

Minutes
Orange Beach Board of Adjustment
July 19, 2017 – 4:08 P.M.
Council Chambers – Orange Beach Municipal Complex

A. Call to Order

Chairman Mike Contorno called the meeting to order at 4:08 p.m. and asked the secretary to call the roll.

B. Roll Call

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

C. Approval of Minutes

1. Approval of minutes from the Regular Meeting on June 21, 2017.
Motion made (Blackwell/Barnett) to approve the June 21, 2017 minutes. Roll call revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Young, yes; Peterson, yes; Bradley, yes.
Approved (6-0).

D. VARIANCES

1. **CASE NO. 0502-V-17 – VARIANCE – 5530 BAYOU ST. JOHN AVENUE – OWNER/APPLICANT: JEFF & KATHY MAYO** – Request by the applicant for variances to: (1) Section 5.0404, Maximum Area, to construct a 14' by 30' accessory structure exceeding 30% of the rear yard area; (2) Section 5.0406, Setbacks, to encroach 13 feet into the required 20-foot rear setback requirement for a 420-SF accessory structure; and (3) Section 5.0407, Separation between Principal and Accessory Structures, to construct a 14' by 30' accessory structure closer than five feet from the principal structure. The municipal address is 5530 BAYOU ST. JOHN AVENUE in the RS-2 (Single-Family Residential) zoning district. Kathy Mayo was present to address the Board of Adjustment. She would like to construct a shed for a pontoon boat they recently purchased. Tem Blalock opened the public hearing for comments and no one spoke in favor or opposition. Cecil Young asked for the hardship. She stated because the boat would not fit under the house. Cecil Young replied that is not a hardship. Tem Blalock asked John Lawler if this would be a hardship. John Lawler stated the courts have been lax for height and a hardship is based on the land and not the individual. Kathy Mayo stated the size of her lot is 50' x 100 feet.

Motion made (Barnett/Blackwell) to approve the variance request as submitted. Roll call revealed: Barnett, yes; Blalock, no; Blackwell, no; Young, no; Peterson, no. **Denied (1-4).**

2. **CASE NO. 0701-V-17 – VARIANCE – 5384 BALDWIN AVENUE – OWNER/APPLICANT: CHARLES R. DIX** – Request by the applicant for variance to Section 4.03, Minimum Setbacks, to encroach 5.5 feet into the required 30-foot side setback along Canal Road for an 8' by 12' accessory structure. The municipal address is 5384 BALDWIN AVENUE in the RS-2 (Single-Family Residential) zoning district. Charles Raymond Dix was present to address the Board of Adjustment. He would like to construct an 8 feet by 12 feet storage shed on his property. There is not an area where the shed would not be in the setback. The shed will be separate from the house and used to store fuel and garden tools. Tem Blalock suggested turning the storage shed due to the future possibility of Canal Road being a four-lane highway. Raymond Dix stated he could turn the storage shed. Tem Blalock opened the public hearing for comments and no one spoke in favor or opposition.

Motion made (Blackwell/Young) to approve the variance request as submitted subject to turn the building 90 degrees to the left in order for the encroachment to be on the northwest corner. Roll call revealed: Barnett, yes; Blalock, yes; Blackwell, yes; Young, yes; Peterson, yes. **Approved (5-0).**

3. **CASE NO. 0702-V-17 – VARIANCE – 4806 WALKER AVENUE – OWNER/APPLICANT: ANDY GRAHAM** – Request by the applicant for variances to Section 5.0406, Setbacks, and Section 5.1204, Expansion of a Nonconforming Building, to encroach into the required 20-foot rear setback to construct a 12' by 24' addition to an existing accessory structure. The new addition will be 5.5 feet from the rear property line. The municipal address is 4806 WALKER AVENUE in the RS-1 (Single-Family Residential) zoning district. Andy Graham was present to address the Board of Adjustment. He would like to remodel and make an addition to an existing shed. It will have a new roof and paint color to match his house. He has met with neighbors and they agreed with the new look. Tim Blackwell asked for the hardship. Andy Graham stated he needs a place for tools for his woodworking shop. Tem Blalock opened the public hearing for comments and no one spoke in favor or opposition.

Motion made (Barnett/Young) to approve variance request as submitted. Roll call revealed: Barnett, yes; Blalock, yes; Blackwell, no; Young, yes; Peterson, yes. **Approved (4-1).**

4. **CASE NO. 0703-V-17 – VARIANCE – 5319 FLORIDA AVENUE – OWNER/APPLICANT: JAY DRUMMONDS** – Request by the applicant for variance to Section 5.0201, Projections into Yards, to encroach one foot beyond the 20% allowable encroachment into the required 10-foot side setback for the purpose of constructing an 18' by 12' porch to the existing residential structure. The municipal address is 5319 FLORIDA AVENUE in the RS-2 (Single-Family Residential) zoning district. Frankeye Banks, sister of the owner, was present to address the Board of Adjustment. She stated Jay Drummonds

would like to enhance the mobile home and add an 18' x 12' porch, designed by an architect, to the existing structure. Frankeye Banks stated that the hardship would be when it rains it comes in at the front door. Tem Blalock asked what size porch can be built without a variance. Griffin Powell stated an 11' x 18' could be built. The existing mobile home is a non-conforming structure. Cecil Young asked if the owner was saving the tree and Frankeye Banks replied the tree would be saved. John Lawler stated it is hard to envision granting a variance on a non-conforming structure. There has to be less than 50% in repairs to the value of the structure.

Tem Blalock opened the public hearing for comments and one spoke in opposition. Curtis Croft stated he is seeking clarification on rules for mobile homes. When he purchased his home, he thought there would be no more mobile homes. He is not in favor because it diminishes the appreciation of his property. He is looking forward to the mobile home being gone. He asked that the variance not be granted.

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

E. APPEALS

F. NEW BUSINESS

G. OTHER BUSINESS

H. ADJOURN

The meeting adjourned at 5:04 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Tem Blalock, Vice Chairman