

BOARD OF ADJUSTMENT & APPEALS MINUTES

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The City of Foley Board of Adjustment & Appeals held a regular scheduled meeting on October 10, 2016 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Vice-Chairman Vernie Heard, Montie Clark, Chairman Jack Kimsey, Jerry Wilkey, Terry Young and 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 September 12, 2016 meeting.

Montie Clark made a motion to approve the minutes of the September 12, 2016 meeting. Vice-Chairman Vernie Heard seconded the motion. All members voted aye.

Motion to approve the minutes of the September 12, 2016 meeting passes.

NEW BUSINESS & PUBLIC HEARING:

1. Millard and Nancy Nelson- 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 7.3.2B, allowing an Automobile Repair (major) in a B-1A zone. Property pin #'s 31400 and 82475. Applicant is Millard and Nancy Nelson.

Mr. Harold Cox stated he is the real estate agent for the property. He explained Mr. Elmore is purchasing the property for the location of his Professional Collision business.

Chairman Jack Kimsey stated he had visited the site and there are currently structures on the property.

Mr. Cox explained there are 4 structures on the property and Mr. Elmore will be removing all the structures.

Vice-Chairman Vernie Heard 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; Terry Young, aye; and George James, aye.

Motion to approve the requested use permitted on appeal passes.

2. Walter Dennis- Variance

The City of Foley Board of Adjustment and Appeals received a request for a use permitted on appeal to Article 7.6B allowing a manufactured dwelling in a AO zone. Property is located on Airport Rd., Pin# 10611. Applicant is Walter Dennis.

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Chairman Jack Kimsey explained the owner of the property is elderly and was unable to attend the meeting. He stated the applicant has removed a structure from the property and is requesting to replace it with another structure.

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; Terry Young, aye; and George James, aye.

Motion to approve the requested variance passes.

3. Foley Holdings LLC- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 6.16.3D, telecommunication tower setback in a PDD zone. The location is west of East Pride Boulevard, north of CR 20. Applicant is Foley Holdings LLC.

Ms. Miriam Boutwell explained the rendering of the tower originally submitted was for a tower resembling a pine tree. She explained the City had originally thought the tower would be located near an area with trees and had requested the tower to resemble a pine tree. She stated the tower is now being located near the ball fields and hotel where there are currently no trees. She explained she spoke with the Mayor and a Councilman and they are in agreement the monopole tower would be better suited for the new proposed location.

Chairman Jack Kimsey asked the height of the tower.

Ms. Gloria Boatwright stated the tower will be 125'.

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

Motion to approve the requested variance passes.

4. Ronald Reddock- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 7.2.1D required waterfront setback in a R-1R zone. Requested variance from a required 75' to a 64.2+/-' waterfront setback for property located at 8951 Bay Point Dr. Applicant is Ronald Reddock.

Mr. Ronald Reddock stated before he purchased the home he had the property surveyed which included the building setback lines. He explained he purchased the property and had an architect design his home based on the survey. He stated he is now being told the setback lines on the survey were incorrect and he needs to be 75' from the water's edge. He explained the house was designed to fit the lot if he has to have it redesigned it will

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cause him a financial hardship. He explained there are other homes in the area that are 50' from the water's edge. He stated the home will be built on pylons and not at sea level.

Jerry Wilkey asked if there is a Home Owners Association for the subdivision.

Mr. Reddock answered yes and explained the only requirement the Home Owners Association has is for the distance from the street and if he shifts the house back he will be in violation.

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

Motion to approve the requested variance passes.

ADJOURN:

Jerry Wilkey made a motion to adjourn at 5:40 p.m. Terry Young seconded the motion. All members voted aye.