



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #1

REGULAR MEETING

SEPTEMBER 15, 2026

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL

ZVA26-23 EH DEVELOPMENT LLC

VARIANCE REQUEST

Lead Staff: Crystal Bates, Planning Technician II

- **Planning District:** 26
- **Zoned:** RSF-2, Single-Family District
- **Location:** The subject property is located on the east side of Scenic Hwy 98 at the corner of County Road 32
- **PID:** 05-56-03-31-0-000-017.002
- **PPIN:** 637409
- **Physical Address:** Scenic Hwy 98
- **Applicant:** William Hanes
- **Owner:** EH Development LLC



ZVA26-23 EH DEVELOPMENT LLC

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

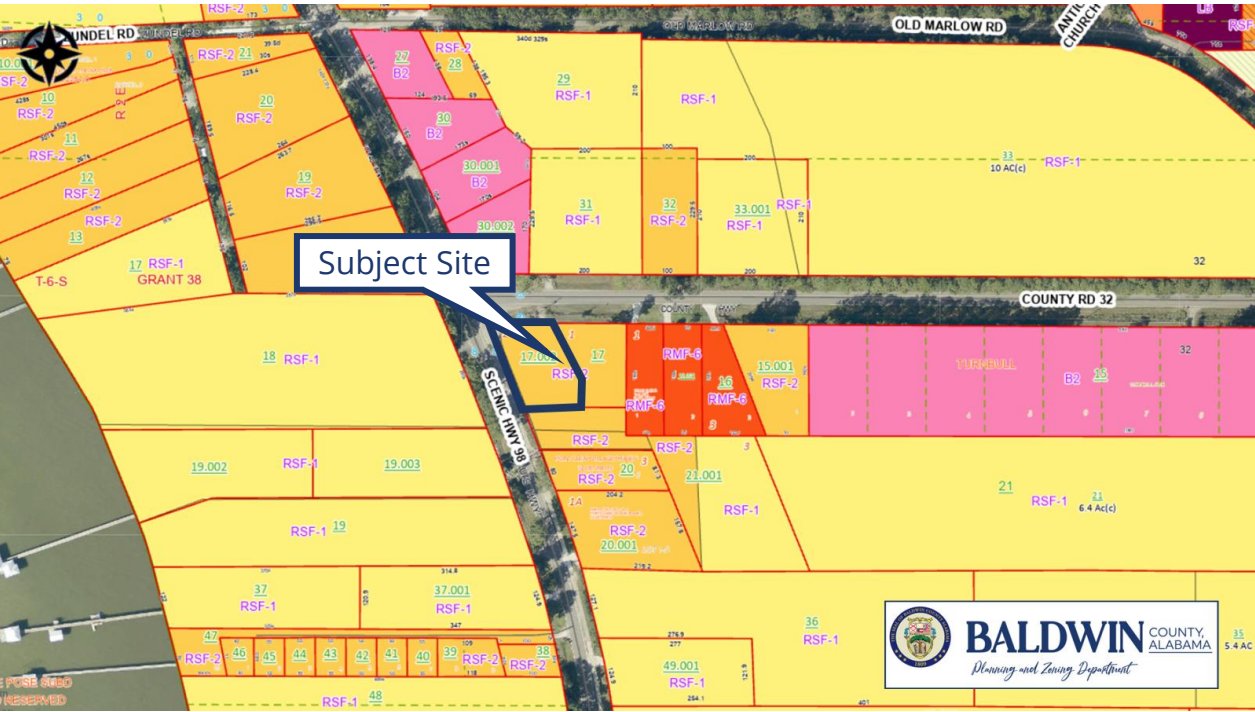
The applicant is requesting a variance from Section 4.3.4 Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance, specifically regarding the 10-foot side property line to allow for the construction of a new single-family dwelling.

The applicant is requesting to build up to 9.5 feet to the side property line, instead of maintaining the required 10-foot side setback.

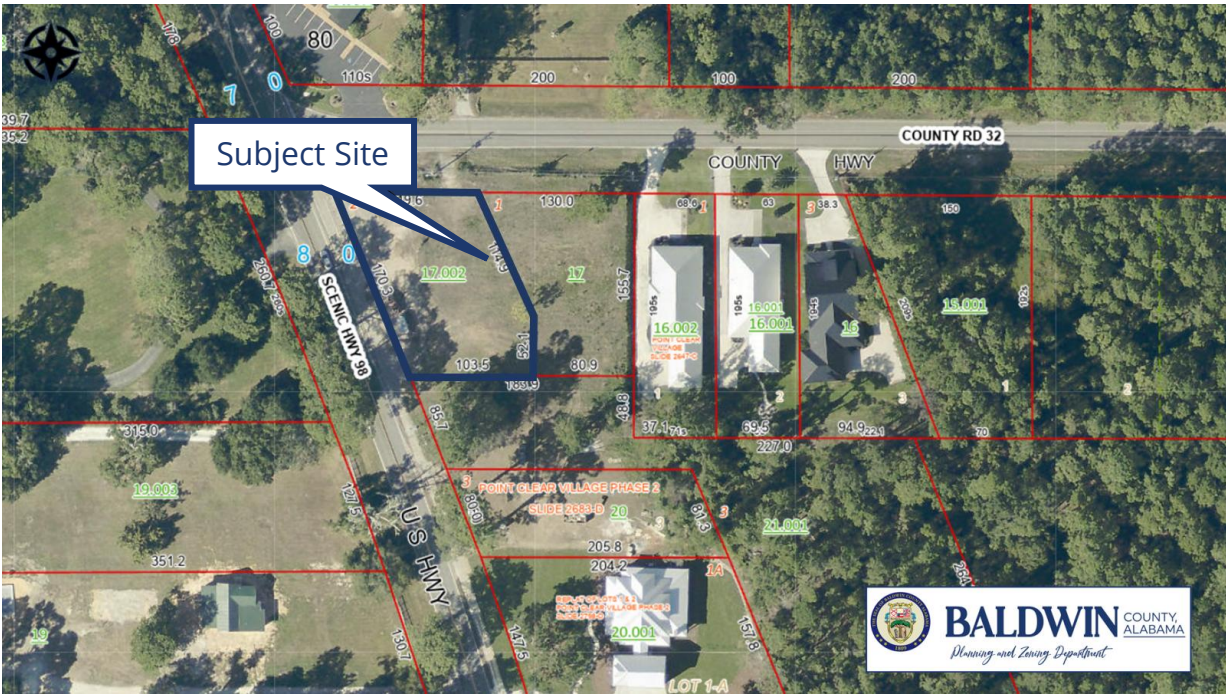
Staff recommends that ZVA26-23 be **denied** unless information to the contrary is revealed at public hearing.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	B2, Neighborhood Business, RSF-2, Residential Single family	Bank/Residential
South	RSF-2, Residential Single Family	Vacant
East	RSF-2, Residential Single Family	Vacant
West	RSF-1, Residential Single Family	Residential

Subject Property
PIN: 637409



VARIANCE
PROPOSED
FOR THIS PROPERTY
Case Number

ZVA 26-000023

For information Contact
Baldwin County Planning &
Zoning Department

(251) 580-1655



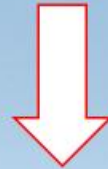
Aug 26, 2026 10:24:29 AM
17008 Scenic Highway 98
Fairhope
Baldwin County
Alabama

Adjoining
Property to
the South
PIN: 300361



Aug 26, 2026 10:28:03 AM
17008 Scenic Highway 98
Fairhope
Baldwin County
Alabama

Adjoining Property
to the East
PIN: 979



Aug 26, 2026 10:25:30 AM
17008 Scenic Highway 98
Fairhope
Baldwin County
Alabama

Property to the
North
PIN: 15978



Aug 26, 2026 10:24:35 AM
17008 Scenic Highway 98
Fairhope
Baldwin County
Alabama



Property to the
West
PIN: 16292

Aug 26, 2026 10:25:02 AM
17008 Scenic Highway 98
Fairhope
Baldwin County
Alabama

Lot 2



2039 Main Street
Daphne, AL 36528
T 251.628.2628

POINT CLEAR VILLAGE PHASE III
BALDWIN COUNTY, AL

LOT 2
SECTION 31, T-7-S, R-2-E

POINT CLEAR, AL

GMC PROJECT:
C:MOA250077

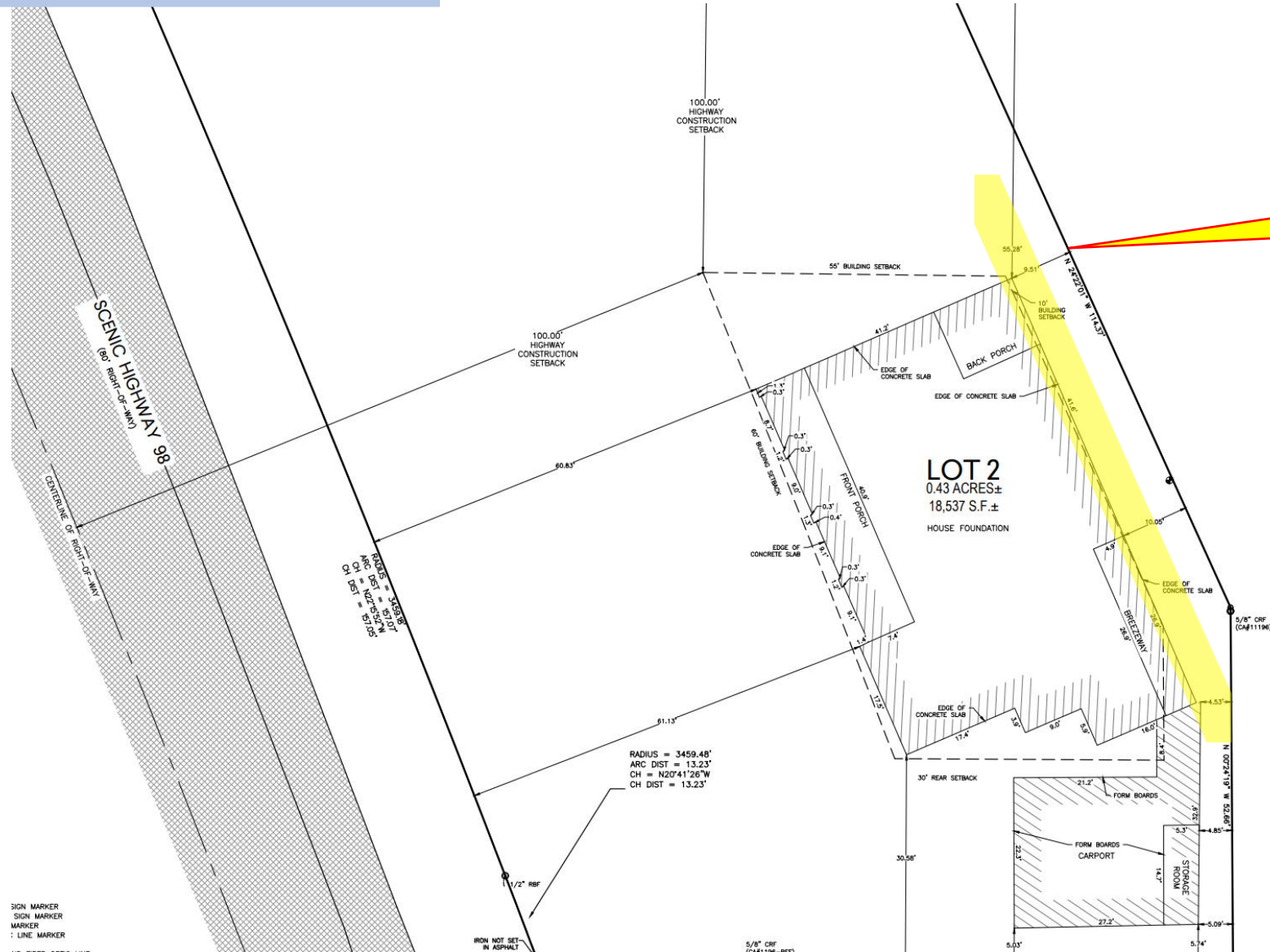
SPECIFIC PURPOSE SURVEY CONCRETE FOUNDATION LOCATION

100

Site Plan

Lot 2

Side property
line 9.51'



Zoning Requirements

Section 4.3 RSF-2, Single Family District

4.3.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

4.3.2 *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.
- (f) The following institutional use: church or similar religious facility.
- (g) Agricultural uses, on RSF-2 zoned parcels that otherwise meet the minimum area and dimension requirements for Rural Agricultural District under Section 3.2.5 herein, agricultural uses shall be permitted uses, except that the minimum front yard for barns and other agricultural structures shall be 100 feet when constructed on an RSF-2 zoned parcel where no primary dwelling currently exists.

4.3.2 *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:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.

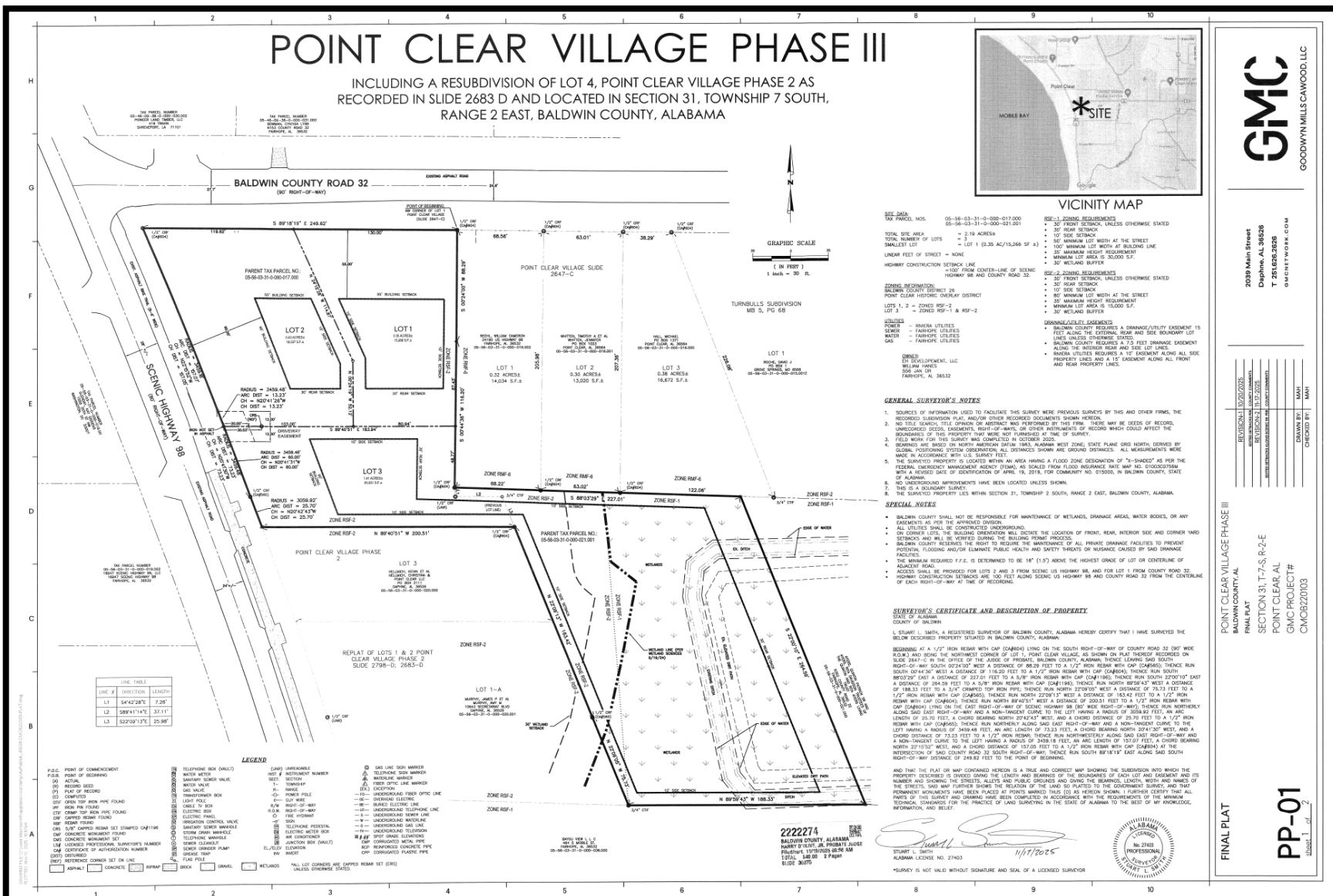
- (d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

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

4.3.4 *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 18.4 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	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Subdivision Plat



Subdivision Plat

POINT CLEAR VILLAGE PHASE III

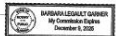
INCLUDING A RESUBDIVISION OF LOT 4, POINT CLEAR VILLAGE PHASE 2 AS
RECORDED IN SLIDE 2683 D AND LOCATED IN SECTION 31, TOWNSHIP 7 SOUTH,
RANGE 2 EAST, BALDWIN COUNTY, ALABAMA

CERTIFICATION OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA, COUNTY OF BALDWIN
I, WILLIAM HINES, AS PROPRIETOR, HAVE CAUSED THE LAND EMPLOYED IN THE WITHIN PLAT TO BE SURVEYED, Laid OUT AND
BLATTED TO BE SHOWN AS POINT CLEAR VILLAGE PHASE III A PART OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 2 EAST, BALDWIN
COUNTY, ALABAMA, AND THAT THE EASEMENTS AS SHOWN ON SAID PLAT ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC.
DATED THIS 28th DAY OF October, 2025.
William J. Hines
ED CONSTRUCTION, LLC
200 JAW DR
FAYETTE, AL 36532

ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF Alabama, COUNTY OF Baldwin
Barbara Schultz Garner, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN SAID STATE, HEREBY CERTIFY THAT WHOSE
NAME IS William J. Hines, SUBSEQUENT TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME
THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE SIGNED, SEALED AND DELIVERED BEFORE ME THIS DAY IN PERSON AND
ACKNOWLEDGE THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS FREE AND VOLUNTARY ACT FOR THE USES AND
PURPOSES THEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 28th DAY OF October, 2025.
Barbara Schultz Garner
NOTARY PUBLIC



CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION

THE UNDERSIGNED, AS Chairman OF BALDWIN COUNTY PLANNING AND ZONING COMMISSION, HEREBY CERTIFIES THAT, AT ITS MEETING
OF November 18th, 2025, THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION APPROVED THE WITHIN PLAT FOR THE
RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 18th DAY OF November, 2025.
BALDWIN COUNTY PLANNING AND ZONING COMMISSION
BY: John P. Ruffing Chairman

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY PLANNING DIRECTOR

THE UNDERSIGNED, AS DIRECTOR OF THE BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR THE
RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 18th DAY OF November, 2025.
PLANNING DIRECTOR John P. Ruffing

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (POWER)

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE
OFFICE OF BALDWIN COUNTY, ALABAMA.
DATED THIS 28th DAY OF October, 2025.
John J. Carr
AUTHORIZED SIGNATURE

CERTIFICATE OF APPROVAL OF FAIRHOPE UTILITIES (WATER, SEWER, GAS)

THE UNDERSIGNED, AS AUTHORIZED BY FAIRHOPE UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE
OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 17th DAY OF November, 2025.
Robert
FAIRHOPE UTILITIES OR AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY E-911 ADDRESSING

THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES REQUESTED ON THE WITHIN
PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.
DATED THIS 10th DAY OF November, 2025.
Robert D. Hill
AUTHORIZED SIGNATURE



CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN
THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.
DATED THIS 17th DAY OF November, 2025.
John
COUNTY ENGINEER



GOODWYN MILLS SAWOOD LLC

2039 Main Street
Daphne, AL 36526
T 251.926.2626
GMC.NETWORK.COM

REVISIONS	1	2	3	4	5	6	7	8	9	10
DATE	10/20/2025									
BY										
DATE										
BY										
DATE										

POINT CLEAR VILLAGE PHASE III
BALDWIN COUNTY, AL
FINAL PLAT
POINT CLEAR, AL
GMC PROJECT #
CMOEBZ20103



FINAL PLAT
PP-02
Sheet 2 of 2

2222274
BALDWIN COUNTY, ALABAMA
POINT CLEAR, AL
GMC PROJECT #
CMOEBZ20103
TOTAL: \$48.00
\$48.00
BLDG NOTE

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 26 came into effect on September 21, 1993. The lot of record is 170.3 x 119.6 IRR and 20,367sq. ft. The minimum lot size requirement for RSF-2, Residential Single Family District zoning is 15,000 sq. ft., with a minimum lot width at the building line of 80'. This parcel is along the area of the exceptionally large right-of-way. However, staff did not perceive it as a hardship, as we had already approved a plan demonstrating that it would meet the setback requirements. 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: 15, 000sf Actual lot size: 20,367+/- sf, Minimum Lot width: 80', Actual Lot Width: 119.6', Hardship: NO

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

The subject property doesn't contain any jurisdictional wetlands or any other topographical conditions. Therefore, staff couldn't consider exceptional topographical conditions or other extraordinary situations or conditions contained on the property that would require 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 currently zoned RSF-2, a Residential single-family zoning designation that allows for residential uses and accessory structures. The applicant's request is to allow for the house foundation, as constructed, to encroach approximately six (6) inches into the required setback at the northeast corner of the lot. This condition was identified by a post-construction as-built survey. The applicant received a zoning site plan approval on 4/16/2026.

The staff believes that granting the application is not necessary to preserve a property right and is primarily intended to serve as a convenience to the applicant or based solely on 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

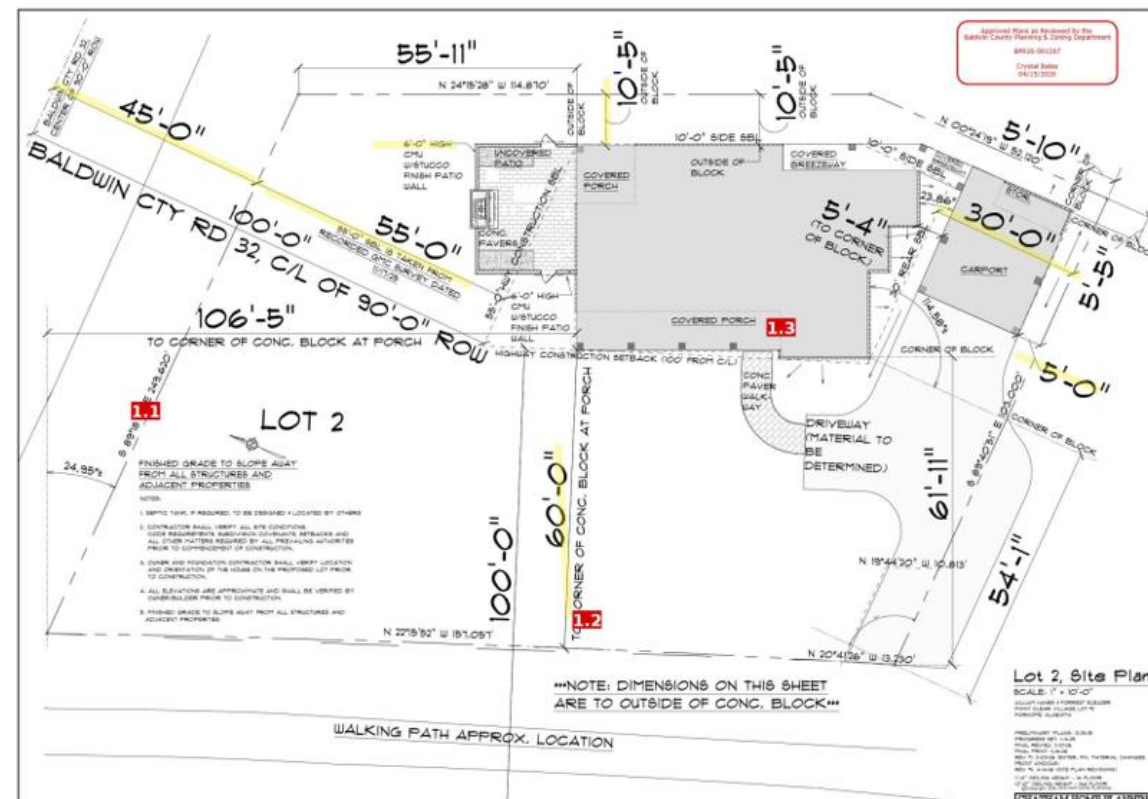
5.) Other matters which may be appropriate.

- 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.

BPR26-001207- Zoning Site plan Approved 4/16/2026; building permit complete 5/1/2026



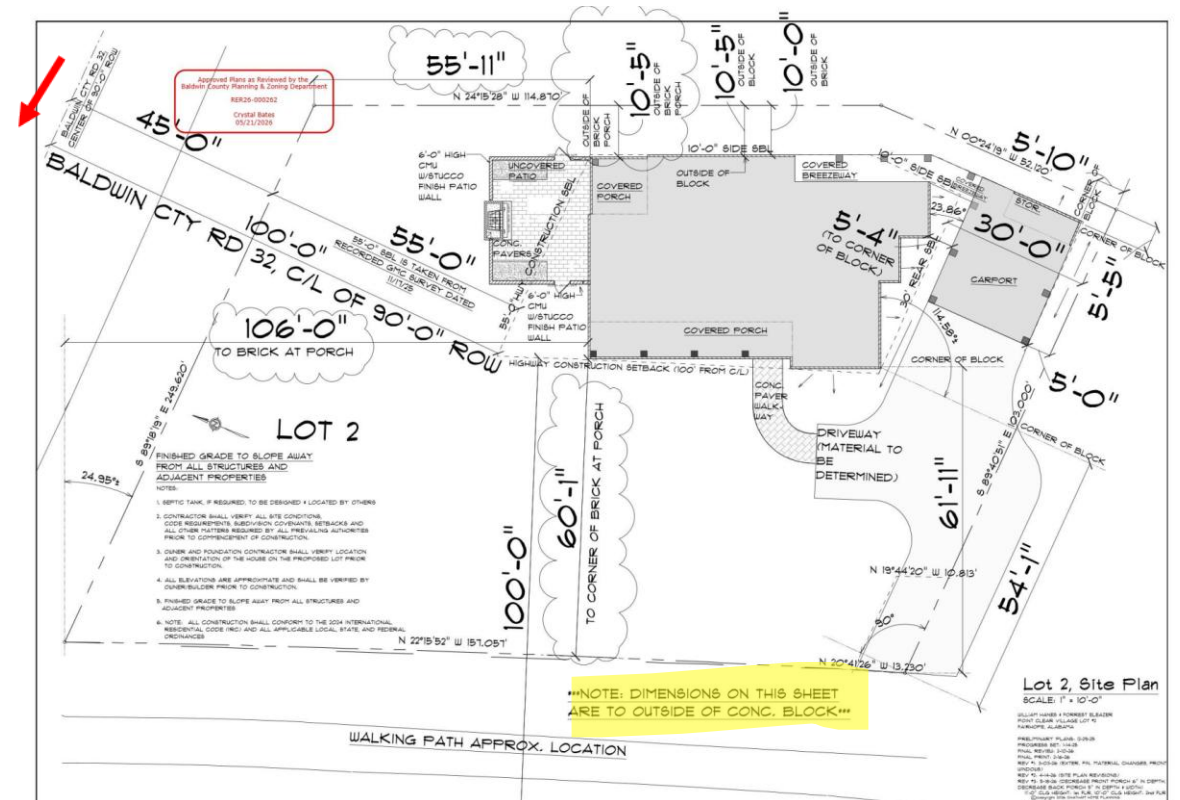
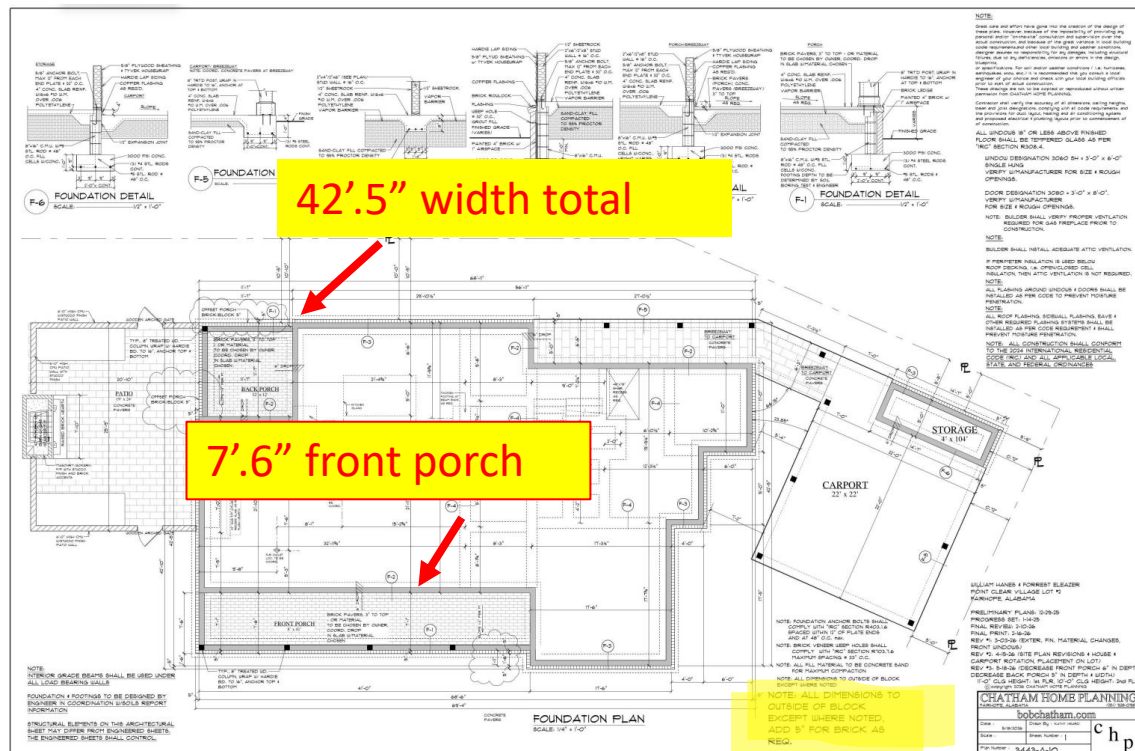
8' original



Permitting TIMELINE

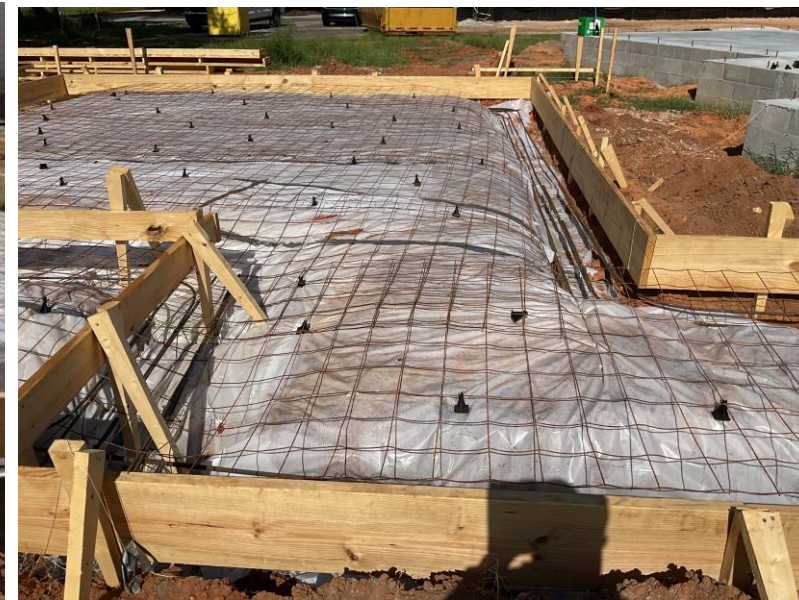
ARB (Architectural Review Board) - 4/14/26 Approved

RER26-000262- PERMIT REVISION REQUEST FOR BPR26-001207: NEW SINGLE FAMILY DWELLING APPROVED TO REDUCE THE DEPTH OF THE FRONT PORCH BY 6IN AND THE DEPTH AND WIDTH OF THE BACK PORCH BY 5IN EACH. NEW EXPIRATION DATE IS 11/27/2026.



Permitting TIMELINE

Post-construction as-built survey showed 9.5' instead of the required 10'



POA Statement

August 10, 2026

Baldwin County Commission
Zoning Board of Adjustment Number 1
Baldwin County Planning & Zoning Department

RE: Variance Application, Pt Clear Village, Lot 2
16960 Scenic Highway 98, Fairhope, AL 36532

To the Members of the Board of Adjustment Number 1:

I hereby state that there is no active neighborhood association, homeowners association, or property owners association currently operating for Point Clear Village Phase III with authority to review or approve variance requests within the subdivision. Accordingly, no association approval is available to attach to this application.

I further state that both properties immediately adjoining Lot 2, Pt Clear Village Lots 1 and 3, are currently owned by EH Development.

I make this statement to satisfy the Board's requirement that an application include either association approval or a signed owner statement confirming that no active association exists.

Sincerely,



William Hanes
Member, EH Development

Date: August 10, 2026

ZVA26-23 EH DEVELOPMENT LLC PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Crystal Bates, Planning Technician II

The applicant is requesting a variance from Section 4.3.4 Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance, specifically regarding the 10-foot side property line to allow for the construction of a new single-family dwelling.

The applicant is requesting to build up to 9.5 feet to the side property line, instead of maintaining the required 10-foot side setback.

Staff recommends that ZVA26-23 be **denied** unless information to the contrary is revealed at public hearing.

1. If approved, the variance is limited to the site plan as shown and provided herein.
2. 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.

ZVA26-23 EH DEVELOPMENT 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 n 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

OCTOBER 20, 2026 @ 4:00PM

BALDWIN COUNTY CENTRAL ANNEX

ROBERTSDALE, AL