

Minutes
Orange Beach Board of Adjustment
February 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
 Tem Blalock
 Mike Contorno
 Cecil Young
 Tim Blackwell - absent
 Pete Peterson
 Linda Bradley
 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 December 21, 2016.
Motion made (Blalock/Young) to approve the January 17, 2017 minutes. Roll call revealed: Barnett, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes.
Approved (6-0).

D. VARIANCES

1. **CASE NO. 0201-V-17 – VARIANCE – 5606 EAST OAK RIDGE DRIVE – OWNER/APPLICANT: TIMOTHY & CHRISTINA MCINNIS** – Request by the applicant for variances to Section 4.03, Minimum Setbacks, and Section 5.1204, Nonconforming Uses and Structures – Expansion of a Nonconforming Building, to convert an existing garage that is part of the footprint of the principal building and is encroaching 5 feet into the required 10-foot side setback on the north side into a bedroom and bathroom. The municipal address is 5606 EAST OAK RIDGE DRIVE in the RS-1 (Single-Family Residential) zoning district. Nicole Woerner was present to address the Board of Adjustment. She stated that the Tim and Christina McInnis would like to convert the existing garage into a bedroom for their four children. The bedroom space will be within the existing footprint. Chairman Mike Contorno opened the public hearing for comments and no one spoke in opposition. Nicole Woerner is an adjacent property owner and has no objection.

Motion made (Young/Barnett) to approve the variance request as presented contingent upon the finished floor elevation be a minimum of one foot above the centerline of the street. Roll call revealed: Barnett, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes. **Approved (5-0).**

Chairman Mike Contorno changed the order of the agenda to move 0202-V-17 to the end for consideration.

2. **CASE NO. 0203-V-17 – VARIANCE – 5299 BAY DRIVE – OWNER/APPLICANT: SCOTT ROWLAND** – Request by the applicant for a variance to Section 5.0406, Accessory Structures and/or Buildings – Setbacks, to reduce the front setback for a proposed accessory structure from 130 feet to 57.8 feet. The municipal address is 5299 BAY DRIVE in the RS-2 (Single-Family Residential) zoning district. Scott Rowland was present to address the Board of Adjustment. He purchased the property in June and has since combined the two lots. He is requesting a variance to build a garage next to the house. The location of the proposed garage is a higher elevation than the rear of the property and the access is on the side of the lot. Mr. Rowland would like to save more trees. The garage siding will match the house.

Motion made (Barnett/Young) to approve the variance request as submitted. Motion made (Young/Barnett) to approve the variance request as presented contingent upon the finished floor elevation be one foot above the street. Roll call revealed: Barnett, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes. **Approved (5-0).**

3. **CASE NO. 0202-V-17 – VARIANCE – 4225 ORANGE BEACH BOULEVARD – OWNER: HOLLIS W. WILLIAMS – APPLICANT: THE BROADWAY GROUP LLC** – Request by the applicant for variances to: (a) Section 8.0101, Required Off-Street Parking, to reduce the required parking for a proposed retail store from 53 spaces to 30 spaces; (b) Section 10.0305, B. 1., Consideration in Reviewing Site Plans – Appearances of Site and Structure, to reduce the number of customer entrances from two to one and having it face Highway 161 and to omit the additional customer entrance on the north side of the building facing Rose Lane; (c) Section 10.0305, B. 1., Consideration in Reviewing Site Plans – Access, Internal Circulation, and Off-Street Parking, to have more than 50% of the required parking to be situated between the front façade on the east side and Highway 161; (d) Section 10.0305, D., Consideration in Reviewing Site Plans – Pedestrian Consideration, to eliminate the required six-foot landscape area between the north side of the building and the sidewalk since the north side of the building does not have a customer entrance; and (e) Section 16.04, B. 1, Landscape Requirements – Vehicular Use Area and Perimeter Fencing, to reduce the width of the perimeter landscape strip along the Rose Lane right-of-way from 10 feet to 5.89 feet. The municipal address is 4225 ORANGE BEACH BOULEVARD in the NB (Neighborhood Business) zoning district. Deanna Hyche was present to address the Board of Adjustment. She stated that the subject property is under contract and the buyer is requesting five variances to develop the site. The hardship is the width of the lot. Rose Lane will be improved to the City’s standards and loading dock will be on the back of the store. All trees will be removed from the property. Pete Peterson was concerned with the amount of traffic turning onto Rose Lane and the impact on State Highway 161. Kit Alexander stated that conditional use approval would be required by the City Council to allow for the store to be built due to the higher impact of the use. Chairman Mike Contorno opened the public hearing for comments and no one spoke in favor or opposition.

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

- E. APPEALS**
- F. NEW BUSINESS**
- G. OTHER BUSINESS**
- H. ADJOURN**

The meeting adjourned at 3:55 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Mike Contorno, Chairman