

**Minutes**  
**Orange Beach Board of Adjustment**  
**June 19, 2019 ▪ 4:00 P.M.**  
**Council Chambers ▪ Orange Beach Municipal Complex**

**A. Call to Order**

Chairman Mike Contorno called the meeting to order at 4:00 p.m. and asked the secretary to call the roll.

**B. Roll Call**

Present:           Bob Barnett  
                      Tim Blackwell  
                      Tem Blalock  
                      Mike Contorno  
                      Cecil Young  
                      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 March 20, 2019.  
**Motion made (Blalock/Young) to approve the March 20, 2019 minutes.** Roll call revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Bradley, yes. **Approved (6-0).**

**A. VARIANCES**

1. **Case No. 0601-V-19, 5189 Bay Drive**  
James Douglas and Tamara Warren request approval of a variance to Section 5.1204, Expansion of a Nonconforming Building, to enlarge and expand an existing nonconforming accessory structure, and a variance to Section 5.0406, Accessory Structure Setbacks, to maintain an existing 68.2-foot encroachment into the front setback and an existing 0.20-foot encroachment into the side setback for the purpose of enlarging the footprint and adding a second floor to an existing garage. The property is located at 5189 BAY DRIVE in the RS-2 (Single-Family Residential) zoning district. Doug Warren was present to address the Board of Adjustment. He would like to add living space to the existing garage but not change the building footprint. The second story would consist of a bedroom, bathroom and closet space for use by family visitors. The Warrens sold their house on Ono Island to be full-time residents in Orange Beach.

Bob Barnett stated there is plenty of room to add onto the house instead of the existing garage. Doug Warren stated there is not enough room to add onto the house without blocking the neighbor's view. Bob Barnett asked about the area of the lot south of the existing house. Doug Warren stated there is a proposed house addition planned for that location. Tim Blackwell asked if the house is compliant. Kit Alexander stated the garage is legally non-conforming. Bob Barnett asked if they could add onto the house. Kit Alexander stated a flood plain variance would be required. Doug Warren stated they would like for their children to have separate living space when visiting.

Cecil Young stated previously, neighbors were not in compliance with the Zoning Ordinance and requested a variance to add on to their garage. The variance was denied and appealed through the Baldwin County Circuit Court. The court upheld the Board of Adjustment's decision to deny the variance; therefore, he would have to refuse his request. Doug Warren stated he did not create the nonconformity.

Tim Blackwell asked about the size of the existing garage. Tamara Warren stated it is 20'x 22' (528 S.F.) Tem Blalock stated the garage would be increased from 528 to 752 square feet. Kit Alexander stated the base flood for the property has risen significantly and he is limited by FEMA. Tem Blalock asked for a legal opinion. John Lawler stated that nonconforming uses are meant to go away and not be increased. He spoke about the hardship and whether the lack of the variance would prevent the development of the property. He stated that the Warrens purchased the property with the nonconforming structure.

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

**B. APPEALS**

**C. NEW BUSINESS**

**D. OTHER BUSINESS**

**E. ADJOURN**

Respectfully submitted,

Approved,

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Paulette Taylor, Planner I

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Mike Contorno, Chairman