

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MARCH 1, 2018 - 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. and asked for a moment of silence in recognition of slain Mobile Police Officer Justin Billa and the victims killed in the Florida school shooting. Roll was called thereafter and the number of members present constituted a quorum.

Members Present:

Billy Mayhand, Vice Chairman
Thomas Warner
Willie Robison, Chairman
Herb Cole
Derek Wolstenholme

Members Absent:

Philip Durant

Staff Present:

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

Chairman called for the **Approval of Minutes** of the September 7, 2017 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the next item on the agenda, **Appeal #2018-01 Clayton & Virginia Stopa**, a request for a Variance to the Daphne Land Use and Development Ordinance, filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, proposes to encroach into the required 10.0' north side yard setback by 3.2' and to encroach into the required 10.0' south side yard setback by 0.1". The property is 149 Brentwood Drive, which is zoned, R-3, High Density Single Family Residential.

Chairman opened the floor for public participation.

Clayton Stopa stated I am here requesting that this variance be granted to clean up our final purchase of the house.

As no one else came forward in support or opposition to the appeal, the Chairman closed public participation.

Mr. Walters displayed a Power Point Presentation of 149 Brentwood Drive.

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Mr. Walters stated the property in question is Lot 161, Lake Forest, Unit 15, zoned R-3, High Density Single Family Residential. He showed the encroachments and stated that the applicant is attempting to clean up their title for purchase. The structure was originally built with encroachments into the setbacks and they are just trying to clear the title. There is no real hardship on the land, but given that fact that the structure already exist staff recommends approval of the variance.

There was no discussion by the Board and the Chairman called for a motion.

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Mr. Cole** to **approve Appeal #2018-01, Clayton & Virginia Stopa, request for a Variance to the Daphne Land Use and Development Ordinance. The request, if granted, proposes to encroach into the required 10.0' north side yard setback by 3.2' and to encroach into the required 10.0' south side yard setback by 0.1". The property is 149 Brentwood Drive, which is zoned, R-3, High Density Single Family Residential.**

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

Mr. Warner	Aye
Mr. Mayhand	Aye
Mr. Cole	Aye
Mr. Robison	Aye
Mr. Wolstenholme	Aye

The Chairman stated the request for variance is granted and gave instructions on obtaining paperwork in the morning from Community Development around 9:00 a.m.

Chairman called the next item on the agenda, **Appeal #2018-02 Joseph & Elizabeth Parker**, a request for a Special Exception to the Daphne Land Use and Development Ordinance, filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would allow the construction of a parking lot for Bayside Academy. The property is Lot 2, Toulmin Subdivision, which is in an R-1, Low Density Single Family Residential Zone, located west of the intersection of Dryer Avenue and Old County Road. He asked for the representative to come forward.

Chris Lieb stated I am with Lieb Engineering Company and I will be representing this appeal on behalf of Bayside. We are proposing to make a parking lot. We want to be good stewards in the community so I would like to request that this appeal be held off for thirty days until the next meeting so that we can speak with the people within the community, address their concerns and possibly make this project something that they would like to see come to fruition.

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The Board discussed the legal avenues of the Board voting to table this appeal until the April 5, 2018 meeting. It was made known that tabling by the Board was possible and also that advertising and notifying all adjacent property owners is required.

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Mr. Cole** to **table the public hearing for Appeal #2018-02, Joseph & Elizabeth Parker, request for a Special Exception until April 5, 2018, regular meeting at 6:00 p.m.**

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

Mr. Warner	Aye
Mr. Mayhand	Aye
Mr. Cole	Nay
Mr. Robison	Aye
Mr. Wolstenholme	Aye

The Chairman stated the motion to table the public hearing for Appeal #2018-02, Joseph & Elizabeth Parker, request for Special Exception until April 5, 2018 is approved. There will be no public hearing tonight, if you wish to speak in favor or opposition of this appeal come back next month on April 5th at 6:00 p.m. Sorry for the inconvenience.

Ms. Jones stated that anyone in the audience can make written comments for the Board's consideration for the April 5th meeting. Feel free to submit them to our office if you cannot attend the meeting next month. You can call us at (251) 621-9000 for more dialogue or to get more information.

Mayor Haygood stated if I may please use a moment of executive privilege to address the BZA.

Chairman stated and what is that executive privilege?

Mayor Haygood stated I am here primarily tonight as a resident of the City of Daphne tonight and a concerned homeowner, but I will say in my official capacity that I inquire as to the status of the appeal. I would like the residents who have sacrificed their evening to have a chance to voice their concerns about this matter if it is anyway possible under Robert's Rules.

The Chairman stated Mr. Hoffman, is it proper to have public participation even though there will be no action taken until next month?

Mr. Hoffman stated any public participation would have to follow the hearing of this appeal on April 5th, however as Ms. Jones has stated they can always submit in writing any concerns and they will be given to the Board for consideration.

**CITY OF DAPHNE
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REGULAR MEETING OF JUNE 7, 2018 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

April 5th.

Ms. Jones stated written comments and concerns will be placed in the Board's packet and given to them prior to the public hearing.

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

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

The Motion carried unanimously.

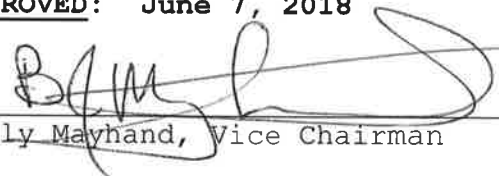
The meeting was adjourned at 6:18 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: June 7, 2018



Billy Mayhand, Vice Chairman