

BOARD OF ADJUSTMENT & APPEALS MINUTES

May 14, 2018

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The City of Foley Board of Adjustment & Appeals held a regular scheduled meeting on May 14, 2018 at 5:30 pm in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Vernie Heard, Montie Clark, Jack Kimsey, Jerry Wilkey, Terry Young and George James. Staff present was Miriam Boutwell serving as Recording Secretary.

MINUTES:

Montie Clark moved to approve the minutes for the April 9, 2018 meeting, Terry Young seconded the motion. All members voted aye.

Motion to approve the April 9, 2018 minutes passed.

NEW BUSINESS & PUBLIC HEARING:

Moved item #4 to #1 due to Mr. Lockhart's daughter's graduation tonight.

1. Absolute Insurance Agency- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a Variance for Article 21.5, maximum allowed ground signage height and number of signs per establishment in a B-1 zone. Property located at 721 N. McKenzie St. Applicant is Absolute Insurance Agency.

Chairman Kimsey introduced the item and asked for the applicant to come forward and present their case.

Gary Schneider stated: the sign area is 16" below grade; a 5' high sign is too low and the information cannot be read; the sign next door is at 14'; the car auction sign is 16' high; the sign needs to be 8' high so people can see it but it will not block visibility; the request is for a 3' variance; staff advised to request to have a second sign on the same property too since there is an existing sign nearby; not sure if it is on the same parcel but it would be better to get a variance to make sure it is covered as well.

Terry Young moved to approve the variance, Montie Clark seconded the motion. Roll call vote: Vernie Heard – aye; Montie Clark – aye; Jack Kimsey – aye; Jerry Wilkey – Abstain; Terry Young – aye; George James – aye.

Motion to approve the variance passes.

2. Hoth Investments/Labaron Nichols- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 14.1.2,D to allow a 25'+/- rear yard setback in a R-1A zone.

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Property is located between Azalea Ave. and E. of Chestnut St. Applicant is Hoth Investments/Labaron Nichols.

Chairman Kimsey introduced the item and asked for the applicant to come forward and present their case.

Labaron Nichols and Garth Bacchus stated: last month the property got split into 2 lots; they looked at homes to put on the property and realized the homes were too large to meet the lot requirements; they are requesting a setback variance so the homes will fit.

A neighbor is fine with their variance request.

Jerry Wilkey moved to approve the variance, Vernie Heard seconded the motion. Roll call vote: Vernie Heard – aye; Montie Clark – aye; Jack Kimsey – aye; Jerry Wilkey – aye; Terry Young – aye; George James – aye.

Motion to approve the variance passes.

3. Storage Choice Foley- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 10.1.4 number of required off street loading spaces and Article 17.1.2, D number of required off street parking spaces in a B-1A zone. Property is located at 2801 S. McKenzie St. Applicant is Storage Choice Foley.

Chairman Kimsey introduced the item and asked for the applicant to come forward and present their case.

Charles Mink stated: due to square footage, the requirement is 245 parking spaces; this is not feasible; they are requesting a variance to place 41 parking spaces; the parking and loading docks are on the layout; they have repaved the lot and are ready to stripe; in this type of business, 10 cars per day is a good day; they have RV storage too.

Vernie Heard moved to approve the variance, Jerry Wilkey seconded the motion. Roll call vote: Vernie Heard – aye; Montie Clark – aye; Jack Kimsey – aye; Jerry Wilkey – aye; Terry Young – aye; George James – aye.

Motion to approve the variance passes.

4. Brad Lockhart- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 14.1.8,D side yard setback in a GPH-1 zone. Property is located at 1181 Sloane Cove. Applicant is Brad Lockhart.

Moved to #1 - Chairman Kimsey introduced the item and asked for the applicant to come forward and present their case.

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Brad Lockhart stated: he built the covered patio for recreation due to small lots; it is improving the neighborhood; investing money into the neighborhood; the existing fence is 18" off of property line; the post for the patio roof are outside the fence but still on own property; 5' setback in zone; patio already standing when he found this out; design of lot limits recreational use; no reasonable ability to repurpose this 5' setback; he maintains Cottages on the Green ditch; there is a 6 ½' total setback; firefighters need 3' access; beautifying the neighborhood; owns the house; accepts negligence that built without permit; trying to rectify; would have followed process if he had known.

Chairman Kimsey stated: looked at property; city received complaint; from street could see posts on outside of fence; he lives in a Planned Unit Development; his neighbors house touches his house so understands about small lots; asked BAA for questions.

Jerry Wilkey asked about the markers on pictures; when was this flagged, did surveyor come out; owner did not do this, maybe the City; it appears property line runs along the house; is the property line at the post?

Mr. Lockhart said several houses had stakes with pink flags; rebar on top of wooden stake should be property line.

Montie Clark asked about the metal roof, is it flat? Mr. Lockhart replied yes, to match existing roof. Does this subdivision have a Home Owners Association? No, there had been discussion of forming one but no one wanted to pay dues.

Terry Young said since privacy fence is there and the porch post is outside of fence, why not move fence to property line. Mr. Lockhart said there is a 5' setback requirement so it still would not meet the requirements.

Chairman Kimsey restated the owner should have gotten a permit first before constructing this structure.

Vernie Heard moved to approve, George James seconded motion. Roll call vote: Vernie Heard – aye; Montie Clark – nay; Jack Kimsey – nay; Jerry Wilkey – nay; Terry Young – nay; George James – aye. The motion to approve the variance fails.

Jerry Wilkey moved to deny the variance, Montie Clark seconded the motion. Roll call vote: Vernie Heard – nay; Montie Clark – aye; Jack Kimsey – aye; Jerry Wilkey – aye; Terry Young – aye; George James – nay. The motion to deny the variance passes.

Chairman Kimsey advised the applicant to go to the Community Development Department to correct the situation or he can appeal at Circuit Court.

Motion to deny the variance passes.

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5. Gulf Beach Investment Co. of Perdido LLC.- Variance and Use Permitted on Appeal

The City of Foley Board of Adjustment and Appeals has received a request for a use permitted on appeal and a variance to article 17.1.3,B allowing a self-storage warehouse in a B-2 zone, Article 10.1.4 number of required off street loading spaces, and Article 17.1.3,D number of required off street parking spaces. Property is located on the W side of Hickory St., S of Michigan Ave. Applicant is Gulf Beach Investment Co. of Perdido LLC.

Chairman Kimsey introduced the item and asked for the applicant to come forward and present their case.

Barry Dees & Craig Johnson stated: more neighborhood storage is needed; developer is requesting this for the commercial portion only; there will be an entrance road from Hickory Street and the units would access from that road, not direct access to Hickory; the rear portion of the property is zoned residential; the units will be gated and fenced along the drive/road; the site plan shows a reduction in parking; agreed with previous applicant, 10 cars per day is a good day; the developer is going to do a feasibility study before starting construction; the overall square footage is 120,000; the study should show if that is a good size; it will also show what size units are best; this will be an upscale building; the configuration could change after the feasibility study; this is near Frank's Place and a commercial laundry; 1-2 miles from US Hwy 98; the renderings are an example only, the actual structures will be similar but may not be exactly the same.

Montie Clark moved to approve the variance and use permitted on appeal, Terry Young seconded the motion. Roll call vote: Vernie Heard – aye; Montie Clark – aye; Jack Kimsey – aye; Jerry Wilkey – aye; Terry Young – aye; George James – aye.

Motion to approve the variance and use permitted on appeal passes.

ADJOURN:

Jerry Wilkey moved to adjourn, Vernie Heard seconded the motion, all members voted aye. The meeting adjourned at 5:50.