

**Minutes**  
**Orange Beach Board of Adjustment**  
**January 20, 2021 • 4:00 P.M.**  
**Council Chambers • Orange Beach Municipal Complex**

**A. Call to Order**

Bob Barnett called the meeting to order at 4:15 p.m. and asked the secretary to call the roll.

**B. Roll Call**

Present:           Bob Barnett  
                      Tim Blackwell  
                      Linda Bradley  
                      Greg Kennedy  
                      Tim Harry  
                      John Lawler, City Attorney  
                      Kit Alexander, Director  
                      Griffin Powell, Planner II  
                      Sherri Descalzo, P&Z Coordinator

**C. APPROVAL OF MINUTES**

1. Approval of minutes from the Regular Meeting on June 17, 2020.

**Motion made (Blackwell/Bradley) to approve the June 17, 2020 minutes.** Roll call revealed: Barnett, yes; Blackwell, yes; Bradley, abstain; Kennedy, yes; Tim Harry, yes.  
**Approved (4-0).**

**D. VARIANCES**

1. **CASE NO. 0101-V-21 28760 Canal Road**

Rollins Tindell requests approval of a variance to Section 5,0402, Number of Accessory Structures on Lot, to allow for an additional detached accessory structure on a 2.93-acre single-family residential lot. The property is located at 28760 CANAL ROAD in the RS-I. (Single-Family Residential) zoning districts.

Craig Johnson was present to address the Board of Adjustment. He stated that Rollins Tindell has lived at the address for a while. The first accessory structure has water and power to it. The second accessory structure is for storage of boats and other things that are leaning up against the existing structure. The 2.93 acre lot allows for two homes and two accessory structures to be placed on the property per the zoning ordinance.

Bob Barnett asked if anyone was present to speak for or against the variance. None were present.

Linda Bradley asked why the existing accessory structures cannot be enlarged to fulfill the use needed on the property. Craig Johnson stated that it could but it would require adding water and electricity to the new building. Greg Kennedy stated it could be done but the existing structure would need to be brought up to code, Craig Johnson also stated that the lot is large and they had thought of constructing a breezeway between the accessory buildings if they do not get the variance. The building would not be seen from the road or seen by neighbors. None of the neighbors have objected to the structures. Kit Alexander said no one had sent a response for or against. Craig Johnson stated that the proposed accessory structure location is very well hidden and Mr. Tindell owns the lot to the west.

Tim Blackwell questioned if connecting the accessory structures was possible and whether it would comply with building codes. Kit Alexander stated that an enclosed connection would be required, not a breezeway.

Greg Kennedy stated that the lot size allows for two dwellings and two accessory structures per the zoning ordinance. He questioned whether the owner would want to build another home on the lot since two homes and two accessory structures were allowed. Craig Johnson said that was not in the scope of what the owner wanted.

Greg Kennedy suggested a stipulation; if the first structure was ever damaged greater than 50% of its existing value it would be tom down and not rebuilt. Linda Bradley stated she was in favor of them connecting the structures. Kit Alexander stated that the Board of Adjustment could approve the variance with the condition that if the smaller accessory structure was damaged it would have to be removed.

Tim Blackwell expressed concerned about what can happen down the road if they want to divide the lot. Kit Alexander stated there would need to be 150 feet of frontage on Canal Road to be able to subdivide it. Griffin Powell said this lot only has about 118 feet. Kit Alexander said the lot cannot be subdivided.

Linda Bradley said she understood this was a large lot but everyone that comes in for a variance thinks their lot is large enough. Her concern is that this is not really a hardship of the property. Craig Johnson said the hardship is that tearing down the existing structure may be harmful to the trees. It would be almost impossible to remove the existing accessory structure unless they went down the neighbor's driveway.

Tim Blackwell asked how long the existing accessory structure has been there and Greg Kennedy said it had only been there for three or four years as he had been part of the project. The accessory structure had to be brought down the neighbor's driveway. Craig Johnson brought up that they did not want to destroy the trees surrounding the existing structure. Woody Speed stated he would have to go back to the site to look at the trees.

Linda Bradley said that she still believed connecting the structures would be the best plan. Craig Johnson said they could connect the structures with a breezeway. Kit Alexander stated that the breezeway would have to be enclosed. Linda Bradley asked about the separation distance between the proposed and existing accessory structures. Griffin Powell stated they are 35.6 feet apart.

Craig Johnson stated they don't want to build another house in order to build a second shed. Bob Barnett said there are two lots east of this lot containing five homes with two accessory structures. Tim Blackwell said that he would like to see only two structures on the lot. Bob Barnett asked if there was a motion to approve with the stipulation. Greg Kennedy made the motion to approve the variance with the requirement that the existing accessory structure will need to be removed if it is damaged such that repair of the structure exceeds 50% of its value. Tim Blackwell seconded the motion

**Motion made (Kennedy/Blackwell) to approve the variance with the stipulation if existing building is damaged greater than 50% of its value it cannot be built back. Roll call revealed: Barnett, yes; Blackwell, no; Bradley no; Kennedy, yes; Harry, yes. Not Approved (3-2).**

**E. APPEAL**

**F. NEW BUSINESS**

Bob Barnett stated that there is other business to be discussed. Tina D'Aversa, Tern Blalock, and Cecil Young were dismissed from the board mainly for their disagreement with the mayor; for supporting Joe Fierro during the last election. Bob Barnett stated that he supported Joe Fierro and, instead of waiting to be fired, he announced that he is resigning from the board. He stated that it has been a pleasure serving; a fantastic job and he will miss it.

Bob Barnett adjourned the meeting but others stated there were other issues that need to be discussed. John Lawler brought up having a workshop with board members to ensure they understood the reason behind issues that came before the board. Tim Harry asked about tree protection being considered a hardship. John Lawler said hardship pertains to the property itself. The board needs to look at all the variables pertaining to the property. The Board of Adjustment is like a judge in the court system. Kit Alexander brought up Heritage Oaks having a protected status in the zoning ordinance and should be considered in evaluating hardship.

Bob Barnett adjourned meeting.


**G. OTHER BUSINESS**

**H. ADJOURN**

Adjourned at 4:51 p.m.

Respectfully submitted,

Approved,

  
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Sherri Descalzo, P&Z Coordinator

  
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Tim Blackwell