

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MARCH 6, 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
Frank Lamb
Billy Mayhand
Philip Durant
Willie Robison, Chairman
Thomas Warner
William Scully

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

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

The Motion carried unanimously.

Chairman called the next item on the agenda, **Appeal #2014-03 Virginia Vinson**, a request for a variance proposing to change the rear setback to twenty feet and eleven inches, in lieu of the required forty feet, and change the east side yard setback to seven feet, in lieu of the required fifteen feet for an alteration to an existing nonconforming residence as described in Article 9-2 of the Land Use & Development Ordinance. The property is 506 College Avenue, which is zoned R-1, Low Density Single Family Residential.

Ms. Jones displayed a Power Point Presentation. She described the conceptual building pad of the property if the property was developed in accordance with R-1 zoning requirements: forty-feet on the front and rear, and fifteen-feet on the sides. She described the outline of the existing house which was built in 1959. It sets well outside of the required zoning setbacks. Ms. Vinson purposes two additions, one for a bathroom on the rear; and, the other for a roofed extension of the porch on the front.

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Ms. Jones stated all as a part of the structure itself, that it would have to adhere to our setback requirements. Considerations in this appeal are that the house pre-dates our zoning ordinance established in 1987, and I would say that this does create an unnecessary hardship due to the location of the house already being outside of the minimum setback requirements. No, these conditions are not peculiar to this piece of property because there are other lots in Olde Towne Daphne like this one, especially in the Yuille, Bertagnolli and Belrose Wharf subdivisions that are fifty by one hundred feet, all of which would be considered substandard. We have seen plenty of appeals in this area for variances. Relief, if granted, would cause substantial detriment to the public, to this I would say no. My recommendation is for approval.

Chairman opened the floor for discussion. The Board questioned presently how far the house encroach the setbacks without the additions, and how much additional square footage will this add to the house?

Mr. Jones stated the entire house encroaches, and according to the first page of the application in your packet Ms. Vinson states that it is an eight by thirteen foot bathroom on the rear and an eight by sixteen foot open porch on the front.

The Chairman stated roughly about two hundred and something square feet, and Mr. Mayhand wondered if we had drawings of the addition.

Ms. Jones stated two hundred square feet is a minor addition to the structure, and Ms. Vinson started in the Building Inspection Department and was referred to us. They have the plans, but we did not get a copy of them. Ms. Vinson has a copy with her.

(The Board reviewed a copy of the addition plans that was presented to Building Inspections for a permit by Ms. Vinson.)

Mr. Scully asked what would keep a subsequent buyer from buying the home and filling the remaining buildable pad area plus the existing house area with these setbacks that are being set forth now.

Ms. Jones stated there is not anything that would preclude anyone from building within this footprint.

Mr. Scully asked so they could extend to within the true building pad as long as it was within twenty five percent of the lot area.

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Ms. Jones stated yes, our provisions do tie the R-1 zoning requirement to a maximum coverage up to twenty five percent.

Mr. Lamb stated the variance goes with the land.

Ms. Jones stated yes.

Mr. Scully stated so really the only limitations on a future owner would only be that twenty five percent as long as they are within these setbacks.

Ms. Jones stated yes.

Chairman opened the floor for public participation.

Ms. Vinson stated she currently lives in the home behind this location and at some future date this is where she intends to live upon retirement. So this is why she is doing the addition.

Mr. Lamb stated is the home presently occupied?

Ms. Vinson stated yes.

The Chairman thanked Ms. Vinson and asked was 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. Cooke and Seconded by Mr. Mayhand to approve Appeal #2014-03, Virginia Vinson, a variance request to change the rear setback to twenty feet and eleven inches, in lieu of the required forty feet, and change the east side yard setback to seven feet, in lieu of the required fifteen feet for an alteration to an existing nonconforming residence as described in Article 9-2 of the Land Use & Development Ordinance. There was no discussion on the motion.

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

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

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Chairman explained to Ms. Vinson that the request was approved and she 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.

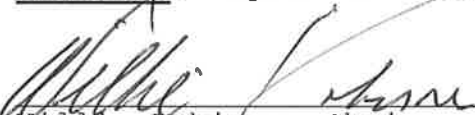
The meeting was adjourned at 6:13 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: April 3, 2014



Willie Robison, Chairman