

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 3, 2014 - 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 called to order at 6:00 p.m. and asked for roll call.

Members Present:

Larry Cooke
Billy Mayhand
Willie Robison, Chairman
Thomas Warner

Members Absent:

Frank Lamb
Philip Durant
William Scully

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 March 6, 2014 meeting. There were no corrections, additions or deletions.

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Mr. Cooke** to **approve the minutes.**

The Motion carried unanimously.

Chairman called the next item on the agenda, **Appeal #2014-04 D. R. Horton**, a request for a variance proposing to change the rear setback to thirty four feet and thirty six inches, in lieu of the required thirty five feet, and change the front yard setback to thirty four feet and fifty seven inches, in lieu of the required thirty five feet to clear the title. The property is 9716 Cumbria Drive, which is zoned R-2, Medium Density, Single Family Residential.

Ms. Jones displayed a Power Point Presentation. She stated this is Lot 23 in the Oldfield Subdivision. It is a two story dwelling unit. The plat shows an eyebrow cul-de-sac and it is relatively irregularly shaped, like a triangle instead of a typical rectangle.

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Ms. Jones stated there are three encroachments into the setbacks, one in the front and two in the rear. The front of the garage is thirty four point fifty seven feet instead of thirty five feet, and in the rear the nearest encroachment is on the corner which is thirty four point thirty six feet instead of thirty five feet. My recommendation is for approval because there is no other way to remedy these faults that were made. Included in your packet was the original plot plan showing where the house was supposed to be fit. There are four iterations of the house with the last one showing the encroachment.

Chairman opened the floor for discussion. The Board questioned whether the driveway shown on the last plot plan as being over the property line was part of the variance.

Mr. Jones stated the driveway was corrected and it is not part of this variance request. They presented that as full disclosure since it was part of the title company's request that it be rectified. There are representatives here to talk about the title and the construction process as well.

Chairman opened the floor for public participation.

Danny Pierce, the City Manager for D. R. Horton stated What we have here is an error that we had internally. We started doing an option on some of our newer houses for larger garages. We had our Architect draw up the plans, and the Engineer, who plots them on the lot, was given a plan and unfortunately the Surveyor and the Architect got mixed up on the plans. One was a little bigger than the other. It was plotted correctly, but as built it was a little too big when it should have been shrunk down a little bit. It was an internal error on our part, and from what happened we have since corrected it. I appreciate you looking at this and giving us approval to go forth.

The Chairman thanked Mr. Pierce and asked did anyone have any questions. The Board questioned if the stated construction error occurred was the mistake made by the Architect and the Engineer.

Mr. Pierce stated that is how the error occurred. We have to obtain a plot plan for every house for permitting as we have done many, many times, but like I said we started a new option with our houses of putting in larger garages, so it took a revision to our plans, so when we made that revision there was a little miscommunication about the dimension of the garage.

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Mr. Pierce stated it got plotted one way and one of the revisions of the house had it a little bigger, so we actually built it according to one revision and plotted from another revision. It was an internal error, but we have it corrected now.

Mr. Mayhand asked are you planning to build more houses in the subdivision.

Mr. Pierce stated yes, sir, we purchased all of the lots. There were less than ten homes in the subdivision when we originally purchased it.

Mr. Mayhand stated now that your internal error has been corrected you will not do this again, correct.

Mr. Pierce stated no, sir. I can tell you that error has been corrected. The homeowner is here with us tonight, anxiously waiting to get going if this is approved.

The Chairman asked Ms. Jones to put the plat back on the screen showing the lots. He asked Mr. Pierce whether he was sure or not if they would have a similar incident with Lot 124 since it is shaped sort of the same as Lot 123.

Mr. Pierce stated Lot 124 is already a completed sold house.

The Chairman stated thank you again. Is there anyone else that would like to speak in favor or opposition of this appeal? 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. Warner to approve Appeal #2014-04, D.R. Horton, a variance request to change the rear setback to thirty four feet and thirty six inches, in lieu of the required thirty five feet, and change the front yard setback to thirty four feet and fifty seven inches, in lieu of the required thirty five feet to clear the title. There was no discussion on the motion.

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

Mr. Cooke	Aye
Mr. Mayhand	Aye
Mr. Robison	Aye
Mr. Warner	Aye

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Chairman explained to Mr. Pierce that the request was approved and he could pick up the paperwork around nine o'clock in the morning in Community Development. There being no other business the Chairman called for a **Motion to Adjourn.**

A **Motion** was made by **Mr. Cooke** and **Seconded** by **Mr. Mayhand** to **adjourn.**

The motion carried unanimously.

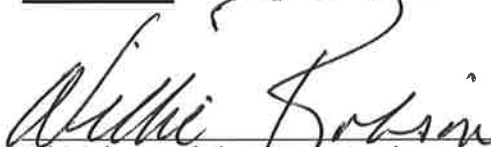
The meeting was adjourned at 6:14 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: May 1, 2014


Willie Robison, Chairman