

Minutes

Orange Beach Board of Adjustment

September 20, 2023 4:00 PM

Council Chambers - Orange Beach Municipal Complex

4099 Orange Beach Boulevard

A. CALL TO ORDER

Linda Bradley called the meeting to order at 4:03 PM and asked the secretary to call the roll. Community Development Director Kit Alexander indicated that a Vice Chairman needs to be nominated and voted on. She suggested that this be addressed at the next Board of Adjustment meeting when more members are present.

B. ROLL CALL

Present: Ryan Beebe
Linda Bradley
Greg Kennedy
David Dachiara
McGee Scarbrough
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 July 19, 2023.

Discussion was held stating that the approval of the minutes needs to be deferred to the next meeting when board members present at the July Board of Adjustment meeting are in attendance.

Motion was made by Ryan Beebe and seconded by David Dichiara to defer the approval of the July 19, 2023 Board of Adjustment meeting minutes to the October 18, 2023 Board of Adjustment meeting. Ryan Beebe, yes; Linda Bradley, yes; Greg Kennedy, yes; David Dichiara, yes; McGee Scarbrough, yes.

Approved (5-0).

D. VARIANCE

1. Case No. 0901-V-23, 5560 Gulf Avenue

Greg Kennedy requests approval of variances to Section 4.03, Minimum Setbacks, to encroach 5 feet into the required 20-foot rear setback on the east side and to encroach 4 feet into the required 10-foot side setback on the south side to construct a single-family house and allow for the preservation of a protected "heritage" oak tree on the property. This property is located at 5560 Gulf Avenue in the RS-2 (Single-Family Residential) zoning district. Greg Kennedy recused himself and stepped down from the board. Greg Kennedy stated that the reason for the variance is to save the 36-inch heritage oak tree. He stated he could build a porch 4 feet into the rear setback and stairs 4 feet into the side setback without a variance. He said he would be required to plant 6 live oaks to replace the heritage tree if removed. He stated he will be constructing swales along the north and south property lines to provide drainage outfalls for the vacant properties to the east when they are developed. Kit Alexander, Community Development Director, said that she and Woody Speed, the

city's Environmental Specialist, performed a field inspection and determined that the perimeter swales would be beneficial to the surrounding properties.

Linda Bradley asked why the 4-foot encroachment is necessary on the south side. Greg Kennedy said the house would be on pilings and the tree needs to be aligned with the center piling to allow for parking underneath the house.

Linda Bradley stated that per the zoning ordinance a 5-foot variance can be granted administratively by Community Development staff. Kit Alexander said that the request for two variances requires Board of Adjustment consideration. Greg Kennedy said he wanted to come before the board so that this request for a variance was transparent.

Linda Bradley asked if the oak tree was confirmed by staff to be a heritage tree. Woody Speed said he inspected the tree and confirmed it is a 36-inch heritage oak that is in great shape.

Linda Bradley opened the public hearing. Two people had signed up but did not speak. Linda Bradley called for a vote.

Motion made by Ryan Beebe and seconded by David Dichiaro to approve the variance as submitted with the condition that swales be constructed along the north and south property lines to provide drainage outfalls for the vacant lots to the east of the subject property. Ryan Beebe, yes; Linda Bradley, yes; David Dichiaro, yes; McGee Scarbrough, yes.

Approved (4-0).

E. APPEAL

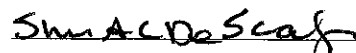
F. NEW BUSINESS

G. OTHER BUSINESS

H. ADJOURN

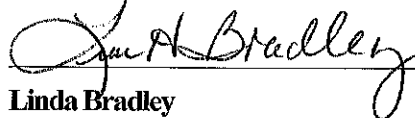
Adjourned at 4:21PM

Respectfully submitted,



Sherri Descalzo, P&Z Coordinator

Approved



Linda Bradley