



# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

Case No. SV26-08

Charles Robert Subdivision Variance Request

June 4, 2026

### Subject Property Information

<b>Planning District:</b>	18
<b>General Location:</b>	The subject property is located west of the Baldwin Beach Express and north of County Rd 36 and south of County Rd 38 S.
<b>Physical Address:</b>	19235 Baldwin Beach Express, Summerdale AL 36580
<b>Parcel Numbers:</b>	05-48-05-21-0-000-009.011 <b>PIN:</b> 209375
<b>Zoning:</b>	Unzoned
<b>Total Property:</b>	2.6 ac
<b>Applicant/Owner:</b>	Charles Roberts
<b>Lead Staff:</b>	Fabia Waters, Associate Planner
<b>Attachments:</b>	<i>Within Report</i>
<b>Request:</b>	The applicant is requesting a subdivision variance from section 9.3.2 of the Baldwin County Subdivision Regulations as it pertains to the minimum lot area required for the development of a Planned Unit Development for an RV & Boat Storage.

*A Planned Unit Development shall have a minimum development area of three (3) contiguous acres.*

### SUMMARY

The applicant provided documentation showing that, prior to the 2009 right-of-way acquisition for the Baldwin Beach Express, the subject property contained approximately 3 acres. Staff acknowledges that the right-of-way acquisition reduced the size of the property and created a hardship related to the required roadway improvements. Staff supports the applicant's hardship claim, as the reduction in the property area resulted from a governmental right-of-way acquisition rather than an action of the property owner.

The subject property is located within the municipal planning jurisdiction of the Town of Summerdale. The applicant will be required to coordinate with the Town of Summerdale to ensure the proposed development complies with both the Baldwin County and Town of Summerdale subdivision regulations.

## Subdivision Variance Request for SV26-08

The applicant is also requesting a subdivision variance from section from **section section 9.3.2 A Planned Unit Development shall have a minimum development area of three (3) contiguous acres.** Baldwin County Subdivision Regulations as it pertains to the minimum lot area required for the development of a Planned Unit Development

### Section 8.1 – Conditions for variance approval

“Where it is found that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Baldwin County Planning Commission may approve variances to these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations.”

## Applicant’s Response to Variance Criteria

### 1. The purpose of this Variance is to allow:

Applicant’s response: A development of a Boat and RV Storage

2. Where it is found that extraordinary hardships or practical difficulties may result from strict compliance with the subdivision regulations and/or the purposes of the subdivision regulations may be served to a greater extent by an alternative proposal, the Baldwin County Planning and Zoning Commission may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The variance, if approved, shall be noted on the Final Plat. A variance shall not be approved unless found to be appropriate under the factors below.

Applicant’s response: None

3. Please explain how the granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.

Applicant’s response: Just Storage

4. Please explain how the conditions upon which the request for a variance is based are unique to the property for which the variance is sought.

Applicant’s response: It was originally 3.3 acres until some of the land was taken for Baldwin Beach Express roadway

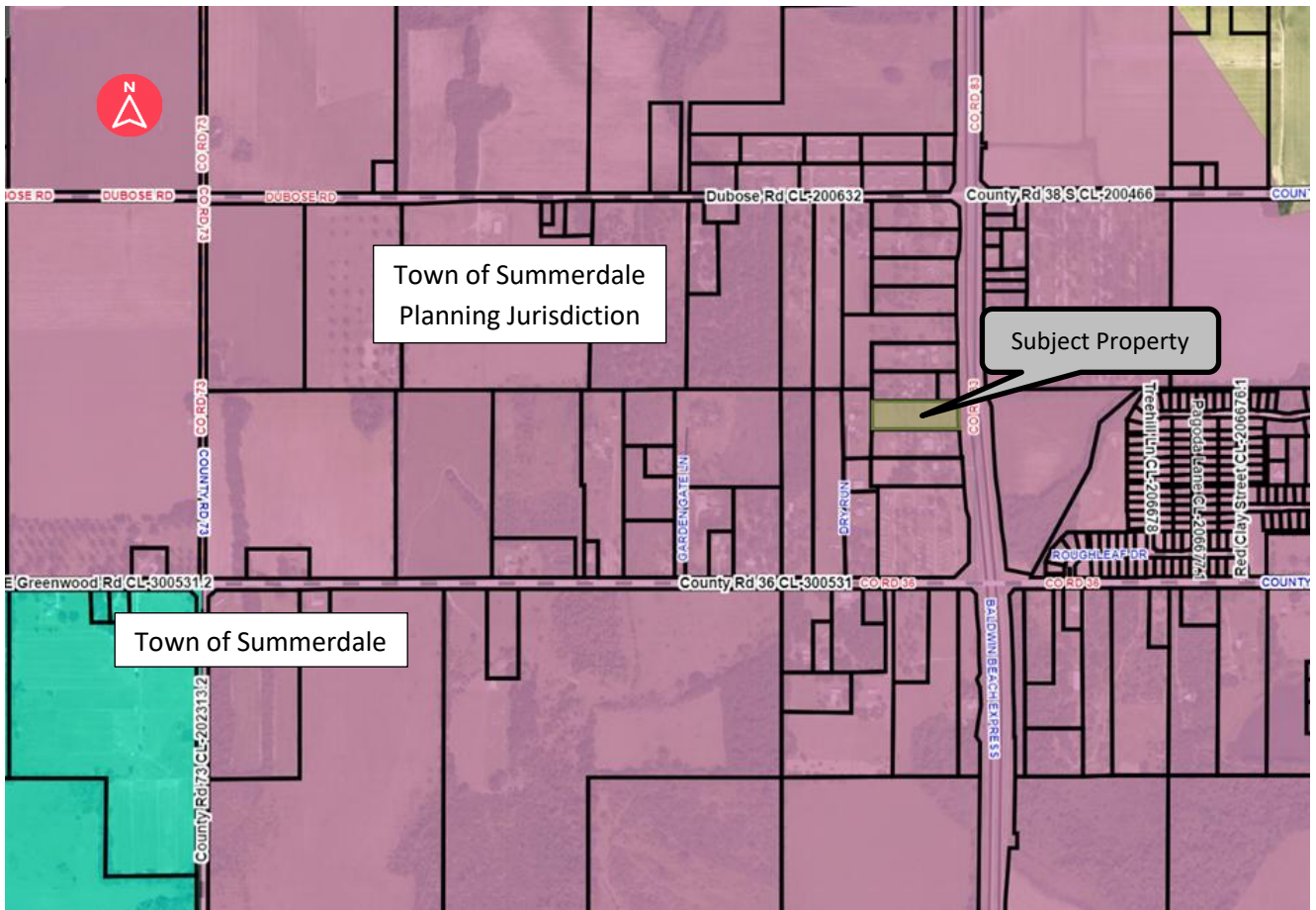
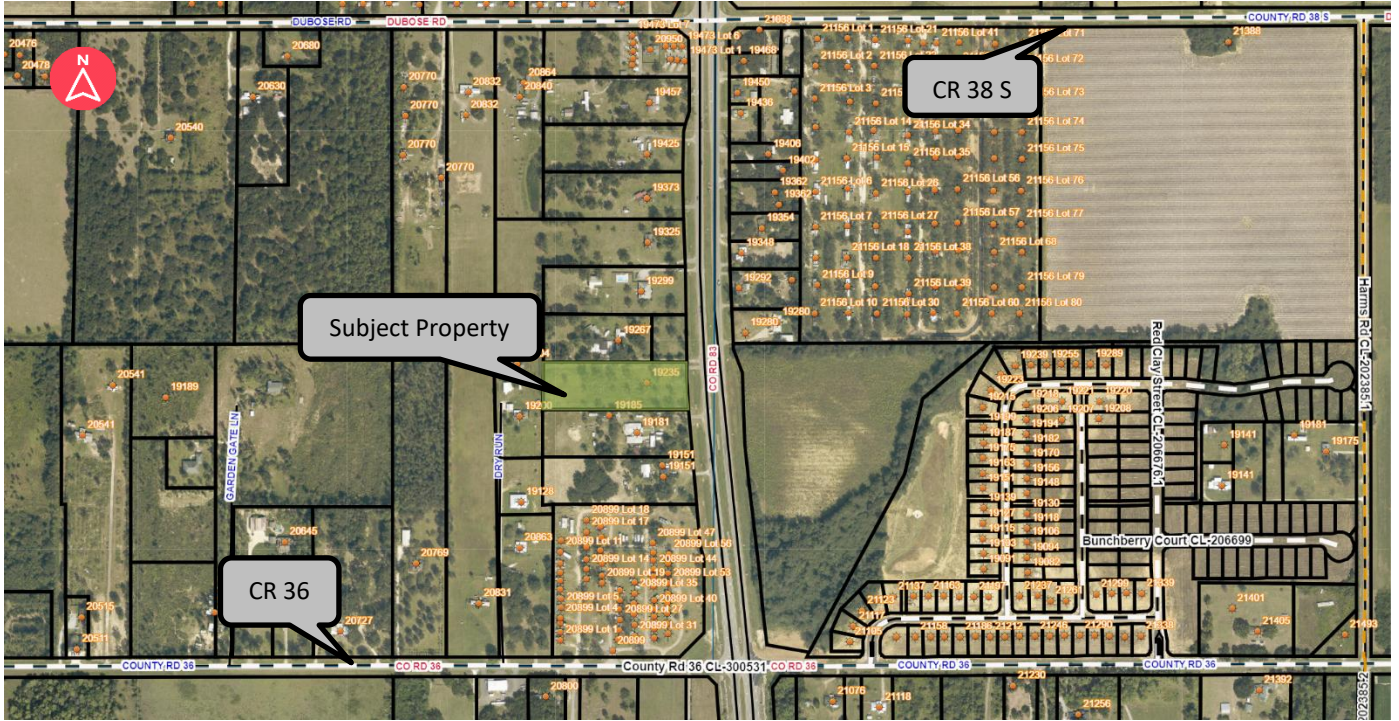
5. Please explain how, because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

Applicant’s response: None

6. Please explain whether the variance will not in any manner vary the provisions of other adopted policies and regulations of the Baldwin County Commission.

Applicant’s response: None

# Site Map





## Supporting Documentation

STATE OF ALABAMA )  
COUNTY OF BALDWIN )

PROJECT NO. HPP-1702 (904)  
CR 83  
(FROM CR 32 TO US HWY 90)  
TRACT NO. 12

**FEE SIMPLE  
WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of NINE THOUSAND ONE HUNDRED AND 00/100ths-----dollar(s), cash in hand paid to the undersigned by Baldwin County, the receipt of which is hereby acknowledged, I (we), the undersigned grantor(s), BEN E. SIMMONS, JR., and JULIE M. SIMMONS, Husband and Wife, and STEVE A. MCDONALD and SUSAN R. MCDONALD, Husband and Wife,

have this day bargained and sold, and by these presents do hereby grant, bargain, sell and convey unto Baldwin County the following described property:

**A part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 6 South, Range 4 East identified as Tract Number 12 of the CR 83 Project in Baldwin County, Alabama and being more fully described as follows:**

**Parcel 1 of 1:**  
Commencing at the #4 rebar found at the Southeast corner of the Southeast Quarter of the Southeast Quarter of said Section 21, Township 6 South, Range 4 East in Baldwin County, Alabama;

Thence run northerly along the east line of said Section 21 a distance of 1056 feet, more or less, to a point;

Thence run westerly a distance of 40 feet, more or less, to a point on the existing west R/W line of CR 83 (the grantor's southeast property corner) and being the Point of Beginning of the property herein to be conveyed;

Thence continue westerly and along the grantor's south property line a distance of 65 feet, more or less, to a point on the acquired west R/W line of CR 83;

GRANTEE'S ADDRESS:  
BALDWIN COUNTY HIGHWAY DEPARTMENT  
P.O. BOX 210  
SILVERHILL, ALABAMA 36576

BALDWIN COUNTY, ALABAMA  
JUDGE ADRIAN T. JOHNS  
FILED ON: 02/22/2009 2:28 PM  
TOTAL \$ 0.00  
6 Pages

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Thence run northerly along the acquired R/W line of CR 83 a distance of 37 feet, more or less, to a point (said point is offset 110 feet left of and perpendicular to project centerline at Station 127+00);

Thence run northerly along acquired R/W line of CR 83 a distance of 158.5 feet, more or less, to a point on the grantor's north property line;

Thence run easterly along the grantor's north property line a distance of 72.5 feet, more or less, to the grantor's northeast property corner;

Thence run southerly along the existing west R/W line of CR 83 (the grantor's east property line) a distance of 195.5 feet, more or less, to the Point of Beginning of the property herein conveyed and containing **0.313 acres, more or less.**

And as shown on the right of way map of record in the Baldwin County Highway Department, a copy of which is also deposited in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof.

**TO HAVE AND TO HOLD**, unto Baldwin County, its successors and assigns in fee simple forever.

**AND FOR THE CONSIDERATION AFORESAID**, I (we) do for myself (ourselves), for my (our) heirs, executors administrators, successors, and assigns covenant to and with Baldwin County that I (we) am (are) lawfully seized and possessed in fee simple of said tract or parcel of land hereinabove described; that I (we) have a good and lawful right to sell and convey the same as aforesaid; that the same is free of all encumbrances, liens, and claims, except the lien for ad valorem taxes which attached on October 1, last past, and which is to be paid by the grantor; and that I (we) will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

**THE GRANTOR(S) HEREIN FURTHER COVENANT(S) AND AGREE(S)**, that the purchase price above-stated is in full compensation to him-her (them) for this conveyance.

## Staff Comments and Recommendation

As previously stated, the applicant is requesting a subdivision variance from section 9.3.2 of the Baldwin County Subdivision Regulations as it pertains to the minimum lot area required for the development of a Planned Unit Development for an RV & Boat Storage.

Unless information to the contrary is revealed at the public hearing, staff feels this variance request should be recommended for **APPROVAL** with the following condition

Specific Condition:

1. Approval of this request shall be limited to the specific hardship created by the 2009 Baldwin Beach Express right-of-way acquisition and shall not be interpreted as a waiver of all other applicable subdivision requirements.
2. The applicant shall apply for a PUD Site Plan application for the review of the proposed Boat & RV Storage.