

## **Board of Adjustment and Appeals Meeting Minutes April 11, 2022**

The City of Foley Board of Adjustment and Appeals held a meeting on June 13, 2022 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Montie Clark, Jack Kimsey, George James, Keith Jiskra, Terry Young and LuAnne McCarley. Staff present were: Eden Lapham, Planner 1; 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 April 11, 2022 meeting minutes.

Keith Jiskra made a motion to approve the April 11, 2022 meeting minutes. George James seconded the motion. All members voted aye.

**Motion to approve the April 11, 2022 meeting minutes passes.**

### **NEW BUSINESS & PUBLIC HEARINGS:**

#### **1. Caldwell Family Holdings, LLC.- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 8.1.2, accessory structures shall be at least 5' from all lot lines. Property is located at 209 W. Myrtle Ave. Applicant is Caldwell Family Holdings, LLC.

Mr. Rich Caldwell explained his family bought the house which they are in the process of restoring. He stated there is an existing parking slab in the rear yard they would like to use for a covered carport. He explained he was informed if a cover is added over the slab it will be closer to the property line than what the regulations allow.

Chairman Jack Kimsey stated he visited the site. He explained the work done on the house looks good. He stated there was a string on the side of the property that he assumes is a marker for the property line.

Mr. Caldwell stated the neighboring property owner put up the string to indicate where the property line is located.

Chairman Kimsey explained an opposition letter was received from a neighbor who did not indicate their address. He stated it appears the existing slab is not right on the property line.

Mr. Caldwell stated he was unaware of any objection from the neighbors. He explained he had worked with one of the neighbors when the construction began regarding a wing on the house that was encroaching onto the neighbor's property. He stated the wing that was encroaching has been removed.

Chairman Kimsey asked if the carport would be open.

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Mr. Caldwell stated the carport would be an open carport.

Chairman Jack Kimsey asked if there were any members of the public to speak on the item. There were none.

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

**Motion to approve the requested variance passes.**

**2. Jason Henderly- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 22.5, wall sign height in a B-1 zone. Property is located at 703 N. McKenzie St. Applicant is Jason Henderly.

Mr. Jason Henderly stated he is opening a business and wanting to add a sign to the front of the building. He stated in order to get a sign large enough for people to see he is requesting it to go above the roof line. He stated the sign company has already made the \$3,000 sign.

Chairman Jack Kimsey asked where the sign would be mounted.

Mr. Henderly explained the sign will be attached to a small metal awning at the top of the building. He stated the sign will be a little above the awning height.

Chairman Jack Kimsey asked if there were any members of the public to speak on the item. There were none.

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

**Motion to approve the requested variance passes.**

**3. Catalyst Design Group- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 2.1, required parking space size in a B-1A zone. Property is located S. of County Rd. 20 and E. of State Hwy. 59. Applicant is Catalyst Design Group.

Mrs. Jenny Brownlie-Carey stated she is the Civil Engineer for the project. She explained due to the needed storm water area, wetlands and buffers there are limitations with the usable land on the property. She stated they are trying to maximize the area and are asking for smaller parking sizes.

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Chairman Jack Kimsey stated the Board doesn't want to set a precedence but understands the applicant has a hardship.

Mrs. Brownlie-Carey explained they will have the required number of parking spaces and are asking for a reduction in the size of the spaces. She stated decreasing the parking size will increase the amount of green space on the property.

Chairman Jack Kimsey asked about the types of homes that will be built in the development.

Mrs. Brownlie-Carey explained the development will be a mixture of townhomes and single family rental homes.

Keith Jiskra stated he has some concerns regarding the wetlands and drainage of the development.

Mrs. Brownlie-Carey stated they have a consultant who is working on the drainage details and around the wetland areas.

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

**Motion to approve the requested variance passes.**

#### **4. Virginia Pettibone- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 14.1.2 D, required minimum width of each side yard in a R-1A zone. Property is located at 421 W. 7<sup>th</sup> Ave. Applicant is Virginia Pettibone.

Chairman Jack Kimsey stated he visited the site and the home on the lot is very nice.

Mrs. Virginia Pettibone stated she is adding a garage onto her home and was unaware of the 12' side yard setback. She explained the materials are already onsite for the job to start.

Chairman Jack Kimsey asked if there were any members of the public to speak. There were none.

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

**Motion to approve the requested variance passes.**

#### **5. Roger Powe- Variance**

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 14.1.2 D, required minimum lot area and minimum lot width at

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the building line in a R-1A zone. Property is located N. of E. Franklin Ave. and W. of S. Pecan St. Applicant is Roger Powe.

Mr. Scott Hutchinson with Goodwyn Mills Cawood stated Mr. Powe would like to split the lot into two lots. He stated a similar approval was done for a lot nearby. He explained the applicant will be building residential homes on the lots.

Chairman Jack Kimsey asked about rear access to the lots.

Mr. Hutchison stated there is a city owned drainage easement behind the lots. He stated if there was ever a rear access it would have to be approved by the city.

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

**Motion to approve the requested variance passes.**

**ADJOURN:**

George James made a motion to adjourn the meeting at 5:44 p.m. Terry Young seconded the motion. All members voted aye.

**Motion to adjourn the meeting at 5:44 p.m. passes.**