



**BOARD OF ZONING ADJUSTMENT
SPECIAL CALLED MEETING
AGENDA**

A Special Called public hearing will be held by the Board of Zoning Adjustment of the City of Dothan, Alabama, on Thursday, **June 13, 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).

The following items will be reviewed at both meetings:

1. **Invocation**
2. **Pledge of Allegiance**
3. **Roll Call: Chair, Gina Grant___ Vice-Chair, Donnie Wells ___, Angela McNeal___ Chad Lisenby___Tillman Black___ Michael Smith___ James Williams___ Vanita Sansom (SUP)___**
4. **Approval of Agenda**
5. **Disclosure of ex parte contact**
6. **Oath**

Old Business

7. **SE-19-0175: Special Exception Request – Manufactured home for lifetime use - Property located at 469 Fowler Rd., - A-C District – Joseph Turner represented by Fred Hollon.**

New Business

8. **SE-19-0200: Special Exception request - Special Use for indoor assembly with alcohol sales – Property Located at 256 N. Foster Street – B-1/DOD/HC-G Districts – Matt Hayes.**
9. **V-19-0220: Variance Request – Request to reduce the minimum living area square footage requirement from 1200 square feet to 1024 square feet – Property located at 469 Fowler Rd. - A-C District – Joseph Turner represented by Fred Hollon.**
10. **Discussion**
11. **Adjourn**

Anyone interested in any item listed on this agenda is encouraged to contact the Planning and Development Office at (334) 615-4410 for further information.



BOARD OF ZONING ADJUSTMENT

June 13, 2019 Special Called Meeting

CASE NUMBER: SE-19-0175

Case Manager: Anthony Vallone, Planner

Summary of Information:

Project Name:	Manufactured Home – Lifetime Use
Property Address:	469 Fowler Rd.
Requested Action:	Special Exception
Applicant:	Joseph & Ellen Turner

Zoning/Land Use:

ZONING DISTRICT: Agriculture-Conservation District A-C



VICINITY & ZONING

The applicant requests the approval of a special exception to place a 1024 square foot manufactured home on a 0.50-acre parcel on 469 Fowler Rd.

Based on all findings associated with this request, should the Board of Zoning Adjustment approve this application for a special exception to authorize Joseph & Ellen Turner to allow a manufactured home, including an approval for lifetime use, on a .50-acre parcel located at 469 Fowler Rd., that it do so with the following conditions:

1. The Special Exception is contingent on the recordation of the Final Subdivision Plat Application S-19-0215., and Variance V-19-0220, to address the minimum living area square footage deficit.
2. The manufactured home is placed on the property in compliance with the A-C zoning district regulations;
3. The applicant must obtain an after-the-fact manufactured home set-up permit from the Building Official's Office upon approval;
4. The manufactured home is placed on a permanent foundation or the undercarriage is screened; or,
5. The manufactured home is bricked or blocked up to resemble a conventional home;
6. The water and sewer provisions are acceptable to the Health Department; and
7. Construction, manufacture and tie-downs comply with the applicable provisions of the National Manufactured Housing Construction and Safety Standards ("HUD Code") or the 2015 International Building Code if the manufactured home does not contain a National Manufactured Housing Construction and Safety Standards seal of approval.



BOARD OF ZONING ADJUSTMENT

June 14, 2019 Meeting

CASE NUMBER: SE-19-0200

Case Manager: Anthony Vallone, Planner

Summary of Information:

Project Name:	Axe throwing venue – DLF Properties
Property Address:	256 N Foster St.
Requested Action:	Special Exception - Indoor assembly with alcohol sales
Applicant:	Matt Hayes

Zoning/Land Use:

EXISTING LAND USE - SUBJECT HISTORIC BUILDING
ZONING DISTRICT - SUBJECT B-1 (CENTRAL BUSINESS DISTRICT)
HISTORIC DISTRICT: Downtown Historic District
DOWNTOWN OVERLAY DISTRICT: DOD
DOD SUB DISTRICT: HC/G (HISTORIC CORE/GOVERNMENT)



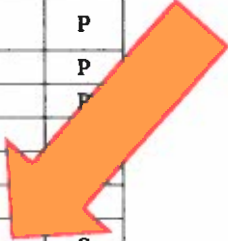
VICINITY & ZONING

The applicant requests the approval of a special exception for indoor assembly with alcohol sales (including but not limited to lounge, bar, tavern, night club, etc.) at 256 N Foster St.

Staff has reviewed the request and reports the following findings of fact:

1. Application was made for a special exception on May 21, 2019;
2. The applicant proposes a World Axe Throwing League (WATL) Axe Throwing venue for entertainment purposes with accessory wine and beer sales;
3. There will be no hard liquor available for sale on the premises and
4. The applicant is not the property owner, authorization letter on file;
5. The surrounding properties are zoned B-1 and are located in the Downtown Overlay District (DOD), the Historic Core/Government Subdistrict, the Downtown Historic District (CLG), and the ABC Downtown Entertainment District;
6. Written notice of the application was provided by first class mail to all adjoining property owners as required by law;
7. As of the date of this report, staff had not received any calls from any of the adjoining property owners;
8. The uses within the general vicinity of the subject are Commercial in nature;
9. Applicant must apply for an alcoholic beverage license with the Alabama Alcoholic Beverage Control (ABC) Board Office through the City of Dothan City Clerk once within a six-month period;
10. A copy of the Alcoholic Beverage License Procedure will be provided to the applicant, and;
11. The applicant has been informed that any exterior changes to the building will need a certificate of appropriateness (CA) from the City of Dothan Historic Preservation Commission (including signage) at a later date.

DOD – Table of Permitted Uses P = Permitted Use; S = Special Exception; X = Not Permitted	Overlay Districts		
	E	HC/G	C/R
Animal clinic, animal hospital, kennel or pet store	S	S	S
Bank (with or without drive-through teller window)	P	P	P
Dwellings, multi-family (including apartments, lofts, or condominiums for any number of families as regulated by the R-A district)	S	P	P
Dwellings, single-family	S	P	P
Dwellings, developed as Urban Traditional Neighborhood Development (UTND)	X	S	P
Grocery store, curb market	P	P	P
Hospital/clinic	X	X	X
Hotel	X	P	P
Indoor assembly with alcohol sales (including but not limited to lounge, bar, tavern, night club, etc.)	P	S	S
Indoor assembly and place of amusement (including but not limited to church, indoor/outdoor private recreation facility, etc. where no alcohol is served)	P	P	P
Indoor automobile repair shop	S	X	S
Laundry and/or dry cleaning facility	S	S	S
Manufacturing incidental to retail business where articles are sold at retail on premise	S	S	S
Manufacturing or industrial use (with no retail sales)	X	X	S
Mixed-use development (Urban Planned Unit Development - UPUD)	X	S	P
Motel	X	X	X



Based on all findings associated with this request, should the Board of Zoning Adjustment approve this application for a special exception for approval of indoor assembly with alcohol sales at 256 N Foster St., that it do so with the following conditions:

1. The board may consider limiting hours of operation;
2. Any exterior changes to the building will need a certificate of appropriateness (CA) from the City of Dothan Historic Preservation Commission. Certificates of Appropriateness do not preclude permitting, certificates of occupancy or business licenses;
3. All signage must comply with the provisions of Article XII and Section 114-157 (j) (10) of the Zoning Ordinance and any required permit(s) shall be obtained from the Planning & Development Office prior to any signage being erected or displayed;
4. Use of the premises shall be limited to an entertainment venue with the accessory sale of alcohol (beer and wine) only, and;
5. Violation of any of the aforementioned conditions could result in revocation of the approval.



BOARD OF ZONING ADJUSTMENT

June 13, 2019 Special Called Meeting

CASE NUMBER: V-19-0220

Case Manager: Anthony Vallone, Planner

Summary of Information:

Project Name:	Manufactured Home
Property Address:	469 Fowler Rd.
Requested Action:	Variance
Applicant:	Joseph & Ellen Turner

Zoning/Land Use:

ZONING DISTRICT: Agriculture-Conservation District A-C



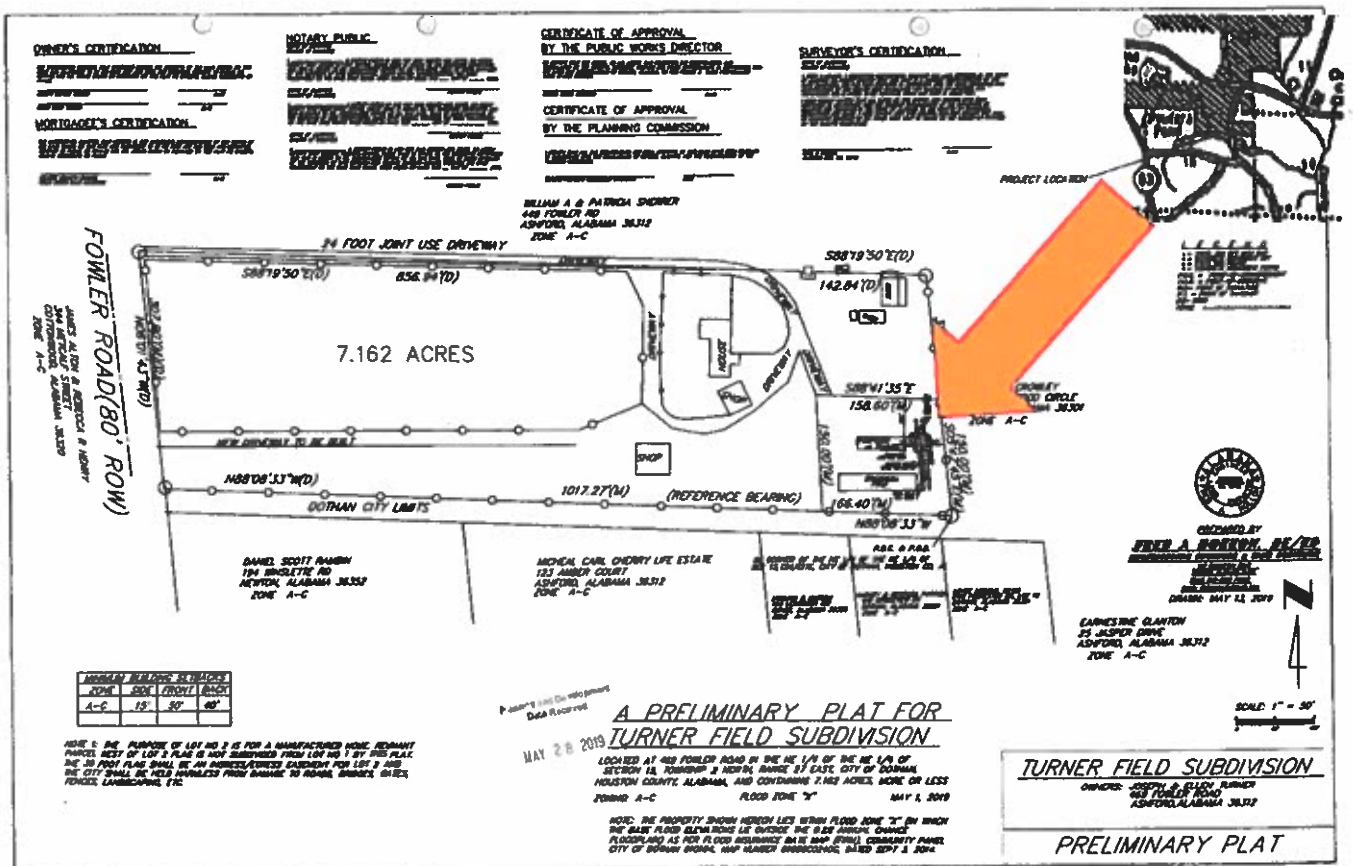
VICINITY & ZONING

The applicant requests the approval of a variance to the provisions of Sec. 114-132. - District dimensional regulations. – Minimum Living Area, sf per family, in order to reduce the required square

footage from 1200 to 1024 sq. ft. in order to place a 1024 square foot manufactured home on a 0.50 acre parcel on 469 Fowler Rd.

Staff has reviewed the request and reports the following findings of fact:

1. Application was made for a Variance on June 5, 2019.
2. The applicant is the property owner.
3. The surrounding properties are zoned A-C and properties to the south are part of the unincorporated county with multiple mobile homes as principle residences.
4. Written notice of the application was provided by first class mail to all adjoining property owners as required by law.
5. As of the date of this report, staff had not received any calls from any of the adjoining property owners.
6. The uses within the general vicinity of the subject are residential or agricultural in nature.
7. The minimum living area square footage in the A-C District is 1,200 sq. ft.
8. The unit is 1024 sq. ft. and therefore, does not meet the minimum.
9. A plot plan was submitted showing the proposed location of the manufactured home on the site.
10. It is staff's understanding that the unit has already been placed on the site.



Section 114-99 of the Zoning Regulations of Dothan, Alabama authorizes the Board of Zoning Adjustment to grant upon appeal in specific cases such variance from the terms of the ordinance upon an affirmative finding that all of the following conditions exist:

- A. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;**
- B. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;**
- C. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.**
- D. The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this chapter; and**
- E. The variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of this chapter or the comprehensive plan.**

Before the Board of Zoning Adjustment shall grant a variance it shall make the following three (3) findings of fact which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

- A. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter. In order to determine that there are practical difficulties or unnecessary hardships, the board must find that the following five (5) conditions exist:**

- 1. If the provisions of this chapter are complied with, a variance will only be granted if the applicant can secure no reasonable return from, nor make reasonable use of, the property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the granting of a variance. Moreover, the board of zoning adjustment shall consider whether the variance is the minimum possible deviation from the terms of this chapter that will make possible the reasonable use of the property.**
 - 2. That the hardship results from the application of this chapter to the property rather than from other factors such as deed restrictions, personal actions, personal circumstances or other hardship.**
 - 3. That the hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.**
 - 4. That the hardship is not the result of the actions of an applicant who knowingly or unknowingly violates this chapter, or who purchases the property after the effective date of this chapter and then comes to the board for relief.**
 - 5. That the hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread or common to adjoining owners or the general public. If the properties were equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.**
- B. The variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.**
 - C. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.**

Based on an analysis of the facts associated with this request, staff concludes that a variance should **not** be granted to the applicant. The following terms of the ordinance cannot be met in order to base an affirmative finding:

- a. The requested Variance to variance to the provisions of Sec. 114-132. - District dimensional regulations. – Minimum Living Area, sf per family, in order to place a 1024 square foot manufactured home on a 0.50 acre parcel on 469 Fowler Rd., is **not** based on a hardship as defined in 114-99(A).
- b. The requested variance **does not arise from conditions that are unique to the subject property**, that are not ordinarily found in the same zoning district and **are** result of the owner's intentional action.
- c. That the hardship is **not** peculiar to the applicant's property, or the result of conditions that are widespread or common to adjoining owners or the general public. If the properties were equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
- d. The hardship is **entirely self-created** and is the result of the actions of an applicant who knowingly violates this chapter.