

Board of Adjustment and Appeals Meeting Minutes
August 10, 2026

The City of Foley Board of Adjustment & Appeals held a meeting on August 10, 2026 at 4:00 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, Tyler Higginbotham and alternate member Derrick Perdue. Absent member was Gregg Knight. Staff present were: Cory Rhodes, Senior Planner; Eden Lapham, Planner 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 July 13, 2026 meeting minutes.

Chairman Keith Jiskra explained grammatical errors in the minutes had been identified and provided to the Recording Secretary for correction.

Gary Hellmich made a motion to approve the July 13, 2026 meeting minutes. Luanne McCarley seconded the motion. All members voted aye.

Motion to approve the July 13, 2026 meeting minutes passes.

NEW BUSINESS & PUBLIC HEARINGS:

1. Ryan Lowery- 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 7495 Brompton Dr. Applicant is Ryan Lowery.

Chairman Jiskra stated that several concerns stood out to him regarding the request. He asked Mr. Lowery if the contractor who constructed the structure was licensed.

Mr. Lowery stated the contractor was licensed.

Chairman Jiskra stated that a permit had not been obtained for the structure. He also stated that the subdivision has HOA covenants and asked whether Mr. Lowery had received HOA approval for the structure.

Mr. Lowery stated that he had attempted to contact the HOA for approval but had been unable to reach anyone.

Gary Hellmich noted that the structure also contains electrical work that has not been permitted.

Chairman Jiskra asked whether Mr. Lowery had communicated with his neighbors before the structure was erected.

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Mr. Lowery stated that the properties adjacent to his are operated as Airbnb rentals. He explained that he hired a contractor to construct the structure because he was unfamiliar with the City's ordinance. He stated that the structure has been in place for approximately five years without any previous concerns being brought to his attention. He also noted that a similar structure exists two doors down from his property. Mr. Lowery stated that he was not claiming that the structure was constructed in compliance with the regulations, but he had relied on the contractor to perform the work properly. He stated that he was experiencing financial difficulties and was currently going through a divorce.

Steve Bailey stated that he was unaware that the structure has been in place for approximately five years. He asked how long the similar structure two doors down has been in place and how the current situation has been reported to the City.

Mr. Lowery stated that the neighboring structure was installed around the same time as his and is a steel and concrete structure that is approximately twice the size of his. He assumed that his structure had been reported to the City as a complaint. He also stated that approximately 80% of the neighborhood properties are operated as Airbnb rentals and that there are numerous violations within the neighborhood.

Chairman Jiskra recommended that Mr. Lowery attend the HOA meetings and bring the issues within the area to the HOA's attention.

Mr. Lowery stated that he was unsure why the structure had become an issue after five years and that he did not have the financial means to relocate or remove the structure.

Gary Hellmich stated the fact that the structure has been in place for five years did not make it compliant with the City's requirements.

Mr. Lowery stated that the structure was very close to meeting the required setbacks.

Eden Lapham explained that the structure is required to be at least 5 feet from the property line and 10 feet from the water's edge of the pool and from the house.

A neighboring properties property management representative stated that the structure impacts the privacy of the neighborhood properties. He explained that the area where the structure was constructed has been raised using dirt removed during the construction of the pool. As a result, the structure was built on elevated ground and sits approximately 10' which is higher than neighboring properties.

Tyler Higginbotham made a motion to deny 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 deny the requested variance passes.

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Steve Bailey made a motion to establish a 60-day time limit for the structure to be removed or relocated to meet City requirements. 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 establish a 60-day time limit for the structure to be removed or relocated to meet City requirements passes.

ADJOURN:

Gary Hellmich made a motion to adjourn the meeting at 4:12 p.m. Tyler Higginbotham seconded the motion. All members voted aye.

Motion to adjourn the meeting at 4:12 p.m. passes.