

The City of Foley Board of Adjustment & Appeals held a meeting on August 14, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Gary Hellmich, LuAnne McCarley, George James, Terry Young, and Gregg Knight. Absent members were: Keith Jiskra and Steve Bailey. Staff present were: Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

Vice-Chairman Chairman George James called the meeting to order at 5:30 p.m.

MINUTES:

Approval of the July 10, 2023 meeting minutes.

Gregg Knight made a motion to approve the July 10, 2023 meeting minutes. Gary Hellmich seconded the motion. All members voted aye.

Motion to approve the July 10, 2023 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Hasty Laney- Use Permitted on Appeal

The City of Foley Board of Adjustment and Appeals has received a request for use permitted on appeal for Article 18.1.2 B, allowing a large Laundromat in a B-1A zone. Property is located at 105 W. Berry Ave. Applicant is Hasty Laney.

Mr. Hasty Laney explained he is wanting to open a self-service laundry facility at 105 W. Berry Ave. He stated the Zoning Ordinance only allows up to a 1,500 sq. ft. laundry facility in the current zone. He explained the building he will be occupying is 2,400 sq. ft. He stated he currently has several Laundromats operating in other cities.

Gary Hellmich asked if the Laundromat will be in one unit or if he would be combining multiple units in the building.

Mr. Laney stated at this time he will only be occupying one space. He explained if the business does well he may want to expand in the future.

LuAnne McCarley asked if all utilities were suitable for the business.

Mr. Laney answered yes.

Gregg Knight made a motion to approve the requested use permitted on appeal. LuAnne McCarley seconded the motion. Roll call vote: Gary Hellmich, aye; Gregg Knight, aye; LuAnne McCarley, aye; George James, aye; Terry Young, aye.

Motion to approve the requested use permitted on appeal passes.

2. Linda Gayle Deering & Star Nicosia- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 14.1.4 D, required minimum side yard setbacks in a R-1C zone. Property is located at 404 W. Orchid Ave. Applicant is Linda Gayle Deering & Starr Nicosia.

Mr. Deering stated his wife and mother in law are the owners of the 850 sq. ft. home located at 404 W. Orchid Ave. He explained he and his wife are caretakers for his mother in law. He stated they would like to add a bedroom suite, bathroom and closet onto the home for his mother in law. He explained the addition will put the structure 5' from the side property line.

Gregg Knight asked if a carport would be added onto the home.

Mr. Deering stated they would like to add a carport onto the east side of the home. He stated the carport would allow his mother in law protection from weather elements.

Gary Hellmich asked if the carport would be enclosed.

Mr. Deering explained it will be a one car open carport attached to the home.

LuAnne McCarley asked if the current air conditioning unit would have to be relocated.

Mr. Deering stated the air conditioning unit would need to be moved and a new unit would also be added for the addition.

Gary Hellmich asked if the air conditioning unit would be located in the 5' side setback area.

Mr. Deering stated the air conditioning unit would not be located in the 5' setback area.

Mr. Harris stated his mother is the owner of the house on the west side of the property. He asked to see the blueprints for the addition.

Ms. Florence Harris resident of 406 W. Orchid Ave. stated she is strongly against the request. She stated there is not enough room for the addition.

Gary Hellmich asked the applicant if they had looked at possibly adding the addition off the back of the home.

Mr. Deering stated the back of the house is the kitchen. He stated they have looked at several different options for the addition and this was the best choice. He explained the neighboring property owner has an addition onto their home that is not meeting setbacks and is in violation.

Mr. Harris stated any additions that were done to the home were done around 1970.

Mr. Deering stated the addition would not affect Mrs. Harris in anyway. He stated she currently has sheds that are located 1' off her property line.

Mrs. Harris stated she is strongly opposed and there is not a lot of distance between the homes.

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

Motion to approve the requested variance passes.

3. Jim 'N Nicks- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 9.1, accessory structures shall be at least 10' from any habitable structure on the same lot. Property is located at 2500 S. McKenzie St. Applicant is Jim 'N Nick's.

Mr. Andy Simpson stated the restaurant has been busier than anticipated since opening. He explained they are in need of an additional cooler at the location. He stated the cooler addition will be closer than the required 10' to the existing building.

Gary Hellmich asked if the addition of the cooler would result in a loss of parking spaces.

Mr. Simpson stated the cooler will be added in a green area and no parking would be affected.

George James asked if the outer walls of the structure would be non-chewable since it will be located next to a dumpster.

Mr. Simpson explained there will be siding added to match the existing building. He explained no open items will be stored in the cooler. He stated the cooler will be used to store large boxes containing food shipments.

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

Motion to approve the requested variance passes.

ADJOURN:

Gregg Knight made a motion to adjourn at 5:50 p.m. Gary Hellmich seconded the motion. All members voted aye.

Motion to adjourn at 5:50 p.m. passes.