

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF FEBRUARY 4, 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
Frank Lamb
Larry Cooke
Willie Robison, Chairman
William Scully

Members Absent:

Thomas Warner

Staff Present:

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

Staff Absent:

Tony Hoffman, BZA Attorney

Chairman called for the **Approval of Minutes** of the December 3, 2015 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the next item on the agenda, **Appeal #2016-02 Daphne Jubilee, LLC**, a request for a Variance to the Daphne Land Use and Development Ordinance. The variance, if granted, proposes to change the front yard setback to fifty-feet, in lieu of the required one hundred-feet, as described in Article 39 of the Land Use and Development Ordinance, for redevelopment of the site. The property is 6935 U.S. Highway 90, which is zoned B-2, General Business Zone.

Ms. Jones displayed a Power Point Presentation of 6935 U.S. Highway 90 outlining the proposal of a shopping center with two out parcels for future development and the building currently being torn down. She stated the subject property is between Shell and Ruff House Dog Daycare across from the Jubilee Mall. It is zoned B-2, General Business within the Jubilee Retail Overlay District(JROD)subject to the provisions in Article 39 of the Land Use & Development Ordinance enacted before the site was redeveloped.

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Ms. Jones stated the applicant's request is for a variance of fifty-feet from the front setback line. Typical B-2 setbacks are fifty-feet from the centerline whether on a state or county highway for property outside of the overlay district. To give you just a little background, the JROD was adopted by the City Council on January 19, 2010 in Ordinance 2010-06 in response to the desire to obtain a pylon sign visible along Interstate 10 the one hundred foot setback became applicable. It was written to mirror the Eastern Shore Park Overlay District located at I-10 and State Highway 181, and in 2014 our sign provisions were amended to increase the allowable square footage in the district and throughout the entire city limits upon recommendation of the Sign Committee. When the site plan for Daphne Commons was drawn it was designed for the setback requirements of the regular B-2, General Business provisions of fifty-feet, but upon review prior to Planning Commission (PC) approval the discrepancy was discovered, which affects not only this site plan, but roughly thirteen other business in the JROD. The engineers were made aware that the property is located within the JROD and subject to the provisions thereof, which requires a one hundred foot front setback. The Planning Commission gave site plan approval on January 28th contingent upon the Board of Zoning Adjustment approving the variance or the City Council amending Article 39 of the LUDO, which they favorably recommended unanimously to them. The Council has set a public hearing March 7th, and if they are in agreement with the PC then the amendment could be approved by March 21st. Staff does not recommend approval because there is no hardship, the one hundred foot front setback requirement poses an impact to at least thirteen other properties in the JROD, therefore this must be addressed holistically rather than incrementally.

Chairman opened the floor for discussion.

Mr. Bobe stated my name is Andy Bobe and I am with Preble-Rish, an engineer for the site plan representing Daphne Jubilee.

The Chairman stated why are we here tonight? If in approximately thirty days the City will in all likelihood rectify this situation for the entire area, which will be in your favor, giving holistic justification instead of for one parcel.

Mr. Bobe answered because the application was filed before we knew of the City's plans to amend the LUDO. I do not know who discovered the mistake first the City or us, but our client definitely needs the space. Therefore, we took our first opportunity to make our case, so we filed for the variance not knowing that the Ordinance may be changed.

The Chairman stated is this the first that you have heard of the possibility of the Ordinance being changed.

Mr. Bobe stated actually last Thursday was the first time I heard it.

The Chairman stated so have you advised your client of what is taking place and what the Council is about to do. If so, what did they say?

Mr. Bobe stated they would prefer to stay on the agenda in case it does not pass.

The Board discussed and questioned the applicants' timeline, their need for the variance in lieu of the amendment to the JROD Ordinance, and the other businesses located within the JROD being subject to the same restriction. They also discussed the applicant withdrawing their request versus tabling.

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. Lamb and Seconded by Mr. Cooke to table Appeal #2016-02, Daphne Jubilee LLC, to change the front yard setback to fifty-feet, in lieu of, the required one hundred-feet described in Article 39 of the Land Use & Development Ordinance, for redevelopment of the site for forty-five days (45), and to draft a letter to the City Council giving their support of the Planning Commission's favorable recommendation for approval to amend the Jubilee Retail Overlay District setbacks and ask the Council to suspend the rules due to severe time constraints.

Upon roll call vote, the motion carried unanimously.

Mr. Cooke	Aye
Mr. Durant	Aye
Mr. Lamb	Aye
Mr. Mayhand	Aye
Mr. Robison	Aye
Mr. Scully	Aye

The Chairman stated the request is tabled for forty five days subject to the City Council approving the amendment of the JROD.

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

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

The Motion carried unanimously.

The meeting was adjourned at 6:41 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: September 1, 2016



Willie Robison, Chairman