

Minutes
Orange Beach Board of Adjustment
September 18, 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
 Tina D'Aversa
 John Lawler, City Attorney
 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 July 17, 2019.
Motion made (Blalock/Barnett) to approve the July 17, 2019 minutes. Roll call revealed: Barnett, yes; Blackwell, yes; Blalock, yes; Contorno, yes; Young, yes; Bradley, yes; D'Aversa, yes. **Approved (7-0).**

D. VARIANCES

1. **Case No. 0901-V-19, 27138 Safe Harbor Drive**
Scott Moody – PMB requests approval of a variance to Section 5.0201, Projections into Yards, to encroach two feet beyond the allowable four-foot encroachment into the 10-foot side setback on the west side of the property for an elevated air conditioner and generator platform for a proposed residential structure. The property is located at 27138 SAFE HARBOR DRIVE in the RS-1 (Single-Family Residential) zoning district. Scott Moody was present to address the Board of Adjustment. He distributed a map showing the location of his proposed house to adjoining neighbors. He would like to build a platform for his air conditioners and generator. This would make it safer for maintenance and oil changes. The platform with a handrail would be used only for equipment.

Bob Barnett asked why the platform would be 35 feet long. Scott Moody stated he will have four air conditioning units and a generator. Bob Barnett asked why it wasn't located on the other side of the house. Scott Moody replied that the cost would be more on the other side and he has designed the house for the unit to be on the west side. He will have a cooking area and an RV parked on the east side of the proposed residence.

Scott Moody stated the house will be about 2800 square feet and two levels. Bob Barnett asked how the need for a variance came about. Scott Moody replied there is no room because

of the cook area on the opposite side. Kit Alexander stated the platform could be built on the other side of the house without the need for a variance.

Cecil Young stated Mr. Moody is exceeding what can be built on this lot. The platform is 35 feet x 6 feet and too close to the neighbors. Scott Moody stated the neighbor will be 75 feet away. Kit Alexander asked if this was a platform or a deck. Linda Bradley stated it looks like a deck.

Scott Moody asked if he could be granted a one-foot variance. Four feet is tight and room is needed to maintain the equipment. Cecil Young asked about the need for four air conditioning units. Scott Moody stated his engineer and mechanical contractor decided on the need for four units.

Tem Blalock stated the most logical solution is to swap sides for the equipment. Scott Moody asked again if he could be granted a one-foot variance. Cecil Young stated he would still be infringing on his neighbors. Tem Blalock asked if there could be individual platforms for the equipment. Scott Moody stated that would be breaking OSHA rules.

Chairman Mike Contorno opened the public hearing for comments and no one spoke in favor or opposition. The Board members did receive one letter in opposition to the variance.

Motion made (Barnett/Blackwell) to approve the variance request as presented. 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**

Adjourned at 4:23 p.m.

Respectfully submitted,

Approved,

Paulette Taylor, Planner I

Mike Contorno, Chairman