

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 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:

Glen Swaney, Vice Chairman
Frank Lamb
Billy Mayhand
Willie Robison, Chairman
Larry Cooke
Jim Moss arrived at 6:02 p.m.

Staff Present:

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

Chairman: we have a quorum. The first order of business is approval of the July 10th, 2012 meeting minutes. There was one adjustment already made to the minutes concerning who made a motion. 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 July 10th, 2012 meeting were considered for approval.

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

The Motion carried unanimously.

Old Business:

Appeal #2012-03 John Powell

Chairman: first we have some old business from last month, Appeal #2012-03 John Powell, a variance request a variance request to allow the rear yard setback to be ten-feet in lieu of the required thirty five-feet and the side yard setback to be ten-feet in lieu of the required twenty-feet in order to build a residence to preserve three large Oak trees. The property is located at 702 Magnolia Avenue, which is zoned R-2, Medium Density, Single Family Residential. Ms. Jones if you have anything extra to add we will hear it at this time.

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Ms. Jones: no, sir. I would ask Mr. Wachter to present the changes that he has submitted.

Chairman: if you would please state your name for the record.

Mr. Wachter: my name is Chason Wachter, Cottage Properties, representing Mr. Powell for the lot located on the corner of Magnolia and Sixth Street. We were here last month and proposed to do a variance. What we are looking to do is request two setback line readjustments on that property. What we did was went back, hopefully, you have the drawing showing the elevations, the style of home, and the change of the first floor reducing the square footage. I think it was around twenty-four, twenty-three hundred and now we are down to nineteen eighty-eight. We used a smaller footprint and we adjusted the rear setback from ten-feet to twenty-feet and then we adjusted the side setback from the last meeting to going from ten-feet to fifteen-feet. So we made it a little bit better on both of those setback lines that we were requesting, so we are back and hopefully these drawing will help give you an indication of the project that we are trying to do. I would like to bring up that I think there was some discussion last time about a project on the corner Dryer and Old County Road that was approved.

Chairman: that was the Robinson's.

Mr. Wachter: the Robinson's and this, in my opinion, it is very similar because it all has to do with some Oak trees, but that started out with a forty-foot rear setback and a twenty was approved. So I feel like it is very similar to that. I think the changes we made are very similar to what occurred there. I think that is it. Do you have any questions?

Chairman: before anyone asks you any questions I would like to say thank you for working to reduce the footprint. My little finite mind, as I said before, doing the math, previously it was about a seventy percent encroachment that you really wanted. Now it has been reduced down to about forty-two and a half percent. Also on the other it has been reduced down from fifty percent to twenty-five percent. So I appreciate you working in that area there to help reduce it and thank you for the drawing that I was able to look at. Does anyone else have any questions for Mr. Wachter?

Mr. Swaney: I would like to second the Chairman's applausus, if you will, that is great work. You furnished us with lots of information. My question would be will both of the large trees still remain?

Mr. Wachter: yes, sir, that was the goal of these buyers to keep the large Oak trees, and I think by doing this it allows them to keep the trees. Actually, I think it is three trees. Yes, it is tree large Live Oak trees.

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Mr. Swaney: yes. Again, thank you for your hard work. Great effort.

Chairman: Ms. Jones do you have anything to say?

Ms. Jones: no, sir.

Chairman: does anyone else have anything for Mr. Wachter? If not, the Chair will entertain a motion.

Mr. Swaney: I will make the motion.

Chairman: hold on one moment.

Ms. Jones: Mr. Chairman, did you call for public participation?

Chairman: that is what I was wanted to do. Okay. Yes. Thank you, Mr. Wachter. Is there anyone that would like to speak in opposition of this variance request? If you would, please come to the podium and state your name and speak loudly because it is being recorded.

Ms. Ewing: my name is Fran Ewing and are we talking about the property this is on College Avenue?

Chairman: no, we are talking about the corner of Magnolia and Sixth Street.

Ms. Ewing: I am sorry.

Chairman: that will be coming up shortly. If not we will close public participation and go back to Mr. Swaney for the motion. Mr. Attorney.

Mr. Hoffman: we need to clarify the motion for the record.

A Motion was made by **Mr. Swaney** and **Seconded** by **Mr. Mayhand** to approve **Appeal #2012-03, John Powell, for a revised variance to allow the rear yard setback to be twenty-feet, in lieu of the required thirty five-feet, in order to build a residence and preserve three large Oak trees. The property is located at 702 Magnolia Avenue, and it is in an R-2, Medium Density, Single Family Residential Zone.**

Upon roll call vote, the motion carried unanimously.

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

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Chairman: the revised rear setback variance request has been approved. The Chair will now entertain a motion to approve the revised variance request for the attached carport.

A Motion was made by Mr. Lamb and Seconded by Mr. Swaney to approve Appeal #2012-03, John Powell, for a revised variance to allow an attached carport to encroach five-feet into the required twenty five-foot corner side yard setback in order to build a residence and preserve three large Oak trees. The property is located at 702 Magnolia Avenue, and it is in an R-2, Medium Density, Single Family Residential Zone.

Upon roll call vote, the motion carried unanimously.

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

Chairman: your revised variance requests are approved. You can pick them up in the Community Development office in the morning after nine o'clock. Thank you again and we appreciate your hard work in reducing the footprint down.

Mr. Wachter: thank you all.

New Business:

Appeal #2012-04 Macedonia Baptist Church

Chairman: next item on the agenda is Appeal #2012-04 Macedonia Baptist Church, a special exception request to allow an existing church to construct sixty-six parking spaces on PID #43-04-20-2-000-048.000. The property is located south of 902 Daphne Avenue, which is zoned R-3, High Density, Single Family Residential. Ms. Jones would tell us about this.

Ms. Jones: as you a special exception is allowed in various zoning districts depending on whether or not it would have an adverse impact on the public health, safety, morals and general welfare on the surrounding areas and in this case it is highly unlikely that a parking lot would create any adverse impacts. The property is located south of the intersection of Daphne Avenue and Guarisco. It will be used in association with the existing church. We have recommendations from the Public Works Director, the Building Official and myself recommending that this request be approved.

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Chairman: is that it?

Ms. Jones: yes, sir.

Chairman: who will be the spokesperson for Macedonia or spokeswoman? Once again will you please come to the podium and state your name and please speak loudly.

Ms. Williams: Mr. Chairman, Ms. Jones and to the entire Board I am Kay Frances Williams. I am here as a representative for Macedonia Baptist Church along with other Trustee's and my Pastor. I am the Secretary of the Trustee Ministry for the church. We are asking your permission to build or construct a parking lot at the rear of our church. The reason that we are asking this is that we already use it for parking, but on rainy days, we are bothered with maybe two inches of water, when we step out of our cars. So we feel like, if we are given your permission to construct this parking lot, that it would be an asset to our church and also to the whole city of Daphne. Because when Daphne has parades or any special event the whole community uses our parking. So we are asking your permission to construct this parking lot in hopes that you will approve it.

Chairman: thank you Madam. Does anyone have any questions for Ms. Williams? I have a question and maybe you can answer it Ms. Jones. What about the runoff from the parking lot? I know there is a gravel drive so will that gravel slow down the flow of the water.

Ms. Jones: the church actually has plans to submit a site plan to the Planning Commission where all of those issues will be addressed.

Chairman: okay, thank you. Does anyone else have any questions? Thank you Ms. Williams. Is there anyone else that would like to speak concerning the parking lot at Macedonia? Is there anyone that would like to speak in opposition to the parking lot at Macedonia? If not, public participation is closed. The Chair will entertain a motion and it must be done in the affirmative.

Mr. Mayhand: I make a motion to approve the variance.

Mr. Hoffman: as a formality we need to restate the request as a special exception and not a variance.

A Motion was made by **Mr. Mayhand** and **Seconded** by **Mr. Moss** to approve **Appeal #2012-04, Macedonia Baptist Church, for a special exception to allow the existing church to construct a sixty-six space parking lot on the adjacent lot to the south (PID #43-04-20-2-000-048.000). The property is located at 902 Daphne Avenue, and it is in an R-3, High Density, Single Family Residential Zone.**

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Upon roll call vote, the motion carried unanimously.

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

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

Appeal #2012-05 Garry Andrews

Chairman: next item on the agenda is Appeal #2012-05 Garry Andrews, a variance request to allow the rear yard setback to be nineteen point thirty one-feet, in lieu of the required forty-feet and the side yard setback to be ten point sixty one-feet, in lieu of the required fifteen-feet, and establish the lot area as twelve thousand three hundred-feet, in lieu of the required twenty thousand square feet in order to build a residence with a detached carport. The property is located at 610 College Avenue, which is zoned R-1, Low Density, Single Family Residential. Ms. Jones before you start I do have a question on this. The variance request at the front of this, no page number, but in reading farther over here, I marked it, and it says that there is to be also a rear setback adjustment. It caught my eye. I see only two variance letters here, one for the four point two-nine and one for the lot area of twelve thousand three hundred square feet and the minimum width, but nothing for the rear setback.

Ms. Jones: let me start at the top and we will work our way back down. The subject property is located at the intersection of College Avenue and Fifth Street. They are asking for a variance on the interior setback as well as the minimum area for the lot, which is zoned R-1 and requires a twenty thousand square feet lot. However, this is two lots within the Bertagnolli Subdivision which was laid out in the 1920's. It is one of the first subdivisions laid out in the Town of Daphne. Another part of the request is that the lot width be eighty three-feet, in lieu of one hundred-feet. The justifications presented for the request is that it a part of the Bertagnolli and they are two substandard lots of record and there is no other land available where they can comply with the R-1 minimum area requirements or lot width requirements. This subdivision obviously predates zoning and the site condition creates an unnecessary hardship due to the location of Heritage Oaks, and these are the justification presented on the application. We do not have benefit of the power point so we are all flipping pages. I will go over to the staff comments, the fifth paragraph from the bottom of the page where I talk about the intent of the Land Use Ordinance.

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Ms. Jones: it is the intent of the zoning ordinance to allow minor variances to accommodate extraordinary and exceptional conditions, and the City of Daphne does recognize tree preservation as something that is important. In my review, the documents presented do not show any trees that actually in the buildable footprint of the lot, but in my observation, in going to the site, I do see that Fifth Street is not actually forty-feet wide. There is a forty-foot right-of-way, but it is more like a driveway where only one car can pass at a time. My thoughts were if the City ever came along and wanted to upgrade the street to actually be forty-feet, then the change would create an impact on the house that would be constructed on that lot, and because of that I would recommend approval. In the final table, where we know which variances are requested, I did leave out the detached carport because our Ordinance addresses detached accessory structures allowing them to be five-feet from the rear setback and five-feet from the side setback, so that variance, although it was on the application, is not necessary.

Chairman: okay. In the public notice at the back of the packet on the very last page, this may be where I thought I read it. It says that the request if granted, would allow the rear setback to be nineteen point thirty one-feet, in lieu of the required forty-feet, and the side yard setback to be ten point six-one, so they are asking for the rear setback as well as the side setback.

Ms. Jones: the rear setback would have only applied to the carport, if it was necessary, but it is not necessary.

Chairman: so that is not a factor in this appeal.

Ms. Jones: right. We base the ad and the public notice by what is on the application, but when I was reviewing the documents to write my report I realized that it was a detached carport, so that does not apply.

Chairman: okay. Thank you, if you would state name, your company and who you are representing for this variance.

Mr. Bailey: Doug Bailey, HMR Engineers, I am here representing Garry Andrews and his family, Mr. Andrews is here with me. I would like to point out that Mr. Andrews has lived here now for approximately ten years, and he is looking to build another house to live in for a long, long time, hopefully, in this part of town. The way the house is laid out is based on a lot width of eighty two point six-feet. We did a re-subdivision plat combining the two substandard lots and still ended up with only eight two point six-feet, so we are eighteen-feet short of the minimum width requirement. What we have done basically, looking at the tree survey and measuring on the grounds, and the reason I overlaid this on the aerial from the website, is you can see that the canopy of these trees extends somewhat to the east.

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Mr. Bailey: the root structure of those trees extends out, I have always been told, past the drip line of the tree. So we tried to move the house to the east by setting the front corner of the porch at the front setback and at the east setback, and the overage that we are asking for, the four point thirty nine-feet is on that east between that and the east property line. The next house is some forty seven odd feet away to the east. The opening allows us to be as far away as we can from the Oak tree and still be mostly within the setback. For the front setback we have got pier structures for the front porch so we are not too worried about that Oak tree out front, and it still allows us to have our carport on the back without encroaching the setback, also, by doing that, the west side lines up approximately with the front of the house on our south side. The long and short of it is, we tried to fit it on the property where a reasonable size house of twenty three hundred square feet, including the upstairs, would meet both of the setbacks, and fit in with the character of the neighborhood around it and preserve the trees on the property as well. I will answer any questions you may have.

Chairman: thank you. Does anyone have any questions for Mr. Bailey? Is there anyone else that would like to address the Board in favor of this appeal? If not, is there anyone that would like to address the Board in opposition to this appeal? Please step up to the podium, speak loudly and state your name and address for the record.

Mr. Ewing: my name is Doug Ewing. I am the owner of the house just east of this lot. I have a question. Thank you first of all for giving me an opportunity to speak. Sorry, I am nervous.

Chairman: that is okay, we are nervous also. You never get to the point where you are not nervous no matter how many times you have done it.

Mr. Ewing: well said. I am a little confused. You are talking about the trees as the central part of this argument if I understand correctly. What was the word that you used for the nature of these trees? What kind of trees?

Chairman: Heritage Oaks.

Mr. Ewing: Ms. Jones is puzzled like I am, what constitute heritage oaks, and whether or not there is one on this lot.

Ms. Jones: actually for my comment. There are Heritage Oaks on the lot, but there are not any that are in the buildable area where the house would sit.

Mr. Ewing: exactly.

Mr. Lamb: it is an observation that we have.

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Mr. Lamb: we look to see if there is a Heritage Oak.

Mr. Ewing: what are heritage oaks? Can you define that? Are you all satisfied with the definition of it on this lot?

Mr. Lamb: there is a definition.

Mr. Ewing: are you all satisfied with their Heritage Oak. I live in the old Bertagnolli house and my Heritage Oaks are this big. I mean I am very sensitive to trees it is part of the reason I bought the property in the first place, but I do not see any trees of that nature of this property.

Mr. Lamb: no, I do not think there is one.

Mr. Cooke: Mr. Chairman, paragraph 19-4 of the Land Use Ordinance has a definition.

Chairman: paragraph 19-4. Would you mind reading that?

Mr. Cooke: okay.

Mr. Chairman: this is coming from the Land Use Ordinance Book which describes what a Heritage Oak is under 19-4.

Mr. Cooke: paragraph (i) under (c) any live oak tree ten inches or greater shall be classified as a significant heritage tree and shall be protected. A live Oak ten inches or greater in caliper located within the building footprint of a proposed building shall be replaced by other Live Oaks at least three inches in caliper.

Mr. Ewing: right, well I miss spoke. The next point of confusion is that the tree is not within the footprint of the house, and the consideration given to allow the special variance is, in the event that the road, which is now outside of the driveway, would be widen then it would result in the removal of the tree, and I do not understand how that works. In other words, the tree itself does not require this setback variance. What would require the setback variance is if the road was widened then the tree would be removed, which again makes the tree not really the issue. The issue is that the lot is too small. So I am not compelled by the logic of their request as the owner of the property nearby. Secondly, mine is the old Bertagnolli house and it is a very historic house here in Daphne, and I would hope that you would give some consideration to the effect it would have on my home.

Chairman: thank you, sir. Does anyone else wish to speak to the Board concerning this appeal?

Ms. Ewing: my name is Fran Ewing.

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Ms. Ewing: I noticed when you were talking about combining the two properties there I noticed that somebody came into my yard and put survey stakes in my driveway. I hope that everybody realizes that besides owning our home we own a small piece of property to the west of our home. I hope we are very clear about what they have bought and what we own. Because I was very surprised to see that they had been in my yard surveying my second lot and I am not quite sure why that is, but I did have survey stakes in my yard and it indicated where my first lot is and where my second lot is, which I am the registered owner of, and pay the property taxes, and it was also surveyed, and beyond that is another lot. I just want to be real clear that the little lot is ours.

Chairman: yes, madam. Let me ask you a question, the gravel driveway coming off of College Avenue and then circling back around. How far west of that does your property go? Because the stakes that I saw were over in the green area and they were not in the gravel drive. So how far west of that does your property go?

Ms. Ewing: I am not talking about the gravel driveway that leads off of Fifth Street. I am talking about the gravel driveway that comes off of College Avenue.

Chairman: that is the one I am talking about.

Ms. Ewing: there were survey stakes in the middle of my driveway. I own to the west of those survey stakes. I am two lots. I am the main lot that the house sits on and I own a small lot adjacent to it and I would say about three-feet past the driveway. So I was a little confused about why they had surveyed my land. That is my property.

Chairman: Mr. Bailey do you know anything about that?

Mr. Bailey: probably what she saw was either a point where we established what is called a travelers point on adjacent property. We do that from time to time. We typically try to knock on doors to let people know that we are there. I cannot say that my guys always do that, but sometimes we do have to go to the east or west, north or south of a property in order to reestablish a property line for a plat, especially if something is older like this and probably has not been surveyed in a number of years. So it is just a requirement that we have to do as minimum standards for establishing lines. We certainly apologize for any inconvenience.

Chairman: what does CRF mean on this aerial?

Mr. Bailey: cap rebar found.

Chairman: so that is the property line? Is that what you are saying? The cap rebar is found.

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Mr. Bailey: that is in accordance with the deed and with the plat.

Mr. Ewing: may I ask a few more questions or at least one more question?

Chairman: yes, sir.

Mr. Ewing: I understood you all to say that there two small lots that were part of the original Bertagnolli Subdivision from the 1920's.

Mr. Lamb: 1924.

Mr. Ewing: 1924, and our house I do not believe was one of them, but this lot would be one of them. One of the sub-sized or substandard lots, I forget the word that she used. Is there another one just to the east?

Mr. Lamb: of your property, yes.

Mr. Ewing: right, well I went out there and walked around thinking that this might be the case they managed to put in a perfectly adequate size house and not encroach more than the fifteen-feet into my property line. So if those folks figured out how to do it then I am not sure why the new owners cannot do it. I went out there and stepped it off and it was about seventeen or eighteen feet to my property.

Ms. Jones: Mr. Ewing's property is made up of three lots of record plus a piece of one of the other lots of record as well.

Chairman: so his lot is three lots and piece of another lot.

Ms. Jones: that is correct.

Mr. Lamb: how did the piece come into being?

Ms. Jones: I can speculate that back then in a certain time in history somebody wanted a little bit more area for their property and so they sold half of this or that.

Chairman: that piece and those three lots were prior to the Land Use Ordinance. Is that correct?

Ms. Jones: they are all a part of the Bertagnolli Subdivision.

Chairman: they are all a part of the Bertagnolli so they were done prior to 1987 whenever the Land Use Ordinance was put into effect.

Ms. Jones: correct.

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Chairman: the main reason for the encroachment on the side setback is? On Fifth Street is? Would you repeat that again?

Ms. Jones: on Fifth Street the narrow driveway that exists there, that is a forty-foot right-of-way, but their driveway cannot be more than ten-feet wide, if it is ten-feet. There is only enough room for one car to pass at a time.

Chairman: but what is the reason to encroach on that side?

Ms. Jones: my thoughts were if the City ever came in and actually built up the right-of-way then that would be traffic closer to where a house would sit if it were a little bit farther over to the west. Now the City does not have any plans at this time to widen the right-of-way, but that was my thinking that if it ever was done in future it would have some impact on the house or structure built there.

Mr. Lamb: what is the Andrews reason or is this the engineering company's reason for this side variance? Because you would certainly be within the west side variance four-feet and you would have twenty four and there is only fifteen required, other than lining this house up with the house to the south. There must be a reason other than what Ms. Jones said, what she thought might be a reason, somebody must have a reason why they wanted to go east.

Mr. Bailey: when Mr. Andrews contacted me and asked us to survey the lot, he specifically asked us to locate all of the trees because he wanted to avoid the trees as best as he could, so we went out there and did that. When I came back and looked at this recently I realized that saying that it is a thirty-inch Oak tree and not showing on there the entire canopy and the impact of what may be around it so that is why I want back and asked for it to be moved over. As far as the street goes to the west I do not know, that may or may not happen.

Mr. Swaney: in other words you are indicating that the canopy shown on this lot has a large root structure that you would like to stay away from.

Mr. Bailey: yes, sir.

Chairman: anyone else?

Ms. Zehrt: my name is Joan Zehrt and I live in the house south of this lot. I am confused. I have a letter that says they are asking for a nineteen point thirty one-foot encroachment on the rear and now you are saying that they do not need that. If that is the case why do not they need it? Because that is very close to my property and the noise of an air conditioner unit that close to me is not a pleasant thought. Nineteen point thirty one-foot is a rather large encroachment, I think, and I have not seen any significant trees there either.

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Ms. Jones: our Ordinance says that a detached carport does not require a variance if it is within five-feet of the side and rear yard setbacks, and this is almost twenty-feet from the rear yard setback. So that is why they do not need a variance for the detached carport.

Recording tape malfunctions, therefore Minutes are written from recording secretary's note from this point. Mr. Bailey shows Ms. Zehrt a drawing he prepared showing the layout of the house and the detached carport on the lot including where the Heritage Oaks are located.

Mr. Bailey: I actually lined up the detached carport with the house to the south so that everything would be in proportion.

Mr. Zehrt: I am glad you have lined it up and I have no problem with it now that I see what his plans are.

Chairman: thank you.

Mr. Andrews: the eastern side will encroach less than four-feet. I have lived in this area for a long time and I love it and I want to continue to do so. I intend to build a home that is along the same lines of the other houses in the neighborhood.

Chairman: does anyone else have any questions? Thank you, sir. If not, the Chair will entertain a motion, for the side yard setback variance.

A Motion was made by **Mr. Swaney** and **Seconded** by **Mr. Lamb** to approve Appeal #2012-05, Garry Andrews, for a variance to allow the side yard setback to be ten point sixty one-feet, in lieu of the required fifteen-feet, in order to build a residence. The property is located at 610 College Avenue, and it is in an R-1, Low Density, Single Family Residential Zone.

Upon roll call vote, the motion carried unanimously.

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

Chairman: the Chair will entertain a motion to establish the lot area.

A Motion was made by **Mr. Mayhand** and **Seconded** by **Mr. Lamb** to approve Appeal #2012-05, Garry Andrews, for a variance to establish the lot area as twelve thousand, three hundred-feet square feet, in lieu of the required twenty thousand square feet. The property is located at 610 College Avenue, 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. Swaney	Aye
Mr. Mayhand	Aye
Mr. Lamb	Aye
Mr. Robison	Aye
Mr. Cooke	Aye

Chairman: the Chair will entertain a motion to establish the lot width.

A Motion was made by Mr. Swaney and Seconded by Mr. Mayhand to approve Appeal #2012-03, John Powell, for a variance to allow a smaller yard dimension of eighty two-feet, in lieu of the required one hundred-feet, due to its substandard size, in order to build a residence. The property is located at 610 College Avenue, and it is in an R-1, Low Density, Single Family Residential Zone.

Upon roll call vote, the motion carried unanimously.

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

Chairman: the request for side yard variance, the lot area and the smaller width dimension are approved. You can pick that up in the Community Development office in the morning after nine o'clock. 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 6:55 p.m.

Respectfully submitted by:



Pat Houston, Recording Secretary

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 2, 2012 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

APPROVED: October 4, 2012


Willie Robison, Chairman

/ph