



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

APRIL 15, 2025

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

ZVA25-19 McCrARY PROPERTY

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 15
- **Zoned:** RSF-E, Residential Single-Family Estate
- **Location:** The subject property is located on the west side River Road North, Lot 3 Brookins Subdivision
- **PID:** 05-42-09-32-0-000-005.002
- **PPIN:** 375521
- **Acreage:** 2.09
- **Physical Address:** 23591 River Rd N
- **Applicant:** McCrary Matthew and Andrea
- **Owner:** McCrary Matthew and Andrea



ZVA25-19 McCRARY PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

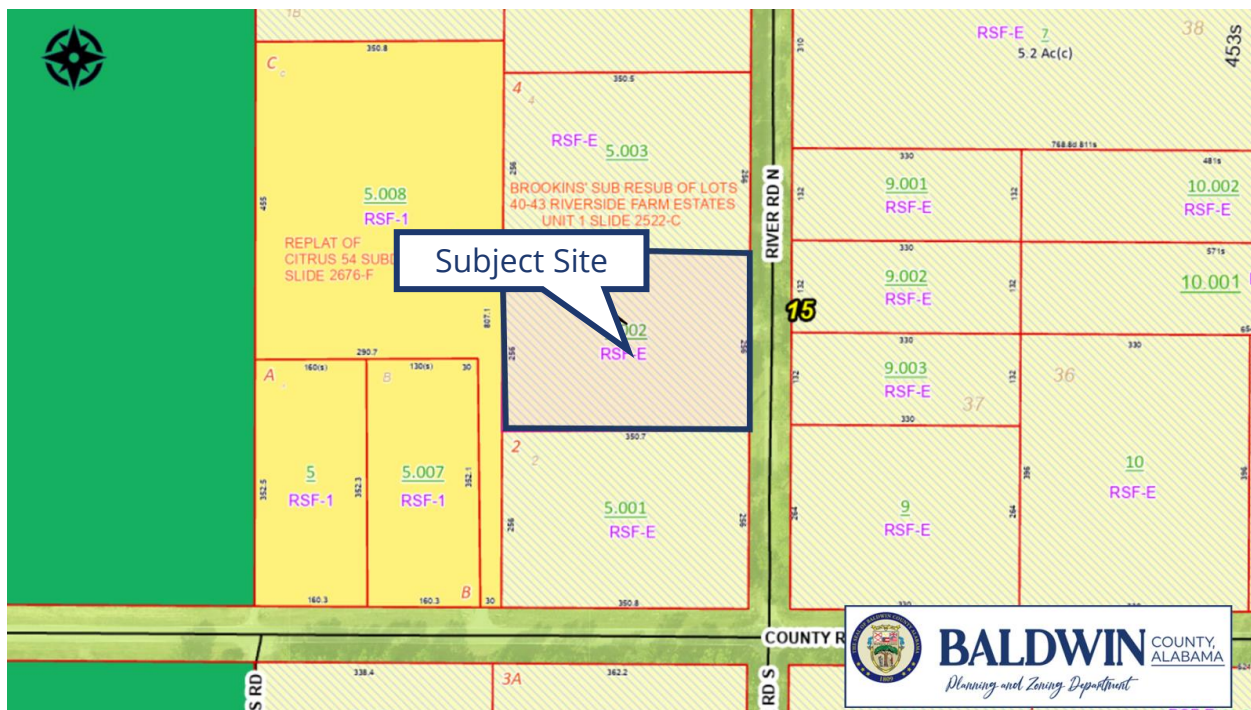
The applicant is requesting a variance from Local Provisions Section 2.3.15 of the Baldwin County Zoning Ordinance as it pertains to accessory dwellings to allow for a single-family dwelling.

The applicant is asking to build a 2nd detached accessory dwelling on the property which would not meet the Planning District 15 requirement of an accessory dwelling being entirely contained within the structure of a single-family dwelling.

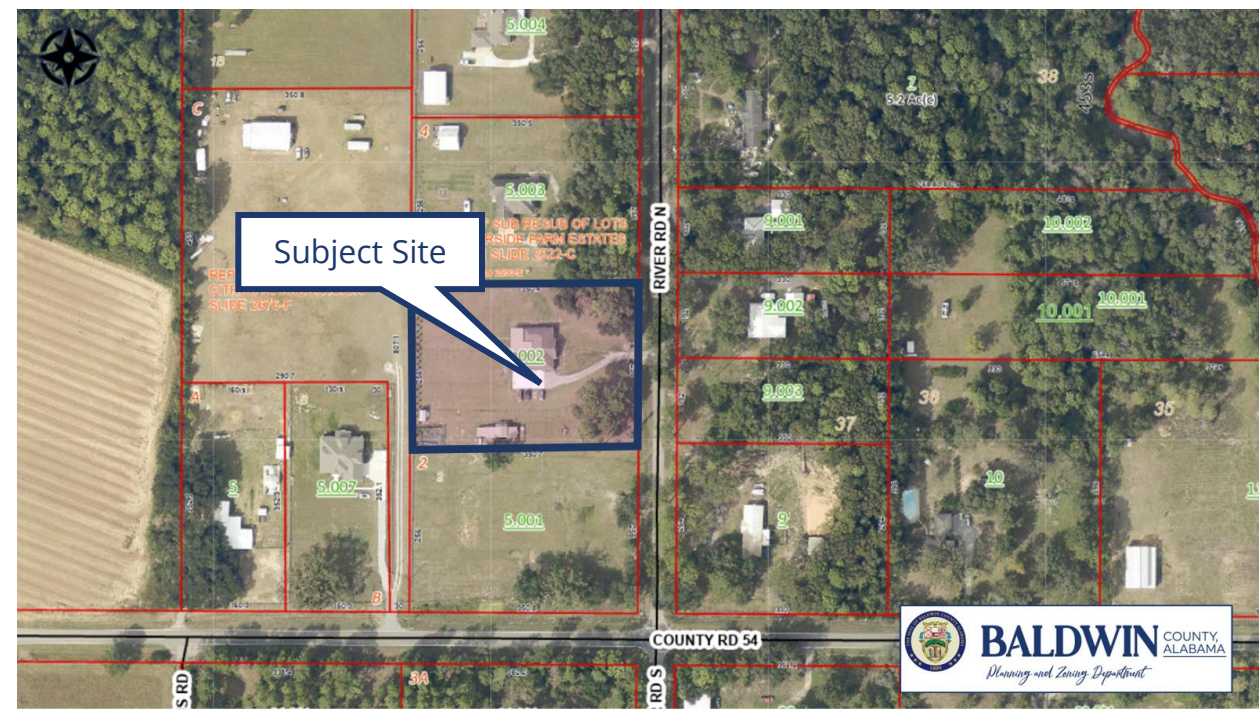
Staff recommends ZVA25-19 be **denied due to the lack of a qualifying hardship** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



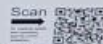
	Adjacent Zoning	Adjacent Land Use
North	RSF-E , Residential Single-Family Estate	Residential
South	RSF-E, Residential S Single- Family Estate	Vacant
East	RSF-E, Residential Single-Family Estate	Residential/Vacant
West	RSF-1, Residential Single Family 1	Residential



Subject Property
PIN: 357721



VARIANCE PROPOSED
FOR THIS PROPERTY
CASE NUMBER
ZVA25-000019
For Information Contact
Baldwin County Planning &
Zoning Department
(251)580-1655 / (251)972-8523
(251)990-4623



Mar 27, 2025 11:36:15 AM
30°34'6.19928"N 87°47'57.37448"W
276° W

Baldwin County Code Enforcement



Adjoining Property
to The North
PIN: 357722



Mar 27, 2025 11:41:02 AM
30°34'8.74607"N 87°47'56.84773"W
54° NE

Baldwin County Code Enforcement



Adjoining Property
to The South
PIN: 357720



Mar 27, 2025 11:37:08 AM
30°34'4.91398"N 87°47'57.1808"W
253° W

Baldwin County Code Enforcement



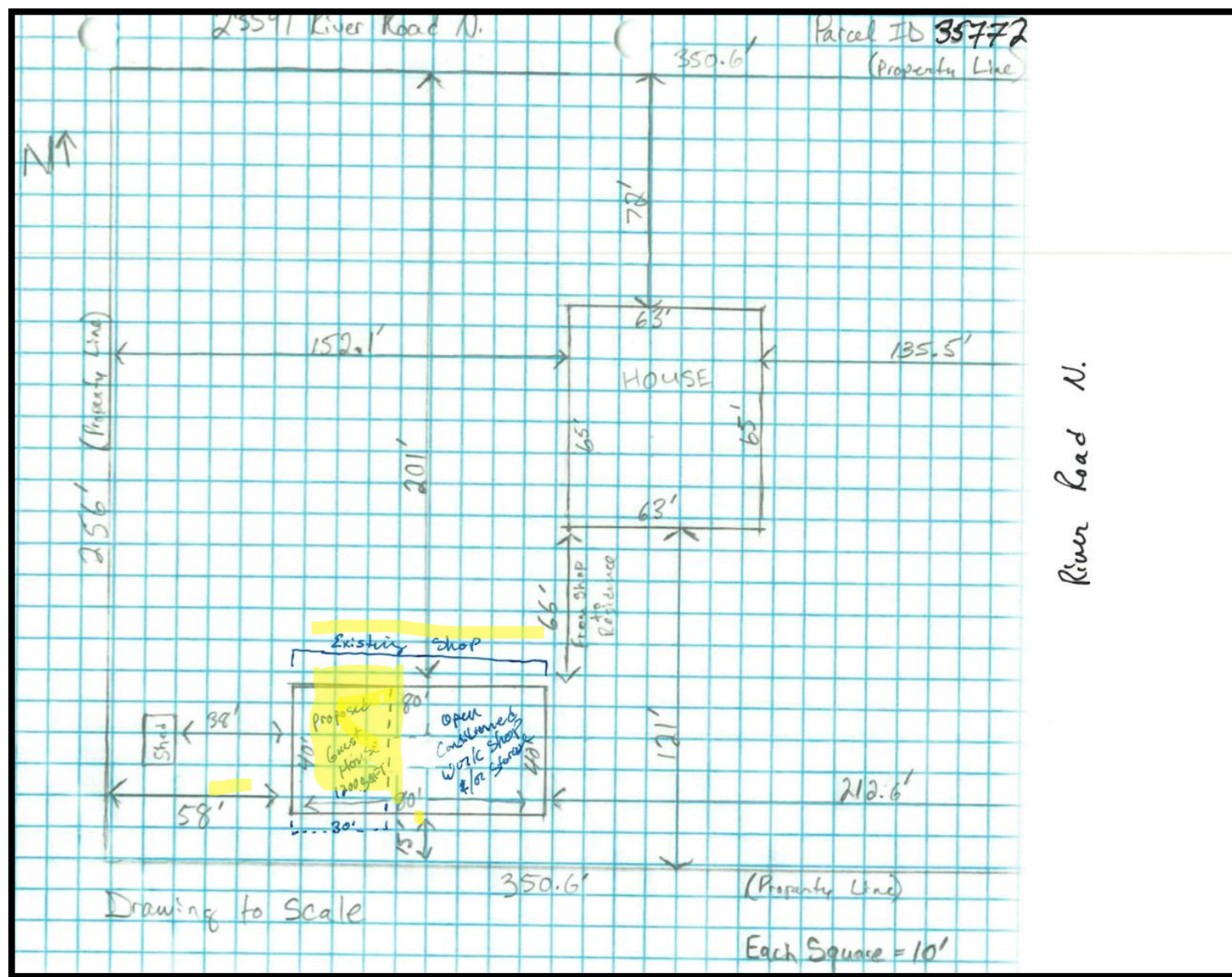
Property to The
East
PIN: 234261

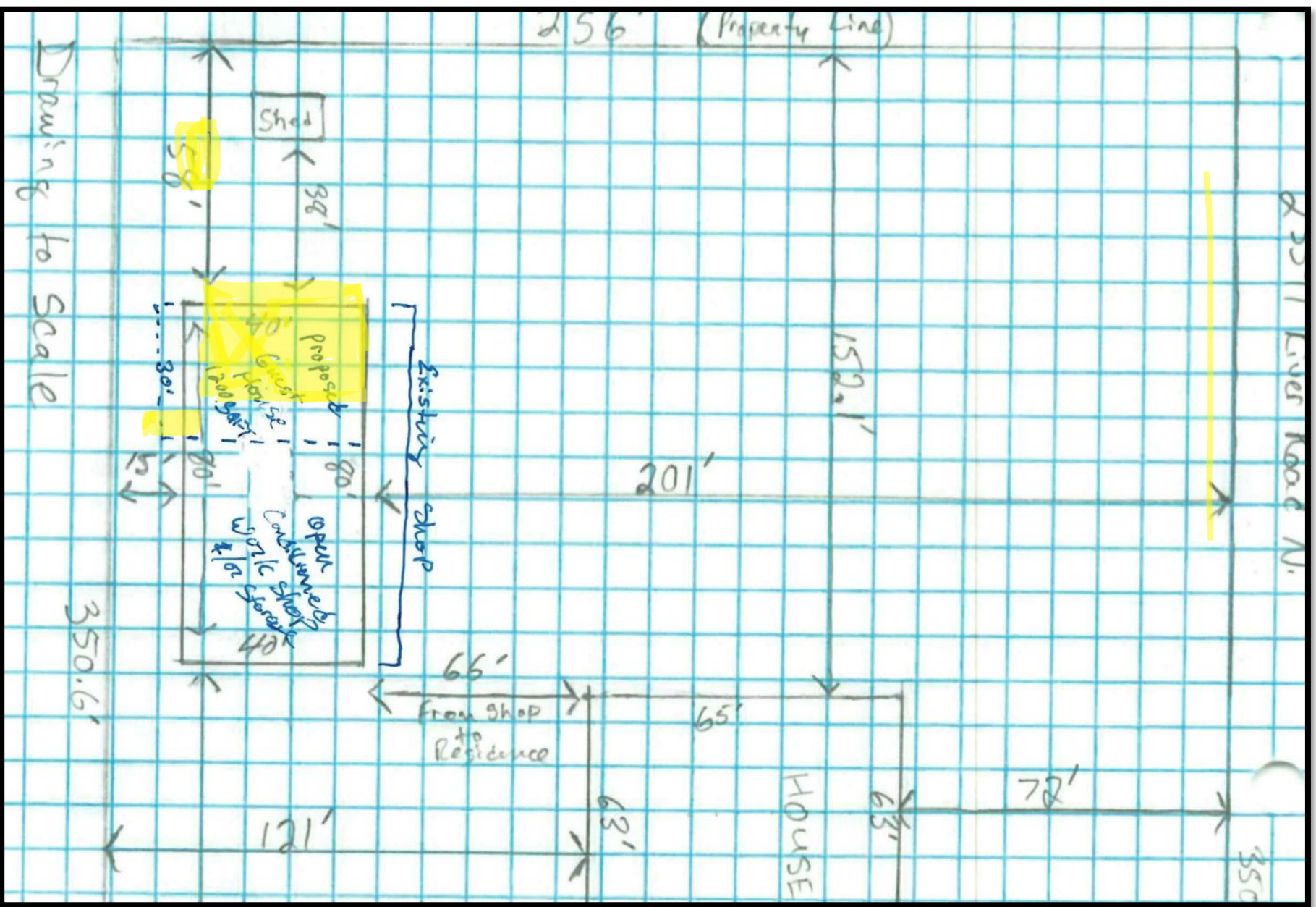


Mar 27, 2025 11:36:34 AM
30°34'6.04236"N 87°47'57.06312"W
102° E

Baldwin County Code Enforcement

Site Plan



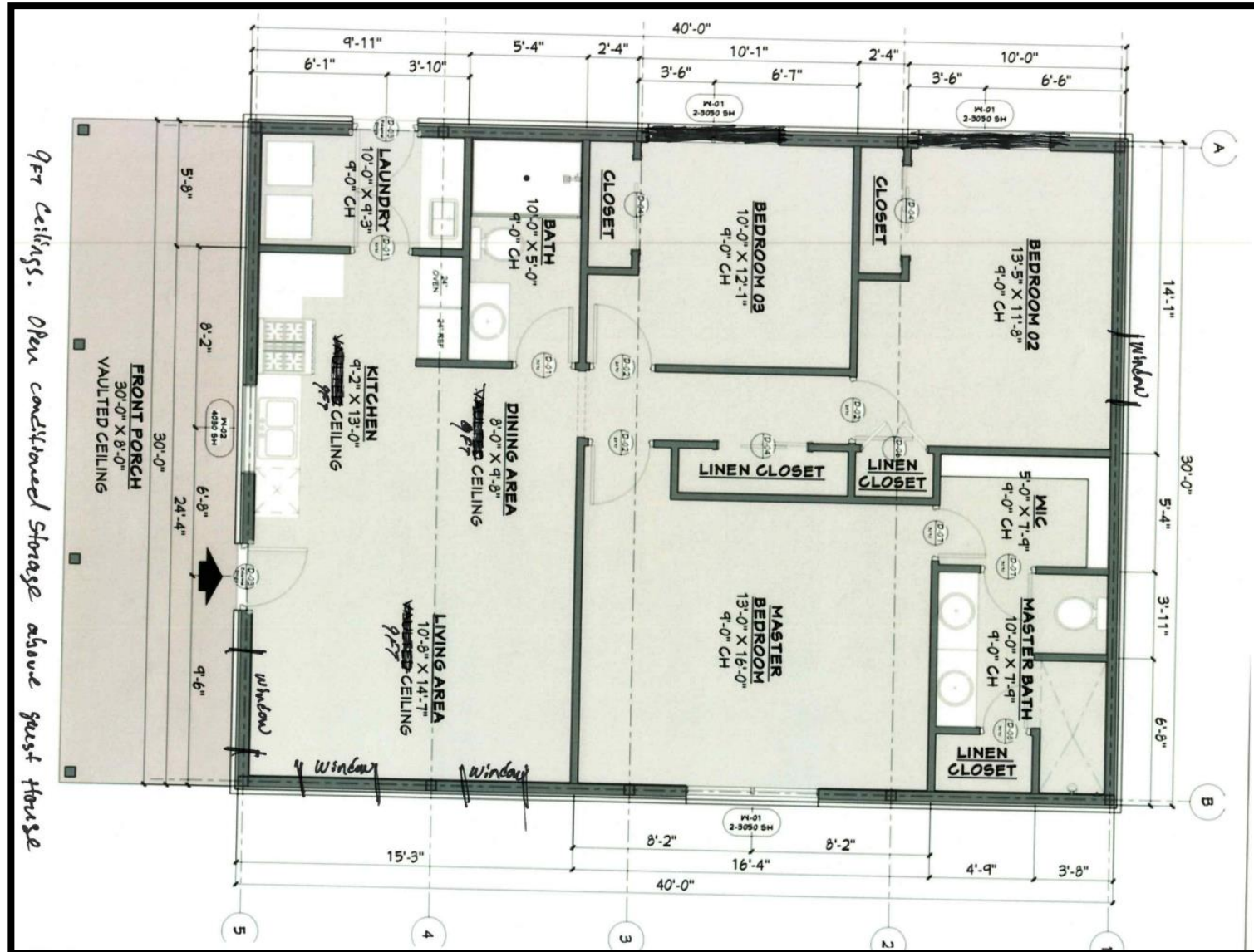


ELEVATIONS

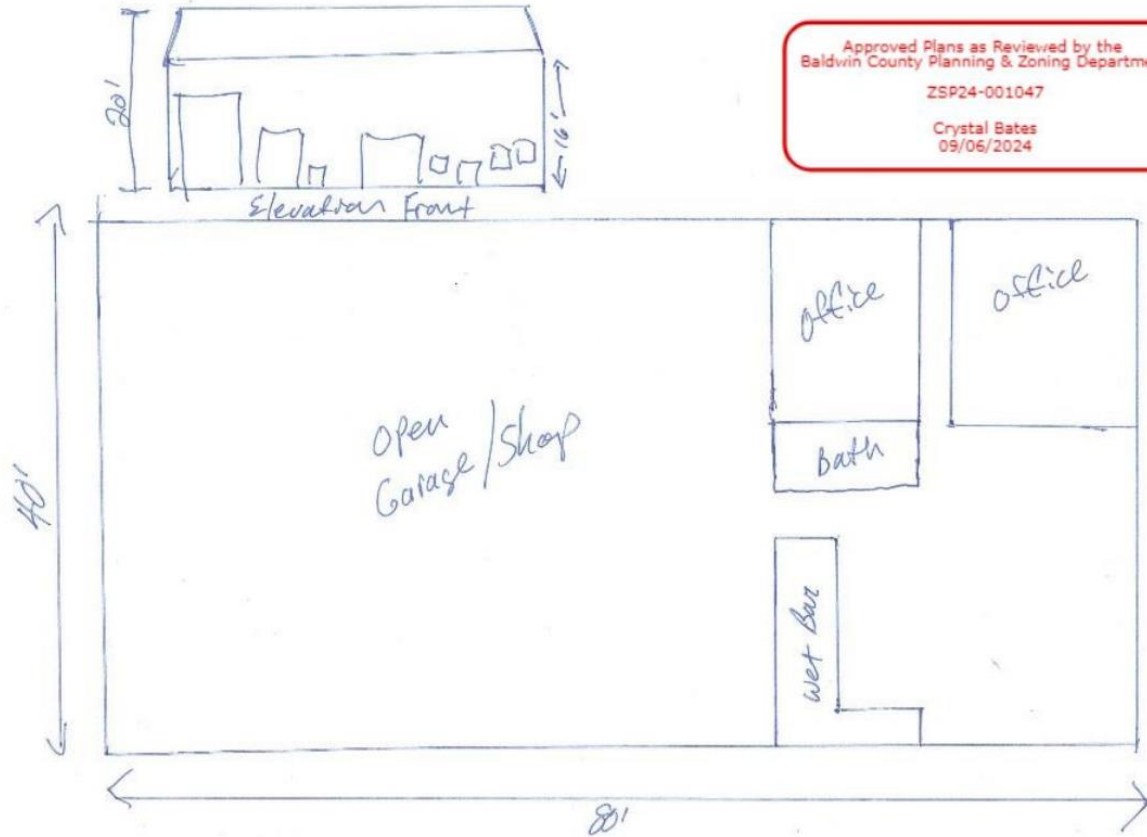




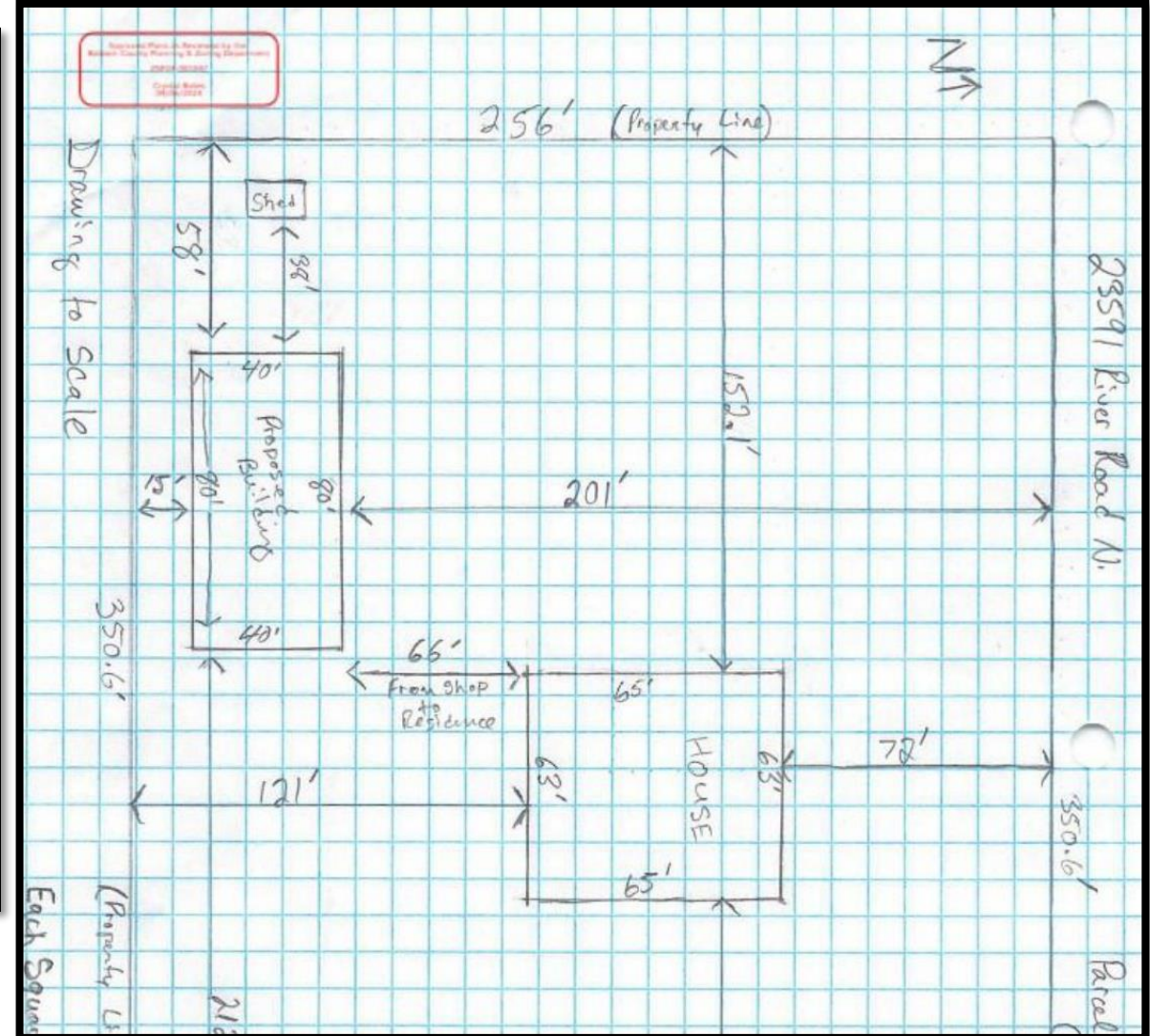
Floor Plans



Floor Plans APPROVED



Approved Plans as Reviewed by the
Baldwin County Planning & Zoning Department
ZSP24-001047
Crystal Bates
09/06/2024



Zoning Requirements

2.3.15 *Planning District 15.*

2.3.15.1 Effective Date

On February 21, 2006, a majority of qualified electors in Planning District 15 voted to institute County Zoning. On August 1, 2006, the County Commission adopted the Planning District 15 Zoning Map and Ordinances.

2.3.15.2 District Boundaries

A legal description of the boundaries for Planning District 15 may be found under Appendix A.

2.3.15.3 Local Provisions for Planning District 15

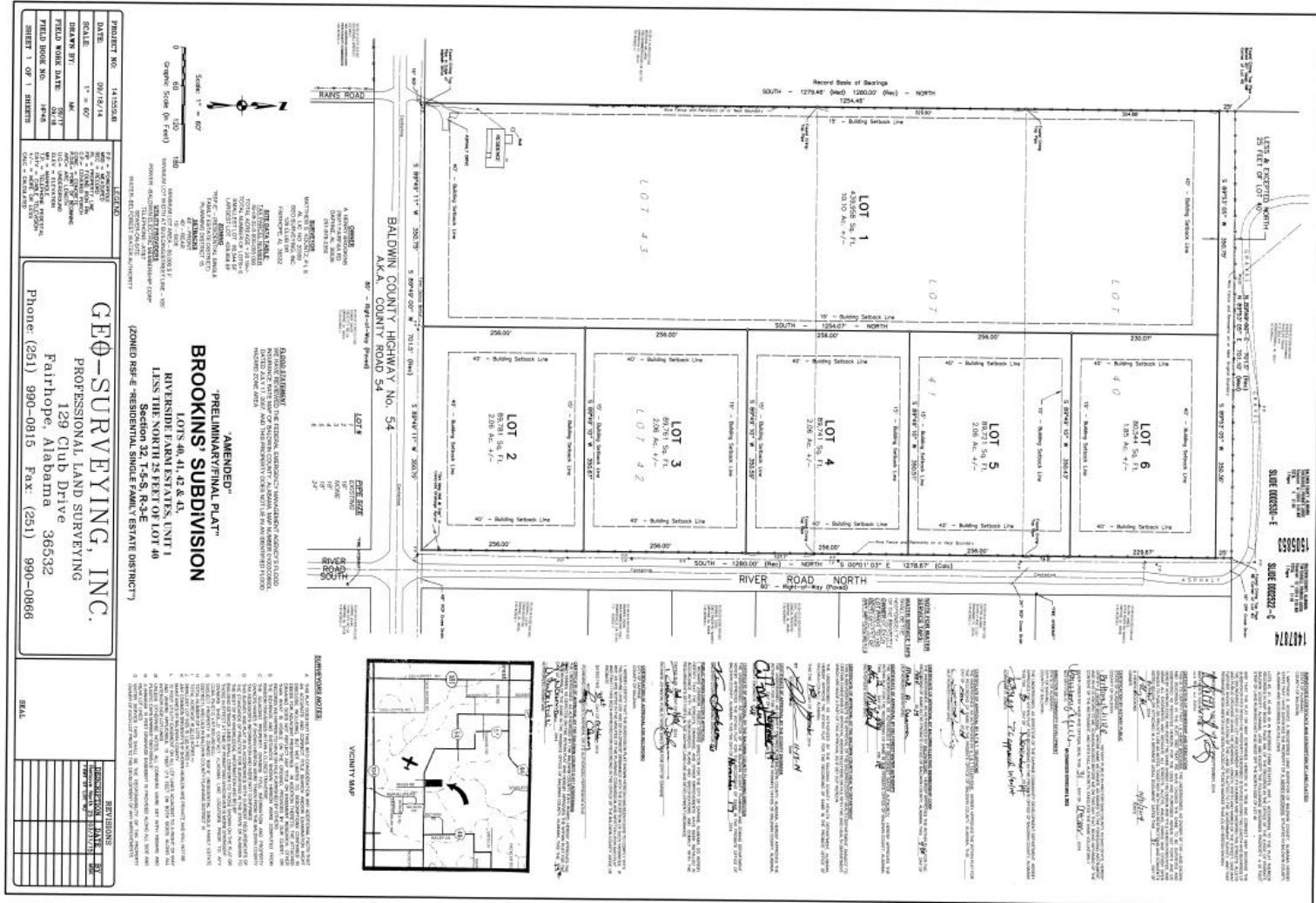
(a) Advisory Committee Philosophy.

It is the intent of the District 15 Advisory Committee to encourage residential zoning for the vast majority of District 15, and furthermore, to encourage zoning in the areas of RSF-E, Residential Single Family Estate District, and

RSF-1, Single Family District, when possible, in order to protect the values of homes and properties already established throughout the district. While we understand the need for affordable housing and commercial growth when properly zoned, we believe that protecting property values should be higher priority in making future zoning decisions.

- (b) Industrial uses shall not discharge into any river or natural surface body of water including wetlands.
- (c) No additional Landfills.
- (d) All utilities for new major subdivisions shall be placed underground.
- (e) No additional recreation vehicle parks allowed.
- (f) Accessory dwellings are permitted by right in the residential districts in Planning District 15 unless restricted by a property owners association and provided they are contained entirely within the structure of a single-family dwelling and provided they do not exceed 60% of the size, in gross floor area, of the principal residence.
- (g) Cemeteries shall be allowed by right in the RA, Rural Agriculture District and the RSF-E, Residential Single Family Estate District.
- (h) Off premise signs are prohibited. For the purposes of this section an offpremise sign is defined as a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. However, exempt signs contained in Section 16.3 are also exempt from this section.

SUBDIVISION PLAT



180

42-09-32-0-000-005 000

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 15 came into effect on August 1, 2006. The lot as recorded is 256' x 350.7' IRR ft. Lot 3 in Brookins Subdivision S2530-E was platted in November 2014 and is 2.09 acres. The minimum lot size requirement for RSF-E, Residential Single Family Estate District zoning is 80,000 sf with a Minimum Lot Width at the Building Line of 165'. Therefore, the staff believes there isn't an exceptional narrowness, shallowness, or shape of the subject property that would require a variance.

Minimum lot size: **80,000 sf** Actual lot size: **89,600 sf** Minimum Lot width: **165'** Actual Lot Width: **256'** Hardship: **No**

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

The subject property doesn't contain jurisdiction wetlands on the property or any other apparent exceptional topographic conditions. Therefore, staff could not establish exceptional topographical conditions or other extraordinary situations, or conditions contained on the property which 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-E, designated for Residential Single-Family Estate, which permits a variety of residential and accessory uses. The applicant's request is to allow for a detached accessory dwelling, 60 percent in size, in gross floor area, of the principal residence that isn't contained entirely within the structure of the single-family dwelling.

Staff perceives that the granting of the application is not necessary for the preservation of a property right and is merely to serve as a convenience to the applicant because the property has been successfully developed for single-family residential purposes.

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

To whom it may concern,

There is not an active HOA associated with the property. There is a covenant stating you will not place a mobile home on the property for more than one year while you build a home, but there is no active HOA.

A handwritten signature in blue ink, appearing to read "Matthew McCrary", is written over a horizontal line.

Signed:

Matthew McCrary

Property Owner

ZVA25-19 McCrary Property

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ZVA25-19 McCrary Property

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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