

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF SEPTEMBER 6, 2007 - 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
Billy Mayhand, Vice Chairman
Glen Swaney, Chairman
Walt Crimmins, Secretary
Jeri Hargiss

Members Absent

Frank Lamb
Barry Taylor

Staff Present:

William H. Eady, Sr., Director of Community Development
Adrienne Jones, Planner
Pat Houston, Recording Secretary
Helen Burdette, Administrative Assistant
Tony Hoffman, BZA Attorney

The Chairman stated the first order of business is the approval of minutes. Since Mr. Lamb is not here we cannot approve the April 5th minutes tonight. Is that correct, Pat?

Ms. Houston stated that is correct.

The Chairman stated has everyone had an opportunity to read the August 2nd minutes? If so, the Chair will entertain a motion to accept the minutes as written.

Approval of Minutes:

The minutes of the August 2, 2007 meeting were considered for approval.

A Motion was made by Mr. Robison and Seconded by Mr. Mayhand to approve the minutes as written.

Upon roll call vote, the Motion carried uananimously.

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

The Chairman stated how many people are here tonight to address the daycare center? Okay. Mr. Eady, if you concur we will reverse the agenda and do the daycare first.

Mr. Eady stated I agree, yes, sir.

New Business:

Appeal #2007-12 - Melanie Wolfe

The Chairman stated okay, Mr. Eady if you would let us start with Appeal #2007-12, the daycare.

Mr. Eady stated Adrienne will display the color transparencies of 26120 Equity Drive tonight because I had a little eye surgery, so I am a little sensitive to light. He stated Ms. Melanie Wolfe has requested a special exception for a daycare center at 26120 Equity Drive. If you do not know where Equity Drive is it is about two doors down from where our building is on the corner of County Road 64 and Equity Drive. She will be keeping children ranging from age six weeks to twelve years old. A daycare is allowed in this zone, which is B-2, General Business zone. They have been working extremely hard on this building. I think when they finish, from what I have seen, and I have been by there a couple of times, it is going to be one of the nicest daycare centers in the City. I think one of the ladies has some pictures to show you of the work that they are doing to the building. They are putting more emphasis on the building the rooms in it. The pictures that you see there is the outside playground equipment for the children, and the fence yard is already there. When you see the pictures she has, it will give you a better idea of what has been done since I made these pictures. They were getting the pictures developed late this afternoon and she should have them for your viewing.

The Chairman stated we already have them.

Mr. Eady stated you already have them, okay, great. I have not seen the pictures myself, but I have seen the work that they have done and that is why I am showing you these old pictures so you will have a better idea of what the interior is going to look like when it is finished. The department recommends approval.

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The Chairman stated thank you, Mr. Eady. Who would like to address the Board concerning approval of this request? Before you start, Mr. Robison would you like to address the Board?

Mr. Robison stated not at this time.

The Chairman stated okay. If you would please state your name and address for the record.

Ms. Wolfe stated my name is Melanie Wolfe. I live at 146 Donna Circle, Daphne.

The Chairman stated what is it you would like to tell us about the daycare.

Ms. Wolfe stated well, like Mr. Eady said we are going to be taking children from zero to twelve weeks of age. We have done a lot of work on the building since he came and took pictures, and you can see that by our pictures. We are very excited about it. We have a large need for daycare here in Baldwin County, in Daphne alone. The area has grown tremendously. A lot of subdivisions are going in and the need for daycares is going to grow even larger. We hope to be one of the better daycares in town as Mr. Eady has said. We are going to have a curriculum that is a little bit different from other daycares. We are going to be teaching, well we will have a lady in our company that will be teaching, Spanish to the children. We will have different areas, drama, and math. We will have teachers that specialize in those areas to help the children learn. Especially in math, reading, phonics and science so that they will be better equipped when they get to kindergarten.

The Chairman stated good, thank you. Any additional comments? Any questions?

Mr. Robison stated Ms. Wolfe, I believe I read somewhere when I was looking at this that it was previously like a gymnastic camp with balance beams and things of that nature, and that is how you were able to get this large building.

Ms. Wolfe stated yes, sir. Jubilee Gymnastics did have the building. They moved next door to this building, and that is why this building is empty.

Mr. Crimmins stated just for the record, what ages did you say you will have?

Ms. Wolfe stated zero to twelve years old.

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Mr. Crimmins stated how many children at one time or what capacity?

Ms. Wolfe stated our maximum is going to be one hundred and thirty-one children.

Mr. Crimmins stated Mr. Eady I saw there were twelve parking spaces off street. Do you see any problem with that if they are going to have a hundred and thirty-one large maximum?

Mr. Eady stated no, sir I do not because most of them will be dropping their children off then leaving rather than staying. So all of the parking spaces will just be used temporarily.

Mr. Crimmins stated Ms. Wolfe would that include spaces for your employees too?

Ms. Wolfe stated no, sir. We are actually going to be parking across the street in another parking area to give our parents plenty of parking in the front lot.

Mr. Crimmins stated okay.

The Chairman stated okay. Is there anybody else here that wishes to speak in favor of this exception? Thank you very much.

Ms. Wolfe stated thank you.

The Chairman stated is there anyone here that wishes to speak in opposition of this appeal? If not, the Chair will entertain a motion.

A Motion was made by Mr. Crimmins and Seconded by Ms. Hargiss to approve Appeal #2007-12, Melanie Wolfe for a special exception to allow the operation of a daycare center at 26120 Equity Drive.

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

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

The Chairman stated your appeal is approved and she can pick it up when, Pat?

Ms. Houston stated she can pick it up first thing in the morning or I can mail it out to her.

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Appeal #2007-11 - Restoration Fellowship Ministries

The Chairman stated thank you very much. We will move on to Appeal #2007-11 Restoration Fellowship Ministries. Before we start I believe Mr. Robison has something he would like to say.

Mr. Robison stated so there will be no misunderstanding. So there will be no surprises from anyone. In the last past month to two months I have received telephone calls, I have been stopped at Wal-mart and other places and asked about the church. As soon as someone says church I advise them that I am on the Board of Zoning Adjustment, which they knew, and I could not be discussing anything about the church pro or con because it could be construed as an ex parte meeting, and that I did not want that to happen whether it would be or whether it would not. I received emails and as soon as I saw on the top what it was I did not even click it on. I deleted it. I received letters at home from people, as soon as I open them up and saw church I threw it aside and did not even look at what was in the letter. So I wanted people to know up front that there have been people who have called me. Another thing is that I serve on the Property Owners Association Board of Lake Forest, and I have not participated in any discussion that the Lake Forest Board has had. Any time that it would be mentioned I would excuse myself from the room. I would go far enough away where they would have to come find me so that I could by chance could not hear anything that was being said in that meeting. I had people that came up to me in the meetings and said I am so and so, I want to talk to you. I said I am sorry I cannot talk to you, but if you want to talk about coffee, or a baseball game or anything of that nature I will be glad to talk to you about it. I did want this made known upfront so that down the road somebody could not come along and say, well, he was on the Property Owners Association Board there. I have not entered into any discussion with anyone concerning the request for special exception on the church in Lake Forest. People at my church, Eastern Shore Baptist Church, I would tell them up front that I cannot discuss anything with you and I just wanted you all to know that tonight. Thank you.

The Chairman stated thank you, Mr. Robison. Before we get into the presentation Mr. Eady, how many people here tonight plan to speak in favor of this appeal? How many people plan to speak in opposition of it? I count something like ten or twelve. We may get into a timing situation later, but in any case, Mr. Eady would you like to start with your presentation?

Ms. Jones displayed color transparencies of the purposed church site for Restoration Fellowship Ministries, Parcel #43-02-04-0-013-002.004 off of Rays Lane, which consists of three point nine acres.

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Mr. Eady stated the Restoration Fellowship Ministries, Incorporated has requested a special exception to build a church on a lot comprised of three point nine acres located in the Marie Jones Subdivision. Just for a little background, the subdivision was created by the probated will of Marie Jones for her children some years back. It was annexed into the City of Daphne at the same time as Lake Forest was annexed. However, it is not, it is not a part of Lake Forest, and not a part of the Lake Forest Subdivision. There is a sixty foot right-of-way deeded to the City. We have those deeds in our files at the office. This is South Bradbury running west then along south to the church site. On this right-of-way is a rock driveway approximately ten to twelve feet in width and the driveway is known as Rays Lane. Mr. George Ray, who lived at the end of that driveway, I believe, was executor of the will. I know in years past, he and his wife use to come to my office and talk a great deal about some of the things for the subdivision. Four or the individuals there gave an additional thirty-feet of right-of-way to go with the thirty-feet they already had so that gave the City a sixty-foot right-of-way along the front of this property where the church is proposed. Access to the site is from Ridgewood from either direction, depending on which direction you are coming from, then onto Montclair Loop to Bradbury Court to South Bradbury Circle onto Rays Lane. I understand at the present time the church congregation consists of approximately one hundred members, and services will be held on Sunday, Wednesday and Friday. Now I do not know this to be exact because I have not talked to the pastor, but the information that I have is what I was given. The Comprehensive Plan for the City of Daphne states that Ridgewood Drive is inadequately designed as it stands today to service even the large residential development that is there. There have been some serious accidents throughout that neighborhood, and they have exposed some serious concerns in the past as far as traffic is concerned. The traffic for a church, well, the additional traffic is not there today, but it will create a negative effect on the citizens and the development in assuming that the congregation will increase and we hope that it will. We hope that any church will grow. It will farther escalate the problem in the future. If this request is approved then there will have to be a site plan presented to the City of Daphne Planning Commission. It will require a standard city street, sewer, water, drainage, and any other requirements that are needed for the safety of the church as well as the citizens of Lake Forest. We have looked into this very deeply, and we have talked to I do not know how many people we have talked to about this situation. We have numerous letters, some letters from the same individual several times. You have most of them, I think, as far as I know. There are petitions I understand that are here tonight to be presented, by whom, I do not really know. I just got that out of a general conversation here a little earlier. After going through all of the ramifications of the traffic and the location of the church.

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Mr. Eady stated and the impact it will place on both the Marie Jones Subdivision and Lake Forest Subdivision the Planning Department recommends that the request be denied.

The Chairman stated thank you, Mr. Eady. Before we proceed any further I should make mention that there are five members on the Board of Zoning Adjustment and it takes a super majority to approve the appeal. The super majority being four. If all of the people representing the group would address the Board it would be very much appreciated. The gentleman in the back, I believe, is speaking in favor of this appeal. Would you come to the podium, please?

Mr. Johnson stated first of all I would like to say that I really did not realize this would have so much negativity on a church, and we are not here to try and defend it before you.

The Chairman stated your name and address if you would, please.

Mr. Johnson stated I am Freddie Johnson and I live at 3996 Stanton Road South here in Daphne.

The Chairman stated thank you, sir.

Mr. Johnson stated when we went out to purchase the property we looked at the size of the property being three point some odd acres and that in itself was a little surprising you know to us, the fact that we could find that much property in the middle of Lake Forest. Well, not in Lake Forest, but in that area. It is shown to be a single family, R-3 property. We were told with a special exception that you can build a church in any zone, but also we looked at the plans of the Board of Zoning Adjustment, R-3 should be small lots, and this was sold as over three acres. We had no reason to doubt that we could put a church in that area. So we purchased the property. So I am not trying to be negative and I apologize for any inconveniences we have caused anyone. We certainly do not want to go into an environment that is going to cause problems. We are not here for that. We are here to help, if anything, helping preserve the neighborhood, not to tear it down. I heard the statement about the property values. We looked into the traffic concerns and the whole thing. The thing that comes to my mind is that we will not be in peak hours of traffic in any church service that we will have. Sunday the traffic is low, and we are planning services for Wednesday also. I do not know where Friday services came in at. We are just looking for somewhere, you know, that we can worship, nothing out of the ordinary, and yes, there were plans, being up front, we were talking about a daycare center, but daycare centers are all over this City, in every neighborhood. You would think, to me, that a daycare center would be helpful to any area. It is a growing area, I mean, and there are people that are in need of these services.

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Mr. Johnson stated any other questions that anyone may have or anything, you know, we are not here to fight you. We are just here to comply with the concerns.

The Chairman stated okay. Thank you. Does anybody on the Board have any questions for this gentleman?

Mr. Robison stated Mr. Johnson, but before I forget it. I see Councilman Lake sitting out there, and I did get up an excuse myself from a Council meeting a couple of weeks ago when he said we need to talk about the church. I said excuse me let me leave the Council chambers. I did want to bring that up because I saw him sitting out there. What exactly is the Restoration?

Mr. Johnson stated we are a Non-Denominational church. Anyone can join. We just serve our God. We love the Lord Jesus. We are a multi-cultural church. Anyone can join it.

Mr. Robison stated that is the way all of them should be.

The Chairman stated Mr. Johnson, thank you very much. Is there anyone else back there in favor of this appeal that would like to speak?

Mr. Johnson stated well, my pastor is back there, Starling King, and a few members of the Trustee Board are back there.

The Chairman stated we would like to have two people that want approval of this appeal to start.

Mr. King stated my name is Starling King and I, of course, have been a long time resident of Daphne. We actually purchased the property in February.

The Chairman stated where do you live?

Mr. King stated I currently live in Mobile. We purchased the property on the grounds of the Baldwin County Zoning Regulations. Of course, Mr. Johnson was just speaking of the actual zone being R-3 zone. We were under the assumption, of course, it says that an R-3 zone denotes smaller lots, which you have in Lake Forest. Then we noticed the three acre plot. We were told that it was not a part of Lake Forest. So we purchased the property on those ground, then, of course, with that the R-1 and R-2 zones on the actual Baldwin County Zoning regulations in Section 4.5 that talks about the single family districts it gives a conditional use which also incorporates and deals with the following institutes, and churches was one of them. Also religious facilities, daycares, and it talked about fire stations or a school. So we were under the impression that we could build a church.

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Mr. King stated again, we are not here to bring about any conflict or anything of that nature. We know that change produces conflict, automatically. So we are just here to explore our options, and that is only what we are here for.

The Chairman stated thank you. Does anyone have any questions?

Mr. Robison stated Mr. King you said that was in Baldwin County. Was that under the City of Daphne Land Use Ordinance though, that you were reading from?

Mr. King stated actually it is the Baldwin County Zoning Regulations.

Mr. Robison stated we fall under the City zoning regulations, I believe, and they are different from the County.

Mr. King stated right. We cross referenced the City codes verses the County. I believe that districts R-1-2 and 3, and I am assuming, that both Baldwin and City are basically the same. If not, maybe someone can give us clarity.

The Chairman stated Mr. Eady I guess you can clarify that for them.

Mr. Eady stated I am not really familiar with what the Baldwin County regulations are since they do not apply to the City of Daphne. As far as the R-3 designation goes, yes they are smaller lots. However, twelve thousand square feet is the minimum lot size designation for an R-3. It does not really matter whether it is an R-3, R-2, R-1 or whatever, the Daphne Land Use Ordinance says a church, firehouse, school or other similar organizations can go in any zone with a special exception approved by the Board of Zoning Adjustment, and that is where we are tonight. Zoning actually has nothing to do with it.

The Chairman stated thank you very much.

Mr. Robison stated Mr. Chairman if I may ask some more questions would it be okay.

The Chairman stated certainly.

Mr. Robison stated at present you said that you have approximately one hundred members.

Mr. King stated yes.

Mr. Robison stated of those present members how many vehicles would you say that you have down at Bayfront Park?

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Mr. King stated roughly now, it is family oriented. I would say twenty to thirty at the most.

Mr. Robison stated twenty to thirty at the most, and should a special exception be granted would you consider that your building would be conducive to this neighborhood and would not be a detriment to the neighborhood. Once there it would be conducive as to go along with how the neighborhood is set up as a residential area.

Mr. King stated I would state, if I may address this further. I do understand the concerns of the individuals that are actually in the residences. So I would say it will be. Of course, it will be additional traffic. I think that our biggest concern tonight is traffic and etc. So I definitely cannot tell you that there would not be more traffic. So in terms of within the codes, we will definitely meet your codes.

Mr. Robison stated I noticed in the picture that you had retention pond or rather a detention pond.

Mr. King stated yes, sir.

Mr. Robison stated how large will it be? Fifty by sixty.

Mr. King stated right. Fifty by sixty. Again that was just speculation. We would meet whatever the codes are, that was just speculation of what it would be to cover that particular property.

The Chairman stated any additional questions? Okay, I think we will switch to the opposition now. Who would like to start off? The lady on the third row from the back. Do you think you can finish your comments in three to five minutes?

Ms. Hauth stated probably.

The Chairman stated okay, state your name and address.

Ms. Hauth stated I am Katherine Hauth and I live at 100 Stratford Court. My house is located on the corner of Stratford and Montclair, and no offense to the gentleman, but the traffic is already bad. The joke in our neighborhood is that it is like going to Atlanta airport. It seems everybody in Lake Forest has to go around Montclair Loop to get any where. When you drive up you turn on Montclair Loop where that entrance is. You have to go up a hill, and you cannot see the top of the hill, which is where my house is located. We have a lot of small children in this area, including mine. I am nervous and I am shaking because when I talk about my son that is where the point comes across. My nine year old son is autistic. He has no impulse control.

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Ms. Hauth stated even though he knows at nine that he is not suppose to run into the street, and we are always out there watching him, if he sees somebody he knows, a friend, a neighbor, he will run into the street. People are already going up Montclair Loop at forty and fifty miles per hour, and we have called the police several times. If they cannot catch them they cannot do anything. We have bus stops located all around Montclair Loop. They moved it off Ridgewood years ago because there were too many kids. So they switched them to several stops around the loop. We have on Montclair Loop, as you drive up on that hill, a sign that says deaf child area. That is for my son. It does not make a difference. Now I do not oppose churches. I believe in God. I love God, but this is a residential neighborhood with enough traffic. I see my neighbors kids and they are out on their bikes, they are running, they are riding, they are everywhere with cars coming up that hill. I am waiting for a child to be hurt. I do not want this church, this is my residential neighborhood, that is what it needs to stay, and I appreciate the time, thank you.

The Chairman stated thank you. The lady right here is next.

Ms. Hurst stated good evening members of the Board, thank you for allowing us this opportunity to speak with you. We are here to speak to you tonight concerning a request for granting.

The Chairman stated I am sorry. Could you state your name and address?

Ms. Hurst stated I am getting there.

The Chairman stated okay. I am sorry.

Ms. Hurst stated concerning a request for granting a special exception for a church to be built within the heart of Lake Forest. My name is Diane Hurst, and my address is 113 East Avon Circle, Daphne, Alabama. I am a resident of Lake Forest. I have been a resident of Lake Forest since 1978. I grew up within Lake Forest and saw the many, many paths of progression of a truly wonderful neighborhood. I'd like to speak to you tonight about the hopes and dreams of this well established neighborhood. It is a neighborhood with a heart. It is ninety six miles of paved road, some two hundred and twenty-eight plus streets with single family residential homes and it is unique. It is the single largest subdivision in the State of Alabama with ten thousand plus residents. It is probably ranked pretty high nationally as well. I am speaking for the residents tonight, and will read you the letter that the Lake Forest Property Owners Association has asked me to read to you. I am also speaking about the SIC codes the Restoration Ministries have listed per their Dun & Bradstreet report. The residents are asking that you consider this when you reach your decision.

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Ms. Hurst state there will be three other speakers after me addressing specifics as they have an expertise in this that will hopefully put things in better perspective for you. Those speakers are John Lake, Jim Moss, Eric Johnson, and Lee Leavitt. The letter from the Lake Forest Property Association says the Board of Directors of the Lake Forest Property Owners Association if opposed to the granting of an exception to the Restoration Fellowship Ministries, Incorporated, a private company, to build a church in the middle of the Lake Forest community. I would like to say, and this is getting away from the letter a bit, that Willie Robison is exactly correct because in every meeting you could not find him the minute the word church was mentioned he was gone. Our objections are based on violation of the single family concept and traffic congestion. Access is limited to a road system supporting our community and all traffic will eventually be funneled into a cul-de-sac and entry onto a dirt lane between two homes of approximately forty-feet. The impact that this traffic will in our opinion, have a detrimental effect on the community as a whole and particularly on the residents of those occupying homes in the area leading into the church property. We appreciate your careful consideration of this matter and ask for your support on behalf of the residents we represent. Sincerely, John Peterson, President, Lake Forest Property Owners Association. As residents of Lake Forest we did not know of this request until Wendell Johnson, a neighbor, who resides within the forty plus acres in a single family residential home came knocking on doors to let the surrounding single family residents know about it. As we were considered not to be adjacent to the property we were not sent a letter. Single family homes surround these forty plus acres. Our streets and entrances will be used to reach this remote property and everyone will be impacted by this as you will hear from the speakers that come after me. You have in front of each of you a packet of informational pictures Jim Moss will speak more of on this. We ask that you look closely at these and consider the ramifications and consequences of allowing this groups special exception. The consequences far outweigh the benefits. As per the City plan, which I am sure you are all very much aware of so I will not quote verbatim, I will say that Lake Forest is a well established neighborhood and this would impose undue hardship to the neighborhood, its residents, and emergency response personnel, traffic concerns, and the peace and sanctuary residents expect in their neighborhood, which our homes provide for us. There are signed petitions that is the big stack over there, sent in by the residents opposing this exception. I have received over one hundred and fifty plus phone calls demanding answers. I am not the law, nor am I in your shoes. Much of the strife surrounding this request deals with questions of "why would a church want to build in such a secluded area with very poor access?" There are no formal roads within the forty acres, it is a very peaceful single family residential dwelling also. How are they going to put up a sign telling people where they are?

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Ms. Hurst stated how big is the congregation and what happens when it grows and grows as most churches do? The other question asked is what happens when they outgrow the church. What happens to the property then, is it to be sold over and over again with exceptions. The residents of Lake Forest surrounding these forty acres will receive no formal notification of this either. According to the application you have in front of you, parking was not considered. We do not think traffic was considered either or the burden it would place on homes established directly in the surrounding area or the adjacent properties. Yes, we know they will have to submit a site plan. However, because this is not a single family residential dwelling we feel they should have submitted to the BZA more detailed information before asking for its decision. Everything must be considered. Lake Forest is making tremendous strides in improvements. We have a very active Board listening to residents, we have committees, and we have residents that are willing to enhance and improve their neighborhood. We have goals and dreams. It is a very active neighborhood. As far as Restoration Fellowship Ministries SIC-Standardized Industrial Codes used for business classifications purposes, let us talk a minute about that.

The Chairman stated how many more minutes do you think you are going to be?

Ms. Hurst stated I am almost finished.

The Chairman stated okay.

Ms. Hurst stated they are 8611, Business Associations, typically for better business bureaus, board of trades and business associations. I am not going to read the whole list, 8322, Individual and Family Social Services, activity centers, adoption services, daycare centers, alcoholism counseling, child guidance agencies, counseling centers, crisis centers, and community centers. The next one is 8399, Social Services, not elsewhere classified, advocacy groups, antipoverty boards, community action agencies. They do not have a religious organization classification, which would be 8661. Do they qualify for your exception? However, the main focus is not in opposing churches, residents like and belong to the many churches surrounding Lake Forest, but we are definitely opposed to one being built in the middle of Lake Forest. We understand you have the power to grant the exception, but earnestly and respectfully we ask that you do not grant this. It is simply not cohesive with this established neighborhood. Please listen to the speakers following me for more specific reasons not to. They are valid. I believe you will see that they do not meet all of the requirements needed for granting the special exception. However, to make our position clearer we would be opposed to anything being granted, or and built in Lake Forest.

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Ms. Hurst stated other than Single Family Residential homes. As a side issue I urge the City of Daphne with cooperation and input from the BZA to establish a detailed guide with requirements for these exceptions as many cities have done around the nation in regards to exceptions. Thank you very much for listening to our concerns. I would like to introduce John Lake.

The Chairman stated Mr. Cocke I saw your hand and we will put you in next if we can. We are going to have to break up the sequence.

Mr. Lake stated the first thing I would like to say is my expertise is that I grew up right here on these streets. Unlike a lot of people who talk about this being a neighborhood, it is home to me. It is where I grew up from 1976 and my parents still live there. We are not talking about somebody wanting to build on a piece of property we are talking devaluing the homes of many of these people. We heard this woman talk about her child. The main thing there is that it is her home. It is that sanctity and decorum that those people have that make this worth coming home to every night. When this church is put in, and I am not against churches, I am actually National President of Christian Public Officials, so it is hard for me to speak against the church, but I do not think they put the planning into this. They did not look at the impact that they are putting into this community. This community is a community of people who care about their homes. It is their home, and their homes are their single largest investment. I am asking you all, I am not going to go on to long, but I am going to say this, and everybody else will probably say a lot more than I have, I am asking you all please, consider that this traffic, the road, and everything that Mr. Eady brought up, all of these points do not give this a reason to get an exception. It actually gives reason to say no to it, and say that you need to look at some place else. This is a community. Please vote down this special exception. I appreciate your time. Thank you. I am glad I am not sitting up there.

The Chairman stated Mr. Cocke asked to speak quite some time ago.

Mr. Cocke stated I did not get a notification. You look at that picture up there you see the one at the top right hand, that big square there with those two pieces in it, and then you see the two lots in front of it, that is me. I live there.

The Chairman stated before you go on Mr. Cocke, your name and address for the record, please.

Mr. Cocke stated my name is Brice Cocke, 105 North Bradbury Circle. Bradbury Circle that is south and that is north. That is Bradbury Court it hooks up to Montclair Loop from there you have two ends of it. There are only two ways to get there.

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Mr. Cocke stated all of which are off of Ridgewood. My driveway is right there, if my hand would quit shaking. Anyway it is right in that neighborhood somewhere, which means when I come out of my driveway and everybody is coming down there I am going to have to wait until the traffic clears before I can get out of my own driveway. Now I have sanitary sewer and water supplied by the great City of Daphne, there is not any there. There are no fire hydrants there. They are going to have to have a septic tank. It is three acres. You have a retention pond on it already. It probably would not even perk. The creek is right down here, the famous Tiawasee Creek that goes into the famous Lake Forest Lake. I do not know if they perked it or not. There is a real good chance it would not even perk. A fire truck cannot get there, it cannot turn around, and it cannot come back. The garbage truck has to back down to get to Mr. Rays house because it is nowhere for him to turn around. He turns around in front of my place, and backs the whole length of the street with his back up bell going off, to back down there to pick up Mr. Rays garbage. I do not care if it is church or no church, whatever, it is not the right place for a building with a bunch of people meeting there on a septic tank where you cannot get a fire truck to it. This is all wooded. You can tell it is wooded. If the church catches fire it will burn my house down. Who am I going to sue, you all, no. I am done. Thank you very much.

Mr. Moss stated Jim Moss 108 Boosketuh Circle. I want to thank you for giving us the time to voice our concerns. I also want to reinforce what Mr. Robison said. He disappeared quicker than a phantom any time anybody breathed anything about this situation or each Board member did. I am a member, presently, serving my second year on the Board of Directors of the Lake Forest Board. I will be brief and to the point and what I would first like to do is the package that we gave to you with some of the pictures have pretty much been covered by some others, but I will just briefly go over them. First I would just like to bring you a marked up map and plan which is contrary to what you have and does not give the details that the other map gives.

The Chairman stated who was the original map surveyed by?

Mr. Moss stated I do not have the slightest idea, but I personally walked this one out as to what it says, unfortunately I do not have the details on these slides.

Mr. Eady requested a copy of the document that Mr. Moss distributed to the Board members.

Mr. Moss stated Mr. Eady if you let me finish with it I will happily give you this copy, okay. Besides I was directed to address you ladies and gentlemen anyhow. I am sort of like the guy who went to clean a windshield and I went to the clean the passenger side.

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Mr. Moss stated and then he says do not bother to clean that side she goes where I take her. So I thought I was just addressing you guys. So that is what I am here to talk about, and that is mainly the traffic, and public safety. If you will go to this packet, number one on the front page, you see where it shows on this area, and as Mr. Cocke pointed out, if you look at the original document you have it shows that you can go in an out of this from Stratford Court. If you will look at what I have penciled in, and I am not the best draftsman in the world, but you will see that Bradbury Circle ends and Bradbury Court of which the two of them are both dead ends other than Rays Lane. The only way out of Bradbury Circle and Bradbury Court over to Montclair Loop is either going to Rays Lane and sit there or come out of there in that one way out. Rays Lane is a single lane gravel road. If you will go to picture four, briefly, page four, but the lady has already addressed the sign for her child, and that is what that picture was all about. Then if you will count back to ten it shows the other entrance. It shows the entrance to Rays Lane, excuse me, on the tenth page. You can see the street sign, the stop sign, and how narrow that street is. The next one I will show you is page twelve, which says a mouth full, if you will look at that as far as safety access and traffic. The last one is page fourteen which shows the exit from Rays Lane going into Bradbury Court with the stop sign, on page fourteen, and that one says a lot right there. I would like to point out that from August 2006 to August 2007 on twenty-five streets out of two hundred and thirty-six streets, and the twenty-five streets were selected on the information that was gathered on the general area around this, and once you leave Ridgewood to either exit on Montclair Loop, and so many miles down Ridgewood is where these twenty-five streets come from. During this period of time the Fire Department had one hundred and eighteen times that they sent either an ambulance or fire truck into this area, and that is within a twelve month period, that is pretty regular. Also the Police Department had, boy it is hard to get these glasses in the right place, four hundred and twenty-five incidents, which was not serving subpoenas, but was for speeding, and all the things you do not want the police to come for. Those are really serious contacts, and I realize that, number one I want to say one thing, Lake Forest and the Board is not anti-church. I am a member of Jubilee Baptist, and I wish them the best of luck. It is just that they picked a location that I do not think they really studied or thought about. We stick with our guns on single family residences and also on the traffic jams and the inconvenience that this would put on us, as well as the safety. You look at the one picture and just think, let me give you the worst case scenario, it is a Sunday and it is around two o'clock or whatever time the service ends, and we get one of our rain events, which is the rain without rain, but lightning. A lightning strike back in there somewhere to one of these homes that starts a fire, and if it was me I might have a heart attack or somebody in the residence might.

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Mr Moss stated you imagine a congregation of one hundred. If it is going to be very successful it will not stay there very long before it is several hundred. Just a hundred parking spaces take up over a third of an acre, and that is just the amount of space the car sits on, that does not count the other third of an acre you have got to have in front and back and the other third of an acre to do things you need to do around a church. That scenario is one hundred and fifty cars coming out of that narrow one way road while a fire truck or an ambulance is trying to get back there to service somebody. It just will not work, gentlemen. Born and raised in north Alabama and there use to be an old saying, you have got ten pounds in a eight pound sack, and it just will not fit. Thanks for listening.

The Chairman stated before we continue though, let me clarify, Mr. Eady you have said that there has to be a site plan, and I assume that as part of that plan some of these details that you have talked about, like the road right-of-way, sewer, and that type of thing will be covered and governed by the Land Use Ordinance.

Mr. Eady stated it will. Actually it is off of Bradbury Lane. It is across a lot that was left by the developers of Lake Forest, at the time it was developed, in order to access this area, and there is a sixty-foot right-of-way across there and down along part of this property. However, as I mentioned in my presentation, that the little rock road is presently approximately ten to twelve feet wide, and that is not satisfactory for traffic. The gentleman mentioned that the garbage truck had to back down proving that there is no place for a truck of that size to turn around. It will come to the Planning Commission if it is approved and one of the requirements of the Planning Commission is a standard size city street for traffic flow. Also someone mentioned a septic tank. For a building of that size with the number of people, a septic tank will not be sufficient, it will have to have sewer. I know there is sewer there on Bradbury. It probably will have a pumping station from there to Bradbury Court. Water is there and there will be a minimum of a six inch water line installed. There are a number of things like this that have to be done before the Planning Commission can approve it.

The Chairman stated thank you.

Mr. Johnson stated my name is Eric Johnson, and my address is 127 Marie Lane, which looking at the map here is right there. My parents are Wendell and Terri Johnson live right there. First I believe Mr. Moss has asked me to ask can he have another moment of your time.

Mr. Moss stated I am sorry to bother you. I did have a senior moment. I am a little bit older than sixty. Quite a little bit.

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Mr. Moss stated part of a very important statistic that I did not finish is Stratford Court, Bradbury Court, Adair Court, Montclair Loop and Maplewood Loop, which is within Montclair Loop, which is a very tight knit area right already have a hundred and sixty one homes, which conservatively means three hundred and twenty-two cars coming and going out of that street. The approximate number of children is seventy, which includes the one deaf child. It is just one more reason why this is just a bad fit. The church is a great idea, but there are a lot of better places to put one. Thank you.

Mr. Johnson stated I have already sent you all a letter on August 14th to address many of the concerns that I had related to this special exception. So I will be briefly expressing concerns here. As I said my home is right here and my parents are here. We live very close to where the church will be built. I built my home in 1993 and I chose the location because it provided a quiet location to raise my children. My parents chose this location for the same reason. We are concerned that the character of the neighborhood is about to change. You have heard over and over this is the wrong place to do this kind of thing. There was a Supreme Court case City of Euclid, Ohio versus Ambler Realty, where the Supreme Court dealt with an issue of zoning. They upheld that the state charges were valid stating that they had the right idea but the wrong thing. They defined that a nuisance can merely be the right thing in the wrong place. Noise, traffic, fire hazard, and general living area for the purpose of a residential area, including the rearing of children, certainly come under the power of the state to take care of the public safety, health, morals and general welfare. We are not against the Restoration Fellowship. I have been involved in starting a church also. We are against the purposed use of Lot 2007 for non-residential purposes. Daphne has many locations that are much more suitable for Restoration Fellowship than a residential neighborhood. The church that I was involved in, Jubilee Baptist Church, we started in Bay Commercial Properties. There are many commercial areas for Restoration Fellowship to go and grow. Denying their request should not prevent them from carrying out their ministry in a more suitable location. I believe Mr. Lee Levitt is going to speak after me, if that would be alright.

Mr. Crimmins stated I have a question. You said you live on Lot 2007.

Mr. Johnson stated that is mine, I believe. I go by the street address. Yes, sir, it is Lot 2007.

Mr. Crimmins stated do you take Rays Lane to get into your property?

Mr. Johnson stated no, sir. I use Marie Lane.

Mr. Crimmins stated where is that?

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Mr. Johnson stated right here. This is basically my driveway. My parents and I, and the others that live here use Marie Lane.

Mr. Crimmins stated so there are homes all through that area.

Mr. Johnson stated there is a home here, here, here, and here.

The Chairman stated thank you very much.

Mr. Levitt stated good evening, my name is Lee Levitt, 110 Malibu Circle in Daphne. I was able to purchase this property here about a year ago. As a single father of three, I had a feeling ten, fifteen years from now, I am not going to need the four bedroom house that I am currently in. So what an ideal opportunity after years of working and struggles to build a house that best suits me. My concern is that you will be setting a very dangerous precedent for individual plans for future use, whether it is in the middle of nowhere, especially in Baldwin County, in growing as fast as it is or in my case, in the middle of a neighborhood, that on a whim someone can come in, and make an exception with a detention holding pond, a septic tank, a parking lot, and all that. So like everyone before me I consider myself a church going guy. I am not opposed to churches, but even the church teaches that there is a time and place for everything, and this is just not the place for a church. Thank you.

Mr. Crimmins stated same question to you sir. How do you access your property? Marie Lane?

Mr. Levitt stated Rays Lane.

Mr. Crimmins stated Rays Lane.

Mr. Levitt stated yes, sir.

Mr. Crimmins stated you take that first right off of it.

Mr. Levitt stated no, sir. I come down this way, and my drive runs along the property here to get to there.

Mr. Crimmins stated so when you get to the white house you take that right? Is that it?

Mr. Levitt stated that is correct.

The Chairman stated do I see Councilwoman Barnette up next to speak?

Ms. Barnette stated yes, sir. Cathy Barnette, 612 Van Avenue. I would just like to bring up three points that have not been addressed.

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Ms. Barnette stated the Planning Commission does not take it lightly to make an unfavorable recommendation, either to the Planning Commission, of which I am a member or to the BZA Board. As a Planning Commission member the thought of looking at the site plan for this project is a little alarming. The traffic, I do believe is a sincere issue. Then the neighborhood concerns go away, because we have to look at the actual property, but the traffic is a concern from a planning prospective. I do want to reiterate, Mr. Eady does not look at the will of the people, as a reason for making a decision on his recommendation to either the Planning Commission or the BZA. So I just wanted to highlight that. The other issue that I wanted to bring up, I guess, as a representative for District 2, where we have a number of churches and schools in a residential community, and I receive a number of the phone calls. It is very difficult to manage the dual population. Old Towne is a little bit different because of the infrastructure and street layout, but here where you are using one corridor, one street access, it is going to be very difficult as the church grows and as the neighborhood continues to try and learn to live with the church. So there are going to be growth issues. The police are going to be called in a good bit, Planning Commissioners, and Council people. I will not get those phone calls, but there are going to be other concerns that are going to kind of burden the City. So I just wanted to bring those up before you. Thank you.

The Chairman stated thank you. Before we move on any further. Does anyone have any particular new points to bring up about this?

Mr. Thomas stated my name is Deleon Thomas, and I live at 302 Stratford Circle. One of the points that was missed or I only heard it brought up once, along with all of the others, is noise. My property backs to Rays Lane. I have never belonged to any church that did not have lots of fund raisers, technically the concerns is that they have parties. So along with the safety you are also looking at noise concerns, something that should not be in a residential neighborhood like this one. Thank you.

Mr. Drummond stated my name is Rod Drummond and I live at 367 Ridgewood. I am about five houses from Montclair Loop. I live just about equal distance from Home Depot on 98 up by Windsor. When I use to go to work, I would come home at night the cars would come in the gate with me, but by the time I would get to my house they were all gone. They had all turned off here and there, but that is no longer the case. I get a tremendous amount of traffic coming by in front of my house. Almost everybody in the neighborhood has lost a mailbox. I have had mine turned around two or three times. The person next door has had theirs knocked down and turned around two or three times. I just want you to know the traffic has increased in the fifteen years I have lived here.

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Mr. Drummond stated ten times what it was when I first moved in, and it is getting worse. There are twelve empty lots right in the area of my house. The trees are coming down weekly to build new houses. Ridgewood, in my area, is twenty miles per hour on one side of me and twenty miles per hour on the other side of me. I have never seen a car go under thirty going by my house. The man that purposed this mentioned daycare. Daycare requires parents to drop their children off during the rush hour and pick them up at the rush hour at night. That means significantly more traffic during the bad times, and there is just one more point that I wanted to mention, and this may or may not be relevant. Last year there was a problem with a twelve hundred student school that was to be built on Main Street, and everybody in the area was against it. Someone said why not build it in the middle of Lake Forest, there is plenty of room in there, and everyone looked at the covenants. No buildings, but single family. No churches, no schools, you cannot do it. The one last point that I wanted to say is on, oh, Friday Construction, within the last three years, purchased, I think, five hundred of seven hundred lots in Lake Forest, their intention is to build a home on each one of these lots within the next few years. Ridgewood is going to be a zoo, and this church is not going to help. Thank you very much.

The Chairman stated you mentioned a school being built. Where was it going to be built?

Mr. Drummond stated Lake Forest. They did not mention where they wanted to build the school they just said in the Lake Forest area. It would be much better for the people in there, and the covenants say that you cannot build a school or a church or a store or anything else in Lake Forest.

Ms. Glazier stated my name is Laura Glazier and I am at 118 Cameron Circle. Marie Lane is very close to my property. Three quick notes. Number one, we do not have sidewalks in Lake Forest and we often walk on Sundays, and we do have to walk on the streets. Number two, we have had a fire on that first lot to the left there, called the Bosarge property. We have also had a child who died and the fire truck could not find Marie Lane, it circled my court numerous times looking for Marie Lane. The truck had to come from Windsor to Ridgewood, to Bayview, to Rolling Hill, to Greenbay, drive Greenbay carefully to Cameron, to Marie Lane, and could not find Marie with the over growth. The other thing is, we did have a fire over on the Ridgewood side of this property, and one of my students at school came and said the fire truck had great difficulty getting back there. I do know that is definitely an example of a concern. The fire, no sidewalks and noise. We have called the Daphne Police Department at least five times about this particular property highlighted in red. The owners that sold to Restoration Ministries had a drum set.

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Ms. Glazier stated one drum and one fellow numerous times late at night was a problem. I love my music. I love Christian music, but with just one drummer we have already had the echo through the woods, and Daphne police have records on it. Thank you.

Ms. Reed stated I am Carolyn Reed. I live at 123 Montclair Loop, right on the corner of Bradbury and Montclair. From that corner to the beginning of Rays Lane is less than one tenth of a mile in distance. From Montclair Loop, from Ridgewood around, back to Ridgewood is five tenths of a mile in distance. So you are looking at all of these cars coming in, turning into Montclair Loop and funneling down less than one tenth of a mile onto a dirt road. That is all I have to say.

The Chairman stated thank you.

Mr. Waters stated my name is Richard Waters and that is my property right there. My concern, if you grant this exception, is the next thing is going to be a request for them to come in off of Marie Lane and go through my property to get to their church. I do not think that is appropriate. I am a single parent with a ten year old boy, and I plan on building my retirement home there. I think this will disturb my property and again I think the traffic going in there will far outweigh the advantages of having a church in this area. I am a church goer myself, but I do not think it is the proper place for a church.

The Chairman stated thank you. Now before we go on, how many additional people would like to speak? Just one gentleman, yes, would you come up please.

Mr. Duval stated it is good to see each and every one of you here tonight. My name is Glen Duval and I live at 110 Montclair Loop, which is right in front of Stratford Court, right in here, is 110. I have lived in this area for twenty-eight years. When I built my home in there, I was only one of five houses that was built in 78. When I moved from Mobile in 1965 my hearts desire was to find somewhere that I could raise my children, and feel safe and secure, and have a tremendous opportunity for my children to go to a good school, Baldwin County Association, to learn and most of all to grow and know what childhood is all about. When I built there in 1978, I had a dream that our Lake Forest Association would be the best place to live within Baldwin County. My dream has really come true and I am a Christian. I lead church music at Fish River Baptist Church. I love the Lord with all my heart. I have been serving the Lord for fifty years in church related vocation work, and I also worked at the Corp of Engineers. I am bi-vocational. I have been at the Corp of Engineers for thirty years. The property that has been suggested to put a church on, there is a creek that flows all the way, as someone has already mentioned, to the Lake Forest Lake.

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Mr. Duval stated that property right there is probably considered wetland. I am not for sure about that, but that is one stipulation that should be checked on before this ever goes any further. Concerning the traffic. My two girls, I raised two girls right there on Montclair Loop. My oldest girl, right now, is thirty-three years old, and my youngest daughter is thirty-one, and I have four grandchildren now that I love with all of my heart. I moved from that location and I bought my mother and daddy's home right down as you come into Lake Forest, right down on Windsor Drive. I mounted it 111 Windsor Drive. My momma and daddy has been here in Baldwin County for a long time, since 1965, and when I get up in the morning to go to work at 6:00 o'clock in morning it is like a race track coming out of Ridgewood onto Windsor Drive. I live now in what is Lake Forest West, the name has been changed. My dream many, many years ago was to buy and purchase a home to raise my children, in a safe location, and as it stands today, it is pretty safe except for the highway. The traffic, but for many, many years as I lived back there, for twenty-eight years, before I sold it to my youngest daughter, which is living there now with one kid, it was pretty safe. I requested the Daphne police to try and put some speed breakers on the top of the road there, as Ms. Cathy has shared, concerning her child, because my two girls have almost gotten killed by speeders that go up and down that street, because as you come up that street it is on top of a hill. When I first moved in there it was very safe. We need to understand tonight that there are no turn arounds. The roads have already been mentioned and they are all dead end streets. There are no fire plugs. There are no outlets. There is only one road in and out. There is not a good location for the church to be there in Lake Forest, and I would just like to share that with the Committee tonight. Thanks so much for your time. I would like for you to consider that the stream flows back through here. During Hurricane Frederick that road got completely washed out. The bridge got completely washed out and the people that lived back over in here on Avon Circle were completely cut off. They could not get to their homes. The Corp of Engineers and other folks had to come in here and rebuild the bridge, and that would be another factor in considering building the church there, because if we ever had another hurricane such as Frederick in 1979, this would be completely shut off. It would be only one way out or you will have to go all the way around Ridgewood. So that would be another factor to be considered also. When it rains, Lake Forest has a definite problem concerning water, and that is what I deal with at the Corp of Engineers, I have been working with them for thirty years. I appreciate your time sir and thank you very much.

Mr. Moss stated I have one request of the citizens of Lake Forest who are here. The last time we were here on a matter in these chambers we left quite a little bit of debris. We were here talking about apartments, at the time, and zoning.

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Mr. Moss stated we were talking about people cleaning up and taking care of things, and we walked out and left this chamber a mess. So if you are a Lake Forest resident, citizen, would you please pick your stuff up and take it with you.

The Chairman stated I do not want to shut off the debate, but does anyone have anything additional or a different point to make concerning this appeal. Does the Board have any questions of anybody that has spoken?

Mr. Robison stated no, sir, I do not have a question, but I would just like to read something that deals with special exceptions that the BZA must go by. The third legislated function of the Board of Zoning Adjustment under Alabama State Law is granting of special exceptions. A special exception or use allowed on appeal is a use which is compatible with the primary district use but, because of its nature, should be reviewed and approved by the Board before a building permit is issued. In certain cases, a specific site may not be appropriate. Things to consider include compatibility with adjacent land use, street capacity to handle additional traffic and capacity of the utility systems to serve the new use. Then another one is to grant special exceptions with such conditions and safeguards as are appropriate, or to deny such exceptions when not in harmony with the purpose and intent of the Zoning Ordinance. There are other things that should be considered, must be considered, is that a special exception will not be granted if it is contrary to public interest and will ensure that the spirit of the Zoning Ordinance will be observed. It will not permit the establishment of a use within a district where that use is prohibited. Number three, it will cause a substantial adverse effect to property or improvements in the vicinity or in the districts in which the applicant is located. There are several other things that are conditions and safeguards that you should consider. One would be the ingress and the egress to the property. Consider off street parking. Consider signs and exterior lighting. I do not think a residential neighborhood is a good place to have exterior signs and a tremendous amount of lighting. Screening and buffer zones and last but not least other factors to permit compatibility with other adjacent property. Some of those I repeated, but those are the things that I had gone through this on. I have looked at it and I have gone out there. As a matter of fact, I am very familiar with Rays Lane. I at one time went down Rays Lane before it was called Rays Lane because Annie Ruth Jones that lived there was a babysitter that set my children when she was seventeen years old, and they were small. I would take Annie Ruth home there, so, I am familiar with that area. I have been back behind in Marie Lane. I went back there this afternoon. Just to go through it again. I drove up and down the hump, bumps, the wash outs and the gullies and everything else. You would not know there are five, six or seven homes back in there.

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Mr. Robison stated because of the natural beauty that is there. When I stood on Rays Lane, and I looked out across the back of the proposed property for the church, it looked to me like there is about a twenty foot drop off. So when you have asphalt paving out there, it is going to be a tremendous amount of runoff that goes down through there, that would be dumped onto some other persons property, and that is something else I looked at and considered. Whenever I make a decision I try to do it as fair and honest as I can. I started to use the analogy of if it were my son, who owns a business in Montrose, but if it were my son, I would not even be sitting up here if it were him. I would be sitting out there where you are and I would not even come up here. I would just recuse myself. What if it were a personal friend of mine? I would have to do the same thing that I am doing tonight, if it did not meet the things with which we must look at in granting a special exception. Thank you.

The Chairman stated any additional comments or questions from the Board? If not, I will entertain a motion and the motion must be worded in a positive manner concerning this appeal.

A Motion was made by Mr. Crimmins and no Second was received to approve Appeal #2007-11, Restoration Fellowship Ministries, Incorporated for a special exception to allow the operation of a church on Parcel #43-02-04-0-013-002.004 on Rays Lane.

The Motion failed due to lack of a Second.

The Chairman stated there being no second to the motion the appeal is denied. Correct me if I am wrong Ms. Houston, but I believe they have fifteen days to appeal this action.

Mr. Hoffman stated that is correct.

The Chairman stated they can pick up the denial letter in the morning.

Ms. Houston stated that is correct.

The Chairman stated is there any other business to discuss tonight? If not, the Chairman will entertain a motion to adjourn.

Mr. Eady stated just one point. They have fifteen days to notify the City of their intention to appeal.

Adjournment:

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

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF SEPTEMBER 6, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

There being no further business the meeting was adjourned at 7:36 p.m.

Respectfully submitted by:



Pat Houston, Recording Secretary

APPROVED: October 4, 2007


Glen Swaney, Chairman

/ph