

**Board of Adjustment and Appeals Meeting Minutes
May 13, 2019**

Page 1 of 3

The City of Foley Board of Adjustment & Appeals held a meeting on May 13, 2019 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, George James and 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 April 8, 2019 meeting.

Jerry Wilkey made a motion to approve the minutes for the April 8, 2019 meeting. Montie Clark seconded the motion. All members voted aye.

Motion to approve the minutes for the April 8, 2019 meeting passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Matthew Orkins- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 14.1.2 D, to allow a 6' side yard setback in a R-1A zone. Property is located at 604 Sheffield Ave. Applicant is Matthew Orkins.

Mr. Matthew Orkins explained he needs a side yard variance in order to add a pool enclosure over an existing pool. He stated due to the trees behind the property the enclosure will help with the cleaning and maintenance of the pool.

Chairman Jack Kimsey stated a letter has been received by the Home Owners Association approving the enclosure. He asked if there were any members of the public to speak on the item, there were none. He asked staff if there has been any communication from the public on the item, staff replied no.

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

Motion to approve the requested variance passes.

2. Ricardo Olivier- 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, to allow a church in a B-1 zone. Property is located at 601 N. McKenzie St. Applicant is Ricardo Olivier.

Chairman Jack Kimsey stated the building has been vacant and formerly was the old gospel lighthouse.

Ms. Oliver explained the congregation is existing and they are moving locations.

**Board of Adjustment and Appeals Meeting Minutes
May 13, 2019**

Page 2 of 3

Chairman Jack Kimsey asked if there were any members of the public to speak on the item, there were none. He asked staff if there has been any communication from the public on the item, staff replied no.

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

Motion to approve the requested use permitted on appeal passes.

3. Robert & Amy Jordan- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 17.1.4 C, to allow manufacturing, Article 17.1.4 to allow a 10' rear yard setback, and Article 17.1.4 D, number of required off street parking spaces in a B-3 zone. Property is located at 21770 U.S. Hwy 98. Applicant is Robert & Amy Jordan.

Mr. Robert Jordan explained he is the owner of Big Fish Trading. He explained they are currently operating in a building approximately 200 yards from the 21770 U.S. Hwy 98. He stated the building they are currently in is leased and they are looking to purchase a building. The building was previously a church. He explained they would be using the front portion for more retail and would like to eventually build a 5,000 sq ft work ship onto the back. He stated in order to build the work shop they would need a rear yard variance. He explained he is also requesting a variance from the required parking. He explained 90% of their customers are appointment based and there would be no need for a lot of parking spaces.

Chairman Jack Kimsey asked if there were any members of the public to speak on the item, there were none. He asked staff if there has been any communication from the public on the item, staff replied no.

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

Motion to approve the requested variance passes.

4. Myrtlewood Property Owners Association, Inc.- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 8.2, to allow 8' fences in a R-1C zone. The requested variance is for lots 51-59, lots 59-60 and lots 69-72 and of Myrtlewood Subdivision. Applicant is Myrtlewood Property Owners Association, Inc.

Mr. Norm Moore president of the Myrtlewood Property Owners Association explained they are requesting to be allowed a height of 8 foot fences on certain lots on the Eastern and Northern perimeters. He stated the reasoning for the 8 foot fence is due to the slope of the property and to allow for privacy.

**Board of Adjustment and Appeals Meeting Minutes
May 13, 2019**

Page 3 of 3

Chairman Jack Kimsey stated he visited the site and there are some 8 foot fences located within the subdivision. He stated the property is sloped and he could hardly see the top of some of the existing fences.

Mr. Moore explained 5 years ago the Property Owners Association added the allowance for 8 foot fences in their covenants. He stated they were unaware the Foley Zoning Ordinance only allowed 6 foot fences.

Mr. Mike McGowan stated his property is on the South side of the subdivision. He explained he does not want to hinder any construction but also does not want his property negatively impacted. He stated the subdivision has affected his property and caused water issues since it was developed.

Chairman Jack Kimsey stated the approval tonight is for a fence height of 8 feet which should not have any effect on the drainage. He explained the current regulations allow for a 6 foot fence.

Mr. McGowan explained he does not want any negative impacts on his property. He said currently the water stands 2 to 3 feet.

Chairman Jack Kimsey explained to Mr. McGowan he needed to speak with the City Engineer regarding the drainage issues.

Mr. McGowan stated he has spoken with the City Engineer and given them permission to put up walls on his property to stop the flow. He stated he has dug ditches and allowed some of the vegetation his property to grow to try to reduce the flow of the water.

Mr. Moore stated they do have a retention pond and it has been doubled in size to accommodate the new homes being built.

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

Motion to approve the requested variance passes.

ADJOURN:

Terry Young made a motion to adjourn at 5:51 p.m. Montie Clark seconded the motion. All members voted aye.

Motion to adjourn at 5:54 p.m. passes.