

The City of Foley Board of Adjustment & Appeals held a meeting on August 8, 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, Keith Jiskra, Terry Young, George James and alternate member LuAnne McCarley. Staff present were: Miriam Boone, City Planner; Eden Lapham, Planner 1 and Melissa Ringler, Recording Secretary.

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

MINUTES:

Approval of the July 11, 2022 meeting minutes.

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

Motion to approve the July 11, 2022 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Professional Center North- Use Permitted on Appeal

The City of Foley Board of Adjustments and Appeals has received a request for a use permitted on appeal for Article 19.1, B to allow a dental office in a M1 zone. Property is located at E. of N. McKenzie St. and S. of E. Rosetta Ave. Applicant is Professional Center North.

Mr. Wayne Trawick explained he is selling the property to someone who is wanting to build a dental office on the property.

Chairman Jack Kimsey stated the property is currently vacant. He explained most of the buildings in the general area are medical offices.

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

Motion to approve the requested use permitted on appeal passes.

2. Tim Lipe- Use Permitted on Appeal and Variance

The City of Foley Board of Adjustments and Appeals has received a request for a use permitted on appeal and variance for Article 10.1, D required off street parking, 18.1.2, D required front yard and street side yard setback, and 18.1.2, B manufacturing in a B-1A. Property is located at the SW corner of E. Laurel Ave. and S. Cypress St. Applicant is Tim Lipe.

Mr. Tim Lipe stated he would like to build a brewery which will service walk up customers and have a minimal amount of distribution. He explained having onsite parking will limit the size of building that can be built on the lot. He stated there is public parking around the property.

Chairman Jack Kimsey stated the location seems ideal. He explained other businesses in the area do not have onsite parking. He stated there is public parking available in the front and side of the lot.

Mr. Lipe stated he has spoken with the Fortis College owner regarding using their parking area and they did not have a problem with them utilizing their parking spaces after hours.

Keith Jiskra asked the hours the brewery would be open for business.

Mr. Lipe stated primarily after 5:00 p.m.

Chairman Jack Kimsey stated the applicant is requesting a 20' front yard setback and 10' street side yard setback. He asked the applicant if the building would be one or two stories.

Mr. Lipe stated the plan is for a one story building.

Keith Jiskra asked the applicant when they planned to start construction.

Mr. Lipe stated it would probably be a year before construction starts.

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

Motion to approve the requested use permit on appeal and variance passes.

3. Antonio Figueroa Gomez- 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 20.1, B to allow a mobile home in a AO zone. Property is located S. of Breckner Rd. and E. of Bodenhamer Rd. and consists of three lots. Applicant is Antonio Figueroa Gomez.

Chairman Jack Kimsey stated the lots appear to be vacant and the applicant is requesting to put a mobile home on each of the lots. He explained the Board has previously approved similar requests in the area. He stated he visited the sites and most of the previously approved locations are being maintained with the exception of one which had some debris on the lot.

Keith Jiskra asked the applicant if he is leasing or selling the lots.

Mr. Antonio Figueroa Gomez stated he owns the lots and will be renting them to tenants.

Keith Jiskra stated if the lots become unmaintained the applicant should be able to make the tenants clean them up.

Keith Jiskra made a motion to approve the requested use permitted on appeal for pin # 395055. George James seconded the motion. Roll call vote: Montie Clark, aye; Jack Kimsey, aye; Keith Jiskra, aye; Terry Young, aye and George James, aye.

Motion to approve the requested use permitted on appeal for pin # 395055 passes.

4. Antonio Figueroa Gomez- 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 20.1, B to allow a mobile home in a AO zone. Property is located S. of Breckner Rd. and E. of Bodenhamer Rd. and consists of three lots. Applicant is Antonio Figueroa Gomez.

George James made a motion to approve the requested use permitted on appeal for pin # 395056. Keith Jiskra seconded the motion. Roll call vote: Montie Clark, aye; Jack Kimsey, aye; Keith Jiskra, aye; Terry Young, aye and George James, aye.

Motion to approve the requested use permitted on appeal for pin # 395056 passes.

5. Antonio Figueroa Gomez- 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 20.1, B to allow a mobile home in a AO zone. Property is located S. of Breckner Rd. and E. of Bodenhamer Rd. and consists of three lots. Applicant is Antonio Figueroa Gomez.

Keith Jiskra made a motion to approve the requested use permitted on appeal for pin # 395057. Terry Young seconded the motion. Roll call vote: Montie Clark, aye; Jack Kimsey, aye; Keith Jiskra, aye; Terry Young, aye and George James, aye.

Motion to approve the requested use permitted on appeal for pin # 395057 passes.

6. Engineering Design Group- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance to allow a monument structure for signage in a PUD zone. Property is located at the SE corner of Foley Beach Express and County Rd. 12 S. Applicant is Engineering Design Group.

Chairman Jack Kimsey asked how many lots were going to be located in the development.

Mr. David Dichiara with Engineering Design Group stated there will be 567 residential lots in the development. He explained a development that size needs a larger sign with character. He stated they are proposing to construct a structure and monument sign on the NW corner of the Foley Beach Express and County Rd. 12.

A representative stated they have done a similar sign on a project in Pace, FL that turned out well. He explained the lower portion of the structure will have the name of the subdivision.

Keith Jiskra asked if the structure would have lighting.

The representative stated the taller structure will have lighting that will be facing down. He explained the lower portion of the structure with the subdivision name will also have lighting in order to read the signage. He stated they are looking at possibly angling the sign on the corner to offer more sign visibility.

Chairman Kimsey asked for the proposed height of the structure.

Mr. Dichiara stated the structure would be 30' tall.

Keith Jiskra stated 30' is equivalent to a three story building.

Mr. Dichiara stated due to the size of the subdivision the sign needs to be large. He explained the corner the sign will be located on has light poles and the red light that are substantially taller. He stated a smaller sign would feel out of scale and squatty on the corner compared to the existing light poles. This property is 115' +/- from the Foley Beach Express so it will not sit on the corner near the traffic.

Keith Jiskra stated he feels a 25' sign would still provide sufficient visibility.

The representative stated the structure is tall but not very wide. He explained the structure will look similar to a lighthouse as they are going with a coastal theme. He stated they will have irrigation and landscaping around the structure.

Keith Jiskra stated he noticed a door on the structure and asked if it would be used for storage.

The representative stated it would have a door for maintenance purposes but nothing would be stored in the structure.

Councilman Dick Dayton asked the material the structure would be composed of and who would be responsible for the maintenance.

The representative stated they would use brick or stone, hardie board and aluminum louvers. He explained the type of materials selected were in order to keep the maintenance at a minimum. He stated the colors of the structure have not been selected at this time but they are leaning more toward a light green or blue. He explained the structure would be engineered to the current building code requirements.

Keith Jiskra made a motion to approve the requested variance with the peak of the structure not to exceed 25' in height. Montie Clark seconded the motion. Roll call vote: Montie Clark, aye; Jack Kimsey, aye; Keith Jiskra, aye; Terry Young, aye and George James, aye.

Motion to approve the requested variance with the peak of the structure not to exceed 25' in height passes.

ADJOURN:

Keith Jiskra made a motion to adjourn at 5:54 p.m. George James seconded the motion. All members voted aye.

Motion to adjourn at 5:54 p.m. passes.