

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 5, 2013 - 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. Let us have roll call.

Members Present:

Larry Cooke
Frank Lamb
Philip Durant
Willie Robison, Chairman
William Scully
Billy Mayhand
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 November 7th, 2013 meeting. There were no corrections, additions or deletions.

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

The Motion carried unanimously.

Chairman called the next item on the agenda, **Appeal # 2013-05 Cynthia Pierce**, a request for a variance to create an R-1 zone parcel with nineteen thousand square feet in area in lieu of the required twenty thousand square feet. The property is 2403 Pollard Road, which is zoned R-1, Low Density Single Family Residential.

Ms. Jones displayed a Power Point Presentation of 2403 Pollard Road, located on the west side of Pollard Road, south of the Park at Whispering Pines Apartments. The subject property is zoned single family residential and is surrounded by other R-1 single family residences with approximately one to two acres. Public water is available, but not sewer. The Board's approval would establish precedent which could be applied to each of the surrounding properties, and the only hardship is self-imposed.

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Chairman opened the floor for discussion. The Board questioned the flag lot on the petitioners' illustration as to whether the easement had to be as shown or if there was access to the site from the rear of the property, and also, because of the absence of sewer, does Baldwin County Health require fifteen thousand square feet of property to perc (short for percolation) for a septic tank. Lastly it was asked why this variance was being requested.

Ms. Jones stated there has to be access to the property and no this particular piece could not be accessed from the rear. There is an easement on the back side of these parcels and it belongs to someone else, and as far as the perc test it is my thought that it needs that much land because of the length of the field lines, and Ms. Pierce can answer why the variance is proposed. The Chairman closed the floor for discussion and opened the floor for public participation.

Ms. Pierce, 2375 Pollard Road stated she wants to remodel the existing house and needs to subdivide it for a mortgage, but does not want to tie up all the land: four houses can fit on it. She talked to a contractor about expanding the existing 28' x 32' house into a 32' x 32' brick house and thinks there is a large amount of footage and a lot of maintenance to keep up with. She wants to divide things up deeding a piece to each child. The house belonged to her Aunt and there were eleven siblings in the original family and each one was given a piece of land. Ms. Pierce closed by saying the surrounding property owners perhaps will also want to give their children a piece of property, so there will be a precedent set.

After discussing the minimum requirements for R-2 & R-3 zoning with staff and the Board, the Chairman suggested Ms. Pierce get together with the other property owners and go before the Planning Commission to request rezoning of these properties to another zone district in the event that the property owner has more children. The Chairman asked if there was anyone that would like to speak in opposition to this appeal.

Ms. Lewis, 2405 Pollard Road, stated this property belonged to her sister who died and left it to Cynthia's mother and Cynthia's mother is her sister. She is opposed to splitting up this land. The Chairman thanked Ms. Lewis and asked was there anyone else that would like to speak. Being none, the Chair closed the floor for public participation and entertained a motion.

The appeal is denied due to the lack of a motion.

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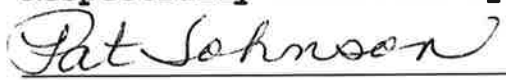
Chairman explained to Ms. Pierce that the request can be appealed to circuit court within 15 days of this meeting by submitting a written letter to Community Development. Chairman called for a **Motion to Adjourn.**

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

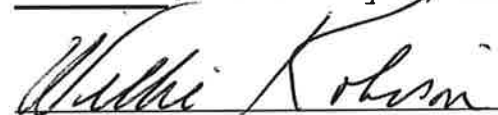
The motion carried unanimously.

The meeting was adjourned at 6:25 p.m.

Respectfully submitted by:


Pat Johnson, Recording Secretary

APPROVED: February 6, 2014


Willie Robison, Chairman