



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

APRIL 15, 2025

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

ZVA25-14 CREEL CONSTRUCTION LLC PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 39
- **Zoned:** BCZ, Base Community Zoning
- **Location:** The subject property is located on east side of Ferry Road at the end on Fish River
- **PID:** 05-55-03-06-0-001-040.003
- **PPIN:** 388022
- **Acreage:** 0.98
- **Physical Address:** 16236 Ferry Road
- **Applicant:** Ryan Creel
- **Owner:** Creel Construction LLC, Ryan Creel



ZVA25-14 CREEL CONSTRUCTION LLC PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

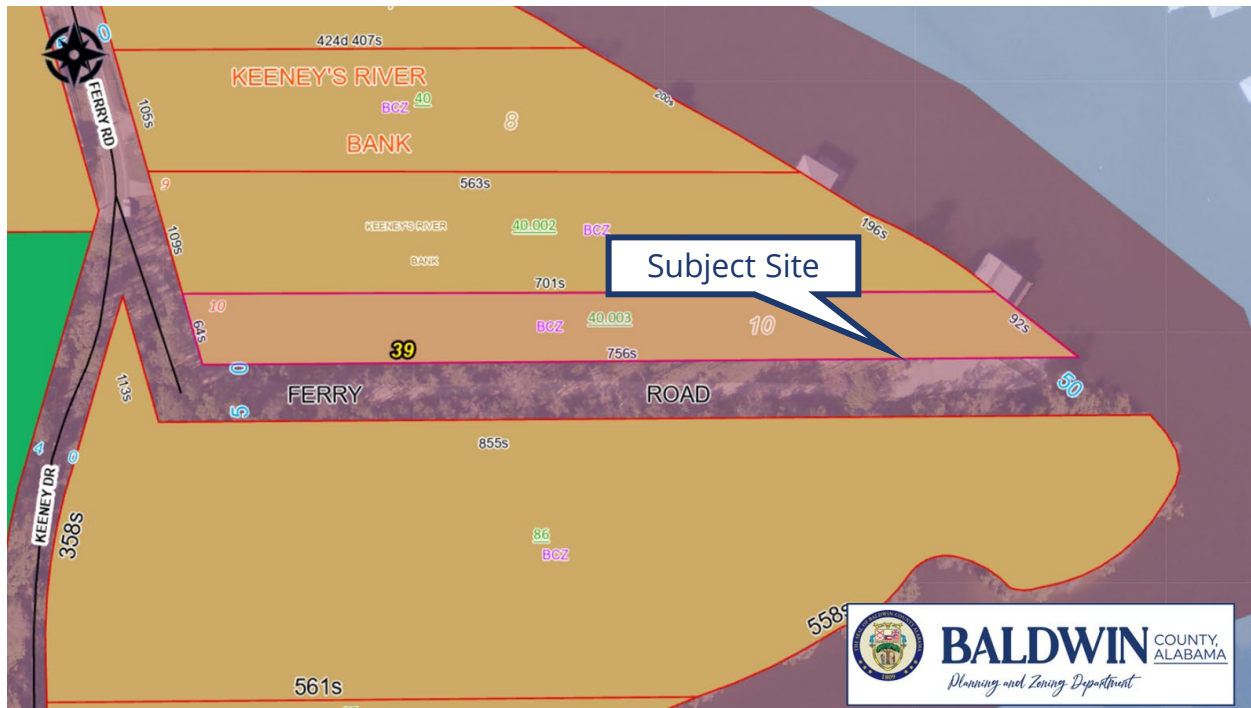
The applicant is requesting a variance from Section 3.4.5 (a) Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance regarding side setbacks to allow for a single-family dwelling.

The applicant is asking for a variance on the side property line to be 5' instead of the required 10'

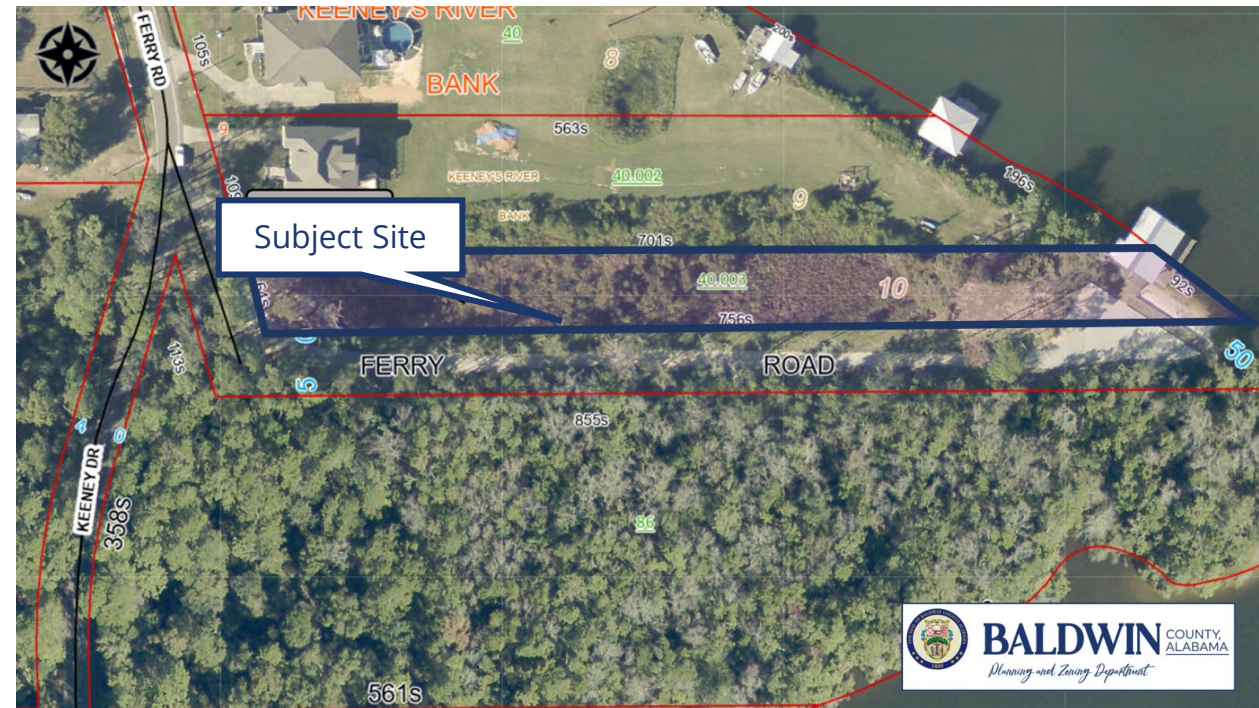
Staff recommends that ZVA25-16 be Approved.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	BCZ, Base Community Zoning	Residential
South	BCZ, Base Community Zoning	Vacant
East	RA, Rural Agriculture	Vacant
West	BCZ, Base Community Zoning	Residential



Subject Property
PIN: 388022



VARIANCE
PROPOSED
FOR THIS PROPERTY
Case Number
ZVA25-000014

For information Contact
Baldwin County Planning &
Zoning Department
(251) 580-1655

Scan 

Mar 26, 2025 1:45:42 PM
30°27'42.37517"N 87°48'17.24447"W
153° SE
Baldwin County Code Enforcement



Adjoining Property
to The North
PIN: 234619



Mar 26, 2025 1:46:01 PM
30°27'42.94206"N 87°48'17.43581"W
85° E

Baldwin County Code Enforcement



Property to The
West
PIN: 304794



Mar 26, 2025 1:48:08 PM
30°27'42.35144"N 87°48'17.84819"W
117° SE

Baldwin County Code Enforcement

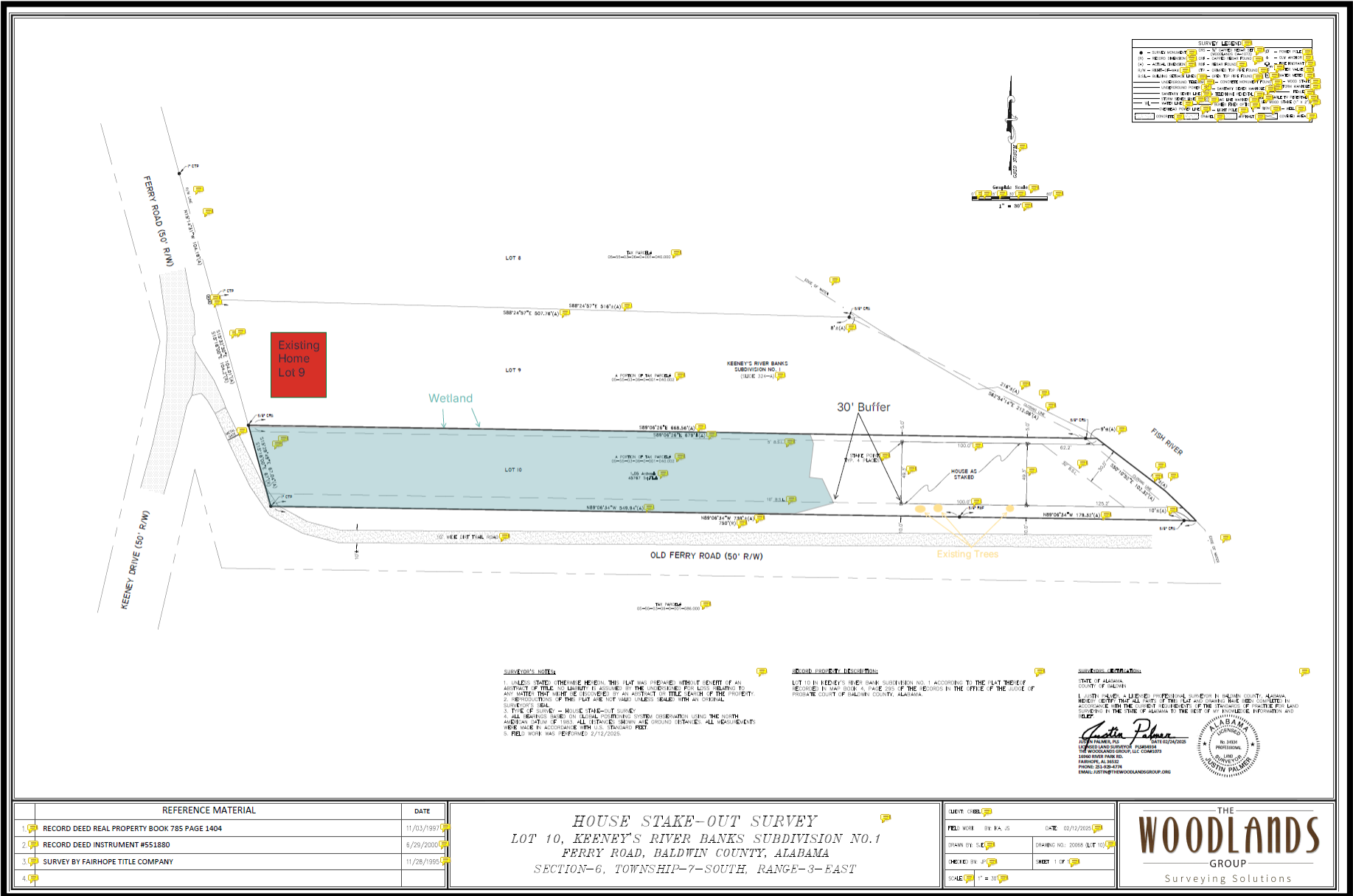


Property to The
South
PIN: 304796

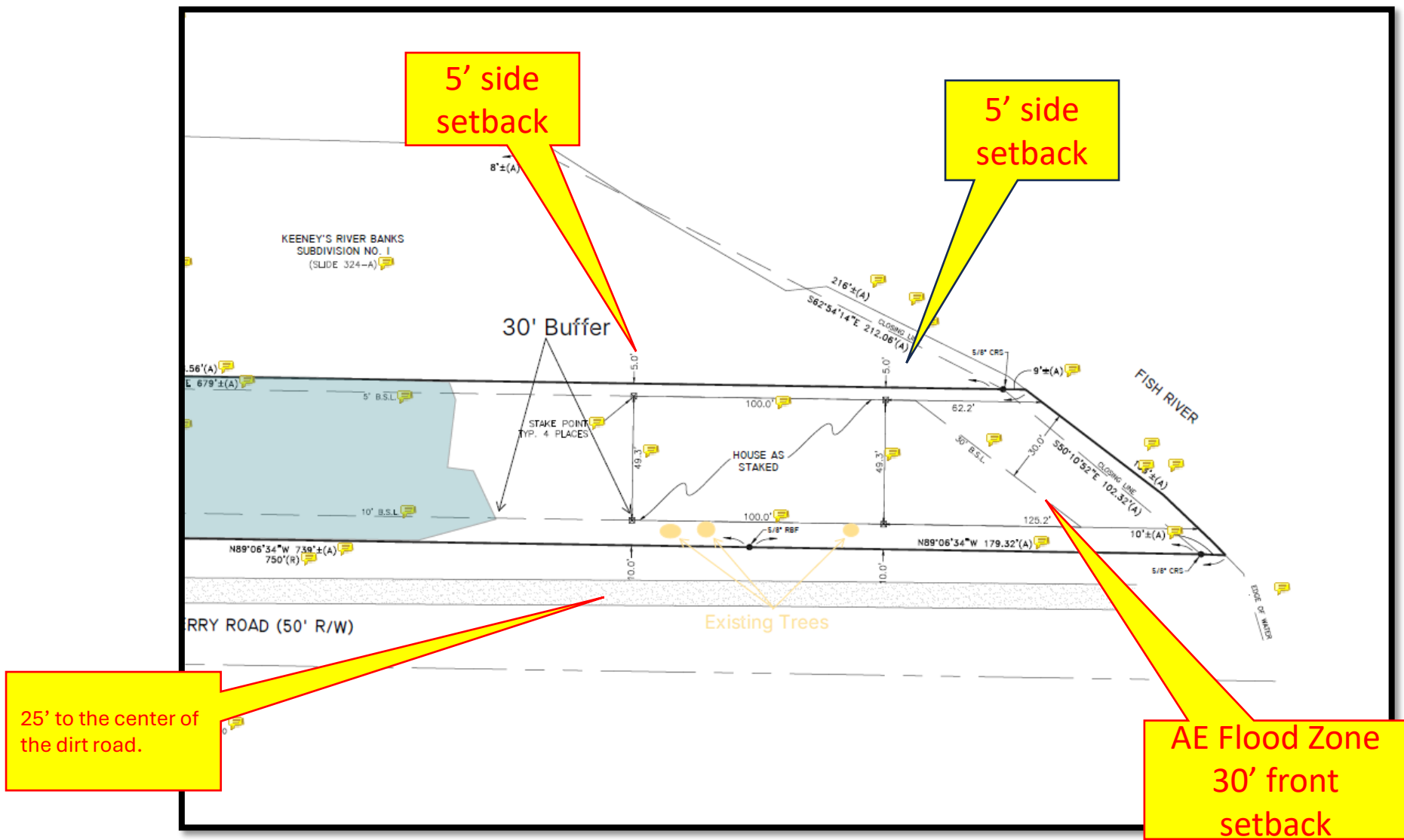


Mar 26, 2025 1:48:52 PM
30°27'42.03713"N 87°48'17.10241"W
250° W
Baldwin County Code Enforcement

Site Plan



Site Plan Enlarged



Wetland Delineation assessment



May 26, 2022

Ryan Creel
Creel Construction, LLC
PO Box 175
Montrose, AL 36559

Re: Wetland Assessment Report
16236 Ferry Road, Fairhope, Baldwin County, AL
WSI Reference #2022-452

Dear Mr. Creel,

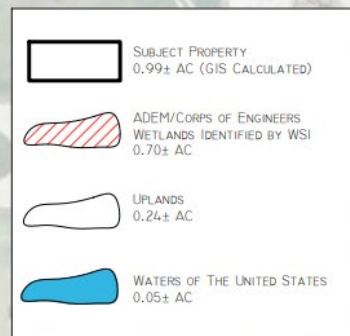
As requested, Wetland Sciences, Inc. has completed a field wetland delineation located at 16236 Ferry Road, in Fairhope, Baldwin County, Alabama. The parcels are identified by the Baldwin County Revenue Commission with the Parcel Identification Numbers (PIN): 388022. This assessment included an analysis 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 May 25, 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.

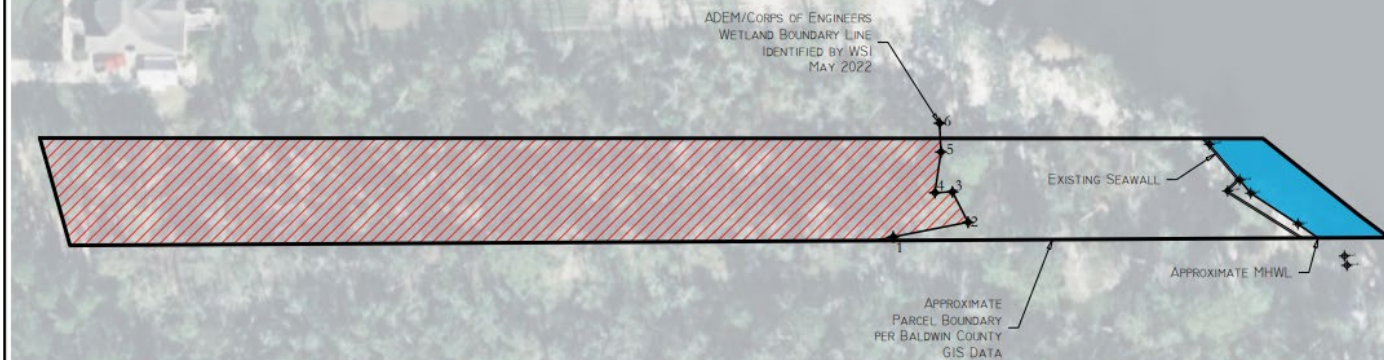
The wetland boundaries shown on the attached sketch were delineated in accordance with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Federal – Corps). The wetland boundary was identified in the field by progressively locating points 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



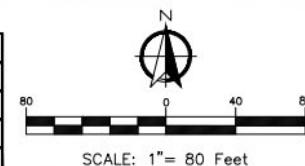
NOTE: THIS IS NOT A SURVEY. ALL DATA WITHIN THIS MAP ARE SUPPLIED AS IS, WITHOUT WARRANTY. THIS PRODUCT HAS NOT BEEN PREPARED FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES. USERS OF THIS INFORMATION SHOULD REVIEW OR CONSULT THE PRIMARY DATA SOURCES TO ASCERTAIN THE USABILITY OF THE INFORMATION.



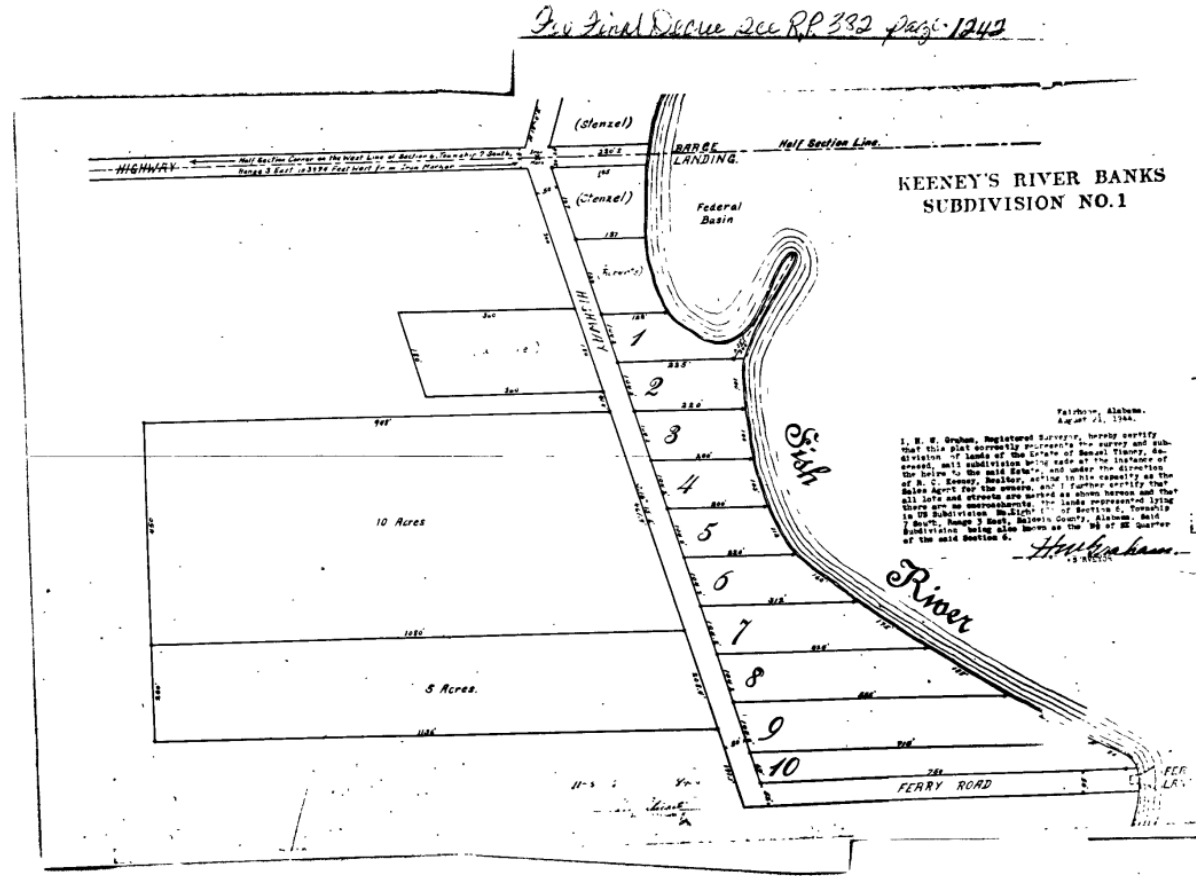
ENVIRONMENTAL CONSULTANTS

3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700
CRAIG@WETLANDSCIENCES.COM

PROJECT NAME:	FERRY ROAD
SKETCH OF WETLAND RESOURCES	
PROJECT NO.:	2022-452
DRAWN BY:	ZMJ
DATE:	05-25-2022
SHEET:	1



SUBDIVISION PLAT



Zoning Requirements

Section 3.4 BCZ, Base Community Zoning

3.4.1 Generally. This zoning district is designed to preserve the character and sense of place in Baldwin County's unique communities and natural resource areas. As a result, the district may be applied to a wide variety of lot sizes and uses located within rural and suburban communities. Thus, the Base Community Zoning District places an emphasis on ensuring changes from the existing state do not disrupt the character and quality of life in a rural or suburban community. The appropriate time to apply a Base Community Zoning designation will generally be at the inception of zoning in a new Planning District.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following institutional uses: church or similar religious facility; school (public or private).
- (d) Agricultural uses.
- (e) On parcels that are three (3) acres or greater in size, up to two (2) single family dwellings.
- (f) On parcels that are less than three (3) acres in size, a single-family dwelling and one accessory dwelling with a gross floor area no greater than 60% of the gross floor area of the primary dwelling.
- (g) Accessory structures and uses including a residential accessory structure on a vacant parcel.

(h) A Home Occupation that conforms with Section 13.3 of the Baldwin County Zoning Ordinance.

(i) All existing uses, unless one of the following changes is proposed:

- 1. A change that would trigger a Commission Site Plan Approval under *Section 18.10.3 Applicable Uses*.
- 2. Any division of land except an exempt division of land under Section 4.2 of the Baldwin County Subdivision Regulations or a division where each resulting parcel meets the minimum area and dimension requirements for Residential Single Family Residential Estate (RSF-E) District under Section 4.1.5 herein.

Under Base Community Zoning, a use that has been abandoned for a period of five (5) years shall no longer be considered an existing use. The intent to abandon shall be presumed from the cessation of business or the removal of equipment, goods, structures, or other aspects of such nonconforming use of the property.

3.4.3 Special exceptions. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions: Not Applicable

3.4.4 Conditional Use Commission Site Plan Approval. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process: Not Applicable

3.4.5 Area and dimensional regulations. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, and unless a change is triggered by *Section 3.4.2(i)*, the area and dimensional ordinances set forth below shall be observed for new construction:

(a) Primary Structures:

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

(b) Accessory Structures are not permitted in the front yard and shall be a minimum of 5-feet from property when located within the side or rear yard.

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.

Zoning in Planning District 39 came into effect on July 18, 2023. The lot recorded is 92' x 756' IRR ft Lot 10 of Keeney's River Bank Subdivision. It is .98 acres and the minimum lot size requirement for BCZ, Base Community Zoning District is 40,000 sf with a Minimum Lot Width at the Building Line of 120'. The subject property does not meet the minimum lot width of the parcel.

Staff believes that this is a hardship since the lot width at the building line is 64.5 feet wide.

Minimum lot size: **40,000sf** Actual lot size: **69,552 sf** Minimum Lot width: **120'** Actual Lot Width: **96'** Hardship: **YES**

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

The subject property does contain jurisdiction wetlands on the property or any other apparent exceptional topographic conditions.

Therefore, staff could establish exceptional topographical conditions or other extraordinary situations, or conditions contained on the property that would require a variance; however, the requested variance does not necessarily contemplate a hardship due to topographic conditions and thus this section is **not a factor** in the consideration of a zoning 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 currently zoned RSF-2, designated for Residential Single-Family, which permits a variety of residential and accessory uses. The applicant's request to construct a 5-foot setback instead of the standard 10-foot on the south side lot line appears to be reasonable, particularly considering that the opposite side borders an unopened county right-of-way intended for public access.

Due to some other factors and requirements for the property, staff believes that 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.

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 believe the granting of this application, **in general**, 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. However, staff cannot specifically assure and makes no warranty or guarantee that if granted the resultant variance will or will not 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 because the effect of the variance cannot be quantified at the time of consideration.

Staff Analysis and Findings

5.) Other matters which may be appropriate.

- The applicant has submitted a written document stating there is no active homeowner association for the subject property.
- No documentation in favor of or opposition to this variance request has been received at the time this staff report was written.

POA Statement

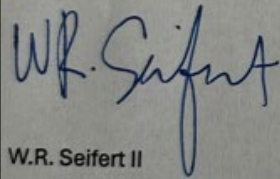
William R. Seifert II
P.O. Box 283
Point Clear, AL 36564
251.610.2938

February 21, 2024

To Whom it may concern:

To my knowledge, there is no existing neighborhood association with rules & restrictions governing our property located at 13753 Scenic Highway 98 in Fairhope, AL.

Respectfully,

A handwritten signature in blue ink, appearing to read "W.R. Seifert", is written over the printed name.

W.R. Seifert II

ZVA25-14 CREEEL CONSTRUCTION LLC PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

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The applicant is asking for a variance on the side property line to be 5' instead of the required 10'

Staff recommends that ZVA25-14 be Approved with the following conditions,

1. If approved, the variance is limited to the request as shown on the site plan provided herein.
2. All previous stop work orders shall be cleared up with the Baldwin County Building Department pertaining to the boathouse/bulkhead.
3. This variance doesn't relieve the subject property of any other requirements of the Baldwin County Zoning Ordinance, Baldwin County Subdivision Regulations, Baldwin County Building Department (building permit), Baldwin County Highway Department (driveway permit, turnout permit, or licensing agreement), or requirements of other agencies.
4. All previous and proposed work will need to be compliant with ADEM and USCE requirements before any during

ZVA25-14 CREEL CONSTRUCTION LLC PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

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

MAY 20, 2025 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL