

The City of Foley Board of Adjustment & Appeals held a meeting on January 11, 2021 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 were: Jack Kimsey, LuAnne McCarley, Keith Jiskra, George James and Montie Clark. Absent members were Terry Young. 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 December 14, 2020 meeting minutes.

Keith Jiskra made a motion to approve the December 14, 2020 meeting minutes. LuAnne McCarley seconded the motion. All members voted aye.

Motion to approve the December 14, 2020 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Margaret Hoehn- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 17.1.2,C to allow a mobile/manufactured dwelling in a B-1A zone. Property is located at 14809 State Hwy. 59. Applicant is Margaret Hoehn

Ms. Margaret Hoehn explained she would like to put a mobile home behind the Foley Flea Market to use as her residence.

Chairman Jack Kimsey stated there are several mobile homes on the property now. He asked if the mobile homes were grandfathered due to being located on the property when it was annexed into the city. He asked if the mobile home would be placed in the location that was indicated in the drawing that was provided to the members.

Ms. Hoehn stated the other mobile homes were grandfathered and she would be placing the mobile home in the location indicated on the drawing.

Chairman Jack Kimsey explained to Ms. Hoehn that all permits and city regulations would have to be met for the mobile home.

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

Motion to approve the requested variance passes.

2. Thomas Benson- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance to allow an accessory structure on a separate lot from the primary structure. Property is located at 510 N Alston St. and zoned PO. Applicant is

Thomas Benson.

Mr. Chuck Squires explained he bought Benson's Appliance 3 years ago. He is wanting to purchase the property behind Benson's Appliance from Tommy Benson. He stated there is currently a building being used as a CPA office that will remain on the property. He explained they would like to build a warehouse beside the CPA office to use for storage of inventory.

Keith Jiskra stated the zoning for the property is PO (Preferred Office).

Mr. Squires stated he is not doing a preferred office and will be building a warehouse. He explained he is open to adjusting the size of the building. He stated the building will include two overhead doors which will be located on the east and north side of the building.

Montie Clark asked if the building would be far enough off of the street in order for delivery trucks not to block traffic.

Mr. Squires stated they will not block traffic and he will have three roads to use to access the building.

Chairman Jack Kimsey explained the building is large for the size of the lot. He stated they have received some verbal communications from neighboring property owners who have some concerns about the request.

LuAnne McCarley asked what the exterior of the building look like. She stated a large metal building does not appeal to her.

Mr. Squires stated the building will look nicer than some of the other buildings that are currently around the property.

Chairman Kimsey stated he has some concerns regarding the size and location of the building.

Mr. Squires stated he is friends with several Council members. He explained the city should want to take care of its current businesses. He stated all he is trying to do is better the city.

Chairman Jack Kimsey stated he is also looking out for the best interest of the city and has been on the Board for a number of years. He explained he personally goes out and looks at each property that is present to the Board.

Keith Jiskra stated a lot of items usually collect outside of warehouses.

Mr. Squires stated there will not be any items stored or left outside of the building.

Chairman Jack Kimsey stated the request would be encroaching into the residential area. He asked if there were any members of the public to speak on the item, there were none.

Keith Jiskra made a motion to deny the request due to the property being located in a preferred business zone. Montie Clark seconded the motion. Roll call vote: LuAnne McCarley, aye; Montie Clark, aye; Jack Kimsey, aye; Keith Jiskra, aye; and George James, aye.

Motion to deny the requested variance passes.

The Board members recommended the applicant work with the City and possibly present to the Board a rendering of the building.

Mr. Squires asked if he works with the city if the Board will still deny the request. He explained he has a big problem with spending money on designed drawings and then getting denied. He stated he just bought a business license from the City of Foley based on his 1.2 million dollar revenue. He stated it is hard to swallow that this board is making the City of Foley better.

Councilman Dick Dayton stated he is sitting in on the meetings to see how they operate and work. He stated he has an HOA meeting today for his subdivision. They have several owners who are renting out rooms in their homes which is in violation of the covenants. He asked if the owners would be required to have a City of Foley business license and if renting out rooms in his home was allowed.

Staff referred Mr. Dayton to speak with Jamie Smith regarding the questions pertaining to a business license. Staff explained there is an ordinance in place which only allows a certain number of unrelated people to live in a home.

ADJOURN:

Meeting adjourned at 6:05 p.m.