BALDWIN COUNTY, ALABAMA

Planning and Zoning Department

BALDWIN COUNTY BOARD OF ADJUSTMENT #2

REGULAR MEETING

NOVEMBER 12, 2026

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL

ZVA26-30 Baker Property

Variance Request

Lead Staff: Crystal Bates, Associate Planner

- **Planning District:** 21
- **Zoned:** CR, Conservation Resource
- **Location:** The subject property is located on the east side of Baudin Lane
- **PID:** 05-56-07-40-0-001-002.051
- **Physical Address:** Baudin Ln
- **Applicant:** BAKER HUBERT JAY AND BAKER MESHELLE GRAHAM
- **Owner:** BAKER HUBERT JAY AND BAKER MESHELLE GRAHAM



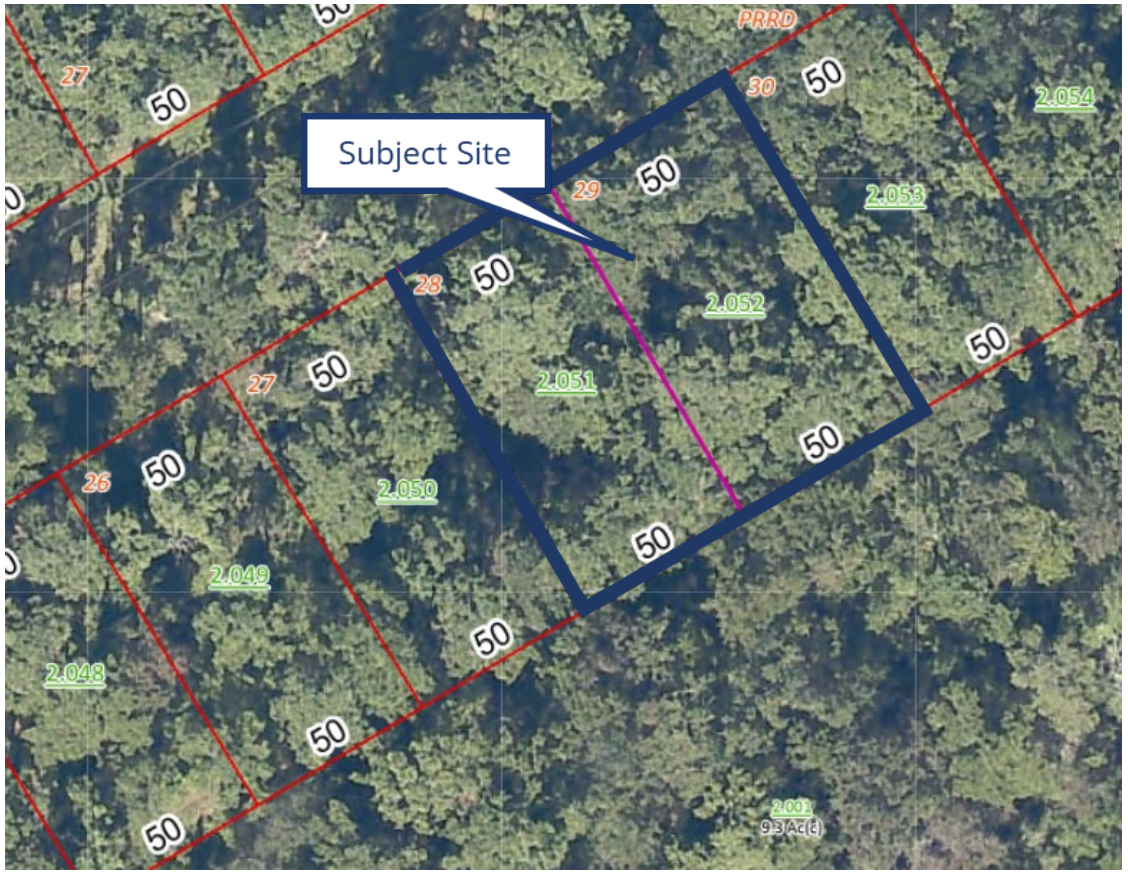
ZVA26-30 Baker Property

Variance Request Summary and Recommendation

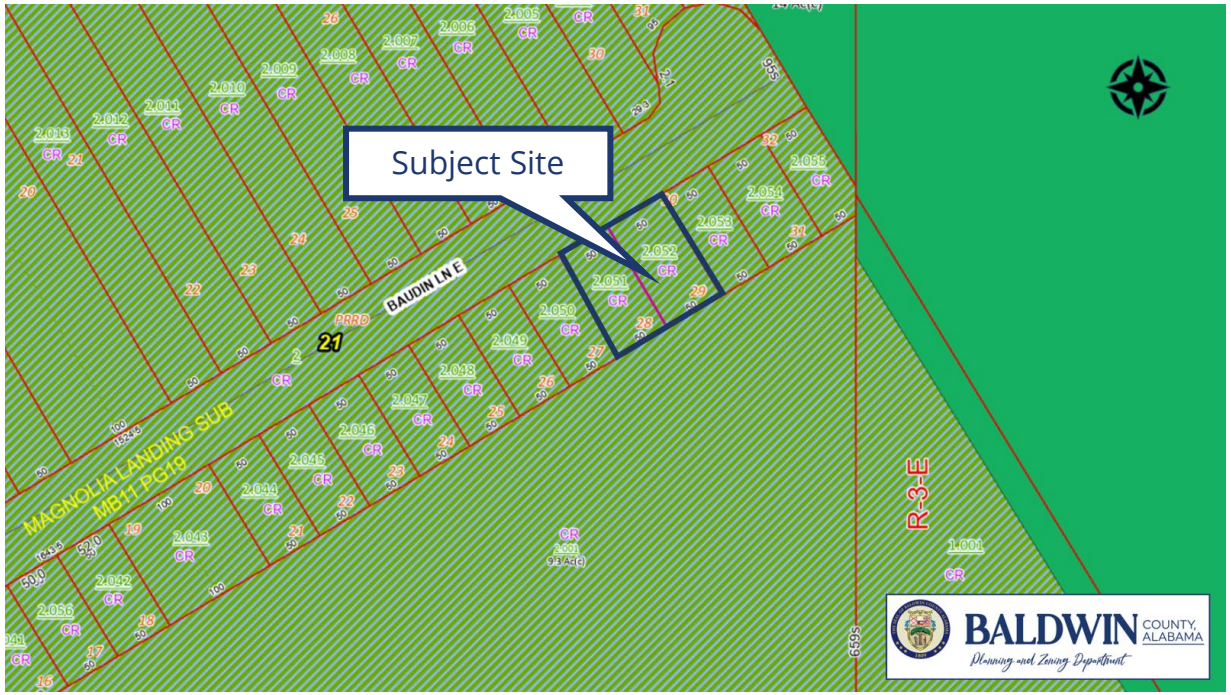
Lead Staff: Crystal Bates, Associate Planner

The applicant is requesting a variance from Section 3.3.5 Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance, as it pertains to the front, rear, and side yard setback requirements in order to allow for a single-family dwelling.

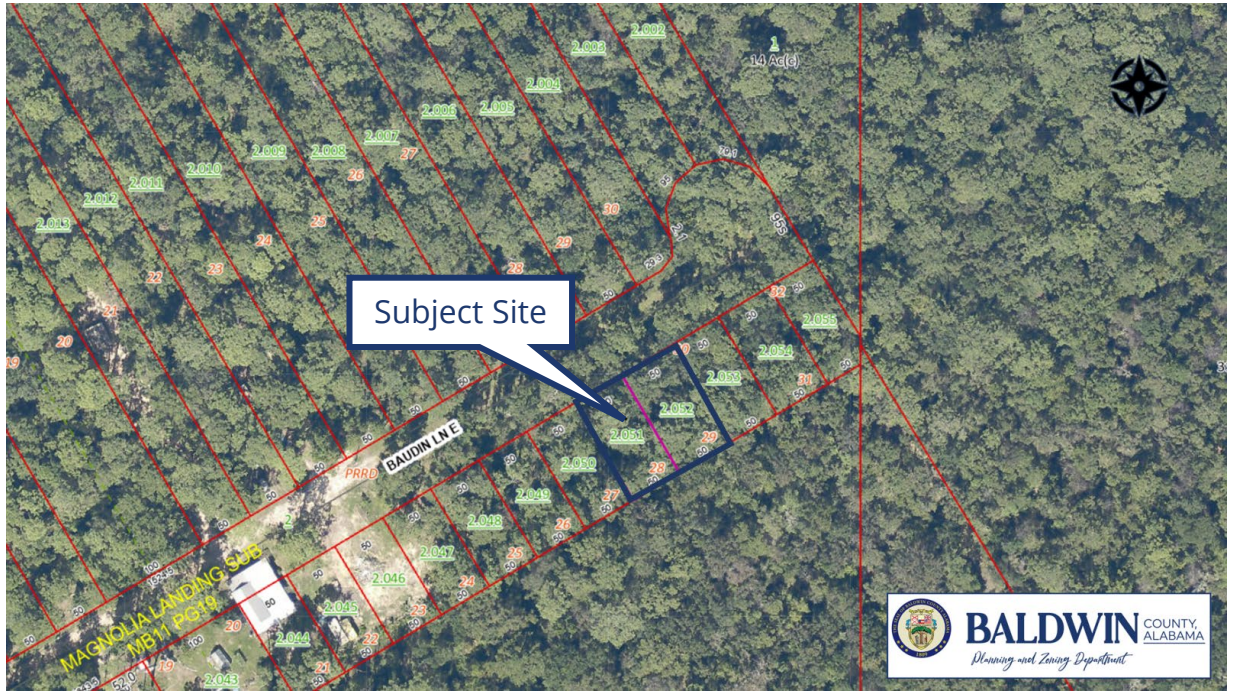
Staff recommends that ZVA26-30 be approved.



Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	CR, Conservation Resources	Vacant
South	CR, Conservation Resources	Vacant
East	CR, Conservation Resources	Vacant
West	CR, Conversation Resources	Vacant

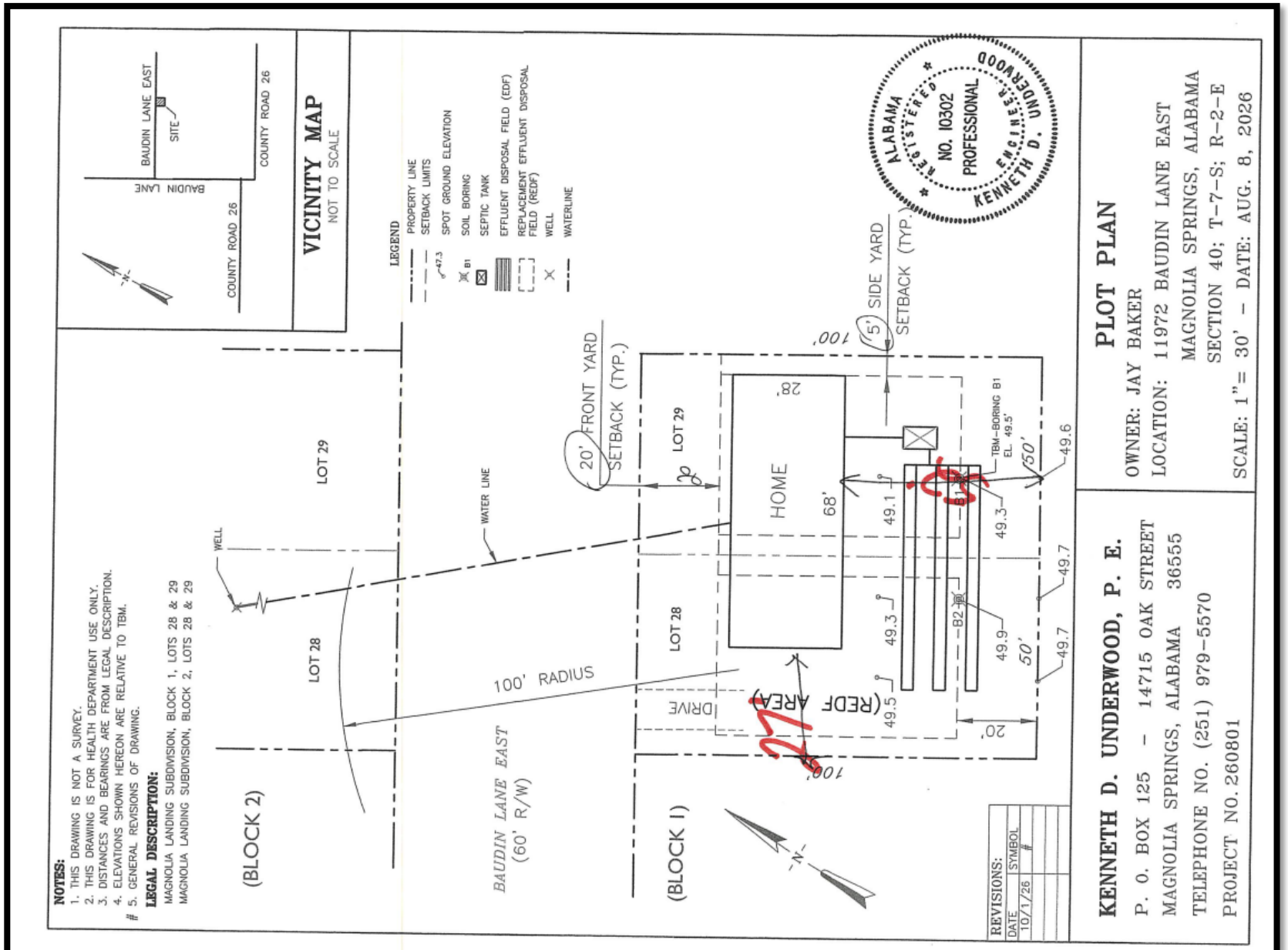

Subject Property
PIN: 74140
VARIANCE
PROPOSED
FOR THIS PROPERTY
Case Number
ZVA26 - 000030
For information Contact
Baldwin County Planning &
Zoning Department
(251) 580-1655
AL 6147 BR
Oct 21, 2026 11:45:03 AM
13230 County Road 26
Foley
Baldwin County
Alabama


Property to
the North
PIN: 74119
Oct 21, 2026 11:46:28 AM
11920 Baudin Lane East
Foley
Baldwin County
Alabama


Adjoining Property
to the East
PIN: 74141
Oct 21, 2026 11:46:08 AM
11920 Baudin Lane East
Foley
Baldwin County
Alabama

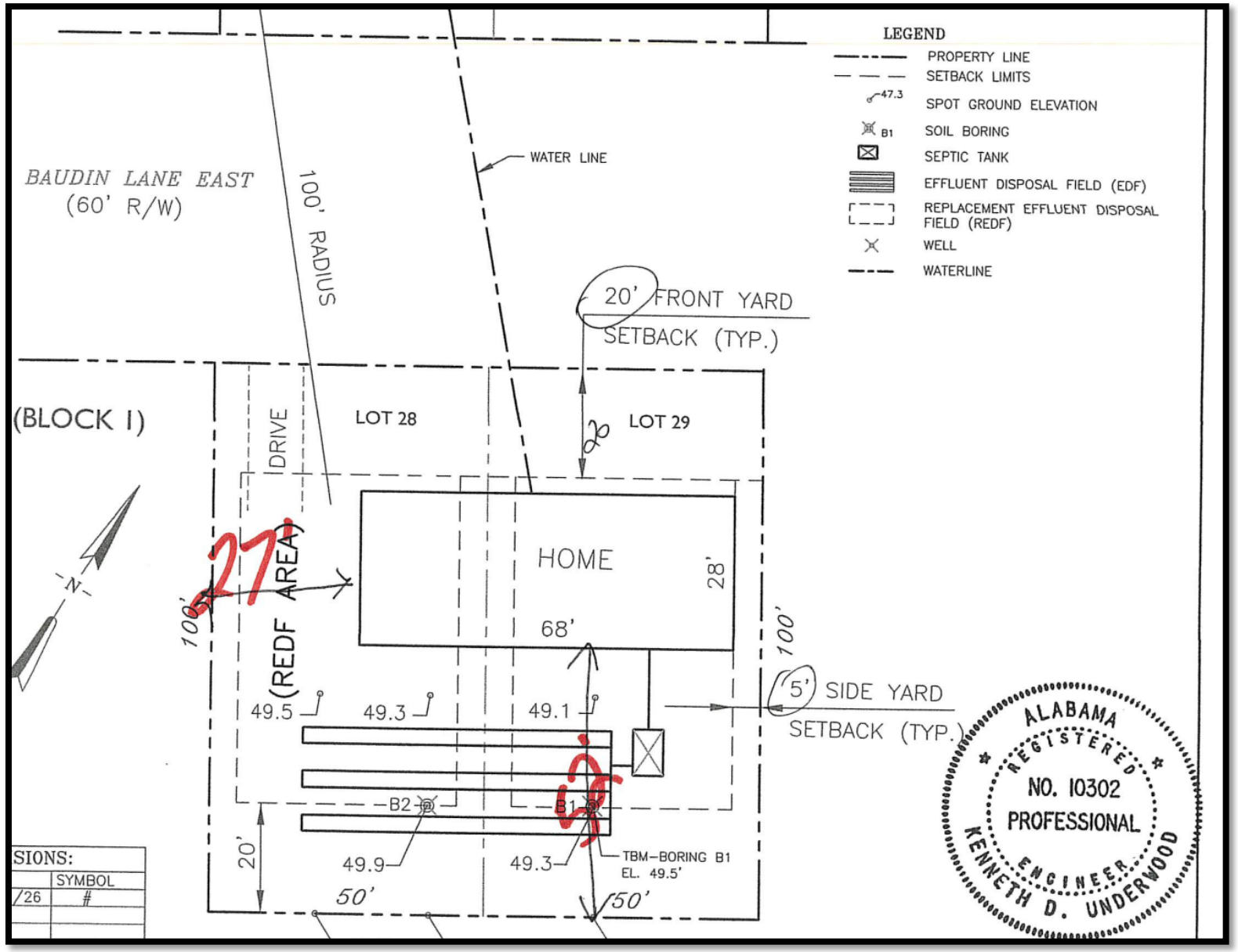

Adjoining Property
to the West
PIN: 74139
Oct 21, 2026 11:45:37 AM
11920 Baudin Lane East
Foley
Baldwin County
Alabama

Site Plan


VICINITY MAP
NOT TO SCALE
BAUDIN LANE EAST
SITE
BAUDIN LANE
COUNTY ROAD 26
COUNTY ROAD 26
LEGEND
PROPERTY LINE
SETBACK LIMITS
SPOT GROUND ELEVATION
SOIL BORING
SEPTIC TANK
EFFLUENT DISPOSAL FIELD (EDF)
REPLACEMENT EFFLUENT DISPOSAL FIELD (REDF)
WELL
WATERLINE
NOTES:
1. THIS DRAWING IS NOT A SURVEY.
2. THIS DRAWING IS FOR HEALTH DEPARTMENT USE ONLY.
3. DISTANCES AND BEARINGS ARE FROM LEGAL DESCRIPTION.
4. ELEVATIONS SHOWN HEREON ARE RELATIVE TO TBM.
5. GENERAL REVISIONS OF DRAWING.
LEGAL DESCRIPTION:
MAGNOLIA LANDING SUBDIVISION, BLOCK 1, LOTS 28 & 29
MAGNOLIA LANDING SUBDIVISION, BLOCK 2, LOTS 28 & 29
(BLOCK 2)
LOT 29
LOT 28
WELL
WATER LINE
100' RADIUS
BAUDIN LANE EAST
(60' R/W)
(BLOCK 1)
LOT 29
LOT 28
20' FRONT YARD SETBACK (TYP.)
100'
5' SIDE YARD SETBACK (TYP.)
HOME
28'
68'
DRIVE
20'
(REDF AREA)
100'
50'
50'
TBM-BORING B1
EL 49.5'
49.1
49.3
49.5
49.9
49.3
49.6
49.7
49.7
REVISIONS:
DATE
SYMBOL
#
10/1/26
ALABAMA
REGISTERED
NO. 10302
PROFESSIONAL
ENGINEER
KENNETH D. UNDERWOOD
PLOT PLAN
OWNER: JAY BAKER
LOCATION: 11972 BAUDIN LANE EAST
MAGNOLIA SPRINGS, ALABAMA
SECTION 40; T-7-S; R-2-E
SCALE: 1"= 30' - DATE: AUG. 8, 2026
KENNETH D. UNDERWOOD, P. E.
P. O. BOX 125 - 14715 OAK STREET
MAGNOLIA SPRINGS, ALABAMA 36555
TELEPHONE NO. (251) 979-5570
PROJECT NO. 260801


N
W
E
S

Site plan enlarge



Floor Plan


BATH
SGD
OPT. D/W
UTILITY
KITCHEN
BATH
F
WH
ISLAND
DINING
9'-1" x 12'-7"
DEN
17'-6" x 12'-7"
BEDROOM 2
10'-4" x 12'-7"
PRIMARY BEDROOM
16'-7" x 12'-6"
LIVING ROOM
20'-10" x 12'-8"
BEDROOM 4
10'-3" x 12'-7"
BEDROOM 3
10'-3" x 12'-7"
BATH 2
FLEX
10'-3" x 12'-7"
BATH 2

Zoning Requirements

Section 3.3 CR, Conservation Resource District

3.3.1 Generally. This zoning district provides for large, open, unsubdivided land which is environmentally constrained and that is vacant or is being used for agricultural, forest or other rural purposes.

3.3.2 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) Outdoor recreation uses.

(d) The following local commercial uses: fruit and produce store.

(e) The following institutional uses: church or similar religious facility; school (public or private).

(f) Agricultural uses.

(g) Single family dwellings including manufactured housing and mobile homes.

(h) Accessory structures and uses.

3.3.3 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

3.3.4 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:

(a) Institutional uses not permitted by right.

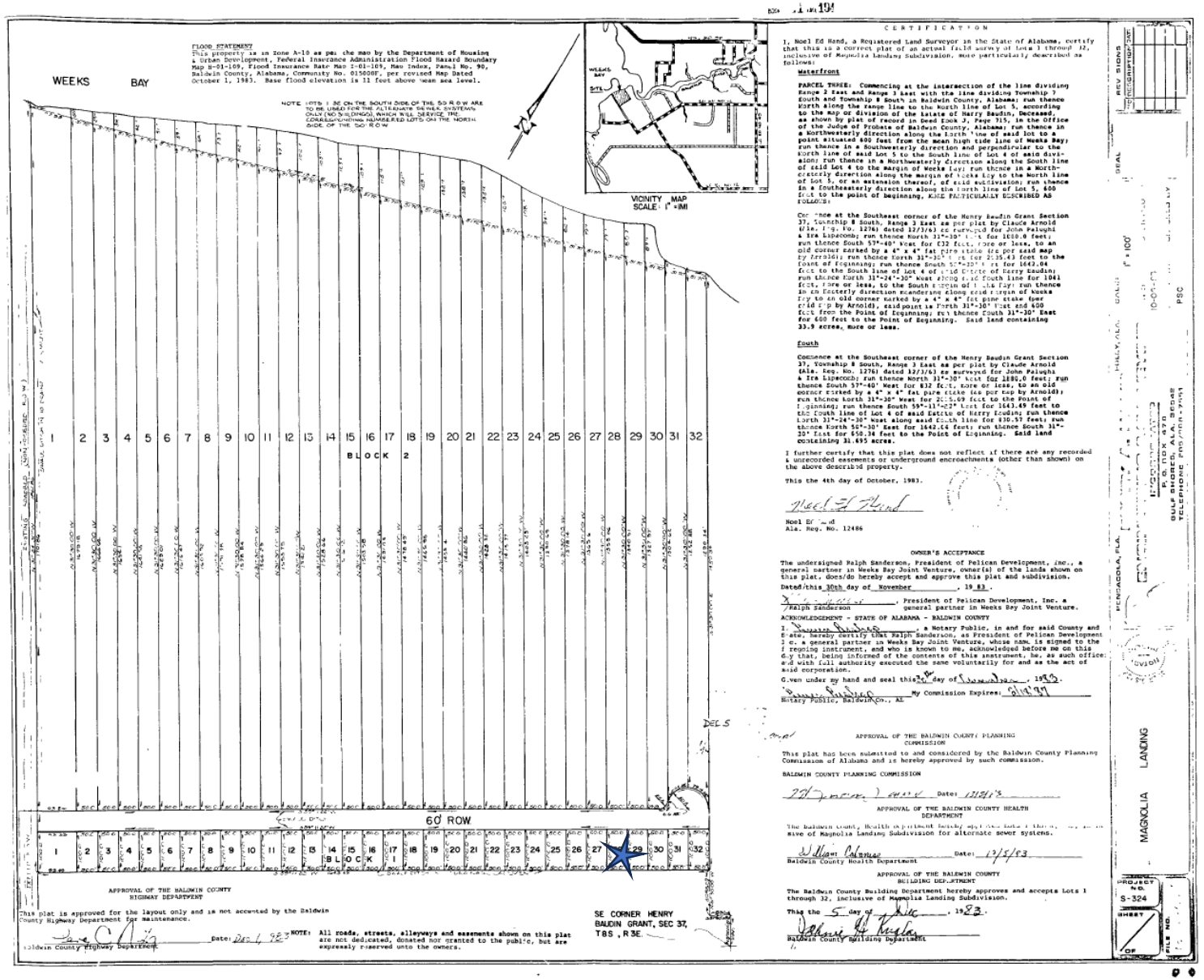
(b) The following general commercial uses: low density recreational vehicle park (see *Section 13.8: Recreational Vehicle Parks*).

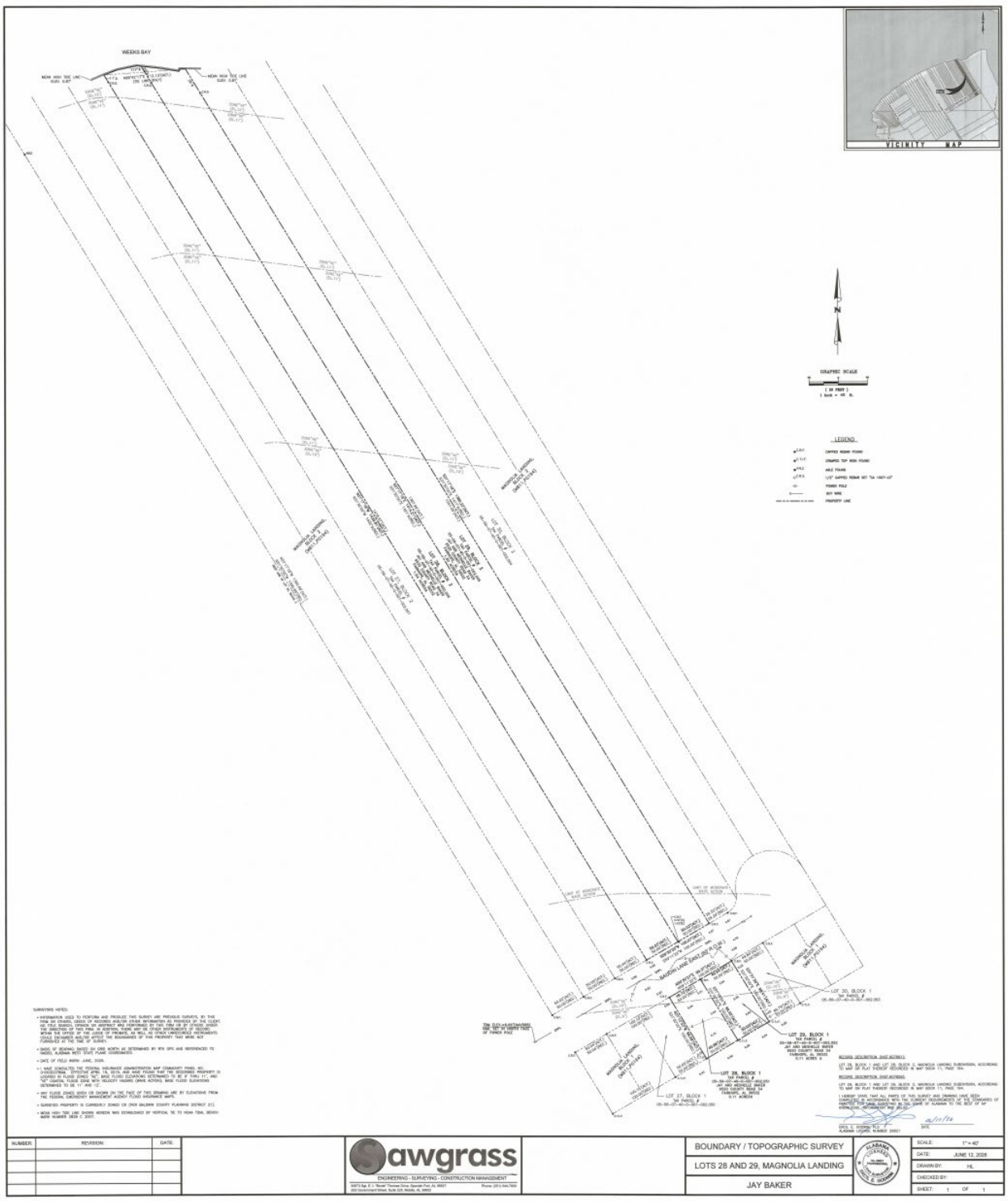
(c) The following local commercial uses: bed and breakfast or tourist home (see Section 13.10: B*ed and Breakfast Establishments*).

3.3.5 Area and dimensional regulations. 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
Minimum Front Yard	100-Feet
Minimum Rear Yard	100-Feet
Minimum Side Yards	50-Feet
Minimum Lot Area	5 Acres
Minimum Lot Width at Building Line	250-Feet

SUBDIVISION PLAT





Original Survey

Exemption letter

BALDWIN COUNTY, ALABAMA
Planning and Zoning Department

Robertsdale Office:
22251 Palmer Street
Robertsdale, AL 36567

Quick Contacts:
planning@baldwincountyal.gov
251-580-1655

Foley Office:
201 East Section Avenue
Foley , AL 36535

October 07, 2026
SUBDIVISION EXEMPTION VERIFICATION
Case #: PF26-000282

Site & Applicant Information

Parcel ID Number: 05-56-07-40-0-001-002.051, 05-56-07-40-0-001-002.052, 56-07-40-0-001-002.051
Physical Address (E-911): 11972 BAUDIN LN E LOT 29 LOT 29 FOLEY , AL 36535
Applicant Name: Hubert Baker
Property Owner Name: BAKER HUBERT JAY AND BAKER MESHELLE GRAHAM

Dear Applicant:
This letter is in response to your request for an exemption for a 4.2(d) Relocation of common lot line from the Baldwin County Subdivision Regulations as provided in Section 4.2 which states the following:
§4.2 Exceptions to Required Approval.
(d) The relocation of a common property line between two parcels where no new parcels are created. The revised parcels shall meet the minimum lot size and width requirements of Section 5.4(a). An exemption under this paragraph shall not apply to a proposed subdivision or resubdivision that will result in a Major Change to an approved and recorded Final Plat or Final Site Plan.

Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to zoning ordinance, Health Department requirements, highway construction setbacks, or, if located within the extraterritorial jurisdiction of a municipality, the regulations of that municipal planning commission. An Exempt Subdivision Verification Letter does not create a subdivision. The letter only certifies the proposed division is exempt on the date the letter is issued. **Transfers to approved recipients must be evidenced by recording an appropriate deed in the records of the Judge of Probate of Baldwin County, Alabama, within ninety (90) days of issuance of the Exempt Subdivision Verification Letter to create the proposed exempt subdivision. If the owner fails to record such deeds within 90 days, the Exempt Subdivision Verification Letter is no longer valid, and the exempt division will no longer be exempt.** Additionally, if regulations impacting the property change prior to the owner recording such deeds, the proposed exempt subdivision may no longer be exempt. Any subdivider who is circumventing the intent and substance of the Baldwin County Subdivision Regulations shall be required to submit a plat for review and approval by the Baldwin County Planning and Zoning Commission and shall be subject to the penalties under Section 13.3: Enforcement of the Baldwin County Subdivision Regulations. Based on your proposal the resulting subdivision will include one (1) parcels.

Per your request, you are asking to move common property lines that exist between the above referenced parcels. You will be required to record the deed in such a way that no additional parcels are created. If this is done, then no new parcels are being created and this is EXEMPT from the Baldwin County Subdivision Regulations.

This division involves a lot in a previously recorded subdivision plat. You are required to record a replat in the Probate Office in accordance with Section 4.2 of the Baldwin County Subdivision Regulations. Please deliver the plat to Robertsdale Planning and Zoning for final review and signature.

Section 13.5 Additional Penalties

Conviction under Section 13.3.2: Violations of these regulations shall result in forfeiture and payment of a penalty of $1,000.00 for each lot or parcel so transferred, sold, or leased. The County Commission may also institute an injunction against such transfer, sale, or lease in any court of equity jurisdiction, or may recover the same penalty through civil action in any court pursuant to authority granted by the Code of Alabama. Further, no streets will be accepted for maintenance by the County nor shall any utilities be extended to any subdivision found in violation of these regulations

If you have any questions, please feel free to call me at 251-580-1655.
Sincerely:

Elizabeth Wilson

Elizabeth Wilson, Planning Technician

Special Development Notes Before you Build

Minimum Front Yard Setback: 100

Minimum Side Yard Setback: 50

Minimum Rear Yard Setback:100

Minimum Lot Area: 5 Acres

Minimum Lot Width at Front Setback: 250

Does the Site Contain Potential Protected Wetlands: Yes

Is the Property Zoned: Zoned

What is the Zoning Designation: CR Conservation Resource District

You Must Obtain a Site Plan Approval From: Baldwin County Planning and Zoning Department

You Must Obtain a Building Permit From: Baldwin County

Proposed Division Map



Wetland Delineation

April 16, 2026

Jay and Meshelle Baker
18851 Summer Oaks Place
Fairhope, Alabama 36532

Subject: Wetland Delineation
Lots 28 & 29, Block 2, Magnolia Landing Subdivision
Baudin Lane East (PINs: 74119, 74118, 74140, 74141)
Foley, Baldwin County, Alabama

Dear Mr. and Mrs. Baker:

As requested, Wetland Resources has conducted a wetland delineation on the above-described parce Baudin Lane East near Foley, Baldwin County, Alabama. I have determined that the big lots between the r and Weeks Bay are entirely wetlands. The small lots to the southeast of the road are entirely uplands. T way is partially filled and is a combination of uplands and wetlands.

Wetland boundaries, which appear to be entirely within the road right of way, have been identified and the approved U.S. Army Corps of Engineers method, according to the *Regional Supplement to the Co Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region*. Wetland boundaries are marked flagging or pin flags printed with **WETLAND DELINEATION**. Flags are sequentially numbered and include

To document findings, data has been collected on vegetation, soils, and hydrology at representative sa Corps of Engineers wetland determination data forms have been completed and are attached. Also attac showing the approximate location of the wetland boundaries and wetland determination data points.

To accurately depict the wetlands and wetland boundaries on a survey plat and/or project drawings, professional land surveyor will be needed to locate wetland boundary flagging.

The wetlands present fall under Section 404 of the Clean Water Act jurisdiction. Section 404 regulates pl wetlands and other activities that have the same effect as fill, such as mechanized land clearing. The Sectio program is administered, in part, by the U.S. Army Corps of Engineers (Corps).

Furthermore, this property falls within the state of Alabama's coastal zone and is subject to the Coastal Ar Program regulations, which are administered by the Alabama Dept. of Environmental Management (ADE zone regulations require demonstration that wetland fill has been avoided and minimized to the gre extent. In a conversation with ADEM about potentially filling for a house and driveway on the wetland lo buildable upland area on the small lots, it was stated that you would be expected to utilize the upland are wetlands.

Since this property falls within a zoned area of the county, a 30-ft. wetland buffer is typically required. The and Zoning Dept. has said that a variance from the Board of Adjustment would be necessary to encroach buffer/wetlands, so building on the upland lots would be expected.

Construction of a pile-supported walkway and boathouse requires a permit from the Corps of Engineers a by the Alabama Dept. of Conservation and Natural Resources State Lands Division. Plan view and a typi drawing of the structure are required as part of the permit application.

Tel (251) 928-6157 • Cell (251) 402-6055 • Mail P.O. Box 2694 • Daphne, AL 36526

Wetland Delineation Sketch - Detail

Lots 28 & 29, Block 2, Magnolia Landing
Baudin Lane East (PINs: 74119,74118, 74140, 74141)
Foley, Baldwin County, Alabama
30.386601, -87.81933

Wetland Determination Data Point Locations:

- U-1: 30.386455, -87.819082
- W-1: 30.386913, -87.819457
- W-2: 30.389721, -87.821378

Questions: Contact Gena Todia at JAGET@zebra.net or (251) 402-6055.



Wetland Delineation Sketch

Lots 28 & 29, Block 2, Magnolia Landing
Baudin Lane East (PINs: 74119,74118, 74140, 74141)
Foley, Baldwin County, Alabama
30.386601, -87.81933

:ch below shows the approximate locations of wetland boundaries. Wetland boundaries are marked with pink lagging or pin flags printed with WETLAND DELINEATION. All flags are sequentially numbered and include the iT. If the wetlands are to be overlain on a survey plat or project drawings, total wetland area should be labeled ntified in square feet.

Questions: Contact Gena Todia at JAGET@zebra.net or (251) 402-6055.



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 regulations for Planning District 21 became effective on June 2, 2009. The combined buildable lot consists of four parcels currently. (Lot 28 and Lot 29) within Magnolia Landing. The 100-by-100-foot upland area is the property's buildable portion. The minimum lot size requirement for the Conservation Resources District (CR) is 5 acres, with a minimum lot width of 250 feet at the building line. Despite the consolidation of all parcels, the buildable upland area remains limited to 100 feet by 100 feet.

Minimum lot size: **5 acres, 217,800sf.** Actual lot size: **152,730+/- *sf,*** Minimum Lot width at building line: **250',** Actual Lot Width: will be **100'** Hardship: **YES**

2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.
The subject property includes jurisdictional wetlands; however, these are located on the opposite side of the road along the bay side. The proposed 100 x 100 site does not contain any jurisdictional wetlands. Therefore, staff could not establish 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 CR, Conservation Resource District. The applicant proposes to construct a single-family residence on a set of two lots that will be combined and re-platted into a single parcel. The dwelling is planned to be located on the upland portion of the combined property. The property is situated across the street from bayfront lots containing wetlands. 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

STATEMENT REGARDING HOA / POA STATUS

October 2, 2026

To: Baldwin County Building Department

Re: Property associated with the current building / variance application

We, Jay Baker and Meshelle Baker, as property owners, hereby state that, to the best of our knowledge, there is no active Property Owners Association (POA) or Homeowners Association (HOA) governing the subject property. There is also no active association board or committee currently operating for the property.

This statement is being provided at the request of the Baldwin County Building Department in support of our current application.

Jay Baker - Property Owner
11972 Baudin Lane E., Foley, AL 36535

Date: 10/4/2026

Meshelle Baker - Property Owner
11972 Baudin Lane E., Foley, AL 36535

Date: 10/4/2026

ZVA26-30 Baker Property

Variance Request Summary and Recommendation

Lead Staff: Crystal Bates, Associate Planner

The applicant is requesting a variance from Section 3.3.5 Area and Dimensional Ordinance of the Baldwin County Zoning Ordinance, as it pertains to the front, rear, and side yard setback requirements in order to allow for a single-family dwelling.

Staff recommends that ZVA26-30 be approved with conditions.

1. If approved, the variance is limited to the site plan as shown and provided herein. The lots must be combined, deeded, and replated as one parcel.
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.

ZVA26-30 Baker Property

Variance Request Summary and Recommendation

Lead Staff: Crystal Bates, Associate Planner

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

DECEMBER 10, 2026 @ 3:00PM

BALDWIN COUNTY SATELLITE COURTHOUSE

FOLEY, AL