

BOARD OF ADJUSTMENT & APPEALS MINUTES

June 11, 2018

1 of 3

The City of Foley Board of Adjustment & Appeals held a regular scheduled meeting on June 11, 2018 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, Terry Young and George James. Staff present were: Miriam Boutwell, City Planner; Amanda Cole, Planning and Zoning Assistant; 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 May 14, 2018 meeting.

Jerry Wilkey made a motion to approve the minutes for the May 14, 2018 meeting with one correction that was given to the recording secretary before the meeting. Vice-Chairman Vernie Heard seconded the motion. All members voted aye.

Motion to approve the minutes for the May 14, 2018 meeting passes.

NEW BUSINESS & PUBLIC HEARING:

1. Kathy & Rick Tinkham- 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'+/- rear yard setback in a R-1C zone. Property is located at 636 Harahan Ln. Applicant is Kathy and Rick Tinkham.

Mr. Rick Tinkham explained he would like to build a screen enclosure over his pool.

Chairman Kimsey asked if the subdivision had a Home Owners Association.

Mr. Tinkham stated he bought the home a few months ago and there currently is not a Home Owners Association.

Montie Clark 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.

2. Richard Santmyer- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 20.1.1 D, to allow a 8'7"+/- rear yard setback in a PUD zone. Property is located at 9030 Lakeview Dr. Applicant is Richard Santmyer

Mr. Cameron Rhodes explained they are requesting to install a screen pool enclosure.

BOARD OF ADJUSTMENT & APPEALS MINUTES

June 11, 2018

2 of 3

Chairman Jack Kimsey stated he has received an approval letter from the Home Owners Association.

Terry Young 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.

3. Full Block LLC- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 21.7, maximum number of signs per establishment in a B-1A zone. Property is located at 1001 N. McKenzie St. Applicant is Full Block LLC.

Mr. David LeBlanc explained he previously owned a Pelican's Snoballs in Virginia which he recently sold. He stated he moved to the area and has invested his life savings into rehabbing the building which has been abandoned for 10 years. He explained he is requesting to install a 12' tall sign. He stated the signage needs to be 12' due to the road being higher than the property. The signage will be located out of the right of way.

Ms. Joann Hardin stated she owns the buildings to the north and does not want her tenant signage being blocked.

Chairman Jack Kimsey asked where the sign would be located on the property.

Mr. LeBlanc explained it would be at least 100' away from Ms. Hardin's tenant signage.

Ms. Miriam Boutwell explained the property is zoned B-1A and they are allowed a 20' high free standing sign. She stated the requested variance is to allow a second sign on the property.

Mr. LeBlanc stated he has tried to place the signage to where it will not interfere with other businesses. He explained the signage and will be 8' x 8' an engineered to meet the required wind loads.

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.

4. Iken, LLC- Variance and Use Permitted on Appeal

The City of Foley Board of Adjustments and Appeals has received a request for a variance and use permitted on appeal for Article 10.1.4 A number of required off street loading spaces, Article 10.1 D number of required off street parking spaces

BOARD OF ADJUSTMENT & APPEALS MINUTES

June 11, 2018

3 of 3

and Article 18.1 C, allowing a self storage warehouse in a M1 zone. Property is located N. of County Rd. 12 S, and E. and W. of Langley Ave. Applicant is Iken, LLC.

Mr. Craig Johnson explained the request is for two parcels one of which there was already an approved Use Permitted on Appeal for a self storage. He stated Mr. Ike did not realize he would also need to request a Use Permitted on Appeal for the second parcel. He explained they are requesting parking space and off street loading space variances for both parcels.

Jerry Wilkey made a motion to approve the Use Permitted on Appeal and 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 use permitted on appeal and variance passes.

Mr. Lambert Warchol resident of 9025 Lake View Dr. stated he is across the street from the home requesting the variance on Lakeview Dr. He explained they kept changing the house plan on the lot and encroaching into the drainage area. He stated there is a drainage ditch in front and back of his house which stays filled to the brim. He explained he called the Engineering department several weeks ago before the house was complete and nothing has been done. He stated the new construction on the lot has caused nothing but damage to the adjacent property owners.

Ms. Boutwell explained the requested variance is for a pool enclosure which is located in the backyard of the property.

Mr. Warchol asked staff to get the Engineering Department to do something about the problem.

Ms. Boutwell stated she would give the information to the Engineering Department.

ADJOURN:

Vice-Chairman Vernie Heard made a motion to adjourn at 5:53 p.m. Jerry Wilkey seconded the motion. All members voted aye.