

Minutes
Orange Beach Board of Adjustment
May 18, 2016 – 3:00 P.M.
Council Chambers – Orange Beach Municipal Complex

A. Call to Order

Chairman Mike Contorno called the meeting to order at 3:00 p.m. and asked the secretary to call the roll.

B. Roll Call

Present: Bob Barnett
 Tim Blackwell
 Tem Blalock
 Mike Contorno
 Cecil Young
 Pete Peterson
 Linda Bradley
 John Lawler, City Attorney
 Kit Alexander, Engineering & Environmental Services Director - 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 April 18, 2016.
Motion made (Grant/Barnett) to approve the April 18, 2016 minutes. Roll call revealed: Barnett, yes; Blalock, yes; Contorno, yes; Young, yes; Blackwell, yes; Peterson, yes. Linda Bradley, yes. **Approved (7-0).**

D. VARIANCES

- E. CASE NO. 0502-V-16 – VARIANCE – LOT 780-F BEAR POINT ESTATES (GULF AVENUE AND CANAL ROAD – OWNER/APPLICANT: LAURA RAY** - Request by the applicant for variances to Section 4.03, Minimum Setbacks, to encroach 10 feet into the required 30-foot front setback along Gulf Avenue and to encroach 20 feet into the required 30-foot side setback along Canal Road (Alabama Highway 180). The subject lot is located at the northeast corner of the intersection of Gulf Avenue and Canal Road in the RS-2 (Single-Family Residential) zoning district. Laura Ray was present to address the Board of Adjustment. She stated that she purchased the property in 2013 and is requesting a variance to build a home on the lot. She also stated she wants to leave some of the trees. Griffin Powell stated that the lot is near the end of Canal Road with no heavy traffic. Chairman Mike Contorno stated he would like to see a house plan and asked if she is seeking a variance to resell the lot. Laura Ray replied that she may sell the lot. John Lawler stated that a variance is site plan specific, not speculation. Mrs. Ray stated that no house plans have been drawn. John Lawler stated that the lot is unusual and the shape does show a hardship. The Board stated they would like to see the plan for the lot. Chairman Mike Contorno stated that she

could withdraw her application and return with a plan or the request may not receive favorable approval today. Mrs. Ray withdrew her application for consideration.

- F. **CASE NO. 0503-V-16 – VARIANCE – 29900 BAYSHORE DRIVE SOUTH – OWNER/APPLICANT: DANNY & SUSAN GRANT** - Request by the applicant for a variance to Section 5.0201, Projections into Yards, to encroach six feet beyond the allowable 20% encroachment into the 30-foot front setback for the purpose of constructing a roof over an existing front porch. The municipal address is 29900 BAYSHORE DRIVE SOUTH and is located in the RS-1 (Single-Family Residential) zoning district. Danny Grant was present to address the Board of Adjustment. He is requesting a variance to build a porch over the existing deck. He stated that it will be extended to the side of the building, over the existing footprint of the deck. Chairman Mike Contorno opened the public hearing for comments and no one spoke in favor or opposition.

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

E. **APPEALS**

F. **NEW BUSINESS**

The Board of Adjustment discussed changing the meeting dates from Monday to Wednesday.

Motion made (Young/Peterson) to hold meetings on the third Wednesday of each month at 3:00 p.m. Roll call revealed: Barnett, yes; yes; Blalock, yes; Contorno, yes; Young, yes; Blackwell, yes; Peterson, yes; Bradley, yes. **Approved (7-0).**

G. **OTHER BUSINESS**

Executive Session to discuss pending litigation. Motion was made (Barnett/Blalock) to go into Executive Session to discuss pending litigation. Andy Rutens advised the Board that a declaration was required by the Opening Meetings Act for an Executive Session; therefore, he stated for the record that he was duly qualified and had the personal knowledge to provide the requisite declaration for the stated purpose of the Executive Session that was necessary for the purpose so stated and that open discussion would imperil and/or have a detrimental effect upon the city if disclosed outside of an Executive Session or would otherwise be contrary to law;

The Chairman directed the Secretary to enter said motion and purpose into the minutes of the meeting and called for a vote on said motion; and,

Said vote in regard to the motion for Executive Session was taken and recorded into the minutes as follows: Roll call revealed: Barnett, yes; Blalock, yes; Contorno, yes; Young, yes; Blackwell, yes; Peterson, yes; Bradley, yes. **Passed (7-0).** Time 3:21 p.m.

Board of Adjustment
May 18, 2016
Page 3

The Board entered into Executive Session for the purpose as stated and reconvened in approximately 30 minutes. **Motion made (Blalock/Blackwell) to reconvene.** Roll call revealed: Barnett, yes; Blalock, yes; Contorno, yes; Young, yes; Blackwell, yes; Peterson, yes; Bradley, yes. **Passed (7-0).** Time 3:54 p.m.

H. ADJOURN

The meeting adjourned at 3:55 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Mike Contorno, Chairman