

**BOARD OF ADJUSTMENT & APPEALS MINUTES  
April 9, 2018**

The City of Foley Board of Adjustment & Appeals held a regular scheduled meeting on April 9, 2018 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Montie Clark, Jack Kimsey, Jerry Wilkey, Terry Young and George James. Absent member was Vernie Heard. Staff present were: Melissa Ringler, Recording Secretary and Amanda Cole, Planning and Zoning Assistant.

**MINUTES:**

Approval of the minutes for the March 12, 2018 meeting.

Jerry Wilkey made a motion to approve the minutes for the March 12, 2018 meeting. Montie Clark seconded the motion. All members voted aye.

**Motion to approve the March 12, 2018 meeting minutes passes.**

**NEW BUSINESS & PUBLIC HEARINGS:**

**1. William Wild- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 17.1.2, D to allow a 15' street side yard variance in a B-1A zone. Property is located at 900 N. McKenzie St. Applicant is William Wild.

Mr. William Wild explained they have demolished an old home that was located on the property. He stated they would like to do an addition off of the front of the building with a street side setback of 15'.

Montie Clark asked if the addition would line up with the existing building.

Mr. Wild stated the addition will line up with the existing building.

Chairman Jack Kimsey stated the drawing shows improvements to the parking lot and asked what type of business would be located in the building.

Mr. Wild stated they would be making improvements to the parking lot and the tenant will be State Farm.

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

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

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

**2. Hoth Investments LLC- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance to Article 14.1.2, D to allow a minimum lot area of 9,000 sq. ft. in a R-1A zone. Property is located between Azalea Ave. and E. of Chestnut St. Applicant is Hoth Investments/Labaron Nichols.

Mr. Labaron Nichols explained they would like to request to reduce the required lot size in order to be able to divide the lot into two lots and build a residential home on each lot.

Chairman Jack Kimsey explained to the applicant they would be required to abide by all other regulations and meet the required setbacks.

Terry Young asked what street the houses would face.

Mr. Nichols explained one of the houses would face E. Franklin Ave. and the other would face E. Azalea Ave.

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

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

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

**3. Pedro Gomez- 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 19.1, B to allow a mobile home in an AO zone. Property is located S. of Breckner Rd. and E. of Bodenhamer Rd. Applicant is Pedro Gomez.

Mr. Pedro Gomez explained he would like to move a mobile home on to the property.

Chairman Jack Kimsey asked if he understood the request and approval would be for 1 mobile home to be placed on the 10 acre parcel.

Mr. Gomez stated he understood.

Mr. Dave Dieckhoff explained since the property has been cleared he has had drainage issues. He stated he would like a buffer and for the mobile home to be a newer model.

Chairman Jack Kimsey explained if there are any more mobile homes moved onto the property the applicant would have to subdivide the property.

Mr. Gomez stated the mobile home would be on the right side of the property approximately 100' from Mr. Dieckhoff's residence.

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

Montie Clark made a motion to approve the requested use permitted on appeal. Terry Young seconded the motion. Roll call vote: 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.**

**4. Maria Kalantzis- Variance**

The Board of Adjustment and Appeals has received a request for a variance for Article 14.1.2, D to allow a 5' rear yard setback in a R-1A zone. Property is located at 543 Leeds Ct. Applicant is Pat and Maria Kalatzis.

Ms. Pat Kalatzis stated they want to add a pool enclosure around their pool due to mosquitoes.

Chairman Jack Kimsey stated there was a letter of approval from the Cambridge Parke Home Owners Association.

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

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

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

**5. Heather Keith- 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 13.1.2,D for a childcare/daycare use. Property is located at 230 W. Laurel Ave. Applicant is Heather Keith.

Ms. Heather Keith explained she has been in contact with DHR and the City regarding requirements with the opening of the daycare. She stated there would be between 15 to 20 children attending the daycare.

Mr. Jimmie Jones asked about serving food and had concerns about traffic.

Ms. Keith explained there would be no cooking in the building. She explained she would be fencing off an area of the property. She stated more than likely the fence would be a small wooden fence which would have to be approved by the City and the Historical Commission. Chairman Jack Kimsey asked if there had been any correspondence from the public, staff replied no.

Jerry Wilkey made a motion to approve the requested use permitted on appeal. Montie Clark seconded the motion. Roll call vote: 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.**

**6. McConnell Rentals LLC- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 14.1.6, D to allow a 10.5' +/- street side yard setback in a R-2 zone. Property is located at the NE corner of W. Peachtree Ave. and N. Pine St. Applicant is McConnell Rentals LLC.

Mr. Joe Bischoff showed the board members a photograph indicating the setbacks and where the house would be located on the lot. He stated as you can see from the photograph there is plenty of visibility from the street with the remaining setback and right of way.

Terry Young stated there are some nice homes in that area and asked if the house would be of the same style.

Mr. Bischoff stated they built the adjacent homes and this home will be the same style.

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

Terry young made a motion to approve. George James seconded the motion. Roll call vote: Montie Clark, aye; Jack Kimsey, aye; Jerry Wilkey, aye; Terry Young, aye; and George James, aye.

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

**7. McConnell Rentals LLC- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 14.1.4, D to allow a 10.5' +/- street side yard setback in a R-1C zone. Property is located at the NW corner of E. Myrtle Ave. and S. Bay St. Applicant is McConnell Rentals LLC.

Mr. Joe Bishoff explained this situation is exactly the same as the previous agenda item. He showed the board members a photograph indicating the setbacks and where the house would be located on the lot. He stated as you can see from the photograph there is plenty of visibility from the street with the remaining setback and right of way.

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

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

aye; and George James, aye.

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

**ADJOURN:**

Montie Clark made a motion to adjourn the meeting at 5:53 p.m. Jerry Wilkey seconded the motion. All members voted aye.

**Motion to adjourn at 5:53 passes.**