

**BOARD OF ZONING ADJUSTMENT
REGULAR MEETING MINUTES
APRIL 2, 2008
DOTHAN, ALABAMA**

The Board of Zoning Adjustment met in a Regular Meeting on Wednesday, April 2, 2008, at 9:00 a.m., in the City Commission Chambers, Dothan, Alabama.

MEMBERS PRESENT:

Chairman David Lummus
Vice-Chairman Gina Grant
Morris Stringer
Linda Kirkland
Fred Barkett
Angela McNeal

SUPERNUMERARY MEMBERS PRESENT:

Morris Mathews
Mae Register

Others present were Dawn Wrinn, Staff Planner; Todd McDonald, Planning Director; and Lee Ann Irwin, Secretary, who recorded the meeting.

1. **Approval of March 5, 2008 Meeting minutes.** Mr. Barkett made a motion to approve the minutes as written. Vice-Chairman Grant seconded. The motion passed by a 7-0 vote.
2. **Administration of Oath to Applicants** Mrs. Wrinn, a Notary Public, administered the Oath to the applicants.

Old Business

- A.) **Case No. BZA-SE-040-08: Request approval of a Special Exception for a home office for a commission broker business for clothing and miscellaneous merchandise sales, 608 Moates St., R-75-S District, Felisha Chambers.** (Tabled from March 5, 2008 meeting) No one was present to represent this request. *Mr. Stringer made a motion to remove this request from the agenda. Vice-Chairman Grant seconded. The motion passed by a 7-0 vote.*
- B.) **Case No. BZA-SE-042-08: Request approval of a Special Exception for a home office for an event planner & decorator business, TH-24 District, 200 Frankfort Dr., Sharoresier Saulsberry.** (Tabled from March 5, 2008 meeting) Mr. Saulsberry represented this request and agreed to the stipulations made by planning staff. *Mr. Barkett made a motion to approve this request. Mr. Stringer seconded. The motion passed by a 7-0 vote.*
 1. The Special Exception is valid only for the applicant, this home occupation and this location;
 2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
 3. The applicant obtain a 5lb. ABC type fire extinguisher from a licensed fire equipment provider;
 4. Only residents of the home engage in business activity at the home;
 5. No more than 25 percent of the home is used for the business;
 6. Any work conducted at the home is done so inside the home;
 7. No employees or employee vehicles are allowed at the home;
 8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
 9. No business-related vehicle is parked in the street;

10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. 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;
12. There are no customers at the home;
13. There are no signs or advertisements at the home, including on the mailbox; and,
14. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

C.) Case No. BZA-SE-046-08: Request approval of a Special Exception to establish a radio station, B-2 District, 3385 Reeves St., Argie Dale. (Tabled from March 5, 2008 meeting) Darlene Wilson represented this request. Ms. Wilson stated there would be no towers at this location only a satellite dish no higher than 4 ft. ***Vice-Chairman Grant made a motion to approve this request. Ms. Kirkland seconded. The motion passed by a 7-0 vote.***

1. The Special Exception is good only for the applicant;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. There not be any self-supporting radio towers on the site.

D.) Case No. BZA-V-013-08: Request approval of a 10 ft. lot width variance and a 5265 sq. ft. lot area variance for a house addition, R-65-M District, 506 Tacoma St., John Turner. (Tabled from March 5, 2008 meeting) Earlie Barber represented this request. Chairman Lummus stated that this is a legally non-conforming lot of record and the Zoning Ordinance provides for them to have a minimum of 5 ft. side yard setbacks. Mrs. Wrinn stated that the side yards will require 1.5 ft. variances as well as the 10 ft. lot width variance and 5265 lot area variance. Beverly Smith, 508 Tacoma St., spoke with concerns about how close the addition would be to her property. Mrs. Wrinn stated that there would still be 8.5 feet distance to the property line. ***Mr. Stringer made a motion to approve this request to also include 1.5 ft. side yard variances. Mrs. McNeal seconded. The motion passed by a 7-0 vote.***

E.) Mike Harger

Mrs. Wrinn stated the planning office had received a complaint that there were additional vehicles being parked on the property that the Board had just requested he clear of salvaged vehicles. Mrs. Wrinn stated the vehicles were observed from E. Wayne Rd. behind Mr. Harger's business on property owned by an adjacent property owner. Mrs. Wrinn stated at the direction of the Board she contacted the adjacent property owner and has had no response. Mrs. Wrinn stated there are approximately 10 vehicles. Mr. Harger stated that the vehicles in question have been there since the last time he appeared before the Board and are only visible now because the County or City clear cut the area which made them visible from E. Wayne Rd. Mr. Harger stated that he would remove the cars if required to but that nine of the ten cars are currently tagged. Mr. Harger stated that the adjacent property is being leased and the lessor has given him permission to park the vehicles on the property. Mr. Harger stated the vehicles will be crushed in the next 30 days. ***Mr. Barkett made a motion to give Mr. Harger 60 days to remove the vehicles from the property. Mr. Stringer seconded. The motion passed by a 7-0 vote.***

New Business

- 3. CONSENT AGENDA** Vice-Chairman Grant requested to hear Case No. BZA-SE-053-08, Case No. BZA-SE-057-08 and Case No. BZA-SE-058-08 separately. Ms. Kirkland made a motion to approve the Consent Agenda with the exception of Case No. BZA-SE-053-08, Case No. BZA-SE-057-08 and Case No. BZA-SE-058-08 to be heard separately. Ms. Register seconded. The motion passed by a 7-0 vote.

A.) Case No. BZA-SE-048-08: Request approval of a Special Exception for a home occupation to laminate products, i.e. key chains, bookmarkers, TH-24 District, 129 Glencoe Way, Melissa Byrd.

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher from a licensed fire equipment provider;
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. 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;
12. There are no customers at the home;
13. There are no signs or advertisements at the home, including on the mailbox; and,
14. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

B.) Case No. BZA-SE-049-08: Request approval of a Special Exception for a home office for a lawn care business, R-85-S District, 103 Rusty Dr., Eulus Mitchell.

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. 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;

12. There are no customers at the home;
13. The applicant comply with the Alabama Department of Agriculture regulations to install plants and/or trees;
14. Lawn care equipment and any trailer used to transport the equipment are shielded from the view of the street and adjacent properties;
15. There are no signs or advertisements at the home, including on the mailbox; and,
16. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

C.) Case No. BZA-SE-050-08: Request approval of a Special Exception for a home office to manage a home remodeling business, R-100-S District, 915 El Dorado Dr., Stephen Baggett.

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher from a licensed fire equipment provider;
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business office;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. There shall not be any inventory of remodeling or construction materials stored on the property. These items must be delivered to the customer's location;
12. There are no customers at the home; and
13. There are no signs or advertisements at the home, including on the mailbox;
14. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

D.) Case No. BZA-SE-051-08: Request approval of a Special Exception for a home office for a commercial refrigeration sales and service business, R-85-S District, 1210 Cannon Rd., Greg Dickerson. Tabled for 30 days due to applicant being absent.

E.) Case No. BZA-SE-052-08: Request approval of a Special Exception for a home occupation designing glass art for etching, R-85-S District, 205 Rockdale Ct., Roger Goodson.

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher from a licensed fire equipment provider;
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;

11. 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;
12. There are no customers at the home;
13. There are no signs or advertisements at the home, including on the mailbox; and,
14. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

F.) Case No. BZA-SE-053-08: Request approval of a Special Exception for a home office and commissary for a mobile food vending business, AGR-CONV District, 3294 Lingo Rd., Jeffrey Bray. Mr. Bray represented this request. Mr. Bray stated that he is assuming ownership of a mobile food vending business. Mr. Bray stated he would be cleaning and loading and unloading his vehicle at his home. Mrs. Wrinn asked where the commissary will be located at the home. Mr. Bray stated it would be inside the home and that no additional building will be required. ***Vice-Chairman Grant made a motion to approve this request with stipulations made by planning staff and Health Department approval. Ms. Kirkland seconded. The motion passed by a 7-0 vote.***

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. 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;
12. All Health Department regulations are followed;
13. There are no customers at the home; and
14. There are no signs or advertisements at the home, including on the mailbox;
15. Applicant is responsible for observing any private covenants which may impact the proposed home occupation.

G.) Case No. BZA-SE-054-08: Request approval of a Special Exception for a home office for a lawn care service, R-85-S District, 1100 Alpine Lane, Anthony Williams.

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a

- pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
 10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
 11. 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;
 12. There are no customers at the home;
 13. The applicant comply with the Alabama Department of Agriculture regulations to install plants and/or trees;
 14. Lawn care equipment and any trailer used to transport the equipment are shielded from the view of the street and adjacent properties;
 15. There are no signs or advertisements at the home, including on the mailbox; and,
 16. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

H.) Case No. BZA-SE-055-08: Request approval of a Special Exception for a home office for a tile installation business, TH-20 District, 117 Watkins Dr., William Ernst.

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher from a licensed fire equipment provider;
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business office;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. There shall not be any inventory of tile or tile related installation materials stored on the property. These items must be delivered to the customer's location;
12. Any leftover tile or tile related materials must be disposed of properly and not brought to the house;
13. There are no customers at the home; and
14. There are no signs or advertisements at the home, including on the mailbox;
15. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

I.) Case No. BZA-SE-056-08: Request approval of a Special Exception for a home office for an Interior Decorating business, R-85-S District, 206 Reid Dr., Christina Sims. Tabled for 30 days due to applicant not being present.

J.) Case No. BZA-SE-057-08: Request approval of a Special Exception for a home office for a limousine service, R-85-S District, 111 Eastridge Dr., David Nix. Mr. Nix represented this request. Chairman Lummus stated that the limousines should be parked in the driveway and not on the street. Mr. Stringer stated he had received a complaint about the limousines being parked on the street. Mrs. Wrinn stated that stipulations 8 and 9 addressed these issues. *Mr. Stringer made a motion to approve this request to include stipulations made by planning staff. Mrs. McNeal seconded. The motion passed by a 7-0 vote.*

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher from a licensed fire equipment provider;
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one limousine is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. 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;
12. There are no customers at the home;
13. There are no signs or advertisements at the home, including on the mailbox; and,
14. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

K.) Case No. BZA-SE-058-08: Request approval of a Special Exception for a quarterly clothing trunk show, R-100-S District, 103 Royal Highlands Lane, Tonye Wheelless. Mrs. Wheelless represented this request. Mrs. Wheelless stated that this would be a clothing show held four times a year for a week at the most and is by invitation only. Mr. McDonald stated in his opinion the Zoning Ordinance addressed the customers in the home as occurring on a day to day basis and not a quarterly by appointment only basis. Mrs. Wrinn stated that if the Board chooses to approve this they could make the stipulation that it is on a quarterly basis. Mr. McDonald stated the Board would be making an interpretation of the regulations which is within their purview. ***Vice-Chairman Grant made a motion to approve this request changing stipulation 12 to state that the business be conducted in the home no more than quarterly by appointment only for no more than a week. Mrs. McNeal seconded. The motion passed by a 6-0-1 vote with Mr. Barkett abstaining.***

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher from a licensed fire equipment provider;
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. 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;
12. That customers in the home are limited to quarterly for no more than one week and by invitation only.
13. There are no signs or advertisements at the home, including on the

mailbox; and,

14. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

L.) Case No. BZA-SE-059-08: Request approval of a Special Exception for a home office for an accounting business, R-100-S District, 100 Bristol Court, Jamie Perry.

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher from a licensed fire equipment provider;
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. 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;
12. There are no customers at the home;
13. There are no signs or advertisements at the home, including on the mailbox; and,
14. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

M.) Case No. BZA-SE-060-08: Request approval of a Special Exception for a home office for an event sales business, R-65-M District, 739 Headland Ave., Wanda Wiley.

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher from a licensed fire equipment provider;
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. 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;
12. There are no customers at the home;
13. There are no signs or advertisements at the home, including on the mailbox; and,
14. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

N.) Case No. BZA-SE-061-08: Request approval of a Special Exception for a home office for a lawn care business, R-100-S

District, 1945 John D. Odom Rd., David Odom. Removed from agenda at applicant's request.

O.) Case No. BZA-SE-062-08: Request approval of a Special Exception for a home office for a cleaning business, R-100-S District, 3900 Richland Rd., Annie Sconiers.

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher from a licensed fire equipment provider;
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. 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;
12. There are no customers at the home;
13. There are no signs or advertisements at the home, including on the mailbox; and,
14. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

P.) Case No. BZA-SE-063-08: Request approval of a Special Exception for a home office to sell T-shirts over the Internet and off premises, R-85-S District, 109 Dunwoody Place, JoAnna Benefield.

1. The Special Exception is valid only for the applicant, this home occupation and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The applicant obtain a 5lb. ABC type fire extinguisher from a licensed fire equipment provider;
4. Only residents of the home engage in business activity at the home;
5. No more than 25 percent of the home is used for the business;
6. Any work conducted at the home is done so inside the home;
7. No employees or employee vehicles are allowed at the home;
8. No more than one business-related vehicle, which is no larger than a pickup truck or passenger van, is parked at the home;
9. No business-related vehicle is parked in the street;
10. Any business-related equipment or materials are kept in either the single vehicle or inside the home;
11. 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;
12. There are no customers at the home;
13. There are no signs or advertisements at the home, including on the mailbox; and,
14. Applicant is responsible for observing any private covenants, which may affect the proposed home occupation.

4. OTHER SPECIAL EXCEPTIONS

A.) Case No. BZA-SE-064-08: Request approval of a Special Exception for raising and breeding dogs, R-75-S District, 2500 E. Linda Lane, Paula Givens. Ms. Givens represented this request. Ms. Givens stated that she would not be boarding dogs. Ms. Givens owns two male and two female Great Danes that she breeds and these are her pets. If she has a puppy from the litter that can be a show dog she sends it to the trainer and all other puppies are sold. Mr. McDonald stated he wasn't sure that Ms. Givens needed a business license to breed her pets and sell them. There were two adjacent property owners present with objections to the animals stating that they barked and the children in the neighborhood were afraid of them. Mr. McDonald stated that was an Animal Control issue. ***Vice-Chairman Grant made a motion to table this request for 30 days in order for the planning staff to see if Ms. Givens needs a business license. Mr. Stringer seconded. The motion passed by a 7-0 vote.***

B.) Case No. BZA-SE-065-08: Request approval of a Special Exception for a home day care for six or fewer children, R-85-S District, 114 Naomi Dr., Vonda Simmons. Ms. Simmons represented this request. Chairman Lummus asked Ms. Simmons if she had read the stipulations made by planning staff. Ms. Simmons stated she had and could abide by them. ***Mr. Barkett made a motion to approve this request. Mr. Stringer seconded. The motion passed by a 7-0 vote.***

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 Department of Human Resources licenses the child daycare home and a copy of the license is provided to the Planning Department;
3. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
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;
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 fish pond or water garden;
10. There are no business signs or decorative elements or colors placed anywhere on the house or grounds, including the mailbox, to distinguish this location as a childcare business;
11. A play area in the back yard is completely fenced;
12. There is no play equipment in the front yard or anywhere outside the fenced area; and
13. The applicant signs an acknowledgment affidavit of the preceding conditions, and the affidavit is displayed with all other licenses and permits.

C.) Case No. BZA-SE-066-08: Request approval of a Special Exception for a Day/Night Care Center for more than six children, R-65-M District, 767 Headland Ave., Theodora Wiley. Ms. Wiley represented this request. Ms. Wiley stated that this is currently owned by her mother and she is taking over the business. Chairman Harris asked the applicant if she had read the stipulations

made by planning staff. Ms. Wiley stated she had read them and could abide by them. Mr. Barkett made a motion to approve this request. Ms. Kirkland seconded. The motion passed by a 7-0 vote.

1. The Special Exception is contingent on approval of the facility by the Dothan City Fire Marshal before the facility is licensed by the Department of Human Resources;
2. The Department of Human Resources licenses the facility;
3. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
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;
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 fish pond or water garden;
10. There be no signage placed on the property indicating the presence of a childcare facility since the property is in a residential zoning district;
11. A play area for outdoor children's activities is completely fenced;
12. There is no play equipment in the front yard or anywhere outside the fenced area; and
13. The applicant signs a letter of acknowledgment of the preceding conditions and the letter is displayed with all other licenses and permits.

D.) Case No. BZA-SE-067-08: Request approval of a Special Exception for a Place of Indoor Assembly to establish a church, B-4 District, 1360 Hartford Hwy. Suite 3, Blondell Jackson. Ms. Jackson represented this request. Chairman Lummus stated the planning staff would need a letter from the property owner giving the applicant access to the parking lot to accommodate the congregation. Ms. Jackson provided the letter to staff. Ms. Kirkland made a motion to approve this request. Mr. Barkett seconded. The motion passed by a 7-0 vote.

E.) Case No. BZA-SE-068-08: Request approval of a Special Exception for a used auto sales business, M-1 District, 1111 South Oates St., Marie McCord. Ms. McCord represented this request. Chairman Lummus stated that if the applicant intends to put a portable office building on the property it will need approval from the Board. *Mr. Stringer made a motion to approve this request. Mrs. McNeal seconded. The motion passed by a 7-0 vote.*

1. The Special Exception is good only for the applicant;
2. Any portable office building be approved by the Board of Zoning Adjustment and development plans are approved by the Planning Commission before it licensed and opened for business;
3. The development include an enclosed, fully screened trash collection facility located behind the service center building;
4. Any used or discarded parts are stored inside the service center building or within the enclosed, screened trash collection facility;
5. Any signage conforms to Section 114-516 and receives a sign permit from the Building Permits and Inspections Office before being erected on the property;
6. No wrecked automobiles are parked on the site and no salvage activity is conducted on the property;

7. All vehicles are parked at least 10 feet behind the South Oates and West Selma Street rights-of-way;
8. No vehicles are parked on the right-of-way; and
9. The South Oates Street right-of-way and any improvements on it are available for use by neighboring properties and developments.

F.) Case No. BZA-SE-069-08: Request approval of a Special Exception for a Place of Indoor Assembly for a boxing gym, M-1 District, 1234 Reeves St., Vivian Ash. Ms. Ash represented this request. Ms. Ash stated this would be training facility for youth and also be used for educating children about drugs and alcohol. Mr. McDonald asked if this was the gym previously owned by Johnny Trawick and Ms. Ash stated that it was. *Mr. Barkett made a motion to approve this request. Vice-Chairman Grant seconded. The motion passed by a 7-0 vote.*

1. The Special Exception is good only for the applicant and this location;
2. The Special Exception is void if the Privilege License is not obtained within one year of approval and subsequently if the license is allowed to lapse;
3. The development include an enclosed, fully screened trash collection facility located behind the building;
4. The Planning Staff conduct an inspection of the property before any Privilege License is issued.

G.) Case No. BZA-SE-070-08: Request approval of a Special Exception to park a portable office building, B-3 District, 2323 S. Oates St., Tami Caldwell. Jody Solomon represented this request. Mr. Solomon stated the applicant had read the stipulations made by planning staff and agreed to them. Chairman Lummus asked the Mr. Solomon if the applicant was aware that this approval would be for two years. Mr. Solomon stated that the applicant was aware of that stipulation. *Mr. Stringer made a motion to approve this request. Mr. Barkett seconded. The motion passed by a 7-0 vote.*

1. The Special Exception is valid only for two years;
2. The Special Exception is valid only for the applicant and this location;
3. The Special Exception is valid only as long as the applicant operates the business;
4. The portable building will not be rented to another business operator at this location;
5. A moving and set-up permit is obtained from the Building Permits and Inspections Office before bringing the building to the site;
6. The portable office building is securely anchored and tied down;
7. The undercarriage is screened;
8. The water and sewer provisions are acceptable to the Health Department; and
9. Construction, manufacture, and tie-downs comply with the applicable provisions of the International Building Code, as adopted.

5. Case No. BZA-V-016-08: Request approval of a 13 ft. side yard variance for a carport addition to come to within 2 ft. of property line, R-100-S District, 803 Sequoyah Dr., M. L. King. Ken Woodham represented this request. Chairman Lummus stated that by statute of the state of Alabama there are three hardship tests that have to be met. Mr. Woodham stated that the property owner was not certain of where the property line is. Chairman Lummus stated the applicant may wish to have the property surveyed and find the property line possibly reducing the amount of variance needed. *Mr. Stringer made a motion to table this request for 30 days in order for the applicant to locate the property line. Vice-Chairman Grant seconded. The motion passed by a 7-0 vote.*

- 6. Case No. BZA-V-017-08: Request approval of a 25 ft. rear yard variance for a building addition to come within 15 ft. of the property line, PUD District, 900 Overlook Dr., Dr. and Mrs. Bob Carnes.** Joe Donofro, Architect, represented this request. Chairman Lummus stated there are three hardship tests that must be met in order to grant a variance. Mr. Donofro stated this is for an addition for a mother-in-law suite. Chairman Lummus asked if the applicant could configure the addition without requiring a variance. Mr. Donofro stated there are other options but they would not flow with the current configuration of the home. Chairman Lummus asked Mr. Donofro if they would like to request to table for 30 days in order to discuss other options. Mr. Donofro stated he would rather the Board vote today and he would proceed from the result of the vote. *Mr. Barkett made a motion to approve the request as presented and include connectivity to the main structure. Vice-Chairman Grant seconded. The motion failed by a vote of 4-2-1 with Mr. Stringer and Chairman Lummus dissenting and Ms. Kirkland abstaining.*
- 7. Adjourn** Mr. Stringer made a motion to adjourn. Mr. Barkett seconded and the meeting was adjourned.

David E. Lummus, Chairman

Lee Ann Irwin, Secretary