

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JULY 2, 2009 - 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. Let us have roll call.

Call of Roll:

Members Present:

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

Members Absent:

Barry Taylor

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Houston, Recording Secretary
Tony Hoffman, BZA Attorney

The Chairman stated the next item on the agenda is the approval of the July 2nd minutes. Has everyone read the minutes? The Chair will entertain a motion to approve the minutes as written.

Approval of Minutes:

The minutes of the July 2, 2009 meeting were considered for approval.

The Chairman will entertain a motion to approve the minutes as written.

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

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

New Business:

Appeal #2009-04 - Earl & Amy Kellam

The Chairman stated next is new business on the agenda, Appeal #2009-04, Earl & Amy Kellam, a variance to allow the existing structure located at 103 Nicole Place, a residence, to add on a garage and encroach the side yard setback line by five-feet on the west side.

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The Chairman stated Ms. Jones, if would you please take us through Appeal #2009-04.

Ms. Jones displayed a Power Point Presentation of 103 Nicole Place, the site of the request for a variance that would allow a proposed garage to be constructed to encroach the side yard setback by five-feet on the west side of the existing home. There are residences on both sides and in the rear of this property and it is zoned R-3. Here is a slide of the property showing an existing encroachment on the front of the house and the proposed five-foot side yard setback line encroachment. The house is being renovated to repair flood damages. The applicant proposes to build a garage on the west side of the property to meet the Lake Forest covenant requirements. She stated it appears the area of the proposed garage is approximately 496 square feet; and it appears that approximately 280 square feet would encroach into the side setback and also into the front setback and that is approximately 56% of the structure. This encroachment would certainly have a direct impact on the neighboring property owner to the west.

The Chairman stated is there anyone here to speak on behalf of this appeal? If so, please step up to the microphone and state your name and address for the record.

Mr. Kellam stated my name is Earl Kellam and I live at 103 Nicole Place. Mr. Kellam explained his house was being repaired from flood damage from a hard rain several months ago that he needed to add a garage to comply with Lake Forest covenants and to divert rain water from flooding his home again into an existing pipe nearby. Mr. Kellam disputed the accuracy of the figures presented by Ms. Jones.

Ms. Jones stated I used the survey prepared by Moore Surveying which is a scaled drawing.

Mr. Mayhand asked if the garage would create an impact on the neighbor to the west.

Mr. Kellam stated no. He said this problem has existed for some time and that the City is aware of it, but have not taken any action as of yet. He stated about eight houses around him were getting flooded with storms like we had in March.

Mr. Moss asked if there had ever been a garage on the house. Was the part of the house on the west a garage that he was closing in?

Mr. Kellam stated no. That was a hallway with a door on the front that we used as an entrance to the house where the water got in and a door on the side. They closed off the doors and raised the windows to prevent water from getting into the house.

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The Board discussed the enclosed sun room and asked if a one car garage would work. They also discussed the possibility of the shed encroaching the setback line and they asked Mr. Kellam could he add the garage onto the back of the house.

Mr. Kellam stated no because he would not be able to drive around the back of the house.

The Chairman stated does the Board have any other questions or comments? If not, let the record show there is not any one present to speak in opposition of this appeal. The Chairman will entertain a motion.

The appeal was denied due to the lack of a motion.

There being no other business the meeting was adjourned.

Adjournment:

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

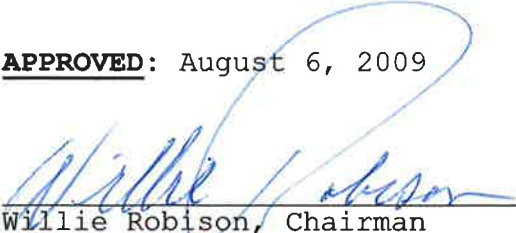
The Motion carried unanimously.

There being no further business the meeting was adjourned at 6:40 p.m.

Respectfully submitted by:


Pat Houston, Recording Secretary

APPROVED: August 6, 2009


Willie Robison, Chairman

/ph