

BOARD OF ADJUSTMENT & APPEALS MINUTES
September 28, 2009

9/29/09

1 of 2

The City of Foley Board of Adjustment & Appeals held a regular scheduled meeting on September 28, 2009 at 5:30 pm in the Council Chambers of City Hall. Board Members present were: Chairman, Sheila Hodges; Vernie Heard; Montie Clark; Jack Kimsey; and Jimmy Donaldson. Staff members present were: Planner, Miriam Boutwell and Recording Secretary Judy Schneider.

Chairman Hodges called the meeting to order at 5:30 pm

MINUTES:

Approval of the minutes for the August 10, 2009 regular scheduled meeting.

Jack Kimsey made a motion to adopt the minutes of the August 10, 2009 as published. Jimmy Donaldson seconded the motion. All members voted aye.

Motion to adopt the minutes of the August 10, 2009 as published passed.

NEW BUSINESS:

1. Nicholson, James W – Request for Rear Yard Setback Variance

The Board of Adjustment & Appeals has received a Variance request for 2535 Parkford Dr. The property is zoned PUD, Planned Unit Development. The Variance is from Section 7.8.6 D Minimum Depth of Rear Yard 20 feet. Recorded Plat for this property requires a 30 ft rear yard setback; therefore Mr. Nicholson has a pending request for the Planning Commission to complete a PUD Modification for his lot to require only a 20 ft setback. Planning Commission will meet on September 16, 2009 to make a determination on the PUD Modification. Mr. Nicholson is requesting a 2 ft variance from the Zoning Ordinances' required 20 ft setback.

Mr. Nicholson spoke to the Board and explained his request. Wants to put a sun room on the standard 12 x 14 patio that the builder put on the back of the house. Others in the neighborhood have accomplished this. Feel it will help to keep the price of the home up to standards with the neighbor hood. Respectfully requests the 2 ft variance.

Board member Jimmy Donaldson asked if the home owners association had approved the addition.

Mr. Nicholson stated they had approved it.

Jimmy Donaldson made a motion to grant the requested variance. Montie Clark seconded the motion. Roll call vote: Vernie Heard, aye; Jack Kimsey, aye; Montie Clark, aye; Sheila Hodges, aye; Jimmy Donaldson, aye.

Motion to grant requested variance passes.

BOARD OF ADJUSTMENT & APPEALS MINUTES

September 28, 2009

9/29/09

2 of 2

2. Pamela Sterrett – Request for a Use Permitted On Appeal

The Board of Adjustment & Appeals has received a request for a Use Permitted on Appeal; Article 7.1.2 of the Zoning Ordinance. This request is for an Assisted Living Unit in a TH-1 (Townhouse) zone. Property is located on the east side of S Elm St, south of U.S. 98. Applicant is Pamela Sterrett of Providence Homes.

Miriam Boutwell stated Ms Sterrett has requested that her application be carried over to the November 9, 2009 Board Meeting.

Montie Clark made a motion that the request be carried over to the November 9, 2009 Board Meeting. Vernie Heard seconded the motion. Roll call vote: Vernie Heard, aye; Jack Kimsey, aye; Montie Clark, aye; Sheila Hodges, aye; Jimmy Donaldson, aye.

Motion to carry the request over to the November 9, 2009 meeting passes.

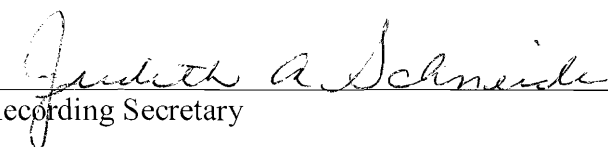
Chairman Hodges adjourned the meeting at 5:35 pm



Board of Adjustment & Appeals Chairman

11.30.09

Date



Recording Secretary

11.30.09

Date