



BALDWIN COUNTY COMMISSION

PLANNING AND ZONING DEPARTMENT

Foley Office
201 East Section Avenue
Foley, Al. 36535
251-972-8523
Fax 251-972-8520

Robertsdale Office
22251 Palmer Street
Robertsdale, Al. 36567
251-580-1655
Fax 251-580-1656

www.planning.baldwincountyal.gov

January 20, 2022

Fort Morgan Advisory Committee

Re: Case No. ZVA22-000004: Lowe Property

General Location: Property is located at 8792 Dolphin Lane, in Planning District 25.

Parcel Identification Number: 05-68-08-28-0-001-108.000

Requested Action and Purpose: The applicant is requesting a variance from the wetlands buffer setback requirement to allow for the construction of a single-family dwelling and driveway.

The BCC Planning & Zoning Board of Adjustment Number 2 has received a request for a variance as described above. We request that you review the application enclosed and provide any comments you may have.

All comments are due on or before noon **Wednesday, February 2, 2022,** and should be addressed as follows:

Linda Lee, Planner
Baldwin County Planning & Zoning Department
201 E Section Avenue
Foley, AL 36535
llee@baldwincountyal.gov
251-972-8523 ext. 2833
Fax: 251-972-8520

We sincerely appreciate your time and look forward to hearing from you soon.

Sincerely,

Linda Lee, Planner

Office Use Only

Case No.: ZVA22-000004 Received By: _____ Date: January 19, 2022
Application Fee: 250.00 Receipt No: _____ Date of Meeting: February 10, 2022

Baldwin County
Zoning Variance Application

Mailing Address

201 East Section Avenue
Foley, AL 36532
Phone: (251) 972-8523 Fax: (251) 972-8520

Applicant

Are you the property owner? ☐ yes ☐ no

(If you are not the property owner you must submit Owner Authorization Form signed by the property owner)

Name: Economic Development Services - Edward Lowe Date: January 16, 2022

Mailing Address: PO Box 1266

City: Oneonta State: AL Zip code: 35121

Telephone: (205) 237 - 4169 Fax: (_____) _____ - _____ e-mail: edloweconsulting@gmail.com

Site Information

Location of Property: 8792 Dolphin Lane, Gulf Shores

Parcel ID Number: 05- 6 8 - 0 8 - 2 8 - 0 - 0 0 1 - 1 0 8 - 0 0 0

Legal Description: _____

Flood Zone: X Planning District: 25 Zoning: RSF-1

The purpose of this Variance is to allow:

a variance from the wetlands buffer setback requirement to allow for the construction of a single-family dwelling.

What are the conditions which prevent you from using this property in accordance with its current zoning classification?

wetlands and Alabama Beach Mice on the property.

I, the undersigned applicant, understands that payment of these fees does not entitle me to approval of this variance and that no refund of these fees will be made. I have reviewed a copy of the applicable zoning regulations and understand that I must be present on the date of the meeting.

Signature of Applicant (Owner of Property or Official Representative of Owner)

Date



PLANNING & ZONING BOARD OF ADJUSTMENT NUMBER 2

NOTICE OF PUBLIC HEARING

Case No. ZVA22-000004

Lowe Property

Notice is hereby given that the Planning & Zoning Board of Adjustment Number 2 will hold a public hearing on **Thursday, February 10, 2022**, beginning at 03:30 PM at the Baldwin County Foley Courthouse Large Meeting Room at 201 East Section Avenue, Foley, AL 36535.

The Board will consider a variance application submitted by Economic Development Services – Edward Lowe for property located at 8792 Dolphin Lane in Planning District 25. The applicant is requesting a variance from the wetlands buffer setback requirement to allow for the construction of a single-family dwelling. The Parcel I.D. number is 05-68-08-28-0-001-108.000. You are receiving this notice because records of the Revenue Commission Office indicate that you are an adjacent property owner.

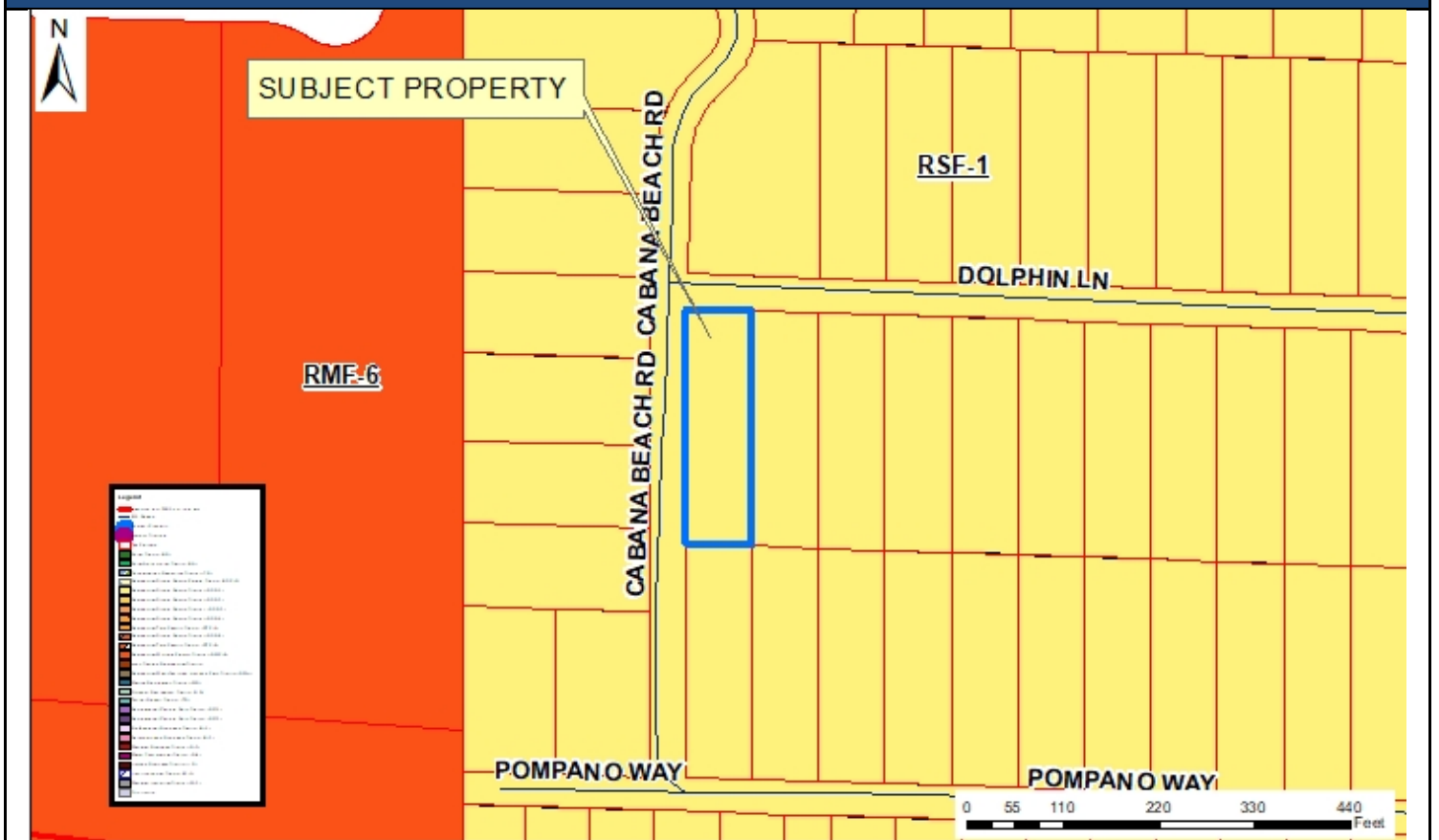
The said application will be considered by The Planning & Zoning Board of Adjustment pursuant to Alabama Code 45-2-261.10 and copies thereof are available for public review at the offices of the Baldwin County Planning & Zoning Department, 22251 Palmer Street in Robertsdale, AL and Foley Satellite Courthouse, 201 East Section Avenue in Foley, AL, during normal business hours.

Public participation is solicited without regard to race, color, national origin, sex, age, religion, disability. Persons who require special accommodations under the Americans with Disabilities Act or those requiring language translation services should contact the Baldwin County Planning & Zoning Department at 251-972-8523.

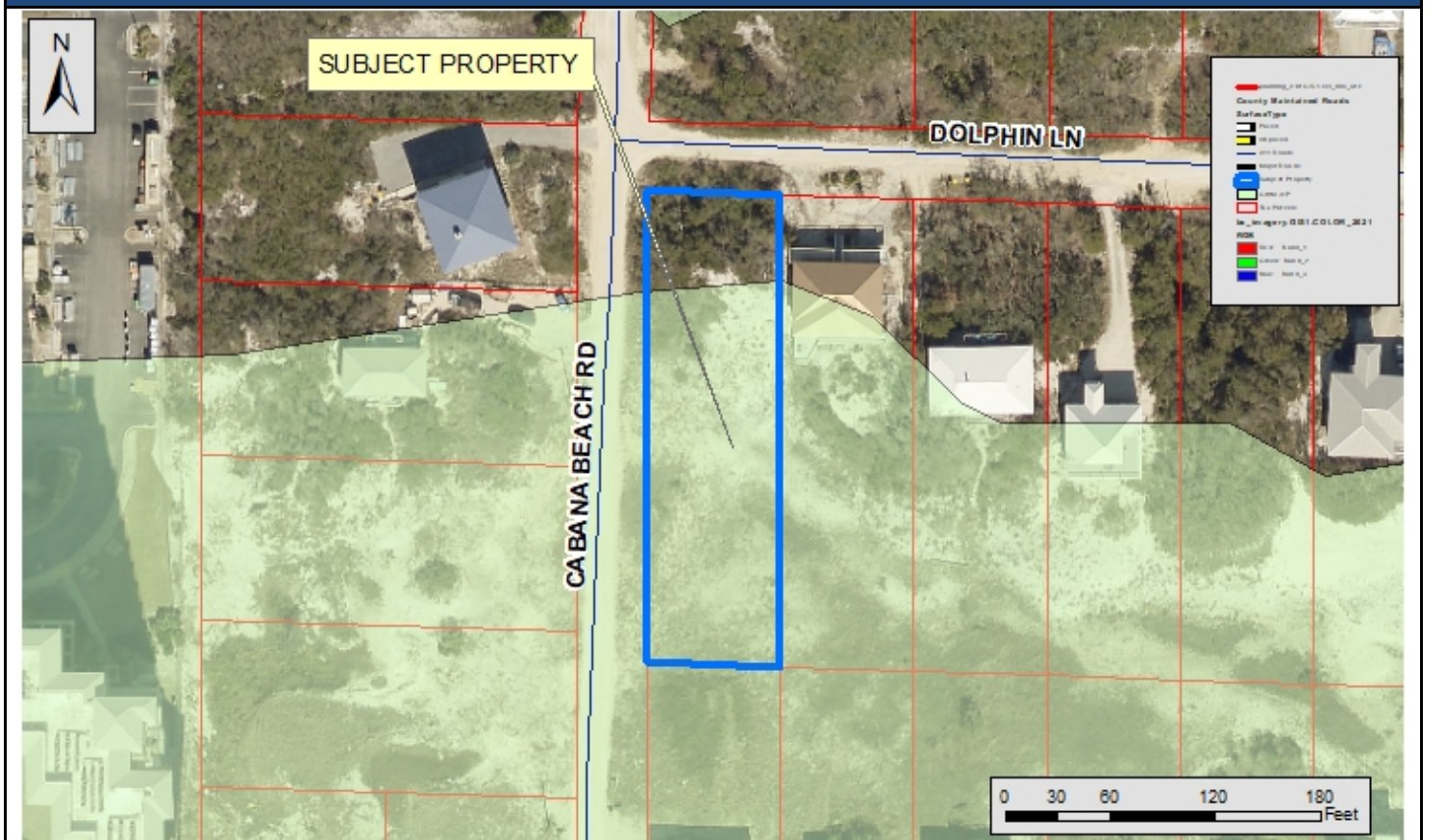
Should you wish to comment on the variance, you may address comments to the Baldwin County Planning & Zoning Department, 201 East Section Avenue, Foley, Alabama 36535 or you may fax them to 251.972.8520. If you wish to comment in person, please attend the meeting on the day and time provided above.

If you would like to be notified of other information on zoning and development in your area and throughout Baldwin County, please sign up to receive our "Get Notified" e-mails. Once subscribed, you will receive via e-mail our quarterly newsletter, agendas for upcoming meetings, action reports and other news and information. To subscribe, visit <https://open.baldwincountyal.gov/pandzsubscribe>. The service is free and users will be able to subscribe or unsubscribe to the list at will.

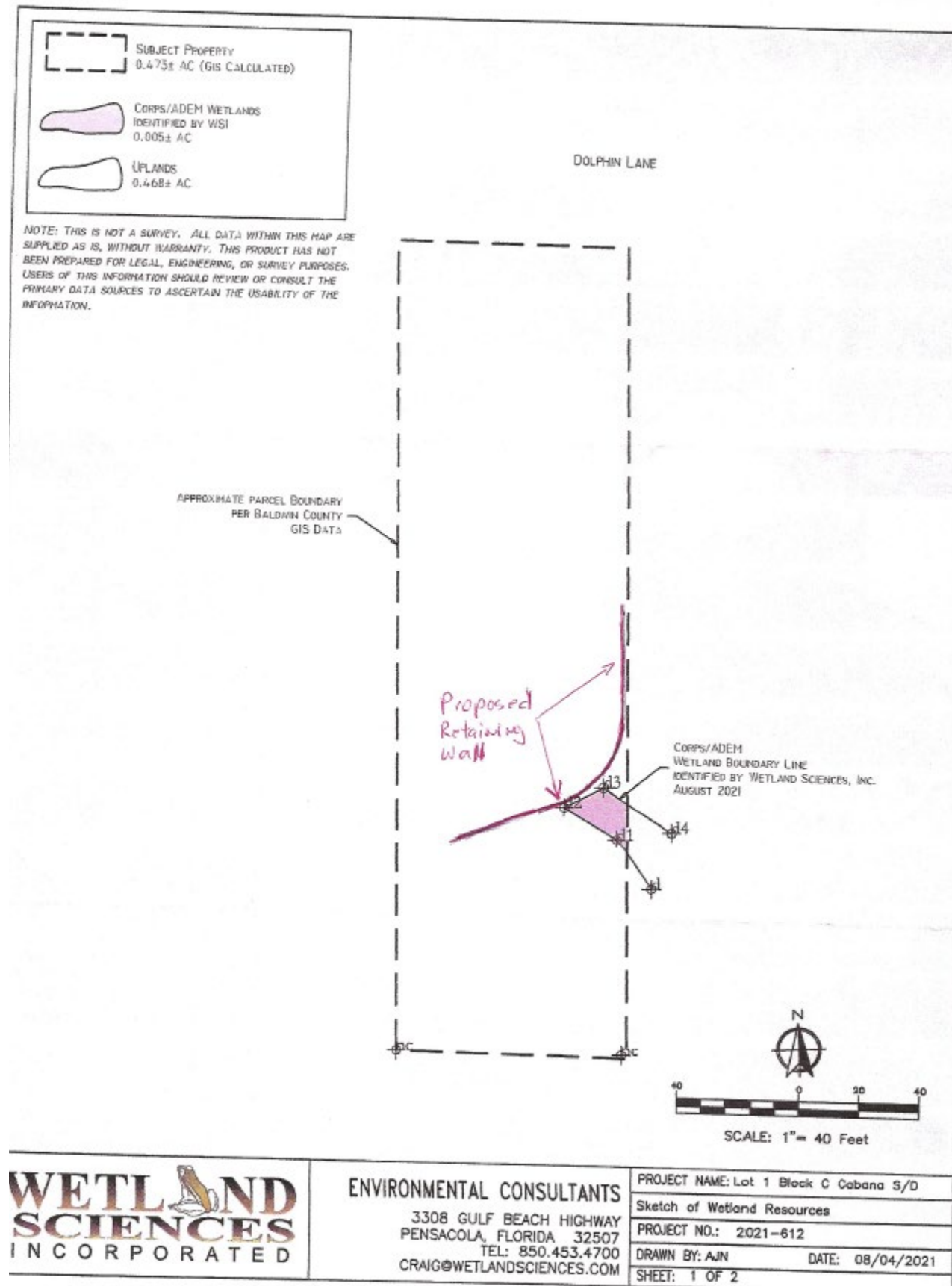
Locator Map

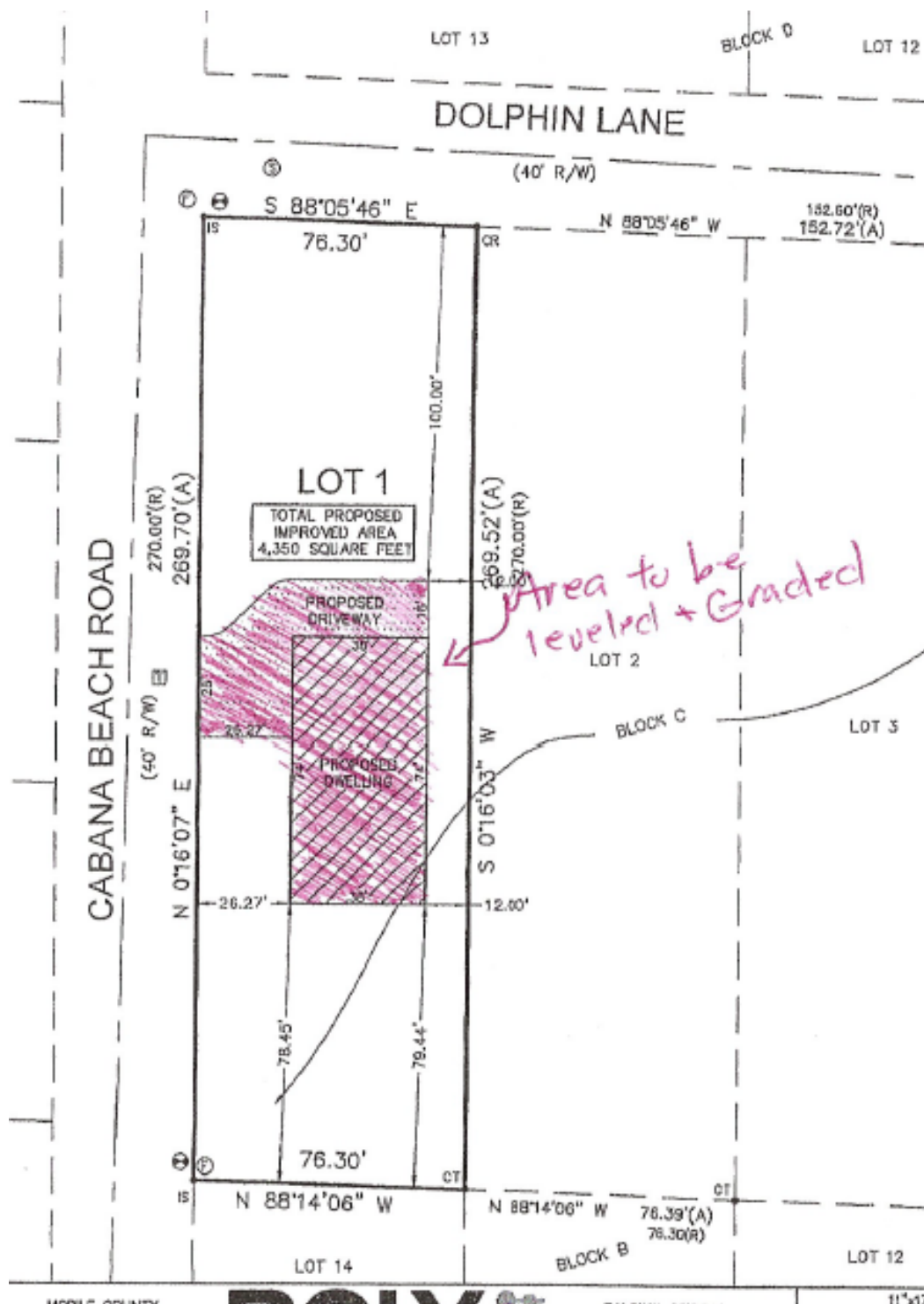


Site Map - 2021 Aerial Photography



Proposed Site Plan







NATIVE ENDANGERED SP. HABITAT CONSERVATION PLAN

Permit Number: ES093481

Version Number: 1

Effective: 2021-10-1 **Expires:** 2057-02-23

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
ES Atlanta Permit Office
1875 Century Boulevard
Atlanta, Georgia 30345
permitsR4ES@fws.gov

**WILLIAM
PEARSON**

Digitally signed by
WILLIAM PEARSON
Date: 2021.09.30
10:04:26 -05'00'

Field Supervisor, Alabama Ecological Services Field Office, Daphne, Alabama

Permittee:

EDWARD LOWE
8950 BONITA LANE
GULF SHORES, AL 36542
US

Authority: Statutes and Regulations: 16 U.S.C. 1539a 50 CFR 17.22, 50 CFR 13

Location where authorized activity may be conducted:

A 0.47 ACRE LOT, LOT I, BLOCK C, DOLPHIN LANE, CABANA BEACH, PARCEL
#05-68-08-28-0-001-108.000 (TAX PIN 53032), GULF SHORES, BALDWIN COUNTY, ALABAMA.

+Reporting requirements:

Reports will be provided to the U.S. Fish and Wildlife office appearing in Condition K of this Permit.

Authorizations and Conditions:

A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.



NATIVE ENDANGERED SPECIES HABITAT CONSERVATION PLAN

Permit Number: ES093481

Version Number: 1

Effective: 2021-10-1 Expires: 2057-02-23

THIS PERMIT CONSISTS OF CONDITIONS A - K (5 PAGES TOTAL) AND TWO APPENDICES (2 PAGES TOTAL).

C. Valid for use by Permittee named above. The Permittee is defined as those entities which hold, or will hold, any right, title, or interest in any portion of the covered property over the duration of this Permit.

D. Acceptance of this Permit serves as evidence that the Permittee and its authorized agents understand and agree to abide by the terms of this Permit and all sections of Title 50 Code of Federal Regulations, Parts 13 and 17, pertinent to issued permits. Section 11 of the Endangered Species Act of 1973, as amended, provides for civil and criminal penalties for failure to comply with permit conditions.

E. The Project area encompasses 0.472 acre (approximately 20,596 square feet) where the Permittee proposes construction of a single-family residence as shown in the appended plats. Field surveys indicate that the Project area provides suitable habitat which may be used by the endangered Alabama beach mouse (ABM) (*Peromyscus polionotus ammobates*). **Incidental take of the ABM is restricted to the permanent destruction of approximately 0.10 acre (4,356 square feet) of this habitat within the Project construction footprint, which would be permanently eliminated due to Project construction and site occupancy after construction.**

The Permittee, and any authorized agents, are authorized to take the ABM within the Project construction footprint incidental to earth moving, grading, and other land alteration and construction activities necessary to construct a residential structure as described in the Permittee's Habitat Conservation Plan (HCP), and as conditioned herein. This Permit does not authorize take of any covered species outside of the project construction footprint or as a result of unlawful activities. Occupancy of the completed residence, in accordance with the HCP is also authorized.

F. This permit is transferable to subsequent owners of the covered property, however specific steps, per 50 C.F.R. § 13.25, must be undertaken by the Permittee for this to be done. Prior to transference of fee simple title of any portion of the real property, the Permittee and the new property owner must provide signed notification to the Service, identified in Condition K below, that a transfer of ownership is pending. This notification must include the permit number ("TE—", as it appears above), seller's name, the tax identification number of the property, and a Form 3-200-56 completed and signed by the buyer. The new owner must also provide a signed agreement stating the buyer is aware of, and agrees to, the terms and conditions of the original Habitat Conservation Plan and this permit. The buyer also agrees not to exceed the incidental take amount allowed in this permit. Failure to follow these guidelines may result in a violation of section 9 of the Endangered Species Act, which may result in legal penalties, and/or the suspension or revocation of the Permit.

G. The following measures must be employed by the Permittee to ensure that take of the ABM is minimized and fully mitigated:

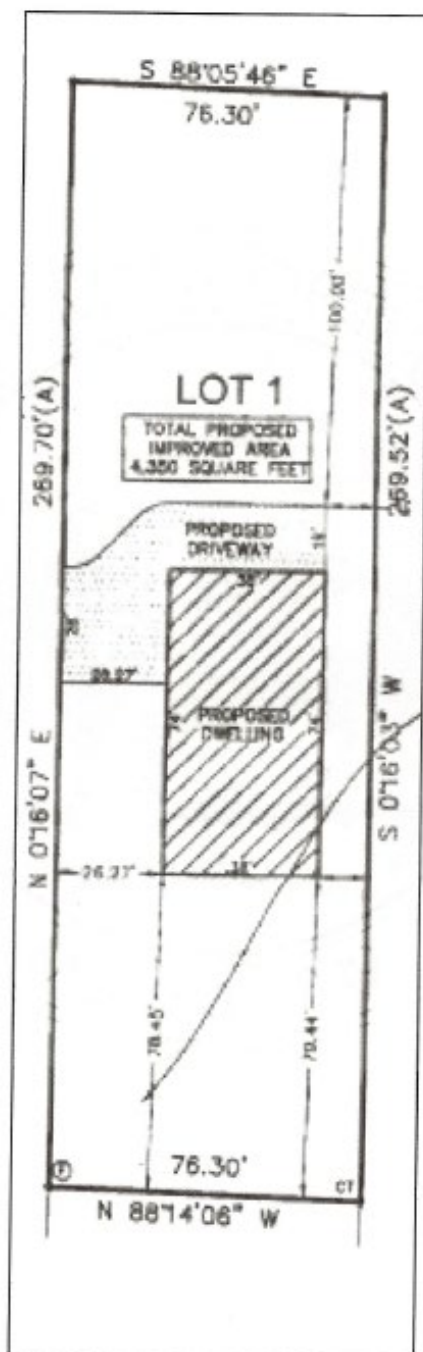
1. Driveways shall be constructed of concrete, asphalt, sand-filled geoweb, or Service-approved polymer-based binder and be of the minimum size practicable. Driveways, including the section crossing the road right-of-way, shall not exceed in width into the setback areas. Driveways longer than 100 feet shall be 12 feet in width. The use of gravel and oyster shells are no longer permitted as driveway materials because hurricane storm surge can move these materials from their source location, contaminating adjacent habitats. Driving and/or parking in natural areas of the Project area, outside of the development footprint, is not permitted.

Edward Lowe
8950 Bonita Lane
Gulf Shores, AL 36542
Telephone: 205-237-4169

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ESPER093481-1

APPENDIX PAGE 1



Total Impacts: 4,350 square feet