



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

OCTOBER 22, 2026

BALDWIN COUNTY SATELLITE COURTHOUSE

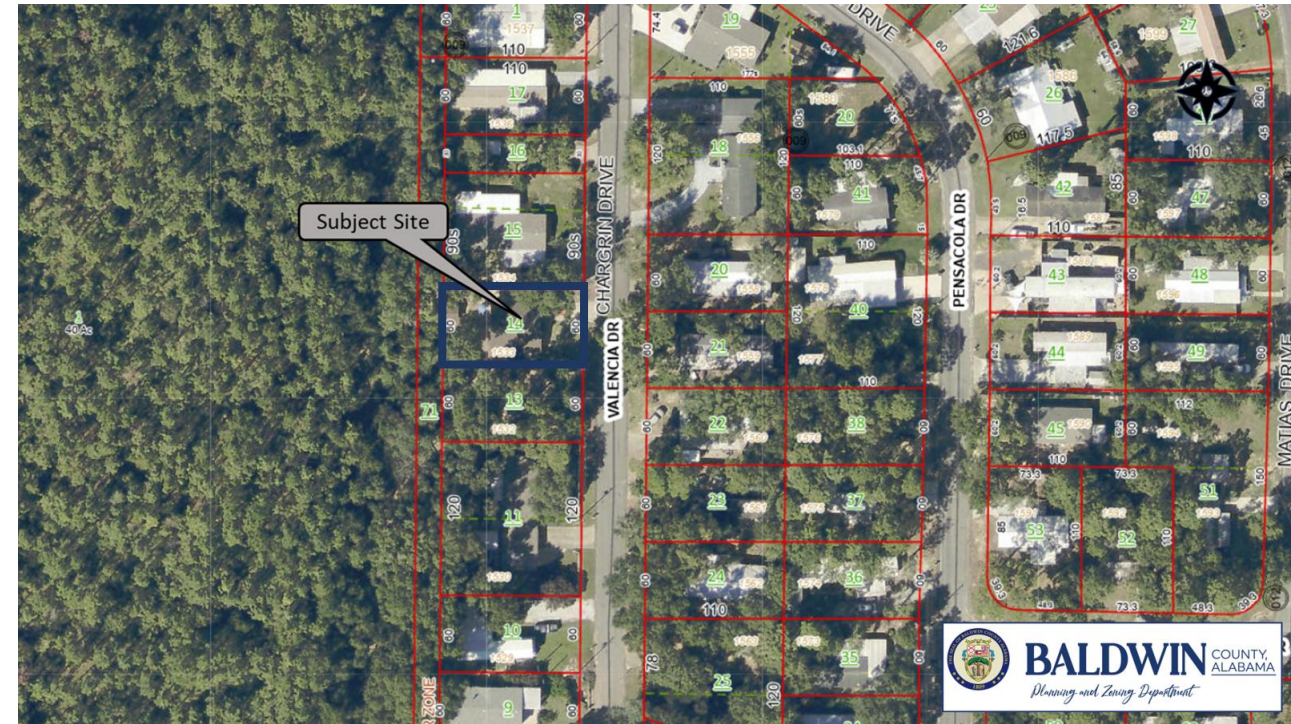
FOLEY, AL

ZVA26-27 SHAW PROPERTY

VARIANCE REQUEST

Lead Staff: Calla Mckenzie, Planning Technician II

- Planning District: 23
- Zoned: RSF-3, Residential Single Family
- Location: The subject property is located west of Valencia Dr in the Spanish Cove Subdivision.
- PID: 05-52-08-25-4-012-014.000
- PPIN: 70494
- Acreage: 0.15 +/- acre
- Physical Address: 1533 Valencia Dr
- Applicant: Emerald Homes – Land Tomlinson
- Owner: Dannylee and Judith Shaw



ZVA26-27 SHAW PROPERTY

VARIANCE REQUEST SUMMARY AND RECOMMENDATION

Lead Staff: Calla Mckenzie, Planning Technician II

The applicant is requesting a variance from Section 2.3.23.3 (b), Local Provisions for Planning District 23, of the Baldwin County Zoning Ordinance, as it pertains to the building setbacks, in order to allow for the placement of a single-family dwelling.

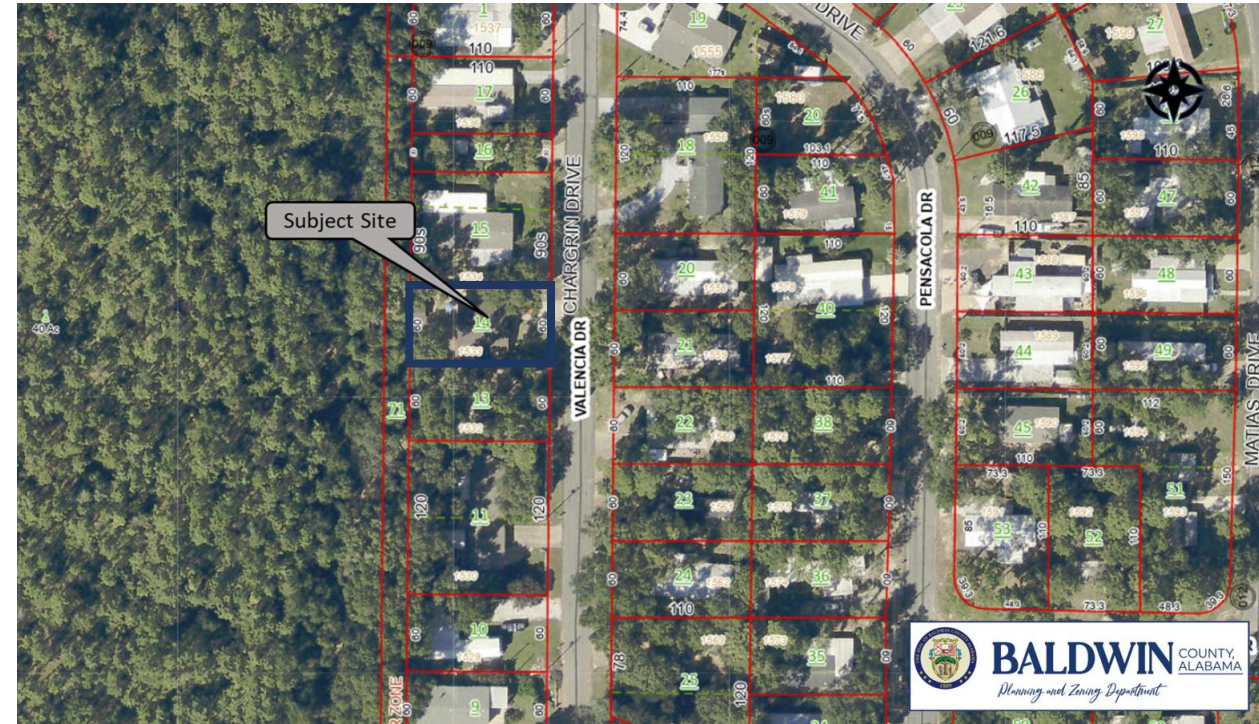
Staff recommends that case ZVA26-27 be **APPROVED** unless information to the contrary is revealed at the public hearing.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-3, Residential Single Family	Residential
South	RSF-3, Residential Single Family	Vacant
East	RSF-3, Residential Single Family	Residential
West	RA, Rural Agricultural	Vacant

Subject Property
PIN: 70494



Sep 24, 2026 1:07:51 PM
1534 Valencia Drive
Lillian
Baldwin County
Alabama

Adjoining Property
to the North
PIN: 70495



Sep 24, 2026 1:10:49 PM
1533 Valencia Drive
Lillian
Baldwin County
Alabama



Adjoining Property
to the South
PIN: 70493



Sep 24, 2026 1:10:10 PM
1529 Valencia Drive
Lillian
Baldwin County
Alabama

Property to
the East
PIN: 70501



Sep 24, 2026 1:08:05 PM
1533 Valencia Drive
Lillian
Baldwin County
Alabama



Property to
the West
PIN: 2214

Sep 24, 2026 1:11:49 PM
1533 Valencia Drive
Lillian
Baldwin County
Alabama

1533 VALENCIA Drive

60'

30' SET BACK

60'

110'

22'

16 X 72

1152 ft²

22'

72'

16'

8

8

Zoning Requirements

Section 4.4 RSF-3, Single Family District

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

4.4.2 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 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.

4.4.3 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*).

4.4.4 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

4.4.5 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	10,000 Square Feet
Minimum Lot Width at Building Line	70-Feet
Maximum Ground Coverage Ratio	.35

Zoning Requirements

2.3.23 *Planning District 23.*

2.3.23.1 Effective Date

On March 25, 2003, a majority of qualified electors in Planning District 23 voted to institute County Zoning. On September 2, 2003, the County Commission adopted the Planning District 23 Zoning Map and Ordinances.

2.3.23.2 District Boundaries

A legal description of the boundaries for Planning District 23 may be found under Appendix A.

2.3.23.3 Local Provisions for Planning District 23

(a) Planned Residential Developments. The maximum height of a PRD shall not exceed the maximum height of the underlying zoning district by more than ten (10) feet.

(b) The following provisions shall be applicable only to the Spanish Cove Subdivision Development:

1. Setbacks.

Residential Lots:

Front Yard	30-feet
Rear Yard	10-feet
Side Yard	10-feet

Recreational Vehicle Lots:

Front Yard	20-feet
Rear Yard	7-feet
Side Yard	7-feet

Corner Lots. The street side yard setbacks shall be a minimum of 10-feet.

Accessory Structures. When abutting an area zoned OR, accessory structures may be located 3 feet from the rear property line.

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 23 came into effect on September 2, 2003. The lot of record is approximately 0.15 acres. The minimum lot size requirement for RSF-3, Residential Single Family, is 10,000 sf with a minimum lot width at the building line of 70'. The property does not meet the minimum requirements; however, because the local provisions created specifically for these lots reduced the typical rear setback from 30' to 10', staff believes there is no exceptional narrowness, shallowness, or distinctive shape of the subject property that would necessitate a variance.

Required Minimum Lot Size: **10,000 sf**

Actual size: **6,660 sf**

Lot size hardship: **YES**

Required Minimum Lot Width: **70'**

Actual lot width: **60'**

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 applicant's request is to allow a single-family home to be placed on the property. There was an existing dwelling on the property that was destroyed. It was approximately 1,078 sf. The proposed dwelling is to be 1,080 sf. The applicant is just trying to replace his home with one of a similar size. Therefore, staff believes that the proposed Variance may be necessary to preserve 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 statement from the 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.

Applicant Statement

Dear Members of Baldwin County Zoning,

We respectfully request your consideration and approval of a zoning variance for our customer, Dannylee Shaw, whose home was recently destroyed by fire.

The customer has already completed the purchase and closed on the manufactured home with VA financing. The manufactured home he purchased is a custom order 2027 Baby Boujee (16x72).

We are requesting that the County approve the necessary zoning variance to allow the customer to sit 8 ft off the back property line. Approval of this variance would allow him to rebuild and return to his home as quickly as possible following this unexpected and devastating loss.

We understand and respect the County's zoning requirements and procedures. However, given the unique circumstances of this situation—including the fact that the property has already closed with VA financing and the original home was destroyed through no fault of the customer—we respectfully ask that the County consider this request on an individual basis and grant the variance necessary for the replacement home.

Our goal is simply to help this customer rebuild his home and move forward after an unforeseen hardship. We would greatly appreciate your consideration, understanding, and assistance in allowing this replacement home to move forward.

Please feel free to contact us if any additional documentation or information is needed to assist with the review of this request.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Lauren Hayes; mgr." The signature is fluid and cursive, with the last name "Hayes" being the most prominent part.

Lauren Hayes

Business Manager

Emerald Homes of the Gulf Coast LLC

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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,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

NEXT REGULAR MEETING

NOVEMBER 12, 2026

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL