

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF SEPTEMBER 5, 2019 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman called to order the regular meeting of the Board of Zoning Adjustment at 6:00 p.m. Roll was called thereafter and the number of members present constituted a quorum.

Members Present:

Thomas Warner, Vice Chairman
Herb Cole
Derek Wolstenholme
Willie Robison, Chairman
Carolyn Courson
Clay Covert

Members Absent:

Billy Mayhand

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary
Shawn Alves, BZA Attorney

Chairman called for the **Approval of Minutes** of the May 6, 2019 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the next item on the agenda, **Appeal #2019-03 Dale & Carolyn Marston**, a request for a variance to the Daphne Land Use & Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request proposes to change the front setback to twenty-five feet, in lieu of, the required thirty-five feet due to slope/topography and rain/storm water erosion potential. The property is PPIN #72654, a single parcel comprised of 2.5 lots in Block 4, Yuille Subdivision of Belrose Wharf, which is zoned R-2, Medium Density Single Family Residential.

Ms. Jones displayed a Power Point Presentation of PPIN #72654, the single parcel comprised of 2.5 lots in Block 4, Yuille Subdivision of Belrose Wharf, highlighting the sloped topography in the rear of the lot stating that there are extraordinary and exceptional conditions pertaining to this property because of its size and shape. The property slopes from Belrose Avenue to the rear of the site, as does the abutting property to the east, which also slopes from Sixth Street to the rear. Topography presents an exceptional condition to the site. All applications are based on their own merit, and if granted this would not create a precedent for other applications with no hardship. A favorable recommendation was made contingent upon the re-platting and recording of the 2.5 lots into a single lot in the Office of the Baldwin County Probate Judge.

Also, in addition to the favorable consideration of the twenty-five foot front yard setback, it was recommended that the rear yard setback should be increased by ten-feet, i.e. minimum rear yard setback shall be forty-five feet, in lieu of, thirty-five feet as illustrated by the sketch provided by the applicant, which would eliminate the burden of an unnecessary hardship presented by topography upholding the spirit of the Land Use and Development Ordinance.

Chairman opened the floor for public participation.

The applicant stated his name as Dale Marston. He said that Ms. Jones had adequately explained his position. Mr. Marston stated the lots get water from the south, east and west and it is not his intent to disturb the current water flow, but to build a nice tasteful home.

Mr. Davison stated his name as Tom Davison and he was in favor of the variance to build and welcomes his new neighbors.

The Board discussed whether there were any reservations about re-platting and commented on the well-written narrative submitted by Mr. Marston.

The Chairman closed public participation, as there was no one present in opposition to the appeal.

A **Motion** was made by **Mr. Warner** and **Seconded** by **Mr. Cole** to **approve Appeal #2019-03, Dale & Carolyn Marston, request for a Variance to the Daphne Land Use and Development Ordinance.** The request, if granted, would allow a twenty-five foot front yard setback contingent upon the applicant re-platting the property into a single lot and recording said plat in the Office of the Baldwin County Probate Judge. As a condition of granting a reduced front yard setback, the Board hereby establishes a minimum rear yard setback of forty-five feet, in lieu of, the minimum thirty-five feet rear yard setback. The property is PPIN #72654, a single vacant parcel comprised of 2.5 lots in Block 4, Yuille Subdivision of Belrose Wharf, which is zoned, R-2, Medium Density Single Family Residential.

Upon roll call vote, the Motion carried unanimously.

Mr. Warner	Aye
Mr. Cole	Aye
Mr. Wolstenholme	Aye
Ms. Courson	Aye
Mr. Robison	Aye

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The Chairman stated the revised variance request is approved and he instructed Mr. Marston to pick up the paperwork from Community Development in the morning.

The Chairman stated next on the agenda is the election of officers.

The Chair opened the floor for the nominations for Chairman.

Mr. Warner nominated Mr. Robison for Chairman. The nominations were closed with no other nominations, Mr. Willie Robison is Chairman.

The Chair opened the floor for the nominations for Vice Chairman.

Mr. Robison nominated Mr. Cole for Vice Chairman. The nominations were closed with no other nominations; Mr. Herb Cole is Vice Chairman.

The Chairman stated Ms. Pat Johnson is our recording Secretary.

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

A **Motion** was made by **Mr. Cole** and **Seconded** by **Mr. Warner** to adjourn. **There was no discussion of the motion.**

The Motion carried unanimously.

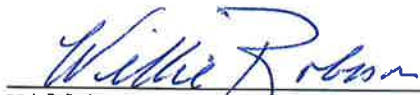
The meeting was adjourned at 6:20 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: May 7, 2020



Willie Robison, Chairman