

Board of Adjustment and Appeals Meeting Minutes

August 11, 2025

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The City of Foley Board of Adjustment & Appeals held a meeting on August 11, 2025 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, Steve Bailey and Tyler Higginbotham. Absent members were: Gregg Knight and alternate member Brandon Nelson. Staff present were: Miriam Boone, City Planner; Eden Lapham, Planner 1 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 July 14, 2025 meeting minutes.

Chairman Keith Jiskra stated staff will be making a few grammatical changes to the minutes with the Chairman's corrections.

Luanne McCarley made a motion to approve the July 14, 2025 meeting minutes. Gary Hellmich seconded the motion. All members voted aye.

Motion to approve the July 14, 2025 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Foley RV & Boat Storage.- Variance & Use Permitted on Appeal

The City of Foley Board of Adjustment and Appeals has received a request for a Use Permitted on Appeal and Variance for Article 18.1.2 B, to allow boat and RV storage in a B-1A zone and Article 10.1 D, number of required parking spaces. Property is located E. of the Foley Beach Express and N. of Roscoe Rd. Applicant is S.E. Civil, LLC.

Mr. Aaron Collins stated they are requesting to develop a storage facility for boats and rvs, which will include a wash station and flex spaces. He explained the storage units will be enclosed with rollup doors. He stated most customers will be dropping off a boat or rv and leaving. He explained they are required to have 127 parking spaces and they are providing 59 which they feel is ample parking for the uses.

Chairman Jiskra asked if the required parking is being met for the offices.

Mrs. Eden Lapham stated the required parking for the office is being met and additional parking for the storage is being provided.

Gary Hellmich asked about the building labeled as future expansion for self-storage or flex space.

Mr. Collins stated they are looking for the flexibility to build either of the uses. He explained the flex space would have an office in the front with storage in the rear of the unit.

Mrs. Lapham explained an office/warehouse is an allowed use by right in the B-1A zone.

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

Motion to approve the requested use permitted on appeal and variance passes.

2. Shea Weston- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 8.2, to allow an 8 ft. fence in an R-1A zone. Property is located at 1104 N. Pine St. Applicant is Shea Weston.

Mrs. Shea Weston stated she is requesting a variance to install an 8' fence along the back of her property. She explained the fence will match the neighbors existing 8' fence. She stated they are requesting the 8' fence for privacy and security reasons.

Steve Bailey asked if the neighbor to the north has an 8' fence.

A neighboring property owner stated he has the 8' fence to the North of Ms. Weston's property. He explained a teenage neighbor shoots a bb gun in his yard and the fence would help eliminate the bb's from coming into Ms. Weston's yard.

Chairman Jiskra stated he visited the site and the frame work for the fence is already in place.

Mrs. Weston stated they had started to install the fence before that were made aware that an approval and permit was required.

Mr. Brad Stansbury stated the applicant told him that someone informed him that he is the one that report the fence being in violation. He explained he does not feel the person complaining should be named due to it causing problems between neighbors. He stated he has no problem or objection to the fence.

Mrs. Miriam Boone stated the complaint was routed to staff from City Hall. She explained staff does not name the person or facility that made the complaint.

Mr. Weston stated he did not say Mr. Stansbury was the one who filed the complaint.

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; Steve Bailey, aye and Tyler Higginbotham, aye.

Motion to approve the requested variance passes.

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3. Jason Sims- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 18.1.4 D, to allow group home in a B-3 zone. Property is located N. of US Hwy. 98 and E. of County Rd. 65. Applicant is Jason Sims.

Mrs. Boone explained staff has been unable to make contact the applicant for more information regarding the request. She stated the fee for the requested variance have not been paid.

The applicant was not present.

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

Motion to deny the requested variance passes.

4. 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. Property is located at 1320 Makaira Dr. Applicant is Jesse Mayes.

Chairman Jiskra explained the applicant had come before the board last month and the item was carried over.

Mr. Mayes stated since the last meeting he has done some measuring and can meet the 10' from the house requirement. He stated due to the pie shape of his lot a portion of the shed will not be 5' from the property line. He stated he is unsure exactly the distance the carport will be from the property line or existing shop until he is able to move the carport.

Chairman Jiskra asked if the HOA had any issues with the request.

Mr. Mayes explained the HOA has no issues with the shed being moved as requesting. He stated he can have the carport moved within 30 days.

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

Motion to approve the requested variance passes.

5. 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, allowable sign height and allowable sign face square footage in a B-1 zone. Property is located at 620 N. McKenzie St. Applicant is Modern Signs LLC.

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Mr. Armstrong with Modern signs stated they removed the digital signage portion from the request but they are still unhappy about not being allowed to have a digital sign. He explained since the last meeting they have identified over 20 signs that are violating the ordinance regarding digital signage.

Mrs. Boone explained at one time digital signage was not allowed. She stated some of the signage is legal non-conforming due to it receiving variances during the time digital signage was not allowed by right.

Chairman Jiskra stated the current signage is located within the right of way and it has been requested the signage be removed.

Ms. Baker explained she did receive the notice to remove the signage but was unaware there was a time limit to have it removed. She stated she will have the signage removed from the right of way.

Mrs. Boone explained the property is zoned B-1 and is a block north of the Downtown Historical District and the Main Street District.

Steve Bailey stated since the property is right on the line of the Downtown Historical District and the Main Street District he doesn't feel an approval would set a precedence due to no one else fitting the same situation.

Gary Hellmich made a motion to vacate the previous variance for the wall signage and approve the requested non digital free standing signage. Luanne McCarley seconded the motion. Roll call vote: Gary Hellmich, aye; Luanne McCarley, aye; Keith Jiskra, aye; Steve Bailey, nay and Tyler Higginbotham, aye.

Motion to vacate the previous variance for the wall signage and approve the requested non digital free standing signage passes.

ADJOURN:

Luanne McCarley made a motion to adjourn the meeting at 6:01 p.m. Tyler Higginbotham seconded the motion. All members voted aye.

Motion to adjourn the meeting at 6:01 p.m. passes.