

**BOARD OF ZONING ADJUSTMENT
REGULAR MEETING MINUTES
AUGUST 5, 2020
DOTHAN, ALABAMA**

The Board of Zoning Adjustment (BZA) met in a Regular Meeting on **Wednesday, August 5, 2020, 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.

1. **Invocation:** Lori Wilcoxon
2. **Pledge of Allegiance:** Chad Lisenby led everyone in the Pledge.
3. **Members Present:** Chair, Gina Grant, Vice-Chair, Chad Lisenby, Angela McNeal, Michael Smith, Lori Wilcoxon, and Morris Stringer (SUP) sitting.
Members Absent: Tillman Black

Others Present:

Todd McDonald, AICP, Planning & Development Director; Anthony Vallone, Planner II; Frank Breaux, Principal Planner; Reginald Franklin, Transportation Planner; Kevan Kelly, Assistant Attorney; and, Theresa Eddy, Secretary.

4. Approval of the Agenda

Chair Grant asked Mr. Vallone if there were any changes to the agenda, to which Mr. Vallone requested that #9 SE-20-0108 be removed and #10 SE-20-0191 be continued, both per the applicant's request. **Mr. Stringer motioned to approve the amended agenda, Ms. Wilcoxon seconded, and the motion carried.**

5. Approval of June 3, 2020, Meeting Minutes

Chair Grant asked for a motion on the meeting minutes as written. **Ms. Wilcoxon motioned to approve, Mr. Stringer 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. **SE-20-0091: Special Exception request for a Non-Qualified Home Occupation for a Lawn Care Business - Property Located at 212 Boulder Drive – A-C District - Tracey Peterson.** Chair Grant asked who was representing this case with no response. Chair Grant asked for a motion. **Mr. Stringer motioned to remove SE-20-0091, Mr. Smith seconded, and the motion carried.**
9. **SE-20-0108: Special Exception request for a Non-Qualified Home Occupation for an HVAC Contractor – Property located at 600 Baywood Road – R-2 District – Brent Williams.** This item was removed per the request of the applicant and approved on this agenda.

New Business

10. **SE-20-0191: Special Exception Request for a Non-Qualified Home Occupation for a Home Daycare – Property located at 1008 Glenwood Street – R-1 District - Corasena Davis.** This item was continued per the request of the applicant and was approved on this agenda.

11. **SE-20-0195: Special Exception Request to construct a 720 square foot Accessory Dwelling Unit behind the main residence – Property located at 634 Drew Road – R-1 District - MaryAnn McGrady.** Ms. MaryAnn McGrady, 634 Drew Road, addressed the board. Chair Grant asked staff if they had any questions or comments. Mr. Vallone stated that everything was submitted in the staff report. Chair Grant asked if there was anyone present regarding this case, with no response. Chair Grant asked if the board members had any questions, with no response. Chair Grant asked Ms. McGrady if she had read and could abide by the four staff conditions and Ms. McGrady affirmed. Chair Grant asked Ms. McGrady if she had any questions, to which she did not. Chair Grant asked if anyone had any questions, with no response. Chair Grant then asked for a motion. ***Ms. McNeal motioned to approve with the four staff conditions, Mr. Stringer seconded, and the motion carried.***
 1. The special exception is valid only for the applicant and this location;
 2. The applicant shall obtain all necessary building permits that may be required to construct an accessory dwelling unit; and,
 3. Violation of any of the aforementioned conditions could result in revocation of the approval;
 4. If a building permit is not obtained for this property within six (6) months, the Special Exception will expire.

12. **SE-20-0196: Special Exception Request for an Apiary and for the keeping of poultry as Accessory Use – Property Located at 579 Oppert Road – R-1 District – Matthew R. Miller.** Mrs. Christina Miller representing Matthew Miller, 579 Oppert Road, addressed the board. Mrs. Miller stated that they wanted the Chicken Coop for the sole purpose of eggs and the Apiary to teach her son the importance of how bees affect the environment and that they would like to harvest their honey. Mrs. Miller stated that they were in contact with Mr. Bill Miller, President of the Wiregrass Beekeeper's Association, and he had educated their family on how to keep bees. Chair Grant asked if Mrs. Miller had read and could abide by the eight staff conditions, to which Mrs. Miller affirmed. Chair Grant asked Mrs. Miller if she was going to keep 5 beehives, to which Mrs. Miller affirmed. Chair Grant asked if anyone present regarding this case, with no response. Chair Grant asked Mrs. Miller if she had any questions about the staff conditions, Mrs. Miller did not. Chair Grant asked if the board members or staff had any questions, with no response. Chair Grant asked for a motion. ***Mr. Lisenby motioned to approve with the eight staff conditions, Ms. McNeal seconded, and the motion carried.***
 1. The Special Exception is valid only for this applicant and this location;
 2. Applicant is responsible for observing any private covenants which may impact the proposed keeping of poultry on the premises;
 3. The number of poultry is limited to not more than six hens and no roosters are allowed;
 4. The number of hives is limited to not more than five hives;
 5. The chickens shall be confined to a suitable coop and not be allowed to roam per the provisions of Chapter 10 of the City's Code of Ordinances concerning LIVESTOCK, RABBITS, and FOWL.
 6. The coop shall be located in the rear yard no closer than thirty-five (35) feet from any property line per the requirements of Chapter 10 of the City's Code of Ordinances concerning LIVESTOCK, RABBITS, and FOWL; and,
 7. That all other provisions of said Chapter 10 shall be adhered to. The apiary shall be established, operated and maintained per the Good Neighbor Beekeeping Guidelines manual; and,
 8. The applicant agrees that the City of Dothan may request that an inspection be performed by the Alabama Department of Agriculture and Industries at any time to ensure compliance with these requirements, and further agrees to provide proof of hive registration with the said agency.

13. **SE-20-0204: Special Exception Request for a Reupholstering Business – Property located at 2534 Ardilla Court - L-I District - Melynda Kaye (Croson).** Ms. Melynda Kaye

Croson, 2534 Ardilla Court, addressed the board and explained that she refurbished furniture rather than reupholstering. Chair Grant asked Ms. Croson if she had read the twenty staff conditions. Ms. Croson stated that she had read them and questioned if it would be acceptable to have people drop off furniture, to which Mr. Vallone stated that condition #16 addressed her question. Chair Grant asked if Ms. Croson could abide by the conditions, to which Ms. Croson affirmed. Chair Grant asked if anyone had questions or comments. Mr. Stringer stated that he was familiar with the property and that it was pretty much isolated. Chair Grant asked if any board members had questions, with no response. Chair Grant asked Ms. Croson if she had any questions, to which she did not. Chair Grant then asked for a motion. **Mr. Stringer motioned to approve with the twenty staff conditions, Ms. Wilcoxon 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 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 the revocation of the approval.

14. **SE-20-0205: Special Exception Request to the front yard height limitation of section 114-183(b)(3)b for a 6' Chain Link Fence along the front property line - Property located at 206 Edison Street – L-I District - Hathcock Home Services.** Mr. Doug Blackmon addressed the board and stated that he was an employee of Hathcock Home Services and worked for David Stinson, the owner. Chair Grant asked Mr. Blackmon if he had read and could abide by the four staff conditions; Mr. Blackmon affirmed. Chair Grant asked if anyone was present regarding the case with no response. Chair Grant asked if the Planning staff or the board members had any questions; Mr. Vallone stated that there was a neighbor who called but it was unrelated to this case. Chair Grant then

asked for a motion. ***Ms. Wilcoxon motioned to approve with the four staff conditions, Mr. Smith seconded, and the motion carried.***

1. A permit for fence installation must be submitted for review within 6 months, or as otherwise determined by the Board or the approval for such fence shall be voided.
2. A detailed plot plan shall be included with the said permit to indicate the location of the fence, setbacks, and right-of-way (ROW).
3. Any access gate shall be set back at such a distance to allow for one vehicle to queue in the driveway without blocking the travel lanes on either Edison St. or Catalpa Ave.; and,
4. Violation of any of the aforementioned conditions could result in the revocation of the approval.

- 15. SE-20-0213: Special Exception Request for a Non-Qualifying Home Occupation for a Construction Contractor business - Property located at 105 Pearl Street – R-4 District – Lucius McKinzie.** Mr. Lucius McKinzie, 105 Pearl Street, addressed the board and stated that he worked alone, did not have any heavy equipment, would be keeping his basic tools on an enclosed trailer, and that he had a flatbed trailer that he would keep in his backyard behind a fence. Mr. McKinzie stated that he would have an office in his home to do his bookkeeping. Chair Grant asked Mr. McKinzie if he had read and could abide by the twenty staff conditions; Mr. McKinzie affirmed. Chair Grant asked if anyone was present regarding this case, with no response. Chair Grant asked if the staff or board members had any questions, with no response. Chair Grant then asked for a motion. ***Ms. McNeal motioned to approve with the twenty staff conditions, Ms. Wilcoxon 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 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 the revocation of the approval.

16. SE-20-0218: Special Exception Request for a Used Auto Sales Dealer (Car Lot) – Property located at 1149 W. Main Street – B-1 District – Marcus Allen. Mr. Marcus Allen, 1149 W. Main Street, addressed the board. Chair Grant asked Mr. Allen if he was going to install lighting in the back of the building; Mr. Allen stated that he had not considered lighting at the rear of the building but if he did, there would be downward facing motion detector that would not shine into the neighboring properties. Chair Grant asked if anyone was present regarding this case. Mr. John Strickland, 103 Holly Lane, stated that lighting was not his concern but would be if Mr. Allen added more. Mr. Strickland stated that parking was a concern and that there was a large parking lot adjacent to this building. He also pointed out that there were stairs connecting both properties and asked if Mr. Allen would secure them. Mr. Strickland stated that the buffer zone was an issue as the fence was not in good shape and needed repair, but that there were plenty of bushes and trees. Chair Grant asked Mr. Allen if he was going to add any additional lighting; Mr. Allen stated that he was not. Chair Grant asked where people would be parking; Mr. Allen stated that there would be striped parking spaces at the perimeter of the building and that the current spaces would be eliminated. Chair Grant asked if Mr. Allen was going to install security cameras; Mr. Allen affirmed. Chair Grant asked Mr. Vallone to address the fence issue brought forth by Mr. Strickland. Mr. Vallone stated that the fence had some boards that could be replaced, and that it needed cleaning. Mr. Allen stated that he was going to pressure wash the whole area and wouldn't mind replacing the bad fence boards. Staff also requested that the stairs be fenced-off for security purposes; Mr. Allen agreed. Ms. McNeal asked what the hours of operation were going to be; Mr. Allen stated 8:00 AM to 6:00-6:30 PM. Mr. Lisenby asked how many cars would be on the lot; Mr. Allen stated around 10 cars. Mr. McDonald stated that if Mr. Allen wasn't going to add lighting, there wouldn't be a need for a Photometric Plan under condition #6(a). Chair Grant asked if there were further questions or comments with no response. Chair Grant then asked for a motion. ***Ms. Wilcoxon motion to approve with the staff conditions, eliminating #6 (a) condition for the Photometric Plan and adding a condition to add a fence at the entrance from the adjacent property, Mr. Smith seconded, and the motion carried.***

1. No vehicles shall be parked in the public right-of-way (ROW);
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. All signs shall be permitted with the City of Dothan and will conform to the sign ordinance;
4. Applicant is responsible for observing any private covenants which may impact the proposed use;
5. A parking plan indicating where the automobiles will be displayed or parked;
6. 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,
 - a. (Removed)
 - b. In consideration of the adjacent residential use, no outside loudspeakers are permitted.
7. The applicant shall install a fence to block off the adjacent entryway to the property.
8. Violation of any of the aforementioned conditions could result in the revocation of the approval.
9. The applicant shall stipulate the maximum number of vehicles that will be on-site at any one time.

17. Discussion.


18. Adjourn.

Mr. Smith motioned to adjourn, Ms. Wilcoxon seconded, and the motion carried. The meeting adjourned at 9:36 a.m. The next meeting is on September 2, 2020.



Gina Grant, Chair

VICE-CHAIR



Theresa Eddy, Secretary