

Minutes
Orange Beach Board of Adjustment
March 19, 2025 – 4:00 PM
Council Chamber – Orange Beach Municipal Complex
4099 Orange Beach Boulevard

A. CALL TO ORDER

Chairman Linda Bradley called the meeting to order at 4:00 PM.

B. ROLL CALL

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

Members Absent: Ryan Beebe

Staff Present: Sean Brumley, GIS Specialist; Griffin Powell, City Planner; Adam Roberson, Community Development Director/Building Official; Chris Pappas, City Engineer; Jamie Logan, City Attorney

C. APPROVAL OF MINUTES

Approval of minutes from the Regular Meeting on February 19, 2025.

Motion was made and seconded by (Dichiara/Long). McGee Scarbrough, yes; Greg Kennedy, yes; David Dichiara, yes; Chairman Linda Bradley, yes; Ryan Long, yes.

Approved (5-0)

D. VARIANCE

1. Case No. 0301-V-25, 28528 Oak Avenue

Joshua and Mekenzi Burrows requests approval of a variance to Section 4.03, Table 4.0301, Minimum Setbacks, to encroach 5.5 feet into the required 10-foot side setback on the east side for a proposed addition to the existing house. The distance between the proposed addition and east side lot line will be 4.5 feet. The property is located at 28528 Oak Avenue in the Single-Family Residential (RS-1) zoning district.

Joshua Burrows, applicant, presented the case. He stated the proposed addition to the front of the house needed to encroach into the east side setback due to the shape of the lot.

Chairman Bradley clarified that the addition would be 4.5 feet from the east side lot line. Mr. Burrows confirmed yes.

BOA Member Long asked about the access to the property. It was clarified that it was on the north side. He also asked about the house's existing encroachments. Mr. Burrows stated those encroachment occurred when the house was built.

BOA Member Kennedy stated there seems enough buildable area in the front to shift the addition to the west and comply with the east side setback. Mr. Burrows stated shifting the addition may require the removal of two oak trees that he wanted to save.

Chairman Bradley asked if the flex room could be eliminated to move the garage closer to the house. Mr. Burrows stated the flex room connects the garage to the house so that the addition is not an accessory structure.

There was discussion about a second principal structure being allowed on the lot. Griffin Powell, City Planner, stated the lot size needed to be at least 26,250 square feet for a second principal structure.

Mr. Burrows stated the addition as an accessory structure would not meet the required front setback. Mr. Powell stated a 130-foot front setback is required for accessory structures.

Chairman Bradley stated that the Board of Adjustment is charged with determining if there is a hardship that prevents an applicant from reasonable use of the property. She stated the information provided shows there to be adequate room for the addition without encroaching into the east side setback.

Mr. Burrows stated shifting the addition would make accessibility to the garage difficult.

BOA Member Dichiara stated the house's position on the lot when it was built is skewed and limits the ability for addition. He added the house is already encroaching into the setbacks and did not see how another encroachment could be approved.

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

Chairman Bradley asked if there any additional comments.

Mekenzi Burrows, applicant, added that moving the addition to the west would block the entrance into the house and the addition would still encroach into the setback even with the flex room being removed.

Chairman Bradley asked for a motion and vote.

Motion to approve the requested variance as submitted.

Motion was made and seconded by (Kennedy/Dichiara). McGee Scarbrough, no; Greg Kennedy, no; David Dichiara, no; Chairman Linda Bradley, no; Ryan Long; no.

Not Approved (0-5)

2. Case No. 0302-V-25, 25299 Canal Road

Engineering Design Group, on behalf of Shaver Investments LLC and PJV Holdings Incorporated, requests approval of variances to Section 4.0503, Buffering Requirements, and Section 4.0504, Screening Requirements, to reduce the land use buffer on the east side from 30 feet to 15 feet for a proposed commercial development and replace the required solid wall 8 feet in height with a wooden fence 8 feet in height due to significant constructability challenges. The property is located at 25299 Canal Road in the General Business (GB) zoning district.

Colin Davis, Engineering Design Group, presented the case. He stated the request is for a variance to build a wooden fence 8 feet in height instead of a masonry wall on the east lot line for

a proposed commercial project. He stated there is a drainage ditch along the east lot line, and the proposed fence would be raised to allow water to drain to the ditch from the property to the east.

Chairman Bradley clarified that the proposed commercial use is a high impact development requiring a 30-foot buffer along with an 8-foot fence, but the 30-foot buffer can be reduced to 15 feet so long as a wall and landscaping are provided. She clarified that the applicant is requesting a 15-foot buffer but to not build the wall. Mr. Davis confirmed and stated they wish to construct an 8-foot wooden fence instead.

There was discussion about drainage on the property. It was clarified that the proposed commercial project will be required to capture its storm runoff, and the first inch will be treated either traditionally or through a storm interceptor.

BOA Member Dichiaro asked about the location of the wall in the buffer. Griffin Powell, City Planner, stated it would have to be on the property boundary.

BOA Member Long asked if the wall is required because they are going to a 15-foot buffer. Mr. Powell stated yes.

Mr. Powell stated the project needed site plan approval from the Planning Commission, and the applicant has submitted a request for the April agenda.

Chairman Bradley asked if that site plan request had the 15-foot buffer. Mr. Davis stated yes.

BOA Member Kennedy asked if that site plan request showed the wall. Mr. Davis stated yes.

Chairman Bradley stated the Planning Commission would decide on the buffer width, and the Board of Adjustment is considering whether or not a fence instead of a wall can be provided for the 15-foot buffer.

BOA Member Kennedy stated the project can have a buffer of 30 feet with a wooden fence and vegetation or 15 feet with a masonry wall. He added the masonry wall is how the 15-foot reduction is achieved and concluded the applicant wants the 15-foot buffer but to build the wooden fence instead of the wall. Chairman Bradley added the reason for the buffer is because the site is adjacent to a residential neighborhood.

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

Chairman Bradley opened the Public Hearing.

Malia Chapman, resident in Bayside Estates, opposed the variance.

Juanita Motley, resident in Bayside Estates, opposed the variance.

Martha Champion, resident in Bayside Estates, opposed the variance.

Chairman Bradley clarified that the Board of Adjustment is responding to the request to have a fence instead of a wall for a 15-foot buffer and that the buffer width will be determined by the Planning Commission.

BOA Member Diciara asked if the ordinance allowed the buffer reduction if a wall is provided. Adam Roberson, Community Development Director, stated the variance would allow the project to have a 15-foot buffer with a wooden fence. If the variance is denied, the project can still have a 15-foot buffer with a concrete wall or a 30-foot buffer with a wooden fence.

Tucker Shaver, Shaver Investments LLC, stated the buffer will be 15 feet.

Ms. Chapman asked who would be responsible for the fence or wall. Mr. Shaver stated that his development would be responsible.

Chairman Bradley closed the Public Hearing.

There were no further questions or comments.

Chairman Bradley asked for a motion and vote.

Motion to approve the requested variances as submitted.

Motion was made and seconded by (Kennedy/Scarborough). McGee Scarborough, no; Greg Kennedy, no; David Diciara, no; Chairman Linda Bradley, no; Ryan Long; no.

Not Approved (0-5)

3. Case No. 0303-V-25, 25431 Canal Road

October Investments LLC requests approval of variances to Section 4.0502, Buffering Requirements, and Section 4.0504, Screening Requirements, to forgo the construction of the required solid wall 8 feet in height in the land use buffer areas on the east and west sides of this development. The property is located at 25431 Canal Road in the General Business (GB) zoning district.

Greg Scott, applicant, presented the case. He stated that the request is to forgo the walls for the land use buffers on the east and west sides. When the project was approved for the warehouse and restaurant, it was agreed that a 15-foot buffer would be provided on both sides along with a solid wall 8 feet in height. He stated the wall would extend northward to the wetlands. During construction, he indicated they noticed drainage issues on the west side. He added that the wall is not required on the east side because they are not building the restaurant at this time. He concluded they wish to provide a fence instead of the solid wall.

BOA Member Kennedy asked if the project has been approved by the Planning Commission. Mr. Scott stated yes and that the warehouse is built. He added that the building height is 24 feet with no doors or windows on the west side.

Mr. Scott stated there are currently multiple fences and structures from the neighboring west property encroaching onto their property that would need to be removed before the wall could be built.

Chairman Bradley asked about the 15-foot distance between the vehicular use area and the east lot line. Mr. Scott stated the drive aisle is 15 feet from the east lot line and the parking area is about 45 to 50 feet away.

Chairman Bradley opened the Public Hearing.

Juanita Motley, resident in Bayside Estates, opposed the variance.

Eddie Crosslin, resident in Sunset Villas Subdivision, opposed the variance. There were discussions about the problems that have occurred during the site construction.

Ms. Motley stated that several emails and letters have been provided from Bayside Estates owners opposing the variance.

Johnathan Lazzarino, resident in Sunset Villas Subdivision, opposed the variance.

Brent Head, resident in Sunset Villas Subdivision, opposed the variance.

Mr. Scott stated that they agreed to the wall on the east side because of the restaurant and would provide the wall at the time the restaurant is built. He stated they would like to build the fence on the east side at this time. He added that the west side has the drainage issues and did not know how the wall would interfere with that.

BOA Member Kennedy asked if the approved site plan required an 8-foot masonry wall. Mr. Scott stated yes.

Chairman Bradley clarified that the wall height in the 30-foot front setback area is 4 feet and 8 feet beyond the front setback area. Mr. Scott added the wall will go northward to the wetland delineation line.

Chairman Bradley closed the Public Hearing.

There were no further questions or comments.

Chairman Bradley asked for a motion and vote.

Motion to approve the requested variances as submitted.

Motion was made and seconded by (Kennedy/Dichiara). McGee Scarbrough, no; Greg Kennedy, no; David Dichiara, no; Chairman Linda Bradley, no; Ryan Long; no.

Not Approved (0-5)

E. APPEALS

F. NEW BUSINESS

G. OLD BUSINESS

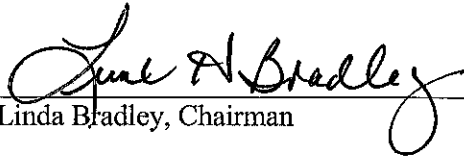
H. ADJOURN

The meeting was adjourned at 4:49 PM.

Respectfully submitted,


Sherri Descalzo, Planning Coordinator

Approved,


Linda Bradley, Chairman