

The City of Foley Board of Adjustment & Appeals held a meeting on March 8, 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: Luanne McCarley, Montie Clark, Jack Kimsey, Keith Jiskra, and George James. Absent member was Terry Young. Staff present was Melissa Ringler, Recording Secretary.

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

MINUTES:

Approval of the minutes for the February 8, 2021 meeting.

Keith Jiskra made a motion to approve the minutes for the February 8, 2021 meeting. Luanne McCarley seconded the motion. All members voted aye.

Motion to approve the minutes for the February 8, 2021 meeting passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. New Life in Christ Church- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 9.1 to allow a 25' cross to be erected in a front yard in a B-1A zone. Property is located at 102 E. Berry Ave. Applicant is New Life in Christ Church.

Pastor Paul Wilde explained the church would like to erect a 25' tall aluminum cross in the front of the church. He stated the cross would help identify the location as a church.

Chairman Jack Kimsey stated there is a steeple on the building which exceeds 25'. He explained the request is for two variances from the ordinance which are erecting an accessory structure in a front yard and the height of the cross.

Montie Clark asked the size of the base on the cross.

Pastor Wilde stated he was not certain of the base size but has provided engineer drawings of the cross.

Keith Jiskra stated the base size is not indicated on the drawings.

Pastor Wilde stated the cross will be 5' in the ground. He stated the engineer explained they do not need to go any deeper than 5' due to the water table. He explained the cross is designed with a 150 mph wind load. He stated a crew is making and installing the cross for no fee.

Chairman Jack Kimsey stated he had an issue with the height. He stated 25' is approximately 5' over the height of a two story building.

Keith Jiskra stated he also has an issue with the height. He explained a steeple is on the building which indicates the building is a church.

Pastor Wilde stated he would love to have the cross and he is willing to reduce the height if needed.

George James asked if they could possibly lower the height of the cross to 15'.

Pastor Wilde stated the height could be lower to whatever is needed.

Keith Jiskra made a motion to approve the requested variance to erect the cross in the front yard with the height of the cross not to exceed 15'. George James 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 to erect the cross in the front yard with the height of the cross not to exceed 15' passes.

2. DSLH Homes- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 14.1.4,D to allow a 28'+/- rear yard setback in a R-1C zone. Property is located at 900 Dalton Circle. Applicant is DSLH Homes.

The applicant was not present at the meeting.

Chairman Jack Kimsey stated he visited the site location which backs up to a wooded lot. He stated he feels the request can be handled without the presence of the applicant. He asked if there were any questions. There were none.

Montie Clark made a motion to approve the requested variance. George James 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.

3. David Milly- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 21.7,B to allow multiple ground signs for a multi-tenant development in a B-3 zone. Property is located at 22219 US Hwy. 98. Applicant is David Milly.

Mr. David Milly stated he owns the building which currently has two tenants. He stated they are requesting to add an additional free standing sign in the front of the building.

Chairman Jack Kimsey asked Mr. Milly if he erected the existing Sherwin Williams ground sign.

Mr. Milly stated the Sherwin Williams sign was existing when he bought the building.

Chairman Jack Kimsey asked the applicant if they have talked to Sherwin Williams about adding the additional tenant's signage to the existing sign.

Mr. Milly said he has spoken with Sherwin Williams and they will not allow any signage to be attached to their sign. He stated they would like to erect the additional signage away from the current sign and close to Atterbock Ln.

Chairman Jack Kimsey stated the community is growing and the situation has to be controlled so there are no signs lined up all along the highway.

Keith Jiskra stated he would recommend putting the sign closer to the existing sign on the bottom to make it look like it is attached to the existing sign.

Keith Jiskra made a motion to approve the requested variance as long as the sign is as close as possible or within at least a foot of the existing sign. George James 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 as long as the sign is as close as possible or within at least a foot of the existing sign passes.

4. South Pointe Homes LLC- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 14.1.4,D to allow a 26' +/- rear yard setback and a 6' +/- side yard setback for multiple lots located in a R-1C zone. Property is located at 165 Summerfield Dr., 197 Summerfield Dr. and 217 Summerfield Dr. Applicant is South Pointe Homes LLC.

Montie Clark asked if the radius of the building is what is causing the issue.

The applicant explained they generally add a 12' x 12' covered porch on the back of the homes in order for the tenants to enjoy outdoor living. He stated they have shrunk the outdoor area as much as they can and still leave it a usable space. He explained they have a nice residential development with a lot of families that start out in the apartments and then move into one of their rental homes.

Montie Clark made a motion to approve the requested variance. Luanne McCarley 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.

ADJOURN:

Keith made a motion to adjourn the meeting at 5:51 p.m. Montie Clark seconded the motion. All members voted aye.

Motion to adjourn the meeting at 5:51 p.m. passes.