

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF NOVEMBER 1, 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:

Barry Taylor
Glen Swaney, Chairman
Frank Lamb
Jeri Hargiss

Members Absent

Willie Robison
Billy Mayhand, Vice Chairman
Walt Crimmins, Secretary

Staff Present:

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

Mr. Eady stated first, I would like to note that Mr. Crimmins has resigned. So that would make Mr. Lamb become a regular Board member now, and Mr. Taylor becomes the first alternate. We will be asking the Council to appoint a second alternate. Also, tonight we need to elect officers, but you may want to wait until a later date and all members are present to do so. However, you want to do it, and let it be last after the appeals.

The Chairman stated we should also point out that we only have four members here tonight and it requires all four to vote in the positive to approve the appeal. Normally there are five members and with your approval we will proceed with the four. Okay. Approval of the April 5th, 2007 minutes. If everyone has had an opportunity to read the April 5th minutes, the Chair will entertain a motion to accept the minutes as written.

Approval of Minutes:

The minutes of the April 5, 2007 meeting were considered for approval.

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

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Upon roll call vote, the Motion carried unanimously.

Mr. Taylor	Aye
Mr. Swaney	Aye
Mr. Lamb	Aye
Ms. Hargiss	Aye

The Chairman stated has everyone had a chance to read the October 4th, 2007 minutes? Okay. I guess we should waive approval of these minutes tonight, and carry them over for the next meeting.

Mr. Speegle stated correct.

New Business:

Appeal #2007-12 - Melanie Wolfe

The Chairman stated okay, let us move on to appeal number one tonight, Appeal #2007-14, Crossroads Church at Belforest. Mr. Eady if you will.

Mr. Eady displayed the color transparencies of the vacant nineteen point six acres off County Road 13. He stated Mr. Steve Milstead has filed a petition for special exception before the Board of Zoning Adjustment that would allow the Crossroads Church at Belforest to be built on County Road 13. As you can see the site is comprised of approximately twenty acres. It is in an R-3 High Density Zone. A church can go in that area with the approval of the Board of Zoning Adjustment. It sits across the road from Catherine Place. Parcel A here is the proposed property for the structure.

The Chairman stated the lot size is approximately twenty acres.

Mr. Eady stated nineteen and a half acres.

Mr. Lamb stated Mr. Eady, is this part of the property that has the road that goes all the way back?

Mr. Eady stated yes, sir. Are you talking the road that runs into the subdivision?

Mr. Lamb stated yes.

Mr. Eady stated yes, sir. It is on the northern part of the subdivision.

Mr. Lamb stated right. North of this.

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Mr. Eady stated Catherine Place is over here.

Mr. Lamb stated right.

Mr. Eady stated the driveway going into the subdivision is farther down to the north. It might show up here in these other pictures. There you can see it. I am still standing in the same spot looking north. You can see that is a temporary drive right there and then the driveway where the guard house is or whatever you call it down a little farther.

Mr. Lamb stated it is called a pigeon house.

Mr. Eady stated Pat said that she wanted to buy a small house so I suggested one of these.

Mr. Lamb stated she would have to walk upstairs.

Mr. Eady stated round out of bed and drop down. This is looking in the other direction. We recommend approval, and that is all I have.

The Chairman stated is there anyone here that would like to speak on behalf of the church?

Mr. Milstead stated I am the owner of the property and the church has just requested this to see if they can come in and build there.

The Chairman stated is that second parcel available too?

Mr. Milstead stated no. French Settlement has all the property on the north side and on the west side. It runs up behind my property. I know nineteen and a half acres is kind of a large parcel for a church, but they said they wanted it for future expansion.

The Chairman stated they tend to grow.

Mr. Lamb stated in our information we have a plat that shows this parcel, but behind French Settlement is two parcels. Do you own those parcels behind it? Who owns them?

Mr. Milstead stated no. On the south side of my property, Ricky Higbee owns the pecan orchard, and Brookhaven Subdivision owns behind him. Pretty much to the west is going to be subdivisions all back there. Mr. Higbee has not said what he is going to do with that pecan orchard.

Mr. Lamb stated that is the lower part?

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Mr. Milstead stated south of me. French Settlement is on the west and north of my property.

Mr. Lamb stated where it says French Settlement in the cross hatch is where I am talking about, and there is a little piece to the left.

Mr. Eady stated all of that is French Settlement.

Mr. Lamb stated all of that is French Settlement. I presume to the north is, oh, what is that subdivision?

The Chairman stated Sehay.

Mr. Eady stated Tiawasee. Sehay is over here, and Tiawasee is up here, Brookhaven and Stratford Glen over here and the rest is French Settlement.

Mr. Milstead stated it does not state it on the map, but all of that is French Settlement. All of that behind the site is French Settlement.

The Chairman stated still the twenty acres is substantial but adequate for future development. Is there anyone in opposition of this appeal? If not, the Chair will entertain a motion.

A Motion was made by Mr. Lamb and Seconded by Ms. Hargiss to approve Appeal #2007-14, The Crossroads Church at Belforest for a special exception to allow the operation of a church on 19.06 acres off County Road 13, Parcel ID #43-02-09-0-000-007.001.

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

Mr. Taylor	Aye
Mr. Swaney	Aye
Mr. Lamb	Aye
Ms. Hargiss	Aye

The Chairman stated the appeal is approved and you can pick it up tomorrow.

Mr. Milstead stated thank you very much. It can be picked up on tomorrow.

Ms. Lazzari stated at your office Mr. Eady?

The Chairman stated yes.

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Appeal #2007-15 - Preschool By the Bay

The Chairman stated moving on now to Appeal #2007-15 Preschool by the Bay.

Mr. Eady displayed a color transparency of 1515 Sixth Street the proposed site for Preschool by the Bay. He stated Ms. Tracey Johnson has filed a request for a special exception to open Preschool by the Bay at the church here on Sixth Street. She intends to keep kids from 9:30 a.m. to 12:00 p.m. for a Mom's Day Out type of daycare. The church sent a letter that is in your packet written by the pastor in support of this preschool. It says that she will be renting space from the church and the church will not be doing this.

The Chairman stated was there another preschool there?

Mr. Eady stated yes, sir. It has been a preschool in the past. If the church had been the one opening it back up we probably would not have brought it here, but since she is a private citizen operating out of the church we thought it proper to bring it before the Board for approval, and this department recommends approval.

Mr. Lamb stated are you operating out of the permanent building in the back? The building closest to us because there is one farther to the back.

Ms. Johnson stated correct.

Mr. Lamb stated that is the one that opens up to the playground? So you plan to use that playground?

Ms. Johnson stated yes, sir.

The Chairman stated how many children do you intend to take?

Ms. Johnson stated well since we are starting in the middle of the year we are anticipating somewhere around fifty. We have eight classrooms. Next year we hope to have up to one hundred to one hundred and fifty depending on the size of the class.

The Chairman stated okay. Any additional comments or questions from the Board? If not, the Chair will entertain a motion.

A Motion was made by Mr. Lamb and Seconded by Mr. Taylor to approve Appeal #2007-15, Preschool by the School for a special exception to allow the operation of a preschool/daycare at 1515 Sixth Street.

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Upon roll call vote, the Motion carried uananimously.

Mr. Taylor	Aye
Mr. Swaney	Aye
Mr. Lamb	Aye
Ms. Hargiss	Aye

The Chairman stated the appeal is approved. You can pick it up tomorrow.

Ms. Johnson stated thank you very much.

Election of Officers:

The Chairman stated that concludes, I guess, the formal meeting of the BZA this evening. We will confer with Mr. Eady about this election.

Mr. Lamb stated you are free to go.

The Chairman stated I would prefer all members be present to elect officers.

Mr. Lamb stated the vacancy that has been created is up to the City Council to appoint, correct?

Mr. Speegle stated yes.

Mr. Lamb stated have they been notified?

Ms. Houston stated not yet because Rebecca is on vacation this week, but as soon as she gets back I will notify her.

Mr. Lamb stated do we know if we have an appeal next month?

Ms. Houston stated we do not.

Mr. Lamb stated not yet.

Ms. Houston stated we do not have an appeal next month. The first of the month was today and nobody turned in one.

Mr. Lamb stated no December meeting.

Ms. Houston stated no December meeting.

Mr. Speegle stated the City Council will probably have a chance to appoint someone by the time you have another meeting.

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Mr. Lamb stated if it is okay with everyone I also suggest that we delay the election of officers until all the members are present.

A motion was made by Mr. Lamb and Seconded by Mr. Taylor to delay election of officers until all full Board member are present.

The motion carried unanimously.

The Chairman stated if there is no further business I will entertain a motion to adjourn.

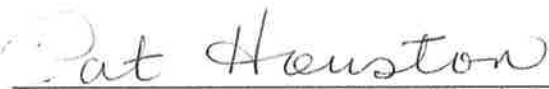
Adjournment:

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 6:13 p.m.

Respectfully submitted by:


Pat Houston, Recording Secretary

APPROVED: January 3, 2008


Glen Swaney, Chairman

/ph