

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 6, 2022 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman called to order the regular meeting of the Board of Zoning Adjustment at 6:11 p.m. Roll was called thereafter and the number of members present constituted a quorum.

Members Present:

Clay Covert
Derek Wolstenholme arrived at 6:11 p.m.
Carolyn Courson, Vice Chair
Willie Robison, Chairman

Members Absent:

Herb Cole
Billy Mayhand
Tasha Quinnelly

Staff Present:

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

Chairman called for the **Approval of Minutes** of the April 7, 2022 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the item under new business on the agenda, **Appeal #2022-04**, a request for a Special Exception to the Daphne Land Use & Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would allow the operation of Before & After-School Program for children ages 4 - 12. The property is 26450 Pollard Road, which is in a B-2, General Business zone.

Ms. Jones displayed an outline of the subject area located at the southeast intersection of Well & Pollard Road stating the applicant wishes to have a before & after-school business with three employees, operating between the hours of 6:00 a.m. to 6:00 p.m. She explained the criteria for granting a special exception noting that every business must acquire their own, hence the reason for seeing another request for this same address in 2017. She cited that the Building Official had given approval as long as all building code regulations are adhered to, but the City Engineer did not give approval because there was no marked handicap parking and there possibly is not enough parking spaces for the use. The applicant submitted a hand drawn sketch plan and Ms. Jones stated that one parking space for each teacher and administrators was needed and the applicant can clarify whether there will be multiple uses in the building, however she noted that a site plan would have to be submitted and approved by the Planning Commission before a business license would be issued, and she recommended approval contingent upon providing a plan showing a functional safe plan for drop-off/pick-up, additional stripped parking to accommodate the number of teachers and the installation of fencing in outdoor play areas.

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The Board discussed reviewing and approving a special exception for another party at this address in 2017 and if in fact it is granted a site plan would have to be presented to the Planning Commission for approval totally separate from this appeal. The Board also wondered if the facility that helps people with substance abuse to the east should be considered since there will be children within close proximity that may perhaps prohibit their meetings, and Ms. Jones pointed out that that is why she recommended a fence for this use change, and that DHR will have specific guidelines that will have to be adhered to. The Chairman opened the floor for public participation.

Mr. Torren McCaster was joined at the podium by Mr. Gary Sanders, who stated, they were the ones seeking approval of the special exception to do a before and after-school program for thirty children ranging in age from 4 - 12 years old at 26450 Pollard Road. Mr. Sanders stated that they wanted to get approval of the special exception before investing any money in fencing, stripping the parking lot or making any changes in the building.

The Board discussed approval with adding a caveat for the applicants to do all of the things suggested by staff predicated on approval.

Ms. Jones stated before their business license is issued she would have to sign off on it and all of the things discussed must be done, and she cited if the Board denied the special exception they must give a reason why.

The Board inquired whether the program would be strictly before and after school and whether the children would be dropped off and picked up at school, which the answer was yes to both. The Chairman asked the Board for further discussion and being none, he called for those in favor of the appeal.

Mr. Curt Fonger, 1443 Randall Avenue stated that he was not aware of any notification of the meeting tonight. He said it was not on the city's website and that he had spoken with the city clerk's office and he was informed that they were not aware of the meeting either. He cited that when the park across the street was going to be used the area businesses screamed in outrage because they said they had not received any notification from DRA, but he assured the Board that the DRA had absolute defense because all of their meeting agendas were announced publicly, therefore if there is any controversy from this appeal being approved he suggests the adjacent property owners may say they were not told.

The Chairman stated that the appeal was published in the local newspaper twice and it is posted on the city's public events bulletin board, which is given to the City Clerk's office to post and it is on the website, and Ms. Jones agreed, but they do not have anything to do with scheduling the Board of Zoning Adjustment meetings.

Ms. Jamie Foster representing Community Action Agency of South Alabama, that is adjacent to this property stated they had actually received two public notifications about the meeting and since they promote self-sufficiency to help families improve themselves, therefore she is willing to help him be compliant if this is approved.

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The Chairman asked the Board for further discussion and being none, he called for those in favor of the appeal, being none, he called for those in opposition, being none, he closed public participation and asked for an affirmative motion.

A **Motion** was made by **Ms. Courson** and Seconded by **Mr. Wolstenholme** to **approve Appeal #2022-04, Torren McCaster/Patricia Grant, request for a Special Exception to the Daphne Land Use and Development Ordinance to allow the operation of a before & after-school program for children ages 4 -12 at 26450 Pollard Road, which is zoned B-2, General Business contingent upon satisfactorily submitting a site plan to the Planning Commission to review for compliance with Federal, State and Local regulations; and providing a plan that shows a functional and safe plan for drop-off/pick-up in the parking lot, additional parking to accommodate the number of teachers, and the installation of fencing in outdoor play areas; and upon ADA compliant parking.**

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

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|-------------------------|------------|
| Mr. Covert | Aye |
| Ms. Courson | Aye |
| Mr. Wolstenholme | Aye |
| Mr. Robison | Aye |

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

The Chairman called the next item on the agenda election of officers, and he opened the floor for the nominations for Chairman.

Ms. Courson nominated Mr. Robison for Chairman. The nominations were closed with no other nominations, Mr. Willie Robison is Chairman.

The Chair opened the floor for the nominations for Vice Chairman.

Mr. Wolstenholme nominated Ms. Courson for Vice Chairwoman. The nominations were closed with no other nominations; Ms. Carolyn Courson is Vice - Chairwoman.

The Chairman stated Ms. Pat Johnson is our Recording Secretary.

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

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

The Motion carried unanimously.

The meeting adjourned at 6:50 p.m.

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Respectfully submitted by:


Pat Johnson, Recording Secretary

APPROVED: March 2, 2023


C. Courson, Vice - Chairwoman