

The City of Foley Board of Adjustment & Appeals held a meeting on September 9, 2019 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: George James, Montie Clark, Jack Kimsey, Terry Young and Keith Jiskra. Absent member was Jerry Wilkey. Staff present were: Miriam Boutwell, City Planner 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 August 12, 2019 meeting.

George James made a motion to approve the minutes for the August 12, 2019 meeting. Terry Young seconded the motion. All members voted aye.

**Motion to approve the minutes for the August 12, 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.

The applicant was not present. Chairman Jack Kimsey moved the item to last on the agenda to give the applicant time to arrive.

Chairman Jack Kimsey stated he visited the location and feels it would work well for a daycare. He explained the building is on a large lot with a circle driveway.

Neighbors stated they were present due to getting a certified letter and to listen to what was being proposed on the lot. They asked if the area would be fenced.

Chairman Jack Kimsey explained DHR has requirements relating to fencing and the number of children that may attend. He stated he felt the item needed to be carried over since the applicant was not present.

Keith Jiskra made a motion to carry the item over to the October meeting due to the applicant not being present. George James seconded the motion. Roll call vote: George James, aye; Montie Clark, aye; Jack Kimsey, aye; Keith Jiskra, aye; and Terry Young, aye.

**Motion to carry the item over to the October meeting due to the applicant not being present passes.**

**2. Robert Felts- Variance**

The Board of Adjustment and Appeals has received a request for a variance for Article 17.1.3 C, to allow a RV/travel trailer in a B-2 zone. Property is located at the SW corner of Hickory St. S. and Crown Walk Dr. Applicant is Robert Felts.

Mr. Robert Felts stated he will be building four small cabins for extended stay rentals and would like to live in the camper during the construction phase. He stated each cabin will be approximately 763 sq. ft. with 2 bedrooms and 1 bathroom.

Chairman Jack Kimsey stated his understanding is the property is zoned commercial and is not a part of the Crown Walk subdivision.

Ms. Boutwell stated the lot is part of the Crown Walk plat but she did not see where the covenants referred to or covered the commercial lots. She explained the cabins are allowed in the B-2 zone and the variance request is for the applicant to live in the RV while he is building the cabins.

Chairman Jack Kimsey explained the only thing being requested tonight is to put the RV/camper on the lot. He stated if the request is approved there would be a time limit of 8 months set on the approval. He explained the Board of Adjustment and Appeals has no authority over the adding of the extended stay cabins.

A Crown Walk resident asked what type of RV, camper or motor home Mr. Felts is requesting to add to the lot.

Mr. Felts explained he will be adding a 28' to 29' pull behind camper which will be connected to sewer and water.

Mr. Jim Wallace explained about the drainage issues in the area and how the new construction will cause a flooding problem. He asked when placing the sheds on the lot was approved. He stated the 700 square foot sheds will devalue neighboring property owner's property value and many are veterans. He explained it is the responsibility of the City to protect the citizens and the value of their property.

Ms. Boutwell explained and read the uses that are allowed in a B-2 zone. She stated she understands the concerns of the neighboring property owners. She explained the use is less intrusive than other allowed uses in a B-2 zone. She stated the applicant has met with the Fire, Engineering, Zoning and Building Departments regarding requirements.

A Crown Walk resident asked if there was a maximum building area that could be built on and if there would be a fence.

Mr. Felts stated he would be adding a fence which will be metal wire with see through square panels and wood supports.

Ms. Boutwell explained the applicant will have to meet all the requirements for the B-2 zone.

Mr. Felts explained his intentions are to do a month to 3 week rentals. He stated if it does not go well he will do yearlong leases.

A Crown Walk resident stated the mess of the construction and trucks in and out is going to devalue his property.

A Crown Walk residents asked about the driveways and dimension of the lot.

Mr. Felts stated there would be one driveway off of Hickory St. and gave the dimensions of the lot.

Chairman Jack Kimsey stated the Board of Adjustment and Appeals has no control over the items being mentioned by the neighboring property owners.

Mr. Vernon Larson stated this property is part of Crown Walk and if it is not he would like to know when it was taken out.

Ms. Boutwell explained the commercial lots do not appear to be covered in the covenants.

Mr. Wallace stated he did not receive notification about the meeting tonight and everyone in the subdivision should have been given a notice.

Staff explained only property owners who touch Mr. Felts property would have received notification of the meeting.

Mr. Daryl Sears asked if the buildings will be stick built and if there would be landscaping. He stated his understanding is Mr. Felts could at any point in time he chooses convert the buildings commercial uses.

Mr. Felts stated the buildings will be stick built log cabins with a metal roof on a slab. He explained he will do whatever type of landscaping is required by the city.

Ms. Boutwell explained the residential use and certain types of commercial uses are allowed in the B-2 zone.

Ms. Wallace explained her deeds state the property is a PUD. She asked if the item could be tabled until the issue of the property being a PUD is checked into.

Ms. Robin David asked if the property was zoned commercial before or after Crown Walk was created. She explained travel trailers are prohibited in a B-2 zone. She stated she is opposed to allowing a travel trailer on the property due to it being against the Zoning Ordinance. She asked if the Board had the right to grant the request against everyone else's wishes.

Ms. Boutwell explained to the best of her knowledge when the property was annexed into the City the developer chose the B-2 zone on the front parcels. She stated she will be glad to research the annexation and zoning and provide it to anyone who is requesting the information. She explained to the best of her knowledge the property was never zoned as a PUD it was annexed in as R-1D and B-2 zones.

Montie Clark made a motion to approve the requested variance for a time period of 8 months. Keith Jiskra seconded the motion. Roll call vote: George James, aye; Montie Clark, aye; Jack Kimsey, aye; Keith Jiskra, aye; and Terry Young, nay.

**Motion to approve the requested variance for a time period of 8 months passes.**

**3. Khalil Johnson- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 14.1.4 D, required minimum lot width and lot area in an R-1C zone. Property is located at 275 Carnation Ave. Applicant is Khalil Johnson.

Mr. Johnson stated he is acquiring a portion of land in the back of his property to make his back yard larger.

Ms. Boutwell explained the current lot does not meet the zoning ordinance. She explained the lot is grandfathered but due to changing the lot size he will lose his grandfather status and is the reasoning for needing a variance even though the lot will be larger.

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

**Motion to approve the requested variance passes.**

**ADJOURN:**

Meeting adjourned at 6:03 p.m.