



February 11, 2026

Autumn Nitz, ADEM

Reference: Variance Request for Claremont Property Company, CR 1, Fairhope Lot 10 (PPIN 251889) and Lot 11 (PPIN 62816); ACAMP-2019-173.3/ SAM-2024-00286

Autumn,

I am writing on behalf of my client, Claremont Property Company, to request a variance under ADEM Administrative Code Section 335-8-1-.13 from ADEM Administrative Code 335-8-2-.02 for the purpose of building a pile-supported single-family residence and associated access driveway for each lot. The lots are contiguous with the same owner. The combined proposed wetland fill for both lots and the right of way connecting the lots to County Road 1 will exceed 0.10, therefore Individual Permitting is required. Collectively the two lots are 0.36 acres with 0.09 acres of collective wetlands. There is also an associated right of way area connecting each lot to County Road 1 which contains wetlands requiring fill for access. The project requires a variance from ADEM regulations because it is in the Alabama Coastal Zone and was subdivided after 1979. The wetland fill for these lots were originally considered separate projects and were initially approved for wetland fill, but with new guidance received from the U.S. Army Corps of Engineers (USACE), Individual Permitting is required as well as a variance from the ADEM. The overall wetland fill amount now proposed is 0.016 acres less than that which was originally permitted.

My client requests a variance to place a combined total of 696 cubic yards (6,260 square feet) of sandy material in 0.14 acres of non-tidal pine savannah wetlands (FLUCCS Code 6300). There will be temporary wetland impacts between two homes, and this area will be replanted with native vegetation when construction is complete. These amounts represent an overall reduction in wetland fill since the area between the two homes now includes temporary impacts of 500 square feet instead of wetland fill. The prior amounts permitted for wetland fill are 734 cubic yards (now 696 cubic yards) and 6,760 square feet (now 6,260 square feet) for a total of 0.156 acres (which has now been reduced to 0.14 acres of wetland fill). Claremont Property Company has designed the homes on the lot to meet the setback requirements of Baldwin County. They are also utilizing pile supported decks over wetlands to minimize the wetland fill around the house. The proposed structures and associated driveways were placed to make the maximum use of the existing upland within the buildable area of the site. Additional wetland impacts will be prevented by the placement of a Class A silt fence around the fill area during construction. The applicant has applied for an Individual Permit for wetland fill from the USACE and cannot move forward with that permitting without ADEM approval of this variance request. Mitigation for the wetland fill has already been accomplished. Wetland credits for Lot 10 and Lot 11 were purchased in 2025 (Alabama Port Mitigation Bank, Proof of Sale 267 and 268) for 0.156 acres of impact to pine savannah wetlands. The legal argument supporting this request is attached.

I appreciate your assistance with this request. Please let me know if you need any additional information.

Respectfully,

A handwritten signature in black ink that reads "Lewis Cassidey".

Lewis Cassidey
EcoSolutions, Inc.
251-621-5006

cc: Claremont Property Company



Variance Request Legal Discussion 2.11.26

TO: Autumn Nitz, ADEM
FROM: Claremont Property Company, Applicant/Owner
Site: Lot 10 (PPIN 251889) and Lot 11 (PPIN 251889) County Road 1 Fairhope
DA Number: ACAMP-2019-173.3 / SAM-2024-00286

Claremont Property Company is requesting a variance under Alabama Department of Environmental Management (ADEM) Administrative Code Section 335-8-1-.13 from ADEM Administrative Code 335-8-2-.02 for the purposes of filling 0.14 acres of non-tidal wetlands located on Lots 10 and 11 identified as parcel number 05-56-09-32-0-000-005.002 (Lot 10) and parcel number 05-56-09-32-0-000-005.005 (Lot 11), in Baldwin County, AL. These lots were originally permitted and approved for wetland fill with a shared driveway. The applicant is now proposing separate driveways, and the total fill area has decreased from 0.156 acres to 0.14 acres. The U.S. Army Corps of Engineers (USACE) now considers the two lots one project since they are contiguous with the same property owner. The total proposed volume of fill is 696 cubic yards to cover an area of 0.14 acres, or 6,260 square feet, collectively, which is 0.016 acres less than originally permitted. The purpose of the wetland fill is for construction of a pile supported single family home with associated access driveway for each lot. There will be temporary wetland impacts of 500 cubic yards associated with this project, which will allow for construction activity between the two lots. This area will be replanted with native vegetation once construction is complete.

These amounts represent an overall reduction in wetland fill since the area between the two homes now includes temporary impacts of 500 square feet instead of wetland fill. The prior amounts permitted for wetland fill were 734 cubic yards and 6,760 square feet for a total of 0.156 acres. The property is governed under the zoning laws and subdivision regulations of Baldwin County, AL (District 26). 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 amount of fill exceeding a tenth of an acre and guidance received from USACE that they consider these two lots as one project.

Refusal by ADEM to grant this variance would be unduly restrictive, would deny my client fair and just economic use of the 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 0.14 acres of wetland impacts has already been accomplished. Wetland credits for Lot 10 and Lot 11 were purchased in 2025 to cover a total of 0.156 acres of wetland fill. Appropriate stormwater management and containment measures will be utilized to the maximum extent practicable to minimize 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

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

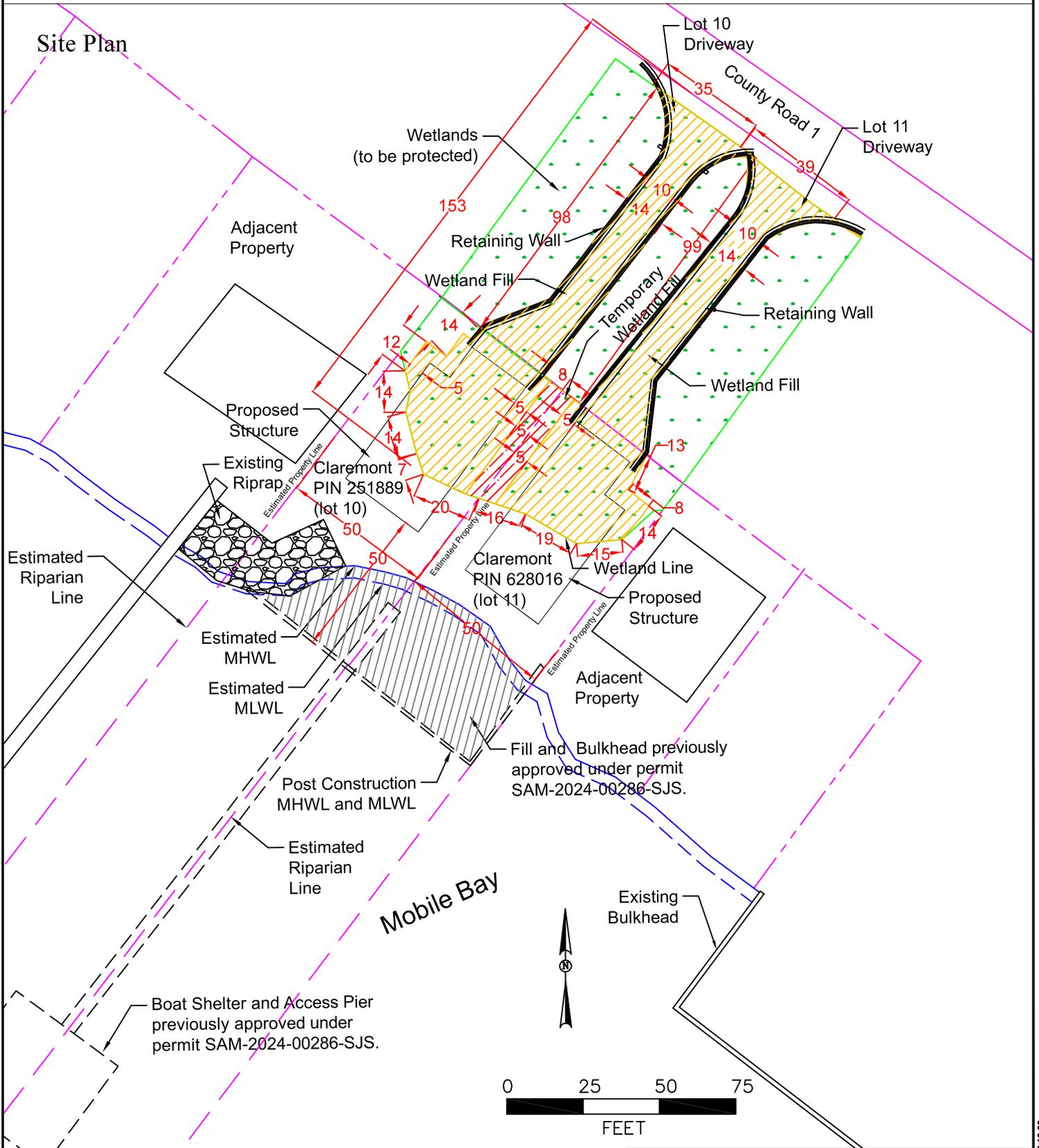
251-621-5006

lewis@ecosolutionsinc.net

CC: Claremont Property Company

FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION

Site Plan



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.

Claremont lot 10 and 11
 Pin 251889, Pin 628016
 Wetland Fill
 Area = 6260 sq ft
 Wetland Fill
 Volume = 696 cu yd
 Temporary Fill
 Area = 500 sq ft

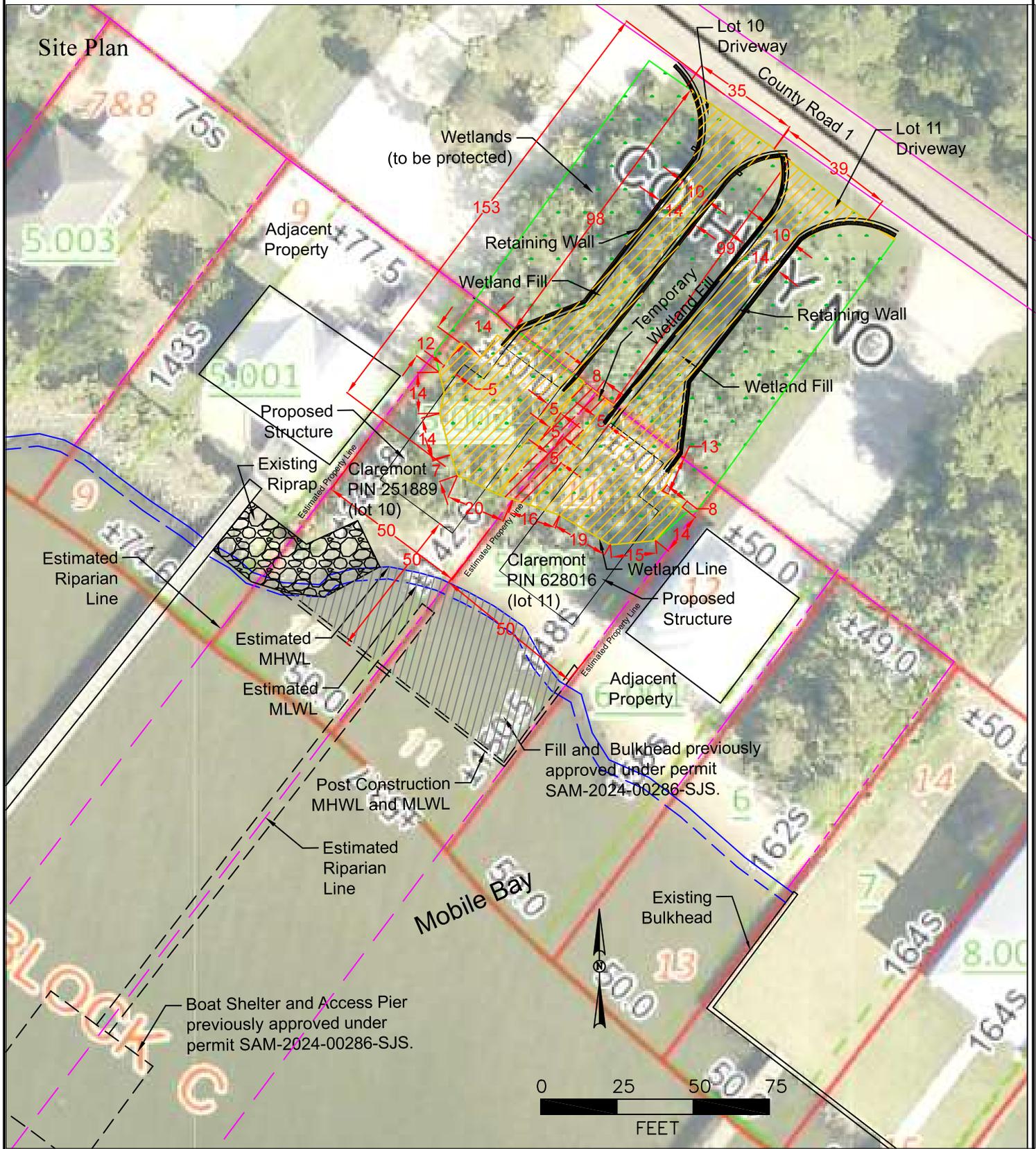
Claremont 10 and 11 Site Plan



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

PREPARED FOR Claremont Property County Rd. 1 Fairhope, AL	DRAWN BY L. Karcher	DATE OF LAST REVISION 2/4/26	FILE Claremont 10 and 11.12.26
CHECKED BY L. Cassidy		SCALE AS STATED	SHEET 1 of 3

FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION



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.

Claremont lot 10 and 11
 Pin 251889, Pin 628016
 Wetland Fill
 Area = 6260 sq ft
 Wetland Fill
 Volume = 696 cu yd
 Temporary Fill
 Area = 500 sq ft

Claremont 10 and 11 on Aerial Plan

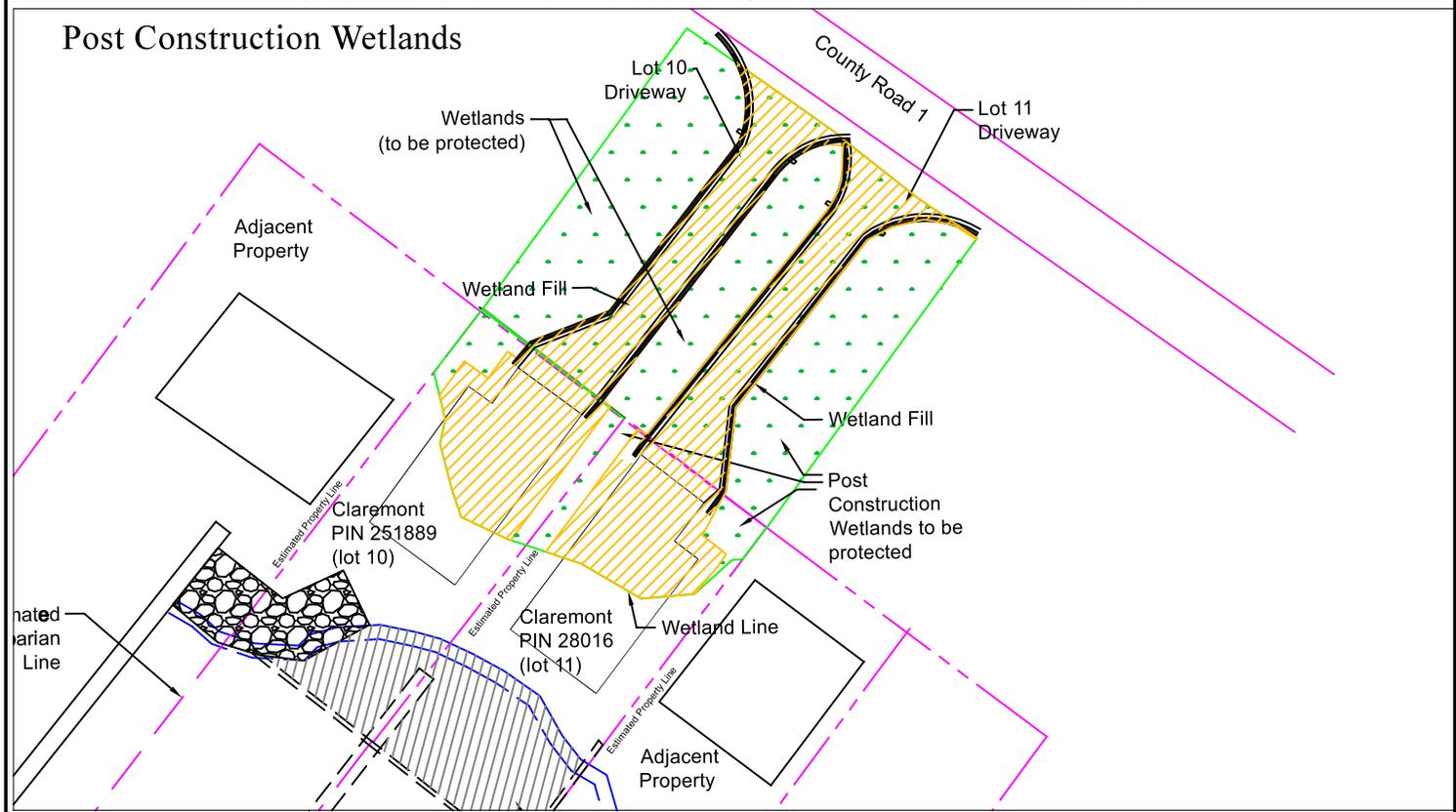
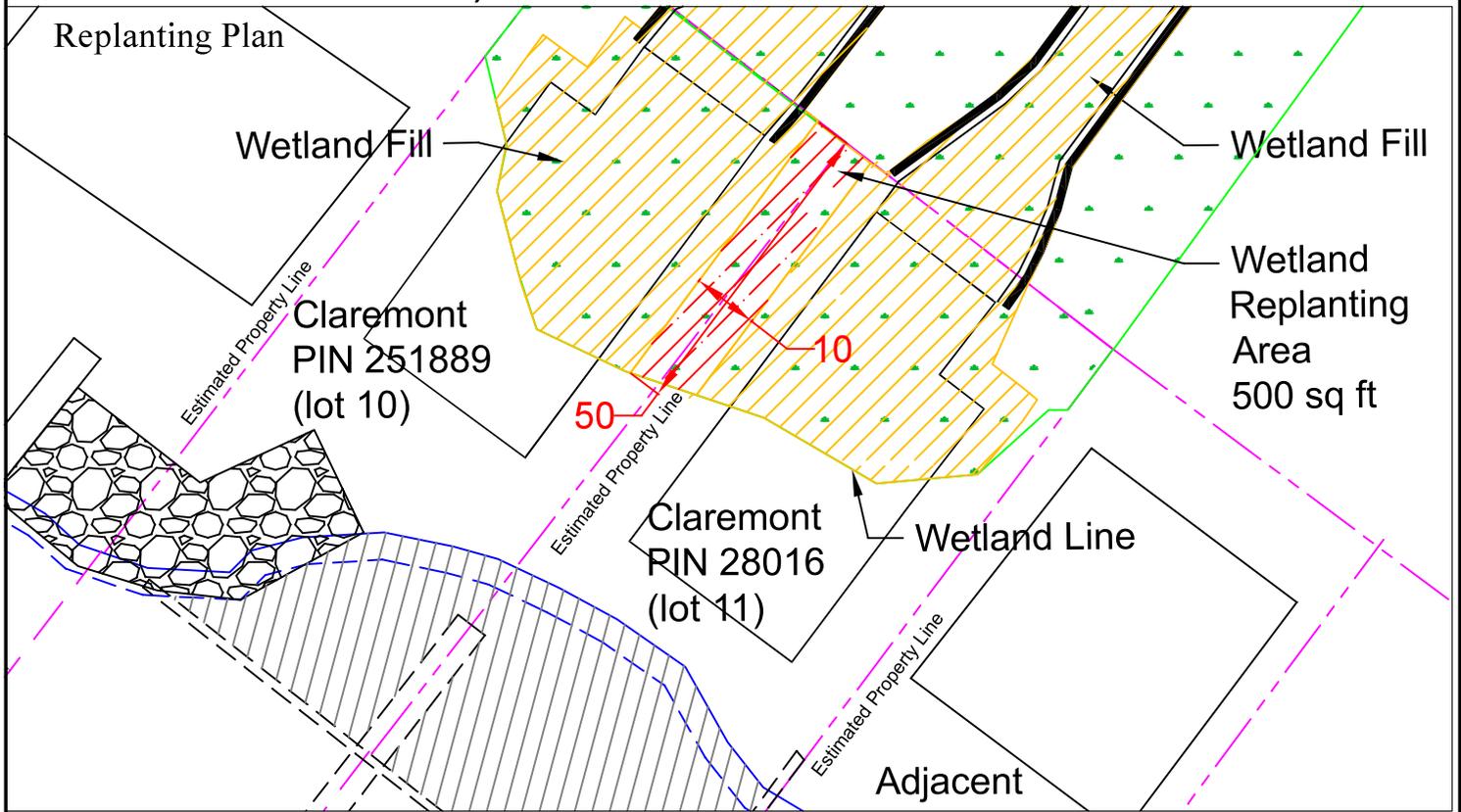


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PREPARED FOR Claremont Property County Rd. 1 Fairhope, AL	DRAWN BY L. Karcher	DATE OF LAST REVISION 2/3/26	FILE Claremont 10 and 11 1.12.26
	CHECKED BY L. Cassidy	SCALE AS STATED	SHEET 3 of 3

Claremont 10 and 11 combined revised 1.12.26

FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION



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.

Claremont lot 10 and 11
 Pin 251889, Pin 628016
 Wetland Fill
 Area = 6260 sq ft
 Temporary Wetland
 Fill to be
 replanted= 500 sq ft

Claremont 10 and 11 Replanting Plan

EcoSolutions
 ENVIRONMENTAL MEDIATION, MANAGEMENT & PLANNING

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 MONTROSE, AL 36559
 (251) 621-5006

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Claremont 10 and 11 combined revised 1.12.26

CORPS PERMIT # AL98-04437-B



ALABAMA PORT
— MITIGATION BANK —

CERTIFICATE OF SALE

This signed and sealed certificate shall be proof of sale of # 268 on this day, the 7 of July in the year 2025.

This sale, consisting of 0.156 pine sayannah/flatwood credits and/or -0- bottomland hardwood credits, from the Alabama Port Mitigation Bank to Claremont Property Lot 11 CR 1 PIN 628016 for the impacts to 0.078 acres of wetlands.

The United States Army Corps of Engineers, Mobile District, has approved this sale for the mitigation of the impacts incurred by the construction and/or filling activities of the SAM-2024-00286-SJS project.



ALABAMA PORT MITIGATION BANK Date 7/7/25

A handwritten signature in cursive script that reads "Milton L. Brown".

By: Milton L. Brown Operations Manager
Title

CORPS PERMIT # AL98-04437-B



ALABAMA PORT
— MITIGATION BANK —

CERTIFICATE OF SALE

This signed and sealed certificate shall be proof of sale of # 267 on this day, the 7 of July in the year 2025.

This sale, consisting of 0.156 pine savannah/flatwood credits and/or -0- bottomland hardwood credits, from the
Alabama Port Mitigation Bank to Claremont Property Lot 10 CR 1 PIN 251889 for the impacts to 0.078 acres of wetlands.

The United States Army Corps of Engineers, Mobile District, has approved this sale for the mitigation of the impacts incurred by
the construction and/or filling activities of the SAM-2024-00286-SJS project.



Not Valid Without
Raised Seal

ALABAMA PORT MITIGATION BANK. Date 7/7/25


By: Milton L. Brown Operations Manager
Title