

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 3, 2017 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Chairman stated the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:05 p.m. and he asked for roll call.

Members Present:

Billy Mayhand
Thomas Warner - Arrived at 6:04 p.m.
Derek Wolstenholme
Willie Robison, Chairman
Herb Cole

Members Absent:

Philip Durant

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary
Tony Hoffman, BZA Attorney

Chairman called for the **Approval of Minutes** of the July 6, 2017 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman stated we welcome Mr. Wolstenholme as a new member on our Board tonight and he is recusing himself because he is an adjacent property owner to this property. Chairman called the next item on the agenda, **Appeal #2017-06 & 07 Mark & Sonja Crowell**, a request for a Variance to the Daphne Land Use and Development Ordinance, has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would establish two lot areas of ten thousand, six hundred and fifty square feet each, in lieu of the required fifteen thousand square feet each, with a lot width of seventy-one feet each, in lieu of the required ninety feet each. The property is Lot 1, 3, & 5, Block 7, Dryer Subdivision, which is zoned, R-2, Medium Density Single Family Residential. He called for Ms. Jones report.

Ms. Jones displayed a Power Point Presentation of Lot 1, 3 & 5 Block 7, Dryer Subdivision detailing the three lots of record configuration fronting onto Fourth Street an unimproved portion of that street, and the requested new two lot outline of 10,650 square feet with the 71 square feet width fronting Church Street and she stated R-2 setbacks would have to be adhered to. Staff listed the property owner's options for developing their land if the variance request is not approved: develop three individual lots with Fourth Street improvements per Public Works specified standards or recording a thirty-foot ingress/egress easement in Probate Records to give access to Church Street or combine the three lots into one, which fronts Church Street. Staff recommends approval of the Variance to have two houses rather than three.

Chairman opened the floor for public participation.

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Ms. Crowell stated I am Sonja Crowell, and I plan to build two houses, one for my Mom and one for my aunt, her sister so they can help me and my husband with our daughter, and we will keep our home in Potters Mill.

Chairman asked would anyone like to speak in favor or opposition to this appeal.

Mr. Lord stated my name is Ellis Lord I live on Church Street across from this property. I am against this appeal because she is essentially changing the zoning of the property to be smaller than R-3 zoning, and I feel that like this should be a zoning amendment, because based on the definition of a variance there is no hardship. I would be happy to see only one house built on this property as all of the others around it.

Mr. Wolstenholme stated my name is Derek Wolstenholme and I live on the other end of Fourth Street that is paved behind this property. Could the appeal be contingent upon Fourth Street being extended?

Ms. Jones stated no, because that is a decision for the Council and not the BZA. The right-of-way is there and it belongs to the City, it just has not been opened all the way through. So that decision is in the hand of the Council.

The Board discussed the lots of record done in the 1920's, the unopened Fourth Street right-of-way, and the unique character of Old Towne Daphne.

The Chairman asked would anyone else like to speak in favor or opposition of the variance. Being none, Chair closed the floor for public participation and entertained a motion.

A Motion was made by Mr. Mayhand and Seconded by Mr. Cole to approve Appeal #2017-06 & 07, Mark & Sonja Crowell, for a Variance to the Daphne Land Use and Development Ordinance. The request, if granted, would establish two lot areas of ten thousand, six hundred and fifty square feet each, in lieu of the required fifteen thousand square feet each, with a lot width of seventy-one feet each, in lieu of the required ninety feet each. The property is Lot 1, 3 & 5, Block 7, Dryer Subdivision, which is zoned R-2, Medium Density Single Family Residential.

Upon roll call vote, the Motion failed.

Mr. Warner Nay	
Mr. Mayhand	Nay
Mr. Cole	Aye
Mr. Robison	Aye

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The Chairman stated the request for variance is denied. You have fifteen days from today to notify the office of Community Development in writing of your plans to appeal this decision with the Circuit Court of Baldwin County. You can pick up your paperwork in the morning in their office. Thank you.

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

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Mr. Warner** to adjourn. There was no discussion on the motion.

The Motion carried unanimously.

The meeting was adjourned at 6:28 p.m.

Respectfully submitted by:


Pat Johnson, Recording Secretary

APPROVED: September 7, 2017


Willie Robison, Chairman