

BOARD OF ADJUSTMENT & APPEALS MINUTES

December 14, 2009

12/15/09

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The City of Foley Board of Adjustment & Appeals held a regular scheduled meeting on December 14, 2009 at 5:30 pm in the Council Chambers of City Hall. Board members present were Jack Kimsey, Montie Clark, Jimmy Donaldson, Joe Cabaniss and Vernie Heard. Member absent was Chairman Sheila Hodges. Staff present was Planner, Miriam Boutwell and Recording Secretary Judy Schneider.

Jack Kimsey called the meeting to order at 5:30 pm and stated an acting Chairman needed to be nominated. Montie Clark made a motion to nominate Jack Kimsey as Acting Chairman. Jimmy Donaldson seconded the motion. Roll call vote: Vernie Heard, aye; Montie Clark, aye; Jack Kimsey, aye; Jimmy Donaldson, aye and Joe Cabaniss, aye.

Motion to nominate Jack Kimsey as Acting Chairman passes.

MINUTES:

Approval of the minutes for the November 30, 2009 regular scheduled meeting.

Montie Clark made a motion to approve the minutes of the November 30, 2009 meeting. Miriam Boutwell stated the agenda needed to reflect the meeting of November 30, 2009 was a rescheduled meeting, not a regular scheduled meeting.

Montie Clark revised his motion. The motion was to approve the minutes of the rescheduled November 30, 2009 meeting. Jimmy Donaldson seconded the motion. Roll call vote: Vernie Heard, aye; Montie Clark, aye; Jack Kimsey, aye; Jimmy Donaldson, aye and Joe Cabaniss, aye.

Motion to approve the minutes of the rescheduled November 30, 2009 meeting passes.

NEW BUSINESS:

1. Trest, Jim – Request Rear Yard Set Back Variance

The Board of Adjustment & Appeals has received a Variance request for 22753 Inverness Way in the Glen Lakes Subdivision. The property is zoned PUD, Planned Unit Development. The Variance is from Section 7.8.6 D Minimum Depth of Rear Yard 20 feet. Mr. Trest is requesting a variance of five (5) ft.

Mr. Jim Trest was present to explain his request.

Members of the Board asked if the request would encroach on any of the neighbor's property.

Mr. Trest said no.

Jack Kimsey asked the staff if there had been any opposing communication on this item. There was none.

Montie Clark made a motion to approve the request for a Rear Yard Set Back Variance, Vernie Heard seconded the motion. Roll call vote: Vernie Heard, aye; Montie Clark, aye; Jack Kimsey, aye; Jimmy Donaldson, aye and Joe Cabaniss, aye.

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Motion to approve the request for a Rear Yard Set Back Variance passes.

2. Bingham, La'Tedra – Request for UPA – Home Occupation

The Board of Adjustments & appeals has received a request for a Use Permitted on Appeal for a Home Occupation located in an R-4 zone. Property is located at 13498 Rooster Lane, Foley, AL. Applicant is La'Tedra Bingham.

Ms. Bingham was present to represent her request for a Use Permitted on Appeal.

Jack Kimsey asked if Ms. Bingham was aware of the letter submitted by Mr. Ronald Washington, she stated she was and proceeded to answer each of the questions listed.

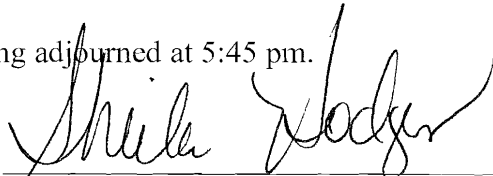
- Hours of Operation – There will be no hours of operation, the individuals will be living in the home and working in day programs during normal working hours.
- How many Children – There will be no children the individuals are disabled adults. Per law there will be no more than three (3).
- Will she have assistance – Yes, there will be paid assistance to help, as Ms. Bingham will be retaining her full time job and there will be nursing staff as needed per law.
- What type of activities and will they be outside – This will be the individuals home. Activities will be those of a normal household, the individuals will be outside with assistance.
- What type of experience - Ms. Bingham has experience working with disabled persons.
- CPR or First Aid Certified – Yes
- Handicap Accessible house – Yes

Montie Clark clarified that this was a Use Permitted on Appeal, not a rezoning of the property. Miriam Boutwell confirmed that.

Jimmy Donaldson made a motion to grant the Use Permitted on Appeal as requested. Vernie Heard seconded the motion. Roll call vote: Vernie Heard, aye; Montie Clark, aye; Jack Kimsey, aye; Jimmy Donaldson, aye and Joe Cabaniss, aye.

Motion to grant the Use Permitted on Appeal as requested passed.

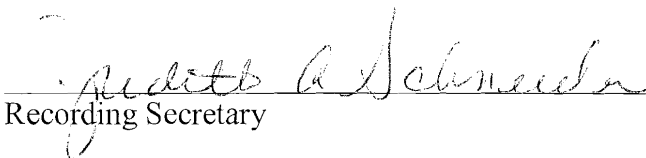
Meeting adjourned at 5:45 pm.



Board of Adjustment & Appeals Chairman

1.10.10

Date



Recording Secretary

1-11-10

Date