

Minutes
Orange Beach Board of Adjustment
January 18, 2017 – 3:00 P.M.
Council Chambers – Orange Beach Municipal Complex

A. Call to Order

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

B. Roll Call

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

Motion made (Blackwell/Young) to amend the agenda to add Executive Session to discuss pending litigation. Roll call revealed: Blackwell, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Approved (5-0).**

C. Approval of Minutes

1. Approval of minutes from the Regular Meeting on December 21, 2016.
Motion made (Young/Contorno) to approve the December 21, 2016 minutes. Roll call revealed: Blackwell, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Approved (5-0).**

D. VARIANCES

1. **CASE NO. 0101-V-17 – VARIANCE – 29170 CANAL ROAD – OWNER: MATT & MELISSA BRYANT – APPLICANT: LOPER CONSTRUCTION COMPANY, INC. –**
Request by the applicant for a variance to Section 16.07, B., Protected Trees and Trees to Be Preserved – Heritage Trees, to remove a 38” diameter tree to accommodate the construction of a single-family dwelling. The municipal address is 29170 CANAL ROAD in the RS-1 (Single-Family Residential) zoning district. Chad Loper was present to address the Board of Adjustment. He stated that the property is covered with big beautiful trees. They are trying to avoid disturbing trees in order to build an 8,000 S.F. house for a large family. 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: Contorno, yes; Young, yes; Blackwell, yes; Peterson, yes; Bradley, yes. **Approved (5-0).**

2. **CASE NO. 0102-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 6 feet into the 10-foot side setback on the north side, and a variance to Section 5.1204, Nonconforming Uses and Structures – Expansions 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 is requesting a variance to construct a master bedroom suite addition to the existing home within six feet of the required northerly ten foot side yard setback. The request is for the addition to be four feet from the northerly side property line. The property owners directly north and south of the subject lot submitted letters with no opposition. Sted McCullough will be the architect for the renovation. The Board asked the applicant to provide the related hardship justifying the variance. Mr. Lovett stated he bought the lot for the view.

Chairman Mike Contorno opened the public hearing for comments. John Hulen stated that he had no objection to the variance request and that the house must have been built prior to the ten foot side setback requirement. He stated that there is a thirty foot easement directly north of the subject lot that belongs to the community and there is currently no acting homeowners association. Kit Alexander stated it is a platted right-of-way that provides subdivision lot owners access to the water but has not been accepted by the City. Robert Craft submitted a letter in support of the variance. Joe Anselmo stated he objects to anyone taking over the right-of-way (easement). Mike Lovett stated he will not take over the right-of-way but will maintain it.

Motion made (Blackwell/Peterson) to approve variance request as presented. Roll call revealed: Contorno, yes; Young, yes; Blackwell, no; Peterson, yes; Bradley, no. **Denied (3-2).**

3. **CASE NO. 0103-V-17 – VARIANCE – 5098 WASHINGTON BOULEVARD – OWNER/APPLICANT: JOE LANGHAM** – Request by the applicant for a variance to Section 5.0406, Accessory Structure and/or Buildings – Setbacks, to reduce the rear setback from ten feet to two feet and the side setbacks from ten feet to five feet for a 10' by 12' accessory building to be placed in the rear yard. The municipal address is 5098 WASHINGTON BOULEVARD in the RS-2 (Single-Family Residential) zoning district. Joe Langham was present to address the Board of Adjustment. He stated he would like to add a storage building to his pie-shaped lot. There are jurisdictional wetlands behind his property and nothing could be built on the wetlands. Chairman Mike Contorno opened the public hearing and no one spoke in favor or opposition. Two letters were mailed with no objections.

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

E. APPEALS

F. NEW BUSINESS

G. OTHER BUSINESS

Executive Session to discuss pending litigation. **Motion was made (Young/Contorno) 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; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Passed (5-0).** Time 3:45 p.m.

The Board entered into Executive Session for the purpose as stated and reconvened in approximately 70 minutes. **Motion made (Blackwell/Young) to reconvene.** Roll call revealed: Blackwell, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Passed (5-0).** Time 5:55 p.m.

H. ADJOURN

The meeting adjourned at 5:57 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Mike Contorno, Chairman