

The City of Foley Board of Adjustment & Appeals held a meeting on October 12, 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. If you choose to attend the meeting please follow social distancing rules. Members present via teleconference were: Jack Kimsey, Keith Jiskra, Montie Clark, George James and Luanne McCarley. Absent member was Terry Young. Staff present was Melissa Ringler, Recording Secretary. Amanda Cole, Planning and Zoning Assistant joined the meeting via teleconference.

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

MINUTES:

Approval of the minutes for the August 10, 2020 meeting.

George James made a motion to approve the minutes for the August 10, 2020 meeting. Keith Jiskra seconded the motion. All members voted aye.

Motion to approve the minutes for the August 10, 2020 meeting passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Amy Carolyn Mauldin Urquhart- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 17.1.2 D, to allow a 17' 3" front yard and 6 off street commercial parking spaces. Property is located 3420 S. McKenzie St. and zoned B-1A. Applicant is Amy Carolyn Mauldin Urquhart.

Mr. Craig Johnson with Engineering Design Group stated he is representing the owners of Custom Trucks. He explained they are requesting a setback and parking variance. He stated when doing the site and land survey they located a recorded survey which shows a 40 ft. right of way off of County Rd. 20. He explained they have checked with Baldwin County and they have no additional right of ways other than an 80 ft. prescriptive easement. He stated they are requesting a variance in order to build a 30' x 60' building which will include 3 bays to work on vehicles. He explained they have already demolished an older building on the property and plan on remodeling the existing building.

Chairman Jack Kimsey stated he has spoken with the Community Development Department which indicated the variance would not be a detriment. He asked if anyone had any other questions regarding the request. There were none.

Mr. Johnson stated they are also requesting a parking variance. He explained the required parking is based off of building square footage. He stated they will have 6 customer parking spaces which would be the required parking for the show room area not the work area.

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

Motion to approve the requested variance passes.

2. LaBaron Nichols- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance to change a commercial duplex to a residential duplex and exceed the density on the parcel. Property is located E. of S. Pecan St. and N. of E. Azalea Ave. and zoned R-4. Applicant is LaBaron Nichols.

Mr. LaBaron Nichols explained the building is grandfathered as a commercial building. He stated they would like to change the commercial building into a duplex. He stated the commercial building does not fit in the area and thinks the duplex would be a better fit.

Chairman Jack Kimsey stated he had visited the site and agrees that a commercial use does not fit into the area. He asked if there were any questions for the applicant. There were none.

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

Motion to approve the requested variance passes.

3. J. Kent Trione- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 8.1.2, residential accessory structures shall be at least 10' from any other structure on the same lot. Property is located at 9265 Bay Point Dr. and is zoned R-1R. Applicant is J. Kent Trione.

Mr. Kent Trione explained there was a shed previously on the property. He stated he is replacing it with a 12' x 15' shed. He explained the shed will be located in the exact location as the previous shed and will have no power, water or gas. He stated the shed will be 7' from his home and the City requirements are to be 10' from the home.

Chairman Jack Kimsey stated an approval was received by the Home Owners Association. He stated he feels there is sufficient spacing and it should not cause any problems.

Keith Jiskra made a motion to approve the requested variance due to the fact that the applicant has received approval from the Home Owners Association. George James seconded the motion. Roll call vote: Montie Clark, aye; Jack Kimsey, aye; Keith Jiskra, aye; Luanne McCarley, aye; and George James, aye.

Motion to approve the requested variance passes.

4. Daniel & Anna Hewitt- 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 23292 Dundee Circle. Applicant is Daniel & Anna Hewitt.

Mr. Daniel Hewitt explained he is requesting to install a pool which will be 7' from his home. He stated the lot is on a cul-de-sac and they have a wet area in the back of the property they are trying to avoid.

Keith Jiskra asked if the Home Owners Association has approved the request.

Mr. Hewitt stated he has received approval from the Home Owners Association.

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

Motion to approve the requested variance passes.

5. Aaron Daniels- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 18.1 D, to allow a 25 ft. +/- side yard setback and a 40 ft. +/- front yard setback in a M-1 zone. Property is located at 217 E. Magnolia Ave. Applicant is Aaron Daniels.

Mr. Aaron Daniels stated he received approval for a variance previously from the Board of Adjustment and Appeals for this location. He stated due to a change in the house plans and builder the dimensions of the house have changed and the setbacks needed have changed.

Chairman Jack Kimsey asked if anyone had any questions. There were none.

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

Motion to approve the requested variance passes.

ADJOURN:

Montie Clark made a motion to adjourn at 5:50 p.m. Luanne McCarley seconded the motion. All members voted aye.

Motion to adjourn at 5:50 p.m. passes.