

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 7, 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 6:03 p.m.

Call of Roll:

Members Present:

Walt Crimmins, Secretary
Barry Taylor
Jeri Hargiss
Frank Lamb

Members Absent

Glen Swaney, Chairman
Willie Robison
Billy Mayhand, Vice Chairman

Staff Present:

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

Staff Absent:

Jerry Speegle, Attorney

The Secretary stated let us begin with the approval of the minutes from last month. The Secretary will entertain a motion to accept the minutes as written.

Approval of Minutes:

The minutes of the November 2, 2006 meeting were considered for approval.

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

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

Mr. Taylor	Aye
Mr. Crimmins	Aye
Mr. Lamb	Aye
Ms. Hargiss	Aye

New Business:

Appeal #2006-08 - Helen Hall

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The Secretary stated before we start with the new business, let me just explain the procedure a little bit. Normally, there are five members of the Board present to vote. To get a special exception you would need four of the five members to agree. We have a quorum tonight, so what that means is all four of us must present will have to agree tonight to grant the special exception. I am Walt Crimmins, and I am kind of subbing for the Board Chairman. I have been Board Chairman before, several years ago. If you have any comments I just ask you please, to make them to the Board. With that said, Mr. Eady, you are on.

Mr. Eady stated first I want to apologize for not having any pictures tonight, but the bulb blew out when setting up. You have the same pictures in your packet. First, Ms. Helen Hall, who lives at 506 Pine Street, is requesting a special exception to operate a home daycare. She will keep children ranging in age from six weeks to 5 years old. A daycare is allowed in this zone with Board of Zoning Adjustment approval, which is R-1 single family residential zone in Daphmont. If you will turn over a few pages you will see a survey of the lot showing the relationship to the surrounding area. The next picture is the front of the residence, which is very nicely kept. Secondly, this is the driveway that leads to the rear of the residence. It is a rather long driveway, and the third picture shows you the property at the end of the driveway, and the property beyond the driveway. As you can see there are some parked vehicles, which may be, I do not know, her husband or somebody in the family does construction work of some type. The fourth picture is a shot of the rear of the house, and this is another shot, which shows a fairly large concrete paved area in the back connecting to the carport. You can see the side area will be sufficient for turning around when dropping off children without having to park in the street. The last picture was taken a little late. They have been working on the fence that you see there. You can see the red dirt is where they are putting a fence along the carport. In fact, where they are working in there will be the playground area for the children.

The Secretary stated Mr. Eady, is this the only driveway unto the rear of the property?

Mr. Eady stated yes, sir.

The Secretary stated which side of the house is it on?

Mr. Eady stated the right hand side of the house.

Mr. Lamb stated the right side facing the house.

The Secretary stated I have one question to the Halls. You do know that all we do here is approve the land use? There are regulatory steps that you have to go through after you leave here.

Mr. Hall stated right. The State.

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The Secretary stated okay. I just want to make sure that you understood where you are in the process. There are many other hurdles.

Ms. Hall stated yes, sir.

Mr. Lamb stated the question that I have is in this photograph in the back where these vehicles are. I always worry about vehicles when children are around. Are those abandoned? There is a vehicle way in the back, and then there are two cars. Are they functional? Or is one of them abandoned?

Mr. Hall stated they are operated in my business.

Mr. Lamb stated they are useful. I worry about children getting locked in those type vehicles and a tragedy occurring.

Mr. Hall stated I have another place to store those vehicles. They will not be there all the time.

The Secretary stated does the Board have any other questions or comments? If not, the Secretary will entertain a motion.

A Motion was made by Mr. Lamb and Seconded by Ms. Hargiss to approve Appeal #2006-08, Helen Hall, for a special exception to operate a home daycare at 506 Pine Street.

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

Mr. Taylor	Aye
Mr. Crimmins	Aye
Mr. Lamb	Aye
Ms. Hargiss	Aye

The Secretary stated the appeal is approved.

Mr. Eady stated the next appeal is from Mr. Joseph Harper, Gulfwide Properties, L.L.C., he is asking for special exception to place a church on Wilson Avenue. It is a vacant lot consisting of one point eighty-eight acres. It is an R-1 single family residential zone, therefore a church is allowed in this zone with the approval of the Board of Zoning Adjustment. You can see the proposed church on the lot with parking. The next two pages are half sheets of one page. It shows the wooded lot of where the church will go. The first picture shows how wooded the lot really is. I do not have a camera that will take a wide shot, so I have to do a bit of moving around. The second shot shows looking north from east of the property. The third shot is looking north from Wilson Avenue to the west side of the property. The forth shot is looking west along Wilson Avenue from the center of the road in front of the property. Looking west along Wilson Avenue you can see the traffic pattern.

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Mr. Eady stated the fifth shot is looking east along Wilson Avenue, which gives you somewhat of an idea of what the site distance is from both directions. The sixth picture is a residence on the east side of the property. If you back up to picture number five you will see part of this driveway directly to the left, and that is the driveway for the home in picture number six. I did not take any pictures down in the property because it is so heavily wooded. I did not think it would be of much value anyway. It is a very nice piece of property, and it probably will be a good location for a church.

The Secretary stated I have one comment and one question. The comment. According to the list you supplied of adjacent property owners, I am surprised there is no one else here, tonight. Second, the question. Will the church plan fit on that property without any variances on the setbacks or anything else like that?

Mr. Eady stated I do not have anything else except for what you see in your packet. I am going to say yes because we cannot accept anything other than what is in accordance with the Ordinance.

The Secretary stated okay.

Mr. Eady stated he is here if you want to ask him any questions.

Mr. Harper stated Mr. Crimmins, I am Joe Harper. My say is that the size of the sanctuary will be rather small. About forty-five hundred square feet is what we are anticipating on.

The Secretary stated I was thinking about the size, its position and you coming back to the Board asking for variance.

Mr. Lamb stated are the trees primarily junk? I did not see any sufficient pine trees.

Mr. Harper stated scrubs.

Mr. Lamb stated okay. A lot of scrub stuff.

Mr. Eady stated we will probably ask for a tree survey on that property when we get the site plan. Of course, Pine trees are not significant, but if that is all you have, well, it is good to have a cluster of them. If there is some significant holly or cedar we try to preserve them.

The Secretary stated one other question, more of curiosity than anything else. Is this going to be a relocation of an existing congregation or is this an expansion?

Mr. Harper stated expansion.

Mr. Lamb stated where are you coming from?

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Mr. Harper stated Fairhope.

Mr. Lamb stated it does not matter, but what congregation is this?

Mr. Harper stated Kingdom Hall of Jehovah Witness.

Mr. Lamb stated okay. The residence where the driveway is, Mr. Eady, does their backyard back up to this property since their house faces west?

Mr. Eady stated the house does face west. However, the front of the lot is facing Wilson Avenue.

Mr. Lamb stated so their back door faces this property.

Mr. Eady stated no. It is on the other side. The front door will face the church.

Mr. Lamb stated okay. Thank you.

The Secretary stated does the Board have any other questions or comments? If not, the Secretary will entertain a motion.

A Motion was made by Mr. Lamb and Seconded by Ms. Taylor to approve Appeal #2006-09, Joseph Harper, Gulfwide Property, LLC, for a special exception to operate a church on Wilson Avenue

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

Mr. Taylor	Aye
Mr. Crimmins	Aye
Mr. Lamb	Aye
Ms. Hargiss	Aye

The Secretary stated I believe they can pick up their appeal approvals first thing in the morning.

Ms. Houston stated that is correct.

The Secretary stated any other business before the Board? If not, the Secretary will entertain a motion to adjourn.

Adjournment:

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

There being no further business the meeting was adjourned at 6:18 p.m.

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Respectfully submitted by:



Pat Houston, Recording Secretary

APPROVED: March 1, 2007



Glen Swaney, Chairman

/ph