

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JUNE 5, 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:

Billy Mayhand
Willie Robison, Chairman
Frank Lamb
Philip Durant
William Scully
Thomas Warner *Arrived at 6:01 p.m.

Members Absent:

Larry Cooke

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary
Jennifer Holyfield, BZA Attorney

Chairman called for the **Approval of Minutes** of the May 1, 2014 meeting. There were no corrections, additions or deletions.

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

The Motion carried unanimously.

Chairman called the next item on the agenda, **Appeal #2014-07 Brent Harwood**, a request for a variance proposing to change the side setback to eight point five feet, in lieu of the required twenty five feet, for an alteration to an existing nonconforming structure as described in Article 9-2 of the Land Use & Development Ordinance. The property is 1501 U.S. Highway 98, which is zoned B-2, General Business.

Ms. Jones displayed a Power Point Presentation regarding the proposal beginning with a brief description of the Board of Zoning Adjustment's authority as provided in Article 21 and an excerpt from Article 9-2 regarding nonconformance in the Land Use & Development Ordinance. The site is zoned B-2 with twenty five foot corner side yard minimum requirement. She showed aerial imagery of the area.

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She displayed the original plat and re-subdivision of the Webb Family Limited Partnership's land and its relationship to the subject property in relation to the surrounding area. Rather than make a recommendation Ms. Jones presented three alternatives for the Board of Zoning Adjustment to consider along with the possible outcome from each one. If Approved... Possible Outcome: Owner has the right to expand as indicated or tear-down and rebuild entire structure at the same location in future. If Denied... Possible Outcome: owner has the right to continue using the building as-is subject to Article 9-2. If granted with limited Approval... Possible Outcome: The Board of Zoning Adjustment could approve the variance to allow the enclosure, but should be clear in its position that this building shall maintain its classification as a non-conforming structure and therefore it remains subject to the provisions of Article 9-2 of the Land Use & Development Ordinance.

Chairman opened the floor for discussion. The Board questioned the limited approval option described by Ms. Jones.

Ms. Jones stated with limited approval they will be able to enclose the garage as it exists, but remain a nonconforming structure subject to the provisions of Article 9-2 of the Land Use & Development Ordinance.

Chairman opened the floor for public participation.

Mr. Partridge, a representative for Dr. Harwood, stated my name is Bill Partridge, I am here to ask you to grant approval to enclose the carport and of course we know that the structure will remain nonconforming.

The Chairman stated thank you. 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. Scully and Seconded by Mr. Durant to approve Appeal #2014-07, Dr. Brent Harwood variance request to allow the removal of the existing carport and replace it with an enclosed addition of the same size, at the same location as the existing carport. The proposed addition would not increase the encroachment into the setback, and this building shall maintain its classification as a non-conforming structure thereby, remaining subject to the provisions of Article 9-2 of the Land Use & Development Ordinance. There was no discussion on the motion.

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Upon roll call vote, the motion carried unanimously.

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

Chairman explained that the request was approved and the paperwork can be picked up around nine o'clock in the morning in Community Development. He also asked for an election of a Chairman Pro Tem to be placed on the next meeting agenda.

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 6:23 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: August 7, 2014



Willie Robison, Chairman