

**Minutes**  
**Orange Beach Board of Adjustment**  
**March 17, 2021 4:00 PM**  
**Council Chambers Orange Beach Municipal Complex**

**A. CALL TO ORDER**

Chairman Contorno called the meeting to order at 3:58 and asked the secretary to call the roll.

**B. ROLL CALL**

Present: Mike Contorno  
Tim Blackwell  
Linda Bradley  
Greg Kennedy  
Tim Harry  
John Lawler, City Attorney  
Kit Alexander, Community Development Director  
Griffin Powell, City Planner  
Sherri Descalzo, P&Z Coordinator

**C. APPROVAL OF MINUTES**

I. Approval of minutes from Regular Meeting on January 20, 2021.

**D. VARIANCE**

**1. CASE NO. 0301-V-21 25104 Oak Ridge Loop**

Roger Davidson and Janet Davidson request approval of a variance to Section 5.0402, Number of Accessory Structures on Lot, to allow for a 30' x 32' roof structure to be constructed over an existing detached accessory structure and a variance to Section 5.0406, Setbacks, to allow for the new roof structure to maintain the existing encroachments into the 20-foot rear setback. The property is located at 25104 Oak Ridge Loop in the MI-IS (Mobile Home Subdivision) zoning district. The applicant Roger Davidson, owner of the property, stated that the accessory buildings had damage due to Hurricane Sally and a contractor suggested building a truss roof over the existing accessory structures. The property backs up to the state park and none of the neighbors have an issue. Tim Blackwell asked how far the structure is from the lot line. Griffin Powell stated the structure is zero feet from the lot line. Linda Bradley asked if the back part was removed, would this cause the structure to be 4.5 feet from the fence. The residential structure is 2400 square feet and the accessory building is a total of 900 square feet. Greg Kennedy asked whether the roof can be repaired. Lannie Smith stated it had not been damaged to greater than 50% of the value of the structure. Mr. Davidson said that they could but they were trying to make the structure look better and enhance the neighborhood. They had laid the posts and a neighbor mentioned they may need a permit and that is what led them to asking for a variance as the permit was turned down. The issue is that this accessory building is non-conforming and was built at a time when the setback was five feet. Tim Blackwell asked if they could reduce the size of the shed and remove the back overhang. Kit Alexander asked if any walls would be built. Mr. Davidson stated one wall was damaged and would be repaired and it and the existing walls would be covered and extended to the roof.

Chairman Contorno asked John Lawler what the legal ramifications are regarding this variance request. John Lawler stated that improving the nonconforming structure could prolong the life of building. Linda Bradley asked if this roof would be considered repair or new construction. Lannie Smith said a new truss roof would be considered new construction. Greg Kennedy wanted to know if the applicant could move the structure away from the lot line or remove the lean-to structure on the rear of the building. Mr. Davidson asked if the Board would approve the variance if he agreed to remove the lean-to on the rear side of the structure. Discussion was held as to whether the application should be tabled. Margret Davidson stated that the fence is actually three feet from her property line. Greg Kennedy stated he would support the variance if they could remove the lean-to in the back since the setback for the accessory structures at the time they were built was five feet. Mr. Davidson stated that if he had to repair the accessory structures he would but he would repair them every time and they would remain nonconforming. Tim Harry was concerned about prolonging the nonconformity. Mr. Davidson said there were lots of neighbors with structures on the lot line and he was only before the BOA because he was trying to do the right thing.

Motion was made to approve the variance with the condition that the rear 4.5 foot lean-to is removed on the south side of the property, resulting in a 4.5 foot setback (minimum), and no increase to the square footage of the structure.

**Motion was made by Tim Blackwell and seconded by Greg Kennedy.  
Approved (5-0).**

**E. APPEAL**

**F. NEWBUSINESS**

Griffin Powell stated we need a Vice Chairman.

**Motion was made by Linda Bradley to nominate Tim Blackwell and seconded by Chairman Contorno.  
Approved (5-0).**

**G. OTHER BUSINESS**

**H. ADJOURN**

Adjourned at 5:23

Respectfully submitted,

Approved



Sherri Descalzo, P&Z Coordinator



Mike Contorno, Chairman