

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 7, 2014 - 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Chairman stated the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 3:00 p.m. and he asked for roll call.

Members Present:

Larry Cooke
Billy Mayhand
Willie Robison, Chairman
Frank Lamb
Philip Durant
William Scully

Members Absent:

Thomas Warner

Staff Present:

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

Chairman called for the **Approval of Minutes** of the June 5, 2014 meeting. There were no corrections, additions or deletions.

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Mayhand** to **approve the minutes. There was no discussion on the motion.**

The Motion carried unanimously.

Chairman called the next item on the agenda, **Appeal #2014-08 101 Villa Dr LLC**, a request for an interpretation of "Special Exception Variance" approved in Appeal #1997-20 in 1997, particularly in regard to the types of offices permitted in the Administrative Building and a second request, proposing to permit non-medical, professional-type offices to operate in the Administrative Building in addition to medical offices permitted by Appeal #1997-20. The property is 101-B Villa Drive, which is zoned R-1, Low Density Single Family Residential. He also stated proper advertising had been done by Community Development for the changed meeting time.

Ms. Jones displayed a Power Point Presentation of the original application submitted to the BZA, the approved minutes of Appeal #1997-20 and the Planning Commission's 1997 site plan minutes.

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Ms. Jones also showed excerpts from Articles 8, 12, 13, and 35-Permitted Uses in the LUDO. Aerial imagery of the R-1 zoned area was shown and she stated that she recommends denial because under the present regulations in the LUDO a special exception cannot be granted for non-medical professional offices in an R-1 zone.

Chairman opened the floor for discussion. The Board questioned why this appeal was before them.

Ms. Jones stated because there is no such thing as a special exception variance.

Chairman opened the floor for public participation.

Ms. Sharon Wright, a representative for 101 Villa Dr, LLC, stated we are asking for approval to lease this vacant building to a potential client, who has asked me not to divulge their name, will have thirty-two employees whose hours of operation will be 8 to 5. The structure will be modified inside somewhat, but nothing major to the outer building and there will not be any constant foot traffic or noise.

The Chairman stated thank you. Is there anyone else that would like to speak in favor of this appeal?

Ms. Kelly Urban, a former Mercy Medical administrative office employee in the 101-B Villa Drive administrative office building, cited the facility formerly housed seventy employees that performed a number of jobs such as accounting, home health and hospice education training, and Board meetings which made it ideal for professional offices; Mr. Lee Lawson, a representative of BCEA, cited because there are no non-medical, white collar tech use offices readily available in this area and this would be an ideal spot for such a use; and Councilman Joe Davis; and Councilman Joe Davis as a liaison for the IDB spoke in favor of this appeal citing transportation improvements to expand the traffic flow in the area.

The Chairman stated thank you. Is there anyone else that would like to speak in favor or opposition of this appeal?

Mr. Lon Johnston, an adjacent property owner, presented thirty-four petitions objecting to this appeal stating the July 24, 1997 non-conforming use objections to traffic and noise. He gave a brief historical background of the site and Resolution 2011-71, and asked that no further special exceptions be approved.

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Ms. Melinda Hicks, Mr. Rick Fine, Mr. Taylor Wilkins, Mr. John Cutright, Mr. Harry Still, Ms. Lee Yokel, adjacent property owners, and Councilman Pat Rudicell, all spoke in opposition to this appeal with objections ranging from the language in the original mortgage, traffic, garbage pick-up, noisy fire alarms and fire trucks, difficulty of family bike riding, growth, possible subletting, and lastly just wanting this disingenuous neighborhood to stay the way it is because it would be inappropriate to change it.

The Chairman stated thank you. Is there anyone else that would like to speak in favor or opposition of this appeal? Being none, the Chair closed the floor for public participation and entertained a motion.

A Motion was made by Mr. Lamb and Seconded by Mr. Mayhand to approve Appeal #2014-08, 101 Villa Dr LLC, upholding an interpretation of "Special Exception" approved in Appeal #1997-20 in 1997, particularly in regard to the types of offices permitted in the Administrative Buildings.

Upon roll call vote, the motion carried unanimously.

Mr. Cooke	Aye
Mr. Mayhand	Aye
Mr. Lamb	Aye
Mr. Durant	Aye
Mr. Robison	Aye

A Motion was made by Mr. Lamb and Seconded by Mr. Mayhand to approve Appeal #2014-08, 101 Villa Dr LLC, a second special exception request, to permit non-medical, professional-type offices to operate in the Administrative Buildings in addition to medical offices permitted by Appeal #1997-20.

Upon roll call vote, the motion failed.

Mr. Cooke	Nay
Mr. Mayhand	Nay
Mr. Lamb	Nay
Mr. Durant	Nay
Mr. Robison	Nay

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A **Motion** was made by **Mr. Scully** and **Seconded** by **Mr. Mayhand** to **approve recommending to Planning Commission that 101-B Villa Drive be favorably recommended to Council for rezoning from R-1 to B-3.**

Upon roll call vote, **the motion failed.**

Mr. Cooke	Nay
Mr. Mayhand	Nay
Mr. Lamb	Nay
Mr. Durant	Nay
Mr. Robison	Nay

Chairman explained that paperwork can be picked up around nine o'clock in the morning in Community Development, and the fifteen day deadline to appeal to the Circuit Court of Baldwin County.

There being no other business the Chairman called for a **Motion to Adjourn.**

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Mayhand** to **adjourn. There was no discussion on the motion.**

The Motion carried unanimously.

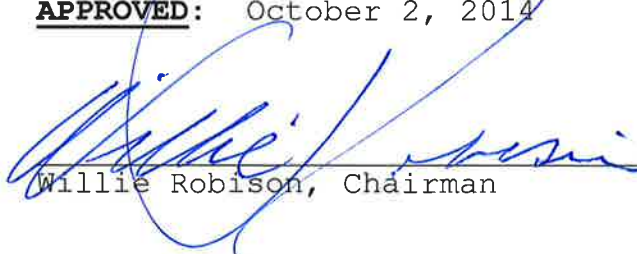
The meeting was adjourned at 4:50 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: October 2, 2014



Willie Robison, Chairman