

Minutes
Orange Beach Board of Adjustment
January 17, 2018 • 4:00 P.M.
Council Chambers • Orange Beach Municipal Complex

A. Call to Order

Chairman Mike Contorno called the meeting to order at 4:05 p.m. and asked the secretary to call the roll.

B. Roll Call

Present: Bob Barnett
 Tim Blackwell
 Tem Blalock
 Mike Contorno
 Cecil Young
 Pete Peterson
 Linda Bradley
 John Lawler, City Attorney
 Kit Alexander, Community Development Director
 Griffin Powell, Planner II
 Paulette Taylor, Planner I
 Mindy Smith, Office Manager

C. APPROVAL OF MINUTES

1. Approval of minutes from the Regular Meeting on November 15, 2017.
Motion made (Barnett/Young) to approve the November 15, 2017 minutes. Roll call revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Approved (7-0).**

D. VARIANCES

Chairman Mike Contorno moved Case No. 0101-V-18, 5454 Gulf Avenue to the end of the agenda to allow time for the applicants to arrive.

1. **Case No. 0102-V-18, 5386 Armadillo Avenue**
Heather Costley and Steve Merna request variances to Section 4.03, Minimum Setbacks, to encroach 5'4" into the 30-foot front setback and 8'6" into the 20-foot rear setback and a variance to Section 4.02, Lot Area, Lot Width and Other Factors, to exceed the 30% maximum building coverage by 58 square feet for the purpose of expanding an existing single-family residence. The property is zoned RS-2 (Single-Family Residential) and is located at 5386 ARMADILLO AVENUE.

Steve Merna and Heather Costley were present to address the Board of Adjustment. Steve Merna stated they want to add on seventeen feet to the front and ten feet to the back of their house. Heather Costley stated the addition needs to go forward and backward because it would be complicated to add on to the side of the house since the existing dwelling sits crooked on the lot. She said they cannot build underneath because the ceilings would be too low and cannot raise it because it will not structurally hold it.

Bob Barnett asked if this was a second submittal and what is the difference now. The applicants stated that they reduced the size by fifteen feet after meeting with their architect.

Bob Barnett asked if they were going to retain the deck that is about sixteen inches from their property line. Applicants stated the deck will remain the same. Cecil Young asked Kit Alexander if there was a variance on the deck when it was built. Kit Alexander said there was no record of that. She stated they did get a permit to reconstruct the deck with a slightly different configuration but it stayed within the same footprint.

Chairman Mike Contorno opened the public hearing for comments. Greg Hayes, who owns the lot to the south, said that when the applicants repaired the deck, they changed the structure of it. He also stated there were problems with the applicants parking on their lot.

Barry Lowe stated they recently purchased the house to the north of the applicant's lot. He said he is neutral about the variance request.

Sharon Solet, who lives on Pompano Ave. which is across the road, stated she objects to the variance because she believes the problems such as parking would escalate if the house gets bigger. Chairman Mike Contorno advised that parking is a separate issue. Sharon Solet stated she does not believe the hardship element had changed since the last meeting.

Tim Blackwell spoke to the owners about the possibility of reducing the deck or moving it to the front or the back. He is concerned with the deck being one foot six inches off the property line. Kit Alexander stated that a stairwell can encroach four feet and a balcony can encroach two feet into the setback.

Bob Barnett said he did not see any hardship for this variance request. Heather Costley said that the house is crooked; so, it is not feasible to meet the thirty foot width because it would have to be at an angle. She said that is her main hardship. She commented that other new houses in Bear Point are 60, 63, and 65 feet long and she is curious to know what their hardship was. Heather Costley said they are living in an 800 square foot house and they just want to make it bigger. Kit Alexander verified that the buildable area on a 5000 square foot lot is 1500 square feet when you take in to account the setbacks.

Heather Costley stated that because the house is crooked on the lot, the addition and the roof would have to be built on an angle. Kit Alexander advised that if their hardship is that angle, then they need to submit a survey that shows the angle for the Board members to see. Kit Alexander located the survey that had been submitted and verified that it did not display or indicate that the house was at an angle on the lot.

Chairman Mike Contorno advised that the other houses are not relevant to her issue.

Cecil Young suggested and asked the owners if they wanted to come back again and present the survey that shows the angle. Mike Contorno advised if they wanted to build on the other side of the house, they will have to get new plans drawn up by an architect.

John Lawler stated that this is definitely a hardship because the house was built in 1980.

Barry Lowe stated that the variance request they are asking for on the front is really less than what is allowed for a front porch encroachment into the setback. He said he lives next door that it did not matter to him how far in the back they go out. He thinks they should be allowed to add on since they bought the house fifty years ago. Barry's wife, Debbie, said they don't mind them building on the front because it will only enhance their property they are about to build on.

Greg Hayes said it did bother him.

Chairman Mike Contorno stated that as long as there is the option to build on the other side of the house without having to do all these increases, it should be explored. He said he feels that also decreases the hardship when you have an option but you just don't want to do it that way. Steve Merna said that it is a financial thing too. Bob Barnett said that variances do not operate on anything financial.

Tem Blalock asked the neighbors that own the lot on the south side if they would be opposed to the variance if the deck was taken down. Greg Hayes said yes and that his parents built a two story house on Pensacola Ave as required by the city. Sharon Solet said she might still oppose since they do still have legitimate building space on the other side.

Heather Costley said she chooses to defer and come back.

Motion made (Blackwell/Young) to defer the variance request until the February meeting. Roll call revealed: Barnett, yes; Blalock, yes; Blackwell, yes; Contorno, yes; Young, yes. **Approved (5-0).**

2. Case No. 0103-V-18, 5280 Baldwin Avenue

Richard P. Rose requests a variance to Section 4.03, Minimum Setbacks, to encroach 2 feet into the 10-foot side setback on the east side for the purpose of constructing a closet addition to an existing single-family residence. The property is zoned RS-2 (Single-Family Residential and is located at 5280 BALDWIN AVENUE.

Richard Rose said they moved to 5280 Baldwin Ave. due to some physical limitations. He said the house was built in 1988, had been refurbished inside, and had lost some closet space. Due to some physical disabilities that he and his wife have, they need more storage space. Based on the diagram they have, the house sits at an angle on the lot. The width will allow him to use a wheelchair to go in. He said the height of the shelves in the closet will allow him to access his equipment and supplies. The closet will encroach about two feet into the setback on the east side of the house.

Tem Blalock asked if there were any objections from the neighbors next door. He found there were two for and none against the request. Richard Rose advised that he had included a letter from one set of neighbors with his application.

Chairman Mike Contorno opened the public hearing for comments and no one spoke in favor or opposition.

Motion made (Barnett/Blalock) to approve per the site plan as submitted. Roll call revealed: Barnett, yes; Blalock, yes; Blackwell, yes; Contorno, yes; Young, yes. **Approved (5-0).**

3. Case No. 0101-V-18, 5454 Gulf Avenue

Roderick Perdue, on behalf of Robert and Laura Ray, requests variances to Section 4.03, Minimum Setbacks, to encroach 16'5" into the 30-foot front setback on Gulf Avenue, 24 feet into the 30-foot side setback on Canal Road, and 2 feet into the 10-foot side setback on the north side for the purpose of constructing a single-family detached dwelling. The property is zoned RS-2 (Single-Family Residential) and is located at 5454 GULF AVENUE.

Rod Purdue stated they are proposing to build a residence on the corner lot of Gulf Ave. and Canal Rd. He said that, due to the current 30 foot setbacks on both Gulf Ave. and Canal Rd., this lot is unbuildable leaving only a small buildable area. They have submitted plans for a nice house that will be aesthetically pleasing to the neighborhood and will complement the houses around it.

Patrick Perdue said that there was a house sitting on a lot just like this with the same dimensions on Mobile Ave. Bob Barnett asked when that house was built. Patrick Perdue did not know that answer.

Chairman Mike Contorno opened the public hearing for comments. Donald Ray said that they do not have enough room to build a house, that it would be too close to the setback lines and too close to Canal Rd. He said that someone wanted to put a house on the west side of Canal Rd. and Florida Ave. and it was turned down [by the Board of Adjustment] about a month or so ago because of the setback lines.

Linda Bradley questioned the 36 foot setback from the sidewalk.

Rod Perdue said that the narrative says it is a one-story residence; but, the elevations that they provided shows it will actually be a two-story residence. Kit Alexander stated that the Board is going to approve the site plan "as submitted", so they need to ask the Board to make that part of the motion if it will be two-story.

Kit Alexander said it is a significant setback request; but, the two front setbacks make it a hardship scenario. She stated that it is a triangular lot so is not buildable. Tem Blalock said that the person who originally purchased the lot should have looked into it as to what could and could not be built before they purchased it.

Chairman Mike Contorno asked if the previous variance request on Canal Rd. and Florida Ave. had two 30 foot setbacks. Donald Ray answered yes.

Motion made (Blackwell/Barnett) to approve per the site plan as submitted with the exception of the house being marked as two-story house instead of a one-story house. Roll call revealed: Barnett, no; Blalock, no; Blackwell, no; Contorno, no; Young, no. Denied (5-0).

E. APPEALS

F. NEW BUSINESS

G. OTHER BUSINESS

Kit Alexander briefed the board on the proposed vacation rental license zoning text amendment.

ADJOURN

The meeting adjourned at 5:18 p.m.

Respectfully submitted,



Mindy Smith, Office Manager

Approved,



Mike Contorno, Chairman