

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MARCH 6, 2008 - 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. First I would like to take a moment to welcome our newest member, Mr. Jim Moss to the Board of Zoning Adjustment. Mr. Moss is a hard worker, who studies the issues well. We welcome him aboard. The first order of business is the approval of the January 3rd minutes. Has everyone read the minutes? The Chair will entertain a motion to approve.

Approval of Minutes:

The minutes of the January 3, 2008 meeting were considered for approval.

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

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

Ms. Hargiss	Aye
Mr. Swaney	Aye
Mr. Mayhand	Aye
Mr. Moss	Abstained
Mr. Robison	Aye

The Chairman stated the next order of business is roll **call.**

Call of Roll:

Members Present:

Glen Swaney
Jeri Hargiss, Secretary
Willie Robison, Chairman
Billy Mayhand
Jim Moss

Member Absent:

Barry Taylor
Frank Lamb

Staff Present:

Adrienne Jones, City Planner
Pat Houston, Recording Secretary

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MARCH 6, 2008 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Staff Absent:

William H. Eady, Sr., Director of Community Development

New Business:

Appeal #2008-01 - Kenneth & Jane Chambless

The Chairman stated next item on the agenda is Appeal #2008-01, Kenneth & Jane Chambless, a variance of the setback to allow the encroachment of the southwest setback line by five-feet. Ms. Jones, if you would, take us through it.

Ms. Jones displayed color transparencies of the house located at 102 Wildoak Drive. She stated as Mr. Robison has said this is a variance from Kenneth & Jane Chambless requesting an encroachment on the side yard setback line.

Mr. Swaney stated can you tell me if the house was built according to the Lake Forest Subdivision specifications?

Ms. Jones stated I can only assume that it was because I did not look at the plat, but in most cases similar to this they were developed outside of the City of Daphne Land Use Ordinance Zoning Regulations. It would have been built to the specs on the plat at that time. More than likely the answer would be yes. There is a representative for Mr. Chambless here, and I will yield the floor at this time.

The Chairman stated if you would, state your name for our record.

Ms. Briggs stated I am Lucinda Briggs with Remaxx by the Bay. I was the agent working with Mr. Chambless in purchasing this house. He purchased the house on December 7th of 2007, and we were to close on the 17th. The seller indicated that she had an existing survey which we were willing to accept. Over the next few days she was not able to find her survey so that is what brings us here today. She called and said she could not find it. So we hired a surveyor, had one done, and got it back two days before we were to close and found out about the encroachment. So neither, the buyer or the seller was aware that there was an encroachment. We had a situation by this time because we had sold his house in Stapleton and closed on it, and his furniture was on a moving truck. He felt like he had no choice, but to go ahead and close on the property. I had never been involved with an encroachment before so I called to see if we could get it done it two days and was told no that we had to get on an agenda. So we went ahead and closed and as soon as that happened we made an appointment to get on the agenda.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MARCH 6, 2008 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Briggs stated because Mr. Chambless was trying to do the right thing in wanting it corrected too. He had no idea neither did the seller. So that is why we are here asking for a variance. Mr. Chambless was due to be here, and it is my guess that he probably cannot find the building, but he was supposed to be here as well.

Mr. Swaney stated I would like to ask a question just for my information really. Is the house built to the Lake Forest Subdivision setback standards?

Ms. Briggs stated I would have to honestly say I do not know.

Ms. Clark stated maybe I can answer that. She didn't have any real estate representation when she built the house. Obviously, I am not sure. They did not have a problem going before whom ever they went before at that time.

The Chairman stated excuse me. What year was this house built?

Ms. Clark stated in 2004.

Mr. Swaney stated I was just wondering.

The Chairman stated in 2004 Lake Forest would have been part of the City of Daphne. It was annexed in around the 80's. My question would be whether or not the surveyor messed up with the setbacks or the contractor. Somebody signed off on it with it being under the Land Use Ordinance for the City of Daphne. Somebody somewhere along the line messed up and built the house, to me, over the required ten foot setback, since it was built in 2004.

Ms. Clark stated was a survey required at that time?

The Chairman stated I am not sure, but if it was not then the builder should have known what the setbacks requirements were.

Ms. Jones stated if you look between the driveway and the house it is approximately off by ten-feet. It appears they shifted the house by that much.

Mr. Moss stated the lot lines are skewed, and it would be very easy to miss something if you did it that way. The lines are not parallel.

Ms. Jones stated right.

Mr. Moss stated but that would have been the responsibility of the contractor.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MARCH 6, 2008 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Ms. Jones stated I think it was the recommendation of Mr. Eady to approve this variance.

The Chairman stated any additional questions? If not, the Chair will entertain a motion. The motion must be in the affirmative.

A Motion was made by Mr. Swaney and Seconded by Ms. Hargiss to approve Appeal #2008-01, for a variance to allow the southwest corner of the residential structure located at 102 Wildoak Drive to encroach the side setback line by five-feet.

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

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

Ms. Briggs stated thank you very much.

The Chairman stated is this Mr. Chambless coming in now?

Ms. Briggs stated no.

The Chairman stated are you in opposition to this appeal? If so, it is too late we have already taken a vote.

Ms. Brunson stated thank you so much.

The Chairman stated when can they pick that up, Pat?

Ms. Houston stated first thing in the morning.

The Chairman stated around 9:15 a.m. You know where the Planning Department is?

Ms. Briggs stated yes, sir.

The Chairman stated if there is no other business the Chair will entertain a motion to adjourn.

Adjournment:

A Motion was made by Mr. Swaney and Seconded by Mr. Mayhand to adjourn.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MARCH 6, 2008 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Motion carried unanimously.

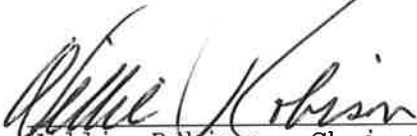
There being no further business the meeting was adjourned at 6:31 p.m.

Respectfully submitted by:



Pat Houston, Recording Secretary

APPROVED: June 5, 2008



Willie Robison, Chairman

/ph