

# BOARD OF ADJUSTMENT & APPEALS MINUTES

September 11, 2017

1 of 4

The City of Foley Board of Adjustment & Appeals held a regular scheduled meeting on September 11, 2017 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 were: Miriam Boutwell, City Planner and Melissa Ringler, Recording Secretary.

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

## **MINUTES:**

Approval of the minutes for the August 14, 2017 meeting.

George James made a motion to approve the August 14, 2017 meeting minutes. Vice-Chairman Vernie Heard seconded the motion. All members voted aye.

**Motion to approve the August 14, 2017 meeting minutes passes.**

## **NEW BUSINESS & PUBLIC HEARING:**

### **1. Holly Garcia- Use Permitted on Appeal**

The Board of Adjustment and Appeals has received a request for a Use Permitted on Appeal for Article 7.1.6, to allow a bed and breakfast in a R1A zone. Property is located at 413 W. Berry Ave. Applicant is Holly Garcia.

Chairman Jack Kimsey explained the applicant had requested to withdraw the use permitted on appeal request.

### **2. Gerard Lamoureux-Variance**

The Board of Adjustment and Appeals has received a request for a variance to Article 7.2.2D, minimum rear yard setback in a R-1A zone. Property is located at 556 Sheffield Ave. Applicant is Gerard Lamoureux.

Mr. Gerald Lamoureux stated he had plans drawn up for his home to conform with the association and to salvage the trees on the property. The plans were done using a 20' rear setback. It was brought to his attention the required rear setback is 30' which causes the patio to be approximately 3' over the setback line.

Chairman Jack Kimsey stated a letter of approval was received by the Cambridge Parke Home Owners Association. He asked if there had been any communication from the public, staff replied no.

Montie Clark 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.**

## BOARD OF ADJUSTMENT & APPEALS MINUTES

September 11, 2017

2 of 4

### **3. Joyce Kiskadden- Variance**

The Board of Adjustment and Appeals has received a request for a variance to Article 6.13, to allow an 8' fence in a R1C zone. Property is located at 622 E. Pedigo Ave. Applicant is Joyce Kiskadden.

Chairman Jack Kimsey explained the requested height is due to privacy issues and reflection from roof of neighboring property.

Ms. Joyce Kiskadden explained she had a 28 year old 16' tall hedge that was cut down. She stated the neighbors behind her are in favor of the fence which will also provide them privacy.

Terry Young asked if there would be break throughs in the fence to allow wind flow.

Ms. Kiskadden stated she has been in contact with several fence companies for quotes. Most of the companies put boards every 8' the company she has chosen places the post every 6' and she will also have a 4' return on the corner for stability.

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 second 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. Jack & Carol Baber- Variance**

The Board of Adjustment and Appeals has received a request for a variance for Article 6.8.3, accessory structures shall be at least 5' from lot lines and 10' from any other structure on the same lot in a GPH1 zone. Property is located at 1701 Firefly Ln. Applicant is Jack & Carol Baber.

Mr. Baber explained the lots in his subdivision are smaller which gives them less area to work with. He stated he is installing a pool and is asking for a variance due to sloping and a drainage area in his back yard. He explained he does not want to interfere with the water flow. He stated he will not be adding a deck around the pool but will be adding a small wall.

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

George James 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.

## BOARD OF ADJUSTMENT & APPEALS MINUTES

September 11, 2017

3 of 4

### **Motion to approve the requested variance passes.**

#### **5. Kenneth & Sherrie Reed- Variance**

The Board of Adjustment and Appeals has received a request for a variance for Article 6.8.3, accessory structures shall be at least 5' from lot lines and 10' from any other structure on the same lot in a R1C zone. Property is located at 645 Parish Lakes Dr. Applicant is Kenneth & Sherrie Reed.

Chairman Jack Kimsey asked if the pool will interfere with any drainage areas on the property.

Mr. Reed stated as far as he is aware it will not interfere with any drainage areas.

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

### **Motion to approve the requested variance passes.**

#### **6. Kristen Langston- Administrative Review**

The Board of Adjustment and Appeals has received a request for an administrative review for Article 14.9, uses prohibited tattoo and body art shops in the Foley Downtown Overlay District. Property is zoned B1 and located at 319b & 319c N. McKenzie St. Applicant is Kristen Langston.

Ms. Kristen Langston stated she understood the property is located within the Historical District. She explained she is very well known by her clientele. She stated she is happy to follow any guidelines regarding signage and hours and runs a very streamline clean business. She explained she is wants to be a part of the community and the changes that are happening in the down town area.

Terry Young asked if there were any problems with this type of business being located in the Historical District.

Ms. Boutwell explained the Historical District and guidelines do not have any restrictions on uses.

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

Terry Young made a motion to approve the administrative review requested. Vice-Chairman Vernie Heard seconded the motion. Roll call vote: Vernie Heard, aye; Montie

**BOARD OF ADJUSTMENT & APPEALS MINUTES**

September 11, 2017

4 of 4

Clark, aye; Jack Kimsey, aye; Jerry Wilkey, aye; Terry Young, aye; and George James, aye.

**Motion to approve the administrative review requested passes.**

**ADJOURN:**

**Meeting adjourned. (did they adjourn or did the gentleman with the question at the end get them off track)?**