

The City of Foley Board of Adjustment & Appeals held a meeting on February 9, 2026 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Gregg Knight, Luanne McCarley, Keith Jiskra, Steve Bailey, Tyler Higginbotham and alternate member Derrick Perdue. Absent member was Gary Hellmich. Staff present were: Jonathan Cottis, Building Official; 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 January 12, 2026 meeting minutes.

Gregg Knight made a motion to approve the January 12, 2026 meeting minutes. Tyler Higginbotham seconded the motion. All members voted aye.

Motion to approve the January 12, 2026 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Rivi Apartments- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 6.2.2, restoration after damage. Property is located W. of S. Juniper St. and S. of E. Riviera Blvd. Applicant is Thompson Engineering.

Mr. Eric Jackson explained the Rivi Apartments were constructed in approximately 2021. He stated when they were built they were conforming. He explained since that time the Zoning Regulations have change and no longer allow apartments in a B-1A zone. He explained they are applying to the Planning Commission to request a rezoning of the property to R-3. He stated the Zoning Ordinance currently states if the structures are more than 50% damaged they are not able to restore or rebuild them.

Mr. Mark Taupeka stated he is legal counsel for the Rivi Apartments. He explained the Zoning Ordinance has changed and no longer allows residential in a B-1A zone. He stated they are applying to have the property rezoned but that process takes time. He explained they are requesting a variance to be able to rebuild and restore the apartments if they are 50% or more damaged. He stated the variance would allow them to be in compliance with their mortgage and insurance companies. He explained once the rezoning is completed the variance will go away.

Gregg Knight stated one of the letters references a time limit of a year.

Staff explained the request was changed and states they will have to apply for a rezoning within 30 days of the variance approval.

Steve Bailey made a motion to approve the requested variance with a condition that the property owner shall file a complete application to rezone the property to R-3 (Residential Multi-Family) within thirty (30) days of the effective date of the variance approval and shall diligently pursue such rezoning in good faith through the Planning Commission and City Council. Luanne McCarley seconded the motion. Roll call vote: Gregg Knight, aye; Luanne McCarley, aye; Keith Jiskra, aye; Steve Bailey, aye and Tyler Higginbotham, aye.

Motion to approve the requested variance with a condition that the property owner shall file a complete application to rezone the property to R-3 (Residential Multi-Family) within thirty (30) days of the effective date of the variance approval and shall diligently pursue such rezoning in good faith through the Planning Commission and City Council passes.

2. GLH Home Builders, LLC.- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 14.1.2 D, required front yard setback. Property is located at 9464 Wilson Rd. Applicant is GLH Home Builders, LLC.

Mr. Jonathan Cottis explained an as built survey was provided to staff and at that time it was discovered the house was built over the front yard setback. He explained the construction started in 2024 and a stop work order was issued due to building in the wetlands. He stated at that time a revised plan was received by the Environmental Department which was not routed to the Planning and Development Services Department.

Mrs. Eden Lapham explained the lot is located at the end of the road and across from the City park.

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

Motion to approve the requested variance passes.

ADJOURN:

Luanne McCarley made a motion to adjourned the meeting at 5:43 p.m. Gregg Knight seconded the motion. All members voted aye.

Motion to adjourn the meeting at 5:43 p.m. passes.



Board of Adjustment and Appeals Chairman

4/13/26

Date



Recording Secretary

4/13/26

Date