

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 4, 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 6:00 p.m. Let us have roll call.

Call of Roll:

Members Present:

Frank Lamb
Willie Robison, Chairman
Larry Cooke
Jim Moss

Members Absent:

Billy Mayhand

Staff Present:

Adrienne D. Jones, Director of Community Development
Jennifer Holifield, BZA Attorney
Pat Houston, Recording Secretary

Chairman: we have a quorum. The first order of business is approval of the August 2nd, 2012 meeting minutes. If there are no other corrections, additions or deletions to the minutes, The Chair will entertain a motion.

Approval of Minutes:

The minutes of the August 2nd, 2012 meeting were considered for approval.

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

The Motion carried unanimously.

Chairman: I want to say that Mr. Swaney has resigned and we certainly thank him for all of his years of faithful service on the BZA. Ms. Pat, please send a letter to this effect.

New Business:

Appeal #2012-06 Eastern Shore Loving Arms, LLC

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Chairman: next item on the agenda is Appeal #2012-06 Eastern Shore Loving Arms, LLC, a special exception request to allow the operation of an in-home institution for the aged, i.e., elderly residential care. The property is located at 2375 Pollard Road, which is zoned 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 2375 Pollard Road) as you know the purpose of this review is to establish whether or not the proposed location, design and activities will or will not adversely affect the public health, safety, morals and general welfare of the surrounding neighborhood by allowing a special exception for an in-home institution for the elderly to service three or four residents who would be adopted through a foster care program administered by the Department of Human Resources and the homeowner/director, Cynthia Pierce, would be classified as a duly-authorized custodial authority according to the agent, Kristole Pierce. Also, the relationship between the applicant and the residents would be that of a full-time caregiver/guardian who would offer in-home assistance living in a foster family setting. The property is located south of the intersection of Whispering Pines Road and Pollard which is a mixed use area that includes low density residential and high density residential apartments to the north and directly across the street the land is in Baldwin County. The subject property and abutting properties to the north and south are zoned R-1 and there are residences on each adjacent parcel. According to the Land Use Ordinance, Section 35-3, Permitted Uses, the proposed, an institution for children or the aged, daycare and an extended care facility which are closely related are both allowed in an R-1 district by special exception. The Public Works Director and the Building Official have both granted favorable recommendations for this proposal. The proposed location is an existing residence and no expansion is planned. Thus the plot plan shows the existing residence, the driveway and available parking. Upon approval of the special exception a site plan shall then be submitted to the Planning Commission for review. The impact of this use should be minimal and should not cause any interruption or disruption to the general welfare of the surrounding neighbors or community at large and because this institution will be run like a typical family unit Community Development recommends approval contingent upon DHR's approval of the application for Eastern Shore Loving Arms, LLC at this location.

Chairman: is there anyone here that wishes to speak on behalf of this appeal? Would you please step up to the podium and state your name and address for the record.

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Ms. Pierce: good evening, it is an honor to be able to stand before you tonight. My purpose is to have my property located at 2375 Pollard Road considered for a special exception to Daphne's Land Use & Development Ordinance. My name is Cynthia Pierce, and Kristole Pierce, which Ms. Jones spoke of, is my daughter. I live at 2375 Pollard Road. I am 50 years old, and I am employed by the Department of Transportation. In 1985 I moved to Baldwin County and I have raised two children here, Mike and Kristole, and I hope to leave this business for them. Both of them have graduated and gone on to receive college degrees. I currently own two homes and four parcels of land in the City of Daphne. In 1991 I acquired this property and it is my vision to start a home base business that provides for the care, safety, security and comfort of handicapped or mentally disabled individuals. I recognize the fact, that we all have family or parents that will need some form of care, and I would like to provide that form of care from my home. I plan to house three Down syndrome clients. Since I was a child I have always cared for handicapped and older individuals, making friends and taking care of them while other children poked fun. Plus it is the Christian thing to do. My business will afford me the opportunity to continue to help them and provide employment to individuals, CNA's, a nurse to take vitals, dispense and administer medicines, and make appointments for clients. The provision of jobs will help stimulate the economy. I have gone out into the neighborhood within the city limits of Daphne and spoken with numerous people about my plans. I submit to you over one hundred signatures in support of my business venture at my residence here in Daphne. In conclusion I would like to say that I did not speak with one individual that did not support my having or operating out of my residence. In fact, there were many others that wanted to sign my petition, but I was advised to limit it to Daphne residents. Now if anyone has any questions I am more than willing to answer them. Mr. Cooke came to my home to inspect it and caught me cutting the grass so he can give you first-hand information on what it looks like inside and out.

Mr. Cooke: it was quite nice and clean.

Chairman: thank you. Does anyone else have any questions? Thank you Ms. Pierce. Is there anyone else that would like to speak in favor of this appeal? Is there anyone that would like to speak in opposition to this appeal? If not, public participation is closed. The Chair will entertain a motion and it must be done in the affirmative.

A Motion was made by **Mr. Lamb** and **Seconded** by **Mr. Moss** to approve **Appeal #2012-06, Eastern Shore Loving Arms, LLC, for a special exception to allow the operation of an in-home institution for the aged, i.e., elderly residential care. The property is located at 2375 Pollard Road, and it is in an R-1, Low Density, Single Family Residential Zone.**

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Upon roll call vote, the motion carried unanimously.

Mr. Lamb	Aye
Mr. Moss	Aye
Mr. Robison	Aye
Mr. Cooke	Aye

Chairman: your request for a special exception is approved. You can pick up your paperwork in the Community Development office in the morning after nine o'clock. Thank you.

Election of Officers

Chairman: we have under new business tonight the Election of Officers. The Chair will entertain a motion for Chairman.

Mr. Lamb: if Mr. Robison will consent to continue leading this organization I move that he remain Chairman. He has done a very good job as Chairman.

Mr. Moss: I second.

Chairman: any other nominations? If not, nominations are closed.

A Motion was made by **Mr. Lamb** and **Seconded** by **Mr. Moss** for **Mr. Willie Robison as Chairman.**

The Motion carried unanimously.

Chairman: nominations for Vice Chairman.

Mr. Moss: I nominate Mr. Lamb.

Mr. Cooke: I second.

Chairman: any other nominations? If not, nominations are closed.

A Motion was made by **Mr. Moss** and **Seconded** by **Mr. Cooke** for **Mr. Frank Lamb as Vice Chairman.**

The Motion carried unanimously.

Chairman: nomination for Secretary.

Mr. Cooke: I nominate Mr. Moss.

Mr. Lamb: I second.

Chairman: any other nominations. If not, nominations are closed.

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A Motion was made by Mr. Cooke and Seconded by Mr. Lamb for Mr. Jim Moss for Secretary.

The Motion carried unanimously.

Chairman: 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. Cooke to adjourn.

The motion carried unanimously.

There being no further business the meeting was adjourned at 6:35 p.m.

Respectfully submitted by:


Pat Houston, Recording Secretary

APPROVED: January 3, 2013


Willie Robison, Chairman

/ph

This is a summarization of the minutes of the meeting due to tape recorder failure.