

Minutes
Orange Beach Board of Adjustment
March 15, 2017 – 3:00 P.M.
Council Chambers – Orange Beach Municipal Complex

A. Call to Order

Chairman Mike Contorno called the meeting to order at 3:05 p.m. and asked the secretary to call the roll.

B. Roll Call

Present: Bob Barnett – absent
Tim Blackwell
Tem Blalock
Mike Contorno
Cecil Young
Pete Peterson
Linda Bradley
Wanda Cochran, City Attorney
John Lawler, City Attorney
Kit Alexander, Engineering & Environmental Services Director
Paulette Taylor, Planner I

C. Approval of Minutes

1. Approval of minutes from the Regular Meeting on February 15, 2017.
Motion made (Blalock/Young) to approve the February 15, 2017 minutes. Roll call revealed: Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Approved (6-0).**

The meeting time will be changed from 3:00 p.m. to 4:00 p.m. **Motion made (Blalock/Peterson) to meet at 4:00 p.m.** Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Approved (6-0).**

D. VARIANCES

1. **CASE NO. 0204-V-17 – VARIANCE – 5089 BAY DRIVE – OWNER/APPLICANT: MICHAEL LOVETT** – Request by the applicant for a variance to Section 4.03, Minimum Setback, to encroach three feet into the required ten foot side setback on the south side, and a variance to Section 5.1204, Nonconforming Uses and Structures – Expansion of a Nonconforming Building, to expand or alter a portion of an existing building nonconforming with the existing design requirements of the Zoning Ordinance. The municipal address is 5089 BAY DRIVE in the RS-2 (Single-Family Residential) zoning district. Michael Lovett was present to address the Board of Adjustment. He changed his previous plan by moving the house addition to the south side. It includes a master bedroom, bath, screened porch and covered patio. Chairman Mike Contorno opened the public hearing for comments and no one spoke in favor or opposition.

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

2. **CASE NO. 0301-V-17 – VARIANCE – 5456 BAYOU ST. JOHN AVENUE – OWNER/APPLICANT: TROY NETTLES** – Request by the applicant for a variance to Section 4.03, Minimum Setback, to encroach five feet into the ten foot side setback on the north side and five feet into the ten foot side setback on the south side for a proposed single-family dwelling, and a variance to Section 5.0201, Projections into Yard, to allow for a stairway to encroach beyond the maximum four foot allowance into the ten foot side setback and be situated one foot from the property line on the south side. The municipal address is 5456 BAYOU ST. JOHN AVENUE in the RS-2 (Single-Family Residential) zoning district. Troy Nettles was present to address the Board of Adjustment. He purchased the lot in August and the Baldwin County tax records showed the lot as 60 x 100. He designed a house to fit on a sixty foot wide lot. The lot was surveyed to be submitted with his house plans to the City. The survey showed the lot to be 50 x 100. Mr. Nettles is requesting a five foot variance on each side and the stairs will encroach into the five foot setback. Chairman Mike Contorno opened the public hearing for comments and no one spoke in favor or opposition.

Motion made (Blackwell/Young) to approve variance request as presented. Roll call revealed: Blackwell, no; Blalock, no; Contorno, no; Young, no; Peterson, no. **Denied (5-0).**

E. APPEALS

F. NEW BUSINESS

G. OTHER BUSINESS

Executive Session to discuss pending litigation. **Motion was made (Blackwell/Blalock) to go into Executive Session to discuss pending litigation.** Wanda Cochran advised the Board that a declaration was required by the Opening Meetings Act for an Executive Session; therefore, she stated for the record that she 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: Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Passed (6-0).** Time 3:30 p.m.

The Board entered into Executive Session for the purpose as stated and reconvened in approximately 20 minutes. **Motion made (Blalock/Peterson) to reconvene.** Roll call revealed: Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Passed (6-0).** Time 3:50 p.m.

H. ADJOURN

Motion made (Blackwell/Blalock) to adjourn. Roll call revealed: Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Passed (6-0).** The meeting adjourned at 3:51 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Mike Contorno, Chairman