

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 6, 2006 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

The Chairman stated the number of members present constituted a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m.

Call of Roll:

Members Present:

Billie Mayhand
Barry Taylor
Walt Crimmins
Willie Robison
Glen Swaney, Chairman
Frank Lamb
Jeri Hargiss

Staff Present:

William H. Eady, Sr., Director of Community Development
Pat Houston, Recording Secretary

Staff Absent:

Jerry Speegle, Attorney

The Chairman stated we have a full panel tonight. Has everyone had an opportunity to read over the minutes from the last meeting? If not, I'll give you a few minutes to do so and if so the Chair will entertain a motion.

Approval of Minutes:

The minutes of the January 5, 2006 meeting were considered for approval. A **Motion** was made by **Mr. Robison** and **Seconded** by **Mr. Crimmins to approve the minutes as written.**

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

Mr. Mayhand	Aye
Mr. Taylor	Aye
Mr. Crimmins	Aye
Mr. Robison	Aye
Mr. Swaney	Aye
Mr. Lamb	Abstained
Ms. Hargiss	Aye

Mr. Lamb stated let the record show that I abstained since I was not present at the last meeting.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 6, 2006 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Ms. Houston stated yes, sir.

New Business:

Appeal #2006-02, Little Bethel Baptist Church

Mr. Eady displayed transparencies of the lot between 1205 and 1207 Wilson Avenue. He stated the Little Bethel Baptist Church is requesting a Special Exception to place a church on a piece of property on Wilson Avenue between 1205 and 1207 Wilson Avenue. I know that it is an R-2 Medium Density Single Family Residential Zone area. These types of developments churches, schools, and firehouses can be placed in a residential area with Special Exception approval by the Board of Zoning Adjustment. I think Ms. Pat has put together a pretty good group of pictures in your packet that will show you pretty well where it is located on that street. The red area is all it is. It is a somewhat wooded and grassy area with a small house on the right hand side, and that is what use to be known as Locke's Barber Shop there on the left hand side. The lot is one hundred feet wide, and consists of one point four, six acres plus or minus, and we recommend that it be approved.

The Chairman stated thanks very much, Mr. Eady. It does meet all of the setback requirements.

Mr. Eady stated it will. It will have to come before the Planning Commission for a site plan. Also, this lot has not been subdivided yet, and it will have to be subdivided before it comes to the Planning Commission for site plan approval. The only thing we are seeking tonight is permission to place a church in that area.

Mr. Crimmins stated okay, so the structure and everything else will be a separate issue.

Mr. Eady stated yes, sir, for the Planning Commission.

Mr. Crimmins stated I am kind of confused. It looked like in one of the drawings that it is going to go into the next lot.

The Chairman stated yes, the future expansion looks like it extends into the next lot.

Mr. Crimmins stated the future expansion looks like it goes into the next lot.

Mr. Eady stated where you see future expansion is going to be removed. I am not showing it now, but I know what you are talking about. At the time they go to the Planning Commission that will have to be removed.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 6, 2006 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Mr. Crimmins stated okay, so that is not a vote that we are concerned with tonight.

Mr. Eady stated no, sir. The only thing you should be concerned with tonight is the request for permission to place a church in a residential area.

Mr. Crimmins stated my concern was that all parties know that.

The Chairman asked do we have anyone here tonight to voice their opinions and or comments?

Mr. Eady stated this gentleman here is with the church, I believe.

Reverend Parker stated the church, were I am a minister at, plans to expand in the future, next to the barber shop, he said if he ever decides to retire, he is going to sell us that property. So what we are planning on doing down the road is building an extra addition, later on, if we buy that property. Now we are just putting up a church.

The Chairman stated okay. The church has acquired this property and all you are looking for now is permission to put a church on it.

Reverend Parker stated yes, sir.

Mr. Mayhand asked what did you say your name was, again?

Reverend Parker answered Reverend Donald Parker, Pastor of the Little Bethel Baptist Church.

Mr. Mayhand stated I am aware of the Little Bethel Baptist Church because I grew up here in Daphne. I wanted to ask a question about the cemetery. Will it also be accompanying the church? Or will it be a new portion of cemetery?

Reverend Parker stated well, no. We will not have a cemetery there in that area. We will just keep things the way they are. We are going to make the old church a historical site. It is going to wind up being a historical site. It is a hundred and thirty nine years old. What we are doing is we have kind of grown out of that area. We need a larger area. We are just going to build a church there. It is going to be around sixty five hundred square feet, it is just going to be mostly long.

Mr. Mayhand asked Mr. Eady, in the future if the man at the barber shop decided to retire and sell the land to them would they have to come back through here if they decide later on to put a cemetery there?

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 6, 2006 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Mr. Eady stated yes, sir. They would. A cemetery has to be approved by the state. It is a pretty long drawn out affair to get a cemetery approved.

Mr. Eady stated it has a lot to do with the area it is in, and certainly the neighborhood. Not that they could not have one there, but it would have to go through several processes before a cemetery could be approved.

Mr. Mayhand stated okay, several processes. Thank, you.

Mr. Lamb asked Mr. Eady, is a cemetery a special exception in our rules? Does it come back before the Board of Adjustment?

Mr. Eady stated I think it would. I do not know if a cemetery is spelled out specifically, but I would recommend that it come back before the Board of Adjustment. I think it would be a cleaner way of handling it.

Mr. Crimmins stated it is in the table of permitted uses as a condition for approval.

The Chairman stated would you like to make any additional comments?

Reverend Parker stated our intentions are not to use it as a grave site. At this time we have not even discussed a grave site. I do not think we are going that way towards a grave site.

The Chairman stated thank you. I noticed there are some new attendees to the meeting tonight. Does anyone care to speak for or against this proposed rezoning request?

Reverend Parker stated these are all of my officers. They are all for it.

The Chairman stated are there any additional questions?

Ms. Hargiss stated I know one question that would probably be asked as a concern for the Planning Commission, but roughly what is your membership? How many families?

Reverend Parker answered we have about one hundred and twelve on the roll. The membership is one hundred and twelve. At this time we do not have classrooms or anything like that.

Ms. Hargiss stated I understand, so that is why you want to go forth.

Reverend Parker stated many times when someone wants to go to the restroom they have to go out the front door and walk around in the rain. So we are kind of out dated.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 6, 2006 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Ms. Hargiss stated thank you.

Mr. Lamb stated that is a nice piece of property.

Reverend Parker stated thank you.

The Chairman stated do any of the Board members have any additional questions or comments? If there are no objections, the Chair will entertain a motion.

A Motion was made by Mr. Crimmins and Seconded by Ms. Hargiss to approve Appeal #2006-02, Little Bethel Baptist Church, for special exception to place a church on the lot located between 1205 and 1207 Wilson Avenue.

Mr. Crimmins asked should this be a roll call vote?

The Chairman stated yes, let us do it by roll call just to formalize it.

Mr. Taylor asked am I allowed to vote?

Mr. Eady answered no, only the five regular members.

Mr. Lamb asked what is my status?

Mr. Eady stated you are a regular member.

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

Mr. Mayhand	Aye
Mr. Crimmins	Aye
Ms. Robison	Aye
Mr. Swaney	Aye
Ms. Hargiss	Aye

The Chairman stated the motion is approved. This will be ready when, Pat?

Ms. Houston stated in the morning.

Reverend Parker stated thank you.

The Chairman stated thank you, very much.

Mr. Robison stated I think we can adjourn.

The Chairman stated just a second. Let me see if there is any old business.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 6, 2006 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Old Business:

Mr. Lamb stated yes. I have a debate over making a motion. I think before we vote, because there is an issue by some members of the Board of Adjustment on making the vote no. We need to be sure that the audience knows that although the proposal is recommended as being passed, and then when we take the vote and everyone says no that the explanation precedes the vote or people will assume that they got it, when they did not.

The Chairman stated very true. In other words, the motion has to be cast in the affirmative. In fact the motion would fail for lack of a second.

Mr. Eady stated this has come up several times. I do not know whether you were here or not, but we talked about that in the last meeting, I think. I think we pretty well agreed that it was, at least, sensible that we make the motion in the affirmative because that is what everyone expects, and that is the way it is done everywhere. It has not been challenged or anything like that any time that we have done it that way. It is very confusing the other way. So I would recommend that we go ahead and do it that way.

The Chairman stated alright.

Mr. Crimmins stated it is easier to do it that way. When they come seeking a variance and it takes four out of the five to grant the variance, and you make it negative, and you get three and two you have done nothing.

Mr. Eady stated that is right.

Mr. Lamb stated on that point, if you will make sure that the plaintiffs will know that even though it is recommended, and we voted on it but it was a negative vote.

The Chairman stated yes, sir.

Mr. Lamb stated I move to adjourn.

Ms. Houston stated may I say something. You are an alternate, Mr. Lamb. It was said that you were not, but you are.

Mr. Crimmins asked who are the two alternates?

Ms. Houston answered Mr. Lamb and Mr. Taylor.

Mr. Taylor asked in which order?

Ms. Houston answered Mr. Lamb and then Mr. Taylor.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 6, 2006 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Adjournment:

The Chairman stated a motion has been made to adjourn. If there are no objections, the Chair would entertain the motion to adjourn.

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Robison** to adjourn.
The Motion carried unanimously.

There being no further business the meeting was adjourned at 6:12 p.m.

Respectfully submitted by:



Pat Houston, Recording Secretary

APPROVED: June 1, 2006



Glen Swaney, Chairman

/ph