

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF NOVEMBER 2, 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
Walt Crimmins
Glen Swaney, Chairman
Barry Taylor
Jeri Hargiss

Members Absent

Billy Mayhand
Frank Lamb

Staff Present:

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

Staff Absent:

Jerry Speegle, Attorney

The Chairman stated with five members present all five will be voting. It will take the approval of four out of the five to pass the appeal, tonight. Well, let us see if everyone would take a few minutes to read over the minutes for approval. The Chair will entertain a motion to accept the minutes as written.

Approval of Minutes:

The minutes of the October 5, 2006 meeting were considered for approval.

A **Motion** was made by **Mr. Robinson** and **Seconded** by **Mr. Taylor** to **approve the minutes as written.**

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

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

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New Business:

Appeal #2006-07 - Resubmitted, Alain & Clara D. Melendez

The Chairman stated we are here tonight to hear Appeal #2006-07 resubmitted by Mr. Melendez for Captain O'Neal Drive. Mr. Eady, would you start us off.

Mr. Eady stated at our last meeting Mr. Melendez requested a variance on the setback for a piece of property on Captain O'Neal Drive. At that time he was requesting for an eleven foot encroachment on the setback line. The Board asked him to go back and rearrange, I believe, the garage, to move it over in line with the back of the house. Now he has come back asking for a four foot encroachment, which is basically what the Board had asked him to do last meeting. I am not showing any slides tonight because you have already seen them, and you also should have seen a revised page in your packet books with the yellow outline of the home. In it you will see on the one side it says eleven feet to the property line, and on the other it says fifteen feet to the property line so that means that he is asking for a four foot encroachment on the side property line setback.

The Chairman stated okay. I would like to interject a comment, Mr. Eady, we did not really recommend any particular setback to Mr. Melendez, in that we could not. We just gave him the opportunity, I guess, to resubmit with different qualifications, if you will. Mr. Melendez, would you like to add something to this?

Mr. Melendez stated no, sir. Everything Mr. Eady has said is correct. We made the modification to the plans with a different setback from the first request.

The Chairman stated I do have one question. Are all of the big trees still safe?

Mr. Melendez stated yes, sir. They will be. We are changing the footings closer to the parking area. We are pretty scared of the roots of those trees. I think they will be in a safe place.

The Chairman stated okay. Does any of the Board have any questions?

Mr. Eady stated Mr. Chairman we did receive a letter from Mr. McAleer, in fact, he hand delivered it. His home is on one side of this, and he said he does not have a problem with the variance.

The Chairman stated Mr. McAleer lives on Lovett Lane, does he not?

Mr. Eady stated yes, sir.

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

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A Motion was made by Mr. Crimmins and Seconded by Ms. Hargiss to approve Appeal #2006-07, Alain & Clara D. Melendez, for a variance to encroach the north side setback line by four-feet at 1113 Captain O'Neal Drive.

Upon roll call vote, the Motion carried.

Mr. Robison	Aye
Mr. Crimmins	Nay
Mr. Swaney	Aye
Mr. Taylor	Aye
Ms. Hargiss	Aye

The Chairman stated the appeal is approved, and he can pick it up on tomorrow, Pat.

Ms. Houston stated yes, sir.

The Chairman stated okay.

Mr. Melendez stated I really appreciate all of your help on this. I do thank you.

The Chairman stated any other old or new business. If not, the Chair will entertain a motion to adjourn.

Adjournment:

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

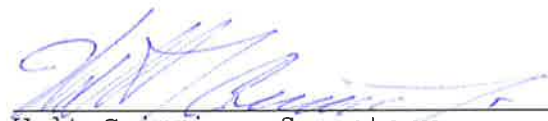
There being no further business the meeting was adjourned at 6:07 p.m.

Respectfully submitted by:



Pat Houston, Recording Secretary

APPROVED: December 7, 2006



Walt Crimmins, Secretary

/ph