

# BOARD OF ADJUSTMENT & APPEALS MINUTES

August 13, 2018

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The City of Foley Board of Adjustment & Appeals held a regular scheduled meeting on August 13, 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 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 July 9, 2018 meeting.

Jerry Wilkey made a motion to approve the July 9, 2018 meeting minutes. Terry Young seconded the motion. All members voted aye.

**Motion to approve the minutes of the July 9, 2018 meeting passes.**

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

### **1. Doug Zeigler- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 8.1.2, requiring accessory structures be 10' from any other habitable structure on the same lot in a R-1D zone. Property is located at 1676 Abbey Loop. Applicant is Doug Zeigler.

Ms. Lori Chavers stated she is representing the home owner. She explained the applicants back yard is not very large and they are needing to request a variance. She explained the required setback for the pool from the house is 10' and they are requesting it to be 8'.

Chairman Jack Kimsey stated he had visited the location which appears to be a newer subdivision with several new construction homes. He explained the Board received an approval letter from the home owners association. He asked if there has 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.**

### **2. Jasmine Prim- 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 allowing a childcare facility in a B-2 zone. Property is located at 710 E. Laurel Ave. Applicant is Jasmine Prim.

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Chairman Jack Kimsey stated due to a clerical error the item needs to be carried over to the September 10, 2018 meeting.

Vice-Chairman Vernie Heard made a motion to carry the item over to the September 10, 2018 meeting. 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 carry the item over to the September 10, 2018 meeting passes.**

### **3. Michelle Kurtz- Use Permitted on Appeal**

The City of Foley Board of Adjustment and Appeals has received a request for a use permitted on appeal and variance for Article 13.1.2,G allowing an accessory dwelling unit in a R-1B zone and Article 8.1.1 accessory dwelling units shall be at least 10' from all lot lines. Property is located at 210 W. Orange Ave. Applicant is Michelle Kurtz.

Ms. Michelle Kurtz explained she is requesting a use permitted on appeal for an accessory dwelling unit. She stated that she will be doing a few interior remodel changes.

Chairman Jack Kimsey explained the building has been on the lot for many years. He stated his understanding is the approval will make the use legal and proper with the city.

Ms. Kurtz explained the building has been on the lot since 1944.

Chairman Jack Kimsey asked if there has been any communication from the public, staff stated one neighbor had called for an explanation of the use permitted on appeal and they had no objections to the request.

Jerry Wilkey made a motion to approve the requested use permitted on appeal. Terry Young seconded the request. 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.**

### **4. Storage Choice- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 10.2.4 and 10.2.5, minimum buffer requirements for a storage facility located in a B-1A zone. Property is located at 2801 S. McKenzie St. Applicant is Storage Choice Foley, LLC.

Mr. Wes Mink presented the members with landscape renderings. He explained the requirement is for a 30' buffer and they would like to do a 5' buffer. He stated Tanger Outlet has a 25' buffer and no one will see the side other than delivery drivers. Due to having to add a ditch in the area he is limited on available space for a buffer and

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plantings. He explained he would also like to reduce the number of trees and shrubs within the buffer. He stated he doesn't have an exact number at this time but will make the development look nice and can add cat tails and cypress trees to the drainage areas. He explained due to the amount of concrete and rebar in the front the placement and amount of area he can landscape is limited.

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

Vice-Chairman Vernie Heard 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.**

### **ADJOURN:**

Vice-Chairman Vernie Heard made a motion to adjourn at 5:43 p.m. Chairman Jack Kimsey seconded the motion. All members voted aye.