

**BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 1, 2016 - 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
Thomas Warner

Staff Present:

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

Members Absent:

William Scully
Frank Lamb

Staff Absent:

Tony Hoffman, BZA Attorney

Chairman called for the **Approval of Minutes** of the September 1, 2016 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the next item on the agenda, **Appeal #2016-04 Robert and Janice Clark**, a request for a Variance to the Daphne Land Use and Development Ordinance, as modified and amended, as to the Malbis Property in conformance to matters depicted upon the Master Plan and/or as set forth in the "Notes" affixed thereon as provided in Ordinance 1998-05, Section 4(a) approved by the City Council on March 2, 1998 has been filed with the City of Daphne Board of Zoning Adjustment. The request proposes to encroach into the 14.5' side yard setback by 3.3' and encroach into the 30.0' rear yard setback by 0.8'. The property is 29710 Jason Malbis Boulevard, which is zoned R-2, Medium Density Single Family Residential in Historic Malbis, a Planned Unit Development. Ms. Jones if you would give us your report.

Ms. Jones displayed a Power Point Presentation of 29710 Jason Malbis Boulevard showing the 3.3', front yard setback encroachment and the 0.8', rear yard encroachment on the garage of the existing residence. Staff recommended approval of the Variance.

Chairman opened the floor for public participation.

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Mr. Clark stated I am Robert Clark, and in 1994 I built this house and lived in it thirteen years. I currently reside at 356 Signal Valley Trail, Chelsea, Alabama. I am here seeking approval of this variance after I thought I had performed everything needed thirteen years ago when I built the house. I was told by the then Building Official that I needed a variance from the Historic Malbis ARB and I got it. After I received that variance my building permit was approved and issued and I was given a certificate of occupancy when the house was complete, therefore I thought I had done all I needed to do. It was not until a few weeks ago that I was made aware by the title company that I needed a variance from the City.

After the Board's review of the information in their packet and Staff's power point presentation they had no comments or questions.

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. Durant to approve Appeal #2016-04, Robert and Janice Clark, for a Variance to the Daphne Land Use and Development Ordinance, as modified and amended, as to the Malbis Property in conformance to matters depicted upon the Master Plan and/or as set forth in the "Notes" affixed thereon as provided in Ordinance 1998-05, Section 4(a) approved by the City Council on March 2, 1998 has been filed with the City of Daphne Board of Zoning Adjustment. The request proposes to encroach into the 14.5' side yard setback by 3.3' and encroach into the 30.0' rear yard setback by 0.8'. The property is 29710 Jason Malbis Boulevard, which is zoned R-2, Medium Density Single Family Residential in Historic Malbis, a Planned Unit Development.

Upon roll call vote, the Motion carried unanimously.

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

The Chairman stated the request for the variance is approved. If you can give Ms. Pat ten minutes you can take your paperwork with you tonight. Thank you.

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

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A Motion was made by Mr. Durant and Seconded by Mr. Mayhand to adjourn. There was no discussion on the motion.
The Motion carried unanimously.

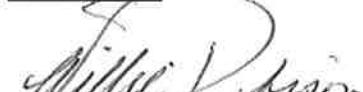
The meeting was adjourned at 6:10 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: February 2, 2017



Willie Robison, Chairman