

Minutes
Orange Beach Board of Adjustment
May 17, 2017 – 4:00 P.M.
Council Chambers – Orange Beach Municipal Complex

A. Call to Order

Chairman Mike Contorno called the meeting to order at 4:00 p.m. and asked the secretary to call the roll.

B. Roll Call

Present: Bob Barnett
 Tim Blackwell
 Tem Blalock - absent
 Mike Contorno
 Cecil Young
 Pete Peterson
 Linda Bradley
 Wanda Cochran, City Attorney
 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 April 19, 2017.
Motion made (Barnett/Young) to approve the April 19, 2017 minutes. Roll call revealed: Barnett, yes; Blackwell, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes.
Approved (6-0).

D. VARIANCES

1. **CASE NO. 0501-V-17 – VARIANCE – 26877 MARINA ROAD – OWNER: DANNY THORNTON – APPLICANT: CHARLES ALLEN** – Request by the applicant for variances to Section 5.0403, Location on Lot, to construct a 20' x 43'2" carport in the front yard area 35 feet from the front property line and to Section 5.0406, Setbacks, to encroach 7 feet in the required 10-foot side yard setback for the carport. The municipal address is 26877 MARINA ROAD in the RS-1 (Single-Family Residential) zoning district. Charles Allen was present to address the Board of Adjustment. He stated that the owner would like to construct a carport in the front yard and it will be too close to the property line on the east side. The carport will match the house with HardiePlank siding and a metal roof. It will be three feet off the property line on the right side close to vegetation. The carport will have gutters for water run-off. It will be an open carport with no electricity. Charles Allen stated the hardship would be the need to protect vehicles from the elements of the weather and rain. It would also minimize tearing up the yard and trees. They have looked at both sides and prefer the carport to be located on the east side.

Chairman Mike Contorno opened the public hearing for comments. John Clay, property owner on the west side stated that he does not object as long as the carport is located on the east side and he would not support it being located on the west side. He asked if a concrete slab could be provided for the carport later. He was concerned about the storm water run-off.

Motion made (Blackwell/Barnett/) to approve the variance as presented subject to the carport sides be solid wall or louvers and staff to make sure the variance does not cause storm water runoff impacts to the neighbors. Roll call revealed: Barnett, no; Blackwell, no; Contorno, no; Young, no; Peterson, no. **Denied (0-5).**

E. APPEALS

F. NEW BUSINESS

G. OTHER BUSINESS

Executive Session to discuss notice requirements. **Motion was made (Blackwell/Barnett) to go into Executive Session to discuss notice requirements.** John Lawler 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; Blackwell, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Passed (6-0).** Time 4:36 p.m.

The Board entered into Executive Session for the purpose as stated and reconvened in approximately 25 minutes. **Motion made (Barnett/Young) to reconvene.** Roll call revealed: Barnett, yes; Blackwell, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Passed (6-0).** Time 5:00 p.m.

Motion made (Barnett/Blackwell) to amend the bylaws to send notices by certified mail to property owners within 150 feet. The applicant shall acknowledge he will be charged the certified fee per parcel for property owners within 150 feet. Roll call revealed: Barnett, yes; Blackwell, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Passed (6-0).**

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H. ADJOURN

Motion made (Barnett/Young) to adjourn. Roll call revealed: Barnett, yes; Blackwell, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Passed (6-0).** The meeting adjourned at 5:02 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Mike Contorno, Chairman