

Minutes
Orange Beach Board of Adjustment
October 19, 2022 4:00 PM
Council Chambers Orange Beach Municipal Complex

A. CALL TO ORDER

Chairman Mike Contorno called the meeting to order at 4:10 PM and asked the secretary to call the roll.

B. ROLL CALL

Present: Vice-Chairman Tim Blackwell
Linda Bradley
Greg Kennedy
Tim Harry
Chairman Mike Contorno
Kit Alexander, Community Development 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 August 17, 2022.

Motion was made and seconded to approve the minutes as submitted (Kennedy/Harry). Vice-Chairman Tim Blackwell; yes, Linda Bradley; yes, Greg Kennedy; yes, Tim Harry; yes, Chairman Mike Contorno; yes.

Approved (5-0)

D. VARIANCE

1. Case No. 1001-V-22, 5354 Florida Ave

Janet Shirley requests approval of a variance to Section 5.0201, Projections into Side Yard, to encroach 7 feet beyond the allowable encroachment of 20 percent (2 feet into the 10-foot side setback) on the south side of the lot for a 9' by 30' open roof addition on the south side of the house. The property is located at 5354 Florida Avenue in the RS-2 (Single-Family Residential) zoning district.

Janet Shirley, applicant, bought the property in 2017 and constructed a porch on the side of the house. She did not realize she needed a permit and the builder did not acquire one.

Chairman Contorno asked who built the porch addition and Ms. Shirley said it was built by her uncle who is a handy man.

Greg Kennedy stated that setbacks need to be enforced and he has concerns that the addition was not properly engineered. This case seems to be more about forgiveness rather than permission. He stated that the Bear Point lots are small and onsite drainage must flow the road. He said the illegally constructed slab causes storm water runoff to flow onto the neighbor's lot. Kit Alexander said the concrete slab needs to be removed or the yard made to drain properly.

Greg Kennedy said that variances are granted due to an undue hardship tied to a condition of the land and not in order to allow unpermitted construction in noncompliance with the zoning ordinance.

Vice-Chairman Blackwell asked if the porch could be relocated to the back yard. He asked about the accessory structure in the rear yard. Kit Alexander stated the accessory building was also built without a permit. Griffin Powell stated the 100 square foot accessory structure needs to be setback 5 feet from the rear property line.

Chairman Contorno asked if there have been complaints from neighbors. Kit said the next door neighbor complained about drainage onto her lot. Linda Bradley said there is no undue hardship tied to a condition of the land. Chairman Contorno called for a motion.

Motion was made and seconded to approve the variance as submitted (Tim Blackwell/Greg Kennedy). Vice Chairman Blackwell; no, Linda Bradley; no, Greg Kennedy; no, Tim Harry; no, Chairman Contorno; no.

Not Approved (5-0)

E. APPEAL

F. NEW BUSINESS

G. OTHER BUSINESS

H. ADJOURN

Adjourned at 4:42 PM

Respectfully submitted,

Sherri Descalzo, P&Z Coordinator

Approved



Mike Contorno, Chairman