

Minutes
Orange Beach Board of Adjustment
November 15, 2017 – 4:05 P.M.
Council Chambers – Orange Beach Municipal Complex

A. Call to Order

Chairman Mike Contorno 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
 Mike Contorno
 Cecil Young
 Pete Peterson
 Linda Bradley - absent
 John Lawler, City Attorney
 Kit Alexander, Engineering & Environmental Services Director
 Griffin Powell, Planner II
 Paulette Taylor, Planner I

C. APPROVAL OF MINUTES

1. Approval of minutes from the Regular Meeting on October 18, 2017.
2. Approval of minutes from the Special Called Meeting on October 26, 2017.
Motion made (Blalock/Barnett) to approve the October 18, 2017 and October 26, 2017 minutes. Roll call revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Peterson, yes. **Approved (6-0).**

D. VARIANCES

1. **Case No. 1101-V-17, 5386 Armadillo Avenue**
Steve Merna and Heather Costley request approval of variances to Section 4.03, Minimum Setbacks, to expand the existing residence by encroaching 10 feet into the required 20-foot rear setback (expansion 10 feet from the rear property line) and 18.5 feet into the required 30-foot front setback (expansion 11.5 feet from the front property line) and approval of variances to Section 5.0201, Projections into Yard, to expand an existing nonconforming porch and stairs 4.5 feet beyond the 4-foot allowable encroachment into the south side setback (expansion 1.5 feet from the south side property line) and to allow a roof overhang to go 6 inches beyond the 20% allowable encroachment into the north side setback (expansion 7.5 feet from the north side property line). The property is located at 5386 Armadillo Avenue in the RS-2 (Single-Family Residential) zoning district. Heather Costley and Steve Merna were present to address the Board of Adjustment. They stated that the existing dwelling sits on the lot at an odd angle and they are requesting a variance to make the house look like they want it to look. There will be an addition of 850 SF and they cannot enclose underneath the existing house. Bob Barnett asked about the violation of the deck. Steve Merna stated

that the previous owners had built a deck around a tree. He removed the tree and brought the deck up to one level. He replaced the floor and added handrails located within the same footprint.

Chairman Mike Contorno opened the public hearing for comments. Cheryl Hayes, who owns the vacant lot next door, stated that the deck encroaches on to them. A survey shows the deck as two feet from the property line. She feels that it devalues their property. She also stated that the applicants have parked a trailer on their vacant lot.

Kit Alexander stated that the new deck will be 1 1/2 feet from the property line and the variance is a significant request. Tem Blalock stated that new houses are built on pilings due to the size of the lots. Tim Blackwell asked if they could possibly scale back the addition since this a tremendous variance request. The Board discussed options, the deck and setbacks. John Lawler stated that a variance request is based on the hardship related to the land itself. He doesn't see a hardship in this case. The basis for a hardship should be based on how this is going to fit in with the rest of the community and stated the variance needs to do away with non-conformity.

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

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

The meeting adjourned at 4:40 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Mike Contorno, Chairman