



**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT AGENDA
JULY 1, 2021 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

1. **CALL TO ORDER** - 6:00 p.m.
2. **CALL OF ROLL** - Present W. Robison, C. Courson, B. Mayhand, C. Covert
3. **APPROVAL OF MINUTES** - Approved

June 3, 2021

4. **OLD BUSINESS** - None
5. **NEW BUSINESS** - Approved

Appeal #2021-03 Jamie Snowden/Johnnie Frost dba Kinderkids Learning Center Incorporated

A request for a Special Exception to the Daphne Land Use & Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would allow the operation of a daycare center in a proposed new building. The vacant property is PPIN #322628 on Friendship Road, which is a B-2, General Business Zone.

6. **ADJOURNMENT** - 6:10 p.m.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JUNE 3, 2021 - 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:

Willie Robison, Chairman
Carolyn Courson, Vice Chair
Clay Covert
Derek Wolstenholme
Billy Mayhand

Members Absent:

Herb Cole

Staff Present:

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

Chairman called for the **Approval of Minutes** of the May 6, 2021 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the item under old business on the agenda, **Appeal #2021-01, Restoration Place Church/Redsouth, LLC**, a request for a special exception to the Daphne Land Use & Development Ordinance filed with the City of Daphne Board of Zoning Adjustment carried over from the February 4, 2021 regular meeting. The request, if granted, proposes to allow the operation of a church on PPIN #31245, Lot 7, Daphne Business Park, Unit III, a 14.0 acre undeveloped parcel on Stanton Road. The property is zoned C/I, Commercial/Industrial. He stated that tonight the Board is in session to make a decision on this appeal because they had not taken any action on it previously. He then asked Mr. Alves if they needed do a roll call vote to go into executive session, Mr. Alves replied affirmatively, and stated it was because he needed to give them an update on pending ligation. The Chairman then called for a roll call vote to go into executive session for discussion for 15 minutes from Ms. Johnson.

Mr. Covert	Aye
Mr. Mayhand	Aye
Ms. Courson	Aye
Mr. Wolstenholme	Aye
Mr. Robison	Aye

Upon roll call, the vote was unanimous to go into Executive Session.

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The Board convened for Executive Session at 6:05 p.m. and reconvened at 6:30 p.m.

Chairman asked Ms. Jones for a recap of the appeal.

Ms. Jones stated she would give an abbreviated version because the Board has minutes of each previous meeting which reflects everything done previously. She cited that the applicants requested a special exception to the Land Use and Development Ordinance to allow the operation a church in a C/I, Commercial Industrial zoned site on a 14 acre parcel known as Lot 7, Unit III, Daphne Business Park located along Stanton Road. She pointed out that she recommended approval even with the existing topographical challenges on the property, citing the presence of wetlands, and the site plan presented to the Board did not show any encroachments. She also cited that the church is fully aware of and accepts those challenges by deciding to purchase and build on the lot. She reiterated that since they were fully aware of the topographical challenges, that they fully understood and accepted that no variance would be granted since they have been made fully aware of the layout of the land for this lot.

The Chairman asked the Board for discussion.

Mr. Covert said that he does not have a problem with what the building on the site will be used for. However, during the second meeting he thought his and the Boards integrity was being put into question by a certain someone by assuming that we had a problem with what the site was going to be used for and he felt a little bit intimidated by it and thought it was a poor tactic to use. His thoughts were that he worried about the quality of the land and he wanted this particular business to be able to do the most they could with what they would have.

The Chairman cited Ms. Jones remarks from the previous meeting that "if the church was adamant about building on this site she would not stand in the way, and that in requesting this special exception is full acknowledgement that the church accepts the site limitations and will work within those limitations, and stated she does not think it is a good location" and he felt as if it is not a good location for this use with the chemical plant next door making it not a good fit.

Mr. Mayhand cited that it is up to the user of the property to take responsibility for what is actually placed on the land that their concern should be focused on the use of land, because the plan submitted to us is within the guidelines. The Chairman explained that after taking everything into consideration about the limitations and findings on the property that the applicants having agreed to adhere to staying within them without any farther site variances, he opened the floor for public participation, and no one came forth.

The Chair closed public participation for those in favor of the appeal and those in opposition, and he called for an affirmatively stated motion.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JUNE 3, 2021 - 6:00 P.M.
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A **Motion** was made by **Mr. Mayhand** and Seconded by **Ms. Courson** to approve **Appeal #2021-01, Restoration Place Church/Redsouth, LLC**, request for a special exception to the Daphne Land Use & Development Ordinance filed with the City of Daphne Board of Zoning Adjustment to allow the operation of a church on PPIN #31245, Lot 7, Daphne Business Park, Unit III, on a 14.0 acre undeveloped parcel on Stanton Road. The property is zoned C/I, Commercial/Industrial.

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

Mr. Covert	Aye
Mr. Mayhand	Aye
Ms. Courson	Nay
Mr. Wolstenholme	Nay
Mr. Robison	Nay

The Chairman stated the motion failed and if there is anyone here with Restoration Church you have fifteen days to notify Community Development in writing if you plan to appeal with the Circuit Court of Baldwin County.

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

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

The Motion carried unanimously.

The meeting adjourned at 7:10 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: July 1, 2021



Willie Robison, Chairman