

Board of Adjustment and Appeals Meeting Minutes
October 14, 2024

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The City of Foley Board of Adjustment & Appeals held a meeting on October 14, 2024 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue.

Members present were: Steve Bailey, Gary Hellmich, Gregg Knight, Luanne McCarley, Keith Jiskra and alternate member Tyler Higginbotham. Absent member was Brandon Nelson. Staff present were: Miriam Boone, City Planner and Amanda Cole, Acting Recording Secretary.

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

MINUTES:

Approval of the minutes for the September 9, 2024 meeting minutes.

Gregg Knight made a motion to approve the September 9, 2024 meeting minutes. Luanne McCarley seconded the motion. All members voted aye.

Motion to approve the September 9, 2024 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Joe Pascoe- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 14.1.4 D, required garage setback (front loaded) in an R-1C zone. Property is located at 279 Carnation Ave. Applicant is Joe Pascoe.

Joe Pascoe stated he bought the property in June at which time he talked with the city's zoning department regarding setback requirements. In the time it took for him get his building plans drawn up there was a change done in the zoning requirements regarding the front setback for his parcel.

Gregg Knight asked if the intent was to use the existing foundation.

Mr. Pascoe stated yes.

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. Gary Hellmich seconded the motion. Roll call vote: Steve Bailey, aye; Gary Hellmich, aye; Gregg Knight, aye; Luanne McCarley, aye and Keith Jiskra, aye.

Motion to approve the requested variance passes.

2. DR Horton- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 14.1.6 D, required minimum depth of side yard abutting street in an R-2 zone. Property is located S. of W. Magnolia Ave. and W. of N. Cedar St. Applicant is

DR Horton.

Judy Smith with DR Horton stated the lot in question is adjacent to an alley which would require a 30 ft street side setback. If that setback was required it would only allow a 10 ft wide house to be put on the parcel.

Ms. Smith stated she is requesting a variance to allow a side setback of 10 ft to match the other side and the other parcels that are adjacent to them.

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

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

Motion to approve the requested variance passes.

3. Kathy Rodgers- 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 811 Connolly Ave. Applicant is Kathy Rodgers.

Kathy Rodgers stated she is requesting a variance to allow a pool, which would be handicapped accessible, to be installed due to her husband hurting his knee to be used for his therapy.

Chairman Jiskra stated he saw the HOA approval she provided. Chairman Jiskra also stated he observed 3 other houses in the subdivision that were able to install a pool without a variance.

Mrs. Rodgers stated her lot was shaped differently which is why she was requesting the variance.

Luanne McCarley asked if they could build a different shape pool.

Mrs. Rodgers stated they did think of that however a different shape would not allow the room her husband needs.

Chairman Jiskra stated he would hate to set a precedent seeing as the other pools in the area have already met the requirements.

Mrs. Rodgers stated the other houses with the pools have a longer lot.

Gary Hellmich asked if the utility easement stopped on this property.

Mrs. Rodgers stated yes.

Chairman Jiskra stated a letter was received from Riviera Utilities regarding the easement.

Gregg Knight asked for clarification of the HOA letter. The letter states the pool company can access the property through the common area however it doesn't specifically say they are approving the project.

Mrs. Rodgers stated the HOA was ok with the pool and showed the Board a document showing a pool was allowed.

Steve Bailey stated he believed a pool could be installed within the requirements on the property.

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

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

Motion to deny the requested variance passes.

4. Training – provided by Wayne Dyess, Executive Director of Infrastructure & Development

Mayor Ralph Hellmich spoke to the Board members stating his appreciation for the members giving their time. Mayor Hellmich stated the Board of Adjustment and Appeals was a very important board and staff wants to provide training so the board has the best information and support needed.

Wayne Dyess presented training on the Zoning Board of Adjustment (ZBA)
Overview and Responsibilities- An Introduction to Roles, Functions and Legal Framework

ADJOURN:

Steve Bailey made a motion to adjourn at 6:37 p.m. Gregg Knight seconded the motion. All members voted aye.

Motion to adjourn at 6:37 p.m. passes.