

Minutes
Orange Beach Board of Adjustment
Wednesday, July 18, 2018 • 4:00 P.M.
Council Chambers • Orange Beach Municipal Complex

A. Call to Order

Chairman Mike Contorno called the meeting to order at 4:08 P.M.

B. Roll Call

Present: Bob Barnett, Board Member
 Tim Blackwell, Board Member
 Tem Blalock, Board Member - Vice-Chairman
 Mike Contorno, Board Member - Chairman
 Cecil Young, Board Member
 Pete Peterson, Board Member - Supernumerary
 Linda Bradley, Board Member - Supernumerary
 John Lawler, Attorney
 Kit Alexander, Community Development - Director
 Griffin Powell, Community Development - Planner II
 Paulette Taylor, Community Development - Planner I
 Lannie Smith, Community Development - Building Official
 Mindy Smith, Community Development - Office Manager

C. APPROVAL OF MINUTES

1. Approval of minutes from the Regular Meeting on April 18, 2018.
Motion made (Barnett/Young) to approve the minutes as written. Vote revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Approved (7-0).**

D. VARIANCES

1. **Case No. 0701-V-18, 27106 Palmetto Drive**
Evan Alann Homes, on behalf of Gary and Judy Rice, requests variances to Section 4.03, Minimum Setbacks, to encroach 1.8 feet into the required 10-foot side setback on the west side and to encroach 6 inches into the required 10-foot side setback on the east side for a single-family residential structure located at 27106 PALMETTO DRIVE in the RS-2 (Single-Family Residential) zoning district.

Craig Johnson, on behalf of Evan Allan Homes, presented the variance request. Mr. Johnson explained the house previously located on this property was demolished due to termite damage. The foundation and back portion of the house were left intact. The intent was to build a new house on the same foundation. As a requirement for building the new house, an as-built survey was prepared. That survey identified the encroachment on the side lot line.

Board Member Cecil Young asked if six inches of brick had been added on to the outside of the existing foundation. Mr. Johnson said there is brick on the outside;

but, if you compare the two surveys (one done with the previous house and one with the new house), the old survey showed an 8.8-foot setback from the back corner and the new survey shows it now has a 9-foot setback there. He stated the 8.2-foot setback in the front remained the same. Supernumerary Board Member Pete Peterson asked if there was an error in the survey. Mr. Johnson advised there was no error.

Board Chairman Mike Contorno asked if the previous structure was non-conforming before it was torn down. Mr. Johnson replied yes and advised the house had been there since 1955.

Mr. Young asked if the storage shed on the property was non-conforming. Mr. Johnson advised the shed is on blocks and is movable, but that it had been there for 30 years.

Board Member Robert Barnett asked if anyone was aware of the non-conformity when they built the house back. Mr. Johnson said he was not aware. The Building Official, Lannie Smith, advised that the contractor was told during the permit application process that they were required to meet the setbacks when they built the house back. Mr. Smith stated the contractor marked it on the plans that there would be a 10-foot setback.

Mr. Young asked Community Development Director, Kit Alexander, about the storage shed. Mrs. Alexander advised that no one had complained about the storage shed. Board Member Robert Barnett advised that if they decided to grant the variance, they could require the shed either be torn down or placed within the correct setbacks. Mr. Johnson advised it would be better to move the storage building than to move the house.

Chairman Contorno advised that three letters were received from neighbors in support of the approval of this variance; and no letters were received in opposition. He then opened the public hearing for comments. Catherine Watterson Aiken, who lives directly across Palmetto Drive, said she was in favor of granting the variance because the people in the neighborhood are pleased with the new house.

Board Member Tem Blalock advised that this is a smaller lot; 47 feet across instead of the normal 50 feet. He stated he does not have objections to granting the variance but would like to see the shed moved or replaced with a new shed that is complementing and conforming.

Motion made (Barnett/Blalock) to approve the submitted site plan subject to the removal of existing storage building. Vote revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes. **Approved (5-0).**

E. APPEALS

F. NEW BUSINESS

G. OTHER BUSINESS

H. EXECUTIVE SESSION

Motion made (Blalock/Blackwell) to enter executive session. Vote revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes; Bradley, yes. **Approved (7-0).** Attorney John Lawler stated the Board was going into executive session to discuss pending litigation.

Time In: 4:27 P.M.

Time Out: 4:57 P.M.

I. ADJOURN

Chairman Mike Contorno adjourned the meeting at 4:57 P.M.

Respectfully submitted,

Approved,

Mindy Smith
Community Development Office Manager

Mike Contorno
Board of Adjustment Chairman