

Minutes
Orange Beach Board of Adjustment
July 17, 2019 ▪ 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
 Linda Bradley
 John Lawler, City Attorney – arrived at 4:10 p.m.
 Lannie Smith, Building Official
 Griffin Powell, Planner II
 Paulette Taylor, Planner I

C. APPROVAL OF MINUTES

1. Approval of minutes from the Regular Meeting on June 19, 2019.
Motion made (Blalock/Barnett) to approve the June 19, 2019 minutes. Roll call revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Bradley, yes.
Approved (6-0).

D. VARIANCES

1. **Case No. 0701-V-19, Perdido Beach Boulevard, 95.8' X 269'(S) IRR LOT 14 AND THAT PT OF VACATED CANAL RD BEING 22'(S) X 384'(S) AND LYING N OF LOT 15 AND W AND S OF LOT 6 IN THE CITY OF ORANGE BEACH SEC 9-T9S-R5E, (Property PIN 37064)**

Sawgrass Consulting LLC, on behalf of Donald M. Russell, Jr., requests approval of a variance to Section 4.02, Requirements for Lot Area, Lot Width, and Other Factors, to reduce the minimum lot area requirement for a new lot in the General Business (GB) zoning district from 20,000 SF to 17,800 SF. The said lot will be Lot 3 in the proposed Cotton Dunes Subdivision. The property is located east and north of 26021 PERDIDO BEACH BOULEVARD. Ercil Godwin, on the behalf of Donald Russell, was present to address the Board of Adjustment. He stated Chris Ybarra is leasing the lot being used as parking for Cotton's Restaurant. Mr. Ybarra would like to purchase the oblong piece of property but the lot area is under the 20,000 SF minimum. Bob Barnett asked if the lot could be restricted to parking. Ercil Godwin replied yes, that is fine. Mike Contorno stated the Russell property was some of the first development on the beach.

When John Lawler, City Attorney, arrived at 4:10 p.m. Chairman Mike Contorno asked Ercil Godwin to give a quick overview of the variance request for Mr. Lawler. Ercil Godwin presented the request again and stated that the lot size is the only hindrance. John Lawler stated that the Planning Commission can grant waivers to the subdivision regulations. He thinks the Planning Commission has the jurisdiction. Griffin Powell stated that the minimum

lot square footage of 20,000 SF is located in the Zoning Ordinance and not in the Subdivision Regulations. He stated that the Subdivision Regulations do not determine the minimum lot size requirement.

Ercil Godwin stated that he had met with Kit Alexander and Griffin Powell, who thought he should request a variance for the lot size and then go before the Planning Commission. He has to have the ability for a smaller lot size. John Lawler stated that waivers require a hardship caused by the property. Ercil Godwin stated that the irregular size and shape of the lot would reduce Russell's large parcel to be odd in shape. They cannot do anything without the variance. John Lawler stated that if he meets the hardship requirement he would be entitled to relief.

Cecil Young asked if the hardship could be the shortage of parking for the restaurant. Bob Barnett replied certainly with the shape of the land. He thinks the variance for the lot should be restricted to parking only. Tem Blalock stated he thinks they are all in agreement for the lot to be used only as parking. The variance goes away when the lot is no longer used for parking. John Lawler stated that both the Planning Commission and Board of Adjustment can grant a variance on hardship.

Ercil Godwin showed on the map that the land is irregularly shaped and they have not been denied by the Planning Commission. The next step is to go before the Planning Commission for subdivision approval. Bob Barnett stated that the Board of Adjustment is not reviewing a subdivision and this is an individual lot. John Lawler stated that the minimum lot area and lot width requirements should be added to the Subdivision Regulations.

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

Motion made (Barnett/Blackwell) to approve variance request for a reduction in lot size based on permanent use as a parking lot. Roll call revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes. **Approved (5-0).**

E. APPEALS

F. NEW BUSINESS

G. OTHER BUSINESS

H. ADJOURN

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Mike Contorno, Chairman