

BOARD OF ADJUSTMENT & APPEALS MINUTES

January 9, 2017

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The City of Foley Board of Adjustment & Appeals held a regular scheduled meeting on January 9, 2017 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Vernie Heard, Montie Clark, Jack Kimsey, Jerry Wilkey and Terry Young. Absent member was George James. Staff present were Miriam Boutwell, City Planner and Melissa Ringler, Recording Secretary.

Chairman Jack Kimsey called the meeting to order at 5:30 p.m.

MINUTES:

Approval of the minutes for the December 12, 2016 meeting.

Jerry Wilkey made a motion to approve the December 12, 2016 meeting minutes. Vice-Chairman Vernie Heard seconded the motion. All members voted aye.

Motion to approve the December 12, 2016 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARING:

1. Hoods 2013 LLC/Mobama LLC- Variance

The Board of Adjustment and Appeals has received a request for a variance for Article 7.3.2 A, to allow a towing company in a B-1A zone. Property is located at 1902 N. McKenzie St. Applicant is Hoods 2013LLC/Mobama LLC.

The applicant explained he had recently purchased the building and is requesting to open a towing company. He stated the building was once used as a towing company.

Chairman Jack Kimsey stated he had visited the site and a fence is already in place for the storage of vehicles. He asked if there had been any communication from the public, staff replied no.

Montie Clark made a motion to approve the requested variance. Jerry Wilkey seconded the motion. Roll call vote: Vernie Heard, aye; Montie Clark, aye; Jack Kimsey, aye; Jerry Wilkey, aye; and Terry Young, aye.

Motion to approve the requested variance passes.

2. Set Trans Inc.-Variance

The Board of Adjustment and Appeals has received a request for a variance for Article 7.3.2 A, to allow a towing company in a B-1A zone. Property is located at 7997 St. Hwy. 59. Applicant is Set Trans Inc.

Chairman Jack Kimsey stated the applicant is not present. He explained the building is currently a repair shop and they are requesting to add towing services.

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Mr. Don Phillips resident of 19894 Keller Rd. stated he has concerns regarding the storage location of the wrecked vehicles. He explained currently they are parking wrecked vehicles which are an eye sore in the back of the property which abuts his property. He stated there is a fence on the east and south sides of the property but not on the west portion.

Chairman Jack Kimsey stated he had visited the site and feels a fence needs to be added to protect the neighbors view. He stated the applicant would have to meet police and City Zoning regulations which require fencing. He explained the ordinance allows chain link fence but he feels the fence should be wooden due to it abutting a residence.

Mr. Phillips stated he has concerns regarding paint fumes which are affecting his health. He explained they are doing touch up paint to vehicles outside the building which is causing strong odors.

Ms. Miriam Boutwell stated she will contact the fire department in regards to the concerns of the paint fumes.

Chairman Jack Kimsey asked if there had been any communication from the public, staff replied no.

Montie Clark made a motion to approve the request with a contingency upon the applicant installing a minimum height of 6' wooden privacy fence for the vehicle storage area. Vice-Chairman Vernie Heard seconded the motion. Roll call vote: Vernie Heard, aye; Montie Clark, aye; Jack Kimsey, aye; Jerry Wilkey, aye; and Terry Young, aye.

Motion to approve the requested variance with a contingency upon the applicant installing a minimum height of 6' wooden privacy fence for the vehicle storage area passes.

3. Sergio Braga- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance to Article 7.8.1 D, required side yard setback in a PUD zone. Requested variance from a required combination of 10' to a 1'2"+/- and 5'+/- for property located at 1145 Yellow Daisy Ln. Applicant is Sergio Braga.

Chairman Jack Kimsey stated the request is for a private residence which is in an open area and approval from the Home Owners Association has been granted.

Ms. Boutwell explained common areas are to the west and north of the parcel. She stated the Home Owners Association previously came to the Construction Board of Adjustment and Appeals to get approval on distances between buildings and lot lines. She explained the Home Owners Association was not aware they would also have to meet zoning set back requirements.

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Montie Clark asked if the fire department had any distance requirements.

Ms. Boutwell stated there is a required 5' distance requirement or other requirements such as fire rated walls may be required.

Chairman Jack Kimsey asked if there had been any communication from the public, staff replied no.

Vice-Chairman Vernie Heard made a motion to approve the requested variance. Terry Young seconded the motion. Roll call vote: Vernie Heard, aye; Montie Clark, aye; Jack Kimsey, aye; Jerry Wilkey, aye; and Terry Young, aye.

Motion to approve the requested variance passes.

4. Bayou Cora Farms, LLC- Use Permitted on Appeal

The City of Foley Board of Adjustment and Appeals has received a request for a Use Permitted on Appeal for Article 7.3.1B, manufacturing incidental to a retail business where articles are sold at retail on the premises in a B-1 zone. Property is located at 209 S. Alston St. Applicant is Bayou Cora Farms, LLC.

Mr. Jared Higginbotham stated his family has been growing corn since 1875. He explained they are currently grinding the corn into grits, cornmeal and flour and selling at the local farmers market. He stated they would like to expand the business sell the products to restaurants and stores and are in need of a larger area. He explained they would also be setting up a small retail area in the front of the building.

Chairman Jack Kimsey asked if there had been any communication from the public, staff replied no.

Montie Clark made a motion to approve the requested Use Permitted on Appeal. Jerry Wilkey seconded the motion. Roll call vote: Vernie Heard, aye; Montie Clark, aye; Jack Kimsey, aye; Jerry Wilkey, aye; and Terry Young, aye.

Motion to approve the requested Use Permitted on Appeal passes.

ADJOURN:

Montie Clark made a motion to adjourn at 5:46 p.m. Vice-Chairman Vernie Heard seconded the motion. All members voted aye.