

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MAY 3, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Chairman: the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment called to order at 5:58 p.m. Let us have roll call.

Call of Roll:

Members Present:

Glen Swaney, Vice Chairman
Frank Lamb arrived at 6:01 p.m.
Billy Mayhand
Willie Robison, Chairman
Jim Moss

Staff Present:

Adrienne D. Jones, Director of Community Development
Tony Hoffman, BZA Attorney
Pat Houston, Recording Secretary

Chairman: before we start with our agenda we have one of our Board members who after serving many, many years has decided not to seek reappointment, Ms. Jeri Hargiss, we want to publically acknowledge her service. I was hoping she would be here tonight, but even with her not being here we wish to still recognize her. She served the City of Daphne faithfully for many years, she was very conscientious and studious in doing so. She went out and looked at all of the sites to analyze the situation and hardly ever said a word, but you could see the interest in the details in her face as she sat in the end seat there. So tonight I would just like to thank Ms. Hargiss for her many years of faithful service to the City.

There will be five members of the BZA voting tonight and it takes a super majority to approve any of the appeals. The first order of business tonight will be the approval of the December 1st, 2011 meeting minutes. If there are not any corrections, additions or deletions the minutes will stand approved as written. Next item on the agenda is new business which is Appeal 2012-01.

Mr. Hoffman: Mr. Chairman.

Chairman: yes, sir.

Mr. Hoffman: we need to have an actual affirmative vote approving the minutes.

Chairman: you do not have to vote on minutes, but if you all would like to do that then we will do an affirmative vote on the minutes, even though we do not have to vote on minutes. We will do it according to the way the attorney has said. The Chair will entertain a motion.

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Approval of Minutes:

The minutes of the December 1st, 2011 meeting were considered for approval.

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Swaney** to **approve the minutes as written.**

The Motion carried unanimously.

New Business:

Appeal #2012-01 Delorice Hall-Black

Chairman: now next item for business on the agenda is Appeal #2012-01 Delorice Hall-Black, a variance request to allow the replacement of an existing nonconforming manufactured home, thereby allowing two primary residences on a one point eighty-five acre parcel. The property is located at 1604 Conaway Street, which is zoned R-2, Medium Density, Single Family Residential and R-4, High Density, Single & Multi Family Residential. Ms. Jones if you would walk us through this please.

Ms. Jones: [displayed a Power Point Presentation of 1604 Conaway Street.] Yes, sir. The subject property is zoned both R-2 & R-4, located south of County Road 64, and west of Pollard Road. We have received a letter from Delorice C. Hall, which I would like to read into the minutes and have them spread upon the minutes. You have a copy of them as well, but I wanted to read it into the minutes. It says, "To Daphne City Council Members", but we know it should be addressed to the Board of Zoning Adjustment. "My name is Delorice Hall-Black and my husband's name is James Black. We are both employed by the US Air Force and are currently stationed in Turkey. Due to where we currently reside, we would like to allow my brother Marvin Hall Jr. and my sister-in-law Evelyn Hall to act in our behalf for the property connected to 1604 Conaway Street, Daphne, Alabama.

The history of the home and property go back to about 1972 when my grandfather Johnny Hall built the house on 1604 Conaway Street. The mobile home that is currently on the property has been in place since I was a small child until present day which spans 36 years. My Great Aunt Lena Quinney lived there with her son but eventually moved to Daphmont subdivision in the early 80's. The mobile home has since fallen apart and is no longer habitable. My husband and I purchased 1604 Conaway Street from my grandparents in the summer of 2010 to assist them financially and we inherited this mobile home with the property.

Our plans if approved by your council would be to remove the current dilapidated mobile home and upgrade the lot with my brother and sister-in-law.

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The modular home they will place on the property will sit even with my grandparents' home and it will be enclosed around the bottom to give the appearance of a normal home. From a financial perspective this will be a feasible option for my brother and sister-in-law due to the current electrical and water/sewer taps that are currently in place. It most of all, will allow my grandparents to have family on the premises in case of an emergency." It is signed Delorice C. Hall-Black attested by Stacy B. Kerns, Civilian Notary, Title 10 U.S.C. 1044a(b)(5), Office of the Staff Judge Advocate. Slide number three in the power point shows an aerial view of the subject property. It shows the house in the lower slide, as well as, the mobile home, if you can see the arrow here. I have prepared a sketch for this meeting to show you where the separation is between the R-4 zoning and the R-2 zoning, as well as, the general location of the house and the mobile home on the site. This is the existing mobile home on the site. This picture was provided by Ms. Hall. This is the proposed replacement. This slide shows the home on Conaway Street that is north of the mobile home. As you enter Conaway Street this house would sit on the right. The next picture under this is the subject property. As you can see there are a lot of trees and you can barely see the mobile home from this picture. All of the other pictures on this page represent the subject property. The top picture again shows the subject property, and the next picture shows the house across the street from the mobile home. The third picture shows the house that is south of the existing house and the last picture shows west on the street farther south of the subject property. The key points here to consider are that the mobile home predates the adoption of the Land Use & Development Ordinance and is considered grandfathered. The existing structure has created blight in the area and this could be seen as an opportunity to make an improvement. The subject property has two addresses and two utility connections although they are already on the same parcel. The parcel again is zoned with two zoning districts, both R-2 and R-4. Nine hundred and fifty six-feet, and this is an approximation using GIS, of Conaway Street is zoned R-2, and four hundred and eighty one-feet of Conaway Street is zoned R-4. A mobile home is allowed in R-4 with Planning Commission approval, but it is not allowed in an R-2. Again, this existing structure is grandfathered. So the question to consider here is are these conditions peculiar to this piece of property and would relief, if granted, cause substantial detriment to the public good or cause impair the purpose and intent of this Ordinance. For those questions I would hear from the applicant, as well as, the neighboring property owners and I will wait to give my recommendation until after we have heard presentations from them.

Mr. Swaney: before you leave this presentation Ms. Jones, what is the width of that lot?

Ms. Jones: three hundred-feet along Conaway Street.

Mr. Swaney: thank you very much.

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Chairman: is there someone here to speak for Ms. Black? If you would please give us your name, address and please speak into the microphone because this is being recorded.

Mr. Hall: my name is Marvin H. Hall, II, and we are currently residents of Fairhope, Alabama, 6365 Henshaw Road. We are seeking your approval for this upgrade to the lot. Our point of view is the whole reason for going there and not one lot over which is already zoned R-4 is the sewer tap is already there, the water tap is already there, and the main feed coming off of the electrical lines are also already there. So that is going to save us a lot in terms of money and in terms of preparation for getting into the house.

Ms. Hall: my name is Evelyn Hall, of course we are married, and we have the same address 6365 Henshaw Road in Fairhope, seeking your approval to move unto Conaway Street. I also wanted to add that this parcel already has two separate addresses as well. The house has an address and the existing manufactured home or mobile home has an address as well, so it is really just seeking to improve what is there by putting something habitable there, our home. We have a young daughter that is four and it will just be the three of us.

Chairman: thank you. Does anyone else wish to speak in favor of this appeal? Does any of the Board have any other questions or comments?

Mr. Swaney: yes, sir. I could not really read this slide. How close is the R-4 to this lot or the R-2 area?

Ms. Jones: if you will look on the slide the mobile home is about three hundred-feet away from the R-4, maybe two sixty, two hundred and sixty-feet away from the line. Let me go back.

Mr. Swaney: thank you very much.

Mr. Moss: between two fifty and three.

Ms. Jones: right. If you can see this slide you will see the green where the star is that is the R-2 and the yellow at the southern portion of is the R-4.

Mr. Lamb: and a mobile home is allowable in an R-4.

Ms. Jones: with approval of the Planning Commission.

Mr. Lamb: missed it by three hundred-feet.

Ms. Jones: yes.

Chairman: you said that you are trying to avoid the tap fee, correct?

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Mr. Hall: yes, sir, but there is also a lot of lot preparation that would have to be done on that other lot. The other lot falls off drastically in the back of it, so it would have to be built up in order to habit that lot.

Ms. Hall: and from my understanding, per Ms. Adrienne, the lot would have to be resurveyed, reclassified as a subdivision, a few thousand dollars more preparation.

Chairman: also Ms. Jones, you said this was grandfathered in, so all intent and purposes when the mobile home that is presently there is moved it no longer exists and you cannot put another mobile home in there. Is that correct?

Ms. Jones: that would have been the case if they had already moved the mobile home and then come in and asked for the request. They are asking for the request while it is still sitting there.

Chairman: so it is to replace the one that is there.

Ms. Jones: to replace it.

Chairman: to replace it. So I am confused on the grandfather status. My understanding on grandfathered is that if something is there and it was grandfathered in and then something else comes in there the grandfather status no longer applies, and that is my understanding of it.

Mr. Lamb: that is my understanding as well. It is grandfathered as long as it is there. If it is no longer there you lose the grandfather status.

Mr. Swaney: grandfathered structures cannot be changed or altered in any manner. Is that correct?

Ms. Jones: yes, unless it is approved by your Board.

Chairman: so I will understand this. If it is moved the grandfather clause no longer applies and you would have to start all over again. Is that correct Mr. Attorney?

Mr. Hoffman: the Zoning Ordinance reads should a nonconforming building be moved all nonconforming yard areas shall be eliminated. So my understanding is, if it is moved, it is no longer nonconforming because it does not exist, it is no longer grandfathered.

Mr. Swaney: I could not quite hear that. Can you repeat it?

Mr. Hoffman: if you move the grandfathered structure off then it would no longer be grandfathered.

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Chairman: right. Also, I believe, they are wanting two residences on one lot because even though there are two addresses it is one lot. I am well familiar with there being two businesses on one lot. So to me residences would sound similar to that.

Mr. Lamb: I think the Ordinance says that you cannot have two residences on any lot in the City of Daphne except for where apartments are. Two single family residences cannot be on the same lot. That is what the code says. Is that correct?

Ms. Jones: that is what the code says, but what they are asking you to do is to grant them approval to do exactly what is already being done.

Mr. Lamb: they want a variance from that.

Ms. Jones: they are looking to do the exact same thing that is already being done.

Mr. Swaney: what would be the possibility of splitting said lot and rezoning to R-4?

Ms. Jones: I do not know.

Mr. Lamb: are we going to have the opportunity to hear what the other residents in the area have to say.

Ms. Jones: that is what I was hoping to hear, yes.

Chairman: anything else Mr. Hall.

Mr. Hall: no, sir. Thank you.

Chairman: thank you. Appreciate it. Is there anyone here that wishes to speak in favor this appeal? If so, please come to the podium, speak into the microphone and give us your name and address. Okay. Those wishing to speak in opposition if you would come to the podium, speak into the microphone clearly and give us your name and address. Do you have the timer?

Ms. Houston: yes, sir.

Chairman: limit them to three minutes please.

Mr. Conaway: good evening. My name is Frances Conaway and I live at 1606, which is right beside this property, I think you all saw a picture of my house besides the subject property you are speaking of tonight. There is a place for mobile homes and I think it is not in residential areas. The economy is bad. The housing industry is rock bottom.

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Mr. Conaway: You can safely say that by those two things the values of homes are dropping. The first thing is that you cannot sell your home and get the proper value for your house. You cannot refinance your home and get the proper value for refinancing. So you have two things against you already, but then to add a mobile home or manufactured home to the equation, well, the value goes down even farther. So to make this short we are looking at not wanting one in our area because of those things. Property values are bad enough as it is. Daphne has gone as far north as it can go, and it has gone as far south as it can go, and it cannot go west, so right now all the growth of Daphne is coming east, which is coming out our way. So we need to have a good property value so we can our property values where it is so far, but to have a mobile home right beside you it makes it worse to even try and have a good value for your home. Thank you.

Mr. Swaney: before you leave Mr. Conway, do you live to the south of this proposal?

Mr. Conaway: I live to the north.

Mr. Swaney: thank you.

Chairman: does anyone else have any questions for Mr. Conaway? Thank you, sir. Madam.

Ms. Williams: good evening, my name is Kay F. Williams and I live at 1501 Conaway Street. I also would like to oppose having a manufactured home on our street for some of the same reasons that Mr. Conaway has given. I happen to have been living on this street when we were first asked if a trailer could be moved in. My neighbor, who is now deceased, Allen Jones, asked us if would just bear with them and let Miss Lena Quinney place a trailer there, and once it was moved they would no longer ask that we place another there. So I do not know about being grandfathered in because that was what we were told in the beginning. I am here to say that I do oppose having a manufactured home placed on Conaway Street. Thank you.

Chairman: does anyone have any questions?

Mr. Lamb: where do you live?

Ms. Williams: I live at 1501 Conaway Street.

Mr. Lamb: alright, now where is that in relations to the subject property?

Ms. Williams: well, the value of my property would also go down because I have had people to tell me when they come onto the street if I had applied for a loan that whatever type homes are on the street has something to do with devaluing my home also.

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Mr. Lamb: do you live across the street?

Ms. Williams: no, I do not live across the street. I live down the street.

Mr. Lamb: there is a little circle there. Do you live on that circle?

Ms. Williams: I live just below that circle.

Mr. Lamb: below that circle, okay, that is alright.

Chairman: thank you, madam. Anyone else?

Mr. Swaney: I have a question for our legal representative. Mr. Hoffman, would we not be in violation if we were to allow a structure to be altered, torn down or replaced?

Mr. Hoffman: the purpose of the portion of the statute regarding nonconformance indicates that the idea of a grandfather structure is that once it is depleted it is not to be restored, generally speaking, but I believe if you wanted to grant a variance you could applying the typical variance standards, which you would normally do.

Mr. Swaney: could you repeat that last sentence?

Mr. Hoffman: if you wanted to grant the variance to the Zoning Ordinance you could, but you would apply the typical variance standards, is it unique to this piece of property. You cannot impose your own financial hardships and things of that nature, the normal hardships that you would look normally at when granting variances.

Mr. Swaney: thank you.

Chairman: I have a question, Ms. Jones. I know in the past the City has asked people to remove, in this case, a mobile home, when it reaches a certain point of deterioration, fifty-percent or whatever it is. Has this issue ever been addressed on this particular mobile home?

Ms. Jones: not that I know of, but I did speak with our Building Official, Richard Merchant, when Ms. Hall brought the application in and in his opinion, although he is not here and I do not have anything in writing, he would rather see the newer mobile home there than what is currently there.

Mr. Lamb: I agree with that. First of all I would like to commend the staff, you did a great presentation for our consideration before we had this meeting. All of the photographs are really good. I went out there today and I was looking at all the property and it was exactly what I had seen in this booklet, therefore, thank you very much for that.

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Mr. Lamb: unfortunately we have got a situation where what the City is trying to do versus what some people would like to do. What I think what the City of Daphne is trying to do is once they zoned property and had nonconforming structures within that new zone they are trying to say okay, we will grandfather you. We are not going to make you move, but when the structure is in a deplorable condition, and this looks, from the street, looks pretty deplorable, and you would like to remove that structure then that is what the City of Daphne wants, to get rid of deplorable structures. Now, when I looked around I saw some very nice homes all around and this one mobile home that they want to tear down, but they want to replace that with another. So I looked around and said now if I lived in that house right there would I like to have a mobile home across from me, and I had to look through the woods and over on some other property there is a mobile home to the east. I could see it through the woods, but everything else on that street is a normal constructed house. The second thing is I know that the City of Daphne does not like two residences on one piece of property. Now I know that happened years ago, but they do not want that. I do not want that. I see large pieces of property, but I do not want two families there, even though there may be a need to take care of grandma, granddaddy and so forth. It is not right for the majority of the people in the City of Daphne, regardless of where you live. So that is a big issue with me, two families on one piece of property. Secondly, the impact of replacing a home that is not compatible with what is there. I had never been down Conaway Street and I was impressed with it. I said well, I did not know that this was back here. In fact, I almost passed it, and that is beside the point. So that is my issue. What the City of Daphne wants to do versus granting a variance to allow them to do something that is not in the best interest of the residents that live around there. Thank you.

Chairman: thank you, Mr. Lamb. Does anyone else have anything to say?

Mr. Mayhand: yes. I would like to say something. Mr. Chairman, I know both the Conaway's and the Hall's, I grew up with them. As a matter of fact, Mr. Hall there, I played basketball with his father, and his uncles, and I also know the Conaway's because they were in the neighborhood. I have been on Conaway Street and I remember when that trailer was placed there. I am going to take you back on a little journey, so bear with me here. When that happened it was a community. The community was a family. The neighborhood was a family and our parents all did for each other. We put ourselves out to help others. Now that generation has moved on, times have changed and we have to look towards the future. Now all of the workshops that I have been in over the years on the Board, the outlook for mobile or fabricated homes have not been pleasant. The City has been trying to rid itself of them. So, in my opinion, to put that in right now would go against what we are trying to do for the City. I still think that these families are still close enough to take this because it is the right thing to do.

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Chairman: thank you Mr. Mayhand. One thing that we must take into consideration also is would it be conducive to the neighborhood, what would be the effect that it would have on the neighborhood. Those are things that we must consider when we make decisions. I said this to Ms. Jones and to others in the past, each tub sits on its own bottom. Each case is heard on its own merit, but when you hear each case on its own you have to ask the question what would be the effect that it would have in another neighborhood. Even though each appeal has as when I was a kid and I have still got that old bathtub over at the old home place with the clawed feet that it sits on its own bottom and so each case is heard the same way. You cannot say that something was heard over here and something over there, each case is handled separately. So if there is nothing else to be said the Chair will entertain a motion in the affirmative to approve Appeal 2012-01.

A **Motion** was made by **Mr. Swaney** and **Seconded** by **Mr. Lamb** to **approve Appeal #2012-01, Delorice C. Hall-Black, for a variance to allow the replacement of an existing nonconforming manufactured home, thereby allowing two primary residences on a one point eighty-five acre parcel. The property is located at 1604 Conaway Street, and it is in an R-2, Medium Density, Single Family Residential and R-4, High Density, Single & Multi Family Residential Zone.**

Upon roll call vote, **the motion failed.**

Mr. Swaney	Nay
Mr. Mayhand	Nay
Mr. Lamb	Nay
Mr. Moss	Nay
Mr. Robison	Nay

Chairman: the appeal is denied. Thank you Mr. & Mrs. Hall, we appreciate your time. Next item on the agenda is Appeal #2012-02 Daphne Utilities Central Water Treatment Plant, a variance allowing the expansion of an existing public water treatment facility to encroach the front yard setback line twenty-feet in lieu of the required forty-feet, thereby establishing a twenty-foot front yard setback. The property located at 8201 Well Road, which is in an R-1, Low Density, Single Family Residential. Ms. Jones, if you would please take us through this.

Ms. Jones: [displayed a Power Point Presentation of 8201 Well Road.] The first slide presents the subject property marked by a star. It is located on Well Road, which is east of Pollard Road, north of County Road 64. Subject property is zoned R-1, Single Family and it was annexed into the City 1999 as R-1. The second slide shows the site and the surrounding area. The map was presented by Volkert Engineers. You can see in the red, in the center of the page, the outline of the site. The property to the north is zoned residential.

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Ms. Jones: it is in unincorporated Baldwin County. The property to the south, some is in the City of Daphne, also zoned R-1. The property to the southwest is zoned B-2, General Business. Slide number three shows the site after the right-of-way was deeded to Baldwin County. The area in the red shows the entire property as it is now. The dashed blue line shows the fence that is around the subject property, and this area, on the east side, is a wooded area. We think that there are some wetlands there or at least a stream, which we would like to keep protected if possible, and that is part of the reason that the application has come forward, to place an expansion on the building, as shown here in the red. The expansion would be twenty-feet from the right-of-way of Well Road. The existing building is shown in green, right here, and it currently sits forty-feet from the edge of their property. This is an aerial view using Bing Maps, this is the existing building, and this is the parking area. I think one of these structures has been removed already.

Mr. McElroy: both have been removed.

Ms. Jones: both are removed, but again you see the area on the east side that is wooded. This aerial presents what the new building will look like from an aerial prospective, and it shows the parking area that would remain between the right-of-way and the fence. This slide show the building as it will be, architecturally presented to you. The key points that we need to consider with this application is, the fact that the parcel is a remnant of the original site. A portion of the road was dedicated, through a right-of-way deed, for public use. The utility compound is currently fenced and the fencing will remain, and it is not subject to conflict with any pedestrian or vehicular traffic. The proposed building will sit twenty-feet from the traveling public. These conditions are peculiar to this particular piece of property, and it is in my opinion that, if relief was granted, it would not cause any substantial detriment to the public good or impair the purpose and intent of the Land Use and Development Ordinance. One thing that I would like you to consider, as an added measure, if you consider approving it, you may add a condition or a restriction to the property on the east, the wooded area, that we want to keep protected with the wetlands or stream area, limit development on that piece of the site as a part of your approval. So with all applications you have three options, to approve it, approve it with conditions or to deny it and my recommendation is favorable.

Chairman: thank you, Ms. Jones. I have a question. On the 26th the Planning Commission saw this and it does not say whether it was approved. It says the motion was made to approve and seconded. It does not say how the Planning Commission voted.

Ms. Jones: it was unanimous.

Chairman: it was unanimous. Thank you.

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Chairman: also, if you could go back to the previous slide. Added measure the Board may consider placing on approval. Have you talked with Daphne Utilities about that?

Ms. Jones: actually I have not. I came up with that as I was doing the slide show.

Chairman: okay. Thank you. Ms. Immel are you going to represent Daphne Utilities?

Ms. Immel: yes, sir. Good evening. Thank you Adrienne for that presentation, and I will just highlight a few more things.

Chairman: if you would, please, give us your name for the record.

Ms. Immel: I am sorry, Melinda Immel with Volkert. I live at 6399 Village Point Drive in Daphne, but just to highlight a few more things. This facility is one of the main facilities for Daphne in treating the water that serves the community. It serves almost fifty percent of the water that is distributed through the City of Daphne. The main reason for the upgrades is a new well. This facility treats three wells currently. One is located on the site, one is across from Public Works, and the other one is across County Road 13. We have recently installed a new well at Daphne Utilities new facility that they have built on Well Road, and so that well is going to be brought to this facility for treatment as well. So that is the main reason for the upgrades. The existing facility sets up about four-feet off the ground and that is to help with delivery of chemicals for the treatment. Underneath that building there is what is called a clear well so that is where all of the water is gathered, and that is how it is treated, really kind of underneath the building. So bringing the expansion forward gives us an opportunity to make all of the tie ins with all of the necessary piping, electrical, and skated controls for that facility. Also the electrical is very outdated, and it causes them a lot of problems, especially during the summer, which is, of course, the most crucial time for water delivery and service. So all the electrical is proposed to be upgraded as well in this facility. A couple of things that this is going to do as part of Daphne's goal in trying not only to upgrade the facility is also to provide a less industrial look of the facility. We would like it to blend in especially with the expansion of Well Road going all the way to County Road 13, and businesses potentially developing there along with some that are already there to make it look a little more non-industrial so that is what is being proposed in the architectural rendering. Board and batten is what is being proposed along with some split face brick because we would rather people not know that this is a water treatment facility for a lot of reasons including security. So that is the reason for changing the appearance of the building. As Adrienne mentioned, the wooded area does have a stream that runs through it and that is why that covert is built underneath Well Road.

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Ms. Immel: if you have been out there recently it was an existing covert that they have expanded with a road expansion. Ashley says that she does believe that there are considerable wetlands in that area with that stream running through it. So we are not proposing to impact that area, another reason for coming straight out. Also, especially with the widening of Well Road when they developed that even just recently not only when it was deeded over, but with the recent paving of that road. A lot of the trunks that deliver things are large trucks so with this proposed arrangement we will be able to get people off Well Road and actually to the back to deliver to the back instead of in the front now, which I think would help especially now that Well Road after it is expanded to County Road 13 is going to get a lot more traffic than just Public Works and Daphne Utilities vehicles like it did prior to that because it used to be gated right at the end of this facility. So that is another advantage for us being able to get those vehicles actually onto the property. Like I said it is just a very critical facility to Daphne Utilities in being able to service the public. I would be glad to answer any questions you may have, and Rob McElroy, General Manager with Daphne Utilities is also here. Rob, are there any additional comments that you would like to make?

Mr. McElroy: Rob McElroy, the General Manager of Daphne Utilities, I live at 10190 Broughton Road in Semmes. One of the big issues, from our prospective, as the Utilities, is this is really the main facility and the only facility that is going to serve water to the bulk of the main part of the City of Daphne, and that requires us to make this site as compact as possible. This project that we are trying to conduct now is for the water we need today, but this site is going to have to serve our water needs in the City of Daphne forever, which means there is going to be more wells that will have to be coming into this facility maybe ten, maybe twenty years from now, but they have got to go somewhere. So we need to make this site as compact as possible because we have got to save as much space as we can for some future expansion that we may need. We just cannot spread out everything and have nice huge setbacks. We have got to make this as compact as possible so that it can all fit, otherwise it drives the cost of everything we do up by millions.

Mr. Swaney: what is the reason for the location of the new building there, clear well, attachment?

Mr. McElroy: the main purpose for the new facility is what we are doing with all of our facilities, is to get away from that battleship gray industrial look. The purpose is to improve the ecstastic along Well Road because we do want more development along there and by building a building in front of what we already have and basically tying it in we have created a new facade. We are going to tie the fence in with the building, there is not going to be any windows on the front street side, so it will be secure. We are trying to get away from the prison yard look, a fence and triple strand barbed on top.

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Ms. Immel: and it does connect us directly to the clear well, and to the existing pumps, equipment, piping and everything that is already there.

Mr. Swaney: in other words this facility will be a pump house clear well.

Ms. Immel: yes, sir.

Mr. McElroy: yes, sir.

Mr. Mayhand: I have a couple of issues. Maybe not issues, statements. I live on Wilson Avenue. Do you know where that is?

Ms. Immel: yes, sir.

Mr. Mayhand: okay. On the traffic situation that you were talking about, well they pass my house. We have a lot of people walking around from the YMCA on Pollard Road and Wilson Avenue and with those utility trucks and all of that additional traffic these individuals and even the school kids in the evening time, and in the mornings, have to get off into the ditch because they do not have a sidewalk. Now I am saying this in a forum that it probably does not need to be said, but you will hear this from me again because I will come to your Board meetings and express my opinion on that. Do keep in mind the effect that you are having on us with all of the traffic and I understand the importance of clean water, but I also understand the importance of our neighborhood.

Mr. McElroy: if I can respond to that. Councilwoman Barnette has addressed that specially.

Chairman: anyone else have any comments or questions? Is there anyone here to speak in opposition of this appeal? Let the record show that there are no adjacent property owners here to speak in opposition to this variance. Public participation is closed. At this time the Chair will entertain a motion, and remember the motion must be made in the affirmative and with the conditions for the wetlands added.

A Motion was made by **Mr. Lamb** and **Seconded** by **Mr. Swaney** to approve **Appeal #2012-02, Daphne Utilities Center Water Treatment Plant, for a variance allowing the expansion of an existing public water treatment facility to encroach the forty-foot front yard setback line by twenty-feet with the condition that the delineated wetlands located on the eastern side of the site shall perpetually remain undisturbed. The property is located at 8201 Well Road, which is zoned R-1, Low Density, Single Family Residential.**

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

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Mr. Swaney	Aye
Mr. Mayhand	Aye
Mr. Lamb	Aye
Mr. Moss	Aye
Mr. Robison	Aye

Chairman: the appeal is granted. You may go by the Community Development office here in city hall in the morning to pick up your paperwork. Thank you. If there is no other business, the Chair will entertain a motion to adjourn.

Adjournment:

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

The motion carried unanimously.

There being no further business the meeting was adjourned at 7:10 p.m.

Respectfully submitted by:



Pat Houston, Recording Secretary

APPROVED: July 10, 2012



Willie Robison, Chairman

/ph