

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JUNE 4, 2015 - 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:

Larry Cooke
Billy Mayhand
Willie Robison, Chairman
Frank Lamb
Philip Durant

Members Absent:

William Scully
Thomas Warner

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 January 8, 2015 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the next item on the agenda, **Appeal #2015-01 D. R. Horton Incorporated**, a request for a Variance to the Daphne Land Use and Development Ordinance. The variance, if granted, proposes to change the side yard setback to nine point sixty-eight feet, in lieu of the required ten feet. The property is 10166 Dunmore Drive, in the Dunmore Subdivision, which is zoned R-3, High Density, Single Family Residential.

Ms. Jones displayed a Power Point Presentation of 10166 Dunmore Drive. She stated construction of the house is complete. At the time of the original layout all setbacks were in compliance. The second slide shows a modification from the original layout, but the setbacks are still in compliance. The current configuration shows the garage being flipped from the original plans. It was modified from the west to the east side, and the encroachment is on the southwest corner of the house. It is a minor encroachment that needs to be approved by the BZA nonetheless. I recommend approval.

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Chairman opened the floor for discussion.

Mr. Sasser stated my name is Scott Sasser and I am with D. R. Horton. We did flip the house to its current location because of a tree that the homeowner wanted to keep, therefore we flipped the driveway in order to save that tree. When we flipped it and had it re-plotted it still showed the house within the setback lines. Though when we reset the form boards we believe we just made an error setting them, and they got a little off on that back right hand corner, and we were over by about three inches. We think that it is completely our error. On the right of the home will be a common area so there will be no structure located on that side. We felt like rather than having to alter this home we would ask for a variance, rather than having to remove the brick.

The Board questioned the name of the applicant, and before the flipping of the garage, builders signing permits stating I will comply with the requirements for setback regulations, and at what point mortgage companies cite their discontent with setback errors. The Board expressed their opinions for these types of setback violations and the need for someone to be held accountable to prevent them in the future, and they questioned whether a C/O is needed before a home can be occupied and how surveys are done from the brick ledge.

Chairman opened the floor for public participation.

The Chairman stated thank you. Is there anyone else that would like to speak in favor or opposition of the variance? Being none, the Chair closed the floor for public participation and entertained a motion.

A Motion was made by Mr. Mayhand and Seconded by Mr. Lamb to approve Appeal #2015-01, D. R. Horton, Incorporated, for a variance to change the west side yard setback to nine point sixty-eight feet, in lieu of the required ten feet. The property is 10166 Dunmore Drive, which is zoned R-3, High Density, Single Family Residential.

Upon roll call vote, the motion carried unanimously.

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

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The Chairman stated the request for a variance is granted and you may pick up your paperwork in the morning at the office of Community Development around 9:00 o'clock.

The Board discussed and decided on drafting a letter to Council to set fines for builders who are negligent in violating setback requirements.

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

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

The Motion carried unanimously.

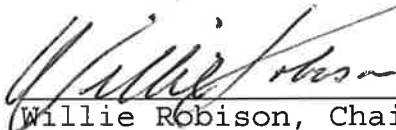
The meeting was adjourned at 6:35 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: July 2, 2015



Willie Robison, Chairman