

Minutes
Orange Beach Board of Adjustment
January 15, 2025 – 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 4:01 PM.

B. ROLL CALL

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

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

C. APPROVAL OF MINUTES

Approval of minutes from the Regular Meeting on December 18, 2024.

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

Approved (5-0)

D. VARIANCE

1. Case No. 0101-V-25, 5338 Bay Drive

Cori Tucker and Sally Duncan request approval of a variance to Section 4.03, Table 4.0301, Minimum Setbacks, to encroach 9.5 feet into the required 20-foot rear setback for an enclosed screen porch on the rear side of the house. The property is located at 5338 Bay Drive in the Single-Family Residential (RS-2) zoning district.

Cori Tucker and Sally Duncan, applicants, presented the case. They stated the screen enclosure would be located on the existing concrete pad on the rear side of the house. They indicated the concrete pad was poured when the house was constructed in 1996.

BOA Member Kennedy asked if there had been a stop work order been issued.

Ms. Tucker stated yes. She and Ms. Duncan indicated the contractor did not apply for a building permit and had informed them that a building permit was not needed. Ms. Tucker added that they later applied for a building permit, but it was denied because of the rear setback encroachment.

BOA Member Kennedy stated most cases that come before the Board involves requests to encroach into the setbacks and are not approved unless there is some issue with the property such as the shape of the lot or a drainage issue.

Ms. Tucker stated their property was surrounded by wetlands, and they could not enjoy the backyard because of mosquitos and bugs. She stated this is the reason for building the screen enclosure.

Chairman Bradley stated the screen enclosure will become part of the building footprint, and this request is seeking to go almost 10 feet into the rear setback. Ms. Tucker stated the existing patio is 8 feet. Chairman Bradley stated the house is ready encroaching 1.5 feet into the rear setback, making the total 9.5 feet.

Ms. Tucker stated one reason they purchased the house was so that they could have the screen enclosure in the backyard. If the variance is not granted, they may consider selling the house. She indicated one neighbor supported the variance.

Chairman Bradley stated that a letter of support had been received, but there was also a letter from another neighbor in opposition.

Chairman Bradley stated that the variance had to be based on a hardship with the property.

Ms. Tucker inquired if the road going through the front of the lot could constitute a hardship since they are not able to do anything on the front of the house.

BOA Member Dichiara asked if she was referring to the parking in the front. Ms. Duncan stated the City had paved the road through the property, and a realtor had informed them that the road is on their property.

BOA Member Kennedy stated the road is most likely located in a platted right-of-way. He added they would have an argument if a survey shows the road on their property, but it would not relate to this variance request.

BOA Member Dichiara stated that is a platted 50-foot right-of-way and it appears Bay Drive is encroaching some on the property. Due to the road, he stated the housebuilder should have given some consideration of the house placement on the lot.

Chairman Bradley asked if there any additional comments. There were none.

Chairman Bradley opened the Public Hearing. With no persons present to speak, the Public Hearing was closed.

Chairman Bradley asked for a motion and vote.

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

Not Approved (5-0)

2. Case No. 0102-V-25, 25280 Canal Road

DR Horton Inc. – Birmingham requests approval of a variance to Section 5.0302, Fences and Hedges – Side and Rear Yards, to allow for a solid fence 8 feet in height in the side and rear yards of the Lost Bay Townhouse residential development. The property is located at 25280 Canal Road in the General Business (GB) zoning district.

The applicant was not present.

Chairman Bradley asked if the adjacent commercial properties were allowed to have 8-foot fences. Griffin Powell, City Planner, stated commercial properties are allowed to have fences at that height if they have outdoor storage of boats, equipment and materials. He indicated the commercial properties abutting this property likely had such fences in the past but have never done upkeep or replacement.

Chairman Bradley asked if there any additional comments. There were none.

Chairman Bradley opened the Public Hearing. With no persons present to speak, the Public Hearing was closed.

Chairman Bradley asked for a motion and vote.

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

Approved (5-0)

E. APPEALS

F. NEW BUSINESS

G. OLD BUSINESS

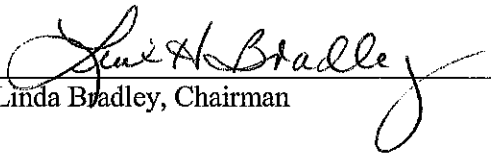
H. ADJOURN

The meeting was adjourned at 4:16 PM.

Respectfully submitted,


Sherri Descalzo, Planning Coordinator

Approved,


Linda Bradley, Chairman