

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JULY 6, 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 6:00 p.m. and he asked for roll call.

Members Present:

Billy Mayhand
Philip Durant
Willie Robison, Chairman
Herb Cole

Staff Present:

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

Members Absent:

Thomas Warner

Chairman called for the **Approval of Minutes** of the March 2, 2017 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the next item on the agenda, **Appeal #2017-04 Patricia Grant**, a request for a Special Exception to the Daphne Land Use and Development Ordinance, the request if granted, would allow the operation of a learning disorder school for grades 1-8. The property is 26450 Pollard Road, which is zoned B-2, General Business.

Ms. Jones displayed a Power Point Presentation of 26450 Pollard Road depicting Well Road to the north, Pollard Road to the west and the surrounding residential and B-2, general business zones. Staff recommended approval and cited that the needed recommendations from the Public Works Director and the Building Official were also favorable.

Chairman opened the floor for public participation.

Mr. Monroe stated I am Spence Monroe and I represent the owner Patricia Grant, who is requesting approval for a school with 64 students to be operated at this address. Also with me tonight is Ms. Courtney Klotz, Founder of the school who is working with engineers to establish state code for the building and between us we will answer any questions you may have.

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

The Board questioned and discussed the number of employees and parking, the number of students, ingress and egress onto Well and Pollard Road during peak school hours, and modifications to the building.

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. Durant** and **Seconded** by **Mr. Mayhand** to **approve Appeal #2017-04, Patricia Grant, for a Special Exception to the Daphne Land Use and Development Ordinance. The request allows the operation of a learning disorder school for grades 1-8. The property is 26450 Pollard Road, which is zoned B-2, General Business.**

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

Mr. Durant	Aye
Mr. Mayhand	Aye
Mr. Cole	Aye
Mr. Robison	Aye

The Chairman stated the request for the special exception is approved. You can up your paperwork tomorrow morning around 9:00 a.m. in the office of Community Development. Thank you.

Chairman called the next item on the agenda, **Appeal #2017-05 26088 Capital LLC**, a request for a variance to the provisions of the Land Use & Development Ordinance Buffer Zone Requirements, Article 19-9(a)(vi), the variance if granted, would allow an encroachment of eleven feet into the required fifteen foot wide buffer along the western property line. The property is PPIN #227649, undeveloped land, which is zoned B-2, General Business.

Ms. Jones displayed a Power Point Presentation of PPIN #227649, the undeveloped land on Capital Drive directly across from the existing Daphne Commercial Storage business. The request is to encroach into the required fifteen foot buffer by eleven feet for a paved fire truck turnaround, which is also required for commercial driveways over 150 feet in length. Pictures were shown depicting the existing tree line and surrounding properties and the site plan. Ms. Jones stated that the Planning Commission had granted site plan approval contingent upon meeting the provisions of the Ordinance, but if approval was not given by the Board then they will have to modify their site plan to be in compliance. Staff cited that there was no hardship on the land.

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

Mr. Spencer stated my name is Tony Spencer and I represent TPS Design, we desire variance approval in order to provide a paved fire truck turnaround for our commercial driveway because it is over 150 feet in length according to the ordinance because economically we desire our buildings to be bigger. If I may I would like to pass out a letter of support from the west side adjacent property owner to the Board.

The Board reviewed the letter and questioned the excessiveness of the variance into the buffer zone, and cited that the conditions of a variance do not exist, and a larger building footprint for economic gain was also not sufficient criteria.

The Chairman stated does the Board have any other questions or comments? If not, let the record show there is not anyone present to speak in opposition of this appeal. The Chairman will entertain a motion.

A **Motion** was made by **Mr. Durant** to approve **Appeal #2017-05, 26088 Capital LLC, a request for a variance to the provisions of the Land Use & Development Ordinance Buffer Zone Requirements, Article 19-9(a)(vi), the variance will allow an encroachment of eleven feet into the required fifteen foot wide buffer along the western property line. The property is PPIN #227649, undeveloped land, which is zoned B-2, General Business.**

The appeal was denied due to the lack of a second.

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

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

The Motion carried unanimously.

The meeting was adjourned at 6:33 p.m.

Respectfully submitted by:


Pat Johnson, Recording Secretary

APPROVED: August 3, 2017


Willie Robison, Chairman