

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF SEPTEMBER 2, 2010 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

The Chairman stated the number of members present constituted a quorum and the special called 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:

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

Members Absent:

Billy Mayhand, Vice Chairman
Barry Taylor

Staff Present:

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

The Chairman stated there are five members present tonight so all five will be voting? The vote must be made in the affirmative and it will take four affirmative votes for the appeal to pass. Is that correct?

Ms. Houston stated that is correct.

The Chairman stated next item on the agenda is the approval of the May 6th, 2010 meeting minutes and I believe if I read my Robert's Rules of Order correctly the members present at that meeting are not needed to approve those minutes. Any four members voting in the affirmative will suffice for approving the minutes. Am I correct in stating that?

Mr. Hoffman stated I believe you are correct.

The Chairman stated with that statement made if you all have read the minutes, the Chair will entertain a motion to approve the minutes as written.

Approval of Minutes:

The minutes of the May 6, 2010 meeting were considered for approval.

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

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The Motion carried unanimously.

The Chairman stated next is the approval of the May 17th, 2010 Special Call meeting minutes. The Chair will entertain a motion to approve the minutes as written.

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

The Motion carried unanimously.

New Business:

Appeal #2010-08 Myrtis Neshanta Linson

The Chairman stated next is new business on the agenda, Appeal #2010-08 Myrtis Neshanta Linson a special exception to allow the operation of a home daycare, specifically allowing for six kids, ages six weeks to five years old. The property is located at 100 Vista Circle in The Lake Forest Subdivision and it is in an R-3, High Density Single Family Residential Zone. Ms. Jones, if you would please take us through this?

Ms. Jones displayed a Power Point Presentation of 100 Vista Circle showing the front, side and rear of the existing house. Ms. Jones stated the subject property is located at the corner of Vista Circle and Nicole Place. In Article 13-1 it states that a day care center whether private or public, kindergarten or play school upon approval by the State are uses permitted by special exception. Article 35 states a home daycare is allowed in an R-3 zone with approval by the BZA. The applicant proposes to care for a limited number of children between the ages of six weeks to five years old. The property is the primary residence of the applicant who is in a lease agreement with the owner. We have passed out a letter to you tonight from the owner granting consent for the applicant to have the home daycare in the residence. There is one primary structure on the property and a small accessory structure located at the southeastern corner of the site. The applicant has indicated that the den will serve as the focal point for the daycare. There are no animals in the home or on the premises. There is a wooden privacy fence enclosing the rear yard which will serve as a play area for the children. The area does not exceed twenty percent of the gross floor area of the principal building and the applicant will be the only employee.

The Chairman stated thank you, Ms. Jones. Are you Ms. Linson?

Ms. Linson stated yes, sir.

The Chairman stated would you step to the podium and state your name and address for the record?

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Ms. Linson stated my name is Myrtis Linson and I live at 100 Vista Circle.

The Chairman stated do you have anything that you would like to say?

Ms. Linson stated no, sir, but I will answer any questions you may have.

The Chairman stated does any of the Board have any questions for Ms. Linson?

Mr. Swaney stated have you checked with anyone from the Lake Forest Property Owners Association about their regulations for this type of home occupation?

Ms. Linson stated no, sir. Just the City of Daphne.

Mr. Moss stated being a member of the Lake Forest POA I cannot recall any regulations against this type of home occupation. There are several of these type occupations within Lake Forest.

Mr. Moss stated you will not have any outside employees correct?

Ms. Linson stated no, sir. I will be the only employee. My husband works outside of the home. I will only be getting maybe three or four outside kids because I have two of my own that will be there. I can only keep six and since I have two I can only bring in the four. As of right now I am only planning to keep three more and that is all.

The Chairman stated thank you, Ms. Linson. Does the Board have any other questions or comments? If not, the Chair will entertain a motion and the motion must be made in the affirmative.

A Motion was made by Mr. Moss and Seconded by Ms. Swaney to approve Appeal #2010-08, Myrtis Neshanta Linson, for a special exception to allow the operation of a home daycare at 100 Vista Circle, specifically allowing for kids ages six weeks to five years old.

The motion carried unanimously.

The Chairman stated the appeal is granted. You can go by the Community Development Department here in city hall in the morning around 9:00 a.m. and pick up your paperwork.

Adjournment:

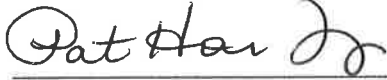
A Motion was made by Mr. Lamb and Seconded by Mr. Moss to adjourn.

The Motion carried unanimously.

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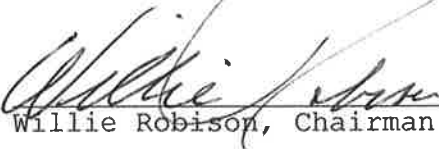
There being no further business the meeting was adjourned at 6:10 p.m.

Respectfully submitted by:



Pat Houston, Recording Secretary

APPROVED: April 7, 2011



Willie Robison, Chairman

/ph