

Minutes
Orange Beach Board of Adjustment
February 15, 2023 4:00 PM
Council Chambers Orange Beach Municipal Complex

A. CALL TO ORDER

Chairman Mick Contorno 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
 Mike Contorno
 Tim Harry
 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 November 16, 2022.

Motion was made by Vice Chairman Blackwell and seconded by Greg Kennedy. Vice Chairman Blackwell, yes; Linda Bradley, yes; Greg Kennedy, yes; Tim Harry, yes; Chairman Contorno, yes.

Approved (5-0).

D. VARIANCE

1. Case No. 0201-V-23, 25777 Perdido Beach Blvd

Orange Beach Store, on behalf of AGLC LLC, requests approval of a variance to Zoning Ordinance Section 15.06, 15. Prohibited Signs, to allow the proposed Orange Beach Store at 25777 Perdido Beach Boulevard in The Shoppes at Palm Pointe retail center to have signage affixed to the roof. The property is located at the northwest corner of the intersection of Orange Beach Boulevard and Perdido Beach Boulevard in the General Business (GB) zoning district.

John McInnis stated that he owns the Orange Beach Store brand and has secured the property at the Publix shopping center, Palm Pointe. The Alabama Department of Transportation (ALDOT) is requiring the closure of the entrance onto Perdido Beach Boulevard located near this property. He has designed the building to be in line with the coastal design aesthetic the City is promoting and the wraparound porch element does not allow for a wall sign. There are 20 to 30 palm trees that will block the view of the building from the street. The palm trees are located on Palm Pointe land and John McInnis does not have the ability to remove the trees. The hardships that justify the approval of the variance to allow for the roof sign are the lack of an entrance near the proposed store and the visibility obstruction caused by the landscaping.

Greg Kennedy asked for the maximum allowable sign area of a wall sign. Griffin Powell stated that a wall sign may be no greater than 125 square feet or 20% of the signable space on any one façade of a building, whichever is less.

Kennedy mentioned that CVS was previously denied a sign variance. He asked whether a dormer or gable could be incorporated into the building design and the sign placed on the wall.

Kit Alexander stated that the applicant does not have the ability to remove the palm tree visibility obstruction and this obstruction, along with the closure of the Perdido Beach Boulevard entrance, could be considered hardships. Chairman Contorno said that other locations in town have a hardship due to limited access, for example McDonalds restaurant, and the board cannot allow these businesses to have variances due to difficulty accessing the site.

Jamie Logan stated that the board grants variances based on undue hardships and the trees and location could be considered hardships. Chairman Contorno said the presence of the trees may be a hardship but the Alabama Department of Transportation causes access problems for a lot of businesses. Limited access caused by ALDOT is not a hardship.

Cam Price asked if there is any value to going ahead with the vote. Kit Alexander said that the item can be voted on, deferred, or withdrawn.

Tim Harry stated that Orange Beach is not 30A and this store is a great addition to the City. He stated that the visibility obstruction caused by the trees is a hardship and meets the condition to allow for a variance.

Chairman Contorno said the board needed to be careful with how they proceed as this will set a precedent.

John McInnis said they will have to build four gables in order to attach four signs.

Tim Harry said whether the outcome of the vote is yes or no, it should be based on what is best for the City of Orange Beach.

Motion was made by Vice Chairman Blackwell and seconded by Greg Kennedy to approve the variance as submitted.

Vice Chairman Blackwell, no; Linda Bradley, no; Greg Kennedy, no; Tim Harry, yes; Chairman Contorno, no.

Not Approved (4-1).

E. APPEAL

F. NEW BUSINESS

G. OTHER BUSINESS

H. ADJOURN

Adjourned at 5:10 PM

Respectfully submitted,

Approved



Sherri Descalzo, P&Z Coordinator



Mike Contorno, Chairman