

Minutes
Orange Beach Board of Adjustment
November 28, 2018 ▪ 4:00 P.M.
Council Chambers ▪ Orange Beach Municipal Complex

A. Call to Order

Vice Chairman Tem Blalock called the meeting to order at 4:00 p.m. and asked the secretary to call the roll.

B. Roll Call

Present: Bob Barnett
 Tim Blackwell
 Tem Blalock, Vice Chairman
 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
 Chuck Smith, Code Enforcement Officer

Absent: Mike Contorno, Chairman

C. APPROVAL OF MINUTES

1. Approval of minutes from the Regular Meeting on October 27, 2018.
Motion made (Barnett/Blackwell) to approve the October 27, 2018 minutes. Roll call revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Young, yes; Peterson, yes; Bradley, yes.
Approved (6-0).

D. VARIANCES

1. Case No. 1002-V-18, 5419 Florida Avenue

FM Holdings LLC requests approval of a variance to Section 4.03, Minimum Setbacks, to encroach 8.8 feet into the required 30-foot side setback along Canal Road for the purpose of constructing a single-family residence. The property is located at 5419 FLORIDA AVENUE in the RS-2 (Single-Family Residential) zoning district. *Deferred from the regular meeting on October 17, 2018.* Mark Keel was present to address the Board. He stated that he has reduced the footprint area from 30 feet to 27' x 50' (*This was a reference to the previous Board of adjustment variance request*). Kit Alexander stated there are three other parcels with similar circumstances. They are unbuildable due to lot dimensions and setbacks. An aerial was provided with the lots identified as unbuildable.

Cecil Young asked if unbuildable lots were considered before being platted and what has happened? Kit Alexander stated the Zoning Ordinance provides the setback table for corner lots and the front setback is based on the location of the driveway. Cecil Young stated if he goes by the code that he will have to vote no. Vice Chairman stated there were four letters in opposition.

Kit Alexander stated that Canal Road can be widened to four lanes in this area without requiring additional right-of-way. Pete Peterson asked if the city intended to change the setbacks since Canal Road now belongs to the City. He thinks it makes sense to reduce the setback to 20 feet. Kit Alexander stated that possibly the corner lot side setbacks could be reduced east of Sportsman Marina.

Tem Blalock opened the public hearing and one person spoke. Charles Dix stated that he would support the proposed setback if the zoning ordinance is amended to change the corner lot side setback to 20 feet but not this current request.

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

2. Case No. 1101-V-18, 4624 Spinnaker Way

Denny and Ana Sands request approval of a variance to Section 5.0201, Projections into Yard, to encroach 10 feet beyond the 20 percent allowable encroachment into the required 20-foot rear setback for the purpose of constructing a roof and screened porch over an existing concrete patio. The property is located at 4624 SPINNAKER WAY in the RS-1 (Single-Family Residential) zoning district. Denny and Ana Sands were present to address the Board. Denny Sands stated that the drainage ditch behind their backyard isn't functional and not being properly maintained by the City. There are mosquitos and it is not a desirable backyard. They would like to have a screened area for their use. He stated the neighbor behind them has a patio and would like to see the variance approved. The Sands have a contract to purchase 15 feet to the east. Ana Sands stated the seller was having difficulty getting the release of the 15 feet to sell.

Kit Alexander stated that Bill Silvers placed concrete in the bottom of the drainage ditch to help with the flow. She stated that the need for maintenance of the ditch will be verified but the concrete lining cannot be extended.

Cecil Young asked if the porch will be enclosed. Ana Sands stated it will be screened with a roof on an existing 16 x 18 pad. She stated the opposing neighbor called the City to complain that stormwater from her lot was draining onto the neighbor's property. She stated that the City had explained to the neighbor that her property runoff was not adversely affecting the neighbor's property. Ana Sands stated she will install gutters to help with the water runoff. Denny Sands stated he will make sure water drains to the street or rear of his property.

Chuck Smith stated that the patio was permitted two years ago and there have been no stormwater issues. Kit Alexander stated staff reviews indicate no runoff problems with the new construction.

Cecil Young asked if the variance request should be deferred to see if the purchase goes through. Ana Sands stated the seller is having problems and it could be six to eight months before the land can be sold. She has put in a pool with a permit and is waiting for the variance before installing landscaping.

Vice Chairman Tem Blalock opened the public hearing for comments. Paul McGhee, who lives across the street, stated that the Homeowners Association has reviewed and approved

the request. Richard Crawford, who lives next door, stated the screened enclosure will increase their property values.

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

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

The meeting adjourned at 4:31 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Tem Blalock, Vice Chairman