

The City of Foley Board of Adjustment & Appeals held a meeting on May 10, 2021 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. 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 April 12, 2021 meeting minutes.

Keith Jiskra made a motion to approve the April 12, 2021 meeting minutes. LuAnne McCarley seconded the motion. All members voted aye.

Motion to approve the April 12, 2021 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Riviera Utilities- 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 13.1.2, to allow a water well, plant and storage facility for public utilities in a B-1A zone. Property is located at 22271 County Rd. 12. Applicant is Riviera Utilities.

Mr. Tony Schachle with Riviera Utilities stated they have been searching for a location to build a new water treatment facility in order to produce more water for the citizens they serve. He explained they have tested in several areas including the proposed location. The results showed there was a good quantity and quality of water at the site. He explained they will be able to pump 1,500 to 2,000 gallons of water per minute from the site. He stated they currently have three tanks located in Foley and one in Elberta and are at the point of needing to increase their capacity due to growth in the area. He explained the tank will not be elevated due to the location. He stated they are trying to strategically place the well to handle the proposed developments and growth in the South East quadrant area.

Keith Jiskra asked how much of the tank will be at ground level.

Mr. Schachle explained approximately 30' to 20' of the tank will be at ground level.

Mr. Roy Queen resident of 9015 Fairway Dr. explained the site location is in his back yard. He stated the proposed location is already approximately 2' higher than his property and the addition of the facility will cause more water to be directed onto his property.

Mr. Schachle explained a survey and civil design will be done for the project which will address the runoff water and could possibly reduce the proposed tank size. He stated whatever retention ponds, ditches or swales are needed, they will install in order to handle any runoff.

Keith Jiskra asked the size of the retention pond area.

Mr. Schachle stated the size of the pond has not been determined at this time.

Mr. Queen asked if fencing would be added around the site.

Mr. Schachle explained the site will need to be secured. He stated they are not sure of the type of fencing but are open to using landscaped berms and fencing or walls. He explained they would like to meet with the neighboring home owners association and get ideas of what they would like to see used. He stated they are looking at ways to prevent any sound or light pollution from affecting the neighboring homes.

Chairman Jack Kimsey asked if they plan on setting up a meeting with the neighboring home owners association.

Mr. Schachle stated he would love to meet with them to discuss the site and plans.

Keith Jiskra stated it sounds like Riviera Utilities is willing to work with the Home Owners Association to make the site work for everyone. He made a motion to approve the requested use permitted on appeal. 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 use permitted on appeal passes.

2. Thomas & Martha Lampella- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 20.1.1 to allow a 5' setback for a pool enclosure in a PUD zone. Property is located at 8557 Bronze Ln. Applicant is Thomas and Martha Lampella.

Chairman Jack Kimsey explained an email was received by the applicant stating they would not be able to attend the meeting. He stated the home is still under construction and approval for the enclosure was received from the Architectural Review Committee. He asked in anyone had any questions or comments. There were none.

George James 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.

3. Anchor Point Church/Johnny Armstrong- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 21.2 A, to allow three non-illuminated wall signs in a AO zone. Property is located at 20511 County Rd. 12. Applicant is Johnny Armstrong.

Mr. Johnny Armstrong with Modern Signs stated the property is located in an AO zone which has one of the most restrictive regulations for allowed signage. He explained they are requesting to install 3 wall signs. He stated two signs will display the church name and logo which will be located on the front and side of the building. He stated the third sign will be the logo which will go over the door of the children's center. He stated the signs will be non-illuminated and have recessed lighting. He explained if the building was located in a B-1A zone based on the square footage of the building a 200 sq. ft. sign would be allowed.

Chairman Jack Kimsey stated they have done a beautiful job with the renovation of the building.

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.

4. DC Home Services- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 8.1.2 accessory structure setbacks and Article 8.2 fence height in a R-1C zone. Property is located at 203 Myrtle Ct. Applicant is DC Home Services.

Mr. Dennis Whitnall stated he is the contractor for the project. He explained the applicant's yard slopes down 4'. He stated a 10' fence is needing to be installed in the sloped areas in order to provide privacy.

Chairman Jack Kimsey stated he has an issue with approving a 10' fence.

Ms. Tracy Barnes stated a 6' fence will not provide her any privacy due to the slope in the yard. She stated the fence is only on her property and will not attach to the neighboring property owners fence.

Chairman Jack Kimsey stated if they approve a 10' fence they will be opening the door for others and they have to be careful of what they approve.

Mr. Whitnall asked if they would consider approving an 8' fence and possibly allow them to do an interior privacy screen every so many feet. He stated he would like to install at least 3 or 4 privacy screens that would be installed on top of the deck and will be 6' in height. He stated the overall height of the screens will be approximately 10' due to them being installed on top of the 4' elevated deck. He explained the screens will not be attached to each other and will be on the interior of the property and spaced out to add privacy.

Ms. Barnes stated right now the property is miserable and when she sits on her back deck she can see straight into the neighboring yards. She stated the back yard is useless and the minute she walks out her back door she is exposed to all of her neighbors.

Mr. Whitnall explained a variance is also needed for the deck to be located 5' from the house.

Keith Jiskra made a motion to approve the request to install an 8' fence, privacy screens and for the deck to be located 5' from the house. 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 request to install an 8' fence, privacy screens and for the deck to be located 5' from the house passes.

ADJOURN:

Meeting adjourn at 6:15 p.m.