

**Planning & Zoning Board of Adjustment Number 2**  
**November 4, 2021**  
**Regular Meeting Minutes**  
**Foley Satellite Courthouse, Large Meeting Room**

The Board of Adjustment Number 2 met in a regular session on September 9, 2021 at 3:30 p.m., in the Baldwin County Foley Satellite Courthouse Large Meeting Room. Chairman, Ernie Church called the meeting to order. Members present included: Samuel Mitchell, James Koeppen, Theron Mashburn, Harold Stephens, John Slaats, John Hilderbrandt and Johanna Moloney. Staff members present were Orie King, Code Enforcement Officer, Robert Brown, Planning Technician, and Linda Lee, Planner.

**Approval of Previous Meeting Minutes**

The first order of business was approval of the minutes from the September 9, 2021 meeting. Mr. Mitchell made a motion to approve the meeting minutes. The motion received a second from Ms. Moloney and carried unanimously.

Ms. Lee reviewed a short training presentation pertaining to the granting of a variance. Based on case law, variances should be issued sparingly and based on an unnecessary hardship on the land.

**AD-21003 Stevens Property**

Mr. Orie King presented the request from Mr. and Mrs. Stevens to Appeal the Administrative Decision as it relates to the issuance of a Notice of Violation for the occupancy of a recreational vehicle outside of a recreational vehicle park. The applicant requested suspension of any judicial action or fines, pending the result of further applications. Staff recommended that the notice of violation be upheld, and the appeal denied. Staff answered questions from the board members.

Mr. Mark Stevens spoke in favor of the appeal request and answered questions from the board. Mr. Stevens requested additional time to occupy the RVs while constructing their dwelling.

Mr. Paul Hammock, Mr. Bruce Austin, Mr. John Dorn, Randy Schoen and David Brown spoke in opposition of the appeal request.

Following a lengthy discussion, Mr. Slaats made a motion to deny the appeal but suspend enforcement for 60 days to receive a building permit and 90 days to commence construction and complete construction within 360 days of this meeting. The motion received a second from Mr. Mitchell and carried unanimously.

**V-210038 Wahlbom Property**

Mrs. Lee presented the applicant's request for approval of a variance from the front setback requirement to allow for the construction of a swimming pool. Staff recommended that the variance request be denied.

Mr. Ryan Wood spoke in favor of the variance request and answered questions from the board.

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

**V-210039 Jones Property**

Mrs. Lee presented the applicant's request for approval of a variance from the side setback requirement to allow for the construction of a deck/handicap ramp. Staff recommended that the variance request be denied.

Mr. Nick Estes 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. The motion received a second from Mr. Hilderbrandt and carried unanimously.

**ZVA21-000002 Owen Property**

Mrs. Lee presented the applicant's request for approval of a variance from the jurisdictional wetlands setback requirement to allow for the construction of a modular home. Staff recommended that the variance request be approved.

Mr. Ed Whitson 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. The motion received a second from Mr. Mitchell and carried unanimously.

**ZVA21-000003 Fort Morgan VFD Property**

Mrs. Lee presented the applicant's request for approval of a variance from the wetlands setback requirement to allow for the construction of a new fire station. Staff recommended that the variance request be approved.

Mr. Michael Ludvigsen spoke in favor of the variance request.

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

**SE-21010 Weaver Property**

Mrs. Lee presented the applicant's request for approval of a special exception to allow for an auto repair business and auto sales. Staff recommended approval of the special exception request.

Mr. Weaver spoke in favor of the special exception request and answered questions from the board.

Mr. Mitchell made a motion to approve the special exception request. The motion received a second from Mr. Hilderbrandt and carried unanimously.

**New Business – Approval of 2022 Meeting and Deadline Calendar**

Mrs. Lee reviewed the proposed calendar for 2022. Mr. Mitchell made a motion to approve the 2022 calendar. The motion received a second from Ms. Moloney and carried unanimously.

**Adjournment**

There being no further business to come before the board the meeting was adjourned at 5:56 p.m.

Respectfully Submitted,

Linda Lee, Planner

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I hereby certify that the above minutes are true, correct and approved this 9<sup>TH</sup> day of  
DECEMBER, 2021.

  
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Ernie Church, Chairman