

Minutes
Orange Beach Board of Adjustment
March 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
 Tem Blalock
 Mike Contorno
 Gene Grant
 Cecil Young
 Tim Blackwell
 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 February 16, 2015.
Motion made (Blalock/Young) to approve the February 16, 2015 minutes. Roll call revealed: Barnett, yes; Blalock, yes; Contorno, yes; Grant, yes; Young, yes; Blackwell, yes; Peterson, yes. **Approved (7-0).**

D. VARIANCES

1. **CASE NO. 0301-V-15 – VARIANCE – 29170 PERDIDO BEACH BOULEVARD – OWNER/APPLICANT: LEGACY KEY CONDOMINIUM OWNERS ASSOCIATION & VISTA BELLA CONDOMINIUM OWNERS ASSOCIATION** – Request by the applicant for a variances to the interpretation of *Accessory Use* in Section 2.02, Words and Terms Defined, and Section 5.0403, Accessory Structure and/or Buildings, to construct a dune walkover on a vacant beachfront lot located at 29170 PERDIDO BEACH BOULEVARD in the RS-1 (Single-Family Residential) zoning district. Richard Davis, attorney for the applicants, was present to address the Board. He stated that the subject property is intended to enjoy the beach but is not allowed due to the topography. Approval of the variance to construct a dune walkover is required to protect the property and the barrier island. US Fish and Wild Life as well as ADEM are in favor of the dune walkover. Vista Bella and Legacy Key Condominiums both are deed restricted to a minimum of 30-day rentals.

Chairman Mike Contorno opened the public hearing for comments. Four people spoke in favor and three people spoke in opposition. Bob Middleton, Jim Daniels, Gary Nelson, and Hap Haas, all Vista Bella Condominium owners, spoke in favor to due to health reasons and injuries of residents and to make the beach more accessible and preserve the dunes. The dune walkover will be locked with a code required for access as well as a sign for owners only. Greg Crews, Greg Crew, Jr. and Judy Crews spoke in opposition. They voiced concerns with the lots being for multi-family use zoned as a single-family lot. They stated the boardwalk will be eye level with their duplex. They would prefer the dune walkover be moved to the other side or in the middle of the property. Much discussion was held to the location and restrictions of the dune walkover.

Motion made (Barnett/Blalock) to approve the variance request subject to the dune walkover being moved to the center of the property and the access easement shall be removed if the lot is sold. Roll call revealed: Barnett, yes; Blalock, yes; Contorno, yes; Grant, yes, Young, yes. **Approved (5-0).**

2. **CASE NO. 0302-V-15 – VARIANCE – 26468 PERDIDO BEACH BOULEVARD – OWNER/APPLICANT: OCTOBER INVESTMENTS** – Request by the applicant for a variance to Section 4.02, Requirements for Lot Area, Lot Width, and Other Factors, to permit the applicant to apply for conditional use approval as provided in the Zoning Ordinance to construct a duplex on a beachfront lot located at 26468 PERDIDO BEACH BOULEVARD in the RS-1 (Single-Family Residential) zoning district. At the request of the owner/applicant variance request is deferred until the April meeting.

3. **CASE NO. 0303-V-15 – VARIANCE – 24881 PERDIDO BEACH BOULEVARD – OWNER: FIRST U.S. BANK (FIRST UNITED SECURITY BANK) – APPLICANT: THE BROADWAY GROUP, L.L.C.** – Request by the applicant for a variance to Section 8.0101, I., Minimum Off-Street Parking Spaces Required, to reduce the parking requirements for retail stores for the purpose of constructing a retail store at 24881 PERDIDO BEACH BOULEVARD in the GB (General Business) zoning district. Patrick Carr was present to address the Board. The current zoning ordinance requires 53 parking spaces for the proposed 10,600 sf building. Due to the size of the very narrow lot and to conserve green space they are requesting a reduction to 36 spaces. Kit Alexander stated that the owner will correct the road and an error made on the subdivision plat in 2005. No one was present to spoke in favor or opposition. Much discussion was held on the current parking requirements. Mike Contorno could not consider the reduction in parking spaces and would abstain from the voting. Kit Alexander stated that there needs to be a revision in the zoning ordinance for the parking regulations.

Motion made (Barnett/Grant) to approve the variance request as presented. Roll call revealed: Barnett, yes; Blalock, no; Contorno, abstained; Grant, yes; Young, yes. **Denied (3-1-1).**

Motion made (Blalock/Barnett) to reconsider variance request. Roll call revealed: Barnett, yes; Blalock, yes; Contorno, abstained; Grant, yes; Young, yes. **Approved (4-1-0).**

Motion made (Blalock/Barnett) to approve variance request as presented. Roll call revealed: Barnett, yes; Blalock, yes; Contorno, abstained; Grant, yes; Young, yes. **Approved (4-1-0).**

E. NEW BUSINESS

F. OTHER BUSINESS

G. ADJOURN

The meeting adjourned at 6:15 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Mike Contorno, Chairman