

The City of Foley Board of Adjustment & Appeals held a meeting on March 11, 2024 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, Keith Jiskra and Steve Bailey. Absent members were: Gregg Knight and George James. Staff present were: Miriam Boone, City Planner; 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 minutes for the February 12, 2024 meeting minutes.

Luanne McCarley made a motion to approve the February 12, 2024 meeting minutes. Gary Hellmich seconded the motion. All members voted aye.

Motion to approve the February 12, 2024 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Teri Mitchell - Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 8.1.2, accessory structures shall be at least 5' from all lot lines. Property is located at 12275 Nanwood Dr. Applicant is Teri Mitchell.

Mrs. Teri Mitchell explained they would like to build a boat enclosure which will be approximately 3' from the property line. She stated due to the septic tank field lines and an existing oak tree they are not able to meet the requirement for the structure to be 5' from the property line.

Gary Hellmich asked if they would be driving over the field lines.

Mr. Mitchell stated they had checked with a septic tank company and they informed them it would be ok to back the boat over the lines.

Steve Bailey stated there are existing pavers located on the field lines. He explained his understanding is the previous owner parked his boat on the pavers under an enclosure. He stated if the enclosure is installed where the current pavers are located a variance would not be needed.

Mr. Mitchell stated there is a concrete driveway located near the pavers. He explained they did have a septic company come out and they advised them not to have the post for the enclosure drilled into the field line area.

Mrs. Mitchell explained there will be four posts on each side of the enclosure.

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

Mr. Mike Graham stated he is the neighboring property owner. He explained his biggest concern is water from the structure being dumped onto his property. He stated there is plenty of room to move the structure up and over. He explained it could be located in the same place the previous owner had installed pavers and parked their boat.

Mr. Mitchell stated his boat is larger than the area with pavers.

Mr. Graham asked if they had the sewer lines located.

Mr. Mitchell stated they had paid a company to come out and advise them on the location of the lines.

Mr. Graham stated his biggest concern is the water. He explained if he wanted to place a structure on his property in the same general location he wouldn't be able to because it would be too close to the requested structure.

Mr. Mitchell stated they were trying to place the structure as far back as possible for aesthetic reasons.

Mr. Graham stated it may be aesthetically pleasing for the applicant but it is the worst location for him and will block his view.

Mr. Mitchell stated the main issue is the location of the sewer lines and the existing oak tree.

Steve Bailey asked if the overhang would be 3' from the property line.

Mrs. Boone explained for zoning purposes only the building footprint is looked at for the setbacks.

Mr. Graham stated his house was one of the first built in the area and is at a much lower level than a lot of the homes built later. He explained he already has a water issue and is concerned the structure will cause more water onto his property.

Gary Hellmich stated the applicant could add gutters to the structure or install french drains.

Luanne McCarley made a motion to approve the requested variance.

Mr. Graham asked if the request could be approved with stipulations.

Mrs. Boone stated the Board of Adjustment and Appeals can only grant requests pertaining to the Zoning Ordinance. She explained the item could be carried over if the members would like to get more information from the applicants.

Steve Bailey stated he would like to table the item and see if they could possibly get the septic lines flagged. He explained he would not mind meeting with the owners and seeing if they may be able to move the location of the structure in order to meet the zoning requirements.

Motion to approve died due to lack of a second.

Gary Hellmich made a motion to table the item in order to gather more information. Steve Bailey seconded the motion. Roll call vote: Gary Hellmich, aye; Luanne McCarley, aye; Keith Jiskra, aye and Steve Bailey, aye.

Motion to table the item in order to gather more information passes.

2. Southside Baptist Church, Inc – Variance & Use Permitted on Appeal

The City of Foley Board of Adjustments and Appeals has received a request for a variance and use permitted on appeal for Article 14.1.2, required front, side and street side yard and to allow a church in a R-1A zone. Property is located at 323 W. Michigan Ave. Applicant is Southside Baptist Church, Inc.

Mrs. Boone stated staff had a meeting with the Deacon to discuss the proposed request. She explained the church is requesting a variance for an addition. She stated the church was built in 1962 and doesn't currently meet setbacks or uses allowed.

Steve Bailey stated his understanding is if the Church was damaged it could not be built back as it is today.

Mrs. Boone explained the church is requesting the variance in order to add an addition on to the Church for a handicap restroom, extend the current kitchen area and make the current use and setbacks legal conforming.

Steve Bailey stated if it is more than 50% damage to the building they would lose the entire structure.

Mrs. Boone explained if the structure is legal non-conforming and more than 50% damaged they cannot repair or rebuild the structure. She stated if the variance and use permitted on appeal is approved the structure could be rebuilt as it is currently.

Mr. Bailey stated he doesn't know why they wouldn't want a new structure to meet the current regulations. He asked if they could come back at a later time to request the variance if needed.

Mrs. Boone stated a variance could be requested at a later date.

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 setback variance for the addition. Luanne McCarley seconded the motion. Roll call vote: Gary Hellmich, aye; Luanne McCarley, aye; Keith Jiskra, aye and Steve Bailey, aye.

Motion to approve the requested setback variance for the addition passes.

3. CHS South Baldwin Ambulatory Surgery Center- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 2.1, parking space size and Article 10.2.4 minimum buffer in a PO zone. Property is located at 1605 N. Alston St. Applicant is Gresham Smith.

Ms. Lindsay Hamilton with Gresham Smith stated they are attempting to save live oak trees on the site. She explained to save the oak trees a variance is needed to reduce the required parking sizes to 9' x 18' instead of 10' x 20', drive aisles widths to be 24' wide instead of 25', 43 parking spaces instead of 46 and a 10' buffer instead of 12.5'. She stated they have had the trees evaluated by a tree service and the modifications to the plans will allow them to save 6 live oak trees.

Chairman Jiskra asked if there were any members of the public to speak on the item. There were none. He asked if the driveway would be shared or connected.

Ms. Hamilton explained the driveway will be connected to the hospital's wound care unit.

Mrs. Boone stated the property on the west side is being used as residential but is zoned PO. She explained staff was recently contacted by someone interested in the property for a medical office. She stated item # 5 on the plan regarding storm water setback cannot be approved by the Board of Adjustment and Appeals and the applicant will need to contact the Engineering Department for the request.

Ms. Hamilton explained the driveways are connected so patients will have access to the hospital's parking spaces.

Steve Bailey made a motion to approve the requested variance for reducing the number of parking spaces, parking space sizes, drive aisle width and buffer width. Gary Hellmich seconded the motion. Roll call vote: Gary Hellmich, aye; Luanne McCarley, aye; Keith Jiskra, aye and Steve Bailey, aye.

Motion to approve the requested variance for reduced number of parking spaces, parking space sizes, drive aisle width and buffer width passes.

4. South Baldwin Regional Medical Center- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 25.33, signage face square footage and height in the Foley Medical Overlay District. Property is located at 1613 N. McKenzie St. Applicant is Sign Medics, LLC.

Mr. & Mrs. Randall Miller with Sign Medics stated they are requesting to install signage at the hospital. She explained the entire sign package has been provided to the members. She stated the hospital is undergoing a large expansion and the additional signage is needed for directional purposes.

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

Members had no issues or questions regarding the requested sign variance.

Steve Bailey made a motion to approve the requested variance. Luanne McCarley seconded the motion. Roll call vote: Gary Hellmich, aye; Luanne McCarley, aye; Keith Jiskra, aye and Steve Bailey, aye.

Motion to approve the requested variance passes.

ADJOURN:

Luanne McCarley made a motion to adjourn at 6:12 p.m. Gary Hellmich seconded the motion. All members voted aye.

Motion to adjourn the meeting at 6:12 p.m. passes.