

Minutes
Orange Beach Board of Adjustment
December 17, 2019 ▪ 4:00 P.M.
Council Chambers ▪ Orange Beach Municipal Complex

A. Call to Order

Vice Chairman Tem Blalock called the meeting to order at 4:06 p.m. and asked the secretary to call the roll.

B. Roll Call

Present: Bob Barnett
 Tim Blackwell
 Tem Blalock, Vice Chairman
 Cecil Young
 Linda Bradley
 Tina D'Aversa
 John Lawler, City Attorney
 Lannie Smith, Building Official
 Griffin Powell, Planner II
 Sean Brumley, GIS Specialist

Absent: Mike Contorno, Chairman

C. APPROVAL OF MINUTES

1. Approval of minutes from the Regular Meeting on September 18, 2019.

D. VARIANCES

1. Case No. 1201-V-19, 28656 Jackson Avenue

Christopher Bazor requests approval of a variance to Section 4.03, Minimum Setbacks, to encroach 5.2 feet into the 10-foot side setback on the east side of the property for a new single-family house. The property is located in 28656 Jackson Avenue in the RS-1 (Single-Family Residential) zoning district.

Chris Bazor was present to address the Board of Adjustment. He stated they purchased the 50-foot wide lot and have worked on the plans for three years due to the challenges of the 160 MPH wind requirement. After Hurricane Michael, Bethel Engineering felt that the limited width of the house would survive a storm like Michael.

Chris Bazor stated if he could decrease the depth of the house and widen the footprint it could survive the high winds. Instead of building a 26 x 90 house he would like to build a 32 x 60 house. It is difficult to make all the rooms fit in a 26-foot wide house. He has spent a lot of money protecting the property from a storm surge. He is requesting a variance on the east side since it would not affect any other building. He visited his neighbors and he was not aware of any opposition.

Chris Bazor stated the large five-bedroom house is for his family of three children and possibly another child as well as his mother-in-law, who will be living with them in the future. Kit Alexander stated that vacation rentals would not be allowed. Chris Bazor stated

he has an engineering background and has given a lot of thought to high winds and flooding. He would like to build his forever home.

Vice Chairman Tem Blalock stated the Board of Adjustment looks for the hardship, which cannot be financial. This hardship could be the house would not withstand a hurricane like Michael. The extra five-foot variance would give the support needed. Chris Bazor stated the wider base makes the house less likely to topple over and shortens the length as well.

Kit Alexander stated that the adjoining canoe trail property would never be anything but a right-of-way. She stated that legal counsel informed staff that vacating a right-of-way leading to the water would be difficult for the city. His property abuts a right-of-way that will remain a right-of-way in perpetuity.

Lannie Smith stated the property is in a vulnerable situation due to the southeast wind. The orientation of the property limits the building width. Since Chris Bazor acquired the lot, the flood maps have changed which adds to the hardship. He is now located in a Coastal AE Zone, which is like building on beachfront property. This special flood hazard zone requires a pile supported foundation and break-away walls. He truly has a hardship meeting all the requirements due to the shape of the property.

Bob Barnett stated that not being able to build within the legal requirements would be a hardship. John Lawler stated the size and feature of the lot is a classic reason to consider a variance. Kit Alexander stated the lot meets the 50-foot frontage requirement but the lot is a parallelogram and the skewed angle causes the perpendicular width to be less than 50 feet.

Vice Chairman Tem Blalock asked about the steps being within 1.5 feet of the property line. Chris Bazor stated the rear steps do not have to stay.

Vice Chairman Tem Blalock opened the public hearing for comments and no one spoke in favor or against the variance.

Motion made (Barnett/Blackwell) to approve the variance as presented with the stairs being eliminated. Roll call revealed: Barnett, yes; Blackwell, no; Blalock, yes; Young, no; Bradley, no; D'Aversa, yes. **Denied (3-3).**

Chris Bazor asked if, instead of a variance of five feet, they would consider three feet. When he bought the property, his intentions were to build a 30-foot wide house. Cecil Young asked if he could split the thirty feet between the two side yards. Vice Chairman Tem Blalock said a revised variance would require no objection from the neighbor on the west side of the lot. Cecil Young stated he does have a hardship but he could build a house. Chris Bazor asked if he could request a three-foot variance on the east side.

Motion made (Young/Blackwell) to reconsider the vote to reduce the variance from 5.2 feet to 3 feet on the east side and eliminate the stairs. Roll call revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Young, yes; Bradley, yes; D'Aversa, yes. **Approved (6-0).**

E. APPEALS

F. NEW BUSINESS

G. OTHER BUSINESS

H. ADJOURN

Adjourned at 4:36 p.m.

Respectfully submitted,

Approved,

Sean Brumley, GIS Specialist

Tem Blalock, Vice Chairman