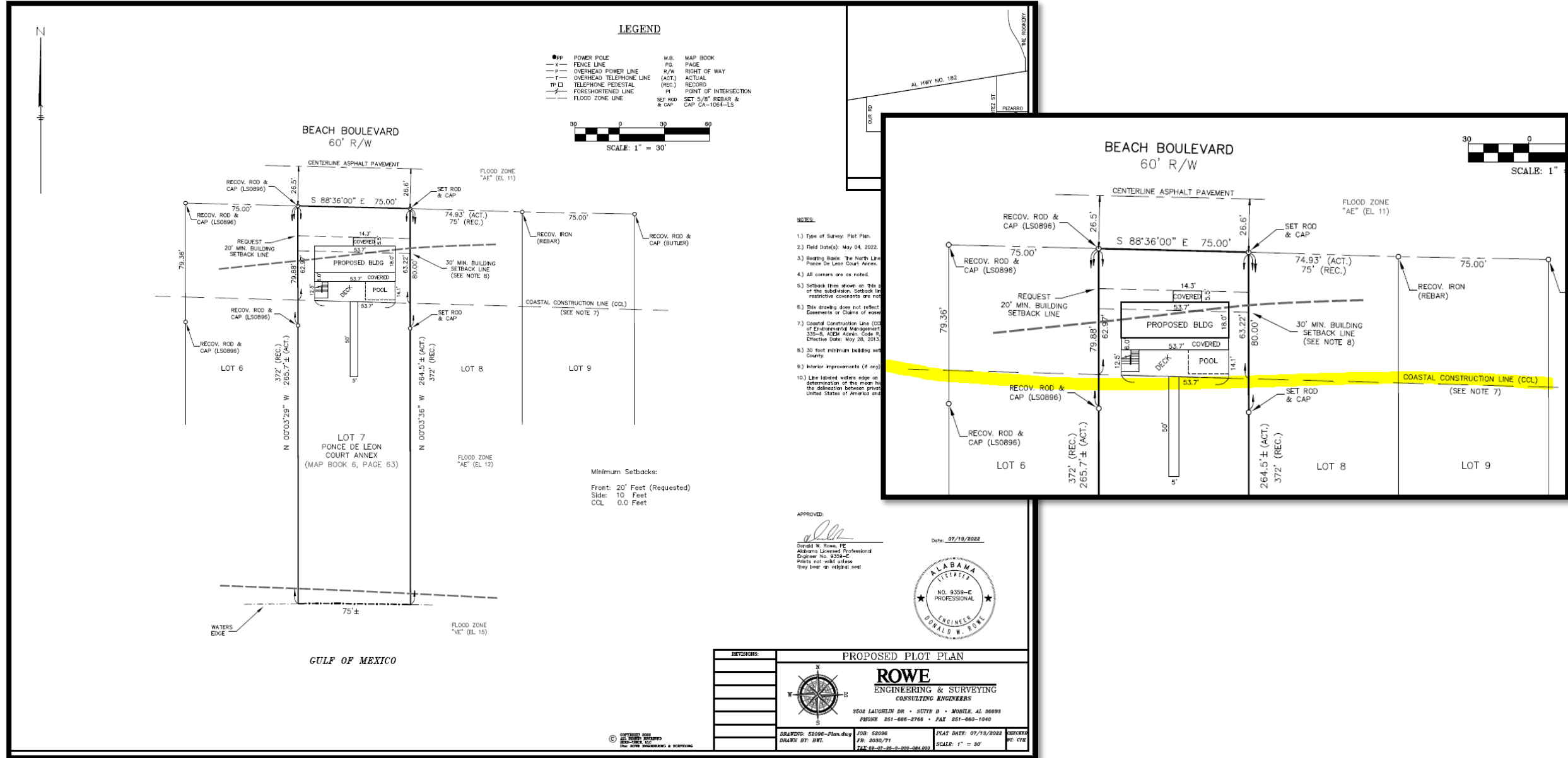


Aug 24, 2022 10:00:48 AM

# Site Plan


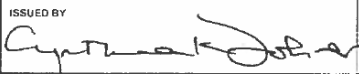


# Site Plan





# Additional Information

| DEPARTMENT OF THE INTERIOR<br>U.S. FISH AND WILDLIFE SERVICE  |  | 3-201<br>(1/97)   |  |
|---|--|---|--|
| <br><b>FEDERAL FISH AND WILDLIFE PERMIT</b>  |  | <b>2. AUTHORITY-STATUTES</b><br>16 USC 1539(a) (1) (B)<br>16 USC 703-712<br>REGULATIONS (Attached)<br>50 CFR §§ 13 & 17 |  |
|   |  | <b>3. NUMBER</b><br>TE 078718-0   |  |
| <b>1. PERMITTEE</b><br><br>MS. KATIE LUCAS<br>2919 HIGHWAY 150<br>BIRMINGHAM, ALABAMA 35244<br><br>TELEPHONE: 205/560-0680  |  | <b>4. RENEWABLE</b><br><input checked="" type="checkbox"/> YES<br><input type="checkbox"/> NO                           | <b>5. MAY COPY</b><br><input checked="" type="checkbox"/> YES<br><input type="checkbox"/> NO |
|   |  | <b>6. EFFECTIVE</b><br>9/21/2005  | <b>7. EXPIRES</b><br>9/21/2055   |
| <b>8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)</b>   |  | <b>9. TYPE OF PERMIT</b><br>ENDANGERED SPECIES - INCIDENTAL TAKE  |  |
| <b>10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED</b><br>A VACANT 0.64-ACRE LOT LOCATED AT LOT 5326 BEACH BOULEVARD, FORT MORGAN PENINSULA, BALDWIN COUNTY, ALABAMA.   |  |   |  |
| <b>11. CONDITIONS AND AUTHORIZATIONS:</b><br><br>A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.<br><br>B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.<br><br>C. VALID FOR USE BY PERMITTEE NAMED ABOVE, AND AUTHORIZED AGENTS.<br><br>D. ACCEPTANCE OF THIS PERMIT SERVES AS EVIDENCE THAT THE PERMITTEE AND ITS AUTHORIZED AGENTS UNDERSTAND AND AGREE TO ABIDE BY THE TERMS OF THIS PERMIT AND ALL SECTIONS OF TITLE 50 CODE OF FEDERAL REGULATIONS, PARTS 13 AND 17, PERTINENT TO ISSUED PERMITS. SECTION 11 OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED, PROVIDES FOR CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH PERMIT CONDITIONS.<br><br>BLOCK 11 OF THIS PERMIT CONSISTS OF ITEMS A - L (7 PAGES TOTAL).<br><br><b>12. REPORTING REQUIREMENTS</b><br>REPORTS WILL BE PROVIDED TO THE U.S. FISH AND WILDLIFE SERVICE OFFICES APPEARING IN CONDITION G OF THIS PERMIT. |  |   |  |
| <b>ISSUED BY</b><br>   |  | <b>TITLE</b><br>DEPUTY REGIONAL DIRECTOR, FWS,<br>SOUTHEAST REGION  | <b>DATE</b><br>9/20/05   |

I, Stanley E. Lucas, hereby state the property located at 0 Beach Blvd Gulf Shores, AL 36542 Lot 7 Ponce De Leon PPIN # 026604 does not currently have an Active Association, Board or Committee.

# Staff Analysis and Findings

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

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

# Staff Analysis and Findings

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

The subject property zoned RTF-4 Two Family District and is located in Fort Morgan. Per Revenue the parcel consists of approximately 0.61+- acres with 75' x 375' Lot 7 Ponce De Leon Court . Planning District 25 came into effect on June 19, 1991. The required minimum lot size for RTF-4 is 7,500 sqft therefore staff does perceive the subject parcel to be exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance.

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

Staff could not establish exceptional topographic conditions or other extraordinary situations, or conditions contained on the subject property which require a variance.

# Staff Analysis and Findings

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

The subject property is RTF-4, Two Family District which allows for single-family dwellings. The applicant proposes to build a single-family dwelling on the subject property therefore staff perceives necessity for preservation of a property right that would require a variance

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

**Staff anticipates no major impacts**, therefore staff does not believe the granting of this application will impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.



# Staff Analysis and Findings

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

Per the applicant, there is no active Home Owner's association.

# Fort Morgan Advisory Committee Recommendation

ZVA22-56-Bluff of Orange Beach

Due to no individual(s) listed as owners, our assumption is that this is a spec house

As already noted in the documents forwarded to this committee, this is essentially a hardship exemption to deal with the current reality of building on Tier 1 when variable offsets exist all along the street and the Dune height is variable.

My physical inspection of this property indicates this variance would be compatible with the other adjoining properties all of which have some staggered depth and setback

It is our opinion that previous reviews and permitting have satisfied and we concur

The vote to recommend granting this variance was 4-0

# Staff Analysis and Findings

Darwina Stewart

P.O. Box 270

Bolivar MO., 65613

To Planning and Zoning Department


Regarding: Case number: ZVA22-000056

Applicant: Compass Construction & Development, LLC.

Planning District: 25

I, Darwina Stewart, resident of 5350 Beach Blvd. **oppose** the requested variance from section 4.6.5 of the Baldwin County Zoning Ordinance as it pertains to the rear (street) yard setback. As the owner of adjacent property, I feel that the current ordinance should apply to the property located at 5356 Beach Blvd.

Sincerely,



Darwina Stewart

417 327-5991



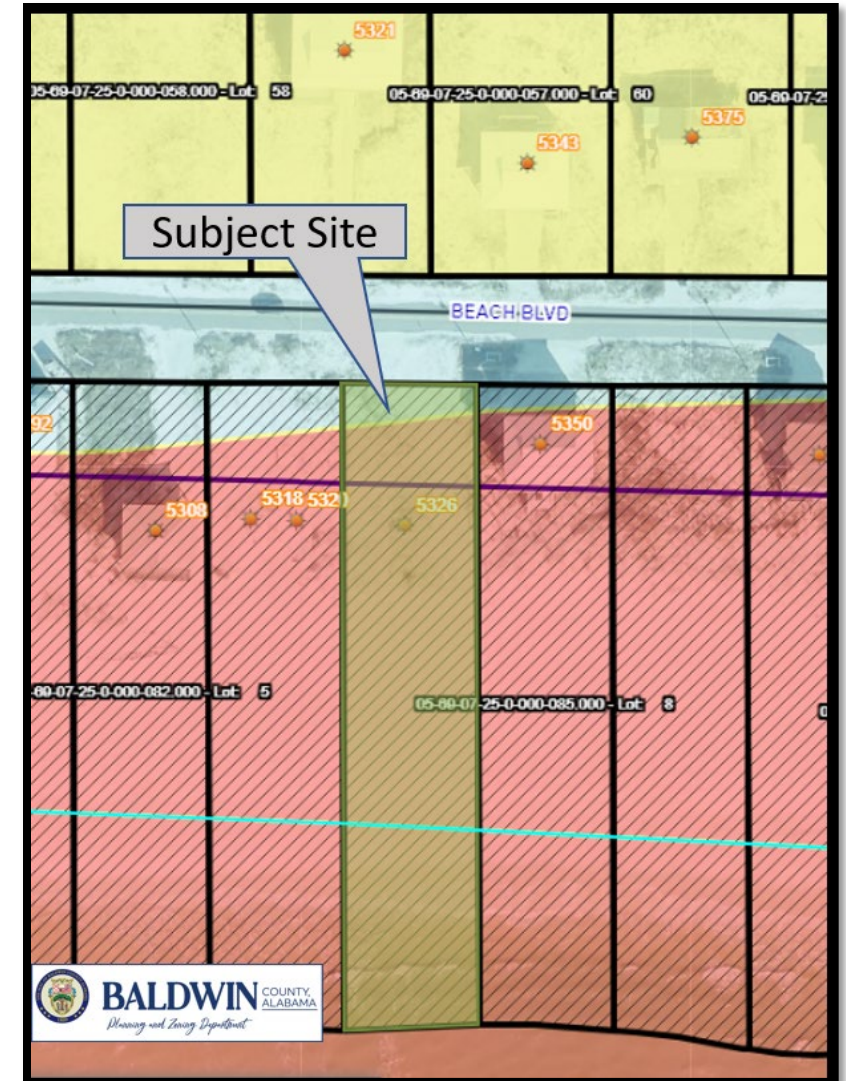
# ZVA22-56 THE BLUFF OF ORANGE BEACH LLC PROPERTY

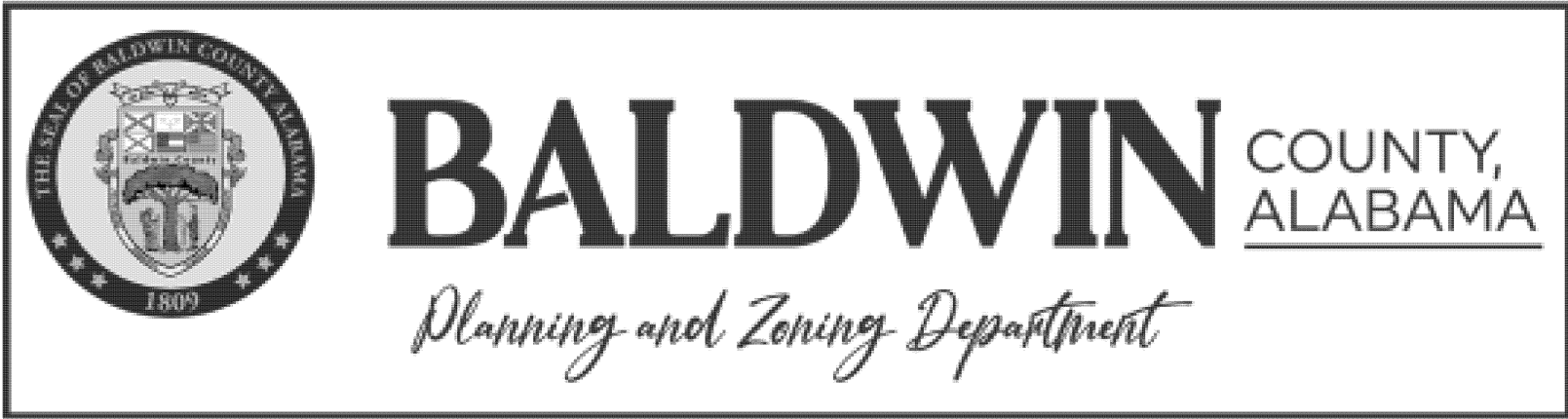
## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Fabia Waters, Planning Tech

The applicant is requesting a variance from Section 4.6.5 to allow for construction of a Single Family Dwelling.

Staff established a hardship on the property therefore recommends Case ZVA22-56 to be **Approved** unless information otherwise is revealed at the public hearing.





BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

SEPTEMBER 8, 2022

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

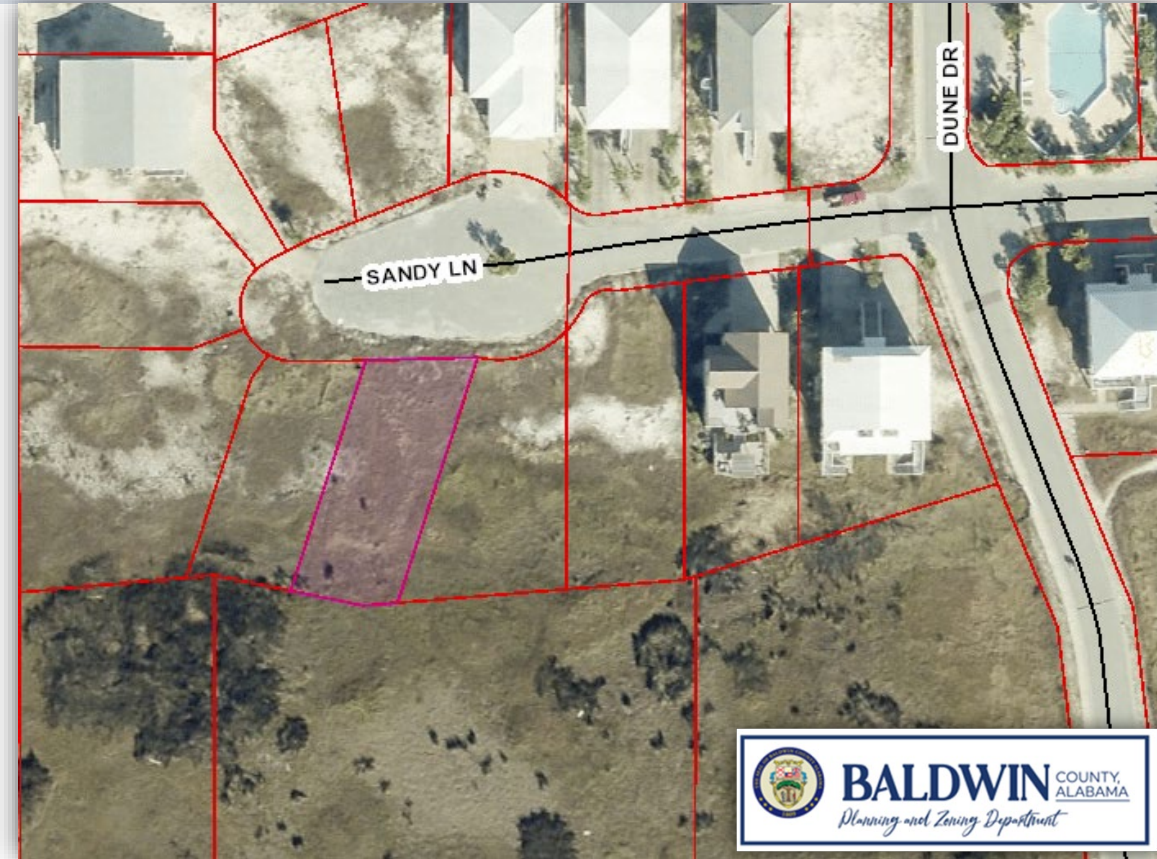


# ZVA22-000068 ONYEHWENYI PROPERTY

## VARIANCE REQUEST

Lead Staff: Crystal Bates Planning Technician

- **Planning District:** 25    **Zoned:** RMF-6
- **Location:** Subject Property is located in The Dunes Phase Three Lot 42 A
- **Acreage:** 0.16
- **Physical Address:** 1372 Sandy Ln.
- **Applicant:** John Heron Alabama Coastal Homes LLC
- **Owner:** Chioma Onyenwenyi



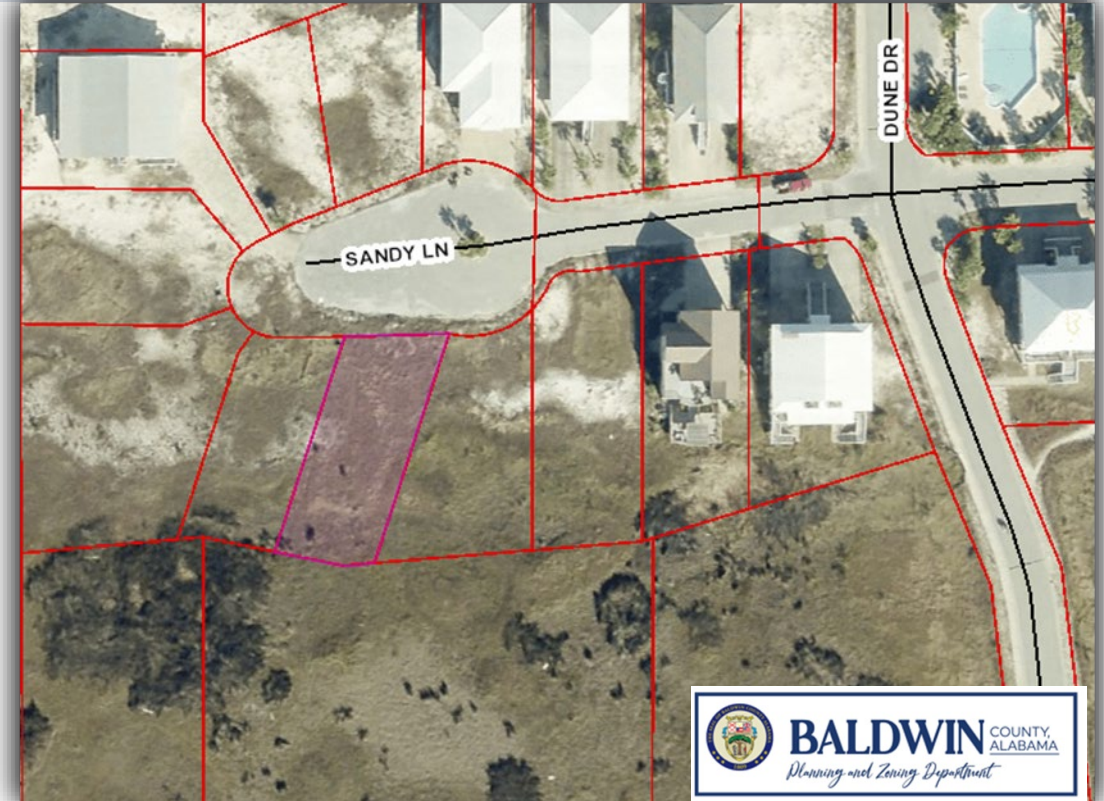
# ZVA22-000068 ONYENWENYI PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician

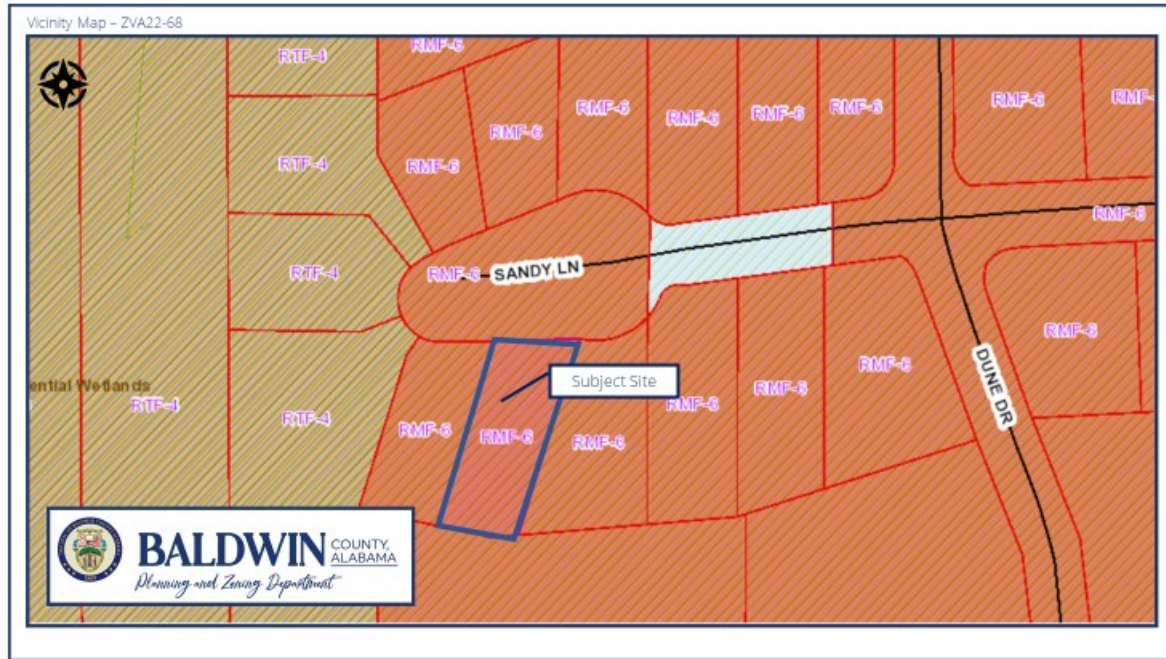
The applicant is requesting a variance from section 10.2 as it pertains to the required 30-foot wetland setback requirement to allow for construction of a single-family dwelling. The proposed house will be 26'-6" on the nearest end and uncovered stairs will be 17'-6" to the nearest end of the wetlands.

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





# Locator Map



# Site Map




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



# Property Images



Aug 24, 2022 10:29:58 AM

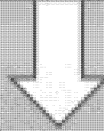


Adjoining Property  
to The East

Aug 24, 2022 10:29:34 AM

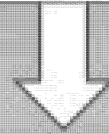


Property to The East



Aug 24, 2022 10:29:04 AM

Property to The West



Aug 24, 2022 10:30:15 AM



Property Across  
The Street



Aug 24, 2022 10:30:48 AM



Property Across  
The Street



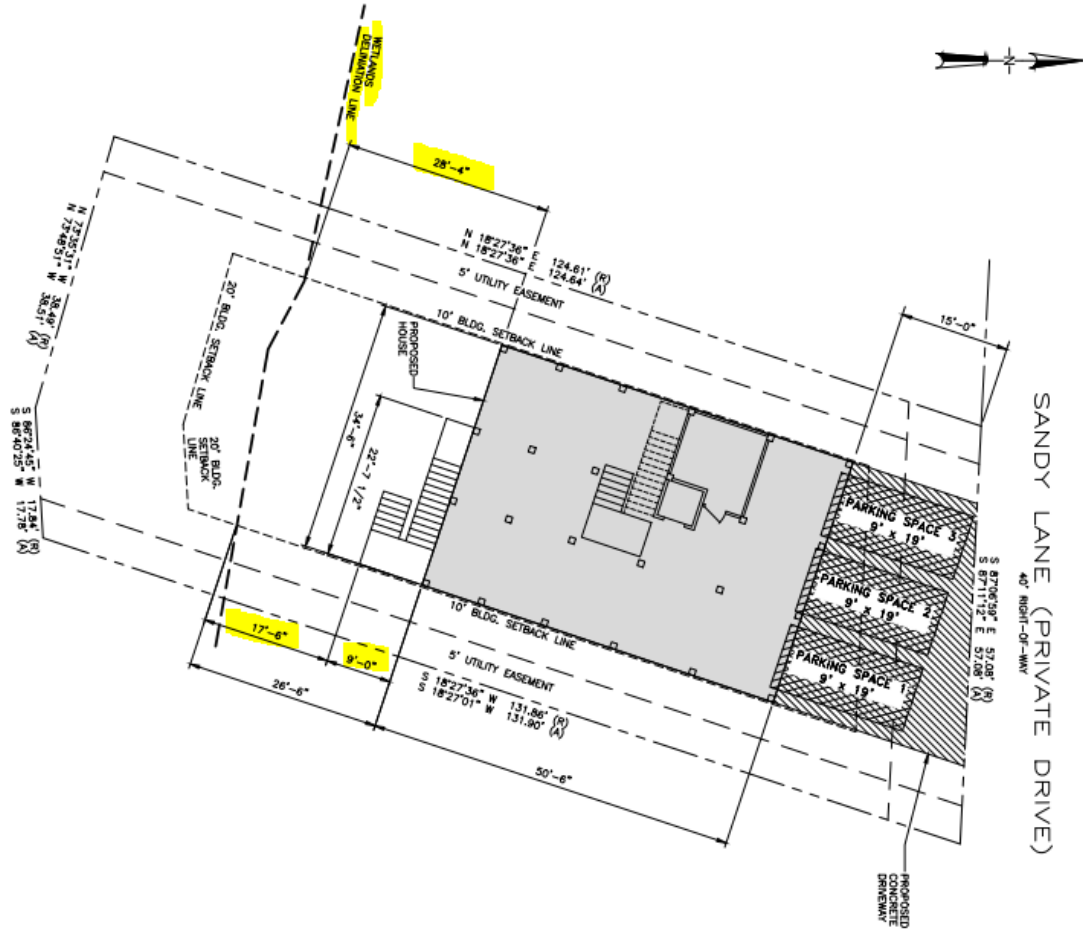
Aug 24, 2022 10:31:07 AM

Property Across  
The Street



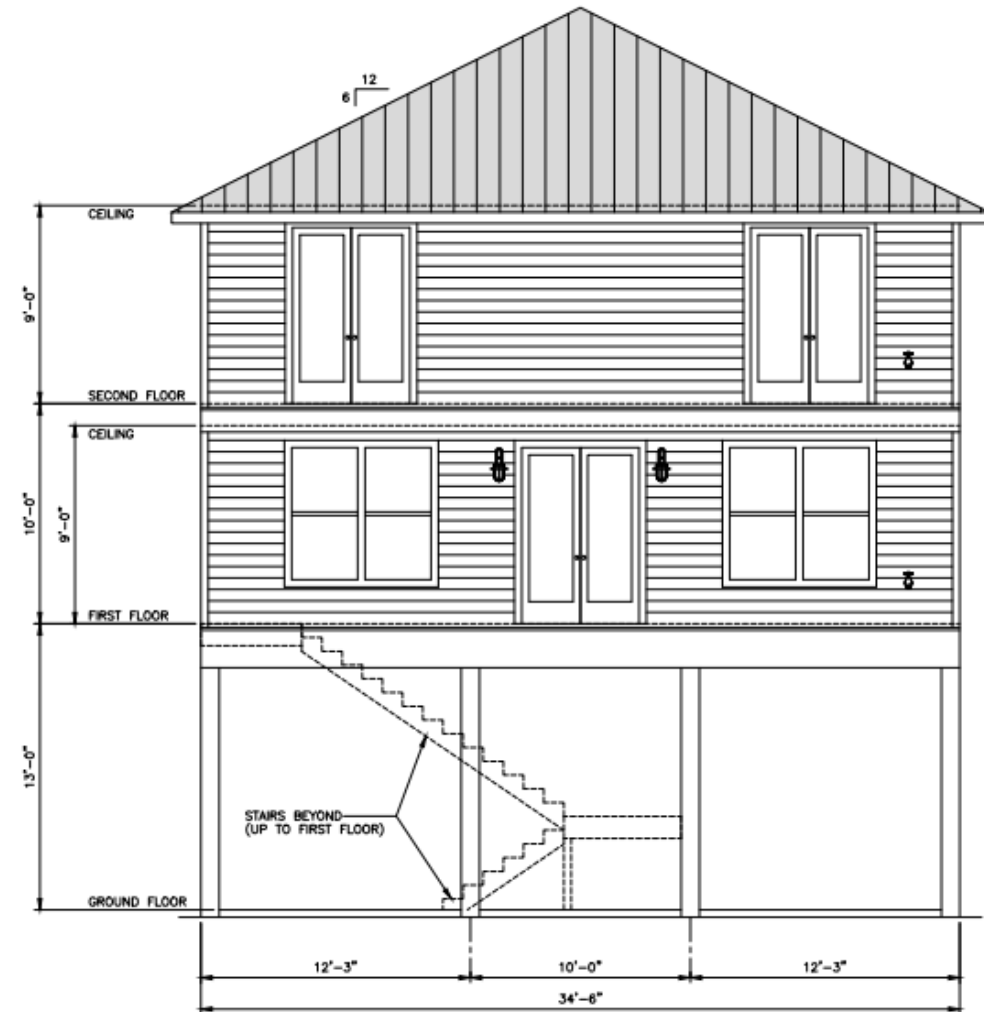
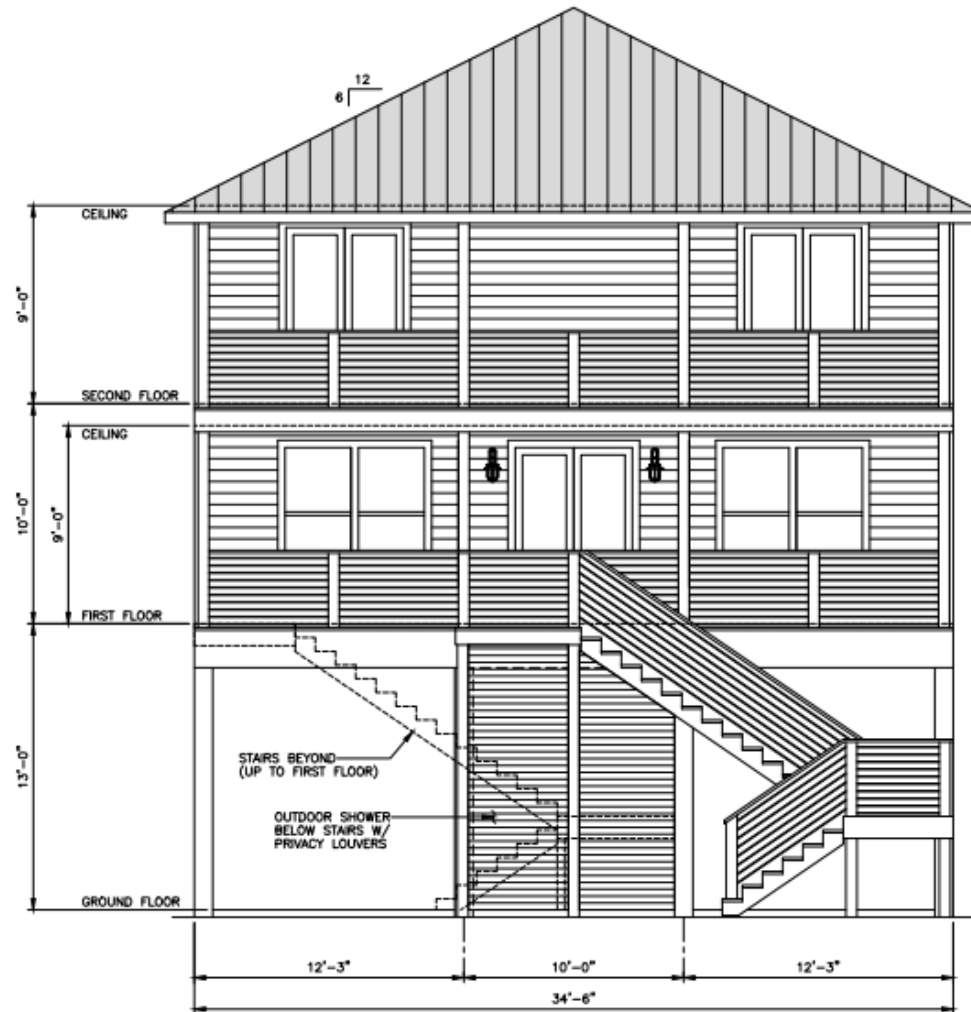
Aug 24, 2022 10:31:25 AM

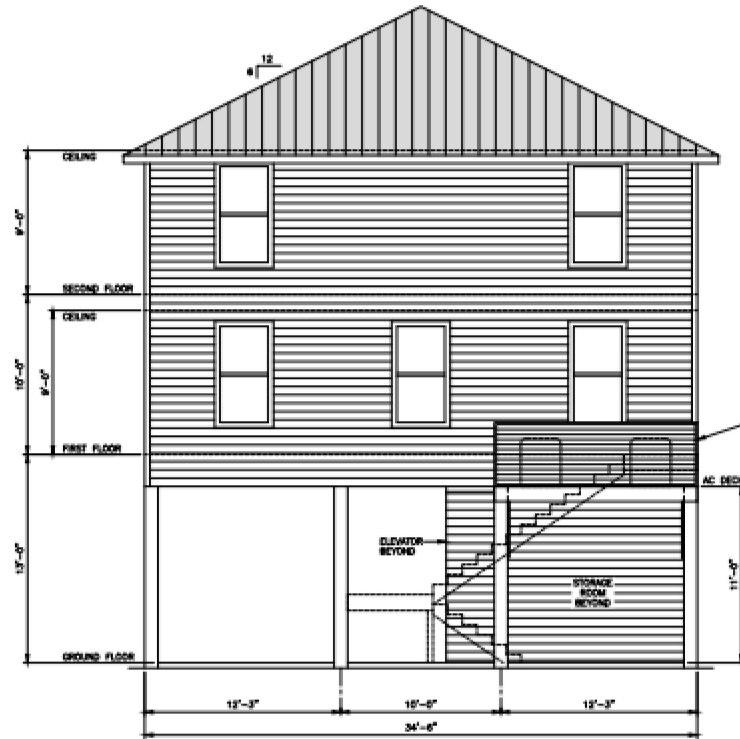
**PARKING PLAN**  
SCALE: 1" = 10'





# Elevations





**NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



# Zoning Requirements

## 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 Site Plan Approval. If the Corps determines that wetlands are present on the proposed development site and that a Section 404 Permit or

# Letter from POA

## The Dunes Master Owners' Association

August 12, 2022

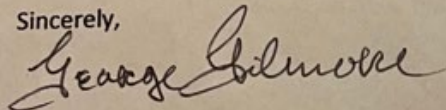
To Whom It May Concern  
Baldwin County Board of Adjustments  
John Herron, Alabama Coastal Homes  
Ms. Chioma Onyenwenyi, Lot Owner

This letter, from George Gilmore, president of the Dunes Homeowners' Association, and president of the Dunes Master Association, recognizes that the affected parties have satisfied all interested parties possibly concerned about a variance for the present lot, 42A, specifically US Fish and Wildlife Service.

It is the experience of the Dunes Homeowners' Association, that any variance or departure from established Baldwin County and USFWS ordinances, acquires valid permission on its own, and does not have to be further approved by the HOA.

Nonetheless, given the present request, the Dunes Homeowners' Association is happy to welcome the applicant into the present community.

Sincerely,



George Gilmore  
President, DHOA and Master Assoc.  
106 Magnolia Ave.  
Fairhope, AL 36532  
251-402-1153; ggilmore@shc.edu

# Wetland Assessment Report



March 23, 2022

Chioma Onyenwenyi  
15 W 621 81st Street  
Burr Ridge, IL 60527

**Re: Wetland Assessment Report  
Lot 42A The Dunes, Sandy Lane, Fort Morgan, Baldwin County, Alabama  
WSI Project #2022-250**

Dear Ms. Onyenwenyi,

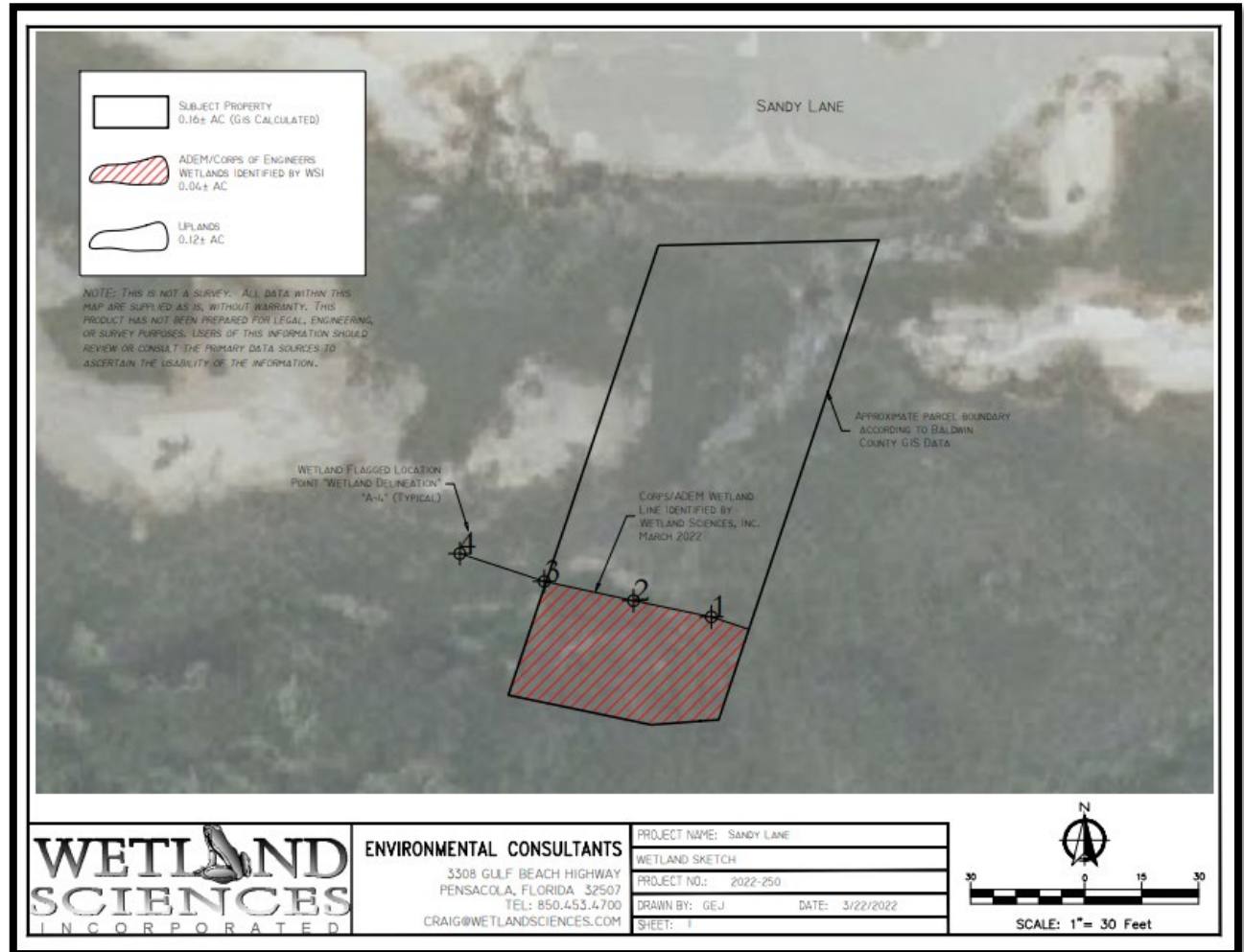
As requested, Wetland Sciences, Inc. has completed a field wetland delineation located on Lot 42A The Dunes, Sandy Lane, Fort Morgan, Baldwin County, Alabama. The property is identified by the Baldwin County Revenue Commission with the Parcel Identification Numbers: (PIN) 309751. This assessment included an analysis of plant communities, soils, and indirect hydrologic indicators. During this determination, Wetland Sciences, did identify wetlands which fall within the regulatory jurisdiction of the US Army Corps of Engineers (Corps) and the Alabama Department of Environmental Management (ADEM) under **33 CFR 320-330**. See attached wetland sketch – Exhibit A). The following is a summary of our findings.

The assessment was completed by a thorough pedestrian survey covering 100% of the subject property. I personally inspected the property on March 21, 2022. The wetland boundaries shown on the attached sketch were delineated in accordance with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). There are three primary agencies which regulate wetland resources: Federal (Department of the Army Corps of Engineers – Corps), the Alabama Department of Environmental Management (ADEM) and Baldwin County. Additionally, Baldwin County may require a 30-ft setback for development from wetlands.

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

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

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





# US FISH AND WILDLIFE CORRESPONDENCE



Alabama Coastal Ho

## Lot 42A The Dunes Subdivision.

Lynn, William <william\_lynn@fws.gov>  
To: "Alabama Coastal Homes, LLC" <alcoastalhomes@gmail.com>

John,

With the revised site plan, yes, you are good to go! Have a good week

Thanks,

Bill

\*\*\*\*\*  
Bill Lynn  
Certified Wildlife Biologist  
Alabama ES Field Office  
1208B Main Street  
Daphne, AL 36526  
251-331-2920 Cell  
251-441-5868 Office  
251-441-6222 Fax  
<http://www.fws.gov/daphne/>  
\*\*\*\*\*

**OUR VISION:** "Together, we will connect lands and waters to sustain fish, v  
leaders, bold innovators and trusted partners, working with and for people.

**NOTE:** This email correspondence and any attachments to and from this sender is subject to the Freedom of  
Information Act (FOIA) and may be disclosed to third parties.

From: Alabama Coastal Homes, LLC <alcoastalhomes@gmail.com>  
Sent: Friday, August 5, 2022 10:43 AM  
To: Lynn, William <william\_lynn@fws.gov>  
Subject: Fwd: [EXTERNAL] Lot 42A The Dunes Subdivision.

[Quoted text hidden]



Alabama Coastal Homes, LLC <alcoastalhomes@gmail.com>

## Lot 42A The Dunes Subdivision.

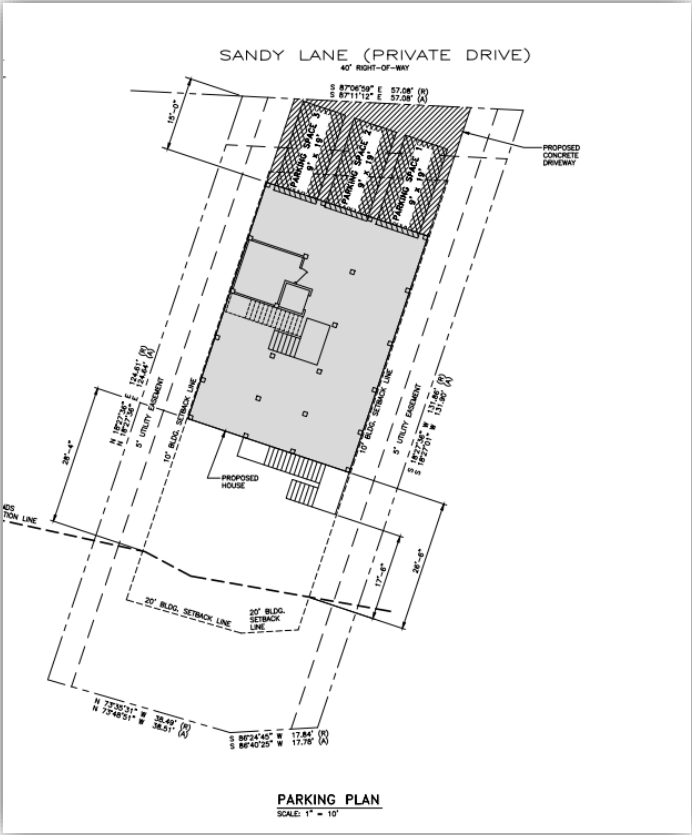
Alabama Coastal Homes, LLC <alcoastalhomes@gmail.com>  
To: "Lynn, William" <william\_lynn@fws.gov>

Fri, Aug 5, 2022 at 10:43 AM

Hello Bill,  
Just touching base to see if we are good to go with Lot 42A plans for Chioma with the removal of the parking pad in the setbacks? We are required to have your approval to get on the next Board of adjustment meeting deadline for August 17. We need to request a variance in order to disturb the 30 foot buffer ordinance for the wetlands. Thanks for your understanding and assistance.

John  
[Quoted text hidden]  
--  
[Quoted text hidden]

CHIOMA - FINAL 8-3-22.pdf  
2103K



# Fort Morgan Advisory Committee Recommendation

ZVA22-68-Onyenwenyi

This variance will allow the owner to build their concrete driveway to the Sandy Lane paved street. This is common to all existing houses on the street and possibly extend over a few feet of wetland behind the house.

It is a virtual clone of several other houses in the Dunes development all with paved driveways to the road and wetlands on the back side of the property.

The vote to recommend granting this variance was 4-0.

# Staff Analysis and Findings

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

The subject property is located at 1372 Sandy Ln. The property is .016 ac, 57.1' x 131.9' and 7,531.49 sq. ft. The property exceeds the minimum lot dimensions for property zone RMF-6. Therefore, staff believes it does not meet this standard.

**2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.** The property has wetlands. Therefore, staff believes the property meets the exceptional topographic or other extraordinary conditions standard.

**3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.** The subject property is zoned residential and will be use for that purpose. Staff believes the granting of this variance is necessary to preserve a property right.



# Staff Analysis and Findings

**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 Dunes has an overall US Fish and Wildlife permit, The applicant did send a revise site plan to US Fish and Wildlife, and they were ok with the revised site plan.

# ZVA22-000068 ONYENWENYI PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates Planning Technician

### Staff's Comments and recommendation:

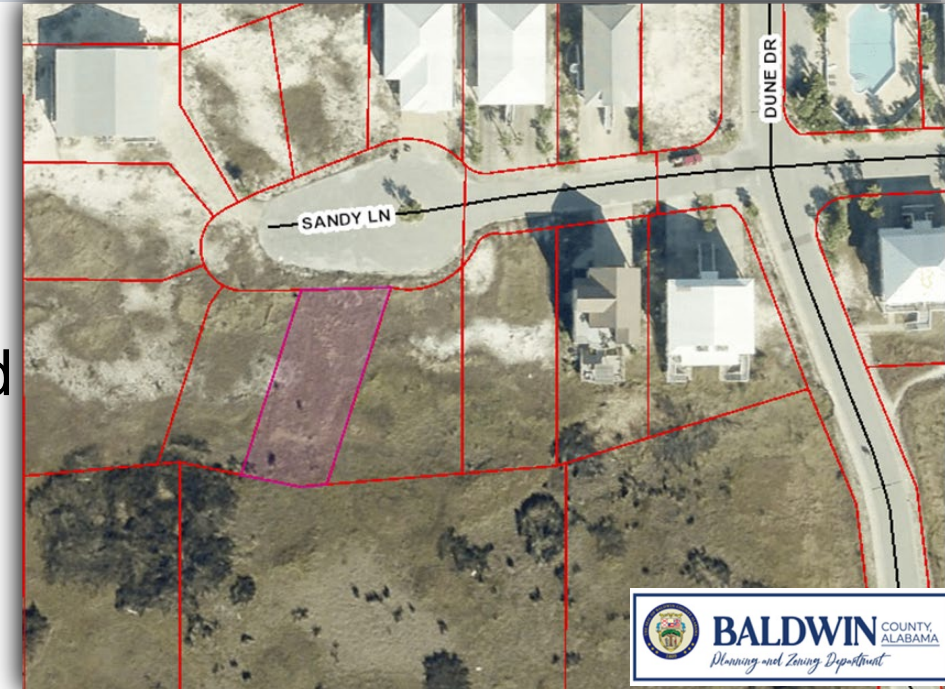
The applicant is requesting a variance from the required 30' wetland setback requirement to allow for construction of single-family dwelling. The proposed house will be 26'-6" on the nearest end and uncovered stairs will be 17'-6" to the nearest end of the wetlands.

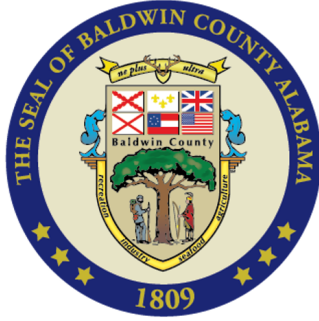
Staff recommends **APPROVAL** of the variance request.

#### GENERAL NOTES {By-laws}

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





**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

SEPTEMBER 8, 2022

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

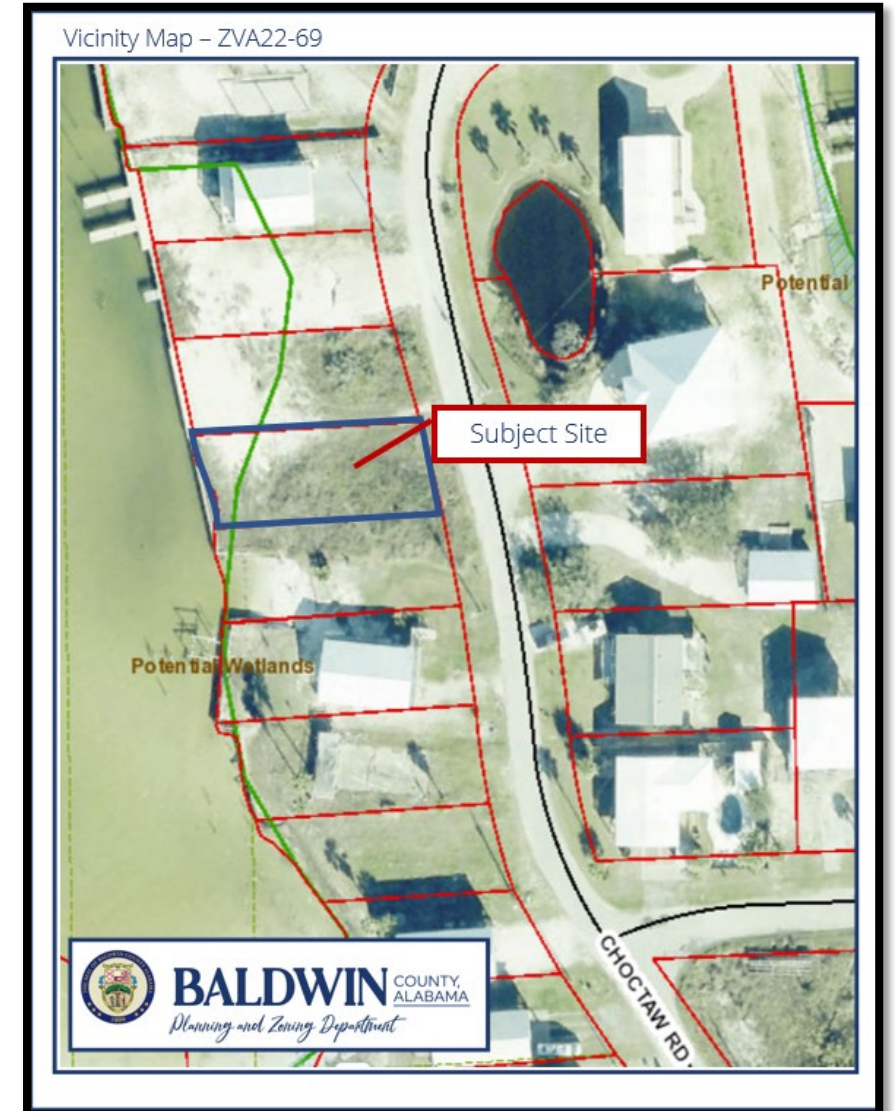


# ZVA22-69 PARKER PROPERTY

## VARIANCE REQUEST

Lead Staff: Paula Bonner, Planning Technician

- **Planning District:** 25    **Zoned:** RSF-1
- **Location:** Subject property is located north of State Highway 180 on the west side of Choctaw Road on Mobile Bay in the Fort Morgan area.
- **PID:** 05-69-08-02-0-005-021.000
- **PPIN:** 6622
- **Acreage:** 0.12 +/-
- **Physical Address:** Choctaw Road
- **Applicant:** Jeff Parker
- **Owner:** Jeff Parker



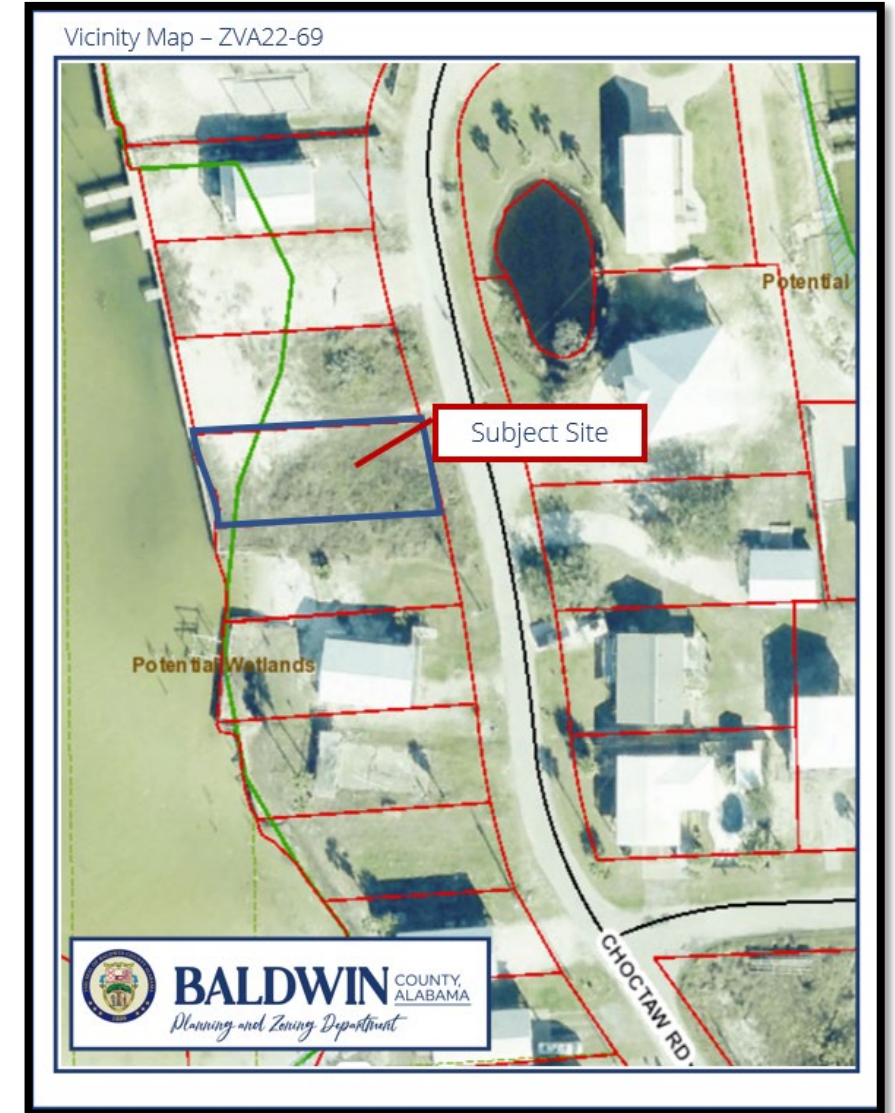
# ZVA22-69 PARKER PROPERTY

## VARIANCE REQUEST

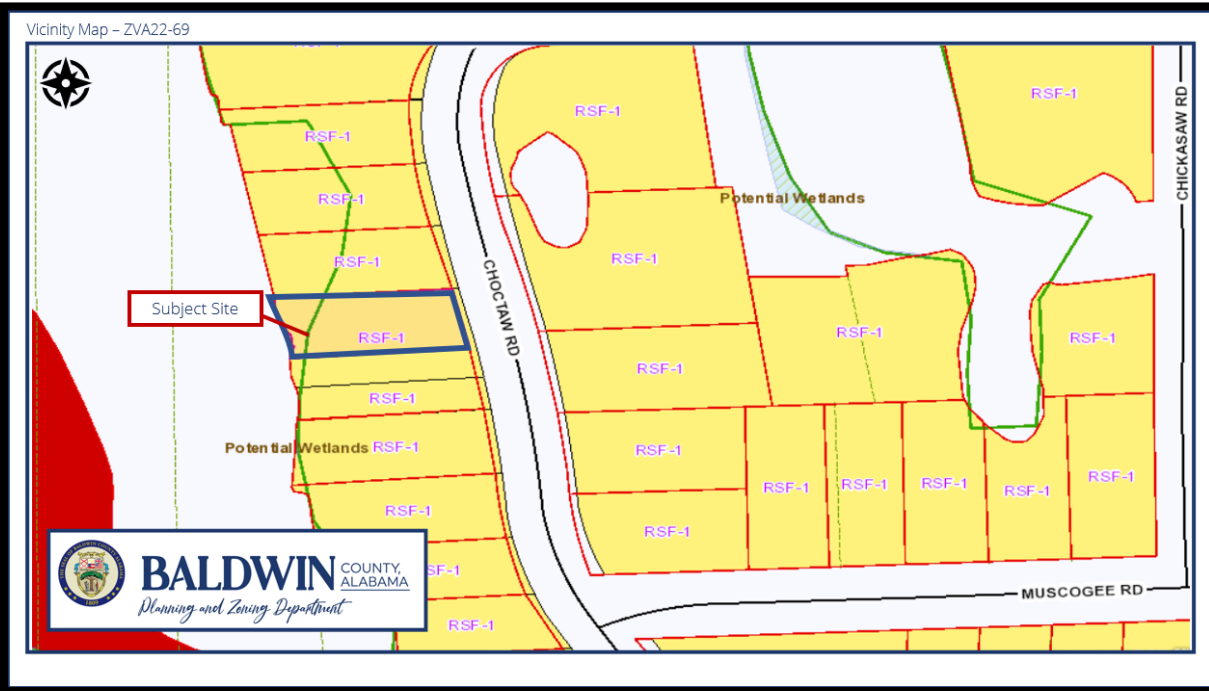
Lead Staff: Paula Bonner, Planning Technician

The applicant is requesting a variance from Section 4.2.5 and Section 12.5.2(f) of the Baldwin County Zoning Ordinance as it pertains to the sides and V-Zone setbacks to allow for the construction of a single-family dwelling.

Staff perceives the small lot size of the subject property a hardship therefore recommends Case ZVA22-69 be **Approved** unless information otherwise is revealed at the public hearing.



# Locator Map



# Site Map



## Adjacent Zoning

North

RSF-1 Single Family District

South

RSF-1 Single Family District

East

RSF-1 Single Family District

West

N/A

## Adjacent Land Use

Vacant

Vacant

Residential

Mobile Bay



# Property Images



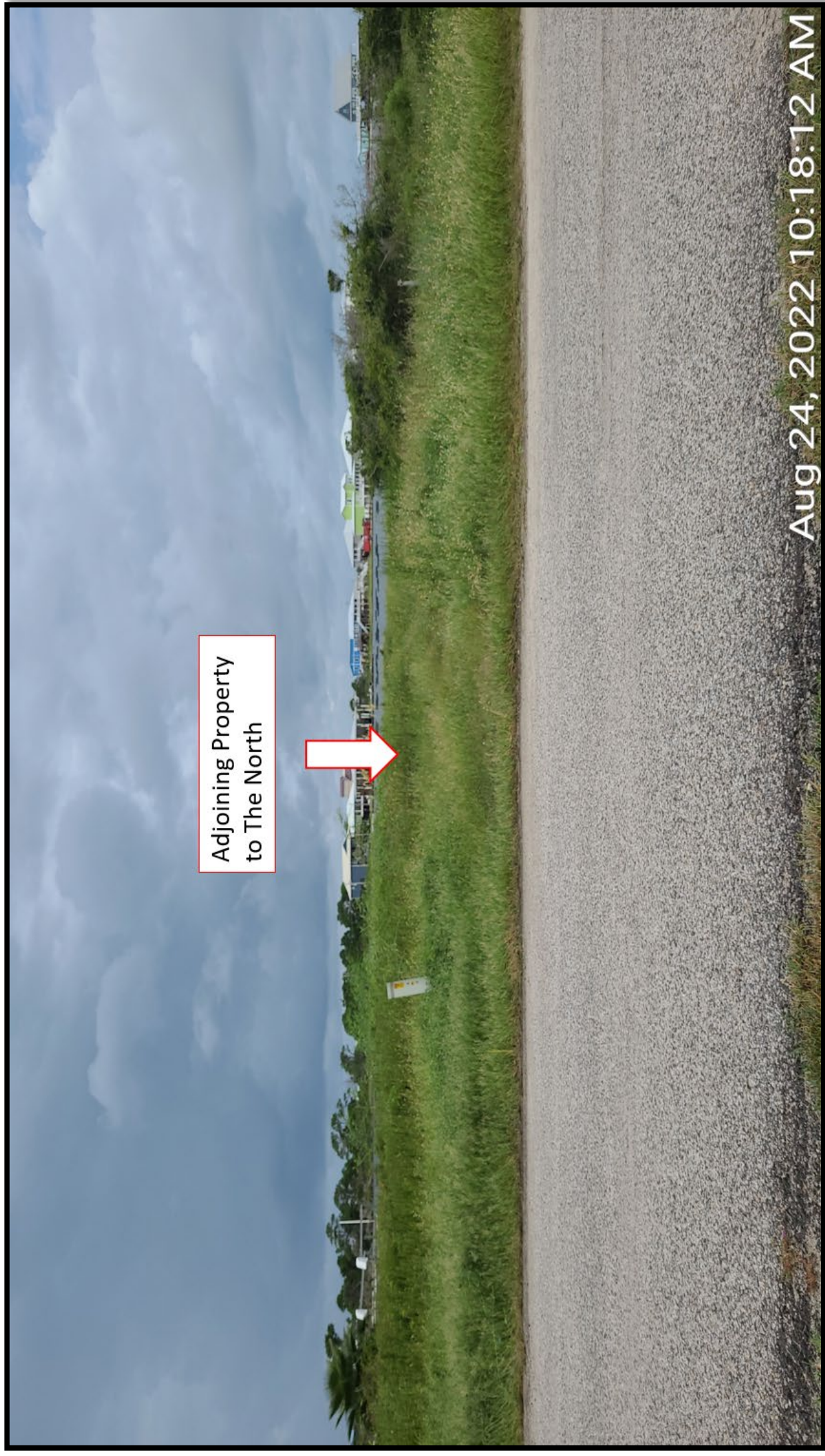


# Property Images





# Property Images





# Property Images

Property Across  
The Street



Aug 24, 2022 10:21:20 AM



# Property Images





# Survey

STATE OF ALABAMA)  
BALDWIN COUNTY)

Site Plan

I, Trent R. Wilson, a Professional Land Surveyor, hereby certify that I have surveyed Lot 8, BLOCK B, FORT MORGAN PINES SUBDIVISION, as recorded in Slide 274-A, in the Office of the Judge of Probate, Baldwin County, Alabama; and hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of 8/8/2022. Survey invalid if not sealed in red.

Order No.: 7082

Client:

Address: 2407 Choctaw Rd

Trent Wilson PLS #34764  
Weygand Wilson Surveying LLC  
229 E. 20th Ave., Suite 12  
Gulf Shores, AL 36542  
Phone: (251)-975-7555

WEYGAND  
WILSON  
SURVEYORS

NOTES:

1. BEARINGS BASED ON ASTRONOMIC NORTH AS OBTAINED BY GPS OBSERVATION.
2. REVISED TO CORRECT LABELING ERROR 6/9/22.
3. SITE PLAN 8/18/22.

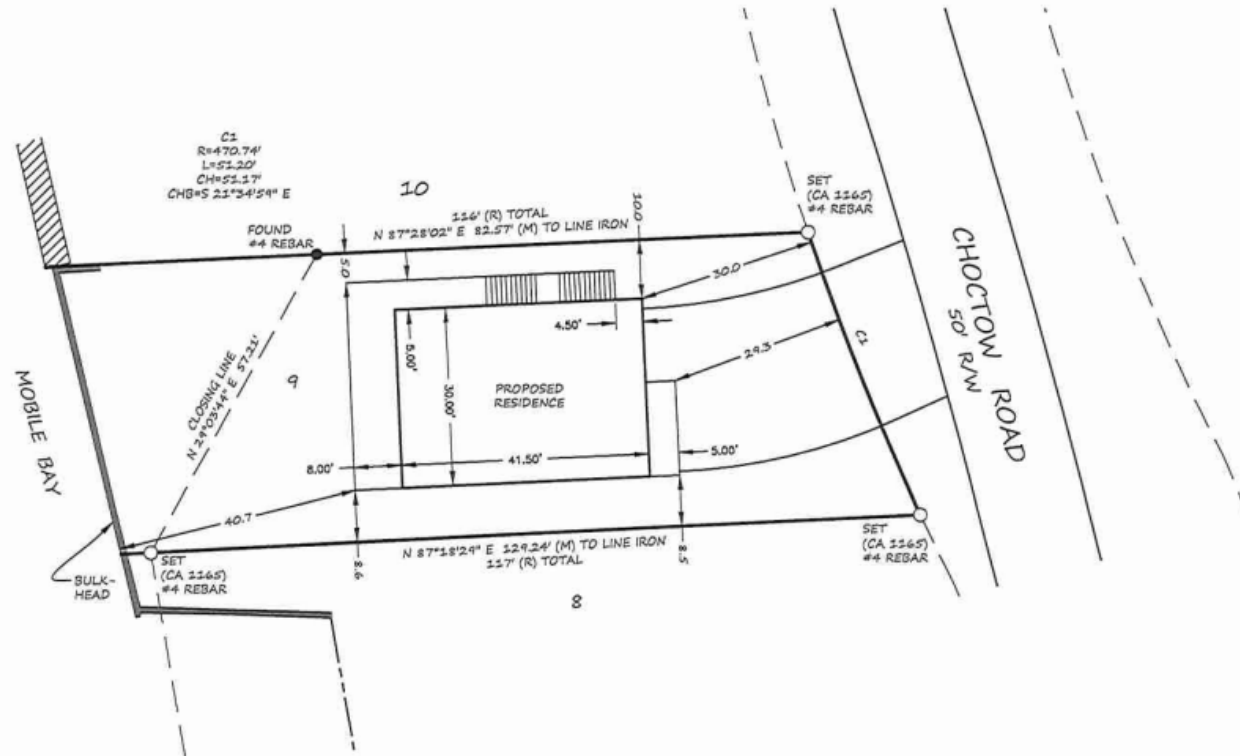
Note:

- (a) No title search of the public records or abstract of title has been performed by this firm. The parcel shown hereon is subject to setbacks, zoning, easements, rights of way and/or restrictions whether or not of record.
- (b) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted.
- (c) This survey is intended for the sole use of the client shown hereon, valid for a period of 6 years from the date of survey and non-transferable.



SCALE: 1"=20'

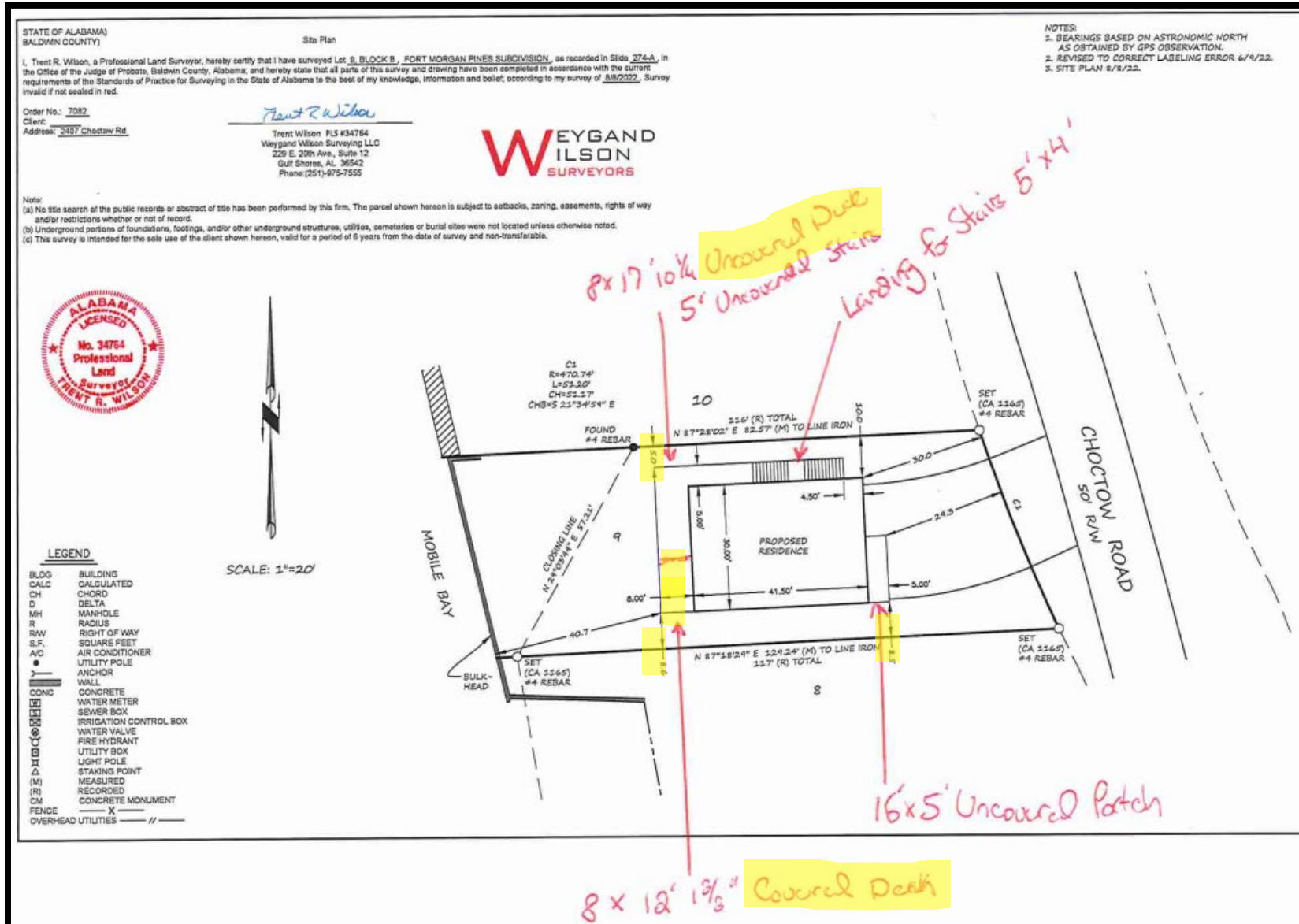
| LEGEND             |                        |
|--------------------|------------------------|
| BLDG               | BUILDING               |
| CALC               | CALCULATED             |
| CH                 | CHORD                  |
| D                  | DELTA                  |
| MH                 | MANHOLE                |
| R                  | RADIUS                 |
| R/W                | RIGHT OF WAY           |
| S.F.               | SQUARE FEET            |
| A/C                | AIR CONDITIONER        |
| •                  | UTILITY POLE           |
| Y                  | ANCHOR                 |
| CONC               | CONCRETE               |
| W                  | WALL                   |
| WM                 | WATER METER            |
| SB                 | SEWER BOX              |
| ICB                | IRRIGATION CONTROL BOX |
| WV                 | WATER VALVE            |
| FH                 | FIRE HYDRANT           |
| UB                 | UTILITY BOX            |
| LP                 | LIGHT POLE             |
| SP                 | STAKING POINT          |
| (M)                | MEASURED               |
| (R)                | RECORDED               |
| CM                 | CONCRETE MONUMENT      |
| FENCE              | X                      |
| OVERHEAD UTILITIES | //                     |



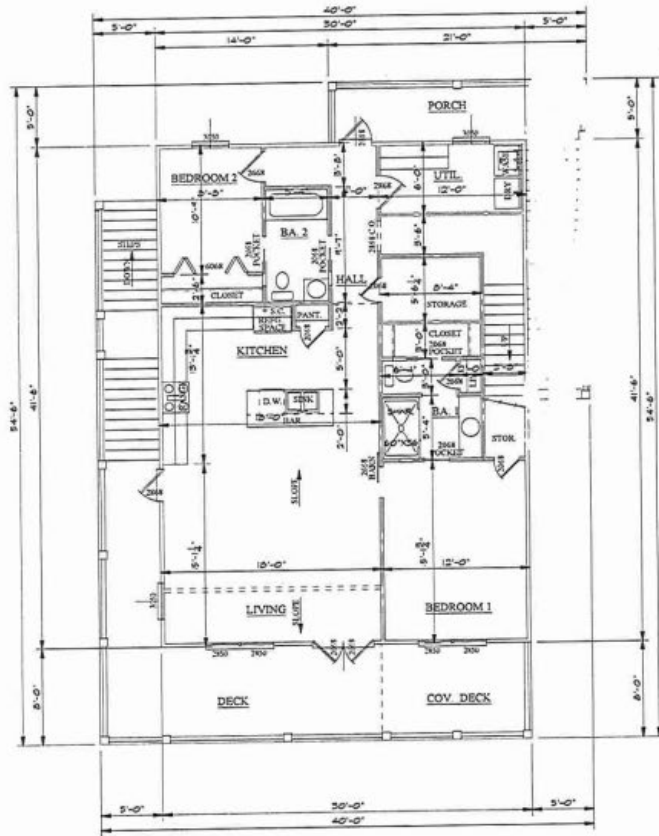




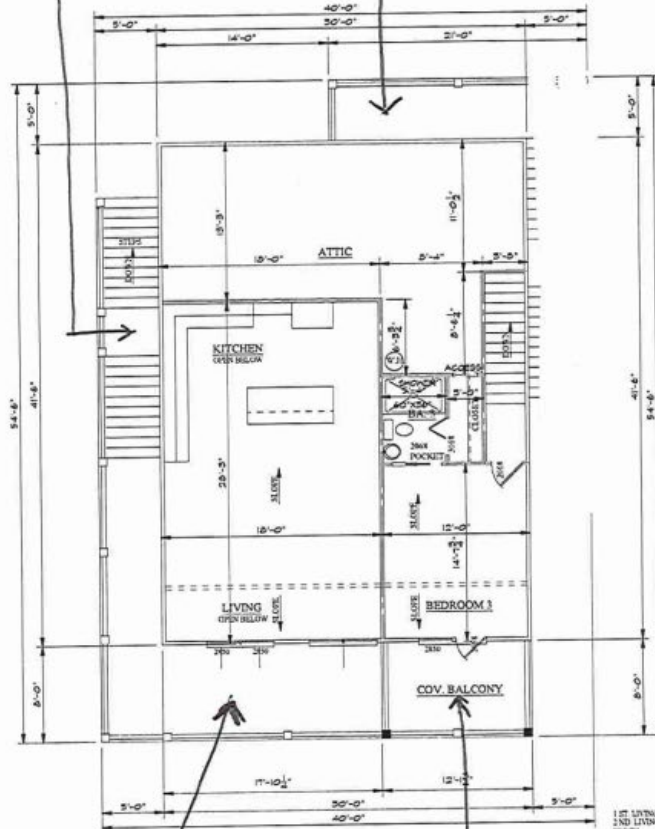
# Survey with Decking



# Floor Plans



1 ST. FLOOR PLAN



## 2 ND. FLOOR PLAN

|               |             |        |
|---------------|-------------|--------|
| 1ST LIVING    | 1240        | } 1.50 |
| 2ND LIVING    | 761         |        |
| PORCH         | 185         |        |
| DECK          | 260         |        |
| CLOV. DECK    | 98          |        |
| CLOV. BALCONY | 58          |        |
| <b>TOTAL</b>  | <b>2197</b> |        |

CEILING HEIGHT 8'4" UP AND DOWN

**STEWART**  
PLANNING SERVICE, INC.  
601 BEL AIR BLVD., SUITE 400  
MOBILE, ALA. 36605  
PHONE: 251-478-8015  
STEWARTPLANNING@aol.com

A RESIDENCE FOR:  
**JEFF PARKER**  
LOT NO. 9 UNIT B  
FORT MORGAN PINES SUBDV.  
BALDWIN, ALABAMA

Sheet Title:  
FLOOR PLANS

IT IS THE INTENT OF  
DOCUMENTS TO PROVIDE  
INFORMATION TO THE  
CONTRACTOR TO COMPLY  
PROJECT REQUIREMENTS. IT IS  
THE RESPONSIBILITY OF THE  
CONTRACTOR, CHAIRMAN,  
COMMISSIONER, AND ALL  
AGENCIES PRIOR TO COMPLY  
WITH THE REQUIREMENTS  
AND CONDITIONS. THE  
CONTRACTOR SHALL BE  
RESPONSIBLE FOR THE  
COMPLIANCE.

COPYRIGHT © 2023  
STEWART PLANNING  
SERVICE, INC.

Series  
 $1/4" = 1/8"$

Scale: 1:4" = 1'-0"

Plan No. \_\_\_\_\_

|        |
|--------|
| (ABC)  |
| Notes: |

MAY, 2002

Sheet No: 1

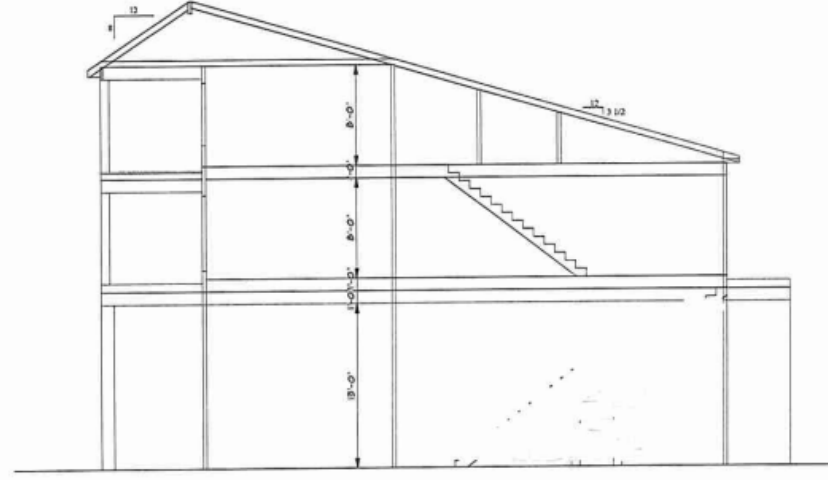
A-1



# Elevations



FRONT ELEVATION



SECTION

STEWART  
PLANNING SERVICE, INC.  
601 EEL AVE. BLDG. SUITE 400  
BALDWIN, ALABAMA 36601  
PHONE: 251-478-8073  
STEWARTPLANNING@GMAIL.COM

A RESIDENCE FOR:  
**JEFF PARKER**  
LOT NO. 9 UNIT B  
FORT MORGAN FINES SUBDIV.  
BALDWIN, ALABAMA

Sheet Title:  
ELEVATIONS

IT IS THE POLICY OF STEWART  
PLANNING SERVICE, INC. TO  
PROVIDE THE MOST ACCURATE  
INFORMATION TO THE CLIENT.  
HOWEVER, THE INFORMATION  
IS PROVIDED AS IS, WITHOUT  
WARRANTY, AND THE CLIENT  
SHOULD CONSULT WITH A  
PROFESSIONAL ENGINEER OR  
ARCHITECT FOR ALL  
CONSTRUCTION DETAILS.  
STEWART PLANNING SERVICE, INC.  
DOES NOT ASSUME ANY  
LIABILITY FOR ANY  
CONSTRUCTION DEFECTS.

COPYRIGHT © 2022  
STEWART PLANNING  
SERVICE, INC.

Scale:  
1/4" = 1'-0"

Plot No:  
6835

Date:  
MAY, 2022

Sheet No:  
A-2

# USFW Documents

**Jeff Parker**

---

**From:** Lynn, William <william\_lynn@fws.gov>  
**Sent:** Wednesday, August 17, 2022 10:53 AM  
**To:** Jeff Parker  
**Subject:** Re: [EXTERNAL] Need Correction to ABM Email

Jeff,

I am sorry about that. Tax Pln 6622 and 110287 are both not located in ABM habitat. Thus, you will not need a permit from us to develop.

Thanks,

Bill

\*\*\*\*\*

Bill Lynn  
Certified Wildlife Biologist  
Alabama ES Field Office  
1208B Main Street  
Daphne, AL 36526  
251-331-2920 Cell  
251-441-5868 Office  
251-441-6222 Fax  
<http://www.fws.gov/daphne/>

\*\*\*\*\*

# Fort Morgan Advisory Committee Recommendation

ZVA22-70-Rehwoldt

ZVA22-69- Parker

These 2 cases were discussed sequentially as they are adjoining, and the requests both involved setbacks of reasonably similar, though not identical distance

The FMPZAC believed both were reasonable requests with to accommodate  
The properties nearby indicate variances up to these amounts may have been common

In addition, a physical inspection and walkover showed the bulkheads protecting this area to be well built and maintained

The vote to recommend granting these variances was 4-0



# Miscellaneous Documents

## No POA Statement

DATE: 8/16/22

RE: POA for Lot 9 Ft. Morgan Pines, Gulf Shores AL

(2407 Choctaw Rd.)

There is no subdivision association, board, or committees associated with this property.

Owner



Jeff Parker

# Miscellaneous Documents

**Jeff Parker**

---

**From:** larry rehwoldt <lrjeep2@hotmail.com>  
**Sent:** Tuesday, August 16, 2022 5:46 PM  
**To:** jparker@murney.com  
**Subject:** letter

I am the owner of lot 8 Ft Morgan pines. I do not object to granting a variance to the south side set back of lot 9.  
Larry Rehwoldt.

# Staff Analysis and Findings

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 18.4 Variances, and Article 20: Nonconformities, the area and dimensional ordinances set forth below shall be observed.

|                                     |                    |
|-------------------------------------|--------------------|
| Maximum Height of Structure         | 35-Feet            |
| Maximum Height in Habitable Stories | 2 ½                |
| Minimum Front Yard                  | 30-Feet            |
| Minimum Rear Yard                   | 30-Feet            |
| Minimum Side Yards                  | 10-Feet            |
| 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                |

## 12.5.2

(f) All buildings or structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.



# Staff Analysis and Findings

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

Per Revenue the subject property is Lot 9 Block B of Fort Morgan Pines Subdivision and was recorded with the Baldwin County Judge of Probate on July 12, 1955. Planning District 25 came into effect on November 16, 1993. Per Revenue the parcel consists of approximately 5,227 square feet with approximately 48' along the rear (Choctaw Road) lot line, approximately 124' along the north lot line, approximately 48' along the front (Mobile Bay) lot line, and approximately 125' along the south lot line. The required minimum lot size for RSF-1 is 30,000 square feet with a 100' minimum lot width at building line, and a 50' minimum lot width at street line therefore **staff does perceive the subject parcel to be exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance.**

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

**The subject property is located on Mobile Bay in a V-Zone which requires a 50' setback from the mean high tide. Staff perceives this could be considered an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property which require a variance.**

# Staff Analysis and Findings

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

The subject property is zoned RSF-1, Single Family District which allows for single-family dwelling and accessory uses to that. The request is to allow for the construction of a single-family dwelling. Staff perceives the small square feet and lot lines of the subject property constitutes a necessity for preservation of a property right that would require a variance.

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

Staff anticipates no major impacts, therefore staff does not believe the granting of this application will impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

# Staff Analysis and Findings

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

The applicant has submitted documentation from U S Fish and Wildlife stating an Incidental Take Permit is **not required** for the subject property.

The applicant has submitted a written statement verifying there is **no active subdivision association, board, or committee** for the subject property.

The applicant has submitted a written statement of **no opposition** from the adjacent property owner of Lot 8.

**Staff perceives the small lot size of the subject property could establish a hardship, therefore recommends Case ZVA65-69 be Approved** unless information otherwise is revealed at the public hearing.



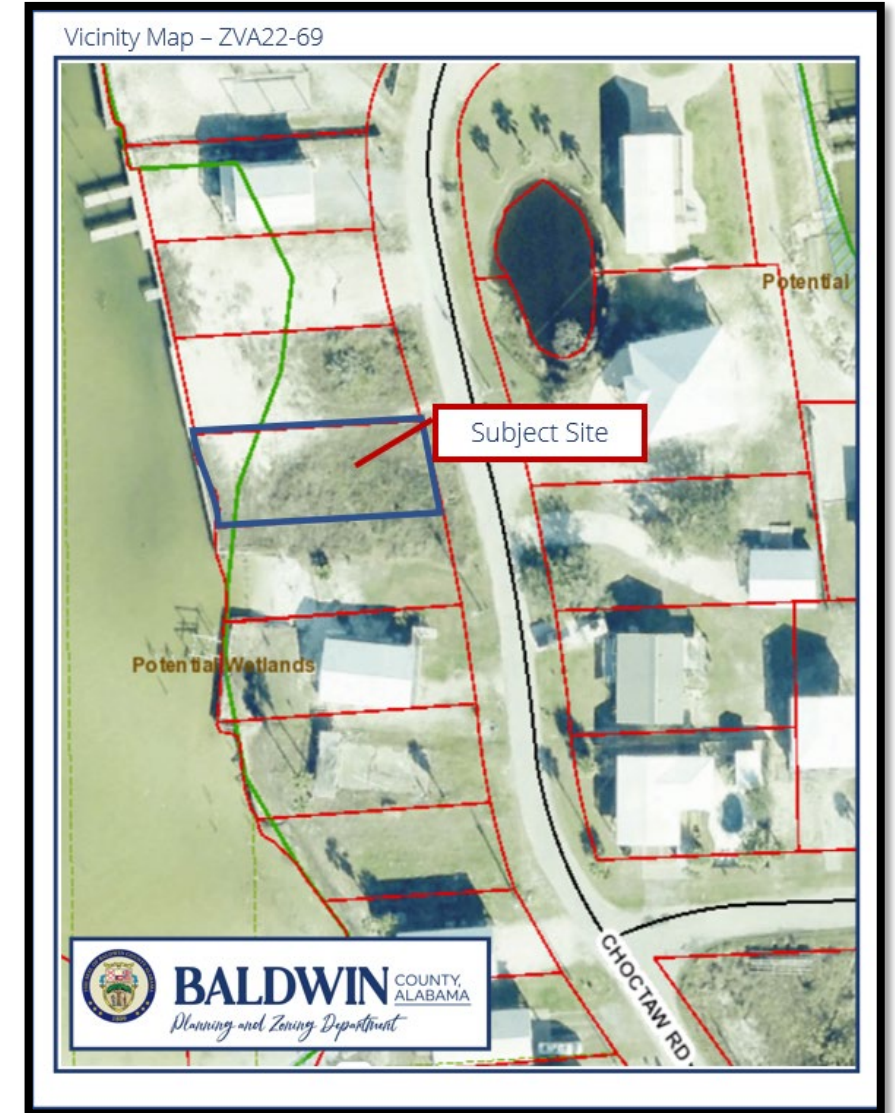
# ZVA22-69 PARKER PROPERTY

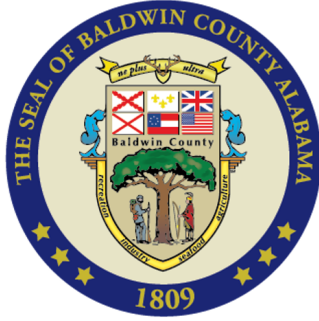
## VARIANCE REQUEST

Lead Staff: Paula Bonner, Planning Technician

The applicant is requesting a variance from Section 4.2.5 and Section 12.5.2(f) of the Baldwin County Zoning Ordinance as it pertains to the sides and V-Zone setbacks to allow for the construction of a single-family dwelling.

Staff perceives the small lot size of the subject property a hardship therefore recommends Case ZVA22-69 be **Approved** unless information otherwise is revealed at the public hearing.





**BALDWIN** COUNTY,  
ALABAMA

*Planning and Zoning Department*

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

SEPTEMBER 8, 2022

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

# ZVA22-000070 REHWOLDT PROPERTY

## VARIANCE REQUEST

Lead Staff: Cory Rhodes, Planner

- **Parcel #:** 05-69-08-02-0-005-021.001
- **Planning District:** 25    **Zoned:** RSF-1
- **Location:** Subject Property is located in Fort Morgan Pines, Lot 8, Block B
- **Acreage:** 0.16
- **Physical Address:** 2409 Choctaw Road  
Gulf Shores, AL 36542
- **Applicant:** Larry Rehwoldt
- **Owner:** Larry Rehwoldt





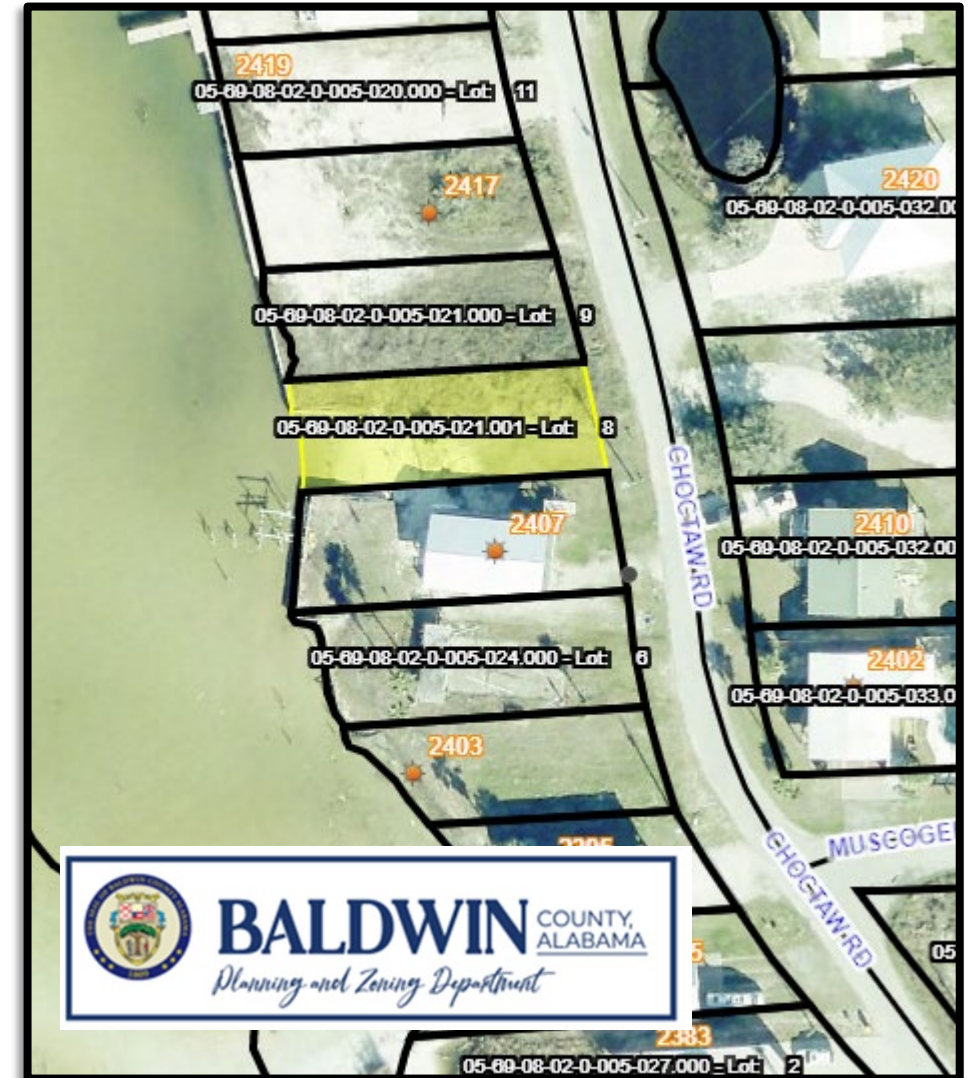
# ZVA22-000070 REHWOLDT PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Cory Rhodes, Planner

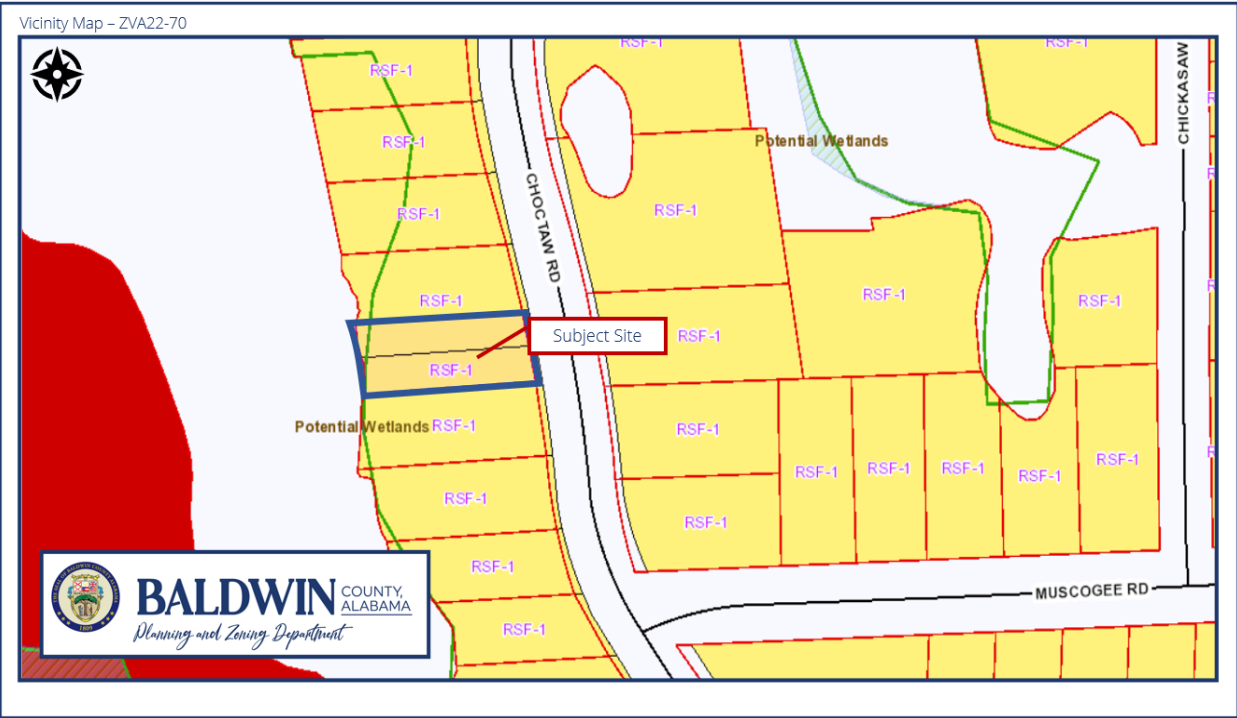
The applicant is requesting a variance from section 4.2.5 and section 12.5.2(f) of the Baldwin County Zoning Ordinance as it pertains to the front V-zone and side setbacks to allow for construction of a single-family dwelling. The proposed dwelling will be **xx** feet from the mean high tide instead of the required 50 feet and the south side will be 8.4 and 8.5 feet to the property line instead of the required 10 feet.

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



# Locator Map

# Site Map



|       | Adjacent Zoning                  | Adjacent Land Use |
|-------|----------------------------------|-------------------|
| North | RSF-1, Residential Single Family | Vacant            |
| South | RSF-1, Residential Single Family | Residential       |
| East  | RSF-1, Residential Single Family | Residential       |
| West  | N/A                              | Mobile Bay        |



# Property Images



Subject Property



Aug 24, 2022 10:19:03 AM



# Property Images

Adjoining Property  
to The South



Aug 24, 2022 10:19:22 AM



# Property Images

Adjoining Property  
to The North



VARIANCE  
PROPOSED  
FOR THIS PROPERTY  
ZVA22-000069  
For Additional Information, Call  
Planning Dept. at (251) 580-1655

Aug 24, 2022 10:18:34 AM



# Property Images



Property Across  
The Street

Aug 24, 2022 10:20:56 AM



# Property Images



Aug 24, 2022 10:21:11 AM



# Property Images

Property Across The  
Street



Aug 24, 2022 10:20:42 AM



# Property Images

Property Across  
The Street



Aug 24, 2022 10:21:20 AM



# Site Plan

STATE OF ALABAMA)  
BALDWIN COUNTY)

Site Plan

I, Trent R. Wilson, a Professional Land Surveyor, hereby certify that I have surveyed Lot 8, BLOCK B, FORT MORGAN PINES SUBDIVISION, as recorded in Slide 274-A, in the Office of the Judge of Probate, Baldwin County, Alabama; and hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of 8/8/2022. Survey invalid if not sealed in red.

Order No.: 7026  
Client:  
Address: Choctaw Rd

*Trent R. Wilson*  
Trent Wilson PLS #34764  
Weygand Wilson Surveying LLC  
229 E. 20th Ave., Suite 12  
Gulf Shores, AL 36542  
Phone: (251)-975-7555

**W** EYGAND  
ILSON  
SURVEYORS

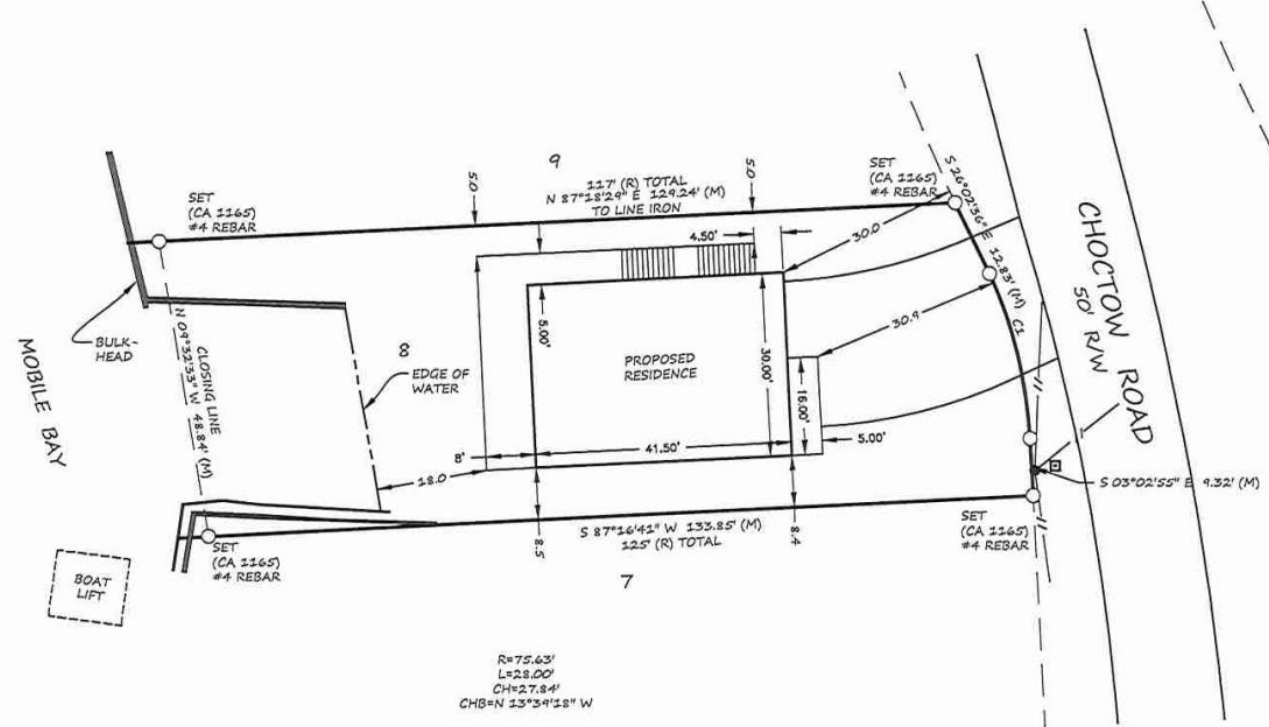
NOTES:  
1. BEARINGS BASED ON ASTRONOMIC NORTH  
AS OBTAINED BY GPS OBSERVATION.  
2. REVISED TO CORRECT LABELING ERROR 6/19/22.  
3. SITE PLAN 8-8-22

Note:  
(a) No title search of the public records or abstract of title has been performed by this firm. The parcel shown hereon is subject to setbacks, zoning, easements, rights of way and/or restrictions whether or not of record.  
(b) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted.  
(c) This survey is intended for the sole use of the client shown hereon, valid for a period of 6 years from the date of survey and non-transferable.

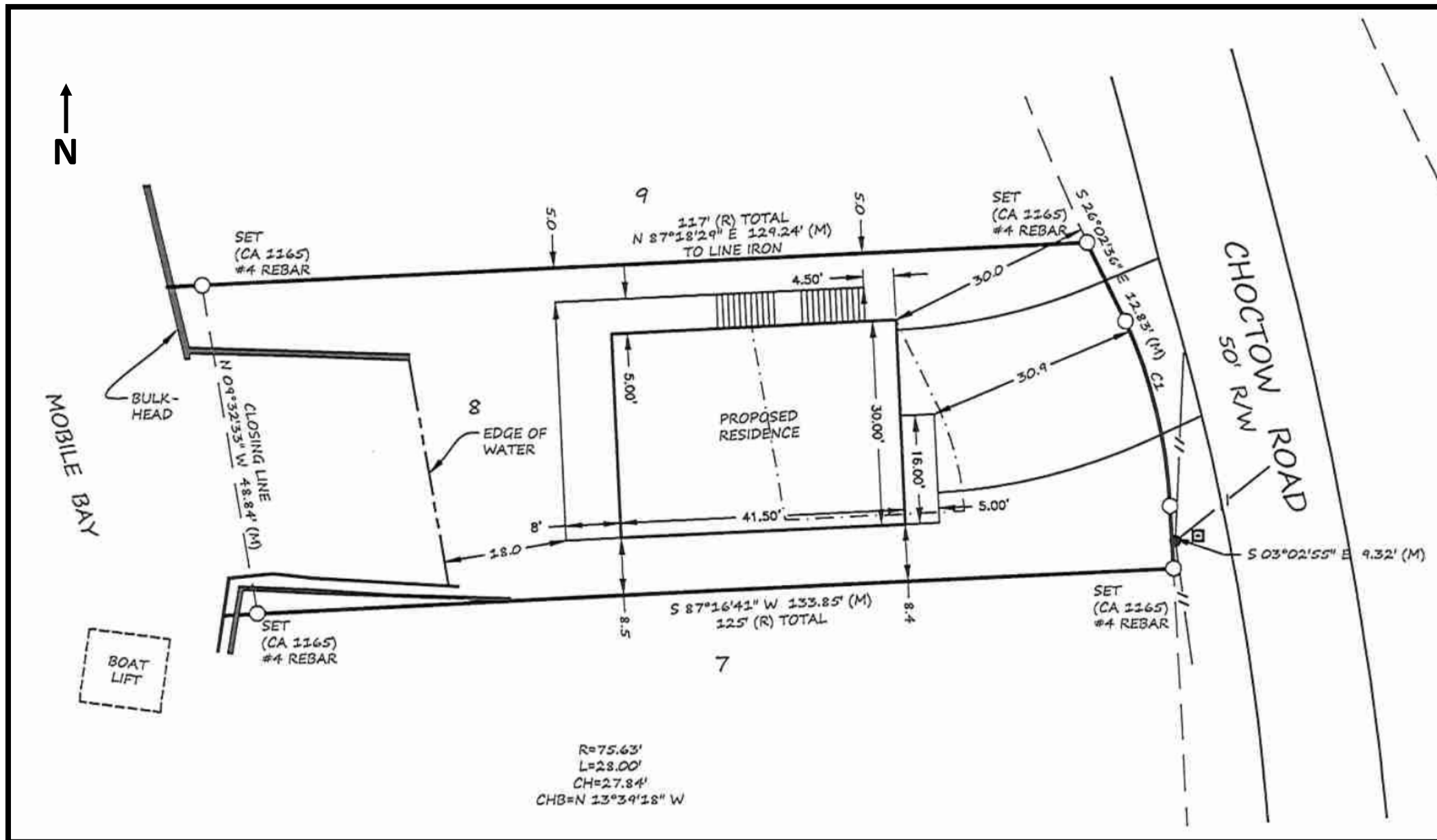


SCALE: 1"=20'

| LEGEND             |                        |
|--------------------|------------------------|
| BLDG               | BUILDING               |
| CALC               | CALCULATED             |
| CH                 | CHORD                  |
| D                  | DELTA                  |
| MH                 | MANHOLE                |
| R                  | RADIUS                 |
| R/W                | RIGHT OF WAY           |
| S.F.               | SQUARE FEET            |
| A/C                | AIR CONDITIONER        |
| ●                  | UTILITY POLE           |
| ○                  | ANCHOR                 |
| —                  | WALL                   |
| CONC               | CONCRETE               |
| W                  | WATER METER            |
| S                  | SEWER BOX              |
| IR                 | IRRIGATION CONTROL BOX |
| WV                 | WATER VALVE            |
| FH                 | FIRE HYDRANT           |
| UB                 | UTILITY BOX            |
| LP                 | LIGHT POLE             |
| SP                 | STAKING POINT          |
| (M)                | MEASURED               |
| (R)                | RECORDED               |
| CM                 | CONCRETE MONUMENT      |
| FENCE              | — X —                  |
| OVERHEAD UTILITIES | — // —                 |



# Zoomed Site Plan



# Zoning Requirements

## Section 12.5 Yard Requirements

### 12.5.2 Yard requirements shall be modified subject to the following conditions:

- (a) Through lots shall provide the required front yard on each street.
- (b) Decks and unroofed porches may project into a required front yard for a distance not to exceed 5-feet and a required rear yard not to exceed 10-feet.
- (c) Uncovered steps and handicap ramps may project into a required front, or side yard for a distance not to exceed 5-feet and a rear yard not to exceed 10-feet.
- (d) On a corner lot, the side yard from the side lot line which abuts a street shall be a minimum of 20-feet.
- (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.
- (f) All buildings or structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.

## 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.

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

|                                     |                    |
|-------------------------------------|--------------------|
| Maximum Height of Structure         | 35-Feet            |
| Maximum Height in Habitable Stories | 2 ½                |
| Minimum Front Yard                  | 30-Feet            |
| Minimum Rear Yard                   | 30-Feet            |
| Minimum Side Yards                  | 10-Feet            |
| 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                |



# Fort Morgan Advisory Committee Recommendation

ZVA22-70-Rehwoldt

ZVA22-69- Parker

These 2 cases were discussed sequentially as they are adjoining, and the requests both involved setbacks of reasonably similar, though not identical distance

The FMPZAC believed both were reasonable requests with to accommodate  
The properties nearby indicate variances up to these amounts may have been common

In addition, a physical inspection and walkover showed the bulkheads protecting this area to be well built and maintained

The vote to recommend granting these variances was 4-0

# Letter from POA

## No POA Statement

DATE: 8/16/22

RE: POA for Lot 8 Ft. Morgan Pines, Gulf Shores AL

There is no subdivision association, board, or committees associated with this property.

Owner

Rehwoldt Properties LLC

Larry Rehwoldt



# Miscellaneous Document

**Jeff Parker**

---

**From:** Lynn, William <william\_lynn@fws.gov>  
**Sent:** Thursday, August 11, 2022 8:20 AM  
**To:** jparker@murney.com  
**Subject:** Re: Email verifying lots are not in ABM habitat.

Jeff,

Yes, both of these lots are not in an ABM habitat area (Tax Pin 6682, 110287).

Thanks,

Bill

\*\*\*\*\*  
Bill Lynn  
Certified Wildlife Biologist  
Alabama ES Field Office  
1208B Main Street  
Daphne, AL 36526  
251-331-2920 Cell  
251-441-5868 Office  
251-441-6222 Fax  
<http://www.fws.gov/daphne/>  
\*\*\*\*\*

**OUR VISION: "Together, we will connect lands and waters to sustain fish, wildlife and plants by being visionary leaders, bold innovators and trusted partners, working with and for people."**

**NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.**

---

**From:** Jeff Parker <USFWS@fws.gov>  
**Sent:** Wednesday, August 10, 2022 4:37 PM  
**To:** Lynn, William <william\_lynn@fws.gov>  
**Subject:** Email verifying lots are not in ABM habitat.

\*This email has been sent to you via "send a message" on your FWS.gov profile.\* Submitted on Wed, 08/10/2022 - 21:37 \*Age\* I am 13 years old or older \*Your name\* Jeff Parker \*Your email address\* jparker@murney.com [1] \*Subject\* Email verifying lots are not in ABM habitat. \*Message\* Mr. Lynn, this may be a repeat of an email you already received but I think I got a bounce back from your email address I had from my last project. I need a letter or email from you indicating that two lots we are trying to variances on are not in ABM habitat. The PPIN for Lot 9 is 6622 and for Lot 8 is 110287. I am trying to get a variance app in the portal for the next meeting and was hoping an email from you would suffice. I left you a voice mail yesterday. Thank You, Jeff Parker 417-827-0658 Submitted from William Lynn Path: <https://www.fws.gov/staff-profile/william-lynn> [1] mailto:jparker@murney.com



# Staff Analysis and Findings

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

Planning District 25 instituted county zoning in November 1993. The subject property is located at 2409 Choctaw Road. Per Revenue, the subject property is 6,240 square feet, which does not meet the RSF-1 minimum lot size of 30,000 square feet. The subdivision was platted pre-1960 and most lots are 50 feet wide. This lot is approximately 48 feet in width and 125 to 130 feet in length. The required minimum lot width is 100 feet at building line, and a 50 foot minimum lot width at street line. Based on the above information, there is indication of exceptional narrowness and slight shallowness which requires a variance.

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

The subject property is located within the VE flood zone, which requires a 50-foot building setback from the mean high tide. The measurement is xx feet, which indicates exceptional topographic conditions which would require a variance.

# Staff Analysis and Findings

**3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss. The subject property is zoned RSF-1 Single-Family Residential and will be used for this purpose (construction of a single-family dwelling).**

**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.**

Per information submitted by the applicant, there is **no active POA** associated with the property, and **no wetlands** or U.S. Fish & Wildlife requirements are needed.

# ZVA22-000070 REHWOLDT PROPERTY

## VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Cory Rhodes, Planner

### Staff's Comments and Recommendation:

The applicant is requesting a variance from the required 50-foot minimum front V-zone setback from mean high tide and 10-foot side yard setback to allow for construction of a single-family dwelling.

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

#### GENERAL NOTES {By-laws}

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

