

Board of Adjustment and Appeals Meeting Minutes
July 14, 2025

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The City of Foley Board of Adjustment & Appeals held a meeting on July 14, 2025 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Gary Hellmich, Gregg Knight, Luanne McCarley, Keith Jiskra and Steve Bailey. Alternate members present were: Brandon Nelson and Tyler Higginbotham. Staff present were: Miriam Boone, City Planner; Eden Lapham, Planner 1 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 June 9, 2025 meeting minutes.

Gary Hellmich made a motion to approve the June 9, 2025 meeting minutes. Gregg Knight seconded the motion. All members voted aye.

Motion to approve the June 9, 2025 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Mike McConnell, Inc.- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 21.1.1 D, required minimum depth of side yard abutting a street in an R-3 zone. Property is located at 403 E. Violet Ave. Applicant is Mike McConnell, Inc.

Chairman Jiskra stated this applicant has withdrawn their application.

2. Jesse Mayes- 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 5' from all lot lines and at least 10' from any other habitable structure on the same lot. Property is located at 1320 Makaira Dr. Applicant is Jesse Mayes.

Mr. Mayes stated he moved to Foley 2 years ago and brought his boat with him that he previously kept covered however over time the boat started to deteriorate.

Mr. Mayes stated he does not have enough room on the side of his property for the structure.

Chairman Jiskra stated a site visit was made and it was noted the carport was almost right under the eaves of the house.

Mr. Mayes stated the neighbors on both sides of him and across the street are fine with the request and he has brought a neighbor and a member of the HOA with him.

Gary Hellmich asked what the building in the back of the property was.

Mr. Mayes stated it was a shop.

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Steve Bailey asked if the shop was portable and could it be moved to allow the carport be placed beside it.

Mr. Mayes stated he would still not be the required 5ft from the property lines if he were to that.

Chris Marshall, a neighbor on the north side and a member of the HOA, stated from his line of sight he can't see the carport and has no issue with it. Mr. Marshall explained to the Board members they are still working to establish their HOA rules and have grandfathered in all existing structures the residents currently have on their property. That being said they did not have anything prohibiting Mr. Mayes' request.

Mr. Bailey stated he was concerned with the proposed location and asked if anyone else in the subdivision had buildings that were this close to the residence.

Mr. Marshall stated he believed so.

Miriam Boone stated the applicant could resubmit a new layout for approval before anything is moved, if the applicant chose to move the carport.

Staff stated if the application was carried over then the applicant would pay the cost for advertising and could submit revised documents.

Mr. Bailey stated if the carport could be placed beside the shed then it could be meeting requirements and may not need approval.

Mrs. Boone stated there are going to be zoning ordinance amendments regarding accessory structures coming to the Planning Commission this week that will probably be in place in September. If the application is going to be carried over then it needs to be presented at the August meeting.

Gregg Knight asked Mr. Marshall if the applicant moved the existing grandfathered in structure would any grandfathered in status be lost.

Mr. Marshall stated he believed the HOA would be ok with a new request however they would need to review and speak with Mr. Mayes about it.

Gregg Knight made a motion to carry over the application until further items are provided for the August meeting. Luanne seconded the motion. Roll call vote: Gary Hellmich, aye; Gregg Knight, aye; Keith Jiskra, aye; Luanne McCarley, aye; Steve Bailey, aye.

Motion to carry over the application until further items are provided for the August meeting passes.

3. Modern Signs, LLC.- Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 22.5 C and 22.6, allowable sign height, allowable sign face square footage and to allow a digital sign in a B-1 zone. Property is located at 620 N. McKenzie St. Applicant is Modern Signs LLC.

Johnny Armstrong with Modern Signs stated he is there to represent the building owner to request a variance to allow a multi-tenant pylon sign that exceeds the allowances in a B-1 zone.

Mr. Armstrong stated the gentleman who built the building built it 12ft from the property line and has the back of the building facing State Hwy 59. Other than a tenant on the north and south sides of the building the other businesses face the back of the property.

Mr. Armstrong stated the current owner would like for the tenants in the back to be able to advertise on a pylon sign in the front however the zoning regulations only allow a 5 ft. tall, 32 sqft size sign. That size sign is not adequate for a multi-tenant building.

Mr. Armstrong also stated he has received a variance in 2017 for Citrin Law Firm which is located beside the hospital for an increase of sign square footage and to allow a digital portion.

Mr. Armstrong stated he submitted examples of other signs in the area that either taller than the allowed 5ft, have a digital portion or both. There is a Chevron across the street that had a non-conforming sign that received a variance and that sign is triple the height and square footage than what is allowed.

Chairman Jiskra stated the Chevron came for their same sign as far as the existing height and digital they were just redoing the logo/branding, it was not a brand new sign being put up.

Chairman Jiskra stated the building had previously been granted a variance to increase the wall signage. Has that been done?

Mr. Armstrong stated they were unaware of the previously approved variance until he and the property owner met with staff. Mr. Armstrong asked if there was a possibility to amend the existing variance to perhaps allow an electronic wall sign in the location the previous variance was granted.

Mr. Bailey asked how many businesses were in the building.

Mr. Armstrong stated he believed 8.

Chairman Jiskra asked about upcoming signage changes.

Mrs. Boone stated there would be changes to the zoning ordinance however it is hard to say at this point how the changes would impact this property.

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Chairman Jiskra asked if there was enough room with the right-of-way to have this sign.

Mrs. Boone stated they did provide a revised layout showing it out of the right-of-way.

Chairman Jiskra asked about the current sign at the location.

Mrs. Boone stated the current sign was in the city-right-way so the police department could pick it up.

Mr. Armstrong stated they were just made aware of that sign being in the right-of-way and it would be taken down.

Chairman Jiskra stated if they approved this request it could be setting a precedent.

Mr. Armstrong asked if the Board would be favorable to just a larger tenant sign without the digital aspect.

Eden Lapham asked if the previously approved variance could be revised to allow the approved square footage for wall signage be used for a pylon sign.

Mrs. Boone stated the property owner would need to provide something in writing stating the previous variance could be vacated.

Gary Hellmich made a motion to carry over the application until the August meeting.
Gregg Knight seconded the motion. Roll call vote: Gary Hellmich, aye; Gregg Knight, aye; Keith Jiskra, aye; Luanne McCarley, aye; Steve Bailey, aye.

Motion to carry over the application until the August meeting passes.

ADJOURN:

Steve Bailey made a motion to adjourn the meeting at 6:17 p.m. Luanne McCarley seconded the motion. All members voted aye.

Motion to adjourn the meeting at 6:17 p.m. passes.