

The City of Foley Board of Adjustment & Appeals held a meeting on April 8, 2019 at 5:30pm 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 Keith Jiskra. Staff present were: 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 March 11, 2019 meeting.

Jerry Wilkey made a motion to approve the minutes for the March 11, 2019 meeting. Terry Young seconded the motion. All members voted aye.

**Motion to approve the minutes for the March 11, 2019 meeting passes.**

**NEW BUSINESS & PUBLIC HEARINGS:**

**1. Marylyn Walker- 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 18.1 B, to allow a residential use in a M-1 zone. Property is located at 217 E Magnolia Ave. Applicant is Marylyn Walker.

Mr. Aaron Daniels stated he is representing the applicant Marylyn Walker his mother in law. He explained they will be demolishing the existing house and building a new house on the property. He stated there have been renters in the home up until about 2 months ago. He stated the house is approximately 70 years old.

Montie Clark made a motion to approve the requested use permitted on appeal. 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 use permitted on appeal passes.**

**2. Terry Trudell- Variance**

The City of Foley Adjustment and Appeals has received a request for a variance for Article 8.1.2 to allow a 9ft+/- setback from the house and a 3ft+/- setback from the side property line for an accessory building. Property is located at 8774 Allay Ln. Applicant is Terry Trudell

Mr. Terry Trudell stated he is new to the area. He is building a 10' x 12' shed to use for storage of lawn equipment. He stated there is plenty of room for the shed near the cul-de-sac. He explained he has chosen the requested location due to not wanting to destroy everyone's view.

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. Edgar Chavez Garcia- Use Permitted on Appeal and Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a use permitted on appeal and a variance for Article 19.1 B, to allow a mobile home in an AO zone, Article 19.1 D, to allow a minimum lot width of 115+/- feet in an AO zone. Property address is 12902 Bodenhamer Rd. Applicant is Edgar Chavez Garcia.

Mr. Garcia stated the lot will be split into two lots and a mobile home will be located on each lot. He stated the lots are over 600' deep.

Chairman Kimsey asked how the mobile homes would be placed on the lot.

Mr. Garcia stated the mobile home would be place vertically on the lot.

Montie Clark made a motion to approve the requested use permitted on appeal and 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 use permitted on appeal and variance passes.**

**4. Jesenia Rodriguez- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 17.1.1 B, to allow a pet grooming salon in a B-1 zone and Article 24.9 C, to allow a pet grooming salon in the Foley Downtown Overlay District. Property is located at 107-B Orange Ave. Applicant is Jesenia Rodriguez.

Ms. Rodriguez stated she will be opening a pet grooming salon and boutique. She explained she would not be offering any boarding services.

Chairman Jack Kimsey stated a letter of approval was received from Mr. Hollis. He explained the property is located within the City of Foley Historical District.

Jerry Wilkey asked if there had been any responses from the public. Staff replied no.

George James 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.**

**5. Joshua Sanks- 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 15.1 B, to allow a home occupation in a R-3 zone. The property is located at 509 W Rose Ave. Applicant is Joshua Sanks.

Chairman Jack Kimsey stated the applicant is not present.

Mr. Robert Helton stated he lives across the street from 509 W. Rose Av. He stated the applicant is currently in jail and was in the process of being evicted from the property.

Montie Clark made a motion to deny 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 deny the requested use permitted on appeal passes.

**6. Steven Thompson- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 14.1.3 D, to allow a 1ft+/- and a 6 in+/- side yard setback in a R-IB zone. Property is located at 820 E Laurel Ave. Applicant is Steven Thompson.

Mr. Thompson explained he has built a roof extension onto the home to use as an open carport.

The neighbor on the east side of the property spoke and stated she has no problem with the request or approval of the variance.

Mr. Kimsey stated there is a fence in place and the property to the west is a wooded lot.

Montie Clark asked if the roof of the carport overhangs onto the neighboring property.

Mr. Thompson stated no the overhang of the roof is located on his property.

Jerry Wilkey 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 5:46 p.m. Jerry Wilkey seconded the motion. All members voted aye.

**Motion to adjourn the meeting at 5:46 p.m. passes.**