

The City of Foley Board of Adjustment & Appeals held a meeting on October 9, 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, George James, Terry Young and Steve Bailey. Absent members were: Keith Jiskra and Gary Hellmich. Staff present were: Miriam Boone, City Planner and Amanda Cole, Acting Recording Secretary.

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

MINUTES:

Approval of the September 11, 2023 meeting minutes.

Gregg Knight made a motion to approve the September 11, 2023 meeting minutes. Luanne McCarley seconded the motion. All members voted aye.

Motion to approve the September 11, 2023 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Tim Lipe- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 9.1.1 to allow temporary mobile structures to be used for a business more than 3 months per year and 18.1.2 D, required rear yard setback in a B-1A zone. Property is located at 224 E. Laurel Ave. Applicant is Tim Lipe.

Tim Lipe stated he came before the Board last year for a front and side yard variance. Since then they have more finalized building plans and would like to set the building back a little bit, therefore he is asking for a variance to the rear yard setback.

Mr. Lipe explained his second request was to allow food trucks to be on his site for more than 3 months in a calendar year.

Gregg Knight asked if this new variance request was going to override his previous approvals.

Mr. Lipe stated no. This would be in addition to the previous approvals.

Wayne Dyess let the Board know this property is adjacent to the Downtown area where there are no setback requirements. Mr. Dyess stated this would be in keeping with the downtown feel of the area.

Mr. Dyess stated there was a concern of the mobile food trucks being allowed more than 3 months per year. We don't want to set a precedence and we don't want to undermine the ordinance. Mr. Dyess stated staff was very supportive of Mr. Lipe's project.

Gregg Knight asked if there were thoughts of making the temporary structure permanent in the future.

Mr. Lipe said there was a possibility of making it a permanent structure but right now it would be temporary.

Gregg Knight made a motion to approve the request for the rear yard setback. Steve Bailey seconded the motion. Roll call vote: Gregg Knight, aye; Luanne McCarley, aye; George James, aye; Terry Young, aye and Steve Bailey, aye.

Motion to approve the requested variance for the required rear yard setback passes.

Luanne McCarley made a motion to deny the requested variance to allow temporary mobile structures to be used at a business more than 3 months per year. Gregg Knight seconded the motion. Roll call vote: Gregg Knight, aye; Luanne McCarley, aye; George James, aye; Terry Young, aye; Steve Bailey, aye.

Motion to deny the requested variance to allow temporary mobile structures to be used at a business more than 3 months per year passes.

2. Teresa Stoltz- 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 21.1.1 B, to allow a modular dwelling in a R-3 zone. Property is located at 411 Oakleigh Cir. Applicant is Teresa Stoltz.

Teresa Stoltz explained she is requesting to place a modular home on Oakleigh Dr. The home will be Amish built and placed on a concrete slab.

Miriam Boone stated the city does allow modular buildings by right in the other residential zones and we will probably be drafting modifications to the zoning ordinance to allow them in the R-3 zone.

Mrs. Boone also stated modular homes need to be approved by the Alabama Manufactured Housing Authority. Alabama engineers will inspect the home.

Steve Bailey asked if the applicant had architectural drawings of the home they are planning to have.

Mrs. Stoltz explained there are many models and siding choices.

Mr. Bailey asked if the structure was just a rectangle with no other architectural designs.

Mrs. Stoltz said that perhaps they could have a reversed gable but it would basically be a rectangle.

Mr. Bailey asked if the Board had the authority to choose a siding or say what can or cannot go in there in terms of the facade.

Mrs. Boone stated the Code of Alabama doesn't give us a lot of authority for aesthetics.

Luanne McCarley asked if the pictures that were submitted were similar to what they were proposing.

Mrs. Stoltz stated yes. She also mentioned the homeowners association hasn't been active in about 15 years in that subdivision.

Mr. Stoltz showed the Board members pictures of the closest houses to their lot to show the different kinds of siding in the neighborhood. He believes their house will fit in well with the existing houses.

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

Motion to approve the requested use permitted on appeal passes.

ADJOURN:

Luanne McCarley made a motion to adjourn at 5:48 p.m. Gregg Knight seconded the motion. All Commissioners voted aye.

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