

**BOARD OF ZONING ADJUSTMENT
REGULAR MEETING MINUTES
MAY 1, 2019
DOTHAN, ALABAMA**

The Board of Zoning Adjustment (BZA) met in a Regular Meeting on **Wednesday, May 1, 2019 at 9:00 a.m.**, in the City Commission Chambers, 126 North St. Andrews Street, Room 203, of the Roy L. Driggers Municipal Building (Civic Center).

Chair Grant called the meeting to order at 9:00 a.m. and asked the audience members to sign the log in sheet at the door if they were going to address the board. Chair Grant asked that everyone turn their cell phones to silent and to step to the podium to state their name and address when addressing the board and also reminded everyone that when at the podium, they would need to address the board only and not to address each other or anyone in the audience.

1. **Invocation** – James Oney – Ridgecrest Baptist Church
2. **Pledge of Allegiance** – James Oney led everyone in the Pledge
3. **Members Present:** Chair, Gina Grant, Vice-Chair Donnie Wells, Chad Lisenby, Michael Smith, and Vanita Sansom (SUP).
Members Absent: Angela McNeal, Tillman Black, and James Williams

Others Present:

Anthony Vallone, Planner I, Kevan Kelly, Assistant Attorney, Stacey Livingston, Business Services Manager; Fire Captain Crowe; and, Theresa Eddy, Board Secretary

4. **Approval of the Agenda**
Chair Grant asked Mr. Vallone if there were any changes to the agenda, to which Mr. Vallone responded that there was none. **Mr. Wells made a motion to approve the agenda, Mr. Smith seconded, and the motion carried.**
5. **Approval of April 3, 2019, Meeting Minutes**
Chair Grant asked for a motion on the meeting minutes as written. **Mr. Wells made a motion to approve, Mr. Lisenby seconded, and the motion carried.**
6. **Disclosure of ex parte contact** – None
7. **Oath** – Mr. Vallone read the oath and the audience swore in affirmation.

Old Business

8. **None**

New Business

9. **SE-19-0139: Special Exception Request – Non-Qualified Home Occupation for a lawn care business – Property located at 409 Eton Drive – R-1 District – Caleb Galloway.**
Mr. Caleb Galloway, residing at 409 Eton Dr., addressed the board and described a part-time occupation with no employees. He said that he would be storing his equipment in his garage in a small trailer. Chair Grant asked if Mr. Galloway had read and had questions regarding the twenty (20) staff recommendations and Mr. Galloway responded that he had read them and did not have any questions. Chair Grant asked if anyone in the audience was present

concerning the case with no response. Chair Grant asked if the board members or Planning staff had any questions and Mr. Vallone asked, where Mr. Galloway would be storing his equipment and Mr. Galloway responded, in his garage. With no further questions, Chair Grant asked for a motion. ***Ms. Sansom motioned to approve with the twenty (20) staff recommendations, Mr. Wells seconded, and the motion carried.***

1. The special exception is valid only for the applicant, this home occupation and this location;
2. The special exception is void if a Privilege License, issued by the City of Dothan, is not obtained within ninety days of approval and subsequently if the license is allowed to lapse;
3. The applicant shall obtain a 5lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
4. No more than 25 percent of the home shall be used for the business;
5. There shall be no noise, odors or vibrations associated with the business;
6. No employees or employee vehicles are allowed at the home;
7. Only residents of the home are authorized to engage in business activity at the home;
8. There shall be no customers at the home;
9. All work-related activities must be conducted inside the home;
10. No accessory building shall be used in conjunction with the business;
11. The applicant is allowed to have one business-related vehicle parked on the property, but it shall be no larger than a pickup truck or passenger van;
12. No business-related vehicle may be parked in the street;
13. Equipment and/or any trailer used to transport the equipment are shielded from the view of the street and adjacent properties;
14. No business-related equipment or materials shall be visible from the road or from adjoining properties and shall be stored inside either the single vehicle or inside the home;
15. Used and/or leftover materials shall not be taken to the property.
16. If business-related materials or equipment are delivered to the home, there shall be no more than two deliveries per week, and the delivery vehicle shall have no more than a single axle with six wheels;
17. There shall be no signs or advertisements at the home, including on the mailbox;
18. The applicant is responsible for observing any private covenants which may impact the proposed home occupation;
19. Any other restriction as may be considered appropriate by the administrative official or the board of zoning adjustment as stipulated at the Public Hearing; and,
20. Violation of any of the aforementioned conditions could result in revocation of the approval.

- 10. SE-19-0145: Special Exception Request – Non-Qualified Home Occupation for a Daycare (6 or fewer children) – R-3 District – Sadie Kirksey.** Ms. Sadie Kirksey, residing at 119 Tree Crest Street, addressed the board. Ms. Kirksey explained that she wanted to start a daycare business in her home and that once it grew, she would seek a commercial location. Ms. Kirksey would like to provide care for six children between the ages of infant to 3 years, operating within the hours of 6:00 a.m. to 5:00 p.m., Monday thru Friday. Chair Grant asked if Ms. Kirksey had read and understood the twelve (12) stipulations and Ms. Kirksey affirmed. Chair Grant asked if Ms. Kirksey was aware that there was a sex offender in her area and if she would sign an affidavit to this effect and Ms. Kirksey affirmed. Chair Grant stated that this would be a 13th stipulation. Chair Grant asked Mr. Vallone to point out the location of the sex offender in comparison to Ms. Kirksey's home, and Mr. Kevan Kelly stated that it would be over 2,000 feet. Ms. Kirksey added that her spouse was a police officer, that they both took security seriously, and that her yard had a 6 ft. fence. Mr. Smith wanted to verify if Ms. Kirksey still had to sign an affidavit since the sex offender was not in her subdivision

and Chair Grant stated that she would since they were still in the general vicinity. Chair Grant asked if anyone had any further questions with no response. Chair Grant then asked for a motion. **Mr. Smith moved to approve with the amended stipulations, Ms. Sansom seconded, and the motion carried.**

1. The Special Exception is contingent on approval of the facility by the Dothan City Fire Marshal before the child daycare home is licensed by the Department of Human Resources;
2. The applicant obtains a City of Dothan Privilege License before the home-based daycare begins operation;
3. The Department of Human Resources licenses the daycare;
4. The Special Exception is good only for the applicant and this location;
5. The Special Exception is subject to all necessary local and state regulations and policies;
6. The Special Exception is valid only as long as the applicant has a valid State license or permit;
7. The Special Exception is invalid if the applicant's State license or permit is revoked or if the applicant violates any State or local regulations or policies;
8. There is no on-street parking or queuing of traffic into the street right-of-way;
9. The Special Exception is invalid if an outdoor water element is placed on the property, including a swimming or wading pool, hot tub, or fishpond or water garden;
10. A play area in the back yard is completely fenced and inspected by the City of Dothan Building Official;
11. There is no play equipment in the front yard or anywhere outside the fenced area;
12. The applicant signs an affidavit acknowledging the preceding conditions, and the affidavit is displayed with all other licenses and permits.
13. The applicant is required to submit a signed affidavit acknowledging awareness of any Sex Offenders living within the 2,000-foot radius of the home or business that is on the Alabama Department of Public Safety (DPS) list of Registered Sex Offenders.

11. SE-19-0146: Special Exception request – Non-Qualified Home Occupation for a Lawn care service – Property located at 701 Bay St. – L-I District – Emory Armour. Mr. Emory Armour, residing at 701 Bay St., addressed the board and described a part-time occupation with no employees, and stated that he would be keeping his equipment in his attached garage and on a trailer in the back yard. Chair Grant asked if Mr. Armour read and understood the twenty (20) staff recommendations and Mr. Armour affirmed. Chair Grant asked if anyone was present concerning this case with no response. Chair Grant asked if anyone had any questions or comments, and Mr. Vallone explained that the home was a non-conforming existing use in L-I District, and that the house was "grandfathered." Chair Grant asked Mr. Armour if he had any questions to which he did not. Chair Grant then asked for a motion. **Mr. Lisenby motioned to approve with the twenty (20) staff recommendations, Mr. Wells seconded, and the motion carried.**

1. The special exception is valid only for the applicant, this home occupation and this location;
2. The special exception is void if a Privilege License, issued by the City of Dothan, is not obtained within ninety days of approval and subsequently if the license is allowed to lapse;
3. The applicant shall obtain a 5lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
4. No more than 25 percent of the home shall be used for the business;
5. There shall be no noise, odors or vibrations associated with the business;
6. No employees or employee vehicles are allowed at the home;
7. Only residents of the home are authorized to engage in business activity at the home;
8. There shall be no customers at the home;
9. All work-related activities must be conducted inside the home;

10. No accessory building shall be used in conjunction with the business;
11. The applicant is allowed to have one business-related vehicle parked on the property, but it shall be no larger than a pickup truck or passenger van;
12. No business-related vehicle may be parked in the street;
13. Equipment and/or any trailer used to transport the equipment are shielded from the view of the street and adjacent properties;
14. No business-related equipment or materials shall be visible from the road or from adjoining properties and shall be stored inside either the single vehicle or inside the home;
15. Used and/or leftover materials shall not be taken to the property.
16. If business-related materials or equipment are delivered to the home, there shall be no more than two deliveries per week, and the delivery vehicle shall have no more than a single axle with six wheels;
17. There shall be no signs or advertisements at the home, including on the mailbox;
18. The applicant is responsible for observing any private covenants which may impact the proposed home occupation;
19. Any other restriction as may be considered appropriate by the administrative official or the board of zoning adjustment as stipulated at the Public Hearing; and,
20. Violation of any of the aforementioned conditions could result in revocation of the approval.

12. SE-19-0148: Special Exception request – Non-Qualified Home Occupation for a lawn care service – Property located at 325 Darlington Circle – PUD District – Scott Mathis.

Mr. Scott Mathis, residing at 325 Darlington Circle, addressed the board and described a part-time occupation with no employees, and that he would be storing his equipment in his garage on a small trailer. Chair Grant asked if Mr. Mathis had read and could abide by the twenty (20) staff recommendations and Mr. Mathis responded that he had read them and could abide by them. Chair Grant asked if Mr. Mathis had any questions to which he did not. Chair Grant asked if anyone in the audience was present concerning this case with no response. Chair Grant asked if the board members or Planning staff had any questions with no response. With no further questions, Chair Grant asked for a motion. *Mr. Wells motioned to approve with the twenty (20) staff recommendations, Mr. Smith seconded, and the motion carried.*

1. The special exception is valid only for the applicant, this home occupation and this location;
2. The special exception is void if a Privilege License, issued by the City of Dothan, is not obtained within ninety days of approval and subsequently if the license is allowed to lapse;
3. The applicant shall obtain a 5lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
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6. No employees or employee vehicles are allowed at the home;
7. Only residents of the home are authorized to engage in business activity at the home;
8. There shall be no customers at the home;
9. All work-related activities must be conducted inside the home;
10. No accessory building shall be used in conjunction with the business;
11. The applicant is allowed to have one business-related vehicle parked on the property, but it shall be no larger than a pickup truck or passenger van;
12. No business-related vehicle may be parked in the street;
13. Equipment and/or any trailer used to transport the equipment are shielded from the view of the street and adjacent properties;

14. No business-related equipment or materials shall be visible from the road or from adjoining properties and shall be stored inside either the single vehicle or inside the home;
15. Used and/or leftover materials shall not be taken to the property.
16. If business-related materials or equipment are delivered to the home, there shall be no more than two deliveries per week, and the delivery vehicle shall have no more than a single axle with six wheels;
17. There shall be no signs or advertisements at the home, including on the mailbox;
18. The applicant is responsible for observing any private covenants which may impact the proposed home occupation;
19. Any other restriction as may be considered appropriate by the administrative official or the board of zoning adjustment as stipulated at the Public Hearing; and,
20. Violation of any of the aforementioned conditions could result in revocation of the approval.

Other Business

13. Map Error: 153 Third Ave – Anthony Vallone

The board members agreed to have staff correct the error.

Ms. Sansom motioned to approve, Mr. Smith seconded, and the motion carried.

14. Discussion

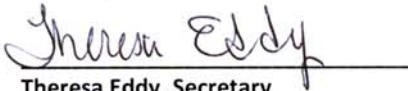
15. Adjourn.

Mr. Lisenby made a motion to adjourn, Mr. Wells seconded, and the motion carried.

The meeting adjourned at 9:28 a.m. The next meeting is on June 5, 2019.



Gina Grant, Chair



Theresa Eddy, Secretary