

Minutes
Orange Beach Board of Adjustment
February 16, 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 - absent
 Tem Blalock - absent
 Mike Contorno
 Gene Grant
 Cecil Young
 Tim Blackwell
 Pete Peterson
 John Lawler, City Attorney
 Kit Alexander – absent
 Griffin Powell, Planner II
 Landon Smith, Building Official
 Paulette Taylor, Planner I

C. Approval of Minutes

1. Approval of minutes from the Regular Meeting on January 15, 2015.

Motion made (Grant/Young) to approve the January 15, 2015. Roll call revealed: Contorno, yes; Grant, yes; Young, yes; Blackwell, yes; Peterson, yes.
Approved (5-0).

D. VARIANCES

1. **CASE NO. 0201-V-15 – VARIANCE – 5637 BAYOU ST. JOHN AVE. – OWNER: JAMES E. FLOYD, TOD FRICK, THOMAS MILLER – APPLICANT: TOD FRICK** – Request for a Variance to Section 4.02, Requirements for Lot Area, Lot Width, and Other Factors, to increase the maximum building coverage for a residential lot zoned RS-2 from 30% to 38.2% for the purpose of constructing a 40' by 60' accessory structure. The municipal address is 5637 BAYOU ST. JOHN AVENUE in the RS-2 (Single-Family Residential) zoning district. Todd Frick was present to address the Board of Adjustment. Mr. Frick stated that he and two other men purchased the subject property after the flood in 2014. They are using the subject property as a weekend get-away and to park their boat, jet skis, and jeep.. They request the variance to build a 40 x 60 accessory structure (pole barn building) to house all the toys. Prior to December 2014, the subject property had been two lots. Mr. Frick stated he was informed that he would need to combine the lots to build an accessory structure. He hired Hutchinson, Moore

and Rauch (HMR) to merge the lots through the subdivision process and prepare a site survey. The Planning Commission approved the preliminary/final plat combining the lots at its regular meeting in December 2014. Later, he was informed that the City requires engineered plans and that he could not construct a 2,400 sf pole barn on the subject property. Mr. Frick installed pilings before HMR submitted the building permit application. Mr. Frick stated that his lot is zoned RS-2 and has a maximum building coverage of 30%, but it is the size of a RS-1 zoned lot, which has a maximum building coverage of 42%. He currently has a permit for 1,600 sf building, which does not exceed the 30% building coverage for RS-2. Stewart Smith, HMR, stated that Mr. Frick had done his own footwork and HMR prepared the subdivision plat.

Chairman Mike Contorno opened the public hearing for comments and five people spoke. Four people spoke in opposition. Ralph Moore, President of the Bear Point Civic Association stated that Bear Points has covenants but does not have a homeowners association. He stated that builders have a responsibility to meet codes and covenants. Moore also stated that the buildings should be used for residential purposes and neat in appearance. S. J. Hemleben opposed the building and stated that this does not meet the intent of the neighborhood. Carrie Heck asked how the building could be permitted and how many families would be living there. Steve Seymour stated he is neither a yes or no, but did not realize the size of the pole barn and is confused about the regulations. His concern is how close the proposed pole building is located to the adjacent property.

Much discussion was held concerning the subdivision and permit process. Cecil Young asked how many families would be using the property. Todd Frick replied three families.

Motion made (Contorno/Grant) to approve the variance request as presented.
Contorno, no; Grant, no; Young, no; Blackwell, no; Peterson, no. **Denied (0-5).**

E. APPEALS

F. NEW BUSINESS

G. OTHER BUSINESS

H. ADJOURN

The meeting adjourned at 5:54 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Mike Contorno, Chairman