

Board of Adjustment and Appeals Meeting Minutes
July 13, 2026

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The City of Foley Board of Adjustment & Appeals held a meeting on July 13, 2026 at 4:00 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, Gary Hellmich and Alternate members Derrick Perdue and Tyler Higginbotham. Staff present were: Shawn Mitchell, Planning Director; Cory Rhodes, Senior Planner; Eden Lapham, Planer II and Melissa Ringler, Recording Secretary.

Chairman Keith Jiskra called the meeting to order at 4:00 p.m.

MINUTES:

Approval of the minutes for the May 11, 2026 meeting minutes passes.

Luanne McCarley made a motion to approve the May 11, 2026 meeting minutes. Gregg Knight seconded the motion. All members voted aye.

Motion to approve the May 11, 2026 meeting minutes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Shawna Geri- Variance

The City of Foley Board of Adjustments and Appeals has received a request for a variance for Article 8.1.2 A, accessory structures shall be at least 5' from all lot lines and 10' from any other structure on the same lot. Property is located at 2054 Bourbon St. Applicant is Shawna Geri.

Ms. Shawna Geri stated that she is requesting a variance for the side setback of her shed. She explained that she was unaware the shed was required to be located at least 5 feet from the side property line.

Chairman Jiskra stated the applicant has provided a list of properties within the subdivision that have sheds located closer to the property line than permitted and that do not comply with the HOA covenants and City setback requirements.

Ms. Geri stated that she was unaware of the setback requirement because there are numerous sheds within the subdivision that appear to be similarly located near property lines. She explained that she only became aware of the requirement after being notified by the HOA. She further stated that she had previously obtained a rear yard variance for a pool enclosure, but that application and permitting process had been handled by the contractor. She added that the shed company did not provide any guidance regarding the setback or permitting requirements.

The HOA president stated that he was present to answer any questions the Board members might have.

Chairman Jiskra asked how so many sheds had been installed without complying with the applicable codes and regulations.

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The HOA president explained that many of the sheds were likely installed before control of the HOA was transferred from the developer and before enforcement of the HOA covenants began in 2020. He stated that sheds installed prior to 2020 that do not comply with current requirements are considered grandfathered. He explained that the HOA had to establish a point at which enforcement would begin, noting that the subdivision contains 182 homes and that many sheds had been erected before the covenants were actively enforced. He further stated that a neighboring property owner had filed a complaint with the HOA regarding the placement of Ms. Geri's shed, and that the HOA was obligated to investigate the matter.

Gary Hellmich asked when the subdivision was developed.

The HOA president stated he believes the subdivision was established in 2005.

Chairman Jiskra stated that the Board had previously considered a similar variance request, which was denied, and the applicant was required to relocate the shed to comply with City setback requirements

Luanne McCarley asked whether Ms. Geri was aware of the setback requirements when she previously paid \$150 application fee and requested a variance for her pool enclosure.

Ms. Geri stated she was not aware of the 5' side setback requirement. She explained that her previous variance request pertained to a rear yard setback for the pool enclosure and did not involve the side yard setback.

Gary Hellmich asked if there was any other location on the property where the shed could be placed.

Ms. Geri stated they had explored other options but determined there was no alternate location on the property.

Steve Bailey stated that he did not believe the regulations provide a basis for approving the requested variance. He added that, based on the property, he believed the largest shed that could comply with the setback requirements would be approximately 6 feet by 16 feet. He further stated that the Board had previously considered a similar request and denied the variance.

Gregg Knight noted that the HOA had provided a letter outlining three options and asked for clarification regarding the specifics of Option 2.

The HOA president stated that the complaint received by the HOA concerned the shed's distance to the side property line, not the required 10-foot separation from the lanai. He stated that the HOA would support a variance for the 10-foot lanai separation if the City did not have a provision for allowing a waiver for families with special needs children.

Eden Lapham stated that Option 2 would also require the shed to be relocated and would still require a variance.

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Keith Jiskra stated that the City's regulations do not include a special needs waiver.

The HOA President stated that the HOA holds quarterly meetings, maintains a website and provides every homeowner with a copy of the HOA covenants.

Tyler Higginbotham asked how long the shed has been located on the property.

Ms. Geri stated that the shed had been on the property since April of 2026.

Derrick Perdue asked whether Ms. Geri had contacted the HOA before ordering the shed.

Ms. Geri stated she had not consulted the HOA prior to ordering the shed.

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

Motion to deny the requested variance passes.

ADJOURN:

Gary Hellmich made a motion to adjourn the meeting at 4:23 p.m. Luanne McCarley seconded the motion. All members voted aye.

Motion to adjourn the meeting at 4:23 p.m. passes.