

The City of Foley Board of Adjustment & Appeals held a meeting on September 12, 2022 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Jack Kimsey, Montie Clark, Keith Jiskra, Terry Young, George James and alternate member 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 August 8, 2022 meeting minutes.

Keith Jiskra made a motion to approve the August 8, 2022 meeting minutes. George James seconded the motion. All members voted aye.

Motion to approve the August 8, 2022 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. James Dixon- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 14.1.2, D rear yard setback in a R-1A zone. Property is located at 719 E. Azalea Ave. Applicant is James Dixon.

Mr. James Dixon explained he is wanting to attach a 24' x 24' carport onto his home. He stated his wife is handicapped and this will help get her in and out of the home when it is raining.

Chairman Jack Kimsey stated the property has access off of E. Azalea Ave. and an alley in the rear of the property. He explained the request is for a 4' rear yard variance. He asked if any members of the public were present to speak on the item request. There were none.

Keith Jiskra made a motion to approve the requested variance. 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 variance passes.

2. Connie Ellis- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 8.2 fence height in a R-1A zone. Property is located at 1110 N. Pine St. Applicant is Connie Ellis.

Mrs. Connie Ellis explained they are requesting to install an 8' fence with columns not to exceed 8' with a 6'7" gate. She explained the gate and stone columns will be located at the driveway entrance.

Chairman Kimsey stated the lot is a nice size. He explained he visited the property and saw the construction equipment in the adjacent yard.

Mrs. Ellis stated they are installing the fence to block the view of the equipment.

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

George James made a motion to approve the requested variance. 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 passes.

3. Antonio Figueroa Gomez- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 20.1, D rear yard setback in a AO zone. Property is located at 12935 Julie Dr. Applicant is Antonio Figueroa Gomez.

Chairman Jack Kimsey stated the applicant has already placed the mobile home on the lot. He explained the location of the mobile home is not meeting the required rear yard setback.

Mr. Antonio Gomez stated the trailer is 36' from the rear property line.

Chairman Kimsey stated the lot is large and behind another lot that fronts onto Breckner Rd. He 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. 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 passes.

4. Jhakelyn Catanaza- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 16.1, D side yard setbacks in a MH-1 zone. Property is located W. of County Rd. 65 and N. of Little Rock Rd. Applicant is Jhakelyne Castanaza.

A representative for Ms. Jhakelyne Castanaza stated due to the size of the lot and size of the mobile home the applicant is needing a variance. She explained it is her understanding that a neighbor complained due to the mobile home blocking their view.

Chairman Jack Kimsey stated the Board of Adjustment and Appeals has issued several variance in the same area. He explained the lots were created too small for most mobile homes to fit on and meet the required setbacks. He stated at the time of the approvals it was made clear the neighbors would be closer if the variances were approved. He asked if there were any members of the public to speak on the item.

A neighboring property owner stated the mobile home is so close to her lot that if they want to cut grass or get to the backyard they will have to come onto her property. She stated the applicant has been using her driveway. She explained the mobile home is an older double wide. She stated all the current homes in the area are single wide mobile homes and RV's.

The representative stated a picture of the mobile home had to be provided and approved before the home was placed on the lot.

A neighboring property owner stated he has planted grass and palm trees on his lot. He explained the applicant has come onto their property twice with tractors and large trucks damaging his grass.

The representative stated that Ms. Castanza had hired someone to install the mobile home and do work and the hired help was unaware of the property line location. She explained the encroaching onto the neighboring property was a misunderstanding. She stated the Castanza's are very nice people and are trying hard to get the power turned on to their mobile home.

Chairman Jack Kimsey asked if all the lots in the area have been sold.

A neighboring property owner stated all of the lots have been sold.

Keith Jiskra made a motion to approve the requested variance based on the previous approvals and the owners being aware the homes would be closer to one another. 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 variance passes.

5. Beachball Cleaning- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 18.1.3, C to allow a commercial laundry service in a B-2 zone. Property is located W. of S. Hickory St. and S. of Fielding Dr. Applicant is Beachball Cleaning LLC.

Mr. Hunter Harrelson stated he owns a very successful cleaning company. He explained he is wanting to build a building for the business. He stated the building will have office space and three washers and dryers. He explained his father is a general contractor and will be handling the construction of the building. He stated there is currently a commercial laundry being constructed on a neighboring lot.

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. 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 variance passes.

6. SE Civil LLC./Raceway- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 22.7, A number of allowed free standing signs in a B-1A zone. Property is located at the SE corner of County Rd. 28 and Foley Beach Express. Applicant is SE Civil Engineering.

A representative for Raceway stated the proposed location is on the SE corner of the Foley Beach Express and County Rd. 28. He explained they are requesting two signs due to being on a corner lot. He stated if only one sign is located facing East and West on Foley Beach Express people coming from the south on the Foley Beach Express will be unable to see the signage. He stated the two signs will be identical and meet the required size.

Keith Jiskra asked about the billboards currently located in the area.

The representative stated the billboard will remain on the property.

Chairman Jack Kimsey stated the location is ideal for a gas station. He asked if there were any members of the public to speak on the item. There were none.

George James made a motion to approve the requested variance. 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 variance passes.

7. Abobe, LLC.- Variance

The City of Foley Board of Adjustment and Appeals received a request for a variance to Article 14.1.6, D side yard setbacks in a R-2 zone. Property is located at S. of W. Begonia Ave. and W. of N. Cedar St. Applicant is Abode LLC.

Mr. David Green stated he bought the lots a few years ago. He stated at that time he reached out to staff to make sure a duplex could be built on the current lot sizes. He stated since that time the zoning ordinance for required side yard setbacks for duplexes has changed.

Mr. Keith Jiskra asked if parking was being provided.

Mr. David Green explained 4 parking places will be provided in the front of the duplexes.

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. 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 variance passes.

ADJOURN:

Meeting adjourned at 5:56 p.m.