

**Board of Adjustment and Appeals Meeting Minutes
October 14, 2019**

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The City of Foley Board of Adjustment & Appeals held a meeting on October 14, 2019 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: George James, Jack Kimsey, Jerry Wilkey, Terry Young and Keith Jiskra. Absent member was Montie Clark. 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 September 9, 2019 meeting.

Keith Jiskra made a motion to approve the minutes with a correction to page 4 of the minutes where George James was listed on the roll call vote twice. Jerry Wilkey seconded the motion. All members voted aye.

Motion to approve the minutes for the September 9, 2019 meeting passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Coastal Kids Care- Use Permitted on Appeal

The Board of Adjustment and Appeals has received a request for a Use Permitted on Appeal for Article 13.1.2 D, to allow a childcare facility in a B-3 zone. Property is located at 22894 US Hwy. 98. Applicant is Becky Mohler and Megan Curry.

Chairman Jack Kimsey explained the applicant had requested for the item to be withdrawn.

2. Anchor Point Church- Use Permitted on Appeal

The 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 and future expansion of church uses in an AO zone. Property is located at 20511 County Rd. 12. Applicant is Anchor Point Church/Terry Cunningham.

Mr. Terry Cunningham stated the 40 acre parcel and building was recently deeded to Anchor Point Church as a donation. He explained the building previously served as a church for Victory Life for the past 25 or 30 years. He stated the property recently annexed into the City limits and is zoned AO. He explained they had purchased the old swatters building to renovate into a new church. Once this building was donated to them they diverted their plans to the new 40 acre site. He stated they will be remodeling and expanding the church.

Chairman Jack Kimsey stated it looks like the parking lot is being expanded and remodeling has begun on the building.

Mr. Cunningham stated they are expanding the parking lot and they have started pulling some things out of the interior of the building.

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

Motion to approve the requested use permitted on appeal passes.

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3. Bruce Hodge- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 8.1.2 accessory structures shall be at least 10' from any other habitable structure on the same lot. Property is located at 285 Wyatt Court. Applicant is Bruce Hodge.

Mr. Bruce Hodges explained his wife has been doing water aerobics for 30 years to manage her osteoarthritis. He stated they are wanting to install an 8' x 18' pool in their backyard. He stated the pool will be heated and covered for year round use.

Keith Jiskra stated an approval letter from the Home Owners Association was provided.

Jerry Wilkey stated he will abstained from the item due to being the Home Owners Association president of the subdivision.

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

Motion to approve the requested variance passes.

4. Southside Missionary Baptist Church- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 21.2 to allow a 7' height, 2' front setback, and 2' side setback for signage located in an R-1A zone. Property is located at 323 W. Michigan Ave. Applicant is Southside Missionary Baptist Church.

Mr. Alec Barnett stated they have not decided on the exact location of the signage but after discussion it maybe placed on the corner for better visibility.

George James asked if the lighting on the sign would be internal or external.

Mr. Alec Barnett stated the sign would be lit internally so both side of the sign would be lit.

Keith Jiskra asked if the signage was being replaced or if they were just adding lights.

Mr. Barnett stated they will be moving the location of the sign and replacing the existing sign with a new lighted sign.

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

Motion to approve the requested variance passes.

5. Hoods- Use Permitted on Appeal

The Board of Adjustment and Appeals has received a request for a Use Permitted on Appeal for Article 17.1.2 B, to allow to allow Boat and RV storage in a B-1A zone. Property is located at 1904 N. McKenzie St. Applicant is Hoods.

The applicant was not present.

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Chairman Jack Kimsey stated he has looked at the facility and it appears they are setup for storage but the fencing and gates need some repairs.

George James made a motion to approve the use permitted on appeal with the condition that the gates and fencing are repaired for security purposes. Terry Young seconded the motion. Roll call vote: George James, aye; Jack Kimsey, aye; Jerry Wilkey, aye; Terry Young, aye; and Keith Jiskra, aye.

Motion to approve the use permitted on appeal passes.

6. Richard Prisbus- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 8.1.2 accessory structures shall be at least 10' from any other habitable structure on the same lot. Property is located 23583 Carnoustie Dr. Applicant is Richard Prisbus.

Mr. Richard Prisbus stated he is adding a pool which will only be 5' from the edge of his house instead of the required 10'. He explained the pool will have an enclosure. He stated a letter of approval has been provided from the Home Owners Association.

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

Motion to approve the requested variance passes.

7. Goodwyn, Mills & Cawood, Inc. – Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance to Article 14.1.4, D to allow a 28' street side setback, 18' and 19' rear yard setback in an R-1C zone. Property is located east of S. Hickory St. in Lafayette Place Subdivision lots 1, 26 and 29. Applicant is Goodwyn, Mills & Cawood, Inc.

Mr. Doug Bailey explained they are asking for a variance for 3 lots. He stated some changes in the design plans had occurred and in order to construct the model of homes DSLD is wanting to build on the lots, they need the variance. He stated he knows there were previous concerns from the abutting subdivision with the size of homes to be located in Lafayette place. He explained they are trying to keep the homes within the same size range as the homes they will be backing up to.

Chairman Jack Kimsey stated there is a very large oak tree on the property and asked if it would be kept.

Mr. Cliff Guidry stated they will be keeping the tree on site.

Mr. Doug Bailey stated the property was previously zoned as an apartment complex and RV park. He stated the single family will be compatible with the existing subdivisions and the location of it to the schools will be a big selling point. He explained there is a rock road in the back that will be chained off for emergency vehicles use only.

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

Motion to approve the requested variance passes.

ADJOURN:

Jerry Wilkey made a motion to adjourn at 5:46 p.m. George James seconded the motion. All members voted aye.

Motion to adjourn at 5:46 p.m. passes.