

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF SEPTEMBER 2, 2021 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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Chairman called to order the regular meeting of the Board of Zoning Adjustment at 6:00 p.m. Roll was called thereafter and the number of members present constituted a quorum.

Members Present:

Clay Covert  
Derek Wolstenholme  
Herb Cole  
Willie Robison, Chairman

Members Absent:

Carolyn Courson, Vice Chair  
Billy Mayhand

Staff Present:

Adrienne D. Jones, Director Community Development  
Shawn Alves, BZA Attorney  
Pat Johnson, Recording Secretary

Chairman called for the **Approval of Minutes** of the July 1, 2021 meeting. There were no corrections, additions or deletions.

**The Minutes were approved unanimously.**

Chairman called the item under new business on the agenda, **Appeal #2021-04, James & Pam Ayres**, a request for a Variance to the Daphne Land Use & Development Ordinance filed with the City of Daphne Board of Zoning Adjustment. The property is PPIN #208451, a vacant lot, which is zoned R-1, Low Density Single Family Residential. The request, if granted, would establish a lot area of sixteen thousand square feet, in lieu of the required twenty thousand square feet; and allow the front porch to encroach five feet into the twenty-five feet corner side yard setback; and, allow a buildable coverage of thirty-one-point two five percent, in lieu of the required twenty-five percent.

Ms. Jones displayed a Power Point Presentation and noted an amendment to the Land Use and Development Ordinance (LUDO) Article IX relating to residential properties in the Olde Towne area, particularly the buildable area on certain lots of record being 38%, and an allowance for covered open air front porches to encroach five feet into the front yard setback.

The Chairman asked the Board for discussion and there was none. He opened the floor for public participation.

The petitioner, James Ayres stated, my wife, Pamela, and I currently live at 24048 Songbird Drive, but it is our desire to live in the Olde Towne Daphne area because of its character and charm.

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He added that his wife was a lifelong resident of Daphne, and he too has come to love it, and he thanked the Board for their time and consideration in granting this variance request.

The Chairman stated that their layout plans showed a pool and asked if a fence was planned when the pool is constructed.

Ms. Ayres stated that the plans were drawn by her brother, Larry Smith, an Engineer at S.E. Civil Engineering.

Mr. Smith stated building codes require a fence, but it is best to do so after the dirt is dug out, and he knew that from firsthand experience.

The Chairman questioned Ms. Jones, as to whether the Board can add a caveat that a fence must be constructed around the pool as part of their approval.

Ms. Jones affirmed, but referred the question to the attorney.

Mr. Alves stated that is correct.

The Chair closed public participation for those in favor of the appeal and asked for those in opposition, being none, he closed public participation and called for an affirmatively stated motion.

**A Motion was made by Mr. Wolstenholme and Seconded by Mr. Cole to approve Appeal #2021-04, James & Pamela Ayres, request for a Variance to the Daphne Land Use & Development Ordinance filed with the City of Daphne Board of Zoning Adjustment to establish a lot area of sixteen thousand square feet, in lieu of the required twenty thousand square feet; and allow the front porch to encroach five feet into the required twenty five feet corner side yard setback; and allow a building coverage of thirty-one point two-five percent, in lieu of the required twenty-five percent, with the caveat that a fence must be constructed before water is placed in the pool. The property is PPIN #208451, a vacant parcel, which is zoned R-1, Low Density Single Family Residential.**

Upon roll call vote, **the Motion carried unanimously.**

<b>Mr. Covert</b>	<b>Aye</b>
<b>Mr. Wolstenholme</b>	<b>Aye</b>
<b>Mr. Cole</b>	<b>Aye</b>
<b>Mr. Robison</b>	<b>Aye</b>

The Chairman stated the motion is approved, you may go by Community Development after 9:00 a.m. in the morning to pick up your paperwork.

There being no other business Chairman called for a **Motion to Adjourn.**

**A Motion was made by Mr. Cole and Seconded by Mr. Wolstenholme to adjourn. There was no discussion of the motion.**

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**The Motion carried unanimously.**

The meeting adjourned at 6:19 p.m.

**Respectfully submitted by:**

  
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Pat Johnson, Recording Secretary

**APPROVED:** October 7, 2021

  
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Willie Robison, Chairman