

The City of Foley Board of Adjustment & Appeals held a meeting on September 11, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Gregg Knight, Luanne McCarley, Keith Jiskra, Terry Young and George James. Absent members were: Gary Hellmich and Steve Bailey. Staff present were: Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

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

MINUTES:

Approval of the August 14, 2023 meeting minutes.

Gregg Knight made a motion to approve the August 14, 2023 meeting minutes. Luanne McCarley seconded the motion. All members voted aye.

Motion to approve the August 14, 2023 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Lennar Homes of Alabama LLC- 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 1118 Pheasant Cir. Applicant is Lennar Homes of Alabama LLC.

Chairman Jiskra stated he visited the site and there is some space to allow for the variance. He stated he is not sure who is doing the surveying or building and why the houses are being built that don't meet the city's ordinance for setbacks. He asked if anyone from the public was present to speak on the item.

A representative with Lennar Homes of Alabama stated they have a new procedure in place to prevent this from happening again. He explained the form boards will be set and a survey will be done to verify setbacks are being met before the slab is poured.

Gregg Knight asked if the new procedure is in place now.

The representative stated the new procedure has started to ensure this issue does not happen again.

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

Motion to approve the requested variance passes.

2. Angela Karaban- 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 23116 Ithaca Ave. Applicant is Angela Karaban.

Ms. Angela Karaban stated her property is located on a corner lot. She explained she would like to install a pool and in order to meet the required setbacks the pool will have to be 2' closer to the home than allowed. She explained she has spoken with the pool company and moving it 2' closer to the house is the best option.

Keith Jiskra stated a letter was provided from the HOA which stated they had no objection to the request with the city's approval. He asked if any members of the public were present to speak on the item. There were none.

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

Motion to approve the requested variance passes.

3. Foley CB, LLC- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 22.5, maximum allowed ground signage height of 5' and signage face square footage in a B-1 zone. Property is located at 200 W. Laurel Ave. Applicant is Foley CB, LLC.

Ms. Robin Hayles the property manager stated they are requesting to install a multi-tenant display on the existing signage. She explained her understanding is the current sign is legal non-confirming. She stated the addition of the tenant displays will help identify the tenants located within 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: Greg Knight, aye; Luanne McCarley, aye; Keith Jiskra, aye; Terry Young, aye and George James, aye.

Motion to approve the requested variance passes.

4. DanMar Hospitality Group, LLC- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 22.5, maximum allowed ground signage height of 5' in a B-1 zone. Property is located at 319 N. McKenzie St. Applicant is DanMar Hospitality Group, LLC.

Mr. Daniel Cox explained the existing signage located on the property is legal non-conforming. He stated they wanted to update the signage to be more modernized with led lighting.

Chairman Jiskra explained to the applicant if the variance is approved the signage will also have to be approved by the Historical Commission. He asked if there were any members of the public to speak on the item. There were none.

Terry Young asked if the requested signage will be a new sign.

Mr. Cox stated they will be replacing the existing signage with a new sign.

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

Motion to approve the requested variance passes.

5. Dr. Benedict Egaleifoh- 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 18.1.2, B to allow boat and RV storage in a B-1A zone. Property is located at 21919 US Hwy. 98. Applicant is Dr. Benedict Ewaleifoh.

Mr. Newman Bailey with TTL engineering stated they are requesting to develop a RV and Boat storage facility on the property. He explained the property was recently rezoned to B-1A. He stated they are aware there are façade requirements and have provided photos of a similar type of façade that will be used on the building. He explained the item will be coming before the Planning Commission in the next month or so for a site plan review.

Chairman Jiskra asked if there is currently a residential home on the property.

Mr. Newman answered yes.

Chairman Jiskra asked if there were any members of the public to speak on the item.

A neighboring property owner stated he has no objections to the request.

Board members asked about the projected start date.

Mr. Newman stated a survey of the site has been completed and he is not sure of the exact construction start date.

George James made a motion to approve the requested use permitted on appeal. Gregg Knight seconded the motion. Roll call vote: Greg Knight, aye; Luanne McCarley, aye; Keith Jiskra, aye; Terry Young, aye and George James, aye.

Motion to approve the requested use permitted on appeal passes.

6. Marlon Martell- 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 9.1.1 allowing temporary mobile structures to be used for a business for a total of 3 months per year in a B-1A zone. Property is located at 1000 N. McKenzie St. Applicant is Marlon Martell.

Mr. Marlon Martell stated he is asking for a three month extension to allow his food truck to be located on the property. He explained he is in the process of building a permanent structure.

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Chairman Jiskra asked if the older building located on site will be demolished.

Mr. Marlon stated the existing building will be demolished. He explained he has been given a project start month of September.

Ms. Joanna Hardin stated she has a building across the street and didn't understand the request. She stated she has concerns over things possibly flying around during a hurricane and damaging her building.

Staff explained the request is to allow the current food truck to remain on the property for an additional 3 months.

Gregg Knight asked if there was a timing for the construction completion date since he is only asking for a 3 month extension.

Mr. Marlon stated the building should be completed 3 to 4 months after the start date.

Gregg Knight made a motion to approve the requested variance to allow the food truck to remain on the property for 3 months and to expire on December 31, 2023. Luanne McCarley seconded he motion. Roll call vote: Greg Knight, aye; Luanne McCarley, aye; Keith Jiskra, aye; Terry Young, aye and George James, aye.

Motion to approve the requested variance to allow the food truck to remain on the property for 3 months and to expire on December 31, 2023 passes.

ADJOURN:

George James made a motion to adjourn at 5:49 p.m. Gregg Knight seconded the motion. All Commissioners voted aye.

Motion to adjourn at 5:49 p.m. passes.