



Planning & Zoning Department Board of Adjustment and Appeals Report

Permit Information

Description: It is zoned B-1 and allows one residential unit per 2000 square feet of commercial. I am requesting two residential units and 2000 square feet of commercial.

Applicant Information

Permit Number: BAA24-000009
Applicant Name Brett Gaar
Applicant Email brett.gaar@gmail.com
Property Address 200 W ORANGE AVE, FOLEY, AL 36535
Applicant Primary Phone (251) 377-4486
Applicant Home Phone
Applicant Cell Phone
Applicant Work Phone
Current Zoning B-1
Parcel PIN# 15659

Variance - Yes

Specifics of Request: (list Article Reference, type of conditions, causes for hardship)

I hope to build a multi use building behind (north) of the current old house located at 200 west orange ave. The proposed building footprint is 2000 square foot and two levels. The current code only allows one residential unit per 2000 square feet of commercial. I hope to make two - 1000 square foot commercial units downstairs and two 1000 square foot residential units upstairs. If I were only allowed one residential unit it would be 2000 square foot and that is too large for the market. The market study conducted by the city says people are looking for 2 bedroom 2 bath units which are normally about 1000-1200 square feet. Please see attached site plan and elevation.

Art# 2.1- Definitions: Joint Residential & Commercial Use:

A joint use is a type of commercial property that includes both commercial and residential space. The residential uses shall be designed so that they are compatible with the commercial uses. Residential and commercial uses shall not occupy the same floor of a building. Residential and commercial uses shall not share the same entrances. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses may be allowed (structures with less than two thousand (2,000) square feet devoted to commercial uses shall be allowed one dwelling unit). Each 2,000 square feet of commercial must be built first or simultaneously with each family dwelling unit.

How does the above preclude reasonable use of your land?

I can build a two-level building with a 2000 square foot footprint but the current code doesn't allow two residential units upstairs. That is a waste of space which is a loss of a rental unit that would be built but not used.



June 11, 2024

Brett Gaar
193 River Route
Magnolia Springs, AL 36555

RE: Request for Variance

Dear Mr. Gaar;

The City of Foley Board of Adjustment & Appeals met on June 10, 2024 and the following action was taken:

Brett Gaar-Variance

The City of Foley Board of Adjustment and Appeals has received a request for a variance for Article 2.1, the allowed residential square footage in a joint residential and commercial use building in a B-1 zone. Property is located 200 W. Orange Ave. Applicant is Brett Gaar

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

Motion to approve the requested variance passes.

Please let me know if you have any questions or concerns.

Respectfully,

Amanda Cole

Amanda Cole
Planning and Zoning Assistant
(251)952-4011

MAYOR: Ralph Hellmich

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Kathryn Taylor

COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaites; Richard Dayton; Cecil R. Blackwell; Charles Ebert III

STATE OF ALABAMA
BALDWIN COUNTY

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that MAYME E. KOEHLE, a widow, hereinafter called the "Grantor," for and in consideration of love and affection for and the sum of ONE DOLLAR (\$1.00) cash in hand paid to Grantor by BRETT V. GAAR, hereinafter called the "Grantee," receipt of which is hereby acknowledged, does hereby (subject to the matters hereinafter set out) GRANT, BARGAIN, SELL and CONVEY unto said Grantee, his heirs and assigns, in fee simple, forever, all that real property in Baldwin County, Alabama, described as follows, to-wit:

Commence at the Southeast corner of the Northwest quarter of the Southwest quarter of Section 30, Township 7 South, Range 6 East, thence run North 88 degrees 45' West for 40.0 feet; thence run North 332.01 feet to the point of beginning; thence run North 88 degrees 45' West for 1,280.0 feet; thence run South 332.01 feet; thence run South 88 degrees 45' East for 1,280.0 feet to the point of beginning.

TOGETHER WITH ALL AND SINGULAR the rights, members, privileges, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the said Grantee, his heirs and assigns, in fee simple, FOREVER.

Conveyance of the above described property and all covenants and warranties of the Grantor hereunder (whether express, implied or statutory) is made subject to the following:

1. Lien for taxes hereafter falling due.
2. Previous reservations, conveyances, and leases of oil, gas and other minerals and rights incidental thereto now of record, if any.
3. Shortages, encroachments, overlaps and other matters which an accurate survey would reveal, if any.
4. Easements, rights-of-way and roads now of record or visible from the surface of said land, if any.

(All recording references refer to records in the office of the Judge of Probate, Baldwin County, Alabama.)

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal on this 5th day of July, 1989.

Mayme E. Koehle

MAYME E. KOEHLE

GRANTOR'S ADDRESS:
215 W. Coastal Avenue
Calley, AL 36525

GRANTEE'S ADDRESS:
Water Bay 32
Bayou La Pate 36555

REAL 361 0973

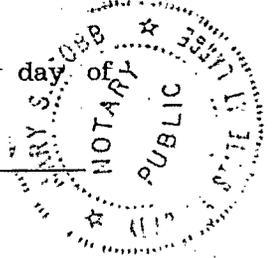
RECORD FEE 5.00
STATE OF ALABAMA
BALDWIN COUNTY
JUL 17 10 16 AM '89
OFFICE OF PROBATE
PP 361-1023-014
26.00

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that MAYME E. KOEHLE, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this, the 5th day of July, 1989.


NOTARY PUBLIC



THIS INSTRUMENT WAS PREPARED,
WITHOUT TITLE EXAMINATION, BY:

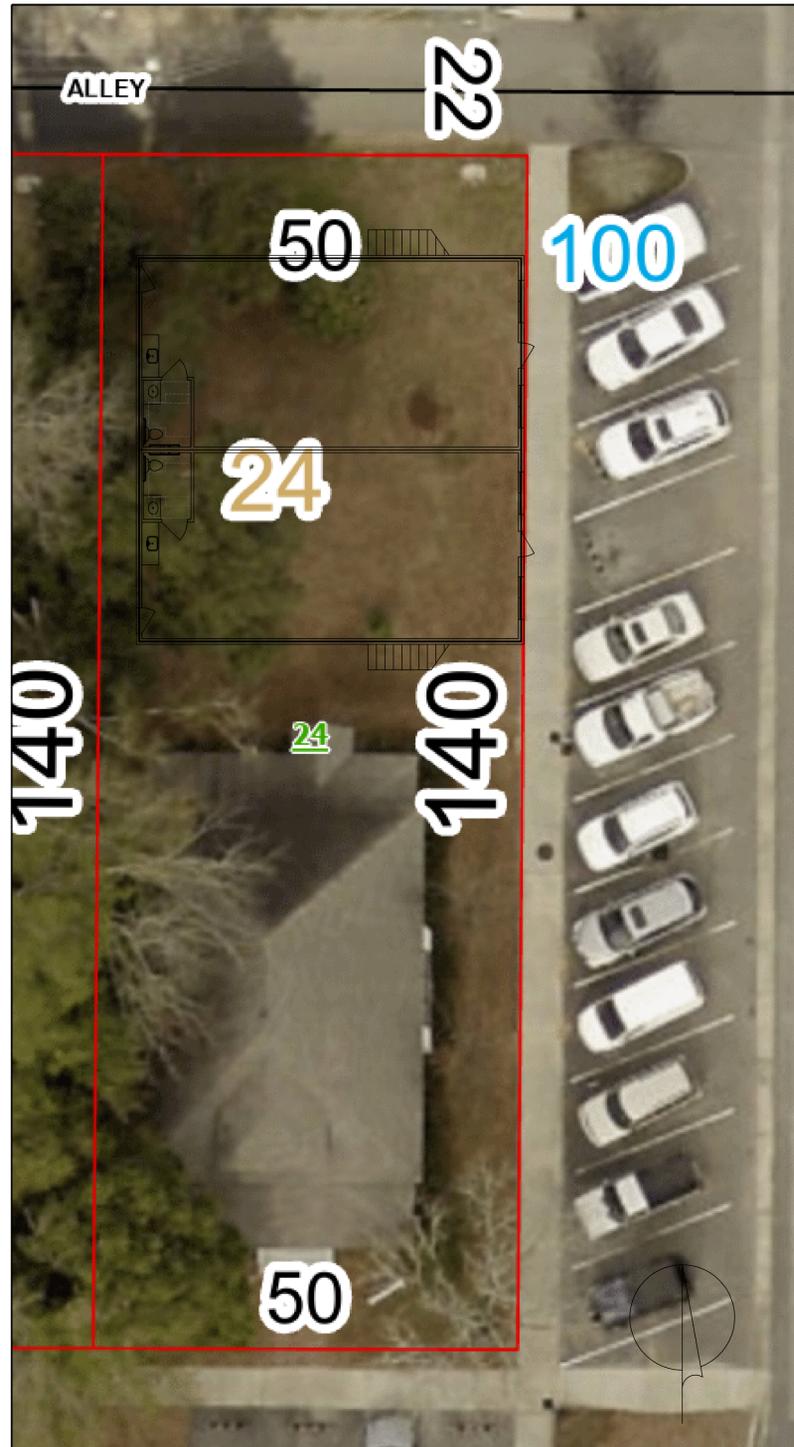
J. DON FOSTER
FOSTER, DYSON & CURENTON, P.A.
P. O. Box 340
Foley, Alabama 36536-0340

REAL 361 0974



CLARKITECTS, P.C.
ARCHITECTURE
(251) 680-7131

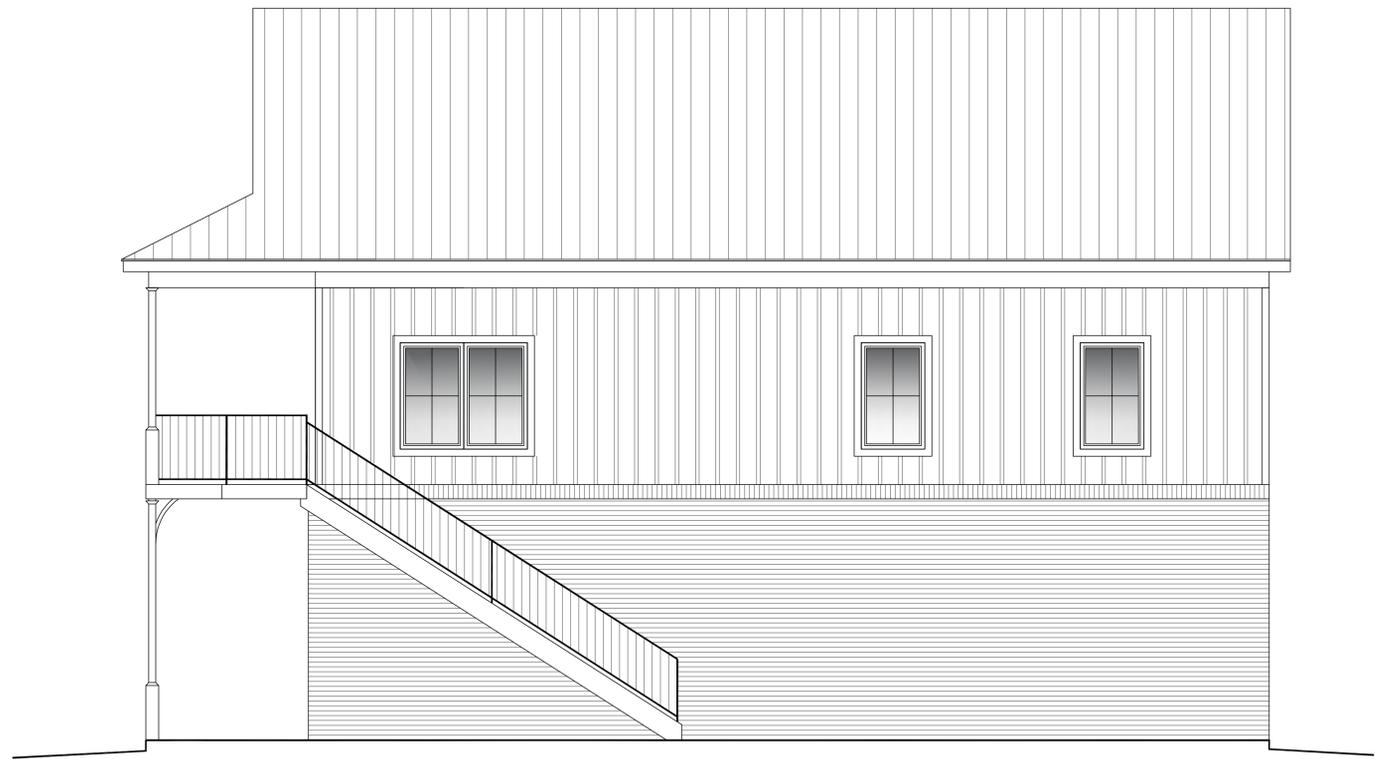
BRETT GAAR
FOLEY, ALABAMA



SITE LAYOUT
SCALE 1" = 10'-0"



FRONT (EAST) ELEVATION
SCALE 1/4" = 1'-0"



TYPICAL SIDE ELEVATION
SCALE 1/4" = 1'-0"

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

REV.	REVISION DESCRIPTION	BY	DATE

DATE: 3-12-2024
JOB NUMBER: 24-13

SHEET TITLE:

SHEET NUMBER: