

The City of Foley Board of Adjustment & Appeals held a meeting on March 13, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: LuAnne McCarley, Keith Jiskra, Gregg Knight, George James and alternate member Gary Hellmich. Absent member was Terry Young. Staff present were: Eden Lapham, Planner 1; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

Chairman Keith Jiskra called the meeting to order at 5:30 p.m.

MINUTES:

Approval of the February 13, 2023 meeting minutes.

George James made a motion to approve the February 13, 2023 meeting minutes. Gregg Knight seconded the motion. All members voted aye.

Motion to approve the February 13, 2023 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Lennar Homes of Alabama- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 14.1.5 D, required minimum side yard setbacks in a R-1D zone. Property is located at 1709 Grouse St. Applicant is Lennar Homes of Alabama.

A Lennar Homes of Alabama representative explained the house is over the setback line by about 3.2” on the south property line.

Chairman Jiskra stated there is a sold sign in front of the house. He asked if the setback variance would be affecting the neighboring houses’ setbacks.

The representative stated they have surveys performed when the form boards are in place so this type of error does not occur. He explained he wasn’t sure how this one got missed and the error was not discovered before the foundation was poured.

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

LuAnne McCarley made a motion to approve the requested variance. Gregg Knight seconded the motion. Roll call vote: George James, aye; Gregg Knight, aye; Keith Jiskra, aye; LuAnne McCarley, aye and Gary Hellmich, aye.

Motion to approve the requested variance passes.

2. Robert Martin- 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 10’ from any habitable

structure on the same lot. Property is located at 933 Ruisseau Dr. Applicant is Robert Martin.

Mr. Robert Martin explained he wants to add a spa in his back yard. He stated the city requires the spa to be 10' from the house. He explained his back yard is fenced and if he places the spa 10' from the house it will make his fence gate unusable.

Chairman Jiskra stated the house backs up to a row of fences. He explained the applicant has indicated he has spoken with neighbors who have no objection to his request. He asked if the Home Owners Association had reviewed and approved the request.

Staff stated the applicant has provided an email from the Home Owners Association which indicates they would be making a determination on the approval of the request after the Board of Adjustment and Appeals takes action on the item.

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

Gary Hellmich made a motion to approve the requested variance. George James seconded the motion. Roll call vote: George James, aye; Gregg Knight, aye; Keith Jiskra, aye; LuAnne McCarley, aye and Gary Hellmich, aye.

Motion to approve the requested variance passes.

3. Jorge Caballero- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 18.1.2, a retail/wholesale business allowed in a B-1A zone. Property is located at 910 N. McKenzie St. Applicant is Jorge Caballero.

Ms. Underwood stated she may have worded her application incorrectly when stating the business would be a warehouse. She explained the tenant will have a retail business and also deliver products to other businesses. She stated a small box truck will be used for the deliveries which will be parked in the back of the building.

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

Gregg Knight made a motion to approve the requested variance. LuAnne McCarley seconded the motion. Roll call vote: George James, aye; Gregg Knight, aye; Keith Jiskra, aye; LuAnne McCarley, aye and Gary Hellmich, aye.

Motion to approve the requested variance passes.

4. Foley Main Street- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 9.3 fence height in a B-1 zone. Property is located at S. of W. Jessamine Ave. and E. of N. Alston St. Applicant is Foley Main Street.

Mrs. Darrelyn Dunmore stated she has been working with Bright Speed who has agreed to make 20' of the now barbed wire fenced area usable for a pedestrian path to access the alley which has been named Cat Alley. She explained the current barbed wire fencing will be relocated and replaced with a green decorative vinyl fence running east and west and chain link with black slats running north and south. She stated Bright Speed has requested the fence height of 8' for security purposes.

Chairman Jiskra stated he liked the looks of the chain link slatted fencing.

Mrs. Dunmore stated they are working on a mural project for the alley which is being called Catalyst. She explained the murals will involve school children. She stated one of the murals will be done by a famous artist. The artist will be painting a mural on a portable type canvas which will be used to screen the Hotel Magnolia AC and pumps. She explained the artist will be painting the mural on site in 4 to 6 hours which will be an event the public will be invited to attend. She stated she has also gotten permission to paint some of the doors located within the alley. She is currently working with Bright Speed in regards to possibly acquiring more property that is fenced along Jessamine Ave. which would be turned into a pocket park.

Chairman Keith Jiskra 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. Gary Hellmich seconded the motion. Roll call vote: George James, aye; Gregg Knight, aye; Keith Jiskra, aye; LuAnne McCarley, aye and Gary Hellmich, aye.

Motion to approve the requested variance passes.

ADJOURN:

George James made a motion to adjourn the meeting at 5:48 p.m. LuAnne McCarley seconded the motion. All members voted aye.

Motion to adjourn the meeting at 5:48 p.m. passes.