

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

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

MINUTES:

Approval of the November 13, 2023 meeting minutes.

George James made a motion to approve the November 13, 2023 meeting minutes. Luanne McCarley seconded the motion. All members voted aye.

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

NEW BUSINESS & PUBLIC HEARINGS:

1. Practical Pools & Ponds, LLC. - Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 8.1.2, no accessory structures shall be erected in a street side yard on a corner lot. Property is located at 1401 N. Alston St. Applicant is Practical Pools & Ponds, LLC.

A representative from Practical Pools & Ponds stated they are requesting a 7' variance for a corner setback. She explained the back yard is fenced and the pool will not be seen from the street.

Steve Bailey stated he doesn't see a hardship since there is room to relocate the pool in the backyard.

The representative explained there were trees removed from the proposed location before they realized there was a setback issue. She stated the pool is offset to the side because the applicant is trying to avoid the children having to go around the pool in order to get to the rest of the backyard. She stated the water's edge will be 28' from the property line.

Chairman Jiskra asked if there was an existing shed on the other side of the backyard.

The applicant responded yes.

Chairman Jiskra stated he had viewed the area on google maps and did not see any other pools located in a street side yard.

Steve Bailey stated an approval would be setting a precedence. He explained the situation would be different if there was nowhere else in the yard to put the pool. He made a motion to deny the request. No one seconded the motion.

Mr. Adam Flint stated there are existing trees in the other portion of the backyard. He explained the root system from the trees could expand and cause issues if the pool is relocated near the trees.

The representative stated this is only her second time running into an issue with a property being on a corner lot where the owner technically has two front yards. She explained they have run into an instance where the roots from a tree caused a pool's walls to bow.

Steve Bailey explained it would be helpful to know the distance from the house to the shade line of the trees. He stated looking at the aerial it appears there is adequate room to relocate the pool.

George James asked what happens after ten years when the trees grow and the roots cause issues and if that makes the city liable.

Steve Bailey stated the real issue is if this is approved we are changing the regulations. He explained the water oaks do not get as large as live oaks. He stated the existing trees may not ever become a problem. He explained he doesn't see hardship.

The representative asked what would constitute a hardship.

Steve Bailey stated the regulations are in place for a certain purpose. He explained a hardship would be if there was nowhere else to locate the pool.

Terry Young made a motion to postpone the item until more information can be provided regarding the hardship.

Chairman Jiskra stated there may not be a hardship and he is not sure it would help to postpone the decision.

Terry Young rescinded his motion.

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

Motion to deny the requested variance passes.

2. Approval of the 2024 By-Laws

George James made a motion to approve the 2024 by-laws as written. Steve Bailey seconded the motion. All members voted aye.

Motion to approve the 2024 by-laws passes.

3. Election of 2024 Officers

Luanne McCarley made a motion to nominate Keith Jiskra to serve as Chairman. George James seconded the motion. All members voted aye.

Motion to nominate Keith Jiskra to serve as Chairman passes.

Chairman Jiskra made a motion to nominate Luanne McCarley to serve as Vice-Chairman. Steve Bailey seconded the motion. All members voted aye.

Motion to nominate Luanne McCarley to serve as Vice-Chairman passes.

ADJOURN:

Steve Bailey made a motion to adjourn the meeting at 5:57 p.m. Luanne McCarley seconded the motion. All Commissioners voted aye.

Motion to adjourn the meeting at 5:57 p.m. passes.