

Minutes
Orange Beach Board of Adjustment
September 21, 2015 – 5:00 P.M.
Council Chambers – Orange Beach Municipal Complex

A. Call to Order

Chairman Mike Contorno called the meeting to order at 5:00 p.m. and asked the secretary to call the roll.

B. Roll Call

Present: Bob Barnett
 Tem Blalock
 Mike Contorno
 Gene Grant
 Cecil Young – arrive at 5:20 p.m.
 Tim Blackwell - absent
 Pete Peterson
 John Lawler, City Attorney
 Kit Alexander, Engineering & Environmental Services Director
 Griffin Powell, Planner II
 Paulette Taylor, Planner I

C. APPROVAL OF MINUTES

1. Approval of minutes from the Regular Meeting on August 17, 2015.
Motion made (Barnett/Young) to approve the August 17, 2015 minutes. Roll call revealed: Barnett, yes; Blalock, yes; Contorno, yes; Grant, yes; Peterson, yes.
Approved (5-0).

D. VARIANCES

1. **CASE NO. 0801-V-15 – VARIANCE – 27701 EAST BEACH BOULEVARD – OWNER: PIROQUE, L.L.C. – APPLICANT: J. VEAL ARCHITECT** – Request by the applicant for a variance to Section 5.0602, Spaces between Buildings, to reduce the separation between the front wall of one proposed structure and the rear wall of another proposed structure from 40 feet to 25 feet. The municipal address is 27701 EAST BEACH BOULEVARD in the RS-2 (Single-Family Residential) zoning district. *Deferred from the Regular Meeting on August 17, 2015.* Jim Veal was present to address the Board of Adjustment. The lots contain wetlands located both above and below the mean high tide line. He stated that his client gave up the west ten feet of land in a lawsuit. Kit Alexander stated that the wetlands on the easterly lot and the erosion on the north side of both lots are a hardship and the City recognizes the northerly lot lines that are north of the existing shoreline. Mr. Veal stated he is not requesting a variance for density and a dwelling could be built on each of the two lots. The variance request is to build two houses closer together than the zoning ordinance allows. The guest house square footage has been increased to meet the minimum required dwelling square footage. A variance would allow

the dwellings to be pulled back from the north and west setbacks. John Lawler stated that physical features can clearly create a hardship.

Chairman Mike Contorno opened the public hearing for comments. One person spoke in favor and six people spoke in opposition. Steve Odom, friend of Ken Wall, stated that he and Jim Veal had built homes on Ono Island and this house would have the same design. He stated that it will add value to the neighborhood and is not rental property.

Gary Lindsey, Vice President of East Orange Beach Property Owners Association, stated that they realize the covenants are not enforced by the City. He stated the the lots do have erosion; however, the POA is trying to preserve the single-family character of the area. He has a problem with reducing the distance between the two dwellings.

Jacqueline Hand, next door neighbor, stated that her property has had erosion due to more water traffic. She would like to require a bulkhead be built.

Kevin Probst asked if pilings would be constructed for the portion of the proposed house located in the wetlands. Jim Veal stated there would be no fill and pilings would be constructed. He also stated that part of the Corp permit includes construction of a bulkhead.

Jennifer Lawrence stated that the dwellings are too big for the neighborhood and questioned the number of parking spaces. Jim Veal stated that five spaces would be provided (two for the main structure, two for the second structure and one extra space).

Katie Watterson Aiken asked how this could be considered a hardship when there was already erosion present at the time the property was purchased.

Peggy Probst asked if the dwelling would be owner occupied.

The Board asked if this could set a precedent. Kit Alexander stated that this is a site specific request for a 25-foot variance. John Lawler stated that two dwellings can be built without a variance and meet the regulations. John Lawler asked how this proposed development fits with the neighborhood.

Motion made (Barnett/Grant) to approve the variance request as presented.
Roll call revealed: Barnett, yes; Blalock, no; Contorno, no; Grant, no; Young, no.
Denied (1-4).

2. **CASE NO. 0901-V-15 – VARIANCE – 5608 GULF AVENUE – OWNER/APPLICANT: MITCHELL BELL** – Request by the applicant for a variance to Section 5.020101, Projections into Yards, to encroach into the front setback for the purpose of constructing a handicap ramp onto the front of the house. The proposed ramp will be thirteen feet from the front property line. The municipal

address is 5608 GULF AVENUE in the RS-2 (Single-Family Residential) zoning district. Mitchell Bell was present to address the Board of Adjustment. He stated that is requesting a variance for a handicap access. Chairman Mike Contorno opened the public hearing for comments and no one spoke in favor or opposition.

Motion made (Blalock/Barnett) to approve the variance request as presented. Roll call revealed: Barnett, yes; Blalock, yes; Contorno, yes; Grant, yes; Young, yes.
Approved (5-0).

3. **CASE NO. 0902-V-15 – VARIANCE – 27200 PARK DRIVE – OWNER: FISH TRAP CHARTERS – APPLICANT: KAREN SKALNEK & AL KEAHL** – Request by the applicant for variances to Section 4.01, Table of Permitted Uses, and Section 5.1203, Nonconforming Uses of Buildings and Structures, for the purposes of allowing future reconstruction of the single-family dwelling and duplex presently on the lot. The municipal address is 27200 PARK DRIVE in the RS-2 (Single-Family Residential) zoning district. Kit Alexander presented the variance request to the Board of Adjustment. She stated that during heavy rains flooding occurs in this area. She also stated that the City has approached the owners of the subject property to obtain an easement in order to install twin 24-inch pipes to improve drainage and the applicant is requesting a variance to be able to reconstruct the existing house and duplex in the same footprint should they be substantially damaged. Lannie Smith stated that the flood regulations would set the finished floor elevation for the dwellings at the time of reconstruction.

Chairman Mike Contorno opened the public hearing for comments and three people spoke in favor of the variance. Lamar Sharpless stated he has no problem with the duplex and he has fought beavers and the swamp outfall ditch for thirty years. He also stated that nine of thirteen homes have flooded over past years.

Gary Lindsey stated he supports the drainage improvements with an easement.

Katie Watterson Aiken urged that the request be handled as a variance and not a PUD rezoning of the property.

Motion made (Barnett/Young) to approve the variance request as presented subject to the condition that the gross floor area and location of each dwelling structure do not change The variance is contingent upon the applicants providing the City a 15-foot drainage easement in the location of the existing 18-inch storm sewer on the subject property and allowing the City to construct drainage improvements benefitting the East Orange Beach Subdivision. Roll call revealed: Barnett, yes; Blalock, yes; Contorno, yes; Grant, yes; Young, yes.
Approved (5-0).

E. APPEALS

F. NEW BUSINESS

G. OTHER BUSINESS

H. ADJOURN

The meeting adjourned at 6:43 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Mike Contorno, Chairman