

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MARCH 7, 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, *Arrived at 6:01 p.m.
Herb Cole
Billy Mayhand
Willie Robison, Chairman
Carolyn Courson

Members Absent:

Derek Wolstenholme

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary

Staff Absent:

BZA Attorney

Chairman called for the **Approval of Minutes** of the December 6, 2018 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the next item on the agenda, **Appeal #2019-01 HSC Johnson Road, LLC**, 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, would allow a pylon sign with two sign faces that are each one hundred and eight square feet in area, in lieu of, the maximum allowable height of twenty-one feet as provided in Article 33, Section 10, Sign Provisions, Permitted Signs Subsection (b)(2) Name Identification Signs. The property is the southwest corner of Johnson Road and U.S. Highway 98, which is zoned B-2, General Business.

Ms. Jones displayed a Power Point Presentation of the Southwest intersection of U.S. Highway 98 & Johnson Road, displaying the standard sign rendering, noting the minimum sign area and height. She cited Planning Commission gave site plan approval for a new 19,097 square foot retail sales business called Tractor Supply Company on January 24, 2019. Ms. Jones outlined the entire surrounding area including Adams Avenue to the south and stated that the property would be forthcoming for a subdivision.

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Ms. Jones provided the Board's criteria for consideration per Section 33-4 Non-conforming Signs (g) Variance: Citing the Board of Zoning Adjustment may, in special cases and for good reason, and where owing to conditions peculiar to the property and not the result of the actions of the applicant, permit the erection of a sign not in conformance with the requirements of the Article, and displayed a standard sign rendering noting the minimum sign area and height. She cited that the applicant's petition for a variance to the Sign provisions was for a pylon sign with two sign faces that are each 108 square feet in area, in lieu of the maximum allowable area of fifty square feet; and, thirty feet in height, in lieu of the maximum allowable height of twenty one feet. She showed the site tree survey, site grading and drainage plan, proposed HSC Johnson Road Subdivision, which is on the March 2019 Planning Commission agenda and presented the proposed Tractor Supply Company sign rendering and noted that it says "this drawing is for conception purposes only. Due to construction constraints size or layout may change and the location is for Various, USA, not the Daphne location". She reviewed the four justifications presented by the applicant and found there was no evidence for items 5, 11, and with regard to justification #12, she displayed the proposed subdivision plat for HSC Johnson Road, which shows two lots, which meant that the same topography would be present on both lots and the circumstances are not unique to this topography, and the justification noted as #13, she indicated that the internet and mapping technology now make it convenient for a customer to locate any business. She displayed a Google search for Tractor Supply Company and showed an image of the webpage that listed each local store, their address and directions to each. She listed her five findings from Staff Review as presented in the BZA report and reiterated the requirements listed in the LUDO for the BZA to consider while reviewing an application for a sign variance noting that this criteria has not been presented. Was this a special case? No, it is a new construction site, with a relatively clean slate. If the difference in grade were a potential barrier, then the design engineers should design a site grading plan (cut/fill as needed) to ensure that the sign would be visible. Tree canopies along Highway 98 can be limbed or raised (remove lower limbs to create visual clearance). Monument signs are typically used where mature tree canopies are present. Is there good reason? No, there is no proof that an alleged problem truly exists. The site is currently wooded and the land is subject to cut and fill, and grading. What conditions are peculiar to this property that are not the result or actions of the applicant? The pylon sign will not be placed on raw undeveloped land. The proposed hardship is being based upon the existing conditions of raw undeveloped land. The property will be developed and the topography will be significantly altered. Based on those findings, Ms. Jones recommended denial.

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Chairman opened the floor for public participation.

Mr. Dearing stated his name as Max Dearing, representative for HSC Johnson Road, LLC. He cited that Ms. Jones had given a thorough synopsis and asked if the Board had any questions.

Adams Avenue residents Henry and Richardean Crawford came forward and stated that they were not against the site plan, however they expressed opposition to the business having access to Adams Avenue.

Ms. Jones stated they would not access Adams Avenue.

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

The Board discussed the Planning Commission excluding the sign because of none compliance.

A Motion was made by Mr. Mayhand and Seconded by Mr. Cole to approve Appeal #2019-01, HSC Johnson Road, LLC, request for a Variance to the Daphne Land Use and Development Ordinance. The request, if granted, proposes to allow a pylon sign with two sign faces that are each one hundred and eighty square feet in area, in lieu of, the maximum allowable height of twenty-one feet at provided in Article 33, Section 10, Sign Provisions, Permitted Signs Subsection (b)(2) Name Identification Signs. The property is the southwest corner of Johnson Road and U.S. Highway 98, which is zoned, B-2, General Business.

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

Mr. Warner	Nay
Mr. Mayhand	Nay
Mr. Cole	Nay
Mr. Robison	Nay
Ms. Courson	Nay

The Chairman stated the request for a Variance is denied and he instructed Mr. Dearing to pick up the paperwork from Community Development in the morning. He also cited that they had fifteen days from today to inform Community Development in writing if they planned to appeal this decision with the Circuit Court of Baldwin County.

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

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

The Motion carried unanimously.

The meeting was adjourned at 6:19 p.m.

Respectfully submitted by:

Pat Johnson

Pat Johnson, Recording Secretary

APPROVED: May 6, 2019

Willie Robison

Willie Robison, Chairman