

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES
APRIL 5, 2023
DOTHAN, ALABAMA**

The Board of Zoning Adjustment (BZA) met on **Wednesday, April 5, 2023, 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:** Dr. Pettway
- 2. Pledge of Allegiance:** Dr. Pettway led everyone in the Pledge.
- 3. Members Present:** Chair, Gina Grant, Vice-Chair, Lori Wilcoxon, Angela McNeal, Stuart Lee, Rebecca Long, Debora Pettway, Ph.D., and Steve Sherrill (SUP) sitting.
Members Absent: Parrish Smith

Others Present: Todd McDonald, AICP, Planning Director, Frank Breaux, AICP, Principal Planner; Yvette Thomas, Sr. Planner; Reginald Franklin, Transportation Planner; Kimberly Vann, Planning Assistant; Craig Walden, Building Official, Garrett Crow and Todd Phillips, Fire Captains; and Theresa Eddy, Secretary.

4. Approval of the Agenda

Chair Grant asked if there were any changes to the agenda. Hearing none, Chair Grant asked for a motion. ***Dr. Pettway made a motion to approve the agenda, Mr. Lee seconded, and the motion carried.***

5. Approval of March 1, 2023, Meeting Minutes

Chair Grant asked for a motion on the meeting minutes as written. ***Vice-chair Wilcoxon made a motion to approve the meeting minutes, Ms. McNeal seconded, and the motion carried.***

6. Disclosure of ex parte contact: *None.*

7. Oath

Old Business

None

New Business

- 8. SE-23-0030: Request for a Special Exception to allow Chickens at 3711 Lingo Road - Residential Single-Family, Medium Density (R-2) District - Mario Roca.** Mr. Mario Roca, 3711 Lingo Road, addressed the board and, speaking in broken English, stated that he was not aware of the city ordinance regarding the number of chickens he could have. Vice-Chair

Wilcoxon asked how many chickens Mr. Roca currently had. Mr. Roca stated that he had 20 chickens and 2 roosters. Chair Grant asked Mr. Roca if he had read the staff conditions that stated that he could only have 6 chickens within city limits, per the city ordinance; Mr. Roca didn't seem to understand. Chair Grant offered to continue this case until next month to give Mr. Roca time to understand and comply with the city ordinance. ***Mr. Lee made a motion to continue to the May 3, 2023, meeting, Dr. Pettway seconded, and the motion carried.***

9. **SE-23-0043: Request for a Special Exception to allow a Home Daycare – Property located at 105 Wynnfield Way – Residential, Attached, High Density (2-7 units) (R-4) District - Irma Alvarez.** Ms. Irma Alvarez, 105 Wynnfield Way, addressed the board. Chair Grant stated that the board had received 9-10 correspondence in opposition to this application. Ms. Alvarez explained that she had been approached by a few parents that knew her and had asked if she would be willing to watch their children during the day as they had issues with some daycares. Ms. Alvarez accepted but wasn't from Dothan and wasn't aware of the city ordinance for daycares. Chair Grant asked how many children Ms. Alvarez was keeping during the day; Ms. Alvarez stated four plus her two. Ms. Alvarez stated that if she were to get a license it would be temporary since she was looking to homeschool her children in June and will be looking to relocate with her fiancé next April. Chair Grant stated by the photos submitted, she could see a median in front of the home. Ms. Alvarez stated that she had cleared her driveway out so that the parents could drop off their children without blocking the egress. Chair Grant asked if anyone in the audience had questions or comments. Ms. Lisa Brazell, 217 Wynnefield Way, stated that she believed that this was not a good spot for a business and up to three vehicles block the egress and she worries that someone would hit a car or child during drop off or pick up. Mr. Breaux stated that the No.8 condition was to prevent on-street parking or queuing of traffic into the street right-of-way. Vice-Chair Wilcoxon wanted to know if Ms. Alvarez had any proof that she was applying for her state license. Ms. Alvarez provided paperwork showing she applied for her EIN# online but has not received anything back yet. Ms. McNeal asked if Ms. Alvarez spoke with the Fire Marshall, to which Ms. Alvarez stated she had spoken to them and purchased fire extinguishers, but they told her that she would need her license and then they come and inspect the premises. Chair Grant asked if anyone had further questions or comments with no response. Chair Grant then asked for a motion, twice. ***Chair Grant stated that this application was denied for lack of motion.***

10. **SE-23-0046: Request for a Special Exception to allow a Short-term Commercial Rental (STCR) – Property located at 117 Edgefield Road – Residential Single-Family, High Density (R-3) District – Mark J. Dennis, Sr. representing Private Holdings, LLC.** Mr. Mark Dennis, 308 Girard Avenue, representing Private Holdings, addressed the board. Chair Grant asked Mr. Dennis if he had read and could abide by the twenty staff conditions, to which Mr. Dennis affirmed. Chair Grant asked if anyone in the audience had questions or comments with no

response. Ms. Long asked how big the house was and if there was enough parking, to which Mr. Dennis responded that the house was 1258 sq. ft. and there was double parking that would park four cars off the road. Vice-Chair Wilcoxon asked if all the houses in the development were going to be rentals, to which Chair Grant responded that most all were long-term rentals. Mr. Dennis affirmed stating that if distance allowed, there would be another short-term rental. Chair Grant asked if anyone had further questions or comments with no response. Chair Grant then asked for a motion. ***Ms. Long made a motion to approve with conditions, Mr. Lee seconded, and the motion carried.***

1. A business license is required to operate each STCR and shall comply with all applicable City of Dothan Municipal Code requirements before a license is issued.
2. Only owner(s) of said property may file an application to obtain a business license.
3. Tents, recreational vehicles, accessory structures, boats, or travel trailers shall not be used for short-term commercial rentals.
4. A host or contact person shall be made available in case of emergency in the owner's absence. Said contact shall be available 24/7 and respond within 1 hour. The guest must be given their contact information at the time of check-in.
5. Hosts shall collect information on the make, model, and year of the guest vehicles and disclose that information on demand to city representatives.
6. Applications for an STCR located within a single-family zoned district shall require a special exception approval by the board of zoning adjustment as outlined in this chapter.
7. The special exception is valid only for the applicant, the short-term rental, and this location.
8. The special exception is void if a privilege license, issued by the City of Dothan, is not obtained within 90 days of approval and subsequently if the license is allowed to lapse.
9. The applicant shall obtain a five-pound ABC-type fire extinguisher, type 2A10BC per National Fire Protection Association (NFPA) 10. Interconnected smoke alarms shall be located in the bedrooms and hallways adjacent to the bedrooms.
10. Quiet time shall begin at 8:00 p.m. and shall continue until 7:00 a.m. It shall be unlawful for persons occupying an STCR to make, create or maintain any unreasonable, loud, disturbing, or unnecessary noise of such character, intensity, or duration as to be detrimental to life, health, comfort, or repose of any individual.
11. Provide proof of coverage under a homeowner's property insurance policy.
12. Off-street parking shall be provided.
13. Only two guests per bedroom not including children under 12 may occupy the licensed premise.
14. In addition to the house occupants, the maximum number of people allowed to gather on the premises shall not exceed 1.5 times the maximum number of permitted occupants.
15. There shall be no signs or advertisements at the home, including on the mailbox.

16. Applicant is responsible for observing any private covenants which may impact the proposed short-term rental.
 17. The STCR shall have no more adverse effect on the health, safety, or comfort of persons living in the area and will be no more injurious, economically, or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.
 18. Any other restriction as may be considered appropriate by the board of zoning adjustment for an STCR.
 19. Any hosts failing to follow these rules will be issued a Notice of Violation. Any host receiving more than two NOVs annually will be subject to license revocation. The notice shall specify the violation, the correction needed, and a time frame for compliance. Hosts failing to correct the violation as notified shall be subject to license revocation by the City Commission.
 20. Violation of any of these conditions may result in criminal prosecution as provided for in Section 1-4 of the City of Dothan Code of Ordinances and could result in revocation of the approval and associated business license in accordance with Chapter 18 Business Licenses of the City of Dothan Code of Ordinances.
- 11. SE-23-0047: Request of a Special Exception to allow a Community Garden - Aunt Katies Garden Expansion on Chickasaw Street, Parcel ID: (906144008003.001) – Residential, Attached, High Density (2-7 units) (R-4) District - Michael Jackson representing The Dubois Institute for Entrepreneurship, Inc.** Mr. Michael Jackson, 900 East Bunche Street, addressed the board. Chair Grant asked Mr. Jackson if he had read and could abide by the four conditions, to which Mr. Jackson affirmed. Chair Grant asked if anyone in the audience had any questions or comments with no response. Chair Grant commended Mr. Jackson for the work happening in the garden. Mr. Jackson stated that the USDA and RCS oversaw expanding urban gardens in Alabama and 5 cities were selected: Dothan, Mobile, Montgomery, Huntsville, and Birmingham. Mr. Jackson stated that as they scale up more, they will be able to offer employment opportunities beyond the current staff. Ms. Long had the opportunity to tour the garden and stated that she was impressed. Mr. Jackson stated that they must recover from COVID and bring back the schools. Dr. Pettway stated that she has been to the garden and enjoys it there. Chair Grant asked if anyone had further questions or comments with no response. Chair Grant then asked for a motion. ***Dr. Pettway made a motion to approve with conditions, Ms. McNeal seconded, and the motion carried.***
1. The Special Exception is good only for the applicant and this location;
 2. The Special Exception is subject to all necessary local and state regulations and policies;
 3. The applicant shall obtain all necessary approvals for development plans and building permits that may be required for construction;
 4. If a permit is not obtained for this property within six (6) months, the Special Exception will expire.

12. SE-23-0048: Request for a Special Exception to allow a Short-term Commercial Rental (STCR) – Property located at 1227 S. Park Avenue – Residential Single-Family, Low Density (R-1) District) – Jonnie Jo Cox. Ms. Jonnie Jo Cox addressed the board and explained that this rental would be for a minimum of 2 nights. Chair Grant asked Ms. Cox if she read the 20 staff conditions, if she had any questions regarding them, and if she could abide by them. Ms. Cox affirmed she read them, could abide by them, and had no questions. Chair Grant asked if anyone in the audience had questions or comments with no response. Chair Grant asked if the board members or staff had any questions with no response. Chair Grant then asked for a motion. ***Mr. Lee made a motion to approve with the staff conditions, Vice-Chair Wilcoxon seconded, and the motion carried.***

1. A business license is required to operate each STCR and shall comply with all applicable City of Dothan Municipal Code requirements before a license is issued.
2. Only owner(s) of said property may file an application to obtain a business license.
3. Tents, recreational vehicles, accessory structures, boats, or travel trailers shall not be used for short-term commercial rentals.
4. A host or contact person shall be made available in case of emergency in the owner's absence. Said contact shall be available 24/7 and respond within 1 hour. The guest must be given their contact information at the time of check-in.
5. Hosts shall collect information on the make, model, and year of the guest vehicles and disclose that information on demand to city representatives.
6. Applications for an STCR located within a single-family zoned district shall require a special exception approval by the board of zoning adjustment as outlined in this chapter.
7. The special exception is valid only for the applicant, the short-term rental, and this location.
8. The special exception is void if a privilege license, issued by the City of Dothan, is not obtained within 90 days of approval and subsequently if the license is allowed to lapse.
9. The applicant shall obtain a five-pound ABC-type fire extinguisher, type 2A10BC per National Fire Protection Association (NFPA) 10. Interconnected smoke alarms shall be located in the bedrooms and hallways adjacent to the bedrooms.
10. Quiet time shall begin at 8:00 p.m. and shall continue until 7:00 a.m. It shall be unlawful for persons occupying an STCR to make, create or maintain any unreasonable, loud, disturbing, or unnecessary noise of such character, intensity, or duration as to be detrimental to life, health, comfort, or repose of any individual.
11. Provide proof of coverage under a homeowner's property insurance policy.
12. Off-street parking shall be provided.
13. Only two guests per bedroom not including children under 12 may occupy the licensed premise.

14. In addition to the house occupants, the maximum number of people allowed to gather on the premises shall not exceed 1.5 times the maximum number of permitted occupants.
 15. There shall be no signs or advertisements at the home, including on the mailbox.
 16. Applicant is responsible for observing any private covenants which may impact the proposed short-term rental.
 17. The STCR shall have no more adverse effect on the health, safety, or comfort of persons living in the area and will be no more injurious, economically, or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.
 18. Any other restriction as may be considered appropriate by the board of zoning adjustment for an STCR.
 19. Any hosts failing to follow these rules will be issued a Notice of Violation. Any host receiving more than two NOVs annually will be subject to license revocation. The notice shall specify the violation, the correction needed, and a time frame for compliance. Hosts failing to correct the violation as notified shall be subject to license revocation by the City Commission.
 20. Violation of any of these conditions may result in criminal prosecution as provided for in Section 1-4 of the City of Dothan Code of Ordinances and could result in revocation of the approval and associated business license in accordance with Chapter 18 Business Licenses of the City of Dothan Code of Ordinances.
- 13. SE-23-0049: Request for a Special Exception to allow a Short-term Commercial Rental (STCR) – Property located at 202 Meadowbrook Drive – Residential Single-Family, Low Density (R-1) District – Jonnie Jo Cox.** Ms. Jonnie Jo Cox addressed the board. Chair Grant asked Ms. Cox if she read the 20 staff conditions, if she had any questions regarding them, and if she could abide by them. Ms. Cox affirmed she read them, could abide by them, and had no questions. Chair Grant asked if anyone in the audience had questions or comments. Mr. Sagar Patel, 100 Meadowbrook Drive, was concerned with a short-term renter disrupting the neighborhood. Chair Grant stated that the leaser must follow 20 city regulations and more from online sources like Airbnb. Chair Grant explained that Ms. Cox lived in town and would have to quickly handle any situations that arose. Chair Grant asked if anyone else had questions or comments with no response. Chair Grant then asked for a motion. ***Ms. Long made a motion to approve with conditions, Mr. Lee seconded, and the motion carried.***
1. A business license is required to operate each STCR and shall comply with all applicable City of Dothan Municipal Code requirements before a license is issued.
 2. Only owner(s) of said property may file an application to obtain a business license.
 3. Tents, recreational vehicles, accessory structures, boats, or travel trailers shall not be used for short-term commercial rentals.

4. A host or contact person shall be made available in case of emergency in the owner's absence. Said contact shall be available 24/7 and respond within 1 hour. The guest must be given their contact information at the time of check-in.
5. Hosts shall collect information on the make, model, and year of the guest vehicles and disclose that information on demand to city representatives.
6. Applications for an STCR located within a single-family zoned district shall require a special exception approval by the board of zoning adjustment as outlined in this chapter.
7. The special exception is valid only for the applicant, the short-term rental, and this location.
8. The special exception is void if a privilege license, issued by the City of Dothan, is not obtained within 90 days of approval and subsequently if the license is allowed to lapse.
9. The applicant shall obtain a five-pound ABC-type fire extinguisher, type 2A10BC per National Fire Protection Association (NFPA) 10. Interconnected smoke alarms shall be located in the bedrooms and hallways adjacent to the bedrooms.
10. Quiet time shall begin at 8:00 p.m. and shall continue until 7:00 a.m. It shall be unlawful for persons occupying an STCR to make, create or maintain any unreasonable, loud, disturbing, or unnecessary noise of such character, intensity, or duration as to be detrimental to life, health, comfort, or repose of any individual.
11. Provide proof of coverage under a homeowner's property insurance policy.
12. Off-street parking shall be provided.
13. Only two guests per bedroom not including children under 12 may occupy the licensed premise.
14. In addition to the house occupants, the maximum number of people allowed to gather on the premises shall not exceed 1.5 times the maximum number of permitted occupants.
15. There shall be no signs or advertisements at the home, including on the mailbox.
16. Applicant is responsible for observing any private covenants which may impact the proposed short-term rental.
17. The STCR shall have no more adverse effect on the health, safety, or comfort of persons living in the area and will be no more injurious, economically, or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.
18. Any other restriction as may be considered appropriate by the board of zoning adjustment for an STCR.
19. Any hosts failing to follow these rules will be issued a Notice of Violation. Any host receiving more than two NOVs annually will be subject to license revocation. The notice shall specify the violation, the correction needed, and a time frame for compliance. Hosts failing to correct the violation as notified shall be subject to license revocation by the City Commission.

20. Violation of any of these conditions may result in criminal prosecution as provided for in Section 1-4 of the City of Dothan Code of Ordinances and could result in revocation of the approval and associated business license in accordance with Chapter 18 Business Licenses of the City of Dothan Code of Ordinances.
21. **Discussion: CAPZO Certification and Recertification.**
22. **Adjourn.**
Vice-Chair Wilcoxon made a motion to adjourn, Dr. Pettway seconded, and the motion carried.

The meeting adjourned at 10:10 a.m. The next meeting is on May 3, 2023.

Gina Grant, Chair

Theresa Eddy, Secretary