

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

APRIL 9, 2026

BALDWIN COUNTY SATELLITE COURTHOUSE

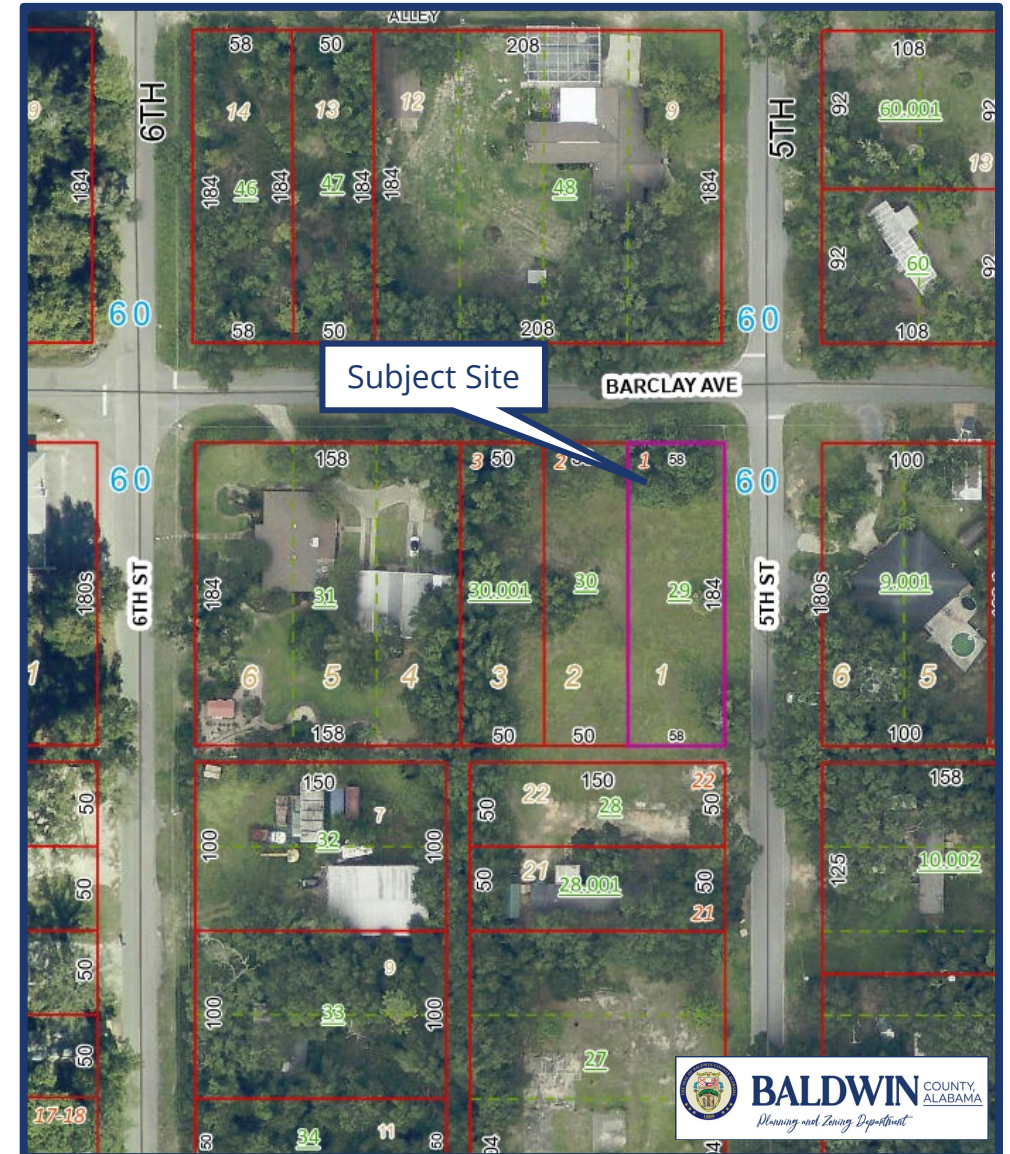
FOLEY, AL

ZVA26-09 DR HORTON PROPERTY

VARIANCE REQUEST

Lead Staff: Calla Mckenzie, Planning Technician II

- **Planning District:** 22
- **Zoned:** RSF-1, Residential Single Family
- **Location:** The subject property is located south of Barclay Ave and on the west side of 5th Street.
- **PID:** 05-52-07-26-0-001-029.000
- **PPIN:** 69628
- **Acreage:** +/- 0.24 acre
- **Physical Address:** 12985 5th Street
- **Applicant:** Anna Whitehurst
- **Owner:** Dr Horton Inc



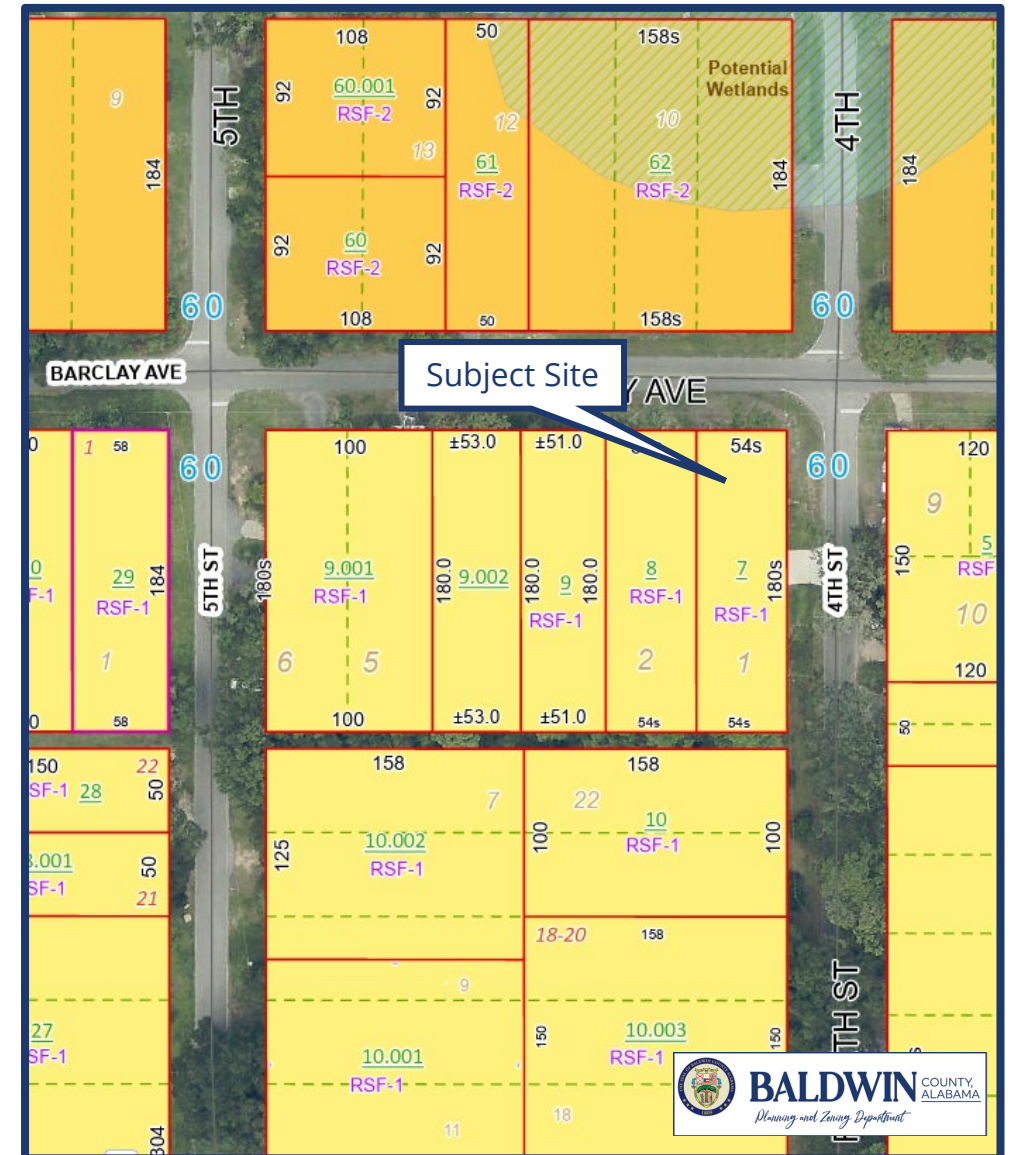
ZVA26-09 DR HORTON PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla Mckenzie, Planning Technician II

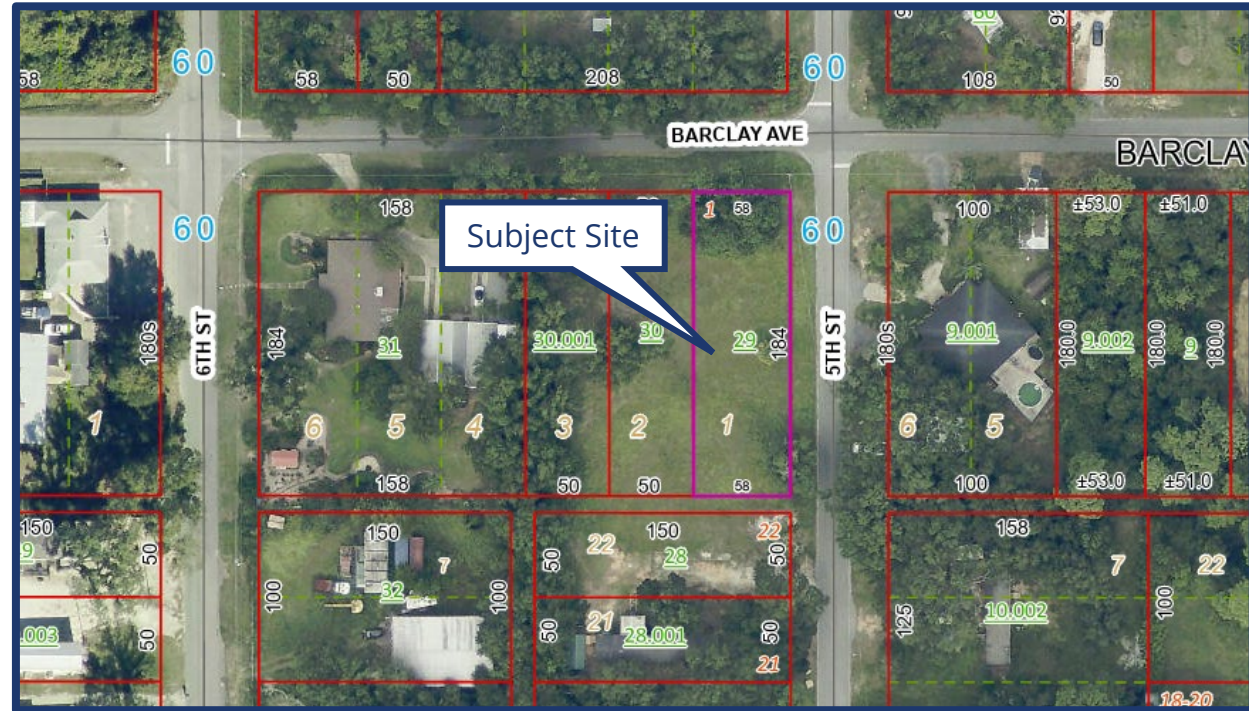
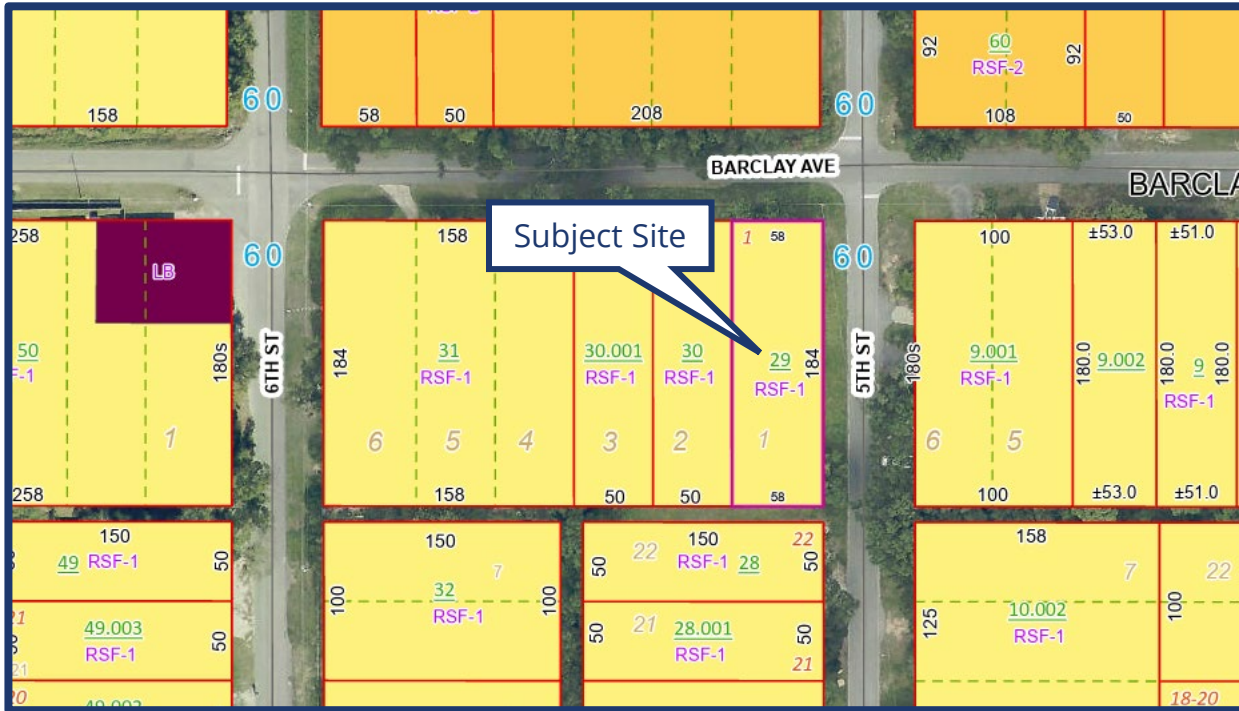
The applicant is requesting a variance from section 12.5.2 (d) Yard Requirements of the Baldwin County Zoning Ordinance as it pertains to the 20' side yard from the side lot line, which abuts a street, to allow for a single-family dwelling.

Staff believes there is a hardship on the subject property and recommends that case ZVA26-09 be **APPROVED** unless information to the contrary is revealed at the public hearing.



Locator Map

Site Map



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



Subject Property
PIN: 69628



VARIANCE
PROPOSED
FOR THIS PROPERTY
Case Number
ZVA26-000009

Scan 
For more details and information, scan the QR code.
© BALDWIN.com

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

Mar 25, 2026 10:34:12 AM
30°24'52.1923"N 87°26'9.74774"W
181° S
Baldwin County Code Enforcement

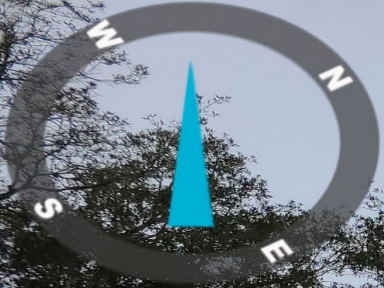


Adjoining
Property to
The South
PIN: 37793



Mar 25, 2026 10:37:02 AM
30°24'49.6989"N 87°26'9.27298"W
274° W

Baldwin County Code Enforcement



Property to
The North
PIN: 33021



Mar 25, 2026 10:35:14 AM
30°24'53.19637"N 87°26'9.11404"W
302° NW

Baldwin County Code Enforcement



Property to
The East
PIN: 257965



5TH ST

Mar 25, 2026 10:36:20 AM
30°24'52.43731"N 87°26'9.13672"W
159° S

Baldwin County Code Enforcement



Adjoining
Property to
The West
PIN: 51071



Mar 25, 2026 10:30:35 AM
30°24'52.03001"N 87°26'10.17042"W
185° S

Baldwin County Code Enforcement

Zoning Requirements

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.

4.2.2 *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 agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.

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 18.5: 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
Maximum Ground Coverage Ratio	.35

Section 12.5 Yard Requirements

- (d) On a corner lot, the side yard from the side lot line which abuts a street shall be a minimum of 20-feet.

Lot, corner. A lot abutting upon 2 or more streets at their intersection or upon 2 parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

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 22 came into effect on November 19, 2002. The lot of record is approximately 0.24 acres. The minimum lot size requirement for RSF-1, Residential Single Family, is 30,000 sf with a minimum lot width at the building line of 100'. The property does not meet these minimum requirements and therefore, staff believes there is exceptional narrowness, shallowness, or shape of the subject property that would require a variance.

RSF-1 Required minimum lot size: **30,000 sf** Actual size: **10,659 sf** Lot size hardship: **YES**

RSF-1 Required minimum width at Building line: **100'** Actual lot width: **58'** Lot width hardship: **YES**

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

Staff does not perceive an exceptional topographic condition or other extraordinary situation, or condition contained on the subject property, which would justify 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, which allows for residential uses. This request is to allow for the construction of a single-family dwelling, so staff believes that the requested variance may be necessary for the preservation of a property right.

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.

Please attach approval from any active neighborhood associations or a signed statement from the property owner stating there is not an active association.

There is not an active association for this property.

Anna Whitehurst 3/3/2026

ZVA26-09 DR HORTON PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla Mckenzie, Planning Technician II

The applicant is requesting a variance from section 12.5.2 (d) Yard Requirements of the Baldwin County Zoning Ordinance as it pertains to the 20' side yard from the side lot line, which abuts a street, to allow for a single-family dwelling.

Staff believes there is a hardship on the subject property and recommends that case ZVA26-09 be **APPROVED** unless information to the contrary is revealed at the public hearing.

ZVA26-09 DR HORTON PROPERTY

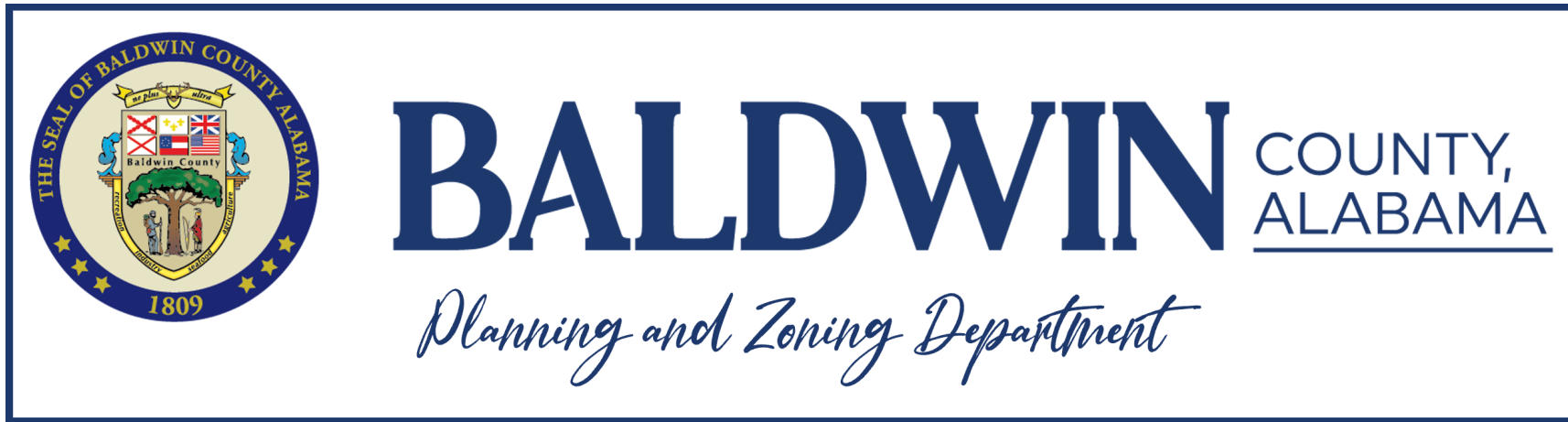
BOA BY LAWS

Lead Staff: Calla Mckenzie, 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 BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

MAY 14, 2026

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL