

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF JUNE 4, 2020 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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

Members Absent:

Herb Cole

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 7, 2020 meeting. There were no corrections, additions or deletions.

**The Minutes were approved unanimously.**

Chairman called the next item on the agenda, **Appeal #2020-03 BCL&L Acquisitions LLC**, 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 allow the following:

Building #1, a 30' rear setback in lieu of the required 55'; &, Building #2, a 50' front setback in lieu of the required 60'; &, near the southwest corner thereof, a 32.93' side setback in lieu of the required 35'; &, the southeast corner thereof, a 25' side setback in lieu of the required 35'; &, to reduce the perimeter greenbelt along Lake Forest Blvd. to 24.5' in width in lieu of the required 30'; &, to allow the encroachment of 4 parking spaces into the proposed 24.5' greenbelt. The property is PPIN #34934, zoned R-4, High Density Single & Multi-Family Residential.

Ms. Jones displayed a Power Point Presentation of PPIN #34934, outlining the following: the surrounding locations' zoning; typical and requested setbacks and greenbelt, photos of the fence and wall surrounding Loma Alta Towers and the apartment complex to the north masonry wall along Lake Forest Boulevard; several roadways that intersect with the site; a detailed site plan of the proposed apartments with parking; and highlighted each variance requested.

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Ms. Jones reviewed the standard criteria to consider a variance including topography, conditions are peculiar to the particular property involved, substantial detriment to the public good or impairing the purpose and intent of the ordinance and unnecessary hardship and she recommended approval with conditions.

The Board questioned how long the R-4, Multi-Family zoning had been in place and it was revealed since 1987.

Chairman opened the floor for public participation.

Mr. Steven Pumphrey of Dewberry, authorized agent for the owners cited that Ms. Jones had made a concise presentation of their plans, then he said on 3 sides of this R-4 development they would be sandwiched in due to the topography limiting the use of about an acre because of the northern triangle and the setbacks and greenbelt restrict the use of the remaining portion. A fifty-foot tall, four story building is permissible, but we thought a three story and a two story would fit better with the area and we would offset through vegetation. We heard Ms. Jones suggestion, but we think brick columns would allow us only to clear out what is necessary for roadway access to the structures because we do not want to do fencing.

The Board questioned why the developer wanted this design for the irregular lot and why such a large encroachment was necessary.

Mr. Pumphrey stated because the vacant lot is surrounded by like uses, other apartments, and that they were trying to minimize use of the property by doing two buildings keeping them low versus a single story high rise, and the owners have agreed to all of the added conditions.

The Chairman closed public participation for those in favor of this appeal due their being none and asked for all opposed.

Local residents and some adjacent neighbors attended and made comments. Mr. Lee McKee, Mr. Ed Kirby, Ms. Corela Busey, Ms. Brenda Johns, Mr. John Lake, Ms. Heather Dial, Ms. Terri Frazier, Mr. Don Whitt, Ms. Kitty Miller, Mr. Glen Wilson, and Mr. Hale Calloway all spoke in opposition to the appeal. Oppositions ranged from traffic congestion, not wanting to live next door to this type of development, fear that this would make property values go down, that it would have an impact on schools, infrastructure, not wanting any Section 8 housing, not knowing whether they would be rented or for sale, not being able to review plans before the meeting, and it was said that the developer was trying to get around the parking requirements by using the greenbelt, one was not sure whether they were for or against it because they did not have enough information, and lastly it was thought that these were all self-imposed hardship.

The Chairman closed public participation of the appeal.

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The Board discussed the recommended conditions for approval and asked the attorney if they could restrict the northern triangle from any further development. Questions were asked regarding the maximum density, the height, total acreage being used, and the fact that this same developer had requested a variance over a year ago.

Mr. Alves stated the Board is only looking at whether the requested variances should be granted. Your job is to determine whether they are meeting the requirements due to grant a variance. I agreed that you may need to make sure that the property is not further divided and that it remains undisturbed to ensure that the greenbelt zone in the northern section is included and that it does not further increase density as a condition of approval.

The Chairman called for an affirmatively stated motion.

**A Motion was made by Mr. Warner and Seconded by Mr. Mayhand to approve Appeal #2020-02 as follows: Allow Building #1, a 30' rear setback, in lieu of, the required 55'; & allow Building #2, a 50' front setback, in lieu of, the required 60'; &, near the southwest corner thereof, allow a 32.93' side setback, in lieu of, the required 35'; & allow the southeast corner thereof, a 25' side setback, in lieu of, the required 35'; & reduce the perimeter greenbelt along Lake Forest Boulevard to 24.5' in width, in lieu of, the required 30'; & allow the encroachment of 4 parking spaces into the proposed 24.5' greenbelt, along with the added conditions recommended by Staff.**

The Chairman called for a roll call vote.

<b>Mr. Warner</b>	<b>Nay</b>
<b>Mr. Mayhand</b>	<b>Nay</b>
<b>Ms. Courson</b>	<b>Nay</b>
<b>Mr. Wolstenholme</b>	<b>Nay</b>
<b>Mr. Robison</b>	<b>Aye</b>

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

The Chairman stated your variance is denied and you have fifteen days from today to appeal this decision with the Baldwin County Circuit Court. You can pick up the paperwork from Community Development and let them know in writing of your plan to appeal.

At Ms. Jones request the Board briefly discussed their objections to this appeal.

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

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

**The Motion carried unanimously.**

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The meeting adjourned at 6:53 p.m.

**Respectfully submitted by:**



Pat Johnson, Recording Secretary

**APPROVED:** July 2, 2020



Willie Robison, Chairman