



September 4, 2025

Mr. Scott Brown
ADEM Coastal Section
4171 Commanders Drive
Mobile, AL 36615-1421

Reference: Variance Request, Barry Bruckmann, Baldwin County Saint John Drive; PPIN 114131;
SAM-2023-00071-DJL

Dear Mr. Brown:

I am writing on behalf of my client, Barry Bruckmann, to request a variance under ADEM Administrative Code Section 335-8-1-.13 from ADEM Administrative Code 335-8-2-.02 to allow filling of non-tidal wetlands located within the Coastal Zone. The purpose of the fill is to allow construction of a single family home and associated access driveway. The home will be pile-supported. The location is on Ono Island in Orange Beach, AL. Mr. Bruckmann will need to fill 0.005 acres of wetlands for home construction with an additional 0.018 acres of temporary wetland impact during home construction. The temporary wetland impact areas will be replanted with native wetland plants after construction. The driveway needed to access the buildable uplands from Saint John Drive will require 0.081 acres of wetland fill. The total wetland fill impacts will be 0.086 acres and have a fill volume of 291 cubic yards. The total temporary wetland impact area is 0.018 acres. This project meets the requirements for Nationwide Permit 18 minor discharges, but since the parcel was subdivided after 1979 an ADEM variance is required. The wetland line and house plans have changed since ADEM issued the previous variance for this parcel back in 2023. Below is a timeline of events that led to the need for the new variance.

Timeline of events:

- December 27, 2023: ADEM issued an approval for a variance for Mr. Bruckmann, allowing him to fill 0.01 acres of non-tidal wetlands (33 cubic yards) for the construction of an access driveway to serve a proposed single-family residence for PIN 114131.
- January 2, 2024: A permit from the USACE and ADEM was issued for fill activity through permit SAM-2023-00071-DJL.
- Spring 2024: Mr. Bruckmann applied for local permitting through Baldwin County. The County questioned the wetland delineation report provided with permit application, which was from other parties and dated January 28, 2022. The County requested an updated wetland delineation.
- June 13, 2024: EcoSolutions performed a wetland delineation per Mr. Bruckmann's request. The new delineation reflected changes in the wetland delineation lines. Representatives from USACE, ADEM and Baldwin Count reviewed and approved the EcoSolutions wetland delineation during a site meeting on July 17, 2024.
- May 15, 2025: Mr. Bruckmann approved the updated footprint of his proposed single family home project. The change in wetland lines and house footprint increased the require fill from the permit issued in 2024.
- July 2, 2025: The permit modification was submitted to USACE and ADEM.

- August 21, 2025: ADEM requested a revised/updated variance to match the new footprint and wetland fill parameters. This document serves to satisfy that request.

Mitigation for the wetland fill will be accomplished through the purchase of additional wetland credits from an USACE approved wetland mitigation bank.

The legal argument supporting this request is attached. A U.S. Army Corps of Engineers permit for wetland fill has been submitted and has been assigned permit number SAM-2023-00071-DJL.

Sincerely,

A handwritten signature in black ink that reads "Lewis Cassidey". The signature is written in a cursive, slightly slanted style.

Lewis Cassidey
EcoSolutions, Inc.
251-621-5006
Lewis@ecosolutionsinc.net

cc: Barry Bruckmann



Variance Request Legal Discussion 9.4.25

Applicant/Owner Barry Bruckmann
Site Saint John Drive, Orange Beach, AL 36561 (PIN 114131)
Permit **SAM-2023-00071-DJL**

Mr. Barry Bruckmann is requesting a variance under Alabama Department of Environmental Management (ADEM) Administrative Code Section 335-8-1-.13 to ADEM Administrative Code 335-8-2-.02 for the purposes of filling 0.086 acres of non-tidal wetlands located on his lot identified as parcel number 05-65-01-01-0-000-001.114 and PPIN 114131, in Baldwin County, AL. The total proposed volume of fill is 291 cubic yards. The purpose of the fill is to construct a pile supported single family home and associated access driveway. The wetland fill for the driveway from Saint John Drive to the buildable uplands on the parcel will require 0.081 acres of permanent wetland fill. The house construction will require 0.005 acres of permanent wetland fill and temporary wetland impact area of 0.018 acres. The wetland fill area impact has been minimized by making maximum use of the upland area of the lot within the required setbacks from the canal on the east side of the lot and the bay shoreline on the north side of the lot. The property is governed under the zoning laws and subdivision regulations of Baldwin County, AL, and the Property Owner's Association of Ono Island, Inc., Architectural Control Committee (Ono ACC). The proposed activity will take place within the Coastal Zone of the State of Alabama. This variance is required because the proposed activity does not meet the conditions of Nationwide Permit 18 due to the lot being subdivided after 1979.

Refusal by ADEM to grant this variance would be unduly restrictive, would deny my client fair and just economic use of his property, and would constitute a taking of property without payment of full compensation in accordance with the Constitutions of the State of Alabama and the United States of America. No alternative sites or means to accomplish the desired activity are available to my client. A granting of this variance by ADEM would be neither precedent setting nor unique to this area.

Mitigation for the 0.086 acres of wetland impacts will be accomplished through the purchase of the appropriate number and type of wetland mitigation credits from an USACE approved wetland mitigation bank serving Baldwin County. Appropriate stormwater management and containment measures will be utilized to minimize to the maximum extent practicable, any additional impacts to State waters, coastal wetlands, or adjacent properties from activities associated with construction of the access driveway and the pile-supported residential structure.

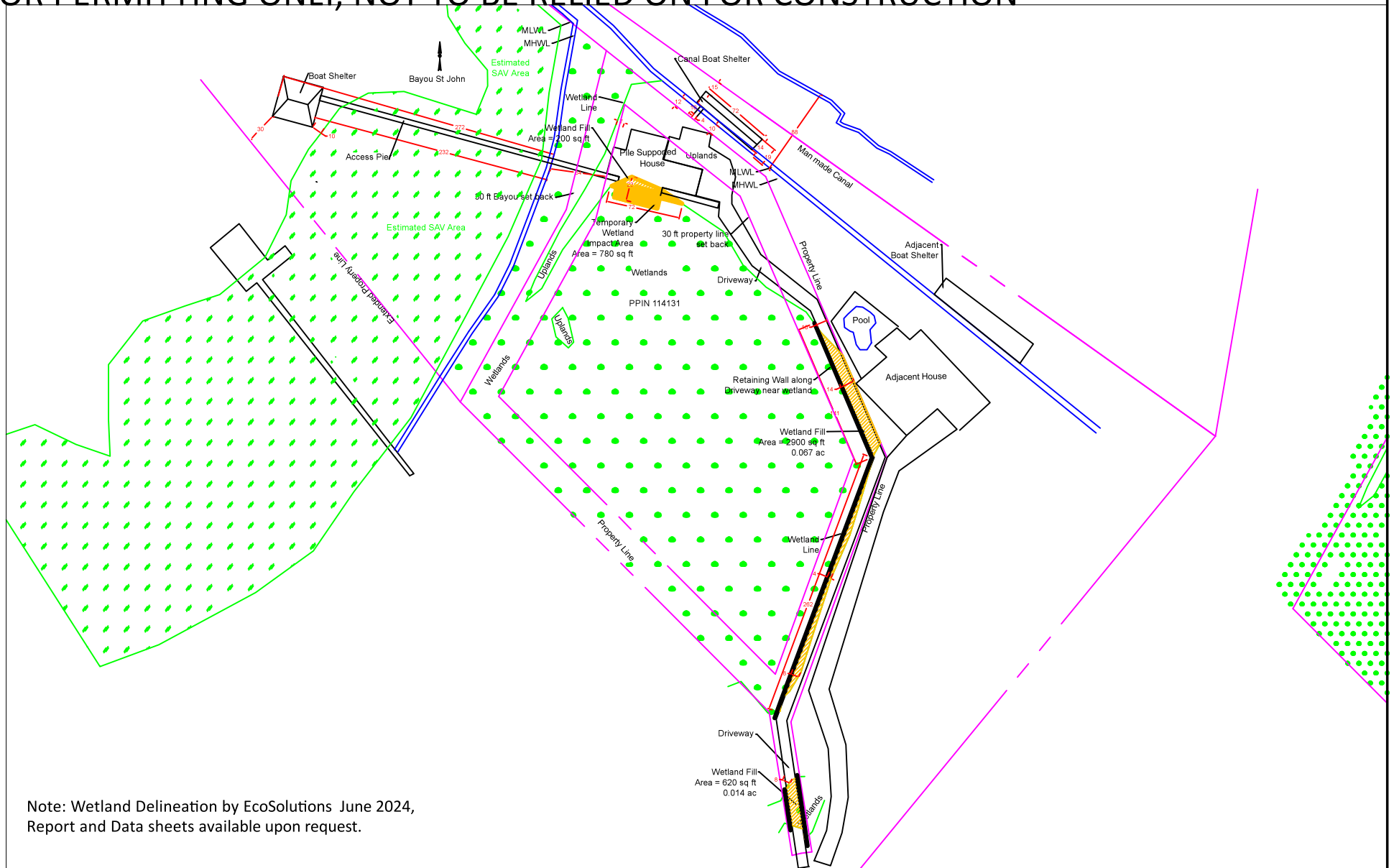
Sincerely,

Lewis Cassidey
EcoSolutions Inc
251-621-5006
lewis@ecosolutionsinc.net

CC: Barry Bruckmann

PO Box 361 Montrose, AL 36559
251-621-5006
Mail@ecosolutionsinc.net

FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION



Note: Wetland Delineation by EcoSolutions June 2024, Report and Data sheets available upon request.

Note: All dimensions shown are measured in feet. Drawings are for USACE, ADEM and AL State Lands permitting only and should not be used for construction. A survey should be performed prior to placement of structures. Distances from existing structures were estimated based on aerial photos. Property boundaries are estimated based on available information.

Boat Shelter (Bay) 40' x 40'
Boat Slip 36' x 15'

Boat Shelter (Canal) 72' x 14'
Boat Slip 40' x 12'

Wetland Fill Area = 0.086 acres
Temporary Wetland Impact = 0.018 acres

Bruckmann Overall Plan



P.O. BOX 361
MONTROSE, AL 36559
(251) 621-5006

PREPARED FOR
J W Bruckmann
Saint John Dr
Orange Beach, AL 36561

DRAWN BY
H. Simpson
CHECKED BY
L. Cassidy

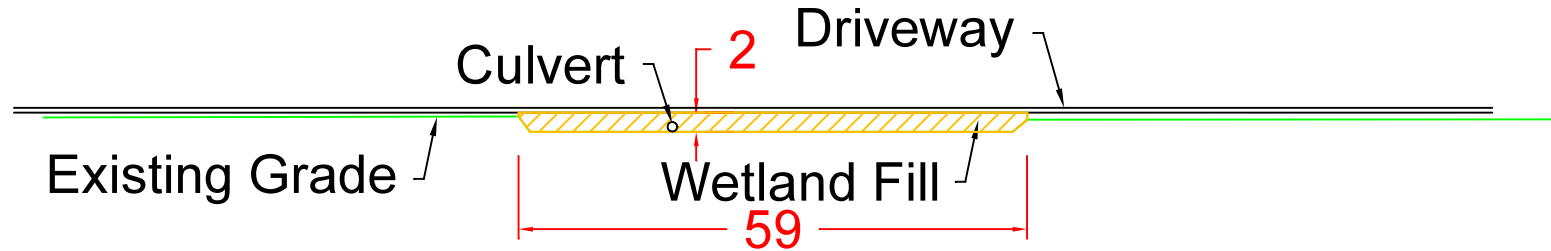
DATE OF LAST REVISION
6/30/25
SCALE AS STATED

DWG
Bruckmann Ono

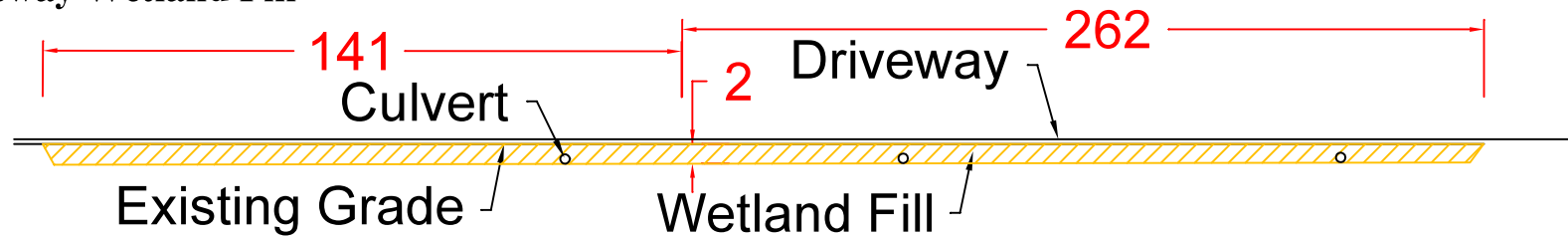
SHEET 1

FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION

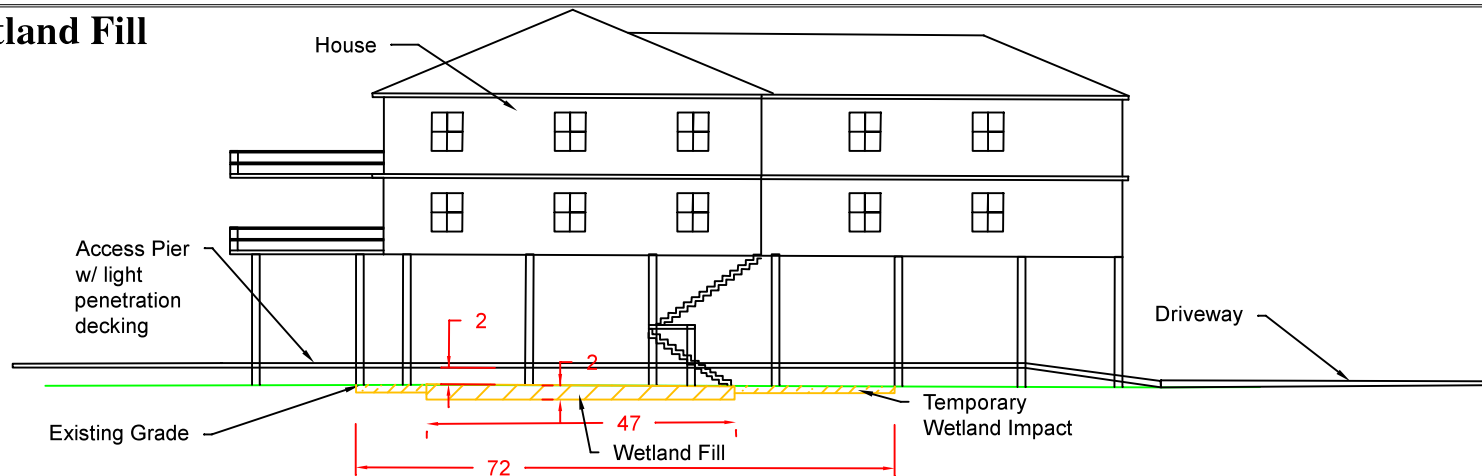
South Driveway Wetland Fill



North Driveway Wetland Fill



House Wetland Fill



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North Driveway Fill
Wetland Fill Area = 0.067 acres
Fill Volume = 215 cu yd
South Driveway Fill
Wetland Fill Area = 0.014 acres
Fill Volume = 46 cu yd
House Fill Area = 0.005 acres
House Fill Volume = 30 cu yd
Temporary Wetland Impact = 0.018 acres

Bruckmann Fill Sections

EcoSolutions
ENVIRONMENTAL MEDIATION, MANAGEMENT & PLANNING

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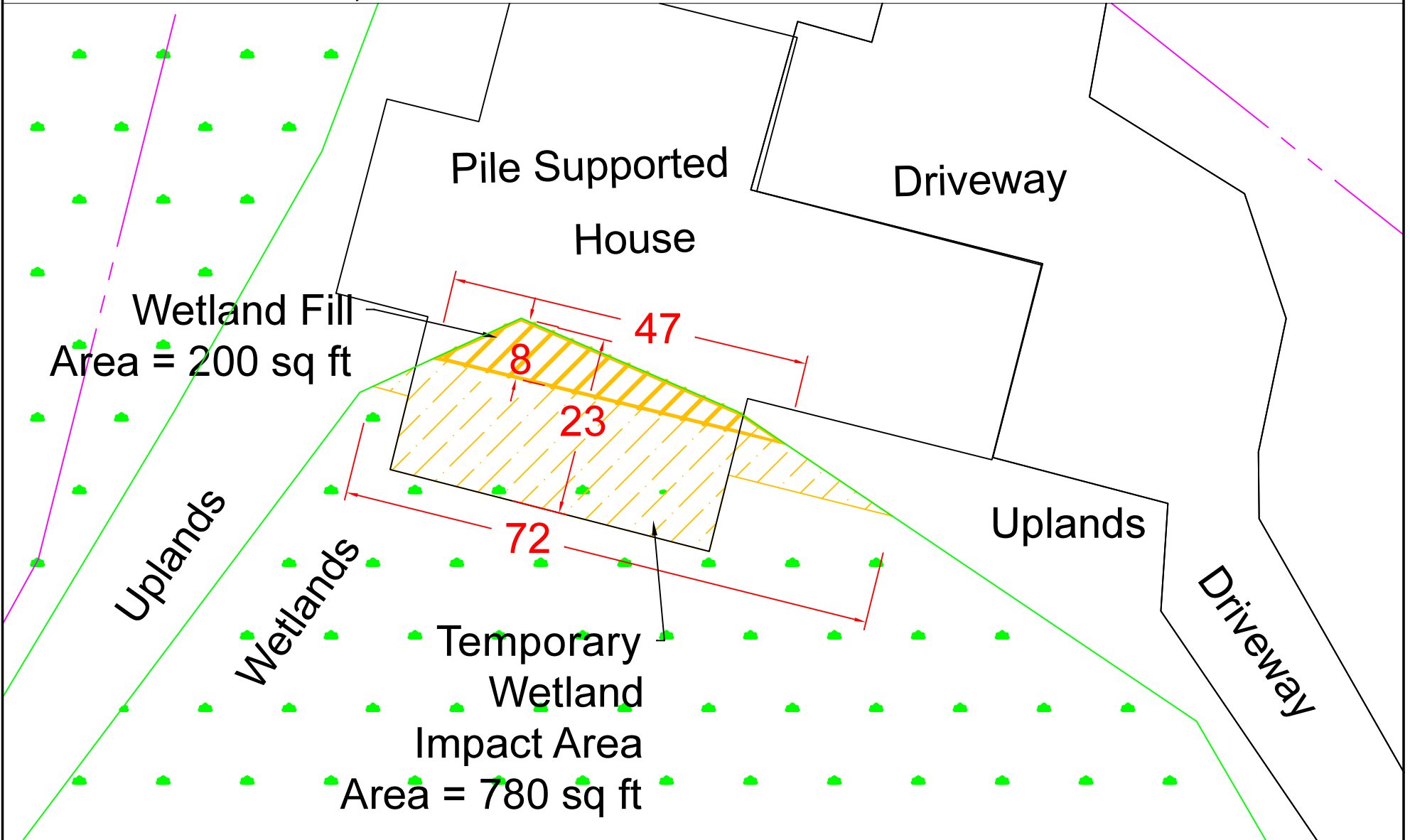
PREPARED FOR
J W Bruckmann
Saint John Dr
Orange Beach, AL 36561

DRAWN BY
H.Simpson
CHECKED BY
L. Cassiday

DATE OF LAST REVISION
6/11/25
SCALE AS STATED

DWG
Bruckmann Ono
SHEET 6

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House Wetland Fill Area = 0.005 acres
Temporary Wetland Impact = 0.018 acres
House Fill Volume = 30 cu yd

Bruckmann House Fill Plan

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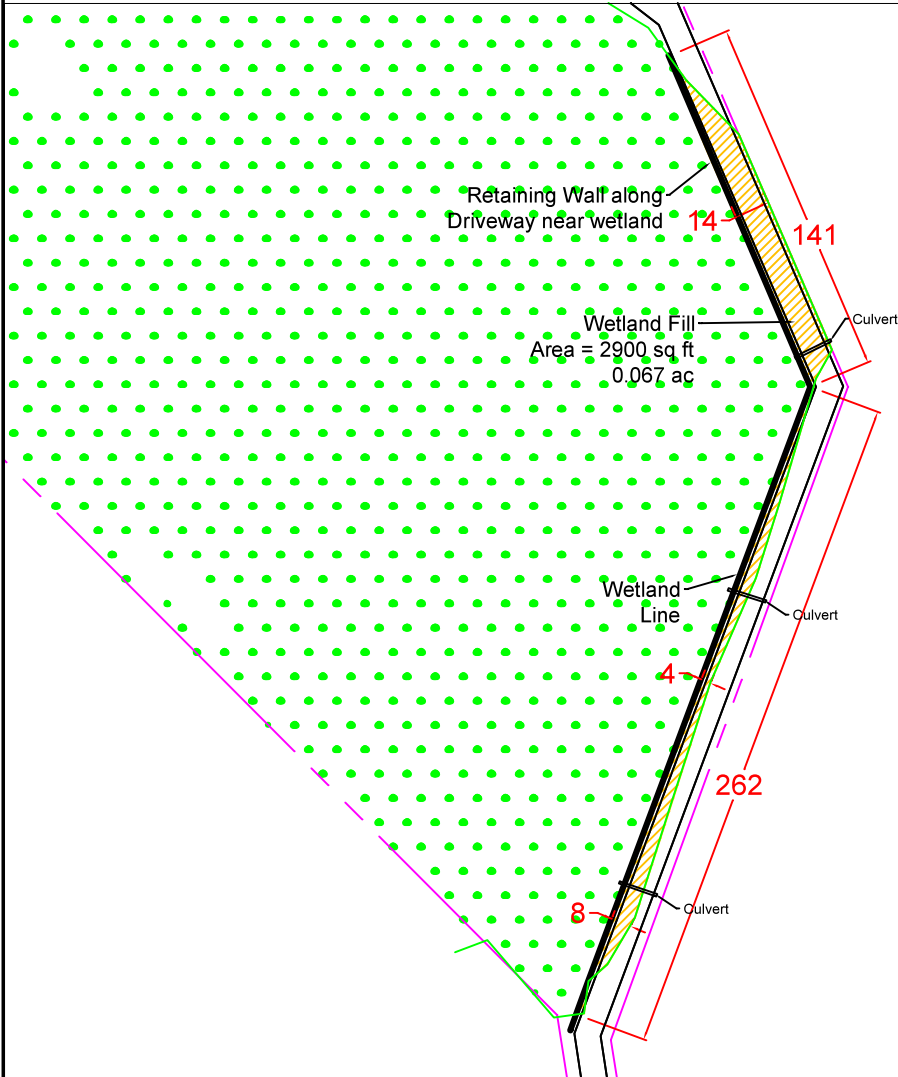
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SCALE AS STATED

DWG
Bruckmann One

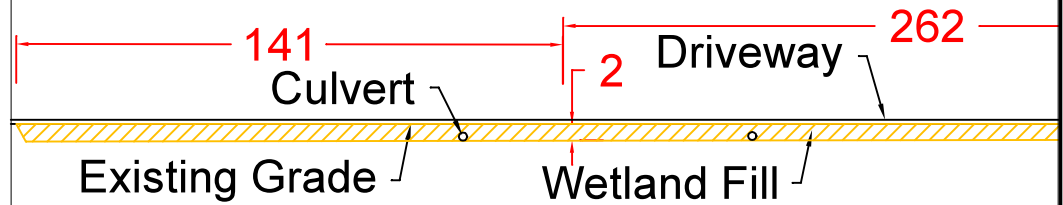
SHEET 1

FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION

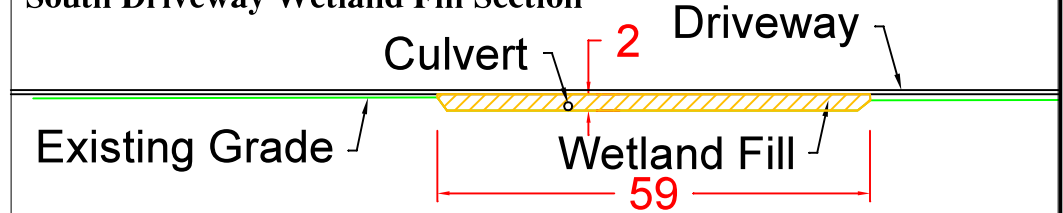
North Driveway Wetland Fill Plan



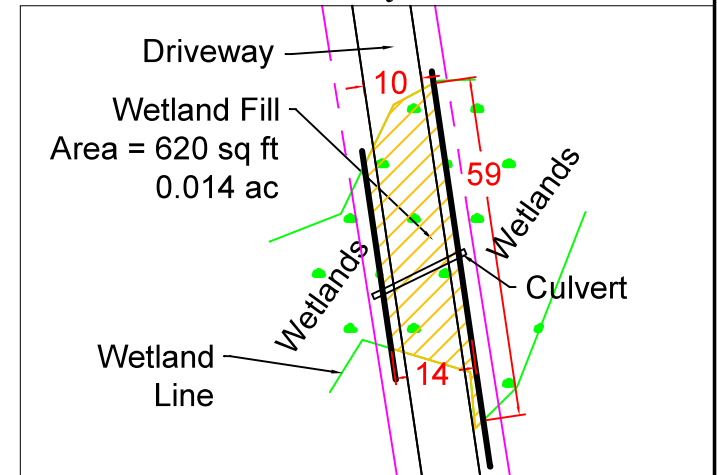
North Driveway Wetland Fill Section



South Driveway Wetland Fill Section



South Driveway Wetland Fill Plan



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Wetland Fill Area = 0.014 acres
Fill Volume = 46 cu yd

Bruckmann Wetland Fill Plan

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PREPARED FOR J W Bruckmann Saint John Dr Orange Beach, AL 36561	DRAWN BY H. Simpson	DATE OF LAST REVISION 6.11.25	DWG Bruckmann One
CHECKED BY L. Cosalday	SCALE AS STATED	SHEET 1	