

Minutes
Orange Beach Board of Adjustment
August 17, 2022 4:00 PM
Council Chambers Orange Beach Municipal Complex

A. CALL TO ORDER

Vice Chairman Tim Blackwell called the meeting to order at 4:02 PM and asked the secretary to call the roll.

B. ROLL CALL

Present: Tim Blackwell
 Linda Bradley
 Greg Kennedy
 Ryan Beebe
 Jimmy Boyd
 Jamie Logan, City Attorney
 Kit Alexandra, CDD Director
 Griffin Powell, City Planner
 Sherri Descalzo, P&Z Coordinator
 Sean Brumley, GIS Specialist

C. APPROVAL OF MINUTES

Approval of minutes from the Regular Meeting on June 15, 2022.

Motion was made by Ryan Beebe and seconded by Linda Bradley. Vice Chairman Blackwell; yes, Linda Bradley; yes, Greg Kennedy; yes, Jimmy Boyd; yes, Ryan Beebe; yes.

Approved (5-0).

D. VARIANCE

1. Case No. 0801-V-22, 3808 Jubilee Point Road

John Calvert requests approval of variances to Section 4.03, Minimum Setbacks, to encroach 14'9" (15'3" from the front lot line) into the 30-foot front setback and to encroach 9'9" (10'3" from the rear lot line) into the 20-foot rear setback for the purpose of constructing a single-family residence. The request also includes exterior stairs 48 inches wide being included on the front side. The property is located at 3808 Jubilee Point Road in the RS-1 (Single-Family Residential) zoning district.

John Calvert, applicant, stated that the presence of standing water makes it difficult to build on the west side of the lot. Linda Bradley said the displacement of water on the lot will have to be addressed no matter what is built. Mr. Calvert stated that having the house face the east is more aesthetically pleasing. He said the neighbors have no objects.

Kit Alexander stated that the hardship in this case is the shape of the lot. This lot has a bowl shaped topography that receives water from the surrounding properties. If a structure is built on the lot it will displace the stormwater onto adjacent properties. The lot functions like a retention pond during rain events. Mr. Calvert stated he will provide a topographical survey and perhaps have no fill under the house. Greg Kennedy asked whether he considered construction of an L-shape house. Kit

Alexander said that Mr. Calvert is doing everything he can to prevent stormwater displacement onto his neighbors.

Jeff Young, neighbor, said the block floods when it rains; when the canal rises from storm surge. Building in the setbacks is not going to change that.

Linda Bradley asked if he could reduce the encroachments into the setbacks. John Calvert said that no matter how they built the house, the corners would encroach into the setbacks.

Motion was made by Greg Kennedy and seconded by Linda Bradley to approve the variance as submitted. Vice Chairman Blackwell; no, Linda Bradley; no, Greg Kennedy; no, Jimmy Boyd; no, Ryan Beebe; no.

Not Approved (5-0).

2. CASE No. 0802-V-22, 5308 Florida Avenue

Jimmy Hanvey requests approval of a variance to Section 4.03, Minimum Setbacks, to encroach 1 foot (9 feet from the south side lot line) into the 10-foot side setback for an enclosed addition on the rear side of the existing single-family residence and a variance to Section 5.1204, Expansion of Nonconforming Buildings, to allow for an addition to the noncompliant side of the structure due to setback requirements. The property is located at 5308 Florida Avenue in the RS-2 (Single-Family Residential) zoning district. The case was withdrawn by the applicant.

3. Case No. 0803-V-22, 26930 Moses Road

Robert Ray, on behalf of Lynne Miller, requests approval of a variance to Section 4.03, Minimum Setbacks, to encroach 1 foot (9 feet from the west side lot line) into the 10-foot side setback for an enclosed addition on the existing porch on the west side of the single-family residence. The property is located at 26930 Moses Road in the RS-3 (Single-Family Residential) zoning district. Robert Ray, contractor, stated the house was built in 1979 and the existing northwest piling that supports the deck encroaches in the side setback. He said he replaced the deck and enclosed it. The deck is 10'x37'. He discovered the encroachment when they acquired a survey. Robert Ray said the reason for the enclosure was to install a handicap accessible bathroom.

Motion was made by Greg Kennedy and seconded by Linda Bradley. Vice Chairman Blackwell; yes, Linda Bradley; yes, Greg Kennedy; yes, Jimmy Boyd; yes, Ryan Beebe; yes.

Approved (5-0).

4. Case No. 0804-V-22, 26770 Moses Road

Robert Ray, on behalf of Randy and Carla Hunt, requests approval of a variance to Section 4.03, Minimum Setback, to encroach 4 feet (6 feet from the east side lot line) into the 10-foot side setback for an enclosed bathroom shower bump-out on the east side of the single-family residence. The property is located at 26770 Moses Road in the RS-3 (Single-Family Residential) zoning district.

Robert Ray stated that he built a bump-out and an air conditioner platform on the east side of the home that is 4.6' into the setback. When the house was originally built in 1978 the home encroached about 5 feet into the side setback.

Greg Kennedy asked if the bump-out was included on the plans submitted to the City. Griffin Powell said it was not. Tim Blackwell said the problem is that the bump-out was not part of the building plans submitted to the City.

Robert Ray stated the addition is not visible from the road.

Linda Bradley said this variance runs with the property and it will set a precedent.

Robert Ray said that the property line was different on two separate surveys.

Motion was made by Greg Kennedy and seconded by Ryan Beebe. Vice Chairman

Blackwell; no, Linda Bradley; no, Greg Kennedy; no, Jimmy Boyd; yes, Ryan Beebe; no.
Not Approved (4-1).

E. APPEAL

F. NEW BUSINESS

G. OTHER BUSINESS

H. ADJOURN

Adjourned at 5:10 PM

Respectfully submitted,



Sherri Descalzo, P&Z Coordinator

Approved


Tim Blackwell, Vice Chairman