

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JULY 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:

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

Staff Present:

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

Members Absent:

Walt Crimmins

The Chairman stated there are six members present tonight, five, of which, will be voting. You will need four yes votes for approval. If you would, take this opportunity to review the minutes from our last meeting. If there are no changes the Chair will entertain a motion that the minutes be accepted as written.

Approval of Minutes:

The minutes of the June 1, 2006 meeting were considered for approval. A **Motion** was made by **Mr. Robison** and **Seconded** by **Mr. Mayhand** to **approve the minutes as written unless there are additions or deletions.**

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

Mr. Robison	Aye
Mr. Mayhand	Aye
Mr. Taylor	Aye
Mr. Swaney	Aye
Mr. Lamb	Abstained due to his absence at the last meeting.
Ms. Hargiss	Aye

New Business:

Appeal #2006-03, Malinda S. Gibson

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The Chairman stated our first order of business is to hear Appeal #2006-03. Mr. Eady, would you like to lead us off?

Mr. Eady displayed color transparencies of 800 Main Street. He stated, Mr. Chairman, Ms. Malinda S. Gibson, who lives at 800 Main Street is requesting a Special Exception of the Land Use Development Ordinance for a home daycare. The property is zoned R-1, Low Density Single Family Residential, so it requires approval from the Board of Zoning Adjustment for that use. She has a very large lot, one point eighteen acres. The house is situated on probably about the first third of the lot. It is all very well manicured. It is neat and clean. This is the house looking from Main Street, and this is looking down the driveway toward the back. Beyond that is a place, as you can see, where the gate is that is well kept. The grass is well cut and manicured. There were no obstacles, that I could see, that would be detrimental to children. No junk cars, or any thing like that. No building materials piled up. Everything was very neat, and I recommend it be approved.

The Chairman stated thank you, Mr. Eady. I see the neighbors have been notified. Has anybody voiced any complaints to you?

Ms. Gibson stated no, they have not.

The Chairman stated is there anything that you would like to add to Mr. Eady's presentation.

Ms. Gibson answered no, sir.

The Chairman stated does any of the Board have any additional questions or comments?

Mr. Lamb stated on the gate that goes toward the extended back yard. Is there just one gate or are there two?

Ms. Gibson stated there are two that close. We need to get that fixed and we just have not done it yet, but there are two that close.

Mr. Lamb stated okay. Once a child gets way back into that area back there it is not fenced.

Ms. Gibson stated no, it is not.

Mr. Lamb stated but it will be fenced in on the first part.

Ms. Gibson stated yes, sir. The first part will be fenced and locked.

Mr. Lamb stated the first part will be locked?

Ms. Gibson stated yes, sir.

The Chairman stated any additional questions, Mr. Mayhand? Comments, Mr. Lamb?

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Mr. Robison stated just a comment. I believe that is, as I call it, the old Carroll home place. Mr. Carroll was the Principal of the old Baldwin County Training School, which was the Daphne Middle School, and now is the site for the Daphne High School. I went by there the other day. Is anyone living in there now? Or is it strictly going to be a daycare?

Ms. Gibson stated no, we are living there now.

Mr. Robison stated you live there now.

Ms. Gibson stated yes, sir.

The Chairman stated it really does not pertain to our deliberation, but how many children do you anticipate having.

Ms. Gibson stated I have two of my own, and one of them goes to school. So, I will have five, with the one I have, which will be a total of six.

The Chairman stated any additional questions or comments? If not, the Chair will entertain a motion.

A Motion was made by Mr. Mayhand and Seconded by Ms. Hargiss to approve Appeal #2006-03, Malinda S. Gibson, for a special exception to allow the operation of a home daycare at 800 Main Street.

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

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

The Chairman stated the motion has been approved. I guess she can pick this up tomorrow morning.

Ms. Houston stated in the morning.

Mr. Lamb stated I just have one comment. I noticed on the plat that you submitted that your fence goes across the property line. Did you notice that?

Ms. Gibson stated it goes across the property line.

Mr. Lamb stated yes. It is not a part of this hearing, but if you look at the plat that we were given, the dotted line, showing where the fence is, encroaches the right-of-way of Adams Lane.

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Ms. Gibson stated yes. When we bought the property, they told us that Adams Lane actually owns part of the property. We just had to take it as is.

Mr. Lamb stated if you in the future, ever decide to sell, it could be a problem. The new owners need to know, and you would need to get a variance before you do.

Ms. Gibson stated yes, sir.

Ms. Hargiss stated I noticed it too, but it is not a part of this.

Ms. Gibson stated thank you.

The Chairman stated I do have a question for Mr. Speegle, following the adjournment, if he has the time.

Mr. Speegle stated certainly.

Adjournment:

The Chairman stated if there are no objections, the Chair will entertain a 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 6:10 p.m.

Respectfully submitted by:



Pat Houston, Recording Secretary

APPROVED: August 3, 2006



Glen Swaney, Chairman

/ph