

Minutes
Orange Beach Board of Adjustment
September 18, 2024 – 4:00 PM
Council Chamber – Orange Beach Municipal Complex
4099 Orange Beach Boulevard

A. CALL TO ORDER

Vice Chairman Linda Bradley called the meeting to order at 3:55 PM.

B. ROLL CALL

Members Present: Ryan Beebe, McGee Scarbrough, Greg Kennedy, David Dichiarra, Linda Bradley, Ryan Long

Staff Present: Sean Brumley, GIS Specialist; Sherri Descalzo, Planning Coordinator; Griffin Powell, City Planner; Adam Roberson, Community Development Director/Building Official

C. APPROVAL OF MINUTES

Approval of minutes from the Regular Meeting on June 19, 2024.

Motion was made by Greg Kennedy and seconded by Ryan Beebe. Ryan Beebe, yes; Linda Bradley, yes; Greg Kennedy, yes; David Dichiarra, yes; McGee Scarbrough, yes.

Approved (5-0)

D. VARIANCE

1. Case No. 0901-V-24, 27167 Magnolia Drive

Robinson Construction LLC requests approval of a variance to Section 4.03, Table 4.0301, Minimum Setbacks, to encroach 4 feet into the required 10-foot side setback on the west side of the lot for a new single-family house. The property is located at 27167 Magnolia Drive in the Single-Family Residential (RS-2) zoning district.

Scotia Robinson presented the variance request to the Board. Ms. Robinson stated the subject property is a 50' by 140' lot, and, after purchasing it, they learned of the wetlands on the east side. She said they intended to build a 30' by 70' house on the lot, but decided to go with a 28' by 52' house after discovering the wetlands on the east side. She said they were requesting a variance to encroach 4 feet into the west side setback in order to shift the house to the west away from the wetlands. She stated the adjoining property to the west is a City right-of-way, so there would be no impact on any property owners.

Ms. Robinson stated the reason for the variance is to increase the distance between the area underneath the house and the wetlands. She estimated the distance would be about 7 feet. Without the variance, she indicated there would be a considerable drop-off between the concrete area underneath the house and the wetlands. The increased distance would allow more of a slope between the concrete area and the wetlands.

BOA Member Kennedy asked if they could still build on the lot if it was entirely wetlands. Adam Roberson, Community Development Director, stated they could build an elevated structure over the wetlands but could not fill the wetlands.

BOA Member Dichiara asked about the wetland delineation. Ms. Robinson stated the wetland delineation was conducted by an environmental consultant and confirmed it was Gena Todia.

Vice Chairman Bradley asked if the purpose of the variance was to increase the wetland buffer since the original plans without the variance showed the house not being over the wetlands. Ms. Robinson confirmed it was to increase the buffer and to not cause any disturbance to the wetlands.

BOA Member Kennedy stated that variances involving setback encroachments generally relate to lots that are odd shaped, may have natural drainage areas, or have a protected tree needing to be saved. He asked if this lot was a 50-foot lot. Ms. Robinson confirmed it was. He said the applicant could still build a 30-foot wide house but could not fill the wetlands. He referenced a house on Gulf Bay Road that was built on platforms over the bay. He reiterated that a house could be built over the wetlands, but the wetlands could not be filled.

Ms. Robinson stated she understood but felt that would be problematic because of the drop-off between the concrete area underneath the house and the wetlands. She stated the drop-off would be hazardous to those parking underneath the house.

BOA Member Dichiara asked if the parking would be underneath or in front of the house. Ms. Robinson confirmed that it would be underneath the house, and the exterior stairs shown on the house elevations would be moved to the side of the house.

Ms. Robinson expressed the importance of preserving the wetlands.

BOA Member Long asked if access to the lot would still be allowed if the lot was entirely wetlands. Mr. Roberson confirmed it would still be allowed and added that the side setback line on the site plan is not touching the wetlands on the east side. There is about a 2-foot variation between the side setback line and the wetlands.

Mr. Roberson stated that the parking slab underneath the house did not have to be elevated 1 foot above the street. This requirement only applies to enclosed spaces.

BOA Member Dichiara suggested adjusting part of the slab grade to the existing grade to protect the wetlands.

Ms. Robinson stated she felt a variance allowing the house to be shifted to the west makes sense since the neighboring property to the west is a City right-of-way and would not have an impact on anyone.

BOA Member Beebe stated he agreed, but the Board has to abide by the rules on what constitutes a hardship. He stated she may have a case if there were irregularities with the lot.

BOA Member Kennedy stated that a majority of variance requests are for setback encroachments, and these requests must meet certain criteria. He felt this request did not meet the criteria. He suggested putting the slab underneath the house as close to grade as possible to avoid the drop-off and constructing a pad for any enclosed spaces.

Ms. Robinson thanked the Board for their consideration.

Vice Chairman Bradley stated that the front stairs shown on the house elevations and plans were 6 feet beyond the allowable encroachment into the front setback. Ms. Robinson said she understood and stated the house elevations were not the finalized plans.

Vice Chairman Bradley opened the public hearing and asked the audience if any persons wanted to speak. There were no responses. The public hearing was closed.

Vice Chairman Bradley asked the Board if they had any additional comments. There were none.

Vice Chairman Bradley asked for a motion and vote.

Motion was made by Greg Kennedy and seconded by Ryan Beebe. Ryan Beebe, no; McGee Scarbrough, yes; Greg Kennedy, no; David Dichiara, no; Vice Chairman Linda Bradley, no.

Not Approved (4-1)

E. APPEALS

F. NEW BUSINESS

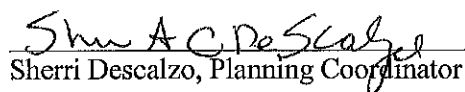
1. The Board nominated and elected Linda Bradley as Chairman and Ryan Beebe as Vice Chairman.

G. OLD BUSINESS

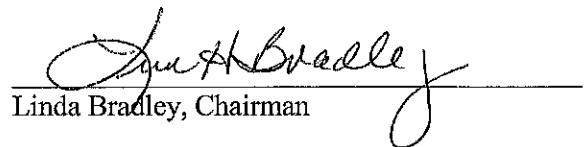
H. ADJOURN

The meeting was adjourned at 4:16 PM.

Respectfully submitted,


Sherri Descalzo, Planning Coordinator

Approved,


Linda Bradley, Chairman