



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

AUGUST 18, 2026

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

AAD26-2 BAY RETREAT PROPERTY

APPEAL OF ADMINISTRATION DECISION

Lead Staff: Celena Boykin, Planning Manager

- **Planning District:** 26
- **Zoned:** RSF-1, Single-Family District
- **Location:** The subject property is located on the west of Scenic 98 and north of Battles Wharf Dr
- **PID:** 05-45-07-25-0-000-058.000
- **PPIN:** 16910
- **Physical Address:** 18249 Scenic Hwy 98
- **Applicant:** Art Dyess
- **Owner:** Bay Retreat Inc



AAD26-2 BAY RETREAT PROPERTY

APPEAL OF ADMINISTRATION DECISION

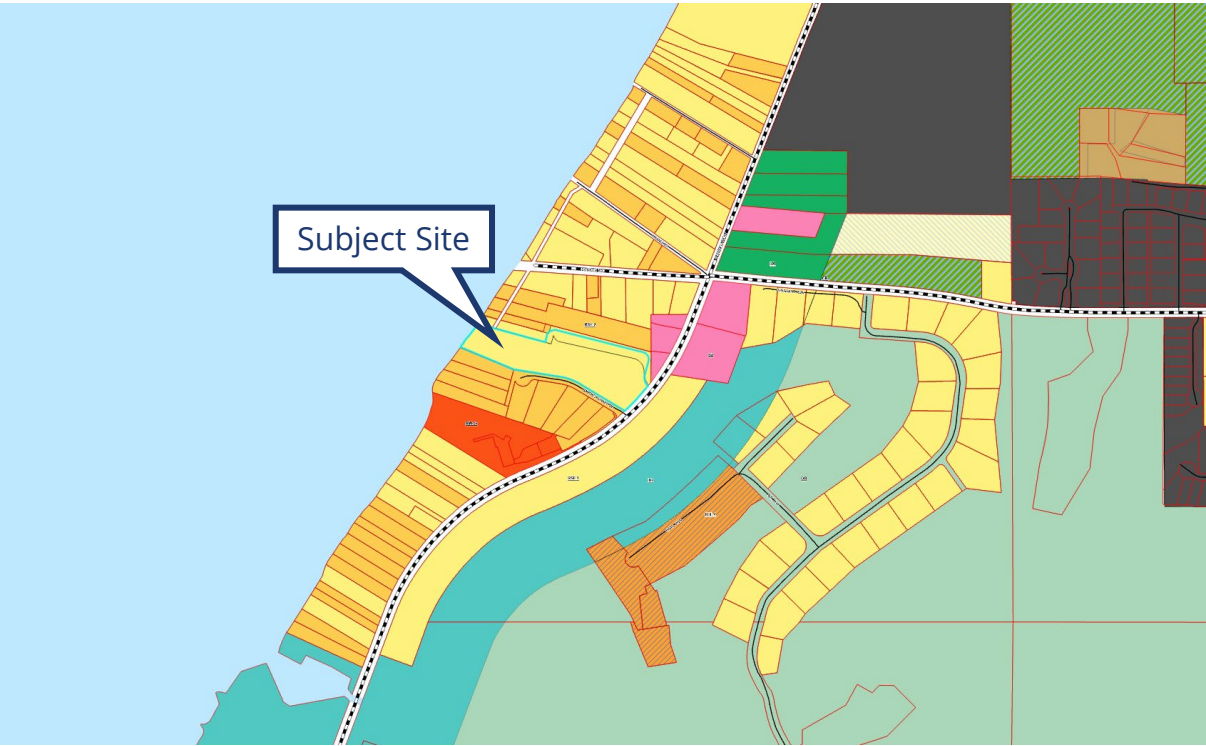
Lead Staff: Celena Boykin, Planning Manager

The applicant has formally appealed the administrative decision issued by the Baldwin County Planning Director concerning the interpretation of Article 22 of the Zoning Ordinance, specifically relating to "churches or similar religious facilities" and "event venues" in connection with the operations at the Baytreat property.

Staff recommends that case ADD26-2 be Denied.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-1, Residential Single Family	Residential
South	RSF-2, Residential Single Family	Residential
East	RSF-1, Residential Single Family	Residential
West	Water Body	Mobile Bay

Subject
Property
PIN: 16910



Aug 11, 2026 9:35:06 AM
5410 -A Battles Wharf Drive
Fairhope
Baldwin County
Alabama



Adjoining
Property to
The North
PIN: 8348



Aug 11, 2026 9:35:43 AM
18251 Fairhope
Baldwin County
Alabama



Adjoining
Property to
The South
PIN: 109615



Aug 11, 2026 9:31:15 AM



Property to the
East
PIN: 47822

Aug 11, 2026 9:32:37 AM
18240 Scenic Highway 98
Fairhope
Baldwin County
Alabama

Timeline Leading up to Appeal

Staff received a couple of complaints about weddings/receptions being held at Baytreat.

5-22-26 – Code Enforcement sent a warning letter to Baytreat about the complaints they received.

5-26-26 - Staff received another complaint about a wedding

6-5-26 – Jay met with attorneys for Baytreat and asked them to provide a narrative summary of services offered at this facility in support of the church.

6-9-26 – Staff received another complainant.

6-17-26 - Jay received documentation from attorney regarding the various activities and groups that are held at the property for the benefit of Trinity Presbyterian Church.

6-24-26 - Jay sent email response to attorney stating that after review it was determined that there is no violation on the property. Jay emailed a letter with the administrative determination.

6-25-26 – Staff spoke with Mr. Dyas to inform him of the administrative determination. Mr. Dyas did not agree with the determination.

6-28-26 - Mr. Dyas sent email with response to the administrative decision requesting to appeal through BOA.

What is a “Church or Similar Religious Facility”?

Church or similar religious facility. A place or structure(s) of assembly, and associated structures located on the same site, where religious worship, including education and outreach, is primarily or exclusively conducted.

P= Permitted Use C= Conditional Use

	RR	RA	CR	BCZ	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB ≤4000sf	LB >4000sf	MR	OR	TR	M-1	M-2
INSTITUTIONAL USES (CONTINUED)																												
Auditorium, stadium, coliseum	C	C	C															C	C								P	P
Business school or college	C	C	C															P	P								P	P
Cemetery (See Sections 2.3 and 13.7)	C	C/P	C		P													P	P								P	P
Church or similar religious facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P*	P*	P	P	P	P	P

What is an event venue?

Event Venue. An Event Venue is a facility where special events are permitted to occur as defined by this Ordinance. Event Venues are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a fee for the use of the facility such as for a fundraiser for a charitable non-profit organization. The infrequent hosting of events does not necessarily indicate the operation of an Event Venue. Facilities may operate entirely within a structure, outside of a structure, or both inside and outside a structure. Facilities must include improvements to accommodate special events, including access and circulation improvements, parking areas, water supplies and sewer systems, gathering areas, and other physical improvements necessary to accommodate special events.

	RR	RA	CR	BCZ	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RTF-4	RSF-6	RTF-6	RMF-6	HDR	RMH	B-1	B-2	B-3	B-4	RV-1	RV-2	LB ≤4000sf	LB >4000sf	MR	OR	TR	M-1	M-2
GENERAL COMMERCIAL USES (CONTINUED)																												
Elevator maintenance service	C																	P	P								P	P
Event Venue	C	C			C											C	C	P	P				C	P		P	P	P

Baytreat's Letter



June 10, 2026

VIA EMAIL AND U.S. MAIL

Mr. Jay Dickson, Planning & Zoning Director
Baldwin County Planning & Zoning
Central Annex A
22251 Palmer Street
Robertsdale, AL 36567
jdickson@baldwincountyal.gov

RE: 545 S. Mobile Street, Fairhope, AL

Dear Mr. Dickson:

Thank you for meeting with Mr. Chason and me concerning Baytreat, Inc.'s use of its property located at 545 S. Mobile St., Fairhope, Alabama 36532 (Parcel Number 05-45-07-25-0-000-058,000). As we discussed, the owner of the property is Baytreat, Inc., an Alabama non-profit corporation, and the grounds and facility are known colloquially as "Baytreat." As you can see by the enclosed Certificate of Formation of Baytreat, Inc., "The corporation is organized, and shall at all times be operated exclusively for charitable, educational and scientific purposes, within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States revenue law and which is hereinafter referred to as the "Code"), for the benefit of Trinity Presbyterian Church, Fairhope, Alabama, a non-profit agency that qualifies as an exempt organization under section 501(c)(3) of the federal tax code."

Baytreat, Inc.'s property is zoned RSF-1. Pursuant to Section 4.2.2(f) of the Baldwin County Zoning Ordinance, a "church or similar religious facility" is a permitted use as a matter of right in an RSF-1 zone. Further, Section 22.2 of the Ordinance, defines the term "Church or similar religious facility" as "[a] place or structure(s) of assembly, and associated structures located on the same site, where religious worship, including education and outreach, is primarily or exclusively conducted."

Baytreat, Inc. purchased this property on December 30, 2024 from Government Street Presbyterian Church which owned and operated Baytreat since 1957 as a sort of satellite facility. While Baytreat, Inc. holds the property as a separate non-profit corporation for the benefit of

Mr. Jay Dickson, Planning & Zoning Director
June 10, 2026
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Trinity Presbyterian Church, the facility has certainly continued to be used "primarily or exclusively" as a "church or similar religious facility." It is noteworthy that the property upon which Sacred Heart Catholic Church (and its rather large community center) is situated in Point Clear is also zoned RSF-1 but title is held by Camp Cullen, Inc., an Alabama non-profit corporation formed for the benefit of the Archbishop of Mobile, a Corporation Sole (the "Archdiocese"). I understand that the complaint which precipitated our meeting was based largely on the fact that weddings and receptions—an expected use for a "church or similar religious facility"—are hosted at Baytreat. However, Baytreat's calendar is filled with so many more activities that support Trinity Presbyterian Church, its ministries, witness and outreach partners, fellowship, education and worship. A list of activities from the past year follows:

1. Delivering Christian Wisdom Church- Women's Retreat
2. Baldwin Family Village- homeless women and children
3. First Baptist- Sunday school class
4. Family gatherings (Trinity Members)
5. First Presbyterian SC- youth group
6. Vacation Bible School
7. Presbyterian Home for Children in Talladega- children in foster care
8. Weddings/Receptions (must first submit a faith statement, approved by Baytreat, Inc.)
9. Living River Day Camp- children's day camp for Presbyterians
10. Fairhope Methodist – staff retreat
11. Trinity Youth Group
12. Trinity Women's Ministry
13. Men's Christian Retreat w Phil Hardin
14. Team Focus- ministry to youth
15. Prayer Group - Charlie Hill
16. Mulherin Home- disabled adults
17. Trinity Grief Support Group
18. Prayer Groups
19. Trinity New Member Dinner
20. Baytreat Board meetings
21. Trinity Men's Bible Study
22. Trinity Easter Egg Hunt
23. Christian Counselor Training
24. Presbytery South Alabama Women's Clergy
25. Baby showers (Trinity Members)
26. Clergy Retreat
27. Forest Park Bible Church Retreat
28. Book club (Trinity Members)
29. Trinity worship service
30. Trinity Christmas Open House
31. Presbytery Christmas Party
32. St Charles Ave Pres – youth confirmation retreat
33. Trinity Tables of 8 (Trinity members fellowship dinners)
34. Dunamis Retreat- gospel choir from the University of Mobile
35. Funeral reception

Mr. Jay Dickson, Planning & Zoning Director
June 10, 2026
Page 3

36. Knitting Group (Trinity Members)
37. Presbyterian Women meeting and luncheon
38. Trinity Elder Retreat
39. Family Promise- homeless families
40. Trinity Confirmation Retreat
41. Trinity Men's Retreat
42. Rehearsal dinner
43. Trinity "Faith Weavers" Sunday School Crawfish Boil

If you have any questions or wish to discuss this matter further, please feel free to call me.

Sincerely,

Brian P. Britt
Baytreat, Inc. Director

Planning Director's Letter



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

Robertsdale Office:
22251 Palmer Street
Robertsdale, AL 36567
251.580.1655

Foley Office:
201 East Section Avenue
Foley, AL 36535
251.580.1655

June 24, 2026
Mr. Brian Britt
Baytreat, Inc. Director
455 Magnolia Avenue, Suite C-1

Sent Via Electronic Mail: brian@kblawllc.com

Mr. Britt,

Thank you for meeting with me and for providing the follow-up letter dated June 10, 2026, which included the requested information regarding the ongoing uses and operations at the Baytreat property. As discussed during our meeting, the Baldwin County Zoning Ordinance permits "churches or similar religious facilities" within all zoning districts, including RSF-1, which is the current zoning designation of the Baytreat, Inc. property. Article 22 of the Baldwin County Zoning Ordinance defines a "church or similar religious facility" as "a place or structure(s) of assembly, and associated structures on the same site, where religious worship, including education and outreach, is primarily or exclusively conducted."

The information provided in your June 10, 2026 letter indicates that the Baytreat facility has been in continuous operation at this location since 1957, first by Government Street Presbyterian Church and, beginning in 2004, by Baytreat, Inc. The Certificate of Formation for Baytreat, Inc. establishes that the corporation "was organized, and shall at all times be operated exclusively for charitable, educational and scientific purposes, within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States revenue law), for the benefit of Trinity Presbyterian Church, Fairhope, Alabama, a non-profit agency." This documentation clearly affirms both the legal structure of Baytreat, Inc. and that the property it holds is maintained for the benefit of a legally established non-profit religious organization.

The zoning complaint submitted to the Baldwin County Planning and Zoning Department alleged that the Baytreat facility was operating as an "event venue." Article 23 of the Baldwin County Zoning Ordinance defines an "event venue" as "a facility where special events are permitted to occur as defined by this Ordinance. Event venues are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a fee for the use of the facility, such as for a fundraiser or a charitable non-profit organization. The infrequent hosting of events does not necessarily indicate the operation of an event venue."

Your June 10 letter listed 43 specific uses and primary activities occurring at the Baytreat facility, all of which are consistent with "religious worship, including education and outreach." Based on information from both the complainant and our discussion, it is my understanding that the facility hosts no more

than ten weddings and/or wedding receptions per year. It is common for churches and similar religious facilities to host weddings and related gatherings as subordinate uses to their principal religious functions. Therefore, the presence of occasional events such as weddings does not, in itself, constitute operation as an event venue.

Furthermore, the comprehensive list of activities you provided clearly demonstrates that the primary use of the property is for religious worship, education, and outreach. Accordingly, the use of the property meets the definition of a "church or similar religious facility" as set forth in the Baldwin County Zoning Ordinance.

Based on the information presented and summarized above, it is my determination that the Baytreat, Inc. property is operating in compliance with the Baldwin County Zoning Ordinance as a "church or similar religious facility," and there are no current code violations related to its use. The Baldwin County Planning and Zoning Department has closed the associated code complaint file, and it is my hope that this determination fully resolves the matter.

If you require any additional information, please contact the Baldwin County Planning and Zoning Department or the Baldwin County Building Department at 251-580-1655.

Sincerely,



Jay Dickson, AICP
Planning and Zoning Director
Baldwin County, AL

Based on the information presented and summarized above, it is my determination that the Baytreat, Inc. property is operating in compliance with the Baldwin County Zoning Ordinance as a "church or similar religious facility," and there are no current code violations related to its use. The Baldwin County Planning and Zoning Department has closed the associated code complaint file, and it is my hope that this determination fully resolves the matter.

An Email from Applicant

Good morning, Crystal. Attached are copies of a petition from the neighbors of the Baytreat property at Battles Wharf. These signatures represent 19 of 21 ownerships in close proximity to Baytreat who are significantly affected by the use of this facility as a wedding reception venue. Battles Wharf has always been a quiet community and is zoned RSF-1. The noise associated with these outdoor wedding receptions encroaches on the quiet enjoyment of all of these properties. Note that no one is opposed to the many uses to which the previous owner (Government Street Presbyterian Church) made of Baytreat. Outdoor amplified music with noise associated with 200-300 guests was not included in their use. The property owners of Battles Wharf should not be subjected to this type of noise encroachment at all.

It must be noted again the Baytreat facility is not a church, therefore, a wedding reception venue is not permitted. Outdoor amplified music into the late night is obnoxious at best. Please include this petition and associated signatures in the Board of Adjustment packages for hearing on August 18, 2026.

Thank you for your help.

Art Dyas
18261 Scenic Hwy 98
Fairhope, AL

The petition is an attachment at the end of the staff report.

AAD26-2 BAY RETREAT PROPERTY

APPEAL OF ADMINISTRATION DECISION

Lead Staff: Celena Boykin, Planning Manager

Summary

The Planning and Zoning Department received multiple complaints regarding weddings and events hosted at Baytreat, which is designated as RSF-1 (Residential Single Family) zoning. Baytreat asserts that it should be classified as a “church or similar religious facility.” The complainant, Art Dyess, believes that Baytreat should be considered an event venue, which is not permitted within RSF-1 zoning.

Following a meeting between the Planning Director and representatives of Baytreat, and after reviewing a written statement outlining the activities conducted on the property, the Planning Director has determined that “Baytreat Inc. is operating in accordance with the Baldwin County Zoning Ordinance as a ‘church or religious facility,’” and there are no current code violations related to its use.

Staff recommends that AAD26-2 be denied.

AAD26-2 BAY RETREAT PROPERTY

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Lead Staff: Celena Boykin, Planning Manager

GENERAL NOTES {By-laws}

Any party aggrieved by a final judgment or decision of the Board of Adjustment may within fifteen (15) days thereafter, appeal the final judgment to the Circuit Court of Baldwin County, Alabama, by filing with the Circuit Court and the Board of Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, the Board of Adjustment shall cause a transcript of the proceedings and the action to be certified to the Court where the appeal is taken.

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 #1

NEXT REGULAR MEETING

SEPTEMBER 15, 2026 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL