

Board of Adjustment and Appeals Meeting Minutes
July 13, 2020

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The City of Foley Board of Adjustment & Appeals held a meeting on July 13, 2020 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Due to COVID-19 we will accept email comments (mringler@cityoffoley.org or acole@cityoffoley.org). Or you may call 952-4011 and Melissa or Amanda can take your verbal comments. These will be entered into the meeting minutes. The BAA members will be conducting the meeting via teleconferencing. If you wish to participate in this manner dial 1-641-954-4943 PIN 612 420 531#. If you choose to attend the meeting please follow social distancing rules. Members present via teleconference were: Jack Kimsey, Montie Clark, Terry Young, George James, Keith Jiskra and Luanne McCarley. Staff present were: Miriam Boutwell, City Planner and Melissa Ringler Recording Secretary. Amanda Cole, Planning and Zoning Assistant was present via teleconference.

Chairman Jack Kimsey called the meeting to order at 5:30 p.m.

MINUTES:

Approval of the minutes for the June 8, 2020 meeting.

Montie Clark made a motion to approve the minutes for the June 8, 2020 meeting. Terry Young seconded the motion. All members voted aye.

Motion to approve the minutes for the June 8, 2020 meeting passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Vosloh Properties, LLC- 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 extend the previous approval to allow a church in a PUD zone. Property is located at 22394 Mifflin Rd. Suites 303, 304 & 305. Applicant is Vosloh Properties LLC.

Mr. David Vosloh the property owner explained they are requesting an additional two months approval in order to get the construction of the new church complete.

Chairman Jack Kimsey stated he visited the new facility and there has been a lot of work done since the last meeting. He explained there is still a lot to be done and hopes they can get it accomplished and completed in two months. He stated he has been made aware the traffic and parking issues have lessened due to the recent COVID pandemic.

Keith Jiskra asked the contractor if the project will be completed by September.

Mr. Michael Smith stated they are working very hard and have had several setbacks with getting materials due to COVID. He stated the biggest issue currently is trying to get the seating which is coming from California and China. He explained the expansion slab has been poured. They are waiting on the contractor to finish other jobs that were delayed due to the rain. He stated the contractor should start next week if all goes as planned.

Keith Jiskra made a motion to approve the requested use permitted on appeal with an expiration date of September 31, 2020. Montie Clark seconded the motion. Roll call vote: Jack Kimsey, aye; Montie Clark, aye; Terry Young, aye; George James, aye; and Keith Jiskra, aye.

Motion to approve the requested use permitted on appeal with an expiration date of September 31, 2020 passes.

2. Aaron Daniels- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 18.1.D, required front and side yard setback in a M-1 zone. Property is located at 217 E. Magnolia Ave. Applicant is Aaron Daniels.

Mr. Aaron Daniels stated he had previously received approval from the board to remove the home that was on the lot to build a new one.

Chairman Jack Kimsey stated the applicant is seeking a variance for the required setbacks.

Mr. Keith Jiskra stated the lot is secluded. He explained he does not feel the request would interfere with any other adjacent property owners.

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

Motion to approve the requested variance passes.

3. Gilbert & Judy Stiff- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 20.1.1 D, to allow a 10' +/- rear yard setback for a screen enclosure in a PUD zone. Property is located at 9908 Carnoustie Ct. Applicant is Gilbert & Judy Stiff.

Mr. Stiff explained he is wanting to add a pool style screen enclosure over an existing patio.

Chairman Jack Kimsey stated the board has received letters of approval from neighbors and the Home Owners Association.

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

Motion to approve the requested variance passes

4. ALDI, Inc. – Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 2.1, parking spaces shall be no less than 10' by 20' long for perpendicular spaces. Property is located at 2301 S. McKenzie St. Applicant is ALDI, Inc.

Mr. Kevin Robertson with Kimley-Horn and Associates stated they are requesting to reduce the size of the required parking spaces. He stated when ALDI originally researched the property the parking size requirements were 9' x 18'. He stated since that time the City has changed the requirements to 10' x 20'. He explained the length of the parking stalls will

remain 20' long. To revise the plan to accommodate the 10' x 20' parking space size the site would lose an additional 6-8 stalls.

Ms. Miriam Boutwell stated ALDI designed the development around the 9' x 18' parking space requirements that were previously in place.

Keith Jiskra stated it is important the board keeps in mind the new requirements are 10' x 20'. He stated he did not have an issue with this approval since it changed after their inquiry and purchase of the land.

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

Motion to approve the requested variance passes.

5. David Milstead- 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 17.1.2 B, to allow a large laundry in a B-1A zone. Property is located at 204 E. Michigan Ave. Applicant is David Milstead.

Chairman Jack Kimsey asked if anything has changed on the request since last month's meeting.

Mr. David Milstead stated there are no changes and there will still be no dry cleaning at the location. He stated the chemical and equipment suppliers are both present to answer any questions.

Keith Jiskra asked if the chemicals were eco-friendly and non-hazardous.

Mr. Mike Long with Ideal Chemicals stated their products are eco-friendly and non-hazardous. He explained the process is a 5 part chemical wet wash. He stated the system has nothing to do with dry cleaning and there will be no vapors or smells. He stated dangerous chemicals used in dry cleaning such as perchloroethylene will not be used. He explained the process is utility friendly. He stated he is also a supplier to another large laundry facility in the city which has had no issues with local waste water treatment from their plant.

Keith Jiskra asked if there will be any updating of discharge lines or infrastructure to accommodate the Laundromat.

Mr. Grant Ellis with Pelham Machinery stated he has been to the location and does not anticipate any upgrades will be needed. He explained he is not 100% certain and will have to find out the size of the pipes.

Mr. Terry Robertson explained he had expressed his concerns at the last meeting. Even though they will not be doing dry cleaning there are still chemicals used for the process. He stated all other commercial laundry facilities are located in industrial parks for a reason. He explained this type of business does not belong near a gym, restaurants and a residential area. He stated Melissa Ringler has not read the letters that were sent in from

the public into the minutes. He explained if approved they are allowing a realtor to change zoning for his own profit. He stated the main thing is all other commercial Laundromat have had to fight to get into industrial zones and something seems a little off with the situation.

Chairman Jack Kimsey explained staff has forwarded all the emails and letters that were received from the public to the board members.

Ms. Erin Mauldin stated she is a resident of Foley and frequently visits Gelato Joes with her family. She stated she does not feel a commercial dry cleaner should be allowed in the area due to the potential fumes and hazardous chemicals. She stated she feels there is a better use for the building.

Chairman Jack Kimsey explained the request is for a Commercial laundry and there will be no dry cleaning services performed.

Keith Jiskra made a motion to deny the request since there is not 100% certainty the lines will not have to be modified in order not to affect neighboring property owners.

Terry Young seconded the motion.

Montie Clark stated his concern is the location is not compatible with the other businesses in the area and seems like it would be out of place.

Roll call vote: Jack Kimsey, aye; Montie Clark, aye; Terry Young, aye; George James, aye; and Keith Jiskra, aye.

Motion to deny the request use permitted on appeals passes.

ADJOURN:

Montie Clark made a motion to adjourn at 6:01 p.m. Keith Jiskra seconded the motion.

Meeting to adjourn the meeting at 6:01 p.m. passes